

Gun Search In Car Voids Conviction

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The U.S. Court of Appeals reversed a conviction in a \$120 gas station holdup yesterday because police had illegally seized a gun from the suspect's car after stopping it on the highway.

Judge Henry W. Edgerton, one of the two majority judges, indicated that the police practice of stopping cars on the highway while investigating a crime may be unconstitutional.

The case involved a Virginia law that permits police to stop cars and require owners to show their licenses and registrations. This law, which is common to many states, comes under the general authority of police to check for stolen cars, valid registrations and persons driving without licenses.

Found Two Guns

The suspect in the case, James H. Bowling, 33, listed at 4446 R st. nw. was stopped by Arlington police under the auto check law.

The police, however, testified that they actually stopped the car because Bowling resembled a description in a lookout for an Arlington gas station robber.

Police found a gun in the car and arrested Bowling. They took him to the gas station about half an hour later and found a second gun in the car. This second gun was introduced into a District Court trial that convicted Bowling of robbing a gas station in

Washington.

Judge Edgerton said that "the police stopped a moving car, and did so not for the purpose of a 'routine interrogation' but for the purpose of investigating a suspected connection between Bowling and the robbery without probable cause that Bowling committed the crime.

"This was an unlawful arrest for investigation," he said, citing a Supreme Court case that held that an arrest takes place when police stop a moving car.

The Fourth Amendment provides that police must have probable cause before making an arrest.

Judge Edgerton also ruled that the search for the second gun was illegal because it was done without a warrant and was not "incident to" the arrest on the highway. Judge George T. Washington concurred in this part of the opinion only. Judge Carl McGowan dissented.