

IN THE SUPREME COURT OF THE STATE OF HAWAI`I

STATE OF HAWAI`I,)	CR. NO. 99-0222
)	
Plaintiff-Appellant,)	APPEAL FROM FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND ORDER,
vs.)	filed on November 2, 1999.
)	
RUPERTO A. BARAOIDAN, JR.,)	SECOND CIRCUIT COURT
)	
____Defendant-Appellee.)	
_____)	

SUMMARY DISPOSITION ORDER

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we hold that, inasmuch as (1) Maui police Officer Randy Esperanza testified that he approached Baraoidan for an investigative purpose but did not inform Baraoidan that he was free to leave and could decline to participate in the investigative encounter, and (2) the specific and articulable facts to which Officer Esperanza pointed, taken together with the rational inferences that could be drawn from those facts, did not reasonably warrant Officer Esperanza's instigation of an investigative encounter with Baraoidan, the investigative encounter constituted, at its inception, an unreasonable seizure, under article I, section 7 of the Hawai`i Constitution. See State v. Trainor, 83 Hawai`i 250, 925 P.2d 818 (1996); State v. Kearns, 75 Haw. 558, 867 P.2d 903; State v. Quino, 74 Haw. 161, 840 P.2d 358 (1992). Accordingly, we further hold that the circuit court did not err in granting Baraoidan's motion to suppress evidence recovered during and as a

result of the unconstitutional seizure. See, e.g., State v. Temple, 65 Haw. 261, 272, 650 P.2d 1358, 1365 (1982) (evidence obtained pursuant to an encounter that was unjustified at its inception held inadmissible). Therefore,

IT IS HEREBY ORDERED that the findings of fact, conclusions of law, and order, filed on November 22, 1999, from which the present appeal is taken is affirmed.

DATED: Honolulu, Hawai`i, June 8, 2000.

On the briefs:

Richard K. Minatoya,
(Deputy Prosecuting Attorney),
for the plaintiff-appellant
State of Hawai`i

RONALD T.Y. MOON
Chief Justice

Adrienne N. Heely,
(Deputy Public Defender),
for the defendant-appellee
Rupert A. Baraoidan

STEVEN H. LEVINSON
Associate Justice

PAULA A. NAKAYAMA
Associate Justice

MARIO R. RAMIL
Associate Justice

SIMEON R. ACOBA, JR.
Associate Justice