



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. ROBIN PEOPLES
CR-15-0301-PR**

PARTIES:

Petitioner: Robin Peoples (“Peoples”)

Respondent: State of Arizona (“the State”)

FACTS:

Factual Background. This petition arises out of Peoples’ arrest on one count of necrophilia and two counts of sexual assault involving D.C., with whom Peoples had a romantic relationship. The State alleges that while staying overnight in D.C.’s apartment, Peoples had sex with her shortly after she died of natural causes. The State’s principal evidence against him is a video from Peoples’ cell phone depicting him having sex with her. The police found the phone in the bathroom of D.C.’s apartment. Peoples left the phone there when he was unable to revive D.C. and he ran out of the apartment to help fire department paramedics locate her apartment.

The trial court suppressed the video, ruling that Peoples had a reasonable expectation of privacy in his cell phone and no exigent circumstance existed to justify a warrantless search of the phone. The court then granted the State’s motion to dismiss, permitting the State to appeal the ruling to the Court of Appeals.

The Court of Appeals’ Opinion. The Court of Appeals reversed. It noted that “a person claiming a Fourth Amendment violation first must demonstrate a ‘legitimate expectation of privacy in the invaded place.’” (Quoting *Rakas v. Illinois*, 439 U.S. 128, 143 (1978).) The court acknowledged that the U.S. Supreme Court held in *Minnesota v. Olson* that “[a]n overnight guest has an expectation of privacy in the home and has protection against warrantless searches.” (Quoting *Olson*, 525 U.S. 83, 89-90 (1990).) Nonetheless, the court indicated that to the extent the trial court based its ruling on a finding that Peoples had an expectation of privacy in D.C.’s apartment, it disagreed with that finding.

It explained that “[a]n overnight guest’s expectation of privacy is, by its very nature, temporary.” It noted that federal case authority recognized that while a person has an expectation of privacy in a hotel room, that expectation “ceases to exist” once the rental period terminates. Once that occurs, it continued, hotel personnel are free to enter the room and remove any belongings left behind. From that, it reasoned, Peoples’ “voluntary departure” from D.C.’s apartment to seek out the paramedics and later to visit a neighbor “signaled the end of his visit and any corresponding expectation of privacy.”

The court acknowledged that in *Olson*, the guest had temporarily left the house before returning to hide from police, but it explained that, in that case, “[n]othing in the record suggested the defendant’s status as an overnight guest had ended.” Here, in contrast: (a) Peoples left the

apartment “on his own accord, not because the officers had ordered him to leave”; (b) at the time, there was not “any focus on Peoples as a suspect”; (c) Peoples never went back inside D.C.’s apartment after visiting his neighbor; (d) with the exception of his cell phone, Peoples “apparently did not leave any other personal belongings in [the] apartment that could have suggested that his overnight status was to continue”; and (e) “because D.C. was dead, Peoples never again would be an overnight guest in her apartment.”

Based on these factors, the court concluded that “Peoples’ status as an overnight guest the night before did not establish he had an expectation of privacy in D.C.’s apartment the following day—his status had terminated upon his voluntary departure.” As such, the court ruled, the trial court erred in concluding that Peoples had a reasonable expectation of privacy in D.C.’s apartment.

The court then turned to whether Peoples had a reasonable expectation of privacy in the cell phone that was independent of any privacy expectation in the apartment. It ruled that the trial court erred in finding such expectation, contending that it “misconstrued the scope and applicability of” *Riley v. California*, ___ U.S. ___, 134 S. Ct. 2473 (2014). It explained that *Riley*’s holding was partly premised “on the idea that people typically keep their cellular telephones in their immediate possession.” Here, in contrast, “Peoples left D.C.’s apartment while numerous other individuals were present, including police officers, leaving his cellular telephone behind, in the bathroom.” Additionally, the police “believed the telephone belonged to D.C.” and “there was nothing, at that point, to connect the phone to Peoples.” As such, the court held that “under these circumstances,” “*Riley* does not support the trial court’s conclusion that Peoples had a per se expectation of privacy in his cellular phone.”

“In sum,” the court concluded, “the trial court erred by finding Peoples had a legitimate expectation of privacy in D.C.’s apartment based on his status as an overnight guest and an independent expectation of privacy in the contents of his cellular telephone based on *Riley*.” As such, the court held that the trial court abused its discretion by granting Peoples’ suppression motion.

ISSUE:

Petitioner is asking the Arizona Supreme Court to address the following issue: “Do overnight guests lose their reasonable expectation of privacy merely by stepping outside to direct first responders to a person in medical crisis and then staying out of the way of paramedics?”

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