

SUPREME COURT OF THE STATE OF IDAHO

State v. Wolfe, 165 Idaho 338

445 P.3d 147 (2019) · No. 46194 · Decided July 11, 2019

SUMMARY

The Idaho Supreme Court affirmed an order suppressing evidence obtained from a cell phone that law enforcement seized without a warrant. The court held that the State failed to preserve its independent-source argument because it expressly relied below on attenuation and other theories instead. The court declined to consider the independent-source exception for the first time on appeal.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Moeller, Justice; Burdick, Chief Justice; Brody, Justice; Bevan, Justice; Stegner, Justice
JURISDICTION	Idaho
DECIDED	July 11, 2019
DOCKET	46194
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from an order of the Canyon County district court granting in part Wolfe's motion to suppress evidence obtained from a cell phone. The State argued for the first time on appeal that the independent-source exception to the warrant requirement preserved the evidence.
STANDARD OF REVIEW	The court accepts trial-court findings of fact supported by substantial evidence and freely reviews the application of constitutional principles to those facts.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Idaho v. Monica F. Wolfe

TOPICS

- suppression of evidence
- fourth amendment
- exclusionary rule
- preservation of error
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the State preserved for appellate review its argument that the independent-source exception to the warrant requirement applied.
2. Whether the district court erred in suppressing evidence obtained from the cell phone after its warrantless seizure.

HOLDINGS

1. The State did not preserve the independent-source exception because it expressly presented State v. Russo to the district court only under an attenuation theory and did not argue independent source as an alternative.
2. The district court's order suppressing the evidence obtained from the phone was affirmed because the State's independent-source argument was not preserved for appeal.

KEY QUOTATIONS

“Issues not raised below will not be considered by this court on appeal, and the parties will be held to the theory upon which the case was presented to the lower court.” (at 5)

“A groomed horse is expected on appeal, but a different horse is forbidden.” (at 6)

“The State had at least two opportunities to properly raise the independent source exception below, yet expressly rejected it.” (at 7)

FACTUAL BACKGROUND

Police investigated allegations that Wolfe solicited Collins to kill Robert Wolfe and poison his dog. During an interview, a detective discussed text messages on a cell phone in Wolfe's possession and seized the phone without a warrant or consent. Days later, police obtained a warrant and searched the phone, discovering evidence supporting charges against Wolfe.

PROCEDURAL HISTORY

Wolfe was indicted for conspiracy to commit murder and aiding and abetting poisoning animals. The district court dismissed the conspiracy count after excluding hearsay presented to the grand jury, denied suppression as to Google-account evidence, but granted suppression of evidence obtained from a phone that police seized without a warrant. After denying the State's motion for reconsideration, the district court was affirmed because the independent-source theory had not been properly preserved below.

DISPOSITION

affirmed

CASES CITED

- State v. Watts, 142 Idaho 230, 232, 127 P.3d 133, 135 (2005)
- State v. Page, 140 Idaho 841, 843, 103 P.3d 454, 456 (2004)
- Halen v. State, 136 Idaho 829, 833, 41 P.3d 257, 261 (2002)
- State v. Bottelson, 102 Idaho 90, 92, 625 P.2d 1093, 1095 (1981)
- State v. Downing, 163 Idaho 26, 31, 407 P.3d 1285, 1290 (2017)
- State v. Cohagan, 162 Idaho 717, 721, 404 P.3d 659, 663 (2017)
- Weil v. Herring, 207 N.C. 6, 175 S.E. 836, 838 (1934)
- Smith v. Sterling, 1 Idaho 128, 131 (1867)
- State v. Garcia-Rodriguez, 162 Idaho 271, 275-76, 396 P.3d 700, 704-05 (2017)
- Nelson v. Nelson, 144 Idaho 710, 714, 170 P.3d 375, 379 (2007)
- State v. Russo, 157 Idaho 299, 336 P.3d 232 (2014)
- State v. Gonzalez, No. 44534, 2019 WL 693765, at *4 (Idaho Feb. 20, 2019)
- Miranda v. Arizona, 384 U.S. 436 (1966)

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