

SUMMARY STATEMENT

State of Idaho v. Michael Watson Coniconde

Docket No. 46410

Michael Watson Coniconde pleaded guilty to fleeing or attempting to elude a peace officer and placing obstructions on railroad tracks, both felonies. The district court imposed concurrent, unified sentences of five years, with two years determinate, for each charge. Additionally, pursuant to Idaho Code § 49-1404, the district court imposed a three-year driver's license suspension to commence upon Coniconde's release from incarceration. Coniconde filed a motion asking the district court to shorten the length of the driver's license suspension and order it to begin upon his judgment of conviction for the eluding charge. The district court reduced the duration of the driver's license suspension to eighteen months but denied Coniconde's request to modify the date of commencement for the driver's license suspension. Coniconde appealed.

On appeal, Coniconde argued that driver's license suspensions for felony eluding offenses must commence upon conviction, while the State claimed that they must commence upon release from incarceration. The Idaho Court of Appeals explained that although I.C. § 49-1404 mandates a driver's license suspension for an eluding conviction, the statute is silent in regard to when the suspension must commence. The silence does not create ambiguity because if the legislature intended to limit the district court's discretion regarding when a driver's license suspension must begin, the legislature would have included explicit language mandating the outcome, as it has in other license suspension statutes. Therefore a district court acts within its discretion in determining when to begin a driver's license suspension in a felony eluding case. The Court of Appeals affirmed the district court's judgment of conviction.