

5-4-2017

State v. Martinez Appellant's Brief Dckt. 44816

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 44816
Plaintiff-Respondent,)	
)	ADA COUNTY NO. CR-FE-2016-5036
v.)	
)	
TYLER CLIFFORD MARTINEZ,)	APPELLANT'S BRIEF
)	
Defendant-Appellant.)	
_____)	

STATEMENT OF THE CASE

Nature of the Case

Tyler Martinez pled guilty to vehicular manslaughter after striking a pedestrian with his car. The district court imposed a unified sentence of fifteen years, with eight years fixed. On appeal, Mr. Martinez asserts that the district court abused its sentencing discretion by imposing a term that is excessive in light of the mitigating circumstances of his case.

Statement of the Facts & Course of Proceedings

Mr. Martinez is an addict and has struggled with drugs since his teens. (PSI, pp.1, 19-20, 923-924; Tr., p.22, Ls.6-7.) He had been clean, sober, and responsible for a year, living with his mother and working full-time at a bakery. (PSI, pp.20, 923-925.) Then, in early 2016, he started using methamphetamine again. (PSI, pp.19, 28, 24.) On April 9, 2016, while driving home from work, Mr. Martinez fell asleep at the wheel and struck and killed a pedestrian, Joel Eggers. (PSI, pp.3, 14; Tr., p.23, Ls.19-25.) Mr. Martinez had been awake and using drugs for several days, and had used methamphetamine and heroin that morning. (PSI, pp.14, 24, 285-286.)

Pursuant to an agreement, Mr. Martinez pled guilty to vehicular manslaughter.¹ (Tr., p.23, L.15 – p.24, L.23.) The State dismissed several other charges and recommended a fifteen year sentence, with ten years fixed. (Tr., p.11, Ls.9-23.)

At the sentencing hearing, Mr. Martinez apologized to Joel Eggers' family and friends. (Tr., 121, L.15 – p.122, L.7.) He asked the court to consider his drug addiction and his need for rehabilitation. (Tr., p.119, Ls.20-23.) The district court imposed a unified sentence of fifteen years, with eight years fixed. (R., pp.98-102; Tr., p.134, Ls.21-25.) Mr. Martinez timely appealed. (R., pp.95-96.)

ISSUE

Did the district court abuse its discretion by imposing a sentence that is excessive in light of the mitigating factors in this case?

¹ Mr. Martinez had been serving probation in a separate criminal case, Ada County No.CR-FE-2016-5070, which is not a part of this appeal.

ARGUMENT

The District Court Abused Its Discretion When It Imposed A Sentence That Is Excessive In Light Of The Mitigating Factors In This Case

A. Introduction

Mr. Martinez asserts that his sentence of fifteen years, with eight years fixed, is excessive and unreasonable given the mitigating factors in his case.

B. Standard Of Review

Where a defendant challenges their sentence as excessively harsh, the appellate court will conduct an independent review of the record giving consideration to the nature of the offense, the character of the offender, and the protection of the public interest. *State v. Miller*, 151 Idaho 828, 834 (2011). The Court reviews the district court's sentencing decisions for an abuse of discretion, which occurs if the district court imposed a sentence that is unreasonable, and thus excessive, "under any reasonable view of the facts." *State v. Strand*, 137 Idaho 457, 460 (2002); *State v. Toohill*, 103 Idaho 565, 568 (Ct. App. 1982). "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." *Miller*, 151 Idaho at 834.

C. Mr. Martinez Sentence is Excessive In Light Of The Mitigating Circumstances In This Case

Mr. Martinez was 24 years old and an admitted drug addict at the time of sentencing. (PSI, pp.1, 121, Tr., p.122, Ls.6-7)² His history with drug addiction, and his

² Citations to the Presentence Investigation Report and attached materials will use the designation "PSI" and will include the page numbers associated with the 931-page electronic file containing those documents.

potential for overcoming that addiction, are mitigating factors in this case. See *State v. Coffin*, 146 Idaho 166, 171 (Ct. App. 2008); *State v. Nice*, 103 Idaho 89, 91 (1982).

Mr. Martinez grew up amidst illegal drug use; his mother had been a meth addict and went to prison when Mr. Martinez was a child. (PSI, pp.20, 923-24.) His parents divorced, and Mr. Martinez was raised by his father, a single parent. (PSI, pp.20, 777, 800, 923-925.) Mr. Martinez fell in with “the wrong crew” when he was fourteen, and began drinking and using marijuana. (PSI, pp.20, 885.) At sixteen, he started using methamphetamine and other drugs, and frequently found himself in trouble with the law. (PSI, pp.777, 782.) At the time of this offense, he was on felony probation for stealing from cars, a crime he had committed while using methamphetamine. (PSI, pp.771-776.)

Mr. Martinez knows that he is a drug addict and admits that he needs help. (PSI, p.24.) He has tried to overcome his drug dependencies on his own and through court-ordered programming; although he worked hard and completed several programs, recovery has remained elusive. (PSI, pp.19, 27, 771-776, 850, 862). However, his GAIN-1 evaluation, appended to his presentence report, notes his “high motivation for treatment” and provides a hopeful plan for outpatient treatment upon Mr. Martinez’s release. (PSI, p.42.)

Additionally, Mr. Martinez has strong support from his parents and his friends, which also serves as mitigation in his case. See *State v. Baiz*, 120 Idaho 292, 293 (Ct. App. 1991). His father, William Martinez, is proud of Mr. Martinez’ abilities and accomplishments. (PSI, p.925.) He makes no excuses for his son’s actions, and knows he is a drug addict, and yet states, “I love my son and always will ... He really is a great

person.” (PSI, p.925.) Mr. Martinez’ mother, Paula Martinez, a former addict herself, also offers unconditional love and support, plus an invaluable appreciation of the challenges Mr. Martinez is facing, and that he will face when he re-enters the community. (PSI, pp.923-924.)

Finally, Mr. Martinez’s remorse and responsibility should be considered as mitigation. See *State v. Coffin*, 146 Idaho at 171. At the sentencing hearing, Mr. Martinez stood before the many friends and family members of Joel Eggers who were in the courtroom that day, and he apologized to them for the pain he had caused. (Tr., p.121, Ls.15-24.) In his written comments to the court, he stated:

I would first like to say how sorry I am for my actions that have brought me here today but most importantly, for the loss of Joel Eggers.

I have spent a lot of time thinking about this and deep down, my heart hurts really bad for what I have done. I would have never thought that because of my careless addiction and actions, the life of a precious human being would be taken... .

Not a day goes by that I don’t think and pray for Joel Eggers and his family. My nights are full of nightmares and hard sleeping... . But that doesn’t amount to the pain that this man’s family feels. Deep down, I feel sadness, ashamed, afraid, depressed, and sorry for everything that I have done and caused.

(PSI, p.26) (misspellings in original are corrected.)

Mr. Martinez has also expressed a strong desire to talk to others in order to help prevent this type of tragedy from happening again, using his drug use as a cautionary tale. (PSI, p.26; Tr., p.121, L.24 – p.122, L.3.) “I am devoted [to] living the rest of my life passing the word on so that everyone can understand how important it is not [to] do drugs.” (PSI, p.26.)

In light of these mitigating facts, and despite the aggravating ones, Mr. Martinez asserts that the district court abused its sentencing discretion by imposing an excessive sentence.

CONCLUSION

Mr. Martinez respectfully requests that this Court reduce his sentence as it deems appropriate. Alternatively, he requests that his case be remanded to the district court for a new sentencing hearing.

DATED this 4th day of May, 2017.

_____/s/_____
KIMBERLY A. COSTER
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4th day of May, 2017, 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:

TYLER CLIFFORD MARTINEZ
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ISCC
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RICHARD D GREENWOOD
DISTRICT COURT JUDGE
E-MAILED BRIEF

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ADA COUNTY PUBLIC DEFENDER
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_____/s/_____
EVAN A. SMITH
Administrative Assistant

KAC/eas