

SUMMARY STATEMENT
State of Idaho v. Marissa Jean Jenks
Docket No. 51354

Marissa Jean Jenks appeals from the district court's decision, on intermediate appeal, reversing the magistrate court's order dismissing her case. Jenks argues the State either failed to preserve any argument that the magistrate court should not have considered the underlying facts in deciding Jenks' motion to dismiss or invited the complained of error. Jenks claims the magistrate court did not err in granting her Idaho Criminal Rule 12(b) motion to dismiss because her conduct did not constitute resisting, delaying, or obstructing. Jenks also argues the State has not demonstrated that the magistrate court erred in dismissing her case pursuant to I.C.R. 48.

The Idaho Court of Appeals held that in an appeal from a district court's decision on intermediate appeal, where the district court has reversed the magistrate court's findings, the appellant must specifically identify any alleged errors to the district court's findings, the standard of review applicable to a review of those findings, and support the challenges with argument and authority. Because Jenks failed to allege any error by the district court, on intermediate appeal, she waived any claim of error. The district court's order reversing the magistrate court is affirmed on appeal.

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