

STATEMENT OF LEGAL ISSUES

I

WHETHER THE WARRANTLESS SEARCH OF THE VEHICLE WAS JUSTIFIED BY VALID CONSENT GRANTED BY AKUBA?

The trial court held the consent was involuntary.

II

WHETHER THE STATE'S BURDEN OF PROOF IN ESTABLISHING VOLUNTARINESS OF CONSENT SHOULD BE "PREPONDERANCE OF THE EVIDENCE"?

The trial court refused to adopt this standard.

III

WHETHER THE TRIAL COURT ERRED IN GRANTING DEFENDANT PAUL'S MOTION TO SUPPRESS, ABSENT ANY SHOWING THAT SHE POSSESSED A LEGITIMATE EXPECTATION OF PRIVACY IN THE TRUNK OF THE RENTAL VEHICLE OR IN THE DUFFEL BAGS CONTAINING THE MARIJUANA?

The trial court did not find that Paul had an expectation of privacy in the rental vehicle.