

BOISE, WEDNESDAY, DECEMBER 7, 2016 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	
)	Docket No. 43496
BLAIR OLSEN,)	
)	
Defendant-Appellant.)	
)	
)	

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Jefferson County. Hon. Gregory W. Moeller, District Judge.

Cooper & Larsen, Chartered, Pocatello, for appellant.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for respondent.

Appellant Blair Olsen appeals his jury trial conviction on three counts of misuse of public funds by a public officer or employee under Idaho Code section 18-5701. The charges arose when Olsen, then the Jefferson County sheriff, allowed his wife to carry and use a county-funded emergency back-up cell phone during 2010, 2011, and 2012.

Olsen makes three arguments on appeal. First, Olsen contends that the county commissioners' decision to continue to authorize the phone's payments after learning that his wife carried it constituted a non-justiciable political question. Additionally, Olsen argues that the statute he was convicted under is unconstitutionally vague and that the State's decision to charge him with three separate counts violated his right not to be placed in double jeopardy.

BOISE, WEDNESDAY, DECEMBER 7, 2016 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 44259
)	
DANIEL CHERNOBIEFF,)	
)	
Defendant-Appellant.)	
_____)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Hon. Gerald Schroeder, Senior District Judge.

Alan Trimming, Ada County Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for respondent.

Daniel Chernobieff appeals the denial of his motion to suppress the results of a warrantless blood draw. Following the magistrate court’s denial of the motion, Chernobieff entered a conditional guilty plea. On appeal, the district court affirmed the magistrate’s denial of the motion to suppress. The Idaho Court of Appeals also affirmed. Chernobieff sought and the Supreme Court granted review.

BOISE, WEDNESDAY, DECEMBER 7, 2016 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

TARANGO DEFOREST PADILLA,)	
)	
Petitioner-Appellant,)	
)	
v.)	Docket No. 44307
)	
STATE OF IDAHO,)	
)	
Respondent.)	
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Appeal from the District Court of the Fifth Judicial District of the State of Idaho, Twin Falls County. Hon. Randy J. Stoker, District Judge.

Nevin, Benjamin, McKay & Bartlett LLP, Boise, for appellant.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for respondents.

This is an appeal from a district court judgment dismissing Tarango Deforest Padilla’s petition for post-conviction relief with prejudice. Mr. Padilla argues that he was denied effective assistance of counsel when his appointed counsel failed to move to suppress evidence that was allegedly obtained as the result of an unlawful search and seizure. Mr. Padilla contends on appeal that the search and seizure was unlawful under both the United States Constitution and the Idaho Constitution because law enforcement lacked reasonable suspicion at the time he was initially seized. As such, Mr. Padilla argues that a motion to suppress would have been successful, effectively denying him the effective assistance of counsel.