

"North Carolina Supreme Court Issues Latest Decision on DUI/Drunk Driving Checkpoints"

CASE: State v Griffin (Opinion No. 451PA12, April 12, 2013)

HOLDING:

When a driver stops in the middle of a roadway and turns away from a licensed checkpoint, a law enforcement officer has "reasonable suspicion" that the driver may have been violating the law and the subsequent stop and investigation of the driver is constitutional.

FACTS:

On January 5, 2009, Trooper Scott Casner of the North Carolina Highway Patrol was conducting a license checkpoint on Highway 306 close to two intersections. The checkpoint at issue was marked and illustrated by activated blue lights of North Carolina Highway Patrol cars. At approximately 9:55 p.m. Trooper Casner observed a vehicle approaching the checkpoint. Then the vehicle, although not at an intersection, stopped in the middle of the road and initiated a three-point turn thus beginning to turn left and continuing onto the shoulder of the road. Suspecting that the driver was attempting to avoid the checkpoint, Trooper Casner stopped the driver before he could complete the turn and leave the area. Casner's investigation of the driver ultimately led to him being charged with DWI (DUI or drunk driving).

PROCEDURAL HISTORY:

Griffin's motion to suppress the evidence from the stop was denied and he was convicted pursuant to a "no-contest plea" in Superior Court, Pamlico County, North Carolina. Griffin was convicted of DWI. He appealed. The North Carolina Court of Appeals reversed the trial court and ruled that the stop of Griffin was unconstitutional. This appeal to the Supreme Court of North Carolina followed.

ISSUE:

Was the defendant's actions of stopping in the middle of the roadway and turning away from a license checkpoint give rise to a "reasonable suspicion" that the driver may have been violating the law, thus allowing law enforcement to stop and investigate the driver?

HOLDING:

Yes. The defendant's constitutional rights were not violated by the traffic stop that led to his conviction for DUI/drunk driving. Based on the totality of the circumstances, we conclude that the defendant stopping in the middle of the roadway and turning away from a license checkpoint did give rise to a "reasonable suspicion" that the defendant may have been violating the law. Because the stop of the defendant's vehicle was constitutional, the Supreme Court of North Carolina reversed the decision of the Court of Appeals and reinstated the defendant's conviction for DUI/drunk driving.

In State v Forman (527 S.E.2d 921 (2000)), the North Carolina Supreme Court concluded that "although a legal turn, by itself, is not sufficient to establish a reasonable and articulable suspicion, a legal turn in conjunction with other circumstances, such as the time, place and manner in which it is made may constitute a reasonable and articulable suspicion which could justify an investigatory stop. The Court went on to note that evidence of flight is suggestive of wrongdoing.

In United States v Smith, 396 F.3d 579 (4th Circuit), the Federal District court denied the defendant's motion to suppress evidence resulting from a stop. The 4th Circuit Court of Appeals affirmed the District Court, holding that "when law enforcement officers observe conduct suggesting that a driver is attempting to evade a police roadblock-such as behavior indicating that the driver is trying to hide from officers-police may take that behavior into account in determining whether there is reasonable suspicion to stop the vehicle and investigate the situation further."

The case at bar presents a situation comparable to the facts encountered in both Forman and Smith. Griffin approached a checkpoint marked with blue flashing lights. Once the lights became visible, the defendant stopped in the middle of the road, even though he was not at an intersection, and appeared to attempt a three-point turn. Trooper Casner observed the driver's actions and suspected the defendant was attempting to evade the checkpoint. Given the place and manner of the defendant's turn in conjunction with his proximity to the checkpoint, we hold there was reasonable suspicion that the defendant was violating the law; and thus, the stop was constitutional. Accordingly, the decision of the court of Appeals is reversed and the defendant's conviction for DUI/drunk driving is reinstated.