

SUMMARY STATEMENT
State of Idaho v. Samuel Sterling Gale
Docket Nos. 49080 & 49081

In these consolidated cases arising out of Bonneville County, the Court of Appeals reversed the district court's order finding Samuel Sterling Gale violated his probation. While Gale was on probation for convictions on multiple counts of sexual exploitation of a minor, the State filed a motion for probation violation, alleging Gale violated his probation by failing to complete sex-offender treatment and by failing to submit to a polygraph. After an evidentiary hearing, the State withdrew "the allegations pertaining to [Gale's] invoking his right to remain silent" in response to his written closing argument asserting that the district court could not revoke his probation due to his invocation of the Fifth Amendment. The district court found that Gale violated his probation only by failing to complete the required polygraph, referencing a report of violation that was not formally admitted into evidence during the evidentiary hearing as support. Ultimately, the district court decided to continue Gale's probation, but imposed seventy-five days in jail as a sanction for the violation. Gale appealed.

On appeal to the Idaho Court of Appeals, Gale argued that the district court erroneously relied upon evidence not admitted during the evidentiary hearing to find he committed an alleged violation the State had withdrawn. The Idaho Court of Appeals held that the district court erred in finding that Gale violated his probation by refusing to submit to a polygraph examination because, even if the State had not withdrawn the allegation, the finding was not supported by substantial, competent evidence. Consequently, the Idaho Court of Appeals reversed the district court's order finding Gale violated his 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.*