

6-25-2014

## State v. Hulse Respondent's Brief Dckt. 40921

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IN THE SUPREME COURT OF THE STATE OF IDAHO

**COPY**

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, )  
 )  
 vs. )  
 )  
 EZEKIEL HULSE, )  
 )  
 Defendant-Appellant. )

No. 40921

Payette Co. Case No.  
CR-2009-1278

**BRIEF OF RESPONDENT**

APPEAL FROM THE DISTRICT COURT OF THE THIRD JUDICIAL  
DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE  
COUNTY OF PAYETTE

HONORABLE SUSAN E. WIEBE  
District Judge

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Supreme Court \_\_\_\_\_ Court of Appeals \_\_\_\_\_  
Entered on ATS by \_\_\_\_\_

ATTORNEY FOR  
DEFENDANT-APPELLANT

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## STATEMENT OF THE CASE

### Nature Of The Case

Ezekiel Hulse appeals from the district court's order partially denying his motion for credit for time served and contends the court abused its discretion by failing to *sua sponte* reduce his sentence upon revoking his probation.

### Statement Of Facts And Course Of Proceedings

According to the Presentence Report ("PSI"), Hulse committed felony domestic battery as follows:

On May 28, 2009, Payette County Sheriff's Deputy, Brandon Stromberg, was dispatched to the New Plymouth Sub Station [sic] to meet with Chrystal A. Scheffers in reference to a Domestic Battery. Upon arrival at approximately 8:55 a.m., Scheffers advised Officer Stromberg that her live-in boyfriend, Ezekiel Hulse, came into her bedroom while she was asleep and demanded a pack of cigarettes. She said he jumped on the bed and began hitting her in the face. Scheffers stated that she used pillows and blankets to protect her face from the punches. She said Ezekiel left the room, but later returned and put an end table on her chest and stood on it. Scheffers advised that at this time she left the room and went to the bathroom, but Ezekiel followed her and began to hit her in the back of the head with closed fists. He continued to yell about the cigarettes, and cornered her in the kitchen and slapped her in the face. Scheffers further stated that Ezekiel said he would "bash her head," and then grabbed a large plastic M&M model and struck her in the forehead, leaving a large knot.

Scheffers stated that when Ezekiel first began battering her in her bed, their two-year-old son, [M.] was in bed with her, but ran out of the room. After Ezekiel hit her with the M&M model, she said she grabbed [M.] and went to her brother's house. Scheffers stated that Ezekiel had been up drinking all night long and was extremely intoxicated.

(PSI, p.2.)

The state charged Hulse with felony domestic battery (R., pp.46-47) and he pled guilty to that charge pursuant to a plea agreement (R., pp.50-56). The district court sentenced Hulse to four years with two years fixed, all suspended, and placed him on probation for four years. (R., pp.64-70.)

In November 2009, the state filed a Report of Probation Violation alleging Hulse violated probation by: (1) violating a protection order, (2) consuming alcohol on two occasions, and (3) attempting to have contact with Chrystal Scheffers, the victim of his underlying crime. (R., pp.87-89.) Hulse admitted the first two allegations and the state withdrew the third. (R., pp.99-100.) The court ordered Hulse to submit to an updated psychological evaluation. (R., p.101.)

Prior to the disposition hearing, the court approved two requests by Hulse's probation officer requiring Hulse to serve a total of 60 days of discretionary jail for failing to report to his probation officer, changing residence without permission, and attempting contact with the victim. (R., pp.103-104.) At the dispositional hearing, the court revoked Hulse's probation and placed him in the retained jurisdiction ("rider") program for 180 days. (R., pp.106-109.) On September 3, 2010, after Hulse completed his rider, the court placed him on probation for three years. (R., pp.115-117.)

During the rider review hearing, in contemplating Hulse's release, the prosecutor advised the court that "there is no funding for probation to place [Hulse] in the Payette Motel, and [Probation and Parole] is requesting that he remain in custody until they're able to arrange some sort of housing. Otherwise,

we let him out on a Friday afternoon with nowhere to go." (9/3/10 Tr., p.8, Ls.3-9.)<sup>1</sup> The court responded to Hulse's release problem:

But I will not approve your release until there is funding to secure some kind of housing for you. As soon as there is that funding -- and I guess what I'd like is some kind -- the Court to be -- you can fax it to me in Washington County. I just want to make sure that the funding is there and then I will sign a release. You'll be given credit for any additional time that you're serving in jail, but I don't want to set a specific time on that just so that if it's -- if you get that funding on Tuesday, you can be released on that day.

I will set a review hearing date for the 17<sup>th</sup> of September at 9:00 a.m. just in case so that we're not going to let this slide through the cracks as far as where you're at.

(9/3/10 Tr., p.12, L.23 - p.13, L.13; see R., p.116 (Court Minutes state, "[t]he defendant will not be released from Payette County Jail until adequate housing is available".))

On September 9, 2010, the district court entered an order of probation (R., pp.119-122), unsigned by Hulse, which reiterated, "[t]he defendant will not be released from Payette County Jail until adequate housing is available" (id., p.121). On September 15, 2010, the court entered a supplemental order of probation, this time signed by Hulse, which included the same release condition. (R., pp.123-126.) The hearing scheduled for September 17, 2010, to review Hulse's housing funding was vacated. (R., p.6 (Register of Actions).)

In May 2011, the district court ordered Hulse to serve seven days of discretionary jail time for "failing to report as instructed" and "violation of

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<sup>1</sup> On February 7, 2014, this Court entered an order augmenting the appellate record with (1) the transcript of the September 3, 2010 disposition hearing, (2) Hulse's Motion for Credit for Time Served (filed 6/17/13), (3) Hulse's Affidavit in support of his motion for credit for time served (filed 6/17/13), and (4) the district court's Order on Motion for Credit for Time Served (filed 10/3/13).

instruction not to contact victim's family." (R., p.134.) One month later, the court ordered him to serve a total of 30 days for two incidents of consuming alcohol and frequenting a bar. (R., p.135.)

On June 22, 2012, the state filed a motion to revoke Hulse's probation based on a Report of Probation Violation alleging he: (1) (a) was arrested for committing misdemeanor domestic battery, and (b) resisting and obstructing;<sup>2</sup> (2) failing to follow the instructions of his probation officer by (a) contacting the victim's grandmother multiple times and asking her to relay messages to the victim; and (b) allowing his girlfriend and her children to move in with him and then failing to have her move out as instructed; and (3) consuming alcohol on three occasions and entering a bar. (R., pp.139-144.) The state filed an Addendum to the motion to revoke Hulse's probation, further alleging: (4) while in custody, Hulse violated a no contact order by "calling and writing letters to his victim[;]" and (5) police had contact with Hulse twice when he was impaired by alcohol. (R., pp.154-155.) After an evidentiary hearing, the district court found Hulse violated his probation by failing to follow the advice and instructions of his supervising officer, consuming alcohol (two allegations), and violating the no contact order. (R., pp.178-182; see generally 12/7/12 Tr., pp.10-69.) The court ordered an updated psychological evaluation be conducted prior to the disposition hearing. (R., pp.182, 187.)

At the March 1, 2013 disposition hearing, the district court revoked Hulse's probation and ordered his original sentence executed. (R., pp.193-197.) Hulse

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<sup>2</sup> According to the district court, the misdemeanor domestic battery and resisting and obstructing charges were dismissed. (12/7/12 Tr., p.67, Ls.8-13.)



filed a Rule 35 motion to reduce his sentence (R., pp.198-199, 214-216), and a motion for a hearing on his Rule 35 request (R., p.249), the latter of which was denied (*id.*).<sup>3</sup> Hulse filed a timely notice of appeal from the order revoking his probation. (R., pp.244-247.)

On June 17, 2013, Hulse filed a motion for credit for time served with a supporting affidavit requesting, *inter alia*, credit for time he was allegedly in custody from September 4, 2010, to September 16, 2010.<sup>4</sup> (R., pp.262-263; Affidavit of Hulse, p.2 (Augmentation).) On October 3, 2013, the court entered an Order on Motion for Credit for Time Served denying his request, stating:

In category 8, defendant requests time for 9/4/10 to 9/16/10. That is denied, the Court record shows he was released on this case on 9/3/2010.

(Order on Motion for Credit for Time Served, p.3 (Augmentation).)

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<sup>3</sup> The Register of Actions for Hulse's district court proceeding is attached to this brief as Appendix A. It reflects that the court denied Hulse's Rule 35 motion for reduction of sentence on November 20, 2013. (Appendix A, p.8.)

<sup>4</sup> Hulse previously filed a motion for credit for time served involving other periods of time not relevant to this case. (See Order on Motion for Credit for Time Served, p.1 (Augmentation).)

## ISSUES

Hulse states the issues on appeal as:

1. Did the district court err when it partially denied Mr. Hulse's motion for credit for time served?
2. Did the district court abuse its discretion when it failed to *sua sponte* reduce Mr. Hulse's sentence of four years, with two years fixed, upon revoking his probation?

(Appellant's Brief, p.4.)

The state rephrases the issues on appeal as:

1. The state submits the issue of whether Hulse is entitled to credit for time served between September 4, 2010 and September 16, 2010 to this Court's determination.
2. Has Hulse failed to show the district court abused its discretion in failing to reduce his sentence *sua sponte* upon revoking his probation?

## ARGUMENT

### I.

#### The State Submits The Issue Of Whether Hulse Is Entitled To Credit For Time Served Between September 4, 2010 And September 16, 2010 To This Court's Determination

##### A. Introduction

Hulse argues that the district court erred by denying his request for credit for time served in custody between September 4 and September 16 of 2010. (Appellant's Brief, pp.5-7.) The district court determined Hulse was not entitled to credit for time served during that period because the court record shows he was released on September 3, 2010.<sup>5</sup> Based on the facts and relevant law, as set forth below, the state submits this issue for this Court's determination.

##### B. Standards Of Review

"The question of whether a sentencing court has properly awarded credit for time served to the facts of a particular case is a question of law, which is subject to free review by the appellate courts." State v. Vasquez, 142 Idaho 67, 68, 122 P.3d 1167, 1168 (Ct. App. 2005) (citing State v. Hale, 116 Idaho 763, 779 P.2d 438 (Ct. App. 1989)).

##### C. The Relevant Law

Idaho Code § 19-2603 states:

**Pronouncement and execution of judgment after violation of probation.** -- When the defendant is brought before the court in such case, it may, if judgment has been withheld,

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<sup>5</sup> The state is unable to discern what part of the court record the district court relied upon in determining that Hulse was released from custody on September 3, 2010.

pronounce any judgment which it could originally have pronounced, or, if judgment was originally pronounced but suspended, the original judgment shall be in full force and effect and may be executed according to law, and the time such person shall have been at large under such suspended sentence shall not be counted as a part of the term of his sentence, but the time of the defendant's sentence shall count from the date of service of such bench warrant.

D. The District Court's Rulings

At the rider review hearing on September 3, 2010, the district court placed Hulse on probation, but said it was not going to release him from custody until funding was approved by the Department of Correction to provide transitional housing. (9/3/10 Tr., p.8, L.3 - p.14, L.1.) Just before the court announced Hulse's sentence, the following discussion was held:

[Prosecutor]: Probation officer just informed me that there is no funding for probation to place him in the Payette Motel, and is requesting that he remain in custody until they're able to arrange some sort of housing. Otherwise, we let him out on a Friday afternoon with nowhere to go.

THE COURT: About how long do you think it would take to get some financing?

PROBATION OFFICER: We can apply for transitional funding probably on Tuesday.

THE COURT: Okay.

PROBATION OFFICER: We can try it then. It just depends on if there's funds available or not. If there's not, then I would presume that the Lighthouse Mission would be the only place to put him, which is, essentially, a homeless shelter.

.....

[Defense Counsel]: Your Honor, if we could, how about -- I mean, if the Court is inclined to keep him in custody until you find a place, could we set a hearing for the Court's next motion day to make sure

that something's been done to get him -- you know, if he's out of custody and --

THE COURT: Well, I mean, I'll go -- yeah. I mean, I can certainly do that. And if they have funding so that he's got a place to stay, he can be released --

[Defense Counsel]: I mean, if he's out of custody --

THE COURT: -- as soon as he gets funding.

[Defense Counsel]: -- already because they've found a place to stay, there's no reason to have a hearing. But if he's still in custody, then we should have a hearing that day just to see what we can do to speed things along.

(9/3/10 Tr., p.8, L.3 - p.9, L.22.)

The district court announced it was placing Hulse on probation for three years and then revisited the subject of Hulse's release, stating:

I will order that you serve 365 days in the Payette County Jail. And what I'm going to do -- well, let's see -- I'm going to suspend that. It will be granted to your probation officer as discretionary jail time, implemented upon written authorization of the Court. But I will not approve your release until there is funding to secure some kind of housing for you. As soon as there is that funding -- and I guess what I'd like is just some kind -- the Court to be -- you can fax it to me in Washington County. I just want to make sure that the funding is there and then I will sign a release. You'll be given credit for any additional time that you're serving in jail, but I don't want to set a specific time on that just so that if it's -- if you get that funding on Tuesday, you can be released on that day.

I will set a review hearing date for the 17<sup>th</sup> of September at 9:00 a.m. just in case so that we're not going to let this slide through the cracks as far as where you're at.

(9/3/10 Tr. p.12, L.18 - p.13, L.13.)

At the end of the rider review hearing, the district court told Hulse, "I think the first thing we need to do is just make sure, when you get out, you have a

place to stay[,]" and concluded, "I am hopeful that you'll have some funding here shortly. I know you've been incarcerated for quite awhile. And once you get out, start attending those AA meetings." (9/3/10 Tr., p.13, L.21 - p.15, L.1; see R., p.116 (Court Minutes state, "[t]he defendant will not be released from Payette County Jail until adequate housing is available").)

On September 9, 2010, the district court entered an order of probation (R., pp.119-122), unsigned by Hulse, which reiterated, "[t]he defendant will not be released from Payette County Jail until adequate housing is available" (id., p.121). On September 15, 2010, the court entered a supplemental order of probation, this time signed by Hulse, which included the same release condition. (R., pp.123-126.) The hearing scheduled for September 17, 2010, to review Hulse's housing funding was vacated. (R., p.6 (Register of Actions).)

On June 17, 2013, Hulse filed a motion for credit for time served with a supporting affidavit requesting, *inter alia*, credit for time he was allegedly in custody from September 4, 2010, to September 16, 2010. (R., pp.262-263; Affidavit of Hulse, p.2 (Augmentation).) In its October 3, 2013, the district court stated that "the Court record shows [Hulse] was released on this case on 9/3/2010." (Order on Motion for Credit for Time Served, p.3 (Augmentation).) The district court did not explain what specific part of the court record it was relying upon in determining that Hulse was released from custody on September 3, 2010.

E. Hulse's Argument On Appeal

Hulse argues that, because he "did not sign the Supplemental Order of Probation or the Agreement of Supervision until September 15, 2010, he was not placed on Probation until September 15, 2010. Therefore, the time he spent incarcerated waiting for housing to become available constitutes an extension of his times in custody awaiting disposition of his probation violation and was not a condition of probation." (Appellant's Brief, pp.6-7; see R., pp.123-126.) Hulse appears to assume that the day he signed his probation agreement (September 15, 2010) was, *ipso facto*, the day (or the day before) he was released from custody.

F. The State Submits The Determination Of The Issue To This Court

With the preceding factual and legal background, the state submits the determination of whether Hulse is entitled to credit for time served from September 4 to September 16 of 2010 to this Court.

II.

Hulse's Claim That The District Court Abused Its Discretion By Not *Sua Sponte* Reducing His Sentence Upon Revocation Is Not Preserved For Appeal

Hulse asserts the district court abused its discretion when it failed to *sua sponte* reduce his sentence upon revoking probation. (Appellant's Brief, pp.7-9.) Although Hulse actually filed a Rule 35 motion (R., pp.198-199, 214-216) which the district court denied (Appendix A, p.8), he does not seek review of that decision, instead challenging the district court's failure to *sua sponte* reduce the sentence it later expressly stated should not be reduced. Hulse's chosen tactic for challenging his sentence is not preserved for appeal and he cannot obtain review of this claim under the fundamental error doctrine because he cannot satisfy the first prong of the fundamental error analysis – a constitutional violation – because his claim is based on an alleged rule violation. State v. Clontz, 2014 WL 2119164 (Idaho App. 2014). Hulse's sentencing argument, therefore, fails.

CONCLUSION

The state respectfully requests that this Court affirm the district court's order revoking Hulse's probation and executing his original sentence. The state also requests that this Court determine whether Hulse is entitled to credit for time served in custody from September 4, 2010 through September 16, 2010.

DATED this 25<sup>th</sup> day of June, 2014.

  
JOHN C. MCKINNEY  
Deputy Attorney General

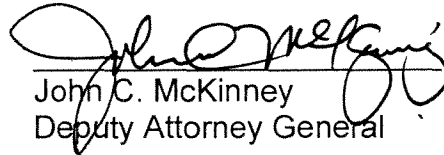


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 25<sup>th</sup> day of June, 2014, served a true and correct copy of the attached BRIEF OF RESPONDENT by causing a copy addressed to:

KIMBERLY E. SMITH  
DEPUTY STATE APPELLATE PUBLIC DEFENDER

to be placed in The State Appellate Public Defender's basket located in the Idaho Supreme Court Clerk's office.

  
John C. McKinney  
Deputy Attorney General

JCM/pm

## APPENDIX A

## Case Number Result Page

Payette

1 Cases Found.

State of Idaho vs. Ezekiel J Hulse			
No hearings scheduled			
Case:	District Judge:	Amount due:	Closed pending clerk action
CR-2009-0001278	Susan E Wiebe	\$457.00	
Charges:	Violation Date	Charge	Citation Degree Disposition
	05/28/2009	I18-918(2) Battery-Domestic Violence/Traumatic Injury Officer: Stromberg, Brandon 2310, 3000	Felony Finding: Guilty Disposition date: 11/05/2009 Fines/fees: \$456.50  Det Penitentiary: 2 years Indet Penitentiary: 2 years Probation Type: Supervised Term: 4 years
	05/28/2009	I20-222 Probation Violation Officer: Stromberg, Brandon 2310, 3000	Felony Finding: Guilty Disposition date: 02/19/2010 Fines/fees: \$100.50  Det Penitentiary: 2 years Indet Penitentiary: 2 years Probation Type: Supervised Term: 3 years
	05/28/2009	I20-222 Probation Violation Officer: Stromberg, Brandon 2310, 3000	Felony Finding: Guilty Disposition date: 03/01/2013 Fines/fees: \$0.00 Det Penitentiary: 2 years Indet Penitentiary: 2 years
Register of actions:	Date		
	05/28/2009	New Case Filed - Felony	
	05/28/2009	Prosecutor assigned Brian D Lee	
	05/28/2009	Criminal Complaint	
	05/28/2009	Affidavit Of Probable Cause	
	05/28/2009	Hearing Scheduled (Arraignment 05/28/2009 04:00 PM)	
	05/28/2009	Hearing result for Arraignment held on 05/28/2009 04:00 PM: Arraignment / First Appearance	
	05/28/2009	Constitutional Rights Warning	
	05/28/2009	Affidavit Of Indigence	
	05/28/2009	Commitment - Held To Answer	
	05/28/2009	Defendant: Hulse, Ezekiel J Order Appointing Public Defender Public	

defender Phillip B Heersink  
05/28/2009 BOND SET: at 150000.00  
05/28/2009 Hearing Scheduled (Preliminary 06/08/2009 10:30 AM)  
05/28/2009 Order Appointing Public Defender  
05/28/2009 Notice Of Hearing  
05/28/2009 Constitutional Rights Warning  
05/28/2009 Court Minutes  
05/29/2009 Hearing Scheduled (Continued Arraignment 05/29/2009 01:30 PM)  
05/29/2009 Hearing result for Continued Arraignment held on 05/29/2009 01:30 PM: Arraignment / First Appearance  
05/29/2009 No Contact Order  
05/29/2009 No Contact Order: Order  
05/29/2009 Request For Discovery  
05/29/2009 Motion For Bond Reduction  
05/29/2009 Court Minutes  
06/01/2009 Notice Of Compliance  
06/02/2009 Notice Of Compliance - First Supplemental  
06/05/2009 Subpoena Returned/Christal Scheffers/Brandon Stromberg/Shawna Sloan  
06/05/2009 Notice Of Compliance 2nd Supplemental  
06/08/2009 Hearing result for Preliminary held on 06/08/2009 10:30 AM: Preliminary Hearing Waived (bound Over)  
06/08/2009 Order Binding To District Court  
06/08/2009 Amended Commitment - Held To Answer  
06/08/2009 BOND SET: at 20000.00  
06/08/2009 Criminal Information  
06/08/2009 Request For Discovery, Disclosure and Alibi Demand  
06/08/2009 Notice Of Service  
06/08/2009 Court Minutes  
06/09/2009 Hearing Scheduled (Arraignment 06/19/2009 09:00 AM) Battery-Dom Violence  
06/19/2009 Plea Entered for charge: - NG (I18-918(2) Battery-Domestic Violence/Traumatic Injury)  
06/19/2009 Hearing result for Arraignment held on 06/19/2009 09:00 AM: Arraignment / First Appearance Battery-Dom Violence  
06/19/2009 Hearing Scheduled (Pretrial Conference 08/20/2009 10:30 AM) JT on 9-01-09  
06/19/2009 Hearing Scheduled (Jury Trial 09/01/2009 09:00 AM) Battery-Domestic Violence  
06/19/2009 Hearing result for Arraignment held on 6/19/09 at 9:00 a.m. District Court Hearing Held Court Reporter: Denece Graham Number of Transcript Pages for this hearing estimated: less than 100  
06/19/2009 Court Minutes  
06/24/2009 Subpoena Returned-Sloan/Stromberg  
07/10/2009 Hearing Scheduled (Change of Plea 07/17/2009 09:02 AM)  
07/10/2009 Notice Of Hearing  
07/10/2009 Third Supplemental Notice Of Compliance  
07/16/2009 Subpoena Returned-Scheffers  
07/17/2009 Notice of Order for Presentence Report c:PROB  
07/17/2009 Hearing result for Jury Trial held on 09/01/2009 09:00 AM: Hearing

Vacated Battery-Domestic Violence

07/17/2009 Hearing result for Pretrial Conference held on 08/20/2009 10:30 AM: Hearing Vacated JT on 9-01-09

07/17/2009 Hearing result for Change of Plea held on 07/17/2009 09:02 AM: Hearing Held

07/17/2009 Order to Release c:PA,DA,PCSO

07/17/2009 Plea Agreement

07/17/2009 Hearing result for Change of Plea District Court Hearing Held Court Reporter: Denece Graham Number of Transcript Pages for this hearing estimated: less than 100

07/17/2009 Hearing Scheduled (Sentencing 09/17/2009 1:30 PM) Domestic Battery

07/17/2009 Court Minutes

09/10/2009 PSI Report received

09/11/2009 Motion To Transport

09/15/2009 Order to Transport c:PA,DA,PCSO T. Hauntz

09/17/2009 Hearing Scheduled (Sentencing 11/05/2009 01:30 PM) Domestic Battery

09/17/2009 Hearing result for Sentencing held on 09/17/2009 01:30 PM: Hearing Held Domestic Battery

09/17/2009 Hearing result for Sentencing held on 9/17/09 at 1:30 p.m. District Court Hearing Held Court Reporter: Denece Graham Number of Transcript Pages for this hearing estimated: less than 100

09/17/2009 Court Minutes

09/25/2009 Order Appointing Psychologist c:PA,DA,Mowry

09/30/2009 Change Assigned Judge (batch process)

11/05/2009 Hearing result for Sentencing held on 11/05/2009 01:30 PM: Hearing Held Domestic Battery

11/05/2009 Court Accepts Guilty Plea (I18-918(2) Battery-Domestic Violence/Traumatic Injury)

11/05/2009 Sentenced To Incarceration (I18-918(2) Battery-Domestic Violence/Traumatic Injury) Confinement terms: Penitentiary determinate: 2 years. Penitentiary indeterminate: 2 years.

11/05/2009 Other Sentencing Information: Penitentiary suspended.

11/05/2009 STATUS CHANGED: closed pending clerk action

11/05/2009 Probation Ordered (I18-918(2) Battery-Domestic Violence/Traumatic Injury) Probation term: 4 years. (Supervised)

11/05/2009 Sentenced To Pay Fine 450.50 charge: I18-918(2) Battery-Domestic Violence/Traumatic Injury

11/05/2009 Hearing result for Sentencing held on 11/5/09 at 1:30 p.m. District Court Hearing Held Court Reporter: Laura Whiting Number of Transcript Pages for this hearing estimated: less than 100

11/05/2009 Court Minutes

11/12/2009 Request and Order for Discretionary Jail Time - 7 days, c:PROB,PCSO

11/12/2009 Judgment and Commitment and Order of Probation on Suspended Execution of Judgment c;PA,DA,PCSO,PROB

11/19/2009 Constitutional Rights Warning

11/20/2009 Hearing Scheduled (Arraignment 11/20/2009 11:30 AM)

11/20/2009 Request and Order for Discretionary Jail Time - 7 days c:PROB,PCSO

11/20/2009 Hearing result for Arraignment held on 11/20/2009 11:30 AM: Arraignment / First Appearance

11/20/2009 Commitment - Held To Answer/7 days descretionary

11/20/2009 Court Minutes

11/24/2009 Supplemental Judgment & Commitment & Order of Probation on Suspended Execution of Judgment c:PA,DA,PROB

11/25/2009 Hearing result for Arraignment held on 11/25/2009 01:30 PM: Hearing Held

11/25/2009 Commitment - Held To Answer - \$20000.00

11/25/2009 Court Minutes

11/25/2009 Affidavit of Indigence

11/30/2009 Hearing Scheduled (PV Hearing 12/04/2009 09:01 AM) PV Arraignment

12/02/2009 Motion and Affidavit for Revocation of Probation

12/03/2009 Warrant Returned

12/04/2009 Hearing result for PV Hearing held on 12/04/2009 09:01 AM: Hearing Held PV Arraignment

12/04/2009 Hearing Scheduled (Evidentiary 01/15/2010 01:30 PM)

12/04/2009 Hearing result for PV Arraignment held on 12-4-09 at 9:00 a.m. District Court Hearing Held Court Reporter: Yvonne Gier Number of Transcript Pages for this hearing estimated: less than 100

12/04/2009 Court Minutes

12/07/2009 Hearing Scheduled (Motion 12/18/2009 09:00 AM) Motion for Bond Reduction

12/07/2009 Motion for Bond Reduction and Notice of Hearing

12/11/2009 Subpoena Returned-Galloway

12/11/2009 Subpoena Returned-Wallingford

12/18/2009 Order for Bond Reduction c:PA,DA,PCSO

12/18/2009 BOND SET: at 10000.00

12/18/2009 Hearing result for Motion held on 12/18/2009 09:05 AM: Hearing Held Motion for Bond Reduction

12/18/2009 Hearing result for Motion held on 12/18/09 at 9:00 a.m. District Court Hearing Held Court Reporter: Number of Transcript Pages for this hearing estimated: less than 100

12/18/2009 Court Minutes

01/15/2010 Hearing result for Evidentiary held on 01/15/2010 01:30 PM: Hearing Held

01/15/2010 Hearing Scheduled (Disposition 02/19/2010 01:30 PM) PV Disposition

01/15/2010 Court Minutes

01/15/2010 District Court Hearing Held Court Reporter: Laura Whiting Number of Transcript Pages for this hearing estimated:

01/15/2010 Order for Updated Psychological Evaluation

01/25/2010 Order to Release on Bond

01/26/2010 Bond Posted - Surety (Amount 10000.00 )

02/01/2010 Request and Order for Discretionary Jail Time - 7 days c:PROB/PCSO

02/01/2010 Request and Order for Discretionary Jail Time - 53 days c:PROB/PCSO

02/17/2010 Psychological Evaluation Received

02/19/2010 Hearing result for Disposition held on 02/19/2010 01:30 PM: Hearing Held PV Disposition

02/19/2010 Court Accepts Guilty Plea (I20-222 Probation Violation)

02/19/2010 Sentenced To Incarceration (I20-222 Probation Violation) Confinement terms: Penitentiary determinate: 2 years. Penitentiary indeterminate: 2 years.

02/19/2010 Commitment - Held To Answer c:PA,DA,PCSO

02/19/2010 Court Minutes

02/19/2010 District Court Hearing Held Court Reporter: Carole Bull Number of

## Transcript Pages for this hearing estimated:

03/01/2010 Judgment & Commitment on Probation Violation c:PA,DA,PCSO,IDOC  
03/02/2010 Credit for Time Served - 98 days c:PA,DA,IDOC  
05/20/2010 Affidavit of Defendant  
05/20/2010 Motion for Credit for Time Served  
08/17/2010 Order Extending Jurisdiction and Transport Order and Notice of Hearing  
c:PA,DA,PCSO,IDOC records/transport  
08/17/2010 Hearing Scheduled (Review 09/03/2010 09:00 AM) Rider Review  
09/03/2010 Hearing result for Review held on 09/03/2010 09:06 AM: Hearing Held  
Rider Review  
09/03/2010 Sentenced Modified Sentence modified on 9/3/2010. (I20-222 Probation  
Violation)  
09/03/2010 Probation Ordered (I20-222 Probation Violation) Probation term: 3  
years. (Supervised)  
09/03/2010 Sentenced To Pay Fine 100.50 charge: I20-222 Probation Violation  
09/03/2010 Hearing Scheduled (Hearing Scheduled 09/17/2010 09:00 AM)  
09/03/2010 No Contact Order: Order Comment: No contact with Chrystal A.  
Scheffers Expiration Days: September 3, 2013 c:Dispatch,PA,DA  
09/03/2010 District Court Hearing Held Court Reporter: Debbie Kreidler Number of  
Transcript Pages for this hearing estimated: less than 100  
09/03/2010 Court Minutes  
09/09/2010 Order of Probation on Suspended Execution of Judgment After Reatined  
Jurisdiction c:PA,DA,PROB,IDOC  
09/15/2010 Supplemental Order of Probation on Suspended Execution of Judgment  
after Retained Jurisdiction  
09/17/2010 Hearing result for Hearing Scheduled held on 09/17/2010 09:03 AM:  
Hearing Vacated  
10/22/2010 Order Regarding Non-Payment  
10/26/2010 Hearing Scheduled (Review of Fines 11/26/2010 02:30 PM)  
10/26/2010 Order to Appear for Fines Review  
11/24/2010 Notice Of Withdrawal as Attorney of Record  
11/29/2010 Continued (Review of Fines 01/28/2011 02:30 PM)  
12/22/2010 Order Deferring Payment  
12/30/2010 Voided Receipt (Receipt# 11899 dated 12/22/2010)  
01/13/2011 Continued (Review of Fines 03/25/2011 02:30 PM)  
03/03/2011 Continued (Review of Fines 05/27/2011 02:30 PM)  
03/03/2011 Order Deferring Payment  
05/18/2011 Request and Order for Discretionary Jail Time - 7 days c:PROB/PCSO  
05/27/2011 Hearing result for Review of Fines held on 05/27/2011 02:30 PM:  
Failure To Appear For Hearing Or Trial  
06/16/2011 Request and Order for Discretionary Jail Time - 7 days c:PROB/PCSO  
06/16/2011 Request and Order for Discretionary Jail Time 21 days c:PROB/PCSO  
06/17/2011 Disposition With Hearing  
06/17/2011 CONTEMPT - 12 DAYS JAIL - FINES & COSTS DEEMED PAID IN FULL  
06/20/2012 Agent's Warrant \$40,000  
06/20/2012 Affidavit  
06/22/2012 Motion and Affidavit for Revocation of Probation  
06/25/2012 Agents' Warrant of Arrest  
06/27/2012 Warrant Issued - Arrest Bond amount: 50000.00 Defendant: Hulse,  
Ezekiel J

06/27/2012 Case Sealed  
06/27/2012 STATUS CHANGED: Inactive  
06/27/2012 BOND SET: at 50000.00  
07/12/2012 Paper work from Canyon County  
07/31/2012 Addendum Motion and Affidavit for Revocation of Probation  
10/18/2012 Warrant Returned Defendant: Hulse, Ezekiel J  
10/18/2012 Case Un-sealed  
10/18/2012 STATUS CHANGED: Pending  
10/18/2012 Hearing Scheduled (Arraignment 10/18/2012 01:30 PM)  
10/18/2012 Hearing result for Arraignment scheduled on 10/18/2012 01:30 PM:  
Arraignment / First Appearance  
10/18/2012 Affidavit Of Indigence  
10/18/2012 Commitment - Held To Answer  
10/18/2012 Order Appointing Public Defender  
10/18/2012 Hearing Scheduled (PV Hearing 11/02/2012 09:00 AM) PV Arraignment  
10/18/2012 Court Minutes  
10/23/2012 Notice of Conflict  
10/24/2012 Defendant: Hulse, Ezekiel J Appearance T. Shane Darrington  
10/24/2012 Order Appointing Public Defender  
11/02/2012 Hearing result for PV Hearing scheduled on 11/02/2012 09:00 AM:  
Hearing Held PV Arraignment  
11/02/2012 Hearing Scheduled (Evidentiary 11/16/2012 01:30 PM)  
11/02/2012 District Court Hearing Held Court Reporter: Leda Waddle Number of  
Transcript Pages for this hearing estimated: less than 100  
11/02/2012 Court Minutes  
11/16/2012 Hearing result for Evidentiary scheduled on 11/16/2012 01:30 PM:  
Hearing Held  
11/16/2012 Hearing Scheduled (Evidentiary 12/07/2012 10:30 AM) PV Evidentiary  
11/16/2012 Court Minutes  
11/16/2012 District Court Hearing Held Court Reporter: Leda Waddle Number of  
Transcript Pages for this hearing estimated:  
11/21/2012 Verified Motion for Payment of Attorney Fees  
11/21/2012 Order for Attny Fees Darrington \$105.00  
12/03/2012 Subpoena Returned(1)  
12/07/2012 Hearing result for Evidentiary scheduled on 12/07/2012 10:30 AM:  
Hearing Held PV Evidentiary  
12/07/2012 District Court Hearing Held Court Reporter: Leda Waddle Number of  
Transcript Pages for this hearing estimated: less than 100  
12/07/2012 Hearing Scheduled (Disposition 01/18/2013 01:30 PM)  
12/07/2012 Court Minutes  
12/12/2012 Defendant's Motion for O.R. Release or Bond reduction and Notice of  
Hearing  
12/12/2012 Hearing Scheduled (Motion 12/21/2012 01:30 PM) Defendant's motion  
for O.R. release or Bond reduction  
12/18/2012 Verified Motion for Payment of Attny Fees  
12/19/2012 Order for Psychological Evaluation c:PA,DA,PROB,PCSO,Mowry  
12/19/2012 Order for Payment \$147.00  
12/21/2012 Hearing result for Motion scheduled on 12/21/2012 01:30 PM: Hearing  
Held Defendant's motion for O.R. release or Bond reduction  
12/21/2012 District Court Hearing Held Court Reporter: Debbie Kreidler Number of



Transcript Pages for this hearing estimated: less than 100

12/21/2012 Court Minutes

01/18/2013 Hearing result for Disposition scheduled on 01/18/2013 01:30 PM:  
Hearing Held

01/18/2013 Hearing Scheduled (Disposition 02/01/2013 09:00 AM)

01/18/2013 District Court Hearing Held Court Reporter: Leda Waddle Number of  
Transcript Pages for this hearing estimated: less than 100

01/18/2013 Court Minutes

02/01/2013 Hearing result for Disposition scheduled on 02/01/2013 09:00 AM:  
Hearing Held

02/01/2013 District Court Hearing Held Court Reporter: Leda Waddle Number of  
Transcript Pages for this hearing estimated: less than 100

02/01/2013 Hearing Scheduled (Disposition 02/15/2013 09:00 AM) Continued

02/01/2013 Court Minutes

02/15/2013 Hearing result for Disposition scheduled on 02/15/2013 09:00 AM:  
Hearing Held Continued

02/15/2013 Hearing Scheduled (Disposition 03/01/2013 09:00 AM) Continued

02/15/2013 District Court Hearing Held Court Reporter: Leda Waddle Number of  
Transcript Pages for this hearing estimated: less than 100

02/15/2013 Court Minutes

02/20/2013 Psychological Evaluation

03/01/2013 Hearing result for Disposition scheduled on 03/01/2013 09:00 AM:  
Hearing Held Continued

03/01/2013 District Court Hearing Held Court Reporter: Leda Waddle Number of  
Transcript Pages for this hearing estimated: less than 100

03/01/2013 Sentenced Modified Sentence modified on 3/1/2013. (I20-222 Probation  
Violation)

03/01/2013 Court Accepts Guilty Plea (I20-222 Probation Violation)

03/01/2013 Sentenced To Incarceration (I20-222 Probation Violation) Confinement  
terms: Penitentiary determinate: 2 years. Penitentiary indeterminate: 2  
years.

03/01/2013 STATUS CHANGED: closed pending clerk action

03/01/2013 Commitment - Court revoked probation and ordered imposition of  
original 4 year sentence at IDOC c:PA,DA,PCSO

03/01/2013 Court Minutes

03/04/2013 Surety Bond Exonerated (Amount 10,000.00)

03/05/2013 Judgment and Commitment on Probation Violation c:PA,DA,PCSO,IDOC

03/05/2013 Credit for Time Served-237 days c:PA,DA,IDOC

03/12/2013 Motion to Reduce Sentence Pursuant to ICR 35

03/19/2013 Verified Motion for Attorney Fees

03/20/2013 Order for Payment of Attny Fees Darrington \$483.00

04/10/2013 Motion to Withdraw and for Appointment of Appellate Counsel

04/10/2013 Notice of Appeal

04/10/2013 Appealed To The Supreme Court

04/10/2013 Clerk's Certificate Of Appeal

04/11/2013 Order Allowing Withdrawal and Appointing appellate Counsel

04/15/2013 Motion for Correction or Reduction of Sentence, ICR 35

04/15/2013 Motion for Hearing

04/15/2013 Motion and Affidavit in Support for Appointment of Counsel

04/15/2013 Motion and Affidavit for Permission to Proceed on Partial Payment of  
Court Fees (prisoner)

04/15/2013 Motion for Credit for Time  
04/15/2013 Affidavit of Defendant  
04/15/2013 Notice of Appeal  
04/15/2013 Motion and Affidavit in Support for Appointment of Counsel  
04/15/2013 Motion and Affidavit for Permission to Proceed on Partial Payment of Court Fees (prisoner)  
04/15/2013 Order Granting Motion for Appointment of Counsel for Appeal-DENIED  
04/15/2013 Order Granting Motion for Hearing and Notice of Hearing on Rule 35-DENIED  
04/22/2013 Order Granting Motion for Appointment of Counsel c:PA,DA,Hulse  
04/24/2013 Lodged Transcript  
04/25/2013 Affidavit of Defendant  
04/25/2013 Motion for Credit for Time Served  
04/30/2013 Credit for Time Served-559 DAYS c:PA,DA,IDOC,Defendant  
05/06/2013 Lodged Transcript  
05/14/2013 Amended Notice of Appeal  
05/14/2013 Amended Clerk's Certificate Of Appeal  
06/13/2013 Lodged Transcript  
06/17/2013 Affidavit of Defendant  
06/17/2013 Motion for Credit for Time Served  
06/24/2013 Lodged Transcript  
06/27/2013 Lodged Transcript  
07/01/2013 Lodged Transcript  
07/10/2013 Lodged Transcript  
07/25/2013 Acknowledgment-SAPD  
08/15/2013 Motion for Credit for Time Served  
09/03/2013 No Contact Order c:Dispatch  
09/03/2013 No Contact Order: Order Comment: No Contact with Chrystal A. Scheffers Expiration Days: 2557 Expiration Date: 9/3/2020  
09/23/2013 Affidavit of Defendant  
09/23/2013 Motion for Credit for time Served  
10/03/2013 Order on Motion for Credit for Time Served - 567 days  
10/09/2013 Verified Motion for Payment of Attorney Fees  
10/09/2013 Order for Payment of Attny Fees Darrington \$250.00  
11/20/2013 Order on Motion to Reduce Sentence Pursuant to Idaho Criminal Rule 35-DENIED c:PA,DA  
02/11/2014 Order to Augment the record and suspend the briefing schedule  
02/26/2014 Order Granting Motion for Leave to File a Revised Brief of Appellant  
05/19/2014 Motion for Payment of Attorney Fees  
05/23/2014 Order for Payment of Attny Fees Darrington \$14.00

*Connection: Public*