

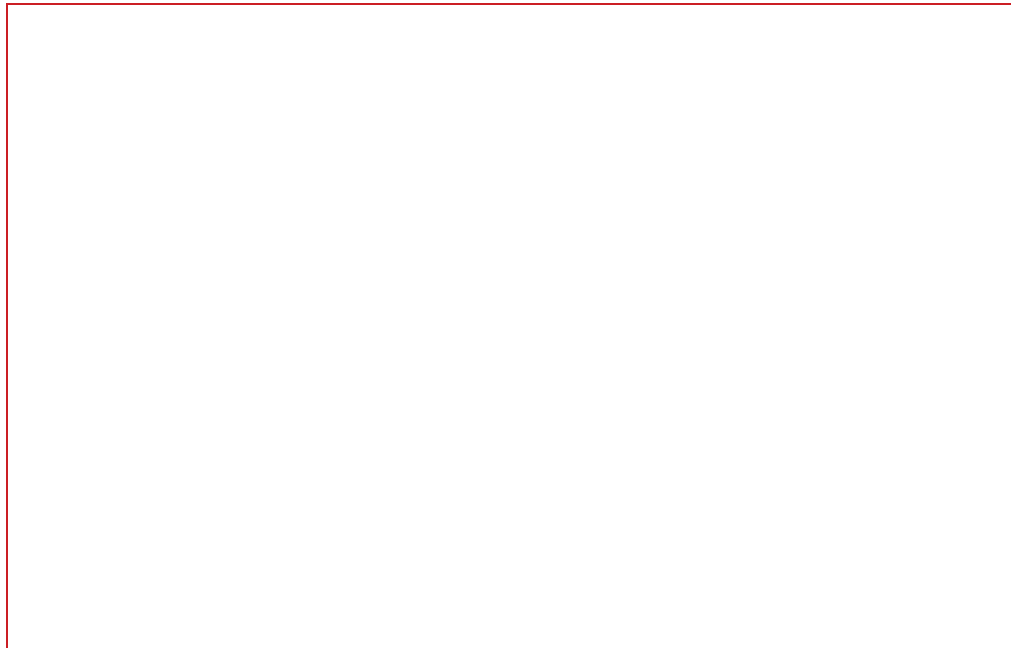


# DWI checkpoint arrests in jeopardy with court ruling

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By Jim Shannon - bio | email



BATON ROUGE, LA (WAFB) - A ruling by a district court judge could spell trouble for prosecutors as they deal with dozens of drunk driving cases now pending in Baton Rouge city court. However, prosecutors say they will appeal.

Attorney Cliff Ivey, a former Baton Rouge police officer, represents a man arrested at a DWI checkpoint in downtown Baton Rouge.

Ivey says his client's drunk driving arrest should be thrown out because Baton Rouge police did not follow the law in conducting the checkpoint. The law says a police supervisor must decide the time and location of a DWI checkpoint. However, that same supervisor cannot take part in conducting the checkpoint. Ivey says that rule has been routinely ignored by Baton Rouge police including during the checkpoint that resulted in his client's arrest.

In a decision issued January 31, District Judge Donald Johnson agreed with Ivey's position, upholding a city court ruling. City prosecutor Lisa Freeman said she will appeal to the First Circuit. "We respectfully disagree with Judge Johnson's ruling," Freeman said.

Ivey says the court's ruling would only affect DWI cases that are still pending in court and would have no bearing on cases that have already made it through the court system. "It could affect possibly every pending checkpoint stop before the Baton Rouge City Court," Ivey said.

Freeman also pointed out that in a different DWI case, District Court Judge Chip Moore ruled in favor of the city, saying the Baton Rouge city police checkpoints are being legally conducted.

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