

SUMMARY STATEMENT

State v. McGrath

Docket No. 48726

Corey McGrath was charged with two counts of lewd conduct with a minor: one regarding his five-year-old stepdaughter, B.B.; and one regarding his twelve-year-old stepdaughter, L.N. The two counts were severed for trial. During a jury trial on the first count of lewd conduct, and over McGrath's objection, the State introduced evidence of McGrath's cell phone internet search history, which included searches for stepfather-stepdaughter themed pornography, along with two still images of pornographic videos purportedly viewed by McGrath. The jury convicted McGrath of one count of lewd conduct with respect to B.B. McGrath then pleaded guilty to felony injury to a child regarding L.N.'s accusations in the second count. The district court sentenced McGrath to life in prison with twenty years fixed for the lewd conduct charge and ten years fixed for the felony injury to a child charge. The sentences were ordered to run concurrently.

The Idaho Supreme Court first held that the district court did not err in admitting the cell phone search history because it was relevant to prove McGrath's motive. Next, the Court held that although the still images were also relevant to prove McGrath's motive, they were unfairly prejudicial and should not have been admitted. Despite this error, the Court concluded that the overwhelming evidence of guilt rendered the admission of the still images harmless. Finally, the Court held that McGrath's sentences were not excessive.

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