

1-28-2008

State v. Stone Clerk's Record v. 2 Dckt. 34571

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2 Co
**LAW CLERK THE
SUPREME COURT
OF THE
STATE OF IDAHO**

FARON STONE

PETITIONER and

APPELLANT

vs.

STATE OF IDAHO

DEFENDANT and

RESPONDENT

HON. WM. H. WOODLAND District Judge

Appealed from the District Court of the SIXTH
Judicial District of the State of Idaho, in and for

BANNOCK County.

MOLLY HUSKEY

APPELLATE PUBLIC DEFENDER

Attorney For Appellant

LAWRENCE G. WARDEN

IDAHO ATTORNEY GENERAL

Attorney For Respondent

Filed this

2006

FILED - COPY
day of

JAN 28 2006

Clerk

Deputy

Supreme Court Court of Appeals
Entered on AFS by:

Volume II

34569-8457

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

FARON STONE,)	
	)	Supreme Court No.34569
	)	34571
PETITIONER-APPELLANT,)	
vs.)	
STATE OF IDAHO,	)	Volume II
)	
DEFENDANT-RESPONDENT,)	
<hr/>		
STATE OF IDAHO,)	
)	
PLAINTIFF-RESPONDENT,)	
vs.)	
FARON STONE,)	
)	
DEFENDANT-APPELLANT,)	

CLERK'S RECORD

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

Before **HONORABLE William H. Woodland and HONORABLE N.**

Randy Smith, District Judges.

For Appellant:

Molly Huskey
State Appellate Public Defender
Post Office Box 83720
Boise, Idaho 83720-0005

For Respondent:

LAWRENCE G. WASDEN
Idaho Attorney General
Post Office Box 83720
Boise, Idaho 83720-0010

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Incident Report IDAHO STATE POLICE

Z05000046

Supplement No
0005



Reported Date
05/13/2005
Nature of Call
AGCY ASST
Officer
KEMPF, JOHN

Administrative Information							
Agency	Case No	Supplement No	Reported Date	Reported Time	Status		
IDAHO STATE POLICE	Z05000046	0005	05/13/2005	13:25	INVESTIGATION		
Nature of Call	Report Title						
AGENCY ASSIST OTHER	INTERVEIW REPORT						
Location				City	County	Region	
ISP R-5 INVESTIGATIONS				CHUBBUCK	BANNOCK COUNTY	P5	
From Date	From Time	Officer			Assignment		
05/09/2005	11:06	2832/KEMPF, JOHN			DETECTIVE REG 5		
Entered by	Assignment	RMS Transfer	Property?	Approving Officer	Approval Date		
2832	DETECTIVE REG 5	Successful	None	2967	05/20/2005		
Approval Time							
13:43:10							

Summary Narrative
On May 9, 2005 at approximately 11:06 a.m. Fort Hall Police Detective Pat Teton and I conducted a voluntary interview with Ranelda K. STONE regarding her knowledge of the whereabouts of her brother, Faron STONE. Faron STONE is a wanted fugitive out of Arizona who may have been involved in a critical incident with the Chubbuck Police on May 7, 2006. No arrests were made and the investigation continues.

WITNESS 1 STONE, RANELDA							
Involvement	Invl No	Type	Name			MNI	DOB
WITNESS 1		Individual	STONE, RANELDA			143509	10/21/1967
Age	Juvenile?	RMS Transfer					
37	No	Empty field					

WITNESS 2 OSBORNE, MARIAN							
Involvement	Invl No	Type	Name			MNI	Sex
WITNESS 2		Individual	OSBORNE, MARIAN			149513	FEMALE
DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	RMS Transfer
01/28/1984	21	No	5'03"	145#	BROWN	BROWN	Empty field

Narrative

- On May 9, 2005 at approximately 10:20 a.m. I spoke with Ranelda STONE via cellular telephone (223-1173). During the telephone conversation Ranelda STONE agreed to meet with me at the Idaho State Police, Region 5 investigations office in Chubbuck to discuss her knowledge of her brother, Faron STONE's, whereabouts.
- At approximately 11:03 a.m. Ranelda STONE and Marian OSBORNE arrived at the ISP Investigations Office.
- At approximately 11:06 a.m. Fort Hall Police Detective Pat Teton and I conducted a voluntary interview with Ranelda STONE. During the interview STONE made the following voluntary statements:
 - She has not seen or heard from her brother Faron STONE since the incident in Chubbuck.

Report Officer 2832/KEMPF, JOHN	Printed At 05/31/2005 10:15	Page 1 of 3
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Incident Report
IDAHO STATE POLICE

Z05000046

Supplement No
0005

Narrative

b. She has no knowledge of his whereabouts or who may be assisting him in evading police.

4. At approximately 11:10 a.m. I reminded Ranelda STONE that her brother Faron is a wanted fugitive out of Arizona for escape and that the police want to question him about the critical incident that took place in Chubbuck on May 7, 2005. I further advised Ranelda STONE that she would be violating the law by lying to law enforcement officers and assisting Faron STONE in further evading the police.

5. At approximately 11:13 a.m. Ranelda STONE stated that she understood what I was telling her and further stated that she has not had any contact with or knew the whereabouts of her brother, Faron STONE.

6. At approximately 11:14 a.m. Ranelda STONE made the following voluntary statements:

a. on May 8, 2005 at approximately 12:00 p.m. she picked up her girlfriend, Marian OSBORNE, and they spent the entire day at OSBORNE's uncle's residence in Fort Hall.

b. She has not seen or had any contact with her brother, Faron STONE, nor has she assisted him in any way since the incident in Chubbuck on May 7, 2005.

c. She is not lying to me and further stated that I should just do my job and find her brother.

If I feel that she is lying to me that I should do my job and prove that as well.

7. At approximately 11:25 a.m. Fort Hall Police Detective Ryan Blackhawk and I conducted a voluntary interview of Marian OSBORNE. prior to asking OSBORNE any questions I informed her that Faron STONE is a fugitive out of Arizona for escape and that police want to talk to him about the shooting incident that took place in Chubbuck on May 7, 2005. I further explained to OSBORNE that she would be violating the law by lying to law enforcement officers and assisting Faron STONE in further evading the police. During the interview OSBORNE made the following voluntary statements:

a. She understands that she could get in trouble if she is not truthful about her knowledge of Faron STONE's whereabouts.

b. She was out of town at the time of the shooting incident in Chubbuck, but she had knowledge of it from Ranelda and others.

c. She does not know where Faron STONE is nor does she have any knowledge of who may be assisting him.

d. She has not witnessed Ranelda STONE have any contact with Faron STONE.

e. Ranelda picked her up on May 8, 2005 at approximately 12:00 p.m. and they had spent the day at her uncle's in Fort Hall.

At approximately 11:33 a.m. Detective Blackhawk and I concluded our voluntary interview with OSBORNE.

Report Officer
2832/KEMPF, JOHN

Printed At
05/31/2005 10:15

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Incident Report
IDAHO STATE POLICE

Z05000046

Supplement No
0005

Narrative

9. At approximately 11:35 a.m. I offered Ranelda STONE the opportunity to take a polygraph examination to demonstrate that what she was telling me about her knowledge of Faron STONE's whereabouts is the truth. Ranelda STONE declined to take the polygraph and further stated that she would not assist law enforcement in any way to locate her brother.

10. At approximately 11:37 a.m. Detective Teton and I concluded our voluntary interview with Ranelda STONE.

Report Officer 2832/KEMPF, JOHN	Printed At 05/31/2005 10:15	Page 3 of 3
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Incident Report IDAHO STATE POLICE

Z05000046

Supplement No
0006



Reported Date
05/09/2005
Nature of Call
AGCY ASST
Officer
KEMPF, JOHN

Administrative Information							
Agency	Case No	Supplement No	Reported Date	Reported Time	Status		
IDAHO STATE POLICE	Z05000046	0006	05/09/2005	18:15	INVESTIGATION		
Nature of Call		Report Title					
AGENCY ASSIST OTHER		EVIDENCE SEIZURE					
Location			City	County	Region		
SANDS ROAD			FORT HALL	BINGHAM COUNTY	P5		
From Date	From Time	Officer			Assignment		
05/09/2005	18:20	2832/KEMPF, JOHN			DETECTIVE REG 5		
Entered by	Assignment	RMS Transfer	Prop Trans Stat	Property?	Approving Officer		
2832	DETECTIVE REG 5	Successful	Successful	Yes	2967		
Approval Date		Approval Time					
05/20/2005		13:43:23					

Summary Narrative
On May 9, 2005 at approximately 6:20 p.m. Idaho State Trooper Chris Williams, Detective Nate Hansen, Fort Hall Police Detective Ryan Blackhawk and I recovered and searched a 1997 maroon Chevrolet Tahoe bearing Idaho license 4B55710 near Sands Road in Fort Hall, Bingham County, Idaho. The Tahoe was located by Fort Hall Fish and Wildlife Officers and is suspected to have been involved in a critical incident that took place in Chubbuck, Idaho on May 7, 2005. No arrests were made and the investigation continues.

SUSPECT 1: STONE FARON EDMUND										
Involvement	Invl No	Type	Name				MINI	Race	Sex	
SUSPECT	1	Individual	STONE, FARON EDMUND				150217	WHITE	MALE	
DOB	Age	Ethnicity	Juvenile?	Res Status	OFN_INVL	RMS Transfer				
09/25/1964	40	UNKNOWN	No	RESIDENT	1	Empty field				
Property										
Item	Involvement					In Custody?	Tag No	Item No		
1	SEIZED (Drugs, monies, veh, weapon-drug case)					Yes	050000923	1		
Value	Description									
\$1.00	exhibit 149 - CO2 pistol									
Cat	Exhibit No	Model	UCR Type	RMS Transfer						
FIREARMS	149	CO2	FIREARMS	Empty field						
Link	Involvement	Invl No	Name				Race	Sex	DOB	
SUS	SUS	1	STONE, FARON EDMUND				W	M	09/25/1964	
Item	Involvement				In Custody?	Tag No	Item No			
2	EVIDENCE (Non-Drug Items)				Yes	050000923	2			
Description							Typ	Cat	Exhibit No	UCR Type
exhibit 150- 2 shotgun shells and 2 .380 rounds							A	OTHER	150	OTHER
RMS Transfer										
Empty field										
Link	Involvement	Invl No	Name				Race	Sex	DOB	
SUS	SUS	1	STONE, FARON EDMUND				W	M	09/25/1964	
Item	Involvement					In Custody?	Tag No	Item No		
3	SEIZED (Drugs, monies, veh, weapon-drug case)					Yes	050000923	3		
Value	Description									
\$1.00	exhibit 151- several 1"x1" plastic baggies									
Cat	Exhibit No	UCR Type				RMS Transfer				
DRUG PARAPHERNALIA	151	DRUG, NARCOTIC EQUIPMENT				Empty field				
Report Officer					Printed At			Page 1 of 3		
2832/KEMPF, JOHN					05/31/2005 10:15					

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Z05000046

Supplement No
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Link	Involvement	Invl No	Name	Race	Sex	DOB			
SUS	SUS	1	STONE, FARON EDMUND	W	M	09/25/1964			
Item	Involvement	In Custody?	Tag No	Item No					
4	EVIDENCE (Non-Drug Items)	Yes	050000923	4					
Description						Typ	Cat	Exhibit No	UCR Type
exhibit 152 envelope with spent .380 round						A	OTHER	152	OTHER
RMS Transfer									
Empty field									
Link	Involvement	Invl No	Name	Race	Sex	DOB			
SUS	SUS	1	STONE, FARON EDMUND	W	M	09/25/1964			
Item	Involvement	In Custody?	Tag No	Item No	Value				
5	EVIDENCE (Non-Drug Items)	Yes	050000923	5	\$1.00				
Description						Typ	Cat	Exhibit No	UCR Type
Exhibit 153 -yellow flashlight located in tahoe						A	TOOLS	153	TOOLS
RMS Transfer									
Empty field									
Link	Involvement	Invl No	Name	Race	Sex	DOB			
SUS	SUS	1	STONE, FARON EDMUND	W	M	09/25/1964			
Item	Involvement	In Custody?	Tag No	Item No					
6	EVIDENCE (Non-Drug Items)	Yes	050000923	6					
Description						Typ	Cat	Exhibit No	UCR Type
exhibit 154 plastic case w/Damamine tablets						A	OTHER	154	OTHER
RMS Transfer									
Empty field									
Link	Involvement	Invl No	Name	Race	Sex	DOB			
SUS	SUS	1	STONE, FARON EDMUND	W	M	09/25/1964			

Narrative

On May 9, 2005 at approximately 5:30 p.m. Fort Hall Police Detective Ryan Blackhawk informed me that Fort Hall Fish and Wildlife Officers had located an abandoned maroon 1997 Chevrolet Tahoe bearing Idaho license 4B55710, near Sands Road in Fort Hall, Bingham County, Idaho.

The Tahoe was a vehicle suspected to have been involved in critical incident that took place in Chubbuck, Idaho on May 7, 2005.

2. At approximately 5:50 p.m. I contacted Clarice VILLA (who is one of the registered owners of the Tahoe) via cellular telephone (406-3760) and requested her permission to search the Tahoe for evidence related to the Chubbuck critical incident. Clarice VILLA granted me permission to search the Tahoe and I provided her with my cellular telephone number so she could contact me. At approximately the same time Idaho State Police Detective Fullmer informed me that Maria VILLA had claimed to have driven the Tahoe from the scene of the incident and that she had also granted permission to search the Tahoe.

3. At approximately 6:20 p.m. I arrived in the area of Sands Road where the Tahoe had been located and contacted Trooper Williams. Trooper Williams informed me that he had been dispatched to the scene and had began an inventory report form.

4. At approximately 6:22 p.m. Detective Hansen and I conducted a search of the Tahoe and I located and seized the following exhibits from the Tahoe:

Exhibit 149- a black C02 pistol located and seized from the Tahoe.

Exhibit 150- two shotgun shells and two .380 caliber rounds located and seized from the Tahoe.

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Exhibit 151- Suspected packaging material consisting of 1"x1" plastic Ziplock baggies located and seized from the Tahoe.

Exhibit 152- A manila envelope with a sticker for a BERSA S.A. .380 caliber semiautomatic pistol and a spent brass cartridge for a .380 caliber round located and seized from the Tahoe.

Exhibit 153 - a large yellow flashlight located and seized from the Tahoe.

Exhibit 154 - a plastic case with several Dramamine tablets and a paper towel.

5. At approximately 7:00 p.m. the Tahoe was towed to the Idaho State Police, Region 5 Office in Chubbuck, Idaho by Bill and Mikes Towing.

6. At approximately 7:25 p.m. I placed all of the exhibits into a evidence holding locker to which I held the only key.

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 Supplement No
0007

 Reported Date
05/08/2005
 Nature of Call
AGCY ASST
 Officer
KEMPF, JOHN

Administrative Information						
Agency	Case No	Supplement No	Reported Date	Reported Time	Status	
IDAHO STATE POLICE	Z05000046	0007	05/08/2005	14:00	INVESTIGATION	
Nature of Call	Report Title					
AGENCY ASSIST OTHER	INTERVEIW REPORT					
Location	County		Region			
ISP R5 INVESTIGATIONS	BANNOCK COUNTY		P5			
Officer	Assignment		Entered by			
2832/KEMPF, JOHN	DETECTIVE REG 5		2832			
Assignment	RMS Transfer	Prop Trans Stat	Property?	Approving Officer		
DETECTIVE REG 5	Successful	Successful	Yes	2967		
Approval Date	Approval Time					
05/20/2005	13:43:33					

Summary Narrative

On May 8, 2005 at approximately 2:15 p.m. Idaho State Police Detective Sgt. Ganske, Detective Hansen, United States Marshal Service Deputy Baxley, Pocatello Police Detective Sgt. Archand, Fort Hall Police Detective Blackhawk and I contacted David BAKER at his residence located at 429 W. HWY 39 #48 in Bingham County, Idaho. BAKER was contacted after I received a tip that Maria VILLA had dropped her children off with BAKER. No arrests were made; however, Maria VILLA's two children were deemed to be in imminent danger by law enforcement and Health and Welfare took custody of them.

SUSPECT 1 STONE, FARON EDMUND									
Involvement	Invl No	Type	Name			MNI	Race	Sex	
SUSPECT	1	Individual	STONE, FARON EDMUND			150218	WHITE	MALE	
DOB	Age	Ethnicity	Juvenile?	Res Status	OFN_INVL	RMS Transfer			
09/25/1964	40	UNKNOWN	No	RESIDENT	1	Empty field			

SUSPECT 2 VILLA, MARIA ELENA									
Involvement	Invl No	Type	Name			MNI			
SUSPECT	2	Individual	VILLA, MARIA ELENA			150224			
Race	Sex	DOB	Age	Ethnicity	Juvenile?	Eye Color	Res Status		
HISPANIC/MEXICAN/LATIN	FEMALE	02/09/1984	21	UNKNOWN	No	BROWN	RESIDENT		
OFN_INVL	RMS Transfer								
2	Empty field								

WITNESS 1 BAKER, DAVID									
Involvement	Invl No	Type	Name			MNI	Race		
WITNESS	1	Individual	BAKER, DAVID			122920	UNKNOWN		
Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	RMS Transfer	
MALE	06/07/1957	47	No	5'09"	195#	BLACK	BROWN	Empty field	

Property									
Item	Involvement	In Custody?	Tag No	Item No					
1	EVIDENCE (Non-Drug Items)	Yes	050000924	1					
Description	Typ	Cat	Exhibit No	UCR Type					
Exhibit 155- keys recovered from David Baker	A	OTHER	155	OTHER					
RMS Transfer									
Empty field									

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Property						
Link	Involvement	Invl No	Name	Race	Sex	DOB
SUS	SUS	1	STONE, FARON EDMUND	W	M	09/25/1964
SUS	SUS	2	VILLA, MARIA ELENA	H	F	02/09/1984

Narrative

1. On May 8, 2005 at approximately 10:00 a.m. I received a tip via telephone from a person who is known to me, but wishes to remain anonymous, that Maria VILLA had dropped two of her children off at David BAKER's residence in Blackfoot. Maria VILLA is suspected to have been involved in a critical incident involving the Chubbuck Police in the early morning hours of May 7, 2005. Witnesses at the scene of the incident stated that they observed Maria VILLA place two children in a maroon Tahoe and leave the scene shortly after the shooting incident.

2. At approximately 2:15 p.m. Idaho State Police Detective Sgt. Ganske, Detective Hansen, United States Marshal Service Deputy Baxley, Pocatello Police Detective Sgt. Marchand, Fort Hall Police Detective Blackhawk and I contacted David BAKER at his residence located at 429 W. HWY 39 #48 in Bingham County, Idaho. During the contact David BAKER made the following voluntary statements to Deputy Baxley and me:

a. Maria VILLA arrived at his residence at approximately 9:00 p.m. on May 7, 2005 and dropped off two of her children, David VILLA age 3 and Analisa DIAZ who is approximately 8 months old.

b. Maria VILLA left a bag with some diapers and a set of keys.

c. Maria VILLA did not mention anything about the critical incident that took place in Chubbuck.

d. He did not know about the shooting incident in Chubbuck at the time Maria VILLA was at his residence.

e. He found out about the shooting incident by watching the news at approximately 10:00 p.m. on May 7, 2005, which was after Maria VILLA had left his residence.

f. He expected Maria VILLA or her mother, Clarice, to come get the children either last night or some time this morning and that he is not capable of properly caring for the children.

g. He has not heard from Maria VILLA since she left his residence at approximately 9:30 p.m. on May 7, 2005.

h. Maria VILLA stated that she arrived at his residence in a "truck," but he did not see the vehicle.

f. Maria VILLA was not with any other adults when she was at his residence.

g. He is currently on Federal Parole for murder and is supervised by Jessie Kelly.

3. At approximately 2:40 p.m. it was determined that Maria VILLA's children, David VILLA and Analisa DIAZ, were in imminent danger due to the fact that they had been abandoned by Maria VILLA and Maria VILLA was actively evading law enforcement stemming from the critical incident. At approximately the same time Sgt. Ganske contacted Health and Welfare Child Protection Services who said they would respond to the scene.

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4. At approximately 2:45 p.m. I seized the following exhibits:

Exhibit #155- Key ring with keys that David BAKER stated were left at his residence by Maria VILLA.

5. At approximately 3:15 p.m. Social Worker Danielle Hamilton arrived at the scene and took custody of David VILLA and Analisa DIAZ. At approximately the same time all law enforcement officers cleared from the scene.

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Z05000046 Supplement No
0008



Reported Date
05/17/2005
Nature of Call
AGCY ASST
Officer
KEMPF, JOHN

Administrative Information							
Agency	Case No	Supplement No	Reported Date	Reported Time	Status		
IDAHO STATE POLICE	Z05000046	0008	05/17/2005	10:00	INVESTIGATION		
Nature of Call	Report Title						
AGENCY ASSIST OTHER	AREA CANVAS						
Location				City	ZIP Code		
210 CIRCLE INN				CHUBBUCK	83202		
County	Region	Officer			Assignment		
BANNOCK COUNTY	P5	2832/KEMPF, JOHN			DETECTIVE REG 5		
Entered by	Assignment	RMS Transfer	Property?	Approving Officer	Approval Date		
2832	DETECTIVE REG 5	Successful	None	2967	05/20/2005		
Approval Time							
14:07:12							

Summary Narrative
On May 17, 2005 at approximately 10:00 a.m. Idaho State Police Detective Csajko and I contacted several residences in close proximity to 211 Circle Inn #24 in Chubbuck, Bannock County Idaho. The neighbors were contacted about their recollections of a critical incident involving the Chubbuck Police and Faron STONE on May 7, 2005. No arrests were made and the investigation continues.

WITNESS 1 PRICE BRIAN							
Involvement	Invl No	Type	Name			MNI	Sex
WITNESS 1	1	Individual	PRICE, BRIAN			150002	MALE
DOB	Age	Ethnicity	Juvenile?	Res Status	RMS Transfer		
08/21/1980	24	NON HISPANIC	No	RESIDENT	Empty field		
Type	Address				City	State	
HOME	211 CIRCLE INN #58				CHUBBUCK	IDAHO	
ZIP Code 83202							

WITNESS 2 MITANI ARLENE							
Involvement	Invl No	Type	Name			MNI	Sex
WITNESS 2	2	Individual	MITANI, ARLENE			150256	FEMALE
DOB	Age	Ethnicity	Juvenile?	Res Status	RMS Transfer		
07/05/1939	65	NON HISPANIC	No	RESIDENT	Empty field		
Type	Address				City	State	
HOME	210 CIRCLE INN #25				CHUBBUCK	IDAHO	
ZIP Code 83202							

WITNESS 3 CROWDER HEATH LORI							
Involvement	Invl No	Type	Name			MNI	Sex
WITNESS 3	3	Individual	CROWDER-HEATH, LORI			150004	FEMALE
DOB	Age	Ethnicity	Juvenile?	Res Status	RMS Transfer		
01/05/1956	49	NON HISPANIC	No	RESIDENT	Empty field		
Type	Address				City	State	
HOME	211 CIRCLE INN #6				CHUBBUCK	IDAHO	
ZIP Code 83202							

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WITNESS 4: FRASURE, SHARON

Involvement WITNESS 4	Invl No 4	Type Individual	Name FRASURE, SHARON	MNI 150261	Sex FEMALE
DOB 11/09/1947	Age 57	Juvenile? No	Height 5'08"	RMS Transfer Empty field	
Type HOME	Address 211 CIRCLE INN #57			City CHUBBUCK	State IDAHO
ZIP Code 83202					

WITNESS 5: BARNECLO, CHARLES

Involvement WITNESS 5	Invl No 5	Type Individual	Name BARNECLO, CHARLES	MNI 150264	Sex MALE
DOB 06/16/1919	Age 85	Juvenile? No	Height 5'04"	RMS Transfer Empty field	
Type HOME	Address 211 CIRCLE INN			City CHUBBUCK	State IDAHO
ZIP Code 83202					

Narrative

1. On May 17, 2005 at approximately 10:00 a.m. Idaho State Police Detective Csajko and I contacted several residences in close proximity to 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho.
2. At approximately 10:05 a.m. Detective Csajko and I contacted Lori Crowder-Heath at her residence located at 211 Circle Inn #6, which is located approximately two spaces to the east of space #24. During our contact Lori Crowder-Heath agreed to make voluntary statements about her knowledge and recollection about a critical incident that took place on May 7, 2005. During the interview Crowder-Heath made the following statements:
 - a. She was home and asleep on May 7, 2005 at approximately 1:30 a.m.
 - b. She was awakened by the sound of a loud blast followed by gunfire.
 - c. She did not recall hearing an announcement or yelling prior to the blast and gunfire which woke her up.
 - d. She did recall hearing a gunshot before a red truck drove from the scene, which was several minutes after the initial gunfire.
3. At approximately 10:15 a.m. Detective Csajko and I concluded our interview with Crowder-Heath.
4. At approximately 10:30 a.m. Detective Csajko and I contacted Henry and Arlene Mitani at their residence located at 211 Circle Inn #25. Space #25 is located across the street and to the north of space #24. Henry and Arlene Mitani agreed to make voluntary statements about their knowledge and recollection of a critical incident that took place on May 7, 2005. During the interview Henry and Arlene Mitani made the following voluntary statements:
 - a. Henry Mitani was at the Fort Hall Casino at the time of the incident.
 - b. Arlene was home, awake and sitting in her front room at the time of the incident.

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Narrative

c. At approximately 1:42 a.m. Arlene heard a gunshot followed by someone yelling either "Chubbuck police" or "call the police." She is not sure of the word preceding police, but distinctly remembers hearing the word "police."

d. After hearing the yelling, Arlene heard several gunshots then it became quiet.

e. Arlene was evacuated by Police at approximately 6:00 a.m.

f. Arlene and Henry did not have any interaction with the residents of #24, but they did observe a lot of vehicle traffic at the residence in the months prior to the incident.

5. At approximately 10:45 p.m. Detective Csajko and I concluded our voluntary interview of Henry and Arlene Mitani.

6. At approximately 10:46 a.m. Detective Csajko and I contacted Charles Barnecllo in front of his residence located at 211 Circle Inn #60. Space #60 is located across the street and to the west of space #24. Charles Barnecllo agreed to make voluntary statements about his knowledge and recollection of a critical incident that took place on May 7, 2005. During the interview Charles Barnecllo made the following voluntary statements:

a. He was at home and asleep at the time of the incident.

b. He did not hear any gunfire or yelling and was not awakened until the Police came to his door to evacuate him and his wife.

7. At approximately 10:48 a.m. Detective Csajko and I concluded our interview of Charles Barnecllo.

8. At approximately 10:50 p.m. Detective Csajko and I contacted Sheila Frasure at her residence located at 211 Circle Inn #57. Space #57 is located across the street and to the southwest of space #24. Sheila Frasure agreed to make voluntary statements about her knowledge and recollection of a critical incident that took place on May 7, 2005. During the interview Sheila Frasure made the following voluntary statements:

a. She was home at the time of the incident along with her mother, Sharon Frasure, her fiance, Matt Curtis, and their two-day-old child.

b. Everyone in their house was asleep at the time of the incident.

c. She was awakened by the sound of gunfire.

d. Everyone in the house was very tired because of the newborn baby.

e. She did not recall hearing any yelling prior to the gunshots, but was asleep.

f. In the month or two prior to the incident she observed a lot of different vehicles coming and going from space #24.

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Narrative

9. At approximately 10:58 a.m. Detective Csajko and I concluded our voluntary interview with Frasure.
10. At approximately 11:00 a.m. Detective Csajko and I contacted Brian Price at his residence located at 211 Circle Inn #58. Space #58 is located across the street and directly to the west of space #24. Brian Price agreed to make voluntary statements about his knowledge and recollection of a critical incident that took place on May 7, 2005. During the interview Brian Price made the following voluntary statements:
- a. He was at home, awake and in his bedroom at the time of the incident.
 - b. His bedroom is located at the back of his trailer, furthest from the street (therefore furthest from space #24.)
 - c. Just prior to the eruption of gunfire he heard yelling.
 - d. He was not able to tell what words were being yelled.
 - e. After the initial gunfire it became very quiet for several minutes then he heard a single gunshot.
- f. That was the last gunshot he heard.
- g. In the month or two prior to the incident he has observed a lot of vehicle traffic at all hours of the day and night at space #24.
11. At approximately 11:10 a.m. Detective Csajko and I concluded our voluntary interview of Brian Price.
12. Detective Csajko and I left our business cards in the doors of several other residences located in the proximity of space #24 in which no one answered the door.
13. The statements of Arlene Minani and Brian Price, who both stated that they were awake at the time of the incident, are consistent with the statements made by Chubbuck Police Officers that they announced their presence as Police Officers prior to entering space #24.
14. Brian Price and Lori Crowder-Heath's statements about hearing a gunshot several minutes after the initial gunfire is consistent with the statements made by Chubbuck Police Officers that a marked Bannock County Police unit was fired upon in the area of space #24.

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Z05000046

Supplement No
0009



Reported Date
05/09/2005
Nature of Call
AGCY ASST
Officer
GANSKE, JOHN

Administrative Information						
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0009	Reported Date 05/09/2005	Reported Time 15:21	Status INVESTIGATION	
Nature of Call AGENCY ASSIST OTHER		Report Title INTERVIEW FRASURE				
Location CHUBBUCK			City CHUBBUCK	ZIP Code 83202		
County BANNOCK COUNTY	Region P5	Officer 2967/GANSKE, JOHN				
Assignment DETECTIVE SGT REG 5	Entered by 2967	Assignment DETECTIVE SGT REG 5	RMS Transfer Successful	Property? None		
Approving Officer 2967	Approval Date 05/31/2005	Approval Time 08:26:12				

Summary Narrative

On May 9, 2005 at approximately 3:21 p.m., Bannock County Detective Howard Manwaring and I conducted a voluntary interview with Martin Lee Frasure at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. Frasure was interviewed concerning a Critical Incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on May 7, 2005. Prior to and during the interview Frasure counseled and was represented by his attorney Joseph Filicetti. I informed Frasure that I was conducting a criminal investigation and that this interview is voluntary and he was free to leave at any time.

WITNESS 1 OFCR FRASURE, MARTIN LEE

Involvement WITNESS	Invl No 1	Type Law Enforcement Officer	Name OFCR FRASURE, MARTIN LEE
RMS Transfer Empty field			
Employer/School CHUBBUCK POLICE DEPARTMENT		Position/Grade SERGEANT	

Narrative

1. On May 9, 2005 at approximately 3:21 p.m., Bannock County Detective Howard Manwaring and I conducted a voluntary interview with Martin Lee Frasure at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. Frasure was interviewed concerning a Critical Incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on May 7, 2005. Prior to and during the interview Frasure counseled and was represented by his attorney Joseph Filicetti. I informed Frasure that I was conducting a criminal investigation and that this interview is voluntary and he was free to leave at any time. Martin Frasure informed Detective Manwaring and I of the following:

- a. The location where the Critical Incident took place was 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho. This occurred on May 7, 2005 at approximately 1:30 a.m., and he was there to assist in the service of a search warrant at that location.
- b. His full name is Martin Lee Frasure, he is 34 years old, he is employed by the Chubbuck Police Department in the capacity of a patrol Staff Sergeant and Special Response Team

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Narrative

Leader, his badge and call number is 110. He was hired at the Chubbuck Police Department on May 28, 1992.

c. His primary duty weapon is a Glock model 22 40-caliber handgun and on the date of the Critical Incident he was carrying his Glock along with a Bushmaster 223 caliber rifle loaded with 28 rounds of Hornaday 60 grain tactical ammunition. His Glock was loaded with 16 rounds of department issued Gold Dot 40 caliber ammunition. His firearms qualifications are current per department standards and are available for review from the department firearms file. On the date of the Critical Incident he recalls firing several rounds from his 223-caliber rifle while at the residence located at 211 Circle Inn #24 serving a no knock search warrant at the residence. He did not fire any other weapons during the Critical Incident.

d. On May 6, 2005 at approximately 8:00 p.m., he came to work for the purpose of serving a search warrant in the capacity of the team leader of the Chubbuck Police Department Special Response Team. At the time of the callout he was off duty and had been on his regular days off. Prior to the callout he had not consumed any alcohol and does not take any medication.

e. At the time of the Critical Incident he was wearing his department issued Special Response Team uniform, which consisted of black bdu pants and a black long-sleeved shirt with "SRT" imprinted on one sleeve and "POLICE" on the other sleeve; a CPD badge on the left breast and "CHUBBUCK SRT" on the right breast; a ballistic entry vest marked with POLICE on the front and back along with standard police safety gear. He was clearly marked and readily identifiable as a police officer at the time of the Critical Incident. During the Critical Incident he did not get an opportunity to verbally identify himself as a police officer but he does remember Officer Gilbert in front of him announcing, "Police warrant service" and hearing Officer Galloway on the PA announcing their presence. He did not sustain any injuries during the Critical Incident.

f. When he was called out to assist in the service of a search warrant on May 6, 2005 he was aware that the Chubbuck Police Drug Suppression Unit was watching 211 Circle Inn #24 and had received drug information which had allowed them to obtain a search warrant for the residence. He knew that a possible suspect at the residence was Faron Stone and he was known or believed to violent and in possession of firearms. There were others who were mentioned who frequented the residence. He had been provided with a photo of Faron Stone and knows what he looks like. At the time of the Critical Incident he did not see Faron Stone at the residence. During the Critical Incident he felt like his life and the life of his fellow officers were in danger due to gunfire being directed toward the front door of the residence by the suspect.

g. He did not deliberately or accidentally do anything to alter the crime scene nor did he see anyone else alter the crime scene. He knew they had a signed search warrant for the residence and he read the search warrant. He did not read the sheet listing the affiant's qualifications.

h. He is currently assigned as the team leader on the Special Response Team. Pursuant to an agreed plan that he approved and help design he recalls the following personnel were assigned to the following duties:

Front door or the #2 side of the residence(see diagram). Officer Merica was assigned to approach the door first #1 and breach the front door with "TKO" breaching rounds that were fired from his

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Narrative

Remington 870 shotgun. Officer Merica was also armed with his department issued Glock 40 caliber handgun. Officer Gilbert was assigned #2 and his responsibility was to place a flash noise diversion device inside the front door upon entry into the residence. He recalls Officer Gilbert being armed with his issued Glock 40 caliber handgun. He recalls that Officer Hill was assigned #3 and was armed with his department issued Glock 40 caliber handgun and his Heckler Koch 40 caliber sub-machine gun. Sergeant Butterfield was assigned to #4 and was armed with his department issued Glock 40 caliber handgun and his Heckler Koch 40 caliber sub-machine gun. He was assigned #5 and was armed with his department issued 40-caliber Glock handgun and his 223-caliber patrol rifle. He is the team leader and was assigned to give the command to initiate the search warrant entry. Upon breaching the front door of the residence Officer Merica was to step out of the way and allow Officer Gilbert and the rest of the team to enter the residence with Officer Merica entering last.

Back door or the #4 side of the residence(see diagram). Officer Ballard and Officer Anderson were assigned to the back door of the residence. Both were armed with their department issued Glock 40 caliber handguns and in addition Officer Ballard was carrying his Heckler and Koch 40 caliber sub-machine gun. Officer Anderson and Officer Ballard were assigned to breach and control the back door of the residence.

Perimeter or the 3-4 side of the residence(see diagram). Officer Galloway and Officer May were assigned to the 3-4 side of the residence and were armed with their department issued Glock 40 caliber handguns. Officer Galloway was assigned to announce their police presence over a hand held PA system and Officer May was assigned to place a noise flash diversion device in the back yard of the residence and carry a fire extinguisher in the event of fire.

i. The search warrant was initiated when Officer Merica stepped onto the front porch and gave the command "go,go,go" over the radio. He heard Officer Galloway announce their police presence over the PA at which time Officer May placed a flash noise diversionary device in the back yard of the residence. He then observed Officer Merica approach the front door of the residence and fire two "TKO" door-breaching rounds from his Remington 870 shotgun, disabling both locking mechanisms. Officer Merica then forced the front door open with his foot and stepped out of the way to allow the rest of the team to enter the residence at which time he heard gunfire erupt from within the residence and toward their position. He observed Officer Gilbert place a noise flash diversion device inside the front door. He heard someone yelling "ow,ow,ow" and he thought Officer Gilbert was being wounded by suspect gunfire. He thought Officer Gilbert made it into the residence before the gunfire erupted. He then began telling his team to get out of the area and he observed team members in front of him coming back toward him away from the residence. As he stepped back off the porch he could not recall whether the gunfire from inside the residence stopped at which time he fired his 223 caliber rifle several times toward the direction of the perceived threat in order for Officer Merica to safely get off the porch and into a safe area. He does not recall how many times he fired his weapon. He along with his the rest of the team pulled out of their position and began seeking cover away from the area. He did not know who on his team returned fire into the residence besides him. A short time later he sought cover on the #1-4 side of the residence and began assessing the area and calling for support from other agencies.

A period of time went by and he was relieved from the scene and taken back to the Chubbuck Police Department. While awaiting this interview he did not discuss the incident with any other

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2967/GANSKE, JOHN

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Narrative

officers and has only consulted with his attorney.

2. At approximately 4:12 p.m., the interview with Sergeant Martin Frasure was concluded. The above interview was digitally recorded onto a compact disc and labeled as Exhibit 156.

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Incident Report IDAHO STATE POLICE

Z05000046

Supplement No
0010



Reported Date
05/09/2005
Nature of Call
AGCY ASST
Officer
GANSKE, JOHN

Administrative Information						
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0010	Reported Date 05/09/2005	Reported Time 16:25	Status INVESTIGATION	
Nature of Call AGENCY ASSIST OTHER		Report Title INTERVIEW GILBERT				
Location CHUBBUCK			City CHUBBUCK	ZIP Code 83202		
County BANNOCK COUNTY	Region P5	Officer 2967/GANSKE, JOHN				
Assignment DETECTIVE SGT REG 5	Entered by 2967	Assignment DETECTIVE SGT REG 5	RMS Transfer Successful	Property? None		
Approving Officer 2967	Approval Date 05/20/2005	Approval Time 13:47:55				

Summary Narrative

On May 9, 2005 at approximately 4:25 p.m., Bannock County Detective Howard Manwaring and I conducted a voluntary interview with Paul Dean Gilbert at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. Gilbert was interviewed concerning a Critical Incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on May 7, 2005. Prior to and during the interview Gilbert counseled and was represented by his attorney, Joseph Filicetti.

WITNESS 1 OFCR GILBERT PAUL DEAN

Involvement WITNESS	Invl No 1	Type Law Enforcement Officer	Name OFCR GILBERT, PAUL DEAN
Res Status RESIDENT	RMS Transfer Empty field		
Employer/School CHUBBUCK POLICE DEPARTMENT		Position/Grade OFICER	

Narrative

1. On May 9, 2005 at approximately 4:25 p.m., Bannock County Detective Howard Manwaring and I conducted a voluntary interview with Paul Dean Gilbert at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. Gilbert was interviewed concerning a Critical Incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on May 7, 2005. Prior to and during the interview Gilbert counseled and was represented by his attorney Joseph Filicetti. I informed Gilbert that I was conducting a criminal investigation and that this interview is voluntary and he was free to leave at any time. Paul Gilbert informed Detective Manwaring and I of the following:

a. The location where the Critical Incident took place was 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho. This occurred on May 7, 2005 at approximately 1:30 a.m., and he was there to assist in the service of a search warrant at that location.

His full name is Paul Dean Gilbert, he is 29 years old, he is employed by the Chubbuck Police Department in the capacity of a patrol officer, and his badge and call number is 121. He was hired at the Chubbuck Police Department on October 20, 2002.

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Supplement No
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Narrative

- c. His primary duty weapon is a Glock model 22 40-caliber handgun and on the date of the Critical Incident he was carrying his Glock, which was loaded with 16 rounds of department issued Gold Dot 40 caliber ammunition. His firearms qualifications are current per department standards and are available for review from the department firearms file. On the date of the Critical Incident he recalls firing his Glock 4 to 5 times while at 211 Circle Inn #24 serving a no knock search warrant. He did not fire any other weapons during the Critical Incident.
- d. On May 6, 2005 he was on duty working a day shift and special assignment going out of service at 8:15 p.m., and coming back into service at 9:00 p.m., for the purpose of serving a search warrant in the capacity of entry team member of the Chubbuck Police Department Special Response Team. At the time of the callout he was on duty and had not consumed any alcohol and does not take any medication.
- e. At the time of the Critical Incident he was wearing his department issued Special Response Team uniform which consisted of black bdu's with Chubbuck Police Department patches on both shoulders and a CPD badge on the front, a ballistic entry vest marked with Police on the front and back along with standard police safety gear. He was clearly marked and readily identifiable as a police officer at the time of the Critical Incident. During the Critical Incident he did not get an opportunity to verbally identify himself as a police officer. He sustained a small scratch on the back of his right calf presumably from flying debris inside the residence at the time of the Critical Incident.
- f. When he was called to assist in the service of a search warrant on May 6, 2005 he was aware that the Chubbuck Police Drug Suppression Unit was watching 211 Circle Inn #24 and had received drug information which had allowed them to obtain a search warrant for the residence. He knew that a possible suspect at the residence was Faron Stone and he was known or believed to be violent and in possession of firearms. There were others who were mentioned who frequented the residence. He had been provided with a photo of Faron Stone and knows what he looks like. Earlier in the day while conducting surveillance at 211 Circle Inn he observed a male subject at #24 who matched the description of Faron Stone. At the time of the Critical Incident he did not see Faron Stone at the residence. During the Critical Incident he felt like his life and the life of his fellow officers were in danger due to gunfire being directed toward the front door of the residence by the suspect.
- g. He did not deliberately or accidentally do anything to alter the crime scene nor did he see anyone else alter the crime scene. He knew they had a signed search warrant for the residence and observed it, but did not read it.
- h. He is currently an entry team member on the Special Response Team. Pursuant to an agreed plan he recalls the following personnel were assigned to the following duties:
- Front door or the #2 side of the residence(see diagram). Officer Merica was assigned to approach the door first, #1, and breach the front door with "TKO" breaching rounds that were fired from his Remington 870 shotgun. Officer Merica was also armed with his department issued Glock 40 caliber handgun. He was assigned #2 and his responsibility was to place a flash noise conversion device inside the front door upon entry into the residence. He was armed with his issued Glock 40 caliber handgun. He recalls that Officer Hill was assigned #3 and was armed

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2967/GANSKE, JOHN

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05/31/2005 10:19

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Narrative

with his department issued Glock 40 caliber handgun and his Heckler Koch 40 caliber sub-machine gun. Sergeant Butterfield was assigned to #4 and was armed with his department issued Glock 40 caliber handgun and his Heckler Koch 40 caliber sub-machine gun. Sergeant Frasure was assigned #5 and was armed with his department issued 40-caliber Glock handgun and his 223-caliber patrol rifle. Sergeant Frasure is the team leader and was assigned to give the command to initiate the search warrant entry. Upon breaching the front door of the residence Officer Merica was to step out of the way and allow him and the rest of the team to enter the residence with Officer Merica entering last.

Back door or the #4 side of the residence(see diagram). Officer Ballard and Officer Anderson were assigned to the back door of the residence. Both were armed with their department issued Glock 40 caliber handguns and in addition Officer Ballard was carrying his Heckler and Koch 40 caliber sub-machine gun. Officer Anderson and Officer Ballard were assigned to breach and control the back door of the residence.

Perimeter or the 3-4 side of the residence(see diagram). Officer Galloway and Officer May were assigned to the 3-4 side of the residence and were armed with their department issued Glock 40 caliber handguns. Officer Galloway was assigned to announce their police presence over a hand held PA system and Officer May was assigned to place a noise flash diversion device in the back yard of the residence and carry a fire extinguisher in the event of fire.

The search warrant was initiated when Sergeant Frasure gave the command of "go" over the radio. He heard Officer Galloway announce Chubbuck Police over the PA and he observed Officer Merica approach the front door of the residence and fire two "TKO" door-breaching rounds from his Remington 870 shotgun, disabling both locking mechanisms. Officer Merica then forced the front door open with his foot and stepped out of the way to allow the rest of the team to enter the residence. He placed a noise flash diversion device 3 to 4 feet it went off and he hesitated slightly. Officer Hill crossed in front of him and he entered the residence moving to his left and proceeding to the south wall of the residence. Once inside the living room he observed a revolver pointing toward the front door from the hallway to the south of the living room. He then observed the revolver fire three times toward the front door of the residence and his teammates. He immediately fired his Glock 40 caliber 4 to 5 times in order to stop the threat in the hallway. He identified the revolver as silver in color and did not see the person behind the weapon. After firing his weapon 4 to 5 times the slide locked back at which time he dropped the magazine from his weapon and reloaded. He then proceeded to leave the residence at the command of Sergeant Frasure. He does not recall firing his weapon after reloading a fresh magazine. He believes he fired his weapon at the south wall of the living room and the #4 wall or the west wall of the residence. When he turned and left the residence he did not see any other officers in the living room or front door. Once leaving the residence he sought cover in the area of the 1-4 corner of the residence along with Sergeant Frasure. He observed a Bannock County Deputy drive his patrol vehicle into the area. He recalls hearing two gunshots coming from the suspect trailer presumably directed at the deputy. He believed the gunshots sounded like they came from a shotgun.

j. A period of time went by and he observed movement inside the residence at 211 Circle Inn #4 which appeared to be the shadow of one person. At one point he observed a flashlight shining inside and outside the residence. He next observed the Red Chevrolet Tahoe leave the residence traveling eastbound out of the area. He and Sergeant Frasure were relieved from the

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scene in the area of Lish Street and taken back to the Chubbuck Police Department. While awaiting this interview he did not discuss the incident with any other officers and has only consulted with his attorney.

k. At approximately 5:17 p.m., the interview with Officer Paul Gilbert was concluded. The above interview was digitally recorded onto a compact disc and labeled as Exhibit 156.

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Supplement No
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Reported Date
05/09/2005
Nature of Call
AGCY ASST
Officer
GANSKE, JOHN

Administrative Information							
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0011	Reported Date 05/09/2005	Reported Time 17:56	Status INVESTIGATION		
Nature of Call AGENCY ASSIST OTHER		Report Title INTERVIEW ANDERSON					
Location CHUBBUCK			City CHUBBUCK	ZIP Code 83202			
County BANNOCK COUNTY	Region P5	Officer 2967/GANSKE, JOHN					
Assignment DETECTIVE SGT REG 5	Entered by 2967	Assignment DETECTIVE SGT REG 5	RMS Transfer Successful	Prop Trans Stat Successful	Property? None		
Approving Officer 2967	Approval Date 05/31/2005	Approval Time 08:27:29					

Summary Narrative
On May 9, 2005 at approximately 5:56 p.m., Bannock County Detective Howard Manwaring and I conducted a voluntary interview with Adam Wade Anderson at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. Anderson was interviewed concerning a Critical Incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on May 7, 2005. Prior to and during the interview Anderson counseled and was represented by his attorney Joseph Filicetti.

WITNESS 1: OFCR ANDERSON, ADAM WADE							
Involvement WITNESS	Invl No 1	Type Law Enforcement Officer	Name OFCR ANDERSON, ADAM WADE				
RMS Transfer Empty field							
Employer/School CHUBBUCK POLICE DEPARTMENT			Position/Grade OFFICER				
Property							
Item 1	Involvement OFFICERS AUDIO TAPE	In Custody? Yes	Tag No 050001030	Item No 1	Value \$1.00		
Description Exh 156-CD of IV of Anderson/Frasure/Hill/Gilbert							
UCR Type RECORDINGS - AUDIO, VISUAL			RMS Transfer Empty field				
Link OTH	Involvement WIT	Invl No 1	Name OFCR ANDERSON, ADAM WADE		Race	Sex	DOB

Narrative
1. On May 9, 2005 at approximately 5:56 p.m., Bannock County Detective Howard Manwaring and I conducted a voluntary interview with Adam Wade Anderson at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. Anderson was interviewed concerning a Critical Incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on May 7, 2005. Prior to and during the interview Anderson counseled and was represented by his attorney Joseph Filicetti. I informed Anderson that I was conducting a criminal investigation and that this interview is voluntary and he was free to leave at any time. Adam Anderson informed

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Narrative

Detective Manwaring and me of the following:

- a. The location where the Critical Incident took place was 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho. This occurred on May 7, 2005 at approximately 1:30 a.m., and he was there investigating suspicious drug activity and assisting in the service of a search warrant at that location.
- b. His full name is Adam Wade Anderson, he is 28 years old, he is employed by the Chubbuck Police Department in the capacity of a patrol officer, and his badge and call number is 115. He was hired at the Chubbuck Police Department on July 1, 2002. He is a member of the drug suppression team and had been investigating the residence located at 211 Circle Inn #24. He was also the affiant on the no knock search warrant that was issued for the residence.
- c. His primary duty weapon is a Glock model 22 40-caliber handgun and on the date of the Critical Incident he was carrying his Glock, which was loaded with 16 rounds of department issued Gold Dot 40 caliber ammunition. His firearms qualifications are current per department standards and are available for review from the department firearms file. On the date of the Critical Incident he did not fire his Glock while at 211 Circle Inn #24 serving a no knock search warrant. He did not fire any other weapons during the Critical Incident.
- d. On May 6, 2005 he was on duty working a shift from 11:00 a.m., until 9:00 p.m., and did not go out of service until he was relieved to go home following the Critical Incident. He assisted in serving the search warrant in the capacity of breach and hold team member of the Chubbuck Police Department Special Response Team. At the time of the callout he was on duty and had not consumed any alcohol and does not take any medication.
- e. At the time of the Critical Incident he was wearing his department issued Special Response Team uniform which consisted of black bdu's with POLICE written on one shirt sleeve and SRT written down the other shirt sleeve, a ballistic entry vest marked with Police on the front and back along with standard police safety gear. He was clearly marked and readily identifiable as a police officer at the time of the Critical Incident. During the Critical Incident he did not get an opportunity to verbally identify himself as a police officer. He did hear Officer Galloway announce their presence as Chubbuck Police over the PA prior to the entry into the residence and he heard one of his team members at the front door announce "Police warrant service" two times. He did not sustain any injuries during the Critical Incident.
- f. As a member of the Chubbuck Police Drug Suppression Unit he was watching 211 Circle Inn #24 and had received drug information, which had allowed him to obtain a search warrant for the residence. He knew that possible suspects at the residence were Faron Stone and Maria Villa. Stone was known or believed to violent and in possession of firearms. There were others who were mentioned who frequented the residence. He had conducted surveillance on the residence and he had obtained a photo of Faron Stone and knows what Stone looks like. Earlier in the day while conducting surveillance at 211 Circle Inn he observed a male subject at #24 who matched the description of Faron Stone. At the time of the Critical Incident he did not see Faron Stone at the residence. During the Critical Incident he felt like his life and the life of his fellow officers were in danger due to gunfire being directed toward the front door and back door of the residence.

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Narrative

g. He did not deliberately or accidentally do anything to alter the crime scene nor did he see anyone else alter the crime scene. He used information that he had obtained to author the affidavit of probable cause for the search warrant.

h. He is currently an entry team member on the Special Response Team. Pursuant to an agreed plan he recalls the following personnel were assigned to the following duties:

Front door or the #2 side of the residence(see diagram). Officer Merica was assigned to approach the door first #1 and breach the front door with "TKO" breaching rounds that were fired from his Remington 870 shotgun. Officer Merica was also armed with his department issued Glock 40 caliber handgun. Officer Gilbert was assigned #2 and his responsibility was to place a flash noise diversion device inside the front door upon entry into the residence. Officer Gilbert was armed with his issued Glock 40 caliber handgun. He recalls that Officer Hill was assigned #3 and was armed with his department issued Glock 40 caliber handgun and his Heckler Koch 40 caliber sub-machine gun. Sergeant Butterfield was assigned to #4 and was armed with his department issued Glock 40 caliber handgun and his Heckler Koch 40 caliber sub-machine gun. Sergeant Frasure was assigned #5 and was armed with his department issued 40-caliber Glock handgun and his 223-caliber patrol rifle. Sergeant Frasure is the team leader and was assigned to give the command to initiate the search warrant entry. Upon breaching the front door of the residence Officer Merica was to step out of the way and allow him and the rest of the team to enter the residence with Officer Merica entering last.

Back door or the #4 side of the residence(see diagram). Officer Ballard and him were assigned to the back door of the residence. Both were armed with their department issued Glock 40 caliber handguns and in addition Officer Ballard was carrying his Heckler and Koch 40 caliber sub-machine gun. He and Officer Ballard were assigned to breach and control the back door of the residence until their assistance was required.

Perimeter or the 3-4 side of the residence(see diagram). Officer Galloway and Officer May were assigned to the 3-4 side of the residence and were armed with their department issued Glock 40 caliber handguns. Officer Galloway was assigned to announce their police presence over a hand held PA system and Officer May was assigned to place a noise flash diversion device in the back yard of the residence and carry a fire extinguisher in the event of fire.

i. The search warrant was initiated when Sergeant Frasure arrived at the steps of the front porch. He observed Officer Ballard get up onto the back step and prepare to breach the door when he saw the curtain on the back door window move as if someone had walked or moved by the door. Officer Ballard immediately moved back off the step onto the ground at which time they both closed tight to the trailer. Sergeant Frasure gave the command of "go,go,go" over the radio. Officer May deployed a noise flash diversionary device in the back yard at the same time he heard Officer Galloway announce "Chubbuck Police" over the PA. He and Officer Ballard began breaching the back door when he heard Officer Merica breach the front door with the shotgun breaching rounds. He heard what he believed to be two officers at the front door announce "police warrant service" upon entering the front door. He then heard several gunshots being fired from the residence. At this time gunfire erupted and he began to breach back door, but had difficulty due to the design of the door. He watched as Officer Ballard popped back onto the step and broke the back door window with a Hoolagan Tool. Officer Ballard began to reach inside to unlock the door when he observed rounds coming through the

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Narrative

west wall of the mobile home from the inside. He observed that Officer Ballard moved quickly off the step and it appeared he might have been hit by a round coming from the residence. He immediately sought cover below the skirting of the residence until the gunfire stopped. He then moved to a safe area to assess the situation. He observed a Bannock County Deputy drive his patrol vehicle into the area and he recalls hearing one gunshot coming from the suspect trailer presumably directed at the deputy.

j. A period of time went by and he was relieved from the scene and taken back to the Chubbuck Police Department. While awaiting this interview he did not discuss the incident with any other officers and has only consulted with his attorney.

2. At approximately 6:33 p.m., the interview with Officer Adam Anderson was concluded. The above interview was digitally recorded onto a compact disc and labeled as Exhibit 156.

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Reported Date
05/09/2005
Nature of Call
AGCY ASST
Officer
GANSKE, JOHN

Administrative Information						
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0012	Reported Date 05/09/2005	Reported Time 18:54	Status INVESTIGATION	
Nature of Call AGENCY ASSIST OTHER		Report Title INTERVIEW HILL				
Location CHUBBUCK			City CHUBBUCK	ZIP Code 83202		
County BANNOCK COUNTY	Region P5	Officer 2967/GANSKE, JOHN				
Assignment DETECTIVE SGT REG 5	Entered by 2967	Assignment DETECTIVE SGT REG 5	RMS Transfer Successful	Property? None		
Approving Officer 2967	Approval Date 05/20/2005	Approval Time 13:46:33				

Summary Narrative
On May 9, 2005 at approximately 6:54 p.m., Bannock County Detective Howard Manwaring and I conducted a voluntary interview with Phillip Lowell Hill at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. Hill was interviewed concerning a Critical Incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on May 7, 2005. Prior to and during the interview Hill counseled and was represented by his attorney Joseph Filicetti.

WITNESS 1: OFCR HILL, PHILLIP LOWELL			
Involvement WITNESS	Invl No 1	Type Law Enforcement Officer	Name OFCR HILL, PHILLIP LOWELL
RMS Transfer Empty field			
Employer/School CHUBBUCK POLICE DEPARTMENT		Position/Grade OFFICER	

Narrative
1. On May 9, 2005 at approximately 6:54 p.m., Bannock County Detective Howard Manwaring and I conducted a voluntary interview with Phillip Lowell Hill at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. Hill was interviewed concerning a Critical Incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on May 7, 2005. Prior to and during the interview Hill counseled and was represented by his attorney Joseph Filicetti. I informed Hill that I was conducting a criminal investigation and that this interview is voluntary and he was free to leave at any time. Phillip Hill informed Detective Manwaring and I of the following:

a. The location where the Critical Incident took place was 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho. This occurred on May 7, 2005 at approximately 1:30 a.m., and he was there to assist in the service of a search warrant at that location.

His full name is Phillip Lowell Hill, he is 42 years old, he is employed by the Chubbuck Police Department in the capacity of a patrol officer, and his badge and call number is 122. He was hired at the Chubbuck Police Department on July 15, 2003.

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Narrative

- c. His primary duty weapon is a Glock model 22 40-caliber handgun and on the date of the Critical Incident he was carrying his Glock, which was loaded with 16 rounds of department issued Gold Dot 40 caliber ammunition. He was also carrying his Heckler and Koch 40 caliber sub-machine gun loaded with 28 rounds of department issued Gold Dot 40 caliber ammunition. His firearms qualifications are current per department standards and are available for review from the department firearms file. On the date of the Critical Incident he recalls firing his Heckler and Koch 40 caliber sub-machine gun 4 times while at 211 Circle Inn #24 serving a no knock search warrant. He did not fire any other weapons during the Critical Incident.
- d. On May 6, 2005 he was off duty on a regular day off. He was notified about the call-out between 8:00 p.m., and 9:00 p.m., but did not arrive at the Chubbuck Police Department until May 7, 2005 at approximately 12:00 a.m., to prepare for the search warrant service. He was called-out for the purpose of serving a search warrant in the capacity of entry team member of the Chubbuck Police Department Special Response Team. At the time of the callout he was off duty and had not consumed any alcohol and does not take any medication.
- e. At the time of the Critical Incident he was wearing his department issued Special Response Team uniform which consisted of black bdu's with Chubbuck Police Department patches on both shoulders and a CPD badge on the front, a ballistic entry vest marked with Police on the front and back along with standard police safety gear. He was clearly marked and readily identifiable as a police officer at the time of the Critical Incident. During the Critical Incident he did not get opportunity to verbally identify himself as a police officer and he did not recall hearing anyone else identifying themselves. He sustained a gunshot wound to the left buttock and the bullet has not been removed from his person. He also sustained a gunshot to the small of his back however the bullet was stopped by his ballistic vest and recovered by the Idaho State Police. He was treated at Portneuf Regional Medical Center and supplied me with a signed authorization to obtain his medical records pertaining to the gunshot wound he sustained.
- f. When he was called to assist in the service of a search warrant on May 6, 2005 he was aware that the Chubbuck Police Drug Suppression Unit was watching 211 Circle Inn #24 and had received drug information which had allowed them to obtain a search warrant for the residence. He knew that a possible suspect at the residence was Faron Stone and he was known or believed to violent and in possession of firearms. There were others who were mentioned who frequented the residence. He had been provided with a photo of Faron Stone and knows what he looks like. At the time of the Critical Incident he did not see Faron Stone at he residence. During the Critical Incident he felt like his life and the life of his fellow officers were in danger due to gunfire being directed at him by the suspect.
- g. He did not deliberately or accidentally do anything to alter the crime scene nor did he see anyone else alter the crime scene. He knew they had a signed search warrant for the residence and observed it but did not read it.
- h. He is currently an entry team member on the Special Response Team. Pursuant to an agreed plan he recalls the following personnel were assigned to the following duties:
- front door or the #2 side of the residence(see diagram). Officer Merica was assigned to approach the door first #1 and breach the front door with "TKO" breaching rounds that were fired from his

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Incident Report

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Narrative

Remington 870 shotgun. Officer Merica was also armed with his department issued Glock 40 caliber handgun. Officer Gilbert was assigned #2 and his responsibility was to place a flash noise diversion device inside the front door upon entry into the residence. Officer Gilbert was armed with his issued Glock 40 caliber handgun. He was assigned #3 and was armed with his department issued Glock 40 caliber handgun and his Heckler Koch 40 caliber sub-machine gun.

Sergeant Butterfield was assigned to #4 and was armed with his department issued Glock 40 caliber handgun and his Heckler Koch 40 caliber sub-machine gun. Sergeant Frasure was assigned #5 and was armed with his department issued 40-caliber Glock handgun and his 223-caliber patrol rifle. Sergeant Frasure is the team leader and was assigned to give the command to initiate the search warrant entry. Upon breaching the front door of the residence Officer Merica was to step out of the way and allow him and the rest of the team to enter the residence with Officer Merica entering last.

Back door or the #4 side of the residence(see diagram). Officer Ballard and Officer Anderson were assigned to the back door of the residence. Both were armed with their department issued Glock 40 caliber handguns and in addition Officer Ballard was carrying his Heckler and Koch 40 caliber sub-machine gun. Officer Anderson and Officer Ballard were assigned to breach and control the back door of the residence.

Perimeter or the 3-4 side of the residence(see diagram). Officer Galloway and Officer May were assigned to the 3-4 side of the residence and were armed with their department issued Glock 40 caliber handguns. Officer Galloway was assigned to announce their police presence over a hand held PA system and Officer May was assigned to place a noise flash diversion device in the back yard of the residence and carry a fire extinguisher in the event of fire.

i. The search warrant was initiated when Sergeant Frasure gave the command of "go" over the radio. He heard Officer May deploy the noise flash diversionary device in the back yard and then he observed Officer Merica approach the front door of the residence and fire two "TKO" door-breaching rounds from his Remington 870 shotgun, disabling both locking mechanisms. Officer Merica then forced the front door open with his foot and stepped out of the way to allow the rest of the team to enter the residence. Officer Gilbert placed a noise flash diversion device 3 to 4 feet inside the front door and when it went off Gilbert hesitated slightly. He responded by crossing in front of Gilbert to enter the residence first. At this time he encountered the front door that would not open fully due to being blocked by items behind the door. It was necessary for him to push on the door on his way in to get it fully open. It was at this time that he encountered gunshots coming from inside the residence down the hallway on the south end of the residence. To his recollection he did not get much past the entryway in the front door until he felt as if he had been shot 3 times in the buttock and lower back. He immediately turned and went back toward the front porch at which time he believes he fired 3 or 4 rounds from his Heckler and Koch 40 caliber sub-machine gun in a suppressive manner toward the threat in the hallway. He then proceeded to leave the residence at the command of Sergeant Frasure. Once leaving the residence he sought cover in the area of the red Chevrolet Tahoe parked in the driveway.

j. He then made contact with Sergeant Butterfield who guided him to an area east of the residence where he received medical attention at the scene and was transported to Portneuf Regional Medical Center for treatment of his gunshot wounds. While awaiting this interview he did not discuss the incident with any other officers and has only consulted with his attorney.

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k. At approximately 7:45 p.m., the interview with Officer Phillip Hill was concluded. The above interview was digitally recorded onto a compact disc and labeled as Exhibit 156.

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Supplement No
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Reported Date
05/23/2005
Nature of Call
AGCY ASST
Officer
FULLMER, KYLE

Administrative Information							
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0013	Reported Date 05/23/2005	Reported Time 10:09	Status INVESTIGATION		
Nature of Call AGENCY ASSIST OTHER	Report Title INTERVIEW VILLA						
Location R5 INVESTIGATIONS			County BANNOCK COUNTY	Region P5	From Date 05/09/2005		
From Time 16:48	Officer 2794/FULLMER, KYLE	Assignment DETECTIVE REG 5		Entered by 2794			
Assignment DETECTIVE REG 5	RMS Transfer Successful	Property? None	Approving Officer 2967	Approval Date 05/27/2005			
Approval Time 08:42:47							

Summary Narrative

On May 9, 2005 at approximately 4:48 p.m., Bingham County Detective Brad Bench and I conducted an interview with Maria Elena VILLA at the Bingham County Sheriff Department located at 501 North Maple, Blackfoot, Bingham County, Idaho. The interview was conducted concerning her knowledge and involvement with a shooting on May 7, 2005 at approximately 1:42 a.m., at 211 Circle Inn, Chubbuck, Bannock County, Idaho. The shooting occurred during the service of a no-knock search warrant by the Chubbuck Police Department. During the shooting two Chubbuck Police Officers were hit by bullets that caused physical injuries. The investigation is ongoing.

SUSPECT 1 VILLA MARIA ELENA

Involvement SUSPECT	Invl No 1	Type Individual	Name VILLA, MARIA ELENA			MNI 150446		
Race HISPANIC/MEXICAN/LATIN	Sex FEMALE	DOB 02/09/1984	Age 21	Juvenile? No	OFN_INVL 1	RMS Transfer Empty field		

Narrative

1. On May 9, 2005 at approximately 4:48 p.m., Bingham County Detective Brad Bench and I conducted an interview with Maria Elena VILLA at the Bingham County Sheriff's Department located at 501 North Maple, Blackfoot, Bingham County, Idaho. The interview was conducted concerning her knowledge and involvement with a shooting on May 7, 2005 at approximately 1:42 a.m. at 211 Circle Inn, Chubbuck, Bannock County, Idaho.

2. At approximately 4:48 p.m., I advised VILLA of her rights per Miranda, to which she stated she understood. VILLA signed the Miranda Rights Waiver forms and told us she was willing to speak to us. VILLA told us the following:

A. Approximately two months ago she met Faron STONE. She thought he was good looking and wanted to date him. At the time STONE had a different girlfriend. After she met him STONE broke up with his other girlfriend and they started seeing each other. She knew that Faron STONE had been in prison off and on for the last twenty years and had heard that he may have had a warrant out of Arizona. She knew that Faron STONE was using methamphetamine by

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injecting it with needles and syringes. She would use methamphetamine with STONE, but liked to smoke it or ingest it by mouth. She has been using methamphetamine for the last two to three years, but not during her pregnancies with her children. They soon moved into the trailer at 211 Circle Inn, Chubbuck, Bannock County, Idaho.

B. Approximately a month and a half ago she was in a verbal fight with a male subject, who she knows as Jose GONZALES who came from Ogden, Utah and is living in Fort Hall. James Eagle, Lannette Gonzales, and Dillon Cerino witnessed this verbal fight. She believes that GONZALES was a police informant in Utah and that is why he is in Idaho now. Jose GONZALES told her that he was going to shoot her in front of her children. She had seen him with a black 9mm handgun in the past and feared for her safety. Jose GONZALES owes Faron STONE approximately one thousand dollars. Jose GONZALES drives a white Oldsmobile and is living with Lannette GONZALES' brother in the Gibson area.

C. Approximately a month ago she purchased two handguns in her name from Cal-Stores in Pocatello. The first weapon was a black .357 revolver handgun and the second weapon was a black and silver .380 semiautomatic handgun. She had purchased the guns to protect herself from Jose GONZALES. She knew that STONE had been in prison and could not have purchased the guns or was even allowed to possess guns.

D. Approximately a month ago they were told that the police were watching their residence. A family member told her this, but she could not remember who told them.

E. Early in the day a male named Richey LNU (aka Wetto) came by her residence. Richey is from the Burley or Rupert area. Richey was driving a gray Dodge Intrepid. She did not know why Richey came back, but he stayed for about an hour.

F. On May 7, 2005 at approximately 1:30 a.m., she and Faron STONE arrived back at the residence at 211 Circle Inn Chubbuck, Bannock County, Idaho. They placed the children in bed and then headed to their bedroom. A short time later they heard voices outside their residence and STONE exited the bedroom to go see who was around the trailer. As STONE left the bedroom she heard a loud explosion in the residence. STONE came running back to the bedroom and removed a .357 revolver from the dresser and headed towards the hallway again. At no time did she hear anyone stating they were the Police and had a search warrant.

G. She heard gunshots being fired and she fell onto the floor by the bed. After several shots were fired all the shooting stopped and STONE came back into the bedroom. She immediately jumped up and ran to the other room to check on the children who were still asleep. STONE went to the front room and look out of the residence to see if he could see who was around the residence. STONE came back to the children's bedroom and told her that he believed he had just fired his gun at police officers because they had left some equipment in front of the residence.

H. They grabbed the children and she saw STONE grab the .357 revolver and a .380 semiautomatic pistol. She did not know where STONE placed the guns and has not seen the guns since.

I. As they were leaving the area and she was driving the vehicle, they passed an Idaho State

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Police car, a fire truck, a Pocatello Police vehicle, and an undercover police vehicle parked around the exit of the trailer park near Smith's Food King store. They slowed down and looked around for a police officer. They did not see any police officers in the area and drove off heading north on Highway 91 toward the Fort Hall Indian Reservation.

J. By this time they knew that they had been in a gunfight with the Police Officers and were heading for her mother's residence on the Reservation. For most of the morning they drove around the Reservation and finally went to Darlene Hill's residence, which is located off South Riverton Road on Arthur Tendoy Road in Bingham County, Idaho. They stayed at this residence for most of the day on Saturday.

K. At approximately 10:00 a.m., Ranelda STONE came to Darlene Hill's residence and spoke with both her and Faron STONE. They talked about what had happened in Chubbuck at the trailer. Ranelda STONE was very adamant about not turning themselves in and that Ranelda STONE would help them in any way.

L. During the day on Saturday she was lying down and heard Georgiana TENDOY's voice in the other room talking to Faron STONE about what had happened that night.

M. Family members told her and Faron STONE that they were wanted by police for questioning in the shooting of Police Officers in Chubbuck.

At approximately 6:00 p.m., she and STONE left and went to Sonny SNIPE's residence on Siler Road in Bingham County, Idaho. STONE asked SNIPE and Christy JAY to take the red 1997 Chevrolet Tahoe and hide it so that the police could not find it. They stayed at SNIPE's residence and waited for them to return. After several hours SNIPE and JAY returned to the residence and JAY told them that the vehicle was on Sands Road. The keys to the vehicle were left at SNIPE's residence.

O. Later that evening she left in Sonny SNIPE's pickup and drove the children to the David Baker residence located at 429 West Highway 39 #48, Blackfoot, Bingham County, Idaho. She dropped the children off, left the area, and returned to SNIPE's residence and then SNIPE drove her and STONE back to Darlene HILL's residence on Arthur Tendoy Road, Blackfoot, Bingham County, Idaho.

P. On May 8, 2005, at approximately 10:00 a.m., Ranelda STONE came to the residence and picked them up in her blue 1999 Pontiac Grand Am bearing Idaho license plate 1BG8285 and took them to the area of 1941 South 2600 West where Melody LONGORIA, who is Faron's niece, was staying with her boyfriend, Ivan HERNANDEZ. They went in and made up a bedroom in the extra bedroom in the house. They talked with all the subjects about them being wanted and that they were going to stay at the residence for a little while.

Q. At approximately 1:00 p.m., they realized that Police Officers were in the area of 1941 South 2600 West and believed that they had been discovered by law enforcement.

At approximately 3:19 p.m., they peacefully surrendered to police officers and were transported to the Bingham County Sheriff's Department.

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S. She admitted that she knew they were wanted and that Faron STONE was wanted out of Arizona for a warrant. She also admitted that they used family members and friends to help conceal their location from law enforcement the last few days. They asked others to hide the vehicle that they used to leave the scene. They left their children with others so they could travel easier and be able to hide easier. They were fed by family members on the Fort Hall Indian Reservation mainly on the north end of the Reservation, which is located in Bingham County, Idaho.

T. She admitted that if they had not been caught that they would still be hiding from law enforcement personnel and using family members' residences to hide in along with family members' assistance for transportation and meals.

3. At approximately 6:10 p.m. the interview was concluded.

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05/23/2005
Nature of Call
AGCY ASST
Officer
KEMPF, JOHN

Administrative Information						
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0014	Reported Date 05/23/2005	Reported Time 12:03	Status INVESTIGATION	
Nature of Call AGENCY ASSIST OTHER		Report Title STONE INTERVIEW TAPE				
Location 205 LAKESHORE			City CHUBBUCK	ZIP Code 83202		
County BANNOCK COUNTY	Region P5	From Date 05/23/2005	Officer 2832/KEMPF, JOHN			
Assignment DETECTIVE REG 5	Entered by 2832	Assignment DETECTIVE REG 5	RMS Transfer Successful	Prop Trans Stat Successful	Property? Yes	
Approving Officer 2967	Approval Date 05/27/2005		Approval Time 08:42:37			

Summary Narrative
On May 23, 2005 at approximately 12:05 p.m. Federal Bureau Of Investigations Special Agent Kyle Wright provided me with a copy of an audiotape of a voluntary interview he conducted with Faron STONE. S/A Wright and Fort Hall Police Detective Pat Teton conducted the voluntary interview on May 13, 2005 at approximately 3:10 p.m. at the Bannock County Jail. S/A Wright also provided me with a typed transcript of the voluntary interview, which will be entered into the case folder.

Property						
Item 1	Involvement OFFICERS AUDIO TAPE	In Custody? Yes	Tag No 050000994	Item No 1		
Description exhibit 160- copy of audiotape of STONE interveiw				Typ A	Cat OTHER	Exhibit No 160
RMS Transfer Empty field				UCR Type OTHER		

Narrative

- On May 23, 2005 at approximately 12:05 p.m. Federal Bureau Of Investigations Special Agent Kyle Wright provided me with a copy of an audio tape of a voluntary interview he conducted with Faron STONE.
- The voluntary interview was conducted by S/A Wright and Fort Hall Police Detective Pat Teton on May 13, 2005 at approximately 3:10 p.m. at the Bannock County Jail.
- S/A Wright also provided me with a typed copy of the transcript of the voluntary interview which will be entered into the case folder.
- The Federal Bureau Of Investigations will retain the original tapes of the interview as well as the original transcript.

Exhibit 160 - Copy of 60 minute audiotape of voluntary interview of Faron STONE from FBI S/A Kyle Wright.

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05/23/2005
Nature of Call
AGCY ASST
Officer
SELLERS, TOM

Administrative Information						
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0015	Reported Date 05/23/2005	Reported Time 12:59	Status INVESTIGATION	
Nature of Call AGENCY ASSIST OTHER		Report Title MAY INTERVIEW				
Location R5 INVESTIGATIONS			City CHUBBUCK	County BANNOCK COUNTY	Region P5	
From Date 05/09/2005	Officer 2972/SELLERS, TOM		Assignment DETECTIVE REG 5		Entered by 2972	
Assignment DETECTIVE REG 5	RMS Transfer Successful	Property? None	Approving Officer 2967	Approval Date 05/27/2005		
Approval Time 08:42:29						

Summary Narrative

On May 9, 2005 at approximately 3:37 p.m., Pocatello Police Detective Sergeant Jim Peterson and I conducted a voluntary interview with Officer Dana May of the Chubbuck Police Department. The interview was conducted at the Chubbuck city offices located at 5160 Yellowstone Avenue, Chubbuck, Bannock County, Idaho. Officer May was interviewed concerning a critical incident, which occurred at 211 Circle Inn #24, Chubbuck, Bannock County, Idaho, on May 7, 2005. Prior to and during the interview Officer May was counseled and was represented by his attorney, Joe Mallet. I informed Officer May that I was conducting a criminal investigation and that this interview was voluntary and that he was free to leave at any time.

GOVERNMENT OFFICIAL 1: OFCR MAY, DANA

Involvement GOVERNMENT OFFICIAL	Invl No 1	Type Individual	Name OFCR MAY, DANA	Race WHITE
Sex MALE	RMS Transfer Empty field			

Narrative

1. On May 9, 2005 at approximately 3:37 p.m., Pocatello Police Detective Sergeant Jim Peterson and I conducted a voluntary interview with Officer Dana May of the Chubbuck Police Department. The interview was conducted at the Chubbuck city offices located at 5160 Yellowstone Avenue, Chubbuck, Bannock County, Idaho. Officer May was interviewed concerning a critical incident, which occurred at 211 Circle Inn #24, Chubbuck, Bannock County, Idaho, on May 7, 2005. Prior to and during the interview Officer May was counseled and was represented by his attorney, Joe Mallet. I informed Officer May that I was conducting a criminal investigation and that this interview was voluntary and that he was free to leave at any time. During the interview with Officer May, he informed Sgt. Peterson and me of the following:

a. His full name is Dana Andrew May, he is 24 years old, and he is employed by the Chubbuck Police Department in the capacity of a patrol officer. His badge number is 104 and his hire date July 2004. His current shift is 11:00 a.m., until 9:00 p.m., Wednesday through Friday and on Saturday he works a 5:00 p.m. to 3:00 a.m. shift. His days off are Sunday, Monday and Tuesday. This is his second week of this shift. He worked the day of the critical incident and he

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Narrative

worked the day before the critical incident. He had approximately six (6) to seven (7) hours of sleep between shifts. He had taken no medications and consumed no alcohol the night before the critical incident.

b. His primary duty weapon is a Glock Model 22, 40 caliber handgun and on the date of the critical incident he was carrying his Glock, which was loaded with fifteen (15) rounds of department issued Gold Dot 40 caliber ammunition. His qualification is current, he believes he last qualified in March of 2005. He did not fire his Glock while at 211 Circle Inn #24, while serving a no knock search warrant. He did not fire any other weapons during the critical incident. He did deploy a noise flash diversionary device during the critical incident.

c. At the time of the critical incident he was wearing his department issue class B uniform, which consisted of a short sleeve dark blue uniform shirt with Chubbuck Police patches on both shoulders and dark blue uniform pants. He was wearing his black boots, badge, nametag, collar brass, and his black leather duty belt. He was clearly marked and readily identifiable as a police officer at the time of the incident. He did not have an opportunity to identify himself as a police officer. He did hear Officer Galloway on the bullhorn identifying their presence and that they were serving a search warrant and for people to stay in their homes.

d. Sgt. Frasure assigned him to carry a fire extinguisher and a noise flash diversionary device. He and officer Galloway were to take up a position at the southwest corner of the residence and when given the go signal he was to deploy the noise flash diversionary device at the back of the residence and Officer Galloway was to use the bullhorn and announce Chubbuck Police Department serving a search warrant and for people to stay in their residences, and then he and Officer Galloway would cover the back of the residence. Officers Ballard and Anderson would be at the back door of the residence and they were to breach the back door and then cover the rooms at the back of the residence. See the diagram where Officer May marked His location Officers Galloway, Anderson and Ballard's locations. He followed the SRT van in a marked Chubbuck patrol vehicle. When they got to the area of #24 they parked southeast of the residence and got into their stick to move up to the residence. He was at the end of the stick and Officer Galloway was in front of him. He does not remember the rest of the stick order. When they got to the back of the residence he and Officer Galloway took up a position at the southwest corner of the residence both with the fire extinguishers, Officer Galloway with the bullhorn and he had the noise flash diversionary device. Officers Ballard and Anderson took up positions at the back door of the residence. The rest of the SRT team made it's way to the front of the trailer and then around to the front door.

e. He heard Sgt. Frasure say go on the radio and he threw the flash diversionary device at the back of the residence. He took cover at the southwest corner of the residence, drew his weapon and stood by with his weapon at the low ready. He heard Officer Galloway on the bullhorn announcing their presence, police search warrant and for people to stay in their residences. He remembers hearing that for sure at least one time. He heard another bang up front and then he believes approximately seven (7) shots being fired. Then he heard over the radio that shots had been fired. He did not hear any officers in the front of the residence announcing their presence.

He seen Officer Ballard coming off of the back step and then he heard Officer Ballard say he had been shot. He remembers some scrambling around by the officers at the back of the residence and then he assisted Officer Ballard to the ambulance. He remembers that Officer

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Galloway came with him and Ballard for a short distance then Officer Galloway went back to Officer Anderson's location.

g. After he got Officer Ballard to the ambulance, Officer Ballard told him to go back to the area west of the ambulance and take a position to cover #24. He took a position behind a pickup that was parked at space #4. He could see the driveway of #24 where the Tahoe was parked. He saw the Tahoe pull out and then he heard Sgt. Frasure say over the radio to be careful they did not know who was in the Tahoe and not to stop it. He remained at this location until relieved by the Bannock County Tactical team.

h. He did not sustain any injuries, the only injury he knew of at that time was Officer Ballard. He could not tell who was hooting he assumed it was both people inside the residence and the Chubbuck Officers that made entry into the residence. He did not see anyone inside the residence and could not identify the person shooting inside the residence.

i. He knew they were there to serve a drug related warrant, a, no knock warrant. They believed that Faron Stone may be at the residence, and he is an escapee out of Arizona, and Officer Anderson had shown him a photograph of shell casings he had recovered out of a garbage search. He does not know how the decision was made to use the SRT team to serve the search warrant.

He did not pick up at or alter the scene in any way and he did not see anyone else alter the scene. Nothing affected or altered his perception of what occurred.

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Reported Date
05/23/2005
Nature of Call
AGCY ASST
Officer
SELLERS, TOM

Administrative Information						
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0016	Reported Date 05/23/2005	Reported Time 13:03	Status INVESTIGATION	
Nature of Call AGENCY ASSIST OTHER		Report Title BALLARD INTERVIEW				
Location R5 INVESTIGATIONS			City CHUBBUCK	County BANNOCK COUNTY	Region P5	
From Date 05/09/2005	Officer 2972/SELLERS, TOM		Assignment DETECTIVE REG 5		Entered by 2972	
Assignment DETECTIVE REG 5	RMS Transfer Successful	Property? Yes	Approving Officer 2967	Approval Date 05/27/2005		
Approval Time 08:42:19						

Summary Narrative

On May 9, 2005 at approximately at approximately 5:56 p.m., Pocatello Police Detective Sergeant Jim Peterson and I conducted a voluntary interview with Officer Mike Ballard of the Chubbuck Police Department. The interview was conducted at the Chubbuck city offices located at 5160 Yellowstone Avenue, Chubbuck, Bannock County, Idaho. Officer Ballard was interviewed concerning a critical incident, which occurred at 211 Circle Inn #24, Chubbuck, Bannock County, Idaho, on May 7, 2005. Prior to and during the interview Officer Ballard was counseled and was represented by his attorney, Joe Mallet. I informed Officer Ballard that I was conducting a criminal investigation and that this interview was voluntary and that he was free to leave at any time.

GOVERNMENT OFFICIAL 1 OFCR BALLARD, MIKE

Involvement GOVERNMENT OFFICIAL	Invl No 1	Type Individual	Name OFCR BALLARD, MIKE	Race WHITE
Sex MALE	RMS Transfer Empty field			

Narrative

1. On May 9, 2005 at approximately at approximately 5:56 p.m., Pocatello Police Detective Sergeant Jim Peterson and I conducted a voluntary interview with Officer Mike Ballard of the Chubbuck Police Department. The interview was conducted at the Chubbuck city offices located at 5160 Yellowstone Avenue, Chubbuck, Bannock County, Idaho. Officer Ballard was interviewed concerning a critical incident, which occurred at 211 Circle Inn #24, Chubbuck, Bannock County, Idaho, on May 7, 2005. Prior to and during the interview Officer Ballard was counseled and represented by his attorney, Joe Mallet. I informed Officer Ballard that I was conducting a criminal investigation and that this interview was voluntary and that he was free to leave at any time. During the interview with Officer Ballard, he informed Sgt. Peterson and me of the following:

His full name is Michael Neil Ballard, he is 27 years old, he is employed by the Chubbuck Police Department in the capacity of a detective and he is a member of the Chubbuck Police Department's Special Response Team, his badge number is 120. His hire date at the Chubbuck

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Police Department is July 16, 2001. He currently works a day shift 8:00 a.m. until 6:00 p.m., in Detectives and his days off change between Friday, Saturday and Sunday off to Saturday, Sunday and Monday off. On May 7, 2005 the date of the critical incident, he was on a day off, but he was called in for the search warrant. He had got approximately six (6) hours of sleep the night before. He had not taken any medications or consumed any alcohol the night before the critical incident.

b. He knew that Officer Adam Anderson was conducting a narcotics investigation on the residence located at 211 Circle Inn #24. He oversees the narcotic investigations that officers in the Chubbuck Police Department conduct. He knew that Officer Anderson had a signed search warrant for the residence on Circle Inn. He had come in at approximately 7:00 p.m. on May 6 to sit in on an interview with an individual who had been arrested in a stolen vehicle. The person arrested had come from the residence on Circle Inn. After the interview he went home until approximately midnight, then he came back in to prepare to serve the search warrant.

c. His primary duty weapon is a department issued Glock model 22 .40 caliber handgun and on the date of the critical incident he was carrying his Glock, which was loaded with sixteen (16) rounds of department issued Gold Dot 40 caliber ammunition. His qualification on the Glock is current. He last qualified approximately two (2) months ago. For his SRT duties he carries a Heckler & Koch 40 caliber submachinegun. His qualification on the H&K 40 is current. He last qualified approximately two (2) months ago. On the date of the critical incident he had his Glock handgun and his H&K 40 and he did not fire his Glock or H&K 40 while at 211 Circle Inn #24 while serving a no-knock search warrant. He did not fire any other weapons during the critical incident.

d. At the time of the critical incident he was wearing his department issued Special Response Team uniform, which consists of black BDU pants, black boots, black SRT long sleeve police shirt, tactical ballistic vest, which has POLICE on the front of the vest and POLICE across the back of the vest, black Kevlar helmet, black gloves, and black nylon web gear. He was clearly marked and readily identifiable as a police officer at the time of the incident. He did not have an opportunity to verbally identify himself as a police officer. He did hear Officer Galloway announcing Chubbuck Police, warrant service over the bullhorn as they were making entry into the residence.

e. At approximately midnight they had a briefing at the Chubbuck Police Department. Sgt. Marty Frasure, who is the SRT team commander conducted the briefing and gave each SRT team member their individual assignments. Earlier that evening he (Ballard) had spray painted an outline of the house in the back lot of the Chubbuck Police Department and the SRT team completed several walk throughs. His assignment was he and Officer Anderson were going to breach and hold at the back door of the residence and cover the back hall and back bedroom of the residence. He and Anderson had a ram and a halogen tool.

f. From information they had received from confidential sources, information that Faron Stone, an escapee out of Arizona, may be at the residence and that Stone had a pistol in his possession, and from items they found in a garbage search, shotgun shells and 357 casings, it was determined that the Chubbuck Police Department Special Response team would serve the search warrant.

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2972/SELLERS, TOM

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g. When they left the Chubbuck Police Department the SRT members were in the SRT van and two (2) marked Chubbuck patrol vehicles followed the van. When they arrived in the area of 211 Circle Inn #24 they parked approximately two (2) to three (3) trailers southeast of #24. Sgt. Frasure was in front of him and Officer Anderson was behind him. As they approached #24 he could see that there was a light on in the back of the residence. As they got to the back fence of the residence, Officers Galloway and May took up a position at the southwest corner of the residence. Officer May was going to deploy a noise flash diversionary device into the back yard when Sgt. Frasure gave the signal. Officer Galloway had a bullhorn and was going to announce, "Chubbuck Police Department, warrant service, stay in your houses." When they got to the back door of the residence he took a position on the south side of the stairs and Officer Anderson took a position on the north side of the stairs. See a copy of the diagram where Officer Ballard marked his position and Officer Anderson's position, Officer Galloway and May's position. The rest of the entry SRT team made their way up to the front of the residence and then around to the front door. As they were waiting at the back door steps he saw the shadow of a person go past the window in the back door and the curtains moved, so he knew that a person was not far from the back door.

h. As soon as he heard Sgt. Frasure say "go," Officer May threw the noise flash diversionary device onto the lawn at the back of the residence. Officer Ballard then attempted to breach the back door. He tried three (3) or four (4) times to breach the door, but could not. During this time he could hear Officer Galloway on the bullhorn announcing their presence and that they were serving a search warrant. He then broke the window out of the back door in order to reach in and unlock the door. As soon as he broke the window he felt something strike him and knock him back.

i. He heard officers in the front of the residence saying, "police warrant service" or something to that effect. He first thought that part of the breaking window was what had hit him and knocked him back. He heard a lot of gunfire coming from the front of the residence. A hole appeared in the side of the trailer in front of him and he could see light through the hole. He stepped down off of the steps and he could hear bullets coming through the west wall and back door area of the residence in front of him. He brought his H&K UMP 40 up to the low ready and switched it to the semi auto mode. He started slowly backing away from the residence. He started having pain in his neck and he thought he had been shot in the neck. He began feeling around his neck and the edge of his ballistic vest. He thought the round had missed the Kevlar panel in his vest and went into his neck. He had Officer Galloway or May check him to see if the bullet had penetrated the vest. He heard Officer Galloway advise their dispatch that he (Ballard) had been shot in the shoulder. He also advised dispatch that he had been shot in the chest and he was making his way east toward Smith's Food King, where the ambulance was staged. He had Officer May go with him to the ambulance in case he passed out. He told Officer Galloway to stay with Officer Anderson. Once at the ambulance he was transported to Portneuf Regional Medical Center.

j. Once at the hospital he discovered that he was hit in the right upper chest area. There was some skin burned off about the size of a silver dollar and he had an area of bruising about the size of a cantaloupe. There were no fractures, but there was some cartilage damage along his ribs. He will have some follow up treatment from his doctor and he will have to clean and dress the wound every day.

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Narrative

k. He cannot identify who was shooting and did not hear the person that he saw at the back door say anything. He cannot identify the person that he saw at the back door. They were there on a no-knock narcotics search warrant. He did not do anything to alter the scene of the critical incident nor did he see anyone else do anything to alter the scene. He felt that his life was in danger as soon as the gunfire started. He does not feel that anything altered or affected his perception of what occurred.

Report Officer

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Reported Date
05/09/2005
Nature of Call
AGCY ASST
Officer
CSAJKO, FRANK

Administrative Information							
Agency IDAHO STATE POLICE	Case No Z05000046	Supplement No 0017	Reported Date 05/09/2005	Reported Time 00:01	Status INVESTIGATION		
Nature of Call AGENCY ASSIST OTHER		Report Title EVIDENCE REPORT					
Location 503 N MAPLE				City BLACKFOOT	ZIP Code 83221		
County BINGHAM COUNTY	Region P5	From Date 05/09/2005	From Time 20:00	Officer 3080/CSAJKO, FRANK			
Assignment DETECTIVE REG 5	Entered by 3080	Assignment DETECTIVE REG 5	RMS Transfer Successful	Prop Trans Stat Successful	Property? Yes		
Approving Officer 2967	Approval Date 05/27/2005		Approval Time 08:43:00				

Summary Narrative
On May 9, 2005 at approximately 6:30 p.m., Bingham County Sheriff's Office Detective Bench and Bingham County Deputy Torrans signed over to me Exhibits 161 to 170, which were taken from Faron STONE and Maria VILLA at the time of their arrest. I transported the items to Idaho State Police Region 5 Investigations in Chubbuck for placement into an evidence holding locker.

Property									
Item 1	Involvement OTHER	In Custody? Yes	Tag No 050001007	Item No 1	Value \$1.00				
Description white undershirt						Typ A	Cat CLOTHES/FURS	Exhibit No 161	
UCR Type CLOTHES, FURS		RMS Transfer Empty field							
Item 2	Involvement OTHER	In Custody? Yes	Tag No 050001007	Item No 2	Value \$1.00				
Description gray/black sweatshirt						Typ A	Cat CLOTHES/FURS	Exhibit No 162	
UCR Type CLOTHES, FURS		RMS Transfer Empty field							
Item 3	Involvement OTHER	In Custody? Yes	Tag No 050001007	Item No 3	Value \$1.00				
Description pink sweatshirt						Typ A	Cat CLOTHES/FURS	Exhibit No 163	
UCR Type CLOTHES, FURS		RMS Transfer Empty field							
Item 4	Involvement OTHER	In Custody? Yes	Tag No 050001007	Item No 4	Value \$1.00				
Description white tshirt, pink bra						Typ A	Cat CLOTHES/FURS	Exhibit No 164	
UCR Type CLOTHES, FURS		RMS Transfer Empty field							

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Item	Involvement	In Custody?	Tag No	Item No	Value			
5	OTHER	Yes	050001007	5	\$1.00			
Description						Typ		
watch, white earrings, whi ring, white chain w/ pen						A		
Cat			Exhibit No	UCR Type		RMS Transfer		
JEWELRY/PRECIOUS METALS			165	JEWELRY, PRECIOUS METALS		Empty field		
Item	Involvement	In Custody?	Tag No	Item No	Value			
6	OTHER	Yes	050001007	6	\$1.00			
Description						Typ	Cat	Exhibit No
orange thong						A	CLOTHES/FURS	166
UCR Type			RMS Transfer					
CLOTHES, FURS			Empty field					
Item	Involvement	In Custody?	Tag No	Item No	Value			
7	OTHER	Yes	050001007	7	\$1.00			
Description						Typ	Cat	Exhibit No
purple/whi socks						A	CLOTHES/FURS	167
UCR Type			RMS Transfer					
CLOTHES, FURS			Empty field					
Item	Involvement	In Custody?	Tag No	Item No	Value			
8	OTHER	Yes	050001007	8	\$1.00			
Description						Typ	Cat	Exhibit No
pink/whi tennis shoes						A	CLOTHES/FURS	168
UCR Type			RMS Transfer					
CLOTHES, FURS			Empty field					
Item	Involvement	In Custody?	Tag No	Item No	Value			
9	OTHER	Yes	050001007	9	\$1.00			
Description						Typ	Cat	Exhibit No
socks						A	CLOTHES/FURS	169
UCR Type			RMS Transfer					
CLOTHES, FURS			Empty field					
Item	Involvement	In Custody?	Tag No	Item No	Value			
10	OTHER	Yes	050001007	10	\$1.00			
Description						Typ	Cat	Exhibit No
blue boxers						A	CLOTHES/FURS	170
UCR Type			RMS Transfer					
CLOTHES, FURS			Empty field					
Item	Involvement	In Custody?	Tag No	Item No	Value			
11	OTHER	Yes	050001007	11	\$1.00			
Description						Typ	Cat	Exhibit No
pants						A	CLOTHES/FURS	171
UCR Type			RMS Transfer					
CLOTHES, FURS			Empty field					

Narrative

1. On May 9, 2005 at approximately 6:30 p.m., Bingham County Sheriff's Office Detective Bench and Bingham County Deputy Torrans signed over to me Exhibits 161 to 170, which were taken from Faron STONE and Maria VILLA at the time of their arrest. I transported the items to the Idaho State Police, Region 5 Investigations Office where I placed them into an evidence holding locker. The items are as follows:

- Exhibit 161- white undershirt
- Exhibit 162- gray/black sweatshirt
- Exhibit 163- pink sweatshirt
- Exhibit 164- white shirt, pink bra
- Exhibit 165- watch w/pink face, pair of white earrings, white ring, white chain w/heart pendant
- Exhibit 166- orange thong
- Exhibit 167- purple white socks
- Exhibit 168- pink/white tennis shoes

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IDAHO STATE POLICE

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Narrative

- Exhibit 169- socks
- Exhibit 170- blue boxers
- Exhibit 171- pants

2. At approximately 7:15 p.m., I placed the above items in an evidence holding locker.

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16:01

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Incident #: 05-P09675

LAW INCIDENT:

Nature: AGENCY ASSIST Address: 210 CIRCLE INN ST; #24
Location: AREA #4 CHUBBUCK City: Chubbuck ST: ID Zip: 83202

Offense Codes: AACH
Received By: JENSEN,C How Received: Telephone Agency: PPD
Rspndg Officers: DANIELS,R
Rspnsbl Officer: DANIELS,R Disposition: Active on 05/10/05
When Reported: 19:29:17 05/09/05
Occurred: Between 01:00:00 05/07/05 and 18:30:00 05/07/05

REPORTTEES:

NAME: CHUBBUCK POLICE DEPARTMENT Name Number: 50516
Race: Sex: DOB: **/**/** SSN: - -
Address: 5160 YELLOWSTONE AV, CHUBBUCK, ID 83202
Home Phone: (208)237-7172 Work Phone: (208)237-7172

NARRATIVE:

OFFICER: DANIELS # 5170 DICTATED: 5-9-05 @ 1942 HRS

INVESTIGATIVE TIME: 11 HRS
LAW INCIDENT #: 05-P09675
STENO INITIALS: CJ
DATE & TIME
TRANSCRIBED: 5-9-05 @ 1942 HRS

#1-GENERAL NARRATIVE:

1. BRIEF SYNOPSIS OF EVENTS:

Pocatello Police Department assisted the Idaho State Police with the investigation of an officer's shooting involving the Chubbuck Police Department.

2. DOCUMENTS OF EVIDENCE:

STATEMENTS: Nine handwritten statements that will be turned over to Idaho State Police.

3. NARRATIVE:

On 5-7-05 I responded to 210 Circle Inn number 24 to assist with an Idaho State Police investigation. At that location, I was assigned to contact neighbors to determine what, if anything, they had heard and/or seen. I was able to contact 22 residences.

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The first residence I contacted was number 26. The subjects who live at that residence are a DEBBIE L. HUGHES, date of birth [REDACTED] and STEPHANIE M HUGHES, date of birth [REDACTED]. DEBBIE told me the following: That she had gotten home at approximately 0110 hours. Approximately 20 minutes later, she had heard a loud boom followed by a bunch of shots. She then heard a scream and looked through her front room window. She stated that she saw a male subject in a tan jacket and ball cap; she did not believe that he was a police officer, standing on the south side of trailer number 60. The male subject was holding a weapon with a long barrel pointing toward trailer number 24. DEBBIE then went to the back of the trailer. Somewhere between the hours of 0230 and 0300, she went to the front of her trailer, looked out, and did not see anything else. STEPHANIE stated that she had only heard the noise, did not look out and see anything. DEBBIE provided me with a written statement as to what she heard and saw.

I was contacted by a male subject who stated that he lived in trailer number 89. He stated that he did not see anything, but that he had heard what he believed to be several shots at approximately 0130 hours. He did not provide a written statement.

I contacted the residents in trailer number 60, CHARLES and CAROL BARNECLO. CAROL did not hear anything or see anything. CHARLES also advised that he did not hear or see anything until he was awakened for the evacuation.

I contacted the residents of trailer number 58, a BRIAN M PRICE, date of birth [REDACTED] and a SOPHIA L PRICE, date of birth [REDACTED]. BRIAN advised that he was not yet asleep when he heard a loud shot and some yelling. He stated that he then called 911 and was advised that police were on scene. He then looked out his front window and saw a SWAT member crouched by his vehicle. He stated that during the shooting, he heard a group of shots then the shots stopped and it was followed by one single shot. He believed that total there were ten to fifteen shots fired within just a few seconds. He believed that two guns sounded alike and there was one what he believed to be larger caliber.

I contacted the residents at trailer number eight. I was advised by the female subject that her husband PEDRO WALLACE had given a written statement to another officer. I saw the statement that had been written. It was on a yellow legal pad.

I contacted the resident at trailer number nine. The male subject advised that he had not seen or heard anything the previous evening, however, his wife HOPE WEST, date of birth [REDACTED] advised the following: At approximately 0200 to 0230 hours, she heard what she believed to be four to five shots. She tried to wake her husband and he wouldn't wake up. She looked out of her bathroom window and saw what she thought were three teenaged boys wearing black hoodies and blue jeans run eastbound from the area of trailer number 24 toward Smiths. HOPE provided me with a written statement as to what she heard and saw.

I contacted ANGIE L CHRISTENSEN, date of birth [REDACTED] in trailer number 52. She advised that she was the only one in the trailer that heard anything. She stated that at approximately 0200 hours, she heard loud noises, that it was all at once, that it did not last very long, and that due to the recent thunder she thought it was another thunder storm.

I contacted VESTA WIGINTON at trailer number 54. She advised that she did not

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hear or hear anything.

I contacted JOYAL REDINGTON at trailer number 22. She advised that she did not hear or see anything.

I contacted MARVIN L NEIGHBORS, date of birth [REDACTED] at trailer number five. NEIGHBORS advised that he was awake, that he heard one shotgun and what he believed to be a high powered shot, followed by five quick shots. He believed that it was someone drunk who had come home and was shooting in the air. He did not look outside. Due to MARVIN'S bad eyesight, he did not provide a written statement. MARVIN'S wife FAYE L NEIGHBORS did not hear or see anything.

I contacted LARAIN VAL BRIGGS, date of birth [REDACTED] and his wife GAE H BRIGGS, date of birth [REDACTED] at trailer number four. VAL advised that he had gotten up to go to the restroom at approximately 0150 hours. VAL stated that he heard a loud boom, what he believed to be a shotgun fired twice, followed by three rapid fire, what he believed to be handgun shots. VAL stated that he knew the difference due to his career in the military. VAL stated that he eventually looked out his front room window, at which time he saw a vehicle leaving the area. This was between the hours of 0300 and 0330. He believed the vehicle to be possibly a Jeep Wagoneer. He advised that it was too dark to get a color. The vehicle was driving slowly eastbound toward Smith's. VAL believed the vehicle to be a newer model due to the fact that it had the third tail light mounted high on the vehicle. VAL was unable to see who was driving the vehicle. GAE advised that she was awakened by a loud bang and a pop. She stated that that was followed by three pops. GAE did not look outside and had no more information. Both of these subject provided written statements.

I contacted JAMES RIDINGS at trailer 29. He advised that he had heard some noise, got up, checked on his kids, and went back to bed. He was then awakened for the evacuation.

I contacted STEPHANIE D MIDDLESTEDT, date of birth [REDACTED] in trailer number three. STEPHANIE was up feeding her baby. She stated that she heard what she believed to be several shots. She looked out her front room window and saw what she believed to be three guys running westbound from the area of trailer number 24. She stated that she then saw what she believed to be a maroon Suburban leaving the area. STEPHANIE was provided with a statement form to be filled out. Upon checking prior to leaving the area, STEPHANIE had not yet filled out the form and was not at her residence.

I contacted the resident of number two, who advised that he had been out and upon coming home, the trailer park was roped off and he was not allowed entrance.

I contacted LORI L CROWDER-HEATH, date of birth [REDACTED] in trailer number six. She told me the following: She heard a loud what sounded like a canon followed by four "pingy" sounding shots. She advised that after the first set of shots, she believed that she heard a single shot. She believed this happened between 0205 hours and 0215 hours. She stated that she looked out her window and saw a dark colored Suburban with three brake lights. She believed the vehicle was possibly a burgundy color but was unsure. LORI provided me with a written statement.

I contacted LORI NEAL, date of birth [REDACTED] in trailer number 59. LORI

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advised that she heard several sharp pops which sounded very close to her trailer. She walked to the front room of her trailer, looked out her window, when she heard someone yelling to another subject that they were the police and to go back inside the trailer. She stated that her two boys were in the trailer with her. They slept through the incident. She stated that she had seen no one leave the area. She went back to bed until she was awakened to evacuate. LORI advised that this occurred at approximately 0230 hours. LORI provided me with a hand written statement.

I contacted ARLENE M MITANI, date of birth [REDACTED] at trailer number 25. She advised that her husband was not home, that at approximately 0130 hours her husband called. Shortly after that, she heard one shot followed by several shots. She stated that she looked out her window, saw a male subject get into a vehicle at trailer number 24 and leave the area. She could not provide any information about the vehicle. ARLENE provided me with a handwritten statement.

I contacted SHERREL FORSGREN at trailer number 56. He stated that he heard some booms and thought it was thunder.

I contacted SHARON K FRASURE, date of birth [REDACTED] at trailer number 57. She stated that between the hours of 0130 and 0200, she heard multiple shots and two large booms. She advised that she knew they were shots. She went to the door and was told by her son in law MATT CURTIS to get away from the door. SHARON did not see anything going on outside. Along with MATT, a female subject by the name of SHEILA was at the residence during the incident. SHEILA was not at home when I went to interview them. I talked with MATTHEW V CURTIS, date of birth [REDACTED] who stated that he heard approximately five to six shots followed by one a short time later. MATTHEW stated that he did not look outside of the residence.

I contacted GRACE and SHELDON SCOTT at trailer number 55. SHELDON had taken his hearing aid out and did not hear anything. GRACE advised that Chubbuck Police Department had called her and asked if she could turn off her security lights. Shortly after that, she heard loud noises and thought they were thunder.

I contacted the resident of number 27 who stated that she had been at her daughters for the evening and she was not at home.

The male subject in trailer number 23 was contacted by another officer. I saw his written statement on a yellow legal pad.

End of Report.

SUPPLEMENTAL NARRATIVE:

OFFICER: PETERSON #5092

DICTATED: 5-23-05 / 0700 HOURS

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Incident #: 05-P09675

INVESTIGATIVE TIME: NOT PROVIDED
LAW INCIDENT #: 05-P09675
STENO INITIALS: JR
DATE & TIME
TRANSCRIBED: 5-23-05 / 0935 HOURS

1. NARRATIVE:

On 5-9-05, at approximately 1400 hours, Idaho State Police Detective TOM SELLERS and I conducted a voluntary interview with ROBERT JAMES BUTTERFIELD at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. BUTTERFIELD was interviewed concerning a critical incident that occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on 5-7-05. Present during the interview was BUTTERFIELD'S attorney, JOE MALLET.

I informed BUTTERFIELD that I was conducting a criminal investigation and that this interview was voluntary and that he was free to leave at any time. BUTTERFIELD informed Detective SELLERS and I of the following:

a. The location where the critical incident took place was 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho. This occurred on 5-7-05 at approximately 0130 hours. He was there assisting in the service of a search warrant for drug activity at that location.

b. His full name is ROBERT JAMES BUTTERFIELD. He is 34-years-old and is employed by the Chubbuck Police Department in the capacity of a patrol sergeant. His badge and call number is 119. He was hired at the Chubbuck Police Department on 10-23-95. He is a member of the patrol unit and also of the Special Response Team (SRT).

c. His primary duty weapon is a Glock, model 22, 40-caliber handgun. On the date of the critical incident he was carrying his Glock, which was loaded with 16 rounds of department issued Gold Dot 40-caliber ammunition. As his primary SRT weapon he was carrying an H & K UMP, 40-caliber sub-machine gun, which was also loaded with 28 rounds of department issued Gold Dot 40-caliber ammunition. He was also carrying two spare magazines for the H & K. Each magazine had 28 rounds of department issued Gold Dot 40-caliber ammunition. That ammunition had just been issued to him on that day. His firearms qualifications are current per department standards and are available for review from the department firearms file. On the date of the critical incident he did not fire either his handgun or his sub-machine gun while at 211 Circle Inn #24 serving a no knock search warrant.

d. On 5-7-05, he was on duty working his shift from 1700 to 0300 hours and did not go out of service until he was relieved to go home following the critical incident. He assisted in serving the search warrant in the capacity of an entry team member of the Chubbuck Police Department Special Response Team. At the time of the incident he was on duty and had not consumed any alcohol or taken any medication.

e. At the time of the critical incident he was wearing his department issued Special Response Team uniform, which consisted of black BDU pants and a black, long sleeve t-shirt with white lettering on the sleeves. On one of the sleeves it says "police" and the other sleeve says "SRT." It also says

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"police" in white lettering on the back. He was also wearing a black tactical vest, which said "police" across the back in white lettering and had a small tag on the front that also said "police." He was also wearing other standard police safety gear. He was clearly marked and readily identifiable as a police officer at the time of the critical incident. During the critical incident he did not get an opportunity to verbally identify himself as a police officer. He indicated that their training is that they are to announce "police warrant service" as they cross the threshold. However, he indicated he had not ever crossed the threshold during the incident. He also indicated that he did not hear anyone else identify, which did not mean that they did not do so, he just did not hear it. He did not sustain any serious injuries during the critical incident. He was not shot, however, he did have a bruise on the back of his left calf, bruises on both knees and a scraped left arm. He sustained these injuries when he was knocked down, as officers were trying to leave the residence during the critical incident.

f. As a member of the Chubbuck Police Department SRT, he was informed a couple of days prior to the search warrant that a search warrant had been obtained for the residence at 211 Circle Inn #24 in reference to drug activity. He knew that the possible suspects at the residence were a FARON STONE and MARIA VILLA. He indicated that he knew that the residents at 211 Circle Inn #24 were being investigated by the Department Drug Suppression Unit and that information had been obtained to allow them to obtain a no knock search warrant for the residence. He had also seen pictures of the possible residents, FARON STONE and MARIA VILLA, on the patrol board located in the patrol area of the Chubbuck Police Department a couple of weeks prior to the critical incident. At the time of the critical incident, he did not see FARON STONE or MARIA VILLA at the residence. During the critical incident he felt like his life and the life of his fellow officers were in danger due to gunfire being directed towards the front door of the residence.

g. He did not deliberately or accidentally do anything to alter the crime scene nor did he see anyone else alter the crime scene.

h. He is currently an entry team member of the Special Response Team. Pursuant to an agreed plan, he recalls the following personnel were assigned the following duties:

-Front door entry -

Officer MERICA was assigned to approach the door first as the number one officer in the stack and breach the front door with TKO or shotgun breaching rounds.

-Officer GILBERT was assigned to be number two in the stack and was to be the first to enter the residence after the front door was breached. It was also his responsibility to place a noise flash diversion device inside the front door upon entry into the residence.

-Officer HILL was assigned to be number three in the stack and was armed with his department issued Glock 40 caliber handgun and his H & K 40 caliber UMP sub-machine gun.

-BUTTERFIELD was assigned to be number four in the stack and was armed with his department issued Glock 40 caliber handgun and his H & K 40 caliber UMP

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sub-machine gun.

-Sgt. FRASURE was assigned to bring up the rear as number five in the stack and was armed with his department issued 40-caliber Glock handgun and his 223-caliber patrol rifle. Sgt. FRASURE, being the team leader, was in charge of giving the command to initiate the search warrant entry.

-Upon breaching the front door of the residence, Officer MERICA was to step out of the way and allow Officer GILBERT and the rest of the team to enter the residence with Officer MERICA entering last.

-At the back door of the residence-

Officer BALLARD and Officer ANDERSON were assigned to the back door on the west side of the residence. Both were armed with their department issued Glock 40 caliber handguns. They were to breach the back door and control the rear of the residence until their assistance was required.

-Officer GALLOWAY and Officer MAY were assigned to the south and west sides of the trailer and were armed with their department issued Glock 40 caliber handguns. Officer GALLOWAY was assigned to announce their police presence over a hand held PA system and Officer MAY was assigned to place a noise flash diversion device in the backyard of the residence and carry a fire extinguisher in the event of fire.

i. The search warrant was initiated when Sgt. FRASURE arrived on the front porch and gave the command of "go, go, go" over the radio. Officer MAY was to deploy a noise flash diversion device in the backyard at the time that the go command was given, however, he did not remember hearing the noise flash diversion device go off. Officer GALLOWAY was also to announce "Chubbuck Police" over the PA. He also indicated that he did not hear the announcement. Officer MERICA breached the front door with two TKO shotgun rounds. He indicated that two rounds were used because there were two locks that needed to be breached, being the regular handle and then a dead bolt lock. He indicated that the decision was made to use the TKO rounds because they felt comfortable that the TKO rounds would get the job done and they would not be standing there hitting the door with a battering ram seven to eight times before it opened. They felt that the TKO rounds would be faster. After Officer MERICA breached the front door, the noise flash device that was thrown in the front door and officers then made entry into the residence. He indicated that he did not make entry into the residence before Officer HILL, who had been in front of him in the stack, was coming back out of the residence, indicating that he had been shot. Officer BUTTERFIELD indicated that he did hear several shots upon the SRT making entry into the residence. Again, he indicating as he was approaching the door he was met face to face by Officer HILL who was indicating that he had been shot. Sgt. FRASURE was advising everybody to get out of the trailer. He indicated that as the trailer was being vacated he was knocked down and when he tried to get up his legs would not work. He checked quickly to make sure that he had not been shot and crawled over to a Chevrolet Tahoe that was parked in the driveway for cover. He was then able to get up and make his way east to the corner of Afton and Circle Inn where other officers were waiting. He indicated that when he got to the corner of Afton and Circle Inn he met up with Officer ORR and that there was also an Idaho State Police car at that location. He stated that he left Officer HILL with Officer ORR and that he then took up a position behind a pickup with a camper shell approximately 50

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yards east of the residence. He maintained surveillance on the trailer. He indicated that two Bannock County deputies arrived at the scene and were asked to help set up a perimeter of the trailer. As Deputy CANNON was driving in the area he was inadvertently driving near the trailer, at which time Officer BUTTERFIELD heard two shots being fired from the trailer. He believed these shots were being fired at Deputy CANNON. Deputy CANNON then backed up out of the area. The Tahoe, which had been parked in the driveway of the residence of 211 Circle Inn #24 left a few minutes later headed eastbound on Circle Inn towards Yellowstone. At Sgt. FRASURE'S command, the vehicle was allowed to leave.

j. A period of time went by and he was relieved from the scene and taken back to the Chubbuck Police Department. While awaiting this interview, he did not discuss the incident with any other officers and has only consulted with his attorney.

k. At approximately 1530 hours, the interview with Officer ROB BUTTERFIELD was concluded.

SUPPLEMENTAL NARRATIVE:

OFFICER: PETERSON #5092

DICTATED: 5-23-05

INVESTIGATIVE TIME: NOT PROVIDED

LAW INCIDENT #: 05-P09675

STENO INITIALS: JR

DATE & TIME

TRANSCRIBED: 5-23-05 / 1324 HOURS

1. NARRATIVE:

On 5-9-05, at approximately 1640 hours, Idaho State Police Detective TOM SELLERS and I conducted a voluntary interview with MATTHEW PAUL GALLOWAY at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. GALLOWAY was interviewed concerning a critical incident that occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on 5-7-05. Prior to and during the interview, GALLOWAY was counseled and represented by his attorney, JOE MALLET.

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I informed GALLOWAY that I was conducting a criminal investigation and that this interview was voluntary and he was free to leave at any time. Officer GALLOWAY informed Detective SELLERS and I of the following:

a. The location where the critical incident took place was 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho. This occurred on 5-7-05 at approximately 0130 hours. He was there assisting in the service of a search warrant at that location.

b. His full name is MATTHEW PAUL GALLOWAY. He is 25-years-old and employed by the Chubbuck Police Department in the capacity of a patrol officer. His badge and call number is 116. He was hired at the Chubbuck Police Department in October of 2002. His current assignment is as a patrol officer. As such, he was asked to assist in serving the search warrant at the residence.

c. His primary duty weapon is a Glock, model 22, 40-caliber handgun. On the date of the critical incident he was carrying his Glock, which was loaded with 16 rounds of department issued Gold Dot 40-caliber ammunition. His firearms qualifications are current per department standards and are available for review from the department firearms file. On the date of the critical incident he did not fire his Glock while at the scene. He did not fire any other weapons during the critical incident.

d. On 5-7-05, he was on duty working from 2100 to 0700 hours and did not go out of service until he was relieved to go home following the critical incident. He assisted in serving the search warrant in the capacity of announcing the police department's presence at the rear of the residence. At the time of the call out he was on duty and had not consumed any alcohol or any medication.

e. At the time of the critical incident he was wearing his department issued uniform, which consisted of a navy blue, short sleeved shirt with patches on both sleeves, and an embroidered badge and name on the front. He was wearing navy blue pants, soft body armor, and other standard police safety gear. He was clearly marked and readily identifiable as a police officer at the time of the critical incident. During the critical incident, it was his responsibility to announce over a portable bullhorn the presence of the police department, which he stated that he did do. He indicated that he announced one time "police search warrant, stay in your homes" and that he was in the process of announcing a second time when gunfire broke out. He did not sustain any injuries during the critical incident.

f. As a member of the Chubbuck Police Department, he was aware that an investigation was underway and that the drug suspension unit was watching 211 Circle Inn #24. They had information that the resident, FARON STONE, was armed. He indicated that he received information from another officer that bullet casings were found in the trash during a trash pull of the residence at 211 Circle Inn #24. He indicated that he knew about the investigation a couple of weeks prior to the search warrant being served and that there were pictures of STONE on the patrol board at the Chubbuck Police Department. He indicated that he had not had any dealings with STONE or MARIA VILLA, the other possible resident, prior to service of the search warrant. At the time of the critical incident he did not see FARON STONE. He also stated that he did feel like his life and the life of his fellow officers were in danger due to gun fire and

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bullets that were seen and heard penetrating the outer metal of the trailer from the inside.

g. He did not deliberately or accidentally contaminate the scene nor did he see anyone else alter the crime scene.

h. He is currently a patrol officer who was asked to assist the Special Response Team in the service of a search warrant. Pursuant to an agreed plan he recalls the following personnel were assigned to the following duties:

-Front of the residence - The SRT entry team was to make entry into the front door. Sgt. FRASURE was to give the go command and at that time entry would be made into the residence.

-Back door - Officer BALLARD and Officer ANDERSON were assigned to the back door of the residence. They were to breach the back door of the residence and control the back of the residence until their assistance was required.

-Perimeter on the south and west sides - He and Officer MAY were assigned to the south and west side of the residence and were armed with their department issued Glock, 40-caliber handguns.

-Officer GALLOWAY was assigned to announce police presence over a hand held PA system, which he did.

-Officer MAY was assigned to place a noise flash diversion device in the backyard of the residence, which he also did. Both were armed with a fire extinguisher in the event of fire.

i. The search warrant was initiated when Sgt. FRASURE arrived on the front porch and gave the command to go over the radio. Officer MAY deployed a noise flash diversionary device in the backyard and he announced over the police PA that they were the Chubbuck Police serving a search warrant and that residents should remain in their homes. He announced one time and had started announcing a second time when he heard gunfire break out from inside the residence. He indicated that originally he heard just a few shots and then a large barrage. He estimated that the total shots fired were approximately 20 to 30 rounds. He observed Officer BALLARD and Officer ANDERSON at the back porch attempting to breach the back door when he saw Officer BALLARD move backwards, after the gunfire. Officer BALLARD had indicated he believed he had been shot. He indicated that he, Officer ANDERSON, Officer BALLARD, and Officer MAY moved back to the south along Circle Inn towards Afton. He indicated that Officer MAY assisted Officer BALLARD in getting to EMS personnel. He then indicated that he removed an M-16 223-caliber patrol rifle from the patrol unit that he parked in the area. He indicated that this was not his normal gun and that he had not qualified with it, however he had been driving Officer MERICA'S vehicle that day so he grabbed the patrol rifle that was in Officer MERICA'S vehicle. He then took up a surveillance position to the south so that he could see the south and east side of the residence. He indicated that when the gunshots were originally fired he drew his service pistol from the holster, however, he did not fire the pistol nor did he ever fire the 223-patrol rifle. He indicated that he observed two adult subjects exit the residence a few minutes after the gun fire had stopped. He saw one subject walk in front of the Tahoe that was parked in the driveway a couple of times. He could not tell whether one or two subjects had entered the Tahoe. The vehicle then left the area and was allowed

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to leave by Sgt. FRASURE'S orders. He then maintained surveillance until he was relieved from the scene.

j. A period of time went by and he was relieved from the scene and taken back to the Chubbuck Police Department. While waiting for this interview, he did not discuss the incident with any officers and has only consulted with his attorney.

k. At approximately 1730 hours, the interview with Officer MATT GALLOWAY was concluded.

SUPPLEMENTAL NARRATIVE:

OFFICER: PETERSON #5092

Dictated: 5-23-05 / 0930 HOURS

Investigative Time: NOT PROVIDED

LAW INCIDENT #: 05-P09675

STENO INITIALS: JR

DATE & TIME

Transcribed: 5-23-05 / 1435 HOURS

1. NARRATIVE:

On 5-9-05, at approximately 1920 hours, Idaho State Police Detective TOM SELLERS and I conducted a voluntary interview with TODD FREDERICK ORR at the Chubbuck City Offices located in Chubbuck, Bannock County, Idaho. ORR was interviewed concerning a critical incident, which occurred at 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho on 5-7-05. Prior to and during the interview, ORR was counseled and represented by his attorney, JOE MALLET. I informed ORR that I was conducting a criminal investigation and that this interview was voluntary and he was free to leave at any time. ORR informed Detective SELLERS and I of the following:

a. The location where the critical incident took place was 211 Circle Inn #24 in Chubbuck, Bannock County, Idaho. This occurred on 5-7-05 at approximately 0130-hours. He was there assisting the Chubbuck Police Department in the service of a no knock search warrant by conducting surveillance prior to the SRT making entry into the residence.

b. His full name is TODD FREDERICK ORR and he is 31-years-old. He is employed by the Chubbuck Police Department in the capacity of a patrol officer. His badge and call number is 108. He was hired at the Chubbuck Police Department in October of 2003. He is a patrol officer and was assisting in the service of a search warrant by conducting surveillance for the SRT prior to the warrant service.

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c. His primary duty weapon is a Glock, model 22, 40-caliber handgun. On the day of the critical incident he was carrying his Glock, which was loaded with 16 rounds of department issued Gold Dot 40-caliber ammunition. His firearm qualifications are current per department standards and are available for review from the department firearms file. On the day of the critical incident he did not fire his Glock while in the area of 211 Circle Inn #24. He did not fire any other weapons during the critical incident. On 5-7-05, Officer ORR was not on duty. He is currently assigned to work 1100 to 2100 hours, Saturday through Tuesday. Therefore, he was not on duty at the time that the incident occurred. He stated that he had been called in to work by Sgt. FRASURE to conduct surveillance on the residence at 211 Circle Inn #24 while the SRT prepared to do a no knock search warrant at that residence. He stated that he had not been consuming any alcohol and was not using any medication prior to being called out. At the time of the critical incident he was not at the trailer and was not at a point where he could hear whether or not anyone made an announcement as to police presence. He did not sustain any injury during the critical incident.

d. As a member of the Chubbuck Police Department he is also assigned to the drug suppression unit. He stated he became aware of the investigation because he and Officer ANDERSON were conducting that investigation as part of the drug suppression unit. He stated that he had received information through tips and a trash pull that allowed them to obtain a no knock search warrant for the residence. He knew that possible suspects at the residence were FARON STONE and MARIA VILLA. STONE was known or believed to be violent and in possession of a firearm. At the time of the critical incident, Officer ORR did not see FARON STONE at the residence. Officer ORR did not respond to the trailer until after the shots had already been fired.

e. He did not deliberately or accidentally do anything to alter the crime scene nor did he see anyone else alter the crime scene.

f. He is currently a patrol officer at the Chubbuck Police Department but had been called in to conduct surveillance on the residence at 211 Circle Inn #24 prior to service of the search warrant. Officer ORR was not present during the briefing or plans for entry into the residence and therefore did not know what assignments had been made.

g. When the search warrant was initiated, Officer ORR, was conducting surveillance approximately 250 to 300 yards away from the residence, and was looking through binoculars. He indicated that he did hear the noise flash diversionary devices go off and that he then heard gunfire. He stated that he heard between seven and 20 shots but could not give a specific number as to the number of shots he heard. He stated that he then moved from his surveillance point to Circle Inn and Afton St. He also stated that a couple of county deputies came into the area and that when one of the cars was near the residence at 211 Circle Inn #24 he heard at least two more gunshots. Officer ORR stated that about five minutes after the time the county car was shot at a Tahoe that had been parked in the driveway left the area. He stated they were advised to make room to let the vehicle leave the area. Officer ORR stated that he then remained in the area until he was relieved to go back to the Chubbuck Police Department.

h. A period of time went by and he was relieved from the scene and taken back to the Chubbuck Police Department. While awaiting this interview, he has

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not discussed the incident with any other officers and has only consulted with his attorney.

i. At approximately 1945 hours, the interview with Officer TODD ORR was concluded.

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Incident #: 05-B1633

LAW INCIDENT:

Nature: AGENCY ASSIST Address: 211 CIRCLE INN ST; #24
Location: AREA #4 CHUBBUCK City: Chubbuck ST: ID Zip: 83202

Offense Codes: AACH
Received By: J A FAGNANT How Received: Officer Report Agency: BCSD
Rspndg Officers: TONI VOLLMER HO MANWARING MARK BALLARD ANDY THO
Rspnsbl Officer: TONI VOLLMER Disposition: Active on 05/07/05
When Reported: 05:43:51 05/07/05
Occurred: Between 05:43:51 05/07/05 and 05:43:51 05/07/05

PROPERTY INFORMATION:

Item Type: RECORDING Property Number: B0016103
Item/Brand: dvd mini video Model: scene
Serial Number: Color: /
Characteristics:
Quantity: 1 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 170568 Owner Name: BANNOCK COUNTY,

Item Type: SHIRT Property Number: B0016162
Item/Brand: SRT Model: LONG SLEEVE
Serial Number: Color: BLK /
Characteristics: OLD
Quantity: 1 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

MIKE BALLARD'S SHIRT

Item Type: PHOTOS Property Number: B0016163
Item/Brand: FUJI Model: ISO 200
Serial Number: Color: /
Characteristics: OLD NEW
Quantity: 16 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

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Incident #: 05-B1633

Item Type: PHOTOS Property Number: B0016164
Item/Brand: FUJI Model: ISO 200
Serial Number: Color: /
Characteristics: OLD NEW NEW
Quantity: 13 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

Item Type: PHOTOS Property Number: B0016165
Item/Brand: FUJI Model: ISO 200
Serial Number: Color: /
Characteristics: OLD NEW NEW NEW
Quantity: 12 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

Item Type: PHOTOS Property Number: B0016166
Item/Brand: FUJI Model: ISO 200
Serial Number: Color: /
Characteristics: OLD NEW NEW NEW NEW
Quantity: 13 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

Item Type: PHOTOS Property Number: B0016167
Item/Brand: FUJI Model: ISO 200
Serial Number: Color: /
Characteristics: OLD NEW NEW NEW NEW
Quantity: 13 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

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Item Type: PHOTOS Property Number: B0016168
Item/Brand: FUJI Model: ISO 200
Serial Number: Color: /
Characteristics: OLD NEW NEW NEW NEW
Quantity: 13 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

Item Type: PHOTOS Property Number: B0016169
Item/Brand: FUJI Model: ISO 200
Serial Number: Color: /
Characteristics: OLD NEW NEW NEW NEW
Quantity: 8 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

Item Type: DVD Property Number: B0016170
Item/Brand: MEMOREX Model: DVD-R MINI
Serial Number: Color: /
Characteristics: OLD NEW NEW NEW NEW
Quantity: 1 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 50516 Owner Name: CHUBBUCK POLICE DEPARTMENT,

residence Stone and Avila were located in in Bingham County

NARRATIVE:

SUPPLEMENTAL NARRATIVE:

Supplement to LI #: 05-B1633 Detective M. Ballard, #2107

Incident: Agency Assist
Wed May 18 14:58:06 MDT 2005

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On May 7, 2005 at 3:20 a.m., I was called out to assist in the officer involved shooting in Chubbuck. I first responded to the sheriff's office and retrieved the crime scene trailer.

I then responded to Chubbuck Road to the command center and met with Detective Andy Thomas. He advised me he was under the impression Idaho State Police detectives were over the investigation and we were to assist them. Detective Thomas requested I assist Tom Sellers. Sellers then collected some items of clothing and gear from Chief Randy Severe and from Captain Quinn. I assisted Sellers in collecting them and placing them in his vehicle. I then followed him to the I.S.P. office where Sellers transferred the items into the evidence room, which was completed at approximately 4:50 a.m. The items were SWAT gear used and worn by the two officers who had been injured.

I arrived at the Chubbuck Police Department for a briefing at 5:15 a.m. Officer John Kempf briefed us on the situation. I was then requested to assist Officer Kyle Fullmer in responding to the Bannock County Sheriff's Office and interviewing an inmate by the name of Corey Fairchild. Fairchild had been arrested the day prior and had been at 211 Circle Inn, #24. Prior to Fairchild's arrest, he had left that residence in a vehicle and was stopped and arrested at that time.

We began the interview with Corey Fairchild at approximately 6:00 a.m. Fairchild advised that a male who he knew by "Stoney" was at trailer #24 yesterday just before he had left the residence and had been arrested. Fairchild also said there was a girl who had a three year old boy and a baby girl with her. Fairchild had been at the residence for approximately a half and hour and had decided to run to Smiths' food center and then to a friend's house to change clothes. Fairchild was going to go back to trailer #24 and barbecue some steaks with "Stoney". However, he was stopped and arrested after leaving the residence.

Fairchild viewed a photograph of Faron Stone we had been provided while at the briefing. Fairchild indicated he was positive the man in the photograph was the same person he referred to as "Stoney" at trailer #24. Fairchild also advised "Stoney" and the girl either had a Yukon or Blazer, a full size vehicle, either black or a dark color.

I arrived back at the scene of trailer #24 at approximately 8:03 a.m. where I assisted Detectives Thomas and Sellers in the investigation of the scene. It should be noted the Bannock County S.T.A.R. team had just cleared the residence prior to us moving into the scene. I assisted officers in taking measurements of items found. Officer Sellers logged the items and measurements. I completed a video recording on our Sony mini DVD recorder. The mini DVD was placed in evidence locker "G" on 05/11/05.

End of Report.

SUPPLEMENTAL NARRATIVE:

Lt. Toni Vollmer, #2100

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On May 7, 2005 at approximately 0318 hours, I was contacted and advised that two Chubbuck Police Officers had been shot. I was advised to respond to Chubbuck to assist with the investigation. I had been advised to make contact

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with Idaho State Police Detective Tom Sellers for further information.

On May 7, 2005 at about 0340 hours, I arrived at Tan Your Hide on West Chubbuck Road. This was the location that Command had been set up. I made contact with Idaho State Police Detective Sergeant John Ganske and Detective Andy Thomas. Once we were all briefed on the case, myself and Idaho State Police Detective Frank Csajko were assigned to respond to the hospital to process any evidence that may be with the injured officers.

On May 7, 2005 at about 0409 hours, Csajko and I arrived at the Portneuf Medical Center. We had been advised that the officers were in exam rooms 3 and 4 of the emergency room. We responded to these room. Upon our arrival, I observed that exam room 4 was no longer occupied. We made contact with the Officer in exam room 3.

Present in the room with the injured officer was Pocatello Police Officer Ian Nelson and Chubbuck Police Chaplain Ty Orr. I heard Nelson and the injured officer discussing the shooting. I heard the injured officer comment on how he remembered hearing some "Pops". Csajko and I introduced ourselves to the subjects in the room and advised them that we were there as part of the investigative team. The injured Chubbuck Police Officer was identified as Phil Hill. I was advised that the other injured officer was Mike Ballard and that he was in the restroom at this time. I was advised that Ballard had been released and was free to go at anytime.

Csajko and I explained to Hill and Ballard that we were there for evidentiary reasons and were not going to be interviewing them at this time. Hill and Ballard were awaiting the arrival of their attorney and wanted to speak with him prior to any interview. We advised Hill and Ballard that we just needed to obtain any physical evidence, as well as photograph them and their injuries.

We were advised of the following injuries that Hill and Ballard had sustained:

Hill: 1) Contusion to the Left Lateral Post Chest Wall
2) Bullet Entrance Wound in the Left Buttock, Exit wound of the Left Buttock, and Entrance Wound in the Right Buttock. The Bullet was still in the Pelvic Region.

Ballard: 1) Contusion to the Right Front Upper Chest Wall.

Hill advised us that he was transported to the hospital in his underwear. Hill said that Lt. Bill Guiberson took custody of his clothing at the scene. Ballard was still in his BDU Pants, a black long-sleeved t-shirt, and his duty boots. Ballard advised that there was damage to his t-shirt where the impact of the bullet came through his vest. Ballard also advised that there was blood and skin on the inside of the shirt. I advised Ballard that I was going to need to take custody of the shirt.

Ballard took the shirt off and handed it to me. I took photographs of the damage to the shirt from the exterior. I then took photographs of the body material that was on the interior of the shirt. The shirt was then folded in paper and secured in an evidence bag.

I then took a series of photographs of Ballard and his injury. These

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photographs were taken with and without scale.

Once we had completed this process with Ballard, he was allowed to leave the hospital and respond back to the Chubbuck Police Department. I advised Ballard and Hill not to discuss the events of that night with any of their fellow officers until a formal interview could be conducted. Ballard and Hill were also advised that it was best not to discuss the events with friends or family until the investigation was complete.

I then left the room so that Csajko could take the needed photographs of Hill's injuries. Csajko took a series of photographs with and without flash and with and without scale. Csajko turned the film over to me for processing.

Once everything had been processed, it was determined that Csajko and I did not both have to remain at the hospital. I advised Csajko that I would stay at the hospital and he could return for a new assignment. Prior to Csajko leaving I secured the evidence we had obtained in my vehicle.

Information on the personal involved in the treatment of Ballard and Hill is as follows:

Ballard: Paramedic Paul Cramer
Paramedic John Knapp
Paramedic Justin Clemmons
RN Rick White
DR Andy Bradbury

Ballard was transported to the Portneuf Medical Center by ambulance. Ballard's arrival at the hospital was at about 0215 hours.

Hill: Paramedic Pat McCulloch
Paramedic Rod Anderson
David ? (a student)
RN Tori Maisch
DR Andy Bradbury

Hill was transported by ambulance to the Portneuf Medical Center by ambulance. Hill's arrival at the hospital was at about 0225 hours.

On May 7, 2005 at about 0800 hours, Doctor Robert Coray (a Surgeon) examined Hill. Coray advised that he did not believe at this time that he was going to retrieve the bullet that remained in Hill. Coray stated that he would scope the rectum to ascertain if any rectal damage was done. Coray said that if there was no rectal damage, he would not retrieve the bullet. Coray conducted this procedure at about 0840 hours. Coray advised me that he did not observe any damage to Hill's rectum.

Due to the fact there was no further evidence for me to obtain, I contacted Chief Jim Dalley and requested that a representative from the Chubbuck Police Department respond to my location to be with Hill until there is a disposition on his admittance or release.

On May 7, 2005 at about 0945 hours, I was relieved by Captain Ken Quinn of the

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Chubbuck Police Department. I responded back to the scene for a new assignment.

On May 7, 2005 at about 1100 hours, I contacted Ganske and Thomas at the scene. I was briefed on where the investigation was at this point. I then responded to the Bannock County Sheriff's Office to obtain more equipment.

Once I arrived back at the scene, Thomas and I started the process of placing trajectory rods in the through-and-through bullet holes in the trailer. We did this to ascertain the path the bullets would have taken once they exited the trailer. Once this was completed, a search was conducted for any bullets that could be located. Several Detectives were involved in this search. Two bullets were located. See Ganske's report for further information.

I took photographs of the trajectory rods coming out of the trailer and the locations that the bullets were located. These photographs were taken with and without evidence markers. I also took a series of photographs of the three exterior lights on the residence. The three lights were all lighted.

I then assisted Trooper Rob Davis with obtaining measurements so that he could reconstruct the crime scene.

Once the photographs and measurements were taken, I packaged the two bullets and turned them over to Sellers.

I then assisted in completing the execution of the original search warrant that the Chubbuck Police had obtained. I was advised to search for any illegal drugs and/or paraphernalia. Detective Howard Manwaring and I started searching in the back bedroom. I observed several baggies on top of a television that was sitting on the floor. Manwaring advised me that the baggies had been located in the Southeast corner of the room. I located two straws on the floor, near the television. There were baggies inside of the straws. Manwaring located a disassembled .357 in a bathroom drawer and a spoon with residue on a shelf in the bathroom. I took photographs of these items, with and without evidence markers. These items were seized and turned over to Sellers.

Three Idaho State Police Officers assisted in the search of the residence. Sgt. Chris Smith and Trooper Clint Skinner searched one of the bedrooms and Trooper Rob Davis searched the other room. I took photographs of the items that they located, with and without evidence markers. These items were seized and turned over to Sellers.

We then moved out to the living room and kitchen once the search of the bedrooms and bathrooms were completed. While searching the kitchen, I located a .380 handgun in a kitchen cabinet. The magazine to the .380 was loaded, but there was no round in the chamber. Photographs were taken of where the .380 was located as well as separate, with and without an evidence marker. This item was packaged and turned over to Sellers.

Trooper Skinner located a gallon sized baggie containing a green leafy type substance. Skinner advised that the substance appeared to be peyote. The baggie was photographed and turned over to Sellers until it could be tested.

Once the search was completed, I cleared the scene with no further assignment. Ballard's shirt will remain secured in my locker until I can release it to Sellers. End of report...

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SUPPLEMENTAL NARRATIVE:

Detective Howard Manwaring 2109 Supplemental Report 05-B1633

On May 7, 2005 at approximately 0320 hours I was called out to assist with an investigation regarding an Officer Involved Critical Incident. I responded to the area of West Chubbuck and Lish in Chubbuck Idaho. Upon arrival I made contact with Lt. Vollmer, Detective Thomas and ISP Detective Sellers and ISP Sgt. Ganske.

I was assigned to assist with the investigation regarding the Officers that had been involved in the shooting incident.

I asked that all of the Chubbuck Officers who had been involved in the incident return to Chubbuck Police Department. I then responded and met with the Officers. Those present at Chubbuck Police Department were as follows:

Sgt. Marty Frasure
Sgt. Rob Butterfield
Officer Farley Merica
Officer Paul Gilbert
Officer Dana May
Officer Matt Galloway
Officer Adam Anderson

All of the above mentioned Officers removed the SWAT clothing that they were wearing at the time of the incident. As they removed their gear we inspected the items for bullet holes. Each of the Officers checked to make sure that they had not recieved any injuries that they were unaware of. Officer Paul Gilbert had a very small wound on the back of his leg. He did not know where the wound came from. He believed that it may be a sliver.

I spoke to the Officers involved. I instructed them to talk with one another about things other than the incident. I told them that they should not talk about the things that happened at the scene. The Officers agreed to not talk about the incident.

Officer Farley Merica advised me that the Officers involved did not want to be interviewed about the incident without an Attorney being present. He asked permission to telephone FOP Attorney Joe Fillicetti. Officer Merica then contacted Fillicetti by telephone and advised him of the situation. Fillicetti advised Merica that Joe Mallett would be leaving from Boise enroute to Chubbuck immediately.

One of the Officers had a DVD movie in their possession called National Treasure. All of the Officers went in to the City Council Chamber Room where they put the Movie on the big screen TV and viewed it while we waited.

I arranged with Chief Severe to have food brought in for the Officers. Some sandwiches were purchased at walmart and brought to Chubbuck Police. The Officers took time to eat.

I took photographs of each of the Officers involved in the incident with the exception of the two who had been injured and were still at the

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hospital. I took a front view and a rear view of each of the Officers. Those photographs have since been developed and placed in evidence at the Bannock County Sheriff's Office.

At approximately 1000 hours FOP Attorney Joe Mallett from Fillicetti Law Office arrived at the Chubbuck Police Department. Each of the Officers involved in the incident were allowed to visit with the Attorney. We planned to have interviews with the Officers as soon as Idaho State Police Detectives arrived back at the Chubbuck Police Department.

At approximately 1130 hours Chief Severe brought more food and drink in for the Officers to eat.

Officer Mike Ballard who had been injured in the incident was released from the Hospital and arrived back at the Chubbuck Police Department.

At approximately 1345 hours I was contacted by Sgt. John Ganske from Idaho State Police. He advised me that the Officer Interviews were being set for Monday May 9, 2005.

I spoke with the Officers. I informed them that interviews would be held on Monday. I requested that they not speak about the incident among themselves or with others until after the interviews.

The Officers were then allowed to leave Chubbuck Police Department for their residences. I responded to the crime scene located at 211 Circle Inn #24 to assist with the investigation.

I assisted in searching the area for bullets which had exited the mobile home. We used trajectory rods with a laser end to locate bullet fragments. We located two bullets across the street from the residence. PPD Sgt. Peterson marked the items. They were photographed and collected. See ISP Detective Reports.

I assisted Detectives inside the residence in completing the search of the residence. Detective Ballard, Lt. Vollmer and I searched the back (master) bedroom and back (master) bathroom in the residence.

In the bedroom we found several small baggies with white powder residue inside them. These were located in the southeast corner of the bedroom behind a television on the floor. The items were picked up and placed on the television. They were photographed and then collected and placed with the other evidence.

While searching the master bathroom, I located a .357 revolver in a drawer. The .357 revolver was photographed with and without a marker. The item was then collected and turned over to Detective Sellers with the other items of evidence.

Lt. Vollmer found other items in the bedroom which were collected including straws with residue.

I assisted Detectives in completing a search of the living room and kitchen.

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I cleared the scene at approximately 1600 hours.

On Monday May 9, 2005 at approximately 1200 hours I responded to the Chubbuck Police Department to assist with Officer Interviews. Sgt. Ganske and I conducted interviews of some of the Officers. Attorney Joe Fillicetti sat in on those interviews representing the Officers. PPD. Sgt. Peterson and Detective Sellers conducted interviews with the remaining Officers. Attorney Joe Mallet sat in on those interviews and represented the Officers. A paralegal from Fillicetti Law Office was also present during the interviews.

I took notes as we conducted the interviews. At the completion of the interviews I turned my notes over to Sgt. Ganske. See Sgt. Ganske's Report of the interviews.

On May 11, 2005 I was informed that a subject who is currently incarcerated named Anthony Gomez may have overheard a conversation where Suspect Faron Stone was talking about "shooting a chubbuck cop."

On May 13, 2005 I spoke with Sgt. Ganske. regarding the incident in the jail. He requested that I interview the person who overheard the conversation. I had Anthony Gomez brought from the Bannock County Jail to the Detective Interview Room. I advised him of the purpose of our conversation. He responded, "I don't know nothin about nothin." Every question I asked him got the same response. Due to his refusal to talk to me he was returned to Jail.

End of Report

SUPPLEMENTAL NARRATIVE:

Supplement 4 to LI #: 05-B1633 Detective A. Thomas, #2106

Incident: Agency Assist
Tue May 24 09:44:58 MDT 2005

On May 7, 2005 at approximately 3:30 a.m., I was contacted at my residence by Bannock County Detective Lieutenant Toni Vollmer. Lieutenant Vollmer indicated that Bannock County detectives were being requested to assist Chubbuck police who had been involved in a shooting. It was reported that two officers had allegedly been shot by a suspect at a residence in the city of Chubbuck and Bannock County detectives were being requested to assist.

A short time later, I arrived at a command post located at Chubbuck Road and Lish. At which time, I was briefed. This incident ensued until member of Bannock County Special Tactics And Response unit as well as Idaho State Police and Pocatello Police Department S.W.A.T. teams could secure the area.

After the scene was secured by S.W.A.T. teams, the residence of 211 Circle

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Inn, #24, Chubbuck, was secured by the investigative teams. The teams consisted of officers from Pocatello Police Department, Bannock County Sheriff's Office, and Idaho State Police. At this time, a perimeter was set up around the trailer with police line barrier tape and the crime scene was then processed. The lead investigator for the process of the crime scene was Tom Sellers with Idaho State Police. The rest of the detectives from other departments assisted with evidence locating and collecting.

Prior to beginning the collection of any evidence, I had the opportunity to speak to two individuals who happened to be neighbors in the area. The first individual I spoke with was Dan Hill, who lives at 211 Circle Inn, #23. This is the trailer to the east of the suspect's trailer, which spans approximately forty-five to fifty (45-50) feet away from where this incident took place. I asked Mr. Hill what he observed. Mr. Hill indicated that at the time he was asleep in his bedroom, which is located on the same side of the front door of the suspect's residence. Mr. Hill's statement reads as follows:

"I was asleep when what appeared to be a gunshot woke me up. Several shots were fired in intervals. I heard a someone. I got up and peered out my window to see if I could see anything but I could not and went back to bed. Then I heard one or two more shots, got up again, looked out my window but could see nothing. Then after a few more minutes, I saw the porch light next door come on. Then someone got in a vehicle and leave."

/s/ Dan B. Hill May 7, 2005

After talking to Dan, I made contact with another resident, who lives across the street, by the name of Pedro Wallace of 210 Circle Inn, #8. Mr. Wallace wrote the following statement:

"5/7/05 at 1:45 I heard shots so I went to my back door opened it and went out to see what was going on. I seen some guy running in all directions and I said hey you guys and noticed it was police officers and went back in my house. Then I went to my front door and went out and officers said sir you need to stay in your house so I went back in. I also was looking out my window in fear and seen a black Denali backing out of the driveway and in the car it looked to me to be a little kid's head pop up and the girl got in and drove away in the car heading to Smith's."

Dated 5/7/05 /s/ Pedro Wallace, 210 Circle Inn, #8

After talking to the residents, I proceeded to help Detective Sellers process the crime scene. For further information about the crime scene, refer to Idaho State Police Detective Tom Sellers' report, which will detail our actions in this investigation.

End of Supplemental Report

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/17/2005

On May 13, 2005, Detective Patrick Teton of the Fort Hall Police Department, Fort Hall, Idaho, audio taped an interview with Faron Stone at the Bannock County Sheriff's Office at Pocatello, Idaho. Also present was Special Agent Kyle D. Wright of the Federal Bureau of Investigation. Attached is a transcript of the interview:

IR#253232

COPY

Investigation on 05/17/2005 at Pocatello, IdahoFile # 198F-SU-C40735-CDate dictated 05/13/2005by SA Kyle D. Wright/pf

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Continuation of FD-302 of Faron Stone, On 05/17/2005, Page 2

DETECTIVE PATRICK
TETON:

Today's date is May thirteenth of two thousand and five. It's approximately ten minutes after three p.m. on that date. Myself, Detective Patrick Teton with the Fort Hall Police Department and Special Agent Kyle Wright with the Federal Bureau of Investigation will be conducting an interview with Faron Stone. The interview is gonna be taking place at the Bannock County Detention Center. This is gonna be in reference to Incident Report Number two five three two three two. Uhm, Faron, uh, before we get started I'm gonna go ahead and advise you of your rights. So here we go: Before you are asked any questions you must understand your rights. You have the right to remain silent, anything you say can be used against you in court. You have the right to speak to an attorney for advice before we ask you any questions and to have him present during your questioning. If you cannot afford an attorney, one will be appointed for you if you wish. If you decide to answer questions now without an attorney present you will still have the right to stop answering questions at any time. You also have the right to stop answering questions any time until you talk to an attorney. This next part right here says, this is the waiver of rights, "I have read this statement of my rights and understand what my rights are and I'm willing to make a statement and answer questions, neither do I want an attorney at this time, I understand and know what I am doing. No promises, threats, or pressures, or force of any kind has been made against me." So if I could (unintelligible)... there.

(Scratching sound)

TETON:

Alright.

SPECIAL AGENT KYLE
D. WRIGHT:

Appreciate you talking with us Faron.

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FARON STONE: Yeah.

WRIGHT: Uh, and I have read over most of the reports at this point, and yours, Maria's, Gabby's, are all... they all jive, they go together...

STONE: Uh-huh.

WRIGHT: ...and we, we just need to talk to you again about fillin' some of the gaps here.

STONE: Right.

WRIGHT: And, uh, if you want to hear what Maria had to say I can read you some of the excerpts.

STONE: Well...

WRIGHT: ...but I can't let you read the whole form.

STONE: Yeah, well... actually I appreciate that, up to that, you know...

WRIGHT: Yeah.

STONE: ...or the beginning, you know.

WRIGHT: Yeah.

STONE: Some...

WRIGHT: Yeah.

STONE: ...whatever you can, you know.

WRIGHT: Well, why don't I just review 'em, what I know up to this point.

STONE: Okay.

WRIGHT: Uhm, what you said when you talked with Pat.

STONE: Like I said, there ain't nothin' to hide. I just want to make sure that, you know, that what is said here is, uh, uh, to where it can't

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Continuation of FD-302 of Faron Stone, On 05/17/2005, Page 4

be taken out of, out of, out of, uh, context in, in, in maybe some detective's reports, or however it's gonna be. I just want everything to be on, you know, like you said, uh, jiving and on the right page, 'cause there's...

WRIGHT: Yeah.

STONE: ...nothin' to hide or nothin', you know, in that matter of just...

WRIGHT: Correct, and that's why we're tape recording this interview so...

STONE: Okay.

WRIGHT: ...nothing can be taken out of context.

STONE: Right.

WRIGHT: What you, what you said is what you said...

STONE: Right.

WRIGHT: ...what I say is what I say.

STONE: Right.

WRIGHT: On, then some. Uh, so, so backin' up to May seventh, that's the early morning hours, that'd be early Saturday morning.

STONE: Okay.

WRIGHT: Uh, walk me through, uh, what, what happened. When did you get home about?

STONE: Uh, I believe we got, we came home from Fort Hall probably about one. I'd have to say about one, you know, 'cause we really didn't want to be on the, the road too long, you know, just out to meet, meet friends and see who was all out and, and see what was going on out there. And, uh, and if, uh, if, uh, so we got home probably about a little after one, 'cause we

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Faron Stone, On 05/17/2005 , Page 5

didn't want to be too late, we had kids with us too, so, you know, it was about time for their, their bottle.

WRIGHT: Two small kids?

STONE: Yeah, two small kids, uh...

WRIGHT: Okay.

STONE: ...uh, Maria's two, uh, a son and a daughter and, you know, the, about two o'clock I believe was...

WRIGHT: And do you take care of them?

STONE: Yeah, the baby boy I...

WRIGHT: Okay.

STONE: ...I take care of.

WRIGHT: Okay, so you got home at that time. Uh, tell me what else happened.

STONE: Yeah, uh (sniffling)...

TETON: Just take your time.

WRIGHT: Yeah, take your time Faron.

STONE: (Sniffling)

WRIGHT: And Maria and the kids are...

STONE: Yeah.

WRIGHT: ...they're, they're fine, you know.

STONE: Yeah.

WRIGHT: Nobody got hurt or anything, so that's good.

STONE: Uh, uh, so many things. So anyway we was there. Wanted you get home and get that bottle

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Faron Stone, On 05/17/2005 , Page 6

made, you know, that's, the little girl, that's the one I usually look out for, so... (sniffs) you know, di-divide the (unintelligible)... give her kids, you know, so divide the help, you know, I, I take...

WRIGHT:

Yeah.

STONE:

...more or less to look after the little ones. She looks after the oldest one. Anyways, uh, yeah, we got home, so we got everybody situ... put, got the bottles made, put 'em in the bed in the backroom, and then we went, went in the middle room and we're talkin' and, uh, she started, she asked me if I heard some noise out there, out in the living room area, and I told her, no. And she says, yeah, sounded like a car door. I said, well, uh, just let 'em knock then, you know. And they, and they, usually you know somebody comes from the bar, from Red's and they want to stop by and yell at us and then talk to us, drinkin' beer, or whatever, and go dink off (unintelligible)... before two. So it was about one. I said, well if you want to let 'em knock, let 'em, I mean, if they're out there then let 'em knock if they want to come to the door. So, and she, she said she heard it again, so I got up and I went and, uh, (sniffs) looked out in the living room and, uh, right before I got to the corner... I got up, we was in the first room, the kids were in the backroom... we're right here listenin' to some music, and I got up and I walked down the hallway right, about where the heat was right there, and think-I just, I just heard an explosion. I didn't know, you know, it caught me in my tracks, it stunned me is what it did, it stunned me right there in may tracks. And that, and like two more took off right behind it, pop, pop, pop, like...

WRIGHT:

Did they sound like they're outside or inside?

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STONE: No, they were inside, they were inside. It was a sound like inside. It was, it was too, you know, you know what sound...

WRIGHT: And so the first one, did it sound like an explosion or a gunfire?

STONE: It sounded like gunfire.

WRIGHT: Okay.

STONE: It sounded like, it just exploded, everything, all the explosions were all the same to me as far as I was concerned, 'cause...

WRIGHT: Okay.

STONE: ...you know, it was just boom, boom, boom, boom... boom, boom. And when I, when I heard that I got down, they were just all, just rapid. It was just pop, pop, pop, pop, you know, I got down. I went low, and I told her, get down, they're shooting, they're shooting. And I looked in there and Maria was like... where the window was, she, she was like stuck. She go, she, I, she got (unintelligible)... get down, get down.

WRIGHT: Okay, that, let's, let's, uh, stop right there and, first of all I want to back up before I forget. Uh, Maria's your girlfriend?

STONE: Yeah, she's my girlfriend.

WRIGHT: And the two kids are hers?

STONE: Yeah, they're hers.

WRIGHT: But it sounds like you're pretty much kind of like a father figure around there...

STONE: Yeah, well...

WRIGHT: ...to the two kids. Is that true?

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STONE: Yeah.

WRIGHT: Okay, and so...

STONE: Well...

WRIGHT: ...part of being a father figure is...

STONE: ...the thing of it is, I've been locked up in...

WRIGHT: ...lookin' out for your family, right?
(Overlapping unintelligible conversations)

STONE: Yes, exactly.

WRIGHT: I just want to, I want to get that on tape.

STONE: Yeah, that's exactly, exactly is what it was and...

WRIGHT: Okay, let me read what, what she says and, and, at approximate, on May seventh, two thousand five, at approximately one-thirty a.m., this isn't what she said, but it's what the officer...

STONE: The officers involved...

WRIGHT: ...interviewed her...

STONE: Okay.

WRIGHT: ...said she told him. Approximately one-thirty a.m. she, that being Maria, and Faron Stone arrived back at the residence at two eleven Circle in Chubbuck, Bannock County, Idaho. They placed the children in bed and then headed to their bedroom. A short time later they heard voices outside their residence and Stone exited the bedroom to see who was around the trailer. Sounds accurate so far, right?

STONE: Okay.

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WRIGHT: As Stone left the bedroom she heard a loud explosion in the residence. Sound accurate? It's what you been tellin' me. Stone came running back to the bedroom and removed a three fifty-seven revolver from the dresser and headed toward the hallway again.

STONE: Yeah.

WRIGHT: At no time did she hear anyone stating they were the police and had a search warrant.

STONE: Never... never, never. If that would have been the case I would have froze, I dropped. You know, I mean, that's, you know, if that, if I'd have heard something like that, I would have froze and dropped. Knowing, okay, that's the cops, you know.

WRIGHT: Yeah.

STONE: But nothin' like that, just co..., it was just complete gunfire.

WRIGHT: She heard gunshots being fired and she fell onto the floor by the bed.

STONE: Yeah.

WRIGHT: So you see what she's...

STONE: Yeah.

WRIGHT: And this is the police report here that I'm reading from.

STONE: Yeah.

WRIGHT: She's been straight forward with us, as have you. Uhm, and some of the gaps I know, uh, your sensitive about talkin' about, but, uhm, and she told us that she had bought these, some guns because of this fear of Jose.

STONE: Yeah.

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WRIGHT: Uhm, so you, you knew that she had purchased these guns and you knew where the guns were at?

STONE: Yeah.

WRIGHT: Okay. Where was the three fifty-seven revolver at?

STONE: It was right there, they kept 'em both in like, uh, right in the same dresser.

WRIGHT: What was the other gun?

STONE: Uh, it's a, I believe it's a three eight...

TETON: Thirty-eight.

WRIGHT: Three eighty?

STONE: Three eighty.

WRIGHT: Okay.

STONE: Like a... yeah. And we was gonna, I was gonna, last thing I was gonna do is teach her how to shoot these before I went and turned myself back in to Arizona. I still had some time to kill in Arizona, like eight months or so, so I was teach her at least, you know, I mean, I wanted to move her out that way too, you know what I mean, but that's like, you know, but I wanted, just in case, 'cause it's gonna take me a me a minute for transition to get over there, settle the, you know, for her to move out, you know what I mean.

WRIGHT: Sure.

STONE: Yeah, and, and this dude, you know, he's from around here, and he's, you know, he's (unintelligible)...

WRIGHT: Yeah.

STONE: ...or real about his words, so, you know.

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WRIGHT: But you went to the, you knew where these guns were in the dresser.

STONE: Yeah. Uh, my whole intention right here, officers, was my, once that explosion started happening, bomb, bomb, uh, once the gunfire started happening, was it was this guy Jose. I think I even told her, I'm not sure, I think I even told her, it's Jose, Jose shootin'. You know what I mean, I, I'm not sure, it's clouded in mind what it was, you know what I mean. But I seriously felt in my heart she felt in her heart, we talked about that, it was Jose. How can it be cop, it was the, how can it be, they didn't serve nothin', uh, you know, you know, and I, and I could have swore too I heard, uh, uh, uh, a accident. 'Cause I think I heard 'em say somethin', somethin' before they took off, you know, and that was my full intention that that's who this individual was.

WRIGHT: Okay. When you went back you grabbed the three fifty-seven. Where did you go to?

STONE: I got like halfway to the hallway, 'cause it was just, they were firin', there was too much fire, I had to get low, get low, get low.

WRIGHT: Uh-huh.

STONE: And then so I just emptied my, my rounds, wherever that, you know, the direction where they were coming from. I didn't know...

WRIGHT: Yeah.

STONE: ...nothin' was comin' from b... All I knew, 'cause I looked out...

WRIGHT: And they're shootin' down the hall or through a door...

STONE: Uh, see, I was shootin' through the, through the wall.

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WRIGHT: Through the wall.

STONE: Where the, where them bullets were comin' at me they were blowin' up, and I was lookin' at her, bullets were blowin' past her. She didn't even know it. I was tellin' her later there were bullets goin' right past you, you didn't even know it. I told you to get down. I charged back... my main thing was chargin' back in there, I was thinkin', Jose. I had nothin', uh, no clue whatsoever about bein' them, you know what I mean, about bein' officers of any kind, anywhere. That was, that's ridiculous. That was straight up with this, that's bullshit that they said they ever was that. All they did was start shootin'. So my main thing is that it was this dude, Jose, so I rushed and self-defended what... That was my house, first of all, you know.

WRIGHT: Yeah. So this revolver, it's six rounds in it?

STONE: Yeah, something like that. (Sniffs)

WRIGHT: So, and you emptied it, so you shot all six?

STONE: Yeah.

WRIGHT: Uh, did you have time to reload?

STONE: Yeah, I ran back, but this is after I, I unloaded, and I told, she goes, run back, I... she was already in the back room, I ran past and she was already back there. She said fuck, I think it's Jose, fuckin' Jose. Back there I'm fuckin' sweatin', I'm lookin' at the door... get the bullets out (unintelligible)... you know, it conclude, uh, I don't know where the hell the bullets are or nothin'. I just know there was six in there just, I'm not thinkin' nothin's gonna happen, you know. Not thinkin' anything will be... I'm like now where's the bullets (unintelligible)... I started feelin' around, feelin' around in the closet. (Sniffs) I remember the kid had, the

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Faron Stone, On 05/17/2005 , Page 13

baby had, that little boy had, was playin' with, uh, he knocked over the, the (unintelligible)... he swept in the corner, 'cause I remembered that there was something inside the closet and there was a little pocket right there, a little stash, but it's per se. And I remember there was some, some bullets, I...

WRIGHT: Okay.

STONE: ...I put 'em right there, I'm laying on the floor, watching the hallway, you know. I didn't know if these guys were gonna come running down the hallway or if they was shoot through the door. I didn't know what they... Told 'em get down, get down, get the babies, you know, I mean, get the babies, get in (sniffs)... and she just started gettin' the babies, she, she couldn't move either, she was st... she was froze... I mean, in the heat of the moment like this is, ain't nothin' nice, you know it's, you know...

WRIGHT: Yeah.

STONE: So I'm watchin' this hallway and I don't know, you know...

WRIGHT: Did you get the gun fully reloaded or...

STONE: I don't know if I, if I did or not, uh...

WRIGHT: Did you, did you take anymore shots after that?

STONE: I took o... I think I ran up to get her gun. I said, where's your pistol? She goes, I don't know. You know what I mean, and I remember there was bullets in that gun so I, so I, that, first, what I think I did, ran up there to get that gun, 'cause there was no bullets for this one. So I ran back up to get that one.

WRIGHT: So when she bought two guns, did one, the three eighty was gonna be her gun and...

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Continuation of FD-302 of Faron Stone, On 05/17/2005, Page 14

STONE: Yeah.

WRIGHT: ...the three fifty-seven was gonna be yours?

STONE: Yeah. No, no, it was gonna be, b-both, uh, that was what I was gonna teach her to shoot with.

WRIGHT: Okay.

STONE: That was, you know...

WRIGHT: Okay.

STONE: ...both of those, uh, the three eighty, you know, nothin' ain't gonna... that's nothin'...

WRIGHT: Right, right...

STONE: ...I know that, you know, uh...

WRIGHT: (Unintelligible)...

STONE: ...and once you move up, you got, you're protecting your, your home it's, you gotta move up to, I don't care if it's a female or what, you gotta move up to...

WRIGHT: So the three eighty was a trainer for her to get used to it...

STONE: It was a trainer gun for her to get used to (unintelligible)...

WRIGHT: ...and then the three fifty-seven.

STONE: Yeah. Oh, I can shoot, I can shoot all guns, you know, rifles, we grew up, we all grew up shootin', you know, and it was not, that wasn't, for me, I'm, first of all I'm a felon. It's, for me, it's, I'm in trouble for just being, being close to a gun. But we're talkin' the wife and kids were, or, or, or a girlfriend, you know what I mean, a woman and kids that, that, that need the help, you know,

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so all this time I've never had a gun, since I've been out never had a gun, you know, uh, I haven't even been hunting since I been out on parole and this, this violation whatever. Haven't been, I been offered how many times by my family to go hunting, let's go hunting. It's been years, I'm, I'm avid hunter, uh, fisherman.

WRIGHT: Uh-huh.

STONE: Uh...

WRIGHT: But you understood that because you had a felony condition you couldn't possess firearms.

STONE: Right.

WRIGHT: Okay.

STONE: Right, right, so, now this situation came up so, okay, you know, I gotta accept it, you know, and, and even to this point I gotta accept, you know, pull the trigger on somethin', a situation where (sniffs), you know, I don't care, but all I know is I did, did what was right. I feel what was right. And (sniffs)...

WRIGHT: Uh-huh.

STONE: ...I don't care what anybody else thinks, but, you know...

WRIGHT: Uh-huh.

STONE: Who knows if I wouldn't have stopped that shooting right there what, uh, more bullets would have hit them kids. I'd be, well I seen them bullets, them bullets were goin' through, I don't, you know, I was there, I seen it. (Sniffs)

WRIGHT: Okay.

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STONE: Who, who knows, if I wouldn't have been able to stop them if they'd kept blastin' knowin' it was me they were tryin' to get, you know. Uh, me they were tryin' to kill. What if they killed, uh, you know, a woman and kids that, that... you know, come on man, I mean, up, up to me, I'm glad I did what I did, point blank, because they did not announce who they were. All I knew was, is it was, it was enemies, they was comin' in to do bodily harm. That's all I knew. That's the way I see it, and the way, that's the way I reacted. (Sniffs)

WRIGHT: Okay. Uh, okay, let's pick up, uh, you think you maybe, you fired a few more rounds after you reloaded?

STONE: No, no. (Sniffs) Uh...

WRIGHT: You looked for the three eighty, but you couldn't find it?

STONE: I found the three eighty. Oh, matter of fact when I went back up, uh, I was sneakin' up there to look through the rooms, 'cause she didn't want to go. I said, let's go, let's go, let's go... she didn't want to go. She's goes, they might be up there, and so I went sneakin' up there (sniffs), the lights were out, and I accidentally pulled the trigger on that three c..., that three fifty-seven. I had it hammered, I was ready to rock. I, I'm playin, I'm ready to roll, you know, because, you know, I got the hammer back, I'm ready, and I'm walking down there and it slipped, or somethin' slipped, or somethin', and one bullet went off right here, right.

WRIGHT: Went into the floor?

STONE: In the floor, yeah, this straight hallway. That, that was one that's in the hallway, but w... that was mine. I was aimin' at nowhere near, it just, it went straight down. (Sniffs)

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WRIGHT: Straight in the floor, okay.

STONE: I almost took, uhm, I had the big old thing right here on my leg, look, it burned me a little bit, but...

WRIGHT: Uh-huh.

STONE: ...it (unintelligible)... right here. It burned me, I don't know, it's (unintelligible)...

WRIGHT: Okay, right in your right thigh.

STONE: Yeah, my right thigh. (Sniffs)

WRIGHT: Okay. Okay.

STONE: You know, so that, that was just a accident. (Sniffs)

WRIGHT: Okay.

STONE: But that's how serious the situation...

WRIGHT: Yeah.

STONE: ... (unintelligible)... the hammer unlocked in loading, you know, I'm just, I, I, I been in the world, whatever, but, you know I watch their lives...

WRIGHT: It was scary.

STONE: Yeah, oh, yeah.

WRIGHT: It's a very scary story.

STONE: (Unintelligible)...

WRIGHT: And then what happened, happened next?

STONE: We waited about maybe ten, fifteen minutes (sniffs), it felt like about ten, fifteen minutes, I said, hey, man, we gotta go, you

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know (sniffs), we gotta go, you know. I think, I'm sure that, I'm pretty sure Jose didn't, ain't gonna stick around. I'm pretty sure they took off, so let's take off too, let's... She goes, where do we go, where, where do we go. I said, I don't care, let's just take off, 'cause me bein' on, you know, cops gonna be there askin' a lot of questions. I don't want to be here, you know. She goes, well, she was scared too, you know, she got two kids. I said, well once again, I could have took off again, selfishly, I could have took off, left her there, you know.

WRIGHT:

But you didn't. You took her and the fam... and the family, you took your family with you, okay. Pat said in his report that you had, you, you took a look outside and you saw...

STONE:

Yeah.

WRIGHT:

...a breaching ram, and another tool.

STONE:

Yeah, out the back, out the back I noticed there was a, uh, a green, looked like a tool what you hit doors with. I seen 'em on cops.

WRIGHT:

Uh-huh.

STONE:

And some kind of silver thing, either a bolt cutter or somethin', I don't know.

WRIGHT:

Okay.

STONE:

And them two items were on the back porch and I peeked out, you know, when I seen that, and I says, I peeked again and I told Maria to peek (sniffs). She didn't want to look out. But I peeked and seen that right there on the back porch, you know, as we went out the front door... First I went out and did all the, with the, oh we got a yellow, there's a yellow flashlight and there was a spotlight. Lit it all up, looked around and it looked good to me. I said, come on, let's go, let's go, the house

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was full of smoke. I mean, it's just mad, just crazy. So when we walked out the front door, I said, look Maria, look, look, look, and there was like a black tube layin' there again, like some kind of security device or somethin' it said on it. She goes, don't touch it, don't touch it. I ain't touch it. Let's go, go, go, go, and I spot, I lit everything up out there. She got baby and I got baby, and I'm like, you know, we (unintelligible)... oh man. (Sniffs) Once again it's a ugly feeling, you know what I mean.

WRIGHT: (unintelligible)...

STONE: It's a ugly feeling, just (unintelligible)... (sniffs)

WRIGHT: At some point, I mean, when the shots were fired, you didn't have a clue who it was.

STONE: No, but...

WRIGHT: But at some point you knew that it must have been the cops. At what point did you...

STONE: When I started thinkin' it was the cops...

WRIGHT: ...finally decide that?

STONE: ...I was like, when I seen the green battering ram.

WRIGHT: Okay.

STONE: But then again, click went off in my head again it was like, uh, believe I've been go... I've seen that, items like that too without belonging to cops.

WRIGHT: Really?

STONE: I've seen... yes I have, I've, you know, I've, I've known guys, you know, that...

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WRIGHT: Okay.

STONE: ...that have stuff that, that... you know, I know they shouldn't be havin', you know.

TETON Uh-huh.

WRIGHT: Okay...

STONE: Uh...

WRIGHT: ...it wasn't marked "police" or anything on it?

STONE: ...but it wasn't marked, it wasn't marked "police," no, it just, it was just green battering ram, it (unintelligible)... 'em, I don't know.

WRIGHT: Okay.

STONE: And on the front door, all I seen was the door just hammered in. It's just like shot with a shotgun or somethin', just hammered in, and there was like that little black device layin' there on the... that's, at that point I said, ah, I don't know. Then I seen a silver, I looked up at the spotlight, it was a real bright spot, and it was a silver, like a (sniffs), I'm, I want to say a nine millimeter somethin'. It was a silver casing of some kind of bullet, I don't know. That, right there, another sign, I'm thinkin', well, then I, I said, go ahead, I told her to stand by the sideways, uh, just lit it up the, the best I could. Then look around, best, you know, close as I can all around. I said, go ahead babe, go, go, go, go, and she took baby out. She had, uh, (sniffs) one of the kids and I had the other kid right here. She went out first and then it, jumped in the ride, and jumped in and we just backed up and... what I seen, before we went out there's a, uh, some, uh, a cop car back here, but everything was just dark like unusually dark, you know. And we seen, I thought we was surrounded. You know about that

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time it was, enough time for cops all to get, but I didn't hear nothin', and that, then, then get away, the, the exit was, they said we went out the back, that was bull shit. Well we jumped, got in the car, backed up and went right down the main drive, well we was, there was like a green somethin' parked sideways...

WRIGHT: What were you drivin'?

STONE: She was drivin'...

WRIGHT: She was drivin'...

STONE: Yeah, I had, uh...

WRIGHT: ...the Tahoe?

STONE: ...the Tahoe. We just backed up and went right out like we usually do, and there was like a green somethin' parked sideways, and she goes, look at that, look at this, it's weird, look, and we're, look, look. We're lookin' up and there was like a green somethin', she says they're like narco cars do is park sideways. But then again I was thinkin', man, man, that's what Jose did, drove in. And they, they get, ended up shootin' it out.

WRIGHT: Unmarked.

STONE: That... yeah, unmarked, a unmarked car was sittin' sideways, and behind that was like a cop car. Then on this other side there was like a fire, fire, on this side there was like a firing, uh, fire truck, and behind that was like a, uh, light, a light Tahoe-like cop car.

WRIGHT: Uh-huh.

STONE: Them Blazers, 'cause there was a cop behind there, behind that white one, and we, there was enough room for, it wasn't blocked off, we just, so we just drove right through it, like, and drove right, right...

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WRIGHT: Weren't drivin' fast?

STONE: Yeah, like, like, yeah, well the cop cars, well stop, hey stop. But no, there wasn't even a cop in that cop car. There was no cops, so we, you know...

WRIGHT: So you stopped?

STONE: Yeah, we couldn't, we stopped there to see, but there was nothin' in the car, nothin' in the cars except that white one is the only one I seen somebody behind it. Plus, but keep in mind I got baby too, so then when we left, I told her to stop, stop. Well keep goin', then keep goin', come on, let's get, you know, we don't know if it's, we gotta shoot, we don't know, I'm thinkin' no, what the hell is goin' on here? So that was more questions to us. Damn, what the hell. I said, well let's just go mom's, let's go to mom's, go to mom's, so we got down that road and, and then just drove casually all this way down (unintelligible)...

WRIGHT: Down to the Res.

STONE: Yeah, to the Res, the Reservation Road, out where my mom lives.

TETON: Did you still have the guns when you left, or where are the guns?

STONE: Yeah. Well that's, uh, I just remembered the guns were left in the house. We left 'em right there.

TETON: So...

STONE: And that's what my auntie was sayin' too, and I said, I don't know, because we left the guns right there, 'cause, you know, what are we gonna do, carry guns on a getaway. Come on, that's just, you know, but...

WRIGHT: Oh, you had (unintelligible)...

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(Overlapping unintelligible conversations)

STONE: At the same time, if it's, these guys, we didn't know. You know, if we had to take a chance, I said, well once I seen the, the cherries on the car, I felt better.

WRIGHT: Uh-huh.

STONE: I felt better like, well no, just leave 'em there, leave 'em, let's just go, let's just go.

WRIGHT: 'Cause they didn't find any, any guns inside.

STONE: In the chair?

WRIGHT: Yeah.

STONE: In the back room?

WRIGHT: From what I was told...

STONE: Where, where I emptied... where I emp... that's where I emptied all the bullets out.

WRIGHT: You emptied the empties?

STONE: Yep. Right there, right on the floor, the guns...

(Overlapping unintelligible conversations)

WRIGHT: Did you (unintelligible)... the both guns?

STONE: Both guns. Both guns.

WRIGHT: So is there any...

STONE: And there was a beat up twenty-two, there was like a beat up twenty-two, uh, some little chump brought over, and he was supposed to take that out. I don't know if he ever did. And this old beat up twenty-two, uh, different parts to it or whatever, I don't know.

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TETON: So when you guys left Chubbuck, you, where did you go to?

STONE: We went to my mom's house. Went to my mom's, right there on Reservation. It's, uh, Foley's (phonetic) house. Right there on Foley's, right there, she didn't want us there either, so she gave us water and milk and said that, the best place with, for us would be go to her mom's house. So, and we tried to go there and we seen all kinds of cars goin' over there. I said, well let's not go over there.

TETON: Oh, Maria's mom?

STONE: Yeah, (sniffs) so...

TETON: And then where did you go to after that?

STONE: Well from there we then went to, uh, a family member's house in, I don't want to say the names 'cause I don't want to get 'em in trouble, you know. But, you know, they didn't have nothin' to do with nothin'. They just, you know, she might have said it on there, I don't know, but (sniffs) went to a family member's house and, but I don't know if she anything, 'cause we get 'em in trouble, you know. And...

TETON: Well we knew, I don't think you'll get 'em in trouble 'cause, I mean, we've talked to, like Kyle said, we've talked to Gabby and we've talked...

STONE: Yeah.

TETON: ...to Rinelda, we've talked to, excuse me...

STONE: Yeah.

TETON: ...Melanie and...

STONE: Yeah.

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TETON: Everyone pretty much is tellin' the same story...

STONE: Yeah.

TETON: ...and it's all consistent.

STONE: Yeah.

TETON: But, uhm, we just need to hear it from you. I mean...

STONE: Yeah, well...

TETON: Did you go to Georgie's house or did you go to, to Dee's house?

STONE: Went to Dee's house.

TETON: That's Darlene's?

STONE: Yeah, went to Dee's house, you know, so...

TETON: Did you stay out there for awhile?

STONE: Yeah, we stayed out there, you know, for a minute...

TETON: Huh?

STONE: ...for a minute, you know, and...

TETON: For about a couple of days, a day, how long did you (unintelligible)...

STONE: Yeah, for, for a minute, and then we went out to Melanie's house too, you know, so... uh...

WRIGHT: Yeah, uh, Maria says, uh, Rinelda came out to Darlene's house...

STONE: Uh-huh.

WRIGHT: ...and Rinelda was very adamant about turning themselves in...

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STONE: Yeah.

WRIGHT: ...about you guys turning yourselves in.

STONE: Yeah, well we was...

WRIGHT: She was, was she the one tellin' you don't turn yourself in after she heard the story?

STONE: No. No, we were, uh, the, all my family were saying, go ahead, turn yourself in because you know what, you guys got a good case here if that's what happened. I said, man, that's what exactly, so I told her, let's just go ahead. I said, no matter what, look, they cannot come in shooting when we had kids, they can't, uh, uhm, this had to be somethin' else.

WRIGHT: Uh-huh.

STONE: It had to be somethin' else.

WRIGHT: Uh, did R... well she said that Rinelda was very adamant...

STONE: What does adamant about?

WRIGHT: ...about not...

TETON: It means you, wants you...

STONE: Yeah.

TETON: ...tryin' to convince you not...

WRIGHT: Not to turn yourself in.

STONE: Oh, not to?

WRIGHT: Yeah.

TETON: Uh...

STONE: Yeah, she...

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WRIGHT: That's what Maria's sayin'.

STONE: Well she was, more or less she was like, well, well who did it, she didn't know who did it, my sister didn't know who did it, you know, I mean she didn't know if, if this guy Jose was doin' all that or if she did... She wanted even, Rinelda wanted to take this to, uh, one of, uh, one of the little, uh, one of Cisco's hangout, uh, uh, Jose's hangouts, you know, I'm like, hell no. I was like (unintelligible)... I'm like, no, so I don't know, you know.

TETON: Tell, tell us about what happened to the Tahoe, or where did the Tahoe go?

STONE: Uh, I told Maria to get rid of that, I don't know, I said, we don't need that, get rid of that, uh, I was so tired, come on, I'm, I'm exh., I'm just spent and...

WRIGHT: Yeah. I mean, after... uh, I know what you...

STONE: I know, we know what...

WRIGHT: ...what you just went through and you explained to me, and you know that you're a felon, that you're not supposed to have a gun, you were, you were freaked out and you were scared.

STONE: Freaked out dude, and not only that, it takes a toll on you, I mean...

WRIGHT: Yeah.

STONE: ...come on, it takes a toll out of your, your, your, your psychy, your mental, your...

WRIGHT: Yeah.

STONE: I'm just like, fuck...

WRIGHT: So we understand felon, or F-Faron, where you're comin' from...

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STONE: Yeah.

WRIGHT: ...uh, we just, we need to know all the facts here.

STONE: Yeah.

WRIGHT: And...

STONE: Yeah.

WRIGHT: ...we know where the Tahoe ended up, but we just need to know how it got there.

STONE: Yeah.

WRIGHT: And what point, wh... ..

STONE: Well I told Maria...

WRIGHT: ...what, what residence were you at when, you said Maria took it?

STONE: Yeah, Maria, yeah, Maria had, that's all on Maria, whatever she, that's on her...

WRIGHT: Okay.

STONE: ...to say. I, I don't know.

WRIGHT: Okay.

STONE: And that's on her to say and, you know, whatever she says then I can't say yes or no. You know that's up to her because I don't know, I told her to get rid of everything. You know, uh, we don't need this, you know, 'cause everybody's lookin' for this already. 'Cause my mom already picked it up on the scanner that they was lookin' for a w... a Tahoe. So I said, yeah, you better go in and get rid of that, you know. I'm already spent, dude, I just, you know, (unintelligible)... and I'm not knowing that this is (unintelligible)... Man, I'm already (unintelligible)... man, the old

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lady says this is cop. Look at all the help he got, this can't be Jose. Look at all the help they, they're gettin', you know, nobody even wants to look, they're already on the scanner. Then we started thinkin' well maybe you came and shot our (unintelligible)... and took off the back way, like, like the report started sayin'. I said, well maybe that's, that's possible too, that's possible. That's not...

WRIGHT: At what point did you know for sure that it was the cops?

STONE: Oh, shit, when, uhm...

WRIGHT: 'Cause she said that family members told her and Faron that they were wanted by police request unit, she...

STONE: Seen a cop, yeah...

WRIGHT: ... (unintelligible)... police officers and stuff.

STONE: ...that's when we knew. That's when we knew, and I said sshhhh.

WRIGHT: So what, where were you at at that time? Were you at, uhm, Darlene's or...

STONE: I think we were at Dee's house, yeah, Dee's house. That's when the report started comin' in that (unintelligible)... 'cause I'm tellin' you I slept, I'm, I was so exhausted I slept, I slept three through all that. And they'd come and wake me up and tell me some more and then I was like, man. That's when I knew, fuck. Bro, she said, well you gotta turn yourself in. And I said, well yeah, that's what we're gonna have to do and get, let us, let us get a lawyer first and we'll turn ourselves in. That was my, uh, (sniffs) that was my, uh, advice, you know. I said, well let's, we're gonna need to get a good lawyer. And once we do that then we'll go ahead and, uh, 'cause I got that money

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comin' in a couple of months, you know, whoever wanted a retain... a retaining fee, I, I didn't know, but...

TETON: Uh-huh.

STONE: ...I said, well we're gonna have to get a good lawyer and go over there and turn ourselves in, like that. And then, and we wanted to do it in Fort Hall 'cause if we turn ourselves in over here, 'cause we're gonna be gettin' the treatment I'm gettin' right now, look at this, look at this, you know, they don't care, uh, you know, uh, we're, we're guilty until proven unguilty, you know, so is there any way to that, uh, is there anyway I can get put in Fort Hall, or do I have to stay here or, 'cause look I, come on man, just say (unintelligible)...

WRIGHT: Yeah. You know, because...

STONE: (Unintelligible)...

WRIGHT: ...this happened off the reservation we're kinda, and in the Bingham...

STONE: We're not Bingham, we're about, but at least at Bingham. I mean this is like puttin' me right in the nest of the nest. You all hear what I hear, you know what I mean. Come on, this ain't no, and, and I'll tell I've eaten, I've eaten food here, you know, come on, man, you know, you guys gotta... this is like you, you hurt one of them, they're gonna want to... you know what I mean, even if you're guilty or not it don't matter to them. Look what the papers are sayin' now. I'm readin' and they're gettin' mad at people for even giving me the newspaper, keepin' up on my case right now.

WRIGHT: Yeah.

STONE: They're knocking 'em down right now for even doin' that. You know little Spiky, uh, uh, Gomez, little, he got, just got in trouble

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right now for even talkin' to me. You know, 'cause I asked him, well have you guys seen anything on the news and they, lock him, lock, lock him down, you know, come on man it's...

WRIGHT: Yeah.

STONE: ...you know, it's gonna just create more pro... pretty soon they're gonna, they don't know me, these people maybe they do, but they're gonna piss me off to where it's, I, I'm gonna get mad, I'm, I'm gonna lose it. That's what I, yeah, I don't want it to happen, I don't want that to happen, but eventually they're gonna push my, once I'm, you... a man, every man can only take so much...

WRIGHT: Yeah.

STONE: ...I'll tell you that right now.

WRIGHT: Just, just, just stay cool, try to stay cool...

STONE: Oh...

WRIGHT: ...I know that as times goes by...

STONE: How do you say stay cool, they just tried to kill me.

WRIGHT: I know, I know that's...

STONE: They just tried to kill me and the kids, you know.

WRIGHT: It's hard for me to...

STONE: Uh, how do you stay cool?

WRIGHT: ...to tell you that man.

STONE: It's, it's easier said than done, believe that.

WRIGHT: Do that way, but I'm just... try... for your sake and for our sake.

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STONE: Look, look, look, look, look how they got me dressed right here. Look, look, look, look, I gotta go to court like this, look. Look, uhm, look. What...

WRIGHT: Yeah.

STONE: Yeah, so...

WRIGHT: Well, uh, af... where did you go after Darlene's house?

STONE: That's when we went out to Melanie's house.

WRIGHT: Whose?

STONE: Melanie.

WRIGHT: Melanie's?

STONE: (Unintelligible)... lives was out there.

WRIGHT: Where does she live?

STONE: Out in Aberdeen. (Sniffs)

WRIGHT: Oh you went directly there?

STONE: Yeah.

WRIGHT: Oh, okay. You didn't go anywhere else in the evening?

STONE: Uh...

WRIGHT: Maria says you guys...

STONE: Oh, to, for the kids?

WRIGHT: ...said you guys went to a place out on Siler.

STONE: Uhm, where's Siler at?

WRIGHT: You remember that?

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TETON: It's over by...

WRIGHT: Sonny's place?

TETON: Did you guys go to Soupy's house?

STONE: Oh, yeah, Soupy and those. Yep.

WRIGHT: You went to Sonny Snipe's (phonetic) house?

STONE: Yeah. Sonny and them's.

WRIGHT: Okay.

STONE: Is that Siler?

TETON: Yeah.

STONE: (Sniffs) You gotta excuse me, I ain't been on the reservation all these years. My, I don't even know back roads. (Laughs)

WRIGHT: Yeah, I don't know either...

STONE: I, I don't know.

WRIGHT: ...'cause I, I only associate things with just bein' there. So I don't know.

STONE: Yeah. Yeah. I don't, I would swear that was...

WRIGHT: Okay.

STONE: ...Ferry Butte Road or somethin'.

WRIGHT: Uh, okay, and then she says you guys went, uh, you left Snipes and you took the children to Daver, David Baker...

STONE: Yeah, 'cause that's her uncle.

WRIGHT: ...in Blackfoot?

STONE: Yeah.

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WRIGHT: Okay.

STONE: And then from there...

WRIGHT: You dropped the children off? Okay. And returned to the Snipe's residence...

STONE: Yeah.

WRIGHT: ...and then Snipe took you guys to Darlene, back to Darlene's house?

STONE: Yeah. Yeah.

WRIGHT: And...

STONE: From there we went to, uh, Melanie's.

WRIGHT: Okay.

STONE: Home.

WRIGHT: And...

TETON: So where, when did you guys leave the Tahoe?

STONE: I don't know, uh, either she had one of my nephews... I'm not sure if she had one of my nephews or if she had one of her friends do it, I'm not sure if some pick it up, I don't even know. You're gonna have (unintelligible)... like I said, I don't, I don't know what she did with that right there.

WRIGHT: Okay. Uh...

STONE: That was, that was her Tahoe, so... and my suggestion was just roll it in the Snake River, get rid of it.

WRIGHT: Okay. Yeah she said...

STONE: (Laughs) She said, hell no.

TETON: It was not your car. (Unintelligible)...

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(Laughing)

(Overlapping unintelligible conversations)

STONE: Yeah, (unintelligible)... roll it in, the Snake River's right there, take it around. Yeah, so I said, alright you deal with it, you deal with it then, I told her. (Laughs) I don't know what the hell she did with that.

WRIGHT: Okay. She said you asked Snipe and Kristie J. to, to take the Tahoe and, and hide it so the police couldn't find it.

STONE: Well, well that's, then that's what happened.

WRIGHT: Okay.

STONE: I don't know, uh, it...

WRIGHT: It's, yeah...

STONE: Ask them.

WRIGHT: Okay. Uh, so then you guys ended up in Aberdeen, sounds like.

STONE: Yeah. Yeah, that was, uh, uh, uh, Rinelda came and got us, our sister, Rinelda, came and got us and took us to Aberdeen.

WRIGHT: Okay.

STONE: Yep.

SIDE TWO:

STONE: So...

TETON: This will be the second side on the same interview...

STONE: Alright.

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TETON: ...it's approximately three forty-one p.m. on that same date, May thirteenth of two thousand and five.

WRIGHT: So I'm lookin' at what Maria told, uh...

STONE: Yeah.

WRIGHT: ...you guys were out in Aberdeen, you guys realized the cops were in the area...

STONE: Yeah.

WRIGHT: ...and then she says you peacefully surrendered to police officers...

STONE: Yeah.

WRIGHT: ...at about three nineteen (unintelligible)...

STONE: Yeah, 'cause they got the kid, they got the kid and in there, I was lookin', well ma... I didn't, you know, by, by then I was like shit well maybe there's some place I can hide in here, you know, you guys say, 'cause Melanie said you might have warrants, she might have warrants, so I said, well maybe you don't want to open the door 'cause you had warrants and I said, well, she goes, well I'll go, I got the kid, you know, 'cause she had the li... (unintelligible)... baby (unintelligible)... yeah, you're right, so I was the first one out. First one out of there, so I said, yeah, you gotta go out. (Unintelligible)... that, that defiant voice to try to talk to me, but I said, nah. I said, (unintelligible)..., they don't deserve to be in that. So, yeah, I said, yeah, go ahead and let 'em know we're in here, and let 'em know we'll turn ourself in, so...

WRIGHT: Okay.

STONE: That was, that was that.

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Faron Stone, On 05/17/2005 , Page 37

WRIGHT: Alright. That, the guns... Are you sure that you left those handguns there?

STONE: Uh, yeah. We either left 'em in there or the, in the, in the Tahoe, but I don't think they're in the...

WRIGHT: Could Sonny have them hold 'em...

STONE: They... if...

WRIGHT: ...or Soupy?

STONE: ...she... Yeah, if they said that they're the ones that took the guns...

WRIGHT: That took the vehicle...

STONE: Yeah, took the vehicle...

WRIGHT: ...and hid it.

STONE: ...and hid it. I don't remember havin' them guns though.

WRIGHT: Could Maria have gotten 'em?

STONE: No.

TETON: Did anyone tell Sonny or Kristie to get rid of the guns somewhere, throw 'em down the Bottoms, throw 'em in the Snake River...

STONE: No, I don't...

TETON: ...or somethin'.

STONE: I don't think so. Main thing was just the vehicles, but you guys might want to check. Maybe, but I don't think they would have anything in 'em.

TETON: But we just don't want some kid...

STONE: Yeah, the little kid...

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Continuation of FD-302 of Faron Stone, On 05/17/2005, Page 38

(Overlapping unintelligible conversations)

TETON: ...to have some guns.

STONE: ...I (unintelligible)... yeah, like, yeah, exactly, exactly, uh...

TETON: Get the gun and accidently shoot someone or shoot themselves.

STONE: Yeah.

TETON: And I don't, I don't think...

WRIGHT: Okay, we, we know what the gun was and we got the casings from out of there.

STONE: The casing, the casings, everything, yeah, yeah, so it don't matter.

WRIGHT: So no, we just want to keep it out of the hands of innocent little kids.

STONE: Yeah, uh...

TETON: I don't think you want that on your conscience do you?

STONE: No, that's the last thing I want on my conscience.

WRIGHT: And you know the Res.

STONE: Yeah.

WRIGHT: Some kid'll find it.

TETON: If you stashed it, some kid's gonna find it (Laughs) (unintelligible)...

STONE: Find... yeah, there ain't no stashes, yeah, no, uh... uhm... Yeah, so that's all we got... I thought I left 'em right there, all in one, 'cause I grabbed hers and we got the, right there. I said, well we can't take these with

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Continuation of FD-302 of Faron Stone, On 05/17/2005, Page 39

us, we gotta, you know, let's just go, let's just go, that's right, right there where the empty casings were that's where I thought I left 'em at, right there.

WRIGHT: 'Cause Mar... Maria says, uh, they grabbed the children, and she saw Stone grab the three fifty-seven revolver and the three eighty semi-automatic pistol and she...

STONE: No, no, what after that?

WRIGHT: She doesn't know what you did with the guns.

STONE: Yeah. They had to be right there, 'cause I didn't...

WRIGHT: She said you grabbed them.

STONE: Well, uh, well if I grabbed 'em, because my, my intellect, I didn't get on, come on I didn't get, uh, give myself up, surrender with kids and s-strap down, you know what I mean. That's a felony with the strap, you know, that's all this and that, (unintelligible)... let alone just, you know, self defendin' whatever, whatever, you know I don't, you know.

WRIGHT: Yeah. I mean, if you took the guns, you, you felt threa... threatened, so you use the guns...

STONE: Uh-huh.

WRIGHT: ...and you were still feeling threatened... I, you know if you took the guns with you...

STONE: I, yeah, exactly.

WRIGHT: ...that's...

STONE: Well that could have been it too, but I'm, you know, I'm feelin' better that I seen some, some cherries out there to tell you the truth. I'm feelin' better that at least I know, for a

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Continuation of FD-302 of Faron Stone, On 05/17/2005, Page 40

fact, there's, there's cops out there now, you know. We're takin' a chance right here with the kids, you know, uh, that's, that's my, that's my logic right there. I ain't gonna just, you know, uh... (Laughs) you know, I...

WRIGHT: Yeah, so if you took the guns with you I can understand.

STONE: I can understand, yeah, well that too...

WRIGHT: But we just need to know that so we can try to track them down.

STONE: Uh, I don't remember. I, I swear, uhm, hey, I don't remember takin' no guns with me, none, none, none with me. Honest to God and over, uh, you know, uh, all my spiritual belief, well my (unintelligible)... I don't remember takin' no guns with me, I don't. That's no, no fast (unintelligible)... whatever, whatever, that's no fast (unintelligible)... and I won't... This is sacred to me, he knows (unintelligible)... nothin', and nothin', so, far as my memory that's nothin', nothin' was taken, no.

WRIGHT: Okay.

STONE: Who was in there after us? The, the, who was all in there after us? After they took control of it, they said five, then said seven o'clock. They didn't even gain control after seven o'clock.

WRIGHT: They didn't make...

STONE: Did they have it shut down?

WRIGHT: They didn't make an entry until seven o'clock. But they...

STONE: Did they let anybody in there?

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WRIGHT: ...not long after the sear... No, they roped the place off and sealed it off. So no one went in for several hours. It wasn't until about, around seven that they actually went inside.

STONE: Okay, okay.

WRIGHT: But, uh... Back to when you started firing some rounds, you didn't see anyone that, you didn't see who it was, you didn't see an actual person that you were firing at. No, okay. So you couldn't have identified whether they were, uh, a cop or anybody else.

STONE: Uhm, I didn't, I didn't see 'em.

WRIGHT: You didn't see 'em.

STONE: Look what, uh, look what, uh, b-by the time they started shootin' at me, 'cause when I turned around, no, I didn't make it up that far the second time. But I almost got up around the corner the first time. Let's say the hallway to the living room was right here, the hallway was right. I almost made it around the corner the first time when I heard blasting... pop, pop... pop, pop, pop, pop, then I ran back, got the gun, and I went back up get, charged back in, and I didn't get halfway, far as I got the first did.

TETON: In the hall?

STONE: I didn't get as far as I went the first time. I...

TETON: Okay.

STONE: ...only got halfway. I just laid on the floor and just started doo, doo, doo, doo.

WRIGHT: So you're shooting from the floor?

STONE: (Unintelligible)... Huh?

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WRIGHT: Were you crouched or were you layin' down?

STONE: No, I was layin' down.

WRIGHT: You were layin' down?

STONE: Layin' down, yeah.

WRIGHT: Okay.

STONE: And then...

WRIGHT: Shootin', it went to the walls and floor?

STONE: I just know I heard, yep... uh, once I seen, I, I looked at her and seen bullets just tearin' in the wall, tearin' up, then I knew, yeah, there was bullets right here. They say this is, uh, you know, so I knew it's either charge up there, then to know that, you know, (choking up) have to move guys back there, sh... I he... I didn't hesitate (clears throat). I wouldn't, I wouldn't hesitate again either. Nope.

WRIGHT: Okay.

STONE: That's, uh, whatever happens, that's all me, uh... but, uh, so you know, you know, I only wish I had a dad there like that you know. They, them kids ain't got no dad.

WRIGHT: Yeah.

STONE: You know, they, you know, uh, I'm glad Bessie got (unintelligible)... and them kids right there, uh, and (unintelligible)... that turns out, you know, it's sad, but, you know, I s... uh, the reason why I dig on kids so much 'cause I didn't raise my daughters so many years all my life. Never been there one day for 'em. My oldest girl passed away, my daughter [REDACTED] he knows her.

WRIGHT: Yeah.

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STONE: Passed away, uh... (sniffs)

WRIGHT: Well, uh, you know, the kids are alright, uhm...

STONE: Yeah.

WRIGHT: ...plus you, plus the officers did get hit, you're probably aware of that.

STONE: Yeah.

WRIGHT: But, but they're gonna be alright too.

STONE: That's good, that's good, that's good, yeah.

WRIGHT: Okay. So...

STONE: Uh...

WRIGHT: Everything, everyone's gonna, gonna be okay.

STONE: What about Maria, she's still, or she bombed out or what's this again with her then?

WRIGHT: I have not talked to her. I don't know what her status is.

TETON: Yeah, I don't know either.

STONE: Yeah. Uh, what about, uh, what about my family then, they're all, well, uh... wh-when are we, when is this gonna get pled. See once you guys, see this is not, 'cause now I, I can be charged for whatever. I, I'll probably be charged for whatever, But who's gonna say that these officers, uh, they could lie, point blank to you guys and say that they announced themselves. I know for a fact they didn't. Maria knows for a fact they... But they could lie to you guys and you guys say, oh, okay, well we gotta believe their word. See what I mean, see what I mean, no, are they sayin' that they announced?

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WRIGHT: We don't have to, we don't have to believe their word (unintelligible)...

(Overlapping unintelligible conversations)

STONE: You don't?

WRIGHT: I didn't do the personal interviews of the officers. Uhm...

STONE: (Unintelligible)... uh, tell 'em that they're willing to take... I would, I'll take a lie detector right, right now, I'll take it. Ask 'em if they are, ask 'em if they are.

WRIGHT: Yeah, but we don't necessarily have to believe them. What we look for, and, and someone else is doing, the same Chubbuck PD will not do the, the investigation end of this.

STONE: That's good.

WRIGHT: 'Cause there's a conflict obviously.

STONE: Yeah.

WRIGHT: So another agency will be performing that investigation, and they, they look at the statement of the officers, but they also look at all the other facts involved, and lookin' at your story and Maria's story and how they line up, uhm, you know, so, uh, and the facts to back up...

STONE: And with kid...

WRIGHT: ...your story are most important.

STONE: With kids in the house, come on, let's not... they're talkin', I'm readin' about it in the papers, they were talkin' about, uh, uh, makin' us look like... why don't they start sayin' the kids were in the house too? Why don't they say

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that? Then let the people see the real, what was real, you know.

TETON: (Unintelligible)...

STONE: Uh, yeah, exactly. They're makin' it sound like, oh, these, these, they were fired upon, uh, uh, friendly fire or whatever. Why don't they say, hey, do you know what, there was kids in that house too. You know, there's a lot of things like that, you know.

TETON: You just gotta be careful about the, what you read and see in the news though, because it's always slanted toward one person's opinion or some other...

STONE: Yeah.

TETON: ...whoever is givin' the news...

STONE: Yeah.

TETON: ...is slanting it toward whatever they want because of the (unintelligible)...

WRIGHT: Exactly.

TETON: But the truth eventually comes out and...

WRIGHT: Yeah.

STONE: Well let's, let's hope the truth, uh, let's hope that these, some of them officers admit to their wrongs that commit or that, that morning, you know. (Sniffs) I'm glad nobody got killed, hey, I'm glad I didn't get killed, and we got none of the kids, you know. Nobody got killed. I'm glad that no, no one was killed. You know, uh, you know, uh, come on, if they would arrest, search for drugs, then search for drugs, if they want to search for weapon, take me back to Arizona, hey, no problem. Eight months, come on, eight months. Don't come in shootin', don't come in threatening, you

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Faron Stone

, On 05/17/2005 , Page 46

know... All we knew, uhm, honestly my feeling was (sniffs) that (unintelligible)... right then and there. That's what I thought. And that's why I reacted. I, if I'd of known that was police officers, hell no, I wouldn't have fired, you know. I been around the system long, I been (unintelligible)... long enough to know (sniffs) you ain't even, you know, you ain't gonna walk through that. You've, shoot officers you're, you're pretty much done, you know, just, you know, you're done.

WRIGHT:

(Unintelligible)...

STONE:

So I know that, you know, so, but wh..., uh, you know, right now, uh, I won't, you know, go against police officers, not unless I know I'm being threatened. If I know I'm being threatened, I don't care who you are or what, I'm bein' threatened, or me and my people's bein' threatened, that's the only time will I, you know what I mean, it threatens, a life threat, not a just a threat, you know, a life threat, you know. I've been beat up by BOC guards so many times, dude, I've been poisoned by 'em, I been, you know, hurt, serious stuff, you know. Well this is serious too, but I'm sayin' (sniffs), you know, there's a point in everybody's life where you make that stand for yourself and, and, what your, your beliefs are, you know. Uh, they've taken religious stuff of ours and just stomped it in front of us, like, you know... (breaking up) you know, things that is, they don't think it's serious, but it is serious.

WRIGHT:

Uh-huh.

STONE:

You, know, uh (sniffs) and Beavis have our handcuffed, you know, torched, you know, this is stuff you don't hear about pri... the prisoner stuff, you know, but (sniffs) a lot of stuff I (unintelligible)...

(Background noise)

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WRIGHT: Uh-huh.

STONE: Thank God they made a good, good, uh, Marine or somethin', but, uh, 'cause my beliefs are strong too, 'cause I stand up for it all the way. (Sniffs)

WRIGHT: Uh-huh.

STONE: You know, that's what I feel in my heart, I, I have a (unintelligible)..., I feel like, but, uh, you know, for military, I know I'm not in jail for the, for the chaos, I'm, I'm down for, you know, uh, the, uh, the right way, you know. Uh, raised to believe the right way, so (sniffs)....

WRIGHT: Okay.

STONE: This right here, right, you know...

WRIGHT: Yeah.

STONE: ...it's, it's unfortunate it happened, but...

WRIGHT: Yeah (unintelligible)...

STONE: ...but hopefully the truth will come out in this right here, so...

WRIGHT: And, and that's why we're here to talk about it and, do you have anymore questions?

TETON: No. I think...

WRIGHT: We appreciate you sittin' down with us and talkin' again, uh, we're gonna bring in, make sure you get medical treatment for that...

STONE: Yeah.

WRIGHT: ...bite. I want to mention that...

STONE: Yeah.

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Faron Stone, On 05/17/2005 , Page 48

WRIGHT: ...on tape, so...

STONE: Look at that.

WRIGHT: It looks like, it does look like a spider bite to me and it does need medical treatment.

STONE: (Unintelligible)... (sniffs). I been showin' 'em, I been lettin' 'em know, you know, and that's why I'm doin' that, you know. I, well, I might be in (unintelligible)... right, in, in Bannock, where their believin' their officers, uh, did all this, was that, well, they're believin' that they, they didn't do nothin' wrong. They're believin' that we're the ones that did everything wrong, you know.

WRIGHT: Well, and that's part of the reason I'm glad you're bein' truthful with us, Faron, because...

STONE: I'll tell you guys right now too, if there's, if, if there's, if there's wrongdoing I ain't gonna just lay down, uh, I can't just lay, I don't care what's all at stake, I, I'll, I'll do what I gotta do, man, I'm tellin' you guys, I'm not, I'm not a punk, you know, and they can harass me, mess with my head what, over, and over, and over, and over, and they ain't gonna, I won't put up with it for long.
(Unintelligible)... take that
(unintelligible)... It's not right to say it, but I'm tellin' you guys, point blank, that's how I am.

WRIGHT: Okay.

STONE: I know who I am and I've been through this before and, and for me to suffer, and, and, and, and be (unintelligible)... you gotta see (unintelligible)... failed, man, come on, you know, uhm, at least ask for my, uh, until proven, you know.

WRIGHT: Yeah, exactly.

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STONE: Until proven guilty, at least let, your federal, you got, you got saved. At least let 'em know, man, I ain't (unintelligible)...

WRIGHT: We're gonna let, we're gonna talk to 'em, we'll find out. Realize that these are cops, essentially, and they think their, their buddies have been fired upon.

STONE: Yeah.

WRIGHT: And that's all they really know at this point, because they're not doin' the investigation, and they're readin' the same newspapers that you're readin'...

STONE: Yeah.

WRIGHT: ...and they kind of get a slanted view. But now we know the truth, let, give some time for the truth to come out and, and so everyone knows exactly what happened. So, uh, try to re... you know, I know it's hard, and it's easier said than done, like you said, but try to keep some restraint and not make matters worse for you, okay?

STONE: Yeah. (Sniffs)

WRIGHT: Okay.

STONE: (Sniffs) You know what, I appreciate that though.

WRIGHT: Yeah.

STONE: Anything you guys can do I appreciate it.

WRIGHT: Okay.

TETON: Alright, that'll conclude this interview. It's approximately three fifty-five p.m. on that date, March thirteen, two thousand and five.

(End of recording)

FORT HALL POLICE DEPARTMENT
Incident Report 253232
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COPY

Received 02:05 Dispatched 02:05 Arrived Cleared 05:03

Date 05-07-05 Dispatcher T629 Jur. Grid Sector Map

Location
Complainant CPD
Address CPD
Phone

Veh. Lic. 4B55710
Tow Company

NCIC Rep. 7699 Assist Other Jurisdiction Free Text

Notes/Other Information

At 0144 hrs. Dispatch copied CPD traffic. Officer advised he has just been shot in the shoulder and the suspect is heading behind Smiths on foot. Officers were advised of the shooting.

At 0147 hrs. Dispatch copied CPD traffic. Shots Fired, units are taking hits, 2 Units have been hit, shots are coming from within a mobile trailer behind Smiths. Officers were advised.

At 0147 hrs. CPD Officer advised there is a Maroon Tahoe moving from the residence very slowly with no lights on, Officer advised not to shoot at it, unknown who is inside the vehicle at this time. Officers were advised. Sgt. Rodriguez advised Units will be enroute to Reservation.

At 0149 hrs. CPD Officers advised the vehicle is now moving towards Yellowstone, still has no lights on. Officers were advised.

At 0204 hrs. CPD Officer advised the vehicle is now NB on Yellowstone. Contact Fort Hall and advise. Officers were advised, Sgt. Rodriguez advised units have arrived to Reservation and Hwy 91. Will be standing by.

At 0205 hrs. LL from CPD Sheri advised registration on a 4B55710- Red 97 Chevy Tahoe to Clarice or Harrison Villa Marshall road Fort Hall ID 83203. Exp 83203. NCIC clear. Advised her Fort Hall has been copying traffic, my units are staged at Reservation and Hwy 91 right now. She advised she will keep Fort Hall updated on the vehicle as it comes in. Officers were advised of the Registration information.

At 0233 hrs. LL to CPD requested an update. Sheri advised no update at this time on the vehicle. Officers were advised.

At 0234 hrs. Dispatcher Morgan LL to Chief Gibson and advised him of the situation.

At 0236 hrs. Dispatcher Morgan LL to Captain Trahan relayed information.

At 0238 hrs. Dispatcher Morgan LL to CI Roberts and relayed information.

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At 0301 hrs. LL from ISP Tom Sellers requested to know if our Officers will check at the address givin on the Registration to the Tahoe, and contact him at 243-4291 and advise him. Officers were advised.

At 0302 hrs. Sgt. Rodriquez and Officer Massey Enroute to Bench & Marshall.

At 0319 hrs. Sgt. Rodriquez advised to go to Channel 4, advised units are almost to the residence. Will be on Bench road just south of Bakers Bridge.

At 0327 hrs. Sgt. Rodriquez advised Units had negative contact. Advised to contact Tom Sellers and relay information. Back to main.

At 0327 hrs. LL to Tom Sellers w/ISP at 243-4291 Negative contact. Left message will be making contact with dispatch to relay information.

At 0327 hrs. LL to ISP and relayed information to Katie. She advised she will relay to Tom.

At 0330 hrs. Sgt. Rodriquez back to CH 4. advised units will be pulling back into the residence to check for the vehicle.

At 0334 hrs. Sgt. Rodriquez advised negative contact. Back to main. Units bar.

At 0344 hrs. LL from Sheri w/CPD. Advised the r/o of the trailer they are out at is Georgette Running Eagle, requested to know if we had a current address on her other than a PO Box. Advised negative. She stated she has just located her address in the phone book.

At 0409 hrs. LL from Tom Sellers w/ISP, requested to contact CI Teton and have him call him on his cell right away.

At 0410 hrs. LL to CI Teton and relayed information.

At 0434 hrs. LL from Katie w/ISP advised 2 Officers were shot, one in the shoulder and the buttocks and one in the chest who may have to have surgery. Both Officers are alive. Officers were advised.

At 0450 hrs. CI Teton In Service, to assist ISP.

At 0450 hrs. CI Roberts In Service to assist ISP.

At 0450 hrs. Dispatcher Morgan LL to Chief Gibson and relayed update.

At 0503 hrs. Dispatcher Morgan LL to Captain Trahant and relayed update.

~~Units/Officers~~

T731 203 SGT, JESSE RODRIGUEZ
527 207 MASSEY, MARK
736 199 TETON, PATRICK
T728 198 ROBERTS, JOSEPH

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T422 200 CHIEF, JIM GIBSON
T822 202 TRAHANT, WILLIAM C

NCIC Ver. 7699 Assist Other Jurisdiction Free Text
Disposition 1 EXCEPTION
AI FHED
Case Number 3232

**FORT HALL POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
POLICE CASE REPORT # 253232
CID CASE # FH-05-39**

OFFICERS NARRATIVE:

On May 9th of 2005 at approximately 06:02PM, I Criminal Investigator Patrick B. Teton assisted Idaho State Police Detectives Kempf and Hansen with the interview of Faron Stone at the Bingham County Sheriffs Department.

STONE was read his Miranda Rights by Detective Kempf and he signed the Miranda Form. STONE told Detective Kempf that he was willing to talk but he would only talk with Fort Hall and a Federal Officer. I asked STONE if he would be willing to talk with me and a Federal Officer and he said yes.

Detective Kempf and Detective Hansen left the interview room and United States Marshall Don Hall entered the room. Marshall Hall introduced himself to STONE and he agreed to be interviewed.

Faron Stone stated the following during his interview:

He stated that on Friday night which would have been May 6th he and Maria Villa and her children were driving around in Fort Hall. He said they returned to their trailer in Chubbuck at approximately 02:00AM or sometime in that vicinity he couldn't remember the exact time, which would have been on May 7th.

He said that they went into the trailer and put the children to bed. Then he and Maria went into their bedroom and Maria started to listen to a Spanish CD. He said they were in their room and Maria told him that she could hear voices outside the trailer like someone was talking and she told Faron that someone was outside.

He said that he told her to let whoever it was come to the door and knock. He said that Maria told him to go and check who was outside and he said that he started to walk to the front door and he heard a boom and then he heard gun fire, and then an explosion. He said that he ran back into the room where Maria was at and he told her to get on the floor they were shooting.

STONE then stopped talking and said he did not want to tell us the next part of the story until he talked with an attorney. STONE did say that he was willing to tell us the rest of the story, but he would have to leave that part out.



**FORT HALL POLICE DEPARTMENT
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CID CASE # FH-05-39**

Faron Stone interview continued:

Marshall Hall and I did not ask STONE any questions he voluntarily told us the following information:

STONE said that after the shooting stopped the trailer was filled with smoke and he couldn't see anything because he had turned off the lights, so he has a flashlight and he was shining it down the hallway to see if anyone had come into the house but he did not see anyone.

STONE said that he didn't know who was shooting at him and that he thought it was some guy named Jose. He said that Jose had threatened to kill Maria so he thought that it was him shooting at them. He said that Maria was scared of Jose and she had bought some guns for protection. He said that he told Maria that he was a felon and couldn't be around guns.

STONE said that the news got it all wrong because they did not leave the house out the backdoor; they went out the front door. STONE said that he walked toward the back door and looked out the window and he saw a battering ram and a tool he thought was used to pry open a door, he said they were lying on the steps; he said the back door was closed.

STONE said that he went to the room where the kids were sleeping and grabbed them and they all walked out the front door and got inside of the Tahoe. He said they drove away from the trailer by Smiths and he saw what he thought was an unmarked police car, a fire truck, an ambulance. He said that he didn't see any police; he did see a white blazer and a police officer hiding behind it. He said that as they were driving away from the trailer there was a state police car parked in the roadway with its lights on.

STONE said they pulled up to the police car and stopped but there was no police officer in the car so they drove passed it. He said that he was surprised that they didn't get stopped by the police.

STONE said they drove to his mother's house and told her what had happened and asked her if they could get some milk for the babies. He said after they left his mothers house they were going to go to Maria's mom's house but they seen some headlights driving real fast toward her house so they didn't go over there. He said that he and Maria were freaking out.



**FORT HALL POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
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Faron Stone interview continued:

STONE then stated that he wanted to know why the police didn't say they were the police, and why they didn't say they had a warrant. He also wanted to know why the police shot into the house when there were children inside sleeping.

At approximately 06:20PM I asked STONE if he would like something to drink and he said he wanted some water so we went to get him some water.

We resumed the interview at approximately 06:23PM. STONE then stated it was a close call there were bullets flying all around him; he said that the police shot first. The interview concluded at approximately 06:30PM.

**END OF INTERVIEW REPORT
PBI-199
ON 05/10/05**



**Patrick B. Teton
Criminal Investigation Supervisor
Criminal Investigation Division
Fort Hall Police Department**

05/18/05
09:29

Detail Incident Report

Page: 649
1

Incident #: 05-C2188

LAW INCIDENT:

Nature: SEARCH WARRANT Address: 211 CIRCLE INN ST; #24
Location: AREA #4 CHUBBUCK City: Chubbuck ST: ID Zip: 83202

Offense Codes: WRSR CSPO CSPP ASPF
Received By: CHERI EDWARDS How Received: Officer Report Agency: CPD
Rspndg Officers: ADAM ANDERSON MATT GALLOWAY ROB BUTTERFIELD FARLEY M
Rspnsbl Officer: MARTY FRASURE Disposition: Clrd Adult Arrest on 05/17/05
When Reported: 01:42:47 05/07/05
Occurred: Between 01:42:47 05/07/05 and 08:34:41 05/07/05

VICTIMS:

NAME: BALLARD, MIKE [REDACTED] Name Number: 135716
Race: W Sex: M DOB: [REDACTED] SSN: - -
Address: 5160 YELLOWSTONE; CHUBBUCK PD, CHUBBUCK, ID 83202
Home Phone: () - Work Phone: (208)237-7172

NAME: HILL, PHIL [REDACTED] Name Number: 161532
Race: W Sex: M DOB: [REDACTED] SSN: - -
Address: 5160 YELLOWSTONE AV; CHUBBUCK POLICE, Chubbuck, ID 83202
Home Phone: (208)237-7172 Work Phone: (208)237-7172

PROPERTY INFORMATION:

Item Type: SYRINGE Property Number: 22259
Item/Brand: HYPODERMIC Model:
Serial Number: Color: /
Characteristics:
Quantity: 1 Meas: Total Value: 1.00
Local Status: Evidence in Storage
Owner ID Number: C200766 Owner Name: STONE, FARON

Item Type: BAGGIES Property Number: 22260
Item/Brand: W/ WHI RESIDUE Model:
Serial Number: Color: /
Characteristics:
Quantity: 6 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: C200766 Owner Name: STONE, FARON

05/18/05
09:29

Detail Incident Report

Page: 649
2

Incident #: 05-C2188

Item Type: STRAW Property Number: 22261
Item/Brand: W/ WHI RESIDUE Model:
Serial Number: Color: /
Characteristics:
Quantity: 2 Meas: Total Value: 1.00
Local Status: Evidence in Storage
Owner ID Number: C200766 Owner Name: STONE, FARON

Item Type: SPOON Property Number: 22262
Item/Brand: IN BLK BAG W/ Model: WHITE RESIDUE
Serial Number: Color: /
Characteristics:
Quantity: 1 Meas: Total Value: 1.00
Local Status: Evidence in Storage
Owner ID Number: C200766 Owner Name: STONE, FARON

VEHICLE INFORMATION:

Owner ID Number: C223292 Owner Name: VILIA CLARICE
Vehicle Number: 23972 License Plate: [REDACTED]
VIN : 1GNEK13R5VJ389923 State: ID Expires : 06/30/05
Year: 1997 Make: CHEV Model: TAHOE Type: Color: MAR / Doors: 0
Value: 0.00 Characteristics:

NARRATIVE:

Tue May 17 21:20:07 MDT 2005, Officer Anderson/AKP/Corel

On May 4, 2005 I applied for and obtained a No Knock Daytime/Nighttime Search warrant for 211 Circle Inn #24 signed by the Honorable Judge Carnaroli to search the residence for drugs and drug paraphernalia and other related items.

On May 6, 2005 while I, along with Officer Gilbert of the Chubbuck Police Department, were conducting surveillance on 211 Circle Inn #24, we observed several vehicles coming and going from the trailer. One of these vehicles was found to be a stolen vehicle, see LI #05-C2178. During that incident the

05/18/05
09:29

Detail Incident Report

649
Page: 3

Incident #: 05-C2188

suspect was arrested for being in possession of 21.1 grams of suspected methamphetamine.

Further surveillance of the residence revealed that it was being occupied by Faron Stone and Maria Villa with Villa's two young children living there.

On May 7, 2005 at approximately 1:46 am officers from the Chubbuck Police SRT attempted to serve the warrant at 211 Circle Inn #24. Upon making entry into the trailer, officers began taking on gun fire from a subject inside the trailer, later found to be Faron Stone. During the incident, Detective Corporal Mike Ballard and Officer Phil Hill were shot. Due to the gun fire, officers were unable to gain entry all the way into the trailer. We backed out of the trailer and called for additional assistance. The incident and warrant service was then turned over to a Multi-Jurisdictional team led by Idaho State Police Detective Tom Sellers. See Idaho State Police case number #Z05000046.

On May 13, 2005 I was contacted by Det. Sellers who advised me that he wanted to turn over some drug evidence that had been seized from 211 Circle Inn #24 in accordance to the warrant. Officer Dana May of the Chubbuck Police Department responded to Det. Seller's office where he obtained the evidence. Officer May then transported the evidence to the Chubbuck Police Department and handed it to me. This evidence was found in various rooms throughout the trailer.

This evidence included:

- approximately seven small zip-loc baggies with white residue suspected to be methamphetamine
- a spoon with white residue suspected to be methamphetamine
- a small black rag with white residue suspected to be methamphetamine
- two cut drinking straws with white residue suspected to be methamphetamine
- one syringe

I tested the white residue from the spoon with a NIK kit which was witnessed by Officer Tyler Teuscher of the Chubbuck Police Department. The result showed a presumptive positive for methamphetamine. I therefore request warrants be issued for both Faron Stone and Maria Villa for Felony Possession of Methamphetamine.

SUPPLEMENTAL NARRATIVE:

IBR sent 051705 akp vrls pending arrst

ORIGINAL

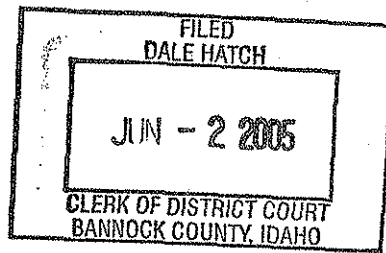
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

MAGISTRATE DIVISION

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
FARON STONE aka LEMUEL MYRON STONE,)
518-72-3187)
09-25-64 aka 01-02-66)
)
Defendant.)

DOCKET # CR-2005-8728 FE

MINUTE ENTRY AND ORDER



- An Affidavit of Probable Cause
- Complaint
- Citation
- Sworn Statement

having been presented to the undersigned magistrate on this date charging the Defendant with the crime(s) of:

- 2 COUNTS AGGRAVATED BATTERY UPON A LAW ENFORCEMENT OFFICER, Idaho Code §18-903, 18-907(1)(a) and 18-915
- 1 COUNT POSSESSION OF A CONTROLLED SUBSTANCE, METHAMPHETAMINE, Idaho Code §37-2732(c)(1)
- 1 COUNT UNLAWFUL POSSESSION OF A FIREARM, Idaho Code §18-3316

A WARRANT OF ARREST is issued setting bond in the amount of \$_____.

A SUMMONS is issued requiring the Defendant to appear to answer to the charge(s) on _____.

A PROBABLE CAUSE determination is made:

- defendant is released O.R.
- requiring incarceration of the defendant:
- bond(s) is/are set in the amount(s) of: \$ 100,000.00
- bond(s) is/are to be determined at arraignment.

IT IS SO ORDERED this 2 day of June, 2005, and signed at 9:25 o'clock A.M.

Theresa Casanova
SIXTH DISTRICT MAGISTRATE JUDGE

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

STATE OF IDAHO,

Plaintiff,

VS

Case # SK-05-8228
Date: 6-3-05
Judge: D. J. [Signature]

Juan [Signature]
Defendant AKA

Upon a law enforcement officer's report of possession with intent to distribute marijuana of a firearm

Page # 15 Beginning 198 End: 115

APPEARANCES:

- Defendant with Attorney: _____
- Interpreter: _____ Prosecutor: _____
- The Defendant is informed of the charges against him/her and all legal rights, including the right to counsel
- Requested Court Appointed Counsel, the Court appointed denied the Public Defender;
- Will Obtain Own Counsel.
- Waived reading of complaint
- Requested reading of complaint.
- PRELIMINARY HEARING:
- Statutory time waived Preliminary Hearing Set June 13, 15

at 1:30 p.m. before Judge [Signature], Room # 315
in Pocatello, Bannock County, Idaho.

Defendant shall contact the Public Defender immediately and schedule an appointment.

OTHER: _____

BAIL SET \$100,000.00

RELEASED: _____ Condition of Release: _____

FILED
DALE HATCH
JUN 6 2005
CLERK OF DISTRICT COURT
BANNOCK COUNTY, IDAHO

Dated: June 3, 2005

Robert C. [Signature]
Judge

[Signature]
Defendant

cc: Defendant Mailed Hand Delivered
Attorney for Defendant Mailed Hand Delivered
Prosecuting Attorney Mailed Hand Delivered

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a copy of the foregoing Court Arraignment Minutes on the 3 day of June 2005 as hereinbefore indicated in these minutes.

[Signature]
Deputy Clerk

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.

Defendant.

Charge/Case No. CR-05-8928

ORDER TO MEET WITH
PUBLIC DEFENDER

FELONY CHARGE(S)

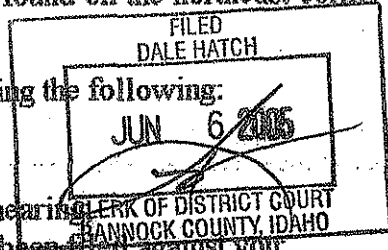
YOU ARE HEREBY ORDERED to meet with the Public Defender:

Tuesday, on _____, 200__ at _____ p.m.
Thursday, on _____, 200__ at _____ p.m.
Tuesday, on June 7, 2005 at 2:30 p.m., IF
YOU BOND OUT OF JAIL.

The Public Defender's office is located in the brick building found on the northeast corner of the parking lot of the Courthouse facing Clark Street.

When you appear for your appointment, you are ordered to bring the following:

- * The date and time of your preliminary hearing;
- * The name of the judge who will be hearing your preliminary hearing;
- * Any information regarding the specific felony charge that has been filed against you;
- * The names and addresses of witnesses who can help you in your defense.



If you do not appear for this scheduled appointment, the Court will revoke your O.R. release or will revoke your bond and will issue a warrant for your arrest.

The secretary in the Public Defender's office is ordered to notify the Court in writing if you fail to appear for this scheduled appointment.

IT IS SO ORDERED this 3 day of June, 2005

Judge Robert C. Noyes

RECEIPT

I HEREBY ACKNOWLEDGE that I have read and received this Order to Appear this

3 day of June, 2005.

Defendant Jerome [Signature]

DON T. MARLER
Attorney at Law
P.O. Box 4747
Pocatello, ID 83201
Telephone: (208) 233-4121
Facsimile: (208) 2334174
Idaho State Bar No. 6119

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2005 JUN -8 PM 4: 27

BY _____
DEPUTY CLERK

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.

FARON STONE,

Defendant.

Case No. CR-2005-8728-FE

**REQUEST FOR DISCOVERY
AND INSPECTION**

TO: BANNOCK COUNTY PROSECUTOR

PLEASE TAKE NOTICE that the above-named Defendant, Faron Stone, by and through his attorney of record, Don Marler, pursuant to Rule 16 of the Idaho Criminal Rules requests discovery and inspection of the following information, evidence, and materials:

1. **STATEMENT OF DEFENDANT:** Inspection and copy or photographing any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral

REQUEST FOR DISCOVERY
Page 1

statements made by the Defendant whether before or after arrest to a peace officer, prosecuting attorney or his agent; and the recorded testimony of the Defendant before a grand jury which relates to the offense charged.

2. STATEMENT OF CO-DEFENDANT: Inspection and copying or photographing any written or recorded statements made by any Co-Defendant; and also the substance of any relevant oral statements made by any Co-Defendant whether before or after arrest in response to interrogation by any person known by the Co-Defendant to be a peace officer or agent of the prosecuting attorney.

3. DEFENDANT'S PRIOR RECORD: Furnishing of such copy of the Defendant's prior criminal record, if any chance is now or may become available to the prosecuting attorney.

4. DOCUMENTS AND TANGIBLE EVIDENCE: Inspecting and copying or photographing books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney and which are material to the preparation of the defense, or intended for use by the prosecuting attorney has evidence and trial, or obtained from or belonging to the defendant.

5. REPORTS OF EXAMINATIONS AND TESTS: Inspecting and copying or photographing any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with this case, or copies thereof, within the possession, custody or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence.

6. STATE WITNESSES: Furnishing of the written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at

trial, together with any record of prior felony convictions of any such person which is within the knowledge of the prosecuting attorney. In addition to the names and addresses of witnesses which the State may call to testify at trial, Defendant specifically requests the nature and substance of the testimony from each of said witnesses. Furnishing of statements made by the prosecution's witnesses, or prospective prosecution witnesses, to the prosecuting attorney or his agents or to any official involved in the best investigatory process of the above case unless a protective order is issued as provided in rule 16 (k).

7. **POLICE REPORTS:** Furnishing reports and memoranda in the prosecuting attorney's possession which were made by a police officer or investigator in connection with the investigation or prosecution of the above case.

8. **POLICE PROCEDURE:** The prosecuting attorney shall set forth in detail the acts, conduct and procedure followed by any peace officer or agent of the prosecuting attorney at the time of any contact with the Defendant specifically indicating warnings against self-incrimination, right to counsel, or any advice, threats, promises, or statements made to the Defendant including date, time, place in the names in addresses of all persons present.

9. **CONTINUING REQUEST:** This is a continuing request and the prosecuting attorney shall file supplemental responses and serve the same upon the Defendant's attorney as may from time to time be required to correctly set forth all further in different information obtained by the prosecuting attorney.

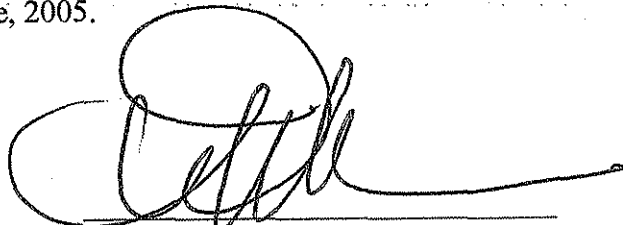
10. **EXCULPATORY EVIDENCE:** The Defendant requests to inspecting and copy or photograph, or otherwise be furnished, any information and material known to the Plaintiff, or its agents or investigators, or the attorney for the Plaintiff or available to the State through due

diligence, which could or may be exculpatory with regard to the guilt of the Defendant, which could or may be favorable to defendant on the issue of punishment.

11. **EVIDENCE:** Information admitted from such responses and from supplemental responses shall be offered or admitted in evidence at trial of this action, except for good cause shown to the satisfaction of the Court. If the matter so admitted was not known to, or available to the prosecuting attorney by the exercise of due diligence and that the offering thereof, or the admitting thereof in evidence will not constitute undue surprise to such Defendant or prejudice the right of the Defendant to a fair trial it shall be admitted into evidence.

The undersigned requests responses and copies of all documents within 14 days, at P.O. Box 4747 Pocatello, Idaho 83205. The Defendant further provides notice that the State, pursuant to Rule 16 of the Idaho Criminal Rules, has a continuing duty to supplement discovery responses and has a duty to exercise due diligence in the gathering and discovering of the evidence requested.

Dated this 8 date of June, 2005.

A handwritten signature in black ink, appearing to read 'Don T. Marler', written over a horizontal line.

Don T. Marler
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Pocatello, Idaho; that on the 8 day of June, 2005, I served a true and correct copy of the following-described pleading or document on the party listed below:

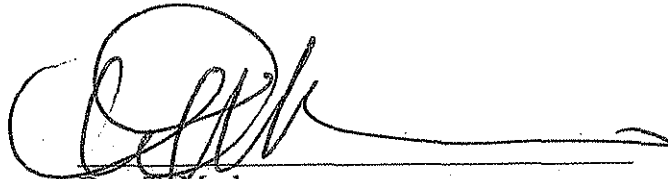
Document Served: **REQUEST FOR DISCOVERY AND INSPECTION**

Party Served:

Method of Service:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

U.S. Mail – postage prepaid
 Hand-delivery
 Fax



Don T. Marler
Attorney for Defendant

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

FILED
DALE HATCH
JUN 15 2005
CLERK OF DISTRICT COURT
BANNOCK COUNTY, IDAHO

STATE OF IDAHO,)

Plaintiff.)

vs.)

Faron Stone)
Pocatello, ID, 83201)

Case No: CR-2005-0008728-FE

Defendant.)

DOB:)

DL or SSN:)

**MINUTE ENTRY AND ORDER
BINDING DEFENDANT OVER
TO DISTRICT COURT**

The above-entitled matter was before the court on Monday, June 13, 2005 for preliminary hearing on the charges of 2 COUNTS AGGRAVATED BATTERY UPON A LAW ENFORCEMENT OFFICER, Idaho Code Sections 18-903, 18-907(1)(a) and 18-915; 1 COUNT POSSESSION OF A CONTROLLED SUBSTANCE, METHAMPHETAMINE, Idaho Code Section 37-2732(c)(1); and 1 COUNT UNLAWFUL POSSESSION OF A FIREARM, Idaho Code Section 18-3316. The Honorable Robert C. Naftz presided. The State was represented by Dennis Paul Wilkinson. The defendant appeared in person and through counsel, Don Marler.

The state called the following witnesses, Lieutenant Martin Frasure, Detective Michael Ballard, Officer Phil Hill, Detective Tom Sellers and Detective Pat Teton. The State did not introduce any exhibits.

The defendant did not call any witnesses but introduced an exhibit consisting of a sketch of the scene of the alleged crimes otherwise known as Defendant's Exhibit 1.

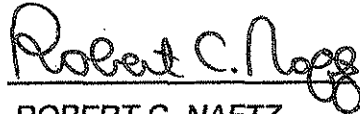
The court reviewed counsels' argument, evidence and testimony presented and concluded the public offenses listed above were committed in Bannock County, and found reasonable grounds to believe the defendant committed said offenses.

IT IS THEREFORE ORDERED that the defendant be bound over to the district court and held to answer to the charges listed above.

Bond status: The defendant's bond is currently set in the amount of \$100,000. The defendant was remanded back to the custody of the Bannock County Jail pending further proceedings.

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

IT IS SO ORDERED this Wednesday, June 15, 2005.

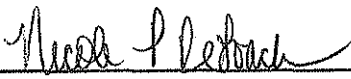


ROBERT C. NAFTZ
MAGISTRATE JUDGE

I certify that on Wednesday, June 15, 2005 I served a true and correct copy of the foregoing **Minute Entry and Order Binding the Defendant Over to District Court** on the person(s) listed below by hand delivery or mail with correct postage.

Dennis Paul Wilkinson Bannock County Prosecutors Office P O Box P Pocatello, ID 83205	Don Marler
--	------------

Dale Hatch
Clerk Of The District Court

By: 
Deputy Clerk

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

DENNIS P. WILKINSON, ISB #6023
Chief Deputy Prosecutor

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2005 JUN 16 PM 12:35

BY 
DEPUTY CLERK

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-05-8728-FE
)	
vs.	)	PROSECUTING ATTORNEY'S
	)	INFORMATION
FARON STONE)	
aka LEMUEL MYRON STONE,)	
)	
Defendant.)	
_____)	

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 June, 2005, and gives the Court to understand and be informed
that FARON STONE aka LEMUEL MYRON STONE is accused by this information of the
crime of 2 COUNTS AGGRAVATED BATTERY UPON A LAW ENFORCEMENT
OFFICER, Idaho Code §18-903, 18-907(1)(a) and 18-915; 1 COUNT POSSESSION OF
A CONTROLLED SUBSTANCE, METHAMPHETAMINE, Idaho Code §37-2732(c)(1);
and 1 COUNT UNLAWFUL POSSESSION OF A FIREARM, Idaho Code §18-3316,
committed as follows, to-wit:

COUNT 1
AGGRAVATED BATTERY UPON A LAW ENFORCEMENT OFFICER
(Detective Mike Ballard)

That the said FARON STONE aka LEMUEL MYRON STONE, in the County of Bannock, State of Idaho, on or about the 7th day of May, 2005, did actually, intentionally and unlawfully touch or strike Detective Mike Ballard, a peace officer, against his will, by use of a deadly weapon or instrument.

COUNT 2
AGGRAVATED BATTERY UPON A LAW ENFORCEMENT OFFICER
(Officer Phil Hill)

That the said FARON STONE aka LEMUEL MYRON STONE, in the County of Bannock, State of Idaho, on or about the 7th day of May, 2005, did actually, intentionally and unlawfully touch or strike Officer Phil Hill, a peace officer, against his will, by use of a deadly weapon or instrument.


COUNT 3
POSSESSION OF A CONTROLLED SUBSTANCE, METHAMPHETAMINE

That the said FARON STONE aka LEMUEL MYRON STONE in the County of Bannock, State of Idaho, on or about the 7th day of May, 2005, did possess a Schedule II controlled substance, Methamphetamine.

COUNT 4
UNLAWFUL POSSESSION OF A FIREARM

That the said FARON STONE aka LEMUEL MYRON STONE in the County of Bannock, State of Idaho, on or about the 7th day of May, 2005, did purchase, own, possess and/or have custody or control of a firearm, 357 Magnum, while having been previously convicted of a felony.

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

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

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2005 JUN 16 PM 12:35

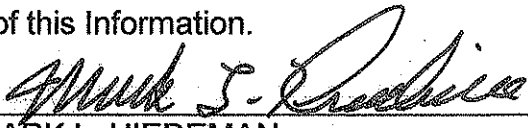
BY Caw
DEPUTY CLERK

DENNIS P. WILKINSON, ISB #6023
Chief Deputy Prosecutor

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

STATE OF IDAHO,)	
	)	CASE NO. CR-05-8728-FE
Plaintiff,)	
)	
vs.	)	PROSECUTING ATTORNEY'S
	)	INFORMATION
FARON STONE	)	PART II
aka LEMUEL MYRON STONE,)	
)	
Defendant.)	
_____)	

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 June, 2005, and gives the Court to understand and be informed that FARON STONE aka LEMUEL MYRON STONE is accused by Part II this information with having used a "firearm" as defined in §19-2520, Idaho Code, in the commission of the offense, charged in Part I, of this Information.



MARK L. HIEDEMAN
Prosecuting Attorney
Bannock County, Idaho

MARK L. HIEDEMAN
BANNOCK COUNTY PROSECUTOR
P.O. BOX P
Pocatello, Idaho 83205 0050
Telephone: 236-7280

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2005 JUN 16 PM 12:35

BY Caw
DEPUTY CLERK

DENNIS P. WILKINSON, ISB #6023
Chief Deputy Prosecutor

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-05-8728-FE
)	
vs.	)	PROSECUTING ATTORNEY'S
	)	INFORMATION
FARON STONE	)	PART III
aka LEMUEL MYRON STONE,)	
)	
Defendant.)	
_____)	

COMES NOW, MARK L. HIEDEMAN, Bannock County Prosecuting Attorney, 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 June, 2005, and gives the Court to understand and be informed that FARON STONE aka LEMUEL MYRON STONE, is accused by Part II of this INFORMATION with being a PERSISTENT VIOLATOR, as defined in Idaho Code §19-2514, in that the FARON STONE aka LEMUEL MYRON STONE, was previously convicted of the following felonies:

I

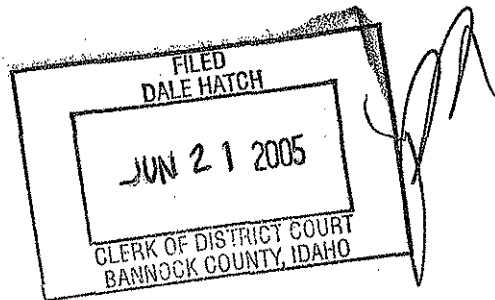
That the said FARON STONE aka LEMUEL MYRON STONE, was found guilty of the charge of AGGRAVATED BATTERY, Idaho Code §18-903 and §18-907, in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bingham, in Case No. 4050. Said offense constituting a felony under the laws of the State of Idaho, as evidenced by the Minute Entry and Order dated July 9, 1984.

II

That the said FARON STONE aka LEMUEL MYRON STONE, was found guilty of the charge of KIDNAPPING, Arizona Code §13-1304, in the Superior Court of the State of Arizona, in and for the County of Maricopa, in Case No. CR-1994-090624. Said offense constituting a felony under the laws of the State of Arizona as evidenced by the Minute Entry and Order dated January 23, 1995.



MARK L. HIEDEMAN
Prosecuting Attorney
Bannock County, Idaho



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

Register #CR-2005-0008728-FE

STATE OF IDAHO,)

Plaintiff,)

-vs-)

FARON STONE,)

Defendant.)

MINUTE ENTRY & ORDER

The above-named Defendant appeared in Court on the 20th day of June, 2005 with his counsel, Don T. Marler, for arraignment. Ben Harmer, Bannock County Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho.

When asked by the Court, the Defendant stated that his 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.

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 **II COUNTS AGGRAVATED BATTERY UPON A LAW ENFORCEMENT OFFICER, I.C. 18-903, 18-907(1)(a) and 18-915; I COUNT POSSESSION OF A CONTROLLED SUBSTANCE, METHAMPHETAMINE, I.C. 37-2732(c)(1); I COUNT UNLAWFUL POSSESSION OF A FIREARM, I.C. 18-3316 and PART II OF THE PROSECUTING ATTORNEY'S INFORMATION CHARGING THE DEFENDANT WITH HAVING USED A "FIREARM", I.C. 19-2520; and PART III OF THE PROSECUTING ATTORNEY'S INFORMATION CHARGING THE DEFENDANT WITH BEING A PERSISTENT VIOLATOR, IC. 19-2514.**

IT IS HEREBY ORDERED that the above entitled matter be and the same is hereby set for **JURY TRIAL** before the undersigned District Judge on **OCTOBER 4, 2005 AT THE HOUR OF 9:30 A.M.**

IT IS FURTHER ORDERED that the above entitled matter be and the same is hereby set for **PRE-TRIAL CONFERENCE** on **SEPTEMBER 26, 2005 AT THE HOUR OF 4:00 P.M.**

IT IS FURTHER ORDERED that the Defendant is hereby **REMANDED** back to the custody of the Bannock County Sheriff pending further proceedings.

DATED June 20, 2005.


N. RANDY SMITH
District Judge

Copies to:
Mark L. Hiedeman
Don T. Marler
Bannock County Jail

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

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2005 JUN 2 PM 4:20

BY 
DEPUTY CLERK

DENNIS P. WILKINSON, ISB #6023
Chief Criminal Deputy Prosecutor

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.)
)
 FARON STONE)
 aka LEMUEL MYRON STONE,)
)
 Defendant.)
 _____)

CASE NO. CR-05-8728-FE-B
REQUEST FOR DISCOVERY

TO: DON MARLER, P. O. BOX 4747, 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.

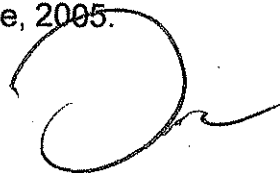
5. The names and addresses of expert witnesses the Defendant intends to call at trial, and the substance of the testimony of such witnesses.

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 Noon on **WEDNESDAY, THE 6TH DAY OF JULY, 2005**, or at such other date and time mutually agreed to by counsel.

DATED this 21 day of June, 2005.



DENNIS P. WILKINSON
Chief Criminal Deputy Prosecuting Attorney
Bannock County, Idaho

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY That on this 21 day of June, 2005, a true and correct copy of the foregoing REQUEST FOR DISCOVERY was delivered to the following:

DON MARLER
ATTORNEY AT LAW'S OFFICE
P. O. BOX 4747
POCATELLO ID 83205

mail -
postage prepaid
 hand delivery
 facsimile 233-4174



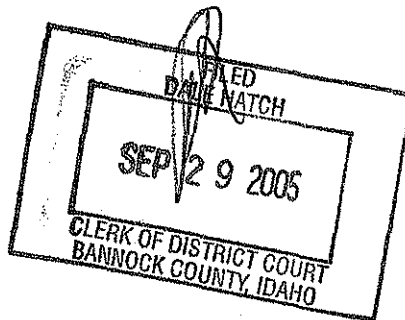
DENNIS P. WILKINSON

TRANSMISSION VERIFICATION REPORT

TIME : 06/21/2005 10:36
NAME : BANNOCK CO PROS OFC1
FAX : 2082367288
TEL : 2082367280

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

06/21 10:34
MEYERS/THOMPSEN
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STANDARD
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IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

Register #CR-2005-0008728-FE
STATE OF IDAHO,

Plaintiff,

-vs-

FARON STONE,

Defendant.

)
)
)
) MINUTE ENTRY & ORDER
)
)
)
)

The above-entitled matter came before the Court on the 26th day of September, 2005 for a pre-trial conference. Dennis P. Wilkinson, Bannock County Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho. Don T. Marler, appeared on behalf of the Defendant.

At the hearing, Mr. Marler advised the Court that he filed several motions with the Court on September 26, 2005 that still need to be heard. Mr. Marler advised the Court that the Defendant has filed a waiver of speedy trial and requested that the Court

Case No. CR-2005-0008728-FE
MINUTE ENTRY & ORDER
Page 1

place this matter on the next trial calendar. After discussion, the Court **GRANTED** the motion.

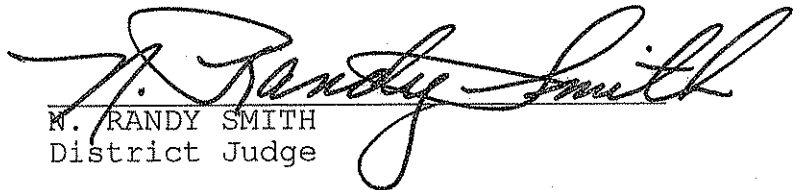
IT IS HEREBY ORDERED that the above entitled matter be and the same is hereby set for JURY TRIAL before the undersigned District Judge on DECEMBER 6, 2005 AT THE HOUR OF 9:30 A.M.

IT IS FURTHER ORDERED that the above entitled matter be and the same is hereby set for PRE-TRIAL CONFERENCE on NOVEMBER 28, 2005 AT THE HOUR OF 4:00 P.M.

IT IS FURTHER ORDERED that the Defendants motions shall be heard on WEDNESDAY, OCTOBER 5, 2005 AT THE HOUR OF 8:00 A.M. before the undersigned District Judge.

IT IS SO ORDERED.

DATED September 29, 2005.


N. RANDY SMITH
District Judge

Copies to:
Mark L. Hiedeman
Don T. Marler
Bannock County Jail

Case No. CR-2005-0008728-FE
MINUTE ENTRY & ORDER
Page 2

FILED
BANNOCK COUNTY
CLERK OF DISTRICT COURT
2005 SEP 27 PM 2:08

BY [Signature]
DEPUTY CLERK

DON T. MARLER
ISB # 6119
Attorney at Law
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile: (208) 233-4174

**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.)
)
FARON STONE,)
)
Defendant.)
_____)

Case No. CR- 2005-8728-FE

**MOTION FOR APPOINTMENT OF
DEFENSE CO-COUNSEL**

COMES NOW the Defendant, Faron Stone, by and through his attorney, Don T. Marler, in the above-entitled matter, and hereby motions the Court for appointment of defense co-counsel to represent him in the above criminal matter for the following reasons and good cause:

1. The State of Idaho has alleged four serious felony counts in its Information as well as Persistent Violator. Two of the counts charge Aggravated Battery Upon Law Enforcement Officers by use of a deadly weapon; to wit by shooting both officers with a firearm which is further alleged he possessed unlawfully.
2. Due to the serious nature of the charges, and the potential loss of liberty by the

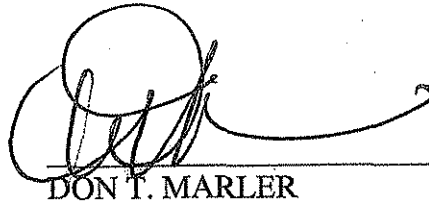
Defendant if convicted of any of the alleged charges, the likelihood of resolving this case without trial is very small.

3. By its nature, this case is a high profile case, as demonstrated by its presence in the forefront of the media. It is undisputed that this case will receive close scrutiny from the media and community. It is also undisputed that if this case is not provided the resources necessary to defend, it will receive close scrutiny.
4. By its nature and the extensive charges alleged, coupled with anticipated defenses which will be raised at the trial by the Defendant, this case will require the investigation and testimony of several State and Defense experts, which in turn will require several hundred hours of defense trial preparation and trial work.
5. It is anticipated that this trial will also require extensive legal work by the prosecutor's office, which the Defendant notes has multiple attorneys to which the State has access in the event additional prosecution resources are needed.
6. Defense counsel, Don Marler, is working for Bannock County as a sole independent contractor providing conflict public defender services, and as such has limited resources to address the requirements of high profile cases, especially those where the Defendant has been charged multiple serious charges which require multiple expert trial witnesses, extensive pre trial investigation, and multiple defense and State witnesses.
7. The Defendant attempted to raise money through his family and the Shoshone-Bannock Tribe to hire co-counsel, but was unable to raise retainer amounts

required by potential co-counsel.

8. The Defendant argues that if he could generate financial donations to pay for co-counsel he would do so, but because he has not been able to do so he remains indigent therefore must rely on the Court to appoint defense co-counsel.

DATED this 24 day of September, 2005.



DON T. MARLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing MOTION FOR APPOINTMENT OF DEFENSE CO-COUNSEL be delivered to the following by the method indicated:

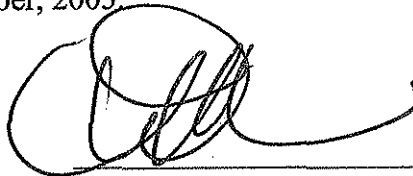
Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Honorable N. Randy Smith
District Judge
Bannock County Courthouse
624 E. Center
Pocatello, ID 83201

U.S. Mail – postage prepaid
 Hand-delivery
 Fax


Dated this 24 day of September, 2005



DON T. MARLER

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2005 SEP 26 PM 2:08

BY  DEPUTY CLERK

DON T. MARLER
ISB # 6119
Attorney at Law
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile: (208) 233-4174

**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.)
)
FARON STONE,)
)
Defendant.)
_____)

Case No. CR- 2005-8728-FE

**MOTION FOR APPOINTMENT OF
INDEPENDENT FINGERPRINT
ANALYSIS**

COMES NOW the Defendant, Faron Stone, by and through his attorney, Don T. Marler, in the above-entitled matter, and hereby motions the Court for appointment of an independent laboratory to perform fingerprint analysis on the items retrieved during the investigation that occurred at the residence located at 211 Circle Inn, #24, in Chubbuck, Idaho on or about May 7, 2005, for the following reasons and good cause:

1. The State of Idaho has alleged that the Defendant committed the crimes of shooting two police officers, as well as the crime of possessing a controlled substance, but during the subsequent investigation performed by the Idaho State Police fingerprint analysis and identification were not performed on either the

weapons seized, or other seized items associated with the controlled substances.

2. The Defendant argues that the presence of fingerprints could be meaningful exculpatory evidence to which he is entitled.
3. The Defendant also argues that because of the possible serious penalties associated with the crimes of two counts of Aggravated Battery Upon A Law Enforcement Officer, a maximum of twenty-five years prison for each count, Unlawful Possession of a Firearm, a maximum of five years prison, Extended Sentence For Use of Firearm or Deadly Weapon, a maximum of fifteen-years for two counts, and Possession of a Controlled Substance, Methamphetamine, a maximum of seven years prison, he is entitled to fingerprint analysis and further entitled to have such analysis to be performed by an laboratory independent of the State of Idaho.
4. The Defendant argues that if he had the financial means to pay for such independent analysis he would do so on his own, but because he is indigent he has to rely on the Court to order an analysis to be performed.

DATED this 26 day of September, 2005.



DON T. MARLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing MOTION FOR APPOINTMENT OF INDEPENDENT FINGERPRINT ANALYSIS be delivered to the following by the method indicated:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

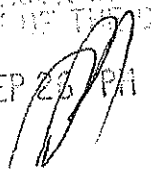
Honorable N. Randy Smith
District Judge
Bannock County Courthouse
624 E. Center
Pocatello, ID 83201

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Dated this 26 day of September, 2005.



DON T. MARLER

FILED
 BANNOCK COUNTY
 CLERK OF THE COURT
 2005 SEP 23 PM 2:08
 BY 
 DEPUTY CLERK

DON T. MARLER
 ISB # 6119
 Attorney at Law
 P.O. Box 4747
 Pocatello, ID 83205
 Telephone: (208) 233-4121
 Facsimile: (208) 233-4174

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

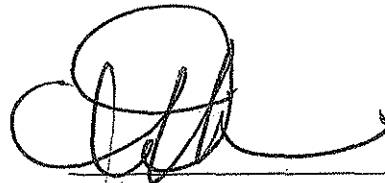
STATE OF IDAHO,)	
)	
Plaintiff,)	
	)	Case No. CR- 2005-8728-FE
vs.)	
)	
FARON STONE,	)	MOTION FOR APPOINTMENT OF
	)	INDEPENDENT LAB ANALYSIS
)	
Defendant.)	
)	

COMES NOW the Defendant, Faron Stone, by and through his attorney, Don T. Marler, in the above-entitled matter, and hereby motions the Court for appointment of an independent laboratory to perform a drug analysis of the residue contained on the miscellaneous baggies, spoon, straws, and syringe confiscated from the residence located at 211 Circle Inn, #24, in Chubbuck, Idaho on or about May 7, 2005, for the following reasons and good cause:

1. The State of Idaho has indicated the results of the laboratory analysis as performed by the Idaho Department of Law Enforcement Laboratory (ISP Forensic Services) will be introduced at trial to prove the charge of Possession of a Controlled Substance, Methamphetamine, in Count 3 of the State's Information.

2. The Defendant argues that because the ISP Forensic Services laboratory is owned and operated by the State of Idaho, the entity which has accused him of this crime, the test results may not accurately identify the substance material at issue.
3. The Defendant also argues that because of the possible serious penalty associated with the crime of Possession of a Controlled Substance, Methamphetamine, a maximum of seven years prison, he is entitled to an independent laboratory analysis.
4. The Defendant argues that if he had the financial means to pay for such independent analysis he would do so on his own, but because he is indigent he must rely on the Court to order an analysis to be performed.

DATED this 26 day of September, 2005.



DON T. MARLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing MOTION FOR APPOINTMENT OF INDEPENDENT LABORATORY ANALYSIS be delivered to the following by the method indicated:

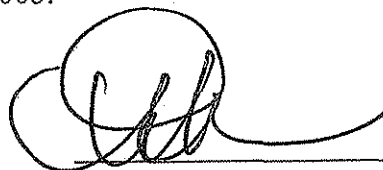
Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Honorable N. Randy Smith
District Judge
Bannock County Courthouse
624 E. Center
Pocatello, ID 83201

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Dated this 26 day of June, 2005.



DON T. MARLER

FILED
 BANNOCK COUNTY
 CLERK OF DISTRICT COURT
 2005 SEP 26 PM 2:08
 BY _____
 DEPUTY CLERK

DON T. MARLER
 ISB # 6119
 Attorney at Law
 P.O. Box 4747
 Pocatello, ID 83205
 Telephone: (208) 233-4121
 Facsimile: (208) 233-4174

**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.)
)
 FARON STONE,)
)
 Defendant.)
 _____)

Case No. CR- 2005-8728-FE

**MOTION FOR APPOINTMENT OF
 INDEPENDENT BALLISTICS
 LABORATORY ANALYSIS**

COMES NOW the Defendant, Faron Stone, by and through his attorney, Don T. Marler, in the above-entitled matter, and hereby motions the Court for appointment of an independent laboratory to perform ballistics analysis of bullets retrieved during the investigation of a shooting that occurred at the residence located at 211 Circle Inn, #24, in Chubbuck, Idaho on or about May 7, 2005, for the following reasons and good cause:

1. The State of Idaho has indicated the results of the laboratory analysis as performed by the Idaho Department of Law Enforcement Laboratory (ISP Forensic Services) will be introduced at trial to prove the charges of Aggravated Battery Upon A Law Enforcement Officer, in Count 1 and Count 2 of the State's Information.

2. The Defendant argues that because the ISP Forensic Services laboratory is owned and operated by the State of Idaho, the entity which has accused him of this crime, the test results may not accurately reflect the results of the ballistic testing.
3. The Defendant also argues that because of the possible serious penalty associated with the crime of Aggravated Battery Upon A Law Enforcement Officer, a maximum of twenty-five years prison, he is entitled to independent laboratory ballistics analysis.
4. The Defendant argues that if he had the financial means to pay for such independent analysis he would do so on his own, but because he is indigent he must rely on the Court to order an analysis to be performed.

DATED this 20 day of September, 2005.



DON T. MARLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing MOTION FOR APPOINTMENT OF INDEPENDENT BALLISTICS LABORATORY ANALYSIS be delivered to the following by the method indicated:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Honorable N. Randy Smith
District Judge
Bannock County Courthouse
624 E. Center
Pocatello, ID 83201

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Dated this 26 day of September, 2005.



DON T. MARLER

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2005 SEP 26 PM 2:08

BY  DEPUTY CLERK

DON T. MARLER
ISB # 6119
Attorney at Law
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile: (208) 233-4174

**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.)
)
FARON STONE,)
)
Defendant.)
_____)

Case No. CR- 2005-8728-FE

**MOTION FOR APPOINTMENT OF
INDEPENDENT INVESTIGATOR**

COMES NOW the Defendant, Faron Stone, by and through his attorney, Don T. Marler, in the above-entitled matter, and hereby motions the Court for appointment of a special investigator to perform a full independent investigation relating to the State's criminal investigation that resulted in the Defendant's charges in the above matter and incident that occurred at the residence located at 211 Circle Inn, #24, in Chubbuck, Idaho on or about May 7, 2005, for the following reasons and good cause:

1. The State of Idaho has alleged that the Defendant committed the crimes of two counts of Aggravated Battery Upon A Law Enforcement Officer, Unlawful Possession of a Firearm, and Possession of a Controlled Substance which charges

were brought against the Defendant as a result of an investigation conducted and performed by the Idaho State Police.

2. The Defendant argues that the investigation was performed by an agency of the State of Idaho, the same entity which accuses him of the crimes, and the result is that the investigation may not be exhaustive, and/or may not accurately reflect all of the probative facts.
3. The Defendant also argues that because of the possible serious penalty associated with the crimes of two counts of Aggravated Battery Upon A Law Enforcement Officer, a maximum of twenty-five years prison for each count, Unlawful Possession of a Firearm, a maximum of five years prison, Extended Sentence For Use of Firearm or Deadly Weapon, a maximum of fifteen-years for two counts, and Possession of a Controlled Substance, Methamphetamine, a maximum of seven years prison, he is entitled to fingerprint analysis and further entitled to have such investigation to be performed by a special independent investigator.
4. The Defendant argues that if he had the financial means to pay for such independent testing he would do so on his own, but because he is indigent he must rely on the Court to order an analysis to be performed.

DATED this 26 day of September, 2005.



DON T. MARLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing MOTION FOR APPOINTMENT OF INDEPENDENT INVESTIGATOR be delivered to the following by the method indicated:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

U.S. Mail – postage prepaid
 Hand-delivery
 Fax


Honorable N. Randy Smith
District Judge
Bannock County Courthouse
624 E. Center
Pocatello, ID 83201

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Dated this 24 day of September, 2005.



DON T. MARLER

FILED
 BANNOCK COUNTY
 CLERK OF THE COURT
 2005 SEP 25 PM 2:08
 BY 
 DEPUTY CLERK

DON T. MARLER
 ISB # 6119
 Attorney at Law
 P.O. Box 4747
 Pocatello, ID 83205
 Telephone: (208) 233-4121
 Facsimile: (208) 233-4174

**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- 2005-8728-FE
)	
vs.	)	MOTION FOR ORDER REQUIRING
	)	AN INDEPENDENT MEDICAL
FARON STONE,	)	EXAMINATION FOR THE PURPOSE
	)	OF REMOVAL OF BULLET FROM
Defendant.	)	THE PERSON OF PHIL HILL
)	

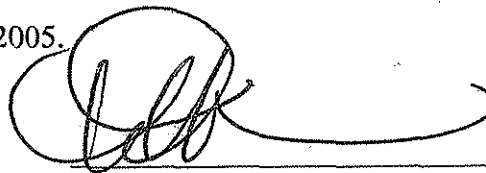
COMES NOW the Defendant, Faron Stone, by and through his attorney, Don T. Marler, in the above-entitled matter, and hereby motions the Court for an Order requiring an independent medical examination be performed on Officer Phil Hill for the purpose of determining whether or not a bullet lodged in his person on or about May 7, 2005 can be safely removed, and if so that an Order be issued by the Court for the removal of the bullet and preservation of the bullet and/or fragments for ballistic analysis. Defendant also moves for the appointment of an independent laboratory to perform ballistics analysis on the bullet on the retrieved bullet, for the following reasons and good cause:

1. The State of Idaho has alleged that the Defendant committed the crime of shooting

Officer Phil Hill with one of the two bullets that the Defendant allegedly fired at and struck Phil Hill remains lodged in his person.

2. The Defendant argues that Officer Phil Hill may have been struck by a bullet discharged by a fellow officer and, if true, such evidence would be exculpatory as well as highly probative.
3. The Defendant also argues that because of the possible serious penalty associated with the crime of Aggravated Battery Upon A Law Enforcement Officer, a maximum of twenty-five years prison for each count, Unlawful Possession of a Firearm, a maximum of five years prison, and Extended Sentence For Use of Firearm or Deadly Weapon, a maximum of fifteen-years for two counts, he is entitled to a determination of the source of the bullet in question. Defendant further argues that the removed bullet be analyzed by a ballistics laboratory independent of the State of Idaho.
4. The Defendant argues that if he had the financial means to pay for such medical examination, bullet removal, and independent ballistics analysis he would do so on his own, but because he is indigent he must rely on the Court to order the examination, removal, and ballistics analysis.

DATED this 26 day of September, 2005.



DON T. MARLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing MOTION FOR AN ORDER REQUIRING AN INDEPENDENT MEDIAL EXAMINATION FOR THE PURPOSE OF REMOVAL OF A BULLET FROM THE PERSON OF PHIL HILL be delivered to the following by the method indicated:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Honorable N. Randy Smith
District Judge
Bannock County Courthouse
624 E. Center
Pocatello, ID 83201

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Dated this 26 day of September, 2005.



DON T. MARLER

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

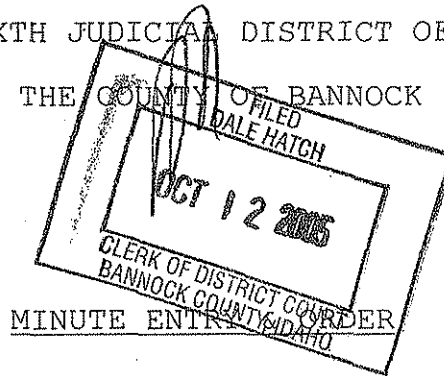
Register #CR-2005-0008728-FE
STATE OF IDAHO,

Plaintiff,

-vs-

FARON STONE,

Defendant.



The above-named Defendant appeared in Court on the 5th day of October, 2005 with his counsel, Don T. Marler, for Defendant's Motion for Appointment of Defense Co-Counsel, Motion for Appointment of Independent Fingerprint Analysis, Motion for Appointment of Independent Lab Analysis, Motion for Appointment of Independent Ballistics Laboratory Analysis, Motion for Appointment of Independent Investigator, and Motion for Order requiring an Independent Medical Examination for the Purpose of Removal of Bullet from the Person of Phil Hill. Dennis P. Wilkinson, Bannock County Deputy Prosecuting Attorney, appeared on behalf of the

State of Idaho.

At the hearing, the Court first discussed the Waiver of Speedy Trial (filed by the Defendant) with the Defendant. He again affirmed his desire to waive his speedy trial rights.

The Court then heard argument from counsel regarding the motions. After argument the Court **GRANTED** the Motion for Independent Lab Analysis, Motion for Appointment of Independent Ballistics Laboratory Analysis, Motion for Appointment of Independent Fingerprint Analysis, and Appointment for an Independent Investigator. The Defendant is allowed to spend not more than \$1000.00 for each of these described items.

The Court then **DENIED** the Motion for Order Requiring an Independent Medical Examination for the Purpose of Removal of Bullet from the Person of Phil Hill.

Lastly, the Court **GRANTED** the Motion for Appointment of Co-counsel, but asked that the attorney not charge more than the Public Defender rate and would be paid upon submitting an affidavit to the Court as counsel's billing.

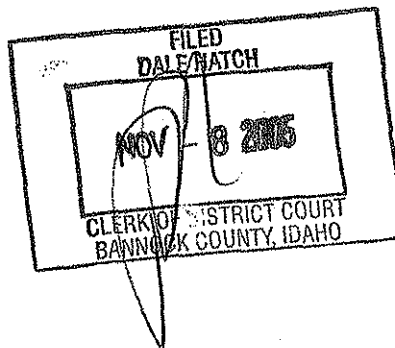
IT IS FURTHER ORDERED that the Defendant is hereby **REMANDED** back to the custody of the Bannock County Sheriff pending further proceedings.

DATED October 11, 2005.


RANDY SMITH
District Judge

Copies to:
Mark L. Hiedeman
Don T. Marler
Bannock County Jail

DON T. MARLER
 ISB # 6119
 Attorney at Law
 P.O. Box 4747
 Pocatello, ID 83205
 Telephone: (208) 233-4121
 Facsimile: (208) 233-4174



**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.)
)
 FARON STONE,)
)
 Defendant.)

Case No. CR- 2005-8728-FE

**MOTION FOR PRELIMINARY
 HEARING TRANSCRIPT**

COMES NOW the Defendant, Faron Stone, by and through his attorney, Don T. Marler, in the above-entitled matter, and hereby moves the Court for an Order as follows:

That the Court enter an order requiring the preparation of the Defendant's Preliminary Hearing Transcript held with Judge Naftz on June 13, 2005, and that a copy of the transcript be delivered to the Defendant's counsel and the Prosecuting Attorney's Office.

DATED this 8 day of ^{November}~~September~~, 2005.

DON T. MARLER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing MOTION FOR PRELIMINARY HEARING TRANSCRIPT be delivered to the following by the method indicated:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

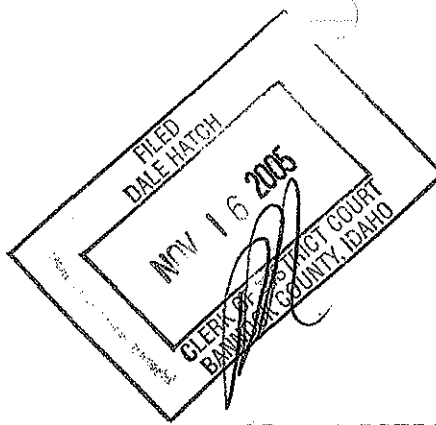
Honorable N. Randy Smith
District Judge
Bannock County Courthouse
624 E. Center
Pocatello, ID 83201

U.S. Mail – postage prepaid
 Hand-delivery
 Fax

Dated this 8 day of September, 2005.



DON T. MARLER



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

Register #CR-2005-0008728-FE
STATE OF IDAHO,

Plaintiff,

-vs-

FARON STONE,

Defendant.

MINUTE ENTRY & ORDER

The above-named Defendant appeared in Court on the 14th day of November, 2005 with his counselors, Don T. Marler and Craig W. Parrish, for the purpose of Defendant's Motion to Continue Trial. Vic A. Pearson, Bannock County Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho.

At the hearing, Mr. Marler moved to continue the trial scheduled for December 6, 2005 based upon the State not having responded to discovery previously requested. After discussion, the Court ruled as follows.

IT IS HEREBY ORDERED that Mr. Marler will provide a written list of all discovery not yet received to the State no later than

Wednesday, November 16, 2005. The State will then have until Wednesday, November 30, 2005 to respond to such discovery.

IT IS FURTHER ORDERED that the State will file with the Court and counsel no later than November 30, 2005 a list of all witness and exhibits which the State intends to call or introduce at the time of trial.

IT IS FURTHER ORDERED that the jury trial scheduled for December 6, 2005 is **VACATED** and rescheduled for **TUESDAY, APRIL 25, 2006 AT THE HOUR OF 9:30 A.M. for approximately four (4) weeks.**

Mr. Marler then advised the Court that they have been unable to locate an investigator for less than \$1000.00 and requested additional funds. After discussion, the Court approved the investigator, however would like additional information as to this investigator. Mr. Parrish then submitted a bill for the services he has provided to date.

IT IS FURTHER ORDERED that the Defendant is hereby **REMANDED** back to the custody of the Bannock County Sheriff pending further proceedings.

DATED November 15, 2005.


N. RANDY SMITH
District Judge

Copies to:
Mark L. Hiedeman
Don T. Marler
Craig W. Parrish
Bannock County Jail

FILED
 BANNOCK COUNTY
 CLERK OF THE COURT
 2005 MAR 16 PM 4:57
 DEPUTY CLERK

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

DON T. MARLER (#6419)
 ATTORNEY AT LAW
 PO BOX 4747
 POCATELLO ID 83205-4747
 (208) 233-4121

Attorneys 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~)
)
 FARON STONE,)
)
 Defendant.)
)

CASE NO. CR 2005-8728-FE
SUPPLEMENTAL
DISCOVERY MOTION

COMES NOW, Defendant, **FARON STONE**, by and through his attorney of record and pursuant to Rule 16 of the Idaho Criminal Rules submits the following requests for Discovery:

Defendant requests those materials specified for automatic disclosure by the Prosecutor including, but not limited to, the following:

1. Production of weapons for independent lab testing;
2. Copies of all Policy & Procedure Manuals, for all involved law enforcement agencies;
3. Any pre-warrant (preparation) execution reports;

4. Any post warrant execution (debriefing) reports;
5. Any surveillance reports regarding Stone and/or do-Defendants;
6. Any inter/intra-agency reports regarding Stone and/or incident;
7. Copy of dispatch tapes and logs regarding Stone and/or incident;
8. Copy of lab reports regarding seized items arising from surveillance and incident;
9. Any individual officer reports regarding surveillance and/or incident;
10. Any/all officer field notes;
11. Lists and copies of all photos incident/charge related;
12. Any and all audio and video tapes made regarding the incident;
13. Copies of training records of all Tactical Team officers involved in incident for last 5 years;
14. Copies of any individual Tactical Team officer's certifications;
15. List of all Police Department memberships in Law Enforcement Associations and copies of any Accreditations;
16. List of all Tactical Team incident deployments in last 5 years;
17. List of complaints against each officer involved in the Stone incident in last 5 years including resolutions;
18. List of any/all discipline actions for each officer involved in the Stone incident in the last 5 years;
19. List of each Stone related incident officer's time of employment with Police Department, and if less than 5 years prior agency employment;
20. Bullet from the person of Phil Hill;

21. List of drug related items seized in incident;
22. Production of drug related items seized from independent lab testing;
23. Anticipated trial witnesses including substance of testimony;
24. Listing of Tactical Training Officer for each individual officers' training in the last 5 years;
25. All medical reports regarding Phil Hill and Mike Ballard;
26. List of all officers involved in Stone incident and description of the extent of each officers participation from Bannock County;
27. Location of items of possible evidence value observed/found by each officer including physical reconstruction location dimensions;
28. Copy of incident reconstruction drawing including dimension locations of all items of possible evidence value with regard to floor plan of structure, interior wall of structure, exterior walls of structure, and surrounding property or as prepared by any law enforcement agencies;
29. Results of any investigation performed by any law enforcement agency or laboratory with regard to source point, flight path, resting point, and initiating party for any bullets or bullet fragments recovered from the scene;
30. A copy of the co-Defendant's prior criminal record and any background information related to her;
31. Copies of any/all interview recordings of Defendant, co-Defendant, officers and witness;
32. Copies of all audio and video recordings of the Critical incident investigation

performed by Bannock County subsequent to there events on or about May 9,
2005;


33. Statements by the Defendant;
34. 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;
35. A copy of the Defendant's prior criminal record;

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.

DATED this 16 day of NOVEMBER, 2005.



CRAIG W. PARRISH



DON T. MARLER

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2005 NOV 16 PM 4:57

BY _____
DEPUTY CLERK

MEMO:

TO: JUDGE RANDY SMITH
FROM: CRAIG W. PARRISH and DON T. MARLER
DATE: NOVEMBER 16, 2005
RE: FARON STONE CR 2005-8728-FE

Judge,

Pursuant to your request that we submit by the evening of November 16th, a list of that Discovery which we were aware that we had not already received, we are submitting this memorandum with that information requesting basic supplementation of the information that has already been provided to us on the 10th of November.

I would also note so that you are aware, we have also submitted a Supplemental Discovery Request that includes all of these items plus additional items that we are now aware of that we need, that we were not prepared to talk about at our hearing in this matter on the 14th day of November. We will be in contact with the Court with regard to a Motion to Compel if we do not receive the information or do not receive indication that the information does not exist.

I appreciate the Court's willingness to allow us proceed to Discovery in this manner. I would note that a copy of this memo has been provided contemporaneously to the Prosecutor so that they can attempt to comply with the Court Order as indicated. With that the following information would be those items of Discovery that we are aware exists that we do not have or have not been made available to us:

1. Production of weapons, vest, bullets and bullet fragments for independent lab testing
2. Copy of dispatch tapes and logs regarding Stone and/or incident
3. Copy of lab reports regarding seized items arising from surveillance and incident
4. Any individual officer reports regarding surveillance and/or incident
5. Lists and copies of all photos incident/charge related
6. Any and all audio and video tapes made regarding the incident
7. Bullet from the person of Phil Hill
8. List of drug related items seized in incident
9. Production of drug related items seized from independent lab testing
10. Anticipated trial witnesses including substance of testimony
11. Copies of any photos/audio tapes/video tapes made by agents of Bannock County
12. List of all photos/audio tapes/video tapes made by agents of Bannock County including officers involved in each
13. Location of items of possible evidence value observed/found by each officer including physical reconstruction location dimensions by any law enforcement agency
14. Copy of incident reconstruction drawing including dimension locations of all items of possible evidence value with regard to floor plan of structure, interior wall of structure,

MEMO TO JUDGE RANDY SMITH RE: FARON STONE - 1


15. exterior walls of structure, and surrounding property by any law enforcement agency
Copies of any/all interview recordings of Defendant, co-Defendant, officers and witness
by the Idaho State Police.

Cordially,


Don T. Marler


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 OF THE COURT
 2005 NOV 12 12:20
 BY 
 DEPUTY CLERK

DENNIS P. WILKINSON, ISB #6023
 Chief Criminal Deputy Prosecutor

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

STATE OF IDAHO,)	
	)	CASE NO. CR-05-8728-FE-B
Plaintiff,)	
	)	RESPONSE TO REQUEST
vs.	)	FOR DISCOVERY
)	
FARON STONE)	
aka LEMUEL MYRON STONE,)	
)	
Defendant.)	
_____)	

TO: DON MARLER, P. O. BOX 4747, Pocatello, Idaho, Attorney for the Defendant.

COMES NOW, the State of Idaho, by and through DENNIS P.

WILKINSON, Chief Criminal Deputy Prosecuting Attorney in and for the County of Bannock, Idaho, and responds to Defendant's Request for Discovery as follows:

RESPONSE TO REQUEST NO. 1: Please see police reports – Idaho State Police Investigations Report No. Z05000046, Federal Bureau of Investigations Report No. 253232FBI, Fort Hall Police Report No. 253232, Pocatello Police Department Report No. 05-P09675, Bannock County Sheriff's Office Report No.05-B1633, Chubbuck Police Department Report No. 05-C2188, previously supplied to defense counsel. Also, an audio cassette interview of defendant by Special Agent Kyle Wright of the FBI, and two

ISP in-car videos are attached hereto and incorporated by reference.

RESPONSE TO REQUEST NO. 2: Please see all police reports previously supplied to defense counsel for any statement made by the co-defendant in this matter.

RESPONSE TO REQUEST NO. 3: Please see the defendant's criminal history attached hereto and incorporated by reference.

RESPONSE TO REQUEST NO. 4: A list of items intended for use as evidence at trial along with items defense requested from said list was previously supplied to defense counsel. Also, a video recording of 211 Circle Inn and a house in Aberdeen on DVD, a CD of interviews with Officers Merica, Frasure, Gilbert, Anderson and Hill, a CD of the interview with Officer Ballard, and five audio cassette recordings of visits the defendant has had while incarcerated in the Bannock County Jail are attached hereto and incorporated by reference. Also, CD's containing photographs are available at the Chubbuck Walgreens in Craig Parrish's name for defense counsel. Defense counsel may also make arrangements to view items on the list of evidence by contacting Tom Sellers. Also, copies of prior convictions are attached hereto and incorporated by reference.

RESPONSE TO REQUEST NO. 5: Reports of examinations and tests were previously supplied to defense counsel.

RESPONSE TO REQUEST NO. 6: For a list of persons who may be called to testify at trial in this matter, please see all persons mentioned in the supplied police reports and lab reports previously supplied to defense counsel.

At the present time, to the best knowledge of the plaintiff, the aforementioned individuals have no record of felony convictions.

RESPONSE TO REQUEST NO. 7: Please see Response No. 1.

RESPONSE TO REQUEST NO. 8: Please see all police reports previously supplied to defense counsel for police procedures used in this matter.

RESPONSE TO REQUEST NO. 9: The State reserves the right to supplement this response as information becomes available.

RESPONSE TO REQUEST NO. 10: There is no known exculpatory evidence.

DATED this 17 day of November, 2005.



DENNIS P. WILKINSON
Chief Criminal Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY That on this 17 day of November, 2005, a true and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY was delivered to the following:

DON MARLER
ATTORNEY AT LAW'S OFFICE
P. O. BOX 4747
POCATELLO ID 83205

mail –
 postage prepaid
 hand delivery
 facsimile



DENNIS P. WILKINSON

FILED
 BANNOCK COUNTY
 CLERK OF DISTRICT COURT
 2005 DEC -2 PM 3:49
 BY: [Signature]
 DEPUTY

CRAIG W. PARRISH (#4763)
 PARRISH LAW OFFICE
 P.O. BOX 4321
 POCA TELLO, ID 83205
 (208) 234-1202

DON T MARLER (6119)
 ATTORNEY AT LAW
 PO BOX 4747
 POCA TELLO ID 83205
 (208)233-4121

Attorneys 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,)	
	)	CASE NO. CR-2005-8728-FE
Plaintiff,)	
	)	MOTION TO COMPEL
)	
vs.)	
)	
FARON STONE,)	
)	
Defendant.)	
)	

COMES NOW the Defendant, FARON STONE, by and through his attorneys, Craig W. Parrish and Don T Marler, and pursuant to Rule 37(a) of the Idaho Rules of Civil Procedure, hereby moves the Court to compel the State to produce that certain discovery covered by Defendant's Supplemental Discovery Motion dated and served upon the State on November 16, 2005. It is imperative that Defendant receive the requested discovery in order to adequately prepare for trial. To this date, limited discovery response has been received by Defendant's counsel. Defendant reminds the court of that order entered herein requiring disclosure by November 30, 2005 of all witnesses and exhibits and Defendant therefor seeks an order of this court requiring production of all requested information by a date certain prior to trial.

Counsel for Defendant is still seeking Discovery for the following as listed in the Supplemental Discovery Motion and the Supplemental Responses attached hereto, by specific inquiry as indicated below:

2. Copies of all Policy & Procedure Manuals, for all involved law enforcement agencies: *not all have been received to date, State apparently intends to provide Defendant with the name of the person(s) at each agency responsible to provide the same, which has not been done yet;*
3. Any pre-warrant (preparation) execution reports;
4. Any post warrant execution (debriefing) reports;
5. Any surveillance reports regarding Stone and/or do-Defendants;
6. Any inter/intra-agency reports regarding Stone and/or incident;

State has stated that all items in Supplemental Questions 3-6 have already been provided.

7. Copy of dispatch tapes and logs regarding Stone and/or incident; *received only those from Bannock County;*

State claims that all of those items in response to Supplemental Questions 7 through 10 have been provided.

13. Copies of training records of all Tactical Team officers involved in incident for last 5 years;
14. Copies of any individual Tactical Team officer's certifications;
15. List of all Police Department memberships in Law Enforcement Associations and copies of any Accreditations;
16. List of all Tactical Team incident deployments in last 5 years;

State has provided this information for Chubbuck Police officers only;

State has stated that items 17-20 as follows, are over broad and has not answered the same. Defendant requests that State be compelled to answer:

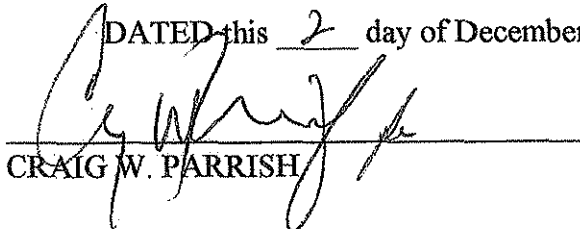
17. List of complaints against each officer involved in the Stone incident in last 5 years including resolutions;
18. List of any/all discipline actions for each officer involved in the Stone incident in the last 5 years;
19. List of each Stone related incident officer's time of employment with Police Department, and if less than 5 years prior agency employment;

23. Anticipated trial witnesses including substance of testimony: *State has provided names of at least sixty-one different individuals without any specificity as to the content of their expected testimony;*

24. Listing of Tactical Training Officer for each individual officers' training in the last 5 years, *State claims such records do not exist;*
25. All medical reports regarding Phil Hill and Mike Ballard: *State claims that they have requested the same and will provide when received;*
26. List of all officers involved in Stone incident and description of the extent of each officers participation from Bannock County; *have received names but no descriptions of participating officers;*
28. Copy of incident reconstruction drawing including dimension locations of all items of possible evidence value with regard to floor plan of structure, interior wall of structure, exterior walls of structure, and surrounding property or as prepared by any law enforcement agencies: *State claims will provide when received;*

Defendant requests that the state be required to produce the above immediately.

DATED this 2 day of December, 2005.




 CRAIG W. PARRISH



 DON T MARLER

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

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2005 DEC 22 AM 9:44
BY  DEPUTY CLERK

DENNIS P. WILKINSON, ISB #6023
Chief Deputy Prosecutor

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

STATE OF IDAHO,)	
	)	CASE NO. CR-05-8728-FE-B
Plaintiff,)	
)	
vs.	)	RESPONSE TO SUPPLEMENTAL
	)	REQUEST FOR DISCOVERY
FARON STONE)	
aka LEMUEL MYRON STONE,)	
)	
Defendant.)	
_____)	

TO: DON MARLER, P. O. BOX 4747, Pocatello, Idaho, Attorney for the Defendant.

COMES NOW, the State of Idaho, by and through DENNIS P.
WILKINSON, Chief Criminal Deputy Prosecuting Attorney in and for the County of
Bannock, Idaho, and responds to Defendant's Supplemental Request for Discovery as
follows:

SUPPLEMENTAL REQUEST # 1: Production of weapons for independent testing.

RESPONSE: The State objects to request # 1 based upon it being overbroad. There is no indication in the request as to what weapons the defense wants turned over for independent lab analysis. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 2: Copies of all Police & Procedure Manuals, for all involved law enforcement agencies.

RESPONSE: All reports generated by the Chubbuck Police Department have previously been provided. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 3: Any pre-warrant (preparation) execution reports.

RESPONSE: All reports generated by the Chubbuck Police Department have previously been provided. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 4: Any post warrant execution (debriefing) reports.

RESPONSE: All reports generated by the Chubbuck Police Department and Idaho State Police have previously been provided, also attached are post warrant debriefing reports from Pocatello Police Department and the Bannock County Sheriff's Department. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 5: Any surveillance reports regarding Stone and/or co-defendants.

RESPONSE: Please see previously provided documents. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 6: All inter/intra agency reports regarding Stone and/or incident.

RESPONSE: Please see previously provided documents as well as attached documents. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 7: Copy of dispatch tapes and logs regarding Stone and/or incident.

RESPONSE: Refer to previously provided tapes from Bannock County Sheriff's Department and the Idaho State Police, Chubbuck Police tapes are attached and Pocatello Police tapes will be provided upon receipt. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST #8: Copy of lab reports regarding seized items arising from surveillance and incident.

RESPONSE: All lab reports have previously been provided. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 9: Any individual officer reports regarding surveillance and/or incident.

RESPONSE: See response # 4. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 10: Any/all officer field notes.

RESPONSE: Any and all field notes have previously been provided with the exception of the attached report from Lieutenant Toni Vollmer. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 11: Lists and copies of all photos incident/charge related.

RESPONSE: All photos have previously been provided. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 12: Any and all audio and video tapes made regarding the incident.

RESPONSE: All audio and video tapes have previously been provided, with the exception of Chubbuck Police dispatch tapes which are attached and Pocatello Police tapes which will be provided upon receipt. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 13: Copies of training records of all tactical team officers involved in incident for last five years.

RESPONSE: Training records for Chubbuck officers involved on the Tactical Team are attached hereto and incorporated by reference. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 14: Copies of any individual tactical team officers certifications.

RESPONSE: Copies of Chubbuck Tactical Team officers' certifications are attached hereto and incorporated by reference. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 15: A list of all Police Department memberships in law enforcement associations and copies of any accreditations.

RESPONSE: A list of Chubbuck Police Department's memberships in law enforcement associations and accreditations are attached hereto and incorporated by reference.

State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 16: list of all tactical team incident deployments in last five years.

RESPONSE: Chubbuck Police Chief Randy Sever stated the Chubbuck Police Department does not keep a list of tactical team deployments. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 17: List of complaints against each officer involved in the Stone incident in the last five years including resolutions.

RESPONSE: The State objects to request # 17 based upon relevancy and it is overbroad. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 18: List of any/all discipline actions for each officer involved in the Stone incident in the last five years.

RESPONSE: The State objects to request # 18 based upon relevancy and it is overbroad. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 19: list of each Stone related incident officers time of employment with police department, and if less than five years prior agency employment.

RESPONSE: The State objects to request # 19 based upon relevancy and it is overbroad. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 20: bullet from the person of Phil Hill.

RESPONSE: The State objects to request # 20 based upon the Court's prior ruling and the best interest of Officer Phil Hill. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 21: List of drug related items seized in incident.

RESPONSE: Please see previously provided police reports regarding seized items and reports provided to defense counsel by Detective Tom Sellers of the Idaho State Police. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 22: Production of drug related items seized from independent lab testing

RESPONSE: Items are available upon making appropriate arrangements for testing of said items. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 23: Anticipated trial witnesses including substance of testimony.

RESPONSE: Please see below witness list and refer to police reports regarding for the substance of each individuals testimony:

CPD: Phil Hill, Mike Ballard, Dana May, Adam Anderson, Jean Higgins, Paul Gilbert, Marty Frasure, Matt Galloway, Farley Merica, Rob Butterfield

ISP: John Ganske, John Kempf, Tom Sellers, Frank Csajko, Kyle Fullmer, Chuck Burke, Gary Brush,

PPD: Scott Marchand, Cliff Kelley, Bill Collins, Kirk Howe, Roger Schei, Steve Williams, Scott Matson, Justin Buck, Adrian Wadsworth, Forrest Peck, Nathan Diekemper, Tim Dillon, Ralph Daniels, Jim Peterson, John Walker

BCS: Toni Vollmer, Mark Ballard, Andy Thomas, Howard Manwaring, Doug Armstrong, Kevin Fannesbeck, Tom Foltz, Mike Dahlquist, Tony Manu, Jon Hay, Alex Hamilton, Dan Argyle, Jim Daley, Jeff Young, Phil Nickle, Justin Cannon, Monte Steele, Clint Brown, Andy Iverson, Jeremy Taysom, and Paul Fagnant, John Everson

FBI: Kyle Wight

FHP: Patrick Teton

LAB: Dwight Van Horn, Skyler Anderson

Other: Arlene Mitani, 211 Circle Inn #28, Chubbuck

Brian Price, 211 Circle Inn #58, Chubbuck

All medical staff that provided services to any involved parties including but not limited to doctors, paramedics and nurses.

CAL Ranch employee(s) that sold Maria Villa a gun.

State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 24: Listing of tactical training officer for each individual officers training in the last five years.

RESPONSE: Chubbuck Police Chief Randy Severe informed the following:

September 2000 – September 2003: Randy Severe

September 2003 - Current: Marty Frasure

State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 25: All medical reports regarding Phil Hill and Mike Ballard.

RESPONSE: Medical records for Phil Hill and Mike Ballard are being prepared by Portneuf Medical and will be forwarded as soon as they are received. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 26: List of all officers involved in Stone incident and description of the extent of each officers participation from Bannock County.

RESPONSE: Bannock County Officers involved in this matter, which are known at this time are: Toni Vollmer, Mark Ballard, Andy Thomas, Howard Manwaring, Doug Armstrong, Kevin Fannesbeck, Tom Foltz, Mike Dahlquist, Tony Manu, Jon Hay, Alex Hamilton, Dan Argyle, Jim Daley, Jeff Young, Phil Nickle, Justin Cannon, Monte Steele, Clint Brown, Andy Iverson, Jeremy Taysom, and Paul Fagnant. For extent of participation please refer to police reports previously provided. Also, officers can be made available for interview. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 27: Location of items of possible evidence value observed/found by each officer including physical reconstruction location dimensions.

RESPONSE: State objects to request #27 based upon being overbroad, cumulative and unintelligible. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 28: Copy of incident reconstruction drawing including dimension locations of all items of possible evidence value with regard to floor plan of structure, interior wall of structure, exterior wall of structure, and surrounding property or as prepared by any law enforcement agency.

RESPONSE: State objects to request #28 based upon being overbroad, cumulative and unintelligible. However, a diagram of the residence is being prepared by Pocatello

Police and will be provided upon receipt. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 29: Results of any investigation performed by any law enforcement agency or laboratory with regard to source point, flight path, resting point, and initiating party for any bullets or bullet fragments recovered from the scene.

RESPONSE: All investigation known to the state is in the reports previously supplied. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 30: A copy of the co-defendant's prior criminal record and any background information related to her.

RESPONSE: The State has previously provided Maria Villa's criminal history and would object to the request for background information related to her based upon it being overbroad and not relevant. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 31: Copies of any/all interview recordings of defendant, co-defendant, officers and witnesses.

RESPONSE: Copies of any/all interview recordings of the defendant, co-defendant, officers and witnesses has been previously supplied. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 32: copies of all audio and video recording of the critical incident investigation performed by Bannock County subsequent to the events on or about May 9, 2005.

RESPONSE: Copies of all audio and video recordings of the critical incident investigation performed by Bannock County subsequent to the events on or about May 7, 2005 have been previously supplied. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 33: Statement of the defendant.

RESPONSE: All statements have previously been provided. State reserves the right to supplement this response.

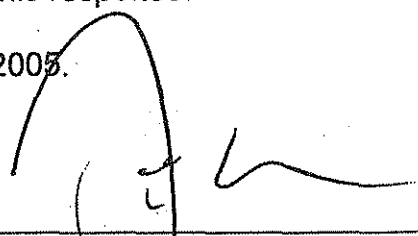
SUPPLEMENTAL REQUEST # 34: Any and all statements both written, recorded or videotaped of the co-defendant or co-conspirators in this case whether before or after arrest in response to interrogation or contact by police officer or law enforcement agency or otherwise.

RESPONSE: All statements have previously been provided. State reserves the right to supplement this response.

SUPPLEMENTAL REQUEST # 35: A copy of the defendant prior criminal record.

RESPONSE: A copy of the defendant's prior criminal record has previously been provided. State reserves the right to supplement this response.

DATED this 2 day of December, 2005.



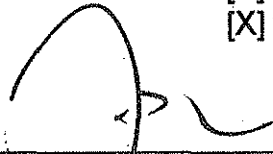
DENNIS P. WILKINSON
Chief Criminal Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY That on this 2 day of December, 2005, a true and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY was delivered to the following:

DON MARLER
ATTORNEY AT LAW
P. O. BOX 4747
POCATELLO ID 83205

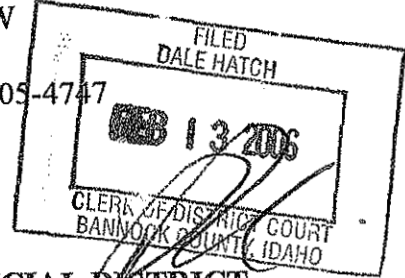
mail –
postage prepaid
 hand delivery
 facsimile



DENNIS P. WILKINSON

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

DON T. MARLER (#6119)
ATTORNEY AT LAW
PO BOX 4747
POCATELLO ID 83205-4747
(208) 233-4121



Attorneys 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~)

FARON STONE,)

Defendant.)

CASE NO. CR 2005-8728-FE

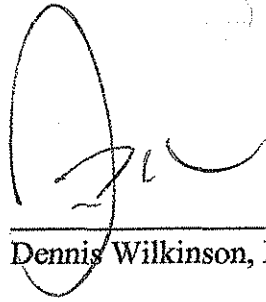
STIPULATION OF PARTIES

COMES NOW the parties in this action, the State by and through Deputy Prosecuting Attorney Dennis Wilkinson, and Defendant Faron Stone, by and through his attorney Craig W. Parrish and Don T. Marler, hereby Stipulate as follows:

That the private investigator for Defendant, Mr. Jeff Wright, will be allowed to meet with Mr. Stone in the old holding cell facility in the old Bannock County Jail, in the Courthouse Complex, in order to allow for substantive face to face meeting in order to extract testimony and work with Mr. Wright in preparing an adequate defense;

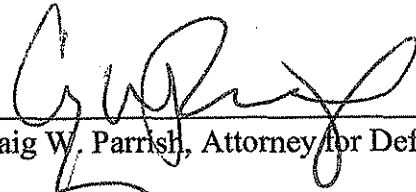
IT IS SO STIPULATED.

Dated this the 13 day of February, 2006.



Dennis Wilkinson, Deputy Prosecutor

Dated this the 9 day of February, 2006.



Craig W. Parrish, Attorney for Defendant

Dated this the 9 day of February, 2006.



Don T. Marler, Attorney for Defendant

ORDER

THIS COURT, having reviewed the above Stipulation, and good cause appearing to be in the best interest of the parties and just and equitable for all concerned, it is hereby ordered that the parties shall follow the above Stipulated Agreement, until further notice of the Court.

IT IS SO ORDERED.


DATED this 13th day of FEBRUARY, 2006.



HONORABLE JUDGE RANDY SMITH

DON T. MARLER
ISB # 6119
Attorney at Law
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile: (208) 233-4174

CRAIG PARRISH
ISB # 4763
Parrish Law Office
P.O. Box 4321
Pocatello, ID 83205
Telephone: (208) 234-1234
Facsimile: (208) 234-1244

2006 FEB 13 11:50
BY: 
DEPUTY CLERK

Attorneys 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.

FARON STONE,

Defendant.

Case No. CR- 2005-8728-FE **B**

**DEFENDANT'S SECOND
SUPPLEMENTAL
REQUEST FOR DISCOVERY
AND INSPECTION**

TO: BANNOCK COUNTY PROSECUTOR

PLEASE TAKE NOTICE that the above-named Defendant, Faron Stone, by and through his attorneys of record, Don Marler and Craig Parrish, pursuant to Rule 16 of the Idaho Criminal Rules requests discovery and inspection of the following information, evidence, and materials.

ALSO TAKE NOTICE that the Defendant has requested the following in prior Requests and Supplemental Requests for Discovery in broad and/or specific fashion, but for the purpose of this motion now list these items with specificity:

DOCUMENTS AND TANGIBLE EVIDENCE:

1. Floor Plan of trailer including exact dimensions of the interior walls.
2. Listing of all relevant dimensions of the locations of all potential evidence from reference points for both the floor areas and individual walls.
3. List of the evidence by number in the State's listing of evidence previously provided to the defendant correlated to and as set out in item 2 above.
4. With regard to bullet holes item 2 above, a listing of the entrance point and exit point for each bullet.
5. Dimensional references to all bullets, bullet fragments, and casing evidence for both the interior and exterior of the trailer.
6. An accounting of all officer's weapon magazines, including dimensional references for each magazine dropped in or around the trailer, and an accounting of how many magazines each officer carried at the beginning of the incident and the end of the incident.
7. An accounting of the exact number and type of bullets each officer carried at the beginning of the incident, number of bullets by type each officer fired during the incident, and the number of unfired bullets by type each officer had at the end of the incident.
8. An accounting of who possessed / used the weapon magazines depicted in State's photographs identified a # 139 and #140.
9. With regard to Officer Gilbert's weapon magazine dropped during the incident, provide dimensional references to the location of the magazine and the officer's location in the trailer at the time the magazine was dropped.
10. Dimensional references for the location(s) of the blood reportedly located in the

trailer during the police investigation.

11. An accounting of who fired the Ferret Rounds prior the subsequent entry into the trailer, as well as dimensional references for entrance points and resting points for each round.

12. A copy of any and all X-Rays taken of the body of Officer Phil Hill's buttocks area subsequent to the incident.

13. Production of the "357" caliber weapon located in the trailer by Detective Vollmer and Detective Manwaring of the Bannock County Sheriff's Department.

14. Any evidence seized/collected by the Bannock County Sheriff's Department during or resulting from the police investigation of the incident, including all related "Chain of Custody" custodians.

POLICE PROCEDURE:

1. Copies of any and all written Chubbuck Police Department Policies regarding weapon loading and weapon handling. If there are oral policies for weapon loading and/or handling provide a detailed summary of such policies.

2. Copies of any and all Chubbuck Police Department policies regarding the discharge of officer's weapons. If there are oral policies for weapon discharges, provide a detailed summary of such policies.

3. Copies of any and all Chubbuck Police Department policies regarding major crimes. If there are oral policies regarding investigations and or procedure for major crimes, provide a detailed summary of such policies.

CONTINUING REQUEST: This is a continuing request and the prosecuting attorney shall file supplemental responses and serve the same upon the Defendant's attorney as may from

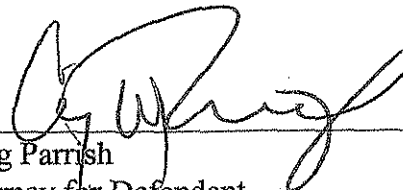
time to time be required to correctly set forth all further in different information obtained by the prosecuting attorney.

The undersigned requests responses and copies of all documents within 14 days, at P.O. Box 4747 Pocatello, Idaho 83205. The Defendant further provides notice that the State, pursuant to Rule 16 of the Idaho Criminal Rules, has a continuing duty to supplement discovery responses and has a duty to exercise due diligence in the gathering and discovering of the evidence requested.

Dated this 13th date of February, 2006.



Don T. Marler
Attorney for Defendant.



Craig Parrish
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Pocatello, Idaho; that on the 13 day of February, 2006, I served a true and correct copy of the following-described pleading or document on the party listed below:

Document Served:

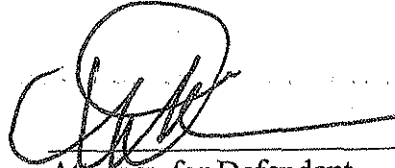
**DEFENDANT'S SECOND SUPPLEMENTAL
REQUEST FOR DISCOVERY AND INSPECTION**

Party Served:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

Method of Service:


U.S. Mail – postage prepaid
 Hand-delivery
 Fax



Attorney for Defendant

DON T. MARLER
ISB # 6119
Attorney at Law
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile: (208) 233-4174

CRAIG PARRISH
ISB # 4763
Parrish Law Office
P.O. Box 4321
Pocatello, ID 83205
Telephone: (208) 234-1234
Facsimile: (208) 234-1244

DEPUTY CLERK
2005 FEB 13 PM 1:50
BY: 
DEPUTY CLERK

Attorneys 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.

FARON STONE,

Defendant.

Case No. CR- 2005-8728-FE **B**

**DEFENDANT'S SECOND
MOTION TO COMPEL
DISCOVERY
AND INSPECTION**

TO: BANNOCK COUNTY PROSECUTOR

PLEASE TAKE NOTICE that the above-named Defendant, Faron Stone, by and through his attorneys of record, Don Marler and Craig Parrish, pursuant to Rule 47 of the Idaho Criminal Rules requests this Court for an order compelling discovery and inspection of the following information, evidence, and materials:

1. Copies of all Policy & Procedure Manuals, for all involved law enforcement agencies.
2. Any pre-warrant (preparation) execution reports.
3. Any post warrant execution (debriefing) reports.

4. Any surveillance reports regarding Stone and/or co-defendants.
5. Any inter/intra-agency reports regarding Stone and/or incident.
6. Copy of dispatch tapes and logs regarding Stone and/or incident.
7. Any individual officer reports regarding surveillance and/or incident.
8. Any/all officer field notes.
9. Copies of training records of all Tactical Team officers involved in incident for the last 5 years.
10. List of all [Chubbuck] Police Department memberships in Law Enforcement Associations and copies of any [Chubbuck Police Department] Accreditations.
11. List of all [Chubbuck Police Department] Tactical Team deployments [during the 5 year period prior to incident].
12. List of complaints against each officer involved in the Stone incident [during the 5 year period prior to the incident] including resolutions.
13. List of any/all discipline actions for each officer involved in the Stone incident [during the 5 year period prior to the incident].
14. List of each Stone related incident officer's time of employment with [the Chubbuck] Police Department, and if less than 5 years, [list all] prior agency employment.
15. [List of all] anticipated trial witnesses including [the] substance of testimony [of each individual officer].
16. Listing of Tactical Training Officer for each individual officer's training in the [5 years prior to the incident].
17. All medical reports regarding Phil Hill and Mike Ballard [related to the incident].

18. List of all officers involved in the Stone incident and [detailed] description of the extent of each [individual] officer's participation [regarding] Bannock County [officers].

19. [Dimensional] locations of items of [any] possible evidence value, observed/found [listed] by each [individual] officer, including physical reconstruction location dimensions.

20. Copy of incident reconstruction drawing including dimension locations of all item of [any] possible evidence value with regard to floor plan of structure, interior wall[s] of structure, exterior walls of structure, and surrounding property as prepared by any/all law enforcement agencies.

21. Results of any investigation performed by any law enforcement agency or laboratory with regard to source point, flight path, resting point, and initiating party for any bullets or bullet fragments recovered from the [incident] scene.

22. A copy of the co-defendant's prior criminal record and nay background information related to her.

23. Copies of any/all interview recordings of Defendant, co-defendant, officers and witnesses.

24. Copies of all audio and video recordings of the critical incident investigation performed by [the] Bannock County [Sheriff's Department] subsequent to the events on or about May 9, 2005.

25. [Disclosure of any/all] statements [made] by the Defendant.

26. [Disclosure of] any and all statements both written, recorded or video taped of the [Defendant's] co-defendant or co-conspirator in the case whether before or after arrest in response to interrogation or contact by a peace officer or law enforcement agency or otherwise.

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

Items previously requested, but further set out and described in the Defendant's Second Supplemental Request for Discovery and Inspection, filed on the 13th day of February, 2006:

1. Floor Plan of trailer including exact dimensions of the interior walls.
2. Listing of all relevant dimensions of the locations of all potential evidence from reference points for both the floor areas and individual walls.
3. List of the evidence by number in the State's listing of evidence previously provided to the defendant correlated to and as set out in item 2 above.
4. With regard to bullet holes item 2 above, a listing of the entrance point and exit point for each bullet.
5. Dimensional references to all bullets, bullet fragments, and casing evidence for both the interior and exterior of the trailer.
6. An accounting of all officer's weapon magazines, including dimensional references for each magazine dropped in or around the trailer, and an accounting of how many magazines each officer carried at the beginning of the incident and the end of the incident.
7. An accounting of the exact number and type of bullets each officer carried at the beginning of the incident, number of bullets by type each officer fired during the incident, and the number of unfired bullets by type each officer had at the end of the incident.
8. An accounting of who possessed / used the weapon magazines depicted in State's photographs identified a # 139 and #140.
9. With regard to Officer Gilbert's weapon magazine dropped during the incident, provide dimensional references to the location of the magazine and the officer's location in the

trailer at the time the magazine was dropped.

10. Dimensional references for the location(s) of the blood reportedly located in the trailer during the police investigation.

11. An accounting of who fired the Ferret Rounds prior the subsequent entry into the trailer, as well as dimensional references for entrance points and resting points for each round.

12. A copy of any and all X-Rays taken of the body of Officer Phil Hill's buttocks area subsequent to the incident.

13. Copies of any and all written Chubbuck Police Department Policies regarding weapon loading and weapon handling. If there are oral policies for weapon loading and/or handling provide a detailed summary of such policies.

14. Copies of any and all Chubbuck Police Department policies regarding the discharge of officer's weapons. If there are oral policies for weapon discharges, provide a detailed summary of such policies.

15. Copies of any and all Chubbuck Police Department policies regarding major crimes. If there are oral policies regarding investigations and or procedure for major crimes, provide a detailed summary of such policies.

16. Production of the "357" caliber weapon located in the trailer by Detective Vollmer and Detective Manwaring of the Bannock County Sheriff's Department.

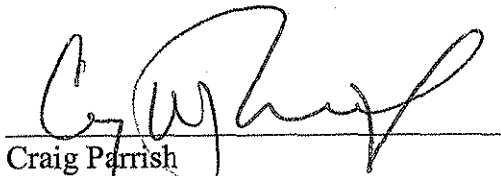
17. Any evidence seized/collected by the Bannock County Sheriff's Department during or resulting from the police investigation of the incident, including all related "Chain of Custody" custodians.

Defendant specifically requests the Court issue an Order compelling the production of the above listed items immediately. If the Court determines that production of all of the items requested is not immediately available, the Defendant requests the Court Order for production which includes a deadline date for production for each item not immediately disclosed.

Dated this 13th date of February, 2006.



Don T. Marler
Attorney for Defendant



Craig Parrish
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Pocatello, Idaho; that on the 13 day of February, 2006, I served a true and correct copy of the following-described pleading or document on the party listed below:


Document Served: **DEFENDANT'S SECOND MOTION TO COMPEL DISCOVERY AND INSPECTION**

Party Served:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

Method of Service:

- U.S. Mail – postage prepaid
- Hand-delivery
- Fax



Attorney for Defendant

DON T. MARLER
ISB # 6119
Attorney at Law
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile: (208) 233-4174

CRAIG PARRISH
ISB # 4763
Parrish Law Office
P.O. Box 4321
Pocatello, ID 83205
Telephone: (208) 234-1234
Facsimile: (208) 234-1244

2006 APR 7 PM 4:09
DEPUTY CLERK

Attorneys 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.

FARON STONE,

Defendant.

Case No. CR- 2005-8728-FE

**DEFENDANT'S THIRD
SUPPLEMENTAL
REQUEST FOR DISCOVERY
AND INSPECTION**

TO: BANNOCK COUNTY PROSECUTOR

PLEASE TAKE NOTICE that the above-named Defendant, Faron Stone, by and through his attorneys of record, Don Marler and Craig Parrish, pursuant to Rule 16 of the Idaho Criminal Rules requests discovery and inspection of the following information, evidence, and materials.

ALSO TAKE NOTICE that the Defendant has requested the following in prior Requests and Supplemental Requests for Discovery in broad and/or specific fashion, but for the purpose of this motion now list these items with specificity:

DOCUMENTS AND TANGIBLE EVIDENCE:

1. Audio tapes of Chubbuck Police, Pocatello Police, Bannock County Sheriff's, and Idaho State Police Radio Transmissions for the day before and the day of the incident.
2. Copies of all diagrams that have been, or may be, made involving the incident.

POLICE PROCEDURE:

1. Copies of all firearms qualifications for Chubbuck officers involved in the incident.
2. Copies of all SWAT training records for Chubbuck officers involved in the incident.
3. Copies of all POST training records for Chubbuck officers involved in the incident.
4. Copies of all Pre-SWAT Testing for Chubbuck officers involved in the incident, including: (1) written testing, (2) oral boards notes, (3) physical fitness testing, (4) shooting scores, and (5) any other relevant information.
5. Copies of all Chubbuck Police Department training records for SWAT, Special Response Team, and Speciality team training.
6. Copies of all training Chubbuck Police Department manuals, outlines, and documents for SWAT, Special Response Team, and Speciality Team training.
7. Copies of all Chubbuck Police Department Firearms Qualification Record for officers involved.
8. Copies of any and all Disciplinary Records for all Chubbuck officers involved in the incident.
9. Copies of all maintenance records on all Chubbuck Police Department firearms.
10. A full inventory equipment listing of all Chubbuck Police Department SWAT / Special Response Team at the time of the incident.

11. Copies of all Chubbuck Police Department SWAT / Special Response Team Meeting Minutes for the period of one-year prior to the date of the incident.

12. Copies of all Use of Force Forms held in the Chubbuck Police Department files.

13. Copies of the Chubbuck Police Department Pre-Raid Plan involving the incident, including and an all photos, notes, diagrams, and any other relevant information.

14. Copy of the Chubbuck Police Department Pre-Raid Threat Analysis sheet, forms, notes, including any notes made by individual officers involved in the incident.

15. Copy of any and all Post-Raid Briefing information including any written information, recorded information, diagrams, and any other relevant information by all law enforcement agencies involved in the incident.

16. Copies of any and all outside agency reviews and/or reports involving the incident.

17. Copies of any and all outside agency reviews of the Chubbuck Police Department policies, procedures, including but not limited to this particular incident.

18. Copies of the Pocatello Police Department, Bannock County Sheriff's Department, and Idaho State Police's Pre and Post Raid Briefing.

19. Lot numbers of bullets in each SWAT weapon at the time of the incident.

20. Copies of the training records of every Weapon Training Officer who provided training to and for each officer involved in the incident.

21. Copies of Chubbuck Police Department Polices and Procedures regarding the loading of every weapon, and/or weapon type, carried by the officers involved in the incident.

22. Copies of Chubbuck Police Department SWAT / Special Response Team Policy and Procedures.

23. Copies of Chubbuck Police Department SWAT / Special Response Team Policy and Procedures regarding approved bullets.

24. Copies of any and all reports regarding the types of bullets - including specific lot numbers - for each weapon carried by officers involved in the incident.

EXCULPATORY EVIDENCE:

1. Copies of all law enforcement personnel and/or Chubbuck employee, e-mail messages, department bulletins, text messages, APD messages, and other notices pertaining to the incident.

2. Copies of any and all post-incident drug and alcohol testing of officers involved in the incident.

3. Copies of all medical records of Chubbuck Police Department officers who claim an injury resulting from the incident.

4. Copies of all psychological reports of officers involved in the incident.

5. Copies of all post-incident counseling records of officers involved in the incident.

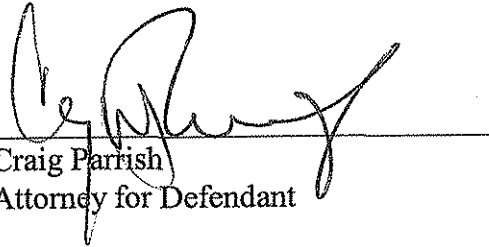
CONTINUING REQUEST: This is a continuing request and the prosecuting attorney shall file supplemental responses and serve the same upon the Defendant's attorney as may from time to time be required to correctly set forth all further information obtained by the prosecuting attorney.

The undersigned requests responses and copies of all documents within 14 days, at P.O. Box 4747 Pocatello, Idaho 83205. The Defendant further provides notice that the State, pursuant to Rule 16 of the Idaho Criminal Rules, has a continuing duty to supplement discovery responses and has a duty to exercise due diligence in the gathering and discovering of the evidence requested.

Dated this 7 date of April, 2006.



Don T. Marler
Attorney for Defendant



Craig Parrish
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Pocatello, Idaho; that on the 7 day of April, 2006, I served a true and correct copy of the following-described pleading or document on the party listed below:

Document Served: **DEFENDANT'S THIRD SUPPLEMENTAL
REQUEST FOR DISCOVERY AND INSPECTION**

Party Served:

Mark L. Hiedeman
Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

Method of Service:

U.S. Mail – postage prepaid
 Hand-delivery
 Fax



Attorney for Defendant

CRAIG W. PARRISH
Attorney at Law
P. O. Box 4321
Pocatello, Idaho 83205-4321
(208) 234-1234

2006 APR 11
BY: [Signature]
DEPT. CLERK

DON T. MARLER
Attorney at Law
P. O. Box 4747
Pocatello, Idaho 83205-4747
(208) 233-1421

**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 2005-08728-FE-B
vs.)	
	)	DEFENDANT'S MOTION FOR
FARON STONE,	)	WRITTEN VOIR DIRE
	)	QUESTIONNAIRE
Defendant,)	
_____)	

COMES NOW, Faron Stone, the Defendant in the above entitled matter, acting by and through his attorneys of record, Craig W. Parrish and Don T. Marler, and hereby moves the Court for an Order, as follows:

The Defendant requests that the Court approve the attached written voir dire juror questionnaire be submitted to the prospective juror pool. The Defendant herein states that the usual voir dire by the Court and counsel at the time of the trial is not sufficient and therefore requests that the written voir dire be completed prior to trial. The attached voir dire is proposed questionnaire and could implement additional proposed questions by the State, the Court and defense counsel, if needed.

This Motion is being made based upon the following grounds and for the following reasons:

- (a) The nature of the charges against the Defendant.
- (b) The possible penalties that could be imposed against the Defendant.
- (c) The ethnicity of the Defendant and the witnesses.
- (d) The violent nature of the allegations and the facts of this case.
- (e) The use of weapons and threats.
- (f) The fact that small children were present at the time the alleged incident took place.
- (g) The search took place at night, pursuant to a no-knock warrant.
- (h) Allegations of the presence of drugs and drug useage.
- (i) Police officers being injured during the search.

This Motion is further based upon the records and files in this matter.

DATED this 11 day of April, 2006.



CRAIG W. FARRISH
Attorney For Defendant



DON T. MARLER
Attorney For Defendant

CERTIFICATE OF SERVICE

On this 11 day of April, 2006, I certify that a true and correct copy of the foregoing **DEFENDANT'S MOTION FOR WRITTEN VOIR DIRE QUESTIONNAIRE**, was served upon the following:

Bannock County Prosecuting Attorney
P.O. Box P
Pocatello, Idaho 83205
(Courthouse in-box)



CRAIG W. PARRISH



DON T. MARLER