

WITHHELD JUDGMENTS: ISTARs

Part 1: Table setup.

Withheld Judgments in ISTARs are an automatic process if your system is set up correctly. To verify your setup is correct please go to:

Tables

General Tables

Findings

Check your findings table and make sure that for the finding of “Dismissed by Court” there is a check in the box which indicates dismissal as you see below.

The screenshot shows the 'Findings Table Setup' window with the following details:

- Radio buttons:** Criminal findings, Juvenile findings
- Entry 1:** Description: Inactive Finding 3 of 15
- Entry 1 Options:** **This Finding Is In Use, Description Locked, Cannot Delete**
 - Allow sentencing information (fines, fees, jail, etc.)
 - Default guilty option
 - Requires other finding description
 - Report to ITD
 - Withheld finding processing
 - Dismissal FlagExternal reporting code:
- Entry 2:** Description: Inactive Finding 4 of 15
- Entry 2 Options:** **This Finding Is In Use, Description Locked, Cannot Delete**
 - Allow sentencing information (fines, fees, jail, etc.)
 - Default guilty option
 - Requires other finding description
 - Report to ITD
 - Withheld finding processing
 - Dismissal FlagExternal reporting code:

Buttons at the bottom: Move Up, Move Down, New, Save, Delete, Close. A yellow arrow points to the checked 'Dismissal Flag' checkbox for the 'Dismissed By Court' entry.

Part 2: Entering the judgment.

Status: **Case is Closed pending clerk action**
Charge: **200707 118-8004 {M} Driving Under The Influence**

Charge Disposition Confinement Probation Citation

Charge 2 of 2 ▲

Finding: **Guilty - Withheld** Years Months Days
Other finding: Withheld: **2**
Disposition date: **08/10/2008** Withheld results: **None**
Sentencing defer date: **00/00/0000** Withheld results date: **00/00/0000** Years Months Days
Modified sentence: **00/00/0000** License suspension:
Relinquished jurisdiction: Indefinite:
Retained jurisdiction: Days: Type:
Fish and Game reimbursement: License suspension date: **00/00/0000**
Fish and Game meat processing fee: Send license suspension notice:
Comment / Terms for Temporary Driving Permit: License suspension reported: **00/00/0000**

The original Withheld Judgment needs to be entered as you see above.

When the defendant files the proper paperwork with the court which will allow the charge to be reduced or dismissed the clerk will go back to that screen and will change the withheld results on the case to indicate the appropriate action:

Status: **Case is Closed pending clerk action**
Charge: **200707 118-8004 {M} Driving Under The Influence**

Charge Disposition Confinement Probation Citation

Charge 2 of 2 ▲

Finding: **Guilty - Withheld** Years Months Days
Other finding: Withheld: **2**
Disposition date: **08/10/2008** Withheld results: **Dismissed**
Sentencing defer date: **00/00/0000** Withheld results date:
Modified sentence: **00/00/0000** License suspension:
Relinquished jurisdiction: Indefinite:
Retained jurisdiction: Days: Type:
Fish and Game reimbursement: License suspension date: **00/00/0000**
Fish and Game meat processing fee: Send license suspension notice:
Comment / Terms for Temporary Driving Permit: License suspension reported: **00/00/0000**

Dismissed
Revoked
Charge Reduced
None

There is a list (as seen above) which are the possible “results” for withheld judgments:

1. None = withheld judgment information was previously entered on the case and now it needs to be removed. (clerk error)
2. Dismissed = the time for the withheld judgment (probation) has gone by, and all terms of probation have been fulfilled, and an order has been signed by the presiding judge dismissing the charge.
3. Revoked= the court granted a withheld judgment for this charge, but the defendant violated the terms of the withheld and it was subsequently revoked OR the court in checking the withheld judgment registry on the website has determined that this defendant has been granted a withheld judgment on a previous occasion, so in providing this information to the presiding judge it is determined that the withheld judgment is revoked.
4. Charge Reduced = A charge which is reduced from a **felony** to a **misdemeanor** when the appropriate paperwork has been submitted to the court, and the presiding judge has so signed an order. (similar to # 2 but used on felony cases only).

When the clerk selects one of options 2-4 the system will do several things automatically.

ISTARS will change the finding on the case to dismissed by Court (according to the setup in part 1 of these instructions.

1. ISTARS will also check the which indicates that the disposition was modified on the same date as the results were entered. This is important because this process will cause ISTARS to re-report the disposition on this charge to all agencies to which it originally reported the withheld judgment.

Please see screen shot below:

Status: **Case is Closed pending clerk action**
 Charge: **200707 118-8004 {M} Driving Under The Influence**

Charge **Disposition** Confinement Probation Citation

Charge 2 of 2 ▲

Finding: **Dismissed By Court** Years Months Days
 Other finding: Withheld:
 Disposition date: **08/10/2008** Withheld results: **Dismissed**
 Withheld results date: **08/11/2008** Years Months Days
 Sentencing defer date: **00/00/0000**
 Modified sentence: **08/11/2008** License suspension:
 Relinquished jurisdiction: Indefinite:
 Retained jurisdiction: Days: Type:
 Fish and Game reimbursement: License suspension date: **00/00/0000**

1. Revoked - ISTARs will enter the modified check box and date corresponding to the date entered as revoked, **but the clerk will need to enter the appropriate finding in the finding box.** (It is not recommended that all of the “automatic ROA’s” go to the register of actions for that finding. The modified information would be sufficient.)

The illustration below displays a regular “guilty” finding entered as that would for the greatest part be the finding in those instances.

Status: **Case is Closed pending clerk action**
 Charge: **200707 118-8004 {M} Driving Under The Influence**

Charge **Disposition** Confinement Probation Citation

Charge 2 of 2 ▲

Finding: **Guilty** Years Months Days
 Other finding: **Withheld Revoked** Withheld:
 Disposition date: **08/10/2008** Withheld results: **Revoked**
 Withheld results date: **08/11/2008** Years Months Days
 Sentencing defer date: **00/00/0000**
 Modified sentence: **08/11/2008** License suspension:
 Relinquished jurisdiction: Indefinite:
 Retained jurisdiction: Days: Type:
 Fish and Game reimbursement: License suspension date: **00/00/0000**
 Fish and Game meat processing fee: Send license suspension notice:
 Comment / Terms for Temporary Driving Permit: License suspension reported: **00/00/0000**

2. If the felony charge is to be reduced and the defendant has filed the appropriate paperwork with the court indicating such and the court has signed an order reducing the charge to a misdemeanor, clerk will select Charge Reduced and enter a date for the withheld change. Upon saving that information the system will pull up the statute lookup box, so that the correct misdemeanor statute can be selected and entered.

The screenshot displays a software interface for managing legal charges. At the top, the status is 'Case is Closed pending clerk action' and the charge is '200707 H16-1605 Child Protection- Failure to Report Abuse, Neglect'. The 'Disposition' tab is active, showing a finding of 'Guilty - Withheld' and a disposition date of '08/10/2008'. The 'Withheld' section is set to '2' years, with 'Charge Reduced' as the result and a date of '08/11/2008'. A 'Statute Lookup' dialog box is open in the foreground, showing 'Revision: 200707' and a 'Statute' field. The dialog also has radio buttons for 'Common' and 'All', and buttons for 'Statute By Number', 'OK', 'Cancel', and 'Help'. The background interface includes various input fields for dates, amounts, and checkboxes, such as 'Modified sentence' (checked) and 'License suspension date' (00/00/0000).

Upon selection of the correct statute the system will change the original charge to reflect the reduced charge, it will keep the finding of guilty withheld and will check the box and enter the modified date so that this charge will re-report as it should.

If a withheld judgment is entered on a charge in error it is necessary to zero out the # of years/months/days and enter the withheld results as none. The clerk will need to then check the modified box and enter the date, so that the system will re-report the “mistake” as it should have originally reported.

Status: **Case is Closed pending clerk action**
 Charge: **200707 118-2403(1) Theft-Petit**

Charge **Disposition** Confinement Probation Citation

Charge 2 of 2 ▲

Finding: **Guilty** Years Months Days
 Other finding: Withheld:
 Disposition date: **08/10/2008** Withheld results: **None**
 Sentencing defer date: **00/00/0000** Withheld results date: **00/00/0000** Years Months Days
 Modified sentence: **08/11/2008** License suspension:
 Relinquished jurisdiction: Indefinite:
 Retained jurisdiction: Days: Type:
 Fish and Game reimbursement: License suspension date: **00/00/0000**



After entering the withheld results if the withheld is being dismissed or reduced:

The clerk would remove the guilty plea and plea date, and save that information for the charge in which the withheld was granted.

Part 3: How “Withheld Judgments” report to the data base.

All of the above sets this case up to report to the ISTARs Repository data base.

NOW when a judge or clerk wants to verify if a person has been granted a withheld judgment in the past, you can verify this by going to <https://www.idcourts.us/repository/start.do> , which is also available as a link off of the “Judiciary Homepage” <http://www.isc.idaho.gov> .

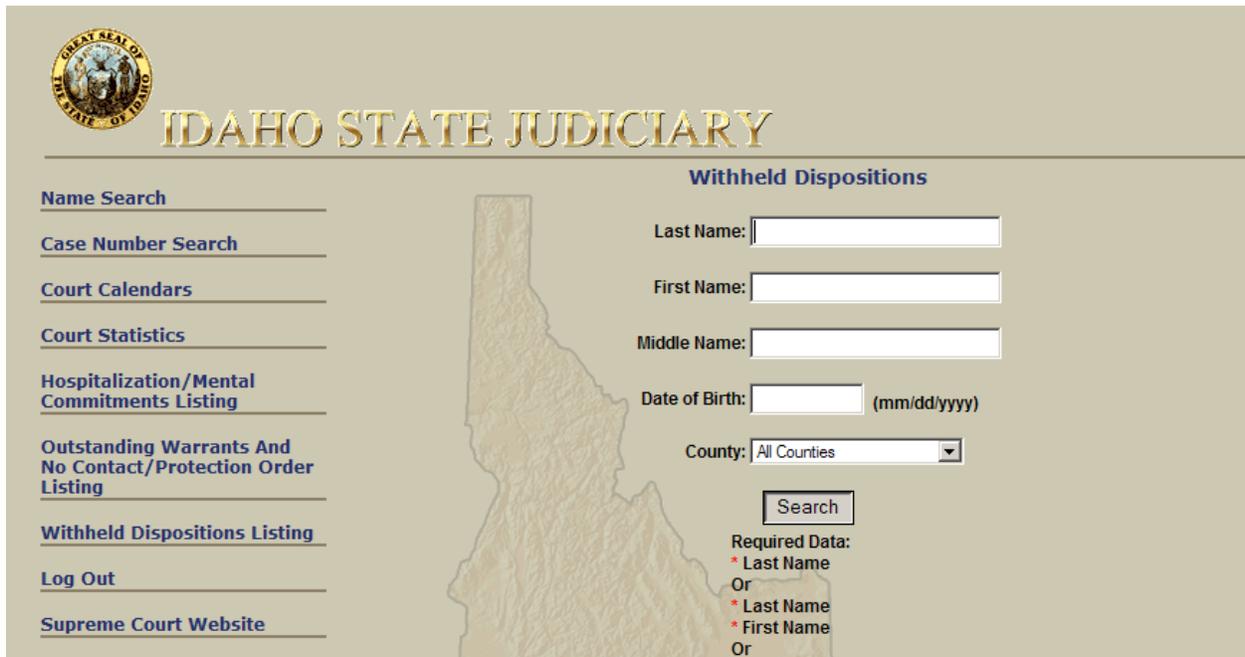
The user will need to sign into the repository website using their ISTARs user Id, password, and home county designator.

When you are signed in you will see a menu item “Withheld Dispositions Listing”.



The image shows the homepage of the Idaho State Judiciary website. At the top left is the Great Seal of the State of Idaho. To its right, the text "IDAHO STATE" is displayed in a large, gold, serif font. Below the seal and text is a navigation menu with several items: "Name Search", "Case Number Search", "Court Calendars", "Court Statistics", "Hospitalization/Mental Commitments Listing", "Outstanding Warrants And No Contact/Protection Order Listing", "Withheld Dispositions Listing", and "Log Out". To the right of the menu, there is a "Welcome!" message and several informational sections. A yellow arrow points to the "Withheld Dispositions Listing" menu item.

Select, or click on, that menu item and another window will open which will allow the user to enter a name to search:

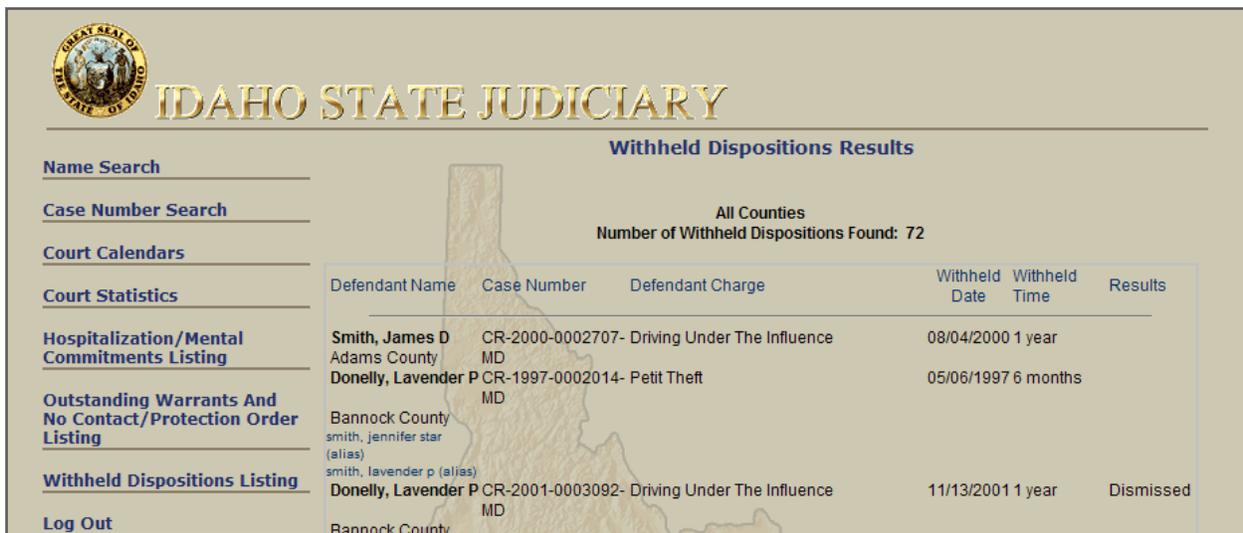


The image shows the search page for "Withheld Dispositions" on the Idaho State Judiciary website. The page features the same navigation menu as the previous image. The main content area is titled "Withheld Dispositions" and contains a search form. The form includes input fields for "Last Name:", "First Name:", and "Middle Name:". There is also a "Date of Birth:" field with a "(mm/dd/yyyy)" label. A "County:" dropdown menu is set to "All Counties". A "Search" button is located below the form. To the right of the form, there is a "Required Data:" section with the following text: "* Last Name", "Or", "* Last Name", "* First Name", and "Or". A map of Idaho is visible in the background of the search area.

Type in the Last name and 1st initial and DOB.

For this search you want to leave the county indicator at “All Counties” so that you will be able to view records from all 44 counties, where a previous withheld may have been entered.

A list of possible matches will come up which will list the name and case number (along with alias names) which = the name you entered. The DOB is not listed on this print out so please be certain that you use the DOB to make certain that the names which come up are “your defendant”.



Defendant Name	Case Number	Defendant Charge	Withheld Date	Withheld Time	Results
Smith, James D Adams County	CR-2000-0002707- MD	Driving Under The Influence	08/04/2000	1 year	
Donnelly, Lavender P Bannock County	CR-1997-0002014- MD	Petit Theft	05/06/1997	6 months	
smith, jennifer star (alias) smith, lavender p (alias) Donnelly, Lavender P Bannock County	CR-2001-0003092- MD	Driving Under The Influence	11/13/2001	1 year	Dismissed

You will note in the example above that the name, case number, charge, withheld date, withheld time and results are entered. The county where the offence happened is listed directly below the defendant’s name.

You will note that the “results” which we have discussed in “Part 2” of this instructional material are listed in the right hand column. The list at the current time should be accurate as to all Counties except Ada County. We are working on a data pull from the Ada County records which will enter the corresponding data from Ada as completely as possible to the rest of the county. We will notify all counties when this has been completed.

Part 4: What this means to the clerk.

Aside from the possible processing changes listed in the above material, this means that for all counties **YOU NO LONGER NEED TO SEND THE HARD COPIES OF THE WITHHELD JUDGMENTS or the corresponding results to the Supreme Court.**

If the clerks enter the data as directed in these instructions the “Withheld Judgment Listing” available on the repository will always be complete as of the previous working day for all 44 counties for current cases, and 43 counties for older cases (exception Ada County) as discussed earlier.

Please share this information with all Deputy Clerks and Judges. We will not keep any paper copies of judgments at the Supreme Court. All underlying supporting documentation of the listing from the repository can be obtained by contacting the county listed with the case as seen from the repository.

We receive documentation for dozens of “Withheld Judgments” and corresponding results each week at the Supreme Court. We are no longer manually entering those into a separate data base for tracking. You, as clerks, are doing that process each time you update your ISTARs system as to these cases.

As always if you have any questions about this process please do not hesitate to contact our office. ISTARs Support (208)334-2850 and ask for Julie, Dawn or Lisa.