



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 263

December 1, 2002

INVESTIGATORY STOP OF VEHICLE WITH
OBSCURED LICENSE PLATES
LEADS TO ARREST FOR BURGLARY AND HOMICIDE

Reference: Adam B. Hamilton
v.
State of Alaska

Alaska Court of Appeals
Opinion No. 1843
_____ P.2d _____
November 22, 2002

FACTS:

Rebecca Dixon awoke about 2:30 a.m. to find an intruder stabbing her husband. She could not see the intruder's face because he was wearing a stocking cap and a bandana across his face. Rebecca's movements startled the intruder and he fled from the house. At 2:32 a.m., Fairbanks emergency 911 was called. Alaska State Troopers, Fairbanks police and EMS responded. The victim, David Dixon, died at the scene.

After the 911 call was made, Rebecca attempted to call Adam Hamilton--the victim's best friend; she received no answer.

While Trooper Sgt. Kemp was responding to the scene, he observed two vehicles heading toward him. One was a snow grader and the other a four-door sedan. Sgt. Kemp saw that the driver of the sedan had long hair, but he could not tell if the driver was a man or woman. Sgt. Kemp wanted to record the license number of the sedan so the driver, who might be a witness, could be contacted later. Sgt. Kemp was unable to see the license plate, so he radioed to a Fairbanks police officer who was also responding. This radio transmission was at 2:42 a.m. or about ten minutes after the 911 call.

Fairbanks Police Officer Turney observed the sedan heading toward her. She turned her police car around and got behind the sedan. Officer Turney radioed that the rear license plate was covered with snow, making it impossible to read the number. Officer Turner was ordered to wait for backup prior to making the stop.

Backup arrived and the vehicle was stopped at 2:46 a.m., fourteen minutes after the 911 call and less than four minutes after Sgt. Kemp requested assistance in identifying the sedan.

When Officer Turney approached the vehicle, she first brushed the snow off the license plate so she could notify dispatch. As she approached the driver's door, she could see that the driver's hands were covered with blood. It turned out that the driver was the victim's best friend, Adam Hamilton.

As a result of the vehicle stop, his vehicle and clothing were searched and they produced the majority of the evidence linking Hamilton to the burglary and homicide.

ISSUE:

Did police have the right to stop Hamilton's car?

HELD: Yes--for two reasons: [1] violation of Alaska Statute 28.10.171(b) regarding obscured license, and [2] officers had reason to believe the occupant of the car might be able to aid in their investigation.

REASONING:

1. The legality of the traffic stop is determined by an objective assessment of the facts known to the officers at the time they conducted the stop.
2. The officer had probable cause to believe that Hamilton's vehicle was being driven in violation of AS 28.10.171(b), the statute requiring license plates to be maintained in a legible condition.

3. The test for investigative stops--see Coleman v. State, Legal Bulletin No. 3--is that police must have reasonable suspicion that imminent public danger exists or that serious harm to persons or property has recently occurred.

4. When police stopped Hamilton's car in this case, they knew that an intruder had entered a residence in the middle of the night, had perpetrated an apparently fatal assault, and had then fled.

5. The officers had reason to believe that the occupant(s) of this vehicle might have something that would aid their investigation.

NOTES:

The court compared and contrasted this case with Castle v. State--see Legal Bulletin No. 241--where the defendant, a passenger in a vehicle, ran from police who attempted to justify seizing the defendant because he was running in the middle of a public street; this was in violation of a local ordinance. The court said the facts in Castle are different from this case.

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Add this case to Section I, "Investigatory Seizure of Persons, Vehicles and Things," of your Contents and Text. File Legal Bulletin No. 263 numerically under Section R of the manual.