

BOISE, TUESDAY, MAY 12, 2026, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52004

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 AHMED MAJED ABDULHAMZA,)
)
 Defendant-Appellant.)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Patrick J. Miller, District Judge.

Erik R. Lehtinen, State Appellate Public Defender; Kierra W. Mai, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

Ahmed Majed Abdulhamza was indicted by a grand jury on ten charges: first degree kidnapping; rape; attempted strangulation; two counts of aggravated assault; unlawful possession of a firearm; two counts of intimidating a witness; use of a deadly weapon during the commission of a crime; and burglary. The charges were then consolidated with two counts of violation of a no-contact order and misdemeanor battery. The State also alleged Abdulhamza was a persistent violator. Pursuant to a plea agreement, Abdulhamza pleaded guilty to aggravated assault enhanced by the use of a deadly weapon, unlawful possession of a firearm, one count of witness intimidation, and two counts of violation of a no-contact order. The remaining charges and the persistent violator sentencing enhancement were dismissed.

The plea agreement stated: “The State may use as aggravating factors as part of its sentencing argument all facts of all charged or dismissed cases or counts and/or any crimes/cases not filed.” At sentencing, the district court discussed the dismissed charges of rape and kidnapping, as well as Abdulhamza’s criminal history. Ultimately, the district court sentenced Abdulhamza to a unified term of twenty years, with seven years determinate, for aggravated assault enhanced by the use of a deadly weapon; concurrent terms of five years indeterminate for unlawful possession of a firearm and witness intimidation, to run concurrently with the aggravated assault sentence; and credit for time served for the two counts of violation of a no-contact order.

On appeal, Abdulhamza argues the district court abused its discretion in three ways: (1) by considering the dismissed charges as the basis to increase his sentence; (2) by increasing his

sentence based solely on consideration of the dismissed charges; and (3) by finding the dismissed charges were supported by “strong proof.” Additionally, Abdulhamza argues the district court abused its discretion by failing to acknowledge “several relevant mitigating factors” when it imposed his sentence. The State argues the district court acted within its discretion when it considered the dismissed charges; consideration of the dismissed charges was not the sole basis of the increase in Abdulhamza’s sentence but rather one factor of many; and regardless of the existence of “strong proof” of a dismissed charge, a court can consider uncharged criminal conduct in fashioning an appropriate sentence. The State also argues the district court acknowledged mitigating factors and acted well within its discretion in its sentencing decision.