

## SUMMARY STATEMENT

*State of Idaho v. Melissa Marie Walker*

Docket No. 47795

In this case arising out of Ada County, the Court of Appeals affirmed Melissa Marie Walker's judgment of conviction for possession of a controlled substance and misdemeanor driving under the influence (DUI). An officer observed Walker move away from a parked vehicle that was facing against traffic and enter a different parked vehicle. The officer approached Walker, who was in the driver's seat with the motor running, and requested identification from Walker and her two passengers. Walker informed the officer that she did not have her wallet, but verbally provided her personal identifying information. Subsequently, Walker submitted to field sobriety testing, which indicated she was intoxicated, and revealed that she was in possession of controlled substances.

The State charged Walker with two counts of possession of a controlled substance and misdemeanor DUI. Walker filed a suppression motion, arguing that she was seized without reasonable suspicion when the officer requested her identification. After the district court denied the suppression motion, Walker pled guilty to one count of possession of a controlled substance and DUI. Walker appealed.

On appeal, Walker argued that the district court erred in denying her suppression motion because she was seized without reasonable suspicion when the officer requested identification. Walker also argued that, under the circumstances, a reasonable person would not have felt free to disregard the police. The Court of Appeals held that, under established Fourth Amendment jurisprudence, a person is not seized when an officer requests and examines identification. The Court of Appeals further held that I.C. § 49-316 did not provide a basis for claiming a seizure because the officer requested Walker's identification instead of demanding a driver's license. Finally, the Court of Appeals held Walker failed to show that, under the circumstances, a reasonable person would not feel free to disregard the police and, thus, Walker failed to show an unlawful seizure.

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