

SUPREME COURT OF NEW HAMPSHIRE

State v. Dalton

165 N.H. 263 (2013) · Decided August 21, 2013

SUMMARY

The New Hampshire Supreme Court affirmed Bradford Dalton’s conviction for third-offense driving under the influence. The court held that an officer’s request for the defendant’s license, registration, and inspection paperwork was reasonably related to a traffic stop initiated because the officer could not determine whether the vehicle’s transparent temporary inspection sticker was valid.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Dalianis, C.J.; Hicks, J.; Conboy, J.; Lynn, J.; Bassett, J.
JURISDICTION	New Hampshire
DECIDED	August 21, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dalton appealed his conviction for third-offense driving under the influence after the trial court denied his motion to suppress evidence derived from a vehicle stop.
STANDARD OF REVIEW	The court accepted the trial court's factual findings unless unsupported by the record or clearly erroneous and reviewed its legal conclusions de novo.
PRECEDENTIAL VALUE	Published New Hampshire Supreme Court opinion; precedential.
PARTIES	Bradford Dalton v. State

TOPICS

- search and seizure
- fourth amendment
- suppression of evidence
- criminal procedure
- warrant requirement

PRACTICE AREAS

- criminal procedure
- constitutional law
- traffic stops
- search and seizure

QUESTIONS PRESENTED

1. Whether the officer unconstitutionally continued the motor vehicle stop after observing a transparent temporary inspection sticker.
2. Whether the officer's request for Dalton's license, registration, and inspection paperwork was reasonably related to the initial justification for the stop under Part I, Article 19 of the New Hampshire Constitution and the Fourth and Fourteenth Amendments to the United States Constitution.

HOLDINGS

1. The officer's request for Dalton's license, registration, and inspection paperwork was reasonably related to the initial justification for the stop and was a permissible routine component of the motor vehicle stop.
2. The Federal Constitution provided no greater protection than Part I, Article 19 of the New Hampshire Constitution in this area, so the result was the same under both constitutions.

KEY QUOTATIONS

"An investigatory stop must be narrowly tailored and last no longer than necessary to effectuate its purpose."
(165 N.H. at 265)

"We, therefore, conclude that the officer's conduct in requesting the defendant's license, registration, and inspection paperwork was "routine" and was not an unconstitutional continuation of the motor vehicle stop."
(165 N.H. at 267)

FACTUAL BACKGROUND

An officer stopped Dalton's vehicle after believing it lacked a New Hampshire inspection sticker. Upon approaching, the officer observed a transparent temporary inspection sticker showing that the vehicle had passed the safety inspection but failed the emissions portion; the sticker showed a month but not a year, so the officer could not determine whether it remained valid within the sixty-day repair period. The officer requested Dalton's license, registration, and inspection paperwork, and during the interaction smelled a moderate odor of alcohol. Dalton was later charged with third-offense DUI.

PROCEDURAL HISTORY

The 2d Circuit Court—Lebanon District Division denied Dalton's suppression motion, concluding that the officer could request inspection paperwork to determine whether the vehicle remained within the sixty-day emissions-repair period. After the State made an offer of proof, the trial court found Dalton guilty. The New Hampshire Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Schultz, 164 N.H. 217, 221 (2012)
- State v. Ball, 124 N.H. 226, 231-33 (1983)

- State v. Licks, 154 N.H. 491, 492-93, 495 (2006)
- Terry v. Ohio, 392 U.S. 1, 21 (1968)
- State v. Bell, 164 N.H. 452, 454 (2012)
- State v. Smith, 154 N.H. 113, 116 (2006)
- United States v. Jenkins, 452 F.3d 207, 213 (2d Cir. 2006)
- State v. McKinnon-Andrews, 151 N.H. 19, 25 (2004)
- Delaware v. Prouse, 440 U.S. 648, 658 (1979)
- State v. Glaude, 131 N.H. 218, 222 (1988)
- United States v. McSwain, 29 F.3d 558, 560-62 (10th Cir. 1994)
- State v. Diaz, 850 So. 2d 435, 436-39 (Fla. 2003)

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