

SUPREME COURT OF HAWAI‘I

State v. Sullivan, 97 Haw. 259

36 P.3d 803 (2001) · No. No. 22902 · Decided December 17, 2001

SUMMARY

The Supreme Court of Hawai‘i held that a first-time driving-under-the-influence-of-drugs offense under Hawai‘i Revised Statutes § 291-7 is not constitutionally serious and therefore does not carry a federal or state constitutional right to a jury trial. Applying federal and Hawai‘i petty-offense analyses, the court concluded that the maximum incarceration period and additional penalties did not overcome the presumption that the offense was petty. The court affirmed the circuit court’s denial of Kevin Sullivan’s request for a jury trial.

CASE DETAILS

COURT	Supreme Court of Hawai‘i
WRITING FOR THE COURT	Ramil, J.; Moon, C.J.; Levinson, J.; Nakayama, J.; Acoba, J.
JURISDICTION	Hawaii
DECIDED	December 17, 2001
DOCKET	No. 22902
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sullivan appealed from the first circuit court's denial of his request for a jury trial on a first-time driving-under-the-influence-of-drugs charge.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Hawai‘i
PARTIES	Kevin Andrew Sullivan v. State of Hawai‘i

TOPICS

- sixth amendment
- fourteenth amendment
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether a first-time DUI-DRUGS offense under HRS § 291-7 is a constitutionally serious offense requiring a jury trial under the Sixth and Fourteenth Amendments to the United States Constitution.
2. Whether a first-time DUI-DRUGS offense is constitutionally serious and carries a right to a jury trial under article I, section 14 of the Hawai‘i Constitution.

HOLDINGS

1. A first-time DUI-DRUGS offense under HRS § 291-7 is presumptively petty under the federal constitutional standard because its maximum authorized imprisonment was no more than six months, and the additional statutory penalties were not sufficiently severe to overcome that presumption. The Sixth and Fourteenth Amendments therefore do not require a jury trial.
2. A first-time DUI-DRUGS offense under HRS § 291-7 is not constitutionally serious under the Hawai‘i Constitution, and a defendant charged with that offense has no constitutional right to a jury trial.

KEY QUOTATIONS

“Accordingly, we hold that there is no right to a jury trial under the United States Constitution for a first-time DUI-DRUGS offense under HRS § 291-7.” (808)

“Based on the foregoing discussion, we hold that a first-time DUI-DRUGS offense under HRS § 291-7 is not a constitutionally “serious” offense and that Sullivan was not entitled to a jury trial.” (811)

FACTUAL BACKGROUND

Sullivan was arrested and charged with first-time driving under the influence of drugs under HRS § 291-7. He repeatedly requested a jury trial, but the district court denied his requests and proceeded with a bench trial. After finding him guilty, the court imposed a drug-abuse rehabilitation program, a ninety-day license suspension, seventy-two hours of community service, and a \$400 fine.

PROCEDURAL HISTORY

Sullivan was charged in district court with first-time DUI-DRUGS under Hawai‘i Revised Statutes § 291-7. The district court denied his requests for a jury trial, conducted a bench trial, found him guilty, and imposed statutory penalties. Sullivan appealed, and the Supreme Court of Hawai‘i affirmed the first circuit court's judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Wang, 91 Hawai‘i 140, 981 P.2d 230 (1999)
- Gray v. Administrative Director of the Court, 84 Hawai‘i 138, 931 P.2d 580 (1997)
- State v. Toyomura, 80 Hawai‘i 8, 904 P.2d 893 (1995)
- Ho v. Leftwich, 88 Hawai‘i 251, 965 P.2d 793 (1998)

- Korean Buddhist Dae Won Sa Temple v. Sullivan, 87 Hawai‘i 217, 953 P.2d 1315 (1998)
- State v. Cullen, 86 Hawai‘i 1, 946 P.2d 955 (1997)
- Duncan v. Louisiana, 391 U.S. 145 (1968)
- Blanton v. City of North Las Vegas, 489 U.S. 538 (1989)
- United States v. Nachtigal, 507 U.S. 1 (1993)
- State v. Nakata, 76 Hawai‘i 360, 878 P.2d 699 (1994)
- State v. Wilson, 75 Haw. 68, 856 P.2d 1240 (1993)
- State v. Lindsey, 77 Hawai‘i 162, 883 P.2d 83 (1994)
- State v. Ford, 84 Hawai‘i 65, 929 P.2d 78 (1996)
- State v. O'Brien, 68 Haw. 38, 704 P.2d 883 (1985)
- State v. Jordan, 72 Haw. 597, 825 P.2d 1065 (1992)
- Bowers v. Alamo Rent-A-Car, Inc., 88 Hawai‘i 274, 965 P.2d 1274 (1998)

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