

SUMMARY STATEMENT

State v. Jaskowski

Docket No. 44772

In an appeal from a decision of the Bear Lake County district court, the Supreme Court affirmed the district court's decision to suppress evidence gained as a result of an illegal search of Brody L. Jaskowski. The State argued that the search was within the scope of a Fourth Amendment waiver signed by Jaskowski, making the search legal. The Supreme Court first held that the district court had correctly interpreted and relied upon the Court's previous holdings and *State v. Turek*, 150 Idaho 745, 250 P.3d 796 (Idaho Ct. App. 2011). The Court explained that the holding from these cases is to apply the plain language of the Fourth Amendment waiver in place to interpret the scope of consent to search, rather than a single result regardless of the actual language of the waiver. The Court then held that the district court correctly recognized that the search of Jaskowski was beyond the scope of his waiver because it was not made pursuant to a "request" as required by the plain language of his Fourth Amendment waiver.