

BOISE, WEDNESDAY, FEBRUARY 20, 2019 AT 10:00A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 45607
)	
DARRYL JOE ALBERTSON,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. Jonathan P. Brody, District Judge.

Eric Don Fredericksen, State Appellate Public Defender, Boise, for Appellant.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for Respondent.

Pursuant to a conditional plea, Darryl Joe Albertson appeals from his judgment of conviction for possession of a controlled substance. The evidence for the charge against him was obtained when a police officer came to Albertson’s door in an attempt to speak with him and observed through a window that he was smoking methamphetamine. Albertson argues that the Minidoka County district court erred in denying his motion to suppress the evidence because he revoked the implied license for people, including officers, to come onto his property by placing a “no trespassing” sign near the entrance to his driveway. As a result, he argues that the officer’s conduct constituted an unreasonable search under the Fourth Amendment to the United States Constitution. The State argues that the single “no trespassing” sign that Albertson posted was not sufficient to revoke the implied license, and therefore the officer’s conduct did not constitute a search within the meaning of the Fourth Amendment.