

## **SUMMARY STATEMENT**

*State v. Cook*

Docket No. 46432

The Idaho Supreme Court vacated the district court's judgment of conviction entered against Samantha Cook (Cook) for possession of heroin and drug paraphernalia. Cook was pulled over by a police officer after the officer noticed her vehicle lacked both front and rear license plates. As the vehicles slowed to pull over, the officer noticed a piece of paper in the rear window of Cook's car. Upon approaching the pulled-over vehicle, the officer noticed that the piece of paper was a temporary registration permit, which was unreadable due to condensation from rain earlier in the evening. The officer then spoke with Cook, detected the smell of marijuana, searched her vehicle, located controlled substances, and arrested her.

Cook filed a motion to suppress the evidence obtained during the stop on the grounds that the officer lacked probable cause to stop her vehicle. The district court denied Cook's motion. On appeal, Cook argued, among other things, that the district court erred in denying her motion to suppress because Idaho Code section 49-432(4) is unconstitutionally vague as applied to her conduct. The Supreme Court agreed, holding that the statute is unconstitutionally vague as applied. It reversed the district court's denial of Cook's motion to suppress and vacated Cook's judgment of conviction.