

**BOISE, WEDNESDAY, FEBRUARY 14, 2024, AT 11:10 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 49412</b>
	)	
<b>MARTIN EDMO ISH,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	

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Appeal from the District Court of the Sixth Judicial District of the State of Idaho, Bannock County. Rick Carnaroli, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

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

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This appeal concerns the voluntary manslaughter conviction of Martin Edmo Ish. Originally convicted in 2017, Ish's original conviction was vacated by the Idaho Supreme Court in 2020, in *State v. Ish*, 166 Idaho 492 (2020), after the Court concluded that the district court erred in its ruling on Ish's challenge to the jury panel under *Batson v. Kentucky*, 476 U.S. 79 (1986). The opinion of the Court was issued on April 13, 2020, and the remittitur followed on May 8, 2020. Thereafter, bond was reinstated, and Ish was held in the county jail awaiting retrial.

In the liminal period between trials, Ish moved for dismissal asserting a violation to his constitutional right to a speedy trial, which was denied by the district court. Ish also moved for a change of venue, which had been granted in his first trial, but was also denied by the district court in the instant case.

In 2021, Ish was again tried and convicted of voluntary manslaughter. Ish timely appeals his conviction. On appeal to the Idaho Supreme Court, Ish argues seven points of error: (1) that Ish's speedy trial rights were violated; (2) that the district court erred in denying Ish's motion for a change of venue; (3) that the district court erred in denying Ish's motion to strike a juror for cause; (4) that the errors in the aggregate deprived Ish of his right to a fair trial; (5) that the district court violated Ish's right to due process when it "imposed a vindictive sentence" following Ish's successful appeal; (6) that the district court abused its discretion by imposing a fifteen year sentence, with fourteen years fixed, upon Ish's guilty verdict for voluntary manslaughter; and (7) that the district court abused its discretion in denying Ish's Idaho Criminal Rule 35 motion in light of the new information provided.