

## SUMMARY STATEMENT

*State v. Marsh*

Docket No. 48758

Wayne Thomas Marsh was detained by Boise police after an informant reported witnessing an attempted burglary and described him to dispatch as one of the two suspects. During the investigatory detention that ensued, police discovered an outstanding arrest warrant for Marsh. When a search incident to arrest was performed, the police found methamphetamine in his pocket and he was charged with possession of a controlled substance. Marsh filed a motion to suppress this evidence, which the district court denied. On appeal, Marsh argued that the informant's tip did not provide reasonable suspicion to justify the initial warrantless detention.

The Idaho Supreme Court affirmed the district court's ruling, holding that the totality of the circumstances provided reasonable suspicion that Marsh and his companion were the two men the informant witnessed trying to break into the townhome. The Court noted that the informant was known to law enforcement and his tip contained ample indicia of reliability. Thus, the informant's tip was sufficient to justify the investigatory detention.

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