

SUMMARY STATEMENT
State of Idaho v. Gregg Alan Hoover,
Docket No. 49955

The State of Idaho charged Gregg Alan Hoover with felony domestic battery in June 2021 and misdemeanor domestic battery, from a separate incident, in October of 2021. A jury found Hoover guilty of felony domestic battery, and the State moved to amend the complaint in the misdemeanor case to add the sentencing enhancement (to a felony) under I.C. § 18-918(5). The district court found that I.C. § 18-918(5) does not apply to cases where the commission of the second crime occurred five months prior to the verdict of guilt in the felony case. The district court dismissed the information pertaining to the enhancement and remanded the case to magistrate court. 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 *any further violation* means another conviction. Hoover argued the district court did not err because *any further violation* language intended for conduct that occurred after the conviction to be enhanced to a felony.

The Court of Appeals reversed the district court and remanded. The Court concluded the district court erred in dismissing the amended petition. Specifically, the Court held the plain language of the statute *any further violation* to mean the conviction is the violation that triggers the application of the felony enhancement.

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