

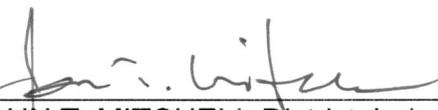
Heard on Retained Jurisdiction Disposition: "Further basis of this request is included within the proposed corrections and additions to the Addendum to the Presentence Investigation filed herewith." Mot. for Opportunity to be Heard on Retained Jurisdiction 2. "Coassolo unambiguously holds that a defendant is not entitled to an opportunity to respond to the information in an APSI upon review of retained jurisdiction." *State v. Goodlett*, 139 Idaho 262, 265, 77 P.3d 487, 490 (Ct. App. 2003).

The court minutes from the December 20, 2022, sentencing hearing reflect that this Court was explicit with its expectation that the defendant, on his period of retained jurisdiction, demonstrate he could follow court orders in the future based on his ability to follow Idaho Department of Corrections rules and orders. The Addendum to the Presentence Investigation filed on August 23, 2023, shows that defendant abjectly failed to demonstrate that ability. Nothing in the defendant's Motion for Opportunity to be Heard on Retained Jurisdiction Disposition presents any purported evidence that defendant actually did demonstrate an ability to follow Idaho Department of Corrections rules and orders. Instead, the Motion for Opportunity to be Heard on Retained Jurisdiction Disposition asks for a hearing only to "demonstrate to the Court his willingness and ability to engage in treatment, to show the Court improvements he was making in programming." Mot. for Opportunity to be Heard on Retained Jurisdiction 2.

In his Motion for Opportunity to be Heard on Retained Jurisdiction Disposition, defendant requests a hearing on that motion. *Id.* This Court exercises its discretion and decides this motion without a hearing, finding (based on the above) that such hearing would be a waste of the Court's and counsel's time.

IT IS HEREBY ORDERED that ROBERT GENE ASHWOOD's Motion for Opportunity to be Heard on Retained Jurisdiction is DENIED without hearing.

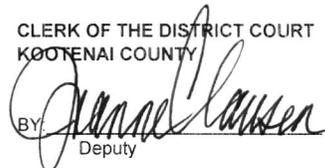
DATED this 8th day of October, 2023.


JOHN T. MITCHELL District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of October, 2023 copies of the foregoing Order were mailed, postage prepaid, or sent by facsimile or interoffice mail to:

Prosecuting Attorney – ncp@icourts.id.gov.us Faxed to (208) 327-7445]
Defense Attorney – Nicole Huddleston
pd.fax@icgov.us

CLERK OF THE DISTRICT COURT
KOOTENAI COUNTY
BY: 
Deputy