

SUPREME COURT OF THE STATE OF DELAWARE

Sutton v. State

No. 354, 2016 (Del. Nov. 2, 2017) · No. No. 354, 2016 · Decided November 2, 2017

SUMMARY

The Delaware Supreme Court affirmed Kamiza Sutton’s DUI conviction and held that 21 Del. C. § 701(e) permits a municipal police officer to operate speed-enforcement equipment from within the municipality’s corporate limits even when the monitored vehicle is outside those limits. The court concluded that the statute’s plain meaning requires only that the officer operate the equipment within the town’s boundaries.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	James T. Vaughn, Jr.; Leo E. Strine, Jr., Chief Justice; Karen L. Valihura, Justice; James T. Vaughn, Jr., Justice
JURISDICTION	Delaware
DECIDED	November 2, 2017
DOCKET	No. 354, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sutton appealed from a Superior Court jury verdict finding her guilty of driving under the influence and from the denial of her motion to suppress evidence challenging the validity of the traffic stop.
STANDARD OF REVIEW	De novo review applies to the construction of a statute because statutory interpretation is a question of law.
PRECEDENTIAL VALUE	Published Delaware Supreme Court order
PARTIES	Kamiza Sutton v. State of Delaware

TOPICS

- statutory interpretation
- plain meaning rule
- suppression of evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 21 Del. C. § 701(e), which prohibits a municipal police department from operating speed-enforcement equipment outside its corporate limits, prohibits an officer located within municipal boundaries from using radar to measure the speed of a vehicle located outside those boundaries.
2. Whether the traffic stop and resulting evidence were unlawful because the radar target was outside the municipality's corporate limits.

HOLDINGS

1. Section 701(e) requires municipal police to operate speed-enforcement equipment within the municipality's corporate boundaries; it does not require the vehicle targeted by the equipment to be within those boundaries.
2. The officer acted within the limits of 21 Del. C. § 701(e) when he measured Sutton's speed and stopped her vehicle; therefore, the statute did not render the traffic stop unlawful and the denial of Sutton's motion to suppress was affirmed.

KEY QUOTATIONS

“The statute requires only that the police operate the speed enforcement equipment within the town’s boundaries. There is nothing in the statute that would require the target of the speed enforcement equipment also to be within the boundaries of the town.” (at 3-4)

FACTUAL BACKGROUND

A Laurel police officer operated radar from the Laurel water tower property, which was inside Laurel's corporate limits, to measure vehicles traveling on Route 9. The radar detected Sutton's vehicle traveling fifty-nine miles per hour in a forty-mile-per-hour zone, although the vehicle was outside Laurel's corporate limits when its speed was measured. The officer stopped the vehicle, leading to Sutton's arrest for driving under the influence.

PROCEDURAL HISTORY

A Laurel police officer used radar from within Laurel's corporate limits to measure the speed of a vehicle that was outside the town limits, then stopped the vehicle and arrested Sutton for driving under the influence. The Superior Court denied Sutton's suppression motion and a jury found her guilty. The Delaware Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- LeVan v. Indep. Mall, Inc., 940 A.2d 929, 932-33 (Del. 2007)

- Eliason v. Englehart, 733 A.2d 944, 946 (Del. 1999)

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