

## Appellate court: Idaho's abortion rules are unconstitutional

**Idaho Statesman: May 29- Associated Press**

BOISE, IDAHO — The 9th U.S. Circuit Court of Appeals says Idaho's laws restricting abortions after 20 weeks and requiring all second-trimester abortions to take place in a hospital are unconstitutional. The ruling Friday upholds a judgment made two years ago by U.S. District Judge B. Lynn Winmill. The case arose after eastern Idaho resident Jennie McCormack was charged with having an illegal abortion. Prosecutors said she obtained an abortion-inducing drug on the Internet and used it to terminate her pregnancy.

The charge was later dropped. Meanwhile McCormack and her attorney, Richard Hearn, sued. Hearn is also a medical doctor who intervened on behalf of himself and his future patients. The unanimous three-judge panel agreed that the ban on abortions after 20 weeks was unconstitutional because it restricted abortions of a non-viable fetus. The appellate court also said the hospitalization requirement was unconstitutional because it places an undue burden on a woman's ability to obtain abortions.

## Ada County deputy prosecutor appointed district court judge

**Idaho Statesman: May 30- Associated Press**

BOISE, IDAHO — A deputy Ada County prosecutor has been appointed to serve as the new 4th District Court judge. Gov. C.L. "Butch" Otter on Friday appointed Jonathan Medema of Meridian to the post that has been vacant since late February. Medema has a bachelor's degree in aeronautical and astronautical engineering from the University of Illinois-Champaign-Urbana, and attained a law degree at Seattle University. He came to Idaho in 1992 to work as an engineer at the Idaho National Laboratory but left to pursue a law career. Medema replaced Judge Thomas Neville, who retired.

## Middleton man sentenced to prison for lewd conduct with 13-year-old girl

**Idaho Statesman: June 1- Rocky Barker**

A Middleton man was sentenced to prison Monday for lewd conduct with a 13-year-old girl in Canyon County. Troy A. Matthews, 41, was sentenced by Third District Judge Bradly Ford to up to 20 years, five of them fixed. Ford also ordered Matthews to register as a sex offender, submit a DNA sample and have no contact with the victim or other minor females unsupervised for 20 years. Matthews was also ordered to pay the victim a \$5,000 civil penalty, as well as a \$500 fine and court costs. Matthews was arrested on a felony warrant in December 2014 after an investigation by the Canyon County Sheriff's Office revealed he had sexually molested the girl on at least one occasion at his residence in Middleton. She told detectives that Matthews began by flirting with her and giving her a back rub while she was at his home. Matthews then pulled her pants down and began touching her inappropriately even after she told him to stop. Matthews later admitted he molested her. "Mr. Matthews took advantage of this young victim and stole her innocence, resulting in tremendous emotional harm to her," said Canyon County Prosecutor Bryan Taylor. "The sentence today punishes him for the damage he caused and ensures our community is protected from a predator."

## Post Falls woman to serve 40 months in prison for selling pills

**Coeur d'Alene Press: June 2**

COEUR D'ALENE - Fawnie Lynn Bracamonte, 28, of Post Falls, was sentenced today in United States District Court to 40 months in prison for selling prescription drugs. U.S. District Judge Edward J. Lodge also ordered Bracamonte to serve three years of supervised release following her prison term. Bracamonte pleaded guilty to the charge on December 8. According to court documents, Bracamonte admitted that in 2012 and 2013 she bought prescriptions from a local doctor. She would go to different pharmacies to fill the prescriptions and then sell the pills to people. Bracamonte claimed she was addicted to pills during the time period she was selling them. "The unlawful use and abuse of prescription medication has become an issue across the United States, and Idaho is not exempt," said U.S. Attorney Wendy J. Olson. "While addiction is a difficult issue to overcome, we cannot tolerate the illegal sale of these medications by those addicted. We will continue to aggressively prosecute those who illegally sell these medications." The case was investigated by the Coeur d'Alene Police Department, Drug Enforcement Administration, Federal Bureau of Investigation, Kootenai County Sheriff, North Idaho Violent Crimes Task Force and Post Falls Police Department.

## LeanLaw, technology services firm, raises \$400,000

Idaho Business Review: June 3- Brad Iverson

LeanLaw, a technology services company for small law firms, has raised \$400,000 from investors that include two Boise angel investment funds. The company helps law firms run more efficiently by offering software to help with billing and time tracking as well as offering help and guidance by phone and email. LeanLaw is run by Gary Allen, a lawyer for 25 years who is a partner at Givens Pursley. He said that small law firms, those with 10 attorneys or fewer, are underserved by law firm practice management software. Lawyers in general are still paying for administrators that other industries have replaced with software, he said. The LeanLaw software integrates with existing software, such as Microsoft Office and Intuit's QuickBooks, to track attorney time and bill clients for billable hours and services. "Lawyers have to do accounting for all of their time," Allen said. Allen said his legal background will help LeanLaw deliver good software for lawyers. For example, from his experience he knows that the software options must be easy, or else attorneys won't use it. "Most of the firms that provide software in the legal industry are not lawyers. You have to have a pretty fine sense of how to practice law," Allen said. Ten to 20 customers and prospective customers are acting as beta testers for the LeanLaw software right now. The development of law administration software has lagged behind that in other industries, said Nicole Snyder, a partner at Holland & Hart who is on the firm's management committee. She added that lawyers need industry-specific tools. "What works for law firms isn't going to be something that works for other industries," she said. Billing software that is linked to internal accounting software can also gather information that can help lawyers measure what use of their time is most productive. "There's a lot of data that can come from that analysis with a good software program," Snyder said. "My impression is that there's definitely a need for enhanced billing measurement and time measurement software for smaller firms," said Nick Miller, managing partner at Hawley Troxell in Boise. Allen is making LeanLaw his full-time career. Right now, tech support for the company is being handled by Jonathon Fishman with Rimot Support in Boise. LeanLaw's code was developed by Royal Jay in Boise, though Allen said he's bringing on Fred Willerup, formerly with Healthwise, to be LeanLaw's technology lead. Allen said the \$400,000 investment will help with software development and with marketing. While billing and time-tracking are the focus right now, he said LeanLaw could expand to other areas of legal practices "We see a bunch of others that we will develop software for," he said, including document management, eDiscovery, and integrating research with creating documents. "We see a whole bunch of ways that we can make things better than what's out there, but we're going to take them on one at a time, based on market demand and customer feedback," he said.

**LeanLaw's angels** Part of the \$400,000 investment for LeanLaw came from two angel funds connected with the [Boise Angel Alliance](#), the Treasure Valley Angel Fund and the Capitol City Angel Fund. With that investment, the Treasure Valley Angel Fund has now fully invested its \$1.5 million. The fund closing won't greatly affect local startup companies looking for funding, since the Capitol City fund still has most of its money available. Denise Dunlap with the Boise Angel Alliance said funds are closed because the alliance creates separate limited liability companies every time it gathers money from local investors. She said that simplifies ownership and voting issues for the funds. "If we had people coming and going all the time, it would get really complicated, just from a legal perspective," she said. Dunlap said Boise's pooled angel funds are actually unusual. Investors in other states don't pool their funds, but instead have events or forums where they can find out about companies. Some specific companies get pooled investments. The Boise Angel Fund, the alliance's first fund, turned a profit after [food company Happy Family was acquired by Danone](#). The Capitol City fund has had only one exit, the folding of Social Good Network, and has 13 companies still in its portfolio. Of those, 10, including LeanLaw, are based in Idaho. The other nine Idaho companies are [Meal Ticket](#), [LoanTek](#), [Prosperity Organic Foods](#), [Fit Wrapz](#), Idea Room Technologies, [GenZ Technology](#), [GoGo Labs](#), [BasedIn](#), [HealthFundr](#) and [VoxBright](#). The three non-Idaho companies are Business Texter, Sandstone Diagnostics and Better Bean.

## Coeur d'Alene Tribe takes betting machine battle to court

Idaho Statesman.com: June 3- Kimberlee Kruesi/ AP

BOISE, IDAHO — The Coeur d'Alene Tribe is asking the Idaho Supreme Court to order the state to enforce legislation banning instant horse racing terminals. The tribe filed the petition Wednesday, contending that Gov. C.L. "Butch" Otter's veto of the legislation was invalid because he didn't complete it within the required five-day time span. Boise attorney Deborah Ferguson filed the suit on the tribe's behalf. "The Constitution was not created for the benefit of the governor or the Legislature, but for the people, who have a right to have duly enacted laws enforced," Ferguson said in a statement. "This basic right goes to the heart of our democracy." According to the lawsuit, the tribe wants the machines to be banned by July 1, which would have been the effective date if the legislation would have been upheld. Known as instant horse racing, the machines allow bettors to place wagers on prior horse races with no identifiable information. Idaho lawmakers approved legalizing the machines in 2013, but passed the legislation banning them earlier this year with a supermajority approval in both chambers. Lawmakers claimed they previously had been duped into approving the cleverly designed slot machines. Once SB 1011, the legislation banning the machines, reached Otter's desk, the governor delayed releasing his decision, doing so after the five-day window had passed. Otter says he put off announcing the veto so he could talk to lawmakers over the Easter weekend. Otter's spokesman Jon Hanian did not immediately respond requests for comment. The Idaho Senate then failed to override the governor's decision on a 19-16 vote. However, three statements entered into the Senate journal that day —submitted by the Senate's President Pro Tem Brent Hill, Minority Leader Michelle Stennett and Secretary Jennifer Novak— stated that the Senate failed to receive the governor's veto by the required deadline. Lawmakers said the move protected Republican senators from voting against the governor, while also providing a record that the veto was never properly delivered. Secretary of State Lawrence Denney has declined to enforce the bill despite requests from the tribe to certify the law. Currently, roughly 250 machines are installed in three locations across the state. Backers of the ban —including the Coeur d'Alene Tribe— argue that the machines are essentially slot machines, which are illegal under Idaho's Constitution. Horse racing officials counter that the machines are vital to sustaining their failing industry after facing years of lackluster attendance to live horse racing events. "The record clearly shows the Governor did not follow the constitutional requirements for a legal and valid veto. It's a shame the Secretary of State has chosen to waste taxpayer dollars by refusing to do his job. Unfortunately, we have no choice but to pursue this matter in court," said Coeur d'Alene Tribal Chairman Chief Allan in a statement.

## BSU changes policy, mutually drops lawsuit with campus group

IdahoStatesman.com: June 4- Associated Press

BOISE, IDAHO — A lawsuit filed on behalf of an anti-abortion organization against Boise State University has been dropped after the school changed its free speech policies. KIVI-TV reports that Abolitionists4Life filed the lawsuit against the university in May 2014. They argue that BSU is violating their First Amendment rights by requiring them to put up warning signs during a protest because officials considered their material controversial. The university's new speech policy states that student organizations no longer need to post warning signs on campus for events that administrators deem controversial and that the school can no longer limit literature distribution to free speech zones. Boise State University will pay \$20,000, \$100 of which will go to Abolitionists4Life. The remainder will cover attorneys' fees and costs.

## Retired Pocatello attorney among candidates to lead state Democrats

Idaho State Journal: June 6- Associated Press

BOISE (AP) — Three candidates are tossing their hat in to be the new chair of Idaho's Democratic Party. Party officials released a list of declared candidates on Friday, but candidates have until June 13 to announce their intent to run. So far, the list includes party spokesman Dean Ferguson, who has held the position since 2012 and is a former Idaho political reporter. Also running is John Looze, a retired Pocatello attorney and former teacher. Finally, candidate Randy Humberto Johnson is a Boise political consultant for candidates in and around Idaho. The position became open after Larry Kenck announced his resignation earlier this year because of medical reasons. Kenck submitted his resignation letter last week, writing that he needed to deal with health issues and that the party needs an active chairman who isn't focused on health concerns. Kenck had served as the state's party lead since 2013. Vice Chair Jeanne Buell will continue to serve as acting chair until the state central committee votes on a new leader on June 13. The winner will serve Kenck's remaining volunteer term, which ends in 2017. According to national Democratic Party rules, if the state party has a male chair, it must then have a female vice chair. The same would apply for a female chair, which would require a male vice chair.

## Concordia Law School receives provisional accreditation from ABA

Lewiston Tribune: June 9- Rebecca Boone/ AP

BOISE - Concordia University's new law school in Boise has been given provisional approval from the American Bar Association after nearly a yearlong delay. The approval announced Monday means students graduating from the law school will be eligible to take the bar exam in most states - a step that is required for those who want to become licensed practicing attorneys. Cathy Silak, the dean of Concordia Law School and a former Idaho Supreme Court justice, said she was thrilled by the approval and has great confidence the school will gain full approval soon. The provisional approval lasts for five years; the school can apply for full accreditation starting in 2017. "Full approval is not something granted lightly by the ABA, so we will be working hard over the next several years to merit that approval," Silak said. Concordia University in Portland, Ore., opened the Boise law school in 2012 with about 75 students. But last August, the American Bar Association announced it was withholding accreditation so the organization's fact-finders could take a closer look at the school. That decision prompted an exodus of a significant number of students. Roughly 55 students transferred to the University of Idaho's School of Law, and others took a leave of absence from the school. Silak said about 11 students graduated in June, and nine of them are expected to take the bar exam. Nearly 30 students total are expected to graduate by the end of 2015, she said, and they will be joined by roughly 40 more students next spring. The school is already hearing from potential students interested in the bar association's decision. "Already I know this morning that the team has received a number of inquiries from prospective students," Silak said. In order to earn provisional approval, Concordia officials had to show that the school has substantially complied with the bar association's standards for accreditation and that it has a plan in place for coming into full compliance within three years. Work on some of the accreditation standards - including having a certain percentage of students pass the bar exam and gain employment - can't begin until the provisional approval is given. Boise Mayor Dave Bieter said in a prepared statement he was excited by the news, because Concordia's provisional approval strengthens the city's role as Idaho's legal focal point. Idaho Attorney General Lawrence Wasden also praised the school, saying it has had a positive impact on the state's legal community.

## Judge: Evidence can be used in murder, rape trial

Lewiston Tribune: June 9- Kerri Sandaine

ASOTIN - Evidence collected in a murder and rape investigation will be allowed at trial, along with statements Bisir B. Muhammad made to police. Muhammad, 54, is charged with first-degree murder and rape in connection with the death of Ina Clare Richardson of Lewiston. He was arrested Nov. 11, a few days after the 69-year-old woman's body was found near Beachview Park in Clarkston. He and his attorneys, R. Victor Bottomly and Rick Laws, alleged a traffic stop made by Clarkston police violated his rights, and law enforcement did not have the authority to seize his car in Lewiston using a warrant issued on the Washington side of the river. On Friday afternoon, Judge Scott D. Gallina filed a written decision on the suppression issues raised by the defendant. He said Muhammad was properly advised of his rights and the police acted appropriately. Law enforcement may briefly detain and question someone if officers have a well-founded suspicion the person is connected to criminal activity, the judge said. According to court documents, Muhammad's car was observed in surveillance videos at the time and location of Richardson's suspected abduction near Albertsons in Clarkston. When Clarkston officer Darin Boyd pulled Muhammad over Nov. 10, he was nonthreatening and objectively congenial, Gallina said, and the traffic stop was reasonable, under the circumstances. Idaho officers knew probable cause had been determined by a Washington court when Muhammad's car was seized. According to the ruling, the car was impounded only hours after the defendant had been contacted concerning a crime. "The officers could reasonably infer that the window for collection of evidence would be closing rapidly now that the vehicle owner had reason to believe that he was suspected of a violent crime involving the vehicle," the judge said. According to court documents, Asotin County Prosecutor Ben Nichols said the evidence Muhammad wanted suppressed includes condoms, K-Y Jelly, blue latex gloves, human blood, fingerprints, DNA, possible human hairs, fibers and other materials. The third issue raised by the defense involved a cellphone ping that was used by authorities to locate Muhammad, prior to an interview at the Clarkston police station. His attorneys said it was a violation of his privacy rights. However, Gallina said cellphone users should not expect their location to be private. "Individuals who do not want to be located by a cell tower at a particular time or place simply turn their phones off, knowing they cannot be located," Gallina said in his written decision. Muhammad's allegation of missing material facts in the search warrant affidavit was also rejected by the court. Several other cars were in the parking lot on the night Richardson disappeared, and those vehicles were not mentioned in the affidavit, Bottomly said. The judge said videos of the parking lot indicate Richardson was allegedly walking directly toward Muhammad's car at the time of her disappearance. A trial date for Muhammad, who has pleaded innocent to all charges, has not been set. He is being held at the Asotin County Jail on a \$1 million bond.

## Judge: No license, no marijuana sales

Lewiston Tribune: June 9- Kerri Sandaine

ASOTIN - An Asotin County judge said a downtown Clarkston business has to stop selling bud because it violates city code. Superior Court Judge Scott D. Gallina said he has sympathy for the owners of Canna4Life, but without a city business license, Kelly and Julie Jackson can't sell marijuana at 721 Sixth St. The store opened its doors May 29 with a license from the Washington State Liquor Control Board and the city of Clarkston's OK to sell drug paraphernalia. But pot sales remain a no-no, according to an ordinance adopted by the Clarkston City Council. A temporary restraining order against the business was approved Monday morning in Asotin County Superior Court. The order will be reviewed at 9 a.m. Aug. 4, unless the ban is lifted by the council or overturned by state law prior to that court date. In his ruling, Gallina said the city can't allow ongoing criminal conduct. The alleged land-use violation is a misdemeanor offense, according to the municipal code. The city was represented by attorney Ken Harper of Yakima and Clarkston City Attorneys Todd Richardson and James Grow. Harper said the city will suffer irreparable harm if the Jacksons are permitted to continue "blatant noncompliance with legitimate laws and ordinances." "Do they have to obey the law? The answer to that should be yes," Harper argued. Clarkston attorney Rick Laws, who represents the Jacksons, said he and his clients are disappointed in the ruling. "Obviously, I would've liked to see better results today, but I understand the position the court is in," Laws said of the temporary restraining order. Canna4Life supporters are hoping the Legislature and Gov. Jay Inslee will give the green light to a bill that would remove the city's authority to ban marijuana sales without the voters' permission. If the legislation passes, it could go into effect as early as July 1, Laws said. In a separate case, the Jacksons have filed a lawsuit against the city and several councilors over the marijuana sales ban, which was enacted in November. They allege city officials led them to believe zoning would be approved for a marijuana business on the 700 block of Sixth Street. Laws said his clients have made a significant investment in the former armory building, which passed a final state inspection in April. A substantial amount of remodeling was done at the direction of the city police chief and public works director, he said. In addition, Laws said the Washington State Liquor Control Board indicated Canna4Life would lose its status as one of the two stores allowed in Asotin County if the Jacksons didn't move forward with the project. Richardson said numerous cities across the state have prevailed in court on challenges to bans against the growing, processing and selling of recreational marijuana. He also objects to the notion the city is losing a significant amount of tax revenue by banning the retail trade. The actual amount is minuscule, Richardson said.

## UPDATE: Man Sentenced to at Least 7 Years in Prison for Killing Girlfriend

MagicValley.com: June 9

IDAHO FALLS (AP) | A Pocatello man who accidentally shot and killed his girlfriend has been sentenced to 20 years in prison. The Post Register reports that 25-year-old Kevin McQuilliams received the sentence Monday in 7th District Court and must serve seven years before becoming eligible for parole. McQuilliams pleaded guilty in April to involuntary manslaughter, unlawful use of a weapon by a convicted felon and aggravated assault with a deadly weapon in the Jan. 1 shooting death of 34-year-old Annarae Ponce. "I will wake up and deal with this every day," McQuilliams said in court on Monday. District Judge Joel Tingey said he believed McQuilliams had true remorse for causing the death of his girlfriend. "There are no winners here," Tingey said. "You lose a young mom who will never have a chance to raise a son." McQuilliams said he never meant to shoot anyone. Court records state that he threatened a 16-year-old with the gun. McQuilliams said he hit someone with the pistol's handle when the gun went off, killing Ponce. After the shooting, he fled with his and Ponce's 3-year-old son to California, where he was arrested. In exchange for the guilty plea by McQuilliams, prosecutors dismissed enhancement charges of use of a deadly weapon in commission of a felony, and commission of a felony with intent to promote gang activity. "This wasn't just some person killed, it was the love of my life, the mother of my only son," McQuilliams said.

## Hung jury results in mistrial in fatal Boise hit-and-run case

Idaho Statesman.com: June 9- John Sowell

Jurors were unable to decide whether Gavin Haley failed to fulfill his legal obligation to summon help and notify police after fatally striking bicyclist Victor Haskell in 2013. The jury was unable to decide Friday whether to acquit or convict Haley of leaving the scene of an injury accident. Jurors deliberated for about eight and a half hours before notifying Senior Judge Renae Hoff they were hopelessly deadlocked. To reach a verdict, the 12 jurors needed to reach a unanimous decision. Deputy Ada County Prosecutor Scott Bandy was given until June 24 to decide whether to refile charges. Generally, defendants cannot be tried twice for the same crime, but an exception to double jeopardy restrictions applies when a jury is deadlocked. "It was a tough case for them, for a jury to meet the elements of what the state had to prove," defense attorney Jon Cox said. "What they had to prove was that he knew or he had reason to know — not that he should have known" that he struck someone. The jury heard three days of testimony. Haskell, 53, was riding his bicycle back home to Garden City after getting off work as a dishwasher at a Boise restaurant when he was struck on State Street at 30th Street in the early morning of Sept. 27, 2013. Bandy contended Haley, now 31, knew he struck something but did not investigate to see if he struck a person and did not notify police. The defense said Haley stopped his vehicle and looked around but could not see anything in the dark and rainy conditions. Cox said he believes the jury had a hard time deciding whether his client was guilty when construction workers, a police officer patrolling in the area and other passersby did not notice Haskell's body the next morning in the daylight. Authorities believe Haskell was riding on the sidewalk but went into the street as he approached a construction zone where the sidewalk was blocked. He was struck 41 feet before the construction zone, where a series of plastic orange barrels in the street marked the zone. The prosecution contended Haskell was struck directly from behind. The defense claimed Haskell's bicycle was pointed slightly left when it was struck, suggesting Haskell was riding into the path of Haley's SUV. Haley, a chef at a Boise restaurant, had finished work and gone to a bar, where he drank three beers, before he drove home. Haskell's body was found eight hours later, after it was light, several feet from the road in a small hole caused by the sidewalk construction. Haley turned himself in the next day, after police issued bulletins saying they were looking for the driver of a dark Land Rover SUV. During deliberations, jurors sent two notes to the judge. In the first, submitted about four and a half hours after they retired to the jury room, the jurors asked if they could review a copy of Haley's phone records. Prosecutors had detailed a series of phone calls Haley placed after the incident. The judge did not allow them to review the records from Haley's cell phone provider. In the second note, submitted after 6 p.m., jurors asked how late they could continue to deliberate. Hoff said they could continue as long as they felt discussions were productive. The jury notified Hoff about an hour later that they could not reach a decision. "These attorneys tried a great case, and that's one of the reasons I'm sure it made it more difficult for you to come to a unanimous decision," Hoff told jurors before thanking them for their service and dismissing them.

## Wolf-shooter case to wrap up Thursday

Coeur d'Alene Press: June 10- David Cole

COEUR d'ALENE - Closing arguments and jury deliberations are scheduled for Thursday morning in the Rathdrum Mountain wolf-shooter case. Forrest Mize, who lives on the mountain, is charged with a misdemeanor count of possessing a wolf without a tag. Kootenai County prosecutors and Mize's defense lawyer, Michael Palmer, got bogged down late Tuesday as they tried to agree on a set of jury instructions. That process prevented the trial from concluding in its first day. Three Idaho Department of Fish and Game employees were the prosecution's only witnesses. Mize didn't take the stand in his defense. "He isn't a wolf hunter," Palmer told the jury during opening statements. So his client didn't have a tag when he used a rifle to shoot the wolf on Dec. 30. Palmer said Mize initially believed the wolf was a coyote when he pulled the trigger. He believed his three dogs were about to be attacked by the wolf while they were on a walk in the snow along a logging road. Mize sought to keep the pelt, taking the animal to a taxidermist. The jury consists of three men and three women, and at least half said during the jury selection process that they are hunters. While the jury was excused for some legal arguments, Palmer told Magistrate Judge Anna Eckhart that, according to his reading of state law, a person doesn't need a wolf tag to shoot a wolf to protect domestic animals. "He didn't have a requirement to have a tag," Palmer said. Kootenai County Deputy Prosecutor Tony Clinger argued that Mize didn't start out by reporting to Fish and Game that he killed a wolf to protect his dogs. Instead, Mize both went out and bought a wolf tag and took the animal to a taxidermist so he could keep the pelt. Clinger argued the kill wasn't the issue. Eckhart agreed. "It's what happened afterward," Eckhart said.

## Former Athol clerk sentenced to prison

Coeur d'Alene Press: June 10- Keith Cousins

COEUR d'ALENE - Sally Hansen was sentenced Tuesday to four years in prison for embezzling \$417,879 from the city of Athol. Hansen, the former city clerk, was also ordered by U.S. District Judge B. Lynn Winmill to pay \$434,112 in restitution to the city of Athol and \$15,000 in court fines. According to court documents, Hansen was hired in 2009 and wrote fraudulent checks to herself and her husband while using wire transfers to move funds between different city accounts. "I was kind of disheartened by it," said Athol Mayor Darla Kuhman. "The judge said he believes that she will not be able to complete her restitution so why not lengthen the prison term or give her community service?" Kuhman added that the restitution accounts for the forensic audit conducted by the city of Athol, as well as the costs associated with Hansen using a city check to rent an excavator to work on her property. The Idaho Counties Risk Management Program, an entity which insures cities and counties in the state, has agreed to pay Athol \$102,000 - the amount of money revealed in the 2014 forensic audit. Kuhman said the city is appealing the decision in the hope it can recoup the full amount that was embezzled. One positive that came from the case, Kuhman said, is that the state now has a portal that allows cities and other entities to file annual audits online. "If that portal had been in place, this wouldn't have happened," she added. "It wouldn't have changed her falsifying documents, but it would have limited it." Athol itself must now rebuild, Kuhman said, and mend the trust between city departments that was broken during the investigation into Hansen. "I think as a community we need to pull together," she added. "The beautiful thing about Athol being so small is that if you put your mind to it, everybody can work together and make a better community."

## Hodges murder trial costs draw scrutiny

Lewiston Tribune: June 11- Ralph Bartholdt

A prosecutor and defense attorney on different sides of an April murder trial found common ground Wednesday. Nez Perce County Chief Deputy Prosecutor Sandra Dickerson and defense attorney Richard M. Cuddihy agreed a bill submitted by an expert witness in the Natasha N. Hodges murder trial should be paid at the court's discretion. At a hearing in 2nd District Court, Judge Jeff M. Brudie scrutinized part of a \$46,703 bill by expert defense witness Dr. David Posey that included two meals costing more than \$80 each, a \$97 cab fare and \$4,000 in travel time - in addition to airfare from California. The bill was among invoices totaling \$232,970 for all costs related to the nine-day trial that resulted in the acquittal of 30-year-old Hodges. Prosecutors alleged Hodges struck or kicked Rylee Mingo at her Lewiston Orchards day care center, resulting in the 2-year-old's death. Hodges was acquitted after the jury deliberated for less than three hours. Posey, one of five expert witnesses, testified the child died of natural causes that he attributed to a diseased pancreas. Brudie was surprised that Posey billed the county at a daily rate of \$6,500 for sitting in the courtroom gallery for several days before being called to testify. "Dr. Posey's bill caused me some concern," Brudie said. "There was never a full day in this whole trial. Some of those days we recessed immediately after lunch." Brudie said he received an estimate from the defense in February for a portion of the trial costs, but did not sign the order. He waited for additional information, but none was submitted. The February estimate, shy of \$95,000, was part of a final invoice submitted to the county based on anticipated costs including experts' fees, costs for the duration of the trial and per diem expenses, Cuddihy said. Having Posey listen to the state's witnesses was invaluable to the defense, Cuddihy said. Despite short court days, the expert spent the after-hours time helping Cuddihy prepare his case. "At the close of the day we worked until the wee hours of the night," Cuddihy said. "He never worked four or five hours a day, (he) always worked in excess of eight hours, and I feel these fees are appropriate." Cuddihy argued the prosecutor's office should not have a say in whether to pay the bill, and left its payment to the court's discretion. "I don't think the state should have any say, whatsoever, whether the fees are reasonable or necessary," he said. Asked for her input, Dickerson said she concurred. "Surprisingly, I agree with Mr. Cuddihy," she said. "It's up to the court's discretion." Brudie took the matter under advisement. Trial invoices of \$186,267 that were previously submitted and paid by the county by May 22 included a \$30,490 payment to Posey, according to the Nez Perce County Auditor's Office; a payment of \$11,679 to defense witness Howard Elliot; \$23,354 to defense witness Dr. Steven Gabaeff; \$5,015 for Dr. John Harris, a former Clarkston pediatrician who testified for the prosecution; and \$16,595 in juror costs, including the cost of paying the grand jury which brought the indictment. Cuddihy received \$6,420 in attorney fees and \$69,450 in extraordinary trial expenses, according to the auditor's office. The lowest invoice was a payment to Nez Perce County Coroner Gary Gilliam, who was reimbursed \$13.93 for a meal.

## Murder Trial Costs Tallied after Baby Sitter's Acquittal

MagicValley.com: June 11

LEWISTON (AP) | A northern Idaho judge is deciding who will pick up the latest bills for the trial of a baby sitter who was acquitted of murder in the death of a 2-year-old in her care. The Lewiston Tribune reports (<http://bit.ly/1B5tbrj>) a jury acquitted Natasha N. Hodges in April after a nine-day trial and three hours of deliberation. Defense witness Dr. David Posey testified Rylee Mingo died of a diseased pancreas, not as a result of Hodges hitting her in the stomach. Judge Jeff M. Brudie said in 2nd District Court on Wednesday that he was surprised Posey charged \$6,500 per day. Posey's \$46,703 bill includes airfare, \$4,000 in travel time, and two meals costing more than \$80 each. Lawyers for the defense and prosecution agreed the court should decide payment. The county has paid over \$186,000 related to the trial so far.

## **Idaho attorney general weighs in on instant betting machine battle**

Lewiston Tribune: June 11- Kimberlee Kruesi/ AP

BOISE - Idaho Attorney General Lawrence Wasden said the Coeur d'Alene Tribe is going after the wrong guy in its legal fight over instant horse racing terminals. The tribe filed a petition with the Idaho Supreme Court last week, asking it to require Secretary of State Lawrence Denney to certify the legislation as law. The tribe contends Gov. C.L. (Butch) Otter's move to keep the betting machines legal was invalid. Tribal officials said Otter's veto of legislation banning the betting machines didn't come within a required five-day time span. On Wednesday, the attorney general's office filed its response with the Idaho Supreme Court. In the document, Wasden contends the fault of any error in the veto lies outside of the Secretary of State's Office and so it would be improper to force Denney to act. Denney has declined to enforce the bill despite requests from the tribe to certify the law. While Wasden's office stopped short of pinpointing whom the tribe should go after, it did explain the Idaho Senate was responsible for ensuring the veto was made in the right time frame. "The originating house sits as the timekeeper on its legislation during the session," wrote Deputy Attorney General Brian Kane. Currently, roughly 250 betting terminals - known as instant horse racing machines - are installed in three locations across the state. The machines allow bettors to place wagers on prior horse races with no identifiable information. They look and sound like slot machines with bright animated screens and chirpy music, and bets can be placed in mere seconds. Proponents argue the machines are vital to saving Idaho's declining horse racing industry. Live horse races no longer attract big crowds with bigger betting pools to help sustain the industry, race track owners said. Instead, they must rely on new technology to thrive. The tribe counters that the machines are cleverly disguised slot machines, which are illegal in Idaho. Idaho lawmakers approved legalizing the machines in 2013, but passed legislation this year after multiple legislators said they had been duped into approving illegal betting machines. The legislation then went to the governor's desk, but Otter delayed announcing his decision, doing so after the five-day window had passed. Otter told reporters he put off releasing the veto decision because of the Easter weekend. The Idaho Senate then failed to override the governor's decision but not without submitting three statements into the Senate journal stating that the Senate failed to receive the governor's veto by the required deadline. The letters were submitted by the Senate's President Pro Tem Brent Hill, Minority Leader Michelle Stennett and Secretary Jennifer Novak. Deborah Ferguson, a Boise attorney who is representing the tribe, said she was aware Wasden's office had filed its response but had not yet reviewed it as of Wednesday afternoon.

## **New counsel sought in home-invasion case**

Lewiston Tribune: June 12-Keith Kinnaird/ Hagadone

SANDPOINT - Standby counsel for a North Idaho man implicated in a home-invasion robbery attempt last fall is asking to be removed from the case. Bonner County Deputy Public Defender Dan Taylor moved to be dismissed from Randy Carl Eiland's case because of a "complete breakdown" in the attorney/client relationship. Eiland, who is representing himself, also wants Taylor removed. Eiland claims in court documents that Taylor and Bonner County Prosecutor Louis Marshall "have conspired together to help the state gain a strategy advantage" in the case. Taylor said the breakdown is so profound that he is moving for the entire Public Defender's Office to be removed from the case, according to court documents. A hearing on the motion to withdraw is set for June 15 in 1st District Court. The court will also take up defense motions for additional investigative funds, transcripts and permission for a defense investigator to be present when evidence is delivered to the defense. Eiland, 51, is charged with battery with intent to commit robbery, aggravated battery and burglary. He pleaded not guilty to the felony offenses and is scheduled to be tried in August. The charges stem from a daylight home-invasion of a southwest Sandpoint home last October. Eiland is accused of breaking into the occupied home and attacking a homeowner with bear repellent spray. The homeowner and his wife and daughter took refuge elsewhere in the home and Eiland fled, according to court documents. Eiland was found a quarter-mile away from the home and appeared to be showing symptoms of exposure to the caustic bear repellent, court records indicate. There were also bits of broken glass on Eiland's clothes and shoes. Eiland, who was convicted of murder in a shooting in Washington in 1985, contends he has an alibi and was on a public bus when the break-in occurred. Eiland is being held at the Bonner County Jail with bail set at \$500,000.

## **Jury finds wolf shooter guilty**

Coeur d'Alene Press: June 12- David Cole

COEUR d'ALENE - Rathdrum Mountain wolf shooter Forrest Mize was convicted by a jury Thursday. "Our judicial system is horribly broken and I would say the same thing if I had won," Mize said after the verdict was reached after less than one hour of deliberations. He was convicted by a jury of three women and three men - at least three of whom are hunters. One male juror in the front row wore a black T-shirt that read "got ammo?" in white letters. Mize, 54, was charged in Kootenai County court with misdemeanor possession of a wolf without a tag. Magistrate Judge Anna Eckhart gave Mize a withheld judgment with six months of unsupervised probation. If he completes the probation period with no violations he can petition to have the conviction dismissed, erasing it from his record. He has no other criminal history. Mize also has to pay \$165 in court costs and \$35 in prosecution costs. He killed the wolf on Dec. 30 while he walked his three dogs on the mountain near his home. He then sought to keep the pelt, taking the animal to a taxidermist. He bought a tag after the shooting. "I went to court nine times and wasted countless hours over killing one wolf - a transplanted nuisance predator that Idaho spends \$450,000 a year to shoot from helicopters," Mize said. "This is not the system I suited up for every day for 20 years to support and defend." Mize, a former fighter pilot in the U.S. Navy, complained that he never got to explain to the jury that he killed the wolf to prevent it from attacking his dogs. "Our entire country has become a life-support system for bloated judicial bureaucracy, enforcement agencies and lawyers," Mize said. "I never got to say one word while the jury was in the courtroom." Mize's trial started Tuesday, took Wednesday off, and resumed Thursday for closing arguments and jury deliberations. The case was investigated by the Idaho Department of Fish and Game. "We respect the jury's decision and appreciate the time and attention the jurors and the prosecutor's office gave the case," said Phil Cooper, a spokesman for Fish and Game in Coeur d'Alene. During closing arguments, Mize's attorney, Michael Palmer, said Mize believed he was shooting a coyote at the time. He said Mize had no criminal intent. "Folks, you ought to have doubts about these circumstances," Palmer said. "If you can't all agree - so be it." Kootenai County Deputy Prosecutor Tony Clinger argued that the case simply comes down to shooting and possessing a wolf before acquiring the required tag.

## Judge agrees to reduce bond in vehicular manslaughter case

Lewiston Tribune: June 12- Ralph Bartholdt

The bond for a Lapwai woman charged with vehicular manslaughter was reduced Thursday in 2nd District Court over the objection of prosecutors, and the judge required she wear an alcohol monitor if she is released. Before reducing the bond for Dorika D.L. Powaukee from \$200,000 to \$50,000, Judge Jay P. Gaskill said bail amounts are not meant to be punitive, but to assure community safety and that a charged person appears at court hearings. "Both are real considerations," Gaskill said. "The amount of bail can affect holding someone beyond those considerations." Powaukee, who is charged with vehicular manslaughter in connection with a fatal crash on the Spalding Bridge that resulted in the death of Joseph G. Seubert, 55, has been in the Nez Perce County Jail since April 19. She has pleaded innocent to the charges. Her defense attorney, Richard M. Cuddihy, filed the motion for a bond reduction and cited Powaukee's ties to the community. She has a job with the Nez Perce Tribe and will agree to undergo counseling and treatment if bond is reduced to an amount she can afford. Paying 10 percent of a bond amount can usually secure an inmate's release from jail. Prosecutors argued that the magnitude of the charges against the 35-year-old, in addition to Powaukee's alleged 0.318 blood-alcohol level at the time of the crash - nearly four times the legal limit to drive - are enough to fix the bond amount at \$200,000. Powaukee also has two prior DUI convictions, and prosecutors plan to file additional DUI charges, according to the objection filed by Nez Perce County Deputy Prosecutor Justin Coleman. "The defendant has demonstrated a history of alcohol abuse," Coleman wrote in his objection. "There are no conditions of bond that would alleviate the concerns for public safety." If she posts bond, Gaskill ordered Powaukee to wear an alcohol monitoring device on her ankle. The bracelet tests for alcohol every 30 minutes and results are monitored by the Bureau of Probation and Parole. The bracelets are used by the Idaho Department of Juvenile Corrections, but Gaskill said Powaukee will be the first defendant in Lewiston's adult criminal court to be monitored during pretrial release. Powaukee's next hearing is Aug. 20. A jury trial is set for Sept. 14.

## Juvenile court records now easier to seal

Lewiston Tribune: June 12- Nicholas K Geranios/ AP

SPOKANE - Young offenders will continue to have an easier time sealing their juvenile court records under a decision Thursday by the Washington Supreme Court. In a 7-2 decision, the court affirmed a lower court ruling that former juvenile offenders do not have to meet complicated requirements known as "Ishikawa factors" in order to seal the records. Writing for the majority, Supreme Court Justice Mary Yu said leaving juvenile records open to the public forever, except in limited circumstances, was inconsistent with the rehabilitation goals of the juvenile justice system. Yu wrote that sealing juvenile records would prevent unnecessary denials of housing, employment and educational opportunities for former juvenile offenders, and prevent exacerbation of racial disparities in the juvenile justice system. Child advocates said the decision will allow thousands of former juvenile offenders each year to build new lives. "If young people are going to be able to move on with their lives and become productive members of society, they need to be unshackled from mistakes made as youth, as is the case almost everywhere else in the nation," said Casey Trupin, attorney for the Children and Youth Project at Columbia Legal Services. The Ishikawa factors are difficult to meet, and would result in only a few people who can afford costly attorneys being able to get juvenile records sealed, Trupin said. Columbia Legal Services submitted a brief showing few people would get their juvenile records sealed if the court required a higher threshold, Trupin said. The case began in 2008, when a person identified in the opinion as S.J.C. pleaded guilty to two counts of fourth-degree assault with sexual motivation for offenses he committed at age 13. The juvenile court ordered two years of community supervision and imposed other conditions such as regular school attendance, sexual deviancy treatment and payment of a penalty assessment. After completing all his conditions, S.J.C. moved in 2011 to vacate his sentence and seal his juvenile record. The state opposed his motion to seal the records, saying that was not justified under an Ishikawa analysis. But the juvenile court granted the motion, and the state then asked the Supreme Court to review the case. Seven justices voted to affirm the lower court. Justice Debra Stephens dissented, contending the majority "misreads the statute." "I would recognize that juvenile records are court records fully subject to the presumption of openness," Stephens wrote.

## Woman shot dead in Wilder

The suspect had a previous conviction for domestic violence against the same woman, court records show  
June 13, 2015 / Idaho Press-Tribune / By RUTH BROWN

WILDER — The Wilder man suspected of killing his wife Thursday night had a prior arrest for domestic violence against the same woman. Erasmo Alcala Diaz, 51, is believed to have shot and killed his 39-year-old wife in their rural home in the 29000 block of Red Top Road, west of Wilder. The quiet area is surrounded by farmland, far from other homes. Canyon County Sheriff Kieran Donahue said deputies responded to the scene around 11:10 p.m. after someone inside the house called 911. Upon arrival, the suspect had already fled the scene. The woman, whose name has not been released, died at the scene. Two of the couple's children were present at the time of the shooting. One is a juvenile, but the sheriff would not release the children's ages. They were the only other people believed to be in the house at the time of the shooting. It is unclear how many times the woman was shot or with what caliber of weapon. Donahue did say a handgun was used. The weapon has not been located. Donahue said this case is considered a "domestic homicide." The home was still surrounded by crime tape Thursday afternoon. Law enforcement located a vehicle registered to Diaz abandoned near Adrian, Oregon, early Friday. After search warrants were issued in Oregon and Idaho, Canyon County has seized the vehicle and is treating it as a crime scene. Canyon County Lt. Chris McCormick said in a press conference that Diaz has reached out to friends and family asking for help in fleeing. He stressed that those people should instead contact law enforcement. "As human beings, we all have that sympathy factor, but now is not the time," Donahue said. Anyone who assists in helping Diaz escape or hide will be prosecuted, Donahue said. In July 2008, Diaz was arrested after a domestic dispute in the same house against the same woman. He was initially charged with three counts of aggravated assault, but the charges were amended down to three misdemeanor assault charges. Two misdemeanor charges for battery and domestic battery or assault in the presence of a child were dismissed by the court, according to the Idaho State Repository. He was ordered to serve probation with an underlying 90-day jail sentence. All but four days of that jail time was suspended, so he was ordered to serve four days. Diaz is considered armed and dangerous, authorities said. Anyone with information regarding his whereabouts is encouraged to contact the Canyon County Sheriff's Office at 454-7531 or 344-COPS.

## Reward offered in Wilder shooting Police still seeking man believed to have shot his wife

June 15, 2015 / Idaho Press-Tribune / By IDAHO PRESS•TRIBUNE STAFF

WILDER — A \$10,000 reward is now being offered for the capture of Erasmo Alcala Diaz, 51, a Wilder man believed to have shot and killed his wife at their rural home west of Wilder Thursday night. According to the Canyon County Sheriff's Office, the reward is being offered by the family of the victim. No new information was available about the case as of Sunday afternoon, Sheriff's Office representatives said. Canyon County Sheriff Kieran Donahue said deputies responded to the scene around 11:10 p.m. after someone inside the house called 911. Upon arrival, the suspect had already fled the scene. The woman died at the scene, police said. Donahue said two of the couple's children, whose names and ages were not released, were present at the time of the shooting. Donahue also said Diaz used a handgun, which has not been recovered. He has advised that Diaz is to be considered armed and dangerous. Law enforcement located a vehicle registered to Diaz abandoned near Adrian, Oregon, early Friday. After search warrants were issued in Oregon and Idaho, Canyon County seized the vehicle and is treating it as a crime scene. Canyon County Lt. Chris McCormick said in a press conference Friday that Diaz has reached out to friends and family asking for help fleeing from police. McCormick stressed that those people should instead contact law enforcement. "As human beings, we all have that sympathy factor, but now is not the time," Donahue said. Anyone who assists in helping Diaz escape or hide will be prosecuted, Donahue said. Anyone with information that could lead to Diaz's arrest should contact the Canyon County Sheriff's Office at (208) 454-7531.

## Advocates: Domestic violence gets worse over time, not better Victims need plan, support before they try to flee

June 13, 2015 / Idaho Press-Tribune / By JOHN FUNK

CANYON COUNTY — Among those who've never experienced domestic violence, one of the most common questions is, "Why doesn't she just leave?" And the answer is as simple as it is terrifying, according to Advocates Against Family Violence executive director Kim Deugan: A significant majority of domestic-violence-related homicides happen when the victim is trying to flee. "There may have been threats against her life, and so she knows she's safer where she is," Deugan said. "Even if she's being beaten." Canyon County Sheriff Kieran Donahue said Thursday night's shooting death of a woman in Wilder is a case of "domestic homicide." Police are searching for the suspect, identified by police as the victim's husband, who has a previous charge of aggravated assault against Thursday night's victim, dating back to 2008. Thursday's homicide is yet another cold reminder of the potentially fatal consequences of domestic violence. In August of last year, Selena Thomas of Nampa was killed by her boyfriend Alfredo Martin Martinez, who later pleaded guilty to second-degree murder. Police identified that as a case of domestic violence. And in March of this year, Brandon Rapp confronted police with a firearm outside his home near Middleton after they responded to reports of a possible domestic disturbance. In 2013 in Idaho, there were 1,636 simple assaults, 297 aggravated assaults and three murders related to domestic violence, according to the most recent statistics from the Idaho State Police annual crime report. Fleeing domestic violence is among the most important steps for a victim to take, but Deugan said it's also among the most desperate and the most dangerous. When a victim concludes it's time to go, she — or he, as Deugan said men can also fall victim to domestic abuse — needs to have an escape plan and a support network already set up. And that's something Advocates Against Family Violence can help with, Deugan said. The Caldwell-based agency offers classes, shelter facilities and support for those preparing to run — and proper preparation can mean the difference between life and death. It can be especially difficult among the local Spanish-

speaking community, Nampa Family Justice Center executive director Criselda DeLaCruz-Valdez said — victims may feel isolated not knowing where to turn for help. But DeLaCruz-Valdez said both she and several members of her staff speak the language and know the culture. And it's important for communications to flow both ways between victims and those who can help, she said — advocacy organizations should perhaps spend more time reaching out to smaller communities in the area. It's especially hard on the children in such situations, DeLaCruz-Valdez said. It's always tragic when a child loses a parent, but few ways are worse or more traumatic than via domestic violence.

## **Man sentenced to 10 years in prison for aggravated DUI He struck a pedestrian while driving drunk**

June 13, 2015 / Idaho Press-Tribune / By RUTH BROWN

NAMPA — A Nampa man who struck a 19-year-old pedestrian while driving drunk March 18 was sentenced to 10 years in prison on Friday. Francisco A. Lopez, 46, could be eligible for parole after four years are served. He pleaded guilty to aggravated driving under the influence June 2. Following his release from prison, his driver's license will be suspended for five years. The accident occurred when Lopez's truck was swerving into oncoming traffic and forcing other vehicles off the road. As Nampa officers tried to locate the vehicle, police said Lopez struck a 19-year-old woman who was standing next to her car on the 800 block of South Florence Street. The woman survived. Lopez, who has two prior DUI convictions, was also ordered to pay a \$1,000 fine.

## **Men suspected of two armed robberies Nampa police arrest two suspects**

June 14, 2015 / Idaho Press-Tribune / By IDAHO PRESS-TRIBUNE STAFF

NAMPA — Nampa police arrested two men suspected of committing armed robbery Friday afternoon at two Nampa businesses. Manuel Santana, 27, of Nampa, was charged with robbery and unlawful possession of a firearm. Jose Brunett-Salgado, 24, of Nampa, was charged with one count of robbery. Both were booked into the Canyon County jail. Nampa police responded to the first call of an armed robbery at a business on the 600 block of 12th Avenue at 1:45 p.m. Witnesses said that a Hispanic male in his 20's displayed a gun and took an undisclosed amount of cash from the register. The robber quickly left the scene in a dark-colored passenger vehicle. At 3:34 p.m., the police were notified of a second armed robbery of a business in the 100 block of Lone Star Road. The police were informed that several men entered the store, and one of them showed a gun while demanding money from the register. The men left the area in a dark-colored passenger car matching the description from the earlier robbery. During the investigation, officers located a vehicle matching the description given by witnesses. The vehicle was spotted on Northside Boulevard in Nampa. Police stopped the vehicle and made contact with the two men in the car who officers believe were involved in both robberies. The names of the businesses were not released. Police say no one was hurt during the robberies.

## **Settlement reached in decades long Idaho juvenile care case**

June 15, 2015 / Idaho Press-Tribune / By BRYAN CLARK / The Post Register

BOISE (AP) — A decades-long legal battle over the state of child mental health services in Idaho has ended in a settlement that will require a major overhaul of the system. It started in 1979 in Blackfoot at State Hospital South, a mental institution where 17 children with mental disorders were housed. Child molesters were housed there, too. There was no school, but there were mind-numbing drugs and beds with restraints. One of the children housed there at the time was a 17-year-old named Jeff D. — a name that since has become synonymous with mental health reform in Idaho. Jeff's mother had abandoned him, and at age 2 he had watched his foster parents beat his sister to death while they were on a berry-picking trip in western Washington, the Spokesman-Review reported. Psychiatrists later said they suspected the experience had irreparably scarred him. When Howard Belodoff and Charlie Johnson, two attorneys barely out of law school, discovered the conditions in which Jeff and the other children were living, they filed a class-action lawsuit against the state. That was 1980. During the next 35 years, the suit was repeatedly settled and reopened as Belodoff accused the state of failing to live up to its end of the bargain. Each time he won, and a new settlement was drafted. Through four decades it was courtroom fisticuffs, but today, both sides have struck a different tone. Both sides made a decision that collaborating on solutions would work better than endless legal brawls. Belodoff said this is the most optimistic he has felt during his time on the case. "I am very encouraged by the fact that the governor himself has indicated that he recognizes and supports the agreement," Belodoff said. "That's never happened in all the years (the case has been active)." Ross Edmunds, behavioral health administrator with the Idaho Department of Health and Welfare, agreed. "It feels like for the first time the resolution between the plaintiffs and the state has come to a collaborative process," he said. Previously, the state's main concern was trying to stay out of the courtroom, Edmunds said. But sitting down with child advocates and collaborating to find solutions "changed the game." The settlement calls for four major changes: n Increased mental health screenings in all state agencies and institutions that serve children. n Creating a system of community-based mental health services. n Engaging children's families in their care. n Monitoring service quality and outcomes. And the state will strive to integrate those services. "Idaho's system has a fair amount of fracture in it right now," Edmunds said. But the new system will allow schools, social workers and children's mental health providers to work together to provide care. The "backbone of the system" primarily will be provided through Medicaid, and treatment mostly will be provided by private mental health practitioners, Edmunds said. Idaho has nine months to design the new system, and then four years to enact it. Edmunds said some service improvements will be available earlier than that. He also said the state will realize a number of benefits. Children who wind up in juvenile detention centers at a young age are more likely to wind up in prison, if they don't get the kind of treatment they need, Edmunds said. And children with serious mental health disorders have trouble succeeding in schools, and later in the

workplace, if they aren't given skills to cope. Patrick Gardner, of the Young Minds Advocacy Project, which helped to craft the settlement agreement, said community based services work much better than institutionalization. "The focus is to deliver services to kids in the most home-like setting possible," he said. "So rather than making kids go to clinics or emergency rooms, the idea is to put the services in the places that are most convenient and most lifelike. Because that's where the children have to learn to cope and manage their challenges." Belodoff said he is optimistic that the latest settlement will resolve the issues that long have kept the lawsuit open. But there have been settlements before, ones that didn't fix the system. Belodoff brought the suit back to life each time he judged progress wasn't sufficient. Gardner said he never has seen anything like it. "His perseverance is nothing like I have seen anywhere in the country," he said. "Because of his perseverance, we have an agreement that the state favors and supports and will actually complete." But Belodoff, while optimistic, remains vigilant. "The first promises were made in 1983," Belodoff said. "To fulfill those promises and the promises of all the agreements — to provide necessary and crucial services to children and families who suffer from mental illness in the state of Idaho — I hope we have their commitment that they will carry through." Belodoff's 35-year watch over the fate of mentally ill children in Idaho will go on. "I'm hopeful," he said. "We'll see." As for Jeff D., Belodoff said he's not sure whether Jeff knows about the settlement, or how much his case will change the state's child mental health system. Belodoff doesn't know where he is. Jeff spent years on the streets after leaving the mental hospital, drifting from Spokane to Salt Lake City, toothless, sometimes forced to eat from dumpsters, the Spokesman Review reported when they tracked him down in 2002. He could be in Boise or maybe Spokane, Belodoff said. He might be dead.

## **Idaho one of four states rejecting federal guidelines designed to prevent prison rape**

By Betsy Russell / Spokesman Review Eye on Boise / June 15, 2015

All but four states have either met or are working toward meeting federal guidelines intended to prevent prison rape, according to the U.S. Department of Justice, but Idaho's one of the four that hasn't. AP reporter Rebecca Boone writes that Idaho, Arkansas, Alaska and Utah continue to reject the federal rules under the Prison Rape Elimination Act. The requirements include increased staff training; screening new inmates for assault risk; providing a way for inmates to report prison rapes without threat of retaliation; and investigations and possible criminal charges when prison rapes are substantiated. Boone reports that officials in Idaho and Arkansas contend that their states have a zero-tolerance policy toward sexual abuse behind bars, but will follow their own rules, rather than the federal ones. You can read Boone's [full report here](#). Two other states, Texas and Indiana, that had previously rejected the rules have now agreed to work toward compliance.

## **Nampa police seek armed robbery suspect**

June 15, 2015 / Idaho Press-Tribune

NAMPA — Nampa police are looking for a man suspected of robbing a Nampa business Sunday morning.

According to a release, officers were called to a business near the intersection of 11th Avenue North and Second Street North around 9:30 a.m. Sunday for reports of an armed robbery. Employees told police the robber said he had a gun under his jacket before taking an undisclosed amount of cash from the register and fleeing the store on foot. Employees described the robber as a Hispanic man in his 30s, 5-foot-9 to 5-foot-10, 140-150 pounds with short to medium length hair and a goatee. They say he was wearing sunglasses, a black leather jacket, dark shorts and white shoes. Anyone with information is asked to call Nampa Police at 465-2257.

## **Pocatello police stop erratic driver: A 9-year-old boy**

June 15, 2015 / Idaho Press-Tribune

POCATELLO, Idaho (AP) — The driver stopped by Pocatello police had reportedly run stop signs and was driving erratically. He was also 9 years old. The Idaho State Journal reports that the boy was returned to his parents Friday morning after police caught him out driving a second time. A man called police after he spotted someone driving erratically. The witness first thought the other driver was drunk but when he slowed down and let the car pass, he noticed a child was driving. The man followed the boy as he drove several blocks, reportedly running red lights and stop signs. Police were able to locate the child and pull him over. He was released to his parents. Police are investigating to determine whether the boy or his parents will be cited.

## **Most states comply with federal rules to stop prison rape**

June 16, 2015 / Idaho Press-Tribune / By REBECCA BOONE The Associated Press

BOISE — All but four states have either met or are working toward meeting federal guidelines intended to prevent prison rape, the U.S. Department of Justice says. Idaho, Arkansas, Alaska and Utah continue to reject the federal rules, according to the department's latest list of states that are compliant with the Prison Rape Elimination Act. The updated list, released last week, reports that 10 states say they are fully compliant with the rules: Iowa, Maine, Mississippi, Missouri, New Hampshire, New Jersey, North Dakota, Oregon, Tennessee and Washington. Twenty-five more states have given the federal government formal assurances that they are actively working toward full compliance. The federal law has several requirements that range from increased training of staff about sex-abuse policies to screening new inmates to determine if they are likely to commit sexual assault or to be assaulted. Inmates must also be able to report assaults to a rape crisis center or other organization outside the prison system, and suspected assaults must be thoroughly investigated and, when possible, perpetrators must be criminally charged. Several states have changed their stance on the law. Last year, a handful of governors told U.S. Attorney General Eric Holder that they wouldn't try to meet the federal standards, some arguing the

law represented federal overreach or would simply cost too much. Now-former Texas Gov. Rick Perry was one of the most vocal opponents at the time, urging other states to join Texas in rejecting the rules.

But in May, recently elected Texas Gov. Greg Abbott promised that while some of the audits required under the Prison Rape Elimination Act are still underway, the state would use at least 5 percent of its federal prison funding toward becoming fully compliant with the law wherever feasible. Indiana, which also rejected the law last year, has submitted a similar assurance. Officials in Idaho and Arkansas contend that their states have a zero-tolerance policy toward sexual abuse behind bars, and governors in both states say they support what they consider to be the best practices outlined in the Prison Rape Elimination Act's rules. But both states have stopped short of agreeing to comply with the federal rules. Idaho corrections officials told the Justice Department last month that the state has created its own new rules that closely mirror — but don't match — the federal guidelines.

## **Breaking up is hard to do / Court documents allege St. Luke's plans to keep large portion of Saltzer even though judge ordered the two to separate after antitrust trial**

June 17, 2015 / Idaho Press-Tribune / By TORRIE COPE

NAMPA — Plaintiffs in an antitrust case against St. Luke's Health System are concerned that St. Luke's is not fully complying with a judge's order to undo its acquisition of Saltzer Medical Group and are asking to see a separation plan. A federal judge in Boise ruled in February 2014 that the health system's acquisition of the Nampa-based Saltzer violated antitrust laws, and he ordered a complete divestiture or separation of the two. St. Luke's appealed the decision, but the Ninth Circuit Court of Appeals upheld the judge's ruling. The ruling came after Saint Alphonsus Health System and Treasure Valley Hospital filed an antitrust lawsuit and preliminary injunction to stop St. Luke's acquisition of Saltzer, claiming it would give St. Luke's an 80 percent share of primary care physicians in Nampa. Chief U.S. District Judge B. Lynn Winmill allowed the acquisition to move forward but set a court date for the antitrust trial. The state and Federal Trade Commission joined the hospitals in the lawsuit, and Winmill ultimately ruled against St. Luke's. In documents related to a motion filed in federal court Friday, attorneys from the Idaho Attorney General's Office and Federal Trade Commission said St. Luke's is letting go of only a fraction of the original Saltzer practice and plans to hold on to large portions of the practice. "Without more detailed information about Defendants' proposed divestiture, including the reasons for divesting only a portion of Saltzer's pre-acquisition assets, Plaintiffs and the Court cannot begin to assess whether the proposal will satisfy the Judgment," they state in the court documents. The plaintiffs have requested that the court compel St. Luke's and Saltzer to provide basic information about their separation plans. They argue that by keeping a large portion of Saltzer, not only is St. Luke's not complying with the judgment but it would fail to restore competition to the market. St. Luke's plans to fully comply with the court's order and has not proposed a plan that is short of full divestiture, said Beth Toal, St. Luke's spokeswoman. "We were disappointed by the agencies' filings on Friday because instead of working with St. Luke's and Saltzer to develop a thoughtful plan of divestiture that protects Saltzer employees, minimizes impact on Saltzer patients and addresses the assets that Saltzer declines to repurchase, they instead chose to initiate a series of demands for additional information that will only delay the divestiture and allows the agencies to second-guess decisions Saltzer has already made regarding the kind of health care business it wishes to be going forward," she said. In a statement, John Kaiser, president of Saltzer Medical Group, said Saltzer has been working on a divestiture plan for more than a year that is right for the medical group and the communities it serves. He said Saltzer is determined to remain an economically viable health care organization, and that its physicians and employees will be involved in all plans and actions. "We are optimistic the federal court will support our plan as we move forward," he said. "Our plan focuses on our strengths as an organization and we believe it positions us for future success in the marketplace." Attorneys for St. Luke's and Saltzer filed a motion to appoint a master to oversee its plan for divestiture, because they say it's not a simple and straightforward process. The attorneys also argue the master is necessary, because the documents the plaintiffs are requesting about the divestiture plan contain confidential information including information about the future structure of Saltzer. Part of the plan includes the elimination or phasing out of certain lines of service at Saltzer, according to court documents. Saltzer is unwilling to take back assets or personnel that are unnecessary to its chosen practice model. Those include laboratory, imaging, physical therapy and hearing and balance. "Through our discussions with Saltzer about divestiture, the group has indicated it does not intend to take back certain assets," Toal said. "We have approached the FTC and the Attorney General's Office to suggest that they work with us to determine an appropriate disposition of those assets. "The FTC and the AG so far have not provided any assistance or advice. We believe that a court-appointed Master, which Saltzer and St. Luke's have formally requested, will help answer important questions like this one that are likely to arise through this process." St. Luke's formed Southern Idaho Health Partners, LLC in 2014 to facilitate either the sales of all of Saltzer assets to a separate third party or to provide a new entity for Saltzer. Attempts to sell Saltzer's assets to a third party were unsuccessful, court documents state, which means Saltzer would have to go back to an independent, standalone medical group. The court will examine the response and reply briefs on the motions and determine if oral argument is necessary.

## **Former IDJC nurse, accused of sexual battery, now in Canyon County jail**

June 17, 2015 / Idaho Press-Tribune / By IDAHO PRESS-TRIBUNE STAFF

NAMPA — A former nurse at the Idaho Department of Juvenile Corrections facility in Nampa who is accused of sexual battery of an inmate was booked into Canyon County jail Tuesday. Valerie Kristin Lieteau, 41, is charged on suspicion of sexual battery of a minor ages 16 to 17 and sexual contact with a juvenile offender at the Nampa facility. L i e t e a u was previously named in tort claims filed by former inmates as one of at least three female staffers accused of having inappropriate relationships with male inmates. A \$500,000 warrant had been issued for her arrest, and she was extradited back to Canyon County from California, where she was arrested in May. Canyon County Sheriff Kieran Donahue said that he

expects Lieteau to face arraignment today. A civil claim filed in March accuses Lieteau — a nurse formerly employed at the facility — and Esperenza Jimenez, a former intern medical assistant, of sexual contact with male inmates. IDJC director Sharon Harrigfeld and Betty Grimm, the facility's former superintendent, were in a position to stop the abuse but failed to do so, the lawsuit alleges. So was the department itself, the lawsuit claims, as well as the Milan Institute, which assigned Jimenez to work as an intern in the facility. Another former staffer, Julie McCormick, pleaded guilty to lewd conduct with a minor in connection with an inappropriate relationship with a 15-year-old male inmate. She was released from prison earlier this year after completing a sex offender treatment program. McCormick is also named in the civil suits.

## **First court date set for contested trustee seat**

June 17, 2015 / Idaho Press-Tribune / By KELCIE MOSELEY

CALDWELL — The first hearing in a court case over a board of trustees election in May will take place Monday, with Judge Christopher Nye presiding. The case involves sitting Caldwell school district trustee Thomas Briten and challenger Toni Waters. Waters lost the seat by four votes in the May trustee election — 104 votes to Briten's 108. The day after the election, the Canyon County Clerk's Office said five ballots were incorrectly issued at the ~~respective~~ precinct, allowing Waters to challenge the results.

The status conference hearing will begin at 9 a.m. Monday at the Canyon County Courthouse, 1115 Albany St. in Caldwell. The last time Canyon County had to re-run an election was in May 2013, when ballots were incorrectly issued in a Middleton School Board trustee race. A re-do was held in the August election that year. If Nye rules that the county must run the election again, they may do the same thing and schedule it in August.

## **ACLU sues to improve public defender system Idaho case names four plaintiffs, and organization seeks class-action status so case will apply to all low-income defendants**

June 18, 2015 / Idaho Press-Tribune / By REBECCA BOONE The Associated Press

BOISE — A national civil liberties group has brought its fight to overhaul the criminal defense system for low-income defendants to Idaho with a lawsuit that says the state hasn't done enough to make sure poor people are being fairly represented. The American Civil Liberties Union contends state officials have known for several years that overwhelming case loads, underfunded budgets and a patchwork system that varies county by county prevent defendants from receiving adequate legal representation guaranteed by the U.S. Constitution. Idaho officials, including the governor and attorney general, declined to comment Wednesday on a case that continues a national push for the ACLU. "Public defense is really central to our criminal justice system," said Jason Williamson, an attorney for the national ACLU's criminal law reform project. "And to the extent that our public defense system is broken, the entire system is broken." The organization has brought similar lawsuits in several states recently, reaching settlements in New York and Washington after the U.S. Justice Department intervened on the ACLU's behalf and state officials agreed to sweeping reforms. The Idaho case names four plaintiffs who say they've spent months in jail without speaking to their court-appointed attorneys or that their cases weren't properly reviewed, and the organization is seeking class-action status so the case will apply to all low-income defendants in the state. The filing asks a state judge to order Idaho officials to implement a better system. Idaho's public defender system has been at focus recently, since a report from the National Legal Aid and Defender Association found in 2010 that indigent defendants facing criminal trials weren't getting adequate representation. The problems included a lack of communication between court-appointed lawyers and their clients, poor or nonexistent legal investigations, deficient funding and a lack of oversight. Lawmakers and a special Criminal Justice Commission have examined the issue, but the ACLU says meaningful changes haven't been made. For their part, legislators created the Idaho Public Defense Commission last year. Members have been asked to create standards, training programs and a data collection system and to keep lawmakers informed about any problems. The ACLU says that's not enough. "Astoundingly, the State failed yet again in the recently concluded 2015 legislative session to fund or improve its public defense system," ACLU Idaho attorney Ritchie Eppink wrote in the lawsuit.

## **Woman sentenced for distribution of meth**

June 18, 2015 / Idaho Press-Tribune

NAMPA — A 30-year-old Nampa woman was sentenced Wednesday to two years in prison for distribution of methamphetamine in relation to a 14-person indictment. Chief U.S. District Judge B. Lynn Winmill also ordered Tara Noelle Rivera to serve three years of supervised release when her prison term is complete, said Becky Early, spokeswoman for the Idaho U.S. Attorney's Office. Rivera pleaded guilty in March.

According to court documents, Rivera admitted to selling methamphetamine to a police informant on three separate occasions in March 2014. Rivera also admitted to selling a 9 millimeter pistol to the informant. Her case is part of a larger long-term investigation by the Treasure Valley Metro Violent Crimes Task Force. The investigation focused on the "Norteno" Northside gang, which is active in Nampa and other parts of the Treasure Valley. Fourteen individuals were indicted on drug and gun charges as a result of the investigation.

## **Nampa drug dealer gets four years in federal prison**

June 18, 2015 / Idaho Press-Tribune / By IDAHO PRESS-TRIBUNE STAFF

BOISE — A Nampa woman will spend four years in federal prison for distribution of methamphetamine, Chief U.S. District Judge B. Lynn Winmill ruled Wednesday. Brandi Larrea, 31, must also serve four years of supervised release after her release from prison. According to court records, Larrea admitted to selling a total of 33.3 grams of methamphetamine from her Nampa home on five different occasions between January and March of 2013, and between March and May of 2014. In

June 2013, United States Attorney's Office spokeswoman Becky Early said, personnel from the Treasure Valley Metro Violent Crimes Task Force and the Federal Bureau of Investigation executed a search warrant and found 24 grams of methamphetamine.

## **Idaho officials seek to intervene in lawsuit**

June 18, 2015 / Idaho Press-Tribune / By KEITH RIDLER The Associated Press

BOISE, Idaho — Idaho officials have filed court documents to intervene in a federal lawsuit against the U.S. Forest Service brought by a northern Idaho couple and an environmental group. The State Board of Land Commissioners and Idaho Department of Lands filed the document Tuesday in U.S. District Court. Idaho officials contend the state has a substantial interest to intervene because the lawsuit seeks to block a road that's the only access to a salvage timber project on state land. Idaho officials say the wildfire-damaged trees will lose value and are prone to insect infestation. The Department of Lands also on Tuesday announced the previously canceled timber sale for the area has been rescheduled for Friday in Kamiah. "We are confident that the eventual timber sale purchaser has the right of access to the state parcel without the need for Forest Service approval," Tom Schultz, director of the state agency, said in a statement. Laird Lucas, an attorney at Advocates for the West who is representing Idaho Rivers United, said Wednesday that he's preparing paperwork seeking an injunction to prevent the use of the road until the federal court rules on the initial lawsuit. Morgan and Olga Wright and Idaho Rivers United sued the Forest Service last month challenging the agency's decision to designate the road as public for the logging project.

## **Tanner Cox pleads not guilty to voluntary manslaughter**

June 18, 2015 / Post Register / By AUBREY WIEBER

A shackled Tanner Cox walked into a Bonneville County courtroom Thursday and entered a not guilty plea for the charge of voluntary manslaughter. District Judge Bruce Pickett assigned the case a jury trial date of Sept. 14, but the case could be resolved well before then. Bonneville County Prosecutor Danny Clark said he always expects a case to go to trial until it doesn't, but also said in general, cases often are resolved before a trial date. "Ninety-some-odd percent of defendants will plead not guilty at their arraignment and then turn around and plead guilty later on," Clark said. "That's just kind of the nature of the beast." Cox, 22, is in custody following a May 18 arrest stemming from the beating death of 36-year-old Josh Olzak. Olzak and Cox were involved in an altercation May 9 where Cox threw a punch that knocked Olzak to the ground, causing him to fracture his skull. Olzak was hospitalized and died at 9:40 a.m. May 11. Cox was reportedly with up to eight other people, one being Nickolas Arguello. Olzak was with one friend, Josh Loveless, who sustained a fractured nose and broken jaw. As previously reported in the Post Register, Cox was arrested shortly after the attack for driving under the influence. Arguello was named as a suspect but was never arrested and has returned to North Dakota for work. On Thursday, the Idaho Falls Police Department said there were no new suspects or arrests. Cox's defense attorney, Jim Archibald, said he resolves most cases without going to trial, and that he is still figuring out what the likely course of action will be. Archibald said he has questions regarding Olzak's time in the hospital. "He was alert, he was talking to family," he said. "He was actually wanting to leave the hospital on May 10. He was trying to get out of his hospital bed. He actually had a struggle with the cops, a struggle with hospital personnel on May 10 trying to get out of his bed. "From a lay prospective, it looks to me like, yeah, he was hurt, but he was getting better." Archibald said he plans to hire a medical expert to walk him through the details of the death. He said questions surrounding the cause of death remain. In addition, he said he might look at a self defense strategy should the case see the light of a trial. "(Cox said) Olzak was going to make the first punch," Archibald said. "Olzak lunged at him. So that's called self defense. So we are looking into if it's a valid self defense or not." It appears Cox will remain in custody while Archibald mulls over strategies. During a May 29 hearing, District Judge Mark Riddoch reduced Cox's bail from \$100,000 to \$30,000, just slightly more than the \$20,000 the defense asked for. However, Cox hasn't bonded out. "It's low enough, the family can bond him out now," Archibald said. "It's whether or not they should, because there are some other issues going on." Cox is scheduled for a pretrial hearing Sept. 2 and a jury trial starting Sept. 14.

## **Police review committee: Report coming soon**

June 17, 2015 / Post Register / By BRYAN CLARK

A nine-member citizens committee set up to review the Idaho Falls Police Department should soon produce a report outlining its findings, wrapping up a four-month inquiry. After a Wednesday evening meeting, members said they hope to have the report ready next week. Among the recommendations discussed was instituting annual fitness testing for police officers, rather than only requiring such tests when officers first join the department. No vote was taken on whether to support the recommendation, but most committee members indicated they would support such a change. Members also indicated they would support regular drug testing for officers. "I think it's critical to be physically fit and drug free," committee member Robert Coombs said. "How can you reputable program and not have those two things? It's just unfathomable to me." Committee members also voiced concern that while the number of sworn officers had decreased slightly in recent years, the number of civilian staff increased. The committee's final report will address four main topics: department budget, staffing and personnel issues, internal and external communications, and police facilities. During the Wednesday evening meeting, committee members discussed drafts of the four main sections of the report as they worked to find consensus on revisions. Since February, the committee has met weekly, Chairman Kent Granat said. Members met with officers and administrative staff, conducted one-on-one meetings with individual officers, went on ride-alongs and toured department facilities. The Citizens Review Committee on the Idaho Falls Police Department, as the group is called, is one of several citizen committees charged with looking into city

departments. Members of the committee also indicated they likely would send a letter to Mayor Rebecca Casper and City Council members, endorsing parts of the budget formulated by the department. "The public needs to be made aware of the critical issues," committee member Russell Johnson said.

## **Police: I.F. woman threatens people with pistol**

June 16, 2015 / Post Register / By TOM HOLM

An Idaho Falls woman was arrested on a charge of aggravated assault after she reportedly threatened people with a 9 mm pistol. Debra Jo Moore, 62, was booked into the Bonneville County Jail on Monday. She had bond set at \$15,000. According to an Idaho Falls Police Department news release, a 911 caller said Moore was outside the caller's residence on the 1400 block of Mound Avenue at about 11:48 p.m. Moore reportedly was threatening people with a gun. Police Department spokeswoman Joelyn Hansen said the report did not say what Moore's relationship, if any, was to the 911 caller. Officers arrived and found Moore with an unloaded pistol. Aggravated assault is punishable by up to five years in prison.

## **Day trader sentenced for investment fraud scheme**

Posted: June 17, 2015 2:44 p.m. / Post Register

A 41-year-old Rexburg man was sentenced Tuesday to two years in prison for an investment scheme that took in more than \$9 million. U.S. Attorney Wendy J. Olson announced the sentencing in a news release. U.S. District Judge Edward J. Lodge ordered Michael Justin Hoopes to serve the prison term followed by three years of supervised release for wire fraud and monetary transactions in property derived from specified unlawful activity. He also ordered Hoopes to pay \$620,000 in restitution and perform 200 hours of community service. Hoopes pleaded guilty Feb. 24. According to the plea agreement, Hoopes admitted that from 2007 through February 2011, he engaged in a scheme to defraud investors in various investment opportunities, the release said. Specifically, Hoopes solicited investors to provide him with capital he represented he would use in his commodities futures day trading activities and to invest in Connected Lyfe, a publicly traded company. Connected Lyfe, based in South Jordan, Utah, offers TV, Internet and voice services in a single broadband connection, according to its website. During that time frame, Hoopes received in excess of \$9 million from investors. Of that amount, Hoopes misappropriated about \$620,000 for personal use, including paying credit card bills. Hoopes told investors he earned day-trading returns in excess of 20 to 25 percent, that he would invest all of the capital they provided in day trading and pay them from the profits generated by their investments, the release said. He told investors he would receive personal compensation only from profits he made above the 20 to 25 percent return. Hoopes provided false monthly account statements to investors documenting the purported positive returns, the release said. He also misrepresented that an investor would double their investment within one year and bear little risk of loss. Hoopes did not invest all the money he received. He used much of it for paying "positive" returns to existing investors primarily from the capital raised from new investors. Contrary to monthly account statements showing positive returns, he lost most of the remainder day trading and in other failed investments. As part of Hoopes' plea agreement, he forfeited his shares in Connected Lyfe staked to him by investors. Hoopes forfeited 6,107,589 shares in Connected Lyfe that will be returned to the investors who pledged money for the shares. "The hope is that if Connected Lyfe can make the corner, its stock will have value again and the investors will be repaid," Hoopes' lawyer, Blake Atkin, of Atkin Law Offices in Bountiful, Utah, told the Post Register in February. At their high, in July 2010, the Connected Lyfe shares briefly topped \$3 per share. The stock closed at 2 cents a share Wednesday. At 2 cents a share the stock is worth \$122,152. "Those who convince others to entrust them with investing their hard-earned money, but instead use that money for personal gain will be vigorously prosecuted," Olson said in the release. "This sentence ensures that Mr. Hoopes is punished and sends the strong message that investment schemes don't pay." The U.S. Commodity Futures Trading Commission, a federal regulatory agency, filed a civil lawsuit against Hoopes in October 2011 for violations of the Commodity Exchange Act. In July 2012, Judge Lodge ordered Hoopes to pay \$10.4 million in restitution payments and \$1.4 million in civil penalties for orchestrating a Ponzi scheme that defrauded 10 residents. The Post Register previously reported that at least two of Hoopes' victims — Idaho Falls accountant Steve Crandall and Keith Cornelison — lost money in Daren Palmer's Ponzi scheme. Palmer, formerly of Idaho Falls, was sentenced in September 2011 to an eight-year prison term in connection with a \$75 million Ponzi scheme he operated. Lodge also was the judge in Palmer's case. Assistant U.S. Attorney Raymond E. Patricco in February told the Post Register that the wire fraud charges were related to the issues raised in the Commodity Commission's lawsuit. He said many of the victims in the civil case are the same as in the criminal case. "Investment fraud schemes often involve individuals who appear extremely credible and trustworthy. When investigated by our special agents who specialize in following the money, these individuals are exposed as greedy and uncompassionate and have devastated the financial well-being of investors whose trust they betrayed," said Gilbert R. Garza, special agent in charge of IRS Criminal Investigation for the state of Idaho, in the release. The case was investigated by the Internal Revenue Service, Criminal Investigation Division and Federal Bureau of Investigation, with the assistance of the Commodities Futures Trading Commission.

## **Idaho law doesn't protect gays from hate crimes**

Posted: June 16, 2015 5:30 p.m. / Post Register / By BRYAN CLARK

A homophobic slur was scrawled across the door of a Bonneville County gay couple's pickup truck over the weekend. The word "fag" was carved into the red 2010 GMC Sierra belonging to Danny Yandell-Jones and Christopher Jones, who live near Ammon. They believe the incident happened Friday afternoon and said the damage will cost around \$900 to repair. The couple, who will have been married seven years in August, have filed a police report and hope the

person or persons responsible will be caught. But if someone eventually is arrested, that person would be subject to lesser penalties than if he or she had targeted members of a racial or religious group. That's because gays do not have the same protection as other groups under Idaho law. "I was angry," Yandell-Jones said. "That was the first reaction, of course. And then I was very concerned and very sad." He also was afraid. "It was broad daylight," he said. "So it makes you wonder: If people are so brazen to do something like that, what might they do to you physically?" It can be difficult for those who aren't gay to understand the emotional toll of the act, Jones said. "It's a feeling that somebody hates you," he said. "They're calling you that out of disgust. It gives you a sense of fear." But when Yandell-Jones and Jones posted pictures of the vandalism to Facebook, it led to an outpouring of support from the local community. A crowd-funding campaign to pay for the damage met its \$1,000 goal in only 13 hours. And people kept giving. Only a day after the page opened around \$1,500 had been raised, according to Theron McGriff, who helped organize the drive. "They were very reluctant to accept help," McGriff said. "I told them that this community wants to show that hate is not the overriding factor, that people love and support them." McGriff said Yandell-Jones and Jones deserve such support. "They're selfless," McGriff said. "They've taken in people who've lost their jobs and their housing until they get back on their feet. They're genuine, hard-working people." That support has been a tremendous comfort, Jones said. "The outpouring from the community has been so overwhelming," he said. "I thank them so much for the support they showed. But it also shows how many people in this community will not tolerate that kind of hate." But Jones was upset when police officers told him the person or persons responsible cannot be charged with a hate crime. "It really is a hate crime, but it never could be prosecuted in this town as a hate crime," Jones said. Not just this town. Any town in the state. If Jones and Yandell-Jones were Mormon and an anti-Mormon slur was scrawled on their truck, whoever was responsible could be subject to a felony charge of malicious harassment. It would be the same if a racial slur was directed at a black person or an ethnic slur aimed at an Italian. But Idaho's malicious harassment statute does not protect gays in the same way it protects other groups, Bonneville County assistant prosecutor James Murdock said. The law only allows the charge to be elevated to a felony if the harassment is on the basis of "race, color, religion, ancestry or national origin." "Damaging someone's property is a crime ... but as far as a hate crime or malicious harassment, sexual orientation is not something that's in the code as a separate crime or enhancement," Murdock said. That means people who commit crimes based on hatred of gays are subject to lesser penalties than those who commit crimes based on hatred of racial or religious groups. "If you were to damage someone's property, and it's under \$1,000, that's a misdemeanor; one year in prison," Murdock said. "If you were to do it and it was to fall under the malicious harassment statute, that's a felony; up to five years in prison."

## **I.F. woman pleads guilty to wire fraud**

Posted: June 16, 2015 4:20 p.m. POST REGISTER

A 60-year-old Idaho Falls woman faces up to up to 20 years in prison after pleading guilty Tuesday to wire fraud in a three-year scheme that took in more than \$2 million. U.S. Attorney Wendy J. Olson announced the guilty plea in a news release. Former St. Anthony resident Lois Davis, 60, who now lives in Idaho Falls, was indicted by a federal grand jury Oct. 15. Davis owned and operated Rouge River Financial and Y4 Ranch, based primarily in St. Anthony. Davis represented herself as being in the investment business, and with access to investment transactions from which she would receive substantial commissions, the release said. To at least one victim, Davis provided a fraudulent copy of her bank balance, showing assets of more than \$19 million, when in fact the accounts contained less than \$100, the release said. She also emailed, or caused to be emailed, a fraudulent recommendation letter from a purported "Gary DuPont" falsely claiming that Davis had earned more than \$100 million in commissions and made 396 people millionaires. Additionally, Davis often represented or implied that she was connected to, licensed by, or working with government agencies, such as the "Fed," "Federal Secretary of State," and the "Treasury Department," which was not true. From August 2007 to July 2010, Davis orchestrated a scheme to entice investors to send money to her based upon false claims that the investors would be entitled to a portion of a commission she would earn on a financial transaction. For most investors, she provided, or caused to be provided, a Sales and Purchase Agreement, which falsely represented to investors that they would receive up to 10 times their initial investment. Over the course of those 35 months, Davis took in approximately \$2.1 million from investors, refunded about \$330,000, and kept remaining \$1.8 million. She spent investors' funds on personal items, such as vehicles, horses and tack, as well as gifts to her family and her church. Sentencing is set Aug. 31 before U.S. District Judge Edward J. Lodge. Wire fraud is punishable by up to 20 years in prison, a \$250,000 fine and three years of supervised release. The case was investigated by the Federal Bureau of Investigation.

## **Bingham seeks suspect in August 2014 slaying**

Posted: June 16, 2015 6:00 p.m. / Post Register / By TOM HOLM

BLACKFOOT — Nearly a year after 21-year-old Miguel Davalos was shot and killed, the Bingham County Sheriff's Office issued an arrest warrant for his suspected killer. Daniel Magana, 55, is wanted on charges of second-degree murder, aggravated battery and unlawful discharge of a firearm into an inhabited dwelling, according to a Sheriff's Office news release. The arrest warrant was issued Saturday. Davalos was gunned down Aug. 18 in the front yard of a home he had been staying at 1954 W. Taber Road. Sheriff Craig Rowland said at a Tuesday news conference that the warrant carries a \$1 million bond for Magana's arrest. Rowland said Magana is believed to be in Mexico, but refused to elaborate on how investigators came to that conclusion. "We're pretty positive; the info we're getting is he is in Mexico," Rowland said. Investigation into Davalos' death, which lasted about 10 months, took so long because detectives had to interview multiple witnesses, Rowland said. The incident was investigated by the joint detectives unit comprised of Bingham County Sheriff and Blackfoot Police detectives, the release said. "Every thing matters in a case like this, every little detail," Rowland said. "It takes a long time to follow up on all those leads." An unidentified woman

who witnessed the murder only got a partial view of the killer, Rowland said. "She did help us a little bit, but she did not get full facial view of the suspect," he said. Madison County Prosecutor Cleve Colson said his charging decision did not come from any particular "break" in the case. "To name it to a singular purpose or singular issue, I don't think that fits in this matter," Colson said. Colson refused to comment about the Aug. 18 incident, saying he wants to afford Magana a fair trial, if the suspect is extradited from Mexico. According to the criminal complaint, Davalos died of wounds in the "chest and upper body." The complaint said the weapon used in the killing was a 9 mm pistol. The complaint did not say how many shots were fired. Rowland said the Sheriff's Office has submitted paperwork to the Mexican Consulate in Los Angeles, Calif., in an attempt to locate Magana. Neither Rowland nor Colson could say whether Magana, who is of Hispanic descent, is an American citizen. Aggravated battery and unlawful discharge of a firearm into an inhabited dwelling each are punishable by 15 years in prison. Second-degree murder carries a punishment of 10 years to life in prison.

## One-time murder suspect filming documentary

Posted: June 15, 2015 4:08 p.m. / Post Register / By BRYAN CLARK

A man briefly eyed as a possible suspect in the 1996 killing of 18-year-old Angie Dodge was in Idaho Falls last week to make a documentary about the case. Michael Usry, a 36-year-old New Orleans filmmaker, was questioned and ordered to submit a DNA sample in December after police partially matched DNA samples left at the crime scene to the DNA of his father. Usry's father, Michael Usry Sr., along with several other ward members in The Church of Jesus Christ of Latter-day Saints, donated DNA samples to a database meant to aid in compiling family genealogies. The DNA testing specifically targeted the Y chromosome, which fathers pass along to sons, generally in unaltered form. The partial match to Usry's father meant it was likely that one of his male relatives was the killer. Unfortunately, the type of testing performed makes it difficult to say whether they were closely related or shared a common male ancestor as many as 10 generations back. Later, more precise DNA tests absolutely excluded the younger Usry as the DNA donor. Usry arrived in Idaho Falls on June 3, along with his producer and childhood friend, Dayton Douglass, and director of photography Ryan Bohling. They spent several days filming interviews. The film will be Usry's first full-length documentary, but not his first film. In fact, Usry's short horror film, "Murderabilia," was one of the reasons police eyed him as a suspect. That dark 2010 short film focused on collectors of memorabilia related to famous murders. It won a slew of awards at regional and horror-themed film festivals. Usry also has directed several other horror films. Idaho Falls Police Sgt. James Hoffman told the New Orleans Advocate that since so many of Usry's films dealt with killing, he seemed like a promising suspect. Usry said he was thoroughly shaken by the experience. "After the initial interrogation, when they dropped me off back on the sidewalk, I was dazed," Usry said. "The whole experience was very surreal. You don't think that you're ever going to be in an interrogation room being questioned about a murder." Producer Douglass was the first person Usry called. "He was like, 'Dude, you know what happened to me?' I said, 'I don't know man, what happened?' He said, 'No. I just got picked up by the FBI,'" Douglass said. "As Michael decided he wanted to tell this story, I had to be a part of it." After he learned more about the story, Usry resolved to tell it in film form. He said he will focus on the case at large, including questions about the innocence of Chris Tapp, the man imprisoned for her murder, and questions about the still-unknown killer who never has been caught. Usry also will focus on his own experiences with the police as well. "This is a massive story," he said. Usry's experience became a hot-button issue among privacy advocates, who worry about the implications of police using private DNA databases. "This case highlights the extreme threats posed to privacy and civil liberties by familial DNA searches and by private, unregulated DNA databases," Jennifer Lynch wrote last month. "People should be able to learn about their ancestors and relatives and about possible risks for genetic diseases without fear that their data will be shared with the cops without their consent." Lynch is a senior staff attorney with the Electronic Frontier Foundation. Carol Dodge, Angie's mother, said Usry's experience reminded her of Tapp's experience. "Can you imagine where Chris Tapp was back in 1997 when they were interviewing him?" she said. Dodge long has held that Tapp was wrongfully convicted after falsely confessing to the slaying. Dodge said she is grateful to Usry and the other filmmakers, who are producing the documentary on their own dime. "It was meant to be. It keeps the story alive," she said. "I'm grateful that they took the time, regardless of what it turns out to be."

## Police: I.F. man threatened woman with hammer

Posted: June 15, 2015 3:03 p.m. / Post Register / By TOM HOLM

Idaho Falls Police arrested an Idaho Falls man Sunday on charges of aggravated assault after he reportedly threatened a 37-year-old woman with a hammer. Charles F. Cortez, 27, was booked into the Bonneville County Jail. His bond was set at \$60,000. Police Department spokeswoman Joelyn Hansen said Cortez was borrowing the victim's car without her permission, and they got into an argument in an alley between the 100 block of East 13th and East 14th streets. "She told him to leave, and he started yelling at her," Hansen said. The argument escalated and Cortez reportedly wielded a hammer and threatened the woman with it, Hansen said. Hansen said the victim did not know where the hammer came from. "He raised it (the hammer) over his head," she said. A neighbor called 911 at about 11:30 p.m. Cortez left prior to police arrival, according to a police department news release. Cortez later was located and arrested at about 1:45 a.m. near Shoup Avenue and A Street, the release said. Hansen said the report did not say if Cortez had the hammer when he was arrested. Aggravated assault is punishable by up to five years in prison.

## **Taxi driver tracked John Lee on day of Moscow shooting / Bobby Gebrehiwet followed alleged killer, helped police locate him**

June 12, 2015 / Moscow Daily News / By Josh Babcock, Daily News staff writerMoscow-Pullman Daily News

It was about 3 p.m. on a Saturday afternoon in January when taxi driver Bobby Gebrehiwet pulled into the Stinker Station in Moscow for his "CCG" - coffee, cigarettes and gas. "All I wanted was my CCG, but God had a whole different plan for me," Gebrehiwet said. While pumping gas, Gebrehiwet told the Daily News this week, he heard three shots that "sounded like firecrackers." He looked around the gas station and saw no one react to the sounds. Then a few moments later, he said three more shots went off, "two employees spilled out of the (Arby's) back door," and a young female employee darted out and hid directly behind his gas pump frantically repeating "he shot her." Gebrehiwet said he was back in his car when he heard the last three shots. Still sitting at the gas pump facing Arby's, he said, he watched a man walk out of the restaurant holding a handgun - about 15 seconds after the young woman. Gebrehiwet said he quickly moved his vehicle to cover her and the gas pump from any gunfire. "Everybody saw he had a gun," he said. That's when people began to jump into their cars and bolt away from the scene, and that's when 42-year-old Gebrehiwet called 9-1-1 for the first time in his life and began to chase the man using Gebrehiwet's large gray and yellow Chevy Astro taxi. The man was later identified as John Lee of Moscow. He has been charged with shooting to death his landlord, David Trail; Arby's manager Belinda Niebuhr; and his adoptive mother, Terri Grzebielski, as well as critically wounding Michael Chin, a friend of Trail. Lee is being held without bond in the Latah County Jail. Gebrehiwet believes God played a role in his actions that afternoon. "I sure don't know what I was doing," he said. "I couldn't control what my body was making me do." Gebrehiwet drove the van one lap around the gas station to show no sign of chase while the man was waiting to turn left onto Pullman Road from Peterson Drive. He said he drove into the Tri-State parking lot and followed the man's black Honda Fit as it cleared the intersection, running the first of two red lights to keep up with it. "I had my mind made up; I wasn't going to let him get away," Gebrehiwet said. He stayed back a few cars until both of them were on Jackson Street, where he got directly behind what he figured had to be a murder suspect. When the man cut off a car on Jackson Street and Gebrehiwet followed suit, he said, it caused the car he was chasing to slow from 25 miles per hour to about 5 mph and the two men "locked eyes" in the man's rearview mirror. "His eyes were shallow and empty," Gebrehiwet said. "That's the only time I thought he was going to shoot me." However, the man accelerated down the street and turned left onto Veatch Street, where Gebrehiwet watched him grab his gun and head into a home. Grzebielski was later found shot and killed there. Gebrehiwet stayed on the phone with dispatch while he pursued the man, telling police of his whereabouts and the events that had just unfolded. He stayed in the neighborhood in sight of the residence the man had entered and watched him leave the home, get back in his car and take a right onto state Highway 8 from Harrison Street where multiple police cruisers began a pursuit that ended with the man rolling his vehicle north of Colfax. In the trunk police found two semi-automatic pistols, a revolver, a shotgun and a rifle. Gebrehiwet expects to testify in court in mid-July. He said investigators told him the events he witnessed may be pivotal for prosecutors to push for the death penalty and could have saved other lives. Some, he said, even called him "a hero," but it's one trait Gebrehiwet won't take ownership of. In late May Gebrehiwet went into the Arby's for the first time to see the restaurant. He said the employees asked him to come back and look at a picture of Niebuhr. When Gebrehiwet saw her photo, "I got chills up my spine," he said. "This was just a cowardly act."

## **Latah Recovery Center location finalized / Main Street building owned by Masons once housed restaurants**

Posted: Friday, June 12, 2015 12:00 am | Updated: 7:36 am, Fri Jun 12, 2015 / Moscow Daily News. By Terri Harber, Daily News staff writerMoscow-Pullman Daily News

The Latah County Recovery Center will be housed at 531 S. Main St., once the long-time location of Wheatberries Bake Shop, then Beck's Cafe and Catering. Paradise Lodge No. 17 AF&AM Masonic Lodge owns the building. The yearlong agreement for renting the approximately 1,800 square foot space for \$1,000 a month was signed Thursday morning, said Darrell Keim, center president. "We're really pleased, because the building meets all of the qualifications," Keim said. "It's downtown near public transportation, the hospital, police department and is in a public spot." Finding the right location wasn't easy because some building owners were uneasy about renting their property for this purpose, Keim has said. Money for the center's first year of operation, \$125,000 from a state Millennium Fund request through the IAC, is expected to arrive July 1. Latah County Commissioners earlier this week allowed direct transfer of state grant money from the Idaho Association of Counties to Sojourners' Alliance so that grant money can be accepted to open the center. Sojourners', an established local nonprofit, brings with it established safety, insurance and other operational experience that should benefit the center as it establishes its presence and offerings. The center's main focus will be to help residents from across the county deal with concerns arising as they go through recovery from mental health challenges and substance abuse. Most of the activities will go on during weekdays, except for some support group meetings. Keim said the opening date might be in mid-August or September. First, there will be work inside the building so it suits the program. Staff hiring can't begin until the grant money arrives, and then they'll need time to train. Most of the people there will be recovery peers serving the clients, not paid professionals. Programming is still being worked out, Keim said, but smoking cessation will part of the programming in its first year because of Millennium Fund requirements, Keim said.

## **Man sentenced for rape of 14-year-old / Nathan Parris to enter retained jurisdiction program**

Posted: Saturday, June 13, 2015 12:00 am / Moscow Daily News / By Samantha Malott, Daily News staff writerMoscow-Pullman Daily News

Nathan Parris was sentenced to five- to 15-years in prison, with retained jurisdiction Friday afternoon, after he was convicted of engaging in sexual intercourse with a 14-year-old girl nearly two years ago. The 21-year-old man pleaded guilty to rape under a Rule 11 plea agreement with the state, after he provided alcohol to the 14-year-old girl when he was 19, then engaged in sex with her. Deputy Prosecutor Mia Vowels said he and the girl had a trusting relationship, which he violated by taking advantage of her. Vowels said the victim still suffers from depression and PTSD from the event. "I cannot explain how sorry I am," Parris said while fighting back tears in Latah County Second District Court. "I really don't know what to say. I've never been this scared in my life." Since his arrest nearly two years ago, Parris has participated in a month long inpatient treatment program and a three-month-long intensive outpatient treatment program for alcohol dependency, along with numerous other evaluations and tests. Parris said since his return from treatment in California, he feels he has amounted to something more, with a full time job and fiancé, and continuing with treatment. "I'm finally taking responsibility for myself," he said. Dr. Gregory Wilson of Wilson Psychiatric Services and Associates in Pullman performed a multitude of tests and evaluations on Parris over the past two years and said over that time he has shown significant improvement in specific areas, such as his alcohol dependency and paranoia. During his first meetings with Parris, Wilson testified that Parris had a serious alcohol dependency problem, was capable of sexual abuse of a child and showed clear evidence of antisocial personality features. Gregory said he recommended both inpatient and outpatient extensive treatment programs. "I was skeptical he could pull it off," he said. "He pulled it off in flying colors." Given the success Parris has shown with his alcohol dependency treatment, Wilson said, his success with a sex offender treatment would be even more likely. And he is making progress where it would be needed and expected, he said. "His brain is literally functioning better now," Wilson said. Vowels said Parris' rehabilitation shouldn't be the only factor in play with sentencing though - punishment for the initial crime is also necessary. Judge Jeff Brudie said placing Parris straight onto probation would depreciate the seriousness of the crime and deterrence toward the community. By retaining jurisdiction, Brudie will see that Parris participates in a treatment program with the Idaho Department of Corrections. At the end of that term, he will return for a review hearing where the judge will either order him to serve the underlying prison sentence or to enter probation, based on his performance in the retained jurisdiction program. The risk Parris poses to the community is less now than it was two years ago, Brudie said, but no one can say it is nonexistent. "I'm looking for continued progress from you," he told Parris.

## **Latah County indigent costs expected to be reduced again this year**

Moscow Daily News / By Terri Harber, Daily News staff writer | Posted: Thursday, June 18, 2015 12:00 am

Latah County Commissioners heard several budget presentations Wednesday afternoon and were especially pleased the indigent budget for the 2016 fiscal year will be lower than this current year. Spending on indigent needs has decreased in recent years, and the spending plan for the upcoming year, which begins Oct. 1, is \$92,450 less than this year's total of \$532,392. FY 2014 was about \$636,000 and FY 2013 was about \$757,000 for indigent services, according to the county clerk's office. County Commissioner Dave McGraw said he hopes the operation of the Latah Community Recovery Center will cut down the number of mental health evaluation holds the county pays for. The center is expected to open in September at 531 S. Main St. and residents from across the county will be able to get help as they go through recovery from mental health challenges and substance abuse problems. If programs at the center result in only two or three people not needing to go through this type of procedure - which can result in someone being held for as long as a week to 10 days - it will be a good financial investment by the state, county and others, McGraw said. It will have "accomplished our mission" of helping to establish the center to improve mental health offerings to Latah County residents, he said. It should also help reduce the number of attempted suicides among people living in the county, said Vicky MacArthur, an employee with the county's Social Services Department. McGraw noted drug and alcohol abuse, which would be among key areas the center will focus on, often contribute to the mental state of people attempting suicide. Commission Chairman Dick Walser added that the number of detox visits should also decrease for the same reasons. It's anticipated opening the Latah County Mental Health Recovery Center will save county government up to \$50,000 in expenditures for indigent needs, McGraw said. The opening of Latah Community Health and the implementation of the Affordable Care Act during recent years has already helped to reduce indigent costs. LCH is the Moscow office of the Community Health Association of Spokane and it has been integral in helping to reduce the number of emergency room visits by Latah County residents because many health problems are being treated before there's a need for such costly treatment, MacArthur said. McGraw said LHS has helped many people maintain diabetes, asthma and other ongoing health problems so they don't require such drastic and expensive medical intervention. The commissioners said in May they plan to allocate \$24,000 to the center to ensure there's enough money after a \$125,000 grant expires June 30, 2016. The spending plan also reflects this being the final year in which jail inmate medical costs come out of the indigent fund. The estimated cost for this care will be \$35,000, said Henrianne Westberg, county clerk-recorder. The Idaho Association of Counties recommended the funding source change so the Sheriff's Department will be responsible for the cost starting in FY 2017, she said.

## **ACLU sues Idaho over inequalities in state's public defense system**

Moscow Daily News / Staff and wire report | Posted: Thursday, June 18, 2015 12:00 am

The American Civil Liberties Union is suing the state of Idaho over its patchwork public defense system. The civil rights group contends state officials have known for at least five years that high caseloads, low budgets and a system that changes from county to county means low-income defendants aren't being fairly represented in court. The ACLU has a history of success with similar lawsuits, recently reaching settlements in New York and Washington state after government officials

agreed to widespread changes. Similar lawsuits have also been filed in Montana, Michigan and elsewhere the past several years. Currently, Idaho counties set up their own public defense system. In many regions, public defenders are paid a fixed-fee contract regardless of their caseload, and often defendants don't even talk to their court-appointed attorney until they see the lawyer in court. In Latah County, three public defenders are contracted with the county, with each contract being paid \$107,719 per year. The ACLU is seeking class-action status and asking a state judge to order Idaho to come up with a better system and monitor the state to make sure improvements are made. Latah County Commission Chairman Dick Walser questioned how smaller counties are able to afford public defenders under the current system. He said changes - at the state or county level - will cost taxpayers. But no matter how it's resolved, ensuring everyone receives a proper and good defense is important and of interest to the county, he said. "If it's sloppy you have to do it again, which would be unfair (to the defendants) and more expensive," Walser said. Idaho criminal justice leaders have been grappling with how to improve Idaho's public defender system for years. In 2010, a report from the National Legal Aid and Defender Association found indigent defendants facing criminal trials were going without constitutionally adequate representation. Among the problems identified in the report was a lack of communication between public defenders and their clients, poor or nonexistent investigation of cases, deficient state funding and a lack of professional oversight. Though a Criminal Justice Commission and a legislative interim committee have already examined the issue, the ACLU contends they haven't made meaningful changes. Lawmakers created the new Idaho Public Defense Commission last year, with members asked to create standards and training programs for public defenders, to come up with rules for collecting data about the public defense system and keep lawmakers informed about any problems. "Astoundingly, the State failed yet again in the recently concluded 2015 legislative session to fund or improve its public-defense system," ACLU-Idaho attorney Ritchie Eppink wrote in the lawsuit. Eppink said that because the legislative and executive branches "refuse to take the necessary actions to fix Idaho's public-defense system," the court must ensure defendants' constitutional rights are protected. Walser acknowledged the current system isn't the most streamlined, but he added the people involved in the trial process are "good folks" who have been diligent about doing their jobs for those they represent. A spokesman for Idaho Gov. C.L. "Butch" Otter, who is named in the lawsuit along with members of the Public Defense Commission, declined to comment on the case. The Idaho Attorney General's office also declined to comment.

## A who's who in public defense suit

Moscow Daily News / Posted: Thursday, June 18, 2015 12:00 am | Updated: 8:56 am, Thu Jun 18, 2015. Associated Press

BOISE - The American Civil Liberties Union has filed a lawsuit against the state seeking to improve the public defense system in Idaho. Here are the key players:

### The Plaintiffs:

> Naomi Morely said she was arrested in Ada County last year after she was badly injured in a single-car accident. She was charged with driving under the influence and possession of a controlled substance. Morely faces more than 15 years in prison, but said her attorney didn't investigate the car or bother to review comments she made to police.

> Jeremy Payne said he spent five months in jail but barely met with his attorney in that time. Their conversations totaled about a half-hour, and his lawyer hasn't reviewed the evidence against him, he said. Payne faces drug charges in Payette County and faces seven years in prison if convicted.

> Jason Sharp said he's scheduled to go to trial next month to face burglary and grand theft charges in Shoshone County, but his public defender hasn't filed any substantive motions on his behalf. He said he had to argue for his own bail reduction and hasn't received copies of discovery documents despite repeated requests. If convicted, he faces 30 years in prison.

> Tracy Tucker said he phoned his court-appointed lawyer unsuccessfully more than 50 times over the three months he spent in Bonner County Jail awaiting trial on domestic violence and attempted strangulation charges. He said he's met with his lawyer for a total of 20 minutes over three visits, two of which happened in court. He faces 15 years in prison when he is sentenced in August.

The Counties: Public defenders offices in Ada, Bonner and Payette counties didn't immediately respond to requests for comment from The Associated Press, but Lonnie Sparks, a Shoshone County public defender, said Sharp has been well represented. "There are a lot of problems with public defense in Idaho, but Jason Sharp is probably the least sympathetic of anybody who wanted to complain," Sparks said. "I actually went to his home with the discovery (documentation) so he could review it, and I went to his work with the discovery so he could review it. What more does he want with discovery, when I've put it in his face time after time?" Still, Sparks said he appreciates the ACLU trying to improve things for public defenders in the state.

The Defendants: Idaho Gov. C.L. "Butch" Otter and the members of his recently created Idaho Public Defense Commission have been named as defendants. The Public Defense Commission, formed last year, has been asked to create standards, training programs and a data collection system and to keep lawmakers informed about any problems. The governor's office and the commission's executive director have declined to comment on the case, though the commission will discuss it during a meeting today.

## Man who struck pedestrian sentenced

June 15, 2015 / Morning News

NAMPA (AP) — A Nampa man who was driving drunk when he struck a 19-year-old pedestrian in March has been sent to prison for 10 years. The Idaho Press-Tribune reports (<http://bit.ly/1f9gD8p>) that 46-year-old Francisco Lopez was sentenced on Friday. Lopez pleaded guilty to aggravated driving under the influence on June 2. Following his release from prison, his driver's license will be suspended for five

years. Lopez was driving drunk on March 18 when his truck began swerving into oncoming traffic and forcing other vehicles off the road. He then struck a woman who was standing next to her car on South Florence Street. The woman survived. Lopez has two prior DUI convictions. He was also ordered to pay a \$1,000 fine.

## **Pair arrested after 173 lbs. of pot found**

*June 15, 2015 / MORNING NEWS*

IDAHO FALLS — Idaho State Police arrested a Minnesota man and woman suspected of trafficking marijuana after a traffic stop on Saturday. On Saturday, about 9 a.m. an ISP trooper stopped an 2015 Hyundai passenger car northbound on I-15 at milepost 123, just outside Idaho Falls for a traffic infraction.

During the investigation, the officer called an ISP drug detection dog to the scene. Officers eventually found 173 pounds of marijuana. The officer arrested Koua Lor, 39, of Ramsey, Minn., the driver, and his passenger Aue Thao, 20, of Brooklyn Center, Minn., for Felony Trafficking of Marijuana. They were booked into the Bonneville County Jail and will be arraigned in Seventh Judicial District Court.

## **Facebook post leads to theft charges**

*June 16, 2015 / MORNING NEWS*

TWIN FALLS (AP) — Police in south-central Idaho say a Facebook post offering tile and a glass panel for sale has led to theft charges. The Times-News reports that 28-year-old Jacob Ivan Rasmussen was charged Friday in 5th District Court with one count of grand theft by possession of stolen property.

Authorities say that a home builder recognized the tile and \$900 glass panel as stolen from a building site and notified police, who arranged to meet the person offering the items for sale. Police say that person bought the items through an acquaintance, but provided information leading to Rasmussen. Police say they found the glass panel at Rasmussen's shop as well as other items police say were taken from construction sites.

## **Police identify shooting victim**

*June 16, 2015 / MORNING NEWS*

CALDWELL (AP) — Authorities have identified a southwest Idaho woman police say was shot and killed by her husband. The Canyon County Sheriff's Office on Monday identified 39-year-old Amparo Godinez Sanchez of Wilder as the woman killed Thursday. Police say her husband, 51-year-old Erasmo Alcala Diaz of Wilder, fled the scene. Police in Oregon found his vehicle a few hours later in Adrian, just across the Idaho border. Authorities say they are still looking for Diaz and that people who help him hide could face prosecution.

## **Wanted for murder**

*June 17, 2015 / MORNING NEWS / By LESLIE MIELKE*

BLACKFOOT — An arrest warrant has been issued for Daniel Olvera Magana who is also known as Daniel Magana Olvera, in connection with the murder of Miguel Davalos, age 21, Bingham County Sheriff Craig Rowland announced on Tuesday. The murder was committed on Monday, Aug. 18, 2014, at 1954 W. Taber Rd., about 20 miles outside of Blackfoot. Magana has been charged with murder in the

second degree, aggravated battery and unlawful discharge of a firearm into an inhabited dwelling. A \$1 million bond has been set. "We think he is in Mexico," said Bingham County Sheriff Craig Rowland. So what's next? "We will work through the U.S. government and the Mexican Consulate to get him back into the country," the sheriff said. "Los Angeles is the main Mexican Consulate in the country so we will submit paperwork to the consulate to begin the process to extradite him."

Magana is described as a 56-year-old Hispanic male, about five foot 11 inches tall and weighing around 221 pounds with black/grey hair and possibly a mustache and/or goatee. His birthday is Dec. 2, 1958. The case was investigated by the joint detectives unit of the Bingham County Sheriff's Office and the Blackfoot Police Department. Asked why the investigation took so long, Rowland said, "People were waiting to see how the police were going to investigate this. Every detail, every witness was investigated." "The joint investigative team was able to present me with a case prepared for charging," said Bingham County Prosecuting Attorney Cleve Colson. "They presented me with the totality of circumstances. All the evidence was put together for a singular purpose." Asked if there was more information that could be released, Colson said, "No more information will be released; we want to have a fair trial in Bingham County." Neither Colson nor Rowland were able to answer the question if Magana was an American citizen. "I haven't looked into that," said Sheriff Rowland. If anyone has information with regard to this case or the location of Magana, please contact the Bingham County Sheriff's Office at (208) 785-1234.

## **Idaho seeks to intervene in Forest Service lawsuit**

*June 18, 2015 / MORNING NEWS / By KEITH RIDLER Associated Press*

BOISE (AP) — Idaho officials have filed court documents to intervene in a federal lawsuit against the U.S. Forest Service brought by a northern Idaho couple and an environmental group. The State Board of Land Commissioners and Idaho Department of Lands filed the document Tuesday in U.S. District Court. Idaho officials contend the state has a substantial interest to intervene because the lawsuit seeks to block a road that's the only access to a salvage timber project on state land. Idaho officials say the wildfire-damaged trees will lose value and are prone to insect infestation. The Department of Lands also on Tuesday announced the previously canceled timber sale for the area has been

rescheduled for Friday in Kamiah. "We are confident that the eventual timber sale purchaser has the right of access to the state parcel without the need for Forest Service approval," Tom Schultz, director of the state agency, said in a statement. Laird Lucas, an attorney at Advocates for the West who is representing Idaho Rivers United, said Wednesday that he's preparing paperwork seeking an injunction to prevent the use of the road until the federal court rules on the initial lawsuit. Morgan and Olga Wright and Idaho Rivers United sued the Forest Service last month challenging the agency's decision to designate the road as public for the logging project. The Wrights contend that the road crosses their private property and declaring it public deprives them of a legal right to participate in the decision. The lawsuit also contends that the Forest Service made the decision without proper environmental analysis of effects on the Selway Wild and Scenic River corridor. Specifically, the lawsuit seeks to reverse the determination by District Ranger Joe Hudson that Forest Road 652 is public. If it's not public, that means the Department of Lands would have to obtain a special use permit from the Forest Service, according to the federal agency's regulations, the lawsuit said. The motion to intervene filed by Idaho officials rejects that argument. "Idaho, like (the Forest Service), denies any such permitting requirement exists," the document states. Issuing such a permit would require the Forest Service to conduct an analysis of effects on the scenic river corridor as required by the National Environmental Policy Act and the Wild and Scenic Rivers Act. Lucas said he didn't think such a permit could be issued because the contested road is within the scenic river corridor, precluding the type of industrial use Idaho proposes and that Lucas said involves about 1,000 logging truck trips. State officials estimate the sale on about 167 acres about 25 miles east of Kooskia would produce nearly 7 million board feet of timber and bring in about \$1.6 million to the endowment fund that supports Idaho's public schools. The lightning-caused Johnson Bar Fire burned more than 20 square miles last summer and fall, mostly on Forest Service land but also on state endowment land. The department said there is no Wild and Scenic easement on state lands in the area where the logging is planned. Joyce Thompson, spokeswoman for the Nez Perce-Clearwater National Forests, didn't return a call from The Associated Press on Wednesday. She has previously said the agency doesn't comment on ongoing litigation.

## **Idaho settles children's mental health lawsuit that spanned 35 years, 5 governors**

By Betsy Russell / Spokesman Review Eye on Boise / June 14, 2015

After 18 months of negotiations, Idaho has agreed to settle the long-running Jeff D. lawsuit over children's mental health services in the state, committing to remake its system of providing care to youngsters with mental illness. It's a case that's continued through 35 years, five governors, four judges, six appeals, and four previous settlements that failed. When the case was first filed in 1980, kids with mental illness in Idaho – like the lead plaintiff, Jeff Davis – were committed to state mental hospitals where they received no treatment, no schooling, and were housed with adult sex offenders. Much has changed in Idaho because of the lawsuit. Now, all sides say the state is poised to set up a system that will ensure kids with serious mental problems and their families get appropriate services they can access from their homes and communities – a system that could become a model. "Hopefully we will see results – I expect it," said Howard Belodoff, the Boise attorney who was just two years out of law school when he first took on the case in 1980, and has pursued it ever since on behalf of the children of Idaho. When Belodoff first encountered 17-year-old Davis at State Hospital South in 1979, the youngster begged the lawyer to get him out of there. His troubled life included seeing abusive foster parents beat his 4-year-old sister to death when he was just 2 years old; he grew up to be a transient who was in and out of mental hospitals. "You intervene earlier, and you can expect a better result," Belodoff said. "You don't want any more Jeff D.'s." The settlement, filed with the U.S. District Court in Boise on Friday and personally signed by Gov. Butch Otter, commits the state to a new, integrated system in which children with serious mental health issues will be identified and offered a broad array of community-based services, and all state agencies, from juvenile justice to Health and Welfare to the schools, will collaborate. You can read my full story here at [spokesman.com](http://spokesman.com), and see the settlement agreement here; it starts on page 7 of the 67-page document, which also includes associated motions and orders.

## **Idaho Supreme Court says Otter and two racing firms can submit briefs, but not argue**

By Betsy Russell / Spokesman Review Eye on Boise / June 12, 2015

With various parties clamoring to intervene in the instant racing case, the Idaho Supreme Court [issued an order today](#) allowing Gov. Butch Otter, Coeur d'Alene Racing and Treasure Valley Racing to file "friend of the court" briefs in the case, but not to participate in oral arguments. That's all Otter had asked. Coeur d'Alene Racing, operator of the Greyhound Park Event Center in Post Falls, wanted to both submit a friend of the court brief and participate in arguments; Treasure Valley Racing, operator of Les Bois Park near Boise, wanted to intervene as an official party in the case and participate in the arguments. The Coeur d'Alene Tribe had objected to the two companies' bids to participate, while both of them argued they have a big financial stake in whether they're allowed to continue operating slot machine-like instant racing machines. The tribe said its dispute is with Idaho Secretary of State Lawrence Denney over the proper procedure to follow after a veto, and had nothing to do with the racing companies' finances. This morning, Treasure Valley Racing filed a [six-page reply](#) to the tribe's objections, saying it has "substantial interests that will be impaired" if the tribe wins its challenge. The tribe wants the court to order Denney to certify SB 1011 as law, which would outlaw the instant racing machines. It contends Gov. Butch Otter's attempted veto of the bill after lawmakers passed it was invalid because it came after the constitutionally-set five-day deadline for vetoing a bill. The court, in its order this afternoon, ran down the list of all the filings in the case thus far. It said

the three approved amicus, or friend of the court, parties must submit their briefs within 14 days. The tribe and Denney will have another 14 days after that to respond, and oral argument will be set "as soon thereafter as practical."

## **Otter wants to add his arguments in instant racing repeal court case**

By Betsy Russell / Spokesman Review Eye on Boise / June 11, 2015

Idaho Gov. Butch Otter wants to add his arguments to the instant racing case that's pending before the Idaho Supreme Court, in which the Coeur d'Alene Tribe is suing to force Secretary of State Lawrence Denney to certify SB 1011 as law, repealing authorization for slot machine-like instant racing terminals in Idaho. "The governor has an interest in continuing the implementation of sound public policy to fulfill the promise of the law allowing historic horse racing and refocus our attention on limiting and more effectively regulating rather than eliminating historic horse racing," Otter's in-house attorneys, David Hensley and Cally Younger, wrote in a [petition filed today](#). If the court were to side with the tribe, they wrote, it "will not only supplant the decision of the Senate sustaining the veto, it will undo the policies and protections the governor has put in place to ensure historic racing is conducted legally and supports live racing." The Idaho Legislature in 2013 authorized betting on "historical" horse racing, or re-broadcasts of randomly selected past horse races. As a result, the "instant racing" machines began being installed at three locations in the state last year; lawmakers who said they didn't anticipate that type of gaming as a result of the law voted by more than two-thirds this year to repeal it. Otter issued a veto dated April 3, but didn't deliver it to the Senate until April 6, the Monday after Easter, which was two days after the deadline; if he doesn't take action within five days, bills become law without his signature. The Senate, while inserting three letters into its official record noting that it didn't receive the veto in time, nevertheless quickly took a vote on a possible override, which failed, receiving a majority but not the required two-thirds supermajority. The Coeur d'Alene Tribe filed a lawsuit against Denney, asking the state Supreme Court to order him to certify SB 1011 as law because it became law without the governor's signature; he refused, saying he would do so only if the Senate or the court directed him to. Yesterday, Denney filed his response to the lawsuit; he argued that the tribe is suing the wrong party, and the decision on whether the veto was valid or not is up to the Senate, not the Secretary of State. Otter's petition asks only that the governor be allowed to file a "friend of the court" brief in the case, supporting Denney's position. Two other parties, Coeur d'Alene Racing, operator of the Greyhound Park Event Center in Post Falls, and Treasure Valley Racing, operator of Les Bois Park near Boise, have asked to be allowed both to file briefs and offer arguments when the justices hear the case. The Coeur d'Alene Tribe has objected to Coeur d'Alene Racing's petition to offer "friend of the court" arguments in the case; today, Coeur d'Alene Racing [filed its response](#) to the tribe's objections. "The Coeur d'Alene Tribe should not be allowed to dictate and truncate the extent of opposing points of view before this Court," wrote attorney David Leroy, who noted that he is a former Idaho lieutenant governor who has served both as president of the Senate and as acting governor. With him representing the firm, "Coeur d'Alene Racing believes that it can substantially sharpen the perspective of this Court by briefing and arguing as to the balancing of legislative and executive needs and duties in the veto process," Leroy wrote. Also today, the tribe filed its [opposition here](#) to Treasure Valley Racing's petition to intervene as a party in the case, which noted the company's financial risk if the law is repealed. "Whether TVR will be harmed financially is not germane or helpful to the Court in resolving the questions raised in this action," wrote attorney Deborah Ferguson, "as TVR surely cannot claim that the validity of the veto or the Secretary's duties turn on the magnitude of harm that a repeal of Idaho Code 54-2512 would have on it or others."

## **Prosecutors in Boise terrorism case want 2 witnesses to speak from behind screen to protect identities**

By Betsy Russell / Spokesman Review Eye on Boise / June 11, 2015

Prosecutors want to hide two witnesses behind a screen in an upcoming terrorism trial in Boise and allow them to testify using made-up names, the Idaho Statesman reports today. The two FBI informants or their families could face retaliation from backers of the Islamic Movement of Uzbekistan if they testified openly, prosecutors say, and revealing their identities also could compromise other cases. Statesman reporter John Sowell's full report is [online here](#). Boise resident Fazliddin Kurbanov, 32, is accused of plotting to set off bombs at military bases and public areas where large groups of people could be killed, Sowell writes. An Uzbek refugee who came to the United States in 2009, Kurbanov allegedly detailed his plans during a series of conversations with two FBI informants and in written communications with the website administrator for a terrorist group in Central Asia. His defense attorneys haven't yet filed responses to the witness-secrecy motion. Federal prosecutors wrote that if U.S. District Judge Edward Lodge doesn't agree to allow the two witnesses to testify behind a screen, they'd request that the courtroom be closed to the public while the two men testify, with observers allowed to sit in an adjacent courtroom and listen to an audio-only broadcast. Sowell writes that several previous cases have found that allowing witnesses to testify behind a screen or under pseudonyms to protect their identities didn't violate the defendant's Sixth Amendment right "to be confronted with the witnesses against him." In the Kurbanov case, the prosecution's request is that the screen be placed to keep the two witnesses from being seen by observers sitting in the public section of the courtroom; jurors, prosecutors, defense attorneys, Kurbanov and the judge still would be able to see the witnesses as they testify.

## **Treasure Valley Racing files to intervene; tribe opposes similar move yesterday by Greyhound Park operator**

By Betsy Russell / Spokesman Review Eye on Boise / June 10, 2015

Treasure Valley Racing, operator of Les Bois Park in Boise, today filed a petition to intervene in the court case in which the Coeur d'Alene Tribe is challenging instant racing in Idaho. In the petition, Treasure Valley Racing's attorneys, Barker Rosholt & Simpson, argued that the company "depends for its continued existence upon the governor's veto being sustained by this Court." The company says it spent \$4 million to purchase 200 instant racing terminals between 2012 and 2014, as part of a

\$10 million upgrade to Les Bois Park and would shut down if it could no longer have the gambling machines; you can [read the petition here](#). Also today, the Coeur d'Alene Tribe filed its response to yesterday's petition from Coeur d'Alene Racing LLC, operator of the Greyhound Park Event Center in Post Falls, which has 35 of the machines, to file a "friend of the court" brief and offer arguments in the case. The tribe's attorney, Deborah Ferguson, wrote that Coeur d'Alene Racing already had an opportunity to be heard during the legislative process, and argued that its position in favor of upholding Gov. Butch Otter's veto of SB 1011 "is already well represented in this case and need not be duplicated." You can read the [tribe's filing here](#).

## **State: 'No opinion' on whether instant racing repeal bill is law, argues Senate, not Secty of State, decides that**

By Betsy Russell / Spokesman Review Eye on Boise / June 10, 2015

In the state's response to the Coeur d'Alene Tribe's instant racing challenge today, Idaho Secretary of State Lawrence Denney says he has no opinion on whether Gov. Butch Otter's attempted veto of the instant racing repeal bill, SB 1011, was valid. "He takes no position concerning whether S. 1011 has become law," wrote Assistant Attorney General Brian Kane. While saying Denney will comply with any order the court issues, the state argues that Denney has no role in the process of a bill becoming law, unless either the governor or the Legislature actively sends him a bill to certify into law – or a court orders him to act. "No representative of the Senate, including the President of the Senate, the President Pro Tempore, the Minority Leader, or the Secretary of the Senate attempted to file S. 1011 with the Office of the Secretary of State for certification as law without signature," Denney said in a sworn affidavit. Instead, the state's response says, the bill was sent to his office by the Senate secretary on April 28 along with all other bills that didn't become law this session. Kane argues that it was up to the Senate to ask Denney to certify the law, and the Senate's not named in the lawsuit, in which the tribe is suing Denney. The state's argument goes like this: If the governor misses a deadline to veto a bill but then tries to do so after the deadline, it's up to the house where the bill originated – in this case, the Senate – to "determine whether the veto is timely and, based upon that determination, either (with a timely veto) proceed to consideration of an override or (with an untimely veto) process the bill as it would had the governor approved the Legislature." The Senate president pro-tem, minority leader and secretary all submitted statements that were read into the official journal of the Senate stating that the veto wasn't received by the deadline. But the Senate then took a veto override vote anyway; it failed, achieving a majority but not the required two-thirds supermajority. "If the Senate erred in not transmitting S. 1011 to the Secretary as it would have transmitted any other approved legislation, the remedy lies in directing that chamber to make the appropriate transmission," the state response says. The state argues that ordering Denney to certify the bill as law would constitute "executive branch interference with the legislative process," and violate "well settled separation of powers principles." "The Senate could have deemed the veto untimely and delivered the bill to the Secretary of State for certification but chose not to," Kane wrote. "Simply put, it is up to the initiating chamber of the Legislature, not the Secretary, to determine whether a bill has been 'authenticated.' ... It is then for the Judiciary to resolve any claims that the originating house erred." While making the argument that the remedy lies with court direction to the Senate rather than to the Secretary of State, the state's response also suggests courts may be unable to give such direction to a house of the Legislature because of the separation of powers. "A second question beyond this threshold question is whether the originating house's determination that a veto was or was not timely returned is judicially reviewable," Kane wrote in a footnote to the argument. That question "is not presented" in this case, he wrote, because Denney is the only one being sued. You can read the state's [full response here](#); it runs 45 pages.

## **State: Tribe's going after wrong guy in instant racing lawsuit**

By Betsy Russell / Spokesman Review Eye on Boise / June 10, 2015

Here's a news item from the Associated Press: BOISE, Idaho (AP) - Idaho Attorney General Lawrence Wasden says the Coeur d'Alene Tribe is going after the wrong guy in their legal fight over instant horse racing terminals. The tribe filed a petition with the Idaho Supreme Court last week contending that Gov. C.L. "Butch" Otter's veto of legislation banning the betting machines is invalid because he didn't complete it within the required five-day time span. The tribe asked the high court to force Secretary of State Lawrence Denney to certify the legislation as law. On Wednesday, the attorney general's office filed its response with the Idaho Supreme Court. In the document, Wasden contends that the fault of any error in the veto lies outside of the Secretary of State's office and so it would be improper to force Denney to act. I am reading the documents now and will have more on this soon.

## **Former Athol city clerk headed to federal prison for embezzlement; forged mayor's signature on phony checks to self**

By Betsy Russell / Spokesman Review Eye on Boise / June 9, 2015

Athol's former city clerk, Sally R. Hansen, was sentenced to four years in federal prison Tuesday and ordered to pay nearly half a million dollars in restitution and fines for embezzling funds from the small North Idaho city. Among her crimes was writing phony city checks to herself and her husband and forging the mayor's signature. "The crime Ms. Hansen committed greatly affected the citizens and taxpayers of Athol," said Wendy Olson, U.S. Attorney for Idaho. "Her repeated violations of her oath of office and responsibilities to be a good steward of the public trust have appropriately ended with a prison sentence." According to court documents, shortly after she started as Athol's city clerk in 2009, Hansen began making fraudulent wire transfers between various city accounts, and then depositing funds into her own personal bank account by writing fraudulent city checks to herself and her husband. From 2009 to 2014, Hansen admitted to embezzling \$417,879 from the city through the scheme. Hansen was Athol's city clerk from May of 2009 until she was fired on June 18, 2014. Her duties included coordinating payroll and money transfers, paying vendors, and receiving money for water, sewer and tax

payments. During that time, according to court documents, she wrote 227 fraudulent checks from the city to herself or her husband, in some cases forging the mayor's signature. She was initially charged with 15 counts of wire fraud; you can read our [full story here](#) at spokesman.com.