

SUMMARY STATEMENT

State of Idaho v. Terry Allen Ash, Jr.

Docket No. 50783

In this case arising out of Washington County, the Court of Appeals affirmed Terry Allen Ash, Jr.'s judgment of conviction and sentence. Ash appealed, challenging his unified sentence of twenty-one years, with a minimum period of confinement of eleven years, for involuntary manslaughter and use of a deadly weapon. During an altercation, Ash shot and killed the victim. The State initially charged Ash with first degree murder. The parties subsequently entered into a plea agreement in which Ash agreed to plead guilty to an amended charge of involuntary manslaughter with a firearm enhancement. Additionally, the State agreed to recommend a unified sentence of twenty-five years, with a minimum period of confinement of eight years.

On appeal, Ash asserted the district court abused its sentencing discretion by placing too much weight on aggravating factors related to malice and intent to kill. Ash noted the difference between first degree murder and involuntary manslaughter and listed instances in the district court's sentencing that he contended reflect the district court's belief that he "acted deliberately." Ash also contends the district court abused its sentencing discretion by failing to adequately consider certain mitigating factors in imposing his sentence. Specifically, Ash argued the district court erred in failing to consider his low risk for recidivism, employment history, mental health, family support, remorse, and abstinence from alcohol since the shooting and that this was his first felony conviction. The Court of Appeals held that the district court may consider a wide array of information in imposing sentence and the record did not support Ash's claim that the district court improperly considered evidence related to the circumstances surrounding the crime or did not sufficiently consider mitigating information. Thus, the Court concluded, Ash failed to show the district court abused its sentencing discretion.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.