



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. HON. JANE A. BUTLER, AND TYLER B.,
CV-12-0402-PR**

PARTIES:

Petitioner/Real Party in Interest: Tyler B.

Respondent: The State of Arizona

FACTS:

In February 2012, a monitor at Tyler's school noticed him and two other students arriving late to school and smelled marijuana on their clothing. The monitor searched the vehicle in which they had arrived and found drug paraphernalia inside. School officials reported the incident, and Pima County Sheriff's Deputy Eric Heath responded. After Heath informed Tyler of his rights pursuant to *Miranda*, Tyler admitted he and his friends had left school, smoked marijuana, and then returned to campus, with Tyler driving the vehicle. Heath then informed Tyler he was under arrest for driving under the influence (DUI). When Tyler became agitated and upset, Heath placed him in handcuffs for a brief period, removing them after less than ten minutes. After Tyler had calmed down, Heath read him the warnings contained in an "admin per se/IMPLIED consent affidavit," and Tyler agreed, both verbally and in writing, to submit to blood testing pursuant to A.R.S. § 28-1321 (2012).

School administrators also contacted Tyler's parents. His father arrived and checked in with the office, and his mother arrived shortly thereafter. Tyler's father waited in the lobby for about 30 minutes until the assistant principal told him there was a "situation with Tyler." Tyler's father was aware the police were present because he had seen a patrol vehicle outside and saw Officer Heath go out to the vehicle to get his blood-testing kit. But Heath was not informed Tyler's father had arrived until after he had finished drawing Tyler's blood. At that point, about ten minutes after the assistant principal had spoken to them, Tyler's parents were called into the office where Tyler was and were told he had been "caught smoking marijuana" and arrested for DUI. They were never asked for permission to draw or test Tyler's blood.

Before his delinquency hearing in juvenile court, Tyler moved to suppress the results of his blood test, arguing his consent to the test had not been voluntary and he lacked the legal capacity to consent due to his age. After a hearing on the matter, the juvenile court granted the motion, concluding that the Arizona Parents' Bill of Rights "includes the right to consent in writing before any record of the minor child's blood . . . is created[,] shared or stored" and did not include an exception for the implied consent law. The court also concluded Tyler's consent to the test "was involuntary given the totality of circumstances," citing *In re Andre M.*, 207 Ariz. 482, 88 P.3d 552 (2004) (holding that the totality of circumstances test applies in determining whether a juvenile's confession is voluntary).

The State filed a petition for special action in the court of appeals, maintaining the juvenile court had abused its discretion in granting Tyler’s motion to suppress the results of the blood test, taken pursuant to Arizona’s implied consent law without his parents’ consent.

The court of appeals accepted jurisdiction after finding that “the matter may be resolved solely on the basis of two legal questions—whether Arizona’s Parents’ Bill of Rights is applicable to the blood test at issue here and whether Tyler’s consent to that test was obtained constitutionally.” The court then granted relief, concluding that the Parents’ Bill of Rights is inapplicable here and that Tyler “consented” to the blood draw within the purview of A.R.S. § 28-1321(A), which provides:

A person who operates a motor vehicle in this state gives consent . . . to a test or tests of the person’s blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content if the person is arrested for any offense arising out of acts alleged to have been committed in violation [of the DUI statutes]

Tyler sought review in the Supreme Court.

ISSUES PRESENTED FOR REVIEW:

Did the court of appeals err in ruling that the trial court abused its discretion in granting the motion to suppress the blood draw taken from the juvenile? The parties were specifically asked by the Supreme Court to address the following questions:

1. Notwithstanding the implied consent law, must consent be voluntary under the 14th Amendment for the blood draw to be admissible;
2. Are the age or other circumstances of the juvenile relevant to the voluntariness of the consent;
3. Was the blood draw taken in violation of the Parents’ Bill of Rights and, if so, what is the consequence?

This Summary was prepared by the Arizona Supreme Court Staff Attorney’s 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.