

ILLEGAL ARREST

“Holding that the defendant had been subjected to an illegal arrest when, after detectives requested and did not return his airline ticket and driver's license, he was asked to come with the officers from the concourse into an "interrogation room" approximately 40 feet away, where his suitcases were searched”

United States v. Wrensford, No. 16-1373 (3d Cir. Aug. 31, 2017)

“Holding that a suspect was seized when narcotics agents told him “that he was suspected of transporting narcotics, and asked him to accompany them to the police room, while retaining his ticket and driver's license and without indicating in any way that he was free to depart””

United States v. Shields, 789 F.3d 733 (7th Cir. 2015)

“Holding that one does not arouse reasonable suspicion merely by attempting to walk away from the police”

Johnson v. Bay Area Rapid Transit Dist., 724 F.3d 1159 (9th Cir. 2013)

“Holding legitimate law enforcement purposes which justified detention in the first instance were not furthered by removing suspect to small interrogation-type room in an apparent effort to obtain his consent to search his luggage”

U.S. v. BULLOCK, 632 F.3d 1004 (7th Cir. 2011)

“Holding that detectives seized the defendant "when the officers identified themselves as narcotics agents, told [him] that he was suspected of transporting narcotics, and asked him to accompany them to the police room””

U.S. v. WILLIAMS, 615 F.3d 657 (6th Cir. 2010)

“Holding that defendant was seized within the meaning of the Fourth Amendment when government agents took defendant's driver's license and plane ticket, asked defendant to accompany them to a room in the airport, and did not indicate to defendant that he was free to leave”

U.S. v. BLACK, 240 Fed.Appx. 95 (6th Cir. 2007)

“Holding that officers may approach an individual in public without effecting a seizure”

U.S. v. GODDARD, 491 F.3d 457 (D.C. Cir. 2007)

“Holding that a person approached by an officer "need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way””

GRAVES v. CITY OF COEUR D'ALENE, 339 F.3d 828 (9th Cir. 2003)

“Holding that moving a criminal suspect from the concourse to a nearby police room for questioning was "a more serious intrusion on . . . personal liberty than is allowable on mere suspicion of criminal activity””

GANWICH v. KNAPP, 319 F.3d 1115 (9th Cir. 2003)

“Holding that "law enforcement officers do not violate the Fourth Amendment by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer some questions, by putting questions to him if the

person is willing to listen, or by offering in evidence in a criminal prosecution his voluntary answers to such questions”

U.S. v. CARTER, 139 F.3d 424 (4th Cir. 1998)

“Holding that police officers had reasonable suspicion to detain an airline passenger whose characteristics fit "drug courier profile”

U.S. v. De LEON-REYNA, 930 F.2d 396 (5th Cir. 1991)

“Holding that officers questioning individuals who are willing to listen in a public place does not amount to a seizure”

U.S. v. GRAY, 883 F.2d 320 (4th Cir. 1989)

“Holding that the government has the burden of showing that consent to search was "freely and knowingly given”

United States v. Cross, No. 16-CR-4067-MWB (N.D. Iowa Nov. 4, 2016)

“Holding that a defendant's "refusal to listen or answer does not, without more, furnish those grounds" necessary for reasonable suspicion to detain him "even momentarily”

United States v. Mays, 1:13-cr-230-JMS-TAB-01 (S.D. Ind. Apr. 14, 2015)

“Holding that because consent to search was a product of an unlawful detention, “the consent was tainted by the illegality and was ineffective to justify the search”

United States v. Washington, 992 F.Supp.2d 789 (N.D. Ohio 2014)

“Holding that as the length of the detention increases, so too must the strength of the reasons to detain”

United States v. \$102,836.00 in U.S. Currency, 03:10-CV-00682-LRH-WGC (D. Nev. Jun. 25, 2013)

“Holding that the scope of the stop “must be carefully tailored to its underlying justification”

Manuel De Jesus Ortega Melendres v. Arpaio, 989 F.Supp.2d 822 (D. Ariz. 2013)

“Holding that detention beyond the scope of the reason for the Terry stop effectuates an arrest”

Thompson v. Lake, 03:11-CV-00644-LRH-WGC (D. Nev. Jan. 30, 2013)

“Holding "an investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop. Similarly, the investigative methods employed should be the least intrusive means reasonably available to verify or dispel the officer's suspicion in a short period of time.”

Sakoc v. Carlson, Case No. 5:11-cv-290 (D. Vt. Sep. 10, 2012)

“Holding that the confinement of a defendant was illegal under the Fourth Amendment, and thus the defendant's ensuing consent to search his luggage was “tainted by the illegality”

United States v. Valerio, 869 F.Supp.2d 1366 (S.D. Fla. 2012)

“Holding that when an encounter becomes too intrusive or lengthy to be classified as

an investigative detention it becomes a full scale arrest”
U.S. v. PRESSLEY, No. 3:10CR193 (EBB). (D. Conn. May. 20, 2011)

“Holding that stopping a person at the airport, seizing his luggage, and taking him to a small room for questioning constituted an arrest”
U.S. v. CORREA, 753 F. Supp.2d 934 (D. Neb. 2010)

“Holding officers exceeded consent to search where, inter alia, officers had defendant's ticket, identification, and luggage”
BEATTY v. TOWNSHIP OF ELK, Civil No. 08-2235 (RBK/JS), (Docket Nos. 24, 26). (D.N.J. Apr. 14, 2010)

“Holding that the "person approached, however, need not answer any question put to him; indeed he may decline to listen to the questions at all and may go on his way.””
WILLIAMS v. McNESBY, Case No. 3:05cv264/MCR/MD. (N.D. Fla. Sep. 29, 2006)

“Holding that defendant was effectively seized for purposes of Fourth Amendment and that encounter became non-consensual when officers identified themselves as narcotics agents, told defendant that he was suspected of transporting narcotics, and asked him to accompany them to a police room, while retaining his ticket and driver's license and without indicating in any way that he was free to depart”
U.S. v. VALENZUELA, (D.N.M. 2003), NO. CR 03-218 JC (D.N.M. Jul. 25, 2003)