

## SUMMARY STATEMENT

*State v. Campbell*

Docket No. 49269

This is a substitute opinion issued in a case first decided on June 27, 2024.

While investigating a stolen motorcycle, a state trooper detained Benny Dean Campbell and later discovered heroin and methamphetamine in his backpack. Campbell was charged with two felony counts of drug trafficking and multiple possession charges. He filed a motion to suppress the evidence found in his backpack, arguing that by initially placing him in handcuffs, the trooper converted his detention into an unlawful seizure under the Fourth Amendment to the United States Constitution. The district court agreed, concluding that Campbell's detention was a *de facto* arrest. However, the court also determined that the evidence was still admissible under the attenuation doctrine, an exception to the Fourth Amendment's exclusionary rule. Thus, the court denied the motion. Campbell then entered a conditional plea agreement and appealed to this Court.

In its initial opinion on appeal, the Idaho Supreme Court affirmed the district court's order and Campbell's judgment of conviction. The Court first agreed with the district court's conclusion that a *de facto* arrest had occurred because the State failed to present evidence at the suppression suggesting that the officer had a reasonable concern for his safety. Next, the Court determined that even though the district court erroneously applied the attenuation doctrine, the inevitable discovery exception—a theory expressly rejected by the district court—made suppression unnecessary. The Supreme Court noted that the trooper would have received instructions from Campbell's probation officer to search his backpack regardless of whether the handcuffs had been used. Accordingly, the Court concluded, in a 3 to 2 opinion, that the motion was properly denied by the district court even though it was denied under a different theory.

Campbell filed a petition for rehearing, which the Supreme Court granted. The Court also granted a motion from the Idaho Association of Criminal Defense Lawyers, allowing them to file an *amicus curiae* brief. Both argued that the Court's original opinion incorrectly applied the inevitable discovery doctrine because the State had failed to show that the evidence would have been discovered through a separate, independent investigatory path. Campbell also argued that the inevitable discovery issue had not been properly preserved because the State did not argue it below and it was only briefly mentioned by the trial court in a footnote.

On rehearing, the Supreme Court again affirmed the district court, this time by a vote of 4 to 1. The Court concluded that the issue of inevitable discovery had been preserved for appeal based on the trial court's clearly adverse, albeit brief, ruling. After explaining why the attenuation exception was inapplicable, the Court then took a deeper look at the Fourth Amendment and the current state of the jurisprudence concerning the inevitable discovery doctrine. The Court noted that “[d]espite the *amicus curiae*'s hyperbolic claims that our original opinion in this case was ‘against the great weight of caselaw nationwide,’ . . . only a minority of circuits still have the strict

requirement of a separate investigation.” Thus, the Supreme Court concluded that its original opinion correctly applied the doctrine, holding:

While a separate, untainted investigation may be the simplest way to establish this exception, we conclude that there are other situations that may still make the discovery inevitable. However, . . . to remove the taint of illegal activity, the government must still prove that the discovery was inevitable from situations *not revealed by the unlawful activity itself*.

Applying this principle to the facts of the case, the Court ultimately concluded that the “series of events” resulting in the discovery of drugs in Campbell’s backpack “would have occurred regardless of the de facto arrest. . . . [L]ogic and the ‘historical facts capable of ready verification or impeachment’ all establish that the evidence Campbell wishes to suppress would have been inevitably discovered.”

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