

**BOISE, FRIDAY, JANUARY 9, 2026, at 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**STATE OF IDAHO,**  
  
**Plaintiff-Respondent,**  
  
**v.**  
  
**JOSHUA J. BARRITT,**  
  
**Defendant-Appellant.**

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**Docket No. 51539**

Appeal from the District Court of the Third Judicial District of the State of Idaho,  
Canyon County. Gene A. Petty, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

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Joshua J. Barritt appeals from his judgment of conviction entered upon his conditional guilty plea to possession of a controlled substance. Specifically, he challenges the district court's denial of his motion to suppress evidence obtained during a warrantless search of his vehicle after a drug dog alerted on it. He contends that the dog's alert was not a reliable indicator that there were drugs in his vehicle because the undisputed evidence showed that the dog's alerts in the field resulted in finding drug contraband or drug evidence only 43 percent of the time. Barritt argues that based on these facts, the dog's alert did not establish a "fair probability" of finding drugs in his vehicle and thus did not meet the Fourth Amendment's "common sense" standard for finding probable cause to search. The district court concluded that the dog's alert on Barritt's vehicle gave probable cause to search because the dog had 100 percent accuracy in detecting drug odor in controlled environments, which the district court reasoned was sufficient to establish the reliability of the alert under the totality of the circumstances.

In response, the State argues the district court correctly concluded the drug dog's alert gave the officer probable cause to search Barritt's vehicle. In the alternative, the State argues the warrantless search was justified because Barritt waived his Fourth Amendment rights as a term of his probation agreement in a separate, unrelated case. In making this alternative argument, the State asks this Court to overrule *State v. Maxim*, 165 Idaho 901 (2019), and hold that Barritt lacked standing to challenge the search of his vehicle due to the Fourth Amendment waiver even though the officers in this case were not aware of the waiver at the time of the search.