

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,

v.

LAMOTTE BRINKLEY,

Defendant.

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I.D. 1811016795

Date Submitted: January 22, 2020

Date Decided: January 24, 2020

Upon Defendant's Motion to Suppress
Denied.

ORDER

On November 16, 2018, Defendant Lamotte Brinkley ("Defendant") was stopped for a motor vehicle violation. Defendant was detained by the officer pursuant to an active warrant. The officer brought Defendant and Defendant's vehicle to the Wilmington Police Department. Thereafter, the police applied for a warrant to search Defendant's vehicle.

The affidavit supporting the warrant for a search of Defendant's vehicle ("Affidavit") stated the following: a shooting occurred on October 22, 2018; officers reviewed video footage of the shooting; from the footage, the officers observed the shooting suspect enter the driver's seat of a blue Chrysler 200 with black wheels and tinted windows bearing a Delaware tag; officers pulled over a vehicle for a traffic violation on November 16, 2018; this vehicle was a blue Chrysler 200 with black

wheels and tinted windows bearing a Delaware tag; the officer suspects that the vehicle from the November 16th traffic violation and the October 22nd shooting are the same vehicle; and the officer knows from his training and experience that suspects use their cell phones to communicate and keep their cell phones in their vehicles. The warrant (“Warrant”) granted the officers permission to search Defendant’s vehicle for firearms, ammunition, cell phones, electronic devices, paperwork, and written documents; the warrant also permitted officers to conduct forensic crime scene processing of the vehicle.

Parties’ Assertions

Defendant argues that the information contained within the four-corners of the Affidavit did not present sufficient facts to create a reasonable belief that evidence would be found in Defendant’s vehicle. Defendant argues that the Affidavit contains the same kinds of “generalized suspicions” that the Delaware Supreme Court rejected in *Buckham v. State*. Finally, Defendant asks this Court to suppress the evidence obtained from the police’s subsequent search of Defendant’s cell phone as “fruit of the poisonous tree” stemming from the allegedly invalid search of Defendant’s vehicle.

In response, the State argues that, regardless of the validity of the Warrant, the evidence would have been inevitably discovered. The State contends that the police had the authority to search Defendant’s vehicle without a warrant under the

“inventory search” exception to the warrant requirement. Therefore, according to the State, the evidence discovered pursuant to the Warrant would have been inevitably discovered by an inventory search of Defendant’s vehicle.

Standard of Review

On a motion to suppress evidence collected pursuant to a warrant, the defendant bears the burden of proving that the search violated his rights under the U.S. Constitution, the Delaware Constitution, or Delaware statutory law.¹ The defendant must prove his rights were violated by a preponderance of the evidence.²

Discussion

A. Validity of the Warrant

When reviewing the validity of a search warrant, the Court must make a “common sense determination of whether the underlying affidavit afforded the issuing magistrate a ‘substantial basis’ upon which to determine probable cause existed.”³ Under the “four corners” test for probable cause, an affidavit underlying a warrant must include “adequate facts to allow a reasonable person to conclude that an offense has been committed and that seizable property would be found in a

¹ *State v. Preston*, 2016 WL 5903002, at *2 (Del. Super. Sept. 27, 2016) (describing the standards of review this Court uses when evaluating evidence collected in a warrantless search and evidence collected pursuant to a warrant).

² *State v. Lewis*, 2013 WL 2297031, at *2 (Del. Super. May 20, 2013).

³ *State v. Adams*, 13 A.3d 1162, 1173 (Del. 2008).

particular place or on a particular person.”⁴ It is through this lens that the Court will examine the validity of the Warrant.

The Affidavit contained adequate facts to allow a reasonable person to conclude that an offense was committed and that seizable property would be found in Defendant’s vehicle. First, the Affidavit described a shooting incident on October 22, 2018 where the suspect fled the scene of the shooting and drove off in a blue Chrysler 200 with black wheels, tinted windows, and a Delaware tag. Then, the Affidavit described how Defendant was pulled over for a traffic violation on November 16, 2018 driving a blue Chrysler 200 with black wheels, tinted windows, and a Delaware tag. The officer who authored the Affidavit stated that he believed the vehicle from November 16th to be the same vehicle as the one in the video footage of the shooting from October 22nd. Therefore, the Affidavit created a link between Defendant’s vehicle and the offense that occurred on October 22nd.

There was probable cause to search Defendant’s vehicle for evidence of the offense that occurred on October 22nd. The Affidavit provided the issuing magistrate with a substantial basis to conclude that probable cause existed justifying a search of Defendant’s vehicle. Accordingly, the Warrant was valid.

⁴ *Id.* at 1172.

Defendant has also challenged the Warrant under the standard set by the Delaware Supreme Court in *Buckham v. State*.⁵ The *Buckham* standard, however, is inapplicable to the instant case. In *Buckham*, the Delaware Supreme Court evaluated the validity of a warrant authorizing the search of the defendant's cell phone.⁶ Here, Defendant has challenged a warrant authorizing the search of his vehicle. Additionally, in *Buckham*, the only evidence connecting Buckham's cell phone to the alleged offense was a statement that "criminals often communicate through cellular phones."⁷ Unlike the mere "generalized suspicions" at issue in *Buckham*, the Warrant in the instant case is supported by specific factual allegations connecting Defendant's vehicle to the shooting offense.

B. Inventory Search

The State has indicated that, regardless of the validity of the Warrant, the evidence obtained from the search of Defendant's vehicle should not be excluded under the inevitable discovery exception to the exclusionary rule.⁸ The State contends that the evidence would have been obtained without a search warrant

⁵ *Buckham v. State*, 185 A.3d 1 (Del. 2018).

⁶ *Id.* at 16–17. *See also id.* at 18 (describing the need for warrants issued to search electronic devices to be as limited as possible due to the volume of private information contained within a cell phone).

⁷ *Id.* at 17.

⁸ Under the inevitable discovery doctrine, "evidence obtained in the course of illegal police conduct will not be suppressed so long as the prosecution can prove that the evidence 'would have been discovered through legitimate means in the absence of official misconduct.'" *Roy v. State*, 62 A.3d 1183, 1189 (Del. 2012).

because the police officers impounded Defendant's vehicle upon his arrest and conducted a valid inventory search of the vehicle. "A routine inventory search is a well-defined exception to the warrant requirement, and thus does not violate the United States Constitution."⁹ Inventory searches commonly occur after the arrest of a driver because police officers typically tow a vehicle when arresting the driver.¹⁰ If the police conducted a routine inventory search of Defendant's vehicle, they would have obtained the same evidence that they obtained when searching Defendant's vehicle pursuant to the Warrant. Accordingly, the evidence obtained from the search of Defendant's vehicle pursuant to the Warrant should not be excluded because the police would have inevitably discovered this evidence.

Conclusion

For the forgoing reasons, Defendant's Motion to Suppress is **DENIED**.

IT IS SO ORDERED.



The Honorable Calvin L. Scott, Jr.

⁹ *Taylor v. State*, 822 A.2d 1052, 1055 (Del. 2003).

¹⁰ *See State v. Stallings*, 60 A.3d 1119, 1128 (Del. Super. 2012) (describing how an inventory search was necessary once the police towed a vehicle after arresting the driver).