

BOISE, THURSDAY, FEBRUARY 09, 2023, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49337

ADAM LUCAS SAPIEN,)
)
 Petitioner-Appellant,)
)
 v.)
)
 STATE OF IDAHO,)
)
 Respondent.)
)
 _____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. James Cawthon, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Adam Lucas Sapien struck another vehicle in a parking lot. The responding officer testified that while he was investigating the accident, he encountered Sapien, asked him questions to which Sapien answered that he had been drinking and had been at the scene of the accident. The officer administered field sobriety tests, and then arrested Sapien. A jury convicted Sapien of driving under the influence (DUI), a violation of Idaho Code §§ 18-8004, 18-8005(9), and Sapien pled guilty to being a persistent violator of the law, I.C. § 19-2514. Sapien filed a petition for post-conviction relief. On appeal, Sapien argues that the district court erred by summarily dismissing his claim for ineffective assistance of counsel based on counsel failing to file a motion to suppress his non-*Mirandized* admission to driving. Sapien contends that the district court incorrectly analyzed the Fourth Amendment instead of the Fifth Amendment to determine whether *Miranda*¹ warnings should have been given and whether a motion to suppress would be successful.

¹ See *Miranda v. Arizona*, 384 U.S. 436 (1966).