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### State v. Franks Appellant's Reply Brief Dckt. 46135

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**IN THE SUPREME COURT OF THE STATE OF IDAHO**

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	NO. 46135-2018
	)	
v.	)	ADA COUNTY NO. CR01-17-21909
	)	
CHRISTOPHER SCOTT	)	REPLY BRIEF
FRANKS	)	
	)	
Defendant-Appellant.	)	

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**REPLY BRIEF OF APPELLANT**

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**APPEAL FROM THE DISTRICT COURT OF THE FOURTH JUDICIAL  
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE  
COUNTY OF ADA**

---

**HONORABLE NANCY A. BASKIN  
District Judge**

---

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## STATEMENT OF THE CASE

### Nature of the Case

In *Miranda v. Arizona*, the United States Supreme Court held a person must be informed of his Fifth Amendment privilege against self-incrimination prior to being subjected to custodial interrogation; otherwise, any incriminating statements made by the person are inadmissible at trial. 384 U.S. at 444-45. *Miranda* warnings are required whenever an individual is subjected to “custodial interrogation.” Here, not only were Mr. Franks’ statements given without the required *Miranda* warnings, they also were involuntary. The district court’s contrary conclusions are erroneous and its decision to deny suppression of Mr. Franks’ verbal and nonverbal statements, including his act of handing the sock containing methamphetamine over to the officer, should be reversed.

This Reply Brief is necessary to address the State’s arguments regarding the application of the inevitable discovery doctrine, and to clarify that the district court’s finding regarding the admissibility of the physical evidence under that doctrine does not serve as an alternative basis for the court’s denial of Mr. Franks’ motion to suppress his unwarned and involuntary statements.

### Statement of the Facts and Course of Proceedings

The statement of the facts and course of proceedings were previously set forth in Mr. Franks’ Appellant’s Brief. They need not be repeated in this Reply Brief, but are incorporated by this reference.

ISSUE

Did the district court err when it denied Mr. Franks' motion to suppress?

## ARGUMENT

### The District Court Erred When It Denied Mr. Franks' Motion To Suppress

A. The District Court Erred By Failing To Conclude That Mr. Franks' Unwarned Statements Violated *Miranda*, And By Failing To Conclude That His Statements Were Involuntary

As argued in the Appellant's Brief (Appellant's Br., pp.6-13), Mr. Franks was "in custody" for *Miranda* purposes, and his unwarned statements made in violation of *Miranda* should have been suppressed. (Appellant's Br., pp.6-11.) Additionally and alternatively, the district court should have suppressed Mr. Franks' statements because the State failed to carry its burden of showing they were voluntary and not coerced. (See Appellant's Br., pp.11-13.) The State's opposing arguments on appeal are unremarkable. (See Resp. Br., pp.6-13.) Mr. Franks respectfully refers this Court to the arguments in his Appellant's Brief as his response. (See Appellant's Br., pp.6-13.)

B. The District Court's Finding That The *Heroin* Would Inevitably Have Been Discovered Does Not Provide An Alternative Basis For Denying Suppression Of Mr. Franks' Statements

The district court also erred in its "alternative" ruling that the inevitable discovery doctrine applied to this case. The district court found that the *heroin* would have been discovered as the result of the inevitable strip search, and that the inevitable discovery doctrine therefore provided an "alternative" basis for its decision in this case. (See 1/30/18 Tr., p.71, L.24 – p.72, L.10.) However, as noted by the State, the inevitable discovery doctrine would *only* apply to the admissibility of the *heroin* – not to Mr. Franks' unwarned, coerced *statements*. (See Resp. Br., p.19.) Because Mr. Franks' motion seeks to suppress his statements only, not the physical heroin, the inevitable discovery doctrine is wholly inapplicable to this case.

(See Resp.Br., pp.13-14.) Thus, the district court's invocation of that doctrine does not provide an alternative basis for the district court's denial of Mr. Franks' suppression motion.

CONCLUSION

For the reasons set forth above, and those set forth in the Appellant's Brief, Mr. Franks respectfully asks this Court to reverse the district court's order denying suppression, vacate his judgment of conviction, and remand his case to the district court for further proceedings.

DATED this 9<sup>th</sup> day of August, 2019.

/s/ Kimberly A. Coster  
\_\_\_\_\_  
KIMBERLY A. COSTER  
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9<sup>th</sup> day of August, 2019, I caused a true and correct copy of the foregoing APPELLANT'S REPLY BRIEF, to be served as follows:

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/s/ Kylie M. Fourtner  
\_\_\_\_\_  
KYLIE M. FOURTNER  
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KAC/kmf