

SUMMARY STATEMENT

State of Idaho v. Elton Loza

Docket No. 51802

This case arises from a traffic stop in which Elton Loza was a passenger in a vehicle stopped for speeding. The officer asked the driver sit in the patrol car and informed him that he would be issued a warning. Thereafter, the officer determined to check the registration against the vehicle identification number (VIN). In doing so, the officer engaged in conversation with the passengers, including Loza, regarding their travel plans. Upon returning to the patrol car, the officer asked the driver for consent to search the vehicle, which was granted. The officer located paraphernalia in the passenger compartment and three duffel bags with drugs in the trunk. Loza and the others were arrested. Loza filed a motion to suppress and moved for judgment of acquittal which the district court denied.

On appeal, the Court of Appeals rejected Loza's claim that the district court erred in denying his motion to suppress. The Court rejected Loza's assertions that the stop was unlawfully extended when: (1) the officer compared the registration to the VIN; (2) the officer engaged in conversation with the passengers; and (3) the officer asked for consent instead of telling the driver he was free to leave. The Court also rejected Loza's claim that the district court erred in denying his motion to suppress because the evidence tying Loza to one of the duffel bags was minimal and, consequently, his arrest was not supported by probable cause and the subsequent warrant to search the duffel bag was deficient and tainted. Finally, the Court rejected Loza's claim that the district court erred in denying his motion for judgment of acquittal because the officer's surveillance of the vehicle and stop were for reasons, namely out-of-state license plates, violative of Loza's equal protection rights.

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