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Due Process Pringle v. Wolfe (decided 28, 1996)

In *Scott*, the New York State Court of Appeals affirmed its decision in *Vilardi* to depart from the United States Supreme Court's decision to apply a single standard in all cases. New York law, thus, continues to afford defendants greater protection than Federal law by using the less stringent standard for determining the materiality of favorable evidence under its Due Process Clause.

Pringle v. Wolfe[126]
(decided June 28, 1996)

The plaintiff, Michael Pringle, was arrested and charged with driving while intoxicated.[127] The plaintiff brought this action for a declaratory judgment to determine the constitutionality of the New York Vehicle and Traffic Law section 1193 (2)(e)(7),[128] commonly referred to as the "prompt suspension law."[129] Pringle asserted this statute violated the Fourteenth Amendment of the United States Constitution[130] and article I, section 6 of the New York State[131] Constitution.[132] The challenged statute required "that a driver who is charged with driving while

126. 88 N.Y.2d 426, 668 N.E.2d 1376, 646 N.Y.S.2d 82 (1996).

127. *Id.* at 430, 668 N.E.2d at 1378-79, 646 N.Y.S.2d at 85.

128. N.Y. VEH. & TRAF. LAW § 1193(2)(e)(7) (McKinney 1996). Section 1193(2)(e)(7) provides in pertinent part: Suspension pending prosecution; excessive blood alcohol content. (a) A court shall suspend a driver's license, pending prosecution, of any person . . . alleged to have had .10 of one percent or more by weight of alcohol in such driver's blood . . . .
Id.

129. *Pringle*, 88 N.Y.2d at 429-30, 668 N.E.2d at 1378-79, 646 N.Y.S.2d at 85.

130. U.S. CONST. amend. XIV. The Fourteenth Amendment provides in pertinent part: "No State shall . . . deprive any person of life, liberty, or property, without due process of law." *Id.*

131. N.Y. CONST. art. I, § 6. This section provides in pertinent part: "No person shall be deprived of life, liberty, or property without due process of law." *Id.*

132. *Pringle*, 88 N.Y.2d at 430, 668 N.E.2d at 1378-79, 646 N.Y.S.2d at 85.

intoxicated have his/her driver's license suspended."[133] The court determined no due process violation in light of the fact that the statute provides the driver with notice that a "license suspension hearing [would] be held before the conclusion of all proceedings . . . ."[134] Since the code allows the driver to present evidence at the suspension hearing to challenge the court's findings or to show that such a suspension would cause extreme hardship, the court held that the Vehicle and Traffic Law affords all process constitutionally due.[135]

The federal constitutional standard for determining "what process is due to protect against the risk of erroneous deprivation" was summarized in *Mathews v. Eldridge*.[136] The *Mathews* Court explained that "due process is flexible and calls for such procedural protections as the particular situation demands."[137] The Court articulated a three factor balancing test to be considered when determining whether a statute is within the constitutionally protected area of due process:[138]

> [F]irst, [whether or not] the private interest . . . will be affected by official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional procedural [or substitute] safeguards; and finally, the Government's interest, including the [function involved and the] fiscal and administrative burdens that the additional or substitute procedur[al] [requirement] would entail.[139]

With regard to the first factor, private interest being affected, the *Pringle* court analogized this case to *Mackey v. Montrym*.[140]

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133. *Id.*

134. *Id.* at 432, 668 N.E.2d at 1380, 646 N.Y.S.2d at 86.

135. *Id.*

136. *See* Mathews v. Eldridge, 424 U.S. 319 (1976). In *Mathews*, there was a challenge to the constitutionality of the procedures used in terminating Social Security disability benefits pending a later hearing. *Id.* at 321.

137. *Id.*

138. *Id.*

139. *Id.* at 335.

140. *Pringle*, 88 N.Y.2d at 431, 668 N.E.2d at 1379, 646 N.Y.S.2d at 85; *See* Mackey v. Montrym 443 U.S. 1 (1979). In *Mackey*, there was a challenge

In *Mackey*, as in the present case, the statute required the "suspension of a driver's license [for refusing] to take a breath-analysis test upon arrest for driving while under the influence of intoxicating liquor . . . ."[141] The *Mackey* Court upheld the statute as constitutional because of post-suspension hearings immediately available to the suspended driver and that the suspension could only be for a maximum of ninety days.[142] Since the prompt suspension law allows for: (1) a pre-suspension hearing,[143](2) a "mandatory suspension period of 30 days"[144]and (3) an immediate hardship relief upon the suspension of the license,[145] the *Pringle* court reasoned that, just as in *Mackey*, the "severity of the prompt suspension law is tempered."[146]

With regard to the second factor, the risk of erroneous deprivation, the court again relied on *Mackey*.[147] In *Mackey*, the Court explained that "the Due Process Clause simply does not mandate that all government decision making comply with standards that assure perfect, error-free determinations."[148] The Court also noted that, on the issue of what process is due, that "something less than an evidentiary hearing is sufficient prior to adverse administrative action."[149] Hence, the *Pringle* court determined that there was no constitutional violation because the statute does not allow the court to order the suspension of a driver's license "unless it has in its possession the documented

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to the constitutionality of a Massachusetts statute that mandated that a driver's license be suspended for refusing to take a breath-analysis test after being arrested for driving while under the influence of alcohol. *Id.* at 3.

141. *Mackey*, 443 U.S. at 3.

142. *Id.* at 12. In *Mackey*, the Court stated that "[t]he District Court's failure to consider the relative length of the suspension periods involved in . . . the case at bar, as well as the relative timeliness of the post-suspension review available to a suspended driver, was erroneous." *Id.*

143. *Pringle*, 88 N.Y.2d at 431, 668 N.E.2d at 1378-79, 646 N.Y.S.2d at 85.

144. *Id.* at 433, 668 N.E.2d at 1380, 646 N.Y.S.2d at 86.

145. *Id.*

146. *Id.* at 431, 668 N.E.2d at 1379, 646 N.Y.S.2d at 85.

147. *Id.* at 432, 668 N.E.2d at 1380, 646 N.Y.S.2d at 86.

148. *Mackey*, 443 U.S. at 13.

149. *Id.* (quoting Dixon v. Love, 431 U.S. 105, 113 (1977)).

results of a reliable chemical test . . . ."[150] Further, the court determined that the risk of erroneous deprivation is diminished, because the driver has a pre-suspension opportunity to challenge the chemical test results.[151]

With regard to the last factor, the importance of the State's interest, the court adopted the view presented in *Mackey* where "the states are 'accorded . . . great leeway in adopting summary procedures to protect public health and safety.'"[152] The court concluded that requiring additional procedural protection "would subvert the State's compelling interest in promoting highway safety."[153] The court further stated that "[t]he summary and automatic character of the suspension sanction available under the statute is critical to attainment of its objectives."[154]

Accordingly, the prompt suspension law was found to be consistent with both the United States and New York Constitutions.[155] The driver's right to a hearing before a license is suspended affords the driver all, if not more than, the process that is constitutionally due under both the New York and Federal Constitutions.[156] The federal courts as well as the New York State courts analyze "what process is due" in a consistent fashion.[157]

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150. *Pringle*, 88 N.Y.2d at 432, 668 N.E.2d at 1379, 646 N.Y.S.2d at 86.; *see also* People v. Mertz, 68 N.Y.2d 136, 148, 497 N.E.2d 657, 663, 506 N.Y.S.2d 290, 296-97 (1986) (stating that a "chemical analysis . . . made by an individual possessing a permit issued by the Department of Health is 'presumptive evidence' that the examination was properly given").

151. *Pringle*, 88 N.Y.2d at 430, 432, 668 N.E.2d at 1379, 646 N.Y.S.2d at 85; *see also* Illinois v. Batchelder, 463 U.S. 1112, 1118 (1983) (explaining that when a statute "provides for a predeprivation hearing abundantly weigh[ ] . . . in favor of the constitutionality of the implied-consent scheme").

152. *Pringle*, 88 N.Y.2d at 434, 668 N.E.2d at 1381, 646 N.Y.S.2d at 87 (quoting *Mackey*, 443 U.S. at 17).

153. *Pringle*, 88 N.Y.2d at 434, 668 N.E.2d at 1381, 646 N.Y.S.2d at 87.

154. *Id.* (quoting *Mackey*, 443 U.S. at 18).

155. *Pringle*, 88 N.Y.2d at 434, 668 N.E.2d at 1381, 646 N.Y.S.2d at 87.

156. *Id.*

157. *Id.* at 431, 668 N.E.2d at 1379, 646 N.Y.S.2d at 85.