

SUPREME COURT OF IDAHO

State v. Adkins

Adkins · No. 48138 · Decided November 2, 2022

SUMMARY

The Idaho Supreme Court held that, in a prosecution for concealment of evidence under Idaho Code section 18-2603, the jury determines the underlying investigation or offense, but the court determines as a matter of law whether that offense is a felony. The court overruled contrary portions of State v. Yermola, affirmed Kathryn Dianne Adkins's conviction, vacated her sentence as exceeding the statutory maximum, and remanded for entry of a corrected sentence.

CASE DETAILS

|                       |                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Idaho                                                                                                                                            |
| WRITING FOR THE COURT | Justice Brody; Chief Justice Bevan; Justice Stegner; Justice Moeller; Justice Zahn                                                                                |
| JURISDICTION          | Idaho                                                                                                                                                             |
| DECIDED               | November 2, 2022                                                                                                                                                  |
| DOCKET                | 48138                                                                                                                                                             |
| DISPOSITION           | reversed_and_remanded                                                                                                                                             |
| PROCEDURAL POSTURE    | Adkins appealed her jury conviction for felony concealment of evidence and the sentence imposed by the district court.                                            |
| STANDARD OF REVIEW    | Constitutional questions are reviewed freely. The court also considered the sufficiency-of-the-evidence argument in light of the constitutional jury-trial issue. |
| PRECEDENTIAL VALUE    | published precedential Idaho Supreme Court opinion                                                                                                                |
| PARTIES               | Kathryn Dianne Adkins v. State of Idaho                                                                                                                           |

TOPICS

- criminal procedure
- statutory interpretation
- sentencing
- appellate procedure
- constitutional law

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- appellate law

## QUESTIONS PRESENTED

1. Whether the felony status of the offense underlying a charge of felony concealment of evidence is an adjudicative fact that must be submitted to and found by the jury.
2. Whether the evidence was insufficient to support Adkins's felony concealment-of-evidence conviction because the State did not present evidence establishing that possession of methamphetamine is a felony.
3. Whether Adkins's six-year indeterminate sentence for felony concealment of evidence exceeded the statutory maximum and was therefore illegal.

## HOLDINGS

1. In a prosecution for felony concealment of evidence under Idaho Code section 18-2603, the jury must determine the offense that was the subject of the relevant investigation, but whether that offense is legally classified as a felony is a question of law for the court.
2. The evidence was sufficient to support Adkins's conviction because the jury found the required adjudicative facts concerning her willful concealment, knowledge, and intent to prevent discovery of evidence in an investigation involving possession of methamphetamine, and the felony classification of that offense was a matter of law.
3. The six-year indeterminate sentence for felony concealment of evidence was illegal because Idaho Code section 18-2603 authorizes a maximum of five years of imprisonment and a ten-thousand-dollar fine.

## KEY QUOTATIONS

*“We hold that the role of the jury in a concealment of evidence case includes determining the offense that was the subject of the relevant trial or investigation (which is a question of fact), but it does not include determining whether that offense is a felony (which is a question of law).” (3)*

*“To the extent Yermola held otherwise, it is overruled.” (3)*

*“For the reasons above, Adkins’ conviction is affirmed, her sentence is vacated, and the case is remanded for the entry of a corrected sentence.” (6)*

## FACTUAL BACKGROUND

During a traffic stop, an Idaho State Police trooper found drug-related items in a vehicle and later observed a small plastic jar containing methamphetamine being thrown onto the highway near Adkins and her partner. Adkins eventually stated that a passenger had given her the jar to hide, and she later claimed that her partner had taken and thrown it. The State charged her with felony concealment of evidence based on an investigation involving possession of methamphetamine, and the jury convicted her.

## PROCEDURAL HISTORY

After a February 2020 jury trial, Adkins was convicted of possession of methamphetamine, felony concealment of evidence, and resisting arrest. The district court imposed concurrent six-year indeterminate sentences on the felony convictions, suspended execution, and placed her on probation for four years. Adkins timely appealed,

challenging the sufficiency of the evidence and arguing that the felony classification of the underlying offense had to be determined by the jury.

#### DISPOSITION

reversed\_and\_remanded

#### REMAND INSTRUCTIONS

The conviction is affirmed, but the sentence is vacated. The district court must enter a corrected sentence under Idaho Criminal Rule 35(a) that does not exceed the statutory maximum.

#### CASES CITED

- State v. Sanchez, 165 Idaho 563, 448 P.3d 991 (2019)
- Leavitt v. Craven, 154 Idaho 661, 302 P.3d 1 (2013)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- State v. Yermola, 159 Idaho 785, 367 P.3d 180 (2016)
- State v. Lemmons, 158 Idaho 971, 354 P.3d 1186 (2015)
- United States v. Gaudin, 515 U.S. 506 (1995)
- Jones v. United States, 526 U.S. 227 (1999)
- Ring v. Arizona, 536 U.S. 584 (2002)
- Alleyne v. United States, 570 U.S. 99 (2013)
- Southern Union Co. v. United States, 567 U.S. 343 (2012)
- State v. Glodowski, 166 Idaho 771, 463 P.3d 405 (2020)

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