

INDIANA SUPREME COURT

Lamont Wilford v. State of Indiana

50 N.E.3d 371 (Ind. 2016) · No. 49S02-1602-CR-110 · Decided February 26, 2016

SUMMARY

The Indiana Supreme Court held that police failed to prove an established departmental procedure authorizing the warrantless impoundment of Lamont Wilford’s vehicle. Because the impoundment and ensuing inventory search were unreasonable under the Fourth Amendment and Article 1, Section 11 of the Indiana Constitution, the handgun discovered in the vehicle was inadmissible and Wilford’s handgun conviction was reversed.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Rush, Chief Justice; Dickson, Justice; Rucker, Justice; David, Justice; Massa, Justice
JURISDICTION	Indiana
DECIDED	February 26, 2016
DOCKET	49S02-1602-CR-110
DISPOSITION	reversed
PROCEDURAL POSTURE	Wilford appealed his bench-trial convictions for carrying a handgun without a license and driving while suspended with a prior suspension. The Indiana Supreme Court granted transfer from the Indiana Court of Appeals to review whether the warrantless impoundment and inventory search of Wilford's vehicle were reasonable.
STANDARD OF REVIEW	The State bears the burden of proving that a warrantless impoundment and inventory search were reasonable under the Fourth Amendment and Article 1, Section 11 of the Indiana Constitution. The court examines evidence favorable to the trial court's decision, resolves disputes in favor of that ruling, considers uncontested evidence favorable to the appellant, and overturns factual findings only if clearly erroneous. The ultimate constitutional reasonableness determination is reviewed independently.
PRECEDENTIAL VALUE	published Indiana Supreme Court opinion; precedential
PARTIES	Lamont Wilford v. State of Indiana

TOPICS

search and seizure

fourth amendment

suppression of evidence

exclusionary rule

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the warrantless impoundment of Wilford's vehicle under the police community-caretaking function was reasonable under the Fourth Amendment and Article 1, Section 11 of the Indiana Constitution.
2. Whether the State proved the established departmental routine or regulation required by *Fair v. State* when the officer offered only a generalized reference to departmental procedures.
3. Whether the handgun discovered during the inventory search was admissible when the underlying impoundment was unreasonable.

HOLDINGS

1. A warrantless vehicle impoundment under the community-caretaking function is reasonable only when the State proves both that the officer reasonably believed the vehicle posed a threat of harm to the community or was itself imperiled and that the decision to impound complied with an established departmental routine or regulation.
2. Written departmental procedures are not required, but officer testimony must describe the department's standard impoundment procedure and specifically explain how the particular impoundment complied with it; a generalized assertion that the officer acted pursuant to 'our procedures' is insufficient.
3. Because the impoundment was unreasonable, the ensuing inventory search was invalid and the handgun discovered during that search was inadmissible.

KEY QUOTATIONS

“Although such discretionary impounds may be permissible as part of law enforcement’s community-caretaking function, they require proof of, among other things, an established departmental procedure that authorized the impoundment.” (opinion at 1)

“We reiterate our holding in Fair—impoundment under the community-caretaking function is reasonable only pursuant to established police routine or regulations, and generalized assertions about such a policy are inadequate to make that showing.” (opinion at 8)

FACTUAL BACKGROUND

Police stopped Lamont Wilford while he was driving his sister's vehicle because it had a damaged rear end, a broken tail light, and a cracked windshield. After learning that Wilford's license was suspended, Officer Eli Raisovich arrested him and decided to impound the vehicle because it was allegedly unsafe, Wilford was being arrested, and he was not the owner. Before towing, police conducted an inventory search and found a handgun

that Wilford was not licensed to carry; the record contained no inventory sheet and no evidence that police attempted to contact Wilford's sister to retrieve the car.

PROCEDURAL HISTORY

The Marion Superior Court admitted a handgun discovered during an inventory search of Wilford's vehicle and convicted him of carrying a handgun without a license and driving while suspended with a prior suspension. The Indiana Court of Appeals affirmed, concluding that the vehicle's unsafe condition and the impounding officer's testimony sufficiently established compliance with departmental procedures. The Indiana Supreme Court granted transfer, vacated the Court of Appeals opinion under Indiana Appellate Rule 58(A)(2), and reversed the handgun conviction.

DISPOSITION

reversed

CASES CITED

- Fair v. State, 627 N.E.2d 427 (Ind. 1993)
- Taylor v. State, 842 N.E.2d 327 (Ind. 2006)
- Brown v. State, 653 N.E.2d 77 (Ind. 1995)
- Gibson v. State, 733 N.E.2d 945 (Ind. Ct. App. 2000)
- United States v. Rodriguez-Morales, 929 F.2d 780 (1st Cir. 1991), cert. denied, 502 U.S. 1030 (1992)
- Colorado v. Bertine, 479 U.S. 367 (1987)
- Florida v. Wells, 495 U.S. 1 (1990)
- Ex parte Boyd, 542 So. 2d 1276 (Ala. 1989)
- Benson v. State, 30 S.W.3d 731 (Ark. 2000)
- People v. Shafrir, 107 Cal. Rptr. 3d 721 (Cal. Ct. App. 2010)
- People v. Gee, 33 P.3d 1252 (Colo. App. 2001)
- State v. Nelson, 555 A.2d 426 (Conn. App. Ct. 1989)
- People v. Gipson, 786 N.E.2d 540 (Ill. 2003)
- State v. Huisman, 544 N.W.2d 433 (Iowa 1996)
- State v. Oram, 266 P.3d 1227 (Kan. Ct. App. 2011)
- State v. Bickford, 582 A.2d 250 (Me. 1990)
- O'Connell v. State, 933 So. 2d 306 (Miss. Ct. App. 2005)
- State v. Filkin, 494 N.W.2d 544 (Neb. 1993)
- In re Jeff M., 977 P.2d 352 (N.M. Ct. App. 1999)
- People v. Walker, 980 N.E.2d 937 (N.Y. 2012)
- State v. O'Neill, 29 N.E.3d 365 (Ohio Ct. App. 2015)
- Wilson v. State, 871 P.2d 46 (Okla. Crim. App. 1994)

- Mayberry v. State, 830 S.W.2d 176 (Tex. Crim. App. 1992)
- State v. Strickling, 844 P.2d 979 (Utah Ct. App. 1992)
- State v. Weide, 455 N.W.2d 899 (Wis. 1990)
- Perry v. State, 927 P.2d 1158 (Wyo. 1996)
- Commonwealth v. Bishop, 523 N.E.2d 779 (Mass. 1988)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/indiana-indiana-supreme-court/2016/lamont-wilford-v-state-of-indiana-0sddleo>