

## SUMMARY STATEMENT

*State of Idaho v. Michelle Rene Descharme*

Docket No. 48503

In this case arising out of Ada County, the Court of Appeals vacated Michelle Rene Descharme's judgment of conviction for trafficking in methamphetamine or amphetamine and misdemeanor driving under the influence. Officers responded to the location of a parked semi-truck and trailer that reportedly had been driving erratically on the interstate. When the officers arrived, they encountered Descharme standing outside the semi-truck. After Descharme admitted driving the semi-truck and field sobriety testing indicated she was impaired, officers handcuffed and transported her to the local police station for evidentiary testing. While at the station, Descharme provided urine, breath, and blood samples for evidentiary testing and made incriminating statements when confronted about controlled substances and drug paraphernalia in a purse found in the cab of the semi-truck after her transport to the station. Subsequently, the State charged Descharme with trafficking in methamphetamine, possession of drug paraphernalia, resisting or obstructing officers, and misdemeanor driving under the influence. After an unsuccessful motion to suppress, Descharme entered a conditional guilty plea to trafficking in methamphetamine and misdemeanor driving under the influence. Descharme appealed.

On appeal to the Idaho Court of Appeals, Descharme argued that the district court erred by denying her motion to suppress because she was unlawfully arrested when handcuffed. The Court of Appeals held that Descharme's implied consent to evidentiary testing did not also constitute implied consent to those seizures deemed necessary to effectuate such testing and that handcuffing and transporting Descharme to the police station constituted a de facto arrest. Consequently, the Court of Appeals held that Descharme's motion to suppress should have been granted and vacated her judgment of conviction for trafficking in methamphetamine or amphetamine and misdemeanor driving under the influence.

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