

SUMMARY STATEMENT

State v. Joseph Roman Rubio

Docket No. 44633

As a condition of probation, Joseph Roman Rubio was instructed to complete community service. After allegedly turning in a falsified community service time card, Rubio was charged with filing a false instrument, Idaho Code § 18-3203. A jury found Rubio guilty. On appeal, Rubio challenged the charge, arguing that his conduct did not fall within the ambit of the statute. The Court of Appeals held that a community service time card is not an instrument within the meaning of I.C. § 18-3203. For purposes of I.C. § 18-3203, an instrument is a document that carries with it legal significance to which falsification can result in criminal liability. A community service time card has no legal significance. Therefore, a community service time card is not an instrument within the meaning of the statute. Since the time card is not an instrument, the facts of this case do not create a cognizable offense under I.C. § 18-3203. The Court of Appeals vacated the judgment of conviction, and the case was remanded to the district court.