

SUPREME COURT OF MONTANA

State v. Redding

2009 MT 356N (Mont. 2009) · No. DA 09-0128 · Decided October 27, 2009

SUMMARY

The Montana Supreme Court affirmed the denial of Clay David Redding's motions to dismiss and suppress evidence in a DUI case. The court held that officers had sufficient grounds to detain and charge Redding, that photographs of open beer containers in plain view were admissible, and that evidence of his refusal to submit to a breath test was admissible because the implied-consent form had been read to him.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Mike McGrath; Jim Rice; Patricia O. Cotter; Brian Morris; James C. Nelson
JURISDICTION	Montana
DECIDED	October 27, 2009
DOCKET	DA 09-0128
DISPOSITION	affirmed
PROCEDURAL POSTURE	Redding appealed from the District Court's denial of his motions to dismiss and suppress evidence. He pleaded guilty to DUI while reserving his right to appeal the pretrial rulings.
STANDARD OF REVIEW	The Supreme Court deferred to the District Court's factual findings and credibility determinations when supported by the evidence, while reviewing the legal conclusions concerning probable cause and suppression issues under applicable law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Clay David Redding v. State of Montana

TOPICS

- criminal procedure
- probable cause
- suppression of evidence
- search and seizure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the officers had probable cause to arrest or charge Redding with DUI despite his alternative explanations for his condition.
2. Whether the officers had sufficient cause to detain Redding long enough to request a breath sample.
3. Whether the absence of field sobriety tests required dismissal of the DUI charge or suppression of the evidence.
4. Whether photographs of the open beer can and open beer box were unlawfully seized despite their presence in plain view.
5. Whether Redding's refusal to submit to a breath test was inadmissible because the officers allegedly failed to read the complete implied-consent form.

HOLDINGS

1. The officers had ample reason to respond to and investigate the situation, sufficient cause to detain Redding long enough to determine whether he would provide a breath sample, and probable cause to charge him based on the officers' observations at the scene.
2. Field sobriety tests are not required before bringing a DUI charge, and the failure to administer them does not constitute a due process or statutory violation.
3. Photographs of the open beer can and open beer box were admissible because the items were concededly in plain and open view and subject to seizure as evidence.
4. Redding's refusal to take the breath test was admissible because the District Court found that officers read the complete implied-consent form to him.

KEY QUOTATIONS

“The Court determines that although it may have been the better practice to perform field sobriety tests somewhere during the processing, the failure to do so simply provides less evidence to the prosecution and does not constitute either a due process violation or violation of statute.” (¶ 9)

FACTUAL BACKGROUND

A citizen found Redding unconscious or unresponsive in a truck stopped in the wrong lane, with the vehicle in neutral and the engine revving. After officers awakened him, they observed an open beer can and an open box of beer in plain view, along with signs of intoxication including a strong odor of alcohol, slurred speech, bloodshot eyes, and unsteadiness. Officers transported Redding to the sheriff's office, read him the complete implied-consent form, and he refused a breath test. He was issued notices to appear for DUI and an open-container offense and was not jailed or required to post bail.

PROCEDURAL HISTORY

After an evidentiary hearing, the District Court of the Sixteenth Judicial District denied Redding's motions to dismiss and suppress evidence. Redding pleaded guilty to DUI, reserving his right to appeal those rulings. The Montana Supreme Court affirmed the District Court in a noncititable memorandum decision.

DISPOSITION

affirmed

CASES CITED

- State v. Lovegren, 2002 MT 153, 310 Mont. 358, 51 P.3d 471
- State v. Whiteman, 2005 MT 15, 325 Mont. 358, 106 P.3d 543
- Bone v. State, 284 Mont. 293, 944 P.2d 734 (1997)
- Whitlow v. State, 2008 MT 140, 343 Mont. 90, 183 P.3d 861
- In re Cybulski, 2008 MT 128, 343 Mont. 56, 183 P.3d 39
- Bush v. Department of Justice, 1998 MT 270, 291 Mont. 359, 968 P.2d 716
- State v. Ditton, 2006 MT 235, 333 Mont. 483, 144 P.3d 783
- State v. Romero, 224 Mont. 431, 730 P.2d 1157 (1986)
- State v. Kintli, 2004 MT 373, 325 Mont. 53, 103 P.3d 1056

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