

SUMMARY STATEMENT

State v. Wilson

Docket No. 48825

Mark Wilson was charged in Custer County with unlawful possession of a firearm in violation of Idaho Code section 18-3316, which prohibits convicted felons from possessing firearms. The charge also carried with it a persistent violator sentencing enhancement. The case proceeded to trial. The only issues were (1) whether Wilson had previously been convicted of a felony, an essential prerequisite of the unlawful possession charge, and (2) whether Wilson had previously been convicted of two felonies, an essential prerequisite of the persistent violator enhancement.

In a bifurcated trial, a jury first found Wilson guilty of unlawful possession of a firearm. The jury then found Wilson subject to an enhanced sentence due to his status as a persistent violator. The jury, however, was not asked to decide whether Wilson's prior offenses were felonies; rather, the district court determined, as a question of law, that the offenses Wilson had been convicted of were felonies at the time of his convictions. After the jury trial, the district court found that it had erred in not submitting the question of whether the offenses were felonies to the jury. As a result, the district court granted Wilson a new trial. However, rather than going to trial again, Wilson pleaded guilty and then appealed his convictions to the Idaho Court of Appeals.

Before the Court of Appeals, Wilson argued that the State had failed to present sufficient evidence that he had been convicted of at least one previous felony at the time he possessed a firearm. Wilson also argued that the State failed to present sufficient evidence that he had been convicted of two prior felonies. The Court of Appeals affirmed Wilson's convictions. Wilson petitioned this Court for review, which was granted.

The Idaho Supreme Court held that the State presented sufficient evidence that Wilson had previously been convicted of at least one felony to support the unlawful possession of a firearm charge. In reviewing the district court's actions, the Supreme Court held that, even assuming the district court erred in not submitting to the jury the question of whether Wilson's prior offense was a felony, Wilson was appropriately subjected to a persistent violator sentencing enhancement because he was offered a new trial, yet declined the opportunity. Therefore, the Idaho Supreme Court affirmed the district court's holding that Wilson was appropriately subjected to a persistent violator sentencing enhancement.

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