

BOISE, IDAHO, APRIL 5, 2023 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
ROBERT L. MILLER,)
)
Defendant-Appellant.)
)

Docket No. 49241-2021

Appeal from the District Court of the Second Judicial District of the State of Idaho, Nez Perce County. Jay P. Gaskill, District Judge.

Eric D. Fredericksen, State Appellate Public Defender, Boise, for Defendant-Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Plaintiff-Respondent.

This case involves an appeal by Robert Miller who was convicted of driving under the influence (“DUI”) and a felony enhancement for a prior felony DUI within the last fifteen years. After the jury convicted Miller of DUI, the district court admitted the judgment of the prior conviction into evidence per the parties’ stipulation and excused the jury. The district court subsequently sentenced Miller to prison for two years fixed, with seven years indeterminate and credit for time served.

Miller appeals his conviction for the felony enhancement. Miller argues that the district court erred by essentially entering a directed verdict on the charge rather than submitting it to the jury. Miller argues that because he did not waive his right to a jury trial on the felony enhancement, this Court should enter a judgment of acquittal, or in the alternative, remand the case for a new trial on the felony enhancement.