



JACKSON COUNTY

Oregon

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Johnathan Chavez
Jackson County Court Case 18CR82655

On December 12, 2018, Trooper Peterson of the Oregon State Police conducted a traffic stop near milepost 32 on Interstate 5 Northbound. The driver of the vehicle was identified as Johnathan Chavez. During the course of the traffic stop, through conversation and observation of Mr. Chavez, Trp. Peterson began to suspect criminal activity. While waiting for dispatch to respond, Trp. Peterson received a positive canine alert on the vehicle. A subsequent search of the vehicle revealed over four and a half pounds of methamphetamine. Mr. Chavez was taken into custody.

On October 17, 2019, a 12-person jury unanimously found Mr. Chavez guilty of Unlawful Delivery of Methamphetamine and Unlawful Possession of Methamphetamine. The judgment was stayed pending a preserved issue on a motion to suppress.

After the motion hearing Judge Hoppe took the matter under advisement. Pending the ruling on the issue, the Oregon Supreme Court released an opinion on *State of Oregon v. Mario Arreola-Botello*, 365 Or. 695. The *Arreola-Botello* case provided that for purposes of Article I, section 9, of the Oregon Constitution, all investigative activities, including investigative inquiries, conducted by law enforcement during a traffic stop, must be reasonably related to the purpose of that stop or have an independent constitutional justification. The case effectively does away with the doctrine known as “unavoidable lull”.

Historically, the Courts have said that there is no Article I Section 9 implications if an inquiry, unrelated to the traffic stop, occurs during a routine stop but does not delay it. *State v. Amaya*, 176 Or. App 35 (2001). This doctrine, that during a traffic stop, an officer may make an inquiry or request a search relating to a matter, not relevant to the original purpose for the stop, if it is otherwise supported by reasonable suspicion or during an “unavoidable lull,” has been upheld and reiterated in court opinions over the last decade. However, based on this new case law, the Court granted Mr. Chavez’s motion to suppress. As a result, all charges against Johnathan Chavez have been dismissed by the state.