

SUPREME COURT OF WISCONSIN

State v. Robinson, 2010 WI 80

786 N.W.2d 463 (2010) · No. No. 2008AP266-CR · Decided July 15, 2010

SUMMARY

The Wisconsin Supreme Court affirmed Robinson’s conviction, holding that police officers’ warrantless entry into his apartment was supported by probable cause and exigent circumstances. The court concluded that corroboration of details from an anonymous informant established probable cause, and that immediately heard footsteps after police identified themselves created a reasonable risk that evidence would be destroyed. The court also determined that marijuana and related items observed in plain view were lawfully seized.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Annette Kingsland Ziegler
JURISDICTION	Wisconsin
DECIDED	July 15, 2010
DOCKET	No. 2008AP266-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Robinson sought review of a court of appeals decision affirming his conviction and the denial of his motion to suppress evidence obtained during a warrantless entry and search of his apartment. The Wisconsin Supreme Court affirmed.
STANDARD OF REVIEW	Suppression rulings present questions of constitutional fact. Historical facts are reviewed deferentially and upheld unless clearly erroneous; constitutional principles are applied independently to those facts.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Terion Lamar Robinson v. State of Wisconsin

TOPICS

[fourth amendment](#)[search and seizure](#)[probable cause](#)[warrant requirement](#)[exclusionary rule](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the warrantless entry into Robinson's apartment was supported by probable cause based on an anonymous tip and police corroboration of identifying details.
2. Whether exigent circumstances justified the warrantless entry because police immediately heard footsteps moving away after announcing their presence and reasonably believed evidence would be destroyed.
3. Whether evidence observed in plain view after the entry and items seized from Robinson's person incident to arrest were lawfully seized.
4. Whether the commitment order for unpaid fines constituted an arrest warrant authorizing entry into the apartment.

HOLDINGS

1. The warrantless entry was supported by probable cause because police corroborated three preliminary details of the informant's tip—Robinson's identity, address, and cell-phone number—and reasonably inferred that evidence of illegal drug activity would probably be found in the apartment.
2. Exigent circumstances justified the warrantless entry because, after police lawfully knocked and announced their presence, the immediate sound of footsteps running away reasonably suggested that Robinson would destroy easily disposable drug evidence before police could obtain a warrant.
3. Once lawfully inside, police could seize marijuana, a digital scale, and sandwich baggies that were in plain view, arrest Robinson based on probable cause supplied by those observations, and search his person incident to arrest.

KEY QUOTATIONS

“Assuming without deciding that the commitment order for unpaid fines did not constitute an arrest warrant and therefore was insufficient to permit the police officers' lawful entry into Robinson's apartment, we conclude that the warrantless entry was nevertheless reasonable because it was supported by probable cause and justified by exigent circumstances.” (477)

“Because the officers corroborated each of the three preliminary details provided by the anonymous informant, we conclude that it was reasonable for the officers to then believe, as the informant had alleged, that evidence of illegal drug activity would probably be found in Apartment 8.” (474)

“Once Robinson was aware of the officers' presence outside his door and footsteps were immediately heard running from the door, it was certainly reasonable for the officers to assume that Robinson would destroy evidence of his illegal drug activity.” (475–476)

FACTUAL BACKGROUND

An anonymous citizen told police that Terion Robinson was selling marijuana from Apartment 8 at a specified Milwaukee address and provided Robinson's cell-phone number. Police corroborated Robinson's name,

apartment, address, and phone number, announced themselves at the apartment, and immediately heard footsteps moving away from the door. They forcibly entered without a search warrant, observed marijuana and drug-related items in plain view, arrested Robinson, and seized evidence. The officers believed an apparent felony arrest warrant existed, but the record later showed that the entry-related record was actually a commitment order for unpaid fines.

PROCEDURAL HISTORY

The Milwaukee County Circuit Court denied Robinson's motion to suppress evidence seized after police forcibly entered his apartment, and Robinson pleaded guilty to a reduced charge of possession with intent to deliver THC. The court entered judgment of conviction. The court of appeals affirmed the conviction and suppression ruling, and the Wisconsin Supreme Court granted review and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Robinson, 2009 WI App 97, 320 Wis. 2d 689, 770 N.W.2d 721
- State v. Collins, 122 Wis. 2d 320, 326, 363 N.W.2d 229 (1984)
- State v. Hughes, 2000 WI 24, 233 Wis. 2d 280, 607 N.W.2d 621
- State v. Pallone, 2000 WI 77, 236 Wis. 2d 162, 613 N.W.2d 568
- State v. Popke, 2009 WI 37, 317 Wis. 2d 118, 765 N.W.2d 569
- State v. Limon, 2008 WI App 77, 312 Wis. 2d 174, 751 N.W.2d 877
- Payton v. New York, 445 U.S. 573, 585-86, 590 (1980)
- Welsh v. Wisconsin, 466 U.S. 740, 749-50 (1984)
- State v. Smith, 131 Wis. 2d 220, 228-30, 388 N.W.2d 601 (1986)
- State v. DeSmidt, 155 Wis. 2d 119, 130, 454 N.W.2d 780 (1990)
- State v. Carroll, 2010 WI 8, 322 Wis. 2d 299, 778 N.W.2d 1
- Illinois v. Gates, 462 U.S. 213, 230-31, 238, 241, 243 n.13, 244-45 (1983)
- Spinelli v. United States, 393 U.S. 410, 427 (1969) (White, J., concurring)
- Jones v. United States, 362 U.S. 257, 271 (1960)
- State v. Williams, 2001 WI 21, 241 Wis. 2d 631, 623 N.W.2d 106
- Illinois v. Rodriguez, 497 U.S. 177, 185 (1990)
- Brigham City, Utah v. Stuart, 547 U.S. 398, 403-04 (2006)
- State v. Henderson, 2001 WI 97, 245 Wis. 2d 345, 629 N.W.2d 613
- United States v. MacDonald, 916 F.2d 766, 771-72 (2d Cir. 1990)
- United States v. Collins, 510 F.3d 697, 699-700 (7th Cir. 2007)
- United States v. Hensley, 469 U.S. 221, 235 (1985)
- Chimel v. California, 395 U.S. 752, 763 (1969)

- Harris v. United States, 390 U.S. 234, 236 (1968)
- State v. Johnston, 184 Wis. 2d 794, 809, 518 N.W.2d 759 (1994)
- United States v. Johnson, 170 F.3d 708, 711, 718, 720 (7th Cir. 1999)
- United States v. Ellis, 499 F.3d 686, 691-92 (7th Cir. 2007)
- United States v. Coles, 437 F.3d 361, 370-71 (3d Cir. 2006)
- Florida v. J.L., 529 U.S. 266, 268, 271-73 (2000)
- State v. Romero, 2009 WI 32, ¶ 26, 317 Wis. 2d 12, 765 N.W.2d 756