

SUMMARY STATEMENT

State v. Geoffrey Claude Coleman
Docket No. 45032

In a case arising out of Boundary County, the Court of Appeals vacated Geoffrey Claude Coleman's judgment of conviction for exhibition of a deadly weapon. At trial, Coleman moved for acquittal as to the exhibition of a deadly weapon, arguing that I.C. § 18-3303 required him to exhibit the gun in the presence of two or more persons other than himself and that only he and his father were present at the time of the alleged offense. The State argued that Coleman was one of the two persons required to be present under that statute. The district court agreed with the State and denied Coleman's motion. The jury found Coleman guilty.

The Court of Appeals held that the district court erred in denying Coleman's motion for judgment of acquittal. Idaho Code Section 18-3303 requires the State to prove exhibition of a deadly weapon in the presence of two or more persons other than the defendant. The State conceded that there was no evidence that anyone other than Coleman and his father were present when Coleman exhibited the deadly weapon. Therefore, the State failed to meet its burden of proof under I.C. § 18-3303.