

SUMMARY STATEMENT

State of Idaho v. Colley W. Loosli

Docket No. 46744

In this case arising out of Ada County, the Court of Appeals reversed the order of the district court, on intermediate appeal from the magistrate court, reversing the magistrate court's order denying Colley W. Loosli's motion to suppress. An officer on patrol observed Loosli riding a bicycle down an alleyway. The officer parked his patrol vehicle and exited the vehicle as Loosli approached. A consensual encounter ensued, during which the officer asked if he could see Loosli's driver's license and then asked if he could write down the information on the license. Loosli agreed to both. After recording the information, the officer returned the license to Loosli. The two engaged in additional conversation during which the officer asked Loosli if he had anything illegal and whether he minded if the officer checked. Before a search occurred, Loosli threw an item away from him, later determined to be drug paraphernalia. The officer also discovered paraphernalia in Loosli's pocket. Loosli filed a motion to suppress, arguing he was illegally detained and that his license was illegally seized without reasonable suspicion. The magistrate court concluded the encounter was consensual and denied Loosli's motion to suppress. Loosli entered a conditional guilty plea, reserving his right to appeal the denial of his suppression motion. The district court reversed, holding that Loosli was illegally seized when the officer requested and retained Loosli's license. The State appealed. The Court of Appeals held the district court erred in reversing the magistrate's decision because Loosli consented to the officer receiving and retaining Loosli's license.