

**SUMMARY STATEMENT**  
*State of Idaho v. Evelyn Dolores Fink*  
Docket No. 50764

In this case arising out of Ada County, the Court of Appeals vacated Evelyn Dolores Fink's judgment of conviction for possession of a controlled substance. Officers detained Fink after observing her and two other people standing on a rocky space under an overpass. The officers suspected that a shopping cart in Fink's possession was stolen property. After Fink was detained, one of the officers saw that the shopping cart appeared to have a store or brand name scratched off the handle. Dispatch informed the officer that Fink had previously been convicted of drug possession. A subsequent search disclosed methamphetamine in the pocket of Fink's jacket. Fink moved to suppress the evidence, contending the detention was unlawful because her possession of a shopping cart alone did not rise to the level of reasonable suspicion. Following a hearing, the district court found Fink's possession of the shopping cart in an area where shopping carts would not usually be found, along with the scratched-off handle, provided reasonable suspicion for the officer to detain Fink. Accordingly, the district court denied Fink's motion to suppress.

On appeal, the Court noted that Fink was detained before the scratched-off handle on the shopping cart was observed by the officers. From the record, the only relevant fact known to the officers prior to Fink's detention was that she was in possession of a shopping cart away from a place where shopping carts would usually be found. The Court held that this, alone, was not sufficient to provide reasonable suspicion of illegal activity and vacated Fink's judgment of conviction.

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