

SUPREME COURT OF OREGON

State v. Crandall, 340 Or. 645

136 P.3d 30 (2006) · No. SC S52626 · Decided May 25, 2006

SUMMARY

The Oregon Supreme Court held that although police unlawfully stopped the defendant without reasonable suspicion, the defendant's unilateral and voluntary act of placing a baggie containing methamphetamine under a parked car sufficiently attenuated the discovery of the evidence from the unlawful stop. The court rejected the Court of Appeals' reliance on abandonment and reversed its decision, affirming the circuit court's denial of the suppression motion.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Kistler, J.
JURISDICTION	Oregon
DECIDED	May 25, 2006
DOCKET	SC S52626
DISPOSITION	reversed
PROCEDURAL POSTURE	The State petitioned for review of the Oregon Court of Appeals' decision reversing the trial court's denial of Crandall's motion to suppress evidence. Crandall had entered a conditional guilty plea after the trial court denied suppression.
STANDARD OF REVIEW	The Supreme Court reviewed the legal standard governing whether evidence discovered after an unlawful stop was derived from or was the product of that illegality. The State did not challenge, and the court assumed for purposes of review, that the officer's direction constituted an unlawful stop.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Oregon, decided en banc.
PARTIES	State of Oregon v. Dennis Allen Crandall

TOPICS

suppression of evidence

search and seizure

exclusionary rule

criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

suppression of evidence

QUESTIONS PRESENTED

1. Whether officers' observation and retrieval of the baggie constituted a search under Article I, section 9, of the Oregon Constitution.
2. Whether evidence discovered after an assumed unlawful stop must be suppressed when the defendant's unilateral and voluntary act of placing the evidence under a parked car intervened between the unlawful police conduct and the discovery.
3. Whether the State was required to prove abandonment of the baggie to establish that the evidence did not derive from the unlawful stop.

HOLDINGS

1. The officers did not conduct a search when they observed the baggie under a parked car in a parking lot open to residents and visitors, because Crandall had no privacy interest in an item left where any member of the public could see it.
2. The discovery of the baggie was sufficiently attenuated from the assumed unlawful stop because Crandall's unilateral and voluntary decision to place it under the parked car was an intervening act.
3. The State was not required to prove that Crandall abandoned the baggie. Attenuation is an alternative basis for establishing that evidence discovered after unlawful police conduct did not derive from that conduct.

KEY QUOTATIONS

"if a defendant establishes "a minimal factual nexus that is, at minimum, the existence of a 'but for' relationship between the evidence sought to be suppressed and prior unlawful police conduct, the state nevertheless may establish that the disputed evidence is admissible under Article I, section 9, by proving that the evidence did not derive from the preceding illegality." (136 P.3d at 33)

"defendant's unilateral, voluntary decision to put the baggie underneath the car sufficiently attenuated the discovery of that evidence from the prior illegality" (136 P.3d at 34)

"the "unlawful police conduct cannot be viewed properly as the source of that evidence." (136 P.3d at 34)

FACTUAL BACKGROUND

Police officers responded to a loud-noise complaint at an apartment complex in La Grande. An officer who knew Crandall from an earlier drug investigation saw him leave an apartment, freeze briefly on seeing the officers, and then quickly walk away. After the officer directed Crandall to stop and come toward him, Crandall complied but, while walking through the parking lot and outside the officer's view, placed a clear plastic baggie containing apparent methamphetamine under a parked car; other officers saw the act and retrieved the baggie.

PROCEDURAL HISTORY

After police directed Crandall to stop and come toward them, he placed a baggie containing apparent methamphetamine under a parked car. The circuit court denied his motion to suppress, finding that no stop had occurred under Article I, section 9, of the Oregon Constitution. Crandall entered a conditional guilty plea and appealed. The Court of Appeals held that the direction constituted an unlawful stop and that the evidence should be suppressed because the State had not proved abandonment. The Oregon Supreme Court reversed the Court of Appeals and affirmed the circuit court.

DISPOSITION

reversed

CASES CITED

- State v. Crandall, 197 Or. App. 591, 108 P.3d 16 (2005)
- State v. Owens, 302 Or. 196, 729 P.2d 524 (1986)
- State v. Wacker, 317 Or. 419, 856 P.2d 1029 (1993)
- State v. Hall, 339 Or. 7, 115 P.3d 908 (2005)
- State v. Kennedy, 290 Or. 493, 624 P.2d 99 (1981)
- State v. Rodriguez, 317 Or. 27, 854 P.2d 399 (1993)
- State v. Morton, 326 Or. 466, 953 P.2d 374 (1998)
- State v. Purvis, 249 Or. 404, 438 P.2d 1002 (1968)