

## SUMMARY STATEMENT

*State of Idaho v. Michael Leslie Olsen*

Docket No. 49517

Michael Leslie Olsen appealed from his conviction of forcible penetration with a foreign object. On appeal, Olsen argued the district court erred in denying his motion for judgment of acquittal under Idaho Criminal Rule 29 because there was insufficient evidence to support a conviction based on either of the charged theories: that the victim was unable to resist due to intoxication or that Olsen overcame the victim's will by force. Alternatively, Olsen alleged the district court erred in instructing the jury on the use-of-force theory. The State argued the theories of intoxication and use-of-force were adequately supported by evidence admitted at trial and the district court properly instructed the jury on the use-of-force theory because sufficient evidence existed to factually support the theory.

The Court of Appeals affirmed the conviction, holding sufficient evidence was presented at trial for the jury to find beyond a reasonable doubt that Olsen committed forcible penetration under either of the charged theories.

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