

**BOISE, THURSDAY, AUGUST 14, 2025, AT 9:00 A.M.**

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

**Docket No. 51881**

<b>STATE OF IDAHO</b>	)
	)
<b>Plaintiff-Appellant</b>	)
	)
<b>v.</b>	)
	)
<b>SHAWNA RAE PENDLETON,</b>	)
	)
<b>Defendant-Respondent</b>	)
	)

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Jason D. Scott, District Judge.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for appellant.

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

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An officer conducted a traffic stop and made contact with Shawna Rae Pendleton, the driver of the vehicle. During the stop, an officer arrived at the scene with a drug dog and conducted a drug detection sniff of the vehicle. During the sniff, the drug dog made physical contact with the vehicle and ultimately alerted to the presence of narcotics. A subsequent search of the vehicle revealed methamphetamine, marijuana, alprazolam, and drug paraphernalia. Pendleton was charged with three counts of possession of a controlled substance and one count of possession of drug paraphernalia. She moved to suppress the evidence, contending the drug dog's contact with the vehicle rendered the search unlawful. Opposing the motion, the State maintained that the drug dog's contact with the vehicle did not amount to a trespass. Alternatively, the State argued that the drug dog's behavior prior to any contact established probable cause to search the vehicle. After a hearing, the district court granted Pendleton's motion, finding that the drug dog's contact with the vehicle amounted to intermeddling and was therefore a trespass. The district court concluded that, under the totality of the circumstances, a reasonable person in the officer's position could not have determined that the drug dog tracked the odor of drugs to the vehicle prior to the trespass. The State appeals, challenging the granting of Pendleton's motion to suppress.