

SUPREME COURT OF KANSAS

State v. Reiss

299 Kan. 291 (2014) · Decided May 2, 2014

SUMMARY

The Kansas Supreme Court held that Rex Reiss was seized when he complied with an officer’s order to return to his truck during a traffic stop. Although the initial seizure was reasonable for officer-safety purposes, the officer unlawfully requested Reiss’s identification and documentation without reasonable suspicion after the safety concern had ended. The court held that the resulting DUI evidence was tainted, reversed the conviction and lower-court judgments, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Nuss, C.J.
JURISDICTION	Kansas
DECIDED	May 2, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Reiss sought review of a Court of Appeals decision affirming the district court's denial of his motion to suppress evidence obtained during a traffic-stop encounter. The Supreme Court of Kansas reversed the denial of suppression, reversed Reiss's DUI conviction, and remanded.
STANDARD OF REVIEW	The factual underpinnings of a suppression ruling are reviewed for substantial competent evidence, while the ultimate legal conclusion is reviewed de novo. The specific determination whether an encounter was consensual or constituted a seizure is likewise reviewed by applying substantial-competent-evidence review to factual findings and de novo review to the ultimate legal conclusion. The State bears the burden of proving that a challenged seizure was lawful.
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential
PARTIES	Rex Reiss v. State of Kansas

TOPICS

suppression of evidence

fourth amendment

search and seizure

criminal procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether Reiss was seized when he complied with the officer's order to return to his truck.
2. Whether the seizure directing Reiss back to his truck was reasonable under the Fourth Amendment because of officer-safety concerns.
3. Whether the officer's subsequent request for Reiss's driver's license and proof of insurance constituted an investigative detention unsupported by reasonable suspicion.
4. Whether evidence obtained after the unlawful detention was tainted and subject to suppression under the fruit-of-the-poisonous-tree doctrine.

HOLDINGS

1. Reiss was seized when he complied with the officer's repeated, forceful order to return to his truck because a reasonable person in his position would not have felt free to refuse the order or terminate the encounter.
2. The officer's initial seizure of Reiss was reasonable under the Fourth Amendment because it was a minimal intrusion justified by legitimate and substantial officer-safety concerns, even though the officer lacked reasonable suspicion of criminal wrongdoing.
3. After the officer's safety concerns had subsided, requesting Reiss's driver's license and proof of insurance constituted an investigative detention that was unlawful because the officer lacked reasonable suspicion at that time.
4. Evidence of Reiss's intoxication and DUI obtained after the unlawful detention was tainted fruit of the poisonous tree and had to be suppressed.

KEY QUOTATIONS

““So long as a reasonable person would feel free to ‘disregard the police and go about his business,’ [citation omitted], the encounter is consensual and no reasonable suspicion is required.”” (299 Kan. at 297-98)

““There is no rigid application of these factors; instead, we analyze the facts of each case independently.”” (299 Kan. at 299)

““In sum, once Ritter’s safety concerns ended and he requested Reiss’ driver’s license and registration or insurance proof, he was beginning to perform an investigative detention.”” (299 Kan. at 303)

FACTUAL BACKGROUND

At approximately 1 a.m., an officer activated his emergency lights intending to stop a blue pickup truck, but Reiss's red pickup also pulled over and the officer stopped behind Reiss because of limited space. Reiss exited

his truck, approached the officer's squad car, and repeatedly demanded an explanation; the officer ordered him to return to his truck, and Reiss complied. The officer initially acted out of concern for officer safety, but after those concerns had subsided he requested Reiss's driver's license and proof of insurance. Only after requesting the documentation did the officer observe slurred speech, bloodshot and watery eyes, and other signs of intoxication; he then conducted field sobriety testing and arrested Reiss for DUI.

PROCEDURAL HISTORY

An Augusta police officer stopped behind Reiss's truck after intending to stop another vehicle. After Reiss exited his truck and approached the officer, the officer ordered him to return to the truck, later requested his driver's license and proof of insurance, observed signs of intoxication, administered field sobriety testing, and arrested him for DUI. The district court denied Reiss's suppression motion, and a jury convicted him of felony DUI. The Court of Appeals affirmed, reasoning that the officer's safety concerns justified the detention. The Supreme Court granted review and reversed both lower courts.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Court of Appeals affirming the district court is reversed, and the judgment of the district court is reversed and remanded for further proceedings consistent with suppression of the tainted DUI evidence.

CASES CITED

- Wong Sun v. United States, 371 U.S. 471, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963)
- State v. McGinnis, 290 Kan. 547, 233 P.3d 246 (2010)
- State v. Walker, 292 Kan. 1, 16, 251 P.3d 618 (2011)
- U.S.D. No. 233 v. Kansas Ass'n of American Educators, 275 Kan. 313, 320, 64 P.3d 372 (2003)
- State v. Thompson, 284 Kan. 763, 166 P.3d 1015 (2007)
- State v. Moralez, 297 Kan. 397, 404, 300 P.3d 1090 (2013)
- State v. Parker, 282 Kan. 584, 588-89, 147 P.3d 115 (2006)
- Terry v. Ohio, 392 U.S. 1, 18, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968)
- State v. Spagnola, 295 Kan. 1098, 1105, 289 P.3d 68 (2012)
- Ohio v. Robinette, 519 U.S. 33, 39, 117 S. Ct. 417, 136 L. Ed. 2d 347 (1996)
- United States v. Brignoni-Ponce, 422 U.S. 873, 878, 95 S. Ct. 2574, 45 L. Ed. 2d 607 (1975)
- State v. Reason, 263 Kan. 405, 410-11, 951 P.2d 538 (1997)
- State v. Murphy, 296 Kan. 490, 492-93, 293 P.3d 703 (2013)
- State v. Gross, 39 Kan. App. 2d 788, 798-99, 184 P.3d 978 (2008)
- Arizona v. Johnson, 555 U.S. 323, 330, 129 S. Ct. 781, 172 L. Ed. 2d 694 (2009)
- Michigan v. Long, 463 U.S. 1032, 1047, 103 S. Ct. 3469, 77 L. Ed. 2d 1201 (1983)

- *Brendlin v. California*, 551 U.S. 249, 255-56, 127 S. Ct. 2400, 168 L. Ed. 2d 132 (2007)
- *Maryland v. Wilson*, 519 U.S. 408, 413-15, 117 S. Ct. 882, 137 L. Ed. 2d 41 (1997)
- *United States v. Sanders*, 510 F.3d 788, 789-91 (8th Cir. 2007)
- *United States v. Williams*, 419 F.3d 1029, 1031-34 (9th Cir. 2005)

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