



July 2019

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

Follow this and additional works at: <https://digitalcommons.tourolaw.edu/lawreview>



Part of the [Civil Procedure Commons](#), [Civil Rights and Discrimination Commons](#), [Constitutional Law Commons](#), [Courts Commons](#), [Criminal Law Commons](#), [Criminal Procedure Commons](#), [Fourteenth Amendment Commons](#), [Legal History Commons](#), [Litigation Commons](#), and the [State and Local Government Law Commons](#)

Recommended Citation

(2019) "Due Process Pringle v. Wolfe (decided 28, 1996)," *Touro Law Review*. Vol. 13: No. 3, Article 17.
Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol13/iss3/17>

This Due Process is brought to you for free and open access by Digital Commons @ Touro Law Center. It has been accepted for inclusion in Touro Law Review by an authorized editor of Digital Commons @ Touro Law Center. For more information, please contact lross@tourolaw.edu.

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. Wolfe¹²⁶
(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 Constitution¹³⁰ and article I, section 6 of the New York State¹³¹ 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

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

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

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.