

SUPREME COURT OF THE STATE OF MONTANA

State v. Moore

2012 MT 270N (Supreme Court of the State of Montana 2012) · No. DA 11-0550 · Decided November 21, 2012

SUMMARY

The Montana Supreme Court affirmed Michael Earl Moore’s conviction for a second DUI offense. The Court held that the evidence was sufficient for a rational trier of fact to find that Moore was under the influence while in actual physical control of his vehicle, despite the absence of evidence that the ignition key was in his possession. The opinion was issued as a noncitable memorandum decision.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Patricia O. Cotter; Patricia O. Cotter; Michael E. Wheat; Jim Rice; Beth Baker; Brian Morris
JURISDICTION	Montana
DECIDED	November 21, 2012
DOCKET	DA 11-0550
DISPOSITION	affirmed
PROCEDURAL POSTURE	Moore appealed his DUI conviction and sentence from the Twenty-First Judicial District Court to the Montana Supreme Court, challenging the sufficiency of the evidence supporting a finding that he was in actual physical control of his vehicle while under the influence of alcohol.
STANDARD OF REVIEW	The court reviews sufficiency of the evidence by viewing the evidence in the light most favorable to the prosecution and asking whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael Earl Moore v. State of Montana

TOPICS

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

PRACTICE AREAS

criminal law

criminal procedure

driving under the influence

QUESTIONS PRESENTED

1. Whether sufficient evidence supported the finding beyond a reasonable doubt that Moore was in actual physical control of his vehicle while under the influence of alcohol, despite the absence of evidence that the ignition key was in his possession or in the ignition.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find beyond a reasonable doubt that Moore was under the influence of alcohol and was in actual physical control of the vehicle.

KEY QUOTATIONS

“The direct and circumstantial evidence of intoxication at the time of the arrest is reasonable and sufficient evidence to support a conviction of DUI.” (¶ 8)

FACTUAL BACKGROUND

A Ravalli County deputy found Moore asleep or passed out in his truck on the side of a road in a remote location. Moore admitted that he had driven there, said he had consumed several beers, and displayed signs of intoxication, including the odor of alcohol, bloodshot and watery eyes, slurred speech, confusion, and poor performance on field sobriety tests. The officer did not search the vehicle or Moore to determine where the ignition keys were located.

PROCEDURAL HISTORY

Moore was convicted in Ravalli County Justice Court of a second DUI offense after officers found him asleep or unconscious in his truck. He appealed to the Twenty-First Judicial District Court, which conducted a bench trial, convicted him, and imposed a partially suspended sentence, fine, fees, and conditions. The Montana Supreme Court affirmed after reviewing the sufficiency of the evidence.

DISPOSITION

affirmed

CASES CITED

- State v. Booth, 2012 MT 40, ¶ 7, 364 Mont. 190, 272 P.3d 89