

SUPREME COURT OF INDIANA

Lacey v. State

946 N.E.2d 548 (Ind. 2011) · No. 02S05-1010-CR-601 · Decided May 10, 2011

SUMMARY

The Supreme Court of Indiana held that Article 1, Section 11 of the Indiana Constitution does not require police to obtain prior judicial authorization for a no-knock execution of a search warrant when exigent circumstances justify the entry. The court held that reasonableness must be evaluated under the totality of the circumstances existing when the warrant is executed, while identifying advance judicial authorization as the better practice when the need for a no-knock entry is known beforehand. The court affirmed the trial court's denial of Lacey's motion to suppress.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Justice Dickson; Chief Justice Shepard; Justice Sullivan; Justice Rucker; Justice David
JURISDICTION	Indiana
DECIDED	May 10, 2011
DOCKET	02S05-1010-CR-601
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of a motion to suppress evidence obtained during execution of a search warrant without a prior knock-and-announce procedure; the Indiana Supreme Court granted transfer after the Court of Appeals reversed.
STANDARD OF REVIEW	Whether the warrant execution violated Article 1, Section 11 of the Indiana Constitution was evaluated under the totality of the circumstances and the reasonableness of police conduct at the time of entry. The probable-cause issue was summarily affirmed under Indiana Appellate Rule 58(A)(2).
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Indiana
PARTIES	Cornelius Tyrone Lacey, Sr. v. State of Indiana

TOPICS

search and seizure

warrant requirement

suppression of evidence

probable cause

appellate procedure

PRACTICE AREAS

Criminal procedure

Search and seizure

Constitutional law

Appellate procedure

QUESTIONS PRESENTED

1. Whether the search warrant was supported by probable cause.
2. Whether Article 1, Section 11 of the Indiana Constitution required police to obtain prior judicial authorization for a no-knock execution of a search warrant when the exigent circumstances supporting the entry were known when the warrant was sought.

HOLDINGS

1. The search warrant was supported by probable cause.
2. Article 1, Section 11 of the Indiana Constitution does not require police to obtain prior judicial authorization for a no-knock execution of a warrant when exigent circumstances justify the entry, even if those circumstances were known when the warrant was obtained.

KEY QUOTATIONS

“We decline to superimpose upon this standard a constitutional requirement for police to seek a no-knock warrant when it appears justified by facts known when the warrant is obtained.” (552-553)

“Article 1, Section 11 of the Indiana Constitution, which prohibits unreasonable search or seizure, does not require prior judicial authorization for the no-knock execution of a warrant when justified by exigent circumstances, even if such circumstances are known by police when the warrant is obtained.” (553)

FACTUAL BACKGROUND

Police obtained a search warrant for Lacey's Fort Wayne residence and entered without first knocking and announcing their presence. The State relied on officer-safety concerns arising from the defendants' criminal histories, including firearms-related concerns, a conviction for dealing in cocaine, a bond-revocation warrant indicating Lacey might be armed, and convictions for armed robbery and resisting arrest. The search produced evidence supporting charges for unlawful possession of a firearm by a serious violent felon, possession of marijuana, and, as to Lacey, maintaining a common nuisance.

PROCEDURAL HISTORY

The trial court denied Lacey's motion to suppress and authorized an interlocutory appeal under Indiana Appellate Rule 14(B). The Court of Appeals accepted jurisdiction, rejected Lacey's probable-cause challenge, but held that the no-knock entry violated the Indiana Constitution and ordered suppression. The Indiana Supreme Court summarily affirmed the probable-cause ruling, reversed the Court of Appeals on the no-knock issue, and affirmed the trial court's denial of suppression.

DISPOSITION

affirmed

CASES CITED

- State v. Dusch, 259 Ind. 507, 289 N.E.2d 515 (1972)
- Moran v. State, 644 N.E.2d 536 (Ind. 1994)
- Davenport v. State, 464 N.E.2d 1302 (Ind. 1984)
- Beer v. State, 885 N.E.2d 33 (Ind. Ct. App. 2008)
- Willingham v. State, 794 N.E.2d 1110 (Ind. Ct. App. 2003)
- Crabtree v. State, 479 N.E.2d 70 (Ind. Ct. App. 1985)
- Cannon v. State, 414 N.E.2d 578 (Ind. Ct. App. 1980)
- Litchfield v. State, 824 N.E.2d 356, 359, 361 (Ind. 2005)
- Duran v. State, 930 N.E.2d 10, 17 (Ind. 2010)
- Richards v. Wisconsin, 520 U.S. 385, 394, 396 n.7, 117 S. Ct. 1416, 137 L. Ed. 2d 615 (1997)
- Ker v. California, 374 U.S. 23, 47, 83 S. Ct. 1623, 10 L. Ed. 2d 726 (1963)
- Hudson v. Michigan, 547 U.S. 586, 590-602, 126 S. Ct. 2159, 165 L. Ed. 2d 56 (2006)
- State v. Bamber, 630 So. 2d 1048 (Fla. 1994)
- State v. Arce, 83 Or. App. 185, 730 P.2d 1260 (Or. Ct. App. 1986)
- Fenner v. Dawes, 748 F. Supp. 404 (E.D. Va. 1990)
- State v. Ballew, 290 Ga. App. 751, 660 S.E.2d 732 (Ga. Ct. App. 2008)
- State v. Creason, 33 Kan. App. 2d 114, 98 P.3d 985 (Kan. Ct. App. 2004)
- Commonwealth v. Santiago, 452 Mass. 573, 896 N.E.2d 622 (Mass. 2008)
- State v. Wasson, 615 N.W.2d 316 (Minn. 2000)
- Caldwell v. State, 938 So. 2d 317 (Miss. Ct. App. 2006)
- State v. Jones, 179 N.J. 377, 846 A.2d 569 (N.J. 2004)
- State v. Perry, 178 S.W.3d 739 (Tenn. Crim. App. 2005)
- Chevis v. State, No. 05-04-00142-CR, 2005 WL 895559, 2005 Tex. App. LEXIS 2949 (Tex. App. Apr. 19, 2005)
- State v. Larson, 215 Wis. 2d 155, 572 N.W.2d 127 (Wis. Ct. App. 1997)