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State v Jones Appellant's Reply Brief Dckt. 42701

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	NO. 42701
)	
v.)	ADA COUNTY NO. CR 2013-13638
)	
JAKE WESLEY JONES,)	REPLY BRIEF
)	
Defendant-Appellant.)	

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REPLY BRIEF OF APPELLANT

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

HONORABLE RICHARD D GREENWOOD
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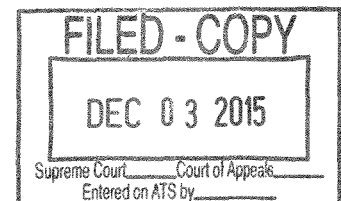


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STATEMENT OF THE CASE

Nature of the Case

Pursuant to a plea agreement, Jake Wesley Jones pleaded guilty to two counts of possession of a controlled substance in two separate cases. Mr. Jones later filed a motion to withdraw his guilty plea in one of those cases, but the district court denied the motion and later imposed concurrent sentences of five years, with one and one-half years fixed.

In his Appellant's Brief, Mr. Jones asserted that the district court abused its discretion when it denied his motion because he presented a just reason to withdraw his guilty plea. In response, the State argues that Mr. Jones failed to show that the district court abused its discretion because Mr. Jones did not present a just reason to withdraw his guilty plea. The State asserts that Mr. Jones's argument fails in part because his argument is contrary to the record. This reply is necessary to address that assertion.

Statement of the Facts and Course of Proceedings

The statement of the facts and course of proceedings were previously articulated in Mr. Jones's Appellant's Brief. They need not be repeated in this Reply Brief, but are incorporated herein by reference thereto.

ISSUE

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

ARGUMENT

The District Court Abused Its Discretion When It Denied Mr. Jones's Motion To Withdraw His Guilty Plea

Mr. Jones argued in his opening brief that the district court abused its discretion when it denied his motion to withdraw his guilty plea because he presented a just reason to withdraw his plea. (App. Br., pp.4-6.) In response, the State argues that Mr. Jones failed to show that the district court abused its discretion because Mr. Jones did not present a just reason to withdraw his guilty plea. (Resp. Br., pp.6-8.) The State asserts that Mr. Jones's argument fails in part because his argument is contrary to the record, and the State correctly points out that there is an error in the Appellant's Brief. (Resp. Br., p.8.) Specifically, the Appellant's Brief mistakenly stated that the district court abused its discretion "because the district court acknowledged that [Mr. Jones] made a compelling case to withdraw his plea." (App. Br., p.6.) In fact, the district court said that Mr. Jones had not made a compelling case. (Tr., p.77, Ls.12-14.)

While the Appellant's Brief does contain an unintentional error, Mr. Jones argues that the error does not affect the analysis. In other words, the fact that the district court did not find his argument compelling does not change the fact that Mr. Jones presented a just reason for withdrawing his plea. Mr. Jones continues to assert that the district court abused its discretion when it denied his motion because it acknowledged that Mr. Jones was sincerely seeking to vindicate his rights. (Tr., p.74, L.25 – p.75, L.3.) It also said that it understood and appreciated his motives but nevertheless held that they were not "legally sufficient" to set aside his guilty plea. (Tr., p.78, Ls.7-10.) Therefore, the district court abused its discretion.

CONCLUSION

Mr. Jones respectfully requests that this Court vacate his judgment of conviction and remand his case to the district court with directions to grant his motion to withdraw his guilty plea.

DATED this 3rd day of December, 2015.

A handwritten signature in black ink, appearing to read "Reed P. Anderson", written over a horizontal line.

REED P. ANDERSON
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3rd day of December, 2015, I served a true and correct copy of the foregoing APPELLANT'S REPLY BRIEF, by causing to be placed a copy thereof in the U.S. Mail, addressed to:

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