

**SUMMARY STATEMENT**  
*State of Idaho v. Ryan Scott McCabe*  
Docket No. 50938

Ryan Scott McCabe appeals from his judgment of conviction for aggravated battery with a deadly weapon and persistent violator enhancement. McCabe was involved in a fight in which he stabbed the victim multiple times. McCabe fled the scene on foot. Officers obtained data from McCabe's cell phone. Officers tracked McCabe's cell phone location, which showed that McCabe stayed in the area of the fight for a short time. McCabe's phone then moved to another location in Boise before traveling to the Buhl area. In October 2022, after an arrest warrant was issued, officers received information that McCabe was in California and McCabe was arrested and extradited to Idaho. The State filed a motion in limine and notice of intent to introduce evidence, pursuant to Idaho Rule of Evidence 404(b), of McCabe's flight from the scene to the Buhl area and ultimately to California as evidence of consciousness of guilt. Over McCabe's objection, the district court granted the State's motion.

On appeal, McCabe argued that flight that does not involve fleeing from a court proceeding or a police interview is not relevant or admissible for purposes of showing consciousness of guilt. The Court of Appeals affirmed the district court holding that McCabe's argument reads too narrowly the scope of consciousness of guilt from flight. For a defendant's departure to constitute flight from prosecution, the circumstances, together with the departure, must reasonably justify an inference that it was done with a consciousness of guilt and in an effort to avoid apprehension or prosecution based on that guilt. McCabe's stabbing of the victim put him at risk of prosecution. His flight from the scene, his flight from the Boise area despite having an ongoing work project in Boise, and his flight from Idaho after being contacted by an officer, could reasonably be seen as an attempt to avoid apprehension or prosecution.

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