

SUMMARY STATEMENT

State v. Winkler
Docket No. 47102

In an appeal arising out of Ada County, the Idaho Supreme Court reversed an order of the district court denying Brandon Lynn Winkler's motion to dismiss a felony charge for driving under the influence of alcohol.

Winkler was charged with a DUI under Idaho Code section 18-8004 in January 2019. Because Winkler had previously been convicted of a felony DUI in 2006, the State sought to enhance the new DUI charge to a felony under Idaho Code section 18-8005(9). Winkler subsequently filed a motion to dismiss the pending felony DUI charge on the grounds that he had been pardoned for his 2006 felony DUI by the Idaho Commission of Pardons and Parole. The district court denied Winkler's motion, reasoning that a pardon, though exempting an individual from punishment for a crime he has committed, does not "obliterate the criminality" of a past act. However, noting its novelty, the district court certified the issue for an interlocutory appeal.

On appeal, Winkler argued that the district court erred in denying his motion to dismiss because a pardon both exempts an individual from punishment for a crime and absolves him of any guilt for said crime. Interpreting Article IV, Section 7 of the Idaho Constitution, the Idaho Supreme Court reasoned that a pardon spares an individual from punishment for his crime and removes any other effects that his conviction may have carried. The Court further reasoned that the enhancement of a current DUI charge to a felony under Idaho Code section 18-8005(9) was an effect of Winkler's prior felony DUI. Because it determined that such effects are removed by a pardon under Article IV, Section 7, the Court concluded that Winkler's pardoned DUI conviction could not be used to enhance his pending DUI charge to a felony. Accordingly, the Court reversed the district court's order and remanded for further proceedings.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.