

SUPREME COURT OF OREGON

State v. K. A. M.

361 Or. 805 (2017) · Decided September 14, 2017

SUMMARY

The Oregon Supreme Court held that a police detective stopped the youth by entering a bedroom in a drug house without explanation, accusing the youth's companion of methamphetamine use, and asking whether they possessed anything illegal. The court concluded that the totality of the circumstances would lead a reasonable person to believe they were not free to leave. It reversed the Court of Appeals and trial court and remanded for determination of whether the stop was supported by reasonable suspicion.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Kistler, J.; Balmer, J.; Duncan, J.; Flynn, J.; Landau, J.; Nakamoto, J.; Walters, J.
JURISDICTION	Oregon
DECIDED	September 14, 2017
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Juvenile appealed the denial of a motion to suppress methamphetamine residue found in a pipe. The Oregon Court of Appeals affirmed, and the Oregon Supreme Court granted review.
STANDARD OF REVIEW	The court accepted the trial court's express and implicit factual findings and reviewed whether, under the totality of the circumstances, the detective's conduct constituted a stop under Article I, section 9, of the Oregon Constitution.
PRECEDENTIAL VALUE	Published opinion; binding Oregon Supreme Court precedent on the Article I, section 9, stop inquiry.
PARTIES	K. A. M. v. State of Oregon

TOPICS

search and seizure

suppression of evidence

criminal procedure

fourth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Schwab's conduct constituted a stop or seizure under Article I, section 9, of the Oregon Constitution.
2. Whether the court should consider K. A. M.'s age in determining whether a reasonable person would have felt free to leave.
3. If a stop occurred, whether it was justified by reasonable suspicion that K. A. M. or the young woman had engaged in criminal activity.

HOLDINGS

1. A stop occurred because, under the totality of the circumstances, a reasonable person would have perceived that Schwab was exercising his authority to detain the occupants of the bedroom.
2. The court did not decide whether youth's age may be considered under Article I, section 9, because the issue was not preserved, K. A. M. was nearly 18, and the circumstances apart from age were sufficient to establish a stop.
3. The court did not decide whether the stop was justified by reasonable suspicion and remanded for the trial court to resolve potentially disputed factual issues relevant to that question.

KEY QUOTATIONS

“when the content of the questions, the manner of asking them, or other actions that police take (along with the circumstances in which they take them) would convey to a reasonable person that the police are exercising their authority to coercively detain the citizen, then the encounter rises to the level of a seizure.”

“Both Schwab’s unexplained entry into that private space and his accusation that the young woman was using or had recently used methamphetamine created a coercive atmosphere that reasonably conveyed that she and youth were suspected of illegal drug use and were not free to leave until Schwab had completed his inquiry.”

“In those circumstances, youth reasonably concluded that Schwab had stopped him—that is, that Schwab was exercising his authority to detain him.”

FACTUAL BACKGROUND

Five Medford police and probation officers entered a dilapidated house known to police as a drug house while conducting a parole sweep. Detective Schwab, wearing a raid vest marked "POLICE," entered a back bedroom where 17-year-old K. A. M. and a young woman were present, without explaining why he was there. Schwab told the young woman to "stay off the meth," asked both individuals their names, and asked whether they had anything illegal; K. A. M. produced a pipe containing methamphetamine residue. Other officers were searching the remainder of the house.

PROCEDURAL HISTORY

Police encountered juvenile K. A. M. and a young woman in a bedroom during a search of a suspected drug house. After a detective told the young woman to stay off methamphetamine and asked whether they had anything illegal, K. A. M. produced a pipe containing methamphetamine residue. The circuit court denied the suppression motion and entered a juvenile jurisdictional judgment. The Court of Appeals affirmed on the ground that no stop occurred. The Oregon Supreme Court reversed and remanded for the trial court to determine whether the stop was justified by reasonable suspicion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the circuit court to determine whether the stop was justified, including whether Detective Schwab reasonably suspected that K. A. M. and the young woman had engaged or were engaging in criminal activity, after resolving any disputed factual issues.

CASES CITED

- State v. K. A. M., 279 Or. App. 191, 379 P.3d 686 (2016)
- J.D.B. v. North Carolina, 564 U.S. 261, 131 S. Ct. 2394, 180 L. Ed. 2d 310 (2011)
- Yarborough v. Alvarado, 541 U.S. 652, 124 S. Ct. 2140, 158 L. Ed. 2d 938 (2004)
- State v. Backstrand, 354 Or. 392, 399, 412, 313 P.3d 1084 (2013)
- State v. Ehly, 317 Or. 66, 78, 854 P.2d 421 (1993)
- State v. Anderson, 354 Or. 440, 452-53, 313 P.3d 1113 (2013)
- State v. Highley, 354 Or. 459, 469, 313 P.3d 1068 (2013)
- State v. Fair, 353 Or. 588, 600-01, 302 P.3d 417 (2013)
- State v. Tanner, 304 Or. 312, 321, 745 P.2d 757 (1987)
- State v. Jackson, 268 Or. App. 139, 146, 342 P.3d 119 (2014)
- State v. Ghim, 360 Or. 425, 443, 381 P.3d 789 (2016)