

SUMMARY STATEMENT
State v. Nicole Samantha Cook
Docket No. 45273

Nicole Samantha Cook was stopped by a police officer for driving an unregistered vehicle. During the stop, the officer discovered that Cook had a temporary registration permit displayed in her window. However, due to condensation on the window, the permit was not visible. After the officer cleared the condensation from the window, he detected the odor of marijuana. Cook admitted her friends smoked marijuana in the vehicle earlier, and the officer proceeded to search the vehicle. The search revealed heroin, methamphetamine, Suboxone strips, and drug paraphernalia.

The State charged Cook with three counts of possession of a controlled substance and one count of possession of paraphernalia. Cook filed a motion to suppress evidence found pursuant to the stop, which the district court denied. Cook moved for reconsideration, arguing the statute detailing the requirements for a temporary registration permit was unconstitutionally vague. The district court denied the motion. Cook entered a conditional guilty plea to felony possession of a controlled substance, methamphetamine.

Idaho Code § 49-432(4) governs the requirements of a temporary registration permit. In *State v. Kinch*, 159 Idaho 96, 101-02, 356 P.3d 389, 394-95 (Ct. App. 2015), the Court of Appeals held that the plain language of the statute required temporary permits to be both posted in a proper location and be “readily legible in that posted location.” “Readily legible” meant both visible and readily readable from the vantage point of a nearby vehicle. The holding in *Kinch* is not manifestly wrong and, therefore, will continue to be followed.

Because the temporary registration permit was not visible and readily readable from the vantage point of the officer, he had reasonable suspicion to stop the car and continue the stop even after the condensation was cleared. Further, Idaho Code § 49-432(4) is not unconstitutionally vague because the statute provided fair notice and sufficient guidelines to limit police discretion.