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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 47733-2020
Plaintiff-Respondent,)	
)	ADA COUNTY NO. CR01-18-7950
v.)	
)	
JENNIFER LEIGH SAMPLES,)	APPELLANT’S BRIEF
)	
Defendant-Appellant.)	
_____)	

STATEMENT OF THE CASE

Nature of the Case

A jury found Jennifer Samples guilty of possession of methamphetamine and the district court sentenced her to a unified term of five years, with two years fixed, and retained jurisdiction.¹ Ms. Samples asserts that the district court abused its discretion by imposing an excessive sentence.

¹ Records available via iCourt reveal that Ms. Samples successfully completed her rider and is now on probation.

Statement of the Facts & Course of Proceedings

The State charged Ms. Samples with felony possession of methamphetamine, misdemeanor possession of marijuana, and misdemeanor possession of drug paraphernalia. (R., pp.52-53.) Ms. Samples exercised her right to a jury trial, and the jury found her guilty.² (R., pp.81-93, 112-13.) During the sentencing hearing, the State asked the court to impose a unified term of five years, with two years fixed, and to retain jurisdiction (Tr. 12/6/19, p.203, Ls.18-20), while Ms. Samples asked the court to place her on probation (Tr. 12/6/19, p.208, Ls.11-14). The district court agreed to follow the State's recommendation and sentenced Ms. Samples on her possession of methamphetamine conviction to a unified term of five years, with two years fixed, and retained jurisdiction.³ (R., pp.127-30; Tr. 12/6/19, p.212, Ls.3-23.) Ms. Samples filed a timely Notice of Appeal. (R., pp.131-33.)

ISSUE

Did the district court abuse its discretion by imposing an excessive sentence, in light of the mitigating factors that exist in this case?

ARGUMENT

The District Court Abused Its Discretion By Imposing An Excessive Sentence, In Light Of The Mitigating Factors That Exist In This Case

Mr. Samples asserts that, given any view of the facts, her underlying sentence of five years, with two years fixed, is excessive. Where a defendant contends that the sentencing court imposed an excessively harsh sentence, the appellate court will conduct an independent review

² Ms. Samples admitted that she knowingly possessed the marijuana and the paraphernalia; however, she denied knowingly possessing the methamphetamine, which was discovered in the pocket of the jacket she was wearing when she was searched at the jail. (PSI, pp.3-4.)

³ The district court sentenced Ms. Samples to credit for time served for her possession of marijuana and possession of paraphernalia convictions. (R., pp.127-30.) Ms. Samples does not challenge her convictions or sentences on these misdemeanor charges in this appeal.

of the record considering the nature of the offense, the character of the offender, and the protection of the public interest. The governing criteria or objectives of criminal punishment are: (1) protection of society; (2) deterrence of the individual and the public generally; (3) the possibility of rehabilitation; and (4) punishment or retribution for wrongdoing.

Ms. Samples endured sexual abuse at the hands of her father when she was a child. (PSI, p.9.) As a result, she has suffered from mental health and substance abuse issues for the majority of her adult life. Prior to her preliminary hearing, Ms. Samples' mental health issues were so concerning that she underwent an I.C. § 18-211 evaluation to determine whether she was competent to proceed. (R., pp.37-38.) Prior to sentencing, Ms. Samples participated in an I.C. § 19-2522 forensic mental health evaluation. (R., pp.117-18.) The evaluator, Dr. Melinda Jorgensen, Ph.D., diagnosed Ms. Samples with major depressive disorder, post-traumatic stress disorder, anxiety disorder, and panic disorder, as well as stimulant use disorder, cannabis dependence, and alcohol abuse disorder. (Augmentation, pp.4-14.)⁴

All is not lost for Ms. Samples, however, as she has made great strides towards dealing with her issues and improving her life. Ms. Samples was on misdemeanor probation pending her sentencing in this case, and her probation officer provided a statement noting that Ms. Samples had "been testing negative," presumably for alcohol and controlled substances. (PSI, p.8.) Ms. Samples informed the PSI writer that marijuana had been her drug of choice, and she was willing to participate in treatment. (PSI, pp.12-13.) She also has support from friends in the community. Her friends, Steven Rudebusch and Edward Goldberg, each wrote letters in support of Ms. Samples, describing her as a "wonderful, nurturing mother," and someone who has been

⁴ The Idaho Supreme Court granted Ms. Samples' motion to augment the record with Dr. Jorgensen's forensic mental health evaluation. *See* Order Granting Motion to Augment and Motion to Suspend the Briefing Schedule (Sept. 29, 2020).

there for her friends during difficult times. (PSI, pp.37-38.) During her sentencing hearing, Ms. Samples told the district court that she realizes she cannot blame all of her problems on her past, and she was learning how to heal, grow, and move forward in her life, and stated, “I have every intention of doing my best.” (Tr. 12/6/19, p.209, L.6 – p.211, L.24.)

Idaho courts recognize that mental health and substance abuse issues, coupled with the desire to participate in treatment, in addition to the support of friends, are all mitigating factors that should counsel a court to impose a less-severe sentence. *See Hollon v. State*, 132 Idaho 573 (1999); *State v. Nice*, 103 Idaho 89 (1982); *State v. Shideler*, 103 Idaho 593 (1982); *State v. James*, 112 Idaho 239 (Ct. App. 1986). In light of the mitigating factors that exist in this case, Ms. Samples asserts that the district court abused its discretion by imposing an excessive sentence.

CONCLUSION

Ms. Samples respectfully requests that this Court reduce her sentence as it deems appropriate.

DATED this 20th day of November, 2020.

/s/ Jason C. Pintler
JASON C. PINTLER
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2020, I caused a true and correct copy of the foregoing APPELLANT'S BRIEF to be served as follows:

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

JCP/eas