Heien v. North Carolina

(2014) __ U.S. __ [135 S.Ct. 530]

Issue

Is a traffic stop unlawful if it was based on an officer's mistake about a vehicle code regulation?

Facts

A sheriff's deputy in North Carolina stopped the driver of a car because one of its brake lights was inoperative. In the course of the stop, the owner of the car, Nicholas Heien, consented to a search which netted cocaine. Heien was arrested and charged with drug trafficking. He later filed a motion to suppress the cocaine on grounds that stop was unlawful. Specifically, he argued that the officer mistakenly believed that North Carolina's vehicle code required two working brake lights when, in fact, it required only one. The trial court summarily denied the motion but the state's appellate court ruled it should have been granted because the vehicle code reads, in relevant part, that all vehicles "shall be equipped with a stop lamp on the rear of the vehicle." And because the statute mandates only "a stop lamp" (in the singular), not "stop lamps" (in the plural), the court ruled the traffic stop was unlawful.

Heien appealed to the North Carolina Supreme Court which reversed the appellate court on grounds that there is another state statute which essentially requires two operable brake lights. That statute says that motor vehicles "shall have all originally equipped rear lamps or the equivalent in good working order." And because all cars are equipped with two working brakelights, and because Heien's car had only one, the court ruled the traffic stop was lawful under the latter statute. Heien appealed to the United States Supreme Court.

Discussion

Before we begin, it should be noted that the Supreme Court could have ruled that the stop was lawful because one North Carolina statute plainly required two working brakelights. But it apparently assumed for the sake of argument that the deputy believed—mistakenly—that the law required two working brakelights. (This assumption might have been necessary because the Court wanted to address the distinction between mistakes of fact and mistakes of law.)

As a general rule, if officers are mistaken as to the existence or nature *of a fact*, the mistake will not result in a Fourth Amendment violation if there was a logical reason for the mistake. As the Supreme Court said in *Illinois v. Rodriguez,* "[W]hat is generally demanded of the many factual determinations that must regularly be made by agents of the government is not that they always be correct, but that they always be reasonable."[1] For example, the Court in *Heien* pointed out that an officer might "stop a motorist for traveling alone in a high-occupancy vehicle lane, only to discover upon approaching the

[1] (1990) 497 U.S. 177, 185 [edited]. Also see *People v. Jenkins* (2000) 22 Cal.4th 900, 1057 (conc. opn. of Brown, J.) ["As several federal circuit courts have explained, in interpreting the reasonableness requirement the Supreme Court held only that the Fourth Amendment does not invalidate warrantless searches based on a reasonable mistake of fact, as distinguished from a mistake of law."

car that two children are slumped over asleep in the back seat. The driver has not violated the law, but neither has the officer violated the Fourth Amendment."

In contrast, if officers are mistaken as to a law it has been the general rule that any search or seizure that the officer takes as the result of this mistake will be deemed unlawful regardless of whether the mistake was reasonable. This rule is also based public policy; i.e., that officers are expected to know the laws they enforce.[2]

In *Heien*, however, the Supreme Court—for the first time--acknowledged that some mistakes of law may also be reasonable; that "reasonable men make mistakes of law, too." For this reason the Court decided to abandon the rule that all mistakes of law are per se unreasonable. In its place, it announced a new, but very limited, rule by which some mistakes concerning a statute may be excused if a reasonable officer under the circumstances might have made the same mistake.

The question, then, was whether the mistake by the deputy who stopped Heien fell into this category. The Court ruled it did because the state's vehicle code contained two apparently conflicting statutes on brakelight requirements, and one of them permitted a vehicle stop if there was only one operable brake light. Accordingly, the Court ruled that the deputy's mistake was reasonable and therefore the traffic stop was lawful.

Comment

Note that the Court's decision in *Heine* was not merely another variation of the good faith rule or any other rule that ameliorates the consequences of a Fourth Amendment violation. Instead, it is a rule that is applied to determine if there was, in fact, a Fourth Amendment violation. And because the deputy's mistake of fact was reasonable, the stop itself was lawful.

Also note that *Heien* should not be interpreted to excuse reasonable mistakes as to constitutional laws pertaining to criminal investigations; e.g., that an arrest requires probable cause, and that officers must obtain a *Miranda* waiver before conducting a custodial interrogation. As the Court in *Hein* observed, "[A]n officer can gain no Fourth Amendment advantage through a sloppy study of the laws that he is duty-bound to enforce." It also appears likely that *Heien* will be limited to situations that require a quick decision by officers or, as the Court in *Heien* put it, when officers "suddenly confront a situation in the field as to which the application of a statute is unclear—however clear it may later become." POV

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[2] See *People v. Teresinski* (1982) 30 Cal.3d 822, 831 ["Courts on strong policy grounds have generally refused to excuse a police officer's mistake of law."].