

SUMMARY STATEMENT

State of Idaho v. Saenz

Docket No. 46262

A jury found Abdon Andre Saenz guilty of aggravated battery. Saenz appeals from the judgment of conviction and asserts the State committed prosecutorial misconduct that rose to the level of fundamental error by impermissibly arguing facts not in evidence and misrepresenting facts to the jury during closing arguments.

The Idaho Court of Appeals held Saenz did not establish fundamental error for either claim on appeal. First, Saenz's claim related to the prosecutor's reference to facts not in evidence fails to establish both prong two and three of the fundamental error analysis. The record includes evidence that defense counsel utilized strategy in his objections during closing arguments and Saenz points to no evidence that overcomes the presumption that his trial counsel was competent and his silence was strategic. Therefore, Saenz failed to meet his burden of establishing clear error in the record. Additionally, Saenz did not demonstrate the statement at issue actually impacted the outcome of the proceedings because the district court repeatedly provided the jury instructions about what was, and was not, proper evidence for consideration.

Secondly, Saenz's claim related to the prosecutor's alleged misrepresentation of facts during closing argument did not meet the first prong of the fundamental error analysis because Saenz failed to show the statements constituted prosecutorial misconduct. Accordingly, the Court of Appeals affirmed the district court's judgment of conviction.