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Viral video raises questions about rights at DUI checkpoints

Posted: Jul 05, 2013 10:10 PM CDT

Updated: Jul 05, 2013 10:19 PM CDT

Reported by Nancy Amons - [email](#)

MURFREESBORO, TN (WSMV) - Video that has gone viral in a short time is raising questions about your rights, if you're stopped at a DUI checkpoint.

A 21-year-old man from Rutherford County says his rights were violated, and thousands of people have weighed in with their comments and support online. However, one legal expert disagrees.

In the video, which appears to have been recorded from the passenger's seat of the man's car, the driver is seen being asked by an officer to roll his window down. The driver questions why he needs to comply, implying his window was down far enough already.

Officer: "How ya doing tonight? Roll your window down for me."

Driver: "This is fine, sir."

Officer: "Do what?"

Driver: "This is fine."

The video is subtitled with comments indicating the interaction was recorded at a DUI checkpoint in Rutherford County on July 4.

It was posted to YouTube along with comments by the driver criticizing the officers. The subtitles indicated the driver was unlawfully detained and searched for drugs.

Driver: "Am I being detained?"

Officer: "Pull over to the side, right there."

Driver: "Am I being detained?"

Officer: "Pull over to the side."

The situation ends after officers search the car for drugs after a K-9 officer sniffs around the outside. They don't find anything illegal and let the driver go.

The videotaped stop has thousands of people posting their opinions online, so Channel 4 News invited legal expert David Raybin to view the video and comment.

Raybin said it's a textbook case of what not to do if you're stopped.

"This guy is immediately becoming confrontational and non-compliant with the officer, for no reason. So the officer is allowed to escalate this a little further," Raybin said.

Raybin said the officer is within his rights to ask the driver to roll down the window, because that is how he can tell if the driver is intoxicated.

Raybin said you don't have the same rights when you're in a vehicle, and the courts do allow a brief detention. He added the officer is justified in asking the driver to get out of the vehicle because he's been non-compliant.

Channel 4 asked Raybin what he would do if he were defending that driver in court.

"You could make an argument that maybe this officer was overreacting to the way this person was responding to him, but it would be a really close call. I think the tie in this case would go to the officer." Raybin said.

The driver who posted the video did not want to do an on-camera interview about the incident, but he answered questions by email. He said the video was not made to be disrespectful to law enforcement at all.

He says, "there are plenty of great cops in Tennessee that do not believe in going outside of the law to take away Constitutional freedom."

The Rutherford County Sheriff's Office released a statement Friday evening, saying the department is "reviewing this incident. We are looking into the matter to determine if there are any policy or procedure violations."

Still, the video is gaining plenty of attention. **Do you think the officer went too far? Let us know on the [Channel 4 Facebook page](#).**

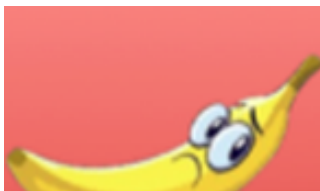
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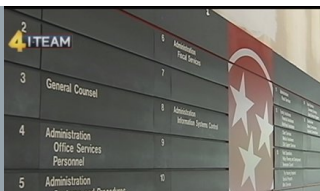
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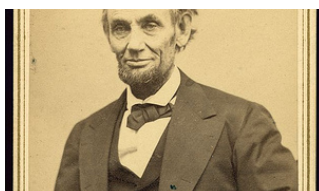
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