

## SUMMARY STATEMENT

*State v. Amber Della Fitzsimmons*

Docket No. 47623

Amber Della Fitzsimmons was charged with felony driving under the influence of alcohol (DUI), Idaho Code §§ 18-8004, 18-8005(6). The felony enhancement was based upon the allegation that Fitzsimmons had pled guilty to two violations of a substantially conforming foreign statute within the last ten years. After a bifurcated trial, where the State presented certified packets from the Orange County court regarding Fitzsimmons' previous DUIs, the jury found Fitzsimmons guilty of felony DUI.

On appeal, Fitzsimmons argued that the certified packets presented by the State were insufficient to support the felony enhancement because they did not contain a judgment of conviction, relied on court minutes, and lacked multiple signatures and dates. The Court of Appeals held that, since a judgment of conviction was not required, the court minutes were not inherently unreliable, and the missing signatures impacted the weight of the evidence but were not disqualifying, the evidence presented by the State was sufficient to support the jury's finding that Fitzsimmons had previously pled guilty to two prior DUIs. Therefore, the Court of Appeals affirmed Fitzsimmons' conviction for felony DUI.

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