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Johnson v. State Appellant's Reply Brief Dckt. 48376

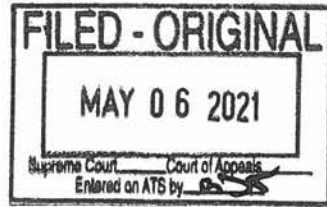
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Appellant

IN THE SUPREME COURT OF THE STATE OF IDAHO

Nicholas Johnson,)
Appellant,)
vs.)
State of Idaho,)
Respondent.)

Supreme Court No. 48376-2020

Case No. CV14-20-01139

APPELLANT'S BRIEF

Reply Brief

Appeal from the District Court of the Third Judicial District
for Canyon County.
The Honorable Davis F. Vandervelde, District Judge presiding.

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Senate Bill 1313

Argument

The Deputy Attorney General has me at a clear disadvantage being highly trained in the law and well equipped with case law. To use his own quote, "The meaning and effect of statute is a question of law over which this Court exercises free review". State v. Hart. Which brings me to the reason there were no cites in this brief, it is undecided law. It is up to this Court, The Supreme Court to establish whether this law is to be applied retroactively.

I firmly believe that in the pursuit of justice I am at least entitled to the resentencing of 10 years fixed with 10 years indeterminate which meets the Attorney General in the middle balancing the scales of justice.

I have already served a decade in prison for something that was

never intentional nor would have happened had I not been surrounded, cornered and attacked on that porch.

This is the very thing Senate Bill 1313 emphasizes. That no one should face legal jeopardy for defending one's self, and it is most certainly unjust for a life sentence in an unintentional act. The punishment does not fit the crime.

Senate Bill 1313 justifies the act of self-defense. Because this law was not available at the time of litigation I feel that it is only appropriate to resentence to 10 years fixed and 10 year indeterminate based on similar sentences.

State v. Stone 9 + 11 years

State v. Avila 10 + 20 years

State v. Steele 12 + 18 years.

Justice demands equality.

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I believe the lower Courts erred in their interpretation and in the pursuit of an equal justice opportunity. I am entitled relief in resentencing.


Conclusion

Had Senate Bill 1313 been available during the time of litigation the outcome would have also been very different. I have already served a decade in prison. The law has changed during this time. Since it was not available at the time of trial I believe that a resentence is fair, and based on other cases cited I believe 10 years fixed with 10 years indeterminate is appropriate.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 29 day of April, 2021, I mailed a true and correct copy of the APPELLANT'S BRIEF via prison mail system for processing to the United States mail system, postage prepaid, addressed to:

Deputy Attorney General
Criminal Division
P.O. Box 83720
Boise, ID 83720-0010

Nicholas Johnson 
Appellant