

BOISE, WEDNESDAY, NOVEMBER 4, 2020 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 47263
)	
LUCAS TY OROZCO,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Christopher S. Nye, District Judge.

Eric D. Frederickson, State Appellate Public Defender, Boise, for Appellant.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Respondent.

Lucas Orozco appeals from the district court's order denying his motion to declare Idaho Code section 20-509 unconstitutional. The State charged fifteen-year-old Orozco with robbery and burglary for allegedly robbing a convenience store. The magistrate court waived Orozco out of juvenile court and into adult court pursuant to Idaho Code section 20-509. Section 20-509 sets forth the automatic waiver of a juvenile into adult court for certain enumerated crimes, including robbery, without the opportunity for an investigation or hearing. Orozco objected to this automatic waiver, filing a motion with the district court which challenged the constitutionality of the automatic waiver statute. The district court denied his motion, relying on precedent from the Idaho Court of Appeals which upheld the constitutionality of the automatic waiver provision.

On appeal, Orozco argues that the automatic waiver denies him procedural due process protections afforded to him under the federal Constitution. He first argues that there is a protected liberty interest in the individualized treatment offered to juvenile offenders based on the United State Supreme Court's Eighth Amendment jurisprudence. Second, Orozco argues that Idaho Code section 20-509 does not provide the process that is constitutionally due a defendant before being deprived of the protected liberty interest in being charged as a juvenile.