

#23613

STATEMENT OF LEGAL ISSUES

I.

WHETHER THE TROOPER HAD PROBABLE CAUSE TO SEARCH NGUYEN'S VEHICLE BASED ON THE BEHAVIOR OF HIS DRUG-DETECTOR DOG.

The trial court found probable cause to search.

*United States v. Place*, 462 US 696 (1983)

*State v. Locksteadt*, 695 NW2d 718 (SD 2005)

*United States v. Heir*, 107 F. Supp.2d 1088 (US Dist. Neb. 2000)

II.

WHETHER THE EVIDENCE ESTABLISHED THAT THE DRUG-DETECTOR DOG WAS UNRELIABLE.

The trial court found the drug-detector dog reliable.

*United States v. Trayer*, 6898 F.2d 805 (DC Cir. 1990)

*Matheson v. State*, 877 SW2d 8 (Fla. App. 2003)

*United States v. Rafel-Vega-Rico*, (US Dist. Ct. So. Dak.) (CR. US 04-40018)