

“South Carolina Court of Appeals Issues Latest DUI Decision”

On October 31, 2012, the South Carolina Court of Appeals issued its latest opinion in the field of DUI/drunk driving defense. In State v Vinson, the Court of Appeals upheld the Circuit Court in its denial of Vinson’s motion to dismiss because the police did not have “reasonable articulable suspicion” to justify the initial traffic stop which resulted in Vinson’s arrest for DUI.

FACTS:

On February 7, 2009 at approximately 3:00 a.m. Trooper Horne of the South Carolina Highway Patrol was engaged in routine patrol and enforcement on Highway 215 in Union County, South Carolina. Highway 215 is a two lane roadway with each lane having its own yellow lane line dividers to indicate where passing is prohibited. Trooper Horne testified at the Circuit Court trial that he observed Vinson’s car drift “back and forth” between the double yellow lines that separated the opposing lanes of traffic. Horne then activated his dash cam. He further testified that Vinson’s vehicle never completely crossed into the opposing lane nor did it drift again into the center of the two yellow lines after the dash cam had been activated; however, Horne stated that he decided to pull Vinson over at the time because they were traveling into a “well-populated area with a lot of houses and a lot of hills.” Trooper Horne went on to testify that after stopping Vinson he noticed that his eyes were bloodshot and he detected an odor of alcohol. Vinson initially denied having any alcoholic beverages, then admitted to drinking four or five beers in the past hour. Horne’s testimony continued that Vinson failed the field sobriety tests which were given at the scene. Accordingly, Horne arrested Vinson for DUI (drunk driving) and Vinson was taken into custody where he later registered a .14 on the DataMaster.

Vinson made a pre-trial motion to dismiss the charge on the grounds that the traffic stop was not based on “reasonable suspicion or probable cause”; thus, the traffic stop was conducted in violation of Vinson’s Fourth Amendment rights. The Court denied the motion to dismiss. Vinson was subsequently tried and convicted of DUI.

ISSUE:

Was Vinson’s arrest for DUI the result of an illegal stop conducted in violation of his Fourth Amendment rights?

HOLDING:

No, the stop of Vinson’s vehicle did not violate his Fourth Amendment rights. The Court of Appeals concurred with the Circuit Court’s decision that Trooper Horne was justified in stopping Vinson for a perceived violation of Section 56-5-1900 (“Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply...[a] vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that such movement can be made with safety”). “The plain language of Section 56-5-1900 requires a driver to maintain his vehicle entirely within a single lane and excuses this mandate only when it’s not practicable or the driver can safely change lanes.” Trooper Horne testified that Vinson’s front tire crossed over the area between the double yellow lines that separated opposing lanes of traffic into a “no passing zone.” This action by Vinson, was in and of itself, a violation of the statute. “Because it was practicable for Vinson to remain within his own lane of traffic, we find Trooper Horne had the requisite reasonable suspicion to stop Vinson’s vehicle for a violation of 56-5-1900.” Accordingly, the subsequent investigation and arrest for DUI was proper.

Based on the foregoing, the Circuit Court’s decision is affirmed.