

1-25-2011

State v. Hochrein Clerk's Record v. 1 Dckt. 38316

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,
Plaintiff-Respondent,
vs.
EDWARD R. HOCHREIN, JR.,
Defendant-Appellant.

Supreme Court Case No. 38316

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Second Judicial District,
in and for the County of Nez Perce

HONORABLE CARL B. KERRICK

STATE APPELLATE PUBLIC DEFENDER
Attorney for Appellant
BOISE, ID

LAWRENCE G. WASDEN
Attorney for Respondent
BOISE, ID

State of Idaho vs. Edward Ray Hochrein Jr

Date	Code	User		Judge
3/4/2009	NCRF	TRISH	New Case Filed-Felony	Greg K. Kalbfleisch
	PROS	TRISH	Prosecutor Assigned Nancy Berger-Schneider	Greg K. Kalbfleisch
	AFPC	TRISH	Affidavit Of Probable Cause	Greg K. Kalbfleisch
	IDPC	TRISH	Initial Determination Of Probable Cause	Greg K. Kalbfleisch
	CRCO	TRISH	Criminal Complaint	Greg K. Kalbfleisch
	CHJG	TRISH	Change Assigned Judge	Greg K. Kalbfleisch
	MOTN	TRISH	Motion for No Contact Order	Greg K. Kalbfleisch
	ARRN	TRISH	Arraignment / First Appearance	Greg K. Kalbfleisch
	NORF	TRISH	Notification Of Rights-felony	Greg K. Kalbfleisch
	APNG	TRISH	Appear & Plead Not Guilty	Greg K. Kalbfleisch
	NTHR	TRISH	Notice Of Hearing	Greg K. Kalbfleisch
	ANCO	TRISH	Acknowledgment Of No Contact Order	Greg K. Kalbfleisch
	ORGR	TRISH	No Contact Order: Civil Order Granted	Greg K. Kalbfleisch
	CHJG	TRISH	Change Assigned Judge	Jay P. Gaskill
	HRSC	TRISH	Hearing Scheduled (Preliminary Hearing 03/11/2009 01:30 PM)	Jay P. Gaskill
	ORPD	TRISH	Defendant: Hochrein, Edward Ray Jr Order Appointing Public Defender Public defender F & V	Jay P. Gaskill
	AFFS	TRISH	Affidavit Of Financial Status	Jay P. Gaskill
	BSET	TRISH	Bond Set at 10000.00	Jay P. Gaskill
3/5/2009	CHJG	DONNA	Change Assigned Judge	Kent J. Merica
3/9/2009	RQDD	SHELLIE	Request For Discovery-defendant	Kent J. Merica
3/11/2009	PHWV	BEV	Hearing result for Preliminary Hearing held on 03/11/2009 01:30 PM: Preliminary Hearing Waived (bound Over)	Kent J. Merica
	MINE	BEV	Minute Entry Hearing type: Preliminary Hearing Hearing date: 3/11/2009 Time: 1:38 pm Audio tape number: ctrm 2	Kent J. Merica
	HRSC	BEV	Hearing Scheduled (Arraignment 03/26/2009 01:15 PM)	Carl B. Kerrick
		BEV	Notice Of Hearing	Carl B. Kerrick
3/12/2009	ORBO	BEV	Order Binding Over	Kent J. Merica
	RQDP	TERESA	Request For Discovery-plaintiff	Carl B. Kerrick
	RSDP	TERESA	Response To Request For Discovery-plaintiff	Carl B. Kerrick
	INFO	TERESA	Information	Carl B. Kerrick
3/13/2009	MISC	TERESA	Discovery Complaine--def	Carl B. Kerrick
3/18/2009	AMIN	TERESA	Amended Information	Carl B. Kerrick

State of Idaho vs. Edward Ray Hochrein Jr

Date	Code	User	Judge
3/26/2009	DCHH	TERESA	Hearing result for Arraignment held on 03/26/2009 01:15 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Arraignment 04/23/2009 01:15 PM) Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Arraignment Hearing date: 3/26/2009 Time: 1:32 pm Court reporter: Nancy Towler Audio tape number: CRTRM 1 Carl B. Kerrick
	AMIN	TERESA	2nd Amended Information Carl B. Kerrick
4/23/2009	DCHH	TERESA	Hearing result for Arraignment held on 04/23/2009 01:15 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Change of Plea 04/30/2009 11:00 AM) Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Arraignment Hearing date: 4/23/2009 Time: 1:34 pm Court reporter: Nancy Towler Audio tape number: CRTRM 1 Carl B. Kerrick
4/30/2009	CONT	TERESA	Continued (Change of Plea 05/07/2009 11:00 AM) Carl B. Kerrick
		TERESA	Notice Of Hearing Carl B. Kerrick
5/7/2009	DCHH	TERESA	Hearing result for Change of Plea held on 05/07/2009 11:00 AM: District Court Hearing Held Court Reporter: Linda Carlton Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Status Conference 05/28/2009 01:15 PM) Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Change of Plea Hearing date: 5/7/2009 Time: 11:13 am Court reporter: Linda Carlton Audio tape number: CRTRM 1 Carl B. Kerrick
	MOTN	TERESA	Motion to Dismiss Count 1 Carl B. Kerrick
	AMIN	TERESA	3rd Amended Information Carl B. Kerrick
	PLEA	TERESA	A Plea is entered for charge: - GT (I18-918(3)(B) {M} Battery-Domestic Violence) Carl B. Kerrick
	PLEA	TERESA	A Plea is entered for charge: - GT (I25-3504 Animals-commit Cruelty To Animals) Carl B. Kerrick
5/11/2009	ORDR	TERESA	Order to Dismiss Count 1 Carl B. Kerrick
	DMOP	TERESA	Dismissed on Motion of the Prosecutor (I18-2604 {F} Witness-intimidating A Witness) Carl B. Kerrick

State of Idaho vs. Edward Ray Hochrein Jr

Date	Code	User	Judge
5/28/2009	DCHH	TERESA	Hearing result for Status Conference held on 05/28/2009 01:15 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	HRSC	TERESA	Hearing Scheduled (Sentencing 06/18/2009 02:30 PM)
	MINE	TERESA	Minute Entry Hearing type: Status Conference Hearing date: 5/28/2009 Time: 1:17 pm Court reporter: Nancy Towler Audio tape number: CRTRM 1
6/18/2009	DCHH	TERESA	Hearing result for Sentencing held on 06/18/2009 02:30 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	HRSC	TERESA	Hearing Scheduled (Sentencing 07/30/2009 02:30 PM)
	MINE	TERESA	Minute Entry Hearing type: Sentencing Hearing date: 6/18/2009 Time: 2:45 pm Court reporter: Nancy Towler Audio tape number: CRTRM 1
7/30/2009	DCHH	TERESA	Hearing result for Sentencing held on 07/30/2009 02:30 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	HRSC	TERESA	Hearing Scheduled (Sentencing 08/20/2009 02:30 PM)
	MINE	TERESA	Minute Entry Hearing type: Sentencing Hearing date: 7/30/2009 Time: 3:55 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: F & V Prosecutor: Nancy Berger-Schneider
8/12/2009	MISC	TERESA	Domestic Battery Evaluation--copies delivered by messenger to prosecutor and F & V 8-13-09 Document sealed
8/20/2009	DCHH	TERESA	Hearing result for Sentencing held on 08/20/2009 02:30 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	STAT	TERESA	Case Status Changed: closed pending clerk action

State of Idaho vs. Edward Ray Hochrein Jr

Date	Code	User	Judge
8/20/2009	SNIC	TERESA	Sentenced To Incarceration (I25-3504 Animals-commit Cruelty To Animals) Confinement terms: Jail: 180 days. Suspended jail: 165 days.
	PROB	TERESA	Probation Ordered (I18-918(3)(B) {M} Battery-Domestic Violence) Probation term: 2 years. (Supervised)
	PROB	TERESA	Probation Ordered (I25-3504 Animals-commit Cruelty To Animals) Probation term: 2 years. (Supervised)
	MISC	TERESA	Commitment
	MISC	TERESA	Commitment
8/24/2009	SNIC	TERESA	Sentenced To Incarceration (I18-918(3)(B) {M} Battery-Domestic Violence) Confinement terms: Jail: 180 days. Suspended jail: 60 days.
	MINE	TERESA	Minute Entry Hearing type: Sentencing Hearing date: 8/20/2009 Time: 2:49 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: F & V Prosecutor: Nancy Berger-Schneider
8/25/2009	MISC	TERESA	Judgment of Conviction
	PNCO	TERESA	Order of No Contact as a term of Probation to expire 8-20-2011
9/8/2009	PNCO	TERESA	Amended Order of No Contact as a term of Probation--to expire 8-20-2011
12/30/2009	MOTN	SHELLIE	Motion for Order for a Temporary Furlough (D)
	MISC	SHELLIE	Order for a Temporary Furlough - REFUSED.
4/19/2010	RPVI	JANET	Report Of Probation Violation
	AFPV	JANET	Affidavit Of Probation Violation
	OTSC	JANET	Order To Show Cause
	HRSC	JANET	Hearing Scheduled (Order to Show Cause 04/29/2010 01:15 PM)
4/29/2010	DCHH	TERESA	Hearing result for Order to Show Cause held on 04/29/2010 01:15 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	HRSC	TERESA	Hearing Scheduled (Order to Show Cause 05/06/2010 01:15 PM)

State of Idaho vs. Edward Ray Hochrein Jr

Date	Code	User	Judge
4/30/2010	MINE	TERESA	Minute Entry Hearing type: OTSC--misd report of violation Hearing date: 4/29/2010 Time: 1:35 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: F & V Prosecutor: Nancy Berger-Schneider Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Hearing date: 4/30/2010 Time: 10:01 am Courtroom: Court reporter: Minutes Clerk: TERESA Tape Number: Defense Attorney: F & V Prosecutor: Nancy Berger-Schneider Carl B. Kerrick
5/6/2010	DCHH	TERESA	Hearing result for Order to Show Cause held on 05/06/2010 01:15 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Status Conference 06/01/2010 09:00 AM) Carl B. Kerrick
5/10/2010	MINE	TERESA	Minute Entry Hearing type: OTSC misdemeanor report of violation Hearing date: 5/6/2010 Time: 1:30 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: F & V Prosecutor: Nancy Berger-Schneider Carl B. Kerrick
6/3/2010	CONT	TERESA	Continued (Status Conference 06/17/2010 01:15 PM) Carl B. Kerrick
		TERESA	Notice Of Hearing Carl B. Kerrick
6/17/2010	DCHH	TERESA	Hearing result for Status Conference held on 06/17/2010 01:15 PM: District Court Hearing Held Court Reporter: Linda Carlton Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (P.V Disposition 07/29/2010 02:30 PM) Carl B. Kerrick

State of Idaho vs. Edward Ray Hochrein Jr

Date	Code	User	Judge
6/17/2010	MINE	TERESA	Minute Entry Hearing type: Initial Appearance on P.V. Hearing date: 6/17/2010 Time: 1:18 pm Courtroom: Court reporter: Linda Carlton Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: F & V Prosecutor: Sandra Dickerson Carl B. Kerrick
7/29/2010	DCHH	TERESA	Hearing result for P.V Disposition held on 07/29/2010 02:30 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (P.V Disposition 08/19/2010 02:30 PM) Carl B. Kerrick
7/30/2010	MINE	TERESA	Minute Entry Hearing type: P.V Disposition Hearing date: 7/29/2010 Time: 3:58 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: F & V Prosecutor: Nancy Berger-Schneider Carl B. Kerrick
8/19/2010	DCHH	TERESA	Hearing result for P.V Disposition held on 08/19/2010 02:30 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (P.V Disposition 09/09/2010 02:30 PM) Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: P.V Disposition Hearing date: 8/19/2010 Time: 2:07 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: F & V Prosecutor: Mia Vowels Carl B. Kerrick
9/9/2010	CONT	TERESA	Continued (P.V Disposition 09/30/2010 02:30 PM) Carl B. Kerrick
		TERESA	Notice Of Hearing Carl B. Kerrick
	CONT	TERESA	Continued (P.V Disposition 10/07/2010 02:30 PM) Carl B. Kerrick
		TERESA	Notice Of Hearing Carl B. Kerrick

State of Idaho vs. Edward Ray Hochrein Jr

Date	Code	User	Judge
10/1/2010	ATTR	TERESA	Defendant: Hochrein, Edward Ray Jr Attorney Retained Danny Radakovich PD 2011
		TERESA	Notice of Appointment of New Public Defender
10/7/2010	DCHH	TERESA	Hearing result for P.V Disposition held on 10/07/2010 02:30 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	HRSC	TERESA	Hearing Scheduled (P.V Disposition 11/04/2010 02:30 PM)
10/8/2010	MINE	TERESA	Minute Entry Hearing type: P.V Disposition Hearing date: 10/7/2010 Time: 1:51 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Danny Radakovich PD 2011 Prosecutor: April Smith
11/4/2010	DCHH	TERESA	Hearing result for P.V Disposition held on 11/04/2010 02:30 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages
	GLTY	TERESA	Guilty Plea Or Admission Of Guilt (I20-222 Probation Violation)
	SNIC	TERESA	Sentenced To Incarceration (I20-222 Probation Violation) Confinement terms: Jail: 225 days.
	STAT	TERESA	Case Status Changed: closed pending clerk action
	MISC	TERESA	Commitment
11/5/2010	MINE	TERESA	Minute Entry Hearing type: P.V Disposition Hearing date: 11/4/2010 Time: 2:54 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Danny Radakovich PD 2011 Prosecutor: April Smith
	ORDR	TERESA	Order Revoking Probation and Reimposing Sentence
11/22/2010	APSC	DEANNA	Appealed To The Supreme Court
	NTAP	DEANNA	Notice Of Appeal
12/7/2010	SCRT	DEANNA	Supreme Court Receipt - Clerk's Certificate filed at the SC

State of Idaho vs. Edward Ray Hochrein Jr

Date	Code	User		Judge
12/7/2010	SCRT	DEANNA	Supreme Court Receipt - Clerk's Record and Reporter's Transcript due at the SC by February 7, 2010	Carl B. Kerrick
12/15/2010	MOTN	DEANNA	Motion to Appoint SAPD	Carl B. Kerrick
12/21/2010	ORDR	DEANNA	Order Appointing Appellate Public Defender	Carl B. Kerrick
	ATTR	DEANNA	Defendant: Hochrein, Edward Ray Jr Attorney Retained Molly J. Huskey	Carl B. Kerrick
12/29/2010	SCRT	DEANNA	Supreme Court Receipt - OrderAppointing SAPD	Carl B. Kerrick
	NOTC	DEANNA	Notice of Lodging of Transcript	Carl B. Kerrick

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 2923

FILED

2009 MAR 4 AM 11 42

PATTY O. WEEKS
CLERK OF THE DIST. COURT
Shynolds
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO. **CR09-02146**

AFFIDAVIT FOR INITIAL
DETERMINATION OF PROBABLE
CAUSE PURSUANT TO ICR 5(C)

Comes now the undersigned peace officer who on oath deposes and says:

1. Affiant is a duly qualified peace officer serving with the Lewiston Police Department.

2. The above-referenced defendant has been arrested for the crime(s) of:
COUNT 1 - INTIMIDATING A WITNESS, I.C. §18-2604(3), a felony; without a warrant on , and your affiant asks that a Magistrate, after your affiant lays a Complaint before him, determine whether there is probable cause to believe that said offense has been committed and that the defendant has committed it.

The basis for said arrest is contained within the attached accurate copies of documents on file with the above-referenced law enforcement agency, which said copies are incorporated herein by reference.



SUBSCRIBED and SWORN to before me this 4th day of March 2009.



JUDGE OR CLERK OF COURT

Law Supplemental Narrative:

Seq Name	Date	Supplemental Narratives Narrative
2 Larson Josh	05:18:53 03/03/2009	

LEWISTON POLICE DEPARTMENT CAP SHEET AND
CASE DISPOSITION SHEET

DATE: March 3, 2009

IN CUSTODY: [XX] YES
[] NO

=====

DEFENDANT:

Name: Edward R. Hochrein
Address: 516 20th Street N #5, Lewiston Id 83501
Telephone: 509-780-1169
Date of Birth: [REDACTED]
Social Security Number: [REDACTED]

=====

LEWISTON POLICE DEPARTMENT CASE NUMBER: 09-L3016, 09-L3098, 09-L3099
OTHER AGENCIES RELATED CASE NUMBERS:
DATE OF INCIDENT: 03/02/09
TIME OF INCIDENT: 23:09

=====

CHARGES:

1. Intimidating a witness I.C. 18-2604(3)
- 2.
- 3.

=====

WITNESSES: (NAME, ADDRESS, PHONE)

1. Wynter Spencer,
2. William Woehler,
- 3.
- 4.
- 5.
- 6.
- 7.

=====

CO-DEFENDANTS:

- 1.
- 2.
- 3.
- 4.

=====

EVIDENCE:

1. Audio recordings of interviews
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

=====

SUMMARY (PROBABLE CAUSE):

On 03/02/09 at approximately 23:09, Officers Hibbard, Larson and Cpl Hopple were dispatched to the area of 1711 5th Street in reference to a citizen dispute. Upon arriving on scene, Cpl Hopple witnessed Hochrein and Woehler in a physical dispute and he broke it up. The dispute was reportedly over Hochrein striking a female. At that point and time no one wished to pursue charges and the female was believed to be Hochrein's mother, Bonnie Hochrein.

Tanya Lewis had called 911 requesting officer contact at her residence, 537 17th Avenue Apt. #4. Officers Larson and Hibbard responded to the apartment and spoke with Lewis. Lewis stated she had been walking her dog a block away from her residence and a white vehicle had pulled up and Hochrein got out and spoke with her. Lewis stated Hochrein threatened her to drop the charges for telephone harassment or he would kill her. It should be noted that Lewis had signed a citation for harassing phone calls against Hochrein on 03/01/09. Hochrein then proceeded to grab Lewis's dog and strangle and kick it. According to Lewis she pulled the dog away from Hochrein and he began to strike her repeatedly in the stomach and chest area as well as the face and leg. Lewis stated that Hochrein had pushed her to the ground and continued to hit her. Lewis stated another subject had come out of an apartment complex and told Hochrein to stop hitting her and then Hochrein attacked the other subject later identified as William Woehler.

Hochrein had been released prior to my interview with Lewis and Officers were unable to locate him.

=====

RECOMMENDATION: [XX] WARRANT
[] SUMMONS

=====

OFFICERS/INVESTIGATORS:

1. Ofc J. Larson #386
2. Ofc D. Hibbard #384
3. Cpl B. Hopple #368

=====

PROSECUTOR to POLICE:

DATE:

- [] Charges filed
- [] Warrant
- [] Referred to Juvenile Services
- [] Prosecution delayed for further investigation
- [] Prosecution Declined
- [] Summons

Assigned Prosecutor:

=====

FURTHER INVESTIGATION REQUESTED:

- 1.
- 2.
- 3.

Police Follow-up due by:

=====

PROSECUTION DECLINED: (EXPLANATION)

=====

CASE DISPOSITION:

- ☐ Guilty plea as charged
- ☐ Guilty plea to other charge:
- ☐ Guilty verdict
- ☐ Not Guilty verdict
- ☐ Other:

03/03/2009
20:40

Lewiston Police Department
LAW Incident Table:

539
Page: 1

Incident Number: 09-L3016

Nature: Threats

Case Number: 09-L3099 09-L3098

Image:

Addr= 537 17TH AVE; #4

Area: D1A

W OF 8TH ST, E

City: Lewiston

ST: ID Zip: 83501

Contact:

+ - Complainant& 182898 -----+

Lst: DOUGHERTY

Fst: BRITTANY

Mid: MICHELLE

DOB: [REDACTED] SSN:

Adr= 615 3RD AVE; #H

Rac: W Sx: F Tel: (509)366-9591

Cty: Lewiston

ST: ID Zip: 83501

+-----+

Offense Codes: HARA

Reported: THRE Observed: HARA

Circumstances:

Rspndg Officers: Larson Josh

Reese Chris R

Hopple Brandon

Rspnsbl Officer: Larson Josh

Agency: LPD1

CAD Call ID: 915102

Received By: Klaudt Deb

Last RadLog: 08:06:11 03/01/2009 24

How Received: T Telephone

Clearance: RPT Written Incident Repo

When Reported: 06:45:14 03/01/2009

Disposition: CAA Disp Date: 03/02/2009

Occurrd between: 06:45:14 03/01/2009

Judicial Sts:

and: 06:45:14 03/01/2009

Misc Entry:

MO:

Narrative: (See below)

Supplement: (See below)

(See below)

&

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
NM	10192	03/01/2009	HOCHREIN, EDWARD RAY JR	Offender
NM	68471	03/01/2009	FLOCH, STEFANIE JOJEAN	Contacted
NM	172295	03/01/2009	LEWIS, TANYA LOUISE	Victim
NM	182898	03/01/2009	DOUGHERTY, BRITTANY MICHELLE	*Complainant
NM	196221	03/01/2009	REYNOLDS, BROOK NIKOLE	Contacted
VH	113741	03/01/2009	GRN 2006 FORD FOCUS ID	Involved
CA	915102	03/01/2009	06:45 03/01/2009 Threats	*Initiating Call

Law Incident Case Numbers:

Case Numbers

Seq Number

1 09-L3099

2 09-L3098

LAW Incident Offenses Detail:

Offense Codes

Seq Code

1 HARA Harassment

Amount

0.00

LAW Incident Responders Detail
Responding Officers

Seq	Name	Unit
1	Larson Josh	386
2	Reese Chris R	357
3	Hopple Brandon	368

Main Radio Log Table:

Time/Date	Typ	Unit	Code	Zone	Agnc	Description
08:06:11 03/01/2009	1	386	24	D1A	LPD1	incid#=09-L3016 Assignment Com
07:37:45 03/01/2009	1	357	LOCTN	D1A	LPD1	Unit Location: 537 17th ave #4
07:37:32 03/01/2009	1	357	23	D1A	LPD1	incid#=09-L3016 537 17th ave #
07:36:01 03/01/2009	1	368	CMPLT	D1A	LPD1	(MDC) Completed call incid#=09
07:34:16 03/01/2009	1	386	23	D1A	LPD1	incid#=09-L3016 4th st just so
07:34:00 03/01/2009	1	386	LOCTN	D1A	LPD1	Unit Location: 4th st just sou
07:33:18 03/01/2009	1	368	LOCTN	D1A	LPD1	Unit Location: 4th st just sou
07:32:57 03/01/2009	1	368	23	D1A	LPD1	incid#=09-L3016 4th st just so
07:22:35 03/01/2009	1	386	LOCTN	D1A	LPD1	Unit Location: 1st & prospect
07:22:28 03/01/2009	1	386	23	D1A	LPD1	incid#=09-L3016 1st & prospect
07:19:50 03/01/2009	1	368	LOCTN	D1A	LPD1	Unit Location: 1st ave & prosp
07:19:45 03/01/2009	1	368	LOCTN	D1A	LPD1	Unit Location: 1st ave & props
07:19:40 03/01/2009	1	368	23	D1A	LPD1	incid#=09-L3016 Arrived at Sce
07:19:33 03/01/2009	1	357	23	D1A	LPD1	incid#=09-L3016 1st ave & pros
07:17:05 03/01/2009	1	357	LOCTN	D1A	LPD1	Unit Location: 1st ave and pro
07:16:35 03/01/2009	1	357	17	D1A	LPD1	incid#=09-L3016 1st ave and pr
07:15:42 03/01/2009	1	357	4	D1A	LPD1	incid#=09-L3016 not them call=
07:15:25 03/01/2009	1	357	23	D1A	LPD1	incid#=09-L3016 3rd st 400 blo
07:14:57 03/01/2009	1	357	LOCTN	D1A	LPD1	Unit Location: 3rd st 400 bloc
07:14:31 03/01/2009	1	357	LOCTN	D1A	LPD1	Unit Location: 3rd st 400 bloc
07:14:18 03/01/2009	1	386	NMINQ	D1A	LPD1	MDC: name=HOC*, E*
07:12:55 03/01/2009	1	357	LOCTN	D1A	LPD1	Unit Location: 1st and prospec
07:12:37 03/01/2009	1	357	23	D1A	LPD1	incid#=09-L3016 Arrived at Sce
07:12:30 03/01/2009	1	386	17	D1A	LPD1	incid#=09-L3016 1st & prospect
07:00:49 03/01/2009	1	357	VHREG	D2B	LPD1	MDC: pl=N126932
07:00:48 03/01/2009	1	357	VHINQ	D2B	LPD1	MDC: pl=N126932
06:58:38 03/01/2009	1	357	DLINQ	D2B	LPD1	MDC: name=LEWIS, TA*
06:58:37 03/01/2009	1	357	NMINQ	D2B	LPD1	MDC: name=LEWIS, TA*
06:57:17 03/01/2009	1	357	NMINQ	D2B	LPD1	MDC: name=HOCHREIN, EDWARD RAY
06:57:16 03/01/2009	1	357	DLINQ	D2B	LPD1	MDC: name=HOCHREIN, EDWARD RAY
06:55:59 03/01/2009	1	357	DLINQ	D2B	LPD1	MDC: name=HOCHR*, ED*
06:55:58 03/01/2009	1	357	NMINQ	D2B	LPD1	MDC: name=HOCHR*, ED*
06:54:52 03/01/2009	1	357	VHREG	D2B	LPD1	MDC: pl=N141630
06:54:51 03/01/2009	1	357	VHINQ	D2B	LPD1	MDC: pl=N141630
06:53:00 03/01/2009	1	357	4	D1A	LPD1	ck p & p for hochrien - not on
06:52:50 03/01/2009	1	357	23	D1A	LPD1	incid#=09-L3016 Arrived at Sce
06:51:29 03/01/2009	1	386	23	D1A	LPD1	incid#=09-L3016 Arrived at Sce
06:48:47 03/01/2009	1	386	17	D1A	LPD1	incid#=09-L3016 Enroute call=1

Narrative:

Lewiston Police Department

09-L3016

Ofc. Joshua Larson #386

March 1, 2009

Typed by: #364

On the reported date and time, I responded to the area of 537 17th Avenue #4, Lewiston, Idaho, in reference to a threats complaint.

Upon arriving on scene, I contacted the complainant, Brittany Dougherty, and the possible victim, Tanya Lewis. Lewis stated she had received approximately 30 phone calls from her ex-boyfriend, Edward Hochrein, Jr., and he was threatening her with bodily harm if she did not give his ring back. Lewis showed me a silver ring on her finger stating that Hochrein had given it to her last November as a promise ring. Lewis stated Hochrein began calling her at approximately 0530 hours this morning and had called between 30 and 50 times since then. It should be noted that I checked my watch at that time and it was approximately 0650 hours. The phone number Hochrein was calling from was (509)780-1169. Lewis stated the phone number belongs to Hochrein's current girlfriend, Stefanie Floch.

I attempted to call the phone number using Lewis's telephone. A female answered and identified herself as Stefanie. I asked if Hochrein was available and she stated no. I advised Stefanie to pass on a message for me to Hochrein that he was not to call or threaten Lewis. Stefanie stated that she would pass on the message.

I asked Lewis exactly what Hochrein had said to her. Lewis stated Hochrein had threatened to slash her throat and also do harm to her father if she did not give the ring back to him. Lewis also stated that Hochrein threatened to slash the tires of her car and her friends' cars if she did not return the ring. I asked Lewis if she wished to sign a citation for Harassing Telephone Calls against Hochrein. Lewis stated yes.

I went to my patrol car and started filling out a citation when Dougherty came up to my window advising Hochrein was on the telephone and wished to speak with me. Dougherty handed me the telephone, which was currently ringing and I answered it. There was nothing on the other end of the line, so I hung up. The telephone rang again momentarily and I answered it. I spoke with Hochrein and asked him why he was calling Lewis. Hochrein stated he only wished to get the ring back from her, as it had belonged to his mother. I asked Hochrein where he was and he stated that he was at 1st Avenue and Prospect Avenue and would stand by to meet me there. I advised Ofc. Reese of Hochrein's location and he responded to his location and stood by with Hochrein.

I was advised by Lewis that Hochrein had told her he had slashed one of Lewis's friend's tires. Dougherty then advised me she was speaking with Lewis's friend and she was reporting that her tire had indeed been flattened at her residence at 402 6th Avenue. Cpl. Hopple responded to that address and contacted the friend, later identified as Brook Reynolds.

I responded to 1st Avenue and Prospect and contacted Hochrein. I asked Hochrein about the threatening phone calls and he stated he had not threatened Lewis or anyone else and had only wanted to get his ring back. Hochrein stated that he'd had a few beers in him and had worked up the courage to start calling her for the ring. I advised Hochrein that Lewis had signed a citation for Harassing Telephone Calls, Idaho Code 18-6710. I explained the citation to Hochrein and asked him if he understood. Hochrein stated that he did and that he would show up in court, but did not want to sign the citation. I signed the citation and served it on Hochrein. I asked Hochrein about the allegations of slashing tires and he denied any involvement in that regard. I advised Hochrein not to contact Lewis for the rest of the day.

I responded to 402 6th Avenue and contacted Reynolds. Reynolds stated she had come out of her residence and noticed the driver's side rear tire of her Ford Focus had been flattened. The Focus bore Idaho license plate N127599. Upon examination of the tire, neither Cpl. Hopple or I could find any puncture marks, only that the tire was flat. Reynolds stated that she wished to sign a trespass notice against Hochrein, as she did not want him at her residence. At this time, Lewis arrived on scene and also wished to trespass Hochrein from her residence. Both Lewis and Reynolds signed trespass notices. I advised Lewis that Hochrein only wished to have his ring back and asked her if she wished to give it back to him. Lewis stated no, she did not want to give the ring back, as he had given it to her as a gift.

I responded back to 1st Avenue and Prospect and contacted Hochrein. I served both trespass notices on Hochrein, advising him to stay away both 537 17th Avenue #4 and 402 6th Avenue #B for the next 12 months. Hochrein stated that he understood the trespass notices, but refused to sign them. I signed the notices and served them on Hochrein. Hochrein also stated that he wished to get some other stereo equipment back from Lewis that belonged to him. I advised Hochrein that I would ask Lewis if she wished to give it back to him, but that it was a civil issue and he would have to take it up in civil court. Hochrein stated that he had an attorney and would look into possible civil action.

I responded back to 402 6th Avenue and contacted Lewis. I provided Lewis and Reynolds copies of the trespass notices. Lewis stated she had changed her mind and wished to give the ring back to Hochrein. Lewis asked me if I would be willing to take the ring to Hochrein and I stated yes.

I responded to the 300 block of Prospect and contacted Hochrein. I gave Hochrein the ring. Hochrein stated that he would call the police department tomorrow for a civil standby if needed to retrieve his stereo equipment.

End of Report.

Ofc. Joshua Larson #386

Law Supplemental Narrative:

Seq Name	Date	Supplemental Narratives Narrative
3 Hopple Brandon	05:35:59 03/03/2009	
B. Hopple		Lewiston Police Supplemental Narrative

09-L3016
March 2, 2009
363

On 03/02/09 at approximately 23:09, I was dispatched to the area of 1711 5th Street in reference to a suspicious call. Dispatch advised the complainant could hear a woman screaming in the area. While enroute, dispatch advised the complainants boyfriend had gone outside and was currently involved in a physical dispute.

When I arrived, I saw two males, later identified as Edward Hochrein and William Woehler, standing in the middle of the street in the 1700 block of 5th Street. I saw Hochrein was swinging his arms in the direction of Woehler while Woehler had his arms up in a defensive stance while backing. As soon as I pulled up I placed my spotlight on the two subjects and they both turned around and looked at me. I exited my car and told both subjects to sit down. Hochrein walked over to the side of the road and sat down on some landscaping bricks, while Woehler immediately sat down in the middle of the street.

Woehler immediately told me he saw Hochrein was beating up his mother. Woehler told me when he came out to see what was going on and to break it up, Hochrein then went after him.

When other officers arrived, I requested Officer Larson to speak with Hochrein while I spoke with Woehler. I again asked Woehler to tell me what happened. Woehler told me he and his girlfriend were inside their apartment. Woehler told me he heard a female screaming outside. Woehler told me when he looked outside he saw a male (Hochrein) standing over a female and screaming at her. He told me the female was laying on the ground and Hochrein was standing over the top of her. Woehler told me his girlfriend called the police department and he went inside to put on some clothing. Woehler told me when he came back outside he saw Hochrein was punching the female in the stomach. Woehler stated he went down to the street to break up what was going on. He told me Hochrein immediately turned on him and began walking towards his location. He stated Hochrein then began swinging on him. Woehler told me he only put up his arms in a defensive posture. I asked Woehler if Hochrein had struck him and he told me yes. He stated Hochrein struck him in the face. Woehler had blood on the inside of his lips. Woehler told me he was not going to stand by and allow someone to beat up their mother.

Parked in the area was a white 1990 Buick Century with Idaho license N129494. I requested Officer Hibbard go speak with the driver of that vehicle, who was identified as Bonnie Hochrein, who is Edward Hochrein's mother. Based on what Woehler told me I believed the subject Hochrein was striking was his mother who was in the car. Officer Hibbard went and spoke with Bonnie and advised me that she stated nothing had occurred.

I went over and spoke with Bonnie and asked her what happened. Bonnie told me nothing happened. I explained to her I had a witness who saw her son striking her in the stomach. Bonnie told me her son never did hit her. I requested Bonnie to step out of the vehicle so I could look at her clothing as it was

told she was laying on the ground. In looking at Bonnie's clothing, I could not see where it was dirty or wet. It had been raining and the streets were wet.

I again spoke with Woehler and asked him if he wanted to pursue charges against Hochrein for the battery. Woehler told me he did not want to pursue any type of charges and just wanted the subject to leave the area.

Hochrein then left the area with another subject and we cleared the scene as no one wanted to pursue charges. We then received information that Tanya Lewis wanted to make contact with officers to report Hochrein had been trespassing on her property. Officer Hibbard and Larson responded to Lewis's residence at 537 17th Avenue. A few minutes later Officer Larson advised me that Lewis was the female that was being struck on the street and not Bonnie. I made contact with Officer Larson at that location. Officer Larson told me that it was Lewis who was being struck by Hochrein and not his mother. Officer Larson stated Lewis had been walking her dog in the area. He stated Hochrein had seen her and got out and confronted her. He stated Hochrein was wanting Lewis to drop charges she had on him. He told me Hochrein had started hitting her dog as well as attempting to strangle her dog. He also said Lewis reported that Hochrein had struck her in the stomach. This is consistent with what Woehler had witnessed.

Based on the fact that Lewis has current charges against Hochrein, it was decided that we would attempt to locate him and take him into custody for intimidation of a witness as well as battery on Lewis and the charge of cruelty to animal. It was reported that the subject who gave Hochrein a ride had dropped him off in the area of downtown. We checked the area and was unable to locate Hochrein.

Officer Larson has completed a CAP Sheet requesting a warrant be issued for Hochrein's arrest for intimidation of a witness.

End of report.
Cpl B. Hopple #368

Law Supplemental Narrative:

Seq Name	Date	Supplemental Narratives Narrative
4 Ward Zach	20:00:44 03/03/2009	
Ward 03/03/09		Lewiston Police Supplemental Narrative

09-L3016
Ofc. Zach Ward #394
March 3, 2009
Typed by: #364

On 03/03/09 at approximately 8 in the morning, I was approached by Ofc. Josh Larson from the Lewiston Police Department. Ofc. Larson informed me that he had taken a call in the previous shift in regards to an Eddie Hochrein. The information that Larson gave me to indicated that Hochrein had been involved in a battery incident involving Tanya Lewis. He indicated that the incident occurred at 537 17th Avenue #4. Larson indicated that the contact was in regards to a telephonic harassment charge that was currently being filed by Lewis. Based on the information Larson was requesting that I make contact with Hochrein in regards to Felony Intimidation of a Witness. I was informed by Sgt. Ted Piche' to arrest Eddie Hochrein on Josh Larson's PC for Felony Intimidation of a Witness.

I attempted to make contact with Hochrein during the course of my shift. I responded to his mother's residence out in North Lewiston. I made contact with his mother and advised her that I needed to speak with him. She stated that he was not at the residence. I left my business card and requested her make contact with me in regards to follow up I needed to conduct with Hochrein.

I attempted to locate Hochrein at 325 1st Avenue. I received information that he was currently at that residence. The information that I received indicated that he had been making several calls from that location and that was why I believed him to be at that residence. I arrived at that residence and made contact with the residential owner TJ Mathews. Mathews informed me that he was not at the residence and would inform him to make contact with me.

Approximately 1650 I received a phone call from Hochrein. I was currently at the Lewiston Police Department. Hochrein informed me that he had received my message and he was driving down to meet with me. I requested he meet me at the front lobby at the Lewiston Police Department.

I made contact with Hochrein in the lobby of the police department. I escorted Hochrein into an interview room and asked him about the previous night's events. He stated that he was in the area of the Four Horses apartments when he was bit by a dog. He showed me the bite marks to his left ankle. He stated that the dog was a small Rottweiler-type dog. He stated that he had gotten into an altercation with his mother when a third-party male had confronted him. He stated that he had been involved in an altercation with that male.

Based on the probable cause of Ofc. Josh Larson, I placed Hochrein under arrest for Felony Intimidation of a Witness. I asked him to put his hands behind his back in which he complied. I placed handcuffs on Hochrein, double locking them for my safety. I also checked for tightness. Prior to escorting him over to the Nez Perce County Jail I searched Hochrein's person. The search produced no evidentiary items. I escorted Hochrein over to the Nez Perce County Jail, where he was turned over to the detention deputies. I filled out the booking paperwork for Hochrein and informed him that he was being arrested and charged

for Felony Intimidation of a Witness. I then cleared the jail, ending my contact with Hochrein.

End of Report.

Ofc. Zach Ward #394

118039

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO
Vs.

Hochrein Jr.

Last name

Edmund

First Name

Middle Initial
R

COMPLAINT AND SUMMONS

- ☐ Infraction Citation
OR
☒ Misdemeanor Citation
☐ Accident Involved

IPCU #

USDOT TK Census #

☒ Operator ☐ Class A ☐ Class B ☐ Class C ☐ Class D ☐ Other

☐ GWR 26001+ ☐ 16+ Persons ☐ Placard Hazardous Materials DR. #

09-L3016

Home Address

516 20th St N #5 Lewiston

Phone #

509-780-1164

Business Address

Unemployed

Phone #

THE UNDERSIGNED OFFICER (PARTY) HEREBY CERTIFIES AND SAYS:

I certify I have reasonable grounds, and believe the above named Defendant,

DL or SS #

[REDACTED]

State

ID

Sex

M ☐ F

Height

6'04"

Wt.

250

Hair

BRO

Eyes

BRO

DOB

[REDACTED]

Veh. Lic. #

—

State

—

Yr. Of vehicle

—

Make

—

Model

—

Color

—

Did commit the following act(s) on

at

o'clock M.

VIO. #1

Harassing Telephone Calls - Did call
complainant at least 30 times between 0530-
0645

Section

18-6710

VIO. #2

Section

Location

537 17th Ave #4.

Lewiston, Nez Perce County, Idaho.

3/1/09 Tanya Lewis

Date

Officer/Party

Serial #/Address

Dept.

3/1/09 J. Larson

Date

Officer/Party

Serial #/Address

Dept.

386

LPD

THE STATE OF IDAHO TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned to appear before the Clerk of the Magistrate's Court in the District Court of Nez Perce County,
located at 1230 Main Street, Lewiston, Idaho on or before:

17th March 09

Mon.,

Tues.,

Wed.,

Thurs.,

Fri.,

at / between

8:30-4:00 PM

I acknowledge receipt of this summons and I promise to appear at the time indicated.

Defendant's Signature

I hereby certify service upon the defendant personally on:

3/1/09

Date

Officer

J. Larson

Serial #

386

NOTICE: See reverse side of your copy for PENALTY and COMPLIANCE instructions

OFFICER'S INVESTIGATION NOTES

(For Information Not On Reverse Side)

Where first noticed _____ Why _____
Direction of travel _____ on _____
Officer's Location _____
Speed clocked by _____ for distance _____ Dist. Between vehs. _____
When accuracy checked _____ How _____
Where stop made _____
Miranda Warning given _____ When & Where _____
Defendant's statements or admissions: _____
(When, where, who present, what)

Officer's observations: _____

Witnesses: _____
(Name, address, phone, occupation, age, sex — Testimony)

Exhibits: _____
(What, when, where, how obtained - marked - location now)

Exam. of traffic controls: _____
(Meet legal spec. condition, properly working)

ACCIDENT: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Near Type: _____	
<input type="checkbox"/> Personal Injury <input type="checkbox"/> Property Damage <input type="checkbox"/> Fatality <input type="checkbox"/> _____	
HIGHWAY TYPE: <input type="checkbox"/> 1-Way <input type="checkbox"/> 2-Lane <input type="checkbox"/> 3-Lane <input type="checkbox"/> 4-Lane <input type="checkbox"/> _____	
ROAD SURFACE: <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete <input type="checkbox"/> Gravel <input type="checkbox"/> Dirt <input type="checkbox"/> _____	
ROAD CONDITION: <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice <input type="checkbox"/> _____	
ROAD CHARACTER: <input type="checkbox"/> Straight <input type="checkbox"/> Level <input type="checkbox"/> Incline <input type="checkbox"/> Curve <input type="checkbox"/> _____	
VISIBILITY: <input type="checkbox"/> Night <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Fog <input type="checkbox"/> Dusk <input type="checkbox"/> Clear <input type="checkbox"/> _____	
TRAFFIC: <input type="checkbox"/> None <input type="checkbox"/> Light <input type="checkbox"/> Medium <input type="checkbox"/> Heavy <input checked="" type="checkbox"/> _____	
AREA: <input type="checkbox"/> Business <input type="checkbox"/> School <input type="checkbox"/> Residential <input type="checkbox"/> Rural <input type="checkbox"/> _____	
OTHER CONDITIONS: _____	

Date completed

Officer's Signature

03/03/2009
20:39

Lewiston Police Department
LAW Incident Table:

539
Page: 1

Incident Number: 09-L3098

Nature: Suspicious

Case Number: 09-L3099 09-L3016

Image:

Addr= 1711 5TH ST

Area: D1A W OF 8TH ST, E

City: Lewiston

ST: ID Zip: 83501

Contact: AT&T MOBILITY

+-- Complainant& 49956 -----+

Lst: SPENCER

Fst: WYNTER

Mid: WEYAN

DOB: [REDACTED] SSN:

Adr= 1801 7TH AVE; #C

Rac: I Sx: F Tel: (208)413-3662

Cty: Lewiston

ST: ID Zip: 83501

Offense Codes: ASIM

Reported: SUSP Observed: ASIM

Circumstances:

Rspndg Officers: Hibbard DE

Hopple Brandon Larson Josh

Rspnsbl Officer: Larson Josh

Agency: LPD1

CAD Call ID: 915228

Received By: Klaudt Deb

Last RadLog: 23:27:38 03/02/2009 24

How Received: 9 911 Line

Clearance: RPT Written Incident Repo

When Reported: 23:09:51 03/02/2009

Disposition: INA Disp Date: 03/03/2009

Occurrd between: 23:09:40 03/02/2009

Judicial Sts:

and: 23:09:51 03/02/2009

Misc Entry:

MO:

Narrative: (See below)

Supplement: (See below)

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
NM	6298	03/03/2009	WOEHLER, WILLIAM CHARLES	Involved
NM	172295	03/03/2009	LEWIS, TANYA LOUISE	Victim
NM	10192	03/02/2009	HOCHREIN, EDWARD RAY JR	Offender
NM	16676	03/02/2009	HOCHREIN, BONNIE SUE	Involved
NM	49956	03/02/2009	SPENCER, WYNTER WEYAN	*Complainant
NM	68471	03/02/2009	FLOCH, STEFANIE JOJEAN	Involved
VH	119311	03/02/2009	WHI 1990 BUIC CENTURY ID	Involved
CA	915228	03/02/2009	23:09 03/02/2009 Suspicious	*Initiating Call

Law Incident Case Numbers:

Seq	Case Numbers
1	09-L3099
2	09-L3016

LAW Incident Offenses Detail:

Seq	Code	Offense Codes	Amount
1	ASIM	Assault, Simple	0.00

LAW Incident Responders Detail
Responding Officers

Seq	Name	Unit
1	Hibbard DE	384
2	Hopple Brandon	368
3	Larson Josh	386

Main Radio Log Table:

Time/Date	Typ	Unit	Code	Zone	Agnc	Description
23:27:38 03/02/2009	1	384	24	D1A	LPD1	incid#=09-L3098 Assignment Com
23:26:03 03/02/2009	1	368	CMPLT	D1A	LPD1	(MDC) Completed call incid#=09
23:21:31 03/02/2009	1	384	29	D1A	LPD1	flock,stephanie
23:20:58 03/02/2009	1	384	29	D1A	LPD1	ed hochrein,bonnie hochrein
23:18:31 03/02/2009	1	368	29	D1A	LPD1	woeler,william c 730429
23:14:46 03/02/2009	1	368	28	D1A	LPD1	n129494
23:13:29 03/02/2009	1	384	23	D1A	LPD1	incid#=09-L3098 Arrived at Sce
23:13:11 03/02/2009	1	384	4	D1A	LPD1	downgraded
23:12:53 03/02/2009	1	368	4	D1A	LPD1	code 4 at this time subjects b
23:12:31 03/02/2009	1	384	4	D1A	LPD1	code 2 till 384 advises
23:12:18 03/02/2009	1	368	23	D1A	LPD1	incid#=09-L3098 Arrived at Sce
23:10:55 03/02/2009	1	368	4	D1A	LPD1	ab foods 8th street
23:10:44 03/02/2009	1	368	17	D1A	LPD1	incid#=09-L3098 Enroute call=1
23:10:44 03/02/2009	1	384	17	D1A	LPD1	incid#=09-L3098 Enroute call=1

Narrative:

Lewiston Police Department

Narrative Report 09-L3098

Ofc J. Larson #386

March 2, 2009

363

On the reported date and time I responded to the area of 1711 5th Street in reference to a possible citizen dispute. Upon arriving on scene I noticed two subjects sitting on the curb and one I immediately recognized as Edward Hochrein. I had known Hochrein from a previous contact on 03/01/09. I spoke with Hochrein and asked him what had happened tonight. Hochrein stated he had been speaking with his mother who was in a white vehicle, just down the street from us. Hochrein stated he had been in an argument with her when the other unidentified male had walked up behind him and struck him in the face. Hochrein stated they both went to the ground fighting each other.

I contacted a subject in the vicinity who stated she had witnessed the fight. The subject that verbally identified herself as Wynter Spencer, stated her boyfriend "Willy" and her had heard a commotion outside when they were in bed asleep. Spencer stated her boyfriend, Willy, had got up and went outside. Spencer stated she followed him and he had told her he believed there was a female on the ground outside. Spencer stated she could hear what sounded like a female yelling. Spencer stated Willy then went down and advised the male subject, Hochrein, to quit hitting the female. Spencer then stated Hochrein then attacked Willy and started swinging at him. Spencer stated that Hochrein was able to connect a punch on Willy and they began fighting.

I responded back to the street and spoke with Cpl Hopple. Cpl Hopple stated he had spoken with the male subject identified as William Woehler. Cpl Hopple stated Woehler did not wish to press charges against Hochrein and the situation appeared to be that Hochrein was fighting with his mother. Cpl Hopple also stated that Hochrein's mother did not wish to press charges.

I was getting ready to clear the call when Cpl Hopple asked me if I had noticed in the call comments that Tanya Lewis had reported Hochrein had attempted to kill her dog. Cpl Hopple asked me to respond to Lewis's residence and investigate further.

I responded to 537 17th Avenue Apt. #4 and spoke with Lewis. Lewis stated she had just been involved in an altercation with Hochrein "just down the road". Lewis stated she had been walking her dog when Hochrein drove up to her and got out of his mother's vehicle. Lewis stated Hochrein told her to drop the charges against him or he would kill her. It should be noted Lewis signed a citation against Hochrein for harassing phone calls on 03/01/09. See case #09-L3016 for more information. Lewis stated Hochrein then grabbed her dog and began strangling it and kicking it. Lewis stated she pulled the dog away from Hochrein and he began to hit her. Lewis stated Hochrein hit her in the stomach and chest with a closed fist. Lewis also stated Hochrein hit her in the face and on the leg. Lewis stated she attempted to defend herself and yet was pushed to the ground by Hochrein. Lewis stated another subject had come up and told Hochrein to stop hitting her and Hochrein had turned around and asked

the subject if he wanted to fight him also. Lewis stated Hochrein then attacked the subject and they began fighting. Lewis stated at that time she left the area to find her dog which had run away. Lewis stated when she found her dog she went to her house and called 911 to report the altercation. Lewis stated she was scared of Hochrein and was worried he was going to come back to her residence tonight. Lewis stated she was wanted to press charges for battery against Hochrein. Lewis signed a citation for battery I.C. 18-903 and cruelty to animals C.C. 8-9, against Hochrein. I asked Lewis again about the statements that Hochrein had made to her about dropping the charges. Lewis stated Hochrein had told her she had better drop the charges for telephone harassment against him or he would kill her. In speaking with Lewis I came to the opinion that she was obviously scared of Hochrein. It should be noted that Lewis and Hochrein have a history of domestic violence calls but have been separated since November 2008.

It should be noted that Hochrein left the scene earlier with Stefanie Floch. Officer Hibbard called Floch and asked her where Hochrein was. Floch stated she dropped Hochrein off in the area of Bojacks and was no longer with him. Officer Hibbard and I were doubled up in a patrol car and checked the area for Hochrein but was unable to locate him.

I called and spoke with William Woehler again about the situation. I asked Woehler if he had seen the female who was possibly on the ground. Woehler stated he had not seen the female but noticed Hochrein standing over someone who was on the ground. Woehler stated prior to exiting his residence he could hear what sounded like animals fighting and what sounded like a dog or a cat howling. Woehler also stated he had heard a dog barking but had not seen the dog. Woehler also stated he had not seen the female who was on the ground but stated it sounded like more than one female yelling during the altercation.

I called and spoke with Stefanie Floch on the telephone. Floch stated she was not with Hochrein and had indeed left him off in the area of Bojacks and stated he was walking west bound on A Street towards Clarkston. Floch stated Lewis had not been involved in the situation and that Hochrein had been fighting with his mother. It should be noted that the observation of other witnesses in this altercation were in conflict with Floch's observations.

At this time I have not been able to locate Hochrein but will complete a cap sheet for intimidation of a witness.

End of report.
Ofc J. Larson #386

117807

117807

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO
Vs.

COMPLAINT AND SUMMONS

Last name

Hochrein

First Name

Edward

Middle Initial

R

☐ Infraction Citation
OR

☒ Misdemeanor Citation

☐ Accident Involved

IPCU #

USDOT TK Census #

☒ Operator ☐ Class A ☐ Class B ☐ Class C ☐ Class D ☐ Other

☐ GWR 26001+

☐ 16+ Persons

☐ Placard Hazardous Materials

DR. #

09-L3098

Home Address

516 20th St N #5, Lewiston

Phone #

Business Address

Phone #

THE UNDERSIGNED OFFICER (PARTY) HEREBY CERTIFIES AND SAYS:

DL or SS # [REDACTED] and, believe the above named Defendant,

Height

604

Wt.

230

Hair

BRO

Eyes

BRO

DOB

Sex ☒ M ☐ F

Veh. Lic. #

State

Yr. Of vehicle

Make

Model

Color

Did commit the following act(s) on

2nd March 2009

at

2309

o'clock P.M.

VIO. #1

Battery - Did strike comp in chest and face.

VIO. #2

Injury to animal - strangled cats dog and hit it and kicked it.

Section 18-903

Section 8-9CC

Location

1700 BIK 5th St.

Lewiston, Nez Perce County, Idaho.

Date

3/2/09

Officer/Party

Serial #/Address

Dept.

Date

3/2/09

Officer/Party

Serial #/Address

Dept.

THE STATE OF IDAHO TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned to appear before the Clerk of the Magistrate's Court in the District Court of Nez Perce County, located at 1230 Main Street, Lewiston, Idaho on or before:

3/18/09

Mon., Tues., Wed., Thurs., Fri.,

at / between 0830 - 400pm

I acknowledge receipt of this summons and I promise to appear at the time indicated.

Defendant's Signature

I hereby certify service upon the defendant personally on:

Date

3/3/09

Officer

Serial #

NOTICE: See reverse side of your copy for PENALTY and COMPLIANCE instructions

OFFICER'S INVESTIGATION NOTES

(For Information Not On Reverse Side)

Where first noticed _____ Why _____
Direction of travel _____ on _____
Officer's Location _____
Speed clocked by _____ for distance _____ Dist. Between vehs. _____
When accuracy checked _____ How _____
Where stop made _____
Miranda Warning given _____ When & Where _____
Defendant's statements or admissions: _____
(When, where, who present, what)

Officer's observations: _____

Witnesses: _____
(Name, address, phone, occupation, age, sex — Testimony)

Exhibits: _____
(What, when, where, how obtained - marked - location now)

Exam. of traffic controls: _____
(Meet legal spec., condition, properly working)

ACCIDENT: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Near Type: _____	
<input type="checkbox"/> Personal Injury <input type="checkbox"/> Property Damage <input type="checkbox"/> Fatality <input type="checkbox"/> _____	
HIGHWAY TYPE: <input type="checkbox"/> 1-Way <input type="checkbox"/> 2-Lane <input type="checkbox"/> 3-Lane <input type="checkbox"/> 4-Lane <input type="checkbox"/> _____	
ROAD SURFACE: <input type="checkbox"/> Asphalt <input type="checkbox"/> Concrete <input type="checkbox"/> Gravel <input type="checkbox"/> Dirt <input type="checkbox"/> _____	
ROAD CONDITION: <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice <input type="checkbox"/> _____	
ROAD CHARACTER: <input type="checkbox"/> Straight <input type="checkbox"/> Level <input type="checkbox"/> Incline <input type="checkbox"/> Curve <input type="checkbox"/> _____	
VISIBILITY: <input type="checkbox"/> Night <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Fog <input type="checkbox"/> Dusk <input type="checkbox"/> Clear <input type="checkbox"/> _____	
TRAFFIC: <input type="checkbox"/> None <input type="checkbox"/> Light <input type="checkbox"/> Medium <input type="checkbox"/> Heavy <input type="checkbox"/> _____	
AREA: <input type="checkbox"/> Business <input type="checkbox"/> School <input type="checkbox"/> Residential <input type="checkbox"/> Rural <input type="checkbox"/> _____	
OTHER CONDITIONS: _____	

Date completed

Officer's Signature

03/03/2009
20:40

Lewiston Police Department
Main Names Table:

539
Page: 1

Name Number: 10192 Confined+
Last: HOCHREIN Fst: EDWARD Mid: RAY JR
Addr: 516 20TH ST N #5 Prev: 516 20TH ST N #5
City: Lewiston ST: ID Zip: 83501 Lewiston & ID 83501
Deceased: / / Alias For: Total Aliases: 1 (See involvements.)
Personal Identification
DL Numbr: [REDACTED] Name Typ: INDIVR SSN: -5524
DL State: ID Class: Image: PHO & Local ID: LID 8006047
Home Tel: (208)305-2171 State ID: id90010036
Work Tel: (208)416-4834 msg FBI Number: 518686dc1
Physical Description
DOB: [REDACTED] 23 yrs Eyes: BRO Brown Cmplxn: MED Medium
Race: I Indian or Ala Glasses: N No Glasses/ Speech: ART Articulate
Sex: M Male Hair: BRO Brown Teeth: CRK Crooked
Height: 6'04" 193 cm Hstyle: SHRT Short Build: MCLR Muscular
Weight: 230lbs 104+kg Beard: G Goatee Ethnic: NHIS Non Hispanic
Traits SMT: SC FHD SC & &FHD 2'long &
MO:
Alert Codes: RSEX
Comments: (See below)
Premis: Xtra: & Visited Inmates: & Had Visitors: & Merge:

= = = = =

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
JM	09-J740	03/03/2009	Intimidating Witness	*Confined
MI	904	03/01/2009	Trespass Order	537 17th Ave #4
MI	904	03/01/2009	Trespass Order	402 6th Ave #B
MI	51	01/23/2004	OFFICER SAFETY	CARRIES WEAPON
WA	08-W619	06/04/2008	bw pv aid and abet burglary	*Served, Returned to
WA	08-W655	06/04/2008	BW/FTA/PTRL-DWP	*Served, Returned to
WA	08-W656	06/04/2008	BW/FTA/PTR;-DWP	*Served, Returned to
WA	08-W657	06/04/2008	BW/FTA/PTRL-DWP	*Served, Returned to
WA	07-W1831	12/06/2007	CIVIL PROTECTION ORDER (TEMP)	*Recalled, Returned t
WA	07-W1108	08/01/2007	BW FTA CHANGE OF PLEA-AID/ABET	*Served, Returned to
WA	06-W851	02/05/2007	BW FTA CHANGE OF PLEA-AID AND	*Recalled, Returned t
WA	00-W1092	05/04/2000	ORDER FOR DETENTION-PV	*Served, Returned to
WA	00-W886	04/07/2000	ORDER FOR DETENTION-PROBATION	*Served, Returned to
JM	08-J1913	11/01/2008	Warrants / Bench / Contempt +	*Arrested
JM	08-J1122	04/02/2008	Driving/Revocation	*Arrested
JM	08-J186	01/17/2008	Driving/Revocation	*Arrested
JM	08-J106	01/10/2008	Driving/Revocation	*Arrested
JM	07-J2586	12/20/2007	Warrants / Bench / Contempt +	*Arrested
JM	06-J295	01/26/2006	Driving/Revocation	*Arrested
JM	06-J123	01/09/2006	Driving/Revocation	*Arrested
JM	06-J55	01/01/2006	Driving/Revocation	*Arrested
JM	05-J4190	12/25/2005	Driving/Revocation	*Arrested
JM	05-J3736	11/15/2005	Driving/Revocation	*Arrested
JM	05-J810	03/13/2005	Excessive Noise/Tires	*Arrested

JM	02-J2881	08/17/2002	Theft	*Arrested
JM	02-J2557	07/22/2002	Underage Poss Tobacco	*Arrested
JM	02-J2490	07/17/2002	Burglary	*Arrested
JM	02-J1962	06/03/2002	Burglary	*Arrested
JM	99-J3857	10/07/1999	Assault	*Arrested
JM	99-J3578	09/17/1999	Battery	*Arrested
JM	99-J3043	08/14/1999	Assault	+ *Arrested
JM	98-J3294	08/20/1998	Battery	+ *Arrested
JM	98-J705	02/18/1998	Malicious Injury to Property	*Arrested
JM	97-J5032	12/10/1997	Battery	*Arrested
JM	93-J1846	03/07/1994	DUI Alcohol/Drugs	*Arrested
CP	08-C2023	06/17/2008	Defendant Hearing Subpoena	*Do Not Serve
CP	07-C4699	12/03/2007	Defendant Hearing Subpoena	*Do Not Serve
CP	07-C4705	12/03/2007	Defendant Hearing Subpoena	*Do Not Serve
CP	07-C4630	11/28/2007	Other ExParte Temp Protection	*Served, Returned to
CP	06-C1445	04/07/2006	Defendant Hearing Subpoena	*Do Not Serve
CP	06-C1446	04/07/2006	Defendant Hearing Subpoena	*Do Not Serve
CP	06-C1242	03/21/2006	Defendant Hearing Subpoena	*Do Not Serve
CP	06-C1243	03/21/2006	Defendant Hearing Subpoena	*Do Not Serve
CP	06-C1053	03/06/2006	Defendant Summons and Complain	*Served, Returned to
CP	06-C961	03/03/2006	Defendant Summons and Complain	*Not Served, Returned
CP	05-C747	02/23/2005	Witness Subpoena-Criminal	*Served, Returned to
CP	02-C2935	08/14/2002	Defendant Summons in Juvenile	*Not Served, Returned
CP	02-C2517	07/02/2002	Defendant Summons in Juvenile	*Not Served, Returned
CP	99-C3284	08/31/1999	Defendant Juvenile Summons	*Served, Returned to
CP	98-C3451	10/02/1998	Defendant Juvenile Summons	*Served, Returned to
CP	98-C1290	04/03/1998	Defendant Summons in Juvenile	*Served, Returned to
CP	98-C1085	03/18/1998	Defendant Summons in Juvenile	*Not Served, Returned
LW	09-L3098	03/02/2009	Suspicious	Offender
LW	09-L3016	03/01/2009	Threats	Offender
LW	09-N815	02/19/2009	Agency Assist	Involved
LW	09-L2455	02/19/2009	Threats	Suspect
LW	09-L80	02/01/2009	Non Injury COL	Mentioned
LW	09-L949	01/20/2009	Suspicious	Contacted
LW	09-L15	01/01/2009	Battery	*Complainant
LW	09-L15	01/01/2009	Battery	Victim
LW	08-N5818	11/15/2008	Domestic	Involved
LW	08-T3735	11/15/2008	Domestic	Involved
LW	08-L19461	11/15/2008	Agency Assist	Involved
LW	08-N2758	05/20/2008	Agency Assist	involved
LW	08-L8026	05/15/2008	Welfare Check	Involved
LW	08-N1505	03/25/2008	Abandoned Vehic	OWNER OF VEHICLE
LW	08-L4616	03/22/2008	DWP	Offender
LW	08-L710	01/14/2008	DWP	Offender
LW	08-L502	01/10/2008	Traffic Offense	Offender
LW	07-L21016	11/24/2007	Unwanted Person	Offender
LW	07-L13810	08/01/2007	Citizen Dispute	Involved
LW	07-L11199	06/24/2007	Property Damage	Mentioned
LW	07-N3676	06/18/2007	Welfare Check	Suspect
LW	07-L9962	06/06/2007	Domestic	Involved
LW	07-L9081	05/23/2007	Domestic	Involved
LW	07-L8246	05/12/2007	Theft	Involved
LW	07-L6419	04/15/2007	Harassment	Involved
LW	06-L402	01/06/2006	Alcohol Offense	Offender
LW	06-L12	01/01/2006	DWP	Offender

LW	05-L22416	12/25/2005	DWP	Offender
LW	05-L20058	11/18/2005	Burglary	Mentioned
LW	05-L20123	11/18/2005	Burglary	Offender
LW	05-N7234	11/13/2005	DWP	2nd veh driver/cited
LW	05-L20065	11/12/2005	Parking Problem	*Complainant
LW	05-N6657	10/18/2005	Non Compliant	Suspect
LW	05-L7251	05/03/2005	Vandalism	*Complainant
LW	05-L7174	05/02/2005	Unwanted Person	*Complainant
LW	05-L7066	04/30/2005	Threats	*Complainant
LW	05-L6837	04/26/2005	Harassment	Involved
LW	05-L5866	04/10/2005	Citizen Dispute	Suspect
LW	05-L4787	03/24/2005	Juvenile Prob	Mentioned
LW	05-L3491	03/03/2005	Erratic Driver	*Complainant
LW	05-L1680	01/31/2005	Non Injury COL	*Complainant
LW	04-L23607	12/20/2004	Suspicious	Involved
LW	04-L21681	11/19/2004	Harassment	*Complainant
LW	04-N418	01/23/2004	Domestic	ARRESTED
LW	03-L21613	12/06/2003	Traffic Offense	Involved
LW	03-L17808	10/03/2003	Inj Collision	Involved
LW	03-L15536	08/29/2003	Runaway Locatio	Mentioned
LW	03-L15472	08/28/2003	Officer Standby	Involved
LW	03-L15129	08/23/2003	Vandalism	*Complainant
LW	03-L12692	07/19/2003	Juvenile Prob	Involved
LW	02-L22301	12/26/2002	Suspicious	Contacted
LW	02-L21466	12/10/2002	Harassment	*Complainant
LW	02-L21337	12/07/2002	Runaway Locatio	Mentioned
LW	02-L10938	08/15/2002	Burglary	Offender
LW	02-L12811	07/24/2002	Sex Offense	complainant
LW	02-L12578	07/21/2002	Tobacco Problem	Offender
LW	02-L12090	07/14/2002	Juvenile Prob	Offender
LW	02-L10658	06/24/2002	Sex Offense	suspect
LW	02-L9003	05/29/2002	Theft	Offender
LW	02-L6591	04/22/2002	Vehicle Theft	Suspect
LW	02-L5890	04/12/2002	Vehicle Theft	Suspect
LW	02-N826	02/16/2002	Recover Pro/Veh	involved
LW	01-L15609	09/12/2001	Theft	Suspect
LW	01-L15141	09/05/2001	Curfew	Involved
LW	01-L9742	06/16/2001	Alcohol Offense	Involved
LW	01-L8936	06/03/2001	Citizen Dispute	Involved
LW	01-L7408	05/12/2001	Traffic Offense	Passenger
LW	01-L5263	04/07/2001	DWP	Involved
LW	00-L20847	12/28/2000	lMedical	Contacted
LW	00-L20300	12/17/2000	Threats	Mentioned
LW	00-L19884	12/10/2000	Battery	Offender
LW	00-L19884	12/10/2000	Battery	*Complainant
LW	00-L18189	11/06/2000	Suicidal Person	Involved
LW	00-L15561	09/20/2000	Citizen Dispute	*Complainant
LW	00-L13809	08/21/2000	Battery	Involved
LW	00-L7035	05/04/2000	Wanted Person	Offender/Detention
LW	00-L6006	04/17/2000	Neighbor Disput	Mentioned
LW	00-L5462	04/08/2000	Wanted Person	Offender/Detention
LW	00-L4607	03/24/2000	Juvenile Prob	Susepct
LW	99-L16924	10/06/1999	Juvenile Prob	Offender
LW	99-L15727	09/15/1999	Alarm	Offender
LW	99-L13690	08/13/1999	Juvenile Prob	Offender

LW	99-N278	01/20/1999	Suspicious	*Complainant
LW	98-L14430	08/19/1998	Juvenile Prob	Offender
LW	98-N1118	02/23/1998	Juvenile Prob	Offender
LW	98-L2821	02/18/1998	Juvenile Prob	Offender
LW	97-L21858	12/10/1997	Juvenile Prob	offender
LW	96-N3169	10/17/1996	Theft	*Complainant
LW	96-N3158	10/16/1996	Theft	*Complainant
LW	96-N729	03/23/1996	Juvenile Prob	*Complainant
LW	95-N2526	09/22/1995	Found Property	*Complainant
LW	95-N2447	09/13/1995	Juvenile Prob	*Complainant
LW	95-N2258	08/25/1995	Juvenile Prob	*Complainant
LW	95-N2139	08/14/1995	Domestic	*Complainant
LW	95-N641	03/13/1995	Suspicious	*Complainant
LW	95-N602	03/08/1995	Erratic Driver	*Complainant
LW	95-N350	02/05/1995	Shots Fired	*Complainant
LW	95-N80	01/09/1995	Citizen Dispute	*Complainant
LW	94-N3255	11/25/1994	Suspicious	*Complainant
LW	94-N3081	11/05/1994	Citizen Dispute	Contacted
LW	94-N2855	10/14/1994	Neighbor Disput	*Complainant
LW	94-N2791	10/08/1994	Citizen Dispute	*Complainant
LW	94-N2654	09/28/1994	Domestic	*Complainant
LW	94-N2451	09/13/1994	1Medical	*Complainant
LW	94-N1983	07/28/1994	vandalism	*Complainant
LW	94-N1776	07/06/1994	Fire	*Complainant
LW	94-N1659	07/04/1994	vandalism	*Complainant
LW	94-N1600	06/29/1994	Citizen Assist	*Complainant
LW	94-N345	02/17/1994	1Medical	*Complainant
LW	94-N48	01/08/1994	Suspicious	*Complainant
LW	93-N2044	09/10/1993	Citizen Dispute	*Complainant
LW	93-L5709	04/19/1993	Parking Problem	*Complainant
LW	92-N3187	10/17/1992	Inj Collision	Injured
LW	92-N2867	09/16/1992	Sex Offense	Suspect
LW	92-N2489	07/23/1992	VIN Inspection	*Complainant
EM	47835	09/01/2003	1Medical	*Complainant
NM	88326	06/29/2008	HOCKREIN, ED	*Alias
CT	110675	01/12/2008	Safety Restraint Violation & m	*Defendant
CT	98578	12/26/2005	Fail to Stop for Stop Sign	*Defendant
CT	N25423	11/15/2005	Speeding/Basic Rule & more	*Defendant
CT	93394	03/13/2005	Fail to Carry Proof of Insuran	*Defendant
VH	113218	05/21/2008	WHI 2002 MITS GAL ES ID	driver
VH	113218	08/01/2007	WHI 2002 MITS GAL ES ID	passenger
VH	100463	01/20/2006	BLU 1985 CHEV CITATION ID	Passenger
VH	45911	03/17/2000	WHI 1986 FORD BRONCO ID	*Owner
VH	1143	10/23/1992	BLU 1981 CHEV EVE ID	*Owner
MI	318	03/03/2009	Citation to be Served	Served
MI	401	12/12/2008	Sex Offender	Address change
MI	401	11/03/2008	Sex Offender	Registered
MI	401	04/14/2008	Sex Offender	Address change
MI	401	11/09/2007	Sex Offender	Registered
MI	401	12/06/2006	Sex Offender	Juv file only
MI	401	11/03/2005	Sex Offender	Registered
MI	401	10/20/2005	Sex Offender	Incarcerated in WA
MI	401	10/11/2005	Sex Offender	Non compliant
MI	401	02/09/2005	Sex Offender	Made address change
MI	401	10/01/2004	Sex Offender	1ST REGISTRATION

CA	915274	03/03/2009	16:57	03/03/2009	Wanted Person	Offender
CA	911248	01/01/2009	03:11	01/01/2009	Battery	*Complainant
CA	827631	11/12/2005	12:09	11/12/2005	Parking Probl	*Complainant
CA	813374	05/03/2005	21:55	05/03/2005	Vandalism	*Complainant
CA	813301	05/02/2005	21:42	05/02/2005	Unwanted Pers	*Complainant
CA	813165	04/30/2005	16:29	04/30/2005	Threats	*Complainant
CA	809021	03/03/2005	03:01	03/03/2005	Erratic Drive	*Complainant
CA	806975	01/31/2005	22:07	01/31/2005	Non Injury CO	*Complainant
CA	802058	11/19/2004	19:23	11/19/2004	Harassment	*Complainant
CA	769548	09/01/2003	01:35	09/01/2003	32Unknown Pro	*Complainant
CA	768907	08/23/2003	16:17	08/23/2003	Vandalism	*Complainant
CA	750955	12/10/2002	11:03	12/10/2002	Harassment	*Complainant
CA	700845	12/10/2000	15:53	12/10/2000	Battery	*Complainant
CA	695903	09/20/2000	20:33	09/20/2000	Citizen Dispu	*Complainant
CA	9901-0227	01/20/1999	22:39	01/20/1999	Suspicious	*Complainant
CA	9610-173	10/17/1996	20:05	10/17/1996	Theft	*Complainant
CA	9610-162	10/16/1996	19:17	10/16/1996	Theft	*Complainant
CA	9603-184	03/23/1996	18:06	03/23/1996	Juvenile Prob	*Complainant
CA	9509-206	09/22/1995	17:41	09/22/1995	Found Propert	*Complainant
CA	9509-132	09/13/1995	18:28	09/13/1995	Juvenile Prob	*Complainant
CA	9508-240	08/25/1995	15:23	08/25/1995	Juvenile Prob	*Complainant
CA	9508-142	08/14/1995	23:39	08/14/1995	Domestic	*Complainant
CA	9503-097	03/13/1995	00:00	03/13/1995	Suspicious	*Complainant
CA	9503-060	03/08/1995	01:21	03/08/1995	Erratic Drive	*Complainant
CA	9502-043	02/05/1995	12:19	02/05/1995	Shots Fired	*Complainant
CA	9501-075	01/09/1995	23:04	01/09/1995	Citizen Dispu	*Complainant
CA	9411-195	11/25/1994	23:29	11/25/1994	Suspicious	*Complainant
CA	9410-120	10/14/1994	23:27	10/14/1994	Neighbor Disp	*Complainant
CA	9410-067	10/08/1994	02:36	10/08/1994	Citizen Dispu	*Complainant
CA	9409-235	09/25/1994	17:05	09/25/1994	Domestic	*Complainant
CA	9409-045	09/05/1994	18:35	09/05/1994	32Unknown Pro	*Complainant
CA	9407-254	07/24/1994	12:42	07/24/1994	vandalism	*Complainant
CA	9407-058	07/04/1994	23:54	07/04/1994	Fire	*Complainant
CA	9406-256	06/25/1994	17:00	06/25/1994	vandalism	*Complainant
CA	9406-198	06/20/1994	22:54	06/20/1994	Citizen Assis	*Complainant
CA	9402-095	02/13/1994	03:54	02/13/1994	32Unknown Pro	*Complainant
CA	9401-046	01/08/1994	00:18	01/08/1994	Suspicious	*Complainant
CA	9309-048	09/07/1993	00:02	09/07/1993	Citizen Dispu	*Complainant
CA	58115	04/19/1993	16:31	04/19/1993	Parking Probl	*Complainant
PR	118230	01/11/2008			WHI Drivers License Idaho C \$0	*Owner
PR	97075	02/01/2005			Bicycle BMX \$50	*Owner
EV	24280	01/11/2008			drivers license	*Evidence Owner
PN	68872	01/03/2009			CARA CLARION	*Pawned Property
PN	55082	01/26/2008			CARA JL AUDIO	*Pawned Property
PN	51346	11/25/2007			RECO	*Pawned Property
PN	51309	11/21/2007			CARA PIONEER	*Pawned Property
PN	49647	10/02/2007			COMP MICROSOFT	*Pawned Property
PN	33751	06/29/2006			CARA PIONEER	*Pawned Property
PN	33116	06/14/2006			HOUS COLEMAN	*Pawned Property
PN	27832	01/17/2006			CARA JENSEN	*Pawned Property
PN	27833	01/17/2006			CARA VEGA	*Pawned Property
PN	26532	11/01/2005			CARA DUAL	*Pawned Property
PN	14834	03/24/2005			MUSI DEAN MARKLEY	*Pawned Property
PN	18048	03/09/2005			TELE ZENITH	*Pawned Property
PN	2206	01/17/2004			JEWL	*Pawned Property

PN 2213 01/17/2004

JEWL

*Pawned Property

Name history:

Name/Address/Phone History							
Expired	Address	City	ST Zip	Phone	Last Name	First	M
01/01/2009	516 20TH ST N	Lewiston	ID 83501	()	HOCHREIN	EDWARD	RA
12/12/2008	537 17TH Ave #	Lewiston	ID 83501	(208)55	HOCHREIN	EDWARD	RA
11/03/2008	1901 7TH ave a	Lewiston	ID 83501	(208)55	HOCHREIN	EDWARD	RA
06/04/2008	537 17TH AVE	Lewiston	ID 83501	(208)74	HOCHREIN	EDWARD	RA
05/15/2008	1907 7TH Avenu	Lewiston	ID 83501	(208)74	HOCHREIN	EDWARD	RA
04/14/2008	1422 7TH ave.	Lewiston	ID 83501	(208)74	HOCHREIN	EDWARD	RA
01/10/2008	325 1ST AVE; #	Lewiston	ID 83501	()	HOCHREIN	EDWARD	RA
12/26/2007	1422 7TH Avenu	Lewiston	ID 83501	()	HOCHREIN	EDWARD	RA
12/26/2007	531 Linden Dri	Lewiston	ID 83501	(509)55	HOCHREIN	EDWARD	RA
12/26/2007	homeless	Lewiston	ID 83501	(509)55	HOCHREIN	EDWARD	RA
11/25/2007	4472A Cavendis	Lenore	ID 83541	(208)47	HOCHREIN	EDWARD	RA
11/20/2007	1211 Cury Cour	Asotin	WA 99402	(360)43	HOCHREIN	EDWARD	RA
08/01/2007	439.5 14TH ST	Lewiston	ID 83501	(208)41	HOCHREIN	EDWARD	RA
01/24/2006	439.5 14TH ST	Lewiston	ID 83501	(208)41	HOCHREIN	EDWARD	RA
11/12/2005	439.5 14TH ST	Lewiston	ID 83501	()	HOCHREIN	EDWARD	RA
11/03/2005	3230 6TH ST	Lewiston	ID 83501	(208)74	HOCHREIN	EDWARD	RA
05/02/2005	439 14TH ST	Lewiston	ID 83501	(208)74	HOCHREIN	EDWARD	RA
03/13/2005	3230 6TH ST	Lewiston	ID 83501	(360)43	HOCHREIN	EDWARD	RA
03/02/2005	120 NORTH Gard	Lewiston	ID 83501	(360)43	HOCHREIN	EDWARD	RA
02/09/2005	3230 6th Stree	Lewiston	ID 83501	(360)43	HOCHREIN	EDWARD	RA
10/01/2004	22132 LAPWAI R	Lapwai	ID 83540	(208)79	HOCHREIN	EDWARD	RA
01/23/2004	3530 6th Stree	Lewiston	ID 83501	(208)79	HOCHREIN	EDWARD	RA
10/01/2003	2015 North and	Lewiston	ID 83501	()	HOCHREIN	EDWARD	R
12/07/2002	1129 16th Stre	Clarkston	WA	()	HOCHREIN	EDWARD	R
08/12/2002	307 2nd Avenue	Lewiston	ID 83501	(208)74	HOCHREIN	EDWARD	R
04/22/2002	1129 16TH Stre	Clarkston	WA 99403	(509)75	HOCHREIN	EDWARD	R
09/12/2001	3230 6th Stree	Lewiston	ID 83501	(208)79	HOCHREIN	EDWARD	R
08/13/1999	#30 Whitebird	Lapwai	ID 83540	()	HOCHREIN	EDWARD	R
07/24/1994	"P.O. BOX 626	Lapwai	ID 83540	()	HOCHREIN	EDWARD	RA
12/05/1993		Lapwai	ID 83540	()	HOCHREIN	EDWARD	R
04/28/1993				()	HOCHREIN	EDWARD	R
10/23/1992	Whitebird Hous	Lapwai	ID 83540	()	HOCHREIN	ED	

Image codes for names:

Seq Code	Image Codes	Id Description
1 PHO	PHOTOGRAPH	20070801 BW
2 PHO	PHOTOGRAPH	6/4/08 4x bw
3 PHO	PHOTOGRAPH	3/3/09 intimidating a witness

Local identification detail:

Seq Type	Local ID	ID
1 LID	Local Identification Number	8006047

Scars/Marks/Tattoos Detail:

Scars, Marks, Tattoos, and Other Characteristics

Seq	NCIC Code		Type	Pos	Part	Comments
1	SC FHD	Forehead	SC		FHD	2'long
2	SC L LEG	Leg, left	SC	L	LEG	"tammy"burn into calf
3	SC R HND	Hand, right	SC	R	HND	2 dime size scars(dog bite)
4	PRCD EARS	Pierced ears	PRCD		EAR	2 holes each ear
5	PRCD GNTLS	Pierced genitalia	PRCD		GNTL	two piercings
6	TAT L ARM	Arm, left	TAT	L	ARM	"dad"

Alert codes for names:

Alert Codes

Seq Code

1 RSEX Registered Sex Offender

Miscellaneous comments:

(6/08 classified med) Thu May 15 01:10:56 PDT 2008. unk apt #. Cell number registered in his name is

509-552-3666.

2007 ID DL Suspended/WA Suspended Child Supp Enf

04/17/2007 Contacted Airway Hgts to determine his release date. They advised he got an early release and was out on March 30, 2007. She (Pat) also advised he went to Asotin, Wa., with instructions to register there.

On Dec 8, 2006, NPC received a copy of a letter sent to Mr. Hochrein by the Idaho Central Sex Offender Registry. This letter was advising him that since his offense was adjudicated as a juvenile, and they haven't received anything from the prosecutor to the contrary, he no longer has to register in Idaho. Based on that information, his file has been placed in the inactive file. C Skiles/Records

11/15/06 - Subject incarcerated Airway Hgts in Wa until 8/2007. CS
Subject is incarcerated at the Green Hill Juvenile detention Center in Chehalis, WA. Per/Deputy Kevin Messelt 10/20/05

phone # is msg phone

Additional Name Information:

Name ID Number: 10192
Last: HOCHREIN JR First: EDWARD Mid: RAY
Addr& 516 20TH ST N #5 Phone: (208)305-2171
City: Lewiston ST: ID Zip: 83501 DOB: SSN:
Birth City: Lewiston State: ID Education: 12 years
Citizenshp: US United States Shoe Size: 13
Birth Country: Cover Size: LARGE
Religion: Misc. Size:
Marital: N Never Married Commissary: Y Yes
School: Clarkston H.S.
Contact: Edward Hochrein Sr Relationship: FA Father
Address: 1211 curry court, Asotin wa Phone: (509)552-3666 cell
Employer: unemployed Employer Phone: (208)743-9543
Address:
Job Desc: Job Phone: () -
Job Locatn: Date Hired: 09/01/1993
Supervisor: Super Work Phon: () -
Super Home Phon: () -
Probation: Prob Officer: Nolan
Henry: Attorney: Fitzgerald
NCIC Print:

FILED

2009 MAR 4 AM 11 42

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEVADA

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO.

CR09-02146

INITIAL DETERMINATION OF
PROBABLE CAUSE

The undersigned Magistrate having examined the Affidavit submitted by Eric Olson, along with the attached documents, and the Complaint against the above defendant for the crime(s) of: **COUNT I - INTIMIDATING A WITNESS, I.C. §18-2604(3), a felony**; having been laid before the undersigned Magistrate, it is hereby determined by the undersigned Magistrate that there is probable cause to believe that the said offense has been committed, and that the defendant has committed it.

DATED this 4th day of March 2009.


MAGISTRATE

117807

LEWISTON POLICE DEPARTMENT
IDAHO UNIFORM CITATION

117807

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCESTATE OF IDAHO
Vs.

Hochrein

Last name

Edward

First Name

R

Middle Initial

COMPLAINT AND SUMMONS

- ☐ Infraction Citation
OR
☒ Misdemeanor Citation
☐ Accident Involved

IPCU #

USDOT TK Census #

CR09-2144

☒ Operator ☐ Class A ☐ Class B ☐ Class C ☐ Class D ☐ Other☐ GWR 26001+☐ 16+ Persons☐ Placard Hazardous Materials

DR #

09-23018

Home Address

516 20th St N #3, Lewiston

Phone #

Business Address

Phone #

THE UNDERSIGNED OFFICER (PARTY) HEREBY CERTIFIES AND SAYS:

DL or SS # [REDACTED] State ID Sex ☒ M ☐ F

Height

604

Wt.

230

Hair

BRD

Eyes

BRD

DOB

[REDACTED]

Veh. Lic. #

State

Yr. Of vehicle

Make

Model

Color

Did commit the following act(s) on

2nd March 2009

at 2309

o'clock P.M.

VIO. #1

Battery - Did strike comp. in chest and face.

Section 18-903

VIO. #2

Injury to animal strangled comp dog and hit it and kicked it.

Section 8-9 CC

Location

1700 BIK 5th St.

Lewiston, Nez Perce County, Idaho.

Date

3/2/09

Officer/Party

J. Larson

Serial #/Address

Dept.

Date

3/2/09

Officer/Party

J. Larson

Serial #/Address

Dept.

THE STATE OF IDAHO TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned to appear before the Clerk of the Magistrate's Court in the District Court of Nez Perce County, located at 1230 Main Street, Lewiston, Idaho on or before:

3/18/09

Mon., Tues., Wed., Thurs., Fri. Sat. / between

0530-400pm

I acknowledge receipt of this summons and I promise to appear at the time indicated.

Defendant's Signature

I hereby certify service upon the defendant personally on:

3/3/09

Date

J. Larson

Officer

304

Serial #

NOTICE: See reverse side of your copy for PENALTY and COMPLIANCE instructions

COURT COPY

Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 2923

FILED

2009 MAR 4 AM 11 42

PATTY B. WEEKS
CLERK OF THE DIST. COURT

OF THE DIST. COURT
Rhynolds
DEPUTY

STATE OF IDAHO,

Plaintiff,

VS.

EDWARD R. HOCHREIN JR.,

D.O.B.:

S.S.N.:

Defendant.

CASE NO. CR09-02146

COMPLAINT - CRIMINAL

STATE OF IDAHO)
 : ss.
County of Nez Perce)


PERSONALLY APPEARED Before me this 4th day of March 2009, in the County of Nez Perce, Eric Olson, who, being first duly sworn, complains and says: that EDWARD R. HOCHREIN JR., did commit the following crime(s):

COUNT I
INTIMIDATING A WITNESS, I.C. § 18-2604(3), a felony


That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did attempt to willfully intimidate, influence, impede, deter, threaten, harass, obstruct and/or prevent, a victim/witness, TANYA L. LEWIS, from testifying at a criminal proceeding, to-wit: by striking TANYA L. LEWIS and/or by striking and/or attempting to strangle TANYA L. LEWIS' dog, and/or by threatening to kill TANYA L. LEWIS if she did not agree to drop pending criminal charges against the Defendant.

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 EDWARD R. HOCHREIN JR. be dealt with according to law.



SUBSCRIBED and SWORN to before me this 4th day of March 2009.



MAGISTRATE

DANIEL L. SPICKLER
Prosecuting Attorney

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney
Nez Perce County, Idaho
Post Office Box 1267
Lewiston, Idaho 83501
Telephone (208) 799-3073
Idaho State Bar No. 6594

FILED
2009 MAR 4 AM 11 41

PATTY O. WEEKS
CLERK OF THE DIST. COURT
Shynolds
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO. CR09-02146

MOTION FOR NO CONTACT ORDER

COMES NOW, NANCY F. BERGER-SCHNEIDER, Deputy Prosecuting Attorney for Nez Perce County, Idaho, and moves the above-entitled Court to issue a no contact order preventing the above-named defendant from any personal contact, telephone contact, written contact, or contact through third persons with, the alleged victim, TANYA L. LEWIS, DOB [REDACTED], in the above-entitled action.

DATED this 4th day of March 2009.

Nancy F. Berger-Schneider

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

22626
CASE TITLE State v. Edward R Hochrein JR JUDGE Kalbfleisch
HEARING TYPE Initial Arraignment CLERK Nagle
PLF ATTORNEY _____ TAPE # Crm 2
DEF ATTORNEY _____ CASE # CRO9-2146
OTHERS PRESENT _____ DATE 3.4.09
TIME 1:15 PM

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

Def present with without counsel

☒ Court advises Def of rights and charges

Court sets Preliminary Hearing for 3/11/09 at 1:30 PM

☒ Def requests court appointed counsel and signs Affidavit

Court Appoints FAV to represent Def

Bond: \$ 10,000 cash or surety.

Recess NCO entered

Misd: to trail along w/felony.

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE
MAGISTRATE DIVISION

THE STATE OF IDAHO,

Plaintiff,

v.

EDWARD HOCHREIN

Defendant.

) 2009 MAR 4 PM 2:38
) No. CR09-2146
) PAID 10 WEEKS
) CLERK OF THE DISTRICT COURT
) NOTIFICATION OF RIGHTS -
) FELONY Shields
) DEPUTY

The purpose of this initial appearance is to advise you of your rights and the charge(s) against you.

- You have the right to be represented by an attorney at all times.
- If you want an attorney, but cannot pay for one, the court will appoint one to help you. If you are found guilty or plead guilty, you may be ordered to reimburse Nez Perce County for the cost of your defense.
- You have the right to remain silent. Any statement you make could be used against you.
- You have the right to bail.
- You have the right to a preliminary hearing before a judge.
- The purpose of a preliminary hearing is to determine whether probable cause exists to believe you have committed the crime(s) charged. A preliminary hearing is not a trial to decide guilt or innocence.
- You can cross-examine all witnesses who testify against you.
- You can present evidence, testify yourself if you wish, and have witnesses ordered to testify by subpoena.
- If the court finds probable cause exists that you committed the crime(s) charged, or if you waive your preliminary hearing, you will be sent to the District Court for arraignment.

If you have questions about the charge(s), about your rights or the court process, don't hesitate to speak up. It is important that you understand.

Acknowledgment of Rights.

I have read this entire document, and I understand these rights as set forth above.

Date 3-3-09 Defendant's Signature ed ward Ho chrein

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE COUNTY

STATE OF IDAHO, Plaintiff

Case No. CR09-2146

vs. Edward Hochrein Jr.

Defendant

NO CONTACT ORDER

Eff. 07/01/04

2009 MAR 4 PM 2 38

The Defendant has been charged with or convicted of violating Idaho Code Section(s):

- ☐ 18-901 Assault ☐ 18-903 Battery ☐ 18-905 Aggravated Assault ☐ 18-907 Aggravated Battery
☐ 18-909 Assault with Intent to Commit Felony ☐ 18-911 Battery with Intent to Commit Felony
☐ 18-913 Felonious Administering of Drug ☐ 18-915 Assault or Battery upon Certain Personnel
☐ 18-918 Domestic Assault or Battery ☐ 18-919 Sexual Exploitation by Medical Provider
☐ 18-6710 Use of Telephone - Lewd/Profane ☐ 18-6711 Use of Telephone - False Statements
☐ 18-7905 Stalking (1st °) ☐ 18-7906 Stalking (2nd °) ☐ 39-6312 Violation of a Protection Order
☒ Other: Intimidating a Witness

against the ALLEGED VICTIM(S) Tanya L. Lewis

THE COURT, having jurisdiction, and having provided the Defendant with notice of his/her opportunity to be heard, either previously or herein, **ORDERS THE DEFENDANT TO HAVE NO DIRECT OR INDIRECT CONTACT WITH THE ALLEGED VICTIM, unless through an attorney.** You may not harass, follow, contact, attempt to contact, communicate with (in any form or by any means including another person), or knowingly go or remain within 300 feet of the alleged victim's person, property, residence, workplace or school. This order is issued under Idaho Code 18-920, Idaho Criminal Rule 46.2 and Administrative Order 2004 - 2.

IF THIS ORDER REQUIRES YOU TO LEAVE A RESIDENCE SHARED WITH THE ALLEGED VICTIM, you must contact an appropriate law enforcement agency for an officer to accompany you while you remove any necessary personal belongings, including any tools required for your work. If disputed, the officer will make a preliminary determination as to what are necessary personal belongings; and in addition, may restrict or reschedule the time spent on the premises.

NOTICE OF RIGHT TO A HEARING: You have the right to a hearing before a Judge on the continuation of this Order within a reasonable time of its issuance. To request that hearing, and TO AVOID GIVING UP THIS RIGHT you must contact the Clerk of Court, Nez Perce County Courthouse, 1230 Main St., Lewiston ID 83501, 208-799-3040.

VIOLATION OF THIS ORDER IS A SEPARATE CRIME UNDER Idaho Code 18-920 for which bail will be set by a judge; it is subject to a penalty of up to one year in jail and up to a \$1,000 fine. THIS ORDER CAN ONLY BE MODIFIED BY A JUDGE AND WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON 3/4/11, OR UNTIL THIS CASE IS DISMISSED.

If another **DOMESTIC VIOLENCE PROTECTION ORDER IS IN PLACE PURSUANT TO IDAHO'S DOMESTIC VIOLENCE CRIME PREVENTION ACT** (Title 39, Chapter 63 of the Idaho Code), the most restrictive of any conflicting provisions between the orders will control; however, entry or dismissal of another order shall not result in dismissal of this order.

The Clerk of the Court shall give written notification to the records department of the sheriff's office in the county of issuance **IMMEDIATELY** and this order shall be entered into the Idaho Law Enforcement Telecommunications System.

3/4/09
Date of Order

Date of Service

JUDGE

DEFENDANT/ ATTORNEY Signature of Service

cc: Arresting Agency, County Sheriff, Victim, Prosecuting Attorney, Defendant/Defendant's Attorney

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

2009 MAR 4 PM 2 38

STATE OF IDAHO,

Plaintiff, *PATTY C. NEEDS*
CLERK OF THE DIST. COURT
Shymoldas
DEPUTY

CASE NO. CR09-2146

vs.

Edward R Hochrein JR
Defendant,

NOTICE OF PRELIMINARY
CONFERENCE
☒ NOTICE OF PRELIMINARY
HEARING
☐ NOTICE OF SENTENCING
☐ NOTICE OF HEARING ON

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

- ☐ PRELIMINARY CONFERENCE to begin at _____, __.m., on the _____ day of _____, 20____.
- ☒ PRELIMINARY HEARING to begin at 1:30 p.m., on the 11th day of March, 2009.
- ☐ SENTENCING to begin at _____, __.m. on the _____ day of _____, 20____.
- ☐ HEARING to begin at _____, __.m. on the _____ day of _____, 20____.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 4 day of March, 2009.

BY ORDER OF:

☒ Copy to Prosecuting Attorney

☒ Copy handed to Defendant

☐ Copy mailed to Defendant

☒ Copy mailed/handed/placed in
basket to Defendant's Attorney
F&V

Kalbfleisch
Judge

Nagle
Clerk

FILED

2009 MAR 4 PM 2 38

PATTY O. WEEKS
CLERK OF THE DIST. COURT

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD HOCHREIN

Defendant.

CASE NO. CR09-2146

AFFIDAVIT OF FINANCIAL STATUS,
APPLICATION FOR PUBLIC
DEFENDER, AND ORDER APPOINTING

This application must be filled out completely before it can be reviewed for assignment of a public defender. All questions must be answered (no exceptions).

- A. Name Edward Hochrein Jr. Date of Birth [REDACTED]
- B. Address 516 20th St. N. #6 Phone
City Lewiston State Id. Zip 83501
- C. Are you Employed? No X Yes Where?
- D. Income/Take home pay: Monthly Ø Bi-weekly Ø Weekly Ø
- E. Married? No X Yes Spouse Name
- F. Spouse Employed? No X Yes Where?
- G. Spouse's Income/Take home pay: Monthly Ø Bi-weekly Ø Weekly Ø
- H. How many children? one Ages 6
- I. Debts (per month):
1. Rent 350.00 2. Food 200.00 3. Utilities 100.00
4. Car Ø 5. Medical Ø 6. Credit Cards Ø
7. Loan Ø 8. Other Ø 9. Child Support over \$3,000
- J. Own Home? No X Yes Equity
Rent Home? No Yes X
Live with Parents? No Yes X

K. Approximate Value of all Assets and Property:

1. Motor Vehicles 0 How Many? 0
Make and Model _____
2. Furniture 0
3. Sporting Equipment 0
4. Guns (how many) 0 Boats 0
5. Stocks and Bonds 0 Cash in Bank _____
6. Name of Bank N/A
7. Cash on Hand 0 Instruments 0
8. Jewelry 0
9. Other 0

L. Did you File Federal Income Tax Last Year?

No X Yes _____ Amount filed _____

M. Can You Borrow Money to Pay an Attorney? No X Yes _____

I HEREBY ACKNOWLEDGE THAT I MAY BE REQUIRED TO REIMBURSE NEZ PERCE COUNTY FOR THE SERVICES OF THE PUBLIC DEFENDER.

I HEREBY CERTIFY THAT ALL OF THE ANSWERS TO THE FOREGOING QUESTIONS ARE UNDER OATH AND SWEAR THAT THE SAME ARE TRUE AND CORRECT AND IF I HAVE INTENTIONALLY ANSWERED ANY OF SAID QUESTIONS INCORRECTLY, I MAY BE PROSECUTED FOR PERJURY.

3-3-09
DATE

Erl. Harbison Jr.
DEFENDANT'S SIGNATURE

ORDER

Based upon the information contained in the court record and on the above-filed affidavit, the Court hereby **GRANTS** X **DENIES** _____ the defendant's application for a public defender. Fg/V is hereby appointed as counsel to represent the defendant in the above-entitled case.

DATED this 4th day of March, 20 09

[Signature]
Judge, Magistrate Division

William J. Fitzgerald, ISBN No. 1974
Robert J. Van Idour, ISBN No. 2644
Joanna M. McFarland, ISBN No. 7112
FITZGERALD & VAN IDOUR
ATTORNEYS AT LAW
111 Main Street, Suite 301
Lewiston, Idaho 83501
Telephone: (208) 746-4090
Facsimile: (208) 746-5571

FILED

2009 MAR 9 AM 10 55

PATTI L. WEEKS
CLERK OF THE DIST. COURT
Patti Weeks
DEPUTY

Attorneys for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,)	CASE NO. CR09-02146
)	
Plaintiff,)	
vs.	)	REQUEST FOR DISCOVERY
)	
EDWARD R. HOCHREIN, JR.,)	
)	
Defendant.)	

TO: THE PROSECUTING ATTORNEY, LEWISTON, NEZ PERCE COUNTY, STATE
OF IDAHO:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho
Criminal Rules, requests discovery and inspection of the following information,
evidence, and materials:

ONE: Disclose to defense any and all material or information within your
possession or control or which may hereafter come into your possession or control
which tends to negate the guilt of the accused as to the offense charged or which would
tend to reduce the punishment therefore,

TWO: Permission to the defendant to inspect and copy or photograph any
relevant, written, or recorded statements made by the defendant or copies thereof
within the possession, custody or control of the state.

THREE: The substance of any relevant, oral statement made by the defendant
or copies thereof within the possession, custody or control of the state.

REQUEST FOR DISCOVERY

1

FOUR: Permission of the defendant to inspect and copy or photograph any written or recorded statements of a co-defendant and the substance of any relevant, oral statement made by a co-defendant, whether before or after arrest, in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.

FIVE: Furnish to the defendant a copy of the prior criminal record of the defendant, if any.

SIX: Permission of the defendant to inspect and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney and which are material to the preparation of the defense or intended for use by the prosecutor as evidence at trial or obtained from or belonging to the defendant.

SEVEN: Permit the defendant to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case or copies thereof within the possession, custody, or control of the prosecuting attorney.

EIGHT: Furnish to the defendant written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior felony convictions of any such person which is within the knowledge of the prosecuting attorney.

NINE: Furnish to the defendant statements made by the prosecution's witnesses or prosecuting attorney or agents or to any official involved in the investigatory process of the case.

TEN: Furnish to the defendant reports and memoranda made by any police officer or investigator in connection with the investigation or prosecution of the case.

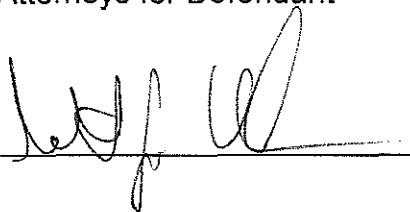
ELEVEN: Defendant hereby requests pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and I.C.R. 16(a) that the State disclose to the defense any and all exculpatory material and/or exculpatory information in this case. Defendant specifically objects to and rejects any requirement or request that Defendant notify the State, in writing or otherwise, of the defenses that he or she is or may be asserting in this case

as a condition of disclosure of such exculpatory information and/or exculpatory material to the defense. Any such precondition for disclosure of exculpatory material and/or exculpatory information violates the 4th, 5th and 6th Amendments to the United States Constitution, the ruling in Brady v. Maryland, 373 U.S. 83 (1963), I.C.R. 16(a) and (c), attorney -client privilege and the work product doctrine. By this demand for disclosure the Defendant demands production of all material and information which the State does not disclose and Defendant demands notification of the State's determination to withhold material and information from Defendant so that Defendant can file a timely motion to compel the disclosure and production of the withheld material and/or information. Without waiving any objection to the State's request that Defendant notify the State of Defendant's planned defense(s) the State is further notified that a defense in this and every case in which this Request for Discovery is made includes, but is not limited to, the defense that material and/or information withheld by the State was and is exculpatory and if disclosed to Defendant would have resulted in Defendant's acquittal or dismissal of all charges.

The undersigned further requests permission to inspect and copy said information, evidence and materials not required to be furnished within fourteen (14) days from receipt of this notice, or at such other time as counsel may agree.

DATED this 5th day of March, 2009.

FITZGERALD & VAN IDOUR
Attorneys for Defendant

By 

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 9th day of March, 2009, I caused a true and correct copy of the foregoing instrument to be delivered to the Nez Perce County Prosecuting Attorney, Lewiston, Idaho 83501.

FITZGERALD & VAN IDOUR
Attorneys for Defendant

By Lonna R. Doichak

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

CASE TITLE State of Idaho vs. Edward Ray Hochrein Jr JUDGE Kent J. Merica
HEARING TYPE PRELIMINARY HEARING CLERK Nelson
PLF ATTORNEY Nancy Berger-Schneider TAPE NO. F- Chem 2
DEF ATTORNEY F & V CASE NO. CR-2009-0002146
OTHERS PRESENT _____ DATE 3/11/2009
TIME 01:30 PM

BE IT KNOWN THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

12:38:30
Def present with / without counsel

D Schneider present for State

State / Def requests continuance of Preliminary Hearing

Court Orders: Preliminary Hearing continued to : _____ at 1:30 p. m.

✓ Def waives Preliminary Hearing – Court Binds Def over to District Court

Case set for District Court Arraignment 3-26-09 at 1:15 pm Assigned to: Kerrick

Preliminary Hearing held, Proceedings as follows:

Parties are working out a deal to be handled in District Court.

D asks for OR release.

State has no objection to release.

Court grants OR release. Condition of release is that D is to obey the NCO.

12:41:18

Second Judicial District Court, State of Idaho
And For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

FILED

STATE OF IDAHO,

Plaintiff,

vs.

Edward Ray Hochrein Jr,

Defendant.

Case No: CR-2009-0002146

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Arraignment
Judge:

Thursday, March 26, 2009 01:15 PM
Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, March 11, 2009.

Defendant: Edward Ray Hochrein Jr
516 20th St N #5
Lewiston, ID 83501

Mailed ☒ Hand Delivered ☐

Private Counsel: F & V
111 Main St Ste 301
Lewiston, ID 83501

Mailed ☐ Hand Delivered ☒

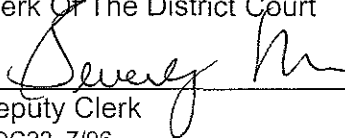
Prosecutor: Nancy Berger-Schneider

Mailed ☐ Hand Delivered ☒

Dated: Wednesday, March 11, 2009

Patty O. Weeks
Clerk Of The District Court

By:


Deputy Clerk
DOC22 7/96

FILED

2009 MAR 12 A 8:12

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

v.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO. CR 09-2146

ORDER BINDING OVER

The defendant having **WAIVED** the Preliminary Hearing in the above entitled matter on this 11TH day of March, 2009, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that said defendant be and hereby is bound over to District Court for trial on the charge of COUNT I: INTIMIDATING A WITNESS, I.C. § 18-2604(3), a felony.

DATED this 12th day of March, 2009.


MAGISTRATE

THIS CASE HAS BEEN ASSIGNED TO:

CARL B. KERRICK, DISTRICT JUDGE

FILED

2009 MAR 12 PM 12 04

FAIRY A. WEEKS
CLERK OF THE DIST. COURT
Fairy A. Weeks
DEPUTY

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 6594

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO. CR2009-0002146

REQUEST FOR DISCOVERY

TO THE ABOVE-NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and inspection of the following information, evidence and materials:

1. Books, papers, documents, photographs, tangible objects or portions thereof, which are within the possession, custody, or control of the defendant, and which the defendant intends to introduce in evidence at trial;
2. All results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the

defendant intends to call at the trial, when the results or reports relate to testimony of the witness;

3. A list of names and addresses of witnesses the defendant intends to call at trial.

4. Please provide the State with a written summary or report of any expert witness testimony that the Defendant intends to introduce pursuant to Idaho Criminal Rules 702, 703 and 705 at trial or hearing in the above-captioned matter. Said summary must describe the expert's opinions, the facts and data for those opinions and the expert's qualifications. This request shall also include any expert opinions regarding mental health pursuant to Idaho Code Section 18-207.

The undersigned further requests permission to inspect and copy said information, within 14 days from the date of this request at the Prosecuting Attorney's Office, Lewiston, Idaho.

REQUEST FOR NOTICE OF DEFENSE OF ALIBI

Pursuant to Idaho Code Section 19-519 and Idaho Criminal Rule 12.1, the Prosecuting Attorney requests that you serve upon his office within ten days of your receipts of this request a written notice of the intention of your client to offer a defense of alibi in the above-referenced matter.

Such notice must state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 10th day of March 2009


NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney

AFFIDAVIT OF SERVICE

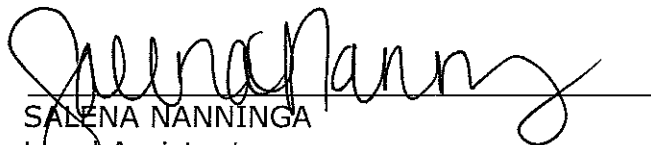
I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing REQUEST FOR DISCOVERY was

- (1) X hand delivered, or
- (2) hand delivered via court basket, or
- (3) sent via facsimile, or
- (4) mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

William J. Fitzgerald
FITZGERALD & VAN IDOUR
111 Main Street, Suite 301
Lewiston Idaho 83501

DATED this 10th day of March 2009.



SALENA NANNINGA
Legal Assistant

FILED

2009 MAR 12 PM 12 04

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 6594

PATLY O. WEEKS
CLERK OF THE DIST. COURT
[Signature]
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO. CR2009-0002146

RESPONSE TO REQUEST FOR
DISCOVERY

TO THE ABOVE-NAMED DEFENDANT AND COUNSEL:

COMES NOW, the State in the above-entitled matter, and submits the following
Response to Request for Discovery.

The State has complied with such request by providing the following:

1. Any relevant written or recorded statements made by the defendant, or
copies thereof, within the possession, custody or control of the State, the existence of
which is known or is available to the prosecuting attorney by the exercise of due
diligence; and also the substance of any relevant, oral statement made by the
defendant whether before or after arrest to a peace officer, prosecuting attorney, or
the prosecuting attorney's agent have been disclosed, made available, or are attached
hereto as set forth in Exhibit "B."

2. Any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney, have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

3. Defendant's prior criminal record, if any, has been disclosed, made available, or is attached hereto as set forth in Exhibit "B."

4. Any books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney and which are material to the preparation of the defense or intended for use by the prosecutor as evidence at trial or obtained from or belonging to the defendant have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, within the possession, custody, or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

6. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial is set forth in Exhibit "A." Any record of prior felony convictions of any such persons which is within the knowledge of the prosecuting attorney and all statements made by the prosecution witnesses or prospective prosecution witnesses to the prosecuting

attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of the case have been disclosed, made available, or are attached hereto as set forth in Exhibit "A."

7. Any reports and memoranda in possession of the prosecuting attorney which were made by any police officer or investigator in connection with this investigation or prosecution of this case have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

8. All material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore have been disclosed, made available, or are attached hereto as set forth in Exhibit "B." In addition, with regard to material or information which may be exculpatory as used or interpreted, the State requests that the defendant inform the State, in writing, of the defense which will be asserted in this case, so counsel for the State can determine if any additional material or information may be material to the defense, and thus fulfill its duty under I.C.R. 16(a) and Brady v. Maryland, 373 U.S. 83 (1963).

9. Wherever this Response indicates that certain evidence or materials have been disclosed, made available, or are attached hereto as set forth in Exhibit "B," such indication should not be construed as confirmation that such evidence or materials exist, but simply as an indication that if such evidence or materials exist, they have been disclosed or made available to the defendant. Furthermore, any items which are listed in Exhibit "B" but are not specifically provided, or which are referred to in documents which are listed in Exhibit "B," are available for inspection upon appointment with the Prosecuting Attorney's Office.

10. The State reserves the right to supplement any and all sections of this response if and when more information becomes available.

11. The State objects to requests by the defendant for anything not addressed above on the grounds that such requests are outside the scope AND/OR are irrelevant under I.C.R. 16.

DATED this 10th day of March 2009.



NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY was

- (1) X hand delivered, or
- (2) hand delivered via court basket, or
- (3) sent via facsimile, or
- (4) mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

William J. Fitzgerald
FITZGERALD & VAN IDOUR
111 Main Street, Suite 301
Lewiston Idaho 83501

DATED this 10th day of March 2009.

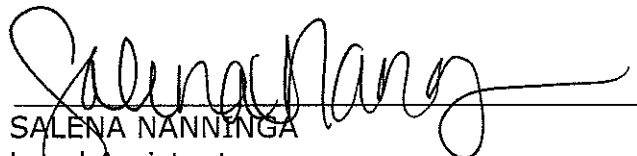

SALENA NANNINGA
Legal Assistant

EXHIBIT "A"
LIST OF WITNESSES

STATE OF IDAHO vs. EDWARD R. HOCHREIN JR.
NEZ PERCE COUNTY CASE NO. CR2009-0002146

1. NAME: BRANDON L. HOPPLE
ADDRESS: Lewiston Police Department
1224 "F" Street Lewiston, ID 83501
PHONE: (208) 746-0171
2. NAME: JOSHUA LARSON
ADDRESS: Lewiston Police Department
1224 "F" Street Lewiston, ID 83501
PHONE: (208) 746-0171
3. NAME: CHRIS REESE
ADDRESS: Lewiston Police Department
1224 "F" Street Lewiston, ID 83501
PHONE: (208) 746-0171
4. NAME: ZACHERY WARD
ADDRESS: Lewiston Police Department
1224 "F" Street Lewiston, ID 83501
PHONE: (208) 746-0171
5. NAME: TED PICHE'
ADDRESS: Lewiston Police Department
1224 "F" Street Lewiston, ID 83501
PHONE: (208) 746-0171
6. NAME: DUSTIN HIBBARD
ADDRESS: Lewiston Police Department
1224 "F" Street Lewiston, ID 83501
PHONE: (208) 746-0171
7. NAME: JENNIFER A. PARKS
ADDRESS: Lewiston Police Department
1224 F Street Lewiston, ID 83501
PHONE: (208) 746-0171
8. NAME: DEB KLAUDT
ADDRESS: Lewiston Police Department
1224 F Street Lewiston, ID 83501
PHONE: (208) 746-0171

9. NAME: MARY EASLEY
ADDRESS: Lewiston Police Department
1224 "F" Street Lewiston, ID 83501
PHONE: (208) 746-0171
10. NAME: WILLIAM C. WOEHLE
ADDRESS: 3103 6th Street Lewiston, ID 83501
PHONE: (208) 503-9263
11. NAME: TANYA L. LEWIS
ADDRESS: 537 17th Avenue, #4 Lewiston, ID 83501
PHONE: (208) 816-4834
12. NAME: BONNIE S. HOCHREIN
ADDRESS: 516 20th Street N. #5 Lewiston, ID 83501
PHONE: (208) 413-8295
13. NAME: WYNTER W. SPENCER
ADDRESS: 1801 7th Avenue, C Lewiston, ID 83501
PHONE: (208) 413-3662
14. NAME: STEFANIE J. FLOCH
ADDRESS: 252 Main Street Lewiston, ID 83501
PHONE: (208) 799-9726
15. NAME: T. J. MATHEWS
ADDRESS: 0218 22nd Street North Lewiston, ID 83501
PHONE: (208) 743-0606
16. NAME: BRITTANY M. DOUGHERTY
ADDRESS: 615 3rd Avenue, H Lewiston, ID 83501
PHONE: (509) 366-9591
17. NAME: BROOK N. REYNOLDS
ADDRESS: 402 6th Avenue, B Lewiston, ID 83501
PHONE: (208) 305-7637

EXHIBIT "B"
LIST OF REPORTS

STATE OF IDAHO vs. EDWARD R. HOCHREIN JR.
NEZ PERCE COUNTY CASE NO. CR2009-0002146

1. A request for audio, video and photo was sent to the Lewiston Police Department on March 2, 2009. The Lewiston Police Department indicated that there is no audio, video or photo in evidence. Should the police department provide any evidence in the future, the State reserves the right to disclose that evidence via Supplemental Response to Request for Discovery.
2. Lewiston Police Department Cap Sheet and Case Disposition Sheet, pages 1-3.
3. Lewiston Police Department Law Incident Table under 09-L3016, pages 4-5.
4. Lewiston Police Department Narrative Report prepared by Joshua Larson, pages 6-7.
5. Lewiston Police Department Supplemental Report prepared by Brandon Hopple, pages 8-9.
6. Lewiston Police Department Supplemental Report prepared by Zach Ward, pages 10-11.
7. Citation number 118039, pages 12-13.
8. Lewiston Police Department Law Incident Table under 09-L3098, pages 14-15.
9. Lewiston Police Department Narrative Report prepared by Joshua Larson, pages 16-17.
10. Citation number 117807, pages 18-19.
11. Lewiston Police Department Main Names Table, pages 20-27.
12. DMV record, pages 28-29
13. Criminal history, pages 30-43.

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 6594

FILED
2009 MAR 12 PM 12 04

PAUL H. WEEKS
CLERK OF THE DISTRICT COURT
Paul H. Weeks
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,
D.O.B.: [REDACTED],
S.S.N.: XXX-XX-5524,

Defendant.

CASE NO. CR2009-0002146

INFORMATION

NANCY F. BERGER-SCHNEIDER Deputy Prosecuting Attorney, in and for the County of Nez Perce, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into the District Court of the County of Nez Perce, and states that EDWARD R. HOCHREIN JR. is accused by this Information of the following crime(s):

COUNT I
INTIMIDATING A WITNESS, I.C. § 18-2604(3), a felony

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did attempt to willfully intimidate, influence, impede, deter, threaten, harass, obstruct and/or prevent, a victim/witness, TANYA L. LEWIS, from testifying at a criminal proceeding, to-wit: by striking TANYA L. LEWIS and/or by striking and/or attempting to strangle TANYA L. LEWIS' dog, and/or by threatening to kill TANYA L. LEWIS if she did not agree to drop pending criminal charges against the Defendant.

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

Nancy F. Berger-Schneider
NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney

William J. Fitzgerald, ISBN 1974
Robert J. Van Idour, ISBN 2644
Joanna M. McFarland, ISBN 7112
Fitzgerald & Van Idour
Attorneys at Law
111 Main Street, Suite 301
Lewiston, Idaho 83501
Telephone: (208) 743-6100

FILED

2009 MAR 13 PM 4 33

PAUL C. WEEKS
CLERK OF THE DISTRICT COURT
Paul C. Weeks
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO,	)	CASE NO. CR09-02146
)	
Plaintiff,)	
)	
v.	)	DISCOVERY COMPLIANCE
)	
EDWARD R. HOCHREIN JR.,)	
)	
Defendant.)	

The defense responds to the State's Request for Discovery as follows:

1. No books, papers, documents, photographs, tangible objects etc., are in the Defendant's possession that Defendant currently intends to produce at trial, with the exception of attached copies of letters of additional witnesses supporting the alibi of the Defendant .

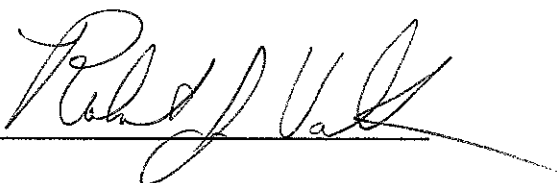
2. No scientific tests or examinations have been performed by the defense or at its request.

3. In addition to the witnesses whose names and addresses were provided to the defense in the State's Response to Discovery, the Defendant reserves the right to testify on Defendant's own behalf.

4. There are no additional witnesses at this time. If and when we do receive a list of additional witnesses, an amended discovery will be made.

Dated this 13th day of March, 2009.

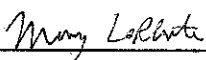
FITZGERALD & VAN IDOUR
Attorneys for the Defendant

By: 

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 13th day of March, 2009,
I caused a true and correct copy of this document to be delivered to the Nez Perce County
Prosecuting Attorney, Lewiston, ID 83501

FITZGERALD & VAN IDOUR

By 

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 6594

FILED

2009 MAR 18 PM 12 00

PATTY O. WEEKS
CLERK OF THE DIST. COURT
DEPUTY

[Handwritten signature]

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,
D.O.B.: [REDACTED],
S.S.N.: XXX-XX-5524,

Defendant.

CASE NO. CR2009-0002146

AMENDED INFORMATION

NANCY F. BERGER-SCHNEIDER Deputy Prosecuting Attorney, in and for the County of Nez Perce, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into the District Court of the County of Nez Perce, and states that EDWARD R. HOCHREIN JR. is accused by this Amended Information of the following crime(s):

COUNT I
INTIMIDATING A WITNESS, I.C. § 18-2604(3), a felony

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did attempt to willfully intimidate, influence, impede, deter, threaten, harass, obstruct and/or prevent, a victim/witness, TANYA L. LEWIS, from testifying at a criminal proceeding, to-wit: by striking TANYA L. LEWIS and/or by striking and/or attempting to strangle TANYA L. LEWIS' dog, and/or by threatening to kill TANYA L. LEWIS if she did not agree to drop pending criminal charges against the Defendant.


COUNT II
BATTERY, I.C. § 18-903(b), a misdemeanor

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did actually, intentionally, and unlawfully touch and/or strike the person of TANYA L. LEWIS against her will by striking TANYA L. LEWIS in the stomach and/or chest.

COUNT III
CRUELTY TO ANIMALS, I.C. § 25-3504, a misdemeanor

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did commit the crime of cruelty to animals by strangling and/or kicking TANYA L. LEWIS'S dog.

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


NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney

Date: 3/30/2009

Second Judicial District Court - Nez Perce County

User: TERESA

Time: 08:47 AM

Minutes Report

Page 1 of 1

Case: CR-2009-0002146

Defendant: Hochrein, Edward Ray Jr

Selected Items

Hearing type:	Arraignment	Minutes date:	03/26/2009
Assigned judge:	Carl B. Kerrick	Start time:	01:32 PM
Court reporter:	Nancy Towler	End time:	01:34 PM
Minutes clerk:	TERESA	Audio tape number:	CRTRM 1
Prosecutor:	Nancy Berger-Schneider		
Defense attorney:	F & V		

Tape Counter: 13244	Defendant present with counsel.
	State's Information previously filed for the crime of Intimidating a Witness.
Tape Counter: 13308	Mr. Van Idour addresses the Court re: 3 week continuance. There has been some confusion with the level of the charge. Defendant's understanding was different from Mr. Fitzgeralds and both were different from the information filed. Mr. Van Idour needs time to sort it out.
Tape Counter: 13335	Ms. Berger-Schneider has no objection.
Tape Counter: 13341	Court resets arraignment for 4-23-09 at 1:15 p.m.
Tape Counter: 13428	Court recess.

 72

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 6594

FILED

2009 MAR 26 PM 12 41

PATTY O. WEEKS
CLERK OF THE DIST. COURT

DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,
D.O.B.: [REDACTED],
S.S.N.: XXX-XX-5524,

Defendant.

CASE NO. CR2009-0002146

SECOND AMENDED INFORMATION

NANCY F. BERGER-SCHNEIDER Deputy Prosecuting Attorney, in and for the County of Nez Perce, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into the District Court of the County of Nez Perce, and states that EDWARD R. HOCHREIN JR. is accused by this Second Amended Information of the following crime(s):

COUNT I
INTIMIDATING A WITNESS, I.C. § 18-2604(3), a felony

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did attempt to willfully intimidate, influence, impede, deter, threaten, harass, obstruct and/or prevent, a victim/witness, TANYA L. LEWIS, from testifying at a criminal proceeding, to-wit: by striking TANYA L. LEWIS and/or by striking and/or attempting to strangle TANYA L. LEWIS' dog, and/or by threatening to kill TANYA L. LEWIS if she did not agree to drop pending criminal charges against the Defendant.


COUNT I
DOMESTIC BATTERY, I.C. § 18-918(3)(b)(c) and 18-903(b), a
misdemeanor

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did **willfully and unlawfully use force and/or violence upon** the person of TANYA L. LEWIS by striking TANYA L. LEWIS in the stomach and/or chest, where the Defendant and TANYA L. LEWIS were household members.

COUNT III
CRUELTY TO ANIMALS, I.C. § 25-3504, a misdemeanor

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did commit the crime of cruelty to animals by strangling and/or kicking TANYA L. LEWIS'S dog.

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



NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney

Date: 4/24/2009

Second Judicial District Court - Nez Perce County

User: TERESA

Time: 09:09 AM

Minutes Report

Page 1 of 1

Case: CR-2009-0002146

Defendant: Hochrein, Edward Ray Jr

Selected Items

Hearing type:	Arraignment	Minutes date:	04/23/2009
Assigned judge:	Carl B. Kerrick	Start time:	01:34 PM
Court reporter:	Nancy Towler	End time:	01:37 PM
Minutes clerk:	TERESA	Audio tape number:	CRTRM 1
Prosecutor:	April A Smith		
Defense attorney:	F & V		

Tape Counter: 13409

Defendant present with counsel.

State's Information previously filed for the crime of Intimidating a Witness.

Tape Counter: 13509

Ms. Smith indicates the State will be filing the 3rd Amended Information at the time of the change of plea.

Tape Counter: 13522

Mr. Van Idour addresses the Court and the 3rd Amended Information will be for 2 misdemeanor counts Domestic Battery and Cruelty to Animals.

Tape Counter: 13635

Court sets change of plea for 4-30-09 at 11 a.m.

Tape Counter: 13701

Court recess.



Second Judicial District Court, State of Idaho
In and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

STATE OF IDAHO,

Plaintiff,

vs.

Edward Ray Hochrein Jr,

Defendant.

2009 APR 30 AM 9 13

PATTY O. WEEKS

CLERK OF THE DISTRICT COURT

Case No: CR-2009-0002146

AMENDED

NOTICE OF HEARING

DEPUTY

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Change of Plea
Judge:

Thursday, May 07, 2009
Carl B. Kerrick

11:00 AM

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Thursday, April 30, 2009.

Defendant: Edward Ray Hochrein Jr
516 20th St N #5
Lewiston, ID 83501

Mailed ☒ X _____ Hand Delivered _____

Private Counsel: F & V
111 Main St Ste 301
Lewiston, ID 83501

Mailed _____ *Faxed* Hand Delivered ☒ X _____

Prosecutor: Nancy Berger-Schneider

Mailed _____ *Faxed* Hand Delivered ☒ X _____

Dated: Thursday, April 30, 2009

Patty O. Weeks
Clerk Of The District Court

By:

[Signature]
Deputy Clerk
DOC22 7/96



Date: 5/7/2009

Second Judicial District Court - Nez Perce County

User: TERESA

Time: 12:33 PM

Minutes Report

Page 1 of 1

Case: CR-2009-0002146

Defendant: Hochrein, Edward Ray Jr

Selected Items

Hearing type:	Change of Plea	Minutes date:	05/07/2009
Assigned judge:	Carl B. Kerrick	Start time:	11:13 AM
Court reporter:	Linda Carlton	End time:	12:02 PM
Minutes clerk:	TERESA	Audio tape number:	CRTRM 1
Prosecutor:	Nancy Berger-Schneider		
Defense attorney:	F & V		

Tape Counter: 111300	Defendant present with counsel.
Tape Counter: 112026	Court reads Defendant his rights.
Tape Counter: 115023	Ms. Berger-Schneider submits 3rd Amended Information.
Tape Counter: 115807	Mr. Van Idour addresses the Court and there is another misdemeanor charge that has been assigned to Ms. Smith. Mr. Van Idour requests the Court take guilty pleas as to the 3rd Amended Information in this case and set status conference after 5-20-09 and Mr. Van Idour will discuss with Ms. Smith and have all matters set for sentencing at the same time.
Tape Counter: 115925	Defendant understood his rights previously read to him.
Tape Counter: 115957	Defendant understands the charges and penalties.
Tape Counter: 120040	Defendant enters plea of guilty to Count 1 Domestic Battery
Tape Counter: 120046	Defendant enters plea of guilty to Count 2 Cruelty to Animals
Tape Counter: 120118	Court accepts guilty pleas and sets status conference for 5-28-09 at 1:15 p.m.
Tape Counter: 120202	Ms. Berger-Schneider addresses the Court re: Domestic Batterers Evaluation.



DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 6594

FILED
2009 MAY 7 PM 12 07

PATTY O. WEEKS
CLERK OF THE DIST. COURT
Patty O. Weeks
DEPUTY,

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO. CR2009-0002146

MOTION TO DISMISS COUNT I

COMES NOW, NANCY F. BERGER-SCHNEIDER, Deputy Prosecuting Attorney for
Nez Perce County, State of Idaho, and moves the above-entitled Court for an order
dismissing Count I in the above-entitled action.

This motion is made and based upon the grounds and for the reason that the
Defendant pled guilty to Counts II and III pursuant to a plea agreement.

DATED this 11th day of March 2009.

Nancy F. Berger-Schneider
NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney

FILED

DANIEL L. SPICKLER
Nez Perce County Prosecuting Attorney

2009 MAY 7 PM 12 07

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney
Post Office Box 1267
Lewiston, Idaho 83501
Telephone: (208) 799-3073
I.S.B.N. 6594

PATTY O. WEEKS
CLERK OF THE DIST. COURT

DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,
D.O.B.: [REDACTED],
S.S.N.: XXX-XX-5524,

Defendant.

CASE NO. CR2009-0002146

THIRD AMENDED INFORMATION

NANCY F. BERGER-SCHNEIDER Deputy Prosecuting Attorney, in and for the County of Nez Perce, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into the District Court of the County of Nez Perce, and states that EDWARD R. HOCHREIN JR. is accused by this Third Amended Information of the following crime(s):

COUNT I

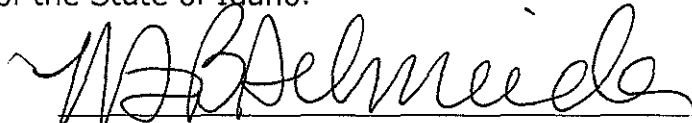
**DOMESTIC BATTERY, I.C. § 18-918(3)(b)(c) and 18-903(b), a
misdemeanor**

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did willfully and unlawfully use force and/or violence upon the person of TANYA L. LEWIS by striking TANYA L. LEWIS in the stomach and/or chest, where the Defendant and TANYA L. LEWIS were household members.

COUNT II
CRUELTY TO ANIMALS, I.C. § 25-3504, a misdemeanor

That the Defendant, EDWARD R. HOCHREIN JR., on or about the 2nd day of March, 2009 in the County of Nez Perce, State of Idaho, did commit the crime of cruelty to animals by strangling and/or kicking TANYA L. LEWIS'S dog.

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

A handwritten signature in black ink, appearing to read 'Nancy F. Berger-Schneider', written over a horizontal line.

NANCY F. BERGER-SCHNEIDER
Deputy Prosecuting Attorney

FILED

2009 MAY 11 AM 8 23

PATTY O. WEEKS
CLERK OF THE DIST. COURT

[Signature]
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO. CR2009-0002146

ORDER TO DISMISS COUNT I

Based upon the State's Motion to Dismiss Count I and good cause appearing
therefore,

IT IS HEREBY ORDERED that Count I under Nez Perce County Case No.
CR2009-0002146 be dismissed.

DATED this 7th day of ^{May}~~March~~ 2009.

[Signature]
JUDGE

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing, ORDER TO DISMISS COUNT I, was

- (1) _____ hand delivered, or
- (2) ☒ hand delivered via court basket, or
- (3) _____ sent via facsimile, or
- (4) _____ mailed, postage prepaid, by depositing the same in United States mail, addressed to the following:

William J. Fitzgerald
FITZGERALD & VAN IDOUR
111 Main Street, Suite 301
Lewiston, Idaho 83501

Prosecutor's Office
P. O. Box 1267
Lewiston, ID 83501

DATED this 11th day of May 2009.

CLERK OF THE COURT

Angela Dammann
Deputy



Date: 5/28/2009

Second Judicial District Court - Nez Perce County

User: TERESA

Time: 04:10 PM

Minutes Report

Page 1 of 1

Case: CR-2009-0002146

Defendant: Hochrein, Edward Ray Jr

Selected Items

Hearing type:	Status Conference	Minutes date:	05/28/2009
Assigned judge:	Carl B. Kerrick	Start time:	01:17 PM
Court reporter:	Nancy Towler	End time:	01:21 PM
Minutes clerk:	TERESA	Audio tape number:	CRTRM 1
Prosecutor:	Nancy Berger-Schneider		
Defense attorney:	F & V		

Tape Counter: 11745	Defendant present, in custody, with counsel.
Tape Counter: 11802	Court addresses the parties.
Tape Counter: 11845	Mr. Van Idour addresses the Court and requests this matter be set for sentencing in a couple of weeks.
Tape Counter: 11936	Court sets sentencing for 6-18-09 at 2:30 p.m.
Tape Counter: 12016	Court addresses counsel re: domestic batterers evaluation.
Tape Counter: 12129	Court recess.

Date: 6/19/2009

Second Judicial District Court - Nez Perce County

User: TERESA

Time: 09:09 AM

Minutes Report

Page 1 of 1

Case: CR-2009-0002146

Defendant: Hochrein, Edward Ray Jr

Selected Items

Hearing type:	Sentencing	Minutes date:	06/18/2009
Assigned judge:	Carl B. Kerrick	Start time:	02:45 PM
Court reporter:	Nancy Towler	End time:	02:48 PM
Minutes clerk:	TERESA	Audio tape number:	CRTRM 1
Prosecutor:	Nancy Berger-Schneider		
Defense attorney:	F & V		

Tape Counter: 24515	Defendant present with counsel.
Tape Counter: 24539	Ms. Berger-Schneider addresses the Court.
Tape Counter: 24547	Mr. Van Idour addresses the Court and has an interview scheduled with evaluator on 7-7-09 and it will take 3-4 weeks to prepare the report.
Tape Counter: 24645	Court addresses Defendant. Defendant responds. Defendant indicates he initially contacted the tribe and they are booked until October and he contacted an evaluator in Latah County and they are booked until September.
Tape Counter: 24726	Court resets sentencing for 7-30-09 at 2:30 p.m.
Tape Counter: 24802	Court recess.

COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: Sentencing

Hearing date: 7/30/2009

Time: 3:55 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: F & V

Prosecutor: Nancy Berger-Schneider

35525 Defendant present with counsel.

35550 Ms. Berger-Schneider addresses the Court and indicates the Domestic Battereders Evaluation has not been prepared. Defendant failed to keep appointments with Loren Caudle.

35653 Mr. Van Idour addresses the Court.

35833 Loren Caudle addresses the Court and Defendant has appointment set for 8-12-09 and can get a written report to the Court a couple days after that.

35902 Mr. Van Idour addresses the Court.

35923 Court orders Defendant be held in custody until after Mr. Caudle has meet with Defendant and lets the Prosecutor know that he had the opportunity to meet with Defendant.

35950 Court resets sentencing for 8-20-09 at 2:30 p.m.

40013 Court recess.

40055 Court recess.

COURT MINUTES

 85

COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: Sentencing

Hearing date: 8/20/2009

Time: 2:49 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: F & V

Prosecutor: Nancy Berger-Schneider

- 24931 Defendant present with counsel.
- 24950 Court received and reviewed the Domestic Battery Evaluation.
- 25036 Mr. Van Idour addresses the Court.
- 25407 Ms. Berger-Schneider addresses the Court and victim will not be presenting victim impact statement.
- 25520 Court addresses Ms. Berger-Schneider.
- 25742 Ms. Berger-Schneider spoke with Mr. Caudle off the record and responds the the Court's questions.
- 25909 Defendant addresses the Court.
- 30042 Court addresses Defendant.
- 30230 Domestic Violence Battery, court costs \$75.50, reimburse NPC Public Defender Fund \$500.00, 180 days jail with 60 days suspended, 120 days to serve.

Cruelty to Animals, court costs \$75.50, 180 days jail with 165 days suspended.

Defendant placed on 2 years probation as to each count to run concurrent.

Sentences to run consecutively, sign probation agreement and abide by all the terms and conditions of that agreement, notify the Court in writing of any change of address, follow all treatment recommendations and release from jail for treatment. Defendant to pay court costs and reimburse NPC Public Defender Fund, \$651.00 to be paid in full within 6 months after release from custody (7-31-10).

No Contact Order to remain in effect as a term of probation.

30653 Court recess.

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

Edward Kay Hochrein Jr.
Defendant,

FILED

Case No. CR09-02146

2009 AUG 20 PM 3:24

COMMITMENT

Count 1

PATTY O. WEEKS

CLERK OF THE DISTRICT COURT

DEPUTY

TO THE SHERIFF OF NEZ PERCE COUNTY, STATE OF IDAHO:

The above-named defendant, appearing before this court this day, being duly
informed by the Court of the nature of the charge against him/her, to wit: _____

Domestic Violence Battery

committed on or about the _____ day of _____, 20____
in said County, and having been duly arraigned before the Court and having been duly
found to be guilty and having stated that no legal cause existed why judgment should not
be pronounced against ~~him~~/her and no sufficient cause appearing to the court.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant is guilty
of said crime and that ~~he~~/she be punished as follows:

Imprisonment in said County Jail for a period of 120 days.

and having been ordered to pay fine in the sum of \$ 0

and costs having been assessed in the sum of \$ 0

upon failure to pay the same that said amount be served out in said Jail at the
rate of \$35.00 per day until paid.

NOW, THEREFORE, YOU, THE SAID SHERIFF OF NEZ PERCE COUNTY,
STATE OF IDAHO, are hereby commanded to receive the said defendant above named
detain ~~him~~/her in the County Jail of Nez Perce County, Idaho, until this sentence is
complied with.

DONE IN OPEN COURT this 20th day of August, 2009.

To run consecutive
with Count 2.

Treatment release.

CLB

DISTRICT JUDGE

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

Edward Ray Hochrath Jr.
Defendant,

FILED

2009 AUG 20 PM 3 24

Case No. CR09-02146

PATTY O'NEALS
CLERK OF THE DISTRICT COURT
COMMITMENT

Count 2

TO THE SHERIFF OF NEZ PERCE COUNTY, STATE OF IDAHO:

The above-named defendant, appearing before this court this day, being duly
informed by the Court of the nature of the charge against him/her, to wit: _____

Cruelty to Animals

committed on or about the _____ day of _____, 20____
in said County, and having been duly arraigned before the Court and having been duly
found to be guilty and having stated that no legal cause existed why judgment should not
be pronounced against him/her and no sufficient cause appearing to the court.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant is guilty
of said crime and that he/she be punished as follows:

Imprisonment in said County Jail for a period of 15 days,
and having been ordered to pay fine in the sum of \$ 0
and costs having been assessed in the sum of \$ 0
upon failure to pay the same that said amount be served out in said Jail at the
rate of \$35.00 per day until paid.

NOW, THEREFORE, YOU, THE SAID SHERIFF OF NEZ PERCE COUNTY,
STATE OF IDAHO, are hereby commanded to receive the said defendant above named
detain him/her in the County Jail of Nez Perce County, Idaho, until this sentence is
complied with.

DONE IN OPEN COURT this 20th day of August, 2009.

To run consecutive
with Count 1.
Treatment Release

CEB
DISTRICT JUDGE

REQUEST FOR GOOD TIME

NAME: Hochrein, Edward BOOKING DATE 8/20/09

CHARGE: Intimidating A Witness

COURT CASE #: CR 09-2146 NPC CASE # 09-J 740

SENTENCE: 120 days

DAYS SERVED: 120 days AS OF: 1/02/2010

PROPOSED RELEASE DATE: 12/13/09 w/Approval of Good time

SENTENCING JUDGE: Kerrick

	APPROVED	DENIED
SGT/SUPERVISOR: <u>SA Felt</u>	X	
SHERIFF/CHIEF DEPUTY: <u>Alan Plummer</u>		✓
JUDGE: <u>CBJ</u>		X

* Due to criminal charge & past criminal history.
A.J.

FILED

2009 AUG 25 AM 9 09

PATTY O. WEEKS

CLERK OF THE DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

DOB: [REDACTED]

SS: [REDACTED]

Defendant.

CASE NO. CR09-02146

JUDGMENT OF CONVICTION

On August 20, 2009, the defendant was present in court and represented by Robert Van Idour and Nancy Berger-Schneider present on behalf of the State of Idaho, upon the charge of INTIMIDATING A WITNESS, Idaho Code §18-2604(3), a felony, committed on or about March 2, 2009.

JUDGMENT OF CONVICTION

WHEREAS, the State of Idaho, did move to amend the Information to the Crime of COUNT 1 DOMESTIC BATTERY, Idaho Code § 18-918(3(b)(c) and 18-903(b), a misdemeanor and COUNT 2 CRUELTY TO ANIMALS, Idaho Code § 25-3504, a misdemeanor and the defendant having no objections thereto, the Court did grant the motion; and Defendant plead guilty thereto, and the Court fixed the time for pronouncing judgment against the defendant upon the plea of guilty to the crime as charged in the Amended Information filed against Defendant, and Defendant was duly informed by the Court of the nature of the charge filed against Defendant and the defendant was advised of the maximum and minimum punishment, right to a trial by jury, right to confront witnesses, the nature of the charge, whether the plea was a result of a plea bargaining and of what that agreement consisted, that the Court is not bound by any promise or recommendation by either party as to punishment.

The Court hereby finds that the defendant understands the nature of the offense, the consequence of the plea of guilty; the guilty plea was freely and voluntarily made; and that the defendant freely and voluntarily waived these rights in the above-captioned matter and the defendant was then asked if there existed any legal cause to show why judgment should not be pronounced, and Defendant replied that there was none, and no sufficient cause being shown or appearing to the Court, thereupon, the Court rendered its judgment as follows:

THAT WHEREAS, the defendant, was duly convicted of the above-mentioned crime, by Defendant's plea of guilty thereto,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant is guilty of the Crime of COUNT 1 DOMESTIC BATTERY, Idaho Code § 18-918(3(b)(c) and 18-903(b), a

misdemeanor and COUNT 2 CRUELTY TO ANIMALS, Idaho Code § 25-3504, a misdemeanor and that Defendant be sentenced as follows:

1. That Defendant shall, as to Count 1, serve ONE HUNDRED EIGHTY (180) days in the Nez Perce County Jail with SIXTY (60) days suspended.

2. That Defendant shall, as to Count 2, serve ONE HUNDRED EIGHTY (180) days in the Nez Perce County Jail with ONE HUNDRED SIXTY-FIVE (165) days suspended.

3. That the sentence as to Count 1 and Count 2 shall run consecutively.

4. The Court will allow release from jail to attend treatment.

5. That Defendant shall be placed on probation for a TWO (2) year period as to each count to run concurrent.

6. That Defendant shall pay court costs as to Count 1 in the amount of \$75.50 and as to Count 2 in the amount of \$75.50 and reimburse the Nez Perce County Public Defender Fund in the amount of \$500.00, for a total of \$651.00 to be paid in full on or before July 31, 2010. That payments shall be mailed to Clerk of the Court, P O Box 896, Lewiston, Idaho 83501.

7. That Defendant shall sign a probation agreement and abide by all the terms and conditions of that agreement.

8. That Defendant shall notify the Court in writing of any change of address.

9. That Defendant shall follow all treatment recommendations.

NOTICE OF RIGHT TO APPEAL

YOU, **EDWARD R. HOCHREIN JR.**, 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 the time provided by law.

DATED this 25th day of August, 2009, nunc pro tunc for August 20, 2009.

A handwritten signature in black ink, appearing to read 'CBK', is written over a horizontal line.

CARL B. KERRICK-District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing JUDGMENT OF CONVICTION was:

✓ hand delivered via court basket, or

 mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 25th day of August, 2009, to:

Robert Van Idour
111 Main Street, Ste 301
Lewiston ID 83501

Prosecuting Attorney
P.O. Box 1267
Lewiston ID 83501

Lewiston Police Department

Court Services

Nez Perce County Jail

PATTY O. WEEKS, CLERK

By 
Deputy



FILED

2009 AUG 25 AM 9:09

PATTY O. WEEKS
CLERK OF THE DIST. COURT

Patty O. Weeks
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

v.

EDWARD R. HOCHREIN JR.,

Defendant.

CASE NO. CR09-02146

ORDER OF NO CONTACT
AS A TERM OF PROBATION

IT IS HEREBY ORDERED that any previous No Contact Order shall continue in effect as a term of probation and that the above-named defendant has No Contact with Tanya L. Lewis during the probation period of TWO (2) years. Probation and the No Contact Order will terminate on August 2011, unless otherwise ordered by the Court.

Dated this 25th day of August, 2009.

Carl B. Kerrick
CARL B. KERRICK - District Judge

ORDER OF NO CONTACT
AS A TERM OF PROBATION

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing ORDER OF NO CONTACT AS A TERM OF PROBATION was delivered on 25th day of August, 2009, as follows:

Nez Perce County Jail
1230 Main St
Lewiston, ID 83501

 Hand delivered

✓ Facsimile

 Mailed

Prosecutor's Office
P.O. Box 1267
Lewiston, ID 83501

✓ Hand delivered

 Facsimile

 Mailed

Defense Attorney/ Defendant

F&V

✓ Hand delivered

 Facsimile

 Mailed

PATTY O. WEEKS, Clerk

By [Signature]
Deputy



ORDER OF NO CONTACT
AS A TERM OF PROBATION

FILED
2009 SEP 8 PM 4 36

PATTI WEEKS
CLERK OF THE DISTRICT COURT
DEPUTY
Patti Weeks

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

v.

EDWARD R. HOCHREIN JR.,

Defendant.

)
)
) CASE NO. CR09-02146
) AMENDED
) ORDER OF NO CONTACT
) AS A TERM OF PROBATION
)
)
)
)
)
)

IT IS HEREBY ORDERED that any previous No Contact Order shall continue in effect as a term of probation and that the above-named defendant has No Contact with Tanya L. Lewis during the probation period of TWO (2) years. Probation and the No Contact Order will terminate on August 20, 2011, unless otherwise ordered by the Court.

Dated this 8th day of September, 2009.

Carl B. Kerrick
CARL B. KERRICK - District Judge

AMENDED ORDER OF NO CONTACT
AS A TERM OF PROBATION

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing ORDER OF NO CONTACT AS A TERM OF PROBATION was delivered on 8th day of September, 2009, as follows:

Nez Perce County Jail
1230 Main St
Lewiston, ID 83501

 Hand delivered ✓ Facsimile Mailed

Prosecutor's Office
P.O. Box 1267
Lewiston, ID 83501

 Hand delivered ✓ Facsimile Mailed

Defense Attorney/ Defendant

F&V

 Hand delivered ✓ Facsimile Mailed

PATTY O. WEEKS, Clerk

By [Signature]
Deputy



AMENDED ORDER OF NO CONTACT
AS A TERM OF PROBATION

**Nez Perce County Court Services
Standard Supervision Agreement**

NAME: Edward Hochrein Jr **DOB:** [REDACTED] **Case Number:** CR09-2146
Initials

- EH 1. I understand that I am required to obey all laws whether they be Federal, State, or Local.
- EH 2. I shall not change my residence or phone number without notifying my Court Services Officer.
- EH 3. I shall report regularly in person, by phone or in writing as required by my Court Services Officer. In addition, the Court Services Officer has the discretion of random home and field contacts.
- EH 4. I shall report ANY contact I have with Law Enforcement to my Court Services Officer within twenty-four (24) hours of said incident. This includes any infraction, misdemeanor and felony crimes whether I am present, questioned, involved, or arrested for said crime or incident.
- EH 5. I shall not make any false statements to my Court Services officer which I know to be false.
- EH 6. I shall be responsible for payment of a **\$35 per month supervision fee to be paid to the Nez Perce County District Court by the 5th of each month. The first payment is due December 5, 2009.**
- EH 7. I understand that I am to maintain employment, school, job search or a combination as set forth by my Court Services Officer.
- EH 8. I shall not use any illegal controlled substances or mind altering drugs without a prescription from a doctor.
- EH 9. I shall refuse no evidentiary test for the presence of drugs or alcohol with or without probable cause.
- EH 10. **All positive tests will result in a fee of \$20 to be paid to Court Services within fourteen (14) days of notice of the positive test.**
- EH 11. I understand that I will complete any risk assessment or evaluations as directed by the Court Services Officer or the Court.
- EH 12. I understand that I am responsible for ensuring all proof of completed conditions of probation including community service, classes, treatment, and payments are provided to the Court Services Officer.
- EH 13. My probation expires August 20, 2011.
- EH 14. Non-payment of fines, costs, fees by the deadline could result in civil orders, collections, bench warrants, extended probation, or other Court sanctions.
- EH 15. Permission to leave the State of Idaho may be subject to the terms and conditions of the Interstate Compact Process.

I understand ADDITIONAL TERMS are imposed by my Court Services Officer and the Court. These special conditions are set forth below:

- EH 1. I shall use no alcohol and enter no business establishment if the main purpose of that business is the sale of alcohol.
- EH 2. I shall follow all treatment recommendations.
- EH 3. I will notify my Court Services Officer of any firearms that are kept in my residence or in my possession. If I have been convicted or found guilty of any felony, or of a misdemeanor crime of domestic violence, I shall not possess nor keep firearms or ammunition in my residence.
- EH 4. I shall voluntarily submit to random search and seizure of my residence, vehicle and personal property under my control, at the discretion of the probation officer.
- EH 5. I understand that noncompliance with the above terms may result in a probation violation and suspended ~~100~~ time or fines may be imposed.

Standard Supervision Probation Agreement

Edward Hochrein Jr.

Page 2

My Court Services Officer and I have discussed the conditions of my probation and I understand the terms and conditions restricting my activities during this period of supervision as set forth above.

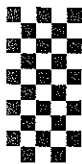
I further understand that in order to successfully complete my probationary program I must obey the terms and special conditions listed above and make satisfactory adjustment in the community.

Probationer/Date

Ed Hochrein Jr. 12-8-09

Court Services Officer/Date

[Signature] 12/8/09



Fitzgerald and Van Idour
ATTORNEYS AT LAW

William J. Fitzgerald
Robert J. Van Idour

Josanna M. McFarland

111 Main Street, Suite 301
Lewiston, ID 83501
(208) 743-6100 or (208) 746-4090 Facsimile (208) 746-5571

FAX COVER SHEET

FROM: FITZGERALD & VAN IDOUR
ATTORNEYS AT LAW

TO: Courthouse

FAX NO: 799-3058

FIRM: Request for Temporary Furlough for funeral

DATE: 12-30-09

TIME: _____

NUMBER OF PAGES
INCLUDING COVER SHEET: 4

ORIGINAL DOCUMENTS WILL:

() Follow by U. S. Mail

() Follow by Messenger

() Follow by Express Mail

☒ Not be Sent

MESSAGE: _____

Please call (208) 746-4090 IMMEDIATELY if you received this fax in error or if all of the pages have not been received. The information in this fax is strictly confidential and shall not be communicated to anyone other than the person it is addressed to.

FILED

2009 DEC 30 PM 1 40

PATTY O. WEEKS
CLERK OF THE DIST. COURT

DEPUTY

William J. Fitzgerald, ISBN 1974
 Robert J. Van Idour, ISBN 2644
 Joanna M. McFarland, ISBN 7112
FITZGERALD & VAN IDOUR
ATTORNEYS AT LAW
 111 Main Street Suite 301
 Lewiston, Idaho 83501
 Telephone: (208) 743-6100
 Facsimile: (208) 746-5571

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	CASE NO. CR09-02146
)	
Plaintiff,)	
	)	MOTION FOR ORDER FOR
vs.	)	A TEMPORARY FURLOUGH
)	
EDWARD R. HOCHREIN, JR.,)	
)	
Defendant.)	

COMES NOW the defendant, EDWARD R. HOCHREIN, JR., by and through his attorney of record, Robert J. Van Idour, of the law firm FITZGERALD & VAN IDOUR, and moves the Court for an Order for Temporary Furlough in the above-entitled matter from Friday evening until Saturday evening.

This Motion is made and based on the defendant's request to attend a funeral for a family member. Counsel was able to confirm with Vassar Rawles that there will be a funeral service on Friday, January 1, 2010 at 6:00 p.m. at that location and another memorial service in Lapwai at Pi-Nee-Waus on Saturday, January 2, 2010 at 10:00 a.m. for Sarti Bybee Fox. Defendant reports that a cousin will be able to pick him up from, and return him to, the jail.

DATED this 30th day of December, 2009.

FITZGERALD & VAN IDOUR

By Joanna McFarland

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 30th day of December, 2009,
I caused a true and correct copy of the foregoing to be delivered to the Nez Perce
County Prosecuting Attorney, 1221 F. St. Lewiston, Idaho 83501. by fax

By Joanna McFarland

FILED

2009 DEC 30 PM 2 24

PATTY O. WEEKS
CLERK OF THE DIST. COURT
[Signature]
DEPUTY

William J. Fitzgerald, ISBN 1974
 Robert J. Van Idour, ISBN 2644
 Joanna M. McFarland, ISBN 7112
FITZGERALD & VAN IDOUR
ATTORNEYS AT LAW
 111 Main Street Suite 301
 Lewiston, Idaho 83501
 Telephone: (208) 743-6100
 Facsimile: (208) 746-5571

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN, JR.,

Defendant.

CASE NO. CR09-02146

ORDER FOR A
TEMPORARY FURLOUGH

The Court having reviewed the Motion, read the case file, and being fully advised
 in the premises,

IT IS HEREBY ORDERED that defendant shall be released on a jail furlough
 from custody on Friday January 1, 2010 at _____ p.m. to attend a funeral and
 return Saturday January 2, 2010 upon completion of the funeral.

DATED this _____ day of _____, 2009.

JUDGE

ORDER FOR A
 TEMPORARY FURLOUGH

1

REFUSED. 12/30/09
[Signature]

105

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 30th day of December, 2009, I caused a true and correct copy of the foregoing Order for a Temporary Furlough to be:

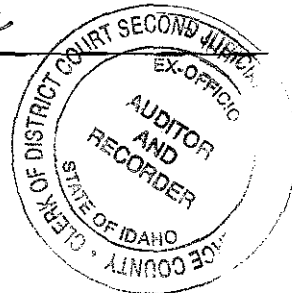
- ☐ Hand delivered by providing a copy to: Valley Messenger Service
- ☐ Mailed and postage paid
- ☐ Certified mail
- ☒ Faxed
- ☐ Hand delivered

to the following:

Nez Perce County Prosecuting Attorney
1221 F. St.
P.O. Box 1267
Lewiston, ID 83501

Fitzgerald & Van Idour
111 Main St. Suite 301
Lewiston, ID 83501

Shelly A. Ke
DEPUTY CLERK



FILED

2010 APR 19 AM 10 48

**NEZ PERCE COUNTY COURT SERVICES
MISDEMEANOR PROBATION
REPORT OF VIOLATION**

PATTY O. WEEKS
CLERK OF THE DIST. COURT

[Signature]
DEPUTY

TO: Judge Kerrick **DATE:** April 15, 2010
CASE NO: CR09-2146
DEFENDANT: Edward Hochrein Jr.
2016 13th Avenue #1
Lewiston, Idaho 83501

VIOLATION(S):

- 1) The defendant committed the new crime of Felony No Contact Order Violation on January 28, 2010.

SUMMARY:

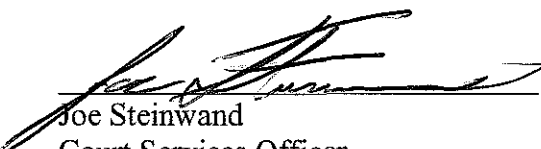
On August 20, 2009, the defendant was placed on two (2) years probation for the crime of Domestic Battery and Cruelty to Animals. The violated term of said probation is the the defendant commit no crime.

According to Lewiston Police Department report #10-L1373, on January 28, 2010, Officer Reese responded to 537 17th Avenue in reference to an unwanted person. Officer Reese was advised that Edward Hochrein Jr, the defendant, had just been at the respondent's residence. Officer Reese was further advised that the defendant had been trespassed from the respondent's residence as well as there being a No Contact Order and Protection Order in effect. Upon arrival, Officer Reese was unable to locate the defendant. Officer Reese made contact with the respondent along with her friend who had witnessed the events prior to law enforcement being contacted. Officer Reese reported the witness was able to positively ID the defendant through a photo lineup. According to the report, Officer Reese contacted the Nez Perce County Prosecutor's Office and learned the defendant had two (2) prior violations of a No Contact Order. Based on witness statements and the defendant's legal history, Officer Reese prepared a citation charging the defendant with Felony No Contact Order Violation.

Based on the above summary, this officer recommends the following:

- 1) The defendant serve forty-five (45) days of suspended jail time;

- 2) The defendant's probation be reinstated under the original terms and conditions.



Joe Steinwand
Court Services Officer



John Triplett
Director of Court Services

FILED

2010 APR 19 AM 10 49

IN THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT OF
THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF NEZ PERCE

PATTY O. WEEKS
CLERK OF THE DIST. COURT
[Signature]
DEPUTY

STATE OF IDAHO,)
) CASE NO. CR09-2146
Plaintiff)
) AFFIDAVIT OF PROBATION VIOLATION
vs.) ORDER TO SHOW CAUSE
)
EDWARD HOCHREIN JR.,)
)
Defendant.)
_____)

STATE OF IDAHO)
) ss:
COUNTY OF NEZ PERCE)

COMES NOW Joe Steinwand, Court Services Officer, being first duly sworn
on oath, deposes and says:

1. That affiant's assigned duties include probation supervision with Nez Perce
County Court Services.

2. That as part of my duties as a Court Services Officer, I supervise the
defendant, Edward Hochrein Jr., in the above-captioned case.

3. That on August 20, 2009, the above-named defendant was sentenced in this
matter. The Court ordered that defendant shall commit no crime (see attached Probation
Agreement).

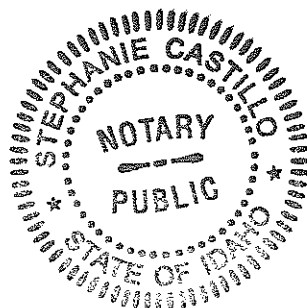
4. According to Lewiston Police Department report #10-L1373, on January 28,
2010, Officer Reese responded to 537 17th Avenue in reference to an unwanted person.

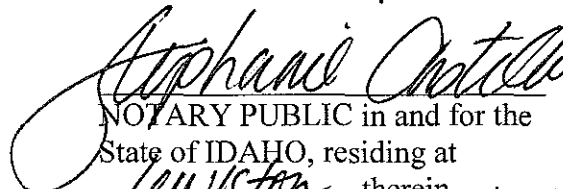
Officer Reese was advised that Edward Hochrein Jr, the defendant, had just been at the respondent's residence. Officer Reese was further advised that the defendant had been trespassed from the respondent's residence as well as there being a No Contact Order and Protection Order in effect. Upon arrival, Officer Reese was unable to locate the defendant. Officer Reese made contact with the respondent along with her friend who had witnessed the events prior to law enforcement being contacted. Officer Reese reported the witness was able to positively ID the defendant through a photo lineup. According to the report, Officer Reese contacted the Nez Perce County Prosecutor's Office and learned the defendant had two (2) prior violations of a No Contact Order. Based on witness statements and the defendant's legal history, Officer Reese prepared a citation charging the defendant with Felony No Contact Order Violation.

FURTHER, AFFIANT SAITH NOT.


JOE STEINWAND
Court Services Officer

SUBSCRIBED AND SWORN TO before me this 19th day of April, 2010.




NOTARY PUBLIC in and for the
State of IDAHO, residing at
Lewiston therein
My Commission Expires: 5/26/15

FILED
2010 APR 19 PM 2:38

IN THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT OF THE
SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

EDWARD HOCHREIN JR.,

Defendant.

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT

CASE NO. CR09-2146

ORDER TO SHOW CAUSE

Having read and considered the heretofore filed Affidavit of Order To Show Cause,

IT IS HEREBY ORDERED that the above-named defendant, Edward Hochrein Jr., shall appear in District Court at the Nez Perce County Courthouse on the 29th day of April, 2010, at the hour of 1:15 p.m. to show cause why said defendant should not be held in contempt for failure to comply with terms as previously ordered by this Court.

DATED this 19th day of April, 2010.

[Signature]
JUDGE

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing was:

- (1) _____ hand delivered
(2) ☒ hand delivered via court basket, or
(3) ☒ mailed postage prepaid, by depositing the same in the United States
mail, addressed to the following:


Edward Hochrein Jr.
2016 13th Ave #1
Lewiston, ID 83501

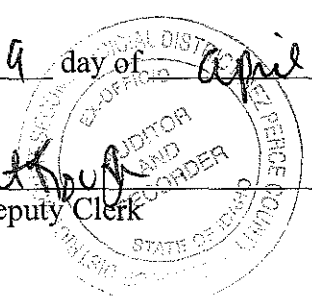
Fitzgerald & VanIdour
111 Main Street Ste 301
Lewiston, ID 83501

Joe Steinwand
Misdemeanor Probation
P.O. Box 896
Lewiston, ID 83501

Deputy Prosecutor
PO Box 1276
Lewiston, ID 83501

DATED this 14 day of April, 2010.

By: 
Deputy Clerk



COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: OTSC--misd report of violation

Hearing date: 4/29/2010

Time: 1:35 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: F & V

Prosecutor: Nancy Berger-Schneider

13542 Defendant present, in custody, with counsel.

13628 Report of Violation dated 4-15-10.

13630 Mr. Van Idour addresses the Court and indicates he and his client have not seen the report.

13721 Court sets pv admit/deny for 5-6-10 at 1:15 p.m.

13806 Court recess.

COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: OTSC misdemeanor report of violation

Hearing date: 5/6/2010

Time: 1:30 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: F & V

Prosecutor: Nancy Berger-Schneider

- 13027 Defendant present, in custody, with counsel.
- 13046 Court addresses counsel.
- 13124 Defendant indicates he has reviewed the report.
- 13129 Court reviews report with Defendant.
- 13238 Mr. Van Idour addresses the Court and Defendant will enter denial and asks that the pv merit hearing be set after the trial on the new charge.
- 13305 Trial is set for 6-1-10 at 9 a.m. so the Court will set this case for a status conference on the same date.
- 13340 Mr. Van Idour addresses the Court re: OR release.
- 13452 Court orders Defendant continue to be held under the same conditions.
- 13515 Court recess.

Second Judicial District Court, State of Idaho
In and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

FILED

STATE OF IDAHO, 2010 JUN 3 AM 10 28

Plaintiff, PATTY O. WEEKS

vs. CLERK OF THE DISTRICT COURT

Edward Ray Hochrein Jr, DEPUTY

Defendant.

Case No: CR-2009-0002146

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Status Conference
Judge:

Thursday, June 17, 2010 01:15 PM
Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Thursday, June 03, 2010.

Defendant: Edward Ray Hochrein Jr
2016 13th Ave #1
Lewiston, ID 83501

Mailed _____ *Faxed* Hand-Delivered x *NPC jail*

Private Counsel: F & V
111 Main St Ste 301
Lewiston, ID 83501

Mailed _____ *Faxed* Hand-Delivered x

Prosecutor: Nancy Berger-Schneider

Mailed _____ *Faxed* Hand-Delivered x

Dated: Thursday, June 03, 2010
Patty O. Weeks
Clerk Of The District Court

By: *P. O. Weeks*
Deputy Clerk
DOC22 7/96



COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: Initial Appearance on P.V.

Hearing date: 6/17/2010

Time: 1:18 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Linda Carlton

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: F & V

Prosecutor: Sandra Dickerson

11846 Defendant present, in custody, with counsel.

11900 Ms. Dickerson addresses the Court and Defendant has pending report of violation.

11913 Court addresses counsel.

11947 Mr. Van Idour addresses the Court and Defendant intends to enter admission.

12036 Court addresses Defendant.

12123 Defendant enters admission to violation #1 on the report of violation dated 4-15-10.

12127 Court accepts admission.

12146 Court sets pv disposition for 7-29-10 at 2:30 p.m.

12159 Court recess.



COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: P.V Disposition

Hearing date: 7/29/2010

Time: 3:58 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: F & V

Prosecutor: Nancy Berger-Schneider

35830 Defendant not present.

35840 Court addresses counsel. Mental Health report was received this morning and parties have agreed to continue this matter until 8-19-10 at 2:30 p.m.

35935 Court recess.



COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: P.V Disposition

Hearing date: 8/19/2010

Time: 2:07 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: F & V

Prosecutor: Mia Vowels

- 20705 Defendant not present.
- 20710 Ms. Vowels addresses the Court and Defendant is requesting continuance and the State has no objection.
- 20718 Mr. Van Idour addresses the Court re: continuance.
- 20745 Court resets pv disposition for 9-9-10 at 2:30 p.m.
- 20756 Court recess.

C R3L P

Second Judicial District Court, State of Idaho
In and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

FILED

2010 SEP 9 PM 2 21

PATTY O. WEEKS

Patty O. Weeks

DEPUTY

Case No: CR-2009-0002146

AMENDED

NOTICE OF HEARING

STATE OF IDAHO,

Plaintiff,

vs.

Edward Ray Hochrein Jr,

Defendant.

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

P.V Disposition
Judge:

Thursday, September 30, 2010
Carl B. Kerrick

02:30 PM

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Thursday, September 09, 2010.

Defendant: Edward Ray Hochrein Jr
2016 13th Ave #1
Lewiston, ID 83501

Mailed _____

Faxed
Hand Delivered ☒ *NPE jail*

Private Counsel: F & V
111 Main St Ste 301
Lewiston, ID 83501

Mailed _____

Faxed
Hand Delivered ☐

Prosecutor: Nancy Berger-Schneider

Mailed _____

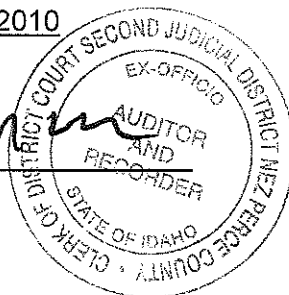
Faxed
Hand Delivered ☐

Dated: Thursday, September 09, 2010

Patty O. Weeks
Clerk Of The District Court

By:

Patty O. Weeks
Deputy Clerk
DOC22 7/96



Second Judicial District Court, State of Idaho
and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

FILED

2010 SEP 9 PM 2:53

STATE OF IDAHO,

Plaintiff,

vs.

Edward Ray Hochrein Jr,

Defendant.

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
Patty O. Weeks
DEPUTY

Case No: CR-2009-0002146
2ND AMENDED
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

P.V Disposition
Judge:

Thursday, October 07, 2010 02:30 PM
Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Thursday, September 09, 2010.

Defendant: Edward Ray Hochrein Jr
2016 13th Ave #1
Lewiston, ID 83501

Mailed _____ *Faxed* Hand Delivered X *NPC jail*

Private Counsel: F & V
111 Main St Ste 301
Lewiston, ID 83501

Mailed _____ *Faxed* Hand Delivered X

Prosecutor: Nancy Berger-Schneider

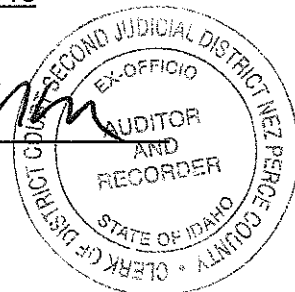
Mailed _____ *Faxed* Hand Delivered X

Dated: Thursday, September 09, 2010

Patty O. Weeks
Clerk Of The District Court

By: *Patty O. Weeks*

Deputy Clerk
DOC22 7/96



Second Judicial District Court, State of Idaho
and For the County of Nez Perce
1230 Main St.
Lewiston, Idaho 83501

STATE OF IDAHO
Plaintiff,

vs.

Edward Ray Hochrein Jr
2016 13th Ave #1
Lewiston, ID 83501

Defendant.

DOB: [REDACTED]
DL or SSN: [REDACTED] ID

2010 OCT 1 AM 8 03)

PATTY O. WEEKS)

CLERK OF THE DIST. COURT)

DEPUTY)

Citation No:

117807

117807

Case No: CR-2009-0002146

**NOTICE OF APPOINTMENT OF NEW
PUBLIC DEFENDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that:

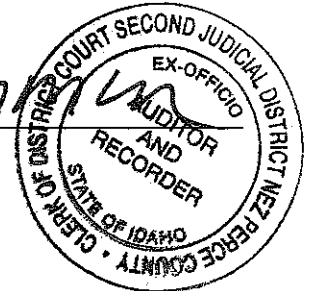
Danny Radakovich PD 2011
1624 G St.
Lewiston, ID 83501
(208) 746-8162

Public Defender for the County of Nez Perce, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Edward Ray Hochrein Jr, in all proceedings in the above entitled case.

The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

Date: 10/1/10

Patty O. Weeks
Deputy Clerk



Copies to:

☒ Public Defender

☒ Prosecutor

☒ Defendant's Copy Sent
to Nez Perce Co jail

Notice of Appointment of Public Defender

Doc 30 OANPD

COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: P.V Disposition

Hearing date: 10/7/2010

Time: 1:51 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Danny Radakovich PD 2011

Prosecutor: April Smith

15130 Court resets sentencing for 11-4-10 at 2:30 p.m.

15216 Court recess.

A handwritten signature in black ink, appearing to be 'Ces' followed by a long horizontal line and a small circle at the end.

COURT MINUTES

CR-2009-0002146

State of Idaho vs. Edward Ray Hochrein Jr

Hearing type: P.V Disposition

Hearing date: 11/4/2010

Time: 2:54 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Danny Radakovich PD 2011

Prosecutor: April Smith

25457 Defendant present in custody.

25524 Court addresses Defendant.

25654 Defendant indicates he has reviewed the PSI.

25713 Mr. Radakovich notes corrections to the PSI.

30224 Victim, Tanya Lewis, presents victim impact statement.

30335 Mr. Radakovich addresses the Court.

30540 Ms. Smith addresses the Court re: question 4 and 5 of the jury verdict re: persistent violation portion of the charge 4 and 5 were gross misdemeanors.

30700 Court strikes the jury's finding as to questions 4 and 5.

30720 Ms. Smith addresses the Court.

31112 Defendant addresses the Court.

31328 Court addresses Defendant.

CR09-2146 as to Count 2 misdemeanor domestic violence the Court imposes the 60 days of suspended jail time and as to Count 3 misdemeanor Cruelty to Animals the Court imposes 165 days of suspended jail time to run concurrent with CR10-990.

CR10-990 Violation of a No Contact Order 3rd Offense the Court imposes sentence 3-10 years with credit for time already served and to run concurrent with CR09-2146. Defendant to pay court costs in the amount of \$155.50, reimburse the NPC Public Defender Fund in the amount of \$500.00. No Contact Order re: Tanya Lewis for 10 years to expire 11-4-2010.

31829 Ms. Smith addresses the Court re: the No Contact Order.

32011 Mr. Radakovich addresses the Court re: apologizing to the victim.

32153 Ms. Smith addresses the Court and victim does not want to be addresses by the Defendant but can direct his apology toward the Court.

32215 Defendant addresses the Court re: apology to victim.

32406 Court recess.

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

FILED

Case No. CR09-2146

Plaintiff,

2010 NOV 4 PM 3 28

COMMITMENT

PATTY O. WEEKS

CLERK OF THE DISTRICT COURT

vs.

Edward Hochrein Jr.

Defendant,

DEPUTY

TO THE SHERIFF OF NEZ PERCE COUNTY, STATE OF IDAHO:

The above-named defendant, appearing before this court this day, being duly
informed by the Court of the nature of the charge against him/her, to wit:

42 Misd Domestic Violence

43 Misd Cruelty to Animals

committed on or about the day of , 20
in said County, and having been duly arraigned before the Court and having been duly
found to be guilty and having stated that no legal cause existed why judgment should not
be pronounced against him/her and no sufficient cause appearing to the court.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant is guilty
of said crime and that he/she be punished as follows:

Imprisonment in said County Jail for a period of 42 - 60 days

and having been ordered to pay fine in the sum of \$ 0

and costs having been assessed in the sum of \$ 0

upon failure to pay the same that said amount be served out in said Jail at the
rate of \$35.00 per day until paid.

NOW, THEREFORE, YOU, THE SAID SHERIFF OF NEZ PERCE COUNTY,
STATE OF IDAHO, are hereby commanded to receive the said defendant above named
detain him/her in the County Jail of Nez Perce County, Idaho, until this sentence is
complied with.

DONE IN OPEN COURT this 4th day of November, 2010.

To run concurrent with
CR10-00990.

[Signature]

DISTRICT JUDGE

FILED

2010 NOV 5 PM 2 26

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
Patty O. Weeks
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO,

Plaintiff,

vs.

EDWARD R. HOCHREIN JR.,

DOB [REDACTED]

SS: [REDACTED]

Defendant.

) CASE NO. CR09-02146
)
)
) ORDER REVOKING PROBATION
) AND REIMPOSING SENTENCE
)
)
)
)
)
)
)

The defendant previously entered a plea of guilty to the Crime of Count 2 DOMESTIC BATTERY, Idaho Code § 18-918(3)(b)(c) and 18-903(b), a misdemeanor and Count 3 CRUELTY TO ANIMALS, Idaho Code § 25-3504, a misdemeanor.

After allegations that the defendant has violated the terms of probation, a hearing was held on June 17, 2010 with the defendant present in Court and represented by Defendant's attorney of

ORDER REVOKING PROBATION
AND REIMPOSING SENTENCE

record, Robert Van Idour and Sandra Dickerson present on behalf of the State of Idaho. The Court found that Defendant had violated the terms and conditions of Defendant's probation based upon Defendant's admission to the report of probation violation and this Court's finding that Defendant is in violation of this Court's prior Judgment of Conviction;

On November 4, 2010 the defendant was present in Court for a disposition hearing and represented by Defendant's attorney of record, Danny Radakovich and April Smith present on behalf of the State of Idaho. The Court asked Defendant if there existed any legal cause why judgment should not be pronounced, and the Defendant replied that there was none. No sufficient cause being shown or appearing to the Court, the Court proceeded to pass judgment as follows:

NOW, THEREFORE, based upon the Court's findings that Defendant is in violation of probation and of this Court's prior order;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the probation previously extended to the defendant is REVOKED, and the Court reimposes SIXTY (60) days of suspended jail time as to Count 2 and ONE HUNDRED SIXTY-FIVE (165) days as to Count 3 to run concurrent.

The sentence in this matter shall run concurrent with the sentence imposed in Nez Perce County case number CR10-00990.

Defendant was previously ordered to pay court costs in the amount of \$75.50 as to each count and reimburse the Nez Perce County Public Defender Fund in the amount of \$500.00, for a total of \$651.00. That payments shall be mailed to Clerk of the Court, P O Box 896, Lewiston, Idaho 83501.

ORDER REVOKING PROBATION
AND REIMPOSING SENTENCE

NOTICE OF RIGHT TO APPEAL

YOU, **EDWARD R. HOCHREIN JR.**, 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 the time provided by law.

DATED this 5th day of November, 2010, nunc pro tunc for November 4, 2010.



CARL B. KERRICK-District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing ORDER REVOKING PROBATION AND REIMPOSING SENTENCE was:

✓ hand delivered via court basket, or

 mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 5th day of November, 2010, to:

IDOC Central Records *mailed*
1299 North Orchard Suite 110
Boise ID 83701

Danny Radakovich
1624 G Street
Lewiston ID 83501

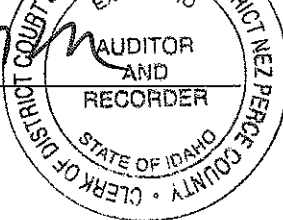
Prosecuting Attorney
P.O. Box 1267
Lewiston ID 83501

Lewiston Police Department

Court Services

PATTY O. WEEKS, CLERK

By: *Patty O. Weeks*
Deputy



ORDER REVOKING PROBATION
AND REIMPOSING SENTENCE

A Felony Public Defender

Danny J. Radakovich
Attorney at Law

1624 G Street
Lewiston, ID 83501
(208) 746-8162
FAX: (208) 746-4672

November 19, 2010

Nez Perce County Courthouse
Attn: Teresa
1230 Main Street
Lewiston, ID 83501

RE: STATE v. ED HOCHREIN
CASES NOS. CR09- 02146 and CR10-00990

Dear Teresa:

Accompanying this letter please find the originals, one (1) white copy each, and my blue file copies of notices of appeal in the two (2) Hochrein cases. Please file the originals then conform the copies. Please deliver one (1) white copy of each notice of appeal to Nancy Towler and return my blue file copies of me.

Thank you for your courtesy in this matter.

Sincerely,


Danny J. Radakovich

DJR:me

cc: Ed Hochrein (w/encl)
NPC Prosecutor (w/encl)

FILED

2010 NOV 22 PM 3 36

Danny J. Radakovich
Radakovich Law Office
Attorney for Defendant
1624 G Street
Lewiston, Idaho 83501
(208) 746-81620
Idaho State Bar #1991

PATTY O. WEEKS
CLERK OF THE DIST. COURT

Hona Blake
DEPUTY

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

STATE OF IDAHO,	)	CASE NO. CR09-02146
)	
Plaintiff,	)	NOTICE OF APPEAL
)	
vs.	)	FILING FEE: N/A
)	
EDWARD R. HOCHREIN, JR.,)	
)	
Defendant.)	
)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND ITS ATTORNEYS, NEZ PERCE PROSECUTOR'S OFFICE, P.O. BOX 1267, LEWISTON, ID 83501, AND LAWRENCE WASDEN, ATTORNEY GENERAL, ATTN: CRIMINAL DEPARTMENT, P. O. BOX 83720, BOISE, IDAHO 83720-0010, AND TO THE CLERK OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named defendant, Edward R. Hochrein, Jr., against the above-named respondent to the Idaho Supreme Court, from the Order Revoking Probation and Reimposing Sentence entered in the above-entitled matter on November 5, 2010.
2. That the party has a right to appeal to the Idaho Supreme Court and the Judgement of Conviction described in paragraph 1, above, is an appealable order under and pursuant to Rule

11(c)(4, 6, and 9), I.A.R.

3. A preliminary statement of the issues which the appellant may assert on appeal is as follows:

- a. The sentence in general was excessive.
- b. The court erred in terminating the defendant's probation.
- c. This preliminary statement shall not preclude the appellant from asserting other issues on appeal.

4. No order has been entered sealing all or any portion of the record.

5. a. Is a reporter's transcript requested? Yes.

b. The appellant requests the preparation of the following portions of the reporter's transcript in addition to the standard reporter's transcript per Rule 25(c), I.A.R., which is requested in both hard copy and electronic format;

(1) Transcripts of any sentencing hearings.

6. The appellant requests the following documents to be included in the Clerk's record in addition to those automatically included under Rule 28, I.A.R.: Copy of pre-sentence investigation report.

7. I certify:

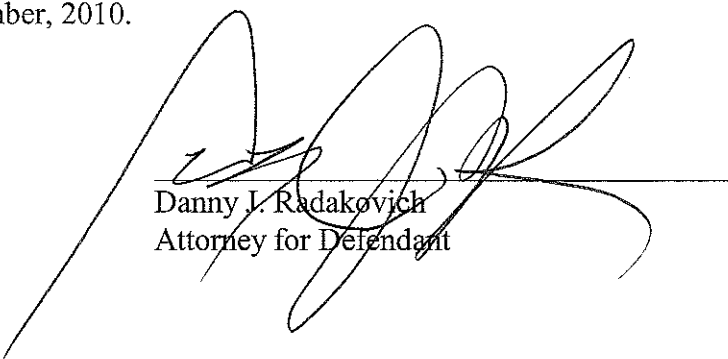
a. That service of a copy of this notice of appeal upon the reporter has been made upon Nancy Towler, c/o Nez Perce County Court, Lewiston, Idaho 83501..

b. That, as a public defender client, the defendant has no obligation to pay a fee for preparation of the transcript.

c. That, as a public defender client, the defendant has no obligation to pay a fee for preparation of the clerk's record.

- d. That no appellate filing fee need be paid, since this is a criminal proceeding.
- e. That service has been made on all parties required to be served pursuant to Rules 17 and 20, I.A.R.

DATED this 19th day of November, 2010.



Danny J. Radakovich
Attorney for Defendant

I hereby certify that a true and correct copy of the foregoing instrument was hand-delivered to:

*Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, ID 83501*

*Nancy Towler
Nez Perce County
Courthouse
Lewiston, ID 83501*

and that a true and correct copy thereof was mailed, first-class postage prepaid:

*Lawrence Wasden, Attorney
General,
Attn: Criminal
Department
P. O. Box 83720
Boise, Idaho 83720-0010*

on this 19th day of November, 2010.



Danny J. Radakovich

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff-Respondent,

v.

EDWARD R. HOCHREIN, JR.,

Defendant-Appellant.

)
)
)
) SUPREME COURT NO. _____
)
) CLERK'S CERTIFICATE OF
) APPEAL
)
)
)
)
)
)
)
)

APPEAL FROM SECOND JUDICIAL DISTRICT, NEZ PERCE COUNTY

THE HONORABLE CARL B. KERRICK, PRESIDING

Case number from district court:	CR2009-2146
Order or judgment appealed from:	Order Revoking Probation and Reimposing Sentence filed November 5, 2010.
Attorney for Appellant:	Danny J. Radakovich
Attorney for Respondent:	Lawrence G. Wasden
Appealed by:	Edward R. Hochrein Jr.
Appealed against:	State of Idaho
Notice of Appeal filed:	November 22, 2010

Appellant fees paid:

None required, defendant is
indigent

Respondent's Request for additional Record filed:

None requested

Transcript requested?

Yes

Court reporter:

Linda Carlton and Nancy Towler

Dated November 30, 2010.

PATTY O. WEEKS, Clerk

By


Deputy Clerk

IDAHO SUPREME COURT

Clerk of the Courts
(208) 334-2210



IDAHO COURT OF APPEALS

P.O. Box 83720
Boise, Idaho 83720-0101

2010 DEC 7 AM 9 29

PATTY O. WEEKS, CLERK
Attn: DEANNA
NEZ PERCE COUNTY COURTHOUSE
PO BOX 896
LEWISTON, ID 83501

PATTY O. WEEKS
CLERK OF THE DIST. COURT
DEPUTY

NOTICE OF APPEAL FILED (T)

Docket No. 38316-2010 STATE OF IDAHO v. Nez Perce County District Court
EDWARD R. HOCHREIN, #2009-2146
JR.

A NOTICE OF APPEAL in the above-entitled matter was filed in this office on DECEMBER 2, 2010. The DOCKET NUMBER shown above will be used for this appeal regardless of eventual Court assignment.

The CLERK'S RECORD and REPORTER'S TRANSCRIPT(S) must be filed in this office on or before FEBRUARY 7, 2010.

The REPORTER'S TRANSCRIPT(S) MUST BE LODGED with the District Court Clerk or Agency **35 DAYS PRIOR** to the date of filing in this office.

THE REPORTER SHALL FILE A NOTICE OF LODGING WITH THIS COURT.

THE FOLLOWING TRANSCRIPTS (PURSUANT TO I.A.R. 25) SHALL BE LODGED:

ENTRY OF GUILTY PLEA 5-7-09 (LINDA)
SENTENCING 7-30-09 (NANCY)
SENTENCING 8-20-09 (NANCY)

For the Court:
Stephen W. Kenyon
Clerk of the Courts

IDAHO SUPREME COURT

Clerk of the Courts
(208) 334-2210



IDAHO COURT OF APPEALS

P.O. Box 83720
Boise, Idaho 83720-0101

FILED
2010 DEC 7 AM 8 29

PATTY O. WEEKS, CLERK
Attn: DEANNA
NEZ PERCE COUNTY COURTHOUSE
PO BOX 896
LEWISTON, ID 83501

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
[Signature]
DEPUTY

CLERK'S CERTIFICATE FILED

Docket No. 38316-2010

STATE OF IDAHO v.
EDWARD R.
HOCHREIN, JR.

Nez Perce County District Court
#2009-2146

Enclosed is a copy of the CLERK'S CERTIFICATE for the above-entitled appeal, which was filed in this office on DECEMBER 2, 2010.

Please carefully examine the TITLE and the CERTIFICATE and advise the District Court Clerk (or the Agency secretary, if applicable) AND this office of any errors detected on this document.

The TITLE in the CERTIFICATE must appear on all DOCUMENTS filed in this Court, including all BRIEFS. An abbreviated version of the TITLE may be used if it clearly identifies the parties to this appeal when the title is extremely long.

For the Court:
Stephen W. Kenyon
Clerk of the Courts

12/02/2010 DB

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff-Respondent,

v.

EDWARD R. HOCHREIN, JR.,

Defendant-Appellant.

SUPREME COURT NO. 38316

CLERK'S CERTIFICATE OF
APPEAL

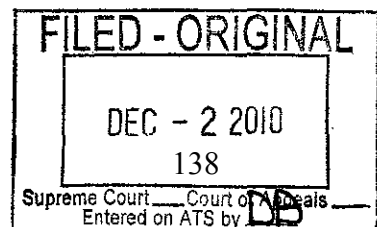
RECEIVED
IDAHO SUPREME COURT
COURT OF APPEALS
2010 DEC - 2 A 10:10

APPEAL FROM SECOND JUDICIAL DISTRICT, NEZ PERCE COUNTY

THE HONORABLE CARL B. KERRICK, PRESIDING

Case number from district court: CR2009-2146
Order or judgment appealed from: Order Revoking Probation and
Reimposing Sentence filed
November 5, 2010.
Attorney for Appellant: Danny J. Radakovich
Attorney for Respondent: Lawrence G. Wasden
Appealed by: Edward R. Hochrein Jr.
Appealed against: State of Idaho
Notice of Appeal filed: November 22, 2010

Clerk's Certificate of Appeal 1



Appellant fees paid:

None required, defendant is
indigent

Respondent's Request for additional Record filed:

None requested

Transcript requested?

Yes

Court reporter:

Linda Carlton and Nancy Towler

Dated November 30, 2010.

PATTY O. WEEKS, Clerk

By


Deputy Clerk

A Felony Public Defender

Danny J. Radakovich
Attorney at Law

1624 G Street
Lewiston, ID 83501
(208) 746-8162
FAX: (208) 746-4672

December 15, 2010

Nez Perce County Courthouse
Attn: Teresa
1230 Main Street
Lewiston, ID 83501

RE: STATE v. HOCHREIN
CASES NOS. CR 09-02126 & 10-00990

Dear Teresa:

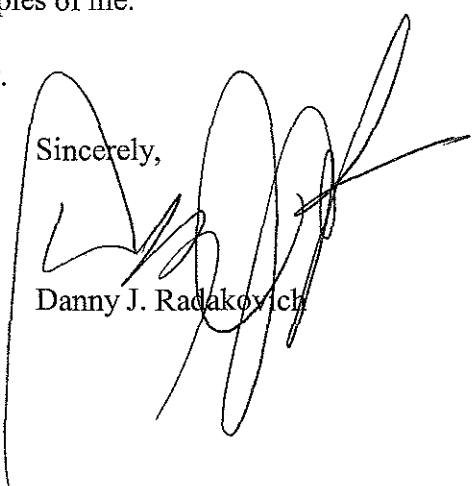
Accompanying this letter please find the originals and my blue file copies of motions to appoint the appellate public defender in each of these matters. Please file the originals then conform the blue copies and return them to my office.

Also enclosed you will find the originals, two (2) white copies each, and my blue file copies of orders in conformity with the motions. Please present the orders to Judge Kerrick and, once signed, please conform all copies. Please mail one (1) white copy of each to the Idaho Appellate Public Defender in the stamped, addressed envelopes I have provided then deliver the other white copy of each to the prosecutor and my blue file copies of me.

Thank you for your courtesy in this matter.

Sincerely,

Danny J. Radakovich



DJR:me
cc: NPC Prosecutor

FILED

2010 DEC 15 PM 1 33

DANNY J. RADAKOVICH
A Felony Public Defender
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

PATTY O. WEEKS
CLERK OF THE DIST. COURT

[Signature]
DEPUTY

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

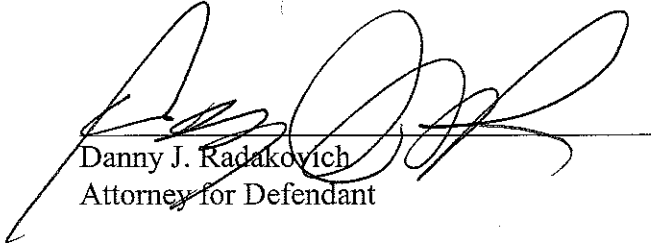
STATE OF IDAHO,	)	CASE NO. CR 09-02126
)	
Plaintiff,	)	MOTION TO APPOINT APPELLATE
	)	PUBLIC DEFENDER
v.)	
)	
EDWARD R. HOCHREIN, JR.,)	
)	
Defendant.)	

COMES NOW the defendant the above-entitled matter, by and through his attorney of record herein, and hereby moves the court for an order appointing the appellate public defender to represent said defendant in the appeal on file herein.

This motion is based upon Idaho Code §19-870 and is made on the grounds that the Idaho Code provision in question requires that public defender clients such as this defendant are to be represented by the appellate public defender in appeals of this type.

DATED this 15th day of December, 2010.

MOTION TO APPOINT APPELLATE
PUBLIC DEFENDER

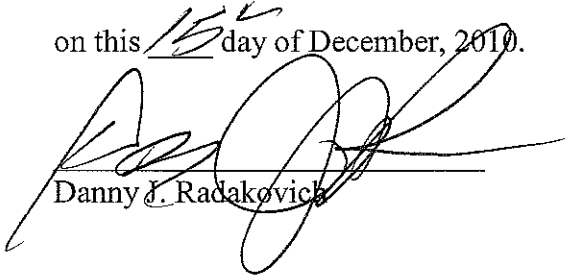


Danny J. Radakovich
Attorney for Defendant

I hereby certify that a true and
correct copy of the foregoing was
hand-delivered to:

*Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, ID 83501*

on this 15th day of December, 2010.



Danny J. Radakovich

DANNY J. RADAKOVICH
A Felony Public Defender
Attorney for Defendant
1624 G Street
Lewiston, ID 83501
(208) 746-8162
Idaho State Bar #1991

FILED
2010 DEC 21 AM 9:30

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT
[Signature]
DEPUTY

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

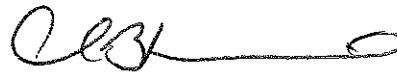
STATE OF IDAHO,	)	CASE NO. CR 09-021 ⁴ 76
)	
Plaintiff,	)	ORDER APPOINTING APPELLATE
	)	PUBLIC DEFENDER
v.)	
)	
EDWARD R. HOCHREIN, JR.,)	
)	
Defendant.)	

THE DEFENDANT having appealed in this matter, the defendant being entitled to the services of the appellate public defender in appeals to the Idaho Supreme Court/Court of Appeals, a motion having been filed to appoint the appellate public defender herein, the court having considered the motion, and good cause appearing therefor;

IT IS HEREBY ORDERED that the office of the appellate public defender be, and it hereby is, appointed to represent the above-named defendant in the appeal to the Idaho Supreme Court/Court of Appeals in this matter.

ORDER APPOINTING APPELLATE
PUBLIC DEFENDER

DATED this 21st day of December, 2010.



Carl B. Kerrick
District Judge

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on the 21 day of December, 2010, the undersigned
(Deputy) clerk of the above-entitled court hand-delivered true and correct copies of the Order to
which this certificate is attached to:

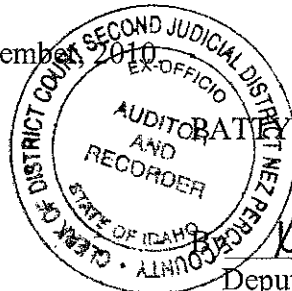
Nez Perce County Prosecutor
P.O. Box 1267
Lewiston, ID 83501

Danny J. Radakovich
1624 G Street
Lewiston, ID 83501


and that a true and correct copy thereof was mailed, first-class postage prepaid, to:

Idaho State Appellate Public Defender
3647 Lake Harbor Lane
Boise, ID 83703

DATED this 21 day of December, 2010



BATLEY O. WEEKS, Clerk


Deputy

ORDER APPOINTING APPELLATE
PUBLIC DEFENDER

DEANNA P. GRIMM
Deputy Court Clerk
Second Judicial District
Nez Perce County Courthouse
1230 Main Street
P.O. Box 896
Lewiston, ID 83501
208-750-2014
Fax 799-3058

December 21, 2010

Idaho Supreme Court
Attn: Dorothy Beaver
P O Box 83720
Boise, ID 83720-0101

Re: State vs. Edward R. Hochrein, SC# 38316, CR2009-2146

Dear Dorothy:

Enclosed herein is a certified copy of the Order Appointing Appellate Public Defender in the above matter. If you have questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "DeAnna P. Grimm", with a stylized flourish at the end.

DeAnna P. Grimm
Deputy Clerk

Enc: 1

IDAHO SUPREME COURT

Clerk of the Courts
(208) 334-2210



IDAHO COURT OF APPEALS

FILED

2010 DEC 29 PM 12:30
P.O. Box 83720
Boise, Idaho 83720-0101

PATTY O. WEEKS, CLERK
Attn: DEANNA
NEZ PERCE COUNTY COURTHOUSE
PO BOX 896
LEWISTON, ID 83501

PATTY O. WEEKS
CLERK OF THE DIST. COURT

[Signature]
DEPUTY

DOCUMENT(S) FILED

Docket No. 38316-2010 STATE OF IDAHO v. Nez Perce County District Court
EDWARD R. HOCHREIN, #2009-2146
JR.

Be advised that the following document(s) was/were filed in this office on 12-23-10:

ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER.

For the Court:
Stephen W. Kenyon
Clerk of the Courts

12/23/2010 KML

Reeld 12/29/10

TO: Clerk of the Court
Idaho Supreme Court
P.O. Box 83720
Boise, ID 83720-0101
Fax (208) 334-2616
sctfilings@idcourts.net

FILED

2010 DEC 29 AM 9:30

PATTY O. WEEKS
CLERK OF THE DISTRICT COURT


DEPUTY

RE: Docket No. 38316-10
State V Edward R. Hochrein, Jr.
Nez Perce County District Court No. CR 09-2146


NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on December 28, 2010, I lodged a transcript of 12 pages in length for the above-referenced appeal with the District Court Clerk of the County of Nez Perce in the Second Judicial District of the State of Idaho.

Included Hearings:

Change of Plea 5-7-09

An electronic copy was sent to the Supreme Court at sctfilings@idcourts.net.


Linda L. Carlton, CSR #336

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,
Plaintiff-Respondent,
vs.
EDWARD R. HOCHREIN, JR.,
Defendant-Appellant.

Supreme Court Case No. 38316

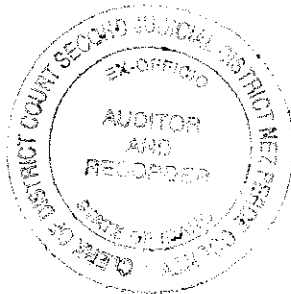
CERTIFICATE OF EXHIBITS

I, PATTY O. WEEKS, Clerk of the District Court of the Second Judicial District of the State of Idaho in and for the County of Nez Perce, do hereby certify:

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 10 day of January 2011.

PATTY O. WEEKS
Clerk of the District Court,



By *Allyne P. Simon*
Deputy Clerk

CERTIFICATE OF EXHIBITS

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,
Plaintiff-Respondent,
vs.
EDWARD R. HOCHREIN, JR.,
Defendant-Appellant.

Supreme Court Case No. 38316

CERTIFICATE OF SERVICE

I, PATTY O. WEEKS, 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, ID

LAWRENCE G. WASDEN
ATTORNEY FOR RESPONDENT
BOISE, ID

PATTY O. WEEKS
Clerk of the District Court

Date of Service _____

By _____
Deputy Clerk

CERTIFICATE OF SERVICE

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,
Plaintiff-Respondent,
vs.
EDWARD R. HOCHREIN, JR.,
Defendant-Appellant.

Supreme Court Case No. 38316

CERTIFICATE TO RECORD

I, PATTY O. WEEKS, Clerk of the District Court of the Second Judicial District of the State of Idaho, in and for the County of Nez Perce, 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 22nd day of November 2010.



PATTY O. WEEKS
Clerk of the District Court

By *[Signature]*
Deputy Clerk

CERTIFICATE TO RECORD

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,
Plaintiff-Respondent,
vs.
EDWARD R. HOCHREIN, JR.,
Defendant-Appellant.

Supreme Court Case No. 38316

CLERK'S CERTIFICATE

I, PATTY O. WEEKS, Clerk of the District Court of the Second Judicial District of the State of Idaho in and for the County of Nez Perce, do hereby certify, that the foregoing Clerk's Record in the above-entitled cause was compiled and bound by me and contains true and correct copies of all pleadings, documents, and papers designated to be included under Rule 28, Idaho Appellate Rules, the Notice of Appeal, any Notice of Cross-Appeal, and additional documents that were requested.

I further certify:

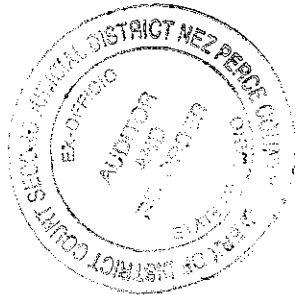
1. That no exhibits were marked for identification or admitted into evidence during the course of this action.

2. That the following will be submitted as CONFIDENTIAL
EXHIBITS to this record on appeal:

Domestic Battery Evaluation dated August 12, 2009

Victim Impact Statement dated May 26, 2009

IN WITNESS WHEREOF I have hereunto set my hand and affixed the
seal of said court this 25 day of January 2011.



PATTY O. WEEKS
Clerk of the District Court

By *William R. Gurn*
Deputy Clerk

CLERK'S CERTIFICATE

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,
Plaintiff-Respondent,
vs.
EDWARD R. HOCHREIN, JR.,
Defendant-Appellant.

Supreme Court Case No. 38316

CERTIFICATE OF SERVICE

I, PATTY O. WEEKS, 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

mhuskey@sapd.state.id.us

ATTORNEY FOR APPELLANT

BOISE, ID

LAWRENCE G. WASDEN

patricia.miller@ag.idaho.gov

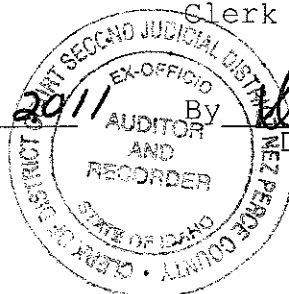
ATTORNEY FOR RESPONDENT

BOISE, ID

PATTY O. WEEKS
Clerk of the District Court

Date of Service

January 25, 2011



[Signature]
Deputy Clerk

CERTIFICATE OF SERVICE

EXHIBIT TO CLERK'S RECORD

THE STATE OF IDAHO V. EDWARD R. HOCHREIN JR.
NEZ PERCE COUNTY CASE NO. CR09-2146

SUPREME COURT NO. 38316

CONFIDENTIAL

VICTIM IMPACT STATEMENT

Dated May 26, 2009

May 26th 2009

To: Parties involved

Nancy Berger-Schinder,

April Smith,

Hon. C. Kerrick

From: Tanya Lewis

537 17th Ave #4

Lewiston ID 83501

208.791.5387

Re: Edward Hochrein Jr.

Please find enclosed my responses to the Victim Impact Statement Questionnaire. I hope I have provided information that will prove useful to you, as well as Mr. Hochrein. If you have any questions or I can help in any other way please call me at your earliest convenience.

Sincerely,

A large, stylized handwritten signature in cursive script, appearing to read 'Tanya Lewis'. The signature is written in black ink and is positioned to the right of the word 'Sincerely,'.

Tanya Lewis

May 26th 2009

1. I have not utilized counseling services as of this date. But I would like to receive services. The incidents that have taken place in my relationship with Edward Hochrein Jr, have left me tormented. Even in his absence, I am still afraid. Mr. Hochrein's violent behavior has not only affected me, but my family as well. In March of this year, Mr. Hochrein took my vehicle and proceeded to damage it to the point that the insurance considered it totaled. The vehicle was on my father's credit, and my father was held responsible for the damages. When it comes to Edward's depravity, not even the most helpless of living things will be spared. This was evident in what he did to my small dog Shilo, who was 7 months old at the time of this incident. I was walking Shilo, when Edward found us. He was parked around the corner from my apartment with his mother. He confronted me verbally first. He told me to drop the *intimidating a witness* charge stemming from a prior incident. When I refused, he dropped the beer, and cigarette that were in his hands. He grabbed Shilo's leash from me. He kicked my dog first, then he picked her up and slammed her onto the sidewalk. He proceeded to slam my small dog's head on the sidewalk, and when that wasn't enough, he started choking her. I finally wrestled my dog away from Mr. Hochrein. He then turned his rage toward me. After Shilo ran way, Edward started yelling at me, and slapping the back of my head. I tried to fight back. I have Rheumatoid Arthritis and it leaves me unable to defend myself. I protected my face first because I have plates and screws from a car accident when I was a child. Mr. Hochrein knows this. He punched my body over and over again. I fell to the ground. Mr. Hochrein proceeded took that opportunity to kick me. He stopped momentarily, and for a reason that I can not understand tried to help me up. I slapped his hand away, and I stood up. He took this as an insult, and punched me so hard in the stomach that I collapsed again.

May 26th 2009

I was with Eddie, off and on, for three years. During this time he has left me and my family financially, psychologically damaged. My parents fear for my life. I fear the future. In my heart I feel like he will not leave me alone until I am dead. In the past he has tried to commit suicide in front of me. I know his need for control of me knows no bounds. My daily life consists of a lot of tears, and I am depressed. But I want a chance at a normal life. I attend 12 step meetings. I work with a sponsor. I am on probation, but I see it more as an opportunity to change, then restriction of my freedom. Being Eddie's girlfriend was restriction of my freedom, I was his prisoner, and I'm done. I want out, and I want justice.

2. I endured several beating from Mr. Hochrein. Several times, I was left with black eyes, a sprained nose, cut lips, loosened teeth, uncountable bloody noses, and bruises from strangling. Strangling seemed to be a favorite of his. These weren't injuries that could be covered up. I hated going out in public with the evidence viewable by the world. I carried the shame of his actions on my face. The changes I have made in my life as a result of my relationship with Edward Hochrein are I can't get into another relationship, I have low self esteem. I know that it's not right, but I loved someone who constantly told me I was worthless. He used to tell me I was a "stupid white girl". I changed my schedule; I make sure that I don't develop a pattern that will be noticeable.

3. As previously mentioned I have rheumatoid arthritis, which is a progressive disease. But as a result of my beatings my disease has progressed more then it would have had I not been regularly beaten. I am overly concerned with safety. I am a social person by nature, but I am fearful of being in public. It's not fair that I have to be fear of him finding me constantly.

May 26th 2009

I would like to take this opportunity to make clear what I would like to see happen for Mr. Hochrein. I would like to see Edward get help with his problems. The word Help defined by me, in this situations would consist of In patient treatment for his meth addiction, his alcohol addiction, and his narcotic painkiller addiction. I would like to see him take a batterer's evaluation and a psychological evaluation (He's expressed to me that he does have a mental disorder, and I've witnessed medication help with his symptoms), and for him to take classes to help him find other means of expressing anger. I would like him to be sentenced to jail time, both because I feel safer when he's incarcerated, and because I feel like he needs time to reflect on the damage he's caused.

EXHIBIT TO CLERK'S RECORD

THE STATE OF IDAHO V. EDWARD R. HOCHREIN JR.
NEZ PERCE COUNTY CASE NO. CR09-2146

SUPREME COURT NO. 38316

CONFIDENTIAL

DOMESTIC BATTERY EVALUATION

Dated August 12, 2009



NEZ PERCE COUNTY

COURT SERVICES DEPARTMENT

John E. Triplett
DIRECTOR

2009 AUG 12 AM 11 31 1113 F Street
P.O. Box 896
Lewiston, Idaho 83501-0896
(208) 799-3176
FAX (208) 799-3181

Domestic Battery Evaluation

Attn: Honorable Carl Kerrick
Nez Perce County District Court
Lewiston, Idaho

Evaluation Completed By: Loren Caudle, MA/CDP/MAC
Clinical Supervisor, Nez Perce County

Date Evaluation Completed: August 11, 2009

CASE #: CR09-2146

Identifying Information

Client Name: Edward Hochrein
516 20th Street
Lewiston, ID. 83501

DOB:
SSN#:



Marital Status: single

Occupation: unemployed

Statute: Idaho Code 18-2604{F}
18-918(3)(B){M}
25-3504

Offense: Count I..... Intimidation of a Witness
Count II..... Domestic Battery
Count III..... Cruelty to Animals

(Excerpts from the police report)

March 2, 2009 (Officer J. Larson),

I responded to 537 17th Ave. Apt. #4 and spoke with Lewis. Lewis stated she had just been involved in an altercation with Hochrein "just down the road". Lewis stated she had been walking her dog when Hochrein drove up to her and got out of his mother's vehicle. *Lewis stated Hochrein told her to drop the charges against him or he would kill her.* It should be noted Lewis signed a citation against Hochrein for harassing phone calls on

03/01/09. See case #09-L3016 for more information. Lewis stated Hochrein then grabbed her dog and began strangling it and kicking it. Lewis stated she pulled the dog away from Hochrein and he began to hit her. Lewis stated Hochrein hit her in the stomach and chest with a closed fist. Lewis also stated Hochrein hit her in the face and on the leg. Lewis stated she attempted to defend herself and yet was pushed to the ground by Hochrein. Lewis stated another subject had come up and told Hochrein to stop hitting her and Hochrein had turned around and asked the subject if he wanted to fight him also. Lewis stated Hochrein then attacked the subject and they began fighting. Lewis stated at that time she left the area to find her dog which had run away. Lewis stated when she found her dog she went to her house and called 911 to report the altercation. Lewis stated she was scared of Hochrein and was worried he was going to come back to her residence tonight. Lewis stated she wanted to press charges for battery against Hochrein. Lewis signed a citation for battery I. C. 18-903 and cruelty to animals C. C. 8-9 against Hochrein. I asked Lewis again about the statements Hochrein had made to her about dropping the charges. *Lewis stated Hochrein had told her she had better drop the charges for telephone harassment against him or he would kill her.* In speaking with Lewis I came to the opinion that she was obviously scared of Hochrein. It should be noted that Lewis and Hochrein have a history of domestic violence calls but have been separated since November 2008.

Children Present:

The police report indicates that there were no children present during this incident.

Prior treatment for Aggressive Violence:

Mr. Hochrein reports that he has never been treated for aggression issues.

Military Service:

Mr. Hochrein reports that he has never been in the military.

Education:

Mr. Hochrein states that he has completed the eleventh grade and has obtained a G.E.D.

Risk Assessment

Current and Past Behavior:

On the intake application, Mr. Hochrein indicates that he has been arrested three (3) times. Those arrests include two (2) Domestic Violence charges and one (1) Violation of a No Contact Order. However, on the DVI test he reports that he has been arrested fifty (50) times and has spent four (4) years in jail or prison.

Exposure to Violence:

Mr. Hochrein was vague when talking about his family of origin. He says that his mother and father divorced when he was four years old and his father married his ex-wife's sister. He says that his step-mother would discipline him when he needed it and she would also praise him when he deserved to be praised. He goes on to say that she would help him with his homework. He says his father was always at work and so he didn't get to spend much time with him. He says that when his father was around, they had a pretty good relationship. He recalled that they would go camping and fishing when they had the chance. Client describes his mother and his father as avoidant in their style of conflict resolution.

Mr. Hochrein states that the worse abuse he ever witnessed in his family of origin was a time when he pushed his step-sister and she broke an ashtray over his head and then stabbed him with one of the broken pieces.

Mr. Hochrein describes himself as controlling and his significant other as avoidant in their style of conflict resolution.

Threats and/or Ideation of Homicide/suicide/violence:

Client states that the worst threat he ever made to his significant other is that he would leave her and not come back.

Mr. Hochrein says that he has never had thoughts of suicide. He reports that he went to State Hospital South and was treated for depression and PTSD. He states that after he left the hospital, he continued his treatment at Roger's Counseling. The Depression scale on the MCMI-3 is within normal limits. However, the Stress Coping scale on the DVI is elevated (76). It appears that further evaluation for depression issues may be warranted at this time.

Weapon Access:

Mr. Hochrein reports that he currently does not own any weapons. He did report that when he was fourteen (14) years old, he threatened a police officer with a pistol and was sentenced to one year in jail.

Obsessed with or dependent upon victim (sociopathic traits):

When asked what was special about his significant other, he stated "she has a lot to offer to others, she is outgoing, has a great sense of humor, has goals for her life and is an over achiever".

He recalled that when they argued "they usually yell at each other until someone walks away".

Mr. Hochrein stated that if his significant other wasn't on probation they would still be together. He says that he has heard through friends that she misses him, forgives him and wants him to get help.

History of Sexual Abuse (perpetrator or victim):

No sexual abuse was *reported* by Mr. Hochrein. However, it would be beneficial to check this client's criminal history.

Access to Victim:

Mr. Hochrein does not have access to Tanya. When asked how he thought she felt about this incident, he says that "she is worried and scared because she has never been through this before".

Substance Abuse

Present/recent Usage of drugs:

Mr. Hochrein reports that he smokes a pack of cigarettes every day and that he drinks alcohol once a year. He says that he has never "overused" alcohol or drugs and that he has never had a DUI. He says the first time he drank alcohol he was eighteen (18). Mr. Hochrein reports the date of his last use as "last night at a funeral".

The SASSI-3 indicates a High probability of this client having a substance dependence disorder.

Prior Treatment for alcohol/drug abuse or addiction:

Mr. Hochrein says that he has never been treated for alcohol or drug use.

Self-Assessment

Description of Current Incident:

When asked to describe the events that took place during this incident, Mr. Hochrein reported the following;

"Domestic Violence. (I was) alleged to have hit the victim in the stomach".

Person's Own View of Need for Treatment/Willingness to get Treatment

Mr. Hochrein denies that he has a drinking problem states that he is unmotivated to go to addictions treatment. He does admit that he has a violent temper and says that he is motivated to go to Anger Management or Domestic Violence counseling.

Test Results

The MCMI-3 and the Domestic Violence Inventory were administered.

The Millon Clinical Multiaxial Inventory–III (MCMI-III) is a self-report instrument designed to help clinicians assess *DSM-IV*-related personality disorders and clinical syndromes. Based on Dr. Millon's theory of personality and psychopathology, the MCMI-III test helps measure 14 personality disorders and 10 clinical syndromes for adults undergoing psychological or psychiatric assessment or treatment.

The new MCMI-III Grossman facet scales are designed to aid in the interpretation of elevations on the Clinical Personality Patterns and Severe Personality Pathology scales. Developed using factor analytic techniques in the framework of Millon's theory, these scales help pinpoint the specific personality processes (e.g., self-image, interpersonal relations) that underlie overall scale elevations. There are three new facet scales for each MCMI-III personality scale.

The Desirability Scale on the MCMI-3 is elevated (89) and other scales may be muted.

Axis I 296.43 *Bipolar (manic, severe, without psychotic features)*

309.24 *Adjustment Disorder with Anxiety*

Axis II 301.81 *Narcissistic Personality Disorder with*

Histrionic Personality Traits

Sadistic Personality Features and

Antisocial Personality Features

The DVI is one-hundred fifty five question inventory which measures on six scales (truthfulness, alcohol, control, drug, violence, and stress coping).

The Truthfulness scale the Domestic Violence Inventory is in the Low Risk Range (32), and the test results will be accurate.

The scales that are elevated include;

Control.....Problem Risk Range (89)

Violence.....Maximum Risk Range (96)

Stress Coping.....Problem Risk Range (76)

Axis I V61.1 Partner Relational Problems

Axis II deferred

Axis III none

Axis IV problems with interactions with the legal system

Axis V GAF 39 (current)

Collateral Information

Police Report(s) On file.

Victim Interview:

The alleged victim, Tanya Lewis, has contacted this office. Information is available upon the Judges request.

Behavioral Observations/Mental Status

Level of Cooperativeness:

Mr. Hochrein was originally scheduled to complete the assessment on Tuesday July 7, 2009. However, he canceled that appointment. We rescheduled him for July 23, 2009. Mr. Hochrein was on time for his scheduled appointment on Thursday July 23, 2009. Unfortunately, he only had an hour to complete the assessment because he had to get back to work (the testing normally takes two to three hours to complete). Finally, we were able to finish the tests and interview portion of the assessment on August 10, 2009 at the Nez Perce County Jail. It appears that he answered the questions on the DVI and the SASSI-3 in open and honest manner. However, on the MCMI-3 it appears he responded in a way consistent with someone wishing to appear in a favorable light and conceal psychological or personal difficulties.

Appearance:

On his initial appointment, Mr. Hochrein was dressed in work attire and had obviously been working. When we finished that assessment at the Nez Perce County jail he was neatly groomed and dressed appropriately for his current environment.

General Present Mental Status:

The MCMI-III suggests that Mr. Hochrein's interpersonal relationships may be characteristically self-indulgent, demanding, shallow, and fleeting. He may have a talent for exploiting the naïve and a measure of delight in defying and challenging convention.

It further suggests that he may gain satisfaction in intimidating others, and when criticized for his abusive behavior, he may dismiss the charge either with nonchalant innocence, charming deceptions, or derisive comments.

Also worthy of attention is his tendency to act entitled and socially un-empathetic, taking other for granted and expecting special attention of favors without assuming reciprocal care or responsibilities.

Mr. Hochrein did appear to be oriented to time and place. Short term, intermediate and long term memory are intact.

Risk and Recommendation

Danger of Re-Offending:

Mr. Hochrein is in the *HIGH* risk range for re-offending.

Treatment Recommendations:

It appears that conventional treatment for Mr. Hochrein will be unsuccessful. Edward is unlikely to seek or maintain therapy on his own, and may be convinced that if he is left alone, he could solve his own problems.

His responses on the MCMI-III suggest that "he is subject to manic episodes of an expansive and hostile character rather than of a euphoric and cheerful variety. He is likely to be talkative, restless and distractible, hostile, excitable, subject to tantrums, and interpersonally disruptive. If provoked at these times, he may explode into uncontrollable rages, unleashing torrents of abuse and contempt on those near him".

Alternative approaches should be considered. On the basis of the test data, it is reasonable to assume that Mr. Hochrein is experiencing a moderately severe mental disorder. Incarceration until he can be mentally stabilized in conjunction with cognitive reorientation and addictions therapy is recommended.

Further evaluation is advisable to assess the need for ongoing clinical care.

Client must abstain from the use of all mind altering chemicals during the course of treatment.

Client *must* submit to random UA's at counselor's or probation officer's request.

Mr. Hochrein does not appear to be amenable to treatment.

Cost of Alternative Treatment/Resources Available to Defendant:

None

If you should have any questions, please feel free to call me at 750-2036.

Loren Caudle, MA/MAC/CDP
Clinical Supervisor
Nez Perce County Court Services