

From the Minneapolis /Star Tribune/:

Appeals Court says he wasn't entitled to an interpreter when pulled over because notes were used to communicate.

[http://www.startribune.com/local/stpaul/39241322.html?elr=KArksc8P:Pc:UthPacyPE7iUiD3aPc:\\_Yyc:aUU](http://www.startribune.com/local/stpaul/39241322.html?elr=KArksc8P:Pc:UthPacyPE7iUiD3aPc:_Yyc:aUU)

Court: Deaf St. Paul man's rights not violated

\*By PAT PHEIFER,\* Star Tribune  
February 6, 2009

A St. Paul man who can't hear or speak was nonetheless not a "person disabled in communication" and thus was not entitled to a sign language interpreter after he was pulled over by police for drunken driving in the summer of 2007, the Minnesota Court of Appeals said.

After Kendall Lee Kail was charged with drunken driving, he asked a Ramsey County district judge to suppress evidence related to his arrest and his

## Communicating with notes

According to the court documents, Kail was pulled over early on June 1, 2007, after a St. Anthony police officer saw his car weave within its own lane and follow another car too closely. The officer asked for a driver's license and proof of insurance and quickly learned Kail cannot hear or speak. The officer communicated with him initially through gestures but soon through handwritten notes.

Kail smelled of alcohol and had watery and bloodshot eyes, the ruling said, so the officer directed him with specific written instructions to perform field sobriety tests. Kail failed the tests, and the officer told him in writing that he was being arrested on