

SUMMARY STATEMENT
State of Idaho v. Guy Kelly Dunne
Docket No. 47031

In this case arising out of Ada County, the Court of Appeals reversed the order of the district court denying Guy Kelly Dunne's I.C.R. 35 motion for correction of an illegal sentence and the district court's order revoking withheld judgment, entering judgment of conviction, and retaining jurisdiction. In 2012, Dunne pled guilty to leaving the scene of an injury accident. The district court entered an order withholding judgment and placed Dunne on probation for five years. In 2014, after Dunne admitted violating his probation, the district court entered an order reinstating Dunne's probation for another five years and imposing additional probation conditions.

In 2018, the State filed a second motion for probation violation. Dunne admitted violating his probation again, and the case was continued for disposition at a later date. Prior to disposition, Dunne filed an I.C.R. 35 motion for correction of an illegal sentence, arguing that the imposition of a new five-year probation period in 2014 was unlawful and, therefore, the lawful period of his probation expired in 2017. The district court denied Dunne's motion. Ultimately, the district court revoked Dunne's probation; imposed a sentence of three years, with a one-year minimum term of confinement; and retained jurisdiction. Dunne appealed.

On appeal, Dunne argued that the district court erred in denying his I.C.R. 35 motion because the district court could not continue to withhold judgment and impose a new five-year probation term after his 2014 probation violation. Dunne further argued that the district court lacked jurisdiction to adjudicate his alleged 2018 probation violation because his lawful probation period had expired prior to the alleged violation. The Court of Appeals held that the district court erred in denying Dunne's I.C.R. 35 motion and in revoking Dunne's withheld judgment, entering judgment of conviction, and retaining jurisdiction because the district court's order reinstating Dunne's probation for five years after his 2014 probation violation did not conform with authorized sentencing options.