

**BOISE, WEDNESDAY, OCTOBER 1, 2025, AT 10:00 A.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. 51585</b>
	)	
<b>JESUS AGUSTIN PEREZ GARCIA,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	
	)	

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Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bingham County. Darren B. Simpson, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

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

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This case concerns a sentencing court’s decision to impose imprisonment rather than probation, based on the defendant’s undocumented status. In 2023, Jesus Agustin Perez-Garcia was arrested following a traffic stop in which drug paraphernalia, methamphetamine, and marijuana were discovered. He was charged with felony possession of a controlled substance, felony destruction of evidence, misdemeanor possession of a controlled substance, and misdemeanor possession of drug paraphernalia. As part of a plea agreement, Perez-Garcia plead guilty to two felony counts for possession of a controlled substance and destruction of evidence. Pursuant to the plea agreement, the State agreed to recommend probation and drop the two misdemeanor charges.

At the sentencing hearing in 2024, defense counsel asked for probation, which the State also recommended. The district court declined probation, sentencing Perez-Garcia to zero years fixed with five years indeterminate. The district court explained that its reasoning was Perez-Garcia’s inability to meet probation conditions, stating that his undocumented status prevents him from complying with federal law. Perez-Garcia timely appealed his sentence.

On appeal, Perez-Garcia argues that the district court abused its discretion in imposing a term of imprisonment, because the decision was arbitrary and did not provide any authority supporting its statement that his undocumented status prevented probation. The State responds that the district court did not exceed its broad discretion in sentencing to weigh various factors, including Perez-Garcia’s inability to obey federal laws.