

SUPREME COURT OF ARKANSAS

Sheridan v. State, 368 Ark. 510

247 S.W.3d 481 (2007) · No. CR 06-695 · Decided January 18, 2007

SUMMARY

The Supreme Court of Arkansas considered whether a sobriety checkpoint conducted by the Little Flock Police Department violated the Fourth Amendment because it lacked prior authorization from an elected public official. The court applied the *Brown v. Texas* balancing test and held that neither the Fourth Amendment nor *Michigan Department of State Police v. Sitz* requires authorization by an elected official. The court affirmed the denial of Sheridan's motion to suppress and affirmed his conviction and sentence.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Paul E. Danielson
JURISDICTION	Arkansas
DECIDED	January 18, 2007
DOCKET	CR 06-695
DISPOSITION	affirmed
PROCEDURAL POSTURE	Conditional appeal from a circuit-court judgment convicting Sheridan of driving while intoxicated after the circuit court denied his motion to suppress evidence obtained at a sobriety checkpoint.
STANDARD OF REVIEW	The court reviews the denial of a suppression motion de novo based on the totality of the circumstances and reverses only if the circuit court's ruling is clearly against the preponderance of the evidence.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	John Douglas Sheridan v. State of Arkansas

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Fourth Amendment required an elected public official or authority to authorize the sobriety checkpoint before its implementation.
2. Whether the checkpoint was an unreasonable seizure under the Fourth Amendment because it lacked such advance authorization.
3. Whether Sheridan was entitled to withdraw his conditional guilty plea and suppress the evidence obtained at the checkpoint.

HOLDINGS

1. The Fourth Amendment does not require an elected public authority to authorize a sobriety checkpoint before it may lawfully be implemented.
2. The denial of Sheridan's motion to suppress was affirmed because his challenge rested solely on the absence of elected-official authorization, and that absence did not render the checkpoint unconstitutional.

KEY QUOTATIONS

“Where a vehicle stop is made on less than reasonable suspicion of criminal activity, its permissibility is determined by a three-pronged balancing test.” (484)

“Nor do we interpret the Sitz decision as holding that an elected public authority must authorize a checkpoint in order for it to be legal.” (485)

FACTUAL BACKGROUND

On May 22, 2004, Little Flock police operated a safety checkpoint on Woods Lane because of traffic-related incidents and the presence of children in a nearby apartment complex. Every vehicle was stopped, drivers were informed that the officers were conducting a safety checkpoint, licenses were examined, and officers checked seat-belt and child-restraint compliance. Stops averaged fifteen to twenty seconds, and Sheridan was stopped and cited for DWI. The checkpoint had not been specifically authorized in advance by an elected official.

PROCEDURAL HISTORY

Sheridan was stopped at a Little Flock, Arkansas, safety checkpoint and was convicted of DWI in district court on September 15, 2004. He appealed to circuit court, moved to suppress the evidence, and entered a conditional plea under Arkansas Rule of Criminal Procedure 24.3(b). The circuit court denied the suppression motion and entered judgment on March 17, 2006. The Supreme Court of Arkansas affirmed the denial of suppression and the conviction and sentence.

DISPOSITION

affirmed

CASES CITED

- Brouhard v. Lee, 125 F.3d 656 (8th Cir. 1997)
- Brown v. Texas, 443 U.S. 47 (1979)
- Crenshaw v. Eudora Sch. Dist., 362 Ark. 288, 208 S.W.3d 206 (2005)
- Hart v. State, 368 Ark. 237, 244 S.W.3d 670 (2006)
- Holt v. State, 887 S.W.2d 16 (Tex. Crim. App. 1994)
- Low v. Insurance Co. of North Am., 364 Ark. 427, 220 S.W.3d 670 (2005)
- Michigan Dep't of State Police v. Sitz, 496 U.S. 444 (1990)
- Mullinax v. State, 327 Ark. 41, 938 S.W.2d 801 (1997)
- Scamardo v. Jagers, 356 Ark. 236, 149 S.W.3d 311 (2004)
- United States v. Martinez-Fuerte, 428 U.S. 543 (1976)

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