

SUMMARY STATEMENT

State v. Kasey A. Smith
Docket No. 44499

After receiving a report involving the sexual assault of a minor, an officer from the Pocatello Police Department questioned Kasey A. Smith, the alleged perpetrator. The officer asked Smith to sign a waiver that included the standard *Miranda* warnings. Smith signed the waiver. During the questioning, the officer performed a computer voice stress analysis test on Smith. Once the test concluded, the officer continued to question Smith, who confessed to touching the victim. After being charged with one count of lewd conduct with a child under sixteen by manual-genital contact, Smith filed a motion to suppress his confession, claiming it was not voluntary. The district court denied the motion. Smith subsequently entered into a plea agreement with the State. At sentencing, the district court found that Smith had violated the terms of his plea agreement by not completing a full disclosure polygraph. Smith argued that he had completed the polygraph test but had merely refused to participate in the post-test interview.

On appeal, Smith argued that the district court's denial of his motion to suppress should be reversed and his judgment of conviction vacated because his confession was not voluntary. Smith also asserted that the district court erred in finding that he breached his plea agreement. The Idaho Court of Appeals held that the district court's finding that Smith knowingly, voluntarily, and intelligently waived his *Miranda* rights was supported by substantial and competent evidence in the record. The Court further held that Smith's will was not overborne by the officer's conduct. Regarding the terms of the plea agreement, the Court held that "complete a Psycho-sexual evaluation with a full disclosure polygraph" required completion of the post-test interview, meaning the district court was correct in ruling that Smith violated the terms of the plea agreement, thereby allowing the State to recommend any sentence it thought appropriate. Accordingly, the Court affirmed the judgment of conviction and sentence.