

SUMMARY STATEMENT

State v. Barr, Docket No. 46094

The Idaho Supreme Court affirmed a district court's judgment of conviction after holding that Britain Lee Barr failed to properly preserve his arguments for appeal. Barr pleaded guilty to five counts of sexual exploitation of a child and to being a repeat sex offender. The district court sentenced Barr to five, fifteen-year fixed sentences, to run consecutively to each other, for an aggregate determinate term of seventy-five years, reasoning that Idaho Code section 19-2520G left it no discretion to sentence Barr to anything less severe. On appeal Barr argued that the district court abused its discretion when it failed to perceive that it had discretion to: (1) designate indeterminate and determinate portions of the mandatory fifteen-year sentences; and (2) run the sentences concurrently with one another rather than consecutively. Barr also claimed that if the legislature intended section 19-2520G to deprive the court of its traditional power to decide whether to run sentences consecutively or concurrently, the statute is unconstitutional. The Supreme Court held Barr never took a position below on whether the district court had discretion to impose a lesser sentence, nor did he raise an issue over section 19-2520G's constitutionality; thus, Barr's arguments were not properly preserved for appeal.