

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45867

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, )  
 )  
 v. )  
 )  
 JACOB ADAM SHAVER, )  
 )  
 Defendant-Appellant. )  
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Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Hon. Barbara Buchanan, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, 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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Two officers approached a pick-up truck parked at a boat launch parking lot at 1:10 a.m. The first officer made contact with the driver, Jacob Adam Shaver, and the second officer made contact with Shaver’s female passenger. The first officer testified that Shaver’s passenger appeared quite young and that Shaver said he was with his girlfriend celebrating an anniversary and had fallen asleep. The officers requested Shaver’s and his passenger’s identifications, and the first officer ran them through dispatch to conduct a warrants check and to verify identities. While running this check, the first officer noticed Shaver was thirty years old and his female passenger was seventeen years old.

Shaver consented when asked for permission to search the truck for evidence of sexual activity. The search resulted in charges against Shaver for possession of methamphetamine with intent to deliver and for possession of paraphernalia. Shaver moved to suppress the evidence acquired in the search, but the district court denied his motion. Shaver then pled guilty to reduced charges and preserved his right to appeal the denial of his motion to suppress.

On appeal, Shaver acknowledges the initial encounter with the officers was consensual but asserts that the encounter transformed into an unlawful seizure when the first officer retained Shaver’s identification to run a warrants check. Shaver asserts the officers lacked reasonable suspicion to retain Shaver’s identification for purposes of running a warrants check, and therefore, the district court erred in concluding he was not unlawfully seized within the meaning of the Fourth Amendment at the time of the search.