

SUPREME COURT OF INDIANA

State of Indiana v. Darrell L. Keck

4 N.E.3d 1180 (Ind. 2014) · No. 67S01-1403-CR-179 · Decided March 25, 2014

SUMMARY

The Indiana Supreme Court affirmed the trial court’s suppression of evidence obtained after a traffic stop of Darrell L. Keck. The court held that, under the circumstances, driving left of center on a poorly maintained county road did not provide the deputy with reasonable suspicion to initiate the stop. The court also affirmed the judgment without reaching the state constitutional claim or the issue of probable cause for arrest.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Massa, Justice; Dickson, Chief Justice; Rucker, Justice; David, Justice; Rush, Justice
JURISDICTION	Indiana
DECIDED	March 25, 2014
DOCKET	67S01-1403-CR-179
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the trial court's order granting Keck's motion to suppress evidence and precluding further prosecution. The Indiana Court of Appeals affirmed, and the Indiana Supreme Court granted transfer.
STANDARD OF REVIEW	On the State's appeal from a negative judgment, the State must show that the suppression ruling was contrary to law. The Supreme Court reviews factual findings deferentially, without reweighing evidence or reassessing witness credibility, and affirms if substantial evidence of probative value supports the judgment. Legal conclusions, including reasonable-suspicion determinations, are reviewed de novo.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential.
PARTIES	State of Indiana v. Darrell L. Keck

TOPICS

suppression of evidence

fourth amendment

search and seizure

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether Deputy Smith had reasonable suspicion to conduct an investigatory traffic stop based on Keck's driving left of center under the circumstances.
2. Whether the trial court clearly erred in finding that Keck's conduct was authorized by Indiana Code section 9-21-8-2(b) or that compliance with the roadway statute was not possible because of the road conditions.
3. Whether the trial court's suppression order should be affirmed on the reasonable-suspicion ground without reaching the judicial-notice issue, the state constitutional claim, or probable cause to arrest.

HOLDINGS

1. Under the facts found by the trial court, Keck's driving left of center did not provide reasonable suspicion to support an investigatory traffic stop because his conduct was either authorized by Indiana Code section 9-21-8-2(b) or excused by the poor road conditions.
2. The trial court did not clearly err in finding that Keck's conduct was permissible under subsection (b) of Indiana Code section 9-21-8-2 or that compliance with the statute was not possible because of the roadway conditions.
3. The Supreme Court did not need to address those arguments because the evidence independently supported the conclusion that the deputy lacked reasonable suspicion and the suppression order was correct on that basis.

KEY QUOTATIONS

"Based on the facts as the trial court found them—that Keck's conduct was either authorized under subsection (b) or excused by road conditions—we must conclude Deputy Smith lacked reasonable suspicion to stop Keck." (7)

"We therefore affirm the trial court's grant of Keck's motion to suppress." (8)

FACTUAL BACKGROUND

Late at night, Deputy Terry Smith followed Keck's vehicle from U.S. 36 onto County Road 100 East after observing it travel below the speed limit, stop before turning, and proceed near the middle of the roadway. The road was a narrow, poorly maintained mixture of gravel and hard surface with potholes or chuckholes, and testimony indicated Keck drove left of center to avoid them. Smith stopped Keck, observed signs of intoxication, and obtained breath-test results of 0.14 and 0.11, but the trial court suppressed the resulting evidence because the stop lacked reasonable suspicion.

PROCEDURAL HISTORY

Keck was charged with operating a vehicle while intoxicated and operating a vehicle with an alcohol concentration equivalent of 0.08 or more. The Putnam Superior Court granted his motion to suppress, finding that the deputy lacked reasonable suspicion to initiate the traffic stop. The Court of Appeals affirmed. The Supreme Court granted transfer, vacated the Court of Appeals' opinion, and affirmed the trial court.

DISPOSITION

affirmed

CASES CITED

- State v. Washington, 898 N.E.2d 1200, 1203 (Ind. 2008)
- State v. Quirk, 842 N.E.2d 334, 340 (Ind. 2006)
- Sellmer v. State, 842 N.E.2d 358, 360-61 (Ind. 2006)
- Clark v. State, 994 N.E.2d 252, 261 (Ind. 2013)
- United States v. Sokolow, 490 U.S. 1, 7 (1989)
- Terry v. Ohio, 392 U.S. 1, 30 (1968)
- Meredith v. State, 906 N.E.2d 867, 870 (Ind. 2009)
- Combs v. State, 878 N.E.2d 1285, 1287-89 (Ind. Ct. App. 2008)
- State v. Rhodes, 950 N.E.2d 1261, 1264-65 (Ind. Ct. App. 2011)
- Ratliff v. State, 770 N.E.2d 807, 809 (Ind. 2002)