

SUPREME COURT OF THE STATE OF MONTANA

State v. Lockett

2007 MT 47 (2007) · No. DA 06-0224 · Decided February 21, 2007

SUMMARY

The Montana Supreme Court affirmed the denial of William Lockett’s motion to dismiss, holding that the arresting deputy had particularized suspicion to conduct an investigative traffic stop. The court relied on the deputy’s observations that Lockett had been drinking, drove at an unusually slow speed, weaved, and crossed the fog line multiple times.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	W. William Leaphart; Karla M. Gray; Patricia Cotter; John Warner; Brian Morris
JURISDICTION	Montana
DECIDED	February 21, 2007
DOCKET	DA 06-0224
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lockett was charged with driving under the influence of alcohol and careless driving. After the district court denied his motion to dismiss for lack of particularized suspicion, he pleaded guilty pursuant to a plea agreement reserving his right to appeal that ruling.
STANDARD OF REVIEW	The denial of a criminal motion to dismiss is reviewed for correctness as a question of law. The district court's determination whether particularized suspicion existed is reviewed under the clearly erroneous standard.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	William Benjamin Lockett v. State of Montana

TOPICS

- search and seizure
- criminal procedure
- probable cause
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court erred in finding that Deputy Reyna had particularized suspicion to conduct an investigative stop of Lockett's vehicle.

HOLDINGS

1. The district court did not clearly err in finding that Deputy Reyna had particularized suspicion to stop Lockett's vehicle because the officer observed Lockett drinking beer before driving, driving abnormally slowly, weaving, and crossing the fog line.

KEY QUOTATIONS

“To determine whether such particularized suspicion exists, the State must show: (1) objective data from which an experienced officer could make certain inferences, and (2) a resulting suspicion that the occupant of the vehicle in question is or has been engaged in some wrongdoing.” (¶ 8)

“Accordingly, we hold the District Court’s finding that Deputy Reyna had particularized suspicion to conduct an investigative stop of Lockett’s vehicle was not clearly erroneous.” (¶ 15)

FACTUAL BACKGROUND

Deputy Reyna observed Lockett and another man drinking beer in a truck-stop parking lot before they entered a Ford Crown Victoria, which Lockett later drove onto Interstate 90. Reyna observed Lockett driving approximately 50 miles per hour in a 75-mile-per-hour zone, weaving, and crossing the fog line at least twice. Reyna stopped the vehicle and, based on his contact with Lockett, believed Lockett was under the influence of alcohol.

PROCEDURAL HISTORY

The Thirteenth Judicial District Court, Yellowstone County, denied Lockett's motion to dismiss, finding that the arresting officer had particularized suspicion to conduct an investigative stop. Lockett entered a guilty plea while reserving the right to appeal the denial. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Trombley, 2005 MT 174, ¶ 5, 327 Mont. 507, 116 P.3d 771
- City of Missoula v. O’Neill, 2004 MT 328, ¶ 5, 324 Mont. 124, 102 P.3d 21
- State v. Britt, 2005 MT 101, ¶ 8, 327 Mont. 1, 111 P.3d 217
- State v. Lafferty, 1998 MT 247, 291 Mont. 157, 967 P.2d 363
- State v. Jarman, 1998 MT 277, 291 Mont. 391, 967 P.2d 1099

- State v. Lee, 282 Mont. 391, 938 P.2d 637 (1997)

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