

**SUMMARY STATEMENT**  
*State of Idaho v. Jeremy Saul Cohen*  
Docket No. 49865

Jeremy Saul Cohen was stopped by law enforcement after Cohen's vehicle drove partially into a bicycle lane. Upon contact with Cohen, the officer suspected Cohen was intoxicated. After a few minutes, Cohen fled from the stop in his vehicle. The officer caught up to Cohen and arrested him. Following Cohen's arrest, officers found marijuana and a pipe in his vehicle. Later, the officer obtained a warrant for a blood draw, which showed Cohen's blood alcohol content exceeded the legal limit. The State charged Cohen with felony driving under the influence (DUI) (prior felony conviction within fifteen years), possession of a controlled substance, possession of drug paraphernalia, resisting and obstructing an officer, and misdemeanor eluding.

Cohen filed a motion to suppress, arguing the officer lacked reasonable suspicion to conduct a traffic stop based on a violation of Idaho Code § 49-637(1) (failure to maintain lane). The district court denied the motion, holding that the officer had reasonable suspicion for the stop and, alternatively, even if the initial stop was not supported by reasonable suspicion, Cohen was not entitled to suppression based on the attenuation doctrine. Cohen entered a conditional guilty plea to felony DUI, I.C. § 18-8005(6), and retained the right to appeal the denial of his motion to suppress. The State dismissed the remaining charges. Cohen appealed.

On appeal, the Court of Appeals affirmed the district court's denial of the motion to suppress, holding the officer was legally justified in conducting a traffic stop of Cohen's vehicle for failing to maintain his lane of travel under I.C. § 49-637(1); specifically holding that the bicycle lane is a separate lane for bicycles, not intended for automobiles. Cohen drove for three seconds into the bicycle lane, then swerved into the southbound lane. Alternatively, even if the officer did not have reasonable suspicion for the initial stop, Cohen's flee from police permits the evidence seized to be admitted pursuant to the doctrine of attenuation.

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