

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44642

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
JAMES EDWARD SNAPP, JR., aka)
JAMES PENCE, JIM SNAPP, JIM)
SNOTT, JAMES EDWARD PENCE,)
JAMES EDWARD SNOPP, JR.,)
)
Defendant-Appellant.)
)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Thomas J. Ryan, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

James Edward Snapp was charged with trafficking in methamphetamine and/or amphetamine. Snapp’s vehicle was observed by an officer while Snapp was traveling at a high rate of speed in a twenty-miles-per-hour zone. After Snapp turned onto a long driveway without using his turn signal, the officer confirmed Snapp was traveling at thirty-seven miles per hour and activated his overhead lights. Snapp did not stop, instead, continuing to his residence where the officer observed him open his driver side door and throw a dark-colored item toward the residence. When asked, Snapp denied throwing anything. After securing Snapp, the officer searched for the item. The officer testified he focused his search to where Snapp threw the item. The officer found the item about a foot from the residence, three feet from a pathway to the front door, and behind some weeds. The item was a black bag containing 119.5 grams of methamphetamine.

Snapp filed a motion to suppress the evidence of methamphetamine, arguing it was obtained as the result of a warrantless search. The district court denied Snapp’s motion. Snapp then entered a conditional guilty plea, reserving his right to appeal the denial of his motion to suppress. The district court imposed a unified sentence of seven years, with three years determinate. Snapp appeals, arguing the officers unlawfully searched the curtilage of his residence without a warrant so the open view doctrine does not apply, he had a reasonable expectation of privacy in the black bag, and the plain view exception to the warrant requirement does not apply.