

SUMMARY STATEMENT

State of Idaho v. Tanya Andrea Vargas

Docket No. 44843

Late one evening, an officer attempted to stop a vehicle for a traffic infraction. The driver slowed but did not stop. The officer observed the driver's face in the driver's side mirror. After the officer activated her siren, the driver accelerated rapidly. The officer did not give chase. The officer traced the vehicle's license plate to the owner. The owner told the officer that the owner had loaned the vehicle to Tanya Andrea Vargas. The officer then retrieved Vargas's digital identification card, reviewed the photograph on the identification card, and confirmed that Vargas was the driver of the vehicle. Vargas was charged with one count of eluding a police officer. Vargas filed a motion in limine to suppress the officer's identification of Vargas, both in and out of court. The magistrate denied the motion. The case went to trial and a jury found Vargas guilty. Vargas timely appealed to the district court. The district court affirmed the judgment of conviction, holding that the officer's identification of Vargas was not the result of improper state conduct, and so did not implicate any due process concerns. Vargas timely appealed the district court's decision.

On appeal, the Court of Appeals held that although the process may have been suggestive because it was a single-photo lineup, there was not a substantial likelihood of misidentification. There is substantial and competent evidence to support the magistrate's factual findings and legal conclusion that the out-of-court identification was reasonably reliable. Thus, the district court was correct in determining that an officer's review of a single photograph in a lineup did not raise due process. Because we hold that the out-of-court identification could not have been impermissibly suggestive, Vargas's in-court identification argument necessarily fails. Accordingly, the district court's decision is affirmed.