

SUMMARY STATEMENT

State v. Neal, Docket No. 42729

The Idaho Supreme Court reversed the district court's decision regarding a motion to suppress. The State charged Nathan David Neal with Driving Under the Influence following a traffic stop that was initiated after an officer observed Neal twice touch, but not cross, the "fog line" at the right edge of West State Street. At trial, Neal moved the magistrate court to suppress all evidence garnered after the stop because he argued that touching the fog line does not violate traffic laws and consequently, the officer had no justification for stopping him. The magistrate court granted Neal's motion, and the State appealed. The district court reversed, holding that touching lane markers violates Idaho Code section 49-637's requirement that drivers remain "as nearly as practicable entirely within a single lane," which justified the stop. Neal appealed to the Court of Appeals, which affirmed the district court. Neal then petitioned the Idaho Supreme Court for review.

On review, the Idaho Supreme Court held that driving onto, but not across, the line marking the right edge of the road does not violate Idaho Code section 49-637. Consequently, the officer's stop of Neal was not justified and the district court erred in reversing the magistrate court's grant of Neal's motion to suppress. The Idaho Supreme Court therefore reversed the district court's decision and remanded the case back to the district court for further proceedings.