

SUMMARY STATEMENT

State v. Lutz No. 52554

Rilee Ann Lutz appealed a district court's decision to dismiss her motion for nonsummary contempt against Bart Heslington, Sheriff of Bear Lake County. Lutz asserted that the district court erred by dismissing her motion for lack of subject matter jurisdiction, arguing that she could initiate contempt proceedings because she was a party to the case. She also argued that the district court had erred by dismissing her motion for failing to show probable cause. Heslington, as the respondent, asked the Idaho Supreme Court to affirm his award of attorney fees below, and he asked the Court to grant him attorney fees on appeal.

The Idaho Supreme Court affirmed the district court's decision. The Court determined that the district court erred by concluding that it lacked subject matter jurisdiction to commence nonsummary contempt proceedings. The Court held that Lutz, as a party to the criminal action, had standing to initiate nonsummary contempt proceedings against Heslington. However, the Court concluded that Lutz was required to show probable cause in her motion because her motion sounded in criminal contempt. The Court then agreed with the district court that nothing in the record supported a finding of probable cause, affirming the district court's decision to dismiss Lutz's motion. The Court declined to consider Heslington's request to affirm his attorney fees because he was not aggrieved by such an award. And the Court denied Heslington's request for attorney fees on appeal.

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