



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 315

August 11, 2006

INVESTIGATORY STOP OF VEHICLE BASED ON ANONYMOUS TIP

<u>Reference:</u>	Antonio Williams	Alaska Court of Appeals
	v.	Opinion No. 2057
	State of Alaska	_____ P.3d _____
		July 28, 2006

FACTS:

Fairbanks Police Officer Barnett received a call from an anonymous female who reported three individuals, Antonio Williams, Teffin Goss and Courtney Guy, were distributing cocaine and marijuana in the Fairbanks area. She said these individuals were transporting drugs into Fairbanks from Anchorage in rented cars. The men would use the name "Dequan Thomas" when they rented cars. The caller said the men would make roundtrips to Anchorage about once a week. The following day, the same person called Officer Barnett again and stated Williams and Goss had rented a light green Mercury Mountaineer and were currently in Anchorage. She said they had rented the car under the name of Dequan Thomas. The caller said she knew they were involved in drug trafficking because she had seen them in the past with narcotics and she told them what they were doing was wrong.

Officer Barnett contacted Budget Rental car agency in Fairbanks; he was informed that Dequan Thomas had rented cars in the past, but he did not currently have one rented from Budget. The employee further stated to Officer Barnett that Budget does not rent Mercury Mountaineers but Hertz does.

Officer Barnett had received a recorded message on his answering machine from the anonymous caller. She stated that Williams rented the car from Hertz and had used a VISA

credit card. The caller also said that she had received information from one of the individuals in the car that they had cocaine with them and they had left Anchorage about 4:30 p.m.

The officer went to Hertz and was refused a copy of any information about rentals without a subpoena. The officer obtained the subpoena and Hertz turned over a rental agreement in the name of Dequan Thomas. The vehicle rented was a light green Mercury Mountaineer with Alaska License EMT565.

Officer Barnett calculated the amount of time it would take to drive from Anchorage to Fairbanks based on their 4:30 p.m. departure. Police set up surveillance along the highway. The Mercury, occupied by three men, was observed and stopped. The odor of marijuana was coming from the car. The three individuals were detained. A search warrant was obtained for the car. The search resulted in the seizure of twelve plastic bags containing cocaine and a .380 caliber pistol.

ISSUE #1:

Did police have reasonable suspicion to stop the car?

HELD: Yes--reasonable suspicion may be based on a tip from an informant. This tip was based on the informant's personal knowledge.

REASONING:

1. The informant caller certainly indicated that she had first-hand knowledge of the men selling drugs. She claimed to have seen the defendants with drugs and knew they were making weekly trips to Anchorage and returning with drugs to sell in Fairbanks.

2. The informant showed an intimate knowledge of the defendants' drug-selling activities. Police corroborated details of the defendants renting the car.

3. The informant claimed one of the men had called and told her they had drugs and had left Anchorage at 4:30 p.m. At this point, the police had sufficiently corroborated the

informant's tip to initiate an investigative stop of the Mercury Mountaineer.

4. When police stopped the car, they smelled marijuana. This provided probable cause for police to obtain a search warrant.

NOTES:

Compare this case with Allen v. State, Legal Bulletin No. 137, where police received an anonymous call reporting someone selling drugs out of a vehicle. The police located the vehicle about 25 minutes after the call was received. The car was stopped. No drugs were found, but Allen was charged with driving with a suspended operator's license. The Court ruled, in the Allen case, that police lacked reasonable suspicion to justify the investigative stop of the vehicle.

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