

SUMMARY STATEMENT
State of Idaho v. John Doe (2023-45)
Docket No. 51246

An Ada County prosecutor petitioned Doe into juvenile court under the Juvenile Corrections Act (JCA) with one count of misdemeanor possession of certain weapons by a minor, Idaho Code § 18-3302F(1). Doe moved to dismiss the petition based on various defects including mischaracterizing the offense and failing to allege the absence of protected conduct. The magistrate court granted Doe’s motion and dismissed the case. The State appealed the dismissal, and, on intermediate appeal, the district court reversed the magistrate court’s determination that the petition was deficient and mischaracterized the offense as a misdemeanor instead of a status crime. The district court also denied Doe’s motion to dismiss the appeal for lack of jurisdiction, on the ground that the magistrate court’s judgment was not appealable since Doe had not been adjudicated as a juvenile offender under I.C. § 20-528.

On appeal to the Court of Appeals, Doe argued that the State was not permitted to appeal the dismissal by the magistrate court and the district court therefore erred by denying Doe’s motion to dismiss the appeal. Doe asserted that the right to appeal is substantive, created by legislative enactment not procedural rule, and that as held in *State v. Doe (2022-15)*, 172 Idaho 592, 535 P.3d 568 (2023), I.C. § 20-528 limits the right to appeal in the context of juvenile cases.

The Court of Appeals noted the right to appeal is a matter of substantive law and is provided by statute or constitutional provision. The Court also noted the rules of procedure do not grant the right to appeal but only provide the means of exercising that right. In this case, the relevant statute, I.C. § 20-528, provides the right to appeal final orders and judgments in juvenile cases, but only for “matters affecting a juvenile offender within the purview of [the JCA].” The Supreme Court in *Doe (2015-22)* held that “the only way a juvenile comes ‘within the purview’ of the JCA is through either a finding of guilt following an evidentiary hearing or a guilty plea.” *Id.* at 597, 535 P.3d at 573. At the time Doe filed the motion to dismiss, there had been no evidentiary hearing and no admission to or finding of guilt. Relying on *Doe (2022-15)*, the Court of Appeals held there was no final adjudication that Doe was a “juvenile offender” within the purview of the JCA and therefore the State had no right to appeal the dismissal by the magistrate court. The Court determined that, based on the above reasoning, the district court was without jurisdiction to hear the appeal. The Court therefore reversed the order of the district court and dismissed the case.

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