

## **SUMMARY STATEMENT**

*State v. Jesus George Ayala*

Docket No. 45048

In this case arising out of Ada County, the Court of Appeals affirmed the district court's decision denying Jesus George Ayala's motion to suppress and affirmed his judgment of conviction for possession of a controlled substance and possession of drug paraphernalia. A local law enforcement officer was notified that Ayala had absconded from parole and that his parole officer would issue an agent's warrant. The local officer located Ayala and arrested him before the warrant was issued. During a search incident to arrest, the officer found methamphetamine and drug paraphernalia. The agent's warrant was prepared and emailed to the officer after Ayala's arrest and search. Ayala filed a motion to suppress the drugs and paraphernalia, arguing that the evidence was discovered during a search incident to an unlawful arrest. The district court denied Ayala's motion to suppress.

On appeal, Ayala asserted that his warrantless arrest and the subsequent search were unlawful because the officer arrested Ayala without probable cause to believe he had committed any crime and because the officer was not deputized and did not have an agent's warrant as required by I.C. § 20-227. Ayala also contended his sentence is excessive. The Court of Appeals held that, because the failure to comply with the statute's warrant requirement did not amount to a constitutional violation, suppression was not an appropriate remedy. The Court also held that the arrest and search of Ayala was reasonable under the Fourth Amendment. Finally, the Court held that the district court did not abuse its sentencing discretion.