

LEWISTON, THURSDAY, APRIL 11, 2024 at 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

AARON MICHAEL WHITE,

Petitioner-Appellant,

V.

**IDAHO TRANSPORTATION
DEPARTMENT,**

Respondent.

Docket No. 50746

Appeal from the District Court of the First Judicial District of the State of Idaho,
Shoshone County, Barbara A. Duggan, District Judge.

Sullivan Law Office, PLLC, Coeur d'Alene, for Appellant.

Mark Alan Jackson, Coeur d'Alene, for Respondent.

This appeal concerns the administrative suspension of Aaron White’s driving privileges and whether the common law defense of necessity may be raised during an administrative license suspension hearing. White received a DUI citation and a notice of suspension of his driving privileges after he drove his wife to the hospital for emergency medical treatment following an ATV accident. Thereafter, White requested an administrative license suspension (“ALS”) hearing before an Idaho Transportation Department (“ITD”) hearing officer to contest his driver’s license suspension.

During the ALS hearing, White argued that law enforcement lacked legal cause to believe he violated Idaho Code section 18-8004, Idaho's DUI statute, because the common law defense of necessity made his conduct legally excusable. The ALS hearing officer rejected White's argument and concluded that the necessity defense was not an available defense in an ALS proceeding. White petitioned the district court for judicial review and the district court affirmed the decision of the ALS hearing officer.

White appealed the district court’s decision to the Idaho Supreme Court. On appeal, White argues that the ALS hearing officer and district court erred by concluding that the necessity defense was unavailable to petitioners in ALS proceedings following this Court’s decision in *Reagan v. Idaho Transportation Department*, 169 Idaho 689, 502 P.3d 1027 (2021).