

IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 53449-2025

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	Boise, May 2026 Term
	)	
v.	)	Opinion filed: September 2, 2026
	)	
CHARLES DAVIS MOONEY, JR.,	)	Melanie Gagnepain, Clerk
	)	
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the Third Judicial District of the State of Idaho, Canyon County. Thomas W. Whitney, District Judge.

The amended judgment of conviction is vacated and the case is remanded.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant. Sally J. Cooley argued.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent. Kacey L. Jones argued.

ZAHN, Justice.

Charles Davis Mooney, Jr., appeals from an amended judgment of conviction entered after he pleaded guilty to six counts of aggravated assault, four counts of felony injury to child, and one count of driving under the influence. At the sentencing hearing, the district court orally pronounced sentences on each charge and granted credit for time Mooney served in custody prior to sentencing. The district court made statements indicating that Mooney would receive 477 days credit on each of 10 counts and also made statements indicating that Mooney would receive a total of 477 days credit for all the counts. Following the sentencing hearing, the district court entered a written judgment of conviction that granted Mooney credit for 477 days of time served on each count.

The State filed a motion to clarify the sentences. The district court granted the motion and, at a hearing that Mooney did not attend, explained that its intent during its original oral pronouncement of sentence was to allow Mooney credit for a total of 477 days served prior to

sentencing. The court “rescinded” the written judgment of conviction and entered what it labeled as a “superseding” judgment of conviction.

Mooney appeals and argues that the district court lacked jurisdiction and legal authority to enter an amended judgment of conviction. We hold that the district court had jurisdiction and authority to enter the amended judgment. However, the district court erred by holding the resentencing hearing outside of Mooney’s presence, and we therefore vacate the amended judgment and remand for resentencing in his presence.

I. FACTUAL AND PROCEDURAL BACKGROUND

Mooney drove his car while under the influence of alcohol and oxycodone, with the intent to crash the car and take his own life. In doing so, he crashed into a minivan with a family of six. Each member of the family sustained bodily harm from the accident. The State filed an Information against Mooney for six counts of aggravated battery, four counts of injury to child, and one count of misdemeanor driving under the influence. The district court ordered Mooney to undergo a mental health evaluation before moving forward. After receiving the evaluation, the district court determined that Mooney was unfit to proceed and committed Mooney to the custody of the Idaho Department of Health and Welfare. After three months, the district court found Mooney fit to proceed and terminated the order of commitment.

Mooney pleaded guilty to all eleven counts in the Information. At a later sentencing hearing, the district court orally pronounced Mooney’s sentence as follows:

- On the six aggravated battery counts:

[I]t is the judgment of the court that you be sentenced to the custody of the State Board of Corrections [sic] for a minimum determinate period of confinement of one-and-a-half years, less credit for all time served, during which period of time you shall not be eligible for parole or discharge, followed by a subsequent indeterminate period of custody not to exceed one-and-a-half years, for a total unified sentence of three years in the custody of the State Board of Correction.

Now, those are six sentences. And each of those sentences for each of these six victims each must be served and will be served consecutively, that is one after the other. . . . And so the net of that, the overall, is that the fixed period of confinement will be [nine] years in prison. So you will not be parole eligible for [nine] years. And you will receive credit for all time served. So in this case that is 477 days.

- On the four injury to child counts:

[I]t is the judgment of the court that you be sentenced to the custody of the State Board of Correction for a minimum determinate period of confinement of one year, plus credit for all time served, during which period of time you shall not be eligible

for parole or discharge, followed by a subsequent indeterminate period of custody not to exceed one year. And in this case your credit for time served will also go against that time, for a total unified sentence of two years in the custody of the State Board of Correction. And those counts will be served concurrently with one another and concurrently with Counts [one] through [six].

- On the driving under the influence count:

So your sentence is six months in the county jail with all credit for time served. And you are ordered to have your driving privileges suspended. The court rather suspends your driving privilege for a period of 180 days.

During the sentencing hearing, the district court signed a written, “check the box” judgment form concerning the charge for driving under the influence, which was filed that same day.

Approximately one week after the sentencing hearing, the district court entered a written judgment of conviction for the aggravated battery and injury to child charges, which indicated that: (1) for each of the six aggravated battery charges, Mooney was sentenced to a total unified sentence of three years, with one and a half years fixed and that each aggravated battery sentence would run consecutively to one another; (2) for each of the four injury to child charges, Mooney was sentenced to a total unified sentence of two years, with one year fixed and that each injury to child sentence would run concurrently with one another and concurrently with the aggravated battery sentences. The written judgment of conviction further provided that Mooney would be given 477 days of time served for each count.

Two days after the district court entered its written judgment of conviction, the State filed a motion to clarify the sentence, which requested “clarification on the [s]entence entered on [Mooney] on January 24, 2024 and the allocation of credit [for] time served.” The district court held a hearing on the motion. Counsel for both the State and Mooney were present at the hearing, but Mooney was not personally present.

At the outset of the hearing, the district court explained that its “intention was, as I told [Mooney] at the time of sentencing, that he would do -- he would be parole eligible in nine years, less credit for time served once, not six times, once. That was my intention.” Mooney’s counsel objected to any changes being made to the judgment of conviction, advised he did not believe the court had authority to amend the judgment because the written judgment was not illegal and asked the court to identify what authority it was relying on to enter an amended judgment. The district court advised it would issue a written order setting forth its reasoning.

The district court subsequently issued a written order granting the motion for clarification, in which it concluded there was ambiguity in the sentence regarding the calculation of credit for time served. The district court explained that, at the sentencing hearing, it unambiguously expressed its intent for Mooney to be sentenced to 9 years fixed, with credit for 477 days served. The district court recognized that, under this Court's decision in *State v. Owens*, 158 Idaho 1, 6, 343 P.3d 30, 35 (2015), Mooney was entitled to credit for time served on each count.

The district court observed that its written judgment of conviction was inconsistent with its stated intent because it gave Mooney credit for 477 days served on each of the 10 counts, which resulted in a credit of 4,770 days for time served. The district court concluded that the inconsistencies in how it referenced the calculation of credit for time served rendered the sentences ambiguous. The court stated that it would rescind its written judgment because it did not reflect the fixed term of imprisonment that the court articulated during the sentencing hearing. In its place, the district court stated it would issue a new judgment that reflected its intent articulated during the sentencing hearing: that Mooney serve a 9-year fixed term of imprisonment, less 477 days served prior to sentencing. The district court did not identify a specific rule or case that authorized the entry of an amended judgment of conviction in such circumstances.

The district court thereafter entered a "superseding" judgment of conviction, which sentenced Mooney as follows:

- On one count of battery, a unified term of three years with one and a half years fixed; on the remaining five counts of battery, a unified term of four years and 111 days, with two years and 294 days fixed; and the sentences would run consecutively to one another.
- On the four counts of injury to child counts, a unified term of two years, with one year fixed and would run concurrently with each other and concurrently with the aggravated battery sentences.
- That Mooney would be given credit for a total of 477 days of time served.

Mooney appealed from the amended judgment of conviction, arguing that the district court lacked subject matter jurisdiction and legal authority to issue an amended judgment of conviction after the original sentence had already been imposed. The State argues that the district court had both jurisdiction and authority. It claims the court had legal authority to correct the sentence through Idaho Criminal Rule 35 because the oral pronouncement of the sentence was ambiguous, and the original judgment of conviction did not reflect the district court's intended sentence. The

appeal was assigned to the Idaho Court of Appeals, which issued an unpublished opinion affirming the amended judgment of conviction. *State v. Mooney*, No. 51665, 2025 WL 2463716, at *3 (Idaho Ct. App. Aug. 27, 2025). Mooney filed a petition for review with this Court, which we granted.

II. STANDARDS OF REVIEW

Whether courts have jurisdiction over a case is a question of law subject to de novo review. *State v. Lute*, 150 Idaho 837, 839, 252 P.3d 1255, 1257 (2011).

Whether a court order is ambiguous is also a question of law. *Suchan v. Suchan*, 113 Idaho 102, 106, 741 P.2d 1289, 1293 (1986). Interpretation of an ambiguous order is a question of fact, and interpretation of an unambiguous order is a question of law. *Id.* “Generally, ‘a trial court’s interpretation of its orders will be given deference, but only to the extent that the interpretation is reasonable.’ ” *State v. Shackelford*, 174 Idaho 31, 33, 551 P.3d 31, 33 (2024) (quoting *Vierstra v. Vierstra*, 153 Idaho 873, 881, 292 P.3d 264, 272 (2012)).

On a petition for review, this Court gives due consideration to the decision of the Court of Appeals but directly reviews the trial court’s decision. *Lute*, 150 Idaho at 839, 252 P.3d at 1257.

III. ANALYSIS

A. The district court had subject matter jurisdiction to enter the amended judgment.

Mooney’s first argument on appeal is that the district court lacked subject matter jurisdiction to rescind the original judgment of conviction and modify his sentence a month after pronouncing the original sentence. For the reasons discussed below, we hold the district court had jurisdiction to enter the amended judgment of conviction.

Subject matter jurisdiction includes the power to hear and decide cases. *State v. Rogers*, 140 Idaho 223, 228, 91 P.3d 1127, 1132 (2004). “The source of this power comes from Article V, [s]ection 20, of the Idaho Constitution,” which grants jurisdiction to district courts in all cases at law and in equity. *State v. Hall*, 170 Idaho 640, 643, 515 P.3d 727, 730 (2022); Idaho Const. art. V, § 20. An information alleging an offense was committed in Idaho confers subject matter jurisdiction on the court. *Rogers*, 140 Idaho at 228, 91 P.3d at 1132.

The jurisdictional power granted by Article V, section 20 of the Idaho Constitution “does not grant [district courts] perpetual jurisdiction to amend or set aside final judgments in cases that they have heard.” *State v. Jakoski*, 139 Idaho 352, 355, 139 P.3d 711, 714 (2003). Rather, a district court’s jurisdiction to amend a judgment generally expires once the judgment becomes final because the time for appeal has lapsed or the judgment has been affirmed on appeal. *Id.* The time

to file a notice of appeal expires forty-two days after the district court's judgment or appealable order is file stamped. I.A.R. 14(a). However, Idaho Criminal Rule 35(a) authorizes a court to "correct a sentence that is illegal from the face of the record at any time."

Here, the district court obtained subject matter jurisdiction when the State filed the Information against Mooney. *See Rogers*, 140 Idaho at 228, 91 P.3d at 1132. The district court entered an amended judgment of conviction to correct a legal discrepancy between the oral pronouncement of sentence and the written judgment of conviction. As discussed below, Idaho Criminal Rule 35(a) authorizes the district court to take such action to correct a nonconforming sentence. *See State v. Shackelford*, 174 Idaho 31, 34-36, 551 P.3d 31, 34-36 (2024). Rule 35(a) permits the court to correct a sentence at any time. Thus, the district court had jurisdiction to enter an amended judgment of conviction to conform the written judgment to the oral pronouncement of sentence.

B. The district court had authority to enter an amended judgment of conviction under Idaho Criminal Rule 35.

Mooney next asserts that the district court did not have authority to enter the amended judgment of conviction because the change was not authorized by statute or court rule and the district court failed to cite any authority authorizing the entry of an amended judgment. The State argues that Mooney waived his argument on this point because he failed to challenge the district court's findings that the sentence was ambiguous and that it failed to reflect the district court's intent. The State argues that, even if Mooney's arguments are preserved, the district court had authority to clarify the sentence under Idaho Criminal Rule 35 due to the discrepancy between the oral pronouncement of the sentence and the written judgment of conviction.

The district court did not cite any legal authority authorizing it to enter a superseding judgment of conviction. However, it found that the original judgment of conviction "must be rescinded because it [did] not reflect the fixed term of imprisonment set forth and explained by the [c]ourt during the sentencing hearing."

We first address the State's preservation argument and hold that Mooney has not waived the argument he now raises on appeal. It is true that Mooney did not challenge, in his opening brief, the district court's findings that the sentence was ambiguous and that the entry of an amended judgment was necessary to reflect the district court's intended sentence. Instead, he argues that the district court failed to cite any legal authority authorizing entry of a superseding judgment of conviction.

In response, the State argues that the district court had authority to correct the sentence under Idaho Criminal Rule 35. The district court did not cite Rule 35 as authority for its entry of the amended judgment of conviction. Thus, the State’s arguments relating to Rule 35 were new contentions made for the first time on appeal.

Mooney was entitled to address these new contentions in his reply brief. There is no obligation for an appellant to predict and address every argument that could be raised in a respondent’s brief. Idaho Appellate Rule 35(c) recognizes as much by allowing an appellant to file a reply brief “which may contain additional argument in rebuttal to the contentions of the respondent.” I.A.R. 35(c). Because the district court did not cite Idaho Criminal Rule 35 in support of its entry of a superseding judgment of conviction, and because the State raised the argument for the first time in its respondent’s brief, Mooney was permitted to address the argument in his reply brief.

Turning to the merits, while Idaho Criminal Rule 35(a) is couched in terms of addressing “illegal” sentences, this Court has held that it is the rule that provides district courts with authority to correct sentences that do not conform to oral pronouncements. *Shackelford*, 174 Idaho at 34–36, 551 P.3d at 34–36 (discussing gap in Idaho Criminal Rules 35 and 36 that does not neatly address situation where written judgment of conviction does not conform to oral pronouncement of sentence). We have repeatedly held that “the only legally cognizable sentence in a criminal case” is the oral pronouncement of sentence. *Id.* at 33, 551 P.3d at 33 (citation omitted). When an orally pronounced sentence conflicts with the written judgment of conviction, “the oral sentence must be followed so long as it is unambiguous.” *State v. Campbell*, 170 Idaho 232, 242, 509 P.3d 1161, 1171 (2022). If, however, the oral sentence is ambiguous, the district court must correct it. *Id.* When it comes to making this correction, Rule 35(a) is the applicable rule. *See Shackelford*, 174 Idaho at 35, 551 P.3d at 35.

We begin by determining whether there was any ambiguity in the district court’s oral pronouncement of sentence. “The rules of construction of contracts and written documents in general apply to the interpretation of court orders.” *State v. Bujak*, 174 Idaho 102, 107, 551 P.3d 771, 776 (2024) (citation omitted). In analyzing a court order, including one imposing a sentence in a criminal case, we begin by reviewing the plain language of the sentence. *See State v. Partee*, 165 Idaho 511, 515, 448 P.3d 316, 320 (2019) (interpreting a confidential informant agreement). A court order is ambiguous when it is susceptible to two reasonable interpretations. *See id.*

We agree with the district court's determination that its oral sentence was ambiguous concerning the manner of calculating credit for time served. The district court's orally pronounced sentence for each aggravated battery count initially gave Mooney credit for 477 days on each of the aggravated battery counts. However, the court later expressed an intent that Mooney receive a total of 477 days credit on all the aggravated battery counts:

Now I'm going to first address the sentences on Counts [one] through [six]. Those are all the aggravated battery counts.

So for *each of those sentences* the court does find you guilty, and it is the judgment of the court that you be sentenced to the custody of the State Board of Corrections [sic] *for a minimum determinant* [sic] *period of confinement of one-and-a-half years, less credit for all time served*, during which period of time you shall not be eligible for parole or discharge, followed by a subsequent indeterminate period of custody not to exceed one-and-a-half years, for a total unified sentence of three years in the custody of the State Board of Correction.

Now, those are six sentences. And each of those sentences for each of these six victims each must be served and will be served consecutively, that is one after the other. So Counts [one] through [six] each of those one-and-half plus one-and-half sentences will be served consecutively. And so *the net of that, the overall*, is that the fixed period of confinement will be [nine] years in prison. So you will not be parole eligible for [nine] years. *And you will receive credit for all time served. So in this case that is 477 days.*

(Emphasis added.) The district court gave conflicting descriptions of whether the 477 days credit for time served would be applied to each count or to all the counts, which rendered its oral pronouncement of sentence ambiguous. Thus, it was necessary for the district court to correct the orally pronounced sentence and any resulting conflict with the written judgment of conviction. As discussed above, Idaho Criminal Rule 35(a) authorized the district court to make these corrections. *See Shackelford*, 174 Idaho at 35, 551 P.3d at 35.

C. The case is remanded for resentencing in Mooney's presence.

Mooney argues that, if we hold that the original sentence required correction, the case should be remanded for a resentencing hearing in Mooney's presence. The State contends that, because the court already held a hearing and clarified the sentence, a remand for resentencing is unnecessary. We agree with Mooney on this point and remand the case for a resentencing hearing to be held in Mooney's presence.

When it is necessary to clarify an ambiguous sentence, "the correct remedy is to remand the case for correction by the district court." *Campbell*, 170 Idaho at 242, 509 P.3d at 1171. Idaho Criminal Rule 43 requires that a defendant be present for the imposition of his sentence. I.C.R.

43(a)(4). Mooney was not present when the district court clarified his sentence. While the district court claimed the amended judgment would “not result in [Mooney] spending even one extra overnight in prison,” the amended judgment of conviction significantly changed the substance of the sentence from the original judgment of conviction. Because of this, the hearing on the motion to clarify effectively operated as a resentencing hearing, and Mooney had a right to be present. *Lopez v. State*, 108 Idaho 394, 396, 700 P.2d 16, 18 (1985) (“[A] defendant’s presence at the time of sentencing is mandatory, not discretionary.” (citing *State v. Creech*, 105 Idaho 362, 670 P.2d 463 (1983))). We therefore vacate the amended judgment of conviction and remand for resentencing in Mooney’s presence.

IV. CONCLUSION

For the reasons stated above, we conclude that the district court had subject matter jurisdiction and legal authority to amend Mooney’s judgment of conviction. However, it erred when it resentenced Mooney in his absence. We therefore vacate the amended judgment of conviction and remand this matter for resentencing in Mooney’s presence.

Chief Justice BEVAN, and Justices BRODY, MOELLER, and MEYER CONCUR.