# CAPTION: STATE V. ROGERS

**12-16-22**

APPEAL NO.: C-210666

TRIAL NO.: B-2005302

KEY WORDS: CONSTITUTIONAL LAW/CRIMINAL — SEARCH

AND SEIZURE — *TERRY* STOP — FIREARM

SUMMARY:

The trial court did not err by denying defendant’s motion to suppress a firearm that the police found in the glove box of his vehicle during a search after a roadside stop that lasted over 11 minutes, because the firearm was located during a *Terry* investigative stop for carrying a concealed weapon, the scope and duration of which were reasonable under the totality of the circumstances, and therefore, defendant’s constitutional rights were not violated. [*But see* DISSENT: Defendant’s motion to suppress should have been granted because defendant’s detention and the subsequent search exceeded the bounds of *Terry* and violated the Fourth Amendment to the United States Constitution where the officer conducted an investigative stop based on his observation of a nondescript bulge in defendant’s waistband that was believed to be a gun, without any additional information about the bulge, defendant, or the investigation of a crime in the area.]

JUDGMENT: AFFIRMED

JUDGES: OPINION by WINKLER, J.; MYERS, P.J., CONCURS; and CROUSE, J., DISSENTS.