Pullman dentist in second day of alleged fraud trial

By Samantha Malott, Daily News January 22, 2015

Testimony continued Wednesday in Latah County in the second day of the trial for a Pullman dentist accused of Medicaid Fraud for work he allegedly billed for but never completed. Alfred Fairbanks, 69, of Pullman, is accused of three felony counts of fraudulently obtaining welfare or public assistance and one felony count of fraudulently presenting false claims for services or supplies. Kendal McDevitt, lead deputy attorney general for the Medicaid Fraud Control Unit of the Idaho Attorney General's office, called former and current clients of Idaho health care companies, as well as officials from the Idaho Health, Welfare Medicaid division and the Pullman Police Department to testify. Ben Gagnon, who led the investigation into Fairbanks for the Medicaid Fraud Control Unit, said the complaint against Fairbanks was first filed in August 2010 and the investigation began the following summer. Gagnon said he requested help from the Pullman Police Department to execute a search warrant on July 26, 2011, for patient files from Today's Dental in Pullman, where Fairbanks practiced. Gagnon said the main records he was interested in were charts showing which procedures were completed on particular patients. After looking through the documents, investigators had a retired dentist out of Boise conduct examinations on former patients to assess the work allegedly completed by Fairbanks. Some of the examinations were completed at Lewis-Clark State College and the others at Palouse Pediatrics Dentistry in Moscow. Scott McKay, a Boise defense attorney representing Fairbanks, questioned the methods used during the examination, including which records were provided by Gagnon to the dentist and the accuracy of the X-ray machines used at LCSC.

Man gets probation for pulling knife on father

By ALI TADAYON Post Register January 22, 2015

An Idaho Falls man was sentenced to two years probation Wednesday for pulling a knife on his father during an altercation. Jacob Stanton, 22, pleaded guilty to disturbing the peace. Pursuant to a plea agreement, the charge was amended down from aggravated assault with a deadly weapon. Bonneville County chief deputy prosecutor James Murdocksaid the plea agreement was based on Stanton's participation in a drug rehabilitation program in Seattle and his father, 46-year-old Ralph Stanton's preference to pursue a misdemeanor charge for the crime. Stanton admitted himself into the program in March, after serving 60 days in Bonneville County Jail following the Jan. 24 incident. Idaho Falls Police arrested Stanton on Jan. 24, 2014, at a residence on the 800 block of Rainier Street after receiving a domestic disturbance call. Stanton and his father had been arguing about Stanton's overuse of alcohol when Stanton pulled out a folding pocket knife. Stanton lost control of the knife and it flew in his father's direction. When officers searched Stanton, they found one Xanax pill, one Diazepam — or Valium — pill and some plastic bags with methamphetamine and marijuana residue. They also found a syringe. For the drugs, Stanton was charged in a separate case with possession of a controlled substance and possession of drug paraphernalia, both misdemeanors. In March, Stanton pleaded guilty to the controlled substance charge in exchange for prosecutors' dismissal of the paraphernalia charge. He was sentenced to one year probation. The trial will resume at 9 a.m. today in Latah County 2nd District Court.

Baby sitter charged with murder seeks information

Post Register January 22, 2015

LEWISTON, Idaho (AP) — A northern Idaho baby sitter charged with murder in the death of a 2-year-old says the Nez Perce County prosecutor's office is stonewalling her request for information in the case. The Lewiston Tribune reported in a story Thursday that 30-year-old Natasha N. Hodges asked the 2nd District Court to intervene. Judge Jeff M. Brudie said he will consider Cuddihy's motion at a hearing Wednesday. Prosecutors contend Hodges was watching Rylee Mingo in 2012 when she struck the child in the abdomen, causing internal bleeding. Hodges called 911 when the toddler started having trouble breathing, but the girl died a short time later at a hospital. Hodges' attorney, Richard M. Cuddihy, said the child died of natural causes after medical providers failed to diagnose and treat her condition. He's asking for details about the girl and her sibling's medical history. Cuddihy also requested a list of workers in the emergency room at St. Joseph Regional Medical Center when Mingo was admitted. He's also asked for the medical history of one of the emergency room doctors. "The state did not contend they did not possess the material sought or could not possess the material sought with due diligence," Cuddihy said in the motion. "Instead, they contend the materials sought were beyond the scope of discovery. Evidence having the tendency to make the existence of any fact that is of consequence to the determination of the child's cause of death more probable or less probable, is relevant." A jury trial for Hodges is scheduled to begin April 6. Hodges is out of custody on $50,000 bond.

Today's courts about law, not justice

Idaho Press Tribune January 22, 2015

A court convicted James Kirk, a black man, of lewd conduct and sexual battery against two girls, a 17-year-old a 13-year-old. In her closing argument the prosecutor quoted part of the classic American song "Dixie," including "look away." Her argument was that the jury was being asked by the defense to look away from the evidence. The defense appealed. The appeals court ruled that as "race baiting" (my term). Poppycock! Only people looking for a loophole would think of that. As the Press-Tribune's editorial (Jan. 11) said, there will probably be another trial at great expense, hassle and emotional trauma for the victims and witnesses. That is asinine. Truth — facts — can be ignored for some minor infraction, real or imagined. Courts used to be courts of justice; now they are courts of law. "We the people" is no longer valid as judges, sometimes a single judge, overturn the will of the people. In 1850 America passed the Fugitive Slave Act. People who helped slaves escape on the Underground Railroad were arrested and tried by juries. Usually they were found "not guilty," although they obviously were. The juries said the law was unjust and could not be enforced. How many state laws, even constitutional amendments, have been overturned by judges? Judges are now lawmakers as is Obama. Laws are to be passed by legislative bodies, enforced by the executive branch and interpreted for application by courts. America has lost its way because the Constitution has not been followed. We are endowed by our creator with inalienable rights including the pursuit of happiness as long as we follow the Constitution and don't infringe upon another's rights. Our founders based the Constitution on biblical principles because they were Christians — not one deist by today's definition. Check Jefferson and Franklin. Allen Marsh, Nampa

Man suspected of ordering 'hit' on girlfriend pleads guilty to reduced charge

Prosecutors agree to recommend withheld judgment, two years probation at sentencing

By JOHN FUNK January 23, 2015 Idaho Press-Tribune

CANYON COUNTY — A Nampa man arrested in September on suspicion of trying to hire someone to kill his ex-girlfriend pleaded guilty Thursday afternoon to a reduced charge of solicitation to commit aggravated battery. Kenneth Andrew O'Brien, 21, made an Alford plea before 3rd District Judge George A. Southworth, meaning that he maintains his own innocence, but acknowledges he'd likely be convicted if the case were to go to trial. Legally, an Alford plea is treated the same as a guilty plea. In exchange for O'Brien's plea, prosecutors agreed to recommend a withheld judgment and two years of probation, although Southworth said he wouldn't agree to be bound by the recommendation until after he read a pre-sentence investigation report. Deputy Prosecuting Attorney David Eames said the victim had been notified of the sentencing recommendation and was satisfied with it. She didn't want charges pursued against O'Brien in the first place, Eames said. O'Brien is scheduled to be sentenced March 17 before Southworth. He was released from custody immediately after his change-of-plea hearing, although Southworth ordered that he have no contact with the victim or a key witness, have access to firearms and comply with all the usual conditions of pre-trial release. O'Brien was arrested and charged after the witness alerted police, according to court records, who reported that he'd offered her an unknown amount of money and the use of his 9mm handgun to commit the act, the document states. She could pick up and dispose of the shell casings, he told her, and he would modify something inside the gun after the fact so that it couldn't be traced. The witness told O'Brien she didn't think he was joking and would contact police, the affidavit states, but he responded that he'd claim he wasn't serious. During his own interview with police, court documents state, O'Brien told investigators that he'd talked to the witness and others about putting a "hit" on his ex-girlfriend. More than once, he told detectives, he was told that he shouldn't joke about that, at which point he'd pull out his wallet, offer cash and say, "See, I'll pay you right now."

MENTAL HEALTH COURT SUCCESS STORY Sandra Holmes got a second chance after a burglary conviction

By JOHN FUNK January 24, 2015 Idaho Press-Tribune

CANYON COUNTY — Sandra Holmes had already been to prison once, where she spent seven-and-a-half years missing her daughter's childhood. So when she faced the specter of incarceration again after a 2013 robbery conviction — having just welcomed another child into the world — she was desperate for an alternative. She found one. Instead of a prison sentence, Holmes was assigned to Canyon County's mental health court. Along with other similar programs — drug court, veterans court and misdemeanor DUI court — these problem solving courts are designed to help people turn their lives around without placing them behind bars, all under the careful supervision of a Canyon County judge. "I had a baby, and my baby was 2 months old," she said. "And I decided then that I didn't want to miss any of my child's life. I needed to figure out my life and do something with my life. Because I didn't want to put my baby through the same stuff that I put my oldest daughter through." Problem-solving courts are also designed to teach participants the value and joy of giving back to the community — and that's a lesson Holmes has enthusiastically embraced. Not only does that approach minimize recidivism, 3rd District Drug Court Administrator Ron Christian said, it does it at minimal cost to the taxpayer. More so, he said, than anything else they've tried in the criminal justice system. All problem-solving court participants are required to complete a service project. Holmes chose to help an Oregon family whose house burned down on New Year's Eve. In her past, she said, she's taken away from families when she had no right to. Now, she's giving back. Joseph Blake, his wife and their two children escaped the blaze in Nyssa with nothing more than the clothes on their backs. They lost literally everything, Blake said, and there's no insurance check on the way. He said he expected help from friends, family and co-workers, and they've come through with whatever they could spare. But he didn't expect help from a random Caldwell woman he'd never met. "For a lady we don't even know, who just heard about our story, it's pretty damn nice of her," Blake said. That's become more than a court-ordered task to stay out of prison, she said — it's become a passion. So how is she doing it? Gift baskets. Holmes has asked local businesses from throughout the Treasure Valley to donate baskets, which she then raffles off to raise money for the Blake family. And she doesn't stop at simply asking for baskets — she also assembles her own. Holmes' own passion, she said, is fishing, and that inspired her to stuff a basket with fishing gear worth about $200 out of her own pocket. Blake said he doesn't know much about Holmes' participation in the mental health court program — that's her business, he said, not his — but any program that brings people who need help together with people who want to help is a positive thing. "If the program is doing this for people, it needs to continue. That's what I have to say," Blake said. Canyon County Prosecuting Attorney Bryan Taylor calls problem-solving courts a great resource for turning troubled residents into productive members of the community, all while sparing taxpayers the cost of incarceration. "They do a nice job of getting at the root of the problem — be it a drug or alcohol addiction or a mental health issue — by pairing them with the resources needed for rehabilitation while at the same time holding the offenders accountable for their crimes," Taylor said. "P r o b l e m - solving courts are effective at reducing recidivism and integrating the defendants back into society, where they can once again become productive citizens." Marreen Baker Burton, problem-solving court manager for Ada County and the 4th Judicial District, agrees: The programs tend to be more effective and less costly than the traditional court system. "It's kind of a no-brainer," she said. Ada County established its first problem-solving court in 1999 and has since grown to include two drug courts, a mental health court, a DUI court and a veteran's court, which altogether serve about 300 participants. ABOUT PROBLEM-SOLVING COURT PROGRAMS The first drug court was established in Miami, Florida, in the late 1980s and gave drug offenders an opportunity to participate in a court-supervised treatment program instead of going to prison. The goal was twofold: help alleviate pressure on the overcrowded criminal justice system and give nonviolent criminals a chance at rehabilitation rather than incarceration. The concept came to Idaho in 2000, when the state Legislature began passing a series of new laws designed to facilitate the creation of drug courts through the state. By 2003, 32 drug courts were up and running, covering all judicial districts in the state. The idea is that offenders, instead of going to prison, will undergo a carefully supervised, highly structured program of treatment, education and community service. Though the concept began with specialty courts designed specifically for drug offenders, it has since expanded to mental health courts and veteran's courts. Source: State of Idaho Judicial Branch

County moving toward jail expansion A proposal to expand the Canyon County Jail enjoys majority support among county commissioners

By ANNA STAVER January 25, 2015 Idaho Press-Tribune

CANYON COUNTY — The Canyon County Jail appears to be headed for an expansion. Commissioners Craig Hanson and Steve Rule are cautiously optimistic they can find a company with the expertise to expand the jail and stay within a $13.5 million budget. The only thing that could stop the project is if "the bids come in way too high for the monies we have available," Hanson said. "I don't know what else could stop it to be honest with you." County officials plan to take questions from potential design/build teams about its request for qualifications at 1 p.m. Wednesday in the Commissioners' Meeting Room. An RFQ is like a job application and asks potential companies or teams to share their firm's history, list of similar projects, relevant experience and references from previous customers. Firms that can't make it to the Wednesday meeting can submit written questions or objections by 4 p.m. Jan. 30. Final proposals are due Feb. 27. The county then plans to select one or more teams for a second round of interviews to discuss architectural drawings and specific construction details before announcing a winner mid-March. Canyon County's population has more than doubled since it built the Dale G. Hale Detention Center in 1993. And that influx of new people created a proportional increase in the number of beds the sheriff's office needed for the county jail. The commissioners have proposed a two-story addition that would net them 295 beds – increasing the jail's capacity by 62 percent. The addition would include a new laundry facility, which Hanson highlighted because the current laundry facility is outdated, susceptible to flooding and resembles a "rat's maze." It's also connected to sanitation concerns that the American Civil Liberties Union of Idaho is still monitoring following its federal court victory against the county in 2009. At that time a federal judge placed the county under a court order called a consent decree that required it to make certain upgrades. "Many of which they have made to our satisfaction, but there are still some that we continue to monitor," ACLU of Idaho Legal Director Richard Eppink said. Canyon County Sheriff Kieran Donahue isn't convinced the proposed addition is the solution. Space limitations would require the building to have two stories, which would make harder to secure than a single-story building. "Our early estimates put this number at 30-36 deputies working full time in addition to other support staff that would have to be hired," Donahue wrote in a letter to the commissioners. "I do not believe this could be accomplished based on the current trends in the job market pool … nor do I believe this would remotely be a sustainable number over the long term." And the county would still remain under the thumb of a federal consent decree for things like ventilation and mechanical issues. The sheriff wants to save the $13.5 million until the county has enough money to build a new facility. He's also open to trying to convince voters to pass a levy. After three failed levy attempts, Hanson said he doesn't see a pathway to success there. He also wasn't sure Canyon County residents would back a plan to save for a new jail. "There's no majority in that context," Hanson said. "I would fully support that if there was money coming in." Commissioner Tom Dale couldn't be reached for comment.

Suspected arsonist now faces stalking charge

By ALI TADAYON Post Register January 26, 2015

An Idaho Falls man charged with setting fire to an attorney's home now faces an additional charge of first-degree stalking. Bonneville County prosecutors Friday filed the charge against Melvin "Mel" Savage, 44, for a Dec. 15 incident where Savage reportedly attempted to burn down the home of Laurie Gaffney, who was representing his ex-wife in their 2014 divorce. According to court documents, Savage sent threatening emails to the attorney between August and December. After the attorney filed a complaint with the Idaho Falls Police Department in October, Savage was arrested and charged with misdemeanor telephone harassment. After that charge was filed, a two-year no-contact order was ordered Nov. 14 between Savage and Gaffney. Gaffney told the Post Register that even with the no-contact order in place; Savage continued to harass her and her family. One of the qualifiers for first-degree stalking, according to Idaho Statute, is that "the actions constituting the offense are in violation of a temporary restraining order, protection order, no contact order or injunction, or any combination thereof." Bonneville County Prosecutor Danny Clark said since Savage made "repeated contact with the victim between the time the no-contact (order) was put in place and the arson," the charge is appropriate. Savage reportedly went to Gaffney's home at 1:26 a.m. Dec. 15 and started a fire outside a window near the home's front door. Gaffney called 911. An Idaho Falls Police officer was the first to respond to the call. The officer and Gaffney's husband, Idaho Falls Police officer Eric Andersen, were able to put out the flames before the Idaho Falls Fire Department arrived. Gaffney said no one in the home was physically hurt, and the damage totaled about $8,000. Savage was arrested the following day in Loveland, Colo., by Larimer County Sheriff's deputies. Bonneville County Sheriff's deputies traveled to Larimer County to pick up Savage on Jan. 5, and he was booked into Bonneville County Jail the next day. Savage remained in custody Monday with bond set at $250,000. First-degree arson is punishable by up to 25 years in prison. First-degree stalking is punishable by up to five years in prison and no less than one year.

ACLU plaintiff died in jail custody Family alleges Canyon County denied man medical care until it was too late

By ANNA STAVER January 27, 2015 Idaho Press-Tribune

CANYON COUNTY — The man at the center of the American Civil Liberties Union of Idaho's 2011 lawsuit against the Canyon County Jail died last year while in custody — leading the ACLU to investigate his death. "We are taking this very seriously," ACLU attorney Stephan Pevar told the Idaho Press-Tribune on Monday. "Here you have the lead plaintiff in a civil rights lawsuit who goes back to the jail and dies." And the ACLU isn't alone. Jeri-Alfred Cook's family, which includes his sister Tasha Woodberry and his domestic partner Anthony Cook, submitted a notice of intent to file a wrongful death lawsuit against the county for $250,000. Canyon County declined to comment through spokesman Joe Decker, citing county policy not to comment on potential litigation. The notice of tort claim alleges the county; sheriff and unnamed county officials ignored Cook's pleas to see a medical provider for a "serious respiratory infection" until he fell critically ill. Cook was comatose with "no hope of recovery" when he was taken to West Valley Medical Center on April 4, according to the tort claim. Woodberry decided to take him off life support two days later. "A physician at the Medical Center informed a family member and friend that had Mr. Cook been taken to the hospital earlier, he could have survived," according to the claim. Cook was in Canyon County Jail on a charge of driving under the influence after termination from drug court, according to the tort claim. A notice of tort claim is a legal document the state requires people to file at least 90 days before they can sue a public entity. Woodberry and Cook's domestic partner, Anthony Cook, filed their notice Oct. 3 but have yet to file a lawsuit. "We are definitely looking at a lawsuit because we do not think the Canyon County Jail acted appropriately," said Craig Durham, a Boise attorney who filed the tort claim. While the tort claim references Cook's 2011 ACLU lawsuit, the two groups are investigating his death independently. "It may turn out that he was not given proper medical care, but it was not retaliatory," Pevar said. "In that case, we would not pursue it. The family would have to pursue it on their own." Cook, who was known in 2011 as Alfred Young, successfully sued the county in federal court for punishing him because he filed grievances related to conditions inside the jail. For example, Cook said he was given improper dosages of his HIV medications. As a result of that lawsuit , a federal judge placed the county under a consent decree in 2012, which required jail officials to conduct things like transfers, reclassifications and denials of privileges in specific ways. This decree is separate from the 2009 federal consent decree the county is also under stemming from an ACLU lawsuit about physical conditions inside the jail. The ACLU continues to monitor whether the county is complying with both. When members of the organization met with jail officials in August 2014, they requested all documents related to Cook's medical care and any grievances filed by Cook or members of his cell block in the weeks leading up to his death. "I repeated that request maybe three weeks ago because we still hadn't received his documents," Pevar said. The county has since mailed Pevar a compact disc, but he hasn't had time to determine whether it contains all the documents he needs. "If we believe it was retaliatory, then we could file a motion to hold them in contempt," Pevar said. He hopes to be able to reach a decision soon.

Attorneys seek jail time for Moscow mobile home park owner

By Terri Harber, Daily News January 28, 2015

Syringa Mobile Home Park owner Magar E. Magar is being asked to answer to a fourth round of contempt charges related to operations of Syringa Mobile Home Park near Moscow. Attorneys representing Syringa residents in a class action filed another contempt motion Monday and are seeking "all available criminal and civil sanction," Idaho code allows for a fine of up to $5,000 and a sentence of up to five days in jail, or both. Water and wastewater system failures at Syringa began more than a year ago and went on for more than 90 days resulted in two major legal actions brought against Magar in 2014. A class action by Syringa residents has been in mediation to determine how to compensate the residents for the suffering caused by the water and wastewater problems, and the Idaho Department of Environmental Quality brought a separate action against Magar in February citing 15 violations at the mobile home park on Robinson Park Road. Latah County District Judge John Stegner is presiding over both cases. Staff with the University of Idaho Legal Aid Clinic, which is representing the residents in the class action, asked Stegner to order Magar to deposit "a sum sufficient to perform the requested services into the trust account managed by the Legal Aid Clinic," along with imposing the criminal sanctions. That money would be used to pay for some of the things needed to be done to the water and wastewater systems at Syringa. They assert in the order that Magar, as the defendant in the action, "appears unwilling to properly maintain the Syringa Mobile Home Park," and they requested all rent income from Syringa be deposited into an escrow account and be used only for day-to-day operations of the park and to make necessary repairs. Money in the account wouldn't be allowed to be used for mortgages or outstanding debts and would be under the control of a court-appointed trustee. The order also seeks reimbursement of costs the Legal Aid Clinic incurred in making the contempt motion. Stegner decided Monday to fine Magar $1,500 total for three of the four contempt counts brought for not following up on tasks to ensure the water and wastewater systems at Syringa are compliant with state and federal rules. Magar will also have to pay DEQ's legal costs. At the end of October, Magar was told he had to pay $350 a day because of not following through with such tasks and was cited for contempt in both cases. The fine related to the DEQ was $250 a day and the class action penalty was $100 a day. A third suit brought against Magar by the Idaho Conservation League hasn't been resolved. The environmental group was able to prove Syringa was in violation of the Clean Water Act by discharging pollutants from the mobile home park's sewage treatment lagoons into the South Fork of the Palouse River without a permit. It had been occurring since 1979. An opinion could come soon from U.S. District Judge Candy Dale about how to remedy this matter.

Jury deliberating in trial of Pullman dentist

By Samantha Malott, Daily News January 28, 2015

A Latah County jury tasked with deciding the guilt or innocence of a Pullman dentist accused of Medicaid fraud began deliberations Tuesday afternoon but was unable to come to a verdict and will attempt to do so today. Alfred M. Fairbanks, 69, is charged with four counts of felony provider fraud for claims submitted to Idaho Medicaid related to teeth restorations the state alleges were never completed. "Alfred Fairbanks had a scheme to defraud," said Kendal McDevitt, lead deputy attorney general for the Medicaid Fraud Control Unit for the Idaho Attorney General's Office. "Dr. Fairbanks chose to do what he did ... . Dr. Fairbanks convicted himself through his actions and his intent." McDevitt said the state recognizes Fairbanks completed the vast majority of the work he claimed but testimony from the state's expert witness out of Boise shows there is no evidence of six restorations present in two former patients that Fairbanks had received payment for from Idaho Medicaid. Scott McKay, a Boise defense attorney representing Fairbanks, challenged the credibility of the state's key witness, saying the state hired a long retired dentist of 13 years and because the expert couldn't see a few of the small restorations he jumped to the conclusion they were never completed. The expert witness "has no idea how the practice of general dentistry has evolved," McKay said, noting the dentist has only been doing post-mortem dental exams in the recent years. "He jumped to assumptions, and those assumptions were wrong." McDevitt said the state's dentist was able to identify in a three-part exam signs of composite fillings in the patients' molars, where it is most often the hardest to see evidence of such treatment, but not in six other teeth. The molars had large, multi-surface restorations easily visible, while the teeth in question had much smaller restorations that would be more difficult to identify, McKay said. McKay also said the X-rays used provided faulty images and the doctor didn't use magnification to examine the teeth. McKay also said the state's dentist wasn't provided with the full picture of the patients' history at the time of his exams and had "only a fraction of the picture." McKay continued to argue that many aspects of the state's argument did not make sense, including the belief that Fairbanks falsely claimed the services for such a minimal monetary gain. The difference between a sealant and restoration at the time was roughly $35. McDevitt reminded the court of a question posed during the jury selection, "Is there any fraud too small?" The answer is no, he said. Jurors will return at 9 a.m. this morning to continue deliberating.

Jefferson Sheriff Olsen indicted for misuse of funds

By ALI TADAYON Post Register January 29, 2015

A Jefferson County grand jury Monday indicted Sheriff Blair Olsen on charges he misused more than $1,200 in county funds. Olsen, who has served as sheriff for 25 years, faces four counts of felony misuse of public funds of at least $300. Each count is punishable by up to 14 years in prison, no less than one year in prison and a $10,000 fine. Olsen is scheduled to be arraigned on the charges at 1:30 p.m. Feb. 11 before District Judge Alan C. Stephens. According to the indictment, three counts pertain to a period of three consecutive years — 2010, 2011 and 2012 — that Olsen used public funds to pay the cell phone bills of his wife, Marie. The fourth count pertains to Olsen buying a personal lifetime membership to the National Rifle Association with Jefferson County funds between 2010 and 2015. According to Idaho statute, someone is guilty of misusing public funds if they, “knowingly use any public moneys, or financial transaction card, financial transaction card account number or credit account issued to or for the benefit of any governmental entity to make any purchase, loan, guarantee or advance of moneys for any personal purpose or for any purpose other than for the use or benefit of the governmental entity.” Olsen is not the first Idaho sheriff to face such charges. In September 2013, former Minidoka Sheriff Kevin Halverson pleaded guilty to one felony count of misuse of public funds by a public officer, the Twin Falls Times-News reported. Halverson received a withheld judgment and was placed on three years’ probation. He also was sentenced to 90 days in the county jail and ordered to pay $953.47 in restitution to Minidoka County. If Halverson violates probation, he will be subject to the maximum term of 14 years in prison. Additionally, he was ordered to pay a $1,500 fine and court costs, the Times-News reported. Court records show Idaho Attorney General’s Office special prosecuting attorney Jason Slade Spillman, who prosecuted the Halverson case, has been brought in to prosecute Olsen’s case. Attorney General’s Office spokesman Todd Dvorak said the office began investigating Olsen’s alleged misuse of funds in September 2013 at the request of Jefferson County Prosecutor Robin Dunn. Allegations of the misuse of county funds surfaced in 2012, when The Jefferson Star, a Post Co.-owned publication, received a tip that Olsen’s wife had possession of a county-provided cell phone. After the Jefferson Star’s public records requests for cell phone records were denied, The Post Co., which also owns the Post Register, took legal action against the county. The county then was ordered to release the records to the Jefferson Star. It was determined that Marie Olsen had, for years, used a county-paid cell phone under the name of former county employee Andrea Lee. Lee filed a lawsuit against Olsen and the county in 2014, alleging the misuse of funds. Lee, in the complaint, claimed Olsen retaliated against her when she “began expressing concerns about Sheriff Olsen’s misuse of public funds and unequal treatment of employees.” According to a Jefferson Star report, county commissioners said Olsen’s wife should have a cell phone to reach the sheriff in case of emergency. Efforts to reach Olsen or Jefferson County Commission Chairman Jerald Raymond for comment Wednesday were unsuccessful. Olsen, who denied any wrongdoing after the allegations were made public, asked Dunn to request that the Attorney General’s Office investigate the matter. Olsen told the Post Register in 2013 that the allegations against him were misleading. “I felt that there was a lot of half-truths out there,” Olsen said at the time. “I felt like it was only fair to (the county) that an outside, independent agency such as the AG’s Office look at it. I felt that it would clear me of illegal wrongdoing so that we can put this to rest.”

I.F. man gets probation for choking wife

By ALI TADAYON Post Register January 29, 2015

An Idaho Falls man was sentenced Monday to four years probation for choking his wife. Prentice Mims, 39, pleaded guilty to aggravated assault. In a plea agreement, the charge was amended down from felony attempted strangulation. District Judge Dane Watkins Jr. sentenced Mims to an underling prison sentence of one-to-three years. If Mims violates the terms of probation, Watkins could order him to serve the prison sentence. Mims was credited for 60 days he spent in Bonneville County Jail following his arrest. Idaho Falls Police arrested Mims on Sept. 14, at his home on the 400 block of H Street after responding to a report of a domestic disturbance. When officers arrived on scene around 12:15 p.m., they learned Mims was arguing with the 41-year-old victim after he couldn't fine his keys. The victim told Mims that she "didn't know anything about it," police spokeswoman Joelyn Hansen said in September. The victim then went into the bathroom, and Mims wouldn't let her out. Mims then grabbed the victim's throat and squeezed, Hansen said. The victim hit Mims in the face and was able to escape. Both Mims and the victim were home when officers arrived. Hansen said the victim did not seek medical attention.