

NOT FOR OFFICIAL PUBLICATION

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION I

FILED  
COURT OF CIVIL APPEALS  
STATE OF OKLAHOMA

AUG 30 2017

STEVEN SCOTT COLLIER, )  
)  
Plaintiff/Appellee, )  
vs. )  
)  
STATE OF OKLAHOMA ex rel., )  
DEPARTMENT OF PUBLIC SAFETY, )  
)  
Defendant/Appellant. )

Case No. 115,405  
(Comp. w/115,618  
and 115,729)

APPEAL FROM THE DISTRICT COURT OF  
GARVIN COUNTY, OKLAHOMA

HONORABLE TRISHA A. MISAK, TRIAL JUDGE

AFFIRMED

Charles Douglas,  
Norman, Oklahoma,

For Plaintiff/Appellee,

Mark Bright,  
Oklahoma City, Oklahoma,

For Defendant/Appellant.

OPINION BY BRIAN JACK GOREE, PRESIDING JUDGE:

¶1 Defendant/Appellant, State of Oklahoma ex rel. Department of Public Safety (DPS), seeks review of the district court's order that set aside DPS's order revoking the driver's license of Plaintiff/Appellee, Steven Scott Collier, on the grounds that Collier's right to a speedy trial had been violated. Applying *Pierce v. State ex rel. Dep't of Pub. Safety (Pierce)*, 2014 OK 37, 327 P.3d 530, and *Nichols v. State ex. rel. Dep't of Pub. Safety (Nichols)*, 2017 OK 20, 392 P.3d 692, we affirm.

¶2 In *Pierce*, the Court held that a driver's constitutional right to a speedy trial in a license revocation matter, guaranteed by the Okla. Const. Art. 2, §6, is violated by an unreasonable delay. 2014 OK 37 at ¶23. The Court identified four factors for determining whether the delay deprives the driver of the right to a speedy trial: "1) the length of the delay; 2) the reason for the delay; 3) the party's assertion of the right; and 4) the prejudice to the party occasioned by the delay." *Id.* at ¶8. It stated that the issue presented a question of constitutional fact which is reviewed de novo. *Id.* at 7. In *Nichols*, the Court provided guidance to DPS to assist it in avoiding claims of violating the right to a speedy trial. 2017 OK 20 at ¶29. It directed that DPS should give notice of revocation within ten days of the receipt of blood tests when the

arresting officer is available to testify, or if the officer is not available then, immediately upon the officer becoming available to testify. *Id.* DPS should then hold a hearing within sixty days of receiving the driver's request for the hearing. *Id.* Where DPS has complied with these guidelines, we will not set aside a license revocation for failure to provide a speedy trial. Where it has failed to meet the guidelines, we will examine the four *Pierce* factors in reviewing de novo the question of constitutional fact of whether delay deprived the driver of the right to a speedy trial.

¶3 In the present case, Collier's arrest for driving under the influence of alcohol took place on January 9, 2015, and the arresting trooper provided Collier with notice of his driver's license revocation the same day. On January 16, 2015, Collier requested an administrative hearing on the revocation. On March 3, 2016, DPS notified Collier that the hearing was scheduled for March 29, 2016. Collier's counsel requested a continuance because he had two other hearings that day. DPS rescheduled the hearing to April 8, 2016.

¶4 The hearing was held fourteen months after Collier requested it. The length of the delay was excessive, and DPS provided no valid reason for the delay. Collier's ten-day contribution to the delay was inconsequential. His driving status was in limbo for a substantial period, affecting his employment

and earnings. Pursuant to *Nichols*, 2017 OK 20 at ¶26, the potential loss of his property interest in driving privileges is sufficient to constitute prejudice. Collier's right to a speedy trial was violated. Accordingly, we AFFIRM the district court's order.

JOPLIN, J., and BELL, J., concur.