

SUPREME COURT OF THE STATE OF IDAHO

State v. Charles Earl Guess

154 Idaho 521 (2013) · No. 39646-2012 · Decided April 25, 2013

SUMMARY

The Idaho Supreme Court affirmed the denial of Charles Earl Guess’s motion to withdraw his guilty plea to aggravated assault and dismiss the charge after he completed probation. The court held that Idaho Code section 19-2604(1) did not create an entitlement to relief upon successful completion of probation and that the plea agreement did not promise such relief. The court also held that the district court did not abuse its discretion in considering the victim’s continuing fear when denying the requested relief.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Eismann, Justice; Burdick, Chief Justice; J. Jones, Justice; W. Jones, Justice; Horton, Justice
JURISDICTION	Idaho
DECIDED	April 25, 2013
DOCKET	39646-2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Guess appealed from an order of the Idaho District Court for Latah County denying his motion to enforce his plea agreement, withdraw his guilty plea, and dismiss the aggravated-assault charge after he completed five years of probation.
STANDARD OF REVIEW	The court reviewed interpretation of the plea agreement and statutory authority as legal issues and reviewed the district court's denial of discretionary relief under Idaho Code section 19-2604(1) for abuse of discretion.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.
PARTIES	Charles Earl Guess v. State of Idaho

TOPICS

- plea bargaining
- probation
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

criminal procedure

plea agreements

probation

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the written plea agreement entitled Guess to withdraw his guilty plea and obtain dismissal of the charge upon successful completion of probation.
2. Whether the plea colloquy modified the written plea agreement or created a promise that Guess would receive dismissal after completing probation.
3. Whether denial of the requested relief indefinitely extended probation or violated due process.
4. Whether the district court abused its discretion in denying relief under Idaho Code section 19-2604(1), based in part on the victim's continued fear.

HOLDINGS

1. A plea agreement cannot guarantee that a defendant will be permitted to withdraw a guilty plea and have the charge dismissed solely upon successful completion of probation because Idaho Code section 19-2604(1) requires additional findings and preserves the district court's discretion.
2. The written plea agreement did not provide that Guess was entitled to withdraw his plea and obtain dismissal if he completed probation, and the plea colloquy did not amend the agreement or create such a promise.
3. The district court's denial of Guess's motion did not extend his probation indefinitely; his probation lasted five years and terminated when that period expired.
4. The district court did not abuse its discretion in denying Guess's request to withdraw his guilty plea and dismiss the charge, even though he had complied with probation and the court found no further cause to continue probation.

KEY QUOTATIONS

“In order for a defendant to be permitted to withdraw his or her guilty plea: (a) the defendant must have at all times complied with the terms and conditions of probation; (b) the court must be convinced, by the showing made, that there is no longer cause for continuing the period of probation; (c) the court must find that such relief is compatible with the public interest; and (d) the court, in its discretion, must decide to grant such relief.” (at 523)

“Although there are applicable legal standards that must be met before the relief could be granted, a defendant is not entitled to the relief even if those standards are met.” (at 530)

FACTUAL BACKGROUND

During divorce proceedings, Guess pointed a semiautomatic pistol at his wife and her attorney and threatened to kill them, while also striking his wife in the face. He pleaded guilty to one count of aggravated assault pursuant to a written agreement under which the State would recommend a withheld judgment and probation for no more

than five years. Guess completed the probationary requirements, but the victim continued to express fear of him, and the district court denied his request to withdraw his plea and dismiss the charge.

PROCEDURAL HISTORY

Guess pleaded guilty under a written agreement providing for a withheld judgment and probation for no more than five years. After completing probation, he moved under Idaho Code section 19-2604(1) and under the plea agreement to withdraw his plea and dismiss the charge. The district court denied his motions without prejudice and ultimately denied the motion at issue; the Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Funk, 123 Idaho 967, 969, 855 P.2d 52, 54 (1993)
- State v. Branson, 128 Idaho 790, 793, 919 P.2d 319, 322 (1996)
- State v. Gomez, 153 Idaho 253, 281 P.3d 90 (2012)
- Rife v. Long, 127 Idaho 841, 848, 908 P.2d 143, 150 (1995)
- State v. Hardwick, 150 Idaho 580, 581, 249 P.3d 379, 380 (2011)
- Ex parte Grove, 43 Idaho 775, 779, 254 P. 519, 520 (1927)
- Athay v. Stacey, 142 Idaho 360, 365, 128 P.3d 897, 902 (2005)
- State v. Dieter, 153 Idaho 730, 291 P.3d 413, 417-18 (2012)
- Johannsen v. Utterbeck, 146 Idaho 423, 429, 196 P.3d 341, 347 (2008)