

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MEMORANDUM and ORDER

DARRELL L. LOGAN,

06-CR-064-S

Defendant.

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Defendant Darrell Logan was charged in an indictment with six counts of distribution of crack cocaine. On June 15, 2006 the defendant pled guilty to Count 6 of the indictment pursuant to a written plea agreement.

Defendant has moved to suppress evidence. On June 8, 2006 the Honorable Stephen L. Crocker, United States Magistrate Judge, recommended that defendant's motion to suppress evidence be denied.

On June 19, 2006 defendant filed objections to the report and recommendation. He does not object to the proposed findings of fact but objects to the conclusion of law that his detention was not unreasonable. He also objects to the Magistrate Judge's conclusion that his strip search was legal.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court reviews the report and recommendation and finds as follows. The Court adopts the findings of fact found by the Magistrate Judge.

# MEMORANDUM

Defendant contends that he was unreasonably detained beyond the time required for the issuance of citations. The police officer stopped the defendant for going through a stop sign. As he approached the vehicle the officer smelled the aroma of burnt marijuana. At this point it would have been constitutionally reasonable for the officer to arrest petitioner. Instead he began writing citations for traffic offenses and called for a canine unit to inspect the defendant's car.

Where, as here, there is reasonable suspicion that contraband will be found in the car, the police may lengthen the stop a short time before it becomes unreasonable. Illinois v. Cabales, 543 U.S. 405, 408 (2005). The delay between the stop and the arrival of the canine unit was seven minutes. Within ten more minutes, the dog had alerted, the drugs recovered and the defendant arrested. A delay this short did not transform this stop into an unreasonable one. United States v. Martin, 422 F.3d 597, 692 (7<sup>th</sup> Cir. 2005). The Court adopts the Magistrate Judge's conclusion that the defendant was not unreasonably detained.

Defendant challenges the reasonableness of his strip search at the jail. Reasonableness is determined by balancing the government's need to conduct the search against the invasion of the defendant's personal interests. Relevant facts to be considered are the scope of the intrusion, the manner in which it was conducted, the justification for initiating it and the place in which it was

conducted. United States v. Brack, 188 F.3d 748, 758 97<sup>th</sup> Cir. 1999).

Because defendant had concealed crack cocaine and marijuana in his car and on his person, it was reasonable for the police to suspect that he might have hidden drugs in his body cavities. There is no evidence that the manner or place of the search were more invasive than necessary. The strip search of the defendant at the jail was not unreasonable. See Mary Beth G. V. City of Chicago, 723 F.2d 1263, 1272-73 7<sup>th</sup> Cir. 1983). The Court adopts the Magistrate Judge's conclusion that the search was legal.

The Court adopts the Magistrate Judge's recommendation that the motion to suppress the evidence should be denied. Defendant's motion to suppress evidence will be denied.

ORDER

IT IS ORDERED that the recommendation of the Magistrate Judge to deny defendant's motion to suppress evidence is ADOPTED.

IT IS FURTHER ORDERED that defendant's motion to suppress evidence is DENIED.

Entered this 20<sup>th</sup> day of June, 2006.

BY THE COURT:

s/

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JOHN C. SHABAZ  
District Judge