

0831-CV00822 AARON W LAUER V DIRECTOR OF REVENUE

Security Level: 1 Public

<u>Filing Date</u>	<u>Description</u>
16-Sep-2009	<p>Judgment Entered JUDGMENT:</p> <p>COURT REVIEWS WRITTEN SUGGESTIONS FROM BOTH COUNSEL. COURT MAKES THE FOLLOWING FINDINGS BASED UPON ITS ASSESSMENT OF THE CREDIBILITY AND DEMEANOR OF THE WITNESSES. COURT AGREES THE LAWFULNESS OF THE INITIAL STOP OF PETITIONER'S VEHICLE IS IRRELEVANT. COURT FINDS CORPORAL MCAMIS HAD PROBABLE CAUSE TO BELIEVE PETITIONER WAS THE DRIVER AND PETITIONER ADMITTED SUCH AT TRIAL. COURT FINDS THAT THE INCONSISTENCIES IN THE TESTIMONY OF THE TWO OFFICERS WERE NOT SUFFICIENTLY MATTERIAL SO AS TO DETRACT FROM THE COMBINED PROBATIVE VALUE OF THEIR TESTIMONY. COURT FINDS THAT BASED UPON THE INFORMATION CORPORAL MCAMIS RECEIVED FROM LIEUTENANT HIGDON; HIS OWN OBSERVATIONS OF PETITIONER'S APPEARANCE, BREATH AND PHYSICAL MANIFESTATIONS OF IMPAIRMENT WHEN PERFORMING FIELD SOBRIETY TESTS (WHETHER OR NOT PROPERLY ADMINISTERED); AND THE RELATIVE UNPERSUASIVE TESTIMONY OF PETITIONER, THAT CORPORAL MCAMIS DID HAVE SUFFICIENT PROBABLE CAUSE TO BELIEVE PETITIONER WAS INTOXICATED AND THAT SUCH BELIEF WAS REASONABLE. THE COURT THUS FINDS RESPONDENT SATISFIED ITS BURDEN TO SHOW THERE WAS PROBABLE CAUSE FOR PETITIONER'S ARREST AND THAT PETITIONER WAS DRIVING IN EXCESS OF THE LEGAL LIMIT. JUDGMENT FOR RESPONDENT. COPY TO BOTH COUNSEL. JRB/TAW</p> <p>NOTICE MAILED TO COUNSEL. /TAW Judgment For: DEPARTMENT OF REVENUE Judgment Against: AARON LAUER; Amount: \$.00; Satisfied Date: Scheduled For: 04-Sep-2009; 8:00 AM; JASON R BROWN; Setting: 0; Greene</p>