

BOISE, FRIDAY, MAY 8, 2026, AT 11:15 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Appellant,)	
)	
v.)	Docket No. 53539
)	
SHAWNA RAE PENDLETON,)	
)	
Defendant-Respondent,)	
_____)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Jason D. Scott, District Judge.

Raúl R. Labrador, Idaho Attorney General, Boise, for Appellant.

Erik R. Lehtinen, Idaho State Appellate Public Defender, Boise, for Respondent.

This case comes to the Court on a petition for review from the Idaho Court of Appeals. In October of 2021, Shawna Pendleton was stopped by police because her vehicle registration had expired. As part of the traffic stop, a canine unit, Officer Tad Miller and his drug dog, Edo, were summoned to conduct a free-air sniff of Pendleton’s vehicle. During the sniff, Edo closely sniffed the driver’s and passenger’s side doors, touching at least one of the vehicle’s door handles with his nose. Each time Edo sniffed the doors he alerted to the presence of drugs, and a search of the vehicle revealed methamphetamine, marijuana, alprazolam, and drug paraphernalia. Pendleton was subsequently arrested and charged with three counts of possession of a controlled substance and one count of possession of drug paraphernalia.

Pendleton moved to suppress the evidence obtained from the stop, arguing that Edo had trespassed against her vehicle by touching it with his nose, rendering the search unlawful. The district court agreed and granted Pendleton’s motion. The State appealed to the Court of Appeals, contending that Edo’s contact was not a trespass because it did not amount to intermeddling. The State also argued that Edo’s behavior prior to the contact constituted an alert, giving the State probable cause to search the vehicle before Edo touched it. The Court of Appeals agreed with the State and reversed the district court. Pendleton petitioned for review with this Court, which was granted.