

SUMMARY STATEMENT

State v. Herrera, Docket No. 44596

Joseph Herrera appealed from his conviction for second-degree murder after a second trial. On appeal, Herrera argued that: (1) the State vindictively prosecuted him by adding a sentencing enhancement; (2) the district court erred when it failed to conduct a sufficient inquiry into his request for substitution of appointed counsel; (3) the district court abused its discretion when it overruled objections to a detective's testimony regarding gunshot residue analysis; (4) the State committed prosecutorial misconduct in closing arguments; (5) the accumulation of errors deprived him of a right to a fair trial; and (6) the district court judge imposed a vindictive sentence after the second trial. The Idaho Supreme Court affirmed Herrera's conviction and sentence.