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Search and seizure no more

Managing seedy and sticky situations with the law

By Corey Bobco

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Despite the high hopes of the late night crowd at Ken's Donuts, that one guy you know with the dreadlocks, those good NORML folks, and anybody who keeps a bottle of Visine on his person, Prop 19 failed in California, so it's going to be a while before you can safely alter your brain chemistry or carry your contraband across the city, county, or Lone Star State.



(Photo: Aaron Geiser)

If you do plan to pursue those states of consciousness the state deems off-limits and hope to avoid unwanted fines or jail time, it's not a half-baked idea to review your rights, take certain precautionary measures, and develop a game plan in case you get pulled over. To make things easier, UWeekly has provided a list of insider tips on effectively hiding your goods and properly interacting with police officers before and after arrest.

Know Your Rights

If you are pulled over, try not to appear nervous by doing things like getting out of your car, avoiding eye contact with an officer, or lighting up a cigarette: these only add to the cop's suspicions. If you are issued a warning citation by an officer for a traffic violation, you should know that according to the Supreme Court, you are completely free to leave afterwards and are not obliged to answer any more of an officer's questions.

Still, the officer may ask to search your vehicle. According to local attorney Robert L. Keates, who specializes in drug-related arrests, you should always refuse consent to search.

"When officers ask for permission to search, it usually means they don't have an authorized way to search at that moment," explained Keates. "It may not stop them from eventually finding a reason to search, but giving outright consent takes away any arguments you have for an illegal search in court."

According to Cooper, detained drivers should also know that officers' threats to issue "mandatory blood tests" back at the station are largely empty: the only time the cops can force a blood test on an individual without acquiring consent is if there's been a traffic accident or if the police have a search warrant.

Facing Arrest

Nevertheless, according to Keates, in the unlikely event that the police search your vehicle and find something, it's still doubtful you'll face arrest if you're only carrying a small amount of contraband.

"If you are arrested, however, you should know that through accepting a plea bargain, you'll usually get off with just a fine or required class on drug abuse and awareness," explained

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Keates. "If you stay out of trouble and complete the class, the charge will be expunged from the court dockets, and the only thing that will appear on your record is an arrest with no specifics, which makes seeking employment a lot easier."

If you have reason to suspect the cops conducted an unreasonable search and seizure, however, you can ask for a trial by jury and fight the case, though this strategy usually requires considerably more money.

To summarize, until those halcyon days when all sorts of substances are available at your local pharmacy, you should remember five things when driving with contraband: hide your stash well, try to blend in with other cars and drivers, always politely deny officers permission to search your vehicle, don't incriminate yourself, and know that you probably won't end up in prison if you're small time.

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Barry Cooper's Never Get Busted and Never Get Raided DVDs are available at <http://nevergetbusted.com>.

To contact Robert L. Keates, you can visit his website at <http://lawofficeofrobertkeates.com> or call (512) 216-3211 for a free consultation.

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1. used attorney Keates he was great, very reasonable and got all charges againt me dismissed.....i guess he has alot more experience in dealing with this before in Cal.

peter jenkins | 2010-11-11 - 03:34:51 PM (CDT)

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