



Alabama Cops Wrongfully Arrest Mechanic Working on Car

A lawsuit filed by auto mechanic Roland Edger, the manager of the Auto Collision Store in Huntsville, Alabama, [may now move forward](#). The cops who arrested him back in June 2019 are likely to be found guilty of violating Edger's rights against unreasonable searches and seizures.

When Edger first claimed his rights were violated, the district court said the officers, Krista McCabe and Cameron Perillat, had immunity. Last week, the U.S. Court of Appeals said they don't, and Edger's lawsuit may move forward.

Edger is lucky that his bad attitude didn't get him into more trouble. He's also lucky that the officers acted outside their lawful purview.

The incident occurred the night of June 10, 2019, when Edger and his son-in-law showed up at a local church's parking lot to work on a customer's car. Unfortunately the security guard was unaware of the details and called the cops: "I have two Hispanic males, messing with an employee's care that was left on the lot."

Douglas Rissing/iStock/Getty Images Plus

Thirty minutes later, McCabe and Perillat showed up, and things went from friendly to not-so-friendly to an arrest. From the lawsuit, here's what happened:

As Officer McCabe's body camera shows, she pulled into the church parking lot and parked in front of where Mr. Edger and Mr. Nuby [Edger's son-in-law] were working. McCabe Body Camera at 0:00:30.2

As she stepped out of the squad car, Mr. Edger was lying on the ground next to the car, with the Camry's tire removed. Id. at 0:00:36.

Mr. Nuby greeted Officer McCabe as she exited her vehicle and approached the Camry. Id. at 0:00:36-0:00:46.

Mr. Edger continued to work, and the following conversation began:

Officer McCabe: What are y'all doing?

Mr. Edger: Getting the car fixed.



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Officer McCabe: Is this your car?

Mr. Edger: Yeah, well, it is one of my customers.

Officer McCabe: One of your customers?

Mr. Edger: Ghosh Patel, yep. I was over here earlier.

At this point Officer McCabe gestured towards the black hatchback.

Officer McCabe: Whose car is that?

Mr. Edger: That's mine.

Officer McCabe: The black one?

Mr. Edger: Yeah. Id. at 0:01:03.

Officer McCabe then watched in silence as Mr. Edger attempted to jack the Camry up. Eventually the car slipped from the jack and slammed into the ground. Id. at 0:01:08-0:01:48.

Immediately after the Camry slipped, Officer Perillat arrived at the scene in a squad car. He exited his car and approached on foot, positioning himself behind Mr. Edger, out of Mr. Edger's line of vision.

From here, the interaction rapidly escalated:

Officer McCabe: Alright. Take a break for me real fast and do y'all have driver's license or IDs on you?

Mr. Edger: I ain't going to submit to no ID. Listen, you call the lady [his customer] right now. Listen I don't have time for this. I don't mean to be rude, or ugly, but . . .

Officer McCabe: Okay. No, you need to—

Mr. Edger: I don't mean to be—

Officer McCabe: —give me your ID or driver's license.

Mr. Edger: No. I don't. Listen, I don't want you to run me in for nothing.

Officer McCabe: Are you refusing me — are you refusing to give me your ID or driver's license?

Mr. Edger: I'm telling you that if you will call this lady that owns this car—

In the middle of Mr. Edger's sentence, as he was attempting to explain the situation to Officer McCabe, Officer Perillat seized Mr. Edger from behind. He led Mr. Edger to the side of the Camry and started handcuffing him. As Mr. Edger protested, Officer Perillat told Mr. Edger: "We don't have time for this," and, "You don't understand the law."

The law in Alabama is very clear. Law enforcement officials may demand only three things: name,



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address, and an explanation of what's going on. Nothing in the law says a citizen must give up his ID or other form of identification.

From last week's ruling:

Because the Alabama statute, by its plain text, does not permit the police to demand physical identification, the officers lacked probable cause and thus violated Mr. Edger's Fourth Amendment rights by arresting him....

We hold that the plain text of the Alabama statute is so clear that no reasonable officer could have believed they could arrest Mr. Edger for failing to produce his "ID" or "driver's license."

From there, Judge Charles Wilson gave a primer on how a citizen, in a similar situation, should behave, to avoid trouble like this:

First, the broad background rule is that the police may ask members of the public questions and make consensual requests of them, *Florida v. Bostick*, 501 U.S. 429, 434-35 (1991) "as long as the police do not convey a message that compliance ... is required."

But the person "need not answer any question put to him; indeed, he may decline to listen to questions at all and may go on his way." (*Florida v. Royer*, 460 U.S. 491, 497-98 (1983).

Second, while the Fourth Amendment permits the police to briefly detain a person to investigate criminal activity, any obligation to answer police questions arises from state — not federal Constitutional — law.

Finally, as noted, the Alabama statute is clear. It lists only three things that the police may ask about.

This is not an issue of "magic words" that must be uttered.

There is a difference between asking for specific information: "What is your name? Where do you live?", and demanding a physical license or ID. The information contained in a driver's license goes beyond the information required to be revealed under § 15-5-30.

In the Alabama statute, a law-enforcement officer "may stop any person abroad in a public place whom he reasonably suspects is committing ... a [crime] and may demand of him his name, address, and an explanation of his actions."

Judge Wilson provided a nice summary:

So to summarize, it has been clearly established for decades prior to Mr. Edger's arrest that the police are free to ask questions, and the public is free to ignore them.

It has been clearly established prior to Mr. Edger's arrest that any legal obligation to speak to the police and answer their questions arises as a matter of state law.

And the state statute itself in this case is clear and requires no additional construction: police are empowered to demand from an individual three things: "name, address and an explanation of his actions."



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It was thus clearly established at the time of Mr. Edger's arrest that she [Officer McCabe] could not demand he produce physical identification. And because Officer McCabe's demands for an "ID" or a "driver's license" went beyond what the statute and state law required of Mr. Edger, she violated clearly established law.

Under this set of facts and these precedents, no reasonable officer could have believed there was probable cause to arrest Mr. Edger for obstructing governmental operations by violating § 15-5-30. And this theory cannot support the grant of qualified immunity to the officers.

Good luck to those officers! For the rest of us, *The Dominion Post* has provided a checklist of those "magic words" to which Judge Wilson referred above:

The rules are fairly simple, but can become hard to remember and follow in the heat of the moment.

1. Always be calm and cool. Don't talk back to officers or raise your voice.
2. You have the right to remain silent. When being questioned, it is always a good idea to say "I'm going to remain silent, I'd like to see a lawyer."
3. You have the right to refuse searches. Calmly telling an officer "I don't consent to searches" may not stop the search, but it could make a difference later on in court.
4. Don't get tricked. Police may legally lie to you.
5. Determine if you are free to go. You can determine if police have reason by simply asking "Are you detaining me, or am I free to go?"
6. Don't expose yourself. Things like dark tinted windows and certain bumper stickers give police more reason to be suspicious.
7. Don't run. It is likely you will be caught and it will make you seem guilty.
8. Never touch a cop. Touching a cop can lead to other charges, like obstruction or assault on an officer.
9. Report misconduct: be a good witness. Record as many details as you can about the encounter as quickly as you can, including photos of any injuries.
10. You don't have to let them in. There are very few circumstances where police can enter your home without a warrant or without being invited in. Simply say, "I can't let you in without a warrant." You can even decline to answer the door.

[There's a YouTube video called Flex Your Rights](#) for more information.

Mr. Edger is lucky. His arresting officers? Not quite so lucky.



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