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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)
) No. 45392
 Plaintiff-Respondent,)
) Ada County Case No.
 v.) CR-FE-2013-5474
)
 WILLIAM JERMAINE FLETCHER,)
)
 Defendant-Appellant.)
 _____)

BRIEF OF RESPONDENT

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

HONORABLE JASON D. SCOTT
District Judge

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STATEMENT OF THE CASE

Nature Of The Case

William Jermaine Fletcher appeals from the denial of his Rule 35 motion claiming his sentence is illegal.

Statement Of The Facts And Course Of The Proceedings

A grand jury indicted Fletcher on two counts of lewd conduct with a minor under 16 years of age. (#41871 R., pp. 6-7.¹) Fletcher pled guilty to an amended charge of injury to a child. (#41871 R., pp. 72-77.) The district court imposed a sentence of 10 years with three years indeterminate and retained jurisdiction. (#41871 R., pp. 91-93.) Fletcher moved to reduce his sentence. (#41871 R., pp. 95, 98-104, 115-125.) The district court denied the motion to reduce the sentence and also relinquished jurisdiction. (#41871 R., pp. 107-108, 138-140.) The Idaho Court of Appeals affirmed. State v. Fletcher, 2014 Unpublished Opinion No. 797, Docket No. 41871 (Idaho App., Nov. 3, 2014).

After the Court of Appeals issued its opinion and remittitur, Fletcher filed a series of motions to “reconsider” the denial of his Rule 35 motion and to withdraw his guilty plea. (See generally #43957 R.) The district court denied his motions. (#43957 R., pp. 16-17, 25-26, 31-32, 97-98.) The Idaho Court of Appeals affirmed. State v. Fletcher, 2016 Unpublished Opinion No. 603, Docket No. 43957 (Idaho App., July 18, 2016).

On July 10, 2017, Fletcher filed a “Declaration Motion to Correct Illegal Conviction/Sentence—According to State Law on Idaho Criminal Rule [35].” (R., pp. 15-19 (capitalization altered, brackets original).) The district court denied the motion, stating

¹ This Court took judicial notice of the records in the prior appeals, docket numbers 41871 and 43957. (R., p. 2.)

that “Rule 35(a) isn’t a vehicle for relitigating guilt or innocence.” (R., pp. 22-23.) Fletcher filed an “objection” to the ruling. (R., pp. 25-29.) Treating the objection as a motion to reconsider, the district court denied it. (R., p. 30.) Fletcher filed a notice of appeal 40 days after entry of the order denying reconsideration. (R., pp. 32-37.)

ISSUE

Fletcher states the issue on appeal as:

Did the state breach Idaho Criminal Rule 11 plea agreement?

(Appellant's brief, p. 1 (capitalization altered).²)

The state rephrases the issue as:

Has Fletcher failed to show that the district court had jurisdiction to consider the claims of error asserted in his motion?

² Unnumbered pages of the Appellant's brief are referenced herein sequentially.

ARGUMENT

Fletcher Has Failed To Show That The District Court Had Jurisdiction To Consider The Claims Of Error Asserted In His Motion

A. Introduction

Fletcher argues the state breached the plea agreement and failed to prove the crime he pled guilty to. (Appellant’s brief, p. 6.) Application of the relevant law to the record shows the district court did not have jurisdiction to consider Fletcher’s motion.

B. Standard Of Review

Whether a court has subject matter jurisdiction is a question of law, given free review. State v. Kavajecz, 139 Idaho 482, 483, 80 P.3d 1083, 1084 (2003).

C. The District Court Lacked Jurisdiction To Consider Fletcher’s Motion

“Absent a statute or rule extending its jurisdiction, the trial court’s jurisdiction to amend or set aside a judgment expires once the judgment becomes final, either by expiration of the time for appeal or affirmance of the judgment on appeal.” State v. Jakoski, 139 Idaho 352, 355, 79 P.3d 711, 714 (2003) (footnote omitted). A motion to correct a sentence imposed in an illegal manner must be filed within 120 days. I.C.R. 35(b). A motion to “correct a sentence that is illegal from the face of the record” may be filed “at any time.” I.C.R. 35(a). Because Fletcher’s motion was filed well after the 120-day period had passed, the district court had jurisdiction only to review the legality of the sentence on “the face of the record.”

Determining whether a sentence is illegal from the face of the record “does not involve significant questions of fact or require an evidentiary hearing” and does not encompass “reexamin[ing] the facts underlying the case.” State v. Clements, 148 Idaho

82, 86, 218 P.3d 1143, 1147 (2009). “[E]rrors occurring at trial or before the imposition of the sentence” are not within the scope of Rule 35(a). State v. Wolfe, 158 Idaho 55, 65, 343 P.3d 497, 507 (2015). Rule 35(a) motions address “only questions of law.” Id.

Fletcher’s motion was not within the scope of this narrow rule granting jurisdiction at any time to review the legality of the sentence. Fletcher’s claim, that the state failed to prove the crime he pled guilty to, involves the ultimate question of fact and is a claim of error occurring prior to imposition of sentence. His claim that the state breached the plea agreement is, at best, a claim his sentence was imposed in an illegal manner, which had to be brought within 120 days.

Because Fletcher’s claims do not fall within the ambit of I.C.R. 35(a), they could not be brought “at any time.” The district court therefore lacked jurisdiction to consider, much less grant, them.

CONCLUSION

The state respectfully requests this Court to affirm the denial of Fletcher’s motion to correct an illegal sentence.

DATED this 5th day of February, 2018.

/s/ Kenneth K. Jorgensen
KENNETH K. JORGENSEN
Deputy Attorney General

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 5th day of February, 2018, served two true and correct paper copies of the foregoing BRIEF OF RESPONDENT by placing the copies in the United States mail, postage prepaid, addressed to:

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/s/ Kenneth K. Jorgensen
KENNETH K. JORGENSEN
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KKJ/dd