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SUPERIOR COURT
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IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COMMONWEALTH OF THE NORTHERN)
MARIANA ISLANDS,)
)
Plaintiff,)
)
vs.)
)
VICENTE F. KAIPAT,)
)
Defendant.)

TRAFFIC CASE NO. 91-0560

DECISION RE MOTION TO SUPPRESS

I. PROCEDURAL BACKGROUND

On February 9, 1991, the Defendant was charged with the offense of Driving Under the Influence of Alcohol, in violation of 9 CMC § 7105. On March 15, 1991, the date of trial, Defendant filed a motion to suppress any and all evidence obtained by the police on the grounds that the initial stop was made without probable cause. The case proceeded to trial with the Government calling the arresting officer as its first witness. The parties agreed that Defendant's motion to suppress be first addressed before this matter continues any further. The Court now addresses Defendant's motion to suppress.

11. FACTS

On February 9, 1991 at about 1:00 a.m., Officer J.M. Santos was on patrol at highway 16 in a marked police vehicle. As the arresting officer was heading downhill, he observed through his rear view mirror a car quite a distance behind him. Within a very short period of time, he saw the same car right behind his patrol car, and at the same time, heard a screeching sound. The officer pulled to the right shoulder of the road and waited for the car to pass him. As the car was about to pass the police car, the former stopped on the road and the driver asked the officer whether everything was all right. The officer responded by ordering the driver to move his car from the road. As the car drove away, the officer pursued and stopped it. The driver, Defendant Vicente F. Kaipat, was subsequently arrested for DUI.

III. ANALYSIS and CONCLUSION

The Defendant claims that the initial stop of his vehicle was made without probable cause and argues that any and all evidence obtained thereafter must be suppressed under Article I, Section 3 of the CNMI Constitution. The Court disagrees.

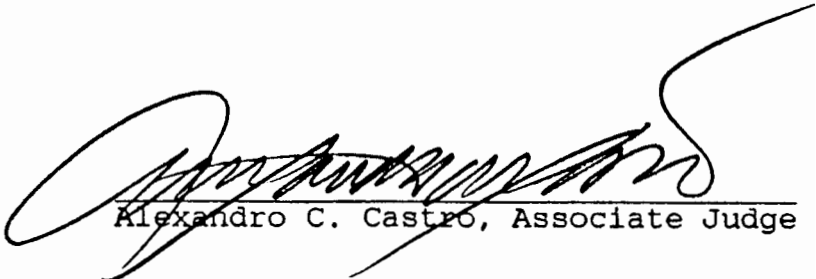
The requirements of an investigatory automobile stop are essentially the same as those required for a pedestrian stop. These requirements were developed in Terry v. Ohio, 392, U.S. 1, 10, 88 S.Ct. 18689, 20 L. Ed. 2d 889, 899 (1968). In Terry, the Court stated that an investigatory stop requires the officer to point to "specific and articulable" facts, which taken together with the rational inferences therefrom, would warrant the intrusion. See,

Terry, supra, 392 U.S. 21. "Articulable Suspicion", although falling short of probable cause, will justify the investigatory stop provided it is more than an inchoate or unparticularized suspicion or hunch. See, Brown v. Texas, 443 U.S. 47, 99 S.Ct. 2637, 61 L. Ed. 2d 357 (1979).

In the case at bar, the officer witnessed the Defendant's rapid acceleration toward the rear of the police vehicle and the screeching sound from its tires. The officer, therefore, had an articulable suspicion that the Defendant may be engaged in the operation of a motor vehicle at "... a speed greater that will permit it to be stopped within [an] assured distance ..." 9 CMC § 5251(b). Moreover, when the Defendant stopped his car in the middle of the road and asked the officer whether everything was alright constitutes a violation of 9 CMC § 5603.

For the foregoing reasons, Defendant's motion to suppress shall be and is hereby DENIED.

SO ORDERED this 5 day of July, 1991.


Alejandro C. Castro, Associate Judge