

## SUMMARY STATEMENT

*State of Idaho v. Rosa L. Greub*, Docket No. 44747

Greub was approached by an officer while sitting in her car in a parking lot. At the officer's request, Greub gave the officer consent to search her car. Greub held her purse as she stepped out of the car, but the officer told her to leave her purse in the car for safety purposes, which Greub did. The officer found methamphetamine and a pipe while searching her purse. Greub was arrested and charged with possession of a controlled substance. Greub filed a motion to suppress alleging her detention was unlawful and the search of her purse violated her state and federal constitutional rights to be free from an unreasonable search and seizure. The district court denied her motion. Greub appealed from the district court's judgment of conviction and claims the district court erred in denying her motion to suppress because she limited the scope of her consent to exclude her purse or, alternatively, that she revoked any previously given consent to search her purse.

The officer's order to leave the purse in the car prevented Greub from effectuating her constitutional right to limit or revoke her previously given consent. As such, Greub's acquiescence to the order did not render her earlier attempt to limit or revoke her consent equivocal. Because the officer did not honor Greub's revocation of her consent to search her purse, the evidence must be suppressed.

The Court of Appeals reversed the district court's order denying the motion to suppress, vacated the judgment of conviction, and remanded the case for further proceedings consistent with this opinion.