

SUPREME COURT OF ALASKA

Fraiman v. State, Department of Administration, Division of Motor Vehicles

49 P.3d 241 (Alaska 2002) · No. No. S-10026 · Decided June 14, 2002

SUMMARY

The Alaska Supreme Court affirmed the administrative suspension of Daniel Fraiman's driver's license after he refused a chemical breath test. The court held that Fraiman lacked a reasonable expectation of privacy in a friend's cabin and therefore could not assert a Fourth Amendment challenge to the warrantless entry; it also upheld the finding that the trooper had probable cause to arrest him for eluding.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Fabe, Chief Justice; Matthews, Justice; Eastaugh, Justice; Bryner, Justice; Carpeneti, Justice
JURISDICTION	Alaska
DECIDED	June 14, 2002
DOCKET	No. S-10026
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a superior court judgment affirming the Division of Motor Vehicles' administrative suspension of Fraiman's driver's license after he refused a chemical breath test.
STANDARD OF REVIEW	Administrative license revocations are reviewed under AS 28.15.166(m); statutory interpretation is reviewed independently under the substitution-of-judgment test, while agency factual findings are reviewed for substantial evidence.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	Daniel Fraiman v. State of Alaska, Department of Administration, Division of Motor Vehicles

TOPICS

judicial review of agency action

administrative law

fourth amendment

search and seizure

appellate procedure

PRACTICE AREAS

administrative law

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Fraiman had standing to challenge the warrantless entry into the Mortons' cabin under the Fourth Amendment.
2. Whether the trooper had probable cause to arrest Fraiman for eluding an officer.
3. Whether the court needed to decide whether an illegal-search challenge was within the scope of an administrative driver's-license revocation hearing.

HOLDINGS

1. Fraiman lacked standing to assert the Mortons' Fourth Amendment rights because he was not an invited overnight guest and had no legitimate expectation of privacy in the cabin. He also did not satisfy Alaska's exceptions permitting a defendant to assert a third party's Fourth Amendment violation based on gross or shocking misconduct or a deliberate violation of the third party's rights.
2. The trooper had probable cause to arrest Fraiman for eluding because the evidence was sufficient for a reasonable person to believe that Fraiman knowingly failed to stop after being signaled by the trooper.
3. The court did not decide whether claims of illegal search and seizure may be raised in an administrative license-revocation hearing because the hearing officer made an alternative merits finding that resolved Fraiman's Fourth Amendment claim.

KEY QUOTATIONS

“Because Trooper Tracy had probable cause to arrest Daniel Fraiman and because Fraiman did not have a reasonable expectation of privacy in the Mortons' cabin, Fraiman does not have standing to raise a Fourth Amendment claim at his driver's license revocation hearing.” (246)

FACTUAL BACKGROUND

Trooper David Tracy followed Daniel Fraiman after observing that the taillights on Fraiman's vehicle were out and activating his overhead lights without receiving a stop. Tracy followed the vehicle to Kathy Morton's property and, with Morton's assistance and permission, entered a cabin where he found Fraiman hiding in a loft and arrested him for eluding. After observing signs of intoxication, Tracy arrested Fraiman for driving while intoxicated; Fraiman refused a chemical breath test, resulting in suspension of his driver's license.

PROCEDURAL HISTORY

The DMV suspended Fraiman's driver's license under Alaska's implied-consent law after he refused a chemical breath test following his arrest. At the administrative review hearing, Fraiman challenged the arrest and sought

suppression based on an allegedly illegal warrantless entry into a third party's cabin. The hearing officer concluded that Fraiman lacked standing and that the officer had reasonable grounds to arrest him. The superior court affirmed, concluding that Fraiman lacked standing and that probable cause supported the arrests for eluding and driving while intoxicated. The Alaska Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Saltz v. State, Department of Public Safety, 942 P.2d 1151, 1152 n.2 (Alaska 1997)
- Miller v. State, Department of Public Safety, 761 P.2d 117, 118 n.2 (Alaska 1988)
- Wik v. State, Department of Public Safety, 786 P.2d 384, 385-86 (Alaska 1990)
- Earth Resources Co. of Alaska v. State, Department of Revenue, 665 P.2d 960, 965 (Alaska 1983)
- Haynes v. State, Department of Public Safety, 865 P.2d 753, 754 (Alaska 1993)
- Borrego v. State, Department of Public Safety, 815 P.2d 360, 363 (Alaska 1991)
- Javed v. State, Department of Public Safety, 921 P.2d 620, 624 (Alaska 1996)
- Steagald v. United States, 451 U.S. 204, 213, 216 (1981)
- Minnesota v. Olson, 495 U.S. 91, 99-100 (1990)
- Minnesota v. Carter, 525 U.S. 83, 90-91 (1998)
- Rakas v. Illinois, 439 U.S. 128, 143 (1978)
- Waring v. State, 670 P.2d 357, 363 (Alaska 1983)
- Samson v. State, 919 P.2d 171, 174 (Alaska App. 1996)
- State v. J.R.N., 861 P.2d 578, 580 n.6 (Alaska 1993)
- Bright v. State, 826 P.2d 765, 774 (Alaska App. 1992)
- Christianson v. State, 734 P.2d 1027, 1029 (Alaska App. 1987)
- Giel v. State, 681 P.2d 1364, 1367 n.3 (Alaska App. 1984)
- Care v. United States, 231 F.2d 22, 25 (10th Cir. 1956)
- Stuart v. State, 698 P.2d 1218, 1221 (Alaska App. 1985)
- Ingram v. State, 703 P.2d 415, 427 (Alaska App. 1985)
- State v. Grier, 791 P.2d 627, 632 n.3 (Alaska App. 1990)