

## **SUMMARY STATEMENT**

*State v. Bundy*

Docket Nos. 50333 and 50715

Ammon Edward Bundy appealed from the district court's intermediate appellate decisions affirming his convictions for misdemeanor criminal trespass and misdemeanor resisting and obstructing an officer in two cases that were consolidated for appeal. On intermediate appeal, the district court affirmed Bundy's convictions and rejected his arguments that Idaho's criminal trespass statute is unconstitutionally vague as applied to his conduct, unconstitutionally overbroad as applied to his conduct, and that the statute does not apply to public property. The district court also rejected Bundy's arguments that Idaho Code sections 67-1602 and 67-1603, when interpreted with Idaho's criminal trespass statute, violated the separation of powers doctrine and granted unbridled discretion to the Director of the Department of Administration and other government employees to prohibit individuals from accessing public areas of the Capitol building and grounds. The district court rejected Bundy's argument that those same statutes, when interpreted with House Rule 63, violated the separation of powers doctrine and granted unbridled discretion to the Speaker of the House to revoke visitor access to the Capitol building. The district court also rejected Bundy's argument that his convictions for resisting and obstructing arrest should be overturned because his arrest was unlawful, and he was passively resisting arrest.

Bundy raised the same arguments on appeal to the Idaho Supreme Court. The Court affirmed the district court's decisions on intermediate appeal. The Court held that Idaho's criminal trespass statute was neither vague as applied to Bundy's conduct nor was it unconstitutionally overbroad as applied to Bundy's conduct. It held that the notice of trespass was not vague as applied to Bundy's conduct nor was it unconstitutionally overbroad as applied to his conduct. The Court held that Idaho's criminal trespass statute applies both to public and private property. It held that Idaho Code sections 67-1602, 67-1603 when interpreted with Idaho Code section 18-7008 did not violate the separation of powers doctrine. The Court held that those statutes did not grant unbridled discretion to either the Speaker of the House, the Director of the Department of Administration, or government employees to prohibit individuals from accessing public areas of the Capitol building and grounds because those individuals are limited by the law related to criminal trespass. It held that the district court did not err when it affirmed Bundy's convictions for resisting and obstructing on intermediate appeal because Bundy was lawfully arrested.

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