

SUMMARY STATEMENT

State of Idaho v. Jaree Heck

Docket No. 47654

In this case arising out of Jerome County, the Court of Appeals affirmed Jaree Heck's judgment of conviction for vicious dog at large. Heck's pit bull ran through the open gate of Heck's front yard and attacked her neighbor as he stood in his driveway. Heck was cited with violating Jerome City Ordinance (J.C.O.) 6.08.030 for allowing a vicious dog to run at-large. Heck initially pled guilty, but was subsequently allowed to withdraw her plea.

Prior to trial, Heck sought to exclude evidence that the dog was vicious, including evidence that the dog bit the victim. The magistrate court ultimately concluded that, reading J.C.O. 06.08.020 and 06.08.030 together, the State could pursue a charge of vicious dog at large. Consequently, the jury instructions included the adjective "vicious" in describing the dog that was alleged to be at large. After the State concluded its case-in-chief and again prior to submitting the case to the jury, Heck moved for a judgment of acquittal, arguing that there was insufficient evidence to prove that her dog was more than six months old as required to bring the animal within the J.C.O.'s definition of "dog." The magistrate court denied both motions, and the jury found Heck guilty of vicious and dangerous dog at large.

After an unsuccessful post-verdict motion for judgment of acquittal, Heck appealed to the district court, challenging the jury instructions and the denial of her motions for judgment of acquittal. The district court affirmed Heck's judgment of conviction.

On appeal from the district court's decision on intermediate appeal, Heck argued that the elements instruction was erroneous, the magistrate court erred in denying her motions for acquittal, and the evidence was insufficient to support her conviction. The Court of Appeals rejected the State's argument that the Court should decline to consider Heck's arguments based on her failure to assert error by the district court and held that Heck adequately framed her issues on appeal. The Court of Appeals further held there was no reversible error in the elements instruction and there was sufficient evidence to support the jury's finding that Heck's dog was more than six months old when it escaped Heck's yard.

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