

SUPREME COURT OF HAWAI‘I

In the Interest of John Doe, Born on January 25, 1985; In the Interest of John Doe, Born on January 28, 1983

73 P.3d 29, 102 Hawai‘i 75 (2003) · No. Nos. 24042, 24036 · Decided July 11, 2003

SUMMARY

The Supreme Court of Hawai‘i considered consolidated appeals by two juveniles challenging their continued detention based on an allegedly unsupported probable-cause determination. The majority held that the appeals were moot because one juvenile had been adjudicated a law violator and the other’s case had been dismissed, and it declined to apply the public-interest exception to mootness. A dissent argued that the issue was capable of repetition yet evading review and that the detention violated constitutional and statutory probable-cause requirements.

CASE DETAILS

COURT	Supreme Court of Hawai‘i
WRITING FOR THE COURT	Levinson, J.; Moon, C.J.; Nakayama, J.; Kochi, Circuit Judge, assigned by reason of vacancy
JURISDICTION	Hawaii
DECIDED	July 11, 2003
DOCKET	Nos. 24042, 24036
DISPOSITION	dismissed
PROCEDURAL POSTURE	Consolidated appeals from Family Court of the First Circuit orders denying petitions for writs of habeas corpus challenging the minors' continued detention after initial detention hearings.
STANDARD OF REVIEW	Whether an appeal presents a live controversy is reviewed under the mootness doctrine; the court determines whether adverse interest and an effective remedy remain.
PRECEDENTIAL VALUE	Published, precedential Hawai‘i Supreme Court opinion; dissenting analysis is nonbinding.
PARTIES	John Doe, born January 25, 1985, John Doe, born January 28, 1983 v. State of Hawai‘i

TOPICS

family law procedure

habeas corpus

mootness

appellate procedure

criminal procedure

PRACTICE AREAS

juvenile law

family law

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the minors' consolidated appeals challenging the factual basis for their initial probable-cause determinations remained justiciable after one minor was adjudicated a law violator and the other minor's petition was dismissed with prejudice.
2. Whether the public-interest and capable-of-repetition-yet-evading-review exceptions to mootness applied.
3. Whether the Family Court's later review of police reports cured any alleged defect in the initial probable-cause determinations.

HOLDINGS

1. The consolidated appeals were moot because subsequent adjudication of Minor 1 and dismissal with prejudice of Minor 2's petition eliminated any adverse interest and effective remedy concerning the challenged pretrial detention determinations.
2. The exceptions did not apply because the minors challenged only the sufficiency of the evidence supporting probable-cause determinations in their particular cases, and no unsettled legal question requiring authoritative guidance remained.
3. Assuming the initial probable-cause determination was unsupported, the Family Court's subsequent review of the police reports and finding of probable cause cured the alleged defect for purposes of the appeals.

KEY QUOTATIONS

"A case is moot where the question to be determined is abstract and does not rest on existing facts or rights."
(73 P.3d at 32)

"Put simply, there is no need for this court to address alleged errors that the family court has cured of its own accord in a controversy that is now moot." (73 P.3d at 34)

FACTUAL BACKGROUND

The two minors were arrested and charged in separate juvenile proceedings based on alleged third-degree assault. The Family Court ordered them detained pending trial after finding sufficient facts to require continued detention. They asserted that no evidence had been presented to support the initial probable-cause determinations, but the court later reviewed police reports and independently found probable cause. Before appellate review, Minor 1 was adjudicated a law violator and Minor 2's petition was dismissed with prejudice.

PROCEDURAL HISTORY

The prosecution filed juvenile law-violation petitions alleging third-degree assault. After the Family Court ordered continued detention, each minor filed a habeas petition asserting that no evidence supported the probable-cause determinations. At a consolidated hearing, the court reviewed police reports, found probable cause, and denied the petitions. Minor 1 was adjudicated a law violator after the charge was amended to affray; the petition against Minor 2 was dismissed with prejudice. The Supreme Court of Hawai‘i dismissed the consolidated appeals as moot.

DISPOSITION

dismissed

CASES CITED

- Okada Trucking Co., Ltd. v. Board of Water Supply, 99 Hawai‘i 191, 53 P.3d 799 (2002)
- CARL Corp. v. State, Department of Education, 93 Hawai‘i 155, 997 P.2d 567 (2000)
- In re Application of Thomas, 73 Haw. 223, 832 P.2d 253 (1992)
- Wong v. Board of Regents, University of Hawai‘i, 62 Haw. 391, 616 P.2d 201 (1980)
- Blue v. United States, 342 F.2d 894 (D.C. Cir. 1965)
- People v. Alexander, 663 P.2d 1024 (Colo. 1983)
- State v. Mitchell, 104 Idaho 493, 660 P.2d 1336 (1983)
- State v. West, 223 Neb. 241, 388 N.W.2d 823 (1986)
- Commonwealth v. McCullough, 501 Pa. 423, 461 A.2d 1229 (1983)
- Bell v. Dillard Department Stores, Inc., 85 F.3d 1451 (10th Cir. 1996)
- Spriggs v. Wilson, 467 F.2d 382 (D.C. Cir. 1972)
- Gerstein v. Pugh, 420 U.S. 103 (1975)
- County of Riverside v. McLaughlin, 500 U.S. 44 (1991)
- Korean Buddhist Dae Won Sa Temple v. Sullivan, 87 Hawai‘i 217, 953 P.2d 1315 (1998)
- State v. Aplaca, 96 Hawai‘i 17, 25 P.3d 792 (2001)
- State v. Ford, 84 Hawai‘i 65, 929 P.2d 78 (1996)
- In re Doe, 3 Haw. App. 391, 651 P.2d 492 (1982)
- Bettencourt v. Bettencourt, 80 Hawai‘i 225, 909 P.2d 553 (1995)
- Tradewinds Hotel, Inc. v. Cochran, 8 Haw. App. 256, 799 P.2d 60 (1990)