

SUMMARY STATEMENT

State v. Meyer, Docket No. 43332

In a case arising out of Ada County, the Idaho Supreme Court affirmed the felony conviction of Douglas Earl Meyer (“Meyer”) for possession of over three ounces of marijuana. On appeal, Meyer argued that the district court erred when it denied his request for a jury instruction pertaining to the necessity defense. Meyer is a Washington State resident who has a prescription for medical marijuana and has been designated as a medical marijuana provider in that state. He was arrested while driving through Idaho on his way to California. The Idaho Supreme Court held that the district court did not err in denying Meyer’s request for a necessity defense jury instruction. The necessity defense is only available under Idaho law where the same objective could not have been accomplished by a less offensive alternative available to the actor. Here, Meyer failed to make a prima facie showing that there was not a legal method through which Meyer could have managed his pain for the short period of time that he was in Idaho.