



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. CHRISTIAN ADAIR
CR-15-0337-PR**

PARTIES:

Petitioner: Christian Adair

Respondent: State of Arizona

FACTS:

In May of 2012, Adair was on supervised probation for two felony convictions for solicitation to possess crack cocaine for sale. The conditions of probation agreed to by Adair and imposed by the court included provisions under which he agreed to “submit to search and seizure of person and property” by the probation department without a search warrant and to provide the probation department “safe, unrestricted access to” his residence.

In December of 2012, an informant told police that Adair was on probation for selling drugs to an undercover officer and he thought Adair was still selling crack cocaine. The informant did not want to be named in the police report but gave the police his name and address. The informant continued to contact police and told police that he thought Adair was taking his young child along on the narcotic sales. Police set up surveillance on Adair’s apartment but observed nothing.

In March of 2013, the police relayed the information to the probation department. The probation department decided to conduct a warrantless search of Adair’s residence pursuant to the conditions of his probation. The probation department contacted police to accompany the probation officers on the search. Adair was home when the officers conducted the search. The officers seized various contraband, including crack cocaine, scales, packaging, \$450 in cash, a gun, and ammunition.

Adair was charged with felony possession of narcotic drugs for sale, possession of drug paraphernalia, and misconduct involving weapons. The probation officer also filed a petition to revoke his probation. Adair moved to suppress the items seized in the search, arguing that it was a warrantless police search, not a search by probation officers under the probation conditions. The trial court rejected the argument that it was an improper police search.

Adair filed a motion for reconsideration, arguing that the evidence should be suppressed because the probation officers lacked “reasonable suspicion” for the search. The trial court reconsidered and granted the motion to suppress. It found “[a] probation search must be supported by a reasonable suspicion, or a reasonable basis, or reasonable grounds to believe that the probationer has violated the terms of his probation or is engaging in criminal activity.” The trial court concluded that the search did not have a sufficient legal basis, citing cases including *United*

States v. Knights, 534 U.S. 112 (2001), and *State v. Walker*, 215 Ariz. 91 (App. 2007). The trial court granted the State's motion to dismiss without prejudice. The State appealed the trial court's order granting the motion to suppress, arguing that the warrantless search was reasonable under the totality of the circumstances.

The court of appeals vacated the trial court's order, finding that the Fourth Amendment only required the search of a probationer's home be reasonable under the totality of the circumstances. The higher standard of reasonable suspicion of criminal activity is not required. The court of appeals remanded the matter for determination of whether the search was reasonable under the proper standard.

ISSUE:

Did the Court of Appeals err when the court held no quantum of individualized suspicion is necessary to justify the search of a probationer's home?

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum, or other pleading filed in this case.