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**Reasonable Suspicion Doesn’t Mean Beyond a Reasonable Doubt**

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*By Ken Wallentine* with [www.Lexipol.com](http://www.Lexipol.com)

[*United States v. James*](https://law.justia.com/cases/federal/appellate-courts/ca8/22-1222/22-1222-2022-11-10.html), 2022 WL 16845250 (8th Cir. 2022)

Robin Cooper rented a gray Dodge van from Enterprise and loaned the rental car to a man known as “Pacman.” Pacman failed to return it and Cooper reported the van as stolen. An officer made a vehicle theft report and entered the van as stolen in the National Crime Information Center ([NCIC](https://www.ojp.gov/ncjrs/virtual-library/abstracts/national-crime-information-center-ncic-investigative-tool-guide-use)) system, listing an Iowa license plate number and the VIN.

Weeks after the theft, another officer saw the report and recognized the name Pacman and his physical description; the officer identified Pacman as Patrick Derone James. The officer drove to James’s last known address and saw a gray Dodge van with Texas license plates in the driveway. When he checked the Texas registration, he learned the plates belonged on a gray Dodge van with the same VIN as the stolen vehicle. The stolen vehicle report only listed the Iowa plate number. The officer tried to phone Enterprise but could not get a response.

The officer saw the van traveling down the road and initiated [a traffic stop](https://info.lexipol.com/traffic-stop-qa); James was driving. The officer immediately detected a strong odor of marijuana and searched the van, finding marijuana and a loaded Glock handgun with an obliterated serial number. James was charged with possession of a controlled substance and possession of a firearm as a felon. James sought suppression of the evidence, arguing the officer lacked [reasonable suspicion](https://www.law.cornell.edu/wex/reasonable_suspicion) to stop the van. The trial court denied his motion to suppress and he appealed.

At the time the officer initiated the stop, he knew a 2019 gray Dodge Grand Caravan with Iowa license plates was listed on the NCIC stolen vehicles report after the renter reported the vehicle stolen and named “Pacman” as the suspect. The officer knew Pacman was a commonly known alias of James, who had a prior criminal history. The officer saw the van in James’s driveway matching the description of the stolen vehicle and noted the Texas license plate attached to the vehicle was registered to the same VIN as the Iowa license plate on the stolen vehicle report. The appellate court held that these facts provided reasonable suspicion for the stop.

James argued, “The stop of the vehicle was improper because the officer made a mistake of law that the vehicle was stolen.” James claimed the officer had no evidence “that James had any intent to deprive Cooper or Enterprise of the vehicle.” While intent to deprive may be an element of the crime the prosecution must show in trial to secure a conviction for vehicle theft, the court held the officer need not check the same box for purposes of [reasonable suspicion](https://www.lexipol.com/resources/blog/reasonable-suspicion-and-the-crossbow/). Reasonable suspicion to initiate a [*Terry* stop](https://www.law.cornell.edu/wex/terry_stop/stop_and_frisk), like probable cause to arrest or search, “does not require officers to establish the elements of the offense with a level of certainty as though trial level proof must exist at the side of the road.” Thus, the stop was proper and the marijuana and illegal gun were properly seized.

A person posing for the camera

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