

SUPREME COURT OF KENTUCKY

Helton v. Commonwealth

299 S.W.3d 555 (Ky. 2010) · No. 2008-SC-000141-MR · Decided January 26, 2010

SUMMARY

The Supreme Court of Kentucky considered whether police could obtain and test an unconscious driver's blood without a warrant after a fatality accident. The court held that Kentucky's implied-consent statute did not conflict with the statutory warrant requirement, but that warrantless testing still required probable cause and constitutionally justified circumstances. Because the record did not establish whether police had probable cause to believe alcohol was involved, the court vacated the judgment and remanded for a new suppression hearing.

CASE DETAILS

COURT	Supreme Court of Kentucky
WRITING FOR THE COURT	Justice Noble; Chief Justice Minton; Justice Abramson; Justice Cunningham; Justice Schroder; Justice Scott; Justice Venters
JURISDICTION	Kentucky
DECIDED	January 26, 2010
DOCKET	2008-SC-000141-MR
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal as a matter of right from a conditional guilty plea after denial of a motion to suppress warrantless blood-alcohol evidence.
STANDARD OF REVIEW	The court reviewed the statutory interpretation and constitutional suppression issue, including whether the record established the probable-cause component required for the warrantless blood search.
PRECEDENTIAL VALUE	Published Kentucky Supreme Court opinion; precedential
PARTIES	Melissa Helton v. Commonwealth of Kentucky

TOPICS

[search and seizure](#) [fourth amendment](#) [suppression of evidence](#) [probable cause](#) [criminal procedure](#)

PRACTICE AREAS

[criminal procedure](#) [constitutional law](#) [evidence](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether KRS 189A.105(2)(b)'s warrant requirement for blood testing after a fatal motor-vehicle accident conflicts with Kentucky's implied-consent statute, KRS 189A.103.
2. Whether unconsciousness or incapacity to refuse withdraws or nullifies statutory implied consent under KRS 189A.103.
3. Whether warrantless blood testing of an unconscious DUI suspect satisfies the Fourth Amendment when supported by probable cause and exigent circumstances.
4. Whether the suppression record established that the officers had reasonable grounds, equivalent to probable cause, to believe Helton was driving under the influence.

HOLDINGS

1. The statutes do not conflict. KRS 189A.105(2)(b) requires an officer to seek a warrant in a fatality accident unless the testing has already been done by consent, while KRS 189A.103 establishes implied consent subject to withdrawal.
2. Helton's unconsciousness did not nullify her statutory implied consent because she did not affirmatively refuse testing; KRS 189A.103(2) deems an unconscious person not to have withdrawn consent.
3. Warrantless blood testing of an unconscious suspect is not categorically barred by the Fourth Amendment when the officer has probable cause to believe the suspect was driving under the influence and exigent circumstances justify delaying a warrant.
4. The record was insufficient to determine whether the officers had probable cause, or the statutory reasonable grounds, to believe alcohol was involved in the accident; the trial court therefore erred by deciding the suppression issue without taking proof on that element.

KEY QUOTATIONS

“The question is not whether Appellant consented (or was in a position to be able to consent), but whether she withdrew her consent.” (559)

“Specifically, the Kentucky statute requires “reasonable grounds” to believe that a person was driving under the influence before a blood test can be done.” (563)

“When the officer does have reasonable grounds, the test may be done on a person, even if she is unconscious, without violating the Fourth Amendment.” (564)

FACTUAL BACKGROUND

Helton drove a van after drinking alcohol and crashed into trees. Three children died at the scene, another child was injured, and an adult passenger later died from her injuries. At the hospital, deputies obtained a blood sample without a warrant while Helton was unconscious or nearly so; testing showed a blood-alcohol concentration of .16 percent.

PROCEDURAL HISTORY

Helton was indicted for four counts of wanton murder, wanton endangerment, and first-offense DUI. The trial court denied her motion to suppress blood-alcohol evidence obtained while she was unconscious or nearly unconscious, after finding statutory consent under KRS 189A.103. She entered a conditional guilty plea, was sentenced to twenty-four years, and appealed while preserving the suppression issue.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remand for a new suppression hearing to determine whether the evidence establishes that the police had reasonable grounds, meaning probable cause, to believe alcohol was involved in the accident.

CASES CITED

- Commonwealth v. Hernandez-Gonzalez, 72 S.W.3d 914 (Ky. 2002)
- Combs v. Commonwealth, 965 S.W.2d 161 (Ky. 1998)
- Commonwealth v. Wirth, 936 S.W.2d 78 (Ky. 1996)
- Rochin v. California, 342 U.S. 165 (1952)
- Breithaupt v. Abram, 352 U.S. 432 (1957)
- Schmerber v. California, 384 U.S. 757 (1966)
- Mapp v. Ohio, 367 U.S. 643 (1961)
- South Dakota v. Neville, 459 U.S. 553 (1983)
- Beach v. Commonwealth, 927 S.W.2d 826 (Ky. 1996)
- Holbrook v. Knopf, 847 S.W.2d 52 (Ky. 1992)
- Cooper v. State, 277 Ga. 282, 587 S.E.2d 605 (2003)
- Hough v. State, 279 Ga. 711, 620 S.E.2d 380 (2005)
- Beemer v. Commonwealth, 665 S.W.2d 912 (Ky. 1984)