

MONTANA SUPREME COURT

State v. Stevens, 2019 MT 36, 394 Mont. 278

434 P.3d 904 (2019) · Decided February 12, 2019

SUMMARY

The Montana Supreme Court affirmed the denial of Jeremiah James Stevens's motion to suppress evidence and statements arising from an investigative stop. The court held that the officer had particularized suspicion to initiate the stop and that using handcuffs did not convert the stop into an arrest because the restraint was reasonably necessary for officer safety. Stevens's spontaneous admission that he possessed methamphetamine provided probable cause for his arrest and the ensuing search.

CASE DETAILS

COURT	Montana Supreme Court
WRITING FOR THE COURT	Chief Justice Mike McGrath; Justice Laurie McKinnon; Justice Ingrid Gustafson; Justice James Jeremiah Shea; Justice Jim Rice
JURISDICTION	Montana
DECIDED	February 12, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Stevens appealed the denial of his motion to suppress after entering a guilty plea to one count of criminal possession of dangerous drugs.
STANDARD OF REVIEW	The court reviews a ruling on a motion to suppress by determining whether the district court's factual findings are clearly erroneous and whether the court correctly interpreted and applied the governing law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jeremiah James Stevens v. State of Montana

TOPICS

criminal procedure fourth amendment search and seizure probable cause suppression of evidence

PRACTICE AREAS

criminal procedure constitutional law evidence appellate procedure

QUESTIONS PRESENTED

1. Whether the officers had particularized suspicion to initiate a temporary investigative stop.
2. Whether the immediate use of handcuffs transformed the investigative stop into an arrest unsupported by probable cause.
3. Whether the officers had probable cause to arrest Stevens after he stated that he possessed methamphetamine.

HOLDINGS

1. The officers had particularized suspicion to initiate a Terry stop because Stevens's conduct—hiding and bobbing in bushes across from a courthouse at approximately 6:00 a.m., near a prisoner-transport area—provided objective data supporting reasonable inferences of wrongdoing or a potential threat to the prisoner transport.
2. The officers' use of handcuffs did not convert the lawful investigative stop into an arrest because the handcuffs were used as a reasonably necessary officer-safety measure while the officers investigated suspicious conduct, and the deputy intended to conduct a Terry stop rather than effect an arrest.
3. The officers had probable cause to arrest Stevens after he spontaneously stated during the lawful investigative stop that he possessed methamphetamine.

KEY QUOTATIONS

“Particularized suspicion is objective data from which an experienced police officer can make certain inferences and a resulting suspicion that the individual is or has been engaged in wrongdoing.” (434 P.3d at 907, ¶ 12)

“We agree with the State that § 46-5-401(2)(b), MCA, permitted the officers to place Stevens in handcuffs to safely effectuate the investigatory stop.” (434 P.3d at 909, ¶ 20)

“At this point, the officers' particularized suspicion ripened into probable cause to arrest.” (434 P.3d at 910, ¶ 23)

FACTUAL BACKGROUND

At approximately 6:00 a.m., a deputy preparing to transfer a prisoner from a courthouse in Libby, Montana, saw Stevens hiding and repeatedly bobbing up and down in bushes across from the courthouse. The deputy and an assisting trooper approached with weapons drawn at their sides, ordered Stevens to stand and show his hands, and placed him in handcuffs for officer safety. During questioning, Stevens said he was concealing an open alcohol container and then spontaneously stated that he possessed methamphetamine. The deputy searched Stevens, found suspected methamphetamine and other substances, and arrested him for criminal possession of dangerous drugs.

PROCEDURAL HISTORY

The Nineteenth Judicial District Court denied Stevens's motion to suppress his statements and the drugs discovered during the encounter. Stevens then pleaded guilty to one count under Montana Code Annotated § 45-

9-102(6) (2015), the State dismissed the other count under the plea agreement, and the court committed him to the Department of Corrections for five years with two years suspended. He appealed the suppression ruling.

DISPOSITION

affirmed

CASES CITED

- State v. Morrissey, 2009 MT 201, 351 Mont. 144, 214 P.3d 708
- State v. Clayton, 2002 MT 67, 309 Mont. 215, 45 P.3d 30
- Terry v. Ohio, 392 U.S. 1 (1968)
- City of Missoula v. Kroschel, 2018 MT 142, 391 Mont. 457, 419 P.3d 1208
- Katz v. United States, 389 U.S. 347 (1967)
- State v. Wilson, 2018 MT 268, 393 Mont. 238, 430 P.3d 77
- United States v. Mendenhall, 446 U.S. 544 (1980)
- State v. Roberts, 1999 MT 59, 293 Mont. 476, 977 P.2d 974
- State v. Thornton, 218 Mont. 317, 708 P.2d 273 (1985)
- State v. Stubbs, 270 Mont. 364, 892 P.2d 547 (1995)
- Adams v. Williams, 407 U.S. 143 (1972)
- State v. Morsette, 201 Mont. 233, 654 P.2d 503 (1982)
- Hulse v. DOJ, Motor Vehicle Division, 1998 MT 108, 289 Mont. 1, 961 P.2d 75
- State v. Ellington, 2006 MT 219, 333 Mont. 411, 143 P.3d 119
- State v. Loh, 275 Mont. 460, 914 P.2d 592 (1996)

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