

SUPREME COURT OF ARIZONA

State v. Dean, 206 Ariz. 158

76 P.3d 429 (2003) · No. CR-02-0427-PR · Decided September 15, 2003

SUMMARY

The Supreme Court of Arizona held that police could not justify a warrantless search of the defendant's Jeep as a search incident to arrest under the Fourth Amendment. Because the defendant was arrested approximately two and one-half hours after leaving the vehicle and inside a house far from it, he was not a sufficiently recent occupant under *New York v. Belton*. The court vacated the court of appeals' decision and reinstated the superior court's order suppressing the evidence.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Michael D. Hurwitz, Justice; Charles E. Jones, Chief Justice; Ruth V. McGregor, Vice Chief Justice; Rebecca White Berch, Justice; Michael D. Ryan, Justice
JURISDICTION	Arizona
DECIDED	September 15, 2003
DOCKET	CR-02-0427-PR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed an order suppressing evidence obtained from a warrantless search of Dean's vehicle. The Arizona Court of Appeals reversed, and the Arizona Supreme Court granted review.
STANDARD OF REVIEW	The facts are viewed in the light most favorable to sustaining the suppression order, and the superior court's ruling is not disturbed absent clear and manifest error, which is shorthand for abuse of discretion. The legal question concerning the applicability of the search-incident-to-arrest exception is reviewed under the Fourth Amendment.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Arizona v. Donald Gene Dean

TOPICS

search and seizure

fourth amendment

warrant requirement

suppression of evidence

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

evidence

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QUESTIONS PRESENTED

1. Whether the warrantless search of Dean's Jeep was valid under the search-incident-to-arrest exception to the Fourth Amendment's warrant requirement when Dean had left the vehicle approximately two and one-half hours before his arrest and was arrested inside a house.
2. Whether the warrantless search could alternatively be justified under the abandonment or administrative-inventory exceptions.
3. Whether the vehicle search could be justified under the automobile exception to the Fourth Amendment's warrant requirement.

HOLDINGS

1. A defendant is a recent occupant of a vehicle under *New York v. Belton* when arrested in close proximity to the vehicle immediately after exiting it. When the arrest occurs long after the defendant has left the vehicle and far from the vehicle, the *Belton* search-incident-to-arrest exception does not apply and the Fourth Amendment warrant requirement governs.
2. The superior court did not clearly and manifestly err in finding that Dean's Jeep, parked in the driveway of his residence, was not abandoned.
3. The search of the Jeep was not a valid administrative inventory search because it was conducted to search for evidence rather than as a routine community-caretaking procedure.
4. The automobile exception did not justify the search because the record did not establish probable cause, and the State conceded that it could not rely on that exception.

KEY QUOTATIONS

“Under any reasoned analysis, Dean simply was not a “recent occupant” of the Jeep for Belton purposes when he was arrested.” (437)

“We therefore hold that when, as here, the arrest occurs long after the defendant had left the vehicle and far from the vehicle, the warrant requirement of the Fourth Amendment applies.” (437-438)

FACTUAL BACKGROUND

Police observed Dean drive a Jeep Grand Cherokee away from a Phoenix residence and attempted to stop him. Dean returned to the residence, parked in the driveway, left the keys in the ignition, and fled into the house. Approximately two and one-half hours later, officers found and arrested Dean hiding in the attic, then searched the Jeep and found methamphetamine in the passenger compartment. The State used that discovery to obtain a warrant to search the residence, where officers found additional drugs, paraphernalia, and weapons.

PROCEDURAL HISTORY

The superior court granted Dean's motion to suppress evidence seized from his Jeep, rejecting the State's abandonment, inventory-search, and search-incident-to-arrest theories. The court of appeals reversed, holding that the search was incident to Dean's arrest. The Arizona Supreme Court vacated the court of appeals' opinion and reinstated the superior court's suppression order.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court vacated the court of appeals' opinion, reinstated the superior court's order suppressing the evidence seized from the Jeep, and remanded to the superior court for further proceedings consistent with the opinion.

CASES CITED

- State v. Dean, 203 Ariz. 408, 55 P.3d 102 (App. 2002)
- State v. Hyde, 186 Ariz. 252, 921 P.2d 655 (1996)
- State v. Jones, 203 Ariz. 1, 49 P.3d 273 (2002)
- South Dakota v. Opperman, 428 U.S. 364 (1976)
- Katz v. United States, 389 U.S. 347 (1967)
- Chimel v. California, 395 U.S. 752 (1969)
- Terry v. Ohio, 392 U.S. 1 (1968)
- New York v. Belton, 453 U.S. 454 (1981)
- Dunaway v. New York, 442 U.S. 200 (1979)
- United States v. Chadwick, 433 U.S. 1 (1977)
- Arkansas v. Sanders, 442 U.S. 753 (1979)
- United States v. Hudgins, 52 F.3d 115 (6th Cir. 1995)
- United States v. Strahan, 984 F.2d 155 (6th Cir. 1993)
- United States v. Fafowora, 865 F.2d 360 (D.C. Cir. 1989)
- Thomas v. State, 761 So. 2d 1010 (Fla. 2000)
- People v. Fernengel, 216 Mich. App. 420, 549 N.W.2d 361 (1996)
- Commonwealth v. Santiago, 410 Mass. 737, 575 N.E.2d 350 (1991)
- United States v. Thornton, 325 F.3d 189 (4th Cir. 2003)
- United States v. Sholola, 124 F.3d 803 (7th Cir. 1997)
- Glasco v. Commonwealth, 257 Va. 433, 513 S.E.2d 137 (1999)
- Stoner v. California, 376 U.S. 483 (1964)
- United States v. Arango, 879 F.2d 1501 (7th Cir. 1989)
- United States v. Vasey, 834 F.2d 782 (9th Cir. 1987)

- People v. Savedra, 907 P.2d 596 (Colo. 1995)
- Gauldin v. State, 683 S.W.2d 411 (Tex. Crim. App. 1984)
- State v. Vanderhorst, 419 So. 2d 762 (Fla. Dist. Ct. App. 1982)
- Michigan v. Long, 463 U.S. 1032 (1983)
- State v. Nunez, 167 Ariz. 272, 806 P.2d 861 (1991)
- Chambers v. Maroney, 399 U.S. 42 (1970)