

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44617

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
TAYLOR JAMES FAIRCHILD,)
)
Defendant-Appellant.)
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Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. George A. Southworth, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Reed P. Anderson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Taylor James Fairchild was charged with possession of a controlled substance, methamphetamine. A citizen reported odd behavior with two vehicles behind his house. En route to the scene, the officer ran the vehicles' license plate numbers, finding one vehicle was registered to a known drug user. When the officer arrived, the two vehicles drove away--one toward him on the paved neighborhood road and the other into a field on a dirt path. The officer stopped the vehicle coming toward him, which Fairchild was driving.

Dispatch reported Fairchild had an outstanding warrant, but stated the warrant needed to be verified. While dispatch verified the warrant, the officer questioned Fairchild. Fairchild denied any contact with the driver of the other vehicle, but indicated he was on probation for a paraphernalia charge. At the officer's request, Fairchild stepped out of the car and was frisked, during which the officer reached into Fairchild's pocket and pulled out a baggie of methamphetamine. The officer arrested Fairchild, contacted dispatch, and discovered Fairchild's warrant had been confirmed. The officer resumed searching Fairchild, discovering a second baggie of methamphetamine.

Fairchild filed a motion to suppress the methamphetamine evidence, arguing the methamphetamine was seized without a warrant. The district court granted the motion. The State appeals, arguing the totality of the circumstances gave the officer reasonable suspicion to conduct the investigatory stop and the attenuation doctrine allowed the officer to search Fairchild incident to arrest.