

VIA: ZOOM, BOISE, JANUARY 18, 2022, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48830

BRIAN CLYDE WATKINS, JR.,)
)
Petitioner-Appellant,)
)
v.)
)
IDAHO TRANSPORTATION)
DEPARTMENT,)
)
Respondent.)
)

Appeal from the District Court of the Second Judicial District, State of Idaho, Latah County. Hon. John Judge, District Judge.

Jay Johnson Law Office; James E. Johnson, Moscow, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Susan K. Servick, Special Deputy Attorney General, Coeur d'Alene, for respondent.

A law enforcement officer witnessed Watkins driving a truck with its cargo light illuminated, emitting a white light toward the rear of the vehicle. Believing this to be a violation of Idaho Code § 49-910, the officer conducted a traffic stop. After exhibiting multiple signs of impairment, Watkins took a breathalyzer test, which indicated he had a breath alcohol concentration of .092/.089. Watkins was cited for driving under the influence and issued a notice of suspension of his driver's license for ninety days.

Watkins requested an Idaho Transportation Department hearing to challenge his administrative license suspension. The hearing officer upheld the suspension. Watkins petitioned for judicial review, and the district court affirmed the hearing officer's decision. Watkins appeals, alleging his driver's license suspension should be vacated because the traffic stop was not supported by reasonable suspicion, the law enforcement officer's probable cause affidavit was fatally deficient, and the hearing officer improperly took official notice of the law enforcement officer's breathalyzer certification.