

SUMMARY STATEMENT

State v. Heath, Docket No. 47334

This appeal arose from a magistrate court's denial of Richard Heath's motion for the return of property under Idaho Criminal Rule 41(f) ("Rule 41(f)"). During a traffic stop, police confiscated a pipe, a bong, and some marijuana possessed by Richard Heath. Heath was charged with misdemeanor possession of marijuana and misdemeanor possession of drug paraphernalia. Heath moved to suppress the pipe and bong as evidence against him and the magistrate court granted the motion. Heath also moved for the return the pipe and bong under Rule 41(f), but the magistrate court denied the motion after holding that they were contraband. Heath appealed the denial of his motion to the district court, which affirmed the decision of the magistrate court.

On appeal to the Idaho Supreme Court, Heath argued that marijuana is improperly listed as a controlled substance under schedule I of Idaho's Controlled Substances Act ("CSA") and, therefore, the pipe and bong were not contraband. Heath also argued that the CSA's prohibition of the use of marijuana violated his religious liberty under article I, section 4 and article XXI, section 19 of the Idaho Constitution, as well as the Free Exercise of Religion Protected Act ("FERPA"), Idaho Code section 73-401, et seq.

The Idaho Supreme Court affirmed the decision of the district court. The Court held that marijuana is not invalidly proscribed by the CSA and that Heath's constitutional right to religious liberty is not violated by the CSA. Further, the Court held it would not consider Heath's FERPA claim because it was not argued below.

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