

SUMMARY STATEMENT
State of Idaho v. Joshua T. Ricks
Docket No. 49743

Joshua T. Ricks appeals from his judgment of conviction for possession of a controlled substance. Ricks argues the district court erred in denying his motion to suppress evidence. Following a lawful traffic stop, an officer and his drug dog conducted an exterior drug-detection sniff of Ricks' vehicle. During the sniff, the dog jumped on the rear-passenger door, jumped on the front-passenger door, and then inserted his nose into the open front-passenger window. After entering the vehicle, the dog gave a final alert by sitting and staring at the window and then back at the officer. A subsequent search of the vehicle revealed narcotics and drug paraphernalia, and the State charged Ricks with possession of a controlled substance and possession of drug paraphernalia.

Ricks filed a motion to suppress, arguing the drug dog's entry into his vehicle was a warrantless search in violation of the Fourth Amendment. The court concluded the dog's change in behavior before entering the vehicle was sufficient to establish probable cause. On appeal, the Idaho Court of Appeals affirmed the denial, concluding that substantial evidence supported the district court's conclusion that probable cause existed before the dog's nose entered Ricks' vehicle. The Court also rejected Ricks' argument that the dog handler's subjective belief the dog was alerting to drugs before entering the vehicle undermines a finding of probable cause because substantial evidence exists in the record to show the officer's belief that the dog detected drugs was objectively reasonable.

This summary constitutes no part of the opinion of the Court but has been prepared by court staff for the convenience of the public.