

SUMMARY STATEMENT

State of Idaho v. Kevin Manuel Cabrito

Docket No. 50557

In this case arising out of Blaine County, the Court of Appeals affirmed Kevin Manuel Cabrito's judgment of conviction for felony possession of a controlled substance, misdemeanor possession of a controlled substance, and inattentive driving. On appeal, Cabrito argued the district court erred in denying his motion to suppress. Specifically, Cabrito asserted the officer lacked reasonable suspicion to investigate Cabrito for driving under the influence (DUI) and impermissibly prolonged the initial traffic stop, resulting in an illegal detention. The Court held that the record showed the officer had yet to complete the purpose of the traffic stop when he witnessed facts that gave rise to his suspicion that Cabrito may have been driving while under the influence. Because the totality of the circumstances gave rise to sufficient reasonable suspicion for field sobriety testing, the Court held Cabrito failed to show the district court erred.

Cabrito also argued that he was subjected to a de facto arrest when the officer handcuffed and searched him prior to administering a breath alcohol concentration (BAC) test. Cabrito contended that, because there was no reason why the BAC test could not have been administered outside the patrol vehicle, there was no justification to support handcuffing him. The Court affirmed the district court's findings that the officer's use of handcuffs and decision to place Cabrito in the back of the patrol vehicle were both reasonable. Because the record showed that the officer took reasonable restrictive measures to facilitate the BAC test, the Court held Cabrito failed to show the district court erred.

Finally, Cabrito argued the officer did not have probable cause to arrest him for DUI, contending that permitting the officer to rely solely on one failed field sobriety test is contrary to the mandate that a court must consider the totality of the circumstances. The Court held that Cabrito's argument ignored that he was not arrested based solely on the failed field sobriety test. Because Cabrito's failed field sobriety test was one of several factors contributing to the probable cause determination supporting arrest, the Court held Cabrito failed to show the district court erred.

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