

SUPREME COURT OF UTAH

State v. Binks

2018 UT 11 (2018) · No. 20160235 · Decided March 6, 2018

SUMMARY

The Utah Supreme Court affirmed Michael Binks's convictions for possession of a controlled substance and drug paraphernalia. The court held that officers had reasonable suspicion to detain Binks while investigating traffic violations, possible driving under the influence, and possible drug possession, and that the detention was not unlawfully prolonged. The court declined to decide whether the search was independently authorized by the search warrant or under *Bailey v. United States*.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Associate Chief Justice Lee; Chief Justice Durrant; Justice Himonas; Justice Pearce; Justice Petersen
JURISDICTION	Utah
DECIDED	March 6, 2018
DOCKET	20160235
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for possession of a controlled substance and possession of drug paraphernalia following denial of a motion to suppress evidence.
STANDARD OF REVIEW	The court reviewed the legality and reasonableness of the detention and search under the Fourth Amendment and the <i>Terry v. Ohio</i> standard.
PRECEDENTIAL VALUE	Published Utah Supreme Court opinion; precedential.
PARTIES	Michael Binks v. State of Utah

TOPICS

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

PRACTICE AREAS

- criminal procedure
- constitutional law
- search and seizure
- suppression of evidence

QUESTIONS PRESENTED

1. Whether the officers unlawfully prolonged Binks's traffic stop by continuing to detain him to investigate suspected drug possession after completing the traffic and impaired-driving investigation.
2. Whether the search and detention were independently authorized by the search warrant or by the rule announced in *Bailey v. United States*.

HOLDINGS

1. The detention was valid under *Terry* because the officers had reasonable suspicion of multiple offenses, including two traffic violations, driving under the influence, and possession of a controlled substance, and they did not prolong the stop longer than reasonably necessary to investigate those offenses.

KEY QUOTATIONS

“We hold that Binks’s detention was valid under Terry because the officers had at least reasonable suspicion of several separate offenses—two traffic violations, driving under the influence, and drug possession—and officers did not prolong the stop longer than was reasonably necessary to investigate each offense.” (§13)

“We conclude that officers detained Binks “no longer than [was] necessary to effectuate the purpose of the stop.”” (§19)

FACTUAL BACKGROUND

Police were executing a warrant to search an American Fork apartment for narcotics and related evidence when officers saw Binks and another man briefly enter the apartment and leave in a silver SUV. Officers stopped the SUV after observing traffic violations, and an officer noticed that Binks had glossy, bloodshot eyes, appeared very nervous, and was in a vehicle smelling of alcohol. While officers investigated possible impaired driving and conducted record checks, the apartment search disclosed that Binks had allegedly purchased methamphetamine; officers then searched him and found approximately half a gram of methamphetamine.

PROCEDURAL HISTORY

Binks was stopped and searched after officers observed traffic violations and developed suspicion of driving under the influence and drug possession. The Fourth District Court in Provo denied his motion to suppress, and Binks was convicted of possession of drugs and drug paraphernalia. He appealed directly to the Utah Supreme Court, which affirmed without reaching the State's alternative warrant-based grounds.

DISPOSITION

affirmed

CASES CITED

- *Terry v. Ohio*, 392 U.S. 1 (1968)
- *Illinois v. Caballes*, 543 U.S. 405, 408 (2005)
- *Rodriguez v. United States*, 135 S. Ct. 1609, 1614 (2015)

- State v. Baker, 2010 UT 18, ¶ 17, 229 P.3d 650
- Bailey v. United States, 568 U.S. 186 (2013)

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