

BOISE, FRIDAY, SEPTEMBER 13, 2024, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 51402
)	
LEA ANNE EATON,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Fifth Judicial District of the State of Idaho, Twin Falls County. Roger B. Harris, District Judge.

Nevin, Benjamin & McKay, LLP, Boise, for Appellant.

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

Defendant Lea Anne Eaton appeals her conviction, arguing that her felony charge for burglary should be reduced to the misdemeanor charge of commercial burglary. Eaton was arrested for burglary in January of 2020 for using discarded Walmart receipts to collect \$90.57 from “returned” merchandise she had stolen off the shelves. Her trial was set for January 2021. However, in July 2020, a new statute (I.C. § 18-1401A) defining commercial burglary became effective, and Eaton filed a motion to have her charge reduced pursuant to the new law. The district court denied the motion. After filing a conditional guilty plea that reserved her right to appeal the denied motion, Eaton was sentenced to 10 years with 4 years fixed. Eaton then filed a motion to correct an illegal sentence, arguing that her conviction should not be greater than the maximum sentence set by the commercial burglary statute. The court denied her motion. On appeal, Eaton contends that the court erred by denying the motions to (1) reduce the charge to a misdemeanor, and (2) correct the illegal sentence.