

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

PEOPLE OF THE VIRGIN ISLANDS	)	
	)	
Plaintiff,	)	CASE NO. ST-17-CR-55
	)	
vs.	)	
	)	
SHAKIEME S. FREEMAN,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION

This matter came before the Court on December 15, 2017, for a hearing¹ on Defendant's Motion to Suppress² seeking exclusion on Fourth Amendment grounds of a firearm seized from Freeman's person and items taken from a vehicle in which he had been seated as a result of the warrantless encounter on February 16, 2017. The People presented the testimony of Virgin Islands Police Officer Vernon Carr and introduced 12 photographs as exhibits; and the defense presented three witnesses, Carolyn A. Jackson, Doran Hamilton, and Simon Rawlins, Jr.³

¹ The People were represented by Assistant Attorney General Eugene James Connor, Jr. Esq., and Defendant was represented by Territorial Public Defender Melanie L. Turnbull, Esq.

² The Amended Scheduling Order entered on April 20, 2017, set a motions hearing for July 24, 2017, and provided that motions were to be filed 30 days prior to the hearing, such that Freeman's motion is untimely. In fact, the People's November 29, 2017, initial Opposition relies solely upon the untimeliness of the motion to urge its denial. And, Freeman's accompanying Motion to Accept Defendant's Motion to Suppress Out of Time concedes that "Superior Court Rule 128 provides that 'All pre-trial motions shall be made prior to the motion deadline established by the court, unless otherwise extended by the court for good cause shown.'" Under V.I. Rule of Criminal Procedure 12(c)(3), a motion to suppress filed after the motions deadline is untimely, but the court may consider the request upon a showing of good cause or in the interests of justice. Despite its tardiness, which would justify summary denial of the motion, the Court will consider the motion on the merits in the interests of justice.

³ After oral closing arguments, the Court permitted the People to file a substantive response to the motion by January 19, 2018, and allowed Defendant to reply by February 2, 2018.

Because the Court finds that the initial actions of the police did not violate Freeman's Fourth Amendment right to be free from unreasonable searches and seizures, the Motion to Suppress will be denied as to the discovery seizure of the firearm and holster found on Freeman's person. However, because the items recovered from inside the vehicle in which Freeman had been seated were discovered as the result of an improper warrantless search, they will be suppressed.

FACTS

On February 16, 2017, a team of roughly 15 law enforcement officers were conducting an initiative throughout the Thomasville Housing Community near the Bertha C. Boschulte Junior High School. Officer Carr testified that as he, his partner Officer Reed, and Officer Josiah Angol, arrived outside the fence surrounding Thomasville in an unmarked car, Carr observed Officer Frett, who had come in a different vehicle, approaching a Gold Toyota Corolla where Freeman was seated with his left foot on the ground outside the open driver's door. While Reed stayed in the unmarked vehicle, Officers Carr and Angol approached Freeman to "provide coverage" for Officer Frett, and, while Frett engaged Freeman in conversation, Carr, who was standing near the driver's side rear tire, observed what appeared to be bullet holes throughout the passenger compartment. Carr testified that, based upon his experience and training, which included five years towing vehicles from crime scenes, he thought that the vehicle had "recently been involved in a crime or near a scene where it might have received those bullet holes", and he became suspicious.

Carr inquired of Freeman whether there were any illegal weapons or drugs in the vehicle, and, according to Carr, Freeman “acted nervous” and said, “Nah, men.” Carr then asked Freeman to step out of the vehicle “for our safety”, after which Freeman said, “Nah, men, meh boy,” and moved his right foot, whereupon Carr observed the butt of a holstered firearm protruding from the front waist of Freeman’s pants. After Carr yelled “gun” to alert the other officers, Freeman stood up and, according to Carr, started to flee, but Carr used an “arm bar” to put Freeman on the ground and then handcuffed Freeman for “officer safety.” Carr stated that Freeman was advised of his rights and was rolled over and asked if he had a license to possess a firearm, but Freeman refused to answer. Freeman was then placed in a police vehicle, and the Forensic Unit was called to the scene to take photographs and collect evidence. The Forensic officer processed the vehicle, doing what Carr called “an inventory search”, and took possession of the firearm, as well as three additional magazines, a radio scanner, and marijuana that Carr claimed were found in the vehicle, for which Freeman was given a receipt but refused to sign. Carr indicated the inventory search was conducted at the scene because the area where they were ordinarily conducted was full with two vehicles from a recent homicide. A registration check of the vehicle was conducted, revealing it was owned by an unidentified young woman who was later identified as Freeman’s girlfriend.

Freeman was taken to the Richard Callwood Command to be booked, and a review of firearms registration records determined that Freeman was not authorized to possess a firearm in the Virgin Islands. Photographs of Freeman in handcuffs with a holstered firearm visible in the front of his pants, a magazine found in the vehicle’s

driver's door, Freeman's vehicle, and one of the bullet holes were introduced without objection.

For the defense, Ms. Jackson, a resident of Thomasville, testified that she was in her kitchen "peeping through the window" while cooking when police officers approached Freeman. Jackson claimed she had a good view of the officers from her vantage point. Jackson confirmed that the vehicle door was open when officers approached Freeman, and that Freeman "came out of the car". According to Jackson, Freeman "step[ped] away from the car with the policeman", who "like hold him a little bit" by the right shoulder, and the officer "guided" Freeman across the street and searched him. Jackson said that she did not see Freeman run, testified that she was "videotaping" the incident from the window and indicated that, when she saw Freeman react in a way that made her believe "something hurt", she got upset, coming out her door and down her steps to "videotape it some more" at the gate at the entrance to Thomasville. Although Jackson initially testified she could not hear any conversations while standing at the window, she later claimed she thought it important to videotape, "[b]ecause when I was looking through the window and he [Freeman] bend and it sound to me he saying "ah", and then he bend, so I was saying maybe they touching him too hard or something, so that's why I went outside." No recording of any kind was presented as evidence, but Jackson testified she gave the "videotape" to "an investigator for the attorney."

Jackson indicated that the officers were searching Freeman, "and then he went to the ground – they put him on the ground with one of the knee in the back." She claimed

she never saw a gun on Freeman. She later saw one officer that she thought was searching the car Freeman had been in, and then observed two “lady officers” that she thought were “Forensic” go in the car and came out with bags, but said she couldn’t tell what was in the bags.

Doran Hamilton, who described Freeman as a friend of 10 to 15 years and her “best friend”, said she was at her home in Bovoni with Freeman during the whole day up until about 4:00 or 4:30 p.m. Hamilton testified that, “about a minute or two” after Freeman left to pick his girlfriend up from work, she walked down the hill to visit a friend in Thomasville. Outside the entrance to Thomasville Hamilton saw a gold Toyota where Freeman was sitting with the door “nearly shut all the way” with police cars blocking the vehicle in. From about 10 to 15 feet away, Hamilton said she saw a police officer walk up to Freeman’s car, exchange a couple of words with Freeman, and walk away, after which another officer had a 10 to 20 second conversation with Freeman, following which Freeman came out of the car, was placed on the ground, arrested, and taken to a police vehicle, which “left the scene right after they placed him in it.”⁴ Hamilton said she did not see Freeman run, resist, or back away from the officers at any point. After Freeman was gone, “they begin to take pictures and do forensic on his car. That’s when they begin to enter the car.” Hamilton said she took the car, which Freeman did not own, from the scene after signing a document provided to her by a Forensic officer, who gave Hamilton the keys.

⁴ The credibility of this portion of Hamilton’s testimony was called into question by the photographs taken at the scene by a Forensic Unit officer showing Freeman with the firearm in his waist.

Simon Rawlins, Jr., is a 30-year resident of Thomasville, where he claimed there was “no violence...no burglary, nothing whatever.” He said whenever police come to the area investigating reports of gunshots he directs them to Jenny’s Hope or Bovoni. Rawlins indicated he heard no gunshots on the day of the incident or for the month previous. While taking out garbage, Rawlins, who was about 20 feet from Freeman, whom Rawlins had known for about 15 years, saw “5 or 6” jeeps, “maybe 10 to 12” officers, block the Thomasville entrance. Rawlins said one officer conversed with Rawlins, then Rawlins watched a second officer come to Freeman’s car, and, although Rawlins said he didn’t hear anything that was being said, saw Freeman come out of the car “with anger” shouting “what I do, why you harassing me, like why you want to search me for?” Rawlins said the officer reached for Freeman and they started struggling, and that the officer called out to other officers, who came and took Freeman away. Rawlins said he did not see Freeman run and that Freeman couldn’t run or drive away. Rawlins claimed the officers took pictures, Freeman was taken away, and the vehicle was then searched. Rawlins admitted that he was upset and that he cursed the officers and was disrespectful to them.

On rebuttal, Officer Carr said that Thomasville is a high crime area, with one of the highest rates of reported discharges of firearms. He claimed the vehicle in which Freeman sat was not blocked in by the police, and that only three police officers were in the area of Freeman’s vehicle at the time of the incident. Carr reiterated that Freeman was still on the scene when the “inventory search” of the vehicle was being conducted.

STANDARDS

The Fourth Amendment to the Constitution of the United States protects the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures...” Similarly, Section 3 of the Revised Organic Act of 1954, as amended, provides, “The right to be secure against unreasonable searches and seizures shall not be violated.” The United States Supreme Court approved the exclusion of evidence as a sanction for violations of the Fourth Amendment in *Weeks v. United States*,⁵ and the exclusionary rule was later extended to the States in *Mapp v. Ohio*.⁶ It has long been recognized as part of Virgin Islands jurisprudence.⁷

Under these constitutional standards, the Court must determine whether a search or seizure is reasonable. Generally, searches conducted without a warrant approved in advance by a neutral and detached judge are presumed to be unreasonable.⁸ When police act without a warrant, the probable cause requirement must be strictly enforced.⁹ In order to pass constitutional muster, a warrantless search must be shown to fall within one of the few narrowly defined exceptions to the warrant requirement.¹⁰ However, the Fourth Amendment does not require a police officer to ignore a possible crime.¹¹

⁵ 232 U.S. 383 (1914).

⁶ 367 U.S. 643 (1961).

⁷ See, for example, *Government v. Thomas*, 5 V.I. 276, 286 (Mun.Ct. 1966) (“It is well settled that evidence obtained in violation of the Fourth Amendment may be suppressed on a motion made by a party who is aggrieved.”).

⁸ *United States v. Chabot*, 19 V.I. 28 (D.V.I. 1982); *Government v. Berry*, 11 V.I. 40 (D.V.I. 1974); *Katz v. United States*, 389 U.S. 347 (1967).

⁹ *Henry v. United States*, 361 U.S. 98, 102 (1959).

¹⁰ *Katz, supra*; *Berry, supra*; *Government v. Fabiani-Ogno*, 20 V.I. 404 (T.Ct. 1984).

¹¹ *Chabot, supra*.

Under the Fourth Amendment, probable cause is generally a necessary predicate to a police search or seizure.¹² However, in *Terry v. Ohio*,¹³ the Supreme Court recognized an exception to this general rule, and to the warrant requirement, when police make a brief, limited stop and detention of an individual in order to question him concerning a suspected criminal offense. *Terry* held that a quick pat-down search for weapons can be conducted without a warrant and on less than probable cause as part of the investigative stop if based on a “reasonable suspicion” of criminal activity.

In order to be valid under *Terry*, a pat-down search must be based on a reasonable belief that the person is armed and presently dangerous.¹⁴ In *Terry*, the court was careful to note that the stop and frisk exception is “narrowly drawn.”¹⁵ The officer must be aware of specific articulable facts that give rise to a reasonable suspicion that the person stopped is, or is about to be, engaged in criminal activity.¹⁶ To be reasonable, the suspicion must be based on objective facts¹⁷ rather than on “inchoate and unparticularized suspicion or ‘hunch’.”¹⁸

A court must apply a “totality of circumstances” analysis when deciding whether reasonable suspicion existed to conduct a *Terry* stop and frisk.¹⁹ Under the test, “the totality of the circumstances- the whole picture- must be taken into account.”²⁰ The

¹² *Government v. Rodriguez*, 23 V.I. 386 (T.Ct. 1988).

¹³ 392 U.S. 1 (1968),

¹⁴ *Ybarra v. Illinois*, 444 U.S. 85 (1979).

¹⁵ 392 U.S., at 27.

¹⁶ *Government v. Rodriguez*, 23 V.I. 386 (T.Ct. 1988).

¹⁷ *Brown v. Texas*, 443 U.S. (1979).

¹⁸ *Terry*, 392 U.S., at 27.

¹⁹ *U.S. v. Cortez*, 449 U.S. 411 (1981).

²⁰ *Id.*, at 417.

inferences of a trained officer may be considered, and probabilities, not certainty, govern.²¹

Generally, a warrant is not required for a valid investigatory stop of a vehicle.²² But, in order to justify a warrantless investigatory stop, the officer must possess reasonable suspicion of criminal activity based on the totality of the circumstances.²³

Another widely recognized warrant requirement exception, the so called “automobile exception” or “Carroll Doctrine” established in *Carroll v. United States*,²⁴ and subsequently refined in *Chambers v. Maroney*²⁵ and *Coolidge v. New Hampshire*²⁶, provides that no warrant is necessary to search a car when there is probable cause to believe that there is contraband or evidence of a crime in the automobile and exigent circumstances exist.²⁷

Ordinarily, on a motion to suppress evidence, the burden rests upon the accused to establish that the evidence sought to be suppressed was illegally obtained.²⁸ However, once it is shown that a search or seizure was conducted without a warrant, the burden shifts to the People to demonstrate by clear and convincing evidence that the governmental activity fell within some recognized exception to the warrant requirement.²⁹

²¹ *Id.*

²² See *United States v. Arvizu*, 534 U.S. 266 (2002).

²³ *Id.*

²⁴ 267 U.S. 132 (1925).

²⁵ 399 U.S. 42 (1970).

²⁶ 403 U.S. 443, 458-464 (1971).

²⁷ See also *Wyoming v. Houghton*, 526 U.S. 295 (1999).

²⁸ *Government v. Morton*, 15 V.I. 418 (T.Ct. 1978); *Rawlings v. Kentucky*, 448 U.S. 98 (1980).

²⁹ *Morton, supra.*; *McDonald v. United States*, 335 U.S. 451 (1948); *United States v. Jeffers*, 342 U.S. 48 (1951).

ANALYSIS

1. The initial contact with Freeman was not a confrontation requiring reasonable suspicion or probable cause.

Relying on the holding of *Terry v. Ohio*, Freeman argues that this incident is an investigatory stop, requiring the police to “point to specific and articulable facts which, taken together with rational inferences from these facts, reasonably warrant that intrusion.” No evidence was produced at the suppression hearing suggesting that Frett, Carr, or Angol possessed probable cause, or even a reasonable suspicion of criminal activity, when they first approached the vehicle in which Freeman was seated. Nor is there testimony that those officers were acting upon a tip or had observed anything unusual in Freeman’s behavior before they went to the vehicle.

Regardless, this encounter did not begin as a *Terry* stop and frisk or as an investigatory stop of a vehicle. Freeman’s vehicle was not moving when the officers approached it, and, despite the testimony of Ms. Hamilton and Mr. Rawlins, credible evidence reveals that movement of the vehicle in which Freeman sat would not have been impeded by other vehicles.³⁰ Freeman was merely seated in an automobile with a door ajar, and there was no testimony that the motor of the vehicle was running. As the U.S. Supreme Court indicated in *United States v. Mendenhall*,³¹ “[N]ot every encounter between a police officer and a citizen is an intrusion requiring an objective justification.”³²

³⁰ Officer Carr indicated Freeman was not blocked in, and neither People’s Exhibit No. 4 nor People’s Exhibit No. 12, the only photographs depicting the area in front of Freeman’s vehicle, show any other vehicle blocking it.

³¹ 446 U.S. 544, 553 (1980).

³² See also, *Terry v. Ohio*, 392 U.S. 1, 34 (1968) (White, J., concurring) (“There is nothing in the Constitution which prevents a policeman from addressing questions to anyone on the streets.”)

This incident occurred in a public area outside a residential housing community where the police were conducting an operation. The police protecting the perimeter of the operation in the Thomasville Housing Community were free to walk in any public space in that area. The People were not required to demonstrate reasonable suspicion or probable cause for the officers Officers Frett, Carr, and Angol to merely approach someone seated in a parked vehicle in a public place and ask questions. Freeman was free to answer the questions or decline to do so, as he chose. At its inception, this was not an encounter between an individual and the police that rose to the level of a seizure under the Fourth Amendment.³³

Once Carr was positioned near the rear driver's side wheel, a place he had every right to be, Carr observed, through a door that was already open upon his arrival, what he believed were bullet holes in the interior of the vehicle. Carr testified he drew this conclusion based upon his training and experience, which including towing vehicles from crime scenes for a five-year period. Based upon that observation, Carr became suspicious that a firearm had been discharged in the interior of the vehicle. That suspicion was heightened when Freeman acted nervously and gave what Carr considered an evasive answer when asked whether there were any illegal weapons or drugs in the vehicle, such that Carr was reasonably justified in requesting Freeman to step outside the vehicle to ensure the safety of the officers. When Freeman turned to place his right foot outside the

³³ *Hiibel v. Sixth Judicial Dist. Court*, 542 U.S. 177, 185 (2004) (no seizure when officers only ask for identification); *United States v. Drayton*, 536 U.S. 194, 200 (2002) (no seizure when officers questions willing individuals in the street or other public places); *Fla. V. Rodriguez*, 469 U.S. 1, 5-6 (no seizure when officers speak with willing individuals in airports).

vehicle in response to that request, Carr observed the butt of a holstered firearm in Freeman's trousers.

Another well recognized exception to the warrant requirement is the plain view doctrine. Under the plain view exception, law enforcement officers are permitted to seize objects whose incriminating character is immediately apparent without a warrant if the officers are lawfully in a position to observe them.³⁴ The plain view doctrine has been extended to also encompass observations made by lawful use of other senses, such as the "plain smell" of marijuana that police recognize based upon their training and experience,³⁵ or the "plain hearing" of incriminating remarks.³⁶

Of course, it is not unlawful, *per se*, to possess a firearm in the Virgin Islands. If the possessor has a license, possession of the weapon is presumably lawful. Therefore, merely learning that someone possesses a firearm does not provide an officer with reasonable suspicion to believe the person is then committing a crime. The information would need to be supplemented with additional facts to draw such a conclusion.³⁷ Nonetheless, plain view observation of a firearm in the waist of Freeman's trousers, coupled with the presence of what appeared to be bullet holes in the vehicle and Freeman's nervous and evasive responses to questions, provided reasonable suspicion allowing Officer Carr to detain Freeman to determine whether Freeman possessed a license to possess the firearm. Carr testified that Freeman refused to respond when asked whether

³⁴ *Abel v. United States*, 362 U.S. (1960); *Horton v. California*, 496 U.S. 128 (1990); *Coolidge*, *supra*.

³⁵ *Johnson v. United States*, 333 U.S. 10 (1948); *Chapman v. United States*, 365 U.S. 610 (1961); *Jones v. United States*, 357 U.S. 493 (1958)

³⁶ *See, for example, United States v. Fisch*, 474 F.2d 1071 (9th Cir. 1973).

³⁷ *See United States v. Ubiles*, 224 F.3d 213, 217 (3rd Cir. 2000) (citing 23 V.I.C. 470).

Freeman possessed a firearm owner's license. While Freeman had the right to remain silent, the refusal to respond created a justification for detaining Freeman until his licensure or lack thereof could be discovered. Once it was determined that Freeman did not possess a license, there was probable cause to arrest Freeman without a warrant. In fact, 14 V.I.C. 2253(a) specifically authorizes a warrantless arrest in those circumstances. Consequently, the motion to suppress will be denied regarding the firearm and holster seized from Freeman's person.

2. There were no exigent circumstances to justify the subsequent warrantless search of the vehicle.

Exigent circumstances sufficient to justify a warrantless search include: (1) the danger that evidence will be destroyed;³⁸ (2) a threat to the safety of the public or law enforcement officers;³⁹ (3) hot pursuit of a suspect;⁴⁰ and (4) the danger a suspect will flee before a warrant can be obtained.⁴¹ On the facts before the Court, none of those exigencies presented themselves to justify the warrantless search of the vehicle in which Freeman had been seated after Freeman was placed in a patrol car.

It is clear that, before the interior of the vehicle was searched, Freeman had been detained and, at a minimum, placed in the back of a police vehicle.⁴² Once Freeman was removed from the area of the vehicle, any exigency that may have previously existed was removed. Nothing in the record suggests that there were any other occupants of

³⁸ *Cupp v. Murphy*, 412 U.S. 291, 294-96 (1973)

³⁹ *Warden v. Hayden*, 387 U.S. 204, 298-99 (1967).

⁴⁰ *Id.*

⁴¹ *Minnesota v. Olson*, 495 U.S. 91, 100 (1990).

⁴² There is testimony in the record that Freeman was not even at the scene when the search of the vehicle interior was conducted, although Carr testified to the contrary.

Freeman's vehicle. Thus, there was no danger that evidence would be destroyed. Once Freeman was detained, the police were clearly not in hot pursuit of anyone. They merely had to station someone at the vehicle, whose keys were present⁴³, and obtain a warrant for the vehicle search. Similarly, once Freeman was detained, no threat to the safety of the public or law enforcement officers existed, and there was no danger that a suspect would flee before a warrant could be obtained.

After the sole occupant had been taken into custody, the vehicle was no longer mobile, and the search, if valid at all, must be justified on grounds other than the automobile exception or exigent circumstances.⁴⁴ The vehicle could have been secured *in situ* by the other officers for the relatively brief period of time it would have taken to apply for and obtain a search warrant for the vehicle. Rather than choosing this course of conduct, the police instead searched the vehicle shortly after the Defendant was detained. Under the circumstances, the search was not justified under the exigent circumstances or automobile exceptions.

Apparently recognizing this problem, the People attempt to justify the search as an inventory search. After lawfully taking custody of property, police may conduct a warrantless search of that property if the owner's diminished expectation of privacy is outweighed by the government's interest in satisfying one of three purposes: (1) protecting the owner's property while it is in police custody; (2) protecting the police

⁴³ There was no evidence presented at the hearing regarding how the Forensic Unit came to be in possession of the keys to the vehicle, but the unrebutted testimony of Ms. Hamilton was that a Forensic officer gave her the keys after the vehicle was processed.

⁴⁴ Compare *Preston v. United States*, 376 U.S. 364 (1964), with *Cooper v. California*, 386 U.S. 58 (1967).

against claims of lost or stolen property; or (3) protecting the police from potential danger.⁴⁵ Because the justification for the search is the production of an inventory of the vehicle's contents, police may not conduct an inventory search in bad faith or solely for investigative purposes.⁴⁶ Inventory searches are valid only if conducted according to standardized criteria and procedures.⁴⁷

Here, the People presented evidence that the lot at which inventory searches were ordinarily conducted was full with vehicles from a homicide investigation. That would present a valid basis for conducting an inventory search on the scene rather than at the usual lot. But, none of the three valid purposes of an inventory search is present here because, after conducting a thorough search and seizing evidence, the police did not take the vehicle into custody. Had the police taken the vehicle into custody, the Court's ruling would have been different. That eventuality notwithstanding, the evidence is un rebutted that, after the search was performed, the police turned the vehicle and its keys over to Ms. Hamilton, who thereafter removed the vehicle from the scene. Because the vehicle was relinquished to Hamilton, the search could not be justified as protecting the owner's property while it is in police custody. Similarly, searching the vehicle, seizing items from it, and turning the vehicle over to someone else afforded the police no protection against claims of lost or stolen property. And, as has been discussed, the search did nothing to protect the police from potential danger, since no one else had access to the

⁴⁵ *Colorado v. Bertine*, 479 U.S. 367, 372 (1987); *Illinois v. Lafayette*, 462 U.S. 640, 646 (1983); *South Dakota v. Opperman*, 428 U.S. 364, 369 (1976).

⁴⁶ *Florida v. Wells*, 495 U.S. 1, 4 (1990) (“[A]n inventory search must not be a ruse for a general rummaging in order to discover incriminating evidence.”)

⁴⁷ *Id.*

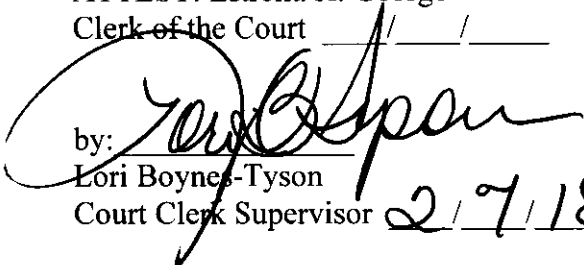
vehicle's contents. Consequently, the warrantless search of the interior of the vehicle was invalid, and the magazines, radio scanner, and marijuana seized from within the vehicle must be suppressed.

CONCLUSION

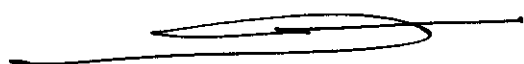
Because Officer Carr observed the firearm in Freeman's waist from a place where Carr had every right to be, the plain view doctrine permits the seizure of the firearm and the detention of Freeman until his authority to possess a firearm could be determined. But, because no exigency or other exception existed to justify the subsequent search of the vehicle, the items seized from its interior must be suppressed and may not be used in evidence. Thus, the Court concludes that the Defendants' Motion to Suppress must be granted in part and denied in part. An appropriate Order will issue herewith.

Dated: February 7, 2018.

ATTEST: Estrella H. George
Clerk of the Court

by: 
Lori Boyne-Tyson
Court Clerk Supervisor

2/7/18


HON. MICHAEL C. DUNSTON
JUDGE OF THE SUPERIOR COURT
OF THE VIRGIN ISLANDS