

## News Roundup

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**Categories :** [Procedure](#), [Search and Seizure](#), [Uncategorized](#)

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The Court of Appeals released a number of opinions yesterday. Bob Farb will undoubtedly release his inimitable summaries shortly -- to sign up to receive the summaries by email, go [here](#)-- but I wanted to call attention to one case right away, as it should be of interest to officers, prosecutors, and defense lawyers alike. In *State v. Fields*, an officer stopped the defendant on suspicion of DWI after seeing the defendant weave within his lane three times in a mile and a half. The defendant wasn't drunk, but he was carrying drugs, which the officer found after obtaining consent to search the defendant's car. Prior to his trial on drug charges, the defendant moved to suppress, arguing that the officer lacked reasonable suspicion for the initial stop. Although the trial judge disagreed, the Court of Appeals reversed, holding that "defendant's weaving within his lane, standing alone, is insufficient to support a reasonable suspicion that defendant was driving under the influence of alcohol." Of course, weaving can combine with other factors -- such as unusually slow speed, or time of night and proximity to bars -- to yield reasonable suspicion, but weaving alone won't do it. Not necessarily an obvious conclusion, and food for thought.

In other news, the financial crisis continues to squeeze the court system. Governor Perdue's budget proposal, released yesterday, doesn't propose to cut funding for the courts as much as it proposes to cut funding for a number of other things, but some would say that's because the courts are already operating on a skeleton budget. In that vein, check out [this](#) letter regarding potential court closings from Joseph E. Turner, Chief District Court Judge for District 18. Presumably that's not the only district struggling to adapt, either.

Finally, the New York Times has a fascinating article today, available [here](#), about jurors' increasing use of the internet to conduct research during trials. With the rise of the iPhone and other web-enabled devices, every 15 minute break becomes an opportunity for jurors to look into ballistics evidence or battered child syndrome, or to use Google Earth to get an aerial view of the crime scene. Furthermore, some jurors in high-profile trials are apparently posting updates on their Facebook pages and elsewhere, and diligent lawyers are looking for such posts as evidence that the jurors are disobeying the courts' orders. The article talks about a mistrial in a Florida drug case after eight weeks of trial -- what an incredible waste of resources. Maybe judges should be issuing more detailed instructions to jurors about what they can and can't do, in light of emerging technologies. For all I know, judges may be doing that already -- if anyone's seen anything like that, please post a comment.