

Uldaho Law

## Digital Commons @ Uldaho Law

---

Not Reported

Idaho Supreme Court Records & Briefs

---

3-28-2019

### State v. Engler Appellant's Reply Brief Dckt. 46278

Follow this and additional works at: [https://digitalcommons.law.uidaho.edu/not\\_reported](https://digitalcommons.law.uidaho.edu/not_reported)

---

#### Recommended Citation

"State v. Engler Appellant's Reply Brief Dckt. 46278" (2019). *Not Reported*. 5410.  
[https://digitalcommons.law.uidaho.edu/not\\_reported/5410](https://digitalcommons.law.uidaho.edu/not_reported/5410)

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ Uldaho Law. It has been accepted for inclusion in Not Reported by an authorized administrator of Digital Commons @ Uldaho Law. For more information, please contact [annablaine@uidaho.edu](mailto:annablaine@uidaho.edu).

ERIC D. FREDERICKSEN  
State Appellate Public Defender  
I.S.B. #6555

ELIZABETH ANN ALLRED  
Deputy State Appellate Public Defender  
I.S.B. #7259  
322 E. Front Street, Suite 570  
Boise, Idaho 83702  
Phone: (208) 334-2712  
Fax: (208) 334-2985  
E-mail: documents@sapd.state.id.us

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	NOS. 46278-2018 & 46279-2018
	)	
v.	)	ADA COUNTY NOS. CR01-18-15605 &
	)	CR01-2018-22016
JERRICK JAMES ENGLER,	)	
	)	APPELLANT'S REPLY BRIEF
Defendant-Appellant.	)	
_____	)	

STATEMENT OF THE CASE

Nature of the Case

Jerrick James Engler appeals from his Judgments of Conviction. In CR01-18-15605, Mr. Engler was sentenced to unified sentences of ten years, with three years fixed, for his grand theft conviction, and five years, with three years fixed, for his aggravated assault conviction. In CR01-18-22016, he was sentenced to fourteen years, with three years fixed, for his grand theft conviction, and ten years, with three years fixed, for his burglary conviction. Mr. Engler asserts that the district court abused its discretion in sentencing him to excessive sentences without properly considering the mitigating factors that exists in his cases.

This Reply Brief is necessary to address the State's reliance on factual information not supported by the record.

Statement of the Facts and Course of Proceedings

The statement of the facts and course of proceedings were previously articulated in Mr. Engler's Appellant's Brief. They need not be repeated in this Reply Brief, but are incorporated herein by reference thereto.

ISSUE

Did the district court abuse its sentencing discretion?

ARGUMENT

The District Court Abused Its Discretion When It Imposed Excessive Sentences Upon Mr. Engler

In the Respondent's Brief, the State relied on the district court's statement that Mr. Engler "had been . . . burglarizing cars and perhaps homes. . . ." (Respondent's Brief, p.4 (quoting Tr. 8/2/18, p.45, Ls.14-16)). However, there is no evidence that Mr. Engler has burglarized a home.<sup>1</sup> Mr. Engler asserts that it was erroneous for this district court to consider evidence that was not supported by the record in sentencing him and also inappropriate for the Respondent to rely on this same misinformation on appeal.

Based upon the arguments presented in the Appellant's Brief, and incorporated herein by reference, Mr. Engler asserts that the district court abused its discretion by imposing excessive sentences upon him.

---

<sup>1</sup> Undersigned counsel has reviewed the Record, Transcripts, and PSI and was unable to locate any mention of Mr. Engler burglarizing a home.

CONCLUSION

Mr. Engler respectfully requests that this Court enter orders retaining jurisdiction or reduce his sentence in any other way it deems appropriate. Alternatively, he requests that his case be remanded to the district court for a new sentencing hearing.

DATED this 28<sup>th</sup> day of March, 2019.

/s/ Elizabeth Ann Allred  
ELIZABETH ANN ALLRED  
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of March, 2019, I caused a true and correct copy of the foregoing APPELLANT'S REPLY BRIEF, to be served as follows:

KENNETH K. JORGENSEN  
DEPUTY ATTORNEY GENERAL  
E-Service: [ecf@ag.idaho.gov](mailto:ecf@ag.idaho.gov)

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

EAA/eas