

SUMMARY STATEMENT

State of Idaho v. Zachary James Devan

Docket No. 47167

In this case arising out of Ada County, the Court of Appeals affirmed Zachary James Devan's judgment of conviction for felony driving under the influence (DUI). An officer on patrol noticed a vehicle driving ahead of her with both passenger-side tires across the solid white line on the right-hand side of the roadway (*i.e.*, the fog line). Despite traveling on an unobstructed, straight roadway, the vehicle continued to straddle the fog line for three to five seconds, traversing approximately one hundred yards. Concerned that the vehicle posed a safety threat, the officer activated her emergency lights and stopped the vehicle. The officer identified Devan as the vehicle's driver and noticed an open container of beer under the vehicle's center console. Further investigation resulted in Devan's arrest for DUI.

The State charged Devan with felony DUI and possession of an open container of alcohol in a motor vehicle. Devan filed a motion to suppress, arguing the officer lacked reasonable suspicion to conduct a traffic stop. After denial of the suppression motion, Devan pled guilty to felony DUI. Devan appealed.

On appeal, Devan argued that the district court erred in concluding that driving while straddling the fog line for approximately one hundred yards gave rise to a reasonable suspicion of a traffic offense. The Court of Appeals held that Devan's inexplicable straddling of the fog line for approximately one hundred yards, while encroaching on the shoulder of a roadway, gave rise to a reasonable suspicion that Devan violated I.C. § 49-637(1).

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.