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State v. Renteria Respondent's Brief Dckt. 45022

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IN THE SUPREME COURT OF THE STATE OF IDAHO

| | | |
|------------------------------|---|---|
| STATE OF IDAHO, |) | |
| |) | Nos. 45022 & 45023 |
| Plaintiff-Respondent, |) | |
| |) | Canyon County Case Nos. |
| v. |) | CR-2016-9811 & CR-2016-14448 |
| |) | |
| MARCOS A. RENTERIA, |) | |
| |) | |
| Defendant-Appellant. |) | |
| |) | |
| |) | |
| |) | |

BRIEF OF RESPONDENT

**APPEAL FROM THE DISTRICT COURT OF THE THIRD JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF CANYON**

**HONORABLE GEORGE A. SOUTHWORTH
District Judge**

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STATEMENT OF THE CASE

Nature Of The Case

Marcos A. Renteria appeals from his judgment of conviction for trafficking in cocaine, entered on his conditional guilty plea. On appeal, Renteria challenges the district court's denial of his suppression motion.

Statement Of The Facts And Course Of The Proceedings

On June 2, 2016, Officer Sproat, with the Idaho State Police, pulled over Renteria for failing to signal for the statutorily required five seconds. (Tr., p.40, L.21 – p.41, L.25; p.50, L.8 – p.51, L.17.) During the subsequent traffic stop, a certified drug-detection dog alerted to the presence of drugs in Renteria's vehicle. (Tr., p.131, L.4 – p.133, L.11; p.140, L.2 – p.141, L.15.) A subsequent search of the vehicle led to the discovery of approximately 501 grams of cocaine. (R., p.12.)

In separate cases, the state charged Renteria with trafficking in cocaine and possession of cocaine. (R., pp.28-29, 175-76.) Pursuant to the state's motion (R., pp.179-80), the cases were ultimately consolidated (R., p.193). Renteria filed a motion to suppress the evidence acquired during the traffic stop. (R., pp.66-67.) The suppression motion was dismissed in the trafficking case for being untimely filed (R., p.92) and denied on the merits in the possession case (R., p.202; Tr., p.167, L.20 – p.168, L.11).

After his suppression motion was, respectively, denied and dismissed, Renteria entered into a binding conditional plea agreement, under which he pleaded guilty to the trafficking charge, the possession charge was dismissed, and he reserved the right to appeal from the denial of his suppression motion. (R., pp.213-18.) Pursuant to the plea agreement, the district court entered a judgment of conviction against Renteria for trafficking in cocaine and sentenced him to

a unified term of nine years with six years fixed. (R., pp.127-28.) Renteria filed timely notices of appeal. (R., pp.129-32, 222-25.)

ISSUE

Renteria states the issue on appeal as:

Whether the district court err [sic] in determining that Officer's [sic] Sproat's three deviations, not related to Mr. Renteria's stop for failing to use his blinker, were not an unlawful extension of the stop such that Mr. Renteria's Fourth Amendment rights were violated?

(Appellant's brief, p.7.)

The state rephrases the issue as:

Has Renteria failed to show that the district court erred by denying his suppression motion?

ARGUMENT

Renteria Has Failed To Show That The District Court Erred When It Denied His Motion To Suppress Evidence

A. Introduction

At Renteria's hearing on his suppression motion, the parties stipulated that the video recording of Renteria's traffic stop be entered into evidence. (See State's Ex. 1; Tr., p.59, Ls.8-18.) Based on that video and the testimony of the witnesses, the district court found that Officer Sproat properly pulled over Renteria for failing to signal for the statutorily required period. (Tr., p.164, L.24 – p.165, L.2.) The officer made contact with Renteria and his passenger and, while they were looking through the car for their proof of insurance, the officer asked if they had drugs in the car. (Tr., p.165, Ls.3-8.) Once it became clear that Renteria did not have proof of insurance in the car, the officer returned to his patrol vehicle. (Tr., p.165, Ls.9-11.) While walking back to his car, the officer called for a canine unit. (Tr., p.165, Ls.11-12.) Once in his patrol vehicle, he immediately radioed dispatch with Renteria's and his passenger's names and birthdates to run a warrants check on both and a valid license check on Renteria. (Tr., p.165, Ls.12-16.)

At 7:15 into the video of the traffic stop, while Officer Sproat waited for a response from dispatch, a canine officer arrived with his drug-detection dog, Dax, and spoke with Officer Sproat. (Tr., p.165, Ls.17-19.) Dispatch had still not confirmed Renteria's valid driving privileges or whether there were any active warrants for him or his passenger. (Tr., p.165, Ls.19-23.) While Officer Sproat continued to wait on dispatch, the canine officer took Dax over to the pulled-over vehicle to conduct an open air sniff. (Tr., p.165, L.24 – p.166, L.3.) Dax's initial alert on the vehicle occurred at 10:01 into the video of the stop, and the dog continued to alert on the vehicle through the time Officer Sproat received a call back from dispatch at 10:44,

informing him that they could not confirm the driver based on the information given. (Tr., p.166, Ls.4-22.) The officer gave dispatch Renteria's license number and dispatch was ultimately able to verify his driving privileges and warrant status at about 10:55 into the traffic stop. (Tr., p.166, L.22 – p.167, L.8.)

Based on these facts, the district court determined as a matter of law that the traffic stop was not extended beyond what was necessary to complete the routine traffic investigation to facilitate the drug-detection dog's open air sniff, and so denied Renteria's suppression motion. (Tr., p.167, L.9 – p.168, L.1; R., p.202.) On appeal, Renteria does not challenge the district court's factual findings. (Appellant's brief, p.8.) Instead, Renteria claims that the district court erred in its legal conclusions. (Appellant's brief, pp.8-12.) Application of the correct legal standards to the facts found by the district court, however, shows no error.

B. Standard Of Review

On review of a ruling on a motion to suppress, the appellate court accepts the trial court's findings of fact that are supported by substantial evidence and exercises free review of the trial court's determination as to whether constitutional standards have been satisfied in light of the facts found. State v. Willoughby, 147 Idaho 482, 485-86, 211 P.3d 91, 94-95 (2009). At a suppression hearing, the power to assess the credibility of witnesses, resolve factual conflicts, weigh evidence, and draw factual inferences is vested in the trial court. State v. Valdez-Molina, 127 Idaho 102, 106, 897 P.2d 993, 997 (1995).

C. The Detention Of Renteria And Search Of His Vehicle Were Reasonable Under The Fourth Amendment

The Fourth Amendment of the United States Constitution provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches

and seizures, shall not be violated.” U.S. Const. amend. IV. While routine traffic stops by police officers implicate the Fourth Amendment’s prohibition against unreasonable searches and seizures, the reasonableness of a traffic stop is analyzed under Terry v. Ohio, 392 U.S. 1 (1968), because a traffic stop is more similar to an investigative detention than a custodial arrest. Delaware v. Prouse, 440 U.S. 648, 653 (1979); State v. Sheldon, 139 Idaho 980, 983, 88 P.3d 1220, 1223 (Ct. App. 2003). “An investigative detention is permissible if it is based upon specific articulable facts which justify suspicion that the detained person is, has been, or is about to be engaged in criminal activity.” Sheldon, 139 Idaho at 983, 88 P.3d at 1223 (citing Terry, 392 U.S. at 21; United States v. Cortez, 449 U.S. 411, 417 (1981)).

An investigative detention must not only be justified at its beginning, but must also be conducted in a manner that is reasonably related in scope and duration to the circumstances which justified the interference in the first place. Florida v. Royer, 460 U.S. 491, 499-500 (1983); State v. Roe, 140 Idaho 176, 181, 90 P.3d 926, 931 (Ct. App. 2004). “The purpose of a stop is not permanently fixed, however, at the moment the stop is initiated, for during the course of the detention there may evolve suspicion of criminality different from that which initially prompted the stop.” Sheldon, 139 Idaho at 984, 88 P.3d at 1224. Routine traffic stops may turn up suspicious circumstances which could justify an officer asking questions unrelated to the stop. State v. Myers, 118 Idaho 608, 613, 798 P.2d 453, 458 (Ct. App. 1990). “The officer’s observations, general inquiries, and events succeeding the stop may—and often do—give rise to legitimate reasons for particular lines of inquiry and further investigation by an officer.” Id.

“[T]he tolerable duration of police inquiries in the traffic-stop context is determined by the seizure’s ‘mission’—to address the traffic violation that warranted the stop and attend to related safety concerns.” Rodriguez v. United States, 575 U.S. ___, 135 S.Ct. 1609, 1614 (2015)

(internal citation omitted). Asking a driver questions about drugs and weapons is part of a reasonable investigation, even if that was not the purpose of the initial stop. Rodriguez, 135 S.Ct. at 1614-15; see also State v. Parkinson, 135 Idaho 357, 362-63, 17 P.3d 301, 306-07 (Ct. App. 2000). “The stop remains a reasonable seizure while the officer diligently pursues the purpose of the stop, to which that reasonable suspicion is related. However, should the officer abandon the purpose of the stop, the officer no longer has that original reasonable suspicion supporting his actions.” State v. Linze, 161 Idaho 605, 609, 389 P.3d 150, 154 (2016). Officers may not prolong a traffic stop beyond the time reasonably necessary to complete their investigation, “absent the reasonable suspicion ordinarily demanded to justify detaining an individual.” Rodriguez, 135 S.Ct. at 1614-15; see also State v. Brumfield, 136 Idaho 913, 916-17, 42 P.3d 706, 709-10 (Ct. App. 2001).

Warrantless searches are also “*per se* unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.” Katz v. United States, 389 U.S. 347, 357 (1967). One exception to the warrant requirement is the “automobile exception,” which allows warrantless searches of vehicles when there is probable cause to believe that the vehicle contains contraband or evidence of criminal activity. See California v. Acevedo, 500 U.S. 565, 572 (1991); State v. Tucker, 132 Idaho 841, 842, 979 P.2d 1199, 1200 (1999). “Probable cause is established if the facts available to the officer at the time of the search would warrant a person of reasonable caution in the belief that the area or items to be searched contained contraband or evidence of a crime.” State v. Yeoumans, 144 Idaho 871, 873, 172 P.3d 1146, 1148 (Ct. App. 2007) (citing United States v. Ross, 456 U.S. 798, 823 (1982)).

Law enforcement may deploy a drug-detection dog to sniff the exterior of a lawfully stopped vehicle without suspicion of drug activity so long as doing so does not prolong the

detention beyond what is necessary to effectuate the purpose of the stop. Illinois v. Caballes, 543 U.S. 405 (2005); State v. Wigginton, 142 Idaho 180, 183-84, 125 P.3d 536, 539-40 (Ct. App. 2005). “When a reliable drug-detection dog indicates that a lawfully stopped automobile contains the odor of controlled substances, the officer has probable cause to believe that there are drugs in the automobile and may search it without a warrant.” Yeoumans, 144 Idaho at 873, 172 P.3d at 1148 (quoting State v. Gibson, 141 Idaho 227, 281, 108 P.3d 424, 428 (Ct. App. 2005)). “If probable cause justifies the search of a vehicle, then it justifies the search of every part of the vehicle and its contents which could conceal the object of the search.” State v. Braendle, 134 Idaho 173, 175, 997 P.2d 634, 636 (Ct. App. 2000).

Applying the correct legal standards to the facts before it, the district court determined that the traffic stop was consistent with Fourth Amendment standards and denied Renteria’s suppression Motion. (Tr., p.167, L.9 – p.168, L.1.) As noted above, the traffic stop was initiated based on reasonable suspicion of a traffic violation. (Tr., p.50, L.8 – p.51, L.17; p.164, L.24 – p.165, L.2.) Officer Sproat did not abandon his traffic investigation; he contacted dispatch as soon as he returned to his vehicle with the birthdates and names of Renteria and his passenger to run a records check. (Tr., p.165, Ls.12-16.) Finally, the drug dog’s alert, which occurred before dispatch called Officer Sproat back (let alone before the officer had finished his traffic citation) (Tr., p.165, L.17 – p.166, L.22), gave the officers probable cause to search the vehicle for drugs. See Yeoumans, 144 Idaho at 873, 172 P.3d at 1148. There was no legal basis upon which to suppress the evidence.

Renteria disputes this on appeal, asserting that three *de minimus* delays—(1) the officer asking Renteria and his passenger if they were transporting any drugs while they looked for their proof of insurance; (2) the officer requesting a drug-detection dog as he walked back to his patrol

car; and (3) the officer speaking briefly with the canine officer while he waited for dispatch to respond to his records check request—unreasonably extended the traffic stop. (Appellant’s brief, pp.8-11.) Renteria’s argument fails. First, as noted above, an officer may ask questions about drugs and weapons, regardless of whether that was the purpose of the initial stop. See Rodriguez, 135 S.Ct. at 1614-15; Parkinson, 135 Idaho at 362-63, 17 P.3d at 306-07. And certainly asking such questions *while Renteria tried to find his proof of insurance* cannot be said to have delayed the traffic investigation. Similarly, multitasking by requesting a drug-detection dog *while walking back to the patrol car* and speaking with the canine officer *while waiting for dispatch to respond* did not extend the traffic investigation.

In the alternative, Renteria also argues that if the above “deviations” did not extend the stop, then searching in the trunk following the drug-detection dog’s alert did because, by that time, dispatch had responded and the stop should have been concluded with a citation for the lack of insurance. (Appellant’s brief, p.11.) This argument is equally unavailing. If officers acquire during the course of a traffic investigation reasonable suspicion of other crimes, they may investigate those crimes. See Rodriguez, 135 S.Ct. at 1614-15; Sheldon, 139 Idaho at 984, 88 P.3d at 1224. A drug-detection dog’s alert gives officers probable cause to search for drugs. Yeoumans, 144 Idaho at 873, 172 P.3d at 1148. And where “probable cause justifies the search of a vehicle, ... it justifies the search of every part of the vehicle and its contents which could conceal the object of the search.” Braendle, 134 Idaho at 175, 997 P.2d at 636.

Renteria has shown no basis for suppressing the evidence properly acquired during his traffic stop. The officers’ actions during that traffic stop complied with the Fourth Amendment and state laws. The district court applied the correct legal standards to the facts and denied Renteria’s suppression motion. Renteria has shown no error in the district court’s denial of that

motion. The order of the district court denying Renteria's suppression motion should therefore be affirmed.

CONCLUSION

The state respectfully requests that this Court affirm the district court's order denying Renteria's suppression motion.

DATED this 22nd day of September, 2017.

/s/ Russell J. Spencer
RUSSELL J. SPENCER
Deputy Attorney General

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 22nd day of September, 2017, served two true and correct copies of the foregoing BRIEF OF RESPONDENT by placing the copies in the United States mail, postage prepaid, addressed to:

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/s/ Russel J. Spencer
RUSSELL J. SPENCER
Deputy Attorney General

RJS/dd