

## SUMMARY STATEMENT

*State of Idaho v. Tyrel Gibbs Porter*

Docket No. 48634

In the early morning hours of December 28, 2019, law enforcement received a call that an individual had wandered into a home and was acting peculiar. Two officers responded to the call. One officer saw Tyrel Gibbs Porter walking along the roadway in the snow, in very cold weather, wearing only underwear. While the officers talked to Porter to assess his status, Porter told them he had consumed “two methamphetamine rocks” and that did not know where his original clothing was. Porter was transported to the hospital.

An officer later located Porter’s clothing on the side of the road and found identification belonging to Porter in the pants’ pocket. The officer took the clothing back to the police station and after looking in the pockets, found a controlled substance. As a result, Porter was charged with felony possession of a controlled substance. Porter filed a motion to suppress, arguing he could not knowingly abandon the clothing because he was under the influence of a controlled substance. The State argued that Porter’s motion to suppress was untimely pursuant to Idaho Criminal Rule 12 and, alternatively, that voluntary intoxication did not negate voluntary abandonment under the Fourth Amendment. The district court suppressed all evidence, holding that the State presented no evidence that Porter knowingly abandoned his clothing; the State appealed.

The Court of Appeals found the district court erred in addressing the merits of the motion to suppress without first requiring Porter to show good cause or excusable neglect for the untimely filing of the motion to suppress, pursuant to I.C.R. 12. Next, the Court held the district court erred in its conclusion that Porter could not voluntarily abandon his clothing because he was voluntarily intoxicated, holding that voluntary intoxication is not relevant to whether the abandonment was voluntary for purposes of a Fourth Amendment analysis. Last, the Court reversed the district court’s order suppressing the evidence finding that the State presented sufficient evidence to establish Porter abandoned the clothing and, therefore, no longer had a Fourth Amendment privacy interest in his abandoned clothing.

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