

SEARCH AND SEIZURE COMMUNITY CORRECTIONS SEARCH

On June 11, 2014, the Indiana Court of Appeals issued a decision in *State v. Vanderkolk*, 10 N.E.3d 585 (Ind. Ct. App. 2014), affirming the trial court's granting of the defendant's motion to suppress the evidence.

Community corrections officers conducted a search of an offender's residence and found drug evidence in the bedroom of the defendant, the offender's roommate. The trial court granted the defendant's motion to suppress the evidence. The Court of Appeals affirmed the trial court's ruling holding that reasonable suspicion must support a warrantless search of a probationer or community corrections participant despite a waiver of those rights.

PUBLIC INTOXICATION

On June 27, 2014, the Indiana Supreme Court issued a decision in *Thang v. State*, 10 N.E.3d 1256 (Ind. 2014), REVERSING the Indiana Court of Appeals and affirming the defendant's conviction for public intoxication.

While on duty, an officer stopped at a gas station to use the restroom. When he was finished he noticed a car that wasn't there when he arrived. He also noticed a customer inside. After speaking with the customer, the cashier immediately notified the officer that the customer might be intoxicated. The officer approached the customer and noticed the classic signs of intoxication. The customer provided identification and the officer determined that the car was registered to him. The customer also had the keys to the car. The officer arrested the customer and he was later charged with public intoxication.

The Court of Appeals reversed the conviction holding there was insufficient evidence to prove the defendant endangered himself or others. The Indiana Supreme Court affirmed the conviction for public intoxication. The Court held that the evidence established the sudden presence of the defendant and his vehicle at a gas station, his intoxication, his possession of the car keys and the absence of any other person. From these facts, it is a reasonable inference that the defendant had arrived at the gas station by driving his car on the public streets while intoxicated, thereby endangering his or another person's life. The fact finder may consider both the evidence AND the resulting reasonable inferences when deciding whether a defendant endangered himself or others under the public intoxication statute.