

INDIANA SUPREME COURT

Patrick Austin v. State of Indiana

997 N.E.2d 1027 (Ind. 2013) · No. 20S03-1303-CR-158 · Decided November 15, 2013

SUMMARY

The Indiana Supreme Court affirmed Patrick Austin’s convictions for dealing in cocaine and his forty-year concurrent sentences. The court held that coordinated traffic stops and a canine sweep of Austin’s truck and trailer were reasonable under Article 1, Section 11 of the Indiana Constitution. It also upheld the denial of Austin’s motion for discharge under Indiana Criminal Rule 4(B), addressing the standards governing court-congestion continuances and speedy-trial motions.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Justice David; Chief Justice Dickson; Justice Rucker; Justice Massa; Justice Rush
JURISDICTION	Indiana
DECIDED	November 15, 2013
DOCKET	20S03-1303-CR-158
DISPOSITION	affirmed
PROCEDURAL POSTURE	Austin appealed his convictions and sentence after the trial court denied his motion to suppress cocaine seized from vehicles in his trailer and denied his motion for discharge under Indiana Criminal Rule 4(B). The Indiana Court of Appeals affirmed. The Indiana Supreme Court granted transfer to address the police conduct leading to the cocaine discovery and the application of Rule 4(B), and summarily affirmed the Court of Appeals on the remaining issues.
STANDARD OF REVIEW	For a Criminal Rule 4 congestion finding based on disputed facts, appellate review is for clear error; factual findings receive reasonable deference, and the appellate court neither reweighs evidence nor assesses witness credibility. Questions of law applied to undisputed facts are reviewed de novo. The reasonableness of the police conduct under Article 1, section 11 is evaluated under the totality of the circumstances.

PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; binding precedent in Indiana.
PARTIES	Patrick Austin v. State of Indiana

TOPICS

search and seizure probable cause speedy trial criminal procedure standard of review

PRACTICE AREAS

criminal law criminal procedure constitutional law evidence appellate procedure

QUESTIONS PRESENTED

1. Whether the collective police conduct, including the traffic stops and canine sweep, constituted an unreasonable search or seizure under Article 1, section 11 of the Indiana Constitution.
2. Whether the trial court clearly erred in finding court congestion sufficient to continue Austin's trial beyond the seventy-day period in Indiana Criminal Rule 4(B)(1).
3. What standard of appellate review applies to a trial court's Criminal Rule 4 congestion finding based on disputed facts.
4. How a trial court must prioritize criminal and civil cases after a defendant files a Rule 4(B) speedy-trial motion.

HOLDINGS

1. The collective police action did not constitute an unreasonable search or seizure under Article 1, section 11. The second traffic stop was independently supported by two traffic violations, and the canine sweep occurred promptly during that lawful stop after officers had reasonable suspicion of drug trafficking.
2. Austin was not entitled to discharge because the trial court's continuance based on court congestion was not clearly erroneous. The court reasonably considered the priority of another defendant's speedy-trial request, courtroom and jury unavailability, and the logistical difficulty of securing witnesses on short notice.
3. When a trial court makes a factual finding of congestion or emergency under Criminal Rule 4 based on disputed facts, appellate review is for clear error, not abuse of discretion. Legal questions applied to undisputed facts are reviewed de novo.
4. A trial court must give a defendant's Rule 4(B) motion particularized priority and, when necessary, supersede previously scheduled civil cases and criminal cases without imminent Rule 4 deadlines, subject to exceptional circumstances and the practical requirements of conducting a fair trial.

KEY QUOTATIONS

"It is unequivocal under our jurisprudence that even a minor traffic violation is sufficient to give an officer probable cause to stop the driver of a vehicle." (at 5)

“However, a defendant may challenge that finding, by filing a Motion for Discharge and demonstrating that, at the time the trial court made its decision to postpone trial, the finding of congestion was factually or legally inaccurate.” (at 14)

“But we do not intend to suggest that a trial judge must necessarily wipe his or her calendar clean, or jam a trial into an opening in a schedule or courtroom that lacks the space, time, and resources to accommodate it.” (at 16)

FACTUAL BACKGROUND

Indiana State Police officers stopped Austin's tractor-trailer after observing unusual vehicle configuration, discrepancies in his logbook and bills of lading, an implausible destination, and information that he had previously been involved in a million-dollar bulk-cash seizure while driving the same truck and trailer. After Austin was released from the first stop, another trooper stopped him for two observed traffic violations, conducted a canine exterior sweep, and obtained a warrant after the dog alerted to the truck and trailer. A search revealed approximately forty kilograms of cocaine concealed in a Mercedes and a suitcase in a Rolls-Royce. Austin requested a speedy trial, but the trial court continued the trial because of court congestion and denied his Rule 4(B) motion for discharge.

PROCEDURAL HISTORY

Austin was convicted of two Class A felony cocaine-dealing counts and received concurrent forty-year sentences. The trial court denied suppression and discharge motions, and the Court of Appeals affirmed. The Indiana Supreme Court granted transfer, affirmed the admission of the cocaine evidence, affirmed the denial of discharge, and summarily affirmed the Court of Appeals in all other respects.

DISPOSITION

affirmed

CASES CITED

- Austin v. State, 980 N.E.2d 429 (Ind. Ct. App. 2012)
- Duran v. State, 930 N.E.2d 10, 17-18 (Ind. 2010)
- Mitchell v. State, 745 N.E.2d 775, 785-88 (Ind. 2001)
- Trimble v. State, 842 N.E.2d 798, 803 (Ind. 2006)
- Litchfield v. State, 824 N.E.2d 356, 361 (Ind. 2005)
- State v. Quirk, 842 N.E.2d 334, 338-43 (Ind. 2006)
- Wilson v. State, 847 N.E.2d 1064, 1067 (Ind. Ct. App. 2006)
- Myers v. State, 839 N.E.2d 1146 (Ind. 2005)
- United States v. Jones, 269 F.3d 919, 928 (8th Cir. 2001)
- Cundiff v. State, 967 N.E.2d 1026, 1027-28 & n.2 (Ind. 2012)
- Curtis v. State, 948 N.E.2d 1143, 1151 (Ind. 2011)

- Loyd v. State, 272 Ind. 404, 410, 398 N.E.2d 1260, 1265-66 (1980)
- Clark v. State, 659 N.E.2d 548, 551-52 (Ind. 1995)
- State v. Oney, 993 N.E.2d 157, 161 (Ind. 2013)
- Feuston v. State, 953 N.E.2d 545, 548 (Ind. Ct. App. 2011)
- Pelley v. State, 901 N.E.2d 494, 498 (Ind. 2009)
- Lowrimore v. State, 728 N.E.2d 860, 864-65 (Ind. 2000)
- Pruitt v. State, 834 N.E.2d 90, 104 (Ind. 2005)
- Candler v. State, 837 N.E.2d 1100, 1103-04 (Ind. Ct. App. 2005)
- Upshaw v. State, 934 N.E.2d 178, 181-82 (Ind. Ct. App. 2010)
- Vaughn v. State, 470 N.E.2d 374, 377 (Ind. Ct. App. 1984)
- Mickens v. State, 439 N.E.2d 591, 595 (Ind. 1982)
- Bartley v. State, 800 N.E.2d 193, 195 (Ind. Ct. App. 2003)
- Kirby v. State, 774 N.E.2d 523, 530 (Ind. Ct. App. 2002)
- Johnson v. State, 774 N.E.2d 1012, 1014 (Ind. Ct. App. 2002)
- Bowman v. State, 884 N.E.2d 917, 919 (Ind. Ct. App. 2008)
- Werner v. State, 818 N.E.2d 26, 28-29 (Ind. Ct. App. 2004)
- Paul v. State, 799 N.E.2d 1194, 1197 (Ind. Ct. App. 2003)
- Otte v. State, 967 N.E.2d 540, 545 (Ind. Ct. App. 2012)
- Wilkins v. State, 901 N.E.2d 535, 537 (Ind. Ct. App. 2009)
- McKay v. State, 714 N.E.2d 1182, 1188 (Ind. Ct. App. 1999)
- James v. State, 716 N.E.2d 935, 939 (Ind. 1999)
- Baker v. State, 590 N.E.2d 1126, 1128 (Ind. Ct. App. 1992)
- Gill v. State, 267 Ind. 160, 165, 368 N.E.2d 1159, 1162 (1977)

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