

SUMMARY STATEMENT

State v. Shawn Jerri Coats

Docket No. 44872

The State charged Shawn Jerri Coats with eight offenses relating to the use of another person's financial transaction card to deposit forged checks, purchase various items, and withdraw sums of money. Coats was convicted on all but one count. On appeal, Coats argued that there was insufficient evidence he stole any retail goods or services from the owner of the goods or services, requiring vacating his conviction on one count of grand theft pursuant to Idaho Code § 18-2403(1). Alternatively, Coats argued that conviction and punishment for both the count of grand theft and the count of criminal possession of a financial transaction card constituted double jeopardy because both arose out of the same factual predicate. The Court of Appeals held that there was insufficient evidence for a reasonable juror to find Coats guilty of grand theft. Pursuant to Idaho Code § 18-2403(1), "a person steals property and commits theft when, with intent to deprive another of property or to appropriate the same to himself or to a third person, he wrongfully takes, obtains, or withholds such property from an owner thereof." For purposes of theft, an owner is "any person who has a right to possession thereof superior to that of the taker, obtainer or withholder." Since neither the store nor the owner of the financial transaction card had a superior property right in the goods purchased by Coats, neither could be deemed an "owner" for purposes of Idaho Code § 18-2403(1). The Court of Appeals vacated the district court's judgment of conviction for grand theft. Because the conviction for grand theft was vacated, no double jeopardy issue existed, and the judgment of conviction for criminal possession of a financial transaction card was affirmed.