

6-17-2013

# Hall v. State Augmentation Record Dckt. 40471

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# In the Supreme Court of the State of Idaho

KENT HALL, )  
)  
Petitioner-Appellant, )  
)  
v. )  
)  
STATE OF IDAHO, )  
)  
Respondent. )

ORDER GRANTING MOTION TO  
AUGMENT THE RECORD

Supreme Court Docket No. 40471-2012  
Bannock County Docket No. 2012-3577

A MOTION TO AUGMENT THE RECORD AND STATEMENT IN SUPPORT THEREOF was filed by counsel for Appellant on May 16, 2013. Therefore, good cause appearing,

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

1. Guilty Plea Questionnaire (Bannock County Case Nos. CR-2011-8364 and CR-2011-8147, file-stamped December 14, 2011; and
2. Affidavit of Probable Cause and Exhibit A attached thereto (Bannock County Case No. CR-2011-8147), file-stamped May 23, 2011.

DATED this 17<sup>th</sup> day of May, 2013.

For the Supreme Court

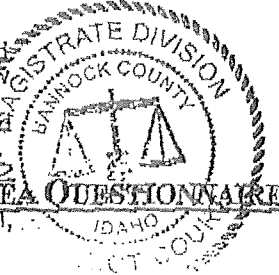
  
Stephen W. Kenyon, Clerk

cc: Counsel of Record

FILED  
BANNOCK COUNTY  
CLERK OF THE COURT

2011 DEC 14 AM 9:45

BY [Signature]  
DEPUTY CLERK



... ss.  
... Bannock  
... the foregoing is a full, true and  
... as the same now  
... in my office.  
... and official seal hereto affixed

this 6 ds, of [Signature] **GUILTY PLEA QUESTIONNAIRE**

DALE HATCH, CLERK OF THE DISTRICT COURT,  
EX OFFICIO AUDITOR AND RECORDER.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

By Deputy [Signature]  
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO vs. Kent Hall Case No. CR-2011-8304-FE  
CR-2011-8147-FE

True Legal Name: Kent Emmitt Hall Age: 56

Address: 1323 W. Eldridge Park Dr <sup>83201</sup> DOB: 8/14/56

Charge(s) Pleading Guilty To:	Maximum Possible Penalty:	
<u>Poss of Meth</u>	<u>7 yrs</u>	<u>[Signature]</u>
<u>Poss of w/ intent</u>		
<u>Delivery of Meth</u>	<u>life</u>	<u>[Signature]</u>

STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY  
(PLEASE INITIAL EACH RESPONSE)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elected to have a trial, the state could not call you as a witness or ask you any questions. However, anything you do say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving or giving up my right to remain silent before and during trial. [Signature] (Initial).

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. [Signature] (Initial).

3. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving or giving up my right to be presumed

4. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every one of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving or giving up my right to a speedy and public jury trial. KH (Initial).

5. You have the right to confront the witnesses against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty I am waiving or giving up my right to confront the witnesses against me, a present witnesses and evidence in my defense. KH (Initial).

6. I understand that by pleading guilty I am waiving or giving up any and all rights I have as a defendant in a criminal case, under the Constitution of the United States and the Constitution of the State of Idaho, whether listed in this form or not. KH (Initial).

QUESTIONS REGARDING PLEA

Please answer every question. If you do not understand a question consult your attorney before answering.

PLEASE CIRCLE ONE

- 1. Do you read and write the English language?  YES  NO  
If NO, have you been provided with an interpreter to help you fill out this form?  YES  NO
- 2. What was the highest grade in school that you completed? 12  
a) If you did not complete high school, have you received either a general education diploma (GED) or high school equivalency (HSE) diploma?  YES  NO
- 3. Have you ever been diagnosed with and/or counseled or treated for a mental illness, disease or disorder?  YES  NO  
a) If so, what was the diagnosis and when was it made? Chronic Liver Cirrhosis with 10% of my Liver Remaining  
b) Are you currently under the care of a mental health professional?  YES  NO  
c) Are you currently taking medication for mental health issues?  YES  NO  
d) If so, what is the medication you are currently taking? \_\_\_\_\_

4. In the 24 hours prior to filling out this questionnaire, have you taken any medications, whether prescribed or not, drugs, or alcoholic beverages? YES NO

a) If YES, what have you taken? \_\_\_\_\_

b) Because of any medications, drugs or alcohol you have taken that are listed above, are you UNABLE to understand the questions in this questionnaire and/or correctly answer them? YES NO

c) Are you currently addicted to any drug, including alcohol? YES NO

5. Is there any reason that you would be unable to make an informed and voluntary decision to plead guilty in this case? YES NO

a) If Yes, what is the reason you cannot make an informed and voluntary decision to plead guilty? \_\_\_\_\_

6. Is your guilty plea the result of a plea agreement? YES NO

a) If YES, what do you understand the terms of the plea agreement to be? promising 3 counts and persistent violator

b) Is this a North Carolina v. Alford plea? YES NO

7. There are two types of plea agreements. Please initial the one paragraph below which describes the type of plea agreement you are entering into:

a) I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty and proceed to a jury trial. NA (Initial)

b) I understand that my plea agreement is a non-binding plea agreement. This means that the court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above, which can be imposed without the possibility of probation and/or parole. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. NA (Initial).

8. Are you pleading guilty to more than one crime? YES NO

a) If YES, do you understand that your sentences for the crimes could be served either concurrently (at the same time) or consecutively (one after the other)? YES NO

9. Is this a conditional guilty plea, meaning you are reserving your right to appeal any pre-trial issues or decisions? YES NO

a) If YES, what issue are you reserving the right to appeal? \_\_\_\_\_

10. Have you waived or given up your right to appeal your judgment of conviction and sentence as part of your plea agreement? YES NO

11. Has anyone (including any law enforcement officer) threatened you or done anything to make you enter this plea against your will? YES NO

a) If YES, who made such a threat and how was it made? \_\_\_\_\_

12. Has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter? YES NO

a) If YES, what are those promises and who made them? \_\_\_\_\_

13. Have you been represented by an attorney at all stages of these proceedings? YES NO

a) Have you had sufficient time to discuss your case with your attorney? YES NO

b) Have you told your attorney everything you know about the crime, including any witnesses you know that would show your innocence? YES NO

c) Have you fully discussed all the facts and circumstances surround the case with your attorney? YES NO

d) Has your attorney discussed with you the nature of the charges against you, the elements of the crime you have been charged with, any evidence provided by the prosecutor in your case, any possible defenses you may have to the charges, and the consequences of pleading guilty? YES NO

e) Has your attorney discussed your Constitutional and Civil rights? YES NO

f) Are you fully satisfied with the representation of your attorney? YES NO

g) Is there anything you requested your attorney to do that has not been done, including filing any motions or other requests in this case? YES NO

If YES, please explain. \_\_\_\_\_

14. Do you understand that by pleading guilty you will waive or give up any defenses, both factual and legal, that you believe you may have in this case? YES NO

15. Do you claim any violation of your Constitutional or Civil rights? YES NO

a) If YES, what rights do you claim have been violated? \_\_\_\_\_

16. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including: 1) any searches or seizures that occurred in your case, 2) any issues concerning the method or manner of your arrest, and 3) any issues about any statements you may have made to law enforcement? YES NO

17. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty? YES NO

YES NO

a) If so, do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole?  YES  NO

19. Are you aware that if you are not a citizen of the United States, the entry of a plea or making of factual admissions could have consequences of deportation or removal, loss of permanent legal status, inability to obtain legal status in the United States, or denial of an application for United States citizenship?  YES  NO

a) Has your attorney discussed with you that your guilty plea in this case may result in your deportation? (Padilla v. Kentucky, 130 S.Ct. 1473 (2010))  YES  NO

20. Do you know whether the crime to which you will plead guilty would require you to register as a sex offender? (See I.C. § 18-8304)  YES  NO

a) Has your attorney advised you that if the Court orders a psychosexual evaluation for purposes of sentencing, you have a right to not answer questions in that evaluation? (Estrada v. State, 143 Idaho 558, 149 P.3d 833).  YES  NO

21. Are you aware that if you plead guilty you may be required to pay restitution to the victims in this case? (See I.C. § 19-5304)  YES  NO

a) Have you agreed to pay restitution to any other party as a condition of your plea agreement?  YES  NO

1) If YES, how much must you pay and to whom? \_\_\_\_\_

22. Is there a mandatory driver's license suspension as a result of a guilty plea in this case?  YES  NO

a) If YES, for how long must your license be suspended? \_\_\_\_\_

23. Are you pleading guilty to a crime for which a mandatory domestic violence, substance abuse, or psychosexual evaluation is required? (I.C. §§ 18-918(7)(a), -8005(9), -8317)  YES  NO

24. Are you pleading guilty to a crime for which you may be required to pay the costs of prosecution and investigation? (I.C. § 37-2732A(K))  YES  NO

25. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a persistent violator?  YES  NO

a) Do you understand that if you are convicted as a persistent violator, the sentence in the new case could be life imprisonment?  YES  NO

26. Are you pleading guilty to a crime for which you will be required to submit a DNA sample to the state? (I.C. § 19-5506).  YES  NO

27. Are you pleading guilty to a crime for which the court could impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307)  YES  NO

28. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose the following rights:

1) Right to vote in Idaho? (ID. CONST. art. 6, § 3)  YES  NO



- b) Your right to hold public office in Idaho? (ID. CONST. art. 6, § 3) YES  NO
- c) Your right to perform jury service in Idaho? (ID. CONST. art. 6, § 3) YES  NO
- d) Your right to purchase, possess, or carry firearms? (I.C. § 18-310) YES  NO

29. Do you understand that no one, including your attorney, can force you to plead guilty in this case?  YES  NO

30. Are you entering your plea freely and voluntarily?  YES  NO

31. Are you pleading guilty because you did commit the acts alleged in the information or indictment?  YES  NO

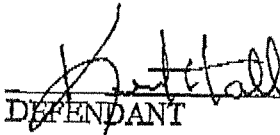
32. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? YES  NO

33. Have you had any trouble answering any of the questions in this form which you could not resolve by discussing the issue with your attorney? YES  NO

34. Were you able to ask your attorney any questions you had about any questions in this form that you did not understand? YES  NO

I have answered the questions on pages 1-6 of this Guilty Plea Advisory form truthfully, correctly, and of my own free will. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 9 day of Dec, 2011

  
DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

  
DEFENDANT'S ATTORNEY

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT EMMITT HALL,  
XXX-XX-1677  
08/14/56

Defendant.

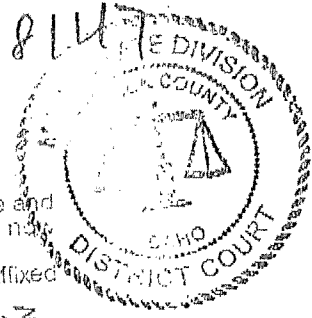
2011 MAY 23 PM 12:01

DEPUTY CLERK

CASE NO.

AFFIDAVIT OF PROBABLE CAUSE

ss. County of Bannock



CR 2011-814

STATE OF IDAHO,  
COUNTY OF BANNOCK

)  
) ss  
)

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office. Witness my hand and official seal hereto affixed

this 6 day of May, 2011

DALE HATCH, CLERK OF THE DISTRICT COURT, EX OFFICIO AUDITOR AND RECORDER.

VIC A. PEARSON, being first duly sworn, deposes and says that:

I am the Chief Deputy Prosecutor for the Bannock County Prosecuting Attorney's Office. I have reviewed the investigation regarding KENT EMMITT HALL. Based on that review, I have requested a Sixth District Magistrate Judge to make a determination of probable cause to hold or set bond on the above-named defendant for the public offense of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER, METHAMPHETAMINE, Idaho Code §37-2732(a)(1)(A).

The basis for the request is the information set forth in a supplementary police report which is designated as Exhibit "A" attached hereto. I further depose and say that I have read Exhibit "A" and all the contents are true to the best of my knowledge, and that I personally know the author of that report to be a law enforcement officer whom I believe to be credible and reliable.

DATED this 23 day of May, 2011.

VIC A. PEARSON

STATE OF IDAHO )  
 ) ss  
COUNTY OF BANNOCK )

VIC A. PEARSON, known to me to be the person whose name is subscribed to the within instrument, acknowledged to me that he has executed the same and that he read the same and that the same was true to the best of his knowledge.

DATED this 23 day of May, 2011.

NOTARY/MAGISTRATE

EXHIBIT A

05/23/11  
08:21

Bannock County Sheriff's Office  
Detail Incident Report

649  
1

2011 MAY 23 PM 12:01

Incident #: 11-P09177

LAW INCIDENT:  
-----

DEPUTY CLERK

Nature: DRUG VIOLATION Address: 1300 W ELDREDGE RD  
Location: City: Pocatello ST: ID Zip: 83201

Offense Codes: CSPS WRWA  
Received By: LOWTHER, A How Received: Officer Report Agency: PPD  
Rspndg Officers: WESTFALL, S EVANS, T  
Rspnsbl Officer: WESTFALL, S Disposition: TYPED FOR REVIEW on 05/21/11  
When Reported: 18:36:50 05/20/11  
Occurred: Between 18:30:00 05/20/11 and 19:25:00 05/20/11

SUSPECTS:  
-----

NAME: HALL, KENT E. Name Number: 214064  
Race: W Sex: M DOB: [REDACTED] SSN: [REDACTED]  
Height: 5'10" Weight: 200 Hair: BRO Eyes: BLU  
Address: [REDACTED] RD, Pocatello, ID 83201  
Home Telephone: [REDACTED] Work Telephone: (208)223-0730

ARRESTEE  
-----

NAME: HALL, KENT E. Name Number: 214064  
Race: W Sex: M DOB: [REDACTED] SSN: [REDACTED]  
Height: 5'10" Weight: 200 Hair: BRO Eyes: BLU  
Address: [REDACTED], Pocatello, ID 83201  
Home Telephone: [REDACTED] Work Telephone: (208)223-0730

ARREST Date: 18:35:00 05/20/11 Agency: Pocatello Police Department  
Type: Jailed on wrnt or commitment Arresting Officer: WESTFALL, S  
Disp: Location: 1300 W Eldgidge  
Judicial Age Status: A

OFFENSE: Time/Date: 18:35:00 05/20/11  
Statute: Manuf/Deliver/Poss Contr Sub Type: State Statute  
Class: FELONY Court: Distict Court  
Location: 1300 W Eldgidge Law: Idaho State Statute

OFFENSE: WARRANT ARREST Time/Date: 18:35:00 05/20/11  
Statute: WARRANT ARREST Type: State Statute  
Class: MISDEMEANOR Court: Magistrate Court  
Location: 1300 W Eldgidge Law: Idaho State Statute

PROPERTY INFORMATION:  
-----

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08:21

Bannock County Sheriff's Office  
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Incident #: 11-P09177

Item Type: METHAMPHETAMINE	Property Number: P132341	
Item/Brand:	Model:	
Serial Number:	Color: WHI /	
Characteristics:		
Quantity: 1.82	Meas: GM	Total Value: 0.00
Local Status: Evidence in Storage		
Owner ID Number: 214064 Owner Name: HALL, KENT		

Five clear plastic baggies weighing from .32 grams and .39 grams for a total gross grams weight of 1.82.

NARRATIVE:

OFFICER: WESTFALL #5223 DICTATED: 05-20-11 @ 2024 HOURS

INVESTIGATIVE TIME: 2 HOURS  
LAW INCIDENT #: 11-P09177  
STENO INITIALS: CHH  
DATE & TIME  
TRANSCRIBED: 05-21-11 @ 0905 HOURS

#1-GENERAL NARRATIVE:

1. BRIEF SYNOPSIS OF EVENTS:

I was traveling west on W. Eldredge in the 1300 block when I observed a male individual by the name of KENT HALL walking on the sidewalk east toward my vehicle. I immediately recognized him as being a person of interest and also having a misdemeanor warrant for his arrest. Mr. HALL was taken into custody without incident on the misdemeanor warrant. Upon search incident to arrest, five clear plastic baggies containing suspected methamphetamine were located on his person. He was incarcerated at the Bannock County Jail on his misdemeanor warrant and also on one count of Felony Possession of Methamphetamine with Intent to Deliver.

2. DOCUMENTS OF EVIDENCE:

Two photographs are as follows:

- Picture 001.jpg - The five clear plastic baggies containing the suspected methamphetamine.
- Picture 002.jpg - The five clear plastic baggies plus the field test, testing presumptive for that of methamphetamine.

A copy of the misdemeanor warrant has been placed into records.

3. NARRATIVE:

On 05-20-11 as I responded to the Pocatello Police Department for work, I

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08:21

Bannock County Sheriff's Office  
Detail Incident Report

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Incident #: 11-P09177

entered into the squad room for squad meeting. As we were running through the daily bulletin and tip sheet, Detective WILLIAMS from the Detective Division of the Pocatello Police Department advised patrol members of a KENT HALL who had an outstanding warrant for his arrest. HALL lived at 1323 W. Eldredge. Detective WILLIAMS also advised that he possibly would be operating an older silver Saturn.

While on my routine daily patrol duties, I drove toward the area of 1323 W. Eldredge in an attempt to locate either the vehicle moving or the possible suspect. I pulled up KENT HALL'S name on my in-car computer. As I did so, there was a picture attached. I looked at the picture and read the description on KENT HALL. As I pulled off of Hawthorne onto Eldredge, I observed a male that was walking on the north side of W. Eldredge walking eastbound toward me. I observed that he was the male individual in the picture that I had pulled up on my in-car computer. I again confirmed that it indeed was that individual.

I exited my patrol vehicle and I called to the individual by name, calling him KENT HALL. He stopped and looked at me. I then asked, "Is your name KENT HALL?" He advised that it was. I advised him that he had an outstanding warrant for his arrest and to place his hands on my patrol vehicle. He did so without incident. I then advised dispatch that I was out in the 1300 block of W. Eldredge with KENT HALL and asked them to also confirm that warrant. At that time I did detain KENT HALL and placed him into restraints. Dispatch then came over the radio and advised that KENT HALL did have an outstanding warrant out of the Pocatello Police Department for his arrest for Failure to Appear on a traffic misdemeanor with a \$206.00 bond. I advised dispatch that Mr. HALL was in custody at that time.

I then asked HALL if he had anything on his person I needed to know about; i.e. any type of weapon, needles, guns or knives. He advised that he had a large knife on his belt on the right side. I located that knife and removed it. I asked him if he had anything else on him. He denied having anything. I then began to pat him down for my safety and also conducting a search incident to arrest. I removed several items from his person to include a wallet, keys and miscellaneous other items. Located in his right front jeans pocket, I removed a small clear plastic baggie. Inside that baggie was a small amount of white crystal material. Through my training and experience I immediately recognized this as being that of methamphetamine. HALL looked at it, hung his head and took a deep sigh and advised that he knew he shouldn't be in possession of such items. I asked him if he had any more on him. HALL did not answer. I again asked if he had anything else on him and HALL advised he did not believe so. I then continued my search, patting him down and did not find anything else at that time.

HALL was placed in the back seat of my patrol car and then transported to the Pocatello Police Department where I retrieved the warrant for his arrest. I then transported him to the Bannock County Jail. As they placed him on the pat down wall and began to fill out necessary paperwork, Bannock County Jail staff, Deputy Corporal CLARK responded to conduct a pat down. As he was patting him down prior to entering into the secure facility of the Bannock County Jail, he located four clear plastic baggies with white residue inside them. These baggies were located in a pocket on the left front of his undershirt. It should be noted that he had two shirts on over the top of where these plastic baggies with the methamphetamine were located. I then took possession of the

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08:21

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Detail Incident Report

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methamphetamine. Deputy CLARK asked HALL if he had anything else on him. HALL advised that was all he had on him. Deputy CLARK then took him into the shower area and conducted a strip search due to the fact that he had the suspected methamphetamine on him. Deputy CLARK advised there was nothing further of interest to law enforcement on or about his person.

I then transported the five baggies of suspected methamphetamine back to the Pocatello Police Department. I requested that Officer HERRICK who was in the report room filling out paperwork respond with me to the evidence area so that I would have a witness as we conducted the field test of the suspected methamphetamine. She agreed to do so. I then weighed the suspected methamphetamine. All five baggies weighed a total of 1.82 gross grams weight. I then weighed the baggies individually. They weighed from .32 grams to .39 grams. I then took a small sample from the baggie and placed it into a field test kit. It immediately flashed, field testing presumptive positive for that of methamphetamine. Officer HERRICK observed this field test. I then packaged the suspected methamphetamine and placed it into evidence to be sent to the State Lab with the appropriate forms.

End of report

SUPPLEMENTAL NARRATIVE:  
-----

ARREST: AFFIDAVIT OF PROBABLE CAUSE  
ARREST REPORT

Date: 05/20/11 Time: 1835 Officer: S. WESTFALL 5223

Arrestees Name: KENT HALL  
Charge: Possession of Methamphetamine with Intent to Deliver  
Citation #:  
Bond: No Bond  
LI#: 11-P09177

SYNOPSIS:

On 05/20/11 at approximately 1830 hours I observed KENT HALL walking East in the 1300 block of West Eldredge. I immediately recognized HALL and had prior knowledge that he had a misdemeanor warrant for his arrest. I exited my patrol vehicle, and advised HALL that I had a warrant for his arrest. HALL was taken into custody without incident. HALL advised that he had a knife on his belt, on his right side of his body. I removed the knife, and continued my search incident to arrest. In HALL's right front jean pocket I located a small clear plastic baggy with white crystal's in it. I immediately recognized this from my training and experience to be methamphetamine. HALL was then placed into my back seat and I transported him to the Bannock County Jail. During his search prior to entering the Jail, four more clear plastic baggies with white crystal's, were located on his person. The baggies were located in a upper left pocket of HALL's

05/23/11  
08:21

Bannock County Sheriff's Office  
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undershirt. HALL was then incarcerated in the Bannock County Jail for a Misdemeanor warrant and Possession of Methamphetamine with Intent to Deliver.

I brought the suspected Methamphetamine to the Pocatello Police Department, where it was weighed and tested. The substance field tested presumptive positive for Methamphetamine. Upon weighing the substance it totaled 1.82 gross grams. The individual baggies weighed from .32 grams to .39 grams gross weight.

State of Idaho )  
                  )                    ss  
County of Bannock )

\_\_\_\_\_ being first duly sworn, deposes and says that I am a law enforcement officer with POCATELLO POLICE DEPARTMENT. I have conducted an investigation regarding \_\_\_\_\_. Based on that investigation, I request a Sixth District Judge to make a determination of probable cause to arrest, hold or set bond on the above named defendant for the public offense of \_\_\_\_\_ a violation of I.C. \_\_\_\_\_. The basis for this request is the information set forth in a police report which is designated as Exhibit "A" attached or within hereto. I further depose and say that I have read Exhibit "A" and all the contents are true to the best of my knowledge, and that I personally know the author of that report to be a law enforcement officer whom I believe to be credible and reliable.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Officer signature \_\_\_\_\_ Pocatello Police Dept.

State of Idaho )  
                  )                    ss  
County of Bannock )

\_\_\_\_\_, known to me to be the person whose name is subscribed to this Affidavit of Probable Cause, acknowledged to me that s/he has read and executed the document/s and the contents are true to the best of her/his knowledge.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

Commission expires on \_\_\_\_\_

Detailed Report to follow.

05/23/11  
08:21

Bannock County Sheriff's Office  
Detail Incident Report

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Incident #: 11-P09177

SUPPLEMENTAL NARRATIVE:  
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OFFICER: MARSHALL #5203 Sun May 22 10:45:15 MDT 2011

On 05-22-11, I faxed a copy of the arrest report for Kent Hall to the Honorable Judge Carnaroli for a determination on bond. I received a fax back from the Judge which indicated that the bond was to be determined at arraignment. A copy of the Minute Entry Order was then faxed to the Bannock County Jail.

End of report.