

## SUMMARY STATEMENT

*State v. Garcia-Ongay*

Docket No. 47408

Tomas Daniel Garcia-Ongay appealed from his judgment of conviction for lewd conduct with a minor under the age of sixteen. After Garcia-Ongay's conviction, the Elmore County Jury Commissioner informed the district court of his concerns that a juror in the trial had expressed clear racial bias when he was summoned for jury duty. In light of this information, Garcia-Ongay moved for a new trial and requested that the district court grant permission for him to investigate whether racial animus tainted the jury's deliberations. The district court denied the motion for a new trial and the accompanying request to interview jurors concerning racial animus in the deliberations. On appeal, Garcia-Ongay argued that the district court abused its discretion in denying his request for further investigation, claiming that the United States Supreme Court's holding in *Peña-Rodriguez v. Colorado*, 137 S. Ct. 855 (2017), permitted such an inquiry.

The Idaho Supreme Court reversed the district court's decision and remanded the matter for further proceedings. The Court held that the district court abused its discretion because it applied the wrong standard to the question before it. Instead of asking if Garcia-Ongay had demonstrated by clear and convincing evidence that prejudicial misconduct occurred, the proper initial inquiry was whether good cause existed to suggest such misconduct may have occurred. Under that standard, the credible report from the Elmore County Jury Commissioner indicating that one juror had expressed racial animus before trial demonstrated good cause for an investigation. Accordingly, the Court remanded the matter for an investigation into whether racial animus tainted the jury's deliberations in Garcia-Ongay's trial.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*