

NMDPS - SEARCH: GARBAGE - MOTEL DUMPSTER

In Clovis, New Mexico, a strong chemical odor emanates from a motel room. A person from the same room puts two sealed dark bags in a dumpster. Officers open the bags and find meth making materials. Upon getting a warrant, more meth is found in the room.

Defendant, arguing that a motel room guest has an expectation of privacy in this type of situation, wants the evidence suppressed.

Under federal law, garbage isn't protected. Not so New Mexico, with its strong preference for warrants and a tradition supporting privacy. And Defendant expected privacy: garbage wasn't left in the room for housekeeping but placed in a dumpster in a sealed bag.

It may have been a shared dumpster, but that doesn't lessen the expectation of privacy in the contents of a sealed dark bag. The expectation of privacy exists whether a person is staying in a private mansion or a motel room in Clovis, New Mexico.

Supreme Court noted garbage can expose a person's most private traits and intimate affairs. It can show political preferences, romantic or other relationships, and personal habits. Letters can reveal one's health, finances, and other things a person wants to keep private. Evidence suppressed. State v. Crane (2014).

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