

BOISE, THURSDAY, FEBRUARY 20, 2020, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45758

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 MELONIE DAWN SMITH,)
)
 Defendant-Appellant.)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jeff D. Nye, Deputy Attorney General, Boise, for respondent.

After receiving a report that Melonie Dawn Smith killed David Davis and attempted to destroy evidence of the crime, officers responded to Smith’s home. After talking with Smith on her porch, the officers detained Smith, seized the home, and conducted a sweep of the residence. The officers discovered a large mass in a plastic bag, which the officers later learned contained Davis’s body.

The State charged Smith with murder in the first degree, Idaho Code §§ 18-4001, -4002, and -4003, and destruction, alteration, or concealment of evidence, I.C. § 18-2603, both felonies. A jury found Smith guilty of both charges, and Smith timely appeals.

On appeal, Smith asserts the district court erred by denying her motion to suppress evidence gathered by a warrantless search of her home and admitting hearsay testimony of her mother for the truth of the matter asserted at trial. Further, Smith argues the State committed prosecutorial misconduct, amounting to fundamental error, by inferring Smith’s guilt from her repeated assertions of her Fourth Amendment rights prior to the search of her home, as depicted by video admitted as evidence. Finally, Smith contends, in the aggregate, the errors that occurred amounted to cumulative error. In response, the State claims the court did not err in denying the motion to suppress and did not abuse its discretion by over-ruling Smith’s hearsay objections. Further, the State asserts no fundamental or cumulative error occurred.