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CRIMINAL LAW CORNER

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Criminal Law Corner is a newsletter published monthly by Probst Law Office, LLC, which contains relevant information concerning criminal, traffic and DUI/OVI matters, the specialty practice areas of the firm. Michael S. Probst is a criminal defense trial lawyer with more than 10 years of experience.

ILLEGAL DRUG USE INCREASING IN U.S.

The Justice Department's National Drug Intelligence Center recently reported that Mexican drug cartels are responsible for an increase in the availability of illegal drugs in the United States, and they are the single greatest trafficking threat in this country. The Justice Department also reports that more heroin, methamphetamine and marijuana flow across the border today than ever have before. Cocaine, however, has been in short supply in the United States since 2007, due in part to a decrease in Columbian production and an increase in worldwide demand.

Heroin, especially, is having a tremendous impact in Columbus and its surrounding communities. Marysville, Ohio, in Union County, is currently experiencing a heroin epidemic that the police force can't control. Many people younger than 18 are hooked on the drug, which they purchase from Mexican gang members on the west side of Columbus. Gang members are intelligent enough to know not to venture into Union County with illegal drugs for fear of harsher punishment. Nevertheless, many illegal drugs flow regularly along U.S. Route 33, which passes by Marysville.

VEHICLE "SEARCHES" BY POLICE CANINES

The law in Ohio very clearly provides that police do not need probable cause or a search warrant to run a canine around the outside of your vehicle to sniff for drugs during a routine traffic stop. In fact, police do not need any reason whatsoever to bring a drug dog out on a traffic stop. However, police officers can't detain a vehicle during a traffic stop beyond the initial purpose of the stop without reasonable suspicion. Also, if the canine is not on the scene when the traffic stop is initiated, police must get the canine there within a reasonable time.

In many small communities with drug problems like Marysville, traffic stops and drug searches are routine. Many of these canine drug "searches" are also borderline unconstitutional. Courts will sometimes turn a blind eye to these unconstitutional searches in order to rid a community of drugs.



Monthly Tip: Know your rights. You do not have to consent to a request to search your car. Police need probable cause to search your car. The smell of drugs like marijuana creates probable cause for a search.