

## SUMMARY STATEMENT

*State v. Pulizzi*

Docket No. 49710

This appeal concerns the denial of a motion to suppress evidence. Law enforcement conducted a series of “trash pulls” from garbage cans Michael Anthony Pulizzi had placed out for collection in accordance with Twin Falls City trash ordinances. Relying on drug-related evidence obtained from his trash, law enforcement secured and executed a search warrant on Pulizzi’s home. The State subsequently charged Pulizzi with various offenses based on evidence seized from his home.

Pulizzi filed a motion to suppress, arguing that the warrantless searches and seizures of his trash violated his rights under Article I, section 17 of the Idaho Constitution. According to Pulizzi, the trash ordinances created a reasonable expectation of privacy in his curbside garbage.

The district court denied Pulizzi’s motion to suppress. Pulizzi appealed, arguing the district court misinterpreted the ordinances. Pulizzi further argued this Court should reconsider its holdings in *State v. Donato*, 135 Idaho 469, 20 P.3d 5 (2001), and *State v. McCall*, 135 Idaho 885, 26 P.3d 1222 (2001), and instead conclude that the protections in Article I, section 17, of the Idaho Constitution extend to a citizen’s trash when it is placed out for collection pursuant to a mandatory trash collection ordinance.

The Idaho Supreme Court affirmed the district court’s decision. First, the Court declined to reconsider its holdings in *Donato* and *McCall* because Pulizzi failed to demonstrate the holdings were manifestly wrong or unjust. The Court further determined the trash collection ordinances did not create a reasonable expectation of privacy because they were not intended to promote society’s privacy interest in curbside garbage, and they did not interfere with the public’s access—or law enforcement’s access—to curbside garbage.

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