

## **SUMMARY STATEMENT**

*State v. Jesse Eugene Mann*, Docket No. 43745

In an appeal from Kootenai County, the Supreme Court affirmed the district court's denial of a motion to suppress and affirmed Jesse Eugene Mann's convictions for marijuana trafficking, possession of drug paraphernalia and driving while suspended. Mann was driving a rental car in Kootenai County when he was stopped for failing to signal for five seconds before changing lanes. After stopping Mann, the state trooper discovered that Mann had a suspended license and arrested him. After arresting Mann, the trooper performed an inventory search in preparation for the car to be towed. During this search the trooper discovered more than 5 pounds of marijuana. Mann sought to suppress the evidence found during the search.

Following a hearing on Mann's motion to suppress the evidence seized from the car that he had been driving, the district court held that Mann lacked standing to challenge the search of the rental car after applying a multi-factor test set out in *State v. Cutler*, 144 Idaho 272, 159 P.3d 909 (Ct.App. 2007). Mann appealed, arguing that the district court erred in its application of the *Cutler* test and that the jury instructions regarding possession of drug paraphernalia were erroneous.

The Supreme Court affirmed, although the Court adopted a bright line test utilized by the Fourth, Fifth, and Tenth Circuits. This test looks to the rental agreement to ascertain who is an authorized driver. Under this test, unauthorized drivers lack standing to challenge the search of a rental car. Because Mann was not an authorized driver of the rental car, the Supreme Court held that the district court correctly determined that Mann lacked standing to challenge the search of the vehicle. The Supreme Court also held that the jury instructions regarding possession of drug paraphernalia accurately instructed the jury as to the applicable law.