

SUMMARY STATEMENT
State of Idaho v. Allen Paul Troup
Docket Nos. 51328/51329

Allen Paul Troup appeals from the judgments of conviction for possession of a controlled substance. Troup argues the district court erred in denying his motion to suppress, by imposing excessive sentences and in denying his Idaho Criminal Rule 35(b) motions.

An officer observed a vehicle registered to Troup's wife Sarah, pull into a driveway next to his home, about fifty feet away from the street. The officer was aware that Sarah had an outstanding warrant for her arrest. When Troup exited the vehicle, the officer asked to speak with him. Troup agreed and motioned for the officer to join him on the driveway. While the officer was speaking with Troup, another officer arrived, and the initial officer asked him to make sure the vehicle was clear. The officer asked which vehicle and Troup said, "this one" and pointed toward the vehicle. The officer observed drug paraphernalia on the driver's seat. The officers searched the vehicle and found drugs and drug paraphernalia. Troup was charged with possession of fentanyl, possession of marijuana, and possession of paraphernalia. Troup filed a motion to suppress, arguing the vehicle was parked within the curtilage of his home, precluding the officers from looking inside. Troup also argued there was no reason to believe Sarah was inside the vehicle. The district court denied the motion to suppress. The district court found that the vehicle was parked in the curtilage of the home and that Troup had not consented to the officer looking into the vehicle however, based on the totality of the circumstances, the limited entry to look inside the vehicle was justified due to the outstanding warrant for Sarah.

The Court of Appeals affirmed the district court's denial of Troup's motion to suppress, holding that the officers had reason to believe Sarah may be hiding in the vehicle justifying the officers' looking in the windows. The Court further held that the vehicle was not parked in what is considered the curtilage of the house and, in any event, Troup consented to the officers looking inside the vehicle. Finally, the Court held that the district court did not abuse its discretion by imposing sentence or in denying Troup's I.C.R. 35(b) motions.

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