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Court: Is anonymous tip enough for traffic stop?

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By MARK SHERMAN — Associated Press

WASHINGTON — The Supreme Court said Tuesday it will weigh whether a motorist's anonymous tip about reckless driving is enough for police to pull over a car, without an officer's corroboration of dangerous driving.

The issue has divided state and federal courts.

The justices said they will take up an appeal by two brothers who pleaded guilty to transporting marijuana after California Highway Patrol officers pulled over their silver Ford 150 pickup based on a report of reckless driving.

The officers did not observe erratic driving, but acted after dispatchers received a 911 call saying the vehicle had run the caller off the road and identifying it by its model, color and license plate. Officers searched the truck after smelling marijuana, found four large bags of it and arrested driver Lorenzo Prado Navarette and passenger Jose Prado Navarette. They appealed after pleading guilty and are arguing that the traffic stop violated their constitutional rights, based on an earlier high court ruling that anonymous tips by themselves ordinarily are not sufficient for police to detain or search someone.

The question for the justices is whether anonymous tips about reckless or drunken driving should be treated differently.

Four years ago, the court declined to hear an appeal from Virginia officials over the same issue after the state Supreme Court sided with a defendant who was arrested after police received an anonymous tip that he was driving while intoxicated.

Chief Justice John Roberts disagreed with his colleagues and wrote to say that the court should have agreed to hear the case.

"The stakes are high," Roberts said, explaining that the Virginia decision grants "drunk drivers 'one free swerve' before they can legally be pulled over by police. It will be difficult for an officer to explain to the family of a motorist killed by that swerve that the police had a tip that the driver of the other car was drunk, but that they were powerless to pull him over, even for a quick check."

The case, 12-9490, probably will be argued in January.

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