

SUMMARY STATEMENT

State v. Augerlavoie, Docket No. 48939

Patrick Nieves Augerlavoie appealed from the judgment of conviction entered against him after a jury found him guilty of felony leaving the scene of an injury accident, misdemeanor making a false 911 report, and being a persistent violator. During the second part of Augerlavoie's trial, where the State presented evidence related to Augerlavoie's status as a persistent violator of the law, the trial judge directed the court clerk to update its certification of an exhibit (7) offered by the State. On appeal, Augerlavoie argued that this intervention from the trial court was improper and equated to the judge offering witness testimony under Idaho Rule of Evidence 605. Alternatively, Augerlavoie argued that the trial judge's actions constituted fundamental error. The Idaho Supreme Court disagreed, affirming Augerlavoie's judgment of conviction, and holding that the district court did not err by directing the court clerk to correct the omission from the certification of Exhibit 7. The Court also held that Augerlavoie failed to show fundamental error.

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