

SUMMARY STATEMENT
State of Idaho v. William Allen Hanning
Docket No. 52188

In this case arising out of Kootenai County, the Court of Appeals affirmed in part, vacated in part, and remanded for further proceedings William Allen Hanning's judgment of conviction for battery on a law enforcement officer and being a persistent violator. Hanning was arrested while walking on the side of a highway while intoxicated. While at the jail, Hanning was placed in restraints, including a spit hood, because of his uncooperative behavior. After about six hours, Hanning allegedly spit on an officer through the spit hood. Hanning was charged with felony battery upon a law enforcement officer and being a persistent violator.

Prior to trial, the State filed a notice of intent to present bodycam footage of comments Hanning made while he was restrained at the jail. The district court allowed some of the footage to be admitted into evidence but omitted certain parts as irrelevant I.R.E. 404(b) evidence. The State also filed a motion to amend the information adding the persistent violator sentencing enhancement. The State alleged Hanning had five prior out-of-state felony convictions. The district court held a one-day, bifurcated trial. Hanning was found guilty of battery on a law enforcement officer. Before the start of part two of the trial and outside the jury's presence, Hanning objected to consideration of one prior felony conviction because the State had not presented sufficient evidence that Hanning had been convicted of that felony. The district court allowed the conviction to be considered by the jury and took judicial notice of the State's amended information to prove Hanning's date of birth. Hanning was found to be a persistent violator.

On appeal, Hanning argued that the district court erred in admitting bodycam footage showing statements that were inadmissible I.R.E. 404(b) evidence. The Court rejected Hanning's argument and held that the footage was not I.R.E. 404(b) evidence because it was so interconnected as to be a part of a single criminal episode and provided necessary preliminary background to the crime charged. The Court then determined the footage was relevant and properly admitted by the district court. The State conceded the district court erred in taking judicial notice of the State's amended information and admitting it as an exhibit to prove Hanning's date of birth and that he was, therefore, the same person convicted of the alleged prior felonies. The Court held that Hanning was entitled to vacation of his judgment of conviction for being a persistent violator.

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