

COURT OF APPEALS OF MARYLAND

Corbin v. State

428 Md. 488 (2012) · Decided August 22, 2012

SUMMARY

The Maryland Court of Appeals held that the warrantless recovery and testing of DNA from a straw used by a probationer during a mandatory alcohol-monitoring test did not violate the Fourth Amendment. The court concluded that, although the abandonment doctrine did not apply, the probationer had a diminished reasonable expectation of privacy and the search was reasonable under the totality of the circumstances. The court also held that the circumstantial evidence was sufficient to sustain Corbin’s involuntary manslaughter conviction.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Adkins, J.; Battaglia, J.; Bell, C.J.; Greene, J.
JURISDICTION	Maryland
DECIDED	August 22, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	After the Circuit Court for Somerset County denied Corbin's motion to suppress DNA evidence and convicted him of involuntary manslaughter on an agreed statement of facts, the Court of Special Appeals affirmed in an unreported opinion. The Court of Appeals of Maryland granted certiorari and reviewed both the Fourth Amendment suppression issue and the sufficiency of the evidence.
STANDARD OF REVIEW	For suppression rulings, the court views the evidence and reasonable inferences in the light most favorable to the prevailing party, defers to factual findings unless clearly erroneous, and reviews the ultimate constitutional question de novo. For sufficiency of the evidence, the question is whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find the essential elements beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published, precedential opinion of the Court of Appeals of Maryland
PARTIES	Tonto Corbin v. State of Maryland

TOPICS

fourth amendment

search and seizure

criminal procedure

evidence

constitutional law

PRACTICE AREAS

criminal procedure

constitutional law

evidence

DNA evidence

probation

QUESTIONS PRESENTED

1. Whether the warrantless collection and analysis of DNA from saliva left on a straw during a mandatory probation alcohol-monitoring test violated Corbin's rights under the Fourth Amendment.
2. Whether the circumstantial evidence was legally sufficient to support Corbin's conviction for involuntary manslaughter.

HOLDINGS

1. The State did not violate Corbin's Fourth Amendment rights by recovering and testing his DNA from the straw used for the mandatory probation alcohol test. Although the abandonment theory did not apply because Corbin had no meaningful opportunity to retain the State-provided testing apparatus, his diminished expectation of privacy as a probationer, the mandatory nature of the testing, and the police investigation's reasonable suspicion made the search reasonable under the totality of the circumstances.
2. The evidence was legally sufficient for a rational trier of fact to find beyond a reasonable doubt that Corbin was present when the victim was killed and was guilty of involuntary manslaughter.

KEY QUOTATIONS

“Realistically, Corbin had no option to retain the straw as his own or protect his DNA from being taken.”
(498-99)

“For these reasons, we hold that a person on probation from a drunken driving offense has, like the probationer in Knights, a significantly diminished expectation of privacy.” (510)

“Viewing these facts in the light most favorable to the prosecution, in concert with the State’s theory of the timing of the events on the night of the slaying, we believe a rational trier of fact could conclude that Corbin was present at the time of the victim’s death.” (516)

FACTUAL BACKGROUND

Jacqueline Tilghman was found dead in Somerset County in 1995, and semen recovered from vaginal and anal swabs was preserved for DNA analysis. In 2001, investigators identified Corbin as an associate of the victim and sought a voluntary DNA sample, which he declined. Because Corbin was on probation for drunken driving and required to submit to alcohol monitoring, investigators arranged to obtain the straw used in a mandatory deep-lung breath test; DNA from the straw matched DNA from the victim's swabs, and a later warrant-authorized sample confirmed the match. The evidence also showed that Corbin had admitted having sex with the victim near the time of her death, had twice denied that sexual contact, and that the victim's body and clothing supported an inference that Corbin was the last person to have intercourse with her.

PROCEDURAL HISTORY

Corbin was indicted for murder and moved to suppress DNA evidence derived from saliva collected from a straw used during mandatory alcohol monitoring while he was on probation for a drunken-driving offense. The circuit court denied suppression, and after a bench trial on stipulated facts convicted him of involuntary manslaughter. The Court of Special Appeals affirmed, and the Court of Appeals granted certiorari and affirmed.

DISPOSITION

affirmed

CASES CITED

- Williamson v. State, 413 Md. 521, 993 A.2d 626 (2010)
- Stanberry v. State, 343 Md. 720, 684 A.2d 823 (1996)
- United States v. Knights, 534 U.S. 112, 151 L.Ed.2d 497 (2001)
- Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961)
- Owens v. State, 322 Md. 616, 589 A.2d 59 (1991)
- Skinner v. Railway Labor Executives' Ass'n, 489 U.S. 602, 103 L.Ed.2d 639 (1989)
- King v. State, 425 Md. 550, 42 A.3d 549 (2012)
- State v. Raines, 383 Md. 1, 857 A.2d 19 (2004)
- Samson v. California, 547 U.S. 843, 165 L.Ed.2d 250 (2006)
- Ohio v. Robinette, 519 U.S. 33, 136 L.Ed.2d 347 (1996)
- United States v. Midgette, 478 F.3d 616 (4th Cir. 2007)
- United States v. Perkins, 363 F.3d 317 (4th Cir. 2004)
- Griffin v. Wisconsin, 483 U.S. 868, 97 L.Ed.2d 709 (1987)
- United States v. Hagenow, 423 F.3d 638 (7th Cir. 2005)
- United States v. Keith, 375 F.3d 346 (5th Cir. 2004)
- State v. Anderson, 733 N.W.2d 128 (Minn. 2007)
- United States v. Davis, 657 F. Supp. 2d 630 (D. Md. 2009)
- United States v. Weikert, 504 F.3d 1 (1st Cir. 2007)
- Venner v. State, 279 Md. 47, 367 A.2d 949 (1977)
- Smith v. State, 415 Md. 174, 999 A.2d 986 (2010)
- State v. Kanavy, 416 Md. 1, 4 A.3d 991 (2010)
- State v. Albrecht, 336 Md. 475, 649 A.2d 336 (1994)
- State v. Pagotto, 361 Md. 528, 762 A.2d 97 (2000)
- Katz v. United States, 389 U.S. 347, 19 L.Ed.2d 576 (1967) (Harlan, J., concurring)