

## Her son was 'chopped up like a deer.' His killer is now headed to prison

Idaho Statesman.com: Oct. 28- Katy Moeller

Confronting her son's killer, the mother of one of the men slain by Michael Dauber was too overwhelmed to finish speaking Friday at the Ada County Courthouse. "He got sawed up and chopped up like a deer," Salmon resident Vera Pohto said of her son, Joshua Reddington, who was 25 years old when he disappeared in 2000. Pohto implored an unemotional Dauber to look at her, then began sobbing and hyperventilating. Boise County Prosecutor Ross Pittman asked Judge Patrick Owen if a victim/witness coordinator could read the rest of Pohto's statement, and Owen allowed it. Stella Kalogerakos is the mother of Dauber's other victim, Steven Kalogerakos, who was 42 when he went missing. She stood and wailed plaintively, "Why? Why? That's all I want to know." She pleaded for Owen to send Dauber away for the rest of his life. "If he's gonna come out, he's gonna kill more people," she told Owen. "And more people are going to come and say, 'Where is the body?'" Dauber, 48, was sentenced Friday to serve 17 years to life in prison for killing his friends, who had worked with him in logging. He struck a deal with Boise County prosecutors in June and pleaded guilty to two counts of second-degree murder. He will get credit for time served. About 30 people were in the courtroom Friday for the sentencing, including family members of both victims. Dauber gave only a brief statement: "I would like to thank everybody that has been there for my children and my wife." His plea agreement allowed him to ask for a reduced sentence of 13 to 15 years if he told authorities where Reddington's remains are. But he did not do so. It was another painful turn in a saga that dates back to when Reddington vanished. Reddington's mother and family had held out hope that they would be able to give him a proper burial. Only a fragment of hip bone from Reddington was recovered from the crawl space of Dauber's cabin in Idaho City. That was in 2014. Pittman, the Boise County prosecutor, said the DNA from that bone fragment was compared with Reddington's baby tooth. It was found to be "5.6 trillion times more likely to belong to Josh Reddington than any other human being on the planet," Pittman said.

**The killings** Steven Kalogerakos, a childhood friend of Dauber's from Chicago, was found dismembered inside a bag buried in a shallow grave in the desert outside Idaho City in 2013. He had been missing for six years. Pittman said Dauber likely shot Kalogerakos while they were out in the woods and then dismembered the body, leaving it buried under a snow bank. In the spring, he decided to move the body and enlisted the help of a friend from the Army. "The friend from the Army did not know he was helping transport the dismembered remains of Steve, until he saw into the bag, and saw a torso that was severed ... But by that time, it was too late to back out," Pittman said, noting that Dauber was "armed and persistent." Dauber told the friend that the remains were that of Kalogerakos, Pittman said. It was that friend, not named in court, who led authorities to the body. In February last year, Tom Tiffany, who previously lived with Dauber, testified in court that Dauber roused him from sleep and asked him to help move Reddington's body out of the loft of the Idaho City cabin they shared. Tiffany said Reddington had a bullet hole in his head. Tiffany said he refused and then heard the sounds of a saw cutting through bones downstairs. Dauber, the son of a Chicago hitman who was gunned down in 1980, took Alford pleas in the deaths of both Reddington and Kalogerakos. That means he pleaded guilty but didn't actually admit guilt. Dauber's name has come up in connection with a third death — that of David Fishback, an Idaho City man who died of a drug overdose in 2011. His family told the Statesman last year that the FBI was investigating Dauber's possible involvement. Authorities have not confirmed that, and it's unclear where that investigation stands today. But Boise County Coroner Pam Garlock previously said she couldn't state whether Fishback's death was suspicious because it was tied to the investigation of Kalogerakos' death.

**Childhood** In court Friday, Dauber attorney Elisa Massoth shared details of her client's childhood, work history, service in the military and fatherhood — he has two teenage children. She said that as a child, Dauber was unaware that his father, William Dauber, had been imprisoned, and also didn't know the violent circumstances of the elder Dauber's death. Michael Dauber worked in logging, attended nursing school and served in the Army twice, Massoth said. In 2004, he was injured in Iraq when the Humvee he was traveling in was hit by another Humvee; he was knocked unconscious for six hours. A month later, the convoy he was traveling in was hit by an improvised explosive device, and he was again knocked unconscious. Within months of his injuries, he lost his memory, began to stutter and had headaches, Massoth said. He was later removed from combat and diagnosed with traumatic brain injury and post-traumatic stress disorder, she said. Prosecutor Pittman said Dauber had blamed his victims by making serious, unsubstantiated claims about them. He also noted that Dauber's head injuries during combat occurred years after Reddington went missing.

## Long-haul trucker gets life sentence for sexually abusing young boys

Idaho State Journal: Nov. 1

COEUR D'ALENE, Idaho (AP) — A long-haul truck driver from Coeur d'Alene who served as a church youth camp counselor will spend at least 35 years in prison for abusing underage boys. Kevin Sloniker, 31, was sentenced Friday to life in prison with the possibility of parole after previously pleading guilty to molesting seven boys ages 8 to 14 over a period of about 10 years, The Spokesman-Review reported (<http://bit.ly/2f9lExZ>). "You took advantage of kids in an environment that should have been safe," 1st District Judge Cynthia Meyer told Sloniker during the sentencing hearing. "These boys will be affected for the rest of their lives." Sloniker has blamed his crimes on his isolated upbringing. At his sentencing hearing, he expressed remorse for his actions. "I'm sorry for every one of my offenses," he said. "I do pray daily for my victims and their families; that they will recover. . I'm ashamed of myself." Sloniker was arrested Sept. 14 in Menomonie, Wisconsin, after a joint investigation by the Coeur d'Alene and Post Falls police. He was later extradited to Idaho. In an Oct. 9 interview with police, Sloniker admitted to fondling nine boys, having oral sex with some of them and raping one over the past 10 years, according to court documents. He said he wanted help for his addiction to touching young boys. Prosecutors said Sloniker met and befriended boys in his role as a youth camp counselor at Immaculate Conception Church in Post Falls. The church is part of the Society of Saint Pius X, a traditionalist group with no canonical standing in the Roman Catholic Church.

## Wife in Jerome love-triangle sentenced for beating husband's lover with bat

MagicValley.com: Nov. 1- Alex Riggins

JEROME — A mother of three who pleaded guilty to aggravated battery has been sentenced to seven to 14 years in prison for beating her former friend with a wooden baseball bat after finding out the woman was sleeping with her estranged husband. But Ashley Fawn Howell, 27, could avoid the prison sentence if she successfully completes a year-long retained jurisdiction program, commonly known as a Rider, the therapeutic and educational program directed by the Idaho Department of Correction. Howell's husband, 29-year-old Tyler Steven Howell, is also charged with felony aggravated battery and conspiracy to commit aggravated battery and is set for a hearing Nov. 28 and trial Dec. 7. The couple was accused of conspiring to attack Darean Taxon, and prosecutors Monday argued Ashley Howell was the main player in a plot in which she convinced her estranged husband to invite Taxon to his house. When the other woman arrived, Ashley Howell hid in another room and ambushed her when Tyler left for a moment. "She lures the victim there, she beats her over 20 times and the victim is barely able to get out of the building," Jerome County Deputy Prosecutor Eileen McDevitt said. "She then hides from the police officer when he comes to the house, she then lies to the police officer ... and she only admits involvement when confronted with all the evidence and the confession of her husband. She shows no contrition." Ashley and Tyler Howell were estranged at the time of the attack and had separated before the affair began with Taxon, McDevitt argued. But Ashley continued to meddle in Tyler's life even after the couple separated and she became engaged to another man. "This was an egregious, deliberate, plotted, planned-out, premeditated act," McDevitt told 5th District Judge Eric Wildman. "We remain concerned ... that she can somehow see (Tyler) as her property after she'd moved on and become engaged to someone else." Brad Calbo, a public defender in this case, painted a much different picture, calling Ashley Howell a young mother with three children and no prior criminal record who was going through a divorce when she made a huge mistake "in a blacked-out rage." Calbo also said Tyler's affair with Taxon began while Ashley and Tyler were still together. But Taxon told Wildman during a victim-impact statement the affair happened after the couple split. She said Ashley Howell was her best friend and the women were "inseparable" until she told Tyler that Ashley was cheating on him. "She moved out of the house, and that was the last time we talked," Taxon said. "It was a month and a half after she moved out that the affair with Tyler started." McDevitt argued that no matter the timing of the affair, the violent bat attack required a long underlying sentence in case Howell is unsuccessful in the Rider or violates her probation. Wildman expressed surprise that Howell, with no criminal record, would commit such a "violent, egregious" act. "It's a significant threshold to cross for a first offense," the judge said after Howell told him she was "very, very sorry" and should have acted a different way. Upon suspending the sentence in favor of the Rider, Wildman said he agreed with McDevitt for the need of a lengthy underlying prison sentence to give Howell incentive to perform well in the Rider and beyond. "I will expect a glowing report from the retained jurisdiction program," Wildman told Howell. "I'm also going to want to hear, when you come back, what you've learned through the counseling and programming. At that point we'll talk about probation."

## Prosecutor: No grounds for Lee to withdraw guilty pleas

Court asked to deny convicted murderer's request; hearings not scheduled

Lewiston Tribune: Nov. 1- Chelsea Embree

MOSCOW - Prosecutors are arguing that there is "no legal or factual basis" for a convicted triple murderer to withdraw his guilty pleas. John Lee, 31, of Moscow, filed a motion to withdraw the pleas last week, asserting he was "not in the right state of mind" when he entered them. Senior Deputy Prosecutor Mia M. Vowels wrote in a response that Lee was found to be competent, and asked the court to deny his request. No hearings have been scheduled. Lee was sentenced in May to life in prison without the possibility of parole for the January 2015 shooting spree that killed his adoptive mother, Terri L. Grzebielski, 61; his landlord, David M. Trail, 76; and Moscow Arby's manager Belinda G. Niebuhr, 47. Seattle resident Michael M.M. Chin, 41, was also injured in the incident. As part of a plea agreement that Lee accepted in March, he entered Alford pleas to three counts of first-degree murder and one count of aggravated battery. By entering Alford pleas, Lee did not admit guilt but acknowledged there was enough evidence to convict him. In his motion, Lee argues that "noises" were affecting his decision-making and that he felt he didn't have "free will," both when he entered the Alford pleas and when he was sentenced. Motions to withdraw guilty pleas are allowed before sentencing, according to Idaho statutes, or after sentencing to correct "manifest injustice." Lee must establish "manifest injustice" since it is well past his sentencing date, Vowels wrote in her eight-page response filed late last week in Latah County 2nd District Court. " 'Manifest injustice' is established if a guilty plea is not taken in compliance with constitutional due process standards, which require that a guilty plea be made voluntarily, knowingly and intelligently," Vowels wrote. Lee underwent a forensic psychological evaluation prior to entering the Alford pleas, and his own psychologist additionally reported that Lee was competent to proceed, Vowels wrote. She added that at the hearing, Lee was found to be "intelligent and articulate," according to court records. Lee was found to suffer from schizophrenia or a psychotic disorder of paranoid delusions, but "his mental illness would not impact his ability to understand the proceedings," Vowels wrote. Lee also factually responded to the charges and provided the court with a "detailed series of events" at the March hearing, Vowels wrote. Court records indicate Lee was advised of his rights and the effect any guilty plea would have on those rights, which ensures that any plea is made voluntarily, knowingly and intelligently, Vowels wrote. "Defendant claims in his motion that he was not in the right state of mind when he pled guilty, that noises were effecting (sic) his decision, and that he did not feel he had free will," Vowels wrote. "There is nothing in the record to support the defendant's claims." Lee is being held at the Idaho Maximum Security Institution in Kuna.

## Jury reaches mixed verdict, bringing Lesky trial to close

Idaho State Journal: Nov. 2- Amy Macavinta/ Herald Journal

After more than eight hours of deliberation, a jury found Preston resident Andrew Lesky guilty of aggravated assault, but not of attempted murder. He was additionally found guilty of two counts of aggravated kidnapping and one count of illegally possessing a firearm. All the charges were connected to an October 2014 incident in which Lesky was accused of holding a gun to his former girlfriend's head and pulling the trigger, though the gun reportedly did not fire. During the same altercation, he allegedly attempted to stab her boyfriend (now husband) with a knife. The jury was also asked to determine if Lesky could be classified as a habitual violent offender. According to the Utah State Code, prosecutors may seek this option if a person is convicted within the state of any violent felony after being incarcerated two or more times for other violent offenses in Utah or any other state. Doing so enhances the seriousness of the offense from a second- or third-degree felony to a first-degree felony. Spencer Walsh, Cache County's Chief Criminal Deputy Attorney, said as prosecutor, he has the ability to put a defendant on notice early on that the state plans to seek that enhancement option. But in the end, the jury must make that decision and only after he has been convicted. The jury did just that after reading the verdict last Wednesday morning. As a result, Walsh said Lesky is facing 15 years to life in prison on the two counts of aggravated kidnapping, although the judge does have discretion to sentence him to a lesser time period if he feels it is in the interest of justice to do so. Lesky also faces five years to life on the aggravated assault and the weapons offense. He is scheduled to appear for sentencing on Dec. 6. The verdict came in just after 2 a.m. last Wednesday. A witness in the courtroom said Lesky — who had opted to act as his own attorney and ended his closing remarks Tuesday in tears — showed no emotion as the verdict was read. Five women and three men heard the evidence provided to them over 10 days in the courtroom. While they generally remained stoic throughout, there was periodically an expression of shock that would flicker across someone's face, and near the end, one juror shed a few tears. In addition to these felony charges, there are still numerous misdemeanor charges that must be addressed.

## Defense: No prosecutor wants Burley attempted kidnapping case

MagicValley.com: Nov. 2- Laurie Welch

BURLEY — A trial for a Burley man accused of trying to kidnap a schoolgirl near White Pine Elementary in April has been put on hold as the county continues to search for a special prosecutor for the case. "This case was poorly investigated," said Timothy Schneider, chief deputy public defender in Cassia County. "That's why no one wants to take it." County Prosecutor Doug Abenroth has a conflict of interest with a witness in the case and can't prosecute it himself. The incident touched off fears across southern Idaho and caused schools even outside the district to increase security measures. During a case status hearing Tuesday, Abenroth said the Idaho Attorney General's Office and prosecutors for Minidoka and Twin Falls counties and the city of Burley have all declined to take the case. "I want to talk with a few more prosecutors, and I may have to go outside the district," he said. Vadian Eugene Dougal, 51, is charged with second-degree attempted kidnapping, misdemeanor battery and enticing a child. He has pleaded not guilty. Abenroth said the state is doing its part to make sure the case is handled correctly and processed through the court quickly. Since Dougal's release from jail, he has had the "significant" expense of an ankle monitor, Schneider said when he asked District Judge Michael Crabtree to "relieve him of that burden." Schneider said Dougal's family has appeared with him in court during every hearing, and there is no reason to think that he will leave the area. Crabtree declined to provide the order to remove the monitor because he was not sure he has the authority. Melvin DeWayne Simpson, 40, was arrested with Dougal at their home after girls claimed the pair tried to lure them off the school grounds and one girl said a man grabbed her on her way to school. Simpson was charged with two counts of second-degree kidnapping and two counts of misdemeanor battery. The charges were dismissed and re-filed several weeks later but dropped a second time after Abenroth spoke with the parents of one the children and another child could not identify him during the preliminary hearing. Dougal was charged after a girl said he was sitting on a cement light pole near the bike racks at school and tried to get her to come to him by offering her money and candy after she got off the school bus. She said when she started to walk away, he ran up and grabbed her arm and he did not release his grip until she hit his arm. The maximum penalty for attempted second-degree kidnapping is 12 years, six months in prison and a \$25,000 fine. Crabtree set another status hearing in the case for Nov. 15.

## Idaho Supreme Court upholds Meridian man's murder conviction

Idaho Statesman.com: Nov. 2- Cynthia Sewell

An Ada County jury in 2012 found Robert Dean Hall guilty of killing his wife's boyfriend in a Meridian parking lot. On Tuesday, Hall lost another round in his effort to get the conviction overturned and a new trial when the Idaho Supreme Court affirmed his conviction. Prosecutors said Hall waited for his wife, Kandi, and her boyfriend, Emmett Corrigan, outside a Walgreens store in March 2011. Hall shot Corrigan twice and then tried to shoot himself in the head but missed. Fourth District Judge Michael McLaughlin sentenced Hall to 30 years in prison, with eligibility for parole after 17.5 years, in 2028. McLaughlin denied Hall's request for acquittal and a new trial. Hall, 47, filed with the Idaho Court of Appeals, arguing that the judge erred in failing to properly instruct the jury on his justifiable homicide defense, by excluding Corrigan's Facebook statements and by admitting testimony about the curriculum of Hall's concealed weapon class. The appeals court did not find error in those actions and unanimously upheld Hall's conviction on Oct. 21, 2015. Hall then petitioned the Idaho Supreme Court to review his case; it did and affirmed the conviction, according to an unanimous [opinion filed Nov. 1](#). In 2012, Kandi Hall, 45, pleaded guilty to grand theft for stealing from her former boss, Boise attorney Jared Martens. She embezzled \$32,000, prosecutors said. She was sentenced to 14 years in prison and could not ask for parole until after serving two years. But the judge placed her on a retained-jurisdiction program, or "rider," and she served six months in a prison-based treatment program. Though she obtained a recommendation from the Idaho Department of Correction to be released on probation, that was opposed by prosecutors and rejected by Judge Timothy Hansen. Hansen sentenced her to serve out the remaining 11 months of the mandatory portion of her sentence. She was released from prison in June 2014 and placed on probation through 2026.

## Convicted felon pleads guilty to sexual battery of a minor

Lewiston Tribune: Nov. 2- Ralph Bartholdt

A 41-year-old convicted felon who was in the Nez Perce County Jail earlier this year on a weapons violation extended his stay after deputies intercepted love letters the inmate exchanged with a 16-year-old Lewiston girl. Warren E. Sherrill pleaded guilty Tuesday in Lewiston's 2nd District Court to one count of sexual battery of a minor, which carries a maximum sentence of 25 years in prison. Sherrill was arrested in March for driving an unregistered three-wheeler in the Lewiston Orchards at night and tussling with a police officer who found the convicted felon to be carrying a handgun. He was in jail on the weapons violation as well as a persistent violator enhancement - which increases the penalties on felony convictions - and a series of misdemeanors and citations, including driving without privileges, resisting arrest, not having a registration, insurance or a motorcycle endorsement. While awaiting adjudication, he received a letter from the 16-year-old that detailed the couple's relationship and was signed, "Love baby girl," according to a police report included in the court file. Several intercepted telephone conversations recorded at the jail allegedly included excerpts in which Sherrill told the minor that he wanted "lots of sex." The teenager allegedly told police in subsequent interviews that Sherrill had solicited sex from her on several occasions. A felony charge of sexual battery of a minor does not require sexual penetration, just solicitation, according to state code. Three counts of sexual battery of a minor were added to the original charges and the Lewiston man accepted a plea agreement that dismisses all but one of the sexual battery charges. His attorney, Richard Cuddihy, told the court Tuesday that his client chose to plead to the sex charge because the weapons violation plus the enhancement could carry a minimum five-year prison sentence. Prosecutors said they gave Sherrill the option of pleading to the most serious of the offenses he faced. The agreement, which Judge Jay P. Gaskill is not required to accept, calls for a sentence of 18 months to nine years in prison and requires Sherrill to register as a sex offender. "The Rule 11 agreement calls for the penitentiary sentence to be imposed," Deputy Prosecutor April Smith said. "If the judge agrees, the penalty would be imposed." No sentencing date has been set, but a status conference is scheduled for Nov. 10, when Gaskill will decide if he will allow Sherrill to waive a presentence investigation.

## Jerome gunman pleads guilty in Lincoln County execution-style shooting

MagicValley.com: Nov. 4- Alex Riggins

SHOSHONE — A Jerome gunman accused of shooting a victim three times in the head from close range in an execution-style attempted slaying in January has pleaded guilty to attempted murder and could spend up to 25 years in prison. David Gonzalez Ceballos, 25, was a fugitive for about three weeks before he was arrested by Twin Falls police Feb. 11 in the parking lot of McDonald's on Blue Lakes Boulevard North. Ceballos pleaded guilty to the attempted murder charge Wednesday in Lincoln County District Court, two weeks before he was set to stand trial for shooting 29-year-old Francisco Javier Bravo-Martinez in the desert southwest of Shoshone and leaving him there to die. "On that day, I went and pretty much put a pistol to someone's head and proceeded to shoot him," Ceballos told District Judge John Butler during Wednesday's hearing. "At that time, did you have the intent to kill Mr. Martinez?" Butler asked. "Uh, yes, sir," Ceballos answered. But Bravo-Martinez survived the shooting, and during a July preliminary hearing testified he was shot in his left chest and right leg by Ceballos' co-defendant, 21-year-old Antonio "Buji" Jacob Gallegos, of Twin Falls. Then, while on the ground bleeding from the first two shots, Ceballos approached him, pointed a gun at him from close range, said "bye, bye, ass—," and shot three times at his head, Bravo-Martinez testified. He said all three bullets at least grazed him, and one cracked his skull. Ceballos, who's been held in lieu of \$1 million bond in the Twin Falls County Jail, was originally charged with felony counts of attempted murder, kidnapping and conspiracy to commit murder. As part of his deal, all other charges were dismissed and Ceballos pleaded guilty to attempted murder with an enhancement for use of a deadly weapon. He faces up to 30 years in prison and a fine up to \$25,000 on those charges. But in exchange for the plea, Lincoln County Prosecutor E. Scott Paul agreed to argue for a fixed minimum sentence of 25 years or less. Ceballos and his attorney will be free to argue for the sentence they believe is appropriate. Without an agreement on the exact prison term, the ultimate decision will be up to Butler, who advised Ceballos to cooperate with a presentence investigation so the judge would have more information on which to base his sentence. **One remaining defendant** The Jan. 23 shooting resulted in four people being charged, though through various twists and turns in the case, only Ceballos and Gallegos were set to go to trial. Maritzabell Murillo, 31, of Filer was Bravo-Martinez's girlfriend and was first considered a victim, then accused of ordering the murder. Her charges were ultimately dismissed the same day she was set for a preliminary hearing. Another man, Erik Lopez, 24, of Wendell, was accused of felony counts of robbery, kidnapping and intimidating a witness, but the day he was set for a preliminary hearing alongside Ceballos and Gallegos, he turned state witness and testified against his co-defendants. Parts of Lopez's and Bravo-Martinez's testimonies during the July 11 preliminary hearing differed significantly, but they testified to the same key details about the shooting. Lopez testified to meeting with Ceballos and Gallegos in a Twin Falls motel where they talked about "taking care of" Bravo-Martinez. He said they left to pick up Bravo-Martinez but left their cellphones in the motel so police wouldn't be able to ping their locations if they were ever caught. Bravo-Martinez testified he went with Lopez, Ceballos and Gallegos believing he was going to help them in a fight with other men. He said he drove in his GMC Yukon with Murillo and Gallegos, who jumped in the Yukon uninvited, and followed Lopez and Ceballos driving a truck north out of Jerome and onto a desert road in Lincoln County. At some point on the snowy desert road, Bravo-Martinez testified, he got out of his Yukon to check a dead headlight, and that's when Gallegos shot him twice and Ceballos fired the three execution-style shots from close range. "About a half hour after they left, I got up and hopped on one leg back to my truck," Bravo-Martinez testified. "Did you know at that point you weren't going to die?" asked Theodore Larsen, the defense attorney for Ceballos. "As soon as they left, I knew I was capable" of surviving, Bravo-Martinez said. He testified he had an extra phone in his Yukon that wasn't connected to a carrier to make regular calls but could still make emergency 911 calls, although he forgot the number and dialed 611 several times before finally calling police. The defense attorneys during the preliminary hearing argued Bravo-Martinez lacked credibility — he denied using methamphetamine the night before or morning of the shooting, even though Lopez testified Bravo-Martinez took several "hits" from a meth pipe. Magistrate Judge Mark Ingram acknowledged the conflicting testimonies but ordered Ceballos and Gallegos to stand trial anyway, saying there was sufficient evidence as to the key issues regarding the shooting. Ceballos was set to stand trial Nov. 15 before he pleaded guilty Wednesday. His sentencing is scheduled for Jan. 3. Gallegos is still set for trial Feb. 1 on felony counts of attempted murder and conspiracy to commit murder.

## Candidates focus on experience in Idaho Supreme Court debate

Spokane Eye on Review October 28, 2016

Robyn Brody, left, and Curt McKenzie, right, debate Friday night on Idaho Public Television (Idaho Public TV / Aaron Kunz) Here's a news item from the Associated Press: By KIMBERLEE KRUESI, Associated Press BOISE, Idaho (AP) — Republican Sen. Curt McKenzie downplayed his partisan ties and defended his resume as a qualified candidate for an open seat on the Idaho Supreme Court, while Rupert attorney Robyn Brody pointed to her 20 years of working in a variety of court rooms during their first and only televised debate Friday. "I am proud that those who I worked closely with have supported me," said McKenzie. "Every member of the majority leadership team on the House and Senate has endorsed me." McKenzie is currently endorsed almost entirely by Republican lawmakers, as well as Idaho Chooses Life, an anti-abortion advocacy group, and the National Rifle Association. Under questioning, McKenzie said that even though he had never argued a case before either the Idaho Supreme Court or the Idaho Court Appeals, he still had valuable experience working in front of district and magistrate judges. McKenzie added that Idaho has a long history of lawmakers who went on to serve on the state's highest court. Brody has argued nine cases in front of the state's highest court. "I've had one job my whole career and that's taking care of people's problems in the courts and talking about what the law is, what the policies are and making excellent decisions," Brody said. Brody, a first-time political candidate, recently received higher ratings than McKenzie in an anonymous survey conducted by the Idaho State Bar, which asked members to rank the candidates running in the supreme court race. Brody described the rating "incredibly important" because it's based on attorneys who have to work with judges on a daily basis. McKenzie countered that anonymous surveys are often biased and that members may only know him as "conservative lawmaker" — not for his time in a courtroom. Supreme Court candidates are banned from talking about their past or current political party affiliations — even though political party registrations are public records — as well as giving their opinions on how they would vote on previous or pending state supreme court decisions. Excluding experience, both candidates overall agreed on most of the questions submitted by the moderators, reiterating that they would apply the law as it is written and not what they would like to see happen. Both came out against requiring attorneys to report their pro bono work and the two agreed that they would like to see more electronic transparency inside the judicial system to make public documents accessible to Idahoans. Friday's hour-long debate was sponsored by the Idaho Press Club, Idaho Public Television and the League of Women Voters of Idaho. The battle over the state Supreme Court seat is the top statewide competitive race in the upcoming general election. Court Chief Justice Jim Jones announced in March that he would not run for a third, six-year term on the state's highest court. That attracted four candidates to the non-partisan post, which was whittled down to two after no one got the majority of the vote in the May primary.

## Sentence date changed for Deonate-Fuentes

By LESLIE MIELKE Morning News October 28, 2016

BLACKFOOT — Sentencing for 20-year-old Emmanuel Geov Deonate-Fuentes was set for Tuesday, Oct. 25, before Seventh Judicial District Judge Bruce Pickett. The defendant is charged with one count of sexual abuse with a person under 16-years-old. The maximum sentence the defendant could face is 25-years in the Idaho Department of Correction and/or a \$50,000 fine. The said incident was to have occurred on Friday, March 25. On Thursday, Aug. 25, DeonateFuentes changed his plea to guilty using an Alford plea. In an Alford plea, the defendant claims innocence but admits that if the case went to trial, a jury may find him guilty because of the evidence presented. In preparation for his sentencing, Pickett had ordered that the defendant take a psycho-sexual examination and a polygraph. On Tuesday, Defense attorney Randolph Neal requested a second psycho-sexual examination and second polygraph "because his potential victimization when he was younger." Bingham County Prosecutor Cleve Colson said, "It is not appropriate to go fishing for the results wanted. It is unfortunate for the case to be delayed." When asked about covering the expense of a second examination, Neal said, "It would be best for us (the defense) to cover those costs; then they would be our property; our preparation." Colson said, "If the court is going to allow (a second examination), there needs to have the same standards as we have here today." (Both sides would receive the information.) Judge Pickett said, "These are tricky issues for the court to balance out." He then ordered a second psycho-sexual examination and second polygraph. The cost will be paid by "you and your client (the defense)." The judge ordered the results of these examinations will be delivered to the state before Thursday, Dec. 8. The next date for DeonateFuentes sentencing is at 1 p.m. on Thursday, Dec. 15. Deonate-Fuentes was remanded back into custody of the Bingham County Jail.

## Salmon man's murderer sentenced to 17 years to life

By LAURA ZUCKERMAN Post Register October 28, 2016

BOISE — Michael S. Dauber, the son of a Chicago hit man, was sentenced Friday to serve at least 17 years in prison for killing a Salmon man in 2000 and for the murder of another man whose dismembered remains were found in Idaho in 2013. Dauber, 48, in June pleaded guilty to two counts of second-degree murder tied to the killing of Josh Reddington, of Salmon, and Steven Kalogerakos, Dauber's childhood friend, in 2007. A witness to Reddington's murder in a remote cabin in the Idaho City area said that Dauber shot and killed Reddington and cut up the body. The murder happened more than 16 years ago, shortly after Reddington and Dauber had stopped in Salmon to visit Reddington's mother, Vera Pohto, and her husband, Dick. Reddington, a helicopter pilot said at the time, said the pair was headed to Idaho City where Dauber had guaranteed Reddington work. A fragment of Reddington's hip bone was found at the cabin in 2014, allowing authorities to link his death to Dauber. For Pohto, who spent months leading to years seeking to learn the fate of her only child, the sentencing was both a relief and a new cause for pain. When she rose to speak at the court hearing in Boise, Pohto said she was overcome by emotion. "I asked him (Dauber) to look at me but he wouldn't. I wanted him to look at me to feel my emotions, to see that he has hurt me so bad and taken my son's life away from me," she said. Dauber showed no emotion and expressed no remorse during the sentencing hearing before 4th Judicial District Judge Patrick Owen, she said. "He hasn't apologized or shown any feeling about what's he's done, the lives he's ruined," Pohto said. She said the punishment Dauber is facing does not fit the gravity of his crimes. She added that Dauber awaits another judgment in a higher court. "God knows what he's done and God will be the one to deal with him," said Pohto. Reddington, 25 when he went missing, was a 1992 graduate of Salmon High School. Pohto said she has felt the presence of her son throughout an ordeal that that was hopeless until then-Lemhi County Sheriff Lynn Bowerman persuaded state and federal authorities to open a probe into Reddington's disappearance. "Josh has given me the strength to go through with this. He knows I'm doing his work for him; he's been with me at all times," said Pohto. Kalogerakos was 42 when he vanished in 2007. His dismembered body was found inside a bag buried in a shallow grave outside Idaho City in 2013. Stella

Kalogerakos, his mother, on Friday pleaded for the judge to send Dauber away for the rest of his life. "If he's gonna come out, he's gonna kill more people," she said. "And more people are going to come and say, 'Where is the body?'" Second-degree murder carries a penalty of 10 years to life in prison. In a plea deal struck with Boise County prosecutors, Dauber agreed to serve 17 years to life in both cases, with the time served concurrently. The deal included a provision that if Dauber told authorities where Reddington's remains are, he could ask for a reduced sentence of 13 to 15 years in prison. But, he did not lead authorities to the remains. Boise County Prosecutor Ross Pittman said Dauber's sentence of two indeterminate life sentences with 17 years fixed "is a crucial step toward Michael Dauber spending the rest of his life in prison." Pittman said the outcome of the case was no cause for celebration. "This is not a joyful day," he said in a statement. "I grieve with the families of the two victims. Nothing can replace what they lost." The family of David Fishback, an Idaho City man who died of a drug overdose in 2011, told the Idaho Statesman last year that the FBI was investigating Dauber's possible involvement in Fishback's death, too. Dauber is the son of the late Chicago mobster William E. Dauber, who was gunned down in Illinois in 1980.

## Candidates focus on experience in Idaho Supreme Court debate

By KIMBERLEE KRUESI Idaho Press Tribune October 29, 2016

BOISE, Idaho (AP) — Republican Sen. Curt McKenzie downplayed his partisan ties and defended his resume as a qualified candidate for an open seat on the Idaho Supreme Court, while Rupert attorney Robyn Brody pointed to her 20 years of working in a variety of court rooms during their first and only televised debate Friday. "I am proud that those who I worked closely with have supported me," said McKenzie. "Every member of the majority leadership team on the House and Senate has endorsed me." McKenzie is currently endorsed almost entirely by Republican lawmakers, as well as Idaho Chooses Life, an anti-abortion advocacy group, and the National Rifle Association. STORY CONTINUES BELOW VIDEO FROM OUR PARTNERS: OPINION JOURNAL: RULING AGAINST VOTER ID LAWS x Under questioning, McKenzie said that even though he had never argued a case before either the Idaho Supreme Court or the Idaho Court Appeals, he still had valuable experience working in front of district and magistrate judges. McKenzie added that Idaho has a long history of lawmakers who went on to serve on the state's highest court. Brody has argued nine cases in front of the state's highest court. "I've had one job my whole career and that's taking care of people's problems in the courts and talking about what the law is, what the policies are and making excellent decisions," Brody said. Brody, a first-time political candidate, recently received higher ratings than McKenzie in an anonymous survey conducted by the Idaho State Bar, which asked members to rank the candidates running in the Supreme Court race. Brody described the rating "incredibly important" because it's based on attorneys who have to work with judges on a daily basis. McKenzie countered that anonymous surveys are often biased and that members may only know him as "conservative lawmaker" — not for his time in a courtroom. Supreme Court candidates are banned from talking about their past of current political party affiliations — even though political party registrations are public records — as well as giving their opinions on how they would vote on previous or pending state supreme court decisions. Excluding experience, both candidates overall agreed on most of the questions submitted by the moderators, reiterating that they would apply the law as it is written and not what they would like to see happen. Both came out against requiring attorneys to report their pro bono work and the two agreed that they would like to see more electronic transparency inside the judicial system to make public documents accessible to Idahoans. Friday's hour-long debate was sponsored by the Idaho Press Club, Idaho Public Television and the League of Women Voters of Idaho. The battle over the state Supreme Court seat is the top statewide competitive race in the upcoming general election. Court Chief Justice Jim Jones announced in March that he would not run for a third, six-year term on the state's highest court. That attracted four candidates to the non-partisan post, which was whittled down to two after no one got the majority of the vote in the May primary. The last time a supreme court justice race required a runoff was in 1998.

## SupCourt race: McKenzie has never argued a case before the high court; Brody calls that concerning

Spokane Eye on Review October 31, 2016

One of the two candidates for the Idaho Supreme Court acknowledged in a televised debate Friday night that he's never argued a case before either the Idaho Supreme Court or the Idaho Court of Appeals. Curt McKenzie said, "My experience has been in front of our district judges or our magistrates. Those are the courts that most people see." His opponent, attorney Robyn Brody, said, "Experience is incredibly important. And the fact that Mr. McKenzie has never stood in front of the Idaho Supreme Court is something that concerns me greatly." McKenzie said he wrote some appellate briefs early in his career. "The legal analysis that I did on those cases, the kind of complex civil litigation that we practiced there, the extensive brief-writing that we did, is all important background for someone who's going to be on the court," McKenzie said, "but I also think it's just as important to have a justice who has extensive experience actually practicing in front of those district judges and magistrate judges, who are the ones that most people are going to be in front of." Brody countered, "I'll tell you the thing that really makes me different from Mr. McKenzie, and that's 20 years of experience litigating in front of county commissions, planning and zoning, magistrate court, the Supreme Court nine times. ... I'm talking about ... 20 years of being in the trenches." McKenzie said his practice, when he was with a large law firm early in his career, was mostly either in federal court or out-of-state courts. "And then most of my experience in my own firm has been at the trial level, so I have that extensive experience and it's a useful experience," he said. "But I would say what I look for in a justice is not simply that you've argued a few cases before the Supreme Court, but that fundamental judicial philosophy that's going to inform all your cases." McKenzie said he'll "apply the text as it's written," and said his academic background as a graduate of Georgetown University law school, where at one point he met the late Justice Antonin Scalia, prepared him for that. Brody, who holds both a law degree and a master's degree in international management from the University of Denver, said she and McKenzie don't really differ in judicial philosophy. "The things that he's talking about, textualism and originalism ... those are things that are bred into us in law school," she said. "That's the way we approach legal questions today. We ask, 'What does this statute say,' not, 'What do we want it to say?'" She said, "Meeting Justice Scalia is an

inspiration, but it's not a qualification for this job." The two also differed over the significance of an Idaho State Bar survey of attorneys across the state this month, in which Brody was rated nearly twice as high as McKenzie in her qualifications to serve on the high court, including integrity and independence, knowledge and understanding of the law, judicial temperament and demeanor, and legal ability and experience. McKenzie cited a Harvard University study that he said shows lawyers in general tend to be liberal. "It doesn't surprise me that lawyers tend to lean towards someone who had served as president of the trial lawyers association over someone who most of them know only as a conservative Republican state senator," he said. McKenzie said the Republican leaders of both the Idaho Senate and Idaho House have endorsed him. "I am proud that those that I work the closest with have supported me," he said. Brody countered, "We're talking about reputation, something that's taken me 20 years to earn. That's why the bar scores are what they are. It's not simply a reflection of bias. It's a reflection of people knowing me, and most importantly trusting me." The full hour-long debate, sponsored by the Idaho Press Club, the League of Women Voters of Idaho and the BSU School of Public Service and aired statewide on Idaho Public Television, can be viewed online here. The two are scheduled to face off again tomorrow in a candidate forum co-sponsored by the Idaho State Bar, Idaho Women Lawyers and the Idaho Environmental Forum. It's set for 4:30 p.m. at the Lincoln Auditorium on the lower level of the state Capitol, and is open to the public; it also will be streamed live online here.

## **I.F. woman sentenced for embezzlement**

By KEVIN TREVELLYAN Post Register October 31, 2016

District Judge Dane Watkins Jr. on Monday sentenced an Idaho Falls woman to probation for embezzling funds from her mother's construction company. Ariel Murdock, 25, pleaded guilty Aug. 9 to a felony computer crime. The charge was reduced from a felony forgery count pursuant to a plea agreement, and a felony grand theft charge was also dismissed. Murdock was sentenced to 35 days in the Bonneville County Jail to be served during weekends, four years of probation, a suspended underlying prison sentence of two to five years, a \$1,000 fine and 100 hours of community service. Murdock is serving her jail time during weekends so she can more easily secure care for her 5-year-old child. Watkins withheld judgment on Murdock's case, which means her conviction can be dismissed if she successfully completes probation. Murdock was arrested during a traffic stop in March. An arrest warrant was requested in January after Wolverine Canyon Construction officials told police that Murdock, who ran payroll for the company, forged signatures on multiple checks. Murdock embezzled about \$45,000 between October and December, said Bonneville County deputy prosecutor Kelsie Kirkham. Murdock's mother, Debra Jones, owns Firth-based Wolverine Canyon Construction and didn't seek restitution. Murdock has come to an informal agreement with Jones to pay back the embezzled funds. Murdock stole the money to fund a prescription drug habit, though she said in court Monday she hasn't used for about six months. Watkins is requiring that she seek substance abuse treatment during probation. Kirkham recommended a two- to five-year prison term for Murdock, four years of probation and 45 days in jail. Kirkham expressed disappointment that Murdock was denied from problem-solving court, which attempts to rehabilitate substance-abusing offenders through treatment rather than prison. Murdock's attorney, Dean Brandstetter, recommended probation for his client. He stressed her status as a first-time offender, and the difficulties imposed by Murdock's substance abuse issues. "Her physical appearance is not somebody who's a user. When I first saw her, I'd say that it was," Brandstetter said. "Under the circumstances, she's made significant efforts to rehabilitate herself." Murdock apologized for the crime before being sentenced. "I can see now that my actions were very unacceptable and I'm thankful they didn't lead to the company my mom built her livelihood on failing, that it's still a successful business," she said. "I'm going to do everything in my power to make sure I'm not in this situation again."

## **Castro gets five to 12 for Rexburg pursuit, crash**

POST REGISTER October 31, 2016

An Idaho Falls man was sentenced Monday to five to 12 years in prison for grand theft by possession, eluding an officer and possession of methamphetamine. Travis Castro, 30, pleaded guilty Sept. 12 to the charges. Castro led officers on a high-speed chase in a stolen vehicle down Main Street in Rexburg, ending in a multiple-vehicle crash. Police also found four guns in the truck which had been stolen from Guns N Gear on Aug. 16. "We think it's a good sentence," Madison County Prosecutor Sid Brown said. Castro has been charged with stealing a total of 16 weapons from the gun shop in Idaho Falls. Castro took a plea bargain in that case, according to Deputy Prosecutor John Dewey. Prosecutors agreed to dismiss two counts of grand theft in return for guilty pleas to burglary and grand theft. He will be sentenced on those charges Nov. 9.

## **Candidate forum today to feature Supreme Court candidates Brody, McKenzie**

Spokane Eye on Review November 1, 2016

Idaho Supreme Court candidates Robyn Brody and Curt McKenzie will be featured this afternoon at a candidates forum sponsored by the Idaho State Bar, Idaho Women Lawyers and the Idaho Environmental Forum. The forum, which starts at 4:30 p.m. in the Lincoln Auditorium on the lower level of the state Capitol, is open to the public, and also will be streamed live online here. It will be followed by a reception including refreshments and a chance to visit with the candidates. During the forum, questions will be posed to the candidates by a panel including Christopher Pooser, past chair of the Idaho State Bar appellate practice session; myself, as president of the Idaho Press Club; and Dr. Jennifer Stevens, a member of the board of directors of the Idaho Environmental Forum. Brody and McKenzie faced off in a debate televised statewide Friday night on Idaho Public Television; you can see video of the debate online here. The two are in a runoff for an open seat on the Idaho Supreme Court, as Chief Justice Jim Jones retires. Bowers to stay in jail on theft and burglary charges By LESLIE MIELKE Morning News November 1, 2016 BLACKFOOT — Scheduled to be sentenced in December 2016, Robert Raymond Bowers, 20, appeared before Seventh Judicial District Judge Darren Simpson on Monday for a special hearing. Defense attorney Jeff Kunz said, "We requested this hearing for Mr. Bowers to address the you (Simpson) himself." The judge highlighted Bowers interaction with the court. These include that Bowers admitted guilt to grand theft and burglary on Sept. 2; previously, he had been released on his own recognizance. He did not show up for testing on Aug. 30, Sept. 2 and Sept. 6. The letter

from the the pre-sentence investigator said he had not contact the office. B o w e r s ' release was revoked on Sept. 23, and his bond was set at \$50,000. Bowers said, "I was lacking transportation and was without a working phone. I have rescheduled my presentence investigation and am asking you for a second chance for my release." He explained that he now has a place to live in Blackfoot; he has a roommate and a landline. "You are able to make arrangements for an apartment in Blackfoot while you were in Pocatello but you missed appointments for about a month," Simpson said. Because of lack of communication, the judge remanded Bowers back to the Bingham County Jail. Since he did meet with the pre-sentence investigator, the judge has no material to review; Bowers sentencing date will need to be rescheduled. Bowers was arrested on May 28, 2016, as he was sitting a a stolen red F-150. The vehicle was in the state hearing impound.

## **I.F. man gets one to four years for pot possession**

By TOM HOLM Post Register November 1, 2016

District Judge Bruce Pickett sentenced an Idaho Falls man to one to four years in prison for possessing 4 pounds of marijuana. Brett D. Murdock, 43, pleaded guilty Aug. 24 to trafficking in marijuana at 1 pound or more but less than 5 pounds. Prosecution and defense attorneys jointly entered a binding plea agreement recommending the one- to four-year prison term. Pickett was bound by the plea agreement to impose the sentence unless he chose not to accept the agreement. Murdock and his wife, Valerie Murdock, 43, were stopped April 5 for a traffic violation on Sunnyside Road near Interstate 15. About 4 pounds of marijuana were found inside the trunk of the car. Murdock purchased the marijuana in Washington and told investigators it was for personal use. Valerie Murdock was sentenced Aug. 17 to 14 days in jail and four years of probation for her involvement in the crime. Murdock told investigators he made monthly trips to purchase marijuana in Washington, which allows for recreational use of the drug. (In Washington state it is illegal to possess more than an ounce of marijuana.) Murdock told Pickett he smoked marijuana to ease symptoms of post-traumatic stress disorder he suffered following his five-year service with the U.S. Army. "I apologize to the state for doing this; I know it was wrong," Murdock said. Idaho's marijuana trafficking statute mandates a minimum of one year in prison. Penny North Shaul, Bonneville County assistant chief deputy prosecutor, said Murdock appeared "marginally remorseful" for committing the crime. "I think he was more remorseful that he got caught," North Shaul said. "We need to show the community that we take this very seriously, and stop the flow of marijuana into our community. And show people if you do this you will go to prison." Murdock's attorney, Jordan Crane, said were it not for the mandatory minimum required by statute, his client would be a candidate for probation. "He has a minimal criminal record," Crane said. "There are a lot of great things about Brett." Murdock has several driving-related citations, but this is his first felony offense. Pickett said there were mitigating factors that showed Murdock would be a candidate for probation, but that the court was comfortable with the recommendation of prison time. "You've done good things in this life," Pickett said. "This court will follow the law and impose the sentence as it's been agreed upon."