

## **SUMMARY STATEMENT**

*State of Idaho v. Damion Tywon Doser*

Docket No. 48034

In this case arising out of Ada County, the Court of Appeals affirmed Damion Tywon Doser's judgment of conviction for possession of a controlled substance and possession of drug paraphernalia. The State charged Doser with drug offenses after discovering contraband in his backpack. Prior to trial, the district court received a letter from Doser expressing dissatisfaction with his appointed counsel and requesting substitute counsel. The court clerk forwarded the letter to counsel for both parties the day it was received; no further action was taken. After sending the letter, Doser appeared with his allegedly dissatisfactory counsel in two subsequent pretrial hearings and a jury trial without mentioning the letter or otherwise indicating he remained dissatisfied with his counsel. A jury found Doser guilty of possession of a controlled substance and possession of drug paraphernalia. Doser appealed.

On appeal, Doser argued that the district court erred by failing to hold a hearing to inquire into his request for substitute counsel. The Court of Appeals held that, even if Doser's letter triggered the district court's obligation to inquire into his request for substitute counsel, the absence of a hearing or inquiry into Doser's dissatisfaction with appointed counsel was not error because Doser abandoned that request through his subsequent conduct. Consequently, the Court of Appeals affirmed Doser's judgment of conviction for possession of a controlled substance and possession of drug paraphernalia.

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