

## **SUMMARY STATEMENT**

*State v. Cynthia Marie Munson*

Docket No. 45266

Cynthia Marie Munson appealed from her conviction and sentence for three counts of grand theft arising from an alleged misappropriation of funds while employed by a local title company. Munson contended that, among other things, the district court erred in admitting evidence of a settlement agreement that she had reached with her employer, in which she denied wrongdoing, for the purpose of showing consciousness of guilt in the criminal matter. Munson also asserted that the district court erred in admitting into evidence a screenshot of her electronic payroll file as being outside the business records exception to the hearsay rule.

The Court of Appeals held that the screenshot of the electronic payroll file, with the proper foundation presented, was a business record within the exception of Idaho Rule of Evidence 803(6), and, therefore, properly admitted by the district court. The Court, however, held that I.R.E. 408 precluded admission of the settlement agreement in the criminal matter to show consciousness of guilt and, therefore, the district court erred. Because the admission of the settlement agreement was not harmless, the Court vacated Munson's conviction and remanded to the district court for a new trial.