

GEORGIA COURT OF APPEALS UPHOLDS TRAFFIC STOP BASED ON THE USE OF AN AUTOMATED LICENSE PLATE READER

CAPUSULE: On February 5, 2013, the Georgia Court of Appeals upheld the trial court's denial of a Defendant's Motion to Suppress evidence gleaned from a traffic stop following an officer's use of a license plate reader system (LPR). In summary, the Court denied the Defendant's argument that (1) the officer lacked reasonable suspicion to stop the vehicle and (2) that the LPR system failed to meet proper evidentiary foundational requirements.

FACTS: An officer with the Wynette Police Department was patrolling GA Hwy 316 in a police vehicle equipped with an LPR system. The LPR system is made up of cameras that read license plates of passing vehicles to transmit the information to a database of "wanted persons". The database is updated daily and includes information provided by the Federal Bureau of Investigation and the Georgia Bureau of Investigation and the Georgia Department of Motor Vehicles. On the day in question, the LPR system alert indicated that the defendant in the case at bar, Eloy Hernandez-Lopez, was present in the vehicle. Upon identifying a relevant vehicle and seeing if was driven by an adult male the officer conducted a traffic stop. Following the investigation at the road side, Hernandez-Lopez was charged with "Driving without a Valid License".

PROCEDURAL HISTORY: Hernandez-Lopez filed and argued a motion to suppress arguing that the officer lacked reasonable suspicion to perform a traffic stop based on the alert from the LPR system. The trial court denied the motion. Hernandez-Lopez filed an Interlocutory Appeal seeking to overturn the trial court's ruling.

ISSUE: Was the trial court correct in denying the defendant motion to suppress?

HOLDING: Yes. Here, based upon the alert and information received from the LPR system, the officer had sufficient probable cause to believe that the male driver of the relevant vehicle was wanted for "Failure to Appear"; and this provided reasonable, articulable suspicion to conduct a traffic stop. Critically, the information received through the LPR system is similar to the way an officer retrieves data by the way of running vehicle tag numbers through GCIC, which this court has previously held provided legal justification for an initial traffic stop. Accordingly, the trial court was correct in denying the defendant's motion to suppress on this ground.

South Carolina DUI Lawyer Steve Sumner exclusively handles misdemeanor and felony DUI defense. He is a member the National College for DUI Defense, holds an AV-preeminent rating from Martindale-Hubbell and a "Superb" ranking with Avvo. He represents clients in Greenville, Spartanburg and Anderson counties, South Carolina. You can contact him at upstatedui.com or 864-235-3834. His office is located at 1088 N. Church Street, Greenville, SC 29601.