

SUMMARY STATEMENT

State of Idaho v. Ida Perez Vasquez, Docket No. 43260

In a case arising out of Power County, the Idaho Court of Appeals reversed the judgment of conviction and remanded the case to the district court.

In open court, Ida Perez Vasquez's counsel and the prosecuting attorney informed the district court that they stipulated to waive Vasquez's right to a jury trial and have the case tried as a bench trial. Vasquez was never personally asked if she waived her right to a jury trial. Following the bench trial, Vasquez was convicted of felony intimidating a witness. Vasquez timely appealed and argued that the failure of the district court to specifically ask Vasquez and obtain her waiver of her right to a jury trial constituted a structural defect in the proceedings, mandating that her conviction be vacated.

The Court of Appeals held that Vasquez had shown that fundamental error occurred when the district court conducted a court trial without first obtaining Vasquez's personal, express waiver of her right to a jury trial. Therefore, the judgment of conviction is vacated and the case remanded to the district court for proceedings consistent with this opinion