

SUMMARY STATEMENT
State of Idaho v. Lea Anne Eaton
Docket Nos. 49434 & 49944

In this case arising out of Twin Falls County, the Court of Appeals affirmed Lea Anne Eaton's judgment of conviction and a unified sentence of ten years, with a minimum period of confinement of six years, for felony burglary. During the pendency of Eaton's case, nearly six months after Eaton committed the charged offense, the legislature enacted I.C. § 18-1401A (misdemeanor commercial burglary). Eaton moved the district court to reduce her charge to misdemeanor commercial burglary, a charge that the legislature had not yet created at the time Eaton committed the burglary.

The Court of Appeals held that the district court did not err in denying Eaton's motion to reduce the charged offense. The Court rejected Eaton's assertion that the commercial burglary statute is retroactive because the legislature did not declare it was retroactive as provided in I.C. § 73-101. The Court also affirmed the order denying Eaton's I.C.R. 35 motion for correction of an illegal sentence because Eaton's Rule 35 argument was based on the same arguments that Eaton advanced in support of her claim that she was entitled to the retroactive application of the commercial burglary statute.

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