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Idaho Supreme Court
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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	**No. 46514-2018**
Plaintiff-Respondent,	)	
	)	**Kootenai County Case No.**
v.	)	**CR-2017-2014**
	)	
ROBERT LEE RIDEAUX,	)	
	)	
Defendant-Appellant.	)	
	)	

BRIEF OF RESPONDENT

APPEAL FROM THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

HONORABLE LANSING L. HAYNES
District Judge

LAWRENCE G. WASDEN
Attorney General
State of Idaho

PAUL R. PANTHER
Deputy Attorney General
Chief, Criminal Law Division

JEFF NYE
Deputy Attorney General
Criminal Law Division
P. O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534
E-mail: ecf@ag.idaho.gov

ATTORNEYS FOR
PLAINTIFF-RESPONDENT

JENNY C. SWINFORD
Deputy State Appellate Public Defender
322 E. Front St., Ste. 570
Boise, Idaho 83702
(208) 334-2712
E-mail: documents@sapd.state.id.us

ATTORNEY FOR
DEFENDANT-APPELLANT

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Nature Of The Case

Robert Lee Rideaux appeals from the district court's judgment entered after Rideaux pled guilty to possession of a stolen vehicle. Rideaux challenges the district court's denial of his motion to withdraw his guilty plea.

Statement Of The Facts And Course Of The Proceedings

On February 12, 2017, Officer Shane Grady with the Idaho State Police stopped a red Kia with Wisconsin plate 605DDK because the "plate had been reported . . . as belonging to a vehicle that was stolen out of Milwaukee, Wisconsin." (2/24/2017 Tr., p.4, L.23 – p.5, L.19.) Officer Grady identified the driver as Robert Lee Rideaux. (2/24/2017 Tr., p.6, Ls.3-6.) Rideaux told Officer Grady four different stories about how he came into possession of the car. (2/24/2017 Tr., p.6, L.19 – p.8, L.18.) Officer Grady arrested Rideaux for possessing a stolen vehicle. (R., pp.13-14.)

At the preliminary hearing, the state presented an affidavit of ownership from Rideaux's mother, Arlene Pruss. (Conf. Exs., pp.2-3.) In the affidavit, Pruss stated that she was "the owner of a red 2003 Kia bearing Wisconsin [redacted]" (Conf. Exs., p.2.) She also stated that she "did not transfer [her] possessory interest in said property to anyone, includ[ing] [Rideaux], nor give authority to anyone else to do so on [her] behalf" and that she "had not given anyone, including [Rideaux], permission or authority to use or possess the property." (Conf. Exs., pp.2-3.) Citing Idaho Criminal Rule 5.1, the magistrate admitted the affidavit only to show the ownership of the car. (2/24/2017 Tr., p.15, Ls.9-19.) The magistrate found probable cause that Rideaux possessed a stolen

vehicle based on the affidavit and the four different stories Rideaux told Officer Grady about how he came into possession of the car. (2/24/2017 Tr., p.15, L.20 – p.17, L.8.)

On March 28, 2017, Rideaux entered a guilty plea pursuant to the terms of a plea agreement with the state. (R., pp.48-49.) At the hearing, Rideaux confirmed under oath that he had possession of the car, that Pruss owned the car, that he did not have Pruss's permission to have the car, and that he had "reason to believe or knowledge that it was a stolen vehicle." (3/28/2017 Tr., p.16, Ls.7-24.) The district court accepted Rideaux's guilty plea and released Rideaux pending sentencing. (R., p.49.)

On June 13, 2017, the district court issued a bench warrant for Rideaux's arrest after Rideaux failed to appear for his presentence investigation interview. (R., p.56.) On July 9, 2018, more than one year later, Rideaux was back in custody. (R., p.57.) The next day, Rideaux filed a motion for release or reduction of bond. (R., pp.58-59.)

On July 13, 2018, Rideaux filed a motion to withdraw his guilty plea. (R., pp.60-61.) Rideaux claimed that Pruss provided information "that tends to prove his innocence." (R., p.60.) He attached to the motion a notarized but unsworn statement he claimed came from Pruss:

> My name is Mrs. Arlene Pruss. I gifted my car to my son [Rideaux] when he graduated from cooking school. The car is in my name and my husband's name due to [Rideaux's] financial instability and not being responsible. [Rideaux] had out burst [sic] of temper [and] anger problems. He was quick to lash out at people for no reason[] also was constantly challenging authority.
>
> I told him that he was disrespectful to his parents so he had to leave the car, and buy his own, and if he took the car without permission it would be reported stolen—[Rideaux] challenged me took the car and it was in my name so I had no choice but to report it stolen. I do not want to press charges!!

(R., p.62 (paragraph structure altered).)

On July 24, 2018, the district court held a hearing on both the motion to reduce bond and the motion to withdraw Rideaux's guilty plea. (R., pp.63-65.) When Rideaux's counsel moved for admission of the statement from Pruss, the state objected on the bases of "[h]earsay" and "[l]ack of foundation." (7/24/2018 Tr., p.4, Ls.2-19.) The district court inquired whether "the formal Rules of Evidence apply in a hearing like this," and the prosecutor responded that "[t]hey would under IRE 1[0]1." (7/24/2018 Tr., p.4, Ls.20-22.) The prosecutor went on to explain to the district court that "[t]here is no rule that would allow this affidavit to come in," that "[t]he rules of evidence apply in this hearing," and that he had "a case directly on point if the Court would like to review it." (7/24/2018 Tr., p.8, Ls.7-12.)

The district court responded, "it's an interesting issue, but it may not be important for today." (7/24/2018 Tr., p.8, Ls.13-14.) The district court then admitted the unsworn statement "because this is also a bond reduction hearing[,] [a]nd the rules of evidence don't apply at a bond reduction hearing." (7/24/2018 Tr., p.9, Ls.12-16.) The prosecutor sought clarification as to whether the district court would consider the unsworn statement "for the motion to withdraw the plea." (7/24/2018 Tr., p.9, Ls.17-18.) The district court responded affirmatively: "It's evidence before me, and I'm going to be consider it [sic]. I'm not going to parse it out as it's meaningful on the bond reduction, and I'm [not] going to close my eyes to it on the motion to with draw [sic] the guilty plea. So, I am going to admit it for both purposes." (7/24/2018 Tr., p.9, Ls.19-23.)

Rideaux testified at the hearing. (7/24/2018 Tr., p.11, Ls.1-9.) He testified that his mom "bought [the car] for [him] in 2003." (7/24/2018 Tr., p.13, Ls.8-12.) He also testified that the family had permission to use the car. (7/24/2018 Tr., p.13, L.24 – p.14, L.2.) On

cross-examination, Rideaux conceded "that vehicle was titled in [his] mom's name," that "it is registered to [his] mom," and that his mom "pays insurance on it." (7/24/2018 Tr., p.16, Ls.12-22.) He also conceded that, at the time Officer Grady arrested him, he knew the car had been reported stolen. (7/24/2018 Tr., p.33, Ls.6-9.)

After hearing arguments from the parties, the district court denied Rideaux's motion to withdraw his guilty plea. (7/24/2018 Tr., p.49, L.24 – p.50, L.11.) The district court recognized that it had discretion on whether to allow Rideaux to withdraw his guilty plea and "recognize[d] the standard of being a just cause standard." (7/24/2018 Tr., p.47, Ls.5-9.) The district court found that Rideaux had failed to show a just cause to withdraw his guilty plea and that "the prejudice to the State [was] significant here to try to prosecute this case under the circumstances as the Court sees it." (7/24/2018 Tr., p.49, Ls.9-12, p.49, L.24 – p.50, L.11.) At sentencing, the district court imposed a two-year indeterminate sentence, suspended execution of the sentence, and placed Rideaux on unsupervised probation for two years. (R., pp.72-74.)

Rideaux timely appealed. (R., pp.76-79.)

ISSUE

Rideaux states the issue on appeal as:

> Did the district court abuse its discretion by denying Mr. Rideaux's pre-sentencing motion to withdraw his guilty plea?

(Appellant's brief, p.9.)

The state rephrases the issue as:

Has Rideaux failed to show that the district court abused its discretion when it denied his motion to withdraw his guilty plea?

ARGUMENT

Rideaux Failed To Show The District Court Abused Its Discretion By Denying His Motion To Withdraw His Guilty Plea

A. Introduction

Rideaux failed to show a just reason to withdraw his guilty plea. A defendant seeking to withdraw his guilty plea by claiming innocence must present admissible evidence supporting his claim. Rideaux's claim of innocence had at least two fatal problems: (1) he presented only inadmissible evidence in the form of an unsworn statement from Pruss and (2) the statement from Pruss did not support his claim of innocence. Thus, the district court did not abuse its discretion by denying Rideaux's motion to withdraw his guilty plea.

B. Standard Of Review

"The standard of review on appeal in cases where a defendant has attempted to withdraw a guilty plea is whether the district court has properly exercised judicial discretion as distinguished from arbitrary action." State v. Dopp, 124 Idaho 481, 485, 861 P.2d 51, 55 (1993).

C. Rideaux Did Not Show A Just Reason To Withdraw His Guilty Plea Because The Unsworn Statement Was Inadmissible And Did Not Support His Claim Of Innocence

The district court did not abuse its discretion when it denied Rideaux's motion to withdraw his guilty plea. A defendant seeking a presentence withdrawal of his guilty plea "must show a just reason for withdrawing the plea." State v. Dopp, 124 Idaho 481, 485, 861 P.2d 51, 55 (1993). If, and only *if*, the defendant shows a just reason to withdraw his plea, the burden shifts to the state to "demonstrate[] that prejudice would result from

withdrawal of the plea." Id. Rideaux sought to withdraw his guilty plea based on Pruss's statement,[1] but Pruss's statement did not give Rideaux a just reason to withdraw his plea because the statement was inadmissible and because, even taken at face value, the statement did not support Rideaux's claim of innocence.

Pruss's statement did not give Rideaux a just reason to withdraw his guilty plea because the statement was inadmissible under the Idaho Rules of Evidence. Where, as here, a motion to withdraw a guilty plea is based on new information, "an *evidentiary* showing [is] required." State v. Stone, 147 Idaho 330, 333, 208 P.3d 734, 737 (Ct. App. 2009) (emphasis in original). And "[w]hen the stated grounds for a motion to withdraw a guilty plea require a presentation of evidence, the Idaho Rules of Evidence apply." Id. (citing I.R.E. 101). Thus, where a defendant attempted to withdraw his plea based on new information but "did not submit any admissible evidence," then "the motion could not have been properly granted under . . . a 'just reason' standard." Id.

For example, in Stone, Stone filed a motion that "raised approximately twenty grounds for withdrawal of the plea." Id. The district court denied the motion on the basis that Stone entered a constitutional guilty plea. Id. The Idaho Court of Appeals agreed with Stone that the district court erred by not applying the just reason standard but found the error harmless. Id. The court observed that "Stone presented no evidence" but instead relied upon the "unverified, hearsay assertions of his attorney, which have no evidentiary

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[1] Rideaux called Pruss's statement an "affidavit" in his motion to withdraw his guilty plea and has stuck to that label on appeal. (R., p.60; Appellant's brief, p.11.) But it is not an affidavit, by definition, because it is not a sworn statement. See, e.g., Affidavit, Black's Law Dictionary (11th ed. 2019) (defining affidavit as "[a] voluntary declaration of facts written down *and sworn to* by a declarant" (emphasis added)). Nor is it an adequate substitute for an affidavit because it does not contain any indication that Pruss made the statement under penalty of perjury. See I.C. § 9-14906.

value." Id. "Because Stone did not submit any admissible evidence," the court held "the motion could not have been properly granted under . . . a 'just reason' standard." Id.

Here, Rideaux made the same fatal mistake as Stone by supporting his motion to withdraw with nothing but an inadmissible statement. Rideaux moved to withdraw his guilty plea on the basis that he had received a statement from Pruss that, in his view, "tends to prove his innocence." (R., p.60.) But the statement contained only inadmissible hearsay. See I.R.E. 802. Specifically, Rideaux offered Pruss's out-of-court statement to "prove the truth of the matter asserted in the statement." I.R.E. 801(c). Because Rideaux, like Stone, "did not submit any admissible evidence" to support his stated reason for withdrawing his guilty plea, Rideaux's motion, like Stone's motion, "could not have been properly granted under . . . a 'just reason' standard.'" Stone, 147 Idaho at 333, 208 P.3d at 737.

While the district court admitted the statement, and thus did not deny Rideaux's motion on this theory, this Court can affirm the district court on any theory supported by the record and preserved in the district court. See State v. Garcia-Rodriguez, 162 Idaho 271, 275, 396 P.3d 700, 704 (2017) ("It is true that where an order of the district court is correct but based upon an erroneous legal theory, this Court will affirm upon the correct theory." (internal quotations omitted)). The state preserved this theory in the district court:

> And so in this particular case the rules of evidence apply. And, clearly, this affidavit tendered by the defense is hearsay. Clearly, there's no foundation that affidavit is from that person. And under those two grounds, it should not be admissible. Without that evidence, there is no just reason to have him withdraw his guilty plea.

(7/24/2018 Tr., p.41, Ls.16-22; see 7/24/2018 Tr., p.4, L.15 – p.10, L.4, p.40, L.23 – p.41, L.22.) The district court refused to apply the Idaho Rules of Evidence to Rideaux's motion to withdraw his guilty plea despite the state's objection. (7/28/2018 Tr., p.9, L.12 – p.10,

L.4) But, under the Idaho Rules of Evidence and binding precedent, the district court should have applied the rules of evidence and excluded the statement. See I.R.E. 101; Stone, 147 Idaho at 333, 208 P.3d at 737. Without Pruss's statement, all Rideaux would have had left was his bald assertion of innocence, and it is well-settled that "[a] declaration of innocence alone does not entitle a defendant to withdraw a guilty plea." State v. Akin, 139 Idaho 160, 162, 75 P.3d 214, 216 (Ct. App. 2003). Thus, Rideaux failed to show a just reason to withdraw his guilty plea.

Even if the district court properly admitted Pruss's statement at the hearing on Rideaux's motion to withdraw, Rideaux still only had his bare declaration of innocence because Pruss's statement did not actually support Rideaux's claim of innocence. As the district court found, Pruss's statement "is not so much an exoneration of Mr. Rideaux." (7/24/2018 Tr., p.47, Ls.19-22.) In fact, the statement simply corroborated Rideaux's guilty plea: Rideaux testified at the change of plea hearing that his mom owned the car. (3/28/2017 Tr., p.16, Ls.7-15.) Pruss's statement says "[t]he car is in [Pruss's] name and [her] husband's name." (Conf. Exs., p.18.) Rideaux testified at the change of plea hearing that he did not have Pruss's permission to drive the car. (3/28/2017 Tr., p.16, Ls.19-21.) Pruss's statement says that Pruss told Rideaux "he had to leave the car, and buy his own." (Conf. Exs., p.18.) Rideaux testified at the change of plea hearing that he "ha[d] reason to believe or knowledge that [the car] was a stolen vehicle." (3/28/2017 Tr., p.16, Ls.22-24.) Pruss's statement says that Pruss told Rideaux that "if he took the car without permission it would be reported as stolen" and that Rideaux "took the car" so she reported it as stolen. (Conf. Exs., p.18.)

Rideaux claims that "[t]his affidavit showed Mr. Rideaux in fact owned the car." (Appellant's brief, p.13.) Rideaux is mistaken. Although the statement says that "[Pruss] gifted [her] car to [her] son [Rideaux] when he graduated from cooking school," the very next sentence states that "[t]he car is in [Pruss's] name and [her] husband's name." (Conf. Exs., p.18.) That is consistent with Rideaux's testimony at the hearing on the motion to withdraw Rideaux's guilty plea that the title was in Pruss's name, the registration was in Pruss's name, and Pruss paid the insurance. (7/24/2018 Tr., p.16, Ls.12-22); cf. Taft v. Jumbo Foods, Inc., 155 Idaho 511, 517, 314 P.3d 193, 199 (2013) ("An 'owner' is someone 'having the property in or title to a vehicle.'" (quoting I.C. § 49-116(3)). Read as whole, then, the unsworn statement makes clear that any permission to use the car Pruss, the true owner of the car, gave Rideaux when she "gifted [her] car to [her] son" was revoked when she told Rideaux "he had to leave the car, and buy his own." (Conf. Exs., p.18.) Thus, the content of the statement did not support Rideaux's claim of innocence and, consequently, Rideaux did not give a just reason for withdrawing his plea even if the district court properly admitted the statement.

In all events, Rideaux failed to give a just reason to withdraw his plea by claiming innocence because the record still supported his guilt. "[A] denial of factual guilt is not a just reason for the later withdrawal of the plea[] in cases where there is some basis in the record of factual guilt." Dopp, 124 Idaho at 486, 861 P.2d at 56. As the district court observed, Rideaux stated under oath at the change of plea hearing that "'[i]t was [his] mom's car'" and "'[he] did not have permission to take it.'" (7/24/2018 Tr., p.50, Ls.2-11.) And, as explained above, Pruss's statement corroborates those admissions. (See Conf. Exs., p.18.) Moreover, Rideaux has never even attempted to explain why he told the

arresting officer four different stories of how he came into possession of the car. (See 2/24/2017 Tr., p.6, L.19 – p.8, L.18.) Because "there is some basis in the record of factual guilt," Rideaux's "denial of factual guilt is not a just reason for the later withdrawal of the plea." Dopp, 124 Idaho at 486, 861 P.2d at 56.

Rideaux argues that the factors laid out by this Court in State v. Sunseri, 165 Idaho 9, 437 P.3d 9 (2018), for evaluating a motion to withdraw a guilty plea support his motion. (Appellant's brief, pp.11-15.) In Sunseri, this Court instructed that, "[a]mong other factors, the trial court should consider: (1) whether the defendant has credibly asserted his legal innocence; (2) the length of delay between the entry of the guilty plea and the filing of the motion; (3) whether the defendant had the assistance of competent counsel at the time of the guilty plea; and (4) whether withdrawal of the plea will inconvenience the court and waste judicial resources." 165 Idaho at ___, 437 P.3d at 14. Those factors, which were first articulated after the hearing in this case, support the district court's decison.

First, Rideaux has not "credibly asserted his legal innocence." Id. The magistrate found probable cause that Rideaux had committed the crime "[g]iven the number of stories that [Rideaux] provided to law enforcement four different times that varied as to why [Rideaux] [was] in possession of that vehicle." (2/24/2017 Tr., p.16, L.21 – p.17, L.1.) And Rideaux has not offered any explanation for telling those stories. Instead, Rideaux confusingly asserts his innocence by simultaneously claiming that he "in fact owned the car" *and* that his mother gave him "permission to use it." (Appellant's brief, p.13.) One wonders why the latter would be necessary if the former were true.

Setting aside the inconsistency of his assertions of innocence, the record belies both assertions. Rideaux's claim that he "in fact owned the car" (Appellant's brief, p.13) is

contradicted by Rideaux's testimony at the change of plea hearing that Pruss owned the car (3/28/2017 Tr., p.16, Ls.7-15); Rideaux's testimony at the hearing on Rideaux's motion to withdraw that the title is in Pruss's name, the registration is in Pruss's name, and Pruss pays the insurance on the car (7/24/2018 Tr., p.16, Ls.12-14); the affidavit presented to the magistrate in which Pruss stated, under penalty of perjury, that she owns the car (Conf. Exs., p.16); and Pruss's statement that Rideaux presented to the district court in which Pruss says that "[t]he car is in [her] name" (Conf. Exs., p.18).

With respect to Rideaux's claim that Pruss gave him "permission to use [the car]" (Appellant's brief, p.13), Rideaux has not presented any evidence (admissible or otherwise) that suggests Rideaux had permission from Pruss to be using Pruss's car at the time Officer Grady arrested Rideaux. All of the evidence shows the opposite: Rideaux testified at the change of plea hearing that he did not have permission to use the car (2/24/2017 Tr., p.16, Ls.19-21); Rideaux testified at the hearing on the motion to withdraw that Pruss revoked his permission to use the car because he "came home drunk, upset and belligerent" (7/28/2018 Tr., p.17, Ls.8-20); Pruss stated in the affidavit, under penalty of perjury, that "at the time the above property was stolen from [her] in Wisconsin February 10, 2017, [she] had not given anyone, including [Rideaux], permission or authority to use or possess the property" (Conf. Exs., pp.16-17); and Pruss's statement says that she told Rideaux "he had to leave the car, and buy his own" (Conf. Exs., p.18).

Moreover, when the prosecutor pressed Rideaux on why he had confessed to the crime under oath, Rideaux gave, at best, a questionable explanation. Rideaux claimed that he "pleaded guilty because [his] daughter died" and he "wanted to go bury [his] daughter." (7/24/2018 Tr., p.22, Ls.23-25.) But at the time Rideaux pled guilty his daughter was still

alive, at least according to Rideaux and Rideaux's counsel. Rideaux's counsel argued for release at the change of plea hearing, in part, because Rideaux's "daughter works for a telemarketing agency, it sounds like Center Partners, and she's been able to arrange for him to have work if he's granted an OR release." (3/28/2017 Tr., p.18, Ls.11-18.) And Rideaux himself told the district court that, at the time of the change of plea hearing, his daughter had a job and he had "custody of [his] daughter." (3/18/2017 Tr., p.20, Ls.20-24.) Neither Rideaux nor his counsel made any mention of his daughter's death at the change of plea hearing.[2] Because the evidence contradicts Rideaux's assertion of innocence and explanation why he pled guilty in the first place, Rideaux has failed to credibly assert his legal innocence.

Second, the significant length of delay between Rideaux's guilty plea and motion to withdraw his guilty plea supports the district court's denial of his motion. Rideaux pled guilty in March 2017 (R., pp.48-49), and he did not move to withdraw that plea until July 2018 (R., pp.60-61)—more than one year later. Rideaux claims he cannot be blamed for the delay because he could not control when Pruss sent the unsworn statement. (Appellant's brief, p.14.) But the unsworn statement was not the only basis Rideaux pressed in the district court to withdraw his guilty plea. For example, his counsel also argued that "Mr. Rideaux might not have been of sound mind at the time that his guilty plea was entered." (7/24/2018 Tr., p.40, Ls.8-14.) Furthermore, the delay was also a consequence of Rideaux absconding for more than a year. (R., pp.56-57.) As the district court observed, if Rideaux had not absconded, he would have been sentenced long before

[2] Rideaux's PSI confirms that he only has one daughter and she died of an accidental drug overdose in October 2017 (PSI, p.17—six months after Rideaux pled guilty in March 2017 (R., pp.48-49).

he filed his motion to withdraw his guilty plea and, consequently, would have faced a much harsher standard to withdraw his plea. (7/24/2018 Tr., p.48, L.20 – p.49, L.8.) Rideaux should not benefit from his decision to disobey the district court and abscond for more than one year. Thus, given Rideaux's role in the delay between his guilty plea and his motion to withdraw his guilty plea, this factor should weigh against Rideaux.

Third, Rideaux was represented by competent counsel at the time he entered his guilty plea. Rideaux confirmed at the change of plea hearing that he had no trouble communicating with his lawyers (3/28/2017 Tr., p.12, Ls.21-24), that his lawyers answered all of his questions (3/28/2017 Tr., p.12, L.25 – p.13, L.3), that he understood the advice his lawyers provided (3/28/2017 Tr., p.13, Ls.4-7), and that he had enough time with his lawyers to ask all of his questions and get all of the legal advice he might need (3/28/2017 Tr., p.14, Ls.7-13). He also told the district court that his lawyers had "been great" and that "[b]oth of them ha[d] been awesome." (3/28/2017 Tr., p.10, Ls.16-23.) Despite Rideaux's access to "awesome" and competent legal counsel, he still testified under oath that he committed the charged crime rather than, for example, enter an Alford[3] plea—the course of action one would expect if, as Rideaux now claims, he pled guilty only because he did not have evidence to fight the charge until he received Pruss's statement.

Fourth, while perhaps not the weightiest consideration here, allowing Rideaux to withdraw his plea would have, at the very least, "use[d] some judicial resources and slightly inconvenience[d] the court." (Appellant's brief, p.15.) Moreover, the risk of wasting additional judicial resources was higher than normal here given Rideaux's demonstrated willingness to disregard the district court's orders, which had already resulted in otherwise

[3] North Carolina v. Alford, 400 U.S. 25 (1970).

unnecessary proceedings. (See R., pp.55-59); cf. Everett v. United States, 336 F.2d 979, 984 (D.C. 1964) (affirming denial of motion to withdraw guilty plea, in part, because "[w]e are not disposed to encourage accused persons to 'play games' with the courts at the expense of already overburdened calendars and the rights of other accused persons awaiting trial").

Rideaux also argues that "[t]he district court did not properly weigh Mr. Rideaux's just reason against the state's invalid prejudice claim." (Appellant's brief, p.16 (capitalization altered, underline removed).) This argument misunderstands the applicable standard, which does not require any weighing but is instead "a two-part test." Dopp, 124 Idaho at 485. "*First*, defendants seeking to withdraw a guilty plea before sentencing must show a just reason for withdrawing the plea, and *second*, [o]nce the defendant has met this burden, the state may avoid the granting of the motion by demonstrating that prejudice would result from withdrawal of the plea." Id. (emphases added, internal quotations removed); see State v. Mayer, 139 Idaho 643, 647, 84 P.3d 579, 583 (Ct. App. 2004) ("A defendant's failure to present and support a plausible reason will dictate against granting withdrawal, even absent prejudice to the prosecution."). Here, for all the reasons stated above, Rideaux failed to show a just reason, so the state did not have to prove prejudice. See State v. Ballard, 114 Idaho 799, 802, 761 P.2d 1151, 1154 (1988) ("Ballard did not demonstrate a just reason for withdrawal of his plea; consequently, the state was not required to show it would be prejudiced by the granting of Ballard's motion.").

To the extent Rideaux argues that the district court applied the wrong legal standard (Appellant's brief, pp.16-18), that argument is contradicted by the record. The district court articulated the correct standard: "The issue of whether to allow an individual to

withdraw their guilty plea pursuant to Criminal Rule 33, Subsection C, is a matter of discretion with the Court. And I recognize that discretion, and I recognize the standard of being a just cause standard." (7/24/2018 Tr., p.47, Ls.5-9.) And the district court properly applied that standard when it found, at least implicitly, that Rideaux's claim of innocence was not a just reason to withdraw his guilty plea based primarily on Rideaux's testimony under oath that he had committed the crime. (7/24/2018 Tr., p.49, L.24 – p.50, L.11); see State v. Matthews, 164 Idaho 605, 609-11, 434 P.3d 209, 213-14 (2019) (holding "the district court did not abuse its discretion . . . despite articulating a rationale inconsistent with relevant legal authority" because the appellate court could infer from the "context" that the district court also relied on a proper, unarticulated rationale). Thus, the district court did not abuse its discretion by denying Rideaux's motion to withdraw his guilty plea.

CONCLUSION

The state respectfully requests this Court affirm the district court's judgment entered after the district court denied Rideaux's motion to withdraw his guilty plea.

DATED this 23rd day of July, 2019.

/s/ Jeff Nye
JEFF NYE
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 23rd day of July, 2019, served a true and correct copy of the foregoing BRIEF OF RESPONDENT to the attorney listed below by means of iCourt File and Serve:

JENNY C. SWINFORD
DEPUTY STATE APPELLATE PUBLIC DEFENDER
documents@sapd.state.id.us

/s/ Jeff Nye
JEFF NYE
Deputy Attorney General

JN/dd