

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 24-0562

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ISAAC JAMES TRIMBLE,

Defendant and Appellant.

BRIEF OF APPELLEE

On Appeal from the Montana Eighteenth Judicial District Court,
Gallatin County, The Honorable Rienne H. McElyea, Presiding

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STATEMENT OF THE ISSUES

Whether the justice court correctly determined that the officer, during a traffic stop for speeding, developed particularized suspicion to conduct a Driving Under the Influence (DUI) investigation.

STATEMENT OF THE CASE

Montana Highway Patrol (MHP) Sgt. Daniel Amundson (Sgt. Amundson) filed two citations in Gallatin County Justice Court charging Appellant Issac Trimble (Trimble) with two offenses alleged to have occurred on November 3, 2023: (1) Speeding, in violation of Mont. Code Ann. § 61-8-309(1); and (2) DUI, a third offense, in violation of Mont. Code Ann. § 61-8-1002(1)(a). (Docs. 1, 2.) Trimble pled not guilty to both charges on December 6, 2023. (Doc. 8.)

Trimble filed two separate pretrial motions: a motion to strike the designation of the DUI as a third offense and a motion to suppress for lack of particularized suspicion. (Docs. 14, 15.) After the parties completed briefing, the justice court held an evidentiary hearing¹ on May 6, 2024, and at the conclusion of the hearing, denied the motion to suppress and stated on the record its findings and

¹ Recordings of the justice court's May 6, 2024 evidentiary hearing and May 8, 2024 change of plea hearing are located in separate folders on the disc labeled "DC-24-337B Justice Court Appeal, TK-23-5715 Recordings," and each folder will be referred to herein as "5/6/24 Rec." and "5/8/24 Rec."

conclusions. (5/6/24 Rec. at 9:40:32-9:45:52; *see also* Doc. 29.) The justice court reserved ruling on the motion to strike pending the final pretrial hearing on May 8, 2024. (5/6/2024 Rec. at 9:57:00-9:59:40.) The justice court later issued written findings of fact and conclusions of law on the motion to suppress. (Doc. 30, attached to State's Br. as Appendix (App.) 1.)

Prior to the final pretrial hearing, the parties reached a plea agreement. (Doc. 32.) The State agreed to strike Trimble's prior offenses for purposes of stacking and to amend the DUI (3rd offense) to Operation of a Noncommercial Vehicle with an Alcohol Concentration of .08 or greater (Per Se Violation) (1st offense) in violation of Mont. Code Ann. § 61-8-1002(1)(b). (*Id.*) Trimble agreed to plead guilty to Speeding and to Per Se Violation (1st offense) and reserved his right to appeal the justice court's denial of his motion to suppress. (*Id.*) Trimble filed a motion to enter a change of plea at the time of the final pretrial hearing, and the justice court granted the motion. (Docs. 27, 28.)

At the final pretrial hearing, the State filed a motion to amend pursuant to the Plea Agreement. (Doc. 32.) The justice court granted the motion to amend, and per the State's stipulation, signed a proposed Order Striking Prior Offenses for Stacking. (Doc. 33.) Trimble pled guilty to Speeding and to Per Se Violation (1st offense). (Doc. 31.) The justice court sentenced Trimble for each offense. (Docs. 35, 36.) Trimble filed a notice of appeal to the district court and a motion to

stay the execution of the sentence and judgment, which the justice court granted. (Docs. 37, 38.)

After the parties completed briefing in the district court, the district court reviewed the justice court record and issued an order entitled “Order Dismissing Appeal,” which affirmed the justice court’s denial of Trimble’s motion to suppress. (Doc. 49, attached to Appellant’s Br. as App. A.)

STATEMENT OF THE FACTS

Sergeant Amundson has over 21 years of experience as an MHP trooper, the last 7 years as a sergeant. (5/6/2024 Rec. at 8:53:46.) Before becoming a trooper, he attended the MHP academy. (*Id.* at 8:55:07.) His training at the academy also included intensive education related to DUI detection and investigation and, after graduation, was followed by annual continuing education courses specifically related to DUIs. (*Id.* at 8:57:00.)

On November 3, 2023, Sgt. Amundson was on shift, and MHP dispatched him to U.S. Highway (Hwy.) 191 north of Big Sky, Montana, in Gallatin County, to patrol traffic and provide warning assistance to a tow truck in the process of recovering a vehicle between mile markers 51 and 52. (5/6/2024 Rec. at 8:58:15.) Earlier that morning, the vehicle being recovered had crashed due to icy road conditions. (5/6/2024 Rec. at 8:58:15.) Traveling to the crash site, Sgt. Amundson

observed that the surface of Hwy. 191 was intermittently wet and icy, and that the temperature outside was at or near freezing, especially in shaded areas. (*Id.* at 8:59:42; *see also* State's Ex. 1 admitted during the 5/6/2024 evidentiary hearing at timestamps 11:29:00-11:29:30 and 11:39:00-11:40:00.) He described the stretch of Hwy. 191 north of Big Sky as a mountain canyon with rapidly changing conditions. (5/6/2024 Rec. at 9:00:00.) He also noted that day, on the electronic traffic safety reader boards/signs permanently installed at both ends of the canyon, that the posted message cautioned motorists of the hazardous and variable road conditions. (*Id.*)

During another traffic stop about a half hour before Sgt. Amundson's contact with Trimble, the recording system in Sgt. Amundson's patrol vehicle shows him returning to the turn-out area between mile markers 51 and 52, and as he rounds the last section of the curve, the flashing lights of the responding tow truck are clearly visible. (State's Ex. 1 at 11:39:45.) As he pulls into the turn-out, Sgt. Amundson activates his emergency lights (State's Ex. 1 at 11:39:51), pulls to the far right side of the turn-out to not block the line of sight between northbound traffic and the tow truck, and stops (*id.* at 11:40:01), at which point the warning sign placed to the rear of the tow truck is clearly visible to northbound traffic completing the last section of the curve.

The patrol vehicle's recording system shows the tow truck: pull southbound onto Hwy. 191 and head toward Sgt. Amundson; turn off the highway to the west to complete a u-turn in a safe location; pull back onto Hwy. 191 now heading northbound; and then pull over at the front of the turn-out to pick up the warning signs its driver had posted earlier. (State's Ex. 1 at 12:08:00 and 12:09:15.)

Moments later, Sgt. Amundson pulled forward to the north end of the turn-out, left his emergency lights flashing, and stepped out of the patrol vehicle to confer with the tow truck driver. (*Id.* at 12:09:19.) The tow truck driver informed Sgt. Amundson that most vehicles had not slowed down until he arrived and activated the patrol vehicle's emergency lights. (*Id.* at 12:10:11.) Sgt. Amundson handed paperwork to the tow truck driver, got back in his patrol vehicle, backed away from the tow truck, and parked at the south end of the turn-out to continue monitoring traffic as the tow truck completed taking down its warning signs. (*Id.* at 12:11:00.) The emergency lights on the tow truck continued flashing, and Sgt. Amundson turned the patrol vehicle emergency lights off. (*Id.* at 12:11:03.)

Moments after he parked, Sgt. Amundson observed a northbound vehicle approaching him from the rear and, based on his extensive training and experience, visually estimated the speed of the vehicle to be 70 miles per hour (mph), which exceeded the posted speed limit of 60 mph at that location. (5/6/2024 Rec. at 8:59:15.) The audio signal of the radar device—a high-pitched whistling sound—

can be heard on the video as it detects the speeding vehicle starting at 12:11:31. (State's Ex. 1.) A second later, the radar device electronically states, "Rear, stationary, closing." (*Id.* at 12:11:32.) The radar instrument measured the speed of the approaching vehicle at 72 mph. (5/6/2024 Rec. at 9:00:40.)

The patrol vehicle's recording system shows that Sgt. Amundson initiated both his emergency lights and siren at 12:11:37 *before* Trimble passed him. (State's Ex. 1.) Trimble's rear brake lights did not come on until he was about 4-5 car lengths past the patrol vehicle. (*Id.* at 12:11:38.) Sergeant Amundson pulled onto the roadway to conduct a traffic stop, and Trimble pulled over in the next turn-out near mile marker 52. (5/6/2024 Rec. at 9:01:00; *see also* State's Ex. 1 at 12:11:39-12:12:00.)

As Sgt. Amundson approached the vehicle to contact the driver, later identified as Trimble, he observed that the driver's window was rolled down, and he could smell the odor of alcohol emanating from inside the vehicle. (5/6/2024 Rec. at 9:03:20, 9:10:54.) Sergeant Amundson immediately observed that Trimble's eyes were noticeably bloodshot, glassy and watery. (*Id.* at 9:10:50.) As he spoke to Trimble, Sgt. Amundson closely observed Trimble's responses and movements and, based on his extensive experience interacting with other drivers whom he had pulled over during his career, formed the opinion that Trimble seemed a little confused and "off." (*Id.* at 9:11:20.) Sergeant Amundson also stated that the normal

reaction of an observant driver coming up behind a patrol vehicle parked at the side of the road in the middle of the day was to slow down, but Trimble did not begin slowing until *after* he had passed the patrol vehicle. (*Id.* at 9:11:25, 9:19:25.)

After informing Trimble he had been stopped for speeding, Sgt. Amundson requested his license, registration and insurance information, and Trimble handed him his driver's license. (State's Ex. 1 at 12:12:37.) Sergeant Amundson observed Trimble as he fumbled through documents, and Trimble finally stated that the vehicle was a rental, "So I don't have any." (*Id.* at 12:13:05.) Sergeant Amundson could observe the top sheet of paper that Trimble was holding, recognized it as the vehicle's registration, used his finger to point to it, and asked Trimble to hand it to him. (5/6/2024 Rec. at 9:02:55; State's Ex. 1 at 12:13:08.)

Sergeant Amundson informed Trimble that his speed was measured at 72 mph in a 60 mph zone and asked him if there was a reason he was going that fast. (State's Ex. 1 at 12:13:17.) Trimble stated, "Yes, sir, I was doing a pass." (*Id.* at 12:13:18.) Careful review of the patrol vehicle's video footage (*id.* at 11:29:00-11:29:05) as Sgt. Amundson drives southbound from the turn-out and returns driving northbound (*id.* at 11:39:20-11:39:50), shows the curve in the roadway immediately south of the turn-out. When heading northbound, as Trimble had been, the footage demonstrates that the entire turn-out is clearly visible as the curve begins to straighten out. (*See* State's Ex. 1 at 11:39:47-11:39:49.)

Sergeant Amundson did not observe an open container of alcohol inside the vehicle. (5/6/2024 Rec. at 9:12:05, 9:13:30.) To determine whether the odor of alcohol was coming from inside the vehicle only, from Trimble's person only, or possibly both, Sgt. Amundson asked Trimble to step out of the vehicle and talk to him. (5/6/2024 Rec. at 9:12:05; *see also* State's Ex. 1 at 12:14:00.)

Once he exited the vehicle, Sgt. Amundson asked Trimble whether he had consumed any alcohol within the past 24 hours, and Trimble immediately responded, "No, sir." (State's Ex. 1 at 12:14:20.) Sgt. Amundson followed up, asking, "Nothing?" to which Trimble unequivocally responded, "No." (*Id.* at 12:14:22.) Sgt. Amundson then asked Trimble, "Is there any reason there's that odor of alcohol about the vehicle?" Trimble responded, "No, sir," then paused as he shook his head from side to side a couple of times, then stated "Well . . ." followed by a brief pause, and then affirmatively stated "No," as he nodded his head up and down several times. (*Id.* at 12:14:25.)

To verify Trimble's statement that he had not consumed any alcohol in the last 24 hours, Sgt. Amundson then conducted the Horizontal Gaze Nystagmus (HGN) test and observed 6 out of 6 indicators of impairment. (*Id.* at 12:14:30-12:16:30.) He advised Trimble of the results of the test and explained that the results indicated he had alcohol in his system. (*Id.* at 12:14:30-12:16:30.)

At Sgt. Amundson's request, and following instructions and demonstrations, Trimble agreed to perform the following field sobriety tests and Sgt. Amundson observed the following results: Walk and Turn test, 3 out of 8 clues; and One Leg Stand test, 1 out of 4 clues. (*Id.* at 2:07:30-2:08:50.) Based on all his observations, Sgt. Amundson believed Trimble was under the influence of alcohol and/or drugs. (*Id.* at 12:16:00.)

Sergeant Amundson advised Trimble of Montana's Preliminary Breath Test (PBT) Advisory, requested that Trimble provide a PBT sample, and Trimble refused. (*Id.* at 12:22:26-12:22:43.) Sergeant Amundson placed Trimble under arrest and transported him to a hospital. (*Id.* at 12:22:44-1:54:00.) At the hospital, he read Trimble the Montana Implied Consent Advisory, requested that Trimble provide a blood sample, and Trimble refused. (*Id.* at 1:56:00-1:58:20.)

Sergeant Amundson contacted the on-duty judge to request a telephonic search warrant, read the judge his completed affidavit of probable cause, which included two prior convictions for DUI-related offenses in another state, and the judge granted the telephonic search warrant. (*Id.* at 2:05:28-2:09:33.)

SUMMARY OF THE ARGUMENT

Subject to a lawful traffic stop for speeding, Sgt. Amundson developed sufficient particularized suspicion of a DUI to expand his investigation. The totality

of the observations and inferences made by Sgt. Amundson included: Trimble speeding on variably wet and icy roadways, especially in shaded areas; Trimble speeding toward the end of a curve where a reasonably observant driver would be able see a tow truck with flashing lights and a patrol vehicle in the turn-out and start to slow down, which Trimble did not do; the odor of alcohol emanating from the vehicle; Trimble's red bloodshot and watery eyes; Trimble's demeanor, as observed by an officer who has conducted 1,000s of traffic stops over 20 years, as confused and "off;" Trimble's fumbling with documents and not recognizing the top page as the vehicle's registration; Trimble's immediate and unequivocal denial of consuming alcohol in the last 24 hours, and Trimble's odd response regarding the odor of alcohol. Contrary to Trimble's assertion that Sgt. Amundson only had a generalized suspicion or undeveloped hunches, the totality of the observations and the inferences made by a law enforcement officer with over 20 years of experience and extensive DUI training are sufficient to constitute particularized suspicion to expand the scope of the stop to investigate a possible DUI. Consequently, the justice court correctly denied Trimble's motion to suppress for lack of particularized suspicion, and the district court correctly affirmed the justice court's order.

ARGUMENT

I. Standard of review

When a justice court is designated as a court of record under Mont. Code Ann. § 3-10-101(5), the appeal to the district court of a judgment or order of the justice court is confined to review of the record and questions of law. Mont. Code Ann. § 3-10-115(1); *State v. Thibeault*, 2021 MT 162, ¶ 6, 404 Mont. 476, 490 P.3d 105 (*citing Stanley v. Lemire*, 2006 MT 304, ¶¶ 24-25, 334 Mont. 489, 148 P.3d 643). On appeal from a justice court of record, the district court functions as an intermediate appellate court and, on subsequent appeal from the district court, this Court reviews the case as if the appeal had been originally filed in this Court. *Thibeault*, ¶ 6 (*citing Stanley*, ¶¶ 24-26). This Court examines the record independently of the district court’s decision. *Id.* (*citing Stanley*, ¶ 26).

This Court reviews the lower court’s findings of fact only for clear error, and reviews its conclusions and application of the law de novo. *Id.* ¶ 6 (*citing Stanley*, ¶ 25). “To determine whether a finding of fact is clearly erroneous, this Court ascertains whether the finding is supported by substantial credible evidence, whether the justice court misapprehended the effect of the evidence, and whether the Court is nevertheless left with a definite and firm conviction that the justice court made a mistake.” *State v. Wetzel*, 2005 MT 154, ¶ 10, 327 Mont. 413, 114 P.3d 269.

II. The justice court correctly denied Trimble’s motion to suppress because Sgt. Amundson developed sufficient particularized suspicion to expand the investigation for speeding to an investigation for DUI.

A. Legal standard for particularized suspicion

The Fourth Amendment to the United States Constitution and article II, section 11, of the Montana Constitution protect individuals from unreasonable searches and seizures, including brief investigative stops such as traffic stops conducted by law enforcement officers. *State v. Wilson*, 2018 MT 268, ¶ 25, 393 Mont. 238, 430 P.3d 77; *State v. Elison*, 2000 MT 288, ¶ 15, 302 Mont. 228, 14 P.3d 456. The purpose of these fundamental constitutional provisions is to protect the privacy and security of individuals from unreasonable intrusion or interference by agents of the state and the federal government. *Wilson*, ¶ 18.

Before a law enforcement officer initiates a traffic stop, Mont. Code Ann. § 46-5-401 requires that the officer must have particularized suspicion that the driver or occupant of a vehicle is or has been engaged in unlawful behavior. Once the vehicle is stopped, Mont. Code Ann. § 46-5-403 provides that the contact may not last longer than is necessary to accomplish the purpose of the stop. Analogous to a *Terry*² stop, the duration of a routine traffic stop is determined by the stop’s

² *Terry v. Ohio*, 392 U.S. 1 (1968).

mission: to address the traffic violation that warranted the stop. *Rodriguez v. United States*, 575 U.S. 348, 354 (2015).

If, after the initial stop, additional objective data of wrongdoing exists, the additional information may give rise to further suspicions and thereby enlarge the scope of the investigation. *State v. Schlichenmayer*, 2023 MT 79, ¶ 16, 412 Mont. 119, 529 P.3d 789; *see also Rodriguez*, 575 U.S. at 355. The question of whether an officer possessed particularized suspicion is a question of fact assessed under the totality of circumstances, but the related question of whether the circumstances indicated illegal activity is a question of law. *State v. Harning*, 2022 MT 61, ¶ 17, 408 Mont. 140, 507 P.3d 145.

The State’s burden to prove particularized suspicion has two elements: “(1) objective data from which an experienced officer can make certain inferences; and (2) a resulting suspicion that the occupant of a certain vehicle is or has been engaged in wrongdoing[.]” *State v. Gopher*, 193 Mont. 189, 194, 631 P.2d 293, 296 (1981); *State v. Stevens*, 2019 MT 36, ¶ 12, 394 Mont. 278, 434 P.3d 904. Whether particularized suspicion exists is a factually driven inquiry dependent on the totality of the circumstances, and it does not require that an officer be certain, or even correct, that a person is committing an offense. *Stevens*, ¶ 12.

A law enforcement officer’s “inferences must be objectively reasonable under the totality of the circumstances, and although the standard does not require

certainty, the officer must articulate more than a mere ‘generalized suspicion or undeveloped hunch of criminal activity to amount to particularized suspicion.’” *State v. Hunt*, 2025 MT 122, ¶ 25, ___ Mont. ___, ___ P.3d ___ (citing *State v. Loberg*, 2024 MT 188, ¶ 11, 418 Mont. 38, 554 P.3d 698). Relevant considerations include the quantity, substance, quality, and degree of reliability of information known to the officer. *Stevens*, ¶ 12. An officer need not consider every possible innocent explanation or legal exception before concluding that particularized suspicion exists. *State v. Flynn*, 2011 MT 48, ¶ 11, 359 Mont. 376, 251 P.3d 143. Thus, the particularized suspicion standard for traffic stops “recognize[s] that the inquiry turn[s] on what the officer knew, observed, inferred and ultimately suspected.” *Flynn*, ¶ 12 (citing *Gopher*, 193 Mont. at 193-94).

B. As Sgt. Amundson conducted the initial traffic stop for speeding, he quickly developed additional facts to expand the investigation to determine whether Trimble was DUI.

As a preliminary matter, Trimble does not dispute that Sgt. Amundson lawfully stopped him for speeding, 72 mph in a 60 mph zone. (Br. at 11.) Thus, the question of whether Sgt. Amundson had particularized suspicion for the initial traffic stop is not at issue. *See State v. Hurlbert*, 2009 MT 221, ¶ 21, 351 Mont. 316, 311 P.3d 869 (particularized suspicion established because defendant exceeded the speed limit).

The issue on appeal is whether, during the traffic stop for speeding, the additional information available to Sgt. Amundson gave rise to further suspicions of wrongdoing and to thereby enlarge the scope of the investigation.

Schlichenmayer, ¶ 16. Both the justice court and district court considered the evidence presented and concluded that Sgt. Amundson had particularized suspicion to enlarge the scope of the investigation for the offense of DUI.

As this Court stated in *Stevens*, ¶ 12, whether particularized suspicion exists is a factually driven inquiry, is dependent on the totality of the circumstances, and does not require that an officer be certain, or even correct, that a person is committing an offense. Trimble correctly states that speeding *by itself* does not indicate impairment (Br. at 12) but ignores that the speeding in this case occurred on a variably wet and icy roadway, especially in shaded areas of the canyon and where the outside temperature was at or just above freezing, and that vehicles had been warned of variable road conditions by large lighted signs at either end of the hazardous, winding canyon road. When considered under the totality of these circumstances, speeding can be reasonably inferred as an indicator of impairment.

Trimble's speeding took place at the end of a long curve on a narrow two-lane roadway where a reasonably attentive driver could have clearly seen the tow truck with flashing lights and the parked patrol vehicle and begin to slow. Additionally, Trimble did not even start to slow down until *after* he was several car lengths

beyond the patrol vehicle, which further lends to an inference that Trimble's speeding was an indicator of impairment.

On this specific issue of Trimble's speeding and failing to slow down, the justice court stated:

But I'm going to go back to the beginning of the stop. At this point, we have a fairly straight stretch of road with good visibility. I'm familiar with that location. And I'm also looking at the fact now of the initial radar activation and in listening to the Doppler at that point, which is what the officers or troopers are trained to do to verify the vehicle itself is speeding and so on. The Court was listening for that response, and Sgt. Amundson did touch on this a little bit, with regard to the delayed response that was given with regard to the slowing down of the speed, based on just visibility itself, and the lack of it, the Court found that rather interesting with the fact that here we are approaching a wrecker that's up above, fairly large vehicle, and we have a trooper that's now backed up quite away, and fairly close to the shoulder of the road, not over it, but enough that we've been trained in our society now that when we see hazardous vehicles pulled over, the tendency is to slow down. Here at this point, that didn't happen until after the fact and that speed was fairly consistent based on what I heard with the Doppler itself. And the indication, I mean obviously it's 72 miles an hour, on conditions in a shaded area, is concerning to the Court.

(State's Ex. 1 at 9:41:31-9:43:09.)

Trimble's assertion that "face-to-face contact did not provide evidence of impairment" (Br. at 12), is contrary to the evidence presented at the evidentiary hearing. Sergeant Amundson clearly smelled the odor of alcohol coming out of Trimble's window. The odor of alcohol did not dissipate, Trimble was the sole occupant, and when Sgt. Amundson observed Trimble's eyes, he saw they were

noticeably red and watery. Sergeant Amundson did not observe an open container inside the vehicle. Like speeding, having red and watery eyes is not *by itself* an indication of impairment. Trimble's red and watery eyes, however, were coupled with the odor of alcohol and other observations of demeanor and response time made by a law enforcement officer with 21 years of experience that Trimble's demeanor and responses appeared confused and "off."

Additionally, when Sgt. Amundson asked Trimble for the vehicle's registration and insurance, Trimble fumbled with the documents in his hands and finally stated that the vehicle was a rental, "So I don't have any." As Trimble fumbled, however, Sgt. Amundson could easily see that the top piece of paper in Trimble's hands was the vehicle's registration and had to point it out to Trimble. Trimble's inability to identify the top sheet of paper in his hands as the vehicle registration is another indicator of impairment.

Trimble's assertion that Sgt. "Amundson did not even know where the odor was coming from" (Br. at 11) is precisely what led to the additional investigatory steps that Sgt. Amundson took. To determine whether the odor of alcohol he could clearly smell was coming only from the vehicle's interior or only from Trimble's person, or possibly both, Sgt. Amundson asked Trimble to step out of vehicle to make that determination. Trimble did not immediately comply. Once he complied, Sgt. Amundson immediately asked Trimble if he had consumed any alcohol in the

last 24 hours, and Trimble unequivocally responded, “No, sir.” Sergeant Amundson followed up, asking, “Nothing?” to which Trimble responded, “No.”

Sergeant Amundson then asked Trimble, “Is there any reason there’s that odor of alcohol about the vehicle?” to which Trimble responded, “No, sir,” then paused as he shook his head from side to side a couple of times, and then Trimble hesitantly stated “Well . . .” followed by a brief pause, and then affirmatively stated, “No,” as he nodded his head up and down several times. Trimble’s demeanor and his manner of responding could be reasonably interpreted by a trained and experienced officer as equivocation or confusion and another indicator of impairment. Also, Trimble’s response, that he had not been drinking and there was no reason for the car to smell of alcohol, contradicted the officer clearly smelling the odor of alcohol emanating either from the vehicle, Trimble, or both.

This Court has long held that “[i]n evaluating the totality of the circumstances, a court should consider the quantity, or content, and quality, or degree of reliability, of the information available to the officer.” *State v. Pratt*, 286 Mont. 156, 161, 951 P.2d 37, 40 (1997) (citing *Alabama v. White*, 496 U.S. 325, 330 (1990)). Here, the quantity and quality of the information available to Sgt. Amundson during his contact with Trimble, when considered in its totality, constituted more than sufficient evidence to form particularized suspicion of additional wrongdoing and to expand the investigation. Contrary to Trimble’s

assertion that Sgt. Amundson was unable to articulate more than a mere generalized suspicion or undeveloped hunch of criminal activity (Br. at 10), Sgt. Amundson's inferences were based on objective evidence and were reasonable under the totality of the circumstances.

Finally, Trimble argues that the district court "erred in its application of the law to the facts," because all the cases cited by the district court "revealed some measure of impairment in the person being investigated," whereas there was no such measure of impairment here. (Br. at 10.) This argument ignores that both the justice court and district court assessed the evidence presented by the State and concluded that, as described above in its totality, the evidence demonstrated a measure of impairment sufficient to establish particularized suspicion warranting further investigation. The findings of both the justice court and the district court were supported by substantial credible evidence. Trimble has not shown that the two courts misapprehended the effect of the evidence nor has he provided sufficient grounds upon which this Court can be "left with a definite and firm conviction" that the lower courts made a mistake. *Wetzel*, ¶ 10.

CONCLUSION

The State requests this Court affirm the lower court’s denial of Trimble’s motion to suppress and remand this matter for execution of the sentence.

Respectfully submitted this 9th day of July, 2025.

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11 of the Montana Rules of Appellate Procedure, I certify that this principal brief is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 4,597 words, excluding cover page, table of contents, table of authorities, certificate of service, certificate of compliance, signatures, and any appendices.

/s/ Carrie L. Garber
CARRIE L. GARBER

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 24-0562

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ISAAC TRIMBLE,

Defendant and Appellant.

APPENDIX

Findings of Fact and Conclusions of Law,
Gallatin County Cause No. TK-23-5715,
dated May 17, 2024..... App. 1

CERTIFICATE OF SERVICE

I, Carrie L. Garber, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellee's Response to the following on 07-09-2025:

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