

IN THE COURT OF COMMON PLEAS IN THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

STATE OF DELAWARE)	
)	Case No.: 1207012433
v.)	
)	
MELANIE WILLIAMS)	
Defendant.)	

D. Benjamin Snyder, Esquire
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DECISION ON MOTION TO SUPPRESS

Defendant, Melanie Williams, has been charged with Driving Under the Influence (“DUI”) pursuant to 21 *Del. C.* Section 4177(a)(1). She has filed a motion to suppress all evidence seized after her arrest for DUI on the grounds that the police did not have probable cause to arrest her for that offense. The Court held a hearing on the motion on October 8, 2012, and reserved decision. This correspondence constitutes the Court’s decision on the motion. The defendant’s motion to suppress is denied.

FACTS

On or about July 15, 2012, a police officer from the Milford Police Department was directing traffic on Route 1, in the area of Route 14, in Kent County, Delaware, at approximately

12:30 a.m. The officer had been dispatched to respond to an accident which had closed northbound and southbound lanes of Route 1. The officer placed flares in the left lane on southbound Route 1 in order to merge all traffic to the right lane and, then, stood on the roadway, directing the heavy flow of traffic to turn right and exit Route 1 before the road closure at the accident scene.

During this time, the defendant drove her vehicle southbound on Route 1 towards the police officer who was motioning with his arms, directing her to turn right. She continued driving her vehicle towards the officer in the right lane at an unusually slow speed and, then, began to turn left. The officer yelled to the defendant and again motioned for her to turn right. In response, the defendant stopped her car between the left and right lanes. The officer approached the car and told the defendant to put the car into park. The defendant instead put the car into third gear. At this time, the officer smelled the odor of alcohol on the defendant and observed the defendant slouching over the steering wheel. The officer then reached into the car, put the car into park, turned off the engine and removed the car keys from the ignition. He asked the defendant for her license, registration and proof of insurance. The defendant attempted to retrieve those items, but, was unable to find them. The police officer also observed that the defendant's speech was slurred. The officer asked the defendant to exit the vehicle. As the defendant walked from the vehicle, the officer observed that she was unsteady on her feet and needed assistance to move from her car to the police car. When the defendant reached the police car, she was handcuffed and placed in the backseat of the police vehicle.¹

¹ Although the State contests whether the defendant was under arrest when she was handcuffed and put into the backseat of the police vehicle, it offered no further evidence or any results of field sobriety tests to show a continuing investigation.

DISCUSSION

For a DUI arrest, constitutional protections require a police officer to have probable cause to believe a person was driving under the influence of alcohol in order to effectuate such an arrest.² Probable cause is determined “by the totality of the circumstances, as viewed by a reasonable police officer in light of his or her training and experience.”³ “Probable cause to arrest for a DUI offense exists when an officer possesses information which would warrant a reasonable man in believing that such a crime has been committed.”⁴ “The State bears the burden of establishing that there was probable cause of driving under the influence of alcohol.”⁵

In the present case, the arresting officer observed the defendant failing to obey his demands two times: the first when he directed the defendant to turn her vehicle right and later when he told her to put the vehicle into park. Instead, she inexplicably turned her car to the left and parked it in between two lanes of traffic. He also observed a strong odor of alcohol on the defendant, the defendant slouching over her steering wheel and the defendant’s slurred speech. Finally, the officer observed that the defendant was unsteady on her feet and required assistance to walk from her vehicle to the officer’s vehicle. These observations, taken in their totality, provided the officer with the probable cause necessary to arrest the defendant for a DUI offense prior to his handcuffing her and placing her in his police car. The Court finds that at that point, the defendant was under arrest.⁶

At the hearing for this motion, the defendant raised the issue that no field sobriety tests were performed prior to the defendant being placed in the police car. While a driver’s

² *Lefebvre v. State*, 19 A.3d 287, 292 (Del. 2011).

³ *Miller v. State*, 4 A.3d 471, 373 (Del. 2010).

⁴ *Lefebvre* at 292 (citations and original quotations omitted).

⁵ *Bease v. State*, 884 A.2d 495, 498 (Del. 2005).

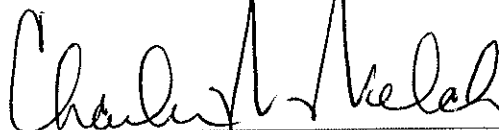
⁶ See *State v. Church*, 2008 WL 4947653, at *3 (Del.Super. Nov. 19, 2008) (citing *State v. Brown*, 1998 WL 961751, at *2-3 (Del.Super. July 27, 1998)).

performance on field sobriety tests is a frequent way for officers to determine whether probable cause to arrest exists, these tests are neither necessary nor determinative.⁷ In fact, probable cause has been found in cases where the “driver committed a traffic offense, exhibited a strong odor of alcohol, had a flushed face, admitted drinking an hour and a half before the stop, and was somewhat flustered and argumentative with the officer.”⁸ It has also been found where the driver was driving erratically, smelled of alcohol, had bloodshot and glassy eyes, and admitted he had consumed alcohol the night before.⁹ Similarly, the circumstances here provided the officer with sufficient showing of probable cause, even without field sobriety tests, given that the defendant failed to follow the orders of the police officer, was erratic in her driving actions, smelled of alcohol, slouched over her steering wheel, slurred her speech, and walked unsteadily from her car, requiring assistance.

CONCLUSION

Based on the foregoing analysis, the Court finds that under the totality of the circumstances, the police officer had probable cause to arrest the defendant for a DUI offense when she was handcuffed and placed under arrest. Therefore, the defendant’s Motion to Suppress is denied.

IT IS SO ORDERED this 25th day of OCTOBER, 2012



CHARLES W. WELCH
JUDGE

⁷ *Lefebvre* at 295.

⁸ *Lefebvre* at 293.

⁹ *Bease* at 499.