

## **SUMMARY STATEMENT**

*State v. Charles Anthony Capone*

Docket No. 43124

In an appeal from Latah County, the Supreme Court affirmed a jury verdict finding Charles Anthony Capone guilty of first degree murder, failure to notify coroner or law enforcement of death, and conspiracy to commit failure to notify coroner or law enforcement of death. Capone was charged with these crimes in connection with the disappearance of Rachael Anderson. Anderson disappeared in April 2010. Prior to her disappearance, Anderson went to Capone's car repair shop in Moscow, Idaho to pick up her car. David Stone was also at Capone's shop and testified that he witnessed Capone kill Anderson by strangling her. Stone also testified that he helped Capone wrap Anderson's body in a tarp and a chain and dump the body off a bridge near Lewiston, Idaho. On appeal, Capone argued that the district court erred by not requiring Stone's testimony to be corroborated, as required by Idaho law. Capone also argued that the district court made several evidentiary errors at trial. The Supreme Court held that Stone was not an accomplice to the murder and therefore, no corroboration was required. The Court further held that there was sufficient evidence to corroborate the crimes in which Stone was an accomplice. The Supreme Court also held that while the district court had made a few evidentiary errors that these errors were harmless.

Capone also appealed the district court's denial of a motion for a new trial based on new evidence discovered after trial. After trial, Capone was made aware of a statement made by Stone to a cellmate prior to trial. The district court denied Capone's motion for a new trial, holding that the evidence was not material but merely impeachment evidence and not likely to produce an acquittal. The Supreme Court affirmed, agreeing that the new evidence was not material and not likely to result in acquittal.