

SUMMARY STATEMENT

State v. Alwin
Docket No. 45743

Jeffrey Lynn Alwin appealed his judgment of conviction entered in the Kootenai County district court. A jury found Alwin guilty of felony eluding a peace officer. Alwin moved for a new trial, challenging the district court's admission of a booking photograph at trial. Alwin argued the booking photograph was evidence of prior criminal conduct in violation of Idaho Rule of Evidence (I.R.E.) 404(b). The district court denied his motion. Alwin timely appealed and contended the district court abused its discretion in denying his motion for a new trial because the district court erroneously admitted I.R.E. 404(b) evidence over his objection when it admitted the booking photograph at trial. Alwin also argued the State committed prosecutorial misconduct during closing arguments. The Court of Appeals reversed, and the State filed a timely Petition for Review. The Idaho Supreme Court affirmed the district court's judgment. The Court determined the booking photograph did not constitute I.R.E. 404(b) evidence, and as such the district court did not err in denying Alwin's motion for a new trial. As to prosecutorial misconduct, the Court held that while one statement made by the prosecutor constituted prosecutorial misconduct, it did not constitute fundamental error. Thus, the district court's judgment was affirmed.