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COMMENT

UNITED STATES V. LEON: PROLONGED TRAFFIC STOPS AND THE FOURTH AMENDMENT

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INTRODUCTION

Within the United States of America, essential societal functions rely on the discretion of those within positions of authority. Courts, entrusted with the responsibility to shape and define laws, play a crucial role in safeguarding individual rights and upholding justice through the application of legal principles. Similarly, the public relies on law enforcement officers to judiciously apply their discretion in enforcing laws. While discretion is a necessary component, it becomes imperative to establish well-defined limits to prevent its potential abuse and the accrual of excessive power. The court system, as a bastion of justice, incorporates internal restraints on its discretion through foundational documents like the United States Constitution and the intricate system of checks and balances embedded in the government structure. For law enforcement

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officers, the limits on discretion are inherently intertwined with the court system, where the contours of their authority are delineated through grants and limitations established by judicial precedent. It is within this framework that the delicate balance between granting officers the necessary autonomy to carry out their duties and safeguarding against potential abuses of power is maintained.

In November of 2023, the Tenth Circuit Court of Appeals ruled in *United States v. Leon* that while law enforcement officers have discretion, it is limited by caselaw and the United States Constitution.¹ The court held that when reviewing the question of *reasonableness* under the Fourth Amendment, facts presented by a law enforcement officer should be clear and specific and should serve to “operate together to eliminate a sufficient portion of innocent travel.”²

By leaving the discretion to the courts to decide what facts constitute *reasonable* suspicion and what facts lack objectively reasonable suspicion, there exists moderate variation across jurisdictions. This lack of uniformity has created the opportunity for an inter-circuit split ripe for Supreme Court review. The holding in *Leon* follows a broader trend known as the “post-Rodriguez”³ cases while raising questions about Fourth Amendment rights, Supreme Court decisions, and societal implications.⁴

The subsequent sections of this commentary will explore the history, fact patterns, and cases that are most influential in addressing the intersection of Fourth Amendment rights and police deference. Part II will provide an overview of the historical context, specifically addressing what constitutes a lawful duration of detention for a routine traffic stop and examining an officer’s authority to extend the detention under the Fourth Amendment. Following this historical exploration, Part II will transition to a detailed analysis of the majority opinion in the *Leon* case.

Part III will delve into specific areas of interest raised by the *Leon* decision. The three key focal points include: (1) the potential stare decisis effects, specifically how this case might influence the understanding of the

1. *United States v. Leon*, 80 F.4th 1160 (10th Cir. 2023).

2. *Id.* at 1170.

3. *Rodriguez v. United States*, 575 U.S. 348 (2015) (inspiring the “post-Rodriguez” cases).

4. See George L. Blum, Annotation, *Permissibility Under Fourth Amendment of Detention of Motorist by Police, Following Lawful Stop for Traffic Offense, to Investigate Matters Not Related to Offense – State Cases Post Rodriguez v. U.S.*, 40 A.L.R. 7th Art. 5, §§ 13-17 (2019) (discussing the post-Rodriguez courts).

Fourth Amendment’s application to routine traffic stops; (2) an examination of whether courts should consider the findings justifying a “*Rodriguez* moment” as a flexible grant of power or a narrowly defined exception with a high threshold; and (3) an exploration of how the *Leon* decision will directly impact the legal landscape, influencing societal reliance and expectations regarding law enforcement actions.

The Comment will then conclude by synthesizing the key insights and implications drawn from the preceding sections, providing a comprehensive understanding of the *Leon* case’s broader significance in the context of the Fourth Amendment and its application to routine traffic stops.

II. HISTORICAL BACKGROUND

A. *The Fourth Amendment*

The Fourth Amendment of the United States Constitution ensures that citizens shall be free from “unreasonable searches and seizures.”⁵ A routine traffic stop is considered a seizure within the meaning of the Fourth Amendment and should be treated as an investigative detention.⁶ For this reason, traffic stops are limited to the scope of the traffic violation by the protections guaranteed under the Fourth Amendment.⁷

B. *Permissible Duration of Traffic Stops*

A standard traffic stop constitutes a seizure under the purview of the Fourth Amendment.⁸ However, for constitutional examination, it is identified as an investigative detention rather than a custodial arrest.⁹ The *Wood* court emphasized that the short duration between the initial stop and the arrest, coupled with the absence of communication regarding the nature of the detention, did not meet the criteria for considering the respondent “in custody” during that interval.¹⁰

The duration of a traffic stop is measured by a “proverbial clock” that

5. U.S. Const. amend. IV.

6. *United States v. Wood*, 106 F.3d 942, 945 (10th Cir. 1997) (citing *Terry v. Ohio*, 392 U.S. 1).

7. *Id.*

8. *Id.* at 945; see U.S. Const. amend. IV.

9. *Wood*, 106 F.3d at 945.

10. *Id.*

begins when both vehicles have come to a complete stop, and the officer is ready or reasonably should be ready to step outside of the vehicle.¹¹ If the officer initially remains in the vehicle for running plates, the clock begins before the officer exits the vehicle.¹² While there is no specific temporal limitation on a traffic stop, addressing a traffic infraction may last no longer than necessary to effectuate the officer's purpose to stop the violator.¹³ The reasonableness of the totality of the circumstances sets the "permissible" time frame within the proverbial clock.¹⁴

C. Scope of Detention

The time considered reasonable for an ordinary traffic stop is more comparable to that of a *Terry* stop than that of a formal arrest, as the scope of the detention must be tailored to the justification of the traffic stop.¹⁵ A "Terry stop" refers to a brief, limited detention of an individual by law enforcement.¹⁶ The purpose of a *Terry* stop is to allow the officer to investigate the suspicious circumstances that prompted the stop and to ensure the safety of the officer and others.¹⁷ The scope of a *Terry* stop is supposed to be brief and "strictly tied to and justified by the circumstances which rendered its initiation permissible."¹⁸

During the stop, the police officer's standard procedure involves verifying the driver's license, inspecting the vehicle's registration, confirming the owner's proof of insurance, and ensuring the absence of outstanding warrants.¹⁹ So long as the actions taken align with addressing safety concerns related to the stop, the officer remains within the scope of their ordinary investigation.²⁰ Background checks on the driver and

11. Blum, *supra* note 4, at § 3.

12. *Id.*

13. *Id.*

14. *Rodriguez v. United States*, 575 U.S. 348, 358 (2015).

15. *Terry v. Ohio*, 392 U.S. 1, 17 (1968).

16. *Id.* at 10.

17. *Id.* at 27.

18. *Id.* at 19 (quoting *Warden v. Hayden*, 387 U.S. 294, 310 (Fortas, J., concurring)).

19. Blum, *supra* note 4, at §2.

20. *See Terry*, 575 U.S. at 30 ("We merely hold today that where a police officer observes unusual conduct which leads him to reasonably conclude in light of his experience that criminal activity may be afoot and that the persons with whom he is dealing may be armed and presently dangerous, where in the course of investigating this behavior he identifies himself as a policeman and makes reasonable inquiries, and where nothing in the initial stages of the encounter serves to dispel his reasonable fear for his own or others'

passenger or inquiries unrelated to the stop do not extend the traffic stop.²¹ The range of permissible questioning by the officer spans from casual conversation to focused inquiries about the traffic violation committed by the detainee.²² However, if the officer intends to delve into specific matters unrelated to the initial traffic infraction or exceeding the scope of traffic and safety concerns, explicit consent from the driver is required.²³ Absent consent, the officer may proceed with further questioning only if reasonable and articulable suspicion of additional illegal activity exists.²⁴ Maintaining a balance between the limited scope inherent in a *Terry* stop and the necessity to address safety concerns during a routine traffic stop is crucial. Striking this balance ensures that law enforcement actions align with constitutional principles, respecting the rights of individuals while allowing for effective investigation within the bounds of reasonable suspicion.

D. Rodriguez Exception

In the realm of traffic stops, the Supreme Court, through *Rodriguez*, introduces a crucial exception that permits officers to extend a routine stop beyond its initial justification.²⁵ To assess whether the police have exceeded the bounds of an investigative stop, the pivotal question centers on whether they diligently pursued an investigation likely to swiftly confirm or dispel their suspicions, necessitating the detainment of the defendant.²⁶ A notable instance of such extension occurs when an officer, guided by reasonable beliefs, prolongs a traffic stop to investigate another suspected crime that is in progress or imminent. This situation is labeled a “*Rodriguez* moment.”²⁷

A “*Rodriguez* moment” occurs whenever an officer, based on reasonable inferences, develops a new suspicion of a different or new

safety, he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him.”).

21. Blum, *supra* note 4, at §2.

22. *Id.*

23. *Id.*

24. *Id.*

25. *Rodriguez*, 575 U.S. at 355.

26. *United States v. Sharpe*, 470 U.S. 675, 686 (1985).

27. *United States v. Batara-Molina*, 60 F.4th 1251, 1255-56 n.1 (10th Cir. 2023).

offense while completing his original stop.²⁸ It is, in essence, a reset of the clock that begins whenever an officer exits the vehicle. Reasonable suspicions are based on probabilities more than hard certainties; however, the probabilities must be more than an “unparticularized suspicion or hunch.”²⁹ If prolonging the traffic stop is supported by findings or evidence that gave the officer reasonable suspicion, then prolonging the traffic stop to inquire into an investigatory search and seizure is constitutional.³⁰

Facts that support prolonging the detention beyond the scope of the traffic stop’s underlying justification are based on the officer’s findings and are weighed by the totality of the circumstances.³¹ However, the facts still must be specific enough to be more than an “inchoate and unparticularized suspicion or hunch.”³² These findings must give the officer *reasonable* suspicion.³³ The suspicions arising during a traffic stop are weighed by their objective impact on the officer’s judgment and reason to believe another crime is occurring.³⁴

III: THE *LEON* DECISION

Facts

Mr. Luis Alfonso Leon was driving from Phoenix, Arizona, to Minnesota when he was stopped by State Patrol Trooper Shane Gosnell on I-70 in Colorado as he headed to Denver, Colorado, to pick up religious books and possibly stay for an event.³⁵ Mr. Leon was stopped for driving in the left lane while not passing another vehicle, violating Colorado law.³⁶ As Trooper Gosnell approached the truck, he noticed that truck’s license plates were from Minnesota; the interior of the vehicle was cluttered with

28. *See id.* at 1614.

29. *United States v. Simpson*, 609 F.3d 1140, 1153 (10th Cir. 2010).

30. *United States v. Leon*, 80 F.4th 1160, 1165 (10th Cir. 2023).

31. *Simpson*, 609 F.3d at 1146.

32. *Id.* at 1153.

33. *Id.* at 1146-47.

34. *See United States v. Leon*, 80 F.4th 1160, 1165 (10th Cir. 2023) (Stating that “we must consider the totality of the circumstances of each case to see whether the detailing officer has a particularized and objective basis for suspecting wrongdoing[.]” and that “[g]iven the specialized training and experience that law enforcement officers have, we generally defer to their ability to distinguish between innocent and suspicious behavior[.]”).

35. *Id.* at 1163.

36. *Id.*

personal belongings, food waste, and other trash; and there was a single key in the ignition as opposed to a keyring with other keys attached to it.³⁷ Upon Trooper Gosnell's request for Mr. Leon's "license, registration, and stuff," Mr. Leon produced the following documents: an Arizona driver's license and a manila envelope with Mr. Leon's insurance card and expired Minnesota registration.³⁸ Mr. Leon explained that he had recently purchased the truck and produced a transfer of title confirming as much.³⁹ As a result of the circumstances, Trooper Gosnell asked Mr. Leon for permission to search his vehicle; after Mr. Leon declined, Trooper Gosnell used a dog to sniff the exterior which revealed seventy-six pounds of methamphetamine.⁴⁰

Procedural History

Mr. Leon was then subsequently indicted on one count of possession with intent to distribute methamphetamine in violation of federal law.⁴¹ First, Mr. Leon filed a motion to suppress the evidence discovered in his vehicle, which the United States District Court for the District of Colorado denied.⁴² Next, Mr. Leon was indicted again and assigned a new district judge.⁴³ The court denied Mr. Leon's motion to suppress, finding that the evidence found was admissible because Trooper Gosnell had reasonable suspicion to believe Mr. Leon was transporting drugs; subsequently, Mr. Leon pleaded guilty to possessing methamphetamine with intent to distribute.⁴⁴ As part of his conditional plea agreement, Mr. Leon reserved the right to appeal the denial of his motion to suppress.⁴⁵ Lastly, Mr. Leon appealed to the Tenth Circuit Court of Appeals. Mr. Leon challenged the denial of his motion to suppress on the grounds that Trooper Gosnell lacked reasonable suspicion to prolong the stop and investigate the suspected drug trafficking.⁴⁶

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.* at 1164.

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.*

Majority Opinion

The Tenth Circuit Court of Appeals ruled that Trooper Gosnell lacked reasonable suspicion since his findings were insufficient to exclude enough innocent travelers.⁴⁷ Thus, Mr. Leon's motion to suppress was granted.⁴⁸

Objective Analysis

The appellate court's decision to overturn the motion to suppress involved a thorough review of the evidence, considering it in the light most favorable to the United States.⁴⁹ The court accepted the district court's factual findings unless they were clearly erroneous.⁵⁰ Additionally, the appellate court conducted a de novo review of the ultimate question of reasonableness under the Fourth Amendment.⁵¹ The majority's decision was grounded in the constitutional framework of the Fourth Amendment, ensuring freedom from "unreasonable searches and seizures."⁵² It classifies a routine traffic stop as a seizure, designating it as an "investigative detention."⁵³ Furthermore, the court delves into the constitutional parameters governing the duration of a traffic stop, drawing from *Terry*'s principles that tie the stop's length to its investigative mission.⁵⁴ The pivotal question for the court became whether, at the juncture of Officer Gosnell's "*Rodriguez* moment," the factors prompting his suspicion were reasonable or not.⁵⁵

The crucial issue in Trooper Gosnell's encounter was identified as the "*Rodriguez* moment," which undisputedly occurred when he queried Mr. Leon about the car's mileage during the traffic stop.⁵⁶ Hence, the court's examination hinged on whether Trooper Gosnell possessed a reasonable

47. *Id.* at 1163.

48. *Id.* at 1170.

49. *Id.* at 1164 (quoting *United States v. Cortez*, 965 F.3d 827, 833 (10th Cir. 2020)).

50. *Id.*

51. *Id.*

52. *Id.* (quoting U.S. Const. amend. IV).

53. *Id.* at 1164-65 (citing *United States v. Wood*, 106 F.3d 942, 942 (10th Cir. 1997)).

54. *Id.* at 1165.

55. *Id.*

56. *Id.*

suspicion that Mr. Leon was involved in criminal activity when the inquiry about the vehicle's mileage was made.⁵⁷ The court's analysis is based on the "totality of the circumstances" and emphasizes the necessity for the officer to have a "particularized and objective basis."⁵⁸ This standard, as articulated in *Leon*, acknowledges the discretion afforded to officers based on their specialized training and ability to discern between innocent and suspicious conduct.⁵⁹ However, the court asserts that such deference becomes inappropriate "when an officer relies on circumstances incorrigibly free of association with criminal activity."⁶⁰

The findings that Trooper Gosnell relied upon to prove reasonable suspicion (to name a few: the presence of food wrappers, as well as Leon's appearance, nervousness, overly-cooperative behavior, and lack of ownership of the vehicle) which called for further investigation outside of the scope of the original stop were found to be too broad, non-suspicious, lacking in weight, and thus overvalued by the district court.⁶¹ The appellate court worked through the factors relied on by the district court, invalidating each.⁶²

First, the origin of the trip and "the characterization of Arizona and Minnesota as drug hubs . . . add[] nothing to . . . reasonable suspicion[.]"⁶³ Second, while Mr. Leon's travel plans were unusual, they were not unrealistic; also, the court is ordinarily reluctant to deem travel plans as a factor supporting reasonable suspicion "where the plan is simply unusual or strange because it indicates a choice that the typical person, or the officer, would not make."⁶⁴ Third, the district court relied on "inconsistent statements about where he lived."⁶⁵ However, upon further review of video evidence, Mr. Leon never made an inconsistent statement, thus ruling this finding erroneous.⁶⁶ Fourth, the appellate court gives no weight to the

57. *Id.*

58. *Id.* (quoting *United States v. Neff*, 681 F.3d 1134, 1138 (10th Cir. 2012)).

59. *Id.* (quoting *United States v. Frazier*, 30 F.4th 1165, 1174 (10th Cir. 2022)).

60. *Id.*

61. *Id.* at 1164.

62. *Id.* at 1166-69.

63. *Id.* at 1166 (citing *United States v. Guerrero*, 472 F.3d 784, 787-88 (10th Cir. 2007) to explain that "[b]ecause law enforcement officers have offered countless cities as drug source cities and countless others as distribution cities, . . . the probativeness of a particular defendant's route is minimal").

64. *Id.* at 1166 (quoting *United States v. Simpson*, 609 F.3d 1140, 1149 (10th Cir. 2010)).

65. *Id.*

66. *Id.* at 1167.

interior condition of the vehicle, as many innocent travelers have food wrappers and beverage containers in their vehicles on road trips.⁶⁷ Fifth, little weight was given to Mr. Leon's nervousness as most drivers are nervous when stopped.⁶⁸ Further, Mr. Leon did not present any physical manifestations of extreme nervousness (neither visible shaking, nor verbal affirmations of nervousness), and his tendency to over-communicate could simply be a communication style rather than Mr. Leon attempting to "control . . . the conversation" or be "overly cooperative."⁶⁹ Lastly, while the fact that Mr. Leon was unfamiliar with the vehicle's documents, kept them in a folder in his backpack, and drove with a single key might lead one to the conclusion that he was involved in drug trafficking—these facts also reasonably suggest that he was driving a recently-purchased vehicle.⁷⁰

The court concludes that the factors which the district court and the United States cited, while not inconsistent with drug trafficking, are not reasonably indicative of drug trafficking.⁷¹ Although the threshold for reasonable suspicion is low, the combined factors should significantly rule out innocent travel, which in this case, they fail to do.⁷² The court cannot take the "totality of the circumstances" and "metamorphose these facts into reasonable suspicion."⁷³

Subjective Analysis

Initially, one would likely agree with Officer Gosnell's conclusion that there was reasonable suspicion in this case, when taking into account his training and experience. However, it is crucial to recognize that while training and experience are valuable assets, they do not confer a superhuman ability to infallibly detect criminal activity.⁷⁴

It is paramount to resist a simplistic inference that finding contraband necessarily validates the suspicion. Upon a comprehensive examination of the facts, the initial inclination towards supporting the officer's actions becomes challenged. The discovery of seventy-six pounds of

67. *Id.*

68. *Id.*

69. *Id.* at 1168.

70. *Id.* at 1168-69.

71. *Id.* at 1169.

72. *Id.* at 1170.

73. *Id.* (quoting *United States v. Wood*, 106 F.3d 942, 938 (10th Cir. 1997)).

74. *See id.* at 1165 (quoting *United States v. Frazier*, 30 F.4th 1165, 1174 (10th Cir. 2022)).

methamphetamine during the search is undoubtedly impactful, and it prompted a momentary shift in perspective.⁷⁵ The conflict between this inclination and an objective analysis arises from the realization that the mere existence of training and experience cannot alone justify a finding of reasonable suspicion.

One must also acknowledge the objective approach required to scrutinize the facts. Although Officer Gosnell uncovered a substantial amount of methamphetamine, it is imperative to separate the outcome from the process leading up to the search.⁷⁶ The difficulty arises when considering the potential infringement on the Fourth Amendment rights of innocent drivers due to the lack of specific facts supporting a *reasonable* suspicion for the initial stop. This leads to the conclusion that even though the officer was correct in this instance, the court must adhere to constitutional principles and not create an exception based solely on the outcome.

In essence, any quick conclusions based on Officer Gosnell's training and experience encounter tension when confronted with the need for an impartial evaluation of the Fourth Amendment implications.⁷⁷ The challenge lies in navigating between acknowledging the officer's competence and maintaining a rigorous adherence to the constitutional standards that protect the rights of all individuals, even in instances where criminal activity is uncovered.

The court's decision appropriately aligns with constitutional safeguards, particularly those under the Fourth Amendment.⁷⁸ The court's emphasis on the specific facts leading to the search, rather than the outcome of discovering contraband, reinforces the importance of maintaining a balance between law enforcement powers and individual liberties.

The court's discernment in this matter highlights the potential dangers of unchecked authority for law enforcement.⁷⁹ While Officer Gosnell's actions were validated by the discovery of illegal substances in this instance, the broader implications of allowing unchecked discretion

75. *Id.* at 1164.

76. Blum, *supra* note 4, at §4.

77. *Leon*, 80 F.4th at 1167 (“Vasquez v. Lewis, 834 F.3d 1132, 1138 (10th Cir. 2016) (no reasonable suspicion where one cited factor was “blankets and a pillow obscuring items in the back seat”).”)

78. *Id.* at 1164.

79. Thomas B. McAfee, *Setting Us Up for Disaster: The Supreme Court's Decision in Terry v. Ohio*, 12 NEV. L.J. 609, 625 (2012).

become apparent. Granting unbridled power to law enforcement, unrestrained by the requirement of a specific and articulable suspicion, raises concerns about the potential for arbitrary intrusions into the lives of innocent individuals.⁸⁰

While acknowledging that Officer Gosnell's actions were proper in this specific case, it is imperative to recognize the broader implications of unchecked power. Supporting the court's ruling aligns with the principle that constitutional limitations are necessary to ensure that law enforcement authority is exercised judiciously, with due regard for individual rights and protections.⁸¹

IV: IMPLICATIONS OF LEON

Cases like *Leon*'s have much broader implications beyond granting or denying a motion to suppress.⁸² Three critical concepts are demonstrated by this opinion, which will affect law in the future. First is the principle of stare decisis and how the case will impact understanding the Fourth Amendment's application to routine traffic stops. Second, there is a question of whether courts view the findings that justify a "*Rodriguez* moment"—at least functionally—as a flexible grant of power or a narrow exception with a high bar.⁸³ Third, the *Leon* decision directly affects the law and, in turn, creates societal reliance and expectations.⁸⁴

Stare Decisis

Stare decisis refers to the requirement for judges to treat similar cases alike, which means treating past judicial decisions as sources of law.⁸⁵ Courts rely on the principle of stare decisis when granting or prohibiting an officer's ability to use discretion and decide what is constitutional.

80. *Id.* at 612.

81. *See id.* at 625.

82. *See Leon*, 80 F.4th at 1164.

83. *See Rodriguez v. United States*, 575 U.S. 348, 362-63 (2015) (Thomas, J., dissenting) ("Under [the majority's] reasoning, a traffic stop made by a rookie could be executed in a reasonable manner, whereas the same traffic stop made by a knowledgeable, veteran officer *in precisely the same circumstances* might not . . . [and] as if that were not enough, the majority also limits the duration of the stop to the time it takes the officer to complete a narrow category of traffic-based inquiries.") (internal quotations omitted).

84. Nina Varsava, *Precedent, Reliance, and Dobbs*, 136 HARV. L. REV. 1845, 1894-1896 (2023) (discussing the implications of societal reliance).

85. *Id.* at 1848.

Justice Douglas noted, “police officers . . . today have been permitted to effect arrests or searches without warrants only when the facts within their personal knowledge would satisfy the constitutional standard of probable cause.”⁸⁶ However, the Court also grants law enforcement the space to use their discretion, as seen through the “*Rodriguez* moment.”⁸⁷ Thus, courts will use each case decided to shape the next, defining the scope of discretion given to law enforcement officers on routine traffic stops.

Threshold for Discretion

The power given to law enforcement officers to use their discretion is fundamental to do their jobs effectively.⁸⁸ Preliminary threshold requirements for using such discretion are questions for the court today that will affect and shape the amount of discretion authorized by the law. If the threshold for officers to use their discretion is low, an officer can act on mere suspicions and hunches to turn a regular traffic stop into a legal search for many innocent travelers.⁸⁹ Thus, violating an innocent individual’s personal autonomy and privacy leads to distrust in law enforcement.⁹⁰ Alternatively, having the bar set too high takes away an officer’s ability to reasonably do their job efficiently, thus increasing the rate of crime and criminal activity. The scope of functionality set by the courts must balance the two to achieve stability and further societal interest.⁹¹

Societal Expectation

One of the primary purposes of stare decisis “is to make the law stable and predictable[;]” therefore, the court’s decision not only applies to the scope of the law but carries excellent weight on societal implications.⁹² It is a traditional standard deeply rooted in the nation’s history that police officers must be able to use their discretion whenever doing their job. The

86. *Terry v. Ohio*, 392 U.S. 1, 37 (1968).

87. *See Rodriguez*, 575 U.S. 348.

88. *See Tracey Maclin, When the Cure for the Fourth Amendment Is Worse Than the Disease*, 68 S. CAL. L. REV. 1, 39 (1994).

89. *Id.* at 24.

90. *See Jennifer Ison Cooke, Discretionary Warrantless Searches and Seizures and the Fourth Amendment: A Need for Clearer Guidelines*, 53 S.C. L. REV. 641 (2002).

91. *Id.* at 659.

92. Varsava, *supra* note 84, at 1849.

public relies on police officers' exercise of discretion for protection in many situations, namely: catching criminals and disbanding violence. It is understood that this discretion is not legally permitted to be abused, nor is it legally permitted to violate a constitutionally-guaranteed right.⁹³ Instead, the law enforcement officer will enforce and guarantee the law. These understandings turn into expectations. Expectations are used in our daily lives to effectively make decisions and take actions with a good understanding of our legal protections and consequences.⁹⁴ If the societal expectation were to shift to a deep-rooted distrust that law enforcement officers, rather than protecting your rights, were infringing upon them—this would disrupt society.

V. CONCLUSION

In conclusion, the *Leon* case illustrates the delicate balance between granting law enforcement officers the necessary discretion to fulfill their duties and safeguarding against potential abuses of power. The Tenth Circuit Court of Appeals' ruling highlights the importance of clear and specific facts presented by law enforcement officers to justify the prolonging of a routine traffic stop under the Fourth Amendment. The concept of a "*Rodriguez* moment" introduces a flexible exception, allowing officers to extend a stop beyond its initial justification if diligently pursuing an investigation.⁹⁵

Examining the historical background, it is evident that the Fourth Amendment sets forth constitutional principles governing the duration and scope of routine traffic stops. The application of *Terry* principles and the introduction of the *Rodriguez* exception contribute to defining the limits of law enforcement actions during traffic stops. The *Leon* case's objective analysis delves into the court's meticulous examination of Trooper Gosnell's findings, emphasizing the need for specific, articulable suspicion to validate an extended detention.

While recognizing the potential bias rooted in Officer Gosnell's training and experience, the subjective analysis emphasizes the necessity for an impartial evaluation of Fourth Amendment implications. The conflict between inclination and objectivity arises from the recognition that training and experience, while valuable, must not override

93. *Id.*

94. *Id.* at 1849-50.

95. *United States v. Leon*, 80 F.4th 1160, 1165 (10th Cir. 2023).

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constitutional guarantees.

The implications of the *Leon* decision extend beyond a mere motion to suppress, presenting critical considerations for future legal interpretations. Stare decisis, as a guiding principle, shapes the understanding of the Fourth Amendment's application to routine traffic stops. The threshold for discretion remains a central concern, with courts tasked to strike a balance between law enforcement effectiveness and protecting individual rights. Moreover, the decision directly influences societal reliance and expectations on law enforcement officers, emphasizing the need for a stable and predictable legal framework.

In essence, the *Leon* case invites reflection on the broader implications of legal decisions, emphasizing the crucial role of the courts in maintaining a delicate equilibrium between law enforcement powers and safeguarding individual liberties.⁹⁶ The challenge lies in navigating this balance to ensure a just and constitutionally sound application of the law, avoiding arbitrary intrusions while maintaining public trust in law enforcement.

96. *Id.* at 1164-65.