IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52788

STATE OF IDAHO,	)	
	)	**Filed: October 20, 2026**
Plaintiff-Respondent,	)	
	)	**Melanie Gagnepain, Clerk**
v.	)	
	)	**THIS IS AN UNPUBLISHED**
KENNETH J. STACEY,	)	**OPINION AND SHALL NOT**
	)	**BE CITED AS AUTHORITY**
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Jefferson County. Hon. Stevan H. Thompson, District Judge.

Judgment of conviction, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

FLEMING, Judge

Kenneth J. Stacey appeals from his judgment of conviction for felony possession of a controlled substance. Stacey argues the district court erred by denying his motion to suppress because the automobile exception to the Fourth Amendment to the United States Constitution and Article I, Section 17 of the Idaho Constitution should require a heightened standard. For the reasons set forth below, we affirm.

I.
FACTUAL AND PROCEDURAL BACKGROUND

On July 31, 2024, a police officer observed a vehicle being driven through a roundabout that appeared to speed up as it passed the officer's patrol car. The officer contacted dispatch to check the status of the vehicle's registration and to see who the driver was. Dispatch informed the officer that the registration on the vehicle was inactive, so the officer activated his overhead lights and initiated a traffic stop. However, rather than pulling off to the side of the road, the driver, later

identified as Stacey, turned into the driveway of a private residence and immediately got out of the vehicle. The officer directed Stacey to get back into the vehicle, which Stacey did, and the officer then approached the vehicle and made contact with Stacey at the driver's side door. The officer asked Stacey for his driver's license, vehicle registration, and proof of insurance. While speaking with Stacey, the officer detected the odor of marijuana coming from the vehicle. Stacey initially denied that there was any marijuana in the vehicle; however, after the officer indicated he was going to search the vehicle, Stacey admitted that there was marijuana in the vehicle.

The officer instructed Stacey to step out of the vehicle and, for officer safety reasons, radioed and requested the assistance of a backup officer. While waiting for the backup officer to arrive, Stacey admitted that he also had marijuana in his pocket. The primary officer conducted a pat-down search for weapons and recovered a baggie of marijuana from Stacey's pocket. After the backup officer arrived, the primary officer searched Stacey's vehicle and found multiple items of drug paraphernalia; multiple baggies of methamphetamine and marijuana; and other illicit controlled substances. Stacey was placed under arrest, and, while being transported to jail, informed the primary officer that he also had methamphetamine in his pocket.

Stacey was charged with felony possession of a controlled substance, Idaho Code § 37-2732(c)(1) (Count I); two counts of misdemeanor possession of a controlled substance, I.C. § 37-2732(c)(3) (Counts II and III); and misdemeanor possession of drug paraphernalia, I.C. § 37-2734A(1) (Count IV). Stacey filed a motion to suppress all evidence obtained as a result of the search of his vehicle and all statements made by him, arguing that the search violated the Fourth Amendment to the United States Constitution and Article I, Section 17 of the Idaho Constitution. Stacey argued that the officers' warrantless search of his vehicle was unreasonable because, even if the automobile exception to the warrant requirement applied, there were no exigent circumstances to justify not obtaining a warrant. Stacey specifically argued that the reason for the exception (mobility of the vehicle makes leaving the scene to obtain a warrant impractical) no longer exists due to the improvements in modern technology available to the officers on scene. The district court denied the motion, concluding that because the officer had probable cause, the warrantless search of Stacey's vehicle was lawful under the automobile exception to the warrant requirement.

Stacey pled guilty to Count I (felony possession of a controlled substance), reserving his right to appeal the denial of his motion to suppress. Pursuant to a plea agreement, the State dismissed the remaining charges. Stacey appeals.

II.
STANDARD OF REVIEW

The standard of review of a suppression motion is bifurcated. When a decision on a motion to suppress is challenged, we accept the trial court's findings of fact that are supported by substantial evidence, but we freely review the application of constitutional principles to the facts as found. *State v. Atkinson*, 128 Idaho 559, 561, 916 P.2d 1284, 1286 (Ct. App. 1996). At a suppression hearing, the power to assess the credibility of witnesses, resolve factual conflicts, weigh evidence, and draw factual inferences is vested in the trial court. *State v. Valdez-Molina*, 127 Idaho 102, 106, 897 P.2d 993, 997 (1995); *State v. Schevers*, 132 Idaho 786, 789, 979 P.2d 659, 662 (Ct. App. 1999).

III.
ANALYSIS

"Mindful" of the decisions in *Maryland v. Dyson*, 527 U.S. 465 (1999) and *State v. Fletcher*, 175 Idaho 785, 571 P.3d 444 (2025), Stacey argues the district court erred in denying his motion to suppress because the warrantless search of his vehicle was not justified under the automobile exception.[1] Specifically, Stacey argues that based on the specific facts of this case, the application of the automobile exception is unreasonable because there were no exigent circumstances to justify the warrantless search of his vehicle since the officers had ample opportunity to secure an electronic search warrant. The State responds that the search was justified under the automobile exception, which is a longstanding exception to the warrant requirement, and that the search was further justified because the officer had probable cause to search Stacey's vehicle based on the odor of marijuana emanating from the vehicle. The State further argues that there is no exigent circumstance requirement under the automobile exception.

The Fourth Amendment to the United States Constitution prohibits unreasonable searches and seizures. Warrantless searches are presumed to be unreasonable and therefore violative of the Fourth Amendment. *State v. Weaver*, 127 Idaho 288, 290, 900 P.2d 196, 198 (1995). The State

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[1] *See Carroll v. United States*, 267 U.S. 132 (1925).

may overcome this presumption by demonstrating that a warrantless search either fell within a well-recognized exception to the warrant requirement or was otherwise reasonable under the circumstances. *Id.* The automobile exception is a well-recognized exception to the warrant requirement. *State v. Gallegos*, 120 Idaho 894, 898, 821 P.2d 949, 953 (1991). In determining whether a search is authorized pursuant to the automobile exception, the question is whether there is probable cause to believe the automobile contains contraband or evidence of a crime. *Carroll v. United States*, 267 U.S. 132, 155-56 (1925).

Probable cause is the possession of information that would lead a person of ordinary care and prudence to believe or entertain an honest and strong presumption that an individual who has been placed under arrest is guilty of a crime. *State v. Williams*, 162 Idaho 56, 66, 394 P.3d 99, 109 (Ct. App. 2016). Probable cause is not measured by the same level of proof required for conviction. *Id*. Rather, probable cause deals with the factual and practical considerations on which reasonable and prudent persons act. *Brinegar v. United States*, 338 U.S. 160, 175 (1949); *Williams*, 162 Idaho at 66, 394 P.3d at 109. When reviewing an officer's actions, the trial court must judge the facts against an objective standard. *Williams*, 162 Idaho at 66, 394 P.3d at 109. That is, would the facts available to the officer, at the moment of the seizure or search, warrant a reasonable person in holding the belief that the action taken was appropriate. *Id.*

"Probable cause is established when the totality of the circumstances known to the officer at the time of the search would give rise--in the mind of a reasonable person--to a fair probability that contraband or evidence of a crime will be found in a particular place." *State v. Anderson*, 154 Idaho 703, 706, 302 P.3d 328, 331 (2012). Probable cause is a flexible, common-sense standard. *Texas v. Brown*, 460 U.S. 730, 742 (1983); *State v. Johnson*, 152 Idaho 56, 61, 266 P.3d 1161, 1166 (Ct. App. 2011). A practical, nontechnical probability that incriminating evidence is present is all that is required. *Brown*, 460 U.S. at 742; *Johnson*, 152 Idaho at 61, 266 P.3d at 1166.

Here, the district court determined that the officer had probable cause to conduct a warrantless search of Stacey's vehicle. The district court found the officer was "entitled to walk up to the [vehicle] as part of an investigation," and if the officer "smell[ed] what appear[ed] to be the odor of marijuana," that was sufficient to establish probable cause to search the vehicle. Relying on *State v. Bottelson*, 102 Idaho 90, 625 P.2d 1093 (1981), the district court further held

that the officer was not obligated to attempt to secure a search warrant "just because [the officer] had the technology available" to do so.[2]

Stacey does not contest that the officer had probable cause to conduct a warrantless search of his vehicle. Rather, "mindful" of *Dyson* and *Fletcher*, Stacey argues the search was unlawful under the automobile exception because the vehicle was in his driveway where the officers had control over the vehicle and Stacey, no exigent circumstances existed, and the officers had the opportunity and ability to obtain an electronic warrant prior to searching the vehicle. Exigent circumstances are not, however, required under the automobile exception. *See Dyson*, 527 U.S. at 466-67 (holding that the automobile exception applies even if the vehicle is secured and there are no exigent circumstances other than the vehicle's mobility). Furthermore, Stacey's arguments are nearly identical to the arguments advanced in *Fletcher*, which were squarely rejected by the Idaho Supreme Court.

In *Fletcher*, the defendant argued that when a vehicle is secured and obtaining a warrant is practicable, "the heightened privacy interests for Idaho citizens support a protection against warrantless searches of secured vehicles without any exigency." *Fletcher*, 175 Idaho at 791, 571 P.3d at 450. The Court found this argument unpersuasive and declined to impose a heightened standard for the automobile exception under Article I, Section 17 of the Idaho Constitution. *Fletcher*, 175 Idaho at 792, 571 P.3d at 451.

Moreover, the Court refuted Fletcher's argument that modern technology has made warrantless searches "minimally more efficient than the process of securing a warrant, thereby negating one of the historical justifications for the traditional automobile exception." *Id.* at 791, 571 P.3d at 450. The Court held that the requirement of electronic warrants would compel courts to participate in "a case-by-case exigency determination that results in less predictable, inconsistent outcomes and prolonged seizures with roadside hazards and no net gain in liberty." *Id.* at 792, 571 P.3d at 451 (quoting *State v. Storm*, 898 N.W.2d 140, 145 (Iowa 2017)).

Here, as in *Fletcher*, Stacey does not identify a unique Idaho-specific circumstance that would require a heightened standard for the automobile exception. The automobile exception is based on two rationales: (1) the vehicle's inherent mobility; and (2) the lesser expectation of

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[2] The district court denied Stacey's motion to suppress in January 2025, prior to the Idaho Supreme Court's decision in *State v. Fletcher*, 175 Idaho 785, 571 P.3d 444 (2025) on June 27, 2025.

privacy in the vehicle as compared to the home. *Cardwell v. Lewis,* 417 U.S. 583, 590 (1974). The officers' control over Stacey and his vehicle does not invalidate these rationales. A vehicle parked in a residential area is presumed to be mobile under the automobile exception, absent an objective indicium of immobility. *State v. Gosch*, 157 Idaho 803, 808-09, 339 P.3d 1207, 1212-13 (Ct. App. 2014). Furthermore, Stacey's justification for why the officers should have obtained an electronic search warrant is indistinguishable from the argument rejected in *Fletcher*. Thus, Stacey has failed to show the district court erred in denying his motion to suppress.

IV.
CONCLUSION

The district court did not err by denying Stacey's motion to suppress because the warrantless search of his vehicle was justified under the automobile exception to the warrant requirement. Accordingly, Stacey's judgment of conviction is affirmed.

Chief Judge TRIBE and Judge LORELLO, **CONCUR**.