



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



State of Arizona v. Asalia Guadalupe Alvarez-Soto
CR-24-0281-PR

PARTIES:

Petitioner: The State of Arizona

Respondents: Asalia Guadalupe Alvarez-Soto

FACTS:

After running the numbers on Alvarez-Soto’s license plate, a law enforcement officer came to suspect she was smuggling drugs, and he decided to investigate.

They were both driving northbound on Interstate 10. Alvarez-Soto was driving seventy-eight miles per hour in the middle lane of the three lanes. The speed limit was seventy-five. When the officer pulled in behind her, she slowed to seventy. Another car to her right carried on ahead, leaving the right lane open. The officer followed for a while. Then, he turned on his lights.

He pulled her over because, under A.R.S. § 28-721(B), drivers “shall drive the vehicle in the right hand lane” if they are “proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing[.]” In other words, he pulled her over because she was going too slowly and should have merged right.

Alvarez-Soto allowed a police canine to smell her car, which led to the discovery of drugs in the trunk. She was arrested and charged with possessing and transporting drugs for sale. During her trial, Alvarez-Soto moved to suppress the evidence of the drugs because, she argued, the officer had no reason to pull her over under § 28-721(B). The trial court denied her motion.

The court of appeals saw the video of the stop from the officer’s dash camera, and it held there was no reason to suspect she had violated § 28-721(B). And so, the court of appeals held the trial court should have suppressed the evidence.

This Court will review two issues.

ISSUES:

1. Whether the trial court abused its discretion by denying Alvarez-Soto’s motion to suppress.
2. Whether *State v. Sweeney*, 224 Ariz. 107 (App. 2010), properly states the appellate standard of review for video evidence.

RELEVANT STATUTE

§ 28-721. Driving on right side of roadway; driving on shoulder; exceptions; education

...

B. On all roadways, a person driving a vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall drive the vehicle in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

...

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the court or any member thereof or part of any brief, memorandum or other pleading filed in this case.