

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE

v.

THOMAS J. GORDON,

Defendant.

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Case No: 1603017179  
In and For Kent County

**ORDER**

Defendant has moved to suppress all evidence obtained in the course of a search by the State of Best Western Hotel Room 125.

In this case, Defendant was, on March 22, 2016, the date of his arrest and of the search at issue, a probationer. He had, as required, advised Probation of an address, indicating that it was his residence. That address was not Room 125 of the Best Western.

Meanwhile, Defendant had checked into Room 125 during the late night hours of March 21, “scheduled to stay only until the early hours of March 23, 2016.”

Defendant, based on those facts, has moved to have evidence found by police suppressed on the position that the arrest was unlawful because Defendant was not, at that time, violating probation (on the basis that, since 72 hours had not elapsed from Defendant’s having left his listed address, he had not “changed residence without notification”). Whether that is the case, and whether – assuming that to be the case – Defendant had any enforceable expectation of privacy, may well be arguable. Neither, however, is determinative.

Defendant’s room (Room 125 of the Best Western) was legitimately

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searched, because a past proven confidential informant, whose information was independently confirmed, had provided Probation Officer Porter that Defendant was in possession of both a handgun and heroin. The reference to Defendant's "room" merely advised the officer of where Defendant was with those items he was forbidden to possess. All of that provided ample reasonable suspicion to support the administrative search of Room 125.

The details provided by the State in paragraph 12 of the State's Response describe sufficiently the validity of the search.

Accordingly, Defendant's Motion to Suppress is **DENIED**.

**SO ORDERED** this 21<sup>st</sup> day of November, 2016.

/s/ Robert B. Young

J.

RBV/lmc

oc: Prothonotary

cc: Lindsay A. Taylor, Esquire

André M. Beauregard, Esquire