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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 46609-2018
Plaintiff-Respondent,)	
)	Ada County Case No.
v.)	CR01-2017-10609
)	
JACOB BRADLEY EDOM,)	
)	RESPONDENT'S BRIEF
Defendant-Appellant.)	
_____)	

Issue

Has Edom failed to establish that the district court abused its discretion by revoking his probation and executing his underlying, unified sentence of 10 years, with three years fixed, imposed following his guilty plea to burglary?

Edom Has Failed To Establish That The District Court Abused Its Sentencing Discretion

Edom and his co-defendant entered multiple gyms in the area, stole wallets from gym members, and used the victims' credit cards to make multiple purchases from stores and

businesses in the area. (PSI, p.2.¹) In this case, the state charged Edom with grand theft, two counts of burglary, possession of drug paraphernalia, and two counts of petit theft. (R., pp.27-29, 55-58.) In a separate case (Ada County case CR-01-17-9559), the state charged Edom with six counts of grand theft and five counts of burglary. (PSI, p.7.) Pursuant to a plea agreement, Edom pled guilty to one count of burglary in this case and one count of grand theft in case CR-01-17-9559, and the state dismissed the remaining charges, and also dismissed two other cases in which Edom was charged, collectively, with grand theft by receiving, possessing or disposing of stolen property (Ada County case CR01-17-9565) and fraudulent misappropriation of personal identifying information for purchases or credit valued over \$300 (Ada County case CR01-17-9569). (R., pp.35-36, 55-58; PSI, pp.13-14.) In this case, the district court imposed a unified sentence of 10 years, with three years fixed, ordered the sentence to run concurrently with Edom's sentence for grand theft in Ada County case CR01-17-9559, and retained jurisdiction (R., pp.55-58; PSI, p.2.) Following a period of retained jurisdiction, the district court suspended the sentence, and placed Edom on probation for 10 years. (R., pp.71-75.)

Six months later the state filed a motion for probation violation, alleging that Edom had violated the conditions of his probation by committing the new crimes of burglary and grand theft, using methamphetamine on multiple occasions, failing to attend and/or successfully complete Rider Aftercare treatment, failing to attend at least one AA/NA meeting per week, failing to obtain permission before changing residences, and failing to pay fines, fees, funds, surcharges, and/or costs as ordered by the court. (R., pp.92-98.) Edom admitted to violating some of the conditions of his probation, and the district court revoked Edom's probation and

¹ PSI page numbers correspond with the page numbers of the electronic file "Edom 46609 psi.pdf."

executed the underlying sentence. (R., pp.103, 107-09.) Edom filed a notice of appeal timely from the district court's order revoking his probation and executing his underlying sentence. (R., pp.110-12.)

Edom argues that the district court abused its discretion by revoking his probation in light of his "drug addiction and his potential for overcoming that addiction," and his "newly-found perspective motivation in fatherhood." (Appellant's brief, pp.2-4.) Edom has failed to establish an abuse of discretion.

"Probation is a matter left to the sound discretion of the court." I.C. § 19-2601(4). The decision whether to revoke a defendant's probation for a violation is within the discretion of the district court. State v. Garner, 161 Idaho 708, 710, 390 P.3d 434, 436 (2017) (quoting State v. Knutsen, 138 Idaho 918, 923, 71 P.3d 1065, 1070 (Ct. App. 2003)). In determining whether to revoke probation, a court must examine whether the probation is achieving the goal of rehabilitation and is consistent with the protection of society. State v. Cornelison, 154 Idaho 793, 797, 302 P.3d 1066, 1070 (Ct. App. 2013) (citations omitted). A decision to revoke probation will be disturbed on appeal only upon a showing that the trial court abused its discretion. Id. at 798, 302 P.3d at 1071 (citing State v. Beckett, 122 Idaho 324, 326, 834 P.2d 326, 328 (Ct. App. 1992)).

The district court's decision to revoke Edom's probation was appropriate in light of Edom's ongoing criminal conduct, his refusal to abide by the terms of probation, and his failure to rehabilitate. Edom began committing crimes when he was just [REDACTED] and was adjudicated for aiding and abetting grand theft. (PSI, p.13.) His adult criminal record includes misdemeanor convictions for domestic violence (dismissed following a withheld judgment) and telephone harassment, as well as felony convictions for burglary and grand theft. (PSI, pp.13-

14.) His record also includes multiple felony theft related charges that were dismissed pursuant to plea negotiations. (PSI, pp.13-14 (dismissed charges include grand theft by receiving, possessing or disposing of stolen property; fraudulent misappropriation of personal identifying information; six counts of burglary; and seven counts of grand theft).) Moreover, while on probation in this case, Edom was charged with committing six additional counts of burglary and three additional counts of grand theft. (PSI, p.3; see also R., p.93, 95-96.) He also admitted to having violated his probation by repeatedly using methamphetamine, failing to attend Rider Aftercare treatment despite being given multiple opportunities to do so, and failing to pay his court-ordered financial obligations. (R., pp.93, 103.)

On appeal, Edom argues that, “[g]iven his drug addiction and his potential for overcoming that addiction – especially his newly-found motivation in fatherhood – his request for another chance at probation and rehabilitation should have been granted.” (Appellant’s brief, p.4.) As noted by the district court, however, Edom demonstrated throughout his probationary period that probation was not achieving its intended purpose:

You started using methamphetamine within a pretty short time. There were multiple uses of methamphetamine that you’ve admitted to, using methamphetamine on June 22nd, June 28th, and then September 28th.

You were supposed to [do] an aftercare treatment. You missed treatment in April, May, and June, and got kicked out. Probation officer gave you a chance to try again, and you did it for a little while, and then you didn’t. And you had lots of excuses why you didn’t. You didn’t do the 12 steps. You didn’t comply with Rising Sun.

And so based on this, I’m revoking probation and imposing sentence. I don’t – there is nothing you can do, and there is nothing we can do when a person doesn’t try. Your probation officer gave you multiple chances, and these are the consequences.

(12/3/18 Tr., p.14, Ls.5-23.) That Edom would have liked the district court to have accepted at face value his claims that he could be successful on probation, when his actions demonstrated otherwise, does not establish an abuse of discretion.

The district court considered all of the relevant information and reasonably determined that Edom was no longer an appropriate candidate for community supervision, particularly in light of his ongoing criminal conduct, refusal to abide by the terms of probation, and his failure to rehabilitate while in the community. Given any reasonable view of the facts, Edom has failed to establish an abuse of discretion.

Conclusion

The state respectfully requests this Court to affirm the district court's order revoking Edom's probation and executing his underlying sentence.

DATED this 4th day of September, 2019.

/s/ Lori A. Fleming
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ALICIA HYMAS
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 4th day of September, 2019, served a true and correct copy of the attached RESPONDENT'S BRIEF to the attorney listed below by means of iCourt File and Serve:

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