



**BOISE, THURSDAY, JUNE 08, 2017, AT 09:00 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 44273**

<b>STATE OF IDAHO,</b>	)
	)
<b>Plaintiff-Respondent,</b>	)
	)
<b>v.</b>	)
	)
<b>DUSTIN JADE MORGAN,</b>	)
	)
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. Jonathan P. Brody, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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Dustin Jade Morgan was charged with felony eluding an Idaho police officer and misdemeanor driving without privileges arising from an incident in December 2009. An Idaho warrant was issued. In 2010, Morgan was taken into custody in Montana on the Idaho charges. After Morgan was held for thirty days in Montana, Idaho dismissed the original complaint, filed a new complaint with the original charges, and issued a second warrant. Although Morgan was held on the Idaho charges in Montana, Morgan was never officially served with the Idaho arrest warrant. While in Montana, Morgan was charged with crimes he committed in Montana. Because Morgan indicated a willingness to waive extradition, the Montana court dismissed the Idaho extradition proceedings. Morgan was sentenced to fifteen years, with ten years suspended, for the Montana crimes.

In 2015, Morgan returned to Idaho, where he was arrested on the 2010 Idaho warrant. The State filed an information within six months of his 2015 arrest. Morgan filed a motion to dismiss the charges, arguing he was arrested in 2010 in Montana for the Idaho charges, and the State did not file the information until 2015, which was not within six months of Morgan's arrest. The district court denied Morgan's motion to dismiss as well as Morgan's motion to reconsider. On appeal, Morgan argues the district court erred when it denied his motion to dismiss because he was arrested in 2010. The State argues Morgan was arrested in 2015, and because the information was timely filed after the arrest, the district court correctly denied the motion to dismiss.

**BOISE, THURSDAY, JUNE 08, 2017, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 44535**

<b>STATE OF IDAHO,</b>	)
	)
<b>Plaintiff-Respondent,</b>	)
	)
<b>v.</b>	)
	)
<b>ROY AYERS BAXTER JR.,</b>	)
	)
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Jason D. Scott, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Russell J. Spencer, Deputy Attorney General, Boise, for respondent.

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The State charged Roy Ayers Baxter Jr. with domestic violence. The parties had a plea agreement in place, but Baxter waited to obtain a domestic violence evaluation before deciding whether to plead guilty. The State proposed a plea agreement under which, in exchange for Baxter's guilty plea to domestic violence, the State would recommend a rider if a domestic violence evaluation showed that Baxter was a high risk to reoffend, or it would recommend probation if the evaluation showed Baxter was less than a high risk to reoffend.

The domestic violence evaluation classified Baxter as a moderate to high risk to reoffend. Upon receipt of the evaluation, the prosecutor expressed concerns about the result but did not do anything at the time to address her concerns.

Based on the evaluation result and during a change of plea hearing, Baxter pled guilty to domestic violence with the understanding the State would recommend probation. After the change of plea hearing, the prosecutor provided the psychologist with supplemental information. The psychologist reclassified Baxter as a high risk to reoffend in an addendum to the initial evaluation. Based on this increased risk assessment, the prosecutor advised Baxter that the State would recommend a rider instead of probation.

Baxter filed a motion to withdraw his guilty plea, arguing the prosecutor's intervention with the psychologist after Baxter pled guilty rendered the plea agreement meaningless. The district court denied Baxter's motion. At sentencing, the State recommended a rider. Baxter was sentenced to a unified term of ten years, with two and a half years determinate.

On appeal, Baxter argues the district court erred in denying Baxter's motion to withdraw his guilty plea, because Baxter met his burden of showing a just reason to withdraw his plea, and the State did not make any showing of prejudice.

**BOISE, TUESDAY, JUNE 13, 2017, AT 09:00 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket Nos. 44279**

<b>STATE OF IDAHO,</b>	)
	)
<b>Plaintiff-Respondent,</b>	)
	)
<b>v.</b>	)
	)
<b>TRAVIS WHARTON,</b>	)
	)
<b>Defendant,</b>	)
	)
<b>and</b>	)
	)
<b>ALADDIN BAIL BONDS as agent for</b>	)
<b>AMERICAN CONTRACTORS</b>	)
<b>INDEMNITY COMPANY,</b>	)
	)
<b>Surety/Real Party in Interest-</b>	)
<b>Appellant.</b>	)

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Elmore County. Hon. Jonathan Medema, District Judge.

Nevin, Benjamin, McKay & Bartlett, LLP; Christopher D. Sherman, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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A bail bond was signed with a signature and a number by Benjamin Barrera as licensed bail agent of the American Contractors Indemnity Company (American Contractors). The defendant failed to appear for a motion hearing after which the district court revoked bail and ordered the bond posted by American Contractors be forfeited. Pursuant to Idaho Code § 19-2915, the clerk of the court sent notice to American Contractors and Aladdin, an agent authorized to receive such notices.

Aladdin filed a motion to set aside the order of forfeiture and to exonerate American Contractors from liability under the bond. The district court denied Aladdin's motion, holding that in considering "the participation of the person posting bail in locating and apprehending the defendant" under Idaho Criminal Rule 46(h)(1)(B), there was insufficient evidence in the record

to attribute Aladdin's efforts to either Barrera or American Contractors, as the person posting bail. The district court also did not consider Aladdin's recovery efforts as a non-enumerated factor under I.C.R. 46(h) because there was insufficient evidence of Aladdin's relationship with either Barrera or American Contractors.

On appeal, Aladdin argues the district court abused its discretion because: (1) it relied on clearly erroneous factual findings when it determined Aladdin's recovery efforts could not be attributed to American Contractors under I.C.R. 46(h)(1)(B); and (2) it did not consider Aladdin's recovery efforts as an additional relevant factor under I.C.R. 46(h)(1).

**BOISE, TUESDAY, JUNE 13, 2017, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 44838**

<b>In the Matter of JOHN DOE, A Child</b>	)
<b>Under Eighteen (18) Years of Age.</b>	)
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<b>IDAHO DEPARTMENT OF HEALTH</b>	)
<b>AND WELFARE,</b>	)
	)
<b>Petitioner-Respondent,</b>	)
	)
<b>v.</b>	)
	)
<b>JANE DOE (2017-11),</b>	)
	)
<b>Respondent-Appellant.</b>	)

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Appeal from the Magistrate Division of the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. A. Lynne Krogh, Magistrate.

Scott J. Davis, Canyon County Public Defender; Tera Ann Harden, Deputy Canyon County Public Defender, Caldwell, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Alana P. Minton, Deputy Attorney General, Boise, for respondent.

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Jane Doe was under the influence of drugs when she fell into a ditch while carrying her child. The child was placed into state custody, a child protection case was opened, and a case plan was adopted. Subsequently, the Idaho Department of Health and Welfare filed a petition to terminate Doe's parental rights. The Department alleged that Doe had neglected the child, failed to comply with her case plan, and reunification had not occurred. The Department further alleged Doe has been incarcerated and is likely to remain incarcerated for a substantial period of time during the child's minority. After trial, the magistrate found that Doe had neglected the child and that termination of Doe's parental rights was in the best interest of the child. Doe appeals.