

## **SUMMARY STATEMENT**

*State of Idaho v. Miguel Solano*

Docket No. 47287

In this case arising out of Canyon County, the Court of Appeals affirmed the order of the district court denying Miguel Solano's I.C.R. 35 motion for correction of an illegal sentence and for reduction of sentence. Solano pled guilty to injury to a child after he admitted to fracturing his infant son's ribs and legs. The district court sentenced Solano to a unified term of five years, with a minimum period of confinement of two years. The district court then suspended Solano's sentence and placed him on probation for four years. As a condition of his probation, Solano was ordered to serve 180 days in the county jail, along with 90 days of discretionary jail time. Subsequently, Solano filed a motion pursuant to I.C.R. 35, claiming that the district court imposed an illegal sentence and seeking a reduction of sentence. The district court denied Solano's motion.

On appeal, Solano argued that the district court erred in concluding his sentence was legal because it exceeded statutory limits by imposing a suspended prison term and a period of jail confinement. Solano further argued that the district court abused its discretion in denying his motion for a reduction of sentence by failing to properly consider the immigration consequences of his sentence. The Court of Appeals held that the district court lawfully ordered a period of jail confinement as a condition of probation after suspending Solano's prison sentence and that Solano failed to show that the district court abused its sentencing discretion.