

Former Barbacoa owner Castoro sentenced to jail for felony drug possession

Idaho Statesman.com: Aug. 14- Katy Moeller

Robert Castoro, who was convicted of drug possession in April, apologized for his failings Friday. "I am truly and genuinely sorry," Castoro, 48, told 4th District Judge Melissa Moody. "I take full responsibility and accountability for all of my actions — past, present and future. I know I have no one else to blame for the situation I am in now." An Ada County jury found Castoro guilty of possessing cocaine last year. He gave police a small vial with drug residue — and asked them to test for impurities — when they came knocking at his door to ask questions about bruises on his fiancée after receiving a report of a domestic dispute on June 9, 2014. He had also faced a charge of felony domestic battery with traumatic injury, but the jury found him not guilty. "Prior to this incident, I was never in trouble with the law, and I guarantee I never will be again," Castoro told the judge. Moody said she received many letters in support of Castoro. She said they spoke in glowing terms about his generosity in the community. "I do believe that our community is better off with you in it than with you in jail," she said. But she said there had been a side to his life that has been a "train wreck." She sentenced Castoro to 30 days in jail, with option for work release after the first five days. He was ordered to pay \$1,280 in fines and fees and \$5,000 in restitution. Castoro, who opened the popular Barbacoa restaurant in 2007, was led out of the courtroom in handcuffs. He will be on probation for three years, and his probation officer will have an option of levying 60 days of discretionary jail time if he believes Castoro is violating probation terms. Moody granted a withheld judgment, so if Castoro completes his probation successfully, he can petition the court to dismiss the case. "I know you have the tools, drive and intelligence to succeed on probation and put all this behind you," the judge said. He had faced up to seven years in prison and/or a \$15,000 fine on the drug possession conviction. Ada County Deputy Prosecutor Fafa Alidjani recommended seven years, including two fixed, with the court retaining jurisdiction and reconsidering probation after completion of a 90-day treatment program. Mark Manweiler, Castoro's attorney, said his client's reputation was besmirched when an error on the Ada County Jail website listed the initial charge against him as possession with intent to deliver and/or manufacture. Castoro said some media organizations continued to report the error. "The fact is, I am not a drug lord," he said. Castoro told Moody that he has lost a lot since his felony conviction. He said he lost the right to skydive and fly airplanes, and he lost his liquor license. He said he was forced to sell his business to his sister, costing tens of thousands of dollars and "north of seven figures" in tax liability. He also said losing the business he worked so hard to build was life-changing. Barbacoa, which has 140 employees, led all Idaho establishments in liquor sales in 2014.

Tamarack owners file lawsuit in bid to stop Valley County from taking land

Lewiston Tribune: Aug. 15

Stories from this compilation are excerpted from weekly newspapers from around the region. CASCADE, Idaho - The two largest owners of property at Tamarack Resort near Donnelly are asking a judge to stop Valley County from taking over their land because they have not paid property taxes. The two companies, New TR Acquisitions Co. LLC, also known as Newtrac, and UWW LLC, filed separate lawsuits in 4th District Court in Cascade asking a judge to stop a planned Aug. 24 hearing in front of the Valley County commissioners. At the hearing, commissioners could seize the properties and place them up for public auction. But the lawsuit says the notices that the county sent to the owners were flawed, so the seizure should be delayed. A hearing is set for 8 a.m. Tuesday before 4th District Court Judge Jason Scott at the Valley County Courthouse in Cascade. The most taxes owed, about \$4.7 million, are owed by Newtrac on 40 parcels inside the resort. A total of 183 of the parcels listed as past due by the county are owned by UWW of Puyallup, Wash., with back taxes from 2011 of \$905,000. Newtrac also owes an additional \$5.8 million in back taxes for 2012, 2013 and 2014, according to the Valley County Treasurer's Office. The amount of back taxes UWW owes from those years was not available. - Tom Grote, The Star-News (McCall), Thursday

Judge Among Victims in Burley Burglaries

MagicValley.com: Aug. 15- Laurie Welch

BURLEY • A Cassia County judge was among five burglary victims in a July spree, police said. Ruben Ortiz Jr., 19, and Ramon Flores, 18, are each charged with seven counts of felony burglary after an alleged two-day crime spree in Burley. All five of the homeowners, including Magistrate Judge Blaine Cannon, were at home during the burglaries. Cannon said Thursday that the judicial code recommends he not comment about the case. Detectives said Ortiz and Flores entered the bedroom where Cannon, his wife and a child were sleeping in the early morning hours on July 29. The family awoke to someone in the room with a flashlight. The intruders fled through a door on the north side of the residence. Cannon reported a laptop computer and \$300 taken from a purse that was on the kitchen counter. After questioning a third person, police found Cannon's laptop computer and returned it to the family. Police have not located any of the other electronics or cash taken from the four other homes. Cassia County sheriff's detectives say they identified Ortiz on video surveillance at a house where the pair had attempted to break in through the front door. Four other victims reported being terrified when they realized someone was in their house during the night while they slept, court documents said. Trent and Bonnie Ferrin reported someone had entered their home during the night of July 29 or early July 30. Someone rifled through their cars and stole \$150 cash from their house, they reported. That same day, another couple, Jason and Janelle Hunter, reported an intruder inside the residence. They were awakened and saw two people with dark hoodies in the hall on their knees looking through a purse, police said. The purse had been next to the bed. They reported three RCA 10-inch tablets, \$3 cash and a bottle of prescription medication missing. The medication was found on the ground outside the home. Amy Yates's cat woke her up that same night. She found her front door open and her purse ransacked, police said. Later, she found \$2,000 cash and a laptop computer missing. Jeanne Scott awoke to a flashlight beam in her face. She got out of bed and went to the living room and saw the back of someone in a dark-colored hoodie open the rear sliding-glass door and run east. She reported seeing another person running from the residence. She discovered several small figurines that sat in her window sill that had been thrown into the neighbor's yard. Ortiz and Flores are both being held in jail on a \$250,000 bond. Preliminary hearings in both cases are set for Friday.

Educators' legal victory results in scant reward

Lewiston Tribune: Aug. 16- Mary Stone

Inadequate school funding in Idaho might warrant a lawsuit, some experts say, but the expense of such an endeavor and disappointing results from previous efforts could discourage potential plaintiffs. A decade ago, the Idaho Supreme Court agreed with a long list of school districts - including nearly a dozen from north central Idaho - that the state's funding system for public schools was not sufficient to meet the Idaho Constitution's requirement of maintaining "a general, uniform and thorough system of public, free common schools." But the state's high court left it to the Legislature to decide what, if anything, should be done. Since then, according to retired chief state economist Mike Ferguson, schools have become more, not less, dependent on local supplemental levies to cover basic education costs. In the small town of Troy, one-third of the district's budget was trimmed this summer in the wake of two failed supplemental levies, and a successful final levy try Aug. 25 would likely restore only some of the cuts for the coming school year. "I think the conditions are definitely ripe for it," Ferguson said of a lawsuit, citing districts resorting to four-day school weeks and teacher furloughs - even forgoing "extras" such as music or athletics - as evidence. "That would suggest to me that you're not meeting that constitutional obligation for general, uniform or thorough." But pursuing legal action would require "deep pockets," Ferguson said. And Idaho education advocates say the outcomes of previous lawsuits might keep others from even trying. "We had a bunch of districts sue the state, and it got us nowhere," said Moscow Education Association President Susan Mahoney. A much different outcome continues to evolve in neighboring Washington state. "In Washington, you have a supreme court that doesn't appear to be afraid of following up on something that they seem to see as wrong, in the sense of the way they ruled," Ferguson said, referring to the McCleary decision, in which the state's Supreme Court directed Washington's Legislature to increase funding. In Idaho, he said, the court "did absolutely nothing." The McCleary suit was filed in 2007 by families, teachers and education groups arguing Washington was not meeting its constitutional obligation to adequately fund basic education, a requirement stipulated in the state's constitution in language similar to Idaho's. After three special legislative sessions this year, Washington saw a \$1.3 billion statewide funding increase for K-12 education. On Thursday the court ruled that it wasn't enough and ordered the state to pay \$100,000 a day in sanctions, starting immediately, and recommended another special legislative session be called to resolve the funding issue. In Idaho, retired Superintendent of Public Instruction Jerry Evans agrees the chances that affected individuals and advocacy groups will come together to file a suit is small, given the expense, time commitment and history involved - but he doesn't rule it out. Evans' experience with school funding issues dates back to his time as state superintendent, from 1979 to 1995. When the 1990 suit was filed, Evans was named as a defendant, but he asked to be a plaintiff because he agreed schools were underfunded then. He said he does see a circumstance today that might result in another attempt at litigation. "There's a taxpayer equity issue that I think ultimately may drive this thing," he said. "If you're in a school district with a low tax base, you can go to your voters and they can approve a fairly high tax rate and it still produces very little money." It's conceivable, Evans said, that parents could join with property owners who object to that inequity. Evans used the hypothetical example of the owner of a large trucking company that spans more than one district. That business owner, he argued, would expect to pay the same fuel tax anywhere in the state to support the public highway system. "Why is it different with education, when it's a state system of public schools?" The Idaho School Boards Association entertains resolutions at its annual conference to promote to the Legislature, such as reducing the two-thirds supermajority vote required for school districts to pass construction bonds. Association President Karen Echeverria said she doesn't expect to see members proposing legal action against the state in pursuit of better education funding. It's less likely now, after the Legislature funded a bigger increase this year - 7.4 percent - than in recent memory, Echeverria said. And long term, the time and money it would take to bring a suit is something few education advocates could muster. "I think school districts have had their nose to the grindstone just trying to stay above it all," she said. Idaho Education Association President Penni Cyr, who taught in the Moscow School District for 28 years, doesn't foresee a lawsuit either. Her organization focuses its efforts on communicating with legislators about the need for better, more consistent funding. "We will continue to push them (legislators) to do what they were elected to do," she said. "Of course we're a membership organization, and we encourage our members to talk to legislators, invite them into their schools, show them what the low funding is doing." Even with no lawsuit on the horizon, Ferguson said the Troy School District's situation makes the funding question difficult to ignore. "If there was ever a case to be made that the constitution means anything, I would think that would be it," he said. "To me it looks pretty blatant that they've (the Idaho Legislature) fallen far short of meeting that obligation."

UI law school plans to start 1st-year Boise classes in 2017

Idaho Statesman.com: Aug. 16- AP

MOSCOW, IDAHO — The University of Idaho's College of Law plans to begin offering first-year law classes in Boise starting in 2017. The Moscow-based law school began offering classes for third-year law students in Boise in 2008, and expanded to second-year students in 2012. Dean Mark Adams told the Moscow-Pullman Daily News (<http://bit.ly/1PdvvhS>) that he often gets asked if the college will move all operations to Boise, but that's not the case. Adams said the Moscow campus has been drawing students for 100 years. He says the school is embracing a dual-campus model, with the Boise campus serving as an expansion of the Moscow college.

Learning New Court Program Comes with Headache for County

MagicValley.com: Aug. 17- Benton Smith

TWIN FALLS • A month into the change, the Twin Falls County Court Records Office has fielded multiple complaints from the public while piloting the new court management system, Odyssey. The office has been flooded with phone calls from people having trouble navigating the new portal website or having trouble finding information on a particular case since Odyssey replaced the old court management system, Idaho Statewide Trial Court Automated System. But it's not only citizens who have had trouble. Multiple bugs have been uncovered, disrupting the workflow of the clerks, coordinators and attorneys. The new program has also brought with it a steep learning curve which slowed the processing of many new documents. "When you hear you are going to be the pilot you don't realize how much work it is going to be when you haven't lived through a data conversion before," said County Clerk Kristina Glascock. "We had to convert 30 years of data." Part of the problem is that county clerks around the state helped create the old program as it was developed. So while the program was ancient in terms of technology, many of the clerks feel it was more user friendly. As hard as it has been though, Glascock said she was hopeful the program would get easier to use as people acquaint themselves with the program. "ISTARS really was configured for clerks because it was a processing program," Glascock said. "Odyssey has so much functionality we haven't even touched as we have just tried to learn the basics." While the program has caused a few headaches for clerks and citizens alike, there wasn't much of a choice in the matter. The Idaho Supreme Court knew it needed to find a new program for all the courts in the state because the old system was becoming obsolete. JSI, the programs developers, gave warning it would soon cease to devote servers to the program, Glascock said. The Idaho Supreme Court took the opportunity to seek out a program it believed would benefit the state and allow for more data sharing between individual courts through an electronic filing system. The court is heavily invested in making sure the new program works and placed employees at the Twin Falls County Courthouse for the first three weeks of using Odyssey to help fix problems as they arose. Since then, they have remained in daily contact, Glascock said. "I see that continuing for quite some time," she said. "I think it will take a good six months to flush everything out." As the bugs slowly get worked out of the system, attention has been focused on other problems such as making the program easier to navigate. As new complaints come in, the county passes them on to the Supreme Court and to the developers of Odyssey who then prioritize what needs to be reconfigured. Another challenge the court didn't see coming is how hard it is to process all the information that enters the records office into the new system and to scan the documents. "We had no idea how much of a challenge it would be to scan all the documents as they are filed," said Wendy Scott, the courthouse records department team leader. "Documents come in through so many various routes and I don't think we were prepared for the volume." Eventually it will be mandatory for attorneys to get their documents scanned themselves as part of the electronic filing Odyssey will offer. The rule is expected to go into effect in January. Until then, the Twin Falls Courthouse is hiring two temporary clerks to do the filing. "That will hopefully lighten our load while we try to keep up with everything," Scott said. It hasn't all been bad. Both Scott and Glascock said there have been several positives about the new program, such as the speed with which documents can be retrieved after the initial scanning process. District Judge Richard Bevan and Magistrate Judge Calvin Campbell have switched over to an electronic work bench and don't have to carry physical files anymore. More judges will follow soon. More likely than not, more difficulties will arise in the near future, but the more that can be worked out now, the further the next counties will be when they adopt the new program. Ada County will make the switch in 2016 and the rest of the Magic Valley will in 2017. "That is what a pilot is," Glascock said. "I think we have learned a lot that will help future roll-outs."

Family of second alleged victim in soccer coach case not cooperating

Idaho State Journal: Aug. 18- Debbie Bryce

Bannock County Prosecutor Steve Herzog said Monday that he incorrectly reported that two victims were named in sexual abuse charges filed against former Blackfoot High School girls soccer coach Alisha Yeates. Yeates, 27, is charged with five felony counts of lewd conduct with a minor in Bingham County and two counts of the same charge in Bannock County. Herzog said all the counts involve the same 16-year-old female victim, but the incidents happened in both counties. Bingham County Prosecutor Cleve Colson said there is a second alleged victim who is also 16 years old. However, Colson said her parents refused to allow her to be interviewed by police and she's currently not included in the case. Both girls played on the Blackfoot High School soccer team that Yeates coached in 2013. While the parents of the second alleged victim said their daughter has not received counseling, the mother said the girl is surrounded by a good group of church friends and is in a good place emotionally, authorities said. The parents said they have taken steps to help their daughter get out of the relationship with Yeates, police said. According to police reports, the parents of the second alleged victim confirmed they were aware of an intimate relationship between the girl and her coach, and the father even said he once chased Yeates away from his daughter's bedroom window. The mother said she would like to see justice in the case but not at the expense of her daughter. The girl is considered to be an uncooperative victim, authorities said. Bannock County authorities conducted the investigation into Yeates because of a conflict of interest — at least one person involved in the case is related to a member of Bingham County law enforcement. Colson said he filed charges against Yeates as soon as the case hit his desk. The charges in Bingham County were filed in July, and the charges in Bannock County were filed in June. The first victim was age 13 when the alleged abuse began, police said. She said she was involved with Yeates from September of 2012 to October of 2013. The case came to light in April of 2015 when the first victim disclosed her alleged sexual relationship with Yeates to a Blackfoot High School counselor who then alerted the principal who then called the police. Yeates was the head girls soccer coach at Blackfoot High School for one season — 2013. She led the team to the state tournament for the first time in eight years. According to witness and police statements, the first victim's sister, mother and grandmother were aware of the relationship the girl had with Yeates. The coach and the girl spent several nights together at the alleged victim's mother's Blackfoot home, police said. However, the grandmother disputes what police said and claims she knew nothing about the abuse. The grandmother said she did once question the victim after she found out that Yeates had sent the girl flowers at school. Witnesses also reported that Yeates bought matching rings for herself and the victim. The rings were inscribed with the word "forever." According to court documents, allegations of abuse involving the first victim were made against Yeates in 2011. However, the girl denied that anything inappropriate had happened and the case was closed. Blackfoot School District Superintendent Brian Kress did not return calls Monday, but he said last week that Yeates left the district in December of 2013 and he declined to say why. A \$50,000 bond was set in each county and Yeates remains free on bond. She is due in court in Bannock County on Tuesday. If convicted, Yeates could face life in prison and be fined \$50,000 for each count against her.

Former Shoshone County deputy sentenced for sexual battery

Coeur d'Alene Press: Aug. 18- Kit Pearson/ Hagadone

WALLACE - Former Shoshone County deputy and school resource officer Shawn Alan Clark was sentenced Monday to 20 years in prison for sexual battery that spanned 12 years. "I am not going to carry this anymore. It is your burden, not mine," said the victim in the case to Clark before Judge Fred M. Gibler delivered the sentence in Wallace. The 20-year unified sentence includes 12 years fixed and eight years indeterminate, exactly what Shoshone County prosecuting attorney Keisha Oxendine requested for the 12 years Clark sexually abused the victim from the time she was 8 years old. "He has earned prison time," Oxendine said. "He robbed her of her trust, childhood and innocence." Clark pleaded guilty to one count of sexual battery after he signed a plea deal May 21 in exchange for dismissal of lascivious conduct and misdemeanor battery charges. Clark put his head down and appeared to cry beside defense attorney Sean P. Walsh after Gibler imposed the sentence and before being led away in handcuffs Monday. "Your actions obviously had an impact on her physically and mentally that will most likely be with her for the rest of her life," Gibler said to Clark. Clark, who worked for the Shoshone County Sheriff's Department from November 2002 until August 2005, was arrested March 19. Walsh contended Monday that Clark was a low risk to reoffend. The defense attorney said Clark had also been a victim of sexual abuse as a child and that he repented and admitted to the crime he committed. "There is no way you can have this crime occur and have a better response than what he has brought," Walsh said. Clark made a brief statement before receiving his sentence. "I'm sorry for everything I have done and all the problems I have caused. I hope for forgiveness from my family," he said. However, the victim's statement told a different story. "You are supposed to be the father figure in my life, but you made me feel unsafe in my home. You were a cop, someone I should have been able to trust ... I want to see you behind bars for at least 12 years, the number of years you sexually abused me," she said.

Bathroom leak damages Asotin County Courthouse

Lewiston Tribune: Aug. 18- Kerri Sandaine

ASOTIN - The Asotin County Courthouse was damaged late Monday afternoon when a urinal in the men's bathroom sprang a major leak. Water cascaded from the second floor to a main floor hallway, auditor's office and other areas of the building in downtown Asotin. Commissioner Brian Shinn said Asotin County Superior Court proceedings will be conducted in the commission's chambers today at the courthouse annex, and the auditor's office will be closed to the public. Access to the courthouse will be restricted while the damage is repaired. The problem was discussed briefly during Monday night's Asotin County Commission meeting, which was followed by a town hall meeting. Auditor Darla McKay said license renewals can be done in Clarkston today at Licensing Etc., located at 914 Sixth St. In other county business, a public hearing was conducted as part of a grant application process that could help pay for a new fire station in the Clarkston Heights. Asotin County Fire District No. 1 has asked the county to be the pass-through agency on a \$1 million Community Development Block Grant application. The commissioners will take action on the request next Monday. Fire Chief Noel Hardin said the district plans to remodel its recently acquired building at 2377 Appleside Blvd. and add eight truck bays to house equipment. The grant would help pay for the project, which has an estimated cost of \$4.5 million to \$5 million. Once completed, the property would be valued at more than \$10 million, he said. Hardin said remodeling an existing building will be far less expensive than building a new fire hall. In addition to truck bays, plans call for at least four firefighter sleeping rooms, office space, a triage room and an emergency operations center that has backup dispatch capabilities. Hardin said the current station at 2314 Appleside Boulevard was constructed in 1951 and is no longer large enough to serve the district. The new building is expected to serve the community for more than 60 years, he said. Financing will be provided with reserve funds, a loan from a bank-funded bond and the grant, if awarded, the fire chief said. During public comments, Val Mundell of Clarkston said a new fire station is long overdue and he appreciates the district's approach. Community Development Block Grants help rural communities with projects that benefit low-to-moderate income residents. The next step is a wage survey to determine whether the fire station revamp meets the requirements. "We're pretty excited about the project, as a whole," Hardin said.

Judge Grants Hearing on Federal Water Rule

MagicValley.com: Aug. 18

BISMARCK, N.D. (AP) | A federal judge in North Dakota has ordered a hearing on an effort to block a new rule that gives federal authorities jurisdiction over some state waters. Thirteen states led by North Dakota are challenging the rule by the U.S. Environmental Protection Agency and the Army Corps of Engineers. The states say the new rule illegally expands the jurisdiction of those agencies under the federal Clean Water Act. The law goes into effect Aug. 28. The states want the judge to order an injunction to suspend the new rules. Judge Ralph Erickson set a hearing on the request for Friday in Fargo. The other states joining the lawsuit with North Dakota are Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, New Mexico, Nevada, South Dakota and Wyoming.

Canyon County gets new magistrate judge

Idaho Statesman.com: Aug. 19- Staff

Thomas A. Sullivan, of Nampa, is Canyon County's newest magistrate judge. The Third District Magistrates Commission selected Sullivan from a field of 23 applicants to fill the new position created this year by the Idaho Legislature. Sullivan received his undergraduate degree from Louisiana State University and his law degree from the University of Oregon School of Law. Sullivan practiced with Wiebe & Fouser law firm in Caldwell from 1996 to 2009. Since 2009, he has served as Third District Judge Susan Wiebe's staff attorney. Sullivan will begin his judicial duties on Oct. 1.

Homeless Camping Lawsuit against Boise Returns to Court

MagicValley.com: Aug. 21- Kimberlee Kruesi/AP

BOISE (AP) | Attorneys once again defended an ordinance that bars sleeping and camping in public spaces in an ongoing lawsuit brought by several homeless Idaho residents against the city of Boise. The suit is one of many filed in multiple states challenging the legality of local laws targeting the homeless, several of which have been overturned. Legal advocates sued the city and the Boise Police Department in 2009 on behalf of eight homeless residents who had been arrested or cited for violating Boise's rules against sleeping in public. The group contends that the ordinances criminalize homelessness because shelters are often full, forcing homeless residents to sleep in parks or other public spaces. U.S. District Magistrate Judge Ronald Bush listened to arguments on both sides on Thursday.

Bergdahl's lawyer: Trump's statements threaten fair trial

Idaho Statesman.com: Aug. 20- Deb Riechmann/ AP

WASHINGTON — The lawyer representing Army Sgt. Bowe Bergdahl, who left his infantry post and was held by the Taliban for five years, said Thursday that callous statements Donald Trump is making about his client are threatening the soldier's right to a fair trial. In a town hall earlier this week in New Hampshire, the GOP presidential candidate called Bergdahl a "dirty, rotten traitor" and denounced the Obama administration's decision to exchange Bergdahl in May 2014 for five Taliban leaders from the U.S. prison at Guantanamo Bay, Cuba. Trump also claimed six U.S. troops died while searching for Bergdahl of Hailey, Idaho, who walked away from his post on June 30, 2009. Trump also stated that the five Taliban leaders who were released were now "back on the battlefield." Both allegations have not been substantiated. The five Taliban figures currently remain under travel restrictions in Qatar. And Bergdahl's attorney, Eugene Fidell, said that Army prosecutors have told him that they will not offer any evidence that anyone died looking for his client. "Sgt. Bergdahl is not charged with treason or anything like it. He is charged with desertion and misbehavior before the enemy — a charge that in this case is simply a second, fancier way of charging AWOL, and is not to be confused with aiding the enemy," Fidell said. At the town hall, Trump held up an imaginary rifle as if he were taking aim at Bergdahl and said: "In the old days, bing, bong." Trump's comments prompted a man in the crowd to shout: "He should be hung for treason!" In a statement, Fidell condemned what he said was Trump's "reckless disregard for the truth" and said Bergdahl's defense team would keep track of the candidate's public statements. "Mr. Trump's comments, along with many others that have been made over the last year, directly threaten my client's right to a fair trial," Fidell said. Members of Congress who were angered by the prisoner swap and other GOP presidential candidates have made disparaging remarks about the trade and some of Bergdahl's fellow serviceman have publicly labeled him a deserter and a traitor. "No American should have to put up with this kind of unprincipled behavior, especially from a person seeking public office," Fidell said. "Mr. Trump must stop vilifying this young man, who suffered five years of brutal captivity at the hands of the Taliban and deserves to be judged on the basis of evidence."

North Dakota judge holding hearing on federal water rule

Idaho Statesman.com: Aug. 21- Associated Press

FARGO, N.D. — A federal judge has scheduled a hearing Friday in Fargo on an effort by 13 states to block a new rule that gives federal authorities jurisdiction over some state waters. The states, led by North Dakota, argue that the rules from the EPA and the Army Corps of Engineers illegally expand those agencies' powers under the federal Clean Water Act. The law goes into effect next week. The states want the judge to order an injunction to suspend the new rules. Many landowners are worried even a ditch or puddle could fall under the new federal regulations. The other states joining the lawsuit with North Dakota are Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, New Mexico, Nevada, South Dakota and Wyoming.

Bonneville County mental health court named training site for national program

Idaho State Journal: Aug. 22

IDAHO FALLS — Bonneville County's mental health court is one of four chosen as training sites for a national program. District Judge Joel Tingey meets with participants in mental health court every Thursday, monitoring their progress and imposing sanctions when needed, the Post Register reported. Graduates of the program are then tracked through probation, which District Seven Mental Health Court coordinator Eric Olsen says combines efforts of parole and probation officers, as well as counselors. "To make us a learning site, they probably saw everyone working together, like probation and counseling, and saw that was pretty unique," Olson said. Olsen said video of Bonneville County mental health court is used in training across the country, and he's helped start or improve similar systems in other areas. Tingey said this is the second time the county has been chosen to be part of the National Criminal Justice and Mental Health Collaboration Learning Sites Program. "It's nice to have that affirmation," Tingey said. He says the mental health court has a lower rate of recidivism than the county's two other specialty courts.

Pocatello doctor bound over for trial for allegedly trying to have his ex-wife and her lawyer harmed

Idaho State Journal: Aug. 22- Debbie Bryce

POCATELLO — John Kent Davis, the Pocatello doctor accused of trying to hire someone to beat his ex-wife, said he wanted his former wife “mugged beyond belief,” according to documents submitted in federal court Thursday. According to federal court documents, the man he hired was actually an undercover FBI agent posing as a member of a nomad “biker gang.” And when the agent asked Davis if he wanted his ex-wife, now a resident of Coeur d’Alene, to survive, Davis reportedly said, “How much for that,” and then laughed. Davis allegedly then told the agent to beat his ex-wife, “I mean really hurt her, not kind of hurt her.” According to the complaint filed against Davis, he also discussed hiring the undercover agent to beat his ex-wife’s Pocatello attorney in the future. “I want him hurt worse than I want my ex-wife hurt,” Davis reportedly told the undercover FBI agent. The doctor allegedly also told the FBI agent that he knew a guy in New York who would do the job for \$7,000, plus expenses and the agent agreed to beat the attorney for \$5,000. Dr. Davis reportedly told the agent that he should wait awhile so the two beatings would not be connected. Davis, 65, was arraigned Tuesday by U.S. Magistrate Judge Larry M. Boyle on charges of interstate communication of a threat of bodily injury. U.S. Attorney Wendy J. Olson announced that a federal complaint was filed in U.S. District Court on Aug. 13 and Davis was arrested at his Pocatello home on Monday without incident. A search of the residence on Butte Street in Pocatello reportedly netted \$14,000 in cash, an envelope bearing the name and address of the undercover agent and contact information for the Spokane woman who alerted the ex-wife to the plot. During a preliminary hearing Thursday, Davis was represented by Idaho Falls Attorney Alan Johnston. Boyle noted that Davis had submitted a financial disclosure statement that included a \$295,000 retirement fund and \$360,000 in investments, and he said the defendant most likely would not qualify for a public defender. The judge appointed Johnston to represent Davis in the hearing Thursday and ordered the defendant to reimburse the U.S. court for that cost. Davis appeared wearing a striped jail jumpsuit and looking frail and disheveled. He said that he had not received a prescribed eye ointment while incarcerated and he complained of abdominal distress. Assistant U.S. Attorney Ann Wick said that Davis had been examined — X-rays were done and lab tests conducted — and he was cleared by doctors at Portneuf Medical Center before being transported to jail. Following his arrest Monday, Davis also allegedly told agents that he was suicidal and believed he should be evaluated before he was incarcerated. But he was told by U.S. marshals that the jail was equipped to handle that. Davis, who was part of a medical team that traveled to Tanzania in 2010, is being held at the Bingham County Jail without bond. The names of the victim and witnesses in the case were not released. Wick called just one witness during the probable cause hearing. FBI Special Agent Edward Jacobson, of Coeur d’Alene, testified about how the plot came to the attention of law enforcement officials. Jacobson is also the director for the North Idaho Violent Crimes Task Force. Jacobson testified that recorded conversations and video show that Davis arranged to pay \$3,000 for beating up his ex-spouse with half the money being paid upfront and the remainder when the job was done. In an excerpt from that recorded conversation, Davis is heard telling the undercover agent that “there is someone in Coeur d’Alene that isn’t a very good friend of mine.” The doctor also told the undercover agent that he wanted the beating to be “just short of permanent.” Jacobson said Davis informed the undercover agent that his former wife usually wore a diamond ring worth about \$13,000. He said he didn’t want the ring, but told the FBI agent that if it was going to look like a mugging, he needed to take the ring and her purse. Jacobson said law enforcement learned about his scheme to harm his ex-wife after Davis solicited an escort in Spokane, Wash., from the website, [backpage.com](#). Davis reportedly contacted the woman in February and March, and said he wasn’t in need of an escort, but wanted to hire her to make harassing phone calls to his ex-wife. The woman was paid \$1,000 through a series of alleged transfers and the escort said she only spoke to the ex-wife once. The escort told Davis’s ex-wife that she was his fiancé and she asked why the ex would not let him see his children, according to the FBI agent. The escort, who Jacobson referred to as “the cooperator,” said Davis told her that he was a doctor in Pocatello and that his ex-wife had ruined his life by getting his medical license revoked over unpaid child support. According to court documents, Davis was ordered to pay \$1,600 per month in child support for the couple’s two children. Davis allegedly also told the escort that he and his ex-wife had been involved in a car accident that resulted in his ex-spouse being knocked out, and that he considered cutting off her airway while she was unconscious. The cooperator said Davis told her to stop calling because it wasn’t making his ex-wife jealous. Johnston noted that back child support has since been paid and Davis’s license was reinstated in June. The cooperator said she didn’t hear from Davis again until June when he called with another proposition. “(Davis) told her that he would pay \$100,000 to kill (the ex-wife), \$10,000 if they put her in the hospital and \$5,000 if they bloodied her up,” Jacobson testified Thursday. The escort told him that she couldn’t kill anyone, but her boyfriend would beat the woman up and they discussed payment arrangements. Jacobson said Davis transferred \$2,200 of the first \$2,500 payment through Western Union, the U.S. Postal Service and three separate online payers. According to the complaint, Davis called the cooperator multiple times following that conversation, sometimes several times a day, to see if the job had been completed. She told him that they had surveyed the victim’s home in Coeur d’Alene, just 30 minutes east of Spokane, but had not completed the job. Jacobson said that the couple never did travel to the Coeur d’Alene home. Instead the escort texted the ex-wife and told her that Davis planned to harm her and that she had a recorded a conversation to prove that. The escort said she agreed to do the beating because she feared that Davis would just find someone else to do it. The defendant’s ex-wife reportedly took the text to Coeur d’Alene police, who transferred the case to the Northern Idaho Violent Crimes Task Force, and investigators contacted the escort in Spokane. The escort made recorded calls to Davis in Pocatello and told him that they couldn’t do the job, but knew a biker — the undercover FBI agent — who would most likely do it for less money. Court records reveal that from that point on in the investigation, Davis communicated and negotiated exclusively with the FBI agent posing as a nomad biker. “You really don’t have any proof that he wasn’t just making it up, do you,” defense attorney Johnston asked the FBI agent. Boyle ruled that there was probable cause for the charge and detained Davis. The court did not schedule any future court dates.

Hansen Woman Denied Second Trial in Meth Trafficking Case

MagicValley.com: Aug. 22- Benton Smith

TWIN FALLS • The deciding factor in a Hansen women's drug case was less than single gram of meth. An opinion filed Thursday by the Idaho Supreme Court reversed a decision of District Judge Randy Stoker. Now instead of a new trial, Bryann Kristine Lemmons will be sent for sentencing. A jury found Lemmons guilty of two counts of trafficking methamphetamine and two counts of conspiracy to traffic meth on May 30, 2013. Lemmons was arrested after police said a confidential informant bought an ounce of the drug from her on Oct. 25, 2011 and again on Dec. 6, 2011. The crux of the Idaho Supreme Court case is the amount of methamphetamine Lemmons intended to sell. Trafficking more than 28 grams carries a three-year minimum sentence and a maximum of life in prison along with a \$100,000 fine. Trafficking less than 28 grams means no minimum sentence and a max fine of \$25,000. During trial, a recording showed Lemmons intended to sell an ounce of meth — 28.35 grams. When a testifying detective was asked how many grams were in an ounce and he said, "approximately 28," court documents said. Before prosecutors rested their case, they asked the trial judge to take notice one ounce equaled 28.35 grams, but the judge declined, saying he didn't know if that was correct, court documents said. The jury found Lemmons intended to sell more than 28 grams. Lemmons asked for the case to be dropped in June 2013, saying prosecutors hadn't proven she sold an amount equaling 28.35 grams, just the 28 grams the detective testified about. The Twin Falls court refused to drop the case case, but set a new trial, stating the chance of the jurors knowing an ounce is 28.35 grams was unlikely. In its opinion, the Idaho Supreme Court said the state had the chance to inform the jury because standards of measurement are recognized by law. Because Lemmons was caught on a wire worn by the informant saying she was selling an ounce, the Supreme Court ruled there was sufficient evidence to support the jury's decision. "As a matter of law, one ounce is more than 28 grams," Justice Daniel Eismann wrote in the opinion. The Supreme Court decided the jury's decision was correct and reversed Stoker's decision to allow a second trial. Lemmons will be brought back to Twin Falls County District Court for sentencing, but a date had not been scheduled as of Thursday.

UI law school to embrace dual campus model

By Shanon Quinn, Daily News staff writer August 14, 2015

The University of Idaho's College of Law expects to have its initial firstyear law class at the university's Boise campus starting the fall of 2017. "We're going to be doing a lot of modeling over the next couple of years, working to really fulfill the dual campus dream that really has been around since 2007, 2008," Dean Mark L. Adams said Monday. The UI started offering classes to thirdyear law students in Boise in 2008, and secondyear students in 2012. Efforts to expand the program to Boise have been in the works since about 2008, when former Law Dean Don Burnett first began to pitch the idea which gained unanimous approval from the UI faculty senate. The idea, however, created concern both on university campus and in the Moscow community. Adams said when he first moved to Moscow in 2014, he was often questioned about the future of the UI's Menard Law School on the Palouse. " 'Are you going to move everything to Boise?' It pops up, and it's not just people at the university," Adams said. Adams said it would be a poor decision to entirely move operations to Boise. "It would be a real mistake to do that," he said. "It's a faulty presumption that everybody wants to go to law school in Boise as opposed to Moscow, and we're having market research done ... looking at student demand." Robert Taylor, a 2013 Menard Law School graduate and owner of Taylor Law and Mediation PLLC in Mountain Home, agrees. Although Boise is a great deal closer to his native Mountain Home, Taylor said even if he had the option he would have elected to attend law school on the Moscow campus. "I loved Moscow, I wanted to live in Moscow," he said. "I went to the campus more for the campus than the law school." One school, two locations The University of Idaho announced that starting in 2017, students in the College of Law will be able to attend their first year of classes at the UI branch campus in Boise. 8/18/2015 UI law school to embrace dual campus model MoscowPullman Daily News: Local http://dnews.com/local/uilawschoolto-embracedualcampusmodel/article_c3324872980e5cd9a6a35e2378616ffc.html?mode=print 2/2 At the same, Taylor said he can see benefits as well as potential problems with the new model. "Concordia is in Boise. I see the need to compete with Concordia and to do that they have to be down there," Taylor said. Taylor said another positive about attending law school in Boise would be more available internships and clerkships as well as the opportunity to take part in the Idaho Trial Lawyer's Association's Street Law Clinic, which provides legal advice to walkin clients. For Adams, the firstyear classes are only a piece of the puzzle. "Everybody focuses on the first year at Boise but that's a piece of what we're doing as a faculty. We're creating a law school model with dual campuses, that's really what we're doing and the final piece of that is adding the first year at Boise," he said. Adams said he sees the new model as creating more of an expansion of the law school than merely an option of where to attend, and he sees no reason for Moscow to be concerned about losing students. "It's important to recognize too that lots of students want to come to Moscow. We've been drawing students to this location for over 100 years," he said. The move could also attract new students who were unable to relocate to the Moscow campus. "By having a program in Boise some of the students who have been coming here will chose to remain in Boise and some students who couldn't come to Moscow ... will now have an opportunity with us down there," Adams said. "We'll be serving the needs of the state in both the south the Treasure Valley area but also in the north." Preliminary trial set in September By LESLIE MIELKE lmielke@am-news.com BLACKFOOT — The preliminary hearing for Alisha M. Yeates has been continued until Thursday, Sept. 17, 2015. Yeates, age 27, is charged with five felony counts of lewd conduct with a child under 16. Appearing before Seventh Judicial District Magistrate Judge Charles Roos on Thursday, both attorneys agreed to continue Yeates' preliminary hearing until Sept. 17. The prosecuting attorney is N. Paul Rogers; the defense attorney is Justin Oleson. Yeates was arrested on July 16. Bond was set at \$50,000. A bond of \$5,000 was posted on July 17. Seventh Judicial District Magistrate Judge Scott Hansen then reduced the bond to \$5,000 cash or surety. Because the bond was posted, Yeates could then be released. A no contact order, issued on July 17, and is still in effect.

I.F. man gets prison for statutory rape charges

By TOM HOLM Post Register August 17, 2015

District Judge Dane Watkins Jr. on Monday sentenced an Idaho Falls man to three to 15 years in prison for three separate charges of rape of underage girls. John Hensley, 21, chose not to make a statement prior to Watkins ordering him to serve prison time. Hensley was charged with two counts of rape of a female who is younger than 16 and the perpetrator is three or more years older than the female and one count of rape of a female younger than 16 when the perpetrator is the age of 18 or older. Hensley was arrested Dec. 8 for raping two different girls, a 15-year-old and a 16-year-old, court documents show. He was released to pre-trial services Jan. 8. While awaiting trial, Hensley reportedly raped a third victim, a 16-year-old girl, on May 14. The mother of one of the victims gave a statement to the court and said she was not angry at Hensley. "My daughter feels guilty that there were more victims after her," the girl's mother said. "John, please get help, I wish you the best of luck." Bonneville County deputy prosecutor John Dewey cited a polygraph test Hensley took where he indicated he had sex with eight other underage girls while he was older than 18. Hensley has not been charged for any of the incidents Dewey alleged. Hensley's attorney, Curtis Smith, said Hensley recognized the indelible affect these crimes had on the victims. Smith argued for a retained jurisdiction. Court records show a Bonneville County Sheriff's Office deputy came upon a suspicious vehicle at 2050 East 73 South on May 14. The officer said in his report that the vehicle's windows were fogged. When he opened the door Hensley was with the half-naked victim. She later told the deputy she felt pressured to have intercourse with Hensley. Hensley said he met the victim a few days prior. The victim said at first she denied

Hensley's advances but then consented. Court records show that between October and September 2014, Hensley raped the other two victims. The two victims underwent sexual assault exams. DNA obtained from Hensley matched DNA found on the victims, court records show. Hensley at first denied having sex with either victim but later told a deputy he had consensual sex with both. Watkins said despite Hensley's young age, a prison term was suitable for the crimes committed. "The impact of your offense (on the victims), it will last perhaps a lifetime," Watkins said. "If not for your age and level of immaturity, looking at the list of victims the court would be considering life sentences on these counts."

BB gun suspect appears in court

By Samantha Malott, Daily News staff writer August 19, 2015

The alleged suspect in a string of BB gun shootings that shattered windows in more than 10 Moscow businesses and three dozen vehicles appeared Tuesday in Latah County Magistrate Court. Judge John Judge reduced bond for 18-year-old Jonathan Walters from \$20,000 to \$10,000, but said a significant amount is still needed given the severity of the charge he faces. Tuesday's meeting was originally scheduled for a preliminary hearing to determine if there is sufficient evidence to charge Walters with felony malicious injury to property. Walters' defense attorney, Deb McCormick, requested the hearing be delayed until Thursday to allow her time to read over case documents, given she was only appointed as his attorney this week. Judge granted the continuance and allowed for both sides to argue over a reduction in bond. Walters has been in the custody of the Latah County Jail since his arrest Aug. 7, when police connected him to the string of vandalism during the night of Aug. 6. Walters and a 17-year-old Genesee male were arrested for allegedly driving around town and shooting windows out of businesses and cars with a CO2 cartridge-powered BB gun. Initial estimates of damage totalled at least \$26,150. "This charge is a felony because of the extensive damage, which we are still getting in," said Ashley Rokyta, representing the state with the Latah County Prosecutor's Office. "There should be some kind of financial guarantee on this." McCormick initially requested for Walters to be released on his own recognizance and for any money to go toward paying restitution rather than bail. Rokyta mentioned there is a trust fund in Walters' name, but McCormick said he has no control over how that is used. "It is my understanding that if there is restitution, his grandfather will use the trust and the funds from selling his car," McCormick said. Rokyta said this kind of "reckless act" wasn't the first for Walters. Walters is facing three other misdemeanor charges of malicious injury to property from different dates, including an incident in which he and another juvenile allegedly used a shotgun to shoot a mailbox on Lenville Road, she said. After reducing bond to \$10,000, Judge reviewed Walters' conditions of release, which include abstaining from alcohol and controlled substance use, maintaining contact with McCormick and no driving. Judge also said Walters cannot possess any type of firearm if he is released. 8/19/2015 BB gun suspect appears in court MoscowPullman Daily News: Local http://dnews.com/local/bbgunsuspectappearsincourt/article_7bfd62c6df9355b588ce10021931a0ef.html?mode=print 2/2 "That includes BB guns and pellet guns, any kind of air gun, any kind of something resembling a firearm, including squirt guns," Judge said. "That's for his own protection, because he is under some serious scrutiny at this point." Walters will appear in Latah County Magistrate Court at 3:30 p.m. Thursday.

Cox's roadside confession ruled admissible

By AUBREY WIEBER Post Register August 18, 2015

In a written decision released Friday, District Judge Bruce Pickett denied Tanner Cox's motion to suppress his confession. Cox is in custody at the Bonneville County Jail after a May 9 altercation between him and Josh Olzak left Olzak dead. A hostile car chase, which began at the Peppertree Lounge, culminated with Cox punching Olzak one time in the face. Olzak fell and fractured his skull on the concrete. He was hospitalized and died May 11. Cox was stopped by police shortly after the assault and questioned about the night, but wasn't arrested on charges stemming from the altercation. During questioning, Cox confessed to punching Olzak, however, he was never read his Miranda rights. He was placed under arrest for DUI. On May 18 he was arrested for voluntary manslaughter for the fatal punch. The roadside confession Cox gave May 9 was the only one given to police. During an Aug. 5 motion hearing, defense attorney Jim Archibald argued that since the entire confession was given without being warned it could be used against Cox in court, it should be thrown out. Miranda rights only have to be given during a "custodial interrogation." What defines a custodial interrogation is open to interpretation. Bonneville County Prosecutor Danny Clark argued in court that there never was a custodial interrogation, and that investigators were conducting a standard roadside stop. Archibald argued that the 32-minute stop surpassed a standard investigation and became custodial. After private deliberation, Pickett ruled in favor of the state, saying in his conclusion that Miranda rights weren't necessary. After the ruling, Archibald said the decision doesn't necessarily hurt his case. In Cox's confession, he said Olzak lunged at him, prompting him to hit Olzak in the face. Archibald said this helps to set up a self defense case. "I'm reviewing the decision now," he said. "I reviewed it this morning with my client and his family this morning. We are deciding if we want to pursue the self defense at trial or consider a plea agreement. All options are still available." A jury trial is scheduled to start Sept. 14.

Tetonia man sent on rider for stabbing man

By TOM HOLM Post Register August 18, 2015

DRIGGS — District Judge Gregory Moeller on Tuesday sentenced a Tetonia man to a rider program on charges of aggravated battery and eluding police after he stabbed his girlfriend's father. Timothy Gray, 26, swiveled back and forth in the chair he was seated in as Moeller told him he was retaining jurisdiction over him and sending him on a Therapeutic Community rider. A Therapeutic Community rider is a 270-day program at a minimum security prison where the offender receives mental health evaluation and care. Moeller also gave Gray the maximum punishment for the two crimes he pleaded guilty to — aggravated battery by use of a deadly weapon or instrument and fleeing or attempting to elude a police officer in a vehicle — handing down a 10- to 20-year prison term. If Gray is unsuccessful in the rider program he could serve the prison term, or serve an undetermined probation term if he is successful. Gray was given 187 days credit for time he has spent in jail during the trial. He also had charges of driving under the influence, driving without privileges and grand theft dismissed, pursuant to a plea agreement. Gray's mother, Juanita, drove from Milwaukee, Wis., to testify in court and explain that her son has schizophrenia. Schizophrenia is a lifelong brain disorder which causes a person to have increased paranoia to the point of hearing voices and other hallucinations causing them to perceive that others want to harm them, according to the National Institute of Mental Health website. Juanita Gray asked Moeller to sentence her son to probation and help him get treatment for his mental illness. "If they (schizophrenics) go to jail and get out, they get worse and worse and worse, they deteriorate," Juanita Gray said. "I know he can live a successful life, I do believe it in my heart; I'm not saying that because I'm his mother; I'm saying it because that's a fact." Moeller later said Gray's attorney had not provided the proper medical documents to prove Gray was diagnosed with schizophrenia. Moeller said he was willing to reduce Gray's prison term if the proper documentation was provided and proved Gray has the disorder. A mental health evaluator who assessed Gray diagnosed Gray with antisocial personality disorder. The mental condition is characterized by long-term manipulation and exploitation of others without signs of remorse, according to the U.S. National Library of Medicine website. Prior to sentencing, Gray apologized for stabbing Matthew Niska multiple times. "I have so much remorse, he opened up his home to me and in no way did he deserve that," Gray said. Gray asked the court for leniency and the opportunity for treatment of his mental illness. "I want you to ask yourself if you will do the right thing or will you condemn me to prison," Gray said. Christopher Lundberg, deputy prosecutor for Teton County, painted the Feb. 12 scene where Gray violently attacked Niska as he came home from work. "He was walking down a dark hallway of his home when a man, who he has shown nothing but kindness and care to, jumps out with a (steak) knife in each hand and begins to stab him about the head and face," Lundberg said. Niska was stabbed at least twice in the face and head and also suffered defensive wounds to his hands, court records show. Gray reportedly lived with Niska for several months before the incident. Following the attack, Gray fled the home in a pickup truck. He later told deputies he "blacked out" and the next thing he remembered was seeing Niska bleeding, court records show. Moeller said the violence of the crime committed deserved the maximum punishment. "(Niska's) very fortunate to be alive, and you're very fortunate he's alive, otherwise you could be facing a much stiffer sentence," Moeller said. Tom Holm can be reached at 542-6746

Chubbuck woman gets probation for threatening ex

By TOM HOLM Post Register August 18, 2015

District Judge Joel Tingey on Monday sentenced a Chubbuck woman to three years probation for a charge of aggravated assault after she threatened her ex-boyfriend with a baseball bat. Maria L. Bigley, 27, pleaded guilty June 6 to aggravated assault. Pursuant to a plea agreement, an additional aggravated assault charge and a charge of use of a deadly weapon in the commission of a felony both were dismissed. Tingey withheld judgment and placed Bigley on probation for three years. If she she complies with all the terms of her probation, Bigley could have the charge dismissed. Authorities said Bigley became angry with her 36-year-old boyfriend after she and the victim broke up. Bigley arrived at the Peppertree Lounge, 888 N. Holmes Ave., where her ex-boyfriend was, and attempted to hit him with a bat, said an Idaho Falls Police Department news release. A bouncer stopped Bigley and reportedly disarmed her. She was taken outside of the building where she brandished a steak knife and threatened the victim again, the release said. The bouncer restrained her and again was able to disarm her. She was subsequently arrested.

Divided Idaho Supreme Court rejects Challis water system upgrade without public vote

August 20, 2015 Spokane Eye on Boise

A divided Idaho Supreme Court today overturned a lower court ruling that upheld the city of Challis' decision to incur \$3.2 million in public debt for repairs and improvements to its city water system without a public vote, finding that two of the three projects included in the upgrades weren't "urgently needed." Those two projects, replacement of water meters and installation of a new telemetry system, represented roughly 30 percent of the overall project's cost; the larger piece was constructing a new line to the airport and replacing aging pipes and fire hydrants in the city's Old Town area. A group called "Consent of the Governed Caucus" objected to the move; the justices remanded the case back to district court in Custer County with instructions to award reasonable attorney fees to the group. You can read the [full decision here](#). It's a 3-2 decision, authored by Justice Joel Horton, with Justices Dan Eismann and Warren Jones concurring; Chief Justice Jim Jones dissented, and Justice Roger Burdick concurred with the dissent. Jones wrote that the framers of Idaho's Constitution didn't require that "there must be a great sense of urgency in the present year for a governmental subdivision to incur indebtedness exceeding revenues or income in order to repair or improve existing infrastructure." "The framers of the Idaho Constitution were thrifty people, concerned about the possibility of county and city governments incurring unnecessary debt, but they were also practical people who looked to the future," Jones wrote. "They hoped and expected that cities in Idaho would grow, that municipal services for those cities would necessarily expand, and that such services would require periodic updating. And, they did not want to place unnecessary fiscal restraints upon county and municipal governments." In the majority opinion, Horton wrote that the court must consider the project as a whole, and it must be determined to be an "ordinary and necessary" expense in order to occur without a public vote on the debt. "We cannot say that the proposed metering and telemetry upgrades are necessary," he wrote. "Metering and telemetry upgrades are undoubtedly desirable from an economic perspective. However, the need for these upgrades cannot be characterized as urgent. ... The city must get by with what it has until it obtains approval for these expenditures from the electorate."

Specialty court named national training site

By TOM HOLM Post Register August 20, 2015

Bonneville County has been chosen as one of four locations nationwide to serve as training sites for courts that want to establish a mental health court. The Council of State Governments Justice Center announced the locations are Dougherty County, Ga., New York City and Ramsey County, Minn., as well as Bonneville County. All sites were picked to provide training to other courts on dealing with mental illness, according to a Seventh District Court news release. District Judge Joel Tingey said Bonneville County was chosen as a part of the National Criminal Justice/Mental Health Collaboration Learning Sites Program seven years ago. Bonneville County is one of the few sites to be chosen twice, he said. "It's nice to have that affirmation," Tingey said. Tingey sits as the Mental Health Court judge and has done so for about eight years. He said over the years many people have come from across the U.S. to view how Mental Health Court is conducted in Bonneville County. Tingey sees participants in the Mental Health Court every Thursday and hears how they are progressing through the program. The court emphasizes rehabilitation and counseling to get people with mental health problems on the right track. Tingey said he speaks with all participants the first Thursday of every month to see how their week went, what kind of progress they've made and if he needs to impose sanctions on those who failed testing for controlled substances or are struggling. Tingey said the court keeps tabs on graduates and participants who've been discharged by coordinating with probation and parole agents as well as counselors. That coordination helps the court track if participants commit more crimes. Eric Olson, District Seven Mental Health Court coordinator, said the specialty court has been very successful. Olson said the Mental Health Court has the lowest rate of recidivism compared to other local specialty courts such as Wood Court and Problem Solving Court. Wood Court is an intensely structured four-phase program treating substance abuse, mental health and criminal behavior through employment and education. Problem Solving Court is designed to help non-violent substance abuse offenders by giving them treatment for drug and alcohol abuse. Olson said he often visits regional areas to provide training. He said he has been to Oregon, Colorado and Arkansas, among others. Olson said he will help other courts start up a specialty court, or diagnose problems with existing ones. Olson said the National Criminal Justice/Mental Health Collaboration Learning Sites Program also videotaped the Bonneville County Mental Health Court a few years ago and uses the footage across the nation for training purposes. He said the program uses Bonneville County often in its curriculum. "To make us a learning site, they probably saw everyone working together, like probation and counseling, and saw that was pretty unique," Olson said.

Former sub teacher gets prison for molesting boys

By TOM HOLM Post Register August 20, 2015

Paul "Rick" Landon pressed his folded hands to his lips through most of his sentencing hearing Thursday. His voice quavered as he apologized for fondling and sexually abusing two adolescent boys many times since June 2014. "Last year, I lost my moral compass," Landon said. "I ask that in the time I have left that you let me not be the animal, the beast that destroyed my moral compass." District Judge Bruce Pickett sentenced the former Idaho Falls substitute teacher to six to 25 years in prison on two counts of child sexual abuse by soliciting a minor younger than 16 to participate in a sexual act and one count of lewd conduct with a child younger than 16. Landon's additional two counts of child sexual abuse and two counts of lewd conduct were dismissed pursuant to a plea agreement. One of the young boys Landon victimized spoke at length about the abuse he suffered. "I agreed to let him do things to me," the boy said. "I wanted to throw up, he told me not to tell my parents." The boy said many of his friends discovered he was abused after Landon was arrested. The victim said his grades fell and he is terrorized by nightmares of Landon. "I still feel angry and hurt and betrayed," the boy said. John Dewey, Bonneville County deputy prosecutor, said during a polygraph test, Landon said he had abused another boy, a 16-year-old who did lawn care for him. No charges have been filed concerning that allegation. Landon's attorney, Curtis Smith, said his client fabricated that story because the calligrapher conducting the polygraph test pressured Landon into answering. Dewey said it was impossible to tell if Landon was lying or telling the truth, but that Landon had a history of manipulation. He argued since Landon groomed the then 12- and 14-year-old victims for sexual abuse over many months, he was capable of lying. Smith argued that Landon had always been sincere with him and never contested anything in pre-trial hearings. Smith said his client took full responsibility for his actions. Court records show Landon exchanged cellphone numbers with the younger victim and the two began texting. Landon served as a substitute teacher at Taylorview Middle School in December, where the 12-year-old took classes from him, court records show. Landon brought the boy to his home and introduced him to the 14-year-old victim, court records show. Landon proceeded to ask the boys to touch each other and sought to create a sexual relationship between them. Landon continued to text sexual questions to the 12-year-old, making sure to advise the victim to erase the messages afterward. The boy's mother intercepted one of the texts and reported it to Idaho Falls Police. The 14-year-old victim told investigators that Landon had molested him at least three different times that year. The boy told police Landon solicited sex acts from the boy at least three times, court records show. Pickett thanked the victim for giving an impact statement in court. He said it was unfair for him to be put in that position. "He was visibly shaking, and was very brave to do that," Pickett said. "I hope the victim doesn't feel as though he participated in this, in reality this crime was perpetrated against a child."

Former school secretary makes court appearance

By LESLIE MIELKE Morning News August 21, 2015

BLACKFOOT — The former secretary at Independence High School in Blackfoot appeared for her first appearance before Seventh Judicial District Magistrate Judge Charles Roos on Thursday. Danielle Pearson, age 36, is charged with six felonies. The charges against her include embezzlement and five counts of forgery. The maximum sentence Pearson could face for embezzlement are 14 years in the Idaho Department of Correction or a \$5,000 or both imprisonment and fine. The maximum sentence Pearson could face on each count of forgery is 14 years in the Idaho Department of Correction or a \$50,000 fine and/or both imprisonment and fine. Pearson applied for a public defender. (If Pearson is convicted on all six felony counts, the maximum possible sentence that she could face is 84 years in the state prison and fines that could total \$255,000.) Questioning her about her finances, Judge Roos asked her, "Do you have a job?" "No," Pearson replied. "When was your last date of employment?" the judge asked. "May 5, 2015," she said. Roos assigned public defender Jared Ricks to her case. "Stay in weekly contact with your attorney by phone or visit," said the judge. A preliminary hearing for Pearson is scheduled at 8:30 a.m. on Thursday, Sept. 10, 2015. In a Preliminary hearing, the state must prove that it is more probable than not that the accused was the one who most likely did the crime or crimes. "This is the lowest standard of legal proof," Judge Roos said. "In a trial, the state must prove the legal standard of 'beyond a reasonable doubt' which is the highest legal standard."

Mental health court chosen as training site

Morning News August 21, 2015

IDAHO FALLS (AP) — Bonneville County's mental health court is one of four chosen as training sites for a national program. District Judge Joel Tingey meets with participants in mental health court every Thursday, monitoring their progress and imposing sanctions when needed, the Post Register reported. Graduates of the program are then tracked through probation, which District Seven Mental Health Court coordinator Eric Olsen says combines efforts of parole and probation officers as well as counselors. "To make us a learning site, they probably saw everyone working together, like probation and counseling, and saw that was pretty unique," Olson said. Olson said video of Bonneville County mental health court is used in training across the country, and he's helped start or improve similar systems in other areas. Tingey said this is the second time the county has been chosen to be part of the National Criminal Justice and Mental Health Collaboration Learning Sites Program. "It's nice to have that affirmation," Tingey said. He says the mental health court has a lower rate of recidivism than the county's two other specialty courts.

Moscow BB gun suspect likely to plead guilty

Staff report Daily News August 21, 2015

An 18 year old Moscow man accused of shooting out the windows of dozens of vehicles and businesses throughout Moscow with a BB gun earlier this month struck a tentative sentencing agreement with the Latah County Prosecutor's Office. The man, Jonathan Walters, told Magistrate Judge Randall W. Robinson on Thursday afternoon he intends to plead guilty to felony malicious injury to property in exchange for a Rule 11 agreement that could result in up to 30 days in jail, five years of probation and payment of restitution. Walters and a 17yearold Genesee male were arrested on Aug. 6 for reportedly driving around the city and shooting out windows of vehicles and businesses with a CO2 cartridgepowered BB gun. Initial estimates of damage totaled more than \$26,000 as reports of locations with shotout windows began coming to police late on Aug. 5. Walters is also a suspect in other unrelated misdemeanor malicious injury cases, but under the terms of the agreement those charges will be dismissed. Walters has been in custody since his arrest. His bond was reduced earlier this week from \$20,000 to \$10,000. Robinson warned Walters that 2nd District Court Judge John Stegner is not bound by the deal and can elect not to follow the recommendation. Walters is scheduled to appear in front of Stegner at 4 p.m. Tuesday.

Man in 'Dixie' court case sentenced to 12 years James Kirk will serve 4 years of fixed time, will receive more treatment

By IDAHO PRESS-TRIBUNE STAFF August 22, 2015 Idaho Press-Tribune

CALDWELL — A man whose sentencing was overturned when an appellate court judge vacated his sex crime convictions involving two white girls because the prosecutor quoted lyrics from the Confederate anthem "Dixie" was sentenced Friday to 12 years in prison. James Kirk, a 47-year-old black man, pleaded guilty Aug. 7 through an Alford plea to convictions of lewd conduct with a child younger than 16. Kirk was initially charged in August 2012 and found guilty in April 2013 of having sexual contact with two girls, ages 17 and 13, in a Nampa motel room. In exchange for Kirk's guilty plea, his second charge of sexual battery of a child 16 or 17 years of age was dismissed. According to Canyon County spokesman Joe Decker, Kirk was sentenced to four years of fixed time and eight years indeterminate. He is also required to register as a sex offender in Idaho, and he will participate in a rider program. A rider program is a program in which a person is incarcerated in a minimumsecurity prison for 90 days to a year and receives intensive treatment and training. If the defendant successfully completes the rider program, the judge could allow the person to serve the rest of his or her sentence out on probation. During Kirk's first trial, Canyon County Deputy Prosecuting Attorney Erica Kallin quoted a line from the song "Dixie," which appellate judges said has racist overtones.

Ammon man gets two weeks in jail for abusing child

By TOM HOLM Post Register August 24, 2015

District Judge Dane Watkins Jr. on Monday sentenced an Ammon man to 14 days in local jail and eight years of probation for reportedly sexually abusing a girl from the time she was 6 until she was 11-years-old. Nicolas Barr Pulliam, 21, was given the option to serve on work-release during his jail time. Pulliam pleaded guilty June 30 to a felony charge of injury to a child, amended from lewd conduct with a child younger than 16. Watkins suspended an underlying prison term of two-and-a-half to six years and placed Pulliam on probation for eight years. Pulliam is also subject to 180 days discretionary jail time should he violate his probation. Pulliam is ordered to have no unsupervised contact with minors. He does not have to register as a sex offender. Pulliam asked Watkins prior to sentencing to let him continue working and living with his parents so he could pay for his fines. "I couldn't ask for better parents or siblings," Pulliam said. Watkins said he was hoping Pulliam would have apologized to the victim in his statement to the court. He told Pulliam to write an apology letter and give it to the victim. The victim wrote an impact statement which Watkins said was very "mature and astute," coming from the now 17-year-old girl. "I long to see letters such as these from victims because it shows they are on their way toward healing," Watkins said. Court records show that beginning in November 2005 through December 2010, Pulliam repeatedly orally assaulted the victim. Pulliam was 12-years-old when he began abusing the girl. The girl did not disclose the abuse until she told a therapist in the summer of 2014. The victim later told a Bonneville County Sheriff's Office investigator that Pulliam also threatened her when she refused to engage in a sexual relationship with him. The abuse began occurring about twice a week then less frequently to one or two times a month, court records show. The victim told investigators when she was strong enough to resist the abuse she told Pulliam to stop, which he did, court records show. Pulliam told investigators he was sexually abused as a teen by a man two years older than him, court records show. The man who reportedly abused him is dead. Pulliam's attorney, John Stosich, said Pulliam was in a lot of pain from being sexually abused himself. "He will never have the opportunity to confront his abuser," Stosich said. Stosich argued it was to the credit of Pulliam that though he abused the girl for many years, when the victim requested that he stop, Pulliam did. Watkins said he'd be willing to consider dismissing the charge if Pulliam is successful in his probation. "You couldn't come back until you were about halfway through (probation), and even then I would need to be persuaded," Watkins said.

Class action suit against mobile home park owner will advance again

By Terri Harber, Daily News August 25, 2015

Second District Court Judge John Stegner has set new hearing dates for settlement of a class action suit that could ultimately provide Syringa Mobile Home Park residents relief after water and wastewater problems during late 2013 and early 2014 left them without potable water for more than 90 days. "We're moving forward," said Maureen Laffin, attorney leading the University of Idaho Legal Aid Clinic, after the Monday hearing. Payment of a portion of the relief settlement to residents on the 4600 block of Robinson Park Road east of Moscow was stalled when Syringa owner Magar E. Magar filed Chapter 13 bankruptcy this spring, and all actions against him were halted to allow for resolution of his finances. He had tentatively agreed to budget \$275,000 for this portion of the class action, which is the first of three classes, Laffin said. Deadlines originally set this spring are now slated for October and November. A fairness hearing is scheduled Nov. 10. Laffin said Magar, a resident of Vancouver, Wash., is selling property in Portland to pay off his debts. He wasn't in court Monday. "This will provide him a pool of money to pay off his debtors," Laffin said. Among creditors listed in the original filing are the Idaho Conservation League, Idaho and Oregon departments of environmental quality, several government agencies, Laffin and his Moscow-based attorney, Greg Rauch. Syringa residents weren't mentioned in the bankruptcy filing as debtors, and the UI attorneys had to seek their inclusion, Laffin said. The Idaho Department of Environmental Quality had sued Magar for not following state and federal rules for operating Syringa's private water and wastewater systems in 2014. He was given hefty fines and ordered to pay for maintenance and infrastructure improvements. A third suit filed against Magar in 2012 by the Idaho Conservation League resulted in a judgment against him of \$100,000 for violating the federal Clean Water Act. In September, Stegner will hear Rauch's request to withdraw as Magar's counsel on this and the DEQ case.

Judge Roos to be honored Thursday

By LESLIE MIELKE Morning News August 26, 2015

BLACKFOOT — A reception to honor Seventh Judicial District Magistrate Judge Charles Roos will begin at 10:30 a.m. on Thursday in Bingham Courtroom number three. Roos will retire on Monday, Aug. 31, after serving 29 years as a magistrate judge. Up to July, Roos also served as the magistrate judge for the Bingham County Drug Court. Drug Court provides substance abuse treatment for its participants. Asked about working with Judge Roos, Ashley Bringhurst, Clinical Supervisor for District 7 Treatment, said, "He is an amazing mentor, friend and someone I respect very, very much. "He has helped participants in drug court and this community so much. Bringhurst continued, "He has helped participants understand the recovery process; how to use their skills and their training in recovery. "Judge Roos has reinforced the lessons and reward participants when they did well," she said. People who complete drug court often become contributing members of the community. "Judge Roos is amazing; he will be missed very much," said Bringhurst.

Rexburg man sent on rider for enticing girl

By TOM HOLM Post Register August 27, 2015 District Judge Alan Stephens on Wednesday sentenced a former Brigham Young University-Idaho student to a rider program for sending nude pictures of himself to a 10-year-old girl. Christian Ramirez Valle pleaded guilty May 27 to child-enticement through the Internet, video image or other communication device. Stephens retained jurisdiction over Valle and gave him an underlying prison term of three to eight years to be served if he is unsuccessful in his rider program. A rider is a 90-day to yearlong intensive treatment program at a minimum security prison. Valle must register as a sex offender. Madison County Prosecutor Sid Brown said the state argued for a three- to 12-year prison term with a retained jurisdiction, as was recommended by the presentence investigator. Brown said Valle's attorney argued for probation. Brown said Valle served six months in jail while awaiting trial. Valle had no criminal charges in Idaho prior to this conviction, court records show. Valle sent nude pictures and videos as well as sexually explicit messages to a New Mexico girl, authorities said. The girl's mother intercepted the messages sent to her daughter's cellphone via the social media app Tango. The woman reported the incident to officers in Bloomfield, N.M., who contacted the Department of Homeland Security, authorities said. Investigators reportedly tracked the messages back to Rexburg and Valle. Rexburg Police then executed a search warrant at Valle's home and arrested him.