

SUMMARY STATEMENT

State v. Dustin S. West

Docket No. 46572

A jury found Dustin S. West guilty of intimidating a witness. West appealed.

On appeal, West argues there is insufficient evidence to sustain his conviction because under the plain language of Idaho Code § 18-2604(3), a defendant cannot be held liable for intimidating a witness in the absence of an active criminal proceeding at the time of the alleged intimidation. The Idaho Court of Appeals held that I.C. § 18-2604(3) criminalizes intimidating a witness, a person who may be called as a witness, or any person the defendant believes may be called as a witness “in any criminal proceeding.” The word “any” is read broadly and encompasses actions the State has already commenced and those it may commence in the future. Accordingly, the Court of Appeals affirmed the district court’s judgment of conviction.