

2002

Utah v. Rebecca Champneys : Brief of Appellant

Utah Court of Appeals

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Mark Shurtleff; attorney general; attorney for appellee.

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IN THE UTAH COURT OF APPEALS

THE STATE OF UTAH :
 :
 Plaintiff/Appellee :
 :
 v. :
 :
 REBECCA CHAMPNEYS : Case No. 20020123-CA
 : Priority No. 2
 Defendant/Appellant :
 :

BRIEF OF APPELLANT

Appeal from a judgment of conviction for attempted tampering with evidence, a third degree felony, in violation of Utah Code Annotated sections 76-8-510 and 76-4-101 (1999), and attempted forgery, a class A misdemeanor, in violation of Utah Code Annotated sections 76-6-501 and 76-4-101 (1999), in the Third Judicial District Court, in and for Salt Lake County, State of Utah, the Honorable Timothy B. Hanson, presiding.

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IN THE UTAH COURT OF APPEALS

THE STATE OF UTAH	:	
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REBECCA CHAMPNEYS	:	Case No. 20020123-CA
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JURISDICTION AND NATURE OF THE PROCEEDINGS

This is an appeal from a judgment of conviction for attempted tampering with evidence, a third degree felony, in violation of Utah Code Annotated sections 76-8-510 and 76-4-101 (1999), and attempted forgery, a class A misdemeanor, in violation of Utah Code Annotated sections 76-6-501 and 76-4-101 (1999). This Court has jurisdiction over this appeal under Utah Code Annotated section 78-2-2(3)(i) (Supp. 2001), which grants this Court jurisdiction over cases not involving a first degree or capital felony.

**STATEMENT OF THE ISSUES, STANDARDS OF REVIEW AND
PRESERVATION OF THE ARGUMENTS**

1. Did the police have probable cause of a crime based on an informant's tip without conducting any meaningful, independent investigation to corroborate the reported criminal activity? In reviewing whether the police had cause probable cause of criminal

activity, this Court overturns factual findings for clear error and reviews the trial court's legal conclusions for correctness. State v. Valenzuela, 2001 UT App 332, ¶8, 37 P.3d 260. Trial counsel specifically argued below that the police lacked probable cause. R. 34-37; 116: 19-23.¹

2. Did exigent circumstances justify the police in conducting a warrantless search of a motel room based on two women's tidying up and scurrying after the police knocked on their motel room door? In reviewing the denial of a motion to suppress, this Court reviews factual findings for clear error and legal conclusions for correctness. Valenzuela, 2001 UT App 332, ¶8, 37 P.3d 260. Trial counsel contested the exigency of the situation in a motion to suppress and at a subsequent hearing. R. 34-37; 116: 19-23.²

CONSTITUTIONAL PROVISIONS

The Fourth Amendment to the United States Constitution protects persons from unreasonable searches and seizures:

¹The volume marked 116 contains the transcript of the hearing on the motion to suppress. Volume 117 contains the plea hearing transcript. The internal page numbers of those volumes are included after "R.:" and the volume number.

²These same issues arise in a co-defendant's case which is pending before this Court in State v. Corwell, No. 20020343-CA. Because both appeals raise identical issues, and no conflict of interest exists between these cases, appellate counsel represents both Ms. Champneys and Ms. Corwell on appeal. Appellate counsel has not sought to consolidate these appeals, however, because a motion to withdraw Ms. Corwell's guilty plea remains pending in the trial court. Appellate counsel has requested this Court to stay Ms. Corwell's appeal pending the outcome of her motion.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article I, section XIV of the Utah Constitution provides similar protection against unreasonable searches and seizures:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized.

STATEMENT OF THE CASE

On April 4, 2001, the State filed an Information charging Appellant Rebecca Champneys with one count each of tampering with evidence, unlawful possession of a controlled substance, and unlawful possession of drug paraphernalia. R. 2. Ms. Champneys filed a motion to suppress the evidence that the police obtained from her during a warrantless search of her motel room. R. 34. The State opposed the motion. R. 26. After conducting a hearing, the trial court denied the motion. R. 91; 116: 24-26. The trial court also consolidated this case with a forgery charge that the State had filed against Ms. Champneys in case number 011918743. R. 116: 27; 117: 13.

On December 7, 2001, Ms. Champneys agreed to plead guilty to one count each of

attempt to tamper with evidence and attempted forgery. R. 81. In exchange for the pleas, the State agreed to dismiss the remaining charges and to allow Ms. Champneys to challenge the denial of her motion to suppress on appeal. R. 81; 117: 2-4. The trial court accepted the guilty pleas the same day. R. 117: 13-14.

On February 1, 2002, the trial court sentenced Ms. Champneys to a term of up to five years imprisonment but suspended that term and placed her on probation for 24 months. R. 95-96; Addendum. The judge also ordered the sentence to run concurrently with the sentence for the attempted forgery charge. R. 95. In addition, the trial judge imposed a fine but suspended part of it, ordered Ms. Champneys to pay \$350 toward the cost of her court-appointed attorney, enrolled her in a drug treatment program, and ordered her to perform 75 hours of community service. R. 96-97. Ms. Champneys filed a timely notice of appeal on February 13, 2002. R. 98.

STATEMENT OF THE FACTS

On March 13, 2000, a caller telephoned Salt Lake City police dispatch and stated that a woman named Liza Crowell was with another woman in room 236 at a motel located at 1990 West and North Temple Street. R. 40, 47; 116: 3. The caller claimed that the two women were either using or selling drugs in the room. R. 47-48. The police dispatched several officers to the motel including Detectives Troy Anderson and Tracy Ita. R. 40; 116: 3.

The record indicates that the police did not know the identity of the caller when they went to the motel. Although the caller appears to have been Liza's husband, the record does not indicate when the police learned this information. Detective Anderson testified at the preliminary hearing that dispatch had informed him that Liza's husband had made the call. R. 48. But, at the suppression hearing, three months later, he insisted three times that he could not remember the dispatch report including the caller's identity when he responded to the motel. R. 116: 3, 9, 13. Based on the lack of evidence, the trial court found that the caller was "anonymous." R. 116: 24.

Detectives Anderson and Ita went to the motel room to perform strictly a "knock and talk." R. 40. A knock and talk involves the police approaching a residence without a warrant to see if the occupants are willing to cooperate with the police. R. 49. Both detectives were in plain clothes. R. 116: 11.

Detective Ita knocked on the door of room 236 and Ms. Champneys inquired, from behind the door, who was knocking. R. 40. Detective Ita responded, "Tracy." R. 40. Ms. Champneys asked again who had knocked on the door. R. 40. Detective Ita identified himself as "Tracy" and added that he was a police detective. R. 40. Ms. Champneys demanded to see a police badge which Detective Ita presented through the peep hole and Detective Anderson presented through the window leading into the room. R. 41; 116: 4. Detective Anderson testified that there was a gap between the window curtains where he could show his badge and see into the room. R. 50.

As Detective Anderson looked through the window, he informed Ms. Champneys that the police were looking for a woman named Liza. R. 41. Ms. Champneys stated through the closed door that she was alone in the room. R. 41. At that point, Detective Anderson looked through the window and saw another woman in the room putting a "metallic" object into a purse. R. 41, 49; 116: 6, 12. Det. Anderson stated that he "thought" the object was the "right shape and size of a crack pipe." R. 41, 49; 116: 6, 12. Ms. Champneys then acknowledged that the other woman in the room was Liza Corwell. R. 116: 5.

When Detective Anderson informed Detective James Tracy what he had observed, Detective Tracy went to the motel manager's office for a key to the room. R. 42. While Detective Tracy retrieved the key, Detective Anderson continued to talk to Ms. Champneys and asked her to open the door. R. 42. Ms. Champneys refused, however, to allow the police to enter. R. 42. Detective Anderson then observed the two women hiding things under and behind the bed, including the purse that contained the metal object. R. 42. The women also went in and out of the bathroom two to four times each. R. 42: 116: 4, 7. In Detective Anderson's experience, criminal suspects are known to flush drugs down a toilet or sink, especially, in motel rooms, to avoid detection. R. 116: 7.

Detective Tracy returned with the room key and opened the door. R. 42. The door only opened a few inches because it was secured from the inside by a security latch. R.

42; 116: 8. The police again demanded that Ms. Champneys unlocked the door but she refused. R. 42. When Det. Tracy kicked at the door, Ms. Champneys offered to open the door halfway. R. 42. Without responding to this offer, Detective James Tracy kicked the door completely open and the detectives entered the room. R. 42.

Detective Anderson immediately placed Ms. Champneys in a twist lock and secured plastic flex cuffs on her wrists while the other detectives restrained Ms. Corwell. R. 43. He searched Ms. Champneys' pockets and found a crack pipe. R. 43. Ms. Champneys admitted that she used the pipe for smoking cocaine. R. 43. She then become hostile and demanded that a female detective continue the search. R. 43. Detective Anderson learned that a female detective was en route and waited for her arrival. R. 43.

Officer Patty Roberts arrived shortly thereafter and searched both women, separately in the bathroom. R. 44. Officer Roberts found a twist of cocaine in Ms. Champneys bra and also found other items associated with drug usage. R. 44. As she located this evidence, Officer Roberts placed it on the bathroom counter. R. 45. A struggle then ensued between Officer Roberts and Ms. Champneys during which Ms. Champneys claimed that the cocaine twist had fallen down the sink drain. R. 45-46. Nevertheless, Officer Roberts found the cocaine in Ms. Champneys' hand. R. 46.

During the search of Ms. Corwell, Officer Roberts found a baggie of cocaine in her bra as well. R. 52-53. The police also searched the purse in which Ms. Corwell had

stuffed the metal object and found a spoon with cocaine residue on it but no pipe. R. 116:

12. Detective Anderson admitted that during his observations through the window he never saw the women possessing any drugs, he smelled nothing, and he heard no water running, including the flushing of toilets. R. 116: 7, 12.

The State charged Ms. Champneys with one count each of tampering with evidence, unlawful possession of a controlled substance, and unlawful possession of drug paraphernalia. R. 2. Ms. Champneys filed a motion to suppress the evidence the police obtained from the warrantless search of her motel room. R. 34. The State opposed the motion. R. 26. The trial court denied the motion and consolidated this case with a forgery charge that the State had filed against Ms. Champneys in case number 011918743. R. 91; 116: 24-26.

On December 7, 2001, Ms. Champneys agreed to plead guilty to one count each of attempt to tamper with evidence and attempted forgery. R. 81. In exchange for the pleas, the State agreed to dismiss the remaining charges and to allow Ms. Champneys to challenge the denial of her motion to suppress on appeal. R. 81; 117: 2-4. The trial court accepted the guilty pleas the same day. R. 117: 13-14.

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fine but suspended part of it, ordered Ms. Champneys to pay \$350 toward the cost of her court-appointed attorney, enrolled her in a drug treatment program, and ordered her to perform 75 hours of community service. R. 96-97. This appeal followed. R. 98.

SUMMARY OF THE ARGUMENT

The police violated Ms. Champneys' right to be free from unreasonable searches and seizures when they forcibly entered her motel room and arrested her without a warrant. The police may search a residence without a warrant if they have probable cause and if exigent circumstances require immediate police action. But, here, the police lacked probable cause to search the room based on an anonymous tip and without conducting more than minimal observations.

Similarly, the police lacked exigent circumstances to enter the motel room. The State failed to meet its weighty burden of proving that the women in the room were destroying evidence. The police saw no drugs, smelled no odors, or heard any sounds that indicated that the women were flushing drugs down the toilet or sink. The absence of evidence justifying a warrantless search rendered the search and arrest illegal.

ARGUMENT

BECAUSE THE POLICE LACKED PROBABLE CAUSE AND EXIGENT CIRCUMSTANCES, THEY CONDUCTED AN ILLEGAL, WARRANTLESS SEARCH AND ARREST

The warrantless search and arrest of Ms. Champneys' violated her state and federal constitutional rights to be free from unreasonable searches and seizures. "[S]earches conducted without a warrant 'are *per se* unreasonable under the Fourth Amendment--subject only to a few specifically established and well-delineated exceptions.'" State v. Ashe, 745 P.2d 1255, 1258 (Utah 1987) (quoting Katz v. United States, 389 U.S. 347, 357 (1967) (emphasis in original)). The exception at issue here required the State to establish "probable cause and exigent circumstances." City of Orem v. Henrie, 868 P.2d 1384, 1388 (Utah Ct. App. 1994).

In finding exceptions to the warrant requirement, "[t]he State bears [a] particularly heavy burden" of persuasion. State v. Beavers, 859 P.2d 9, 13 (Utah Ct. App. 1993). "[E]xceptions are 'jealously and carefully drawn,' and there must be a 'showing by those who seek exemption . . . that the exigencies of the situation made [the search] imperative.'" Ashe, 745 P.2d at 1258 (quoting Collidge v. New Hampshire, 403 U.S. 443, 455 (1971) (plurality opinion) (internal quotations omitted)). Because the police failed to sufficiently corroborate the anonymous report of drug activity, they lacked both probable cause and exigent circumstances necessary to conduct a warrantless search.

**A. Without Substantial Corroborating Evidence,
The Anonymous Tip Failed to Establish
Probable Cause**

The ambiguous police observations coupled with the failure of the police to corroborate the tip failed to support probable cause of a crime. When "the State predicates its probable cause argument upon information received from an informant, '[this Court] must examine the "totality of the circumstances" to determine whether the informant's tip, together with police observations, provided probable cause to arrest'" the defendant. State v. Valenzuela, 2001 UT App 332, ¶11, 37 P.3d 260 (quoting State v. Anderson, 910 P.2d 1229, 1233 (Utah 1996), quoting Illinois v. Gates, 462 U.S. 213, 238 (1983)). "This inquiry involves 'a practical, common-sense decision whether, given all the circumstances . . ., including the "veracity" and "basis of knowledge" of persons supplying hearsay information, there is a fair probability that . . . evidence of a crime will be found.'" Anderson, 910 P.2d at 1233 (quoting Gates, 462 U.S. at 238)).

This Court considers three factors in determining whether probable cause supports an arrest based on an informant's tip:

Our first focus is upon "the type of tip or informant involved," [Kaysville City v. Mulcahy, 943 P.2d 231, 234 (Utah Ct. App. 1997)], granting identified informants substantially more credibility than anonymous informants. See id. Next, we examine "whether the informant gave enough detail about the observed criminal activity to support a [seizure]," and concluded that "[a] tip is more reliable if it is apparent that the informant

observed the details personally, instead of relaying information from a third party." Id. at 236. Finally, we examine "whether the police officer's personal observations confirm the dispatcher's report of the informant's tip," noting that an officer can corroborate the information "'either by observing the illegal activity[,] or by finding the person, [and the other material facts] substantially as described by the informant.'" Id. (citation omitted). Moreover, while we stated that "'[w]here the reliability of the information is increased, less corroboration is necessary,'" id. (alteration in original) (citation omitted), we also established that absent a risk to public safety we expect police officers to make significant independent corroborative efforts to confirm the information. See id.

Valenzuela, 2001 UT App 332, ¶15, 37 P.3d 260.

Considering these factors, the police lacked probable cause of criminal activity. First, "[b]ecause an anonymous caller's basis of knowledge and veracity are typically unknown,' anonymous tips are toward 'the low-end of the reliability scale.'" Mulcahy, 943 P.2d at 235 (quoting State v. Evans, 692 So. 2d 216, 218 (Fla. Dist. Ct. App. 1997)). At the time the police knocked on Ms. Champneys' motel door, they only knew that an anonymous caller claimed that two women were using or selling drugs in the room. See Florida v. J.L., 529 U.S. 266, 271 (2000) (reasonable suspicion based on police officer's knowledge at the time of a search). Absent some "'indicia of reliability,'" an anonymous tip fails to provide the police probable cause to search or arrest a person. J.L., 529 U.S. at 270 (quoting Alabama v. White, 496 U.S. 325, 329 (1990)).

Second, the anonymous caller did not provide much detail or state that he had "observed the details personally." Mulcahy, 943 P.2d at 236. In fact, the caller indicated

that he lacked personal knowledge of the activities in the motel room. Specifically, he claimed that Liza Corwell was with another woman in a motel room and they could be either using or selling drugs. The caller's failure to specify what was occurring in the room suggests that he had not personally witnessed any drug usage in the room. Thus, it appears that the caller lacked first-hand knowledge with the situation. Id.

Third, the police made little "significant independent corroborative efforts to confirm the information." Valenzuela, 2001 UT App 332, ¶15, 37 P.3d 260. The police admitted that they never attempted to stake out the motel room to determine whether anyone was frequenting the room. R. 116: 9. Likewise, the police failed to even contact the motel manager before knocking on the door to confirm whether Ms. Corwell had rented a room or whether any suspicious activity had occurred there. R. 116: 9-10. In fact, the police made no effort to corroborate the tip, at all, before knocking on the door. R. 116: 9-10. Rather than verifying the anonymous tip, it appears the police hoped either to gain the occupants' consent to enter the room or to just test their luck and knock on the door. The fact that the police performed a knock and talk shows that they believed themselves that they lacked probable cause to obtain a search warrant.

Admittedly, the police did confirm that Ms. Corwell was in the room. But, in determining the reliability of a tip, the information must "be reliable in its assertion of illegal[] [activity], not just in its tendency to identify a determinate person." J.L., 529 U.S. at 272; see also State v. Case, 884 P.2d 1274, 1278 (Utah Ct. App. 1994). Without

confirming the existence of drug activity, the police lacked probable cause.

The only indication even hinting at drug usage was Det. Anderson's claim that he saw Ms. Crowell place a "metallic" object into her purse which he "thought" was the "right shape and size of a crack pipe." R. 49; 116: 6, 12. Det. Anderson's observations merely amounted to a suspicion of drug activity. Of most importance, Det. Anderson was mistaken in his belief that the metal object was a pipe. Moreover, despite his attempts to make his description as definite as he could, he was only able to state that he "thought" the object was a crack pipe. R. 49, 116: 6, 12. This vague assertion coupled with Det. Anderson's inaccurate observations do not constitute "a fair probability that . . . evidence of a crime w[ould] be found." Anderson, 910 P.2d at 1233 (quoting Gates, 462 U.S. at 238)).

Likewise, the women's movements after the police announced their presence were nothing more than suspicious activity rather than probable cause. Although the women were obviously scurrying and tidying up the room, the police saw the women engaging in no illegal activity. The police specifically stated that they saw no evidence that the women possessed or hid drugs. The police saw nothing in the women's hands, detected no smells, and heard no noises indicating that the women were disposing of drugs.

The police officers' failure to investigate the anonymous tip and their ambiguous observations of the women hardly constituted "significant independent corroborative efforts to confirm the information." Valenzuela, 2001 UT App 336, ¶15, 37 P.3d 260. In

sum, the police may have had a suspicion of criminal activity but they lacked probable cause.

B. The Suspects' Ambiguous Actions Failed to Support that They Were Destroying Drugs

For similar reasons, the State failed to meet its "heavy burden" of establishing exigent circumstances to support the warrantless search. Beavers, 859 P.2d at 13.

"Exigent circumstances are those 'that would cause a reasonable person to believe that entry . . . was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.'" Id. at 18 (quoting United States v. McConney, 728 F.2d 1195, 1199 (9th Cir.), cert. denied, 469 U.S. 824 (1984)).

On appeal, this Court must "review the totality of the facts and circumstances of the particular case to determine if the finding of exigency was proper." Ashe, 745 P.2d at 1258.

Here, the State failed to present sufficient facts supporting an immediate need to search the motel room to prevent the destruction of evidence. Det. Anderson conceded that although the metal object appeared to be a crack pipe, he saw no other evidence of drugs in the room. As noted above, the police saw the women holding nothing suspicious in their hands, there was no evidence that drugs were being used in the room, and the

police heard no noises that would suggest the destruction of evidence such as the flushing of toilets or running water. Rather, the police only had a generalized concern that drug offenders are known to destroy evidence to prevent detection. To conduct a warrantless search, the police must have "particularized suspicion" as opposed to concerns for or knowledge of criminal behavior generally. Illinois v. Wardlow, 528 U.S. 119, 124 (2000).

The State failed to meet its weighty burden of showing that the women were destroying evidence. The women's tidying up and trips into the bathroom do not necessarily suggest that they were destroying evidence. These actions could have been wholly innocent such as cleaning the room or putting away personal or intimate items.

Absent more definite indications that evidence was being destroyed, the police violated Ms. Champneys' rights when they forcibly entered her motel room. A person's privacy interests in a motel room is on par with one's home. Lanza v. New York, 370 U.S. 139, 143-44 (1962). Accordingly, "[t]he need for an immediate search must be apparent to the police, and so strong as to outweigh the important protection of individual rights provided by the warrant requirement." Beavers, 859 P.2d at 18 (quoting United States v. Robertson, 606 F.2d 853, 859 (9th Cir. 1979)). Given the sacred nature of the right to privacy in a dwelling and the ambiguity of the women's actions, the State failed to establish that a reasonable person "would" have concluded that the women were, in fact, destroying evidence. Id. (quoting McConney, 728 F.2d at 1199).

CONCLUSION

Because the police lacked probable cause and exigent circumstances, Ms. Champneys requests this Court to reverse the trial court's denial of her motion to suppress.

Submitted, this 7th day of June, 2002.

A handwritten signature in black ink, appearing to read "K. R. Hart", written over a horizontal line.

KENT R. HART

Attorney for Defendant/Appellant

CERTIFICATE OF DELIVERY

I, KENT R. HART, certify that I have caused to be delivered eight copies of this brief to the Utah Court of Appeals, 450 South State, 5th Floor, P.O. Box 140230, Salt Lake City, Utah 84114-0230, and four copies to the Utah Attorney General's Office, Heber M. Wells Building, 160 East 300 South, 6th Floor, P.O. Box 140854, Salt Lake City, Utah 84114-0854, this 7th day of June, 2002.


KENT R. HART

DELIVERED to the Utah Court of Appeals and the Utah Attorney General's Office as indicated above this ____ day of June, 2002.

ADDENDUM

FILED

THIRD DISTRICT COURT SALT LAKE COURT SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH,	:	MINUTES
Plaintiff,	:	SENTENCE, JUDGMENT, COMMITMENT
	:	
vs.	:	Case No: 011905093 FS
	:	
REBECCA CHAMPNEYS,	:	Judge: TIMOTHY R. HANSON
Defendant.	:	Date: February 1, 2002

PRESENT
 Clerk: evelynt
 Prosecutor: TAYLOR, LANA
 Defendant
 Defendant's Attorney(s): FINLAYSON, DAVID V

ENTERED IN REGISTRY
 OF JUDGMENTS

DATE

02/06/02

DEFENDANT INFORMATION
 Date of birth: May 17, 1958
 Video
 Tape Number: 2/1/02 Tape Count: 11:02/11:11

CHARGES

1. TAMPER WITH EVIDENCE - 3rd Degree Felony
 Plea: Guilty - Disposition: 12/07/2001 {Guilty Plea}

SENTENCE PRISON

Based on the defendant's conviction of TAMPER WITH EVIDENCE a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.
 The prison term is suspended.

SENTENCE PRISON CONCURRENT/CONSECUTIVE NOTE

This sentence runs concurrent with sentence in case #011918743

Criminal Sentence @J



011905093

JD2258979

CHAMPNEYS REBECCA JD

Case No: 011905093
Date: Feb 01, 2002

SENTENCE FINE

Charge # 1 Fine: \$5000.00
 Suspended: \$4250.00
 Surcharge: \$637.50
 Due: \$1387.50

 Total Fine: \$5000.00
 Total Suspended: \$4250.00
 Total Surcharge: \$637.50
Total Principal Due: \$1387.50
 Plus Interest

SENTENCE TRUST

The defendant is to pay the following:
Attorney Fees: Amount: \$350.00 Plus Interest
Pay in behalf of: SLC, LDA

SENTENCE TRUST NOTE

Pay recoupment within the probation period.

ORDER OF PROBATION

The defendant is placed on probation for 24 month(s).
Probation is to be supervised by Adult Probation & Parole.
Defendant is to pay a fine of 1387.50 where the surcharge has been
added to the fine. Interest may increase the final amount due.

PROBATION CONDITIONS

Usual and ordinary conditions required by the Department of Adult
Probation & Parole.
Submit to searches of person and property upon the request of any
Law Enforcement Officer.
Do not use, consume or possess alcohol or illegal drugs, nor
associate with any people using, possessing or consuming alcohol or
illegal drugs.
Submit to tests of breath and urine upon the request of any Law
Enforcement Officer.
Violate no laws.

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Enter, participate in, and complete any program, counseling, or treatment as directed by the Department of Adult Probation and Parole.

Perform community service hours.

Submit to drug testing.

Not frequent any place where drugs are used, sold, or otherwise distributed illegally.

Refrain from the use of alcoholic beverages.


Complete 75 hours community service in lieu of jail.

Complete an Out-Patient Substance Abuse Treatment Program, at the direction of APP.

Have no contact with the co-defendant.

Maintain fulltime verifiable employment.

Dated this 1 day of Feb. 2002.


TIMOTHY R. HANSON
District Court Judge