

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Elder and Overton
Argued at Richmond, Virginia

COMMONWEALTH OF VIRGINIA

v. Record No. 0271-97-1

CHAD EVERETT SPENCER

MEMORANDUM OPINION* BY
JUDGE NELSON T. OVERTON
JUNE 24, 1997

FROM THE CIRCUIT COURT OF THE CITY OF HAMPTON
Wilford Taylor, Jr., Judge

Marla Graff Decker, Assistant Attorney
General (James S. Gilmore, III, Attorney
General, on brief), for appellant.

J. Ashton Wray, Jr., for appellee.

The Commonwealth appeals from a pretrial order in the Circuit Court of the City of Hampton in which the trial judge granted a motion to suppress the evidence. For the reasons stated, we affirm the trial court's ruling.

The parties are fully conversant with the record in the cause, and because this memorandum opinion carries no precedential value, no recitation of the facts is necessary.

In an appeal by the Commonwealth, "we view the evidence in the light most favorable to [the defendant], the prevailing party below, and we grant all reasonable inferences fairly deducible from that evidence." Commonwealth v. Grimstead, 12 Va. App. 1066, 1067, 407 S.E.2d 47, 48 (1991). According to the

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

defendant's version of the encounter, the police officer asked for the driver's identification and registration and returned to his cruiser. Only after he had come back to the car after checking the driver's identification did he ask to see the appellant's identification.

In certain cases, an officer during a traffic stop may make additional intrusions upon passengers' personal liberties "pending completion of the stop." Maryland v. Wilson, 117 S. Ct. 882, 886 (1997). In this case, however, the traffic stop was completed. The officer had investigated the traffic violation, checked the driver's identification and registration, and returned the driver's documents. Until that point, "[a]s a practical matter, the passengers are already stopped by virtue of the stop of the vehicle." Id. After that point, the stop is completed and an independent reason is needed to continue detaining the passengers. The trial judge specifically found no valid reason and upon reviewing the record, we agree.

Accordingly, the ruling below is affirmed.

Affirmed.