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### State v. Beedles Appellant's Brief Dckt. 48078

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	NOS. 48078-2020, 48079-2020 &
	)	48080-2020
	)	
v.	)	KOOTENAI COUNTY NOS.
	)	CR-2012-575, CR-2013-2256 &
	)	CR-2014-20595
DARRELL LAVERNE BEEDLES,	)	
	)	APPELLANT’S BRIEF
Defendant-Appellant.	)	
	)	

STATEMENT OF THE CASE

Nature of the Case

Darrell Beedles was on probation in each of three now-consolidated cases. The State filed a motion to revoke probation in each case. Following an entry of admissions to probation violations, the district court revoked his probation and executed the underlying sentences in each of his cases. Subsequently, the district court denied motions for sentence reductions in each case. Mr. Beedles appeals, and he argues the district court abused its discretion by denying his motions for sentence reductions.

## Statement of Facts and Course of Proceedings

In January 2012, a criminal complaint was filed alleging that Mr. Beedles committed the crime of failing to register as a sex offender. (No. 48078 R., pp.23-25.) Mr. Beedles pled guilty to this offense. (No. 48078 R., pp.53-56.) Mr. Beedles was sentenced to ten years, all fixed, and placed on probation. (No. 48078 R., pp.64-72.)

In February 2013, another criminal complaint was filed alleging that Mr. Beedles failed to register as a sex offender and requesting a sentencing enhancement based on Mr. Beedles being a habitual offender. (No. 48079 R., pp.21-22). Shortly thereafter, a motion to show cause why probation should not be revoked was filed against Mr. Beedles in the 2012 case. (No. 48078 R., pp.79-85.) Mr. Beedles subsequently pled guilty to an amended charge of providing false information to the sex offender registry in the 2013 case and admitted to violating his probation in the 2012 case. (No. 48078 R., pp.91-93; No. 48079 R., pp.57-59.) In the 2013 case, Mr. Beedles was sentenced to ten years, with none fixed, and the district court retained jurisdiction (a “rider”).<sup>1</sup> (No. 48079 R., pp.60-64.) In the 2012 case, the district court revoked Mr. Beedles’s probation and executed his sentence, but the district court retained jurisdiction. (No. 48078 R., pp.96-99.) Mr. Beedles was released onto probation in both cases after he successfully completed his rider. (No. 48078 R., pp.103-07; No. 48079 R., pp.65-69.)

In February 2014, an amended motion to show cause why probation should not be revoked was filed in the 2012 and 2013 cases.<sup>2</sup> (No. 48078 R., pp.114-15.) After entering admissions to the alleged probation violations in both cases, Mr. Beedles’s probation was

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<sup>1</sup> The sentence from the 2013 case was ordered to run consecutively to the sentence from the 2012 case. (No. 48079 R., p.62.)

<sup>2</sup> This motion states that the probation violations were to be outlined in an attached report of violation. (No. 48078 R., p.114) However, no corresponding report of violation is present in the clerk’s record for the 2012 or 2013 cases.

revoked in both cases, and the district court ordered a second rider for each case. (No. 48078 R., pp.117-20; No. 48079 R., pp.84-86.) Mr. Beedles was subsequently released back onto probation in both cases after successfully completing his rider. (No. 48078 R., pp.126-31.)

In October 2014, a motion to show cause why probation should not be revoked, which alleged that Mr. Beedles had absconded from supervision, was filed in both the 2012 and 2013 cases. (No. 48078 R., pp.132-35.) In November 2014, another criminal complaint was filed alleging that Mr. Beedles failed to notify authorities of an address change while having a lawful duty to register as a sex offender. (No. 48080 R., pp.16-18.) Mr. Beedles subsequently pled guilty to an amended charge of providing false information to the sex offender registry in the 2014 case, and he entered admissions to the alleged probation violations in the 2012 and 2013 cases. (No. 48078 R., pp.139-40; No. 48079 R., pp.90-91; No. 48080 R., pp.40-42, 44-45.) In the 2014 case, Mr. Beedles was sentenced to ten years, with two years fixed, and the district court retained jurisdiction.<sup>3</sup> (No. 48080 R., pp.46-49.) In the 2012 and 2013 cases, the district court revoked Mr. Beedles probation and ordered a third rider. (No. 48078 R., pp.143-46; No. 48079 R., pp.92-95.) Mr. Beedles was subsequently released onto probation in each case after successfully completing a rider. (No. 48078 R., pp.149-53; No. 48079 R., pp.132-46; No. 48080 R., pp.91-105.)

In July 2016, an affidavit alleging that Mr. Beedles had violated his probation by using methamphetamine was filed in each case. (No. 48078 R., p.154; No. 48079 R., p.106; No. 48080 R., p.63.) After entering admissions to the alleged violations, Mr. Beedles's probation was revoked in each case and the district court ordered a fourth rider. (No. 48078 R., pp.167-72; No. 48079 R., pp.118-23; No. 48080 R., pp.76-78.) The district court subsequently released

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<sup>3</sup> The sentence from the 2014 case was ordered to run consecutively to the sentences from the 2012 and 2013 cases. (No. 48080 R., p.47.)

Mr. Beedles onto probation in each case after he successfully completed this rider. (No. 48078 R., pp.175-79; No. 48079 R., pp.126-30; No. 48080 R., pp.82-86.)

In November 2018, a motion for probation violation was filed in each case. (No. 48078 R., pp.184-98; No. 48079 R., pp.132-46; No. 48080 R., pp.91-105.) After entering admissions to the alleged violations, Mr. Beedles's probation was revoked in each case and the district court ordered a fifth rider. (No. 48078 R., pp.208-16; No. 48079 R., pp.158-66; No. 48080 R., pp.115-23.) After successfully completing this rider, Mr. Beedles was released onto probation in each case. (No. 48078 R., pp.222-26; No. 48079 R., pp.172-76; No. 48080 R., pp.129-33.)

In December 2019, a progress report was filed in each case alleging that Mr. Beedles had failed to provide substance tests on multiple occasions, admitted to consuming alcohol, admitted to using methamphetamine, failed to continuously reside at his approved residence, and stayed out past curfew. (No. 48078 PSI,<sup>4</sup> pp.180-99; No. 48079 PSI,<sup>5</sup> pp.132-51; No. 48080 PSI,<sup>6</sup> pp.121-40.) In January 2020, a special progress report was filed alleging that Mr. Beedles had failed to report for multiple random drug tests and for treatment since the previous progress report. (No. 48078 PSI, pp.200-04; No. 48079 PSI, pp.152-56; No. 48080 PSI, pp.141-45.) The district court set an order to show cause hearing based on the allegations in the progress report. (No. 48078 R., pp.229-30; No. 48079 R., pp.179-80; No. 48080 R., pp.135-36.) Mr. Beedles

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<sup>4</sup> Citations to "No. 48078 PSI" refer to the 205-page electronic document submitted with the confidential materials, titled "Confidential Documents Appeal Volume 1 7-17-2020 15.23.7 38014207 FF3C8412-CF85-4E50-8519-D017C94EFF93."

<sup>5</sup> Citations to "No. 48079 PSI" refer to the 157-page electronic document submitted with the confidential materials, titled "Confidential Documents Appeal Volume 1 7-22-2020 15.07.2 38014666 AD86FB30-CF30-4223-863A-80FF2AA47269."

<sup>6</sup> Citations to "No. 48080 PSI" refer to the 146-page electronic document submitted with the confidential materials, titled "Confidential Documents Appeal Volume 1 7-17-2020 15.41.11 38020058 912930FB-7F78-456D-89C5-BA73C26DA1BD."

entered admissions to all of the allegations contained in both progress reports. (Tr.,<sup>7</sup> p.5, L.24—p.6, L.14.)

At the disposition hearing, the State recommended that the district court revoke Mr. Beedles's probation and execute the underlying sentences. (Tr., p.7, Ls.9-15.) Mr. Beedles's defense counsel requested that the district court release Mr. Beedles back onto probation. (Tr., p.8, Ls.17-19.) Alternatively, Mr. Beedles's defense counsel requested that the fixed portion of Mr. Beedles sentence be reduced if his sentences were to be executed. (Tr., p.11, Ls.1-8.) The district court revoked Mr. Beedles's probation in each case and executed the underlying sentences. (No. 48078 R., pp.233-36; No. 48079 R., pp.183-86; No. 48080 R., pp.139-42; Tr., p.12, L.13—p.13, L.2.) However, the district court reduced the sentence in the 2012 case to ten years, with seven years fixed. (No. 48078 R., pp.233-36; Tr., p.12, Ls.15-20.)

A timely motion to reduce sentence pursuant to Idaho Criminal Rule 35 was filed in each case. (No. 48078 R., pp.237-39; No. 48079 R., pp.187-89; No. 48080 R., pp.143-45.) At a hearing on those motions, Mr. Beedles's defense counsel requested that the district court either place Mr. Beedles back onto probation or reduce his sentence. (Tr., p.22, Ls.1-4.) The district court denied Mr. Beedles's motions to reduce his sentences. (No. 48078 R., p.253; No. 48079 R., p.203; No. 48080 R., p.154; Tr., p.23, L.21—p.24, L.13.) Mr. Beedles filed notices of appeal in each case, timely only from the district court's denial of his motions to reduce his sentences. (No. 48078 R., pp.248-52; No. 48079 R., pp.198-202; Aug. R., pp.1-4.)

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<sup>7</sup> The transcript prepared in each case is identical to the transcripts in the other cases, so citations to the transcript will refer to any of the transcripts.

## ISSUE

Did the district court abuse its discretion when it denied Mr. Beedles's motions to reduce his sentence pursuant to Rule 35(b) in each case?

## ARGUMENT

### The District Court Abused Its Discretion When It Denied Mr. Beedles's Rule 35 Motions To Reduce His Sentences

"A Rule 35 motion for reduction of sentence is essentially a plea for leniency, addressed to the sound discretion of the court." *State v. Carter*, 157 Idaho 900, 903 (Ct. App. 2014) (citing *State v. Knighton*, 143 Idaho 318, 319 (2006)). "If the sentence was not excessive when pronounced, the defendant must later show that it is excessive in view of new or additional information presented with the motion for reduction." *Id.* "In conducting our review of the grant or denial of a Rule 35 motion, we consider the entire record and apply the same criteria used for determining the reasonableness of the original sentence." *Id.*

"If a sentence is within the statutory limits, a motion for reduction of sentence under Rule 35 is a plea for leniency, and we review the denial of the motion for an abuse of discretion." *State v. Huffman*, 144 Idaho 201, 203 (2007).

When this Court reviews an alleged abuse of discretion by a trial court the sequence of inquiry requires consideration of *four* essentials. 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.

*Lunneborg v. My Fun Life*, 163 Idaho 856, 863 (2018). The Court "conduct[s] an independent review of the record, having regard for the nature of the offense, the character of the offender and the protection of the public interest." *State v. Burdett*, 134 Idaho 271, 276 (Ct. App. 2000). "Where an appeal is taken from an order refusing to reduce a sentence under Rule 35," the Court's scope of review "includes all information submitted at the original sentencing hearing

and at the subsequent hearing held on the motion to reduce.” *State v. Araiza*, 109 Idaho 188, 189 (Ct. App. 1985).

In this case, Mr. Beedles asserts the district court did not exercise reason, and therefore abused its discretion, by denying his motions to reduce his sentences.<sup>8</sup> Prior to having his probation revoked, Mr. Beedles had attended group sessions and obtained a mental health evaluation. (No. 48078 PSI, p.201.) When Mr. Beedles attended his drug testing after November 14, 2020, he consistently tested negative.<sup>9</sup> (No. 48078 PSI, pp.191-95, 203-04.)

At the hearing on the motions to reduce sentence, Mr. Beedles informed the district court that since the disposition hearing he had engaged in daily Bible study, attended a digital literacy program, worked in the kitchen at his facility, and participated in a dog training program. (Tr., p.18, L.14—p.19, L.23.) Mr. Beedles also testified that he had not had any disciplinary issues since the disposition hearing. (Tr., p.19, L.24—p.20, L.1.) Mr. Beedles told the district court that he was looking into enrolling into a drug and alcohol program if he was released back onto probation. (Tr., p.20, L.2—p.21, L.2.) Mr. Beedles asked the district court to place him back onto probation in each case. (Tr., p.20, Ls.11-13.) Mr. Beedles’s defense counsel requested that Mr. Beedles either be released onto probation or that the district court reduce the fixed portion of his sentences. (Tr., p.22, Ls.1-23.)

In sum, Mr. Beedles maintains the district court did not exercise reason in denying his motions to reduce sentence. Proper consideration of the new information presented supported a sentence reduction.

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<sup>8</sup> This brief is filed mindful of the fact that Mr. Beedles previously requested, and was granted, a reduction of sentence in the 2012 case. Mr. Beedles acknowledges that his request for a second reduction of his sentence in the 2012 case was impermissible under I.C.R. 35(b).

<sup>9</sup> After Mr. Beedles’s positive test result on November 14, 2019, Mr. Beedles tested negative on sixteen administered drug tests. However, Mr. Beedles also did not show up for thirteen required drug tests during that period of time. (No. 48078 PSI, pp.191-95, 203-04.)



CONCLUSION

Mr. Beedles respectfully requests that this Court reduce his sentence or remand this case to the district court as it deems appropriate.

DATED this 22<sup>nd</sup> day of September, 2020.

/s/ Jacob L. Westerfield  
JACOB L. WESTERFIELD  
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of September, 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

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

JLW/eas