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Illegal DUI Checkpoint Results In Dropped Cases

As investigated and reported by Tampa Bay (Florida)10 News, police officers from the Pasco County Sheriff's Office, Florida Highway Patrol and Tarpon Springs Police illegally stopped drivers at a [DUI checkpoint](#) in St. Petersburg on December 16 and 17 of 2011. The issue has since resulted in a legal nightmare in which some legitimate arrests and convictions have been overturned and many if not all will be dropped.

In 1990, the Supreme Court required all law enforcement to create and follow an operational plan for random field-testing of drivers to prevent profiling and unreasonable searches or seizures as protected under the 4th Amendment of the U.S. Constitution. The Pasco County plan outlines that police pull over every third car for [sobriety checks](#). Instead, they pulled over every two to three cars during a DUI checkpoint.

Once the issue came known, the Florida State Attorney General's office compounded the illegality of the situation by requiring signed affidavits from 10 officers present at the checkpoint stating that they followed the plan. Eyewitness and police cruiser video accounts have proven that the officers, and Assistant State Attorney Vin Petty who was also present at the time and backed up the statements, lied about what happened.

Both police and the Assistant State Attorney have stated since the release of the evidence that they didn't realize that any laws were broken or violated. According to the Tampa Bay Times, of the 1,034 cars pulled over that night, six drivers were charged with driving under the influence and 61 drivers were cited for various reasons including driving without insurance or a license.

Those cited or arrested have begun to seek legal aid in fighting charges. The Tampa Bay Times also reports that the Assistant Public Defender Darrin Johnson said the State Attorney's Office will dismiss any cases from that night in which the "defendants...withdraw their plea and enter a not guilty plea."

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