

Docket number

Supreme Court of the United States

Martin Devalois
Petitioner,

vs

United States of America,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals
for the Seventh Circuit

Petition for Certiorari

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Question Presented

1. Does a law enforcement officer violate the Fourth Amendment to the Constitution when he has every thing he needs to complete a traffic stop and finish writing a warning ticket but delays the end of the stop and chooses to have a drug dog sniff for drugs instead of finishing?

Parties

1. Petitioner, Martin Devalois
2. Respondent, United States of America.

No related cases

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Seventh Circuit Opinion *United States v Devalois* ___ F 4th ___ (7th Cir 2025)

Judgment of the Seventh Circuit February 14, 2025

Opinion of the District Court on motion to suppress

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<i>United States v Mayville</i> 955 F 3d 825 (10 th Cir 2020)	9
<i>United States v Miller</i> 54 F 4 th 219 (4 th Cir 2022)	9

Citations Below

The opinion of the United States Court of Appeals for the Seventh Circuit was decided February 14, 2025 in case No. 24-1784 and has been designated for publication but has not yet been reported in the Federal reporter. A copy is reproduced in the Appendix.

Jurisdiction

The judgment and opinion of the Court of Appeals sought to be reviewed was entered February 14, 2025. No extension of time to file this petition for writ of certiorari was sought. Petitioner seeks to invoke this Court's certiorari jurisdiction under 28 USC § 1254 by filing this petition by first class mail within 90 days of the February 14, 2025 judgment of the Seventh Circuit and on or before May 15, 2025.

Fourth Amendment Constitutional Provisions Involved

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and

particularly describing the place to be searched, and the persons or things to be seized.

Statement of the Case

Police stopped Danielle Hall and her passenger Petitioner Martin Devalois for driving too close to another vehicle.(Motion to suppress transcript p.11 lines 2-3 and p.14 lines 6-21) When the officer had all the information he needed to complete a warning ticket for Ms. Hall, he stopped writing the warning, handed the completion of the warning to another officer so that he could have Bosco a drug dog sniff the stopped Highlander vehicle.(Motion tr. p. 24lines 8-12) The dog alerted.(motion tr. p. 25 lines 1-6) Both officers approached the Highlander. When Petitioner Devalois refused to get out of the Highlander, the officers drew their guns (motion tr. P, 26 lines 7-14 and line 18) and Devalois drove away(motion tr.p.23-25). After a chase Devalois was arrested and removed from the Highlander.((trial tr Vol 1 p 150 lines 16-18) A search of the Highlander revealed a handgun in the console.(trial tr. P 151 line 14- to p 153 line 7 and p 156 line 22) He was charged with being a felon in possession of a firearm 18 USC §922(g). He moved to suppress evidence contending that a traffic stop can last only long enough to complete the mission of the stop—to address the traffic violation and attend to related safety concerns and when the officers measurably

extend the stop beyond that mission, the stop violates the Fourth Amendment. The district court overruled the motion to suppress. [Dist Ct doc 28] A jury found him guilty.[doc 95] He was sentenced to 92 months imprisonment.[doc 125] On appeal the Seventh Circuit acknowledged the 4th Amendment limitations on traffic stops commanded by *Rodriguez v United States* 575 U.S. 3 (2015) but went on to say, “we repeatedly have declined to adopt even a rule of thumb’ as to how long a reasonable stop may last, *Gholston*, 1 F.4th at 496” Petitioner argued here all of the tasks tied to the traffic violation were or should have been completed before Deputy Samuelson had Bosco sniff for drugs. After Deputy Samuelson obtained the vehicle registration card from Mr. Devalois he had “everything necessary to write out a warning” Motion to Suppress tr. Pg 21 line 10-13. Tr. Pg42 line 3-6 Deputy Samuelson outlined the contents of the warning. Tr. Pg 21 line18 to Pg 22 line 8. He testified, “I've got a metal warning book-like clipboard I handed [it to Deputy Chavez] him, which I believe I said I had the date, the month, the year, Ms. Hall's full name, and then some of the vehicle Tr. Pg 42 lines 23-25. information that I had prior, and my signature at the bottom. And then advised Deputy Chavez what the traffic violation was, which was following too closely, and handed him that. And I advised Danielle she could then stand outside with him, if she'd like, while he completed that.

Q. So the only reason you didn't complete the warning ticket and hand it to Danielle was that you wanted to walk Bosco around the car?

A. Conduct a free-air sniff, yes. Tr. Pg 43 lines 1-9.

The mission was complete before the dog walk. However the Seventh Circuit held, "When Samuelson ultimately conducted the dog sniff, Chavez was still preparing the warning. Authority for the seizure was thus ongoing. An officer may employ a drug-sniff-ing canine to search a vehicle's exterior without violating the Fourth Amendment while another officer continues to diligently pursue the mission of the stop. *Illinois v. Caballes*, 543 U.S. 405, 410 (2005)."

Reasons for granting the writ

The authority of *Rodriguez v. United States*, 575 U.S. 348, 354 (2015) tells us that the Fourth Amendment requires that a traffic stop end as soon as the mission of the traffic stop should have been accomplished.

In *United States v Campbell* 26 F 4th 860 (11th Cir 2022) the Eleventh Circuit en banc held, "to unlawfully prolong [a traffic stop] the officer must 1) conduct an unrelated inquiry aimed at investigating other crimes 2) that adds time to the stop 3) without reasonable suspicion". In *United States v Bowman* 884 F3d 200 (4th Cir 2018) the Fourth Circuit held that a traffic stop becomes unlawful when it is

prolonged beyond the point at which tasks tied to the traffic infraction are or reasonably should have been completed. *See also United States v Miller* 54 F 4th 219 (4th Cir 2022). Similarly, the Third Circuit has held, A stop becomes unlawful when it "last[s] ... longer than is necessary" to complete its mission, the rationale being that the "[a]uthority for the seizure ... ends when tasks tied to the [mission] are[,] or reasonably should have been[,] completed." *United States v Clark* 902 F.3d 404 (3rd Cir 2018).

By contrast the Tenth Circuit and the Seventh Circuit adopt a test tolerating delay in completing the traffic stop so long as it is reasonable. For example in *United States v Mayville* 955 F 3d 825 (10th Cir 2020) the court affirmed a denial of a motion to suppress where the officer delayed writing the traffic ticket to check the defendant's criminal history and another officer conducted a dog sniff for drugs while the first officer was still writing the ticket: the delay was reasonable. In the present case the Seventh Circuit applied a flexible standard of reasonableness. The court observed, ""we repeatedly have declined to adopt even a rule of thumb" as to how long a reasonable stop may last." *United States v Devalois* __ F 4th __ opinion page 7 The court held, that as long as Officer Chavez was still writing the warning ticket when officer Samuelson conducted the dog sniff search the mission of the traffic stop was

still reasonably continuing. The court said “the transfer of duties does not prolong a traffic stop, the officer who begins to write a citation need not be the one to complete it. “ __ F 4th __ opinion page 9.

In, *Rodriguez v. United States*, 575 U.S. 348, 354 (2015) this Court held, “Authority for the seizure thus ends” when the mission is “or reasonably should have been” accomplished “ Before Officer Samuelson conducted the drug dog sniff he had “everything necessary to write out a warning” Motion to Suppress tr. Pg 21 line 10-13. Tr. Pg42 line 3-6. When Officer Chavez arrived, Samuelson decided to have his dog sniff for drugs instead writing the warning and finishing the stop. The traffic stop mission should have ended once Samuelson had all the information he needed to write the ticket. He started to write the ticket but failed to complete it when he chose to have the dog sniff for drugs instead of sticking to the traffic stop mission. This court should resolve the conflict between the circuits and adopt a clear rule that the Fourth Amendment requires officers to end a traffic stop once they have the information to complete the traffic mission and requires that the officers not divert their efforts from the traffic mission in favor of probing for other crimes.

Conclusion

For the foregoing reasons this Court should grant certiorari.

Respectfully Submitted,

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Appendix

Court of Appeals Opinion

Judgment of the Seventh Circuit

District Court opinion denying motion to suppress