

SUPREME COURT OF THE STATE OF MONTANA

State of Montana v. Cathy Ann Johnson

State v. Johnson, 2007 MT 145N (2007) · No. DA 06-0603 · Decided June 12, 2007

SUMMARY

The Montana Supreme Court reviewed the denial of Cathy Ann Johnson’s motion to suppress evidence obtained after a traffic stop for suspected driving under the influence. The court held that substantial evidence supported the District Court’s findings and that settled Montana law supported the finding of particularized suspicion, and it affirmed.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Brian Morris; Karla M. Gray; Patricia Cotter; W. William Leaphart; Jim Rice
JURISDICTION	Montana
DECIDED	June 12, 2007
DOCKET	DA 06-0603
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed the District Court's denial of her motion to suppress evidence obtained after a traffic stop.
STANDARD OF REVIEW	The court reviews a denial of a suppression motion based on particularized suspicion to determine whether the district court's findings of fact are clearly erroneous and whether its conclusions of law are correct.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision; expressly designated noncitable under the Montana Supreme Court's Internal Operating Rules.
PARTIES	Cathy Ann Johnson v. State of Montana

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the deputy had particularized suspicion to stop Johnson's vehicle and investigate possible DUI.
2. Whether the district court clearly erred in its factual findings or incorrectly applied the law when denying Johnson's motion to suppress.

HOLDINGS

1. The observed driving conduct provided sufficient particularized suspicion to support the traffic stop and investigation for possible DUI; the denial of the motion to suppress was proper.
2. The district court did not clearly err in its findings of fact and correctly interpreted Montana law; its order was affirmed.

KEY QUOTATIONS

"We review a District Court's denial of a motion to suppress based upon a finding of particularized suspicion to determine whether the lower court's findings of fact are clearly erroneous and whether its conclusions of law are correct." (¶ 6)

"We affirm the order of the District Court." (¶ 8)

FACTUAL BACKGROUND

At approximately 9:00 p.m., Deputy Jason Hoppert encountered Johnson driving with her left wheels across the center line and into his lane, requiring him to move his vehicle. While following Johnson, the deputy observed her continue over the center line, stop beyond the stop line, make a wide left turn, and drive with her right wheels over the fog line for some distance. The deputy stopped Johnson to investigate possible DUI.

PROCEDURAL HISTORY

The State charged Johnson with DUI. After an evidentiary hearing, the Eighteenth Judicial District Court denied Johnson's motion to suppress evidence based on an alleged lack of particularized suspicion for the stop. Johnson appealed, and the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Waite, 2006 MT 216, ¶ 9, 333 Mont. 365, ¶ 9, 143 P.3d 116, ¶ 9

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