

SUMMARY STATEMENT

State v. Kody Ray Gibbs

Docket No. 44299

In an appeal from Kootenai County, the Supreme Court affirmed the district court's order extending the probation of Kody Ray Gibbs. Gibbs appealed the order extending his probation from a term of six years to life arguing that: (1) he was denied his constitutional right to due process because his case was not heard by an impartial judge; and (2) the district court abused its discretion by increasing, sua sponte, his probation from a term of six years to life. The Supreme Court affirmed finding that Gibbs had failed to show that the district judge hearing his case was biased. The Supreme Court also found that if, in the regular course of his or her duties, a judge becomes aware of circumstances constituting good cause for modification of the conditions or duration of probation, after notice to the parties and affording the parties an opportunity to be heard, the trial court may modify the terms or duration of probation pursuant to Idaho Code section 20-221(1) or 20-222(2).