

SUPREME COURT OF HAWAI'I

State v. Prendergast

103 Hawai'i 451, 83 P.3d 714 (2004) · No. No. 24793 · Decided February 2, 2004

SUMMARY

The Supreme Court of Hawai'i held that an anonymous tip reporting contemporaneous reckless driving, including specific vehicle details and location, provided sufficient reasonable suspicion for a limited investigatory traffic stop. The court distinguished cases involving less reliable anonymous tips and emphasized the imminence of harm and the tip's firm grounding in time and place. The court affirmed the denial of the motion to suppress and the defendant's DUI conviction and sentence.

CASE DETAILS

COURT	Supreme Court of Hawai'i
WRITING FOR THE COURT	Duffy, J.; Moon, C.J.; Levinson, J.; Nakayama, J.
JURISDICTION	Hawaii
DECIDED	February 2, 2004
DOCKET	No. 24793
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction and sentence for driving under the influence after entering a no-contest plea conditioned on appellate review of the denial of his motion to suppress evidence obtained during a warrantless traffic stop.
STANDARD OF REVIEW	Constitutional questions are reviewed under the right/wrong standard, and rulings on motions to suppress are reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; binding Hawai'i Supreme Court precedent.
PARTIES	William L. Prendergast v. State of Hawai'i

TOPICS

- fourth amendment
- search and seizure
- criminal procedure
- suppression of evidence
- probable cause

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence

QUESTIONS PRESENTED

1. Whether a traffic stop constitutes a seizure under the Fourth Amendment to the United States Constitution and article I, section 7 of the Hawai‘i Constitution.
2. Whether an anonymous tip reporting contemporaneous reckless driving, accompanied by specific identifying information and an imminent risk of serious harm, provided reasonable suspicion for an investigative traffic stop when the officer did not personally observe erratic driving.
3. Whether the evidence obtained after the stop was subject to suppression as the product of an unlawful seizure.

HOLDINGS

1. An anonymous tip may justify a limited investigatory traffic stop under very narrow circumstances when, considering the totality of the circumstances, the tip is firmly rooted in time and place, based on firsthand observations of contemporaneous criminal activity, provides sufficient identifying details that are corroborated by police, and indicates an imminent danger to the public or the driver.
2. A police officer's stop and detention of an automobile and its occupants constitute a seizure implicating the Fourth Amendment and article I, section 7 of the Hawai‘i Constitution.

KEY QUOTATIONS

“We hold that the police may act on an anonymous tip of reckless driving, but only under very narrow circumstances.” (103 Hawai‘i at 461; 83 P.3d at 724)

“The informant provided information that was firmly rooted in time and place and based on firsthand observations of criminal activity.” (103 Hawai‘i at 462; 83 P.3d at 725)

FACTUAL BACKGROUND

A caller using a cellular phone reported that a silver Honda Accord with a specified license plate had crossed the center line, nearly caused several head-on collisions, and nearly hit a guardrail. The caller provided the vehicle's make, model, color, license plate number, location, and direction, and the police officer located a matching Accord approximately eight minutes later. Although the officer did not personally observe erratic driving, he stopped the vehicle based on the contemporaneous report. Prendergast was charged with DUI and reckless driving, and evidence obtained after the stop formed the basis of the suppression motion.

PROCEDURAL HISTORY

A Hawai‘i district court denied Prendergast's motion to suppress evidence obtained after police stopped his vehicle based on an anonymous report of reckless driving. The prosecution dismissed the reckless-driving charge after Prendergast pleaded no contest to DUI while preserving his right to appeal the suppression ruling. The Supreme Court of Hawai‘i affirmed the denial of suppression and the judgment of conviction and sentence.

DISPOSITION

affirmed

CASES CITED

- State v. Jenkins, 93 Hawai‘i 87, 100, 997 P.2d 13, 26 (2000)
- State v. Rodgers, 99 Hawai‘i 70, 72, 53 P.3d 209, 211, reconsideration denied, 98 Hawai‘i 506, 51 P.3d 373 (2002)
- Delaware v. Prouse, 440 U.S. 648, 653 (1979)
- State v. Bolosan, 78 Hawai‘i 86, 92, 94, 890 P.2d 673, 679, 681 (1995)
- State v. Lopez, 78 Hawai‘i 433, 442-43, 896 P.2d 889, 898-99 (1995)
- State v. Fukusaku, 85 Hawai‘i 462, 475, 946 P.2d 32, 45 (1997)
- Wong Sun v. United States, 371 U.S. 471, 484-85 (1963)
- State v. Barnes, 58 Haw. 333, 338, 568 P.2d 1207, 1211 (1977)
- Terry v. Ohio, 392 U.S. 1, 21 (1968)
- United States v. Arvizu, 534 U.S. 266, 273 (2002)
- Florida v. J.L., 529 U.S. 266, 268, 270-74, 276 (2000)
- Adams v. Williams, 407 U.S. 143, 146-47 (1972)
- Alabama v. White, 496 U.S. 325, 327, 329, 332-33 (1990)
- State v. Phillips, 67 Haw. 535, 536-41, 696 P.2d 346, 348-51 (1985)
- State v. Joao, 55 Haw. 601, 602, 604, 525 P.2d 580, 581-83 (1974)
- State v. Temple, 65 Haw. 261, 650 P.2d 1358 (1982)
- State v. Kuahuia, 62 Haw. 464, 616 P.2d 1374 (1980)
- State v. Goudy, 52 Haw. 497, 479 P.2d 800 (1971)
- State v. Boyea, 171 Vt. 401, 765 A.2d 862, 867-68, 875 (2000), cert. denied, 533 U.S. 917 (2001)
- State v. Golotta, 178 N.J. 205, 837 A.2d 359, 366-69 (2003)
- McChesney v. State, 988 P.2d 1071, 1076-77 (Wyo. 1999)
- Washington v. State, 740 N.E.2d 1241, 1243, 1246 (Ind. App. 2000), transfer denied, 753 N.E.2d 7 (Ind. 2001)
- Commonwealth v. Lubiejewski, 49 Mass. App. Ct. 212, 729 N.E.2d 288, 290-92 (2000)
- Stewart v. State, 22 S.W.3d 646, 648-50 (Tex. App. 2000)
- State v. Walshire, 634 N.W.2d 625, 629-30 (Iowa 2001)
- State v. Crawford, 275 Kan. 492, 67 P.3d 115, 116-17 (2003)
- State v. Rutzinski, 241 Wis. 2d 729, 623 N.W.2d 516, 519, 525-26 (2001)
- United States v. Wheat, 278 F.3d 722, 724, 726, 735 (8th Cir. 2001), cert. denied, 537 U.S. 850 (2002)
- State v. Contreras, 134 N.M. 503, 79 P.3d 1111, 1112, 1117-18 (N.M. App. 2003)
- State v. Detroy, 102 Hawai‘i 13, 22, 72 P.3d 485, 494 (2003)