

SUMMARY STATEMENT

State v. Cesar Gabriel Castrejon

Docket No. 44783

Cesar Gabriel Castrejon head-butted a police officer in the face and repeatedly kicked a deputy sheriff in the knee while he was detained and being assessed by emergency medical services. The State charged Castrejon with two counts of battery on a law enforcement officer. Count I of the information alleged that Castrejon did “touch and/or strike” the police officer by striking him in the face. Count II alleged Castrejon did “touch and/or strike” the deputy sheriff by kicking her multiple times in her knee. At Castrejon’s change of plea hearing, the district court, on its own initiative, posed a question to both parties: whether the language in the information was sufficient to charge felonies, as opposed to misdemeanors. Following a colloquy with the parties, the district court concluded that both touching an officer and striking an officer were misdemeanor offenses in violation of Idaho Code §§ 18-903(b) and 18-915(3). Accordingly, the district court concluded Counts I and II of the information charged Castrejon with misdemeanors and sua sponte remanded the case back to magistrate court for lack of jurisdiction. The State appealed the district court’s order.

The Idaho Court of Appeals held (1) the State preserved its argument for appeal, (2) the invited error doctrine did not preclude the State from raising an argument regarding the plain language of the statute on appeal, and (3) under the plain language of I.C. § 18-915(3) committing a battery by “touching” an officer is a misdemeanor offense but battery by “striking” an officer is a felony. Therefore, the Court concluded that the State charged Castrejon with two felony counts of battery by charging him with striking the officer and striking the deputy sheriff.