

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

UNITED STATES OF AMERICA

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§
§

VS.

P-00-CR-367

REYNALDO PORTILLO FVPUIRRE, .

¹It is troubling, to say the least, that the Border Patrol has no official policy on the issue of announcements. One of the critical characteristics that make warrantless immigration inquiries at permanent checkpoints constitutionally permissible is the “regularized manner in which established checkpoints are operated.” *Martinez-Fuerte*, 428 U.S. at 55.6h.t,nts inmigratiD agpermw

on top of the bag and immediately saw a brown, tape-wrapped bundle. Agent Woodruff then

the bus, was constitutionally permissible.

The second question is much more difficult. The question is, as stated above, whether, or to wh. gzlly f (theBorder- Ptrol may gzllyd (thelegitimtate sizuoreof ae bu for aon mmigrastior)Tj0.00 0.00 0.00

candid exposition worth repeating, wrote:

if the agent is aware of specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion. In other words, it is the opinion of this Court that in order for the Border Patrol to continue the seizure of a vehicle at an immigration checkpoint beyond the verification of citizenship or immigration status, the Border Patrol must be held to exactly the same standard the Supreme Court would require for the Border Patrol to seize a vehicle in a roving patrol stop.

consent was, in fact, freely and voluntarily given. *Schneekloth v. Bustamonte*, 412 U.S. 218, 221 (1973).

U.S. 33, 39 (1996) (citation omitted) (“While knowledge of the right to refuse consent is one factor to be taken into account, the government need not establish such knowledge as the sine qua non of an effective consent.”). However, the Supreme Court has also found that the advisement to a defendant by police of his right to refuse is particularly significant in determining the issue of voluntariness. *Florida v. Bostick*, 501 U.S. 429, 432, 437 (1991) (emphasizing that police specifically advised the defendant of his right to refuse consent in

determining whether a re

citation omitted) recognizing that although knowledge of

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