

**SUMMARY STATEMENT**  
*State of Idaho v. Christine Lorraine Keyes*  
Docket No. 51054

Christine Lorraine Keyes appealed from the district court's denial of her motion to dismiss. Police were contacted about a woman passed out in her vehicle in a parking lot. A law enforcement officer observed the occupant, later identified as Keyes, slumped over towards the middle console. The officer knocked on the passenger side window and, after receiving no response, opened the door and shook Keyes. The officer observed folded up tin foil squares used for smoking pills on the center console and seat. Paramedics were called for a potential overdose. Keyes, however, was alert and indicated that she had fallen asleep and was fine. Keyes declined any medical evaluation from the paramedics. The officer searched Keyes' vehicle and located fentanyl pills and arrested Keyes. Keyes was charged with possession of a controlled substance (fentanyl), possession of drug paraphernalia, and possession of an open container of alcohol in a motor vehicle.

Keyes filed a motion to dismiss the possession of a controlled substance and possession of drug paraphernalia counts pursuant to Idaho's overdose immunity law, I.C. § 37-2739C. The statute provides that a "person who experiences a drug-related medical emergency and is in need of medical assistance shall not be charged or prosecuted for possession of a controlled substance" if the evidence supporting the charge "was obtained as a result of the medical emergency and the need for medical assistance." The district court denied the motion, finding that the Keyes was not experiencing a drug-related medical emergency and was not in need of medical attention from such emergency.

The Court of Appeals affirmed the district court's denial of the motion to dismiss. Keyes argued that the officer's belief that Keyes was suffering from a potential overdose, evidenced by the call for paramedics, was sufficient to satisfy the immunity statute. The Court disagreed, holding that under the plain language of the statute, the evidence must show that the individual was actually experiencing a drug-related medical emergency and, in fact, in need of medical assistance. The Court determined there was substantial and competent evidence in the record supporting the district court's finding that Keyes was not experiencing a medical emergency and did not need medical assistance.

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