

SUPREME COURT OF NORTH DAKOTA

State v. Bell

2017 ND 157 (2017) · No. 20170046 · Decided June 29, 2017

SUMMARY

The North Dakota Supreme Court affirmed the judgment against Memory Bell following her conditional guilty plea to drug-related charges. The court held that Bell failed to present evidence showing she was detained when a drug-detecting dog sniffed the vehicle after the driver was arrested on an outstanding warrant. Because Bell was not shown to have been seized at the time of the sniff, the court concluded that her Fourth Amendment rights were not violated.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Gerald W. VandeWalle, Chief Justice; Jerod E. Tufte; Carol Ronning Kapsner; Lisa Fair McEvers; Daniel J. Crothers
JURISDICTION	North Dakota
DECIDED	June 29, 2017
DOCKET	20170046
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bell entered a conditional guilty plea to possession of methamphetamine, possession of drug paraphernalia, and ingesting a controlled substance, while preserving her right to appeal the denial of her motion to suppress. She appealed the district court judgment.
STANDARD OF REVIEW	The Supreme Court defers to the district court’s findings of fact and resolves conflicts in testimony in favor of affirmance. It affirms a suppression ruling when sufficient competent evidence supports the findings and the decision is not contrary to the manifest weight of the evidence. Questions of law, including whether a factual finding meets a legal standard, are fully reviewable.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential.
PARTIES	Memory Bell v. State of North Dakota

TOPICS

search and seizure

fourth amendment

suppression of evidence

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

appellate procedure

QUESTIONS PRESENTED

1. Whether Bell was unreasonably detained beyond the time required to complete the traffic stop so that a drug-detecting dog could perform a sniff of the vehicle.
2. Whether law enforcement had reasonable suspicion of criminal activity to justify Bell's continued detention.

HOLDINGS

1. Bell failed to present evidence that she was not free to leave after the driver was arrested, and therefore she was not seized at the time of the dog sniff. The sniff did not violate Bell's Fourth Amendment rights, and the district court properly denied the motion to suppress.

KEY QUOTATIONS

"When the original purpose of the traffic stop is complete, the officer must have a reasonable suspicion that criminal activity is afoot to continue the detention. Any further detention, without reasonable suspicion, violates the traffic offender's Fourth Amendment rights against unreasonable searches and seizures." (¶ 8)

"Bell presented no evidence at the suppression hearing showing she was not free to leave after Solvie's arrest and a review of the record does not suggest otherwise." (¶ 12)

FACTUAL BACKGROUND

On October 19, 2016, law enforcement stopped a vehicle for failing to use headlights. The driver gave a false name, was discovered to have an outstanding warrant, and was arrested; officers also learned that the driver and another passenger were on probation for controlled-substance offenses. While Officer Newman was issuing a written warning, a drug-detecting dog arrived within five minutes and alerted on the vehicle, which was then searched, revealing methamphetamine and drug paraphernalia. Bell presented no evidence that she was not free to leave after the driver's arrest and before the dog sniff.

PROCEDURAL HISTORY

Law enforcement searched the vehicle in which Bell was a passenger after a drug-detecting dog alerted during a traffic stop. Bell moved to suppress the resulting evidence, but the Mercer County District Court denied the motion. After Bell entered a conditional guilty plea, the district court entered judgment, and the North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Nguyen, 2013 ND 252, ¶ 7, 841 N.W.2d 676
- State v. Morin, 2012 ND 75, ¶ 5, 815 N.W.2d 229
- State v. Hall, 2017 ND 124, ¶ 16, 894 N.W.2d 836
- State v. Adan, 2016 ND 215, ¶ 11, 886 N.W.2d 841
- Richter v. N.D. Dep't of Transp., 2010 ND 150, ¶ 10, 786 N.W.2d 716
- City of Jamestown v. Jerome, 2002 ND 34, ¶ 5, 639 N.W.2d 478
- State v. Aguilar, 2011 ND 236, 809 N.W.2d 285
- State v. Fields, 2013 ND 81, 662 N.W.2d 242
- Fields, 2003 ND 81, ¶ 11
- State v. Koskela, 329 N.W.2d 587, 589 (N.D. 1983)
- Hammeren v. North Dakota State Highway Comm'r, 315 N.W.2d 679, 682 (N.D. 1982)