

BOISE, THURSDAY, JANUARY 09, 2020, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46273

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 SERGIO MARQUIZ LOPEZ,)
)
 Defendant-Appellant.)
)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Gene A. Petty, District Judge.

Nevin, Benjamin, McKay & Bartlett; Dennis A. Benjamin, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

A victim was stabbed at a party. After investigating, the police suspected Sergio Marquiz Lopez of stabbing the victim. When the police interviewed Lopez, he claimed he was not at the party but was instead at his girlfriend's house. When the police interviewed Lopez's girlfriend, she initially told the police that Lopez was with her on the night of the stabbing. Later, she told the police that Lopez was not with her on the night of the stabbing but had asked her to say he was.

Ultimately, Lopez was acquitted of aggravated battery for the stabbing, but the State charged Lopez with witness intimidation. Before trial, the State informed the district court that it intended to show photographs from the scene of the stabbing during opening and to offer them into evidence. Lopez objected. The district court ruled that all but one of the photographs could be used during opening. Later, the district court admitted the photographs into evidence over Lopez's relevancy objection. A jury found Lopez guilty, and Lopez appeals the district court's admission of the photographs.