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Electronically Filed
11/4/2020 9:40 AM
Idaho Supreme Court
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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	NO. 48096-2020
	)	
v.	)	ADA COUNTY NO. CR01-18-11101
	)	
JUSTIN MILO BEESON,	)	
	)	APPELLANT'S BRIEF
Defendant-Appellant.	)	
______________________________	)	

STATEMENT OF THE CASE

Nature of the Case

After Justin Beeson pled guilty to battery of a correctional employee, the district court sentenced him to two years fixed. Mr. Beeson appealed. Mindful of the mootness doctrine, Mr. Beeson nonetheless argues the district court abused its discretion by imposing an excessive sentence.

Statement of Facts and Course of Proceedings

In March 2018, the State filed a criminal complaint alleging Mr. Beeson committed the crimes of first-degree kidnapping and battery on a correctional employee. (R., pp.11–12.) According to the presentence investigation report (PSI), Mr. Beeson attacked a teacher at the

prison and tried to take her hostage in a classroom. (PSI,[1] pp.236–39.) Another inmate intervened, and the teacher escaped. (PSI, pp.236–28.) Mr. Beeson locked himself in the classroom for about seven hours. (PSI, p.239.) Mr. Beeson said that he did not intend to hurt anyone, and he wanted an "impartial witness" while he got the attention of the media and the government to discuss his prior conviction. (PSI, pp.237–38, 239–40.) Mr. Beeson has been incarcerated with an indeterminate life sentence since 1986, when he was just ██████ ██ for first-degree murder. (PSI, p.240 (he was also sentenced for grand theft, but satisfied that sentence in 1996).) After the parole board passed him to his full-term release date in 2016, Mr. Beeson lost all hope. (PSI, p.240.) He has repeatedly maintained his sentence is illegal because, among other reasons, it is a de facto life sentence without the possibility of parole upon a juvenile offender. (PSI, pp.426–32.)

In August 2018, Mr. Beeson waived a preliminary hearing for these new offenses, and the magistrate judge bound him over to district court. (R., pp.82, 83–84.) The State filed an information charging Mr. Beeson with kidnapping and battery. (R., pp.85–86.)

In March 2019, pursuant to a plea agreement with the State, Mr. Beeson pled guilty to battery on a correctional employee. (R., pp.97, 107–08; Tr. Vol. I,[2] p.12, L.3–p.16, L.3.) The State agreed to dismiss the other charge. (Tr. Vol. I, p.5, Ls.14–15; R., p.111 (dismissal).) The parties left the sentencing recommendations open. (Tr. Vol. I, p.5, Ls.15–16.)

In May 2019, the district court held a sentencing hearing. (R., p.109.) The State recommended the maximum sentence of five years fixed, to be served consecutive to

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[1] Citations to the PSI refer to the 577-page electronic document with the confidential exhibits.

[2] There are two transcripts on appeal in one electronic document. Each will be cited with reference to its internal pagination. The first transcript, cited as Volume I, contains the entry of plea hearing, held on March 29, 2019 (pages one to seven of overall document). The second transcript, cited as Volume II, contains the sentencing hearing, held on (pages eight to twenty-six of overall document).

Mr. Beeson's life sentence. (Tr. Vol. II, p.15, Ls.11–13.) Mr. Beeson requested the district court to sentence him to one year indeterminate. (Tr. Vol. II, p.24, Ls.12–14.) The district court sentenced Mr. Beeson to two years fixed, to be served consecutive to his life sentence. (Tr. Vol. II, p.59, Ls.12-14.) The district court gave Mr. Beeson 436 days of credit for time served. (R., p.112.) In June 2020, Mr. Beeson timely appealed from the district court's superseding judgment of conviction.[3] (R., pp.124-26, 129–30.)

ISSUE

Did the district court abuse its discretion by imposing an excessive sentence of two years fixed upon Mr. Beeson for battery on a correctional employee?

ARGUMENT

The District Court Abused Its Discretion By Imposing An Excessive Sentence Of Two Years Fixed Upon Mr. Beeson For Battery On A Correctional Employee

"It is well-established that '[w]here a sentence is within statutory limits, an appellant has the burden of showing a clear abuse of discretion on the part of the court imposing the sentence.'" *State v. Pierce*, 150 Idaho 1, 5 (2010) (quoting *State v. Jackson*, 130 Idaho 293, 294 (1997) (alteration in original)). Here, Mr. Beeson's sentence does not exceed the statutory maximum. *See* I.C. § 18-915(2)(b) (mandatory consecutive sentence, five-year maximum). Accordingly, to show the sentence imposed was unreasonable, Mr. Beeson "must show that the sentence, in light of the governing criteria, is excessive under any reasonable view of the facts." *State v. Strand*, 137 Idaho 457, 460 (2002).

[3] Mr. Beeson regained his right to appeal upon a partial grant of his petition for post-conviction relief, and a separate appeal pertains to the denial of his other claims in his post-conviction case. *See Beeson v. State*, No. 48158-2020.

"'Reasonableness' of a sentence implies that a term of confinement should be tailored to the purpose for which the sentence is imposed." *State v. Adamcik*, 152 Idaho 445, 483 (2012) (quoting *State v. Stevens*, 146 Idaho 139, 148 (2008)).

> In examining the reasonableness of a sentence, the Court conducts an independent review of the entire record available to the trial court at sentencing, focusing on the objectives of criminal punishment: (1) protection of society; (2) deterrence of the individual and the public; (3) possibility of rehabilitation; and (4) punishment or retribution for wrongdoing.

Stevens, 146 Idaho at 148. "A sentence is reasonable if it appears necessary to accomplish the primary objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation, or retribution." *State v. Delling*, 152 Idaho 122, 132 (2011).

"A case becomes moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome. A case is moot if it presents no justiciable controversy and a judicial determination will have no practical effect upon the outcome." *State v. Manzanares*, 152 Idaho 410, 419 (2012) (citation omitted). Here, Mr. Beeson has already served his two-year fixed sentence for battery. *See* IDOC Offender Search Details, https://www.idoc.idaho.gov/content/prisons/offender_search/detail/24671?last_page=. As such, Mr. Beeson acknowledges any challenge to his sentence on direct appeal is moot. Nonetheless, he argues the district court did not exercise reason and thus abused its discretion by imposing an excessive sentence under any reasonable view of the facts. He contends the district court should have sentenced him to one year indeterminate in light of the mitigating factors in this case.

At the sentencing hearing, Mr. Beeson discussed his experience as a [redacted] charged with murder and his incarceration in an adult facility. (Tr. Vol. II, p.25, L.15–p.56, L.8.) He admitted that he received many disciplinary sanctions at the start of his incarceration, but he explained that he acted out because he was young, scared, and abused by staff and other inmates.

(Tr. Vol. II, p.26, L.21–p.28, L.23.) About two years into his incarceration, Mr. Beeson had a wake-up call and turned his life around. (Tr. Vol. II, p.28, L.24–p.29, L.21.) He got his GED, went to community college, participated in all available programs, obtained dozens of certificates, and worked as a teacher. (Tr. Vol. II, p.29, L.22–p.35, L.11; *see also* PSI, p.241, pp.467–527 (Mr. Beeson's resume, employment history, and certificates).)

In 2016, however, things started to go downhill. Once the parole board decided Mr. Beeson would serve his full term of life, he felt like "all the hope was gone," and he "started throwing away 30 years of rehabilitation." (Tr. Vol. II, p.51, Ls.9–10; *see also* Tr. Vol. II, p.42, L.10–p.51, L.12.) Mr. Beeson began using methamphetamine and drinking alcohol to cope. (Tr. Vol. II, p.50, Ls.16–23; PSI, p.241.) In fact, Mr. Beeson was under the influence of drugs when he committed the offense. (PSI, p.239.) He had been using drugs for about six months. (PSI, p.241.)

On the day of the offense, Mr. Beeson explained that he felt like "something has to change" and he had to talk to "somebody who knows how to help me." (Tr. Vol. II, p.51, Ls.16–22.) Looking back on his decisions, he felt great remorse and "heartbreak" for everyone involved, especially the teacher. (Tr. Vol. II, p.52, Ls.5–19.) He explained:

> All I can do is sincerely apologize for anything, the pain and the suffering and mental anguish that I know I caused. All I wanted to do is just have a witness. My thought at that second was I needed a witness in my room because I knew that no matter what, they were going to kill me. The administration, the SWAT teams, you know, they were going to kill me no matter and so it didn't matter because as long as I had one person to hear what was said because the idea was that I could have a witness before I got killed or after I got killed, somebody would be able to say: This is what really happened.

(Tr. Vol. II, p.52, L.19–p.53, L.4.) He recognized that he was not thinking and "literally didn't care if" he "got killed or not." (Tr. Vol. II, p.54, L.12, p.51, Ls.13–22.) After about seven hours locked in the classroom, Mr. Beeson realized everything that he had thrown away by his decision

to commit the offense. (Tr. Vol. II, p.54, L.17–p.55, L.1.) He stated that "a few months ago" he started "caring about life again" and the ACLU was reviewing his original case. (Tr. Vol. II, p.55, Ls.5–15.)

As shown above, there were multiple mitigating factors in this case to support a lesser sentence of one year indeterminate. Mr. Beeson accepted responsibility for his actions and expressed remorse for any harm to the victim. *See State v. Shideler*, 103 Idaho 593, 595 (1982) (acceptance of responsibility, remorse, and regret as mitigators). He was under the influence of drugs at the time of the offense, and he had been using drugs for some time. *State v. Osborn*, 102 Idaho 405, 414 n.5 (1981) (The impact of substance abuse on the defendant's criminal conduct is "a proper consideration in mitigation of punishment upon sentencing."). In addition, Mr. Beeson had many pro-social aspects to his life in prison: he worked, continued his education, and helped other inmates. *See State v. Mitchell*, 77 Idaho 115, 118 (1955) (recognizing gainful employment as a mitigating factor); *see also Shideler*, 103 Idaho at 594–95 (employment and desire to advance within company were mitigating circumstances). He had many accomplishments despite his incarceration in an adult facility at such a young age. Mindful of the mootness doctrine, Mr. Beeson contends proper consideration of the mitigating factors warranted a more lenient sentence. He therefore submits the district court did not exercise reason and thus abused its discretion by imposing an excessive sentence.

CONCLUSION

Mr. Beeson respectfully requests this Court reduce his sentence as it deems appropriate. In the alternative, he respectfully requests this Court vacate his judgment of conviction and remand this case to the district court for a new sentencing hearing.

DATED this 4th day of November, 2020.

/s/ Jenny C. Swinford
JENNY C. SWINFORD
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November, 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

JCS/eas