

U, TUESDAY, SEPTEMBER 19, 2017, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44546

STATE OF IDAHO,)
)
Plaintiff-Appellant,)
)
v.)
)
LARRY GLENN FENTON JR.,)
)
Defendant-Respondent.)
_____)

Appeal from the District Court of the Second Judicial District, State of Idaho, Nez Perce County. Hon. Jay P. Gaskill, District Judge.

Hon. Lawrence G. Wasden, Attorney General; Russell J. Spencer, Deputy Attorney General, Boise, for appellant.

Eric D. Fredericksen, State Appellate Public Defender; Reed P. Anderson, Deputy Appellate Public Defender, Boise, for respondent.

Larry Glenn Fenton Jr. was stopped by a police officer who mistakenly believed Fenton's registration was invalid. During the stop, Fenton revealed that he was on probation. The police officer then contacted Fenton's probation officer, who subsequently joined the police officer at the site of the traffic stop and conducted a probation search of Fenton's vehicle. The police officer, who was assisting the probation officer with the search, found methamphetamine in the vehicle. The State charged Fenton with trafficking in methamphetamine. Fenton moved to suppress the evidence acquired during the probation search, asserting that both his traffic stop and probation search were unlawful. The district court held a hearing on the suppression motion, granting Fenton's suppression motion on the basis that the officer lacked reasonable suspicion to conduct the traffic stop. The State moved the district court to reconsider on the basis of the doctrine of attenuation. After the district court denied the State's motion to reconsider, the State appealed.