

**BOISE, MONDAY, OCTOBER 7, 2024 at 10:00 A.M.**

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

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 49710</b>
	)	
<b>MICHAEL ANTHONY PULIZZI,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	
_____	)	

Appeal from the District Court of the Fifth Judicial District of the State of Idaho, Twin Falls County, Benjamin J. Cluff, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

This appeal concerns the denial of a motion to suppress evidence. Over a period of approximately five months, law enforcement conducted a series of “trash pulls” from garbage cans Michael Anthony Pulizzi had placed out for collection in accordance with certain Twin Falls City trash ordinances. Relying on drug-related evidence obtained from his trash, law enforcement secured and executed a search warrant on Pulizzi’s home. The State subsequently charged Pulizzi with various offenses based on evidence seized from his home.

Thereafter, Pulizzi filed a motion to suppress, arguing that the warrantless searches and seizures of his trash violated his constitutional rights. Pulizzi acknowledged United States Supreme Court precedent holding that, under the Fourth Amendment, a citizen has no privacy interest in residential trash when it is set out for collection outside the curtilage of the home. *See California v. Greenwood*, 486 U.S. 35 (1988). He also acknowledged this Court’s holdings in *State v. Donato*, 135 Idaho 469 (2001), and *State v. McCall*, 135 Idaho 885 (2001), in which the Court declined to extend greater protections to such items under Article I, section 17 of the Idaho Constitution. However, Pulizzi argued that his privacy interest was objectively reasonable because it was predicated on Twin Falls City trash ordinances, which: (1) mandate residential participation in the city’s trash collection program, (2) require all garbage collected under the program be deposited at a specified transfer station in the City, and (3) prohibit scavengers from collecting garbage for monetary gain. The district court denied the motion to suppress, relying on the binding precedent in *Greenwood*, *Donato*, and *McCall*. Pulizzi subsequently entered conditional guilty pleas to possession of methamphetamine and concealment and/or destruction of evidence, while preserving his right to appeal from the order denying his motion to suppress.

Pulizzi appeals and asks this Court to reconsider its holdings in *Donato* and *McCall*, and instead hold that the protections in Article 1, section 17, of the Idaho Constitution extend to a citizen's trash when it is placed out for collection pursuant to a mandatory trash collection ordinance.