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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

STATE OF ARIZONA, *Appellee*,

v.

PATRICK MICHAEL REA, *Appellant*.

No. 1 CA-CR 16-0698
FILED 10-24-2017

Appeal from the Superior Court in Mohave County
No. S8015CR201401502
The Honorable Steven F. Conn, Judge (Retired)

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Joseph T. Maziarz
Counsel for Appellee

Mohave County Legal Advocate, Kingman
By Jill L. Evans
Counsel for Appellant

MEMORANDUM DECISION

Judge Margaret H. Downie delivered the decision of the Court, in which
Presiding Judge Michael J. Brown and Judge Jennifer B. Campbell joined.

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D O W N I E, Judge:

¶1 Patrick Michael Rea appeals his convictions and sentences for one count of possession of dangerous drugs for sale, one count of transportation of dangerous drugs for sale, two counts of possession of drug paraphernalia, two counts of misconduct involving weapons, and one count of possession of marijuana. For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

¶2 On November 12, 2014, D.G. advised Lake Havasu City Police Detective Chris Sautner that Rea had “recently come into possession of a large quantity of methamphetamine . . . and an illegal firearm . . . and was looking to sell those items.” D.G. related that he and Rea used drugs when they were younger and that Rea had begun using methamphetamine again. D.G. told Detective Sautner he was not looking for compensation for providing the information and stated he would testify if needed – an uncommon offer among police informants. D.G. also provided information without the condition of anonymity, which Detective Sautner testified was unusual.

¶3 D.G. initially told Detective Sautner that Rea would be driving a red truck to meet him at his workplace with the methamphetamine and gun, but later contacted the detective and said Rea would be driving a motorcycle instead. D.G. described the motorcycle as blue and white and said Rea would be carrying a “black or green . . . colored backpack with him.” Detective Sautner set up surveillance at Rea’s residence and identified both the motorcycle and red truck. Detective Sautner had an officer conduct a traffic stop of Rea. During that stop, there was no probable cause for a search, and Rea denied consent, so Rea was cited for a suspended license plate and released.

¶4 Rea returned home, and D.G. told Detective Sautner that he was still planning to meet him at his workplace but that he would now be driving the red truck. Detective Sautner saw Rea leaving his residence again, wearing “pretty much the same articles of clothing and the backpack” and driving the red truck. Officers followed Rea to D.G.’s workplace. D.G. called Detective Sautner prior to Rea’s arrival and said that Rea had told him that he had the methamphetamine and gun with him. Detective Sautner instructed D.G. to attempt to visually confirm Rea’s possession of those items. D.G. walked up to Rea’s truck, appeared to have a casual conversation, and then contacted Detective Sautner and said he had seen the methamphetamine and gun.

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¶5 When Rea left D.G.'s workplace, officers conducted a second traffic stop. Sergeant Frank Hayden approached the truck, noticing "an odor of burnt marijuana" and observing a glass marijuana pipe in the center console near Rea's elbow. Another officer on the scene also noted the smell of marijuana when he approached the passenger side of the truck. Rea's truck was moved to a nearby lot and searched, revealing a backpack containing the methamphetamine and gun D.G. had described. The search also uncovered the marijuana pipe in the center console, several firearms in the truck bed, and marijuana in a toolbox.

¶6 Rea moved to suppress all evidence obtained during the warrantless search of his truck. After a two-day evidentiary hearing, the superior court ruled that police officers were in possession of information giving them "probable cause to believe that [Rea] was in possession of methamphetamine and an illegal weapon," which justified the search of the truck.

¶7 Trial proceeded, and the jury found Rea guilty of the charged offenses. Rea timely appealed. We have jurisdiction pursuant to Arizona Revised Statutes sections 12-120.21(A)(1), 13-4031, and -4033(A)(1).

DISCUSSION

¶8 Rea argues the superior court erred by denying his motion to suppress. We review the denial of a suppression motion for an abuse of discretion. *State v. Sharp*, 193 Ariz. 414, 419, ¶ 12 (1999). We view the evidence in the light most favorable to affirming the superior court's ruling, *State v. Estrada*, 209 Ariz. 287, 288, ¶ 2 (App. 2004), but we apply the law to the facts *de novo* in determining the existence of probable cause, *State v. Aleman*, 210 Ariz. 232, 238, ¶ 15 (App. 2005).

¶9 The superior court ruled that D.G.'s information "provided the police with probable cause to believe that the defendant was in possession of methamphetamine and an illegal weapon, and did provide probable cause for them to stop the vehicle and to search the vehicle." We agree.

¶10 A citizen informant's tip to police is presumed reliable and can provide the reasonable suspicion necessary to conduct a traffic stop and the probable cause necessary for a warrantless search. *See State v. Canales*, 222 Ariz. 493, 496-97, ¶¶ 13-14 (App. 2009) (identifiable informants are far more reliable than anonymous sources and may provide reasonable suspicion for a stop); *Illinois v. Gates*, 462 U.S. 213, 241-42 (1983) (probable cause justifying warrantless search exists when informant's tip is

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corroborated by independent police work); *State v. Diffenderfer*, 120 Ariz. 404, 406 (App. 1978) (upholding search warrant based on information volunteered by a private citizen).

¶11 Officers corroborated much of the information D.G. provided to “reduce the chances of a reckless or prevaricating tale.” *State v. Altieri*, 191 Ariz. 1, 3, ¶ 11 (1997). The vehicles D.G. described were parked at Rea’s residence. Rea left the house when D.G. said he would do so and with the property D.G. had described, proceeding to the destination D.G. had disclosed. D.G.’s information related to “future actions of third parties ordinarily not easily predicted” and not merely “easily obtained facts and conditions existing at the time of the tip.” *Id.*

¶12 Because the superior court properly determined that D.G.’s information supplied officers with probable cause to search Rea’s vehicle, we need not address the court’s alternative bases for denying the suppression motion. *See State v. Roseberry*, 237 Ariz. 507, 508, ¶ 7 (2015) (“We will affirm a trial court’s decision if it is legally correct for any reason.”). And the record simply does not support Rea’s contention that D.G., acting as a state agent, conducted a search of his vehicle.

CONCLUSION

¶13 For the foregoing reasons, we affirm Rea’s convictions and sentences.



AMY M. WOOD • Clerk of the Court
FILED: AA