

SUMMARY STATEMENT

State v. Webb

Docket No. 50705-2023

Kelly D. Webb appealed from the district court's decision denying his motion in limine requesting to present the defense of "charge entrapment" at trial. Webb was indicted by a grand jury for two counts of felony trafficking in methamphetamine. He asserted that he was lured by law enforcement into selling a greater quantity of drugs than he otherwise would have. Webb acknowledged that Idaho has not adopted the defense of charge entrapment but argued that the district court should follow other courts that have permitted the defense when a defendant, although predisposed to commit a minor or lesser offense, is entrapped into committing a greater offense subject to greater punishment.

The district court denied Webb's motion. The district court declined to recognize a charge entrapment defense after concluding that it has been adopted by a minority of state and federal jurisdictions and it was created in response to the Federal Sentencing Guidelines, which are different than Idaho's mandatory minimum sentencing laws. Webb entered a conditional guilty plea, reserving his right to appeal the denial of his motion in limine. Webb timely appealed.

On appeal, Webb asked the Idaho Supreme Court to extend Idaho's traditional entrapment defense to permit a charge entrapment defense in drug trafficking cases. He argued that, under U.S. Supreme Court caselaw, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury and proved beyond a reasonable doubt, so he should be permitted to present a charge entrapment defense to negate the quantity element of his trafficking charges.

The Idaho Supreme Court declined to recognize charge entrapment in the case for two reasons. First, the Court declined to join the other jurisdictions that recognize charge entrapment because Idaho's policy rationale underlying traditional entrapment does not encompass charge entrapment. Second, the Court held that U.S. Supreme Court precedent does not mandate that Idaho adopt the defense of charge entrapment. The Court reasoned that no U.S. Supreme Court precedent cited by Webb recognized charge entrapment as a viable defense or required that it be permitted in drug cases. Therefore, the Court affirmed the district court's decision denying Webb's motion in limine.

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