

SUMMARY STATEMENT

State v. Schall, Docket No. 41645

Gary Schall was arrested for driving under the influence of alcohol. Schall had two prior convictions for driving under the influence within the previous ten years, one of which stemmed from a 2004 arrest in Wyoming. As a result of his prior convictions, the State enhanced his DUI charge to a felony pursuant to Idaho Code section 18-8005(6). At Schall's preliminary hearing in Bannock County, the magistrate found that there was probable cause to bind the case over to district court. Schall filed a motion to dismiss in the district court, arguing that the State had the burden at the preliminary hearing to provide probable cause to believe his Wyoming DUI conviction was for a "substantially conforming foreign criminal violation," that the State failed to meet that burden, and that the Wyoming conviction was not in fact a substantially conforming violation. The district court denied Schall's motion, finding that the State met its burden at the preliminary hearing and that the Wyoming statute substantially conformed to Idaho's DUI statute. Schall appealed the district court's denial of his motion to dismiss. The Supreme Court ruled that the district court correctly denied Schall's motion to dismiss.