ENTRY ORDER

SUPREME COURT DOCKET NO. 2007-045

DECEMBER TERM, 2007

State of Vermont	}	APPEALED FROM:
	}	
	}	
v.	}	District Court of Vermont,
	}	Unit No. 3, Lamoille Circuit
	}	
Raymond Bowley	}	DOCKET NO. 574-9-06 Lecr &
	}	85-9-06 Lecs

Trial Judge: Dennis R. Pearson

In the above-entitled cause, the Clerk will enter:

Defendant appeals from the civil suspension of his driver's license and a conditional plea to driving under the influence (DUI), arguing that the district court erred in denying his motion to suppress. We affirm.

A police officer stopped defendant's vehicle for failure to display a license plate on the front of his truck. Defendant was subsequently charged with DUI. Defendant filed a motion to suppress, arguing that the officer lacked probable cause to stop his car because his license plate was in fact properly displayed. In support, defendant submitted a photo of his vehicle showing the license plate wedged between the front windshield and the dashboard. The district court denied the motion. Noting that the statute requires a license plate to be "securely attached . . . to the front of the vehicle," 23 V.S.A. § 511, the court concluded that defendant's manner of displaying his license plate violated the statute because defendant's plate was in the mid-section, not the front of the vehicle. Defendant entered a conditional plea, and filed this appeal.

A motion to suppress involves a mixed question of law and fact. We defer to the trial court's factual findings, unless clearly erroneous, but will independently consider whether the facts meet the proper standard to justify a stop. State v. Simoneau, 2003 VT 83, ¶ 14, 176 Vt. 15. In this case, the parties agree on the facts; therefore we consider de novo whether the officer had grounds to justify a stop. Id. Police may stop and briefly detain a motor vehicle and its occupants if they have a reasonable and articulable suspicion that a motor vehicle violation is taking place. State v. Thompson, 175 Vt. 470, 471 (2002) (mem.). This suspicion must be more than an "unparticularized suspicion or hunch," but "is considerably less than a preponderance of the evidence." Id. (quotations omitted).

The parties dispute whether defendant's method of displaying a license plate meets the statute's requirement that a license plate be displayed on the "front" of the car. 23 V.S.A. § 511. Defendant contends that because he had a license plate wedged between the dashboard and the front windshield, he did not violate the statute. The State counters that the dashboard is not the "front" of the car. We need not decide whether defendant was in actual violation of the statute. The critical question is whether, from an objective standpoint, the arresting officer had a reasonable suspicion that defendant was committing a traffic violation. See Thompson, 175 Vt. at 471-72 (explaining that reasonable suspicion does not depend on whether the defendant actually committed a traffic offense). There was adequate evidence of such in this case. In making a "passing examination" on the highway, the officer observed that defendant's plate was not displayed on the front bumper of defendant's car where the officer would routinely have checked. Id. at 472. From an objective standpoint, the lack of a plate in its routine location created sufficient reasonable suspicion that "a traffic offense was being committed." Id. at 472 (concluding that officer had a reasonable suspicion to suspect the defendant did not have a valid inspection certification because the defendant's car did not have a side rearview mirror).

Affirmed.

BY THE COURT:

_____
Denise R. Johnson, Associate Justice

_____
Marilyn S. Skoglund, Associate Justice

_____
Brian L. Burgess, Associate Justice