

SUPREME COURT OF WYOMING

Tucker v. State

214 P.3d 236 (Wyo. 2009) · No. S-08-0185 · Decided August 25, 2009

SUMMARY

The Supreme Court of Wyoming affirmed Ira Tucker’s convictions for possession of controlled substances with intent to deliver. The court held that his conditional guilty plea was valid and that law enforcement had probable cause, based on the totality of the circumstances, to stop and search his vehicle. The court also rejected Tucker’s due process claims concerning alleged misrepresentations, discovery limitations, delays from changes of counsel, and a defective arrest warrant.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, Justice; Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	August 25, 2009
DOCKET	S-08-0185
DISPOSITION	affirmed
PROCEDURAL POSTURE	Tucker entered conditional guilty pleas to two counts of possession of a controlled substance with intent to deliver, reserving the right to appeal denial of his motion to suppress. The Wyoming Supreme Court reviewed the denial of suppression and related due process and arrest-warrant claims.
STANDARD OF REVIEW	Evidentiary admissibility rulings are reviewed for abuse of discretion; factual findings on a suppression motion are reviewed for clear error; whether an unreasonable search or seizure occurred is reviewed de novo; due process questions are reviewed de novo and admissibility rulings for abuse of discretion.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Ira George Tucker v. State of Wyoming

TOPICS

- criminal procedure
- probable cause
- search and seizure
- suppression of evidence
- appellate procedure

PRACTICE AREAS

Criminal law

Criminal procedure

Constitutional law

Appellate procedure

Evidence

QUESTIONS PRESENTED

1. Whether Tucker's conditional guilty plea was valid when it reserved review of a due process claim that he argued was not dispositive.
2. Whether law enforcement had probable cause to stop and search Tucker's vehicle and arrest him.
3. Whether the State violated due process by allegedly misrepresenting the basis for the stop and search.
4. Whether Tucker preserved claims concerning restricted discovery access and delays caused by changes of counsel.
5. Whether the arrest warrant was defective because the probable-cause affidavit allegedly contained false or misleading information.

HOLDINGS

1. The conditional guilty plea was valid, and the court could address the substantive issues reserved for appeal.
2. Under the totality of the circumstances, law enforcement had probable cause to stop and search Tucker's vehicle.
3. The State did not deprive Tucker of due process by allegedly concealing the confidential informant's involvement or misrepresenting the basis for the stop and search.
4. Tucker could not obtain appellate review of claims concerning denial of discovery access or delay caused by substitution of counsel because he did not present those claims to the district court or reserve them in his conditional plea.
5. The arrest warrant was not defective because the probable-cause affidavit did not contain false or misleading information.

KEY QUOTATIONS

“Probable cause justifying a stop and search of a vehicle is established if, under the totality of the circumstances, there is a fair probability that the car contains contraband or evidence of a crime.” (214 P.3d at 243)

“From the totality of these circumstances, a man of reasonable prudence would have been warranted in the belief that controlled substances would be found in Mr. Tucker's vehicle.” (214 P.3d at 244)

FACTUAL BACKGROUND

A confidential informant told law enforcement that he had purchased methamphetamine from a man named Ira who drove a black Jeep Cherokee and frequented specified Sheridan residences. Officers corroborated identifying and predictive details, monitored recorded calls in which the person believed to be Tucker discussed drug quantities, prices, and travel to Sheridan, and observed Tucker leave his Casper residence in a vehicle

matching the predicted description. Officers stopped the vehicle, searched it based on probable cause, and found marijuana and methamphetamine.

PROCEDURAL HISTORY

The State charged Tucker with possession of marijuana with intent to deliver and possession of methamphetamine with intent to deliver. The district court denied his motion to suppress evidence seized from his vehicle, later denied his due process motion concerning alleged misrepresentations and accepted conditional guilty pleas. The court imposed consecutive sentences of seven to ten years and fourteen to eighteen years. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Walters v. State, 2008 WY 159, 197 P.3d 1273 (Wyo. 2008)
- Johnson v. City of Laramie, 2008 WY 73, 187 P.3d 355 (Wyo. 2008)
- Bouch v. State, 2006 WY 122, 143 P.3d 643 (Wyo. 2006)
- Barekman v. State, 2009 WY 13, 200 P.3d 802 (Wyo. 2009)
- Smith v. State, 2009 WY 2, 199 P.3d 1052 (Wyo. 2009)
- Callaway v. State, 954 P.2d 1365 (Wyo. 1998)
- McKenney v. State, 2007 WY 129, 165 P.3d 96 (Wyo. 2007)
- Holman v. State, 2008 WY 54, 183 P.3d 368 (Wyo. 2008)
- Goettl v. State, 842 P.2d 549 (Wyo. 1992)
- Buckles v. State, 998 P.2d 927 (Wyo. 2000)
- Carroll v. United States, 267 U.S. 132, 45 S. Ct. 280, 69 L. Ed. 543 (1925)
- Kunselman v. State, 2008 WY 85, 188 P.3d 567 (Wyo. 2008)