

## **SUMMARY STATEMENT**

*State v. Hollist*

Docket No. 48295

The case involves an appeal by Brian Hollist challenging a district court's denial of his motion to suppress. Hollist was arrested in Idaho Falls after an officer approached him while he was sleeping on a canal bank. Prior to Hollist's arrest, the officer was responding to check on his welfare. Upon the officer's arrival, he asked if Hollist needed medical assistance, to which Hollist responded that he did not. At this point, the officer contacted medical personnel and advised them that they did not need to come to Hollist's aid. After informing the officer he did not need medical assistance, Hollist attempted to leave several times; however, each time the officer insisted that Hollist remain. When Hollist declined to identify himself, the officer handcuffed him and ordered him to sit down on the grass. The officer later discovered that Hollist had an outstanding warrant for his arrest. Following his arrest, officers found a glass pipe with white residue and a bag with a small amount of methamphetamine inside.

Before trial, Hollist moved to suppress the methamphetamine and pipe, arguing that the officer was not performing a community caretaking function at the time he was detained. He also maintained the officer did not have reasonable suspicion to detain him. Finally, Hollist argued that the eventual discovery of the arrest warrant did not purge the taint of his unlawful seizure. The district court denied Hollist's motion to suppress. Hollist timely appealed.

The Idaho Supreme Court first held that the officer was not performing a community caretaking function when he seized Hollist. Further, the Court held that the officer lacked reasonable suspicion to detain Hollist. Finally, the Court held that the officer's unlawful seizure of Hollist was not sufficiently attenuated from the discovery of contraband on Hollist's person. As a result, the Idaho Supreme Court reversed the district court's denial of Hollist's motion to suppress.

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