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## State v. Workman Appellant's Brief Dckt. 43244

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	NO. 43244
Plaintiff-Respondent,	)	
	)	ADA COUNTY NO. CR 2015-3603
v.	)	
	)	
PATRICIA GRACE WORKMAN,	)	APPELLANT'S BRIEF
	)	
Defendant-Appellant.	)	
_____	)	

STATEMENT OF THE CASE

Nature of the Case

After Patricia Grace Workman pled guilty to possession of a controlled substance, the district court sentenced her to five years indeterminate. Mindful that Ms. Workman requested a five-year sentence, she contends that the district court abused its discretion by imposing an excessive sentence.

Statement of the Facts & Course of Proceedings

On March 13, 2015, the State filed a Complaint against Ms. Workman, alleging that she committed the offense of possession of a controlled substance, methamphetamine and/or amphetamine, a felony, in violation of Idaho Code § 37-2732(c), and possession of drug paraphernalia, a misdemeanor, in violation of Idaho

Code § 37-2734A. (R., pp.4–5.) On April 13, 2015, the State filed an Amended Complaint, identifying the controlled substance as methamphetamine. (R., pp.13–14.) Also on April 13, 2015, Ms. Workman waived a preliminary hearing, and the magistrate bound her over to district court. (R., p.17.) On April 14, 2015, the State filed an Information. (R., pp.18–19.)

On May 5, 2015, Ms. Workman pled guilty pursuant to a plea agreement with the State. (R., p.26; Tr., p.7, L.23–p.8, L.3.) Ms. Workman agreed to plead guilty to possession of a controlled substance, and the State agreed to dismiss the possession of paraphernalia charge. (Tr., p.5, L.22–p.7, L.1.) The State also agreed to recommend a sentence of five years indeterminate. (Tr., p.6, Ls.1–2.) The district court accepted Ms. Workman’s guilty plea. (Tr., p.11, Ls.6–9.)

Immediately after the district court accepted her plea, Ms. Workman’s attorney informed the district court that Ms. Workman would like to waive the presentence investigation. (Tr., p.11, Ls.12–13.) Her attorney explained:

For the Court’s information, she has signed a waiver of extradition to California. California is alleging that she has committed an armed robbery. And, frankly, she wants to get to California and get that case taken care of. So, if we can expedite the sentencing in this case, so that she can go to California and take care of that, she would appreciate it.

(Tr., p.11, Ls.13–20.) The district court responded:

Let me put it to you this way, I -- I know very little about the defendant, other than what’s in the court file at this time. If you want to proceed to sentencing today, I would tell you that I would follow the recommendations that are made, but I don’t know whether you -- the defendant needs to know that she does have the right to a delay before sentencing.

(Tr., p.11, L.21–p.12, L.3.) Ms. Workman answered, “Oh yeah. That’s what I’m asking for. I appreciate that, so I can get going.” (Tr., p.12, Ls.4–5.) The district court asked

again if Ms. Workman would like to proceed to sentencing, and she responded, “I would love that.” (Tr., p.12, Ls.6–8.) Both the State and Ms. Workman requested that the district court follow the five-year sentencing recommendation from the plea agreement. (Tr., p.12, L.10–p.13, L.9.) In accordance with the plea agreement, the district court imposed a five-year indeterminate sentence. (Tr., p.14, Ls.1–12.) The district court entered a Judgment of Conviction and Commitment on May 6, 2015. (R., pp.27–28.)

On May 21, 2015, Ms. Workman filed a timely notice of appeal. (R., pp.32–33.)

### ISSUE

Mindful of Ms. Workman’s request for a five-year sentence, did the district court abuse its discretion by imposing an excessive sentence?

### ARGUMENT

#### The District Court Abused Its Discretion When It Imposed An Excessive Sentence

“It is well-established that ‘[w]here a sentence is within statutory limits, an appellant has the burden of showing a clear abuse of discretion on the part of the court imposing the sentence.’” *State v. Pierce*, 150 Idaho 1, 5 (2010) (quoting *State v. Jackson*, 130 Idaho 293, 294 (1997) (alteration in original)). Here, Ms. Workman’s sentence does not exceed the statutory maximum. See I.C. § 37-2732(c)(1). Accordingly, to show that the sentence imposed was unreasonable, Ms. Workman “must show that the sentence, in light of the governing criteria, is excessive under any reasonable view of the facts.” *State v. Strand*, 137 Idaho 457, 460 (2002).

“‘Reasonableness’ of a sentence implies that a term of confinement should be tailored to the purpose for which the sentence is imposed.” *State v. Adamcik*, 152 Idaho 445, 483 (2012) (quoting *State v. Stevens*, 146 Idaho 139, 148 (2008)).

In examining the reasonableness of a sentence, the Court conducts an independent review of the entire record available to the trial court at sentencing, focusing on the objectives of criminal punishment: (1) protection of society; (2) deterrence of the individual and the public; (3) possibility of rehabilitation; and (4) punishment or retribution for wrongdoing.

*Stevens*, 146 Idaho at 148. “A sentence is reasonable if it appears necessary to accomplish the primary objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation, or retribution.” *State v. Delling*, 152 Idaho 122, 132 (2011).

Mindful that the district court imposed the sentence requested by Ms. Workman, she nevertheless contends that the district court abused its discretion by imposing an excessive sentence. As her attorney noted at the change of plea and sentencing hearing, Ms. Workman has a substance abuse problem, which is a mitigating circumstance. (Tr., p.13, Ls.3–4.) Although Ms. Workman acknowledges that she requested the sentence imposed, she asserts on appeal that her sentence was unreasonable.

#### CONCLUSION

Ms. Workman respectfully requests that this Court reduce her sentence as it deems appropriate. Alternatively, she requests that her case be remanded to the district court for a new sentencing hearing.

DATED this 7<sup>th</sup> day of October, 2015.

\_\_\_\_\_/s/\_\_\_\_\_  
JENNY C. SWINFORD  
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 7<sup>th</sup> day of October, 2015, I served a true and correct copy of the foregoing APPELLANT'S BRIEF, by causing to be placed a copy thereof in the U.S. Mail, addressed to:

PATRICIA GRACE WORKMAN  
INMATE #115788  
PWCC  
1451 FORE ROAD  
POCATELLO ID 83205

GEORGE D CAREY  
DISTRICT COURT JUDGE  
E-MAILED BRIEF

NICOLE OWENS  
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E-MAILED BRIEF

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DEPUTY ATTORNEY GENERAL  
CRIMINAL DIVISION  
E-MAILED BRIEF

\_\_\_\_\_/s/\_\_\_\_\_  
EVAN A. SMITH  
Administrative Assistant

JCS/eas