

SUPREME COURT OF IDAHO

State v. Smith

144 Idaho 482 (2007) (Idaho 2007) · No. 33714 · Decided May 25, 2007

SUMMARY

The Idaho Supreme Court reviewed the suppression of evidence obtained after firefighters and a police officer entered an apartment to investigate a fire and observed drug-related items in plain view. The court held that exigent circumstances justified the initial and continuing entries and that the defendant's subsequent consent to search was voluntary. The court reversed the district court's suppression order.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Schroeder, Chief Justice; Trout, Justice; Eismann, Justice; Burdick, Justice; Jones, Justice
JURISDICTION	Idaho
DECIDED	May 25, 2007
DOCKET	33714
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed the district court's order suppressing evidence in a prosecution for manufacture of a controlled substance. The Court of Appeals reversed, and the Idaho Supreme Court granted Smith's petition for review.
STANDARD OF REVIEW	The Supreme Court directly reviews the trial court's decision while giving serious consideration to the Court of Appeals' views. It 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	State of Idaho v. Christian Reed Smith

TOPICS

- fourth amendment
- search and seizure
- suppression of evidence

PRACTICE AREAS

Criminal law

Criminal procedure

Constitutional law

Evidence

QUESTIONS PRESENTED

1. Whether the initial warrantless entry by the firefighter was justified by exigent circumstances associated with a recently extinguished couch fire.
2. Whether the subsequent entry by the fire chief and police officer was a permissible continuation of the initial exigent-circumstances entry.
3. Whether the marijuana pipe and seeds were lawfully observed and whether the officer's handling of the pipe exceeded the scope of the exigency or violated the plain-view doctrine.
4. Whether Smith's consent to search was voluntary when police told him they would secure the apartment and obtain a warrant if he refused.

HOLDINGS

1. The firefighter's warrantless entry was objectively reasonable under the exigent-circumstances exception because the facts indicated an appreciable and immediate risk that the fire could persist or recur within a building occupied by multiple tenants.
2. The fire chief's and police officer's entry was a lawful continuation of the firefighter's initial entry because it occurred only minutes later during the same investigation and was not detached from the exigency.
3. The officer's knowledge of the marijuana pipe and seeds was lawfully obtained because the officers were lawfully present and the incriminating character of the items was immediately apparent; briefly picking up the pipe to smell it did not invalidate the search.
4. Smith's consent was voluntary even though police told him they would secure the apartment and obtain a search warrant if he refused, because the officers had probable cause and did not falsely claim to possess a warrant or threaten unlawful action.

KEY QUOTATIONS

"The circumstances confronting Blubaum—a recently-doused couch in the driveway, a trail of soot and burn marks, an absent tenant, bystanders' lack of knowledge about how the fire started, multiple tenants in the building, and a landlord's request to investigate, combined with his own knowledge about how fire can persist and spread—were sufficiently exigent to render his entry objectively reasonable." (163 P.3d at 1198)

"Such reentries are permissible even after the fire is out so long as they are an "actual continuation" of the initial entry and not "clearly detached" from the exigency." (163 P.3d at 1199)

"Ultimately, "the well founded advice of a law enforcement agent that, absent a consent to search, a warrant can be obtained does not constitute coercion."" (163 P.3d at 1201)

FACTUAL BACKGROUND

Firefighters entered an apartment after a couch fire at a converted apartment building, investigating whether the fire had been extinguished and determining its cause. During a continuing inspection, a firefighter and police officer observed a marijuana pipe and seeds in plain view; the officer briefly picked up and smelled the pipe. Police later told Smith they had seen the items, explained that he could refuse consent but that they would secure the apartment and seek a warrant, and obtained his signed consent after further discussion. A search uncovered a growing marijuana plant.

PROCEDURAL HISTORY

The district court suppressed evidence obtained during a consent search of Smith's apartment, finding that the exigency associated with a fire had dissipated and that Smith's consent was involuntary. The Court of Appeals reversed. On review, the Idaho Supreme Court directly reviewed the trial court's suppression ruling and reversed the district court.

DISPOSITION

reversed

CASES CITED

- State v. Klingler, 143 Idaho 494, 495-96, 148 P.3d 1240, 1241-42 (2006)
- Michigan v. Tyler, 436 U.S. 499, 506, 509-12 (1978)
- State v. O'Keefe, 143 Idaho 278, 283, 285, 141 P.3d 1147, 1152, 1154 (Ct. App. 2006)
- State v. Anderson, 140 Idaho 484, 486, 95 P.3d 635, 637 (2004)
- State v. Holton, 132 Idaho 501, 504, 975 P.2d 789, 792 (1999)
- Michigan v. Clifford, 464 U.S. 287, 290, 293, 296-97 (1984)
- Mincey v. Arizona, 437 U.S. 385, 393 (1978)
- State v. Buterbaugh, 138 Idaho 96, 99, 57 P.3d 807, 810 (Ct. App. 2002)
- State v. Bower, 135 Idaho 554, 560, 21 P.3d 491, 497 (Ct. App. 2001)
- State v. Christensen, 131 Idaho 143, 146, 953 P.2d 583, 586 (1998)
- Horton v. California, 496 U.S. 128, 136 (1990)
- Arizona v. Hicks, 480 U.S. 321 (1987)
- State v. Hansen, 138 Idaho 791, 796, 69 P.3d 1052, 1057 (2003)
- State v. Brauch, 133 Idaho 215, 219-20, 984 P.2d 703, 707-08 (1999)
- Illinois v. Rodriguez, 497 U.S. 177, 183 (1990)
- State v. Garcia, 143 Idaho 774, 779, 152 P.3d 645, 650 (Ct. App. 2007)
- Bumper v. North Carolina, 391 U.S. 543, 547-49 (1968)
- State v. Kilby, 130 Idaho 747, 750, 947 P.2d 420, 423 (Ct. App. 1997)
- State v. Fee, 135 Idaho 857, 863, 26 P.3d 40, 46 (Ct. App. 2001)
- State v. Abeyta, 131 Idaho 704, 708-09, 963 P.2d 387, 391-92 (Ct. App. 1998)
- United States v. White, 979 F.2d 539, 542 (7th Cir. 1992)

- State v. Fees, 140 Idaho 81, 86-87, 90 P.3d 306, 311-12 (2004)
- Illinois v. McArthur, 531 U.S. 326 (2001)
- United States v. Faruolo, 506 F.2d 490, 495 (2d Cir. 1974)
- State v. Monroe, 101 Idaho 251, 255, 611 P.2d 1036, 1040 (1980)
- State v. Monroe, 103 Idaho 129, 645 P.2d 363 (1982)
- State v. Sailas, 129 Idaho 432, 435 n.2, 925 P.2d 1131, 1134 n.2 (Ct. App. 1996)

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