

**SUMMARY STATEMENT**  
*State of Idaho v. Crystal Magsamen*  
Docket Nos. 47716 & 47717

In these consolidated cases arising out of Ada County, the Court of Appeals affirmed the decision of the district court, on intermediate appeal from the magistrate court, affirming Magsamen's judgments of conviction and consecutive sentences of two years of probation, with 180 days in jail (170 days suspended), for two counts of driving without privileges (DWP). The magistrate court imposed the previously described sentences pursuant to Magsamen's guilty pleas to two counts of DWP. Magsamen appealed to the district court, arguing her sentences are excessive. The district court affirmed Magsamen's judgments of conviction and sentences.

On appeal to the Idaho Court of Appeals, Magsamen argued that the district court erred by holding that her sentences are appropriate based upon its own reasons and conclusion that she was unjustified in driving without privileges rather than considering whether the magistrate court properly considered the objectives of sentencing. Magsamen also argued that the district court erred in failing to conclude that the magistrate court abused its discretion based upon the magistrate court's comments during Magsamen's sentencing hearing related to her possibly driving without privileges on other occasions, regarding a repealed statute that could have enhanced Magsamen's offense to a felony, and by failing to consider mitigating evidence. The Court of Appeals concluded that the district court properly conducted an independent review of the record to conclude that Magsamen's sentences are not excessive. The Court of Appeals further concluded that Magsamen failed to preserve her argument relating to the magistrate court's comments about the repealed statute and that she otherwise failed to show error in the district court's resolution of her remaining arguments. Consequently, the Court of Appeals affirmed the district court's decision affirming Magsamen's judgments of conviction and sentences.

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

