

SUPREME COURT OF WYOMING

Hall v. State

2007 WY 138 (Wyo. 2007) · No. No. 06-230 · Decided August 28, 2007

SUMMARY

The Wyoming Supreme Court held that drugs discovered during a routine booking search following a valid traffic stop and arrest were not fruit of an illegal wiretap. Although the officer's initial observation of Hall was prompted by information from the unlawful wiretap, the traffic stop was independently supported by observed vehicle violations and the booking search followed standard procedures. The court affirmed denial of Hall's motion to suppress.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Voigt, Chief Justice; Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	August 28, 2007
DOCKET	No. 06-230
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hall entered a conditional guilty plea to possession of methamphetamine and appealed the denial of her motion to suppress drugs discovered during a booking pat-down following her arrest for driving under suspension.
STANDARD OF REVIEW	Evidentiary rulings on motions to suppress are reviewed for clear abuse of discretion, with factual findings reviewed for clear error and the evidence viewed in the light most favorable to the district court's determination.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential
PARTIES	Tracy Hall v. The State of Wyoming

TOPICS

- suppression of evidence
- exclusionary rule
- fourth amendment
- probable cause
- post-conviction relief

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether drugs discovered during a routine booking pat-down following a lawful traffic stop and arrest were fruit of an illegal wiretap because the officer's initial observation of Hall was prompted by information obtained from that wiretap.
2. Whether the district court abused its discretion by denying Hall's motion to suppress the methamphetamine.

HOLDINGS

1. The methamphetamine was not subject to exclusion because the traffic stop, arrest, and booking pat-down were sufficiently independent from the illegal wiretap and were supported by independently observed traffic violations and probable cause.
2. The district court did not abuse its discretion in denying suppression of evidence collected during Hall's arrest for driving under suspension.

KEY QUOTATIONS

“whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint.” (¶ 7)

“The fact that the officer's initial observation of Appellant was motivated by information garnered through an illegal wiretap does not change the fact that the evidence at issue was properly gathered during a stop and arrest fully supported by probable cause.” (¶ 10)

“The district court did not abuse its discretion in denying Appellant's motion to suppress evidence collected during her arrest for driving under suspension even though she was initially placed under surveillance because of information gained through use of a wiretap that law enforcement officers later discovered to be illegal.” (¶ 13)

FACTUAL BACKGROUND

Law enforcement intercepted a phone call through wiretaps later determined to be illegal because the Wyoming Communication Interception Act had expired when the wiretap authorizations were issued. Officers used information from the call to locate and observe Hall, but an officer independently observed that the truck she was driving had invalid plates, stopped her, discovered that she lacked proof of insurance and was driving with a suspended license, and arrested her. During routine booking at the detention center, officers found methamphetamine in her sock.

PROCEDURAL HISTORY

Hall was originally convicted after pleading guilty to possession of methamphetamine and completed her sentence. After discovering that the wiretap leading law enforcement to her had been unauthorized because the

governing statute had expired, she obtained post-conviction relief in 2005 and was permitted to withdraw her original guilty plea. The district court denied her renewed motion to suppress the methamphetamine found during booking, and Hall entered a second conditional guilty plea and appealed. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Wilson v. State, 874 P.2d 215, 218 (Wyo. 1994)
- Fertig v. State, 2006 WY 148, ¶ 8, 146 P.3d 492, 495 (Wyo. 2006)
- Wong Sun v. United States, 371 U.S. 471, 484-88 (1963)
- Brown v. State, 738 P.2d 1092, 1097 (Wyo. 1987)
- Goddard v. State, 481 P.2d 343, 345 (Wyo. 1971)
- United States v. Giordano, 416 U.S. 505, 554 (1974) (Powell, J., concurring in part and dissenting in part)
- Segura v. United States, 468 U.S. 796, 799, 804-05, 814 (1984)
- United States v. Ceccolini, 435 U.S. 268, 275-79 (1978)
- Alderman v. United States, 394 U.S. 165, 174-75 (1969)
- United States v. Calandra, 414 U.S. 338, 348 (1974)
- United States v. Salazar, 323 F.3d 852, 857 (10th Cir. 2003)

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