

BOISE, MONDAY, NOVEMBER 9, 2020, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff/Respondent,)	
)	
v.)	Docket No. 46085
)	
JOHN ALLISON HUCKABAY,)	
)	
Defendant/Appellant.)	
_____)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Benjamin Simpson, District Judge.

Lake City Law Group, Coeur d'Alene, for Appellant.

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

Defendant John Huckabay was found guilty of felony unlawful possession of a moose under Idaho Code section 36-1401(c)(3). Huckabay argued throughout his case that the penal statute requires two or more animals for a felony violation, while the case only involved a single cow moose. The district court disagreed and found that Idaho Code section 36-1401(c)(3) plainly permitted a felony where the wildlife's reimbursable damage assessment exceeded \$1,000, including where a single animal was killed, possessed, or wasted. When the jury found Huckabay guilty under the statute, he immediately filed a motion to dismiss. The district court denied his motion. On appeal, he argues that Idaho Code section 36-1401(c)(3)'s plain language requires the unlawful killing, possessing, or wasting of more than one animal to constitute a felony offense. In addition, Huckabay argues that (1) the indictments were fatally deficient, thereby depriving the district court of jurisdiction; (2) there was prosecutorial misconduct that invalidated the indictment and deprived Huckabay of his due process rights to an independent probable cause determination; and (3) the district court's instructions were fatally deficient by failing to include the essential elements of the offense.