

SUMMARY STATEMENT

State v. Ross

Docket No. 48963

Talon Ross appealed from a district court's order revoking his probation and imposing his previously suspended sentence for a robbery he pleaded guilty to in 2011. In 2019, Ross was charged with violating the terms of his probation by allegedly committing the crimes of petit theft and injury to a child. At an evidentiary hearing on the probation violation allegations, the district court found that, despite Ross introducing a judgment of acquittal for the petit theft charge, the State had proved by a preponderance of the evidence that Ross had committed petit theft. Additionally, the district court found by a preponderance of evidence that Ross had committed injury to a child. The Idaho Court of Appeals affirmed the district court's order revoking Ross's probation and imposing his sentence. Ross petitioned this Court for review, which was granted.

The Idaho Supreme Court held that the district court did not err in concluding that Ross committed the crime of petit theft. However, the Court also held that the district court erred in concluding that Ross committed injury to a child because Ross's conduct was not shown to be "willful" as that term is defined in Idaho Code section 18-1501(5). As a result, the Court remanded the case to the district court for a new probation violation hearing.

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