

IN THE SUPREME COURT
STATE OF SOUTH DAKOTA

STATE OF SOUTH DAKOTA

Appellee,

vs.

NATHAN HAWLEY,

Appellant.

No. 31254

APPEAL FROM THE CIRCUIT COURT
OF THE FIFTH JUDICIAL CIRCUIT
BROWN COUNTY, SOUTH DAKOTA

HONORABLE GREGG C. MAGERA
Circuit Court Judge

APPELLANT'S BRIEF

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Notice of Appeal Filed on October 16, 2025

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STATE OF SOUTH DAKOTA

STATE OF SOUTH DAKOTA,

Plaintiff and Appellee,

No. 31254

vs.

NATHAN HAWLEY,

Defendant and Appellant.

PRELIMINARY STATEMENT

All references herein to the Settled Record are referred to as “SR.” The transcript of the Suppression Hearing held on July 29, 2024, is referred to as “SH Tr.” The Joint Stipulation of Facts filed on December 19, 2024, is referred to as “JS.” The transcript of the Court Trial held on December 20, 2024, is referred to as “CT Tr.” The Magistrate Court’s Memorandum Decision on the Motion to Suppress filed on December 5, 2024, is referred to as “MD.” The Circuit Court’s Memorandum Decision on Defendant’s Appeal from Magistrate Court is referred to as “AMD.” The State’s Appellate Brief in Circuit Court is referred to as “State’s AB.” Defendant, Appellant, is referred to as “Hawley.”

JURISDICTIONAL STATEMENT

Hawley appeals from the Circuit Court’s “Order Affirming Magistrate Court Decision” entered on October 1, 2025. SR 210-11. Hawley filed Notice of Appeal to this Court on October 16, 2025. SR 212-213. This Court has jurisdiction over the appeal pursuant to SDCL 23A-32-2 and SDCL 23A-32-9.

STATEMENT OF LEGAL ISSUE

I. WHETHER THE CIRCUIT COURT ERRED IN AFFIRMING THE DENIAL OF HAWLEY’S MOTION TO SUPPRESS?

The Circuit Court erred in affirming the magistrate court’s denial of Hawley’s motion, finding the stop constitutionally permissible.

State v. Tenold, 2019 S.D. 66, 937 N.W.2d 6

State v. Eidahl, 495 N.W.2d 91 (1993)

State v. Wright, 2010 S.D. 91, 791 N.W. 2d 791, 794

Webb v. South Dakota Department of Commerce, 2004 S.D. 63, 680 N.W.2d 661

U.S. Const. Amend. IV and XIV

SDCL 32-26-18.1

SDCL 32-26-22

STATEMENT OF CASE

On February 7, 2024, Hawley was arraigned on an Information, filed the same day, charging two misdemeanor counts of DWI in violation of SDCL 32-23-1(1) and (2). SR 11. On May 29, 2024, Hawley filed a motion to suppress evidence. SR 50. A hearing on the motion to suppress was held on July 29, 2024.

SR 75-105. The Magistrate Court allowed briefings on both sides and issued a Memorandum Decision denying the motion to suppress. SR 122-128. A Joint Stipulation of Facts was entered into by the parties and filed December 19, 2024. SR 129-30. The next day, in a court trial, Hawley was found guilty of count one. SR 151-158. On December 20, 2024, Hawley was sentenced, and Judgment of Conviction was filed December 27, 2024. SR 144.

Hawley filed Notice of Appeal in circuit court on December 23, 2024. SR 173. Both parties filed briefs, and Hawley filed a reply challenging the Magistrate Court's ruling on the motion. SR 108-120, 133-140. On August 26, 2025, the Circuit Court issued a Memorandum Decision finding that "[t]he Magistrate Court did not err finding the stop was constitutionally permissible," and affirmed the Magistrate Court's decision. SR 197-206.

Hawley filed a Notice of Appeal to this Court on October 16, 2025. SR 212-213.

STATEMENT OF FACTS

On January 1, 2024, Hawley was driving the speed limit down a street, and Officer Woehl was approximately a block behind him. SH Tr. 5; JS 1. Hawley came a complete stop, at a stop sign, on the intersection of Eighth Avenue and South Kline Street in Aberdeen. SH Tr. 4-5. He turned his right turn signal on and turned right. *Id.* He was pulled over by Officer Woehl, for a failing to signal for a continuous 100 feet before turning, the Officer relied on

SDCL 32-26-18.1 in conducting the stop. *Id.* at 10; JS 1. Officer Woehl testified that turn signals are always required when turning. *Id.* at 5. The officer was not familiar with SDCL 32-26-22, and he believed that turning without a signal was unlawful under any circumstances. *Id.* at 6-11.

At the time of the stop, it was night and there was no road construction. *Id.* at 8. There is no evidence that other vehicles or pedestrians were present. No evidence was introduced that Officer Woehl's car was affected by the turn; nor was there any evidence introduced that Officer Woehl relied on his car possibly being affected by Hawley's turn. Officer Woehl observed no other indicia of criminality and no other equipment or traffic violations. SH Tr. 7. Officer Woehl specifically testified he had no "other reason to pull over or stop the vehicle" other than the failure to signal for a continuous 100 feet. *Id.* at 7.

After the vehicle was pulled over, Officer Woehl conducted a DUI investigation, arrested Hawley, and Hawley's blood was drawn. JS 1-2.

STANDARD OF REVIEW

This Court reviews the denial of a motion to suppress de novo. *State v. Rosa*, 2022 S.D. 76, ¶ 12, 983 N.W.2d 562, 566. The circuit court's findings of fact are reviewed under the clearly erroneous standard with "no deference to its conclusions of law when applying the de novo standard." *State v. Mousseaux*, 2020 S.D. 35, ¶ 10, 945 N.W.2d 548, 551 (quoting *State v. Condon*, 2007 S.D. 124, ¶ 15, 742 N.W.2d 861, 866).

ARGUMENT

I. THE CIRCUIT COURT ERRED IN AFFIRMING THE DENIAL OF HAWLEY'S MOTION TO SUPPRESS BECAUSE OFFICER WOEHL'S MISTAKE OF LAW WAS NOT OBJECTIVELY REASONABLE

Hawley challenges the stop of his vehicle under the Fourth Amendment's prohibition against unreasonable searches and seizures. When warrantless searches or seizures are conducted, the burden is on the State to show the intrusion was justified. *State v. Wright*, 2010 S.D. 91, ¶ 9, 791 N.W. 2d 791, 794 (citing *State v. Christensen*, 2003 S.D. 64, ¶ 12, 663 N.W.2d 691, 695). "It is...well established that '[a]n officer's observation of a traffic violation, however minor, gives the officer probable cause to stop a vehicle.'" *Id.* (quoting *State v. Akuba*, 2004 S.D. 94 ¶ 16, 686 N.W.2d 406, 414). It is also well established that law enforcement may stop a vehicle for reasonable suspicion that criminal activity is afoot; law enforcement must point to "specific and articulable facts which taken together with rational inferences from those facts, reasonably warrant the intrusion." *Wright*, 2010 S.D. 91, ¶¶ 10-12, 791 N.W.2d at 795 (quoting *Akuba* 2004 S.D. 94, ¶ 15, 686 N.W.2d at 413).

A. Because Officer Woehl's stop was premised on an alleged violation of SDCL 32-26-18.1, the probable cause standard applies.

Here, Officer Woehl stopped Hawley for "failing to activate his turn signal 100 continuous feet before making a turn in violation of SDCL 32-26-18.1." *Id.* at 10; JS 1. In determining whether the probable cause or reasonable suspicion

standard applies to this stop, *State v. Wright* is instructive. 2010 S.D. 91, 791 N.W.2d 791. In *Wright*, the basis for the traffic stop was premised on the Trooper's belief that "he observed a violation of SDCL 32-17-17 and that he therefore had probable cause to stop [the vehicle]." 2010 S.D. 91, ¶ 13, 791 N.W.2d at 795. Because the Trooper's only stated purpose for the stop was based on the alleged traffic violation, this Court determined "[p]robable cause, not reasonable suspicion, was the basis for the stop." And while recognizing that reasonable suspicion can support a stop in some circumstances, the Court determined, that under the facts in *Wright*, "the proper question [was] whether [the Trooper] had probable cause to believe Wright violated SDCL 32-17-7." *Id.*

Like *Wright*, Officer Woehl's testimony established that his only basis for stopping Hawley was his belief that a turn signal violation occurred. SH Tr. 4-5. Accordingly, the proper question in this case is whether Officer Woehl had probable cause to believe Hawley violated SDCL 32-26-18.1, and the Circuit Court erred in finding "Woehl only needed reasonable suspicion that criminal activity was afoot" to justify Hawley's stop. AMD 9.

B. Officer Woehl did not have probable cause to effectuate the stop because he made an unreasonable mistake of law.

Officer Woehl's testimony at the suppression hearing established that he was operating under an erroneous interpretation of South Dakota's turn signal laws. According to Officer Woehl, a driver is *always* required to use turn signals,

and further, a driver must maintain that turn signal for 100 continuous feet before turning. SH Tr. 6-11. As discussed below, Officer Woehl's interpretation of South Dakota's turn signal statutes is not objectively reasonable.

C. Officer Woehl's mistake of law was unreasonable.

"The Fourth Amendment tolerates only *reasonable* mistakes, and those mistakes – whether of fact or law – must be *objectively* reasonable." *Heien v. North Carolina*, 574 U.S. 54, 67 (2014). An officer's "*subjective* good faith is not enough to justify the stop for officers have an obligation to understand the laws that they are entrusted with enforcing, at least to level that is objectively reasonable." *U.S. v Martin*, 411 F.3d 998, 1001 (8th Cir. 2005) (abrogated on other grounds by *Rodriguez v. United States*, 575 U.S. 348, 135 (2015)).

An examination of the relevant factors leads to the conclusion that Officer Woehl's mistake was not objectively reasonable. "[T]he following factors are relevant to determining the reasonableness of an officer's mistake of law: drafting history; prior enforcement; police training; previous judicial interpretations; and, state customs." *Wright*, 2010 S.D. 91, ¶ 16, 791 N.W.2d at 197 (citing *Martin*, 411 F.3d at 1001). An additional factor is whether the statutes are plain and unambiguous versus conflicting and confusing. *See Webb v. South Dakota Department of Commerce*, 2004 S.D. 63, ¶¶ 8-10, 680 N.W.2d 661, 664-5.

Officer Woehl's mistake of law fails the objective reasonableness test for three reasons: 1) the statutes are unambiguous, 2) precedent in *Eidahl* directly contradicts his interpretation, and 3) he was unaware of SDCL 32-26-22.

- 1) *The plain and unambiguous language of SDCL 32-26-22 and SDCL 32-16-18.1 does not require a turn signal be used unless pedestrians or vehicles would be affected by the turn.*

This case involves the language of two statutes: SDCL 32-26-22 and SDCL 32-26-18.1. "We begin our interpretation of a statute with [an analysis of] its plain language and structure." *Long v. State*, 2017 S.D. 78, ¶ 12, 904 N.W.2d 358, 363. "When the language in a statute is clear, certain and unambiguous, there is no reason for construction, and the Court's only function is to declare the meaning of the statute as clearly expressed." *State v. Bettelyoun*, 2022 S.D.14 ¶ 24, 972 N.W.2d 124, 131 (citing *State v. Armstrong*, 2020 S.D. 6, ¶ 6, 939 N.W.2d 9, 13). Statutes must be looked at as a whole and words should be given plain meaning and effect. *Bettelyoun*, ¶ 24, 972 N.W.2d at 131 (citing *Thoman*, 2021 S.D. 10, ¶ 17, 955 N.W.2d at 767).

Here, the statutory language of SDCL 32-26-22 is clear, certain, and unambiguous. SDCL 32-26-22 provides:

**Starting, stopping, or turning - Lookout - When signals required
- Violation as a Misdemeanor.**

The driver of any vehicle upon a highway before **starting, stopping, or turning** from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by

sounding the horn, and whenever the **operation of any other vehicle may be affected by such movement shall give a signal** as required in § 32-26-23 plainly visible to the driver of such other vehicle of the intention to make such movement. A violation of this section is a Class 2 misdemeanor.

(emphasis added). The plain language of SDCL 32-26-22 defines *when* turn signals are required, specifically stating that signals are required when “operation of any other vehicle may be affected by such movement.” If no other vehicles or pedestrians will be affected by the turn, a signal is not required. *State v. Eidahl*, 495 N.W.2d 91, 94 (1993).

SDCL 32-26-18.1, which explains the *way* turn signals must be used, if they are required, provides:

**Turning from wrong lane prohibited--Turn signal required--
Violation as misdemeanor**

No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by §§ 32-26-17 and 32-26-18. A signal of intention to turn right or left **when required** shall be given **continuously during not less than the last one hundred feet traveled** by the vehicle before turning. A violation of this section is a Class 2 misdemeanor.

(emphasis added). The language of SDCL 32-26-18.1 plainly expresses that signals are only required in certain circumstances, and in those circumstances, a vehicle must signal for a continuous 100 feet.

When reading the statutes as a whole and giving the words their plain meaning, turn signals are only required when vehicles could be affected by the turn. And, in those circumstances, turn signals not only must be used, but they must be used continuously for 100 feet prior to the turn. SDCL 32-26-18.1.

These statutes do not conflict, and there is no reason to analyze the canons of statutory construction or examine the legislative history. Reading the statutes the way the State argued, State's AB at 6-7, defies common sense because the "when required" language, appearing in the text of SDCL 32-26-18.1 and the title of SDCL 32-26-22, would be superfluous and have no meaning. Moreover, the State's reading would make the statute overbroad, criminalizing conduct that is not dangerous; there is no safety issue when a driver turns without a signal, if there is no vehicle or pedestrian that may be affected.

Again, *Wright* is instructive – because the statute at issue in *Wright* was plain and unambiguous, this Court found the Trooper's mistake of law objectively unreasonable. *Id.* ¶ 20, 791 N.W.2d 791, 799 (finding SDCL 32-17-7 plain and unambiguous because it "clearly provides that a motorist must dim his headlights when he passes another vehicle but not when he is passed by another vehicle.") In finding the Trooper's mistake of law unreasonable, this Court emphasized that law enforcement's "'subjective good faith is not sufficient to justify a stop.'" *Id.* ¶ 21, 791 N.W.2d at 799.

Similarly, in *U.S. v. Washington*, 455 F.3d 824, 828 (8th Cir. 2006), the court held that the officer's mistake of law was unreasonable because the plain language of the statute was clear. In *Washington*, the officer pulled a vehicle over for having a cracked windshield; the officer believed this violated Nebraska law as "vision obstruction." *Id.* at 825-6. No Nebraska statute prohibited driving with a cracked windshield, and the plain language of the Nebraska "vision obstruction" laws only applied to physical objects that obstruct a driver's view. *Id.* at 826-7. The court held that the officer's mistake of law, namely believing a cracked windshield violated Nebraska law, was objectively unreasonable. *Id.* at 828.

To support its holding, the court in *Washington* relied on the fact that the state presented no "evidence of police manuals or training materials, state case law, legislative history, or any other state custom or practice that would create some objectively reasonable basis for the search." *Id.* at 828. In this case, like in *Washington*, the state did not introduce any evidence, training manuals, or state custom that would suggest Officer Woehl's mistake was reasonable. The *Washington* court correctly pointed out that "in the absence of such evidence, officers cannot act upon misunderstandings of clear statutes or, worse yet, their own notions of what the laws ought to be." *Id.* The court in *Washington* distinguished the case from *Martin* (where the court held the officer's mistake reasonable) because the Nebraska statute was not confusing or counterintuitive.

Like the statute at issue in *Washington*, South Dakota's turn signal statutes are not counterintuitive or confusing. Given the clear and unambiguous language of the turn signal statutes, Officer Woehl's mistake of law, like the Trooper's mistake of law in *Wright*, is objectively unreasonable. Officer Woehl's subjective belief that all turns require signals is not sufficient to justify the stop.

2) Officer Woehl's misunderstanding of the law is in direct conflict with this Court's previous judicial interpretation of the applicable turn signal laws.

An important factor in the analysis of whether the officer's mistake was unreasonable is whether there is prior judicial interpretation of the law. *Tenold*, 2019 S.D. 66, ¶ 21, 937 N.W.2d at 11. Here, a previous judicial interpretation of the relevant statute does exist. In *State v. Eidahl*, this Court held that turn signals are, in fact, not required under certain circumstances. 495 N.W.2d 91, 94 (1993). In *Eidahl*, this Court held that a city ordinance requiring the use of a signals in *all* instances was in "precise conflict" with SDCL 32-26-22 because the statute allows turning without the use of a signal under certain circumstances. *Id.* The Court in *Eidahl* further held that if no other vehicles or pedestrians will be affected by the turn, a signal is not required. *Id.* at 91, 94.

As this Court recognized in *Eidahl*, when reading the statutes as a whole and giving the words their plain meaning, turn signals are only required when vehicles could be affected by the turn. And, in those circumstances, turn signals

not only must be used, but they must be used continuously for 100 feet prior to the turn. SDCL 32-26-18.1.

In consideration of *Eidahl*, Officer Woehl's mistake of law cannot be deemed objectively reasonable. While the State's argument and the Circuit Court's memorandum decision run counter to the holding in *Eidahl*, "[t]he concept of an objectively reasonable mistake of law cannot be so unmoored from actual legal authority." *Washington*, 455 F.3d at 828. at 828.

Hawley also finds support in *State v. Tenold*, where this Court found the officer's mistake of law unreasonable because a previous judicial interpretation should have dispelled the Officer's erroneous interpretation of the statute at issue. 2019 S.D. 66, ¶ 15, 937 N.W.2d 6, 11. In *Tenold*, the officer stopped a vehicle for an alleged violation of SDCL 32-17-8.1, which requires "two or more stop lamps...mounted in the rear...the stop lamp shall display a red light...the stop lamp shall be actuated upon application of the service (foot) brake..." *Id.* ¶ 11, 937 N.W. 2d at 10 (citing SDCL 32-17-8.1). Although the *Tenold* Court found the plain language of the statute was ambiguous and confusing, it recognized that any confusion was dispelled by the previous judicial interpretation of the statute. *Id.* ¶ 15, 937 N.W.2d at 11 (citing *State v. Lerma*, 2016 S.D. 58, ¶ 10, 884 N.W.2d at 751, finding "the Legislature intended the display and actuation requirements to apply only to the two required brake lights.") Because *Lerma*

had already been decided, the Officer in *Tenold* had prior legal authority dispelling his confusion over the statute, making his mistake unreasonable.

Like *Tenold*, this Court has already interpreted the applicable statutes in *Eidahl*, and Officer Woehl, like the officer in *Tenold*, had prior legal authority dispelling his confusion over the turn signal statutes. Officer Woehl “was not free to rely on his own subjective view of how this law should be interpreted.” *Tenold*, ¶ 15, 937 N.W.2d at 11. Because Officer Woehl’s subjective interpretation of the turn signal statutes is in direct conflict with the previous judicial interpretation of the turn signal laws in *Eidahl*, his mistake of law was not objectively reasonable

This Court should reverse the circuit court’s memorandum decision, find Officer Woehl’s mistake of law unreasonable, and remand the case with an Order instructing the Circuit Court to grant Hawley’s motion to suppress.

3) *Officer Woehl was unaware of the existence and language of 32-26-22.*

Another significant factor is that Officer Woehl was unaware of the existence and language of SDCL 32-26-22, and he acknowledged his lack of awareness during his cross-examination at the suppression hearing. SH Tr. 6-11. However, Officer Woehl cannot shield himself from scrutiny by being ignorant of the text and language of the laws. In the words of the United States Supreme Court, “[a]n officer can gain no Fourth Amendment advantage through a sloppy study of the laws that he is duty-bound to enforce.” *Heien v. North Carolina*, 574

U.S. 54, 67 (2014). An objectively reasonable officer should be aware of language in a statute which dictates when turn signals are required.

In *Webb*, another case where the officer's mistake of law was deemed not objectively reasonable, the officer stopped a vehicle for backing down a public street. *Webb*, 2014 S.D. 63, ¶ 2, 680 N.W.2d at 662. The officer was unaware of the language of the ordinance at issue, and he believed it prohibited backing a vehicle on a public street, no matter how necessary the maneuver. *Id.* ¶ 8, 680 N.W.2d at 665. The ordinance, however, allowed backing up on a public street, so long as it could be done with reasonable safety and not interfere with other traffic. *Id.* The *Webb* court identified two specific reasons to conclude the officer's understanding was objectively unreasonable: 1) the officer was unaware of the language of the ordinance, and 2) his understanding of the law was not supported by the plain language of the ordinance. *Id.*

Like the officer in *Webb*, Officer Woehl's mistake was not objectively reasonable. He was unaware of the language or existence of SDCL 32-26-22, and his understanding of the applicable statutes was not supported by their plain language.

D. Officer Woehl did not rely on the "may be affected" language of SDCL 32-26-22 as the basis for the stop.

Despite Officer Woehl's testimony that a driver may not turn without signaling under any circumstances, the Circuit Court reasoned that Officer

Woehl was not mistaken in his interpretation of the law. AMD 9. The Circuit Court further reasoned:

Woehl witnessed Hawley driving in a *residential area* with a vehicle a *block behind* him. Despite the vehicle's distance from Hawley, the vehicle may have been affected by a failure to use a turn signal had this vehicle been *speeding* or otherwise *recklessly driving*. An intersection in a residential area has a high likelihood of having people nearby, whether they be pedestrians or other vehicles. To Woehl's knowledge, there may have been *other people* (other than himself) affected by the failure to use a turn signal.

AMD 7 (emphasis added).

The factual contentions underpinning the Circuit Court's decisions are not supported by the record. Put simply, there was no evidence presented that this was a residential area, that any vehicles other than Woehl's squad car were present, or that any pedestrians were present. Certainly, there was no evidence introduced that the Officer Woehl was speeding or otherwise recklessly driving. Moreover, there was no evidence introduced that Officer Woehl's vehicle was or could have been affected by the turn. The evidence on the record is that it was night, SH Tr. at 8, and Officer Woehl's vehicle was a "block or so behind" Hawley at the time of the turn. *Id.* at 6.

Again, Officer Woehl's only stated reason for stopping Hawley was his alleged violation of SDCL 32-26-18.1. JS 1. No other reasons for the stop were articulated by Officer Woehl. In fact, Officer Woehl testified he was unaware of the language of SDCL 32-26-22. When Officer Woehl was specifically asked,

“[a]re you familiar with SDCL 32-26-22,” he responded “[n]o, sir.” SH Tr. 11. The record simply does not support the contention that Officer Woehl pulled Hawley over because he believed pedestrians or vehicles “may be affected.” SDCL 32-26-22. In other words, at the time of the stop, he was unaware that the statute contained the language “may be affected.” *Id.* Therefore, it could not have formed the basis of his stop, and the Circuit Court’s reliance on the “may be affected” language of SDCL 32-36-22 finds no support in this record.

In addition, the Circuit Court’s reliance on a Wyoming case, *Anderson v. State*, 531 P. 3d 912 (Wyo. 2023), is misplaced. AMD at 5. The language of the Wyoming statute is completely different than the South Dakota statute. Turn signals (for a continuous 100 feet) are required, under *all* circumstances, per the plain language of the Wyoming statute. The Wyoming statute reads:

- (a) **No person shall turn a vehicle** or move right or left upon a roadway unless and until the movement can be made with reasonable safety nor **without giving an appropriate signal** in the manner provided in this section.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last hundred (100) feet traveled by the vehicle before turning.

Anderson, 531 P.3d at 914-15 (emphasis added.)

Section (b) explains that “when required” turn signals must be used for a hundred feet prior to the turn. Section (a) explains that turn signals are always required when turning or moving right or left upon the roadway. See *Id.* at 915. In contrast, SDCL 32-26-22 allows turning without signaling under certain

circumstances. *Eidahl*, 495 N.W.2d at 94. The Wyoming statute clearly does not allow turning without a signal under any circumstance. *Anderson*, 531 P.3d at 915. Turning always requires a signal for 100 continuous feet per the Wyoming statute. *Id.*

In *Anderson*, the officer pulled the vehicle over because it only signaled for twenty feet before turning. *Id.* at 913. There was no mistake of law issue. *Id.* at 915. The court held that the driver violated the plain language of the statute because a turn signal is always required when turning and required to be on for a continuous 100 feet. The Circuit Court's reliance on *Anderson* is misplaced because the Wyoming statute has different requirements. The plain language of the Wyoming statute requires turn signals always be used, while the plain language of SDCL 32-26-22, allows turning without a signal under certain circumstances. *Eidahl*, 495 N.W.2d at 94.

CONCLUSION

The Circuit Court erred in denying Hawley's motion to suppress. For the reasons stated above, authorities cited, and upon the settled record, Hawley respectfully asks this Court to remand the case to the Circuit Court with an Order directing the court to reverse the Order denying Hawley's motion to suppress.

REQUEST FOR ORAL ARGUMENT

The attorney for the Appellant, Nathan Hawley, respectfully requests thirty (30) minutes for oral argument.

Respectfully submitted this 1st day of December, 2025.

/s/ Justine Avtjoglou

Justine Avtjoglou
Minnehaha County Public Defender

ATTORNEY for APPELLANT

CERTIFICATE OF COMPLIANCE

- I. I certify that the Appellant's Brief is within the limitation provided for in SDCL 15-26A-66(b) using Book Antiqua typeface in 12 point type. Appellant's Brief contains 4,270 words.
- II. I certify that the word processing software used to prepare this brief is Microsoft Word 2007.

Dated this 1st day of December, 2025.

/s/ Justine Avtjoglou

Justine Avtjoglou
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the Appellant’s Brief were electronically served upon:

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APPENDIX

Judgment of ConvictionA-1
Memorandum Decision on Defendant’s Appeal from Magistrate CourtB-1

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BROWN)

IN CIRCUIT COURT
FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, Plaintiff,	JUDGMENT OF CONVICTION (COURT TRIAL HEARING) (SDCL 23A-27-4)
VS.	Docket No. 06CRI24-000114
NATHAN BRADLEY HAWLEY, Defendant,	

An Information was filed with this Court on or about January 30, 2024 charging the Defendant with the crime(s) of:

Driving Under Influence-2nd Of (32-23-3)

The Defendant was arraigned on said Information on May 29, 2024. Scott Kuck, defendant's attorney, State of South Dakota, plaintiff, Tuckor Anderson, plaintiff's attorney, appeared at the Defendant's Arraignment Hearing.

The Court advised the Defendant of all constitutional and statutory rights pertaining to the charge(s) that had been filed against the Defendant. The Defendant pled not guilty to the charge(s) in the Information. The Defendant requested a Court Trial Hearing on the charge(s) contained in the Information.

A trial commenced on December 20, 2024, in Brown County, South Dakota on the charge(s). On December 20, 2024 the Court returned a verdict as follows:

Driving Under Influence-2nd Of (32-23-3) - Stipulate To Facts-found Guilty

It is, therefore,

ORDERED that a Judgment of Guilty is entered as to the following charge(s):

Driving Under Influence-2nd Of (32-23-3)

SENTENCE

On December 20, 2024, the Court asked the Defendant if any legal cause existed to show why Judgment should not be pronounced. There being no cause offered, the Court thereupon pronounced the following sentence:

ORDERED that the Defendant, based on the following charge(s):

DRIVING UNDER INFLUENCE-2ND OF 32-23-3 M1 on 01/21/2024.

Sentenced on 12/20/2024 with the following sentence(s):

Incarceration:

Location- Jail
Begins- 12/20/2024
Total Term- 60 Day(s)
Credit for Time Served- 6 Day(s)
Suspended- 54 Day(s)

License:

Type(s)- Drivers License
has been Revoked for 1 Year(s)
effective on 12/20/2024
Driving Permit- No
24/7- No

Conditions: Jail time is suspended based on the following conditions

1. NO VIOLATIONS OF MUNICIPAL, STATE OR FEDERAL LAWS
 2. NO POSSESSION OR CONSUMING OF ALCOHOL OR ENTERING A ESTABLISHMENT WHERE SOLD. RANDOM PBT'S.
Expires: 06/18/2025
 3. CHEMICAL EVALUATION AND FOLLOW RECOMMENDATIONS
Expires: 06/18/2025
 4. PAY FINE, COSTS, AND ANY COURT APPOINTED ATTORNEY FEES THAT MAY BE INCURRED.
- Comments: BAC .197

Fines: \$500.00
Costs: \$164.50
DUI Cost: \$50.00

Dated this _____ day of _____, _____, at Brown County, South Dakota.

By the Court:

12/27/2024 1:27:37 PM



A handwritten signature in black ink, appearing to read "Cullen McNeece".

Judge Cullen McNeece

Attest:

/s/ Rebecca Young, Clerk Magistrate
by: JSAB10201, Clerk Magistrate, Deputy

FILED

AUG 26 2025

STATE OF SOUTH DAKOTA

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
5TH CIRCUIT CLERK OF COURT

IN CIRCUIT COURT

COUNTY OF BROWN

By _____

FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

Plaintiff,

v.

NATHAN BRADLEY HAWLEY,

Defendant.

06CRI24-114

**MEMORANDUM DECISION ON
DEFENDANT'S APPEAL FROM
MAGISTRATE COURT**

Before the Court is Nathan Hawley's (hereinafter referred to as "Hawley") appeal from the Judgment of Conviction against him in Magistrate Court. Hawley contends the Magistrate Court erred in denying his motion to suppress evidence obtained during a traffic stop which Hawley argues that Officer Brady Woehl did not have reasonable suspicion to effectuate a traffic stop. After the denial of the motion to suppress, a court trial was held in Magistrate Court and Hawley was convicted of the charged offenses.¹

BACKGROUND

On January, 21, 2024, Officer Brady Woehl (hereinafter referred to as "Woehl"), an officer with the Aberdeen Police Department, was on duty.² Woehl came into contact with Hawley by conducting a traffic stop.³ Woehl, travelling

¹ Citations to the suppression transcript from July 29, 2024, will be referred to as "HT." Citations to the Magistrate Court's Memorandum Decision will be referred to as "MD." Citations to the Defendant's Appellate Brief to the Circuit Court will be referred to as "DB."

² HT 4:23-24.

³ HT 5:3-5.

westbound approximately one block behind Hawley, observed Hawley approach the intersection of 8th Avenue Southeast and South Kline Street in Aberdeen.⁴ Hawley came to a complete stop at the stop sign before activating his right turn signal.⁵ Hawley turned right onto South Kline Street, and Officer Woehl initiated a traffic stop for failure to activate his turn signal on 100 continuous feet before turning in violation of SDCL § 32-26-18.1.⁶ Woehl did not observe any other violations prior to initiating the stop.⁷ During the stop, Woehl conducted a DUI investigation and subsequently arrested Hawley for driving under the influence.⁸

Hawley moved to suppress the evidence obtained from the traffic stop on the grounds that Woehl did not have reasonable suspicion to effectuate the traffic stop.⁹ The Magistrate Court held an evidentiary hearing on July 29, 2024, and subsequently took the matter under advisement to consider the video evidence and applicable caselaw.¹⁰ On December 5, 2024, the Magistrate Court denied Hawley's motion to suppress.¹¹ A court trial was held on December 20, 2024, and the court found Hawley guilty of Driving Under the Influence – 2nd Offense.¹²

⁴ HT 5:8-9, 5:19-22.

⁵ HT 5:10-11.

⁶ HT 5:11-16.

⁷ HT 5:17-18.

⁸ MD 2.

⁹ MD 1.

¹⁰ MD 1.

¹¹ MD 1.

¹² DB 3.

STANDARD OF REVIEW

The scope of review for an appeal from a magistrate judge to a circuit judge is governed by SDCL § 15-38-38:

When an appeal is taken to the circuit court from a judgment rendered in a magistrate court with a magistrate judge presiding, the circuit may review all matters appearing in the record relevant to the question of whether the judgment appealed from is erroneous; the circuit court may affirm, reverse, remand, or modify the judgment.

Questions of fact are not in dispute; the parties agreed to a stipulation of facts and the parties concede that the stipulation is accurately represented by the Magistrate's Statement of Facts in the memorandum decision.¹³ The sole issue is whether the Magistrate Court erred as a matter of law; thus, the standard of review is de novo.¹⁴

ANALYSIS

The Fourth Amendment protects citizens from "unreasonable searches and seizures."¹⁵ This protection applies to traffic stops, but any minor traffic violation can be sufficient cause to effectuate a traffic stop.¹⁶ A minor violation remains sufficient even if the law enforcement officer had other inarticulable motivations for the stop.¹⁷ The underlying violation, however, must be supported by reasonable suspicion of a violation of law.¹⁸ An officer's

¹³ DB 4.

¹⁴ *State v. Guerra*, 2009 S.D. 74, ¶ 22, 772 N.W.2d 907, 914 (citing *State v. Hirning*, 1999 S.D. 53, ¶ 8, 592 N.W.2d 600, 603).

¹⁵ U.S. Const. amend. IV.

¹⁶ *State v. Chavez*, 2003 S.D. 93, ¶ 15-16, 668 N.W.2d 89, 95.

¹⁷ *Id.* at ¶ 20.

¹⁸ *State v. Hett*, 2013 S.D. 47, ¶ 7, 834 N.W.2d 317, 319.

observation of a traffic violation amounts to reasonable suspicion of a violation of law and therefore is sufficient to effectuate a traffic stop.¹⁹

Reasonable suspicion is judged on an objective standard.²⁰ Simply stated, the question is whether “the facts observable to the law enforcement officer at the time of the stop entitle an officer of reasonable caution to believe the action taken was appropriate.”²¹

In the case of a law enforcement officer misunderstanding or misinterpreting the law at hand, a stop is still considered valid if the officer’s understanding of the law was an objectively reasonable one.²² There are several factors that may be considered when determining the reasonableness of an officer’s mistake of law, including drafting history, prior enforcement, police training, previous judicial interpretations, and state customs.²³ Furthermore, if a statute is “counterintuitive and confusing,” then it is more likely that an officer’s mistaken interpretation of the statute would be deemed objectively reasonable.²⁴ A misunderstanding of an unambiguous statute or an officer’s belief of what the law “ought to be” is not grounds for an objectively reasonable mistake of law.²⁵

¹⁹ *Id.*

²⁰ *State v. Hodges*, 2001 S.D. 93, ¶ 16, 631 N.W.2d 206, 210.

²¹ *Id.*

²² *State v. Wright*, 2010 S.D. 91, ¶ 15, 791 N.W.2d 791, 797.

²³ *Id.* at ¶ 16.

²⁴ See *Id.* at ¶ 16, 19.

²⁵ *Id.* at ¶ 17 (citing *United States v. Washington*, 455 F.3d 824, 828 (8th Cir. 2006)).

I. South Dakota Turn Signal Laws

Woehl stopped Hawley for violating SDCL § 32-26-18.1, which, in relevant part, states that “[a] signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.”²⁶ The parties disagree on how the phrase “when required” should be interpreted. Hawley argues that SDCL § 32-26-22, which defines when signals are required for starting, stopping, or turning a vehicle, excludes a driver from using a turn signal when no other vehicle would be “affected” by the turn.²⁷ Furthermore, the very inclusion of “when required” indicates that there must be instances where a driver turns their vehicle and they are not required to use their turn signal.

The State, on the other hand, argues that SDCL § 32-26-22.1 clearly states instances when a turn signal must be used, including when a driver intends to turn the vehicle.²⁸ Hawley rebuts that SDCL § 32-26-22.1 merely lists what are proper and improper uses of a turn signal, as the statute notes that purposes such as indicating turns and lane switches are proper while using the signal as a way to signify to other drivers to pass them is an improper use.

²⁶ SDCL § 32-26-18.1.

²⁷ SDCL § 32-26-22 (stating that “[t]he driver of any vehicle upon a highway before . . . turning from a direct line shall first see that such movement can be made in safety . . . and whenever the operation of any other vehicle may be affected by such movement shall give a signal . . . plainly visible to the driver of such other vehicle of the intention to make such movement.”)

²⁸ SDCL § 32-26-22.1 (stating that “[t]he [turn] signal . . . shall be used to indicate an intention to turn”).

When interpreting potentially conflicting statutes, “there is a presumption that the Legislature intended the two to coexist and that it ‘did not intend an absurd or unreasonable result’” and, if possible, the statutes should be construed to make them “harmonious and workable.”²⁹ Also, “[n]o wordage should be found to be surplus. No provision can be left without meaning. If possible, effect should be given to every part and every word.”³⁰

The present statutes can be interpreted harmoniously. SDCL § 32-26-18.1 itself states that a turn signal should be used at least 100 feet prior to turning. Hawley rightfully argues that the addition of “when required” means that there must be instances where a turn signal is not required. Importantly, however, no statute defines circumstances where pedestrians or other drivers “may be affected” by a vehicle turning. Furthermore, the Legislature’s use of the word “may” should be considered, as it implies that a signal is required if there is any chance whatsoever that somebody else will be affected by the turning vehicle. The Legislature could have opted to use a word like “will” or “shall” if it intended for a signal to be required only when there was certainty that another person would be affected by the turn. The turn-signal statute would then not apply when there are no other pedestrians or vehicles around such as a rural area where a driver can clearly see the presence or lack thereof of any potentially affected person. The Legislature likely sought to require

²⁹ *State v. Bettelyoun*, 2022 S.D. 14, ¶ 29, 972 N.W.2d 124, 133 (quoting *In re Guardianship & Conservatorship for T.H.M.*, 2002 S.D. 13, ¶ 7, 640 N.W.2d 68, 71); *Bettelyoun*, 2022 SD 14 at ¶ 29 (citing *Lewis & Clark Rural Water Sys., Inc. v. Seeba*, 2006 S.D. 7, ¶ 64, 709 N.W.2d 824, 841).

³⁰ *Peterson, ex rel. Peterson v. Burns*, 2001 S.D. 126, ¶ 32, 635 N.W.2d 556, 568 (quoting *Maynard v. Heeren*, 1997 S.D. 60, ¶ 14, 563 N.W.2d 830, 835).

drivers to use their turn signals not only when the driver *knew* that somebody would be affected by a turning vehicle but also whenever there was a possibility that somebody would be affected to ensure greater road safety.

In the present case, it is clear through this harmonious interpretation that SDCL § 32-26-18.1 was violated and that Woehl, in witnessing this violation, had reasonable suspicion to effectuate a traffic stop. Woehl witnessed Hawley driving in a residential area with a vehicle a block behind him. Despite this vehicle's distance from Hawley, the vehicle may have been affected by a failure to use a turn signal had this vehicle been speeding or otherwise recklessly driving. An intersection in a residential area has a high likelihood of having people nearby, whether they be pedestrians or other vehicles. To Woehl's knowledge, there may have been other people (other than himself) affected by the failure to use a turn signal.

SDCL § 32-26-18.1 clearly mandates two conditions before a turn can be executed at an intersection. First, the vehicle must be in proper position upon the roadway as required by other statutes.³¹ Second, the driver must signal their intention to turn right or left for at least the last one hundred feet traveled before turning.³²

Other states have interpreted their similar turn signal statutes similarly to this in upholding stops based on this violation. The Wyoming Supreme

³¹ SDCL § 32-26-18.1.

³² *Id.*

Court considered this issue in *Anderson v. State* in 2023.³³ Wyoming's turn signal statute states in relevant part:

- (a) No person shall turn a vehicle or move right or left upon a roadway unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided by this section.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.³⁴

The *Anderson* Court likewise recognized the two-element test as recognized here and by the Magistrate Court in its memorandum decision.³⁵ While neither the Wyoming Supreme Court nor the Magistrate Court's decisions are binding on this court, these courts' interpretations of their respective statutes should be given some weight in determining that this is the plainest, clearest interpretation of the statute. This also shows that, even if this court had found SDCL § 32-26-18.1 to be ambiguous, Woehl's interpretation of the statute would have been objectively reasonable considering learned minds have read the statutes to contemplate Hawley's use of his turn signal as in violation of the statute.

II. Reasonable Suspicion Needed to Effectuate Traffic Stop

Hawley's argument that Woehl needed to have probable cause, not reasonable suspicion, to effectuate the traffic stop should also be addressed. Law enforcement must have "specific and articulable suspicion of a violation"

³³ *Anderson v. State*, 531 P.3d 912 (Wyo. 2023).

³⁴ *Id.* at 914-15.

³⁵ See *Id.* at 915; MD 4.

to permissibly effectuate a traffic stop.³⁶ Law enforcement does not need a warrant to stop a vehicle if there is “reasonable suspicion . . . that criminal activity may be afoot.”³⁷ To determine whether an officer had reasonable suspicion to make the investigatory stop, we must consider the totality of the circumstances.³⁸ However, it is well established that “[a]n officer’s observation of a traffic violation, however minor, gives the officer probable cause to stop a vehicle[.]”³⁹

Here, Woehl observed what he rightfully believed to be a violation of the turn-signal statute. Woehl only needed reasonable suspicion that criminal activity was afoot, and he observed an event which gave him reasonable suspicion that a violation occurred. Even if the proper standard *was* that Woehl needed probable cause, that burden was met when he observed the turn-signal violation. Hawley’s argument that probable cause did not exist relies on his assertion that Woehl was mistaken in his interpretation of the law, but this is not the case, and this argument is therefore moot. Because Woehl personally observed the violation, he had proper reason to effectuate the stop whether that standard be reasonable suspicion or probable cause.

CONCLUSION

Officer Woehl had reasonable suspicion to stop Hawley. Hawley, in violation of SDCL § 32-26-18.1, failed to activate his turn signal for at least 100

³⁶ *State v. Ballard*, 2000 S.D. 134, ¶ 11, 617 N.W.2d 837, 841.

³⁷ *State v. Rademaker*, 2012 S.D. 28, ¶ 9, 813 N.W.2d 174, 176 (citing *State v. Wright*, 2010 S.D. 91, ¶ 10, 791 N.W.2d 791, 794).

³⁸ *State v. Burkett*, 2014 S.D. 38, ¶ 45, 849 N.W.2d 624, 635-36.

³⁹ *State v. Akuba*, 2004 S.D. 94, ¶ 16, 686 N.W.2d 406, 414.

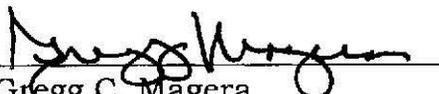
continuous feet travelled before turning in a circumstance where he was required to do so. While one may argue that it is superfluous to require a driver to use their turn signal in some circumstances mandated by the statute, that is an issue for the Legislature, not for the courts. The Magistrate Court did not err in finding that the stop was constitutionally permissible and is therefore **AFFIRMED.**

Dated this 26th day of August, 2025.

Attest:
Rathert, Carissa
Clerk/Deputy



BY THE COURT:


Gregg C. Magera
Presiding Circuit Court Judge

IN THE SUPREME COURT
STATE OF SOUTH DAKOTA

No. 31254

STATE OF SOUTH DAKOTA,

Plaintiff and Appellee,

v.

NATHAN BRADLEY HAWLEY,

Defendant and Appellant.

APPEAL FROM THE CIRCUIT COURT
FIFTH JUDICIAL CIRCUIT
BROWN COUNTY, SOUTH DAKOTA

THE HONORABLE GREGG C. MAGERA
Circuit Court Judge

APPELLEE'S BRIEF

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AND APPELLEE

Notice of Appeal filed October 16, 2025

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IN THE SUPREME COURT
STATE OF SOUTH DAKOTA

No. 31254

STATE OF SOUTH DAKOTA,

Plaintiff and Appellee,

v.

NATHAN BRADLEY HAWLEY,

Defendant and Appellant.

PRELIMINARY STATEMENT

Throughout this brief, Plaintiff/Appellee, State of South Dakota, is referred to as “State.” Defendant/Appellant, Nathan Bradley Hawley, is referred to as “Defendant.” The settled record in the underlying case is denoted as “SR” and Defendant’s Brief is denoted as “DB.” All references to documents will be followed by the appropriate page number(s).

JURISDICTIONAL STATEMENT

On December 27, 2024, the Honorable Cullen McNeece, Magistrate Court Judge, Fifth Judicial Circuit, entered a Judgment of Conviction in *State of South Dakota v. Nathan Bradley Hawley*, Brown County Criminal File Number 06CR124-000114. SR:144-45. An Amended Judgment of Conviction was filed on June 30, 2025. SR:171-72. Defendant filed a Notice of Appeal from Magistrate Court on December 23, 2024, and six months later filed an Amended Notice of Appeal. SR:142, 173.

The Honorable Gregg C. Magera, Circuit Court Judge, Fifth Judicial Circuit, entered an Order Affirming Magistrate Court Decision on October 1, 2025. SR:208. Defendant filed his Notice of Appeal to this Court on October 16, 2025. SR:212-13. This Court has appellate jurisdiction under SDCL 23A-32-2 and SDCL 23A-32-9.

STATEMENT OF LEGAL ISSUE AND AUTHORITIES

I.

WHETHER THE CIRCUIT COURT ERRED IN AFFIRMING THE MAGISTRATE COURT'S DENIAL OF DEFENDANT'S MOTION TO SUPPRESS?

The magistrate court found that Officer Woehl had reasonable suspicion to stop Defendant's vehicle. The circuit court affirmed.

State v. Hett, 2013 S.D. 47, 834 N.W.2d 317

State v. Rosa, 2022 S.D. 76, 983 N.W.2d 562

State v. Wright, 2010 S.D. 91, 791 N.W.2d 791

State v. Tenold, 2019 S.D. 66, 937 N.W.2d 6

SDCL 32-26-18.1

SDCL 32-26-22

SDCL 32-26-22.1

STATEMENT OF THE CASE AND FACTS

On January 30, 2024, in Brown County Criminal File Number 06CR124-000114, the State's Attorney filed both a Complaint and Information charging Defendant with Count 1: Driving While Under the Influence of an Alcoholic Beverage, contrary to SDCL 32-23-1(1), a Class

1 misdemeanor; and Count 2: Driving While Under the Influence of an Alcoholic Beverage, Marijuana, or a Controlled Drug or Substance not Obtained Pursuant to a Valid Prescription, contrary to SDCL 32-23-1(2), a Class 1 misdemeanor. SR:1-4. A Part II Information was also filed alleging Defendant was Driving Under the Influence, Second Offense. SR:5-6. Defendant entered the 24/7 Sobriety Program and violated the requirements. SR:11-21.

Defendant filed a pre-trial Motion to Suppress Evidence, claiming that “[l]aw enforcement lacked any reasonable suspicion or probable cause to stop Defendant’s vehicle. . . .” SR:50-51. The Honorable Cullen McNeece, Magistrate Court Judge, Fifth Judicial Circuit, held an evidentiary hearing on July 29, 2024. SR:75-99. The State called one witness, Patrol Officer Brady Woehl of the Aberdeen Police Department. SR:77-78. Officer Woehl stated that he served the police department “a little over 6 years” when he made contact with Defendant. SR:78-79. Officer Woehl explained that he was “behind [Defendant]. . . . within the block” when he saw a Lincoln Town Car approach the intersection of “8th Avenue Southeast, South Kline Street” in Aberdeen, South Dakota. SR:79-80. The Town Car then stopped at the intersection, “turned his right turn signal on” and made a right turn. *Id.* Officer Woehl testified that a driving violation occurred because a driver must “use [his/her] turn signal 100 continuous feet prior to making a turn.” SR:79. Officer Woehl stated that he witnessed Defendant’s violation of having not

turned his “right turn signal on” 100 feet prior to his stop at the stop sign. SR:79-80.

On cross-examination, defense counsel asked Officer Woehl hypothetical questions. SR: 82-88. Defense counsel also asked if it would be a traffic violation to turn if the turn signal was not activated 100 feet before stopping at a stop sign. SR:82-83. Officer Woehl affirmed that it would be a violation and pointed out that “I can’t change what the law says, sir.” SR:83.

At the end of the motion hearing, the magistrate court provided a briefing schedule. SR:95-96. Defendant filed his brief in support of his motion to suppress evidence. SR:108-14. The State then submitted its brief in response to the motion. SR:115-20.

On December 5, 2024, the magistrate court filed its Memorandum Decision denying Defendant’s motion to suppress. SR:122-28. The magistrate court found that Officer Woehl’s traffic stop of Defendant “was not the product of some prohibited purpose.” SR:124. The stop was based on what the officer believed violated SDCL 32-26-18.1, the “turn-signal statute.” SR:124. The magistrate court determined that the facts applied to the statute “leads to a single, inescapable conclusion: the stop had an objective basis.” SR:125. Finally, the magistrate court held that SDCL 32-26-18.1 is not in conflict SDCL 32-26-22. SR:126-27.

On December 19, 2024, both the State and Defendant entered a Joint Stipulation of Facts. SR:129. The stipulation stated:

1. That the said Nathan Bradley Hawley, named in the information is one and the same person as the Nathan Bradley Hawley stipulating the facts contained herein.
2. On January 21, 2024, Brady Woehl, an officer with the Aberdeen Police Department, was on duty.
3. Officer Woehl met Hawley after conducting a traffic stop.
4. Officer Woehl was traveling westbound about one block behind Hawley's vehicle.
5. Officer Woehl observed Hawley approach the intersection of 8th Avenue Southeast and South Kline Street.
6. Hawley came to a complete stop at the stop sign before activating his right turn signal.
7. After Hawley turned right, Officer Woehl, pulled over the vehicle for failing to activate his turn signal 100 continuous feet before making a turn in violation of SDCL 32-26-18.1, otherwise known as the turn-signal statute.
8. Officer Woehl did not observe any other traffic or equipment violations. After the vehicle was pulled over, a DUI investigation was conducted that led to Hawley's arrest.
9. All of these events occurred in Brown County, South Dakota.
10. A sample of Defendant Hawley's blood was drawn, pursuant to a search warrant that night, the blood alcohol concentration was later determined to be at a .197%, as shown in the chemical analysis results of Defendant Hawley's blood, attached hereto as Exhibit 1.

SR:129-30.

The court trial took place in magistrate court on December 20, 2024. SR:151. Both the State and Defendant acknowledged admission of the joint stipulation and the lab report for Defendant's blood test. SR:152. Neither side presented additional evidence but provided brief closing arguments. SR:153-55. Defense counsel reiterated that he does

not believe the statute, SDCL 32-26-18.1, “requires a person to use their turn signal. . . .” before coming to a stop. SR:154. In contrast, the State argued Officer Woehl properly stopped Defendant for violating the turn signal statute. SR:154.

The magistrate court ruled Defendant was “guilty beyond a reasonable doubt of driving under the influence in count one.” SR:155. Defendant then entered an admission to the Part II Information and waived any delay for sentencing. SR:155. The magistrate court sentenced Defendant to a \$500 fine and 60 days in jail with credit for time served and suspension of remaining time. SR:156. The court explained that the sentence took into consideration Defendant’s six, 24/7 violations. *Id.*

A Judgment of Conviction was filed on December 27, 2024. SR:144-45. Defendant filed a Notice of Appeal from Magistrate Court on December 23, 2024.¹ SR:142. The magistrate court filed an Amended Judgment of Conviction on June 30, 2025. SR:171-72. On the same day, Defendant filed an Amended Notice of Appeal from Magistrate Court. SR:173.

On January 9, 2025, circuit court Judge Gregg C. Magera entered an Order for the transcripts of the magistrate court trial. SR:150. The

¹ The record shows that Defendant filed his Notice of Appeal from Magistrate Court, after the court rendered its verdict from the bench, three days prior to the magistrate court filing its Judgment of Conviction.

State filed its brief on June 18, 2025.² SR:159-70. Defendant filed his Appellant's Brief to the circuit court on June 30, 2025, and its Reply Brief on August 8, 2025. SR:174-92, 193-96.

On August 26, 2025, the circuit court filed a Memorandum Decision on Defendant's Appeal from magistrate court. SR:197. The court reasoned that:

In the present case, it is clear through this harmonious interpretation that SDCL § 32-26-18.1 was violated and that [Officer] Woehl, in witnessing this violation, had reasonable suspicion to effectuate a traffic stop. [Officer] Woehl witnessed Hawley driving in a residential area with a vehicle a block behind him. Despite this vehicle's distance from Hawley, the vehicle may have been affected by a failure to use a turn signal had this vehicle been speeding or otherwise recklessly driving.

SR:203.

The court noted that SDCL 32-26-18.1 requires two conditions prior to a turn being made at an intersection: 1) the vehicle positioned on the road as set forth in other statutes, and 2) the driver must show "their intention to turn right or left for at least the last one hundred feet traveled before turning". SR:203. The court further noted,

[E]ven if this court had found SDCL § 32-26-18.1 to be ambiguous, [Officer] Woehl's interpretation of the statute would have been objectively reasonable considering learned minds have read the statutes to contemplate Hawley's use of his turn signal as in violation of the statute.

SR:204.

² The State filed its brief before both Defendant's brief and Defendant's reply brief.

The circuit court held that Officer Woehl did not misinterpret the statute and “rightfully” believed that Defendant committed a violation of the turn signal statute. SR:205. The court held that the officer only needed “reasonable suspicion that criminal activity was afoot” for the violation that Officer Woehl observed. *Id.* The court further held that if probable cause was the standard, the Officer’s observation of the traffic violation met the standard. *Id.*

The circuit court filed its Order Affirming Magistrate Court Decision on October 1, 2025 and its Notice of Entry of Order, the next day. SR:210-11. Defendant filed his Notice of Appeal on October 16, 2025. SR:212.

ARGUMENT

I.

THE CIRCUIT COURT DID NOT ERR IN AFFIRMING THE MAGISTRATE COURT’S DENIAL OF DEFENDANT’S MOTION TO SUPPRESS.

A. *Introduction.*

Defendant questions the lawfulness of being stopped by Officer Woehl for not having activated his turn signal for at least 100 feet prior to making a right turn under SDCL 32-26-18.1. DB:6-8.

SDCL 32-26-18.1 states,

No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by §§ 32-26-17 and 32-26-18. *A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle*

before turning. A violation of this section is a Class 2 misdemeanor.

SDCL 32-26-18.1 (emphasis added).

As the circuit court pointed out, this case comes down to Defendant's challenge of the language "when required." SR:201. He claims SDCL 32-26-22 controls, limiting the use of a turn signal only to instances when a pedestrian or another driver would be affected by the turn. SDCL 32-26-22 says,

The driver of any vehicle upon a highway before starting, stopping, or turning from a direct line shall first see that such movement can be made in safety and *if any pedestrian may be affected* by such movement shall give a clearly audible signal by sounding the horn, and *whenever the operation of any other vehicle may be affected* by such movement shall give a signal as required in § 32-26-23 plainly visible to the driver of such other vehicle of the intention to make such movement. A violation of this section is a Class 2 misdemeanor.

SDCL 32-26-22 (emphasis added).

The State argued below that SDCL 32-26-22.1 more broadly defines, in relevant part, that "[t]he signal provided in § 32-26-23 *shall be used to indicate an intention to turn, change lanes, or stop. . .*"

Yet Defendant repeatedly argued, and raises again here, that the stop was "a mistake of law" by Officer Woehl because SDCL 32-26-22 defines narrow instances when a turn signal is required. Defendant concludes that the alleged "mistake of law" resulted in the Officer lacking probable cause to stop Defendant—and that probable cause, not reasonable suspicion, was required here. DB:6-7.

Nevertheless, the circuit court properly found that all three statutes can be read harmoniously and that “it is clear through this harmonious interpretation that SDCL 32-26-18.1 was violated and that Woehl, in witnessing this violation, had reasonable suspicion to effectuate a traffic stop.” SR:203. The court held that Officer’s Woehl’s understanding of SDCL 32-26-18.1 was “objectively reasonable.” SR:204. The circuit court also affirmed the magistrate court’s finding that Officer Woehl had reasonable suspicion to stop Defendant after watching Defendant violate SDCL 32-26-18.1—and that reasonable suspicion was enough. SR:200-06; see also *State v. Hett*, 2013 S.D. 47, ¶ 7, 834 N.W.2d 317, 319. The circuit court’s decision was sound, aligns with this Court’s precedent, and should be affirmed.

B. *Standard of Review.*

This Court reviews de novo the denial of a motion to suppress involving alleged violations of a constitutionally protected right. *State v. Rosa*, 2022 S.D. 76, ¶ 12, 983 N.W.2d 562, 566. Generally, “. . . determinations of reasonable suspicion and probable cause should be reviewed de novo on appeal.” *Id.* (quoting *State v. Wilson*, 2004 S.D. 33, ¶ 8, 678 N.W.2d 176, 180).

Findings of fact are reviewed for clear error. *Id.* ¶ 13, 983 N.W.2d at 566 (citing *State v. Kleven*, 2016 S.D. 80, ¶ 7, 887 N.W.2d 740, 742). “A finding is clearly erroneous only if, after reviewing the evidence in its entirety, [this Court is] left with a definite and firm conviction that a

mistake was made.” *State v. Bowers*, 2018 S.D. 50, ¶ 9, 915 N.W.2d 161, 164 (quoting *State v. Ballard*, 2000 S.D. 134, ¶ 9, 617 N.W.2d 837, 840). Once the facts have been determined,³ application of the facts to the law is subject to de novo review. *Rosa*, 2022 S.D. 76, ¶ 13, 983 N.W.2d at 566 (citing *Kleven*, 2016 S.D. 80, ¶ 7, 887 N.W.2d at 742).

This Court also applies a de novo standard when reviewing statutory interpretation. *State v. Bettelyoun*, 2022 S.D. 14, ¶ 16, 972 N.W.2d 124, 129.

C. *Reasonable Suspicion is the Correct Threshold and Officer Woehl’s Traffic Stop of Defendant Was Supported by Reasonable Suspicion.*

“The Fourth Amendment to the United States Constitution and Article VI, section 11, of the South Dakota Constitution guarantee a person’s right to be free from unreasonable searches and seizures.” *State v. Grassrope*, 2022 S.D. 10, ¶ 8, 970 N.W.2d 558, 561. These constitutional guarantees are not violated when a law enforcement officer conducts a temporary seizure of a vehicle by means of an investigatory stop so long as the officer has reasonable suspicion to stop the vehicle. *Rosa*, 2022 S.D. 76, ¶ 15, 983 N.W.2d at 567 (citing *State v. Short Bull*, 2019 S.D. 28, ¶ 12, 928 N.W.2d 473, 476).

Reasonable suspicion to conduct a stop arises when “a law enforcement officer has ‘a particularized and objective basis for suspecting the particular person stopped of criminal activity.’” *Id.*

³ State and Defendant entered a Joint Stipulation of Facts. SR:129.

(quoting *State v. Stanage*, 2017 S.D. 12, ¶ 7, 893 N.W.2d 522, 525). Reasonable suspicion must be “based on specific and articulable facts which taken together with rational inferences from those facts, reasonably warrant the intrusion.” *Bowers*, 2018 S.D. 50, ¶ 10, 915 N.W.2d at 164. An officer is permitted “to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them that might well elude an untrained person.” *Rosa*, 2022 S.D. 76, ¶ 16, 983 N.W.2d at 567 (quoting *State v. Herren*, 2010 S.D. 101, ¶ 7, 792 N.W.2d 551, 554). This Court looks at all the facts available based on the “totality of the circumstances of each case to see whether the detaining officer [had] a particularized and objective basis for suspecting legal wrongdoing.” *Bowers*, 2018 S.D. 50, ¶ 11, 915 N.W.2d at 164 (quoting *State v. Olson*, 2016 S.D. 25, ¶ 5, 877 N.W.2d 593, 595).

A law enforcement officer does not need to obtain a warrant to make a vehicle stop if there is reasonable suspicion that criminal activity may be afoot. *Id.* ¶ 10, 915 N.W.2d at 164 (citations omitted); *Hett*, 2013 S.D. 47, ¶¶ 15-20, 834 N.W.2d at 323-24. When a warrantless stop is made, “[i]t is the State’s burden to articulate facts sufficient to support reasonable suspicion.” *Illinois v. Wardlow*, 528 U.S. 119, 140 (1999) (Stevens, J., dissenting, in part). The State meets the standard when “a traffic violation, however minor, creates sufficient cause to stop the driver

of a vehicle.” *State v. Akuba*, 2004 S.D. 94, ¶ 15, 686 N.W.2d 406, 413 (citations omitted).

Despite this well-established authority, Defendant argues that Officer Woehl’s witnessing the traffic violation requires “probable cause, not reasonable suspicion” as the basis for the stop. DB:6. Defendant cites *State v. Wright* where this Court said, “[a]n officer’s observation of a traffic violation, however minor, gives the officer probable cause to stop a vehicle[.]” *State v. Wright*, 2010 S.D. 91, ¶ 12, 791 N.W.2d 791, 795 (citing *State v. Akuba*, 2004 S.D. 94, ¶ 15, 686 N.W.2d at 413).

Defendant’s claim that the circuit court erred in finding reasonable suspicion is wrong and based on his overly narrow analysis of *Wright*. Three years after *Wright*, this Court explained that reasonable suspicion, as the burden with the lesser threshold, is the appropriate burden despite courts having used both interchangeably in the past. In *State v. Hett*, this Court explained that,

. . . the Second, Sixth, *Eighth*, Ninth, Tenth and Eleventh Circuits have all ‘. . . to require only that the police have ‘reasonable suspicion’ to believe that a traffic law has been broken.’ . . . the Eighth Circuit appears to refer interchangeably to *both* reasonable suspicion and probable cause for traffic stops, even when the stop is based upon a traffic violation. *See United States v. Hastings*, 685 F.3d 724, 727 (8th Cir. 2012) (stating, “‘a traffic stop is reasonable if it is supported by either probable cause or an articulable and reasonable suspicion that a traffic violation has occurred.’”)

Hett, 2013 S.D. 47, ¶ 7 n.3, 834 N.W.2d at 320 n.3. Put simply, if either burden applies, and probable cause requires a weightier showing, it naturally follows that reasonable suspicion suffices.

In Defendant's case, the circuit court correctly held that reasonable suspicion is the objective standard of whether "the facts observable to the law enforcement officer at the time of the stop, entitle an officer of reasonable caution to believe the action taken was appropriate." SR:200; *State v. Hodges*, 2001 S.D. 93, ¶ 16, 631 N.W.2d 206, 211. A review of the Joint Stipulation of Facts five through seven state:

5. Officer Woehl observed Hawley approach the intersection of 8th Avenue Southeast and South Kline Street.
6. Hawley came to a complete stop at the stop sign before activating his right turn signal.
7. After Hawley turned right, Officer Woehl, pulled over the vehicle for failing to activate his turn signal 100 continuous feet before making a turn in violation of SDCL 32-26-18.1, otherwise known as the turn-signal statute.

SR:129.

The circuit court held that: "[Officer] Woehl observed what he rightfully believed to be a violation of the turn-signal statute. [Officer] Woehl only needed reasonable suspicion that criminal activity was afoot, and he observed an event which gave him reasonable suspicion that a violation occurred." SR:205. The circuit court also found that even if the standard were probable cause, not reasonable suspicion, that burden was met by the Officer observing the turn signal violation. *Id.* The

magistrate court's and circuit court's determinations were in line with this Court's precedent and should be affirmed.

D. *Defendant violated SDCL 32-26-18.1 by Failing to Use His Turn Signal 100 Feet Before Turning When Another Vehicle Was Affected.*

Defendant argues SDCL 32-26-18.1 was not violated because he was not required to use his turn signal 100 feet before turning. The circuit court interpreted SDCL 32-26-18.1, SDCL 32-26-22, and SDCL 32-26-22.1 by using this Court's long-standing rules of statutory interpretation. The circuit court correctly determined a traffic violation took place.

The objective this Court has in statutory interpretation is to start with the "language itself." *State v. Bryant*, 2020 S.D. 49, ¶ 20, 948 N.W.2d 333, 338. In doing so, this Court "give[s] words their plain meaning and effect, and read[s] statutes as a whole." *Id.*; *State v. Thoman*, 2021 S.D. 10, ¶ 17, 955 N.W.2d 759, 767. Penal statute interpretation must result in "the fair import of their terms, with a view to effect their objects and promote justice." SDCL 22-1-1. If after a review of SDCL 32-26-18.1, this Court finds the language "clear, certain and unambiguous . . . the Court's only function is to declare the meaning of the statute as clearly expressed." *State v. Armstrong*, 2020 S.D. 6, ¶ 16, 939 N.W.2d 9, 13; *see also State v. Long Soldier*, 2023 S.D. 37, ¶ 11, 994 N.W.2d 212, 217.

At the magistrate court level, Defendant claimed that once he stopped at the stop sign, he was “no longer ‘traveling’ once [he] came to a complete and legal stop at the stop sign.” SR:112. Thus, he argued, SDCL 32-26-22⁴ controlled, not SDCL 32-26-18.1. This is no longer the main thrust of Defendant’s argument. At the circuit court level, Defendant shifted his focus to the definition of the phrase “when required” in SDCL 32-26-18.1. As such, the State provided the circuit court with SDCL 32-26-22.1.⁵ That statute sets forth occasions when the turn signal is to be used, including when “a driver intends to turn the vehicle.” SR:201.

Yet, as the circuit court found, all three statutes can be read harmoniously, whereas Defendant’s argument is exceedingly narrow and

⁴ Stating in relevant part that “[t]he driver of any vehicle upon a highway before . . . turning from a direct line shall first see that such movement can be made in safety . . . and whenever the operation of any other vehicle may be affected by such movement shall give a signal . . . plainly visible to the driver of such other vehicle of the intention to make such movement.” SDCL 32-26-22.

⁵ SDCL 32-26-22.1 states, in full,

No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in § 32-26-23 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. The signal provided in § 32-26-23 shall be used to indicate an intention to turn, change lanes, or stop and shall not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear. A violation of this section is a Class 2 misdemeanor.

SDCL 32-26-22.1.

does not seek harmony. SR:201-02. SDCL 32-26-18.1 clearly states that a driver is to provide a signal for at least the “last one hundred feet traveled by the vehicle before turning.” *Id.*; *see also State v. Armstrong*, 2020 S.D. 6, ¶ 16, 939 N.W.2d at 13. Defendant did not use his turn signal at least 100 feet before he turned in this particular area, so this was a traffic offense warranting a stop. The circuit court acknowledges the language, “when required” suggests there are instances when a turn signal is not required. SR:202. It then noted, when reading all the turn signal statutes harmoniously, “[t]he turn signal statute would then not apply when there are *no other pedestrians or vehicles around* such as a rural area where a driver can clearly see the presence or lack thereof of any potentially affected person.” SR:202 (emphasis added). But the statutes also clearly require drivers to use their turn signals when there is a possibility that another person or vehicle could be affected by the driver’s movement—“not only when the driver *knew* that somebody would be affected . . .” SR:202 (emphasis original).

Even if this Court agrees with Defendant’s interpretation, that a turn signal is required only in instances when a driver *knows* that a pedestrian or other vehicle could be affected, Officer Woehl himself, who was within a block behind Defendant, was a vehicle within a reasonable distance of Defendant who was “affected.” SR:79-80. As for pedestrians, the circuit court properly observed that the intersection is in a residential

area.⁶ It is entirely possible that pedestrians or other cars may have been affected, solely because of the nature of the area Defendant was driving in.

When SDCL 32-26-18.1 is interpreted, giving words their plain meaning and effect, and the statutes read as a whole, Officer Woehl had reasonable suspicion to make the stop having watched the violation take place. *State v. Thoman*, 2021 S.D. 10, ¶ 17, 955 N.W.2d at 767.

E. *Officer Woehl Did Not Make a Mistake of Law.*

For the reasons explained in his brief and above, Defendant claims that a mistake of law was made here, and that “Officer Woehl’s mistake of law . . . is objectively unreasonable.” DB:12. But as the lower courts properly held, no mistake of law was made, and the stop was reasonable.

If an officer misunderstands or misinterprets the law, a stop is still valid if the officer’s understanding of the law was a reasonable one. *State v. Tenold*, 2019 S.D. 66, ¶ 14, 937 N.W.2d 6, 10-11. There are situations when an officer’s understanding of the law is unreasonable. For example, when an officer makes an unreasonable legal conclusion that a traffic violation occurred, that mistake of law “would not be sufficient to establish probable cause to stop the vehicle.” *Wright*, 2010 S.D. 91,

⁶ Joint Stipulation of Facts #5 mentions “the intersection of 8th Avenue Southeast and South Kline Street” in Aberdeen, SD. SR:129. Defendant’s brief complains that the circuit court identifies the corner as being in “a residential area.” DB:16. Yet SDCL 19-19-201 states that a court can take judicial notice, on its own, of “a fact that is not subject to reasonable dispute because it: (1) Is generally known within the trial court’s territorial jurisdiction.” *Id.*

¶ 15, 791 N.W.2d at 797 (quoting *United States v. Sanders*, 196 F.3d 910, 913 n.3 (1999)). This Court affirmed that “[t]he Fourth Amendment tolerates only *reasonable* mistakes, and those mistakes—whether of fact or law—must be *objectively* reasonable.” *Tenold*, 2019 S.D. 66, ¶ 14, 937 N.W.2d at 10-11 (quoting *Heien v. North Carolina*, 574 U.S. 54, 66 (2014)).

If this Court finds Officer Woehl made a mistake of law, it looks at five factors: “drafting history; prior enforcement; police training; previous judicial interpretations; and, state customs.” *Wright*, 2010 S.D. 91, ¶ 16, 791 N.W.2d at 797 (citing *United States v. Martin*, 411 F.3d 998, 1001-03 (2005)). If a statute is “counterintuitive and confusing” the mistake of law can be found objectively reasonable. *Id.* ¶¶ 16, 19, 791 N.W.2d at 797-98. If an officer’s understanding of the law is unreasonable, or the officer has his own belief of what the law should be, that is not objectively reasonable. *Wright*, 2010 S.D. 91, ¶ 17, 791 N.W.2d at 798. But if the officer’s mistake of law was objectively reasonable, he has the “suspicion necessary to render the traffic stop reasonable under the Fourth Amendment.” *State v. Lerma*, 2016 S.D. 58, ¶ 11, 884 N.W.2d 749, 753.

In Defendant’s magistrate court brief, he argued that Officer Woehl’s mistake of law was believing Defendant violated SDCL 32-26-18.1. SR:112. Defendant argued that the statute was not violated because he was stopped at the intersection. SR:112. Defendant claimed

that once he came to a *stop* at the intersection, before making his turn, “[h]is vehicle was no longer traveling” and “[i]t is SDCL 32-26-22 that controlled the factual scenario, not SDCL 32-26-18.1. . . .” SR:112. Defendant concluded his magistrate brief claiming Officer Woehl’s “mistake of law . . . was not, in any fashion, objectively reasonable . . . [and] lacked probable cause to stop [Defendant]” SR:113.

Under this version of Defendant’s narrow interpretation, he could travel from one side of a city to the other, stop at several corners and execute a turn, yet never be required to use his turning signal at least “one hundred feet traveled by the vehicle before turning.” SDCL 32-26-18.1. Defendant’s reasoning means that a very brief stop at an intersection, before turning, requires no turn signal, thus rendering SDCL 32-26-18.1 irrelevant.

In Defendant’s magistrate reply brief, and all subsequent briefs, he makes a shift in his “mistake of law” theory. He does not rely on his stop at the intersection nullifying SDCL 32-26-18.1. Defendant’s revised theory asserts that SDCL 32-26-22 controls SDCL 32-26-18.1 because,

The plain language of SDCL 32-26-22 defines when turn signals are required, specifically stating that signals are required when ‘operation of any other vehicle *may* be affected by such movement.’ If no other vehicles or pedestrians will be affected by the turn, a signal is not required. . . . SDCL 32-26-18.1, which explains the way turn signals must be used, if they are required.

DB:9 (emphasis added).

Thus Defendant now claims Officer Woehl’s “mistake of law” was “objectively unreasonable” because his “misunderstanding of the law is in direct conflict with this Court’s previous judicial interpretation of the applicable turn signal laws.” DB:12. Defendant cites *State v. Eidahl*, 495 N.W.2d 91 (S.D. 1993), where Eidahl was stopped for a violation of a Huron municipal ordinance making it mandatory for a driver to provide a signal prior to all turns. *State v. Eidahl*, 495 N.W.2d at 93 (S.D. 1993). This Court held that the city of Huron was not permitted to create driving statutes in conflict with State statutes, per SDCL 32-14-3.⁷ This Court stated:

Both the Huron Ordinance and SDCL 32-26-22 pertain to use of turn signals. By making it unlawful to turn without using a signal in *all* instances, the ordinance conflicts directly with the statute which has no such limitation but allows turning without use of a signal under certain circumstances (i.e., when the operation of another vehicle will not be affected by the turn).

State v. Eidahl, 495 N.W.2d at 94 (S.D. 1993).

Defendant claims Officer Woehl’s should have known from *State v. Eidahl* that the law did not require a turn signal “in all instances.” *Id.* Defendant then points out that because this Court has interpreted the

⁷ SDCL 32-14-3: “Local authorities, except as expressly authorized by chapter 32-25 and § 32-29-2, may not alter any speed limitations declared in chapter 32-25 or enact or enforce any ordinance, charter provision, or bylaw duplicating the provisions of chapter 32-23 or enact or enforce any rule or regulation contrary to the provisions of chapters 32-14 to 32-19, inclusive, or 32-22 and 32-24 to 32-34, inclusive, except as provided by §§ 32-14-4 and 32-14-5.”

“applicable statutes,” Officer Woehl had “prior legal authority dispelling his confusion over the turn signal statutes.” DB:14. Defendant then cites *State v. Tenold*, 2019 S.D. 66, ¶ 15, 937 N.W.2d at 11, claiming Officer Woehl’s “mistake of law [is] unreasonable because a previous judicial interpretation should have dispelled the Officer’s erroneous interpretation of the statute at issue.” DB:13.

Defendant’s focus misses the mark. First, there is no stricter municipal ordinance at play here. Officer Woehl followed the state turn signal statutes and interpreted them correctly.

Second, this Court need not get to the five *Wright* factors. *Wright*, 2010 S.D. 91, ¶ 16, 791 N.W.2d at 797. Even if it does, the State recognizes these statutes and this Court’s prior authority on the turn signal statutes have been established for decades and Officer Woehl had six years of policing experience.

Third, as stated above, Officer Woehl was clearly near Defendant and was affected by his failure to signal his turn, as the officer was within a block of Defendant’s vehicle and the vehicles were in a residential area.

Fourth, as stated, the circuit court acknowledged instances when a turn signal may not be required, such as in remote rural areas when there is clearly no other driver or pedestrian around. SR:202. This does not invalidate Officer Woehl’s interpretation of the law requiring

Defendant to use his turn signal when his patrol car was within a block and they were in a residential area.

The circuit court summarized this case best when it held “it is clear through this harmonious interpretation that SDCL 32-26-18.1 was violated and that [Officer] Woehl, in witnessing this violation, had reasonable suspicion to effectuate a traffic stop. [Officer] Woehl witnessed [Defendant] driving in a residential area with a vehicle a block behind him. Despite this vehicle’s distance from Hawley, the vehicle may have been affected by a failure to use a turn signal” SR:203. The court held that Officer Woehl did not misinterpret the statute and “rightfully” believed that Defendant committed a violation of the turn signal statute. SR:205. It cannot be found that Officer Woehl acted on a “mistake of law” that was “objectively unreasonable.” *Heien*, 574 U.S. at 66; *Tenold*, 2019 S.D. 66, ¶ 14, 937 N.W.2d at 10-11. Defendant failed to use his turn signal 100 feet before his turn when another vehicle was clearly affected (Officer Woehl’s), and others likely could have been, given the nature of the residential area.

CONCLUSION

Based on the foregoing arguments and authorities, the State respectfully requests that the circuit court's order affirming the magistrate court's order be affirmed, in all respects.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. I certify that the Appellee’s Brief is within the limitation provided for in SDCL 15-26A-66(b) using Bookman Old Style typeface in 12-point type. Appellee’s Brief contains 5,367 words.

2. I certify that the word processing software used to prepare this brief is Microsoft Word 2016.

Dated this 14th day of January, 2026.

/s/ John M. Strohman
John M. Strohman
Assistant Attorney General

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of January, 2026, a true and correct copy of Appellee’s Brief in the matter of *State of South Dakota v Nathan Bradley Hawley*, was served electronically through Odyssey File and Serve on Justine Avtjoglou at justine@criminal-lawyer.me

/s/ John M. Strohman
John M. Strohman
Assistant Attorney General

IN THE SUPREME COURT
STATE OF SOUTH DAKOTA

STATE OF SOUTH DAKOTA

Appellee,

vs.

NATHAN HAWLEY,

Appellant.

No. 31254

APPEAL FROM THE CIRCUIT COURT
OF THE FIFTH JUDICIAL CIRCUIT
BROWN COUNTY, SOUTH DAKOTA

HONORABLE GREGG C. MAGERA
Circuit Court Judge

APPELLANT'S REPLY BRIEF

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Notice of Appeal Filed on October 16, 2025

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IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

STATE OF SOUTH DAKOTA,

Plaintiff and Appellee,

No. 31254

vs.

NATHAN HAWLEY,

Defendant and Appellant.

PRELIMINARY STATEMENT

To avoid repetitive arguments, Appellant, Nathan Hawley, confined this response to “new matters” raised in the Appellee’s brief. SDCL 15-26A-62. Any issue raised in Hawley’s initial brief, but not mentioned herein, is not intended to be waived.

The brief of the Plaintiff and Appellee, the State of South Dakota, is referred to as “SB.” The transcript of the Suppression Hearing held on July 29, 2024, is referred to as “SH Tr.” All citations will be followed by the appropriate page number. Hawley relies on the Jurisdictional Statement, Statement of the Case, Statement of Facts, and Statement of Legal Issues presented in his initial brief.

ARGUMENT

I. THE CIRCUIT COURT ERRED IN AFFIRMING THE DENIAL OF HAWLEY'S MOTION TO SUPPRESS BECAUSE OFFICER WOEHL'S MISTAKE OF LAW WAS NOT OBJECTIVELY REASONABLE.

A. Officer Woehl's vehicle was not, and could not have been, affected by Hawley's failure to signal for 100 continuous feet.

The State claims that Woehl's vehicle was affected by Hawley's failure to signal 100 feet before (stopping and) turning. SB 22. More specifically, the State argues "Officer Woehl was clearly near the Defendant and *was affected by the turn[,]*" and the "[d]efendant failed to use his turn signal before the turn when *another vehicle was clearly affected (Officer Woehl's)*, and others likely could have been given the nature of the residential area." *Id.* at 22, 23 (emphasis added). But the contention that Officer Woehl's vehicle *was* affected by Hawley's failure to signal 100 feet prior to turning, is factually incorrect and wholly unsupported by the evidence. Simply put, Officer Woehl's vehicle was not affected.

The State did not include a citation to the record when making these factual assertions, presumably because there is nothing in the record that supports them. No evidence was introduced, at any point, that Officer Woehl's vehicle was affected by Hawley's failure to signal for a continuous 100 feet. Officer Woehl never testified that his vehicle was or could have been affected. No evidence was introduced to establish that any vehicles, other than Officer Woehl's, were present at or near the intersection. Even a rational inference that any vehicle was or could have been affected is not supported by this record.

Neither the State nor the circuit court offered any hypothetical way that the officer's vehicle *could* have been affected. And the reason for that is obvious: there is no conceivable way that Officer Woehl's vehicle could have been affected when travelling "a block or so" behind Hawley at night. SH Tr. 6.

Officer Woehl, the only witness, testified that he believed the law *always* required a driver to signal for 100 continuous feet prior to turning. SH Tr. 11. He testified that the *only* reason he pulled Hawley over was his failure to signal for 100 continuous feet. *Id.* at 7. Woehl further testified that he was completely unaware of SDCL 32-26-22 or its qualifying language (a signal is required whenever another vehicle or pedestrian "may be affected"). *Id.* at 11. Officer Woehl did not make the stop because his vehicle was or could have been affected - instead, the stop was premised on a fundamental misunderstanding of the applicable turn signal statutes.

Following the State's rationale to its necessary conclusion, Hawley should have also sounded his horn in case "any pedestrian may be affected." SDCL 32-26-22. Hawley was not only required to signal his turn using his blinker, but he was also required to "give a clearly audible signal by sounding the horn" of his vehicle. *Id.* After all, the State argued that the mere fact that a vehicle is in a residential area requires a driver always use a signal. Certainly, honking the horn of a vehicle for the sole purpose of alerting a yet to be identified or non-existent pedestrian to a start, stop or turn, would be logically absurd. But the State's brief contends that because "Officer Woehl ... was within a block of the defendant,"

his vehicle was within a reasonable distance of Hawley and was therefore “affected” by Hawley’s turn. AB 17. But again, the same logic can be applied to a pedestrian: had Hawley noticed a pedestrian a block behind him, would he have been required to sound his horn because the pedestrian may be affected? Of course not. Yet, this logic underpins the State’s brief. In the State’s words, “[i]t is entirely possible that pedestrians or other cars may have been affected, **solely because of the nature of the area** Defendant was driving in.” SB 18 (bold emphasis added).

The State’s interpretation of the law vitiates the plain language of the statute and mandates that a driver *always* use a signal and sound a horn when turning in a residential neighborhood. This interpretation is unreasonable, contrary to the language of the statutes, and unsupported by case law. SDCL 32-26-18.1 clearly reads a signal must be used only “when required,” and SDCL 32-26-22 explains that signals are only required when any vehicle or pedestrian “may be affected.” *Id.*

B. Due process requires a court to indicate that they are taking judicial notice of a fact.

Moreover, contrary to the State’s assertion, the circuit court did not take judicial notice that it was a residential area. SB 18, n.1 (citing SDCL 19-19-201). While a court may take judicial notice sua sponte, at any stage of the proceeding, SDCL 19-19-201(d), due process requires that the court at least indicate in some manner that it is judicially noticing a fact. The State argued that the circuit court

judicially noticed the fact that Hawley was driving in a residential neighborhood. SB 18, n.1 At no point did the circuit court indicate that it was taking judicial notice that Hawley was driving in a residential area. The circuit court was acting as the appellate court when it issued an opinion using the words “residential area.” The circuit court never mentioned judicial notice or SDCL 19-19-201, and the magistrate court never used the words “residential area.” The circuit court’s opinion was issued almost a year after the hearing on the motion to suppress.

SDCL 19-19-201(e) allows a party to make a request and challenge a fact judicially noticed. The statute reads as follows:

“Opportunity to be heard. On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.”
Id.

If there is no indication that the court is taking judicial notice of a fact, then a party would not be on notice and would not know if it occurred to timely challenge it. Had the circuit court indicated it was taking judicial notice, the defense could have challenged it and moved to reopen the evidentiary hearing to allow an inquiry into relevant facts. If allowed to reopen based on new evidence (i.e. the court judicially noticing that it was a residential neighborhood after the conclusion of the evidentiary hearing), perhaps the defense could have affirmatively established that no other cars or pedestrians were present. Perhaps, the defense could have established that it was very dark and foggy, and visibility was low. Perhaps, Officer Woehl could have testified that this

residential area rarely has vehicles or pedestrians present. A defense attorney makes tactical decisions to ask or not ask certain questions based on the evidence on the record, especially when the State bears the entire burden of proof. Failure to notice a judicially noticed fact deprives the parties of the opportunity to be heard regarding that fact and facts relevant to it.

C. *Hett* is not conclusive that reasonable suspicion is the appropriate burden.

The State cites *Hett* for the proposition that “reasonable suspicion” is the “appropriate burden.” SB 13; *State v. Hett*, 2013 S.D. 47, 834 N.W.2d 317.

However, that does not accurately represent what this Court stated in *Hett*. In *Hett*, this Court ruled:

Either reasonable *suspicion or probable cause* to believe a violation occurred will support a stop. Since this case was argued before the circuit court on the basis of reasonable suspicion, was decided on that basis, and has also been argued as a reasonable suspicion case before this Court, we resolve it in those terms.

Id. ¶ 7 n.3, 834 N.W.2d at 320 n.3 (emphasis added).

In *Wright* and *Erwin*, this Court used the probable cause standard “because in both cases the officers observed a traffic violation and used that as the basis for the stop.” *Id.* (citing *Wright*, 2010 S.D. 91, ¶ 13, 791 N.W.2d at 795; *Erwin*, 2013 S.D. 35, ¶¶ 3-4, 831 N.W.2d at 66-67). In *Whren*, the United States Supreme Court held that an automobile stop is subject to the Fourth Amendment’s reasonableness requirement, and “[a]s a general matter, the decision to stop an automobile is reasonable where the police have probable

cause to believe a traffic violation occurred.” *Whren v. United States*, 517 U.S. 806, 810 (1996). Here, the probable cause standard is appropriate, because like *Whren*, *Wright*, and *Erwin*, Officer Woehl’s sole basis for the traffic stop was an alleged traffic violation.¹

CONCLUSION

For the reasons stated above and in Appellant’s initial brief, authorities cited, and upon the settled record, Hawley respectfully asks this Court to remand the case to the circuit court with an Order directing the court to reverse the Order denying Hawley’s motion to suppress.

Dated this 13th day of February, 2026.

Respectfully submitted,

/s/ Justine Avtjoglou

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¹ *Hett* is distinguishable. *Hett* involved a statute that required a driver to remain as “nearly as practicable” within a single lane. *Hett*, 2013 S.D. 47, ¶ 8, 834 N.W.2d 317, 320. The driver was pulled over for crossing over the fog line. The analysis involved a multi-factor consideration to determine the reasonableness of the officer’s suspicions as they reflect on practicability. *Id.* 2013 S.D. 47, ¶ 13, 834 N.W.2d 317, 322. This Court considered “the length and duration of the crossing and distance traveled outside the lane of traffic; the design of the highway, such as the existence of curves in the road; traffic conditions, such as highway congestion or vehicles braking in front of the suspect vehicle; and road conditions, such as whether the road was dry and obstruction free.” *Id.*

CERTIFICATE OF COMPLIANCE

- I. I certify that the Appellant's Reply Brief is within the limitation provided for in SDCL 15-26A-66(b) using Book Antiqua typeface in 12 point type. Appellant's Reply Brief contains 1,724 words.
- II. I certify that the word processing software used to prepare this brief is Microsoft Word 2007.

Dated this 13th day of February, 2026.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the Appellant's Reply Brief were electronically served upon:

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