

BOISE, IDAHO, APRIL 10, 2023 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
SEAN L. ANDERSON,)
)
Defendant-Appellant.)
_____)

Docket No. 48985-2021

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

Eric D. Fredericksen, State Appellate Public Defender, Boise, for Defendant-Appellant.

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

Sean Larry Anderson appeals his conviction and sentence for aggravated assault on a police officer, with a sentencing enhancement for use of a deadly weapon. Anderson’s conviction arises from an incident, in which Anderson fled a traffic stop. After being pursued by police for 45 minutes, Anderson stopped at a dead-end dirt road, exited his vehicle, and fired his gun towards a police officer. The jury found Anderson guilty of aggravated assault upon a peace officer with a deadly weapon. The district court subsequently sentenced Anderson to a unified sentence of 18 years, with 12 years fixed. Anderson appeals his conviction, arguing that the district court erred by instructing the jury on a different theory of assault than what appeared on Anderson’s charging information. Next, Anderson argues the district court erred by failing to instruct the jury on a lesser-included offense of discharge of arms aimed at another. Finally, Anderson contends that the district court imposed an excessive sentence.