



## AG ANNOUNCES LANDMARK RULING PROTECTING CITIZENS FROM THE DANGERS OF METHAMPHETAMINE LABS

(MONTGOMERY)—Attorney General Luther Strange said an Alabama Supreme Court ruling on Friday is groundbreaking in its conclusion that the presence of a methamphetamine laboratory (“meth lab”) in an apartment presented such a dire and immediate threat to public safety that law enforcement officers properly entered the apartment without delay to secure it so firefighters could go inside to contain the lab.

The opinion\* involved the search of an apartment located in an area of Montgomery that is both heavily residential and heavily commercial. The Court agreed with the Attorney General’s argument that police officers properly entered the apartment without a warrant because the potential presence of a meth lab posed such a danger to them and to the public that they could not risk waiting to obtain a search warrant. This is the first case in which the Court has addressed the serious danger posed by meth labs and the need for law enforcement and emergency personnel to be able to react quickly to that danger in order to protect the community.

“Meth labs present a great danger both to people and to property. When confronted with a meth lab, police officers and firefighters must be able to react quickly in order to protect the public, as the officers and firefighters did in this case,” said Attorney General Strange. “I am pleased that the Court has now recognized that it is appropriate and necessary for public safety officers to act quickly when they are faced with such a serious public health hazard.”

On January 7, 2011, Montgomery police and firefighters responded to a call about a meth lab operating in an apartment at the Stonehenge Apartments in the Carmichael Road area. When the officers arrived at the complex, they could smell what they knew from their training and experience to be the odor of a meth lab. After they knocked on the apartment door and one of the two defendants opened it, the smell became even stronger. Officers then removed the two defendants - a man and a woman - and two small children who were in the apartment with them before having the entire building evacuated. After the officers cleared the apartment, firefighters went in to contain the lab. Once inside, they found an inactive meth lab packed inside a foam cooler. Both defendants were charged with first-degree unlawful manufacturing of a controlled substance based on this evidence.

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The trial court granted the defendants' motions to suppress the evidence seized during the search of the apartment. In its order, the trial court found that there were not sufficiently compelling reasons for the officers to enter the apartment without a search warrant. The State appealed, and the Court of Criminal Appeals upheld the trial court's ruling. On appeal to the Supreme Court, the Attorney General's Office argued that in light of the meth lab smell emanating from the apartment and the danger a meth lab poses, the officers and firefighters had a reasonable, good-faith belief that they could not risk waiting for a search warrant before they entered the apartment.

In its April 4 opinion, the Court discussed the dangers posed by meth labs, noting in particular that inhaling the odor of the chemicals used in the methamphetamine manufacturing process "has adverse health effects" and that there is a "high risk of explosion" associated with the methamphetamine manufacturing process. The Court then determined that "law-enforcement officers were justified in entering and searching the apartment because the officers, acting on probable cause and in good faith, reasonably believed from the totality of the circumstances that the nature of the manufacture of methamphetamine posed a risk of danger to them and the public."

Attorney General Strange commended his Criminal Appeals Division, noting in particular Assistant Attorney General Michael G. Dean, who handled the case, and Assistant Attorney General P. David Bjurberg, chief of the appeals division.

*\*Please note: The opinion in State v. Clayton involves two cases, with numbers 1130012 and 1130013. At this time, the defendants have not been convicted of a crime; these appeals were pre-trial appeals brought by the State to challenge the suppression of the drug evidence found inside the apartment.*