

VIA: ZOOM, THURSDAY, MAY 13, 2021, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47358

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
MARK CHARLES WILSON,)
)
Defendant-Appellant.)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Custer County. Hon. Stevan H. Thompson, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Brian Dickson and Elizabeth Ann Allred, Deputy Appellate Public Defenders, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Mark W. Olson, Deputy Attorney General, Boise, for respondent.

Mark Charles Wilson appeals from the district court's judgment of conviction and sentence for first degree murder with a weapons enhancement and the district court's order denying his Idaho Criminal Rule 35 motion. After shooting the victim in this case, Wilson called law enforcement and reported the incident. Wilson was arrested and underwent a recorded interview subsequent to his arrest. In his police interview, Wilson acknowledged that he had a prior felony conviction and was not supposed to possess a firearm. As a result of the incident, the State charged Wilson with the above-listed offenses. Prior to trial, Wilson filed a motion in limine to exclude evidence that Wilson had a prior felony conviction and that Wilson knew he was not supposed to possess a firearm. The district court held a hearing of Wilson's motion and concluded that it would allow the State to present the un-redacted recording of Wilson's police interview. The case proceeded to trial and the State presented the un-redacted recordings. Ultimately, the jury convicted Wilson of first degree murder with the weapons enhancement. The district court sentenced Wilson to life imprisonment with thirty years determinate for the first degree murder charge and five years indeterminate for the weapons enhancement. Thereafter, Wilson filed an I.C.R. 35 motion for a sentence reduction and the district court denied Wilson's motion. Wilson filed a timely notice of appeal. On appeal, Wilson argues that the district court erred by: (1) allowing the State to present evidence of his prior felony conviction; (2) imposing an excessive sentence; and (3) denying his I.C.R. 35 motion.