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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	No. 47661-2019
Plaintiff-Respondent,)	
)	Twin Falls County Case No.
v.)	CR42-17-10140
)	
AMBER NICOLE SPRADLING,)	
)	RESPONDENT’S BRIEF
Defendant-Appellant.)	
_____)	

Has Spradling failed to show that the district court abused its discretion when it revoked Spradling’s probation and executed her sentence for conspiracy to commit robbery?

ARGUMENT

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

A. Introduction

Amber Nicole Spradling participated in a home-invasion robbery by helping plan the robbery and then acting as the getaway driver. (PSI, p. 4 (citations to the PSI are to the confidential exhibits electronic file).) The state charged Spradling with conspiracy to commit robbery, two

counts of aiding and abetting robbery, aiding and abetting a burglary, and two counts of grand theft. (R., pp. 28-32.) Spradling pled guilty to the conspiracy count as part of a plea agreement. (R., pp. 34-45.) The district court imposed a sentence of ten years with five years determinate (to run concurrent with an out-of-state sentence) and retained jurisdiction. (R., pp. 53-57.) At the conclusion of the retained jurisdiction, the district court placed Spradling on probation. (R., pp. 64-65.)

Within a year of Spradling being placed on probation, the state filed a motion to revoke probation because Spradling had absconded from supervision. (R., pp. 72-76.) Spradling admitted violating her probation. (R., p. 91.) The district court revoked Spradling's probation. (R., pp. 99-100.) Spradling filed a timely appeal. (R., pp. 109-12.)

Spradling argues on appeal that the district court abused its discretion because she absconded "out of longing and desperation, overwhelmed by her circumstance and the desire to be with her infant son," and other than absconding her probation was going great. (Appellant's brief, pp. 4-7 (citing 11/19/19 Tr., p. 9, Ls. 8-14).) Spradling's argument merely mirrors the one she made to the district court, which the district court rejected. Spradling has shown no abuse of discretion.

B. Standard Of Review

"A district court's decision to revoke probation will not be overturned on appeal absent a showing that the court abused its discretion." State v. Sanchez, 149 Idaho 102, 105, 233 P.3d 33, 36 (2009). 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. Spradling Has Shown No Abuse Of The District Court’s Discretion

In determining whether to revoke probation “the trial court must examine whether the probation is achieving the goal of rehabilitation and whether continuation of the probation is consistent with the protection of society.” State v. Chavez, 134 Idaho 308, 312, 1 P.3d 809, 813 (Ct. App. 2000). “A court is not required to explicitly make a finding regarding its discretion if the record clearly shows that the court correctly perceived the issue.” State v. Le Veque, 164 Idaho 110, 114, 426 P.3d 461, 465 (2018).

Spradling conspired to commit robbery by helping plan a home-invasion robbery at gunpoint, and then participated as the getaway driver. (PSI, p. 4.) She and her co-conspirators fled to Wyoming after the robbery. (PSI, pp. 4, 16.) She has a previous felony drug-related conviction out of Oklahoma, was on probation for that offense when she committed the instant offense, and had an arrest warrant out for violating her probation (failure to pay) in Oklahoma. (PSI, pp. 6, 16, 44-48.)

At the time of sentencing she was “six months pregnant with her first child” but did not know who the father was. (PSI, p. 9.) Her father and step-mother, who lived in Abilene, Texas, were available to care for the child. (PSI, pp. 8, 15, 38, 63.) After the retained jurisdiction, Spradling’s probation plan was “to live in Texas with her father and stepmother,” which appeared to the Idaho Department of Correction to “be a strong plan that will provide her with healthy support for her and her new baby.” (PSI, p. 65.)

Accordingly, after being granted probation by the district court, Spradling’s probation was transferred to Texas. (R., p. 74.) She started missing appointments with her probation officer in

June of 2019. (R., p. 75.) On July 22, 2019, the probation officer learned Spradling had been arrested on an outstanding warrant while she was in Oklahoma without permission. (R., p. 75.)

In deciding to revoke probation, the district court considered the “pretty heinous” nature of “intentionally conspiring to hold someone at gunpoint and take something.” (Tr., p. 10, Ls. 6-9.¹) The district court noted that Spradling was the only member of the conspiracy that did not merely serve her sentence. (Tr., p. 10, Ls. 14-20.) The district court then exercised its discretion and imposed the sentence “based upon the information [it had] before [it].” (Tr., p. 10, L. 21 – p. 12, L. 4.) The facts in the record support the district court’s exercise of discretion.

On appeal Spradling argues the district court abused its discretion because revoking her probation was “unreasonable” because she had a good motive (her son) for going to Oklahoma, had an “exceptional rider performance,” and on probation had “maintained employment, obtained housing, stayed clean, met with her probation officer, and paid her court-ordered financial obligations.” (Appellant’s brief, pp. 4-7.) Spradling’s appellate argument relies on her counsel’s representations and argument made at the probation violation disposition hearing. (Appellant’s brief, pp. 4-7 (citing Tr., p. 7, L. 10 – p. 9, L. 14).) Even accepting as true Spradling’s representations that she did well on her rider and for the first few months of her probation, such representations do not show that the district court abused its discretion by revoking probation because Spradling absconded from probation. Even if Spradling was doing well and fulfilling her potential in the months when she was complying with her probation, she stopped doing well and fulfilling her potential once she completely abandoned her probation.

Moreover, her representations should not be taken at face value. Spradling’s counsel represented that Spradling absconded probation and went to Oklahoma in order to remove her

¹ All citations are to the 11/19/19 disposition hearing transcript.

child from a bad situation because her roommate started using drugs. (Tr., p. 7, L. 10 – p. 8, L. 22.) As the district court found, however, Spradling had options other than absconding to Oklahoma to deal with that situation. (Tr., p. 9, L. 25 – p. 10, L. 4; p. 11, Ls. 4-9.) Indeed, the record is replete with evidence that Spradling had resources in Texas, including her probation officer and her father and step-mother, who were available to help her care for the child. (See PSI, pp. 38, 65.)

Spradling also contends the district court erred by considering the seriousness of her crime. (Appellant’s brief, p. 6.) She cites no authority for this claim. (Appellant’s brief, p. 6.) The Court “will not address the merits of [an] argument” unsupported by authority. State v. Salinas, 134 Idaho 362, 366, 2 P.3d 747, 751 (Ct. App. 2000). If the Court does address this argument it is meritless. “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. Morgan, 153 Idaho 618, 622, 288 P.3d 835, 839 (Ct. App. 2012). Certainly society needs more protection from probationers who conspire to commit home invasion robberies than from probationers who commit less heinous crimes.

Spradling’s argument that she was complying with probation, other than abandoning it completely, does not show an abuse of discretion. The district court properly rejected Spradling’s claims of mitigation factors and considered the heinous nature of Spradling’s crime when it revoked probation. Spradling has failed to show any abuse of discretion.

CONCLUSION

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

DATED this 28th day of September, 2020.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 28th day of September, 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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