

SUMMARY STATEMENT
State of Idaho v. Jessie Kim Mitchell
Docket No. 50212

In this case arising out of Bingham County, the Court of Appeals affirmed Jessie Kim Mitchell's judgment of conviction for misdemeanor possession of a controlled substance and misdemeanor possession of drug paraphernalia. On appeal, Mitchell argued the district court erred in denying his motion to suppress. Mitchell argued that his roommate did not impliedly consent to the search of his residence. The Court held that, based on the circumstances and the context of the interaction, a reasonable officer would interpret the roommate's nonverbal conduct as valid consent to search Mitchell's residence. Thus, Mitchell failed to show that the district court erred in finding that his roommate impliedly consented to the search of the residence.

Mitchell also argued that his consent for the officers to enter his residence was involuntary. Mitchell contended that one officer threatening to dispatch a canine amounted to coercion. Mitchell acknowledged that he did not raise voluntariness in the district court. However, Mitchell contended that the Court could freely review identical evidence in the record. The Court held that a transcript is not identical to a live hearing. Thus, the Court declined to make factual determinations regarding the evidence presented in the district court. Next, the Court held that, because the district court discussed the voluntariness of Mitchell's consent, his argument on appeal is preserved but only to the extent addressed by the district court. The Court held that multiple factors supported that Mitchell voluntarily consented to the search of his residence. Mitchell failed to show the district court erred in determining that he voluntarily consented to the search of his residence.

Finally, the Court held that, even if Mitchell preserved his argument regarding coerced consent, substantial and competent evidence supported that Mitchell consented to the search. Consequently Mitchell did not show that the district court erred in finding his consent was voluntary.

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