

SUPREME COURT OF RHODE ISLAND

State v. Ray Burgess

138 A.3d 195 (R.I. 2016) · No. No. 2013-278-C.A. (P2/12-1962A) · Decided April 29, 2016

SUMMARY

The Rhode Island Supreme Court held that police lacked probable cause to arrest Ray Burgess for possession of cocaine based primarily on a first-time informant's bare-bones tip and limited police corroboration. Because the arrest was unlawful, the court held that the physical evidence and statements obtained afterward should have been suppressed and vacated Burgess's conviction.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Maureen McKenna Goldberg, J.; Frank Williams Suttell, C.J.; Paul A. Flaherty, J.; William P. Robinson III, J.; Francis X. Indeglia, J.
JURISDICTION	Rhode Island
DECIDED	April 29, 2016
DOCKET	No. 2013-278-C.A. (P2/12-1962A)
DISPOSITION	vacated
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction for possession of cocaine after the Providence County Superior Court denied his motion to suppress physical evidence and statements, following a jury trial and sentence of two years of probation.
STANDARD OF REVIEW	The court deferred to the trial justice's historical factual findings unless clearly erroneous but reviewed de novo the ultimate question whether probable cause existed.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	State of Rhode Island v. Ray Burgess

TOPICS

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

PRACTICE AREAS

criminal procedure constitutional criminal procedure search and seizure appellate practice

QUESTIONS PRESENTED

1. Whether Burgess's arrest was supported by probable cause at the time it occurred.
2. Whether evidence and statements discovered after the arrest could be used to establish probable cause for that arrest.
3. Whether the trial court should have granted Burgess's motion to suppress the seized cocaine and his statements.

HOLDINGS

1. The arrest was not supported by probable cause because the first-time informant's tip lacked an adequate basis of knowledge and predictive detail, and police did not independently corroborate the alleged criminal activity.
2. Facts learned after Burgess was arrested, including his nervousness, statements, the odor of marijuana, cash, vehicle information, and cocaine, could not retroactively validate the arrest.
3. The motion to suppress the cocaine and Burgess's statements should have been granted because they resulted from an arrest unsupported by probable cause.

KEY QUOTATIONS

“A valid arrest must be supported by probable cause at its inception; information—however incriminating it might be—that is discovered after a suspect is arrested cannot be used to establish the existence of probable cause.” (138 A.3d at 199)

“In sum, we hold that the defendant’s arrest was not supported by probable cause.” (138 A.3d at 205)

“The defendant’s motion to suppress the evidence seized and his statements to police should have been granted.” (138 A.3d at 205)

FACTUAL BACKGROUND

During a traffic stop, a previously unknown confidential informant who was subject to an outstanding warrant told police that a man known as CJ was distributing crack cocaine and would be at or soon arrive at the Royal Buffet in Cranston. Police established a perimeter and waited for Burgess to leave the restaurant; the informant identified him as CJ, and officers immediately surrounded and arrested him. Only after the arrest did officers discover cash, hear statements and observations concerning marijuana, and find suspected crack cocaine in his jacket.

PROCEDURAL HISTORY

Police arrested Burgess outside the Royal Buffet based principally on a tip from a first-time confidential informant. The Superior Court denied Burgess's suppression motion, finding probable cause, and a jury later convicted him of possession of cocaine. The Rhode Island Supreme Court held that the arrest lacked probable cause and vacated the conviction.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The judgment of conviction was vacated, and the papers could be remanded to the Superior Court. The opinion did not provide additional remand instructions.

CASES CITED

- State v. Chum, 54 A.3d 455, 460, 462 (R.I. 2012)
- State v. Casas, 900 A.2d 1120, 1129, 1131-32 (R.I. 2006)
- Ornelas v. United States, 517 U.S. 690, 691, 699 (1996)
- State v. Ortiz, 824 A.2d 473, 480 (R.I. 2003)
- State v. Kryla, 742 A.2d 1178, 1182 (R.I. 1999)
- In re John N., 463 A.2d 174, 178 (R.I. 1983)
- United States v. Di Re, 332 U.S. 581, 595 (1948)
- Illinois v. Gates, 462 U.S. 213, 230-33, 238, 241 (1983)
- Adams v. Williams, 407 U.S. 143, 146-47, 147 (1972)
- State v. Cosme, 57 A.3d 295, 303 (R.I. 2012)
- State v. King, 693 A.2d 658, 661 (R.I. 1997)
- State v. Keohane, 814 A.2d 327, 328, 330-31 (R.I. 2003)
- State v. Ricci, 472 A.2d 291, 293, 296-97 (R.I. 1984)
- Draper v. United States, 358 U.S. 307, 309-13 (1959)
- United States v. Harris, 403 U.S. 573, 575-84 (1971)
- State v. Read, 416 A.2d 684, 686-89 (R.I. 1980)
- United States v. Tyler, 238 F.3d 1036, 1038-39 (8th Cir. 2001)
- State v. Grossi, 588 A.2d 607, 608 (R.I. 1991)
- State v. Germano, 559 A.2d 1031, 1033, 1035 (R.I. 1989)
- Florida v. J.L., 529 U.S. 266, 272 (2000)
- Alabama v. White, 496 U.S. 325, 332 (1990)
- United States v. Miller, 925 F.2d 695, 697, 699-700 (4th Cir. 1991)
- United States v. Koerth, 312 F.3d 862, 867-68 (7th Cir. 2002)