

SUPREME COURT OF ARKANSAS

Hinojosa v. State

2009 Ark. 301 (Ark. 2009) · No. CR 08-1336 · Decided May 21, 2009

SUMMARY

The Supreme Court of Arkansas affirmed the denial of Martin Hinojosa's motion to suppress evidence obtained after a traffic stop. The court held that Arkansas Code section 27-14-716's license-plate display requirements apply to both resident and nonresident vehicles, and that the officer had probable cause to stop Hinojosa's vehicle because its frame obscured the issuing state's name. The court did not reach Hinojosa's argument that the stop was unlawfully prolonged because the issue had not been ruled on by the circuit court.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Elana Cunningham Wills
JURISDICTION	Arkansas
DECIDED	May 21, 2009
DOCKET	CR 08-1336
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of Arkansas granted the State's petition for review of the court of appeals' decision reversing and remanding Hinojosa's conviction. The court reviewed the circuit court's denial of Hinojosa's motion to suppress after his conditional guilty plea.
STANDARD OF REVIEW	On review of a suppression ruling, the appellate court conducts a de novo review based on the totality of the circumstances, reviews historical factual findings for clear error, and determines whether those facts establish reasonable suspicion or probable cause while giving due weight to the circuit court's inferences and credibility determinations. The circuit court's ruling is reversed only if clearly against the preponderance of the evidence.
PRECEDENTIAL VALUE	Published decision of the Supreme Court of Arkansas; precedential.
PARTIES	Martin Hinojosa v. State of Arkansas

TOPICS

suppression of evidence

fourth amendment

probable cause

statutory interpretation

preservation of error

PRACTICE AREAS

criminal procedure

constitutional law

motor vehicle law

QUESTIONS PRESENTED

1. Whether the officer had probable cause to stop Hinojosa's vehicle under Arkansas Code Annotated section 27-14-716 when the license-plate frame obscured the issuing state's name.
2. Whether the license-plate display requirements of section 27-14-716 apply to vehicles registered in another state notwithstanding section 27-14-704.
3. Whether Hinojosa's argument that the stop was unlawfully prolonged was preserved for appellate review.

HOLDINGS

1. The officer had probable cause to stop Hinojosa's vehicle because section 27-14-716 requires a license plate to be clearly visible and clearly legible and prohibits a cover that makes the plate more difficult to read; those requirements encompass the issuing state's name, not merely the registration numbers.
2. The license-plate display requirements in section 27-14-716 apply to all vehicles traveling on Arkansas roads, including resident and nonresident vehicles.
3. The court could not reach the merits of Hinojosa's argument that the stop was unlawfully prolonged because he failed to obtain a ruling on that argument in the circuit court.

KEY QUOTATIONS

"Thus, we conclude that the license plate display requirements of § 27-14-716 apply to all vehicles traveling on Arkansas roads resident and nonresident alike." (319 S.W.3d at 266)

"Accordingly, Sergeant Drown had probable cause to stop Hinojosa for violation of § 27-14-716." (319 S.W.3d at 266)

FACTUAL BACKGROUND

An Arkansas State Police sergeant stopped Hinojosa's truck after observing that a license-plate frame obscured the name of the issuing state, Arizona. During the stop, Hinojosa stated that the truck contained approximately 300 pounds of marijuana, and a canine sniff confirmed the marijuana's presence. The license-plate frame did not obscure the registration numbers but completely obscured the word "Arizona."

PROCEDURAL HISTORY

Hinojosa was charged with possession of marijuana with intent to deliver after a traffic stop led to the discovery of approximately 300 pounds of marijuana. The circuit court denied his motion to suppress statements and physical evidence, and Hinojosa entered a conditional guilty plea under Arkansas Rule of Criminal Procedure

24.3(b). The court of appeals reversed and remanded, concluding that the stop lacked probable cause. The Supreme Court of Arkansas granted review, affirmed the circuit court, and reversed the court of appeals.

DISPOSITION

affirmed

CASES CITED

- Hinojosa v. State, 103 Ark. App. 312, 288 S.W.3d 718 (2008)
- Wong Sun v. United States, 371 U.S. 471, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963)
- Brookshire v. Adcock, 2009 Ark. 207, 307 S.W.3d 22 (2009)
- Sims v. State, 356 Ark. 507, 157 S.W.3d 530 (2004)
- Burks v. State, 362 Ark. 558, 210 S.W.3d 62 (2005)
- Laime v. State, 347 Ark. 142, 60 S.W.3d 464 (2001)
- Burris v. State, 330 Ark. 66, 954 S.W.2d 209 (1997)
- Travis v. State, 331 Ark. 7, 959 S.W.2d 32 (1998)
- United States v. Orduna-Martinez, 561 F.3d 1134 (10th Cir. 2009)
- Nelson v. State, 247 Ga. App. 455, 544 S.E.2d 189 (2001)
- State v. Hayes, 8 Kan. App. 2d 531, 660 P.2d 1387 (Kan. Ct. App. 1983)
- United States v. DeGasso, 369 F.3d 1139 (10th Cir. 2004)
- State v. Davis, 283 Ga. App. 200, 641 S.E.2d 205 (2007)
- Mays v. Cole, 374 Ark. 532, 289 S.W.3d 1 (2008)
- Kan. City S. Ry. Co. v. Pledger, 301 Ark. 564, 785 S.W.2d 462 (1990)
- Shipley, Inc. v. Long, 359 Ark. 208, 195 S.W.3d 911 (2004)
- Wallace v. State, 2009 Ark. 90, 302 S.W.3d 580 (2009)