

[Payton v. New York, 63 L.Ed.2d 639 \(1980\)](#)

*Warrantless and nonconsensual entry into suspect's home to make routine felony arrest is prohibited by Fourth Amendment, absent exigent circumstances; see: [State v. Solberg, 122 Wn.2d 688 \(1993\)](#); 6-3; retroactive, [United States v. Johnson, 73 L.Ed.2d 202 \(1982\)](#); 6-3.*

[United States v. Crews, 63 L.Ed.2d 537 \(1980\)](#)

*In-court identification not suppressible due to illegal arrest, [State v. Tan Le, 103 Wn.App. 354, 361-67 \(2000\)](#); 9-0.*

[State v. Gardner, 28 Wn.App. 721 \(1981\)](#)

*Investigative stop and removal of suspect to another place for further investigation is not an arrest, but see: [State v. Byers, 88 Wn.2d 1 \(1977\)](#); I.*

[State v. Maesse, 29 Wn.App. 642 \(1981\)](#)

**Fellow officer rule:** arresting officer is entitled to act on instructions from other officers who, taken as a whole, possess probable cause; I.

[State v. Fletcher, 30 Wn.App. 58 \(1981\)](#)

Police can arrest on probable cause for attempted theft 2°, even if not in presence of officer, because crime involves unlawful taking of property, [RCW 10.31.100\(1\)](#); I.

[State v. Jordon, 30 Wn.App. 335 \(1981\)](#)

*Aguilar-Spinelli* test can apply to a warrantless arrest and search; police investigation can supply corroboration to informant's tip; I.

[State v. White, 97 Wn.2d 92 \(1982\)](#)

Defendant is arrested for obstructing for providing false information to police, per [RCW 9A.76.020\(1\)](#), the "stop and identify" statute, following which defendant confesses to a burglary; held: statute is unconstitutionally vague; although [Michigan v. DeFillippo, 61 L.Ed.2d 343 \(1979\)](#) holds that a similar statute, while vague, was presumptively valid, and thus police reliance thereon was reasonable, the within statute is flagrantly unconstitutional, and further, Wash. Const. Art. I, § 7 provides broader protections than the Fourth Amendment; 6-3.

[State v. Broadnax, 98 Wn.2d 289 \(1982\), overruled, on other grounds, Minnesota v. Dickinson, 124 L.Ed.2d 334 \(1993\)](#)

The discovery of evidence of criminal activity (drugs) during the execution of a search warrant does not, without more, establish probable cause to arrest all persons present; while the occupant may be detained during a search, this does not extend to all persons present, [State v. Smith, 145 Wn.App. 268 \(2008\)](#); 5-3.

[State v. Bonaparte, 34 Wn.App. 285 \(1983\)](#)

**Marital privilege** does not bar spouse's statements offered to demonstrate probable cause; II.

[State v. Dugger, 34 Wn.App. 315 \(1983\)](#)

[RCW 10.31.030](#), which requires that police arresting a defendant on a warrant either show it at the time of arrest or advise that it will be shown at the place of intended confinement, is substantially complied with when defendant knows what he is being arrested for, [State v. Singleton, 9 Wn.App. 327 \(1973\)](#), see also: [State v. Simmons, 35 Wn.App. 421 \(1983\)](#), [State v. Jordan, 92 Wn.App. 25 \(1998\)](#).

[State v. Poirier, 34 Wn.App. 839 \(1983\)](#)

*An exchange between two persons unknown to arresting officers of white envelopes in plain view in an open lot not itself known for frequent drug transactions does not establish probable cause to arrest; c.f.: [State v. Fore, 56 Wn.App. 339 \(1989\)](#), but see: [State v. Rodriguez-Torres, 77 Wn.App. 687 \(1995\)](#), [State v. Graham, 130 Wn.2d 711, 723-6 \(1996\)](#); II.*

[State v. Koetje, 35 Wn.App. 157 \(1983\)](#)

*City police officer who also had a commission from county sheriff has authority to arrest in unincorporated county; I.*

[State v. Bowers, 36 Wn.App. 119 \(1983\)](#)

*Informant tells police defendant was on street with Ritalin; police observe defendant standing on corner contacting two drivers, arrest him, find drugs; held: whereas *Aguilar-Spinelli* tests are abandoned in favor of totality of the circumstances, [Illinois v. Gates, 76 L.Ed.2d 527 \(1983\)](#), c.f.: [State v. Lee, 147 Wn.App. 912 \(2008\)](#), veracity and basis of knowledge are still to be considered in determining probable cause; here, informant's report was conclusory only, with no factual basis; defendant's approaching two vehicles without police observations of an exchange fails to establish probable cause, thus evidence suppressed; pre-*State v.**

[Jackson, 102 Wn.2d 432 \(1984\); II.](#)

[State v. Counts, 99 Wn.2d 54 \(1983\)](#)

*Exigent circumstances which would permit a warrantless arrest in the home are (1) hot pursuit, (2) fleeing suspect, (3) danger to police or public, (4) mobility of vehicle, and (5) mobility or destruction of evidence. Where police argue with suspect's father at threshold for one hour before entering and arresting, there can be no hot pursuit; test for destruction of evidence exception is whether police "reasonably fear" evidence will be destroyed; merely opening door when police knock is not equivalent of consent; 9-0.*

[In re Armed Robbery, 99 Wn.2d 106 \(1983\)](#)

*Police, believing that a description of a robber fit a suspect, show montage to victim who states that suspect bore a "striking resemblance" to the robber; police obtain a show cause order to require suspect to appear in lineup; held: an individual may not be ordered to participate in a lineup where no probable cause exists to believe that the suspect has committed the offense; dicta that police may not seize a suspect to obtain physical evidence (such as eyewitness identification) on less than probable cause, at 111; 9-0.*

[Florida v. Royer, 75 L.Ed.2d 229 \(1983\)](#)

*Suspect who fit drug courier profile is approached by police who request his ticket and license; without oral consent, suspect surrenders documents, suspect complies with request to accompany them to a small room 40 feet away; without consent, police retrieve luggage; when asked if he would consent to search, suspect produces a key; plurality held that police action exceeded the permissible bounds of an investigative stop, suspect's consent was tainted by the illegal detention, [Kaupp v. Texas, 155 L.Ed.2d 814 \(2003\)](#); 6-3.*

[State v. Bockman, 37 Wn.App. 474 \(1984\)](#)

Front porch is "public place" for arrest purposes once probable cause is established, *distinguishing [Payton v. N.Y., 63 L.Ed.2d 639 \(1980\)](#); see: [United States v. Santana, 49 L.Ed.2d 300 \(1976\)](#); suspect's retreat into residence does not defeat arrest, [United States v. Fleming, 677 F.2d 602, 608 \(7<sup>th</sup> Cir. 1982\)](#); I.*

[State v. Welker, 37 Wn.App. 628 \(1984\)](#)

Rape victim reports she scratched suspect's face, police enter suspect's home without warrant or consent, arrest suspect; held: exigent circumstance to avoid destruction of evidence, [State v. Counts, 99 Wn.2d 54 \(1983\)](#), excuses nonconsensual entry into home to arrest; containing premises to obtain warrant would take too long, defendant could destroy trace evidence; II.

[State v. McIntyre, 39 Wn.App. 1 \(1984\)](#)

Exigent circumstances excusing warrantless arrest in home include: (1) a grave offense; (2) suspect armed; (3) there is reasonably trustworthy information that suspect is armed; (4) strong reason to believe suspect is on premises; (5) suspect likely to escape and (6) entry is peaceable, [Dorman v. United States, 435 F.2d 385 \(Defendant.C. Cir. 1970\)](#), [Welsh v. Wisconsin, 80 L.Ed.2d 732 \(1984\)](#), [State v. Hoffman, 116 Wn.2d 51, 101 \(1991\)](#); II.

[State v. Dresker, 39 Wn.App. 136 \(1984\)](#)

*Police, believing some minors may be drinking at a party, enter residence and find drugs; held: mere possibility of escape is not sufficient exigent circumstance to enter a residence without warrant; police must observe specific person commit specific misdemeanor to justify warrantless arrest for a misdemeanor being committed in the presence of the officer, [RCW 10.31.100](#); III.*

[State v. Smith, 102 Wn.2d 449 \(1984\)](#)

*Police have description of escapee and anonymous tip of his general whereabouts, stop suspect generally meeting description who denies he is escapee; police frisk suspect, find concealed weapon, transport him to precinct where they determine suspect lacks specific tattoos of escapee; held: seizure of an individual other than one for whom a warrant exists is constitutionally valid if police act in good faith, c.f.: [State v. Afana, 169 Wn.2d 169, 173-84 \(2010\)](#), and have reasonable articulable grounds to believe suspect is the intended arrestee; should doubt arise, police must make immediate reasonable efforts to confirm; if, after such efforts, officer reasonably believes suspect is intended arrestee, a protective frisk is permissible; 7-2.*

[State v. Komoto, 40 Wn.App. 200 \(1985\)](#)

*Erratic driving plus description of vehicle involved in hit and run plus previous contact with defendant for erratic driving and drinking 26 hours earlier plus car found with damage in defendant's parking place at an apartment plus police determination defendant is sole occupant of apartment support probable cause defendant was drinking and was involved in hit and run; I.*

[State v. Bryan, 40 Wn.App. 366 \(1985\)](#)

*Defendant is taken into "protective custody" for intoxication during which police notice he has a wallet containing photos and identification; after defendant is released police receive report that a vehicle is stolen near station, is recovered ten miles away, defendant's wallet found nearby; police go to defendant's home, ask him if he lost wallet, defendant says yes, show him wallet, defendant denies it's his, later admits it is his, is advised of*

*rights, confesses to car theft; held: police had probable cause to arrest defendant as soon as he denied wallet was his, thus statements after that point are suppressed; trial court's finding that confession after advice of rights was tainted by prior statement affirmed, [State v. Lavaris, 99 Wn.2d 851 \(1983\)](#); II.*

[State v. Dorsey, 40 Wn.App. 459 \(1985\)](#)

*While mere presence with others suspected of criminal activity does not give rise to probable cause, [State v. Broadnax, 98 Wn.2d 289 \(1982\)](#), [Ybarra v. Illinois, 62 L.Ed.2d 238 \(1979\)](#), more than mere propinquity may be enough, particularly if the known criminal activity is contemporaneous with the association; I.*

[State v. Franklin, 41 Wn.App. 409 \(1985\)](#)

*Unnamed citizen tells officer a man in a bus station rest room stall has a gun, describes suspect; officer enters rest room, sees man who meets description, holds him at gun point, is told by suspect that suspect has a blank gun in his rucksack, handcuffs suspect, searches rucksack, finds starter pistol and handcuffs in rucksack; officer recalls a police bulletin concerning a crime committed with handcuffs, arrests defendant who, following further investigation, is charged and convicted of a robbery; held: investigatory stop was proper where an anonymous informant of undetermined reliability states he observed suspect carrying or displaying a gun in a public place, *but see: [Florida v. J.L., 146 L.Ed.2d 254 \(2000\)](#)*; where officer is told by suspect he has a gun in a container, officer may search container since releasing it to suspect would put officer in danger; arrest was unlawful as officer at best only suspected suspect of committing a crime, and recollection of police bulletin was too vague to support probable cause; I.*

[State v. Williamson, 42 Wn.App. 208 \(1985\)](#)

*Undercover officers in civilian attire are invited into home where they arrest defendant without warrant; held: where invited, undercover police may effectuate warrantless arrest in home, distinguishing [Payton v. N.Y., 63 L.Ed.2d 639 \(1980\)](#); knowing and voluntary waiver analysis does not apply to Fourth Amendment issues, [Schneckloth v. Bustamonte, 36 L.Ed.2d 854 \(1973\)](#); II.*

[State v. Goodman, 42 Wn.App. 331 \(1985\)](#)

*Vague, incredible explanation for presence in area plus defendant seen circling area plus passenger running out of car and returning with suitcase plus inconsistent statements about who owned suitcase plus officer knowing defendant on parole plus late at night in neighborhood where defendant did not live equals probable cause; mere fact that officer could not articulate what crime was committed does not defeat probable cause, [State v. Huff, 64 Wn.App. 641 \(1992\)](#); II.*

[State v. Ekkelkamp, 42 Wn.App. 375 \(1985\)](#)

*Requirement of RCW 10.31.010 that arresting officer making arrest pursuant to a warrant not in his possession tells arrestee he will be shown a copy of the warrant upon incarceration is excused where arrestee is so uncooperative that officer lacks opportunity to so inform him; I.*

[State v. Holeman, 103 Wn.2d 426 \(1985\)](#)

*Police, on porch of defendant's home without warrant investigating theft, reach across threshold to take defendant, whose father threatens police with crowbar, whereupon police enter home; defendant attempts to prevent father's arrest, is arrested for obstructing, at station confesses to theft; held: while first arrest was unlawful, second arrest for obstructing was lawful, thus confession admissible, *c.f.:* [State v. Solberg, 122 Wn.2d 688 \(1993\)](#); affirms [State v. Holeman, 37 Wn.App. 283 \(1984\)](#); 9-0.*

[Hayes v. Florida, 84 L.Ed.2d 705 \(1985\)](#)

*Absent probable cause police may not take a suspect to the station for fingerprinting; dicta that an investigative detention for fingerprinting in the field is lawful; 8-0 (holding), 6-2 (dicta).*

[State v. McIntosh, 42 Wn.App. 573 \(1986\)](#)

*Police observe equipment violation, stop defendant's vehicle, defendant states he lacks a license or any identification; police arrest driver, pat him down, find fruits of burglary; other officer, while talking to passenger, observes possible weapon, removes passenger, searches vehicle, finds burglary tools, pats down passenger, finds fruits of burglary; held: absence of identification permits arrest for no valid license, distinguishing [State v. Hehman, 90 Wn.2d 45 \(1978\)](#); full search of suspect's person, following arrest, is permissible, distinguishing [Terry v. Ohio, 20 L.Ed.2d 889 \(1968\)](#); because passenger was not yet arrested when officer searched vehicle, [State v. Ringer, 100 Wn.2d 686 \(1983\)](#) is inapposite, since passenger "could return to the car"; further, the early morning hour, fact that driver had a knife, appearance of a weapon in car justifies a Terry "quick check" of the vehicle for a weapon; *c.f.:* [State v. Barwick, 66 Wn.App. 706 \(1992\)](#); I.*

[Waid v. Department of Licensing, 43 Wn.App. 32 \(1986\)](#)

*Officer receives a radio call about a citizen complaint of another citizen's driving, arrives at scene, observes appellant without shoes, hair disorderly, strong odor of intoxicants, citizen with appellant tells officer that appellant had been weaving all over the road; held: officer had probable cause to arrest for DUI; I.*

[State v. Burgess, 43 Wn.App. 253 \(1986\)](#)

*Police respond to burglar alarm, observe suspect run from scene, discover truck registered to suspect across from burglary, arrest suspect, who met description provided by responding officer two hours after burglary within blocks of burglary; held: detailed description from responding officer provided probable cause; search of suspect during booking process was proper; II.*

[Wenatchee v. Durham](#), 43 Wn.App. 547 (1986)

*Police, following suspect vehicle across county line without using emergency equipment, stop defendant for traffic infraction, arrest him for suspended driver's license; held: fresh pursuit must be justified by: (1) felony occurred in the jurisdiction (also "traffic or criminal laws," [RCW 10.93.120](#)); (2) suspect is attempting to escape or at least knows he is being pursued; (3) police pursue without unnecessary delay; (4) pursuit is continuous and uninterrupted, although continuous surveillance is not required; and (5) relationship in time between commission of offense, commencement of pursuit and apprehension; here, no criminal violation was observed, only civil traffic infraction, police delayed, no evidence suspect knew of pursuit, thus arrest was unlawful, evidence suppressed; see: [RCW 10.93, Mutual Aid Peace Officers Powers Act](#), *State v. Waters*, 93 Wn.App. 969, 976-81 (1999), but see: [Tacoma v. Durham](#), 95 Wn.App. 876 (1999), [Vance v. Dep't of Licensing](#), 116 Wn.App. 412 (2003); III.*

[State v. Carlow](#), 44 Wn.App. 821 (1986)

*Police, with probable cause but without a warrant, walk to defendant's doorway, defendant crosses threshold, police tell defendant they want to talk to him at station, defendant agrees, enters house to get a coat, is handcuffed in house, taken to station, advised, confesses; held: it is implicit in the police "request" at the doorway that defendant was not free to go, thus defendant was arrested before he re-entered the house, see also: [State v. Solberg](#), 122 Wn.2d 688 (1993); but even if defendant was arrested in the house, his predisposition to talk to police alleviates the taint, distinguishing [Payton v. N.Y.](#), 44 Wn.App. 821 (1986); 2-1.*

[State v. Evans](#), 45 Wn.App. 678 (1986)

*Police enter tavern in response to a rape call describing suspect as black male, 5'8", 200 pounds, horizontally braided hair, blue jacket; police observe defendant meeting description of suspect, plus flight, plus "arresting officers' special expertise in identifying criminal behavior" equal probable cause; III.*

[State v. Gonzales](#), 46 Wn.App. 388 (1986)

*Police observe unfamiliar vehicle in high crime area commit traffic infraction, stop vehicle, officer is aware of driver's burglary history; driver says some guy told him to meet him and driver claims he knows nothing about stuff in car; police observe television in rear seat; police place driver in patrol car to investigate; officer examines package that passenger kicks into street, observes a local address on package, handcuffs driver and passenger, takes them to precinct, discovers burglary at address on package; held: initial detention to investigate was well founded, but handcuffing and transporting suspect was an unlawful arrest, as police did not know that a crime was committed until after arrest; III.*

[State v. Terrovona](#), 105 Wn.2d 632 (1986)

*Exigent circumstances for warrantless arrest in the home, distinguishing [Payton v. New York](#), 63 L.Ed.2d 573 (1980); accord: [State v. McIntyre](#), 39 Wn.App. 1 (1984), [State v. Hoffman](#), 116 Wn.2d 51, 101 (1991); where police lawfully enter premises without a warrant to make an arrest, pursuant to exigent circumstances, and secure premises until a warrant is obtained, then the actions of the police were lawful where no incriminating evidence was found before service of the warrant, distinguishing [State v. Bean](#), 89 Wn.2d 467 (1978); 9-0.*

[State v. LaTourette](#), 49 Wn.App. 119 (1987)

*Custodial arrest for criminal traffic offense is permitted, distinguishing [State v. Hehman](#), 90 Wn.2d 45 (1987); accord: [State v. Reding](#), 119 Wn.2d 685 (1992), [State v. Perea](#), 85 Wn.App. 342 (1997), [State v. Thomas](#), 89 Wn.App. 774 (1998), see: [State v. Nelson](#), 81 Wn.App. 249, 256 (1996), [State v. Pulfrey](#), 154 Wn.2d 517 (2005); I.*

[State v. Lidge](#), 49 Wn.App. 311 (1987)

*Police receive call of theft describing three suspects and vehicle, stop defendants' vehicle, question suspects who acknowledge being at scene of theft, search vehicle, seize res of theft; held: police had probable cause to arrest and search; I.*

[State v. Jordan](#), 50 Wn.App. 170 (1987)

*Custodial arrest following traffic stop was valid where defendant had no license or other identification and was driving a vehicle he did not own, [State v. McIntosh](#), 42 Wn.App. 573 (1986), distinguishing [State v. Hehman](#), 90 Wn.2d 45 (1978); in spite of defendant's claim that he merely left his license at home, where police lacked access in field to Department of Licensing records, police are entitled to assume, until proven otherwise, that defendant's failure to produce a valid license means that he did not have one; I.*

[Sunnyside v. Lopez](#), 50 Wn.App. 786 (1988)

*The illegal arrest of a defendant does not prevent his subsequent prosecution so long as the evidence*

utilized arises from sources independent of the arrest and is untainted by it, [Pasco v. Titus](#), 26 Wn.App. 412, 417 (1980), [United States v. Crews](#), 63 L.Ed.2d 537 (1980), [State v. Peyton](#), 29 Wn.App. 701 (1983), [State v. Tan Le](#), 103 Wn.App. 354, 361-67 (2000); III.

[State v. Knighten](#), 109 Wn.2d 896 (1988)

*Police officer, while at scene of felony hit and run, is aware that a black vehicle, owned and driven by defendant, had been removed from a ditch directly across from the accident; officer observes defendant's vehicle driving past accident site, stops vehicle, arrests defendant, obtains confession; held: police had probable cause to arrest for felony hit and run even though officer testified he believed he did not have probable cause and state conceded it did not have sufficient evidence for a Terry stop; four (4) justices concur in plurality opinion; see: [State v. Lewis](#), 62 Wn.App. 350 (1991).*

[State v. Rodriguez](#), 53 Wn.App. 571 (1989)

Affidavit states that a mechanic, while working on a vehicle, found drugs, called police who obtained warrant; drugs placed back in car, car turned over to suspect who drives it away, police stop vehicle, arrest defendant, search and find drugs; held: while citizen-informant was unnamed in affidavit, he obtained his information in entirely unsuspecting circumstances and description in warrant makes him readily identifiable, thus credibility prong met, see: [State v. Mance](#), 82 Wn.App. 539, 542-3 (1996); *defendant's driving car provided probable cause to arrest; III.*

[State v. Stortroen](#), 53 Wn.App. 654 (1989) *overruled, in part*, [State v. Reding](#), 119 Wn.2d 685 (1992)

*Police stop vehicle for speeding, driver lacks a license, officer, intending to cite and release, search vehicle, find drugs; held: a custodial arrest for driving without a license should not be made unless there are grounds to believe that arrestee will fail to appear in court; where a custodial arrest is not justified, no warrantless search pursuant to that arrest may be upheld; see: [State v. Carner](#), 28 Wn.App. 439 (1981), [State v. Barajas](#), 57 Wn.App. 556 (1990), [State v. Watson](#), 56 Wn.App. 665 (1990), [State v. Jordan](#), 50 Wn.App. 170 (1987), [State v. LaTourette](#), 49 Wn.App. 119 (1987), [State v. McIntosh](#), 42 Wn.App. 573 (1986), [State v. Feller](#), 60 Wn.App. 678 (1991), [State v. Reeb](#), 63 Wn.App. 678 (1992), [State v. Nelson](#), 81 Wn.App. 249, 256 (1996), [State v. McKenna](#), 91 Wn.App. 554 (1998), [State v. Thomas](#), 89 Wn.App. 774 (1998), [State v. Clausen](#), 113 Wn.App. 657 (2002), see: [State v. Balch](#), 114 Wn.App. 55 (2002), but see: [State v. Perea](#), 85 Wn.App. 342 (1997), [State v. Pulfrey](#), 154 Wn.2d 517 (2005); 2-1.*

[State v. Steinbrunn](#), 54 Wn.App. 506 (1989)

*Taking of blood from unconscious vehicular homicide suspect pursuant to implied consent statute, RCW 46.20.308, can only be done if suspect is lawfully arrested; Washington officer was in fresh pursuit even though he lacked probable cause to arrest until he arrived in Oregon and smelled defendant's breath, Uniform Act on Fresh Pursuit, 10.89 RCW; failure of police to take suspect to a local magistrate as required by RCW 10.89.020 does not apply to a noncustodial arrest, but see: [Clarkston v. Stone](#), 63 Wn.App. 500 (1991), see: [License Suspension of Richie](#), 127 Wn.App. 935 (2005); III.*

[State v. Machado](#), 54 Wn.App. 771 (1989)

*Warrantless robbery arrest in the home justified by exigent circumstances where there was reason to believe suspect was armed, description of suspect in home points emphatically to suspect as robber, entry is peaceful, [State v. Wolters](#), 133 Wn.App. 297, 304-05 (2006), not a preplanned arrest operation, [Dorman v. United States](#), 435 F.2d 385 (D.C.Cir. 1970), [State v. Terrovona](#), 105 Wn.2d 632 (1986); III.*

[Seattle v. Cadigan](#), 55 Wn.App. 30 (1989)

*An arrest on one charge without probable cause is lawful if police had probable cause to arrest on a different charge, [State v. Stebbins](#), 47 Wn.App. 482 (1987), [State v. Vangen](#), 72 Wn.App. 548 (1967), see: [State v. Eserjose](#), 171 Wn.2d 907 (2011); I.*

[State v. Fore](#), 56 Wn.App. 339 (1989)

Police observation, through binoculars, in high drug area, of three transactions in which suspect exchanged small plastic bags containing brownish or greenish matter with passing motorists for currency plus suspect observed going to vehicle, removing large plastic bag from underneath dashboard and removing smaller plastic packets containing green vegetable matter equals probable cause, [State v. Graham](#), 130 Wn.2d 711, 723-6 (1996), *distinguishing* [State v. Poirier](#), 34 Wn.App. 839 (1983); probable cause is not negated merely because it is possible to imagine innocent explanation for observed activities; I.

[New York v. Harris](#), 109 L.Ed.2d 13 (1990)

*Police, with probable cause but without a warrant, unlawfully arrest suspect in his home; at station, suspect confesses; held: exclusionary rule does not bar use of statement made outside of the*

*home even though the arrest is made in the home in violation of [Payton v. New York](#), 63 L.Ed.2d 639 (1980), as long as police have probable cause to arrest, [State v. Eserjose](#), 171 Wn.2d 907 (2011), but see: [State v. Tan Le](#), 103 Wn.App. 354 (2000); 5-4.*

[Minnesota v. Olson](#), 109 L.Ed.2d 85 (1990)

*Warrantless, nonconsensual entry into residence to arrest an overnight guest violates the guest's Fourth Amendment rights, [Payton v. New York](#), 63 L.Ed.2d 639 (1980); 7-2.*

[State v. Alvarado](#), 56 Wn.App. 454 (1990)

*Two officers observe defendant sell cocaine, radio to third officer who arrests defendant; at suppression hearing, state cannot show who made the arrest; held: fellow officer rule: cumulative information possessed by all of the investigating officers could be considered when assessing whether police had probable cause to arrest, [State v. Maesse](#), 29 Wn.App. 642 (1981); whether arresting officer had personal knowledge of the information amounting to probable cause is irrelevant, rather the evidence established that the arresting officer acted on a directive made by another officer who had probable cause to arrest, c.f.: [State v. Bravo Ortega](#), 159 Wn.App. 889 (2011); I.*

[State v. Hudson](#), 56 Wn.App. 490 (1990)

*Fleeing from a police officer effecting an arrest without probable cause is still obstructing as the officer is "engaged in the performance of his official duties provided he is not on a 'frolic of his own,'" [Spokane v. Hays](#), 99 Wn.App. 653, 661 (2000), [State v. Contreras](#), 92 Wn.App. 307 (1998), [State v. Turner](#), 103 Wn.App. 515-26 (2000), but see: [State v. Barnes](#), 96 Wn.App. 217, 225-26 (1999), see: [State v. Mierz](#), 127 Wn.2d 460 (1995); I.*

[State v. Bartholomew](#), 56 Wn.App. 617 (1990)

*Seattle police, investigating a robbery, receive anonymous tip that defendant committed robbery, learn that Tacoma police had warrant to search defendant's home for evidence of a Tacoma robbery; Seattle police accompany Tacoma police in search, seize evidence, arrest defendant; held: because Seattle police were not executing a search or arrest warrant, [RCW 10.93.070\(5\)](#), nor were they responding "to a request of a peace officer with enforcement authority" in the jurisdiction, [RCW 10.93.070\(3\)](#), then evidence must be suppressed; but see: [State v. Rasmussen](#), 70 Wn.App. 853 (1993); I.*

[State v. Watson](#), 56 Wn.App. 665 (1990)

*Respondent is stopped for driving at night without lights, lacks license, is arrested, drugs found; held: custodial arrest for **driving without a valid license** is valid only where officer has a substantial reason, "beyond the infraction itself," to make an arrest, e.g., [State v. Jordan](#), 50 Wn.App. 170 (1987); (no identification, car not driver's), [State v. LaTourette](#), 49 Wn.App. 119 (1987); ("unique circumstances and hostile bystanders"), [State v. McIntosh](#), 42 Wn.App. 573 (1986); (no identification, car not driver's, suspicious account of circumstances), [State v. Nelson](#), 81 Wn.App. 249, 256 (1996) ("truly dangerous driving"); here, no additional circumstances other than the minor traffic violation are present to support the arrest, [State v. Stortroen](#), 53 Wn.App. 654 (1989), [State v. Feller](#), 60 Wn.App. 678 (1991), c.f.: [State v. Perea](#), 85 Wn.App. 339 (1997); II.*

[State v. Flowers](#), 57 Wn.App. 636 (1990)

*Radio broadcast of robbery reports suspects are black male and female wearing sunglasses in black VW rabbit or BMW; police observe similar vehicle in motel six miles from robbery, speak with motel clerk, learn that suspects were nervous, looked out window, showed large sum of money in small bills; police use ruse to get female from room, upon her exit she yells "police," states she just lent car out; police order male from room at gunpoint, obtain consent to search; held: police had probable cause to arrest male for robbery; grave offense of robbery, use of gun, peaceable "entry," justify **warrantless arrest in home**; I.*

4

*Crime victim pointing out suspect is inherently reliable for purposes of *Aguilar-Spinelli* analysis, [State v. Northness](#), 20 Wn.App. 551 (1978), [State v. Chatmon](#), 9 Wn.App. 741, 748 n. 4 (1973); victim need not first explain how he knows he was victimized or why he believes suspect is the perpetrator; once police have sufficient evidence that a crime has been committed, along with an identification of the suspect by the victim, there is probable cause for an arrest; I.*

[State v. Lewis, 59 Wn.App. 834 \(1990\)](#), [62 Wn.App. 350 \(1991\)](#)

**Drug search warrant authorizes search of residence and defendant; during execution of another warrant on another residence, defendant is handcuffed, frisked, read Miranda rights, transported to precinct for strip-searching and questioning, drugs found; held: arrest was unlawful, as it lacked probable cause; transport to precinct exceeded scope of permissible Terry stop; III.**

[State v. Quintero-Quintero, 60 Wn.App. 902 \(1991\)](#)

**Police knowledge that defendant had a revoked license 2 1/2 weeks earlier plus weaving is grounds for stop and search of vehicle, [State v. Perea, 85 Wn.App. 339 \(1997\)](#), [State v. Marcum, 116 Wn.App. 526, 530-33 \(2003\)](#), distinguishing [State v. Stortroen, 53 Wn.App. 654 \(1989\)](#); see: [State v. Reding, 119 Wn.2d 685 \(1992\)](#); III.**

[Ghaffari v. Department of Licensing, 62 Wn.App. 870 \(1991\)](#)

*Statute authorizing police to arrest outside jurisdiction with consent of sheriff, [RCW 10.93.070\(1\)](#), is constitutional; I.*

[Clarkston v. Stone, 63 Wn.App. 500 \(1991\)](#)

*Washington police chase speeding vehicle into Idaho, arrest for DUI; held: Uniform Act on Fresh Pursuit, [RCW 10.89](#) (and identical Idaho counterpart) only applies to felony; because Washington officer did not have authority to arrest for misdemeanor in Idaho, fruits must be suppressed, c.f.: [License Suspension of Richie, 127 Wn.App. 935 \(2005\)](#), [State v. Eriksen, 172 Wn.2d 506 \(2011\)](#); III.*

[State v. Huff, 64 Wn.App. 641 \(1992\)](#)

*Probable cause to arrest the occupants of a car for possession of a controlled substance exists when a trained officer detects that the odor of a controlled substance is emanating from the vehicle, but see: [State v. Grande, 164 Wn.2d 135 \(2008\)](#), irrespective of whether the smell emanates from the person or the car; [State v. Ramirez, 49 Wn.App. 814, 819 \(1987\)](#); an arrest supported by probable cause is not made unlawful by officer's belief or announcement of an offense different from the one for which probable cause exists, [State v. Louthan, 158 Wn.App. 732, 741-44 \(2010\)](#); II.*

[State v. Blair, 65 Wn.App. 64 \(1992\)](#)

*Police officer, pursuant to an agreement with public housing authority, arrest defendant for drug offense nearby, admonish defendant to stay out of housing complex; three weeks later, officer sees defendant on complex grounds, arrest, search, find drugs; held: officer's knowledge that defendant did not live in complex, plus prior admonishment not to return establishes an articulable suspicion that defendant might be trespassing but does not establish probable cause to arrest, thus absent further investigation, search was unlawful, see: [State v. Glover, 116 Wn.2d 509 \(1991\)](#), [State v. Little, 116 Wn.2d 488 \(1991\)](#), [State v. Morgan, 78 Wn.App. 208, 211 \(1995\)](#), [Bremerton v. Widell, 146 Wn.2d 561 \(2002\)](#), c.f.: [State v. Thompson, 69 Wn.App. 436 \(1993\)](#); I.*

[State v. Dunivin, 65 Wn.App. 501 \(1992\)](#)

*Smell of alcohol plus statement that defendant was afraid he was drunk plus fleeing from scene plus alcohol in car plus accident resulting in death is sufficient to establish probable cause to arrest for DUI; II.*

[State v. Reding, 119 Wn.2d 685 \(1992\)](#)

*Custodial arrest for traffic offenses that are not minor, such as reckless driving, is permissible, [State v. Hehman, 90 Wn.2d 45 \(1978\)](#), [RCW 10.31.100, 46.64.015](#), [State v. Reeb, 63 Wn.App. 678, 682 \(1992\)](#), [State v. Quintero-Quintero, 60 Wn.App. 902 \(1991\)](#), [State v. Feller, 60 Wn.App. 678 \(1991\)](#), [State v. LaTourette, 49 Wn.App. 119 \(1987\)](#), [State v. Nelson, 81 Wn.App. 249, 256 \(1996\)](#), [State v. Perea, 85 Wn.App. 339 \(1997\)](#), [State v. Thomas, 89 Wn.App. 774 \(1998\)](#), see: [State v. Pulfrey, 154 Wn.2d 517 \(2005\)](#); overrules, in part, [State v. Stortroen, 53 Wn.App. 654 \(1989\)](#); 9-0.*

[State v. Barwick, 66 Wn.App. 706 \(1992\)](#)

*Passenger is stopped for open container violation, [RCW 46.61.519\(2\)](#), a traffic infraction, police demand identification, defendant hands officer a Costco card, officer asks for more identification, defendant denies he has any, acts furtively as if to stop officer from looking in wallet, officer asks defendant to place wallet on hood of car, observes bundle in wallet, seizes it, finds drugs; held: passenger has no obligation to carry identification, see also: [State v. Rankin, 151 Wn.2d 689 \(2004\)](#), [State v. Brown, 154 Wn.2d 787 \(2005\)](#), [State v. Pettit, 160 Wn.App. 716 \(2011\)](#), defendant's concealing of contents of wallet does not support custodial arrest for an infraction where police lack a reasonable belief that suspect would fail to appear, thus drugs suppressed, distinguishing [State v. McIntosh, 42 Wn.App. 579 \(1986\)](#); accord: [State v. Cole, 73 Wn.App. 844 \(1994\)](#), but see: [State v. Chelly, 94 Wn.App. 254 \(1999\)](#); III.*

[State v. Smith, 67 Wn.App. 81 \(1992\)](#)

*Radio broadcast of burglary plus suspect description as black male in dark clothing plus defendant meeting description in vehicle proceeding from burglary site in light traffic plus obscured license plate plus officers' observations of televisions, VCR and speakers in vehicle which are type of goods typically associated with a residential burglary equals probable cause to arrest; I.*

[State v. Thompson, 69 Wn.App. 436 \(1993\)](#)

*Police twice warn defendant to stay out of apartment complex where defendant does not live, defendant fled each time prior to contact by police, on day in question defendant hid from police, defendant had previously stated he did not live in complex nor did he have permission from manager to be there, no trespassing signs present; held: defendant's failure to explain or justify his presence, flight and hiding, see: [State v. Friederick](#), 34 Wn.App. 537, 542-3 (1983), arise to probable cause, distinguishing [State v. Blair](#), 65 Wn.App. 64 (1992), see also: [State v. Morgan](#), 78 Wn.App. 208, 211 (1995); under these circumstances, officer was not obliged to question defendant regarding his right to be on the property prior to arrest, c.f.: [Blair, supra](#), at 69-70; I.*

**[State v. Rogers](#), 70 Wn.App. 626 (1993)**

*At scene of serious injury accident, damage which established high-speed collision, suspect admitting he was owner and driver and had been drinking, strong odor of alcohol on breath, need to restrain suspect from fleeing, resistance equal probable cause for DUI and vehicular assault; II.*

**[State v. Rasmussen](#), 70 Wn.App. 853 (1993)**

*Undercover Black Diamond police purchase drugs from defendant in Kent; Black Diamond had a notice of consent pursuant to Washington **Mutual Aid Peace Officer Powers Act of 1985**, [RCW 10.93](#), but had not notified Kent of their operation; held: defendant was observed and apprehended outside jurisdiction of arresting agency, which had a consent letter, thus arrest was valid, [Ghaffari v. Department of Licensing](#), 62 Wn.App. 870 (1991), distinguishing [State v. Bartholomew](#), 56 Wn.App. 617 (1990), see: [State v. Plaggemeier](#), 93 Wn.App. 472 (1999), [State v. Barron](#), 139 Wn.App. 266 (2007); I.*

**[State v. Solberg](#), 122 Wn.2d 688 (1993)**

*Police may make warrantless arrest on probable cause when suspect voluntarily exits residence to speak to officers on unenclosed front porch, [State v. Carlow](#), 44 Wn.App. 821, 826 (1986), [State v. Bockman](#), 37 Wn.App. 474, 481 (1984), [State v. Griffith](#), 61 Wn.App. 35, 40 n. 2 (1991), [State v. Holeman](#), 103 Wn.2d 426, 429 (1985), reversing [State v. Solberg](#), 66 Wn.App. 66, 79 (1992); 9-0.*

**[State v. Terrazas](#), 71 Wn.App. 873 (1993)**

*Trooper stops vehicle for weaving, asks driver for license, defendant says he has none, trooper asks for name and birthdate, suspects false name, pats down driver, finds nothing, arrests driver for driving without license, observes passenger with blanket on lap, suspects weapon, removes passengers from car, searches, finds guns, drugs; held: an arrest solely for **driving without a license**, without other reasonable grounds, is improper, [State v. Hehman](#), 90 Wn.2d 45 (1978), [State v. Barajas](#), 57 Wn.App. 556 (1990), [State v. Watson](#), 56 Wn.App. 665 (1990), see: [State v. Reding](#), 119 Wn.2d 685 (1992), [State v. Perea](#), 85 Wn.App. 339 (1997), c.f.: [State v. Pulfrey](#), 154 Wn.2d 517 (2005); mere suspicion that driver gave a false name is not enough; search of vehicle for officer safety was improper, as blanket on passenger's lap does not rise to an articulable suspicion that passenger was dangerous or armed, see: [State v. Collins](#), 121 Wn.2d 168, 173 (1993), [State v. McIntosh](#), 42 Wn.App. 573, 578-9 (1986), see also: [State v. Rankin](#), 151 Wn.2d 689 (2004), [State v. Pettit](#), 160 Wn.App. 716 (2011), but see: [Maryland v. Wilson](#), 137 L.Ed.2d 41 (1997), [State v. Miller](#), 91 Wn.App. 181 (1998), [State v. Mendez](#), 137 Wn.2d 208 (1999), c.f.: [State v. Reynolds](#), 144 Wn.2d 282 (2001), [State v. Horace](#), 144 Wn.2d 386 (2001); III.*

**[State v. White](#), 76 Wn.App. 801, 804-5 (1995), aff'd, on other grounds, 129 Wn.2d 105 (1996)**

*Police observe defendant speak with another man, point to third man, second man goes to third man, defendant follows, third man drops object, second man picks it up, puts it in his mouth for moment, gives money to third man, arrest defendant; held: observations were sufficient to believe defendant was **lookout** or setup person in a drug transaction; see: [State v. Rodriguez-Torres](#), 77 Wn.App. 687, 693-4 (1995), but see: [State v. Alcantara](#), 79 Wn.App. 362 (1995); I.*

**[State v. Rodriguez-Torres](#), 77 Wn.App. 687 (1995)**

*Officer observes man give defendant money, defendant shows man an object cupped in his hand, someone yells "police" when officer approaches, defendant and companion leave scene quickly, police stop defendant and search pockets, find drugs; held: police had probable cause to believe defendant had committed the offense of possession with intent to deliver drugs, [State v. White](#), 76 Wn.App. 801, 804-5 (1995), aff'd, on other grounds, 129 Wn.2d 105 (1996), [State v. Fore](#), 56 Wn.App. 339 (1989), [State v. Graham](#), 130 Wn.2d 711, 723-6 (1996), but see: [State v. Poirier](#), 34 Wn.App. 839 (1983), [State v. Alcantara](#), 79 Wn.App. 362 (1995), thus search incident to arrest was valid, [State v. Ward](#), 24 Wn.App. 761, 765 (1979); I.*

**[State v. Morgan](#), 78 Wn.App. 208, 211 (1995)**

*Police observe defendants inside park closed by ordinance, no evidence offered of signs or notice; held: absent some notice, no reasonable grounds for police to believe misdemeanor **trespass** had been committed in officer's presence, [RCW 10.31.100](#), see: [State v. Blair](#), 65 Wn.App. 64, 67 (1992), [State v. Glover](#), 116 Wn.2d 509, 514 (1991), [State v. Thompson](#), 69 Wn.App. 436, 442 (1993), [State v. Walker](#), 157*

[Wn.2d 307 \(2006\)](#), [State v. Setterstrom, 163 Wn.2d 621 \(2008\)](#); *drug paraphernalia on hood of car stopped in a park at night is grounds to arrest driver and passenger, distinguishing State v. Harris, 14 Wn.App. 414, 417 (1975)*, see: [State v. Rose, 175 Wn.2d 10, 18-22 \(2012\)](#); 2-1.

**[State v. Nelson, 81 Wn.App. 249 \(1996\)](#)**

Police may make a custodial arrest, and search incident to that arrest, for **negligent driving**, a nonjailable misdemeanor, former [RCW 46.61.525](#), where the driving was “truly dangerous,” at 256, pursuant to [RCW 10.31.100\(3\)\(f\)](#), 46.64.015(2) and U.S. and Washington constitutions, [State v. Watson, 56 Wn.App. 665 \(1990\)](#), [State v. Reding, 119 Wn.2d 685 \(1992\)](#), see: [State v. Walker, 157 Wn.2d 307 \(2006\)](#), c.f.: [State v. Hehman, 90 Wn.2d 45 \(1978\)](#), [State v. Klinker, 85 Wn.2d 509 \(1975\)](#); II.

**[State v. Mance, 82 Wn.App. 539 \(1996\)](#)**

*Car dealer reports car stolen, next day calls to report he erred, after which police stop defendant driving car based upon the stolen car hot sheet, which had not been corrected, arrest defendant who spits out drugs; held: while original report of theft was sufficient to establish probable cause as it came from victim, see: State v. Rodriguez, 53 Wn.App. 571, 574-5 (1989), and fellow officer rule justifies an arrest on basis of a police bulletin, Whiteley v. Warden, Wyo. State Penitentiary, 28 L.Ed.2d 306 (1971), see: State v. Gaddy, 152 Wn.2d 64, 70-71 (2004), State v. O’Cain, 108 Wn.App. 542 (2001), when police fail to correct records, probable cause may no longer exist by the time an arrest is made, at 543, State v. Nall, 117 Wn.App. 647 (2003); state has burden of proving probable cause absent warrant or consent, c.f.: State v. Smith, 50 Wn.2d 408, 412 (1957), and has burden of proving two-day delay between cancellation of stolen vehicle report and arrest was reasonable, c.f.: State v. Sandholm, 96 Wn.App. 846 (1999); dicta that had defendant been detained for investigation and not arrested until after he spit out drugs, arrest might have been lawful; II.*

**[State v. Graham, 130 Wn.2d 711 \(1996\)](#)**

*Off-duty Seattle police officers, working as security guards in Seattle, observe defendant carrying large amount of cash and small packet containing what looked like rock cocaine in hands, defendant quickly conceals contents of his hands when he sees officers, refuses request to stop, sweats, looks nervous; held: a police officer has authority to arrest whenever the officer reasonably believes a crime is committed in the officer’s presence, whether or not the officer is on duty, State v. Brown, 36 Wn.App. 166 (1983); furtive gestures plus officers’ observations and experience establish probable cause to arrest, State v. Fore, 56 Wn.App. 339, 343-5 (1989), State v. Rodriguez-Torres, 77 Wn.App. 687 (1995), c.f.: State v. Poirier, 35 Wn.App. 839 (1983), but see: State v. Gatewood, 163 Wn.2d 534 (2008); 9-0. Jacques v. Sharp, 83 Wn.App. 532 (1996)*

*Domestic violence protection order directs that respondent stay out of the Magnolia neighborhood of Seattle, police arrest respondent in Magnolia; held: police may only arrest for violation of those restraint provisions in a protection order that restrain respondent from acts of domestic violence, exclusion from residence or contact, RCW 26.50.060(1); only remedy for violation of other provisions of protection order is contempt, not arrest, but see: State v. Chapman, 140 Wn.2d 436 (2000); I.*

**[State v. Perea, 85 Wn.App. 342 \(1997\)](#)**

*Police observe defendant driving, know that his license was suspended from a records check seven days earlier, activate emergency lights, defendant exits, closes door and walks away, is ordered to return to vehicle, defendant refuses, is arrested, police confiscate keys, search car, find illegal gun; held: seven-day-old information about suspended license constitutes articulable facts to support a detention, State v. Pressley, 64 Wn.App. 591, 595 (1992), State v. Quintero-Quintero, 60 Wn.App. 902 (1991), State v. Marcum, 116 Wn.App. 526, 531-33 (2003); custodial arrest for DWLS is proper, see: State v. Reding, 119 Wn.2d 685 (1992); II.*

**[State v. Duffy, 86 Wn.App. 334, 339-41 \(1997\)](#)**

*Lack of probable cause to stop is not a basis to dismiss a charge of attempting to elude, State v. Mather, 28 Wn.App. 700, 703 (1981); III.*

**[State v. Plaggemeier, 93 Wn.App. 472 \(1999\)](#)**

*City police officer arrests defendant outside city limits for DUI, Mutual Aid Agreement, RCW 10.93, was in effect but had not been adopted by ordinance as required by Interlocal Cooperation Act, RCW 39.34, nor filed with county auditor; held: while the Mutual Aid Agreement is invalid for failure to comply with Interlocal Cooperation Act, the consent section of the agreement is independently enforceable, RCW 10.93.070, thus arrest was valid; II.*

**[Tacoma v. Durham, 95 Wn.App. 876 \(1999\)](#)**

*Tacoma police, receiving report of drunk driver, pursue defendant into Lakewood, no evidence that*

*defendant knew he was being pursued while he was in Tacoma; held: Washington Mutual Aid Peace Officers Powers Act, [RCW 10.93.120](#), abrogates common law of fresh pursuit, thus statute is to be liberally construed, suspect need not know he is being pursued, nor must the active pursuit cross a boundary, distinguishing [Wenatchee v. Durham, 43 Wn.App. 547 \(1986\)](#); police may cross over to another jurisdiction and arrest “in response to an emergency involving an immediate threat to human life or property,” [RCW 10.93.070\(2\)](#), defendant’s erratic driving meets that test, *Vance v. Dep’t of Licensing, 116 Wn.App. 412 (2003)*, see: *State v. Eriksen, 172 Wn.2d 506 (2011)*, c.f.: [State v. King, 167 Wn.2d 324 \(2009\)](#); II.*

**[State v. Sandholm, 96 Wn.App. 846 \(1999\)](#)**

*Absent evidence of the source of a stolen vehicle report from WACIC, or procedures followed by WACIC in accepting and broadcasting a report, probable cause to arrest is insufficient, [State v. O’Cain, 108 Wn.App. 542 \(2001\)](#), see: [State v. Gaddy, 152 Wn.2d 64 \(2004\)](#), distinguishing [State v. Mance, 82 Wn.App. 539 \(1996\)](#), however here, evidence of damage to driver’s door and trunk locks and defendant’s nervous demeanor provides probable cause; I.*

**[State v. Walker, 101 Wn.App. 1 \(2000\)](#)**

*Municipal court clerk issues bench warrant without prior approval by a judge, on service of warrant police find drugs; held: a clerk may not order the issuance of a warrant of arrest absent a statute, court rule or ordinance; remedy for all violations of Const. Art. I, § 7 is suppression, see: [State v. Parks, 136 Wn.App. 232 \(2006\)](#); 2-1, II.*

**[State v. Tan Le, 103 Wn.App. 354 \(2000\)](#)**

*Warrantless arrest in a home without exigent circumstances is unlawful irrespective of the existence of probable cause, [Payton v. New York, 63 L.Ed.2d 639 \(1980\)](#), [State v. Griffith, 61 Wn.App. 35, 41 \(1991\)](#); identification of suspect immediately following the unlawful arrest must be suppressed absent attenuation of taint, [Brown v. Illinois, 45 L.Ed.2d 416 \(1975\)](#); in-court identification, absent unreliability, is admissible irrespective of lawfulness of arrest, [United States v. Crews, 63 L.Ed.2d 537 \(1980\)](#); I.*

**[Atwater v. City of Lago Vista, 149 L.Ed.2d 549 \(2001\)](#)**

*Custodial arrest for nonjailable misdemeanor does not violate Fourth Amendment; 5-4.*

**[State v. Bessette, 105 Wn.App. 793 \(2001\)](#)**

*Police observe juvenile holding beer, chase him to defendant’s home, demand entry, defendant refuses absent warrant, defendant is convicted of obstructing; held: minor in possession of alcohol is a minor offense, no indication juvenile was armed or likely to escape, [State v. Wolters, 133 Wn.App. 297, 303-04 \(2006\)](#), was not a threat, telephonic warrant could have been obtained, thus insufficient exigent circumstances to enter without a warrant, [State v. Hinshaw, 149 Wn.App. 747 \(2009\)](#), thus defendant did not obstruct, see: [State v. Ramirez, 49 Wn.App. 814 \(1987\)](#), [State v. Griffith, 61 Wn.App. 35 \(1991\)](#), [Seattle v. Altschuler, 53 Wn.App. 317, 321 \(1989\)](#); III.*

**[State v. O’Cain, 108 Wn.App. 542 \(2001\)](#)**

*Police stop car based on stolen vehicle radio report, at suppression hearing detective testifies that he confirmed that the vehicle had been stolen and that defendant lacked permission to drive it, trial court denies suppression; held: post-seizure verification that vehicle was stolen does not satisfy 4<sup>th</sup> Amendment; under fellow officer rule, [State v. Mance, 82 Wn.App. 539, 542 \(1996\)](#), [United States v. Hensley, 83 L.Ed.2d 604 \(1985\)](#), police may rely upon collective knowledge, but where a dispatch is challenged, police must establish reliability of the dispatch prior to the seizure, [State v. Sandholm, 96 Wn.App. 846 \(1999\)](#), c.f.: [State v. Gaddy, 152 Wn.2d 64 \(2004\)](#); I.*

**[Clement v. Dep’t of Licensing, 109 Wn.App. 371 \(2001\)](#)**

*Trooper reports to arresting trooper that radar shows driver is speeding, arresting trooper observes front end of car dip as if driver hit the brakes, stops driver who is intoxicated, RALJ judge finds no probable cause because there is no radar foundation evidence, [Seattle v. Peterson, 39 Wn.App. 524 \(1985\)](#); held: foundation evidence need not be presented to establish probable cause in license revocation proceeding, [Jury v. Dep’t of Licensing, 114 Wn.App. 726 \(2002\)](#); I.*

**[State v. Neeley, 113 Wn.App. 100, 106-110 \(2002\)](#)**

*Police see vehicle in high drug and prostitution area at 2:00 a.m., approach and illuminate vehicle, defendant leans over seat, head bobs up and down as if ingesting or concealing something, police observe from outside steel wool pad, scissors, lighter which they recognize as drug paraphernalia, arrest, search, find drugs; held: while possession of drug paraphernalia alone does not support probable cause, [RCW 69.50.412](#), [State v. McKenna, 91 Wn.App. 554, 563 \(1998\)](#), [State v. Lowrimore, 67 Wn.App. 949, 959 \(1992\)](#), other*

evidence present here indicating the paraphernalia had been used for drugs supports probable cause, [State v. Williams](#), 62 Wn.App. 748, 752-53 (1991); III.

**[State v. Clausen](#), 113 Wn.App. 657 (2002)**

Police stop defendant for driving while license suspended, decide to book him, advise him that he'll be released following booking, inventory car, find drugs, at suppression hearing it is established that jail advised police that it would not book nonviolent misdemeanants; held: because it was officer's intent to book, defendant was validly arrested and would not be cited, thus search incident to arrest was valid, [State v. Balch](#), 114 Wn.App. 55 (2002), distinguishing [State v. McKenna](#), 91 Wn.App. 554 (1998); II.

**[Maryland v. Pringle](#), 157 L.Ed.2d 769 (2003)**

Police stop car, search, find \$763 cash in glove compartment, drugs in back-seat armrest accessible to driver and two passengers, ask three suspects about ownership of drugs and money, all three offer no information, arrest all three, defendant-passenger confesses; held: reasonable officer could conclude that all in vehicle possessed drugs, thus arrest was lawful, but see: [State v. Grande](#), 164 Wn.2d 135 (2008); 9-0.

**[State v. Nall](#), 117 Wn.App. 647 (2003)**

Police arrest defendant on an invalid, non-judicial out-of-state warrant, find drugs; held: while police may rely upon collective knowledge of other police agencies, [State v. Stebbins](#), 47 Wn.App. 482, 484 (1987), where the issuing agency's information is out of date, the arresting officers also lack probable cause, [State v. Mance](#), 82 Wn.App. 539, 542 (1996); [RCW 10.88.330\(1\)](#), authorizing arrest without a warrant "upon reasonable information" that suspect is charged in court of another state, does not provide a good faith exception; 2-1, I.

**[State v. Gaddy](#), 152 Wn.2d 64 (2004)**

Driver is stopped for infraction, DOL reports license suspended, police arrest, search car, find drugs; held: applying *Aguilar-Spinelli* test to DOL records establishes that they are presumptively reliable; defendant's offering evidence that her record was inaccurate fails, as she did not show that DOL records are *prima facie* inaccurate; affirms [State v. Gaddy](#), 114 Wn.App. 702 (2002); 9-0.

**[Devenpeck v. Alford](#), 160 L.Ed.2d 537 (2004)**

To be a lawful arrest under the Fourth Amendment, the crime for which there is probable cause need not be closely related to the crime stated or believed by the arresting officer at the time of the arrest; 8-0.

**[Illinois v. Caballes](#), 160 L.Ed.2d 842 (2005)**

Following stop for traffic infraction, police bring in drug dog to sniff car, reacts positively, police open trunk, seize marijuana; held: where duration of traffic stop was justified by the traffic offense and the ordinary inquiries to such a stop, see: [United States v. Jacobsen](#), 80 L.Ed.2d 85 (1984), a lawful canine sniff, [United States v. Place](#), 77 L.Ed.2d 110 (1983), but see: [State v. Dearman](#), 92 Wn.App. 630 (1998), does not implicate legitimate privacy interests; 5-3.

**[State v. Pulfrey](#), 154 Wn.2d 517 (2005)**

Defendant is stopped for infraction, officer arrests for suspended license 3°, searches incident to arrests, finds drugs; officer testifies he always arrests and searches on suspended license cases, irrespective of CrRLJ 2.1(b)(2); held: police may arrest and search incident to arrest and then exercise discretion to cite and release or book, [State v. Brockob](#), 159 Wn.2d 311, 346-47 (2006); driving while suspended is a "nonminor offense" for which police may arrest, distinguishing [State v. Hehman](#), 90 Wn.2d 45 (1978), [State v. Stortroen](#), 53 Wn.App. 654 (1989), [State v. WS](#), 40 Wn.App. 835 (1985), [State v. Pettitt](#), 93 Wn.2d 288 (1980), see: [State v. Reding](#), 119 Wn.2d 685 (1992); affirms [State v. Pulfrey](#), 120 Wn.App. 270 (2004); 9-0.

**[License Suspension of Richie](#), 127 Wn.App. 935 (2005)**

Unconscious driver is taken from collision in Washington to Idaho hospital, Washington trooper smells alcohol on driver's breath in hospital, orders blood draw, arrests for DUI, DOL suspends license; held: applying Idaho's fresh pursuit statute, [Idaho Code § 19-701](#), trooper had reasonable suspicion to detain for DUI, which for purposes of fresh pursuit statute is treated as a felony, see: [RCW 10.31.100\(3\)\(d\)](#), trooper could thus pursue into Idaho and arrest when probable cause is established, distinguishing [Clarkston v. Stone](#), 63 Wn.App. 500 (1991), [State v. Steinbrunn](#), 54 Wn.App. 506 (1989); III.

**[State v. Fisher](#), 132 Wn.App. 26, 29-31 (2006)**

In lawful pat-down, police find glass pipe with bulb and burnt residue in defendant's pocket, defendant claims it's not his, police search, find drugs; held: denial with no other explanation plus pipe with residue that had been used to inhale a drug equals probable cause that defendant possessed drug paraphernalia with intent

to use it; I.

**State v. Potter, 156 Wn.2d 835 (2006)**

*Police arrest for suspended license 3<sup>o</sup>, search, find drugs; held: while the method by which a license is suspended may violate due process, Redmond v. Moore, 151 Wn.2d 664 (2004), DOL records are presumed reliable, State v. Gaddy, 152 Wn.2d 64 (2004), subsequent invalidation of license suspension procedures do not void the probable cause that existed to arrest, State v. Brockob, 159 Wn.2d 311, 346-47 (2006), distinguishing State v. White, 97 Wn.2d 92 (1982); affirms State v. Potter, 129 Wn.App. 494 (2005), State v. Holmes, 129 Wn.App. 24 (2005); 9-0.*