

## Idaho Caselaw

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[Wolf v. State 99 Idaho 476, 583 P.2d 1011 \(1978\) \[1\]](#)

Nature of the case: Appeals were taken from orders of magistrate reaffirming orders waiving juvenile jurisdiction. The District Court, Fourth Judicial District, Ada County, Gerald F. Schroeder, J., affirmed, and appeals were taken. The Supreme Court, Shepard, C. J., held that: (1) juveniles were not entitled to cross-examine prosecutor during probable cause hearing; (2) juveniles did not have statutory right under the Rehabilitation Act to rehabilitative treatment as juveniles; (3) findings of magistrate warranted waiver; (4) district court did not err in affirming waiver order with respect to juvenile who was 15 years old when alleged offense occurred, and (5) magistrate did not abuse his discretion in refusing to order continuance to permit juvenile to seek writ of prohibition in district court prohibiting magistrate from proceeding with waiver hearing. Affirmed.

[State v. Christensen, 100 Idaho 631, 603 P.2d 586 \(1979\) \[2\]](#)

Nature of the case: A petition was filed in magistrate division of the Seventh Judicial District in the interest of appellant Jeffrey C. Christensen, a child then fifteen years of age. The petition alleged that appellant committed the first degree murder of his father, John Christensen, on July 27, 1977. Thereafter, pursuant to I.C. s 16-1806, the state petitioned for waiver of jurisdiction under the Youth Rehabilitation Act (hereinafter, Y.R.A.) and for an order permitting it to try appellant as an adult. A transfer hearing was conducted and the petition for waiver was dismissed. On November 28, 1977, a second petition for waiver was filed and after the hearing on that petition, the presiding magistrate waived Y.R.A. jurisdiction and ordered appellant held for adult criminal proceedings. Holding: The District Court, Seventh Judicial District, Bonneville County, Boyd R. Thomas, J., affirmed waiver of jurisdiction, and juvenile appealed. The Supreme Court, Donaldson, C. J., held that: (1) ample competent evidence supported magistrate's conclusions that juvenile was dangerous individual and would not be rehabilitated before he reached 21; (2) refusal to exclude testimony of State's expert witness, for alleged violation of sequestration order, did not constitute abuse of magistrate's discretion; and (3) it was entirely proper for magistrate, in considering juvenile's record and history of previous contacts with juvenile justice system, to allow testimony concerning his misdemeanor offenses and dismissed felony charges. Affirmed.

[Doe v. State 133 Idaho 811, 992 P.2d 1211 \(1999\) \[3\]](#)

Nature of the case: Juvenile was charged by petition under Juvenile Corrections Act with lewd and lascivious conduct. Following adjudicatory hearing, the Minidoka County District Court, Larry R. Duff, Magistrate, decreed, and J. William Hart, J., affirmed, that juvenile fell within purview of Act on three of four charged counts. Juvenile appealed. The Court of Appeals, Perry, C.J., held that: (1) admission of videotaped interviews with victims did not contribute to magistrate's decision as to counts of aiding and abetting; (2) Confrontation Clause required showing of unavailability prior to admission of interviews to extent they were offered as evidence that juvenile acted as principal; and (3) admission of interviews without such showing required reversal. Affirmed in part, reversed in part, and remanded.

[State v. Doe 137 Idaho 691, 52 P.3d 335 \(2002\) \[4\]](#)

Nature of the case: State appealed from an intermediate appellate decision of the District Court, Ada County, Ronald J. Wilper, J., reversing an order of the Magistrate Court, Charles L. Hay, Magistrate, waiving juvenile jurisdiction and directing that juvenile be held for adult criminal proceedings in rape case. The Court of Appeals, Lansing, J., held that State was precluded from charging juvenile with violation of statute prohibiting one from engaging in sexual penetration of a female who, through "unsoundness of mind" is incapable of giving legal consent, and thus, juvenile jurisdiction could not be waived. Affirmed.

[State v. Pauls 140 Idaho 742, 101 P.3d 235 \(2004\) \[5\]](#)

Nature of the case: Fifteen-year-old defendant was convicted on guilty plea in the Fifth Judicial District Court, Twin Falls County, Roger S. Burdick, J., of first degree murder. Defendant appealed. Holding: The Court of Appeals, Perry, J., held that trial court could not suspend sentence for defendant who pleaded guilty to murder. Sentence vacated; remanded for resentencing.

[State v. Jones 141 Idaho 652, 115 P.3d 743 \(2005\) \[6\]](#)

Nature of the case: State filed motion to transfer juvenile sex offender to adult sex offender registry upon juvenile's reaching age 21. The Fourth Judicial District Court, John C. Vehlow, Magistrate Judge transferred juvenile to adult sex offender registry, and on appeal to District Court, H. Duff McKee, Senior District Judge, vacated magistrate's order on grounds that magistrate lacked jurisdiction, and remanded with directions to either transfer case to District Court or dismiss without prejudice to permit State to re-file case in District Court. State appealed. Holding: The Supreme Court, Trout, J., held that juvenile failed to preserve for appellate review challenge to magistrate's assignment. Remanded.

[State v. Doe Not Reported in P.3d, 2008 WL 4880196 \(2008\) \[7\]](#)

Nature of the case: Parents of juvenile offender appealed order of Robert B. Burton, Magistrate, requiring parents to submit to random drug tests as condition of their daughter's juvenile probation. The District Court, First Judicial District, Kootenai County, John P. Luster, J., affirmed. Parents appealed. Holdings: The Court of Appeals, Lansing, J., held that: (1) compelling parents of juvenile offender to submit to drug testing as condition of their daughter's juvenile probation did not exceed magistrate's statutory authority, and (2) compelling parents of juvenile offender to submit to drug tests as condition of her juvenile probation violated their Fourth Amendment right. Reversed.

[In re Doe 147 Idaho 243, 207 P.3d 974 \(2009\) \[8\]](#)

Nature of the case: State sought to waive juvenile court jurisdiction over twelve-year-old juvenile defendant charged with attempted first-degree murder, battery with intent to commit a serious felony, and forcible penetration by use of a foreign object. The juvenile court granted motion and waived juvenile into adult court. The District Court, Third Judicial District, Canyon County, Gordon W. Petrie, J., and Gregory F. Frates, Magistrate Judge, affirmed. Juvenile appealed. Holdings: The Supreme Court, J. Jones, J., held that: (1) decision to waive a juvenile into adult court is governed by statute; (2) evidence supported juvenile's waiver into adult court; and (3) juvenile court was authorized to consider availability of a blended sentence if juvenile were to be convicted in adult court. Affirmed. Kidwell, Justice Pro Tem, dissented and filed opinion.

[State v. Doe 149 Idaho 353, 233 P.3d 1275 \(2010\) \[9\]](#)

Nature of the case: Parents of juvenile offender appealed order of Robert B. Burton, Magistrate, requiring parents to submit to random drug tests as condition of their daughter's juvenile probation. The First Judicial District Court, Kootenai County, John P. Luster, J., affirmed. Parents appealed. The Court of Appeals, Lansing, J., 2008 WL 4880196, reversed. Review was granted. Holdings: The Supreme Court, W. Jones, J., held that: (1) Magistrate had statutory authority to order the testing, but (2) the order violated Fourth Amendment. District Court decision reversed; probation order vacated.

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