

SUMMARY STATEMENT

State v. Ronald Eugene Vaughn

Docket No. 45104

In this case arising out of Ada County, the Court of Appeals affirmed Ronald Eugene Vaughn's judgment of conviction for trafficking in heroin, possession of a controlled substance, and possession of paraphernalia. At an I.R.E. 404(b) hearing held on the first day of trial, Vaughn indicated that, although he did not file a motion to suppress on this basis, statements he made at the scene of his traffic stop might be subject to suppression based on an alleged *Miranda* violation. The district court stated that, based upon the arguments it heard, suppression would not be warranted; however, the court indicated it would revisit the issue if the parties submitted additional evidence or argument. The Court of Appeals held that, because Vaughn did not move to suppress the on-scene statements and the district court's comments regarding the statements were advisory and preliminary and were not based on the presentation of evidence in support of a motion to suppress the statements, Vaughn's suppression claim was not preserved for appeal. Accordingly, the Court of Appeals declined to consider the merits of Vaughn's suppression argument and affirmed Vaughn's judgment of conviction.