

**FRIDAY, AUGUST 23, 2024, AT 10:00A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 49953</b>
	)	
<b>GERARDO RAUL CHAVEZ,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	

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Appeal from the District Court of the Fifth Judicial District of the State of Idaho, Twin Falls County. Benjamin J. Cluff, District Judge.

Nevin, Benjamin & McKay, Boise, for Appellant.

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

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Defendant Gerardo Chavez appeals his conviction of second-degree murder with a firearm enhancement. Chavez was convicted for the death of Vason Widaman, who was killed in a drive-by shooting in May of 2016. The State charged Chavez after he made incriminating statements to another inmate while in county jail on a probation violation. At trial, Chavez moved to suppress the evidence of his statements to the inmate and the district court denied the suppression of most of the statements. The jury convicted Chavez of second-degree murder with a firearm enhancement, and he was given a life sentence with a 42 years fixed term.

After sentencing and entry of judgment, Chavez filed a motion for permission to contact jurors. This motion was denied. On appeal, Chavez contends that the district court (1) erred in denying the motion to suppress statements obtained in violation of the Sixth Amendment right to counsel, (2) abused its discretion through the imposition of the forty-two-year fixed sentence, (3) violated the Sixth and Fourteenth Amendment by considering acquitted conduct at sentencing, and (4) erred in denying the post-trial motion to contact jurors.