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### State v. Alldrin Appellant's Brief Dckt. 47347

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	NO. 47347-2019
Plaintiff-Respondent,	)	
	)	CLEARWATER COUNTY NO. CR-2016-868
v.	)	
	)	
DANIEL ROBERT ALLDRIN,	)	APPELLANT’S BRIEF
	)	
Defendant-Appellant.	)	
_____	)	

STATEMENT OF THE CASE

Nature of the Case

After Daniel Alldrin pled guilty to second-degree murder, the district court sentenced him to life imprisonment, with the first ten years fixed. Mr. Alldrin appeals. Mindful that he received the sentence that he requested, he nonetheless argues the district court abused its discretion by imposing an excessive sentence.

Statement of Facts and Course of Proceedings

In 2016, the State filed a criminal complaint alleging Mr. Alldrin committed first-degree murder of his infant daughter. (R., pp.129–30; *see* R., pp.119–123.) Mr. Alldrin waived a

preliminary hearing, and the magistrate judge bound him over to district court. (R., pp.138–39, 142–42.) The State charged Mr. Alldrin by information with first-degree murder. (R., p.141.)

In late 2018, Mr. Alldrin went to trial, and the district court declared a mistrial after a hung jury. (R., pp.1140–41, 1149; *see also* R., pp.29–30 (register of actions).) Upon the parties’ stipulation, the district court ordered mediation. (R., pp.1244, 1250.)

In May 2019, pursuant to a plea agreement, Mr. Alldrin entered an *Alford*<sup>1</sup> plea to an amended charge of second-degree murder. (R., pp.1256, 1257, 1258–61, 1264–68; Tr., p.12, L.9–p.13, L.6, p.38, L.20–p.40, L.7) The State and Mr. Alldrin agreed to a joint sentencing recommendation of life, with ten years fixed. (R., p.1265.)

In July 2019, the district court held a sentencing hearing. (R., pp.1274–76.) The district court followed the agreement and sentenced Mr. Alldrin to life, with ten years fixed. (R., p.1275.) Mr. Alldrin timely appealed from the district court’s judgment of conviction. (R., pp.1271–72, 1282–85.)

### ISSUE

Did the district court abuse its discretion when it imposed a unified sentence of life, with ten years fixed, upon Mr. Alldrin for second-degree murder?

### ARGUMENT

#### The District Court Abused Its Discretion When It Imposed A Unified Sentence Of Life, With Ten Years Fixed, Upon Mr. Alldrin For Second-Degree Murder

“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

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<sup>1</sup> *North Carolina v. Alford*, 400 U.S. 25 (1970).

(1997) (alteration in original)). Here, Mr. Alldrin’s sentence does not exceed the statutory maximum. *See* I.C. § 18-4004 (maximum of life, minimum of ten years). Accordingly, to show the sentence imposed was unreasonable, Mr. Alldrin “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).

“‘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).

Mindful of the invited error doctrine, Mr. Alldrin maintains the district court abused its discretion by imposing an excessive sentence under any reasonable view of the facts. Mr. Alldrin and the State both requested the district court follow the sentence in the plea agreement of life, with ten years fixed. (Tr., p.55, Ls.24–25, p.59, Ls.13–14.) The district court imposed this sentence. (Tr., p.71, L.20–p.72, L.9.) “It has long been the law in Idaho that one may not successfully complain of errors one has acquiesced in or invited. Errors consented to, acquiesced in, or invited are not reversible.” *State v. Abdullah*, 158 Idaho 386, 420–21 (2015). Although Mr. Alldrin received the sentence that he requested, he submits the district court should have sentenced him to a lesser term of imprisonment in light of the mitigating factors. For example,

Mr. Alldrin was relatively young, [REDACTED], at the time of the alleged offense, and this was his first serious violent offense. (Presentence Investigation Report (PSI),<sup>2</sup> pp.1, 7–11.) Mr. Alldrin had a normal, stable childhood and supportive parents and siblings. (PSI, pp.12–13.) Unfortunately, at [REDACTED] Mr. Alldrin tried methamphetamine and quickly became addicted. (PSI, p.17.) At the time of the offense, Mr. Alldrin had been using methamphetamine intravenously every day for five or six years, with a few short-lived periods of sobriety. (PSI, pp.17, 27.) Now sober, he recognized that his substance abuse greatly contributed to his criminal behavior and his goal was to stay sober. (PSI, p.18.) He also hoped to further his education, strengthen his spiritual beliefs, and be a part of his son’s life. (PSI, p.18.) These mitigating factors support a lesser sentence. Therefore, while mindful of the invited error doctrine, Mr. Alldrin submits the district court abused its discretion by imposing an excessive sentence of life, with ten years fixed, for second-degree murder.

#### CONCLUSION

Mr. Alldrin respectfully requests that this Court reduce his sentence as it deems appropriate. Alternatively, he respectfully requests that the Court vacate the district court’s judgment of conviction and remand this case for a new sentencing hearing.

DATED this 4<sup>th</sup> day of February, 2021.

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

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<sup>2</sup> Citations to the PSI refer to the 241-page electronic document that contains part one of the confidential exhibits, titled “Daniel Alldrin - Appeal Confidential Exhibits Volume 1 of 2.”

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4<sup>th</sup> day of February, 2021, 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