

## SUMMARY STATEMENT

*State of Idaho v. McGuire, Docket No. 52035*

Sterling McGuire appeals his judgment of conviction for battery on a law enforcement officer and resisting or obstructing an officer. Law enforcement officers took McGuire to the Behavioral Health Community Crisis Center of East Idaho following a call for service. A short time later, officers returned because McGuire refused to complete the intake process. Officers attempted to forcibly removed McGuire from the premises. McGuire was uncooperative and struck the officers, causing injury. The State charged McGuire with resisting or obstructing a law enforcement officer and battery on a law enforcement officer. During his jury trial, McGuire moved for a mistrial based on statements made by the prosecutor during closing argument. The district court denied the motion for mistrial, and the jury found McGuire guilty of both counts. McGuire appealed his conviction, arguing there was insufficient evidence for a jury to find him guilty on either count and that the denial of his mistrial motion constituted reversible error. The Court of Appeals affirmed the convictions and denial of his mistrial motion. The Idaho Supreme Court accepted McGuire's petition for review.

The Idaho Supreme Court held that evidence in the record was sufficient to support McGuire's conviction for battery on a law enforcement officer but concluded it was not sufficient to support McGuire's conviction for resisting or obstructing a law enforcement officer. As such, the Court affirmed McGuire's conviction for battery on a law enforcement officer but vacated his judgment of conviction for resisting a law enforcement officer. Additionally, the Court determined that, although the prosecutor's comments during closing arguments constituted misconduct, the district court cured any error resulting from the misconduct and thus the district court did not commit reversible error when it denied McGuire's motion for a mistrial.

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