

SUPREME COURT OF THE STATE OF MONTANA

State of Montana v. Ricky Dean Zander

State v. Zander, 2006 MT 77N (2006) · No. No. 05-333 · Decided April 18, 2006

SUMMARY

The Montana Supreme Court affirmed Ricky Dean Zander’s judgment and sentence following his guilty plea to felony driving under the influence. The Court upheld the District Court’s conclusions concerning particularized suspicion, probable cause, suppression issues, advisories, and the effect of a no-driving pretrial-release condition. The memorandum decision was designated noncitable under the Montana Supreme Court’s Internal Operating Rules.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Karla M. Gray; Justice John Warner; Justice W. William Leaphart; Justice Brian Morris; Justice Jim Rice
JURISDICTION	Montana
DECIDED	April 18, 2006
DOCKET	No. 05-333
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from the judgment and sentence entered after his guilty plea to felony DUI, challenging the denial of pretrial motions to dismiss and suppress evidence and several related rulings.
STANDARD OF REVIEW	The Supreme Court determined that the appeal was without merit because the record contained sufficient evidence to support the District Court's findings of fact and the legal issues were controlled by settled Montana law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ricky Dean Zander v. State of Montana

TOPICS

- criminal procedure
- suppression of evidence
- probable cause
- miranda rights
- double jeopardy

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the arresting officer had particularized suspicion to investigate Zander based on the 911 report and confirmation from the driver of the struck vehicle.
2. Whether the officer had probable cause to arrest Zander for DUI.
3. Whether the evidence relating to the arrest and detention should be suppressed based on the Krause or Miranda advisories.
4. Whether accident-report confidentiality protections applied to the information supporting particularized suspicion.
5. Whether the no-driving pretrial-release condition invalidated the implied-consent advisory or otherwise waived or estopped the State from prosecuting Zander.
6. Whether prosecution after imposition of the no-driving condition violated double-jeopardy protections or applicable ethical and statutory provisions.

HOLDINGS

1. The District Court correctly determined that the arresting officer had particularized suspicion to approach and investigate Zander based on the 911 report of a drunk driver causing an accident and the officer's confirmation of that report at the scene.
2. The District Court correctly determined that probable cause supported Zander's DUI arrest.
3. The District Court correctly determined that Zander received adequate Krause and Miranda advisories, and the Supreme Court did not disturb the denial of suppression relief.
4. The no-driving condition did not invalidate the implied-consent advisories, waive or estop the State from prosecuting Zander, or constitute punishment for double-jeopardy purposes.

KEY QUOTATIONS

“the following memorandum decision shall not be cited as precedent.” (¶ 1)

“Affirmed.” (¶ 6)

FACTUAL BACKGROUND

A 911 caller reported that a drunk driver had caused an accident in a parking lot. The arresting officer confirmed the report at the scene with the driver of the struck vehicle, observed Zander, administered standardized field sobriety maneuvers, obtained Zander's admission that he had been drinking, and received a positive portable breath-test result. Zander had three prior DUI convictions, and a no-driving condition had been imposed as a condition of pretrial release.

PROCEDURAL HISTORY

The Fourth Judicial District Court of Missoula County denied Zander's motions to dismiss the charges and suppress evidence, concluding that the arresting officer had particularized suspicion and probable cause, that the Krause and Miranda advisories were adequate, and that a no-driving pretrial-release condition did not invalidate the implied-consent advisories, waive or estop prosecution, or constitute punishment for double-jeopardy purposes. Zander then pleaded guilty and appealed. The Montana Supreme Court decided the appeal by memorandum decision and affirmed.

DISPOSITION

affirmed

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