

SUMMARY STATEMENT

State v. Amstutz, Docket No. 47695

The Idaho Supreme Court reversed the district court's denial of Patricia Amstutz's motion to suppress based on this Court's decision in *State v. Clarke*, 165 Idaho 393, 446 P.3d 451 (2019). The officer did not observe Amstutz driving; yet, he arrested her, without a warrant, for driving under the influence of alcohol. Even though Amstutz was ultimately charged with a felony, at the time she was arrested the officer lacked probable cause to know that the offense would be charged as a felony. Thus, the Court vacated Amstutz's judgment of conviction 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.******