

SUPREME JUDICIAL COURT OF MAINE

State v. Leonard

802 A.2d 991 (Me. 2002) · Decided August 2, 2002

SUMMARY

The Maine Supreme Judicial Court affirmed Thomas Leonard's convictions and the denial of his motion to suppress. The court held that statements made during the standoff were not the product of custodial interrogation, statements made during transport were voluntary and spontaneous, and the warrantless search of Leonard's residence was supported by probable cause and exigent circumstances.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Alexander, J.; Saufley, C.J.; Clifford, J.; Rudman, J.; Dana, J.; Calkins, J.; Levy, J.
JURISDICTION	Maine
DECIDED	August 2, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Thomas Leonard appealed his jury convictions and the denial of his motion to suppress statements and evidence obtained during and after a police standoff at his residence.
PRECEDENTIAL VALUE	Published and precedential opinion of the Supreme Judicial Court of Maine
PARTIES	Thomas Leonard v. State of Maine

TOPICS

- suppression of evidence
- search and seizure
- miranda rights
- probable cause
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- search and seizure
- evidence

QUESTIONS PRESENTED

- Whether police were lawfully present at Leonard's residence and had probable cause to arrest or question him regarding the reported robbery.

2. Whether statements Leonard made during the standoff and while being transported to the hospital were obtained during custodial interrogation requiring Miranda warnings.
3. Whether the warrantless search of Leonard's residence immediately after his arrest was justified by probable cause and exigent circumstances, and whether evidence from the subsequent warrant search was tainted as fruit of the poisonous tree.

HOLDINGS

1. Because the officers reasonably believed Leonard had recently committed a Class A felony robbery, they had probable cause to be on his property to question him and could have attempted to arrest him.
2. Statements Leonard made and actions he took during the standoff, before he was seized by police, were not made during custodial interrogation and therefore did not require Miranda warnings.
3. Statements Leonard made while being transported to the hospital after his arrest did not require Miranda warnings because he was not subject to interrogation and the statements were voluntary and spontaneous.
4. The warrantless search immediately after Leonard's arrest was lawful because it was supported by probable cause and exigent circumstances.

KEY QUOTATIONS

"The statements that Leonard made and the actions that he took during the stand-off, prior to his seizure by the police, were not statements made during a custodial interrogation." (at 993)

"A warrantless search is, as a matter of law, unreasonable unless: (1) 'it is supported by probable cause'; and (2) 'exigent circumstances exist requiring a prompt search, without the delay occasioned by the need for a warrant'; or (3) the search is pursuant to another recognized exception to the warrant requirement." (at 994)

FACTUAL BACKGROUND

After threatening and beating a contractor and forcing him to write a \$15,000 check, Leonard was located at his separate residence. Police contacted him at the residence, where he made statements, refused to leave, and ultimately engaged in an armed standoff during which tear gas was deployed and shots were fired. Leonard was arrested after exiting the residence, and officers immediately conducted a safety search before obtaining a warrant for a further search that resulted in the seizure of evidence.

PROCEDURAL HISTORY

After a jury trial in the Penobscot County Superior Court, Leonard was convicted of assault, criminal threatening, three counts of criminal threatening with a dangerous weapon, and reckless conduct with a dangerous weapon. The Superior Court denied his motion to suppress. The Supreme Judicial Court of Maine affirmed the judgment. Leave to appeal the sentence was denied.

DISPOSITION

affirmed

CASES CITED

- State v. Foy, 662 A.2d 238, 240 (Me. 1995)
- State v. Swett, 1998 ME 76, ¶ 4, 709 A.2d 729, 730
- State v. Michael M., 2001 ME 92, ¶ 6, 772 A.2d 1179, 1181
- State v. St. Yves, 2000 ME 97, ¶ 9 n.8, 751 A.2d 1018, 1023
- State v. York, 324 A.2d 758, 762-63 (Me. 1974)
- Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)

OPINION

ALEXANDER, J.

802 A.2d 991 (2002) 2002 ME 125 STATE of Maine v. Thomas LEONARD. Supreme Judicial Court of Maine. Submitted on Briefs: June 27, 2002. Decided: August 2, 2002. *992 R. Christopher Almy, DA, C. Daniel Wood, ADA, Bangor, for the State. Donald F. Brown, Stillwater Professional Park, Bangor, for the defendant. Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER, CALKINS, and LEVY, JJ. ALEXANDER, J. [¶ 1] Thomas Leonard appeals from a judgment of conviction entered in the Superior Court (Penobscot County, Mead, J.) after a jury trial for assault (Class D), 17-A M.R.S.A. § 207 (1983 & Supp.2001), criminal threatening (Class D), 17-A M.R.S.A. § 209 (1983), three counts of criminal threatening with a dangerous weapon (Class C), 17-A M.R.S.A. §§ 209, 1252(4) (1983), and one count of reckless conduct with a dangerous weapon (Class C), 17-A M.R.S.A. §§ 211, 1254(4) (1983).

Leonard argues that the Superior Court erred when it denied his motion to suppress evidence derived from (1) statements that he made after an alleged warrantless arrest, and (2) a search of his residence conducted before officers secured a search warrant.

We affirm. I. CASE HISTORY [¶ 2] Thomas Leonard's estranged wife had paid a contractor \$15,000 to construct a garage at her home. Leonard, who lived apart from his wife, was apparently unhappy with the quality and progress of the work.

On the evening of February 15, 2000, Leonard appeared at the contractor's home, threatened and beat the contractor and forced him to write Leonard a check for \$15,000. [¶ 3] The State Police were summoned and began looking for Leonard. He was eventually located at his separate residence in Glenburn. Several State Police Officers approached Leonard's residence and contacted him.

Leonard refused to open his door. When asked if he had been to the contractor's residence that evening, Leonard responded that he had gone to get his money but, if anything, "I'm only guilty of

assault and you can deal with my attorney on that."

After this statement, Leonard asked the officers to leave his property. [¶ 4] Leonard was then observed to have what some officers believed was a firearm. The officers retreated from the immediate area of Leonard's residence. A stand-off ensued and the State Police Tactical Team was called. There were several communications by the Tactical Team with Leonard, but negotiations failed.

Eventually, tear gas canisters were fired into Leonard's residence. Leonard fired two shotgun blasts in the general direction of some of the police officers. At least one shot was fired in return by the police. Leonard exited his residence on two occasions and, on the second occasion, was arrested by the police. He was then transported to a hospital after complaining of chest pains. [¶ 5] Immediately after Leonard was apprehended, his residence was searched by State Police Officers to determine if any other individuals were present and to examine the safety and security of the premises.

During this search, a number of items were observed. Later, after a search warrant was obtained, the residence was again searched and a number of items were seized. [¶ 6] After he was indicted, [1] Leonard filed a motion to suppress in which he *993 asserted that (1) the statements that he made to the police during the stand-off and on his way to the hospital were obtained in the course of a custodial interrogation and in violation of the Miranda[2] standards, and (2) the items observed and seized in his residence were the product of a warrantless search unjustified by probable cause or exigent circumstances.

The court denied the motion to suppress. [¶ 7] Leonard proceeded to a jury trial at which he was convicted. After his sentencing to incarceration for 32 months at the Department of Corrections with all but 14 months suspended and 3 years probation, Leonard brought this appeal.[3] [¶ 8] Leonard's appeal is primarily directed at the rulings by the court on his motions to suppress.

He contends that the police were illegally at his residence on the night of February 15, 2000, and, therefore, the events that occurred subsequent to the illegal police presence may not be used against him. He also argues that, because he was surrounded and in a stand-off situation, he was, in effect, in custody.

Because he was in custody and was not read his Miranda warnings, he argues that the statements he made during this period cannot be used against him. Finally, he argues that the warrantless search of his residence, immediately after he was apprehended, was without probable cause and exigent circumstances.

Therefore, he argues, evidence obtained from observations in that search cannot be used, and evidence obtained in the subsequent search, with a warrant, was the fruit of a poisonous tree and cannot be used against him. II. DISCUSSION [¶ 9] The State Police reasonably believed that

Leonard had recently committed a robbery by threatening and beating the garage contractor to force him to write and turnover to Leonard a check for \$15,000.

See 17-A M.R.S.A. § 651(1)(C), (D) (1983). Because the officers had probable cause to believe that Leonard had recently committed the Class A felony of robbery, 17-A M.R.S.A. § 651(2) (1983), the officers were legally on Leonard's property to question him regarding the reported robbery. With the information that the officers had, they also could have attempted to effect an arrest of Leonard at the time.

See *State v. Foy*, 662 A.2d 238, 240 (Me.1995). [¶ 10] Certainly, during the stand-off, Leonard was not free to leave. Just as certainly, he was not in the custody and control of the police. They were trying to take him into custody, but he was resisting.

The statements that Leonard made and the actions that he took during the stand-off, prior to his seizure by the police, were not statements made during a custodial interrogation. See *State v. Swett*, 1998 ME 76, ¶ 4, 709 A.2d 729, 730. No Miranda warning was needed. See *id.* [¶ 11] Separately, the record supports the suppression court's findings that Leonard was not subject to interrogation, but that the statements Leonard made while being transported to the hospital, after his arrest, were voluntary and spontaneous, and, therefore, he did not require Miranda warnings.

See *id.* [¶ 12] The search of Leonard's residence is subject to a standard warrantless *994 search analysis. A warrantless search is, as a matter of law, unreasonable unless: (1) "it is supported by probable cause"; and (2) "exigent circumstances exist requiring a prompt search, without the delay occasioned by the need for a warrant"; or (3) the search is pursuant to another recognized exception to the warrant requirement.

State v. Michael M., 2001 ME 92, ¶ 6, 772 A.2d 1179, 1181. [¶ 13] At the time of the warrantless search of Leonard's residence, the officers certainly had probable cause to believe that evidence of a crime might be found in the search. See *id.* Leonard had just been firing shots at them from the residence.

In addition, there was probable cause to believe that evidence of the prior reported robbery might be found on the scene, including, perhaps, the check reportedly taken. Exigent circumstances for the search also existed. See *State v. St. Yves*, 2000 ME 97, ¶ 9 n.8, 751 A.2d 1018, 1023. A stand-off had just occurred and tear gas canisters had been fired into the residence.

After the stand-off ended, a search of the residence was proper to determine if: (1) any other individuals were present and perhaps injured or restrained, see *id.*; (2) any other conditions in the residence posed a threat to the safety of persons or property, see *id.*; or (3) there was the potential for loss or destruction of evidence, *State v. York*, 324 A.2d 758, 762-63 (Me.1974).

It was appropriate and an exigent circumstance for the officers to assure that a residence into which tear gas canisters had been fired, or where entry had otherwise been forced, would be secure while a warrant was obtained to search the premises further.

Thus, the search of the premises immediately after Leonard was taken into custody was supported by both probable cause and exigent circumstances. [¶ 14] Accordingly, the Superior Court appropriately denied Leonard's motion to suppress the statements that Leonard made and the items observed and seized in both the warrantless and warrant-supported search of his residence.

The entry is: Judgment affirmed. NOTES [1] In addition to the charges on which he was convicted, Leonard was indicted on two counts of robbery, 17-A M.R.S.A. § 651(1)(B), (C) (1983 & Supp.2001) and one count of criminal trespass, 17-A M.R.S.A. § 402(1)(A) (Supp.2001).

The jury found Leonard not guilty of the criminal trespass charge. The robbery charges were dismissed by the State after the jury failed to reach a verdict on those charges. [2] See *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966).

[3] Leave to appeal sentence was denied. (SRP-01-42.)