

SUMMARY STATEMENT
State of Idaho v. Rory Douglas Wilson
Docket No. 50802

In this case arising out of Latah County, the Court of Appeals affirmed the decision of the district court, on intermediate appeal from the magistrate court, affirming a withheld judgment for posting on fences or building or poles on public property or private property without consent.

On appeal, Rory Douglas Wilson argued the magistrate court erred when it denied his motion to dismiss because the plain language of the Moscow City ordinance provided that it only prohibited the attachment of advertising matter and the stickers he attached were not advertising matter. Alternatively, Wilson argued the ordinance was ambiguous, the rule of lenity applied, and the ordinance should have been construed in his favor. Wilson further argued: (1) even if the ordinance included his conduct, the ordinance was unconstitutionally vague; (2) the magistrate court denied him his constitutional right to present a defense when it prohibited him from arguing that he was not guilty because the stickers he placed were not advertising matter and were thereby outside the scope of the ordinance; (3) the magistrate court erred in refusing to instruct the jury on a mistake of fact based upon his implied-consent defense; (4) the magistrate court abused its discretion by excluding his proposed exhibits showing other material attached to property around the city; and (5) the evidence was insufficient to support his conviction.

The Court of Appeals held that Wilson failed to show error in the decision to deny his motion to dismiss because the plain language of the ordinance prohibited his conduct and the ordinance was not unconstitutionally vague. The Court of Appeals also held Wilson failed to show his constitutional right to present a defense was violated when he was prevented from arguing his own interpretation of the ordinance at trial in a manner contrary to the magistrate court's pretrial ruling regarding the proper interpretation and application of the ordinance; Wilson failed to show error in the refusal to give a mistake-of-fact jury instruction, which was predicated on an implied-consent claim not supported by the evidence, or error in the exclusion of exhibits that were irrelevant; and Wilson failed to show error in the determination that there was sufficient evidence to find the State established every element of the offense.

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