

SUMMARY STATEMENT

State v. Rodriguez

Docket No. 49266

In 2021, a Cassia County jury found Defendant Gilberto Flores Rodriguez guilty of first-degree murder for the 1995 killing of a 14-year-old girl. Following the verdict, Rodriguez filed a motion for a new trial, alleging that a juror may have slept through portions of his trial. He argued that there was clear and convincing evidence of misconduct that resulted in prejudice.

The district court held an evidentiary hearing where the bailiff testified as a witness. The court later denied the motion. It found that while the juror in question had “put his head down” three times, the juror was always promptly stirred by the bailiff who entered the jury box to check on him. The court also noted, based on its own observations, that everyone could see the bailiff enter the jury box during trial proceedings. Thus, there was no reason why the defense could not have raised its concerns during the trial, when the juror could have been timely questioned.

The Idaho Supreme Court affirmed the district court’s decision. Because Rodriguez failed to establish by clear and convincing evidence that any juror misconduct actually occurred, or that the misconduct reasonably could have prejudiced him, a new trial was not warranted. There was no evidence of misconduct by which a fair and due consideration of the case was prevented. Thus, the district court did not abuse its discretion by denying the motion.

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