

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45967

WYLIE GAIL HUNTER, )  
 )  
 Petitioner-Appellant, )  
 )  
 v. )  
 )  
 STATE OF IDAHO, )  
 )  
 Respondent. )  
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Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Lansing Haynes, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

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Wylie Gail Hunter appeals the district court’s summary dismissal of his successive petition for post-conviction relief. Hunter alleges the State failed to disclose a DVD containing a police officer’s dash-cam footage and wrongfully destroyed that DVD. Hunter contends this DVD contained video of a traffic stop that gave rise to his underlying criminal conviction for drug trafficking.

In that underlying case, the police were conducting an ongoing investigation of Hunter for drug smuggling. During that investigation, an officer observed Hunter commit traffic violations and conducted a traffic stop. After detecting an odor of marijuana and after a drug dog alerted on the vehicle, the police searched the vehicle and discovered seventy-five pounds of marijuana.

Hunter moved to suppress claiming the officers lacked reasonable suspicion to stop the vehicle and probable cause to search it. The district court denied Hunter’s motion in part. Thereafter, Hunter entered a conditional guilty plea and reserved his right to appeal. This Court affirmed both Hunter’s conviction on direct appeal and the summary dismissal of his original petition for post-conviction relief.

Hunter then filed a successive petition alleging due process violations based on the State’s failure to disclose the DVD and its destruction. The State moved for summary dismissal arguing that the DVD was not exculpatory and that its destruction was inadvertent. The district court granted the State’s motion, and Hunter appeals.