



The Eighth Circuit upholds the District Court's denial of the Defendant's motion to suppress, finding that law enforcement officers entered the Defendant's hotel room for a lawful purpose, and therefore, the evidence observed during the initial entry was a valid basis for a subsequent search warrant of the Defendant's hotel room.



July 2017

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Article Source : http://www.patc.com/weeklyarticles/2017_us_v_peoples_chapman.shtml

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In *United States v. Peoples*, 854 F.3d 993 (8th Cir. 2017), the United States Court of Appeals for the Eighth Circuit was asked to consider whether the District Court erred in denying Defendant Dusty A. Peoples' motion to suppress. Peoples argued to the District Court that law enforcement officials violated his Fourth Amendment rights when they entered the hotel room in which he was staying without first obtaining a warrant. The District Court denied Peoples' motion, and Peoples appealed.

On March 26, 2015, Kansas City Police Department ("KCPD") Officer Bobbi King was working undercover at the Crown Lodge in Kansas City. Officer King spotted a silver Toyota Camry in the motel parking lot that had been reported stolen. Accordingly, Officer King proceeded to conduct surveillance on the vehicle. Officer King eventually observed two individuals, a male and a female, come out of Room 114 and approach the Camry. The woman threw a bag into the car, had a conversation with the man across the vehicle, and then drove out of the parking lot. Officer King followed the Camry to Independence, Missouri, where she arrested the female suspect—later identified as Melissa Tully—for possession of a stolen automobile. After the arrest, police found ammunition and an empty gun holster inside the vehicle, and Tully informed officers that a gentleman by the name of "Dusty" had spent the night with her in Room 114.

Meanwhile, Officer Deryck Galloway was dispatched to the Crown Lodge to advise management of the criminal activity on premises and to determine the identity of the male from Room 114. After arriving at the motel, Officer Galloway informed the clerk on duty that a stolen car had been observed leaving the Crown Lodge parking lot and that, while one person had been arrested, there was still a young man associated with the vehicle inside Room 114. In response, the clerk handed Officer Galloway a key to Room 114 so that he could evict the occupants. Either immediately before or after this conversation, Officer Galloway learned that police had recovered ammunition and an empty holster from the stolen vehicle and that the male suspect in Room 114 was named Dusty.

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Officer Galloway, then, went to Room 114 accompanied by other officers, knocked on the door several times, and announced that he was with the police. Receiving no response, Officer Galloway used the key provided by the motel's clerk to enter the room. Officer Galloway found Peoples lying on the bed. Officer Galloway also noticed a loaded handgun magazine on the floor next to the bed and what appeared to be narcotics on the night stand. Peoples was, then, taken into custody. Based on the evidence observed in plain view during the eviction, the police obtained a search warrant for the room, where they discovered and seized a Glock 42 pistol along with an array of stolen electronics. Peoples was subsequently indicted for being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

Peoples moved to suppress all evidence obtained as a result of the initial police entry into the motel room that he claimed constituted an unlawful, warrantless search that tainted the subsequent search warrant as "fruit of the poisonous tree." *Wong Sun v. United States*, 371 U.S. 471 (1963). After conducting an evidentiary hearing, a United States Magistrate Judge recommended denying the motion. The Magistrate Judge found that no Fourth Amendment violation occurred because a valid eviction terminates a hotel guest's reasonable expectation of privacy in the room. The District Court adopted the Magistrate Judge's analysis in full and denied Peoples's motion to suppress. Peoples then entered into a plea agreement in which he reserved the right to appeal the denial of his motion to suppress. The District Court accepted Peoples' plea and sentenced him to forty-six months of imprisonment.

On appeal, Peoples asserted two arguments. First, Peoples argued that the KCPD attempted to circumvent the Fourth Amendment by acting through a private citizen, i.e., the motel clerk, to conduct a warrantless search of Peoples' room. In advancing this argument, Peoples relied on the United States Supreme Court's holding in *Stoner v. California*, 376 U.S. 483 (1964), in which the Supreme Court held that a hotel clerk cannot consent to the search of a guest's room. *Id.* at 489-90. Second, Peoples argued that, even if *Stoner* did not require reversal, the initial police entry into Room 114 was unlawful because his eviction was neither "justified" nor "proper" under Missouri law. Specifically, Peoples argued that the relevant Missouri statute cannot be read to authorize evictions of guests that result from police reports of illicit conduct to hotel management. Instead, Peoples argued that the genesis of such evictions must come from innkeepers independently and that was not the circumstance in his case.

The Eighth Circuit began its analysis by noting that the Fourth Amendment's protection against unreasonable searches and seizures extends to a person's privacy in a temporary dwelling. However, "once a guest has been justifiably expelled, the guest is without standing to contest an officer's entry into his hotel room on Fourth Amendment grounds." *Young v. Harrison*, 284 F.3d 863, 867 (8th Cir. 2002)(emphasis in original). The Eighth Circuit opined that this is true because, upon eviction, the rental period terminates the control over the hotel room, and control reverts to the hotel's management.

Moreover, the justification for such evictions may come from state statutes authorizing the removal of guests under certain circumstances. For purposes of this case, the Eighth Circuit noted that, under Missouri law, "[a]n owner or operator of a hotel may eject a person from the hotel and notify the

appropriate local law enforcement authorities [if] . . . [he or she] reasonably believes that the individual is using the premises for an unlawful purpose.” Mo. Rev. Stat. § 315.075(3).

As for Peoples’ first argument, the Eighth Circuit rejected it because the evidentiary record established at the suppression hearing before the District Court did not support Peoples’ efforts to frame the KCPD’s initial entry into Room 114 as a “search.” Rather, the Magistrate Judge determined, after considering the evidence presented at the suppression hearing, that the motel clerk handed Officer Galloway a key for the purpose of effecting an eviction, not to conduct a search. Peoples did not and could not contest this factual finding, and therefore, the Eighth Circuit found that the Supreme Court’s holding in *Stoner* was distinguishable from the facts in this case.

As for his second argument, the Eighth Circuit acknowledged the potential for abuse when police provide the impetus for evictions under the applicable Missouri law. The Eighth Circuit stated, for example, it was possible that an officer might provide motel management with misleading information about a guest to cause an eviction as an end-around to the warrant process. Nevertheless, the Eighth Circuit held that, just as the Court could not blindly defer to police reports of suspected criminal activity, neither could the Court interpret the Missouri law to require innkeepers to ignore police warnings of illicit conduct on hotel premises. Instead, the Eighth Circuit stated that the Court must look to the specific facts behind police-initiated evictions.

Here, Peoples did not offer, and the record does not contain, any evidence of bad faith on the part of the KCPD. In fact, Officer Galloway did not so much as suggest that the clerk should evict Peoples. Rather, the record demonstrated that, in giving the key to Officer Galloway, the clerk wanted the occupants of Room 114 removed. Further, the clerk’s desire was justified under Missouri law because the clerk had a reasonable belief that the occupants of Room 114 were using motel premises for an unlawful purpose given Officer Galloway’s report that they had kept a stolen vehicle in the Crown Lodge parking lot and the fact that Peoples’ associate had been arrested for her role in this offense.

Finally, the Eighth Circuit rejected Peoples’ adjunct argument that “emergency or exigent circumstances” are required for the warrantless search of motel rooms under section 315.075 and similar state statutes. In so doing, the Eighth Circuit repeated its conclusion that the initial entry into the motel room was not a search but an eviction. Moreover, the Eighth Circuit opined that, just because it had held that disruptive, unauthorized conduct in a hotel room invites intervention from management and termination of the rental agreement, it does not logically follow that there are no other circumstances in which the control over a room reverts to hotel management. Missouri law expressly provides for evictions based on a reasonable belief of illicit activity, and the statute does not require emergency or exigent circumstances for such an eviction. Accordingly, the Eighth Circuit declined Peoples’ invitation to impose this condition where the state legislature chose not to do so, and it concluded that the District Court did not err in denying Peoples’ motion to suppress.

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