

SUMMARY STATEMENT

State v. Jeremy V. Guzman

Docket No. 46401

Guzman appeals from the district court's order relinquishing jurisdiction. After Guzman pled guilty to one count of lewd conduct with a minor, and before sentencing, Guzman submitted to a psychosexual evaluation (PSE). At sentencing, the district court imposed a unified sentence of twenty-five years with four years determinate but retained jurisdiction. The sentencing order recommended a new PSE and stated the court would not consider probation at the end of the period of retained jurisdiction without a new PSE.

By the time of the jurisdictional review hearing, Guzman had not undergone a new PSE. For this reason, the district court declined to consider probation and instead relinquished jurisdiction. Guzman timely appealed the court's order relinquishing jurisdiction arguing, among other things, that the court's recommendation for new PSE was ambiguous. The Idaho Court of Appeals ruled that the recommendation could be reasonably interpreted as recommending the Department of Correction, not Guzman, require a new PSE. Based on this ambiguity, the Court held the district court abused its discretion when relinquishing jurisdiction. The Court vacated and remanded the case for a determination whether Guzman's sentence should be suspended and he should be placed on probation.