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State v. Macik Respondent's Brief Dckt. 39233

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IN THE SUPREME COURT OF THE STATE OF IDAHO

COPY

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	NO. 39233
)	
vs.)	
)	
RONALD L. MACIK,)	
)	
Defendant-Appellant.)	

BRIEF OF RESPONDENT

APPEAL FROM THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

HONORABLE CHERI C. COPSEY
District Judge

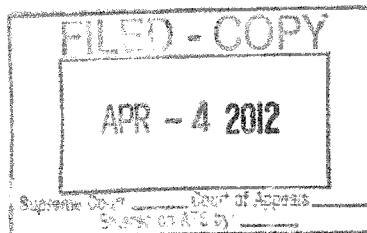
LAWRENCE G. WASDEN
Attorney General
State of Idaho

PAUL R. PANTHER
Deputy Attorney General
Chief, Criminal Law Division

JESSICA M. LORELLO
Deputy Attorney General
Criminal Law Division
P.O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534

ATTORNEYS FOR
PLAINTIFF-RESPONDENT

ELIZABETH A. ALLRED
Deputy State Appellate
Public Defender
3647 Lake Harbor Lane
Boise, Idaho 83703
(208) 334-2712



ATTORNEY FOR
DEFENDANT-APPELLANT

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STATEMENT OF THE CASE

Nature Of The Case

Ronald L. Macik appeals from the district court's order denying his motion to withdraw his guilty plea, filed more than 38 years after judgment was entered.

Statement Of Facts And Course Of Proceedings

On September 29, 1971, the state charged Macik with first-degree murder. (R., pp.6-9.) Macik pled guilty and, on September 14, 1972, the court entered judgment imposing a life sentence. (R., pp.10-11.)

On March 14, 2011, more than 38 years after judgment was entered, Macik filed a motion to withdraw his guilty plea. (R., pp.13-15.) The court denied Macik's motion upon concluding it was without jurisdiction to consider the merits of his claim. (R., pp.31-32.)

ISSUE

Macik states the issue on appeal as:

Did the district court abuse its discretion when it denied Mr. Macik's motion to withdraw his guilty plea?

(Appellant's Brief, p.2.)

The state rephrases the issue on appeal as:

Did the district court correctly conclude it did not have jurisdiction to consider the merits of Macik's motion to withdraw his guilty plea?

ARGUMENT

The District Court Correctly Concluded It Lacked Jurisdiction To Consider Macik's Motion To Withdraw His Guilty Plea

A. Introduction

Macik contends that, although he is “mindful” of State v. Jakoski, 139 Idaho 352, 79 P.3d 711 (2003), the district court nevertheless abused its discretion for denying his motion to withdraw his guilty plea for the reasons set forth in that motion. (Appellant’s Brief, pp.4-5.) Macik’s argument clearly fails under Jakoski and he has asserted no basis for concluding Jakoski fails to apply to his claim or should otherwise be overruled. Consequently, Macik has failed to establish any error by the district court.

B. Macik Has Failed To Establish The District Court Had Jurisdiction To Consider The Merits Of His Motion To Withdraw His Guilty Plea

In Jakoski, the Idaho Supreme Court stated: “Absent a statute or rule extending its jurisdiction, the trial court’s jurisdiction to amend or set aside a judgment expires once the judgment becomes final, either by expiration of the time for appeal or affirmance of the judgment on appeal.” Jakoski, 139 Idaho at 355, 79 P.3d at 714. Rule 33(c) of the Idaho Criminal Rules, which governs motions to withdraw guilty pleas, “does not include any provision extending the jurisdiction of the trial court for the purpose of hearing a motion to withdraw a guilty plea.” Id. Thus, if a motion to withdraw a guilty plea is filed after the judgment becomes final, the district court lacks jurisdiction to consider the motion. Id.

Although the precise date on which Macik's judgment became final is not included in the record, it is safe to assume that date has long since passed given that judgment was entered in 1972, and Macik does not claim otherwise. In fact, Macik acknowledges the jurisdictional bar articulated in Jakoski but still "asserts that the district court abused its discretion in denying his motion to withdraw his guilty plea." (Appellant's Brief, p.4.) Macik, however, offers no argument as to why Jakoski does not apply nor does he assert Jakoski was not correctly decided. See State v. Koivu, --- P.3d ----, 2012 WL 665990 *8 (Idaho 2012) (citations omitted) ("We will ordinarily not overrule one of our prior opinions unless it is shown to have been manifestly wrong, or the holding in the case has proven over time to be unwise or unjust.").

Because the district court did not have jurisdiction to consider, grant or deny any motion by Macik to withdraw his guilty plea more than 38 years after judgment was entered, the district court's order denying Macik's motion to withdraw his guilty plea must be affirmed.

CONCLUSION

The state respectfully requests this Court affirm the district court's order denying Macik's motion to withdraw his guilty plea.

DATED this 4th day of April, 2012.




JESSICA M. LORELLO
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 4th day of April 2012, served a true and correct copy of the attached BRIEF OF RESPONDENT by causing a copy addressed to:

ELIZABETH A. ALLRED
DEPUTY STATE APPELLATE PUBLIC DEFENDER

to be placed in The State Appellate Public Defender's basket located in the Idaho Supreme Court Clerk's office.



JESSICA M. LORELLO
Deputy Attorney General

JML/pm