

SUMMARY STATEMENT

State v. Anderson

Docket No. 48985-2021

The Idaho Supreme Court affirmed Anderson's judgment of conviction and sentence for aggravated assault on a peace officer.

Anderson's conviction arose from an incident in which Anderson fled a traffic stop. After being pursued by police for 45 minutes, Anderson stopped at a dead-end dirt road, exited his vehicle, and fired his gun towards a police officer. The jury found Anderson guilty of aggravated assault upon a peace officer with a deadly weapon. The district court subsequently sentenced Anderson to a unified sentence of eighteen years, with twelve years fixed.

Anderson appealed his conviction, arguing that the district court's jury instruction on the elements of assault constituted a fatal variance from the Information. Next, Anderson argued that the district court erred by failing to instruct the jury on the offense of discharge of arms aimed at another. Finally, Anderson contended that the district court imposed an excessive sentence.

The Supreme Court held that the district court's jury instruction on the elements of assault did not create a fatal variance because the facts set out in the charging document put Anderson on notice that two theories of assault were at issue. Next, the Court held that the district court did not err in refusing to instruct the jury on the offense of discharge of a firearm aimed at another because Anderson failed to establish that discharge of a firearm aimed at another is an included offense of aggravated assault upon a peace officer. Finally, the Court held that the district court did not abuse its sentencing discretion because the district court properly considered the sentencing factors prior to imposing its sentence. Accordingly, the Court affirmed Anderson's judgment of conviction and held that the district court did not abuse its sentencing discretion.

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