

SUPREME COURT OF COLORADO

People v. Tallent

174 P.3d 310 (Colo. 2008) · No. 07SA233 · Decided January 14, 2008

SUMMARY

The Colorado Supreme Court considered an interlocutory appeal from an order suppressing evidence obtained from the defendant's vehicle. The court held that the initial detention of the vehicle was a temporary investigatory seizure subject to a reasonable-suspicion standard, rather than the probable-cause standard applied by the trial court. It reversed the suppression order, concluding that the officers' limited and brief detention of the vehicle was reasonable under the Fourth Amendment.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Martinez
JURISDICTION	Colorado
DECIDED	January 14, 2008
DOCKET	07SA233
DISPOSITION	reversed
PROCEDURAL POSTURE	The People brought an interlocutory appeal under C.A.R. 4.1 and section 16-12-102(2), C.R.S. (2007), from a trial court order suppressing physical evidence found in the defendant's car.
STANDARD OF REVIEW	Reasonableness under the Fourth Amendment; the initial temporary detention of property may be justified by reasonable suspicion rather than probable cause when the intrusion is limited in purpose, duration, and intrusiveness.
PRECEDENTIAL VALUE	Published en banc opinion; binding Colorado Supreme Court precedent.
PARTIES	The People of the State of Colorado v. Randy D. Tallent

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- probable cause
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred by analyzing the officers' initial detention of Tallent's car under a probable-cause standard rather than the reasonable-suspicion standard applicable to a limited temporary detention of property.
2. Whether the officers had reasonable suspicion to temporarily seize and detain the car while securing the scene and continuing their investigation.

HOLDINGS

1. A brief, limited detention of personal property for investigative purposes may be reasonable under the Fourth Amendment when supported by reasonable suspicion, even without probable cause, provided the detention is reasonably related in scope and character to the investigation and is brief and minimally intrusive.
2. The officers had reasonable suspicion to temporarily detain Tallent's car for the limited purpose of securing the area and continuing their investigation.

KEY QUOTATIONS

“In these circumstances, the investigating officers may temporarily seize property based on reasonable suspicion while additional information justifying a full seizure is gathered, if the purpose of the seizure is reasonably related in scope and character to the nature of the investigation, and the initial seizure is for a brief period of time.” (174 P.3d at 314)

“In light of these facts, we find that officers possessed knowledge sufficient to induce a prudent officer to reasonably suspect that Tallent's car was involved in criminal activity when it was temporarily seized for the limited purpose of securing the area for the brief period of time necessary to continue an ongoing investigation.” (174 P.3d at 315)

FACTUAL BACKGROUND

After a police officer pursued a person who fled through an alley and over a fence, officers arrested Randy Tallent and found a keyless remote, cellular phones, and more than \$800 in cash on him. Using the remote, officers identified a nearby Ford Probe, whose lights flashed and engine started; footprints matching Tallent's shoes led from the car toward a garage containing suspected stolen tools. Officers initially stood watch over the car without entering it, later moved it to the police station, inventoried it, and obtained a search warrant. The trial court suppressed evidence from the car, finding insufficient probable cause for its seizure.

PROCEDURAL HISTORY

After Tallent was arrested, officers temporarily detained his car while investigating whether it was connected to criminal activity. Officers later searched the car and found electronics, tools, and a firearm. Tallent moved to suppress the car search and its contents under the Fourth Amendment. The trial court granted suppression,

concluding that officers lacked probable cause or another lawful basis to seize the car. The Colorado Supreme Court reversed, holding that the trial court applied the wrong legal standard to the initial detention.

DISPOSITION

reversed

CASES CITED

- United States v. Sharpe, 470 U.S. 675, 682 (1985)
- Terry v. Ohio, 392 U.S. 1, 9, 24 (1968)
- Michigan v. Summers, 452 U.S. 692, 699-700 (1981)
- United States v. Place, 462 U.S. 696, 703, 705-06, 706, 710 (1983)
- People v. Ortega, 34 P.3d 986, 993-95 (Colo. 2001)
- People v. Lucero, 174 Colo. 278, 483 P.2d 968 (1971)
- People v. Dickinson, 928 P.2d 1309, 1312 (Colo. 1996)