

SUMMARY STATEMENT

State v. Shackelford

Docket No. 49930

Dale Carter Shackelford (“Shackelford”) appealed the denial of his Idaho Criminal Rule 36 motion to correct a clerical error in the Judgment of Conviction on Resentencing-Counts I and II. Shackelford was sentenced to two consecutive life sentences on Counts I and II at the resentencing hearing, but the district court made no reference to Shackelford’s other counts (Counts III through VI). A written judgment (“Judgment”) followed which sentenced Shackelford to consecutive life sentences on Counts I and II and ordered those sentences to be served consecutively to the sentences on Counts III through VI. Shackelford argued that the district court erred when it denied his motion because the Judgment did not match the district court’s oral pronouncement of sentence. Shackelford maintained that the district court erred when it determined that the Judgment accurately reflected the district court’s oral pronouncement of sentence.

On appeal, the Idaho Supreme Court reversed the district court’s decision and remanded the case so that the Judgment may be corrected. The Court agreed that the Judgment was inconsistent with the district court’s oral pronouncement of sentence. The Court held the Judgment must be corrected to conform to the oral pronouncement of sentence because the sentence announced in open court is the legal sentence; the Judgment is merely a reflection of that sentence. Because the district court did not order Counts III through VI to be served consecutively to Counts I and II at the resentencing hearing, the Judgment must be corrected so that those counts are served concurrently with Counts I and II. However, the Court determined that a motion under Idaho Criminal Rule 36 was not the correct vehicle to seek a correction of the Judgment because the inconsistency between the oral pronouncement of sentence and the Judgment was an “error of the court” and not a “clerical error.” The Court clarified that Idaho Rule 35(a) would have been the correct vehicle to seek a correction of the Judgment in this case.

******This summary constitutes no part of the Court’s opinion. It has been prepared by court staff for the convenience of the public.******