

**BOISE, FRIDAY, SEPTEMBER 11, 2020 AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Appellant,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 47280</b>
	)	
<b>KEITH ANTONE SARBACHER,</b>	)	
	)	
<b>Defendant-Respondent.</b>	)	

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Appeal from the District Court of the Second Judicial District of the State of Idaho, Nez Perce County. Jeff M. Brudie, District Judge.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Appellant.

Eric Don Fredericksen, State Appellate Public Defender, Boise, for Respondent.

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Almost two years after Devin Hunt reported his green Dodge truck stolen, the State charged Keith Sarbacher with grand theft by receiving or possessing stolen property, to wit, Hunt's truck. After Sarbacher's arrest, the State inventoried the truck and returned the truck to Hunt's insurance company, who then sold the truck before Sarbacher examined it. Sarbacher moved the district court to dismiss the State's case because the State violated his constitutional right to due process by disposing of material evidence. The district court granted Sarbacher's motion and dismissed the State's case. The State appeals the district court's decision to dismiss the case over a due process violation where evidence of unknown exculpatory value was lost. On appeal, the parties primarily dispute the applicable constitutional standard.