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STATEMENT OF THE CASE

Nature Of The Case

Rebecca Dawn Wheeler appeals from the district court's denial of her motion to suppress.

Statement Of The Facts And Course Of The Proceedings

Law enforcement received a report that Wheeler was living at a residence and had an active warrant out for her arrest. (See R., p.14.) Law enforcement went to that address, entered the residence, saw and recognized Wheeler inside, and arrested her. (R., p.14.) Law enforcement seized a bag of marijuana that was in plain view in the bedroom, as well as methamphetamine and a glass pipe found in Wheeler's purse, which she was wearing on her person at the time of the arrest. (R., p.14.) The state charged Wheeler with felony possession of methamphetamine, felony possession of marijuana, and misdemeanor possession of paraphernalia. (R., pp.34-35.)

Wheeler filed a motion to suppress. (R., pp.26-27; Ex. E.) The district court held a hearing on the motion, prior to which it reviewed the 911 call and officers' on-body videos. (See 12/6/2019 Tr., p.5, Ls.9-22; Ex. 1.¹) On the 911 call, a woman who identified herself as Joanie reported that her sister Wheeler was living with her and had a warrant out for her arrest. (Ex.1 (911 Call).) The caller provided dispatch with the address of a residence on Adams Street, as well as her phone number so officers could contact her when they arrived. (Ex.1 (911 Call).)

Officer Nate Egan was dispatched to the Adams Street residence. (12/6/2019 Tr., p.13, Ls.8-17.) He confirmed that there was a valid warrant for Wheeler's arrest, which authorized residential execution. (See 12/6/2019 Tr., p.14, Ls.3-22; see also Ex. B.) He also pulled up

¹ The state provided the district court with an electronic disk containing the 911 call audio, as well as both officers' body camera videos. (See 12/6/2019 Tr., p.5, Ls.9-17.) That disk was admitted as Exhibit 1. (See 12/6/2019 Tr., p.4; p.11, Ls.5-13.) Citations to Exhibit 1 will indicate the specific file being referenced.

Wheeler's information, including her driver's license photo. (12/6/2019 Tr., p.14, L.12 – p.15, L.15; Ex. C.) The address associated with Wheeler matched the Adams Street address the caller provided. (12/6/2019 Tr., 15, L.23 – p.16, L.1; Ex. C.)

When the officers arrived at the Adams Street address, they saw a woman walking out to her car. (12/6/2019 Tr., p.16, Ls.14-15.) Officer Egan asked the woman if she was the calling party; she said she was and gave a detailed description of Wheeler's location in the residence. (12/6/2019 Tr., p.16, Ls.15-21.) Officer Egan testified the woman appeared to be a resident and he had no reason not to believe that the address was her residence. (12/6/2019 Tr., p.18, Ls.12-17.) Although he did not identify her at that time, Officer Egan testified he recognized the woman at the preliminary hearing; he identified her thereafter as Joanie Wheeler² based on her driver's license information, which listed her address as the Adams Street residence. (12/6/2019 Tr., p.18, Ls.5-11; p.19, Ls.5-16; Ex. D.)

Officer Egan followed Joanie's instructions to locate Wheeler in the house; he entered the back of the residence into a common area, walked through a short hallway into another common area that was turned into a makeshift bedroom, and from there saw Wheeler sitting in a bedroom. (See 12/6/2019 Tr., p.17, L.22 – p.18, L.4; p.23, Ls.7-12.) Officer Egan arrested Wheeler pursuant to the warrant. (See Ex. 1 (Officer Egan Body Camera Video, 0:55-2:15).)

Officer Martin Becerra was also dispatched to execute the arrest warrant. (12/6/2019 Tr., p.27, Ls.12-15.) Prior to arriving at the Adams Street residence, he ran Wheeler's information. (12/6/2019 Tr., p.27, L.22 – p.28, L.4.) He verified there was an active warrant for Wheeler's

² For clarity, Joanie Wheeler will be referred to as Joanie and the defendant Rebecca Wheeler will be referred to as Wheeler.

arrest, viewed her license photo, and confirmed the Adams Street address matched Wheeler's listed address. (12/6/2019 Tr., p.28, Ls.5-20.)

Joanie testified she had been living at the Adams Street address for about two years at that time. (12/6/2019 Tr., p.33, Ls.13-17.) Her mother and husband also lived with her. (12/6/2019 Tr., p.33, Ls.18-20.) Wheeler had been living at the residence for about a week and her daughter occasionally came and stayed the night. (12/6/2019 Tr., p.33, Ls.20-25.) Joanie's mother owned the residence. (12/6/2019 Tr., p.34, Ls.7-8.) Joanie testified she called 911 to report Wheeler. (See 12/6/2019 Tr., p.35, Ls.1-5; p.37, Ls.4-5.) She also testified she gave law enforcement permission to enter the residence. (12/6/2019 Tr., p.36, Ls.5-12.)

The district court issued its decision on the record. The district court found that, before entering the residence, Officer Egan confirmed Wheeler had an active warrant, viewed her license information and photo, and saw that her address on file matched the Adams Street address where Joanie reported Wheeler was located. (12/6/2019 Tr., p.50, L.19 – p.51, L.5.) The district court also concluded the officers had a reasonable belief Wheeler was inside her residence at that time. (12/6/2019 Tr., p.51, Ls.14-18.) Because an arrest warrant grants law enforcement limited authority to enter a suspect's residence if the officers have reasonable belief that the suspect is within, the district court concluded the officers operated within the bounds of that limited authority when they entered the residence and arrested Wheeler.³ (12/6/2019 Tr., p.51, Ls.6-24.)

The district court also noted that, although the officers did not need consent to enter the residence because of the limited authority granted by virtue of the arrest warrant, they nonetheless received such consent from Joanie. (12/6/2019 Tr., p.51, Ls.18-21.) Even without actual authority

³ The district court noted that if Wheeler did not live at that residence, she would have no standing to challenge her arrest. (See 12/6/2019 Tr., p.55, L.4 – p.56, L.8.)

to give consent (which the district court indicated Joanie “[p]robably” had), Joanie had the apparent authority to consent to the officers’ entry of the residence. (12/6/2019 Tr., p.52, Ls.18-19.) Joanie told dispatch she lived at the residence, waited for officers to arrive, gave the officers permission to enter, and provided a detailed and accurate description of the layout and Wheeler’s location in the residence. (12/6/2019 Tr., p.52, Ls.19-25; p.53, Ls.6-11.) The district court concluded Joanie had actual or apparent authority to give, and did in fact give, officers permission to enter the residence. (12/6/2019 Tr., p.53, Ls.5-11.)

Further, the district court found the officers saw Wheeler in her bedroom in plain sight from a common area of the residence. (12/6/2019 Tr., p.54, Ls.8-14.) “[T]he officer had the absolute legal right to be where he was when he then recognized her and she acknowledged that she was Rebecca Wheeler.” (12/6/2019 Tr., p.54, Ls.14-16.) Therefore, the district court denied Wheeler’s motion to suppress. (See 12/6/2019 Tr., p.57, L.7; see also R., p.120.)

Thereafter, Wheeler entered a conditional guilty plea to all charges, specifically reserving her right to appeal the district court’s denial of her motion to suppress. (R., pp.50-51, 61-81; 2/18/2020 Tr., p.24, L.16 – p.27, L.5.) The district court sentenced Wheeler to six years with three years fixed and suspended the sentence. (R., pp.97-101.) Wheeler filed a timely notice of appeal. (R., pp.106-08, 122-25.)

ISSUE

Wheeler states the issue on appeal as:

Did the district court err in denying Ms. Wheeler's motion to suppress?

(Appellant's brief, p.4.)

The state rephrases the issue as:

Has Wheeler failed to show that the district court erred when it denied her motion to suppress?

ARGUMENT

Wheeler Has Failed To Show That The District Court Erred When It Denied Her Motion To Suppress

A. Introduction

Wheeler argues the district court erred in denying her motion to suppress evidence obtained in conjunction with her arrest pursuant to a valid arrest warrant.⁴ (Appellant’s brief, pp.5-7.) “[M]indful” of the district court’s factual findings, she argues the officers’ entry into her home nonetheless violated her Fourth Amendment rights. (Appellant’s brief, p.1.) The district court properly concluded the officers acted within their limited authority to execute an arrest warrant at a suspect’s residence when they entered the home to arrest Wheeler. Further, Wheeler does not challenge the district court’s alternative conclusion that the officers were given consent to enter the home by another resident. Therefore, the district court did not err and this Court should affirm its denial of Wheeler’s motion to suppress.

B. Standard Of Review

The standard of review of a suppression motion is bifurcated. When a decision on a motion to suppress is challenged, the appellate court accepts the trial court’s findings of fact that are supported by substantial evidence, but freely reviews the application of constitutional principles to those facts. State v. Klingler, 143 Idaho 494, 496, 148 P.3d 1240, 1242 (2006). “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. Pieper, 163 Idaho 732, 734, 418 P.3d 1241, 1243 (Ct. App. 2018).

⁴ Wheeler does not challenge the validity of the arrest warrant. (Appellant’s brief, p.2, n.2.)

C. The District Court Did Not Err When It Denied Wheeler’s Motion To Suppress

The United States Supreme Court has made clear that “an arrest warrant alone will suffice to enter a suspect’s own residence to effect his arrest.” Steagald v. United States, 451 U.S. 204, 221 (1981) (citing Payton v. New York, 445 U.S. 573, 602-03 (1980)). That is because “an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within.” Wilson v. Layne, 526 U.S. 603, 611 (1999) (quoting Payton, 445 U.S. at 603). Idaho courts have also recognized that arrest warrants grant officers this limited authority to enter a suspect’s residence to effectuate his or her arrest when there is reason to believe the suspect is within. See State v. Dycus, 154 Idaho 456, 459, 299 P.3d 263, 266 (Ct. App. 2013); State v. Northover, 133 Idaho 655, 657, 991 P.2d 380, 382 (Ct. App. 1999); State v. Coma, 133 Idaho 29, 32, 981 P.2d 754, 757 (Ct. App. 1999).

The officers acted within the bounds of their authority when they entered Wheeler’s residence pursuant to a valid arrest warrant to effectuate her arrest, based on their reasonable belief she was inside. As the district court found, the officers confirmed Wheeler’s warrant prior to entry. (12/6/2019 Tr., p.50, L.19 – p.51, L.5.) Officers ran and reviewed Wheeler’s information, which showed the Adams Street residence to which they were dispatched as her listed address. (See 12/6/2019 Tr., p.14, Ls.3-22; p.15, L.23 – p.16, L.1; p.28, Ls.5-20.) The officers were told by dispatch that the caller, a resident of the Adams Street address, reported Wheeler was inside the residence. (See 12/6/2019 Tr., p.13, Ls.15-20.) When the officers arrived, Joanie told Officer Egan she was the caller and told him exactly where in the residence Wheeler could be found. (12/6/2019 Tr., p.16, Ls.15-21.) The district court properly concluded the officers reasonably believed Wheeler was inside the residence, listed as her own address, and therefore the arrest

warrant gave them authority to enter the residence for the limited purpose of effectuating her arrest. See Wilson, 526 U.S. at 611 (“[T]he officers had such a warrant, and they were undoubtedly entitled to enter the Wilson home in order to execute the arrest warrant for Dominic Wilson.”) The district court did not err when it denied Wheeler’s motion to suppress.

Wheeler “acknowledges that an arrest warrant ‘implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within.’” (Appellant’s brief, p.1 (quoting Payton, 445 U.S. at 602-03).) Further, Wheeler concedes the district court’s factual findings are supported by evidence in the record. (See Appellant’s brief, p.7.) Wheeler has failed to demonstrate error in the district court’s decision.

Even if the arrest warrant alone did not authorize the officers’ entry into the residence, this Court must still affirm. “When a decision is based upon alternative grounds, the fact that one of the grounds may be in error is of no consequence and may be disregarded if the judgment can be sustained upon one of the other grounds.” Andersen v. Prof’l Escrow Servs., Inc., 141 Idaho 743, 746, 118 P.3d 75, 78 (2005) (quotation marks and citation omitted); see also Doe v. Doe, 159 Idaho 461, 464, 362 P.3d 536, 539 (2015). The district court determined Joanie gave the officers permission to enter the residence and she had the actual or apparent authority to do so. (See 12/6/2019 Tr., p.51, L.18 - p.53, L.11.) Wheeler acknowledges this alternative basis for the denial of her motion but does not challenge it on appeal. (See Appellant’s brief, p.3, n.4.) “The district court’s decision was based on alternative grounds, and as such, [Wheeler] bore the burden of demonstrating error in both grounds.” State v. Hayes, 166 Idaho 646, 462 P.3d 1110, 1117 (2020). Wheeler has failed to do so.

CONCLUSION

The state respectfully requests this Court to affirm the judgment of the district court.

DATED this 2nd day of February, 2021.

/s/ Kacey L. Jones
KACEY L. JONES
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 2nd day of February, 2021, served a true and correct copy of the foregoing BRIEF OF RESPONDENT to the attorney listed below by means of iCourt File and Serve:

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KLJ/dd