

SUMMARY STATEMENT

Robert Ervin Peterson v. Darrell Michael Gunderson

Docket No. 48781

Robert Ervin Peterson appeals from the district court's summary judgment orders ruling that Peterson is disqualified from receiving a concealed weapons license under Idaho Code § 18-3302. Darrell Michael Gunderson, the Shoshone County Sheriff, denied Peterson's 2020 application for a license based on Peterson's prior conviction of possessing material sexually exploiting children in violation of I.C. § 18-1507A (2006), which statute was repealed in 2012. In doing so, the Sheriff relied on I.C. § 18-1507, which was amended in 2012 to include the offense previously codified under the repealed I.C. § 18-1507A (2006). On summary judgment, the court ruled that Peterson was disqualified from possessing a firearm under 18 U.S.C. § 922(g)(1), and as a result, he was disqualified under Idaho law from possessing a firearm. On appeal, Peterson argues Idaho law applies to determine whether he is disqualified from receiving a license; the Sheriff should have relied on the repealed I.C. § 18-1507A (2006) to conclude he was not disqualified, and the Sheriff's reliance on I.C. § 18-1507 (2012) violated the ex post facto doctrine.

The Idaho Court of Appeals concluded Idaho law applies to determine whether Peterson is qualified to receive a concealed weapons license under I.C. § 18-3302. Construing I.C. §§ 18-310, 18-1507 and I.C. 18-3302 together, the Court concluded Peterson's right to possess a firearm was suspended under I.C. § 18-310(1) and was not automatically restored under I.C. § 18-310(2) because Peterson was convicted of an offense codified in I.C. § 18-1507 (2012), and as a result, Peterson is not qualified to receive a license under I.C. § 18-3302. Further, the Court concluded the Sheriff's reliance on this statutory scheme to deny Peterson's application did not violate the ex post facto doctrine because the statutory scheme was not punitive but civil in nature and not retroactive. Finally, the Court concluded that Peterson failed to preserve any arguments that his guilty plea in the underlying criminal case was not knowing, intelligent, and voluntary and that, regardless, the district court lacked jurisdiction to vacate Peterson's conviction in that case.

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