

SUMMARY STATEMENT
State of Idaho v. Karl Richardson
Docket No. 47371

In this case arising out of Ada County, the Court of Appeals affirmed Karl Richardson's judgment of conviction for grand theft and being a persistent violator. The State charged Richardson with taking a boat, boat trailer, and outboard motor. At trial, an officer testified that he advised Richardson of his Fifth Amendment rights because the officer planned to take Richardson into custody for an outstanding arrest warrant for an unrelated matter. Richardson moved for a mistrial, arguing the reference to an arrest warrant prejudiced him. The district court denied the motion and, at the close of trial, instructed the jury to consider the officer's statement for the sole purpose of explaining why he advised Richardson of his rights.

During closing argument, the prosecutor shared a personal story about a fishing knife his father had given him and stated that he was reminded of this when the victim testified to the sentimental value of certain items--including a knife from the victim's father--which were lost when the boat was stolen. Richardson did not object to the prosecutor's argument. The jury found Richardson guilty of grand theft and the persistent violator sentencing enhancement. Richardson moved for a new trial, again asserting that the officer's mention of an arrest warrant prejudiced him. The district court denied his motion and Richardson appealed.

On appeal, Richardson argued that the district court erred in denying his motion for a mistrial and his motion for a new trial because he was prejudiced by the officer's mention of an arrest warrant, the curative instruction was not issued promptly, and the district court should have struck the officer's testimony regarding the arrest warrant. Richardson also asserted that the prosecutor engaged in misconduct by relating the personal story in conjunction with the victim's loss of sentimental items. The Court of Appeals held that, although the admission of testimony about the warrant was erroneous, the error did not entitle Richardson to a mistrial or a new trial because the error was harmless. As to Richardson's misconduct claim, the Court of Appeals held that the prosecutor's remarks about his personal story and the sentimental value of the items to the victim were improper, but that Richardson failed to show fundamental error.

*This summary constitutes no part of the opinion of the Court, but has been prepared
by court staff for the convenience of the public.*