



Administrative Office of the Courts

FOR IMMEDIATE RELEASE

Aug. 14, 2023

Contact: Barry Massey, public information officer
bmassey@nmcourts.gov
505-470-3436

Supreme Court provides guidance on law enforcement authority during traffic stops

SANTA FE – The state Supreme Court today clarified the authority of law enforcement officers to expand the scope of their investigation during a traffic stop to ask a passenger in a vehicle for identifying information such as a name and a date of birth.

In a unanimous opinion, the Court concluded that a Clovis police officer had the necessary “reasonable suspicion” of criminal activity to ask about the identity of a front seat passenger in a vehicle stopped because of a broken license plate light.

The Court held that Officer Brice Stacy’s questioning of Hugo Vasquez-Salas was permissible under federal and state constitutional provisions that protect against unreasonable searches and seizures.

Vasquez-Salas was subsequently arrested and in 2018 a jury convicted him of possession of burglary tools. He appealed his conviction.

Stopping a vehicle for a possible traffic violation represents a seizure of the driver and passengers under the Fourth Amendment of the U.S. Constitution, which requires law enforcement to have reasonable suspicion to make the traffic stop and investigate whether a traffic offense or crime has occurred. Today’s opinion by the Court addressed the constitutional requirements for police to expand their investigation beyond the initial stop for a traffic offense.

The Court rejected arguments by Vasquez-Salas that the police questioning about his identity lacked a constitutional justification. He contended a district court should have blocked evidence from the traffic stop introduced at his trial.

When Officer Stacy approached the stopped vehicle he saw an open backpack in the back seat with bolt cutters and other visible items such as gloves and a face covering. After determining the driver was a minor without a driver’s license, the officer asked Vasquez-Salas if he had a license to determine if someone could legally drive the vehicle after the stop. Vasquez-Salas said

he didn't have a driver's license. He provided an incorrect name and birth date in response to further questions.

Vasquez-Salas contended in his appeal that the police officer's suspicion that items in the backpack were burglary tools was not adequate to justify expanding the scope of the stop beyond the traffic offense by asking about his identity. The tools, he argued, are ordinarily legal and commonly used by workers in many professions.

In its opinion by Justice Julie J. Vargas, the Court concluded that "under the totality of the circumstances, the facts of this case present multiple factors that supported Officer Stacy's reasonable suspicion beyond Defendant merely being in proximity to, or in possession of, lawful items."

Among those factors, the Court explained, was "the driver's and Defendant's nervous and unusual behavior" during the predawn traffic stop, the driver was an unlicensed minor, both provided "false identifying information" and Officer Stacy's experience investigating numerous burglaries.

The driver's "confusion about his own age gave Officer Stacy further justification to expand the search and satisfy his suspicion by asking Defendant's age," the Court wrote. "Defendant's untruthful response to this question provided yet more justification for Officer Stacy to ask Defendant his name and date of birth."

The Supreme Court affirmed the trial court's decision allowing use of evidence from the stop, although for different legal reasons than the state Court of Appeals.

###

To read the decision in *State v. Vasquez-Salas*, No. S-1-SC-38861, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/521959/index.do>