

SUMMARY STATEMENT

State v. Taylor James Fairchild

Docket No. 44617

An officer responded to a citizen's report to investigate suspicious activity involving two vehicles. While en route to the scene, the officer learned one of the vehicles was registered to a known drug user. As he arrived, the officer observed one vehicle driving toward him and the other vehicle driving on a dirt path into a private field. The officer stopped the vehicle driven by Fairchild and asked for Fairchild's identification. Dispatch reported an outstanding warrant for Fairchild, but stated it needed to confirm the warrant by viewing the original paperwork. While dispatch was verifying the warrant, the officer asked Fairchild to step out of the car. The officer conducted a pat-down frisk, but reached into Fairchild's pocket and pulled out a small baggie of methamphetamine. The officer then arrested Fairchild, placed him in handcuffs, and read him his *Miranda*¹ rights. While retrieving gloves from his patrol car, the officer again contacted dispatch which confirmed there was a valid warrant for Fairchild's arrest. The officer resumed searching Fairchild, discovering a second baggie of methamphetamine. Fairchild was charged with two counts of possession of a controlled substance.

Fairchild filed a motion to suppress the methamphetamine evidence. The district court granted Fairchild's motion to suppress, concluding the officer's investigatory stop was not justified by reasonable suspicion, but even if the stop was lawful, the frisk resulting in the discovery of the first baggie exceeded the scope of a limited pat-down. Next, the district court determined the attenuation doctrine did not apply to the discovery of the second baggie of methamphetamine. On appeal, the State argued the district court erred on all grounds. The Court held (1) the officer had reasonable suspicion to stop Fairchild; (2) the officer conducted an unlawful pat down frisk; and (3) the existence of a valid warrant attenuated the unlawful frisk from the discovery of the second baggie of methamphetamine. The district court's order granting Fairchild's motion to suppress was affirmed in part and reversed in part by the Court.

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).