

Washington, Colorado drivers: Avoid Idaho

Marty Trillhaase/Lewiston Tribune

Darien Roseen says an Idaho State Police officer had no reason to detain him and search his car for marijuana other than his residence - he lives in both Washington and Colorado, states where recreational use of pot is legal.

Let's hope he's wrong.

Let's hope his lawsuit against the ISP is riddled with exaggerations and distortions.

Let's hope when the state police get their day in court, they can explain why a trooper would accuse a 69-year-old retiree of transporting pot into Idaho, detain him and spend hours searching his vehicle.

Because if Roseen's account holds up, it's another black mark against Idaho's law enforcement community.

A former Weyerhaeuser Real Estate vice president, Roseen owns homes in both states and licenses his automobile in Colorado. On Jan. 25, he was returning from his daughter's baby shower in Washington to Colorado. As he crossed the Idaho border on Interstate-84 near Payette, Roseen says ISP Trooper Justin Klitch intercepted him after he'd already pulled into a rest area.

At that point, Roseen's lawsuit alleges, Klitch asked if he smoked marijuana. He said the retiree was acting guilty of hiding something.

And - according to an incident report obtained by the Spokesman Review's Betsy Russell - Klitch contended Roseen's eyes were glassy and that his "hands were shaking uncontrollably as if he were extremely nervous."

Let's hope Klitch had something, anything, more to go on. A plume of smoke emitting from Roseen's car. The appearance of drug paraphernalia on the truck seat. A roach clip dangling from the rearview mirror.

Tell us it wasn't merely the appearance of a 69-year-old man who needed a break from the freeway and reacted - as just about anyone would to a traffic stop - by getting a little rattled.

Certainly something more than a police officer's ultra-developed sense of smell.

Because the lawsuit presents the image of an officer with a highly evolved - some might say superhuman - olfactory lobe capable of detecting trace amounts of marijuana odor on a windy, winter day.

Said Klitch: That provided him with probable cause - the legal right to detain Roseen in the back seat of his cruiser, then transport him and the car to the Payette County Sheriff's Office and continue searching the car for hours on end.

Klitch's claim of probable cause notwithstanding, rummaging through Roseen's car and personal effects yielded no pot.

Let's hope Roseen's lawsuit misstates the scenario of Klitch asking for Roseen's consent to search his truck - not once, not twice but three times - and being denied each time.

Roseen's accusation would mean ISP no longer trains its officers about U.S. Supreme Court rulings regarding unreasonable search and seizure. Badgering a suspect into search is a no-no. Or did Klitch miss that class at the academy?

Likewise, we can only hope that Klitch didn't hear - rather than ignored - Roseen's demand to have a lawyer. Because if Roseen is telling the truth, the trooper either was not trained about Miranda warnings or, again, he was absent when the lesson was given.

And please, tell us Roseen got it wrong when his lawyers asserted that Klitch's patrol car dashboard camera and audio equipment was switched off, leaving no independent verification of the incident. When was the last time that happened?

Otherwise, why shouldn't we accept Roseen's claim that he was profiled simply because he was driving a car licensed in a state where possession of small amounts of pot for personal use is legal?

Why shouldn't we believe his lawyer's claim that Klitch "assumed and alleged that Mr. Roseen was a person who was transporting marijuana based upon his states of residence"?

If that's true, not only are taxpayers going to hand Roseen a fat check for his pains, they probably ought to remove that sign at the rest stop where this story began.

It reads: "Welcome to Idaho." - M.T.