

SUPREME COURT OF MONTANA

State v. Trombley

327 Mont. 507 (Mont. 2005) · No. 04-317 · Decided July 12, 2005

SUMMARY

The Montana Supreme Court held that a police officer had particularized suspicion to conduct an investigatory traffic stop after observing the defendant make an erratic U-turn, drift over the fog line, straddle the center line, and fail to signal. The court affirmed the district court’s decision upholding the municipal court’s denial of the defendant’s motion to dismiss.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Patricia O. Cotter; James C. Nelson; John Warner; W. William Leaphart; Brian Morris
JURISDICTION	Montana
DECIDED	July 12, 2005
DOCKET	04-317
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from the Eighteenth Judicial District Court's order affirming the denial of his motion to dismiss a DUI charge for lack of particularized suspicion supporting the traffic stop.
STANDARD OF REVIEW	The grant or denial of a motion to dismiss in a criminal proceeding is reviewed for correctness of the district court's legal conclusion. The district court's determination regarding particularized suspicion is reviewed under the clearly erroneous standard.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	Robert Trombley v. State of Montana

TOPICS

- search and seizure
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal procedure
- Traffic stops
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court properly affirmed the Municipal Court's denial of Trombley's motion to dismiss for lack of particularized suspicion.
2. Whether an officer's mistaken belief that Trombley's U-turn was illegal rendered the investigatory stop unlawful despite other observed erratic driving.

HOLDINGS

1. The officer had the requisite particularized suspicion to conduct an investigatory stop because the totality of the circumstances, including Trombley's drifting over the fog line, straddling the center line, erratic lane movement, and failure to signal, supplied objective data from which the officer could infer that Trombley was engaged in wrongdoing.
2. An officer's mistaken belief that a U-turn violated state law does not invalidate an investigatory stop when other observed circumstances independently establish particularized suspicion.

KEY QUOTATIONS

“To determine whether particularized suspicion exists to justify an investigative stop, the State must show: (1) objective data from which an experienced officer could make certain inferences, and (2) a resulting suspicion that the occupant of the vehicle in question is or has been engaged in some wrongdoing.” (¶ 9)

“Whether a particularized suspicion exists is a question of fact dependent on the totality of the circumstances surrounding the investigative stop.” (¶ 9)

FACTUAL BACKGROUND

A police officer observed Trombley make a U-turn, drift over the fog line, overcorrect into another lane, continue driving in the wrong lane, and straddle the yellow center line while passing through an intersection. The officer also observed Trombley fail to signal while moving between lanes. The officer stopped Trombley, and the stop led to his arrest and eventual DUI conviction.

PROCEDURAL HISTORY

Trombley was convicted of DUI in Bozeman Municipal Court after a police officer stopped his vehicle. The Municipal Court denied his motion to dismiss for lack of particularized suspicion. The Eighteenth Judicial District Court concluded that the U-turn itself was not prohibited by state law but affirmed on the ground that the totality of the circumstances supported particularized suspicion. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- City of Missoula v. O'Neill, 2004 MT 328, ¶ 5, 324 Mont. 124, 102 P.3d 21
- State v. Steen, 2004 MT 343, ¶ 5, 324 Mont. 272, 102 P.3d 1251

- State v. Steen, 2004 MT 343, ¶ 7, 324 Mont. 272, 102 P.3d 1251
- Moore v. State, 2002 MT 315, ¶ 10, 313 Mont. 126, 61 P.3d 746
- State v. Farabee, 2000 MT 265, ¶ 19, 302 Mont. 29, 22 P.3d 175

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