

SUMMARY STATEMENT
State v. Miranda Rianna Reeder
Docket No. 45593

In this case arising out of Kootenai County, the Court of Appeals affirmed Miranda Rianna Reeder's judgment of conviction for one count of felony possession of a controlled substance and one count of misdemeanor possession of a controlled substance. At approximately 1:30 a.m., an officer noticed a vehicle parked on the side of the road with its lights off and its engine running. The officer parked his patrol car approximately twenty feet behind the vehicle, but did not activate the patrol car's overhead lights or sirens. When the officer approached the vehicle, he saw two occupants inside who appeared to be sleeping or passed out; the passenger was later identified as Reeder. After a backup officer arrived, he tapped on the window on the passenger side of the car while the first officer asked the driver if he could roll down the window. When the driver indicated the window was broken, the officer asked the driver if he could open the door. The officer smelled the odor of marijuana within seconds of the driver opening the door. During a subsequent search of Reeder and her purse, the officer discovered heroin, marijuana, and paraphernalia. Reeder filed a motion to suppress, alleging she was unlawfully seized. The district court denied Reeder's motion.

On appeal, Reeder asserted that the district court made an erroneous factual finding when it determined the officer's request to roll down the window was a question, not a command, and that the district court erred in finding the encounter consensual. The Court of Appeals held that the district court did not err in denying Reeder's motion to suppress, concluding that there was substantial and competent evidence to support the district court's finding that the inflection in the officer's voice was more consistent with a question than a command. The Court also held that the totality of the circumstances showed the initial encounter between Reeder and the officers was consensual up until there was reasonable suspicion that Reeder possessed marijuana.