

SUPREME COURT OF NORTH DAKOTA

City of Fargo v. Gullekson

634 N.W.2d 525 (N.D. 2001) · No. 20010101 · Decided October 16, 2001

SUMMARY

The Supreme Court of North Dakota reversed an order suppressing evidence obtained after an investigatory stop of a vehicle. The court held the stop was lawful because the officer had reasonable and articulable suspicion based on an anonymous report, the vehicle's matching characteristics, the registered owner's suspended license, and the driver's matching physical description.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Kapsner, Justice; Kapsner; Vande Walle; Maring; Neumann; Sandstrom
JURISDICTION	North Dakota
DECIDED	October 16, 2001
DOCKET	20010101
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City of Fargo appealed an order suppressing evidence obtained during an investigatory traffic stop.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion
PARTIES	City of Fargo v. James Merle Gullekson

TOPICS

- suppression of evidence
- search and seizure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- evidence
- municipal law

QUESTIONS PRESENTED

- Whether the investigatory stop of Gullekson's vehicle was supported by reasonable and articulable suspicion.
- Whether evidence obtained during the stop should be suppressed.

HOLDINGS

1. The investigatory stop was supported by reasonable and articulable suspicion and was therefore lawful.
2. Because the evidence was discovered during a legal investigatory stop, the suppression order must be reversed.

KEY QUOTATIONS

“There is no evidence to indicate Officer Witte knew the Defendant or that he actually knew the Defendant was driving the vehicle.” (¶ 4)

FACTUAL BACKGROUND

An anonymous caller reported shortly before midnight that a Ford sport utility vehicle was being driven recklessly southbound near Interstate 29 in Fargo. Officer Bret Witte observed the only southbound vehicle, a Ford Bronco, checked its license plate, and learned that its registered owner, Gullekson, had a suspended license. After observing that the driver matched the physical description on the registered owner's license, Witte stopped the vehicle and arrested Gullekson after confirming his identity.

PROCEDURAL HISTORY

Gullekson was charged with driving with a suspended operator's license and moved to suppress evidence obtained from the traffic stop. The trial court granted the motion, finding no evidence that Officer Witte knew Gullekson or actually knew he was driving the vehicle. The City appealed, and the North Dakota Supreme Court consolidated the case for oral argument with City of West Fargo v. Ross.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the opinion.

CASES CITED

- City of West Fargo v. Ross, 2001 ND 163, 634 N.W.2d 527