

# RECENT THIRD CIRCUIT AND SUPREME COURT CASES

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## SUPREME COURT

### I. Terry Stops / Traffic Stops / Dog Sniffs / Prolonged Detention

*Rodriguez v. United States*, --- S. Ct. ---, 2015 U.S. LEXIS 2807 (Apr. 21, 2015).

A police stop exceeding the time necessary to handle the matter for which the stop was made violates the Fourth Amendment. This means that a seizure justified only by a police-observed traffic violation becomes unlawful if the stop is prolonged beyond the time reasonably required to complete the mission of issuing a traffic citation for the violation. The only way the stop can be prolonged beyond the time reasonably necessary to issue a traffic citation is where the officers develop a reasonable suspicion of additional criminality.

Police may still order everyone out of the car and exercise command of the scene. They may also run license, registration, and warrant checks, because they are tied to the traffic justification for the stop. Tasks unrelated to the justification for the stop, such as dog sniffs or questions designed to investigate suspected criminality, may also be conducted, but only to the extent they are done concurrently with the traffic tasks. However, officers may not prolong the overall length of the stop to conduct these “unrelated” tasks.

The Supreme Court remanded Rodriguez’s case for the lower courts to determine whether the officers developed a reasonable suspicion to justify detaining him beyond completion of the traffic violation investigation.

### II. Cert. Granted - Controlled Substance Analogue / Sufficiency / Knowledge

*McFadden v. United States*, No. 14-378 (Cert. Granted Jan. 16, 2015, argued Apr. 21, 2015).

ISSUE: Whether, to convict a defendant of distribution of a controlled substance analogue – a substance with a chemical structure that is “substantially similar” to a Schedule I or Schedule II drug and has a “substantially similar” effect on the user – the government must prove that the defendant knew the substance constituted a controlled substance analogue.

## THIRD CIRCUIT

### I. Supervised Release Revocation / Jurisdiction / Warrant or Summons

*United States v. Merlino*, --- F.3d ---, 2015 U.S. App. LEXIS 7404 (3d Cir. May 5, 2015).

18 U.S.C. § 3583(i) is a jurisdictional statute, requiring that a warrant or summons must issue before the expiration of supervised release in order for a District Court to conduct revocation proceedings. Neither the probation officer's timely submission of the revocation petition to the judge, nor the judge's execution of the petition, is sufficient. A proper summons or warrant must issue from the Clerk's office before expiration, or the District Court lacks jurisdiction to revoke the defendant's supervised release. Section 3583(i) is NOT subject to equitable tolling.

Merlino's term of supervised release was set to expire on September 6, 2014. On September 2, 2014, the District Court ordered the issuance of a summons directing him to appear for a revocation hearing. Due to scheduling conflicts with defense counsel, a date for a hearing was not agreed upon until at least September 11, 2014. On September 16, the District Court issued a "notice of hearing" summoning Merlino to appear for a revocation hearing on October 10, 2014. On these facts, the Third Circuit held that the District Court lacked jurisdiction to revoke Merlino's supervised release because the summons or warrant did not issue until ten days after the supervised release term.