

Uldaho Law

Digital Commons @ Uldaho Law

Not Reported

Idaho Supreme Court Records & Briefs

8-7-2019

State v. Edom Appellant's Brief Dckt. 46609

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/not_reported

Recommended Citation

"State v. Edom Appellant's Brief Dckt. 46609" (2019). *Not Reported*. 5730.
https://digitalcommons.law.uidaho.edu/not_reported/5730

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.

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

KIMBERLY A. COSTER
Deputy State Appellate Public Defender
I.S.B. #4115
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,)	NO. 46609-2018
)	
v.)	ADA COUNTY NO. CR01-17-10609
)	
JACOB BRADLEY EDMOM,)	
)	
Defendant-Appellant.)	APPELLANT'S BRIEF
_____)	

STATEMENT OF THE CASE

Nature of the Case

Jacob Bradley Edom appeals from the district court's order revoking his probation. He argues that, given his addiction, and potential for overcoming that addiction, the district court's failure to continue him on probation represents an abuse of the district court's discretion.

Statement of the Facts and Course of Proceedings

In 2017, Mr. Edom pled guilty to burglary pursuant to a plea agreement and the district court sentenced him to ten years, with three years fixed, and retained jurisdiction. (R., p.55.) Mr. Edom successfully completed his rider and in April of 2018, the district court suspended his

sentence and placed him on probation, which included participating in a drug treatment aftercare program. (R., p.71; PSI, pp.4-7.) Unfortunately, Mr. Edom soon relapsed into drug use and he later admitted violating his probation by testing positive for methamphetamine use, and failing to make payments towards his fine and restitution. (10/29/18 Tr., p.5, Ls.5-12.) The district court declined Mr. Edom's request to continue probation, and entered an order revoking Mr. Edom's probation and executing his previously-suspended sentence. (R., p.107.) Mr. Edom filed a Notice of Appeal timely from that order. (R., p.110.)

ISSUE

Did the district court abuse its discretion by revoking Mr. Edom's probation?

ARGUMENT

The District Court Abused Its Discretion By Revoking Mr. Edom's Probation

A. Introduction

Mr. Edom admits that he violated his probation when he relapsed into drug use. However, in light of his serious addiction, his demonstrated capacity to study and work when sober, and his new motivation – fatherhood – for overcoming that addiction, the district court's refusal to continue Mr. Edom's probation and to instead revoke his probation and to instead revoke his probation represents and abuse of the district court's sentencing discretion.

B. Standard Of Review

A decision to revoke probation will be disturbed on appeal upon a showing that the trial court abused its discretion. *State v. Beckett*, 122 Idaho 324, 325 (Ct. App. 1992). When the appellate court reviews an alleged abuse of discretion by the district court, it inquires whether the

trial court correctly perceived the issue as one of discretion; acted within the outer boundaries of its discretion; acted consistently with the legal standards applicable to the specific choices available to it; and reached its decision by the exercise of reason. *State v. Le Veque*, 164 Idaho 110, 112 (2018).

The trial court's decision to revoke probation is a two-step process. *State v. Garner*, 161 Idaho 708, 711 (2017). First, the court determines "whether the defendant violated the terms of his probation." *Id.* Second, "[i]f it is determined that the defendant has in fact violated the terms of his probation," the court examines "what should be the consequences of that violation." *Id.*

In determining whether to revoke probation, the trial court must examine whether the probation is achieving the goal of rehabilitation and is consistent with the protection of society. *State v. Upton*, 127 Idaho 274, 275 (Ct. App. 1995). "The purpose of probation is to give the defendant an opportunity to be rehabilitated under proper control and supervision." *State v. Mummert*, 98 Idaho 452, 454 (1977).

C. Mr. Edom's Circumstances Warranted An Extended Opportunity For Rehabilitation And Probation

Mr. Edom had been a daily intravenous methamphetamine user for over two years, and had been battling his addiction that had begun when he was 21. (PSI, p.15.) His drug use and associated poor judgment isolated him from his own family, none of whom were drug users or who had criminal records. (PSI, p.16.) Mr. Edom himself had not known drugs or alcohol abuse growing up, but began drinking only after starting college and joining a fraternity; his drinking led him to make poor decisions, and he started using methamphetamine, which took over his life. (PSI, pp.4, 19.) At the time of his arrest on the underlying charges in 2017, Mr. Edom was using injecting methamphetamine twice a day. (PSI, p.19.) He had previously undergone drug treatment but relapsed within weeks. (PSI, p.20.) Mr. Edom had succeed on his rider, but after

his release to probation he fell in with the wrong crowd, and he soon began using methamphetamine again. (PSI, p.4.)

However, after his arrest on the underlying probation violation, Mr. Edom received life-changing news from the woman he had met and fell in love with in July: he was about to become a father. (PSI, p.7.) This event altered Mr. Edom's outlook on life, providing him with a new perspective and the motivation he needed to continue his sobriety. (PSI, p.7.) While awaiting disposition on his admitted probation violation, Mr. Edom completed the multitude of self-help classes available to him. (See PSI, pp.637-47.) As he explained in his comments to the court:

For the first time in my life, I am in a situation that facilitates change in my life, immensely. On October 10th – 2018 while in Ada County Jail, I received news from the love of my life that I am going to be a father. Since receiving this news, my whole outlook on everything has changed. I am now completely focused on making amends for the mistakes I have made, making my community a better place so that my child can grow up in a wonderful place, and doing whatever it takes to maintain sobriety for as long as I live. My thinking has shifted from criminal thinking, to the perspective of a positive, active member of the community, because it is now my whole life's goal to create a better future and community for my child and generations to come. Never before have I had the mindset or intentions that I have now and I know that when given the opportunity, that I will truly make the world a better place in one way or another. If it was still just about me, I'd be more than ok with going and doing prison time. That would be an easy out. However, this time it's more than just about me. It's about my new family and it's now my job to be an excellent man, father, leader, and role model for the new life I am bringing into the world.

(PSI, p.7.)

Given Mr. Edom's drug addiction and his potential for overcoming that addiction – especially his newly-found perspective motivation in fatherhood – his request for another chance at probation and rehabilitation should have been granted. The district court's refusal to give Mr. Edom that chance was unreasonable, representing an abuse of the district court's discretion. The district court's revocation order should be vacated.

CONCLUSION

Mr. Edom respectfully requests that this Court vacate the order revoking probation and remand his case to the district court with directions that his probation be continued.

DATED this 7th day of August, 2019.

/s/ Kimberly A. Smith
KIMBERLY A. COSTER
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 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

KAC/eas