

6-29-2010

State v. Lee Augmentation Record Dckt. 39107

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In the Supreme Court of the State of Idaho

LAW CLERK

39107

STATE OF IDAHO,
Plaintiff-Respondent,
v.
DAVID LEROY LEE,
Defendant-Appellant.

ORDER GRANTING MOTION TO AUGMENT AND TO SUSPEND THE BRIEFING SCHEDULE.

Supreme Court Docket No. 37213-2009
Ada County Docket No. 2001-12154

A MOTION TO AUGMENT AND TO SUSPEND THE BRIEFING SCHEDULE AND STATEMENT IN SUPPORT THEREOF was filed by counsel for Appellant on June 7, 2010. Therefore, good cause appearing,

IT HEREBY IS ORDERED that Appellant's MOTION TO AUGMENT be, and hereby is, GRANTED and the District Court Reporter shall prepare and lodge the transcripts listed below with this Court within twenty-eight (28) days of the date of this ORDER and the District Court Clerk shall immediately serve counsel and file the transcripts with this Court. Any corrections shall be filed with this Court as provided by I.A.R. 30.1:

1. Transcript of the Motion to Amend the Information hearing (NOT the pretrial conference occurring on the same day, a transcript of which has already been provided) conducted on September 14, 2009; (Court Reporter Susan Gamber)(estimate of pages: less than 100)
2. Transcript of the State's Opening Statements occurring during jury trial proceedings on October 13, 2009; and (Court Reporter Susan Gamber)(estimate of pages: less than 100)
3. Transcript of the State's Closing Argument, the Defendant's Closing Argument, and the State's Rebuttal Closing Argument occurring during jury trial proceedings on October 13, 2009. (Court Reporter Susan Gamber)(estimate of pages: less than 100)

IT FURTHER IS ORDERED that the augmentation record shall include the document listed below, file stamped copies of which accompanied this Motion:

1. Amended Judgment and Commitment, file-stamped April 27, 2010.

ORDER GRANTING MOTION TO AUGMENT AND TO SUSPEND THE BRIEFING SCHEDULE - Docket No. 37213-2009

IT FURTHER IS ORDERED that Appellant's MOTION TO SUSPEND THE BRIEFING SCHEDULE be, and hereby is, GRANTED and proceedings in this appeal are SUSPENDED until the transcripts listed above are filed with this Court at which time the due date for filing Appellant's Brief shall be reset.

DATED this 29th day of June, 2010.

For the Supreme Court

Stephen W. Kemyon, Clerk

cc: Counsel of Record
District Court Clerk
District Court Reporter

LAW CLERK

39107

AUGMENTATION RECORD

ORDER GRANTING MOTION TO AUGMENT AND TO SUSPEND THE BRIEFING SCHEDULE - Docket No. 37213-2009

In the Supreme Court of the State of Idaho

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) ORDER GRANTING MOTION TO
) AUGMENT AND TO SUSPEND THE
 v.) BRIEFING SCHEDULE
)
 DAVID LEROY LEE,) Supreme Court Docket No. 37213-2009
) Ada County Docket No. 2001-12154
 Defendant-Appellant.)

A MOTION TO AUGMENT AND TO SUSPEND THE BRIEFING SCHEDULE AND STATEMENT IN SUPPORT THEREOF was filed by counsel for Appellant on June 7, 2010. Therefore, good cause appearing,

IT HEREBY IS ORDERED that Appellant's MOTION TO AUGMENT be, and hereby is, GRANTED and the District Court Reporter shall prepare and lodge the transcripts listed below with this Court within twenty-eight (28) days of the date of this ORDER and the District Court Clerk shall immediately serve counsel and file the transcripts with this Court. Any corrections shall be filed with this Court as provided by I.A.R. 30.1:

1. Transcript of the Motion to Amend the Information hearing (NOT the pretrial conference occurring on the same day, a transcript of which has already been provided) conducted on September 14, 2009;
(Court Reporter Susan Gambee)(estimate of pages: less than 100)
2. Transcript of the State's Opening Statements occurring during jury trial proceedings on October 13, 2009; and
(Court Reporter Susan Gambee)(estimate of pages: less than 100)
3. Transcript of the State's Closing Argument, the Defendant's Closing Argument, and the State's Rebuttal Closing Argument occurring during jury trial proceedings on October 13, 2009.
(Court Reporter Susan Gambee)(estimate of pages: less than 100)

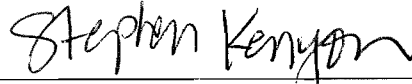
IT FURTHER IS ORDERED that the augmentation record shall include the document listed below, file stamped copies of which accompanied this Motion:

1. Amended Judgment and Commitment, file-stamped April 27, 2010.

IT FURTHER IS ORDERED that Appellant's MOTION TO SUSPEND THE BRIEFING SCHEDULE be, and hereby is, GRANTED and proceedings in this appeal are SUSPENDED until the transcripts listed above are filed with this Court at which time the due date for filing Appellant's Brief shall be reset.

DATED this 24th day of June, 2010.

For the Supreme Court



Stephen W. Kenyon, Clerk

cc: Counsel of Record
District Court Clerk
District Court Reporter

Ju

NO. _____ FILED _____
A.M. _____ P.M. 2:51

APR 27 2010

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

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

MEGAN HERRETT, ISB #7003
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED
APR 22 2010
ADA COUNTY CLERK

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.

DAVID LEROY LEE,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR-MD-2001-0012154

AMENDED JUDGMENT AND
COMMITMENT

On the 7th day of December, 2009, before the Honorable Deborah A. Bail, District Judge, personally appeared Tessie Buttram, Deputy Prosecuting Attorney for the County of Ada, State of Idaho, and the defendant with his attorney, Megan Herrett, for the pronouncement of judgment in this case.

The defendant has been convicted upon a finding of guilty by jury to the offense of FAILURE TO REGISTER AS A SEX OFFENDER, FELONY, I.C. §18-8309, of the Amended Information. The Court asked the defendant if he had any legal cause to show why judgment should not be pronounced against him. No objection was made by either the State or the Defense to the entry of judgment.

1 IT IS FURTHER ADJUDGED that the defendant is guilty as charged and convicted; that
2 the offense for which the defendant is adjudged guilty herein was committed on or about October
3 9, 2001.

4 IT IS ADJUDGED that the defendant is sentenced pursuant to Idaho Code §19-2513 to
5 the custody of the Idaho State Board of Correction to be held and incarcerated by said Board in a
6 suitable place for a period of time as follows:

7 For a minimum fixed and determinate period of confinement of five (5) years; with the
8 fixed minimum period followed by an indeterminate period of custody of up to zero (0) years, for
9 a total term not to exceed five (5) years, and shall run consecutive to the sentence he is currently
10 serving.
11

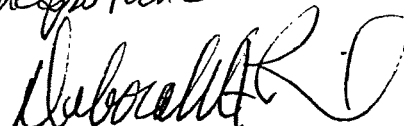
12 Pursuant to Idaho Code §18-309, the defendant shall be given credit for the time already
13 served upon the charge specified herein of two hundred (200) days towards his ultimate sentence.

14 IT IS FURTHER ORDERED that the defendant is committed to the custody of the
15 Sheriff of Ada County, Idaho, for delivery forthwith to the custody of the Idaho State Board of
16 Correction at the Idaho State Penitentiary or other facility within the state designated by the State
17 Board of Correction.
18

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

21 Done in open court this 7th day of December, 2009. **AMENDED** by this Court this

22 27th day of April 2010. *Muncipal Court*



24 **DEBORAH A. BAIL**
25 **District Judge**

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CERTIFICATE OF MAILING

I hereby certify that on this 27th day of April, 2010, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA - EMAIL

ADA COUNTY PUBLIC DEFENDER
VIA - EMAIL

ADA COUNTY JAIL
VIA - EMAIL

DEPARTMENT OF CORRECTION
CENTRAL RECORDS
VIA - EMAIL

PROBATION & PAROLE-PSI DEPARTMENT
VIA - EMAIL

J. DAVID NAVARRO
Clerk of the District Court

By: Jana Merriem
Deputy Court Clerk