

## SUMMARY STATEMENT

*State of Idaho v. Sheryl D. Robertson*

Docket No. 50854

Pursuant to a plea agreement, Robertson pleaded guilty to possession of a controlled substance, Idaho Code § 37-2732(c)(1). The district court imposed a unified ten-year sentence, with four years determinate, and retained jurisdiction. After completing a period of retained jurisdiction, the district court suspended Robertson's sentence and placed her on probation for a period of four years. As a term and condition of probation, Robertson was required to enroll in a treatment court. Robertson violated some of the terms and conditions of treatment court, and the treatment court staffing team moved to terminate Robertson from treatment court. Pursuant to Idaho Rule of Treatment Court 17, Robertson was terminated from treatment court. Pursuant to I.R.T.C. 18, the district court proceeded directly to disposition, without holding a probation violation evidentiary hearing and executed Robertson's previously suspended sentence but reduced the determinate portion of her sentence.

Robertson appealed, arguing the district court violated her due process rights when it proceeded directly to disposition without affording her an evidentiary hearing on an allegation of a probation violation. The State argues the district court followed the procedures set forth in the I.R.T.C. and those rules provided Robertson with all the due process protections to which she was entitled.

The Court of Appeals affirmed the district court and held that the I.R.T.C. were promulgated and adopted by the Idaho Supreme Court, those rules incorporated the relevant due process protections, and, thus, Robertson received all the due process protections to which she was entitled.

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