

SUMMARY STATEMENT

State v. Farfan-Galvan, Docket No. 44360

In an appeal from Twin Falls County, the Supreme Court reversed the district court's decision denying Farfan-Galvan's motion to dismiss or remand and vacated the judgment of conviction for one felony count of driving under the influence (DUI). Farfan-Galvan was arrested in 2014 for DUI. Because he had been previously convicted of misdemeanor DUI charges in 2008 and 2010, the State charged Farfan-Galvan with felony DUI.

Farfan-Galvan's motion was based upon a challenge to his 2010 DUI conviction, upon which the State relied to enhance the DUI charge from a misdemeanor to a felony. The district court denied the motion, finding that Farfan-Galvan had not been denied the right to appointed counsel. Farfan-Galvan entered a conditional plea of guilty, preserving his right to appeal from the district court's decision.

On appeal, Farfan-Galvan asserted that the 2010 conviction was obtained in violation of his Sixth Amendment right to counsel. Because the record in the 2010 DUI case contained no indication that Farfan-Galvan had waived his right to counsel, the Supreme Court held that the State could not use the 2010 conviction to enhance the penalties for the 2014 DUI charge. Therefore, the Supreme Court vacated Farfan-Galvan's judgment of conviction and remanded so that the State could proceed against Farfan-Galvan on a charge of second-offense misdemeanor DUI.