

SUPREME COURT OF WYOMING

Tiernan v. State, Department of Transportation

2011 WY 143 (Wyo. 2011) · No. S-11-0058 · Decided October 14, 2011

SUMMARY

The Supreme Court of Wyoming reviewed an administrative suspension of William Scott Tiernan's driver's license after he refused chemical testing following a suspected impaired-driving stop. The court held that the trooper's report and patrol-car DVD provided substantial evidence and probable cause to stop Tiernan for failing to maintain a single lane of traffic. The court affirmed the district court's decision upholding the Office of Administrative Hearings' suspension order.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kite, C.J.; Golden, J.; Hill, J.; Voigt, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	October 14, 2011
DOCKET	S-11-0058
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court order affirming the Office of Administrative Hearings' order upholding the suspension of Tiernan's driver's license after he refused chemical testing.
STANDARD OF REVIEW	The Supreme Court reviewed the administrative decision as if the appeal had come directly from the agency. Under Wyo. Stat. Ann. § 16-3-114(c)(ii), agency action may be set aside if, among other grounds, it is arbitrary, capricious, contrary to law, unconstitutional, procedurally defective, or unsupported by substantial evidence. Factual findings are reviewed for substantial evidence, while whether a constitutional violation occurred is reviewed de novo.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential
PARTIES	William Scott Tiernan v. State of Wyoming, Department of Transportation

TOPICS

judicial review of agency action

administrative law

probable cause

fourth amendment

appellate procedure

PRACTICE AREAS

administrative law

criminal procedure

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driving under the influence

QUESTIONS PRESENTED

1. Whether the patrol-car DVD and the trooper's report supported a finding that the trooper had probable cause to stop Tiernan for failing to maintain a single lane of traffic in violation of Wyo. Stat. Ann. § 31-5-209(a)(i).
2. Whether the agency's decision upholding the implied-consent driver's-license suspension was supported by substantial evidence.

HOLDINGS

1. A law-enforcement officer's personal observation of a traffic-law violation provides probable cause to initiate a traffic stop. Reasonable suspicion remains the applicable standard when the officer did not personally observe a traffic violation and relies on the totality of the circumstances.
2. The agency's decision was supported by substantial evidence because the trooper's report described repeated lane deviations and the DVD, although unclear as to actual crossings, corroborated repeated drifting from one side of the lane to the other.

KEY QUOTATIONS

"We clarify that a law enforcement official's personal observation of a traffic law violation provides probable cause to initiate a traffic stop." (262 P.3d at 564)

"Taken together, the report and the DVD constitute relevant evidence from which a reasonable mind might conclude that Trooper Wagener had probable cause to stop Mr. Tiernan's vehicle for a traffic violation." (262 P.3d at 567)

FACTUAL BACKGROUND

A Wyoming highway patrol trooper observed Tiernan's vehicle cross the dashed center line, drift across the fog line, and drift toward the fog line again as an oncoming vehicle approached. The trooper stopped the vehicle, observed signs of alcohol consumption, administered field sobriety tests, arrested Tiernan for DUI, and obtained refusals to submit to chemical testing. WYDOT initiated a six-month driver's-license suspension, and the administrative hearing officer upheld it after considering the trooper's report and a patrol-car DVD that did not clearly depict the lane crossings but showed repeated drifting.

PROCEDURAL HISTORY

The Wyoming Department of Transportation advised Tiernan that his driver's license would be suspended following his refusal to submit to chemical testing. The Office of Administrative Hearings upheld the implied-

consent suspension, and the district court affirmed. Tiernan appealed to the Wyoming Supreme Court. Separately, a circuit court dismissed the related DUI charge after concluding that it could not see the alleged traffic violations on the patrol-car DVD.

DISPOSITION

affirmed

CASES CITED

- Dale v. S & S Builders, LLC, 2008 WY 84, 188 P.3d 554
- Hwang v. State, Dep't of Transp., 2011 WY 20, 247 P.3d 861
- Batten v. Wyo. Dep't of Transp. Drivers' License Div., 2007 WY 173, 170 P.3d 1236
- Parks v. State, 2011 WY 19, 247 P.3d 857
- Damato v. State, 2003 WY 13, 64 P.3d 700
- Harvey v. State, 2011 WY 72, 250 P.3d 167
- Frazier v. State, 2010 WY 107, 236 P.3d 295
- Dods v. State, 2010 WY 133, 240 P.3d 1208
- Lovato v. State, 2010 WY 38, 228 P.3d 55
- Garvin v. State, 2007 WY 190, 172 P.3d 725
- Fertig v. State, 2006 WY 148, 146 P.3d 492
- Fender v. State, 2003 WY 96, 74 P.3d 1220
- Norman v. State, 747 P.2d 520 (Wyo. 1987)