

SUMMARY STATEMENT

State v. Glodowski

Docket No. 47131

In an appeal arising out of Kootenai County, the Idaho Supreme Court affirmed the judgment of conviction entered against David Charles Glodowski after a jury found him guilty of failing to update his sex-offender registration in violation of Idaho Code section 18-8309. His appeal reached the Supreme Court on petition for review after the Court of Appeals affirmed. Glodowski argued that the district court erred by granting the State's motion in limine which sought a pre-trial ruling that his prior conviction under a Wisconsin statute was "substantially equivalent" to Idaho crimes that require sex-offender registration in Idaho.

As an initial matter, the Court determined that the district court improperly allowed the State to seek a redetermination of the "substantially equivalent" element. The Bureau of Criminal Identification had previously made a final determination on that element and the record did not show that Glodowski appealed that decision. Therefore, there was no need to seek a redetermination. However, because the State put forth sufficient evidence to prove that fact, and because the district court's jury instruction resulting from its motion-in-limine ruling accomplished the same purpose, the Court concluded that the error was harmless and affirmed the judgment of conviction.