

Lawsuit by Idaho Falls officers against city to advance

Idaho Business Review: Mar. 11- Associated Press

A judge has blocked an attempt by the city of Idaho Falls to have a lawsuit filed by several police officers thrown out. Seven officers say police Chief Mark McBride didn't follow the rules set up to govern hiring, firing and disciplinary procedures for police and firefighters. Judge Alan Stephens signed an order allowing the case to proceed in mid-December. That order was not noted in court records or sent to attorneys until Stephens learned that attorneys on both sides were unaware of the decision, The Post Register reported March 8. The lawsuit accuses McBride of violating the city's Civil Service Rules by removing two officers who earned top marks on the civil service exam from the promotion list. It also alleges that three other officers were unlawfully passed over for promotion. In December, the city called on Stephens to declare the rules unconstitutional due to an apparent conflict between the rules and state code. Assistant City Attorney Michael Kirkham argued that Stephens should throw out the rules and lift an injunction that has prevented the Idaho Falls Police Department from promoting officers to leadership ranks. Department spokeswoman Joelyn Hansen said there will soon be two captain positions vacant when Capt. Darren Cook retires next week. There will also be a lieutenant position and two sergeant positions that can't be filled because of the injunction. Stephens determined that part of the Civil Service Rules were unconstitutional, but allowed the rest of the rules to stand. He ruled that the city should obey state code rather than the rules in that narrow instance and the rest of the rules should remain. He refused to lift the promotions injunction and is allowing the officers' case to move forward. "(Stephens' ruling) comports with our understanding of how the law works," said Dennis Wilkinson, the attorney representing the seven officers. Kirkham declined to comment on the pending litigation.

Idaho settles lawsuits after failed broadband project

Idaho State Journal: Mar. 14- Nate Poppino

The state of Idaho will pay \$3.46 million to settle fallout from the failed Idaho Education Network project to provide internet service to Idaho high schools and state agencies. Former project vendors Education Networks of America and CenturyLink will get \$1.5 million and nearly \$973,000, respectively, in return for those companies dropping their multimillion-dollar remaining claims against the state and Idaho's school districts. Gov. Butch Otter's office and state legislative leaders were both involved in the settlement. "It was very important for the state of Idaho to get this issue taken care of so we can stay focused on our efforts to build and maintain the kind of school system that our students, parents, communities and employers need," House Speaker Scott Bedke said in a Thursday afternoon statement announcing the settlement. The settlement funds will come out of a little-known account called the Legislative Legal Defense Fund. Legislative leaders put \$8 million the fund last year in anticipation of a possible broadband settlement. The legal battle over the network began in 2009, when the state Department of Administration awarded a \$60 million broadband contract to ENA, its partner Syringa Networks and Qwest, now CenturyLink. A month later, the state removed Syringa and gave the technical work to Qwest. Syringa sued the state and a multiyear legal battle ensued, costing taxpayers millions of dollars in legal fees. In November 2014, a district court judge ordered the contract voided. The Idaho Supreme Court upheld that order last March. ENA and CenturyLink both sued Idaho last year, seeking damages and other costs related to losing their contracts. Attorney General Lawrence Wasden in turn filed his own lawsuit demanding the companies return the money paid to them under the voided contract. That lawsuit was also dismissed as part of the settlement. *The Statesman's Cynthia Sewell and the Associated Press contributed to this report.*

Schwartz Named Interim Public Defender

Coeur d'Alene Press: Mar. 14

COEUR d'ALENE — Christopher Schwartz has been named Kootenai County's interim public defender. John Adams, the previous chief public defender, retired last week. His last day of work was Wednesday. Schwartz began working for the Defender's Office in 2006, went into private practice in 2008 for four years to focus on criminal defense cases, and returned to the Defender's Office in 2012 to take on felony cases. "We are confident that Mr. Schwartz' broad experience at the state and local level, combined with his years of service within the Public Defender's Office, will help facilitate a smooth transition," a press release from the county commissioners states. Schwartz was raised in Coeur d'Alene and graduated from Lake City High School in 1997. He attended the University of Idaho, where he earned a bachelor's degree in political science in 2001 and a juris doctor degree in 2004. Schwartz previously worked for the State Appellate Public Defender, where he argued cases before both the Idaho Court of Appeals and the Idaho Supreme Court. The county's human resources department will work with a committee established by Administrative Judge Lansing Haynes to appoint a permanent chief public defender.

High court vacates two of former Idaho sheriff's convictions

Lewiston Tribune: Mar. 15- Associated Press

IDAHO FALLS - The Idaho Supreme Court has vacated two counts from a former Jefferson County sheriff's conviction for misuse of public funds. Under direction from the high court, District Judge Dane Watkins Jr. on Monday vacated two of three felony counts of misuse of public funds against former sheriff Blair Olsen, The Post Register reported. A Twin Falls jury found Olsen guilty of the three charges in May 2015 for letting his wife use a county-paid cellphone for personal use from 2010 through 2012. He was sentenced to serve 15 days in jail and three years on supervised probation. On Monday, Watkins placed Olson on informal probation to conclude July 10, meaning Olsen no longer has to report to a probation officer or pay service fees. If Olsen successfully completes the probation, the charges will be dismissed from his record. The Supreme Court in December found that prosecutors erred when aggregating the time the cellphone was used. Prosecutors divided the offense into three counts, one for each year the county paid for the phone. The Supreme Court ruled that the statute Olsen was convicted under requires that the counts only be aggregated if the amount taken exceeds \$300. Not all the years met the \$300 threshold, leading the court to vacate two of the counts. Gary Cooper, Olsen's attorney, also argued some of the fines and restitution his client paid should be reimbursed. Olsen paid a \$1,000 fine on two counts and a \$500 fine on the third count. He paid a total of \$1,023 in restitution.

Public asked to weigh in on Cassia judge candidates

MagicValley.com: Mar. 15

BURLEY — Members of the public will have an opportunity to answer questionnaires on applicants for the position of district judge in Cassia County. The questionnaires are available at the county clerk's office and must be returned to the Idaho Judicial Council's Office no later than April 3 to be considered. The forms may also be found at judicialcouncil.idaho.gov. Cassia County District Judge Michael Crabtree will retire on May 31. The Idaho Judicial Council named six candidates for the position: Cassia County Prosecutor Douglas Abenroth, Cassia County Magistrate Judge Blaine Cannon, Rupert lawyer Michael Tribe, Burley lawyer Clayne Zollinger Jr., Filer lawyer Jeremy Vaughn and Samuel Beus, a Twin Falls County senior deputy public defender. The council will interview the candidates on May 24 in the Cassia County District Courtroom. Two to four candidates will be selected to recommend to the governor. The salary for a district judge is \$128,500.

Man sentenced to 20 years for trafficking heroin, meth

Idaho Statesman.com: Mar. 14- Ruth Brown

Third District Judge Christopher Nye sentenced a 39-year-old Homedale man Tuesday to 20 years in prison for trafficking heroin and methamphetamine. Jose L. Obregon Jr. was sentenced to 15 years fixed, followed by five years indeterminate, for a total unified sentence of 20 years in prison. The sentence will run concurrent with his parole violation. Nye also ordered Obregon to pay court costs and \$200 in restitution. Obregon was arrested in August after being pulled over by Idaho State Police for driving without his headlights on. Obregon was out on felony parole at time for a 2011 conviction for conspiracy to traffic in methamphetamine. During the traffic stop, a probation and parole officer searched Obregon's vehicle and found 443 grams of meth, nearly 72 grams of heroin, two syringes and \$6,800 in cash. Obregon later admitted to police that he picked up the drugs earlier that day to sell. "Mr. Obregon is a career criminal who probably should have never been out on parole in the first place," said Canyon County Prosecutor Bryan Taylor. "Thankfully, he was caught again before he could do any further harm to our community by dealing drugs our kids and fellow citizens."

Jury awards ex-Ada County official \$1.7 million in whistleblower lawsuit

Idaho Statesman.com: Mar. 14- Cynthia Sewell

Four years after filing a whistleblower lawsuit, a former Ada County department head got to see his case go before a jury. After a one-week trial and two hours of deliberation, that jury on Tuesday awarded Rich Wright \$1.74 million, according to his attorney, Eric Rossman. Wright, a former TV journalist and Boise police spokesman, was Ada County's spokesman from 2006 to 2008, when he was promoted to lead the Department of Administration. He was fired Jan. 15, 2013, the day after newly elected commissioners Dave Case and Jim Tibbs were sworn into office. The next month, Wright filed a \$1.5 million lawsuit, claiming he was fired, in part, for ordering an investigation into allegations that a manager with the commissioners' office was harassing employees. He said commissioners retaliated because the employee, who ultimately resigned, was a friend of former Ada County Commissioner Vern Bisterfeldt and took part in Case's and Tibbs' 2012 election campaigns. Wright said Case told him there were no performance issues with his work and his position was being eliminated as part of a reorganization. Wright's position was the only job cut. County officials have said Wright's firing was legal because he was an at-will employee who could be dismissed without cause. A district judge in Boise granted the county's request for summary judgment and dismissed the case in January 2015, saying Wright's claims did not fall under the Whistleblower Act. Wright appealed. Last July, the Idaho Supreme Court upheld part of the ruling but sent the case back to trial court on other parts. "This case has dominated four years of my life and to now have a unanimous verdict from the jury makes it all worth it," Wright told the Statesman. "I stood up for what was right and I hope this sends a clear message to all public employees that they have rights. Dave Case and Jim Tibbs broke the law when they retaliated against me the jury saw that." Wright will ask for the court to also award him attorney's fees, Rossman said. The county did not immediately respond to a request for comment. According to the county, it has spent \$197,730 through February defending the lawsuit.

Prosecutor: No charges will be filed in bomb threat against school

Lewiston Tribune: Mar. 16- Ralph Bartholdt

No charges will be filed against an Orchards Elementary School fourth-grader whose misspelled note in a bathroom stall prompted the evacuation of the school last week. Nez Perce County Prosecutor Justin Coleman said after reviewing the circumstances surrounding the alleged bomb threat, his office opted against filing charges against the 10-year-old girl accused of writing the note. "I don't anticipate any charges," Coleman said. "I believe the parties and community are best served by using an alternative resolution." The elementary school along Thain Road in the Lewiston Orchards was briefly evacuated March 7 after a perceived bomb threat was discovered in a girls' bathroom between 12:30 and 12:45 p.m., according to Lewiston School District Superintendent Bob Donaldson. On Feb. 24, school staff had discovered a similar note. In both incidents, students and faculty walked east to the Nez Perce County Fairgrounds, where they staged while police officers and administrators searched the school for anything deemed as a threat. Nothing suspicious was found. The February incident remains under investigation. "It's clear that this child was not involved in that," Coleman said. The Lewiston Police Department had requested felony charges be filed in the latest case, according to the prosecutor's office, which opted for a different route. "I understand the seriousness of the situation, and while I have concerns about this issue, I do not believe felony charges are appropriate," Coleman said. The 10-year-old and her family will meet with school officials and others who were impacted, as part of a restorative justice conference. Conferences often are used in the juvenile justice system to show offenders the results of their actions on others. "These conferences ... can go a long ways to helping younger individuals truly understand the consequences of their actions," Coleman said. Authorities said the brief note resulting in the March 7 evacuation was found scribbled to a bathroom stall and had the word "bomb" misspelled. The girl later confessed to a school resource officer that she had left the note.

Lewiston burglar sentenced to prison rider program

Lewiston Tribune: Mar. 17- Ralph Bartholdt

A trillion-shaped amethyst ring made of yellow gold and inlaid with a blue fire opal was among the items that prompted Lewiston resident Christopher J. Hubbard to return to his neighbor's house while she was away. The ring was among jewelry that Hubbard stole from his Lewiston neighbor on the 1900 block of 16th Avenue after finding a key and entering her home over a period of several weeks or months, according to court records. Hubbard, 33, who pleaded guilty to burglary, was sentenced Thursday in 2nd District Court to as many as five years in prison, but 2nd District Judge Jay P. Gaskill withheld jurisdiction. That allows Hubbard a chance to prove himself on a shorter prison rehabilitation program that could result in his being placed on probation. A second charge for grand theft was dismissed as part of a plea agreement. The victim contacted Lewiston police in June after returning home from a long weekend and noticing some of her jewelry was missing. Police contacted Lewiston's Pawn 1 and found pieces of jewelry allegedly stolen from her residence in cases at the store. A pawn-slip trail showed Hubbard making numerous transactions, most of it in the form of jewelry. Items recovered by police included a Tanzanite cross necklace valued at \$245, a 14-carat yellow gold Mother's ring with diamonds and tourmaline worth \$150, and the trillion-shaped amethyst ring valued at \$245. A pear-shaped Tanzanite yellow gold ring valued at \$1,200 was among more than a dozen pieces that were not recovered, according to police. Police said Hubbard located his neighbor's spare key and used it to enter her house when she was gone. Court records show a loss of more than \$4,500 in jewelry. Before sentencing, Hubbard asked Gaskill "to be fair about it," explaining that since being charged he had tried hard to stay "on the right track." Gaskill opted for the prison rider program despite having reservations that there may be no cure for a propensity for theft and burglary. "Normally I would impose the prison sentence," Gaskill said. "My thought being that it's not something that can be treated." Prison rider programs often are used as a last-chance drug rehabilitation option before sending offenders to prison. Hubbard's sentence is for two years in prison with an additional three years discretionary time for a total of five years. If he does well on the rider program, which could last 12 months, Hubbard would be placed on probation.

UI approved for first-year law classes in Boise

Lewiston Tribune: Mar. 17

The University of Idaho has received approval from the American Bar Association to offer first-year law classes at its Boise location. The approval was the last step necessary for offering the full three-year law degree program in Boise starting in the fall. The Idaho State Board of education approved the move earlier this year. Previously, all students completed their first year in Moscow and then could transition to Boise for their second and third years. "We are excited to welcome our inaugural class of first-year law students this fall to Boise," College of Law Dean Mark Adams said in a news release. "This is a culmination of many efforts and we thank those who have helped in the process of getting the first year approved." The Boise classrooms are in the Idaho Law and Justice Learning Center in the Ada County Courthouse, which also houses the Idaho State Law Library and Idaho Supreme Court's judicial education offices. It is adjacent to the Idaho Supreme Court, Idaho State Bar and the Capitol Building.

9th Circuit judges to Congress: Leave us alone

President Trump calls for court to be broken up after it failed to reinstate his travel ban

Lewiston Tribune: Mar. 17- Mary Clare Jalonick/ Associated Press

WASHINGTON - Three federal judges on Thursday asked Congress not to break up the vast, San Francisco-based 9th U.S. Circuit Court of Appeals, a longtime target of Republicans and a recent foil to President Donald Trump. The 9th Circuit in February refused to immediately reinstate Trump's ban on travelers from seven predominantly Muslim nations, prompting the administration to release a new, narrower ban. On Wednesday, Trump renewed his criticism of the court, saying at a Nashville, Tenn., event that "people are screaming" to break up the 9th, which encompasses nine Western states. "Take a look at how many times they have been overturned with their terrible decisions," Trump said. "Take a look. And this is what we have to live with." Republicans have floated efforts to split the circuit for decades, arguing that the court has a liberal slant, a high caseload and distances that are too far for judges to travel. The circuit is the largest of the federal appellate courts, representing 20 percent of the U.S. population. It includes California, Alaska, Hawaii, Washington, Oregon, Montana, Idaho, Nevada, Arizona, Guam and the Northern Mariana Islands. All of the proposals to split it, including the last in 2005, have failed in Congress. Those battles have often pitted lawmakers from California against members of the smaller, more conservative states. "Circuit division would have a devastating effect on the administration of justice in the western United States," said Sidney Thomas, the chief circuit judge for the court. "A circuit split would increase delay, reduce access to justice, and waste taxpayer dollars." Thomas, who is based in Billings, Mont., was appointed by former President Bill Clinton. The other two judges who testified against the split were Pasadena, Calif.-based Judge Alex Kozinski, appointed by former President Ronald Reagan, and San Francisco-based Judge Carlos Bea, appointed by former President George W. Bush. None were involved in the hearing on Trump's travel ban. "I think you should take into consideration the views of people on the ground - the litigants, practitioners and judges in the circuit," Bea said. "The overwhelming majority of the people directly involved is against a split of the Circuit." Rep. Darrell Issa, a Californian and a conservative, led the Judiciary subcommittee hearing to examine ideas for restructuring the court. "We are all trying to figure out whether to split the court for reasons that should not be ideological," he said. But some of his Republican colleagues were more partisan, confronting the judges about their court's decision on Trump's ban and other immigration decisions. "There are a lot of us who are outraged," said Rep. Jason Chaffetz, R-Utah. The circuit has 29 judges, many more than the 5th, which is the next largest circuit with 17 judges. It was created in 1891 when the American West was much less populated. The hearing did not focus on specific bill, but there are at least four bills that would create a split. Lawmakers have been hoping for some momentum since the court's high-profile decision on Trump's ban. Arizona Sen. Jeff Flake, a Republican, has introduced one of the bills. His would carve out Arizona, Nevada, Washington, Idaho, Alaska, and Montana and create a new so-called mountain circuit. "I have no doubt that the 9th Circuit works well for its judges," Flake said in a statement submitted for the hearing. "My concern is whether or not it works well for the people of Arizona. It does not." Democrats have opposed the split. Sen. Dianne Feinstein, D-Calif., was a leading opponent in the 2005 push, which she said was politically motivated. She has suggested adding judges to the court instead. At the hearing, New York Rep. Jerrold Nadler said he believes Republican attempts to break up the circuit are dangerous. "Like clockwork, we see proposals to split up the 9th Circuit whenever it delivers a controversial decision with which conservatives disagree," the Democrat said.

Council courthouse deemed unsafe for occupation

Lewiston Tribune: Mar. 17- Associated Press

COUNCIL, Idaho - A courthouse in western Idaho has been deemed unsafe and closed to the public. Adams County building inspector Don Horton said the old county courthouse was condemned a few weeks ago, news media reported Thursday. The courthouse has been closed off to the public for safety reasons. "We don't allow people in it, we don't allow cars going by it, and we don't want the children going to school walking by it," Horton said. The old Adams County Courthouse overlooks the city of Council and has done so for more than 100 years. The building has been deteriorating for years despite nearly half a million dollars from the Adams County Historic Preservation Commission. The building hasn't been in use for nearly two decades. Horton said this winter's harsh weather sped up the building's deterioration. He said it's unclear what will happen to the old courthouse. The county will decide whether it should knock it down or repair it after consulting its insurance company and a structural engineer. "We could leave it here, but I think the first earthquake we have it's coming down," Horton said. "These bricks are now apart basically in spots; you can see where it's cracked on the top." Residents of Council said they have mixed feelings about losing the old courthouse. Some say it would be too expensive to restore, but others believe the property is worth the investment.

People's Court Convicts Judges

Coeur d'Alene Press: Mar. 17- Ryan Collingwood

COEUR d'ALENE — Were Kootenai County judges too lenient with accused killer and domestic abuser Steven Denson? Letters to The Press and streams of social media comments following the March 8 death of Kelly Pease — the ex-fiance Denson allegedly shot before taking his own life — suggest yes. "Good going Judge Eckhart and Judge Stow, Kelly's blood is all over your hands!" commenter Harold Komm posted on CdAPress.com. "History repeats itself, especially with what he did and there was evidence from clear back in the 80's. Cant say that their was no indicators that he was violent, there was plenty of those." In late January, Denson, 61, was charged with felony attempted strangulation and domestic battery against Pease, a 37-year-old mother of five. Judge Anna Eckhart set the bond at \$10,000 for Denson, the same man two ex-wives filed three protective orders against during the span of 2009-2015, all in Kootenai County. Denson soon posted bail and violated the no-contact order Feb. 4, when he allegedly texted Pease with his landlord's phone. The bond for failing to heed Eckhart's order, a misdemeanor offense, was set at \$2,500 by Judge James Stow. Last week, Pease was found dead in a car parked at Kootenai Health with a gunshot wound to her head. Denson, wanted for first-degree murder, shot himself the following day. Denson, who was married five times, also had a restraining order against him in Washington dating back to the 1980s. The Press attempted to reach Eckhart and Stow for comment regarding the bail amounts, but the court had Karlene Behringer, a District I court administrator, field questions. "It's all within the judge's discretion," Behringer said. "The bail is set within the guidelines of Idaho Rule 46." Judges use Rule 46 to assess a variety of factors including the severity of the case, the likelihood a defendant has to re-offend or skip court. Behringer believes Eckhart and Stow set adequate bail amounts. "I know these judges here are serious about following the law, applying the law and doing what's best for the community," Behringer said. "This was a tragic situation and I know these judges wouldn't purposely put anyone in harm's way." Behringer said the judges may not have been aware of Denson's history in Washington, noting it's not uncommon for judges to be unaware of out-of-state, non-felony offenses. Coeur d'Alene bail bondsman Chris Skinner, who owns Quick Release Bail Bonds, has helped provide bail to many domestic violence suspects in his 10 years. He has seen judges set bonds for such domestic-related cases all over the spectrum, ranging from \$5,000 to \$500,000. "\$10,000 seems to be on the low end for a bail amount," Skinner said of Denson's January bond. "But I do believe judges adhere to the Rule 46. They also have to adhere to the Eighth Amendment of the Constitution." The Eighth Amendment notes "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Idaho's bail bond schedule, which applies pending arraignment or trial and can be adjusted by a judge or magistrate, does not provide an amount for stalking, domestic assault, battery or violation of a no-contact order. It states no bond amount can be set until a court appearance. However, several hunting offenses involving big game animals do have an amount set: \$10,000, which is equal to the bond set for Denson when he was charged with felony strangulation and domestic battery against Pease. Skinner has also seen alleged domestic abusers who break no-contact orders be given a bail amount that at least matches the bail from the initial domestic offense. "My advice to someone out on bail is to be careful of not breaking that no-contact order," Skinner said. "The bail could be just as much as the domestic charge."

Convicted sex offender retried after appeal

By TOM HOLM Post Register March 10, 2017

An Idaho Falls man who won an appeal claiming a mistrial when he was convicted of molesting three girls was retried this week and convicted once again Thursday. Jeffrey Dunn, 56, originally was convicted by a jury in November 2013 of molesting three girls over several years. One of the girls was 6 years old when the abuse started. District Judge Dane Watkins sentenced Dunn to three life-imprisonment terms in February 2014. The first jury was able to hear about Dunn's previous sex crime, a 1990s conviction involving similar conduct and a similarly aged victim. The Idaho Supreme Court of Appeals ruled in March 2016 that the District Court erred in allowing the original jury to hear about Dunn's previous crime. So Dunn was tried again in a three-day trial that began Tuesday. The jury convicted him on three counts of lewd conduct with a child younger than 16 after deliberating for about 2 1/2 hours Thursday. There was scant physical evidence of the crime — no DNA or photos — so as with the previous trial the victims each had to testify in front of their abuser. Bonneville County Prosecutor Danny Clark, who led the first trial, said it was just as painful for the victims to testify a second time. "This was excruciatingly difficult for the victims to go through again," Clark said. "They stayed strong throughout these proceedings and I'm very pleased with the result." The victims now between the ages of 18 and 19 had to relive in detail what they had told 12 other strangers in November 2013. Clark said much of the testimony was the same as the previous trial with the only addition coming from expert witness Tom Tueller. Tueller is a local therapist who specializes in counseling victims of sex crimes. Tueller testified to the nature of sex offenders using "grooming" techniques to lure victims into trusting their abusers. Previous Post Register reporting shows the victims testified to trusting Dunn and being manipulated by him into performing sex acts. Dunn's attorney, Neal Randall, was out of the office Friday and could not be reached for comment. After being convicted Thursday, Dunn admitted to his prior record, meaning he was also convicted on a charge of being a repeat child sex offender which adds a mandatory minimum of 15 years in prison to his sentence. District Judge Joel Tingey will sentence Dunn on March 27 at 10:45 a.m. He again faces the possibility of life in prison without parole.

Caldwell teacher creates online petition to remove Dietrich case judge

Idaho Press Tribune March 10, 2017

TWIN FALLS — The Idaho Judicial Council will investigate a complaint against District Judge Randy Stoker in the case of a Lincoln County teen sentenced last month for kicking a hanger that was lodged in the buttocks of a black, mentally disabled teammate. The case sparked national outrage in December when Stoker accepted a plea deal that included no jail or prison time for John R.K Howard, 19, the only one of three teens charged as an adult in the case. But despite the online outcry — a Change.org petition seeking to remove Stoker from the bench has garnered more than 170,000 signatures — the judicial council as of last week had not received an official, notarized complaint. Caldwell teacher Monica Ryan, the creator of the online petition, told the Times-News March 2 she got her complaint notarized and mailed it to the council. She said miscommunication had led to her not sending the complaint earlier, as she claimed in updates to the petition. The judicial council said Thursday it had received a verified complaint and will investigate "in accordance with Idaho Judicial Council Rules of Procedure." Robert Hamlin, the former judicial council executive director, will investigate the complaint. But where that investigation could lead is unclear. The judicial council's job is to investigate judges over misconduct and not to second-guess their courtroom decisions, Idaho Chief Justice Roger Burdick told the Idaho Statesman. Tony Cantrill, the council's executive director who recused himself from Stoker's investigation because of a conflict of interest, said all verified complaints undergo an initial review to see if there is any substance to the complaint.

Anderson pleads guilty

By LESLIE MIELKE Morning News March 11, 2017

BLACKFOOT — Friday would have been day four for the felony case of Kelley Anderson in the case of the State of Idaho versus Anderson. The case ended as Anderson pleaded guilty in a plea agreement to one reduced and amended felony charge of injury to a child. The incidents took place in the summers of 2010 and 2011. The maximum sentence Anderson could face is one to 10 years in prison and/or be fined \$50,000. He could also face a civil fine of \$5,000. Anderson's sentencing will take place at 2 p.m. on Thursday, May 11, before Seventh Judicial District Judge Bruce Pickett. Bingham County Prosecutor Cleve Colson said, "If the judge orders it, the civil fine would go directly to the victim." Anderson was initially facing four felony counts of lewd conduct with a child under 16-years old. It was alleged the lewd conduct happened between Anderson and his granddaughter. Seventh Judicial District Judge Bruce Pickett asked Anderson if he was freely and voluntarily pleading guilty to the reduced and amended charge. "Yes," Anderson said. "What did you do that you are guilty?" Pickett asked. "I am guilty of not taking care of her (his granddaughter) when she was in my care," Anderson said. "I should have taken care of her. I hope this is some comfort to her and to her family. I would like them to forgive me; we have had a close family. I don't know what happened." After a three-day jury trial, the judge asked Anderson, "Do you believe the jury could have found you guilty?" Anderson responded, "Yes, I believe they could." After Anderson pleaded guilty to the amended charge, judge, prosecuting and defense attorneys went into the jury room to explain what had taken place in the courtroom. The jury was dismissed before they had an opportunity to deliberate about the decision in this case. Explaining his clients decision, defense attorney Justin Oleson said, "He is so upset about this whole thing. He hopes this plea will allow them (his son's family) some comfort." Colson said, "Based on the facts and circumstances throughout this trial; we (his office) have worked diligently with the victim and her family. Ultimately the case was resolved on that charge.

Idaho Senate panel advances victims' rights amendment

By KIMBERLEE KRUESI Associated Press Idaho Press Tribune March 11, 2017

BOISE, Idaho (AP) — Lawmakers on Friday approved advancing a proposed amendment to Idaho's constitution that would give crime victims and their families the same rights as those charged with the crime. The proposal struck an emotional chord among legislative leaders on the Senate State Affairs Committee who sent it to the Senate floor after a teary two-hour committee hearing. Victims of crimes and other advocates urged lawmakers to overhaul the Victim Rights Amendment, which was ratified in 1994. The amendment details rights for victims. However, advocates of the change say it doesn't do enough and need to be updated. The proposed amendment would require that victims be notified of all court proceedings and be heard at each step along the way. It also would declare that full and timely restitution is a right. "I know the heartache, I get it," Senate Majority Leader Bart Davis said before casting his vote in favor of the proposal. "I think everybody on this committee has experienced serious, personal loss." In early 2003, Davis and his wife, Marion, buried their 23-year-old son after he was shot and killed at a Boise keg party. Davis told the audience about attending a parole hearing for the man who killed their son and the roller coaster experience of dealing with grief and loss in the years since. The amendment, dubbed Marsy's Law for Idaho, is named for a California woman killed in 1983 by her ex-boyfriend after he was released from jail without her being notified. Her brother, Henry Nicholas, has bankrolled the effort to expand it to more states. Illinois, Montana, North Dakota and South Dakota have since adopted similar amendments Davis said he initially opposed the proposed measure — believing the current system wasn't flawed due to his own personal experience — but changed his mind after meeting with victims' rights groups. "This isn't a perfect bill, but I haven't voted on a perfect bill since being here," Davis said, noting it will likely undergo further changes in the years ahead. Opponents of the bill warned that it could increase workloads and create a financial burden on already cash-strapped criminal justice system. "We know that Idaho has a problem protecting the constitutional rights of defendants," said Kathy Griesmyer of the American Civil Liberties Union of Idaho, the only organization to testify against the amendment. "We believe this is going to create some significant problems in the system." For example, commissioners might be more apt to deny parole to prisoners if the victim's involvement is expanded rather than look at evidence on rehabilitation. The amendment also requires victims to have access to legal services to ensure their rights are being enforced, but the proposal does not include any funding to do go. The ACLU also raised objections to including entities such as businesses as victims.

Two of Olsen's felony convictions vacated

By TOM HOLM Post Register March 13, 2017

Under direction from the Idaho Supreme Court, District Judge Dane Watkins Jr. on Monday vacated two counts of former Jefferson County Sheriff Blair Olsen's conviction for misuse of public funds. A Twin Falls jury convicted Olsen in May 2015 on three felony counts of misuse of public funds for allowing his wife to use a county-paid cellphone mainly for personal use. Olsen was sentenced to serve 15 days in jail and three years of supervised probation. Watkins also on Monday placed Olsen on informal probation to conclude July 10. Olsen no longer has to report to a probation officer or pay monthly service fees for probation. Watkins said if Olsen does not violate his probation before July, he will grant a withheld judgment. If Olsen successfully completes informal probation, the charges will be dismissed from his record. The Supreme Court in December found that the prosecution had erred in aggregating the time the cellphone was used, between 2010 and 2012, into three counts for each year the county paid for the cellphone. The Supreme Court wrote that the statute Olsen was convicted under requires that the counts can only be aggregated if the amount taken exceeds \$300. Since some of the years did not meet the \$300 threshold, the Supreme Court ordered that two of the counts should be vacated. Watkins vacated the convictions on counts two and three. Olsen's attorney, Gary Cooper, argued that some of the fines and restitution his client paid after being sentenced should be reimbursed to him. Olsen paid a \$1,000 fine on two counts and a \$500 fine on the third count and he paid \$1,023 in restitution. Jason Spillman, Idaho Attorney General's Office special prosecutor, didn't object to refunding some of the fine money but said the restitution amount was agreed on by both attorneys. Spillman also argued that Olsen should not be discharged from probation and should complete a term of probation similar to the amount of time he allowed his wife to use a county-paid cellphone. Both Spillman and Cooper noted that Watkins likely didn't have the jurisdiction to compel the fines to be reimbursed, and that it would be up to the Jefferson County Court Clerk's Office to refund the fines. If the clerk's office refused to reimburse Olsen, then Cooper said a civil action could be filed to compel the reimbursement. Watkins found that Olsen was entitled to some reimbursements and encouraged Spillman and Cooper to work with the clerk's office to secure the money.

Convicted felon imprisoned for having firearm

By TOM HOLM Post Register March 13, 2017

District Judge Dane Watkins Jr. on Monday sentenced an Idaho Falls man to two to five years in prison concurrent to his previous prison term of two to 10 years for possession of a firearm by a convicted felon. Dillon Price, 22, pleaded guilty Jan. 10 to unlawful possession of a firearm and possession of a controlled substance. Charges of battery on a law enforcement officer and possession of drug paraphernalia were dismissed, pursuant to a plea agreement. Watkins imposed the two- to five-year prison term concurrent to Price's previous prison term, meaning Price will have to serve the remaining portion of his 10-year sentence unless he is paroled. Price was on parole for a December 2012 conviction of attempted robbery when Price head-butted Idaho Falls Police officer Brian Smith following a Sept. 19 traffic stop. Price was a passenger in a vehicle that was pulled over for license plates registered to a Dodge Stratus despite the car being a Chevrolet Lumina. Smith wrote in his report that Price made "furtive" movements toward the floorboard of the car by moving his hands under the seat. Price exited the vehicle without Smith's request, then head-butted the officer in the chest as he was being detained. After arresting Price officers found a .38-caliber firearm under the passenger seat of the car as well as about half a gram of methamphetamine. Kelsie Kirkham, Bonneville County deputy prosecutor, recommended a two- to seven-year concurrent

prison term. Price's attorney, Trent Grant, recommended that Price serve a rider. A rider is a six-month to yearlong intensive rehabilitation program held at a minimum security prison. Watkins told Price he remembered him from when he sentenced him in the 2012 attempted robbery case. "I remember vividly the expression on that victim's face when they walked into the room," Watkins said. Watkins originally sentenced Price to a term of probation in 2012, but following several probation violations Price was imprisoned for two years. Price told Watkins prior to being sentenced Monday that he would accept the consequences of his actions. "I know it's not nice to see me in court again," Price said. "But I've (grown) up and this is just a setback."

Brief: Judge denies suppression of horse photos

Daily News March 16, 2017

Photos that were critical to obtaining a search warrant that led to the seizure of five horses will remain as evidence for a horse cruelty trial that will begin March 24. Danny Radakovich, a Lewiston attorney, filed a motion of suppression to remove photographs from evidence that he said were obtained illegally when Lori Boen allegedly trespassed on property belonging to his client, Teresa Davis. Radakovich also requested everything obtained from the search warrant and Boen's testimony of the condition of the horses and barn be suppressed. Latah County Judge William Hamlett denied the motion Wednesday. Davis is charged with five misdemeanor counts of cruelty to animals.

Jury awards ex-Ada County \$1.7 million in whistleblower case

Idaho Press Tribune March 16, 2017

BOISE, Idaho (AP) — A former Ada County employee who filed a whistleblower lawsuit alleging he was retaliated against and wrongly fired has been awarded \$1.7 million. Rich Wright's attorney said a jury awarded the money to his client Tuesday, The Idaho Statesman reported (<http://bit.ly/2mNVkQx>). Wright had been the head of the county Department of Administration before he was fired in January 2013. Wright claimed he was terminated by the Board of Commissioners for launching an investigation into one of his employees for harassment. Wright's lawsuit claims the employee had been a close friend of two county commissioners. The commissioners told Wright there were no performance issues with his work and his position was being eliminated as part of a restructuring, the lawsuit states. Wright's position was the only job cut. Ada County officials have said Wright's firing was legal because he was an at-will employee who could be dismissed without cause. A district judge in Boise initially dismissed the case, saying Wright's claims didn't fall under the Whistleblower Act. But Wright appealed, and the Idaho Supreme Court sent the case back to trial court. "This case has dominated four years of my life and to now have a unanimous verdict from the jury makes it all worth it," Wright told the Statesman. "I stood up for what was right and I hope this sends a clear message to all public employees that they have rights."