

BOISE, FRIDAY, APRIL 16, 2021, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**In Re: Order Certifying Question to the
Supreme Court of Idaho.**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

ANTONIO FRANCISCO GUTIERREZ,

Defendant-Appellant.

Docket No. 48454

Certified question of law from the United States Court of Appeals
for the Ninth District. Jay S. Bybee and Daniel P. Collins, Circuit
Judges, and Richard G. Stearns, District Judge.

Hendrickson Law Firm, P.C., Billings, MT, attorney for Appellant,
Antonio Gutierrez.

United States Attorney's Office, Boise, attorney for Respondent,
United States of America.

Idaho Association of Criminal Defense Lawyers (IACDL), Firearms Policy
Coalition (FPC), Second Amendment Foundation (SAF), Idaho Second
Amendment Alliance (ISAA), Federal Defender Services of Idaho (FDSI),
and the Federal Defenders of Eastern Washington and Idaho (FDEWI),
attorneys for *Amicus Curiae*.

This matter comes to the Idaho Supreme Court as a certified question from the
Ninth Circuit. The question certified is:

Whether an Idaho state court order reducing the defendant's judgment of
conviction for felony burglary to a judgment of conviction for misdemeanor petit
theft under the authority of Idaho Code § 19-2604(2) changes the operative
conviction for the purposes of Idaho Code § 18-310, which prohibits the
restoration of firearm rights to those citizens convicted of specific felony
offenses? *See* Idaho Code § 18-310(2).

