

**Supreme Court**

No. 2001-554-C.A.  
(P1/96-2465)

State :

v. :

Albert Verrecchia. :

**Summary**

Following our remand in State v. Verrecchia, 766 A.2d 377 (R.I. 2001), the defendant appeals from the denial of his motion to suppress evidence obtained pursuant to a search warrant. The affidavit submitted in support of the search warrant at issue was not constitutionally flawed, and it contained ample evidence upon which to base a determination of probable cause. In addition, the motion justice did not err in denying defendant's request for a hearing pursuant to Franks v. Delaware, 438 U.S. 154 (1978), since, even if defendant's allegations concerning alleged omissions and falsehoods were true and would therefore have to be set aside, there would remain more than sufficient untainted evidence to support a finding of probable cause.