

SUMMARY STATEMENT
State of Idaho v. Jasen Heath Anderson
Docket No. 51345

In this case arising out of Twin Falls County, the Court of Appeals reversed the district court's order granting Anderson's motion to suppress. On appeal, the State argues that, because the K-9 alerted and established probable cause before the K-9 touched Anderson's vehicle, the district court erred in determining there was an unlawful trespass. Anderson argues the district court correctly granted the motion to suppress.

The Court concluded that substantial evidence supported a finding of probable cause to the presence of illegal drugs to justify a search of Anderson's vehicle. The evidence provided by the State at the suppression hearing, which the district court adopted in lieu of making its own factual findings, supported the K-9 officer's conclusion that the K-9 had alerted on the vehicle, giving the officer probable cause to search it. Additionally, whether a K-9's actions surrounding the alert are "continuous" or "fast" are not the deciding factor in a probable cause determination; the instant the K-9 alerted is the instant law enforcement had probable cause to search Anderson's vehicle. As this Court stated in *State v. Ricks*, 173 Idaho 74, 539 P.3d 190 (Ct. App. 2023), the K-9 handler's "testimony about the dog's signaling behavior provided objective evidence of the dog's general alert to the presence of the odor of drugs emanating from the vehicle before the dog entered the vehicle and supports a probable cause finding." The district court therefore erred by not determining the officer had probable cause to search Anderson's vehicle.

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