

Mistaken Belief in Laws Will Not Justify a Traffic Stop in New Mexico

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By [Collins & Collins](#)

The recent case of [State v. Almeida](#) illustrates the gravity of an [illegal search and seizure](#) in New Mexico. The case did not involve any deliberate wrongdoing by the officer. Rather, the case involved a stop of a vehicle based upon the officer's mistaken understanding of the traffic code.

The defendant, Rafael Almeida, had a couple of run-ins with the law on the day in question. First, he was stopped for running a stop sign. He provided false identification, was cited, and was allowed to continue on his way. Mr. Almeida later was stopped by another officer for what the officer believed to be an illegal execution of a left hand turn when he failed to complete his turn in the left most lane out of the intersection.

The officer questioned a very nervous and trembling Mr. Almeida. The officer noticed that the steering column was damaged with the ignition switch hanging from it. This indicated to the officer that the car might be stolen. Mr. Almeida was unable to produce a driver's license. The officer then asked Mr. Almeida to step out of the car at which time the officer noticed a gun on the floor of the vehicle.

Mr. Almeida was arrested and charged for a number of [misdemeanors](#) and [felonies](#) including felon in possession of a firearm and perhaps most notably under the circumstances the violation of the New Mexico Motor Vehicle Code for the presumed illegal turn.

Mr. Almeida filed a motion to suppress which was denied by the trial court. Consequently, he entered a conditional plea reserving his right to appeal on the issue of the legality of the initial stop. The New Mexico Court of Appeals reversed the trial court's ruling on the suppression motion.

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The Court of Appeals, upon review of the traffic statute in question, found that there is no requirement that a motorist turn into the left-most lane on a left hand turn. The court found that the relevant "section simply does not specify a particular lane that the driver must end up in once the turn is completed." As a result, Mr. Almeida had violated no traffic laws and the officer had no right to stop him.

The Court of Appeals had previously held in *State v. Anaya* that a mistaken belief that a traffic offense has occurred cannot supply the reasonable suspicion necessary for a traffic stop. As such, the stop was illegal and all evidenced discovered after the illegal stop was suppressed. In other words, Mr. Almeida, at least on this occasion, is a very lucky felon.

In this case, there will be those that are taken back by the ruling. However, one might consider the consequences of allowing officer's to stop vehicles or initiate other types of searches and seizures under a mistaken belief in the law. Not only would this encourage ignorance of the law by officers, it would open up significant potential avenues for abuse by officers inclined to engage in illegal search and seizure. Fortunately, the New Mexico Court of Appeals will not go down that road.

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