

SUPREME COURT OF WASHINGTON

State of Washington v. Kenneth Lansden, 144 Wash. 2d 654

30 P.3d 483 (2001) · No. No. 70452-0 · Decided September 6, 2001

SUMMARY

The Washington Supreme Court held that a district court lacked authority to issue an administrative search warrant for civil violations of the Yakima County Code. Because the warrant was invalid, officers were not lawfully present when they observed methamphetamine-related evidence in plain view, and the evidence was inadmissible. The court reversed the Court of Appeals and remanded for dismissal of the conviction.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Ireland, J.; Alexander, C.J.; Smith, J.; Johnson, J.; Madsen, J.; Sanders, J.; Bridge, J.; Chambers, J.; Owens, J.
JURISDICTION	Washington
DECIDED	September 6, 2001
DOCKET	No. 70452-0
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Lansden sought review of the Washington Court of Appeals' affirmance of his convictions for manufacturing and possessing methamphetamine after the trial court denied his CrR 3.6 motion to suppress drug evidence.
STANDARD OF REVIEW	The court independently reviewed the constitutional validity of the search warrant and the denial of the suppression motion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Kenneth Lansden v. State of Washington

TOPICS

- warrant requirement
- search and seizure
- suppression of evidence
- criminal procedure
- constitutional law

PRACTICE AREAS

- criminal procedure
- search and seizure
- constitutional law
- evidence

QUESTIONS PRESENTED

1. Whether law-enforcement officers' participation in execution of a valid administrative search warrant for code violations required a pretext analysis when officers suspected drug activity.
2. Whether the initial administrative search warrant was valid when no statute or court rule authorized a district court to issue a warrant to search for evidence of civil code violations.
3. Whether drug evidence observed in plain view during execution of the invalid administrative warrant was admissible.

HOLDINGS

1. The court declined to apply a pretext analysis to a search conducted pursuant to a valid warrant because the constitutional defect identified in the pretext traffic-stop cases concerned warrantless searches or seizures.
2. A Washington court of limited jurisdiction lacks inherent authority to issue an administrative search warrant for civil code violations; absent an authorizing statute or court rule, the warrant is invalid under article I, section 7 of the Washington Constitution.
3. The plain-view doctrine does not render a seizure lawful when officers are present on private premises only because they are executing an invalid search warrant.

KEY QUOTATIONS

“We decline to apply a pretext analysis to searches pursuant to a valid warrant.” (30 P.3d 487)

“The State has provided no valid legal basis for issuance of the initial search warrant. Consequently, the warrant must be quashed because the district court lacked the “authority of law” required by our constitution.” (30 P.3d 488)

“Because they were executing an invalid search warrant, the officers were not lawfully present on the Pence Road property.” (30 P.3d 488)

FACTUAL BACKGROUND

A Yakima County code inspector obtained a warrant to inspect property for civil code violations involving recreational vehicles, junk vehicles, and related nuisance conditions. Approximately ten law-enforcement officers, including narcotics officers and a Drug Enforcement Administration agent, accompanied the inspector, and officers observed chemicals and equipment associated with methamphetamine manufacture while executing the warrant. Those observations supported a second warrant for the residence, leading to the seizure of drug evidence and Lansden's arrest.

PROCEDURAL HISTORY

The Yakima County District Court denied Lansden's motion to suppress evidence found during execution of an administrative search warrant. Lansden stipulated to the facts and was convicted after a bench trial. Division Three of the Washington Court of Appeals affirmed, and the Washington Supreme Court granted review, reversed the Court of Appeals, and remanded for dismissal of the conviction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court for dismissal of Lansden's conviction.

CASES CITED

- State v. Ladson, 138 Wash. 2d 343, 358, 979 P.2d 833 (1999)
- State v. Bartholomew, 56 Wash. App. 617, 784 P.2d 1276 (1990)
- City of Seattle v. McCready, 123 Wash. 2d 260, 272, 868 P.2d 134 (1994)
- City of Seattle v. McCready, 124 Wash. 2d 300, 309, 877 P.2d 686 (1994)
- State v. Kennedy, 107 Wash. 2d 1, 10, 726 P.2d 445 (1986)
- Payton v. New York, 445 U.S. 573, 587, 100 S. Ct. 1371, 63 L. Ed. 2d 639 (1980)
- State v. Dennis, 16 Wash. App. 417, 424, 558 P.2d 297 (1976)
- State v. Lansden, No. 18582-6-III, 2000 WL 1476173 (Wash. Ct. App. Oct. 5, 2000)