

SUMMARY STATEMENT

State v. Miller

Docket No. 49241-2021

The Idaho Supreme Court vacated Miller's sentence and remanded for a new trial to determine whether a sentencing enhancement applies to Miller.

The State charged Miller with driving under the influence of alcohol and/or drugs ("DUI"). The State also alleged that a sentencing enhancement applied pursuant to Idaho Code section 18-8005(9). The jury found Miller guilty on the felony DUI charge. Upon stipulation from defense counsel, the district court dismissed the jury before it could consider whether the sentencing enhancement applied to Miller. Miller did not waive his right to a jury trial on the enhancement. The district court later sentenced Miller on the felony DUI and applied the sentencing enhancement. Miller appealed.

On appeal, both parties agree that the district court committed fundamental error by dismissing the jury prior to obtaining a valid waiver from Miller of his right to have the jury decide whether the sentencing enhancement applied to him. The parties, however, disagree as to the appropriate remedy in the case. Miller argues that the sentencing enhancement should not be applied to him because the State failed to provide sufficient evidence that the sentencing enhancement should be applied to Miller. Miller alternatively asserts that this Court should remand for a new trial on the sentencing enhancement. The State argues that the State did not submit any evidence to a jury concerning the sentencing enhancement and therefore the appropriate remedy is to vacate Miller's sentence and remand for a new trial on the enhancement.

Given the State's concession that the district court committed fundamental error, the Court assumed, without deciding, that Miller demonstrated fundamental error. The Court rejected Miller's sufficiency of the evidence argument because no evidence was presented to the jury. Instead, the Court held that the appropriate remedy is to vacate the sentence imposed and remand Miller's case for a new trial on the sentencing enhancement.

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