

SUPREME COURT OF ARKANSAS

Baldrige v. Cordes, 350 Ark. 114

85 S.W.3d 511 (2002) · No. No. 02-66 · Decided September 26, 2002

SUMMARY

The Supreme Court of Arkansas affirmed summary judgment for an Arkansas State Trooper in a civil-rights action arising from Jeffrey Baldrige’s arrest for driving while intoxicated and related offenses while riding a horse near a highway. The court held that the trooper was entitled to qualified immunity because her observations provided an objectively reasonable basis for probable cause to arrest Baldrige for public intoxication, even though the motor-vehicle charges were legally improper. A dissent argued that charging motor-vehicle offenses based on horseback riding was not objectively reasonable.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	W.H. "Dub" Arnold, Chief Justice; Ray Thornton, Justice; Robert L. Brown, Justice; Donald L. Corbin, Justice; Tom Glaze, Justice
JURISDICTION	Arkansas
DECIDED	September 26, 2002
DOCKET	No. 02-66
DISPOSITION	affirmed
PROCEDURAL POSTURE	Baldrige appealed from an order of the Carroll County Circuit Court granting Cordes summary judgment on qualified-immunity grounds in a civil-rights action arising from his arrest.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. On appeal, the court determines whether the evidentiary materials leave a material fact unanswered, viewing the evidence and reasonable inferences in favor of the nonmoving party. Whether qualified immunity applies after the predicate facts are established is a question of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jeffrey L. Baldrige v. Jana Cordes, Arkansas State Police

TOPICS

qualified immunity

section 1983

fourth amendment

probable cause

standard of review

PRACTICE AREAS

civil rights

constitutional law

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly granted summary judgment on the ground that Trooper Cordes was entitled to qualified immunity.
2. Whether Cordes had an objectively reasonable basis, or arguable probable cause, to arrest Baldrige when he was riding a horse near a highway after an accident.
3. Whether Cordes's inability under Arkansas law to amend the DWI charge eliminated her qualified immunity.

HOLDINGS

1. The circuit court properly granted summary judgment because Cordes was entitled to qualified immunity from Baldrige's federal and state civil-rights claims.
2. Cordes's arrest was protected by qualified immunity because, even if the stated motor-vehicle charges were incorrect, the circumstances provided probable cause to arrest Baldrige for public intoxication, a closely related offense.
3. Cordes did not lose qualified immunity merely because she lacked authority to amend the DWI charge after the arrest.

KEY QUOTATIONS

"Probable cause exists if "at the moment the arrest was made . . . the facts and circumstances within [a police officer's] knowledge and of which [the officer] had reasonably trustworthy information were sufficient to warrant a prudent man in believing" that the person arrested committed the crime with which he was charged." (85 S.W.3d 515)

"The conduct was either reasonable under settled law in the circumstances, or it was not, and this is a determination of law that should be made at the earliest possible stage in litigation." (85 S.W.3d 516)

"where a defendant is arrested for the wrong offense, the arrest is still valid if probable cause existed to arrest the defendant for a closely related offense." (85 S.W.3d 517)

FACTUAL BACKGROUND

After dark, Baldrige was riding a horse along the right-of-way of U.S. Highway 62 when the horse shied onto the highway and a car struck the horse with its mirror. Trooper Jana Cordes believed Baldrige was intoxicated based on the smell of intoxicants, bloodshot eyes, slurred speech, loud behavior, and unsteadiness, and arrested him for motor-vehicle offenses. Two breathalyzer tests reported alcohol concentrations of .007 and .008, no field-sobriety tests were administered, and Baldrige was acquitted in municipal court.

PROCEDURAL HISTORY

Baldrige was arrested and charged with driving while intoxicated, no liability insurance, and careless and imprudent driving after riding a horse near Highway 62. He was acquitted in municipal court and then filed claims under federal and state constitutional provisions, 42 U.S.C. § 1983, and defamation theories. The Carroll County Circuit Court granted Cordes summary judgment, concluding that she was entitled to qualified immunity; the Supreme Court of Arkansas affirmed.

DISPOSITION

affirmed

CASES CITED

- Bond v. Lavaca School District, 347 Ark. 300, 64 S.W.3d 249 (2001)
- Dodson v. Taylor, 346 Ark. 443, 57 S.W.3d 710 (2001)
- Wallace v. Broyles, 331 Ark. 58, 961 S.W.2d 712 (1998)
- Smithson v. Aldrich, 235 F.3d 1058 (8th Cir. 2000)
- Rainey v. Hartness, 339 Ark. 293, 5 S.W.3d 410 (1999)
- Virden v. Roper, 302 Ark. 125, 788 S.W.2d 470 (1990)
- Flentje v. First National Bank of Wynne, 340 Ark. 563, 11 S.W.3d 531 (2000)
- Rudd v. Pulaski County Special School District, 341 Ark. 794, 20 S.W.3d 310 (2000)
- Newton v. Etoch, 332 Ark. 325, 965 S.W.2d 96 (1998)
- Cross v. Arkansas Livestock & Poultry Commission, 328 Ark. 255, 943 S.W.2d 230 (1997)
- Robinson v. Langdon, 333 Ark. 662, 970 S.W.2d 292 (1998)
- Pace v. City of Des Moines, 201 F.3d 1050 (8th Cir. 2000)
- Conn v. Gabbert, 526 U.S. 286 (1999)
- Dunaway v. New York, 442 U.S. 200 (1979)
- Robinson v. Beaumont, 291 Ark. 477, 725 S.W.2d 839 (1987)
- Malley v. Briggs, 475 U.S. 335, 341 (1986)
- Thompson v. Reuting, 968 F.2d 756 (8th Cir. 1992)
- Walden v. Carmack, 156 F.3d 861 (8th Cir. 1998)
- Tauke v. Stine, 120 F.3d 1363 (8th Cir. 1997)
- Arnott v. Mataya, 995 F.2d 121, 124 (8th Cir. 1993)
- Lambert v. City of Dumas, 187 F.3d 935 (8th Cir. 1999)
- Siegert v. Gilley, 500 U.S. 226 (1991)
- United States v. Rambo, 789 F.2d 1289, 1294 (8th Cir. 1986)
- United States v. Prouse, 945 F.2d 1017 (8th Cir. 1991)
- Linn v. Garcia, 531 F.2d 855 (8th Cir. 1976)
- Harlow v. Fitzgerald, 457 U.S. 800 (1982)

- Anderson v. Creighton, 483 U.S. 635 (1987)
- Hunter v. Bryant, 502 U.S. 224 (1991)
- Myers v. Morris, 810 F.2d 1437 (8th Cir. 1987)
- Habiger v. City of Fargo, 80 F.3d 289 (8th Cir. 1996)
- Johnson v. Schneiderheinze, 102 F.3d 340 (8th Cir. 1996)
- Fitch v. State, 313 Ark. 122, 853 S.W.2d 874 (1993)