

Criminal Law and Legislative Update

CONFERENCE OF MUNICIPAL COURT
JUDGES

MAY 14, 2015

BUFFALO, WYOMING

HON. THOMAS CAMPBELL

- DISTRICT JUDGE
- FIRST JUDICIAL DISTRICT

UNITED STATES SUPREME COURT

- Carroll v. Carman 14-212 “knock and talk”

Case caution is that law enforcement have to be where public reasonably expected to approach, driveway, front door, etc.

- Heien v. North Carolina 13-604 one brake light out is enough. Reasonable suspicion case
- Whitfield v. U.S. 13-9026 movement of women from one room to the next is kidnapping
- Grady v. North Carolina 14-593 permanent GPS on sex offender is a Search

- Rodriquez v. U.S. delay of 7-8 minutes for a drug dog amounts to a seizure under the Fourth Amendment.
- Riley v. California 13-132 (from a California Ct. of Appeals) and U.S. v. Wuir 13-212 (1st Circuit) combined for decision. Search Warrant required for cell phone siezed at arrest.

- Bond v. U.S. 12-158 can't use Chemical weapons law in a domestic revenge case
- Martinez v. Illinois 13-5967 jeopardy attaches when jury sworn.
- Plumhoff et al v. Rickard 12-1117 Civil rights action by family of driver in high speed chase..too many shots?

- Tolan v. Cotton 13-551 back up officers use of force may be excessive, it is a jury question.

WYOMING SUPREME COURT

- Stowe v. State 331 P3d 127- second hand probable cause
- Ortega-Araiza v. State -must advise of deportation consequence, can't rely on counsel doing it

- Circuit Court of the Eighth Judicial Dist v. Lee Newspapers 2014 WY 101- DJA ...Courts must use redaction or other methods to prevent disclosures prohibited by the law. Must hold hearing on the issue

- Butler v. State 2014 WY115- can't revoke probation on same grounds used to Sanction in ISP
- Saunders v. Hornecker 2015 WY 34- Court can order cash-only bail

- Campbell v. State 2014 WY 156- conditional plea to contest denial of suppression, officers opening unlocked door at welfare check not an emergency exception and a warrant was required

- State v. Deen 2015 WY 5- Rule violation in late execution of Search warrant not cause for suppression
- Marshall v. State 2014 WY 168- Court may order Substance Abuse Assessment prior to sentencing.

- Turner v. State 2014 WY 75- Wyoming's case on ineffective assistance of counsel in plea proceedings.
- Engdahl v. State 2014 WY 76- officer can detain passenger while determining ownership of vehicle and matters related to the stop

- Reifer v. State 2014 WY 139- waiver of counsel
- State ex rel. Wyoming Department of Transportation v. Icenhower 2014 WY 160- Implied consent advisement

- Regan v. State 2015 WY 62- changes to constructive possession of controlled substances
- Bruce v. State 2015 WY 46 911- call admissible as excited utterance

LEGISLATIVE UPDATE

- SL 163- DOC resotration of righs procedure
- SL 164- Expands possibility of expungemnt to all misdemeanors
- SL 139- Superintendant Speed limits 70 and 85 mph with fine limits

- SF 125- Rotating tow company list by DOT

SF 102- regulating Hemp extract specific to what a neurologist says, direct at minors with siezure disorders

- SF 100- few new exemptions for CDL, such as firemen, national guard, and farm families

- SL 85- adds peace officers to the arrest of probationers statute
- SL 37- adds use or under the influence of drugs to the first offender statute
- SL 34 -adds a few vehicles to those not requiring a front plate, like those without place for them

- SL 31- generally changes 45 to 60 days to register, (or 30 to 45 days for trailers, etc)
- SL 24- E-Citations for Municipal Courts allowing half of fines and fees to be held by cities passing an automation ordinance.
- SL 190- overtaking a bike requires 3 foot clearance “if space allows”

QUESTIONS

- Please feel free to contact me at work, 307-633-4291 or ttcc@courts.state.wy.us