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## Parental rights bill sparks lengthy testimony

BY KIMBERLEE KRUESI

Associated Press February 19, 2015 Updated 17 hours ago

BOISE, IDAHO — A bill seeking to expand parental rights in Idaho sparked concerns Thursday by attorneys who say its implementation could set off a new slew of lawsuits.

However, family advocates who support the measure say it's needed because state law fails to outline parental freedoms.

The House State Affairs Committee listened to nearly two hours of testimony on the legislation that would expand Idaho law to say parents and legal guardians have the fundamental right to make decisions regarding the care, custody, education and control of their children.

Republican Rep. Janet Trujillo of Idaho Falls, who sponsored the bill, said the legislation follows current court rulings.

"Judges are having to legislate from the bench because the law is not there," Trujillo said. "The Legislature needs to be giving the courts guidance."

Michael Henderson, legal counsel for the Idaho Supreme Court, disagreed, saying that the inclusion of education and legal guardians is in conflict with prior state and federal court judgments.

Idaho's attorney general office also reviewed the legislation, warning of the consequences it could create.

"No current decisions of the Supreme Court of the United States or of the Idaho Appellate Courts recognize a fundamental right for parents to make decisions regarding their children's education that are contrary to state requirements for their education," wrote Brian Kane, deputy attorney



Rep. Linden Bateman, center, R-Idaho Falls, listens to Michael Henderson, left, legal counsel for the Idaho Supreme Court, with Rep. Don Cheatham, right, R-Post Falls Thursday, Feb. 19, 2015, in Boise, Idaho.

KIMBERLEE KRUESI — AP Photo

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general.

Kane added that Idaho law does not recognize parental rights to direct a child's education contrary to state statute.

Idaho's Republican-controlled Legislature has long championed protecting the rights of families and parents in the name of fighting government intrusion.

Testimony turned emotional at times on Thursday as individuals expressed fears that the bill will further solidify the ability of parents to refuse medical treatment for their children.

Boise resident Emily Walton said she opposed the bill because she is currently taking care of her ailing younger sister after her parents refused to treat a hole in her sister's heart.

The long-term damage means her 19-year-old sister will need heart and a double lung transplant, Walton said, tearing up during her testimony. The cost will be picked up largely by the taxpayers of Idaho, she said.

"We have to draw a line somewhere," Walton said. "Medical neglect isn't something children can reverse."

Julie Lynde, executive director of the Cornerstone Family Council, said the bill is common sense legislation and provides the best sense of protection for families.

Trujillo declined to give specific examples of parental right infringement she's seen in Idaho. However, she told the committee it had been reported on in the media.

When asked by The Associated Press, Trujillo said she couldn't immediately think of an example where the courts had restricted parental freedom but that it was happening across the country.

"This is not a response to any particular case," she said.

The committee is expected to vote Friday on sending the bill to the House floor.

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## Coeur d'Alene has 'very experienced legal staff'

Coeur d'Alene Press: Feb. 15- Keith Cousins

COEUR d'ALENE - City Attorney Mike Gridley said the purpose of the legal department he oversees is to provide the best quality legal services possible for Coeur d'Alene. The city attorney's office handles all litigation involving the city and prosecutes all criminal misdemeanor cases and infractions on behalf of the city. Gridley, who has overseen the office for 13 years, said his goal for the department is to be right every time one of its clients - the mayor, city council, or city employees - brings them an issue. In 2015, the legal department has a budget of \$1.4 million - 93 percent of which pays for the salary and benefits of its 14 employees. "I was joking around with someone the other day and said, 'I don't think you ever want to have the cheapest lawyer in the room,'" Gridley said. "We've got some very experienced legal staff and that's of great benefit to the city." The legal department is composed of four full-time criminal attorneys and one criminal attorney who works part time. Gridley said that any time a misdemeanor or infraction takes place within city limits, it's the criminal division's responsibility to prosecute the case. Any instances of felony activity are handled by the Kootenai County Prosecutor's Office. However, since the Coeur d'Alene Police Department is often called to respond to those incidents, Gridley said his office often does get involved. "We advise them and work with them on cases if there are any questions," Gridley said. "But it would be unusual for us to get involved in the actual prosecution." Last year, the city's criminal division prosecuted 2,985 cases, the majority of which were misdemeanors. Most of the criminal prosecutors also work on the civil side, Gridley added. One of the city attorneys on the criminal side is working on water adjudication rights in North Idaho. "It helps those guys maintain some freshness and newness rather than just doing criminal prosecution," Gridley said. "And it helps us because we can distribute the workload and they do a good job. I think you'd find that's pretty unusual for a criminal prosecution office." Gridley called the department's civil division "a very interesting, but very varied, legal practice." The division has two full-time civil attorneys who work with every city department except law enforcement. "It's A to Z - animals to zoning - and everything in between," Gridley said. As an example, Gridley told The Press on Friday that he was working on the city's agreement with North Idaho College for tree removal on the levee, as well as the legal aspects of a city employee's upcoming retirement. Any time a branch of the city is working on an initiative or proposal, Gridley said, he encourages the employees to engage his office early. "We tell them that if they have a legal question they should come to us before it becomes a legal problem," Gridley said. "It's always easier and cheaper to get the foundation right on your house rather than wait for a problem." Gridley compared the department's civil division to a medical general practitioner. When an issue arises that is too specialized for the in-house team, the department turns to experts such as environmental or labor lawyers and asks them questions. "There's some stuff that's just so specialized, to get the best possible result we feel like we have to get it to the best people we can find," Gridley said. That accounts for a small portion of funds the department pays to outside counsel each year. Outside counsel is primarily used when legal action is taken against the city in instances like an injury or a personnel disciplinary discharge claim. Since 2011, the legal department has spent \$206,362 on outside counsel. A large portion of that expenditure occurred in 2011 and 2012, when former Coeur d'Alene Police Department officer Dan Dixon was awarded \$3.2 million in a wrongful termination lawsuit against the city. Gridley said he often receives the question of why these matters aren't handled by the city's attorneys. "To some extent it's a staffing thing, but the other thing I truly believe is that you're either in it or you're not and we don't have the volume of cases to justify having someone in-house who is specialized in civil litigation," Gridley said. "It's better to give the cases over to people who are doing that every day." There are still a handful of claims that require the city to pay for outside counsel. Gridley said that with the city's switch last September from self-insurance to coverage through ICRMP - the Idaho Counties Risk Management Program - the majority of future expenditures on attorneys not with the city will be covered. "I think the council realized we are a 24/7 operation, we've got 400 employees and we're doing all kinds of things," Gridley said of the move. "We're not a little town anymore. The number of employees in my department has stayed the same since I've been here. In the meantime, Coeur d'Alene has grown by approximately 50 percent."

## Hayden legal services handled by Boise firm

Coeur d'Alene Press: Feb. 15

HAYDEN - The city of Hayden contracts for legal services with the law firm of Hawley Troxell, which is based in Boise. John Cafferty from the firm's Coeur d'Alene office serves as city attorney. He was previously a Kootenai County civil deputy prosecutor. For fiscal year 2015, Hayden has budgeted \$75,000 from the city's general fund for general legal services, \$51,000 from the sewer operations fund for legal services related to sewer services, and \$52,000 for prosecuting attorney services, said City Administrator Stefan Chatwin. The Kootenai County Prosecutor's Office provides prosecution services for Hayden. For the 2014 fiscal year, the city spent \$74,472 from the general fund for general legal services and \$90,308 from the sewer operations fund for legal services related to sewer services. Additionally, \$52,000 was spent on prosecution services. The sewer legal fees are related to a lawsuit the North Idaho Building Contractors Association filed against the city regarding sewer capitalization fees. So far in the current fiscal year, the city has spent \$23,428 from the general fund for general legal services and \$2,357 from the sewer operations fund for legal services related to sewer services. The Building Contractors Association has claimed that capitalization fees are an illegal tax, Chatwin said. "Most all cities in this area utilize capitalization fees for both sewer and water to pay for expansion of the systems needed as a result of new growth," he said. Each new home built, or newly constructed business, is assessed a fee that goes directly to the needed expansion of the sewer system to replace capacity that is used up. The city was successful in its legal defense at the 1st District Court level, but the association has appealed to the Idaho Supreme Court. The city is awaiting a decision.

## The trials of Nez Perce County

Lewiston Tribune: Feb. 15- Ralph Bartholdt

With four homicides and three vehicular manslaughter cases among its caseload - more than in any single year in the past decade - county prosecutors are blocking time, taking work home and stretching hours to assure they meet the burden the state has entrusted them. This year's load of what Deputy Prosecutor Justin Coleman calls "death cases" is at least four times the average. "We usually have one or two," Coleman said. Each of the cases have the potential to culminate in jury trials, which taken individually, are a substantial draw on county and court resources. Murder trials can last two weeks or more, requiring judges, clerks and attorneys to focus their time apart from their weekly calendar, which doesn't stop filling up. "All the rest of the crime doesn't stop because we have these bigger cases," Coleman said. "These are cases on steroids. Everyone is watching them, and you have to spend more time on each one." That includes more effort on the part of the detectives who brought the cases, as well as the attorneys' assistants and office staff who manage the details. "Everyone involved is committed to it," Coleman said. Homicide cases often require re-education, Chief Deputy Prosecutor Sandra Dickerson said. Learning human anatomy, ballistics, the effect, as an example, of a bullet shot into flesh and bone, may become homework. "You're dealing with a lot of experts, forensic evidence and medical evidence," Dickerson said. "You have to educate yourself on what the experts are talking about, looking up definitions, knowing the evidence you're presenting." Forty- or 50-hour work weeks suddenly jump to 60-hour weeks. "It requires an immense amount of time, devotion, research and emotional involvement," she said. Because of the cases' severity they also take an emotional toll. "You have a victim," Dickerson said. "As a prosecutor and defense attorney you can't help have a human and emotional response, but you have to pull back and remain objective, and that's sometimes difficult when someone dies." Add another wrinkle to the office's stress level: Dickerson, who joined the prosecutor's office in 1998 and is one of the area's most experienced felony prosecutors, plans to retire this year. She is taking the lead on one of the homicides, and on a manslaughter case, both scheduled before her retirement date in the fall. Nez Perce County Prosecuting Attorney Dan Spickler, who is in his last term as prosecutor and who will serve as second chair for two of the homicides, said the intense caseload will season the newer prosecutors, including April Smith and Coleman. "My job is partially to make sure these people are ready to continue the office," Spickler said. Human factors aside, the county absorbs the financial costs of jury trials that can run around \$20,000 for a 40-hour week in Courtroom One. According to a 2013 report by the county, a one-day felony DUI trial in Lewiston's 2nd District Court cost \$4,650. It included paying jurors, the public defender, the deputy prosecutor and his or her support staff, as well as the judge. Payment to sheriff's deputies, bailiffs, court clerks and court reporters made up the total. Prosecutors and defense attorneys have budgets of their own that include money for tools they may use in a trial, charts and graphs for illustrations, investigators and expert witnesses. "If possible we try to use state experts," Spickler said. Turning to the state police for a drug or forensic expert, instead of a private company, costs less. "We only have to pay out-of-pocket expenses," such as a plane ticket from Boise, and room and board if it is required, he said. The defense generally seeks its own witnesses to scrutinize the state's evidence or to counter it. Rick Cuddihy, whose law office Knowlton and Miles, will act as public defender in two of the homicide cases, as well as one manslaughter case scheduled this year, submitted a motion asking the court to pay \$92,000 to two California physicians who will act as expert witnesses. If approved, the cost will fall on taxpayers. The number of days set aside for a trial is an educated guess, and the money budgeted a year in advance is based on precedent and the understanding that each trial brings new variables. "There are many factors," Nez Perce County Auditor Patty Weeks said. "A jury trial could be completed in a day or two, or it can drag on for a month." The toll tasks both sides of the aisle. Cuddihy, who operated one of the county's public defender contracts by himself until last fall, hired another attorney, Mackenzie Welch, to take over part of the caseload. Welch's presence has allowed him to devote the time he needs to defend the three, high-profile cases his office was assigned. "I couldn't do the contract by myself, right now," he said. "It does affect my home life and my weekends quite regularly."

## Rathdrum content with contracting legal services

Coeur d'Alene Press: Feb. 16- Brian Walker

RATHDRUM - Rathdrum contracts its legal services for both civil and criminal matters and officials believe that will continue to be the case in the near future. "We are too small yet to have a full-time attorney, so we continue to use one contractually," said Brett Boyer, city administrator. Rathdrum had a population of 7,090 in 2013, according to the U.S. Census Bureau. Rathdrum contracts with the Coeur d'Alene office of Hawley Troxell for its civil and regular city business matters, including city council and planning and zoning meetings. John Cafferty serves as Hawley Troxell's primary attorney at the city meetings. The rate Hawley Troxell charges the city is \$120 per hour. The city previously tapped Jerry Mason and Nancy Stricklin of Mason and Stricklin before it dissolved more than a year ago. "Over the years, the city has received excellent legal services from the premier experts in Idaho municipal law at a reduced hourly rate from what they could charge on the market," Boyer said. "As our long-term attorneys (Mason and Stricklin) transitioned out of their practice, we did shop around and compared fees and looked at different attorneys. "After a trial period with our new attorney - no pun intended - we have continued using him and are confident based on our shopping around that their fees are very reasonable." The city has budgeted \$55,000 for the year for civil matters. Melissa Taylor, the city's clerk, said that, on occasion, the city will need to seek other counsel on matters not handled by Hawley Troxell. That was the case last year when the city spent \$36,059 for services provided by the Boise firm of Givens Pursley during litigation that secured the city's access to its Rathdrum Mountain property. The city is now moving toward the public input phase of how to selectively develop the site for recreational purposes. To handle prosecuting misdemeanor crimes, the city taps Rathdrum attorney Tim Van Valin and budgeted \$67,473 for the year for his services. Van Valin handled 245 misdemeanor cases in 2014. Taylor said she expects Rathdrum's legal fees to remain about the same this year. She said the city is not expecting any non-typical legal fees this year as it had last year. "The number of cases and issues facing the city has been about the same the past couple years," she said. "One item that causes our legal fees to increase is when we see an increase in development to review and documents to prepare, but fees are paid (by developers) to help cover those increases."

## The high cost of counsel

Coeur d'Alene Press: Feb. 16- Brian Walker

POST FALLS - Post Falls contracts its legal services for regular city business matters, but the day may be getting closer for the city to hire an in-house attorney if it financially makes sense. "Shelly (Enderud, city administrator) and I contemplate hiring an attorney each year during the city's budget process," said Jason Faulkner, Post Falls finance director. "We evaluate the prior year's costs and project any special projects along with any additional needs during the upcoming years to justify hiring a city attorney. I will be continually re-evaluating the cost each year." Since the firm of Mason and Stricklin, LLC, dissolved more than a year ago, Boise-based Hawley Troxell has served as Post Falls' contract counsel for civil matters and at city council meetings. Jerry Mason represented the city for more than 20 years and partner Nancy Stricklin assisted for 12 years. John Cafferty, who works out of the Coeur d'Alene office of Hawley Troxell, serves as Post Falls' primary civil attorney. The hourly rate for the services of Hawley Troxell is \$135 per hour, which is the same rate Mason and Stricklin charged during its last few years. Post Falls, which had a population of 29,357 in 2013 according to the U.S. Census Bureau, spent \$75,776 on civil legal fees charged by Hawley Troxell in fiscal 2014. The amount was slightly lower than the four previous years. "The contracted civil attorney fees are beginning to level off," Faulkner said. "The city's counsel is involved in all facets of city business such as land use, personnel, code enforcement and policy and occasionally drafts ordinances and resolutions." Hawley Troxell also provides services to several other area cities, so the availability of having an attorney down the hall needs to be weighed when considering if and when the city hires its own attorney, Faulkner said. The city uses William Herrington of Herrington and Associates, Inc. at its attorney at Planning and Zoning Commission meetings and \$2,833 was paid to that firm in fiscal 2014. Faulkner said, on occasion, the city needs to seek outside counsel on matters that aren't handled by Hawley Troxell and previously Mason and Stricklin. That was the case when the city paid Givens Pursley of Boise \$6,958 this year, \$30,368 in fiscal 2014 and \$130,021 in fiscal 2013 for services related to the Spokane River cleanup process mandated by the federal government. The city's prosecutor's office, which consists of two attorneys, a full-time secretary and a half-time secretary, prosecutes misdemeanor criminal cases that occur with the city. The city spent a total of \$259,377 on the prosecutor operations in fiscal 2014, the lowest amount in the past five years. Most of the amount - \$243,960 of it - was spent on employee compensation and benefits since it is a service department. Prosecutor Joel Ryan's hourly pay is \$39.26, while deputy prosecutor Pat Kiernan makes \$27.54. Ryan said the number of cases his office has prosecuted has fluctuated between 2,000 and 2,500 per year in recent years. The office was involved in 2,117 hearings in fiscal 2014. (Some cases are thrown out and are not prosecuted.) He said supervised DUI and domestic violence diversion treatment programs have been a win-win in recent years. "They've taken some of the workload off for both us and the officers," Ryan said. By comparison, the prosecutor's office was involved in 2,535 hearings in 2009. He said most of his office's cases involve traffic or DUI infractions. The total amount Post Falls spent on legal fees - civil and criminal - in fiscal 2014 was \$335,153, the lowest amount in the past five years. Faulkner said he expects that number to be about the same this fiscal year. Faulkner said he believes Post Falls has kept legal fees as reasonable as possible, but it continually evaluates if changes can make them even better. "I have worked for other municipalities and normally the legal department has a much larger staff than what we have," he said. "Post Falls makes good use of the current legal sources available, but there might be a time in the next few years where we need to hire an on-staff city attorney."

## Resolution Calls for Impeachment of 'Activist' Judges

MagicValley.com: Feb. 17- Nathan Brown

BOISE • Prompted largely by recent court rulings on gay marriage, an Idaho House committee voted Monday to introduce a resolution calling for the impeachment of federal judges who don't follow the original intent of the U.S. Constitution. The sponsor, Rep. Paul Shepherd, R-Riggins, said judges who read things into the Constitution that weren't intended by the Founding Fathers are breaking their oaths of office. "Original intent is really all we have," he said. "Agenda and interpretation is what we're all unhappy with." "Original intent" is a constitutional law theory, popular among conservatives, that the Constitution should be interpreted according to what the Founders intended when they wrote it. Liberals are more likely to subscribe to the idea of an evolving constitution, and court rulings expanding civil rights have often relied on versions of this philosophy extending the protections in the 14th Amendment. Gay marriage has been legal in Idaho since October, when the U.S. Supreme Court declined to block lower federal court rulings saying that Idaho's ban on gay marriage, which was passed by the state's voters in 2006 and put in the state Constitution, was unconstitutional. Shepherd has a history on state's rights issues — he sponsored a bill in 2014 to declare some Environmental Protection Agency regulations unconstitutional. Another bill he is sponsoring this year, eliminating some federal regulations that affect gold suction dredges, cleared another House committee last week. Shepherd told the House State Affairs Committee Monday that the power to define marriage should be left to the states, since the 10th Amendment reserves powers not explicitly given to the federal government to the states or the people. "I think that's the whole problem," he said. "We're getting away from the Constitution." The committee printed the resolution on a 12-4 party line vote, clearing the way for a hearing. Rep. Pete Nielsen, R-Mountain Home, agreed marriage law should be left up to the states. "There is nowhere in this Constitution that you'll find any reference to the word marriage," he said. Rep. Linden Bateman, R-Idaho Falls, said the 14th Amendment has been stretched far beyond how it was intended to be read. "Those clauses have been used by the courts to centralize our system of government," he said. However, Rep. John McCrostie, D-Garden City, the only openly gay Idaho lawmaker, said "this proposed piece of legislation would stand, ultimately, to take away my marriage." McCrostie said the idea of "judicial activism" cuts both ways. At one point, he asked Shepherd for his take on the original intent of the three-fifths compromise — the decision to count slaves as three-fifths of a person for the purpose of apportioning U.S. House seats. McCrostie said the U.S. Supreme Court allowed gay marriage to move forward in Idaho. "You can call it judicial activism," he said. "I would read it more as an interpretation of the Constitution of the United States, which is what the Supreme Court is supposed to do."

## Wastewater lawsuit may get flushed

Coeur d'Alene Press: Feb. 17- Brian Walker

Snow runoff has helped fill the Spokane River at Post Falls in recent days. The Post Falls City Council will hold a workshop at 5 tonight on an update on the water reclamation facility plan. Post Falls' treated wastewater is discharged to the river. The council will also consider dismissing the city's lawsuit against the U.S. Environmental Protection Agency on the river cleanup plan. POST FALLS - The Post Falls City Council tonight will consider dismissing a lawsuit against the U.S. Environmental Protection Agency that was filed nearly five years ago over the Spokane River cleanup plan. Post Falls and the Hayden Area Regional Sewer Board (HARSB), which both discharge treated wastewater to the river, jointly filed suit against the EPA, claiming the federal agency had proposed a cleanup plan disproportionately harming Idaho dischargers compared to those in Washington. John Beacham, Post Falls environmental manager, is recommending the council dismiss the suit since the discharge permits were issued last fall and the requirements now appear to be reasonable. The suit, which requested the original cleanup plan be declared void, was maintained during the negotiation process for the new permit that became effective on Dec. 1. "The new permit was not protested and includes a compliance schedule and other requirements which appear to be achievable," Beacham wrote in a memo to the council. "With the lawsuit having served its purpose, it is recommended for dismissal." If the suit is dismissed, legal fees to maintain it will be ceased. The city has paid the law firm of Givens Pursely \$6,958 so far this year, \$30,368 in fiscal 2014 and \$130,021 in fiscal 2013 for services related to the controversial cleanup process. The regular meeting starts at 6 p.m. at 408 N. Spokane St. There are no public hearings. In another wastewater-related matter, the council will hold a water reclamation facility plan update at 5 p.m. in the basement conference room. A 20-year financial plan has been developed to meet stricter treatment standards imposed by the EPA. This year's priorities include developing a system that will equalize peaks and valleys of daily flow variations, a disinfection upgrade with chlorine in the event of an ultraviolet failure and an odor control biofilter. \* In other business, the council is expected to approve a \$12,200 contract with Abbotswood Design Group of Hayden to design a water fountain feature and garden area as part of the expansion of Evergreen Cemetery. The city and the Schneidmiller Foundation would split the planning cost evenly. Realtor Gary Schneidmiller said the foundation plans to cover all of the cost of the water feature, which could cost at least \$50,000. He said it will be built in honor of his mother, Gladys Schneidmiller, and hopes construction will start this summer. Schneidmiller said he envisions the feature will be built with granite and feature angels, seating and lighting. Gladys Schneidmiller, of Post Falls, was a Post Falls School Board member for 18 years, is a life member of the Idaho Parent-Teacher Association and was a 4-H leader for 12 years. She is a member of the Royal Neighbors of America, the Idaho Community Foundation and is a founder and charter member of the Kootenai Medical Center Foundation. She and her late husband Manny's gifts have included an ongoing scholarship fund in their name that assists Post Falls High graduates, a flag monument at Evergreen Cemetery honoring veterans, land donated to Kootenai Health and Harper's (now Kimball Office) for economic development and stained-glass windows and an organ for Community Presbyterian Church. Schneidmiller keeps books for family businesses Schneidmiller Brothers Inc. and the Schneidmiller Land Co. and, before that, the Post Falls Highway District, a local irrigation district and the school district. All have been volunteer positions during the past 50 years. She was recognized with the Heritage Award during a past Post Falls Chamber of Commerce annual banquet as well as during the Idaho Centennial celebration for contributions to the state.

## Former judge gives his verdict on area's history

Lewiston Tribune: Feb. 17- Kathy Hedberg

KAMIAH - Until he began researching Idaho history for his new book, former 2nd District Judge John H. Bradbury said Monday, he had no idea the importance the Pierce gold rush had on the development of the state. In 1861, the year Captain E.D. Pierce and his party discovered gold near what is now the town of Pierce, Seattle had a population of about 3,000 people and only one sawmill. Portland, Ore., had between 4,000 and 5,000 people. But in the 1862 population estimates, Pierce had more than 7,000 residents and was considered the largest voting district in what was then the Washington Territory. "It was a bonanza," Bradbury told a gathering of about 80 people Monday at the Kamiah Museum. "There was lots of gold taken out of these tributaries" - some estimates claim it was as high as \$150 million. Bradbury's new book, "Frontier History Along Idaho's Clearwater River, Pioneers, Miners and Lumberjacks," has become a regional best seller. The book is based on a series of articles Bradbury has written for the Clearwater Tribune newspaper in Orofino. Judy Wutzke, owner of the And Books Too bookstore in Clarkston, said the first printing of about 1,000 copies has already sold out, and retailers are waiting for the second printing to be delivered. Wutzke said she has sold 250 copies of the book from her store. Bradbury has proven to be a favorite with customers during book signings at the store, she said. Bradbury, who was raised at Headquarters and served as District Court judge for Idaho, Lewis and Clearwater counties from 2003 to 2011, Monday highlighted some pivotal events of the mid- to late 19th century and talked about a few of his heroes from that era. One of those was Joseph Boyd, typical of the Paul Bunyan-tough strain of men who pulled up roots elsewhere and headed to Idaho after news of the Pierce gold rush spread. The winter of 1861-62 was brutal, Bradbury said, with an estimated total snowfall of 47 feet and temperatures rumored to be cold enough to break thermometers. Boyd worked from before sunup to after sundown and trudged 12 miles each day to release water from a dam on a creek used to sift gold through miners' sluice boxes. "Those were the conditions those people went through just to get the chance to dig for gold," Bradbury told the audience. Another of Bradbury's heroes, Israel Burr Cowan, was an early postmaster at Orofino who used to carry the mail from Lewiston to Clearwater County several times a month by walking the 80-plus-mile round-trip distance on foot. "That's the kind of tough we're talking about," Bradbury said. "That incredible human spirit." Bradbury also noted the struggle for Idaho's statehood that languished for years because Idaho's Democratic majority was on the wrong side of the men in the White House. Republicans in the state during that time made an attempt to gain political supremacy by disenfranchising Mormons, who were largely Democrats, and making it illegal to practice polygamy or even belong to a church that sanctioned plural marriage. Several Mormon men were arrested under those laws and held in jails in the Dakotas. It was also a crime then, Bradbury said, to cohabit with a person who was not one's legal spouse. "Think of the people that would go to jail today if that was the standard," Bradbury said. "It's a different world today."

## Latah County finds out justice is not cheap

Lewiston Tribune: Feb. 16- Elizabeth Rudd

The recent trial in 2nd District Court at Moscow of Charles Capone (far left) for murdering Rachael Anderson was expensive, with known costs exceeding \$400,000 — and likely much higher. MOSCOW - The cost of Charles A. Capone's case in the murder of Rachael Anderson is likely significantly higher than the recorded total of more than \$400,000. Officials with Latah County and a number of police agencies that investigated Anderson's whereabouts after she was reported missing in 2010 said it's difficult to pinpoint an exact dollar amount to the case because the cost is largely associated with personnel time. A recorded total of \$441,767.53 does not account for a majority of the hours worked by salaried detectives and investigators at several of the area's law enforcement agencies or accurately reflect the time prosecutors dedicated to the case. Capone was convicted in September of first-degree murder for strangling Anderson outside his automotive repair shop April 16, 2010, in Moscow. A former friend of Capone, David C. Stone, testified to seeing Capone murder Anderson, and then out of fear for his own life, helped dump her body into the Snake River off Red Wolf Crossing Bridge in Clarkston. Capone is scheduled to be sentenced at 9 a.m. next Monday in Latah County 2nd District Court. Latah County Prosecutor William Thompson Jr. said both he and Senior Deputy Prosecutor Mia M. Vowels are salaried and have not received overtime pay or compensation time for their work on Capone's case that was done at night or on the weekends. It's also difficult to calculate because the attorneys have other cases they work on at the same time and the investigation spanned four years. "The lead investigators were in all the way on this," Thompson said. "They really cared." Thompson said his office doesn't bill by the hour so they don't track how much time is spent per case. He and Vowels are paid set salaries of \$7,200 and \$5,722, respectively, per month, based on four 40-hour work weeks. Broken down to hourly wages, that would put Thompson at about \$45 gross pay and Vowels at about \$35 gross pay per hour. If the salary were calculated for 60-hour work weeks - which was often required in the prosecution of Capone - it would drop their gross hourly rates to about \$30 and \$24, respectively. Vowels worked almost full time on Capone's case for six weeks prior to the trial start, including nights and weekends. Thompson said the case consumed more of his time the closer to trial it got. "We just put in the time that's needed," he said. Aside from personnel costs, Thompson said his office was able to keep their out-of-pocket expenses fairly low overall by utilizing resources that were already available. Capone's case cost the prosecutor's office about \$12,435 to cover witness expenses, travel and some of the costs associated with several river searches in an attempt to locate Anderson's body. The money spent was from the office's trial budget, which is set annually at \$15,000. "That's almost all of our annual trial budget," Thompson said, noting the cost was spread across two fiscal years, which was helpful. The cost of the river searches were dispersed among several agencies, but only included lodging, food and filling gas tanks, Thompson said. People conducting the searches donated their time and about \$1,000 was contributed by the Houser Christman Memorial Fund, established by former Asotin County Sheriff Capt. Dan Hally. Idaho State Police Detective Mike Mooney estimated that his agency spent about \$8,404 on the Capone case, which was predominantly his and other detectives' wages. It also included some hard costs for shipping evidence to the agency's forensic services laboratory in Meridian. The recorded total does include \$393,401 spent on Capone's defense to date from Latah County's justice fund to compensate two court-appointed attorneys and to cover other costs associated with ensuring he received proper representation. The money spent on defense covered the hourly pay rate for Moscow attorneys D. Ray Barker and Mark Monson, fees for a private investigator, travel, document copies, court clothing, fees for expert witnesses and lodging, and other miscellaneous costs. An additional \$26,526 was pulled from the county's coffers for supplies and mileage for jurors, as well as their daily compensation, and for the preliminary hearing transcript fee. Latah County budgeted \$110,000 for its justice fund in fiscal year 2014, but had to adjust the budget by \$295,154, which was pulled from reserves to cover the unexpected additional cost of Capone's case. Latah County Commissioner Dave McGraw said budgeting for criminal justice is a challenge because it's not something that can be predicted. When the commissioners sit down to plan the yearly budget, it's not like they are able to say how many murders will or won't happen in a year. He said they just have to look at the past year, decide how to plan based on that information and remember that it's their responsibility to ensure a fair defense and trial is funded. "In my mind, money takes a back seat to getting it right," McGraw said. An example, McGraw said, is the recent shooting spree in Moscow that left three residents dead and a fourth man injured. The alleged shooter is 29-year-old John Lee, who reportedly fled to Whitman County afterward, where he was apprehended, charged with felony eluding and is awaiting extradition to Idaho. McGraw said the commissioners don't know what will happen with that case, but they have to anticipate it will go to trial. "Who knows what we'll decide on, but there will be some number we'll decide on for the defense fund and it'll be bigger than last year, especially since we had to dip into reserves," he said.

## Otter appoints legal counsel Sasser to Idaho Public Utilities Commission

IdahoStatesman.com: Feb. 18-Staff

BOISE — Gov. Butch Otter announced today that Kristine Sasser, a veteran legal counsel for the Idaho Public Utilities Commission, will succeed retiring Commissioner Marsha Smith on the three-member commission effective Thursday. Smith is retiring after serving on the PUC since being appointed by then-Governor Cecil Andrus in 1991. Like Sasser, Smith is a Democrat who previously served the commission as a deputy attorney general. Sasser will serve a six-year term as commissioner. "Over the past seven years, Kristine has distinguished herself as someone who is thorough, professional, collegial and devoted to fulfilling the vital role of an ombudsman for ratepayers and regulator for our public utilities," Otter said in a press release. "The electricity, natural gas and other services enjoyed by Idaho citizens are in good hands with Kristine's knowledge, skills and temperament ensuring that our system works." Pending Idaho Senate confirmation, Sasser will join Commission President Paul Kjellander and Mack Redford on the quasi-judicial panel. The Commission regulates investor-owned or privately-owned utilities that provide gas, water, electricity or some telephone services. It also oversees the railroads and enforces state and federal regulations on the transportation of hazardous materials by rail.

## Judge orders prosecutors to turn over some information to defense in Hodges' death case

Lewiston Tribune: Feb. 18- Ralph Bartholdt

The child protective records, medical examiner's findings and medical history of a child who died while in the care of a Lewiston woman charged with murder will be turned over to defense attorneys, according to a ruling filed Tuesday in Lewiston's 2nd District Court. Citing the pertinence of the evidence to a strong defense, District Judge Jeff M. Brudie granted the request to turn over the information to Natasha N. Hodges' defense attorney. "There is substantial need in preparation of the defendant's case," Brudie wrote in his four-page opinion. Hodges was indicted two years ago by a grand jury in connection with the death of the 2-year-old Rylee Mingo. According to police, Mingo died of internal bleeding after an apparent injury to her abdomen while in Hodges' care. Hodges, a Lewiston day care provider at the time of the incident, was baby-sitting Mingo when an indictment alleges she struck the girl in the abdomen. Hodges has pleaded innocent to first-degree murder and is out of custody on \$50,000 bond. Hodges alleges in court documents that Mingo died of natural causes. Brudie granted a request for production of all medical records pertaining to Mingo since birth, as well as all child protective records and court proceedings for Mingo and her sister. In addition, the judge ordered the Nez Perce County Prosecutor's Office to disclose all information it received from the Spokane Medical Examiner's Office after Mingo's death. The prosecutor's office had contended some of the information is beyond the scope of what it could, or must, provide. Prosecutors also asserted to having disclosed all documents received from the medical examiner's office. In the same opinion, Brudie denied other requests for information made by public defender Richard M. Cuddihy. He called "not relevant" the request by Cuddihy to obtain the sister's medical records, as well as medical records, a death certificate and personnel records of one of the attending physicians in the hospital at the time of Mingo's death. A jury trial in the case is scheduled for April 6 and includes two days of jury selection.

## Health issues force facilities district's attorney to resign

Lewiston Tribune: Feb. 20- Joel Mills

Scott Broyles, the attorney some accused of having too much influence over the Asotin County Public Facilities District, has resigned for health reasons. District President Connie Morrow said Broyles submitted his letter of resignation during Tuesday's board meeting, and board members accepted it. His last day will be Feb. 28. "He had a pacemaker put in a week ago Wednesday," Morrow said. "His doctor told him he needs to cut down on his clients and his stress level." The district was created as a stable funding source for the Asotin County Family Aquatic Center after it suffered through years of financial hardship, and it took ownership of the facility in July. Broyles and the board faced controversy last year over the firing of Director Nick Bacon, with some attendees at a public meeting complaining that the board was hiding behind Broyles' influence. Bacon was terminated after he and the board disagreed over the management structure of the district. He had been named as CEO and executive director, but the board later took away that designation. Broyles argued that it wasn't legal for Bacon to lead the district because that role belongs to the board. Scott Stoll was appointed as the new director of the center after Bacon's departure. Morrow said the center is thriving under Stoll's leadership. "The staff is real happy, the public is real happy, the board is real happy," she said, noting that cleanliness at the center is one of the areas of improvement. "We now have a janitor and a maintenance person." Board members Doug Higgins and Ed Ausman have formed a subcommittee to figure out how Broyles will be replaced. Morrow said the preference would be to find someone who will work on an on-demand basis, like the attorneys for area school districts. If there is still a vacancy by the time Broyles officially leaves, the district will still have legal representation through its insurance carrier, she said.



## **New trial ordered for convicted child molester**

*By ALI TADAYON Idaho Post Falls Register February 12, 2015*

The conviction of an Idaho Falls man — serving a life sentence for molesting a 5-year-old boy — will return to a Bonneville County courtroom in March. Jonathan Earl Folk, 47, was convicted of lewd conduct with a minor younger than 16 in July 2012. Folk was found guilty of sexually molesting the boy on Christmas Day 2007. The Idaho Supreme Court threw out the conviction Nov. 20, ruling the Seventh Judicial District Court allowed irrelevant evidence from Folk's two prior convictions during his Bonneville County jury trial. In 1992 and 1999, Folk was convicted in Illinois of molesting two other 5-year-old boys. The ruling marks the second time Folk's lewd conduct conviction has been overturned by the state's high court. In 2011, the Supreme Court found that Folk's right to represent himself was violated because he was not allowed to cross-examine the 5-year-old victim. Folk first was convicted of molesting the boy in 2009. In addition, the court determined that the 2009 jury was given misleading instructions. "This means we are back to the trial stage," Penny Shaul, Bonneville County deputy prosecutor, said Thursday. "The charges are still there. The case wasn't dismissed, it was just sent back down to district court." A status conference for the case is March 4 before District Judge Darren Simpson, Shaul said. Folk remained in custody Thursday at a Boise prison. Court records show an "order to transport" has been filed, meaning Folk will be returned to Bonneville County Jail before his scheduled hearing. The district court determined that both of Folk's earlier convictions were "relevant to prove motive and intent" and that his 1999 conviction also proved "opportunity." However, the Supreme Court's Nov. 20 opinion ruled the convictions were irrelevant to the case. But the jury's verdict could have been different had evidence about Folk's prior convictions not been allowed in his 2012 trial.

## **Ruling worsens state's school-Internet headache**

*By BILL ROBERTS Idaho Post Falls Register February 12, 2015*

BOISE — State leaders are exploring options, including seeking an emergency contract, to keep 200 high schools wired for high-speed internet after a judge Wednesday reaffirmed his November ruling that declared the state's original \$60 million contract void. John Goedde, Gov. Butch Otter's point man for finding a solution to the broadband-contract problem, told the Idaho Statesman, "We are looking (at the decision's) impact on our path forward." There isn't much time. CenturyLink, one of the broadband contractors, has demanded payment for services rendered and threatened to shut off the system in 10 days if it isn't paid. And without a new legislative appropriation, the entire broadband system will run out of state money at the end of the month. But it may not be legal for the state to make payments on a voided contract. One possible solution, Goedde said, is to get an emergency contract through the state's purchasing department to permit the same vendors to continue the services for a short time, while the state keeps looking for a long-term solution. Another would be to let districts obtain their own broadband service and then get some costs reimbursed by the state. "We have got to get the Legislature to buy off on whatever path," Goedde said. "I would love to see other options." Goedde cites two potential emergencies: • Loss of broadband services would keep students in some schools who take required graduation classes via computer from getting a diploma. • The state's delivery of its new Common Core state test this spring would be hampered without broadband and potentially cost the state millions in federal dollars. Goedde said the state should use the same vendors who installed the system if it awards an emergency contract, because there isn't time to get new vendors who could step in within days. Schools districts have been made aware of the pending deadline and are already scrambling to find private contractors who can deliver service if needed. The Kuna School District faces up to \$18,000 in unplanned costs for broadband for the remainder of this year. The West Ada School District says it will need \$100,000 — enough to pay two teachers' salaries — to provide equivalent service to high schools. The Boise School District, which gets about 30 percent of its broadband from the state, says it will have to buy more on the private market. District Judge Patrick Owen in Boise ruled last year that the state Department of Administration broke the law in 2009 when it changed the contract after awarding it to Education Networks of America, its partner Syringa Networks and Qwest (now CenturyLink). A month after awarding the contract, the state cut Syringa out and gave its technical work to Qwest. Syringa sued. The state, Qwest and ENA asked Owen to clarify or reconsider his decision. The judge said his ruling applies to all work provided under the contract, including any non-IEN work. Goedde has been pushing lawmakers for \$1.6 million to pay contractors and to keep broadband services going through this school year. The emergency options under consideration could cost more, Goedde said.

## **Aiding and abetting murder suspect set for trial in August Investigators suspect Jose Cruz Flores helped conceal the body of Selena Thomas last summer**

By JOHN FUNK Idaho Press Tribune February 13, 2015

CANYON COUNTY — Jose Cruz Flores, a man authorities say was involved in the death of Nampa resident Selena Thomas, is scheduled for a jury trial starting Aug. 3. The trial is expected to last about 10 days. Flores is charged with aiding and abetting second-degree murder, destruction of evidence, burglary and failure to notify authorities in connection with Thomas' death last summer. Attorneys from the defense and prosecution did not reach a plea agreement at a closed-door criminal mediation session Tuesday, but they'll try again at least one more time on March 23 before 3rd District Judge Gregory Culet. In the meantime, Judge Thomas J. Ryan said at Thursday's status conference that he'd like clarification of Flores' aiding and abetting charge. The charge suggests Flores is suspected of withholding information regarding Thomas' death. But Ryan pointed out that according to police reports, Flores walked into the Caldwell Police Station on his own a few days after the incident and reported that he thought Alfredo Martin Martinez — the primary suspect in the case — killed Thomas. "I'm trying to figure out how that's withholding information," Ryan said at the hearing. Ryan, Flores and lawyers from both sides will meet again Thursday to discuss the issue further. According to court records, Flores is suspected of helping Martinez transport and conceal Thomas' body after her death in August. According to an affidavit filed in Canyon County court, when Nampa police officers responded to reports that Thomas was missing, her mother, Lori Moon, told investigators she might be in McCall with Martinez. When detectives searched Thomas' home, they found her purse and several personal belongings she would normally carry with her. Her car keys were still in the vehicle, the trunk upholstery was missing, and a small amount of blood was spotted near the trunk lid hinge. Martinez turned himself in Aug. 19 after investigators announced they were looking for him. During an interview with Nampa and Caldwell police officers, court documents state, Martinez told them he had hit Thomas in the head with a metal hammer. When he realized she was injured and bleeding, he told police, he moved closer, she stepped toward him, and he shoved her head-first into a dresser. She fell to the floor, the affidavit states, and died. He panicked and stashed Thomas' body in a closet, he told police. Two days later, the document states, he returned with a friend during the early morning hours and took Thomas' body in her own car to a corn field south of Melba, where they buried her. On their return trip, they discarded the trunk's contents and its upholstery.

## **Judge declares mistrial in sex crimes case**

Blackfoot Morning News February 13, 2015

COEUR D'ALENE (AP) — A mistrial has been declared in the trial of a former northern Idaho teacher charged with lewd conduct of a child under the age of 16. The Spokesman-Review reports that 1st District Judge Fred Gibler declared the mistrial Wednesday after jurors couldn't reach a unanimous decision. Kootenai County Prosecuting Attorney Barry McHugh says he'll go forward with a second trial for Daniel Abram Taylor. Authorities say Taylor had inappropriate contact with a 5-year-old girl. He has pleaded not guilty. Taylor was a science teacher at Venture High School in Coeur d'Alene but resigned in 2014.

## **State appeals IEN ruling to Idaho Supreme Court**

Spokesman Review February 12, 2015

Idaho has filed a notice of appeal following 4<sup>th</sup> District Judge Patrick Owen's final ruling yesterday squarely against the state in the lawsuit over the Idaho Education Network. Idaho EdNews reporter Kevin Richert reports that Camille Wells of the IEN sent out an email late yesterday to school district superintendents, principals and technology directors, saying, "The state filed a notice of appeal today, which will provide a 14-day stay of the judge's decision." The email also suggested school districts continue trying to qualify for federal e-rate funds for broadband on their own, as a "contingency" plan. Richert's full report is online here. The state's appeal is to the Idaho Supreme Court, which already ruled against the state in a strongly worded earlier ruling in the case.

## **Man sentenced for harassing Iraqi students**

Idaho Press Tribune February 14, 2015

BOISE (AP) — A 42-year-old man who threatened five Iraqi students has been sentenced to 10 years of supervised probation. KBOI-TV reports in a story on Friday that Brian Olson of Boise received the sentence in 4th District Court after pleading guilty to two counts of malicious harassment. Olson on Oct. 4 approached the students near an overlook by Lucky Peak and began yelling cultural epithets at the group. Olson told authorities he broke a necklace off one of the teens, threatened to throw another off a cliff, and spit on one of the other teens. Fourth District Judge Samuel Hoagland questioned Hoagland's apology, wondering whether Olson was just sorry for getting caught.

## **Idaho Supreme Court orders developer to pay part of state's legal fees in North Idaho condemnation fight**

Spokesman Review February 13, 2015

The Idaho Supreme Court has ruled in favor of the state in a long-running eminent domain dispute with a developer who was trying to build a shopping center on Highway 95 north of Coeur d'Alene – and has even ordered the developer to pay some of the state's legal fees in the battle. Justice Jim Jones wrote that in his view, the developer was “shooting for the moon” and seeking much more for 16 acres of its property that the state took for a new interchange than the land was worth. He and the rest of the court's justices ruled that the appeal was “completely unreasonable and frivolous,” and therefore was one of the rare cases when a private party could be ordered to pay the state's attorney fees in a condemnation case. H.J. Grathol Co. had been trying to build a travel center, grocery store and hotel at the northeast corner of U.S. Highway 95 and Highway 54, when the Idaho Transportation Department took a chunk of its property for a new interchange through condemnation in 2010, as part of the Garwood to Sagle project to widen and improve Highway 95 from a surface road into a freeway. The state hired a private law firm, Holland and Hart, to represent it in the condemnation case, and ran up legal fees and costs of more than \$1 million before the appeal to the state Supreme Court. Grathol lost at the District Court level, and the court declined to charge the firm for the state's attorney fees, saying the firm's arguments were “reasonably based in law and fact” and the case was not brought “frivolously.” The district court did, however, order Grathol to pay more than \$25,000 of the state's court costs. Now, on appeal, the Idaho Supreme Court has determined that this is one of those “extreme and unlikely” cases where a private party should be ordered to pay the state's legal fees, at least for the appeal portion of the case. The irony there: The state only paid H.J. Grathol \$675,000 for the 16 acres it took. Depending on how much Holland and Hart charges the state for the appeal, the fee award could eat up some or all of that, and leave the developer actually out both money and land to the state.

## **Idaho developer loses eminent domain appeal**

Idaho Falls Post Register February 17, 2015

BOISE, Idaho (AP) — The Idaho Supreme Court ruled that a northern Idaho developer who made what the court calls “unreasonable and frivolous” claims in an appeal in an eminent domain fight will have to pay some of the state's legal fees. The Spokesman-Review reported that the court made the ruling last week against developer H.J. Grathol Co. The ruling directs the lower court to determine the state's attorney fees and costs for the appeal portion of the case that must now be paid by the company. “While a condemnee certainly has the right to challenge the reasonableness of a compensation offer made by a condemnor, any such challenge should be within the limits of reason,” Justice Jim Jones wrote. “Here, Grathol clearly exceeded those limits, treating the condemnation proceeding as a ride on the gravy train.” Mary York, an attorney with Holland and Hart who represented the state, estimated attorney fees on the appeal likely will top \$100,000. “The unreasonableness of the positions taken by the other side . led to the amount of attorney fees that were incurred by the state, unnecessarily so, in our opinion,” York said. The Idaho Transportation Department in 2010 acted to condemn 16 acres of the company's property to improve Interstate 95, and a lower court set a value of \$675,000. The company said the land was worth \$3.6 million and appealed. But the Idaho Supreme Court ruled that the Kootenai County district court was correct in setting the value. Alan Johnson, head of H.J. Grathol and vice president of parent company Hughes Investments, has previously said it was “completely unconstitutional” for the state to make a private company pay for a big legal bill generated by the state in an eminent domain case.

## **Nampa man charged with first-degree arson Suspect arrested on DUI charge as he left bar**

By JOHN FUNK Idaho Press-Tribune February 18, 2015

CANYON COUNTY — A Nampa man faces a charge of first-degree arson after a relative reported he burned down a travel trailer in the relative's yard. Brett Pflieger, 25, was arrested a short time after the fire for an unrelated driving under the influence charge. A Nampa police officer spotted him leave a downtown bar, get into his vehicle and drive over two parking barriers, according to court records. The officer ordered Pflieger to stop when he feared the suspect's vehicle would break free from the barriers and crash into his patrol car, an affidavit states. Pflieger failed field coordination and balance tests, although his blood alcohol level was under the legal limit. He consented to a blood draw, which later revealed the presence of prescription depressants and cannabis, court records state.

Firefighters contacted detectives from the Nampa Police Department after responding to the trailer fire. Pflieger's relative, who lives in the main residence on the same property, reported Pflieger demanded money, threatening that "something bad was going to happen," according to documents filed in 3rd District Court. The relative gave Pflieger money, an affidavit states. But a short time later, he noticed the trailer — where Pflieger normally lived — was on fire, and Pflieger's car was gone. Pflieger, who was interviewed by detectives in jail after his DUI arrest, acknowledged that he'd poured gasoline throughout the trailer and set it ablaze with a match, according to court documents. He said he had no remorse for starting the blaze, according to court documents. He's scheduled to appear for a preliminary hearing Feb. 25 before Magistrate Judge Brian Lee.

## **Judge orders child's medical history released in murder case**

Idaho Press Tribune February 19, 2015

LEWISTON (AP) — A northern Idaho judge has ordered prosecutors to turn over a 2-year-old girl's medical records to the attorney defending a babysitter charged with killing the child. The Lewiston Tribune reports that 2nd District Court Judge Jeff M. Brudie on Tuesday granted the request made by Natasha Hodges' lawyer. "There is substantial need in preparation of the defendant's case," Brudie wrote in his order. Prosecutors have charged Hodges, 30, with first-degree murder in the 2012 death of Rylee Mingo. Authorities allege Hodges struck the toddler in the abdomen, causing internal bleeding and death. Hodges called 911 when the child started having trouble breathing, but Rylee died a short time later at a local hospital. Defense attorney Richard Cuddihy said Rylee died of natural causes from pancreatitis, an inflammation of the pancreas. Brudie granted Cuddihy's request for all medical records pertaining to Rylee since birth, as well as child protective records and court proceedings for the girl and her sister. Brudie also ordered the Nez Perce County prosecutors to turn over all information they received from the Spokane Medical Examiner's Office after Rylee's death. Brudie denied Cuddihy's request for medical records about the toddler's sister. He also denied a request for medical records, a death certificate and personnel records of one of the attending physicians at in the hospital at the time of Rylee's death. Deputy Prosecutor April Smith previously argued the requested records weren't relevant to the trial, and called the request a fishing expedition. Hodges pleaded not guilty and has been out of custody on \$50,000 bond. Her trial is set to begin April 6 .