

## SUMMARY STATEMENT

*State v. Sarbacher*

Docket No. 47280

This case concerns the State's constitutional duty to preserve material evidence with unknown exculpatory value in a criminal case and the consequences of its failure to do so. The State charged Keith Sarbacher with grand theft by receiving or possessing stolen property: a 2001 Dodge pickup truck. After Sarbacher's arrest, the State inventoried and photographed the truck and then returned it to the insurance company, who then sold the truck before Sarbacher's attorneys could examine it. Sarbacher moved the district court for dismissal, arguing that the State violated his constitutional right to due process by disposing of evidence that was material and potentially exculpable. The district court granted Sarbacher's motion and dismissed the State's case.

The Idaho Supreme Court held the district court abused its discretion by applying the wrong constitutional standard and failing to make sufficient findings to support its conclusion that the State had not acted in bad faith in its disposal of the truck. Accordingly, the Idaho Supreme Court reversed the decision of the district court and remanded the case for further proceedings.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*