

SUPREME COURT OF WYOMING

State v. McAuliffe

2005 WY 165 (2005) · No. No. 04-65 · Decided December 29, 2005

SUMMARY

The Wyoming Supreme Court reviewed the State's petition challenging suppression of drug evidence discovered after Colin McAuliffe was arrested for refusing a probation-condition search during a traffic stop. The court held that the probation conditions permitting random searches for drugs were reasonable under the Fourth Amendment and that the detectives had probable cause to arrest McAuliffe for interference, reversing and remanding the suppression order.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Golden, Justice; Hill, C.J.; Golden, J.; Kite, J.; Voigt, J.; Stebner, D.J., Retired
JURISDICTION	Wyoming
DECIDED	December 29, 2005
DOCKET	No. 04-65
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for writ of review/certiorari of the district court's order granting McAuliffe's motion to suppress drug evidence.
STANDARD OF REVIEW	The trial court's factual findings on a suppression motion are reviewed for clear error and viewed in the light most favorable to the trial court's determination; the constitutionality of a search or seizure is reviewed de novo.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	The State of Wyoming v. Colin McAuliffe

TOPICS

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

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether a probation condition authorizing random searches of a probationer's person and vehicle for drugs was reasonable under the Fourth Amendment.
2. Whether the detectives were lawfully performing their official duties when they sought to enforce the probation search condition.
3. Whether McAuliffe's refusal to consent to the search and false statement that he was not on probation supplied probable cause to arrest him for interference.

HOLDINGS

1. A probation condition permitting law-enforcement officers to conduct random searches of McAuliffe's person and vehicle for drugs was reasonable under the Fourth Amendment because it bore a reasonable relationship to his drug-related criminal activity, rehabilitation, and society's protection from future drug violations.
2. The probation order authorized the detectives, as part of their official duties, to question McAuliffe about his probation status and conduct a random search for drugs on his person and in his vehicle.
3. McAuliffe's refusal to consent to the random search and his false statement that he was not on probation gave the detectives probable cause to arrest him for knowingly obstructing, impeding, or interfering with peace officers performing their official duties.

KEY QUOTATIONS

“Thus, we find that the probation search conditions permitting random drug searches of probationer McAuliffe by law enforcement officers pass Fourth Amendment muster.” (¶ 23)

“We further hold that the circuit court's probation order, with the attendant reasonable search conditions, authorized the detectives as part of their official duties to question McAuliffe about his probation status and to conduct a random search for drugs on his person and in his vehicle” (¶ 24)

FACTUAL BACKGROUND

McAuliffe pleaded guilty to misdemeanor possession of a controlled substance and was placed on unsupervised probation with conditions requiring him to submit to law-enforcement searches of his person, vehicle, or residence for controlled substances and to provide chemical testing when contacted in Laramie County. During a traffic stop for failing to signal, detectives confirmed that he remained on probation, but he denied that status and refused to consent to a search. He was arrested for interference, and drug evidence was subsequently found on his person at the jail.

PROCEDURAL HISTORY

McAuliffe pleaded guilty to misdemeanor possession of a controlled substance and received a suspended jail sentence and unsupervised probation subject to conditions authorizing searches for drugs. After detectives arrested him for interference when he denied being on probation and refused to consent to a search during a traffic stop, drug evidence was discovered at the jail. The district court suppressed the evidence, finding the

probation condition and resulting arrest violated the Fourth Amendment. The Wyoming Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remanded to the district court for such further proceedings as may be appropriate.

CASES CITED

- Jones v. State, 2002 WY 35, 41 P.3d 1247 (Wyo. 2002)
- Pena v. State, 792 P.2d 1352 (Wyo. 1990)
- Nixon v. State, 2001 WY 15, 18 P.3d 631 (Wyo. 2001)
- United States v. Knights, 534 U.S. 112 (2001)
- State ex rel. ACC, 2002 UT 22, 44 P.3d 708 (Utah 2002)
- State v. Velasquez, 672 P.2d 1254 (Utah 1983)
- Lindsay v. State, 2005 WY 34, 108 P.3d 852 (Wyo. 2005)
- Gehnert v. State, 956 P.2d 359 (Wyo. 1998)
- Martindale v. State, 2001 WY 52, 24 P.3d 1138 (Wyo. 2001)
- Putnam v. State, 995 P.2d 632 (Wyo. 2000)
- Brown v. State, 2005 WY 37, 109 P.3d 52 (Wyo. 2005)
- Newton v. State, 698 P.2d 1149 (Wyo. 1985)
- Tillett v. State, 637 P.2d 261 (Wyo. 1981)
- Jandro v. State, 781 P.2d 512 (Wyo. 1989)
- Mackrill v. State, 2004 WY 129, 100 P.3d 361 (Wyo. 2004)
- Vassar v. State, 2004 WY 125, 99 P.3d 987 (Wyo. 2004)
- Ingersoll v. State, 2004 WY 102, 96 P.3d 1046 (Wyo. 2004)
- Nix v. Williams, 467 U.S. 431 (1984)