

IN THE SUPREME COURT OF THE STATE OF IDAHO

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STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 45003
)	
DANIEL MONTGOMERY,)	
)	
Defendant-Appellant,)	
)	

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Cynthia Meyer, District Judge.

Eric D. Frederickson, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent.

This case comes to the Idaho Supreme Court on a petition for review of an Idaho Court of Appeals decision. Daniel Neal Montgomery (“Montgomery”) was convicted of unlawful discharge of a firearm into an occupied vehicle. Montgomery contends that the district court abused its discretion when it allowed two of the State’s previously undisclosed witnesses to testify on rebuttal, and that the prosecutor committed misconduct by making statements that the defendant and the defense’s witnesses lied during their respective testimonies. Based on this, Montgomery appeals to vacate his conviction.