

SUMMARY STATEMENT

State of Idaho v. Larry Glenn Fenton Jr.

Docket No. 44546

A police officer stopped Larry Glenn Fenton Jr. after three attempts at running Fenton's license plate. Fenton, as was required by his terms of probation, disclosed to the officer that Fenton was on probation. The officer contacted Fenton's probation officer, who then conducted a probation search wherein illegal substances were found. The State charged Fenton with trafficking in methamphetamine. Fenton moved to suppress the evidence acquired during the probation search, claiming that both his traffic stop and probation search were unlawful. The district court granted Fenton's suppression motion on the ground that the officer lacked reasonable suspicion to conduct the traffic stop. The State moved for reconsideration based on the doctrine of attenuation. The district court denied the motion for reconsideration.

On appeal, the Court addressed whether the unlawful conduct had been adequately attenuated by considering: (1) the elapsed time between the misconduct and the acquisition of the evidence, (2) the occurrence of intervening circumstances, and (3) the flagrancy and purpose of the improper law enforcement action. The attenuation doctrine--whether the causal chain has been sufficiently attenuated to dissipate the taint of the unlawful conduct--has been used to support the admission of evidence such as voluntary confessions obtained after unlawful arrests. Here, the temporal proximity between the misconduct and acquisition of the evidence, being less than one hour, weighs in favor of suppression. However, Fenton's disclosure of his probationary status was an intervening circumstance weighing against suppression. Moreover, the officer's conduct in this case--a miscommunication with dispatch--was neither flagrant nor purposeful. After balancing the relative weights of all three factors, the Court held that the doctrine of attenuation applied in this case, thus requiring the reversal of the district court's order granting Fenton's motion to suppress.