

SUMMARY STATEMENT

State v. Bell, Docket No. 49099

The Idaho Supreme Court affirmed a district court's decision, reversing the denial of Jonathan Bell's motion to suppress. This appeal examined the scope of the Idaho Supreme Court's holding in *State v. Clarke*, 165 Idaho 393, 446 P.3d 451 (2019) (holding that warrantless arrests for misdemeanors completed outside the arresting officer's presence violates Article I, section 17 of the Idaho Constitution). Bell was arrested at his home for a misdemeanor DUI without a warrant. The arresting officer did not observe the DUI, but a second officer who witnessed Bell driving relayed to dispatch his observation that Bell was possibly under the influence, which dispatch communicated to the arresting officer. Bell filed a motion to suppress, arguing he was impermissibly arrested for a completed misdemeanor without a warrant under *Clarke*. The magistrate court denied Bell's motion to suppress. However, Bell appealed to the district court, which reversed the magistrate court's decision, concluding that the Idaho Constitution prohibits a police officer from making a warrantless arrest for a DUI committed outside the officer's presence, even if the officer had probable cause for that offense through his collective knowledge from another officer. On appeal to this Court, the State challenged the district court's reversal, arguing that the "in the presence of the arresting officer" requirement under *Clarke* could be satisfied by the collective knowledge of more than one officer. The Idaho Supreme Court held that an arresting officer must personally witness unlawful conduct to make a warrantless misdemeanor arrest.

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