

## SUMMARY STATEMENT

*State v. Idaho v. Ronnie Gene Kincaid, Jr.*  
Docket No. 45489

Ronnie Gene Kincaid, Jr. appeals from the judgment of conviction entered upon his guilty plea to second degree murder. Kincaid argues the district court erred when it denied Kincaid's motion to withdraw his guilty plea and when it ordered Kincaid to pay two separate fines of \$5,000. The district court did not err in denying Kincaid's motion to withdraw his guilty plea. However, because Kincaid was convicted of only one offense, the district court erred when it imposed two separate \$5,000 fines. The judgment of conviction is affirmed in part, vacated in part, and the case is remanded to the district court for entry of an amended judgment of conviction consistent with this opinion.

The narrow issue in the case is whether a guilty plea is involuntary if defense counsel advises the defendant to enter a guilty plea and threatens to withdraw as the attorney of record if the defendant declines to follow counsel's advice. The case depends on the interpretation of two Idaho Supreme Court cases: *Hollon v. State*, 132 Idaho 573, 976 P.2d 927 (1999) and *State v. Grant*, 154 Idaho 281, 297 P.3d 244 (2013). The State argues *Hollon* is controlling precedent and claims Kincaid's case is indistinguishable in any meaningful way. Kincaid asserts that *Hollon* was implicitly overruled by *Grant*.

Thus, the issue here--just as in *Hollon*--is whether a guilty plea is coerced if counsel threatens to withdraw because the defendant refuses to accept a guilty plea. *Hollon* held that counsel is allowed to withdraw when counsel cannot support a client's choice, and that a withdrawal of this sort does not render a client's subsequent decision to enter into a guilty plea involuntary. *Hollon*, 132 Idaho at 577, 976 P.2d at 931. *Grant* did not overrule *Hollon* since *Grant* considered a different issue than *Hollon*.