

SUMMARY STATEMENT
State of Idaho v. Curtis Eugene Lee
Docket No. 48951

Curtis Eugene Lee appeals from his judgment of conviction and sentence for two counts of sexual battery of a minor child sixteen or seventeen years of age. Lee argues that his convictions and punishments for two counts of sexual battery violated the prohibitions against double jeopardy and that the district court abused its discretion when sentencing him.

The State charged Lee with two counts of sexual battery for soliciting a sixteen-year-old to participate in a sexual act. According to the victim's testimony, Lee approached and spoke to the victim about a potential sexual act; Lee then departed to a bathroom, beckoned the victim to follow him, and disappeared from the victim's view; and Lee subsequently reappeared and again beckoned to the victim from a distance. At the close of evidence, Lee moved to dismiss one of the two counts of sexual battery, arguing his conduct was a continuing course of conduct, which did not provide a basis for two separate counts. The State argued Lee's conduct constituted two acts of solicitation warranting two separate counts. The district court agreed with the State and denied Lee's motion, and the jury convicted him of both counts of sexual battery. The district court imposed a unified term of fifteen years with five years determinate on each count and ordered the sentences to run concurrently.

On appeal, the Idaho Court of Appeals concluded the district court erred in denying Lee's motion to dismiss the second count of sexual battery. It ruled that Lee's conduct constituted one continuing event and that convicting and punishing him twice for this conduct violated the prohibitions against double jeopardy. Accordingly, the Court vacated Lee's judgment of conviction on the second count of sexual abuse and remanded for further proceedings. The Court concluded, however, that the district court did not abuse its sentencing discretion and affirmed Lee's conviction and sentence related to the first count of sexual battery.

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