

SUMMARY STATEMENT

State v. Johnson, Docket No. 50026

Develin Johnson appealed from the district court's intermediate appellate decision affirming his convictions for domestic battery and false imprisonment. On intermediate appeal to the district court, Johnson argued that the magistrate court abused its discretion when it allowed the prosecutor to cross-examine him about a 2013 misdemeanor conviction for petit theft. While the district court initially vacated Johnson's judgment of conviction, the court later granted a petition for rehearing from the State, and ultimately affirmed Johnson's conviction. On appeal to this Court, Johnson argued that the district court erred in affirming his judgment of conviction because his misdemeanor conviction for theft was inadmissible under Idaho Rule of Evidence 608(b) and the probative value of the evidence was substantially outweighed by a danger of unfair prejudice. The Idaho Supreme Court affirmed, concluding that the district court did not err in finding that the magistrate court acted within its discretion in allowing the prosecutor to cross-examine Johnson about conduct leading to a 2013 misdemeanor conviction. In reaching that decision, the Court clarified that whether a theft conviction involving deception, dishonesty and fraudulent conduct is probative of a witnesses' character for truthfulness must be decided by the trial judge on a case-by-case basis.

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