3-8-2013

State v. Haugland Respondent's Brief Dckt. 39854

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	No. 39854
Plaintiff-Respondent,	)	
	)	Blaine Co. Case No.
vs.	)	CR-2011-3013
	)	
MICAH MATTHEW HAUGLAND,	)	
	)	
Defendant-Appellant.	)	
	)	

BRIEF OF RESPONDENT

APPEAL FROM THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

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District Judge

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STATEMENT OF THE CASE

Nature of the Case

Micah M. Haugland appeals from his conviction for felony driving under the influence. Specifically, he challenges the denial of his motion to suppress.

Statement of the Facts and Course of the Proceedings

The police stopped Haugland for failing to stop for a pedestrian in a crosswalk. (R., p.16.) Haugland's vehicle smelled of alcohol and he performed poorly on field sobriety tests. (R., p.17.) Following a blood draw and a review of Haugland's prior history of driving under the influence convictions, the state charged Haugland with felony driving under the influence. (R, pp.17-18, 33-35.) Haugland filed a motion to suppress (R., pp.38-40), and claimed at the hearing on the motion that the stop of his vehicle was not justified (12/19/2011 Tr., p.29, L.4 – p.31, L.2). After hearing, the district court found "the officer did have probable cause to pursue and cite the driver for violation of the code" and denied Haugland's motion. (12/19/2011 Tr., p.39, Ls.11-13.)

Haugland pled guilty to felony driving under the influence, reserving his right to appeal the denial of his suppression motion, and the state dismissed the companion charge of violation of a pedestrian right of way. (1/31/2012 Tr., p.5, L.13 – p.22, L.21.) The district court sentenced Haugland to three years fixed followed by two years indeterminate and retained jurisdiction for 365 days. (3/12/2012 Tr., p.50, L.5 – p.51, L.6; R., pp.70-77.) Haugland timely appeals. (R., pp.84-87.)

ISSUE

Haugland states the issue on appeal as:

> Did the district court err when it concluded Officer Logsdon had probable cause to seize Mr. Haugland?

(Appellant's brief, p. 4.)

The state rephrases the issue as:

Has Haugland failed to show that the district court erred in denying his suppression motion?

ARGUMENT

Haugland Has Failed To Show That The District Court Erred In Denying His Suppression Motion

A. Introduction

Following a hearing, the district court denied Haugland's motion to suppress. (12/19/2011 Tr., p.39, Ls.10-13.) Haugland argues on appeal that the district court erred in denying his motion to suppress contending as he did below that "there was no probable cause or reasonable suspicion to justify Officer Logsdon's stop of Mr. Haugland as he did not commit a traffic violation." (Appellant's brief, p.11.) Haugland's claim fails. A review of the record, in light of the applicable legal standards, supports the conclusion that the officer had sufficient cause to detain Haugland. As such, the district court did not err when it denied Haugland's motion to suppress.

B. Standard Of Review

On review of a ruling on a motion to suppress, the appellate court defers to the trial court's findings of fact unless clearly erroneous but exercises free review of the trial court's determination as to whether constitutional standards have been satisfied in light of the facts. State v. Willoughby, 147 Idaho 482, 485-6, 211 P.3d 91, 94-95 (2009); State v. Fees, 140 Idaho 81, 84, 90 P.3d 306, 309 (2004).

The interpretation and construction of a statute present questions of law over which the appellate court exercises free review. State v. Thompson, 140

Idaho 796, 798, 102 P.3d 1115, 1117 (2004); State v. Dorn, 140 Idaho 404, 405, 94 P.3d 709, 710 (Ct. App. 2004).

C. Haugland Has Failed To Show That The District Court Erred In Denying His Motion To Suppress

A routine traffic stop by a police officer constitutes a seizure of the vehicle's occupants and implicates the Fourth Amendment's prohibition against unreasonable searches and seizures. Delaware v. Prouse, 440 U.S. 648, 653 (1979); State v. Flowers, 131 Idaho 205, 208, 953 P.2d 645, 648 (Ct. App. 1998). Because a routine traffic stop is normally limited in scope and duration, it is more analogous to an investigative detention than a custodial arrest and therefore is analyzed under the principles set forth in Terry v. Ohio, 392 U.S. 1 (1968). Prouse, 440 U.S. at 653–54. Under Terry, an officer may lawfully stop a suspect for investigative purposes only when the officer has a reasonable suspicion that the person has committed or is about to commit a crime. Terry, 392 U.S. at 30; State v. DuValt, 131 Idaho 550, 552–53, 961 P.2d 641, 643–44 (1998). Reasonable suspicion must be more than a mere hunch; it must be based on specific articulable facts and the rational inferences that naturally follow from those facts. Terry, 392 U.S. at 21; State v. Gallegos, 120 Idaho 894, 896–97, 821 P.2d 949, 951–52 (1991). To justify the officer's detention of a defendant, the State is not required to prove the defendant's guilt on the underlying offense. State v. Kimball, 141 Idaho 489, 492-93, 111 P.3d 625, 638-39 (Ct. App. 2005); State v. Hollon, 136 Idaho 499, 502, 36 P.3d 1287, 1291 (Ct. App. 2001). Rather, the reasonableness of the police officer's suspicion is evaluated based

upon the totality of the circumstances at the time of the seizure. United States v. Cortez, 449 U.S. 411, 417–18 (1981); State v. Rawlings, 121 Idaho 930, 932, 829 P.2d 520, 522 (1992); State v. Schumacher, 136 Idaho 509, 515, 37 P.3d 6, 12 (Ct. App. 2001).

Police stopped Haugland's vehicle in the course of a "crosswalk sting operation" where they were looking for vehicles failing to stop for pedestrians walking through crosswalks. (12/19/2011 Tr., p.8, Ls.18-20.) Two officers waited in parked vehicles while an officer in plain clothes used the crosswalk. (12/19/2011 Tr., p.9, L.21 – p.12, L.20.) The district court found the following facts at the close of testimony at the hearing on the motion to suppress:

> I do not find that Officer Manning jumped – and that's not what it says, but he did not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
>
> This is a – what I would characterize as a 5-lane highway in the center of Hailey. So when he leaves the curb, in this situation he walks across the first lane of traffic, he's into the second lane of traffic close to the – the drawing indicates he's almost or right at the turn signal – or, excuse me, the turn lane boundary, so he has to cross what I would characterize as the turn lane before he is in front of the oncoming defendant's car.
>
> It takes long enough – the only testimony is that he was walking. It takes long enough to walk across a crosswalk that if you get across the first lane of traffic and you're across the second lane of traffic almost entirely, and a car is coming from the – you have to get over in front – you have to cross the turn lane and then you're over into what would be the third lane or fourth lane of traffic after you've left the curb, you've had to cross one, two, plus the turn lane to get in front of a car coming in what would be the fourth lane, that Officer Manning's actions cannot be characterized as suddenly leaving a curb or other place of safety and walking or running into the path of a vehicle which is so close as to constitute an immediate hazard. It couldn't work that way.

> If this was a situation where the defendant was in the right-hand land traveling northbound, he's in the far right lane closest to the curb, and the officer stepped out in front of him, or even if he was in the second lane and the officer stepped out in front of him and started off in front of him, essentially challenging the driver to stop or forcing the stop, then that might be a different situation where it could be argued that he had suddenly left a curb – Officer Manning had suddenly left a curb or other place of safety and stepped into the path of the vehicle and forced the issue, in which case officer has constituted an immediate hazard. I can't find that that happened here.

(12/19/2011 Tr., p.35, L.11 – p.37, L.10.) The court denied the motion to suppress, concluding that "under the circumstances here, the pedestrian is already in the crosswalk, he's committed and he is moving, and it's up to the vehicle driver under that circumstance to stop and yield." (12/19/2011 Tr., p.39, Ls.6-9.)

On appeal, Haugland cites to I.C. § 49-119(18) for his position that a driver need only give up right-of-way to a pedestrian "crossing an uncontrolled intersection" if there is "a danger of a collision." (Appellant's brief, p.7.) Idaho Code § 49-119(18) is part of the general definitions section of the traffic code and defines right-of-way as "the right of one (1) vehicle **or** pedestrian to proceed in a lawful manner in preference to another vehicle **or** pedestrian approaching under circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other." I.C. § 49-119(18) (emphasis added). Idaho Code § 49-702, however, gives the right-of-way to pedestrians who are using a crosswalk. Idaho Code § 49-702 requires the driver of a vehicle to "yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the highway within a crosswalk." I.C. § 49-702(1).

Idaho Code § 49-702 also provides that "no pedestrian shall suddenly leave a curb or other place of safety and walk or run immediately into the path of a vehicle which is so close as to constitute an immediate hazard" and if they do, subsection (1) (granting the pedestrian in a crosswalk the right-of-way) would no longer apply. I.C. §§ 49-702(2), (3). The district court found the plain-clothes officer "did not suddenly leave a curb or other place of safety" in violation of Idaho Code § 49-702(2). (12/19/2011 Tr., p.35, Ls.22-23.) Haugland does not challenge this factual finding. Therefore, Haugland was required by Idaho Code § 49-702(1) to give the pedestrian in the crosswalk the right-of-way and was furthermore required to slow down or stop, if necessary, to effectuate that act.

The district court concluded Haugland was required to stop in this circumstance and he failed to do so. Reading the statutes together, the district court concluded "when a pedestrian is coming toward your lane of traffic, it does give rise to a danger of a collision unless one grants precedence to the other when the officer is a lane away or within one lane of the driver of this vehicle." (12/19/2011 Tr., p.38, L.23 – p.39, L.3.) The court's interpretation is consistent with other provisions of the motor vehicle code in which the Idaho Legislature has expressed its intent that motorists "exercise due care to avoid colliding with pedestrians." I.C. § 49-615.

Because the officers' observations of Haugland led them to believe he was in violation of Idaho Code § 49-702(1) for failing to yield the right-of-way to a pedestrian in a crosswalk, police had reasonable suspicion to perform a traffic

stop. As such, Haugland has failed to establish that the district court erred in denying his motion to suppress.

CONCLUSION

The state respectfully requests this Court to affirm the district court's denial of Haugland's motion to suppress and to uphold Haugland's judgment of conviction and sentence.

Dated this 8th day of March 2013.

NICOLE L. SCHAFER
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 8th day of MARCH 2013 served a true and correct copy of the attached RESPONDENT'S BRIEF by causing a copy addressed to:

SHAWN F. WILKERSON
DEPUTY STATE APPELLATE PUBLIC DEFENDER

to be placed in the State Appellate Public Defender's basket located in the Idaho Supreme Court Clerk's office.

NICOLE L. SCHAFER
Deputy Attorney General

NLS/pm