

SUPREME COURT OF NEW HAMPSHIRE

State v. Hill

146 N.H. 568 (2001) · Decided July 2, 2001

SUMMARY

The New Hampshire Supreme Court affirmed Paul Hill’s convictions for driving while intoxicated, driving after revocation, disobeying a police officer, and false report to law enforcement. The court held that the defendant’s identity and motor vehicle records were admissible under the inevitable-discovery doctrine, concluded that misidentifying oneself can violate RSA 641:4, and held that commenting on the defendant’s post-arrest, pre-Miranda silence did not violate due process under the circumstances presented.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Brock, C.J.; Broderick, J.; Horton, J., specially assigned
JURISDICTION	New Hampshire
DECIDED	July 2, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed convictions entered in Portsmouth District Court for driving while intoxicated, second offense; driving after revocation; disobeying a police officer; and false report to law enforcement. He challenged the denial of his motion to suppress derivative identity and motor-vehicle-record evidence, the sufficiency of the false-report charge, and the denial of a mistrial based on the prosecutor's comment on his post-arrest, pre-Miranda silence.
STANDARD OF REVIEW	The court reviewed the trial court's judicial-notice ruling and inevitable-discovery determination in the suppression proceedings, statutory interpretation de novo, and the denial of the mistrial motion for abuse of discretion.
PRECEDENTIAL VALUE	Published New Hampshire Supreme Court opinion; precedential.
PARTIES	Paul Hill v. State of New Hampshire

TOPICS

- suppression of evidence
- miranda rights
- due process
- statutory interpretation
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether Hill's identity and motor-vehicle records were inadmissible fruits of an unlawfully obtained custodial statement.
2. Whether the trial court improperly took judicial notice that Hill would not have been released before his identity was ascertained.
3. Whether Hill's false identification constituted a false report to law enforcement under RSA 641:4.
4. Whether the prosecutor's comment on Hill's post-arrest, pre-Miranda silence violated due process under Part I, Article 15 of the New Hampshire Constitution or the Fourteenth Amendment, requiring a mistrial.

HOLDINGS

1. The trial court erred in taking judicial notice that Hill would not have been released until his identity was ascertained because that proposition was subject to reasonable dispute.
2. The evidence of Hill's identity and motor-vehicle status was admissible because the police would inevitably have discovered his true identity, notwithstanding the Miranda violation.
3. Misidentifying oneself to police with the intent to cause officers to believe that another person committed the offense constitutes a false report to law enforcement under RSA 641:4; actual interference with the investigation is not required.
4. The prosecutor's comment on Hill's post-arrest, pre-Miranda silence did not violate his due process rights under Part I, Article 15 of the New Hampshire Constitution or the Fourteenth Amendment.

KEY QUOTATIONS

"We agree with the defendant that whether he would have been released before his identity was discovered is subject to dispute." (at 572)

"Because we conclude that the evidence compels a finding that the defendant's identity would inevitably have been discovered, we affirm the trial court's refusal to suppress the use of the defendant's name and his status as obtained through motor vehicle records, court records "or other means." " (at 574)

"That the false information did not actually impede the investigation is irrelevant." (at 575)

"Because we find no compelling reason to conclude that the State Constitution provides greater protection in this area than does the Federal Constitution, we conclude that the State's comment on the defendant's post-arrest, pre-Miranda silence did not violate the defendant's due process rights." (at 577)

FACTUAL BACKGROUND

Police responding to a disturbance saw Hill leave a bar appearing intoxicated and drive away. After being stopped, Hill repeatedly identified himself as Michael Micalizzi, but police record checks revealed discrepancies, prompting an officer to tell him he would not be released until his identity was determined; Hill

then disclosed his true identity and explained that he had lied because of a prior DWI conviction. The trial court suppressed those statements as the product of custodial interrogation without Miranda warnings but allowed the State to use Hill's identity and motor-vehicle records on an inevitable-discovery theory. At trial, Hill claimed his girlfriend had driven the vehicle, but the jury convicted him of all four offenses.

PROCEDURAL HISTORY

The trial court suppressed the defendant's statements identifying himself and explaining his false identification as products of custodial interrogation without Miranda warnings, but denied suppression of his identity and motor-vehicle-record information as derivative evidence. The defendant stipulated to his identity, prior DWI conviction, license revocation, and knowledge of the revocation, and the jury convicted him on all four charges. The New Hampshire Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Miranda v. Arizona, 384 U.S. 436 (1966)
- Patterson v. United States, 485 U.S. 922, 922 (1988)
- State v. Gravel, 135 N.H. 172, 180, 184 (1991)
- State v. Holler, 123 N.H. 195, 200 (1983)
- State v. Beede, 119 N.H. 620, 629-30 (1979), cert. denied, 445 U.S. 967 (1980)
- State v. Dixon, 144 N.H. 273, 283 (1999)
- State v. Ball, 124 N.H. 226, 231-32 (1983)
- Wainwright v. Greenfield, 474 U.S. 284 (1986)
- State v. Laurie, 135 N.H. 438, cert. denied, 506 U.S. 886 (1992)
- Doyle v. Ohio, 426 U.S. 610, 619 (1976)
- Jenkins v. Anderson, 447 U.S. 231 (1980)
- Fletcher v. Weir, 455 U.S. 603 (1982)
- State v. Brown, 128 N.H. 606, 611-12 (1986)
- Combs v. Coyle, 205 F.3d 269, 280 (6th Cir. 2000)
- United States v. Oplinger, 150 F.3d 1061, 1067 n. 5 (9th Cir. 1998)
- Breest v. Perrin, 125 N.H. 703, 705 (1984)
- State v. Monroe, 142 N.H. 857, 873 (1998), cert. denied, 525 U.S. 1073 (1999)

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