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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 48265-2020
Plaintiff-Respondent,)	
)	ADA COUNTY NO. CR01-20-16761
v.)	
)	
JEREMIAH JAMES RODERICK,)	APPELLANT'S BRIEF
)	
Defendant-Appellant.)	
_____)	

STATEMENT OF THE CASE

Nature of the Case

Jeremiah James Roderick appeals from his judgment of conviction for eluding a peace officer, I.C. § 49-1404(2)(a). Mr. Roderick pleaded guilty and the district court imposed a sentence of five years, with one and one-half years determinate. Mr. Roderick appeals, and he asserts that the district court abused its discretion by imposing an excessive sentence.

Statement of the Facts & Course of Proceedings

On April 11, 2020, an Ada County Sherriff's Deputy attempted to stop a vehicle that was being driven without license plates. (Presentence Investigation Report (*hereinafter*, PSI), p.1.)¹ The car accelerated through the intersection, passed a vehicle on the shoulder of the road, and eventually sped up to over 100 miles per hour in a 45 miles per hour zone. (PSI, p.1.) The deputy discontinued the pursuit and eventually found the abandoned vehicle partially parked on the sidewalk and road. (PSI, p.1.) During an inventory of the vehicle, the deputy found an identification card for Mr. Roderick. (PSI, p.1.) Mr. Roderick was contacted and admitted to eluding the deputy, stating that he was scared because he did not have a driver's license. (PSI, p.1.)

Mr. Roderick was charged with felony eluding a peace officer. (R., p.18.) He pleaded guilty and the district court imposed a sentence of five years, with one and one-half years determinate. (R., p.44.) The court also suspended Mr. Roderick's driving privileges for one year following his release from incarceration. (R., p.48.) Mr. Roderick appealed. (R., p.51.)

ISSUE

Did the district court abuse its discretion when it imposed a unified sentence of five years, with one and one-half years fixed, upon Mr. Roderick following his plea of guilty to eluding?

ARGUMENT

The District Court Abused Its Discretion When It Imposed A Unified Sentence Of Five Years, With One and One-Half Years Fixed, Upon Mr. Roderick Following His Plea Of Guilty To Eluding

“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

¹ The PSI begins on page 118 of the electronic file containing the confidential exhibits.

sentence.” *State v. Pierce*, 150 Idaho 1, 5 (2010) (quoting *State v. Jackson*, 130 Idaho 293, 294 (1997) (alteration in original)). Here, Mr. Roderick’s sentence does not exceed the statutory maximum. *See* I.C. § 49-1404(2)(a); § 18-112. Accordingly, to show that the sentence imposed was unreasonable, Mr. Roderick “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. Roderick asserts the district court abused its discretion by imposing an excessive sentence under any reasonable view of the facts. Mr. Roderick accepted responsibility and expressed remorse for his actions. At sentencing, he stated, “I’m sorry for what I did. What I did was wrong. I did it out of panic. I knew that if I got pulled over we were looking at misdemeanors. Unfortunately, I took a misdemeanor and turned it into another felony and now I have to suffer the consequences.” (Tr., p.27, Ls.18-24.)

Counsel noted that Mr. Roderick took a situation that could have been resolved with as an invalid license or something similar but panicked. (Tr., p.23, Ls.7-13.) However, Mr. Roderick immediately took responsibility - the police contacted him and left a message, and he called them

back and accepted responsibility. (Tr., p.23, Ls.14-21.) Mr. Roderick acknowledged that he put himself and others at risk with the choices he made that day. (Tr., p.23, Ls.18-21.) Mr. Roderick was on parole when he committed the instant crime, and he understood that “this is twofold for him. He picks up this new crime and he also loses a shot at parole that he had.” (Tr., p.24, Ls.2-5.) Mr. Roderick recognized that he had been associating with some people that he shouldn’t have been, and if he were to get the opportunity again, he would remove himself from those people. (Tr., p.24, Ls.6-12.) Further, Mr. Roderick had some success while on parole. He had “good employment” for over a year, but unfortunately he lost his job because of COVID, not because of anything he had done. (Tr., p.25, Ls.19-25.)

Considering that Mr. Roderick accepted responsibility for this crime nearly immediately, expressed remorse and regret for his actions, acknowledge that he had put himself and others in dangers, had maintained employment, and accepted that he would have to associate with other people upon his release, Mr. Roderick submits that the district court abused its discretion by imposing an excessive sentence in this case.

CONCLUSION

Mr. Roderick 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 16th day of March, 2021.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of March, 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