

**U, THURSDAY, SEPTEMBER 14, 2017, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket Nos. 44198 & 44199**

<b>STATE OF IDAHO,</b>	)
	)
<b>Plaintiff-Appellant,</b>	)
	)
<b>v.</b>	)
	)
<b>IVAN DRAKE PETTIT,</b>	)
	)
<b>Defendant-Respondent.</b>	)
_____	)

Appeal from the District Court of the Second Judicial District, State of Idaho, Latah County. Hon. John R. Stegner, District Judge.

Hon. Lawrence G. Wasden, Attorney General; Mark W. Olson, Deputy Attorney General, Boise, for appellant.

McCormick Law Office; Deborah L. McCormick, Moscow, for respondent.

Ivan Drake Pettit was traveling on a highway and approached an atypical intersection. He was faced with a green arrow, which indicated to curve right through the intersection. Pettit, without using a right turn signal, curved right through the intersection. Because Pettit did not use a right turn signal, an officer stopped Pettit's vehicle. As a result of the stop, the officer obtained evidence which resulted in Pettit being charged with driving under the influence of alcohol (second offense) and driving without privileges.

Pettit filed a motion to suppress the evidence the officer obtained, arguing that a turn signal was not required at the intersection and, thus, the officer did not have reasonable suspicion to stop Pettit's vehicle. The magistrate granted Pettit's motion to suppress. The State appealed the magistrate's decision to the district court which affirmed the magistrate's decision.

The State appeals arguing that the officer had reasonable suspicion to stop Pettit because Idaho Code § 49-808(1) unambiguously required a right turn signal. Next, the State contends that, alternatively, if the officer did not have reasonable suspicion to stop Pettit, it was the result of an objectively reasonable mistake of law and, therefore, suppression is not warranted. Last, the State argues that the statute is not unconstitutionally vague as applied to Pettit's maneuver and even if it were, suppression is not the appropriate remedy.