

SUPREME COURT OF NEW HAMPSHIRE

State v. Daniel Jesus Cora, 170 N.H. 186

167 A.3d 633 (2017) · No. 2016-0145 · Decided June 27, 2017

SUMMARY

The Supreme Court of New Hampshire held that the State Constitution does not incorporate the federal automobile exception in its broad form. However, it recognized a limited automobile exception allowing warrantless entry into a vehicle lawfully stopped in transit when police have probable cause to believe that a plainly visible item is contraband. Applying that exception, the court reversed the suppression order and remanded the case.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Hicks, J.; Dalianis, C.J.; Conboy, J.; Lynn, J.; Bassett, J.
JURISDICTION	New Hampshire
DECIDED	June 27, 2017
DOCKET	2016-0145
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed an order of the Superior Court granting the defendant's motion to suppress evidence obtained after police entered his vehicle without a warrant.
STANDARD OF REVIEW	The Supreme Court accepts the trial court's factual findings unless unsupported by the record or clearly erroneous and reviews legal conclusions de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	The State of New Hampshire v. Daniel Jesus Cora

TOPICS

- search and seizure
- warrant requirement
- probable cause
- suppression of evidence
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- search and seizure
- appellate procedure

QUESTIONS PRESENTED

1. Whether New Hampshire should adopt the federal automobile exception permitting a warrantless search of every part of a lawfully stopped vehicle where police have probable cause to search.
2. Whether New Hampshire should recognize a narrower automobile exception permitting police to enter a lawfully stopped vehicle in transit when they have probable cause to believe that a plainly visible item is contraband.
3. Whether the warrantless entry into Cora's vehicle was lawful under Part I, Article 19 of the New Hampshire Constitution and the Federal Constitution.
4. Whether the police entry was constitutional under a trespass theory.

HOLDINGS

1. State v. Goss abrogated, at least in part, Sterndale's rejection of the reduced-expectation-of-privacy rationale for automobile searches, but did not require adoption of the federal automobile exception.
2. Police need not obtain a warrant to enter an automobile when the vehicle has been stopped in transit pursuant to a lawful stop and police have probable cause to believe that a plainly visible item in the vehicle is contraband.
3. The warrantless entry was lawful because the vehicle was stopped in transit pursuant to a lawful traffic stop and police had probable cause to believe that plainly visible items were contraband.
4. Under these circumstances, the Federal Constitution affords Cora no greater protection than the New Hampshire Constitution, so the entry was constitutional under both constitutions.

KEY QUOTATIONS

"We now recognize a limited automobile exception to the warrant requirement pursuant to which the police do not need to obtain a warrant to enter an automobile when the vehicle has been lawfully stopped while in transit and the police have probable cause to believe that a plainly visible item in the vehicle is contraband." (slip op. at 1)

"Accordingly, we reject the State's invitation to adopt the federal automobile exception under the State Constitution." (slip op. at 8)

"In the instant case, because the defendant's vehicle was stopped in transit pursuant to a lawful stop and because the police had probable cause to believe that plainly visible items in the vehicle were contraband, they needed no warrant before entering the vehicle." (slip op. at 9)

FACTUAL BACKGROUND

Police lawfully stopped Cora's vehicle after it ran a red light and cut off an officer's cruiser. During the stop, an officer smelled fresh marijuana, and another officer observed from outside the vehicle a tied-off baggie containing a brown powder and a cigarette containing a leafy green substance near the front passenger-side doorjamb. Based on their training and experience, the officers believed the items were heroin and marijuana, seized them after Cora refused consent to search, and Cora was charged with possession of controlled drugs.

PROCEDURAL HISTORY

The defendant was charged with misdemeanor and felony possession of a controlled drug. The Superior Court granted his motion to suppress evidence seized after a police officer entered his vehicle, and denied the State's motion to reconsider. The State appealed to the Supreme Court of New Hampshire, which reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The suppression order was reversed and the matter was remanded for further proceedings consistent with the opinion.

CASES CITED

- United States v. Ross, 456 U.S. 798, 825 (1982)
- State v. Sterndale, 139 N.H. 445, 449-50 (1995)
- State v. Goss, 150 N.H. 46, 48-49 (2003)
- State v. Mouser, 168 N.H. 19, 22, 24 (2015)
- State v. Ball, 124 N.H. 226, 231-33 (1983)
- State v. Graca, 142 N.H. 670, 673 (1998)
- State v. Nieves, 160 N.H. 245, 247, 250-51 (2010)
- Horton v. California, 496 U.S. 128, 133-37 (1990)
- Coolidge v. New Hampshire, 403 U.S. 443, 468 (1971)
- State v. Harriman, 467 A.2d 745, 748-49 (Me. 1983)
- State v. Davis, 149 N.H. 698, 701 (2003)
- State v. Gilson, 116 N.H. 230, 233 (1976)
- State v. Smith, 166 N.H. 40, 44 (2014)
- State v. Balch, 167 N.H. 329, 334-35 (2015)
- State v. Camargo, 126 N.H. 766, 770-71 (1985)
- State v. Smith, 163 N.H. 169, 172 (2012)
- State v. Orde, 161 N.H. 260, 267 (2010)
- State v. Johnson, 159 N.H. 109, 111-12 (2009)
- Com. v. Simmons, 466 N.E.2d 85, 89 (Mass. 1984)
- United States v. Martinez-Fuerte, 428 U.S. 543, 561 (1976)
- New York v. Class, 475 U.S. 106, 113 (1986)
- Rakas v. Illinois, 439 U.S. 128, 154 n.2 (1978) (Powell, J., concurring)
- State v. Elison, 14 P.3d 456, 469-70 (Mont. 2000)

- State v. Smith, 141 N.H. 271, 276 (1996)
- Wyoming v. Houghton, 526 U.S. 295, 304 (1999)
- Florida v. White, 526 U.S. 559, 565 (1999)
- Florida v. Jardines, 133 S. Ct. 1409, 1414-15, 1417 (2013)

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