

SUPREME COURT OF THE STATE OF IDAHO

State v. Gneiting

Gneiting · No. 46781 · Decided July 15, 2020

SUMMARY

The Supreme Court of Idaho affirmed Nicole Lyn Gneiting’s conviction for possession of major contraband within a correctional facility under Idaho Code section 18-2510(3)(c). The court held that an arrestee voluntarily possesses contraband in a correctional facility when given opportunities to surrender it before entering the facility but chooses to continue concealing it. The court also concluded that an erroneous jury instruction concerning introduction rather than possession of contraband was harmless and that the choice confronting Gneiting did not violate the Fifth Amendment.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Burdick, Chief Justice; Brody, Justice; Bevan, Justice; Stegner, Justice; Moeller, Justice
JURISDICTION	Idaho
DECIDED	July 15, 2020
DOCKET	46781
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gneiting appealed her Bonneville County conviction for possession of major contraband within a correctional facility, arguing that the State presented insufficient evidence because her entry into the jail was involuntary.
STANDARD OF REVIEW	The Court reviews whether substantial evidence supported the jury's verdict by viewing the evidence in the light most favorable to the prosecution and asking whether a rational trier of fact could find all essential elements beyond a reasonable doubt. Statutory interpretation is reviewed de novo. Unobjected-to instructional error is reviewed for fundamental due-process error and is harmless when no rational jury could have found that the State failed to prove the allegedly omitted element.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Nicole Lyn Gneiting v. State of Idaho

TOPICS

criminal procedure

statutory interpretation

standard of review

harmless error

fifth amendment

PRACTICE AREAS

criminal law

criminal procedure

appellate law

statutory interpretation

QUESTIONS PRESENTED

1. Whether substantial evidence supported Gneiting's conviction for knowingly possessing or attempting to possess major contraband within a correctional facility when her entry into the jail was involuntary.
2. Whether the voluntary-act requirement was satisfied by Gneiting's choice to continue concealing the methamphetamine after repeated warnings and opportunities to surrender it.
3. Whether the erroneous jury instruction describing the offense as introducing rather than possessing major contraband constituted reversible fundamental error.
4. Whether requiring Gneiting to choose between disclosing the contraband and remaining silent violated the Fifth Amendment.

HOLDINGS

1. Although voluntariness is not expressly listed as an element of Idaho Code section 18-2510(3)(c), Idaho Code section 18-114 requires a voluntary act for every crime. An arrestee acts voluntarily for purposes of section 18-2510(3)(c) when given an opportunity to surrender contraband before entering a correctional facility but chooses to continue possessing it.
2. Substantial evidence supported Gneiting's conviction because she knowingly chose to continue possessing and concealing methamphetamine after multiple warnings and opportunities to surrender it before entering the jail.
3. The erroneous instruction using 'introduced or attempted to introduce' instead of 'possess or attempt to possess' was harmless and did not rise to the level of a due-process violation warranting sua sponte review.
4. The Fifth Amendment does not prohibit the State from requiring an arrestee to choose between disclosing concealed contraband before entering a correctional facility and risking an additional possession charge if the contraband is discovered. Invocation of the right against self-incrimination would not prevent a lawful booking search.

KEY QUOTATIONS

“Accordingly, we adopt the majority view and hold that an arrestee acts voluntarily when they are given an opportunity to give up any contraband before being taken into a correctional facility but choose to continue to possess the contraband.” (9)

“For the reasons above, we conclude that the State presented substantial evidence upon which a reasonable trier of fact could find Gneiting guilty of possession of certain articles within a correctional facility under Idaho Code section 18-2510(3)(c).” (11)

FACTUAL BACKGROUND

Police arrested Gneiting after finding suspected drugs and other contraband in a motel-room purse and transported her to the county jail. Before and upon arrival at the jail, officers repeatedly warned her that bringing illegal contraband into the facility could result in an additional charge and gave her opportunities to disclose or surrender anything concealed on her person. Gneiting denied possessing contraband, but a strip search at the jail revealed 31.41 grams of methamphetamine concealed between her legs.

PROCEDURAL HISTORY

A Bonneville County jury convicted Gneiting of trafficking in methamphetamine, possession of major contraband within a correctional facility, possession of Xanax, and possession of drug paraphernalia after a four-day trial. The district court entered judgment and imposed consecutive felony sentences, later partially reducing the fixed portion of the sentence on Gneiting's motion for leniency. The Idaho Supreme Court affirmed the judgment of conviction.

DISPOSITION

affirmed

CASES CITED

- State v. Kralovec, 161 Idaho 569, 572, 388 P.3d 583, 586 (2017)
- State v. Severson, 147 Idaho 694, 712, 215 P.3d 414, 432 (2009)
- State v. Mitchell, 130 Idaho 134, 135, 937 P.2d 960, 961 (Ct. App. 1997)
- State v. Sheahan, 139 Idaho 267, 286, 77 P.3d 956, 975 (2003)
- State v. Schulz, 151 Idaho 863, 865, 264 P.3d 970, 972 (2011)
- State v. Taylor, 59 Idaho 724, 738, 87 P.2d 454, 461 (1939)
- State v. Henzell, 17 Idaho 725, 734, 107 P. 67, 70 (1910)
- State v. Perry, 150 Idaho 209, 224, 245 P.3d 961, 976 (2008)
- Barrera v. State, 403 P.3d 1025, 1028-29 (Wyo. 2017)
- State v. Cargile, 916 N.E.2d 775, 777-78 (Ohio 2009)
- Taylor v. Commonwealth, 313 S.W.3d 563, 565-66 (Ky. 2010)
- Brown v. State, 89 S.W.3d 630, 633 (Tex. Crim. App. 2002) (en banc)
- State v. Alvarado, 200 P.3d 1037, 1042 (Ariz. Ct. App. 2008)
- People v. Low, 232 P.3d 635, 644 (Cal. 2010)
- State v. Barnes, 747 S.E.2d 912, 920 (N.C. Ct. App. 2013)
- State v. Winsor, 110 S.W.3d 882, 887 (Mo. Ct. App. 2003)
- Herron v. Commonwealth, 688 S.E.2d 901, 906 (Va. Ct. App. 2010)
- State v. Canas, 597 N.W.2d 488, 496 (Iowa 1999)
- State v. Turner, 630 N.W.2d 601, 606 n.2 (Iowa 2001)

- State v. Tippetts, 43 P.3d 455 (Or. Ct. App. 2002)
- State v. Eaton, 177 P.3d 157 (Wash. 2008)
- State v. Payne, 146 Idaho 548, 199 P.3d 123 (2008)
- Bonin v. Calderon, 59 F.3d 815 (9th Cir. 1995)
- State v. Harms, 137 Idaho 891, 55 P.3d 884 (Ct. App. 2002)