

NO. 23578

IN THE SUPREME COURT OF THE STATE OF HAWAII

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STATE OF HAWAII, Plaintiff-Appellee

vs.

LYLE E. WINTERS, Defendant-Appellant

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APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT  
(CR. NO. TR60-63: 6/28/00)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, and Nakayama, JJ.,  
Circuit Judge Perkins, assigned by reason of vacancy,  
and Acoba, J., concurring separately)

Defendant-appellant Lyle E. Winters (Winters) appeals from the judgment and sentence of the district court of the second circuit, the Honorable Douglas H. Ige presiding. Specifically, Winters appeals the district court's denial of his motion to suppress evidence. Winters argues that the district court erred when it determined that: (1) the defendant's statement that he "had a few drinks" did not require a Miranda warning; and (2) the defendant was properly informed of sanctions before submitting to a blood test.

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, we affirm the district court's judgment. With respect to Winters's first point of error, a Miranda warning was not required because the totality of circumstances do not indicate that Officer Dalere's questions constituted custodial interrogation. See State v. Ketchum, 97 Hawai'i 107, 118, 34 P.3d 1006, 1018 (2001); State v. Ah Loo, 94 Hawai'i 207, 210-212, 10 P.3d 728, 731-33 (2000); State v. Wyatt,

67 Haw. 293, 300, 687 P.2d 544, 550 (1984). With respect to Winters's second point of error, inasmuch as Winters failed to identify an omitted sanction that prevented him from making a knowing and intelligent decision, Winters was sufficiently informed of the sanctions for submitting to or refusing to submit to a breath or blood test pursuant to Hawai'i Revised Statutes (HRS) § 286-151 (Supp. 1999). Moreover, Castro v. Administrative Director of Courts, 97 Hawai'i 463, 464, 40 P.3d 865, 866 (2002), is not controlling in the instant case because there were no prior alcohol enforcement contacts so there was no confusion as to which sanction applied, and thus the absence of a definition for "prior alcoholic enforcement contact" did not prevent Winters from making a knowing and intelligent decision. See State v. Rodgers, 99 Hawai'i 70, 75, 53 P.3d 209, 214 (2002).

Accordingly, because Winters's statement did not require a Miranda warning and Winters was sufficiently informed of sanctions pursuant to HRS § 286-151, the district court did not err in denying his motion to suppress evidence. Therefore,

IT IS HEREBY ORDERED that the district court's judgment from which the appeal is taken is affirmed.

DATED: Honolulu, Hawai'i, March 6, 2003.

On the briefs:

Steven Booth Songstad,  
for defendant-appellant  
Lyle E. Winters

Arleen Y. Watanabe,  
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State of Hawai'i