

SUPREME COURT OF WYOMING

Cristian M. Ramirez v. The State of Wyoming; Hector Zapien-Galvan v. The State of Wyoming

2023 WY 70 (Wyo. 2023) · No. S-22-0301, S-22-0302 · Decided July 14, 2023

SUMMARY

The Wyoming Supreme Court affirmed the denial of a joint motion to suppress more than 300 pounds of marijuana discovered during a traffic stop. The court held that the trooper’s conduct in pursuing the vehicle, including speeding to catch up, did not cause or contribute to the expired registration that justified the stop and therefore did not render the stop constitutionally unreasonable. The court also declined to consider the appellants’ racial-profiling argument because it was raised for the first time on appeal.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Gray, Justice; Fox, C.J.; Kautz, J.; Boomgaarden, J.; Gray, J.; Fenn, J.
JURISDICTION	Wyoming
DECIDED	July 14, 2023
DOCKET	S-22-0301, S-22-0302
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated criminal appeals from the denial of a joint motion to suppress evidence. The appellants entered conditional guilty pleas preserving their right to appeal the suppression ruling.
STANDARD OF REVIEW	The court views the evidence in the light most favorable to the district court's determination and defers to factual findings unless clearly erroneous. The ultimate question whether a search or seizure violated a constitutional right is reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Cristian M. Ramirez, Hector Zapien-Galvan v. The State of Wyoming

TOPICS

- suppression of evidence
- search and seizure
- fourth amendment
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court was required to conduct an independent analysis under Article 1, § 4 of the Wyoming Constitution.
2. Whether the trooper's conduct before the traffic stop was objectively unreasonable and invalidated the probable cause supporting the stop under the Wyoming Constitution or the Fourth Amendment.
3. Whether the court should consider the appellants' racial-profiling argument, raised for the first time on appeal.

HOLDINGS

1. The district court was not required to conduct a separate analysis under Article 1, § 4 because the appellants did not present a precise, analytically developed argument that the Wyoming Constitution afforded broader protection than the Fourth Amendment.
2. The traffic stop for expired registration was objectively justified and reasonable at its inception; the trooper's speeding pursuit did not invalidate the probable cause for the stop.
3. The court declined to consider the appellants' racial-profiling argument because it was raised for the first time on appeal, was unsupported by cogent argument or relevant authority, and rested on an undeveloped record.

KEY QUOTATIONS

“When analyzing the constitutionality of searches and seizures under the Wyoming Constitution or the Fourth Amendment, we have rejected the adoption of a bright-line rule and have instead required a fact-specific reasonableness inquiry, which includes objectively analyzing the officer’s conduct to determine if he was justified when he initiated the stop.” (¶ 28)

FACTUAL BACKGROUND

A Wyoming state trooper observed Ramirez and Zapien-Galvan traveling on Interstate 80 in a white Ford Expedition with out-of-state plates. Before checking the vehicle's registration, the trooper pursued it at speeds that may have reached 120 miles per hour because he suspected possible drug activity, then stopped it after discovering its registration had expired. The occupants refused consent to search, but a certified canine alerted near the rear cargo area, where officers found 320.6 pounds of marijuana concealed beneath blankets.

PROCEDURAL HISTORY

After a traffic stop based on expired registration, a canine search of the vehicle led to the discovery of 320.6 pounds of marijuana. The district court denied the appellants' joint motion to suppress, concluding the stop was reasonable under the Wyoming and United States Constitutions. The appellants entered conditional guilty pleas to possession of marijuana with intent to deliver, and the Wyoming Supreme Court consolidated their appeals.

DISPOSITION

affirmed

CASES CITED

- Levenson v. State, 2022 WY 51, 508 P.3d 229 (Wyo. 2022)
- Fertig v. State, 2006 WY 148, 146 P.3d 492 (Wyo. 2006)
- Damato v. State, 2003 WY 13, 64 P.3d 700 (Wyo. 2003)
- Vasquez v. State, 990 P.2d 476 (Wyo. 1999)
- Gibson v. State, 2019 WY 40, 438 P.3d 1256 (Wyo. 2019)
- Morgan v. State, 2004 WY 95, 95 P.3d 802 (Wyo. 2004)
- Saldana v. State, 846 P.2d 604 (Wyo. 1993)
- Joseph v. State, 2023 WY 58, 530 P.3d 1071 (Wyo. 2023)
- Sheesley v. State, 2019 WY 32, 437 P.3d 830 (Wyo. 2019)
- O'Boyle v. State, 2005 WY 83, 117 P.3d 401 (Wyo. 2005)
- Klomliam v. State, 2014 WY 1, 315 P.3d 665 (Wyo. 2014)
- Dods v. State, 2010 WY 133, 240 P.3d 1208 (Wyo. 2010)
- Pryce v. State, 2020 WY 151, 477 P.3d 90 (Wyo. 2020)
- United States v. Ozbirn, 189 F.3d 1194 (10th Cir. 1999)
- Pier v. State, 2019 WY 3, 432 P.3d 890 (Wyo. 2019)
- Terry v. Ohio, 392 U.S. 1 (1968)
- United States v. Esteban, 283 F. Supp. 3d 1115 (D. Utah 2017)
- United States v. Ochoa, 4 F. Supp. 2d 1007 (D. Kan. 1998)
- United States v. Worthon, 520 F.3d 1173 (10th Cir. 2008)
- Borja v. State, 2023 WY 12, 523 P.3d 1212 (Wyo. 2023)
- Rogers v. State, 2021 WY 123, 498 P.3d 66 (Wyo. 2021)
- Davis v. State, 2018 WY 40, 415 P.3d 666 (Wyo. 2018)
- Black v. State, 2017 WY 135, 405 P.3d 1045 (Wyo. 2017)
- Miller v. Beyer, 2014 WY 84, 329 P.3d 956 (Wyo. 2014)
- Belanger v. State, 2021 WY 110, 496 P.3d 770 (Wyo. 2021)
- Mahaffy v. State, 2021 WY 63, 486 P.3d 170 (Wyo. 2021)
- Brown v. State, 2019 WY 42, 439 P.3d 726 (Wyo. 2019)
- Bittleston v. State, 2019 WY 64, 442 P.3d 1287 (Wyo. 2019)

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