

SUMMARY STATEMENT

USA v. Gutierrez, Docket No. 48454

The Ninth Circuit Court of Appeals certified the following question to the Idaho Supreme Court:

Whether an Idaho state court order reducing the defendant's judgment of conviction for felony burglary to a judgment of conviction for misdemeanor petit theft under the authority of Idaho Code § 19-2604(2) changes the operative conviction for the purposes of Idaho Code § 18-310, which prohibits the restoration of firearm rights to those citizens convicted of specific felony offenses? *See* Idaho Code § 18-310(2).

The Idaho Supreme Court answered the question in the negative. Based on the plain language of Idaho Code sections 19-2604 and 18-310, the Court concluded that a grant of leniency under Idaho Code section 19-2604(2) does not remove a defendant originally convicted of an enumerated felony from the reach of section 18-310(2) and (3).

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