

JAN - 3 2001

JAMES W. PATTERSON  
CLERK

**IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA**

THE STATE OF OKLAHOMA )  
 )  
 Appellant, )  
 v. )  
 )  
 JESUS CASTILLO )  
 Appellee. )

Case No. SR-2000-339

**SUMMARY OPINION**

**CHAPEL, JUDGE:**

Jesus Castillo was charged with Trafficking in Marijuana in violation of 63 O.S.Supp.1997, 2-415(C, 1-A) (Count I); Conspiracy to Commit a Felony (Trafficking Marijuana) in violation of 63 O.S.1991, 2-408 (Count II); Failure to have a Drug Tax Stamp in violation of 68 O.S.Supp.1997, 450.8 (Count III); Possession of Drug Proceeds in violation of 63 O.S.Supp.1998, 2-503.1 (Count IV); and Maintaining a Vehicle to Transport CDS (Marijuana) in violation of 63 O.S.Supp.1997, 2-404(A)(6) (Count V), in the District Court of Texas County, Case No. CF-99-300. He was bound over at preliminary hearing and the matter was set for trial. Prior to arraignment the Honorable Greg A. Zigler granted Castillo's motion to suppress the evidence, and dismissed the case on the subsequent motion to quash for insufficient evidence. The State appeals this dismissal.<sup>1</sup>

The State raises four propositions of error in support of its appeal:

- I. The district court erred by ruling that *Phipps v. State*, 1992 OK CR 32, 841 P.2d 591 is controlling in this case, requiring suppression and dismissal;
- II. The district court failed to address the issue of standing;
- III. The district court erred in finding the officer was not in hot pursuit;
- IV. The holding in *Phipps* violates the intent of the legislature to provide for adequate police protection and should be either overruled or expanded to precisely explain what authority an officer has who is acting under the hot pursuit doctrine.

After thoroughly considering the entire record before us on appeal, including the original record, transcripts, and briefs of the parties, we find that neither reversal nor modification is required under the law and evidence. We find in Propositions I and IV that the trial court did not abuse its discretion in following the controlling case, *Phipps v. State*.<sup>2</sup> *Phipps*, which holds that law enforcement officers may not act outside their jurisdiction absent an invitation from another agency or hot pursuit, provides a bright-line rule for the guidance of law enforcement agencies. The holding in *Phipps* does not prevent an officer outside his jurisdiction from briefly detaining a suspect and conducting an investigation based on reasonable suspicion. We find in Proposition II that the trial court did not abuse its discretion in implicitly ruling that Castillo had standing to contest the vehicle search.<sup>3</sup> We find in Proposition III that the trial court did not abuse its discretion in ruling that the officer's hot pursuit of the

---

<sup>1</sup> 22 O.S.1991, § 1053(4). Castillo's co-defendant Armando Soto was charged in Case No. CF-99-302, and the cases were consolidated for preliminary hearing and motions.

<sup>2</sup> 1992 OK CR 32, 841 P.2d 591.

<sup>3</sup> *California v. Ciraolo*, 476 U.S. 207, 211, 106 S.Ct. 1809, 1811-12, 90 L.Ed.2d 210 (1986); *Rakas v. Illinois*, 439 U.S. 128, 130-31 n. 1, 99 S.Ct. 421, 423-24 n. 1, 58 L.Ed.2d 387 (1978).

suspects ended with the traffic stop, and there was no hot pursuit to justify the further investigation into drug trafficking.<sup>4</sup>

**Decision**

The decision of the district court dismissing the case is **AFFIRMED**.

**ATTORNEYS AT TRIAL**

CRAIG RITTENHOUSE  
P.O. BOX 37  
104 N.E. 4<sup>TH</sup> STREET  
GUYMON, OKLAHOMA 73942  
ATTORNEY FOR DEFENDANT

ERIC YARBOROUGH  
ASSISTANT DISTRICT ATTORNEY  
319 E. MAIN ST.  
GUYMON, OKLAHOMA 73942  
ATTORNEY FOR STATE

**ATTORNEYS ON APPEAL**

CRAIG RITTENHOUSE  
P.O. BOX 37  
104 N.E. 4<sup>TH</sup> STREET  
GUYMON, OKLAHOMA 73942  
ATTORNEY FOR APPELLEE

ERIC YARBOROUGH  
ASSISTANT DISTRICT ATTORNEY  
319 E. MAIN ST.  
GUYMON, OKLAHOMA 73942  
ATTORNEY FOR APPELLANT

**OPINION BY: CHAPEL, J.**

STRUBHAR, P.J.:	CONCUR
LUMPKIN, V.P.J.:	CONCUR IN RESULTS
JOHNSON, J.:	CONCUR
LILE, J.:	DISSENT

---

<sup>4</sup> *Phipps*, 841 P.2d at 593. See also cases requiring reasonable suspicion for further investigative detention, e.g. *Brown v. State*, 198 OK CR 77, 989 P.2d 913, 925; *Lozoya v. State*, 1996 OK CR 55, 932 P.2d 22, 33; *U.S. v. Holt*, 2000 WL 1206754 (10 Cir. 2000).