

Summary Statement

State v. Wulff
Docket No. 41179

The Idaho Supreme Court affirmed the Kootenai County district court's grant of Micah Wulff's motion to suppress evidence obtained in a warrantless blood draw. That blood draw took place after Wulff was in custody for driving under the influence. The district court held that the United States Supreme Court's holding in *Missouri v. McNeely*, 569 U.S. ___, 133 S. Ct. 1552 (2013) suggests that warrantless blood draws are not always permitted under Idaho's implied consent statute. The State argued that *McNeely* was limited to the exigent circumstances exception to the warrant requirement and Idaho's implied consent statute is a valid exception to the warrant requirement. Idaho's implied consent statute provides that a person gives "implied consent" to evidentiary testing, including blood draws, when that person drives on Idaho roads and a police officer reasonably believes that person has been driving under the influence. The Idaho Supreme Court held Idaho's implied consent statute does not allow warrantless blood draws because *McNeely* prohibits categorical exceptions to the Fourth Amendment and Idaho's statute categorically gives police officers consent to perform warrantless blood draws.