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## Supreme Court to hear Fourth Amendment case on Kansas traffic stop

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Charles Glover Jr. was driving on a suspended license when he was pulled over by a sheriff's deputy in Kansas in 2016.

But he says there's no way the deputy knew that he was the driver when the deputy made the stop.

The state's top court agreed, ruling the stop illegal. Now the U.S. Supreme Court is about to get involved, with the case on tap for the justices' next term.

Kansas officials argue that Deputy Mark Mehrer had reasonable suspicion that an offense was being committed because he ran the car's plates, saw Mr. Glover was the registered owner and saw his license had been suspended.

That was enough to conduct a stop for a limited investigation, the state says.

"The Fourth Amendment prohibits only 'unreasonable searches and seizures,'" the state told the Supreme Court.

"It allows brief investigative stops, like the traffic stop in this case, as long as the investigating officer has reasonable suspicion that criminal activity 'may be afoot.'"

It was certainly enough to sustain the charge of habitual traffic offender that Deputy Mehrer gave to Mr. Glover, the state says.

The Kansas Supreme Court disagreed, saying more was needed to justify the traffic stop.

The court reasoned that it's common for family members to share one car in some communities, rejecting the bright line rule that the owner of the vehicle is presumed to be the driver.

Clark Neily, vice president for criminal justice at the libertarian Cato Institute, seconded the Kansas court's contention that multiple drivers may use the same vehicle.

But he predicted the U.S. Supreme Court will disagree and uphold the deputy's stop.

"The clear trend in the Supreme Court has been to, I would say, persistently dilute the protections of the Fourth Amendment particularly in the context of a traffic stop," he said.

The justices did recently rule that law enforcement must get a warrant to track cellphone locations, in a case in which authorities used cell-site records held by a third party to track down members of a suspected robbery ring.

But Michael Gerhardt, a professor at the University of North Carolina School of Law, said vehicle stops are likely to be treated differently.

“The court will likely wish to further extend officers’ discretion in searching cars they have stopped,” he said.