

SUMMARY STATEMENT

State v. Sutterfield

Docket No. 47331

This appeal concerns a motion to suppress evidence obtained by the police in a search incident to a citizen's arrest. Dale A. Sutterfield stole a cell phone owned by a restaurant in Garden City, Idaho. A restaurant employee and his co-worker confronted Sutterfield, recovered the cell phone, and subsequently contacted the Garden City police for assistance. After the police arrived, the restaurant employee signed an affidavit and citizen's arrest form. The police arrested Sutterfield for petit theft and conducted a search incident to that arrest. During their search, the police found a small quantity of methamphetamine. Thus, Sutterfield was also arrested for possession of a controlled substance, a felony.

Sutterfield filed a motion to suppress the methamphetamine evidence, asserting his arrest and the search incident to that arrest violated his rights under the Fourth Amendment to the United States Constitution and Article I, Section 17 of the Idaho Constitution. After determining that Sutterfield had been arrested by a peace officer for a completed misdemeanor that occurred outside of the officer's presence in violation of the Idaho Constitution, the district court granted Sutterfield's motion to suppress. The district court dismissed the felony count of possession of a controlled substance, and Sutterfield pleaded guilty to the misdemeanor count of petit theft. The State timely appealed.

The Idaho Supreme Court held that Sutterfield had been arrested by a citizen and his agent. Next, the Court concluded that the citizen's agent, a peace officer, failed to notify Sutterfield of his authority to make a citizen's arrest as required by statute. Finally, the Court held that, because this statutory violation did not rise to the level of a constitutional violation, the suppression of evidence was not an appropriate remedy. Therefore, the Idaho Supreme Court reversed the district court's order suppressing the methamphetamine evidence and its order dismissing the felony count of possession of a controlled substance. The case was remanded 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.