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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	NO. 48127-2020
)	
v.)	IDAHO COUNTY NO. CR25-19-1671
)	
JACKIE SHAYDE SEDILLO,)	
)	APPELLANT'S BRIEF
Defendant-Appellant.)	
_____)	

STATEMENT OF THE CASE

Nature of the Case

Jackie Shayde Sedillo appeals from his judgment of conviction and argues his sentence of thirty-three years, with eighteen fixed, is excessive and therefore an abuse of discretion. In a manic episode of his previously undiagnosed bipolar disorder, Mr. Sedillo led police on high-speed chase on highway 95 through multiple counties, stealing cars along the way and ultimately fleeing on foot into a canyon. Mr. Sedillo subsequently pled guilty to grand theft, armed robbery, possessing stolen property, fleeing an officer, unlawfully possessing a weapon, and exhibiting a deadly weapon.

At sentencing, Mr. Sedillo submitted extensive mitigating information to the district court, including information about his previously-undiagnosed bipolar disorder and the transformative effect of his new, proper medical treatment. Mr. Sedillo claims that in light of this information, his sentence is excessive under any reasonable view of the facts of his case, constituting an abuse of discretion. He respectfully asks this Court to vacate his sentence and remand his case to the district court to impose a less harsh, reasonable sentence.

Statement of the Facts and Course of Proceedings

For years, Mr. Sedillo struggled with un-diagnosed bipolar disorder, and at times he had self-medicating using illegal drugs. (Conf.Docs., p.24.) In the fall of 2019, Mr. Sedillo lost his job and relapsed, and had a fight with his wife who kicked him out of the house. (Conf.Docs., pp.6, 21.) Mr. Sedillo became homeless and stole a car – a Kia Sedona – to live in. He also used the car-owner’s credit card to purchase some gas and food. (Conf.Docs., pp.6, 21.) He was at a gas station in New Meadows, eating a burger, when an officer walked up to the driver’s window and asked about the stolen car. (Conf.Docs., p.2.) Mr. Sedillo backed the car up with the officer holding onto the steering wheel, and after the officer let go, Mr. Sedillo sped away northbound on highway 95, leading police on what became a high-speed chase. (Conf.Docs., p.2.) Near Grangeville, police set up a roadblock and stopped the Kia by placing spike strips on the highway. (Conf.Docs., p.4.) However, Mr. Sedillo got out of the Kia and ran over to the stopped vehicles on the highway’s southbound lane and, with a handgun displayed, he exchanged places¹ with the driver of a BMW and sped away again. (Conf.Docs., p.4.) While

¹ According to the statement submitted by Gary King, the driver of the BMW, Mr. Sedillo did *not* point the gun at him at any time, nor did Mr. King feel threatened. (Conf.Docs., p.176.) Rather, according to Mr. King, when Mr. Sedillo opened the door of the low-riding car, “he helped me out,” and the [REDACTED] driver’s bad knee gave out and he fell. (Conf.Docs.176.)

police were looking for the stolen BMW, Mr. Sedillo stole a Ford truck parked in Grangeville, and he sped away in that vehicle. (Conf.Docs., p.4.) Mr. Sedillo drove the Ford truck down county roads and across fields, and ultimately abandoned the truck in Cottonwood Creek Canyon, and fled on foot. (Conf.Docs., p.5.) Mr. Sedillo spent the night in the canyon and was found the following morning walking out, with his hands up. (Conf.Docs., p.5; Tr., p.5.)

Mr. Sedillo was arrested and transported to Syringa Hospital where, for the first time, he was diagnosed with bipolar disorder. (Conf.Docs., p.61.) That diagnosis was confirmed by a subsequent court-ordered psychological evaluation.² (Conf.Docs., p.26.) After his release from the hospital, Mr. Sedillo was booked into the Idaho County Jail. (Conf.Docs., p.5.) At the time of these events, Mr. Sedillo was on probation in an unrelated Ada County case. (Tr. p.35, Ls.3-15.)

Mr. Sedillo later pled guilty to an eight-count Information charging him with seven felonies and one misdemeanor, specifically: two counts of possessing stolen property; two counts of grand theft auto; one count of armed robbery; one count of unlawfully possessing a firearm, one of count of fleeing an officer, and a misdemeanor count of exhibiting a deadly weapon. (Tr., p.28, L.13 – p.41, L.15, p.47, Ls.6-12; R., pp.195-203.)

At the sentencing, Mr. Sedillo asked the district court to retain jurisdiction, allowing him to benefit from the programming at the Department of Correction and an opportunity for mental health court to follow. (Tr., p.58, Ls.1-12.) Alternatively, he asked for a sentence not to exceed

Additionally, Mr. King stated the gun subsequently “accidentally” discharged inside the car damaging its console. (Conf.Docs., p.176.) Although there was conflicting evidence, the district court chose to accept Mr. King’s account (*see* Tr., p.109, Ls.12-14), and its finding is supported by substantial evidence and is must be accepted on appeal. *State v. Henege*, 143 Idaho 665, 659 (2007) (appellate court will aside the trial court’s factual findings only if they are clearly erroneous).

² There was also an assessment that erroneously dubbed Mr. Sedillo’s unresolved mental health issues as “malingering.” (Conf.Docs., p.63.)

ten years, with three years fixed. (Tr., p.58, Ls.1-12.) The State asked the court to impose an aggregate prison sentence of thirty years, with twenty years fixed. (Tr., p.80, Ls.7-11.) The district court declined Mr. Sedillo’s request for retained jurisdiction and imposed a prison sentence totaling thirty-three years, with eighteen years fixed. (Tr., p.114, Ls.12-16; R., pp.232-37.) The district court reasoned that the sentence was necessary for punishment and protecting society. (Tr., p.103, Ls.23-25.)

Mr. Sedillo timely appealed. (R., p.240.)

ISSUE

Did the district court abuse its discretion by imposing an excessive sentence?

ARGUMENT

The District Court Abused Its Discretion By Imposing An Excessive Sentence

A. Introduction

Mr. Sedillo asserts that in light of the mitigating facts presented in his case, particularly his previously undiagnosed and untreated bipolar disorder, his prison sentence of thirty-three years, with eighteen years fixed and no possibility for probation, is excessive and objectively unreasonable.

B. Standard Of Review

The district court’s sentencing decisions are generally reviewed under the multi-tiered abuse of discretion standard. *State v. Miller*, 151 Idaho 826, 834 (2011). Under this standard, the appellate court engages in a multi-tiered inquiry to determine “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.” *State v. Le Veque*, 164 Idaho 110, 113 (2018).

When a defendant challenges his sentence as excessively harsh, the appellate court will conduct “an independent review of the record,” giving consideration to the governing criteria, *i.e.*, the nature of the offense, the character of the offender, and the protection of the public interest. *Miller*, 151 Idaho at 834. Generally, when appealing a sentence as an abuse of discretion, the appellant “must establish that, under any reasonable view of the facts, the sentence was excessive considering the objectives of criminal punishment.” *State v. Varie*, 135 Idaho 848, 856 (2001) (citation omitted).

The determination of whether to place a defendant on probation or instead to send him to prison is governed by the legal standards set forth in Idaho Code § 19-2521, which require that the district court *not* impose a prison sentence “unless, having regard to the nature and circumstances of the crime and the history, character and condition of the defendant, it is of the opinion that imprisonment is appropriate for protection of the public...” *Id.* Where the district court lacks sufficient information at the time of sentencing to decide if a defendant is suitable for probation, the court has discretion to impose sentence and retain jurisdiction for further evaluation by the Department of Correction, and afford the defendant an opportunity to demonstrate his rehabilitation potential and suitability for probation. *See* I.C. § 19-2601(4); *State v. Jones*, 141 Idaho 673, 677 (Ct. App. 2005); *State v. Lee*, 117 Idaho 203, 205-06 (Ct. App. 1991). The district court’s refusal to retain jurisdiction for such further evaluation will not be deemed an abuse of discretion if the district court already has sufficient information to determine that a suspended sentence and probation would be inappropriate under Idaho Code § 19-2521. *State v. Toohill*, 103 Idaho 565, 567 (Ct. App. 1982).

In the instant case, the district court recognized it had discretion to determine the length of the sentence and whether to retain jurisdiction, and the court acted within the outer boundaries of its discretion by selecting a sentence that did not exceed the statutory maximum. However, the lengthy prison sentence, imposed without retained jurisdiction, is excessive under any reasonable view of the facts, especially in light of Mr. Sedillo's previously undiagnosed bipolar disorder. Thus, the sentence represents an abuse of discretion under the fourth prong of the standard, and the sentence should therefore be vacated.

C. Mr. Sedillo's Sentence Is Excessive And Objectively Unreasonable Given The Mitigating Facts Of His Case

Mr. Sedillo was just [REDACTED] years old at the time of his sentencing. As described below, Mr. Sedillo had suffered for years with undiagnosed Bipolar Disorder. In his teens, Mr. Sedillo was diagnosed Attention Deficit Disorder (ADD), and separately, with Depression. (Conf.Docs., p.22.) However, these diagnoses missed the "mania" of his then existing but unidentified Bipolar Disorder. (Conf.Docs., p.25.) Consequently, the medications failed to address the rage he would feel, and sadly, Mr. Sedillo tried coping with those emotions using the familiar methods he had watched his parents turn to: illegal drugs. (Conf.Docs., pp.22, 24.)

Throughout his life, Mr. Sedillo worked hard trying to understand and control his extreme mood swings. However, it was not until his arrest in this case that Mr. Sedillo was diagnosed for the first time with Bipolar Disorder. (Conf.Docs., pp.26, 51.) In the court-ordered psychological assessment, clinician Dean Allen reported that:

Mr. Sedillo's actions are consistent with a manic phase. This manic phase appears to have been accentuated by his use of methamphetamine. In manic stages, individuals tend to elevate risk taking and are not able to appreciate the extent their behaviors are of risk to others. The elevated stage allows them to feel very good and immune to consequences. They tend to view their behaviors as seeking a thrill. Methamphetamine has similar characteristics. Part of the addiction processing is the paring of the brain responses to a solution. If feeling

down then [X] is the answer to resolving the emotion. Treatment is integrating alternative solutions into those patterns. In the case of Mr. Sedillo, he has two issues that need assistance . . . bipolar and methamphetamine addiction.

Conf.Docs., p.27.)

Mr. Sedillo believes, and the record supports, his undiagnosed bipolar disorder was a significant factor contributing to his conduct in this case. (Conf.Docs., p.25.) As documented in his clinical evaluation, with the correct diagnosis and new treatment, Mr. Sedillo's thoughts had become "clearer than they ever have been." (Conf.Docs.24.) His new medications have been "helping him be calm and think things through [and] will be helpful when he is released." (Conf.Docs., p.25.) At sentencing, Mr. Sedillo confirmed to the court that the new medications "are working and that's a first for me." (Tr., p.93, L.20.) He explained that, at long last, he has been able to control his feelings and behaviors, and that he knows what steps to take should there ever be signs of changing. (Tr., p.96, L.20 – p.98, L.9.)

Although Mr. Sedillo has relapsed and re-offended in the past, the observations of his clinician must be noted:

The item that gives hope of his adhering to the plan is that he is now being treated for his bipolar disorder. Not addressing the mania earlier has been a major risk factor [and] is likely to have driven many of his behaviors and emotions.

Conf.Docs., p.26.)

Also relevant is the fact that Mr. Sedillo took responsibility for his conduct. He pled guilty to seven felonies and a misdemeanor, and at sentencing he expressed his remorse for the "rippling" effect of his criminal actions. (Tr., p.85, L.24 – p.86, L.12.)

Mr. Sedillo also is motivated to be with his children and be a positive influence on their lives. (Conf.Docs., p.25.) He had participated in weekly church activities with his family, and he also coached his son's football team. (Conf.Docs., p.23.) He was active in his community

and he has its support. (Conf.Docs., p.23.) He also possesses valuable, employable work skills as a certified firefighter, a certified auto technician, as well as roofing and framing. (Tr., p.86, L.16 – p.87, L.10.) Mr. Sedillo has been, and can continue to be, a devoted and capable provider for his family: a wife, four biological children, and stepchildren. (Tr., p.87, Ls.11-25.)

Mr. Sedillo is worthy of an earlier chance to reenter the community. The lengthy prison sentence imposed in this case – thirty-three years with eighteen years fixed, with no opportunity for probation – is not necessary to punish or protect society. Rather, when this Court conducts its independent review of the record, this Court should conclude that in light of Mr. Sedillo’s newly-identified and treated bipolar disorder, there is no reasonable view of the facts of this case that warrants the severe sentence imposed. Mr. Sedillo needs treatment, not lengthy incarceration. His excessive sentence should therefore be vacated and his case should be remanded for resentencing.

CONCLUSION

Mr. Sedillo respectfully requests that this Court vacate his sentence and remand his case with instructions that the district court impose a reasonable, less severe sentence.

DATED this 16th day of February, 2021.

/s/ Kimberly A. Coster
KIMBERLY A. COSTER
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2021, I caused a true and correct copy of the foregoing APPELLANT'S BRIEF to be served as follows:

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DEPUTY ATTORNEY GENERAL
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/s/ Evan A. Smith
EVAN A. SMITH
Administrative Assistant

KAC/eas