

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

**v.
GREGORY ROBINSON, SR.**

APPELLANT,

RESPONDENT.

DOCKET NUMBER WD77664

DATE: February 17, 2015

Appeal From:

Randolph County Circuit Court
The Honorable Scott Alan Hayes, Judge

Appellate Judges:

Special Division: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge and Zel M. Fischer,
Special Judge

Attorneys:

Adam Stephen Rowley, Jefferson City, MO, for appellant.

Clark L. Jones, Columbia, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

APPELLANT,

v.

GREGORY ROBINSON, SR.,

RESPONDENT.

No. WD77664

Randolph County

Before Special Division: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge and Zel M. Fischer, Special Judge

Robinson was charged with manufacturing drugs and maintaining a public nuisance. The State brings this interlocutory appeal from the trial court's grant of Gregory Robinson's motion to suppress physical evidence recovered pursuant to a search warrant. The trial court held that there was "no qualification" regarding the reliability of information from two confidential sources and that the information was "stale" as to both sources. Without the statements from the confidential sources, the trial court held that there was not a reasonable probability that contraband or evidence thereof would be found at the time the search warrant was issued and, accordingly, the court suppressed all of the evidence seized under the warrant. The State asserts one point on appeal. It contends that the trial court erred when it determined that the affidavit in support of the search warrant failed to demonstrate probable cause and that, regardless, the good-faith exception to the exclusionary rule should apply.

REVERSED

Special Division holds:

1. The issuing court was not presented a "substantial basis" for concluding that there was a "fair probability" that the search would uncover criminal activity because the warrant contains no indication of any basis for reliability or credibility as to the first confidential source and the information from the second confidential source was stale. The remaining content of the affidavit was not sufficiently indicative of guilt to provide a "substantial basis" for the issuing court to determine the existence of probable cause.

2. The trial court's two grounds for rejecting the application of the good-faith exception were erroneous. First, the affidavit of Sgt. Arnsperger was not so lacking in indicia of probable cause that it was unreasonable for the officer to rely on it. Second, the record does not permit a determination that the affidavit "demonstrates systemic negligence in regard to the careless preparation of warrant affidavits."

This summary is UNOFFICIAL and should not be quoted or cited.