STATE OF IDAHO)

County of KOOTENAI)ss

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AT 9:45 O'Clock A

CLERK OF DISTRICT COURT

Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO, *Plaintiff/Appellant*, vs. **QUINN JARRETT SANDERS**, *Defendant/Respondent.*	Case No. CR28-23-5894 **MEMORANDUM DECISION AND ORDER AFFIRMING ON APPEAL MAGISTRATE COURT'S GRANTING OF DEFENDANT'S MOTION TO SUPPRESS**

This is an appeal from the Magistrate Court of the First Judicial District of the State of Idaho, Kootenai County, Honorable John Cafferty, Magistrate Judge. Appellant, State of Idaho ("State"), is represented by Deputy City Attorney for the Coeur d'Alene Prosecuting Attorney's Office Matthew Simmons. Respondent Quinn Jarrett Sanders ("Sanders") is represented by John Redal.

This appeal concerns two issues raised by the State: (1) whether the "Court erred in allowing Respondent's Motion to Suppress to be heard, and the subsequent granting of said motion, despite it violating the plain reading of Idaho Criminal Rule 12" (Appellant's Br. on Appeal. 2, ¶ I), and (2) whether the "Court erred when it failed to interpret Idaho Code 49-807(2) in a Hierarchical Fashion thereby concluding that an exception to the statute negated reasonable suspicion." *Id.* at ¶ II. This Court on

appeal summarizes the State's two issues as: 1) a lack of notice by Sanders in violation of I.C.R. 12, and 2) the trial court's failure to interpret I.C. § 49-807(2) in a hierarchical fashion. For the following reasons, the trial court's granting of the defendant's Motion to Suppress is affirmed.

I. STATEMENT OF FACTS

On April 1, 2023, Sanders was charged with driving under the influence in violation of I.C. 18-8004. On April 6, 2023, Sanders entered a plea of not guilty.

On April 14, 2023, Sanders filed a Motion to Suppress. In that motion, Sanders requested an Order to suppress "any and all evidence gathered against the above-named Defendant including all statements made by the Defendant, the observations made by the officers." Mot. to Suppress 1. Sanders alleged, in full, that:

> The evidence must be suppressed because the stop of the Defendants vehicle was unlawful and without legal justification, therefore in violation of the Constitution of the United States and/or the Constitution of the State of Idaho, and/or the laws of the State of Idaho.
>
> More specifically: The officer did not have legal cause to pull over the defendant.

Id. The Court finds this last sentence to be dispositive of the Stat's appeal on the "notice" issue.

On April 19, 2023, the State filed a Notice of Objection to Defendant's Motion and Request to Vacate Hearing, arguing that the "Motion to Suppress is unsupported by argument or authority, and fails to meet the specificity requirements of I.C.R. 12(c); as a result, any hearing on that motion should be vacated." State's Obj. 1. More specifically, the State argued that:

> Defendant's current Motion is nothing more than a vague, catch-all general placeholder that alleges all possible bases for suppression of all evidence in this case. It provides no factual or legal basis—i.e., argument

> or authority—to support any of its general, catch-all claims and, as a result, it fails to provide the State with any reasonable notice of the actual alleged issues pertaining to this case, as required by Rule 12(c).

Id.

On May 9, 2023, a hearing was held on Sander's Motion to Suppress occurred, and the trial court addressed the State's objection:

> So on the State's objection to the motion to suppress, I have reviewed Rule 12(c). I did review the motion to suppress. I was able to discern the basis; there was no legal cause to pull over the vehicle. So in reviewing the Affidavit in Support of Probable Cause, presumably either he was -- there wasn't a factual basis for the stop sign violation, and I'm guessing Mr. Redal's relying on 49-807.
>
> Again, I'm not the sharpest tool in the shed, I don't purport to be an expert in criminal law, though -- I mean, let me rephrase that because I don't want to cast aspersions on the bench. It is an area that I practice. I am able to glean from the motion what is being sought, so I think it does meet the requirements of 12(c). I am not an absolute scholar on criminal law maybe is a better way to place that. I have a working knowledge, and I think I'm able to proceed with all diligence and fairness with the parties before me based upon my abilities, so with that, State's motion or objection is denied, and we'll move forward with the motion to suppress here today based upon the filings by Mr. Redal that did put the State on notice of the issue to be addressed.

Tr. 6:8-7:6. During the Motion to Suppress hearing, the State called Officer Bradley Noesen, who initiated Sanders' April 1, 2023, traffic stop. Noesen testified that Sanders' vehicle, "stopped in the middle of the crosswalk with the bumper almost at the furthest end." *Id.* at 10:24-25. Noesen further testified that the basis for initiating the traffic stop was for Sanders' failure to stop prior to the stop sign. *Id.* at 12:8. Counsel for Sanders did not cross-examine Noesen.

In closing argument, the State argued that the stop was constitutional. *Id.* at 13:8-9.

> STATE: The officer made a stop based on the fact that the vehicle did not stop at the stop sign. Idaho Code 49-807 says that

they are to stop at a clearly-marked stop line or before entering the crosswalk on the near side of the intersection.

COURT: Or?

STATE: Or at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering it.

The officer testified that he entered into the crosswalk instead of stopping at the line or the sign, and, therefore, this stop was constitutional.

Id. at 13:9-21. Counsel for Sanders argued that the statute was written in the alternative. *Id.* at 14:2-7. At the conclusion of the hearing, the Court announced its decision on the record:

> So based upon Idaho Code Section 49-807, which is in the alternative, stop at a stop line or before entering the crosswalk or at the point nearest the intersection, as Mr. Redal's argument makes clear, they're in the alternative.
>
> The testimony from the officer is that the defendant did stop. He just stopped over the crosswalk and over the cross line, but that still satisfies 49-807(2)(c), at the point nearest the intersecting highway where the driver has a view of approaching traffic of an intersecting highway and before entering it. There was -- he didn't enter the highway. He stopped just over the line. Stopping over the line isn't a violation; therefore, no basis for the stop. I'll grant the motion to suppress.

Id. at 14:13-15:3.

On May 23, 2023, the State filed a Motion for Reconsideration. This Motion argued that "the defendant's Motion to Suppress was not written with enough specificity to put the State on notice as to the issues," and that "Idaho Code 49-807(2) should be interpreted in a hierarchical fashion, and the application of an exception does not negate reasonable suspicion," Mot. to Reconsider 1. The State alleged that:

> Because the State was not sufficiently on notice as to the issues, the State did not know to present testimony as to conditions that may have required an exception to the law when stopping at a stop sign. Reasonable notice of the specific issues and supporting argument and authority would have

> allowed the State (and this Court) to adequately respond to and address the claims at a hearing.

Id. at 3.

The State's Motion for Reconsideration was heard by the trail court on June 29, 2023. The State argued:

> The motion to suppress we still feel did not provide – put the State on sufficient notice. It provided no or very minimal factual or legal basis. There was no argument or authority. Simply claiming it's unconstitutional does not provide the required specificity to put the State on notice as to the issues.
>
> The Court said at the time, "I'm able to glean from the motion what's being sought," but just the word "glean" to me is a little bit meaning you can kind of tell. I was not able to tell, as evidenced by the fact that I did not put on evidence that went into the different levels of stopping, the different – the different needs to stop at different places.

Tr. 17:9-22. Thereafter, the State argued that Idaho Code § 49-807 should be read in a hierarchical fashion:

> I think it's -- it's logical that this would be applied in a hierarchical fashion simply because even when going in through driver's education, they teach you you stop at the line. If you can't see, then you inch forward. If you still can't see, you can go a little further forward. You don't just stop wherever you think you might be able to see. I – I certainly -- I think that is an unsafe way to drive, and actually, if there had been a pedestrian in the crosswalk, it would've actually been very dangerous to just stop in a crosswalk if somebody was there, so in that sense, a hierarchical fashion makes sense, that you should stop at the line. Then if you can't see, inch forward and so on until you're able to tell if it's safe to go or not.

Id. at 18:4-18. The State then cited to *State v. Farrell* to argue that "statutory exemptions to unlawful conduct do not negate reasonable suspicion," (*Id.* at 18:19-20), and finally that, "the officer did have reasonable suspicion for the stop because he did stop in the middle of the sidewalk and he stopped abruptly, so if somebody had been in that sidewalk, it would've been very dangerous." *Id.* at 19:3-7.

Counsel for Sanders argued, among other arguments, that: "The law says you need reasonable, articulable suspicion to pull somebody over. If I allege there's no

reasonable, articulable suspicion and the officer's police report says I pulled him over because he stopped in the crosswalk, what's the basis for my motion? Reasonable, articulable suspicion." *Id.* at 20:2-7.

At the end of the hearing on the State's Motion for Reconsideration, the trial Court announced its decision to deny the Motion on the record:

> So having heard the arguments of the parties, having read the brief in support of the State's motion for reconsideration, the Court does take up the reconsideration based upon the Court's discretion.
>
> First of all, we had the PC affidavit that was available to the Court, as well as to defense counsel and to the State, and the motion to suppress was based upon no valid reason -- I'll quote it. "Evidence must be suppressed because the stop of the defendant's vehicle was unlawful and without legal justification, therefore, in violation of the constitutions of the United States, State of Idaho, and/or the laws of the State of Idaho," so the basis is illegal stop.
>
> If you go through the PC, why'd you stop him? Crosswalk; what he testified to, crosswalk. So I think the motion is fairly clear.
>
> . . . .
>
> I think the State was put on -- no. I find the State was put on adequate notice based upon the motion filed by Mr. Redal and the information contained in the PC affidavit. The basis for the stop was the -- not stopping at the stop line or however the officer stated that. The State clearly has the information from the PC affidavit that says the reason for the stop, and Mr. Redal did put the State on notice. That's my finding. Based on the totality of the probable cause affidavit and the defendant's motion, the State had reasonable notice of what was being challenged: The stop.
>
> Getting to the statute, the statute's clear, and the Court is not willing to accept the State's invitation to rewrite the law to conform with the State's interpretation. While it may be better practice to stop further away, it may be better practice to drive slower than the speed limit, it may be better practice to do a lot of things that aren't required by law or are contrary to the law. That's an issue for the legislature to take up. I'm -- it's not my job or it's not this court's province to take over the duties and the powers of the legislature. They meant what they wrote, and it's assumed that they

> were aware of what the other laws were, noting the difference between the traffic light statute and the stop sign statute.
>
> There is no hierarchy imposed. The driving public has options on which ones to use. The statute makes it an "or," you can choose one of these places. The defendant was in full compliance with the law and, therefore, there was no valid basis for stopping the defendant in this case.
>
> Mistake of the law doesn't work for defendants. Mistake of the law doesn't work for law enforcement either. He can believe the law required something that it didn't, but when the law doesn't require that, that's not a valid basis for the stop, so I will -- having heard the arguments, that is the Court's ruling on the reconsideration. The suppression will stand. . .

Tr. 24:24 – 28:14. The trial court issued an Order Denying the Motion for Reconsideration on July 7, 2023. This Court on appeal notes that th trial court in making its ruling on the State's Motion for Reconsideration, as to the "notice" issue, the trial court did not mention the wording in Sander's Motion to Suppress: "More specifically, the officer did not have level cause to pull over the defendant." Mot. to Suppress 1. The failure of the trial court to mention such does not change the fact that such statement provides "notice" to the State.

On July 7, 2023, the State filed an Appeal in District Court. On August 1, 2023, the Transcript of the Motion to Suppress hearing and Motion for Reconsideration hearing was filed. On September 27, 2023, the State filed it's Brief on Appeal. On October 24, 2023, Sanders filed his Respondent's Brief. On November 15, 2023, the State filed its Reply Brief.

This Court, sitting in its appellate capacity, heard oral argument on January 12, 2024. Thereafter, the Court announced it's ruling on the record affirming the trial court. This Memorandum Decision and Order is to more thoroughly articulate the reasons for such ruling.

II. STANDARD OF REVIEW

"When the district court considers an appeal from a magistrate as an appellate proceeding rather than granting a trial de novo, the district judge acts as an appellate court." *State v. Tucker,* 124 Idaho 621, 622, 862 P.2d 313, 314 (Ct. App. 1993). "The district court must review the case on the record and determine the appeal in the same manner and on the same standards of review as an appeal from the district court to the Supreme Court under the statutes and law of this state, and the Idaho Appellate Rules." I.C.R. 54(f)(1).

In reviewing an order denying a motion to suppress evidence, the court will apply a bifurcated standard of review. *State v. Mullins*, 164 Idaho 493, 496, 432 P.3d 42, 45 (2018). When a decision on a motion to suppress is challenged, the reviewing court will "accept the trial court's findings of fact that are supported by substantial evidence," but "freely review the application of constitutional principles to the facts as found." *State v. Daily*, 164 Idaho 366, 367, 429 P.3d 1242, 1243 (Ct. App. 2018) (citing *State v. Atkinson,* 128 Idaho 559, 561, 916 P.2d 1284, 1286 (Ct. App. 1996)). "Substantial evidence" is "such relevant evidence as a reasonable mind might accept to support a conclusion; it is more than a scintilla, but less than a preponderance." *State v. Watts*, 142 Idaho 230, 234, 127 P.3d 133, 137 (2005) (quoting *Evans v. Hara's, Inc.*, 123 Idaho 473, 478, 849 P.2d 934, 939 (1993).

"At a suppression hearing, the power to assess the credibility of witnesses, resolve factual conflicts, weigh evidence, and draw factual inferences is vested in the trial court." *State v. Porter*, 169 Idaho 455, 457, 497 P.3d 209, 211 (Ct. App. 2021), reh'g denied (Oct. 1, 2021) (citing *State v. Valdez-Molina,* 127 Idaho 102, 106, 897 P.2d 993, 997 (1995)). Generally, "the magistrate's factual findings will be liberally construed

in favor of the judgment, and will not be set aside unless clearly erroneous." *State v. Johnson,* 131 Idaho 808, 809, 964 P.2d 675, 676 (Ct. App. 1998) (citation omitted).

III. ANALYSIS

The State raises two issues on appeal: (1) "[d]id the magistrate err in allowing Respondent's Motion to Suppress to be heard, and the granting of said motion, despite it violating the plain reading of Idaho Criminal Rule 12(c)?" (Appellant's Br. on Appeal 5, ¶¶ I), and (2), "[d]id the magistrate err when it failed to interpret Idaho Code 49-807(2) in a Hierarchical Fashion thereby concluding that an exception to the statute negated reasonable suspicion?" *Id.* at 5, ¶ II. The Court will address these issues in turn.

A. The Trial Court Did Not Err in Allowing the Motion to Suppress be Heard, and Consequently Granting the Same.

The State argues that the "Respondent failed to comply with the basic requirements of I.C.R. 12 and as such the motion should have been denied." Appellant's Br. On Appeal 6, ¶ 1. Idaho Criminal Rule 12(c) provides that: "A motion to suppress evidence must describe the evidence sought to be suppressed and the legal basis for its suppression sufficiently to give the opposing party reasonable notice of the issues." The State's main argument is that the wording of the defendant's Motion to Suppress did not sufficiently describe the evidence sought to be suppressed and the legal basis for its suppression to give it reasonable notice of the issue.

1. Sanders Described the Evidence Sought to Be Suppressed Sufficiently to Give the State Reasonable Notice of the Issue.

Regarding the evidence sought to be suppressed, Sanders' Motion to Suppress sought to suppress, "any and all evidence gathered against the above-named Defendant including all statements made by the Defendant, the observations made by

the officers." Mot. to Suppress 1. While the generality of this statement may not always be sufficient, in this matter it put the State on reasonable notice of the issue.

Sanders next argued that the stop of his vehicle was unlawful and without legal justification, and thus seeks to exclude all evidence gathered. This put the State on sufficient notice to show that the entirety of the stop, starting prior to the traffic stop, was being sought to be suppressed. Besides walking through every piece of evidence gathered, and all observations made, Sanders could not have better described the evidence it sought to suppress.

2. Sanders Described the Legal Basis for its Suppression Motion Sufficiently to Give the State Reasonable Notice of the Issue.

Regarding the legal basis for the stop, Sander's Motion to Suppress states that, "the stop of the Defendants vehicle was unlawful and without legal justification, therefore in violation of the Constitution of the United States and/or the Constitution of the State of Idaho, and/or the laws of the State of Idaho," and that "the officer did not have legal cause to pull over the defendant." Mot. to Suppress 1.

Though it objected to the defendant's Motion, arguing that it was "unsupported by argument or authority, and fail[ed] to meet the specificity requirements of I.C.R. 12(c),"[1] at the Motion to Suppress hearing, the State put on testimony from Officer Noesen regarding the legal cause under which he pulled the defendant over, and argued that the stop was constitutional. Thereafter, the Court heard argument from both sides regarding the application of Idaho Code § 49-807, the statute on which the officer based the traffic stop.

[1] Notice of Obj. to Def.'s Mot. and Request to Vacate Hearing 1.

The Motion to Suppress gives the legal basis as a lack of legal cause to pull over the defendant, and the stop being unlawful and without legal justification. The State was given reasonable notice of the legal basis, evidenced by, if nothing else, the testimony put on by the State describing why the stop was lawful, and that there was legal justification for such stop.

While it may be best practice for a defendant to include the statute in his Motion to Suppress, it is not required under I.C.R. 12. Instead, a description of the legal basis is required, which here was that "the officer did not have legal cause to pull over the defendant." While the defendant did not put the statute in his Motion to Suppress, the trial court found that the notice given was reasonable as it was able to ascertain the statute based on the Motion. This Court agrees. Sanders provided the State with sufficient "notice" under I.C.R. 12. The trial court's decision on the "notice" is affirmed.

B. The Trial Court Did Not Err in Declining to Interpret Idaho Code § 49-807(2) in a Hierarchical Fashion.

The State argues that "[t]he Court erred when it failed to interpret Idaho Code 49-807(2) in a hierarchical fashion, and as a consequence rule that an exception to the statute negated law enforcement's reasonable suspicion for a traffic stop." Appellant's Br. on Appeal 11, ¶ II. The State argues that, "the court here should apply Idaho Code §49-807(2) in a hierarchical fashion due to common sense safety issues and the fact that any other interpretation would eviscerate the intent behind the statute." *Id.* at 15. In support of this argument, the State provides in part that:

> This issue of how to interpret the Idaho Code §49-807(2) was addressed by the Idaho Court of Appeals when the State argued that the statute should be read in a hierarchical fashion. *State v. Young*, 144 Idaho 646, 649, 167 P.3d 783 (Ct. App. 2006). In that case, the Court of Appeals declined to take a hierarchical approach to how (a), (b), and (c) were to be

> applied. However, the decision regarding the application of Idaho Code §49-807(2) was dicta and not binding authority because the law that was ultimately determined to be applicable to the facts of the case was the Boise Municipal Ordinance which specifically addressed stopping when there is no crosswalk. *Id.*

Appellant's Br. On Appeal 12.

The State's argument that the discussion of Idaho Code §49-807(2) by the *Young* Court is dicta is unavailing. A statement by an appellate court is considered to be dictum, and thus not controlling, if the statement is not necessary to decide the issue presented. *State v. Garcia*, 170 Idaho 708, 714, 516 P.3d 578, 584 (2022); *State v. Hawkins*, 155 Idaho 69, 74, 305 P.3d 513, 518 (2013). In *Young*, however, a discussion of both Idaho Code § 49-807(2) and Boise Municipal Code § 10-90-04 was necessary to decide the issue presented, as the State specifically alleged that there was probable cause to detain Young because "I.C. § 49–807(2) and B.M.C. § 10–09–04 can be interpreted as requiring drivers to stop at the stop line." 144 Idaho at 648–49, 167 P.3d at 785–86.

While the Idaho Court of Appeal in *Young* ultimately decided the case pursuant to a Boise Municipal Ordinance, it did so only after it discussed and declined to follow the exact argument that the State is attempting to make here:

> The state contends there was probable cause to detain [the Defendant] because I.C. § 49–807(2) and B.M.C. § 10–09–04 can be interpreted as requiring drivers to stop at the stop line. This Court exercises free review over the application and construction of statutes. *State v. Reyes,* 139 Idaho 502, 505, 80 P.3d 1103, 1106 (Ct.App.2003). . . . Where the language of a statute is plain and unambiguous, this Court must give effect to the statute as written, without engaging in statutory construction. *State v. Rhode,* 133 Idaho 459, 462, 988 P.2d 685, 688 (1999); *State v. Burnight,* 132 Idaho 654, 659, 978 P.2d 214, 219 (1999); *State v. Escobar,* 134 Idaho 387, 389, 3 P.3d 65, 67 (Ct.App.2000). The language of the statute is to be given its plain, obvious, and rational meaning. *Burnight,*

132 Idaho at 659, 978 P.2d at 219. Unless the result is palpably absurd, this Court assumes that the legislature meant what is clearly stated in the statute. *Rhode,* 133 Idaho at 462, 988 P.2d at 688.

Idaho Code § 49–807(2) provides in part:

> (2) Except when directed to proceed by a peace officer or traffic-control signal, every driver of a vehicle approaching a stop sign shall stop:
>
> (a) at a clearly marked stop line, or
>
> (b) before entering the crosswalk on the near side of the intersection, or
>
> (c) at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering it.

The state argues that I.C. § 49–807(2) must be read in hierarchical fashion. In essence, the state urges this Court to rewrite the statute as follows:

> ... every driver of a vehicle approaching a stop sign shall stop:
>
> (a) at a clearly marked stop line, or, ***if there is no stop line***
>
> (b) before entering the crosswalk on the near side of the intersection, or, ***if there is no crosswalk***
>
> (c) at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering it.

We decline the invitation to usurp the legislative branch by supplying the allegedly intended words. Since the statute's language is plain, we cannot ignore it. If a vehicle is stopped at *any* of the locations mentioned in I.C. § 49–807(2), no violation occurs. The compliance-oriented language of § I.C. 49–807(2) plainly allows various options for motorists depending upon the circumstances.

State v. Young, 144 Idaho 646, 648–49, 167 P.3d 783, 785–86 (Ct. App. 2006) (emphasis of underlining added; emphasis of bold and italics in original). After such analysis of Idaho Code § 49–807(2), the Court of Appeals in *Young* then discussed Boise Municipal Code § 10–09–04. 144 Idaho at 650, 167 P.3d at 787. The Court of Appeals concluded that the defendant, "in going beyond the stop line, did not violate I.C. § 49–807(2) because the statute allows motorists various options for compliance in

coming to a stop at an intersection." *Id.* at 650, 167 P.3d at 787. Thus, this Court finds that the discussion in *Young* regarding Idaho Code § 49-807(2) is not dicta because it was necessary to decide the issue presented.

To the extent that the State is asking this Court on appeal to ignore binding case law and reverse the trial court's decision on this issue, this Court declines. To the extent that the State is asking this Court to reverse the trial court's decision on this issue and ignore the statute's plain language, and the specific wording used by the legislature, this Court declines.

After arguing that the on-point case law in *Young* is not binding and should not be followed, the State then argues that the holding in another case, *State v. Farrell*, 165 Idaho 839, 843 (Ct. App. 2019), should instead control here. Appellants Br. on Appeal 13. The State argues:

> The Idaho Court of Appeals made it clear that statutory exceptions to unlawful conduct do not negate reasonable suspicion. *State v. Farrell*, 165 Idaho 839, 843 (Ct. App. 2019). In *Farrell*, the defendant filed a motion to suppress evidence obtained from a traffic stop that was based on the officer's belief that the window tint of defendant's vehicle was darker than permitted by I.C. § 49-944(1). *Id.* at 840. The defendant provided documentation during the hearing to show that the window tint was installed on the vehicle by the manufacturer, meaning that it fell within an exception to the window tint requirements provided for under subsection (5). *Id.* at 841.
>
> However, the trial court denied his motion to suppress, reasoning that the statutory exception provided for under Idaho Code § 49-944(5) certainly prevented a conviction for that traffic offense, but it did nothing to negate the officer's reasonable and articulable suspicion to stop the vehicle based upon his observation that the back window tint appeared darker than allowed under the statute. *Id.* On appeal, the Court upheld the denial of the motion to suppress on the same basis, noting that "*the fact that there is an exception in a statute making otherwise unlawful conduct acceptable does not itself dispel an officer's reasonable suspicion.*" *Id.* at 843 (emphasis added). The Court concluded that, regardless of the application of the exception, the officer had reasonable

> suspicion based on his observations to perform a traffic stop and investigate the possible traffic violation further. *Id.*

Appellant's Br. on Appeal 12-13. (emphasis in original). It is noted here that the State only gets to the discussion of *Farrell*, and the subsequent analysis of that case, because it argues that a hierarchical application of § 49-807(2) should control. However, because both this Court and the trial court refuse to ignore the plain reading of Idaho Code § 49-807(2), such analysis is moot. This is important to keep in mind regarding the State's next argument:

> Instead of addressing the above arguments, the Magistrate court merely stated, "Getting to the statute, the statute's clear, and the Court is not willing to accept the State's invitation to rewrite the law to conform with the State's interpretation." *Motion to Reconsider page 27, line 12.* The Court specifically stated, "There is no hierarchy imposed. The public has options on which ones to use. The statute makes it an "or," you can choose one of these places." *Motion to reconsider page 28, lines 1 – 3.* Appellant was not inviting the Court to "rewrite the law" but at minimum apply existing case law and statutory interpretation to the case at hand and lay that process on the record. That did not happen.
>
> Rather than acknowledge the statements in *Young* and *Farrell* as argued by Appellant and properly address them, the Court merely made conclusory statements without distinguishing them from the instant case. The Court failed to apply established case law with the facts before it. As such, the Magistrate court failed to actually address Appellant's arguments and thereby erred when it erroneously concluded I.C 49-807 should not be interpreted in a hierarchical fashion.

Appellant's Br. on Appeal 14. To the extent that the State is asking this Court to find the trial court's disregard of *Farrell* improper, this Court declines. The trial court properly dismissed the State's argument regarding *Farrell* because the plain language of Idaho Code § 49-807(2) did not require the court to engage in statutory construction, or to look elsewhere for assistance in the interpretation of the statute. The case law in *Young* bound the trial court's decision on the matter.

The trial court's decision to interpret I.C. § 49–807(2) consistent with the plain language of the statute, and not in a hierarchical fashion, is affirmed.

IV. CONCLUSION AND ORDER.

For the foregoing reasons, the trail court's granting of Quinn Sanders' Motion to Suppress is affirmed in all aspects.

IT IS HEREBY ORDERED that the decision of Judge Cafferty to grant defendant/ respondent Sander's Motion to Suppress is AFFIRMED.

Entered this 12th day of January, 2023.

John T. Mitchell, District Judge

Certificate of Service

I certify that on the 12th day of January, 2023, a true copy of the foregoing was mailed postage prepaid or was sent by interoffice mail or facsimile to each of the following:

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City Prosecuting Attorney
Cdaprosnotices@cdaid.org

Judge Cafferty - I.D.

Jeanne Clausen, Deputy Clerk