

## SUMMARY STATEMENT

*State of Idaho v. Moses Olivas, Jr.* – Docket No. 41644

In a case arising out of Canyon County, the Idaho Supreme Court affirmed the district court's judgment of conviction and sentence. In 2011, Moses Olivas, Jr., was convicted of failing to register as a sex offender. Pursuant to Idaho Code section 18-8311(1), the district court sentenced Olivas to a term of imprisonment of five years. The district court also revoked Olivas's probation on a prior conviction from 2009, executed the underlying sentence from that conviction, and retained jurisdiction. The district court ordered the underlying sentence and the five-year sentence for failing to register as a sex offender to run consecutively. Following the period of retained jurisdiction on the prior conviction, the district court suspended Olivas's underlying sentence and reinstated probation.

The State appealed the district court's order suspending Olivas's sentence on the prior conviction. The Court of Appeals affirmed the district court's decision. The State petitioned the Idaho Supreme Court for review, and the Idaho Supreme Court granted the State's petition. The State argued that the district court violated Idaho Code section 18-8311(1) and acted contrary to Article V, Section 13 of the Idaho Constitution by suspending Olivas's original sentence and reinstating probation. In a 3-2 decision, the Idaho Supreme Court affirmed the judgment and sentence of the district court.