

SUPREME COURT OF IDAHO

State v. Henage, 143 Idaho 655

152 P.3d 16 (2007) · No. No. 31205 · Decided January 26, 2007

SUMMARY

The Supreme Court of Idaho reversed the denial of Jeremy Henage's motion to suppress evidence discovered during a roadside pat-down following a traffic stop. The court held that the encounter had become consensual, but the officer lacked specific and articulable facts objectively supporting a reasonable belief that Henage posed a danger warranting a protective frisk under Terry v. Ohio. The court reversed the suppression ruling, vacated the conviction, and remanded the case.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	JONES, Justice; SCHROEDER, Chief Justice; EISMANN, Justice; BURDICK, Justice; KIDWELL, Justice Pro Tem
JURISDICTION	Idaho
DECIDED	January 26, 2007
DOCKET	No. 31205
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed after pleading guilty while reserving the right to challenge the district court's denial of his motion to suppress evidence obtained during a roadside pat-down search.
STANDARD OF REVIEW	The Court defers to the trial court's factual findings unless clearly erroneous, but freely reviews whether constitutional requirements were satisfied in light of those facts.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Jeremy Richard Henage v. State of Idaho

TOPICS

- fourth amendment
- search and seizure
- suppression of evidence
- criminal procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence

QUESTIONS PRESENTED

1. Whether the traffic stop evolved into a consensual encounter before Sergeant Baker's extended questioning of Henage.
2. Whether Sergeant Baker's pat-down search of Henage was constitutionally justified under the Fourth Amendment.

HOLDINGS

1. The traffic stop evolved into a consensual encounter after the officers completed the traffic investigation, returned the driver's information, and told Henage that he was free to go; the continued activation of one patrol car's overhead lights did not prevent that transition.
2. The pat-down search was unreasonable because the officer did not identify specific and articulable facts supporting an objectively reasonable belief that Henage posed a risk of danger to the officer or others.

KEY QUOTATIONS

"Weapons searches are not justified by an officer's subjective feeling, especially when that feeling is not particularized to a particular individual in a specific fact situation." (143 Idaho at 662)

"That is not the situation here." (143 Idaho at 663)

FACTUAL BACKGROUND

Officer Johnson stopped a vehicle for a broken taillight; Henage was a passenger and his brother was the driver. After the traffic investigation concluded, Sergeant Baker told Henage that he was free to go but asked to speak with him, and Henage agreed. During the ensuing conversation, Henage declined consent to search the vehicle but stated that he had a knife; Baker performed a pat-down, removed a Leatherman, continued searching, and found a glass pipe and a cigar tube containing methamphetamine. Henage was cooperative and polite, and the record contained no specific threatening behavior, furtive movements, or other facts indicating that he posed a danger.

PROCEDURAL HISTORY

Police cited Henage for possession of a controlled substance and drug paraphernalia after finding methamphetamine and related items during a pat-down search following a traffic stop involving the vehicle in which he was a passenger. The district court denied his motion to suppress. Henage entered a conditional guilty plea and appealed the suppression ruling. The Idaho Supreme Court reversed, vacated the conviction, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for proceedings consistent with the opinion after suppression of the evidence and vacation of Henage's conviction.

CASES CITED

- State v. Donato, 135 Idaho 469, 470, 20 P.3d 5, 6 (2001)
- Delaware v. Prouse, 440 U.S. 648, 653 (1979)
- State v. Silva, 134 Idaho 848, 852, 11 P.3d 44, 48 (Ct. App. 2000)
- Florida v. Royer, 460 U.S. 491, 500 (1983)
- State v. Gutierrez, 137 Idaho 647, 650, 51 P.3d 461, 464 (Ct. App. 2002)
- State v. Martinez, 136 Idaho 436, 441, 34 P.3d 1119, 1124 (Ct. App. 2001)
- Florida v. Bostick, 501 U.S. 429, 434, 436 (1991)
- State v. Davis, 139 Idaho 731, 734, 85 P.3d 1130, 1133 (Ct. App. 2003)
- State v. Roark, 140 Idaho 868, 871, 103 P.3d 481, 484 (Ct. App. 2004)
- State v. Baker, 141 Idaho 163, 165, 107 P.3d 1214, 1216 (2004)
- United States v. Mendenhall, 446 U.S. 544, 553-55 (1980)
- Schneckloth v. Bustamonte, 412 U.S. 218, 219 (1973)
- State v. Wright, 134 Idaho 79, 82, 996 P.2d 298, 301 (2000)
- State v. Rawlings, 121 Idaho 930, 933, 829 P.2d 520, 523 (1992)
- Terry v. Ohio, 392 U.S. 1, 21-22, 27, 30 (1968)
- Pennsylvania v. Mimms, 434 U.S. 106, 112 (1977)
- State v. Johnson, 137 Idaho 656, 661, 51 P.3d 1112, 1117 (Ct. App. 2002)
- United States v. Davis, 202 F.3d 1060, 1063 (8th Cir. 2000)
- United States v. Thomas, 863 F.2d 622, 629 (9th Cir. 1988)
- Samson v. California, 547 U.S. 843, 126 S. Ct. 2193, 165 L. Ed. 2d 250 (2006)

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