

## SUMMARY STATEMENT

*State of Idaho v. Brent Ross Wickham*  
Docket No. 48396

Brent Ross Wickham was a passenger in a car stopped by a police officer for failing to signal appropriately before changing lanes, pursuant to Idaho Code § 49-808. Officers removed Wickham from the car, and Wickham admitted that he tried to hide a glass pipe and he had a bag of syringes in his underwear. After finding a pipe where Wickham had been sitting, the officers placed Wickham under arrest and searched him. Inside Wickham's pockets, an officer found additional drug paraphernalia and heroin. Wickham told the officers he had intended to sell the heroin.

The State charged Wickham with felony possession of a controlled substance with intent to deliver and possession of paraphernalia. Wickham filed a motion to suppress, arguing that the stop of the car was unlawful. Wickham argued the driver of the car complied with I.C. § 49-808, which sets forth when a driver must use a turn signal and, therefore, the officer did not have probable cause or reasonable suspicion to initiate the stop. Wickham argued that because the driver was on a non-controlled highway and was only changing lanes, not turning, she was not required to signal for 100 feet. The district court denied the motion, concluding that whenever a driver is changing lanes, I.C. § 49-808 requires the driver to signal continuously to warn other traffic and that signaling near-simultaneously while changing lanes does not comply with the statute.

The Court of Appeals held that the district court did not err in denying Wickham's motion to suppress because I.C. § 49-808 requires drivers on both controlled and non-controlled-access highways to give an appropriate signal before changing lanes. The Court also held that a near-simultaneous signal is not an appropriate signal, as it is insufficient to warn other traffic of a driver's intention to move right or left. The Court of Appeals concluded the driver's signal did not comply with the statute's requirement that drivers give an appropriate signal before changing lanes, as the signal lasted less than one second and occurred as the driver was already changing lanes. The Court of Appeals affirmed the judgment of conviction.

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