

SUPREME COURT OF VERMONT

State v. Stuart Cleland

2016 VT 128 (2016) · No. 2015-440 · Decided December 9, 2016

SUMMARY

The Vermont Supreme Court affirmed the denial of Stuart Cleland’s motion to suppress evidence obtained through a search warrant. The court held that the affidavit, considered under the totality of the circumstances, provided a substantial basis for finding probable cause that evidence of a crime would be found at the specified residence. The court also concluded that the affidavit satisfied Vermont Rule of Criminal Procedure 41’s requirements concerning hearsay informant credibility, reliability, and factual basis.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Skoglund, J.; Reiber, C.J.; Dooley, J.; Robinson, J.; Eaton, J.
JURISDICTION	Vermont
DECIDED	December 9, 2016
DOCKET	2015-440
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant entered a conditional guilty plea to drug and child-cruelty charges after the trial court denied his motion to suppress evidence seized under a search warrant. He appealed, challenging the warrant's probable-cause basis.
STANDARD OF REVIEW	The Supreme Court defers to factual determinations and inferences underlying the initial probable-cause determination, reviews legal conclusions without deference, and gives great deference to a judicial officer's probable-cause finding supporting a warrant. The ultimate sufficiency of the affidavit to establish probable cause is reviewed de novo to determine whether the magistrate had a substantial basis for concluding that probable cause existed.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Stuart Cleland v. State of Vermont

TOPICS

suppression of evidence

probable cause

warrant requirement

search and seizure

appellate procedure

PRACTICE AREAS

criminal procedure

search and seizure

evidence

QUESTIONS PRESENTED

1. Whether the search-warrant affidavit established probable cause to believe that evidence of a crime would be found at defendant's specified residence.
2. Whether hearsay information in the affidavit satisfied Vermont Rule of Criminal Procedure 41's credibility and factual-basis requirements.
3. Whether the affidavit adequately connected the suspected criminal activity and potential evidence to the particular residence to be searched.

HOLDINGS

1. The affidavit provided a substantial basis for an independent magistrate to conclude that evidence of a crime would be found at defendant's Windmill Point Road residence.
2. The hearsay information, considered with the affidavit's other information, satisfied Rule 41 because there was a substantial basis to find both credibility or reliability and a factual basis for the information provided.

KEY QUOTATIONS

“Even under this heightened deference with regard to factual determinations and inferences drawn therefrom, however, the ultimate question of whether the factual claims in an affidavit are sufficient to amount to probable cause is still a matter of law appropriate for fresh appellate review.” (¶ 4)

“We examine the totality of the circumstances to determine whether there was substantial evidence supporting the warrant, keeping in mind that affidavits must be viewed in a common-sense manner and not be subjected to hypertechnical scrutiny.” (¶ 5)

“The named informants did not need to actually witness defendant manufacturing methamphetamine for them to have provided sufficient information to support an independent determination that evidence of that crime would be found at the location to be searched.” (¶ 15)

FACTUAL BACKGROUND

Police conducted a nearly month-long investigation into a suspected methamphetamine operation involving defendant and his domestic partner. The warrant affidavit described defendant's repeated purchases of pseudoephedrine, statements by defendant and several informants concerning his drug use and possible manufacture of methamphetamine, and surveillance connecting defendant and his residence to another suspected drug operation. A search warrant for defendant's Windmill Point Road residence was issued and executed three days later, yielding evidence that led to drug and child-endangerment charges.

PROCEDURAL HISTORY

After a search of defendant's residence, he was charged with manufacturing methamphetamine, possessing methamphetamine precursors, conspiracy, and child endangerment; the conspiracy charge was later dismissed. The Superior Court, Grand Isle Unit, Criminal Division, denied defendant's suppression motion on June 30, 2015, following a February 19, 2015 hearing. Defendant entered a conditional guilty plea on October 19, 2015, reserving the right to appeal the suppression ruling, and the Vermont Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Chaplin, 2012 VT 6, ¶ 9, 191 Vt. 583, 44 A.3d 153
- State v. Robinson, 2009 VT 1, ¶¶ 6, 9, 12, 16, 185 Vt. 232, 969 A.2d 127
- State v. Zele, 168 Vt. 154, 157, 716 A.2d 833, 836 (1998)
- State v. Arrington, 2010 VT 87, ¶¶ 13-14, 188 Vt. 460, 8 A.3d 483
- State v. Goldberg, 2005 VT 41, ¶¶ 10-11, 14, 178 Vt. 96, 872 A.2d 378
- State v. Melchior, 172 Vt. 248, 251, 775 A.2d 901, 904 (2001)
- State v. Town, 158 Vt. 607, 613-14, 615 A.2d 484, 487-88 (1992)
- United States v. Gaviria, 805 F.2d 1108, 1115 (2d Cir. 1986)
- State v. Betts, 2013 VT 53, ¶¶ 2, 20, 23, 27, 194 Vt. 212, 75 A.3d 629
- Aguilar v. Texas, 378 U.S. 108, 114-15 (1964)
- Spinelli v. United States, 393 U.S. 410, 415-16 (1969)