

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52674

STATE OF IDAHO,

Plaintiff-Respondent,

V.

HENRY OMAR SANCHEZ, III,

Defendant-Appellant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Filed: October 13, 2026

Melanie Gagnepain, Clerk

**THIS IS AN UNPUBLISHED
OPINION AND SHALL NOT
BE CITED AS AUTHORITY**

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Benjamin J. Cluff, District Judge.

Judgment of conviction for possession of a controlled substance, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; T. Michael MacEgan, Deputy Attorney General, Boise, for respondent.

LORELLO, Judge

Henry Omar Sanchez, III, appeals from his judgment of conviction for possession of a controlled substance. We affirm.

I.

FACTUAL AND PROCEDURAL BACKGROUND

An officer initiated a traffic stop of Sanchez's vehicle after determining that its registration was suspended for lack of insurance. Sanchez had no identification or proof of insurance to give to the officer. While the officer was completing the citation for lack of insurance, a second officer arrived at the scene with a drug dog. The second officer asked Sanchez if he would consent to a search of his vehicle; Sanchez agreed to allow the dog to walk around the outside. The dog alerted on the vehicle and subsequently placed his paws on it. The dog then alerted a second time to the

vehicle. The second officer subsequently searched the vehicle and found several syringes. Sanchez also revealed an additional syringe in his pocket, and the syringe tested positive for methamphetamine. Sanchez was arrested and charged with possession of a controlled substance. I.C. § 37-2732(c). The State later alleged a persistent violator enhancement.

Sanchez filed a motion to suppress the evidence obtained during the traffic stop, arguing the drug dog illegally trespassed on the vehicle, which was not within the scope of Sanchez's consent. The district court denied the motion after a hearing. Sanchez, represented by new counsel, filed another motion to suppress and asked the district court to reconsider its earlier decision. The district court denied the motion. Pursuant to a plea agreement, Sanchez entered a conditional guilty plea to possession of a controlled substance, reserving his right to appeal the denial of his motion to suppress, and the State dismissed the persistent violator sentencing enhancement. Sanchez appeals.

II.

STANDARD OF REVIEW

The standard of review of a suppression motion is bifurcated. When a decision on a motion to suppress is challenged, we accept the trial court's findings of fact that are supported by substantial evidence, but we freely review the application of constitutional principles to the facts as found. *State v. Atkinson*, 128 Idaho 559, 561, 916 P.2d 1284, 1286 (Ct. App. 1996). At a suppression hearing, the power to assess the credibility of witnesses, resolve factual conflicts, weigh evidence, and draw factual inferences is vested in the trial court. *State v. Valdez-Molina*, 127 Idaho 102, 106, 897 P.2d 993, 997 (1995); *State v. Schevers*, 132 Idaho 786, 789, 979 P.2d 659, 662 (Ct. App. 1999).

III.

ANALYSIS

"Mindful" of the district court's factual findings, Sanchez argues the district court erred when it denied his motion to suppress because he did not consent to a trespass when he consented to the dog walking around the outside of the vehicle. In response, the State asserts that Sanchez has failed to show the district court erred. We hold Sanchez has failed to show the district court erred in denying his motion to suppress because the district court's factual findings support the conclusion that the dog alerted on Sanchez's vehicle prior to the trespass.

A reliable drug dog's sniff of the exterior of a vehicle is not a search under the Fourth Amendment and does not require either a warrant or an exception to the warrant requirement. *See Illinois v. Caballes*, 543 U.S. 405, 409 (2005). Probable cause to search is established when the totality of the circumstances known to the officer at the time of the search would give rise--in the mind of a reasonable person--to a fair probability that contraband or evidence of a crime will be found in a particular place. *State v. Anderson*, 154 Idaho 703, 706, 302 P.3d 328, 331 (2012). A reliable drug dog's alert on the exterior of a vehicle is sufficient, in and of itself, to establish probable cause for a warrantless search of the interior. *Id.*

The district court provided two grounds for denial of Sanchez's motion to suppress. First, the district court concluded that, because Sanchez consented to the second officer using a canine to conduct a free air sniff, it could reasonably be foreseen that the drug dog would touch the vehicle. Second, the district court found that the drug dog alerted to the vehicle prior to placing his paws on the vehicle. Sanchez only challenges the district court's finding that the trespass was encompassed within his consent. We need not address the district court's decision regarding consent because Sanchez does not challenge the alternative basis for denying his motion to suppress, i.e., the drug dog's alert prior to the trespass. When a lower court makes a decision on alternative grounds and one or more of those grounds are not challenged on appeal, we will affirm. *State v. Rodriguez*, 174 Idaho 712, 720, 559 P.3d 1199, 1207 (2024). Accordingly, Sanchez has failed to show the district court erred in denying his motion to suppress.

IV.

CONCLUSION

Sanchez has failed to challenge the district court's finding that the drug dog alerted to his vehicle prior to the trespass. Therefore, Sanchez has failed to show the district court erred in denying his motion to suppress. Sanchez's judgment of conviction for possession of a controlled substance is affirmed.

Chief Judge TRIBE and Judge FLEMING, **CONCUR.**