

BOISE, THURSDAY, JANUARY 21, 2021 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 47210
)	
WILLIAM EDWARD CLARK,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Second Judicial District, State of Idaho, Idaho County. Gregory Fitzmaurice, District Judge.

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

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

William Clark appeals from a judgment of conviction on two counts of felony unlawful entry pursuant to Idaho Code section 18-7034(2), which enhances misdemeanor unlawful entry to a felony if the suspect commits unlawful entry while being pursued by law enforcement. Responding to a call regarding an ongoing robbery at a mobile home park in Grangeville, Idaho, police officers learned of an outstanding warrant for Clark's arrest in Nez Perce County, Idaho. As the officers attempted to effectuate Clark's arrest, he fled, first entering a nearby home, where the owner of the home urged Clark to leave. Clark then entered the home next door, evading the officers for approximately ten minutes. The officers eventually located Clark hiding underneath a bed in the second home and arrested him.

After a bench trial, the district court found Clark guilty on both counts of felony unlawful entry, concluding that the officers' pursuit to execute an arrest warrant constituted "fresh pursuit" as defined in Idaho Code section 19-705. Clark appeals, arguing that pursuit to execute an outstanding warrant does not fall under either the common law or statutory definition of "fresh pursuit." As a result, Clark further argues that the State failed to present sufficient evidence of the pursuit element of felony unlawful entry.