

NO. 23497

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
DOUGLAS DANIEL COOPER, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(Traffic Nos. 99-354604, 99-354631 & 99-354632)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Acting C.J., Lim, and Foley, JJ.)

The only point raised by Defendant-Appellant Douglas Daniel Cooper (Cooper) in this appeal is that the District Court of the First Circuit<sup>1</sup> (the district court) abused its discretion when it denied his motion to suppress evidence of his October 10, 1999 arrest and his subsequent refusal to submit to a blood or breath alcohol test. Cooper maintains that his motion should have been granted because no evidence was adduced at the hearing on the motion that identified him as the motorcycle driver who was stopped and arrested on October 10, 1999.

Our review of the transcripts of the motion to suppress hearing reveals, however, that at the hearing, Cooper's attorney insisted that evidence presented by Plaintiff-Appellee State of Hawai'i (the State) be strictly limited to the sole issue raised

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<sup>1/</sup> The Honorable James H. Dannenberg presided over the proceedings below.

in the motion to suppress<sup>2</sup> and objected to any testimony not directly related to said issue. Additionally, we observe that the motion to suppress hearing was not the actual trial at which the State would have the burden to establish all elements of the offenses for which Cooper was charged, including Cooper's identification. Moreover, by filing the motion to suppress, Cooper impliedly conceded that he was the individual stopped by police on October 10, 1999 since otherwise, he would have no standing to challenge the admissibility of the evidence obtained following the traffic stop.

Accordingly, we affirm: (1) the district court's order denying Cooper's motion to suppress; (2) the judgment and sentence, filed by the district court on April 20, 2000, convicting and sentencing Cooper for (a) operating a vehicle while under the influence of intoxicating liquor, in violation of Hawai'i Revised Statutes (HRS) § 291-4(a)(1) (1993 & Supp. 1998); (b) operating a motorcycle without being appropriately examined for a license to operate said motorcycle, in violation of HRS § 286-102 (1993 & Supp. 1998); and (c) operating a motorcycle without having a valid no-fault liability insurance policy for the same, in violation of HRS § 431:10G-102 (1993 & Supp. 1998);

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<sup>2/</sup> Defendant-Appellant Douglas Daniel Cooper moved to suppress the evidence obtained by police from and after his initial traffic stop, on grounds that the stop was invalid because it was made as a result of an "All Points Bulletin" broadcast over the police radio system that he alleged was based on an "anonymous tip."

and (3) the district court's order denying Cooper's motion for reconsideration of Cooper's motion to suppress evidence and for an arrest of judgment.

DATED: Honolulu, Hawai'i, August 21, 2001.

On the briefs:

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for defendant-appellant.

Mangmang Qiu Brown,  
Deputy Prosecuting Attorney,  
City and County of Honolulu,  
for plaintiff-appellee.