



**BORAH HIGH SCHOOL, BOISE, FRIDAY, MAY 06, 2016, AT 10:00 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 42730**

**STATE OF IDAHO,** )  
 )  
 **Plaintiff-Appellant,** )  
 )  
 **v.** )  
 )  
 **VICTOR GARCIA-RODRIGUEZ,** )  
 )  
 **Defendant-Respondent.** )  
 )

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Robert J. Elgee, District Judge.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for appellant.

Sara B. Thomas, State Appellate Public Defender; Maya P. Waldron, Deputy Appellate Public Defender, Boise, for respondent.

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An officer saw Victor Garcia-Rodriguez cross the fog line and stopped him. Garcia-Rodriguez said he did not speak English. The officer asked Garcia-Rodriguez for his license, and he said he did not have a license. The officer found an interpreter, and Garcia-Rodriguez gave the officer consent to search the vehicle and said he was on his way to buy a vehicle. The officer found about \$10,000 bundled with rubber bands. As a result, the officer detained Garcia-Rodriguez. Thereafter, the officer arrested Garcia-Rodriguez for driving without a license, searched him, and found methamphetamine. The State charged Garcia-Rodriguez, and he moved to suppress the methamphetamine evidence. The district court granted the motion, holding the stop, arrest, search incident to arrest, and detention were unlawful.

On appeal, the State argues the stop, arrest, search incident to arrest, and detention were lawful. According to the State, the officer had reasonable suspicion Garcia-Rodriguez had violated traffic laws when he crossed the fog line. The State also asserts the officer developed probable cause to believe Garcia-Rodriguez was driving without a license almost immediately after stopping him. The State argues that this probable cause justified the arrest, search incident to arrest, and detention.