

**BOISE, THURSDAY, AUGUST 14, 2025, AT 10:30 A.M.**

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

**Docket No. 51802**

**STATE OF IDAHO,** )  
 )  
 **Plaintiff-Respondent,** )  
 )  
 **v.** )  
 )  
 **ELTON LOZA,** )  
 )  
 **Defendant-Appellant.** )  
 )

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

Trilogy Law Group, PLLC; Aaron J. Tribble, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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Elton Loza appeals from the judgment of conviction for trafficking in methamphetamine and possession of fentanyl with intent to deliver. Loza was traveling as a passenger in a vehicle that was stopped for speeding by Deputy Lowe. Deputy Lowe asked the driver, Mendivil, for license, insurance, and registration. Mendivil provided his Mexican passport and identification card. Another occupant, Olvera, explained that the vehicle was recently purchased and not yet registered in his name. Deputy Lowe advised that he intended to issue a warning for speeding and had Mendivil accompany him to the patrol vehicle where he spoke to Mendivil. Deputy Lowe smelled burnt marijuana emanating from Mendivil. Deputy Lowe printed the ticket and indicated to Mendivil he still needed to check the vehicle's VIN relative to the registration. Deputy Lowe returned to the vehicle to check the VIN and was engaged in conversation by Olvera, at which time Deputy Lowe noticed the smell of burnt marijuana emanating from inside the vehicle. Deputy Lowe then asked Mendivil for consent to search the vehicle which Mendivil granted. Deputy Lowe located marijuana and paraphernalia in the vehicle. During Deputy Lowe's search of the

trunk, he found three duffel bags. Mendivil and Olvera each claimed one of the duffel bags. The third bag contained large quantities of a controlled substance, a toothbrush, and clothing. Officers obtained a warrant to gather evidence from Loza based on the evidence from the third bag. Loza filed a motion to suppress which the district court denied. The district court also denied Loza's motion for judgment of acquittal made at the close of evidence at trial.

On appeal, Loza argues that the district court erred by denying his motion to suppress evidence. Loza contends the stop was unlawfully extended on three occasions. Further, Loza argues that the district court erred by refusing to suppress evidence obtained from his arrest on less than probable cause. Loza also argues the district court erred by refusing to suppress evidence obtained using a deficient and tainted warrant. Finally, Loza argues that the district court erred by denying Loza's motion for judgment of acquittal based upon the unlawful surveillance of the vehicle in which Loza was an occupant in violation of his equal protection rights.