

SUPREME COURT OF UTAH

State v. Palmer

220 P.3d 1198 (Utah 2009) · No. No. 20080558 · Decided August 18, 2009

SUMMARY

The Supreme Court of Utah addressed whether Robert Palmer was entitled to a jury determination concerning prior DUI convictions used to enhance his offense to a third-degree felony. The court held that Palmer raised only a legal question regarding when a conviction occurs, not a disputed factual question, so his constitutional or statutory right to a jury trial was not implicated. The court affirmed the result of the court of appeals' decision while vacating its reasoning.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Associate Chief Justice Durrant; Chief Justice Durham; Justice Wilkins; Justice Parrish; Justice Nehring
JURISDICTION	Utah
DECIDED	August 18, 2009
DOCKET	No. 20080558
DISPOSITION	affirmed
PROCEDURAL POSTURE	Palmer sought review by certiorari of the Utah Court of Appeals' decision upholding his third-degree felony DUI conviction under Utah's DUI recidivism enhancement statute.
STANDARD OF REVIEW	On certiorari, the court reviews the court of appeals' decision, not the district court's decision, and reviews questions of law for correctness without deference.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Robert Palmer v. State of Utah

TOPICS

- criminal procedure
- sixth amendment
- sentencing
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- appellate practice

QUESTIONS PRESENTED

1. Whether Palmer had a constitutional or statutory right to have a jury determine whether his prior DUI convictions fell within the ten-year period for Utah's DUI recidivism enhancement.
2. Whether the dispute over when a conviction occurs—upon a guilty plea or sentencing—was a factual question requiring jury determination or a pure question of law for the court.

HOLDINGS

1. A defendant has no constitutional or statutory right to a jury determination when the only dispute concerns a pure question of law and no material fact remains for a jury to decide.
2. The legislature may create a statutory right to a jury determination of prior convictions by making those convictions elements of a separate offense, but the legislature cannot expand the jury's role to deciding questions of law.
3. Palmer had no federal constitutional right to have a jury determine the fact of his prior convictions for purposes of the enhancement, particularly because he did not raise a factual dispute about those convictions.

KEY QUOTATIONS

“Accordingly, we conclude that Palmer left no work for a jury to perform, as juries serve only as fact-finders, not law-makers or interpreters.” (¶ 10, 220 P.3d at 1201)

“The right to a jury determination is not implicated when there is only a legal dispute.” (¶ 18, 220 P.3d at 1203)

“Accordingly, we affirm the result of the court of appeals opinion, but we vacate the court's reasoning.” (¶ 18, 220 P.3d at 1203)

FACTUAL BACKGROUND

Palmer was arrested and charged with driving under the influence of alcohol. A jury convicted him after he failed to appear for trial and was tried in absentia. The prosecution then presented evidence of two prior DUI convictions, and Palmer did not dispute the dates of the guilty pleas or sentencings; instead, he argued that the legal definition of conviction required use of the plea date rather than the sentencing date. The trial court used the sentencing date and determined that the prior convictions fell within ten years, resulting in a third-degree felony conviction.

PROCEDURAL HISTORY

Palmer was convicted by a jury of driving under the influence. After the jury was excused, the trial court determined that two prior DUI convictions fell within the statutory ten-year period and entered a third-degree felony conviction. The trial court denied Palmer's motion for a new trial, finding any jury-trial error harmless beyond a reasonable doubt. The court of appeals upheld the conviction, and the Utah Supreme Court granted certiorari. The Supreme Court affirmed the result reached by the court of appeals but vacated its reasoning.

DISPOSITION

affirmed

CASES CITED

- State v. Palmer, 2008 UT App 206, 189 P.3d 69
- State v. Harris, 1 Utah 2d 182, 264 P.2d 284 (1953)
- Utah County v. Butler, 2008 UT 12, 179 P.3d 775
- D.J. Inv. Group, L.L.C. v. DAE/Westbrook, L.L.C., 2006 UT 62, 147 P.3d 414
- State v. Valdez, 2006 UT 39, 140 P.3d 1219
- Ring v. Arizona, 536 U.S. 584 (2002)
- United States v. Gaudin, 515 U.S. 506 (1995)
- Almendarez-Torres v. United States, 523 U.S. 224 (1998)
- United States v. Booker, 543 U.S. 220 (2005)
- Jones v. United States, 526 U.S. 227 (1999)
- Sparf v. United States, 156 U.S. 51 (1895)
- Blakely v. Washington, 542 U.S. 296 (2004)
- Winans v. Denmead, 56 U.S. 330 (1854)
- Judd ex rel. Montgomery v. Drezga, 2004 UT 91, 103 P.3d 135
- State v. Pena, 869 P.2d 932 (Utah 1994)