

SUMMARY STATEMENT

State v. Clarke

Docket No. 45062

The Supreme Court vacated the Kootenai County district court's judgment of conviction convicting Peter O'Donald Clarke of possession of methamphetamine, marijuana, and paraphernalia. The methamphetamine, marijuana, and paraphernalia were found on Clarke during a search incident to his arrest for a misdemeanor battery that occurred outside the presence of the arresting officer. The Supreme Court held that Article I, section 17 of the Idaho Constitution prohibits a warrantless arrest for a misdemeanor offense that occurred outside the presence of the arresting officer.