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State v. Cota-Medina Appellant's Brief Dckt. 44940

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)
) Nos. 44940 & 44941
 Plaintiff-Appellant,)
) Canyon County Case Nos.
 v.) JV-2016-326 & CR-2016-14863
)
 MANUEL JESUS COTA-MEDINA,)
)
 Defendant-Respondent.)
)
 _____)

BRIEF OF APPELLANT

**APPEAL FROM THE DISTRICT COURT OF THE THIRD JUDICIAL
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE
COUNTY OF CANYON**

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District Judge

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STATEMENT OF THE CASE

Nature Of The Case

The state appeals from the district court's intermediate appellate decision reversing the magistrate's order waiving juvenile jurisdiction over Manuel Jesus Cota-Medina on trafficking charges.

Statement Of The Facts And Course Of The Proceedings

The state filed a petition under the Juvenile Corrections Act ("JCA") charging Cota-Medina with trafficking in approximately five pounds of heroin. (R., pp. 6-7.) Cota-Medina was 86 days short of his 18th birthday when he committed the alleged crime. (Id.)

The state moved to waive juvenile jurisdiction and proceed on the trafficking charge in adult criminal court. (R., pp. 13-14.) The magistrate held a hearing at which he took evidence and considered a juvenile waiver report. (R., pp. 55, 76; see also Tr.; Juvenile Probation Amended Report.)

The magistrate concluded the evidence showed that a detective working with a confidential informant arranged with Rodrigo Ramirez for delivery of about 625 grams of heroin in Canyon County. (R., p. 78.) The heroin was to come from Arizona. (Id.) When Ramirez notified the detective the "load" had arrived, the detective got in the "load car" with Ramirez. (Id.) In the car were Cota-Medina, who was the driver, and Irwin Camacho, who was in the passenger seat. (Id.) Both Cota-Medina and Camacho indicated that the drugs were in the back of the car, and Cota-Medina stated they would have to go to a garage or other safe place to unload it. (R., pp. 78-79.) The detective gave the arrest signal, and

officers arrested all three suspects and searched the car. (R., p. 79.) They found 2,387.4 grams (over five pounds) of heroin worth between \$350,000 and \$500,000 in the car. (Id.) The additional heroin was to be delivered to other dealers by Cota-Medina and Camacho. (Id.) Cota-Medina told officers that he agreed to drive a load of illegal drugs from Arizona to Idaho in exchange for \$4,000, and had recruited Camacho to assist him. (R., pp. 79, 81.) Cota-Medina downplayed his knowledge of the presence of drugs, but the magistrate found such claims incredible and concluded Cota-Medina was fully aware of the drugs in the car. (R., p. 79.)

Cota-Medina lived on his own, with Camacho. (R., p. 80.) He had some contact with his father in Phoenix and his mother in Mexico. (Id.) He had no known criminal history, and had been kicked out of school for poor attendance. (Id.) In the “5 months leading up to his arrest, Cota-Medina was not in school and was not legitimately employed and was less and less involved with his parents and living on his own, ultimately with Camacho.” (R., p. 81.)

The magistrate employed the applicable legal standard (R., pp. 76-78) and made the following conclusions of law: (1) The offense was serious and required community protection beyond the 180 days of custody allowed under the JCA. (R., pp. 81-83.) (2) The offense was committed in a premeditated and willful manner. (R., pp. 83-84.) (3) The crime of trafficking in large amounts of heroin was a crime against persons, as opposed to property. (R., p. 84.) (4) Cota-Medina is mature. (R., pp. 84-85.) (5) Cota-Medina does not have a record of criminal behavior. (R., p. 85.) (6) Cota-Medina could develop life skills in either

the adult or juvenile systems. (R., pp. 85-85.) The magistrate concluded that the first four factors “weigh heavily in favor of waiving jurisdiction” while the other factors were neutral or do “not weigh greatly against it.” (R., pp. 82-85.) The magistrate thereupon granted the waiver into adult court. (R., pp. 73, 86.)

Cota-Medina filed a timely notice of appeal from the order waiving juvenile jurisdiction. (R., pp. 89-91.) The district court on intermediate appeal stated it accepted the magistrate’s findings of fact, but further stated it would accept only the discretionary conclusions “that correctly apply the legal standards.” (R., p. 220.) The district court then stated:

In this case, the magistrate concluded that four of the six elements weighed in favor of waiver. However, he applied them wrongly as a matter of law. If the factors in the statute are correctly applied, my count is that the evidence fails to support any of the factors favoring waiver.

(R., p. 221.) Having concluded that, as a matter of law, there was no weighing to be done, the district court reversed. (R., p. 229.) The state filed a timely notice of appeal from the district court’s opinion on intermediate appeal. (R., pp. 233-35.)

ISSUE

Did the district court err when it concluded that none of the relevant factors favored waiver as a matter of law?

ARGUMENT

The District Court Erred When It Concluded That None Of The Relevant Factors Favored Waiver As A Matter Of Law

A. Introduction

The district court claimed it was applying the law to the facts in this case, but review of its opinion shows it was merely substituting its judgment for that of the trial court. (R., pp. 220-29.) Application of the correct legal and appellate standards shows the district court erred and that its appellate opinion should be reversed.

B. Standard Of Review

On review of a decision rendered by a district court in its intermediate appellate capacity, the reviewing court “directly review[s] the district court’s decision to determine whether it correctly decided the issues presented to it on appeal.” Borley v. Smith, 149 Idaho 171, 176, 233 P.3d 102, 107 (2010); see also Losser v. Bradstreet, 145 Idaho 670, 183 P.3d 758 (2008). The appellate court “examine[s] the magistrate record to determine whether there is substantial and competent evidence to support the magistrate’s findings of fact and whether the magistrate’s conclusions of law follow from those findings.” State v. DeWitt, 145 Idaho 709, 711, 184 P.3d 215, 217 (Ct. App. 2008) (citing Losser, 145 Idaho 670, 183 P.3d 758).

“An order waiving juvenile jurisdiction is reviewed under the abuse of discretion standard.” Zamora v. State, 123 Idaho 192, 194, 846 P.2d 194, 196 (1992). That standard requires the appellate court to review “whether the trial

court correctly perceived the issue as one requiring the exercise of discretion,” “whether the trial court acted within the outer boundaries of its discretion and consistently with the legal standards applicable to the specific choices available to it,” and “whether the court reached its conclusion by an exercise of reason.” Id.

The interpretation and construction of a statute present questions of law over which the appellate court exercises free review. State v. Thompson, 140 Idaho 796, 798, 102 P.3d 1115, 1117 (2004); State v. Dorn, 140 Idaho 404, 405, 94 P.3d 709, 710 (Ct. App. 2004).

C. Application Of The Correct Legal And Appellate Standards Shows The District Court Erred

Waiver into adult court is “governed by the section 20–508(8) factors.” In re Doe, 147 Idaho 243, 250, 207 P.3d 974, 981 (2009). “[T]he weight to be given each waiver factor [is] discretionary.” Id., at 251, 207 P.3d at 982. Those factors are:

- (a) The seriousness of the offense and whether the protection of the community requires isolation of the juvenile beyond that afforded by juvenile facilities;
- (b) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;
- (c) Whether the alleged offense was against persons or property, greater weight being given to offenses against persons;
- (d) The maturity of the juvenile as determined by considerations of his home, environment, emotional attitude, and pattern of living;
- (e) The juvenile’s record and previous history of contacts with the juvenile corrections system;

(f) The likelihood that the juvenile will develop competency and life skills to become a contributing member of the community by use of facilities and resources available to the court ...

I.C. § 20-508(8). The “amount of weight” given each factor “is discretionary with the court” and a waiver decision “may be based on any one (1) or a combination of the factors.” I.C. § 20-508(8)(g).

The magistrate concluded that factors (a) through (d) weighed “heavily” in favor of waiver, while factors (e) and (f) did “not weigh greatly against it.” (R., pp. 85.) Review shows the district court erred because the magistrate’s conclusions of law follow from its accepted factual findings.

(a) The seriousness of the offense and whether the protection of the community requires isolation of the juvenile beyond that afforded by juvenile facilities

The magistrate found the crime serious because Cota-Medina trafficked in 2,387 grams of heroin, “over **EIGHTY-FIVE** times the amount of heroin that would **require** a court to impose a mandatory fixed minimum prison sentence of fifteen years.” (R., p. 82 (emphasis original).) The magistrate noted that the enhanced penalties associated with trafficking represented a legislative determination that crimes involving larger quantities of controlled substances created greater harm to society. (Id. (citing State v. Rogerson, 132 Idaho 53, 57, 966 P.2d 53, 57 (Ct. App. 1998).) Compared to the sentence of life with a 15-year fixed minimum applicable to the crime, the JCA allowed only 180 days of detention and supervision of Cota-Medina for only slightly longer than three years. (R., pp. 82-83.) The magistrate concluded “the seriousness of the offense and protection of the community weigh heavily in favor of waiver.” (R.,

p. 83.) This analysis is consistent with the relevant legal standards and well within the magistrate's discretion.

The district court concluded that the magistrate erred "as a matter of law" because the proper analysis is not "about the circumstances of the crime," but instead "the involvement of this defendant in it." (R., pp. 221-23.) Thus, although trafficking in large amounts of heroin "is a serious crime," as a matter of law it is not a serious crime in this case because the other persons involved in trafficking, the "true kingpins controlling the deals and running the show," are far more culpable than Cota-Medina. (R., pp. 222-23.) Because Cota-Medina "was little more than a mule," his crime "does not warrant mandating waiver as a matter of law" even though Cota-Medina's crime "is a very serious crime." (R., p. 223.) The district court's analysis is contrary to the applicable legal standards.

First, the actual statutory language lists the factor at issue as "[t]he seriousness of the offense and whether the protection of the community requires isolation of the juvenile beyond that afforded by juvenile facilities." I.C. § 20-508(8)(a). Where the statutory language is unambiguous, a court does not construe it but simply follows the law as written. McLean v. Maverick Country Stores, Inc., 142 Idaho 810, 813, 135 P.3d 756, 759 (2006). If the plain language of a statute is capable of only one reasonable interpretation, it is the court's duty to give the statute that interpretation. Verska v. St. Alphonsus Regional Medical Center, 151 Idaho 889, 894-896, 265 P.3d 502, 507-509 (2011) (disavowing cases with language that Court might not give effect to unambiguous language of statute if such was "palpably absurd"). The plain language of the statute controls

here: the factor is the “seriousness of the offense” and the requirements of community protection, I.C. § 20-508(8)(a), not “the involvement of this defendant” in the crime and whether he was a “kingpin” (R., pp. 221-23). The district court erred by failing to follow the plain language of the statute.

(b) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner

The district court found the offense was “committed in a premeditated and willful manner.” (R., p. 83.) Specifically, Cota-Medina agreed to transport a large quantity of heroin in exchange for \$4,000 and recruited an accomplice, and was not merely “in the wrong place at the wrong time” or engaging in “sudden impulsive behavior.” (R., pp. 83-84.) This analysis is consistent with the relevant legal standards and well within the magistrate’s discretion.

The district court concluded that this element requires “some element of force or fear or danger to others” and the “obvious criteria in most cases would probably ask whether there were guns involved.” (R., p. 224.) “Simply accounting for the fact that the crime required some degree of planning or organization is not enough.” (Id.) The plain language of the statute, however, sets forth the factors of “committed in an aggressive, violent, premeditated, or willful manner.” I.C. § 20-508(8)(b) (emphasis added). “Where two terms are used conjunctively in the same sentence of a statute, separate effect should be given to the terms if it may be done in reasonable construction.” Filer Mut. Tel. Co. v. Idaho State Tax Comm’n, 76 Idaho 256, 261, 281 P.2d 478, 480 (1955). See also State v. Rivera, 131 Idaho 8, 10, 951 P.2d 528, 530 (Ct. App. 1998)

(“the word ‘or’ should be given its normal disjunctive meaning”). The magistrate’s findings of “premeditated” and “willful,” both on the disjunctive list, support the magistrate’s conclusion this factor weighs in favor of waiver. The district court erred when it concluded that this factor is not met by findings the juvenile’s conduct was premeditated and willful because the statute requires a finding of “aggressive or intimidating behavior of [sic] violence of any nature.” (R., pp. 225.) The magistrate’s analysis follows the statute; the district court supplanted the statutory language with its own legal standard.

(c) Whether the alleged offense was against persons or property, greater weight being given to offenses against persons

The magistrate concluded that trafficking is a crime against persons, rather than property, and that the legislative determination of the need for a mandatory minimum sentence of 15 years demonstrated a public policy determination that the need for protection of the public from heroin was high. (R., p. 84.) This determination is entirely consistent with the statutory factor of giving more weight to crimes against persons than crimes against property.

The district court, however, employed a standard differentiating crimes that are “*malum prohibitum*” rather than “*malum in se*.” (R., p. 225.) The district court also stated that “[t]here are those” who say drug trafficking is “a victimless crime” or a “medical issue” and that mandatory minimum sentences are being reconsidered by legislatures, and asserted that if the legislature legalized heroin Cota-Medina’s actions would be “harmlessly inconsequential.” (R., pp. 225-26.) This analysis bears no resemblance to the legislative mandate.

The common-law concept referenced by the district court is that “in acts mala in se the intent governs, but in acts mala prohibita the only inquiry is, has the law been violated?” State v. Keller, 8 Idaho 699, ___, 70 P. 1051, 1054 (1902) overruled by State v. Suriner, No. 39258, 2012 WL 5519360 (Idaho Nov. 15, 2012), overruled by State v. Suriner, 154 Idaho 81, 294 P.3d 1093 (2013) (internal quotations omitted). In the criminal law this rule was “replaced in later cases by a focus on the distinction between crimes requiring some specific criminal intent and those requiring only general criminal intent.” State v. Stiffler, 117 Idaho 405, 406, 788 P.2d 220, 221 (1990). The flaw in the district court’s reasoning is that, by its plain language, the relevant factor is “[w]hether the alleged offense was against persons or property, greater weight being given to offenses against persons,” I.C. § 20-508(8)(c), not the juvenile’s mental state when committing the crime or whether “some” might consider heavy penalties for trafficking in heroin excessive. The magistrate applied the law as written and passed by the legislature; therefore the district court erred by concluding the magistrate should have applied a standard not found in the statute.

(d) The maturity of the juvenile as determined by considerations of his home, environment, emotional attitude, and pattern of living

The magistrate found Cota-Medina mature because he was “three months short of turning 18 years old when he committed the crime,” “dropped out of school and was no longer living with his parents,” did not “require” an adult in his life, was living independently, was involved in the drug trade to make money, and conducted himself in that trade in a manner demonstrating “maturity,

sophistication, and knowledge of the significant consequences of being caught.” (R., p. 84.) The magistrate concluded Cota-Medina’s maturity was “more on par with a young adult who made the mistake of becoming involved in the drug business for all the typical reasons” than “on par with an immature teenager making childish mistakes.” (R., p. 85.) These findings support the conclusion that Cota-Medina’s maturity weighs in favor of waiver.

The district court concluded, as a matter of law, that because “many 16 and 17 year olds operate essentially on their own and demonstrate a similar level of maturity” the “issue here must be exceptionalism.” (R., p. 227.) Such indications of exceptionalism would be being “a leader,” acting “beyond his years in setting the deal up” or “handling details,” being “a criminal,” or demonstrating “the wanton and malignant heart of the hardened criminal.” (Id.) In the absence of such indications, the factor “is at most a neutral consideration.” (Id.) It is unclear where the district court got this analysis, but the plain language of the statute may be safely ruled out.

The language adopted by the legislature for this factor is: “The maturity of the juvenile as determined by considerations of his home, environment, emotional attitude, and pattern of living.” I.C. § 20-508(8)(d). Notably absent from this language are words like “exceptionalism,” “leader,” “wanton,” or “malignant heart.” “[T]he best guide to legislative intent” is the words of the statute, so interpretation of a statute must begin with its literal words. State v. Doe, 147 Idaho 326, 328, 208 P.3d 730, 732 (2009). The district court’s

“exceptionalism” standard is inconsistent with both the legislative intent and the plain language of the statute.¹

There is no dispute that substantial and competent evidence supports the magistrate’s findings of fact, and review shows the magistrate’s conclusions of law follow from those findings. The district court ruled “as a matter of law” that the conclusions did not flow from the findings, and instead that the law required different analyses than employed by the magistrate. The plain language of the statutes did not require such analyses, however; rather, the district court merely reweighed the factors and declared its reweighing the correct legal analysis. Application of the statutory standards, as articulated in the law, shows that the magistrate did not err, but that the district court did.

CONCLUSION

The state respectfully requests this Court to reverse the intermediate appellate decision of the district court and reinstate the magistrate’s order waiving juvenile jurisdiction.

DATED this 19th day of June, 2017.

/s/ Kenneth K. Jorgensen
KENNETH K. JORGENSEN
Deputy Attorney General

¹ The district court’s analysis would also lead to absurd results clearly inconsistent with the legislative intent and language. Under the “exceptionalism” standard a 17-year-old juvenile with the maturity of a 17-year-old would not have this factor weigh in favor of waiver. An otherwise identical 14-year-old with the maturity of a 16-year-old would have this factor weigh in favor of waiver, even though the 17-year-old is in fact more mature.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 19th day of June, 2017, served two true and correct paper copies of the foregoing BRIEF OF APPELLANT by placing the copies in the United States mail, postage prepaid, addressed to:

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