

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Meghan Shears v. Patricia S. Reed, Commissioner of the West Virginia Division of Motor Vehicles

No. 14-0681 (Kanawha County 14-P-174) · No. No. 14-0681 · Decided May 18, 2015

SUMMARY

The West Virginia Supreme Court of Appeals affirmed the denial of Meghan Shears’s petition for a writ of prohibition challenging the administrative revocation of her driver’s license for aggravated DUI. The Court held that her criminal DUI deferral agreement and waiver of an administrative hearing did not preclude the DMV from imposing the statutory administrative penalties based on her blood alcohol concentration of .156.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Margaret L. Workman; Justice Brent D. Benjamin; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	May 18, 2015
DOCKET	No. 14-0681
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Kanawha County's denial of her petition for a writ of prohibition challenging the West Virginia Division of Motor Vehicles' administrative revocation of her driver's license.
STANDARD OF REVIEW	A writ of prohibition is discretionary. In cases not involving an absence of jurisdiction, the court considers five factors identified in State ex rel. Hoover v. Berger, giving substantial weight to whether the lower tribunal committed clear legal error. The court also reviewed the circuit court's order for prejudicial error and found none.
PRECEDENTIAL VALUE	Published memorandum decision; no substantial question of law identified by the court
PARTIES	Meghan Shears v. Patricia S. Reed, Commissioner of the West Virginia Division of Motor Vehicles

TOPICS

administrative law judicial review of agency action writ of certiorari appellate procedure
statutory interpretation

PRACTICE AREAS

administrative law appellate procedure DUI license revocation criminal procedure

QUESTIONS PRESENTED

1. Whether the circuit court erred in denying a writ of prohibition challenging the DMV's administrative revocation of petitioner's driver's license.
2. Whether petitioner's criminal DUI deferral agreement and related fifteen-day suspension limited or superseded the DMV's separate statutory authority to impose a forty-five-day administrative revocation and an additional 270 days of ignition-interlock participation.
3. Whether petitioner waived her right to challenge the administrative revocation by entering the DUI deferral program.

HOLDINGS

1. Administrative license-revocation proceedings under Chapter 17C are separate and distinct from criminal DUI proceedings; the criminal disposition does not control the administrative revocation.
2. Under West Virginia Code § 17C-5A-2(k)(1), the Commissioner was required to revoke petitioner's license for forty-five days and require an additional 270 days of participation in the Motor Vehicle Alcohol Test and Lock Program when the administrative evidence established that she drove with a BAC of fifteen hundredths of one percent or more.
3. Petitioner's election to participate in the DUI deferral program constituted a waiver of her right to an administrative hearing challenging the DMV's revocation.
4. The writ of prohibition was properly denied because petitioner failed to demonstrate clear legal error or other grounds warranting the discretionary writ.

KEY QUOTATIONS

“Administrative license revocation proceedings for driving a motor vehicle under the influence of alcohol, controlled substances or drugs which are initiated pursuant to Chapter 17C of the West Virginia Code are proceedings separate and distinct from criminal proceedings arising from driving a motor vehicle under the influence of alcohol, controlled substances or drugs.” (at 2)

“Although, the Commissioner is to give consideration to the results of related criminal proceedings, the criminal proceedings are not dispositive of the administrative license revocation proceedings.” (at 2)

“The administrative enhancement provisions of W. Va. Code § 17C-5A-2 are triggered by the statement of an arresting officer rather than the guilty plea of an offender.” (at 2)

FACTUAL BACKGROUND

Petitioner was arrested on March 24, 2013, for aggravated DUI based on a reported blood alcohol concentration of .156. The DMV administratively revoked her license for forty-five days and required an additional 270 days in the Motor Vehicle Alcohol Test and Lock Program. In the related criminal proceeding, petitioner entered a DUI deferral agreement requiring a fifteen-day suspension and at least 165 days in the program, and she waived her right to an administrative hearing. The administrative record included the DUI Information Sheet and intoximeter results establishing the .156 BAC.

PROCEDURAL HISTORY

After petitioner was arrested for aggravated DUI, the DMV revoked her license for forty-five days and required participation in the Motor Vehicle Alcohol Test and Lock Program. Petitioner entered a criminal DUI deferral agreement that included a shorter license suspension and waived her right to an administrative hearing. The Office of Administrative Hearings affirmed the DMV's revocation, and the Circuit Court of Kanawha County denied petitioner's writ of prohibition. The Supreme Court of Appeals of West Virginia affirmed the circuit court.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Hoover v. Berger, 199 W. Va. 12, 483 S.E.2d 12 (1996)
- Carroll v. Stump, 217 W. Va. 748, 619 S.E.2d 261 (2005)
- Wagoner v. Sidropolis, 184 W. Va. 40, 399 S.E.2d 183 (1990)