



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. COURTNEY NOELLE WEAKLAND,
No. CR-17-0615-PR**

PARTIES:

Petitioner: Courtney Noelle Weakland
Respondent: State of Arizona
Amici Curiae: Arizona Attorneys for Criminal Justice
Tucson Public Defender's Office

FACTS:

In February 2015, Courtney Noelle Weakland was arrested for driving under the influence of alcohol (“DUI”). The police officer read to her an “admin *per se*” admonition form pursuant to Arizona Revised Statutes § 28-1321. That form said that Arizona law “requires” arrestees to complete certain tests to determine blood alcohol content (“BAC”). Weakland agreed to a blood draw, which after testing reflected a BAC of .218%.

Before trial, she moved to suppress all evidence obtained from the warrantless search and seizure of her blood, arguing that the “requirement” language in the admin *per se* admonition coerced her consent to have her blood drawn. The superior court summarily denied her motion.

The jury convicted Weakland of two counts of aggravated DUI. The trial court sentenced her to two concurrent four-month prison terms followed by probation.

She appealed, arguing that the trial court should have suppressed the BAC results because police officers obtained her blood sample without a warrant and without valid consent. She relied on the case of *State v. Valenzuela*, 239 Ariz. 299, 301 ¶ 3 (2016) (*Valenzuela II*). She further argued that the good faith exception to the exclusionary rule, as recognized and applied in *Valenzuela II*, did not apply to her case. *Id.* at 308-09 ¶¶ 31-35.

In the court of appeals, the State conceded that Weakland’s consent for the warrantless blood draw was involuntary, and therefore invalid as in *Valenzuela II*. Thus, the sole issue on appeal was the applicability of the good-faith exception to the exclusionary rule.

Weakland argued that the good-faith exception should not apply because law enforcement continued to ignore Arizona case law, which has held that the admonitions given to her misstated the law. She asserted that *State v. Butler*, 232 Ariz. 84 (2013), which was decided before her arrest but after Mr. Valenzuela’s (and before *Valenzuela I* and *II* were decided), clarified that the admonition was coercive. Additionally, because the law became unsettled with *Butler*, the good-faith exception did not apply.

The court of appeals majority disagreed, applied the good-faith exception of *Valenzuela II*, and affirmed her conviction and sentence. One court of appeals judge dissented, finding Weakland’s argument persuasive.

ISSUE:

A. Did the court of appeals err in concluding that *State v. Valenzuela* mandates that the good-faith exception to the warrant requirement applies to DUI blood draws that occurred after this Court decided *State v. Butler* in May 2013?

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“(2). *Did the court of appeals err in its legal analysis that the good-faith exception applies to post-Butler cases?*”

DEFINITIONS:

Amici Curiae: Latin for “friends of the court,” amici curiae are non-parties who file briefs that aim to provide additional perspective on the implications of a case before the Court.

Exclusionary rule: The Court in *Valenzuela II* recognized that the **exclusionary rule**, which allows suppression or exclusion of evidence obtained by law enforcement in violation of the Fourth Amendment, is a judicial doctrine used to deter future violations. It relied on *Davis v. United States*, 564 U.S. 229, 236-37 (2011). In *Davis*, the U.S. Supreme Court observed that when the police show “deliberate,” “reckless,” or “grossly negligent” disregard for Fourth Amendment rights, the deterrent value of excluding evidence is strong, but when law enforcement officers “act with an objectively reasonable good-faith belief that their conduct is lawful,” deterrence is unnecessary and the exclusionary rule does not apply. *Id.* at 238–39. The State has the burden prove that the good-faith exception applies to allow admission of the evidence at trial, despite the constitutional violation.

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