

## SUMMARY STATEMENT

*Lingnaw v. Lumpkin*, Docket No. 47098

Appellant Derrick Lingnaw, a registered sex offender, sought declaratory relief from the district court asking whether he could legally reside on his property. The district court declared Lingnaw's residence is within five hundred feet of property on which a school is located, as that term is used in Idaho Code section 18-8329(1)(d). The court thus denied Lingnaw's request to enjoin the Custer County Sheriff, Stuart Lumpkin, from interfering with Lingnaw's ability to reside on his property. On appeal, the Idaho Supreme Court affirmed the district court. The Supreme Court first determined that the district court had jurisdiction to interpret the Idaho Code and give Lingnaw a declaration regarding his right to live on his real property. The Supreme Court then concluded that the district court's interpretation of the term "school" was correct as a matter of law and that there was substantial and competent evidence to support its determination that Lingnaw's residence was located within 500 feet of a school.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*