

SUPREME COURT OF THE STATE OF IDAHO

State v. Winkler

Winkler · No. 47102 · Decided October 2, 2020

SUMMARY

The Idaho Supreme Court held that a pardon removes the legal effects of a prior felony DUI conviction, including its use to enhance a subsequent DUI charge to a felony under Idaho Code section 18-8005(9). The Court reversed the district court’s order denying Brandon Lynn Winkler’s motion to dismiss and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Burdick, Chief Justice; Brody, Justice; Bevan, Justice; Stegner, Justice; Moeller, Justice
JURISDICTION	Idaho
DECIDED	October 2, 2020
DOCKET	47102
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal, permitted under Idaho Appellate Rule 12, from an order denying the defendant's motion to dismiss a felony DUI charge.
STANDARD OF REVIEW	Issues of constitutional and statutory interpretation are reviewed de novo. Because this was a permissive interlocutory appeal, the court was constrained to address only the precise controlling question framed by the motion and decided below.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential unless later limited, overruled, or otherwise superseded.
PARTIES	Brandon Lynn Winkler v. State of Idaho

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- constitutional law
- sentencing

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a prior felony DUI conviction pardoned by the Idaho Commission of Pardons and Parole may be used under Idaho Code section 18-8005(9) to enhance a subsequent DUI charge to a felony.

HOLDINGS

1. A full pardon granted after conviction removes the penalties, disabilities, and other legal effects stemming from the conviction.
2. A pardoned felony DUI conviction cannot be used to enhance a subsequent DUI charge to a felony under Idaho Code section 18-8005(9), because enhancement is an effect, disability, or collateral legal consequence stemming from the pardoned conviction.

KEY QUOTATIONS

“In light of these sources, coeval with Idaho’s constitution, we conclude that a pardon is intended to spare an individual from punishment for his crime and remove any other effects that his conviction may have carried.”
(at 7)

“Because we hold that such effects are removed by a pardon under Article IV, Section 7 of the Idaho Constitution, we further conclude that the district court erred in determining that Winkler’s pardoned DUI conviction could be used to elevate his pending DUI charge to a felony.” (at 8)

FACTUAL BACKGROUND

Winkler was convicted of felony DUI in 2006. The Idaho Commission of Pardons and Parole granted him a pardon for that conviction in 2017. In January 2019, he was charged with another DUI, and the State sought to elevate the charge to a felony under Idaho Code section 18-8005(9) based on the pardoned conviction.

PROCEDURAL HISTORY

Winkler was charged in January 2019 with DUI, and the State sought to enhance the charge to a felony based on a 2006 felony DUI conviction. Although Winkler received a pardon for the 2006 conviction in 2017, the Ada County district court denied his motion to dismiss, ruling that the pardoned conviction could still be used for enhancement. The district court certified the controlling issue for interlocutory appeal, and the Idaho Supreme Court granted permission to appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the opinion.

CASES CITED

- Aardema v. U.S. Dairy Sys., Inc., 147 Idaho 785, 789, 215 P.3d 505, 509 (2009)
- Budell v. Todd, 105 Idaho 2, 4, 665 P.2d 701, 703 (1983) (per curiam)
- CDA Dairy Queen, Inc. v. State Ins. Fund, 154 Idaho 379, 382, 299 P.3d 186, 189 (2013)
- Standlee v. State, 96 Idaho 849, 852, 538 P.2d 778, 781 (1975)
- Sweeney v. Otter, 119 Idaho 135, 139, 904 P.2d 308, 312 (1990)
- Leavitt v. Craven, 154 Idaho 661, 667, 302 P.3d 1, 7 (2012)
- McNeal v. Idaho Pub. Utils. Comm'n, 142 Idaho 685, 690-91, 132 P.3d 442, 447-48 (2006)
- City of Idaho Falls v. H-K Contractors, Inc., 163 Idaho 579, 582, 416 P.3d 951, 954 (2018)
- Payette River Prop. Owners Ass'n v. Bd. of Comm'rs of Valley Cnty., 132 Idaho 551, 557, 976 P.2d 477, 483 (1999)
- Ex Parte Prout, 12 Idaho 494, 498, 86 P. 275, 276 (1906)
- Commonwealth v. Smith, 187 A. 387 (Pa. 1936)
- State v. Cullen, 127 P.2d 257 (Wash. 1942)
- State v. Village of Garden City, 74 Idaho 513, 525, 265 P.2d 328, 334 (1953)
- City of Pocatello v. State, 145 Idaho 497, 502, 180 P.3d 1048, 1053 (2008)
- Illinois C.R. Co. v. Bosworth, 133 U.S. 92, 103 (1890)
- Ex parte Garland, 71 U.S. (4 Wall.) 333 (1866)
- Ex parte Casey, 852 So. 2d 175 (Ala. 2002)
- Duncan v. State, 494 S.W.2d 127 (Ark. 1973)
- State v. Martin, 52 N.E. 188 (Ohio 1898)
- State v. Baucom, 531 S.E.2d 922 (S.C. 2000)