

In 1996, Frank Maidwell obtained a permit to hunt for an antlerless elk, which is defined as either a cow or a male elk with antlers less than six inches. In November 1996, an Idaho Fish and Game officer began an investigation of Maidwell after receiving information from several individuals that Maidwell had shot and killed a fully antlered bull elk, thereby exceeding the scope of his permit. Maidwell informed the officer that he had killed an elk on October 26, 1996, but had discarded the antlers. The officer and Maidwell visited a meat packing plant where the officer was able to examine the legs of the elk in question. The officer seized bones from the leg of the elk and sent them to the United States Fish and Wildlife Forensics Lab for testing. Approximately six months later, on May 3, 1997, the lab results were reported to the Idaho Department of Fish and Game which confirmed that the bones belonged to a bull elk that was between two and four years old. However, no charges were filed against Maidwell at that time.

In January 1998, the officer received information alleging that Maidwell was still in possession of the antlers from the bull elk shot in October 1996. On January 23, 1998, pursuant to a warrant, the officer searched Maidwell's garage and discovered a rack of elk antlers containing seven points and six points. The officer seized the antlers. Again, no charges were brought against Maidwell. On December 17, 1998, Maidwell was charged with unlawful possession of wildlife.

Maidwell filed a motion to dismiss the case on the grounds that the prosecution was barred by the applicable two-year statute of limitations. Following a hearing, the magistrate granted Maidwell's motion. The State appeals.