

## **SUMMARY STATEMENT**

*State v. Gneiting*

Case No. 46781

The Idaho Supreme Court affirmed Nicole Lyn Gneiting's judgment of conviction for possession of major contraband within a correctional facility under Idaho Code section 18-2510(3).

In January 2018, Gneiting was arrested for possession of a controlled substance after prescription medications were found in her purse, which was found during a search of a nearby motel room. Gneiting was patted down by the officers and transported to the local jail. When she was searched at the jail, methamphetamine was found on her person and she was charged with, and ultimately convicted of, possession of contraband within a correctional facility.

On appeal, Gneiting argued that the State failed to produce sufficient evidence at trial to prove beyond a reasonable doubt that she knowingly possessed contraband within a correctional facility because she did not enter the jail voluntarily. The Idaho Supreme Court determined that although Gneiting's presence in the jail was involuntary, her possession of methamphetamine within the jail was nonetheless voluntary because she made the conscious choice to continue to conceal the contraband on her person, despite being warned that bringing contraband with her into the jail would constitute a separate offense and being given a chance to turn over any contraband before being transported to the jail. Accordingly, Gneiting's judgment of conviction was affirmed.