

**BOISE, IDAHO, OCTOBER 16, 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>Docket No. 50127-2022</b>
	)	
<b>v.</b>	)	
	)	
<b>DANIEL RUIZ ORTIZ,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	
	)	

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Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Elmore County. Jonathan Medema, District Judge.

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

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

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This appeal arises from a denial of a motion to suppress. Daniel Ruiz Ortiz appeals from his convictions for second-degree murder and a violation of a no contact order. He challenges the denial of his motion to suppress evidence discovered in his home during a warrantless search and evidence subsequently obtained pursuant to a search warrant. Relying on the Idaho Supreme Court case, *State v. Rebo*, 168 Idaho 234, 482 P.3d 569 (2020), the district court held that Ortiz lacked standing to challenge the warrantless search of his home because, at the time the search was conducted, Ortiz was the subject of a no contact order that prohibited him from being within 300 feet of the residence.

Ortiz argues on appeal that this Court should overrule *Rebo* and hold that a person prohibited from entering his or her home pursuant to a no contact order still has standing under the Fourth Amendment to challenge law enforcement’s warrantless entry into the home. He contends that the Court’s opposite holding in *Rebo* cannot be reconciled with the Fourth Amendment and the case law interpreting it. Rather, he asserts that, under both a property- and privacy-based understanding of the Fourth Amendment, a citizen maintains standing to challenge law enforcement’s warrantless entry into his home even if there is a no contact order prohibiting him from entering the home. Alternatively, if the Court does not overrule *Rebo*, Ortiz argues that his case is distinguishable, and the Court should still conclude he has standing to challenge the warrantless search of his home.