

BOISE, FRIDAY, FEBRUARY 15, 2019 AT 11:10 A.M. at Concordia Law School

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
 v.) Docket No. 46432
)
 SAMANTHA NICOLE COOK,)
)
 Defendant-Appellant.)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Richard S. Christensen, District Judge.

Eric D. Frederickson, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for respondent.

This appeal arises from the district court’s denial of Samantha Cook’s (Cook) motion to suppress evidence. Cook was pulled over by a police officer after the officer noticed Cook’s vehicle lacked both front and rear license plates. As the vehicles slowed for the traffic stop, the officer noticed an unreadable piece of paper in the rear window of Cook’s car. Upon walking up to Cook’s stopped vehicle, the officer noticed that the piece of paper was a temporary registration, which was unreadable due to condensation from rain that night. The officer then spoke with Cook, detected the odor of marijuana, searched the vehicle, found controlled substances, and arrested Cook.

Cook moved to suppress all evidence obtained, arguing the officer lacked reasonable suspicion to stop and detain Cook. The district court denied Cook’s motion. The district court found that, based on *State v. Kinch*, 159 Idaho 96, 356 P.3d 389 (Ct. App. 2015), reasonable suspicion existed that Cook had violated Idaho Code section 49-432(4), which requires drivers to display temporary registration in a readily legible way. Accordingly, the district court found the seizure legal, and the evidence obtain after the seizure was properly acquired. The Court of Appeal affirmed, and this Court granted the petition for review.

On appeal, Cook argues that the district court erred in denying her motion to suppress. Cook argues the following: (1) that any reasonable suspicion the officer might have had was dispelled once the officer saw the temporary registration; (2) that *Kinch* should be rejected (or that this case is distinguishable from *Kinch*); and (3) that section 49-432(4) is unconstitutionally vague as applied to Cook’s case.