

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Sheridan

470 Mass. 752 (2015) · No. SJC-11543 · Decided February 27, 2015

SUMMARY

The Massachusetts Supreme Judicial Court held that police lacked probable cause to search a vehicle after observing approximately one ounce of marijuana, a civil rather than criminal quantity under Massachusetts law. The court also suppressed text messages obtained from the defendant's cellular telephone because the vehicle search and resulting arrest were unlawful, and a cell phone search was not justified as a search incident to arrest or under inevitable discovery.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Lenk, J.; Gants, C.J.; Spina, J.; Cordy, J.; Botsford, J.; Duffly, J.; Hines, J.
JURISDICTION	Massachusetts
DECIDED	February 27, 2015
DOCKET	SJC-11543
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from the denial of the defendant's motion to suppress marijuana seized from his vehicle, his cellular telephone, and text messages obtained from the telephone. The Supreme Judicial Court granted direct appellate review.
STANDARD OF REVIEW	The court accepts the motion judge's subsidiary findings of fact absent clear error but independently reviews the judge's ultimate findings and conclusions of law.
PRECEDENTIAL VALUE	Published precedential opinion of the Massachusetts Supreme Judicial Court
PARTIES	Matthew J. Sheridan v. Commonwealth

TOPICS

- suppression of evidence
- search and seizure
- probable cause
- fourth amendment
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional criminal procedure

search and seizure

controlled substances

evidence suppression

QUESTIONS PRESENTED

1. Whether police had probable cause to conduct a warrantless search of the minivan after observing a bag containing approximately one ounce of marijuana, a noncriminal quantity under Massachusetts law.
2. Whether the plain view doctrine or the civil forfeiture provision authorized police to enter the minivan and seize the marijuana without probable cause to believe that the vehicle contained evidence of a crime.
3. Whether the seizure and search of Sheridan's cellular telephone and its text messages were permissible after the vehicle search and arrest.

HOLDINGS

1. Police may not conduct a warrantless automobile search based solely on observing approximately one ounce or less of marijuana, because that observation establishes at most a civil infraction and does not establish probable cause to believe that the vehicle contains a criminal quantity of marijuana or evidence of a crime.
2. The plain view doctrine did not authorize police to enter the minivan and seize the visible marijuana because the officers lacked a lawful right of access to the object; the civil forfeiture provision did not independently authorize the otherwise impermissible entry.
3. The exit order and patfrisk were impermissible because the judge did not find, and the record did not establish, a reasonable suspicion that Sheridan was armed and dangerous.
4. The text messages obtained from Sheridan's cellular telephone had to be suppressed because the vehicle search was unlawful and, independently, a search incident to arrest does not authorize a warrantless search of a cellular telephone.

KEY QUOTATIONS

“Absent articulable facts supporting a belief that the vehicle contained an additional, criminal quantity of marijuana, the officers lacked probable cause to believe that a crime was being committed, and the search was impermissible.” (slip op. at 11)

“Here, although the officers could see the marijuana from their lawful vantage point outside the minivan, they did not have a “lawful right to access” it from that vantage point.” (slip op. at 17)

“Because we have determined that the officers' entry into the minivan was impermissible, the thread leading to the search of the text messages is unwound, and the text messages must be suppressed.” (slip op. at 23)

FACTUAL BACKGROUND

Police stopped Sheridan's minivan for an unilluminated headlight and observed from outside the vehicle a portion of a bag that appeared to contain approximately one ounce of marijuana. Although possession of one

ounce or less was a civil offense, officers ordered Sheridan out, handcuffed him, and entered the vehicle after he declined consent to search. An officer lifted a T-shirt covering the visible bag and found two additional bags of marijuana; officers then arrested Sheridan, seized his cellular telephone, and reviewed text messages they believed related to marijuana sales.

PROCEDURAL HISTORY

The defendant was charged in the Quincy Division of the District Court Department with possession of marijuana with intent to distribute and a civil motor vehicle infraction. After an evidentiary hearing, the District Court judge denied the motion to suppress, concluding that police could enter the vehicle to effect forfeiture of the marijuana, that the additional marijuana discovered supported the arrest, and that the telephone evidence was admissible. A single justice allowed an interlocutory appeal, and the Supreme Judicial Court granted direct appellate review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The District Court's order denying the motion to suppress is reversed, and the matter is remanded for further proceedings consistent with the opinion. The marijuana, cellular telephone, and text messages obtained as a result of the unlawful searches were subject to suppression.

CASES CITED

- Commonwealth v. Daniel, 464 Mass. 746 (2013)
- Commonwealth v. Isaiah I., 448 Mass. 334, 337 (2007), S.C., 450 Mass. 818 (2008)
- Commonwealth v. Cruz, 459 Mass. 459, 462, 467-468, 473-476 (2011)
- Commonwealth v. White, 469 Mass. 96, 102 (2014)
- Commonwealth v. Sliech-Brodeur, 457 Mass. 300, 306-307 (2010)
- Commonwealth v. Johnson, 461 Mass. 44, 49-50 (2011)
- Commonwealth v. Antobenedetto, 366 Mass. 51, 55 (1974)
- Commonwealth v. Lopes, 455 Mass. 147, 160 (2009)
- Commonwealth v. Gonsalves, 429 Mass. 658, 662-663 (1999)
- Pennsylvania v. Mimms, 434 U.S. 106, 109-110 (1977)
- Commonwealth v. Pagan, 440 Mass. 62, 68 (2003)
- Commonwealth v. Lantigua, 38 Mass. App. Ct. 526, 528-529 (1995)
- Commonwealth v. Tart, 408 Mass. 249, 253-254 (1990)
- Commonwealth v. Frodyma, 386 Mass. 434, 442 (1982)
- United States v. Davis, 482 F.2d 893, 908 (9th Cir. 1973)
- United States v. Aukai, 497 F.3d 955 (9th Cir. 2007) (en banc)

- United States v. \$124,570 U.S. Currency, 873 F.2d 1240, 1244 (9th Cir. 1989)
- Commonwealth v. Pietrass, 392 Mass. 892, 900 (1984)
- Riley v. California, 134 S. Ct. 2473, 2494 (2014)
- Commonwealth v. Garden, 451 Mass. 43, 47 (2008)
- Whiteley v. Warden, 401 U.S. 560, 566 (1971)
- Commonwealth v. Welch, 420 Mass. 646, 650 (1995)
- Commonwealth v. Cast, 407 Mass. 891, 895, 901 (1990)
- Commonwealth v. Motta, 424 Mass. 117, 124 (1997)
- Commonwealth v. Stack, 49 Mass. App. Ct. 227, 234-235 (2000)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/massachusetts-massachusetts-supreme-judicial-court/2015/commonwealth-v-sheridan-4i65lnqb>