

SUPREME COURT OF OREGON

State v. Fletes

374 Or. 861 (2026) · No. S072586 · Decided February 5, 2026

SUMMARY

The Oregon Supreme Court denied the State of Oregon’s petition for a writ of mandamus seeking to require correction or modification of criminal judgments concerning the application of presentence incarceration credits to consecutive sentences. The per curiam majority denied relief without addressing the merits. Justice Bushong dissented, reasoning that the judgments may have been erroneous under ORS 137.071(2)(g) and that the court should have issued an alternative writ to consider the interaction between ORS 137.071 and ORS 137.172.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Oregon Supreme Court
DECIDED	February 5, 2026
DOCKET	S072586
DISPOSITION	writ_denied
PROCEDURAL POSTURE	The State petitioned the Oregon Supreme Court for a writ of mandamus after the Jackson County Circuit Court denied the State's motion under ORS 137.172 to correct or modify criminal judgments.
PRECEDENTIAL VALUE	published
PARTIES	State of Oregon v. Dominic Agapito Earl Fletes

TOPICS

- appellate procedure
- writ of certiorari
- criminal procedure
- statutory interpretation
- sentencing

PRACTICE AREAS

- appellate procedure
- criminal procedure
- statutory interpretation
- mandamus
- sentencing

QUESTIONS PRESENTED

1. Whether the Oregon Supreme Court should issue an alternative writ of mandamus directing the circuit court to reconsider the State's motion under ORS 137.172.
2. Whether ORS 137.172 authorizes a trial court to correct or modify criminal judgments that allegedly fail to clearly specify the legal consequences of consecutive sentences and presentence incarceration credit.

HOLDINGS

1. The petition for a writ of mandamus is denied.

KEY QUOTATIONS

“The petition for writ of mandamus is denied.” (861)

“Nor should the court’s decision declining to issue an alternative writ in this case preclude consideration of the issue in a future case.” (865)

FACTUAL BACKGROUND

Fletes received two consecutive 13-month prison sentences in one criminal case and a consecutive 30-month sentence in another, for a total of 56 months. The Department of Corrections initially applied presentence incarceration credit once against the aggregate sentence, later recalculated the credit as applying multiple times after *State ex rel Torres-Lopez v. Fahrion*, and then reverted to its original interpretation. The State sought to have the criminal judgments corrected or modified to clarify how the credit applied, but the circuit court denied that request.

PROCEDURAL HISTORY

Fletes was sentenced in two criminal cases to consecutive prison terms totaling 56 months. After disputes concerning the application of presentence incarceration credit and related habeas proceedings, the State moved in the circuit court to correct or modify the judgments. The circuit court denied the motion, concluding that the judgments might be ambiguous but were not erroneous within the meaning of ORS 137.172. The Oregon Supreme Court denied the State's petition for a writ of mandamus.

DISPOSITION

writ_denied

CASES CITED

- *State ex rel Torres-Lopez v. Fahrion*, 373 Or. 816, 572 P.3d 1045, adh'd to as modified on recons., 374 Or. 423, 579 P.3d 1056 (2025)
- *HotChalk, Inc. v. Lutheran Church-Missouri Synod*, 372 Or. 249, 256, 548 P.3d 812 (2024)
- *Fletes v. Thrasher*, 374 Or. 735 (2026)
- *McEwen v. Thrasher*, 374 Or. 744 (2026)
- *Hatton v. Sundquist*, 374 Or. 739 (2026)
- *Arellano-Sanchez v. Thrasher*, 374 Or. 623 (2025)

- Allen v. Thrasher, 374 Or. 618 (2025)
- Hernandez v. Thrasher, 374 Or. 643 (2025)
- State v. Gaines, 346 Or. 160, 206 P.3d 1042 (2009)

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