

## SUMMARY STATEMENT

*State of Idaho v. Colin James Staples*  
Docket No. 49823

The State of Idaho charged Colin James Staples under Idaho Code § 18-4116 which prohibits indecent exposure. Staples was convicted in 2020 of violating Spokane Municipal Code § 10.06.020 which prohibited lewd conduct. The State filed a motion in limine requesting the district court find Spokane Municipal Code § 10.06.020 is a similar statute to Idaho Code § 18-4116 for purposes of enhancing the misdemeanor to a felony. Ultimately, the district court found the two sections were not sufficiently similar for the felony enhancement. The State appealed.

On appeal to the Idaho Court of Appeals, the State argued that the district court erred in interpreting the felony enhancement requirement because the two sections prohibit like conduct which is all that is required under the similarity threshold. The State contended the sections are not dissimilar because the sections criminalize essentially the same conduct. Staples argued the district court did not err because the two sections prohibit distinct conduct.

The Court of Appeals held the order denying the State's motion in limine is reversed and the case remanded. The Court concluded the district court erred in finding the two code sections were not sufficiently similar. Specifically, the Court held the plain language of the statute does not require a high degree of similarity, each code section proscribes reprehensible public sexual behavior, and any differences between the two sections do not make them dissimilar.

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