

SUPREME COURT DECISIONS

VERDENE PAGE v. MC CAIN FOODS, INC.

No. 40568

Release date: January 3, 2014

Idaho Supreme Court

J. JONES, Justice.

The Supreme Court affirmed a decision of the Idaho Industrial Commission denying a claim for additional attorney fees made by a worker compensation claimant's attorney. The attorney had been awarded an attorney fee as against the employer and surety under Idaho Code § 72-804 for certain work done in the case, but the attorney sought an additional award under Idaho Code § 72-803. The Industrial Commission had determined that the award made under the previous section compensated the attorney fully for the work and that no additional compensation was allowable under the latter section.

<http://www.isc.idaho.gov/opinions/Pageopinion.pdf>

COURT OF APPEALS DECISIONS

STATE OF IDAHO v. JOSEPH THOMAS IVERSON

No. 40359

Release date: January 6, 2014

Idaho Court of Appeals

GUTIERREZ, Chief Judge

Joseph Thomas Iverson appeals from the district court's intermediate appellate order affirming Iverson's judgment of conviction for battery. On appeal, Iverson contends the prosecutor committed misconduct by making pretrial misrepresentations to the magistrate and making factual and legal misstatements to the jury during closing arguments. He also argues the magistrate abused its discretion by admitting the photographs of Darryl's injuries. He further contends his right to due process was infringed by the magistrate's decision to allow the State to call Shawn and Dr. Farr as witnesses and to introduce Darryl's medical records and the photographs of Darryl's injuries even though the State belatedly disclosed this evidence. Finally, he asserts that even if the alleged errors were individually harmless, the cumulative error doctrine requires a reversal of his conviction. Iverson has not shown the prosecutor's statements to the magistrate in aid of admitting certain evidence amounted to misconduct, let alone misconduct requiring reversal. Nor has Iverson shown the prosecutor committed misconduct in closing arguments by misstating the facts. Although the prosecutor

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did misstate the law by indicating the use of force must have been Iverson's "only and best option" in order to claim self-defense, the error was harmless.

<http://www.isc.idaho.gov/opinions/40359.pdf>