

# The Appellate Advocate:

## A Recap of Recent Decisions by NJ's Appellate Courts



### **State v. Williams** **A-1345-24**

It's a real thrill when your South Jersey hometown, particularly its police department, plays a major role in an Appellate Division opinion. One would probably prefer different facts than a perpetrator charged with unlawful possession of a firearm on a street you used to frequent as a high schooler (it had a movie theater, a bowling alley, and plenty of fast food—what else do you need?) but you take the facts as they come.

The case, *State v. Williams*, centers on defendant Kevin L. Williams and an eventful traffic stop. Williams's car was stopped by Washington Township police after leaving the Mayfair Motel, a location officers characterized as a "known narcotics area." Officers claimed the stop was prompted by a cracked windshield and an obstructed license plate. But bodycam footage reviewed by the trial judge, and later the appellate panel, showed no visible crack and a fully legible license plate.

The traffic stop ultimately resulted in the discovery of a firearm inside a backpack found in the car. But the evidence won't be seen by a jury.

The Law Division judge ruled, and Appellate Division panel affirmed, that officers had no lawful basis to extend the roadside interaction to wait for a canine unit, which arrived over half an hour later. "[The] mission at that point should have been to take the defendant to the station house for processing on the warrant and send him on his way," the trial judge wrote in a decision affirmed by the appellate court.

The alleged basis, as developed during a one-day hearing on a suppression motion, was that Williams had an outstanding arrest warrant as well as a suspended license at the time of the stop. After his arrest, officers requested consent to search the vehicle, which Williams refused. A drug-sniffing dog was brought in, eventually alerting to the vehicle. A subsequent search yielded no narcotics but did uncover the gun.

The trial court—and now the appellate panel—rejected the prosecution’s arguments that the continued detention and dog sniff were lawful. “Other than defendant’s departure from a venue merely suspected to be a haven of nefarious activity—which alone is not a criminal act—the officers did not observe any other criminal conduct,” the panel wrote.

Under state and federal precedent, a police officer may extend a traffic stop only when new reasonable suspicion arises. Simply being near a suspected drug location does not satisfy that threshold, the court said. The prolonged wait for the canine sniff, absent any credible evidence of wrongdoing, rendered the resulting search unconstitutional.

Gloucester County prosecutors had urged reversal, claiming the trial court’s factual findings were flawed and its legal reasoning misapplied. But the appellate court rejected those claims, emphasizing that the officer’s subjective motivations and reliance on minor, unsubstantiated infractions could not justify the continued seizure.

The ruling means that prosecutors will not be able to use the handgun as evidence, significantly weakening their case against Williams, who had been indicted for several weapons charges, including unlawful possession of a handgun and possession by a person barred from owning firearms.

### **About Thomas Cotton**

Thomas Cotton is a litigation partner at Schenck Price, representing clients in trial and appellate courts throughout the United States. In addition to his practice, he authors *The Appellate Advocate*, a semi-weekly blog offering thoughtful yet accessible commentary on recent appellate rulings.



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