

## **SUMMARY STATEMENT**

*State of Idaho v. Ronaldo Dean Islas*

Docket No. 45174

An officer stopped Ronaldo Dean Islas's vehicle for a traffic violation. After detecting the odor of alcohol and observing Islas's glassy and bloodshot eyes, the officer suspected Islas was driving under the influence of alcohol. The officer also observed glass pieces on Islas's lap. The officer ordered Islas out of the vehicle and the glass pieces fell to the ground as he exited. The officer conducted tests on Islas and concluded he was not under the influence of alcohol but detained him to examine the glass pieces further. The officer observed one piece was thickly coated with a substance the officer suspected to be methamphetamine, leading the officer to conclude that the pieces likely belonged to a methamphetamine pipe. The officer placed Islas in handcuffs, searched his person, discovered marijuana, and informed Islas that he was under arrest for the possession of marijuana. The officer then field tested the substance on the glass piece, which indicated a presumptive positive for methamphetamine. After a drug dog indicated on Islas's vehicle, the officer searched the vehicle and found more glass pieces and a baggie of methamphetamine. Islas was charged with felony possession of methamphetamine, misdemeanor possession of marijuana, and misdemeanor possession of paraphernalia.

Islas filed a motion to suppress the evidence, arguing that he was unlawfully stopped, the stop was unlawfully prolonged, and he was unlawfully searched. The State opposed the motion to suppress, conceded the search of Islas's pockets was not lawful, and that the marijuana should be suppressed, but opposed the suppression of the other evidence. At the suppression hearing, little, if any, evidence or argument was presented regarding the marijuana and paraphernalia charges. The district court denied the motion, but did not specify whether it was denying the motion in whole or just as to the methamphetamine. At the district court's request, the State drafted the order, but made no mention that the evidence it had already conceded should be suppressed. Islas then entered a conditional guilty plea to the charges, reserving his right to appeal the district court's denial of his motion to suppress. After his sentencing, Islas appealed, focusing his argument on the unlawful prolonging of the stop. The State advanced two new arguments to justify the searches, which it contended could be reviewed by the Court of Appeals under de novo review of the district court's decision.

The Court of Appeals clarified that the de novo standard of review, which frequently utilizes the "right result-wrong theory" analysis, is bounded by the arguments presented in the

district court. A standard of review can only be applied to issues that have been preserved in the district court. The Court concluded the State was bound by its legal concession made in the district court and was limited to arguing the exceptions to the warrant requirement it presented below. The Court did not review the State's new arguments and concluded the officer did not unlawfully extend Islas's detention and, thus, the district court did not err in denying Islas's motion to suppress.