

6-16-2009

State v. Hanington Clerk's Record v. 1 Dckt. 35608

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LAW CLERK 1 of 6

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

STATE OF IDAHO,
PLAINTIFF-RESPONDENT,

vs.

WILLIAM BLAINE HANINGTON,
DEFENDANT-APPELLANT.

*Appealed from the District Court of the Fourth Judicial
District of the State of Idaho, in and for ADA County*

Hon MIKE WETHERELL, District Judge

MOLLY HUSKEY
State Appellate Public Defender

Attorney for Appellant

LAWRENCE G. WASDEN
Attorney General

Attorney for Respondent

COPY

FILED - COPY

JAN 16 2009

Supreme Court Court of Appeals
Entered on ATS by: _____

35608

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

WILLIAM BLAINE HANINGTON,

Defendant-Appellant.

Supreme Court Case No. 35608

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE MIKE WETHERELL

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

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Date: 10/3/2008

10th Judicial District Court - Ada County

User: COTHIEBJ

Time: 12:08 PM

ROA Report

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Case: CR-MD-2004-0007183 Current Judge: Kevin Swain

Defendant: Hanington, William Blaine

State of Idaho vs. William Blaine Hanington

Date	Code	User		Judge
6/18/2004	NEWC	ID	Case Created	Kevin Swain
		ID	Case Opened	Kevin Swain
	ARRN	ID	Video Arraignment - 06/18/2004	Kevin Swain
	CHAD	ID	Charge number 1: Charge Booked by ACSO	Kevin Swain
		ID	Charge number 1: Finger Print Card# Added - 0044575	Kevin Swain
	CHAD	ID	Charge number 2: Charge Booked by ACSO - -Citation A 354214	Kevin Swain
	BSET	ID	Charge number 2: Bond Set at - 300	Kevin Swain
	ARRN	CH	Video Arraignment - 06/18/2004	Kevin Swain
		SH	Charge number 1: Charge Filed Cause Found	Kevin Swain
	ARRN	SH	Charge number 2: Charge Filed Cause Found	Kevin Swain
		HM	Video Arraignment	Kevin Swain
		HM	Charge number 1: Bond Reduced or Amended to - \$25000.00	Kevin Swain
		HRSC	GS	Event Scheduled - Preliminary Hearing - 07/09/2004	Kevin Swain
	6/23/2004	NOTC	MN	Notice - of Appear/Bartlett	Kevin Swain
RESD		MN	Defendant Request For Discovery	Kevin Swain
6/24/2004	HRSC	ME	Event Scheduled - Preliminary Hearing - 07/09/2004	Kevin Swain
7/9/2004	HRSC	ME	Event Scheduled - Preliminary Hearing - 08/16/2004	Kevin Swain
8/16/2004		HM	Charge number 1: P/H Waived, Defendant Bound Over - H0401159 D.01	Kevin Swain
		HM	Charge number 1: Count Bound To - H0401159 D.01 C.001	Kevin Swain
		HM	Charge number 1: Bond Transferred To - H0401159 D.01 C.001	Kevin Swain
		HM	Charge number 2: Count Bound To - H0401159 D.01 C.002	Kevin Swain
8/19/2004			Finger Print Card# Sent to BCI - 0100044575	Kevin Swain

00003

State of Idaho vs. William Blaine Hanington

Date	Code	User		Judge
8/16/2004	NEWC	HM	Case Created - Bind Over M0407183	Mike Wetherell
	COMM	HM	Charge number 1: Commitment and Papers	Mike Wetherell
		HM	Charge number 1: Defendant Transferred In - M0407183 D.01	Mike Wetherell
		HM	Charge number 1: Count Bound From - M0407183 D.01 C.001	Mike Wetherell
		HM	Charge number 1: Bond Transferred From - M0407183 D.01 C.001	Mike Wetherell
		HM	Charge number 2: Count Bound From - M0407183 D.01 C.002	Mike Wetherell
		HM	Finger Print Card# Added	Mike Wetherell
	HRSC	HM	Event Scheduled - 0900 - 08/26/2004	Mike Wetherell
	CHAD		Charge number 3: Charge Created	Mike Wetherell
	CHAD		Charge number 3: Charge Created	Mike Wetherell
	CHAD		Charge number 4: Charge Created	Mike Wetherell
8/20/2004	INFO	AN	Information and Papers Filed	Mike Wetherell
8/26/2004	ARRN	DO	Arraignment	Mike Wetherell
	CONT	DO	Continued For Plea	Mike Wetherell
9/16/2004	ARRN	DO	Arraignment - (Con't)	Mike Wetherell
	CONT	DO	Continued For Plea	Mike Wetherell
9/23/2004	ARRN	DO	Arraignment - (Con't)	Mike Wetherell
	GLTY	DO	Charge number 1: Guilty Plea	Mike Wetherell
	HRSC	DO	Event Scheduled - Sentencing Hearing - 12/02/2004	Mike Wetherell
11/30/2004		KM	Materials for Consideration at Sentencing	Mike Wetherell
12/2/2004	HRSC	DO	Event Scheduled - Sentencing Hearing - 01/20/2005	Mike Wetherell
12/14/2004		KM	Additional Material for Consideration at Sentence	Mike Wetherell
12/27/2004		MB	Brief Lodged	Mike Wetherell
12/30/2004		MB	State's Response Re: W/Held Judgment	Mike Wetherell
1/20/2005	SENT	DO	Sentence Hearing	Mike Wetherell
	WHJD	DO	Charge number 1: Withheld Judgment Entered	Mike Wetherell
	SNPF	DO	Charge number 1: Sentenced to Fine & Costs - \$288.50	Mike Wetherell
	SNIC	DO	Charge number 1: Sentenced to Jail - 60d 1d cr	Mike Wetherell
	PROB	DO	Charge number 1: Placed on Probation - 8y Standard Terms	Mike Wetherell

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State of Idaho vs. William Blaine Hanington

Date	Code	User		Judge
1/20/2005	DSBT	DO	Charge number 2: Dismissed Before Trial or Hearing	Mike Wetherell
			Finger Print Card# Sent to BCI - 0100044575	Mike Wetherell
1/21/2005	BVEX		Charge number 1: Exoneration of Bond - S25-833844 - 01/21/2005	Mike Wetherell
1/24/2005	ORDR	LD	Order - Withholding Judgment & Order of Probation	Mike Wetherell
3/3/2005		DO	Stipulation to Permit to Serve Wk Rel	Mike Wetherell
	ORDR	DO	Order - Order to Allow Wk Release	Mike Wetherell
3/23/2005		DO	(Lodged)Sentencing Hearing Filed	Mike Wetherell
4/11/2005			Charge number 1: Fine Agreement Set - 04/11/2005	Mike Wetherell
12/29/2005			Charge number 1: Fine Agreement Set - 12/29/2005	Mike Wetherell
3/23/2006	ORPD	HQ	Order Appointing Public Defender	Mike Wetherell
	BSET	HQ	Charge number 3: Bond Set at - \$30000.00	Mike Wetherell
	ARRN	GS	Arrestment - 03/30/2006	Mike Wetherell
3/24/2006	ORDR	CH	Order - for Pv	Mike Wetherell
	NOTC	NK	Notice - of Hearing	Mike Wetherell
	MOTN	NK	Motion - For Bond Reduction	Mike Wetherell
	RESD	NK	Defendant Request For Discovery	Mike Wetherell
3/30/2006	ARRN	DO	Arrestment	Mike Wetherell
	CONT	DO	Continued For Plea	Mike Wetherell
	MOTN	DO	Motion - for Prob Violation	Mike Wetherell
4/3/2006	NOTC	NK	Notice - of Appear/Ellsworth	Mike Wetherell
4/5/2006		DO	Affidavit and Order Setting Bond \$50,000	Mike Wetherell
		CH	Affidavit for Agents PV	Mike Wetherell
		KK	Charge number 3: Bond Reduced or Amended to - \$50000.00	Mike Wetherell
		KK		Mike Wetherell
	ARRN	JB	Arrestment - Arrestment - 04/13/2006	Mike Wetherell
	ORDR	CH	Order - for pv	Mike Wetherell
4/13/2006	ARRN	DO	Arrestment	Mike Wetherell
	APNG	DO	Charge number 3: Not Guilty Plea	Mike Wetherell
	HRSC	DO	Event Scheduled - Hearing - 06/01/2006	Mike Wetherell
	MOTN	DO	Motion - for Probation Violation(Agent's Warrant	Mike Wetherell

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State of Idaho vs. William Blaine Hanington

Date	Code	User		Judge
5/3/2006	MOTN	DF	Motion - ex Parte to Revoke Bond	Mike Wetherell
		DF	Affid of Armbuster	Mike Wetherell
5/5/2006		DO	Bench Warrant Created - H0401159.01-01	Mike Wetherell
	WARB		Bench Warrant Issued - H0401159.01-01 - 05/05/2006	Mike Wetherell
	ORDR	DO	Order - to Revoke Bond	Mike Wetherell
5/8/2006		DF	Affid of Armbruster	Mike Wetherell
5/18/2006		CW	Warrant Return Filed	Mike Wetherell
6/1/2006		DO	Request for Cameras Granted	Mike Wetherell
		DO	Hearing	Mike Wetherell
	CPGT	DO	Charge number 3: Change Plea to Guilty Before Trial	Mike Wetherell
	HRSC	DO	Event Scheduled - Sentencing Hearing - 08/03/2006	Mike Wetherell
6/21/2006	MOTN	DF	Motion - for Release of PSI	Mike Wetherell
7/11/2006	REQD	SM	State/City Response to Disc. Req. - /Addendum	Mike Wetherell
7/13/2006	REQD	SM	State/City Response to Disc. Req. - /Addendum	Mike Wetherell
8/2/2006	MOTN	AS	Motion - to Strike	Mike Wetherell
8/3/2006	SENT	DO	Sentence Hearing	Mike Wetherell
		DO	Charge number 3: Retained Jurisdiction - 180 days	Mike Wetherell
		DO	Charge number 3: Sentenced to ISCI - 15y	Mike Wetherell
		DO	Approval for Cameras in the Courtroom	Mike Wetherell
8/4/2006	BVEX		Charge number 3: Exoneration of Bond - 100 4001868 - 08/04/2006	Mike Wetherell
	BVEX		Charge number 4: Exoneration of Bond - 100-4001948 - 08/04/2006	Mike Wetherell
8/7/2006	ORDR	LD	Order - of Revocation of Prob & Impos of Sent	Mike Wetherell
12/19/2006	ORDR	LD	Order - to Transport	Mike Wetherell
		LD	Rider Hearing - 01/04/2007	Mike Wetherell
1/4/2007		DO	Rider Hearing	Mike Wetherell
		DO	Charge number 3: Judgment Reconsidered	Mike Wetherell
		DO	Charge number 3: Judgment Reconsidered - S 20-227-B PROB VI	Mike Wetherell
		DO	Charge number 3: Sentence Modified- - Incarceration	Mike Wetherell
		DO	Charge number 3: Sentenced to ISCI - 15y 15y sp 235d cr	Mike Wetherell

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State of Idaho vs. William Blaine Hanington

Date	Code	User	Judge
1/4/2007		DO	Charge number 3: Sentence Modified- - Probation
	PROB	DO	Charge number 3: Placed on Probation - 15Y STD TERMS
1/5/2007	ORDR	LD	Order - Suspending Sentence & Reinstating Prob
2/16/2007	ORDR	ML	Order - Bond Set \$25,000.00
	ARRN	GS	Arraignment - 02/22/2007
2/20/2007	NOTC	SG	Notice - of Hearing
	MOTN	SG	Motion - for Bond Reduction
	RESD	SG	Defendant Request For Discovery
2/21/2007			Charge number 1: Fine Agreement Set - 02/21/2007
2/22/2007	MOTN	JW	Motion - for PV (Agent Wrrnt)
	ARRN	DO	Arraignment
	CONT	DO	Continued For Plea
2/26/2007	MOTN	SR	Motion - for Bond Reduction
	NOTC	SR	Notice - of Hearing
	RESD	SR	Defendant Request For Discovery
3/1/2007	ARRN	DO	Arraignment - (Con't)
	APNG	DO	Charge number 4: Not Guilty Plea
	HRSC	DO	Event Scheduled - Hearing - 05/24/2007
3/27/2007		SR	Addendum to PV Response to Discovry
4/5/2007	MOTN	SR	Motion - To W/draw as Attny of Record
4/10/2007	ORDR	DO	Order - Permitting W/drawal Counsel
5/24/2007		DO	Hearing
	CPGT	DO	Charge number 4: Change Plea to Guilty Before Trial
	HRSC	DO	Event Scheduled - Sentencing Hearing - 06/28/2007
6/28/2007	SENT	DO	Sentence Hearing
		DO	Charge number 4: Retained Jurisdiction - 180 days
	FJDE	DO	Charge number 4: Final Judgment, Order or Decree
		DO	2nd Rider
	BSET	TCCASTAE	BOND SET: at 100000.00 - (IX20-227-B {F} PROBATION VIOLATION)
6/29/2007	ORDR	LD	Order - of Revocation of Prob & Impos of Sent

State of Idaho vs. William Blaine Hanington

Date	Code	User		Judge
11/13/2007	ORDR	DO	Order - To Transport 12/13/	Mike Wetherell
		DO	Rider Hearing - 12/13/2007	Mike Wetherell
12/13/2007		DO	Rider Hearing	Mike Wetherell
		DO	Charge number 4: Judgment Reconsidered	Mike Wetherell
		DO	Charge number 4: Judgment Reconsidered - S 20-227-B PROB VI	Mike Wetherell
		DO	Charge number 4: Sentence Removed- - Incarceration	Mike Wetherell
		DO	Charge number 4: Sentence Modified- - Probation	Mike Wetherell
	PROB	DO	Charge number 4: Placed on Probation - 15Y STD TERMS	Mike Wetherell
12/17/2007	ORDR	LD	Order - Suspending Sentence & Reinstating Prob	Mike Wetherell
2/11/2008	NOTC	AU	Notice - of Hearing	Mike Wetherell
	MOTN	AU	Motion - to Amend Terms &	Mike Wetherell
	HRSC	AU	Event Scheduled - Hearing - 02/14/2008 Conditions of Probation	Mike Wetherell
2/14/2008		DO	Hearing	Mike Wetherell
2/15/2008	ORDR	DO	Order - Compelling P&P to Contact Defendant	Mike Wetherell
4/10/2008	ORDR	DCDANSEL	Affidavit & Order for Agent's Warrant - Bond set at \$100,000.00	Mike Wetherell
	HRSC	CCEDWARM	Hearing Scheduled (Arrestment 04/17/2008 09:00 AM)	Mike Wetherell
	ORPD	TCCASTAE	Order Appointing Public Defender Public defender Ada County Public Defender	Mike Wetherell
	BSET	TCCASTAE	BOND SET: 100,000.00	Mike Wetherell
		MADALERD	Notice Of Hearing	Mike Wetherell
4/14/2008	MOTN	TCBUCKAD	Motion for Bond Reduction	Mike Wetherell
	NOTC	TCBUCKAD	Notice of Hearing	Mike Wetherell
	RQDD	TCBUCKAD	Defendant's Request for Discovery	Mike Wetherell
4/17/2008	HRHD	DCOATMAD	Hearing result for Arrestment held on 04/17/2008 09:00 AM: Hearing Held	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Admit/Deny Probation Violation 04/24/2008 09:00 AM)	Mike Wetherell
	MOTN	DCOATMAD	Motion for Probation Violation	Mike Wetherell
4/24/2008	DCHH	DCELLISJ	Hearing result for Admit/Deny Probation Violation held on 04/24/2008 09:00 AM: District Court Hearing Held Court Reporter: Jayleen Tillman Number of Transcript Pages for this hearing estimated: Less than 100 pages	Mike Wetherell

State of Idaho vs. William Blaine Hanington

Date	Code	User		Judge
4/24/2008	HRSC	DCELLISJ	Hearing Scheduled (Probation Violation Hearing 06/12/2008 03:30 PM)	Mike Wetherell
	PLEA	DCELLISJ	A Plea is entered for charge: - NG (I20-222 Probation Violation)	Mike Wetherell
6/12/2008	DCHH	DCOATMAD	Hearing result for Probation Violation Hearing held on 06/12/2008 03:30 PM: District Court Hearing Held C=Jean Hirmer less than 100 pgs Court Reporter: Number of Transcript Pages for this hearing estimated:	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Disposition 08/07/2008 02:30 PM)	Mike Wetherell
7/8/2008	JAIL	DCOATMAD	Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Credited time: 656 days. Penitentiary determinate: 6 years. Penitentiary indeterminate: 9 years.	Mike Wetherell
8/7/2008	DCHH	DCOATMAD	Hearing result for Disposition held on 08/07/2008 02:30 PM: District Court Hearing Held Court Reporter: robin lee Number of Transcript Pages for this hearing estimated: less than 50	Mike Wetherell
	STAT	DCOATMAD	STATUS CHANGED: closed pending clerk action	Mike Wetherell
8/12/2008	ORDR	DCDANSEL	Order of Revocation of Probation and Reducing Sentence and Commitment	Mike Wetherell
8/18/2008	MOTN	TCURQUAM	Motion to Reconsideration of Sentence	Mike Wetherell
	MISC	TCURQUAM	Brief in Support	Mike Wetherell
8/19/2008	APSC	TCURQUAM	Appealed To The Supreme Court	Mike Wetherell
8/20/2008	ORDR	DCOATMAD	Order Appointing State Appellate PD on Appeal	Mike Wetherell
8/25/2008	ORDR	DCOATMAD	Order Re: Motion for Reconsideration of Sentence	Mike Wetherell

NO. _____ FILED _____
 A.M. _____ P.M. _____
JUN 18 2004
 By: DAVID NAVARRO, Clerk
 DEPUTY

DR # 04-023073

GREG H. BOWER
 Ada County Prosecuting Attorney



Shawna Dunn
 Deputy Prosecuting Attorney
 200 W. Front Street, Room 3191
 Boise, Idaho 83702
 Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
 Plaintiff,)
 vs.)
)
 WILLIAM BLAINE HANINGTON,)
)
 Defendant.)
 _____)

Case No. M0407183

Andrew Se
COMPLAINT

Hanington's DOB: 
 Hanington's SSN: 

PERSONALLY APPEARED Before me this 18 day of June 2004, Shawna
 Dunn, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who,
 being first duly sworn, complains and says: that WILLIAM BLAINE HANINGTON, on
 or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did commit
 the crimes of: I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C.
 §18-1509 ^(A) and II. DISSEMINATING MATERIAL HARMFUL TO MINORS,
 MISDEMEANOR, I.C. §18-1515 as follows:

COUNT I

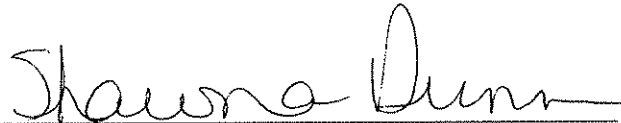
That the Defendant, WILLIAM BLAINE HANINGTON, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did knowingly use the internet to solicit, lure, persuade or entice by words and/or actions a minor child under the age of sixteen (16) years or a person the defendant believe to be under the age of sixteen (16) years, to-wit: Maggie14boise, to engage in any sexual act where such act would constitute a lewd and lascivious act, to-wit: by enticing the child to engage in oral to genital contact with the defendant.

COUNT II

That the Defendant, WILLIAM BLAINE HANINGTON, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did knowingly make available to a minor and/or possess with the intent to promote to minors pictures or other visual image of a person or portion of the human body which depicts nudity and/or sexual contact and which is harmful to minors.

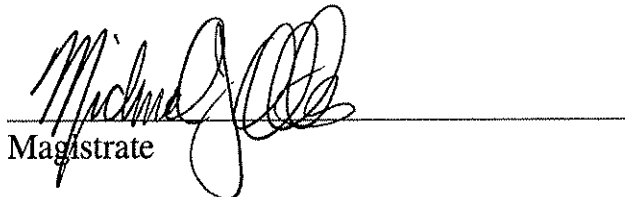
All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

Said Complainant therefore prays that a Warrant issue for the arrest of the Defendant and that WILLIAM BLAINE HANINGTON, may be dealt with according to law.



Shawna Dunn
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 18 day of June, 2004.


Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. M0407183

vs.

CLERK MARILYN EDWARDS

Shelton Blaine Henington

DATE 6/18/04 TIME 10⁴¹am

PROSECUTOR Shauna Dunn

TOXIMETER _____

COMPLAINING WITNESS _____

TAPE NO. Oth061804 BEG. 104104

END 104408

JUDGE

- | | | | |
|--------------------------|----------|-------------------------------------|----------|
| <input type="checkbox"/> | BIETER | <input type="checkbox"/> | MCDANIEL |
| <input type="checkbox"/> | COMSTOCK | <input type="checkbox"/> | MINDER |
| <input type="checkbox"/> | DAY | <input type="checkbox"/> | MORDEN |
| <input type="checkbox"/> | DENNARD | <input checked="" type="checkbox"/> | OTHS |
| <input type="checkbox"/> | DUTCHER | <input type="checkbox"/> | SCHMIDT |
| <input type="checkbox"/> | GRANT | <input type="checkbox"/> | SWAIN |
| <input type="checkbox"/> | HANSEN | <input type="checkbox"/> | VEHLOW |
| <input type="checkbox"/> | HAY | <input type="checkbox"/> | WATKINS |
| <input type="checkbox"/> | _____ | | |
| <input type="checkbox"/> | _____ | | |

STATUS

- State
- WITNESS-SWORN
 - PC FOUND _____
 - COMPLAINT SIGNED
 - AMENDED COMPLAINT SIGNED
 - NO PC FOUND _____
 - EXONERATE BOND
 - SUMMONS TO BE ISSUED
 - WARRANT ISSUED
 - BOND SET \$ _____
 - NO CONTACT
 - _____
 - D.R. # _____
 - DISMISS CASE
 - IN CUSTODY

COMMENTS

SCHEDULED EVENT:
Video Arraignment

JUDGE:
Kevin Swain

CLERK:
Vicky Emery

Amoney

DATE: 06/18/2004 TIME: 13:30 COURT REPORTER:

TAPE NO: _____ PR/AGY: AC _____ PROS: Holy Koda
Bartlett
~~_____/ATTORNEY~~

HANINGTON WILLIAM BLAINE H0407182.01 SSN 944-37-9893 DOB 11/25/1974

1 ENFICTNO O S 18 1509 F 2 DISSEMINAT S 18 1515 M

<u>154054</u> Case Called	Def: <input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Pres.	<input checked="" type="checkbox"/> In Custody
<input checked="" type="checkbox"/> Advised of Rights	<input type="checkbox"/> Waived Rts	<input type="checkbox"/> PD Appointed	<input type="checkbox"/> Waived Atty
<input type="checkbox"/> Guilty Plea/PV Admit	<input type="checkbox"/> N/G Plea	<input type="checkbox"/> Advise Subseqt Penalty	
<input checked="" type="checkbox"/> Bond \$ <u>25,000</u>	<input type="checkbox"/> ROR	<input type="checkbox"/> Pay/Stay	<input type="checkbox"/> Payment Agr

#1 Moves to Amend ct 1 Subsection A
Adverses def Charge

PIH - 7-9-04 @ 8:30
394

Bond Arguments

Bond Conditions
Reside w/ Parents, have no access to personal computers
no use of computers

SCHEDULED EVENT:
Preliminary Hearing

JUDGE: A. RICHARD GRANT
~~Kevin Swain~~

CLERK:
Marilyn Edwards

DATE: 07/09/2004 TIME: 8:30

COURT REPORTER: _____

TAPE NO: Swain 070904

PR/AGY: AC

PROS: _____

P.D./ATTORNEY

Jeff McKinney
Michael Bartlett

HANINGTON WILLIAM BLAINE

M0407183.01

SSN

DOB

1 ENTICING O S 18 1509

F

2 DISSEMINAT S 18 1515

M

091349

Case Called Def:

Present

Not Pres.

In Custody

Advised of Rights

Waived Rts

PD Appointed

Waived Atty

Guilty Plea/PV Admit

N/G Plea

Advise Subsq Penalty

Bond \$ 25,000

ROR

Pay/Stay

Payment Agr

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2. State Needs Paperwork

Parties agree to SO

Reset 8/16/04 @ 8:30am

091551

* Finish () Release Defendant

War# M0407191 Def# 01 Seq# 01 Type A Docket#

Rev: 3/97

00014

DR # 04-023073

NO. _____ FILED
A.M. 11:23 P.M. _____

AUG 16 2004

J. DAVID NAVARRO, CLERK
BY [Signature]
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

John C. McKinney
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
WILLIAM BLAINE HANINGTON,)
)
Defendant.)
_____)

Case No. **M0407183**
SECOND
AMENDED
COMPLAINT

Hanington's DOB: [REDACTED]
Hanington's SSN: [REDACTED]

PERSONALLY APPEARED Before me this 16 day of ^{August} ~~July~~, 2004, John C. McKinney, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that WILLIAM BLAINE HANINGTON, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did commit the crimes of: I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. §18-1509A and II. DISSEMINATING MATERIAL HARMFUL TO MINORS, MISDEMEANOR, I.C. §18-1515 as follows:

COUNT I

That the Defendant, WILLIAM BLAINE HANINGTON, of the age of nineteen (19) years, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did knowingly use the internet to solicit, lure, persuade or entice by words and/or action a minor child under the age of sixteen (16) years, or a person the defendant believed to be a minor child under the age of sixteen (16) years, to engage in a sexual act with/or against the child where such act is in violation of chapter 15, 61, or 66, title 18, Idaho Code, to-wit: Maggie14boise, to engage in a sexual act where such act would constitute a lewd and lascivious act, to-wit: by soliciting a person the Defendant believed to be a fourteen (14) year old female to engage in oral to genital contact with the Defendant.

COUNT II

That the Defendant, WILLIAM BLAINE HANINGTON, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did knowingly make available to a minor and/or possess with the intent to promote to minors pictures or other visual image of a person or portion of the human body which depicts nudity and/or sexual contact and which is harmful to minors.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

Said Complainant therefore prays that a Warrant issue for the arrest of the Defendant and that WILLIAM BLAINE HANINGTON, may be dealt with according to law.



John C. McKinney
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 16 day of ^{August} ~~July~~, 2004.


Magistrate

NO. _____ FILED
A.M. 11.23 P.M. _____
AUG 16 2004
J. DAVID NAVARRO, CLERK
BY J. McKinney
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

John C. McKinney
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	<u>40401159</u>
	)	Case No. M0407183
vs.)	
	)	COMMITMENT
)	
WILLIAM BLAINE HANINGTON,	)	Defendant's DOB: [REDACTED]
	)	Defendant's SSN: [REDACTED]
Defendant.)	

THE ABOVE NAMED DEFENDANT, WILLIAM BLAINE HANINGTON,
having been brought before this Court for a Preliminary Examination on the ____ day of _____, 2004, on a charge that the Defendant(s) on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did commit the crime(s) of: I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. §18-1509A and II.

DISSEMINATING MATERIAL HARMFUL TO MINORS, MISDEMEANOR, I.C. §18-1515 as follows:

COUNT I

That the Defendant, WILLIAM BLAINE HANINGTON, of the age of nineteen (19) years, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did knowingly use the internet to solicit, lure, persuade or entice by words and/or action a minor child under the age of sixteen (16) years, or a person the defendant believed to be a minor child under the age of sixteen (16) years, to engage in a sexual act with/or against the child where such act is in violation of chapter 15, 61, or 66, title 18, Idaho Code, to-wit: Maggie14boise, to engage in a sexual act where such act would constitute a lewd and lascivious act, to-wit: by soliciting a person the Defendant believed to be a fourteen (14) year old female to engage in oral to genital contact with the Defendant.

COUNT II

That the Defendant, WILLIAM BLAINE HANINGTON, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did knowingly make available to a minor and/or possess with the intent to promote to minors pictures or other visual image of a person or portion of the human body which depicts nudity and/or sexual contact and which is harmful to minors.

The Defendant(s) having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant(s) is/are guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant(s) be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ _____.

DATED this 16 day of August, 2004.


MAGISTRATE

NO. _____ FILED _____
A.M. _____ P.M. 27

AUG 20 2004

By J. DAVID NAVARRA Clerk
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
)
Defendant.)
_____)

Case No. 40401159

INFORMATION

Defendant's DOB: [REDACTED]
Defendant's SSN: [REDACTED]

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that WILLIAM BLAINE HANINGTON is/are accused by this Information of the crime(s) of: I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. §18-1509A and II. DISSEMINATING MATERIAL HARMFUL TO MINORS, MISDEMEANOR, I.C. §18-1515 which crime(s) was/were committed as follows:

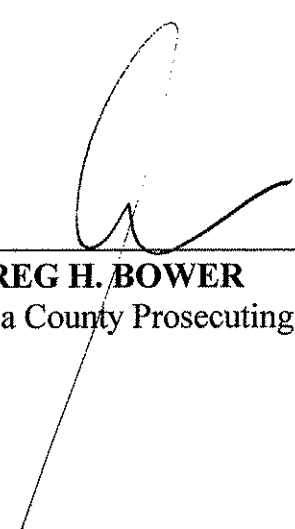
COUNT I

That the Defendant, WILLIAM BLAINE HANINGTON, of the age of nineteen (19) years, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did knowingly use the internet to solicit, lure, persuade or entice by words and/or action a minor child under the age of sixteen (16) years, or a person the defendant believed to be a minor child under the age of sixteen (16) years, to engage in a sexual act with/or against the child where such act is in violation of chapter 15, 61, or 66, title 18, Idaho Code, to-wit: Maggie14boise, to engage in a sexual act where such act would constitute a lewd and lascivious act, to-wit: by soliciting a person the Defendant believed to be a fourteen (14) year old female to engage in oral to genital contact with the Defendant.

COUNT II

That the Defendant, WILLIAM BLAINE HANINGTON, on or about the 17th day of June, 2004, in the County of Ada, State of Idaho, did knowingly make available to a minor and/or possess with the intent to promote to minors pictures or other visual image of a person or portion of the human body which depicts nudity and/or sexual contact and which is harmful to minors.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

Session: Wetherell082604
Session Date: 2004/08/26
Judge: Wetherell, Mike
Reporter: Wolf, Sue

Division: DC
Session Time: 08:45

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Armstrong, Shelley
Felix, Katy
McDevitt, Kendal
Meehan, Julianne

Public Defender(s):
Cahill, August
Carr, D. C.
Geddes, Anthony
Rolfesen, Eric

Prob. Officer(s):

Court interpreter(s):

Case ID: 0004

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney: Bartlett, Michael
State Attorney: Meehan, Julianne
Public Defender:

2004/08/26

09:32:35 - Operator
Recording:
09:32:35 - New case
Hanington, William
09:33:05 - Judge: Wetherell, Mike
Ct call case; def present on bond w/counsel
09:33:14 - Judge: Wetherell, Mike

Ct arrgs def on Information

09:35:16 - Pers. Attorney: Bartlett, Michael

Discovery outstanding--req set over

09:35:47 - Judge: Wetherell, Mike

Sept 16, 2004 at 9:00 entry plea

09:36:54 - Operator

Stop recording:

Session: Wetherell091604
Session Date: 2004/09/16
Judge: Wetherell, Mike
Reporter: Pulsifer, Lori

Division: DC
Session Time: 08:32

Courtroom: CR508

Clerk(s):
Oatman, Diane

State Attorneys:
Felix, Katie
McDevitt, Kendal
McKinney, John
Meehan, Juliane

Public Defender(s):
Cahill, August
Carr, D. C.
Geddes, Anthony

Prob. Officer(s):

Court interpreter(s):

Case ID: 0006

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney: Bartlett, Michael
State Attorney: McKinney, John
Public Defender:

2004/09/16

09:25:44 - Operator
Recording:
09:25:44 - New case
Hanington, William
09:26:30 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
09:26:47 - Pers. Attorney: Bartlett, Michael
Req additional week

09:26:59 - State Attorney: McKinney, John

No objection

09:27:30 - Judge: Wetherell, Mike

Sept 23, 2004 at 9:00 entry plea

09:27:41 - Operator

Stop recording:

Session: Wetherell092304
Session Date: 2004/09/23
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:27

Courtroom: CR508

Clerk(s):
Oatman, Diane

State Attorneys:
Armstrong, Shelley
Felix, Katie
McDevitt, Kendal
Meehan, Juliane

Public Defender(s):
Cahill, August
Carr, D. C.
Geddes, Anthony
Rolfesen, Eric

Prob. Officer(s):

Court interpreter(s):

Case ID: 0011

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney: Bartlett, Michael
State Attorney: McKinney, John
Public Defender:

2004/09/23
09:51:52 - Operator
Recording:
09:51:52 - New case
Hanington, William
09:52:51 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
09:53:02 - Pers. Attorney: Bartlett, Michael

GG Ct 1--2+8, suspd 120d ACJ, restitution; SANE eval-trtmt, t
urn over computer
09:53:55 - Pers. Attorney: Bartlett, Michael
Concurs w/counsel
09:57:10 - Defendant: Hanington, William
Sworn--Ct inquires w/ref to gg plea
10:06:14 - Judge: Wetherell, Mike
Ct accepts gg plea; orders PSI; sets for sentencing 12-2-04
at 2:30
10:07:40 - Operator
Stop recording:

Session: Wetherell120204
Session Date: 2004/12/02
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:13

Courtroom: CR503

Clerk(s):
Oatman, Diane

State Attorneys:
Felix, Katy
Meehan, Juliane
Robbins, Ken

Public Defender(s):
Cahill, August
Carr, D.C
Geddes, Anthony
Rolfsen, Eric

Prob. Officer(s):

Court interpreter(s):

Case ID: 0043

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney: Bartlett, Michael
State Attorney: McKinney, John
Public Defender:

2004/12/02

14:35:11 - Operator
Recording:
14:35:11 - New case
Hanington, William
14:35:51 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
14:39:05 - State Attorney: McKinney, John
Comments/recommends 2+8, suspd w/prob, 120d ACJ, forfeiture

of hardware

- 14:46:33 - Pers. Attorney: Bartlett, Michael
Comments/recommends withheld judgment w/prob
- 15:00:18 - Judge: Wetherell, Mike
Ct adv counsel withheld judgment not an option
- 15:08:07 - Defendant: Hanington, William
Addresses the Court
- 15:09:11 - Judge: Wetherell, Mike
Ct will allow counsel to brief matter of withheld judgment
- 15:09:33 - Judge: Wetherell, Mike
Ct continues sentencing Jan 20, 2005 at 4:30 counsel to prov
ide Ct w/briefs
- 15:16:29 - Operator
Stop recording:

NO. 9-49 FILED _____
 A.M. _____ P.M. _____
DEC 30 2004
 By J. DAVID NAVARRO, Clerk
 DEPUTY

GREG H. BOWER
 Ada County Prosecuting Attorney

John C. McKinney
 Deputy Prosecuting Attorney
 200 W. Front Street, Room 3191
 Boise, Idaho 83702
 Phone: 287-7700
 Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. H0401159
)	
vs.	)	STATE'S RESPONSE RE:
	)	WITHHELD JUDGMENT
WILLIAM BLAINE HANINGTON,)	
)	
Defendant.)	
_____)	

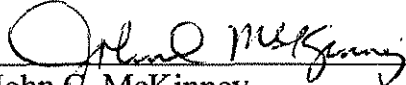
COMES NOW, the State of Idaho, by and through Ada County Deputy Prosecuting Attorney, John C. McKinney, and responds to the Defendant's "Brief In Support of Defendant's Request For A Withheld Judgment," as follows:

The State has researched the issue of whether the prior issuance of a withheld judgment on a misdemeanor crime precludes the granting of a withheld judgment on a subsequent felony conviction for Enticing Children over the Internet. The State concurs

with the Defense contention that this Court is not legally precluded from granting a withheld judgment in the above-entitled matter.

RESPECTFULLY SUBMITTED this 29th day of December, 2004.


GREG H. BOWER
Ada County Prosecuting Attorney



John C. McKinney
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 30 day of December, 2004, I mailed delivered a true and correct copy of the foregoing Response to Discovery to: Mike Bartlett, 303 W Bannock Street, PO Box 2772, Boise ID, 83701, by depositing the same in the U.S. mail.

A handwritten signature in black ink, appearing to read "Jeff C. Jantz", is written over a horizontal line.

00029C

Session: Wetherell012005
Session Date: 2005/01/20
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:23

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorneys:

McKinney, John
Armstrong, Shelley
Felix, Katy
McDevitt, Kendal
Meehan, Julianne

Public Defender(s):

Cahill, August
Carr, D. C.
DeAngelo, Michael
Geddes, Anthony
Rolfsen, Eric

Prob. Officer(s):

Court interpreter(s):

Case ID: 0039

Case Number: H0401159

Plaintiff:

Plaintiff Attorney:

Defendant: Hanington, William

Co-Defendant(s):

Pers. Attorney: Bartlett, Michael

State Attorney: McKinney, John

Public Defender:

2005/01/20

17:19:58 - Operator

Recording:

17:19:58 - New case

Hanington, William

17:20:23 - Judge: Wetherell, Mike

Ct calls case; def present on bond w/counsel
17:26:14 - Pers. Attorney: Bartlett, Michael
Requests w/held judgment w/probation
17:32:28 - State Attorney: McKinney, John
Inquires of Ct w/response
17:32:38 - Pers. Attorney: Bartlett, Michael
No legal cause
17:32:43 - Judge: Wetherell, Mike
Ct inquires of def re: w/held judgment
17:33:55 - Judge: Wetherell, Mike
Ct will grant w/held judgment--8yrs probation--1d CTS
17:41:16 - Defendant: Hanington, William
Understands & accepts terms & conditions of probation
17:41:30 - Judge: Wetherell, Mike
Appeal rights
17:43:31 - Operator
Stop recording:

Defendant's Name: William Hanington Case No. 40401159
8 years probation

- No law violations
- Supervision /court costs fine _____ / _____ suspended restitution \$ _____
 - PD reimbursement \$ _____
- 60 days in county jail 0 susp / Credit one days, within 120 days, Work release or S.I.L.D. granted only upon the request and in the discretion of the PO
 - SATP Brain Building Basics ABC Program (cognitive self change)
 - Jail time may be served in _____ County no cost to this county
- Enroll, meaningfully participate, complete any program specified by PO, which shall include mental health, substance abuse, thinking errors, anger management and vocational rehab.
- Maintain employment, actively seeking employment, or full time student
 - Review for vocational rehabilitation and/or obtain GED or HSE
- Shall not purchase, carry or possess firearms or other weapons
- P&P authorized to consider defendant for placement on intense supervision
- If defendant requests supervision be transferred, documents shall be admissible
- 180 days discretionary jail time, to be served at request of probation officer without prior approval of this court
- Do not purchase, possess or consume alcohol
- Do not purchase, possess or use controlled substances, unless specifically prescribed
- No frequent bars
- No associations prohibited by PO
- Submit to tests of blood, breath, saliva, and urine at own expense
- Submit to polygraph as to compliance with conditions of probation
- Defendant shall enroll in substance abuse treatment
- Evaluated for inpatient
- Fourth Amendment waiver
- Fifth Amendment waiver
- Sixth Amendment waiver
- Obtain alcohol evaluation and follow recommendations
- Do not become intimately involved with anyone under the age of 18 years
- Complete sex offender treatment ^{as identified by P.O.} including plethysmograph and polygraph examinations
- Do not become intimately involved with anyone who has female child under 18 residing in home
- No unsupervised contact with any female under the age of 18
- No contact with the victim
- Register with the Sheriff's Office in county of residence and give any address where temporarily or permanently residing No computer @ home Connected w/ internet
- Pay _____ to the City-County Drug Enforcement as reimbursement of the "buy money"
- _____ hours of community service, and pay 60 cent fee for each hour of service
- Attend NA/AA meetings
- Obtain psychological/psychiatric treatment Completes all @ end of 8 yrs may petition
- Establish budget with PO, verify income and expenses to remove sex offender status & requirement
- No checking account or credit cards while on probation No new indebtedness
- Advise future employers in writing, including the statement that this is a _____ offense
- Def's driving privileges suspended – violation will be considered viol of fundamental condition
- Def's ___ PV - final opportunity at prob
- Time spent of prob not credited
- Def has had ___ prior DUI offenses
- Defendant will waive extradition if placed outside this state

DNA Sample

RECEIVED

JAN 24 2005

RECEIVED
DISTRICT CLERK

FEB 18 2005

J. DAVID NAVARRO, Clerk
By *[Signature]*
DEPUTY

Ada County Clerk

JAN 10 2005
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
PROBATION & PAROLE
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
)
DOB [REDACTED])
SS#: [REDACTED])
Defendant.)
_____)

Case No. H0401159
ORDER WITHHOLDING
JUDGMENT AND ORDER OF
PROBATION AND COMMITMENT

WHEREAS, on the 26th day of August, 2004, WILLIAM BLAINE HANINGTON was arraigned before the Honorable Mike Wetherell, District Judge, for the Fourth Judicial District of the State of Idaho, in and for the County of Ada, and charged with the crimes of:

COUNT I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. § 18-1509A; and COUNT II. DISSEMINATING MATERIAL HARMFUL TO MINORS, MISDEMEANOR, I.C. § 18-1515;

AND WHEREAS, through due process of law, the said defendant, WILLIAM BLAINE HANINGTON, plead guilty to the offense of COUNT I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. § 18-1509A as charged in the Information, Count II having been dismissed, and requests probation from said District Court.

AND WHEREAS, the said District Court, having ascertained the desirability of granting the petition of probation, does hereby order and decree that the said defendant, WILLIAM BLAINE HANINGTON, be placed on probation and sentence is hereby withheld for a period of eight (8) years under the following conditions, to-wit:

A. That the probation is granted to and accepted by the probationer, subject to all its terms and conditions and with the understanding that the Court may at any time, in case of the violation of the terms of the probation, cause the probationer to be returned to the Court for the imposition of sentence as prescribed by law or any other punishment as the Court may see fit to hand down.

B. That the probationer shall be under the legal custody and control of the Director of Probation and Parole of the State of Idaho and the District Court with supervised probation and subject to the rules of probation as prescribed by the Board of Correction and the District Court.

C. That during said period of probation the said defendant shall not violate any law or ordinance of the United States or any City, State or County therein, wherein a fine or bond forfeiture of more than \$100.00 or a jail term could have been imposed as a penalty.

D. Special conditions, to wit:

1. Defendant shall pay the sums set out in this judgment for fines, fees, restitution, costs, etc., to the Ada County Clerk's Office in reasonable monthly installments as arranged with the probation officer;
2. Defendant shall serve sixty (60) days in the Ada County Jail, with credit for one (1) day already served, leaving a balance of fifty-nine (59) days to serve. Work release or S.I.L.D. privileges granted only upon the request and in the discretion of the probation officer. Jail service is to be served within one hundred twenty (120) days;
3. Defendant shall participate in any and all programs of rehabilitation recommended by his probation officer, including but not limited to programs of mental health and criminal thinking errors;

4. During the entire term of probation, the said defendant shall maintain steady employment, be actively seeking employment or be enrolled as a full-time student. Further, defendant shall not terminate employment unless he has secured other employment;
5. Defendant shall not purchase, carry or have in his possession any firearm(s) or other weapons;
6. Department of Probation and Parole shall be authorized, but not required, to consider the defendant for placement on intense supervision;
7. If the defendant requests that supervision of probation be transferred to any place other than the Fourth Judicial District (either within or outside Idaho), by doing so, the defendant agrees that any documents purportedly received from the agency supervising the defendant shall be admissible into evidence at a probation violation hearing without the state having to show that such evidence is credible and reliable, and the defendant shall waive any right to confront the author of such documents;
8. Defendant shall serve an additional one hundred eighty (180) days in the Ada County Jail at the discretion of the probation officer, without prior approval of the Court. The probation officer has the discretion and authority to immediately deliver defendant to the Sheriff for incarceration in the county jail for the purpose of having defendant serve this discretionary time and the Sheriff shall commit the defendant to serve this time on request of the probation officer without further order from the Court; The probation officer shall immediately file with the Court a written statement of the reasons defendant has been placed in custody, for review by the Court. The probation officer shall have all options available including work release and S.I.L.D.;
9. Defendant shall not purchase, possess or consume any alcoholic beverages while on probation;
10. Defendant shall not purchase, possess or consume any drug or narcotic unless specifically prescribed by a medical doctor;
11. Defendant shall not frequent establishments where alcohol is the main source of income;
12. Defendant shall not associate with individuals specified by his probation officer;

13. Defendant agrees to tests of blood, breath, saliva or urine or other chemical tests for the detection of alcohol and/or drugs at the request of his probation officer, to be administered at defendant's own expense. In addition, defendant is to submit to any field sobriety evaluations requested by a law enforcement officer and shall submit to any test of his blood, breath or urine offered by a law enforcement officer for D.U.I. detection;
14. Upon request of his probation officer, defendant agrees to submit to polygraph examinations administered by qualified examiners and limited in scope to those matters which are calculated to determine whether defendant is complying with the lawful conditions of his probation;
15. Defendant agrees to waive his Fourth Amendment rights applying to search and seizure as provided by the Fourth Amendment of the Constitution, and to submit to a search by his probation officer or any law enforcement officer of his person, residence, vehicle or other property upon request;
16. Defendant shall waive his Fifth Amendment rights to the extent that he must answer truthfully all questions of a probation officer reasonably related to compliance or non-compliance with the conditions of probation;
17. Defendant shall waive his Sixth Amendment rights of confrontation in so far as the State may use reliable hearsay evidence at any probation violation hearing;
18. Defendant shall not become intimately involved with any person under the age of 18 years;
19. Defendant shall enroll in, meaningfully participate and complete a specialized sex offender treatment program as identified by his probation officer; such program will include the use of the penile plethysmograph and polygraphs in the course of treatment;
20. Defendant shall register as a sex offender in any county in which he shall reside;
21. Defendant shall not have a personal computer for his personal use which is connected to the internet. He may use a computer at work if required by his employment but any use of a computer to access sexually explicit materials on the internet or any other source will be a violation of a fundamental condition of the defendant's probation.

22. Defendant shall not have access to internet chat rooms during his term of probation.
23. Given the defendant's low risk to re-offend and the findings of the psychosexual evaluation, if the defendant completes all conditions of his probation relating to treatment and has no sex related charges for the next eight (8) years, he will be presumed at the end of his eight (8) year probation to have shown he is not a risk to re-offend and may petition for the right to be removed from sex offender registration requirements.
24. Defendant shall submit a DNA sample to authorities.
25. Defendant is advised that time spent on probation is not credited against any underlying incarceration (jail time or prison) imposed. Defendant is at risk for imposition of the entire underlying sentence with credit for any time served which was not imposed as a condition of probation, no matter how long defendant has been on probation, if he violates the terms of probation if the violation should be proved or admitted.

E. THAT THE PROBATIONER, IF PLACED ON PROBATION TO A DESTINATION OUTSIDE THE STATE OF IDAHO, OR LEAVES THE CONFINES OF THE STATE OF IDAHO WITH OR WITHOUT PERMISSION OF THE DIRECTOR OF PROBATION AND PAROLE DOES HEREBY WAIVE EXTRADITION TO THE STATE OF IDAHO AND ALSO AGREES THAT THE SAID PROBATIONER WILL NOT CONTEST ANY EFFORT BY ANY STATE TO RETURN THE PROBATIONER TO THE STATE OF IDAHO.

That pursuant to Idaho Code Section 31-3201A(b) the defendant shall pay court costs in the amount of \$17.50; County Administrative Surcharge Fee in the amount of \$10.00 pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$6.00 pursuant to I.C. § 31-3201B; ISTARs technology fee in the amount of \$5.00 pursuant to I.C. § 31-3201(5); and \$250.00 reimbursement to the Victims Compensation Fund pursuant to I.C. § 72-1025.

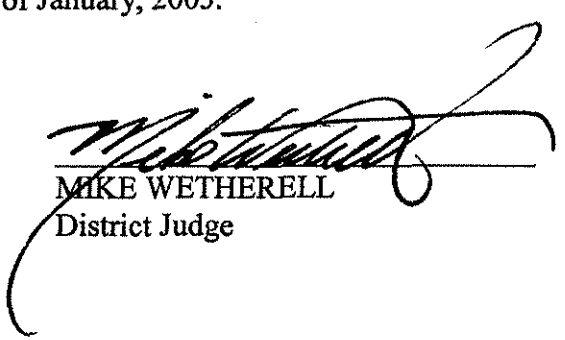
Further, defendant is to pay supervision of probation and parole costs in an amount not to exceed the maximum allowable by I.C. § 20-225.

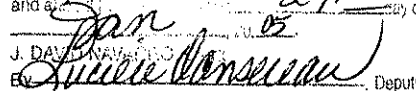
IT IS FURTHER ORDERED That the Clerk deliver a certified copy of this Order Withholding Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the defendant.

Pursuant to I.C. § 18-309, defendant shall receive credit for one (1) day served in prejudgment incarceration.

This probation shall expire at midnight on January 19, 2013, unless otherwise ordered by the Court.

Done in open court this 20th day of January, 2005.


MIKE WETHERELL
District Judge

STATE OF IDAHO }
COUNTY OF ADA } SS.
I, J. David Naylor, Clerk of the District Court of the
County of Ada, Idaho, do hereby certify that the foregoing
is a true and correct copy of the original as the same
is on file in my office. Witness my hand and
seal this 24th day of January, 2005.
J. DAVID NAYLOR

Deputy

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation.

Will B. H. J.

Probationer

2/4/05

Date of Acceptance

Jeffrey J. Huchel

Probation Officer

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of JAN, 20 05, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

MICHAEL BARTLETT
ATTORNEY AT LAW
PO BOX 2772
BOISE ID 83701

ADA COUNTY JAIL
VIA CLERK'S OFFICE

PROBATION AND PAROLE
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

SEXUAL OFFENDER AGREEMENT OF SUPERVISION

1. William Blaine Hanington I will not purchase, produce, possess, and/or view sexually explicit pictures, magazines, books, videotapes or movies, including materials containing male or female nudity. I will not be present at any place where such material is available.
 - (a) I will not phone any telephone sex numbers. Upon request, I will submit my phone bill and any financial records or credit card bills to my supervising officer for inspection.
 - (b) I will not subscribe to, use, nor have access to, on-line or internet computer service, including e-mail, nor view and/or possess any internet material without permission from my therapist. I will not use any form of password protected files, and/or other methods that might limit access to, or change the appearance of, data and/or images without prior written approval from my supervising officer.
 - (c) I will not purchase, produce, possess or consume alcoholic beverages, nor will I frequent any establishment where the sale of alcoholic beverages is the primary source of business.
2. William Blaine Haninton, I will participate in electronic monitoring and/or a supervision program schedule, if requested by my supervising officer.
3. William Blaine Hanington, I will not initiate, maintain, or establish contact with any person, male or female, under the age of 18 years, without the presence of an approved supervisor. The supervisor must be over the age of 21 and be approved by both my supervising officer and therapist.
 - (a) I will not form, or unite in a romantic interest or sexual relationship, with a woman/man with physical custody of children under the age of 18, nor will I reside, or stay at a residence where minor children reside, except as approved by my supervising officer and therapist.
 - (b) I will not engage in any form of sexual contact or abusive activity, with any person who is unable to give effective consent, whether due to age, mental/emotional limitations, or lack of knowledge of my sexual history. I will introduce any persons I wish to have intimate relations with to my supervising officer. I acknowledge and understand that certain sexual activity, including but not limited to, adultery, sodomy and fornication, may form the basis for revocation or criminal charges in the State of Idaho.
 - (c) I will not have any direct or indirect contact with my past or present victim(s) without the approval of my supervising officer and therapist.
 - (d) I will not live near, frequent, loiter, or go near places where minors congregate, i.e., parks, playgrounds, schools, video arcades, swimming pools, or any other places primarily used by children.
4. William Blaine Hanington, I will not leave the district of my residence for a social or recreational reason without approval of my supervising officer. My district of residence is the fourth Judicial District. Permission to leave either the District or the State of Idaho is required in writing from my supervising officer. My supervising officer must approve my place of residence.
5. William Blaine Hanington, I must obtain a Specialized Sexual Offender Evaluation and follow all recommendations for treatment contained therein. The evaluator and treatment provider will be a member of the Association for the Treatment of Sexual Abusers (ATSA). My supervising officer must approve of the evaluator and treatment program provider, and they must specialize in evaluating and/or counseling sexual offenders. I will comply with all requirements of the treatment program and will maintain treatment until discharge is recommended mutually by the therapist and my supervising officer:
 - (a) I will submit to, and provide complete and truthful information to, any psychological and/or physiological assessment when requested by either my supervising officer or therapist.
 - (b) I must sign any Release of Information form(s) that allow(s) my supervising officer to communicate with professionals involved in my treatment program, and all professionals involved, to communicate with each other.
 - (c) I will not change treatment programs without prior approval of my supervising officer.
 - (d) I agree to pay all financial obligations incurred during the counseling/treatment process.
6. William Blaine Hanington, I will remain gainfully employed and will obtain approval from my supervising officer to begin new employment, or change existing employment, for any reason. I will obtain approval from my supervising officer prior to reporting for my first day of work. I will immediately notify my supervising officer if I am terminated or dismissed from work for any reason. I will inform my employer of my crime(s).
7. SPECIAL CONDITIONS: Please refer to the court order.

I have read, or have had read to me the above terms, and agree to abide by these terms, as added conditions for the duration of my probation/parole supervision.

Offender Signature: *William Blaine Hanington*

Jeffrey S. [Signature]
Supervising Officer

00041

21/1/20

**COMMUNITY CORRECTIONS
AGREEMENT OF SUPERVISION**

1. **LAWS AND COOPERATION:** I shall respect and obey all laws and comply with any lawful request of my supervising officer or an agent of the Division of Community Corrections. WH
2. **RESIDENCE:** I shall not change residence without first obtaining written permission from my supervising officer. WH
3. **REPORTS:** I will submit a truthful, written report to my supervising officer each and every month and shall report in person on dates and times specified. WH
4. **TRAVEL:** I will not leave the state or the assigned district without first obtaining permission from my supervising officer. My assigned district is 4th. WH
5. **EMPLOYMENT:** I shall seek and maintain employment, or a program approved by my supervising officer, shall not change employment or program without first obtaining written permission from my supervising officer. WH
6. **SEARCH:** I agree and consent to the search of my person, automobile, real property, and any other property at any time and at any place by any Agent of the Division of Community Corrections and waive my constitutional right to be free from such searches. WH
7. **WEAPONS/CONTRABAND:** I shall not purchase, carry, or have in possession or control any firearm, ammunition, explosives or other weapons. Firearms, weapons, and contraband seized will be forfeited to the Department of Correction for disposal. WH
8. **CONTROLLED SUBSTANCES:** I shall not use or possess any controlled substances unless lawfully prescribed by a licensed physician. I agree to submit to test for controlled substances or alcohol, at my own expense, as requested by my supervising officer or any agent of the Division of Community Corrections. WH
9. **RESTITUTION:** I shall pay restitution and other fees as ordered in the sum of \$ TBD. Payments will be made at the rate of \$ TBD per month beginning on the TBD day of 20 TBD. A receipt for all payments will be submitted to my officer within thirty (30) days of payment. WH
10. **COST OF SUPERVISION:** I will comply with Idaho Code 20-225, which authorizes a cost of supervision fee. WH

SPECIAL INSTRUCTIONS:

1. Comply with court order(s)
2. _____
3. _____

I have read, or have had read to me, the above agreement. I understand and accept the conditions of supervision under which I have been released. I agree to abide by and conform to them and understand that my failure to do so may result in the revocation of my probation or parole.

William B. Hirt
Signature of Client

Jeffery L. Humbolt
Witness

2-4-2005

Date Accepted

Revised 5-2002

00042

Michael Bartlett
NEVIN, BENJAMIN & MCKAY LLP
P.O. Box 2772
303 West Bannock
Boise, Idaho 83701
(208) 343-1000

NO. _____ FILED _____
A.M. 10:50 P.M. _____

MAR 03 2005

J. DAVID NAVARRO, Clerk
By: *[Signature]*
DEPUTY

Attorneys for the Defendant

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
)
Plaintiff,)
)
)
vs.)
)
WILLIAM B. HANINGTON,)
)
Defendant.)
_____)

CASE NO. H0401159

**STIPULATION TO PERMIT
DEFENDANT TO SERVE
TIME IN WORK RELEASE
CENTER**

The Defendant, through his attorney Michael Bartlett, and the Plaintiff, through its attorney, John McKinney, stipulate and agree that Defendant William Hanington should be permitted to serve the fifty-nine (59) days of jail time ordered by the Court at his sentencing on January 20, 2005, in the Ada County work release center.


The stipulation is entered into because Special Condition No. 2 of the Court's Order Withholding Judgment And Order Of Probation And Commitment left the decision of whether Mr. Hanington could serve the jail time in work release to the discretion of the probation officer. In his discretion, the probation officer elected to allow Mr. Hanington to serve the time

1 • STIPULATION TO PERMIT DEFENDANT TO SERVE TIME IN WORK RELEASE CENTER

00043

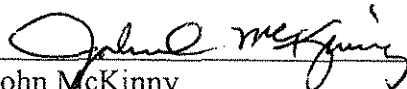
in work release. However, the Ada County Jail will not permit Mr. Hanington to serve the time in the work release center without a direct order to do so by the Court.

DATED this 3rd day of March, 2005.



Michael J. Baftlett
Attorney for Defendant

DATED this 3rd day of March, 2005.



John McKinny
Deputy Ada County Prosecuting Attorney

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT OF MAR 03 2005

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA By J. DAVID NAVARRO, Clerk
Debra M. Nelson
DEPUTY

STATE OF IDAHO,)
)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANININGTON,)
)
Defendant.)
)
)
)
_____)


CASE NO. H0401159

**ORDER PERMITTING
DEFENDANT TO SERVE JAIL
SENTENCE IN THE ADA
COUNTY WORK RELEASE
CENTER**

This Court, having considered the Stipulation of the parties and finding that good cause exists, HEREBY ORDERS:

THAT THE DEFENDANT IN THE ABOVE CAPTIONED CASE BE PERMITTED TO SERVE THE JAIL SENTENCE IMPOSED IN THE ADA COUNTY WORK RELEASE CENTER.

DATED this 3rd day of March, 2005.



Honorable Michael E. Wetherell

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. 40401159

VS.

CLERK MARILYN EDWARDS

William Blaine Hanington

DATE 3/23/03

TIME 1042

PROSECUTOR Connie Uitz

TOXIMETER _____

COMPLAINING WITNESS _____

TAPE NO. Oths 032303

BEG 104236

END 104513

JUDGE

- | | |
|---|-----------------------------------|
| <input type="checkbox"/> BIETER | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> DAY | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> DENNARD | <input type="checkbox"/> SCHMIDT |
| <input type="checkbox"/> HANSEN | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> MacGREGOR-IRBY | <input type="checkbox"/> WATKINS |
| <input checked="" type="checkbox"/> MANWEILER | |
| <u>Brower</u> | |
| <input type="checkbox"/> | |

STATUS

- State WITNESS SWORN
- PC FOUND _____
- Admitted COMPLAINT SIGNED
- AMENDED COMPLAINT SIGNED
- NO PC FOUND _____
- EXONERATE BOND
- SUMMONS TO BE ISSUED
- WARRANT ISSUED
- BOND SET \$ _____
- NO CONTACT

D.R. # _____

- DISMISS CASE
- IN CUSTODY

COMMENTS

00046

NO. _____ FILED _____
 A.M. _____ P.M. *H:01*
 MAR 23 2006
 By *[Signature]*
 DAVID NAVARRO, CLERK
 DEPUTY

GREG H. BOWER
 Ada County Prosecuting Attorney

Connie A. Vietz
 Deputy Prosecuting Attorney
 200 W. Front Street, Room 366
 Boise, Idaho 83702
 Phone: 287-7700
 Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM BLAINE HANINGTON,)
)
 Defendant.)
 _____)

Case No. H0401159

**ORDER ON PROBATIONER
 ARREST ON AGENT'S
 WARRANT**

Connie A. Vietz, having appeared before the Court this date, pursuant to arrest by the Ada County Sheriff's Office, in Ada County, Idaho. Defendant was informed in conformance with Administrative Order of the probation violation allegations against him/her, that he/she is not required to make a statement, and that any statement made by him/her may be used against him/her, of his/her right to counsel as provided by law, and of

his/her rights to rebut the allegations, to present and confront witnesses and to present evidence all in District Court.

IT IS ORDERED AND THIS DOES ORDER that bond in this matter is set

\$30,000

IT IS ORDERED AND THIS DOES ORDER that the defendant appear in Judge

Wetherell Court on the 30th day of March at the hour of 9:00 a.m.

DATED this 23rd day of March 2006.



MAGISTRATE

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

NO. _____ FILED _____
A.M. _____ P.M. *31*

MAR 24 2006
J. DAVID NARRHO, Clerk
By _____ DEPUTY


IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)
)
Plaintiff,)
)
vs.)
)
WILLIAM B. HANINGTON)
)
Defendant.)
_____)

Criminal No. H0401159
MOTION FOR BOND REDUCTION

COMES NOW, The above named Defendant, by and through his Attorney of Record, the Ada County Public Defender's Office, ANTHONY R. GEDDES, handling attorney, and moves this Honorable Court for its Order reducing bond in the above entitled matter, upon the grounds and for the reason that the bond is so unreasonably high that the Defendant, who is an indigent person with no funds, cannot post such a bond and that Defendant has thereby been effectively denied his right to bail.

DATED This Friday, March 24, 2006


ANTHONY R. GEDDES
Attorney for Defendant

MOTION FOR BOND REDUCTION

WJ

00049

CJ3BMIN
TCHULLCJ

ADA COUNTY MAGISTRATE MINUTES

3/23/2006
11:47:20

SCHEDULED EVENT: ARR JUDGE: Wetherell CLERK: HOLLY QUAID

DATE: 3/30/2006 TIME: 9:00 COURT REPORTER: _____

TAPE NO: _____ PR/AGY: AC PROS: T. Bennett
N. Price
P.D./ATTORNEY

HANINGTON WILLIAM BLAINE H0401159.01 SSN [REDACTED] DOB [REDACTED]

1 SEXUAL ENT S 18 1509 A F

2 DISSEMINAT S 18 1515 M

3 PROBATION S 20 227 B F

153214 Case Called Def: Present Not Pres. In Custody
 Advised of Rights Waived Rts CPD Appointed Waived Atty
 Guilty Plea/PV Admit N/G Plea Advise Subsq Penalty
 Bond \$ 30,000 ROR Pay/Stay Payment Agr

ARR 3/30/06 @ 9 am
#137

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* Finish () Release Defendant

Session: Wetherell033006
Session Date: 2006/03/30
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:14

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Meehan, Julianne

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0011

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney: Ellsworth, Joseph
State Attorney: Meehan, Julianne
Public Defender:

2006/03/30

09:32:22 - Operator
Recording:
09:32:22 - New case
Hanington, William
09:32:40 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
09:33:48 - Judge: Wetherell, Mike
Ct reviews history of case
09:34:09 - Judge: Wetherell, Mike
Ct arrgs def on prob violations
09:35:31 - Pers. Attorney: Ellsworth, Joseph

Requests set over

09:35:42 - Judge: Wetherell, Mike

April 13, 2006 at 9:00 PV admit/deny

09:35:54 - Operator

Stop recording:

NO. _____ FILED _____
A.M. _____ P.M. _____

MAR 30 2006

By J. DAVID NAVARRO, Clerk
[Signature]
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone:(208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM BLAINE HANINGTON,)
)
 Defendant.)
 _____)

Case No. H0401159
MOTION FOR PROBATION
VIOLATION
(AGENTS WARRANT)

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney for Ada County, State of Idaho, being first duly sworn, deposes and says:

That on the 23rd day of September, 2004, the Defendant pled guilty to SEXUAL ENTICEMENT, FELONY; and that on the 20th day of January, 2005, this Court placed the Defendant on probation for a period of eight (8) years.


This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

- ✓ 1. Failing to obtain written permission from his supervising officer before changing residence;
- ✓ 2. Failing to attend and/or successfully complete Sane Solutions as lawfully requested by his supervising officer;
3. Failing to maintain full-time employment and/or enroll as a full-time student as ordered by the Court; and by,
4. Failing to report to his supervising officer on the date(s) and time(s) specified.

WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

DATED this _____ day of _____, 2006.

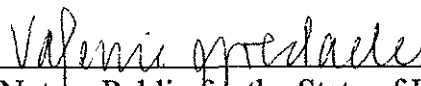
GREG H. BOWER
Ada County Prosecuting Attorney



By: Fafa Alidjani
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 29 day of March, 2006.





Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 12-27-10.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. H 0401159

vs.

CLERK MARILYN EDWARDS

William Blaine Harrington
PROSECUTOR Kai Wittauer

DATE 04/05/2006 TIME 1040

COMPLAINING WITNESS _____

TOXIMETER _____

TAPE NO. Reardon 040506 BEG. 104033

END 104106

JUDGE

- | | |
|---|---|
| <input type="checkbox"/> BIETER | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> DAY | <input checked="" type="checkbox"/> REARDON |
| <input type="checkbox"/> DENNARD | <input type="checkbox"/> SCHMIDT |
| <input type="checkbox"/> HANSEN | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> MacGREGOR-IRBY | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> MANWEILER | |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- STATE SWORN
- PC FOUND
- COMPLAINT SIGNED Reardon
- AMENDED COMPLAINT SIGNED
- NO PC FOUND _____
- EXONERATE BOND
- SUMMONS TO BE ISSUED
- WARRANT ISSUED
- BOND SET \$ _____
- NO CONTACT

D.R. # _____

- DISMISS CASE
- IN CUSTODY

COMMENTS

AGENTS WARRANT #137 4/13/07 @ 900 am

RULE 5 (b)

FUGITIVE

00056

CJ3BMIN
TCHULLCJ

ADA COUNTY MAGISTRATE MINUTES

4/05/2006
11:11:19

SCHEDULED EVENT:
Arraignment

Watkins
JUDGE:
Mike Wetherell

CLERK:
Holly Quaid

4-5-06
DATE: 04/13/2006 TIME: 9:00

COURT REPORTER:

TAPE NO: _____

PR/AGY: AC

PROS: M. Walter

P.D./ATTORNEY _____

HANINGTON WILLIAM BLAINE

H0401159.01

SSN

DOB

1 SEXUAL ENT S 18 1509 A F

2 DISSEMINAT S 18 1515 M

3 PROBATION S 20 227 B F

4 PROBATION S 20 227 B F

140419 Case Called Def: Present Not Pres. In Custody
 Advised of Rights Waived Rts PD Appointed Waived Atty
 Guilty Plea/PV Admit N/G Plea Advise Subsqt Penalty
 Bond \$ 50000 ROR Pay/Stay Payment Agr

*

* *Mr. Ellsworth=private*

*

* *Arr 4/13/06 @ 9:00*

*

* *Judge Wetherell*

*

*

*

*

*

*

*

140607 * Finish () Release Defendant

137

NO. _____ FILED _____
A.M. _____ P.M. **1404**

APR 05 2006
J. DAVID NAVARRO, Clerk
By: *[Signature]*
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Connie Vietz or Kai E. Wittwer
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
)
Defendant.)
_____)

Case No. H0401159
ORDER ON PROBATIONER
ARREST ON AGENT'S
WARRANT

Connie Vietz or Kai E. Wittwer, having appeared before the Court this date, pursuant to arrest by the Ada County Sheriff's Office, in Ada County, Idaho. Defendant was informed in conformance with Administrative Order of the probation violation allegations against him/her, that he/she is not required to make a statement, and that any statement made by him/her may be used against him/her, of his/her right to counsel as

[Handwritten mark]

provided by law, and of his/her rights to rebut the allegations, to present and confront witnesses and to present evidence all in District Court.


IT IS ORDERED AND THIS DOES ORDER that bond in this matter is set

\$50,000.

IT IS ORDERED AND THIS DOES ORDER that the defendant appear in Judge

WETHERELL Court on the 13 day of April at the hour of 9:00 a.m.

DATED this 5th day of April 2006.


MAGISTRATE

Session: Wetherell1041306
Session Date: 2006/04/13
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:27

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Anderson, Michael
Fisher, Jean
McDevitt, Kendal
Meehan, Julianne

Public Defender(s):
Wollen, Nick
Cahill, August
Geddes, Anthony

Prob. Officer(s):

Court interpreter(s):

Case ID: 0006

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney: Ellsworth, Joseph
State Attorney: McDevitt, Kendal
Public Defender:

2006/04/13

09:22:21 - Operator
Recording:
09:22:21 - New case
Hanington, William
09:22:39 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
09:22:45 - Pers. Attorney: Ellsworth, Joseph
Denial -- req set out 6 wks
09:23:00 - Judge: Wetherell, Mike
June 1, 2006 at 3:30 PV hearing
09:23:11 - State Attorney: McDevitt, Kendal
Motion for prob violation in the file
09:24:12 - Judge: Wetherell, Mike
Ct notes prob violation filed March 31
09:24:51 - Operator
Stop recording:

NO. _____ FILED _____
A.M. _____ P.M. _____

APR 13 2006

J. DAVID NAVARRO, Clerk
By: [Signature]
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM BLAINE HANINGTON,)
)
 Defendant.)
 _____)

Case No. H0401159
MOTION FOR PROBATION
VIOLATION
(AGENTS WARRANT)

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney for Ada County, State of Idaho, being first duly sworn, deposes and says:

Handwritten mark

That on the 23rd day of September, 2004, the Defendant pled guilty to SEXUAL ENTICEMENT, FELONY; and that on the 20th day of January, 2005, this Court placed the Defendant on probation for a period of eight (8) years.

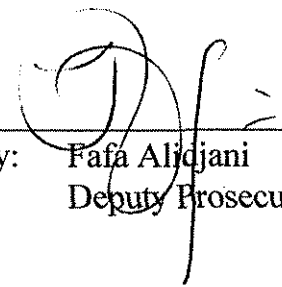
This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

1. Consuming an alcoholic beverage on or between the months of January, 2006, and March, 2006, which is a violation of his orders of probation;
2. Purchasing an alcoholic beverage during his period of probation which is a violation of his orders of probation;
3. Using a controlled substance, to-wit: cocaine on or between the months of January, 2006, and March, 2006, per the defendant's written and/or verbal admission;
4. Using a controlled substance, to-wit: marijuana on or between the months of January, 2006, and March, 2006, per the defendant's written and/or verbal admission;
5. Using a controlled substance, to-wit: cocaine on or about the 29th day of March, 2006, per the urinalysis results;
6. Possessing prescription medications, to-wit: vicodin, belonging to another person on or about the 12th day of September, 2005, which is a violation of his orders of probation;
7. Failing to notify the Ada County Sheriff's Office of a correct change of residence as required in Senate Bill 1297, which requires sex offender registration; and by,
8. Failing to submit to and pass an issue specific polygraph examination as ordered by the Court.

WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

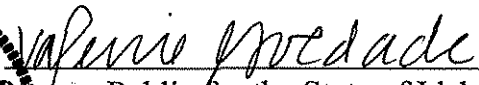
DATED this 13 day of April, 2006.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Fafa Alijdani
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 13 day of April, 2006.




Notary Public for the State of Idaho
Residing at B0186, Idaho
Commission Expires: 12-27-10.

NO. _____
FILED 3:07
A.M. _____ P.M.

MAY 03 2006

J. DAVID MAVARRO, Clerk
By: *[Signature]*
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
WILLIAM BLAINE HANINGTON,)
)
Defendant,)
)
_____)

Case No. H0401159

**EX PARTE
MOTION TO REVOKE BOND**

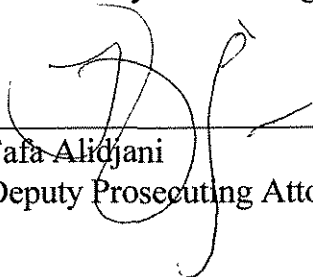
COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney, in and for Ada County, State of Idaho, and moves this Court for its order to revoke and set new bond in the above-entitled matter for the following reason:

The attached affidavit of Mr. Hanington's probation officer, Christine Armbruster, states that defendant has continued to violate the terms of his probation while out on bond

in the above-entitled matter, is accessing the Internet and has created a "myspace.com" account, and his current whereabouts are unknown.

RESPECTFULLY SUBMITTED this 3rd day of May, 2006.

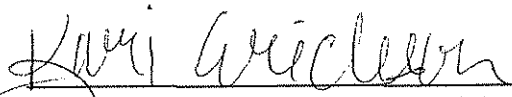
GREG H. BOWER
Ada County Prosecuting Attorney



Fafa Alidjani
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 3 day of May, 2006.





Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 5-1-07.

Session: Wetherell060106
Session Date: 2006/06/01
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: *08:08

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Armstrong, Shelley
Felix, Katy
McDevitt, Kendal
Meehan, Julianne
Schwartz, Robert

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0050

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney: Ellsworth, Joseph
State Attorney: Meehan, Julianne
Public Defender:

2006/06/01

16:03:42 - Operator
Recording:
16:03:42 - New case
Hanington, William
16:04:28 - Judge: Wetherell, Mike
Ct calls case; def present in custody
16:04:34 - Pers. Attorney: Ellsworth, Joseph

Admit alleg No. 1 and 2--bal disp'd
16:06:35 - Judge: Wetherell, Mike
Ct inquires of counsel re: amended motion
16:06:50 - Pers. Attorney: Ellsworth, Joseph
Alleg No. 1 and 2 on the orig motion for prob violation
16:15:26 - Defendant: Hanington, William
Sworn; Ct inquires as to admissions--Ct accepts admissions--
orders updated
16:15:54 - Defendant: Hanington, William
PSI -- PV dispo Aug 3, 2006 at 3:30
16:17:57 - Operator
Stop recording:

NO. _____
A.M. 9:44 FILED P.M. _____

JUN 21 2006

J. DAVID NAVARRO, Clerk
By [Signature]
DEPUTY

JOSEPH L. ELLSWORTH, ESQ.
ELLSWORTH, KALLAS, TALBOY, & DEFRANCO P.L.L.C.
Attorneys at Law
1031 E. Park Blvd.
Boise, ID 83702
Phone: (208) 336-1843
Fax: (208) 345-8945
Idaho State Bar No. 3702

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM HANNINGTON,)
)
Defendant.)
_____)

Case No. H0401159

MOTION FOR RELEASE OF PSI

COMES NOW, William Hannington, by and through his attorney of record, Joseph L. Ellsworth, and hereby moves the Court for an order releasing the original presentence investigation report in the above-entitled case for inspection and review by counsel.

The defendant moves on the basis that review of the presentence investigation report is necessary for sentencing on August 3, 2006 before Honorable Judge Wetherell.

Dated this 17th day of June, 2006.

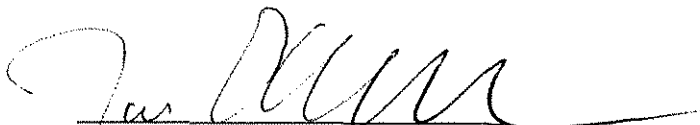
[Signature]
Joseph L. Ellsworth
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2006, I served a true and correct copy of the within and foregoing document by the method indicated below and addressed to the following:

Ada County Prosecutor's Office
200 W. Front St.
Boise, Idaho 83702

- U.S. Mail
- Facsimile
- Hand Delivery



Joseph L. Ellsworth

AUG 02 2006

By: J. DAVID SANCHEZ Clerk
DEPUTY

JOSEPH L. ELLSWORTH, ESQ. I.S.B. #3702
ELLSWORTH, KALLAS, TALBOY & DEFRANCO, P.L.L.C.
Attorneys at Law
1031 E. Park Blvd.
Boise, Idaho 83712
Phone: 336-1843
Fax: 345-8945

Attorney for Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. H0401159
)	
vs.	)	MOTION TO STRIKE
)	
WILLIAM BLAINE HANNINGTON,)	
)	
Defendant.)	

Comes Now, the Defendant, by and through his attorney, Joseph L. Ellsworth, and hereby moves the court for its order striking any information gathered from "MySpace.com" on grounds that such material is hearsay, is not reliable, relevant, or subject to rebuttal by the Defendant for the following reasons:

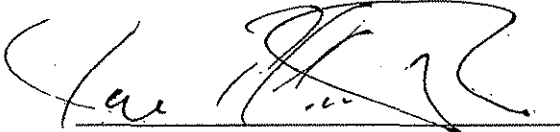
1. A substantial portion of the materials submitted by the court are web based materials published, authored, or written by other persons. These materials are highly prejudicial, and not subject to any comment, rebuttal, or defense by the defendant. The defendant can not be held responsible for the opinions, or free speech of others, regardless of the nature of the content.

2. The State has not provided any foundation for the reliability of any of these materials. Although there is some material that appears to have been produced by the defendant, there is no reliable foundation to prove this fact. The court should be extremely guarded in accepting this type of computer generated hearsay information without adequate foundation.

3. This information is simply not relevant to any probation violation to which the defendant has admitted.

Under ICR 33, hearsay information should be dismissed by the court if it is deemed unreliable or sheer conjecture. *State v. Eubank*, 114 Idaho 635 (Ct. App. 1988). Such is precisely the problem in this case. In this case, the State has submitted information from a web site popularly known as MySpace.Com. This is apparently a community sharing web blog/page service in which one person can add to another person's page or site with their own comments, opinions, photos, or whatever. While this may be a popular forum for the exchange of information, the very nature of the exchange makes it unreliable as evidence for this court to consider. This court should not consider this information. It is highly prejudicial, and of little value.

Dated this 1st day of August, 2006.



Joseph L. Ellsworth
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of ^{Aug} July, 2006, I mailed a true and correct copy of the within and foregoing Motion to Strike by the method indicated below and addressed to the following:

Ada County Prosecuting Attorney
200 W. Front Street
Boise, ID 83702

- U.S. Mail
- Facsimile
- Hand Delivery



Joseph L. Ellsworth

Session: Wetherell080306
Session Date: 2006/08/03
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:27

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorneys:

Meehan, Julianne
Alidjani, Fafa
Armstrong, Shelley
Haws, Gabriel

Public Defender(s):

Cahill, Gus
Geddes, Anthony
Loschi, Jonathon
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0046

Case Number: H0401149
Plaintiff:
Plaintiff Attorney:
Defendant: Hannington, William
Co-Defendant(s):
Pers. Attorney: Ellsworth, Joseph
State Attorney: Alidjani, Fafa
Public Defender:

2006/08/03

16:10:00 - Operator

Recording:

16:10:00 - New case

Hannington, William

16:10:30 - Judge: Wetherell, Mike

Ct calls case; def present in custody w/counsel

16:10:51 - Judge: Wetherell, Mike

Discussion off the record

16:11:38 - Judge: Wetherell, Mike
Ct revws file

16:14:37 - Pers. Attorney: Ellsworth, Joseph
Notes motion to strike

16:16:04 - Judge: Wetherell, Mike
Ct notes motion to strike just delivered

16:16:19 - State Attorney: Alidjani, Fafa
Response to motion

16:17:46 - Pers. Attorney: Ellsworth, Joseph
Response objection to inclusion of material w/ref to myspace
.com

16:25:09 - State Attorney: Alidjani, Fafa
Response

16:25:44 - Judge: Wetherell, Mike
Ct will not grant defense motion -- will not rely on materia
l on comments

16:26:19 - Judge: Wetherell, Mike
made by def or to Billy -- Ct notes irrevelvant, def was ord
er to have no

16:26:46 - Judge: Wetherell, Mike
access to internet -- how many times he violated is not rele
vant

16:28:43 - State Attorney: Alidjani, Fafa
Comments/rec'd

16:38:50 - Pers. Attorney: Ellsworth, Joseph
Comments/rec'd rider prog

16:39:34 - Judge: Wetherell, Mike
Ct inquires of counsel w/responses interspersed

16:42:28 - Defendant: Hannington, William
Addresses the Court

16:44:21 - Pers. Attorney: Ellsworth, Joseph
No legal cause

16:44:30 - Judge: Wetherell, Mike
Ct revws PSI -- order of probation

16:54:54 - Judge: Wetherell, Mike
7yrs fixed +8yrs indeterminate CTS--places def on rider

16:56:13 - Judge: Wetherell, Mike
Ct advises def after completion of rider, recommendation bet
ter be glowing

16:57:50 - Judge: Wetherell, Mike
Ct rec'd cognitive, substance abuse, sex offender programmin
g

16:58:38 - Judge: Wetherell, Mike
Appeal rights

16:59:48 - Operator
Stop recording:

AUG 07 2006

J. DAVID MAYA PRO. Clerk
By _____ DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
DOB [REDACTED])
SS#: [REDACTED])
)
Defendant.)
_____)

Case No. H0401159

ORDER OF REVOCATION OF
PROBATION AND IMPOSITION
OF SENTENCE AND COMMITMENT

In the above entitled action, defendant, WILLIAM BLAINE HANINGTON, appeared before the Court in response to a Motion and Order for Bench Warrant for Violation of Probation, and the defendant having admitted allegations #1 and #2 as set forth in the Motion and Order for Probation Violation, the Court finds the defendant has violated his probation order;

Now, therefore IT IS HEREBY ORDERED, that the probation entered by the Court on the 20th day of January, 2005, be and the same is hereby revoked.

IT IS FURTHER ORDERED that the Withheld Judgment entered by the Court on the 20th day of January, 2005, is hereby revoked, and that a Judgment of Conviction for the crime of: COUNT I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. § 18-1509A, committed on or about June 17, 2004, be entered and executed as follows: that the defendant, WILLIAM BLAINE HANINGTON, is sentenced pursuant to Idaho Code Section 19-2513 to the custody of the State Board of Correction of the State of Idaho for the term of not to exceed

fifteen (15) years: with the first seven (7) years of said term to be FIXED, and with the remaining eight (8) years of said term to be INDETERMINATE.

The defendant shall receive credit for eighty-one (81) days served in prejudgment incarceration.

The Court will retain jurisdiction for one hundred eighty (180) days under I.C. § 19-2602(4). The Court recommends that the defendant receive any/all cognitive based programming, substance abuse treatment and sex offender treatment available while on the retained jurisdiction program.

IT IS FURTHER ORDERED that allegations 3 and #4 in the Motion for Probation Violation filed on March 30, 2006 and all allegations in the Motion for Probation Violation filed on April 13, 2006 are dismissed.

Costs are ordered as previously assessed.

The defendant is hereby remanded to the custody of the Sheriff of Ada County to be delivered FORTHWITH into the custody of the Director of the Idaho State Correctional Institution.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Order of Revocation of Probation to the said Sheriff, which shall serve as the commitment of the defendant.

DATED this 3rd day of August, 2006.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of Aug, 2006, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR'S OFFICE
INTERDEPARTMENTAL MAIL

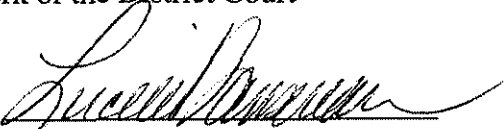
JOSEPH ELLSWORTH
ATTORNEY AT LAW
1031 E PARK BLVD
BOISE ID 83712

PSI DEPT / PROBATION AND PAROLE
INTERDEPARTMENTAL MAIL

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
1299 N ORCHARD SUITE 110
BOISE ID 83706

ADA COUNTY JAIL
DELIVERED THROUGH THE CLERK'S OFFICE

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

Session: Wetherell010407
Session Date: 2007/01/04
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:12

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Alidjani, Fafa
Felix, Katy
Haws, Gabriel
Medema, Jonathan
Meehan, Julianne

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0036

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Additional audio and annotations can be found in case: 0038.
Co-Defendant(s):
Pers. Attorney: Ellsworth, Joseph
State Attorney: Meehan, Julianne
Public Defender:

2007/01/04

11:23:00 - Operator
Recording:

11:23:00 - New case
Hanington, William

11:23:18 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel

11:25:47 - State Attorney: Meehan, Julianne
Not handling atty -- requests additional time
11:27:39 - Judge: Wetherell, Mike
Ct will pass for now
11:27:47 - Operator
Stop recording:
11:38:21 - Operator
Recording:
11:38:21 - Record
Hanington, William
11:38:37 - Judge: Wetherell, Mike
Ct recalls case -- notes comments in report
11:41:16 - Judge: Wetherell, Mike
Discussion re: issue of photo
11:41:27 - Judge: Wetherell, Mike
Ct will recall case
11:41:58 - Operator
Stop recording:

Case ID: 0038

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Previous audio and annotations can be found in case: 0036.
Co-Defendant(s):
Pers. Attorney: Ellsworth, Joseph
State Attorney: Alidjani, Fafa
Public Defender:

11:55:16 - Operator
Recording:
11:55:16 - Recall
Hanington, William
11:55:25 - Judge: Wetherell, Mike
Ct recalls case
11:55:33 - State Attorney: Alidjani, Fafa
Adv Ct spoke w/individual who wrote report/does not have the
file anymore
11:56:14 - State Attorney: Alidjani, Fafa
Adv the Court of conversation w/individual
11:57:11 - State Attorney: Alidjani, Fafa
Comments/rec'd Ct relinquish jurisdiction and reduce fixed t
erm

00080

12:02:03 - Pers. Attorney: Ellsworth, Joseph
Comments/rec'd probation

12:04:27 - Defendant: Hanington, William
Addresses the Court

12:05:33 - Pers. Attorney: Ellsworth, Joseph
No legal cause

12:05:39 - Judge: Wetherell, Mike
Ct adv def will grant opportunity at prob, adv def Ct takes
cond of prob very

12:08:59 - Judge: Wetherell, Mike
seriously -- 7+8 yrs susp'd --235d CTS includes rider time--
places def on

12:10:49 - Judge: Wetherell, Mike
15ys prob -- Jan 3, 2022 same as Jan 20, 2005 -- cond 23 rem
oved -- no

12:11:20 - Judge: Wetherell, Mike
presumption that def will reoffend--cond 21 amended def shal
l not have

12:11:42 - Judge: Wetherell, Mike
personal computer -- may use at work if required by employer

12:12:11 - Judge: Wetherell, Mike
Possession of porn fundamental violation--failure to regist
er up to 10

12:12:38 - Judge: Wetherell, Mike
additional years -- def to take part in all prog rec'd in ri
der report -- def

12:13:09 - Judge: Wetherell, Mike
has had prior opportunity at prob, def's final opportunity

12:14:00 - Defendant: Hanington, William
Understands and accepts terms and cond of prob

12:14:13 - Judge: Wetherell, Mike
Appeal rights

12:14:30 - Judge: Wetherell, Mike
Ct inquires additionally of def re: sexual offense will resu
lt in imposition

12:14:56 - Judge: Wetherell, Mike
of sentence -- appeal rights

12:16:05 - Operator
Stop recording:

RECEIVED

FEB 22 2007

Ada County Clerk

JAN 05 2007

J. DAVID NAVARRO, Clerk
By *[Signature]*
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
DOB: [REDACTED])
SS#: [REDACTED])
)
Defendant.)
_____)

Case No. H0401159

ORDER SUSPENDING SENTENCE
AND REINSTATING PROBATION

RECEIVED
DISTRICT 4

JAN 08 2007

PROBATION & PAROLE

The Prosecuting Attorney, the defendant, WILLIAM BLAINE HANINGTON, with counsel, Joseph Ellsworth, came into court this 4th day of January, 2007.

AND WHEREAS, WILLIAM BLAINE HANINGTON was adjudged guilty in the District Court of the Fourth Judicial District in and for the County of Ada of the crime of COUNT I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. § 18-1509A and was committed to the custody of the State Board of Correction for a period of fifteen (15) years, with seven (7) years of said term to be FIXED and with the remaining eight (8) years INDETERMINATE;

AND WHEREAS The court retained jurisdiction for 180 days to suspend execution of Judgment pursuant to Section §19-2601 (4), of the Idaho Code;

RECEIVED
JAN 10 2007

AND WHEREAS, the District Court, having ascertained the desirability of suspending execution of the judgment and again placing the defendant on probation;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED That the sentence is hereby suspended and defendant's probation is reinstated upon the same terms and conditions as outlined in the Order Withholding Judgment and Order of Probation entered on January 20, 2005, with the following additional and/or amended conditions, to-wit:

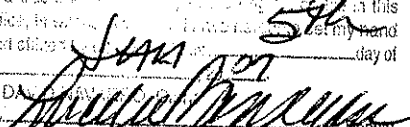
- WH a) Special Condition #23 of the previous order is hereby removed. There will be no presumption that the defendant is not a risk to re-offend at the conclusion of his probation given his conduct while on probation since the conditions were originally imposed on January 20, 2005.
- WH b) Special Condition #21 is hereby amended to read as follows: Defendant shall not have a personal computer for his personal use which is connected to the internet. He may use a computer at work if required by his employment, but any use of a computer to access sexually explicit materials or pornography, or to carry on sexually explicit conversations or visit chatrooms on the internet or the possession of pornography by the defendant will be a violation of a fundamental condition of probation which if proven or admitted, will result in imposition of sentence.
- WH c) The defendant has completed a rider and shall take part in any and all programs recommended in the rider review report.
- WH d) The defendant has had prior opportunities for probation. The defendant is advised that this is his final opportunity at probation. Failure to abide by the conditions of probation resulting in a motion for probation violation will, if proven or admitted, be considered a violation of a fundamental condition of probation which will result either in imposition of a jail sentence or imposition of the underlying sentence.
- WH e) Defendant is advised that failure to abide by the sexual offender registration requirements can result in criminal charges carrying a sentence of up to ten (10) additional years in prison.

This probation is hereby **extended** and will now expire at midnight on **January 3, 2022**, unless otherwise ordered by the Court.

The defendant shall receive credit for two hundred thirty-five (235) days served, which includes the time spent on the retained jurisdiction program.

Dated this 4th day of January, 2007.


MIKE WETHERELL
District Judge

STATE OF IDAHO }
COUNTY OF ADA } SS.
I, J. David Nowacek, Clerk of the District Court of the
Fourth Judicial District of the State of Idaho, in and for
the County of Ada, do hereby certify that the foregoing
is a true and correct copy of the original in this
office, in witness whereof, I have hereunto set my hand
and filed the same in the County Clerk's office on the
5th day of
JAN 2007
By:  Deputy

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.

Will B. Hirt
Probationer's Signature

1-16-2007
Date of acceptance

WITNESSED:

[Signature] 1-16-07
Probation and Parole Officer
State of Idaho

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of January, 2007, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

JOSEPH ELLSWORTH
ATTORNEY AT LAW
1031 E PARK BLVD
BOISE ID 83712

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
1299 N. ORCHARD STE. 110
BOISE, IDAHO 83706

PROBATION AND PAROLE
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

Idaho Department of Correction
Sexual Offender Agreement of Supervision

1. I will not purchase, produce, possess, or view any media material (pictures, magazines, books, videotapes, or movies) that acts as a stimulus for my sexual behavior, nor will I possess or view any materials containing male or female nudity. I will not be present where such material is available.
2. I will not subscribe to, use, nor have access to, Internet service, including e-mail or any other internet material without permission from my therapist and probation officer. I will not use any form of password-protected files, or other methods that might limit access to, or change the appearance of data images or other computer files without prior written approval from my supervising officer.
3. I will not engage in any illegal sexual activity as defined by Idaho state law including but not limited to: adultery, sodomy, or fornication.
4. I will not engage in any deviant behaviors including but not limited to: sado/masochism, bestiality, phone sex, cross dressing, clothing fetish, voyeurism, exhibitionism, public masturbation, or frottage.
5. I will reside in a place approved by my supervising officer, and I will not move until my supervising officer has approved a new place of residence.
6. I will abide by all travel restrictions as imposed by my supervising officer, and I will not leave the district of my residence for a social or recreational reason without approval of my supervising officer. My district of residence is 4 Ada. Permission to leave either the district or the State of Idaho is required in writing from my supervising officer.
7. I will not initiate, maintain, or establish contact with any person, male, or female, under the age of 18 years, without the presence of an approved chaperone. The chaperone must be over the age of 21 and be approved by both my supervising officer and therapist.
8. I will not form or unite in a romantic interest or sexual relationship with a woman/man until my probation officer and/or therapist determine that the individual is able to give effective consent. I will introduce this person to my supervising officer and/or therapist for approval. Sexual activity is defined as sexually oriented verbal/nonverbal communication, and any form of romantic, erotic, exciting or sexually arousing touch, including kissing, oral, manual, genital, or body contact of any kind.
9. I will not form an intimate relationship with a man/woman who has physical or shared custody of a child(ren) under the age of 18, nor will I reside or stay at a residence where minor children frequent or reside, except as approved by my supervising officer and therapist. Intimate relations are defined as a relationship with another person that involves some level of romantic, erotic, exciting, or sexually arousing feelings on my or the other person's part.
10. I will observe curfew restrictions as directed by my supervising officer.
11. I will not have any direct or indirect contact with my past or present victim(s) without the approval of my supervising officer and therapist.
12. I will not live near, frequent, loiter, or go near places where minors or victims of choice congregate, e.g.: Parks, Playgrounds, Schools, Video arcades, Swimming pools, Special events, Or any other risky areas as identified by my supervising officer such as Also Alibaba or other similar businesses.
 A request for exception must be submitted on an activity permission form, and approved in writing by my supervising officer.
13. I agree to obtain a specialized sexual offender evaluation. The evaluator and my treatment provider must be clinical members of the Association for the Treatment of Sexual Abusers (ATSA), and approved by my supervising officer. I will comply with all requirements of the treatment program and actively participate in treatment until discharge is recommended mutually by the therapist and my supervising officer.
14. I will provide complete and truthful information to any psychological and/or physiological assessment when requested by either my supervising officer or therapist.
15. I agree to sign any Release of Information form that allows my supervising officer to communicate with professionals involved in my treatment program.
16. I will not change treatment programs without prior approval of my supervising officer.
17. I agree to pay financial obligations incurred for my counseling and treatment.
18. I will remain gainfully employed and will obtain approval from my supervising officer to begin new employment or change existing employment.
19. I will inform my current or potential employer of my crime(s).
20. I will immediately notify my supervising officer if I am terminated or dismissed from work for any reason.
21. I will participate and comply with the electronic monitoring agreement or a daily schedule if requested by my supervising officer.
22. I will comply with all sex offender registration and DNA procedures as required by state law.
23. I understand that the Idaho Department of Correction may advise my neighbors, employers, and other concerned parties of my conviction and supervision status.
24. SPECIAL CONDITIONS: Obtain written permission to possess or use any electronic device (i.e. cell phone) which has digital camera or internet connectivity functionality. Abide by an 8pm to 6am curfew until/unless another curfew is issued to you in writing by your supervising officer.

have read, or have had read to me, the above terms, and I agree to abide by them for the duration of my probation/parole supervision.

Offender Signature: Will B. Smith

Date: 1-10-2007 00087

Probation/Parole Officer: [Signature]

Date: 1-10-07

COMMUNITY CORRECTIONS
AGREEMENT OF SUPERVISION

1. **LAWS AND COOPERATION:** I shall respect and obey all laws and comply with any lawful request of my supervising officer or an agent of the Division of Community Corrections. WH
2. **RESIDENCE:** I shall not change residence without first obtaining written permission from my supervising officer. WH
3. **REPORTS:** I will submit a truthful, written report to my supervising officer each and every month and shall report in person on dates and times specified. WH
4. **TRAVEL:** I will not leave the state or the assigned district without first obtaining permission from my supervising officer. My assigned district is Ada Co. WH
5. **EMPLOYMENT:** I shall seek and maintain employment, or a program approved by my supervising officer, shall not change employment or program without first obtaining written permission from my supervising officer. WH
6. **SEARCH:** I agree and consent to the search of my person, automobile, real property, and any other property at any time and at any place by any Agent of the Division of Community Corrections and waive my constitutional right to be free from such searches. WH
7. **WEAPONS/CONTRABAND:** I shall not purchase, carry, or have in possession or control any firearm, ammunition, explosives or other weapons. Firearms, weapons, and contraband seized will be forfeited to the Department of Correction for disposal. WH
8. **CONTROLLED SUBSTANCES:** I shall not use or possess any controlled substances unless lawfully prescribed by a licensed physician. I agree to submit to test for controlled substances or alcohol, at my own expense, as requested by my supervising officer or any agent of the Division of Community Corrections. WH
9. **RESTITUTION:** I shall pay restitution and other fees as ordered in the sum of \$ _____. Payments will be made at the rate of \$ _____ per month beginning on the _____, day of 2007. A receipt for all payments will be submitted to my officer within thirty (30) days of payment. WH
10. **COST OF SUPERVISION:** I will comply with Idaho Code 20-225, which authorizes a cost of supervision fee. WH

SPECIAL INSTRUCTIONS:

1. Comply with court order(s)
2. Comply with Sexual Offender AOS. 8pm - 5am Curfew until notified otherwise.
3. _____

I have read, or have had read to me, the above agreement. I understand and accept the conditions of supervision under which I have been released. I agree to abide by and conform to them and understand that my failure to do so may result in the revocation of my probation or parole.

Will B. [Signature]
Signature of Client

1-16-2007
Witness

1-16-07
Date Accepted

Revised 5-2002

00088

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. H0401159

vs.

CLERK MARILYN EDWARDS

William Blaine Hanington

DATE 2/16/2007 TIME 10:44

PROSECUTOR Shawna Dunn

TOXIMETER _____

COMPLAINING WITNESS _____

CASE ID. Cawthon 2/16/07 BEG. 104430

END 104437

JUDGE

STATUS

- BIETER
 - CAWTHON
 - COMSTOCK
 - DAY
 - DENNARD
 - GARDUNIA
 - HANSEN
 - HARRIGFELD
 - MacGREGOR-IRBY
 - _____
 - _____
- MANWEILER
 - McDANIEL
 - MINDER
 - OTHS
 - REARDON
 - SCHMIDT
 - SWAIN
 - WATKINS

- STATE SWORN
- PC FOUND _____
- COMPLAINT SIGNED
- AMENDED COMPLAINT SIGNED
- NO PC FOUND _____
- EXONERATE BOND
- SUMMONS TO BE ISSUED
- WARRANT ISSUED
- BOND SET \$ _____
- NO CONTACT

D.R. # _____

DISMISS CASE

IN CUSTODY

COMMENTS

AGENT'S WARRANT

RULE 5 (b)

FUGITIVE

00089

SCHEDULED EVENT: Arr

JUDGE: Schmid

CLERK: Marjorie Lane

DATE: 2/16/07 TIME: 1:30

COURT REPORTER: _____
PR/AGY: A PROS: T Stillman

TAPE NO: _____

P.D. / ATTORNEY _____

Harrington
William

SSN _____ DOB _____

1
3
5

2
4
6

agent
0401159

114804

<input checked="" type="checkbox"/> Case Called	<input checked="" type="checkbox"/> Def: Present	<input type="checkbox"/> Not Pres.	<input checked="" type="checkbox"/> In Custody
<input checked="" type="checkbox"/> Advised of Rights	<input type="checkbox"/> Waived Rts	<input type="checkbox"/> PD Appointed	<input type="checkbox"/> Waived Atty
<input type="checkbox"/> Guilty Plea / V Admit	<input type="checkbox"/> N/G Plea	<input type="checkbox"/> Advise Subsq Penalty	
<input checked="" type="checkbox"/> Bond \$ <u>25,000.00</u>	<input type="checkbox"/> ROR	<input type="checkbox"/> Pay/Stay	<input type="checkbox"/> Payment Agr

*
 * Advises def. Charge
 *
 * Bond set.
 *

*
 * Arr set
 * Judge Wetherell #137
 *
 * 2/22/07 @ 9:00
 *

149226

Finish () Release Defendant

War# Def# 01 Seq# 01 Type A Docket#

Rev: 2/97

NO. _____ FILED _____
A.M. _____ P.M. *2:52*

FEB 16 2007

By *[Signature]*
DAVID NAVARRO, Clerk
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Shawna Dunn
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
)
Defendant.)
_____)

Case No. H0401159

**ORDER ON PROBATIONER
ARREST ON AGENT'S
WARRANT**

Shawna Dunn, having appeared before the Court this date, pursuant to arrest by the Ada County Sheriff's Office, in Ada County, Idaho. Defendant was informed in conformance with Administrative Order of the probation violation allegations against him/her, that he/she is not required to make a statement, and that any statement made by him/her may be used against him/her, of his/her right to counsel as provided by law, and of

[Signature]

**ORDER ON PROBATIONER ARREST ON AGENT'S WARRANT
(HANINGTON), Page 1**

00091

his/her rights to rebut the allegations, to present and confront witnesses and to present evidence all in District Court.

IT IS ORDERED AND THIS DOES ORDER that bond in this matter is set

25,000

IT IS ORDERED AND THIS DOES ORDER that the defendant appear in Judge

W. V. ... Court on the 22nd day of Feb at the hour of 9⁰⁰ AM

DATED this 16th day of February 2007.



MAGISTRATE

NO. _____
FILED _____
A.M. _____ P.M. 3
FEB 20 2007

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

J. DAVID NAVARRO, Clerk
By SHERRI OHN
DEPUTY

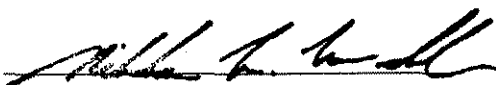
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA


STATE OF IDAHO)
)
Plaintiff,)
)
vs.)
)
WILLIAM B. HANINGTON,)
)
Defendant.)
_____)

Criminal No. H0401159
MOTION FOR BOND REDUCTION

COMES NOW, The above named Defendant, by and through his Attorney of Record, the Ada County Public Defender's Office, NICHOLAS WOLLEN, handling attorney, and moves this Honorable Court for its Order reducing bond in the above entitled matter, upon the grounds and for the reason that the bond is so unreasonably high that Defendant, who is an indigent person with no funds, cannot post such a bond and that Defendant has thereby been effectively denied his right to bail.

DATED This 20th day of February, 2007.


NICHOLAS WOLLEN
Attorney for Defendant

 MOTION FOR BOND REDUCTION

FEB 22 2007

J. DAVID NAVARRO, Clerk
By J. WEATHERS, DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
)
Defendant.)
_____)

Case No. H0401159
MOTION FOR PROBATION
VIOLATION
(AGENTS WARRANT)

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney for Ada County, State of Idaho, being first duly sworn, deposes and says:

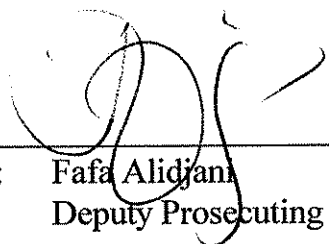
That on the 23rd day of September, 2004, the Defendant pled guilty to SEXUAL ENTICEMENT, FELONY; and that on the 5th day of January, 2005, this Court placed the defendant on probation for a period of eight (8) years; and that on the 4th day of January, 2007, this Court reinstated probation for a period of fifteen (15) years.

This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

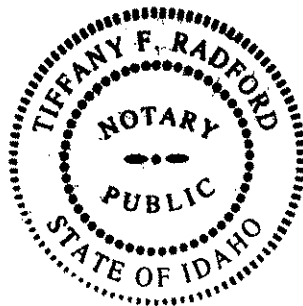
- ✓ 1. Consuming an alcoholic beverage on or about the 4th day of January, 2007, which is a violation of his orders of probation;
- ✓ 2. Failing to abide by the lawful request that he not associate with individuals specified by his supervising officer;
3. Failing to attend and/or successfully complete SANE Solutions as lawfully requested by his supervising officer;
- ✓ 4. Failing to notify the Ada County Sheriff's Office of a change of residence as required in Senate Bill 1297, which requires sex offender registration;
5. Failing to abide by the lawful request of his supervising officer that he have no internet access while on probation; and by,
6. Failing to maintain full-time employment and/or enroll as a full-time student as ordered by the Court.

WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Fafa Alidjani
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 21st day of February, 2007.



Tiffany F. Radford
Notary Public for the State of Idaho
Residing at Nampa, Idaho
Commission Expires: 8/1/11.

Session: Wetherell022207
Session Date: 2007/02/22
Judge: Wetherell, Mike
Reporter: ~~Gmsberg, Nicole~~
Debra Reichelt

Division: DC
Session Time: 08:28

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Alidjani, Fafa
Armstrong, Shelley
Haws, Gabriel
Meehan, Julianne
Reilly, Heather
Whatcott, Justin

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):
Silva, Edwardo

Case ID: 0004

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Additional audio and annotations can be found in case: 0015.
Co-Defendant(s):
Pers. Attorney:
State Attorney: Meehan, Julianne
Public Defender:

2007/02/22
09:17:19 - Operator
Recording:
09:17:19 - New case
Hanington, William
09:17:51 - Judge: Wetherell, Mike
Ct calls -- Ct passes
09:17:59 - Operator
Stop recording:

Case ID: 0015

Case Number: H0401159
Plaintiff:

Plaintiff Attorney:
Defendant: Hanington, William
Previous audio and annotations can be found in case: 0004.
Co-Defendant(s):
Pers. Attorney:
State Attorney: Guzman, Cathy
Public Defender: Wollen, Nick

10:37:57 - Operator
Recording:
10:37:57 - Recall
Hanington, William
10:38:15 - Judge: Wetherell, Mike
Ct calls case; Ms. Armstrong adv Ct def no longer has private
counsel
10:38:32 - Defendant: Hanington, William
Sworn; Ct inquires w/ref to PD apptmt
10:39:25 - Judge: Wetherell, Mike
Ct appt's office of PD -- Ct arrgs def on PV
10:46:30 - Public Defender: Wollen, Nick
Requests bond argument
10:46:46 - Judge: Wetherell, Mike
Ct so notes bond to be arg'd March 1, 2007 at 9:00
10:47:01 - Operator
Stop recording:

A.M. FILED P.M.

FEB 26 2007

J. DAVID NAVARRO, Clerk
By S. RILEY
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM B. HANINGTON)
)
 Defendant.)
 _____)

Criminal No. H0401159
MOTION FOR BOND REDUCTION

COMES NOW, The above named Defendant, by and through his Attorney of Record, the Ada County Public Defender's Office, **NICHOLAS WOLLEN**, handling attorney, and moves this Honorable Court for its Order reducing bond in the above entitled matter, upon the grounds and for the reason that the bond is so unreasonably high that the Defendant, who is an indigent person with no funds, cannot post such bond and that Defendant has thereby been effectively denied his right to bail.

DATED This Monday, February 26, 2007



NICOLAS WOLLEN
Attorney for Defendant

MOTION FOR BOND REDUCTION



00099

Session: Wetherell030107
Session Date: 2007/03/01
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:54

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Duggan, Barbara
Guzman, Cathy
Meehan, Julianne
Whatcott, Justin

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0024

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Alidjani, Fafa
Public Defender: Wollen, Nick

2007/03/01

11:05:17 - Operator
Recording:
11:05:17 - New case
Hanington, William
11:05:36 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
11:05:49 - Public Defender: Wollen, Nick
Denial
11:06:04 - Judge: Wetherell, Mike
May 24, 2007 3:30 PV hearing
11:06:26 - Public Defender: Wollen, Nick
Argument as to bond
11:07:38 - State Attorney: Alidjani, Fafa
Objection to reduction
11:10:47 - Public Defender: Wollen, Nick
Additional argument
11:11:12 - Judge: Wetherell, Mike
Denies reduction

11:11:20 - Operator
Stop recording:

157
HLE
504
330

NO. _____ FILED _____
A.M. _____ P.M. _____

MAR 27 2007

J. DAVID NAVARRO, Clerk
By S. RILEY
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Id. 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
)
Defendant.)
_____)

Case No. H0401159
ADDENDUM TO
PROBATION VIOLATION
RESPONSE TO DISCOVERY

COMES NOW the State of Idaho, by and through Fafa Alidjani, Deputy Prosecuting Attorney for Ada County, and submits the following Response to Request For Discovery:

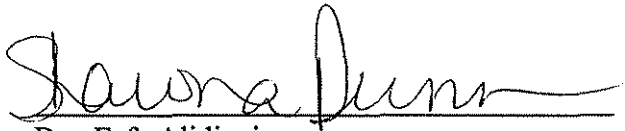
The State has complied with such request by furnishing the following information, evidence and materials:

1. Copies of :
 - a. **Ada County Sex Offender Packet**
 - b. **State of Idaho Sex Offender Packet**
2. Defendant advised of the existence and allowed access to:
N/A

3. Results of examination and tests:
N/A
4. The State intends to call as witnesses:
- a. Anthony Horizen, Commercial Newspaper Service I
 - b. Dr. William Vogel, SANE Solutions
 - c. Brenda Ausmus, Parole and Probation
 - d. Christine Arbruster, Parole and Probation
 - e. Jeff Betts, SANE Solutions

DATED this 23 day of March, 2007.

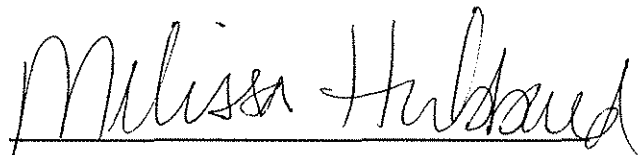
GREG H. BOWER
Ada County Prosecuting Attorney


By: Fafa Alidjani
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 23 day of March 2007, I mailed a true and correct copy of the within document to: Joseph L. Ellsworth, Attorney at Law, 1031 E. Park Blvd., Boise, ID 83712, by depositing same in:

- United States mail, postage prepaid
- Interdepartmental Mail
- Hand Delivery



137
330
330

NO. FILED
A.M. 10:30 P.M.

APR 05 2007

JOSEPH L. ELLSWORTH, ESQ.
ELLSWORTH, KALLAS, TALBOY & DEFRANCO, P.L.L.C.
1031 E. Park Blvd.
Boise, Idaho 83712
Phone: (208) 336-1843
Fax: (208) 345-8945
Idaho State Bar #3702

J. DAVID NAVARRO, Clerk
By S. RILEY
DEPUTY

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

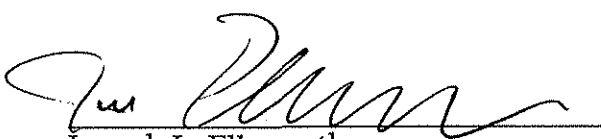
STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM HANNINGTON,)
)
 Defendant.)
 _____)

Case No.: H0401159
MOTION TO WITHDRAW AS
ATTORNEY OF RECORD

COMES NOW, Joseph L. Ellsworth, attorney for Defendant, and pursuant to I.C.R. 44.1 moves this Court for an Order permitting said attorney to withdraw as attorney of record for the Defendant, William Hannington.

This Motion is based upon the fact that the counsel has not been retained for any probation violation.

Dated this 3rd day of April, 2007.


Joseph L. Ellsworth
Attorney for Defendant




CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April, 2007, I served a true and correct copy of the within and foregoing document by the method indicated below an addressed to the following:

Ada County Prosecuting Attorney
200 W. Front Street
Boise, Idaho 83702

- U.S. Mail
- Facsimile
- Hand Delivery



Joseph L. Ellsworth

RECEIVED
APR 05 2007
Ada County Clerk

NO. _____ FILED _____
A.M. _____ P.M. *4:05*
APR 10 2007
By: *J. David Nave* Clerk
Other
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM HANNINGTON,)
)
 Defendant.)
 _____)

Case No.: H0401159
ORDER PERMITTING
WITHDRAWAL OF COUNSEL

The matter having come before the court and good cause appearing, Joseph L. Ellsworth is permitted to withdraw as attorney of record for the Defendant, William Hannington.

Dated this 7 day of April, 2007.

Michael E. Wetherell

Honorable Michael E. Wetherell
Fourth Judicial District

7

Session: Wetherell052407
Session Date: 2007/05/24
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:29

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Alidjani, Fafa
Armstrong, Shelley
Duggan, Barbara
Guzman, Cathy
Meehan, Julianne
Reilly, Heather

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):
Luedtke Rains, Mona

Case ID: 0049

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Alidjani, Fafa
Public Defender: Wollen, Nick

2007/05/24

15:46:05 - Operator
Recording:
15:46:05 - New case
Hanington, William
15:46:28 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
15:47:04 - Public Defender: Wollen, Nick
Admit alleg 1, 2, & 4 -- sentence open to argument
15:51:43 - Defendant: Hanington, William
Sworn -- Ct inquires re: admissions
15:55:48 - Judge: Wetherell, Mike
Ct accepts admissions; order updated PSI -- June 28, 2007 at
1:30
15:57:03 - Public Defender: Wollen, Nick
Adv Ct PSI ordered w/ref to Judge Bail's case

15:57:17 - Judge: Wetherell, Mike

Ct will use PSI prep'd for Judge Bail's case

15:57:42 - Operator

Stop recording:

Session: Wetherell062807
Session Date: 2007/06/28
Judge: Wetherell, Mike
Reporter: Redlich, Kasey

Division: DC
Session Time: 08:30

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Armstrong, Shelley
Buttram, Tessie
Duggan, Barbara
Guzman, Cathy

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0028

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Duggan, Barbara
Public Defender: Wollen, Nick

2007/06/28

13:40:47 - Operator
Recording:
13:40:47 - New case
Hanington, William
13:41:09 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
13:45:34 - Public Defender: Wollen, Nick
Delivers letters to the Court
13:48:30 - State Attorney: Duggan, Barbara
Comments/rec'd imposition
13:52:20 - Public Defender: Wollen, Nick
Comments/rec'd reinstatement
13:57:42 - Judge: Wetherell, Mike
Ct adv counsel def does not listen to Court orders w/ref to
prob
14:00:38 - Public Defender: Wollen, Nick
In lieu of reinstatement rec'd second rider or in alternativ
e Rule 35 motion
14:01:13 - Public Defender: Wollen, Nick

to reduce
14:02:06 - Defendant: Hanington, William
Addresses the Court
14:12:25 - Judge: Wetherell, Mike
Ct adv def will not reduce sentence
14:13:23 - Public Defender: Wollen, Nick
No legal cause
14:13:35 - Judge: Wetherell, Mike
Ct adv def if he fails again, he will rec'd sex offender tre
atment at the pen
14:14:59 - Judge: Wetherell, Mike
7+8 imposed, retains jurisdiction -- 2nd rider--cognitive ba
sed, sex
14:15:27 - Judge: Wetherell, Mike
offender, preparation for prob, relationship programming --
369d CTS
14:16:32 - Judge: Wetherell, Mike
Appeal rights
14:16:44 - Operator
Stop recording:

JUN 29 2007

J. DAVID NAVARRO, Clerk
By: *[Signature]*
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. H0401159
)	
vs.	)	ORDER OF REVOCATION OF
	)	PROBATION AND IMPOSITION
WILLIAM BLAINE HANINGTON,	)	OF SENTENCE AND COMMITMENT
DOB [REDACTED])	
SS#: [REDACTED])	
)	
Defendant.)	
_____)	

In the above entitled action, defendant, WILLIAM BLAINE HANINGTON, appeared before the Court in response to a Motion and Order for Bench Warrant for Violation of Probation, and the defendant having admitted the allegations #1, #2 and #4 as set forth in said Motion, the Court finds the defendant has violated his probation order;

Now, therefore IT IS HEREBY ORDERED, that the probation entered by the Court on the 4th day of January, 2007, be and the same is hereby revoked.

IT IS FURTHER ORDERED that the Judgment of Conviction entered by this Court on August 3, 2006, for the crime of COUNT I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. § 18-1509A, committed on or about the 17th day of June, 2004, be and the same is hereby executed according to its original terms to-wit: that the defendant,

WILLIAM BLAINE HANINGTON, is sentenced pursuant to Idaho Code Section 19-2513 to the custody of the State Board of Correction of the State of Idaho for the term of not to exceed fifteen (15) years: with the first seven (7) years of said term to be FIXED, and with the remaining eight (8) years of said term to be INDETERMINATE.

The defendant shall receive credit for three hundred sixty-nine (369) days served which **includes** any time the defendant spent on the previous retained jurisdiction program.

The Court will again retain jurisdiction for one hundred eighty (180) days under I.C. § 19-2602(4). The Court recommends that the defendant participate in any/all sex offender treatment, cognitive based programming, preparation for probation classes and relationship programming available within the Department of Correction.

IT IS FURTHER ORDERED that allegations #3, #5, #6 are dismissed.

Costs are ordered as previously assessed.

The defendant is hereby remanded to the custody of the Sheriff of Ada County to be delivered FORTHWITH into the custody of the Director of the Idaho State Correctional Institution.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Order of Revocation of Probation to the said Sheriff, which shall serve as the commitment of the defendant.

DATED this 28th day of June, 2007.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of June, 2007, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR'S OFFICE
INTERDEPARTMENTAL MAIL


ADA COUNTY PUBLIC DEFENDER'S OFFICE
INTERDEPARTMENTAL MAIL

PROBATION AND PAROLE
INTERDEPARTMENTAL MAIL

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
1299 N ORCHARD SUITE 110
BOISE ID 83706

ADA COUNTY JAIL
DELIVERED THROUGH THE CLERK'S OFFICE

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

Session: Wetherell121307
Session Date: 2007/12/13
Judge: Wetherell, Mike
Reporter: Kreidler, Debora

Division: DC
Session Time: 08:42

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Buttram, Tessie
Alidjani, Fafa
Duggan, Barbara
Meehan, Julianne
Reilly, Heather

Public Defender(s):
Geddes, Anthony
Glendaman, Megan
Glindeman, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):
Barrios, Sandra

Case ID: 0036

Case number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Alidjani, Fafa
Public Defender: Wollen, Nick

2007/12/13

14:33:24 - Operator
Recording:
14:33:24 - New case
Hanington, William
14:33:46 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
14:36:31 - State Attorney: Alidjani, Fafa
Comments/rec'd imposition
14:42:10 - Public Defender: Wollen, Nick
Notes tentative approval for interstate compact w/State of Oregon
14:43:01 - Public Defender: Wollen, Nick
Comments/rec'd prob
14:49:08 - Defendant: Hanington, William
Addresses the Ct
14:55:55 - Judge: Wetherell, Mike

Ct inquires of def w/responses interspersed
14:57:30 - Public Defender: Wollen, Nick
No legal cause
14:57:40 - Public Defender: Wollen, Nick
Provides Ct w/support letters
14:58:49 - Judge: Wetherell, Mike
7yrs + 8yrs 536d CTS includes rider time, suspd, prob
15:00:51 - Judge: Wetherell, Mike
Def to remain in ACJ until signed up on prob or accepted in Bethal Ministries
15:01:20 - Judge: Wetherell, Mike
Prog -- cond D amended -- final opportunity at prob
15:03:15 - Defendant: Hanington, William
Understands additional terms _cond of prob -- understands may only transfere
15:03:33 - Defendant: Hanington, William
to Oregon when both idaho and Oregon agree
15:05:02 - Defendant: Hanington, William
Understands previously ordered terms and cond of prob
15:05:14 - Judge: Wetherell, Mike
Appeal rights
15:05:29 - Operator
Stop recording:

DEC 17 2007

J. DAVID NAVARRO, Clerk
By _____
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
DOB: [REDACTED])
SSN: [REDACTED])
)
Defendant.)
_____)

Case No. H0401159

ORDER SUSPENDING SENTENCE
AND REINSTATING PROBATION

The Prosecuting Attorney, the defendant, WILLIAM BLAINE HANINGTON, with counsel, Nicholas Wollen, came into court this 13th day of December, 2007.

AND WHEREAS, WILLIAM BLAINE HANINGTON was adjudged guilty in the District Court of the Fourth Judicial District in and for the County of Ada of the crime of COUNT I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. § 18-1509A and was committed to the custody of the State Board of Correction for a period of fifteen (15) years, with seven (7) years of said term to be FIXED and with the remaining eight (8) years INDETERMINATE;

AND WHEREAS The Court retained jurisdiction for 180 days to suspend execution of Judgment pursuant to Section §19-2601 (4), of the Idaho Code;

AND WHEREAS, the District Court, having ascertained the desirability of suspending execution of the judgment and again placing the defendant on probation;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED That the sentence is hereby suspended and defendant's probation is reinstated upon the same terms and conditions as outlined in the Order Suspending Sentence & Reinstating Probation imposed on January 4, 2007, with the following additional and/or amended conditions, to-wit:

d. The defendant has had prior opportunities for probation. The defendant is advised that this is his final opportunity at probation. Failure to abide by the conditions of probation resulting in a motion for probation violation will, if proven or admitted, be considered a violation of a fundamental condition of probation which will result in imposition of the underlying sentence.

f. The defendant has completed a rider and shall take part in any and all programs recommended in the rider review report.

g. The Court has no objection to the defendant participating in the Celebrate Recovery Program or the Bethal Ministries which the defendant has chosen.

DEFENDANT SHALL REMAIN IN CUSTODY UNTIL SIGNED UP ON PROBATION OR HE ENTERS INTO THE BETHAL MINISTRIES.

This probation shall expire at midnight on January 3, 2022, unless otherwise ordered by the Court.

The defendant shall receive credit for five hundred thirty-six (536) days served, which **includes** the time spent on the retained jurisdiction program.

Dated this 13th day of December, 2007.


MIKE WETHERELL
District Judge

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.

Probationer's Signature

Date of acceptance

WITNESSED:

Probation and Parole Officer
State of Idaho

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of December, 2007, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

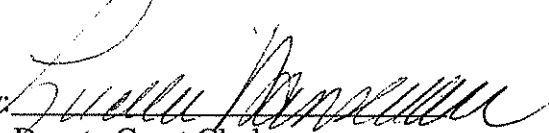
ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

ADA COUNTY JAIL
VIA CLERK'S OFFICE

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
1299 N. ORCHARD STE. 110
BOISE, IDAHO 83706

PROBATION AND PAROLE
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

FEB 11 2008

J. DAVID NAVARRO, Clerk
By A URQUIDI
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
	)	CASE NO. H0401159
Plaintiff,)	
	)	MOTION TO AMEND TERMS AND
vs.	)	CONDITIONS OF PROBATION
)	
WILLIAM BLAIN HANINGTON,)	
)	
Defendant.)	
_____)	

COMES NOW, WILLIAM BLAINE HANINGTON, the defendant above-named, by and through counsel ANTHONY R. GEDDES, Ada County Public Defender's Office, and moves this Court for its ORDER amending the terms and conditions of the defendant's probation, and ultimately release the defendant from the custody of the Ada County Sheriff.

The defendant was ordered to stay in the Ada County Jail post-sentencing until his probation officer had visited him.

The defendant will have spent sixty-three days in custody post-sentencing by February 14, 2008, without a probation officer visiting him. The Division of Probation and Parole has been notified numerous times that he is in custody and the status of his probation.

WHEREFORE, upon the grounds and for the reasons contained herein, the defendant prays this Court amend the terms and conditions of his probation to release him from the custody of the Ada County Sheriff and contact his probation officer at their office.

DATED, this 7 day of February 2008.



NICHOLAS L. WOLLEN
Attorney for Defendant

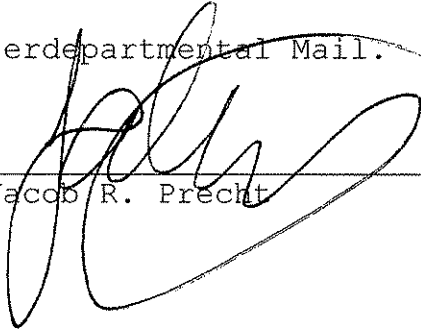
CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 11 day of February 2008,

I mailed a true and correct copy of the within instrument to:

FAFA ALIDJANI
DEPUTY PROSECUTOR, ADA COUNTY

by placing said same in the Interdepartmental Mail.



Jacob R. Precht

Session: Wetherell021408
Session Date: 2008/02/14
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:29

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Berecz, Lamont
Buttram, Tessie
Christensen, David
Duggan, Barbara
Meehan, Julianne
Wittwer, Kai

Public Defender(s):
Cahill, August
Geddes, Anthony
Glindeman, Megan
Myshin, Amil
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0026

Case number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hannington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Buttram, Tessie
Public Defender: Wollen, Nick

2008/02/14

11:39:07 - Operator
Recording:
11:39:07 - New case
Hannington, William
11:39:20 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
11:40:13 - Judge: Wetherell, Mike
Ct revws e-mail w/ref to sex offender treatment in Oregon
11:40:50 - Public Defender: Wollen, Nick
Revws fact of case
11:45:07 - Judge: Wetherell, Mike
Ct inquires as to Celebrate Recovery Program
11:45:21 - Public Defender: Wollen, Nick
Response

00121

11:45:23 - State Attorney: Buttram, Tessie
Response

11:47:46 - Judge: Wetherell, Mike
Ct notes he has no obj to transfer -- notes Judge Bail's concern

11:48:08 - Defendant: Hannington, William
Addresses the Court

11:50:57 - Judge: Wetherell, Mike
Ct inquires of counsel re: contact w/PO and unwillingness of PO to sign def

11:51:24 - Judge: Wetherell, Mike
up on prob

11:54:08 - Judge: Wetherell, Mike
Discussion re: signing def up on prob

11:54:51 - Judge: Wetherell, Mike
Ct adv defense counsel to provide Ct with order, ordering dept of prob to

11:55:14 - Judge: Wetherell, Mike
meet w/def at the Ada County Jail and sign him up on prob

11:55:27 - Operator
Stop recording:

NO. _____
FILED 3:40
A.M. P.M.

FEB 15 2008

J. DAVID NAVARRO, Clerk
By: *[Signature]*
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
	)	CASE NO. H0401159
Plaintiff,)	
	)	ORDER COMPELLING PROBATION &
vs.	)	PAROLE TO CONTACT DEFENDANT
)	
WILLIAM B. HANINGTON,)	
)	
Defendant.)	
_____)	

TO: THE DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION & PAROLE, DISTRICT 4, and PROBATION OFFICER CHRIS COLSON:

YOU ARE HEREBY ORDERED BY THIS COURT to visit the defendant above-named at the Ada County Jail within 48 hours and sign Mr. Hanington up on probation.

SO ORDERED AND DATED, this 19th day of February 2008.

[Signature]
MIKE WETHERELL
District Judge

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. #CR FE 04 1159

vs.

CLERK MARILYN EDWARDS

William Blaine Hamilton

DATE 04/10/2008 TIME 10:40

PROSECUTOR Brian Nauge

TOXIMETER _____

COMPLAINING WITNESS _____

CASE ID. Schmidt 04/10/08 BEG. 104030
END 104038

JUDGE

- | | |
|---|---|
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HANSEN | <input checked="" type="checkbox"/> SCHMIDT |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> MacGREGOR-IRBY | |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- STATE SWORN
- PC FOUND _____
- COMPLAINT SIGNED
- AMENDED COMPLAINT SIGNED
- NO PC FOUND _____
- EXONERATE BOND
- SUMMONS TO BE ISSUED
- WARRANT ISSUED
- BOND SET \$ _____
- NO CONTACT
- _____
- D.R. # _____
- DISMISS CASE
- IN CUSTODY

COMMENTS

- AGENT'S WARRANT Wetherell 4/17/08 @ 9:00 am
- RULE 5 (b)
- FUGITIVE

00124

CJ3BMIN
TCMCCOSL

ADA COUNTY MAGISTRATE MINUTES

2/26/2008
11:24:56

SCHEDULED EVENT: Video

JUDGE: Cawthon

CLERK:

DATE: 4-10-08 TIME: 1:30

COURT REPORTER:

TAPE NO:

PR/AGY: AL PROS: J. Vogt

Dunnington Wm (FE)

H0401159 P.D. ATTORNEY

M. Echshawk

SSN

DOB

1

2

3

4

5

6

Agents

140360

Case Called Def: Present Not Pres. In Custody

Advised of Rights Waived Rts PD Appointed Waived Atty

Guilty Plea/PV Admit N/G Plea Advise Subsq Penalty

Bond \$ 100,000.00 ROR Pay/Stay Payment Agr

*

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*

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*

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*

*

Arr 4/17/08 @ 9:00

w/wetherell

141007

* Finish () Release Defendant

War#

Def# 01 Seq# 01 Type A Docket#

Rev: 3/97

00125

FILED 4
AM PM

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

APR 14 2008
J. DAVID NAVARRO, Clerk
By A. BUCK
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM B. HANINGTON,

Defendant.

Case No. CR-FE-2004-0001159

MOTION FOR BOND REDUCTION

COMES NOW, WILLIAM B. HANINGTON, the defendant above-named, by and through counsel ANTHONY R. GEDDES, Ada County Public Defender's Office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds and for the reason that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond and that the defendant has thereby been effectively denied his right to bail.

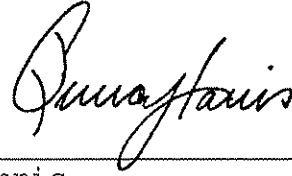
DATED, April 14, 2008.



ANTHONY R. GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on April 14, 2008, I mailed a true and correct copy of the foregoing to the Ada County Prosecuting Attorney's office by placing said same in the Interdepartmental Mail.



Quincy Harris

Session: Wetherell041708
Session Date: 2008/04/17
Judge: Wetherell, Mike
Reporter: Bohr, Brooke

Division: DC
Session Time: 08:57

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Armstrong, Shelley
Buttram, Tessie
Duggan, Barbara
Fisher, Jean
Meehan, Julianne
Reilly, Heather

Public Defender(s):
Cahill, August
Geddes, Anthony

Prob. Officer(s):

Court interpreter(s):

Case ID: 0018

Case number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hannington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Duggan, Barbara
Public Defender: Geddes, Anthony

2008/04/17

11:06:12 - Operator
Recording:
11:06:12 - New case
Hannington, William
11:06:21 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
11:07:58 - Judge: Wetherell, Mike
PV rights
11:14:12 - Judge: Wetherell, Mike
Ct arrgs on PV
11:14:38 - Public Defender: Geddes, Anthony
Requests one week
11:14:42 - Judge: Wetherell, Mike
April 24, 2008 at 9:00 PV admit/deny
11:15:04 - Operator
Stop recording:

NO. _____ FILED _____
A.M. _____ P.M. 1:20

APR 17 2008

J. DAVID NAVARRO, Clerk
By: [Signature]
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone:(208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 WILLIAM BLAINE HANNINGTON,)
)
 Defendant.)
 _____)

Case No. CR-FE-2004-0001159
**MOTION FOR PROBATION
VIOLATION**
(AGENTS WARRANT)

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney for Ada County, State of Idaho, being first duly sworn, deposes and says:

**MOTION FOR PROBATION
VIOLATION, (AGENTS WARRANT), (HANNINGTON/CR-FE-2004-0001159),**

That on the 23rd day of September, 2004, the Defendant WILLIAM BLAINE HANNINGTON pled guilty to ENTICING OF CHILDREN OVER THE INTERNET, FELONY, and that on the 20th day of January, 2005, this Court entered a withheld judgment and placed the Defendant on probation for a period of eight (8) year(s); and that on the 1st day of June, 2006, the defendant admitted a probation violation; and that on the 3rd day of August, 2006, the Court revoked probation and retained jurisdiction; and that on the 5th day of January, 2007, this Court reinstated probation for a period of eight (8) year(s); and that on the 24th day of May, 2007, the defendant admitted a probation violation; and that on the 28th day of June, 2007, the Court revoked probation and retained jurisdiction for a second time; and that on the 13th day of December, 2007, this Court reinstated probation for a period of fifteen (15) year(s).

This Court required, and the Defendant agreed, that as a condition of probation he would respect and obey all the laws of the State of Idaho, at all times conduct himself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

1. Failing to abide by the lawful request of his probation officer: Failing to abide by the curfew imposed by his probation officer, per the defendant's oral and/or written admission;
2. Failing to attend and/or successfully complete the sex offender treatment program with SANE Solutions as lawfully requested by his supervising officer
3. Failing to abide by the rules and regulations of the Sex Offender Contract, to-wit: frequenting a place where minors congregate, per the defendant's oral and/or written admission;
- ✓ 4. Failing to abide by the rules and regulations of the Sex Offender Contract, to-wit: by engaging in a romantic interest or sexual relationship without prior approval from his supervising officer and/or his therapist;

5. Failing to pay the cost of supervision as ordered by the Court; and by,
6. Accessing on-line or Internet computer services, including e-mail, which is a violation of his orders of probation.

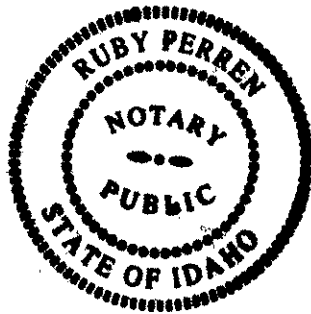
✓ 7. Being present in Establishments where alcohol is the main source of income in violation of condition of his probation.


WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney

By: 
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 16 day of April, 2008.




Notary Public for the State of Idaho
Residing at Meridian, Idaho
Commission Expires: 10/22/10.

Session: Wetherell042408
Session Date: 2008/04/24
Judge: Wetherell, Mike
Reporter: Tillman, Jayleen

Division: DC
Session Time: 07:43

Courtroom: CR507

Clerk(s):
Ellis, Janet

State Attorneys:
Duggan, Barbara
Meehan, Julianne
Reilly, Heather
Topmiller, Christopher
Wittwer, Kai

Public Defender(s):
Geddes, Anthony
Glindeman, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0022

Case Number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Meehan, Julianne
Public Defender: Glindeman, Megan

2008/04/24

11:15:48 - Operator

Recording:

11:15:48 - New case

Hanington, William

11:16:02 - Judge: Wetherell, Mike

Defendant present in custody. Inquired status of case

11:16:14 - Public Defender: Glindeman, Megan

Deny allegs

11:16:24 - Judge: Wetherell, Mike

The Court set June 12, 2008 @ 3:30 p.m.

11:16:37 - Operator

Stop recording:

Session: Wetherell061208
Session Date: 2008/06/12
Judge: Wetherell, Mike
Reporter: Hirmer, Jeanie

Division: DC
Session Time: 08:06

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorney(s):

Alidjani, Fafa
Duggan, Barbara
Meehan, Julianne
Reilly, Heather
Taylor, Joshua
Topmiller, Christopher

Public Defender(s):

Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0043

Case number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Alidjani, Fafa
Public Defender: Geddes, Anthony

2008/06/12

15:55:04 - Operator
Recording:
15:55:04 - New case
Hanington, William
15:56:44 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
15:56:55 - Public Defender: Geddes, Anthony
Admissions to PV allegations 4 _7-- open to argument
15:59:55 - Defendant: Hanington, William
Sworn examined by the Court
16:03:09 - Judge: Wetherell, Mike
Aug 7 - 2:30 PV dispo Ct adv counsel PSI will be available if they wish to vi
16:03:20 - Operator
Stop recording:

Session: Wetherell080708
Session Date: 2008/08/07
Judge: Wetherell, Mike
Reporter: Lee, Robin

Division: DC
Session Time: 08:52

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Alidjani, Fafa
Duggan, Barbara
James, J. Scott
Reilly, Heather
Wittwer, Kai

Public Defender(s):
Cahill, Gus
Geddes, Anthony

Prob. Officer(s):

Court interpreter(s):

Case ID: 0045

Case number: H0401159
Plaintiff:
Plaintiff Attorney:
Defendant: Hanington, William
Co-Defendant(s):
Pers. Attorney:
State Attorney: Alidjani, Fafa
Public Defender: Geddes, Anthony

2008/08/07

15:42:13 - Operator
Recording:
15:42:13 - New case
Hanington, William
15:42:25 - Judge: Wetherell, Mike
Ct calls case; derf present in custody w/counsel
15:42:37 - Judge: Wetherell, Mike
Ct revws material rec'd
15:45:09 - State Attorney: Alidjani, Fafa
Comments/rec'd imposition
15:49:25 - Public Defender: Geddes, Anthony

Comments/rec'd reinstatement on prob
15:56:06 - Defendant: Hanington, William
Addresses the Court
15:58:22 - Public Defender: Geddes, Anthony
No legal cause
16:00:27 - Judge: Wetherell, Mike
Ct imposes sentence; exercises authority reduces to 6yrs + 9 yrs for 15yrs
16:01:01 - Judge: Wetherell, Mike
credit for all time served -- total 65~~7~~d -- Ct rec'd substance abuse prog,
16:01:24 - Judge: Wetherell, Mike
cognitive based prog, sex offender treatment as deemed appropriate --
16:01:52 - Judge: Wetherell, Mike
psychological eval and treatment if deemed nec
16:02:06 - Judge: Wetherell, Mike
Appeal rights
16:03:24 - Operator
Stop recording:

AUG 12 2008
J. DAVID NAVARRO Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
WILLIAM BLAINE HANINGTON,)
DOB: [REDACTED])
SSN: [REDACTED])
Defendant.)
_____)

Case No. H0401159
ORDER OF REVOCATION OF
PROBATION AND REDUCING
SENTENCE AND COMMITMENT

In the above entitled action, defendant, WILLIAM BLAINE HANINGTON, appeared before the Court in response to a Motion and Order for Bench Warrant for Violation of Probation, and the defendant having admitted the allegations #4 and #7 as set forth in said Motion, the Court finds the defendant has violated his probation order;

Now, therefore IT IS HEREBY ORDERED, that the probation reinstated by the Court on December 13, 2007, be and the same is hereby revoked.

IT IS FURTHER ORDERED that the Judgment of Conviction entered by this Court on August 3, 2006, for the crime of COUNT I. ENTICING OF CHILDREN OVER THE INTERNET, FELONY, I.C. § 18-1509A, committed on or about June 17, 2004, be and the same is hereby executed according to its original terms to-wit: that the defendant, WILLIAM BLAINE HANINGTON, be sentenced to the custody of the State Board of Correction of the State of Idaho for an aggregate term of fifteen (15) years, to be served as follows: a minimum period of

confinement of seven (7) years followed by a subsequent indeterminate period of custody not to exceed eight (8) years.

The Court will however, pursuant to Idaho Criminal Rule 35, reduce defendant's sentence to an aggregate term of fifteen (15) years; to be served as follows: a minimum term of six (6) years, followed by a subsequent indeterminate term of nine (9) years. The defendant is given credit for six hundred fifty-seven (657) days served which **includes** the time defendant spent in the retained jurisdiction program.

The Court recommends that the defendant receive any/all substance abuse treatment, including participation in the Therapeutic Community when appropriate, cognitive based programming and sex offender treatment available within the Department of Correction. The Court further recommends that the defendant be given a psychological evaluation and any treatment deemed necessary.

The defendant is hereby remanded to the custody of the Sheriff of Ada County to be delivered FORTHWITH into the custody of the Director of the Idaho State Correctional Institution.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the defendant.

DATED this 7th day of August, 2008.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of Aug, 20 08, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

PROBATION AND PAROLE
INTERDEPARTMENTAL MAIL

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
1299 N ORCHARD SUITE 110
BOISE ID 83706

ADA COUNTY JAIL
DELIVERED THROUGH THE CLERK'S OFFICE

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

NO. _____
A.M. _____ FILED P.M. *J*

AUG 18 2008

J. DAVID NAVARRO, Clerk
By **A. BUCK**
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
PLAINTIFF,
VS.
WILLIAM B. HANINGTON,
DEFENDANT.

Case No. CR-FE-2004-0001159

MOTION FOR RECONSIDERATION
OF SENTENCE

COMES NOW, WILLIAM B. HANINGTON, the defendant above-named, by and through counsel ANTHONY R. GEDDES, Ada County Public Defender's Office, and moves this Honorable Court pursuant to ICR 35 for its reconsideration of sentence upon the grounds and for the reason that the defendant requests leniency. See BRIEF IN SUPPORT OF DEFENDANT'S MOTION FOR RECONSIDERATION OF SENTENCE, now lodged with the Court in the above-entitled case number.

DATED, this 13 day of August 2008.



ANTHONY R. GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 18 day of August 2008, I mailed a true and correct copy of the within instrument to:

JULIANNE MEEHAN
Deputy Prosecutor, Ada County

by placing said same in the Interdepartmental Mail.


Jacob R. Precht

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

NO. _____
A.M. 10 FILED P.M. _____

AUG 19 2008

J. DAVID NAVARRO, Clerk
By A. URQUIDI
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)
)
 Plaintiff-Respondent,)
)
 vs.) Criminal No. CR-FE-2004-0001159
)
) NOTICE OF APPEAL
 WILLIAM BLAINE HANINGTON,)
)
 Defendant-Appellant.)
 _____)

TO: THE ABOVE NAMED RESPONDENT, GREG BOWER, ADA COUNTY
PROSECUTOR, AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Defendant, appeals against the State of Idaho to the Idaho Supreme Court from the final Decision and Order entered against him in the above-entitled action on the 7th day of August, 2008, the Honorable Mike Wetherell, District Judge, presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the Judgment described in paragraph one (1) above is appealable pursuant to I.A.R. 11(c)(6).
3. That the Defendant requests the entire reporter's standard transcript as defined in Rule 25(a), I.A.R.

4. The Defendant also requests the preparation of the following additional portions of the reporter's transcript:

Hearing held: August 7, 2008
Court Reporter: Robin Lee
Number of Transcript Pages for this hearing estimated: less than 50

5. The Defendant requests that the clerk's record contain only those documents automatically included as set out in I.A.R. 28(b)(2), including the Grand Jury Transcript if Indicted, any Jury Instructions requested and given, and Pre-Sentence Investigation Report.

6. I certify:

- a) That a copy of this Notice of Appeal has been served on the reporter.
- b) That the Defendant is exempt from paying the estimated transcript fee because he is an indigent person and is unable to pay said fee.
- c) That the Defendant is exempt from paying the estimated fee for preparation of the record because he is an indigent person and is unable to pay said fee.
- d) That the Defendant is exempt from paying the appellate filing fee because he is indigent and is unable to pay said fee.
- e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

7. That the Defendant anticipates raising issues including, but not limited to:

Abuse of discretion in Sentencing.

DATED This 19th day of August, 2008.



ANTHONY R. GEDDES
Attorney for Defendant

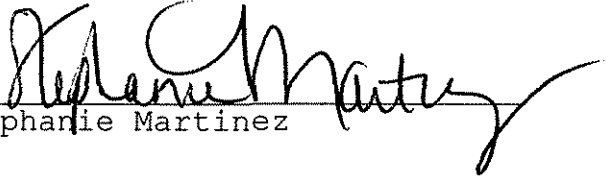
CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on the 19th day of August, 2008, I mailed a true and correct copies of the foregoing, **NOTICE OF APPEAL** to:

LAWRENCE G. WASDEN, ATTORNEY GENERAL, and

ROBIN LEE, HONORABLE JUDGE WETHERELL'S COURT REPORTER

by depositing the same in the Interdepartmental Mail.


Stephanie Martinez

NO. _____ FILED _____
A.M. 1:55 P.M.

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front St., Ste. 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

RECEIVED

AUG 19 2008

Ada County Clerk

AUG 20 2008

By David Navarro Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,	)	Criminal No. CR-FE-2004-0001159
)	
vs.)	
)	
WILLIAM BLAINE HANINGTON,	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
Defendant-Appellant.	)	ON DIRECT APPEAL
)	

The above-named Defendant, **WILLIAM BLAINE HANINGTON**, being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, and said Defendant having elected to pursue a direct appeal in the above-entitled matter;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, That the Idaho State Appellate Public Defender is appointed to represent the above named Defendant, **WILLIAM BLAINE HANINGTON**, in all matters pertaining to the direct appeal.

DATED This 20th day of August, 2008.

Mike Wetherell
MIKE WETHERELL
District Judge

ORDER APPOINTING STATE APPELLATE
PUBLIC DEFENDER ON DIRECT APPEAL

AUG 25 2008

By DAVID NAVARRO, Clerk
David Navarro
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
)	
Plaintiff,	)	Case No. CR-FE-2004-0001159
)	
vs.	)	ORDER RE: MOTION FOR
	)	RECONSIDERATION OF
WILLIAM B. HANINGTON,	)	SENTENCE
)	
)	
Defendant.)	
_____)	

Currently before this Court is the Defendant's Motion for Reconsideration of Sentence in accordance with I.C.R. 35.

BACKGROUND

After Defendant was adjudged guilty of the crime of Enticing of Children Over the Internet, Felony, Defendant received a withheld judgment on August 26, 2004, and was placed on probation. In March 2006, Defendant was accused of violating his probation in four respects. In April 2006, the State added four additional violations. On January 20, 2005, The Court revoked Defendant's probation, imposing a sentence of fifteen (15) years, with seven (7) years fixed and eight (8) years indeterminate. The Court retained jurisdiction, and the Defendant was placed on a rider. In January 2007, after completion of the rider program, the Court reinstated probation. In February 2007, the

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State filed another motion for probation violation, alleging six new violations of probation. On June 28, 2007, following Defendant's admission of violation, the Court revoked Defendant's probation, imposed sentence, and retained jurisdiction for a second time. On December 13, 2007, following Defendant's successful completion of the second rider, Defendant was once again placed on probation. Finally, on April 16, 2008, the State filed another motion alleging Defendant had violated the terms of his probation in seven respects. On August 7, 2008, after finding Defendant had violated his probation, the Court revoked probation and imposed sentence. At the time of imposition, the Court, pursuant to I.C.R. 35, reduced Defendant's sentence to a term of six (6) years fixed and nine (9) years indeterminate.

STANDARD OF REVIEW

Rule 35 motions to reduce a sentence upon revocation of probation must be made within fourteen (14) days after the filing of the order revoking probation. I.C.R. 35. In this matter, Defendant filed within the prescribed time limitation and the court may consider his motion.

A Rule 35 motion to reduce a lawful sentence is essentially a plea for leniency. The defendant has the burden of proving that the sentence is unreasonable. *State v. Burnight*, 132 Idaho 654, 978 P.2d 214, 219 (S. Ct. 1999). It is addressed to the sound discretion of the sentencing court and may be granted if the original sentence was unduly severe or unreasonable. *State v. Allbee*, 115 Idaho 845, 771 P.2d 66, 67 (Ct. App. 1989).

As a general rule, "a sentence fixed within the limits prescribed by statute ordinarily will not be considered an abuse of discretion." *State v. Nice*, 103 Idaho 89, 645 P.2d 323 (1982). The Court will treat the fixed portion of a sentence as the term of confinement, as

does the appeals court. *Burnight* at 219, *State v. Book*, 127 Idaho 352, 354, 900 P.2d 1363, 1365 (1995).

For a sentence to be considered reasonable, at the time of sentencing the court must take into consideration the objections of sentencing: whether confinement is necessary to accomplish the objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation, or retribution applicable to the case. *State v. Toohill*, 103 Idaho 565, 650 P.2d 707, 710 (Ct. App. 1982). This requires the Court “focus on the nature of the offense and the character of the offender.” *State v. Reinke*, 103 Idaho 771, 653 P.2d 1183 (Ct.App.1982). Finally, where the sentence is not excessive when pronounced, the defendant must show that it is excessive in view of new or additional evidence presented with his motion for reduction. *State v. Hernandez*, 121 Idaho 114, 822 P.2d 1011, 1014 (Ct. App. 1991).

ANALYSIS

The maximum statutory penalty for the Defendant’s crime is 15 years incarceration. This Court initially gave the Defendant a fixed term of seven (7) years, and recently reduced that portion to six (6) years.¹ Defendant was also sentenced by Judge Bail in another matter to an additional year that must be served consecutively with this sentence. Defendant argues that the objectives of sentencing would be accomplished by further reducing the fixed portion of his sentence to three (3) years. As support for this argument, Defendant states he displayed rehabilitative potential by performing well on the rider program and on probation with regards to his substance abuse problems. Such a reduction, Defendant claims, would allow him earlier entrance into the cognitive-based

programming offered at the penitentiary. Unfortunately, the Defendant's rehabilitative potential was not realized after the opportunity for two riders. He continued to violate his probation.

This Court has again reviewed the Presentence Investigation Report, the case file and all related filings in this matter. The Court also clearly recalls the arguments and statements offered at the sentencing. No additional evidence has been presented with this motion. The Court has also reexamined the sentence, in light of the objectives of protecting society, deterrence, rehabilitation, and retribution. The Court already decreased Defendants sentence by one year at the disposition hearing. Taking the above into account, the Court finds the sentence was not an abuse of its discretion. Rather, the Court finds the sentence was fair given Defendant's underlying criminal conduct, his repeated probation violations and behavior confirming his high risk of reoffending.

Defendant requests a hearing on these issues. A motion to modify a sentence "shall be considered and determined by the court without the admission of additional testimony and without oral argument, unless otherwise ordered by the court in its discretion." I.C.R. 35 see *State v. Copenhaver*, 129 Idaho 494, 927 P.2d 884 (1996), *State v. James*, 112 Idaho 239, 731 P.2d 234 (Ct. App. 1986), *State v. Puga*, 114 Idaho 117, 753 P.2d 1263 (Ct. App. 1987). The Court sufficiently understands these arguments presented by the Defendant and sees no need for additional testimony or evidentiary presentation on this matter. Thus, although the Defendant requests a hearing on this motion, the Court finds a hearing of additional oral testimony unnecessary, and no hearing is granted.

¹ Courts treat the fixed portion of a sentence as the term of confinement. See *State v. Book*, 127 Idaho 352,

In accordance with the foregoing, the Court declines the Defendant's invitation to further reduce his sentence more than the Court already has, and the Defendant's motion for reduction of sentence is hereby DENIED.

SO ORDERED AND DATED this 25th day of August, 2008.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 25th day of August, 2008,
I mailed(served) a true and correct copy of the within
instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

J. David Navarro
Clerk of the District Court

By 
Deputy Court Clerk

CERTIFICATE OF MAILING

00151

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,
vs.

WILLIAM BLAINE HANINGTON,

Defendant-Appellant.

Supreme Court Case No. 35608

CERTIFICATE OF EXHIBITS

I, J. DAVID NAVARRO, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

There were no exhibits offered for identification or admitted into evidence during the course of this action.

I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Pre-Sentence Investigation Report.
 - a. Materials For Consideration At Sentencing, filed November 30, 2004.
 - b. Additional Material For Consideration At Sentencing, filed December 14, 2004.

I FURTHER CERTIFY, that the following documents will be submitted as EXHIBITS to the Record:

1. Brief In Support Of Defendant's Request For A Withheld Judgment, filed December 27, 2004.
2. Affidavit Of Christine N. Armbruster, filed May 3, 2006.
3. Affidavit Of Christine N. Armbruster, filed May 8, 2006.
4. Report Of Probation Violation, dated March 14, 2006.
5. Addendum To Report Of Probation Violation, dated April 10, 2006.
6. Report Of Probation Violation, dated February 14, 2007.
7. Addendum To Report Of Probation Violation, dated February 15, 2007.
8. Report Of Probation Violation, dated April 15, 2008.

CERTIFICATE OF EXHIBITS

00152

9. Brief In Support Of Defendant's Motion For Reconsideration Of Sentence, filed August 18, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 3rd day of October, 2008.

J. DAVID NAVARRO
Clerk of the District Court

By BRADLEY J. THIES
Deputy Clerk



CERTIFICATE OF EXHIBITS

00152 A

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,
vs.

WILLIAM BLAINE HANINGTON,

Defendant-Appellant.

Supreme Court Case No. 35608

CERTIFICATE OF SERVICE

I, J. DAVID NAVARRO, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

J. DAVID NAVARRO
Clerk of the District Court

Date of Service: OCT 06 2008

By BRADLEY J. THIES
Deputy Clerk



CERTIFICATE OF SERVICE

00153

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

WILLIAM BLAINE HANINGTON,

Defendant-Appellant.

Supreme Court Case No. 35608

CERTIFICATE TO RECORD

I, J. DAVID NAVARRO, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled and bound under my direction as, and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsels.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 19th day of August, 2008.

J. DAVID NAVARRO
Clerk of the District Court

By BRADLEY J. THIES
Deputy Clerk

CERTIFICATE TO RECORD

00154

NOV 03 2008

J. DAVID NAVARRO, Clerk
By MARGARET LUNDQUIST
DEPUTY

MOLLY J. HUSKEY
State Appellate Public Defender
State of Idaho
I.S.B. # 4843

SARA B. THOMAS
Chief, Appellate Unit
I.S.B. # 5867
3647 Lake Harbor Lane
Boise, Idaho 83703
(208) 334-2712
(208) 334-2985 (fax)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
WILLIAM BLAINE HANINGTON,)
)
Defendant-Appellant.)

CASE NO. H0401159
SUPREME. COURT NO. 35608
OBJECTION TO THE RECORD

TO: THE ABOVE-NAMED RESPONDENT, THE STATE OF IDAHO, AND THE
ADA COUNTY PROSECUTOR'S OFFICE, 200 WEST FRONT STREET 3RD FLOOR
BOISE, ID 83702, AND THE CLERK OF THE ABOVE ENTITLED COURT:

NOTICE IS HEREBY GIVEN that appellant in the above entitled proceeding
hereby objects to the record on appeal served on October 6, 2008, pursuant to Idaho
Appellate Rule (I.A.R.) 29. This objection is based upon the fact that the appellant is
requesting the items listed below. Accordingly, the appellant requests, pursuant to
I.A.R. 29(a), that the following be added:

- 1) Sentencing Hearing held on January 20, 2005 (Court Reporter: Nicole
Omsberg, no estimation of pages was listed on the Register of Actions);

- 2) Admit/Deny Hearing held on June 1, 2006 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 3) Dispositional Hearing held on August 3, 2006 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 4) Jurisdictional Review Hearing held on January 4, 2007 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 5) Admit/Deny Hearing held on May 24, 2007 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 6) Disposition Hearing held on June 28, 2007 (Court Reporter: Kasey Redlich, no estimation of pages was listed on the Register of Actions);
- 7) Jurisdictional Review Hearing held on December 13, 2007 (Court Reporter: Debora Kreidler, no estimation of pages was listed on the Register of Actions);
- 8) Hearing held on February 14, 2008 (Court Reporter Jeanee Hirmer, estimation of less than 100 pages);
- 9) Materials for Consideration at Sentencing filed on November 30, 2004;
- 10) Additional material for Consideration at Sentencing filed December 14, 2004;
- 11) Brief lodged December 27, 2004;
- 12) State's Response Re: Withheld Judgment filed December 30, 2004;
- 13) Affidavits of Armbruster filed May 3, 2006 and May 8, 2006;
- 14) Addendum to Probation Violation Response to Discovery filed March 27, 2007;
and
- 15) Brief in Support lodged August 18, 2008.

Idaho case law currently indicates that any missing portions of the record are presumed to support the trial court's ruling. *State v. Wolfe*, 99 Idaho 382, 390, 582 P.2d 728, 736 (1978); *State v. Williams*, 126 Idaho 39, 45, 878 P.2d 213, 219 (Ct. App.

1994). The requested items are currently missing from the record. Unless made part of the record on appeal, the events and testimony of this hearing will be presumed to support the district court's trial rulings and his sentencing decisions, which are now on appeal. In order to overcome this legal presumption and to have his case considered on its facts and merits, Mr. Hanington requests that the above-mentioned items be made part of the record on appeal and filed with the Idaho Supreme Court.

DATED this 3rd day of November, 2008.


MOLLY J. HUSKEY
State Appellate Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 3rd day of November, 2008, served a true and correct copy of the attached OBJECTION TO THE RECORD by the method indicated below:

GREG BOWER
ADA COUNTY PROSECUTORS OFFICE
200 WEST FRONT STREET 3RD FLOOR
BOISE ID 83702
STATEHOUSE MAIL

JEANNE HIRMER
COURT REPORTER
PO BOX 14218
BOISE ID 83714 0218

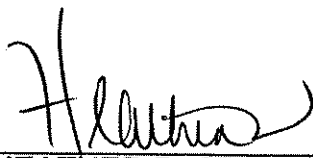
NICOLE OMSBERG
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DEBORA KREIDLER
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200 WEST FRONT STREET
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KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720 0010
Hand delivered to Attorney General's mailbox at Supreme Court

STEPHEN KENYON
CLERK OF THE SUPREME COURT
PO BOX 83720
BOISE ID 83720 0101
HAND DELIVER



HEATHER R. CRAWFORD
Administrative Assistant

MJH/hrc

NOV 10 2008

J. DAVID NAVARRO, Clerk
By: *[Signature]*
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff-Respondent,
v.
WILLIAM BLAINE HANINGTON,
Defendant-Appellant.

CASE NO. H0401159
SUPREME COURT NO. 35608
ORDER

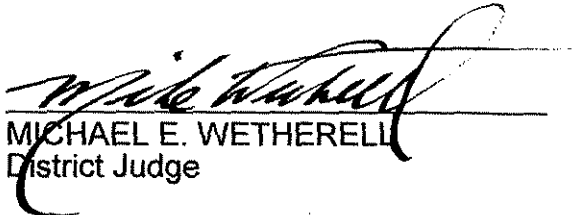
Upon reviewing the attached Objection to the Record and finding good cause, IT IS HEREBY ORDERED the Record on Appeal in the above mentioned case shall include the following:

- 1) Sentencing Hearing held on January 20, 2005 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 2) Admit/Deny Hearing held on June 1, 2006 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 3) Dispositional Hearing held on August 3, 2006 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 4) Jurisdictional Review Hearing held on January 4, 2007 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 5) Admit/Deny Hearing held on May 24, 2007 (Court Reporter: Nicole Omsberg, no estimation of pages was listed on the Register of Actions);
- 6) Disposition Hearing held on June 28, 2007 (Court Reporter: Kasey Redlich, no estimation of pages was listed on the Register of Actions);

- 7) Jurisdictional Review Hearing held on December 13, 2007 (Court Reporter: Debora Kreidler, no estimation of pages was listed on the Register of Actions);
- 8) Hearing held on February 14, 2008 (Court Reporter Jeanee Hirmer, estimation of less than 100 pages);
- 9) Materials for Consideration at Sentencing filed on November 30, 2004;
- 10) Additional material for Consideration at Sentencing filed December 14, 2004;
- 11) Brief lodged December 27, 2004;
- 12) State's Response Re: Withheld Judgment filed December 30, 2004;
- 13) Affidavits of Armbruster filed May 3, 2006 and May 8, 2006;
- 14) Addendum to Probation Violation Response to Discovery filed March 27, 2007;
and
- 15) Brief in Support lodged August 18, 2008.

The above items shall be prepared and lodged with the Clerk of the Idaho Supreme Court, and copies served on the State Appellate Public Defender's Office and the Idaho Attorney General's Office. The above items shall be prepared at county expense.

DATED this 10th day November, 2008.


MICHAEL E. WETHERELL
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 10th day of November, 2008, served a true and correct copy of the attached ORDER by placing a copy in the United States mail, postage prepaid, addressed to:

GREG BOWER
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CHIEF APPELLATE UNIT
STATE APPELLATE PUBLIC DEFENDER
3647 LAKE HARBOR LANE
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Clerk of the Court