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### State v. Spradling Appellant's Brief Dckt. 47661

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	NO. 47661-2019
	)	
v.	)	TWIN FALLS COUNTY
	)	NO. CR42-17-10140
	)	
AMBER NICOLE SPRADLING,	)	
	)	APPELLANT’S BRIEF
Defendant-Appellant.	)	
_____	)	

STATEMENT OF THE CASE

Nature of the Case

Amber Nicole Spradling challenges the district court’s decision to revoke her probation and execute her prison sentence for a crime that she committed when she was 19. Though Ms. Spradling admitted absconding supervision by going to Oklahoma to be with her infant son, she had committed no new crimes or other violations, and had been meeting her probation obligations. On appeal, Ms. Spradling argues that her lapse in judgment, though constituting a probation violation, did not justify revoking her probation and executing her sentence of ten years, with five fixed. She argues that in light of her youth, her hard work and life changes, and

the progress had made while on probation, the district court's decision to revoke her probation represents an abuse of its sentencing discretion.

#### Statement of the Facts and Course of Proceedings

In October 2017, ██████████ Amber Spradling was homeless and using methamphetamine with two men she just met, and she became involved in their plan to drive to another man's home to rob him. (PSI, p.4.) Ms. Spradling was told to stay in the car and act as lookout, and the two men went inside and robbed the other man at gunpoint. (PSI, p.4.) After the robbery, Ms. Spradling left with the men with the hope of getting a ride back to Oklahoma. (PSI, p.4.) The three were apprehended and Ms. Spradling ultimately pled guilty to a charge of conspiracy to commit robbery. (PSI, p.7; R., pp.34-45.) The district court sentenced her to ten years, with five years fixed, and retained jurisdiction. (R., p.53.)

During the period of retained jurisdiction, Ms. Spradling gave birth to her first child, a son, and it changed her life. (PSI, pp.65, 71.) She successfully completed her rider and earned the Department of Correction's recommendation for probation. (PSI, p.65.) The district court accepted the Department's recommendation and in late August 2018, the court suspended Ms. Spradling's prison sentence, and placed her on probation for three years. (R., p.64.) Ms. Spradling's supervision was transferred to the state of Texas, and by all accounts she was doing well: she was taking care of her son, working at McDonald's and making her court-ordered payments, passing her drug tests, and checking in with her probation officer. (R., p.74; 11/19/19 Tr., p.7, L.2 – p.8, L.25.)

Regrettably, in May 2019, Ms. Spradling's life began to fall apart. Her roommate, who also worked with her at McDonalds, was abusing drugs. (11/19/19 Tr., p.7, Ls.16-19.) Ms. Spradling did not want to expose her infant son to that situation, and took him to east

Oklahoma to live with her aunt. (11/19/19 Tr., p.7, Ls.20-25.) Upon her return to Texas, she had a verbal confrontation with her roommate that ultimately cost Ms. Spradling her job. (11/19/19 Tr., p.8, Ls.1-5.) She met with her probation officer on May 22, 2019, and discussed her desire to go to Oklahoma and the need for the proper paperwork. (11/19/19 Tr., p.8, Ls.11-15.) Without obtaining the paperwork, however, Ms. Spradling went to Oklahoma to be with her son for his birthday, in June. (11/19/19 Tr., p.8, Ls.11-15.) While she was there, on June 19, 2019, she was arrested on an outstanding warrant for an unrelated 2016 case. (R., p.86.) Her aunt promptly notified Ms. Spradling's Texas probation officer. (R., pp.89-92.)

In September 2019, the Twin Falls County prosecutor filed its Report of Probation Violation, obtained a nationwide warrant for Ms. Spradling's arrest, and in October 2019, Ms. Spradling was returned to Idaho for probation revocation proceedings. (R., pp.89-92.) At her evidentiary hearing, Ms. Spradling admitted to absconding probation. (11/5/19 Tr., p.11, Ls.20-25.) At her disposition hearing, Ms. Spradling asked for the chance of another rider. (Tr., p.9, Ls.7-9.) The district court rejected her request, reasoning that the "seriousness of her violations" warranted revoking her probation and imposing the original prison sentence. (11/19/19 Tr., p.11, Ls.8-12.) The district court entered an order revoking Ms. Spradling's probation and executing her previously suspended prison sentence. (11/19/19 Tr., p.11, Ls.17-24; R., p.99.)

Ms. Spradling timely appealed. (R., p.109.)

### ISSUE

Did the district court abuse its discretion when it revoked Ms. Spradling's probation?

## ARGUMENT

### The District Court Abused Its Discretion When It Revoked Ms. Spradling's Probation

A trial court's decision to revoke probation is a two-step process. *State v. Garner*, 161 Idaho 708, 710 (2017). The trial court first must find that the probationer violated the terms of probation. *Id.*; I.C.R.33(f). If and after the trial court finds a probation violation occurred, the trial court still has discretion to decide whether to revoke probation or whether to reinstate it. *Garner*, 161 Idaho at 710. 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, 899 P.2d 984, 985 (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). The trial court may consider the defendant's conduct before and during probation. *State v. Roy*, 113 Idaho 388, 392 (Ct. App. 1987).

When the exercise of that discretion is reviewed on appeal, the appellate court engages in a multi-tier inquiry to determine whether the trial court: (1) correctly perceived the issue as one of discretion; (2) acted within the outer 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 the exercise of reason. *State v. Le Veque*, 164 Idaho 110, 114 (2018). In this case, the district court's decision to revoke probation is inconsistent with applicable legal standards and was not reached through the exercise of reason, representing an abuse of discretion under the third and fourth parts of the abuse-of-discretion standard.

Ms. Spradling asserts that her conduct in this case did not justify revoking her probation and sending her to prison. While it is true she went to Oklahoma without first obtaining her

probation officer's permission, she did so out of longing and desperation, overwhelmed by her circumstance and the desire to be with her infant son. (11/19/19 Tr., p.9, Ls.8-14.) That lapse in judgment notwithstanding, Ms. Spradling had worked hard to turn herself around, beginning with her exceptional rider performance. (PSI, pp.58-65.) Ms. Spradling completed all of her classes and received a glowing report from the Department of Correction. (PSI, pp.58-65.) Her final report from the Department summed up her performance:

Ms. Spradling will complete her final programming class on August 17, 2018, and will be ready for transport on August 23, 2018. Ms. Spradling has not been a disciplinary problem during her Rider and has received positive progress notes from her group facilitators. Ms. Spradling was also always respectful in her meetings with me. Ms. Spradling's probation plan to live in Texas with her father and stepmother appears to be a strong plan that will provide her with healthy support for her and her new baby. Ms. Spradling worked extremely hard and completed her GED while at the Pocatello Women's Correctional Center (PWCC). Based on these positive factors, I am recommending that Ms. Spradling be granted probation.

(PSI, p.65.)

Ms. Spradling's probation performance in Texas showed that probation was in fact achieving its goal of rehabilitation. Ms. Spradling had maintained employment, obtained housing, stayed clean, met with her probation officer, and paid her court-ordered financial obligations. (11/19/19 Tr., p.7, Ls.1-24.) She was also taking care of her son and acting in his best interests, even though it broke her heart to leave him in Oklahoma with her aunt. (11/19/19 Tr., p.9, Ls.8-14.) She acknowledged that it was wrong to have gone back to Oklahoma to visit her son without applying for permission through her probation officer. Ms. Spradling regrets her lapse in judgment and she apologized to the district court judge and took full responsibility for

her action. (11/19/19 Tr., p.9, Ls.16-20.) There is no evidence that Ms. Spradling had been committing new crimes or harming anyone.<sup>1</sup>

The district court erroneously reasoned that the “seriousness of her violations” warranted revoking her probation and imposing the original prison sentence. (11/19/19 Tr., p.11, Ls.8-12.) The reasoning of the court failed to take into account Ms. Spradling’s youth and challenging circumstances at the time of her crime.

The district court’s decision-making also failed to recognize that Mr. Spradling was not the same person the court had originally sentenced. Ms. Spradling had since become a mother, and that had changed her life. (PSI, p.71.) Being a parent gave Ms. Spradling a new sense of responsibility and self-respect. (PSI, p.71.) She told the court at her rider review hearing that she had resolved to change her ways, for the sake of her child, and to live a positive, productive, and sober life and to not expose her child to the types of harmful pressures she had endured growing up. (PSI, p.71.) She had been doing just that – working, staying clean, paying her debts, and caring for her son – until the confrontation with her drug-abusing roommate. (11/19/19 Tr., p Tr., p.7, Ls.10-13.) Ms. Spradling demonstrated her resolve and stood up for herself and took her child to a safer place. (11/19/19 Tr., p.7, L.20 – p.9, Ls.9-14.) Ms. Spradling’s return to Oklahoma was not intended to evade supervision, but was the product of her desire to both protect her child and her heartache in leaving him. (11/19/19 Tr., p.9, Ls.11-14.) Ms. Spradling admitted to the district court, “I should have got the proper permit” and “I take full responsibility for my action.” (11/19/19 Tr., p.9, Ls.16-20.)

Given all of these circumstances, the district court’s decision to send Ms. Spradling to prison, rather than grant her another chance on probation and a second rider, was unreasonable

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<sup>1</sup> The outstanding warrant underlying Ms. Spradling’s initial arrest in Oklahoma on July 17, 2019, appears to be for not making payments in a 2016 case. (*See R.*, p.84.)

and represents an abuse of the court's sentencing discretion. The order revoking Ms. Spradling's probation should be vacated.

CONCLUSION

Ms. Spradling respectfully requests that this Court vacate the order revoking probation, and remand her case to the district court with directions that her probation be reinstated, or that she be granted her request for a second rider.

DATED this 13<sup>th</sup> day of July, 2020.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of July, 2020, 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](mailto:ecf@ag.idaho.gov)

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

KAC/eas