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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 48787-2021
Plaintiff-Respondent,)	
)	KOOTENAI COUNTY NO. CR28-20-1394
v.)	
)	
MATTHEW SHANE STEPHAN,)	APPELLANT'S BRIEF
)	
Defendant-Appellant.)	
_____)	

STATEMENT OF THE CASE

Nature of the Case

Matthew Shane Stephan appeals from his judgment of conviction for possession of a controlled substance. Mr. Stephan pleaded guilty, and the district court imposed a unified sentence of four years, with two years fixed, and the court retained jurisdiction. Mr. Stephan appeals, and he asserts that the district court abused its discretion by imposing an excessive sentence.

Statement of the Facts & Course of Proceedings

On January 30, 2020, Kootenai County Sheriff's Deputies stopped Mr. Stephan's vehicle for a cracked rear taillight. (Presentence Investigation Report (*hereinafter*, PSI), p.1.) The deputy learned that Mr. Stephan had a warrant out for failure to appear, and he was arrested and taken into custody. (PSI, p.1.) An inventory search of Mr. Stephan's vehicle revealed various items of drug paraphernalia and small containers containing methamphetamine and marijuana. (PSI, p.1.)

Mr. Stephan was charged with possession of a controlled substance, methamphetamine, possession of a controlled substance, marijuana, and possession of drug paraphernalia. (R., p.59.) The State also filed a persistent violator enhancement. (R., p.60.) Mr. Stephan pleaded guilty to possession of a controlled substance, methamphetamine, and the State agreed to dismiss the remaining charges and enhancement. (R., p.81.) The district court imposed a unified sentence of four years, with two years fixed, and the court retained jurisdiction. (R., p.119.) Mr. Stephan appealed. (R., p.125.)

ISSUE

Did the district court abuse its discretion when it imposed a unified sentence of four years, with two years fixed, upon Mr. Stephan following his plea of guilty to possession of a controlled substance?

ARGUMENT

The District Court Abused Its Discretion When It Imposed A Unified Sentence Of Four Years, With Two Years Fixed, Upon Mr. Stephan Following His Plea Of Guilty To Possession Of A Controlled Substance

“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, Mr. Stephan's sentence does not exceed the statutory maximum. Accordingly, to show that the sentence imposed was unreasonable, Mr. Stephan "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. Stephan asserts the district court abused its discretion by imposing an excessive sentence under any reasonable view of the facts.

When asked about the instant offense by the presentence investigator, Mr. Stephen stated that did not know that drugs were under the seat in the vehicle and stated that they were not his; however, he did acknowledge that he had a drug problem and had used methamphetamine several hours prior. (PSI, p.2.) He thought that perhaps the instant case was "karma for all the times I was [carrying] drugs and didn't get in trouble." (PSI, p.2.)

Mr. Stephan's father testified at the sentencing hearing. He stated that two of his children's lives have been affected by drugs. (Sent. Tr., p.9, Ls.8-15.) He stated that Mr. Stephan had told his mother during this time that he needed help. (Sent. Tr., p.10, Ls.1-4.)

He believed that Mr. Stephan needed “serious training 24 hours a day. Like I heard from the Good Samaritan program and from a couple officers that said why the success rate is so high. That’s the emphasis I plead for to help this child and get him back in his life like your system did to my other son.” (Sent. Tr., p.10, L.21 – p.11, L.4.) Once Mr. Stephan had completed his treatment, “he would move to our home. We live on the river in a beautiful home and I have a business, construction. I have a job for him as soon as he can – is released.” (Sent. Tr., p.11, Ls.15-19.) Further, Mr. Stephan had the support of his extended family: “So we can’t emphasize enough how much support he has from his family and his aunts. My sister to my – anyway, all our relatives.” (Sent. Tr., p.11, Ls.21-25.)

Mr. Stephan also provided a statement to the court at sentencing. He stated,

I take full responsibility for my actions. Also want to apologize to you – oops, sorry – the Court for not turning myself in. I realize I’ve been hurting my family and myself with my addiction. I’m asking the Court to please allow me to do the rehabilitation program with Good Samaritan and show that I can and will complete the program and stay clean and sober and be a big part of my family’s life and the community and show that I’m ready to move forward.

This is the first time I’ve ever asked for help with my addiction. I’m asking your Honor to please let me go through this program and show that I can and will be a part of the community and a big part of my family and be successful.

I read in the paper Sunday, studies show it takes 66 days to start new habits. I’ve been in her for 71 and I’m ready to start new habits.

Thank you, your Honor.

(Sent. Tr., p.13, L.10 – p.14, L.2.)

Considering that Mr. Stephen recognized his substance abuse addiction and his need for treatment, had the support of his family who could provide him with housing and employment, that he accepted responsibility for his actions and that he expressed remorse, Mr. Stephen

respectfully submits that the district court abused its discretion by imposing a sentence of four years, with two years fixed.

CONCLUSION

Mr. Stephan 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 5th day of November, 2021.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of November, 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