

SUMMARY STATEMENT

State v. Wass, Docket Nos. 43844 & 43845

In a case arising out of Canyon County, the Idaho Supreme Court affirmed the district court's judgment of conviction. Shawn William Wass ("Wass") appealed from the judgment entered upon his conditional guilty plea to possession of a controlled substance. He asserted on appeal that the district court erred when it denied his motion to suppress his admission to the arresting officer that he was in possession of syringes. Wass' initial admission to the arresting officer occurred before Wass was informed of his *Miranda* rights. The arresting officer realized that he had made a mistake and informed Wass of his *Miranda* rights. Wass affirmed that he understood his rights and again stated that there were syringes in the vehicle.

In a unanimous decision, the Idaho Supreme Court held that according to *Oregon v. Elstad*, 470 U.S. 298 (1985), a suspect's prior, voluntary statements made in violation of *Miranda* do not preclude the trier of fact from concluding that the suspect's later voluntary statements made after being administered *Miranda* rights were the result of a rational and intelligent choice to waive those rights. The Idaho Supreme Court noted that Wass did not contend that either his pre- or post-*Miranda* statements were coerced. Accordingly, the Idaho Supreme court upheld the district court's decision that the post-*Miranda* statements were admissible.