

SUMMARY STATEMENT

State of Idaho v. James Henry Reilly
Docket Nos. 48129/48130

In these consolidated appeals, Reilly pled guilty to attempted strangulation, Idaho Code § 18-923, and issuing an insufficient funds check, I.C. § 18-3106(b). The district court sentenced Reilly to a unified term of eight years with four years determinate for attempted strangulation; a unified term of two years with one year determinate for issuing an insufficient funds check; and retained jurisdiction in each case. Reilly timely filed a motion for reduction of sentence pursuant to Idaho Criminal Rule 35 in the insufficient funds case. Reilly filed an untimely I.C.R. 35 motion in the attempted strangulation case. Both motions were denied.

In an addendum to the presentence investigation report (APSI), the Idaho Department of Correction recommended that the district court relinquish jurisdiction. After reviewing the APSI, the district court relinquished jurisdiction. Reilly subsequently filed motions under I.C.R. 35 for reconsideration of the orders relinquishing jurisdiction, contending that the APSI contained “significant errors.” The district court denied both motions for reconsideration.

On appeal, Reilly claimed that the district court erred in denying his motions for reconsideration. Specifically, Reilly contended that the district court erred by holding that it did not have the authority to grant the relief requested in the motions for reconsideration.

The Court of Appeals, relying on the Idaho Supreme Court’s decision in *State v. Flores*, 162 Idaho 298, 396 P.3d 1180 (2017), held that a trial court cannot apply I.C.R. 35 to grant a defendant probation after jurisdiction has expired or was relinquished, and affirmed the district court. In doing so, the Court of Appeals noted that *Flores* overruled its prior decisions in *State v. Goodlett*, 139 Idaho 262, 77 P.3d 487 (Ct. App. 2003) and *State v. Knutsen*, 138 Idaho 918, 71 P.3d 1065 (Ct. App. 2003). The Court of Appeals also affirmed the denial of Reilly’s motion for reconsideration in the insufficient funds case because a defendant is precluded from filing more than one such motion under I.C.R. 35.

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