

## SUMMARY STATEMENT

*State v. Chavez*

*Dkt. No. 49953-2022*

Gerardo Raul Chavez appealed his conviction of second-degree murder with a firearm enhancement for the 2016 killing of Vason Widaman. While in custody for a probation violation for an unrelated charge, Chavez made incriminating statements about his involvement in the murder to another inmate while in county jail. Those statements were secretly recorded by the informant. Chavez moved to suppress the evidence of his statements to the inmate; however, the district court denied the suppression as to most of the statements. The jury later convicted Chavez of second-degree murder with a firearm enhancement. The district court sentenced Chavez to an indeterminate life sentence with a 42-year fixed term. After sentencing and entry of judgment, Chavez filed a motion for permission to contact jurors, which the district court denied.

On appeal to the Idaho Supreme Court, Chavez contended that the district court (1) erred in denying the motion to suppress statements he claims were deliberately elicited in violation of the Sixth Amendment right to counsel, (2) abused its discretion through the imposition of the 42-year fixed sentence, (3) violated the Sixth and Fourteenth Amendment by considering acquitted conduct at sentencing, and (4) erred in denying the post-trial motion to contact jurors concerning potential prosecutorial misconduct by the lead prosecutor because of an allegation that the lead prosecutor had “his arms crossed and was staring at the jurors with an angry look” during deliberations.

The Supreme Court held that the district court did not err in denying the motion to suppress, determining that the admitted statements were not deliberately elicited as prohibited by the Sixth Amendment. The Court also held that the district court did not abuse its discretion when it sentenced Chavez to life in prison with the first 42 years fixed, as he had failed to demonstrate that his sentence was unreasonable under any view of the facts. The Court further determined that the record did not support Chavez’s claim that the district court improperly considered acquitted conduct when sentencing Chavez and, even if it did so, consideration of such conduct did not violate the Sixth and Fourteenth Amendments. Finally, the Court held that the district court did not abuse its discretion when it denied the post-trial motion to contact jurors.

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