

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. The charge also carried with it a persistent violator sentencing enhancement. In the first phase of a bifurcated trial, a jury found Wilson guilty of unlawful possession of a firearm. In the second phase, the jury found Wilson subject to the persistent violator sentencing enhancement based on his criminal history. Wilson appealed, arguing that the State had failed to present sufficient evidence that he had been convicted of two prior felonies, an essential prerequisite for the persistent violator enhancement. The Court of Appeals affirmed Wilson's conviction and the appropriateness of the sentencing enhancement. Wilson petitioned this Court for review, which we granted.

First, the Idaho Supreme Court determined that the State had presented sufficient evidence that Wilson had previously been convicted of a felony, which supported Wilson's unlawful possession of a firearm charge. The State presented the testimony of an officer with the Custer County Sheriff's Department who was "familiar" with Wilson as well as a Custer County judgment of conviction, which identified "Mark Charles Wilson" with a matching date of birth and social security number.

Second, this Court held that the State had presented sufficient evidence that Wilson had previously been convicted of two felonies, which supported the persistent violator sentencing enhancement. Because the full name and date of birth of Mark Charles Wilson on the Custer County judgment of conviction matched the full name and date of birth of Mark Charles Wilson on the Michigan "Judgment of Sentence," the State had presented sufficient evidence that Wilson was the same Mark Charles Wilson convicted of the Michigan crime. *State v. Parton*, 154 Idaho 558, 300 P.3d 1046 (2013). Additionally, the Idaho Supreme Court concluded that a trial court has the discretion to take judicial notice of a foreign statute without a party's request for it to take judicial notice of it. As a result of these holdings, this Court held that the district court did not err in making the determination that the Michigan crime was a felony in 1990. Instead, it appropriately took judicial notice of a foreign statute—a statute to which Wilson had clearly been alerted.

Accordingly, this Court affirmed the district court's decision subjecting Wilson to the persistent violator sentencing enhancement.

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