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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 46014
Plaintiff-Respondent,)	
)	ADA COUNTY
v.)	NO. CR01-17-13545
)	
RACHAEL LOUISE MEYER AKA)	
RACHEAL LOUISE MEYER,)	
)	
Defendant-Appellant.)	
_____)	

BRIEF OF APPELLANT

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

HONORABLE SAMUEL A. HOAGLAND
District Judge

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STATEMENT OF THE CASE

Nature of the Case

Following a jury trial, Rachael Louise Meyer was convicted of trafficking in heroin, her first felony conviction, and was sentenced to a unified term of 30 years, with 10 years fixed. She appeals from her judgment of conviction, challenging the district court's denial of her motion to suppress, and challenging two of the district court's evidentiary rulings. She also contends the district court abused its discretion at sentencing.

Statement of Facts and Course of Proceedings

At approximately 1:00 a.m. on April 16, 2017, Officer Jamie Claiborn stopped a vehicle after he observed the driver fail to signal a turn for three seconds. (R., p.88.) Officer Claiborn testified at trial that he had been watching the vehicle at a suspected drug house and waiting for it to leave. (Tr., p.336, Ls.10-12.) He said he had the "potential intention" of writing a traffic citation, but believed there could be "drugs or guns" in the vehicle. (Tr., p.336, Ls.13-25.)

Ms. Meyer was the passenger in the vehicle. (R., p.88.) Officer Claiborn requested a drug dog, and Officer Green arrived on-scene with his drug dog. (R., p.88.) Officer Green ordered Ms. Meyer out of the car, and Ms. Meyer attempted to take her purse with her. (State's Ex. 8 at 00:25-00:30, 01:20-01:37.) Officer Green told Ms. Meyer she could leave the purse, have it searched, or set it to the side, and Ms. Meyer set it to the side. (State's Ex. 8 at 01:37-02:22.)

Ms. Meyer asked Officer Claiborn if she could please get a lighter from her purse, and he said, "Well, if you grab a lighter, and, a lot of women carry knives in their purse. I can do a quick search and make sure there's" (State's Ex. 5 at 00:00-00:15.) Ms. Meyer interrupted and said she would get her bag for Officer Claiborn to search. (State's Ex. 5 at 00:15-00:18.) Officer Claiborn began searching Ms. Meyer's purse, while Ms. Meyer leaned on the patrol car, holding

a cell phone and unlit cigarette. (State's Ex. 5 at 00:35-00:40.) Officer Claiborn asked Ms. Meyer if there was anything illegal in the purse, and Ms. Meyer answered, "No." (State's Ex. 5 at 00:55-00:59.) Officer Claiborn commented that the purse had a strong scent, and Ms. Meyer said it was tea tree oil that had spilled. (State's Ex. 5 at 01:00-01:15.) Officer Claiborn found the tea tree oil, as he said, "There it is—tea tree oil." (State's Ex. 5 at 01:57-02:01.) Officer Claiborn apparently located some lottery tickets as he asked Ms. Meyer if she had "any winnings on the lottery." (State's Ex. 5 at 02:17-02:21.) After two-and-a-half minutes of searching (which revealed no knives or other weapons), Officer Claiborn opened a small, zebra-print nylon bag, and found what he believed to be heroin inside. (R., p.92; State's Exs. 2-4; State's Ex. 6 at 03:12-03:45; Tr., p.16, Ls.18-24, p.28, Ls.12-15.) Officer Claiborn also found multiple cell phones in Ms. Meyer's purse and a large amount of cash in her wallet. (Tr., p.394, L.7 – p.395, L.10, p.512, L.2.)

Officer Claiborn handcuffed Ms. Meyer, advised her of her rights pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), placed her in the back of his patrol car, and then questioned her regarding the heroin. (Tr., p.21, Ls.14-18.) Ms. Meyer observed a small bag of methamphetamine in the back of Officer Claiborn's patrol car. (Tr., p.35, Ls.3-13.) Officer Claiborn was asked at the suppression hearing who the methamphetamine belonged to, and he answered, "I don't know. That was my first day on [after] my days off. So potentially might have been left there from the previous patrol officer earlier that day from an arrest." (Tr., p.35, Ls.14-18, p.143, Ls.8-17.) He later testified he had a prior arrest that evening and he thought he had searched his vehicle after the arrest, but "must not have." (Tr., p.36, Ls.3-8.)

Officer Claiborn told Ms. Meyer that if she wanted to talk to a detective, and potentially avoid going to jail, she would have to admit she was guilty. (Tr., p.347, Ls.17-23.) He told her

there “was a potential she could go home.” (Tr., p.375, Ls.2-4.) Ms. Meyer told the officer she could help him out tremendously, which he understood to mean she could work as an informant or provide a lot of drug information. (Tr., p.375, Ls.5-21.) The officer asked Ms. Meyer how much heroin was in her purse and she said 13 grams, though it was later measured at almost 18 grams. (Tr., p.354, L.23 – p.355, L.9, p.423, Ls.17-21.)

Ms. Meyer was charged by Information with one count of trafficking in over seven grams of heroin. (R., pp.25-26.) She filed a motion to suppress, arguing the evidence found in her purse should be suppressed because, among other things, the search exceeded the scope of her consent. (R., pp.41-42, 63-66.) The district court denied the motion following a hearing. (R., pp.87-93.)

The case proceeded to trial, and was tried to a jury over the course of three days. (R., pp.172-83.) Both prior to and during trial, the district court ruled Ms. Meyer could not question Officer Claiborn regarding the methamphetamine in the back of his patrol car, as it was only marginally relevant, and would confuse the jury. (Tr., p.146, L.23 – p.147, L.8, p.463, L.7 – p.466, Ls.12-14.) The district court also ruled, over objection, that the State could introduce evidence of the cell phones and cash found in Ms. Meyer’s purse, even though Ms. Meyer was charged with trafficking based only on the quantity of heroin found. (R., pp.25-26.)

The jury found Ms. Meyer guilty. (R., p.226; Tr., p.531, Ls.16-20.) The district court sentenced Ms. Meyer to a unified term of 30 years, with 10 years fixed. (Tr., p.580, Ls.19-21.) The judgment of conviction was entered on April 16, 2018, and Ms. Meyer filed a timely notice of appeal on April 26, 2018.¹ (R., pp.235-38, 245-49.)

¹ On May 28, 2018, Ms. Meyer filed a motion pursuant to Idaho Criminal Rule 35 for reconsideration of sentence, asking the district court to eliminate the indeterminate portion of her sentence. (R., pp.250-51.) The district court denied Ms. Meyer’s Rule 35 motion. (R., pp.257-60.) Ms. Meyer does not challenge this decision on appeal in light of *State v. Huffman*, 144 Idaho 201, 203 (2006).

ISSUES

- I. Did the district court err in denying Ms. Meyer's motion to suppress?
- II. Did the district court abuse its discretion in prohibiting Ms. Meyer from introducing at trial evidence of the methamphetamine found in the back of Officer Claiborn's patrol car?
- III. Did the district court err in permitting the State to introduce at trial evidence of the cell phones and cash found in Ms. Meyer's purse?
- IV. Did the district court abuse its discretion at sentencing?

ARGUMENT

I.

The District Court Erred In Denying Ms. Meyer's Motion To Suppress

A. Introduction

The district court denied Ms. Meyer's motion to suppress because it concluded Ms. Meyer "placed no restrictions" on her consent "and unequivocally consented to a general search of her purse." (R., p.91.) The district court erred, as Ms. Meyer consented to a search of her purse for knives, and Officer Claiborn exceeded the scope of her consent when he opened a small, zebra-print nylon bag in an effort to find drugs.

B. Standard Of Review

"In reviewing a district court order granting or denying a motion to suppress evidence, the standard of review is bifurcated." *State v. Purdum*, 147 Idaho 206, 207 (2009) (citation omitted). "This Court will accept the trial court's findings of fact unless they are clearly erroneous. However, this Court may freely review the trial court's application of constitutional principles in light of the facts found." *Id.* (citations omitted). "At a suppression hearing, the power to assess the credibility of witnesses, resolve factual conflicts, weigh evidence, and draw factual inferences is vested in the trial court." *State v. Aguirre*, 141 Idaho 560, 562 (Ct. App. 2005) (citations omitted).

C. The Officer's Search Of Ms. Meyer's Purse Exceeded The Scope Of Her Consent

The Fourth Amendment of the United States Constitution guarantees the right of every citizen to be free from unreasonable searches and seizures. U.S. Const., amend. IV. A search conducted without a warrant is presumptively unreasonable. *State v. Stewart*, 145 Idaho 641, 644

(Ct. App. 2008). The State may overcome this presumption by proving the search fell within one of the well-recognized exceptions to the warrant requirement or was otherwise reasonable under the circumstances. *Id.* One of the well-recognized exceptions to the warrant requirement is consent. *Id.* “It is well settled that when the basis for a search is consent, the State must conform its search to the limitations placed upon the right granted by the consent.” *State v. Tyler*, 153 Idaho 623, 626 (Ct. App. 2012) (citations omitted). “The standard for measuring the scope of consent under the Fourth Amendment is that of objective reasonableness, or in other words what a reasonable person would have understood by the exchange between the officer and the suspect.” *Id.* (citation omitted). “Generally, the scope of a search is defined by its expressed object.” *State v. Greub*, 162 Idaho 581, 585 (Ct. App. 2017) (citation omitted).

Here, the scope of the search of Ms. Meyer’s purse should have been limited by the expressed object of the search, which was knives. After being ordered out of the car in what was purportedly a traffic stop based on the driver’s failure to signal, Ms. Meyer asked Officer Claiborn if she could get a lighter from her purse, and he responded, “Well, if you grab a lighter, and, a lot of women carry knives in their purse. I can do a quick search and make sure there’s” (State’s Ex. 5 at 00:00-00:15.) Ms. Meyer interrupted and said she would get her purse for Officer Claiborn to search. (State’s Ex. 5 at 00:15-00:18.) It is clear that Officer Claiborn was asking for permission to search Ms. Meyer’s purse for knives. Officer Claiborn testified at the suppression hearing that Ms. Meyer consented to a search of her purse to “make sure there were no knives in it.” (Tr., p.13, Ls.3-10.) He testified on cross-examination that Ms. Meyer’s consent was limited to a search for a knife. (Tr., p.33, Ls.3-7.)

Officer Claiborn did not limit his search of Ms. Meyer’s purse to a search for knives. He searched her purse at length, finding tea tree oil and lottery tickets, among other things. (State’s

Ex. 5 at 01:57-02:21.) He also testified that he was looking for a lighter, despite the fact that Ms. Meyer never asked him to provide her with a lighter from her purse. (Tr., p.33, Ls.8-17.) After two-and-a-half minutes of searching, Officer Claiborn opened a small, zebra-print nylon bag, and found what he believed to be heroin inside. (R., p.92; State's Exs. 2-4; State's Ex. 6 at 03:12-03:45; Tr., p.16, Ls.18-24, p.28, Ls.12-15.) No knives or other weapons were ever found in Ms. Meyer's purse.

It is not surprising that Officer Claiborn expanded his search of Ms. Meyer's purse beyond a search for knives, as he always hoped to find drugs in the course of this stop. Officer Claiborn testified at trial that he had been watching the vehicle in which Ms. Meyer was a passenger at a suspected drug house and waiting for it to leave. (Tr., p.336, Ls.10-12.) He said he had the "potential intention" of writing a traffic citation, but believed there could be "drugs or guns" in the vehicle. (Tr., p.336, Ls.13-25.) He never patted Ms. Meyer down for weapons, and his concern about weapons appears to have been a cover for a search for drugs. (Tr., p.26, Ls.14-23.)

In its order denying Ms. Meyer's motion to suppress, the district court said it was "clear" that "consent to search the purse was freely and unqualifiedly given by Defendant." (R., p.91.) The court found Ms. Meyer "placed no restrictions" on her consent to search "and unequivocally consented to a general search of her purse." (R., p.91.) The district court concluded "[a] typical reasonable person would have understood the exchange between Officer Claiborn and Defendant as giving unqualified consent to search the Defendant's purse, including the zebra print bag inside her purse." (R., p.92.) The district court erred, as Ms. Meyer did not consent to a general search of her purse, but instead consented to a search of her purse for knives.

This case is readily distinguishable from *State v. Greub*, where the Court of Appeals held it was objectively reasonable for an officer to believe he could search any containers within a vehicle when the defendant consented to a search of her vehicle for “anything illegal.” 162 Idaho at 586. Here, Ms. Meyer did not consent to a search of her purse for anything illegal. Instead, she consented to a search of her purse for knives, so that she could obtain a lighter from her purse. Officer Claiborn exceeded the scope of Ms. Meyer’s consent, and the district court erred in denying Ms. Meyer’s motion to suppress.

II.

The District Court Abused Its Discretion In Prohibiting Ms. Meyer From Introducing At Trial Evidence Of The Methamphetamine Found In The Back Of Officer Claiborn’s Patrol Car

A. Introduction

According to the district court, the fact that Officer Claiborn had methamphetamine in the back of his patrol car was relevant to the officer’s diligence, but was “mostly a waste of time” and would confuse the issues before the jury. (Tr., p.465, Ls.12-17, p.466, Ls.12-14.) The district court thus excluded the evidence under Idaho Rule of Evidence (I.R.E.) 403. The district court abused its discretion in excluding this evidence because its probative value is not substantially outweighed by its prejudicial effect.

B. Standard Of Review

This Court reviews questions regarding the admissibility of evidence using a mixed standard of review. *State v. Ehrlick*, 158 Idaho 900, 907 (2015). “We review questions of relevance de novo, but review determinations under I.R.E. 403 for abuse of trial court’s discretion.” *State v. Molen*, 148 Idaho 950, 954 (Ct. App. 2010) (citations omitted). To determine whether the district court abused its discretion, the Court considers three factors: “(1) whether

the court correctly perceived the issue as one of discretion; (2) whether the court acted within the outer boundaries of its discretion and consistently within the applicable legal standards; and (3) whether the court reached its decision by an exercise of reason.” *Ehrlick*, 158 Idaho at 907.

C. The District Court Abused Its Discretion In Excluding The Methamphetamine Evidence Because The Probative Value Of The Evidence Is Not Substantially Outweighed By Its Prejudicial Effect

I.R.E. 403 provides that “[t]he court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” “To exclude evidence under Rule 403, the trial court must address whether the probative value is substantially outweighed by one of the considerations listed in the Rule.” *State v. Ruiz*, 150 Idaho 469, 471 (2010) (citation omitted). The district court abused its discretion in excluding the methamphetamine evidence under I.R.E. 403 because it did not reach its decision by an exercise of reason.

After Officer Claiborn handcuffed Ms. Meyer and advised her of her *Miranda* rights, he placed her in the back of his patrol car. (Tr., p.21, Ls.14-18.) Ms. Meyer observed a small bag of methamphetamine in the patrol car. (Tr., p.35, Ls.3-13.) Officer Claiborn was asked at the suppression hearing who the methamphetamine belonged to, and he answered, “I don’t know. That was my first day on [after] my days off. So potentially might have been left there from the previous patrol officer earlier that day from an arrest.” (Tr., p.35, Ls.14-18, p.143, Ls.8-17.) He later testified he had a prior arrest that evening and he thought he had searched his vehicle after the arrest, but “must not have.” (Tr., p.36, Ls.3-8.)

Counsel for Ms. Meyer argued prior to trial that she should be permitted to present the methamphetamine evidence to the jury “as it goes to the weight and credibility of Officer

Claiborn and his performance as a law enforcement officer.” (Tr., p.144, Ls.19-24.) The district court agreed with counsel that the evidence “would be relevant regarding the officer’s diligence,” but nonetheless concluded it should be excluded as its relevance was “minimal” and would create a side issue regarding ownership of the methamphetamine. (Tr., p.146, L.23 – p.147, L.8.)

During trial, counsel for Ms. Meyer renewed her request to present the methamphetamine evidence to the jury. (Tr., p.459, Ls.13-20.) The district court said it had already ruled that, while the evidence “might be relevant, it was unduly prejudicial and a waste of time because then it gets us into an argument about whose meth this was” (Tr., p.463, Ls.7-15.) Counsel for Ms. Meyer responded:

How he conducted himself that evening affected certain statements that my client may or may not have made. And whether or not he was performing his duties in a manner that conformed to standard operating procedures of what someone . . . on patrol normally does, then I would think that’s very relevant. And whether or not he was performing those duties in accordance with those SOP’s in this particular case. He acknowledges that he was not.

He left methamphetamine in the back of a vehicle that in a hearing in front of the court he acknowledged was a mistake. He should have cleared out his car. And if he’s making a mistake there, why isn’t it fair for the jury to hear that he may or may not have [made] mistakes in other areas; such as saying to my client what he said about admitting this is hers and the opportunity to go home if she did.

(Tr., p.464, L.11 – p.465, L.2.) The district court described the methamphetamine evidence as “mostly a waste of time” and ultimately denied Ms. Meyer’s motion under I.R.E. 403. (Tr., p.465, Ls.12-17, p.466, Ls.12-14.) This was an abuse of discretion.

Officer Claiborn’s diligence and credibility was central to the State’s case against Ms. Meyer. Officer Claiborn was the State’s first and most important witness at trial. He testified regarding the drugs he found in Ms. Meyer’s purse, and regarding Ms. Meyer’s admission to possessing those drugs (after being told there was a potential she could go home if she admitted guilt). Evidence of the methamphetamine would not have confused the issues before the jury, but

would have allowed the jury to properly question Officer Claiborn's experience and diligence. The district court was apparently concerned that admission of the methamphetamine evidence would have created a side issue regarding ownership of the methamphetamine. That is not a valid concern in this case, as this was not a complex case. This case involved one charge against one defendant regarding one drug. It would not have confused the issues for the jury to be presented with evidence regarding another drug, and surely any possible confusion could have been avoided by way of a jury instruction.

The district court should have permitted Ms. Meyer to question Officer Claiborn regarding the methamphetamine in his patrol car so that the jury could properly evaluate his credibility. This evidence was relevant, as the district court found, and would not have confused the issues before the jury.

III.

The District Court Erred In Permitting The State To Introduce At Trial Evidence Of The Cell Phones And Cash Found In Ms. Meyer's Purse

A. Introduction

Ms. Meyer was charged with trafficking in heroin, as opposed to mere possession of heroin, based on the quantity of heroin found in her purse. (R., pp.25-26.) The State was allowed to introduce, over objection, evidence that \$3,038 cash and five cell phones were found in Ms. Meyer's purse. (Tr., p.133, Ls.18-20, p.299, Ls.8-15, p.324, L.5 – p.325, L.6, p.394, L.7 – p.395, L.10.) This evidence was not relevant to any material fact in this case, and should have been excluded under I.R.E. 401.

B. Standard Of Review

Whether evidence is relevant is a matter of law that is subject to free review. *State v. Field*, 144 Idaho 559, 569 (2007).

C. The Cell Phones And Cash Found In Ms. Meyer's Purse Should Have Been Excluded Under I.R.E. 401 As They Were Not Relevant To Any Material Fact In This Case

I.R.E. 401 provides that evidence is relevant if “it has any tendency to make a fact more or less probable than it would be without the evidence” and “the fact is of consequence in determining the action.” For purposes of I.R.E. 401, “[w]hether a fact is material is determined by its relationship to the legal theories presented by the parties.” *State v. Koch*, 157 Idaho 89, 100-01 (2014) (citation omitted).

Here, the fact that Ms. Meyer had multiple cell phones and \$3,038 in cash in her purse was not relevant to any material fact in this case. The jury was instructed that, to find Ms. Meyer guilty, the State had to prove she “possessed any amount of Heroin . . . knew it was Heroin, and . . . possessed at least 7 grams or more of Heroin or any mixture or substance with a detectable amount of Heroin.” (R., p.213.) Ms. Meyer argued in closing that she had no knowledge of the heroin in her purse. (Tr., p.515, Ls.18-20, p.518, L.16 – p.519, L.7.) The State argued in closing that evidence of the cell phones and cash “goes to show you that she knows what’s in her purse.” (Tr., p.512, Ls.2-5.) It is unclear how the cell phones and cash relate to Ms. Meyer’s knowledge of the heroin. With respect to the cash, Ms. Meyer told Officer Claiborn she received the money from Western Union and had a receipt for it. (Tr., p.345, Ls.11-16.) The police later confirmed the money had, in fact, been wired to Ms. Meyer through Western Union. (Tr., p.401, Ls.9-16.) The State presented no evidence regarding whether the cell phones were working, or how or if

they had been used. The evidence of the cell phones and cash should have been excluded as irrelevant under I.R.E. 401.

IV.

The District Court Abused Its Discretion At Sentencing

A. Introduction

Ms. Meyer recognizes the crime for which she was convicted carries a mandatory minimum sentence of 10 years. But the district court did not impose just the mandatory minimum sentence on Ms. Meyer. Instead, the district added 20 years indeterminate, sentencing Ms. Meyer to a unified term of 30 years, with 10 years fixed. Ms. Meyer, a young mother, contends this sentence is unreasonable, and thus an abuse of discretion, considering the fact this was her first felony conviction, and the district court had little reliable information regarding her involvement in large-scale drug trafficking.

B. Standard Of Review

This Court reviews sentencing decision for an abuse of discretion. *State v. McIntosh*, 160 Idaho 1, 8 (2016). This Court considers whether the trial court: “(1) correctly perceived the issue as one of discretion; (2) acted within the boundaries of its discretion; (3) acted consistently with the legal standards applicable to the specific choices available to it; and (4) reached its decision by an exercise of reason.” *Lunneborg v. My Fun Life*, 163 Idaho 856, 863 (2018).

C. The Sentence The District Court Imposed Upon Ms. Meyer Is Not Reasonable Considering The Objectives Of Criminal Punishment

In *State v. Toohill*, our Supreme Court held “a term of confinement is reasonable to the extent it appears necessary, at the time of sentencing, to accomplish the primary objective of

protecting society and to achieve any or all of the related goals of deterrence, rehabilitation or retribution applicable to a given case.” 103 Idaho 565, 568 (Ct. App. 1982). In arriving at this standard, the Court relied on the four objectives of criminal punishment as set forth in *State v. Wolfe*, 99 Idaho 382, 384 (1978). *Toohill*, 103 Idaho at 568. These objectives are “(1) protection of society, (2) deterrence of the individual and the public generally, (3) possibility of rehabilitation, and (4) punishment or retribution for wrongdoing.” *Id.* (citing *Wolfe*).

The sentence imposed upon Ms. Meyer, 20 years indeterminate beyond the mandatory minimum, is not reasonable considering the objectives of criminal punishment. *See Toohill*, 103 Idaho at 568 (stating “[a] sentence of confinement longer than necessary for [the purposes of criminal punishment] is unreasonable”). This was Ms. Meyer’s first felony conviction. (Presentence Investigation Report (“PSI”), p.6.) Ms. Meyer was interviewed at one point by federal agents, but was advised “she was not going to be released from jail with the information that she provided.” (PSI, pp.58-61.) It is unclear if the federal agents did not believe the information Ms. Meyer provided to them, or if they already had that information. It appears Ms. Meyer’s boyfriend was the target of federal drug charges, and may have been the key player here. (PSI, p.58.) At sentencing, counsel for Ms. Meyer told the district court that Ms. Meyer may have been trying to “thwart an investigation concerning her boyfriend” leading her to exaggerate her involvement. (Tr., p.569, Ls.12-18). In any case, there is no reliable information that would support the lengthy sentence imposed upon Ms. Meyer.

Ms. Meyer did not participate in the presentence investigation process, out of a desire to keep her private information private. (PSI, pp.4-5, 10.) The district court knew she was a 30-year-old mother, with no significant criminal history, found guilty by a jury of trafficking in

heroin following a traffic stop. (PSI, pp.2, 8.) The district court abused its discretion when it sentenced her for this offense to a unified term of 30 years, with 10 years fixed.

CONCLUSION

Ms. Meyer respectfully requests that the Court vacate her judgment of conviction, reverse the district's order denying her motion to suppress, and remand this case to the district court for further proceedings. In the alternative, she requests that the Court vacate her judgment of conviction and remand this case for a new trial in light of the evidentiary errors. In the alternative, she requests that the Court reduce the indeterminate portion of her sentence, or vacate her judgment of conviction and remand this case to the district court for a new sentencing hearing.

DATED this 4th day of April, 2019.

/s/ Andrea W. Reynolds
ANDREA W. REYNOLDS
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of April, 2019, I caused a true and correct copy of the foregoing APPELLANT'S BRIEF, to be served as follows:

KENNETH K. JORGENSEN
DEPUTY ATTORNEY GENERAL
E-Service: ecf@ag.idaho.gov

/s/ Evan A. Smith
EVAN A. SMITH
Administrative Assistant

AWR/eas