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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	NO. 48147-2020
)	
v.)	TWIN FALLS COUNTY
)	NO. CR42-18-14556
)	
COOPER JADE STONE,)	
)	APPELLANT’S BRIEF
Defendant-Appellant.)	
_____)	

STATEMENT OF THE CASE

Nature of the Case

After Cooper Stone pled guilty to felony possession of a controlled substance, the district court sentenced him to five years, with two years fixed. A motion to revoke Mr. Stone’s probation was subsequently filed. After Mr. Stone entered admissions to violating his probation, the district court revoked his probation and retained jurisdiction. The district court later entered an order relinquishing jurisdiction. Mr. Stone appeals, and he argues that the district court abused its discretion by relinquishing jurisdiction instead of placing him on probation.

Statement of the Facts & Course of Proceedings

In December 2018, the State filed a criminal complaint alleging that Mr. Stone committed felony possession of a controlled substance (methamphetamine). (R., pp.11-12.) According to the Presentence Investigation Report (“PSI”),¹ Mr. Stone was a passenger in a vehicle that was stopped for a traffic violation. (PSI, p.4.) Mr. Stone informed law enforcement that a backpack in the vehicle was his, and Mr. Stone provided a set of keys to unlock padlocks for the compartments of the backpack. (PSI, p.4.) Methamphetamine residue was ultimately discovered in one of the compartments of the backpack. (PSI, p.4.) Mr. Stone pled guilty to felony possession of a controlled substance, and he was sentenced to five years, with two years fixed, and placed onto probation. (R., pp.41-51, 61-68.)

A motion to revoke Mr. Stone’s probation was filed thereafter. (R., pp.73-89.) Mr. Stone subsequently entered admissions to violating his probation. (R., p.91.) At the disposition hearing for those violations, the district court revoked Mr. Stone’s probation but retained jurisdiction (a “rider”). (R., pp.96-98.) Mr. Stone successfully completed his programming on the rider and obtained his GED.² (PSI, pp.47-61.) However, Mr. Stone received disciplinary sanctions near the end of his programming for (1) informing staff that he received a black eye while working out when he had received that injury as a result of horseplay and (2) allowing another inmate to use his phone pin number so that that other inmate could make a call, which resulted in that other inmate violating a no contact order. (PSI, pp.48, 53.)

¹ Citations to the PSI refer to the 61-page electronic document with the confidential sentencing materials, titled “Supreme Court No. 48147-2020 Cooper Jade Stone - Confidential Exhibits.”

² Mr. Stone completed the CBI-Substance Abuse (CBI-SA), Career Bridge Two (GED), and Pre-release programs. (PSI, pp.47-61.)

At the rider review hearing, Mr. Stone requested that the district court released him onto probation.³ (Tr., p.10, L.6—p.11, L.2.) The district court relinquished its jurisdiction over Mr. Stone, and the underlying sentence was executed. (R., pp.101-03; Tr., p.14, L.21—p.15, L.2.)

Mr. Stone timely appealed from the order relinquishing jurisdiction. (R., pp.105-08.)

ISSUES

Did the district court abuse its discretion when it relinquished jurisdiction?

ARGUMENT

The District Court Abused Its Discretion When It Relinquished Jurisdiction

An appellate court reviews a district court's decision to relinquish jurisdiction for an abuse of discretion. *State v. Merwin*, 131 Idaho 642, 648 (1998). The district court's discretion in deciding whether to relinquish jurisdiction is not limitless. *State v. Rhoades*, 122 Idaho 837, 837 (Ct. App. 1992).

When this Court reviews an alleged abuse of discretion by a trial court the sequence of inquiry requires consideration of four essentials. 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.

Lunneborg v. My Fun Life, 163 Idaho 856, 863 (2018). Furthermore, a district court's decision to relinquish jurisdiction will not be deemed a clear abuse of discretion if the court has sufficient information to determine that a suspended sentence and probation would be inappropriate under I.C. § 19-2521. *See State v. Brunet*, 155 Idaho 724, 729 (2013).

³ The State's recommendation for the district court was, "[s]o if you do choose to put him on probation, the State just wants to make sure that your decision is an educated one concerning the goals of society protection as well as rehabilitation." (Tr., p.9, Ls.17-20.) The recommendation in the addendum to the presentence investigation ("APSI") was for Mr. Stone to be released onto probation. (PSI, pp.46, 51.)

In this case, Mr. Stone asserts the district court did not exercise reason and therefore abused its discretion by relinquishing jurisdiction rather than following his recommendation to release him onto probation. (*See* Tr., p.10, L.6—p.11, L.2.) Specifically, Mr. Stone contends that the district court abuse its discretion by relinquishing jurisdiction, in light of his completion of his programming on his rider, young age, limited criminal history, and acceptance of responsibility for his action.

Mr. Stone completed the CBI-Substance Abuse program and obtained his GED during the period of retained jurisdiction. (PSI, pp.47-52.) The APSI recommended that Mr. Stone be released onto community supervision, noting that:

Mr. Stone started his programming with a positive attitude. He participated in group discussions and the role plays. He was able to challenge his risky thinking and create more positive thinking. He applied the skills he learned in class and on the unit. He attended workshops to help identify outside resources. Mr. Stone did struggle with consistently following rules and if released would benefit from a higher level of supervision in the community.

(PSI, p.51.) As Mr. Stone’s defense counsel explained at the rider review hearing, the Department of Corrections had monitored Mr. Stone’s progress and issues during his rider and still determined that he would be an appropriate candidate for probation. (Tr., p.10, Ls.6-16.)

Mr. Stone was [REDACTED] years old at the time of the offense, and his only prior criminal conviction was for misdemeanor possession of alcohol while under the age of [REDACTED]. (PSI, pp.3, 5-6.) Mr. Stone successfully completed his probation for that misdemeanor case. (PSI, p.6.) Mr. Stone appears to have been fully cooperative with the police during their investigation that led to his criminal charge. (PSI, p.4.) Mr. Stone expressed remorse for his actions, writing in his presentence investigation report that he “immensely” regretted his involvement in his criminal activities. (PSI, p.5.) In his Global Appraisal of Individual Needs (“GAIN”) evaluation, Mr. Stone disclosed that he had been homeless and unemployed for months prior to

committing the criminal offense. (PSI, pp.8, 10, 16-17.) However, Mr. Stone reconnected with his family, made arrangements to live with his family, and had employment available upon his release. (PSI, pp.49-50; Tr., p.11, Ls.14-22.)

In sum, Mr. Stone maintains that the district court did not exercise reason when relinquishing jurisdiction in light of his completion of his programming on his rider, young age, limited criminal history, and acceptance of responsibility for his action. The district court should have instead followed Mr. Stone's recommendation by releasing him back into the community.

CONCLUSION

Mr. Stone respectfully requests that this Court vacate the district court's order relinquishing jurisdiction, and remand his case to the district court with the instruction that the district court place him on probation.

DATED this 11th day of January, 2021.

/s/ Jacob L. Westerfield
JACOB L. WESTERFIELD
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January, 2021, I caused a true and correct copy of the foregoing APPELLANT'S BRIEF to be served as follows:

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/s/ Evan A. Smith
EVAN A. SMITH
Administrative Assistant

JLW/eas