

SUMMARY STATEMENT

State v. Sherwood

Docket No. 49785-2022

John Sherwood appealed from his judgment of conviction for trafficking in marijuana. Sherwood was the subject of a traffic stop for driving a vehicle with a fictitious license plate, in violation of Idaho Code section 49-456. More specifically, the Rhode Island license plate attached to the Mercedes that Sherwood was driving was actually registered to a Cadillac. During the stop, a deputy detected the odor of marijuana coming from the car. The deputy had Sherwood exit the car and another deputy had a drug dog sniff around the exterior. The dog alerted on the car, and Sherwood admitted that there was marijuana inside. The deputies searched the car and discovered over 100 pounds of marijuana, after which they arrested Sherwood for trafficking in marijuana.

During the ensuing prosecution, Sherwood moved to suppress any evidence obtained during the traffic stop, arguing that there was no legal basis for the stop because Sherwood's license plate complied with Rhode Island law, and thus did not violate Idaho Code section 49-456. The district court denied the motion.

Sherwood later moved to dismiss his case on the basis that his speedy trial rights under Idaho Code section 19-3501 had been violated because his trial would take place more than six months after the Information against him was filed. The district court denied the motion after determining that the Idaho Supreme Court's orders suspending trials at various times due to COVID-19 provided good cause to delay Sherwood's trial. Sherwood's case went to trial and a jury found him guilty of trafficking in marijuana.

Sherwood appealed, arguing that the district court erred in denying his motion to suppress because Idaho Code section 49-456 only applies to vehicles registered in Idaho. He argued that the district court erred in denying his motion to dismiss because the district court failed to evaluate all of the factors described in Idaho Criminal Rule 28 when determining if good cause existed for the trial delay.

The Idaho Supreme Court affirmed the district court's decisions denying both motions. Beginning with the motion to suppress, the Court held that the plain language of Idaho Code section 49-456 applies to all vehicles driven in Idaho, regardless of where they are licensed, and the district court properly determined that the statute provided a basis for reasonable suspicion to stop Sherwood. Turning next to the motion to dismiss, the Court held that the district court did not err when it determined that the Court's pandemic-related emergency orders provided good cause for the delay in Sherwood's trial.

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