

SUPREME COURT OF THE STATE OF IDAHO

State v. Cartwright

Cartwright · No. 47440 · Decided May 27, 2021

SUMMARY

The Idaho Supreme Court affirmed Thomas Reese Cartwright’s conviction for felony enticing a child through use of the internet. The court held that Idaho Code section 18-1509A was not facially overbroad under the First Amendment and that the trial court properly denied an entrapment instruction. The opinion addresses the statutory relationship between sections 18-1509A and 18-1506 and distinguishes inducement from merely providing an opportunity to commit a crime.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Justice Moeller; Chief Justice Bevan; Justice Burdick; Justice Brody; Justice Stegner
JURISDICTION	Idaho
DECIDED	May 27, 2021
DOCKET	47440
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a felony conviction for enticing a child through use of the internet.
STANDARD OF REVIEW	Constitutional questions, statutory interpretation, and the adequacy of jury instructions are reviewed freely, or de novo. A jury instruction is proper when supported by trial evidence, and instructional error is reversible only if it misled or prejudiced the challenging party.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.
PARTIES	Thomas Reese Cartwright v. State of Idaho

TOPICS

- criminal procedure
- overbreadth doctrine
- first amendment
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether Idaho Code section 18-1509A is facially overbroad under the First Amendment because it incorporates provisions of Idaho Code section 18-1506.
2. Whether the district court erred by refusing to instruct the jury on entrapment.

HOLDINGS

1. Idaho Code section 18-1509A is not unconstitutionally overbroad because, when read together with the incorporated provisions of section 18-1506, it targets the knowing use of the internet or a communications device to entice a child to engage in sexual conduct and does not regulate a substantial amount of constitutionally protected expressive conduct.
2. The district court properly refused to instruct the jury on entrapment because the evidence did not provide substantial support for a finding that the State induced Cartwright to commit the offense contrary to an otherwise innocent predisposition; the undercover detective provided an opportunity, not the criminal design.

KEY QUOTATIONS

“To this end, the United States Supreme Court has cautioned that the overbreadth doctrine is “strong medicine” to be employed “only as a last resort” when a limiting construction cannot be applied to the statute.” (7)

“Section 18-1509A does not proscribe the act constituting the enticement; rather, it proscribes the object of the enticement.” (11)

“There is a distinction between originating the idea for an offense and merely furnishing the opportunity to commit it. The latter is not entrapment; rather, it is a legitimate method of ferreting out crime.” (12)

““Kaylee” did not induce Cartwright to commit this crime; he was clearly predisposed to do so from the beginning.” (14)

FACTUAL BACKGROUND

Cartwright, then 53 years old, exchanged increasingly sexual messages with an undercover detective posing as a fourteen-year-old girl. After learning the supposed girl's age, Cartwright continued the conversation, discussed sexual conduct, offered to provide transportation, and arranged to meet her outside a convenience store. He walked to the meeting location during a severe winter storm and was arrested by police. At trial, Cartwright admitted that he intended to discuss sex with the child and that he continually directed the conversation in a sexual direction.

PROCEDURAL HISTORY

Cartwright was charged by superseding indictment under Idaho Code section 18-1509A and pleaded not guilty. The district court denied his motion to dismiss the indictment on facial First Amendment overbreadth grounds and refused to give an entrapment instruction or permit entrapment-related statements at trial. A jury convicted

him, and the district court imposed an indeterminate ten-year sentence with three years fixed. Cartwright timely appealed, and the Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Sanchez, 165 Idaho 563, 567-68, 448 P.3d 991, 995-96 (2019)
- Stuart v. State, 149 Idaho 35, 40, 232 P.3d 813, 818 (2010)
- State v. Manzanares, 152 Idaho 410, 423-24, 272 P.3d 382, 395-96 (2012)
- Broadrick v. Oklahoma, 413 U.S. 601, 612-15 (1973)
- State v. Richards, 127 Idaho 31, 36-37, 896 P.2d 357, 362-63 (Ct. App. 1995)
- Secretary of State of Maryland v. J.H. Munson Co., 467 U.S. 947, 964-65 (1984)
- State v. Severson, 147 Idaho 694, 710, 215 P.3d 414, 430 (2009)
- State v. Barton, 154 Idaho 289, 290, 297 P.3d 252, 253 (2013)
- State v. Canelo, 129 Idaho 386, 391-92, 924 P.2d 1230, 1235-36 (Ct. App. 1996)
- State v. Kopsa, 126 Idaho 512, 519, 887 P.2d 57, 64 (Ct. App. 1994)
- State v. Mata, 106 Idaho 184, 186, 677 P.2d 497, 499 (Ct. App. 1984)
- State v. Ingram, 138 Idaho 768, 772-73, 69 P.3d 188, 192-93 (Ct. App. 2003)
- State v. Bonner, 138 Idaho 254, 256, 259, 61 P.3d 611, 613, 616 (Ct. App. 2002)