

"South Carolina Circuit Court Judge Reverses DUI/Drunk Driving Conviction Due to Unconstitutional Road Check"

CASE: City of Rock Hill v Roddey (2012-CP-46-03658, April 3, 2013)

FACTS:

On March 22, 2012, the defendant was arrested and charged with DUI/drunk driving near Cherry Road and in the vicinity of the City of Rock Hill, South Carolina. Defense counsel filed a pretrial motion to dismiss contending that Roddey's arrest on the DUI charge was illegal because it was the result of an illegal DUI checkpoint. This motion was denied by the trial court.

PROCEDURAL HISTORY:

The case was called for a jury trial on October 10, 2012. At the conclusion of the prosecution's case in chief, the defense renewed its motion to dismiss. It was again denied. The jury returned a verdict of guilty as to the charge of DUI/drunk driving. The defendant then appealed his conviction to the Circuit Court.

ISSUE:

Did the City of Rock Hill sufficiently establish the constitutional legality of the check point that led to the defendant's arrest on March 22, 2012?

HOLDING:

No. The City failed to establish constitutional legality of the checkpoint that led to the defendant's arrest; and therefore, his conviction is reversed and vacated.

A "Fourth Amendment" seizure occurs when a vehicle is stopped at a checkpoint. Road blocks or road checks are considered suspicionless seizures devoid of any reasonable and articulable suspicion; however, the US Supreme Court allows such checkpoint where there are government interests in making the stops which go beyond general law enforcement.

Critical to the analysis of this case, in Delaware v Prouse, 440 US 648 (1979), the U.S. Supreme Court noted that, in the case at bar, the record disclosed "no statistics concerning the extent of the problem of lack of highway safety." Inferentially, the court seemed to focus on the need for empirical data to support the use and location of a highway checkpoint.

The defendant presented the case law of State v Vickery 732 S.E.2d 218, 399 S.C. 507 (Ct. App. 2012), where the South Carolina Court of Appeals held that the state is not required to present preexisting data to justify setting up a checkpoint; however, the Court of Appeals did hold that some basis for the location of the checkpoint is required. In Vickery, the court noted that the officer conducting the checkpoint testified that the determination of the placement of the checkpoint was based on citizen complaints about speeding and loud music. Additionally, testimony was presented from another officer who had personal knowledge of the problems in the area where the checkpoint was set up from viewing incident reports, traffic tickets, and statistics. The traffic enforcement activity reports for dates prior to that of the checkpoint in question showed the license checkpoints in the same area resulted in 30 to 60 traffic and criminal offenses on each occasion.

In the present case, the only testimony offered regarding the basis for the location of the checkpoint was that of the arresting officer. No testimony was presented from the officers who made the decision

to set up the checkpoint. Additionally, there was no testimony from the arresting officer or anyone from the City of Rock Hill that any data was used to determine the placement of the checkpoint or even available to officers who decided on the location of the checkpoint.

In the present case, there was absolutely no evidence presented regarding any empirical data which would support that the seizures at the road block served the public interest. Furthermore, there was no empirical data introduced concerning the results of the checkpoint.

The court found that the checkpoint at which the defendant was stopped did not comply with the applicable laws of the United States or South Carolina law. Accordingly, the defendant's conviction for DUI/drunk driving was reversed and the charges against the defendant were dismissed.