

SUPREME COURT OF ARKANSAS

State of Arkansas v. Phillip Ray Nichols, Trudy Lynn Nichols, and Dale Christopher Scamardo, 364 Ark. 1

216 S.W.3d 114 (2005) · No. CR 05-374 · Decided October 20, 2005

SUMMARY

The Arkansas Supreme Court dismissed the State's interlocutory appeal from an order suppressing evidence obtained after a warrantless entry into the appellees' home. The court held that the appeal turned on fact-specific and mixed questions concerning exigent circumstances and witness credibility, rather than on an issue requiring interpretation of criminal law with widespread ramifications. Accordingly, the appeal was not permissible under Arkansas Rule of Appellate Procedure–Criminal 3.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Tom Glaze, Justice
JURISDICTION	Arkansas
DECIDED	October 20, 2005
DOCKET	CR 05-374
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State brought an interlocutory appeal from a pretrial order granting the defendants' motion to suppress evidence obtained following a warrantless entry into their home.
STANDARD OF REVIEW	The Supreme Court determines whether the State's appeal presents an issue involving interpretation of a rule or statute with ramifications for the correct and uniform administration of criminal law, rather than an application of law to case-specific facts or a mixed question of law and fact. The trial court's factual findings and credibility determinations are not reweighed.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	State of Arkansas v. Phillip Ray Nichols, Trudy Lynn Nichols, Dale Christopher Scamardo

TOPICS

appellate jurisdiction

interlocutory appeal

appellate procedure

suppression of evidence

search and seizure

PRACTICE AREAS

Appellate procedure

Criminal procedure

Search and seizure

QUESTIONS PRESENTED

1. Whether the State's interlocutory appeal from the order suppressing evidence was permissible under Arkansas Rule of Appellate Procedure–Criminal 3.
2. Whether the appeal presented an issue involving interpretation of a criminal rule or statute with widespread ramifications, rather than a fact-specific application of exigent-circumstances doctrine.

HOLDINGS

1. The State's appeal was not appealable because resolution of the challenge to the suppression order depended on the particular facts of the case and did not involve interpretation of a rule or statute requiring review for the correct and uniform administration of criminal law.

KEY QUOTATIONS

“Because the resolution of the issues turns on the facts unique to the case, the matter is not appealable by the State, and the appeal must therefore be dismissed.” (at 117)

FACTUAL BACKGROUND

Police received information that a woman had purchased iodine and traced the associated vehicle to the defendants' home. An officer approaching the home smelled a chemical odor, observed suspected methamphetamine-manufacturing items through a window, and saw the occupants moving items and a trash can after he knocked and announced himself. The officer kicked in the locked door, entered, secured the home, and later obtained a search warrant. The trial court found that the warrantless entry was not justified by exigent circumstances.

PROCEDURAL HISTORY

After a suppression hearing, the trial court found that the warrantless entry was not justified by exigent circumstances and granted the defendants' motion to suppress. The State filed a notice of appeal, and the Supreme Court of Arkansas considered sua sponte whether the State's appeal was permissible under Arkansas Rule of Appellate Procedure–Criminal 3.

DISPOSITION

dismissed

CASES CITED

- State v. Gray, 319 Ark. 356, 891 S.W.2d 376 (1995)

- State v. Pruitt, 347 Ark. 355, 64 S.W.3d 255 (2002)
- State v. McCormack, 343 Ark. 285, 34 S.W.3d 735 (2000)
- State v. Guthrie, 341 Ark. 624, 19 S.W.3d 10 (2000)
- State v. Warren, 345 Ark. 508, 49 S.W.3d 103 (2001)
- State v. Thompson, 343 Ark. 135, 34 S.W.3d 33 (2000)
- State v. Pittman, 360 Ark. 273, 200 S.W.3d 893 (2005)
- State v. Williams, 348 Ark. 585, 75 S.W.3d 684 (2002)
- State v. Hagan-Sherwin, 356 Ark. 597, 158 S.W.3d 156 (2004)
- State v. Hart, 329 Ark. 582, 952 S.W.2d 138 (1997)
- State v. Jones, 321 Ark. 451, 903 S.W.2d 170 (1995)
- Jackson v. State, 359 Ark. 87, 194 S.W.3d 757 (2004)
- State v. Stephenson, 330 Ark. 594, 955 S.W.2d 518 (1997)
- State v. Howard, 341 Ark. 640, 648, 19 S.W.3d 4, 10 (2000)
- Mann v. State, 357 Ark. 159, 161 S.W.3d 826 (2004)