

WYOMING SUPREME COURT OVERTURNS DRUG CONVICTION BASED ON ACTIONS OF ARRESTING OFFICER

Court Determines Officer's Conduct Violated the Reasonable Suspicion Needed to Justify the Traffic Stop

CHEYENNE, WYOMING, UNITED STATES, May 6, 2022 /EINPresswire.com/ -- The Wyoming Supreme Court recently overturned the conviction of a man arrested on drug charges.

According to the Court, The Wyoming Highway Patrol officer conducting the stop and search should not have arrested the man due to the unreasonable speed at which catching up to the man required.

The ruling stated:

"We find an officer's own conduct may negate the objective justification necessary for an initial traffic stop and cause a traffic stop to be unreasonable when all the circumstances are considered."

To catch up with the driver after he passed the officer parked in the median, the Trooper traveled at speeds well over 100 mph. It wasn't until he caught up with the defendant that he observed him traveling too close to a semi-truck.

According to Wyoming State law, drivers must leave at least two seconds between their vehicle and semi-trucks.

During the traffic stop, the trooper called a K-9 search to the scene to conduct a drug search. The search revealed more than 40 pounds of marijuana in the defendant's vehicle.

The defendant was charged with felony intent to deliver a controlled substance and felony possession of a controlled substance.

The defendant initially pleaded guilty to possession of a controlled substance, reserving his right to appeal the decision on the basis that the marijuana should not be allowed as evidence against him.

This came after Attorney Devon Petersen of [Fleener Petersen, LLC](#)., requested that the marijuana not be used as evidence, a request that the lower court rejected.

According to Petersen, "In its decision, the Wyoming Supreme Court made clear that an officer's conduct in the course of a traffic violation may be scrutinized, and that the officer's conduct may render a traffic stop unreasonable and therefore unconstitutional. The Court's decision is an important step in ending arbitrary and needless traffic stops for minor traffic violations, which are so ripe for abuse. I am hopeful that one day pretextual traffic stops will no longer be allowed in Wyoming or any other part of the United States."

Upon appeal, the State Supreme Court ruled that the lower court erroneously failed to consider the Trooper's dangerous driving speed to catch up with the defendant who initially had not been seen committing any traffic violations.

The ruling further explained:

"Based on the circumstances of this case as discussed above, [the Trooper's] conduct violated the reasonable suspicion necessary to justify the initial traffic stop. Our ... review of the ultimate determination regarding the constitutionality of the initial stop in this case leads us to conclude that the initial traffic stop was unreasonable and violated the Fourth Amendment (protection against unreasonable search and seizure)."

Fleener Petersen, LLC., is a nationally recognized criminal defense law firm. The attorneys have decades of experience defending State and Federal drug charges. They are dedicated to presenting a strong defense on your behalf when facing drug crime charges.

If you have questions about this case (2022 WY 51 Docket Number: S-21-0176) or you'd like to know more, contact Fleener Petersen, LLC at (307) 460-4333.

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