

SUMMARY STATEMENT

State v. Ortiz

Docket No. 50127-2022

The Idaho Supreme Court affirmed the district court's decision denying Daniel Ruiz Ortiz's motion to suppress because Ortiz lacked Fourth Amendment standing to challenge two police searches of his home. Relying on the Idaho Supreme Court case, *State v. Rebo*, 168 Idaho 234, 482 P.3d 569 (2020), the district court held that Ortiz lacked standing to challenge the warrantless search of his home because, at the time the search was conducted, Ortiz was the subject of a no contact order that prohibited him from being within 300 feet of the residence.

Ortiz was married to Samantha Ruiz and they co-owned a home together. Ruiz obtained a no contact order against Ortiz that prohibited from being within 300 feet of the residence. Three months after the no contact order was issued, law enforcement received reports of concern for Ruiz's safety from her family and friends after she had not been seen or heard from in two days. Law enforcement entered the home to perform a welfare check, but did not locate Ruiz. Upon further investigation, law enforcement learned that Ortiz had called a family member stating that he was in Pine, Idaho with the children and that Ruiz was at home. However, cellphone pings indicated that Ortiz's, Ruiz's, and one of the children's phones were all in New Mexico. Upon learning this new information, law enforcement returned to the home and entered without a warrant to conduct another search for Ruiz. While there, a detective discovered Ruiz's body in a closet. Law enforcement exited the building, obtained a search warrant, and returned to the home to resume their search.

Ortiz argued on appeal that the Idaho Supreme Court should overrule *Rebo* and hold that a person prohibited from entering his or her home pursuant to a no contact order still has standing under the Fourth Amendment to challenge law enforcement's warrantless entry into the home. He asserted that, under both a property- and privacy-based understanding of the Fourth Amendment, a citizen maintains standing to challenge law enforcement's warrantless entry into his home. Alternatively, Ortiz argued that his case was distinguishable from *Rebo*.

The Idaho Supreme Court declined to overrule its opinion in *Rebo*, concluding that Ortiz failed to demonstrate that the decision was manifestly wrong. Further, while the Court agreed that Ortiz's case was factually distinguishable from *Rebo*, it held that Ortiz lacked Fourth Amendment standing to challenge the searches. The Court explained that, due to the no contact order, Ortiz's property interest in the home was inferior to that of Ruiz, who was a co-owner and the occupant of the home at the time of the searches. As such, the Court determined that Ortiz did not have the right to exclude law enforcement from entering the home to check on Ruiz's well-being.

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