

BOISE, WEDNESDAY APRIL 14, 2021, AT 11:10A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 47440
)	
THOMAS REESE CARTWRIGHT,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the First Judicial District of the State of Idaho, Kootenai County. Cynthia K.C. Meyer, District Judge.

Eric Don Fredericksen, State Appellate Public Defender, Boise, for Appellant.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Respondent.

Thomas Reese Cartwright (“Cartwright”) appeals his judgment of conviction for felony enticing a child through the use of the internet. Cartwright was arrested after attempting to meet a supposed 14-year-old girl with whom he had been exchanging messages about sexual activity, but who was, in reality, an undercover detective. Cartwright argues the district court erred when it denied his motion to dismiss because Idaho Code section 18-1509A, through its incorporation of Idaho Code section 18-1506, proscribes all physical contact with minor children as well as the making of any photographic or electronic recording of a minor child, so long as the actor, in so doing, intends to gratify lust, passion, or sexual desire. According to Cartwright, the proscribed conduct is protected under the First Amendment, and the statute is unconstitutionally overbroad on its face. Cartwright also argues the district court erred when it refused to instruct the jury on a proposed entrapment defense because a reasonable view of the evidence supported giving the instruction.