

SUMMARY STATEMENT
State of Idaho v. Charles Larry Reyes
Docket No. 50797

In this case arising out of Ada County, the Court of Appeals affirmed Charles Larry Reyes' judgment of conviction for unlawful possession of a firearm and being a persistent violator. Law enforcement officers began surveilling Reyes' house after receiving a tip that illegal drugs had been delivered to the house through the mail. A woman on probation lived at the house, so the officers contacted her probation officer. The probation officer arrived to perform a compliance check, and another roommate answered the door and let the law enforcement officers and the probation officer inside the house. Once inside the house, the officers knocked on Reyes' bedroom door and he allowed the probation officer to look inside. The probation officer observed a person laying on the bed, entered the room, and found a man lying on the floor. The probation officer saw a handgun in plain view on top of a dresser. Reyes admitted the handgun belonged to him. Reyes was charged with unlawful possession of a firearm and being a persistent violator. Reyes filed a motion to suppress all evidence obtained during the encounter, claiming the protective sweep of his bedroom was unlawful. The district court denied the motion and Reyes pled guilty.

On appeal, Reyes argued the district court erred in denying his motion to suppress because the probation officer's warrantless entry into Reyes' bedroom was not justified as a lawful protective sweep. Reyes contends that the probation officer did not have legal authority to conduct a protective sweep because he is not a law enforcement officer and did not possess reasonable, articulable suspicion to conduct a protective sweep of Reyes' bedroom. The Court rejected Reyes' argument and held that the district court properly denied Reyes' motion to suppress evidence. The Court held that probation officers conducting a lawful compliance check in a residence may conduct a protective sweep to the same extent and are subject to the same limitations as police officers in the same circumstances. The Court concluded that probation officers conducting a probation compliance search may conduct a protective sweep in order to detain anyone present in the residence during the search. Judge Lorello filed a specially concurring opinion.

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