

SUMMARY STATEMENT

State of Idaho v. Victor Garcia-Rodriguez, Docket No. 44443

In an appeal from Jerome County, the Supreme Court affirmed the district court's order granting Victor Garcia-Rodriguez's motion to suppress evidence on a charge of trafficking in methamphetamine and possession of paraphernalia. In its order, the district court concluded that the arresting officer did not have reasonable grounds to arrest Garcia-Rodriguez pursuant to Idaho Code section 49-1407 for the misdemeanor charge of driving without a license under Idaho Code sections 49-301(1) and (8).

For the first time on appeal, the State argued that under the holdings of *Virginia v. Moore*, 553 U.S. 164 (2008), and *State v. Green*, 158 Idaho 884, 354 P.3d 446 (2015), the arrest and search incident to arrest were constitutional based on probable cause regardless of state law statutory limitations. The Supreme Court held that the State's new argument was not properly before the Court on appeal and that the State failed to present argument or authority to support its argument that the arrest was justified pursuant to Idaho Code section 49-1407(1).