



Thomas Allen Miller 1930 ~ 2014

Thomas A. Miller died peacefully on July 7, 2014, in Boise, surrounded by his family.

Born in Pocatello, Idaho, on March 19, 1930, he was the third son of Allen Newell Miller and Mary Capser Miller. Along with his brothers, Newell and Don, he was introduced to hunting and fishing by his father at an early age and this was something that he passed on and enjoyed with his children and grandchildren throughout his entire life. Waterfowl, big game, fly fishing, or chasing the elusive quail - he just enjoyed being outdoors. And if he was with his sons or grandchildren, it was a perfect day.

Tom's love of learning began at the early age of 11 when he became interested in foreign affairs after [WWII](#). He enjoyed studying history, politics, law, and many other topics and was truly a life-long learner. His excellent memory helped him recall detailed facts and figures that could range from a certain golf shot on a course he

played thirty years ago to a citation for a legal issue from the same year.

Tom had a variety of occupations during his formative years including: selling magazines, having a paper route, working on his aunt's and uncle's farm for three summers in Vacaville, California, and working at McMahon's Drugstore downtown. Caddying at the Plantation and ground-maintenance work at Hillcrest Golf Course sealed Tom's love affair with golf. He played for the University of Idaho, in Bar Association and firm tournaments, and with friends for many years, and had scores below his age into March of this year. Semi-retirement allowed much more time for golf and for five hole-in-ones between 2001 and 2011. Fate even allowed him to meet his future wife, Jo Lecona, at Hillcrest Country Club in 1955.

Tom joined the Naval Reserve in 1948 and by 1950 was assigned to the Commander Naval Forces, Far East in Tokyo during the [Korean War](#). He had fond memories of his service days and looked back on his active duty as one of the most satisfying times of his life.

Admitted to the American Bar Association in 1956, Tom was still practicing law at the time of his death. He served as Secretary of the Idaho State Bar (1959-1963) while working as a law clerk in the office of Anderson, Kaufman and Anderson. In 1964 he became an associate with Hawley Troxell Ennis & Hawley and a partner in 1968, specializing in real estate, water law, and financial transactions. When the firm celebrated its 50th anniversary earlier this year, Tom was pleased to be recognized as the oldest representative of its original members.

Tom helped to plan and secure: the enactment of lower court reorganization (served on the Court Reorganization Committee from 1963-1967), the Idaho Judicial Council (served from 1967-1973), the Idaho Court of Appeals, and an increase in judicial salaries. He considered these professional achievements among the finest of his career.

Tom was the recipient of the Idaho State Bar Award of Merit (1969), and the American Judicature Society Herbert Lincoln Harley Award (1973). He served on the Board of Directors of Junior Achievement of Idaho for 35 years (1963-1998) and helped the Basque Museum & Cultural Center, Inc. and the Idaho Association of Museums in recent years with legal and legislative issues.

Tom's marriage to a Basque woman made him Basque by association. Together, Tom and Jo had three children. Tom treasured supporting their activities, ensuring them educational opportunities, and being a wonderful father and grandfather.

Tom was truly a gentle man and a man of great integrity, honesty, humor, wit and intelligence. He was a wonderful example for the law profession and for his family. He will remain in our memories and hearts forever.

Tom is survived by his wife of 57 years, Jo Lecona Miller; children, Ted, Patty, and Tim, and daughter-in-law, Ann; and grandchildren, Andrew, Hanna (Brodie), Luke, Josh, and Emily. His sister-in-law, Fran Miller, a niece and nephew, and extended family were also dear to him. Angus, his cairn terrier, is still waiting for him to come through the door.

There will be a vigil service on Friday, July 11, at 7:00 p.m. (preceded by a viewing from 5:00 to 7:00 p.m.) at Summers Funeral Home, 1205 W. Bannock St., Boise. The funeral will be held at St. John's Cathedral on Saturday, July 12, at 10:00 a.m. Donations in Tom's memory can be made to the Basque Museum & Cultural Center, Inc., 611 Grove Street, Boise, Idaho, 83702, or to a [charity of your choice](#)

Memories and condolences may be shared with the family on Tom's memorial webpage at www.summersfuneral.com.

What general counsel really think about marketing

Idaho Business Review: July 4- Toni Bianco

I recently attended the Legal Marketing Association's Annual Conference — always a great learning experience, and especially nice because it allows me to spend time with people who do what I do. Of the many informative seminars I attended, there was one that I thought was really worth sharing. As marketers, we all understand the importance of hearing which of our efforts are worthwhile and which are not, as well as how important it is that our business development efforts are geared toward the highest return on investment. So who better to hear it from than a panel of general counsel from Fortune 500 companies? The session focused on learning about general counsel's criteria for selecting outside law firms and ways that firms can stand out in today's increasingly competitive market. The following is a list of several of the tools marketing professionals rely on daily, along with general counsel's comments: * Firm website — "It won't WIN you our business but it can make you LOSE our business." The panel members said they don't make decisions based on a firm's website, especially in the era of social media, but a website that is user-friendly and includes the work and key players — and most importantly, the firm's approach to solving their problems — is a big plus. Alternatively, a website that is not user-friendly and is difficult in any way to navigate or poorly organized will send them directly to another firm's site. * Firm brochures — "Confession: We throw most brochures in the trash." If they have to receive a firm brochure, panelists said they prefer it to be in digital format, but added that receiving an email highlighting a recent win is much more effective. * Holiday cards — "Don't send holiday cards! Especially if you are just an acquaintance." Send a personalized email instead. Or better yet, food. * Client alerts and/or blogs — "We actually read both." Alerts and blogs are highly read because they reveal expertise in a specific area. When hiring, counsel will remember the writer who has shown thought leadership and has provided them with timely information relating to their industry. * Speaking engagements/webinars — "We've hired lawyers just from seeing/hearing them speak." Panelists said they prefer webinars because their busy schedules don't always allow them time to attend a speaking engagement out of the office; however, if you offer to host the seminar at their office during lunch time, that is most welcomed. Make sure that the topic is compelling, is the right fit for them, and is no more than one hour long. Right Speaker + Right Topic + Right Audience = A Sell. * Directory listings — "We have never hired a lawyer based on a directory listing." Directories such as Super Lawyers, Best Lawyers, Chambers and Partners — or even a rating in Martindale Hubbell — hold no weight on the decision-making process for choosing outside counsel, according to the panelists.

Toni Bianco is the marketing manager at Adler, Pollock & Sheehan, which has offices in Boston and Providence. She serves on the firm's Marketing Committee and its Diversity Committee.

Navy vet sues Idaho after burial plot with gay partner denied

Idaho Statesman.com: July 7- Associated Press

BOISE — A U.S. Navy veteran is suing after the Idaho State Veterans Cemetery refused to allow her to be buried with the ashes of her late wife. Seventy-four-year-old Madelynn Taylor tried to make advance arrangements last year to have her ashes interred with Jean Mixner at the cemetery. The couple was legally married in California in 2008, but cemetery employees refused her request because Idaho state law doesn't recognize their marriage. Taylor is represented in the case filed Monday in federal court by the National Center of Lesbian Rights and Boise attorneys Deborah Ferguson and Craig Durham. The legal team successfully sued to overturn Idaho's gay marriage ban earlier this year. That case is currently on appeal before the 9th U.S. Circuit Court of Appeals.

Judge Orders Health-care Businesses to Disclose Information, Records

MagicValley.com: July 7- Audrey Dutton/ Idaho Statesman

BOISE - A federal judge says some of Idaho's largest health-care businesses must reveal hundreds of documents and witness statements they'd previously kept from view of the press and the public. The public records will give a general behind-the-scenes look at physician pay, negotiations between Idaho health insurers and Idaho hospitals, the price of medical care at Treasure Valley and Magic Valley hospitals and internal discussions about bidding wars between hospitals and a "monopoly model." But they won't reveal competitive information such as formulas for pinpointing the best location for a Treasure Valley clinic, specific employment offers and salaries, strategy documents or testimony and records that could harm a doctor's reputation or reveal personal or medical information. The testimony and documents come from a lawsuit over St. Luke's Health System's purchase of Saltzer Medical Group in Nampa — a buyout its competitors, and state and federal law-enforcement agencies, said was illegal. U.S. District Judge B. Lynn Winmill presided over the trial last year, concluding St. Luke's did break antitrust laws and must undo the deal. St. Luke's is appealing. But during the trial, Winmill allowed everyone involved in litigation — plaintiffs Saint Alphonsus Health System and Treasure Valley Hospital, as well as third-party witnesses such as Blue Cross of Idaho — to limit certain documents or testimony to "attorneys' eyes only," meaning they weren't open to the public. Several Idaho news organizations intervened, suing for access to the private courtroom testimony and documents. Winmill last week issued a 70-page decision saying, "In large part, the Court cannot find compelling reasons to justify maintaining the sealed status for most of the courtroom testimony now under seal." He said there were compelling reasons to lock away some of the documents shown in the trial, though. Winmill ordered the businesses to release, over the next month, more than 500 items that weren't previously available to the public. He said about 120 items may be redacted — in a few cases, just names will be removed — and about 250 items can remain sealed. Because Blue Cross of Idaho was "a very active participant in the trial" and gave information that "was crucial to [Winmill's] decision and to the public's understanding of the case," more of its information will be disclosed, he said.

New roof for Hailey courthouse costs \$1.36 million

Idaho Statesman.com: July 9- Associated Press/ Idaho Mountain Express

HAILEY, IDAHO — Officials in central Idaho have approved spending \$1.36 million to rebuild the roof on the 130-year-old Blaine County Courthouse in Hailey. The Idaho Mountain Express reports (<http://bit.ly/1n7N0A5>) that the Blaine County Commission on Tuesday opted to allocate the money. The amount is about \$500,000 more than anticipated two years ago. County Administrator Derek Voss says rebuilding the roof is critically important for the safety of the building. Construction is scheduled to start this month and finish in November.

Manslaughter suspect makes first court appearance

Lewiston Tribune: July 8- Elizabeth Rudd

MOSCOW - A preliminary hearing for a Moscow man charged with felony vehicular manslaughter following a March collision that left one dead has been scheduled for later this month. Trent P. Brown, 38, made his initial appearance Monday before Latah County Magistrate John C. Judge for his alleged role in the March 20 single-vehicle collision that resulted in the death of 30-year-old Christopher J. Papineau, of Moscow. A hearing to determine probable cause for the charge is set for 1 p.m. July 24. Brown was charged with the felony last week and faces up to 15 years in the state penitentiary and a \$15,000 fine if convicted of the crime. Lewiston attorney Paul (Tom) Clark is representing Brown, who appeared Monday on his own recognizance. Court documents allege Brown was driving under the influence of alcohol when he failed to negotiate a curve because of high speed at about 7 p.m. on the 700 block of Public Avenue in Moscow, causing his vehicle to leave the roadway. The 2009 Chevrolet Impala Brown was driving subsequently rolled, ejecting Papineau. Papineau died later that day at Gritman Medical Center in Moscow from internal injuries and bleeding resulting from the collision, according to court documents. Toxicology tests were completed on two blood samples taken from Brown following the incident and both allegedly showed blood-alcohol concentration levels exceeding the legal limit for driving, according to court documents. The test results showed Brown allegedly had a BAC of .23 when he was taken to Gritman Medical Center and .183 at approximately 8:20 p.m., according to court documents. Judge also agreed Monday to a request from Latah County Prosecutor William Thompson Jr. to impose a list of pretrial conditions for Brown, who is not in police custody. Those conditions include not being allowed to consume or possess alcohol, enter bars or liquor stores, violate laws other than traffic violations and appear for all court hearings.

Lawsuit: Idaho human trafficking alleged

Lewiston Tribune: July 10- Associated Press

TWIN FALLS - A federal lawsuit filed against an Idaho-based company contending it engaged in human trafficking has been put on hold while the U.S. Department of Homeland Security investigates. Five Mexican men with work visas filed the lawsuit in April against Pure Forest LLC in U.S. District Court in the Eastern District of California, the Times-News reported in a story on Wednesday. The lawsuit seeks \$1 million in damages and a jury trial. The lawsuit was put on hold for 120 days starting June 26 pending a criminal investigation by the federal agency. Pure Forest, headquartered in Oakley in south central Idaho, sells Christmas trees. It also offers tree thinning and pesticide spraying in California and Washington. Jeff Wadsworth is named in the lawsuit as the company's chief executive officer. Owen Wadsworth is named as a member of Pure Forest. An attorney for the company in a statement said the suit was filed by "disgruntled employees" who failed to get money through "frivolous injury and employment benefit claims." The company, listed in Idaho as a limited liability company since 2009, said it expects to be cleared of wrongdoing. "We are confident that the truth will prevail," the statement said. The complaint, which doesn't name the men due to what the suit says are reasonable fears of retaliation, said the men and other workers were recruited from Hidalgo, Mexico, in 2012. They were promised \$16.47 an hour for nine months and 40-hour work weeks. The company also promised, the complaint said, to pay visa and travel expenses, provide meals and residential trailers. The lawsuit said the men were taken to a remote location in the Sierra Nevada mountains in California, never got a day off and were forced to sleep in tents. It also said the men were fed rotting food, had to drink river water, and that the chemicals they worked with burned their skin. Some of the work involved spraying chemicals, according to the lawsuit, but the company didn't provide proper equipment, clothing or training. Supervisors were armed, and one threatened a worker with a "bullet in his head." Additionally, the lawsuit said, the men were frightened into believing that if they tried to leave they would be harmed, or that their families in Mexico would be harmed. "(The men) continued to work only because they had no other option," the lawsuit said. "They were disoriented, confused, stuck in a remote part of the Sierra Nevada mountains miles from the nearest town, and they were in a foreign country where they did not speak the language." The suit said that deductions from the workers' paychecks for visa fees and food put their actual wages below state and federal minimum wage requirements. Federal investigators in May searched a home owned by Jeff Wadsworth in Gerber, Calif., taking a laptop, documents, ammunition, a shotgun and about \$1,700 in cash.

Bail for murder suspect: \$2 million

Coeur d'Alene Press: July 10- Keith Cousins

COEUR d'ALENE - A man accused of strangling Facunda Veleuzelaleou and her 5-year-old daughter, Dayanna Valencia, was charged Wednesday with two counts of first-degree murder. Angel Albertico Morales-Larranaga required a translator during his first appearance in Kootenai County District Court. The 24-year-old, wearing a black sleeveless shirt and appearing in handcuffs at the Kootenai County Public Safety Building, needed clarification on his rights prior to District Court Judge Barry Watson reading the charges. "Each charge has a potential sentence of life in prison or, in certain circumstances, the death penalty can be imposed," Watson said. Morales-Larranaga hung his head while the translator said the suspect understood the charges. On Tuesday morning, Morales-Larranaga allegedly went to the home of a family friend and told her he had strangled his wife and daughter. When the friend called 911, Kootenai County Prosecutor Barry McHugh said, Morales-Larranaga "became nervous" and left the residence. Officers stopped Morales-Larranaga's vehicle near Spokane Street and Poleline Drive and arrested him. Shortly afterward, Post Falls Police Department detectives entered Unit 211 of building B at the Tullamore Commons apartment complex and discovered the bodies of Veleuzelaleou and Valencia. When suggesting a \$2 million bail be set in the case, McHugh mentioned the nature and circumstances of the incident - including Morales-Larranaga removing his two children from the apartment on the day the alleged murders took place. "These two charges are particularly personal and sensitive because they involve strangulation," McHugh said. "We also have two victims in relationships with the defendant: one his 'wife' and the other the daughter of the victim." Morales-Larranaga's public defender declined to comment on a bail amount. Watson then said that due to the allegations being "extremely serious offenses," he was setting the bail at the recommended \$2 million. Authorities are uncertain of Morales-Larranaga's citizenship status.

Meridian rampage defendant Sean Carnell sent to prison

Idaho Statesman.com: July 9- John Sowell

Carnell, 23, will spend between 15 and 25 years in prison for a string of attacks that took place one day last August in Meridian. After three hours of testimony Wednesday morning, Fourth District Ada County Judge Richard Greenwood took 90 minutes over the lunch break to craft a sentence that took into account the damage that Carnell inflicted while allowing him to become rehabilitated and be released with the hope he becomes a productive citizen. Greenwood said Carnell was under a "drug-induced psychotic episode" when he seriously injured two men and inflicted lesser injuries on three others and a dog during a series of nine events that took place over a two-hour period Aug. 21 in Meridian. Mike Rice, a construction contractor, and Chris Cade, a Nampa fire captain who was riding his bicycle on his day off, each spent several days at Saint Alphonsus Regional Medical Center after they were attacked. Rice was struck numerous times in the head and back with a shovel, while Cade was struck in the head with a skateboard as he rode at an estimated 15 to 20 mph down a bicycle path. "The victims have suffered debilitating injuries for no apparent reason," Greenwood said as he announced his sentence. Carnell pleaded guilty in April to robbery, aggravated assault, aggravated battery, battery with intent to commit a serious felony and first-degree arson. Prosecutor Shelley Akamatsu asked Greenwood to sentence Carnell to between 30 years and life in prison. She said he deserved a stiff sentence for attacking Rice and Cade, who are still dealing with their injuries almost 11 months later. She said he also needed to be punished for setting fire to his apartment, causing \$75,000 in damage, for pummeling a woman who complained about his drug use in their neighborhood and for punching a 15-year-old boy in the face and stealing his skateboard, an attack captured on a skate park videotape that was played in court Wednesday. "He had no human empathy toward any of his victims," Akamatsu said. Defense attorney Eric Rolfsen asked for a five-year sentence and supervision for another 15 to 20 years. "He knows he deserves severe punishment. There has never been any question of that," Rolfsen said. Greenwood's sentence settled in-between the two suggestions. "It's a lot less than we recommended," said Akamatsu, who noted Carnell could be out of prison by the time he's 38 or as late as 48. "After that, there will be no supervision," Akamatsu said. Rolfsen declined to comment outside court, as did Cade and Michael and Mary Carnell, Sean Carnell's parents. Rice, who had been in the courtroom earlier in the day, did not return for the sentencing. "I feel for him but I don't think 15 years is long enough, said victim Robert Stapish, who was tipped over in his wheelchair by Carnell. Carnell, who was secured by handcuffs and a belly chain, sat motionless as Greenwood announced the sentence. As deputies led him out of the courtroom, he turned and mouthed "I love you" to his parents. In two letters sent last fall to the Idaho Statesman, Carnell said he was under the influence of a combination of "bath salts" and methamphetamine when he went on his rampage. Bath salts are a powerful drug that causes paranoia, agitation and hallucinations, along with violent behavior. He told the newspaper he believed at the time he had only ingested meth. "I'm deeply sorry and ashamed for what happened to these victims," Carnell wrote from jail last November. "I cannot change what happened to them; I wish I could." At the time, he wrote that he expected he might have to serve 20 years in prison. "This is just a terrible case in all regards," Rolfsen said in court Wednesday. "He very much took responsibility for his horrible actions." Carnell briefly addressed Greenwood, saying he wanted to apologize to his victims for the harm he caused them. "I'm sorry," he said. Earlier, Rice, 59, testified that he still suffers daily pain from being struck numerous times in the face and back with a shovel Carnell picked up at a construction site where Rice was working. He broke a cheekbone and three ribs in the attack. His left ear was also damaged. "Basically, it was lights out for me," Rice said. "I didn't see anything, didn't hear anything. There was no warning. The next thing I remember I was in an ambulance." He said it was hard to "drink, sneeze, eat, drink and sleep" during the four days he spent in Saint Alphonsus Regional Medical Center and for weeks afterward. His ribs still give him trouble, said Rice, who before the attack was a motorcycle enthusiast and skier. "They're still not healed," Rice said. "They're still painful." Cade, 37, who lives in Meridian, was headed on a 50-mile bike ride when he was struck in the face with a skateboard wielded by Carnell. The impact cracked Cade's bicycle helmet and sent him sprawling on the ground. He suffered three fractures across his face, multiple fractures of his nose, a half-dollar-sized gouge in his left shoulder, a broken shoulder blade and broken collar bone. He also suffered from a collapsed lung and a broken rib. He also lost four front teeth. "I have no memory of anything on that path," said Cade, who first became aware something bad had happened when he woke up at Saint Al's. Cade, a captain with the Nampa Fire Department, spent five days in the hospital. He could not swallow and had trouble breathing even after he left the hospital. Carnell, who was adopted by Michael and Mary Carnell when he was eight months old, was described as a good child who excelled at soccer and later at football while he was growing up. That changed before his junior year at Capital High School when he was seriously injured in a pickup wreck after he and some friends played a summer pickup game of football. A friend wrecked the pickup and Carnell, who was riding in the back, had his head crushed under the pickup after it rolled. He began abusing alcohol and drugs and dropped out of school before the end of his junior year. His parents asked him to leave home after he turned 18, because they didn't want him to negatively influence their younger children. "We lost our son. He became an addict and made terrible choices," Michael Carnell said. Mary Carnell said she and her husband were heartbroken over the injuries caused by their son's actions. It was especially troubling because of the injuries he had suffered in the wreck and knew what it was like to have a long recovery. "I want to say my wife and I are sorry that our son was involving in something that injured so many people," Michael Carnell said, looking out toward Rice and Cade.

Trial Preparations Underway in Case of Man Stabbed 25 Times

MagicValley.com: July 10- Alison Gene Smith

TWIN FALLS • Potential evidence in a pending murder trial seems to trace the last moments of Larry Miller's life. Blood swabs from his home, walkways outside, a planter box and snow in his yard. Another blood swab from the wall of the Filer Post Office two blocks away. Miller, 58, was found about 6:20 p.m. Dec. 12 another block from the post office, in front of Knutson's Kustom Cutting, 375 Main St. Prosecutors say Bradley Frank James shot Miller in the face with a rifle and stabbed him 25 times. Officers tried to save Miller, but he died at the scene. His house in the 600 block of Main Street had a bloodied porch, mudroom and front lawn — and a bullet hole through the front door window. The first-degree murder trial for James, 23, of Twin Falls, is to begin July 21. Other items on the evidence list include surveillance videos, Miller's clothing, police interviews, a board from a porch railing at Miller's home and, unexplained, clippings from each of his fingernails. The state's list of potential witnesses includes sheriff's deputies from Twin Falls County, police officers from Twin Falls, Buhl and Filer, and Idaho State Police troopers. The county coroner and State Police forensics experts are also on the list. James' attorney, Doug Nelson, said the majority of his witnesses are on the state's list. He also plans to have a psychiatrist testify. She believes James suffers from post traumatic stress disorder, and she'll testify as to how PTSD affects his ability to think rationally in certain situations, say court documents filed by the defense. James is an "honored veteran of the U.S. military," an earlier defense attorney said at his December arraignment. Wednesday, attorneys met to discuss pretrial matters. Of the 175 people who filled out jury questionnaires last week, prosecutors and the defense agreed to excuse about 80 for various reasons. District Judge Randy Stoker decided that 70 will be called July 18 for final jury selection. Nelson said he was surprised by how few potential jurors had heard about the case. Special Prosecutor Mark Hiedeman said he expects the state's case to be completed by July 23 or 24. Then the defense will begin. James is being held in the Twin Falls County Jail without bond. The state will not seek the death penalty if he is convicted. He faces up to life in prison. He is the grandson of Brent Reinke, director of the Idaho Department of Correction since 2007. In mid-March, Reinke took a two-week leave of absence to address his grandson's prosecution. He returned to work March 27, said Teresa Jones, administrative support manager.

Hobby Lobby ruling shouldn't affect Pocatello's LGBT ordinance, local attorney says

Idaho State Journal: July 10- Michael H. O'Donnell

POCATELLO — A U.S. Supreme Court decision allowing the owners of closely held businesses such as Hobby Lobby to be exempted from provisions of the federal Affordable Care Act because of religious beliefs should not have much impact on this city's ordinance to protect members of the gay and transgender community from discrimination, according to Pocatello attorney James Ruchti. Ruchti helped organize the Fair Pocatello group that supported the Pocatello ordinance during an attempt to overturn it during the May primary election. The ordinance remained in effect with a 4,943 to 4,863 vote to keep it in place. During a recount held last week and paid for by the Vote Yes Pocatello group opposed to the ordinance, the margin of approval shrank, but the ordinance was upheld. Ruchti said he didn't think the recent Hobby Lobby decision involving contraception provisions of the Affordable Care Act will have much impact on anti-discrimination ordinances similar to Pocatello's. "Some groups may want to use that decision because it's a high-profile case," Ruchti said about businesses claiming exceptions because of religious beliefs. "That's probably because of some misunderstandings about the Hobby Lobby case." The Supreme Court held that a closely held company such as Hobby Lobby could refuse to pay for insurance coverage for four specific types of contraception involving intrauterine devices and morning-after pills. The High Court also established that alternatives had to exist for employees to secure insurance coverage for contraceptives outside of company control. Ruchti said the existing Pocatello city ordinance already states the enforcement of its antidiscrimination law is subject to Idaho's free exercise of religion protections. That state statute, 73-402, says: "Free exercise of religion is a fundamental right that applies in this state, even if laws, rules or other government actions are facially neutral." Like the federal Religious Freedom Restoration Act of 1993, Idaho's law says government cannot burden someone's free exercise of religion unless it's "essential to further a compelling governmental interest" and it is the least restrictive means to fulfilling that interest. Ruchti said the language in the Idaho statute is broad and may not withstand a court challenge. During last Friday's recount supervised by the Idaho Attorney General, the ordinance remained in effect with an 80 vote margin. The Vote Yes Pocatello group had until Monday to appeal the recount and challenge the process, but did not do so. "I thought the recount was done top-notch," Ruchti said. "I was totally impressed with the county clerk (Robert Poleki) and his staff."

Judge to decide whether to bar statements from hit-and-run case

Idaho Statesman.com: July 10- John Sowell

The attorney representing Alex Cole Thackery asked a judge Thursday to bar the prosecution from using statements Thackery made to police after allegedly striking a bicyclist, leaving the scene and then returning. Attorney Annie McDevitt argued that Thackery did not voluntarily waive his Miranda rights before Boise police officers questioned him. Prosecutor Tamara Kelly said the officers were polite and acted professionally toward Thackery and did nothing wrong. Fourth District Ada County Judge Melissa Moody took the motion under advisement, following a two-hour hearing. Thackery allegedly ran a red light at 7:05 a.m. on Oct. 17 and struck a woman riding her bicycle through the intersection at Eighth and Myrtle streets. The bicyclist, who was never publicly identified, suffered a laceration to her head and an injury to her wrist and was knocked unconscious. Thackery, who had been heading to Boise State University, continued driving but later parked and returned to the scene of the wreck. At 7:46 a.m., he called 911 and reported to a dispatcher that he had struck a bicyclist. He is charged with felony leaving the scene of an accident resulting in injury and misdemeanor careless or inattentive driving. Boise police Cpl. Scott McMikle informed Thackery of his Miranda rights, that he did not have to answer questions and that if he chose to he could have an attorney present. McMikle asked Thackery if he wished to give up his right to speak with an attorney and to have one present during questioning. "I don't know," Thackery answered, McMikle said in court Thursday. "You don't know?" McMikle asked. "No," Thackery responded. Kelly said McMikle and Cpl. Lance Nickerson, who separately questioned Thackery for seven or eight minutes each, asked questions to verify what was going on. The defense claims the two officers told Thackery about the bicyclist's injuries and then got Thackery to repeat that information back to them. The officers testified they told Thackery about the injuries to relieve his mind that she might have been seriously injured. Psychologist Craig Beavers testified that Thackery was susceptible to repeating back suggestions and did not fully understand his right to an attorney before questioning. He said he did not believe Thackery gave a voluntary waiver of his Miranda rights.

Cassia Prosecutor Search Narrowed to 3 Candidates

MagicValley.com: July 11- Laurie Welch

BURLEY • Three top candidates have been chosen to replace Cassia County Prosecutor Al Barrus, and the No. 1 ranking went to Doug Abenroth, the Cassia County Republican Central Committee reports. Abenroth was followed by Paul Ross and Stan Holloway, said committee Chairman Doug Pickett. Other candidates were Clayne Zollinger and McCord Larsen. "All of the candidates are certainly capable and have roots here," said Pickett. "I think it's a credit to our community that we don't have to go outside the area to find good candidates." The committee made its rankings Wednesday evening, and the list will be turned over to the county commissioners for an appointment. Barrus will resign Aug. 31 after 24 years as county prosecutor. The commissioners will review the list and decide whether they want to conduct further interviews, said county Administrator Kerry McMurray. By law, they can appoint any of the three candidates. "There is a huge portion of the job outside of the criminal realm that is not necessarily visible to the outside," said McMurray. The prosecuting attorney is also the legal advisor to the commission and other elected officials and handles legal issues concerning county operations. Abenroth has been the county's chief deputy prosecutor since 2012. He worked at the office as a deputy prosecutor from 2006 to 2009. He also has worked as a deputy prosecutor for Minidoka County, in the Mini-Cassia Public Defender's Office and as an associate in private practice. He received his bachelor's degree from Brigham Young University and his juris doctorate degree from Willamette University College of Law in Oregon. Ross owns the Burley law firm Paul N.J. Ross Law. He practices bankruptcy, municipal, business, criminal and family law. He also works as a conflict public defender in Mini-Cassia. Previously, he was a legal intern, regional sales representative for Inland Environmental Resources in Washington and an assistant underwriter for the Bank of America, among other jobs. He received his bachelor's degree at Utah State University and his juris doctorate degree at Oklahoma City University. Holloway is senior deputy prosecutor for Twin Falls County, where he has served since 2007. He earlier was a deputy prosecutor in Minidoka County, chief deputy public defender in Twin Falls, part-time deputy public defender and associate at Whipple Law Office in Burley, and a partner at Byington & Holloway and Byington, Holloway, Whipple & Jones, handling bankruptcy, personal injury, workman's compensation, domestic relations and estate planning law. He was also a deputy public defender for Minidoka County handling all the juvenile cases.

Defense: Pot theft prompted killings on Boise Bench

Idaho Statesman.com: July 11- John Sowell

The attorney for Samari P. Winn says that little evidence ties his client to the actual shootings in Boise in May. Randall Barnum, who is representing Samari P. Winn, said Thursday that the theft of 30 pounds of marijuana sparked the May 8 shooting deaths of two men at a residence on the Bench. A woman also was shot but survived. Winn, 34, is charged with two counts of first-degree murder and one count of attempted first-degree murder, but Barnum said his client had a "minor, minor role" in the crimes at 2178 S. Orchard St. and deserved to be freed on bond. He said Winn was wrongly named as an assailant by a frightened woman who might have been involved in the shootings herself. Elliott Bailey, 28, and Travontae Calloway, 27, both acquaintances of Winn, were killed in the attack. Barnum asked 4th District Judge Lynn Norton to release his client on \$50,000 bond; Norton denied the motion, saying she could not be certain that Winn would stick around for trial if he got out of jail. Winn grew up in California and appears to have stronger ties to that state than Idaho, according to court records and statements made in court. Norton also said she wanted to protect the community. "I think there is a significant risk of flight," Norton said. "I am not going to set bond." Winn could face a death sentence if convicted. Prosecutors have until Aug. 25 to decide whether to pursue that penalty. Prosecutors have said that Winn stooped by the evening of the killings with a bottle of tequila and spent several hours at the apartment. Calloway and his girlfriend, Jeanette Juraska, the woman who was shot and injured, lived at the apartment. Bailey was there visiting. Winn left at one point, saying he planned to return before midnight, prosecutors said. Juraska testified in a previous hearing that the doorbell rang about 11:20 pm. and that she assumed it was a pizza delivery. She said she opened the door and instead saw Winn with another man. The second man - who has not been arrested and whom police have not named publicly - is accused of shooting all three victims. "The shooter pushed Mr. Winn out of the way and shot into the living room," Barnum said in court. Barnum noted that the woman originally told a 911 dispatcher that she didn't recognize either of the men at the door. Later, she identified Winn; in court, Juraska said she was pretty sure she had seen the shooter when she spent a week in October with Winn and two others at a marijuana farm in Northern California. She said the man sat across from her at a table as they trimmed leaves off marijuana plants, but never identified himself. In court last month, Juraska said she feared for her safety when she told the 911 dispatcher that she didn't recognize the men.

NOT 'HAPPENSTANCE' On Thursday, Barnum claimed that the woman made up the story about Winn's involvement. He said she either was involved herself or was threatened by the real killers to keep their identities secret. He said Winn's name was provided to police at random. The killings, Barnum said, were in retaliation for a drug theft by Bailey and Calloway. He didn't offer details about the alleged theft, including where or when it occurred. "I don't think it's happenstance that Mr. Winn had been in her house earlier and he was likely the first person who comes to mind," he said. Prosecutor Grant Loeb said that releasing Winn, who moved to Idaho three years ago, would pose too great a risk. He said Winn has a long criminal history dating to 1995 in California. Winn has been convicted of car theft, cocaine possession, and possession of cocaine for sale, and he spent eight years in the San Quentin and Folsom prisons. Loeb, the Twin Falls County prosecuting attorney, is acting as a special prosecutor in the case. He told Norton that other witnesses saw Winn and the shooter leave Calloway's apartment after the killings. Loeb said the two men were seen together at a strip club later that night, and the shooter stayed at Winn's home that night. Loeb was appointed to handle the case because of a potential conflict of interest in the Ada County prosecutor's office. Employees in that office know some of the witnesses in the case, Deputy Prosecutor Shelley Akamatsu said. Winn is scheduled to go on trial Nov. 17. The trial is scheduled to last 10 days.

Convicted burglar tells judge she's done

Lewiston Tribune: July 11- Ralph Bartholdt

A 40-year-old Clarkston woman told a Second District Court judge Thursday that she won't be back. Cheri D. Delacruz was sentenced to six years probation as part of a two- to four-year suspended prison sentence. Thursday's sentence by Judge Jay P. Gaskill was the result of a plea bargain that started with 11 criminal counts including seven for felony burglary. Delacruz and her boyfriend, and alleged accomplice, Darrin Hodge, were arrested before Christmas 2013, released and arrested again. And again. At one point the two were suspects in a theft within 24 hours of a court hearing in which they accepted a plea bargain. They were subsequently charged for burglary and grand theft. At Thursday's sentencing the prosecutor, Delacruz's attorney and the judge lost track of exactly which charges in which cases would be dropped and which charges would be retained as part of a plea agreement. "When you look at these charges, they may sound quite heinous," defense attorney Rick Cuddihy said. "When you look at the actual cases, it's criminal, (but) not the most significant crimes of the century." Many of the charges were upgraded from shoplifting because prosecutors alleged Delacruz entered several stores with the intent of stealing, which is defined as a burglary. In one case she and Hodge allegedly stole jewelry and clothes from four Lewiston outdoor stores by placing them in a foil-lined tote bag and walking undetected past security scanners. She was also accused of stealing household items from the Habitat for Humanity Store and jewelry worth more than \$1,000 from a downtown Lewiston merchant. Delacruz, who said she has a degree in psychology, told the court that she found a job since being released from jail last spring. "With my record it's very difficult to find employment, obviously," she said. "I think I'm on the road to a better life, sir. I think I got it." As part of the sentence, Delacruz will pay almost \$2,000 in restitution. The amount may be split with Hodge, who rejected a similar plea agreement last month. His case is set for a Sept. 15 jury trial.

Ontario woman sentenced for stealing money from grandmother

By IDAHO PRESS-TRIBUNE STAFF July 3, 2014

CALDWELL — An Ontario, Oregon, woman was sentenced in Third District Court Tuesday for the exploitation of a vulnerable adult, according to a press release from Canyon County Prosecuting Attorney Bryan Taylor. In October 2013, Jeannie Halsell was arrested after the Nampa Police Department determined she stole money from her grandmother in Nampa, while serving as her grandmother's power of attorney. In total, Halsell, 37, stole more than \$6,500 from her grandmother's checking and savings account while charging about \$30,000 to her credit card over a two-year period. "Crimes like this that involve the exploitation of vulnerable adults are one of the fastest growing crimes in America, including right here in Idaho," Taylor said. "So it's even more important that we all work together to make sure that those people who can't fend for themselves are taken care of." Halsell was sentenced to three years fixed and up to 10 years in prison for the felony crime, but the sentence was suspended and Halsell was ordered to serve 10 years on felony probation.

Halsell's grandmother was medically incapacitated in January 2011 and granted her power of attorney after that. After another person became the power of attorney, the theft was noticed. Driver in fatal Moscow accident appears in court

Lewiston Tribune July 9, 2014

MOSCOW - A preliminary hearing for a Moscow man charged with felony vehicular manslaughter following a March collision that left one dead has been scheduled for later this month. Trent P. Brown, 38, made his initial appearance Monday before Latah County Magistrate John C. Judge for his alleged role in the March 20 single-vehicle collision that resulted in the death of 30-year-old Christopher J. Papineau, of Moscow. A hearing to determine probable cause for the charge is set for 1 p.m. July 24. Brown was charged with the felony last week and faces up to 15 years in the state penitentiary and a \$15,000 fine if convicted of the crime. Lewiston attorney Paul (Tom) Clark is representing Brown, who appeared Monday on his own recognizance. Court documents allege Brown was driving under the influence of alcohol when he failed to negotiate a curve because of high speed at about 7 p.m. on the 700 block of Public Avenue in Moscow, causing his vehicle to leave the roadway. The 2009 Chevrolet Impala Brown was driving subsequently rolled, ejecting Papineau. Papineau died later that day at Gritman Medical Center in Moscow from internal injuries and bleeding resulting from the collision, according to court documents. Toxicology tests were completed on two blood samples taken from Brown following the incident and both allegedly showed blood-alcohol concentration levels exceeding the legal limit for driving, according to court documents. The test results showed Brown allegedly had a BAC of .23 when he was taken to Gritman Medical Center and .183 at approximately 8:20 p.m., according to court documents. Judge also agreed Monday to a request from Latah County Prosecutor William Thompson Jr. to impose a list of pretrial conditions for Brown, who is not in police custody. Those conditions include not being allowed to consume or possess alcohol, enter bars or liquor stores, violate laws other than traffic violations and appear for all court hearings.

Latah District Court seeks \$756,000 budget at county commissioners meeting

By Terri Harber, Daily News July 10, 2014

A 2014-15 Latah County District Court budget of \$755,994 was presented to the County Commissioners on Wednesday, including a 4 percent salary increase most departments seek. Susan Petersen, District Court clerk, and John Stegner, administrative judge, said the budget includes both operating expenses and capital expenditures. The budget is supported by fees and fines for infractions, criminal acts and court filings. No local property taxes are used to fund the court, Petersen said. Stegner and Magistrate John Judge are state employees so their compensation isn't included in the budget. Salary and benefits for Stegner's law clerk is part of the budget, however. They discussed the success of the county's Drug Court, which is in session one day every other week, and the Mental Health Court, which is held every Monday. Though the state created the specialty courts, operating them is the financial responsibility of the counties. However, "we're all beneficiaries," of the resulting success stories, Stegner said. Commission Chairman Dave McGraw pointed out there are savings that come from offenders taking part in the programs overseen by these specialty courts, instead of the jail system. "They're not in our jail, eating our jail food or requiring other jail services," he said. "There is a direct local benefit." Commissioner Richard Walser noted it benefits county residents, especially the defendants' families. The Mental Health Court also saves the state money because when people with such problems end up incarcerated they stay for the maximum amounts of time. This is because their health issues can cause behavioral problems, Stegner said. He also stressed more needs to be done to serve Idahoans with mental health issues as well as their families. "You should not have to commit a crime to get help," Stegner added. Cost to have drug tests analyzed should be substantially lower this coming year with a change in how these tests are conducted to ensure results come back within 48 hours. Samples will be sent by overnight mail to a lab in Redwood City, Calif. Cost per sample will be reduced from \$10 to \$3. The number of samples needed is unknown but the budget was built based on the number needed during the previous year, said Lisa Martin, the Drug and Mental Health courts coordinator for the Second District. A budget of \$8,000 - an increase of \$4,000 - is being requested for coordinated family services, which focuses on children of divorced parents and was set up by the county in 2009, Petersen said. A reclassification and raise is sought for a deputy court clerk who has added duties. Additionally, a position is being considered for someone who would administer urinalysis tests for Latah, Clearwater and Nez Perce counties that would cost a total of \$15,600. Cost would be divvied up among the three counties.

Man sentenced for Meridian rampage Sean Carnell will serve 15-25 years in prison

By JOHN FUNK July 10, 2014 Idaho Press-Tribune

ADA COUNTY — Sean Carnell, a Meridian man who went on a long, strange rampage in August, was sentenced on multiple charges Wednesday morning. Carnell will serve 25 years in prison with 10 years fixed for robbery, 15 years fixed for battery with a deadly weapon, 25 years with five years fixed for first-degree arson of an occupied structure, 20 years with five years fixed for battery with intent to commit a serious felony, and five years fixed for assault likely to produce great bodily harm, 4th District Judge Richard Greenwood ruled. The sentences will be served concurrently, Ada County Deputy Prosecuting Attorney Shelley Akamatsu said, which means he could be out in 15 years, and won't stay in longer than 25. Akamatsu requested 30 years fixed with life indeterminate at the sentencing hearing. "These are all big sentences, but when you run them concurrently, they're not as long as we'd like," Akamatsu said. Carnell pleaded guilty in March. Several other related charges were dismissed. Just before 11 a.m. Aug. 21 in Tully Park, according to a Meridian Police Department report, Carnell attacked a 15-year-old boy, stole the teen's skateboard, kicked a dog, struck a construction worker with a shovel, broke into an apartment, assaulted a woman, tipped over a man in a wheelchair, broke windows out of a house, and then surrendered peacefully to police. Nampa Fire Capt. Chris Cade, who was riding his bicycle in the Meridian park at the time, was among Carnell's victims. A bystander found Cade injured and unconscious shortly after Carnell passed through the area. When he returned to work a few months later, he said he didn't remember much — one moment he was happily riding his bike and the next thing he knew, he was in a hospital bed. The rampage began when Carnell yelled at a 10-year-old boy and kicked the boy's dog in the ribs, then went to an apartment complex on the 1300 block of Northwest Eighth Street, where he struck a construction worker in the face and back with a shovel, the police report stated. Investigators say he next forced his way into an apartment, where he assaulted a 36-year-old woman, but fled when interrupted by the woman's teenage daughter and her boyfriend. They called 911 as Carnell left. Police say Carnell then approached a 45-year-old man in a wheelchair outside the building and pushed the man down the street. Investigators say he tipped the man out of the chair on the 1100 block of Eighth Street. Police then received a second call from a group of construction workers who reported seeing Carnell breaking windows out of a house. When confronted by police on the 700 block of West Pine Street, he surrendered without further incident.