

**SUMMARY STATEMENT**  
*State of Idaho v. Kristopher Brian Lassiter*  
Docket No. 48982

Kristopher Brian Lassiter appeals from the judgment of conviction for four counts of aggravated assault, Idaho Code §§ 18-901(b), 18-905(a). This case arises from an altercation involving Lassiter, and his friend, Matt, and four victims. Lassiter pointed a gun at the victims and threatened to kill them.

Before trial, Lassiter proposed jury instructions, including two instructions on self-defense or defense of others. For self-defense, he requested an instruction based on the “stand-your-ground” law, I.C. § 19-202A, and an instruction on the duty to retreat, Idaho Criminal Jury Instruction (ICJI) 1519. The district court submitted its own jury instructions to the parties, Instruction Nos. 20 and 21. Instruction No. 20 included the entirety of ICJI 1517 (self-defense), together with language of I.C. § 19-202A(2), providing that in defense, a person is not required to wait to ascertain whether the danger is apparent or real. Instruction No. 21 contained language from I.C. § 19-202A(3) providing that in defense, a person need not retreat and may use all force reasonably necessary. The district court rejected Lassiter’s proposed instructions.

On appeal, Lassiter argued that the district court improperly instructed the jury on self-defense and defense of others by including elements inconsistent with Idaho’s “stand-your-ground” law, I.C. § 19-202A. Lassiter also challenged the district court’s decision to allow one of the victims to testify that she was still scared of Lassiter.

The Court of Appeals held that the district court’s instructions were neither contrary to the law nor did they lessen the State’s burden of disproving Lassiter acted in self-defense or defense of others. The Court also held that the victim’s testimony was relevant to whether the victim feared Lassiter when he pointed the gun at her and whether her demeanor while testifying related to her relationship with Lassiter or fear from recounting the event. The Court affirmed Lassiter’s judgment of conviction.

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