

SUMMARY STATEMENT

State of Idaho v. Nathan Tyler Granger

Docket No. 48248

Nathan Tyler Granger appeals from his judgment of conviction for statutory rape, lewd conduct with a minor under sixteen, and sexual exploitation of a child by possession of sexually exploitive material.

A presentence investigation report (PSI) was filed prior to sentencing. Granger privately acquired a neurophysiological evaluation and psychosexual evaluation. The PSI writer did not receive those evaluations in time to incorporate them into the PSI. However, once received, the PSI writer filed an addendum to the PSI attaching the full evaluations and a summary of each evaluation. At the sentencing hearing, the district court directed that the sentencing memorandum be sent to the Idaho Department of Correction, along with the sealed order referencing information in the PSI and Granger's objections. The district court imposed concurrent sentences of twenty years with six years determinate for statutory rape and lewd conduct, and ten years with six years determinate for sexual exploitation.

On appeal, Granger argues the district court failed to consider his objections to the PSI and redline inaccurate and unreliable information. Second, Granger argues the district court sentenced him for the uncharged crime of forcible rape because the district court placed undue emphasis on alleged facts of force. Third, Granger argues the sentence is excessive because the district court imposed the sentence solely for the purpose of protecting society.

First, the Court of Appeals held Granger failed to provide any evidence to show any of the PSI information was inaccurate or unreliable. Furthermore, the district court has no obligation to add or incorporate information into the PSI. Second, the Court held the district court is not required to disregard the allegation of force merely because statutory rape does not include the element of force. Consequently, the district court did not sentence Granger for an uncharged crime and thus, did not abuse its discretion. Lastly, the Court held there is no abuse of discretion when the Court prioritizes the need to protect society over the mitigating factors.

Accordingly, the Court of Appeals affirmed Granger's judgment of conviction and sentence.

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