

SUMMARY STATEMENT

State v. Adkins

Docket No. 48138

Kathryn Dianne Adkins appealed from her conviction for felony concealment of evidence, following a trial where the jury determined she willfully concealed methamphetamine knowing that it would be discovered as evidence in an investigation involving possession of methamphetamine. Whether the crime of concealment of evidence is a felony depends on whether the investigation or trial to which the evidence relates involves a misdemeanor offense or a felony offense. Possession of methamphetamine is a felony, but no evidence to prove this fact was submitted to the jury. For this reason, Adkins argued her conviction must be vacated under *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and *State v. Yermola*, 159 Idaho 785, 367 P.3d 180 (2016).

In *Apprendi*, the Supreme Court of the United States held that “[o]ther than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.” 530 U.S. at 490. Because the felony status of an underlying offense is a “fact” that increases the maximum sentence that may be imposed in a concealment of evidence case, *Yermola* interpreted *Apprendi* to require this fact to be submitted to the jury. 159 Idaho at 789, 367 P.3d at 184. However, the Idaho Supreme Court overruled *Yermola*, explaining that the holding in *Apprendi* requires only that *adjudicative* facts be determined by the jury. The determination of *legal* facts, such as the classification of an offense as a felony, is a matter for the trial court.

Today, the Court affirms the judgment of conviction because the evidence was sufficient to support the jury’s determination on the questions of fact in this case. However, the maximum sentence under section 18-2603 is a ten thousand dollar fine and five years of imprisonment. Thus, because the sentence imposed by exceeded the maximum permitted under Idaho Code section 18-2603, the Court vacates the sentence and remand for entry of a corrected sentence.

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