

SUMMARY STATEMENT
State of Idaho v. Justin Richard Sands
Docket No. 50135

In this case arising out of Bannock County, the Court of Appeals affirmed Justin Richard Sands' judgment of conviction and concurrent, unified sentences of six years, with minimum periods of confinement of three years, for possession of a controlled substance with intent to deliver and possession of a controlled substance. The Court of Appeals also affirmed the district court's order denying Sands' I.C.R. 35 motion for credit for time served.

On appeal, Sands argued the district court abused its discretion by imposing excessive sentences because, while not illegal, consideration of the mitigating factors in his case demonstrated that his sentences are excessive. Sands also argued that the district court erred in denying his motion for credit for time served because he is entitled to credit for periods of incarceration that he served as sanctions while he participated in drug court. The Court of Appeals held that the district court did not abuse its sentencing discretion. The Court of Appeals further held that, although I.C. § 18-309(1) supports a conclusion that a defendant is entitled to any credit for time served prior to entry of judgment, Sands waived that right as part of his binding plea agreement.

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