

SUMMARY STATEMENT

State v. Robertson

Docket No. 52794

Sheryl Robertson appeals the revocation of her probation and execution of a modified ten-year sentence. Robertson was arrested in 2016 for possession of methamphetamine, a felony offense. Robertson pled guilty, and the district court sentenced her to a unified ten-year sentence, with four years determinate. After completing a term of retained jurisdiction, the district court placed Robertson on probation. Robertson later violated probation, and the court ordered her to continue probation with additional requirements, including 100 hours of community service and participation in a treatment court. Later, the State moved to terminate Robertson from the treatment court based on alleged violations of the program's rules. Robertson waived her right to a termination hearing before the treatment court, and the district court set a hearing.

At the hearing, the district court proceeded directly to disposition without holding a formal probation-revocation hearing. The district court reasoned that, under the Idaho Rules for Treatment Court, Robertson's opportunity to contest revocation of her probation was in the treatment court termination proceeding she had waived. On that basis, the district court declined to hold a formal revocation hearing and executed the modified sentence.

The Court of Appeals affirmed. The Idaho Supreme Court granted Robertson's petition for review, reversed the district court, and remanded for the district court to hold a probation-revocation hearing. The Court held that Robertson did not knowingly and intelligently waive the constitutionally required probation-revocation hearing, and that the district court therefore erred in proceeding directly to disposition.

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