

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

TOBYE SAS,
Petitioner,
vs.
DEPARTMENT OF DRIVER SERVICES,
Respondent.

: Docket No.:
: OSAH-DDS-ALS-1704376-603-Kennedy
:
:
: Driver's License No.: 041308612

FINAL DECISION

The evidence produced at the hearing on October 14, 2016 shows that provisions were not met for the administrative license suspension or disqualification as to this Petitioner under O.C.G.A. § 40-5-67.1(g)(2).

The Petitioner was involved in a motor vehicle accident in Alpharetta. Petitioner left the scene of the accident, and travelled to her residence in Roswell. Alpharetta officer investigated case along with a Roswell officer. Petitioner was subsequently arrested by the Alpharetta officer for several offenses, including DUI. Pursuant to the recent Supreme Court decision in *Zilke v State*, S15G1820, June 20, 2016, the Alpharetta officer did not have authority to make the arrest at Petitioner's residence in Roswell as it was outside the officer's territorial jurisdiction. If the Alpharetta officer had been in "hot pursuit" of Petitioner for a traffic offense committed in the officer's sight or following a "Be On the Lookout" (BOLO) in which the officer saw the Petitioner's vehicle while it was still travelling within the Alpharetta city limits, then the outcome of this case would be different.

IT IS THEREFORE ORDERED THAT THE ADMINISTRATIVE LICENSE SUSPENSION IS RESCINDED.

SO ORDERED, this 3rd day of November, 2016

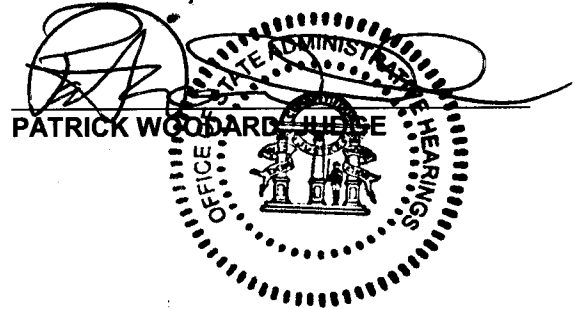


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Victoria Hightower

Victoria Hightower, Executive Assistant



PATRICK WOODARD-HULSE