

BOISE, IDAHO, APRIL 2, 2025, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	Docket No. 49785-2022
)	
v.)	
)	
JOHN MICHAEL SHERWOOD,)	
)	
Defendant-Appellant.)	
)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Barbara Duggan, District Judge.

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

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

John Sherwood appeals from his judgment of conviction for trafficking in marijuana. Sherwood was the subject of a traffic stop based on his license plate being fictitious under Idaho Code section 49-456. More specifically, the Rhode Island license plate attached to the Mercedes Sherwood was driving was registered to a Cadillac. Sherwood claimed that he traded the Cadillac for the Mercedes, and had an appointment scheduled with the Rhode Island Department of Motor Vehicles to transfer the title and plates. During the stop, a deputy detected the odor of marijuana coming from the car. The deputy had Sherwood exit the car while another deputy had a drug dog sniff around the exterior. The dog alerted on the car, and Sherwood admitted that there was marijuana inside. The deputies searched the car and discovered over 100 pounds of marijuana, after which they arrested Sherwood for trafficking in marijuana.

During the ensuing prosecution, Sherwood moved to suppress any evidence obtained during the traffic stop, arguing that there was no legal basis for the stop because Sherwood's license plate complied with Rhode Island law, and thus was not fictitious under Idaho Code section 49-456. The district court denied the motion after determining that Sherwood was driving with a fictitious plate and failed to show that the stop would have been unlawful under Rhode Island law.

Sherwood later moved to dismiss his case on the basis that his speedy trial rights under Idaho Code section 19-3501 had been violated because his trial would take place more than six months after the Information against him was filed. The district court denied the motion after determining that the Idaho Supreme Court's orders suspending trials at various times due to COVID-19 provided good cause to delay Sherwood's trial. Sherwood's case went to trial and a

jury found him guilty of trafficking in marijuana. The district court entered a judgment of conviction and sentenced Sherwood to a unified term of ten years in prison with five years fixed.

Sherwood appeals the judgment of conviction, arguing that the district court erred in denying his motion to suppress and motion to dismiss. He claims the motion to suppress should have been granted because Idaho Code section 49-456 only applies to vehicles registered in Idaho, so there was no legal basis for the traffic stop. He argues that the district court erred in denying his motion to dismiss because the district court failed to evaluate all of the factors described in Idaho Criminal Rule 28 when determining if good cause existed.