

SUPREME COURT OF SOUTH DAKOTA

State v. Meyer

2015 S.D. 64 (S.D. 2015) · No. #27218 · Decided July 22, 2015

SUMMARY

The Supreme Court of South Dakota affirmed the denial of Aria Meyer’s motion to suppress evidence obtained after an SDSU police stop. The court held that the stopping officer had an individualized and objectively reasonable suspicion of underage alcohol consumption and related criminal activity based on the totality of the circumstances. The court concluded that the stop did not violate the Fourth Amendment or Article VI, section 11 of the South Dakota Constitution.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Kern, Justice; Gilbertson, Chief Justice; Zinter, Justice; Severson, Justice; Wilbur, Justice
JURISDICTION	South Dakota
DECIDED	July 22, 2015
DOCKET	#27218
DISPOSITION	affirmed
PROCEDURAL POSTURE	Meyer appealed the denial of her motion to suppress evidence obtained following an investigative stop. After the magistrate court denied suppression, Meyer entered a stipulation under which the underage-consumption charge was dismissed, she was convicted of DUI after a court trial, and she preserved her right to appeal the suppression ruling. The circuit court affirmed, and the South Dakota Supreme Court affirmed.
STANDARD OF REVIEW	The denial of a suppression motion alleging a constitutional violation is reviewed de novo as a question of law. The lower court's factual findings are reviewed for clear error, while its conclusions of law receive no deference.
PRECEDENTIAL VALUE	Published South Dakota Supreme Court opinion; precedential.
PARTIES	Aria M. Meyer v. State of South Dakota

TOPICS

suppression of evidence

fourth amendment

search and seizure

reasonable doubt

criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the magistrate court clearly erred in finding that Officer Anderson, rather than a student patrol officer, effectuated the stop.
2. Whether Officer Anderson had reasonable suspicion and an individualized, objective basis to stop Meyer and investigate suspected underage alcohol consumption and related criminal activity.

HOLDINGS

1. The magistrate court's finding that Officer Anderson made the stop was not clearly erroneous.
2. Officer Anderson had an individualized, objective, and reasonable suspicion that Meyer was engaged in criminal activity, so the investigatory stop did not violate Meyer's constitutional rights.

KEY QUOTATIONS

“Therefore, upon consideration of the totality of the circumstances, we hold that Officer Anderson had an individualized, objective, and reasonable basis to believe that she was engaged in criminal activity.” (§ 19)

“A reviewing court must look to the ‘totality of the circumstances’ to determine whether the officer had a ‘particularized and objective basis’ for suspecting criminal activity.” (§ 9)

FACTUAL BACKGROUND

Just after midnight, an SDSU student patrol officer observed approximately eight people gathered around the open tailgate of a vehicle in a campus parking lot. He saw multiple alcohol containers in the vehicle, smelled alcohol, and observed several group members stumble while walking toward a dormitory. A sworn officer stopped the group based on the student officer's report, learned that all members were under twenty-one, and identified Meyer as the vehicle's registered owner and driver. Meyer admitted consuming alcohol and driving; she failed field sobriety and preliminary breath tests, and a later blood draw showed a blood alcohol concentration of 0.169 percent.

PROCEDURAL HISTORY

SDSU police stopped Meyer and other students after observing circumstances suggesting underage alcohol consumption. The magistrate court denied Meyer's suppression motion, and she was later convicted of DUI pursuant to a stipulation preserving appellate review. The circuit court affirmed the suppression ruling, and the Supreme Court of South Dakota affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Ludemann, 2010 S.D. 9, ¶ 14, 778 N.W.2d 618, 622
- State v. Madsen, 2009 S.D. 5, ¶ 11, 760 N.W.2d 370, 374
- State v. Haar, 2009 S.D. 79, ¶ 12, 772 N.W.2d 157, 162
- State v. Aaberg, 2006 S.D. 58, ¶¶ 9-10, 718 N.W.2d 598, 600
- Terry v. Ohio, 392 U.S. 1, 15-19 (1968)
- State v. Mohr, 2013 S.D. 94, ¶¶ 13-16, 841 N.W.2d 440, 444-45
- Ornelas v. United States, 517 U.S. 690, 695 (1996)
- State v. Sound Sleeper, 2010 S.D. 71, ¶ 16, 787 N.W.2d 787, 791
- State v. Johnson, 2011 S.D. 10, ¶ 8, 795 N.W.2d 924, 926
- State v. Satter, 2009 S.D. 35, ¶ 6, 766 N.W.2d 153, 155
- In re Estate of Hobelsberger, 85 S.D. 282, 289, 181 N.W.2d 455, 459 (1970)
- Zenith Radio Corp. v. Hazeltine Research Inc., 395 U.S. 100, 123 (1969)
- Strong v. Atlas Hydraulics, Inc., 2014 S.D. 69, ¶ 16, 855 N.W.2d 133, 140
- Peterson v. Issenhuth, 2014 S.D. 1, ¶ 15, 842 N.W.2d 351, 355
- State v. Olhausen, 1998 S.D. 120, ¶ 7, 587 N.W.2d 715, 717-18
- Alabama v. White, 496 U.S. 325, 328 (1990)
- State v. Burkett, 2014 S.D. 38, ¶ 47, 849 N.W.2d 624, 636
- State v. Herren, 2010 S.D. 101, ¶¶ 17, 21, 792 N.W.2d 551, 556-57
- United States v. Arvizu, 534 U.S. 266, 274 (2002)
- City of Indianapolis v. Edmond, 531 U.S. 32, 37, 42-43, 48 (2000)
- Commonwealth v. Mistler, 912 A.2d 1265, 1267-74 (Pa. 2006)