

SUMMARY STATEMENT

State v. Johnson
Docket No. 43822

In an appeal from the Minidoka County district court, the Supreme Court affirmed David Leon Johnson's ("Johnson") judgment of conviction of two counts of lewd and lascivious conduct with a minor child under sixteen. Johnson appealed, alleging the district court erred by informing the jury that Johnson had a prior trial, after which this Court "reversed and remanded" and granted Johnson a new trial. Johnson also appealed the denial of three separate motions for mistrial, arguing: 1) a detective, while testifying, improperly commented on Johnson's invocation of his right to remain silent; 2) another witness's memory was improperly refreshed by referring to notes during his testimony; and 3) that the State's not disclosing such notes also constituted a discovery violation. Johnson further argued the detective's comment implicating Johnson's right to remain silent constituted prosecutorial misconduct. Lastly, Johnson argued that even if these alleged errors were individually harmless, they amount to cumulative error when combined. The Court affirmed Johnson's judgment of conviction, holding: 1) the trial court did not err in commenting on Johnson's earlier trial and this Court's decision; 2) the trial court properly denied Johnson's motions for mistrial; 3) Johnson was not prejudiced by the prosecutorial misconduct; and 4) the errors committed during Johnson's trial did not amount to cumulative error.