

SUMMARY STATEMENT
State of Idaho v. Kenneth Lee Morgan
Docket No. 52024

In this case arising out of Canyon County, the Court of Appeals vacated Kenneth Lee Morgan's judgment of conviction for aggravated assault and being a persistent violator. Morgan arrived at a residence where his wife, a man, and another individual were eating dinner together. The man opened the wooden door but not the glass screen door. Morgan was irate and wanted to know what the man was doing with Morgan's wife. The man said he was not doing anything. Morgan took a few steps back, pulled out a knife, and said he was going to kill the man. Morgan was three or four feet away and began jabbing the air. In response, the man shut the door and went back inside. Morgan turned around and left. The man did not call the police but the individual in the home did. Later at trial, when the man was asked if he was frightened, he said he was concerned but not frightened. The man testified that he never thought about being stabbed. Morgan was found guilty of aggravated assault and being a persistent violator.

On appeal, Morgan argued the evidence was insufficient to sustain the jury's verdict finding him guilty of aggravated assault because the man repeatedly denied being frightened by Morgan's conduct. Based on these denials, Morgan contended the State failed to prove, beyond a reasonable doubt, the well-founded fear element of aggravated assault. The Court agreed, holding the record lacked substantial evidence upon which the jury could have found that the State sustained its burden of proving the well-founded fear element of aggravated assault beyond a reasonable doubt. The Court vacated Morgan's judgment of conviction for aggravated assault, which necessarily vacated the persistent violator enhancement.

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