

Asotin County commissioners say indigent defense is underfunded

Lewiston Tribune: Nov. 15- Kerri Sandaine

State's small contribution to legal costs called 'an insult'

ASOTIN - Asotin County officials said Monday the state's paltry contribution to public defense is an insult. The Washington state Office of Public Defense has awarded Asotin County \$33,429 to help cover costs associated with indigent defense, but the sum falls far short of the actual price tag, said Commissioner Jim Fuller. "They cleared their conscience with a token amount," Fuller said at the commission's regular meeting. "Unfunded mandates are killing us. At some point, counties need to stand up to the state, because we can't continue doing this." Chris Kemp, chief financial officer for the county, said the three public defenders in Asotin County Superior Court cost \$221,000 a year, plus another \$30,000 for a District Court attorney. Expert witnesses are budgeted at \$65,000, and interpreters cost \$20,000 a year. When cases call for multiple public defenders, the court appoints extra attorneys at an annual cost of approximately \$100,000. The state's grant for 2017 won't put much of a dent in the overall expenses, Kemp said. The county has already spent more than \$33,000 on experts alone this year. "It's an insult," Commissioner Brian Shinn said. The county's court system handles state cases filed by the Washington State Patrol and Fish and Wildlife agents, Fuller said. Yet, the state Office of Public Defense doesn't help with the costs. "Indigent defense is just another example of unfunded mandates for counties," he said. After voicing their concerns, the commissioners voted 3-0 to accept the funding, saying it would be foolish to turn it down.

Orofino man's hearing on murder charge delayed

Lewiston Tribune: Nov. 15

OROFINO - A preliminary hearing has been postponed for a 26-year-old Orofino man charged with first-degree murder in connection with the death of his 28-day-old daughter. The hearing in Magistrate Court for Daniel R. Alldrin that was set to begin Monday has been moved to Dec. 7. Alldrin is being held in the Clearwater County Jail at Orofino on a \$150,000 bond. According to court records, Casandra Lynn Alldrin died May 15 from multiple organ failure resulting from blunt-force trauma involving internal injuries and extensive bruising on her body. The baby and her 2-year-old brother had been dropped off at Alldrin's house May 11 by their mother, Serenity Grandstaff. When Grandstaff returned, according to court records, Casandra "was blue in color and unresponsive." Alldrin claimed he had gone into the kitchen for a moment and when he came back he saw a 3-foot speaker lying next to the baby, according to court records. Alldrin said he thought the speaker fell on the child. The child was taken to a Spokane hospital where she later died. Alldrin was arrested Oct. 16 by the Clearwater County Sheriff's Office following a months-long investigation. Alldrin is being represented by Clearwater County Public Defender Charles E. Kovis. Prosecutor E. Clayne Tyler is representing the state's case.

Former MK Place worker charged with sexual abuse back in court

Idaho State Journal: Nov. 15- Debbie Bryce

POCATELLO — The jury trial for a Pocatello woman charged with sexual abuse of a minor child was postponed on Monday, pending the results of a motion hearing scheduled for January. Julie Ann Gewarges is charged with two counts of sexual abuse of children by sexual conduct and two counts of sexual abuse of a child by solicitation to participate in a sexual act, all felonies. If convicted of the charges against her, Gewarges could be sentenced to 100 years in prison. The charges involve two underage victims and stem from incidents that allegedly occurred in 2015 while Gewarges was employed at MK Place, a juvenile treatment center in Pocatello. Shane Reichert with Kumm and Reichert PLLC in Poactello, is representing Gewarges in the case. Reichert told the court on Monday that his client was originally charged with two counts of lewd conduct in 2015, but the case was dismissed when one of the witnesses failed to appear. Bannock County Deputy Prosecutor Zach Parris refiled the charges, and Gewarges was forwarded to Sixth District Court to stand trial for one count of lewd conduct. Parris then dismissed that charge and refiled the current felony charges against Gewarges. He said that additional information in the case led to the new charges being filed. Reichert filed a motion to compel the state to turn over reports of any additional investigations in the case. He also asked that a television interview in which Parris told a reporter that he asked a detective to further investigate be admitted as evidence in the case. Parris responded that he simply contacted the original detective in the case, who was able to locate the second victim. He said there are no new reports and that all information in the case has been shared with the defense. Both victims, a 17-year-old female and a 16-year-old male, testified during a preliminary hearing in July. The victims said Gewarges asked them to participate in a threesome on July 4, 2015, and that she had sexual contact with the male juvenile. The female victim said Gewarges told her that she had a crush on her and that she made comments that were sexual in nature. Reichert also filed a motion to dismiss one of the charges filed in connection to the male victim, arguing that Gewarges was being charged twice for the same crime. A motion hearing is set for Jan. 9, 2017, and Reichert said the case could go to trial following that hearing.

Idaho's senators to push for Pocatello judge's confirmation vote

Idaho State Journal: Nov. 16- AP

BOISE, Idaho (AP) — Idaho's U.S. senators say they will push for a confirmation vote on a federal judge nominee during the lame duck session of Congress. Idaho has been down to just one active federal U.S. district judge since summer 2015, reported The Spokesman-Review (<http://bit.ly/2fdkrGg>). Sens. Mike Crapo and Jim Risch said they are standing by nominee David Nye and will push for a confirmation vote in the Congressional session that started Monday or for Nye's nomination with the Donald Trump administration in 2017. Nye, who is currently a state district judge in Pocatello, is number 18 on a list of 20 presidential nominees for U.S. District Court judgeships who are awaiting full Senate confirmation votes. Crapo spokesman Lindsay Nothern noted that Nye has already won unanimous support from the Senate Judiciary Committee. "It's imperative to Idaho that we get this other judge," said John Sandy, the chief of staff for Risch. The Idaho senators spent a year and a half negotiating with President Barack Obama's administration before settling on Nye as the nominee. Nye was acceptable to Obama, a Democrat, as well as to the Republican senators. The Idaho director for the Trump for President campaign, Layne Bangert, is also a member of the Trump transition team. He said he doesn't think the Idaho nominee choice will change after Trump takes office. "I think that's a solid process that they have gone through, and that Donald Trump would support that," he said.

State bar reviewing grievance against Minidoka County prosecutor

MagicValley.com: Nov. 16- Alex Riggins

RUPERT — The Idaho State Bar is reviewing a grievance against Minidoka County Prosecutor Lance Stevenson by a woman who says Stevenson threatened and intimidated her in an attempt to scare her away from the witness stand. The grievance, filed by Katherine M. Hunter, accuses Stevenson of threatening to arrest and prosecute Hunter if she testified in a civil asset forfeiture hearing in May. Stevenson told the *Times-News* on Tuesday that grievances aren't unusual. "When you charge people criminally, or take things (through asset forfeiture), this is common that they try to grieve you in that way," he said. "The fact is, it happens." Grievances like Hunter's are especially common in civil asset forfeiture cases, Stevenson said, when law enforcement agencies seize property connected to suspected drug crimes. Hunter's complaint to the state bar claims Stevenson called and threatened her May 19, the day she was set to testify in an asset forfeiture case involving a Harley-Davidson motorcycle that was allegedly being used to transport methamphetamine; Hunter was a party in the case along with James Richard Novosel. The grievance also claims the prosecutor told Hunter the call was being recorded. "Mr. Stevenson informed me that if I got on the stand that morning he would tear me apart, file charges and have me prosecuted," Hunter wrote in her complaint. Transcripts from the May 19 hearing show Clayne Zollinger, the conflict public defender representing Hunter and Novosel, told Judge Jonathan Brody about the call, saying Hunter was scared to even be in the courtroom, much less take the stand to testify. "Ms. Hunter is my client," Zollinger told Brody. "Rule 4.2 of the rules of professional conduct bar any contact between opposing counsel and a client. I did not authorize it, I wasn't party to it, nor did I agree with him contacting her." Stevenson admitted in the hearing to calling Hunter but denied threatening her and said he believed she was a witness, not Zollinger's client. "I asked her if she had the bike and I said if she perjures herself in any way there would be charges," Stevenson told the judge. "But ... it was not recorded and it was a two-minute discussion." Stevenson reiterated that position to the *Times-News*, saying it's common for attorneys to call witnesses to find out the nature of their testimony. He said he believed Hunter was only a witness and not a party in the matter. "She was not listed on any notice as a party," Stevenson said. In court on May 19, Zollinger said "he was not happy about" the situation. "I don't care if Mr. Stevenson doesn't understand what a party is, but I clearly represent Ms. Hunter," Zollinger told the judge. "All my paperwork show Ms. Hunter, that I represent her, and he's contacted her and now she's so scared she will not take the stand." The forfeiture case is still open and is set for trial Jan. 24. The Idaho State Bar sent a letter to Stevenson last week informing him of the review and asking him to respond to the complaint within 21 days.

Public defender funding bantered

Coeur d'Alene Press: Nov. 17- Brian Walker

COEUR d'ALENE — The future of public defense funding was among the topics discussed Wednesday when county and state officials met to discuss topics of mutual interest. County Commissioner Dan Green said that, as the Idaho State Public Defense Commission develops standards for public defense, he is concerned about possible future funding woes that counties would be saddled with. "You'll hear, from other counties that don't have our sophistication, that there are not enough dollars to go around," Green told state legislators and other officials during the meeting at The Coeur d'Alene Resort. "I am concerned about the county absorbing the costs as standards continue to rise. The county will be left holding the bag." Kootenai County recently received a grant of more than \$300,000 to assist with public defense cases, and Green said it's needed. "We appreciate the dollars very much, but we're not sure if it will be enough when the new standards are adopted," he said, adding that such a funding source is only guaranteed to last for four years. "Be cognizant as this moves forward. It will become a big issue for counties across the state to meet the standards. This is not going to go away nor will the cost go down." Green said when he took office in 2011 the county budgeted \$50,000 for cases that were passed on by the county's Public Defender's Office to contract attorneys due to a conflict of interest. He said that amount is now \$700,000. Green said about 16 percent of cases are now referred out due to conflicts. The state public defense commission, created in 2014, is tasked with creating rules for training standards for defending attorneys; uniform data reporting requirements; requirements for contracts with defending attorneys; the distribution and management of state funding; oversight, enforcement, creation and modification of indigent defense standards; administrative review; and standards for defending attorneys. This year the commission is proposing a rule on standards for defending attorneys. County Commissioner David Stewart said he's pleased the county received the funding help, but he believes it's a conflict of interest for county commissioners to control the budget for both the Prosecutor's Office and the Public Defender's Office. "I don't believe we as a board should have that authority," he said. "It should be taken over by the state." Looking ahead to the Legislature that starts in January, Sen. Steve Vick, R-Dalton Gardens, told the county officials that, based on conversations with other legislators, it appears there will be efforts to reduce the income tax, increase the exemption on personal property tax and raise the gas tax. Vick said he doesn't expect grocery tax relief to be floated because House leadership is adamantly opposed to the move. Kootenai County Assessor Mike McDowell said the statewide assessor's association he's a part of is interested in having the ability to declare small model mobile homes (roughly 10-by-40 in size) as real property. "There is nothing in the code that says this has to be titled," he said of such structures. "We want to have a mechanism like there is for mobile homes that shows, 'This is mine,' and gives owners the ability to sell them." Green said county governments are actually arms of the state government. He said since 82 percent of the county's budget goes toward services that are mandated from the state, it's critical that county and state officials communicate on topics of mutual interest. "It's important that we, as county commissioners, build good relations with the state legislators," Green said. The meeting also helped future county commissioners Chris Fillios and Bob Bingham and future state legislator Paul Amador, who were all elected last week, be informed on topics involving both the state and county.

Idaho's lawyers are aging. What happens if yours gets dementia or retires?

Idaho Statesman.com: Nov. 15- Audrey Dutton

Dennis Cain closed the door of his Boise law practice the day before his 67th birthday. In the more than two years since, he has kept busy, taking classes and serving on the board of an education nonprofit. "And I play a little more golf than I used to," he says. William F. "Bud" Yost III has run a solo law practice for decades. Now that he is 77, the Nampa lawyer is thinking about retirement. He is teaming up with younger lawyers on cases to see if they are good fits for his clients. He also has stopped wearing a tie. Idaho Supreme Court Chief Justice Jim Jones will step down from the bench on Jan. 1, after more than 40 years in Idaho's legal industry. Like other retiring lawyers, the 74-year-old Jones is not going lazily into retirement. He wants to write books, do political commentary, maybe do some pro bono work or consulting. "I've got plans," he says.

AGING WORKFORCE

Hundreds of Idaho lawyers are 60 and older. Cain, Yost, Jones and others say they are confident that law schools are producing enough qualified graduates to meet future demand for legal services in Idaho. They are not concerned about an impending lawyer shortage. "I don't know that we see that generation gap in the legal business," Yost says. But the Idaho State Bar says its aging workforce has raised some tough questions. So a Senior Lawyers Transition Task Force — including Cain, Yost and Jones — was assembled to answer some of them: ▪ How do I put together a succession plan, so my clients have representation or my law firm lives on after I retire?

- What actions can I take to ensure my clients and their dollars aren't left in a lurch if I die or suddenly lose the ability to practice?
- What is the best approach when a lawyer seems to have Alzheimer's disease or other dementias?

The task force met for a year. In the summer, it unveiled a 69-page handbook and formsthat attorneys can use for succession and contingency planning. "It's just like when you die," Jones says. "You really ought to have a will so that people know what to do with your business — getting it wound up, paying the bills, but more importantly, how do they handle your clients? Lots of people have money in trust accounts with the attorneys, and nobody probably thinks about the fact that they might not be here tomorrow." The handbook, adapted from a similar guide in Oregon, handled the first two questions the task force was charged with answering. But the third, about attorneys who are showing cognitive decline? Turns out that is a big deal, and the task force is still grappling with it. "I think in 2017, we'll start to meet again and take up again the issue of the lawyer who is impaired, and how to help that lawyer, and to basically protect the public," Yost says. Idaho State Bar Deputy Executive Director Mahmood Sheikh says the bar does not know how many Idaho attorneys are dealing with dementia. His impression is that it has become increasingly common in the past few years. Some lawyers have alcohol or substance-abuse problems that stem from, or mask, underlying cognitive issues. And dementia can affect young attorneys as well.

DEALING WITH DEMENTIA

Idaho has about 250 lawyers who are actively practicing at 70 or older. At that age range, almost 14 percent of people have dementia, according to the Alzheimer's Association. The prevalence of Alzheimer's in Idaho is projected to increase by 50 percent in the next decade, the association says.

THERE ARE SOME [ATTORNEYS] PRACTICING WELL INTO THEIR EIGHTIES. Dennis Cain, retired Boise lawyer Jones says it is "fairly infrequent, but we've seen it in the Supreme Court: a lawyer who was a good practitioner and did a good job but comes in on a case and is a little foggy on what the law is, doesn't know the facts on hand. You don't want him punished, but you want to have things in place so that people are sensitized to it and can refer him to resources that the bar has available, maybe giving a little counseling." That gets tricky. Many senior lawyers are highly respected in the legal community. They are renowned for their expertise in a certain area. They were the mentors or bosses to a whole generation of lawyers. "Dementia and Alzheimer's is so subjective that it's hard to tell if the gears are slipping or you're just having a bad day," Cain says. "Some of these older attorneys are extremely competent." Sarah Toevs, director of the Boise State University Center for the Study of Aging, helped the task force by contributing research on how Idaho's aging legal community compares with the nation's. Toevs is not a lawyer but has a brother who is. She was pleasantly surprised by how eager Idaho's legal community is to support lawyers who have cognitive decline — getting them help and preventing mistakes that could lead to sanctions or malpractice complaints. She says the task force's approach is not, "How do we disbar these lawyers?" but "How do we honor these legal professionals in ways that protect their standing in the legal community, but also protect their clients?" There already are programs in place for Idaho lawyers — and other professionals like doctors and nurses — to receive confidential treatment for substance abuse and mental-health problems. Those programs are open to lawyers with cognitive issues.

HARD TO NOTICE

Cognitive decline among lawyers is not unique to Idaho. Toevs says Boise State University students researched the topic and found it popping up all over the country and in every profession. What is unique about Idaho, she says, is that many lawyers have solo practices. "In medicine, it is a little bit different, because there is some peer review, formally or informally," she says. If a solo lawyer develops Alzheimer's, it may go unnoticed until there is an episode in a courtroom. "As a self-regulating profession, [lawyers] need to be very proactive for setting up protocols for when [they] feel individuals are no longer competent to practice law," she says. "It's a very complex system an attorney works within."

Trial date set for triple homicide suspect

Idaho State Journal: Nov. 18- Debbie Bryce

POCATELLO — A fourth trial date has been set for a Utah man charged in connection to a triple homicide in rural Oneida County in 2013. Severo Luera is charged with three counts of aiding and abetting first-degree murder, and Sixth District Judge Robert C. Naftz set the case for jury trial on June 6, 2017. Luera is charged in connection to the shooting death of 62-year-old Brent L. Christensen, his 32-year-old son Trent Jon Christensen and Trent's 27-year-old girlfriend, Yvette Chivon Carter. The family was found shot to death inside the residence they shared in Holbrook. Trent and Yvette's two children, ages 2 and 2 months, were found at the scene unharmed. A sophisticated marijuana growing operation, more than 60 pit bull dogs and evidence of a dog fighting ring were also found at the property. Oneida County Sheriff Jeff Semrad said last year that he believed the murders were gang related. Security was ramped up at the Bannock County Courthouse during the hearing Thursday. Armed deputies were present inside and outside of the courtroom. Pocatello Attorney Brendon Taylor represents Luera in the case. He asked the state to provide information given by confidential informants, and he argued that the defense was entitled to know if information obtained through confidential informants led to a search warrant and if the informants are reliable. Taylor is the third attorney appointed to represent Luera. Deputy Attorney General Greg LeDonne said that the information did not deal exclusively with the defendant and that the information had the potential to expose the confidential informants. He asked for a protective order be granted for the confidential informants. Taylor argued that the defense was not asking for names and vital information about the informants, and he argued that the law protects confidential informants but not the information they provide. Redacted copies of the confidential informants' reports were submitted to the defense, and copies of those documents and the full reports were forwarded to Naftz for review. LeDonne said the law upholds the idea that an identity is more than just a name, and he added that state did not intend to call the informants during the trial. Naftz said he would review the documents and issue his decision. Jason Spillman, special prosecutor for the Idaho Attorney General, was appointed in the case, and he said the state will attempt to pick a jury from Oneida County. That process will start in May. Spillman said, if an Oneida County jury cannot be formed, a jury in Bannock County will be polled. According to court records, the prosecution alleges that Luera assisted in the murders by guiding the shooter or shooters to the Holbrook residence with the intent to promote or assist in the murders of the three victims and conspiring to commit the crimes. Luera remains incarcerated at the Bannock County jail. Naftz set bond in the case at \$850,000. The trial date has set four times because Luera has switched attorneys multiple times and because a special prosecutor had to be appointed.

Federal lawsuit says Idaho paternity laws discriminate against same-sex parents

Idaho Statesman.com: Nov. 17- Betsy Russell/ Spokesman-Review

Idaho's laws on paternity, artificial insemination and vital statistics unconstitutionally violate the rights of same-sex couples and their children, a new lawsuit filed Thursday in federal district court charges. That's because an opposite-sex couple that has a child by artificial insemination can simply sign a form to establish legal paternity. But a same-sex couple isn't allowed to do the same; to obtain any legal relationship to the child, the same-sex partner must go through adoption procedures. The case was filed on behalf of a 37-year-old Nampa woman and her 4-year-old daughter, who is the biological daughter of her former same-sex partner. The two had been together since 2007, but at the time their daughter was born in 2012, Idaho didn't allow same-sex marriage. Now, the estranged spouse, who has helped raise and support the child all her life, was present at her birth and helped pick her name, has no legal relationship to her. "All we ask for is to be treated like an opposite-sex couple, whether they're married or not," said Howard Belodoff, associate director of Idaho Legal Aid Services, which filed the lawsuit on behalf of Adela Ayala and her daughter. "In the eyes of Idaho law, the non-biological same-sex partner really doesn't have any rights." For Ayala, that means no legal requirement for child support or rights to custody, inheritance, medical records, school records, medical decision-making, inclusion of her daughter on her health insurance, Social Security and more. But for an opposite-sex couple who has a child by artificial insemination, all that's required under Idaho law is that they fill out and sign forms, and then both parents automatically are listed on the birth certificate and the father is considered the legal father. "That artificial insemination statute is a piece of work — it's from 20 or more years ago," Belodoff said. Same-sex marriage became legal in Idaho in 2014, as the result of a federal court ruling. There are "contingencies" in the law that address a variety of family and parental situations, Belodoff said. "We inquired at Health and Welfare whether a same-sex couple could submit an affidavit of paternity, and they said no, there's no procedure for that," Belodoff said. But even if the department had found a workaround to allow the plaintiff to seek paternity, that would have helped only his client, he said. "It doesn't do good to have one person who hires an attorney get in there," he said. The lawsuit seeks to ensure equality for all same-sex couples, he said. The Idaho Attorney General's office had no immediate comment on the lawsuit, which was filed Tuesday in U.S. District Court in Boise. The listed defendants are state Health and Welfare Director Richard Armstrong and Elke Shaw-Tulloch, administrator of the department's Division of Public Health, Bureau of Vital Records, both in their official capacities.

Man sentenced to 12 years in stabbing

By Ruth Brown Idaho Press Tribune November 25, 2016

CALDWELL — A state judge has sentenced Raymond "Sean" Strickland to 12 years in prison for stabbing his business partner during a fight last summer. Strickland, 44, pleaded guilty to aggravated battery with a deadly weapon after stabbing a 45-year-old man in the heart on May 30. During a sentencing hearing this week, 3rd District Judge Christopher Nye ruled that Strickland could be eligible for parole after serving four years of the sentence. The men worked together at a tattoo shop in the 200 block of 12th Avenue, according to police. The stabbing occurred at Strickland's house in the 900 block of Chicago Street. Strickland will be credited for the 125 days he has already served in jail. He was also charged with being a persistent violator, but that charge was dismissed, along with two other witness intimidation felonies. In police reports, Strickland claimed the victim kicked him in the chest during the fight. Strickland responded by lunging forward and stabbing the man before fleeing. He was arrested the following day.

Man imprisoned for robbing gas station

By TOM HOLM Post Register November 28, 2016

District Judge Dane Watkins Jr. on Monday sentenced an Idaho Falls man to two to 10 years in prison for robbing a gas station while armed with a knife. Jeremy K. Hoyle pleaded guilty Aug. 12 to robbery and an enhancement charge of use of a deadly weapon in the commission of a felony. Watkins credited the nine months Hoyle has spent in jail. On Feb. 27 Hoyle robbed the Phillips 66 gas station, located at 17th Street and Rollandet Avenue. According to reports, Hoyle entered the store and pretended to make a purchase before brandishing a knife and threatening the store clerk while demanding cash from the register. Kelsie Kirkham, Bonneville County deputy prosecutor, recommended a three- to 15-year prison term. Kirkham said presentence investigation determined Hoyle to be a high risk to reoffend. "After he committed this crime he drove to Utah to buy drugs with the stolen cash," Kirkham said. "This defendant would do anything to feed his addiction, including armed robbery." Hoyle's attorney, Trent Grant, recommended an underlying two- to seven-year prison term and that Hoyle be placed on probation. Grant said his client has been diagnosed with a depressive disorder and has substance abuse issues that he wants to seek treatment for. "We have a young man who got in over his head with addiction and he regrets what happened," Grant said. Hoyle apologized for the crime and asked Watkins for probation so he could seek substance abuse treatment. Watkins said Hoyle's prior offenses, which include exhibition of a deadly weapon, possession of drug paraphernalia, and battery, barred him from being given probation. "And the nature of this offense. It's aggravating enough, that if you rob a retail business you will go to prison," Watkins said.

Man sentenced for possessing sexually explicit materials

Idaho Press Tribune November 29, 2016

CALDWELL — A 30-year-old Nampa man was sentenced Monday to at least three years and up to 10 years in prison for felony crimes of possession of sexually explicit materials. Arthur Chavarria's Twitter account contained 40 images of prepubescent children engaging in sexual acts, according to an investigation by the Internet Crimes Against Children Task Force. After that an undercover investigator posed as a 14-year-old girl and arranged to meet Chavarria at the Karcher Mall. Chavarria intended to engage in a sexual act at that meeting, according to authorities, and was later arrested. Further investigation found that his phone contained hundreds of images of child pornography. "Child pornography is one of the most troublesome crimes as we saw in this case it likely leads into further victims closest to the sexual predators," said Canyon County Prosecutor Bryan Taylor in a press release. "This case is a reminder for all of us, as we enter the holiday season to be vigilant to protect our children and mindful of who they are talking to in the cyber world." Judge Davis F. VanderVelde, who sentenced Chavarria, also ordered that Chavarria register as a sex offender and have no future contact with children who are minors. "You have admittedly possessed multiple horrific images depicting prepubescent children," VanderVelde said at sentencing. "You perpetuated the child pornography industry and re-victimized these children. I do believe you need treatment but also believe there has to be a punishment and society has to be protected."