

**BOISE, WEDNESDAY, OCTOBER 9, 2024, AT 10:00A.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. 50239</b>
	)	
<b>KADENCE DAWN MARBLE,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	

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Appeal from the District Court of the First Judicial District of the State of Idaho, Bonner County. Lamont C. Berecz, District Judge.

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

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

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Defendant Kadence Marble (“Marble”) appeals the district court’s intermediate appellate decision reversing the magistrate court’s order granting her motion to dismiss. Amid a traffic enforcement stop, Marble, a passenger in the vehicle, admitted to knowing there was marijuana in the vehicle and to having smoked it three hours prior. Marble was cited for “frequenting” under Idaho Code section 37-2732(d). Marble filed a motion to dismiss for lack of probable cause, arguing that a moving vehicle is not a “premises of any place” under the statute. Alternatively, Marble argued that Idaho Code section 37-2732(d) is unconstitutionally vague as applied to her. The magistrate court granted Marble’s motion to dismiss, believing itself bound by the district court’s decision in *State v. Amado*, Case No. CR09-21-0853, where the court decided a moving vehicle was not a “premises of any place.” On appeal, the district court reversed the magistrate court’s order and remanded, concluding a motion to dismiss for lack of probable cause cannot be brought on a misdemeanor charge and whether a moving vehicle qualifies as the “premises of any place” was a factual finding for the jury. This district court also highlighted that the magistrate erroneously believed that they were bound by the district court’s *Amado* decision. Marble appeals the district court’s intermediate decision on appeal and asks this Court to reverse the district court’s decision with instructions to remand this case to the magistrate court to enter an order of dismissal.