

11-29-2007

State v. Lampien Clerk's Record v. 1 Dckt. 34145

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LAW CLERK IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

STATE OF IDAHO, **LAW CLERK**

Plaintiff and

Respondent,

VS.

MELANIE LAMPIEN,

Defendant and

Appellant.

HONORABLE PETER D. McDERMOTT District Judge

Appealed from the District Court of the Sixth
Judicial District of the State of Idaho, in and
for Bannock County.

Stevan H. Thompson

Attorney for Appellant

Lawrence G. Wasden

Attorney for Respondent

Filed this 0 - COPY day of _____,

20 NOV 29 2007

Clerk

Supreme Court _____ Court of Appeals _____
Entered on ATS by: _____

Deputy

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
vs.)
)
MELANIE LAMPIEN,)
)
Defendant-Appellant.)

Supreme Court Case No. 34145

CLERK'S TRANSCRIPT ON APPEAL

Appeal from the District Court of the Sixth Judicial District of the State of Idaho
in and for the County of Bannock.

HONORABLE PETER D. McDERMOTT, District Judge

Stevan H. Thompson
P. O. Box 50190
Idaho Falls, Idaho 83405-0190
Attorney for Defendant-
Appellant

Lawrence G. Wasden
Attorney General of Idaho
P. O. Box 83720
Boise, Idaho 83720-0010
Attorney for Plaintiff-
Respondent

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State of Idaho vs. Melanie Ann Lampien

Date	Code	User	Judge
9/1/2006	LOCT	BRANDY	Supreme Court Appeal; Send to Sandra McDermott after Rule 35. Sent to J. McDermott on 4-27-07 with Notice of Hearing on Rule 35 Motion
	NCRF	BRANDY	New Case Filed-Felony
	PROS	BRANDY	Prosecutor Assigned Vic A Pearson
	HRSC	BRANDY	Hearing Scheduled (Arrestment 09/01/2006 03:00 PM)
	CRCO	BRANDY	Criminal Complaint; Harboring a Wanted Felon, IC 18-205
	AFPC	BRANDY	Affidavit Of Probable Cause; ISP report from Detective Brush (no #); request for \$10,000 bond
	ORDR	BRANDY	Minute entry and order; probable cause determined; bond to be set at arrn; J Beebe
	ARRN	KIM	Hearing result for Arrestment held on 09/01/2006 03:00 PM: Arrestment / First Appearance
	BOND	KIM	Bond Set at 1000.00 and crt serv
	HRSC	KIM	Hearing Scheduled (Preliminary Hearing 09/13/2006 09:30 AM)
9/6/2006	BNDS	MICHELLEM	Bond Posted - Surety (Amount 1000.00) Accessory to Felony
9/13/2006	ATTR	KIM	Defendant: Lampien, Melanie Ann Attorney Retained Craig W Parrish
	NOAP	KIM	Notice Of Appearance
	MISC	KIM	REQUEST TO BROADCAST BY CHANNEL6/GRANTED
	PHWW	KIM	Hearing result for Preliminary Hearing held on 09/13/2006 09:30 AM: Preliminary Hearing Waived (bound Over)
		KIM	Questionnaire in File
9/14/2006	HRSC	BRANDY	Hearing Scheduled (Arrestment 09/18/2006 01:30 PM)
	INFO	BRANDY	Pros Atty Info (3) - Charge "Harboring a Wanted Felon, IC 18-205;"
9/18/2006	MOTN	BRANDY	Discovery Motion; Craig Parrish aty for dfdt
	ARRN	PATTI	Hearing result for Arrestment held on 09/18/2006 01:30 PM: Arrestment / First Appearance
	APNG	PATTI	Appear & Plead Not Guilty (crt advised parties that it had the underlying case of the person that the dfdt was allegedly harboring - Mr. Parrish then advised crt that he was moving to disqualify this crt - crt informed parties that the motn would be granted if filed timely);
9/20/2006	DISC	BRANDY	Request for Discovery; Vic Pearson aty for State

State of Idaho vs. Melanie Ann Lampien

Date	Code	User		Judge
9/22/2006	MOTN	PATTI	Motion for disqualification (of J. Smith)	N. Randy Smith
9/27/2006	ORDR	PATTI	Order (J. Smith disqualifies self);	N. Randy Smith
	ORDR	PATTI	Order (matter referred to J. McDermott for final disposition); J. Smith	Peter D. McDermott
10/11/2006	ORDR	BRANDY	Minute entry and order; dfdt to appear for FP on 10-10-06; J McDermott 10-4-06	Peter D. McDermott
	ORDR	BRANDY	Minute entry and order; hearing held 10-10-06; trial set; J McDermott 10-10-06	Peter D. McDermott
10/17/2006	HRSC	BRANDY	Hearing Scheduled (Further Proceedings 01/29/2007 08:30 AM)	Peter D. McDermott
	HRSC	BRANDY	Hearing Scheduled (Jury Trial 01/30/2007 09:30 AM)	Peter D. McDermott
1/29/2007	INHD	BRANDY	Hearing result for Further Proceedings held on 01/29/2007 08:30 AM: Interim Hearing Held; Minute entry and order; plea agreement reached; dfdt changed plea to guilty; PSI ordered; sentencing set; trial vacated; J McDermott 1-29-07	Peter D. McDermott
	HRVC	BRANDY	Hearing result for Jury Trial held on 01/30/2007 09:30 AM: Hearing Vacated	Peter D. McDermott
2/1/2007	HRSC	BRANDY	Hearing Scheduled (Sentencing 03/19/2007 08:30 AM)	Peter D. McDermott
	GQIF	MICHELLEM	Guilty questionnaire in file	Peter D. McDermott
3/19/2007	MISC	JOYLYNN	court services file closed compliant	Peter D. McDermott
	HRHD	MICHELLEM	Hearing result for Sentencing held on 03/19/2007 08:30 AM: Hearing Held	Peter D. McDermott
	CPGT	MICHELLEM	Change Plea To Guilty Before H/t (118-205 Accessory To Felony)	Peter D. McDermott
	SNIC	MICHELLEM	Sentenced To Incarceration (118-205 Accessory To Felony) Confinement terms: Penitentiary determinate: 3 years. Penitentiary indeterminate: 2 years.	Peter D. McDermott
	CSTS	MICHELLEM	Case Status Changed: closed pending clerk action	Peter D. McDermott
	BNDE	MICHELLEM	Surety Bond Exonerated (Amount 1,000.00)	Peter D. McDermott
3/20/2007	ORDR	MICHELLEM	Minute Entry and Order and Commitment Order; Defendant was sentenced 3/19/2007 to 3 years fixed, 2 indeterminate for a total of 5 years penententiary time; /s/ J McDermott 3/19/2007	Peter D. McDermott
3/22/2007	MOTN	MICHELLEM	Rule 35 Motion; DA - Craig Parrish	Peter D. McDermott
3/26/2007		MICHELLEM	Non Binding Plea Agreement; DA - Craig Parrish	Peter D. McDermott
4/9/2007	SUBC	MICHELLEM	Substitution Of Counsel; DA - Stevan H. Thompson	Peter D. McDermott
4/27/2007	APSC	DCANO	Appealed To The Supreme Court	Peter D. McDermott

State of Idaho vs. Melanie Ann Lampien

Date	Code	User	Judge
4/27/2007	NOTC	DCANO	Peter D. McDermott
			Notice of Appeal; Stevan H. Thompson, Atty for Melanie Lampien. Stevan office was notified about the \$100.00 Clerks Record fee on 4-26-07. Diane
7/2	HRSC	DCANO	Peter D. McDermott
			Notice of Hearing; DA - Stevan Thompson Hearing Scheduled (Motion 05/29/2007 08:30 AM) Motion on Rule 35
5/25/2007	HRSC	MICHELLEM	Peter D. McDermott
			Amended Notice of Hearing; DA Stevan Thompson ; Hearing Scheduled (Further Proceedings 06/18/2007 08:30 AM) Rule 35 Motion
6/5/2007	MISC	DCANO	Peter D. McDermott
			IDAHO SUPREME COURT; Notice of Appeal, Docket #34145, Clerk's Record and Reporters Transcript due in Supreme Court on 8-2-07
6/18/2007	HRSC	CINDYBF	Peter D. McDermott
			Second Amended Notice of Hearing- Hearing Scheduled (Motion 07/17/2007 08:30 AM) Rule 35 Motion by DA Thompson.
7/3/2007	CONT	KATHYS	Peter D. McDermott
			Hearing result for Further Proceedings held on 06/18/2007 08:30 AM: Continued Rule 35 Motion
7/17/2007	MEOR	KATHYS	Peter D. McDermott
			Minute Entry and Order- Rule 35 Motion - oral argument - DENIED
	DENY	KATHYS	Peter D. McDermott
			Hearing result for Motion held on 07/17/2007 08:30 AM: Motion Denied Rule 35 Motion
7/30/2007	MISC	DCANO	Peter D. McDermott
			IDAHO SUPREME COURT; Court Reporter's Motion for Extension of Time to Lodge Transcript. GRANTED.
	MISC	DCANO	Peter D. McDermott
			ORDER FROM SUPREME COURT; Reporter's Transcript shall be lodged in the Dist. Court on or before August 10, 2007 and Filed in Supreme Court by 9-14-07.

ORIGINAL IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

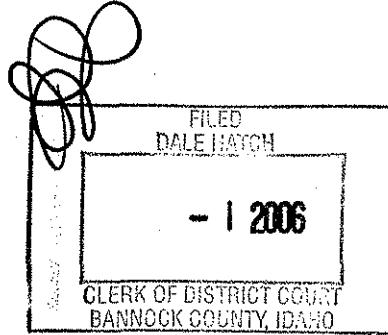
vs.

MELANIE ANN LAMPIEN,
496-80-2799
11-12-72

Defendant.

CASE NO. CR-2006-110052FE

AFFIDAVIT OF PROBABLE CAUSE



STATE OF IDAHO,)
) ss
COUNTY OF BANNOCK)

VIC A. PEARSON, being first duly sworn, deposes and says that:

I am the Chief Deputy Prosecutor for the Bannock County Prosecuting Attorney's Office. I have reviewed the investigation regarding MELANIE ANN LAMPIEN. Based on that review, I have requested a Sixth District Magistrate Judge to make a determination of probable cause to hold or set bond on the above-named defendant for the public offense of HARBORING A WANTED FELON, a violation of I.C. §18-205.

The basis for the request is the information set forth in a supplementary police report which is designated as Exhibit "A" attached hereto. I further depose and say that I have read Exhibit "A" and all the contents are true to the best of my knowledge, and that I personally know the author of that report to be a law enforcement officer whom I believe to be credible and reliable.

DATED this 1 day of September, 2006.

[Signature]
VIC A. PEARSON

STATE OF IDAHO)
) ss
COUNTY OF BANNOCK)

VIC A. PEARSON, known to me to be the person whose name is subscribed to the within instrument, acknowledged to me that he has executed the same and that he read the same and that the same was true to the best of his knowledge.

DATED this 1st day of September, 2006.

[Signature]
NOTARY/MAGISTRATE

09/01/06
07:44

Page: 649
1

STATE LINK MESSAGES:

Terminal I	Arrival Date/Time	Message Subject	R
bpro03	07:32:19 09/01/2006	??	1

Message Received From NCIC

NL0100I4,MRI1281798I
NL0100I4,MRI1281798
ID0030210

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX
(III) FOR NAM/LAMPIEN,MELANIE ANN.SEX/F.RAC/W. [REDACTED]
SOC/[REDACTED]PUR/C.
END

MRI 1281799 IN: NCIC 2311 AT 07:33 01SEP06
OUT: PPOC 131 AT 07:33 01SEP06

=====

9

09/01/06
07:44

Page: 649
1

STATE LINK MESSAGES:

Terminal	I	Arrival Date/Time	Message Subject	R
bpro03		07:33:40 09/01/2006	??	1

Message Received From CCH

IR.IDSIR0000.ID0030210.*MRI1281828.
PUR/C.ATN/J HOBSON CHG INV

THE FOLLOWING IS IN RESPONSE TO YOUR INQUIRY ON
NAM/LAMPIEN, MELANIE ANN .DOB [REDACTED] SEX/F.SOC/[REDACTED]

*** THE ABOVE NAMED SUBJECT MAY BE THE SAME AS ***
*** OUR IDAHO CRIMINAL HISTORY ON ***

***** NO MATCHING RECORD ON FILE *****

NOTICE -- THE RESPONSE TO YOUR REQUEST FOR A CRIMINAL HISTORY RECORD CHECK IS BASED ON A REVIEW OF THE STATE OF IDAHO'S DATA BASE ONLY. THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF A RECORD IN A LOCAL AGENCY, (SHERIFF'S OFFICE OR POLICE DEPARTMENT), A STATE OTHER THAN IDAHO OR THE FBI IDENTIFICATION DIVISION FILES.

MRI 1281829 IN: CCH 192 AT 07:34 01SEP06
OUT: PPOC 132 AT 07:34 01SEP06

=====

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

THE STATE OF IDAHO,

Plaintiff

) CASE NO.

vs.

)

)

)

)

)

)

)

)

)

Melanie Ann Lampien

SSN: [REDACTED]

DOB: [REDACTED]

STATE OF IDAHO

ss.

County of Bannock

AFFIDAVIT OF PROBABLE CAUSE IN SUPPORT OF CRIMINAL COMPLAINT

I, Detective Sergeant Gary Brush of the Idaho State Police, being first duly sworn, on oath deposes and says:

1. That I am the same person whose name is subscribed to the attached felony complaint.

2. The above named defendant was arrested for the crime of: Harboring a fugitive Idaho Code 18-205

3. Your affiant believes that probable cause existed for said arrest and believes the crime as set out above has been committed in Bannock County and that Melanie Ann Lampien is the person who committed said crime based on the following:

1. On August 31, 2006, at approximately 2:15 p.m., Idaho State Police Lt. Eric Dayley called me and advised that the Pocatello Police Department had been in a Critical Incident on Buchanan Street, in Pocatello, Bannock County, Idaho. Lt. Dayley advised me that the Pocatello Police Department requested the Idaho State Police complete a criminal investigation of the incident.

2. At approximately 2:35 p.m., I arrived at 870 Buchanan Street in Pocatello, Bannock County, Idaho. Pocatello Police Detective Sergeant Marchand advised me that State of

AFFIDAVIT OF PROBABLE CAUSE IN SUPPORT OF CRIMINAL COMPLAINT/CITATION

Idaho, Probation and Parole officers and Pocatello Police officers attempted to serve a felony arrest warrant on Nicholas Verl McKenna at 870 Buchanan Street apt D, in Pocatello, Bannock County, Idaho. He stated that Melanie Ann LAMPIEN was in the residence at the time officers attempted to serve the warrant.

3. At approximately 3:25 p.m., Pocatello Police Detective Bill Collins and I, Idaho State Police Detective Sergeant Gary Brush, completed a voluntary interview with LAMPIEN at the Pocatello Police Department regarding her knowledge of the Critical Incident, the attempted service of the arrest warrant, and her knowledge of McKenna's fugitive status.

4. At approximately 3:28 p.m., I read LAMPIEN the Pocatello Police Department, Adult Rights Form. I then allowed LAMPIEN to read the form. LAMPIEN chose to waive her Miranda rights, answer questions, and sign the form.

5. At approximately 3:30 p.m., LAMPIEN advised Detective Collins and me about her knowledge of McKenna's fugitive status:

- 18
- a. On this date, she is not sure of the time, she observed four to five uniformed police officers outside the door of her residence. She went out to meet the officers before they knocked on the door.
 - b. The officers advised her they were looking for McKenna regarding some burglaries. She informed officers she had seen him, but she did not know where he was.
 - c. She went back into the residence and told McKenna the police were outside looking for him and requested that he talk to them.
 - d. She knew McKenna had warrants because his probation officer, Jed Dayley, had informed her about the warrants around June 2006. She didn't know they were felony warrants.
 - e. She knew McKenna was on probation.
 - f. McKenna is her husband; they were married April 5, 2006.
 - g. McKenna, her son [REDACTED] and she are the only ones who live in the house.
 - h. McKenna moved in the residence after she moved in, which was in April 2006.
 - i. McKenna had read something in the paper, which caused him not to leave the residence for the last two weeks to avoid being arrested by the police.

**AFFIDAVIT OF PROBABLE CAUSE
IN SUPPORT OF CRIMINAL
COMPLAINT/CITATION**

Page 2

j. McKenna use to work construction, but stopped going to work when Officer Dayley began looking for him.

6. At approximately 4:50 p.m., Detective Collins and I concluded the interview.

7. At approximately 5:10 p.m., I arrested LAMPIEN for Harboring a fugitive, IC 18-205. Pocatello Police Officer Tracy Marshall transported LAMPIEN to Bannock County Jail and incarcerated her in lieu of bond.

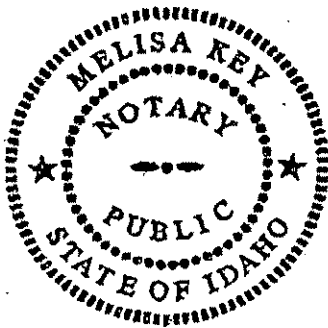
8. At approximately 8:10 p.m., Bannock County Dispatch faxed me copies of two confirmed original arrest warrants for Nicholas Verl McKenna, they included Case No. CR-02-70750-FE and Case No. CR-03-6985-FE.

That the events described above did take place in Bannock County, State of Idaho.

Dated this 1st day of September, 2006.

Gary Brush
Detective Sergeant Gary Brush, Arresting Officer

SUBSCRIBED AND SWORN to before me this 1st day of September, 2006.



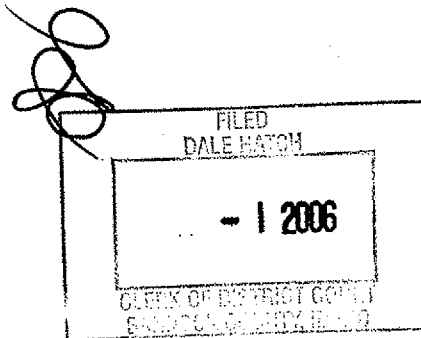
Melisa Key
Notary Public of Idaho
Residing at Bannock Cty, Idaho
My Commission Expires: 11-25-09

AFFIDAVIT OF PROBABLE CAUSE
IN SUPPORT OF CRIMINAL
COMPLAINT/CITATION

ORIGINAL

MARK L. HIEDEMAN
BANNOCK COUNTY PROSECUTOR
P.O. BOX P
POCATELLO, ID 83205-0050
(208) 236-7280

VIC A. PEARSON ISB #6429
Chief Deputy Prosecuting Attorney



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 MELANIE ANN LAMPIEN,)
)
 [REDACTED])
 11-12-72)
)
 Defendant.)
 _____)

CR-2006-16052 FE

COMPLAINT - CRIMINAL

Personally appeared before me this 21st day of September, 2006, VIC A. PEARSON in the County of Bannock, who, first being duly sworn, complains of MELANIE ANN LAMPIEN and charges the defendant with the public offense of HARBORING A WANTED FELON, Idaho Code §18-205, a felony, committed as follows, to-wit:

That the said MELANIE ANN LAMPIEN, in the County of Bannock, State of Idaho, on or about the 31st day of August, 2006, did with knowledge that NICHOLAS VERL McKENNA was charged with a felony probation violation, and that law enforcement officers were attempting to locate NICHOLAS VERL McKENNA, did conceal, harbor and protect NICHOLAS VERL McKENNA, by that the defendant, when asked by law enforcement officers as to the whereabouts of NICHOLAS VERL McKENNA, denied knowledge of NICHOLAS VERL McKENNA 's whereabouts, while having actual knowledge that NICHOLAS VERL McKENNA was at that time concealed in the defendant's residence, located at 870 N. Buchanan Street, Pocatello, Idaho.

All of which is contrary to the form of the statute in said State made and provided and against the peace and dignity of the State of Idaho.

Said complainant prays that the said MELANIE ANN LAMPIEN be dealt with according to law.



VIC A. PEARSON

SUBSCRIBED AND SWORN to before me this 1st day of September,

2006.



MAGISTRATE

ORIGINAL

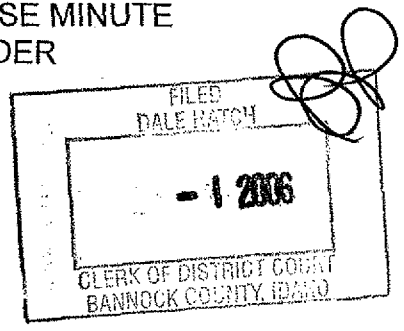
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

MAGISTRATE DIVISION

STATE OF IDAHO)
)
 Plaintiff)
)
 vs.)
)
 MELANIE ANN LAMPIEN)
)
 11-12-72)
)
 Defendant.)

Case No. CR-2006-16052FE

PROBABLE CAUSE MINUTE
ENTRY AND ORDER



An Affidavit of Probable Cause having been presented to the undersigned magistrate on this date charging the defendant with the crime(s) of:

HARBORING A WANTED FELON, Idaho Code §18-205

The defendant, having been incarcerated without a warrant, the court finds Probable Cause to believe the defendant committed the crime(s) set forth above.

- The defendant is released O.R.
- The defendant shall remain incarcerated in lieu of bond(s) in the amount of \$ _____
- The defendant shall remain incarcerated in lieu of bond in the amount set by the bond schedule.
- The defendant shall remain incarcerated and bond shall be determined at arraignment.

This affidavit is made in support of an application for an arrest warrant.

An arrest warrant was issued setting bond(s) in the amount of _____

The court does not find Probable Cause to believe the defendant committed the crime(s) set forth above. The defendant shall be released within 48 hours of arrest.

IT IS SO ORDERED,

Dated this 1 day of Sept, 2006 and signed at _____ o'clock 11:30 A.M.

[Signature]
SIXTH DISTRICT MAGISTRATE JUDGE

ORIGINAL

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK
MAGISTRATE DIVISION

STATE OF IDAHO,
Plaintiff,

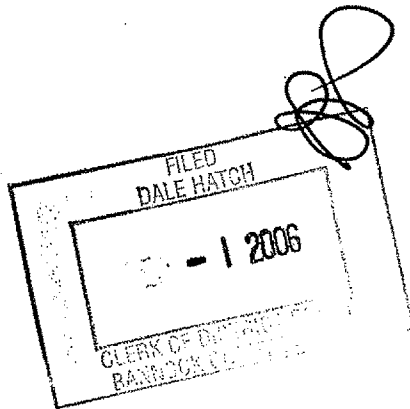
vs.

MELANIE ANN LAMPIEN,
[REDACTED]
11-12-72

Defendant.

CR-2006-16052FE

REQUEST FOR BOND

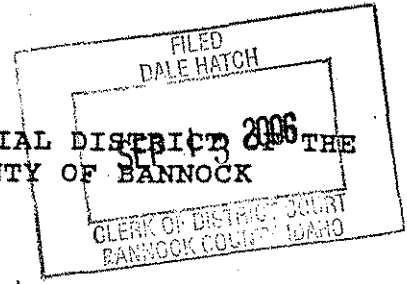


We request a bond of \$10,000 be set for defendant, MELANIE ANN LAMPIEN, charged with the public offenses of HARBORING A WANTED FELON, Idaho Code §18-205, for the following reasons: due to the nature of the offense.

DATED this 1 day of September, 2006.

BANNOCK COUNTY PROSECUTOR

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK



QUESTIONNAIRE

READ EACH OF THE FOLLOWING 8 STATEMENTS CAREFULLY, INITIAL EACH STATEMENT ONLY IF YOU FEEL THAT YOU UNDERSTAND THE STATEMENT.

- 18
- ML 1. You have received a copy of the Complaint charging you with the crime(s) of: Harboring a fugitive
- ML 2. You have the right to a Preliminary Hearing on each charge.
- ML 3. At the Preliminary Hearing, the State must present evidence which shows that a crime has been committed and that there is probable cause to believe that you committed the crime.
- ML 4. If the state is able to show that you probably committed the crime, you will be required to appear in district Court and enter a plea to the charge against you.
- ML 5. You may waive your right to a Preliminary Hearing.
- ML 6. If you waive your Preliminary hearing, you will be required to appear in District Court to enter a plea to the charge against you.
- ML 7. By waiving the right to a Preliminary Hearing, you do not admit that you are guilty.
- ML 8. By waiving the right to a Preliminary Hearing, you do not waive any other right which you have.

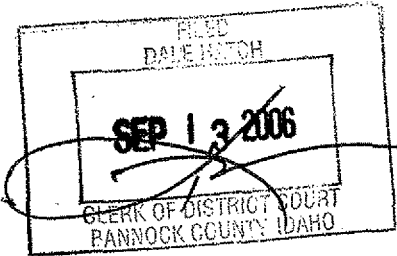
ANSWER THE FOLLOWING QUESTION:

1. Do you read and understand the English language? yes
2. Have you discussed all the facts and circumstances of your case with your attorney? yes
3. Do you have any questions regarding the way in which your attorney has handled your case? no
4. Do you wish to waive your right to a Preliminary Hearing? yes
5. Has anyone promised you anything or threatened you in any way to get you to waive your right to a Preliminary Hearing? no
6. Has your attorney fully discussed this questionnaire with you? yes
7. Do you feel that you fully understand all statements and questions in this questionnaire? yes

DATE: Sept 13 2006

R. J. Sampson
SIGNATURE

[Signature]
ATTORNEY FOR DEFENDANT



SIXTH JUDICIAL DISTRICT COURT STATE OF IDAHO
IN AND FOR THE COUNTY OF BANNOCK
MAGISTRATE DIVISION

STATE OF IDAHO,)
)
Plaintiff.)
)
vs.)
)
Melanie Ann Lampien)
870 Buchanan)
Pocatello, ID 83201)
)
Defendant.)
DOB: [REDACTED])
DL or SSN: [REDACTED])
[REDACTED])
_____)

Case No: CR-2006-0016052-FE

MINUTE ENTRY AND ORDER
WAIVING PRELIMINARY HEARING

The above-entitled matter was before the court on Wednesday, September 13, 2006 for preliminary hearing on the charge(s) of HARBORING A WANTED FELON, I.C. 18-205 . The Honorable David L. Evans presided. The State was represented by ERIN CHRISTISON. The defendant appeared in person and through counsel, CRAIG PARRISH.

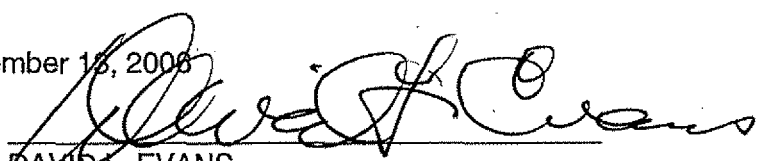
The defendant requested the court's permission to WAIVE THE PRELIMINARY HEARING. The court questioned the defendant about his/her right to have the preliminary hearing at this time and place, her understanding of the charge(s) and the proceedings, and the voluntariness of the decision to waive the preliminary hearing. The Defendant submitted a signed questionnaire indicating her understanding of the right to a preliminary hearing. The court, being satisfied the defendant has made a knowing, voluntary and intelligent decision based upon the facts and circumstances of this case, allowed the defendant to WAIVE her preliminary hearing.

IT IS THEREFORE ORDERED that the defendant is bound over to the district court and held to answer to the charge(s) listed above.

Bond status: The defendant is released on a \$1000.00 Surety Bond and Court Services.

The court ORDERED the defendant to stay in contact with her attorney and attend all future court proceedings.

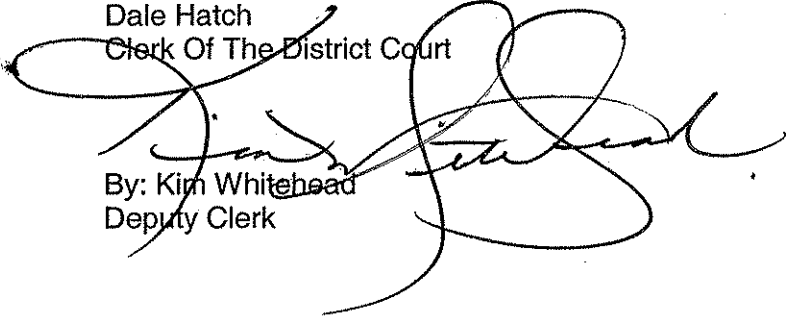
IT IS SO ORDERED this Wednesday, September 13, 2006


DAVID L. EVANS
MAGISTRATE JUDGE

I certify that on Wednesday, September 13, 2006 I served a true and correct copy of the foregoing **Minute Entry and Order Waiving Preliminary Hearing** on the person(s) listed below by hand delivery or mail with correct postage.

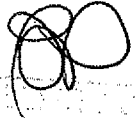
Vic A Pearson Bannock County Prosecutors Office P O Box P Pocatello, ID 83205	Craig W Parrish Po Box 4321 Pocatello ID 83202
--	--

Dale Hatch
Clerk Of The District Court



By: Kim Whitehead
Deputy Clerk

MARK L. HIEDEMAN
BANNOCK COUNTY PROSECUTOR
P.O. BOX P
POCATELLO, IDAHO 83205
Telephone: (208) 236-7280

VIC A. PEARSON, ISB #6429
Chief Deputy Prosecutor

FILED
BANNOCK COUNTY
2006 SEP 16 10:13
BY 

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

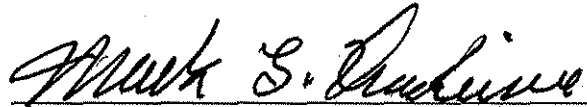
STATE OF IDAHO,)	
)	
Plaintiff,)	CASE NO. CR-06-16052-FE
)	
vs.)	PROSECUTING ATTORNEY'S
)	INFORMATION
MELANIE ANN LAMPIEN,)	
)	
11-12-72)	
)	
Defendant.)	
_____)	

21

MARK L. HIEDEMAN, Prosecuting Attorney, in and for Bannock County,
State of Idaho, who, in the name and by the authority of said State prosecutes in its
behalf, in proper person comes into said District Court in the County of Bannock, State of
Idaho, on the 13th day of September, 2006, and gives the Court to understand and be
informed that MELANIE ANN LAMPIEN is accused by this information of the crime of
HARBORING A WANTED FELON, Idaho Code §18-205, a felony, committed as
follows, to-wit:

That the said MELANIE ANN LAMPIEN, in the County of Bannock, State of Idaho, on or about the 31st day of August, 2006, did with knowledge that NICHOLAS VERL McKENNA was charged with a felony probation violation, and that law enforcement officers were attempting to locate NICHOLAS VERL McKENNA, did conceal, harbor and protect NICHOLAS VERL McKENNA, by that the defendant, when asked by law enforcement officers as to the whereabouts of NICHOLAS VERL McKENNA, denied knowledge of NICHOLAS VERL McKENNA 's whereabouts, while having actual knowledge that NICHOLAS VERL McKENNA was at that time concealed in the defendant's residence, located at 870 N. Buchanan Street, Pocatello, Idaho.

All of which is contrary to the form of the statute in such case in said State made and provided and against the peace and dignity of the State of Idaho.



MARK L. HIEDEMAN
Prosecuting Attorney
Bannock County, Idaho

STATE OF IDAHO)
) ss.
COUNTY OF BANNOCK)

I, DALE HATCH, Clerk of the District Court of the Sixth Judicial District, in and for the County of Bannock, State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original information filed in my office on the ____ day of _____, _____.

Clerk

Deputy

CRAIG W. PARRISH (#4763)
PARRISH LAW OFFICE
PO BOX 4321
POCATELLO ID 83205-4321
(208)234-1234

FILED
CLERK OF THE COURT
2006 SEP 15 PM 2:58
BY: [Signature]

Attorney for Defendant

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF BANNOCK
DISTRICT COURT

STATE OF IDAHO,)
)
Plaintiff,)
)
-vs-)
)
MELANIE LAMPIEN,)
)
Defendant.)
_____)

CASE No. CR 2006-16052-FE

B

DISCOVERY MOTION

COMES NOW, Defendant, MELANIE LAMPIEN, by and through her attorney of record and pursuant to Rule 16 of the Idaho Criminal Rules submits the following requests for Discovery:

1. Defendant requests those materials specified for automatic disclosure by the Prosecutor including, but not limited to, the following:
 - a. All evidence which tends to negate guilt of the accused in this offense.
 - b. All evidence which would tend to reduce the punishment in this case.
2. Any and all statements of the Defendant which have been written, recorded, or video taped and the substance of any statement which may have been made orally, either before or after

the arrest, to peace officer, Prosecuting Attorney or his agent, or to any witness intended by the state to be called in this case.

3. Any and all statements both written, recorded or video taped of the co-Defendant or co-conspirators in this case whether before or after arrest in response to interrogation or contact by peace officer or law enforcement agency or otherwise.

4. A copy of the Defendant's prior criminal record.

5. To permit the Defendant to inspect copy or photograph books, papers, documents, photographs, video tapes, tangible objects, buildings, places or copies or portions thereof which are in the possession, control, or custody of the Prosecuting Attorney, or to which the Prosecuting Attorney has access.

6. To allow the Defendant to inspect, copy, or photograph results of any physical or mental examination, scientific test, or experiments made in connections with this case.

7. Please furnish to the Defendant a written list of names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial together with any record of prior felony convictions, which is within the knowledge of the Prosecuting Attorney after exercising due diligence.

8. Copies of all Police reports, investigative reports and memoranda within the Prosecutor's possession in connection with the investigation and prosecution of this case.

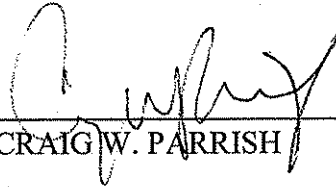
9. Pursuant to Rule 16 of the Idaho Criminal Rules the State has a continuing duty to supplement such responses, and has a duty to exercise due diligence in the gathering and discovering of such evidence.

10. Any and all tape recorded or written statements in the possession of the Prosecuting

Attorney pertaining to this case.

11. Any and all evidence intended to be introduced at Trial and/or Preliminary Hearing.

DATED this 14 day of SEPTEMBER, 2006.

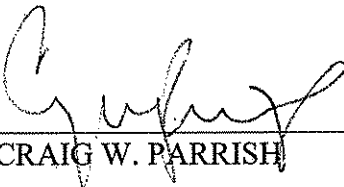


CRAIG W. PARRISH

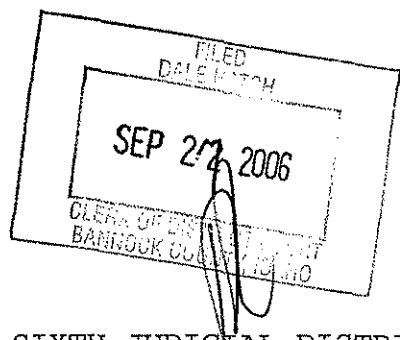
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, **DISCOVERY MOTION** was hand delivered on the 14 day of SEPTEMBER, 2006 to:

PROSECUTOR'S OFFICE
COURTHOUSE IN BOX
POCATELLO ID 83205



CRAIG W. PARRISH



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

Register #CR-2006-0016052-FE
STATE OF IDAHO,

Plaintiff,

-vs-

MELANIE ANN LAMPIEN,

Defendant.

MINUTE ENTRY & ORDER

The above-named Defendant appeared in Court on the 18th day of September, 2006 with her counsel, Craig W. Parrish, for arraignment. Jared Olson, Bannock County Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho.

When asked by the Court, the Defendant stated that her true name is as shown on the Information. The reading of the Prosecuting Attorney's Information was waived and a certified copy of the same handed to the Defendant.

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When asked by the Court, the Defendant waived the statutory time in which to enter a plea and entered a plea of **NOT GUILTY** to the charge of **HARBORING A WANTED FELON, I.C. 18-205.**

At the hearing, the Court advised the parties that he was the Judge, who presided over the underlying case of the person that the Defendant was allegedly harboring. Mr. Parrish then advised the Court that the Defendant was moving to disqualify the Court without cause. The Court then informed the parties that the motion would be granted, if timely filed.

IT IS FURTHER ORDERED that the **O.R. Release to Court Services** in this matter be and the same is hereby **CONTINUED**, with the Defendant being advised that the following conditions are attached to said release, to-wit: (1) Defendant shall keep in touch with his/her attorney; (2) Defendant is required to appear at all scheduled proceedings; (3) Defendant shall not violate any laws of the City, County, State and Federal government during the period of said release; (4) Defendant shall not leave the State of Idaho without the permission of her attorney; and (5) Defendant comply fully with the obligations she has made with Court Services. Defendant was further advised that failure to comply with the conditions of said release could result in the issuance of a Bench

Warrant for her arrest and the revocation of said O.R. Release.

DATED September 26, 2006.


N. RANDY SMITH
District Judge

28
Copies to:
Mark L. Hiedeman
Craig W. Parrish

MARK L. HIEDEMAN
BANNOCK COUNTY PROSECUTING ATTORNEY
P.O. Box P
Pocatello, Idaho 83205-0050
(208) 236-7280

FILED
BANNOCK COUNTY
CLERK
2006 FEB 10 10:10 AM
Pocatello, Idaho

VIC A. PEARSON ISB# 6429
Chief Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 MELANIE LAMPIEN,)
)
 Defendant.)
 _____)

CASE NO. CR-06-16052-FE **B**
REQUEST FOR DISCOVERY

TO: CRAIG PARRISH, ATTORNEY AT LAW, PO BOX 4321, Pocatello, Idaho;
Attorney for the Defendant.

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the
Idaho Criminal Rules requests discovery and inspection of the following information,
evidence, and materials:

1. Any books, papers, documents, photographs, tangible objects or copies
or portions thereof, which are within the possession, custody or control of the Defendant,
and which the Defendant intends to introduce at trial in the above-mentioned case.

2. Copies of any and all results or reports of physical or mental examinations and of any scientific tests or experiments made in connection with the above-mentioned case, or copies thereof, within the possession or control of the Defendant which the Defendant intends to introduce at trial, or which were prepared by a witness whom the defendant intends to call at trial when the results or reports relate to testimony of the witness.

3. Describe any and all documents and tangible evidence, not previously disclosed, which Defendant intends to introduce or may introduce at trial.

4. The names and addresses of lay witnesses the Defendant intends to call at trial, and the substance of the testimony of such witnesses.


5. The names and addresses of expert witnesses the Defendant intends to call at trial, and the substance of the testimony of such witnesses.

6. Under Idaho Code §19-519, if you intend to offer evidence of an alibi in your defense, you are hereby required to serve upon me, the undersigned Prosecuting Attorney for Bannock County, Idaho, within ten (10) days, a notice in writing of your intention to claim such alibi which said notice shall contain specific information as the place(s) and time(s) at said place(s) at which you claim to have been on the day of the alleged offense, and as particularly as is known to you or your attorney, the names and addresses of the individual(s) and/or testimonial witnesses by whom you propose to establish such alibi.

7. This is a continuing Request for Discovery and the Attorney for the Defense shall timely file such supplemental responses with the Court and shall serve the same upon the State as may be required from time to time to correctly set forth all further and different information obtained by the Attorney for the Defense.

The undersigned further requests that said information, evidence and materials be presented to the Office of the Prosecuting Attorney, Bannock County Courthouse, Pocatello, Idaho, on or before the fourteenth day from which it has been signed, or at such other date and time mutually agreed to by counsel.

DATED this 19 day of September, 2006.



VIC A. PEARSON
Deputy Prosecuting Attorney
Bannock County, Idaho

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY That on this 19 day of September, 2006, a true and correct copy of the foregoing REQUEST FOR DISCOVERY was delivered to the following:

CRAIG PARRISH
ATTORNEY AT LAW
PO BOX 4321
POCATELLO, IDAHO 83205-4321

mail -
postage prepaid
 hand delivery
 facsimile


VIC A. PEARSON

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2006 OCT 11 PM 3:24

BY 
DEPUTY CLERK

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
IN AND FOR THE STATE OF IDAHO, COUNTY OF BANNOCK**

STATE OF IDAHO,)
)
)
Plaintiff,)
)
)
vs.)
)
MELANIE ANN LAMPIEN,)
)
)
11-12-1972)
)
)
Defendant.)
_____)

CASE NO. CR2006-16052FE

MINUTE ENTRY AND ORDER

32

Defendant appeared before the Court this 10th day of October, 2006, for further proceedings with counsel Rusty Hansen for Craig Parrish. Ken Webster, Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho. This matter was electronically recorded.

Defendant asserted her not guilty plea and requested the matter be set for Jury Trial.

NOW, THEREFORE, IT IS HEREWITH ORDERED the matter is set for Jury Trial commencing Tuesday, January 30, 2007, at 9:30 a.m., District Courtroom No. 300, Bannock County Courthouse. IT IS FURTHER ORDERED proposed jury instructions shall be filed on or before Wednesday, January 24, 2007.

IT IS FURTHER ORDERED this matter is set for further proceedings on Monday, January 29, 2007, at 8:30 a.m., District Courtroom No. 300, Bannock County Courthouse.

There being no objection;

IT IS FURTHER ORDERED Defendant's bond release is CONTINUED with the

conditions that Defendant appear for all further Court proceedings and cooperate with counsel.

IT IS SO ORDERED.

DATED this 10th day of October, 2006.




PETER D. McDERMOTT
District Judge


Copies to:
Mark L. Hiedeman/Vic A. Pearson
Craig C. Parrish
Court Services
Tape: 987: 1505
ISP 8-31-06

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2007 FEB -1 AM 8:46

BY 
DEPUTY CLERK

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
IN AND FOR THE STATE OF IDAHO, COUNTY OF BANNOCK**

STATE OF IDAHO,)	
)	
)	CASE NO. CR2006-16052FE
Plaintiff,)	
)	
vs.)	MINUTE ENTRY AND ORDER
)	
MELANIE ANN LAMPIEN,)	
)	
11-12-1972)	
)	
Defendant.)	

Defendant appeared before the Court this 29th day of January, 2007, for further proceedings with counsel Craig Parrish. Zachary Parris, Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho.

At the outset counsel for Defendant submitted a Non-binding Plea Agreement to the Court wherein Defendant would enter a plea of guilty to the charge HARBORING A FUGITIVE, Idaho Code

Thereafter Defendant withdrew her previously entered not guilty plea and entered a plea of GUILTY to the charge of HARBORING A FUGITIVE, Idaho Code Section 18-205, a felony. and submitted her signed and completed Questionnaire to the Court.

The Court thereafter questioned Defendant concerning her plea, advised her of her

Case No. CR2006-16052
Minute Entry and Order
Page 1 of 3

statutory rights and accepted the plea.

NOW, THEREFORE, IT IS HEREWITH ORDERED a Presentence Investigation Report shall be prepared prior to sentencing in this matter and this case is referred to the Idaho Department of Corrections, Probation and Parole Division for preparation of said Report. The Court requests the Report be delivered to Court and respective counsel on the Monday preceding sentencing. Defendant's counsel requested a presentence investigator from Twin Falls, District #5, be assigned to this matter.

IT IS FURTHER ORDERED Defendant shall appear for SENTENCING before this Court on Monday, March 19, 2007, at 8:30 a.m., District Courtroom No. 300, Bannock County Courthouse.

IT IS HEREWITH ORDERED the Jury Trial scheduled commencing Tuesday, January 30, 2007, at 9:30 a.m., District Courtroom No. 300, is CANCELLED.

There being no objection;

IT IS FURTHER ORDERED Defendant's bond release is CONTINUED with the conditions that Defendant appear for all further Court proceedings, cooperate with counsel, and cooperate with the presentence investigator.

IT IS SO ORDERED.

DATED this 29th day of January, 2007.


PETER D. McDERMOTT
District Judge

Copies to:
Mark L. Hiedeman/Vic A. Pearson
Craig C. Parrish
Court Services
Probation and Parole
ISP 8-31-06

36


FILED
BANNOCK COUNTY
CLERK OF THE COURT

2007 FEB -1 AM 8:46

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF BANNOCK

DEPUTY CLERK

STATE OF IDAHO vs. _____

1. Name: Melanie Lampien Age: 34
Address: 909 Post Circle Kimberly DOB: 
Married: YES NO Children: Yes
Id 83341

2. What schooling have you completed? High School
High School Diploma, GED or HSE? Diploma

3. Do you read and understand the English Language? YES NO

4. Have you ever been treated or counseled for mental illness, disease or disorder?
YES NO
If yes, please explain PTSD, anxiety, depression
Are you at this time receiving treatment for the same? yes
When were you last treated or counseled? Family Care Counseling
Idaho Falls Id

5. Are you presently addicted to the use of alcohol or drugs? YES NO

6. Have you taken any alcohol, drug or medication within the last 48 hours? YES NO
If your answer is yes, indicate the last time you took such alcohol, drugs or medication,
and what it was. 20/04/2007 ativan 1X3 daily Geodon 40mg
If your answer is yes, are you unable, as a result of such alcohol, drugs or medication, to
understand these questions, or to understand the information given to you by your attorney
or by the Court? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated Jan 25 07 Signature M Lampien

7. Have you been represented by an attorney at all stages of these proceedings? YES NO

- What is your attorney's name? Craig Parrish
- Have you had enough time to discuss all of the ramifications of this case with your attorney? YES NO
- Have you fully discussed all facts and circumstances surrounding the charges against you with your attorney? YES NO
- Has your attorney discussed fully with you the nature of the charges against you, your involvement with the crime, your arrest, the elements of the crime which you committed, any defenses (legal or otherwise) you may have to the charges, and possible consequences of your guilty plea? YES NO
- Has your attorney discussed your Constitutional and Civil rights with you? YES NO
- Are you satisfied with your attorney's services? YES NO
- In your opinion, have you been adequately and competently represented by your attorney? YES NO

8. Do you claim any violation of your Constitutional or Civil rights? YES NO

9. What crime(s) are you accused of committing? Harboring a fugitive

- Have you received and read the Prosecutor's Information charging you with such crimes? YES NO
- Do you understand that each crime charged in the Information is a felony? YES NO
- What is the maximum sentence that you may receive for each crime charged? 5 years
- Do you realize that you may be imprisoned in the State Penitentiary? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated Jan 25 07

Signature M. Sampaio

- Do you understand that your sentence may be imposed with no right to probation or parole? YES NO
- Do you understand that if there is more than one crime charged, that the sentences may be consecutive? YES NO

10. Do you understand that you have the following Constitutional Rights, relating to the crime(s) charged against you?

- (a) to the presumption that you are innocent, until proven by the State beyond a reasonable doubt to be guilty? YES NO
- (b) to a speedy and public trial by jury? YES NO
- (c) to a jury trial where the State must convince all jurors of your guilt as to each element of the crime beyond a reasonable doubt? YES NO
- (d) to present evidence in your own behalf? YES NO
- (e) to the process of the Court to compel the attendance of witnesses to testify in your behalf? YES NO
- (f) to remain silent and not to make any statement to the Court or any person (including any law enforcement officer, policeman or other official) that will incriminate you, or in any way help to prove the charged crime(s) against you? YES NO
- (g) to require that all persons who have accused you of a crime appear in Court and be questioned under oath? YES NO

11. Do you realize that if you enter a plea of guilty that you give up your above listed rights in Question 10, which are constitutional rights under the 4th, 5th, and 6th Amendments to the Constitution of the United States and similar rights under the Idaho Constitution? YES NO

12. Has any person (including a law enforcement officer or policeman) threatened you or done anything to make you enter this plea against your will? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated Jan 25 07

Signature M Lampier

13. Has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter? YES NO ^{MAJ}

If your answer is yes, what promises have been made and by whom? See
plea agreement

14. Do you understand that the only person who can promise what sentence you actually receive is the Judge? YES NO

15. Do you understand that the Judge is not required to follow the sentence recommended by either your attorney or the prosecutor? YES NO

16. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a persistent violator?

YES NO

Do you understand that if you are convicted as a persistent violator, the court in that new case could sentence you to an enhanced sentence which could be life imprisonment?

YES NO

17. Are you a citizen of the United States of America? YES NO

• If you answered no to the above question, do you understand that a consequence of your plea(s) of Guilty in this case is your deportation and exclusion from the United States?

YES NO

• Do you understand that if you are deported or excluded from the United States, and you chose to reenter the United States, you could be charged with a new felony?

YES NO

• Do you understand that another consequence of your plea(s) of Guilty in this case is possible denial of naturalization to become a citizen of the United States?

YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated Jan 25 07

Signature M Sampen

- If you answered no to being a citizen of the United States, are you a lawful permanent resident of the United States? YES NO
 - If you answered yes to the previous "permanent resident" question, do you understand that your plea(s) of Guilty in this case may result in the loss of your status as a lawful permanent resident of the United States? YES NO
18. By pleading guilty to a felony, as a citizen of the United States, do you understand each of the following happens:
- (a) You lose your right to be on a jury? YES NO
 - (b) You lose your right to possess or purchase a firearm? YES NO
 - (c) If you possess a firearm after being convicted of a felony, you may be charged with a new felony? YES NO
 - (d) You lose your right to vote in local, state, and federal elections? YES NO
 - (e) You lose the right to hold public office? YES NO
19. Do you admit the truth of the charge(s) against you as stated in the Prosecuting Attorney's Information? YES NO
20. Do you disagree with any statement in the Prosecuting Attorney's Information? YES NO
21. Is this a *North Carolina v. Alford* Guilty Plea? YES NO
22. Do you admit that you are guilty of the acts and conduct charged in the Information? YES NO
23. Have you therefore instructed your attorney not to raise any defense(s) as to your involvement in or whether you committed this crime(s)? YES NO
24. Have you answered all questions on this Questionnaire truthfully and of your own free will? YES NO

I hereby certify truly, under penalty of perjury, that I have answered the foregoing questions truthfully and correctly to the best of my knowledge.

Dated Jan 25 07

Signature M. Sampson

25. Is it still your desire to enter a guilty plea at this time? YES NO
26. Do you swear under penalty of perjury that your answers to these questions are true and correct? YES NO
27. Are you pleading GUILTY to the crime(s) freely and voluntarily?
YES NO

I hereby certify truly, under penalty of perjury, that I have answered the questions on pages 1, 2, 3, 4, 5, and 6 of this Questionnaire truthfully, understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this Questionnaire freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 25th day of January, 2007.

Defendant

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

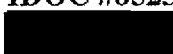
Dated this _____ day of _____, 20____.

Defendant's Attorney

2007 MAR 20 PM 3:04

BY 
DEPUTY CLERK

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
IN AND FOR THE STATE OF IDAHO, COUNTY OF BANNOCK**

STATE OF IDAHO,)
)
)
Plaintiff,)
)
vs.)
)
MELANIE ANN LAMPIEN,)
IDOC #85239)
)
11-12-1972)
)
Defendant.)
_____)

CASE NO. CR2006-16052FE

MINUTE ENTRY AND ORDER
AND COMMITMENT ORDER

43

Defendant appeared before the Court this 19th day of March, 2007, for SENTENCING with counsel Craig Parrish. Zachary Parris, Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho.

Defendant previously entered a plea of GUILTY to the charge of HARBORING A FUGITIVE, Idaho Code Section 18-205, a felony, a Presentence Investigation Report was ordered, received and reviewed.

The Court received comments of Defendant and comments and recommendations of respective counsel, statement of Wallace Peterson, Probation Officer, Jed Dayley, Probation Officer, Matthew Shutes, Pocatello Police Department.

COMMITMENT ORDER

NOW, THEREFORE, IT IS THE JUDGMENT OF THIS COURT that Defendant is GUILTY of the crime of of HARBORING A FUGITIVE, Idaho Code Section 18-205,

IT IS THE FURTHER JUDGMENT OF THE COURT that said Defendant is remanded to the custody of the Bannock County Sheriff and shall be delivered by him to the authorities at the Idaho State Correctional Institution. Said Defendant, pursuant to Idaho Code Section 19-2513, is sentenced to the custody of the Idaho Department of Corrections, for a **FIXED period of confinement of THREE (3) YEARS, and a subsequent TWO (2) YEARS INDETERMINATE for a total of FIVE (5) YEARS.** During the minimum term of confinement, said Defendant shall not be eligible for parole or discharge, or credit or reduction of sentence for good conduct except for meritorious service. Said Defendant may be considered for parole or discharge at any time during the indeterminate period of said sentence.

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Defendant is herewith advised that in the event said Defendant desires to appeal the foregoing sentence, said appeal must be filed with the Idaho Supreme Court no later than forty-two days from the date said sentence is imposed.

IT IS FURTHER ORDERED that any cash, surety, or property bond heretofore posted, if any, shall be and the same is hereby EXONERATED.

IT IS SO ORDERED.

DATED this 19th day of March, 2007.



PETER D. McDERMOTT
District Judge

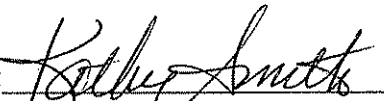
Copies to:
Mark L. Hiedeman/Vic A. Pearson
Craig C. Parrish
Court Services
Probation and Parole
Bannock County Sheriff
Idaho Department of Corrections – Carolee Kelly
P.W.C.C.
ISP 8-31-06

STATE OF IDAHO)
) ss.
County of Bannock)

6
I, DALE HATCH , Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, do hereby certify the foregoing to be a full, true and correct copy of the Judgment duly made and entered on the minutes of the said District Court in the above entitled action, and that I have compared the same with the original, and the same is a correct transcript therefrom, and of the whole thereof.

ATTEST, my hand and the Seal of said District Court, this 19th day of March, 2007.

DALE HATCH, Clerk

By: 
KATHY SMITH
Deputy Clerk

CRAIG W. PARRISH (#4763)
PARRISH LAW OFFICE
PO BOX 4321
POCATELLO ID 83205
(208) 234-1234

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2007 MAR 22 PM 2:28
BY: *[Signature]*
DEPUTY CLERK

Attorney for Defendant

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT FOR THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK
DISTRICT COURT

STATE OF IDAHO,)	
)	
Plaintiff,)	Case No. CR 2006-16052-FE
)	
-vs-)	RULE 35 MOTION
)	
MELANIE LAMPIEN,)	
)	
Defendant.)	
_____)	

COMES NOW, Defendant in the above-entitled matter, by and through her attorney of record, Craig W. Parrish, and hereby moves the Court for an Order commuting the sentence previously imposed by the Court on March 19, 2007, pursuant to Rule 35 of the Idaho Rules of Procedure. The Defendant was sentenced with regard to Case No. CR 2006-16052-FE, to a FIXED period of confinement of THREE (3) YEARS, and a subsequent INDETERMINATE period of TWO (2) YEARS, for a total of FIVE (5) YEARS.

THAT the sentence imposed is much greater than either the recommendation set forth by the Pre-Sentence Report, or the plea agreement with the State. The PSI report recommended a suspended sentence and placing defendant on supervised probation with the Department of Correction, whereas the plea agreement with the State recommended a Withheld Judgment and probation with no jail time;

THAT prior to the shooting incident and subsequent arrest in the above-captioned case Defendant has no prior criminal record;

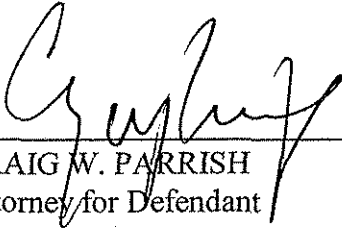
THAT Defendant has been the victim of rape and domestic battery;

THAT Defendant's brother, Richard Deal, committed suicide at the age of (26) years and that Defendant's husband, Nicholas McKenna, had threatened suicide on more than one occasion. As outlined in Defendant's PSI, Nicholas McKenna was suicidal on the day of the shooting incident, he had previously demonstrated violence and volatility by shooting himself in the leg to keep the Defendant from leaving him. On August 31, 2006, Defendant found herself in a dubious position caught between turning her husband over to authorities and a spouse who was *threatening suicide*;

THAT Defendant had been receiving mental health counseling for several years prior to the shooting incident for depression and anxiety. As per the attachments to the Pre-sentence Investigation Report, Defendant is receiving counseling and medications for PTSD, depression and anxiety, the loss of her step-father to cancer at the age of (15) years, and then by the suicide of her brother, Richard Deal. She has been determined by SSI to suffer from Post Traumatic Stress Disorder, depression and anxiety;

AND THAT Defendant feels that an adjustment of her sentence is appropriate and that in the interests of justice would justify a modification of her sentence.

DATED this 21 day of March, 2007.

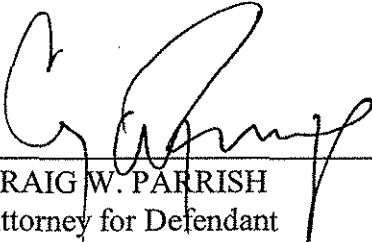

CRAIG W. PARRISH
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served a true copy of the forgoing document by mail with the correct postage thereon to the attorney listed below on 21 day of March, 2007.

Document Served: RULE 35 MOTION

BANNOCK COUNTY PROSC.
P.O. BOX P
POCATELLO, ID 83205


CRAIG W. PARRISH
Attorney for Defendant

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2007 MAR 26 PM 2: 28

BY 
DEPUTY CLERK

CRAIG W PARRISH (#4763)
PARRISH LAW OFFICE
PO BOX 4321
POCATELLO ID 83205-4321
(208)234-1234

Attorney for Defendant

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

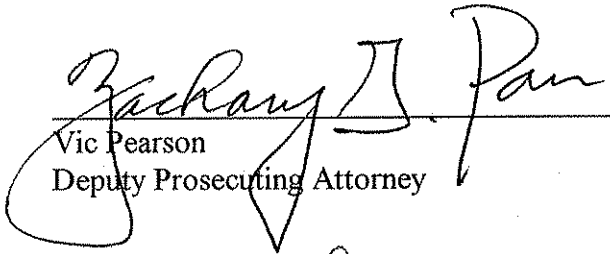
STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MELANIE LAMPIEN,)
)
Defendant.)
_____)

Case No. CR 2006-16052-FE
NON BINDING PLEA AGREEMENT

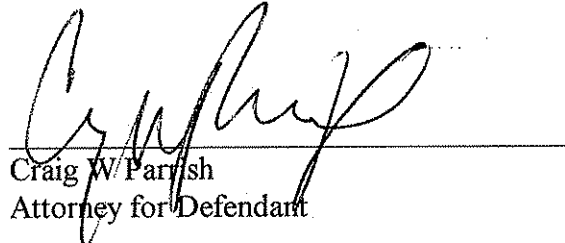
COMES NOW the parties in this action, the State of Idaho, represented by the Bannock County Deputy Prosecuting Attorney, Vic Pearson, Defendant, MELANIE LAMPIEN, and her attorney, Craig W. Parrish, and do agree as follows, pursuant to Rule 11(d)(1)(C), Idaho Criminal Rules:

1. The Defendant, MELANIE LAMPIEN, hereby enters a plea of guilty to one count of Harboring a Fugitive, a violation of I.C. 18-205;
2. The State and Defendant agree to be bound to following sentence agreement:
 - that defendant be granted a Withheld Judgment;
 - that no jail time be imposed;
 - that Defendant be placed on probation for a term at the court's discretion;
3. That the terms of probation and fines be at the discretion of the Court;
4. That this agreement is binding on the parties but not on the Court.

DATED this 29 day of JANUARY, 2007.



Vic Pearson
Deputy Prosecuting Attorney



Craig W. Parish
Attorney for Defendant




MELANIE LALMPIEN
Defendant

49

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2007 APR 26 AM 9:46

BY 
DEPUTY CLERK

STEVAN H. THOMPSON, ESQ.
The Law Offices of
WOOLF, COMBO & THOMPSON
408 Shoup Avenue
P.O. Box 50190
Idaho Falls, ID 83405-0190
(208)524-5380
Idaho State Bar #2912

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff/Respondent,

vs.

MELANIE LAMPIEN,

Defendant/Appellant.

Case No.: CR-06-16052-FE

NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT STATE OF IDAHO
AND THE CLERK OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellant, MELANIE LAMPIEN, appeals against the above-named Respondent to the Idaho Supreme Court from the Judgment of Conviction and Sentence entered in the above-entitled action on the 19th day of March, 2007, Honorable Peter D. McDermott presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the Judgments or Orders described in paragraph 1 above are appealable Orders under/and pursuant to Rule 11 (c)(1), Idaho Appellant Rules.

3. (a) Is a reporter's transcript requested? Yes.

(b) The Appellant request the preparation of the following portions of the reporter's transcript:

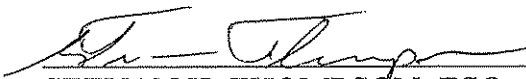
The entire Reporter's standard transcript as defined in Rule 25 (a), Idaho Appellate Rules, including all motion hearings and sentencing hearing.

4. The Appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.

All motions and exhibits filed with the Court in this matter. Pre-sentence Investigation Report..

5. I certify: (a) That a copy of this Notice of Appeal has been served on the reporter. (b) Estimated transcripts fees in the sum of \$100.00 have been tendered to the Clerk of the Court to be held in trust for payment to the Court Reporter as provided by Rule 24 (b) and (c) I.A.R. (c) That service has been made upon all parties required to be served pursuant to Rule 20, and the Attorney General of Idaho pursuant to Section 67-1401 (1), Idaho Code.

DATED this 25 day of April, 2007.


STEVAN H. THOMPSON, ESQ.
Attorney for Appellant

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by facsimile to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 25 day of April, 2007.


Stevan H. Thompson

Zachary Parris, Esq.
Bannock County Deputy Prosecutor
5th & Center
P.O. Box P
Pocatello, ID 83205

Mail
 Hand Delivery
 Facsimile
 Courthouse Box

Stephanie Davis
Bannock County Court Reporter
P.O. Box 4574
Pocatello, ID 83205

Mail
 Hand Delivery
 Facsimile
 Courthouse Box

Lawrence G. Wasden, Attorney General
Idaho Attorney's General Office
Boise, ID 83720-0010
Facsimile: (208) 334-2530

Mail
 Hand Delivery
 Facsimile

CLERK OF DISTRICT COURT
BONNICK COUNTY, IDAHO

2007 JUL 18 PM 12:12

BY KS
DEPUTY CLERK

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
IN AND FOR THE STATE OF IDAHO, COUNTY OF BANNOCK**

STATE OF IDAHO,)
)
)
 Plaintiff,)
)
vs.)
)
MELANIE ANN LAMPIEN,)
IDOC #85239)
[REDACTED])
11-12-1972)
)
 Defendant.)

CASE NO. CR2006-16052FE
MINUTE ENTRY AND ORDER

The above entitled matter came before the Court this 17th day of July, 2007, pursuant to Defendant's Rule 35 Motion for leniency. Stevan H. Thompson of the Firm Woolf, Combo & Thompson appeared on behalf of Defendant. Zachary Parris, Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho.

The Court noted Defendant entered a plea of GUILTY to the charge of HARBORING A FUGITIVE, Idaho Code Section 18-205, a felony, and Defendant was sentenced to a FIXED period of confinement of THREE (3) YEARS, and a subsequent TWO (2) YEARS INDETERMINATE.

The Court received oral argument of respective counsel.

NOW, THEREFORE, IT IS HEREWITH ORDERED Defendant's Rule 35 Motion is DENIED.

IT IS SO ORDERED.

DATED this 17th day of July, 2007.

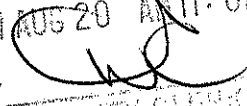


PETER D. McDERMOTT
District Judge

54
Copies to:
Mark L. Hiedeman/Vic A. Pearson
Stevan H. Thompson
Probation and Parole
Idaho Department of Corrections – Carolee Kelly
P.W.C.C.

FILED
BANNOCK COUNTY
CLERK OF DISTRICT COURT

2007 AUG 20 AM 11:02

BY 
DEPUTY CLERK

STEVAN H. THOMPSON, ESQ.
The Law Offices of
THOMPSON SMITH WOOLF & ANDERSON
408 Shoup Avenue
P.O. Box 50160
Idaho Falls, ID 83405-0160
(208)525-8792
Idaho State Bar #2912

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff/Respondent,

vs.

MELANIE LAMPIEN,

Defendant/Appellant.

Case No.: CR-06-16052-FE

AMENDED NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT STATE OF IDAHO
AND THE CLERK OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellant, MELANIE LAMPIEN, appeals against the above-named Respondent to the Idaho Supreme Court from the Order denying Defendant's Rule 35 Motion entered in the above-entitled action on the 17th day of July, 2007, Honorable Peter D. McDermott presiding.

AMENDED NOTICE OF APPEAL -1

2. That the party has a right to appeal to the Idaho Supreme Court, and the Judgments or Orders described in paragraph 1 above are appealable Orders under/and pursuant to Rule 11 (c)(1), Idaho Appellant Rules.

3. (a) Is a reporter's transcript requested? Yes.

(b) The Appellant request the preparation of the following portions of the reporter's transcript:

The entire Reporter's standard transcript as defined in Rule 25 (a), Idaho Appellate Rules, including the hearing on Defendant's Rule 35 Motion to Reconsider Sentence.

4. The Appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.

All motions and exhibits filed with the Court in this matter, related to Defendant's Rule 35 Motion to Reconsider Sentence.

5. I certify: (a) That a copy of this Notice of Appeal has been served on the reporter. (b) Estimated transcripts fees in the sum of \$100.00 have been tendered to the Clerk of the Court to be held in trust for payment to the Court Reporter as provided by Rule 24 (b) and (c) I.A.R. (c) That service has been made upon all parties required to be served pursuant to Rule 20, and the Attorney General of Idaho pursuant to Section 67-1401 (1), Idaho Code.

DATED this 17 day of August, 2007.


STEVAN H. THOMPSON, ESQ.
Attorney for Appellant

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mailing, hand delivery or by facsimile to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 17 day of August, 2007.


Stevan H. Thompson

Zachary Parris, Esq.
Bannock County Deputy Prosecutor
5th & Center
P.O. Box P
Pocatello, ID 83205

Mail
 Hand Delivery
 Facsimile
 Courthouse Box

Stephanie Davis
Bannock County Court Reporter
P.O. Box 4574
Pocatello, ID 83205

Mail
 Hand Delivery
 Facsimile
 Courthouse Box

Lawrence G. Wasden, Attorney General
Idaho Attorney's General Office
Boise, ID 83720-0010
Facsimile: (208) 334-2530

Mail
 Hand Delivery
 Facsimile

TITLE OF COURT AND CAUSE:

CLERK'S CERTIFICATE

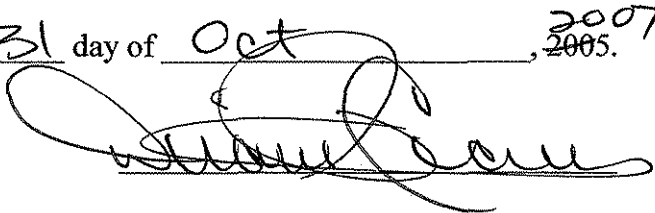
Supreme Court Case No. 34145

STATE OF IDAHO)
)
County of Bannock)

I, DALE HATCH, Clerk of the District Court of the Sixth Judicial District, of The State of Idaho, in and for the County of Bannock, do hereby certify that the above and foregoing Clerk's Transcript on Appeal in the above entitled cause was compiled and bound under my direction as, and is a true, full and correct Clerk's Transcript on Appeal of the pleadings and documents as are automatically required under Rule 28 of the Idaho Appellate Rules.

I do further certify that all exhibits, offered or admitted in the above entitled cause, will be duly lodged with the Clerk of the Supreme Court along with the court reporter's transcript and the clerk's record as required by Rule 32 of the Idaho Appellate Rules.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Pocatello, Idaho this 31 day of Oct, 2007, 2005.



CLERK OF THE DISTRICT COURT
In and for Bannock County, Idaho

(SEAL)

CLERK'S CERTIFICATE

TITLE OF COURT AND CAUSE:

CERTIFICATE OF CLERK

TO ORIGINAL EXHIBITS

Supreme Court Case No. 34145

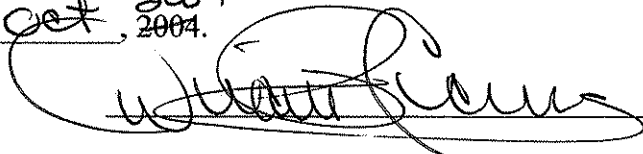
I, DALE HATCH, the duly elected, qualified and acting Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, do hereby certify that the following are the original exhibits marked for identification and introduced in evidence at the trial of the above and foregoing cause; to-wit:

COURT'S EXHIBIT:

Presentence Investigation

I FURTHER CERTIFY that the above exhibits are attached to, and made a part of, the original transcript on appeal in said cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this the 31 day of Oct, ~~2004~~ ²⁰⁰⁷.



DALE HATCH, Clerk of the District Court, Bannock County, State of Idaho

(SEAL)

CERTIFICATE OF CLERK
TO ORIGINAL EXHIBITS

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)	
)	Supreme Court No. 34145
Plaintiff-Respondent,)	
)	
vs.)	CERTIFICATE OF SERVICE
)	
MELANIE LAMPIEN,)	
)	
Defendant-Appellant.)	
_____)	

I, DALE HATCH, Clerk of the District Court of the Sixth Judicial District, of the State of Idaho, in and for the County of Bannock, do hereby certify that I have personally served or mailed, by United States mail, one copy of the REPORTER'S TRANSCRIPT and CLERK'S RECORD to each of the Attorneys of Record in this cause as follows:

Stevan H. Thompson
P.O. Box 50190
Idaho Falls, Idaho 83405-0190
Attorney for Defendant

Lawrence G. Wasden
Idaho Attorney General
Post Office Box 83720
Boise, Idaho 83720-0010

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Pocatello, Idaho, this 31 day of Oct, 2007.

(Seal)

DALE HATCH,
Clerk of the District Court
Bannock County, Idaho Supreme Court

By [Signature]
Deputy Clerk