

SUPREME COURT OF KENTUCKY

Parks v. Commonwealth

192 S.W.3d 318 (Ky. 2006) · No. 2003-SC-0305-MR · Decided May 18, 2006

SUMMARY

The Supreme Court of Kentucky vacated Johnathan Parks's convictions for manufacturing methamphetamine and possession of anhydrous ammonia with intent to manufacture methamphetamine. The court held that the Commonwealth's evidence disproved the required intent element and that evidence of starting fluid and lithium batteries should have been suppressed because it resulted from an unlawful detention. The court also rejected the Commonwealth's complicity theory because the alleged principal never possessed the relevant materials.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Cooper; Chief Justice Lambert; Justice Graves; Justice Johnstone; Justice Roach; Justice Scott; Justice Wintersheimer
JURISDICTION	Kentucky
DECIDED	May 18, 2006
DOCKET	2003-SC-0305-MR
DISPOSITION	vacated
PROCEDURAL POSTURE	Direct appeal as a matter of right from convictions in the Grayson Circuit Court for manufacturing methamphetamine and possession of anhydrous ammonia in an unapproved container with intent to manufacture methamphetamine, with persistent-felony-offender enhancement.
STANDARD OF REVIEW	A directed-verdict challenge is reviewed under whether, viewing the evidence in the light most favorable to the Commonwealth, it would be clearly unreasonable for a jury to find guilt beyond a reasonable doubt. Suppression issues are reviewed under constitutional Fourth Amendment principles; factual findings are supported by the record and legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential
PARTIES	Johnathan Parks v. Commonwealth of Kentucky

TOPICS

suppression of evidence

fourth amendment

search and seizure

criminal procedure

statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that Parks possessed anhydrous ammonia, chemicals, or equipment with the intent to manufacture methamphetamine.
2. Whether Parks could be convicted under a complicity theory when the person he allegedly aided never possessed the chemicals or equipment and therefore never committed the underlying offense.
3. Whether the stop and search of Parks's vehicle were authorized by a search warrant, the Summers exception, or Parks's probation search condition.
4. Whether evidence obtained from the vehicle was suppressible as fruit of an unlawful detention and whether the Leon good-faith exception applied.
5. Whether Parks could be reprosecuted for the lesser Class D offense of possessing anhydrous ammonia in an unapproved container after the Class B conviction was vacated.

HOLDINGS

1. The Commonwealth's evidence was insufficient to prove that Parks possessed the anhydrous ammonia with the intent to manufacture methamphetamine. The evidence instead established that the ammonia was intended to be traded to another person for already-manufactured methamphetamine.
2. Complicity liability does not eliminate the requirement that the Commonwealth prove every element of the underlying offense, including that the person allegedly aided or abetted actually committed that offense.
3. A search warrant for a residence and persons or vehicles at that residence did not authorize police to stop and detain Parks's vehicle approximately five miles away after the vehicle had left the premises and before execution of the warrant.
4. Evidence obtained from the vehicle was the fruit of an unlawful detention and should have been suppressed.
5. The Leon good-faith exception did not save the evidence because the warrant was valid but improperly executed.
6. The Commonwealth could not reprosecute Parks for the Class D offense of possessing anhydrous ammonia in an unapproved container based on the same facts after the Class B conviction was vacated.

KEY QUOTATIONS

“However, instructions in criminal cases should conform to the language of the statute.” (326)

“Thus, to convict a defendant of guilt by complicity, the jury must find beyond a reasonable doubt that the offense was, in fact, committed by the person being aided or abetted by the defendant.” (327)

“Nor could the facts of this case fall within the Summers exception authorizing detention of the owner/occupant during the conduct of the search.” (334)

“The 'good faith' exception will not save an improperly executed search warrant.” (335)

FACTUAL BACKGROUND

Police stopped Parks while he was driving his wife's vehicle after observing two passengers leave a residence that was the subject of a search warrant. A search of the vehicle revealed anhydrous ammonia in a modified propane tank, lithium batteries, a flashlight, and starting fluid. The Commonwealth's witnesses testified that the anhydrous ammonia was intended to be traded to another person for already-manufactured methamphetamine, and the Commonwealth's expert testified that the seized chemicals alone could not manufacture methamphetamine. The vehicle stop and ensuing search occurred approximately five miles from the residence before the search warrant was executed at the residence.

PROCEDURAL HISTORY

Parks was convicted by a jury of both charged offenses and found to be a second-degree persistent felony offender. The trial court imposed consecutive twenty-year sentences, for a total of forty years. The Kentucky Supreme Court vacated both convictions and sentences, holding that the evidence disproved the required intent element and that evidence supporting the manufacturing conviction was obtained through an unlawful detention and should have been suppressed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

None stated. The judgments of conviction and sentences imposed by the Grayson Circuit Court were vacated; the opinion did not order a new trial or remand.

CASES CITED

- Kotila v. Commonwealth, 114 S.W.3d 226, 238 (Ky. 2003)
- Matheney v. Commonwealth, 191 S.W.3d 599, 604 (Ky. 2006)
- Fulcher v. Commonwealth, 149 S.W.3d 363, 370 (Ky. 2004)
- Commonwealth v. Benham, 816 S.W.2d 186, 187 (Ky. 1991)
- McGuire v. Commonwealth, 885 S.W.2d 931, 936 (Ky. 1994)
- Turner v. Commonwealth, 153 S.W.3d 823, 828-29 (Ky. 2005)
- Commonwealth v. Caswell, 614 S.W.2d 253, 254 (Ky. App. 1981)
- Wilson v. Commonwealth, 601 S.W.2d 280, 286 (Ky. 1980)

- Harper v. Commonwealth, 43 S.W.3d 261, 265 (Ky. 2001)
- Dixon v. Commonwealth, 149 S.W.3d 426, 429 (Ky. 2004)
- Slaven v. Commonwealth, 962 S.W.2d 845, 856 (Ky. 1997)
- Commonwealth v. Elmore, 831 S.W.2d 183, 184 (Ky. 1992)
- Stopher v. Commonwealth, 57 S.W.3d 787, 802 (Ky. 2001)
- Hudson v. Commonwealth, 979 S.W.2d 106, 110 (Ky. 1998)
- Whisman v. Commonwealth, 667 S.W.2d 394, 398 (Ky. App. 1984)
- Commonwealth v. Whitmore, 92 S.W.3d 76, 81 (Ky. 2002)
- Burnett v. Commonwealth, 31 S.W.3d 878, 881-83 (Ky. 2000)
- United States v. Knights, 534 U.S. 112, 121-22 (2001)
- United States v. Chavez-Villarreal, 3 F.3d 124, 127 (5th Cir. 1993)
- United States v. Recalde, 761 F.2d 1448, 1457-58 (10th Cir. 1985)
- State v. Miller, 894 S.W.2d 649, 654-56 (Mo. 1995) (en banc)
- Rawlings v. Kentucky, 448 U.S. 98, 106 (1980)
- Zurcher v. Stanford Daily, 436 U.S. 547, 555 (1978)
- United States v. Tate, 694 F.2d 1217, 1223 (9th Cir. 1982)
- Michigan v. Summers, 452 U.S. 692, 694-95, 702-03 (1981)
- United States v. Cochran, 939 F.2d 337, 339 (6th Cir. 1991)
- State v. Ailport, 413 N.W.2d 140, 144 (Minn. Ct. App. 1987)
- United States v. Sherrill, 27 F.3d 344, 346 (8th Cir. 1994)
- United States v. Hogan, 25 F.3d 690, 693 (8th Cir. 1994)
- United States v. Boyd, 696 F.2d 63, 65 n.2 (8th Cir. 1982)
- State v. Ruoho, 685 N.W.2d 451, 460 (Minn. Ct. App. 2004)
- State v. Thomas, 603 So. 2d 1382, 1383-84 (Fla. Dist. Ct. App. 1992)
- Fromm v. State, 624 A.2d 1296, 1299 (Md. Ct. Spec. App. 1993)
- Ybarra v. Illinois, 444 U.S. 85 (1979)
- United States v. Micheli, 487 F.2d 429, 431 (1st Cir. 1973)
- Commonwealth v. Santiago, 575 N.E.2d 350, 352-53 (Mass. 1991)
- People v. Green, 310 N.E.2d 533, 534 (N.Y. 1974)
- People v. Kerrigan, 374 N.Y.S.2d 22, 23 (N.Y. App. Div. 1975)
- Adcock v. Commonwealth, 967 S.W.2d 6 (Ky. 1998)
- Michigan v. Tyler, 436 U.S. 499, 513 (1978)
- United States v. Edwards, 103 F.3d 90, 93-94 (10th Cir. 1996)
- United States v. Leon, 468 U.S. 897, 916, 918 n.19, 921-22 (1984)
- Dixon v. Commonwealth, 890 S.W.2d 629, 632 (Ky. App. 1994)
- United States v. Medlin, 798 F.2d 407, 410 (10th Cir. 1986)
- Groh v. Ramirez, 540 U.S. 551, 563 (2004)

