

## SUMMARY STATEMENT

*State v. Barr*

Docket No. 49376-2021

The Idaho Supreme Court affirmed Britian Lee Barr's judgment of conviction for five counts of sexual exploitation of a child.

Britian Lee Barr appealed the district court's denial of his Idaho Criminal Rule 35(a) motion to correct an illegal sentence. Barr pleaded guilty to five counts of sexual exploitation of a child for possessing child pornography and to being a repeat offender. Due to a prior conviction, Idaho Code section 19-2520G mandated that Barr serve a fifteen-year mandatory minimum sentence for each count, with each sentence to be served consecutively. The district court sentenced Barr to five, fifteen-year fixed sentences to run consecutively for a total fixed term of seventy-five years in prison. The district court reasoned that it did not have discretion to sentence Barr to a shorter term because section 19-2520G(3) mandates consecutive sentences for repeat offenders.

Barr later filed a motion under Idaho Criminal Rule 35(a), and argued that his sentence was excessive and that the consecutive sentencing mandate in section 19-2520G(3) is unconstitutional. The district court denied Barr's motion, concluding that the legislature is empowered to designate mandatory consecutive sentences under the plain language of Article V, section 13 of the Idaho Constitution.

Barr appealed, arguing that the mandatory consecutive sentence requirement in Idaho Code section 19-2520G(3) is unconstitutional because it violates the separation of powers doctrine by usurping the judiciary's inherent authority to determine whether a sentence runs consecutively or concurrently.

The Idaho Supreme Court affirmed the district court's decision, but on different grounds. The Court held that the plain language of Article V, section 13 of the Idaho Constitution does not empower the legislature to mandate that criminal sentences run consecutively. However, the Court held that the legislature had this authority at common law. As a result, the Court held that Idaho Code section 19-2520G(3) does not violate the separation of powers provision of the Idaho Constitution. The Court affirmed the district court's decision denying Barr's motion under the "right-result, wrong theory" rule.

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