

SUMMARY STATEMENT

State of Idaho v. Nicholas Shane Clausen

Docket No. 44545

Nicholas Shane Clausen pleaded guilty to grand theft. The district court imposed a unified sentence of five years, with two years determinate, suspended the sentence, and placed Clausen on a period of supervised probation. As a condition of Clausen's probation, he was required to successfully complete mental health court. Clausen was terminated from the mental health court program due to noncompliance with its rules. At a probation violation hearing, Clausen admitted he violated his probation by getting terminated from mental health court. The willfulness of the probation violation was not expressly addressed by the State, Clausen, or the district court. The district court revoked Clausen's probation and executed the five-year sentence, with two years determinate, and retained jurisdiction.

Clausen appealed the revocation of his probation, arguing that the district court abused its discretion when it revoked his probation without making an express finding that his probation violation was willful. The Idaho Court of Appeals held the district court abused its discretion by revoking Clausen's probation without making an express finding of willfulness. The Court reversed the district court's order revoking probation and imposing Clausen's underlying sentence and remanded the case to the district court for further proceedings consistent with its opinion.