

SUPREME COURT OF IDAHO

State v. Anderson, 144 Idaho 743

170 P.3d 886 (2007) · No. No. 33827 · Decided October 22, 2007

SUMMARY

The Idaho Supreme Court reviewed John Cornell Anderson's convictions for misdemeanor domestic battery and felony harassment of a witness. The court upheld the validity of Anderson's waiver of counsel but held that the jury instructions omitted an essential statutory intent element and constituted non-harmless fundamental error. The convictions were vacated and the case was remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	W. Jones, Justice; Eismann, Chief Justice; Burdick, Justice; Trout, Justice Pro Tem
JURISDICTION	Idaho
DECIDED	October 22, 2007
DOCKET	No. 33827
DISPOSITION	vacated
PROCEDURAL POSTURE	Anderson sought review of the Idaho Court of Appeals' decision affirming his convictions and holding that his jury-instruction challenge was unpreserved because he failed to object at trial.
STANDARD OF REVIEW	On review from the Court of Appeals, the Idaho Supreme Court considers the case as though on direct appeal from the trial court while giving serious consideration to the Court of Appeals' decision. Constitutional claims are reviewed deferentially as to supported factual findings and de novo as to the application of those facts to constitutional requirements. Jury instructions are reviewed de novo as a question of law, considering whether the instructions as a whole fairly and adequately present the issues and state the law. A federal constitutional instructional error is harmless only if the court can declare beyond a reasonable doubt that it did not contribute to the conviction.
PRECEDENTIAL VALUE	precedential

TOPICS

jury instructions

right to counsel

due process

harmless error

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Anderson knowingly, intelligently, and voluntarily waived his right to counsel for the trial and subsequent proceedings.
2. Whether the trial court's failure to expressly state on the record that Anderson validly waived counsel rendered the waiver ineffective.
3. Whether the unobjected-to jury instructions for felony witness harassment omitted an essential statutory element by failing to require proof that Anderson intended to prevent a witness from testifying freely, fully, and truthfully.
4. Whether Idaho appellate courts may review an unpreserved jury-instruction error when the error constitutes fundamental error violating due process.
5. Whether the instructional error was harmless beyond a reasonable doubt.

HOLDINGS

1. Anderson knowingly, intelligently, and voluntarily waived his right to counsel, and that waiver carried forward through the trial because the record did not indicate that it was limited to the arraignment or another particular stage.
2. Idaho appellate courts may review an unobjected-to jury-instruction error when the error is fundamental—that is, when it violates due process and produces manifest injustice.
3. The jury instructions were constitutionally defective because they failed to require the State to prove that Anderson willfully threatened or harassed a witness for the purpose of preventing the witness from testifying freely, fully, and truthfully.
4. The instructional error was not harmless beyond a reasonable doubt because there was a reasonable possibility that the defective instruction contributed to Anderson's conviction.

KEY QUOTATIONS

“Finally, once waiver is made before the court, it “carries forward through all further proceedings in that case unless . . . there are circumstances which suggest that the waiver was limited to a particular stage of the proceedings.”” (at 889)

“Because the jury instruction may be subject to limited review for due process violations that resulted in manifest injustice, the issue then turns to whether such a fundamental error occurred.” (at 892)

“Essentially, Anderson was convicted of a nonexistent crime, and the State failed to prove beyond a reasonable doubt the elements of the crime with which Anderson was charged.” (at 892)

“We cannot conclude beyond a reasonable doubt that the jury would have reached the same conclusion had it faced all of the statutory elements.” (at 893)

FACTUAL BACKGROUND

Anderson was arrested after shoving his wife several times in the front yard of his girlfriend's residence. Several days later, he left a voicemail for an arresting officer identifying himself, referring to the pending domestic-battery charge, and stating that he would get the officer on the stand and let people know he was gay. The domestic-battery and witness-harassment charges were consolidated for trial. Anderson waived counsel, represented himself through a jury trial, and was convicted of both offenses.

PROCEDURAL HISTORY

Anderson was convicted by a jury of misdemeanor domestic battery and felony harassment of a witness after representing himself at trial. He obtained counsel for sentencing and appealed, arguing that his waiver of counsel was invalid and that the jury instructions were defective. The Court of Appeals upheld the waiver and declined to address the unpreserved instructional challenge. The Idaho Supreme Court granted review, affirmed the waiver ruling, but held that the defective witness-harassment instructions constituted nonharmless fundamental error and remanded for a new trial.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The conviction and district court decision were vacated, and the case was remanded for a new trial.

CASES CITED

- State v. Young, 138 Idaho 370, 64 P.3d 296 (2002)
- State v. Peightal, 122 Idaho 5, 830 P.2d 516 (1992)
- Nez Perce County Prosecuting Attorney v. Reese, 142 Idaho 893, 136 P.3d 364 (Ct. App. 2006)
- State v. Sheahan, 139 Idaho 267, 77 P.3d 956 (2003)
- Faretta v. California, 422 U.S. 806, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975)
- State v. Dalrymple, 144 Idaho 628, 167 P.3d 765 (2007)
- State v. Lovelace, 140 Idaho 53, 90 P.3d 278 (2003)
- State v. Haggard, 94 Idaho 249, 486 P.2d 260 (1971)
- State v. Lavy, 121 Idaho 842, 828 P.2d 871 (1992)
- Middleton v. McNeil, 541 U.S. 433, 124 S. Ct. 1830, 158 L. Ed. 2d 701 (2004)
- State v. Field, 144 Idaho 559, 165 P.3d 273 (2007)

- *Neder v. United States*, 527 U.S. 1, 119 S. Ct. 1827, 144 L. Ed. 2d 35 (1999)
- *Chapman v. California*, 386 U.S. 18, 87 S. Ct. 824, 17 L. Ed. 2d 705 (1967)

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