

## SUMMARY STATEMENT

*State v. Eaton*

Docket No. 51402

This consolidated appeal concerned a change in law that occurred after Lea Anne Eaton was arrested and charged with felony burglary. I.C. § 18-1401. The State alleged that Eaton used discarded Walmart receipts to deceptively “return” items she had stolen for a refund. Shortly after she was charged, a new criminal statute went into effect creating a misdemeanor offense known as “commercial burglary.” I.C. § 18-1401A. Eaton filed a motion seeking to reduce her felony burglary charge to misdemeanor commercial burglary, which was denied. After Eaton entered a conditional guilty plea that reserved her right to appeal the denied motion, the district court imposed a unified ten-year sentence with four years fixed. Eaton appealed and her case was initially assigned to the Idaho Court of Appeals.

On appeal, Eaton argued that the misdemeanor commercial burglary statute amounted to an ameliorative sentencing amendment, thus entitling her to the retroactive benefit of its lesser sentence. Eaton also argued that the district court erred by denying her Idaho Criminal Rule 35(a) motion to correct an illegal sentence because she was entitled to be sentenced in accordance with the commercial burglary statute, rather than the general burglary statute. After the Court of Appeals upheld her conviction and sentence, Eaton filed a Petition for Review, which the Idaho Supreme Court granted.

The Idaho Supreme Court affirmed the district court. The Court determined that Idaho Code section 18-1401A was not an ameliorative sentencing amendment, but rather created an entirely new crime; thus, Eaton was not entitled to retroactive benefit of its lesser sentence. For the same reason, the Court held that the district court did not err in denying Eaton’s Rule 35(a) motion as she was properly charged and convicted under the general 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.\*\*\****