

A police officer stopped a man for a traffic offense, searched the man's car, and found cocaine underneath the passenger's seat. The man was arrested and subsequently charged with possession of a controlled substance. The man filed a motion to suppress the cocaine, alleging that the police officer lacked reasonable suspicion to stop him and probable cause to search his car. The court held a hearing on the man's motion to suppress and, after hearing the evidence, found that the officer had both reasonable suspicion to stop the man and probable cause to search his car. The man's motion was accordingly denied. The man subsequently pleaded guilty but reserved the right to appeal the court's denial of his motion and timely did so.

Which standard(s) of review should the court of appeals apply to the trial court's findings of historical fact and conclusions of law?

- A. Abuse of discretion as to findings of historical fact and clear error as to conclusions of law.
- B. Abuse of discretion as to findings of historical fact and de novo as to conclusions of law.
- C. Clear error as to findings of historical fact and de novo as to conclusions of law.
- D. De novo as to both findings of historical fact and conclusions of law.

## Explanation:

### Appellate standards of review

Standard	Level of review	Applicability
<b>De novo</b>	No deference to trial judge's legal determination Reverse if reasonably believe trial judge misinterpreted law	Pure legal issues, eg:  conclusions of law content of jury instructions
<b>Clear error</b>	Highly deferential to trial judge's factual findings Reverse if no reasonable judge would have made this finding	Factual issues in <i>bench</i> trials, eg:  credibility of witnesses factual determinations
<b>Substantial evidence</b>	Highly deferential to jury's factual findings Reverse if no reasonable jury would have made this finding	Factual issues in <i>jury</i> trials, eg:  credibility of witnesses jury's verdict
<b>Abuse of discretion</b>	Highly deferential to trial judge's discretionary decisions Reverse only if decision was unreasonable/arbitrary	Discretionary rulings by judge, eg:  grant/denial of new trial admissibility of evidence

A trial court rules on a motion to suppress by:

determining which **historical facts** elicited by the parties to accept as true (eg, by judging the credibility of the parties' witnesses at a hearing) *and*

**applying the relevant statutory or constitutional standard** to those facts to reach a **legal conclusion** (eg, concluding that an officer had reasonable suspicion or probable cause).

An appellate court should **accept** the trial court's **findings of historical fact unless** they are **clearly erroneous**—ie, if no reasonable judge would have made the findings (**Choices A, B & D**). That is because the trial court is in the best position to accurately make factual determinations.

However, the appellate court should review the trial court's **conclusions of law de novo** (ie, anew). This means that the trial court's legal conclusions are given no deference and are **independently reviewed** by the appellate court (**Choice A**). This helps prevent unacceptably varied results by trial courts on cases featuring similar facts and allows appellate courts to maintain control of legal rules and unify precedent.

**Educational objective:**

When reviewing a trial court's ruling on a motion to suppress, an appellate court should accept the trial court's findings of historical fact unless they are clearly erroneous. However, the appellate court should review the trial court's conclusions of law de novo.

**References**

Ornelas v. United States, 517 U.S. 690, 696–98 (1996) (holding that trial court's conclusions of law are subject to de novo review on appeal).

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