

**BOISE, WEDNESDAY, FEBRUARY 18, 2026, AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**STATE OF IDAHO,**

## Plaintiff-Respondent,

**V.**

**TIMOTHY JON GUTIERREZ,**

**Defendant-Appellant.**

Docket No. 51649

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

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

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

This case concerns Timothy Jon Gutierrez's appeal of a fixed life sentence for Lewd Conduct with Minor Child Under Sixteen, a felony under Idaho Code section 18-1508. Gutierrez pleaded guilty to one count of Lewd Conduct, two counts of Sexual Exploitation of a Child by Possession of Sexually Exploitative Material, a felony under Idaho Code section 18-1507(2)(a), and one count of Injury to a Child, a felony under Idaho Code section 18-1501(1). At the sentencing hearing, counsel for Gutierrez moved to continue the hearing because Gutierrez had not completed a psychosexual evaluation or a polygraph examination. He argued that the examinations were necessary for the court to evaluate Gutierrez's potential for rehabilitation. The district court denied the motion to continue and sentenced Gutierrez on each count.

On appeal, Gutierrez argues that the district court abused its discretion by denying his motion to continue. He argues that he was entitled to present mitigating evidence at sentencing and that the district court did not follow applicable legal standards by depriving him of this right. He also asserts that the district court's denial of the continuance was arbitrary because: fixed life sentences require a high degree of certainty; the district court expressed a concern with wasting judicial time and resources; and the district court suggested Gutierrez could submit information from the examinations in a Rule 35 motion. Gutierrez also argues that the fixed life sentence for Lewd Conduct was an abuse of discretion because the district court failed to consider his potential for rehabilitation and did not give proper consideration to his substance abuse issues.