

SUMMARY STATEMENT

State of Idaho v. Cordelle Anthony Jameson Slinkard
Docket No. 52113

Cordelle Anthony Jameson Slinkard appeals from his judgment of conviction for five counts of unlawful possession of a firearm, Idaho Code § 18-3316. Slinkard filed an Idaho Criminal Rule 29 motion requesting a judgment of acquittal in the district court, arguing the charges were improper because his underlying felony, forgery, is not one of the felonies enumerated in I.C. § 18-3316 that prohibits firearm possession. The district court denied Slinkard's motion, finding that under the plain language of I.C. § 18-3316, which applies to I.C. § 18-310, Slinkard's felony is enumerated in I.C. § 18-310(1).

On appeal Slinkard argued that the district court erred when it denied his I.C.R. 29 motion because he had not been "convicted of a felony" under the plain, unambiguous language of I.C. § 18-3316 because forgery is not one of the felonies enumerated in I.C. § 18-310(2). Additionally, Slinkard argued that comments to Idaho Criminal Jury Instruction 1403 supports his interpretation. The State responded that I.C. § 18-310(1) suspends the right to possess a firearm for any person convicted of "*any* felony" sentenced to the custody of the Idaho Department of Correction (IDOC), which includes individuals like Slinkard who are on felony probation. The State also argued that the language in I.C. § 18-3316 "*shall include*" those convicted of "*any* of the crimes enumerated in section 18-310" is inclusive language, not exclusive. Finally, the State responded that jury instruction comments are not relevant to statutory interpretation and that no deference is extended to the comments.

The Idaho Court of Appeals declined to adopt Slinkard's interpretation, holding that under the plain language of I.C. § 18-3316, which references all sections of I.C. § 18-310, Slinkard was convicted of a felony because at the time of his offense, he was on supervised felony probation, which is a category of crimes generally prohibited from possessing firearms under I.C. § 18-310(1) until discharge of the sentence and the restoration of gun rights. The Court also held that the comment to ICJI 1403 applies to all sections of I.C. § 18-310. Thus, the Court concluded that the district court did not err in denying Slinkard's I.C.R. 29 motion for acquittal.

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