

SUMMARY STATEMENT

State v. Kimbley, Docket No. 49207

In June 2021, Kenneth Bernard Kimbley, III, was found guilty on four counts of lewd and lascivious conduct following a jury trial. Kimbley timely appealed, raising constitutional and evidentiary challenges to his convictions. The Idaho Supreme Court affirmed Kimbley’s judgment of conviction. First, the Court held the district court did not commit fundamental error when it made the decision to livestream Kimbley’s trial because it did not violate Kimbley’s constitutional right to a public trial. The Court noted that similar limitations to court proceedings had already been upheld due to the Covid-19 pandemic. Next, the Court held the district court did not abuse its discretion when it denied Kimbley’s motion in limine to exclude evidence of flight as proof he fled prosecution because Kimbley’s flight was relevant to the issues in his trial, and the evidence was not unfairly prejudicial under Idaho Rule of Evidence 403. The Court also held the district court did not err in admitting testimony regarding Kimbley’s possession of a firearm because Kimbley had opened the door for the State to elicit the evidence. The Court held that Kimbley’s remaining arguments—that his right to counsel had been violated and that the State had committed prosecutorial misconduct—had not been preserved.

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