

SUPREME COURT OF MONTANA

State v. Olson, 314 Mont. 402

66 P.3d 297 (2003) · No. No. 02-268 · Decided March 27, 2003

SUMMARY

The Montana Supreme Court reviewed Sharon Marie Olson’s appeal from the denial of her motion to suppress evidence after she pleaded guilty to criminal possession of dangerous drugs. The court held that statements Olson made to a detective during a custodial interrogation without Miranda warnings had to be suppressed, but concluded that the remaining information established probable cause for the search warrant and particularized suspicion for the investigative traffic stop. The court affirmed the judgment while reversing in part the suppression ruling.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Terry N. Trieweiler; Karla M. Gray; W. William Leaphart; Patricia Cotter; Jim Rice
JURISDICTION	Montana
DECIDED	March 27, 2003
DOCKET	No. 02-268
DISPOSITION	affirmed
PROCEDURAL POSTURE	Olson appealed after pleading guilty pursuant to an agreement preserving her right to challenge the denial of her motion to suppress statements and physical evidence.
STANDARD OF REVIEW	The court reviews a denial of a motion to suppress to determine whether the district court's factual findings are clearly erroneous and whether those findings were correctly applied as a matter of law.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Sharon Marie Olson v. State of Montana

TOPICS

- suppression of evidence
- miranda rights
- probable cause
- search and seizure
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Detective Wells's statements to Olson constituted custodial interrogation requiring Miranda warnings and whether Olson's resulting statements had to be suppressed.
2. Whether the search-warrant application established probable cause after Olson's statements were excised.
3. Whether officers had particularized suspicion to justify the investigative traffic stop of Olson's vehicle.

HOLDINGS

1. Olson was in custody and Detective Wells's statements were interrogation because they were reasonably likely to elicit an incriminating response. Because Olson was not given Miranda warnings, her statements violated the Fifth Amendment and Article II, Section 25, of the Montana Constitution and had to be suppressed.
2. The search-warrant application established probable cause to search Olson's vehicle even after Olson's unwarned statements were excised.
3. The officers had particularized suspicion to justify the investigative traffic stop of Olson's vehicle.

KEY QUOTATIONS

“interrogation” in the context of the Fifth Amendment and Article II, Section 25, of the Montana Constitution, refers not only to express questioning, but also to “any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect.” (¶ 18)

“the judge evaluates the facts asserted within the four corners of the [search warrant] application and makes a practical, common-sense decision as to whether there is a fair probability that incriminating items will be found in the place to which entry is sought.” (¶ 24)

“First, the State is required to show objective data from which an experienced officer could make certain inferences. Second, the State must show a resulting suspicion that the occupant of the vehicle in question is, or has been, engaged in wrongdoing.” (¶ 32)

FACTUAL BACKGROUND

An informant reported seeing a possible methamphetamine laboratory in a garage on Nora Smith's property and described equipment, chemical odors, and a person apparently manufacturing methamphetamine. During surveillance, officers observed people removing items from the garage and placing them in Olson's vehicle, which officers then stopped. After Detective Wells told Olson he knew a meth lab was in her trunk and discussed the health risks to her and her son, Olson admitted the equipment was in the vehicle; a warrant search discovered methamphetamine, chemicals, glassware, tubing, and drug-manufacturing precursors.

PROCEDURAL HISTORY

The Eighth Judicial District Court in Cascade County denied Olson's motion to suppress. Olson then pleaded guilty to an amended charge of criminal possession of dangerous drugs, the remaining charges were dismissed, and she was sentenced. The Montana Supreme Court reversed the portion of the suppression order concerning her statements, upheld the warrant and traffic stop rulings, and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Dawson, 1999 MT 171, ¶¶ 13, 35, 295 Mont. 212, 983 P.2d 916
- Miranda v. Arizona, 384 U.S. 436, 444 (1966)
- State v. Elison, 2000 MT 288, ¶ 27, 302 Mont. 228, 14 P.3d 456
- State v. Staat, 251 Mont. 1, 6, 822 P.2d 643, 646 (1991)
- State v. Belgarde, 1998 MT 152, ¶ 26, 289 Mont. 287, 962 P.2d 571
- State v. Flack, 260 Mont. 181, 186, 860 P.2d 89, 92 (1993)
- Rhode Island v. Innis, 446 U.S. 291 (1980)
- State v. Grams, 2002 MT 188, ¶ 14, 311 Mont. 102, 53 P.3d 897
- Illinois v. Gates, 462 U.S. 213 (1983)
- State v. Reesman, 2000 MT 243, ¶¶ 27-34, 301 Mont. 408, 10 P.3d 83
- State v. Valley, 252 Mont. 489, 493, 830 P.2d 1255, 1258 (1992)
- Grindeland v. State, 2001 MT 196, ¶ 10, 306 Mont. 262, 32 P.3d 767
- State v. Broken Rope, 278 Mont. 427, 432, 925 P.2d 1157, 1160 (1996)
- State v. Van Kirk, 2001 MT 184, ¶ 14, 306 Mont. 215, 32 P.3d 735
- State v. Williamson, 1998 MT 199, ¶ 12, 290 Mont. 321, 965 P.2d 231