

**BOISE, IDAHO, WEDNESDAY, JUNE 8, 2022, 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. 49271</b>
	)	
<b>ARTHUR ELLIS VIVIAN,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	
	)	

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Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Michael J. Reardon, District Judge.

Eric D. Fredericksen, State Appellate Public Defender, Boise, for Appellant.

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

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On April 24, 2019, Arthur Ellis Vivian was stopped for inoperable brake lights. One of the officers at the scene recognized Vivian and warned of the possibility of narcotics in the vehicle, therefore, a K-9 was requested. The officers waited for the K-9 to arrive before giving Vivian his citation. During the issuance of the citation the drug dog alerted to a controlled substance in the vehicle. Vivian made incriminating statements relating to the contraband both before and after being warned of his *Miranda* rights. The State charged Vivian with possession of a controlled substance pursuant to Idaho Code section 37-2732(c) and possession of drug paraphernalia pursuant to Idaho Code section 37-2734A. Vivian subsequently moved to suppress all evidence gathered as a result of an illegal seizure, in violation of the Fourth Amendment.

The district court determined that the officers unlawfully extended the traffic stop by waiting for the K-9 unit. However, the district court admitted the evidence of the methamphetamine and drug paraphernalia after determining the evidence would have been inevitably discovered. The district court suppressed all of Vivian's pre-*Miranda* statements, but admitted all of Vivian's post-*Miranda* statements. Thereafter, Vivian appealed the district court's order admitting his post-*Miranda* statements. The Court of Appeals affirmed the district court's decision. The Idaho Supreme Court granted Vivian's petition for review of the Court of Appeals decision.