

BOISE, TUESDAY, MAY 13, 2025, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51345

STATE OF IDAHO,)
)
Plaintiff-Appellant,)
)
v.)
)
JASEN HEATH ANDERSON,)
)
Defendant-Respondent.)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Roger B. Harris, District Judge.

Hon. Raúl R. Labrador, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

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

The State of Idaho appeals from the district court's order granting Jasen Heath Anderson's motion to suppress evidence obtained during a vehicle search. Anderson was stopped for multiple moving violations. A second officer arrived, and the first officer handed off the traffic investigation to the second officer. The first officer then deployed his K-9. While the K-9 sniffed the exterior of Anderson's vehicle, and before the K-9's nose touched the vehicle, the officer determined the K-9 showed multiple general alert behaviors to the presence of controlled substances. The officers subsequently searched the vehicle and found methamphetamine and paraphernalia. Anderson filed a motion to suppress, arguing that the vehicle stop was extended without reasonable suspicion and that the K-9's free air sniff was converted into a warrantless search when the K-9 trespassed against the exterior of his vehicle. The district court rejected Anderson's claim that the traffic stop was extended without reasonable suspicion but granted the motion to suppress based on the district court's conclusion that the K-9 trespassed on Anderson's vehicle. Specifically, the district court found that the K-9's "indication was one continuous motion" when the K-9 pressed its nose to the vehicle and then gave its final alert.

On appeal, the State claims that the K-9 alerted and established probable cause before touching Anderson's vehicle and the district court therefore erred in determining there was an unlawful trespass. Anderson argues that the district court correctly granted his motion to suppress

evidence obtained after the K-9 trespassed on his vehicle because the video evidence, offered at the suppression hearing, did not objectively support the first officer's subjective belief that the K-9 engaged in "alert behavior" prior to trespassing on his vehicle.