

SUMMARY STATEMENT

State of Idaho v. Christopher Dirk Baay
Docket No. 47236

Christopher Dirk Baay was convicted of felony domestic violence or assault, prior felony within fifteen years, under Idaho Code §§ 18-918(5), -901(a or b), with a sentencing enhancement under I.C. § 19-2514 for being a persistent violator of the law. Under I.C. § 19-2514, anyone convicted of the persistent violator enhancement “shall be sentenced to a term in the custody of the state board of correction which term shall be for not less than five (5) years and said term may extend to life.” I.C. § 19-2514. At sentencing, both parties articulated the statute’s discretionary nature. Despite the arguments, the district court’s position was that the statute required a minimum sentence of five years. The district court sentenced Baay to a unified sentence of ten years, with five years determinate. Baay timely appealed.

The Court of Appeals held that the district court erroneously interpreted I.C. § 19-2514 to require a determinate sentence of five years. The district court’s statements during sentencing demonstrated the district court did not recognize it had the discretion to impose a unified sentence, as opposed to a determinate sentence, of five years. As such, Baay established that the district court did not properly perceive it had discretion to impose less than a five-year determinate sentence. Because the district court did not understand its discretion, it also did not act consistently with the applicable standard set forth in *State v. Toyne*, 151 Idaho 779, 781, 264 P.3d 418, 420 (Ct. App. 2011). Accordingly, the Court of Appeals held that the district court abused its discretion when it sentenced Baay.

The district court’s misunderstanding of the scope of its sentencing discretion may have resulted in the imposition of a harsher sentence than the district court would have otherwise imposed. When this occurs, the proper remedy is to vacate the sentence and remand for resentencing. *Id.* at 783, 264 P.3d at 422. The Court of Appeals vacated the sentence and remanded the case for a new sentencing hearing.

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