

## SUMMARY STATEMENT

*State v. Robins*, Docket No. 44296

This appeal arose from the jury conviction of Anthony J. Robins, Jr., for aiding and abetting two first-degree murders and an attempted first-degree murder. While he was incarcerated prior to trial, Robins's cell was searched and handwritten notes he had prepared in anticipation of a meeting with counsel were seized and delivered to the prosecuting attorney. The district court granted Robins partial relief from a violation of his attorney-client privilege but placed the burden on him to object at trial if the State offered evidence or argument arising from the privileged materials. Robins argued that the district court erred in fashioning this remedy and the Court agreed. In light of the circumstances, the Idaho Supreme Court vacated his judgment of conviction and remanded the case with instructions to hold a *Kastigar*-type hearing to determine whether the State could overcome the presumption of prejudice arising from its violation of Robins's attorney-client privilege. If the State could overcome the presumption, a new trial should be conducted from which the Ada County Prosecutor's Office should be recused.