

MOSCOW, WEDNESDAY, APRIL 9, 2025, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 52062
)	
MISTY DAWN ROSE,)	
)	
Defendant-Appellant.)	
)	

Appeal from the District Court of the First Judicial District of the State of Idaho,
Kootenai County. John T. Mitchell, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

This criminal appeal involves a probation revocation. In 2018, Misty Dawn Rose pled guilty to delivery of methamphetamine. Two months later, in a separate case, Rose pled guilty to unlawful possession of a firearm and aiding and abetting burglary. The district court held a joint sentencing hearing and retained jurisdiction in both cases. Following the period of retained jurisdiction, the district court placed Rose on probation for three years.

Two years into this probationary period, the state filed a report of probation violations. Rose admitted to the probation violations, so the district court revoked her probation, executed the underlying sentences, and placed her on a second rider. After successfully completing her second rider, the district court placed Rose on probation once more. As a condition of probation, the district court required that Rose be admitted to drug court. At a subsequent probation review hearing, when Rose had still not been admitted to drug court, the district court found that Rose had willfully violated her probation. Resultingly, the district court revoked her probation and executed the underlying sentences.

Rose appeals, arguing that the district court abused its discretion by revoking her probation for the following reasons: (1) finding that her non-acceptance into drug court was a willful violation of probation; (2) revoking probation without first considering alternatives to address the

probation violation; and (3) using her failure to appear at a probation review hearing as a backup probation violation to execute her underlying sentences. Rose asks the Idaho Supreme Court to reverse the order revoking her probation and remand for reinstatement of probation. Alternatively, Rose asks that the Supreme Court to remand for a new disposition hearing before a different judge.