

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45241

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 RANA LYNN KLINGNER,)
)
 Defendant-Appellant.)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael R. McLaughlin, District Judge.

William J. Young, Peterson Lawyers, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Ted S. Tollefson, Deputy Attorney General, Boise, for respondent.

As part of an investigation into missing funds, a detective asked all the employees of the Boise County clerk’s office to take a polygraph test. Rana Lynn Klingner, the deputy auditor clerk, failed the polygraph. Following further investigation, the detective identified Klingner as responsible for the theft. Klingner was charged with two counts of grand theft.

During a jury trial, in response to a question from defense counsel, the detective mentioned the polygraph tests in violation of the district court’s pretrial ruling that testimony about the polygraph tests was inadmissible. Klingner moved for a mistrial, which the district court denied. The jury was instructed to disregard the testimony regarding the polygraph tests and the State was allowed to explore “investigative techniques” on redirect examination “without the use of the term ‘polygraph.’” Thereafter, Klingner again moved for a mistrial, which the district court denied. The jury found Klingner guilty of both counts of grand theft. Klingner renewed her motions for mistrial, which the district court again denied.

The district court entered a judgment of conviction and following a hearing, ordered Klingner to pay \$36,376.37 restitution to the county’s insurer. Klingner timely appeals arguing: (1) the district court erred by denying her motions for mistrial because the detective’s testimony about the polygraph tests and “investigative techniques” unduly influenced the jury; and (2) the district court abused its discretion by awarding the county’s insurer \$36,376.37 in restitution because the evidence presented by the State was not sufficient and the award would amount to unjust enrichment.