

BOISE, IDAHO, OCTOBER 7, 2024, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Appellant,)	Docket No. 51530-2024
)	
v.)	
)	
GREGG ALAN HOOVER,)	
)	
Defendant-Respondent.)	
)	

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

Raúl R. Labrador, Idaho Attorney General, Boise, for Appellant.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Respondent.

This appeal involves the interpretation of the domestic battery felony enhancement provision in Idaho Code section 18-918(5). Hoover was arrested and cited for misdemeanor domestic battery in October 2021. In April 2022, the State amended its complaint against Hoover to enhance the charge of misdemeanor domestic battery to a felony pursuant to Idaho Code section 18-918(5). The amended complaint claimed the enhancement was triggered by Hoover’s conviction for domestic battery with traumatic injury in March 2022. The State filed an information with the district court in May 2022.

Hoover moved to dismiss, claiming that Idaho Code section 18-918(5) did not apply in this case. The district court agreed and dismissed the portion of the information containing the felony enhancement. The district court noted that the conduct in this case occurred five months prior to the felony conviction for domestic battery with traumatic injury. Because of that, the district court determined the conviction the State relied upon to elevate the current charge could not trigger the enhancement. The State appeals, arguing that Idaho Code section 18-918(5) only requires a prior felony conviction within fifteen years of the subsequent conviction. The State contends that because the felony conviction occurred prior to the date Hoover was convicted on the current charge, the district court erred by interpreting the felony enhancement provision as requiring a felony conviction prior to the date of the commission of the crime instead of the date of the conviction for the crime.