IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52417

STATE OF IDAHO,	)	
	)	**Filed: November 4, 2026**
Plaintiff-Respondent,	)	
	)	**Melanie Gagnepain, Clerk**
v.	)	
	)	**THIS IS AN UNPUBLISHED**
SHAWN W. KERRIGAN,	)	**OPINION AND SHALL NOT**
	)	**BE CITED AS AUTHORITY**
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Oneida County. Hon. Robert C. Naftz, District Judge.

Order denying I.C.R. 35 motion for correction of illegal sentence, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Austin D. Young, Deputy Attorney General, Boise, for respondent.

LORELLO, Judge

Shawn W. Kerrigan appeals from the order denying his I.C.R. 35 motion for correction of an illegal sentence. We affirm.

I.
FACTUAL AND PROCEDURAL BACKGROUND

In 1991, Kerrigan pled guilty to aggravated battery (I.C. § 18-907) and two enhancements--battery on a police officer (I.C. § 18-915) and use of a deadly weapon in the commission of a crime (I.C. § 19-2520). The district court sentenced Kerrigan to a forty-five-year term comprised of fifteen years for aggravated battery, fifteen years for the battery on a police officer enhancement, and fifteen years for the deadly weapon enhancement. Kerrigan appealed and claimed his sentence is excessive. This Court affirmed and held that Kerrigan failed to show

the district court imposed an excessive sentence. *State v. Kerrigan*, 123 Idaho 508, 514, 849 P.2d 969, 975 (Ct. App. 1993) (*Kerrigan I*).

In 2003, Kerrigan filed an I.C.R. 35 motion to correct an illegal sentence, claiming his sentence was illegal because the district court improperly applied multiple enhancements to his single, underlying offense. The district court denied the motion, and the Idaho Supreme Court affirmed. *State v. Kerrigan*, 143 Idaho 185, 188, 141 P.3d 1054, 1057 (2006) (*Kerrigan II)*.

In January 2024, Kerrigan filed another I.C.R. 35 motion, again arguing that applying multiple enhancements to a single, underlying offense is illegal. The district court denied the motion. Kerrigan appeals.

II.
STANDARD OF REVIEW

Whether an action is barred by res judicata is a question of law over which we exercise free review. *State v. Rhoades*, 134 Idaho 862, 863, 11 P.3d 481, 482 (2000).

III.
ANALYSIS

On appeal, mindful of the principle of res judicata, Kerrigan asserts the district court erred in denying his I.C.R. 35 motion to correct an illegal sentence. Kerrigan acknowledges that the Idaho Supreme Court previously held his sentence is legal, but nevertheless argues his sentence is illegal pursuant to I.C. § 19-2520E. The State responds that the district court correctly denied Kerrigan's motion, arguing that the principle of res judicata bars relitigation of Kerrigan's argument. We hold that Kerrigan's illegal sentence claim is barred by res judicata.

The doctrine of res judicata bars relitigation of issues that have been previously decided in an action between the same litigants. *See Rhoades*, 134 Idaho at 863, 11 P.3d at 482; *State v. Beam*, 115 Idaho 208, 210-11, 766 P.2d 678, 680-81 (1988). Res judicata applies when: (1) both actions involve the same parties; (2) the claim alleged to be barred was or could have been raised in the first action; and (3) the first action resulted in a final judgment on the merits. *State v. Shanahan*, 165 Idaho 343, 352-53, 445 P.3d 152, 161-62 (2019).

In his 2003 I.C.R. 35 motion, Kerrigan argued that the district court could not apply multiple sentencing enhancements to his single, underlying offense. The district court denied the motion, ruling in relevant part that I.C. § 19-2520E, which restricts the application of multiple

enhancements, did not apply and the enhancements were lawful. Kerrigan appealed. On appeal, "Kerrigan and the State agree[d] that I.C. § 19-2520E [did] not apply to [his] sentence." *Kerrigan II*, 143 Idaho at 187, 141 P.3d at 1056. However, Kerrigan maintained that the district court lacked authority to impose more than one sentencing enhancement on his underlying offense. The Court held: (1) the district court had statutory authority for each sentence enhancement considered separately, and (2) the two enhancements were not duplicative because both enhancements served the legislature's intent to deter the conduct proscribed by each of them. *Id.*, 143 Idaho at 188, 141 P.3d at 1057.

In his most recent I.C.R. 35 motion, Kerrigan argued that I.C. § 19-2520E prevents application of both sentencing enhancements and I.C. § 18-907 contains no language allowing the application of multiple enhancements. However, in *Kerrigan II*, Kerrigan conceded that I.C. § 19-2520E is inapplicable to his sentence. Accordingly, the district court rejected these arguments as barred by res judicata. The district court explained in its denial of Kerrigan's I.C.R. 35 motion that *Kerrigan II* controls and that the argument presented by him is identical to the argument he raised in his previous I.C.R. 35 motion. We agree. Therefore, Kerrigan has failed to show the district court erred in denying his I.C.R. 35 motion to correct an illegal sentence.

IV.
CONCLUSION

The district court did not err in finding that Kerrigan's illegal sentence claim is barred by res judicata because he raised the same claim in his prior appeal. The order denying Kerrigan's I.C.R. 35 motion for correction of an illegal sentence is affirmed.

Chief Judge TRIBE and Judge PETTY, **CONCUR**.