Clarity #1:

In regards to the first issue, Sgt. Dwyer tased Mr. Wyatt once initially. Mr. Wyatt was then tased a second time; however, please note he was tased 4 times in 1 minute during this second instance. All of the taser shots were fired in dart-mode.

In addition to the above, Mr. Wyatt’s affidavit has been updated with the correct signature.

Clarity #2:

The footnote size should be size 12.

Clarity #3:

In regards to the first issue, the majority did not find the texting and driving to qualify as a serious offense. The light was on a public highway when Mr. Wyatt was stopped at the intersection.

Clarity #4:

In regards to the second issue, please note the following:

In the Carroll-Chambers context, the officer must have probable cause to search the vehicle. Once he has probable cause to search the vehicle for evidence of a crime, the officer must also have probable cause to search and seize any container found during the search of the car.

In other words, under a Carroll-Chambers search, the officer must also have probable cause to enter each container. With that being said, is a cell phone a container for purposes of the Carroll-Chambers search? If a cell phone qualifies as a container, then no warrant is needed and Riley does not apply. If it is not a container, then a warrant is necessary.