

SUPREME COURT OF THE STATE OF MONTANA

State v. Pierce

2006 MT 76N (2006) · No. No. 05-141 · Decided April 18, 2006

SUMMARY

The Montana Supreme Court affirmed the District Court’s decision upholding Paula R. Pierce’s misdemeanor DUI conviction and sentence. The Court held that the arresting officer had particularized suspicion to stop Pierce’s vehicle based on a citizen informant’s tip and corroboration of the vehicle and occupants’ descriptions, and issued the decision as a noncitable memorandum opinion.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Karla M. Gray; W. William Leaphart; Patricia Cotter; John Warner; Jim Rice
JURISDICTION	Montana
DECIDED	April 18, 2006
DOCKET	No. 05-141
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pierce appealed the District Court's order affirming the Bozeman Municipal Court's judgment and sentence following her guilty plea to misdemeanor DUI and the denial of her motion to suppress evidence.
STANDARD OF REVIEW	The Montana Supreme Court reviewed whether the District Court correctly interpreted settled Montana law governing particularized suspicion for an investigatory stop based on a citizen informant's tip.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	Paula R. Pierce v. State of Montana

TOPICS

- suppression of evidence
- probable cause
- criminal procedure
- appellate procedure

PRACTICE AREAS

- Criminal procedure
- Evidence
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the officer's observations sufficiently corroborated the citizen informant's information to satisfy the third factor of the particularized-suspicion test under *State v. Pratt*.
2. Whether the absence of a second officer questioning the informant made *State v. Pratt* distinguishable.

HOLDINGS

1. The appeal was without merit because settled Montana law controlled and the District Court correctly affirmed the finding that the citizen informant's information was sufficiently corroborated.
2. The absence of a second officer questioning the informant did not make *Pratt* distinguishable where the arresting officer independently confirmed the vehicle and related details supplied by the informant.

FACTUAL BACKGROUND

A citizen informant reported information concerning Pierce's vehicle and its direction of travel. The arresting officer confirmed the vehicle's make, model, license number, description, general location, direction of travel, and the presence of a female driver and male passenger, although the officer did not observe illegal driving or other direct signs of intoxication before stopping the vehicle.

PROCEDURAL HISTORY

The Bozeman Municipal Court denied Pierce's motion to suppress, after which Pierce pleaded guilty to misdemeanor DUI. The Eighteenth Judicial District Court affirmed the municipal court's judgment and sentence. Pierce appealed to the Montana Supreme Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- *State v. Pratt*, 286 Mont. 156, 165, 951 P.2d 37, 42-43 (1997)