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# DPS TRAINING BULLETIN

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LEGAL BULLETIN NO. 112  
May 18, 1987

INVESTIGATORY STOP OF VEHICLE  
WITH NO IMMINENT PUBLIC DANGER

Reference: Terry L. Christianson  
v.  
State of Alaska

Alaska Court of Appeals  
Opinion No. 696  
P.2d  
April 10, 1987

FACTS:

A Peterbilt truck worth approximately \$80,000 was stolen in Wenatchee, Washington. Several months after that theft, the owner of a truck repair shop informed Clyde James, an insurance adjuster, that Terry Christianson had traded a pickup truck for an engine out of the stolen Peterbilt truck. The shop owner further stated that the truck with the stolen engine was driven by Bill Fisher, but Fisher was probably not involved in any offense.

The insurance adjuster notified police. The truck suspected of containing the stolen engine was spotted the following day parked outside Christianson's shop. A police investigator and the insurance adjuster maintained surveillance on the truck until it was subsequently driven away by Bill Fisher. Ultimately, the truck was stopped and the police investigator told Fisher that he suspected stolen parts were on the truck. Fisher stated he would cooperate and proceeded to sign a "consent to search" form. Serial numbers found on engine parts were identical to those from the stolen truck. The truck was then impounded.

Christianson was subsequently arrested and convicted. He appealed, alledging that the initial stop of the truck was improper, in that Fisher's constitutional rights were violated and evidence should be suppressed at his (Christianson's) trial, because he had "standing to object".

ISSUE:

Did police need a reasonable suspicion that imminent public danger existed or serious harm to persons or property had recently occurred to justify the investigative stop?

HELD: No.

REASONING:

1. Christianson did not have standing to raise the issue of the investigative stop of Fisher.
2. A defendant has standing to assert the violations of a co-defendant's rights only in very limited situations; Fisher was not a co-defendant. (emphasis added)

3. Fisher was the regular driver of the truck and there did not appear to be any reason why he could not consent to the search of the engine compartment. (emphasis added)

NOTES:

Review of the following is suggested:

Elijah Coleman v. State of Alaska, Legal Bulletin No. 3--investigatory stop of vehicle.

Brian Waring/Scott Robinson v. State of Alaska, Legal Bulletin No. 76--investigatory seizure of persons absent consent or probable cause.

Section "I" of the Alaska Legal Briefs manual regarding investigatory seizures of persons and vehicles should be reviewed.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEF MANUAL:

Add this case to Section I on page 6 and Section B on page 1 of your "Contents" and to I-6 and B-3 of "Text". File Legal Bulletin No. 112 numerically under Section R of the manual.