IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52044

STATE OF IDAHO,	)	
	)	**Filed: November 3, 2026**
Plaintiff-Respondent,	)	
	)	**Melanie Gagnepain, Clerk**
v.	)	
	)	**THIS IS AN UNPUBLISHED**
AMANDA LYNN SHARRAH,	)	**OPINION AND SHALL NOT**
	)	**BE CITED AS AUTHORITY**
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Bruce L. Pickett, District Judge. Hon. Brendon Taylor, Magistrate.

Decision of the district court, on intermediate appeal from the magistrate court, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Kimberly A. Coster, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Allison C. Jaros, Deputy Attorney General, Boise, for respondent.

PETTY, Judge

Amanda Lynn Sharrah appeals from the district court's decision, on intermediate appeal, affirming the magistrate court's denial of her motion to suppress. Sharrah argues that the district court erred in affirming the magistrate court's denial of her motion to suppress because she was subject to an unlawful de facto arrest. For the reasons stated below, we affirm.

I.
FACTUAL AND PROCEDURAL BACKGROUND

In the early morning hours of June 5, 2022, a witness informed law enforcement in Bonneville County that a driver had been involved in an automobile accident and left the scene on foot. Two police officers encountered a woman who matched the description of the driver, later identified as Sharrah, walking alone along the Snake River Greenbelt in Idaho Falls near the location of the automobile accident. Sharrah initially failed to stop walking when asked to do so

by the officers. The location of the encounter was close to the Snake River, and it was dark with no lighting on the footpath beyond the officers' flashlights. Briefly into the encounter, the officers placed Sharrah in handcuffs. Despite a visible wound on her arm, Sharrah denied the existence of it when an officer asked if she was injured. The officers confirmed Sharrah had no weapons. An officer told Sharrah she was being detained because the officers had reason to believe she had been involved in an automobile accident while driving under the influence (DUI) and had left the scene.

With Sharrah in handcuffs, officers directed her to sit on a park bench. There, an officer asked Sharrah if she had anything in her mouth and then began a fifteen-minute observation period required for a breath test. Three officers asked Sharrah if she would submit to Field Sobriety Tests (FSTs) and/or a breath test, after which, she would be taken home. The officers stated that if Sharrah did not comply, they would obtain a warrant for a blood draw and take her to jail. During this time, and throughout the encounter, Sharrah either did not respond to the officers' questions, said that she "wants to go home," or said that the officers were "lying" to her or trying to trick her. Sharrah's speech was slurred and she frequently repeated herself.

During the encounter, Sharrah initially agreed to perform the FSTs and the breath test. An officer stated that Sharrah could not safely perform the FSTs. Voicing concerns about the sprinklers going off near the bench and Sharrah's instability, an officer placed Sharrah in the back seat of a police vehicle. Initially, the officers left the vehicle door open, and Sharrah's legs hung outside of the car. One officer played Sharrah an informational recording, which advised her about DUI testing, test refusals, and her rights. Sharrah told the officers that she refused to take the test but soon thereafter said, "I have not refused." When the recording concluded, the officers repeatedly asked Sharrah to take the breath test, but she either did not answer, refused, or asked to go home. The officers closed the vehicle door with Sharrah in the back seat while the officer who played the recording began writing a citation for Sharrah. Sharrah then agreed to undergo a blood draw. Moments later, Sharrah again refused to undergo testing and would not consent to any testing for the rest of the encounter. As a result, an officer called to obtain a blood draw warrant from a judge. The entire encounter lasted approximately forty-five minutes. Sharrah's blood draw tests showed that her blood alcohol concentration was 0.224 the night of the arrest.

The State charged Sharrah with driving under the influence (excessive), Idaho Code § 18-8004C, and failure to report an accident, I.C. § 49-1305. Sharrah initially pled not guilty to these charges.

During pretrial proceedings, Sharrah filed a motion to suppress with the magistrate court. Sharrah argued that law enforcement subjected her to an unlawful warrantless arrest for a misdemeanor completed outside the officers' presence, and any evidence obtained as a result, specifically her blood draw, must be suppressed pursuant to Article 1, Section 17 of the Idaho Constitution, as determined in *State v. Clarke*, 165 Idaho 393, 446 P.3d 451 (2019). Sharrah later amended her argument to include an assertion that her seizure became a de facto arrest *before* the officers obtained a warrant.

The magistrate court denied the motion. Sharrah entered a conditional guilty plea to misdemeanor DUI pursuant to I.C. § 18-8004(1)(a), preserving her right to appeal the magistrate court's denial of her motion to suppress.

On intermediate appeal, Sharrah argued that the magistrate court's factual findings were unsupported by substantial evidence, and that the magistrate court misapplied the law in concluding that Sharrah's detention did not constitute a de facto arrest. The district court affirmed the magistrate court's findings and legal conclusions. Sharrah timely appeals.

II.
STANDARD OF REVIEW

For an appeal from the district court, sitting in its appellate capacity over a case from the magistrate court, we review the record to determine whether there is substantial and competent evidence to support the magistrate court's findings of fact and whether the magistrate court's conclusions of law follow from those findings. *State v. Korn*, 148 Idaho 413, 415, 224 P.3d 480, 482 (2009). However, as a matter of appellate procedure, our disposition of the appeal will affirm or reverse the decision of the district court. *State v. Trusdall*, 155 Idaho 965, 968, 318 P.3d 955, 958 (Ct. App. 2014). Thus, we review the magistrate court's findings and conclusions, whether the district court affirmed or reversed the magistrate court and the basis therefor, and either affirm or reverse the district court.

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.[1] *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

Sharrah argues that the district court erred in affirming the magistrate court's denial of her motion to suppress because: (1) the police officers' use of handcuffs was not justified, subjecting Sharrah to an unlawful warrantless de facto arrest; (2) the officers lacked probable cause to arrest Sharrah, violating her rights under the Fourth Amendment to the United States Constitution; and (3) additionally, or alternatively, because her arrest was for "suspected misdemeanors committed outside the presence of the officers," Sharrah's rights were violated under Article 1, Section 17 of the Idaho Constitution as interpreted in *Clarke*, 165 Idaho at 393, 446 P.3d at 451. Additionally, Sharrah contends that this Court should overrule *State v. Meneses-Rodriguez*, 174 Idaho 444, 556 P.3d 459 (Ct. App. 2024), where we held that *Clarke* does not extend to de facto arrests. The State argues that Sharrah has not shown that the district court erred by affirming the magistrate court's denial of her motion to suppress because the officers' use of handcuffs was reasonable under the circumstances. The State also argues that Sharrah did not preserve a Fourth Amendment probable cause claim. Finally, the State argues that *Meneses-Rodriguez* forecloses Sharrah's *Clarke* challenge, and Sharrah has not articulated any basis for overruling *Meneses-Rodriguez*.

A. Arguments waived on appeal.

Sharrah's claim that the officers lacked probable cause to detain her is not preserved because she did not present this argument below. Sharrah's *Clarke* challenge is also not preserved because she did not raise it on intermediate appeal.

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[1] Both parties cite an exception to this rule: when the evidence before this Court is "exactly the same evidence before it as was considered by the district court[,] . . . we do not extend the usual deference to the district court's evaluation of the evidence." *State v. Andersen*, 164 Idaho 309, 312, 429 P.3d 850, 853 (2018). Sharrah does not argue that the district court erred in applying the substantial evidence standard of review when it reviewed and affirmed the magistrate court's factual findings. In the absence of a challenge to the district court's application of the substantial evidence standard in its review of the magistrate court's factual findings, this Court has no issue before it regarding the substantial evidence standard.

Generally, we will not consider issues raised for the first time on appeal. *State v. Garcia-Rodriguez*, 162 Idaho 271, 275, 396 P.3d 700, 704 (2017). A party preserves an issue for appeal by properly presenting the issue with argument and authority to the trial court below and noticing it for hearing or a party preserves an issue for appeal if the trial court issues an adverse ruling. *State v. Miramontes*, 170 Idaho 920, 924-25, 517 P.3d 849, 853-54 (2022). Absent fundamental error, an issue not raised at trial or on intermediate appeal may not be raised at a subsequent stage of the appellate process. *State v. Camp*, 134 Idaho 662, 668, 8 P.3d 657, 663 (Ct. App. 2000).

Here, Sharrah did not raise a probable cause challenge or present her position on that issue to the magistrate court or the district court in its appellate capacity, nor did the district court issue an adverse ruling on probable cause. Thus, Sharrah's probable cause challenge has not been preserved and will not be considered.

Sharrah's *Clarke* challenge is also not preserved. Here, Sharrah's *Clarke* argument is that because the use of handcuffs converted her detention into a warrantless de facto arrest for a misdemeanor committed outside the officers' presence, the blood draw evidence obtained from her arrest should be suppressed. At the hearing on her motion to suppress, Sharrah's *Clarke* argument was largely the same as it is here, except for what Sharrah contends transformed her investigatory detention into a de facto arrest.

However, on intermediate appeal, Sharrah only maintained the first half of these arguments and only argued that her detention turned into a de facto arrest. Sharrah failed to cite *Clarke* as applicable authority or present a *Clarke* argument that Article 1, Section 17 of the Idaho Constitution prohibits warrantless arrests for misdemeanors completed outside the officer's presence. As a result, the district court issued no adverse ruling on a *Clarke* argument, nor did it cite the case in its written opinion. Thus, Sharrah's *Clarke* challenge is not preserved.

B. The district court correctly affirmed the magistrate court's denial of the motion to suppress.

The district court held that the magistrate court did not err by finding that Sharrah's detention did not constitute a de facto arrest. On appeal to this Court, Sharrah concedes that most of the factors for a de facto arrest weigh against her, and only argues that the officers' use of handcuffs subjected her to an unlawful de facto arrest. The State argues that, on the facts of this case, it was reasonable for the officers to handcuff Sharrah and doing so did not transform an investigatory detention into a de facto arrest. There is no bright-line rule for evaluating whether an investigative detention is unreasonable; instead, common sense and ordinary human experience

must govern over rigid criteria. *State v. Pannell*, 127 Idaho 420, 423, 901 P.2d 1321, 1324 (1995) (internal citations omitted). An investigatory detention is reasonable if law enforcement is aware of specific articulable facts, together with rational inferences therefrom, which warrant suspicion that the person has committed or is about to commit a crime. *Florida v. Royer*, 460 U.S. 491, 498 (1983); *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975); *State v. Rawlings*, 121 Idaho 930, 932, 829 P.2d 520, 522 (1992). Additionally, law enforcement's investigatory methods, such as use of handcuffs, must be reasonable based upon the specific facts of the situation and the reasonable inferences drawn from those facts. *State v. DuValt*, 131 Idaho 550, 554, 961 P.2d 641, 645 (1998).

To determine whether an investigatory detention or an arrest has occurred, courts evaluate the totality of the circumstances using several factors: (1) the seriousness of the crime or crimes under investigation; (2) the location of the encounter; (3) the length of the detention; (4) the reasonableness of the officers' display of force; (5) the conduct of the suspect while the encounter unfolds; (6) the duration of the invasion imposed by the additional restriction, and (7) the law enforcement purposes served by that intrusion. *State v. Martinez*, 129 Idaho 426, 431, 925 P.2d 1125, 1130 (Ct. App. 1996); *State v. Maahs*, 171 Idaho 738, 747, 525 P.3d 1131, 1140 (2023). If the detention is not reasonable under the totality of the circumstances, the seizure constitutes a de facto arrest that must comport with applicable statutory and constitutional standards. *Martinez*, 129 Idaho at 431, 925 P.2d at 1130. Sharrah only argues the first five factors, and does not address the sixth or seventh factors. We, therefore, hold that the sixth and seventh factors do not weigh in Sharrah's favor and we will limit our analysis to the factors Sharrah raises on appeal.

1. Seriousness of the crime.

To support her argument that the officers' use of handcuffs subjected her to a de facto arrest, Sharrah argues that, while the nature of a DUI offense is of great societal concern, the offense is a nonviolent misdemeanor and its seriousness does not indicate a substantial risk of danger. However, as the State notes, Sharrah conceded the seriousness of the crime on intermediate appeal. Furthermore, the Idaho Supreme Court has held that DUI is a serious crime. *Reagan v. Idaho Transp. Dept.*, 169 Idaho 689, 697, 502 P.3d 1027, 1035 (2021). The magistrate court's finding that the seriousness of the crime weighs in favor of the State is supported by substantial and competent evidence, and the district court did not err in affirming the magistrate court's finding on this factor.

2. Location of the encounter.

After Sharrah fled the scene of the automobile accident, her initial encounter with police officers took place on a greenbelt near a river. The district court affirmed the magistrate court's finding that the location offered safety concerns for the officers and Sharrah. In her intermediate appeal reply brief, Sharrah conceded that the initial encounter took place in a darkened area.

On appeal before this Court, Sharrah does not contest the location of the encounter factor, the district court's holding regarding the dangers posed by the location of the initial encounter, nor its conclusion that the magistrate court made no errors in its findings. Thus, the district court did not err in affirming the magistrate court's determination that the location of the encounter factor weighs in favor of the State.

3. Length of the encounter.

Sharrah does not contest the length of the detention factor on appeal to this Court, and substantial and competent evidence supports the magistrate court's finding that the length of the detention was reasonable.

The United States Supreme Court has stated that law enforcement's investigation must be diligent, and the detention must not be prolonged longer than necessary to confirm or dispel the suspicion that warranted the detention in the first instance. *See United States v. Sharpe*, 470 U.S. 675, 685 (1985). Here, the magistrate court found that the total time between Sharrah's initial detention and an officer calling to get a blood draw warrant lasted approximately forty-five minutes. In that time, the magistrate court found that the officers properly followed the DUI investigation procedures, including a fifteen-minute observation period, before attempting to administer a breath test and playing the required recording explaining her rights regarding DUI testing and the consequences of refusing. Sharrah's behavior, such as vacillating between consenting to DUI testing and refusing to take the tests, extended the detention before the officers became certain she would not consent and a blood draw warrant would be required.

Based on the magistrate court's findings, the district court held that the length of the detention was reasonable under the circumstances. This factor weighs in favor of the State.

4. Reasonableness of the officers' display of force.

Sharrah contends that the officers' use of handcuffs was excessive for the detention because she was physically compliant with their requests, not holding any weapons, and not otherwise presenting a risk of danger to the officers. Sharrah also argues that she made no furtive movements

or glances indicating she planned to run from the officers. Finally, Sharrah contends that because she was alone, the officers could have maintained the status quo without the use of handcuffs. Sharrah contends that this shows she presented neither a risk of substantial danger nor of flight when the officers encountered and handcuffed her.

The State concedes that Sharrah did not pose a direct threat of attack, and that there was no objective reason to believe that Sharrah would have intentionally hurt an officer during the encounter. The State argues instead that the danger Sharrah posed to the officers was due to the inherent risks involved in a nighttime chase had she attempted to escape detention. The State also argues that the number of officers present did not alleviate the dangers posed: Sharrah had already fled the scene of a vehicle accident; she showed signs of intoxication; and the location was dark with natural hazards nearby.

Police must use the least intrusive means reasonably available to conduct an investigative detention. *Reagan*, 169 Idaho at 697, 502 P.3d at 1035. Handcuffing a suspect does not automatically convert an investigative detention into an arrest if law enforcement has reason to believe that suspect poses a substantial risk of danger or flight. *Maahs*, 171 Idaho at 747, 525 P.3d at 1140; *Pannell*, 127 Idaho at 424, 901 P.2d at 1325. "Placing a suspect in handcuffs is a much greater level of intrusion than other tactics ordinarily associated with an investigative detention." *Maahs*, 171 Idaho at 748, 525 P.3d at 1141 (citing *Pannell*, 127 Idaho at 424, 901 P.2d 1325)). However, a detention is not unreasonable simply because the protection of the public might, in the abstract, have been accomplished by less intrusive means. *State v. Fields*, 168 Idaho 57, 65, 479 P.3d 450, 458 (Ct. App. 2020). "The question is not simply whether some other alternative was available, but whether the police acted unreasonably in failing to recognize or to pursue it." *Sharpe*, 470 U.S. at 686-87.

Sharrah relies on *Reagan*, 169 Idaho at 697, 502 P.3d at 1035, to support her assertion that the officers' use of handcuffs exceeded the bounds of a permissible detention and transformed her detention into a de facto arrest. In *Reagan*, a citizen reported to police dispatch that a female driver, operating a vehicle later found to be registered to Reagan, appeared intoxicated, and almost drove into a ditch and oncoming traffic. *Id*. at 692, 502 P.3d at 1030. The citizen followed the vehicle as it pulled into a driveway, which was identified as Reagan's residence. *Id.* An officer later arrived at the residence and found Reagan preparing dinner for her family. *Id.* at 697, 502 P.3d at 1035. Reagan voluntarily answered the officer's questions and submitted to field sobriety

tests (FSTs). *Id.* After failing the FSTs, the officer handcuffed Reagan, placed her in the backseat of his vehicle, and informed her she was under arrest for suspected DUI. *Id*. at 692, 502 P.3d at 1030. The Court held that the officer's act of handcuffing Reagan exceeded the bounds of what was reasonably intrusive in conducting an investigative detention, converting the investigative detention into an unlawful arrest. *Id.* at 697, 502 P.3d at 1035. The Court determined there was no indication from the facts that Reagan posed a threat to officer safety and, up to the point that she had been handcuffed, the officer had not witnessed Reagan commit any violation of the law. *Id.* at 697-98, 502 P.3d at 1035-36. As a result, the Court concluded the breath test obtained after Reagan's arrest should have been excluded. *Id.* at 698, 502 P.3d at 1036.

Here, the officers' use of handcuffs is distinguishable from the officer's conduct in *Reagan* in multiple ways: the events leading up to the encounters, the location of the encounters, and the behavior of each defendant. When encountering Reagan, the officers had no reason to suspect she posed a risk besides driving intoxicated. Conversely, the officers encountered Sharrah believing she had just fled an automobile accident she had caused. The location between *Reagan* and this case is vastly different. In *Reagan*, law enforcement discovered Reagan at home cooking for her family. Here, law enforcement encountered Sharrah in a location where she could have fled again because she was on a greenbelt, on foot, in the dark, and near the river. In *Reagan*, the defendant complied with the officer's questions and testing requests, and she was able to complete the FSTs. *Id*. at 692, 502 P.3d at 1030. Here, Sharrah initially failed to follow an officer's commands to stop walking, and she did not cooperate with most of the officers' questions or testing requests. Finally, after Reagan failed the FSTs, the officer placed her in the back of his vehicle and told her she was under arrest. *Id.* Whereas, here, an officer placed Sharrah in the back of the police vehicle due to concerns about sprinklers and Sharrah's physical instability and told her that she was not under arrest. Thus, Sharrah's case is distinguishable from *Reagan*.

Substantial and competent evidence supports the magistrate court's conclusion that the officers' use of handcuffs was reasonable, and the district court did not err in affirming the magistrate court.

5. The conduct of the suspect while the encounter unfolds.

The magistrate court found that Sharrah started the encounter by denying nearly all the officers' questions, including obvious facts, such as denying that her arm was bleeding despite the on-body camera footage showing visible blood. As mentioned above, Sharrah vacillated between

consenting to DUI testing and refusing to undergo a breath test or blood draw, which extended the stop. Officers conducted a fifteen-minute observation period before a breath test, then played a required DUI information recording, and only then could they issue a citation. Finally, the magistrate court found that Sharrah's non sequiturs, interruptions, and emotional reactions, among other signs of impairment, were additional grounds for the officers to continue the DUI portion of the investigation. Sharrah does not contest the district court's holding, based on the magistrate court's findings, regarding her conduct during the encounter. Because substantial evidence supports the magistrate court's findings and legal conclusions, the district court did not err in affirming that Sharrah's conduct reasonably extended the duration of the stop.

Substantial and competent evidence supports the magistrate court's finding that the relevant factors weighed in favor of the State's position that the police justifiably detained Sharrah, including using handcuffs, as part of a necessary law enforcement investigation. Therefore, the district court correctly affirmed the magistrate court's decision denying Sharrah's motion to suppress.

IV.
CONCLUSION

Substantial and competent evidence supports the magistrate court's finding that Sharrah was not subject to an unlawful arrest. Sharrah has failed to show the district court erred in affirming the magistrate court's denial of her motion to suppress. Accordingly, the district court's decision, on intermediate appeal from the magistrate court denying Sharrah's motion to suppress, is affirmed.

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