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Wyoming Supreme Court tosses woman's prison sentence in vehicular homicide case

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Jul 18, 2022

The Wyoming Supreme Court on Monday reversed the prison sentence of a Jackson woman now serving 20 years for aggravated vehicular homicide, concluding the judge in her case considered two constitutionally prohibited factors when he punished her last year.

Ninth District Judge Marvin Tyler erred when he noted during Jade Jewkes' sentencing that she had refused to answer law enforcement questions or take a breath test, despite Jewkes' constitutional right against self-incrimination. Further, Tyler said he weighed the community's expectations in handing down the 15- to 20-year prison sentence, the maximum under Wyoming law. That latter decision violated Jewkes' due process rights, the high court held.

The supreme court ordered that Jewkes, who is an inmate at the Wyoming Women's Center in Lusk, receive a new sentencing hearing in light of its ruling.

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“We cannot know what Ms. Jewkes’ sentence would have been had the district court not incorporated constitutionally prohibited factors into its sentencing decision,” the high court concluded in its unanimous decision. “The application of not one, but two, constitutionally prohibited aggravating factors in sentencing undermines the fairness and integrity of judicial proceedings and is plain error.”

On New Year’s Day 2021, Jewkes drove her Jeep into oncoming traffic, where it collided with a Ford F-250 driven by Shane Deal of Pinedale. He died later that day. Jewkes’ blood alcohol concentration was .22, nearly three times the legal limit in Wyoming. She had drunk for “22 hours straight” that day, the Pinedale Roundup reported.

At Jewkes’ sentencing in August, Tyler noted that she refused to answer the questions of a Wyoming Highway Patrol trooper while she was in the hospital after the crash. She also declined to share the PIN number to her iPhone with authorities and would not provide a breath sample.

In addition to noting Jewkes’ refusal to answer officers’ questions, Tyler also said during her sentencing that he factored in community values.

“And so I try to consider ... where I am and what the citizens in our jurisdiction where this crime is when I’m doing the sentencing expects me to do,” he said.

On the question of self-incrimination, the high court concluded Jewkes was penalized in part for exercising her constitutional right. It batted back suggestions that the judge was merely considering her cooperation and remorse in handing down the prison sentence.

“The district court’s remarks were not directed at remorse, or any other factor related to cooperation...,” the ruling states. “The district court’s reliance on Ms. Jewkes’ exercise of her constitutional rights as an aggravating factor in sentencing

violated a clear and unequivocal rule of law.”

Similarly, the justices found that the lower court had “relied on its unsupported view of what the community expects in sentencing Ms. Jewkes,” violating her due process rights in the process.

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Joshua Wolfson joined the Star-Tribune in 2007, covering crime and health before taking over the arts section in 2013. He also served as managing editor before being named editor in June 2017. He lives in Casper with his wife and their two kids.
