

SUMMARY STATEMENT

State v. Dix, Docket No. 47112

This appeal concerned the application of the Uniform Commercial Code (UCC) to the ownership elements of grand theft and burglary. Over a period of several months, William Dix bought several thousand dollars' worth of goods from Grainger Supply on credit. On the same days he bought the goods, he pawned them. Dix was charged with grand theft and burglary, and pleaded not guilty to both counts. At trial, the State argued that Dix committed theft by obtaining the goods on credit without intending to pay for them, and committed burglary by receiving loans from the pawn shop in exchange for the goods based on false representations that he owned them.

Following the close of the State's case-in-chief, Dix moved for a judgment of acquittal under Idaho Criminal Rule 29 on both charges. Dix argued that under *State v. Bennett*, 150 Idaho 278, 246 P.3d 387 (2010), he became the owner of the goods once he obtained possession of them from Grainger, and as the owner, he could lawfully pawn them. The district court denied Dix's motion, and the jury subsequently returned guilty verdicts on both counts. After trial, Dix renewed his Rule 29 motion on the burglary charge, and this motion was also denied. The district court entered an order withholding judgment and placing Dix on probation for eight years. Dix timely appealed, and the Court of Appeals affirmed.

The Supreme Court granted Dix's petition for review. It held that Dix's theft conviction could not be sustained because the State failed to prove that Grainger had a superior possessory interest to the goods at the time of Dix's alleged theft. Likewise, his burglary conviction could not be sustained because the pawn shop received good title to the goods. Therefore, the Court reversed Dix's convictions and remanded the case to the district court with instructions to enter a judgment of acquittal on both counts.