2026 LEGAL UPDATE COURT CASE NOTES

Rodriguez-Arias v. State, 273 N.E.3d 496 (Ind. Ct. App. 2025): **Possession of a valid out-of-country license permits a driver to operate on Indiana's highways.**

> Traffic stop for failure to signal. Driver had Dominican Republic driver's license but the officer had no way to confirm the validity of the license.
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> At trial, the defendant presented the license and a copy of his valid B-1/B-2 Visa showing he was temporarily in the U.S. lawfully to meet the defense under the Operating Never Received statute.
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> The court of appeals overturned his conviction because he was validly licensed in his home country, did not intend to make Indiana his permanent home (which would have required him to license within 60 days), and was lawfully in the U.S.
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> **Remember that the "international driver's license" is not the "license," and is not required.**

Wilson v. State, 276 N.E.3d 146 (Ind. Ct. App. 2026): **"Jerky movements" with head and arms not enough for reasonable suspicion of driver impairment.**

> Traffic stop conducted: Deputy noticed Wilson "making jerky movements" and "moving his head rapidly" and "fidgeting around the car" while stopped at a traffic light, activated his turn signal right before the light changed and he turned, and Wilson turned right at the next intersection, essentially making a U-pattern to drive back the way he had come, which was unusual to the officer.
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> The stop resulted in failure of SFSTs, a blood draw, and conviction for OVWI with amphetamine and methamphetamine present in the blood.
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> Because there was no traffic infraction committed, the officer must articulate reasonable suspicion of criminal activity to conduct the stop.
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> The Court found no reasonable suspicion based on the observations of the officer for the traffic stop. **There must be more indicia of erratic driving to meet reasonable suspicion.**
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> **** This was a deviation from a similar case concerning suspicious driving patterns (evasive driving pattern). Understand that you should articulate everything you observe to indicate why it is reasonable to believe this person is/was/is about to engage in criminal activity.**

Ocampo v State, 268 N.E.3d 823 (Ind. Ct. App. 2025): **Canine cannot enter a vehicle on a canine sniff unless it is "instinctive entry" because it is an animal; may not be assisted by the officer.**

Canine sniff of the exterior of a vehicle during a "routine" traffic stop, but the canine did not alert on the exterior of the car, rather the canine jumped into the open passenger side door **but not until the officer had removed the canine's lead to allow the dog to move freely inside of the car.**

The canine gave an alert **inside of the car**.

The Court held that this was an unreasonable search without probable cause and did not qualify for the **"instinctive entry"** exception which **requires that the canine enters <u>without direction, encouragement, or facilitation</u> by officers**.

** If the canine had alerted **outside** of the vehicle, entry of the canine without the lead would have been legal because there would have been probable cause to conduct a search inside under the automobile exception.

Akins v State, 276 N.E.3d 111 (Ind. Ct. App. 2026): **Canine alert upheld even though canine was not trained to distinguish legal hemp odor.**

Drug-trained canine alerted on a vehicle during the traffic stop. Drugs were found. Canine was trained to detect marijuana, methamphetamine, cocaine, and heroin, but not trained to distinguish legal hemp.

The Court upheld their previous holding in *Moore*, which is that **the odor of marijuana can establish probable cause even after the state's legalization of hemp. The possibility that the canine might alert on legal hemp does not, by itself, negate probable cause.**

U.S. v. Erving, 164 F.4th 953 (7th Cir. 2026): **Articulable reasonable suspicion a person is retrieving/hiding a weapon in a vehicle which could be used to the harm the officer justifies a frisk of the vehicle.**

An officer saw two people in a car in a dark parking lot at 2:45 a.m. When the officer lit the vehicle with a spotlight, the male made a "quick sudden movement leaning down and toward the floorboard and then quickly sat up."

During the investigation, the officer had the occupants exit and conducted a frisk (SCOTUS case of *Michigan v. Long*) under the driver's seat, where Erving "may have stashed something." Found a gun, which was illegal for Erving to possess.

The Court held that **the officer had reasonable suspicion to believe that Erving was dangerous and might gain control of a weapon, which justified the "frisk" of the vehicle** because sole officer, two occupants, high crime area, 2:45 a.m., knew Erving was a convicted felon for weapons, and female companion gave false identifying information to the officer. Further, Erving's movements were consistent with hiding/retrieving something.

Stokes v. State, 276 N.E.3d 681 (Ind. Ct. App. 2026): **Compliance with inventory policy will uphold an inventory pursuant to tow, even if vehicle is not actually towed.**

Stokes was arrested at a gas station on a warrant. At the clerk's request to move the vehicle, police called a tow truck and inventoried his vehicle. However, the car was ultimately released to Stokes' father rather than the tow company after the officers had completed their inventory, finding an illegal gun.

The Court upheld the inventory pursuant to tow, despite that the officers eventually released the vehicle to a licensed driver at the scene. The Court found that this was not an attempt to avoid the warrant requirement, finding "**officers acted according to policy, documented the search, inventoried broadly rather than selectively, and reasonably questioned whether a responsible party could take possession."**

Case v. Montana, 607 U.S. 107 (2026): **Officers may enter for emergency aid based upon reasonable belief someone was in need of immediate medical aid or to prevent serious injury.**

Officers responded to the home of Case after his ex-girlfriend called to report he was threatening suicide, she heard a click that she believed was a gun, and that he may have shot himself. Officers knocked on doors, yelled into an open window, and could see an empty gun holster and a paper they believed might be a suicide note inside the house, so they entered the home to render aid and found Case hiding in a closet with what appeared to be a handgun.

The Court held that officers must only articulate an **objectively reasonable basis for believing that entry was needed to prevent or render aid for serious harm**. In this case, the Court held that the information obtained from the ex-girlfriend, combined with their own observations at the scene, suggested that Case may have already shot himself or would do so without intervention.

Entry into the home was reasonable.

Bisel v. State, unpublished (Ind. Ct. App. March 9, 2026): **Must articulate imminent destruction of evidence to begin entry into the home without a warrant, exigency cannot be created by illegal entry.**

A deputy was watching Bisel's house for suspicious drug activity. During a knock-and-talk he smelled the odor of marijuana, went to write a search warrant, and before obtaining the search warrant, he stopped 2 people leaving the home, walked them back to the door, and attempted to go inside. When the deputy tried to go into the home, the homeowner tried to close the door and retreat.

The court held that the officer lacked exigency to enter the home without a search warrant at the time of entry.

**** Remember that the State is required to demonstrate evidence of IMMINENT DESTRUCTION PRIOR TO ENTRY.**

Chatrie v. U.S., 609 U.S. _____ (2026): **Geofence warrant is a "search", must be reasonable**

A detective applied for a geofence warrant directed to Google requiring Google to provide data about the cell phones that were located within a 150-meter radius of a credit union ("geofence") during the time period 30 minutes prior to, during, and after a robbery that occurred at the credit union.

Witnesses reported observing an individual walking toward the credit union on a cell phone prior to the robbery.

Detectives, using the data obtained, narrowed the list of users to 3, including Chatrie who showed that he entered the geofence 10 minutes before the robbery and then headed toward a residential area immediately after the robbery.

The Court held that this warrant was a "search" under the Fourth Amendment, as individuals have an expectation of privacy in the location data of their cell phone. Remanded to determine if the search was "reasonable" under the Fourth Amendment.

K.A. v. Z.G., 275 N.E.3d 939 (Ind. Ct. App. 2026): **First Amendment/Free Speech**

K.A. created a Facebook page to track and comment on Trooper Z.G.'s policing. When other public comments on the page turned threatening, Trooper Z.G. obtained a civil protective order that required K.A. to remove the entire social media page. K.A. appealed, claiming a First Amendment violation.

The Court of Appeals found that while the threatening comments made by other users constituted "true threats" and could be ordered removed, the page itself was protected speech regarding a public official. The order to remove the entire page was deemed an unconstitutional prior restraint on speech and was overturned.