

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Candice Brown

No. 16-0154 (Jackson County 15-F-57) (W. Va. Mar. 13, 2017) · No. No. 16-0154 · Decided March 13, 2017

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Candice Brown’s conviction and sentence for conspiracy to commit a felony. The court held that Brown, a passenger without a possessory interest in the vehicle, lacked standing to challenge the search, and alternatively concluded that the traffic stop was lawful because the officer had reasonable suspicion based on a defective turn-signal lens. The court also found that the stop was not unlawfully prolonged and that photographic evidence concerning the vehicle’s brake-light lens was properly excluded as irrelevant.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice Allen H. Loughry II; Justice Robin Jean Davis; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Elizabeth D. Walker
JURISDICTION	West Virginia
DECIDED	March 13, 2017
DOCKET	No. 16-0154
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brown appealed from the Circuit Court of Jackson County's sentencing order after pleading guilty to conspiracy to commit a felony while reserving the right to appeal the denial of her motion to suppress. She challenged the legality and duration of the traffic stop and the exclusion of photographic evidence.
STANDARD OF REVIEW	The circuit court's ultimate ruling on a suppression motion is reviewed under a three-pronged standard: the decision is reviewed for abuse of discretion, underlying factual findings for clear error, and questions of law and statutory or rule interpretation de novo. Suppression facts are construed in the light most favorable to the State, with particular deference given to the circuit court's factual findings. The ultimate determination whether a search or seizure was reasonable under the Fourth Amendment and article III, section 6 of the West Virginia Constitution is reviewed de novo. Evidentiary rulings are reviewed for

	abuse of discretion, and relevance determinations are governed by Rule 401 of the West Virginia Rules of Evidence.
PRECEDENTIAL VALUE	Memorandum decision under West Virginia Rule of Appellate Procedure 21; no substantial question of law and no prejudicial error found.
PARTIES	Candice Brown v. State of West Virginia

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QUESTIONS PRESENTED

1. Whether Brown had standing to challenge the warrantless search of the vehicle as an unreasonable search and seizure.
2. Whether the officer had reasonable, articulable suspicion to initiate the traffic stop when he mistakenly identified the defective vehicle light.
3. Whether the officer unlawfully prolonged the traffic stop to await a canine unit.
4. Whether the circuit court abused its discretion by excluding photographs showing that the brake-light lens was intact.

HOLDINGS

1. Brown lacked standing to challenge the search because she had no property or possessory interest in the vehicle, its trunk, or the items seized, and therefore had no legitimate expectation of privacy in them.
2. The initial traffic stop was lawful because the officer had reasonable, articulable suspicion that the vehicle violated West Virginia law, even though he mistakenly believed the white light came from a broken taillight rather than a broken turn-signal lens.
3. The stop was not unlawfully prolonged because it had not been completed when the canine unit arrived, and the officer was still processing the stop after discovering that neither Brown nor the driver had a valid license.
4. The circuit court did not abuse its discretion by excluding the photographs because they were irrelevant to whether the stop was lawful.

KEY QUOTATIONS

“In reviewing the findings of fact and conclusions of law of a circuit court . . . , we apply a three-pronged standard of review.” (at 2)

“Police officers may stop a vehicle to investigate if they have an articulable reasonable suspicion that the vehicle is subject to seizure or a person in the vehicle has committed, is committing, or is about to commit a crime.” (at 3)

“a police officer may not extend an otherwise-completed traffic stop, absent reasonable suspicion, in order to conduct a dog sniff of the outside of a vehicle.” (at 4)

“The West Virginia Rules of Evidence and the West Virginia Rules of Civil Procedure allocate significant discretion to the trial court in making evidentiary and procedural rulings.” (at 5)

FACTUAL BACKGROUND

Officer Andrew Boggess stopped a vehicle in which Brown was a passenger after observing what he believed was a broken light emitting white light from the rear. The driver appeared nervous, declined consent to search, and was found to have a suspended license; Brown was also found to have a suspended license. A canine unit arrived approximately twenty-five minutes after the stop began, alerted to drugs, and officers found more than 500 grams of heroin in the trunk. Photographs taken after the arrest showed that the brake-light lens was intact, but testimony established that the turn-signal lens was broken and had a hole approximately the size of a golf ball.

PROCEDURAL HISTORY

Brown was indicted on charges of possession with intent to deliver heroin and conspiracy to commit a felony after officers found more than 500 grams of heroin in the trunk of a vehicle during a traffic stop. The circuit court denied her motion to suppress following a suppression hearing. Brown then pleaded guilty to conspiracy pursuant to an agreement under which the possession charge was dismissed and she retained the right to appeal the suppression ruling. The circuit court sentenced her to one to five years of incarceration, and the Supreme Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Head, 198 W.Va. 298, 480 S.E.2d 507 (1996)
- State v. Georgius, 225 W.Va. 716, 696 S.E.2d 18 (2010)
- State v. Lacy, 196 W.Va. 104, 468 S.E.2d 719 (1996)
- State v. White, 228 W.Va. 530, 722 S.E.2d 566 (2011)
- State v. Bookheimer, 221 W.Va. 720, 656 S.E.2d 471 (2007)
- State v. Tadder, 173 W.Va. 187, 313 S.E.2d 667 (1984)
- Illinois v. Caballes, 543 U.S. 405, 408, 125 S. Ct. 834, 837 (2005)
- State v. Stuart, 192 W.Va. 428, 452 S.E.2d 886 (1994)
- State v. Dunbar, 229 W.Va. 293, 299, 728 S.E.2d 539, 545 (2012)

- Strick v. Cicchirillo, 224 W.Va. 240, 683 S.E.2d 575 (2009)
- State v. Brock, 235 W.Va. 394, 774 S.E.2d 60 (2015)
- United States v. Rodriguez, 135 S. Ct. 1609, 191 L. Ed. 2d 492 (2015)
- State v. Larry M., 215 W.Va. 358, 599 S.E.2d 781 (2004)
- McDougal v. McCammon, 193 W.Va. 229, 455 S.E.2d 788 (1995)

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