

BOISE, THURSDAY, MAY 9, 2024, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50445

STATE OF IDAHO)
 Plaintiffs-Respondents,)
)
v.)
)
EDGAR MENESES-RODRIGUEZ,)
)
 Defendants-Appellants.)
)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Roger B. Harris, District Judge.

Trilogy Law Group, PLLC; Aaron J. Tribble, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

Edgar Menses-Rodriguez appeals from his judgment of conviction for felony driving under the influence (DUI). Officers responded to the location of a vehicle that slid off the road and collided with a power pole. Upon arrival, an officer encountered Menses-Rodriguez and noted a strong odor of alcohol. Menses-Rodriguez admitted to driving the vehicle, prompting the officer to initiate a DUI investigation. After Menses-Rodriguez failed two field sobriety tests, the officer detained Menses-Rodriguez. Prior to administering a breath alcohol concentration (BAC) test, the officer handcuffed Menses-Rodriguez and placed him in the back seat of the patrol vehicle with the doors open for the required fifteen-minute waiting period. Menses-Rodriguez’s test results showed his alcohol concentration was 0.135 and 0.141. The officer cited Menses-Rodriguez for misdemeanor DUI and released him. Later, upon discovering Menses-Rodriguez’s prior DUI convictions, the State amended the charge to felony DUI.

Menses-Rodriguez filed a motion to suppress the results of the BAC test. Menses-Rodriguez argued his detention while waiting to provide his BAC samples amounted to a de facto arrest, which he asserted was unlawful under *State v. Clarke*, 165 Idaho 393, 446 P.3d 451 (2019). Following a hearing, the district court denied the motion. Thereafter, Menses-Rodriguez pled guilty to felony DUI. Menses-Rodriguez appeals challenging the denial of his motion to suppress.