

SUPREME COURT OF VERMONT

State v. Beauregard, 2003 VT 3

820 A.2d 183 (Vt. 2003) · No. No. 02-208 · Decided January 2, 2003

SUMMARY

The Vermont Supreme Court affirmed the denial of a motion to suppress evidence in a DUI case. It held that an officer's experienced aural observation of a loud, raspy exhaust provided reasonable and articulable suspicion that the vehicle's muffler was not in good mechanical condition under 23 V.S.A. § 1221, supporting the traffic stop. The court also rejected the defendant's vagueness challenge to the defective-equipment statute.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Amestoy, C.J.; Dooley, J.; Morse, J.; Johnson, J.; Skoglund, J.
JURISDICTION	Vermont
DECIDED	January 2, 2003
DOCKET	No. 02-208
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant entered a conditional guilty plea to second-offense DUI and appealed the denial of his motion to suppress evidence obtained after a traffic stop.
STANDARD OF REVIEW	De novo review of the legal question whether a noisy exhaust system provided a reasonable basis for a motor-vehicle stop.
PRECEDENTIAL VALUE	Published Vermont Supreme Court entry order; precedential
PARTIES	State of Vermont v. David A. Beauregard

TOPICS

- fourth amendment
- search and seizure
- criminal procedure
- suppression of evidence
- void for vagueness

PRACTICE AREAS

- criminal procedure
- constitutional law
- Fourth Amendment
- traffic stops
- statutory interpretation

QUESTIONS PRESENTED

1. Whether an officer's observation of a loud, raspy exhaust sound, together with the officer's experience identifying defective mufflers, provided reasonable and articulable suspicion to conduct a traffic stop under 23 V.S.A. § 1221 and the Fourth Amendment.
2. Whether applying Vermont's defective-equipment statute to a vehicle with a noisy muffler was unconstitutionally vague.
3. Whether applying 23 V.S.A. § 1221 to noisy mufflers improperly created a motor-vehicle noise-emission standard not enacted by the Legislature.

HOLDINGS

1. A trooper's experienced aural observation that a vehicle's exhaust sound was consistent with a serious muffler defect provided a reasonable and articulable suspicion that the vehicle was not in good mechanical condition and therefore justified the traffic stop.
2. Applying 23 V.S.A. § 1221 to a vehicle whose muffler was suspected to be mechanically defective was not unconstitutionally vague.
3. Recognizing that a noisy exhaust may indicate a muffler defect does not establish a statutory noise-emission limit for motor vehicles; it enforces the existing requirement that the exhaust system be maintained in good mechanical condition.

KEY QUOTATIONS

“The trial court credited testimony from trooper DiMauro that the trooper had experience with older model Jeeps, which provided him with some knowledge of the way they sounded when running in good condition.” (820 A.2d at 185)

“There is nothing vague about the requirement of § 1221 that mufflers must be “in good mechanical condition.”” (820 A.2d at 186)

FACTUAL BACKGROUND

At dusk, Trooper Vincent DiMauro observed Beauregard driving an older Jeep Wagoneer without its headlights illuminated and heard a loud, raspy exhaust noise. Based on his experience with older Jeeps and automobile exhaust systems, the trooper believed the sound was consistent with a perforated or otherwise defective muffler. The trial court found the trooper credible and denied suppression, although it agreed that the headlights were not legally required under the circumstances.

PROCEDURAL HISTORY

Beauregard was charged with operating a motor vehicle under the influence of intoxicating liquor, second offense. The trial court denied his motion to suppress, agreeing that although there was no headlight violation, the trooper had a sufficient basis to stop the vehicle because of its noisy exhaust system. Beauregard entered a conditional guilty plea and appealed; the Supreme Court of Vermont affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Longe, 170 Vt. 35, 743 A.2d 569 (1999)
- State v. Welch, 162 Vt. 635, 650 A.2d 516 (1994) (mem.)
- State v. Emilo, 144 Vt. 477, 479 A.2d 169 (1984)
- Delaware v. Prouse, 440 U.S. 648, 663 (1979)
- United States v. Sokolow, 490 U.S. 1, 7 (1989)
- State v. Kettlewell, 149 Vt. 331, 544 A.2d 591 (1987)
- United States v. Cortez, 449 U.S. 411, 421-22 (1981)
- State v. O'Neill, 165 Vt. 270, 682 A.2d 943 (1996)
- City of Chicago v. Morales, 527 U.S. 41, 56, 60-61 (1999)
- United States v. Miller, 146 F.3d 274, 279 (5th Cir. 1998)
- Whren v. United States, 517 U.S. 806, 812-14 (1996)

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