

SUPREME COURT OF MONTANA

State v. Lucier

2015 MT 298N (2015) · No. DA 14-0208 · Decided October 13, 2015

SUMMARY

The Montana Supreme Court affirmed the denial of Robert Lester Lucier’s motion to dismiss DUI charges for lack of particularized suspicion supporting the traffic stop. The Court held that the officer’s observations of tire spinning, acceleration, multiple turns, and possible evasive behavior were sufficient under the totality of the circumstances. The memorandum opinion is noncitable under the court’s internal operating rules, and Justice Wheat, joined by Justice McKinnon, dissented.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Justice James Jeremiah Shea; Justice Patricia Cotter; Justice Beth Baker; Justice Jim Rice; Justice Michael E. Wheat; Justice Laurie McKinnon
JURISDICTION	Montana
DECIDED	October 13, 2015
DOCKET	DA 14-0208
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lucier appealed from the denial of his motion to dismiss DUI charges for lack of particularized suspicion to justify the traffic stop. He entered a plea agreement while reserving the right to appeal the suppression-related ruling.
STANDARD OF REVIEW	The court reviews factual findings regarding particularized suspicion for clear error and the district court's application of those facts to the law for correctness.
PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion designated noncitable under Montana Supreme Court Internal Operating Rules § I, ¶ 3(c).
PARTIES	Robert Lester Lucier v. State of Montana

TOPICS

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

PRACTICE AREAS

criminal procedure

DUI

traffic stops

appellate procedure

QUESTIONS PRESENTED

1. Whether Officer Meier had sufficient objective data and articulable facts to establish particularized suspicion that Lucier was or had been engaged in wrongdoing and thereby justify the traffic stop.

HOLDINGS

1. The totality of the circumstances, including Lucier's tire spinning and gravel displacement, late-night driving, slowing after making eye contact with the officer, multiple turns, and apparent evasive behavior, provided sufficient objective data and articulable facts to establish particularized suspicion for the stop.

KEY QUOTATIONS

“In order to satisfy the requirement of particularized suspicion, the State must show that the officer had “(1) objective data and articulable facts from which an experienced officer can make certain inferences, and (2) a resulting suspicion that the occupant of [the] vehicle is or has been engaged in wrongdoing.”” (¶ 5)

“Considering the totality of the circumstances here, the facts similar to Larson, and the additional evasive behavior in this case, we are unable to conclude that it was clear error by the District Court to find that Meier had particularized suspicion to stop Lucier.” (¶ 6)

FACTUAL BACKGROUND

At approximately 11:00 p.m. on a Saturday, Officer Curtis Meier observed Lucier's truck approach Highway 93 from Tobacco Road, spin its tires, kick up dust and gravel, and accelerate onto the highway. After making eye contact with the officer, Lucier slowed, made multiple turns, and rejoined the highway several times; Meier viewed the turns as evasive and the driving as careless. Meier eventually activated his overhead lights and stopped Lucier, who was charged with DUI and, alternatively, DUI per se.

PROCEDURAL HISTORY

The Montana Nineteenth Judicial District Court, Lincoln County, denied Lucier's motion to dismiss the charges based on the alleged lack of particularized suspicion. Lucier entered a plea agreement reserving his appellate challenge and appealed to the Montana Supreme Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Larson, 2010 MT 236, ¶¶ 15, 19, 23, 358 Mont. 156, 243 P.3d 1130
- Brown v. State, 2009 MT 64, ¶ 20, 349 Mont. 408, 203 P.3d 842
- State v. Cameron, 2011 MT 276, ¶ 15, 362 Mont. 411, 264 P.3d 1136

- City of Missoula v. Moore, 2011 MT 61, ¶ 16, 360 Mont. 22, 251 P.3d 679
- State v. Rutherford, 2009 MT 154, ¶ 12, 350 Mont. 403, 208 P.3d 389
- State v. Waite, 2006 MT 216, ¶ 4, 333 Mont. 365, 143 P.3d 116
- State v. Reynolds, 272 Mont. 46, 51, 899 P.2d 540, 543 (1995)
- State v. Fisher, 2002 MT 335, ¶¶ 3-5, 21, 313 Mont. 274, 60 P.3d 1004