

SUMMARY STATEMENT

State v. Jeremy Micheal Porter
Docket No. 47858/47859

Jeremy Micheal Porter was charged with felony driving under the influence (DUI) on two separate occasions. In the first case, Porter was involved in a two vehicle accident. An officer was dispatched to the scene and discovered Porter outside of his vehicle. After observing signs of intoxication, the officer performed field sobriety tests, which Porter failed. Porter then admitted that he had been convicted a prior DUI approximately nine years earlier. Porter refused to complete breathalyzer tests, and refused other testing. He was then arrested and transported to jail for a blood draw, which confirmed he was intoxicated. Porter was initially cited for a misdemeanor, with the prosecutor later amending the charge to a felony.

Porter filed a motion to suppress the evidence from the blood draw, arguing that his arrest was for a misdemeanor committed outside an officer's presence. The district court denied the motion, finding that probable cause for a felony existed at the time of the arrest due to Porter's admission of a prior DUI.

In the second case, officers observed Porter drive into a parking lot in daylight hours, park, and turn off his engine. When the officers approached the vehicle, they observed Porter passed out behind the steering wheel. The officers attempted to rouse Porter, but were unable to do so outside the vehicle. The officers then opened the door to his vehicle, at which point they smelled alcohol and Porter admitted to drinking the night before. Porter again refused to complete breath tests and was arrested and taken to jail for a blood draw, which confirmed he was intoxicated. The State charged Porter with felony DUI.

Porter filed a motion to suppress, arguing that the officers lacked reasonable suspicion to open his vehicle door. The district court denied the motion, finding that the officers' actions in attempting to check on Porter after he passed out were justified under their community caretaking function.

On appeal, Porter contends that the district court erred in denying his motions to suppress. The Court of Appeals affirmed the district court, holding that an objective standard applies in determining whether probable cause exists to make an arrest, and that the officers' actions in opening Porter's vehicle door were reasonable under the circumstances.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.