

SUMMARY STATEMENT

State of Idaho v. Vasquez, Docket No. 45346

In an appeal arising out of Power County, the Supreme Court vacated a judgment of conviction following a court trial where Ida Perez Vasquez (“Vasquez”) was found guilty of one count of intimidating a witness in violation of Idaho Code section 18-2604(3). Vasquez appealed her judgment of conviction arguing that her constitutional right to a jury trial under both the Idaho and United States Constitutions was violated when the district court held a court trial without first obtaining Vasquez’s personal, express waiver of her right to a jury trial. Although Vasquez did not object below, she argues that this deprivation represents a structural defect, and, therefore, can be considered for the first time on appeal. The Court unanimously held that under Idaho’s fundamental error analysis articulated in *State v. Perry*, 150 Idaho 209, 245 P.3d 961 (2010), a criminal defendant’s waiver of the right to a jury trial must be made by the defendant herself; otherwise, the waiver is invalid and amounts to a structural defect that dispels the defendant’s obligation to show actual prejudice. Thus, in criminal cases, trial courts must obtain a defendant’s consent to waive the right to a jury trial from the defendant herself. Accordingly, the Court vacated Vasquez’s judgment of conviction.