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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 48166-2020
Plaintiff-Respondent,)	
)	ADA COUNTY NO. CR01-20-17521
v.)	
)	
ZACHARY WILLIAM BECK,)	APPELLANT'S BRIEF
)	
Defendant-Appellant.)	
_____)	

STATEMENT OF THE CASE

Nature of the Case

Zachary William Beck appeals from his judgment of conviction for felony violation of a no contact order and misdemeanor trespass. Mr. Beck pleaded guilty and the district court imposed sentences of five years, with two years determinate, and 90 days, with credit for 56 days, respectively. Mr. Beck appeals, and he asserts that the district court abused its discretion by imposing an excessive sentence for violation of a no contact order.

Statement of the Facts & Course of Proceedings

In this case, the State alleged that Mr. Beck violated a no contact order by going to the residence of the protected party, Ashley Lairson, and pounding on the door. (PSI documents, p.12.) Mr. Beck had previously tried to reach Ms. Lairson by phone to arrange for custody of their children. (PSI documents, p.12.) A night watch employee came to the locked door and asked him to leave, but he stayed until officers arrived. (PSI documents, p.12.)

Mr. Beck was charged with felony violation of a no contact order and with misdemeanor trespass. (R., p.42.) He pleaded guilty and the district court imposed sentences of five years, with two years determinate, and 90 days, with credit for 56 days, respectively. (R., p.57.) Mr. Beck appealed. (R., p.62.) He asserts that the district court abused its discretion by imposing an excessive sentence for violation of a no contact order.

ISSUE

Did the district court abuse its discretion when it imposed a unified sentence of five years, with two years determinate, upon Mr. Beck following his plea of guilty to violation of a no contact order?

ARGUMENT

The District Court Abused Its Discretion When It Imposed A Unified Sentence Of Five Years, With Two Years Fixed, Upon Mr. Beck Following His Plea Of Guilty To Violation Of A No Contact Order

“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 (1997) (alteration in original)). Here, Beck’s sentence does not exceed the statutory maximum. *See* I.C. § 18-920(3). Accordingly, to show that the sentence imposed was unreasonable,

Mr. Beck “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). Mr. Beck asserts that the district court abused its discretion by imposing an excessive sentence under any reasonable view of the facts.

In this case, the State recommended that the district court imposed a sentence of three years with one year determinate. (Tr., p.5, Ls.16-21.) Mr. Beck requested the same sentence but asked the court suspend the sentence and place him on probation. (Tr., p.8, Ls.7-14.) Counsel stated,

I can tell the Court in my conversations with [Mr. Beck], his desire on that particular evening was related to his kids, and so I think that probably his heart and intention was the right way, but because of his drug use, he wasn't able to put together an appropriate plan to address those issues, like through his probation officer or something else, and so [Mr. Beck] certainly understands he's going to have to do better than that.

(Tr., p.8, Ls.15-23.) Counsel noted that because of this new charge, Mr. Beck's parole had been revoked and he was “looking at a year to two years on each of the cases” and Mr. Beck requested probation “so that once he's able to work out his issues with the parole commission, then he's

able to get out, get back to work, support his family, get back into his treatment and doing the things he wishes to be doing.” (Tr., p.8, L.25 – p.9, L.7.)

Considering that Mr. Beck accepted responsibility by pleading guilty, acknowledged that his drug use contributed to the crime and wanted to get back into treatment, and that we wanted to get back to work and support his family, Mr. Beck submits that he district court abused its discretion by imposing an excessive sentence and by not imposing the State’s recommended sentence, suspended with probation.

CONCLUSION

Mr. Beck respectfully requests that this Court reduce his sentence as it deems appropriate. Alternatively, he requests that his case be remanded to the district court for a new sentencing hearing.

DATED this 17th day of February, 2021.

/s/ Justin M. Curtis
JUSTIN M. CURTIS
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th 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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/s/ Evan A. Smith
EVAN A. SMITH
Administrative Assistant

JMC/eas