

SUMMARY STATEMENT

State v. Jessica Jean Ibarra, aka DeLeon
Docket Nos. 44948 & 44949

In this case arising out of Canyon County, the Court of Appeals affirmed the district court's decision denying Jessica Jean Ibarra's, aka DeLeon's, motion to suppress and affirmed her judgments of conviction and sentences for possession of a controlled substance and possession of contraband in a correctional facility. Ibarra was arrested and booked into jail for possession of methamphetamine and possession of drug paraphernalia. While Ibarra was in custody, detention deputies received information that Ibarra was concealing methamphetamine. Ibarra was placed in handcuffs and transported to the booking area of the jail where two different searches did not reveal methamphetamine. Ibarra remained in the booking area while officers attempted to obtain a warrant for a body cavity search. While waiting in the booking area, Ibarra threw the methamphetamine on the ground. Ibarra filed a motion to suppress, arguing that her continued detention after the unsuccessful search was unlawful. The district court denied Ibarra's motion.

On appeal, Ibarra asserted that she was entitled to suppression of the methamphetamine because the response to the report that Ibarra possessed methamphetamine was "exaggerated" beyond what was constitutionally reasonable and that her abandonment of the methamphetamine was caused by police conduct and, therefore, she retained a privacy interest in the methamphetamine. Ibarra also contended her sentences are excessive. The Court of Appeals affirmed the district court's denial of Ibarra's motion to suppress, holding that Ibarra's detention was constitutionally reasonable and that her abandonment of the methamphetamine was not caused by police conduct. The Court also held that the district court did not abuse its sentencing discretion.