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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	NO. 45213
)	
v.)	TWIN FALLS COUNTY NO. CR42-16-
)	10773
LYNNETT ANN RIFE,)	
)	APPELLANT'S BRIEF
Defendant-Appellant.)	
_____)	

STATEMENT OF THE CASE

Nature of the Case

After a jury found Lynnett Rife guilty of possessing methamphetamine, the district court sentenced her to a unified term of four years, with two years fixed. Ms. Rife appeals from her judgment of conviction and asserts that her sentence is excessive in light of the mitigating factors in her case.

Statement of Facts and Course of Proceedings

The State charged Ms. Rife with possession of methamphetamine after officers found methamphetamine in her purse during a traffic stop in which Ms. Rife was the passenger. (R., pp.12–19.) A jury later convicted Ms. Rife of that charge. (R., p.196.)

At the sentencing hearing, the State recommended a unified seven-year term, with three years fixed, and a period of retained jurisdiction. (5/22/17 Tr., p.6, Ls.1–4.) Defense counsel asked that the court place Ms. Rife on probation, without recommending a specific underlying sentence. (5/22/17 Tr., p.6, Ls.17–21.) The court sentenced Ms. Rife to a unified term of four years, with two years fixed, and placed her on probation. (5/22/17 Tr., p.9, L.19–p.10, L.18; R., pp.234–38.) Ms. Rife timely appealed. (R., pp.244–47.)

ISSUE

Did the district court abuse its discretion when it sentenced Ms. Rife to unified term of four years, with two years fixed, for possessing methamphetamine?

ARGUMENT

The District Court Abused Its Discretion When It Sentenced Ms. Rife To A Unified Term Of Four Years, With Two Years Fixed, For Possessing Methamphetamine

When a defendant challenges his sentence as excessively harsh, this Court will conduct an independent review of the record, taking into account “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 decision 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. Ms. Rife’s sentence is excessive in light of the mitigating evidence in this case, including her stable background, supportive family and friends, and clean criminal history.

First, Ms. Rife's stable background supports a lower sentence. She has spent her whole life in the Magic Valley. (PSI, p.17.) She had a happy upbringing and graduated from Kimberly High School in the top third of her class. (PSI, pp.18, 20–21.) Ms. Rife earned her associate of science degree, and had a career as a nurse prior to this offense. (PSI, pp.20–21.) She will likely lose her license because of this conviction. (PSI, p.21.)

Next, Ms. Rife also is lucky to have a lot of support from family and friends, which stands in mitigation. She still has a close relationship with her parents, with whom she and her son lived at the time of this offense. (PSI, p.18.) Her parents have supported her through her criminal case, as have her son and numerous friends. (R., pp.204–13; PSI, pp.40–43, 58–70.) The letters in support of Ms. Rife from her friends described her as a respectful, giving, compassionate, and loving person. (R., pp.204–13; PSI, pp.58–70.) Her parents said she has always been responsible and a hard worker, and that she had never gotten into any type of trouble. (PSI, p.40.) Ms. Rife's criminal history reflects as much—she has no prior criminal convictions. (PSI, p.17.)

Finally, the evaluations done in preparation for sentencing favor a lower sentence. In particular, Ms. Rife has no mental health concerns and has only a moderate risk of reoffending. (PSI, pp.25–26, 34, 37.) In light of these mitigating factors, the district court abused its discretion by sentencing Ms. Rife to a term of four years, with two years fixed.

CONCLUSION

Ms. Rife respectfully requests that this Court reduce her sentence as it deems appropriate.

DATED this 8th day of February, 2018.

_____/s/_____
MAYA P. WALDRON
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 8th day of February, 2018, 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:

LYNNETT ANN RIFE
139 TAYLOR ST E
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E-MAILED BRIEF

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_____/s/_____
EVAN A. SMITH
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MPW/eas