

BOISE, TUESDAY, SEPTEMBER 07, 2021, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48149

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 TRYSTAN KYLE KRAHN,)
)
 Defendant-Appellant.)
 _____)

Appeal from the District Court of the Third Judicial District, State of Idaho, Washington County. Hon. Susan W. Wiebe, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kacey Jones, Deputy Attorney General, Boise, for respondent.

Trystan Kyle Krahn appeals from his conviction for possession of a controlled substance. Krahn argues that the district court erred when it denied his motion to suppress.

Krahn was stopped after an officer performed a records check and determined that his registration had been canceled. Approaching the vehicle, the officer noticed a temporary trip permit displayed on Krahn's rear windshield. The officer spoke with Krahn and determined that Krahn's license was suspended by the state of Montana. The officer also noticed two containers in Krahn's vehicle that the officer believed to be of a kind commonly used to hold controlled substances. Krahn permitted the officer to look in one container but refused as to the other container and appeared nervous. Another officer requested a drug dog, and it arrived as Krahn's citations were being prepared. The drug dog alerted to Krahn's vehicle and a subsequent search revealed methamphetamine in the second container. Krahn was charged with possession of a controlled substance, possession of drug paraphernalia, and driving without privileges.

Krahn filed a motion to suppress the evidence from the traffic stop, arguing that the officers lacked reasonable suspicion to continue the stop for a registration violation after seeing the temporary permit. The district court denied the motion, finding that Idaho Code § 49-456(3) prohibits the display of any "license plate knowing the same to be fictitious or to have been canceled, revoked, suspended or altered" regardless of whether a temporary tag is displayed. Krahn asserts that the district erred in application of the statute.