

DISTRICT OF COLUMBIA COURT OF APPEALS

Everton v. District of Columbia

993 A.2d 595 (D.C. 2010) · No. No. 07-CT-1350 · Decided April 22, 2010

SUMMARY

The District of Columbia Court of Appeals held that a bicycle qualifies as a "vehicle" under the District's DUI statute. The court affirmed Baker N. Everton's conviction for operating a vehicle under the influence of alcohol, concluding that riding an intoxicated bicycle on a public street constituted operating a vehicle under D.C. Code § 50-2201.05.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Ruiz, Associate Judge; Ferren, Senior Judge; Schwelb, Senior Judge
JURISDICTION	District of Columbia
DECIDED	April 22, 2010
DOCKET	No. 07-CT-1350
DISPOSITION	affirmed
PROCEDURAL POSTURE	Everton appealed his conviction for operating a vehicle under the influence of alcohol, arguing that the District of Columbia DUI statute did not apply to riding a bicycle.
STANDARD OF REVIEW	De novo review of the statutory interpretation issue
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Baker N. Everton v. District of Columbia

TOPICS

- statutory interpretation
- plain meaning rule
- legislative history
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- statutory interpretation
- District of Columbia municipal law
- appellate procedure

QUESTIONS PRESENTED

1. Whether a bicycle is a vehicle under D.C. Code § 50-2201.05, such that riding a bicycle while under the influence of alcohol violates the District of Columbia DUI statute.

HOLDINGS

1. A bicycle is a vehicle for purposes of D.C. Code § 50-2201.05, and operating a bicycle while under the influence of alcohol violates the statute.

KEY QUOTATIONS

“Under the Act's clear and unambiguous language defining "vehicle," a bicycle is a "vehicle," as it is an "appliance" consisting of a metal frame mounted on two "wheels" that can move over a "highway."” (597)

“Giving effect to the clear statutory language of the Traffic Act, and consistently with its purpose, we conclude that a bicycle is a "vehicle" for purposes of the DUI statute of the District of Columbia.” (598)

FACTUAL BACKGROUND

Police officers encountered Everton intoxicated on a sidewalk, observing a strong odor of alcohol, bloodshot and watery eyes, slurred speech, unsteadiness, and difficulty standing. Despite repeated warnings not to ride, Everton rode his bicycle across a public street, nearly striking a child, and then fell from the bicycle. He was arrested and convicted for operating a vehicle under the influence of alcohol; he did not challenge the trial court's factual finding that he was intoxicated.

PROCEDURAL HISTORY

Everton was arrested and convicted in the trial court under D.C. Code § 50-2201.05 after officers observed him riding a bicycle while intoxicated. He appealed, presenting the legal issue whether a bicycle qualifies as a vehicle under the statute. The District of Columbia Court of Appeals affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- Banks v. United States, 955 A.2d 709, 711 (D.C. 2008)
- Thompson v. District of Columbia, 863 A.2d 814, 817-18 (D.C. 2004)
- Peoples Drug Stores, Inc. v. District of Columbia, 470 A.2d 751, 753 (D.C. 1983) (en banc)
- Connecticut National Bank v. Germain, 503 U.S. 249, 253-54 (1992)
- District of Columbia v. Wheeler, 17 F.2d 953, 953, 955 (D.C. Cir. 1927)
- Cass v. District of Columbia, 829 A.2d 480, 485 (D.C. 2003)
- Persham v. United States, 104 F.2d 249, 250 (D.C. Cir. 1939)
- Leiss v. United States, 364 A.2d 803, 807 (D.C. 1976), cert. denied, 430 U.S. 970 (1977)
- Houston v. District of Columbia, 149 A.2d 790, 792 (D.C. 1959)

- State v. Ruona, 133 Mont. 243, 321 P.2d 615, 618 (1958)
- Taylor v. United States, 662 A.2d 1368, 1371 (D.C. 1995)
- Sullivan v. United States, 990 A.2d 477, 483 n. 9 (D.C. 2010)
- Albernaz v. United States, 450 U.S. 333, 343 (1981)
- Clingenpeel v. Municipal Court for Antelope Judicial District, 108 Cal. App. 3d 394, 399, 166 Cal. Rptr. 573 (1980)
- People v. Schaefer, 274 Ill. App. 3d 450, 210 Ill. Dec. 968, 654 N.E.2d 267, 268 (1995)

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