An Officer's Reasonable Mistake of Law and Recent Court of Appeals Ruling

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The United States Supreme Court in 2014 ruled in Heien v. North Carolina, 135 S. Ct. 530 (affirming State v. Heien, 366 N.C. 271 (2012)), that an officer's objectively reasonable mistake of law in making a stop or arrest is reasonable under the Fourth Amendment. Last week, the North Carolina Court of Appeals ruled in State v. Eldridge (September 20, 2016), that officer's mistake of law when making a stop of a vehicle was not objectively reasonable based on the facts in that case. The Eldridge ruling is the subject of this post.

Reasonable mistake of fact and reasonable mistake of law. Reasonable mistake of law and reasonable mistake of fact are two separate legal theories. The United States Supreme Court and North Carolina appellate courts have long recognized that an officer's objectively reasonable mistake of fact when deciding to make an investigative stop or an arrest may still allow a court to determine that the investigative stop or arrest was reasonable under the Fourth Amendment. Examples include an officer's objectively reasonable mistake of fact about a vehicle driver's identity, State v. Williams, 209 N.C. App. 255 (2011), or the identity of a person to be arrested. Hill v. California, 401 U.S. 797 (1971); State v. Lynch, 94 N.C. App. 330 (1989).

As noted above, the U.S. Supreme Court in 2014 recognized reasonable mistake of law in Heien v. North Carolina. An officer in Heien had stopped a vehicle based on a nonfunctioning brake light. The evidence indicated that although the left brake light was operating, the right light was not. The North Carolina Court of Appeals reviewed the statutory law and ruled that a vehicle was not required to have more than one operating brake light. (The law was later amended in S.L. 2015-31 to clarify that a vehicle must be equipped with two lights). It concluded that because the law had not been violated, the stop was unreasonable under the Fourth Amendment.

Before the North Carolina Supreme Court, the State did not challenge the court of appeals' interpretation of statutory law. Instead, the State contested only the court's determination that the stop was unreasonable. Thus, the issue before the court and later before the United States Supreme Court was whether an officer's mistake of law may nonetheless establish reasonable suspicion to conduct a routine traffic stop. On this issue both courts ruled that an officer's objectively reasonable but mistaken belief that a traffic violation has occurred can provide reasonable suspicion for a stop (there were ambiguities in the law whether a vehicle needed one or two operating rear lights). Applying this standard to the facts in this case, both courts found that the officer's mistake was objectively reasonable and that the vehicle stop did not violate the Fourth Amendment.

State v. Eldridge. An officer noticed that a vehicle registered in Tennessee was being driven by the defendant without an exterior mirror on the driver's side. He was aware that North Carolina law generally requires vehicles to be equipped with an exterior mirror on the driver's side. He contacted his supervisor who confirmed that belief. Neither officer, however, was aware that North Carolina law (G.S. 20-126(b)) does not apply to vehicles registered out of state. The stop of the vehicle led to the discovery of illegal drugs and convictions of the defendant.

The defendant appealed to the N.C. Court of Appeals, which ruled the officer did not have an objectively reasonable mistake of law to justify the vehicle stop. In contrast to the Heien facts, where there were ambiguities in the statute whether one or two rear lights were required, there was no ambiguity in the outside mirror statute, which clearly applied

only to vehicles registered in North Carolina ("registered in this State"). So the officer's mistake of law in Eldridge was objectively unreasonable under Heien, the stop was unconstitutional, and trial court should have granted the defendant's motion to suppress evidence resulting from the traffic stop.

Interestingly, the court noted in dicta that some courts in other jurisdictions applying Heien have additionally required that there be an absence of settled case law interpreting an ambiguous statute at issue for the officer's mistake of law to be considered objectively reasonable. Thus, if a statute was ambiguous but an appellate court had clarified its meaning (presumably before the officer's stop of a vehicle), then an officer's mistake of law would be objectively unreasonable.