SUMMARY STATEMENT

State of Idaho v. Matthew Allen Allmaras
Docket No. 45821

Matthew Allen Allmaras entered a *North Carolina v. Alford*, 400 U.S. 25 (1970) plea of guilty to an amended charge of felony injury to a child; no psychosexual evaluation or polygraph was ordered in preparation of sentencing. The district court imposed a unified term of incarceration of ten years, with three years determinate, suspended execution of the sentence, and placed Allmaras on four years of supervised probation. As a condition of probation (Condition 21), the district court required Allmaras to immediately serve 180 days in jail. Condition 21 noted that Allmaras would be released early if he passed a full disclosure polygraph but if he failed the polygraph, the district court would retain jurisdiction for 365 days.

Allmaras declined to participate in the full disclosure polygraph so the district court, sua sponte, initiated a probation violation allegation and hearing. The district court found Allmaras to be in violation of Condition 21, revoked probation, and retained jurisdiction. The district recommended Allmaras participate in a polygraph during the period of retained jurisdiction, which Allmaras declined to do. As a result, the district court relinquished jurisdiction.

The Court of Appeals found the requirement that Allmaras participate in a full disclosure polygraph as a condition of probation was an invalid term of probation because it was used to gather information the district court wished it had at sentencing. Because Condition 21 was an invalid term of probation, the Court of Appeals held the district court erred in revoking probation, retaining jurisdiction, and subsequently relinquishing jurisdiction simply because Allmaras refused to participate in a full disclosure polygraph. The Court of Appeals vacated the orders revoking probation and relinquishing jurisdiction, and remanded the case for further proceedings.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.