

*** NOT FOR PUBLICATION ***

NO. 25766

IN THE SUPREME COURT OF THE STATE OF HAWAII

STATE OF HAWAII, Plaintiff-Appellant

vs.

DONNA SNIFFEN, Defendant-Appellee

CLERK, APPELLATE COURTS
STATE OF HAWAII
NORMA T. YARA

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FILED

APPEAL FROM THE SECOND CIRCUIT COURT
(CR. NO. 02-1-0315(1))SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Plaintiff-appellant the State of Hawai'i (the State) appeals from the March 18, 2003 findings of fact, conclusions of law, and order of the circuit court of the second circuit, the Honorable Joel E. August presiding, granting defendant-appellee Donna Sniffen's (Sniffen) motion to suppress.

The circuit court ordered suppression because the warrant that authorized a search for the evidence seized erroneously commanded police to search a location different from that described in the warrant's recitation of probable cause. On appeal, the State contends that suppression based on this discrepancy was wrong because: (1) a mere typographical error should not invalidate the seizure of evidence sufficiently described in the warrant; and (2) the seizure was proper because the police relied in good faith on what appeared to be a valid warrant.

Upon carefully reviewing the record and the briefs submitted by the parties, and having given due consideration to

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the arguments advanced and the issues raised, we hold that: (1) the search warrant violated Hawai'i Rules of Penal Procedure (HRPP) Rule 41(c) (2002) because it commanded police to search a location different from that described in the warrant's recitation of probable cause; and (2) the violation of HRPP Rule 41(c) required the fruits of the search to be suppressed. See State v. Endo, 83 Hawai'i 87, 924 P.2d 581 (App. 1996).

Therefore,

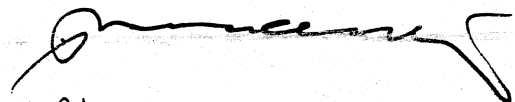
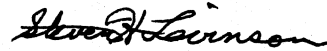
IT IS HEREBY ORDERED that the order from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, June 29, 2005.

On the briefs:

Arleen Y. Watanabe,
Deputy Prosecuting Attorney,
for the plaintiff-appellant
State of Hawai'i

Joyce K. Matsumori-Hoshijo,
Deputy Public Defender,
for the defendant-appellee
Donna Sniffen



James E. Duggan