

# SUPREME COURT OF COLORADO

## People v. Guthrie

286 P.3d 530 (Colo. 2012) · Decided October 1, 2012

### SUMMARY

The Colorado Supreme Court held that evidence of oxycodone discovered during a routine inventory search following the defendant's summary contempt incarceration was not obtained in violation of the Fourth Amendment. The court concluded that the inventory search was valid because it followed a court-ordered arrest and was conducted pursuant to standard jail procedures. Any due process error in the underlying contempt proceeding was subject to appellate review and did not warrant suppression of the evidence in the separate drug-possession prosecution.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Colorado                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Justice Hobbs                                                                                                                                                                                                                                                         |
| JURISDICTION          | Colorado                                                                                                                                                                                                                                                              |
| DECIDED               | October 1, 2012                                                                                                                                                                                                                                                       |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | The prosecution brought an interlocutory appeal from the El Paso County District Court's order suppressing narcotics evidence discovered during an inventory search conducted after Guthrie was jailed for summary criminal contempt.                                 |
| STANDARD OF REVIEW    | Suppression-order factual findings are reviewed deferentially and will not be overturned if supported by competent evidence; application of the correct legal standard is reviewed de novo. The Supreme Court also considered undisputed facts evident in the record. |
| PRECEDENTIAL VALUE    | Published, precedential opinion of the Supreme Court of Colorado.                                                                                                                                                                                                     |
| PARTIES               | People of the State of Colorado v. Suzanne Guthrie                                                                                                                                                                                                                    |

### TOPICS

- search and seizure
- suppression of evidence
- exclusionary rule
- fourth amendment
- appellate procedure

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether a routine inventory search conducted after a summary criminal contempt order and before incarceration violated the Fourth Amendment.
2. Whether suppression of narcotics discovered during the valid inventory search was an appropriate remedy for the county court's alleged due process violation in the contempt proceeding.
3. Whether the district court applied the correct legal standard in suppressing the evidence.

## HOLDINGS

1. No Fourth Amendment violation occurred because the deputy conducted a routine inventory search pursuant to the county court's order jailing Guthrie, and the search served legitimate administrative interests.
2. Suppression was not an appropriate remedy for an alleged due process error in the contempt proceeding because the evidence was obtained during a valid inventory search and no unlawful search or seizure occurred.
3. The district court applied the wrong legal standard by suppressing evidence from a valid inventory search as an ad hoc remedy for the county court's alleged due process violation.

## KEY QUOTATIONS

*"Suppressing evidence of the illegal narcotic discovered as a result of the valid inventory search here would not be an appropriate remedy even if the county court erred in convicting Guthrie of direct contempt of court."* (at 530)

*"Therefore an inventory search carried out subsequent to a summary contempt order "is analogous to a post-conviction inventory search prior to incarceration [and][e]vidence found during such an inventory search is not subject to suppression even if the conviction is ultimately overturned on appeal.""* (at 534)

*"An inventory search carried out subsequent to a summary contempt order "is analogous to a post-conviction inventory search prior to incarceration.""* (at 536)

## FACTUAL BACKGROUND

Guthrie appeared at the courthouse on a DUI summons and entered into a plea agreement. While completing probation paperwork, a clerk smelled alcohol on her breath, and a preliminary breath test showed a .099 blood alcohol concentration. Without defense counsel present, the county court judge summarily held Guthrie in criminal contempt, sentenced her to two days in jail, and ordered her arrested. During the deputy's routine, policy-based inventory search of Guthrie's purse before placement in a holding cell, the deputy discovered Oxycodone Hydrochloride for which Guthrie had no prescription.

## PROCEDURAL HISTORY

Guthrie was initially before the El Paso County Court on a DUI charge and was summarily held in contempt and sentenced to two days in jail. Before booking, a deputy sheriff conducted a routine inventory search of her purse and discovered Oxycodone Hydrochloride. After Guthrie was charged with felony possession of a Schedule II controlled substance, the El Paso County District Court granted her motion to suppress, reasoning that the evidence was a fruit of the county court's alleged due process violation. The Colorado Supreme Court reversed and returned the case for further proceedings.

#### DISPOSITION

reversed\_and\_remanded

#### REMAND INSTRUCTIONS

The case was returned to the district court for further proceedings consistent with the opinion.

#### CASES CITED

- People v. Castaneda, 249 P.3d 1119, 1122 (Colo. 2011)
- People v. Elmarr, 181 P.3d 1157, 1161 (Colo. 2008)
- State v. Robinson, 165 Vt. 351, 683 A.2d 1005, 1006-07 (1996)
- People v. Aleem, 149 P.3d 765, 781 (Colo. 2007)
- People v. Gutierrez, 222 P.3d 925, 941 (Colo. 2009)
- Illinois v. Lafayette, 462 U.S. 640, 643-48 (1983)
- Colorado v. Bertine, 479 U.S. 367, 371-72 (1987)
- People v. Inman, 765 P.2d 577, 579-81 (Colo. 1988)
- South Dakota v. Opperman, 428 U.S. 364 (1976)
- People v. Salaz, 953 P.2d 1275, 1276, 1278 (Colo. 1998)
- Florence v. Bd. of Chosen Freeholders of Burlington, 566 U.S. 318, 132 S. Ct. 1510, 1513, 1514, 1523 (2012)
- Bell v. Wolfish, 441 U.S. 520, 558-59 (1979)
- Bame v. Dillard, 637 F.3d 380, 388 (D.C. Cir. 2011)
- Bull v. City & County of San Francisco, 595 F.3d 964, 982 (9th Cir. 2010)
- Powell v. Barrett, 541 F.3d 1298, 1314 (11th Cir. 2008)
- People v. Hauseman, 900 P.2d 74, 77 (Colo. 1995)
- People v. Razatos, 699 P.2d 970, 974 (Colo. 1985)
- People v. Aleem, 149 P.3d 765, 771 (Colo. 2007)

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