

SUMMARY STATEMENT

State v. Hutton

Docket No. 47847

The Supreme Court affirmed the district court in denying the defendant's motion to suppress evidence of methamphetamine and other controlled substances seized at his residence. Craig Hutton challenged the search of his home on the basis that (1) the search warrant was founded on unreliable hearsay by a confidential informant supplied in an officer's affidavit and (2) the magistrate court improperly authorized nighttime service of the warrant. The Idaho Supreme Court concluded that the district court properly denied the motion because the magistrate court did not abuse its discretion in issuing the search warrant. The affidavit, which was based on the informant's statements, provided sufficient probable cause for issuance of the search warrant. Likewise, the Court also concluded that the magistrate court did not abuse its discretion in authorizing nighttime service. The large quantity of controlled substances kept on site, coupled with the reduced possibility of physical altercations, provided reasonable cause to authorize nighttime execution of the search warrant.

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