

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,)	
)	Criminal No. 7:03CR00031
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
)	By: Samuel G. Wilson,
RONNIE DEAN ECHOLS,)	Chief United States District Judge
Defendant.)	

Defendant Ronnie Dean Echols was indicted for possessing and transporting untaxed distilled spirits in violation of 26 U.S.C. § 5604(a)(1). The defendant moved to suppress all evidence resulting from the stop of his vehicle on September 23, 2002, arguing that the officers lacked sufficient justification for the stop. For the reasons stated, the court finds that the officers had sufficient reasonable suspicion to justify the stop and denies defendant’s motion.

I.

The court held a hearing on defendant’s motion and makes the following findings of fact: On September 23, 2002, a dispatcher at the Franklin County Sheriff’s Office received three phone calls from an anonymous informant. In the first call, the informant explained that “moonshine” was being transported through Duncan Ford, a car dealership in Rocky Mount, Virginia. The informant said that Ronnie Echols was involved and that Echols had between ten and fifteen cases of moonshine in his office at the dealership. The informant explained that Echols was using the dealership to transport the moonshine. The dispatcher told the informant that law enforcement would look into the report, and the informant thanked the dispatcher and

hung up.

Shortly after the first call ended, the informant called the police dispatcher again and said that Echols was getting ready to transport the moonshine. The following exchange then occurred:

Dispatcher: Alright, do you see them loading it in a vehicle or anything?
Informant: Yeah, it's in a back of a '98 Dodge Durango, black.
Dispatcher: '98 Dodge Durango?
Informant: Uh huh.
Dispatcher: Alright, are . . . can you stay there and see which way they go and I'll get them out that way now.
Informant: Ok, I'll call you back . . .

The informant then hung up again.

The informant called back moments later and said that Echols had left in the Durango and was heading north on Route 220. The informant also said that the Durango had dealer plates.

Between calls with the informant, the police dispatcher relayed the informant's statements to Agent James Beheler of the Virginia Department of Alcohol Beverage Control. Agent Beheler knew of Duncan Ford and Ronnie Echols because over the past two years Beheler had received a number of anonymous tips stating that moonshine was being stored and transported from the dealership by Echols. At one point, Agent Beheler obtained two photographs from an anonymous informant that purported to show mason jars filled with moonshine in Echols's office at Duncan Ford.

After the dispatcher relayed the information from the informant's second call, Agent Beheler headed towards the Duncan Ford dealership. At the time, he was roughly fifteen minutes south of the dealership and requested assistance from the Franklin County Sheriff's

Office. Two Sheriff's Deputies heading south on Route 220 spotted a black Dodge Durango with dealer plates in Boones Mill, Virginia and began following it. Once Agent Beheler arrived, the deputies pulled the vehicle over.¹ As Agent Beheler approached the Durango, Echols got out of the driver's side door and met Agent Beheler at the back of the vehicle. Agent Beheler explained that the police received a report that Echols was transporting moonshine, and asked to look in the vehicle. Echols opened the back gate of the Durango and Agent Beheler saw a number of sealed cardboard boxes. When Agent Beheler asked to look in the boxes, Echols said no. Agent Beheler responded that he would obtain a warrant to search the boxes. At that point Echols admitted that there was moonshine in the boxes but claimed it was for personal use. The officers seized the boxes and impounded the Durango. Echols was later indicted for transporting untaxed distilled spirits.

II.

The defendant claims that the initial stop of his vehicle was an unlawful seizure in violation of the Fourth Amendment because the officers did not have sufficient reasonable suspicion to justify stopping the vehicle. Law enforcement may make an investigative stop of a vehicle if they have a reasonable and articulable suspicion that a crime is occurring or has occurred. Terry v. Ohio, 392 U.S. 1, 27 (1968). Although reasonable suspicion requires a lesser degree of certainty than probable cause, the information giving rise to the stop must be sufficiently credible and reliable. This is particularly true where the information comes from an

¹ The defendant argues that the deputies pulled Echols over despite "orders" they received not to stop the vehicle. However, both Agent Beheler and Deputy Agee testified that the two deputies pulled Echols over because Beheler was having difficulty activating the blue signal light on the dash of his vehicle. Regardless, it is not relevant who actually stopped the vehicle so long as the officers collectively had sufficient information to create reasonable suspicion. See United States v. Wells, 98 F.3d 808, 810 (4th Cir. 1996).

anonymous informant. Alabama v. White, 496 U.S. 325, 329 (1990). The court must look at the totality of the circumstances, paying particular attention to the extent to which the informant's statements appear reliable because of the detail and depth of the information, and also the extent to which the informant's statements are corroborated by other evidence. Id. at 331-332.

The court finds that the totality of the circumstances in this case support a finding that the officers had reasonable suspicion sufficient to justify the stop. First, the informant's statements to the dispatcher demonstrate that the informant was at the Duncan Ford dealership and witnessing the moonshine being placed into the Durango. The informant even waited for the Durango to leave the dealership and then informed the dispatcher of the direction the Durango was traveling. The informant also told the dispatcher that the vehicle had dealer plates. Thus, the informant was reporting activity that he was witnessing first-hand as it occurred. This information was corroborated shortly after the calls when Franklin County Sheriff's Deputies spotted a black Dodge Durango with dealer plates traveling north on Route 220.

The informant's statements are further corroborated by a series of anonymous tips over a two-year period stating that individuals at the Duncan Ford car dealership were storing and transporting moonshine. Alcohol Beverage Control Agents even received pictures of mason jars filled with moonshine that were said to have been taken inside the dealership.

Therefore, under the totality of the circumstances, the court finds that the informant's statements exhibited sufficient indicia of reliability to justify the investigatory stop of defendant's vehicle. Accordingly, defendant's motion to suppress is denied.

IV.

For the reasons stated, defendant's motion to suppress all evidence obtained as a result of the stop of defendant's vehicle is denied. An appropriate order shall be entered this day.

ENTER: This May _____, 2003.

CHIEF UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,)	
)	Criminal No. 7:03CR00031
)	
v.)	<u>ORDER</u>
)	
RONNIE DEAN ECHOLS,)	By: Samuel G. Wilson,
Defendant.)	Chief United States District Judge
)	

In accordance with the Memorandum Opinion entered this day, it is **ORDERED** and **ADJUDGED** that defendant's motion to suppress is **DENIED**.

ENTER: This May _____, 2003.

CHIEF UNITED STATES DISTRICT JUDGE