

Uldaho Law

Digital Commons @ Uldaho Law

Not Reported

Idaho Supreme Court Records & Briefs

3-3-2021

State v. James Respondent's Brief Dckt. 47719

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/not_reported

Recommended Citation

"State v. James Respondent's Brief Dckt. 47719" (2021). *Not Reported*. 6829.
https://digitalcommons.law.uidaho.edu/not_reported/6829

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ Uldaho Law. It has been accepted for inclusion in Not Reported by an authorized administrator of Digital Commons @ Uldaho Law. For more information, please contact annablaine@uidaho.edu.

LAWRENCE G. WASDEN
Attorney General
State of Idaho

COLLEEN D. ZAHN
Deputy Attorney General
Chief, Criminal Law Division

KALE D. GANS
Deputy Attorney General
P. O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534
E-mail: ecf@ag.idaho.gov

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	No. 47719-2020
Plaintiff-Respondent,)	
)	Ada Co. Case No.
v.)	CR01-19-25472
)	
CHANCE P. JAMES,)	
)	RESPONDENT’S BRIEF
Defendant-Appellant.)	
_____)	

Issue

Has Chance P. James failed to establish that the district court abused its sentencing discretion by imposing the mandatory minimum sentence?

James Has Failed To Establish That The District Court Abused Its Discretion By Imposing The Mandatory Minimum Sentence

A jury found James guilty of one count of trafficking heroin and one count of possession of drug paraphernalia. (R., pp.94-95.) James was sentenced to a day in jail for the misdemeanor and to a fixed three-year sentence for the trafficking count (R., p.95)—the mandatory minimum

based on the weight of heroin he possessed. I.C. § 37-2732B(6)(A) (providing someone trafficking “two (2) grams or more, but less than seven (7) grams” of heroin “shall be sentenced to a mandatory minimum fixed term of imprisonment of three (3) years”). James timely appealed. (R., pp.101-03.)

James argues on appeal that the district court abused its discretion by imposing an excessive sentence. (Appellant’s brief, pp.3-4.) Review of the record and application of the relevant legal standards shows no abuse of discretion.

Where “a sentence is within statutory limits, an appellant has the burden of showing a clear abuse of discretion by the court imposing the sentence.” State v. McIntosh, 160 Idaho 1, 8, 368 P.3d 621, 628 (2015) (internal quotation marks omitted). To carry this burden the appellant must show the sentence is excessive under any reasonable view of the facts. Id. 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. Id. The district court has the discretion to weigh those objectives and give them differing weights when deciding upon the sentence. Id. at 9, 368 P.3d at 629; State v. Moore, 131 Idaho 814, 825, 965 P.2d 174, 185 (1998) (court did not abuse its discretion in concluding that the objectives of punishment, deterrence and protection of society outweighed the need for rehabilitation). “In deference to the trial judge, this Court will not substitute its view of a reasonable sentence where reasonable minds might differ.” McIntosh, 160 Idaho at 8, 368 P.3d at 628 (quoting State v. Stevens, 146 Idaho 139, 148-49, 191 P.3d 217, 226-27 (2008)). “Furthermore, ‘[a] sentence fixed within the limits prescribed by the statute will ordinarily not be considered an abuse of discretion by the trial court.’” Id. (quoting State v. Nice, 103 Idaho 89, 90, 645 P.2d 323, 324 (1982)).

James argues “the district court abused its discretion by imposing an excessive sentence.” (Appellant’s brief, p.4.) But he makes this claim “[m]indful of the fact that the court sentenced” him “to the statutory minimum.” (Id.)

James’s argument is meritless. The district court was bound to sentence James to the legislatively-set mandatory minimum; it had no power to sentence James to anything less. Nor does this Court have the constitutional authority to reduce his sentence to something below the mandatory minimum. Idaho Const. art. V, §13 (providing “the legislature can provide mandatory minimum sentences for any crimes, and any sentence imposed shall be not less than the mandatory minimum sentence so provided,” and that any “mandatory minimum sentence so imposed shall not be reduced”); see also State v. Garcia-Pineda, 154 Idaho 482, 485, 299 P.3d 794, 797 (Ct. App. 2013); State v. Thiel, 158 Idaho 103, 111, 343 P.3d 1110, 1119 (2015) (“In response to the Court’s holding in *McCoy*, the legislature proposed and the people adopted an amendment to Article V, Section 13 of the Idaho Constitution. Idaho Const. art. V, § 13. This amendment granted the legislature the constitutional authority to enact mandatory minimum sentences. After the amendment to Article V, Section 13, it was no longer unconstitutional for the legislature to issue a mandatory minimum sentence infringing upon the judiciary’s inherent, common law authority to exercise its discretion to suspend a sentence.”); State v. Pena-Reyes, 131 Idaho 656, 657, 962 P.2d 1040, 1041 (1998); State v. Rogerson, 132 Idaho 53, 56, 966 P.2d 53, 56 (1998).

James conceded this point below, correctly admitting that, “I guess the Court is bound by what the statute requires as to the mandatory minimum.” (12/11/19 Tr., p.11, L.24 – p.12, L.1.) On appeal he cites various mitigating factors (which still fails to demonstrate an abuse of discretion, insofar as the district court well considered James’s addiction, work history, and prior

record, see 12/11/19 Tr., p.14, L.11 – p.16, L.15), but he supplies no argument or authority showing the district court could have sentenced him to less than the mandatory minimum. Nor does he explain how this Court could reduce his sentence to something below the mandatory minimum. (See generally Appellant’s brief.)

James’s sentence was not excessive—indeed, he got the *shortest* sentence possible under the statute, which the district court was bound to impose. See I.C. § 37-2732B(6)(A). He fails to show an abuse of discretion.

Conclusion

The state respectfully requests this Court affirm James’s judgment of conviction and sentence.

DATED this 3rd day of March, 2021.

/s/ Kale D. Gans
KALE D. GANS
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 3rd day of March, 2021, served a true and correct copy of the foregoing RESPONDENT'S BRIEF to the attorney listed below by means of iCourt File and Serve:

JUSTIN M. CURTIS
DEPUTY STATE APPELLATE PUBLIC DEFENDER
documents@sapd.state.id.us

/s/ Kale D. Gans
KALE D. GANS
Deputy Attorney General

KDG/dd