

## SUMMARY STATEMENT

*State v. Fuller*

Docket No. 44172

The Idaho Supreme Court affirmed the Kootenai County district court's order granting Antonia Kate Fuller's motion to suppress evidence seized during a traffic stop. Applying *State v. Neal*, 159 Idaho 439, 362 P.3d 514 (2015), the district court held that law enforcement did not have a reasonable, articulable suspicion that Fuller had violated Idaho Code section 49-637(1) when her vehicle's front passenger-side tire briefly crossed the roadway's right-hand fog line. On appeal, the Court concluded the district court properly applied *Neal* to reach that result. The Court emphasized that, as in *Neal*, the fog line does not signify a lane barrier, and as such, briefly crossing the fog line does not constitute a traffic violation. Because the traffic stop was not based on a reasonable, articulable suspicion of a violation of the law and was therefore unconstitutional, the Court affirmed that Fuller's motion to suppress was properly granted.