

SUMMARY STATEMENT

State v. Olsen

Docket No. 48027

The Idaho Supreme Court affirmed the district court's decision affirming the magistrate court's decision to deny Olsen's motion for a "true" withheld judgment—i.e., one by which no conviction would take place or remain on her record. The Idaho Supreme Court determined that *U.S. v. Sharp*, 145 Idaho 403, 179 P.3d 1059 (2009) remains good law and that a withheld judgment, as currently applied under *Sharp*, is consistent with the plain language of Idaho Code section 19-2601(3). The Idaho Supreme Court concluded that a withheld judgment requires an adjudication of guilt, and, therefore, affirmed the district court's decision affirming the magistrate court's decision to deny Olsen's motion. Additionally, the Idaho Supreme Court declined to hold that a "withheld judgment" is a *de facto* "judgment of conviction," merely because it contains the terms of probation.

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