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## State v. Rodriguez Appellant's Brief Dckt. 43601

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	NO. 43601
Plaintiff-Respondent,	)	
	)	CANYON COUNTY NO. CR 2015-2204
v.	)	
	)	
JUAN JOSE RODRIGUEZ,	)	APPELLANT'S BRIEF
	)	
Defendant-Appellant.	)	
_____	)	

STATEMENT OF THE CASE

Nature of the Case

Following a jury trial, Juan Jose Rodriguez was convicted of trafficking in methamphetamine. The district court sentenced him to ten years, with three years fixed. Mr. Rodriguez appeals from the district court's judgment of conviction.

Statement of Facts & Course of Proceedings

The State filed a Criminal Complaint alleging Mr. Rodriguez committed the crime of trafficking in methamphetamine, a felony, in violation of I.C. § 37-2732B(a)(4). (R., pp.9-10.) This allegation arose out of a traffic stop wherein law enforcement found methamphetamine in a vehicle driven by Mr. Rodriguez. (R., pp.7-8.) Following a preliminary hearing, the magistrate found probable cause for the offense and bound

Mr. Rodriguez over to district court. (R., pp.15–16.) The State charged him with trafficking in methamphetamine. (R., pp.17–18.)

Mr. Rodriguez proceeded to trial. (R., pp.104–113.) The jury found Mr. Rodriguez guilty as charged. (R., p.133.) The district court sentenced him to ten years, with three years fixed. (R., pp.150–51.) Mr. Rodriguez filed a premature Notice of Appeal following the Order of Commitment. (R., pp.139–42.) The district court entered a Judgment and Commitment shortly thereafter. (R., pp.150–51.)

### ISSUE

Did the district court abuse its discretion when it imposed a unified sentence of ten years, with three years fixed, upon Mr. Rodriguez, following his conviction for trafficking in methamphetamine?

### ARGUMENT

#### The District Court Abused Its Discretion When It Imposed A Unified Sentence Of Ten Years, With Three Years Fixed, Upon Mr. Rodriguez, Following His Conviction For Trafficking In Methamphetamine

“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, Mr. Rodriguez’s sentence does not exceed the statutory maximum. See I.C. § 37-2732B(a)(4)(A), (C) (mandatory minimum of three years, maximum of life). Accordingly, to show that the sentence imposed was unreasonable, Mr. Rodriguez “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).

Mr. Rodriguez asserts that the district court abused its discretion by imposing an excessive indeterminate sentence under any reasonable view of the facts. Specifically, he contends that the district court should have sentenced him to a lesser indeterminate term in light of the mitigating factors, including his substance abuse, employability, and family support.

Mr. Rodriguez’s substance abuse is a strong factor in mitigation. A sentencing court should give “proper consideration of the defendant’s [substance abuse], the part it played in causing defendant to commit the crime and the suggested alternatives for treating the problem.” *State v. Nice*, 103 Idaho 89, 91 (1982). The impact of substance abuse on the defendant’s criminal conduct is “a proper consideration in mitigation of punishment upon sentencing.” *State v. Osborn*, 102 Idaho 405, 414 n.5 (1981). Here, Mr. Rodriguez began using methamphetamine at age 31. (Presentence Investigation

Report (“PSI”),<sup>1</sup> p.15.) He reported that he injected methamphetamine daily prior to the instant offense. (PSI, p.15.) The GAIN-I Recommendation and Referral Summary found that Mr. Rodriguez met the criteria for amphetamine dependence and recommended intensive outpatient treatment. (PSI, pp.51–59.) Moreover, Mr. Rodriguez recognized that his drug addiction contributed to his criminal behavior. (PSI, p.16.) He explained to the district court at sentencing:

I would like to say I take full responsibility for what happened. I know I took it to trial and lost, but it’s my fault I’m here. Nobody else’s but mine because of my drug problem. . . . It’s because of me, the choices I did. And I would like to say sorry for that.

(9/14/15 Sentencing (“Sent.”) Tr., p.9, Ls.18–25.) Thus, Mr. Rodriguez’s substance abuse issue and its impact on his behavior are mitigating circumstances in favor of a lesser indeterminate term.

Mr. Rodriguez’s employment history and job skills also stand in favor of mitigation. See *State v. Mitchell*, 77 Idaho 115, 118 (1955) (recognizing gainful employment as a mitigating factor); see also *State v. Shideler*, 103 Idaho 593, 594–95 (Ct. App. 1982) (employment and desire to advance within company were mitigating circumstances). As stated by his counsel at sentencing, Mr. Rodriguez “can do about anything mechanically. He’s good with his carpentry. He’s willing to work. . . . Of significance here, he has managed to stay out of any gang activity during his life.” (9/14/15 Sent. Tr., p.8, L.20–p.9, L.7; see also PSI, pp.12, 14.) He has work experience as a carpenter, welder, and electrician. (PSI, p.14.) Mr. Rodriguez’s ability to obtain

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<sup>1</sup> Citations to the PSI refer to the 71-page electronic document containing the confidential exhibits titled “Rodriguez CR #43601.”

gainful employment, and thus become a productive member of society, supports a lesser indeterminate term.

Finally, Mr. Rodriguez has strong support and character references from his family and friends. *Shideler*, 103 Idaho at 594–95 (family support and good character as mitigation); see *State v. Ball*, 149 Idaho 658, 663–64 (Ct. App. 2010) (district court considered family and friend support as mitigating circumstance). Mr. Rodriguez lived in Nyssa, Oregon, as do two of his four siblings and his three adult children. (PSI, pp.11, 12–13.) Mr. Rodriguez’s father died of a stroke when Mr. Rodriguez was a teenager. (PSI, p.11.) His sister explained that the “tragedy hit us hard,” but Mr. Rodriguez was “affected the most.” (PSI, p.68.) Mr. Rodriguez “felt that it was his responsibility to look after” the family. (PSI, p.68.) He has close relationships with all of his siblings and his mother, who lives in Texas. (PSI, p.11.) He also has good relationships with his children. (PSI, p.13.)

Mr. Rodriguez’s positive relationships and good character are further evidenced by the letters of support from his mother, two sisters, and three family friends. Mr. Rodriguez’s mother stated that he helps other people and she can “count on him.” (PSI, p.67.) She stated that he is a “great father and grandfather.” (PSI, p.67.) Mr. Rodriguez’s sister wrote that he is a hard worker and provides for the family. (PSI, p.66.) Another sister stated that Mr. Rodriguez was “always reliable” and “took pride in doing a good job.” (PSI, p.68.) She wrote that she “could always look to him for help and moral support.” (PSI, p.68.) A family friend provided that Mr. Rodriguez is “a man of great integrity, is extremely dedicated to his family and work, and is extremely helpful to anyone he meets.” (PSI, p.65.) He also wrote that Mr. Rodriguez is very remorseful and



CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26<sup>th</sup> day of May, 2016, 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:

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

JCS/eas