

SUMMARY STATEMENT

State v. Miramontes, Docket No. 49460

This case came to the Court on a petition for review from the Idaho Court of Appeals. Probation officers detained Natalie Miramontes while conducting a residence check on a female probationer. During the detention, probation officers searched Miramontes' purse and found suspected drug paraphernalia. Probation officers paused the search and contacted Pocatello police. Once police arrived, officers resumed the search inside a spare bedroom and uncovered more drug paraphernalia and a substance that tested presumptively positive for methamphetamine. Miramontes moved to suppress all evidence found during her detention, which the district court denied. Miramontes entered a conditional guilty plea and appealed. The Court of Appeals affirmed her conviction. Miramontes petitioned for review with this Court, which was granted. On appeal, Miramontes asserted the district court erred when it denied her motion to suppress because officers searched her purse without reasonable and articulable suspicion. She also alleged the items found during the search of the spare bedroom would not have been inevitably discovered without the unlawful search of her purse. The State maintained Miramontes' argument was not preserved for appeal because she did not obtain an adverse ruling for the district court and argued only that the evidence should be suppressed based on an illegal *seizure* not an illegal *search*.

The Idaho Supreme Court held that Miramontes properly preserved her argument for appeal because she presented her issue with argument and authority to the trial court below. However, the Court could not reach the merits of her case because the record was not sufficiently developed pertaining to the legality of the search. Thus, the Court reversed the district court's decision denying Miramontes' motion to suppress, vacated her conviction, and remanded the case for analysis consistent with its opinion.

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