

SUMMARY STATEMENT

State of Idaho v. Loren Wayne Johnson Jr.

Docket No. 51156

In this case arising out of Kootenai County, the Court of Appeals affirmed Loren Wayne Johnson Jr.'s judgment of conviction, sentences, and the district court's order denying his I.C.R. 35 motion. Johnson was charged with four counts of lewd conduct with a child under sixteen for offenses committed against four different victims. At trial, the four victims testified about the details of the charged offenses. Over Johnson's objection, a nonvictim witness also testified that Johnson is not trustworthy around children. After a jury found Johnson guilty of all four counts, the district court sentenced Johnson to concurrent, unified terms of thirty years, with minimum periods of confinement of ten years. Johnson filed a Rule 35 motion, arguing his sentences equated to life imprisonment; and the district court denied the motion.

On appeal, Johnson argued the district court erred in admitting the opinion testimony of the nonvictim witness. The Court agreed the admission of the opinion testimony was erroneous but held that the error was harmless because the State presented extensive evidence (including the testimony of the victims) that Johnson engaged in lewd conduct with his victims. After weighing the probative force of the record as a whole (excluding the challenged evidence) and comparing it to the minimal probative value of that evidence, the Court concluded the error was harmless. Johnson also asserted that his sentences are excessive. The Court disagreed and, after reviewing the record, held that Johnson failed to show the district court abused its sentencing discretion. Finally, Johnson contended that the district court erred in denying his Rule 35 motion because, given his age and health status, his sentences equated to life imprisonment. The Court was unpersuaded and held that, upon review of the record, Johnson failed to show the district court abused its discretion in denying his Rule 35 motion.

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