

SUPREME COURT OF MISSOURI

State v. Stover

388 S.W.3d 138 (Mo. banc 2012) · Decided September 25, 2012

SUMMARY

Melvin Stover appealed his Missouri conviction for first-degree drug trafficking involving approximately 10 gallons of PCP. The Missouri Supreme Court held that sufficient evidence supported an inference of knowing possession and that reasonable suspicion justified the continued traffic-stop detention. The court nevertheless reversed and remanded because submission of the verdict-directing instruction constituted plain error.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Patricia Breckenridge; Richard B. Teitelman; George W. Draper III; Mary R. Russell; Zel M. Fischer; Laura Denvir Stith
JURISDICTION	Missouri
DECIDED	September 25, 2012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Stover appealed his conviction and sentence for first-degree drug trafficking. The Supreme Court of Missouri granted transfer after an opinion by the court of appeals.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed with deference to the fact finder, asking whether sufficient evidence would permit a reasonable juror to find guilt beyond a reasonable doubt. Suppression rulings are reviewed in the light most favorable to the ruling, with deference to credibility determinations and review for substantial evidence; constitutional questions are reviewed de novo. Evidentiary rulings are reviewed for clear abuse of discretion and prejudice. Unpreserved instructional error is reviewed for plain error.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Missouri
PARTIES	Melvin Stover, Jr. v. State of Missouri

TOPICS

jury instructions

criminal procedure

suppression of evidence

fourth amendment

miranda rights

PRACTICE AREAS

criminal procedure

constitutional law

evidence

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controlled substances

QUESTIONS PRESENTED

1. Whether sufficient evidence supported the finding that Stover knowingly possessed the PCP for purposes of the charged first-degree trafficking offense.
2. Whether the traffic-stop detention was supported by reasonable suspicion and lasted no longer than reasonably necessary.
3. Whether Stover's statements made during the traffic stop before Miranda warnings were subject to suppression.
4. Whether evidence of Stover's refusal to consent to a vehicle search was constitutionally inadmissible.
5. Whether testimony about the arresting officer's DEA commendation was inadmissible hearsay.
6. Whether the verdict-directing instruction was plainly erroneous because it did not require the jury to find that Stover knew the content and character of the PCP.

HOLDINGS

1. The evidence was sufficient to support an inference that Stover knowingly possessed and controlled the PCP found in the jointly controlled rental vehicle.
2. The continued detention was reasonable under the Fourth Amendment because the officer developed reasonable and articulable suspicion of criminal activity and diligently pursued an investigation, including a canine sniff.
3. Stover's statements made during the traffic stop before he received Miranda warnings were not subject to suppression because ordinary traffic-stop detention is not custody for Miranda purposes.
4. The admission of evidence of Stover's refusal to consent to a search was not constitutionally barred where the evidence was used to explain subsequent police actions rather than to prove guilt.
5. The verdict-directing instruction was plainly erroneous because it omitted the requirement that Stover knew the content and character of the substance, an essential element of the charged offense.
6. The trial court did not abuse its discretion by admitting testimony that the officer received a DEA commendation for the seizure because the testimony was offered to show the large quantity of PCP and its relevance to intent, not to prove the truth of an out-of-court assertion.

KEY QUOTATIONS

"A verdict-directing instruction must contain each element of the offense charged and must require the jury to find every fact necessary to constitute essential elements of [the] offense charged." (154)

"The trial court's failure to so instruct the jury relieved the state of its burden of proving each element of the offense beyond a reasonable doubt." (155)

“The noncoercive aspect of ordinary traffic stops prompts us to hold that persons temporarily detained pursuant to [traffic stops] are not ‘in custody’ for the purposes of Miranda.” (155)

FACTUAL BACKGROUND

During a traffic stop on Interstate 70, Corporal Brian Hagerty observed Stover and a passenger traveling in a rental vehicle with California plates, no visible luggage, inconsistent travel accounts, and other circumstances he regarded as indicative of drug trafficking. After approximately forty-nine minutes, a canine alerted to the trunk, where officers found a suitcase containing approximately ten gallons of PCP and a newly purchased watch that Stover acknowledged owning. Stover was arrested, advised of his Miranda rights, and later convicted after the trial court admitted evidence of his pre-warning statements, refusal to consent to a search, and the officer’s DEA commendation.

PROCEDURAL HISTORY

The State charged Stover in 2007 with first-degree trafficking based on approximately ten gallons of PCP found in the trunk of a rental vehicle. The trial court denied his suppression motions, admitted evidence concerning his statements, refusal to consent, and the DEA commendation of the arresting officer, overruled his objection to the verdict-directing instruction, and entered judgment after the jury found him guilty. The court sentenced him to twelve years without probation or parole. The Supreme Court reversed because the verdict director omitted an essential knowledge requirement and remanded for further proceedings, addressing several other issues likely to recur on retrial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The conviction and sentence are reversed, and the case is remanded to the trial court for further proceedings, including retrial if pursued.

CASES CITED

- State v. Moore, 303 S.W.3d 515, 519 (Mo. banc 2010)
- State v. Oliver, 293 S.W.3d 437, 444 (Mo. banc 2009)
- State v. Chaney, 967 S.W.2d 47, 52 (Mo. banc 1998)
- State v. McNaughton, 924 S.W.2d 517, 526 (Mo. App. 1996)
- State v. Pond, 131 S.W.3d 792, 794 (Mo. banc 2004)
- State v. Wilson, 359 S.W.3d 60, 67 (Mo. App. 2011)
- State v. Purlee, 839 S.W.2d 584, 587-88 (Mo. banc 1992)
- State v. Woods, 284 S.W.3d 630, 640 (Mo. App. 2009)
- State v. Sanderson, 169 S.W.3d 158, 164 (Mo. App. 2005)
- State v. Schroeder, 330 S.W.3d 468, 472 (Mo. banc 2011)

- State v. Granado, 148 S.W.3d 309, 311 (Mo. banc 2004)
- United States v. Brown, 345 F.3d 574, 578 (8th Cir. 2003)
- State v. Waldrup, 331 S.W.3d 668, 674 (Mo. banc 2011)
- United States v. Lyons, 486 F.3d 367, 371 (8th Cir. 2007)
- State v. Mack, 66 S.W.3d 706, 709 (Mo. banc 2002)
- Terry v. Ohio, 392 U.S. 1, 25 (1968)
- United States v. Place, 462 U.S. 696, 709 n.10 (1983)
- United States v. Sharpe, 470 U.S. 675, 686 (1985)
- Berkemer v. McCarty, 468 U.S. 420, 439-40 (1984)
- State v. Maginnis, 150 S.W.3d 117, 122 (Mo. App. 2004)
- State v. Sund, 215 S.W.3d 719, 722-25 (Mo. banc 2007)
- State v. Wurtzberger, 40 S.W.3d 893, 898 (Mo. banc 2001)
- State v. Cooper, 215 S.W.3d 128, 125-27 (Mo. banc 2007)
- State v. Doolittle, 896 S.W.2d 27, 29-30 (Mo. banc 1995)
- Miranda v. Arizona, 384 U.S. 436, 444 (1966)
- State v. Gaw, 285 S.W.3d 318, 321 (Mo. banc 2009)
- State v. Glass, 136 S.W.3d 496, 511 (Mo. banc 2004)
- Doyle v. Ohio, 426 U.S. 610, 619 (1976)
- Wainwright v. Greenfield, 474 U.S. 284, 291 (1986)
- State v. Kemp, 212 S.W.3d 135, 146 (Mo. banc 2007)
- United States v. Dozal, 173 F.3d 787, 794 n.2 (10th Cir. 1999)
- United States v. Thame, 846 F.2d 200, 207 (3d Cir. 1988)
- United States v. Prescott, 581 F.2d 1343, 1350 (9th Cir. 1978)
- United States v. Runyan, 290 F.3d 223, 249-50 (5th Cir. 2002)
- United States v. Moreno, 233 F.3d 937, 941 (7th Cir. 2000)

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