

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Brian Scott Wood

No. 16-0556 (May 22, 2017) · No. No. 16-0556 · Decided May 22, 2017

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of Brian Scott Wood’s motion to suppress evidence obtained during a traffic stop. The court held that officers had reasonable, articulable suspicion based on a named caller’s report of individuals throwing beer bottles from a specifically identified vehicle and the caller’s real-time location information.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Allen H. Loughry II; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Elizabeth D. Walker; Justice Robin Jean Davis
JURISDICTION	West Virginia
DECIDED	May 22, 2017
DOCKET	No. 16-0556
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order denying a motion to suppress and accepting a conditional Kennedy plea to one count of second-offense driving under the influence.
STANDARD OF REVIEW	The court reviews the circuit court's suppression decision for abuse of discretion, underlying factual findings for clear error, and questions of law de novo. The ultimate determination whether a search or seizure was reasonable is reviewed de novo, and the denial of suppression is affirmed unless unsupported by substantial evidence, based on an erroneous interpretation of law, or clearly mistaken on the entire record.
PRECEDENTIAL VALUE	Memorandum decision; no substantial question of law and no prejudicial error found under Rule 21.
PARTIES	Brian Scott Wood v. State of West Virginia

TOPICS

suppression of evidence

fourth amendment

search and seizure

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether officers had a reasonable articulable suspicion to initiate the traffic stop based on information supplied by an identified caller.
2. Whether evidence obtained during the traffic stop should have been suppressed as fruit of an unlawful seizure.

HOLDINGS

1. The officers had a reasonable articulable suspicion to stop Wood's vehicle because an identified caller reported observed unlawful conduct and supplied detailed, contemporaneous information about the vehicle and its location.
2. Suppression of the subsequently obtained evidence was not warranted because the initial traffic stop was supported by reasonable articulable suspicion.

KEY QUOTATIONS

“When reviewing a ruling on a motion to suppress, an appellate court should construe all facts in the light most favorable to the State, as it was the prevailing party below.” (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)

“The Fourth Amendment permits brief investigatory stops . . . when a law enforcement officer has ‘a particularized and objective basis for suspecting the particular person stopped of criminal activity.’” (at 4)

FACTUAL BACKGROUND

A caller identified himself to Deputy Gearde as Gearde's brother and reported seeing occupants of a maroon GMC Envoy throw beer bottles from the vehicle. The caller provided the vehicle's make, model, color, license plate number, and location, and continued following it to provide real-time location information. Deputy Gearde observed a vehicle matching the description and directed Deputy Garrett to stop it. During the stop, officers smelled alcohol on Wood and observed multiple beer bottles; Wood refused a breathalyzer and declined a field sobriety test before being arrested.

PROCEDURAL HISTORY

Wood was indicted in the Circuit Court of Marion County on one count of third-offense DUI and one count of first-offense driving while license revoked for DUI. The circuit court held a suppression hearing in December 2013 and denied Wood's motion to suppress evidence from the traffic stop. The court later accepted Wood's

conditional Kennedy plea to second-offense DUI and deferred sentencing so he could appeal the suppression ruling. The Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- Kennedy v. Frazier, 178 W. Va. 10, 357 S.E.2d 43 (1987)
- 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. Stuart, 192 W. Va. 428, 452 S.E.2d 886 (1994)
- Muscatell v. Cline, 196 W. Va. 588, 474 S.E.2d 518 (1996)
- Dale v. Ciccone, 233 W. Va. 652, 760 S.E.2d 466 (2014)
- Navarette v. California, 134 S. Ct. 1683, 188 L. Ed. 2d 680 (2014)