

SUMMARY STATEMENT

State of Idaho v. Spencer Edward Cox
Docket No. 46219

After an officer observed Spencer Edward Cox asleep in his vehicle in a hotel parking lot, the officer knocked on Cox's driver's side window, and in response, Cox opened the car door. The officer noticed a small baseball bat next to Cox's hand and a large folding knife in his lap. The officer removed Cox from the vehicle while holding Cox's left hand to prevent him from grabbing the bat and then held both Cox's hands behind his back after he exited. The officer did not shut the driver's door, and Cox did not attempt to shut the door himself or ask the officer to shut the door.

Thereafter, a drug dog began alerting near the driver's door, ultimately sitting in alert between the door and the interior compartment after sniffing the door pocket where methamphetamine was discovered. Cox was charged with possession of methamphetamine and paraphernalia and filed a motion to suppress, which the district court denied. On appeal, Cox argues the officers conducted a warrantless search in violation of the United States and Idaho Constitutions.

This Court has previously held that a drug dog's instinctive action of sniffing inside the interior of a vehicle does not constitute a search for Fourth Amendment purposes as long as an officer did not facilitate the sniff. *State v. Naranjo*, 159 Idaho 258, 261, 359 P.3d 1055, 1058 (Ct. App. 2015). Although the Court in *Naranjo* addressed a scenario in which an occupant of the vehicle opened a window rather than a door, Cox does not offer any specific reason why the analysis in *Naranjo* should not be extended to open doors.

We hold that the drug dog's sniffs of the interior compartment of Cox's vehicle through the driver's door, which he voluntarily opened in response to the officer's knock on the window, did not violate Cox's rights. Accordingly, we affirm the judgment of conviction and the denial of Cox's motion to suppress.