

SUPREME COURT OF THE STATE OF MONTANA

In re the Driver's License Suspension of Lorrie Bracha v. State of Montana

2002 MT 43N (Mont. 2002) · No. 00-330 · Decided March 12, 2002

SUMMARY

The Montana Supreme Court reversed the district court’s reinstatement of Lorrie Bracha’s driving privileges. It held that failure to dim high-beam headlights for oncoming traffic, a misdemeanor under Montana law, provided particularized suspicion sufficient for an investigatory stop and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Karla M. Gray; Karla M. Gray; James C. Nelson; Patricia Cotter; Terry N. Triewelier; Jim Rice
JURISDICTION	Montana
DECIDED	March 12, 2002
DOCKET	00-330
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State of Montana appealed from a district court order reinstating Lorrie Bracha's driving privileges after she refused a roadside breath test and challenged the legality of the traffic stop.
STANDARD OF REVIEW	The court reviews factual findings for clear error and conclusions of law for correctness.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	State of Montana v. Lorrie Bracha

TOPICS

- appellate procedure
- standard of review
- search and seizure
- criminal procedure
- administrative law

PRACTICE AREAS

- appellate procedure
- administrative law
- criminal procedure

QUESTIONS PRESENTED

1. Whether the district court applied the correct standard in reviewing the suspension and reinstatement of Bracha's driver's license.
2. Whether an officer's observation that a driver failed to dim high-beam headlights for oncoming traffic creates sufficient particularized suspicion to support an investigatory stop.

HOLDINGS

1. In reviewing a decision on a petition for reinstatement of a driver's license, the Montana Supreme Court reviews factual findings for clear error and conclusions of law for correctness.
2. Failure to dim high-beam headlights for oncoming traffic, when observed by a peace officer, is an adequate basis for an investigatory stop because it constitutes a misdemeanor offense and creates particularized suspicion that an offense has been committed.

KEY QUOTATIONS

"We hold that Bracha's failure to dim her high beams for oncoming traffic was an adequate basis for an investigatory stop." (¶ 10)

"A peace officer may make an investigatory stop of a vehicle "observed in circumstances that create a particularized suspicion that the . . . occupant of the vehicle has committed, is committing, or is about to commit an offense."" (¶ 9)

FACTUAL BACKGROUND

While driving at night on a two-lane highway, Lorrie Bracha failed to dim her headlights for an approaching vehicle driven by the arresting officer. The officer observed the violation, and Bracha admitted that her headlights were on high beam when she approached and passed him. Her driving privileges were suspended after she refused a roadside breath test, and the district court reinstated them after concluding that the traffic stop lacked a sufficient basis.

PROCEDURAL HISTORY

Bracha's driving privileges were suspended after she refused a roadside breath test. Following a hearing under § 61-8-403, MCA, the District Court of the Tenth Judicial District, Judith Basin County, reinstated her driving privileges. The Montana Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the opinion.

CASES CITED

- Anderson v. State, Dep't of Justice, Motor Vehicle Div., 275 Mont. 259, 912 P.2d 212 (1996)
- State v. Broken Rope, 278 Mont. 427, 925 P.2d 1157 (1996)
- State v. Reynolds, 272 Mont. 46, 899 P.2d 540 (1995)
- State v. Lafferty, 1998 MT 247, 291 Mont. 157, 967 P.2d 363

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