

BOISE, FRIDAY, DECEMBER 10, 2021, AT 1:30 P.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 47847
)	
CRAIG LEON HUTTON,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Third Judicial District of the State of Idaho, Owyhee County. Thomas W. Whitney, District Judge.

Thomas Monaghan Law, Boise, for Appellant.

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

This case arises from a denied motion to suppress evidence. In 2019, county deputies executed a search warrant on the residence of Craig Hutton at 4:00 AM, during which they found an assortment of methamphetamine and other controlled substances. The warrant authorizing the search was based on a deputy's affidavit citing a confidential informant's statements. On issuing the warrant, the magistrate court also authorized execution of the warrant to occur at any time of the day or night. Hutton filed a motion to suppress the evidence on the basis the search was unlawful, but the district court denied his motion on finding the search constitutional. On appeal, Hutton argues suppression is necessary under the U.S. and Idaho Constitutions because (1) the warrant was founded on unreliable hearsay by a confidential informant, and (2) the magistrate court improperly authorized nighttime service.