

SUMMARY STATEMENT
State of Idaho v. Shawna Rae Pendleton
Docket No. 51881

In this case arising out of Ada County, the Court of Appeals reversed the district court's order granting Shawna Rae Pendleton's motion to suppress. An officer conducted a traffic stop and contacted Pendleton, the driver and only occupant of the vehicle. A canine unit officer arrived at the scene with a drug dog and deployed the dog to perform a drug-detection sniff of the vehicle. On two occasions during the sniff, the drug dog touched the vehicle's door handles with his nose. Ultimately, the drug dog alerted to the presence of narcotics in the vehicle and a subsequent search revealed methamphetamine, marijuana, alprazolam, and paraphernalia. Pendleton moved to suppress the evidence, arguing the drug dog's contact with vehicle doors rendered the search unlawful. The district court agreed and granted Pendleton's motion, concluding that the drug dog's contact with the vehicle amounted to intermeddling and was therefore a trespass. The district court also determined that, under the totality of the circumstances, the drug dog's behaviors prior to touching the vehicle were insufficient to establish probable cause.

On appeal, the State argued the district court erred in granting Pendleton's motion to suppress, asserting the drug dog's minimal contact with the vehicle was not a search under the Fourth Amendment. The Court agreed and held a Fourth Amendment "search" did not occur in this case because the drug dog did not physically occupy Pendleton's vehicle. Instead, the Court held that the drug dog's physical contact with the exterior of Pendleton's vehicle was the kind of incidental touching that occurs in everyday-type commotions and does not implicate the Fourth Amendment. The State also argued the district court erred when it determined the search of Pendleton's vehicle was unsupported by probable cause. The Court agreed and held that the evidence in the record, including the canine unit officer's bodycam footage and testimony, established probable cause to support the search of Pendleton's vehicle for narcotics. As a result, the Court reversed the district court's order granting Pendleton's motion to suppress and remanded the case.

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