

**BOISE, THURSDAY, MAY 15, 2025, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 51136**

<b>STATE OF IDAHO</b>	)
	)
<b>Plaintiff-Respondent</b>	)
	)
<b>v.</b>	)
	)
<b>STACIE NICHOL FITZPATRICK,</b>	)
	)
<b>Defendant-Appellant</b>	)

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cynthia Yee-Wallace, District Judge.

Erik R. Lehtinen, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Elizabeth Estess, Deputy Attorney General, Boise, for respondent.

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An officer initiated a traffic stop after observing a vehicle fail to make a complete stop. The officer identified Stacie Nichol Fitzpatrick as the driver and, while issuing a citation, was joined by a canine unit officer and a drug dog. At one point during a free-air sniff, the drug dog made physical contact with the vehicle. The drug dog also alerted to the presence of narcotics. A subsequent search of the vehicle revealed methamphetamine and drug paraphernalia. Fitzpatrick was charged with possession of a controlled substance, possession of drug paraphernalia, and a sentencing enhancement based on a prior conviction.

Fitzpatrick moved to suppress the evidence, arguing the drug dog's contact with the vehicle rendered the search unlawful. After a hearing, the district court denied the motion and the case proceeded to trial. During jury deliberations, the district court was informed that one juror appeared unwilling to cooperate. After questioning, the district court found good cause to excuse the juror and replaced her with an alternate. The jury subsequently found Fitzpatrick guilty of both charges; Fitzpatrick later pled guilty to the sentencing enhancement. Fitzpatrick moved for a new trial, asserting the district court abused its discretion by excusing the juror. The district court denied the motion. Fitzpatrick appeals, challenging the denial of her motion to suppress and the denial of her motion for a new trial.