

NOTICE

This is a summary disposition issued under Alaska Appellate Rule 214(a). Summary dispositions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

HELIDA J. MANRIQUE,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-13995
Trial Court No. 3PA-19-02999 CR

SUMMARY DISPOSITION

No. 0346 — September 13, 2023

Appeal from the District Court, Third Judicial District, Palmer,
Amanda L. Browning, Judge.

Appearances: D. Patrick Phillip, Carlson Law Group, L.L.C.,
Anchorage, for the Appellant. Jordyn A. Caldwell, Assistant
District Attorney, Palmer, and Treg R. Taylor, Attorney
General, Juneau, for the Appellee.

Before: Allard, Chief Judge, and Harbison and Terrell, Judges.

Helida J. Manrique was convicted, following a bench trial, of driving under the influence of alcohol after she was discovered in the driver's seat of a running vehicle.¹ Manrique moved to suppress evidence obtained from the traffic stop, arguing that the police officer who contacted her lacked reasonable suspicion. Following an evidentiary hearing, the district court denied the motion. Manrique now appeals.

Reasonable suspicion exists when, under the totality of the circumstances, an officer has a particularized and objective basis for suspecting a person of criminal

¹ AS 28.35.030(a)(2).

activity.² On appeal, we independently assess whether the facts, as determined by the trial court, constitute reasonable suspicion.³

On Christmas morning, officers responded to a 911 call reporting that a car was stuck in a residential cul-de-sac, and that the driver and at least one passenger seemed intoxicated. The caller indicated that the occupants of the car were yelling at each other and seemed to be unsure what day it was. The caller described the car in question as small and black, possibly a BMW. While the caller was still on the phone with dispatch, he reported that the car drove away.

Officers attempted to locate the car in the direction the caller believed it was travelling, but did not see any cars matching its description. Officer Virginia Calvert then decided to drive past the caller's house in the other direction, in case the caller was mistaken about which direction the car was heading. Less than a quarter mile from the caller's house, Officer Calvert saw a black Audi sedan parked with the engine running at the end of a street. The officer also observed that few cars were on the road at the time, that it was snowing, and that the tire marks leading to the black sedan were relatively fresh. Officer Calvert contacted the car's occupants and discovered that Manrique was sitting in the driver's seat. Additionally, the officer smelled a strong odor of alcohol and observed that Manrique had bloodshot eyes and slurred speech.

Given these facts, we conclude the officer had a particularized and objective basis for suspecting that Manrique's car was the subject of the 911 call, and that its driver was under the influence. We therefore conclude that the officer had reasonable suspicion to stop Manrique.

The judgment of the district court is AFFIRMED.

² *Burnett v. State*, 264 P.3d 607, 609-10 (Alaska App. 2011).

³ *Id.* at 610.