

Fugitive arraigned on assault charge Johnathan Cody Wills denies accounts that he pulled a gun on a woman

By JOHN FUNK July 25, 2014 Idaho Press-Tribune

CANYON COUNTY — Johnathan Cody Wills, 28, already had two outstanding felony warrants in Oregon when he was captured in Nampa on Wednesday afternoon. Now, he faces local charges of aggravated assault with a firearm, according to the criminal complaint read by 3rd District Magistrate Judge Gregory F. Frates at Wills' arraignment Thursday. According to the complaint, Wills is suspected of threatening another person with a handgun in a manner which "created a well-founded fear that violence was imminent." Nampa police officers arrested Wills at about 2 p.m. Thursday on the 1700 block of Third Street South after responding to reports of a man making threats with a gun a few blocks away. According to an affidavit filed in Canyon County court, Wills is suspected of pulling a black revolver out of his waistband and pointing it at a woman. The woman had been in an argument with Wills, the document states, and she had asked him to leave. Two other witnesses also reported seeing Wills pull a similarly described weapon from his waistband, the affidavit states. Wills denied that version of events when he appeared via video link before Frates from the Canyon County Jail. "I didn't have a firearm," he told Frates. "They never found one." "I didn't ask you that question. This works better if you just answer my questions," Frates responded, then went on to explain that Wills would have a chance to argue his case at a preliminary hearing and, if necessary, at a jury trial. Prosecutors requested a \$500,000 bond, along with strict requirements — including a curfew and complete abstinence from alcohol — if Wills posts his bond, citing his two outstanding Oregon warrants as evidence that he's a flight risk. But Wills told Frates that he didn't know about the Oregon warrants — one of which was for felony theft of a motor vehicle — and that he wants to take care of them as quickly as possible. He voluntarily signed both waivers of extradition during the hearing. "I was very cooperative, I had no idea I had warrants," he said. "No fighting, no resistance, no nothing. I'm not a danger." Frates, however, agreed with prosecutors and ordered all their recommendations. Wills will be represented by a public defender. He has prior convictions of battery, domestic battery and firearms offenses. If convicted of the aggravated battery charge, he faces a possible life sentence in an Idaho state prison — a possibility that caught him off-guard. "I'm a suspect in a life-in-prison charge?" he asked. "As a persistent violator, yes," Frates answered. Wills is scheduled for a preliminary hearing 8:30 a.m. Aug. 6 before Judge Jerold Lee.

Naked man in E. Idaho park gets 7 days in jail

Idaho Press Tribune July 25, 2014

IDAHO FALLS (AP) — A Twin Falls man taken into custody after being found naked in an eastern Idaho city park has pleaded guilty to indecent exposure. The Post Register reports that 50-year-old Marvin Locke made the plea Wednesday following his arrest on Tuesday in Freeman Park in Idaho Falls. Authorities say Locke was camping in the park which is not permitted. Police also say he was intoxicated. Idaho Falls Police spokeswoman Joelyn Hansen says several children had their eyes shielded by adults. Magistrate Judge Steven Gardner sentenced Locke to seven days in jail, a \$307.50 fine, and one year of probation.

Driver in fatal Moscow crash bound over for trial

Staff report July 25, 2014 Daily News

A magistrate found there was sufficient evidence for a Moscow man to be bound over to Latah County District Court on the charge of vehicular manslaughter after a preliminary hearing on Thursday. Trent P. Brown, 38, of Moscow will return to court on July 28 for his arraignment after Magistrate John C. Judge decided there was enough evidence for the case to continue through the court system. Brown's passenger, Christopher Papineau, 30 and also of Moscow, died in the single-vehicle rollover on Public Avenue and Lincoln Street on the evening of March 20. "It's a horrible thing," Judge said of the crash, but it appears to have been "quite avoidable." Latah County Coroner Catherine Mabbutt was the first witness called by Latah County Deputy Prosecutor Michael Cavanaugh, and the first person on the scene after the car crashed. A registered nurse and attorney who lives nearby, Mabbutt testified neither Brown nor Papineau were moving. Brown was still in the vehicle, but breathing. Papineau had been ejected and was several feet away lying facedown in a ditch, Mabbutt said. Lewiston attorney Paul "Tom" Clark, defending Brown, asked witnesses questions about procedures used to collect blood samples used to measure the defendant's alcohol level. Moscow Police Cpl. Casey Green also was asked about an interview he conducted with Brown concerning the accident. A portion of it was played in court. Brown recalled he was driving his wife's 2009 Chevrolet Impala on Polk with Papineau sitting in the front passenger seat. A third person had just been dropped off after they were at Brown's watching a basketball game on TV: Oregon vs. BYU. Brown said he had consumed a berry-flavored 24-ounce container of Four Loko and a Keystone Light beer. Cavanaugh asked how much alcohol was in a Four Loko and Green replied it was similar to drinking "a six-pack of beer." Green said he knew this from on-the-job experiences dealing with University of Idaho students, but hadn't specifically tested this flavor. Clark also asked whether the officer knew of recall efforts by the manufacturer to remedy an ignition switch problem. Montgomery said the dealership had addressed and fixed it. The ISP also used the monitor connected to the airbag system to help determine such things as traveling speed, braking and acceleration as well as examining evidence at the accident location, Montgomery said. Brown could face up to 15 years in state prison and a \$15,000 fine if he is convicted of the crime.

Naked man in E. Idaho park gets 7 days in jail

Morning News July 25, 2014

IDAHO FALLS (AP) — A Twin Falls man taken into custody after being found naked in an eastern Idaho city park has pleaded guilty to indecent exposure. The Post Register reports that 50-year-old plea Wednesday following his arrest on Tuesday in Freeman Park in Idaho Falls. Authorities say Locke was camping in the park which is not permitted. Police also say he was intoxicated. Idaho Falls Police spokeswoman Joelyn Hansen says several children had their eyes shielded by adults. Magistrate Judge Steven Gardner sentenced Locke to seven days in jail, a \$307.50 fine, and one year of probation.

Peterson sentenced

By LESLIE MIELKE Morning News July 26, 2014

BLACKFOOT — Sixth Judicial District Judge David Nye sentenced Daren Peterson, age 40, to Wood Court on Friday. Peterson pleaded guilty to unlawful possession of a firearm by a convicted felon. “This is related to his addiction,” said defense attorney Jared Ricks. “He was going to sell his father’s gun for his addiction.” On behalf of his client, Ricks requested the court give Peterson period of supervised probation. Peterson has had 13 prior misdemeanors and two prior felonies, said prosecutor Cody Brower. The state recommended three years fixed and two years indeterminate that would be suspended. “The state recommends that he must complete Wood Court and do 150 hours of community service,” said the prosecutor. “I’m a different person today than I was before,” said Peterson. “I don’t want to go back to what I was before.” Judge Nye said, “You have done two riders, both the CAP and traditional, and been in prison. “I could put you in prison or I could give you a chance in Wood Court,” said the judge. “I understand the Wood Court is a tough course but a lifechanging one.” Judge Nye imposed three years fixed and two years indeterminate and then suspended the sentence. He gave Peterson 180 days of discretionary jail time and put Peterson on probation for five years. “You must successfully enter and complete the Wood Pilot Project,” said Nye. Peterson must repay \$240.50 court costs. He was fined \$1,000, with \$900 suspended if he completes Wood Court. Peterson must repay the county \$700 for the services of the public defender that he will need to pay back after the completion of Wood Court. Speaking to Peterson, Judge Nye said, “You have been doing quite well; I think you can do this but I think you have to prove it to yourself.” Peterson was given credit for 29 days served in jail.

Trial begins in case of man whose throat was slashed

By ALISON GENE SMITH Twin Falls Times-News July 26, 2014

GOODING — A knife in his skull and his throat cut, Jason Givens was left for dead on the side of a road. Givens remained motionless, pretending to be dead while his captors removed the zip ties that bound his arms, took his shoes and washed the blood off themselves. A year later, the man who allegedly hog-tied Givens and tortured him with a stun gun, went on trial Thursday in Gooding County District Court. Thomas Hooley, of Twin Falls, pleaded not guilty to aiding and abetting aggravated battery, as well as first-degree kidnapping. The trial is expected continue into next week. In the first day of testimony, Joseph Talbot said he found Givens, a Blackfoot resident, on the side of Clear Lakes Grade on July 13, 2013. Talbot was on his way to work. “I asked if he had been hit by a car and he said he’d had his throat cut,” Talbot said. Talbot, an EMT, removed his shirt and used it to place pressure on Givens’ neck before calling 911. The cut to Givens’ throat exposed his trachea, veins and muscle, Talbot said. Givens was in and out of consciousness, but told Talbot he was “jumped” by two men he didn’t know. One of those men was Ryan Cunningham of Wendell. Cunningham is serving time in prison for the July 2013 attack. In February, he pleaded guilty to a charge of felony aggravated battery. A count of first-degree kidnapping and a weapons enhancement were dropped as part of a plea deal. He is serving a 15-year sentence, but will be eligible for parole in less than four years. In his opening statement, Hooley’s attorney, Andrew Parnes, said his client wasn’t there during the attack and barely knew Cunningham. Cunningham is a white supremacist, felon and methamphetamine user, Parnes said, who changed his story to avoid spending the rest of his life in prison. Givens also is a felon and meth addict who only was connected to Hooley through doing odd jobs for him, Parnes said. Parnes said Givens changed the story of the attack each time he was interviewed by police or medical staff, only mentioning Hooley days later. “The state will present no fingerprints, no DNA, no blood evidence and no weapons” connecting Hooley to the case, the attorney said, describing his client as an “easy fall guy.” “Only Jason Givens and maybe Mr. Cunningham know why they’re setting Mr. Hooley up,” he said. Three Gooding County sheriff’s deputies testified about photos they took at the scene and described the scene of the attack. One deputy estimated Givens walked about 400 yards from where he was attacked to the road. Dr. Heather Ellsworth, a physician in the emergency department at St. Luke’s Magic Valley Medical Center, said evidence of a skull fracture and a brain bleed led her to send Givens by air ambulance to a Boise hospital that had neurosurgical capabilities. The cut to Givens’ neck was about 18 centimeters (about 7 inches), Ellsworth said. She put five deep stitches and 25 superficial stitches in his neck before sending him to Boise.

Utah woman pleads guilty to aiding attempted murder

By ALI TADAYON Post Register July 26, 2014

ST. ANTHONY — A Utah woman admitted in court Friday her part in the April 6 shooting of her stepfather at an Island Park residence. Jessica Brown, 24, pleaded guilty to a charge of aiding and abetting attempted first-degree murder in a Fremont County courtroom before District Judge Gregory Moeller. Pursuant to a plea agreement, a charge of conspiracy to commit first-degree murder was dismissed “conditionally.” Under the plea agreement, Fremont County Prosecutor Karl Lewies said, Brown must cooperate with the state in the case of her co-defendant, 21-year-old Jermaine Wiley. If she fails to do so, prosecutors can reinstate the dismissed charge. During her testimony, Brown said she purchased ammunition for Wiley, paid for him to stay in a hotel the night before the shooting and allowed him to use her vehicle to drive to the scene of the crime. Wiley is accused of shooting 49-year-old Eric Norlen twice, hitting him in the back of the head and right shoulder. According to charging documents, Norlen and his wife have custody of Brown’s 2-year-old child. Brown, wanting the child back, brought Wiley from Bakersfield, Calif., to confront Norlen. Brown said she bought the ammunition for Wiley for “self-defense” because she knew Norlen owned firearms. “It was my understanding that Jermaine was going to intimidate Eric to help me get my daughter back,” Brown said Friday. Brown led Wiley to Norlen’s residence at 3322 Lariat Road, then waited at a house next door. Wiley reportedly entered the home, shot Norlen and fled in Brown’s car, leaving her behind. Norlen called 911 for help at 2:30 p.m. Fremont County Sheriff Len Humphries said Norlen was flown by air ambulance to Eastern Idaho Regional Medical Center for treatment of his wounds. Brown was arrested shortly afterward at the next-door residence. Wiley was arrested following a traffic stop south of Ashton, Humphries said. Wiley reportedly was speeding when a Fremont County Sheriff’s deputy followed him. Norlen appeared in court Friday but refused comment. Humphries said Norlen is recovering. “He seems to be doing fine,” Humphries said. “He’s sustained some long-lasting injuries, though. We’re all thankful he survived.” Brown was pregnant at her May 13 arraignment and gave birth to a child during the same month. Humphries said Idaho Department of Health and Welfare placed the child with Brown’s mother. She is scheduled for sentencing at 10 a.m. Sept. 25. Wiley, who is charged with attempted first-degree murder, as well as unlawful possession of a firearm by a convicted felon and conspiracy to commit first-degree murder, is scheduled for a jury trial Sept. 8. Aiding and abetting attempted first-degree murder is punishable by up to 15 years in prison.

Man sentenced for stabbing connected to Rigby murder

July 28, 2014 By Ali Tadayon

Post Register An Idaho Falls man was sentenced Monday to five years in prison for stabbing a man in Rigby more than a year ago. Lorenzo Ornelas Jr., 28, pleaded guilty to aggravated assault with a deadly weapon without the intent to kill after he stabbed a man July 14, 2013, Jefferson County prosecuting attorney Steven Dalling said. Pursuant to a plea agreement, the charge was amended down from aggravated battery with a deadly weapon. Dalling said Ornelas will be eligible for parole after three years. The Jefferson County Sheriff’s Office refused to release the victim’s name. The stabbing occurred during a scuffle in which Emmanuel Jesus Granados shot and killed 22-year-old Fermin Lemus of Rexburg. Granados and the stabbing victim reportedly were arguing with Lemus and Ornelas outside a quinceañeraparty at the Rigby Indoor Sports Arena when the violence erupted. Granados was sentenced in May to 20 years to life in prison for second-degree murder.

Judge tells court he’ll decide Idaho GOP case today

Posted by Betsy Spokane Review July 29, 2014

Fifth District Judge Randy Stoker told the court his morning that he will rule today in the Idaho Republican Party lawsuit, in which two wings of the party are fighting over the chairmanship. “This is a very unique proceeding,” Stoker said. “I’m going to give you a ruling at the end of the day.” More than two dozen people are in the audience. The judge told the court he’s studied all the briefing and affidavits, pored over Idaho Republican Party rules and watched video of the state GOP convention and a rules committee meeting. Among the arguments: Timothy Hopkins, attorney for party Vice Chairman Mike Mathews and National Committeewoman Cindy Siddoway, told the court: “There are winners and losers inevitably in a political setting like this one, but there is not irreparable injury.” Therefore, he argued, no injunction is warranted. Christ Troupis, attorney for embattled Chairman Barry Peterson, cited Bush vs. Gore and the Idaho closed GOP primary case. “The courts involve themselves in the affairs of political parties every day,” he said. The audience is quiet and attentive. A sign in the corridor outside warns that a ringing cell phone in court can bring a \$100 fine. Role of First Amendment in Idaho Republican Party case... Posted by Betsy Spokane Review July 29, 2014 Christ Troupis, attorney for Barry Peterson, argued that the First Amendment’s free speech guarantees are implicated in the Idaho Republican Party lawsuit Peterson’s brought in an attempt to keep the chairmanship. “All political activity is First Amendment protected,” Troupis told the court. “Any loss of First Amendment rights is an irreparable injury.” Tim Hopkins, attorney for the two party officials Peterson sued, told the court, “My God, nobody’s short on freedom of speech in these instances. ... I don’t think there’s been any limitation or restriction on anybody’s freedom to speak.” Hopkins said, “The efforts here to create legal question out of what is clearly a political feud, if you will ... It has no sound basis in law for the court’s consideration.” Judge denies motion to dismiss, will hear full Idaho GOP case this morning on merits... Posted by Betsy Spokane Review July 29, 2014 Fifth District Judge Randy Stoker has denied the motion to dismiss Barry Peterson’s lawsuit over chairman of the Idaho Republican Party, saying he’ll instead move to hear the full merits of the case this morning, after a 10-minute break. The judge said he believes state statute cites party rules, so they can be enforced by the court. “I think that this case involves both political questions and questions of whether there has been a statutory and therefore a rule violation,” Stoker said. “It’s a mixed issue.” A 1908 Idaho Supreme Court case involving a fight between competing delegations in the Idaho Democratic Party set the precedent on that, he said. “The court has no stake in who is elected chairman or vice chairman or secretary or treasurer of this party or any other party,” Stoker said. “The issue that I have is are you following the rules, it’s just that simple.” He said his decision to deny the motion to dismiss shouldn’t be taken as a sign he’s leaning either way on the case as a whole. Peterson is seeking an injunction to block the Idaho Republican Party from holding an Aug. 2 state central committee meeting to select new leaders. Some of the back-and-forth in court: ‘The party is in trouble’ Posted by Betsy Spokane Review July 29, 2014

Christ Troupis, attorney for embattled GOP Chairman Barry Peterson and six supporters, told the court this morning, "We believe the chairman was re-elected at the convention by the delegates." Judge Randy Stoker asked him, "Let's go back to what happened at the convention. You agree, it's undisputed, that the parliamentarian of the Republican Party has publicly said, 'I made a mistake.'" Parliamentarian Cornel Rasor said after the convention that he erred in advising that adjourning the convention would have the effect of extending current officers' terms for another two years. "Why is that not the end of this dispute?" the judge asked Troupis. "Isn't that a political determination?" "I agree," Troupis said. "All of those were political actions. The delegates acted in reliance upon the statement, if you adjourn like this, these officers remain in place. The subsequent statement 'I made a mistake'? Well, there's a lot of politicians who make those kinds of statements. ... Maybe he didn't make a mistake. ... I happen to disagree with him." Troupis said, "What he said that was relied upon by the convention delegates at the convention, he can't recant after the convention and say, 'Oops, my foul.' The point is the vote was taken based upon what he said." He added, "I wish the parliamentarian had been more careful at the time, but the fact that he wasn't doesn't un-ring the bell." That prompted this question from the judge: "I know what your clients think they voted on. ... What did the other 521 people think? How am I supposed to know?" Troupis responded, "You can't." When the judge suggested the only way to know was to call in all 521 to testify, Troupis said he didn't think that was necessary. "They were told this is the effect of your vote, and they voted in accord with that," he said. Troupis said, "There's an entire side of the party that is very disgruntled and upset right now and the party is in trouble." To that, the judge said, "That may be, but that's not something that I can fix, is it." Judge: Peterson is no longer Idaho GOP chairman Posted by Betsy Spokane Review July 29, 2014 Fifth District Judge Randy Stoker today rejected a bid from embattled former Idaho GOP Chairman Barry Peterson to hold onto the chairmanship by blocking a scheduled Aug. 2 state central committee meeting to choose new leaders. "His term has expired," Stoker told the court. The judge's ruling came after extensive arguments that lasted for more than two hours in court this morning in Twin Falls. "This is not a question of this court taking any position with regard to what the Republican Party should do in this state," Stoker said. "I have no dog in this fight, so to speak." The Aug. 2 party central committee to choose new leaders will go forward, the judge ruled. "It is your business what you do there," he told the party members from both sides.

Idaho officials: Prison takeover had 'challenges'

By REBECCA BOONE The Associated Press Idaho Press Tribune July 29, 2014

BOISE — Idaho prison officials say they had to have thousands of dollars' worth of medications shipped overnight to the state's largest prison after the former operator, Corrections Corporation of America, left the facility without a promised eight-day supply of inmate drugs. The Idaho Department of Correction officials also say they discovered some chronically ill inmates went without needed medical care, and some medical records were missing when they assumed control of the facility. But CCA officials say those claims are without merit and that no one from the department has contacted the Nashville, Tennessee-based company to communicate any concerns. Department officials told the Idaho Board of Correction about the alleged medical and operational problems during a meeting last week. The board will meet again Wednesday to discuss whether the state will try to recoup any losses associated with its claims. The state took over the 2,080-bed prison after CCA acknowledged understaffing the facility by thousands of hours in violation of its \$29 million contract with the state. The company's admission came after a report by The Associated Press raised questions about the facility's staffing. On Monday, CCA spokesman Steve Owen said his company offered to conduct a medication inventory with the Department of Correction before the transition, but the agency opted against it. Owen said CCA also met with the state's prison health care contractor and its pharmacy supplier to determine the adequate supply of medications needed. "If in fact the Department has made these claims, we believe they are without merit and don't match up with the condition of the facility we handed over or the reality of the sincere efforts we've made to be responsive to IDOC during the transition process and subsequent to the transition," Owen wrote in an email. Jeff Zmuda, head of the department's Prisons Division, told the board last week that the logistics involved in switching the prison to state control were substantial. But for the most part, he said, the process went smoothly. For instance, Correction Department staffers had to inventory more than 3,000 items at the prison, and the state had to hire hundreds of new workers to staff the facility. Many of those correctional officers had worked for CCA at the prison, he said. Still, the takeover was "not without a few glitches," Zmuda said. Pat Donaldson, chief of the department's management services division, said CCA was obligated to provide an operational phone system at the facility. The company did provide the system, but state workers spent about three days fixing it to make it work, he said. Regarding the phones, Owen wrote that "directly prior to these concerns being raised," CCA reached out to the department to see if there were any problems and received no response. Shane Evans, chief of the department's education, treatment and re-entry division, told the board about the alleged medication problems. "We had some challenges with some of the conversions: availability of medication, some chronic care that wasn't occurring," Evans said. The state's health care contractor, Corizon, arranged with its pharmaceutical provider to have the medications brought in. "They were Johnny-on-the-spot, and overnighted about \$100,000 worth just to get us to the minimum amount we were supposed to have on hand," Evans said. Another problem was missing medical records and evidence that some inmates with chronic illnesses weren't getting the regular medical care they needed, Evans said. The department has asked Corizon to go through the inmates' records to determine what needs to be done to treat them, he said. Owen said CCA officials met with Corizon and Corizon's pharmaceutical provider about the amount of medications needed. "CCA conducted an inventory with Corizon and determined that there was an adequate supply of medication available at the time of transition," Owen wrote. "What's more, CCA's average monthly cost for medication at the facility was below \$100,000, so IDOC's figure for what we assume are identical medications is far in excess of what an eight-day supply would cost." Correction Department spokesman Jeff Ray said the agency is still conducting its assessment of the issues, and will reach out to CCA once that assessment is over.

Idaho death penalty so unusual, it's cruel Overturned convictions, randomness of sentencing cause for grave concern

Idaho Press Tribune July 29, 2014

For every Death Row inmate Idaho executes, it has freed another on new evidence while an equal number died of illness — to say nothing of all the condemned people serving out life sentences thanks to successful appeals. What would you call that? Dysfunctional? Since the death penalty was reinstated in the late 1970s, Idaho has condemned 41 people, according to the Death Penalty Information Center. Three have been executed: Keith Eugene Welles in 1994, Paul Ezra Rhoades in 2011 and Richard Leavitt the following year. New evidence exonerated Donald Paradis, who emerged from prison 21 years after he was sentenced to death. Thomas Henry Gibson, Paradis' co-defendant, was released and paroled after an appeals court overturned his conviction. Charles Irwin Fain spent 18 years on Death Row before DNA evidence exonerated him. Meanwhile, earlier this month, Michael Allen Jauhola became the third Death Row inmate to die in custody after an extended illness. He got the death penalty for the 1998 murder of a fellow prison inmate. Earlier cases include Mark Emilio Aragon, who died of illness after he was convicted of killing his Ketchum girlfriend's baby in 1982, and James Edward Wood, who spent a decade under sentence of death for molesting, murdering and dismembering an 11-year-old Pocatello girl before he died in 2004. And Gerald Pizzuto Jr. seems on the brink of becoming the latest of more than 20 condemned prisoners to have his sentence reversed. He has been sitting on Death Row for almost 28 years for the murders of Berta Herndon and her nephew Del Dean Herndon near McCall. At the time, Pizzuto tested marginal for mental acuity — an IQ of 72, two points above the threshold that would render him too disabled for the state to execute him. Pizzuto's attorneys want the federal courts to block the execution on the grounds that a five-point margin of error, recognized by the U.S. Supreme Court, means Pizzuto's IQ could be as low as 67. Nothing's for sure, but at minimum the issue buys Pizzuto more time in the appellate courts. Idaho has imposed the death sentence only three times in 10 years and no defendant has been ordered executed since 2010. Nothing about capital punishment — in Idaho or the nation — is predictable except its sheer randomness. Think of it as a huge funnel: at the top are the 14,000 people who commit murder each year. About 2,500 of them are eligible for the death penalty. Last year, juries imposed the death sentence 79 times. Thirty-nine executions were carried out. What explains it? Certainly not logic. Many of the worst of the worst are serving life. It boils down to geography, timing and circumstances. In other words, luck. Eighteen states have abolished capital punishment. Six of them have made that choice in the last six years. Governors in another three — including Washington's Jay Inslee — have declared a moratorium for the duration of their tenure in office. Ever since the U.S. Supreme Court required juries rather than judges to decide who dies in the execution chamber, more prosecutors have been reluctant to risk the money and time required to seek the death penalty. Because of problems with chemicals used in lethal injections, Ohio and Oklahoma are taking a timeout. The Eighth Amendment prohibits cruel and unusual punishment. Idaho's death penalty has become a punishment most unusual. Doesn't that make it cruel as well? n This view is from the Lewiston Tribune editorial board.

Judge rules against former GOP chairman

Morning News July 30, 2014

TWIN FALLS (AP) — A judge ruled Tuesday that the chairman of the Idaho Republican Party, who sued to maintain control of a divided state GOP, is no longer in charge because his term ended a month ago. Barry Peterson's two-year term expired when the chaotic state GOP convention adjourned earlier this year without electing a new leader, Fifth District Judge Randy Stoker said. Peterson sued two party officers to keep his position after a meeting to elect new officers was called. He argued that Republican delegates voted to adjourn the convention in June with the understanding they were choosing to keep him, along with the rest of the officers, for another two years. In an example of the rift between far-right conservatives and centrist Republicans in Idaho, various officials planned dueling meetings next month to elect new party officers, including a new chairman, an issue the judge took up. An Aug. 2 meeting can go on as scheduled rather than the Aug. 9 meeting Peterson planned, Stoker ruled. The judge voided a June meeting of party officers held by Peterson's opponents to appoint an interim chairman, but he said the Aug. 2 meeting is valid because it was called by the Central Committee, the governing board made up of legislative and county Republicans that establishes policy organizes party-building efforts and elects the chairman. The head of the state GOP is typically appointed during the party's convention, but political infighting resulted in a failure to vote on leaders, resolutions or party platforms. It was the first time in more than 50 years that Republicans failed to accomplish anything at a convention.

Ex-deacon Sentenced

Morning News July 30, 2014

CALDWELL (AP) — A former southwestern Idaho church deacon who told police Satan may have taken control of his body, causing him to molest a 12-year-old girl in a church storage room, has been sentenced to five to 15 years in prison. However, District Judge Bradley S. Ford retained jurisdiction for a year, meaning 57-year-old Alexander Gonzalez Garcia of Middleton could get out of prison after a year if he responds well to treatment programs. Garcia was initially charged with lewd conduct with a child, but pleaded guilty in March to sexual abuse of a minor. He must register as a sex offender and have no contact with the girl, her family or any girls under the age of 18. Prosecutors say he molested the girl during a July 2013 potluck at the Seventh-day Adventist Church in Nampa

Former church deacon sentenced for lewd conduct Alexander Gonzalez Garcia will spend 5-15 years in prison

By JOHN FUNK Idaho Press Tribune July 30, 2014

CANYON COUNTY — A former church deacon convicted earlier this year of lewd conduct with a minor under 16 will spend 15 years in prison with five years fixed, 3rd District Judge Bradly S. Ford ruled Tuesday morning. Alexander Gonzalez Garcia, 57, must also register as a sex offender and have no contact with the victim, her family or any minor females. Ford will retain jurisdiction for 365 days, however, meaning Garcia may get out of prison within a year if he responds well to treatment programs. “Mr. Garcia used his position of trust in the church to take advantage of the victim, and he deserves to be behind bars where he can no longer be a danger to the community,” Prosecuting Attorney Bryan Taylor said. “This case should serve as a reminder to every parent that you need to be very careful of who your kids are hanging around with.” According to court records, a girl under the age of 16 was brought into the Nampa Family Justice Center for a forensic interview in July 2013, where she reported Garcia had inappropriately touched her at a church potluck a few days earlier. The girl told investigators she was in the church kitchen when Garcia entered and said he had something “cool” to show her, court documents state. He then led her away from the group, unlocked a storage room and took her inside. The girl said Garcia hugged and kissed her several times while saying, “You’re so pretty; you’re so beautiful,” and although neither of them removed any clothing, she told investigators, he touched her in a sexual manner. He allowed her to leave when she told him she was about to pass out, records state, and she immediately told a relative what happened. About a month later, Garcia voluntarily submitted to an interview with Nampa detectives. He admitted that he hugged and kissed the girl, but said he does that all the time, and denied doing anything inappropriate. Later in the interview, however, Garcia told investigators that Satan was in the storage room with him and the girl, and while he wouldn’t have touched her inappropriately on his own, the devil may have taken control of him. He told detectives he knew nothing good would happen when he took the girl into the room, court records state.

Preliminary hearings rescheduled for suspects in Nampa murder case Judge dismisses charges against one defendant, prosecutors say they’ll refile

By JOHN FUNK Idaho Press Tribune July 30, 2014

CANYON COUNTY — Three of the defendants charged in connection with the shooting death of Pedro Martin Jr. in a Nampa Walgreens parking lot had their preliminary hearings postponed Tuesday morning. Judge William Dillon dismissed an aggravated battery charge against Wayne Canaday, but prosecutors intend to refile, Canyon County spokesman Joe Decker said. It’s not unusual, Decker said, for charges to be dropped and refiled if prosecutors need to amend a criminal complaint. James Whitewater, Natalie Whitewater and Allison Yancey will appear again before 3rd District Magistrate Judge Gregory Frates on Aug. 14 for their rescheduled hearings. A fifth suspect, Joshua Wasserburger, is scheduled for a preliminary hearing Wednesday morning. Officers responded to a report of shots fired just before 3 a.m. July 13 in a Walgreens parking lot, and found Martin on the ground with a gunshot wound. He was transported to a local hospital, where he died a short time later.

AG’s Office settles with Nampa business suspected of practicing law without a license Attorney General: ‘People end up paying thousands ... to these non-attorneys’

By IDAHO PRESS-TRIBUNE STAFF July 30, 2014

BOISE — The Idaho Attorney General’s Office has reached a settlement with a company suspected of practicing law without a license, Attorney General Lawrence Wasden announced in a news release. Ramon Martinez, owner of Alianza Hispana Multiservice, which has offices in Nampa and Jerome, is prohibited by the settlement from using any business practice or model that involves the practice of law by those not licensed by the state of Idaho to do so. “Often, people end up paying thousands of dollars to these non-attorneys out of desperation or misunderstanding of the non-attorney’s ability to practice law in Idaho,” Wasden stated. “Unfortunately, most often their legal situation worsens and the cost of correcting the original issue balloons as a result of using these non-attorneys.” Confusion often arises because similar-sounding terms sometimes mean different things in foreign legal systems, Wasden said. For example, in many countries, a “notario publico” is a position held by a trained, licensed lawyer with the authority to adjudicate legal rights in some cases. In the United States, the similarly named “notary public” is a state-commissioned official — not necessarily an attorney — with limited legal authority. This confusion, Wasden said, opens opportunities some to take advantage of immigrants and those with limited English language skills. Martinez’ business has agreed to reimburse Wasden’s office for the cost of its investigation. If Martinez or Alianza Hispana fail to comply with the settlement, they face a \$10,000 civil penalty.

Ex-deputy acquitted of domestic battery

Morning News July 30, 2014

TWIN FALLS (AP) — A Twin Falls County jury has acquitted a former sheriff's deputy of three counts of felony domestic battery. The Times-News reports (<http://bit.ly/Xa4FCu>) jurors deliberated for about two hours Monday before acquitting Michael Cooper. Cooper was charged in April 2013 with four counts of felony domestic battery after a woman reported he had abused and intimidated her over the course of several years. One count was dismissed before trial. Cooper's attorney, Keith Roark, said in one case Cooper was responding to being battered, in another the woman fell in the driveway and in a third she ran into a freezer. Special prosecutor Dan Dinger questioned Cooper's credibility. Cooper testified the charges cost him his job, but under cross examination he acknowledged he lost it for other reasons. Cooper had been with the sheriff's office for 15 years.

Trial delayed after jury pool fails to show

Morning News July 31, 2014

LEWISTON (AP) — The trial for a 19-year-old northern Idaho man charged with rape has been delayed for five months after nearly half of 80 potential jurors failed to show up for selection. Nez Perce County Deputy Prosecutor April Smith says only 42 people showed up at the courthouse Monday for Peter H. Bakker's trial. The Lewiston Tribune reports that Bakker is charged with rape and sexual penetration of a foreign object for allegedly raping a 17-year-old Lewiston girl he met on Facebook. Smith says it's common for a handful of potential jurors fail to show but Monday's extremely poor turnout was unusual. She added that she didn't know how the judge would proceed with the jurors who didn't show up.

Sheriff suspends Canyon County labor detail Donahue said the department doesn't have funding for competitive pay

By BOBBY ATKINSON Idaho Press Tribune July 31, 2014

CANYON COUNTY — Canyon County Sheriff Kieran Donahue suspended the county's inmate labor detail program indefinitely Wednesday over concerns about insufficient staffing. Donahue said 23 employees have taken other positions in July, and 18 of those were detention officers at the Canyon County Jail. He said he has to transfer the labor detail officers to the jail to maintain the federally mandated number of detention officers required. "I just don't have the manpower," Donahue said. "It's a critical situation." The labor detail program allows people convicted of non violent crimes the opportunity to perform manual labor instead of being put in jail. Donahue said the county labor detail field workers did work on county roads, assisted setting up events such as the Canyon County Fair and the Caldwell Night Rodeo and provided 12,000 hours of labor to the Caldwell Housing Authority in 2013. According to the latest data Canyon County website from 2006, the county saves about \$230,000 by not having the labor detail workers in a jail. And the labor detail program clocks in almost 50,000 hours of man hours worked for the county. "(The county labor detail) is imperative, and it's incredibly imperative to the Caldwell Housing Authority," Donahue said. "I think it's going to have a devastating effect on our communities." There are over 300 labor detail workers in the Canyon County Jail system, and Donahue said he is working with the courts to figure out what happens to the individuals currently in the program. The sheriff said a lack of funding from the county has left the department unable to pay deputies wages that are competitive with surrounding agencies. Employee retention is important for a police department because of the investment to train officers, he said. Donahue said it costs \$70,000 to train each deputy over the course of their first year. That means the county has lost \$1.6 million worth of employees in the past month, he estimated. "We have to invest in our No. 1 commodity: our people," Donahue said. Donahue voiced his concerns about retaining employees through increased wages to the Canyon County Commissioners at Tuesday's budget meeting, but the commissioners did not discuss the subject. Donahue said his deputies are good at what they do and committed to public safety, but they are leaving for better-paying jobs at departments in Boise, Meridian, Nampa, Ada County and Parma. The commissioners approved \$286,000 in market adjustment raises for the department of over 300 employees, but the Sheriff's Office requested about \$770,000 for raises to make deputy wages competitive with other departments in the region. "We can't hide from these issues, and (the commissioners) can't keep burying their heads in the sand," Donahue said. "... This isn't a cry for me to make more money, this is a cry for my deputies to make enough money to live on." Commissioners Kathy Alder, Craig Hanson and Steve Rule did not return phone calls to comment on the suspension of county labor detail Wednesday night.

Idaho scales back claim of problems at prison

By REBECCA BOONE The Associated Press Idaho Press Tribune July 31, 2014

BOISE — Idaho Department of Correction officials on Wednesday dramatically scaled back their assessment of problems encountered when they took over the running of the state's largest prison from Corrections Corporation of America this month. IDOC division chief Shane Evans had told the state Board of Correction last week that the company failed to leave behind a promised eight-day supply of medication for inmates, and a health care provider had to ship \$100,000 worth of medication overnight "just to get us to the minimum amount we were supposed to have on hand." But in a follow-up meeting Wednesday, Evans said the cost of the missing drugs was actually only about \$8,800 and there was only a verbal agreement that the medicines would be left behind. Corrections Corporation of America spokesman Steve Owen didn't immediately respond to a request for comment on Wednesday. But earlier this week, Owen cast doubt on IDOC's claims and said they were without merit, noting that the company's total monthly cost for inmate medications was below \$100,000, and so IDOC's original figure didn't make sense. IDOC declined to additional details Monday when The Associated Press asked for any evidence supporting the \$100,000 figure. During Wednesday's meeting, Corizon Vice President Tom Dolan said his company ordered about 4,000 units of medication — for a total cost of more than \$80,000 — to stock the medication room at the Idaho State Correctional Center, but he said only about 10 percent of that total was to replace what they expected to have on hand. Corizon is IDOC's prison health care provider. Dolan also said there was only a spoken "gentleman's agreement" between his company and the Corrections Corporation of America's health care provider that the week's supply of medications would be left behind. Because Corizon's contract with the state of Idaho leaves all risk in Corizon's hands, the state isn't out any money for medications — that cost came out of Corizon's budget. Last week, IDOC officials also said that several medical records were missing and that some chronically ill patients went without needed medical care while the Corrections Corporation of America still operated the prison. On Wednesday, Connie Smock with Corizon said that during the last few weeks, her employees were able to locate all but one of the missing medical charts. Smock said many of the charts were out of date because it didn't appear as if all medical files created since March had been filed yet, but she said Corizon expected to have all the filing completed by mid-August. Smock also noted that the Corrections Corporation of America's medical care plan was different than Corizon's. When Corrections Corporation of America was managing the prison, chronic-care inmates were required to be seen every 180 days. Corizon's contract with Idaho requires the company to see chronically ill inmates every 90 days. One inmate who had to be taken to the emergency room with a heart problem on July 7 didn't appear to have been seen by a doctor since February, she said. His heart medication also hadn't been refilled for seven months, Smock said. "Right now we're getting caught up with sick call and chronic care within the clinics, and we're seeing the inmates as quick as we can. But we're not really seeing any emergent cases other than that one," Smock said. IDOC officials said the department would try to recover from Corrections Corporation of America money lost in the takeover process. Those costs include about \$8,400 to fix a phone system that IDOC said was supposed to be operational, about \$3,300 to replace seven damaged shotguns and about \$1,100 to replace a missing video module for a telehealth system that IDOC said was supposed to be left behind by the Corrections Corporation of America.