

NORTH DAKOTA SUPREME COURT

State v. Linghor

2004 ND 224 (2004) · No. 20030360 · Decided December 14, 2004

SUMMARY

The North Dakota Supreme Court affirmed Matthew Linghor’s conviction for conspiracy to manufacture methamphetamine. The court held that officers had probable cause to arrest Linghor and that the search of his person was valid as incident to arrest; it also held that retrial after a hung jury and mistrial did not violate double jeopardy.

CASE DETAILS

COURT	North Dakota Supreme Court
WRITING FOR THE COURT	Gerald W. VandeWalle, Chief Justice; Carol Ronning Kapsner; Dale V. Sandstrom; William A. Neumann; Mary Muehlen Maring
JURISDICTION	North Dakota
DECIDED	December 14, 2004
DOCKET	20030360
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a jury conviction for conspiracy to manufacture methamphetamine, challenging the denial of his suppression motion and asserting that retrial after a hung jury and mistrial violated double jeopardy.
STANDARD OF REVIEW	The Court defers to the trial court's factual findings on a suppression motion and resolves testimonial conflicts in favor of affirmance when supported by sufficient competent evidence and not contrary to the manifest weight of the evidence; questions of law are fully reviewable. The propriety of a mistrial declaration is reviewed for abuse of discretion under the manifest-necessity and ends-of-public-justice standards.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Matthew Linghor v. State of North Dakota

TOPICS

suppression of evidence

search and seizure

probable cause

double jeopardy

criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the search of Linghor's person and seizure of the Wal-Mart receipt violated the Fourth Amendment or Article I, section 8 of the North Dakota Constitution because officers lacked probable cause to arrest him before the search.
2. Whether Linghor's statements concerning the Wal-Mart receipt were fruits of an unlawful search.
3. Whether retrial after the first jury was unable to reach a unanimous verdict and the trial court declared a mistrial violated the constitutional and statutory prohibitions against double jeopardy.

HOLDINGS

1. The officers had probable cause to arrest Linghor before the pocket search, and the circumstances objectively established that he was under arrest by the time of the search. The search was therefore valid as a search incident to arrest.
2. Retrial did not violate double jeopardy because the trial court acted within its discretion, based on manifest necessity and the ends of public justice, in declaring a mistrial after the jury could not reach a unanimous verdict.

KEY QUOTATIONS

“The Supreme Court in Pringle concluded, “[t]o determine whether an officer had probable cause to arrest an individual, we examine the events leading up to the arrest, and then decide whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause.” (¶ 10)

“We think, that in all cases of this nature, the law has invested Courts of justice with the authority to discharge a jury from giving any verdict, whenever, in their opinion, taking all the circumstances into consideration, there is a manifest necessity for the act, or the ends of public justice would otherwise be defeated.” (¶ 21)

“Given the depth of this division and the resultant threat it posed to an impartial verdict, the trial judge acted within the confines of his discretion, manifest necessity, and the ends of public justice in declaring a mistrial.” (¶ 26)

FACTUAL BACKGROUND

A deputy stopped an automobile in which Linghor was a passenger and detected an odor of anhydrous ammonia and saw extensive methamphetamine-manufacturing paraphernalia in plain view. Another occupant identified a can of paint thinner as belonging to Linghor. Officers removed Linghor from the vehicle, searched his pockets, found a Wal-Mart receipt listing items associated with methamphetamine manufacture, handcuffed him, and read him his Miranda rights; he then allegedly admitted purchasing some of the listed items. The first trial ended with

a hung jury and mistrial, while the second trial resulted in a conviction after the State presented additional testimony explaining an identification-number discrepancy.

PROCEDURAL HISTORY

During a traffic stop, officers searched Linghor's person and discovered a Wal-Mart receipt; Linghor later made statements after receiving and waiving Miranda rights. The first trial ended in a hung jury and mistrial. After a second trial, which included testimony from a True Value manager addressing an evidentiary discrepancy, Linghor was convicted. The North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Kitchen, 1997 ND 241, ¶ 11, 572 N.W.2d 106
- State v. Hawley, 540 N.W.2d 390, 392 (N.D. 1995)
- State v. Boline, 1998 ND 67, ¶ 19, 575 N.W.2d 906
- Mapp v. Ohio, 367 U.S. 643 (1961)
- State v. Handtmann, 437 N.W.2d 830, 837 (N.D. 1989)
- State v. Kunkel, 455 N.W.2d 208, 209-10 (N.D. 1990)
- Chimel v. California, 395 U.S. 752, 763 (1969)
- State v. Overby, 1999 ND 47, ¶¶ 8, 13, 590 N.W.2d 703
- Rawlings v. Kentucky, 448 U.S. 98, 111 (1980)
- Maryland v. Pringle, 124 S. Ct. 795, 798-801 (2003)
- Pringle v. Maryland, 805 A.2d 1016, 1027 (Md. 2002)
- Ybarra v. Illinois, 444 U.S. 85, 91-92 (1979)
- Sibron v. New York, 392 U.S. 40, 62-63 (1968)
- Wyoming v. Houghton, 526 U.S. 295, 304-05 (1999)
- City of Wahpeton v. Johnson, 303 N.W.2d 565, 567 (N.D. 1981)
- Stansbury v. California, 511 U.S. 318, 322-25 (1994)
- State v. Anderson, 336 N.W.2d 634, 639 (N.D. 1983)
- Wishnatsky v. Bergquist, 550 N.W.2d 394, 398 (N.D. 1996)
- Yarborough v. Alvarado, 124 S. Ct. 2140, 2147-49 (2004)
- Miranda v. Arizona, 384 U.S. 436, 455-58 (1966)
- Benton v. Maryland, 395 U.S. 784 (1969)
- State v. Alles, 216 N.W.2d 805, 813-18 (N.D. 1974)
- State v. Berger, 235 N.W.2d 254, 257, 259 (N.D. 1975)
- United States v. Jorn, 400 U.S. 470, 479-80 (1971)

- Green v. United States, 355 U.S. 184, 188 (1957)
- Wade v. Hunter, 336 U.S. 684, 688-89 (1949)
- Downum v. United States, 372 U.S. 734, 735-37 (1963)
- Serfass v. United States, 420 U.S. 377, 390 (1975)
- United States v. Perez, 22 U.S. 579, 580 (1824)
- Gori v. United States, 367 U.S. 364, 368 (1961)
- Cornero v. United States, 48 F.2d 69, 71 (9th Cir. 1931)

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