

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

DERRICK LYNDON WOOTEN v. COMMONWEALTH OF VIRGINIA
(Record Number 190805)

From

The Court of Appeals of Virginia.

Counsel

Scott Michael Ehrenworth for appellant.

Howard E. Gwynn and Melissa Iotti Freudenberg (Office of the Commonwealth's Attorney) for appellee.

Assignment of Error

1. The Court of Appeals erred in affirming the trial court's denial of Wooten's motion to suppress where: a) Detective Nichol lacked probable cause or a reasonable articulable suspicion of criminal activity at the moment he demanded that Wooten hand over the unlabeled pill bottle and forced Wooten to get out of the car and be placed into handcuffs; b) where Wooten didn't disavow ownership of the pill bottle until *after* Detective Nichol demanded the pill bottle and the illegal seizure of the pill bottle had already taken place; and c) where the pill bottle was in plain view inside the car but the incriminating character of the bottle's contents was not immediately apparent and there was nothing about the unlabeled pill bottle that would justify Detective Nichol in concluding that a crime had been committed and that an immediate warrantless seizure and search of the pill bottle was warranted.