

## **SUMMARY STATEMENT**

*State v. Tyson Michael Pieper*

Docket No. 44818

Two police officers observed two vehicles in a parking lot at night. One of the vehicles emitted a blue light from inside. The officers approached the vehicle, one on the driver's side and one on the passenger's side using flashlights. One officer asked the driver "Can I talk to you guys?" Tyson Michael Pieper responded in the affirmative. Within seconds of making contact, the second officer observed a jar appearing to contain marijuana in plain view on the back seat of the vehicle. Pieper was arrested and a subsequent search of the vehicle yielded a gun, paraphernalia, methamphetamine, morphine, oxycodone, and hydrocodone. Pieper moved to suppress the evidence contending that the initial encounter with the police officers was not consensual. The district court denied the motion. Thereafter, Pieper pled guilty to possession of methamphetamine and preserved his right to appeal the denial of the suppression motion.

The district court correctly held that the encounter was consensual at the time the marijuana was observed. The officers did not block Pieper's vehicle nor activate the patrol car's lights. The use of flashlights did not make the encounter intrusive. The officers did not display their weapons or use a tone of voice compelling compliance. Officers are allowed to engage individuals and ask to examine identification. Finally, the circumstances of this case do not support a basis for greater protection under the Idaho Constitution than the interpretation of the Fourth Amendment to the United States Constitution by the United States Supreme Court.