



Police/Prosecutor Update

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Exigent Circumstances Justified Warrantless Blood Draw

State v. Poland, Ind. Ct. App., 9/30/25, 24A-CR-2252

Poland was driving recklessly when he crashed his truck into another vehicle, killing his passenger and seriously injuring himself. He was unconscious at the hospital and about to be transported to Ohio for emergency medical care. Because Poland could not consent and there was no time to obtain a warrant, officers obtained a warrantless blood draw.

The trial court suppressed the blood evidence, but the Court of Appeals reversed. The Court explained that Indiana's implied consent law does not equal actual consent. However, police may rely on exigent circumstances when 1) they have probable cause, 2) delay would risk the destruction of evidence, **and** 3) "some other factor creates pressing health, safety, or law enforcement needs that would take priority over a warrant application."

Here, officers had probable cause based on Poland's driving behavior and the fatal crash. The exigency arose from Poland's unconsciousness and his imminent out-of-state transfer, making it impractical to obtain a warrant. The blood draw was lawful.

K-9 Entry into Vehicle Without PC is an Illegal Search

Ocampo v. State, Ind. Ct. App., 8/29/25, 24A-CR-2785

An officer and his canine partner responded to a traffic stop based on a tip that drugs would be in the vehicle. Both occupants were removed, and the passenger door was left open. The canine conducted an open-air sniff but did not alert. The canine then appeared eager to enter the vehicle. The officer removed the lead, allowing the canine to enter the car, where it alerted on a hidden compartment containing heroin.

Ocampo, the driver, was convicted and appealed, arguing the search violated the Fourth Amendment. The Court agreed.

The Court adopted the federal "instinctive entry" rule, which permits a canine's entry only if it is purely instinctive and not facilitated or intended by the handler. Here, the officer removed the lead knowing and intending the canine would enter the vehicle. Because probable cause did not exist at that time, the entry was an unlawful search, and the evidence should have been suppressed.

Nonresident With Valid Foreign License Not Guilty of Operating Never Licensed

Rodriguez-Arias v. State, Ind. Ct. App., 12/12/25, 25A-CR-00948

Rodriguez-Arias, legally present in the United States for several years on a long-term temporary visa, was driving with an apparently valid Dominican Republic driver's license. He was convicted of operating a motor vehicle without ever having been licensed.

The Court of Appeals reversed. Indiana law exempts nonresidents who are legally present in the United States and possess valid licenses from their home countries. Residency requires intent to make Indiana one's permanent home. Because Rodriguez-Arias was in the country temporarily and did not intend to establish residency, he was not required to obtain an Indiana license.

Note: The officer in this case had no way of knowing roadside whether Rodriguez-Arias' Dominican Republic driver's license was valid or not, as he did not present an International Driver's Permit to accompany it. The IDP is the only way an officer can verify validity of a foreign license on-scene. The

issue in this case is NOT the validity of the arrest or charges. Once charged with Operating Never Licensed, the burden shifts to the defendant to prove they have or have had a valid license. Rodriguez-Arias was able to meet this burden at trial, so the conviction could not stand.

*For more on this topic, watch for an upcoming edition of the IPAC newsletter **Crossroads**.*

Minor Error in Warrant Affidavit Sparks Suppression Hearing

Thompson v. State, Ind. Ct. App., 12/17/25, 25A-CR-00080

Police obtained a search warrant for Thompson’s home based in part on an incorrect statement that he had a prior dealing methamphetamine conviction. The officer reviewed MyCase and saw the dealing charge but failed to review the sentencing order, which showed the dealing count had been dismissed. The trial court suppressed the evidence due to the false information.

The Court of Appeals agreed the error was recklessly included under *Franks v. Delaware*, but held that probable cause still existed even after removing the incorrect information. The remaining facts sufficiently linked Thompson’s home to drug activity.

As an important side note, the Court emphasized that reviewing courts give deference to reasonable inferences drawn by experienced narcotics officers when evaluating probable cause.

Practice Tip: Errors in affidavits—even minor ones—invite suppression hearings. Courts will give credit to inferences drawn from your training and experience, but only if you actually describe your training and experience in the affidavit.

Search Warrant for Phones Must Establish Nexus to Crime

Flippins v. State, Ind. Ct. App., 8/21/25, 24A-CR-2210

Flippins was suspected of killing Patterson. Police obtained search warrants for Flippins’ phones. He argued the warrants lacked a sufficient connection between the phones and the crime.

The Court of Appeals disagreed. While mere phone ownership is not enough, specific evidence can establish the required nexus. Here, the warrant affidavit established that Flippins used his phone to post on social media about the crime, discuss motive, and communicate with possible accomplices. That was sufficient to connect the phone to the crime.

Practice Tip: When seeking a phone warrant, articulate specific facts tying the phone to the crime. “Everyone has a phone” is not enough.

Pulling Away During Handcuffing is Not Forcible Resistance

McNary v. State, Ind. Ct. App., 9/29/25, 25A-CR-781

McNary, while being arrested for domestic battery, attempted to pull her hand away as officers were handcuffing her. Later, while being escorted to a squad car, she attempted to rush the victim, but was redirected by a larger officer. She was convicted only of resisting law enforcement when the victim failed to appear for trial

The Court of Appeals reversed. Briefly pulling away was not sufficiently forcible to constitute resisting, and her attempt to approach the victim—while potentially aggressive—was not aimed at resisting arrest.

Practice Tip: Not every physical movement during arrest qualifies as “forcible” resistance; courts will focus on the level of force and whether it is directed at avoiding lawful arrest.



The Police/Prosecutor Update is a publication of the Indiana Prosecuting Attorneys Council. Please direct questions about the cited cases to your local prosecutor and make changes in policy or procedure based on these cases only after consulting with your local prosecutor. If you have suggestions for future topics, please email JimOliver@IPAC.IN.GOV.