

SUPREME COURT OF NORTH DAKOTA

State v. Guthmiller

2002 ND 116 (N.D. 2002) · No. 20010312 · Decided July 11, 2002

SUMMARY

The North Dakota Supreme Court affirmed Dennis Guthmiller’s convictions for possession of a controlled substance with intent to deliver and possession of drug paraphernalia. The court held that the search warrants for Guthmiller’s vehicle and residence were supported by probable cause under the totality-of-the-circumstances test.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Dale V. Sandstrom, Justice; Dale V. Sandstrom; William A. Neumann; Mary Muehlen Maring; Carol Ronning Kapsner; Gerald W. VandeWalle, C.J.
JURISDICTION	North Dakota
DECIDED	July 11, 2002
DOCKET	20010312
DISPOSITION	affirmed
PROCEDURAL POSTURE	Guthmiller appealed from a judgment of conviction for possession of a controlled substance with intent to deliver and possession of drug paraphernalia after the district court denied his motion to suppress evidence obtained through searches of his vehicle and residence.
STANDARD OF REVIEW	Whether probable cause exists to issue a search warrant is a question of law. The Supreme Court independently reviews the sufficiency of the information presented to the magistrate under the totality-of-the-circumstances test, while deferring to the magistrate’s factual findings and resolving doubts in favor of sustaining the search.
PRECEDENTIAL VALUE	published
PARTIES	Dennis Guthmiller v. State of North Dakota

TOPICS

- search and seizure
- probable cause
- warrant requirement
- suppression of evidence
- fourth amendment

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether probable cause supported the search warrant for Guthmiller's vehicle.
2. Whether probable cause supported the search warrant for Guthmiller's residence, including whether the information was stale and whether the evidence established a nexus between the residence and the suspected drug-trafficking evidence.

HOLDINGS

1. The search warrant for Guthmiller's vehicle was supported by probable cause because the magistrate could reasonably infer from the informant's information, the controlled purchases, Guthmiller's presence, and the vehicle's presence during the transactions that evidence of methamphetamine trafficking would be found in the vehicle.
2. The search warrant for Guthmiller's residence was supported by probable cause. Although the 1998 information concerning suspected marijuana cultivation was stale standing alone, the contemporaneous evidence of Guthmiller's vehicle making short late-night trips from the residence and the discovery of methamphetamine in the vehicle established a sufficient nexus between the residence and evidence of methamphetamine trafficking.

KEY QUOTATIONS

"The task of the issuing magistrate is to make a practical, commonsense decision whether, given all the information considered together, there is a fair probability contraband or evidence of a crime will be found in a particular place." (§ 10)

"Although the evidence may not provide a direct link to the defendant's residence, "circumstantial evidence alone may establish probable cause" to support a search warrant." (§ 21)

"Because the facts and circumstances relied on by the magistrate would warrant a person of reasonable caution to believe evidence of methamphetamine trafficking would be found in Guthmiller's vehicle and residence, we affirm the district court's judgment of conviction." (§ 24)

FACTUAL BACKGROUND

Detectives investigated Guthmiller's suspected involvement in methamphetamine trafficking after an identified informant reported that a Mandan man with a Mercedes on a 4x4 chassis was involved in trafficking. Guthmiller and his gold 1977 Mercedes were present during two controlled methamphetamine purchases conducted at another residence, and the suspected dealer contacted Guthmiller before completing each sale. After obtaining a warrant for the vehicle, officers observed it making short trips to and from Guthmiller's residence shortly after 2:00 a.m.; methamphetamine was then found in the vehicle. The searches of the vehicle and residence produced methamphetamine and other evidence of drug trafficking.

PROCEDURAL HISTORY

Detectives obtained search warrants for Guthmiller's vehicle and residence. Evidence discovered during the searches included methamphetamine, cash, owe sheets, a handgun, and drug paraphernalia. Guthmiller moved to suppress the evidence, but a district court judge upheld both warrants. A jury convicted him, and the Supreme Court of North Dakota affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Thieling, 2000 ND 106, ¶¶ 7-8, 611 N.W.2d 861
- State v. Johnson, 531 N.W.2d 275, 278 (N.D. 1995)
- State v. Ringquist, 433 N.W.2d 207, 212-15 (N.D. 1988)
- State v. Rydberg, 519 N.W.2d 306, 308 (N.D. 1994)
- State v. Damron, 1998 ND 71, ¶ 7, 575 N.W.2d 912
- State v. Frohlich, 506 N.W.2d 729, 732 (N.D. 1993)
- State v. Hage, 1997 ND 175, ¶¶ 11, 16, 20, 568 N.W.2d 741
- State v. Wamre, 1999 ND 164, ¶ 7, 599 N.W.2d 268
- State v. Duchene, 2001 ND 66, ¶ 15, 624 N.W.2d 668
- Illinois v. Gates, 462 U.S. 213, 244 n.13 (1983)
- State v. Olson, 1998 ND 41, ¶¶ 22, 24, 575 N.W.2d 649
- State v. Mische, 448 N.W.2d 415, 416, 419, 421 (N.D. 1989)

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