

8-9-2010

State v. Dickson Augmentation Record Dckt. 37467

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In the Supreme Court of the State of Idaho

AUGMENTATION RECORD

STATE OF IDAHO,)	
)	
Plaintiff-Appellant,)	ORDER GRANTING MOTION TO
)	AUGMENT THE RECORD
v.)	
)	Supreme Court Docket No. 37467-2010
PATRICK THOMAS DICKSEN,)	Kootenai County Docket No. 2009-3327
)	
Defendant-Respondent.)	


A MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF was filed by counsel for Appellant on August 3, 2010. Therefore, good cause appearing,

IT HEREBY IS ORDERED that Appellant's MOTION TO AUGMENT THE RECORD be, and hereby is, GRANTED and the augmentation record shall include the document listed below, file stamped copies of which accompanied this Motion:

1. Retained Jurisdiction Disposition and Notice of Right to Appeal, file-stamped July 15, 2010.

DATED this 9th day of August 2010.

For the Supreme Court



Stephen W. Kenyon, Clerk

cc: Counsel of Record

SW

STATE OF IDAHO)
County of KOOTENAI)

FILED 7/15/10

AT 2:25 O'clock P. M
CLERK, DISTRICT COURT

Deputy

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI**

STATE OF IDAHO,

Plaintiff,

vs.

PATRICK THOMAS DICKSEN

DOB: [REDACTED]

SSN: [REDACTED]

IDOC: 93529

Defendant.

Case No. **CRF 2009 3327**

**RETAINED JURISDICTION
DISPOSITION AND NOTICE
OF RIGHT TO APPEAL**

SUSPENDING JUDGMENT AND SENTENCE
This ORDER RELINQUISHING JURISDICTION constitutes the
retained jurisdiction disposition in the above matter.

On July 8, 2010, before the Honorable John T. Mitchell, District Judge, you, **PATRICK THOMAS DICKSEN**, personally appeared for disposition of your retained jurisdiction. Also appearing were a lawyer from the Office of the KOOTENAI County Prosecuting Attorney and your lawyer, Jonathan B. Hull.

Whereupon the court considered the report of the jurisdiction review committee and any offered evidence, and the defendant having been given the opportunity to explain, or comment concerning disposition, and you having been given the opportunity to make a statement and having done so, and recommendations having been made by counsel for the State and by your lawyer, the Court then continued the hearing to allow you to develop a plan for probation, for treatment while on probation, and for funding for that treatment.

On July 15, 2010, before the Honorable John T. Mitchell, District Judge, you, **PATRICK THOMAS DICKSEN**, personally appeared for disposition of your retained jurisdiction. Also appearing were a lawyer from the Office of the KOOTENAI County

ATM 7/14/10

Prosecuting Attorney and your lawyer, Jonathan B. Hull. Whereupon the court considered the report of the jurisdiction review committee and any offered evidence, the Court did then pronounce its disposition as follows:

IT IS HEREBY ORDERED that, pursuant to *I.C. §§19-2601*,

- The court's retained jurisdiction is relinquished and your sentence is imposed as follows:

INJURY TO CHILDREN, (a felony), Idaho Code § I. C. 18-1501(1), committed from December 2008 to February 2009 – to the custody of the Idaho State Board of Correction for a fixed term of ONE (1) years followed by an indeterminate term of TWO (2) years, for a total term not to exceed THREE (3) years.

THE STATE OF IDAHO DEPARTMENT OF CORRECTION IS ENCOURAGED TO PROVIDE AS MUCH: 1) COGNITIVE RESTRUCTURING AND BEHAVIORAL TREATMENT AS POSSIBLE, 2) SUBSTANCE ABUSE TREATMENT (AND SHOULD CONSIDER THE THERAPEUTIC COMMUNITY) AND 3) SEX OFFENDER TREATMENT OR AT LEAST A PLAN FOR SUCH IN THE COMMUNITY WHILE ON PAROLE.

- That the execution of your previously imposed sentence be suspended and you are placed on supervised probation for a period of FIVE (5) years upon the terms and conditions identified and set forth on the attached Schedule of Probation Terms and Conditions.

That in the presence of your probation officer, you shall on a certified copy of this order and the attached Schedule of Probation Terms and Conditions endorse your receipt of a copy of this order and shall have initialed your acceptance, agreement, and consent to each of the terms and conditions contained in this order and attachment. Your probation officer shall return to the court the certified copy that contains your endorsement.

That as soon as you are released from custody, you shall report to the probation and parole office in «County» County.

IT IS FURTHER ORDERED that pursuant to Idaho Code § 18-309 you, **PATRICK**


THOMAS DICKSEN, shall be given credit for time served on any sentence imposed on the above charges as follows: CRF 2009 3327 - **454** days.

NOTICE OF RIGHT TO APPEAL

YOU, PATRICK THOMAS DICKSEN, ARE HEREBY NOTIFIED that you have a right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written order in this matter.

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

DATED this 15th day of July, 2010.

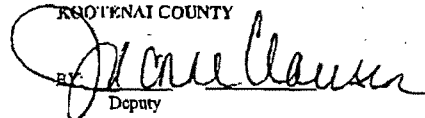

John T. Mitchell, District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 16 day of July, 2010 copies of the foregoing Order were mailed, postage prepaid, or sent by facsimile or interoffice mail to:

Defense Attorney - Jonathan B. Hull *MJD*
Prosecuting Attorney *446-1833*
Probation & Parole *769-1481*
Community Service *IO*
KOOTENAI County Auditor *IO*

KOOTENAI County Sheriff *446-1407*
Idaho Department of Correction
[certified copy
Faxed to (208) 327-7445]

CLERK OF THE DISTRICT COURT
KOOTENAI COUNTY
BY 
Deputy

STATE v Dickson

KOOTENAI Case No. CRF 2009 3327

TERMS AND CONDITIONS OF PROBATION
IMPOSED ON July 8, 2010

Unless stricken out, the Probation Terms and Conditions for the disposition(s) in the above matter(s) are as follows:

IT IS FURTHER ORDERED, that you shall comply with each of the following **TERMS AND CONDITIONS OF PROBATION:**

1. That you shall commit no violations of any law of the United States of America, or of any law of any other country, or of any law of any state, county, city, or other political subdivision.

2. That you shall comply with all of the rules, regulations and requirements of the Idaho Department of Corrections.

3. That you shall pay court cost as previously ordered.

4. That you shall pay additional costs, fees, restitution and reimbursements as follows:

- f. CS Work Comp 180.00
- CS Set up fee 20.00
- g. Reimburse defense costs 500.00
- h. Reimburse KOOTENAI County Prosecutor's costs 200.00
- i. Reimburse District Court Fund 100.00
- j. Reimbursement for ~~evaluation~~ (Court ordered evaluation paid from Court administered funds).

TOTAL

1,100.00

5. All of the above sums shall be paid to the County Clerk at the KOOTENAI County Courthouse, in monthly installments to be determined by your probation officer, based upon your ability to pay. Based upon a periodic review of your financial circumstances, your probation officer may increase or decrease the amount of your monthly payment, it being the intent that your financial obligations under this sentence be paid in full prior to your discharge from probation. All payments shall be made in the form of cash, cashier's check or money order. The clerk shall distribute the payments in the priority set by the Idaho Supreme Court.

6. That the court shall reserve jurisdiction to determine the amount of restitution you shall pay your victim(s) in this matter. The amount shall be determined from time to time by stipulation or upon notice and hearing.

7. That you shall attend and complete such rehabilitation, educational, and vocational

training programs as your probation officer may designate.

- 8. That you shall make every effort to obtain and maintain full time employment or be enrolled in a full time educational program. **YOU MUST FIND A FULL TIME JOB WITHIN TWO WEEKS OF YOUR RELEASE FROM CUSTODY.**
- 9. That you shall attend and complete such substance abuse and mental health counseling as your probation officer may designate.
- 10. That you shall submit to analysis of your blood, breath or urine at your own expense at the request of your probation officer or any law enforcement officer. **WEEKLY RANDOM UA/BREATH/ETG OR EYE SCAN TESTING IS REQUIRED FOR THE FIRST YEAR OF YOUR PROBATION, SUCH YEAR BEGINS AFTER HIS RELEASE FROM CUSTODY. IF THE IDOC WILL NOT TEST YOU AT THAT FREQUENCY, THEN YOU MUST ARRANGE FOR SUCH TESTING AT THAT FREQUENCY AT YOUR OWN EXPENSE, WITH THE RESULTS TO BE PROVIDED TO YOUR PROBATION OFFICER.**
- 11. That you shall not purchase, possess, or use any substance intended to alter the results of urinalysis testing for the presence of controlled substances or alcohol.
- 12. That you shall submit to searches of your person, personal property, automobiles, and residence without a search warrant at the request of your probation officer.
- 13. That you shall not consume or possess alcoholic beverages during the period of your probation.
- 14. That you shall not enter any establishment wherein the primary source of revenue is the sale of alcoholic beverages.
- 15. That you shall perform and complete three hundred (300) hours of community service on a periodic basis approved by your probation officer, but in any event not later than July 15, 2012.
- 16. By accepting this probation you do hereby waive extradition to the State of Idaho and also agree that you will not contest any effort by any State to return you to the State of Idaho.
- 17. That you shall not associate with any individuals specified by your probation officer.
- 18. That you shall, at the request of your probation officer, submit to a polygraph examination at your expense.
- 19. If requested by your probation officer, you will be required to reside in either the State of Idaho or within the intensive supervision service area.
- 20. That you shall pay to the Idaho Department of Corrections its costs of supervision of your probation, in an amount not to exceed \$50.00 per month.

No Contact w/ victim

21. That in addition to any other local incarceration you are given ninety (90) days in the county jail to be served and imposed at the discretion of your probation officer and upon the written approval of the District Court.
22. You shall immediately request of your probation officer that you be allowed to begin the appropriate level of Cognitive Self Change series, and complete all phases directed by your probation officer.
23. ~~IMMEDIATELY FOLLOWING YOUR RELEASE FROM CUSTODY~~ you shall contact ALLIANCE FAMILY SERVICES for case management, for treatment for 1) your alcohol abuse/addiction, 2) treatment for your antisocial personality disorder, and 3) sex offender treatment. Your family agrees to advance to you the funds for this treatment, if for any reason your treatment stops, you have violated your probation. You shall successfully complete your ~~outpatient~~ treatment and follow all after care instructions.
24. UPON YOUR RELEASE FROM CUSTODY you shall attend 90 AA/NA meetings within 90 days beginning no later than 24 hours from that release, after which you shall attend at least three times a week for the first year of your probation and once a week thereafter for the remainder of your probation. You shall have a sponsor identified by no later than three weeks after your release from custody. You must incorporate CELEBRATE RECOVERY into your support on at least a once a week basis. WHILE IN CUSTODY, YOU SHALL ATTEND ANY SUPPORT GROUP MEETINGS AVAILABLE. AT JAIL,
25. That in addition to any other treatment program, you shall at your expense participate in and complete specialized sex offender therapy as designated by your probation officer.
26. That you shall obtain at your expense a HIV blood test and provide the results to your probation officer not later than 2 wks after release from custody. Thereafter your probation officer shall deliver a copy of the report to the prosecuting attorney for delivery to the victims of your crimes.
27. That you shall not have any contact with nor associate with any juvenile unless accompanied by a responsible adult as approved by your probation officer and by your therapist.
28. That you shall not become intimately involved with anyone under the age of eighteen (18) years.
29. That you shall not possess any pornography or sexually explicit materials during the course of your probation.
30. ~~That you shall fully comply with all sexual offender registration laws.~~
31. That you shall not become intimately involved with any female who has a minor female child.

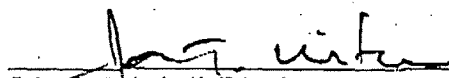
32. That you shall, at the request of either your probation officer or your therapist, submit to a polygraph examination at your expense.

 33. You shall remain in custody for the next six (6) months. You will be released on JANUARY 15, 2011, AT 2:00 P.M. This is a term and condition of probation for which you shall not receive credit for time served. You shall be granted TREATMENT RELEASE for all treatment at Alliance Family Services. To take advantage of this release, you must provide jail staff with a copy of your ^{treatment} schedule. You will be released one half hour prior to treatment and you will return to the jail no later than one half hour after any treatment ends. You shall go to no other location other than from jail directly to treatment and from treatment directly to jail. YOU DO NOT HAVE WORK RELEASE. You shall attend a probation review hearing on January 13, 2011, at 9:00 ~~am~~ at which time the Court will decide whether you remain on probation or whether you are sent to prison. You will need to demonstrate your progress in treatment. You agree on July 15, 2010, that the Court has discretion to send you to prison at that time, even if there is no technical violation of your probation.

The terms of the defendant's probation may be revoked, modified or extended at any time by the Court, and in the event of any violation of the conditions hereof, during the period of probation, the Court may revoke this Order and cause the sentence to be executed. Defendant is subject to arrest without a warrant for violation of any condition hereby imposed.

IT IS FURTHER ORDERED that so long as you abide by and perform all of the foregoing conditions, entry of judgment and sentence will continue to be suspended. If you successfully complete your probation, the charges against you may be reduced upon your application. If you violate any of the terms and conditions of your probation, you will be brought before the Court for imposition of your suspended judgment and sentence.

DATED this 15th day of July, 2010.


John T. Mitchell, District Judge

RECEIPT BY DEFENDANT

I, **PATRICK THOMAS DICKSEN**, hereby acknowledge receipt of a copy of the foregoing disposition order and hereby accept and agree to the incorporated terms and conditions of probation. By accepting this probation, I do hereby agree that if I am placed on probation to a destination outside the State of Idaho, or if I leave the confines of the State of Idaho, with or

without the permission of my probation officer, I do hereby waive extradition to the State of Idaho. I further agree that I will not contest any effort by any State to return me to the State of Idaho.

Dated this _____ day of _____, 2010.

PATRICK THOMAS DICKSEN

Witness