

BOISE, THURSDAY, OCTOBER 15, 2009, AT 9:00 AM

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35141

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 KARL JAMES MUSICK, JR.,)
)
 Defendant-Appellant.)
 _____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Thomas F. Neville, District Judge.

Molly J. Huskey, State Appellate Public Defender; Sarah E. Thompkins, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

A jury found Karl James Musick, Jr. guilty of aggravated battery for hitting the victim in the head with a baseball bat. He appeals the judgment of conviction and asserts that the district court erred in excluding evidence of the victim's racial remark which he contends supported his self-defense argument.