MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Christopher Meadows,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

September 22, 2023

Court of Appeals Case No. 23A-CR-974

Appeal from the Decatur Superior Court

The Honorable Matthew D. Bailey, Judge

Trial Court Cause No. 16D01-2202-CM-181

Memorandum Decision by Judge Riley.
Judges Bradford and Weissmann concur.

Riley, Judge.

STATEMENT OF THE CASE

[1] Appellant-Defendant, Christopher Meadows (Meadows), appeals his conviction for operating a vehicle while intoxicated, a Class A misdemeanor, Ind. Code § 9-30-5-2(a), (b).

[2] We affirm.

ISSUE

[3] Meadows presents this court with one issue, which we restate as: Whether the trial court abused its discretion in admitting evidence garnered from a search warrant affidavit that contained an inaccurate statement.

FACTS AND PROCEDURAL HISTORY

[4] On February 17, 2022, a homeowner in rural Decatur County reported an attempted break-in by two men. A description of the suspects' vehicle, a white SUV with a cargo rack on the back, was broadcast, and Deputy Logan Wilder (Deputy Wilder) of the Decatur County Sheriff's Department drove toward the reported direction of the SUV's travel. Shortly thereafter, at 500 South 450 West, Deputy Wilder encountered an SUV fitting the description that had been broadcast. The SUV was pulled to the side of the road and was stuck in the mud.

[5] When Deputy Wilder came upon the SUV, Meadows was sitting in the driver's seat. Because of the windy and snowy weather, Deputy Wilder was initially unable to discern whether the SUV's engine was running. At first, Deputy

Wilder did not approach the vehicle, but rather yelled from a distance and ordered Meadows to exit the vehicle. Meadows rolled down the driver's side window to yell back to the deputy and eventually complied with his order to exit. Meadows pulled himself from the SUV, appeared unsteady on his feet, slurred his speech while speaking, and emanated an odor of alcoholic beverage.

[6] Deputy Wilder provided Meadows with his *Miranda* advisements and questioned him about the attempted break-in and his alcohol consumption. Meadows said he had consumed two beers and denied drinking any alcohol while sitting at the side of the road. At that point, Deputy Allyson Sullivan (Deputy Sullivan) arrived at the scene to assist. Due to the foul weather, the deputies transported Meadows to the Decatur County Sherrif's Department for further investigation. At the Sherrif's Department, Meadows staggered as he walked around the holding room. Meadows would not comply with field sobriety tests. After being advised of Indiana's informed consent statute, Meadows refused to submit to a chemical test, whereupon the deputies decided to apply for a search warrant to draw Meadows' blood.

[7] Deputy Sullivan completed the search warrant application and the accompanying affidavit in support. The search warrant affidavit was a form which Deputy Sullivan completed in relevant part by checking a box and averring that "[Deputy] Wilder observed the accused operate a vehicle." (Appellant's App. Vol. II, p. 15). Deputy Sullivan also checked off boxes indicating the indicia of Meadows' intoxication that she and Deputy Wilder had observed. The search warrant was granted, and Meadows was transported

to a local hospital for a blood draw. Subsequent testing revealed that Meadows had a blood alcohol concentration of .193.

[8] On February 18, 2022, the State filed an Information, charging Meadows with Class A misdemeanor operating a vehicle while intoxicated. On May 28, 2022, Meadows filed a motion to suppress the evidence based on his claim that Deputy Sullivan had inaccurately claimed in the search warrant affidavit for the blood draw that Deputy Wilder had personally observed Meadows operate the SUV. On June 28, 2022, the trial court held a hearing on Meadows' suppression motion at which no evidence was received. On June 30, 2022, the trial court issued its order denying Meadows' motion and finding that the inaccuracy regarding Deputy Wilder's observation of Meadows operating the vehicle

> was clearly information relayed to [Deputy] Sullivan by [Deputy] Wilder after [Deputy] Sullivan arrived at the scene. This appears to simply be a miscommunication between the two officers, and there is no evidence of anything other than an innocent mistake having been made. There is no evidence that this statement was made with a reckless disregard for the truth.

(Appellant's App. Vol. II, p. 27).

[9] On March 9, 2023, the trial court convened Meadows' bench trial. Meadows timely objected at trial to the admission of evidence procured from the blood draw, and he incorporated his motion to suppress arguments into the trial record. Meadows made an offer of proof at trial, during which Deputy Sullivan testified that, before submitting the search warrant application, she did not

double check with Deputy Wilder that all the statements contained in the affidavit were accurate. During the offer of proof, in response to the State's questioning, Deputy Sullivan related that she had averred in the search warrant affidavit that Deputy Wilder had observed Meadows operate a vehicle because Deputy Wilder had informed her at the scene that Meadows was in the driver's seat and that Meadows had used the power window function of the SUV to unroll his window to speak to Deputy Wilder. When Deputy Sullivan filled out the search warrant affidavit, her "thought process was, he operated the vehicle" because "[t[he keys are in the ignition. The vehicle is in some type of on mode." (Transcript p. 33). The trial court overruled Meadows' objection, and the toxicology report results were admitted into evidence.

[10] At the conclusion of the evidence, the trial court found Meadows guilty as charged. On April 25, 2023, the trial court held Meadows' sentencing hearing. The trial court sentenced Meadows to 365 days, with all but five days suspended to probation.

[11] Meadows now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

I. *Standard of Review*

[12] Meadows challenges the admission of evidence procured from his blood draw. We review the trial court's evidentiary rulings for an abuse of discretion, which only occurs when the court's decision is clearly against the logic and effect of the facts and circumstances before it. *Phillips v. State*, 174 N.E.3d 635, 641 (Ind.

Ct. App. 2021). When a defendant's challenge to the admission of evidence rests on the court's ultimate determination of probable cause and other constitutional claims, we employ a de novo standard but afford significant deference to the trial court's decision. *Id*. (citing *State v. Spillers*, 847 N.E.2d 949, 953 (Ind. 2006)).

II. *Probable Cause Supporting the Search Warrant*

[13] Meadows claims that the trial court abused its discretion in admitting the challenged evidence because Deputy Sullivan inaccurately stated in her search warrant affidavit that Deputy Wilder had observed Meadows operate the SUV, fatally undermining the probable cause necessary to issue the search warrant. Both the Fourth Amendment and Article 1, Section 11 require that a search warrant be supported by probable cause. *Darring v. State*, 101 N.E.3d 263, 268 (Ind. Ct. App. 2018). In *Franks v. Delaware*, 438 U.S. 154, 171-72, 98 S.Ct. 2674, 2684-85, 57 L.Ed.2d 667 (1978), the United States Supreme Court held that when a warrant is supported in part by perjured statements or statements made with reckless disregard of the truth, the warrant will be invalid if the remainder of the supporting affidavit does not contain a sufficient basis for probable cause. *Jones v. State*, 783 N.E.2d 1132, 1136 (Ind. 2003). We will presume that the search warrant judge's determination of probable cause is valid. *Franks*, 438 U.S. at 171; *Watts v. State*, 412 N.E.2d 90, 95 (Ind. 1980).

[14] However, if a defendant establishes by a preponderance of the evidence perjury or reckless disregard for the truth and the remainder of the facts in the search warrant affidavit is insufficient to establish probable cause, the search warrant

will be voided, and any evidence obtained from the search warrant will be excluded. *Jones*, 783 N.E.2d at 1136; *Keeylen v. State*, 14 N.E.3d 865, 872 (Ind. Ct. App. 2014), *trans. denied*. Mere mistakes or inaccuracies of fact stated in a search warrant affidavit will not conclusively undermine its reliability so long as the mistakes were innocently made. *Mercado v. State*, 200 N.E.3d 463, 473 (Ind. Ct. App. 2022) (citing *Utley v. State*, 589 N.E.2d 232, 236-37 (Ind. 1992)), *trans. denied*. While *Franks* did not define what constitutes "reckless disregard for the truth," Seventh Circuit jurisprudence has refined the concept to mean that a defendant must prove that the affiant "entertained serious doubts as to the truth of his allegations." *U.S. v. Whitley*, 249 F.3d 614, 621 (Cir. 7th 2001).

[15] Meadows' specific claim on appeal is that Deputy Sullivan did not have Deputy Wilder check the accuracy of the statements contained in her search warrant affidavit before submitting them to the search warrant judge, which Meadows argues constituted reckless disregard for the truth. This argument is premised on Meadows' implication that Deputy Sullivan's statement was inaccurate because the judge issuing the search warrant could only have understood from the affidavit that Deputy Sullivan meant that Deputy Wilder had observed Meadows actually driving the SUV, which the State conceded below would have been inaccurate. However, Indiana Code section 9-13-2-117.5 provides that to "operate" means "to navigate *or otherwise be in actual physical control* of a vehicle[.]" (Emphasis added). We presume that a judge is aware of and knows the law. *Crider v. State*, 984 N.E.2d 618, 624 (Ind. 2013). Therefore, contrary to Meadows' contention on appeal, the judge did not necessarily understand from

Deputy Sullivan's affidavit that Deputy Wilder had observed Meadows actually driving the SUV, and given the faulty underpinning of Meadows' argument, it is not persuasive.

[16] Meadows does not address Indiana Code section 9-13-2-117.5, nor does he provide us with any legal authority holding that the failure to have an affidavit fact checked prior to submission, standing alone, constitutes reckless disregard for the truth pursuant to *Franks*. We have been unable to locate any such authority. In addition, Meadows points to no other facts or circumstances in the record demonstrating that Deputy Sullivan's statement or her failure to have Deputy Wilder fact check her affidavit were not "innocent" for purposes of a *Franks* analysis or that she entertained "serious doubts" about the veracity of her statement. *Mercado*, 200 N.E.3d at 473*; Whitley*, 249 F.3d at 621. Therefore, Meadows has not demonstrated that Deputy Sullivan acted with reckless disregard for the truth or that the challenged statement in the affidavit improperly impacted the search warrant judge's probable cause determination. *See Utley*, 589 N.E.2d 232, 236-37 (observing that the party asserting that a mistake in a search warrant affidavit was not innocent must make a "substantial showing" that the disputed facts were included in reckless disregard for the truth).

[17] In arguing otherwise, Meadows relies on *Stephenson v. State*, 796 N.E.2d 811, 815 (Ind. Ct. App. 2003), *trans. denied*, in which an officer stated in a search warrant affidavit that he had "personal knowledge" that an informant purchased methamphetamine from Stephenson in Stephenson's home, and the

wording of the affidavit implied that the officer was actually physically present during what was essentially a controlled buy from Stephenson. At the ensuing suppression hearing, the officer's testimony demonstrated that, not only was the officer not present when the informant purportedly bought the methamphetamine from Stephenson, but also that the officer had neglected to inform the magistrate in his affidavit that the informant had changed his story about why he had gone to Stephenson's home and that the informant had an angry grudge against Stephenson. *Id*. at 816. This court reversed the trial court's denial of Stephenson's suppression motion, finding that the officer's testimony at the suppression hearing "clearly evinces a reckless disregard for the truth of the facts stated in the affidavit." *Id*. at 816-17.

[18] *Stephenson* is factually distinguishable because, here, Deputy Sullivan made no globally false statement such as the *Stephenson* officer's statement of personal knowledge and because there are no omissions of material facts otherwise showing any reckless disregard for the truth on Deputy Sullivan's part. We conclude that Meadows has failed to overcome the presumption of the validity of the probable cause determination, and, accordingly, we find no abuse of discretion in the trial court's admission of the challenged evidence.[1] *Watts*, 412 N.E.2d at 95; *Phillips*, 174 N.E.3d at 641.

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[1] Given our conclusion, we do not address Meadows' contention that, excluding Deputy Sullivan's statement that Deputy Wilder observed him operate the SUV, the search warrant affidavit failed to establish probable cause. *See State v. Allen*, 187 N.E.3d 221, 223 n.3 (Ind. Ct. App. 2022) (declining to address whether probable cause would have existed had the search warrant judge considered certain omitted statements, where Allen

CONCLUSION

[19] Based on the foregoing, we hold that the trial court did not abuse its discretion in admitting evidence garnered from a search warrant affidavit that was not submitted in reckless disregard for the truth.

[20] Affirmed.

[21] Bradford, J. and Weissmann, J. concur

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failed to meet her burden of showing the affiant officer's intention to deceive, relying on *Ware*, 859 N.E.2d at 719), *trans. denied*.