

IDAHO DEPARTMENT OF CORRECTION

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DIRK KEMPTHORNE
Governor

THOMAS PAUL
JOHN R. STEGNER
Director



April 28, 2006

Honorable John Stegner
Administrative Judge
P.O. Box 8068
Moscow, Idaho 83843

RE: Steven Sitler
Latah County Case CR05-2027

Dear Judge Stegner,

We understand that the court wishes to retain jurisdiction for another one hundred and eighty (180) days. However, in order to deal with the apparent jurisdictional issue, it appears that the court should either amend its order to include a finding that extenuating circumstance did exist for a thirty (30) day extension, or it should re-sentence the defendant, which includes a second term of retained jurisdiction in that new sentence.

On September 26, 2005, Mr. Sitler was sentenced to a retained jurisdiction for the crime of Lewd Conduct with a Minor. On February 21, 2006, he was returned to Latah County upon program completion. The sentencing court issued an Order Retaining Jurisdiction on April 20, 2006. According to our records the court's jurisdiction ended on March 25, 2006.

Idaho Code §19-2601(4) states "..... The prisoner will remain committed to the board of correction if not affirmatively placed on probation by the court. In extraordinary circumstances, where the court concludes that it is unable to obtain and evaluate the relevant information within the one hundred eighty (180) day period of retained jurisdiction.... the court may decide whether to place the defendant on probation or release jurisdiction within a reasonable time, not to exceed thirty (30) days, after the one hundred eighty (180) day period of retained jurisdiction has expired...". Absent the thirty day extenuating circumstances, it appears that Mr. Sitler is now committed to the custody of the board of correction....Idaho Supreme Court Opinion, 2005 state v. Taylor.

We will await the court's guidance on this issue.

Respectfully,

Carolee Kelly
Sentencing Specialist