

## IN THE IOWA DISTRICT COURT FOR WEBSTER COUNTY

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STATE OF IOWA,	OWCR370040
v.	<b>RULING ON MOTION SEEKING TO SUPPRESS EVIDENCE</b>
JAMES MATTHEW BEMRICH,	
Defendant.	

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The Court rules on Defendant's motion seeking to suppress evidence as follows.

Defendant was charged by Trial Information with the crime of Operating While Intoxicated. Following arraignment, Defendant filed a timely motion seeking to suppress evidence. A hearing was held on the motion on December 8, 2025. Defendant appeared for the hearing along with his attorney, Stuart Cochrane. The State was represented at the hearing by Assistant County Attorney Doug Cook. The Court took the matter under advisement.

Although this motion to suppress is like countless others filed in this courtroom, the Court cannot ignore the fact that the Defendant is more well-known than the average citizen who has been stopped by the police in Webster County. The Court makes this note only to take the opportunity to opine that the Defendant should be treated no differently than any other defendant pulled over for Operating While Intoxicated in Webster County. The motto of the Iowa Judicial Branch is "Administering Justice Under the Law Equally to All Persons." That is the sacred duty of our judiciary. The Mayor of Fort Dodge cannot be treated differently than one of his townspeople. He should not be treated more leniently or more harshly based on his station in life. His case must be analyzed as if he were just another citizen driving home on a Wednesday night.

## I. Findings of Fact

The evidence in this matter consists of the testimony of Officer Keaton Schultz, formerly of the Fort Dodge Police Department, and video from his dashboard camera. Sometimes they are consistent with one another and sometimes they are not.

The Court turns first to the testimony of the arresting officer. On September 10, 2025, at approximately 9:00 p.m., Officer Keaton Schultz was in his squad car outside the Webster County Law Enforcement Center in downtown Fort Dodge, Iowa. The officer averred that he was driving north on Seventh Street when he saw a white pickup truck about a block ahead of him. Schultz noticed that the driver failed to use his turn signal before turning right onto First Avenue North. The vehicle then made a wide turn and seemingly crossed the center line. The officer stated that he did not consider the turn a traffic violation, but it did draw his attention. Schultz turned right onto First Avenue North to follow the pickup. He stated that the pickup's left tires came close to being on the center line as the truck approached the next intersection. The pickup turned north on North Ninth Street and Schultz followed. The officer testified that the driver made "too short of a turn" as he turned north and drove on the center line. Schultz watched the pickup from behind for a few blocks and testified that he saw the vehicle drive on or over the center line of the road on multiple occasions.

As the truck approached the intersection with Sixth Avenue North the driver failed to use a turn signal before making the right turn. Sixth Avenue North is a one-way street headed east. Schultz testified that the driver should have turned right into the closer right lane but instead turned wide into the farther, left lane. The officer made the decision at that point to initiate a traffic stop. The stop and subsequent investigation led to the Defendant being charged with Operating While Intoxicated.

The officer testified that he did not pull the vehicle over because of any particular traffic violation but because all of his observations of the vehicle, taken together, gave him the reasonable suspicion that the driver was intoxicated.

Officer Schultz's dashboard video was admitted into evidence, which corroborates the officer's testimony in some respects but not others. The first event that the officer claims first drew his attention to the vehicle is corroborated by the video. No turning signal was illuminated before the driver turned right from South Seventh Street onto First Avenue North. As the truck turns, it seems to do so too widely and appears to cross the center line of First Avenue North.

The next few observations of the officer are not supported by the video. Officer Schultz claimed that the Defendant drove on the center line on First Avenue North, made too short of a turn from First Avenue North left onto North Ninth Street and crossed the center line, and later crossed the center line on North Ninth Street as an oncoming car was approaching. The Court simply does not see that those things happened based on its review of the video.

Officers Schultz's claim that the Defendant crossed the center line further north on North Ninth Street is visible on the video but so is an explanation for that behavior. The video shows cars parked on the right side of the road and the video shows the driver steering towards the center of the road to give adequate clearance to the right.

The officer averred that he made the decision to initiate the traffic stop after witnessing the driver turning right from North Ninth Street onto Sixth Avenue North without using a turn signal. Schultz also faulted the Defendant for turning into the farther, left lane rather than the nearer, right lane. Those events are shown on the video. After getting onto Sixth Avenue North, the Defendant immediately turned left to head towards his home. The Court does not think it was unreasonable or suspicious for the Defendant to turn into the farther, left lane rather than the nearer, right lane given he was going to immediately turn left at the next intersection.

## I. Analysis

In order to justify a traffic stop, the State must show that the investigating officer had either probable cause or reasonable suspicion of a crime before he stopped the Defendant's vehicle. State v. McIver, 858 N.W.2d 699, 702 (Iowa 2015).

During the hearing, the State conceded that the stop was not premised on probable cause to believe that a traffic violation had occurred. The officer averred that he did not consider the Defendant's failure to use his turning signal or "improper" turns to be traffic violations. Instead, the State argued that the stop was proper because the officer had a reasonable suspicion that the driver was intoxicated.

"When a person challenges a stop on the basis that reasonable suspicion did not exist, the State must show by a preponderance of the evidence that the stopping officer had specific and articulable facts, which taken together with rational inferences from those facts, to reasonably believe criminal activity may have occurred." State v. Tague, 676 N.W.2d 197, 204 (Iowa 2004). "Mere suspicion, curiosity, or hunch of criminal activity is not enough." Id. "Whether reasonable suspicion exists for an investigatory stop must be determined in light of the totality of the circumstances confronting the officer, including all information available to the officer at the time the officer makes the decision to stop the vehicle." Id.

In his testimony, Officer Schultz listed approximately 8 observations that led him to believe that the Defendant was intoxicated based on his driving. He noted that the Defendant failed to use his turning signal on two occasions, when he turned from South Seventh Street onto First Avenue North and when he turned from North Ninth Street to Sixth Avenue North. According to the Iowa Code, however, the Defendant was not obligated to use his turn signal on those occasions because no other vehicle was affected by his turns. See Iowa Code §321.314 ("No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving...an appropriate

signal...in the event any other vehicle may be affected by such movement."). Officer Schultz conceded that he did not commit violations by failing to use his turn signal. A failure to use a turn signal, especially when it is not required by the Code, does not amount to suspicious behavior.

The Court does believe that the video shows the Defendant's vehicle making too wide of a right turn onto First Avenue North and it does appear that the left side of his vehicle crossed the center line.

Officer Schultz testified that the Defendant's left tire touched the center line on First Avenue North, that the vehicle made a "short" turn onto North Ninth Street and drove on the center line, and drove on the center line again on North Ninth Street as an oncoming car was approaching. The Court does not see these events on the video.

Further north on North Ninth Street, Officer Schultz claimed the Defendant drove back on the center line as he passed parked vehicles on his right. The Court does see the Defendant's vehicle steer to the left to provide more clearance to the parked vehicles on the right but did not find that action inappropriate.

The last observation of the officer that led him to believe the Defendant was intoxicated was his wide turn from North Ninth Street into the far, left lane of one-way Sixth Avenue North. The evidence showed that the Defendant needed to make an almost immediate left turn off of Sixth Avenue North to get to his home. It was not a traffic violation for him to turn into the left lane and it was reasonable for him to do so because he was going to turn left so quickly.

In sum, the Court only finds one of the eight observations of the arresting officer to be substantiated and suspicious, that being the wide turn from South Seventh Street onto First Avenue North. The others either did not happen or were not inherently suspicious.

This single observation of improper driving did not give rise to a reasonable suspicion that the Defendant was intoxicated. A reasonable person would not have believed a driver was intoxicated based on this one event. State v. Tague, 676 N.W.2d

197 (Iowa 2004) (finding “an isolated incident of briefly crossing an edge line of divided roadway” did not give rise to reasonable suspicion of intoxication or fatigue); State v. Murphy, No. 21-0938, 2022 WL 1100904, at \*3 (Iowa Ct. App. Apr. 13, 2022)(a single act of crossing the fog line did not give rise to reasonable suspicion of intoxication); State v. Troge, No. 08-2029, 2009 WL 3064648, at \*2-3 (Iowa Ct. App. Sept. 17, 2009) (no reasonable suspicion of intoxicated driving when Defendant’s vehicle “moved slowly near the center median once, and moved slowly near the center white line once”).

This case stands in contrast to cases where the appellate courts of our state have held that an officer has reasonable suspicion to conduct an investigatory stop if he observes multiple events that lead him to believe the driver is intoxicated. See State v. Otto, 566 N.W.2d 509, 511 (Iowa 1997) (reasonable suspicion of intoxicated driving existed when Defendant’s vehicle was weaving constantly, veering “left and right at a sharp angle”, and fluctuating in speed); State v. Thompkins, 507 N.W.2d 736, 738-740 (Iowa Ct. App. 1993) (reasonable suspicion of intoxicated driving existed when Defendant weaved within his own lane three to six times); State v. Rohrer, No. 10-0830, 2011 WL 646905, at \*2 (Iowa Ct. App. Feb. 23, 2011) (reasonable suspicion of intoxicated driving existed when officer observed Defendant drive on the center and fog lines “a couple times each” over the course of one or two miles); State v. Fielder, No. 10-0289, 2010 WL 4485898, at \*1-2 (Iowa Ct. App. Nov. 10, 2010) (reasonable suspicion of intoxicated driving existed when officer saw vehicle make “two abrupt movements” from side to side and then drifted onto fog line); State v. Fischels-Wordehoff, No. 05-0762, 2006 WL 782447, at \*3 (Iowa Ct. App. Mar. 29, 2006)(reasonable suspicion of intoxicated driving existed when Defendant was observed “weaving and drifting over a period of about seven minutes”).

The Court watched Officer Schultz’s dashboard camera which depicted the one minute and 47 seconds that formed the basis for his decision to stop the Defendant. The Court saw one instance of improper driving in that entire time. Viewing all of the

evidence presented, the Court does not believe that a reasonable person could have believed the driver to be intoxicated. Therefore, Officer Schultz's seizure of the Defendant's vehicle was improper.

The Court cannot consider the events after the arresting officer initiated the traffic stop by turning on his lights when deciding whether the stop was proper. It cannot consider the fact that the Defendant did not pull over right away or evidence of the Defendant's intoxication discovered in the subsequent investigation. The Court's Fourth Amendment analysis is limited only to the events that preceded the traffic stop.

For the reasons stated above, the Motion to Suppress is GRANTED. No evidence secured after the traffic stop will be admissible at trial.

So ordered, this 12<sup>th</sup> day of December, 2025.

Clerk to send copies to:  
County Attorney, Defense Counsel



## State of Iowa Courts

**Case Number**

OWCR370040

**Type:****Case Title**STATE OF IOWA VS JAMES MATTHEW BEMRICH DC  
OTHER ORDER

So Ordered

Joseph L. Tofilon, District Associate Judge  
Second Judicial District of Iowa

Electronically signed on 2025-12-12 16:03:35