



Constitutional Policing Update

Enforcing Traffic Stops for Failing to Signal

On March 28, 2022, the California Court of Appeal decided *People v. Holiman*, 2022 WL 897113. The ruling resulted in a parolee charged with weapons and drug charges to be released from prison because of an unlawful traffic stop.

Facts

The officer saw the defendant's vehicle and followed him for a couple of short city blocks until the vehicle reached a three-way stop sign. The defendant came to a complete stop with the patrol car directly behind him. Just before making the right-hand turn, the defendant turned on his blinker.

After the officer initiated the traffic stop for CVC 22108, she confirmed that he was on parole for armed robbery and subject to search terms. Although the defendant did signal the turn, the basis for the traffic stop was that he did not turn on his signal blinker early enough: for the 100 feet he drove before coming to a stop. The officer found a loaded semi-automatic handgun, methamphetamine, and marijuana in the defendant's car. The arresting officer cited him for violation of Vehicle Code section 22108, and he was charged with five felony counts, including four weapon offenses. The trial court denied his motion to suppress the seized evidence. Then, the defendant pled guilty and was sentenced to a prison term.

Ruling

The California Court of Appeal reversed the conviction. The defendant's turn did not violate the Vehicle Code, and no reasonable police officer could think that it did. The statute refers to "the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement." The prosecution presented no evidence that the turn could have affected any vehicle, including the officer's patrol car. The court suppressed the gun and drug evidence; holding the warrantless seizure of the evidence violated the Fourth Amendment because the officer lacked reasonable suspicion that the defendant violated a traffic law by failing to signal a turn 100 feet in advance.

Bottom Line

This ruling is not a new law, but it continues to occur and impact criminal cases. For detailed information on how to protect your traffic stops for Vehicle Code sections 22107 and 22108 and resulting investigations, please go to my18 for the latest Legal Update Video:

