

SUMMARY STATEMENT
State of Idaho v. Jamis Jeffrey Budka
Docket No. 47814

Jamis Jeffrey Budka challenges the district court's denial of his motion to suppress. Officers initiated a traffic stop after observing Budka driving a vehicle with a broken taillight. Upon making contact with Budka, the officers immediately observed drug paraphernalia in the vehicle's backseat and had Budka exit the vehicle. Budka consented to a pat-search of his person but denied consent to search his pockets. One officer conducted a vehicle search, while the other spoke with Budka. During this conversation, Budka sat on the bumper of the patrol car and the officer observed a long, narrow cylindrical object with a cross-shaped plunger in Budka's pocket. When asked, Budka denied having a syringe until the officer indicated he was going to pat Budka's pocket, at which time Budka replied it was a syringe. The officer placed Budka in handcuffs and told him he was only being detained, not arrested.

The officer testified at the suppression motion hearing he was "100% certain" the shape he saw was a syringe. Further, he testified he did in fact intend to place Budka under arrest upon seeing the syringe and only told Budka he was being detained because the investigation was ongoing and to keep Budka calm. Upon searching Budka's pockets, the officer located the syringe and drugs, resulting in the possession charge. Budka filed a motion to suppress, which the district court denied, ruling the search was incident to a lawful arrest.

On appeal, Budka challenges this ruling. The Court affirmed the district court's denial, concluding that, based on the totality of circumstances, Budka's arrest was going to occur once the officer he knew with 100 percent certainty that Budka had a syringe and lied about it. Accordingly, the search was incident to a valid arrest.

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