

High in the friendly skies

Here I represented a young man who had arrived at the Raleigh Durham Airport before noon after a long flight. During the flight he had about ten bourbon drinks. Apparently, several passengers had noted his intoxication.

As he rode the shuttle bus to his parked car a woman called airport security and reported that an intoxicated person was about to drive his car.

Meantime, my client wobbled to his vehicle and started his vehicle.

Because in North Carolina driving is defined as sitting behind the wheel of a running car whether it is moving or sitting still, the airport police immediately pulled in behind his vehicle to block him in.

The client put the vehicle in park and got out of the vehicle. He blew .20 on the intoxilyzer. The police officer testified that the passenger on the shuttle bus pointed to my client when airport security arrived and said, "that is him."

I argued under a long line of cases from North Carolina and the United States Supreme Court that the anonymous tip was not sufficient to give the police officer authority to stop the vehicle. Since my client had done nothing but start his vehicle, put it in reverse, and begin to back out of the parking space, the police officer could not testify that he had observed any bad driving.

The police officer testified that the woman who had identified my client had not wished to give her name and he had not done any further investigation as to her identity.

The officer also failed to ask the woman how she knew my client was impaired or any other questions that may have given him sufficient evidence to stop my client. The Judge then granted my motion to suppress all evidence gathered after the stop was dismissed, and my client was found not guilty.