

WEDNESDAY, APRIL 28, 2010  
10:00 A.M.

NO. 2

#25402

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellee,

vs.

BRADY J. STUEVE,  
Defendant and Appellant.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Ronald K. Roehr  
Third Judicial Circuit  
Codington County

(CR 08-0517)

STATEMENT OF LEGAL ISSUE

- I. WHETHER THE WATERTOWN POLICE DEPARTMENT'S FAILURE TO COMPLY WITH ITS OWN SOBRIETY CHECKPOINT GUIDELINES RENDERS THE STOP OF STUEVE'S VEHICLE UNCONSTITUTIONAL IN VIOLATION OF THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE VI, SECTION 11 OF THE SOUTH DAKOTA CONSTITUTION.

The Trial Court held that Stueve's vehicle was lawfully stopped pursuant to a sobriety checkpoint administered by the Watertown Police Department.

Most relevant case authorities:

Cases:

Michigan Dep't of State Police v. Sitz, 496 U.S. 444 (1990).

United States v. Martinez-Fuerte, 428 U.S. 543 (1976).

State v. Tilton, 1997 SD 28, 561 N.W.2d 660.

State of Tennessee v. Downey, 945 S.W.2d 102 (Tenn. 1997).

Most relevant constitutional and statutory provisions:  
South Dakota Constitution, Article VI Section 11.  
United States Constitution, Amendment IV.