



CMPD POLICE LAW BULLETIN

A Police Legal Newsletter

December 2003

Volume 22, Issue 7

Page 1 of 4

Forward: In this year's Index to the Police Law Bulletin we provide a **Subject Index** for topics in addition to a separate index for **Case Law Summaries**. The Case Law Summaries begin on page 3.

2003 SUBJECT INDEX

City/County Ordinances

- Consumption of Beer and Wine on Sidewalks and Parking Lots **November**

- New Non-consensual Towing and Booting City Ordinance Goes Into Effect September 10, 2003 **Jul/Aug**
 - 1. Towing Vehicle From Private Lots by Private Companies
 - 2. Booting of Vehicles On Private Lots by Private Companies

CMPD Procedures

- Authorization to Act as Agent **May/June**

- DWI Vehicle Seizures: Procedure **November**

- Enforcement in Gated Communities **Jan/Feb**

- Foreign National's Right to Consular Notification **May/June**
 - 1. Summary of Requirements Pertaining to Foreign Nationals
 - 2. FAQs
 - 3. Questions About Who is Responsible for Consular Notification
 - 4. Questions About When Consular Notification Should be Given

- Inside IA **Jul/Aug**

- Miscellaneous Reminders **Mar/Apr**
 - 1. How to Respond to a 10-82 Call (D.V.)
 - 2. Fire Lane Ordinance
 - 3. Drivers License Revocation
 - 4. DWI Vehicle Seizure Cases---Special Court Dates

[Return to top](#)



CMPD POLICE LAW BULLETIN

A Police Legal Newsletter

December 2003

Volume 22, Issue 7

Page 2 of 4

CMPD Procedures (Continued)

- Reminders from the Magistrate: Mar/Apr
 1. Domestic Violence Protection (50B) Orders
 2. Arrest Sheets (Per the Magistrate)
 3. Citations/Arrest (Per the Magistrate)
 4. DWI Vehicle Seizures (Per the Magistrate)
 5. Juvenile Petitions

- Reminder on MEDIC Transports Mar/Apr

- Transporting Officers and Arrest Affidavits Jul/Aug

Criminal Law

- Arresting and Charging Shoplifters Jul/Aug

- Driving While License Revoked: Search Incident to Arrest Jan/Feb

- Legislation Enacted - 2003 Sep/Oct
 1. Motor Vehicle Law
 2. Criminal Law
 3. Weapons
 4. Juvenile Law
 5. Controlled Substance Violation
 6. Domestic Violence
 7. Miscellaneous

- New Law on Order for Arrest Mar/Apr

- Solicitations to Commit a Crime Against Nature (SOLCAN) May/June

- Three Important Changes to N.C. Criminal Law Jul/Aug
 1. Concealed Handgun Permit Reciprocity
 2. Offense of Sexual Battery is Created
 3. Crime of Secret Peeping is Revised

[Return to top](#)



CMPD POLICE LAW BULLETIN

A Police Legal Newsletter

December 2003

Volume 22, Issue 7

Page 3 of 4

Domestic Law

- A Helpful Tool in the Area of Domestic Violence Jul/Aug

Motor Vehicle / Traffic Law

- Level 2 Graduated Drivers License Restriction Jan/Feb
- Passing a Stopped School Bus Jan/Feb
- Public Vehicular Area Statutes Jan/Feb
- Seat Belt Violations----Costs of Court (\$50.00) May/June
- Teen Car Pools – Level 2 Graduated Driver’s License Restrictions November

Public Records

- Employee E-Mail Public Records Requests November

CASE LAW SUMMARIES – 2003 INDEX

Criminal Law and Procedure

- *Domestic Violence/Prior Bad Acts*: Defendant’s prior 50B orders were admissible in a trial where the defendant was charged with an assault with a deadly weapon.
State v. Morgan, 156 N.C. App. 523, 577 S.E.2d 380 (2003). Mar/Apr
- *Criminal Law/Elements/Trespass*: Defendants committed second degree trespass when they refused to leave privately owned property that was open to the public, after they had no legitimate reason to be on the property and were asked to leave.
State v. Marcopolos, 357 N.C. 245, 580 S.E. 2d 691 (2003),
affirming, 154 N.C. App. 581 (2002) November

[Return to top](#)



CMPD POLICE LAW BULLETIN

A Police Legal Newsletter

December 2003

Volume 22, Issue 7

Page 4 of 4

Search and Seizure

- *Fourth Amendment/Search/Consent/Plain View Exigent Circumstances:* Defendant consented to an officer's entry into a hotel room, even though he did not give verbal consent. A limited search of the hotel room before the arrival of a search warrant, was upheld, based on the plain view doctrine and exigent circumstances.
State v. Harper, ___ N.C. App. ___, 582 S.E. 2d 62 (2003) November
- *Fourth Amendment/Unlawful Detention/Confession:* Supreme Court revisited and affirmed the Fourth Amendment rule that a confession obtained by exploitation of an illegal arrest may not be used against a defendant at trial.
Kaupp v. Texas, ___ U.S. ___, 123 S. Ct. 1843 (2003). May/June
- *Fourth Amendment/Warrantless Searches/Search by Private Party:* The 4th Amendment does not protect against searches by private individuals acting in a private capacity if that person conducting the search was not acting as an instrument or agent of the government.
United States v. Jarrett, 338 F.3d 339 (4th Cir. 2003) Jul-Aug

Vehicle Stops

- *Fourth Amendment/Custody/Interrogation:* Defendant ordered out of his vehicle at gunpoint, handcuffed, placed in the back of a patrol car, and questioned by officers, was in custody for purposes of *Miranda* at the time he gave an incriminating statement, even though officers informed him that he was in "secure custody" rather than under arrest.
State v. Johnston, 154 N.C. App. 500, 572 S.E. 2d 438 (2002). Jan/Feb
- *Scope of Search/Automobile Occupant/Incident to Arrest:* Officers are not required to initiate contact with a defendant while he is in the vehicle in order to conduct a search incident to an arrest.
U.S. v. Thornton, 325 F.3d 189 (4th Cir. 2003). Mar/Apr
NOTE: *Certiorari Granted, Opinion Vacated (Nov. 3, 2003)*

[Return to top](#)