

MOSCOW, WEDNESDAY, APRIL 19, 2023, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 47522
)	
MARK HENRY LANKFORD,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Second Judicial District of the State of Idaho, Idaho County. Jay P. Gaskill, District Judge.

Eric Don Fredericksen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

This appeal concerns the first-degree murder conviction of Mark Henry Lankford. Originally convicted in 1984, after extensive appellate litigation Lankford’s first conviction was vacated by the United States Court of Appeals for the Ninth Circuit. At his first retrial, Lankford was again convicted in 2008 before his conviction was vacated on appeal by the Idaho Supreme Court after the Court held that Lankford’s right to a fair trial was violated after the prosecutors failed to disclose the full details of an agreement with a witness who testified on behalf of the State at the 2008 trial.

Lankford was again tried and convicted in 2019 for first-degree murder. Lankford timely appeals his conviction. On appeal to the Idaho Supreme Court, Lankford argues: (1) that the evidence is insufficient to support his conviction; (2) that the district court abused its discretion when it allowed the State to question Lankford’s brother about statements Lankford made on a late disclosed prison phone recording, after initially ruling the phone call was inadmissible; and (3) erred in denying Lankford’s motion to dismiss grounded on a speedy trial violation.