

No. _____

IN THE
Supreme Court of the United States

JACQUES S. GHOLSTON,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

In *Rodriguez v. United States*, 575 U.S. 348, 350 (2015), this Court held that “a police stop exceeding the time needed to handle the matter for which the stop was made violates the Constitution's shield against unreasonable seizures.” *Rodriguez v. United States*, 575 U.S. 348, 350 (2015). When the police stop is based on a police-observed traffic violation, the stop ‘become[s] unlawful if it is prolonged beyond the time reasonably required to complete th[e] mission’ of issuing a ticket for the violation.” *Id.* at 350-51 (quoting *Illinois v. Caballes*, 543 U.S. 405, 407 (2005)).

In this case, the court of appeals acknowledged the traffic stop was extended when the officer conducting the stop detoured from the mission of the stop into a methamphetamine investigation. Despite this finding, the court of appeals found no *Rodriguez* violation because the delay occurred before the officer finished writing the traffic citation. The question presented is:

Whether a traffic stop unreasonably prolonged beyond the time needed to address the purpose of the stop violates the Fourth Amendment regardless of when, chronologically, the delay occurs?

RELATED PROCEEDINGS

United States District Court (C.D. Ill.):

United States v. Gholston, No. 3:18-cr-30039

Motion to suppress report and recommendation (May 20, 2019)

Motion to suppress order (Aug. 8, 2019)

Judgment (June 19, 2020)

United States Court of Appeals (7th Cir.):

United States v. Gholston, No. 20-2168

Opinion affirming denial of motion to suppress (June 14, 2021)

Order denying motion for rehearing (July 29, 2021)

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PETITION FOR WRIT OF CERTIORARI

Petitioner Jacques S. Gholston respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit.

OPINIONS BELOW

The Seventh Circuit's affirmance of the denial of Mr. Gholston's motion to suppress is published at 1 F.4th 492 and is included as Appendix A. The report and recommendation of the United States Magistrate Judge and order of the United States District Court for the Central District of Illinois denying the motion to suppress are unpublished and are included as Appendix B.

JURISDICTION

The Seventh Circuit denied Mr. Gholston's petition for rehearing on July 29, 2021. Pet. App. 1a. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

The Fourth Amendment to the United States Constitution provides: 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

A Quincy, Illinois police officer stopped Mr. Gholston for turning without using his turn signal. The officer did not really care about the traffic violation. He had heard Mr. Gholston might be selling methamphetamine so used the minor traffic violation to investigate potential methamphetamine trafficking. Instead of diligently working on the traffic stop, the officer immediately began trying to figure out a way to search Mr. Gholston and his truck. While waiting for the dispatcher to confirm Mr. Gholston had a valid driver's license, the officer decided to try to get Mr. Gholston to consent to a search of his person and truck even though Mr. Gholston had already been handcuffed and subjected to a *Terry* pat down.

Before the officer could start his attempts to search Mr. Gholston further, the dispatcher informed him that Mr. Gholston had a valid driver's license. The officer testified that with that information he had all the information needed to begin writing a traffic ticket for turning without a signal. Rather than start writing the ticket though, the officer decided to go ahead with his plan to try to get consent to search Mr. Gholston and his truck. Mr. Gholston consented to a search of his person. While the officer was searching Mr. Gholston he repeatedly tried to convince Mr. Gholston to consent to a search of the truck. Mr. Gholston refused to give that consent. Only then did the officer get into his squad car, to begin writing the traffic ticket.

Before starting the ticket, the officer called for a K9 officer. The sole K-9 officer in the area was on another call with his dog so could not immediately get to Mr.

Gholston's location. While writing the traffic ticket, the officer repeatedly stopped working on the ticket to use his in-car terminal (which he was using to write the ticket), to urge the K9 officer to hurry. After the officer completed the no turn signal ticket he "remembered" that he had not asked for proof of insurance. He then asked Mr. Gholston for proof of insurance which Mr. Gholston did not have. The officer began writing a ticket for having no proof of insurance. As the officer was printing that ticket, the dog arrived on the scene and alerted on Mr. Gholston's truck. A search of the truck resulted in the seizure of methamphetamine.

The district court found the officer's extension of the traffic stop "was de minimis and did not unreasonably extend the stop." In a divided opinion, the Seventh Circuit affirmed. Acknowledging that this Court rejected a de minimis exception to extending traffic stops in *Rodriguez*, the majority found the district court chose "imperfect language" to describe its findings and had, in reality, found there was no extension of the traffic stop at all. To support this rewriting of the district court's opinion, the majority held the district court "correctly disregarded" the delay resulting from the officer's search of Mr. Gholston for methamphetamine and attempts to gain consent to search the truck because that delay occurred before the officer called for a K-9 unit. Because "[t]his [was] not a case in which an officer completes the activities for a stop and then detains the suspect longer in order to allow time for a K9 officer to arrive" the majority held there was no *Rodriguez* violation.

Judge Hamilton dissented, finding numerous ways in which the officer unreasonably extended the stop. As relevant to this petition, Judge Hamilton found the officer's conduct in searching Mr. Gholston and trying to get consent to search the truck before beginning to write the ticket unreasonably extended the stop.

A. Legal background

“[A] police stop exceeding the time needed to handle the matter for which the stop was made violates the Constitution's shield against unreasonable seizures.” *Rodriguez v. United States*, 575 U.S. 348, 350 (2015). “A seizure justified only by a police-observed traffic violation, therefore, ‘become[s] unlawful if it is prolonged beyond the time reasonably required to complete th[e] mission’ of issuing a ticket for the violation.” *Id.* at 350-51 (quoting *Illinois v. Caballes*, 543 U.S. 405, 407 (2005)).

“On-scene investigation into other crimes . . . detours from th[e] mission” of the traffic stop. *Id.* at 356. “Highway and officer safety are interests different in kind from the Government’s endeavor to detect crime in general or drug trafficking in particular.” *Id.* at 357. While officers can make off-mission inquiries designed to investigate other crimes, a traffic stop “remains lawful only ‘so long as [unrelated] inquiries do not measurably extend the duration of the stop.’” *Rodriguez*, 575 U.S. at 355 (quoting *Arizona v. Johnson*, 555 U.S. 323, at 333 (2009)). Accordingly, a police officer conducting a traffic stop “may conduct certain unrelated checks during an otherwise lawful traffic stop.” *Id.* “But . . . he may not do so in a way that prolongs the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual.” *Id.*

“The critical question, then, is not whether [the investigation into other crimes] occurs before or after the officer issues a ticket, . . . , but whether [conducting the investigation into other crimes] ‘prolongs’ – *i.e.* adds time to – “the stop.” *Id.* at 357.

B. Factual and procedural background

Just after midnight on April 29, 2018, Quincy, Illinois police officer Cowick stopped Mr. Gholston for not using his turn signal. Pet. App. 10b. Cowick was interested in Mr. Gholston due to information he had previously received from several people he had arrested that Mr. Gholston was distributing methamphetamine. Cowick had no information on the reliability of any of these people, had not done any follow-up to corroborate the information he had received, nor had he ever used any of the individuals’ information to obtain a search or arrest warrant in any case. Pet. App. 11b-12b. Based on a hunch that Mr. Gholston was selling methamphetamine, when Mr. Gholston passed Cowick, Cowick turned around and followed Mr. Gholston but did not turn on his emergency lights. As Cowick sped up to try to catch Mr. Gholston, Mr. Gholston turned right without using a turn signal. Cowick was still well behind Mr. Gholston and did not have his emergency lights on. Pet. App. 14b.

As Cowick made the right hand turn to follow Mr. Gholston, he turned on his emergency lights. By this time Mr. Gholston had parked and gotten out of his truck. Cowick activated his lights and pulled in behind Mr. Gholston’s parked truck. By this time, Mr. Gholston was walking across the street at a normal pace. Cowick quickly

radioed in to his dispatcher that he was making a traffic stop and then got out of his car and began yelling at Mr. Gholston to stop. *Id.*

Mr. Gholston never ran away from Cowick and never took any aggressive actions toward Cowick. Cowick yelled at Mr. Gholston two times to stop and go back to the truck and started running toward Mr. Gholston. Once Mr. Gholston understood Cowick was trying to stop him, he stopped walking and followed Cowick's instructions to go back to the truck. Cowick then changed his mind about having Mr. Gholston return to the truck, telling Mr. Gholston to "come here" because Cowick was going to place him in handcuffs. Mr. Gholston complied and walked to Cowick, who then handcuffed Mr. Gholston with no struggle or resistance. Cowick then frisked Mr. Gholston for weapons, finding none. *Id.* at 15b

Cowick sat Mr. Gholston down on the curb. About that time two additional officers, Hodges and Cirrincione, arrived to assist. Cowick asked Mr. Gholston for his license to which Mr. Gholston responded his license was in his wallet in the truck. Rather than retrieve the wallet from the truck, Cowick took out a notepad and asked Mr. Gholston to spell his name and provide his date of birth. After Mr. Gholston complied, Cowick called Mr. Gholston's name and date of birth into his dispatcher to check to see if Mr. Gholston's driver's license was valid. *Id.* at 16b.

While waiting for the dispatcher's response, Cowick gave Hodges a brief recap of the initial stop and ways Cowick might be able to search the truck and Mr. Gholston for methamphetamine. Hodges suggested an arrest for walking away from

Cowick but Cowick nixed that idea explaining he did not turn his lights on until Mr. Gholston “was pretty much parked.” Hodges suggested that Cowick ask Mr. Gholston for consent to search his person and the truck. At that point, about 5 minutes after Cowick turned on his emergency lights, the dispatcher radioed that Mr. Gholston had a valid license.”¹ 16b-17b. At the hearing on Mr. Gholston’s motion to suppress, Cowick testified that once the dispatcher confirmed Mr. Gholston had a valid driver’s license, Cowick had all the information he needed to begin writing a traffic ticket. But he did not start writing a ticket for not using a turn signal. Instead, Cowick decided to try to get consent to search Mr. Gholston and his truck. Cowick walked over where Mr. Gholston was still sitting on the curb, handcuffed, and asked for permission to search him. Mr. Gholston consented to a search and Cowick moved Mr. Gholston directly in front of his car to be in full view of the car’s dash camera. Cowick searched

¹The dispatcher also told Cowick that Mr. Gholston had an “NOV.” “NOV” was short hand for the fact that there was an outstanding notice of violation for a City of Quincy Ordinance violation. On February 17, 2017, Mr. Gholston had been issued a City of Quincy Ordinance violation ticket for improper parking. The NOV is not an arrest warrant, it is simply the name given to a ticket issued for violating a local ordinance. All three Quincy police officers involved in the stop and detention of Mr. Gholston later testified that the City of Quincy police department policy is that if the ticket is not paid within the time period specified on the ticket the NOV is put on file in the police department and is entered into the computer system as an outstanding NOV. If the police then stop an individual for any reason and dispatch informs the patrol officer that there is a NOV pending, the individual is forcibly detained until an officer can go to the police department, retrieve the NOV, and bring it to the scene of the detention. None of the officers could identify any City of Quincy ordinance or Illinois law that authorized such a warrantless detention based simply on the issuance of a city ordinance violation but all agreed it is what they do. Illinois law is clear that an arrest for a municipal code violation is only proper if a warrant has been issued. Summons for violations are served by certified mail not by the police. 65 ILCS 5/1-2-9; Rist v. City of Peoria, 2006 WL 42582 (C.D. IL Feb. 23, 2006).

Mr. Gholston and while doing so twice asked for permission to search the truck. Mr. Gholston refused to consent to that search. *Id.* at 17b.

After Cowick finished searching Mr. Gholston and asking for permission to search the truck he handed Mr. Gholston off to Hodges and got into his squad car. Using his in car computer Cowick looked up the location of the only K9 officer available, Adams County Deputy Sheriff Saalborn. Saalborn was on a stop about six or seven miles away. Cowick then engaged in a series of car-to-car texts and cellular telephone texts trying to get the K9 to the stop before the stop concluded. Mr. Gholston argued these actions prolonged the stop as Cowick admitted he could not both use his in car computer terminal to write a traffic ticket and send send car-to-car texts to other police officers using the same terminal. *Id.* at 18b-22b.

At about 12:32 a.m. Cowick completed and printed the warning ticket for turning without signaling. *Id.* at 22b. He got out of his car to give the warning to Mr. Gholston and then realized he had never asked if Mr. Gholston had insurance. *Id.* Cowick claimed he forgot to do this earlier in the stop and only thought about the issue when he went to issue the warning ticket. *Id.* Saalborn, the K-9 officer had not yet arrived on the scene. Mr. Gholston claimed his girlfriend did have insurance on the truck but he did not have proof of insurance with him so Cowick went back to his car to write a warning ticket for not having proof of insurance. A short time later Saalborn arrived with his dog. As Cowick was printing the no insurance ticket Saalborn walked his dog around the truck. The dog alerted as the no insurance ticket was

still printing. *Id.* at 23b. Cowick then searched the truck, finding about 9 grams of methamphetamine.

Mr. Gholston filed a motion to suppress. He argued the stop had been extended to investigate methamphetamine distribution without reasonable suspicion to believe he had engaged in that offense. Following the evidentiary hearing on the motion, it was so obvious the stop had been extended the magistrate judge ordered post-hearing briefing “address[ing] the standard for establishing reasonable suspicion.” R.26 at 236.

In the post-hearing briefing Mr. Gholston argued the stop had been extended in two ways. First, rather than diligently start writing a ticket for turning without signaling, Cowick engaged in a methamphetamine investigation when he searched Mr. Gholston and sought consent to search the truck. Second, after failing to get consent to search the truck, the officer used his in-car terminal to engage in a series of car-to-car text messages with various other officers in an attempt to extend the stop so a drug dog could get to the scene. The evidence developed at the hearing established it was impossible for the officer to both work on writing a traffic ticket using his in-car terminal while also using the terminal to send car-to-car messages. It physically cannot be done. Mr. Gholston also argued Cowick did not have reasonable suspicion to believe Mr. Gholston was distributing methamphetamine.

Unsurprisingly, the magistrate judge found the police extended the stop by at least several minutes to investigate methamphetamine dealing. Pet. App. 25b. However, the magistrate found the police had reasonable suspicion to believe Mr. Gholston was trafficking methamphetamine so found the stop reasonable. *Id.* at 26b.

Mr. Gholston objected to the magistrate's report and recommendation, arguing there was not reasonable suspicion to believe he was involved in distributing methamphetamine. The district court avoided the reasonable suspicion issue by finding the stop had not unreasonably been delayed. The district judge accepted the magistrate judge's finding that the officer, Cowick, "may have extended the stop for a minute or two beyond the time needed to conduct the traffic stop." Pet. App. 5b-6b. The district court found that the 20 minutes it took the police to issue both traffic tickets was, in a normative sense, "reasonable" and "[a]ny delay attributed to Cowick's actions was *de minimis* and did not unreasonably extend the stop." Pet. App. 7b.

Mr. Gholston challenged that finding on appeal, arguing that this Court specifically rejected a *de minimis* exception to extending traffic stops in *Rodriguez*. A divided panel of the Seventh Circuit affirmed. Pet. App. 1a. The majority held the district court "correctly disregarded" the delay caused by Cowick's search of Mr. Gholston and attempt to obtain consent to search his truck because the delay occurred before the Cowick began his efforts to get a drug dog on scene. Pet. App. 4a. In an apparent effort to distinguish *Rodriguez* the panel observed, "[t]his is not a case in which an officer completes the activities for a stop and then detains the suspect longer

in order to allow time for a K9 officer to arrive.” Pet. App. 5a. The majority then found the district court made a factual finding that Cowick did not extend the stop *at all* once he started working on the traffic ticket and the district court’s statement that any delay was *de minimis*, was “imperfect language.” Pet. App. 5a. With that deft bit of redrafting, the majority was able to affirm by claiming the district court’s finding that there really had been no delay once Cowick began writing the ticket was a finding of fact that was not clearly erroneous.

Judge Hamilton dissented, finding Cowick extended the stop in a number of ways. Relevant to this petition, Judge Hamilton found that Cowick’s decision to search Mr. Gholston’s person and attempt to obtain consent to search the truck “departed from his legitimate constitutional mission” of conducting a traffic stop. Pet. App. 6a.

REASONS FOR GRANTING THE WRIT

The Court should grant certiorari to resolve a split among the federal courts of appeals on whether a delay in a traffic stop that occurs before the officer completes the approved activities of the stop violates *Rodriguez*. The Seventh Circuit’s decision creates a circuit split on the interpretation of one of this Court’s opinions that only this Court can resolve. Moreover, the Seventh Circuit’s interpretation of *Rodriguez*, that a police officer can extend a traffic stop to engage in general law enforcement unrelated to the purpose of the traffic stop so long as he does so before issuing the traffic ticket, is wrong on the merits.

A. The decision below creates a conflict among the courts of appeals.

Five courts of appeals have addressed the issue of whether the timing of an unreasonable extension of a traffic stop impacts that analysis of whether the extension violates the Fourth Amendment. The Seventh Circuit's opinion creates a circuit split.

1. Four courts of appeals correctly find that the timing of the unreasonable extension of a traffic stop is immaterial, holding the extension violates the Fourth Amendment.

In *United States v. Gomez*, 877 F.3d 76 (2d Cir. 2017), the Second Circuit found that *Rodriguez* overruled its prior opinion in *United States v. Harrison*, 606 F.3d 42, 45 (2d Cir. 2010) (per curiam). *Harrison* held that questioning unrelated to the mission of a traffic stop that only briefly extends the stop did not violate the Fourth Amendment regardless of when during the stop the unrelated questioning occurred. *Id.* *Gomez* acknowledged that *Rodriguez* rejected that reasoning. In direct contrast to the Seventh Circuit's opinion in this case, the Second Circuit found *Rodriguez* was not distinguishable based on the fact that the unrelated questioning in *Harrison* had occurred before the ticket was issued. *Gomez*, 877 F.3d at 90 n.24. “[T]he fact that the questioning in *Harrison* occurred before a ticket was issued (no ticket was ultimately issued, it seems) while the dog sniff in *Rodriguez* followed the issuance of a ticket is

of no moment because in both situations, unrelated investigations extended the seizure. *Id.* The Seventh Circuit’s holding in this case is directly contrary to the Second Circuit’s holding in *Gomez*.

The Third Circuit in *United States v. Clark*, 902 F.3d 404 (3d Cir. 2018), held that an officer’s unreasonable extension of a traffic stop before beginning to write a traffic ticket violates *Rodriguez*. The officer conducting the stop in *Clark*, like Cowick in this case, gathered all the information needed to write a traffic ticket but failed to promptly begin writing the ticket. Instead, the officer engaged in general law enforcement activity designed to investigate crimes unrelated to the traffic stop. The Third Circuit found the officer’s failure to expeditiously write the traffic ticket unreasonably extended the stop in violation of *Rodriguez*. In later cases the Third Circuit coined the phrase “the *Rodriguez* moment” to identify when, if ever, a traffic stop is unreasonably extended by officers failing to diligently pursue the traffic stop. *United States v. Green*, 897 F.3d 173 (3d Cir. 2018); *United States v. Garner*, 961 F.3d 264, 270 (3d Cir. 2020). The Third Circuit “recognize[s] the possibility that the *Rodriguez* moment occurs when an officer no longer pursues the tasks tied to the traffic stop even though he reasonably could have continued with those tasks.” *Id.*

The Sixth Circuit has likewise held that an unreasonable delay that occurs before a traffic ticket is issued violates the Fourth Amendment. *United States v. Stepp*, 680 F.3d 651 (6th Cir. 2012). Even prior to *Rodriguez*, the Sixth Circuit had

rejected a de minimis exception to the extension of a traffic stop once the stop concluded. *Id.* at 661-62. Recognizing that limiting that holding to events that occur after the stop has concluded, the Sixth Circuit has also held that unreasonable extensions of not-yet-completed traffic stops also violates the Fourth Amendment. *Id.* “Because a crafty officer, knowing this rule, may simply delay writing a ticket for the initial traffic violation until after she has satisfied herself that all of her hunches were unfounded, we also treat the unreasonable extension of a not-yet-completed traffic stop as a seizure.” *Id.*

The Ninth Circuit likewise has held that an unreasonable extension of a traffic stop violates *Rodriguez* regardless of when the extension occurs. *United States v. Landeros*, 913 F.3d 862 (9th Cir. 2019). “What matter[s] [is] the added time, not at what point, in the chronology of the stop, that time [is] added. *Id.* at 866.

2. The Seventh Circuit, on the other hand, has held that an unreasonable delay that occurs before the officer finishes issuing a traffic citation does not violate the Fourth Amendment.

The Seventh Circuit in this case held the district court was correct to ignore Cowick’s extension of the stop by searching Mr. Gholston and trying to get consent to search his truck because it occurred before Cowick started his efforts to get a drug dog to the scene. It justified this holding by noting “[t]his is not a case in which an officer completes the activities for a stop and then detains the suspect longer in order to allow time for a K9 officer to arrive.” But as the Second Circuit correctly stated in

Gomez, “[T]he fact that the questioning in *Harrison* occurred before a ticket was issued (no ticket was ultimately issued, it seems) while the dog sniff in *Rodriguez* followed the issuance of a ticket is of no moment because in both situations, unrelated investigations extended the seizure. *Gomez*, 877 F.3d at 90 n.24.²

3. The circuit split will not be resolved without action by this Court. The Seventh Circuit denied Mr. Gholston’s petition for rehearing which pointed out the error of discounting the delay caused by Cowick’s actions in pursuing a methamphetamine investigation before beginning to write the traffic ticket. The Court should grant review.

B. The decision below is incorrect.

The Seventh Circuit’s holding is indefensible. As this Court made clear in *Rodriguez*, “[t]he critical question, . . . , is not whether the dog sniff occurs before or after the officer issues a ticket, . . . , but whether conducting the sniff ‘prolongs’ – *i.e.* adds time to – “the stop.” *Rodriguez*, 575 U.S. at 357. The Second, Third, Sixth, and Ninth Circuits all rely on this portion of *Rodriguez* to support their holdings that an unreasonable delay that occurs before the officer issues the traffic ticket violates the Fourth Amendment. The Sixth Circuit succinctly explains why that must be so: “Because a

² In addition to simply being wrong about whether the timing of the delay makes a difference, the Seventh Circuit also overlooked the fact that if Cowick had been successful in getting consent to search the truck he would not have needed a drug dog. The point of the drug dog is having the dog alert to the truck which provides probable cause to search the truck. If Mr. Gholston had consented to a search of the truck, Cowick could have searched the truck based on Mr. Gholston’s consent. That consent would have been tainted by the unreasonable extension of the traffic stop, but the point is, it should not be surprising that Cowick first extended the stop by trying to get consent before moving on to trying to get a drug dog to the scene after his attempts to get consent to search failed.

crafty officer . . . may simply delay writing a ticket for the initial traffic violation until after she has satisfied herself that all of her hunches were unfounded, we also treat the unreasonable extension of a not-yet-completed traffic stop as a seizure.” *Stepp*, 680 F.3d at 661-62.

The Seventh Circuit’s reasoning allows an officer to engage in general law enforcement investigations unrelated to the mission of the traffic stop as long as the investigation occurs before the officer finishes the traffic stop by either issuing a ticket or informing the driver that no ticket will be issued. The opinion gives every law enforcement officer in Wisconsin, Indiana, and Illinois a roadmap to violating drivers’ Fourth Amendment right to be free from unreasonable seizures. The Ninth Circuit is correct, “[w]hat matter[s] [is] the added time, not at what point, in the chronology of the stop, that time [is] added. *Landeros*, 913 F.3d at 866.

C. The question presented is exceptionally important.

The proper application of the Fourth Amendment to traffic stops is vitally important. “The most common reason for contact with the police is being a driver in a traffic stop.” <https://www.bjs.gov/index.cfm?tid=702&ty=tp>. (last visited October 27, 2021). In 2018, 18,666,000 residents of the United States had police-initiated contact with law enforcement due to being a driver during a traffic stop. *Contacts Between Police and the Public, 2018 – Statistical Tables t 4, Table 2.* (available at <https://bjs.ojp.gov/content/pub/pdf/cbpp18st.pdf>) (last visited October 27, 2021). Another 5,702,600 residence had police initiated contact due to being a passenger during

a traffic stop. *Id.* In 2019, 796 different law enforcement agencies in Illinois generated data on 2,483,904 traffic stops. Illinois Traffic and Pedestrian Stop Study, 2019 Annual Report: Traffic Stop Analysis at 2. (available at <https://www.ilga.gov/reports/ReportsSubmitted/2189RSGAEmail3672RSGAAttachFINAL--Part%20I%20Executive%20Summary%20Traffic%20Stop%20Data--7-1-20.pdf>) (last visited October 27, 2021).

In *Rodriguez* the Court clearly set forth how the Fourth Amendment applies to routine traffic stops. Since routine traffic stops are far and away the basis for most of the encounters between the police and citizens, that guidance was crucial to protecting the citizenries Fourth Amendment rights against unreasonable searches and seizures. The Seventh Circuit inexplicably strayed from the Court's guidance, creating a serious split in the circuits. Drivers in Wisconsin, Indiana, and Illinois are subject to extensions of traffic stops that would be unreasonable in New York, Pennsylvania, Kentucky, or California. The Fourth Amendment must mean the same thing in every portion of the country. This Court should grant certiorari in this case to ensure the citizens of the Seventh Circuit do not have second class Fourth Amendment rights.

CONCLUSION

The Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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