IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51842

STATE OF IDAHO,	)	
	)	**Filed: October 27, 2026**
Plaintiff-Respondent,	)	
	)	**Melanie Gagnepain, Clerk**
v.	)	
	)	**THIS IS AN UNPUBLISHED**
MATTHEW JASON BLAZEK,	)	**OPINION AND SHALL NOT**
	)	**BE CITED AS AUTHORITY**
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cynthia Yee-Wallace, District Judge.

Judgment of conviction for rape, with a deadly weapon sentencing enhancement; forcible penetration by use of a foreign object; domestic violence in the presence of a child; and attempted strangulation, vacated and case remanded.

Erik R. Lehtinen, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

TRIBE, Chief Judge

Matthew Jason Blazek appeals from his judgment of conviction for rape, with a deadly weapon sentencing enhancement; forcible penetration by use of a foreign object; domestic violence in the presence of a child; and attempted strangulation. We vacate and remand.

I.
FACTUAL AND PROCEDURAL BACKGROUND

In July 2023, Blazek entered his estranged wife's (W.B.) home through a window. At approximately 2:30 a.m., while in bed with their child, W.B. woke up to Blazek standing in her bedroom near the bed. W.B. alleged that Blazek pulled her out of bed, strangled her repeatedly, headbutted her, forced her to remove her clothing, inserted his fingers into her vagina against her will, threatened her with a knife, threatened to kill her or himself, ordered her to shower in front

of him, battered her in front of their child, and raped W.B. twice. Blazek further told W.B. that, if his guns had been in the home, he would have shot her. Once Blazek left the home, W.B. called the police.

The State charged Blazek with forcible penetration by use of a foreign object, domestic violence in the presence of a child, attempted strangulation, aggravated assault, use of a deadly weapon during the commission of a crime, intentional destruction of a telecommunication line or instrument, domestic battery in the presence of a child, unlawful entry, and two counts of rape.

Prior to trial, the State filed a notice of intent to present evidence pursuant to Idaho Rule of Evidence 404(b). The State sought to introduce evidence that, in 2007 or 2008, Blazek entered the home of his ex-wife (S.K.) in the middle of the night, threatened to kill her and himself, and then either committed an act of strangulation or otherwise physically restrained her. The State also sought to introduce evidence that, on another occasion, Blazek appeared outside the bedroom where S.K. was staying at her parents' home and threatened to kill her and himself. The State argued the evidence was offered to show motive, intent, common scheme or plan, absence of mistake, and lack of accident, and that its probative value is not substantially outweighed by the danger of unfair prejudice. Blazek objected, arguing the proposed evidence constituted inadmissible propensity evidence and would be extraordinarily prejudicial.

Following a hearing, the district court issued an order regarding the State's I.R.E. 404(b) notice. The district court determined that Blazek and S.K. had separated and that, during their separation, Blazek entered S.K.'s home and she awoke at approximately 2:30 a.m. to find him standing over her. The district court also determined that, on another occasion, while S.K. was staying with her children at her parents' home, Blazek appeared outside the bedroom around 3:00 a.m. and threatened to kill S.K. and himself. The district court ruled this evidence was admissible for the nonpropensity purposes of motive, intent, lack of accident, absence of mistake, and common scheme or plan. The district court further determined that the probative value of this evidence was not substantially outweighed by the danger of unfair prejudice. However, the district court excluded the remaining proposed evidence regarding Blazek's other alleged violent conduct because it was unduly prejudicial and too dissimilar from the charged conduct to demonstrate a permissible nonpropensity purpose. The district court instructed the jury that evidence of other acts could not be considered to prove Blazek's character or disposition to

commit crimes but could be considered for the limited purpose of proving motive, intent, plan, or absence of mistake or accident.

The case proceeded to trial. The jury found Blazek not guilty of aggravated assault, intentional destruction of a telecommunication line or instrument, domestic battery in the presence of a child, unlawful entry, and one count of rape. The jury found Blazek guilty of forcible penetration by use of a foreign object (Idaho Code § 18-6604); domestic violence in the presence of a child (I.C. §§ 18-918(2), -903(a), -918(4)); attempted strangulation (I.C. § 18-923); and one count of rape (I.C. § 18-6101(5), (6)), with a deadly weapon sentencing enhancement (I.C. § 19-2520). Blazek appeals.

II.
STANDARD OF REVIEW

A trial court's determination as to the admission of evidence at trial will only be reversed where there has been an abuse of that discretion. *State v. Zimmerman*, 121 Idaho 971, 973-74, 829 P.2d 861, 863-64 (1992). When a trial court's discretionary decision is reviewed on appeal, the appellate court conducts a multi-tiered inquiry to determine whether the trial court: (1) correctly perceived the issue as one of discretion; (2) acted within the boundaries of such discretion; (3) acted consistently with any legal standards applicable to the specific choices before it; and (4) reached its decision by an exercise of reason. *State v. Herrera*, 164 Idaho 261, 270, 429 P.3d 149, 158 (2018).

III.
ANALYSIS

Blazek argues the district court abused its discretion by admitting evidence of prior incidents involving S.K. under I.R.E. 404(b). He contends the evidence was inadmissible propensity evidence disguised as proof of motive, intent, absence of mistake, or common scheme or plan. Blazek also argues that the State's offer of proof was insufficient to establish the prior acts as fact. Blazek asserts that intent was not genuinely at issue and that the evidence of the prior incidents, which occurred more than fifteen years prior, served only to portray him as a "man with bad character--a man with propensity to trespass and threaten an estranged wife." He further argues the evidence was substantially outweighed by the danger of unfair prejudice.

The State responds that the district court properly admitted limited prior-acts evidence for nonpropensity purposes. The State argues the evidence was relevant to show Blazek's motive and intent during a separation and to negate any claim of mistake or innocent purpose. The State further contends the district court carefully exercised its discretion by excluding other proposed I.R.E. 404(b) evidence and by conducting an I.R.E. 403 balancing analysis.

The evidence rule in question, I.R.E. 404(b), provides, in relevant part:

> (1) Prohibited Uses. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
>
> (2) Permitted Uses; Notice in a Criminal Case. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

This rule prohibits introduction of evidence of acts other than the crime for which a defendant is charged if its probative value is entirely dependent upon its tendency to demonstrate the defendant's propensity to engage in such behavior. *State v. Grist*, 147 Idaho 49, 54, 205 P.3d 1185, 1190 (2009). Of course, evidence of another crime, wrong, or act may implicate a person's character while also being relevant and admissible for some permissible purpose, such as those listed in the rule. *See State v. Pepcorn*, 152 Idaho 678, 688-89, 273 P.3d 1271, 1281-82 (2012).

When determining the admissibility of evidence to which an I.R.E. 404(b) objection has been made, the trial court must first determine whether there is sufficient evidence of the other acts that a reasonable jury could believe the conduct actually occurred. If so, then the court must consider: (1) whether the other acts are relevant to a material and disputed issue concerning the crime charged, other than propensity; and (2) whether the probative value is substantially outweighed by the danger of unfair prejudice. *Grist*, 147 Idaho at 52, 205 P.3d at 1188; *State v. Parmer*, 147 Idaho 210, 214, 207 P.3d 186, 190 (Ct. App. 2009). On appeal, this Court defers to the trial court's determination that there is sufficient evidence of the other acts if it is supported by substantial and competent evidence in the record. *Parmer*, 147 Idaho at 214, 207 P.3d at 190.

Blazek challenges the sufficiency of the State's offer of proof concerning the prior acts. The State's offer of proof identified S.K.'s testimony at trial concerning the prior incidents and other evidence supporting their occurrence. The district court, therefore, had a factual basis for determining whether sufficient evidence of the prior acts existed, such that a reasonable jury could believe the conduct occurred.

On the next step of the analysis, the district court's written order reflects that it considered the State's proffered nonpropensity reasons for admitting the evidence. The district court concluded evidence of the incidents involving S.K. were relevant for nonpropensity purposes, including motive, intent, lack of accident, absence of mistake, and common scheme or plan. Finally, the district court concluded that the probative value of the evidence involving S.K. was not substantially outweighed by the danger of unfair prejudice. The district court also instructed the jury that evidence of other acts could not be considered to prove Blazek's character or disposition to commit crimes but could be considered for the limited purposes of proving motive, intent, plan, or absence of mistake or accident.

Blazek argues the district court merely labeled the evidence as nonpropensity without engaging in a meaningful analysis of how the evidence satisfied any of the proper purposes argued by the State. Addressing each of the purposes noted by the district court, Blazek asserts: (1) his "conduct with S.K. over fifteen years ago does not provide a motive for his alleged conduct in the current case"; (2) his "intent in entering the home is not relevant" because it does not prove any of the alleged offenses; (3) the incidents involving S.K. fifteen years prior do not establish lack of mistake or accident with respect to any of the alleged offenses; and (4) no common scheme or plan was identified between the charged conduct with W.B. and what occurred with S.K. more than a decade before. We agree with Blazek.

The district court did not identify a material and disputed issue to which the prior acts were relevant apart from propensity. Blazek's presence in the home on the night of the charged conduct was not disputed. Nor did the charged offenses turn on whether Blazek unlawfully or innocently entered the home. Instead, the prior incidents primarily established that Blazek had previously engaged in similar threatening conduct toward S.K. during their separation. Although the State identified intent, lack of accident, absence of mistake, and common scheme or plan as permissible purposes, those purposes do not support admission here because they were not tied to a material and disputed issue concerning the charged offenses. Rather, the probative value of the incidents involving S.K. was entirely dependent upon the tendency to demonstrate Blazek's propensity to engage in such behavior. Idaho Rule of Evidence 404(b) does not permit admission of evidence for that purpose. Moreover, the fifteen-year gap between the incidents involving S.K. and the

incident with W.B. reduced any potential probative value, even for a proper purpose, which was substantially outweighed by the danger of unfair prejudice.

The State argues that, even if the evidence was improperly admitted, any error resulting from its admission was harmless in light of the district court's partial denial of the State's request, the limiting instruction, and consideration of the probative force of all the evidence that was properly admitted. Error is not reversible unless it is prejudicial. *State v. Stell*, 162 Idaho 827, 830, 405 P.3d 612, 615 (Ct. App. 2017). Where a criminal defendant shows an error based on a contemporaneously objected-to, nonconstitutional violation, the State then has the burden of demonstrating to the appellate court beyond a reasonable doubt the error did not contribute to the jury's verdict. *State v. Montgomery*, 163 Idaho 40, 46, 408 P.3d 38, 44 (2017). Thus, we examine whether the alleged error complained of in the present case was harmless. *See id.* Harmless error is error unimportant in relation to everything else the jury considered on the issue in question, as revealed in the record. *State v. Garcia*, 166 Idaho 661, 674, 462 P.3d 1125, 1138 (2020). This standard requires weighing the probative force of the record as a whole while excluding the erroneous evidence and at the same time comparing it against the probative force of the error. *Id.* If the error's effect is minimal compared to the probative force of the record establishing guilt beyond a reasonable doubt without the error, then the error did not contribute to the verdict rendered and is harmless. *Id.* The reviewing court must take into account what effect the error had, or reasonably may have had, on the jury in the context of the total setting and in relation to all else that happened, which necessarily includes the evidence presented. *Kotteakos v. United States*, 328 U.S. 750, 764 (1946).

Here, the State has not demonstrated beyond a reasonable doubt that the erroneous admission of the prior-acts evidence did not contribute to the jury's findings of guilt. The prior-acts evidence was significant because it supplied the jury with evidence that Blazek had previously appeared at the home of someone (whom he was or had been in a relationship with) during a separation, in the middle of the night, and threatened violence. The prior incidents occurred approximately fifteen years before the charged conduct, and the charged conduct did not involve a material and disputed issue concerning whether Blazek was present at W.B.'s home. Thus, the prior acts had limited probative value apart from their tendency to suggest that Blazek acted in accordance with a propensity for threatening conduct.

The State points to the limiting instruction and the jury's return of both guilty and not-guilty verdicts as evidence that the error was harmless. We are not persuaded. Although the district court instructed the jury that it could consider the prior-acts evidence only to prove motive, intent, plan, or absence of mistake or accident, the instruction did not eliminate the risk that the jury would use the evidence to infer that Blazek acted in conformity with his character. Indeed, contrary to the State's argument that the error is harmless because the "jury simply heard that Blazek had twice-before entered an estranged wife's house early in the morning and, on one occasion, threatened her," at trial, the State emphasized the prior acts in its opening statement and during cross-examination of Blazek. Moreover, the State presented the prior-acts evidence as the last evidence in its case, giving the evidence particular prominence in the State's proof.

Considering the record as a whole and excluding the erroneous prior-acts evidence, we cannot conclude beyond a reasonable doubt that the error was unimportant in relation to the other evidence the jury considered. The improperly admitted evidence was not cumulative of evidence bearing on a properly material and disputed issue; instead, its principal force was to demonstrate that Blazek had poor character, particularly in his relationships with estranged partners. Given the nature of the evidence and the significant temporal gap between the prior incidents and the charged conduct, we are not convinced the error did not contribute to the jury's verdicts. Accordingly, the State has failed to meet its burden of establishing harmless error beyond a reasonable doubt. The erroneous admission of the I.R.E. 404(b) evidence was prejudicial, and Blazek's judgment of conviction for rape, with a deadly weapon sentencing enhancement; forcible penetration by use of a foreign object; domestic violence in the presence of a child; and attempted strangulation is vacated.

IV.
CONCLUSION

The district court abused its discretion in admitting the challenged prior-acts evidence under I.R.E. 404(b), and the resulting error was not harmless. Blazek's judgment of conviction for rape, with a deadly weapon sentencing enhancement; forcible penetration by use of a foreign object; domestic violence in the presence of a child; and attempted strangulation is vacated, and the case is remanded for proceedings consistent with this opinion.

Judge LORELLO and Judge PETTY, **CONCUR**.