

## SUMMARY STATEMENT

*State v. Wolfe*, Docket No. 41750

This case came to the Idaho Supreme Court on a petition for review from the Court of Appeals. William Franklin Wolfe was convicted of first degree murder in 1982. Years later, Wolfe learned the district court may have lacked subject matter jurisdiction over his underlying case. Wolfe's unsuccessful challenges to the district court's subject matter jurisdiction formed the basis of this appeal. Specifically, Wolfe appealed the Idaho County district court's decisions denying (1) his motion for a hearing on his motion for reconsideration of his I.C.R. 35 motion to correct an illegal sentence; and (2) his successive Rule 35 motion to correct an illegal sentence. Wolfe argued the district court denied his motions based on two erroneous conclusions: that the subject matter jurisdiction issue had been previously adjudicated and that Wolfe could not file successive Rule 35 motions alleging an illegal sentence. Wolfe asserts that if the district court had properly considered the merits of his motions, the district court would have found it lacked subject matter jurisdiction over Wolfe's original criminal proceedings.

The Idaho Supreme Court affirmed the district court's decisions denying Wolfe's motion for a hearing and his successive Rule 35 motion alleging an illegal sentence. As to the motion for a hearing, the Court held that the district court did not have jurisdiction to consider Wolfe's motion for a hearing because Wolfe failed to file a timely notice of appeal from the district court's order that failed to rule on his motion for reconsideration. With respect to Wolfe's successive Rule 35 motion alleging an illegal sentence, the Court ruled that the district court erred to the extent it held that a party is limited to one Rule 35 motion alleging an illegal sentence in a case. Nonetheless, the Court held that *res judicata* barred Wolfe's subject matter jurisdiction claim. The Court also held that Wolfe's reliance on *State v. Lute*, 150 Idaho 837, 252 P.3d 1255 (2011), was misplaced. In *Lute*, it was clear from the face of the judgment that the indictment that charged, and which Lute pled guilty to, was not a crime under Idaho law. Therefore, *Lute* did not turn on a significant question of fact, whereas Wolfe's subject matter jurisdiction claim turned on significant questions of fact that were not clear from the face of the judgment. The Court emphasized that courts must read *Lute* narrowly to limit Rule 35 motions to correct an illegal sentence to cases where it is clear from the face of the judgment that the sentence is illegal.