

SUMMARY STATEMENT

Salazar v. Salazar

Docket No. 50725

This appeal concerns a non-summary contempt trial arising out of a divorce proceeding, which took place without the presence of the contemnor and without counsel. Husband and Wife divorced in 2020, and the judgment and decree of divorce obligated Husband to pay Wife child support and attorney fees, among other terms. Roughly two years later, Wife brought the underlying contempt proceeding, charging Husband with nine counts of contempt for failing to comply with the terms of the divorce decree. On the morning of the contempt trial, Husband contacted a deputy clerk of the court, indicating he was stuck in Utah with a broken vehicle and would be unable to attend the trial. The magistrate court determined that Husband's failure to appear was willful and held the contempt trial despite his absence. At the end of the trial, the magistrate court further determined that Husband waived his right to counsel. Ultimately, the magistrate court found Husband in criminal contempt of the divorce decree, imposing a 70-day jail sentence with 50-days suspended and awarding Wife additional attorney fees.

On intermediate appeal, the district court affirmed in part and reversed in part. The district court affirmed the magistrate court's decision to hold the non-summary contempt trial and sentencing hearing in Husband's absence. However, the district court determined there was insufficient evidence that Husband waived his right to counsel and, therefore, the magistrate court violated Idaho Rule of Civil Procedure 75(1)(1) by imposing a sanction of incarceration without an attorney present to represent Husband.

On appeal to the Idaho Supreme Court, Husband argued the district court erred in affirming the magistrate court's decision to hold the non-summary contempt trial and sentencing hearing in his absence and without counsel because the procedure violated his due process rights and Rule 75. Wife cross-appealed, arguing the district court erred by failing to address and award attorney fees and costs to her on intermediate appeal.

The Idaho Supreme Court reversed the district court's decision and remanded the matter for further proceedings. As a matter of first impression, the Court determined that the Sixth Amendment protects a contemnor's right to be present at his criminal contempt trial to the same extent that it protects a criminal defendant right to be present at his trial. Because a willful absence is insufficient to waive the right to be present at one's criminal trial, the Court held the magistrate court erred when it proceeded with Husband's contempt trial in his absence. Given this ruling, the Court declined to address the district court's decision to vacate the contempt order in part based on Husband's alleged waiver of the right to counsel. It further determined that Wife's request for attorney fees on appeal was premature because there is not a prevailing party at this juncture.

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