

SUMMARY STATEMENT

State of Idaho v. Patricia Lee Kildow

Docket No. 49449

The State of Idaho appeals from the district court's orders granting Patricia Lee Kildow's motion to suppress and dismissing the charges against Kildow. An identified 911 caller reported observing two blonde females smoking methamphetamine in a red GMC parked at an apartment complex. When the GMC left the apartment complex, the caller followed it and reported the GMC pulled into a superstore parking lot. In response, Officer Rudan located and approached the GMC and its occupants in the parking lot, and when the driver, Kildow, began to exit the GMC, Officer Rudan instructed Kildow to remain in the vehicle. Other officers arrived at the scene, and Officer Rudan instructed one of them to remove Kildow and her passenger from the GMC. In doing so, the officer opened the GMC's door at which time drug paraphernalia was visible. During a subsequent search of the GMC, the officers discovered contraband, including methamphetamine in Kildow's purse. The State charged Kildow with possession of methamphetamine and drug paraphernalia, and she filed a motion to suppress. The court concluded Officer Rudan lawfully detained Kildow but granted her suppression motion, ruling that the officers were not justified in ordering the occupants to exit the GMC because the officers were not investigating a traffic violation.

On appeal, the State challenges the district court's conclusion that an officer is not permitted to order a suspect to exit a vehicle if the officer is investigating a non-traffic offense. The Court of Appeals held that if an officer has lawfully detained the occupants of a vehicle, the officer may order the occupants to exit the vehicle regardless of whether the officer detained the occupants to investigate a traffic violation or some other criminal activity. Because Officer Rudan lawfully detained Kildow and her passenger, the officers had the authority to order both Kildow and the passenger to exit the vehicle. Accordingly, the Court of Appeals reversed the district court's orders granting the suppression motion and dismissing the charges.

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