

BOISE, WEDNESDAY, JANUARY 14, 2026, AT 11:15 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Appellant,)	
)	
v.)	Docket No. 51595
)	
GANNON MANUELITO,)	
)	
Defendant-Respondent.)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County.
Derrick J. O'Neill District Judge.

Raúl R. Labrador, Idaho Attorney General, Boise, for Appellant.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Respondent.

The State appeals the district court's order dismissing three criminal charges against Gannon Manuelito. Manuelito was originally charged with possession of marijuana in excess of three ounces, possession of a controlled substance, possession of drug paraphernalia, and driving under the influence. On Manuelito's motion to dismiss, the district court concluded that Idaho's overdose immunity statute, Idaho Code section 37-2739C, applied to him and provided immunity from prosecution for all charges except driving under the influence. Under the statute, "a person who experiences a drug-related medical emergency and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance . . . , for using or being under the influence of a controlled substance . . . , or for using or possessing with intent to use drug paraphernalia . . . , if the evidence for the charge . . . was obtained as a result of the medical emergency and the need for medical assistance." I.C. § 37-2739C(2).

The person who called 911 testified that he assumed Manuelito was experiencing an "overdose or pass[ed] out from alcohol consumption or other drug use." The district court determined that Idaho Code section 37-2739C's undefined term "drug-related medical emergency" was ambiguous, then considered legislative intent and policy considerations to interpret the statute broadly, which included that a "drug-related medical emergency" covers situations where someone, acting in good faith, believes another person needs assistance for a drug- or alcohol-related medical issue. The court further recognized that, although alcohol is not specifically defined as a "drug" under Idaho Code section 37-2701, it is a substance that affects bodily functions. Thus, the court determined that alcohol-related emergencies are included for immunity, though the statute does not prohibit prosecution for separate alcohol-related offenses. The district court dismissed the three drug-related charges the State alleged against Manuelito and remanded

the case to the magistrate division. Manuelito subsequently pleaded guilty to driving under the influence.

On appeal, both parties agree that the district court's interpretation of Idaho Code section 37-2739C(2) conflicts with the statute's plain language and maintain that the statute is unambiguous. The State argues that the district court erred by granting Manuelito's motion to dismiss based on a misinterpretation of the statute. Manuelito, in response, asserts that the court's decision should be affirmed on alternative grounds because he was indeed experiencing a medical emergency and required assistance, and the evidence for the dismissed charges was obtained as a result of those circumstances. However, the State asserts that Manuelito did not preserve this alternative argument for appeal because he failed to raise it before the district court.