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IN THE SUPREME COURT OF THE STATE OF IDAHO

|                        |   |                     |
|------------------------|---|---------------------|
| STATE OF IDAHO,        | ) |                     |
|                        | ) | NO. 47398-2019      |
| Plaintiff-Respondent,  | ) |                     |
|                        | ) | Ada County Case No. |
| v.                     | ) | CR01-18-52928       |
|                        | ) |                     |
| TAYLOR SCOTT STRADLEY, | ) |                     |
|                        | ) | RESPONDENT'S BRIEF  |
| Defendant-Appellant.   | ) |                     |
| _____                  | ) |                     |

Has Stradley failed to show that the district court abused its sentencing discretion when it relinquished jurisdiction over Stradley?

ARGUMENT

Stradley Has Failed To Show That The District Court Abused Its Sentencing Discretion

A. Introduction

When police arrested Taylor Scott Stradley on an outstanding warrant they found methamphetamine, heroin, paraphernalia, and a stolen firearm. (PSI, p. 3.) The state charged Stradley with two felony counts of possession of a controlled substance, a felony grand theft, and

two misdemeanors. (R., pp. 30-31.) Stradley pled guilty to one count of possession of a controlled substance and one count of grand theft pursuant to a plea agreement. (R., p. 32.) The district court imposed sentences of seven years with two years determinate on each count, suspended the sentences, and placed Stradley on probation. (R., pp. 49-53.)

Stradley violated his probation within a few weeks by failing to appear for urinalysis testing, associating with a prohibited person, using controlled substances, and absconding from probation. (R., pp. 56-59, 79.) The district court revoked probation, executed the sentences, and retained jurisdiction. (R., pp. 80-81.)

About two months later, the Idaho Department of Correction recommended that the court relinquish its retained jurisdiction. (PSI, p. 207.) The district court relinquished jurisdiction. (R., pp. 84-85.) Stradley filed a notice of appeal timely from the order relinquishing jurisdiction. (R., pp. 87-89.)

#### B. Standard Of Review

“[W]e review a decision to relinquish jurisdiction for abuse of discretion.” State v. Latneau, 154 Idaho 165, 166, 296 P.3d 371, 372 (2013). In evaluating whether a lower court abused its discretion, the appellate court conducts a four-part inquiry, which asks “whether the 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. Herrera, 164 Idaho 261, 272, 429 P.3d 149, 160 (2018) (citing Lunneborg v. My Fun Life, 163 Idaho 856, 863, 421 P.3d 187, 194 (2018)).

C. Stradley Has Shown No Abuse Of The District Court's Discretion

In deciding to relinquish jurisdiction or grant probation, the district court should consider “all of the circumstances to assess the defendant’s ability to succeed in a less structured environment and to determine the course of action that will further the purposes of rehabilitation, protection of society, deterrence, and retribution.” State v. Statton, 136 Idaho 135, 137, 30 P.3d 290, 292 (2001). A recommendation of probation is “purely advisory and is in no way binding” on the district court. State v. Coassolo, 136 Idaho 138, 143, 30 P.3d 293, 298 (2001). Thus, good performance during the retained jurisdiction program “does not alone create an abuse of discretion in the district judge’s decision not to place the defendant on probation.” Statton, 136 Idaho at 137, 30 P.3d at 292.

Here, rather than a favorable recommendation, the Idaho Department of Correction recommended that the district court relinquish its jurisdiction. (PSI, p. 207.) Stradley arrived at the facility for evaluation on July 16, 2019, accumulated three written warnings for violating rules in about three weeks, engaged in a fight on August 6, 2019, and was removed from programming. (R., pp. 207, 209.) The evaluators concluded that Stradley’s unwillingness to follow rules in a structured environment made it “unlikely that he will adhere to the rules of supervision.” (PSI, p. 210.) The district court saw no “basis to depart” from the relinquishment recommendation. (Tr., p. 13, L. 14 – p. 14, L. 8.) Because Stradley violated the terms of his probation within weeks of being placed on probation, and was engaged in serious disciplinary breaches during his stay within weeks of arriving at the program, the district court did not abuse its discretion in accepting a relinquishment recommendation based on the conclusion that Stradley would not comply with the terms of probation.

On appeal Stradley contends it was an abuse of discretion to relinquish jurisdiction before he started his programming and that “his behavior on his rider did not warrant relinquishment.” (Appellant’s brief, pp. 3-4.) To the contrary, Stradley’s manifest unwillingness or inability to follow rules demonstrated that he was a poor candidate for probation. The district court made no error in assessing Stradley’s ability to succeed in a less structured environment. Stradley has therefore failed to show any abuse of discretion in the decision to relinquish jurisdiction.

CONCLUSION

The state respectfully requests this Court to affirm the judgment of the district court.

DATED this 8th day of October, 2020.

/s/ Kenneth K. Jorgensen  
KENNETH K. JORGENSEN  
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 8th day of October, 2020, served a true and correct copy of the foregoing RESPONDENT’S BRIEF to the attorney listed below by means of iCourt File and Serve:

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/s/ Kenneth K. Jorgensen  
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