

State v. Saitta

Case Number

S-19-0697

Case Audio

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Call Date

April 30, 2020

Case Time

9:00 AM

Court Number

Douglas

Case Location

Lincoln

Court Type

District Court

Case Summary

S-19-0697 State of Nebraska v. Richard Saitta (Appellant)

Douglas County District Court, Judge J. Russell Derr

Attorneys: Jordan Osborne (Office of the Attorney General, for Appellee); Mary M. Dvorak (Douglas County Public Defender's Office, for Appellant)

Criminal: Probable cause; Search warrant

Proceedings Below: Following a suppression hearing on January 3, 2019, the trial court found Appellant was initially involved in a consensual tier-one encounter with law enforcement, that law enforcement then lawfully detained Appellant for purposes of an investigatory detention, and that probable cause for a search warrant existed. The trial court further found the existence of probable cause provided a valid exception to the search warrant requirement, such that the search was lawful, and thereafter denied Appellant's motion to suppress. Following a bench trial by stipulated facts, Appellant was convicted of possession of a controlled substance, a class IV felony. Appellant was sentenced to a term of probation for one year.

Issues: Whether the trial court committed reversible error when it found 1) reasonable and articulable suspicion of criminal activity existed to support Appellant's detention; 2) probable cause existed to search Appellant's glove; and 3) probable cause to conduct a search provides a valid exception to the Fourth Amendment's warrant requirement.

Schedule Code

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