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MUNICIPAL ORDINANCE - NORTH DAKOTA

City of Jamestown v. Casarez

Supreme Court of North Dakota - April 20, 2021 - N.W.2d - 2021 WL 1540414 - 2021 ND 71

Following denial of his motion to suppress, defendant entered conditional guilty plea in the District Court to refusing to take a chemical breath test. Defendant appealed.

The Supreme Court held that:

- City's chemical test refusal ordinance did not impermissibly conflict with state statute;
- Defendant was not seized at law enforcement center, where he was attempting to post bail for his girlfriend, until officer informed defendant he was under investigation for driving under the influence and requested that he complete a Horizontal Gaze Nystagmus (HGN) test; and
- Officer had reasonable suspicion of criminal drunk driving activity to seize defendant.

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