

SUPREME COURT OF WYOMING

Clay v. State, 2016 WY 55

372 P.3d 195 (Wyo. 2016) · Decided May 27, 2016

SUMMARY

The Wyoming Supreme Court affirmed the denial of Marvin Clay’s motion to suppress evidence supporting his conviction for fourth-offense driving under the influence. The court held that the initial traffic stop was supported by reasonable suspicion and that the officer’s contact with Clay to investigate vehicle registration was within the scope of the stop. The officer’s subsequent observations of intoxication provided reasonable suspicion to extend the detention and investigate for DUI.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Davis, Justice; Burke; Davis; Fox; Hill; Kautz
JURISDICTION	Wyoming
DECIDED	May 27, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a motion to suppress evidence, following a conditional guilty plea to felony fourth-offense driving under the influence of alcohol.
STANDARD OF REVIEW	The district court's factual findings on a suppression motion are reviewed for clear error, with deference to credibility determinations and factual inferences. The ultimate constitutional determination concerning a search or seizure is reviewed de novo.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Marvin Clay v. State of Wyoming

TOPICS

suppression of evidence fourth amendment search and seizure reasonable doubt criminal procedure

PRACTICE AREAS

criminal procedure constitutional law DUI

QUESTIONS PRESENTED

1. Whether the officer's contact with Clay after the initial traffic stop improperly expanded the scope or duration of the investigative detention under the Fourth Amendment.
2. Whether the evidence supporting Clay's DUI arrest was obtained during a constitutional detention and therefore should have been suppressed.

HOLDINGS

1. The initial stop was constitutional because the officer had a particularized and objective basis to suspect that Clay was operating the vehicle without properly displayed license plates or valid temporary registration.
2. The officer's contact with Clay to investigate the title or other vehicle documentation was within the scope of the initial traffic stop and did not unlawfully expand the detention.
3. The officer developed additional reasonable suspicion of intoxication almost immediately after contacting Clay, which constitutionally permitted the detention to continue beyond the original registration investigation.

KEY QUOTATIONS

"The officer may expand the investigative detention beyond the scope of the initial stop only if the citizen consents to the expanded detention or if there exists an objectively reasonable suspicion that criminal activity has occurred or is occurring." (372 P.3d at 198)

"To justify this type of seizure, officers need only reasonable suspicion-that is, a particularized and objective basis for suspecting the particular person stopped of breaking the law." (372 P.3d at 198)

FACTUAL BACKGROUND

A police officer stopped Clay after observing that his vehicle displayed no visible license plates and that a paper document in the heavily tinted rear window could not be verified as lawful temporary registration. While Clay looked through his wallet for vehicle documentation, the officer observed an odor of alcohol, an empty vodka bottle, evasive eye contact, and unusually slow motor skills. A DUI task-force officer then observed additional signs of intoxication, administered field sobriety tests that Clay performed poorly, and arrested him; a blood test showed a blood-alcohol concentration of .18 percent.

PROCEDURAL HISTORY

A Wyoming district court denied Clay's motion to suppress evidence obtained during a traffic stop and subsequent DUI investigation. Clay entered a conditional guilty plea that reserved his right to appeal the suppression ruling, and the district court imposed a five-to-seven-year sentence suspended in favor of five years of supervised probation. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Allgier v. State, 2015 WY 137, 358 P.3d 1271
- Dimino v. State, 2012 WY 131, 286 P.3d 789
- Terry v. Ohio, 392 U.S. 1 (1968)
- Heien v. North Carolina, 135 S. Ct. 530 (2014)
- Venegas v. State, 2012 WY 136, 287 P.3d 746
- Engdahl v. State, 2014 WY 76, 327 P.3d 114
- Poitra v. State, 2016 WY 20, 368 P.3d 284
- United States v. Edgerton, 438 F.3d 1043 (10th Cir. 2006)
- United States v. McSwain, 29 F.3d 558 (10th Cir. 1994)

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