

## SUMMARY STATEMENT

*State of Idaho v. Andrew Reed Wilson*  
Docket No. 47275

The State appeals from the district court's order granting Andrew Reed Wilson's motion to suppress. A police officer detained Wilson in the drive-through lane of a fast-food restaurant after receiving a tip from the restaurant's employee that an occupant of Wilson's car said there was alcohol in the car. After the officer located the car in the drive-through lane, he saw four 32-ounce empty beer cans in the car and smelled the odor of alcohol emanating from the car. The district court ruled that these facts did not establish reasonable suspicion to detain Wilson. The State challenges this ruling on appeal.

Wilson argues the State did not preserve its challenge because the State argued before the district court that the officer was performing his community caretaking function when he encountered Wilson in the drive-through lane and did not actually detain Wilson until after he complied with the officer's request to pull the car into the restaurant parking lot. The Court rejected Wilson's argument under the preservation rule and held the issue was preserved under the exception to that rule because the district court actually decided the issue of whether reasonable suspicion existed to detain Wilson in the drive-through lane. Further, the Court held that the identified informant's tip, the presence of empty beers cans in the car, and the odor of alcohol emanating from the car established reasonable suspicion to detain Wilson in the drive-through lane. Accordingly, the Court reversed the district court's grant of Wilson's motion to suppress and remanded the case.