

IN THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF CANYON

In the Matter of Misdemeanor Probation)
Violations in District Court Cases in) ADMINISTRATIVE ORDER 2003-1
Canyon County Only)

In order to eliminate some confusion regarding the handling of misdemeanor probation violations filed in district court cases, it is necessary to clarify how these matters will be handled.

This Administrative Order clarifies the earlier agreement wherein the district judges agreed to handle the sentencing of misdemeanor defendants in these types of cases rather than remanding them to magistrate court upon reduction or the dismissal of the consolidated felony case. At the time that procedure was agreed upon, it was also agreed that probation violations in those misdemeanor cases would be processed in magistrate court and not returned to the district court.

This Administrative Order applies to misdemeanor probation violations in the following circumstances:

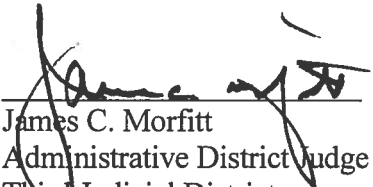
1. Misdemeanor probation violations in cases that were originally felony charges and which were reduced to misdemeanors in district court and the defendant was sentenced by the assigned district judge.
2. Probation violations arising out of misdemeanor sentences in district court where a consolidated felony charge was dismissed as part of a plea agreement.

In such cases, misdemeanor probation violations will be handled as follows:

- 1) The petition for misdemeanor violation will be submitted in the usual fashion to the district judge who imposed the sentence in the misdemeanor case. That judge will review the petition and, if appropriate, issue a warrant for the arrest of the defendant.

- 2) Upon the defendant's arrest on the misdemeanor probation violation warrant, the defendant will be brought before magistrate court for arraignment in the normal fashion. The magistrate assigned to handle arraignments at the time the defendant is arraigned will thereafter be responsible for all further proceedings on the misdemeanor probation violation including evidentiary hearing and disposition.

Dated this 9TH day of June, 2003.


James C. Morfitt
Administrative District Judge
Third Judicial District