

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

DIVISION THREE

STATE OF MISSOURI,)	No. ED103140
)	
Plaintiff/Respondent)	Appeal from the Circuit Court of
vs.)	St. Francois County
)	
TIMOTHY A. PIERCE,)	Hon. Randall L. Head
)	
Defendant/Appellant.)	FILED: September 6, 2016
)	

Defendant Timothy A. Pierce appeals from the circuit court's judgment denying his Motion to Suppress. Defendant asserts the circuit court should have granted the motion because the chicken coop that the police searched without a warrant was within the curtilage of his home and, therefore, subject to Fourth Amendment protections.

REVERSED AND REMANDED

DIVISION THREE HOLDS: (1) The four-factor test set forth in United States v. Dunn supports a finding that the chicken coop was within the curtilage of Pierce's home because it was within 100 yards of the residence, it was enclosed by the same fence enclosing the residence, the coop was used for an intimate domestic purpose, and Defendant took affirmative steps to demonstrate his expectation of privacy by hiding the interior of the chicken coop from view; (2) The chicken coop was not within an open field, as argued by the State; and (3) No exceptions to the warrant requirement applied, and no exigent circumstances existed to overcome Fourth Amendment safeguards provided to property owners. Defendant Timothy Pierce's conviction and sentence are reversed and remanded.

Opinion by: Lisa S. Van Amburg, Judge

Angela T. Quigless, P.J., and Robert G. Dowd, Jr., J. concur.

Attorney for Appellant: Amy M. Bartholow

Attorney for Respondent: Rachel S. Flaster

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.