

SUPREME COURT OF UTAH

State v. Roth, 2001 UT 103

37 P.3d 1099 (Utah 2001) · No. No. 991104 · Decided December 7, 2001

SUMMARY

The Utah Supreme Court affirmed Reggie Steve Roth’s convictions for possession of methamphetamine, operating a clandestine laboratory, and escape. The court held that the possession conviction did not merge with the clandestine-laboratory conviction and that sufficient evidence supported the escape conviction because Roth left official custody without authorization.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Durham, Justice; Howe, Chief Justice; Russon, Associate Chief Justice; Durrant, Justice; Wilkins, Justice
JURISDICTION	Utah
DECIDED	December 7, 2001
DOCKET	No. 991104
DISPOSITION	affirmed
PROCEDURAL POSTURE	Roth appealed his convictions for possession of equipment or supplies with intent to engage in a clandestine laboratory operation, possession of a controlled substance, and escape.
STANDARD OF REVIEW	For insufficiency of the evidence, the court viewed the evidence and all reasonable inferences in the light most favorable to the jury's verdict. The unpreserved merger claim was reviewed under plain-error principles and alternatively under ineffective-assistance standards.
PRECEDENTIAL VALUE	Published Utah Supreme Court opinion; precedential.
PARTIES	Reggie Steve Roth v. State of Utah

TOPICS

criminal procedure

statutory interpretation

standard of review

appellate procedure

evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate litigation

QUESTIONS PRESENTED

1. Whether Roth's conviction for possession of methamphetamine merged with his conviction for operating a clandestine laboratory because the same methamphetamine might have supported both convictions.
2. Whether the evidence was sufficient to sustain Roth's escape conviction when he remained handcuffed, fled from the police car, and later returned toward the officers.
3. Whether Roth established plain error or ineffective assistance of counsel based on the failure to challenge the alleged merger.

HOLDINGS

1. The methamphetamine-possession conviction did not merge with the clandestine-laboratory conviction because the special verdict findings, jury instructions, and trial evidence established a factual basis for the clandestine-laboratory conviction independent of Roth's possession of methamphetamine.
2. The evidence was sufficient to sustain the escape conviction because Roth left official custody without authorization when he escaped from the police car, regardless of the fact that he remained handcuffed and was later recaptured.

KEY QUOTATIONS

"We therefore conclude that Roth's possession conviction does not merge with his clandestine laboratory conviction, and the trial court did not err in so holding." (1102)

"Thus, he completed both elements of the crime of escape, as defined by the statute: leaving official custody without authorization." (1103)

"His attempt to claim 'withdrawal' from the escape because he stopped running '[j]ust as Bolen was about to lay hands on him' and 'returned to the police car as other officers who had heard Bolen's dispatches came to assist' falls far short of a showing of insufficiency of the evidence." (1103)

FACTUAL BACKGROUND

Police arrested Roth at an automotive garage after obtaining the owner's permission to search the premises. Officers found a methamphetamine laboratory near the loft area where Roth had been located, and Roth later described his methamphetamine-manufacturing activities after receiving Miranda warnings. While handcuffed and secured in a police car, Roth slipped out of his seat belt, unlocked the door, and fled approximately a block and a half before returning toward the pursuing officers.

PROCEDURAL HISTORY

Roth was convicted in the trial court of three criminal offenses. On appeal, he argued that the methamphetamine-possession conviction merged with the clandestine-laboratory conviction and that the evidence was insufficient to support the escape conviction. The Supreme Court of Utah rejected both claims and affirmed the convictions and sentences.

DISPOSITION

affirmed

CASES CITED

- State v. Helmick, 2000 UT 70, 9 P.3d 164
- State v. Chacon, 962 P.2d 48, 50 (Utah 1998)
- State v. Hill, 674 P.2d 96, 97 (Utah 1983)
- State v. Hopkins, 1999 UT 98, 989 P.2d 1065
- State v. Widdison, 2001 UT 60, 28 P.3d 1278
- State v. Silva, 2000 UT App. 292, 13 P.3d 604
- State v. Eagle, 611 P.2d 1211, 1213 (Utah 1980)
- State v. Facer, 552 P.2d 110, 111 (Utah 1976)
- State v. Gates, 118 Utah 182, 186, 221 P.2d 878, 880 (1950)