

IDAHO COURT OF APPEALS

State of Idaho v. Montrez Lushon Mayberry

State v. Mayberry · No. 51655 · Decided June 18, 2026

SUMMARY

The Idaho Court of Appeals held that the physical assaults alleged in this case did not constitute the type of “nonconsensual contact” required to establish a course of conduct under Idaho’s stalking statute. It reversed the first-degree stalking conviction, vacated that portion of the judgment, and remanded for further proceedings, while affirming the denial of the defendant’s Idaho Criminal Rule 35 sentence-reduction motion. The court did not reach the challenge to admission of evidence concerning the no-contact order because the stalking conviction was vacated.

CASE DETAILS

COURT	Idaho Court of Appeals
WRITING FOR THE COURT	Huskey, Judge; Tribe, Chief Judge; Lorello, Judge
JURISDICTION	Idaho Court of Appeals
DECIDED	June 18, 2026
DOCKET	51655
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Mayberry appealed his judgment of conviction for first degree stalking and domestic battery with traumatic injury and the denial of his Idaho Criminal Rule 35 motion to reduce his sentence.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by asking whether substantial evidence supports a reasonable trier of fact’s finding that the prosecution proved each essential element beyond a reasonable doubt, viewing the evidence in the light most favorable to the prosecution and deferring to the factfinder’s credibility and weight determinations. Statutory interpretation is reviewed freely. An Idaho Criminal Rule 35 sentence-reduction motion is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Montrez Lushon Mayberry v. State of Idaho

TOPICS

statutory interpretation

criminal procedure

appellate procedure

standard of review

evidence

PRACTICE AREAS

criminal law

criminal procedure

statutory interpretation

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that Mayberry engaged in a course of nonconsensual contact constituting first degree stalking under Idaho Code §§ 18-7905(1)(a) and 18-7906.
2. Whether the district court abused its discretion under Idaho Rule of Evidence 403 by admitting evidence of the no-contact order.
3. Whether the district court abused its discretion by denying Mayberry's Idaho Criminal Rule 35 motion to reduce his sentence for domestic battery with traumatic injury.

HOLDINGS

1. For purposes of Idaho Code § 18-7906(2)(c), nonconsensual contact includes attempted or completed communication, continued presence, or surveillance, but does not include physical contact that is already criminalized by other statutes. The State therefore failed to prove that Mayberry engaged in the type of nonconsensual contact required for first degree stalking.
2. The district court did not abuse its discretion in denying Mayberry's Rule 35 motion to reduce his sentence for domestic battery with traumatic injury.

KEY QUOTATIONS

“In light of the above legislative history, we hold that for purposes of I.C. § 18-7906(2)(c), nonconsensual contact includes “any contact” such as attempted or completed communication, continued presence, or surveillance of another person. However, according to the context and common meaning of the word “contact,” the rules of statutory construction, the public policy behind the statute, and its legislative history, the term “contact” does not include physical contact that is already criminalized by different statutes.” (11-12)

“Considering the evidence in the light most favorable to the prosecution, there is no evidence upon which a reasonable trier of fact could have found the State sustained its burden of proving Mayberry engaged in unwanted communication, presence, or surveillance as contemplated by I.C. § 18-7906(2)(c).” (12)

FACTUAL BACKGROUND

Mayberry and M.F. were in a dating relationship and lived together despite an active no-contact order. The State relied on alleged physical abuse occurring in March and June 2023—including biting, punching, hitting, grabbing the steering wheel, and pulling M.F. from a vehicle—to establish a course of conduct for first degree stalking. The jury convicted Mayberry of stalking and one count of domestic battery with traumatic injury, and the district court imposed consecutive sentences.

PROCEDURAL HISTORY

Mayberry was charged with first degree stalking and two counts of domestic battery with traumatic injury. After a jury trial, he was convicted of first degree stalking and one count of domestic battery with traumatic injury, acquitted of the other domestic-battery count, and found to have violated a no-contact order. The district court imposed consecutive sentences of five years for stalking and ten years for domestic battery with traumatic injury, then denied Mayberry's Rule 35 motion. The Idaho Court of Appeals reversed and vacated the stalking conviction, remanded for further proceedings, and affirmed the denial of the Rule 35 motion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded for further proceedings consistent with the opinion following reversal and vacation of the first degree stalking conviction. The denial of the Idaho Criminal Rule 35 motion concerning the domestic-battery sentence remains affirmed.

CASES CITED

- State v. Herrera-Brito, 131 Idaho 383, 957 P.2d 1099 (Ct. App. 1998)
- State v. Knutson, 121 Idaho 101, 822 P.2d 998 (Ct. App. 1991)
- State v. Decker, 108 Idaho 683, 701 P.2d 303 (Ct. App. 1985)
- State v. Reyes, 139 Idaho 502, 80 P.3d 1103 (Ct. App. 2003)
- State v. Knighton, 143 Idaho 318, 144 P.3d 23 (2006)
- State v. Allbee, 115 Idaho 845, 771 P.2d 66 (Ct. App. 1989)
- State v. Huffman, 144 Idaho 201, 159 P.3d 838 (2007)
- State v. Dunlap, 155 Idaho 345, 313 P.3d 1 (2013)
- State v. Burnight, 132 Idaho 654, 978 P.2d 214 (1999)
- State v. Escobar, 134 Idaho 387, 3 P.3d 65 (Ct. App. 2000)
- BHC Intermountain Hosp., Inc. v. Ada County, 150 Idaho 93, 244 P.3d 237 (2010)
- State v. Beard, 135 Idaho 641, 22 P.3d 116 (Ct. App. 2001)
- State v. Doe, 140 Idaho 271, 92 P.3d 521 (2004)
- State v. Eliassen, 158 Idaho 542, 348 P.3d 157 (2015)
- State v. Smith, 175 Idaho 635, 569 P.3d 137 (2025)