

SUMMARY STATEMENT

State v Baker, Docket No. 39877

In a case arising out of Kootenai County, the Idaho Supreme Court affirmed a decision of the district court vacating eleven Kootenai County charges against the defendant, Carey Mitchell Baker. The State of Idaho appealed an order from the district court sitting in its intermediate appellate capacity reversing a magistrate court's decision denying Baker's motion to dismiss eleven counts of violating a civil protection order and vacating Baker's conviction on those counts. Between May 26, 2009, and September 17, 2009, Baker's ex-wife, Robyn Shea, received a series of phone messages from Baker in violation of a protection order she obtained in Ada County. The Boise City Attorney filed a misdemeanor complaint against Baker for one count of violating the protection order for the phone message Shea received while in Ada County on August 24, 2009. The Coeur d'Alene City Attorney filed charges against Baker for twelve counts of violating the protection order for all of the phone messages that Shea received from Baker. Baker entered into a plea agreement with the Boise City Attorney where he agreed to plead guilty to the single Ada County count against him in exchange for the promise that "the State" would file no other charges for violation of the protection order for calls Baker placed to Shea prior to February 17, 2010. The Idaho Supreme Court held that Baker's plea agreement with the Boise City Attorney was binding on Kootenai County.