

BOISE, WEDNESDAY, DECEMBER 7, 2022, AT 8:50A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 48758
)	
WAYNE THOMAS MARSH,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Gerald F. Schroeder, Senior District Judge.

Eric Don Fredericksen, Idaho State Appellate Public Defender, Boise, for Appellant.

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

Wayne Thomas Marsh appeals his conviction for possession of methamphetamine and challenges the district court’s denial of his motion to suppress evidence. Marsh was originally detained by police after an informant reported witnessing an attempted burglary by two men on a neighboring residence and described the two suspects to police dispatch. A police officer responding to the area stopped Marsh and a companion on determining they matched the informant’s descriptions. During the course of this investigatory detention, the police officers also discovered a valid, outstanding warrant for Marsh’s arrest. A search incident to this arrest found methamphetamine in Marsh’s pocket.

The State charged Marsh with felony possession of a controlled substance. He filed a motion to suppress the evidence, which the district court denied. On appeal, Marsh argues that the informant’s tip lacked adequate indicia of reliability to provide reasonable suspicion to justify the initial warrantless detention. In the alternative, he argues the discovery of an arrest warrant did not attenuate the illegality of his initial detention because the Idaho Constitution offers heightened protections.