

SUPREME COURT OF GEORGIA

Chancellor v. State, 284 Ga. 66

663 S.E.2d 203 (2008) · No. S08A0507 · Decided June 30, 2008

SUMMARY

The Supreme Court of Georgia affirmed Craig Robert Chancellor’s convictions for failure to maintain lane and driving under the influence of alcohol to the extent it was less safe to drive. The court held that due process did not require the implied consent notice to inform a commercial driver of every consequence of refusing chemical testing, including lifetime disqualification of a commercial driver’s license.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Justice Benham
JURISDICTION	Georgia
DECIDED	June 30, 2008
DOCKET	S08A0507
DISPOSITION	affirmed
PROCEDURAL POSTURE	Chancellor appealed his convictions for failure to maintain lane and driving under the influence of alcohol, challenging the denial of his motion to suppress evidence obtained after his arrest.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence under whether a rational trier of fact could find guilt beyond a reasonable doubt and reviewed the implied-consent due-process issue as a question of law.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Craig Robert Chancellor v. The State

TOPICS

- suppression of evidence
- criminal procedure
- due process
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- DUI/DWI
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Chancellor's convictions for failure to maintain lane and driving under the influence of alcohol to the extent it was less safe for him to drive.
2. Whether due process required the implied-consent notice given to Chancellor to inform him that refusing chemical testing could result in lifetime revocation of his commercial driver's license.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Chancellor guilty beyond a reasonable doubt of failure to maintain lane and driving under the influence of alcohol to the extent it was less safe for him to drive.
2. Due process did not require the arresting officer to inform Chancellor of every consequence of refusing chemical testing, including possible lifetime revocation of his commercial driver's license, so long as the officer informed him that refusal could result in suspension of his driver's license.

KEY QUOTATIONS

“so long as the arresting officer informs the driver that refusal to submit to chemical testing could result in the suspension of the person's driver's license, due process does not require that the arresting officer inform the driver of all the consequences of refusing to submit to testing because the officer has made it clear that refusing the test was not a “safe harbor,” free of adverse consequences.” (at 204)

FACTUAL BACKGROUND

A Georgia State Patrol trooper responded to an accident and found Chancellor's vehicle lodged between two trees after leaving the roadway and traversing a ditch. Chancellor was outside the vehicle, unsteady on his feet, with extremely dilated eyes and a strong odor of alcohol; he eventually admitted drinking two beers. After arresting him, the trooper read the statutorily required implied-consent notice, but Chancellor refused chemical testing.

PROCEDURAL HISTORY

Following a jury trial, Chancellor was convicted of failure to maintain lane and driving under the influence of alcohol to the extent it was less safe for him to drive. The trial court denied his motion to suppress evidence obtained after his arrest. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Chancellor v. Dozier, 283 Ga. 259, 658 S.E.2d 592 (2008)
- South Dakota v. Neville, 459 U.S. 553, 565-66, 103 S. Ct. 916, 74 L. Ed. 2d 748 (1983)

- Klink v. State, 272 Ga. 605(1), 533 S.E.2d 92 (2000)

OPINION

BENHAM, J.

663 S.E.2d 203 (2008) CHANCELLOR v. The STATE. No. S08A0507. Supreme Court of Georgia. June 30, 2008. Allen M. Trapp, Jr., Carrollton, for appellant. Stephen James Tuggle, Solicitor General, for appellee. BENHAM, Justice. Appellant Craig Robert Chancellor was convicted in a jury trial of failure to maintain lane and driving under the influence of alcohol to the extent it was less safe for him to drive.

He contends on appeal that the trial court erred when it denied his motion to suppress all evidence obtained following his arrest. 1. A Georgia State Patrol trooper testified he responded to a call about an accident around 4 p.m. on June 11, 2006, and came upon a vehicle which had left the roadway and become lodged between two trees after traversing a roadside ditch.

The driver, whom the trooper identified as appellant, was outside the vehicle at the time the trooper arrived, and the trooper described him as unsteady on his feet and having extremely-dilated eyes and a strong odor of alcohol about him.

The trooper testified appellant initially denied having consumed alcohol *204 in the prior 24-hour period, and then admitted having consumed two beers earlier in the afternoon. The trooper placed appellant under arrest and read the implied consent notice statutorily required to be given to drivers over the age of 21 driving non-commercial vehicles. See OCGA § 40-5-67.1(b)(2).

Appellant refused to submit to chemical testing of his bodily fluids. The evidence was sufficient to authorize a rational trier of fact to find appellant guilty beyond a reasonable doubt of failure to maintain lane and driving under the influence of alcohol to the extent it was less safe for him to drive. Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed.

2d 560 (1979). 2. Appellant maintains suppression of evidence was in order because the implied consent notice given him pursuant to OCGA § 40-5-67.1(b)(2) violated due process of law since it did not notify him, the holder of a commercial driver's license, that his refusal to submit to chemical testing of bodily substances could result in a lifetime revocation of his commercial driver's license.

OCGA § 40-5-151(c)(2006). We addressed this issue in Chancellor v. Dozier, 283 Ga. 259, 658 S.E.2d 592 (2008), the appeal filed by appellant from the administrative decision to disqualify him from driving a commercial motor vehicle for life as a result of his refusal to submit to state-administered chemical testing of his bodily substances.

In deciding that appeal, we noted that a driver's ability to refuse chemical testing is not a constitutional right, but one of legislative grace (South Dakota v. Neville, 459 U.S. 553, 565, 103

S. Ct. 916, 74 L. Ed. 2d 748 (1983); *Klink v. State*, 272 Ga. 605(1), 533 S.E.2d 92 (2000)), and held that, so long as the arresting officer informs the driver that refusal to submit to chemical testing could result in the suspension of the person's driver's license, due process does not require that the arresting officer inform the driver of all the consequences of refusing to submit to testing because the officer has made it clear that refusing the test was not a "safe harbor," free of adverse consequences.

South Dakota v. Neville, supra, 459 U.S. at 566[, 103 S. Ct. 916]. *Chancellor v. Dozier*, supra, 283 Ga. at 261. As the same legal conclusion holds true in this appeal from appellant's criminal conviction, we affirm the judgment of the trial court. Judgment affirmed. All the Justices concur.