

NMDPS - VEHICLE STOP – EXIGENT – SEARCH

In Farmington, from the window of a vehicle, someone pointed a rifle at a crowd of people. Officers did a felony stop, removed the occupants, but didn't find a rifle. Many people were nearby. Could the rifle be in the trunk of the vehicle? If so, is a warrant needed?

New Mexico has a strong preference for search warrants. There are exceptions, including exigent circumstances, which has been defined as "an emergency situation requiring swift action to prevent imminent danger to life . . . or destruction of evidence."

Using caution and with weapons drawn, officers opened the trunk. No one was there but in plain sight, in plain view, was the rifle. Did the officers have exigent circumstances?

For officers at the scene, the clock was ticking:

- The rifle has been seen by eyewitnesses just prior to the stop.
- There was a concern (and fear) that a person armed with a rifle might be in the trunk.
- An officer testified on numerous occasions he had found a person hiding in a trunk.
- A sergeant testified officers check the trunk to prevent a possible ambush.
- Newer vehicles have an emergency release, making an ambush easier.
- If the rifle wasn't in the trunk, numerous people nearby had access to it.

Under the New Mexico Constitution and the facts of this case, Supreme Court found exigent circumstances. It was felt officers had to know immediately whether the rifle was in the trunk or not. Motion to suppress evidence denied. State v. Leticia T. (2014).



This could be interpreted as swift action to prevent imminent danger to life...yer life!