

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52386

STATE OF IDAHO,	)	
	)	Opinion Filed: September 8, 2026
Plaintiff-Respondent,	)	
	)	Melanie Gagnepain, Clerk
v.	)	
	)	
DELMAR LAMONT LAKE,	)	
	)	
Defendant-Appellant.	)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Randall S. Grove, District Judge.

Judgment of conviction, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

FLEMING, Judge

Delmar Lamont Lake appeals from his judgment of conviction for aggravated battery. Lake argues the district court erred by denying his motion for judgment of acquittal because the State failed to present legally sufficient evidence to sustain the jury's verdict. For the reasons set forth below, we affirm.

I.

FACTUAL AND PROCEDURAL BACKGROUND

On January 13, 2024, J.H. received a phone call from her ex-boyfriend, Lake, who asked if he could stop at her apartment because he was concerned about driving home in an ongoing snowstorm. Due to the snowstorm and unsafe road conditions, Lake stayed the night. The following day, Lake remained at J.H.'s apartment and they started drinking alcohol in the early afternoon.

Around midnight, J.H. and Lake began to argue, which then escalated to a violent, physical altercation. Lake wrapped his hands around J.H.'s throat and squeezed for approximately ten seconds. After Lake let J.H. go, he went into the kitchen, grabbed a knife, and threw it at J.H. The knife cut through J.H.'s sock and punctured the top of her foot. Lake then grabbed the back of J.H.'s hair and slammed her head onto the floor. When J.H.'s head hit the floor, she heard and felt "two pops" in her nose and then fell unconscious. J.H. testified that she woke up in a puddle of her own blood and, after she had gotten up, Lake brought over paper towels to clean up the blood. Once oriented, J.H. told Lake she was going to call the police. Lake then took J.H.'s phone and car keys and drove away in J.H.'s vehicle. Although J.H. did not have her phone, she was able to use her computer to message a friend and ask her friend to call 911.

When officers arrived at J.H.'s apartment, they observed that J.H. had a swollen, bloody nose and blood on her hands. An officer also observed blood on J.H.'s sock, droplets of blood leading from the front door into the living room, bloody paper towels in the kitchen trash can, and smeared blood on the floor. The officer photographed the bloody paper towels in the trash can as well as the droplets of blood on the floor. J.H. was transported to the hospital and was diagnosed with a concussion. At the hospital, an officer observed that the area around J.H.'s eyes, chin, palm, and one of J.H.'s biceps were beginning to darken and bruise. Photographs admitted at trial showed the injuries to J.H.'s face and body as observed by the officers at the hospital. Follow up photographs that were taken one or two days after J.H. had been released from the hospital were also admitted.

Lake was charged with aggravated battery with the use of a deadly weapon, Idaho Code §§ 18-907(1)(b), -903 (Count I); aggravated battery, I.C. §§ 18-907, -903 (Count II); false imprisonment, I.C. § 18-2901 (Count III); intentional destruction of a telecommunication line or instrument, I.C. § 18-6810 (Count IV); and misdemeanor battery, I.C. § 18-903 (Count V).

After the State rested its case, Lake moved for a judgment of acquittal on Count II pursuant to Idaho Criminal Rule 29, arguing that the State failed to show J.H. was permanently disfigured as required by I.C. § 18-907(1)(a). Neither party submitted a proposed jury instruction defining "permanent disfigurement." The district court found that because "permanent disfigurement" was not defined by statute, the words were to be given their ordinary meaning. Using the words' ordinary meaning, the district court concluded that the State had presented sufficient evidence from which the jury could find J.H.'s nose had been permanently disfigured. Accordingly, the district

court denied Lake's motion. Lake also moved for a judgment of acquittal as to Count III, which was not contested by the State; therefore, Count III was dismissed by the district court.¹

After the district court ruled on the motions, Lake testified in his defense. Lake testified that J.H. was intoxicated and injured herself by walking into a door and falling to the floor. The jury found Lake guilty on Count II (aggravated battery by causing permanent disfigurement), but acquitted him on Count I (aggravated battery with a deadly weapon) and Count IV (intentional destruction of a telecommunication line or instrument). Lake then renewed his motion for judgment of acquittal on Count II, making the same arguments he made previously. The State objected, relying on *State v. Huggins*, 103 Idaho 422, 648 P.2d 1135 (1982), and argued that it presented substantial evidence of permanent disfigurement. The State further argued J.H. testified that her nose remained "pushed over" to the left, which is sufficient evidence when viewed in the light most favorable to the State. The district court denied the motion and again found that there was substantial evidence introduced by the State to support a conviction for aggravated battery on the theory of permanent disfigurement. The district court found that, based on J.H.'s testimony, the photographs introduced by the State, the jury's ability to observe J.H. throughout the trial, and the fact that six months had elapsed between the offense and the time of trial, it was reasonable for the jury to conclude J.H.'s nose was permanently disfigured. Lake appeals.

II.

STANDARD OF REVIEW

Idaho Criminal Rule 29 provides that when a verdict of guilty is returned, the trial court, on motion of the defendant, shall order the entry of a judgment of acquittal if the evidence is insufficient to sustain a conviction of the offense. The test applied when reviewing the trial court's ruling on a motion for judgment of acquittal is to determine whether the evidence was sufficient to sustain a conviction of the crime charged. *State v. Fields*, 127 Idaho 904, 912-13, 908 P.2d 1211, 1219-20 (1995). When reviewing the sufficiency of the evidence where a judgment of conviction has been entered upon a jury verdict, the evidence is sufficient to support the jury's guilty verdict if there is substantial evidence upon which a reasonable trier of fact could have found

¹ Count V (misdemeanor battery) was also dismissed on double jeopardy grounds after the State rested because the district court found there was not a "spatial or temporal separation" to consider the misdemeanor battery charge and aggravated battery charges as separate criminal offenses.

that the prosecution sustained its burden of proving the essential elements of a crime beyond a reasonable doubt. *State v. Herrera-Brito*, 131 Idaho 383, 385, 957 P.2d 1099, 1101 (Ct. App. 1998); *State v. Knutson*, 121 Idaho 101, 104, 822 P.2d 998, 1001 (Ct. App. 1991). We do not substitute our view for that of the jury as to the credibility of the witnesses, the weight to be given to the testimony, and the reasonable inferences to be drawn from the evidence. *Knutson*, 121 Idaho at 104, 822 P.2d at 1001; *State v. Decker*, 108 Idaho 683, 684, 701 P.2d 303, 304 (Ct. App. 1985). Moreover, we consider the evidence in the light most favorable to the prosecution. *Herrera-Brito*, 131 Idaho at 385, 957 P.2d at 1101; *Knutson*, 121 Idaho at 104, 822 P.2d at 1001.

III.

ANALYSIS

Lake argues the district court erred by denying his I.C.R. 29 motion for judgment of acquittal because the State presented insufficient evidence to establish aggravated battery. Specifically, Lake asserts the State failed to present legally sufficient evidence that J.H. suffered permanent disfigurement, as required by I.C. § 18-907(1)(a). The State responds that J.H.’s testimony, in addition to the photographs introduced at trial, was sufficient evidence to prove that J.H.’s nose was permanently disfigured.

Idaho Code § 18-907 defines aggravated battery, in relevant part, as follows: “(1) a person commits aggravated battery who, in committing battery: (a) Causes great bodily harm, permanent disability or permanent disfigurement.” Permanent disfigurement is not defined by the statute. However, the district court gave the jury the following instruction without objection: “Any word or phrase used but not defined in these Instructions is intended to have the ordinary English meaning that is appropriate to the context in which it is used.” Dictionary definitions are useful in ascertaining the ordinary meaning of undefined terms. *See State v. Bodenbach*, 165 Idaho 577, 586, 448 P.3d 1005, 1014 (2019) (explaining that the Court “often turns to dictionary definitions to ascertain the ordinary meaning of an undefined term in a statute”) (internal quotation marks omitted). Merriam-Webster’s dictionary defines permanent as “continuing or enduring without fundamental or marked change” and “not easily removed, washed away, or erased.” *Permanent*, Merriam-Webster’s Dictionary, <https://www.merriam-webster.com/dictionary/permanent> (last accessed June 11, 2026). Disfigure is defined as “to impair (as in beauty) by deep and persistent injuries.” *Disfigure*, Merriam-Webster’s Dictionary, <https://www.merriam-webster.com/dictionary/disfigure> (last accessed June 11, 2026). We agree with the State that when

using the plain, ordinary definitions to prove J.H. was “permanently disfigured,” the State was required to prove Lake caused an injury to J.H. that: (1) resulted in a change to her appearance (in this case, her nose); and (2) the change was not temporary.

At trial, J.H. testified that the battery changed the appearance of her nose. In describing her appearance, she testified: “Well, I actually have in my nose about here (indicating) down is kind of pushed over to the left.” The jury was able to see J.H.’s nose as she testified and the change she referred to, as well as photographs of J.H.’s face in the hospital after the attack. J.H. also testified about the severity of the battery, including that she heard “two pops” after Lake slammed her head onto the floor, after which J.H. lost consciousness.

Lake argues that no evidence was presented to prove the injury to J.H.’s nose was permanent because the State did not call a medical expert to testify that, in the expert’s opinion, the injury was permanent. Lake cites no authority for the proposition that expert testimony was required to establish what J.H. could describe and demonstrate herself. Jurors are free to draw reasonable inferences from the testimony and evidence admitted at trial. *See State v. Abdullah*, 158 Idaho 386, 426, 348 P.3d 1, 41 (2015).

When deciding a motion for judgment of acquittal under I.C.R. 29, the evidence must be viewed in the light most favorable to the State, recognizing that full consideration must be given to the right of the jury to determine the credibility of witnesses, the weight of the evidence, as well as the right to draw all reasonable inferences from the evidence. *Abdullah*, 158 Idaho at 426, 348 P.3d at 41. Applying this test to the present case, we do not substitute our judgment for that of the jury on issues of witness credibility, the weight of the evidence, or reasonable inferences to be drawn from the evidence. A reasonable inference is a rational and logical conclusion drawn from established facts when such facts are viewed in light of common knowledge or common experience. *Smith v. Praegitzer*, 113 Idaho 887, 892, 749 P.2d 1012, 1017 (Ct. App. 1988). Here, several months had passed between the battery and the time of trial. The jury could conclude that this lapse of time supported a finding that the change to J.H.’s nose was permanent. There is no temporal requirement to determine when an injury becomes permanent for purposes of proving “permanent disfigurement.”

Next, Lake argues that because the results of J.H.’s computed axial tomography scan (CAT scan) were “normal,” i.e., the scan did not reflect a nose injury, J.H. did not suffer permanent

disfigurement. However, Lake's characterization does not accurately reflect the testimony heard and considered by the jury. J.H. testified that she was not informed of the results of her CAT scan:

[DEFENSE]: Okay. While you were at the hospital, did you have a CAT scan done of your face?

[J.H.]: Yes.

[DEFENSE]: There were no abnormalities in your face, were there?

[J.H.]: As far as I know they didn't say that there were, so but I also was not told that there were not, so.

We disagree with Lake's assertion that this testimony established that the results of J.H.'s CAT scan did not reflect a nose injury. The testimony established that J.H. was not informed either way what the CAT scan results were.

Considering the evidence in the light most favorable to the prosecution, we hold there was sufficient evidence presented at trial for the jury to conclude beyond a reasonable doubt that J.H. was permanently disfigured as a result of the injury to her nose inflicted by Lake. Therefore, we affirm the district court's denial of Lake's I.C.R. 29 motion for judgment of acquittal.

IV.

CONCLUSION

The district court did not err by denying Lake's I.C.R. 29 motion for judgment of acquittal because sufficient evidence was presented at trial to sustain the jury's verdict. Accordingly, Lake's judgment of conviction is affirmed.

Chief Judge TRIBE and Judge LORELLO, **CONCUR.**