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SUPERIOR COURT OF NEW JERSEY
MERCER COUNTY
LAW DIVISION, CRIMINAL PART
IND. 25-04-0276
PROS. FILE MER-24-1611

STATE OF NEW JERSEY,

Plaintiff,

v.

GEORGE V. JOHNSON AND
RYAN MONTGOMERY,

Defendants.

Decided: December 19, 2025

MATTHEW S. SAMEL, ESQ., assistant prosecutor, attorney for State of New Jersey (Mercer County Prosecutor's Office).

JOHN S. FURLONG, ESQ., attorney for George Johnson, (Furlong and Krasny).

ROBERT B. ROGERS, ESQ., attorney for Ryan Montgomery.

OSTRER, J.A.D. (retired and temporarily assigned on recall):

Defendant George Johnson moves to suppress a handgun. He contends that police unlawfully detained him during a motor vehicle stop and then unlawfully seized his truck. He argues that those alleged constitutional violations tainted the

subsequent warrant-based search of his truck and seizure of a handgun. Defendant Ryan Montgomery, a passenger, joins in the motion. An indictment, No. 25-04-00276, charges both defendants with various weapons-related offenses, and charges Mr. Johnson with assaulting a police officer and resisting arrest.

The court denies the motion. Police stopped Mr. Johnson's truck because he ran a red light and crossed the double-yellow line. Although police then prolonged the stop beyond the time necessary to complete the traffic mission, the "circumstances 'g[a]ve rise to suspicions unrelated to the traffic offense,'" which authorized the officer to 'broaden [the] inquiry and satisfy those suspicions.'" State v. Dickey, 152 N.J. 468, 480 (1998) (quoting United States v. Johnson, 58 F.3d 356, 357-58 (8th Cir. 1995)). During the justifiably prolonged stop, police subjected the truck to a canine sniff. The canine alerted to the odor of gunshot residue while outside the truck. That alert and the totality of circumstances generated probable cause to believe the truck contained a contraband firearm. That justified seizing the truck. Thus, no constitutional violation tainted the search that police later conducted pursuant to a warrant.

I.

The principal witnesses at the testimonial hearing were Trenton Police Patrol Officer Michael Manning, who conducted the motor vehicle stop and led the on-the-scene investigation that followed; and Trenton Police Detective and canine officer

Robert Batestrieri, who described the steps leading to the canine's alert to suspected gunshot residue. The State also introduced into evidence body-worn-camera video of the motor vehicle stop and the canine sniff and other exhibits. Both officers were credible. They did not appear to dissemble. Ofcr. Manning, who had three-and-a-half years of experience on the police force when he testified, freely admitted when his memory failed him. He answered questions thoughtfully and deliberately. Det. Balestrieri confidently described his canine's training and typical behaviors.

Officer Manning stopped defendant in the pre-dawn hours of May 18, 2024, after observing him cross the double yellow line while traveling northbound on Pennington Avenue in Trenton and then drive through a red light at the Calhoun Street intersection. He activated his body worn camera and evidently removed it from his police vest and raised it to capture a view of the truck in front of him. He narrated the motor vehicle violations, stating the truck was "all over the road," "all over the center line" and "blowing the red light." At 4:54:38 a.m., the truck appeared to be returning to the right side of the double-yellow line after having crossed it. The red-light violation that followed was clearly visible on the recording. See Exh. S-4 Evid. (video); Exh. S-7 Evid. (photo of Pennington Avenue and Calhoun Street).

Officer Manning accelerated to shorten the distance between him and defendants. He activated his siren at 4:54:51 a.m., and defendants came to a stop six seconds after that.

Officer Manning's interest went beyond motor vehicle enforcement. About two-and-a-half hours earlier, his sergeant had conveyed information received from the New Jersey State Police. The sergeant said an individual reportedly saw the driver of a black Ford truck brandish a handgun in a verbal altercation behind a place called Weedman's Joint. The State Police considered the witness a "documented confidential source." Notably, Ofcr. Manning testified that there had been numerous fights and shootings in the area of Weedman's Joint. He had been called to respond to calls for service and conducted investigations there in the past.

Work on a separate investigation prevented Ofcr. Manning from following up on his sergeant's information until after 4:00 a.m. He saw no sign of the truck near Weedman's Joint. So, he drove to the 100 block of East Hanover Street nearby, where, in his experience, Weedman's Joint customers sometimes attended after-hours parties. See Exh. S-3 Evid. (street map). He spotted a parked, unoccupied black Ford F-150 with Texas tag numbers that matched those in the earlier report. He waited almost an hour, until two people entered the truck. He then followed it until he observed the suspected motor vehicle violations.

Once the truck stopped, Ofcr. Manning approached Mr. Johnson, the driver, while his partner, Ofcr. Herrera, approached Mr. Montgomery, the front-seat passenger. The window was down. Mr. Johnson gave Ofcr. Manning his driver's license but he could not produce proof of insurance or registration. He told Ofcr.

Manning the truck was a rental vehicle, but he could not produce a rental agreement upon the officer's request. He produced a document that Ofcr. Manning said was a receipt, not the rental agreement.

Mr. Johnson spoke slowly. At times, he appeared to slur his words. He asserted that Ofcr. Manning knew who he was and asked, "Why are you doing this to me." The officer responded, "What do you want me to do? You blew a red light right in front of me." The officer said he needed "to check everything out."

Mr. Johnson said, "I want to get Wendy's," and asked the officer if he would escort him so he could get there quickly. Mr. Johnson evidently thought the restaurant closed at 5:00 a.m. Ofcr. Manning said that the restaurant already had closed and would reopen at 6:00 a.m.

Ofcr. Manning walked to the passenger side of the truck, where Ofcr. Herrera handed him what appeared to be Mr. Montgomery's driver's license, and then, at about 4:58 a.m., Ofcr. Manning returned to his patrol car to check out the two men's driver's license information on the on-board computer. Roughly five minutes later, he asked a dispatcher to run warrants for him.

After returning to the truck, at 5:01:56, Ofcr. Manning asked Mr. Johnson "to hop out of the car real quick." Mr. Johnson opened the door and left it open, keeping his hands up. Ofcr. Manning pat-frisked Mr. Johnson and then asked him to stand

at the rear of the truck. It was almost 5:03 a.m. By this time, backup officers had arrived.

Ofcr. Manning then questioned Mr. Johnson. He asked where Mr. Johnson worked – he said he worked with fire extinguishers; if he had anything to drink – he said he hadn't; where he was headed – he said "I live right there" and he was going home (not Wendy's or another restaurant); where he got the yellow bracelet on his right wrist – his answer was unintelligible but he said he had come from a baby shower for his own child, prompting a brief discussion of the baby's name; and who was his passenger – he said Mr. Montgomery was his brother.

Mr. Johnson then inquired about the purpose of the stop, asking, "What's going on?" Ofcr. Manning testified that he believed Mr. Johnson's demeanor had changed. Mr. Johnson's impatience was evident on the video. Ofcr. Manning answered that he asked him to get out of the truck because he was "all over the road." Mr. Johnson again asserted he had not been drinking. The officer asked Mr. Johnson to "hang out here with my partner . . . [and] we'll get you out of here."

One of the officers who arrived as back-up remained with Mr. Johnson while Ofcr. Manning approached Mr. Montgomery, who was still seated in the truck. It was after 5:04 a.m. Asked if Mr. Johnson was his brother or a friend, Mr. Montgomery identified Mr. Johnson as his cousin. He identified the place they were coming from, but it was unintelligible on the video and did not sound like

Weedman's Joint. He mentioned "chilling with some girls." He said they were headed to get food at Wendy's or a place on Route 1. Ofcr. Manning told Mr. Montgomery that Mr. Johnson seemed "really nervous."

Ofcr. Manning then returned to Mr. Johnson. At 5:05:33 a.m., the officer asked if there were "drugs, hand grenades or rifles" in the car. Mr. Johnson responded, "Can you see anything?" Ofcr. Manning responded, "That really wasn't my question." Mr. Johnson became increasingly impatient and irritated. He asked, "Can I go home? Can I go home now? Everything is being recorded."

Ofcr. Manning explained that he was conducting an investigation of a motor vehicle stop, Mr. Johnson and Mr. Montgomery appeared "super nervous," and Mr. Johnson's response to the question about weapons – he said he "want[ed] to get out of here" – only furthered the officer's suspicion. The officer asked again about the contents of the truck. Mr. Johnson asked, "What's the question that you're asking?" The officer asked more pointedly if there was anything illegal in the car. Mr. Johnson again evaded the question, becoming increasingly agitated. He said, "Why are you asking me questions like that? Is this a [sic] illegal stop? What have I done?" And then he said, "There's nothing in the car illegal."

At 5:06:51 a.m., Ofcr. Manning asked, "Do you mind if I take a quick look [in the truck] and get you out of here?" Mr. Johnson did not consent. He asked the officer to step closer to the truck's tailgate, evidently to come within the range of the

rear camera on the truck. And at 5:07:48 a.m., Mr. Johnson said, "I'm not answering no more questions."

Ofcr. Manning returned to Mr. Montgomery, who appeared relaxed and was viewing his phone. The officer asked him why Mr. Johnson was so nervous and "freaking out back there." Mr. Montgomery denied that Mr. Johnson was freaking out and stated, "I can hear him." He also denied that he had anything illegal on his person.

Ofcr. Manning stepped away to respond to a dispatcher, who reported that Johnson had a warrant. At 5:10:12 a.m., the officer asked the dispatcher if any surrounding jurisdictions had a canine unit working. After 5:11 a.m., he returned to his patrol car and announced he was about to shut down his body worn camera.

The second body worn camera video began over ten minutes later.[1] At 5:21:24 a.m., Ofcr. Manning informed Mr. Montgomery that they were waiting for the canine to arrive.

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[1] The court infers that Ofcr. Manning remained in his patrol car for that interval. An officer generally must activate a body worn camera "whenever the officer is responding to a call for service . . . or investigative encounter between an officer and a member of the public" and "[t]he body worn camera shall remain activated until the encounter has fully concluded and the officer leaves the scene." N.J.S.A. 40A:14-118.5(c)(1). An officer's unjustified deactivation of a body worn camera triggers "a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured." N.J.S.A. 40A:14-118.5(q)(2). The rebuttable presumption applies to suppression hearings. State v. Jones, 475 N.J. Super. 520, 530-35 (App. Div. 2023). It is unclear why Ofcr. Manning deactivated

Mr. Johnson complained that he was "pulled over for no reason." At 5:22 a.m., Ofcr. Manning decided to restrain Mr. Johnson in handcuffs because he was "moving around just a little too much." Returning to the passenger-side window, he asked Mr. Montgomery if he would mind hopping out of the truck. The officer opened the door and guided him out of the truck, with his hands raised. Ofcr. Manning then pat-frisked him, and assured him he was not under arrest as he placed him in handcuffs. It was 5:24 a.m.

A minute later, Mr. Johnson complained that his fingernail was injured by the officer who had been monitoring him. As the stop wore on, Mr. Johnson became more vociferous about his alleged finger injury. At one point, Ofcr. Manning asked Mr. Johnson if he wanted to go to the hospital after the investigation was completed. Ofcr. Manning paced around the scene. Mr. Montgomery asked why they were waiting.

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his body-worn camera for roughly ten minutes before "the encounter ha[d] fully concluded" and he had left the scene. Compare N.J.S.A. 40A:14-118.5(c)(2) (stating grounds for deactivating a body-worn camera). Perhaps, he was discussing his "criminal investigation strategy and planning" with a superior officer. See N.J.S.A. 40A:14-118.5(c)(2)(c). But the record is silent and the court makes no finding. In this court's view, the State would bear the burden to justify the deactivation because it has greater access to evidence on the point. See J.E. ex rel. G.E. v. State, 131 N.J. 552, 569-70 (1993) (discussing general principles on allocation of burden). But a defendant must first raise the issue to prompt the State to produce evidence on the issue. Defendant did not do so here. Presumably, defendant had no reasonable basis to assert that exculpatory evidence was destroyed or not captured during that roughly ten-minute interval.

At almost 5:38 a.m., Ofcr. Manning remembered that he needed to complete an ROR form for Mr. Johnson's outstanding ACS warrant. He located the form and completed it a few minutes later.

Just over an hour after the stop began, Detective Balestrieri arrived with his canine, Vita. The canine was trained to detect the odor of gunshot residue and narcotics. Vita and the detective both received certifications after extensive initial training, and they were up to date on evaluations and monthly training. The detective had been assigned to Vita since 2022. The canine accompanied him virtually every day.

As Detective Balestrieri explained, Vita is trained to get as close as possible to the source of a target odor, freeze her body and point her nose at the perceived source. The court will call this Vita's "trained alert." But before Vita does that, Vita exhibits behaviors – recognizable to the detective – when she first perceives her target odor. As Det. Balestrieri testified, these behaviors include deep breathing and "head snaps." The court will call such behaviors Vita's "preliminary alert." Although this preliminary alert occurs when Vita detects the odor she is trained to detect but has not yet isolated its source, there was no showing that Vita is trained to exhibit those behaviors.[2]

[2] The court recognizes that other courts have used a different nomenclature to describe canine behaviors at various stages of a canine sniff. See e.g., United States v. Holleman, 743 F.3d 1152, 1156 (8th Cir. 2014) (distinguishing between "alert"

After arriving on the scene, the detective walked Vita to the front of the truck on the passenger side and commanded her to sit, as seen from his body-worn camera footage. Exh. S-9 Evid. (video). Then, the detective commanded Vita to search. Vita walked clockwise past the open passenger door, around the rear and then, with no hesitation visible to the court, leapt onto the driver's seat through the open driver's door. The dog exhibited no changes in behavior that were visible on the video to this judge's untrained eye. Yet, Det. Balestrieri testified that Vita detected one of her target odors before she entered the truck. This was a preliminary alert. On Det. Balestrieri's body-worn-camera video, while Vita explored the truck's interior, he narrated that Vita "immediately caught an odor outside the vehicle."

Although Vita did not exhibit behavioral changes this court could detect, the detective persuaded the court, by the slightest preponderance of the evidence, that Vita, while outside the vehicle, detected an odor emanating from inside the vehicle. The detective amassed extensive experience observing Vita. He credibly testified he could detect such a subtle change in her behavior. Also, notably, Vita did not

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and "indication"); United States v. Parada, 577 F.3d 1275, 1282 (10th Cir. 2009) (citing United States v. Forbes, 528 F.3d 1273, 1277 (10th Cir. 2008))(distinguishing between "general alert or a final indication"); United States v. Wilson, 995 F. Supp. 2d 455, 474 (W.D.N.C. 2014) (distinguishing between "casting" and "alert"); State v. Ricks, 539 P.3d 190, 193 n.1 (Idaho Ct. App. 2023) (distinguishing between "general alert" and "final indication"); Moore v. Commonwealth, 919 S.E.2d 428, 432 (Va. Ct. App. 2025) (distinguishing between "nontrained behavioral changes" and "final response").

leap into the truck when she first passed the passenger side door. Had she been trained to enter the truck to search for the target odor without a preliminary alert – or if the detective encouraged Vita to enter the truck without a preliminary alert – then Vita presumably would have entered the truck through the first door she passed, which was the open passenger door. Instead, she bypassed it. The court infers that something different happened outside the driver's side door that prompted Vita to enter the truck. The court credits the detective's testimony that a preliminary alert preceded Vita's leap into the truck on the driver's side.

Once in the truck, Vita sniffed the center console; jumped into the back seat; sniffed the center console; jumped into the front passenger seat; sniffed the glove box door; sniffed the center console; and put her front paws on the center console. The detective surmised that Vita had lost the odor and guided her out of the truck and toward the front driver's side fender, before repeating the search of the driver's side.

The detective again led Vita back toward the driver's door. The detective explained – and the court finds – that she again picked up the odor outside the truck and followed it in; but then she quickly lost the odor. She stood on the driver's seat and barked. The detective led her out of the truck.

The detective walked Vita around the rear of the truck toward the open passenger door. Vita put her paws on the entrance to the passenger door but then

she exited. The detective guided Vita back around the front toward the driver's door again, and she leapt into the truck. She soon gave a trained alert, placing and holding her nose on the center console. She froze there for a few seconds. Detective Balestrieri considered that Vita's "final indication." He led Vita out of the truck and rewarded her with a toy. Roughly three minutes elapsed since the canine sniff began.

After the detective reported the canine's positive alert, Ofcr. Manning conveyed that finding to defendants. He also asked Mr. Johnson for the key to the truck. He said he didn't have it, and it was in the vehicle. Ofcr. Manning informed them that he was going to impound the truck and apply for a search warrant, but they were free to leave. Ofcr. Manning informed Mr. Johnson of his court date, but he refused to sign the bail form. Shortly after, Ofcr. Manning located the key and secured the truck by rolling up the windows and locking the doors. At about 6:01 a.m., an officer removed Mr. Montgomery's handcuffs. About a minute later, Ofcr. Manning removed Mr. Johnson's handcuffs.

Mr. Montgomery left the area, but Mr. Johnson chose to remain. He refused to sign the bail form and vociferously protested, as he walked in the street and near the truck. Ofcr. Manning told Mr. Johnson he needed to leave the scene. He refused, and when Ofcr. Manning approached to arrest him, he pulled away. He was arrested on the scene for obstruction and resisting arrest. Ofcr. Manning also issued

summonses for motor vehicle violations, including the red-light violation, and failure to produce a motor vehicle registration and proof of insurance.

After the truck was impounded, police obtained a search warrant. The search that followed uncovered a handgun and loaded magazine inside a compartment in the glove box.

II.

The police intruded into defendants' privacy in six significant ways: (1) police stopped defendants for suspected motor vehicle violations; (2) police removed defendants from the truck; (3) the police prolonged the stop beyond the time needed to complete the traffic mission as they investigated their suspicion that defendants possessed a firearm in the car; (4) police subjected the truck to an exterior canine sniff; (5) the canine entered the truck; and (6) police seized the truck.[3] The State met its burden to prove, by a preponderance of the evidence, that each intrusion was constitutional. See State v. Alessi, 240 N.J. 501, 518 (2020) (stating standard of proof).

[3] The police also pat-frisked the defendants. But the court need not address that intrusion because the pat-frisks did not lead to the discovery of any evidence that incriminated them or contributed to probable cause to seize and later search the truck. In other words, the pat-frisks did not bear fruit, and only "[e]vidence obtained as the fruit of an unlawful search or seizure must be suppressed." State v. Smith, 155 N.J. 83, 100 (1998). Put another way, the police did not exploit any findings from the pat-frisks, and "[t]he aim of the exclusionary rule is to prevent exploitation of unlawful means by police." State v. Shaw, 237 N.J. 588, 615 (2019).

(1)

Before police may conduct a motor vehicle stop, thereby seizing the person in the vehicle, the officer "ordinarily . . . must have reasonable and articulable suspicion that the driver of [the] vehicle, or its occupants, is committing a motor-vehicle violation or a criminal or disorderly persons offense." State v. Scriven, 226 N.J. 20, 33-34 (2016). But "on a motion to suppress, 'the State need prove only that the police lawfully stopped the car, not that it could convict the driver of the motor-vehicle offense.'" State v. Heisler, 422 N.J. Super. 399, 413 (App. Div. 2011) (quoting State v. Williamson, 138 N.J. 302, 304 (1994)).

The court is persuaded that the police had reasonable and articulable suspicion that the driver of the Ford truck violated the motor vehicle law by running the red light at Calhoun Street. See N.J.S.A. 39:4-81 (stating that drivers "shall obey the instructions of any official traffic control device . . . unless otherwise directed by a traffic or police officer"). The violation is clearly visible on the video.

The court need not decide whether the officer also had reasonable and articulable suspicion that the driver, by crossing the double-yellow line, also failed to maintain his lane, see N.J.S.A. 39:4-88(a) (stating "[a] vehicle shall be driven as nearly as practicable entirely within a single lane"), or crossed a "No Passing" line, see N.J.S.A. 39:4-86 (stating that, except "when the lane . . . is obstructed or impassable" or an officer otherwise instructs, "the driver of a vehicle shall not cross

an appropriately marked "No Passing" line"). One motor vehicle violation suffices to support the stop.[4]

It matters not that the tip about a person brandishing a firearm may have motivated Ofcr. Manning to follow defendants and to conduct a motor vehicle stop (although the danger a driver creates by running a red light should, by itself, motivate an officer to intervene). Cf. Defendant's Post-Hearing Brief at 8 (asserting that "the stop and investigation [were] plainly related to the tip"). Barring claims of discriminatory enforcement, "courts will not inquire into the motivation of a police officer whose stop of an automobile is based upon a traffic violation committed in his presence." State v. Kennedy, 247 N.J. Super. 21, 28-29 (App. Div. 1991). "[T]hat the justification for the stop was pretextual . . . [is] irrelevant." Ibid. That is because, "[t]he objective reasonableness of police officers' actions — not their

[4] Establishing reasonable and articulable suspicion of a failure-to-maintain-lane violation "requires a fact-specific inquiry into the particular circumstances present during the incident in question in order to determine whether the driver could reasonably be expected to maintain a straight course at that time in that vehicle on that roadway." State v. Boone, 479 N.J. Super. 193, 208 (App. Div. 2024) (quoting State v. Woodruff, 403 N.J. Super. 620, 628 (Law Div. 2008)). Similarly, crossing a "No Passing" line may not violate the law if the driver was avoiding an obstacle, which may consist of an exceedingly slow-moving vehicle that impeded the traffic flow. Cruz v. Trotta, 363 N.J. Super. 353, 361 (App. Div. 2003). Nonetheless, the body worn camera video does not show any obstacles or impediments that would have prevented Mr. Johnson from maintaining his lane and avoiding the double-yellow line.

subjective intentions — is the central focus of federal and New Jersey search-and-seizure jurisprudence." State v. Bacome, 228 N.J. 94, 103 (2017).

(2)

The officers were also permitted to order defendants to exit the truck. No doubt, "[o]rdering a person out of a car constitutes a seizure under the Fourth Amendment." State v. Smith, 134 N.J. 599, 609 (1994). Yet, the United States Supreme Court and our State Supreme Court agree that police officers may routinely order a lawfully stopped driver to exit a car or truck without showing that specific circumstances – such as threats to officer safety – justified the order. Pennsylvania v. Mimms, 434 U.S. 106, 110-11 (1977); Smith, 134 N.J. at 618 (following Mimms under the State Constitution as pertains to drivers). The court rejects defendant's contention that it must assess an officer's exit command's "reasonableness." Defendant's Post-Hearing Brief at 8. Mimms established a "per se rule." Smith, 134 N.J. at 618. Also, "[a]s a corollary and reasonable safety measure," an officer may "open the door as part of issuing a proper order to exit." State v. Mai, 202 N.J. 12, 23 (2010).

Yet, our State Constitution requires something more when it comes to passengers. Smith, 134 N.J. at 618. "[A]n officer must be able to point to specific and articulable facts that would warrant heightened caution to justify ordering the occupants to step out of a vehicle detained for a traffic violation." Ibid. "Heightened

caution" is a less demanding test than reasonable and articulable suspicion that a person is armed and dangerous, which would justify a pat-frisk. Ibid. "Rather, the officer need point only to some fact or facts in the totality of circumstances that would create in a police officer a heightened awareness of danger" that justified the exit order. Ibid.

Having lawfully stopped Mr. Johnson, Ofcr. Manning lawfully ordered him to alight from the truck. Ample facts also justified the order that Mr. Montgomery exit the vehicle, too. Ofcr. Manning was responding to a tip that a person in the described truck had threatened others with a handgun. Concededly, the tip, coming from a tipster whose reliability the State did not establish, could not "standing alone . . . support reasonable suspicion" of criminality. State v. Rosario, 229 N.J. 263, 276 (2017). But, as noted, the "heightened caution" standard requires less, and the facts here include more than just the tip. As in Smith, the stop occurred in the early morning hours and no other people were around (at least in the beginning of the stop in this case). 134 N.J. at 619. Mr. Johnson could not provide the rental agreement or other proof he was authorized to drive the truck. Furthermore, Mr. Johnson responded evasively when Ofcr. Manning asked if there were weapons in the truck. Cf. State v. Robinson, 228 N.J. 529, 548 (2017) (stating that "evasive and contradictory comments . . . provided further support for a reasonable suspicion that a weapon was present").

The totality of circumstances here, as in Smith, "warranted a reasonably prudent officer's belief that the occupants of the car might be armed" and the officers "would best be able to control the scene if [Mr. Montgomery] . . . stepped out of the vehicle and remained in complete view of the officers." Id. at 619-20.

(3)

"A seizure justified only by a police-observed traffic violation . . . 'become[s] unlawful if it is prolonged beyond the time reasonably required to complete th[e] mission' of issuing a ticket for the violation." Rodriguez v. United States, 578 U.S. 348, 350-51 (2015) (quoting Illinois v. Caballes, 543 U.S. 405, 407 (2005)). But an officer may prolong such a stop, if suspicions of a separate crime arise. "If during the course of the stop or as a result of the reasonable inquiries initiated by the officer, the circumstances 'give rise to suspicions unrelated to the traffic offense, an officer may broaden [the] inquiry and satisfy those suspicions.'" Dickey, 152 N.J. at 480 (quoting Johnson, 58 F.3d at 357); see also State v. Dunbar, 229 N.J. 521, 533 (2017).

In Dunbar, the Court held that "if an officer has articulable reasonable suspicion independent from the reason for the traffic stop that a suspect possesses narcotics, the officer may continue the detention to administer a canine sniff." Id. at 540. Likewise, an officer may continue a detention, begun as a traffic stop, to

administer a canine sniff upon forming an articulable reasonable suspicion that a defendant possesses a firearm.

Once Ofcr. Manning stopped Mr. Johnson for a suspected traffic violation, the officer was permitted as part of the traffic mission to question Mr. Johnson about his identity and his travel plans, and to pose questions relevant to officer safety. After that questioning, the officer continued to detain defendants, prolonging the stop to await Detective Balestrieri's arrival. But by the time Ofcr. Manning had answers to those traffic-mission-related questions – including Mr. Johnson's evasive answers to the initial questions about the presence of firearms – he had developed reasonable and articulable suspicion of a firearms offense, which justified prolonging the stop until the canine sniff.

"Beyond determining whether to issue a traffic ticket, an officer's mission includes 'ordinary inquiries incident to [the traffic] stop.'" Rodriguez, 575 U.S. at 355 (quoting Caballes, 543 U.S. at 408). Ordinary inquiries "[t]ypically . . . involve checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance." Ibid. "These checks serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly." Ibid.

An officer may also ask questions to assure the officer's safety. "Traffic stops are 'especially fraught with danger to police officers,' so an officer may need to take certain negligibly burdensome precautions in order to complete his mission safely." Rodriguez, 575 U.S. at 356 (quoting Arizona v. Johnson, 555 U.S. 323, 330 (2009)). Thus, "[q]uestions directly tied to officer safety, such as asking the driver whether . . . . he has any weapons on him, are always permitted on officer-safety grounds." United States v. Ross, 151 F.4th 487, 497 (3d Cir. 2025). Likewise, an officer may ask if a driver has any weapons in the vehicle. United States v. Taylor, 60 F.4th 1233, 1239 (9th Cir. 2023). Under certain circumstances, an officer may even ask a second time about the presence of weapons. Ibid. (holding that an officer was permitted to ask a suspect about weapons a second time after the suspect already responded in the negative).

Traffic-mission-related inquiries may also include questioning about a motorist's travel plans, including point of departure and destination, when such questioning is tailored to the alleged motor vehicle violation and traffic safety. For example, in State v. Chapman, 332 N.J. Super. 452, 463 (App. Div. 2000) – a pre-Rodriguez decision – the defendant was stopped for erratic driving. The trooper inquired "where the defendants had been and where they were going." Ibid. The court held those questions were traffic-mission related because they "had a

substantial nexus to ascertaining the reasons for Chapman's erratic driving and whether he and his passengers posed a danger to others on the road." Ibid.

Other courts have reached similar conclusions. In United States v. Barahona, 990 F.3d 412, 416 (8th Cir. 1993), a driver who was stopped for weaving told the officer he was tired. The officer asked the driver for his destination and whether he was on vacation. The court held that those questions "were reasonably related to ascertaining the reasons for [the defendant's] erratic driving and whether he posed a danger to others on the road." Ibid. Another court upheld questions about a motorist's travel plans noting that "a motorist's travel history and travel plans may help explain, or put into context, why the motorist was weaving (if tired) or speeding (if there was an urgency to the travel)." United States v. Holt, 264 F.3d 1215, 1221 (10th Cir. 2001) (en banc).

Still, "[c]ircumstances matter" when considering the nature and scope of travel-plan questioning. State v. Jimenez, 420 P.3d 464, 468 (Kan. 2018). "To qualify as a task necessary to process the initial stop, information gathering must be limited to the infraction prompting the stop or those other matters directly related to traffic code enforcement, i.e. 'ensuring that vehicles on the road are operated safely and responsibly.'" Ibid. (quoting Rodriguez, 575 U.S. at 355). "[A]cross-the-board travel plan inquiries cannot be justified under Rodriguez as routine incidents of traffic stops." Id. at 476.

Also within the traffic mission, an officer may also ask a few "rapport-building questions," which may help "calm nerves and keep everyone safe." Ross, 151 F.4th at 497. Although not expressly related to safety, questions like "'Long day at work?' 'Nice pickup; how long have you had it?'" can help "calm nerves and keep everyone safe." Ibid. Such questioning also "allows for observation of a speaker's coherence, agitation, and impairment," which enable the offer to assess the need for safety-related measures. Ibid.

Applying these principles, the court concludes that Ofcr. Manning's questioning for the first twelve minutes of the stop was related to the traffic mission. He inquired about license, registration and insurance. He ascertained whether there were any outstanding warrants for defendants' arrest. The officer's inquiries about Mr. Johnson's and Mr. Montgomery's travels were reasonably related to the traffic mission. He asked if Mr. Johnson had been drinking. The officer also engaged in some rapport-building questions, prompted by Mr. Johnson's statement that he attended a baby shower for his son.

Finally, the officer fulfilled the traffic mission when he asked Mr. Johnson about the presence of "drugs, hand grenades or rifles." A question focused solely on the presence of drugs would fall outside the traffic-related mission. See Rodriguez, 575 U.S. at 357 (noting that "[h]ighway and officer safety are interests different in kind from the Government's endeavor to detect crime in general or drug

trafficking in particular"). But Ofcr. Manning's inquiry about drugs was incidental to his question about weapons.

An important threshold was crossed when Mr. Johnson evaded the officer's question about weapons with the question, "Can you see anything?" and then asked repeatedly and vociferously, "Can I go home now?" The totality of circumstances created a reasonable and articulable suspicion that a firearm was present in the truck. By that point, if not before, the ongoing traffic mission transformed into a crime-investigation mission.

Assessing reasonable and articulable suspicion "is highly fact sensitive." State v. Nishina, 175 N.J. 502, 511 (2003). "Facts that might seem innocent when viewed in isolation can sustain a finding of reasonable suspicion when considered in the aggregate, so long as the officer maintains an objectively reasonable belief that the collective circumstances are consistent with criminal conduct." Ibid. The totality of circumstances in this case include several important facts.

Defendants were observed leaving an area where Weedman's Joint customers congregated and there were numerous fights and shootings. Ofcr. Manning – who had been on the force only about two years at the time – had already responded to calls for service at Weedman's Joint and conducted investigations there. This was more significant than attributing a high level of crime to a wide neighborhood; Ofcr. Manning associated a high level of criminal activity with a particular place. See

State v. Goldsmith, 251 N.J. 384, 403 (2022) ("We continue to view the impact of previous crimes in the same area as a police encounter as a factor to be considered in the totality of the circumstances when determining whether a stop was based on reasonable suspicion.").

The police received a tip that someone in a truck matching the defendants' truck had brandished a firearm. An anonymous tip is a factor in the totality of circumstances, even if it is insufficient on its own, absent assessment of reliability and veracity. See State v. Nelson, 237 N.J. 540, 555 (2019) (factors included anonymous tip, nervous behavior, conflicting accounts of itinerary, large bags in cargo hold, prior arrests, and air freshener smell); State v. Thomas, 110 N.J. 673, 683 (1988) ("It is well established that information provided by an informant can provide the basis for an investigatory stop."); State v. Smart, 473 N.J. Super. 87, 100 (App. Div. 2022) (reviewing Nelson), aff'd, 253 N.J. 156 (2023).

Significantly, the tip that the State Police conveyed to Ofcr. Manning's sergeant was not anonymous. It came from a "documented confidential source." A documented source – which the court interprets to mean a known source – is generally more reliable than an anonymous one. That is because the known source is aware that the police can identify and hold him or her accountable for misleading information. Cf. Adams v. Williams, 407 U.S. 143, 146 (1972) (noting that an informant who was known to the officer and had provided information in the past

presented "a stronger case than obtains in the case of an anonymous telephone tip"); State v. Basil, 202 N.J. 570, 586 (2010) (comparing anonymous tipsters and in-person citizen informants); State v. Williams, 364 N.J. Super. 23, 34 (App. Div. 2003) (comparing a "citizen informer" with a "police informant").

Once stopped, Mr. Johnson and Mr. Montgomery gave contradictory answers to Ofcr. Manning's questions. Mr. Johnson said he was going to Wendy's – although it was already closed – and then said he was going home. Mr. Montgomery said they were going to Wendy's or a place on Route 1. Mr. Johnson said Mr. Montgomery was his brother. Mr. Montgomery said Mr. Johnson was his cousin. And, significantly, when asked if he possessed any rifles or hand grenades in the truck, Mr. Johnson evasively responded, "Do you see anything?" He continued to avoid giving the officer a straight answer. Instead, he protested vociferously, in an apparent attempt to distract from the officer's inquiry. As in Robinson, 228 N.J. at 548, the "evasive and contradictory comments . . . provided further support for a reasonable suspicion that a weapon was present." See also District of Columbia v. Wesby, 583 U.S. 48, 59 (2018) (holding that a suspect's "vague and implausible responses" or "'untruthful and evasive' answers" to police questioning may contribute to probable cause to arrest) (quoting Devenpeck v. Alford, 543 U.S. 146, 149 (2004)).

Other facts, although less weighty, add to the totality of circumstances that support reasonable and articulable suspicion. Mr. Johnson's driving – his crossing the double-yellow line and his running a red light – may have reflected an urgent desire to get where he was going and out of public view. It also was "late at night." See Robinson, 228 N.J. at 548.[5]

In sum, Ofcr. Manning developed reasonable and articulable suspicion that there was an illegal firearm in the truck, which justified prolonging the stop to allow for a canine sniff. See Dunbar, 229 N.J. at 540 (stating an officer may continue a detention to conduct a canine sniff for contraband "if an officer has articulable reasonable suspicion independent from the reason for the traffic stop").[6]

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[5] The court attaches no weight to defendant's failure to produce the rental agreement. See United States v. Frazier, 30 F.4th 1165, 1177 (10th Cir. 2022) ("A driver's inability to produce a rental agreement may justify continued detention for the purpose of investigating his authority to drive the vehicle, but it cannot justify continued detention for the purpose of investigating drug trafficking."); United States v. Stepp, 680 F.3d 651, 666 (6th Cir. 2012) ("Deputy Lawson at no point explained why a rental-car driver's failure to produce a rental agreement was more indicative of criminal activity than one who would produce an agreement.").

[6] The court also rejects defendants' argument that Ofcr. Manning's questioning amounted to "non-Mirandized custodial interrogation." Defendant's Post-Hearing Brief at 9. "Despite the restraint on freedom of action involved in Terry and traffic stops, an officer is not required to give Miranda warnings before asking questions reasonably related to dispelling or confirming suspicions that justify the detention." State v. Smith, 374 N.J. Super. 425, 431 (App. Div. 2005). Furthermore, "Miranda warnings are required only if the stop, due to its duration or other attendant circumstances, 'is fairly characterized as the functional equivalent of an arrest.'" Ibid. (quoting Berkemer v. McCarty, 468 U.S. 420, 442 (1984))." And, a "formal arrest" does not arise from "[m]inimally intrusive curtailments of freedom of action

(4)

The canine's exterior sniff of the vehicle did not violate defendants' constitutional rights. "The fact that officers walk a narcotics-detention dog around the exterior of each car . . . does not transform the seizure into a search." City of Indianapolis v. Edmond, 531 U.S. 32, 40 (2000). An exterior sniff, which "'does not expose noncontraband items that otherwise would remain hidden from public view,' during a lawful traffic stop, generally does not implicate legitimate privacy interests." Caballes, 542 U.S. at 409 (quoting United States v. Place, 462 U.S. 696, 707 (1983)). In Caballes, as in this case, "the dog sniff was performed on the exterior" of the suspect's vehicle while he was lawfully detained. Id. at 409. Any privacy intrusion did "not rise to the level of a constitutionally cognizable

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reasonably related to securing the safety of the officer and others present at the scene during the investigation." Id. at 432. "[A]n investigative stop becomes a de facto arrest when 'the officers' conduct is more intrusive than necessary for an investigative stop.'" Dickey, 152 N.J. at 478-79 (setting forth factors to assess intrusiveness) (quoting United States v. Jones, 759 F.2d 633, 626 (8th Cir. 1985)). The court does not find such unnecessary intrusiveness here. The court recognizes that late in the stop, officers restrained defendants in handcuffs for over a half-hour. "Although not establishing the fact of an arrest, see United States v. Melendez-Garcia, 28 F.3d 1046, 1052 (10th Cir. 1994), the use of handcuffs heightened the degree of intrusion upon the liberty of the suspects." Id. at 483. Yet, some courts have held that brief handcuffing for officer safety during an investigative stop did not place the suspects in custody for Miranda purposes. See Wayne R. LaFave, 2 Criminal Procedure § 6.6(f) n.111 (4th ed. 2025) (citing cases). Regardless, reasonable and articulable suspicion of a firearms-related crime arose before defendants were handcuffed. So, even if defendants were in custody at that point, their subsequent statements are of no consequence to the motion to suppress.

infringement." Ibid. Our Supreme Court follows this approach. Dunbar, 229 N.J. at 539-40. The canine sniff occurred after the traffic mission transformed into the general crime-fighting mission, which was supported by reasonable and articulable suspicion of a firearms-related crime.[7]

(5)

The canine's entry into the truck intruded into defendant's constitutionally protected privacy interests. But the totality of circumstances that preceded the intrusion created probable cause to believe there was an illegal firearm in the truck. That justified the canine's intrusion.

Applying common law property principles, the Idaho Supreme Court persuasively held "that a drug dog's trespass into a car during an exterior sniff converts what would be a non-search under Caballes into a search." State v. Randall, 496 P.3d 844, 853 (2012). The Idaho court relied on Florida v. Jardines, 569 U.S.

[7] The court need not decide if the truck's open doors aided Vita in detecting the target odor while outside the truck. (Det. Balestrieri testified that closed doors and windows help a canine detect a target odor emanating from a vehicle, because the closed space concentrates the odor as it leaks from a crack or opening.) Ofcr. Manning did not contrive to keep the driver's side door open so the canine could get a better sniff. Cf. Arizona v. Hicks, 480 U.S. 321, 324-25 (1987) (stating that police may not physically manipulate a scene to get a better plain view). Rather, Mr. Johnson left the door open as he exited; Ofcr. Manning was not obliged to close it. "Insofar as the dog's ability to perceive the odor of drugs from outside the car was enhanced by the open door, the situation was created voluntarily by the [occupant], and there was no unlawful search in leaving the door open." United States v. Pulido-Ayala, 892 F.3d 315, 320 (8th Cir. 2018).

1, 7-8 (2013), which held that police violated a defendant's constitutional rights when they conducted a canine sniff of his home's interior from the defendant's constitutionally protected curtilage, his porch. See Randall, 496 P.3d at 852-53. The court also relied on United States v. Jones, 565 U.S. 400, 404 (2012), which held that a search occurs not only when the government violates a reasonable expectation of privacy, but also when the government "physically occupie[s] private property for the purpose of obtaining information." Randall, 496 P.3d at 852-53. The Idaho court firmly rejected federal cases that have held that no search occurs when the dog's entry is "instinctive." Id. at 853-54. The court noted that most of the federal cases were decided before the Supreme Court's decisions in Jones and Jardines. Id. at 853. "[D]og sniffs have special status within the flexible boundaries of [the] reasonable expectation of privacy test, but the trespassory test of Jones affords dogs sniffs no special treatment." Id. at 854.

The court in State v. Campbell, 5 N.W. 3d 870 (Wisc. Ct. App. 2024) reached a similar conclusion. It held that a canine sniff was a search when a police canine, “a trained member of law enforcement -- twice entered [the defendant’s] vehicle as opposed to staying at its exterior." Id. at 876. "Law enforcement undoubtedly gained information by physically intruding into one of Campbell's 'effect[s],'" noting that it was indisputable that a vehicle is an "'effect'" as that term is used in the [Fourth] Amendment." Ibid. (quoting Jones, 565 U.S. at 404). See also State v.

Organ, 697 S.W.3d 916 (Tex. Crim. App. 2025) (holding that a narcotics-detecting dog engaged in an unconstitutional search by physically intruding into the car's interior).

Although Vita's entry into the truck constituted a search, it was permissible because it was supported by probable cause, grounded in the totality of circumstances. "Probable cause exists when, considering 'the totality of the circumstances,' a person 'of reasonable caution' would be justified in believing that evidence of a crime exists in a certain location." State v. Smith, 212 N.J. 365, 388 (2012) (quoting Schneider v. Simonini, 163 N.J. 336, 361 (2000)). When it comes to canine sniffs, "[t]he question--similar to every inquiry into probable cause--is whether all the facts surrounding a dog's alert, viewed through the lens of common sense, would make a reasonably prudent person think that a search would reveal contraband or evidence of a crime. A sniff is up to snuff when it meets that test." Florida v. Harris, 568 U.S. 237, 248 (2013).

"[I]t is uncontroversial that if police had probable cause to search the car before the dog entered the interior, then any search effected by the entry was permissible." Pulido-Ayala, 892 F.3d at 319. In Pulido-Ayala, probable cause arose from a driver's suspicious avoidance of a ruse drug checkpoint and "the strong reaction of the trained drug dog while it was outside the car." Ibid. See also Felders v. Malcolm, 755 F.3d 860, 880 (10th Cir. 2014) (stating "a trained dog's alert from

areas where the motorist has no legitimate expectation of privacy—the exterior of the car . . . provides sufficient probable cause to search the interior"); Randall, 496 P.3d at 852 (suggesting that "if Bingo [the drug-sniffing canine] had alerted before his entry and Scheierman [the handler] believed the dog had detected the odor of narcotics," then the court "could simply have considered whether the circumstances known to Scheierman were sufficient to establish probable cause").

Vita's preliminary alert outside the truck – along with all the previously mentioned factors that generated reasonable and articulable suspicion of a firearms-related offense – created probable cause to believe there was evidence of that offense in the truck. And that probable cause justified Vita's warrantless entry into the truck to try to isolate the target odor's source. No warrant was needed under the automobile exception to the warrant requirement established under our State Constitution. See State v. Witt, 223 N.J. 409, 447-48 (2015) (holding that police may, if supported by probable cause that arose unforeseeably and spontaneously, search a car on the roadside without a warrant).

Courts in other jurisdictions have held that a canine's preliminary alert may provide probable cause for a search under the totality of circumstances, rejecting the argument that a final, trained alert is required. In Moore v. Commonwealth, 919 S.E.2d 428, 436 (Va. Ct. App. 2025) the court held that a drug-detecting canine's "multiple non-trained behavioral changes rather than a single final response . . .

provide[d] the requisite probable cause for a search." Some of those behavioral changes matched Vita's – including a change in breathing and head turns. Id. at 437. The handler in Moore identified multiple prior instances in which his canine accurately identified drugs by exhibiting only "nontrained behavioral changes." Id. at 433. Considering a totality-of-the-circumstances standard, the court held a final alert was not essential. Id. at 436-37.

The weight of other authority is in accord. See United States v. Braddy, 11 F.4th 1298, 1314 (11th Cir. 2021) (stating that "[r]equiring a drug detection dog to give a final response to demonstrate its reliability would be contrary to the Supreme Court's explanation that determining probable cause is 'a more flexible, all-things-considered approach'") (quoting Harris, 568 U.S. at 244); United States v. Parada, 577 F.3d 1275, 1281-82 (10th Cir. 2009) (rejecting a rule that "would require the dog to give a final indication before probable cause is established" where dog "alerted" by "stiffening his body, breathing deeply, and attempting to jump into the window"); United States v. Thomas, 726 F.3d 1086, 1098 (9th Cir. 2013) (following Parada and rejecting argument that "'untrained' responses . . . fall short of probable cause as a matter of law"); Steck v. State, 197 A.3d 531, 544 (Md. Ct. Spec. App. 2018) (rejecting rule "that a drug detection dog must provide a trained, final alert in order for probable cause to exist"). But see United States v. Wilson, 995 F.Supp.2d 455, 475 (N.C.W.D. 2014) ("A court cannot accept a handler's subjective

determination that a dog has made some otherwise undetectable alert, which conclusion would be, for all practical purposes, immune from review."); United States v. Heir, 107 F.Supp.2d 1088 (D.Neb. 2000) (holding "there must be an objectively observable 'indication' by the dog of the presence of drugs" and the alert behavior the handler described, which fell short of a trained response, even if it occurred, presented "too subjective a standard to establish probable cause").

As Harris dictates, the court must apply a "totality-of-the-circumstances test" and avoid applying "an inflexible set of evidentiary requirements." 568 U.S. at 244, 248. Conceivably, in another case, a judicial fact-finder may give little weight to a handler's assertion that a canine engaged in a preliminary alert if the court is unconvinced the behavior occurred or that it reliably reflected the presence of the target odor. But in this case, for the reasons stated, this court credits Detective Balestrieri's assertion that Vita engaged in a preliminary alert before entering the vehicle and that alert signaled the presence of her target odor.

Defendant also contends that the circumstances were not unforeseeable and spontaneous because "the stop was extended from pre-dawn to full daylight." Defendants' Post-Trial Brief at 9. This court is unpersuaded. The State demonstrated that the circumstances were fluid. The facts developed "suddenly or rapidly." See State v. Smart, 253 N.J. 156, 173 (2023) (suggesting that facts develop spontaneously when they develop "suddenly or rapidly"). Ofcr. Manning could not

confidently anticipate the fruits of his efforts. See Witt, 223 N.J. at 428 (equating "unanticipated" with "spontaneous") (quoting State v. Martin, 87 N.J. 561, 570 (1981)). Ofcr. Manning could not be sure he would locate the truck that the tipster identified hours earlier. And it was hardly predictable or foreseeable that Mr. Johnson would run a red light and then, at the stop, provide evasive and contradictory answers that generated, along with Vita's preliminary alert, probable cause to enter the truck.

The facts here contrast markedly with those in Smart, where the Court held that the circumstances of a roadside automobile search lacked unforeseeability and spontaneity. 253 N.J. at 160. The stop in Smart arose from an investigation that began two months earlier with a concern citizen's report and continued with a confidential informant's help one month earlier. Id. at 172. And police "invested almost two hours investigating [and] surveilling" the day of the stop. Ibid. Police developed reasonable and articulable suspicion that the defendant committed a crime before the stop occurred. Ibid. By contrast, the instigating tip in this case was two hours old, not two months old; Ofcr. Manning did not identify a potential suspect until Mr. Johnson entered the truck; and the reasonable and articulable suspicion of a crime emerged only after the stop occurred.

Finally, even if circumstances supporting Vita's entry into the truck were not unforeseeable and spontaneous, defendants' motion to suppress fails. Although

Vita's trained alert inside the truck provided additional evidence supporting probable cause, police had acquired probable cause before Vita's entry. Thus, police had a basis for seizing the truck independent of the canine's entry. Under the independent source rule, suppression is not required. See State v. Holland, 176 N.J. 344, 360-61 (2003).

First, "probable cause existed . . . without the unlawfully obtained information," even assuming, for argument's sake, that Vita's trained alert was unlawfully obtained. Id. at 360.

Second, the State has demonstrated by clear and convincing evidence that "police would have sought a warrant without the tainted knowledge or evidence." Id. at 361. Here, the State sought and obtained a warrant. Although the court presumes that the affidavit referred to Vita's later, trained alert,[8] the court is persuaded that the facts acquired up to and including Vita's preliminary alert would have sufficed to support issuance of the search warrant.

Third, Vita's entry into the vehicle, assuming for argument's sake it was impermissible, "was not the product of flagrant police misconduct." Id. at 361. The court is unaware of any binding authority in New Jersey on whether a canine's entry into a vehicle constitutes a search. As noted, there is a split of authority elsewhere.

(6)

[8] The affidavit supporting the search warrant is not part of the hearing record.

Ofcr. Manning was authorized to seize the truck pending application for a search warrant. The authority arose from the probable cause to believe there was an illegal firearm in the truck after Vita gave her preliminary alert. Probable cause was reinforced after Vita gave her trained alert, conveying that she had isolated a source of the target odor from the center console.

Although a warrant is generally required to seize personal property, see Place, 462 U.S. at 701, police may warrantlessly seize property "on the basis of probable cause, for the time necessary to secure a warrant, where a warrantless search . . . likely would have been held impermissible." Segura v. United States, 468 U.S. 796, 806 (1984); see also Place, 462 U.S. at 701 (stating that when police "have probable cause to believe that a container holds contraband or evidence of a crime, but have not secured a warrant, the Court has interpreted the [Fourth] Amendment to permit seizure of the property, pending issuance of a warrant to examine its contents"); State v. Marshall, 123 N.J. 1, 67-68 (1991) (following Place).

In sum, the seizure of the truck did not violate defendants' constitutional rights.[9]

III.

For the foregoing reasons, the motion to suppress is denied.

[9] In light of this analysis, the court need not reach the State's alternative argument that Mr. Johnson's arrest was an intervening cause that justified the police seizing the truck. See State Post-Hearing Brief at 7-9.