

SUMMARY STATEMENT

State v. Schmierer, Docket No. 43140

Schmierer appealed his Canyon County conviction in on two counts of enticing children over the internet. The grand jury had indicated Schmierer on one count, as well as a second count for lewd conduct. The prosecutor issued an amended indictment changing the lewd conduct charge to a second enticement charge. Schmierer contended that the district court was without jurisdiction to convict on the second enticement charge because the indictment for that charge had not come from the grand jury. The Supreme Court upheld Schmierer's conviction, holding that the amended indictment was an information in form and effect and that Schmierer, having pleaded guilty to the second charge, had waived a preliminary hearing on that charge.