

2-21-2013

State v. Saviers Clerk's Record Dckt. 40503

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IN THE SUPREME COURT Vol. 1 of 3

STATE OF IDAHO,)
)
 Plaintiff/Respondent,)
)
 vs.)
)
 PIERRE J. SAVIERS,)
)
 Defendant/Appellant.)

LAW CLERK

Supreme Court No.

40503



RECORD ON APPEAL

Appeal from the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine.

HONORABLE ROBERT J. ELGEE, DISTRICT JUDGE

IDAHO STATE APPELLATE
PUBLIC DEFENDERS OFFICE
3647 Lake Harbor Lane
Boise, ID 83703

STATE ATTORNEY GENERAL
CRIMINAL APPEALS
P. O. Box 83720
Boise, ID 83720-0010

Attorney for Defendant/Appellant

Attorney for Plaintiff/Respondent

COPY 4/0503

VOLUME 1 of 1

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)
)
 Plaintiff/Respondent,) Supreme Court No.
)
 vs.) 40503
)
 PIERRE J. SAVIERS,)
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 Defendant/Appellant.)
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Attorney for Defendant/Appellant

Attorney for Plaintiff/Respondent

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State of Idaho vs. Pierre John Saviers

Felony

Date		Judge
1/23/2012	Warrant Issued - Arrest Bond amount: 100000.00 Defendant: Saviers, Pierre John	R. Ted Israel
	Document sealed	
	Case Sealed	R. Ted Israel
	STATUS CHANGED: Inactive	R. Ted Israel
	Criminal Complaint	R. Ted Israel
	New Case Filed - Felony	R. Ted Israel
	Prosecutor assigned Jim Thomas	R. Ted Israel
	Affidavit Of Probable Cause	R. Ted Israel
1/24/2012	Hearing Scheduled (Arraignment 01/24/2012 01:30 PM)	R. Ted Israel
	Warrant Returned Defendant: Saviers, Pierre John	R. Ted Israel
	Case Un-sealed	R. Ted Israel
	STATUS CHANGED: Pending	R. Ted Israel
	Hearing result for Arraignment scheduled on 01/24/2012 01:30 PM: Court Minutes	R. Ted Israel
	Hearing result for Arraignment scheduled on 01/24/2012 01:30 PM: Arraignment / First Appearance	R. Ted Israel
	Order setting preliminary hearing & bond	R. Ted Israel
	Hearing Scheduled (Preliminary 02/07/2012 01:30 PM)	Jason Walker
	Defendant: Saviers, Pierre John Order Appointing Public Defender Public defender Daniel M. Dolan	R. Ted Israel
	Application For Appointment Of Attorney	R. Ted Israel
	Document sealed	
	Conditions of Release	R. Ted Israel
	BOND SET: at 100,000.00	R. Ted Israel
1/30/2012	Defendants Request For Discovery	R. Ted Israel
	Notice Of Appearance	R. Ted Israel
2/1/2012	Notice Of Hearing	R. Ted Israel
2/2/2012	Personal Return Of Service	R. Ted Israel
	Hearing Scheduled (Bond Reduction 02/02/2012 01:30 PM)	R. Ted Israel
	Court Minutes	R. Ted Israel
	Hearing type: Motion to reduce bond	
	Hearing date: 2/2/2012	
	Time: 1:36 pm	
	Courtroom:	
	Court reporter:	
	Minutes Clerk: ANDREA	
	Tape Number: MC	
	Defense Attorney: Daniel Dolan	
	Prosecutor: Matthew Fredback	
	Hearing result for Bond Reduction scheduled on 02/02/2012 01:30 PM: Hearing Held	R. Ted Israel
	State's Request For Discovery/demand For Alibi	R. Ted Israel
	States Response To Request For Discovery	R. Ted Israel

State of Idaho vs. Pierre John Saviers

Felony

Date		Judge
2/7/2012	State's First Supplemental Response To Discovery	R. Ted Israel
	Court Minutes	Jason Walker
	Hearing type: Preliminary	
	Hearing date: 2/7/2012	
	Time: 1:39 pm	
	Minutes Clerk: Heidi Schiers	
	Tape Number: DC	
	Defense Attorney: Daniel Dolan	
	Prosecutor: Matthew Fredback	
	Hearing result for Preliminary scheduled on 02/07/2012 01:30 PM: Preliminary Hearing Held	Jason Walker
	Amended Criminal Complaint	Jason Walker
	Order Binding Over	Jason Walker
	Bound Over (after Prelim)	Jason Walker
2/14/2012	Information	Robert J. Elgee
	Notice Of District Court Arraignment	Robert J. Elgee
	Hearing Scheduled (Arraignment 02/27/2012 09:00 AM)	Robert J. Elgee
2/27/2012	Court Minutes	Robert J. Elgee
	Hearing type: Arraignment	
	Hearing date: 2/27/2012	
	Time: 9:35 am	
	Courtroom: District Courtroom-judicial Bldg	
	Court reporter: Susan Israel	
	Minutes Clerk: Crystal Rigby	
	Tape Number: DC	
	Defense Attorney: Daniel Dolan	
	Prosecutor: Jim Thomas	
	Hearing result for Arraignment scheduled on 02/27/2012 09:00 AM: District Court Arraignment	Robert J. Elgee
	Hearing result for Arraignment scheduled on 02/27/2012 09:00 AM: District Court Hearing Held	Robert J. Elgee
	Court Reporter: Susan Israel	
	Estimated Number of Transcript Pages for this hearing: less 100	
	A Plea is entered for charge: - NG (I18-920(3) {F}{3} No Contact Order Violation (Third Offense))	Robert J. Elgee
3/1/2012	Hearing Scheduled (Pretrial Conference 04/23/2012 09:30 AM)	Robert J. Elgee
	Hearing Scheduled (Jury Trial 05/30/2012 09:00 AM) 2 day	Robert J. Elgee
	Notice of Trial Setting, Pretrial Conference & Order Governing Further Proceedings	Robert J. Elgee
3/2/2012	Notice Of Hearing	Robert J. Elgee

Felony

Date		Judge
3/5/2012	Court Minutes Hearing type: Motion Hearing date: 3/5/2012 Time: 10:12 am Courtroom: District Courtroom-judicial Bldg Court reporter: Susan Israel Minutes Clerk: Crystal Rigby Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas	Robert J. Elgee
	Court Minutes Hearing type: Bond Reduction Hearing date: 3/5/2012 Time: 10:38 am Courtroom: Magistrate Courtroom-judicial Bldg Court reporter: Minutes Clerk: SUES Tape Number: Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas	R. Ted Israel
	District Court Hearing Held (Motion to Reduce Bond 03/05/2012 at 10:00AM) Court Reporter: Susan Israel Estimated Number of Transcript Pages for this hearing: less 100	Robert J. Elgee
3/14/2012	Motion to modify conditions of release	Robert J. Elgee
	Notice Of Hearing	Robert J. Elgee
3/19/2012	Hearing Scheduled (Bond Reduction 03/22/2012 11:00 AM)	Robert J. Elgee
3/20/2012	Continued (Bond Reduction 04/02/2012 09:30 AM)	Robert J. Elgee
	AMENDED Notice Of Hearing	Robert J. Elgee
3/22/2012	State's Second Supplemental Response To Discovery	Robert J. Elgee
4/2/2012	Court Minutes Hearing type: Bond Reduction Hearing date: 4/2/2012 Time: 10:14 am Courtroom: District Courtroom-judicial Bldg Court reporter: Susan Israel Minutes Clerk: Crystal Rigby Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas	Robert J. Elgee
	Hearing result for Bond Reduction scheduled on 04/02/2012 09:30 AM: District Court Hearing Held Court Reporter: Susan Israel Estimated Number of Transcript Pages for this hearing: less 100	Robert J. Elgee
4/3/2012	Hearing Scheduled (Motion 04/04/2012 11:00 AM) Re: SCRAM	Robert J. Elgee

State of Idaho vs. Pierre John Saviers

Felony

Date		Judge
4/4/2012	Court Minutes Hearing type: Motion Hearing date: 4/4/2012 Time: 11:00 am Courtroom: District Courtroom-judicial Bldg Court reporter: Susan Israel Minutes Clerk: Crystal Rigby Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas Hearing result for Motion scheduled on 04/04/2012 11:00 AM: District Court Hearing Held Court Reporter:Candace Childers Estimated Number of Transcript Pages for this hearing: Re: SCRAM less 100	Robert J. Elgee
4/19/2012	State's Third Supplemental Response To Request For Discovery	Robert J. Elgee
4/23/2012	Court Minutes Hearing type: Pretrial Conference Hearing date: 4/23/2012 Time: 9:42 am Courtroom: District Courtroom-judicial Bldg Court reporter: Susan Israel Minutes Clerk: Crystal Rigby Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas Hearing result for Pretrial Conference scheduled on 04/23/2012 09:30 AM: District Court Hearing Held Court Reporter:Susan Israel Estimated Number of Transcript Pages for this hearing: less 100	Robert J. Elgee
4/25/2012	Order to Pay for Scram Unit	Robert J. Elgee
5/7/2012	Transcript Filed	Robert J. Elgee
5/16/2012	Notice of intent to introduce audio recordings of the defendant Notice of intent to offer portions of transcripts of prio court proceedings State's Fourth Supplemental Response To Discovery	Robert J. Elgee
5/17/2012	Transcript Filed Personal Return Of Service	Robert J. Elgee
5/22/2012	Notice Of Hearing Hearing Scheduled (Change of Plea 05/23/2012 11:00 AM)	Robert J. Elgee
5/23/2012	Court Minutes Hearing type: Change of Plea Hearing date: 5/23/2012 Time: 11:02 am Courtroom: District Courtroom-judicial Bldg Court reporter: Susan Israel Minutes Clerk: ANDREA Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Matthew Fredback	Robert J. Elgee

State of Idaho vs. Pierre John Saviers

Felony

Date		Judge
5/23/2012	Hearing result for Change of Plea scheduled on 05/23/2012 11:00 AM: District Court Hearing Held Court Reporter: Susan Israel Estimated Number of Transcript Pages for this hearing: less 100	Robert J. Elgee
5/30/2012	Court Minutes Hearing type: Court Trial Hearing date: 5/30/2012 Time: 8:41 am Courtroom: District Courtroom-judicial Bldg Court reporter: Linda Leadbetter Minutes Clerk: Crystal Rigby Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas	Robert J. Elgee
	Hearing result for Court Trial scheduled on 05/30/2012 09:00 AM: District Court Hearing Held Court Reporter:Linda Leadbetter Estimated Number of Transcript Pages for this hearing: less 100	Robert J. Elgee
	Case Taken Under Advisement	Robert J. Elgee
6/15/2012	Hearing Scheduled (Hearing Scheduled 06/18/2012 11:00 AM) Return of Verdict	Robert J. Elgee
	Notice Of Hearing	Robert J. Elgee
6/18/2012	Court Minutes Hearing type: Hearing Scheduled Hearing date: 6/18/2012 Time: 11:51 am Courtroom: District Courtroom-judicial Bldg Court reporter: Susan Israel Minutes Clerk: Crystal Rigby Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas	Robert J. Elgee
	Hearing result for Hearing Scheduled scheduled on 06/18/2012 11:00 AM: District Court Hearing Held Court Reporter:Susan Israel Estimated Number of Transcript Pages for this hearing: Return of Verdict less 100	Robert J. Elgee
	Hearing Scheduled (Review 07/02/2012 09:30 AM) Review of Conditions of Release	Robert J. Elgee
	Hearing Scheduled (Sentencing 09/17/2012 10:00 AM)	Robert J. Elgee
	Notice Of Hearing	Robert J. Elgee
	Found Guilty After Court Trial	Robert J. Elgee
	Order for Pre-Sentence Investigation Report and Mental Health Assessment	Robert J. Elgee
	Order for Presentence Investigation Report and Substance Abuse Assessment	Robert J. Elgee
	No long UA	Robert J. Elgee

Felony

Date		Judge
7/2/2012	Court Minutes Hearing type: Review Hearing date: 7/2/2012 Time: 9:43 am Courtroom: District Courtroom-judicial Bldg Court reporter: Susan Israel Minutes Clerk: Crystal Rigby Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas	Robert J. Elgee
	Hearing result for Review scheduled on 07/02/2012 09:30 AM: District Court Hearing Held Court Reporter: Susan Israel Estimated Number of Transcript Pages for this hearing: Review of Conditions of Release less 100	Robert J. Elgee
7/5/2012	Order Modifying Conditions of Release	Robert J. Elgee
8/22/2012	Motion to Reset Sentencing Hearing	Robert J. Elgee
8/23/2012	Order Resetting Sentencing Hearing	Robert J. Elgee
8/27/2012	Continued (Sentencing 10/01/2012 10:00 AM)	Robert J. Elgee
10/1/2012	Court Minutes Hearing type: Sentencing Hearing date: 10/1/2012 Time: 10:00 am Courtroom: District Courtroom-judicial Bldg Court reporter: Susan Israel Minutes Clerk: Crystal Rigby Tape Number: DC Defense Attorney: Daniel Dolan Prosecutor: Jim Thomas	Robert J. Elgee
	Court Accepts Guilty Plea (I18-920(3) {F}{3} No Contact Order Violation (Third Offense))	Robert J. Elgee
	Sentenced To Incarceration (I18-920(3) {F}{3} No Contact Order Violation (Third Offense)) Confinement terms: Penitentiary determinate: 3 years. Penitentiary indeterminate: 2 years.	Robert J. Elgee
	Probation Ordered (I18-920(3) {F}{3} No Contact Order Violation (Third Offense)) Probation term: 5 years. (Supervised)	Robert J. Elgee
	Hearing result for Sentencing scheduled on 10/01/2012 10:00 AM: District Court Hearing Held Court Reporter: Susan Israel Estimated Number of Transcript Pages for this hearing: less 100	Robert J. Elgee
10/2/2012	Judgment Of Conviction Upon a Plea of Guilty to One Felony Count, suspending sentence & Order Of Supervised Probation	Robert J. Elgee
11/9/2012	Notice Of Appeal	Robert J. Elgee
	Appealed To The Supreme Court	Robert J. Elgee
	Ex Parte Motion to : Appoint Counsel on Appeal; Waive Fees and Costs of Appeal: Prepare the Transcript and Clerk's Record at Public Expense	Robert J. Elgee
	Motion to Proceed in Forma Pauperis and Supporting Affidavit	Robert J. Elgee
11/13/2012	Motion To Proceed In Forma Pauperis And Supporting Affidavit	Robert J. Elgee

Date: 1/17/2013

User: CRYSTAL

Time: 04:02 PM

ROA Report

Page 7 of 7

Case: CR-2012-0000368 Current Judge: Robert J. Elgee

Defendant: Saviers, Pierre John

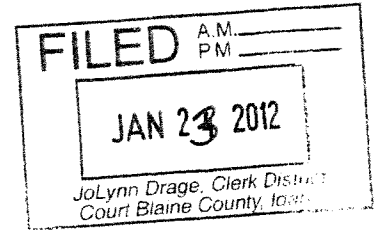
State of Idaho vs. Pierre John Saviers

Felony

Date		Judge
11/21/2012	STATUS CHANGED: Inactive Order: Appointing Attorney; Waiving All Fees; for Preparation of Transcript and Clerk's Record at Public Expense	Robert J. Elgee Robert J. Elgee

ORIGINAL

Jim J. Thomas, ISBN 4415
Blaine County Prosecuting Attorney
201 2nd Avenue S., Suite 100
Hailey, Idaho 83333
Telephone: (208) 788-5545
Fax: (208) 788-5554



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,

Plaintiff,

vs.

PIERRE J. SAVIERS,

Defendant.

Case No. CR-12-368

CRIMINAL COMPLAINT

COMES NOW, Matthew Fredback, Deputy Prosecuting Attorney, who hereby submits the following criminal complaint based upon the sworn affidavit of Crissi Gilchrist, a duly appointed peace officer, and charges the defendant with the following criminal offenses:

COUNT ONE

Part One

That the Defendant, PIERRE J. SAVIERS, on or about the 21st day of January, 2012, in the County of Blaine, State of Idaho, had contact with Timi Saviers in violation of a no contact order issued by Blaine County Magistrate Court Judge R. Ted Israel in Blaine County Case Numbers CR-11-2730 and CR-11-2428, and the defendant has been charged with the offense of MALICIOUS INJURY TO PROPERTY, a

Misdemeanor, I.C. § 18-7001(1) in that case, in violation of Idaho Code § 18-920, VIOLATION OF NO CONTACT ORDER, a MISDEMEANOR.

COUNT ONE

Part Two

That the Defendant, PIERRE J. SAVIERS, did unlawfully commit those acts set forth in Count One, Part One, of this Complaint at a time when the defendant had pled guilty to or was found guilty of, at least two violations of Idaho Code § 18-920 within five (5) years, to-wit:

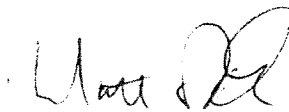
1. That the Defendant, PIERRE J. SAVIERS, on or about the 11th day of October, 2011, was found guilty of or pled guilty to VIOLATION OF A NO CONTACT ORDER, in violation of Idaho Code § 18-920, a MISDEMEANOR, in the County of Blaine, State of Idaho, in Criminal Case No. CR-11-2730, see attached State's Exhibit "1";

2. That the Defendant, PIERRE J. SAVIERS, on or about the 11th day of October, 2011, was found guilty of or pled guilty to VIOLATION OF A NO CONTACT ORDER, a MISDEMEANOR, in violation of Idaho Code § 18-920, in the County of Blaine, State of Idaho, in Criminal Case No. CR-11-2428, see attached State's Exhibit "2";

in violation of Idaho Code § 18-920(3), VIOLATION OF A NO CONTACT ORDER, TWO PRIOR CONVICTIONS WITHIN FIVE (5) YEARS, a FELONY.

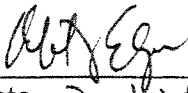
All of which is contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Idaho.

Wherefore, Plaintiff State of Idaho prays that an arrest warrant be issued and the defendant be brought before the Court and dealt with according to law.



Matthew Fredback, ISBN 7262
Deputy Prosecuting Attorney

Subscribed and sworn to before me this 23 day of January, 2012.



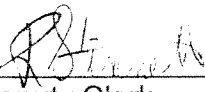
~~Magistrate~~ District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24 day of January, 2012, I caused to be served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Blaine County Prosecuting
Attorney's Office
201 2nd Avenue S., Suite 100
Hailey, Idaho 83333

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Telecopy



Deputy Clerk

Fifth Judicial District Court, State of Idaho
In and For the County of Blaine

STATE OF IDAHO VS
PIERRE JOHN SAUTERS,
PO BOX 146
SUN VALLEY ID 83353
DL# FA111839E DOB: 11/11/53
AGENCY: BLAINE COUNTY SHERIFF'S OFFICE
CASE # CR 2011-0002730 CITATION # 28529
CHARGE: 118-920, No Contact Order Violation
AMENDED:

JUDGMENT

FILED 10/11/11 20
CLERK OF THE DISTRICT COURT
BY DEPUTY CLERK

DEFENDANT'S RIGHTS: explained by Court explained by counsel advised at prior proceeding
1. Counsel: waived REPRESENTED BY: Cheri Hicks
2. waived right to jury trial; confront/cross-examine/subpoena witnesses: against self-incrimination.
3. advised of maximum and minimum penalties, including possible enhancements.

PROCEDURE: Guilty Plea Jury Trial - Guilty Verdict Court Trial - Guilty Verdict

JUDGMENT: Withheld, terminating: _____ Judgment of Conviction

MONIES DUE: Fine/Fixed Penalty \$ waived Suspended \$ _____
 Court Costs \$ _____ Bond Forfeit \$ _____
 Public Defender \$ _____ Other \$ _____
 Restitution per attached Order or if requested by State within _____ days.
 Payment Arrangements to be made with Clerk's Office.

COMMUNITY SERVICE: _____ hours or _____ days. (Additional fees may apply)

JAIL: 180 days; 178 days suspended; 2 days credit for time served; Other: Coercative
_____ days may be served on Sheriff's Work Program. Must be completed within 60 days of this Judgment.
Defendant shall not report for said incarceration with any trace of alcohol and/or drugs in his/her bloodstream or body system.
Report: today _____ Work Release authorized.

DRIVING PRIVILEGES SUSPENDED: _____ days, commencing: today or _____
 No driving privileges permitted. Restricted permit after _____ days in discretion of probation officer if otherwise valid.
 _____ days of suspension is suspended.

PROBATION: 24 months. Court Probation Supervised. Defendant must pay costs of supervision. account w/ 11-2428 same conditions as Dr. I.
Defendant may apply to probation officer for Court Probation after _____ months.
 Comply with all terms of this Judgment.
 If supervised, contact the probation department within 5 days of sentencing date or release from jail.
 Commit no misdemeanor or felony.
 Keep Clerk or probation officer advised of your current address.
 Do not drive without insurance.
 Abstain from alcohol and/or controlled substances not prescribed by a physician.
 Submit to testing for alcohol and/or controlled substances when requested by a police officer, probation officer or counselor at your expense.
 No actual physical control of a motor vehicle after having consumed any alcohol or controlled substances not prescribed by a physician.
 Enroll in the following program within _____ days and complete with _____ days: _____
 Attend AA/NA _____ times per week for _____. Submit verification to the Court.
 Other: _____

IT IS SO ORDERED this 11 day of October, 2011.
Pierre Francois FIFTH DISTRICT MAGISTRATE JUDGE # 235

I accept the terms of this Judgment and understand I may be arrested, found in contempt or otherwise have all suspended penalties imposed for failure to fulfill those terms.
DATED: _____ DEFENDANT: _____

Copies: Probation Sheriff Prosecutor Attorney Defendant Alcohol School
STATES EXHIBIT
"11"

STATE OF IDAHO }
County of Blaine } ss

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal this 23 day of Jan-2012

JOLYNN DRACE 

Clerk District Court

Deputy

Fifth Judicial District Court, State of Idaho
In and For the County of Blaine

STATE OF IDAHO VS
PIERRE JOHN SAYERS
PO BOX 106
SUN VALLEY ID 83353
DL# FA111839F DOB: 1/18/1953
AGENCY: BLAINE COUNTY SHERIFF'S OFFICE
CASE# CR 2011-0002428 CITATION #
CHARGE: 11B-920 No Contact Order Violation
AMENDED

JUDGMENT

FILED: 10/12/11
CLERK OF THE DISTRICT COURT
BY DEPUTY CLERK

DEFENDANT'S RIGHTS: explained by Court explained by counsel advised at prior proceeding
1. Counsel: waived REPRESENTED BY: Cheri Hicks
2. waived right to jury trial; confront/cross-examine/subpoena witnesses; against self-incrimination.
3. advised of maximum and minimum penalties, including possible enhancements.

PROCEDURE: Guilty Plea Jury Trial - Guilty Verdict Court Trial - Guilty Verdict

JUDGMENT: Withheld, terminating: _____ Judgment of Conviction

MONIES DUE: Fine/Fixed Penalty \$ waived Suspended \$ _____
 Court Costs \$ _____ Bond Forfeit \$ _____
 Public Defender \$ _____ Other \$ _____
 Restitution per attached Order or if requested by State within _____ days.
 Payment Arrangements to be made with Clerk's Office.

COMMUNITY SERVICE: _____ hours or _____ days. (Additional fees may apply)

JAIL: 180 days; 78 days suspended; 2 days credit for time served; Other: Consecutive
_____ days may be served on Sheriff's Work Program. Must be completed within 60 days of this Judgment.
Defendant shall not report for said incarceration with any trace of alcohol and/or drugs in his/her bloodstream or body system.
Report: today _____ Work Release authorized.

DRIVING PRIVILEGES SUSPENDED: _____ days, commencing: today or _____
 No driving privileges permitted. Restricted permit after _____ days in discretion of probation officer if otherwise valid.
 _____ days of suspension is suspended.

PROBATION: 24 months. Court Probation Supervised. Defendant must pay costs of supervision. same consecutive to DUI; some terms & conditions
Defendant may apply to probation officer for Court Probation after _____ months.
 Comply with all terms of this Judgment.
 If supervised, contact the probation department within 5 days of sentencing date or release from jail.
 Commit no misdemeanor or felony.
 Keep Clerk or probation officer advised of your current address.
 Do not drive without insurance.
 Abstain from alcohol and/or controlled substances not prescribed by a physician.
 Submit to testing for alcohol and/or controlled substances when requested by a police officer, probation officer or counselor at your expense.
 No actual physical control of a motor vehicle after having consumed any alcohol or controlled substances not prescribed by a physician.
 Enroll in the following program within _____ days and complete with _____ days: _____
 Attend AA/NA _____ times per week for _____. Submit verification to the Court.
 Other: _____

IT IS SO ORDERED this 11 day of October, 2011. AZED JONES
Pierre Sayers FIFTH DISTRICT MAGISTRATE JUDGE # 255

I accept the terms of this Judgment and understand I may be arrested, found in contempt or otherwise have all suspended penalties imposed for failure to fulfill those terms.
DATED: _____ DEFENDANT: _____

Copies: Probation Sheriff Prosecutor Attorney Defendant Alcohol School **STATES EXHIBIT 1211**

STATE OF IDAHO }
County of Blaine } ss

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal

this 23 day of JAN-2012

MOLYNN DRAGE den

Clerk District Court

Deputy

ORIGINAL

IN THE DISTRICT COURT OF THE 5TH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

FILED	A.M. _____
	P.M. _____
JAN 23 2012	
<small>JoLynn Drage, Clerk District Court Blaine County, Idaho</small>	

THE STATE OF IDAHO,

Plaintiff,

Pierre J. Saviers

Defendant,

DOB: [REDACTED]

SSN: [REDACTED]

DL#: [REDACTED]

State: ID

State of Idaho,

County of Blaine

COURT CASE NUMBER _____
PROBABLE CAUSE AFFIDAVIT, IN SUPPORT OF ARREST

SS

I, Crissi Gilchrist, the undersigned, being first duly sworn on oath, deposes and says that:

1. I am a peace officer employed by The Blaine County Sheriff's Office
2. The defendant was arrested on 1/21/2012 at 13:00 AM PM for the crime(s) of Violating a No Contact Order pursuant to section(s) 18-920 Idaho Code.
 Felony Misdemeanor
3. Location of Occurrence: 305 N. Hiawatha, Hailey, Blaine County, Idaho.
4. Identified the defendant as: By: (Check Box)
 Military ID State ID Card Drivers License
 Credit Cards Paperwork found Verbal ID by defendant
 Witness: Timi Saviers identified defendant.
 Other:
5. I believe that there is probable cause to believe the defendant committed such crime Because of the following facts:

PROBABLE CAUSE FOR ARREST:

On January 21st 2011, I responded to 305 N. Hiawatha, City of Hailey, County of Blaine, for a report of a no contact order being violated. Upon arrival I spoke with Timi Saviers, the protected person on the no contact order. Timi stated her ex husband: Pierre Saviers is the defendant of a no contact order that has been in effect since October 11th 2011.

Timi stated Pierre has been contacting her via email since last night, January 20th. A copy of the email will be placed with this case file. Timi stated Pierre started calling and texting her today at 13:00. Timi showed me the missed calls on her phone, the earliest one was at 13:00 and the last one was at 13:40. There were a total of 10 missed calls in that period of time. While I was talking with Timi, Pierre sent another message to Timi's cell phone. Pierre left several voice mails on Timi's cell phone as well.

Timi stated she knew it was Pierre calling, because of the name and number that comes up on her phone. The name that Timi has on her phone for Pierre is, "P.S." with the phone number 208-721-1845. Timi also knew it was Pierre calling, because of the voice mails he was leaving her.

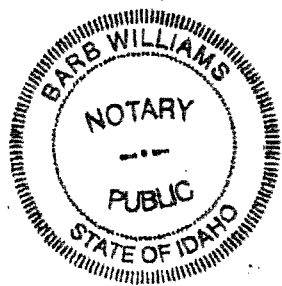
Pierre has been convicted two prior times for violating a no contact order, Timi Saviers being the protected person both times. Pierre was convicted on October 11th 2011 for two different cases that occurred in 2011. The first case filed on 6-23-11 case number; CR-2011-2730, and the second case was filed on 7-8-2011 case number; CR-2011-2730. I will be filing for a Felony arrest warrant on Pierre Saviers for Violation of a No Contact Order Idaho Code; 18-920. This will be Pierre's third offense in 5 years.

By my signature and in the presence of a person authorized to administer Oaths in the State of Idaho, I hereby solemnly swear that the information contained in this document and associated reports and documents included herein and made a part hereof is true and correct to the best of my information and belief.

[Handwritten Signature]
Arresting Officers Signature
Affiant

SUBSCRIBED AND SWORN TO before me this 23 day of Jan 2012.

(Seal)



[Handwritten Signature: Barb Williams]
Notary Public for Idaho
Residing at Hailey, Idaho
My commission expires on 2/24

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

MAGISTRATE DIVISION

FILED A.M. P.M. *[initials]*
JAN 24 2012
Jolynn Drage, Clerk District
Court Blaine County, Idaho

STATE OF IDAHO,)
Plaintiff,)
vs.)
Pierre Saviors)
Defendant.)

CASE NO. CR- 2012-368

CONDITIONS OF RELEASE

Defendant having appeared before the Court and the Court having:

- set Bail in the amount of \$ 100,000.00.
 - released the Defendant on his/her own recognizance.
- AND
- determined that conditions of release are necessary.

IT IS HEREBY ORDERED that:

The Defendant shall **appear** at all further proceedings in this matter.

The Defendant shall at all times **keep the Clerk of the Court advised of his/her current mailing address**. It is the Defendant's responsibility to obtain and correctly respond to any notice or other document mailed to his/her last known address.

If represented by counsel, the Defendant shall **maintain contact with the attorney** as the attorney requires.

The Defendant shall **not be cited, arrested, charged or convicted of any offense** that shall constitute a misdemeanor or felony under the laws of the State of Idaho or any other municipal, state or federal jurisdiction.

The Defendant shall **not consume or possess any alcohol or controlled substances** without a prescription issued by a physician. The Defendant shall **submit to evidentiary testing at his own expense** for alcohol or controlled substances when requested by a police officer, probation officer, counselor or the Court. Said testing shall be provided and/or monitored by the Blaine County Misdemeanor Probation Office or any agency contacted by the Blaine County Misdemeanor Probation office to supervise such testing. The Defendant shall comply with all requirements of the Probation Office. ~~Said testing shall occur:~~

- Randomly.
- Daily. (The probation department may require more than one test per day.)

Other: SCRAM unit must be used if released.

The Defendant shall **not enter any establishment where alcohol is sold by the drink to be consumed on the premises.**

The Defendant shall **not be in actual physical control of a motor vehicle after consuming alcohol or controlled substances not prescribed by a physician.**

The Defendant shall **not leave:** the State of Idaho Blaine County Other: _____ without the prior written permission of the Court.

This restriction shall be monitored by electronic or global positioning tracking. The Defendant shall pay the cost of any monitoring. **The Defendant is hereby notified that violation of this condition of release constitutes the criminal offense of escape.**

Monitoring shall be provided by: _____.

The Defendant shall **abide by all provisions of any existing no contact order.**

Upon the posting of bail or release as outlined above, the Defendant **shall immediately report to the Blaine County Misdemeanor Probation Department.**

Other provisions: Abide by existing No Contact Order.
Do not possess firearms. Subject to
search as necessary.

DATED 24 January 2012

R. Ted Arnold
Judge

FAILURE TO ABIDE BY THE CONDITIONS OF THIS RELEASE MAY RESULT IN FORFEITURE OF BOND, IF ANY, AND A WARRANT FOR THE DEFENDANT'S ARREST.

I acknowledge that I have read and received a copy of this Order.

DATED _____

Defendant

cc: Prosecutor

Defendant

Defense Attorney Delan

Blaine County Sheriff

Blaine County Misdemeanor Probation Department

Other: _____

[] The Defendant shall not enter any establishment where alcohol is sold by the drink to be consumed on the premises.

[] The Defendant shall not be in actual physical control of a motor vehicle after consuming alcohol or controlled substances not prescribed by a physician.

[] The Defendant shall not leave: [] the State of Idaho [] Blaine County [] Other: _____ without the prior written permission of the Court.

This restriction shall be monitored by electronic or global positioning tracking. The Defendant shall pay the cost of any monitoring. The Defendant is hereby notified that violation of this condition of release constitutes the criminal offense of escape.

Monitoring shall be provided by: _____

The Defendant shall abide by all provisions of any existing no contact order.

Upon the posting of bail or release as outlined above, the Defendant shall immediately report to the Blaine County Misdemeanor Probation Department.

Other provisions: Abide by existing No Contact Order
Do not possess firearms. Subject to
search as necessary.

DATED 24 January 2012 R. Ted Brown
Judge

FAILURE TO ABIDE BY THE CONDITIONS OF THIS RELEASE MAY RESULT IN FORFEITURE OF BOND, IF ANY, AND A WARRANT FOR THE DEFENDANT'S ARREST.

I acknowledge that I have read and received a copy of this Order.

DATED 1, 24, 2012 [Signature]
Defendant

- cc: Prosecutor Defendant
- Defense Attorney Blaine County Sheriff
- Blaine County Misdemeanor Probation Department
- Other: _____

5th JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF BLAINE
FELONY ARRAIGNMENT MINUTE ENTRY

STATE v. Pierre John Saviers Case No. : CR-2012-0000368
D.L.#: FA111839E DOB [REDACTED] Date: 1/24/2012
Address: PO Box 106 Sun Valley, ID 83353 Judge: R. Ted Israel
CD No. MC Counter: 1:38 Interpreter: _____

Prosecutor: ~~Jim Thomas~~ Angela Nelson Clerk: Andrea Logan

DEFENDANT having been charged with the following:
COUNT 1: No Contact Order Violation (Third Offense) AMENDED: _____

- Defendant: Appeared () Failed to Appear () Bench Warrant Issued & Bond Forfeiture Ordered
 Advised of all rights and penalties per ICR 5, including right to remain silent, that statements may be used against him/her, right to bail, right to counsel, appointment of Public Defender as provided by law, Preliminary Hearing. viewed slideshow.
5 yrs prison, \$5000 fines = max. penalties
() Represented by Counsel (present) _____
 Advised of Charges () Waived Counsel Requested PD () Private Attorney
 Waived Reading Complaint () Complaint Read by Court () Requested Continuance
 Bond \$ 100,000 () Remanded to Custody of Sheriff
probation violation \$25,000
() Ordered Released () Own Recognizance () To Pre-Trial Services
() Other _____

Public Defender appointed: Dan Dolan

Preliminary Hearing set: Feb. 7, 2012 @ 1:30 p.m.

Crt. advises def. of P.V. filed in 4 cases - CR-1199, 11-2730, 11-2428, 11-2443
Def. reviews probation violation, understands charges
Crt. advises def. max penalties - total 970 days jail, \$1400 fines
Def. requests public defender on PV
Crt. appoints Dan Dolan on PV as well

* Status 2-13-12 @ 2 p.m.

St. rec. bond remain set at \$175,000, reviews criminal history, requests
NCO w/ Timi Saviers, conditions - no alcohol, A had SCRAM + needs to cont. to wa
if on if bonds, no weapons

Def. responds explains what happened, apologizes for past behavior in court
Crt. comments to def., understands A is frustrated w/ divorce, sets bond, conditions
release - address, violate no laws, contact P.D., go to mud. prob., have SCRAM,
no alcohol or illegal drugs, no firearms or weapons

SENTENCING:

State's recommendations:

Defendant's comments:

Court's comments:

COUNT I

Sentence imposed. Judgment of Conviction entered Withheld Judgment entered
 _____ Days in Jail _____ Days suspended; _____ Days credit for time served
 Community Service Hours _____ SWR starting:
 Fines imposed \$ _____ with \$ _____ suspended court costs
 Restitution \$ _____ State has 30 days to file for restitution or it is waived.
 Driver's License Suspended: _____ days with _____ days absolute
 Probation: _____ months supervised supervision fees unsupervised
 May apply for early release after _____ months.

Probation Conditions:

- Violate no laws;
- Notify Court of address change;
- Make payment arrangements with court clerk;
- _____ days of Driver's License Suspension are Suspended;
- Attend Crime Victims Panel;
- Attend Court Alcohol School;
- No BAC refusals;
- No alcohol or controlled substances while driving;
- Must have car insurance and valid DL;
- Restricted DL permit as per probation officer;
- No alcohol or drugs, not prescribed by a physician;
- Counseling/treatment per probation officer or evaluation recommendation.

Other: def. is taking part in pain injury study in Maryland next
month would like to take part in program
crts. tells him to talk to his attorney about it

COUNT II *Process*

Sentence imposed. Judgment of Conviction entered Withheld Judgment entered
 _____ Days in Jail starting: Community Service Hours
 _____ Days suspended SWR
 Fines imposed: \$ _____ with \$ _____ suspended court costs
 Driver's License Suspended: _____ days with _____ days absolute
 Probation: _____ months supervised supervision fees unsupervised
 Concurrent sentences Consecutive sentences
 Other:

ORDER SETTING PRELIMINARY HEARING AND BOND

STATE OF IDAHO v. Pierre John Saviers

Case No. CR-2012-368

FILED
JAN 24 2012
Jolynn Drage, Clerk District
Court Blaine County, Idaho

IT IS HEREBY ORDERED that the matter is SET FOR PRELIMINARY HEARING at the Blaine County Courthouse, Hailey, Idaho, as follows:

DATE OF PRELIMINARY HEARING: February 7, 2012 AT 1:30 p.m.

ASSIGNED JUDGE: [] Israel Ingram [] Other: _____

IT IS FURTHER ORDERED that BOND IS SET in the amount of: [] O.R. \$ 100,000.⁰⁰

IT IS FURTHER ORDERED that:
1. The Defendant MUST APPEAR at the time set.
2. No Contact Order issued *previously. continue to abide by this.*
3. [] Conditions of Release required.

A WARRANT MAY BE ISSUED FOR FAILURE TO COMPLY WITH THIS ORDER.

DATED: 24 January 2012

[Signature]
JUDGE

RECEIVED BY: _____
DEFENDANT

cc: Prosecuting Attorney

Defense Attorney
[Signature]

Blaine County Sheriff

ORDER SETTING PRELIMINARY HEARING AND BOND

STATE OF IDAHO v. <u>Pierre John Saviers</u>	Case No. CR- <u>2012-368</u>
--	------------------------------

IT IS HEREBY ORDERED that the matter is SET FOR PRELIMINARY HEARING at the Blaine County Courthouse, Hailey, Idaho, as follows:

DATE OF PRELIMINARY HEARING: February 7, 2012 AT 1:30 p.m.

ASSIGNED JUDGE: Israel Ingram Other: _____

IT IS FURTHER ORDERED that BOND IS SET in the amount of: O.R. \$ 100,000.⁰⁰

IT IS FURTHER ORDERED that: 1. The Defendant MUST APPEAR at the time set.
2. No Contact Order issued. 3. Conditions of Release required.

medically. Come to court by this.

A WARRANT MAY BE ISSUED FOR FAILURE TO COMPLY WITH THIS ORDER.

DATED: 24 January 2012 [Signature]
JUDGE

RECEIVED BY: [Signature]
DEFENDANT

cc: Prosecuting Attorney Defense Attorney Blaine County Sheriff

CONFIDENTIAL

SPAXED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
THE STATE OF IDAHO IN AND FOR THE COUNTY OF BLAINE

FILED AM PM 11:28
JAN 24 2012
Joynn Drage, Clerk District Court Blaine County, Idaho

Public Defender Application

You must fill this Application out completely. Check any box that applies. If your answer to a question is "none" write "none" in the blank. If the question does not apply to you, write "N/A" (not applicable) in the blank.

Name: Pierce S. Johnson
Mailing Address: PO Box 1000
Sub Valley ID

Date of Birth: [REDACTED]
Social Security: [REDACTED]
Telephone #: [REDACTED]

[] Single [] Married Divorced. I have 0 children under the age of 18. I am required to pay child support in the amount of \$ 0 per month. I currently owe \$ 0 in back support.

Name of Employer: Self I work 0 hours per week.
Total monthly income: \$ 0 Amount I take home per month: \$ 0
Length of employment: 0 I am not currently employed.

I have a [] checking; [] savings; [] other account at Wells Fargo Bank.
The total value of all amounts deposited in that bank is \$ 1200.

I have the following additional monthly income:
Unemployment: \$ 0 2nd job: \$ 0
Other government benefits: \$ DISABILITY Child Support: \$ 0
Trust income: \$ 0 Part-Time Employment: \$ 0
Spouse's income: \$ 0 Dividends: \$ 0
Other: \$ 0

My total income for last year was \$ 12,000

I own the following real property:

Location	Value	Amount owed

I own the following personal property; the value of that property is:

Motor vehicle of any kind: \$ 0 Firearms: \$ 0
Trailer or Mobile Home of any kind: \$ 0 Furniture/Household goods: \$ 0
Tools or Equipment of any kind: \$ 0
Any other personal property, including, but not limited to electronics, computers, sports equipment, musical instruments, stamp, coin or card collections or other valuables: \$ 0

I have a direct, partnership, corporate or trust interest in the following additional items :

Item	Value

I can cannot borrow money to pay an attorney.

I have the following monthly expenses:

<u>Expense</u>	<u>Amount</u>	<u>Expense</u>	<u>Amount</u>
Rent/House payment	\$ <u>500.00</u>	Food	\$ <u>300</u>
Utilities	\$ _____	Credit Card Debt	\$ <u>500.00</u>
Car Payment	\$ _____	Medical Expenses	\$ <u>100.00</u>
Insurance	\$ _____		
Other (please specify):	\$ _____		\$ _____
	\$ _____		\$ _____

I owe the following persons or entities an amount in excess of \$150:

<u>Person or entity</u>	<u>Amount owed</u>	<u>Reason for debt</u>
<u>Wells Fargo</u>	<u>200.00</u>	<u>wife</u>
_____	_____	_____
_____	_____	_____

I hereby authorize any person or entity to release financial information to the Fifth District Court, Blaine County, Idaho, provided it relates to my financial condition as disclosed in this application for the purpose of reviewing my continuing eligibility for appointment of the Public Defender.

I hereby declare and certify upon oath that all of the above statements are true to the best of my knowledge. I understand that if these statements are not true, I can be prosecuted for Perjury, I.C. §18-5401, and punished by a sentence of not less than one nor more than fourteen years in the state prison.

DATED: Jan 24 2012 DEFENDANT: [Signature]

ORDER

Based on the above application and good cause appearing therefor:

IT IS HEREBY ORDERED that:

1. The application for Public Defender is: GRANTED DENIED because:

2. The Defendant shall initially reimburse Blaine County in the sum of \$ _____ for the services of the Public Defender. Payment arrangements shall be made with the Clerk of the Court. Failure to abide by those arrangements may be grounds for Contempt of Court and an additional jail sentence of up to five days in jail and a fine of up to \$5000.

DATED: 24 January 2012 JUDGE: [Signature]

COURT MINUTES

CR-2012-0000368; CR2011-2428; CR2011-2730; CR2011-1243; CR2010-1199

State of Idaho vs. Pierre John Saviers

Hearing type: Motion to reduce bond

Hearing date: 2/2/2012

Time: 1:36 pm

Judge: R. Ted Israel

Courtroom: Magistrate

Minutes Clerk: ANDREA

Tape Number: MC

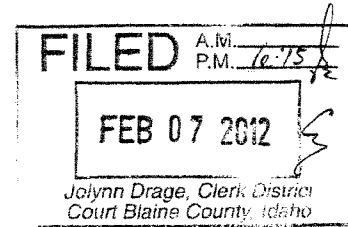
Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
136	Court introduces cases, Def present in custody, represented by counsel Mr. Dolan, State represented by Mr. Fredback, set today on Def's motion to reduce bond
	Mr. Dolan addresses his motion, thanks the Court for hearing this motion today, understands the violation was text messages regarding the sale of their home, Mrs. Saviers was also texting messages to the Def about the same issue, would like contact w/ Mrs. Saviers through a 3 rd party to discuss these issues, requests Court reconsider bond amount, Def's sole income is from disability, he can no longer work due to a brain injury, Def has had changes in his medication and was doing well prior to the past incident, no objection to going back on SCRAM unit while on bond, no objection to a condition that Def not be able to be on Indian Creek Road
	Court questions Defendant re: residence, lives on First Avenue North; Court continues questioning Defendants, Defendant also needs to see the probation department, his psychiatrist in Ketchum
	State responds-3 violations of the no contact order, Defendant has routinely

	shown this Court he cannot follow the rules over a long period of time, he's been on SCRAM unit, conditions of bond and no contact order, the victim is terrified of the Defendant and worried about her safety, the State is worried about her safety, describes this past incident, there were allegations that a weapon was involved even though he was specifically ordered to not possess any weapons, requests the Court to leave bond as ordered, Def had a SCRAM unit on last time and was useless when the Def doesn't check in w/ probation
	Mr. Dolan responds-any firearms Def previously owned have been sold
156	Court understands the issues w/ firearms, doesn't want to see Defendant use a firearm on anyone else or himself, doesn't want to keep Def in jail however needs an option to keep Def safe and the community safe, questions if an inpatient facility can be found
	Mr. Dolan responds-doesn't have an assisted living program or mental health program available at this time, he pays for an apartment and
	Court is not going to reduce the bond at this time, would like a plan in place addressing the issues, need someone to tell the police or the Court if he's threatening Mrs. Saviers, suicidal, or drinking; Court was considering GPS unit, need more specific plan, perhaps a friend or someone will volunteer to help
200	Recess

ORIGINAL



Jim J. Thomas, ISBN 4415
Blaine County Prosecuting Attorney
201 2nd Avenue S., Suite 100
Hailey, Idaho 83333
Telephone: (208) 788-5545
Fax: (208) 788-5554

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,

Plaintiff,

vs.

PIERRE J. SAVIERS,

Defendant.

Case No. CR-2012-368

AMENDED CRIMINAL COMPLAINT

COMES NOW, Matthew Fredback, Deputy Prosecuting Attorney, who hereby submits the following criminal complaint based upon the sworn affidavit of Crissi Gilchrist, a duly appointed peace officer, and charges the defendant with the following criminal offenses:

COUNT ONE

Part One

That the Defendant, PIERRE J. SAVIERS, on or between the 8th day of November, 2011 and January 23rd, 2012, in the County of Blaine, State of Idaho, had contact with Timi Saviers in violation of a no contact order issued by Blaine County Magistrate Court Judge R. Ted Israel in Blaine County Case Numbers CR-11-2730 and CR-11-2428, where the Defendant was charged with the underlying offense of

MALICIOUS INJURY TO PROPERTY, a Misdemeanor, I.C. § 18-7001(1), an offense for which the Court found a no contact order to be appropriate, in violation of Idaho Code § 18-920, VIOLATION OF NO CONTACT ORDER, a MISDEMEANOR.

COUNT ONE

Part Two

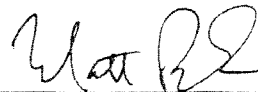
That the Defendant, PIERRE J. SAVIERS, did unlawfully commit those acts set forth in Count One, Part One, of this Complaint at a time when the defendant had pled guilty to or was found guilty of, at least two violations of Idaho Code § 18-920 within five (5) years, to-wit:

1. That the Defendant, PIERRE J. SAVIERS, on or about the 11th day of October, 2011, was found guilty of or pled guilty to VIOLATION OF A NO CONTACT ORDER, in violation of Idaho Code § 18-920, a MISDEMEANOR, in the County of Blaine, State of Idaho, in Criminal Case No. CR-11-2730, see attached State's Exhibit "1";

2. That the Defendant, PIERRE J. SAVIERS, on or about the 11th day of October, 2011, was found guilty of or pled guilty to VIOLATION OF A NO CONTACT ORDER, a MISDEMEANOR, in violation of Idaho Code § 18-920, in the County of Blaine, State of Idaho, in Criminal Case No. CR-11-2428, see attached State's Exhibit "2";

in violation of Idaho Code § 18-920(3), VIOLATION OF A NO CONTACT ORDER, TWO PRIOR CONVICTIONS WITHIN FIVE (5) YEARS, a FELONY.

All of which is contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Idaho.



Matthew Fredback, ISBN 7262
Deputy Prosecuting Attorney

Subscribed and sworn to before me this 7th day of February, 2012.



Magistrate

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 8th day of February, 2012, I caused to be served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Blaine County Prosecuting
Attorney's Office
201 2nd Avenue S., Suite 100
Hailey, Idaho 83333

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Telecopy

Dan Dolan, Esq.
Attorney at Law
P.O. Box 757
Ketchum, Idaho 83340

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Telecopy



Deputy Clerk

COURT MINUTES

CR-2012-368

State of Idaho vs. Pierre John Saviers

Hearing type: Preliminary

Hearing date: 2/7/2012

Time: 1:39 pm

Judge: Jason Walker

Minutes Clerk: Heidi Schiers

Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

1:39	<p>Court calls case. Def present with counsel. State represented by counsel.</p> <p>Court reviews amended criminal complaint, alleging 2 counts. Only the dates were changed, not the charges.</p> <p>Mr. Dolan has seen a copy. He waives formal reading again.</p> <p>Max penalty is 5 years state penitentiary and \$5000 fine, or both.</p> <p>Defendant's left hand is freed, per Mr. Dolan's request, so that Def may write notes to his attorney.</p> <p>Witnesses excluded.</p>
1:44	<p>Mr. Fredback OFFERS STATE'S EXHIBITS 1 AND 2. Both are judgments of conviction. Mr. Dolan requests that the exhibits be separated. The judgments are attached to No Contact Orders.</p> <p>Mr. Fredback comments he misspoke. There is an attached No Contact Order, with the respective judgments.</p> <p>STATE'S EXHIBITS 1 (for CR 2011-2428) AND 2 (CR 2011-2730) ADMITTED WITHOUT OBJECTION.</p>
1:47	<p><u>DIRECT</u></p> <p>State calls FIRST WITNESS – TIMI SAVIERS.</p> <p>She is sworn under oath and testifies. She is 47 yoa. She was last married to Pierre Saviers, for 10 years. She recognizes his voice, email, and phone number.</p> <p>Witness identifies Defendant in the courtroom.</p> <p>The marriage ended June 2010. She became a party in a no contact order, in which Mr. Pierre Saviers was the defendant.</p> <p>Witness identifies no contact order. Police brought her a copy. The NCO was issued October 2011. It was to remain in effect for 3 years, until 2015.</p> <p>Witness last had contact with Def on January 21, 2012. She reported that contact to the police.</p> <p>Mr. Dolan OBJECTS – speculation.</p> <p>Mr. Fredback responds.</p> <p>SUSTAINED.</p>
1:51:55	<p>Witness is certain Def called and left messages. She definitely received texts, phone calls, and emails in January 2012, but she can't recall exactly which occurred on which day.</p> <p>She intermittently received emails in fall, which she didn't report because she knew he wanted to see his dogs. She didn't want him to be unhappy. She just didn't want him to hurt her.</p> <p>There were emails sent in December.</p> <p>Mr. Fredback presents STATE'S EXHIBIT 3. It is a packet containing 10 pages of emails from Pierre to witness. It contains appx 10 emails.</p>

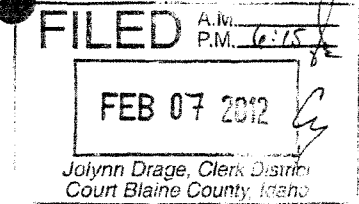
	<p>She recognizes the emails by the address and the content. The times and dates appear to be accurate. The series of emails began Nov 28, 2011.</p>
1:57	<p>State OFFERS Exhibit 3. Question in aid of objection: Witness forwarded the emails to Deputy Gilchrist. She believes she sent a few emails to the deputy, which contained a few emails, each.</p> <p>STATE'S EXHIBIT 3 ADMITTED WITHOUT OBJECTION.</p> <p>Mr. Fredback questions re. page within the packet (exhibit 3). It appears to be missing. Witness comments that the pages are out of order. Counsel checks the packet. 19 and 20 are not there by design.</p>
2:01:30	<p>Witness confirms she received phone calls. A few times before January, she answered the phone in order to coordinate for Pierre to see the dogs. January 2012, witness did not answer the phone calls. She listened to the messages left, and recognized the name and voice associated with those phone calls/messages. They were from Pierre.</p> <p>Witness has text messages in her phone. She may have printed them out. Mr. Fredback presents State's Exhibit 4. Witness recognizes it as a copy of a few texts from Pierre to herself. There are 2 texts in this document. They were sent January 2012, near the 21st. She has the dates for sure in her phone. She is certain it was in December or January. The printed texts appear to be true and accurate copies of the texts received in her phone, which she received from the Def.</p> <p>Exhibit 4 OFFERED.</p>
2:05:30	<p>Question in aid of objection: Witness knows she sent the texts to Deputy Gilchrist. She forwarded them from her phone to the deputy. She did not store them on a Verizon application.</p> <p>The number is hers. It is a Santa Barbara area code. She did not send these separately to herself. Witness does not know how they come out looking once printed. The name appears, not the number, when viewing the text message. In the address book, the phone number is attached to her name.</p> <p>When she originally obtained this text message, she did not store it in Verizon pics. Mr. Dolan questions why it has the extension of Verizon pics. Witness is not sure. Maybe it was automatic.</p> <p>Mr. Dolan OBJECTS to admissibility. Mr. Fredback responds. Court – the question raised by Mr. Dolan is foundational. They are copies of the original text which she forwarded. Court ALLOWS. At this point, they may or may not implicate Mr. Saviers. STATE'S EXHIBIT 4 ADMITTED.</p>
2:11	Recess.
2:22:43	<p>BACK ON RECORD.</p> <p>Court re-introduces case. Witness describes phone messages. Mr. Dolan OBJECTS – foundation. SUSTAINED.</p>

	<p>Mr. Fredback questions what the last message witness received from Mr. Saviers said. Witness is not sure exactly what Def said in each one. Mr. Fredback questions re. common theme. Witness responds that Def asked her not to call the police.</p> <p>Def approached witness and her girlfriend at Starbucks. She told him he would need to leave or she would call police. He left.</p> <p>Witness comments she did not initiate contact. The last time she responded to Mr. Saviers was before he approached her in Starbucks, before December 28.</p>
2:26:20	<p>Prior to this incident, witness has been victim of no contact order violation.</p> <p>Mr. Dolan OBJECTS – relevance.</p> <p>Mr. Fredback responds. Mr. Dolan comments it is not a question of whether there was a prior charge. He withdraws objection.</p> <p>Mr. Fredback repeats question.</p> <p>In May 2011, witness had just moved back to town.</p> <p>Everything stricken except the date.</p> <p>Witness does not want to be here. It was not her intent to press criminal charges.</p>
2:28	<p><u>CROSS EXAMINATION</u></p> <p>Between October 2011 and January 2012, she has received phone calls, texts, and emails from Pierre. She believes she has submitted them all to the police and the State.</p> <p>Mr. Dolan repeats the question.</p> <p>From November 8 - January 23, witness has seen exhibits of emails from Pierre to witness. This is what she is saying are the violation of no contact order. She is not aware of any others. She has not replied since December.</p> <p>When she didn't get the dogs back, she would respond or call Michael Donovan.</p> <p>Michael Donovan was just trying to help so Pierre could have the dogs. He had considered helping witness get Pierre to do something to list the house.</p> <p>Witness is trying to list the house.</p> <p>Mr. Dolan questions if a lot of the communication was trying to get Pierre to lift the lien on the property.</p> <p>Witness replies that she spoke with Brad Defur about this.</p>
2:32	<p>Witness contacted Mr. Defur in mid-January 2012. She has gone to Pierre's house once or twice to get the dogs. She is unsure of the dates.</p> <p>She is aware that Pierre had an attorney representing him.</p> <p>Witness comments she did not send Mr. Defur to do anything. All she could do was sign her part of the listing agreement.</p> <p>Witness comments she was not sending emails to Michael Donovan, to have sent to Pierre. These emails were regarding the dogs and the house.</p> <p>He was trying to mediate between her and Pierre, as a friend.</p> <p>Witness does not know if the emails forwarded to the police have an IP address on them.</p> <p>Mr. Dolan questions re. forwarding emails.</p> <p>Witness looked over the emails/exhibits before court today.</p> <p>Mr. Dolan reads from email sent December 19. He questions if witness had sent Mr. Saviers a text or email.</p> <p>Witness does not know if she provided her texts to law enforcement.</p>
2:36:50	<p>Witness forwarded her conversations with Pierre, the texts she felt violated the no contact order, and emails. She is not sure if she sent her own information. She is sure she has not initiated contact, but she did tell law enforcement that she had responded.</p> <p>She doesn't remember who she told. She has spoken with 10 officers in the last year.</p> <p>She doesn't remember their names. She recalls Deputy Gilchrist, and 3-4 others.</p>

	<p>Witness does not remember who she told that she had responded to Pierre.</p> <p>Witness is not sure which officers came to her residence. 2 came at one time, and one came another time. Witness knows it was not dark. It was sometime during the day. She doesn't dwell on this; it's too hard to live in this space anymore.</p> <p>Court instructs witness to only answer the question asked.</p>
2:40	<p>Mr. Dolan – nothing further. Mr. Fredback – nothing further.</p> <p>Witness excused. No further witnesses.</p>
2:41:35	<p><u>STATE MAKES ARGUMENT.</u></p> <p>There are 2 prior convictions to violation of no contact order, which leads to this statute being a felony. There have been various contacts by this Defendant through text, email, phone calls, and in person, to Timi Saviers. Defendant had notice that this no contact order knew the order existed. Defendant signed the orders, and witness testified that Def told her not to contact police.</p> <p>Mr. Fredback quotes from December 19 email. There is a direct reference to the no contact order in effect. He requests Court bind over Defendant to district court.</p>
2:43:42	<p><u>MR. DOLAN MAKES ARGUMENT.</u></p> <p>Mr. Dolan requests Court dismiss the pleadings as filed. State is required to prove it. Count 1, part 1 is for malicious injury to property. Neither of those cases numbers says he was convicted, in those case of malicious injury to property. It should say he was convicted of violation of a no contact order. Without a specific finding in either of those judgments, they are invalid. 18-902 is not one of the listed crimes that a no contact order can be issued for, unless there is a specific finding itself. Neither is present here. He again requests that Court dismiss the proceedings.</p> <p>Court questions re. authority that there must be a specific finding. Mr. Dolan replies. In order to go to the next level, there has to be a finding that there is an appropriate no contact order. It is not enough to have a no contact order signed by a judge. Court clarifies.</p> <p>There was no proof as to malicious injury to property.</p>
2:47	<p>Mr. Fredback refers to the statute in the jury instructions. The malicious injury to property was the original crime for which the no contact order was issued.</p> <p>Court – this recitation is the first that Court has heard of it. Mr. Fredback – The Court only needs to find that there was a no contact order issued by the Court. There is no Idaho code section listed, but it does allow for an offense for which a no contact order was appropriate. State believes the Court can make the finding. Mr. Fredback doesn't believe a specific finding is necessary.</p>
2:50	<p>Court reviews complaint and statute.</p>
2:55:42	<p>Court comments on purpose of preliminary hearing – to determine if there is probable cause that Def committed the crime. Court refers to IC 19-815 and 804. Court refers to issue with the complaint raised by Mr. Dolan, which is problematic.</p> <p>Court reads from complaint. The problem is that the complaint can be read a few different ways. It is potentially confusing what was intended.</p>

	<p>Court refers to section re. holding a defendant to answer. The public offense is the violation of the no contact order. Def has been convicted of 2 previous violations of a no contact order. Court acknowledges the confusion pointed out, but believes a reasonable reading is for the underlying case.</p> <p>Court finds has shown sufficient proof.</p> <p>Re. the second issue raised by Mr. Dolan that NCOs are void because there is no specific finding, Court finds that because it is an order of the court, the NCOs are valid.</p> <p>Court finds sufficient evidence to show that Def had contact with Timi Saviers between the dates in question. The emails alone at this point are sufficient cause.</p>
3:00:30	<p><u>Court binds Def over to district court.</u></p> <p>Court instructs Def to remain in contact with his attorney. Def remanded back to custody of sheriff.</p>
3:01:30	<p>Recess.</p>

ORIGINAL



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,

Plaintiff,

vs.

PIERRE J. SAVIERS,

Defendant.

Case No. CR-2012-368


ORDER BINDING OVER

THIS MATTER came before the Court for a preliminary hearing on the 7th day of February, 2012, on a complaint charging the Defendant with the felony offense of VIOLATION OF A NO CONTACT ORDER, TWO PRIOR CONVICTIONS WITHIN FIVE (5) YEARS, in violation of Idaho Code § 18-920(3).

The Court, having considered the testimony, other evidence and argument of counsel, finds based upon substantial evidence upon every material element of the aforementioned charged offense, that such offense was committed and that there is probable or sufficient cause to believe the Defendant committed such offense.

Accordingly, pursuant to Idaho Criminal Rule 5.1(b), the Court hereby orders that the Defendant be held to answer in the District Court on said felony charge and is hereby bound over on the same to the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine.

DATED this 7 day of February, 2012.



Jason Walker
Magistrate Judge

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 8th day of February, 2012, I caused to be served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Blaine County Prosecuting
Attorney's Office
201 2nd Avenue S., Suite 100
Hailey, Idaho 83333

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Telecopy

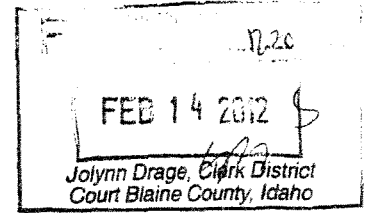
Dan Dolan, Esq.
Attorney at Law
P.O. Box 757
Ketchum, Idaho 83340

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Telecopy



Deputy Clerk

ORIGINAL



Jim J. Thomas, ISBN 4415
Blaine County Prosecuting Attorney
201 2nd Avenue S., Suite 100
Hailey, Idaho 83333
Telephone: (208) 788-5545
Fax: (208) 788-5554

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,

Plaintiff,

vs.

PIERRE J. SAVIERS,

Defendant.

Case No. CR-2012-368

INFORMATION

Plaintiff State of Idaho, pursuant to Idaho Criminal Rule 7, by this Information charges the Defendant, PIERRE J. SAVIERS, with the following crimes:

COUNT ONE

Part One

That the Defendant, PIERRE J. SAVIERS, on or between the 8th day of November, 2011 and January 23rd, 2012, in the County of Blaine, State of Idaho, had contact with Timi Saviers in violation of a no contact order issued by Blaine County Magistrate Court Judge R. Ted Israel in Blaine County Case Numbers CR-11-2730 and CR-11-2428, where the Defendant was charged with the underlying offense of MALICIOUS INJURY TO PROPERTY, a Misdemeanor, I.C. § 18-7001(1), an offense

for which the Court found a no contact order to be appropriate, in violation of Idaho Code § 18-920, VIOLATION OF NO CONTACT ORDER, a MISDEMEANOR.

COUNT ONE

Part Two

That the Defendant, PIERRE J. SAVIERS, did unlawfully commit those acts set forth in Count One, Part One, of this Complaint at a time when the defendant had pled guilty to or was found guilty of, at least two violations of Idaho Code § 18-920 within five (5) years, to-wit:

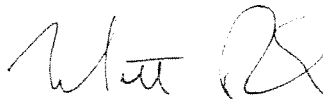
1. That the Defendant, PIERRE J. SAVIERS, on or about the 11th day of October, 2011, was found guilty of or pled guilty to VIOLATION OF A NO CONTACT ORDER, in violation of Idaho Code § 18-920, a MISDEMEANOR, in the County of Blaine, State of Idaho, in Criminal Case No. CR-11-2730, see attached State's Exhibit "1";

2. That the Defendant, PIERRE J. SAVIERS, on or about the 11th day of October, 2011, was found guilty of or pled guilty to VIOLATION OF A NO CONTACT ORDER, a MISDEMEANOR, in violation of Idaho Code § 18-920, in the County of Blaine, State of Idaho, in Criminal Case No. CR-11-2428, see attached State's Exhibit "2";

in violation of Idaho Code § 18-920(3), VIOLATION OF A NO CONTACT ORDER, TWO PRIOR CONVICTIONS WITHIN FIVE (5) YEARS, a FELONY.

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

DATED this 14 day of February, 2012.



Matthew Fredback, ISBN 7262
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of February, 2012, I caused to be served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Dan Dolan, Esq.
Attorney at Law
P.O. Box 757
Ketchum, Idaho 83340

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Telecopy



Janis Nelson, Legal Secretary

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Arraignment

Hearing date: 2/27/2012

Time: 9:35 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: Crystal Rigby

Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
9.35	Counsel present, Def. present in custody.
	Court introduces the case, reviews the Information charging the Def. with Violating a No Contact Order, a felony.
	Mr. Dolan waives formal reading.
	Court reviews the maximum penalties: 5 yrs. prison or a fine of \$5,000.
9.37	Def. pleads not guilty
	Court sets 2 day J.T. for 5/30/12 and a PTC for 5/7/12 at 9a.m.
	Mr. Dolan not available for PTC
	Court sets PTC for 4/23/2012 at 9:30a.m.
9.39	Mr. Dolan addresses a Motion to Reduce Bond. Discusses the monitoring that the Def. will have when out on bond. Believes it would be better if the Def's funds go to his monitoring rather than a bond. Requests an OR release if a plan

	can be shown to the Court.
	Court has Mr. Dolan set the motion for hearing once a plan has been acquired.
9.44	Recess

FILED A.M. 12:29
P.M. 12:29
MAR - 1 2012
JoLynn Drage, Clerk District
Court Blaine County, Idaho

**Fifth Judicial District Court, State of Idaho
In and For the County of Blaine
201 2nd Avenue South, Suite 106
Hailey, Idaho 83333**

STATE OF IDAHO
Plaintiff,
vs.
Pierre John Saviers
PO Box 106
Sun Valley, ID 83353
Defendant.

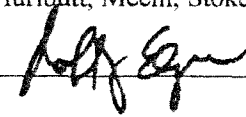
)
) Case No: CR-2012-0000368
)
) NOTICE OF TRIAL SETTING,
) PRE-TRIAL CONFERENCE, AND
) ORDER GOVERNING FURTHER
) PROCEEDINGS
)

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

Pretrial Conference	Monday, April 23, 2012 09:30 AM
Judge:	Robert J. Elgee
Jury Trial	Wednesday, May 30, 2012 09:00 AM
Judge:	Robert J. Elgee

IT IS HEREBY ORDERED that the parties must comply with the following requirements:

1. **Pre-Trial Motions:** ALL pre-trial motions must be filed within 28 days from this date, and heard within 42 days.
2. **Discovery:** Must be completed within 42 days of this date.
3. **Pre-Trial Conference:** The parties shall conduct a settlement conference before the date of the pre-trial conference. The day of the pre-trial conference, the parties must be prepared to inform the Court whether the case is going to trial and the results of the settlement negotiations.
4. **Plea Bargain Agreements:** All plea bargain agreements shall be reduced to writing before the date of sentencing or dismissal. The agreement must be signed by the attorneys for both parties and by the defendant.
5. **Change of Plea:** The defendant may use the pre-trial conference date to change his/her plea if notice is given to the Court.
6. **Motions to Continue:** All motions to continue the trial date must be in writing and shall state the reason for the motion. Motions to continue made by the Defense shall be signed by the Defendant. All motions and stipulations for a continuation shall be accompanied by an order to vacate and reset the trial and pre-trial conference. The dates for rescheduling the trial and pre-trial conference shall be left blank so that the Court may fill them in.
7. **Jury Instructions.** Jury instructions and a list of witnesses must be submitted by the parties to the Court at least 5 days before the trial date.
8. **Waiver of Speedy Trial:** A written waiver of speedy trial must be signed by the Defendant and filed with the Court before the Court will schedule a trial date beyond the six-month period. The six-month period is calculated from the date of the District Court arraignment.
9. **Alternate Judges:** Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Butler, Crabtree, Elgee, Higer, Hurlbutt, Meehl, Stoker, Wood, Brody, St. Clair and Wildman.

Judge 

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, March 01, 2012.

Defendant: Pierre John Saviers Mailed _____ Hand Delivered

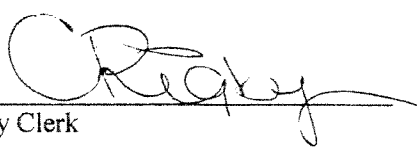
Private Counsel: Mailed Hand Delivered _____

Daniel M. Dolan

P.O. Box 757
Ketchum ID 83340

Prosecutor: Jim Thomas Blaine County Prosecuting Attorney
Mailed _____ Hand Delivered

Dated: Thursday, March 01, 2012

By: 
Deputy Clerk

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Motion

Hearing date: 3/5/2012

Time: 10:12 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: Crystal Rigby

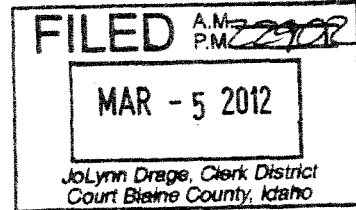
Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
10.13	Counsel present, Def. present in custody
	Court introduces the case, reviewed a letter from a psychiatrist. Spoke with counsel in chambers
	Mr. Dolan requests letter be sealed
	Court ADMITS letter as Exh. A and has the exhibit sealed.
	Mr. Dolan addresses the motion to reduce bond, discusses the recommendation of Ms. Fuller regarding the Def's release on bond/OR. Reviews the issues the Def. has had with his ex-wife that has triggered the contention between the parties resulting in the no contact order and the violations of that order. The Def's only income is from disability. Requests the Def. be released on his own recognizance with special conditions of release that follow the plan that has been provided. Believes that the decision on bond for the cases in front of Judge Israel will be deferred to this Court's ruling on this case.

10.28	State responds, likes the safety plan, but is worried that the Def. cannot be trusted. Reviews the Def's history. Requests that the bond be left the same.
10.35	Court comments and inquires about the inevitable result that the Def. will be release sooner or later.
	State responds: doesn't have an answer.
	Mr. Dolan responds, this is the best time to get the Def. back in his apartment. This Court has the Def's attention, and he knows what he faces if he fails.
10.41	Court comments to the Def. Court grants motion for OR release, but the Def. is on thin ice. All conditions of release will apply, Mr. Dolan is to prepare an order. Def. must prepare and wear a SCRAM Unit, continue taking prescribed medications.
10.51	Recess



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 2012 368
vs.)	
	)	Order Reducing Bond & Setting
Pierre J. Saviers,	)	Conditions of Release
)	
Defendant.)	
_____)	

This matter having come before the above entitled Court upon the Defendant's motion to modify the conditions of release and Bond

The court having heard argument of counsel, and good cause appearing Now therefore it is hereby ordered the bond previously set herein shall be reduced to release on his own recognizance.

Further the following terms and conditions of release shall apply.

1. The defendant shall not have any further contact with his dogs from his previous marriage
2. The defendant shall not initiate any contact with his ex wife TS.
- 3 The defendant shall immediately cease any contact with his ex wife TS if she contacts

him first.

4. The defendant shall report any contact with his ex wife TS immediately to his Probation Officer and Defense Attorney and Dr. Gary Peterson.

5. The defendant shall attend AA meetings a minimum of four (4) times per week.

6. The defendant shall not consume or possess alcohol and wear a scram unit and comply with the scram unit rules 24/7. The defendant shall pay for the scram one week in advance.

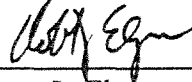
7. The defendant shall see his probation officer once per week

8. The defendant shall call his probation officer every day (7 days per week) and either speak with his probation officer or leave a his probation officer a voice mail as to his status

9. The defendant shall maintain office and telephone appointments with Dr. Peterson as scheduled.

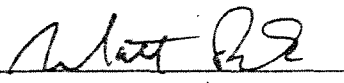
10. The defendant shall continue to take his prescription medication as prescribed by Dr. Levin.

Dated this 4 Day of March, 2012



Robert J. Elgee
District Judge

Approved as to form and
notice of presentation
waived this 5 day of
March 2012



Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 5 Day of March 2012, I served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Blaine County Prosecuting Attorney
201 2nd Ave South Ste. 100
Hailey, Idaho 83333
208 788-5554

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

Daniel M. Dolan
P.O. Box 757
Ketchum, Idaho 83340
208 726-1187

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

Blaine County Probation Department
209 First Ave South Suite 108
Hailey, Idaho 83333
208 788-5541

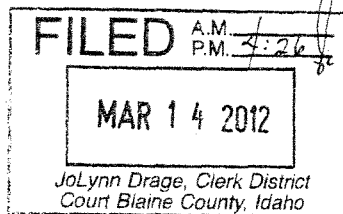
U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

Blaine County Sheriff's Office
1650 Aviation Drive
Hailey, Idaho 83333
208 788-5559

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

C. Rigby
Deputy Clerk

DANIEL M. DOLAN
 Attorney At Law
 671 First Avenue North
 Post Office Box 757
 Ketchum, ID 83340
 Telephone: 208-726-3005
 Facsimile: 208-726-1187
 Idaho State Bar Number 4147
 Attorney for Defendant



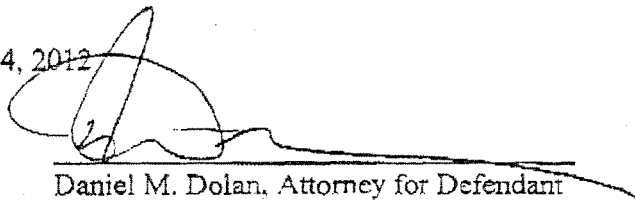
**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 2012 368
vs.)	
	)	Motion to Modify Conditions of Release
Pierre J. Saviers,)	
)	
Defendant.)	
_____)	

Comes Now Pierre Saviers, the Defendant in the above action by and through the Defendant's attorney of record Daniel M. Dolan moves this Court to Modify the conditions of release to provide that the County pay the cost of the scam unit the defendant is wearing as a condition of release.

The defendant's only source of income is less than \$1000.00 per month through SSI. Since the Defendant was released from jail he has been informed that he has to move due to the residence that he was living in has sold. The defendant does not have the resources that he thought he did and it appears that he is unable to pay for the Scram unit at this time.

DATED: March 14, 2012

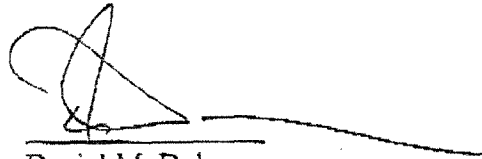

 Daniel M. Dolan, Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on 2-14-12, 2012, I served a true and correct copy of the within and foregoing document upon the attorney named below in the manner noted:

Blaine County Prosecuting Attorney
201 2nd Ave South Ste. 100
Hailey, Idaho 83333

- By depositing copies of the same in the United States mail, postage prepaid, at the post office at Ketchum, Idaho.
- By hand delivering copies of the same to the office of the attorney at his offices in Hailey.
- 6 By sending facsimile copies of the same to said attorney at his facsimile number 208-788-5554.



Daniel M. Dolan
Attorney at Law

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Bond Reduction

Hearing date: 4/2/2012

Time: 10:14 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: Crystal Rigby

Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
10.16	Counsel and Def. present.
	Court introduces the case, this is the time to discuss SCRAM payments.
	Mr. Dolan addresses the request, Def. though he had funds to pay for a SCRAM unit, the probation department was offering the SCRAM at county expense, but they are unable to do that anymore. Reviews the Def's income. Inquires about funds through the District Court fund to pay for the SCRAM. Requests the Def. be able to travel with a friend / AA Sponsor to California from 4/6-4/17, Def. also needs to travel to Salt Lake for some dental work. If the Def. has the SCRAM he will have access to a phone to download.
10.21	State responds, doesn't care if the Def. goes to California, if the victim is vacationing in CA he needs to not have contact. It is important for the Def. to have a SCRAM if he is traveling.
10.23	State has no problem with travel, the District Court fund is not appropriate to keeping people out of jail. Needs to discuss the budget with the Clerk. Continues

	this hearing to Wed. 4/4 at 11a.m.
10.28	Recess

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Motion

Hearing date: 4/4/2012

Time: 11:00 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: Crystal Rigby

Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
11.02	Counsel and Def. present.
	Court introduces the case. This is a review of the Def's request to have the SCRAM paid by the District Court fund. Has spoken with the Clerk about the fund, there are funds available, but this is a onetime deal. The cost is \$165 dollars per month for 2 months. Probation is to send a bill to the Clerk to be reimbursed by the District Court fund. At the conclusion of the case the Def. will need to repay the county.
	Mr. Dolan comments.
11.06	Court has approved travel to California, comments to the Def. about ruining the unit while gone.
	Mr. Dolan comments on this trip being helpful to the Def's mental help.
	State comments about the probation department's reservations letting the SCRAM go to California. Suggests the Def. arrange ETG testing every 3 days,

	probation can help him set that up.
11.09	Mr. Dolan responds that he spoke with Jodi Brown and there was no issue with the Def's travel with the SCRAM.
	Court comments about not micromanaging this issue. Probation can decide if the SCRAM goes, is not going to require testing, trusts the Def. with Mr. Almquist
11.14	Teresa comments about the reasoning for not wanting the SCRAM to go, wants the Def. to enjoy his vacation at the beach.
	Court believes that everyone has an interest in the Def's success. Def. is to report to probation on Thursday afternoon to have the SRAM removed.
11.17	Jodie Fuller inquires if the Def. needs to call everyday still.
	Court responds that the Def. doesn't need to call. Mr. Dolan is to prepare the order.
11.19	Recess

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Pretrial Conference

Hearing date: 4/23/2012

Time: 9:42 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: Crystal Rigby

Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
9.41	Counsel and Def. present.
	Court introduces the case.
	Mr. Dolan states that the case is still on for trial and there has been no resolution.
	State and Mr. Dolan have discovery complete, no experts will be used.
9.42	State has requested transcripts of prior cases with violations of a no contact orders.
	Court inquires if they will be offered into evidence.
	State responds that the purpose of the transcript is to prove that the Def. knew that a no contact order was in place.
9.45	Court comments about a bifurcated trial.

	State comments about having to prove that there were prior violations of no contact orders that lead to the felony charge.
9.47	Mr. Dolan comments about proving prior no contact orders.
	State suggests a Motion to Dismiss if the Defense believes there is only one prior conviction.
	Court comments about that decision needs to be done outside the presence of the jury.
	Mr. Dolan is not sure if a Motion to Dismiss or Motion in Limine might need to be filed.
9.49	Court leaves the case on for trial.
9.50	Recess

FILED A.M. 10:19 P.M. 10:19
APR 25 2012
JoLynn Drage, Clerk District Court Blaine County, Idaho

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

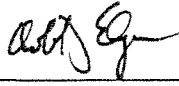
STATE OF IDAHO,)
Plaintiff,) Case No. CR 2012 368
vs.)
) Order to pay for scam unit
Pierre J. Saviers,)
Defendant.)

This matter having come before the court upon the Defendant's motion to modify the conditions of release to provide that the County pay the cost of the scam unit. The Court having heard arguments of counsel and having reviewed the Court's budget .

Now therefore it is hereby Ordered that the cost of the scam unit at not to exceed \$165.00 per month shall be paid by the District Court Fund for up to three months. Thus the Blaine County Probation Department shall bill, to the attention of the District Court Clerk, the cost of the Scram Unit so that the Court Clerk can transfer funds from the District Court Fund to the Blaine County Probation Department.

Further said payment may be subject to reimbursement to the county at the completion of this matter.

Dated this 23 day of April, 2012


Robert J. Elgee
District Court Judge

60

CERTIFICATE OF SERVICE

I hereby certify that on this 25 Day of April, 2012, I served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Daniel M. Dolan
P.O. Box 757
Ketchum, Idaho 83340
208 726-1187


U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

Blaine County Prosecuting Attorney
201 2nd Ave South Ste. 100
Hailey, Idaho 83333
208 788-5554

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

Blaine County Probation Department
209 First Ave South Suite 108
Hailey, Idaho 83333
208 788-5541

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy



Deputy Clerk

cc: Recorder/Auditor's Office
Andrea, Court Supervisor

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Change of Plea

Hearing date: 5/23/2012

Time: 11:02 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: ANDREA

Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
11.02	Court introduces case, Defendant present with counsel, Mr. Dolan, State represented by Mr. Fredback, Defense set this case for change of plea hearing today
	<p>Mr. Dolan advises the Court, Defendant is pleading guilty to Violating NCO on 1-23-11 Part 1 of Information, he is waiving right to jury trial on Part 2 of Information, whether or not it is a felony, court trial will go forward next week the day jury trial is originally set; if it is found to be a felony the State is recommending 5 year unified sentence 3 years fixed & 2 years suspended, State can ask for county jail time or rider</p> <p>Court reviews plea agreement, court trial will take place next Wednesday May 30, 2012</p> <p>Counsel agree the issue is whether 2 incidents on the same day constitute a felony, not an identity issue</p> <p>State responds-legal argument only, will not be calling any witnesses, will argue</p>

	<p>if 2 parts of Information constitute a felony conviction, only evidence presented will be prior judgments and transcripts from hearings</p> <p>Defendant agrees he wants to plead guilty to Part 1 of Information</p> <p>Court reads Part 1 of Information to Defendant, misdemeanor charge</p> <p>Defendants pleads guilty, admits elements of crime</p> <p>Maximum penalties if Court finds this to be a felony charge: 5 years prison, \$5,000 fine; if Court finds this misdemeanor charge: \$1000 fine 1 year County jail or both</p> <p>Defendant understands penalties and pleads guilty to Part 1 Count 1 of Information, misdemeanor violation no contact order</p> <p>Mr. Dolan has had sufficient time to discuss case with Defendant, has done all discovery, consents to guilty plea</p>
11.12	<p>Defendant sworn under oath and questioned by Court-59 years old, not married, Master's Degree in Psychology, understands maximum penalties for both felony conviction and misdemeanor conviction, has not been forced or threatened to plead guilty, understands the Court not bound by recommendations and he cannot withdraw his plea after Court accepts it</p>
	<p>Mr. Dolan advises Court no reason for motion to suppress</p> <p>Defendant describes medication he currently takes, medication does not affect his ability to make informed decisions today</p> <p>Mr. Dolan states Defendant's mental issues may be addressed at sentencing but no bearing on guilt or innocence</p> <p>Defendant describes why he wants to plead guilty, satisfied w/ counsel, not relying upon anything said to him by his attorney re: sentence, understands all the rights he is waiving by pleading guilty, admits charge is true, gives factual basis for his plea-broke NCO by several text messages and telephone messages, NCO was issued by Blaine County Court, he was sending messages and calling protected person while at his home in Blaine County</p>
11.23	<p>Court accepts Defendant's plea freely and voluntarily made and factually based</p> <p>State waives jury</p>

	<p>Defendants waives his right to jury trial as to Part 2 Count 1 of the Information</p> <p>Court will hear court trial on Wednesday, May 30, 2012 at 9 a.m.</p> <p>Mr. Dolan comments-mental health evaluation under 19-2524 will need to be ordered if Court finds felony</p> <p>State agrees, advises Court of contact he has had with Defendant, wants Defendant to know the State is prohibitive from speaking to him while this case is pending</p> <p>Defendant understands and will not contact Mr. Fredback again</p>
11.25	Recess

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Court Trial

Hearing date: 5/30/2012

Time: 8:41 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: *Linda Leadbetter*

Minutes Clerk: Crystal Rigby

Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Jim Thomas

Counter #		
9.04	Counsel and Def. present.	
	Court introduces the case	
9.05	Mr. Dolan comments that this is a court trial, Def. has already plead guilty to the violation of the no contact order. Comments about a transcript that was prepared for this case, agrees that portions of the information should be submitted as evidence in this court trial.	
	Court reviews the multiple transcripts that were filed together.	
9.09	Mr. Dolan continues to review the portions of the transcripts that should be considered for purposes of today's hearing.	
9.12	State comments about the use of the transcripts	
	Court clarifies what transcripts will be considered.	
9.13	Counsel agree.	

9.15	State presents EXH 1 & 2- premarked-id- prior judgments (CR 11-2428 CR11-2730) Mr. Dolan has no objection
9.20	State Admits EXH. 1 &2.
	Court requests opening statements from counsel.
9.23	Mr. Dolan gives argument, the question is whether Exh. 1 & 2 is to be considered by this court as one or two judgment of conviction, cites case law.
9.37	Court inquires about persistent violator, and a jurisdictional issue.
	Mr. Dolan continues, reviews the transcripts. There was no notification of subsequent penalties given to the Def.
10.06	State responds, reviews the judgments and the transcript in regards to the state using them to enhance this charge to a felony.
10.14	Court clarifies that the State believes the charges are separate and distinct and just happened to be sentenced on the same day.
	State continues, reviews the transcript that has the violation dates.
10.32	Mr. Dolan responds and discusses the course of conduct, believes this is just a sentence enhancement.
10.36	Court takes the case under advisement and will announce the decision in court. The clerk will send out a notice of hearing.
10.38	Recess

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Hearing Scheduled

Hearing date: 6/18/2012

Time: 11:51 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: Crystal Rigby

Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
11.49	Counsel and Def. present.
	Court introduces the case, this is the time for the Court to give the return verdict.
11.50	Court begins the return of verdict decision. Court finds that Def. is guilty of the felony charge of violating the no contact order. Orders a PSI.
	State requests a mental health and substance abuse evaluation under 19-2524.
12.24	Court inquires about the department's new policy.
	Mr. Dolan inquires.
	Court describes the new policy by the department of correction.
12.26	Mr. Dolan requests a hearing next Monday to address the Scram Unit.
	Court sets Review of Conditions of Release for 7/2/12 at 9:30a.m. and a

	Sentencing for 9/17/12 at 10a.m.
12.30	Recess
12.31	Court advises the Def. to contact Probation and Parole.
12.32	Recess

RESET (Clerk, check if applicable)

RECEIVED DOCUMENT 01/10/12

Assigned to: _____

Assigned: _____

Fifth Judicial District Court, State of Idaho
In and For the County of Blaine
ORDER FOR PRESENTENCE REPORT AND EVALUATIONS

Case No: CR-2012-0000368

STATE OF IDAHO
Plaintiff,
vs.

Pierre John Saviers
PO Box 106
Sun Valley, ID 83353
Defendant.

FILED A.M. _____ P.M. 4:37 PM
JUN 18 2012
JoLynn Drage, Clerk District Court Blaine County, Idaho

CHARGE(s): (see court minutes)

REQUIRED ROA CODES: (Enter the appropriate code)

- PSIO1- Order for Presentence Investigation Report (only)
- PSMH1- Order for Presentence Investigation Report and Mental Health Assessment
- PSSA1- Order for Presentence Investigation Report and Substance Abuse Assessment

On this Monday, June 18, 2012, a Pre-sentence Investigation Report was ordered by the Honorable Robert J. Elgee to be completed for Court appearance on Monday, June 18, 2012 at: 11:00 AM at the above stated courthouse.

PLEASE PROVIDE ASSESSMENTS BY THIS DATE: _____

EVALUATIONS TO BE DONE: Copy of each evaluation to be sent to Presentence Investigation Office to be included with PSI

Under IC 19-2524 assessment(s) is (are) ordered which shall include a criminogenic risk assessment of the defendant pursuant to (IC 19-2524(4)):

- Mental Health Examination as defined in IC 19-2524(3), including any plan for treatment (PSMH1 ROA code); and/or
- Substance Abuse Assessment as defined in IC 19-2524(2) including any plan for treatment. (PSSA1 ROA code)

Other non- §19-2524 evaluations/examinations ordered for use with the PSI:

- Sex Offender Domestic Violence Other _____ Evaluator: _____
- No evaluations are ordered. (PSIO1 ROA code)

DEFENSE COUNSEL: Daniel M. Dolan

PROSECUTOR: Jim Thomas

THE DEFENDANT IS IN CUSTODY: YES NO If yes where: _____

PLEA AGREEMENT: State recommendation

WHJJ/JOC Probation PD Reimb Fine ACJ Restitution Other: _____

Date: 6/18/12 Signature: [Signature] Judge

DEFENDANT'S INFORMATION: PLEASE PRINT DO YOU NEED AN INTERPRETER? NO YES

Name: PIERRE JOHN SAVIERS Male Female RACE: Caucasian Hispanic Other

Address: 417 N. 1st St. PO Box 106 City: Sun Valley State: ID ZIP: 83353

Telephone: 721-1845 Message Phone: _____ Work Phone: _____

Employer: _____ Work Address: _____

Date of Birth: _____ Social Security Number: _____

Name & Phone Number of nearest relative: _____

Date of Arrest: 11/21/12 Arresting Agency: Blaine Sheriff

Your assigned Pre-sentence Investigator will contact you to schedule an interview using the above information. Please have your Pre-sentence Investigation Personal History Questionnaire filled out completely for interview.

66

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Review

Hearing date: 7/2/2012

Time: 9:43 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: Crystal Rigby

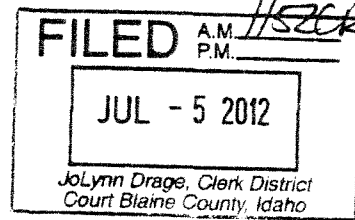
Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
9.41	Counsel and Def. present.
	Court introduces the case.
9.42	Mr. Dolan comments about the Def's evaluation.
	Court marks and Admits Exh. A- Sealed.
9.43	Mr. Dolan comments about Probation's request to remove the SCRAM. The victim is now living in California. Reviews the Order Setting Bond and Conditions of Release.
9.47	State has no objection to the changes in the conditions of release, this may be a testing period before the Def. is sentenced.
9.48	Court grants the stipulation to modify the conditions of release, Mr. Dolan is to prepare an order.
	Mr. Dolan states the Def. is having issues with affording and acquiring

	transportation to get to Twin Falls for a Mental Health Eval. And Substance Abuse Eval.
	Court can't tell the Department how to do their job.
	Mr. Dolan states that there might be a motion to waive those evaluations.
9.53	Recess



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 2012 368
vs.)	
	)	Order Modifying
Pierre J. Saviers,	)	Conditions of Release
)	
Defendant.)	
_____)	

This matter having come before the above entitled Court upon the Defendant's motion to modify the conditions of release.

The court having heard argument of counsel, and good cause appearing Further the following terms and conditions of release shall apply.

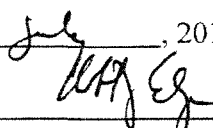
1. The defendant shall not have any further contact with his dogs from his previous marriage

2. The defendant shall not initiate any contact with his ex wife TS.

3 The defendant shall immediately cease any contact with his ex wife TS if she contacts him first.

4. The defendant shall report any contact with his ex wife TS immediately to his Probation Officer and Defense Attorney and Dr. Gary Peterson.
5. The defendant shall attend AA meetings a minimum of four (4) times per week.
6. The defendant shall not consume or possess alcohol.
7. The defendant shall see his probation officer as directed by his probation
8. The defendant shall call his probation officer as directed by his probation officer.
9. The defendant shall maintain office and telephone appointments with Dr. Peterson as scheduled.
10. The defendant shall continue to take his prescription medication as prescribed by Dr. Levin.

Dated this 2 Day of July, 2012



Robert J. Elgee
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 5 Day of July, 2012, I served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Blaine County Prosecuting Attorney
201 2nd Ave South Ste. 100
Hailey, Idaho 83333
208 788-5554

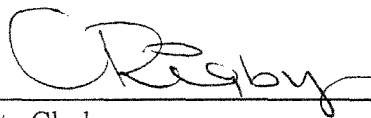
- U.S. Mail Postage Prepaid
- Hand Delivery
- Overnight Mail
- Telecopy

Daniel M. Dolan
P.O. Box 757
Ketchum, Idaho 83340
208 726-1187

- U.S. Mail Postage Prepaid
- Hand Delivery
- Overnight Mail
- Telecopy

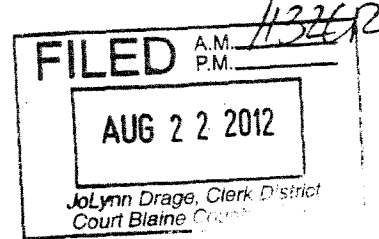
Blaine County Probation Department
209 First Ave South Suite 108
Hailey, Idaho 83333
208 788-5541

- U.S. Mail Postage Prepaid
- Hand Delivery
- Overnight Mail
- Telecopy



Deputy Clerk

DANIEL M. DOLAN
Attorney At Law
671 First Avenue North
Post Office Box 757
Ketchum, ID 83340
Telephone: 208-726-3005
Facsimile: 208-726-1187
Idaho State Bar Number 4147
Attorney for Defendant



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

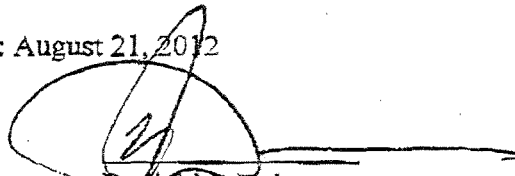
STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 2012 368
vs.)	
	)	Motion to Reset Sentencing
Pierre J. Saviers,	)	Hearing
Defendant.)	
_____)	

Comes now the above named defendant, by and through their attorney of record Daniel M. Dolan and request this court to reset the sentencing hearing currently set for September 17, 2012 to Monday October 1, 2012 at 9:00 a.m. or as soon thereafter as the Court may be heard.

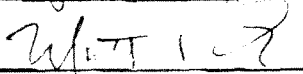
The reason for the requested reset is that the Defendant has some family matters to attend to including visiting his step-daughter in California at the time this matter is set. Further the Defendant's ability to travel to visit his step-daughter in California will be restricted after he is sentenced and placed on probation in this matter.

Defendant's Attorney has spoken to Matthew Fredback and he has no objection to this reset of the sentencing date.

DATED: August 21, 2012



Daniel M. Dolan
Attorney for Defendant

Approved as to form and
notice of presentation
waived this 22 day of
August 2012

Deputy Prosecuting Attorney

FILED A.M. 4:37 PM
AUG 23 2012 CS
 JoLynn Drage, Clerk District
 Court Blaine County, Idaho

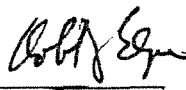
**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 2012 368
vs.)	
	)	Order Resetting
Pierre Saviers,	)	Sentencing Hearing
)	
Defendant.)	

This matter having come on before this court upon the motion of the Defendant by and through his attorney of record Daniel M. Dolan and the court being advised of fact pursuant to this motion and the state having no objection to resetting the matter.

NOW THEREFORE the sentencing hearing shall be reset to Monday October 1, 2012 at 10:00 AM or as soon there after as the Court can hear the matter.

DATED THIS 22 DAY OF August, 2012


 Robert J. Elgee
 District Judge

CERTIFICATE OF SERVICE

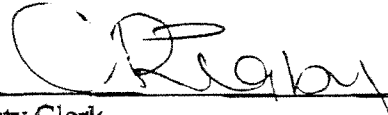
I hereby certify that on this 23 Day of Aug, 2012, I served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Daniel M. Dolan
P.O. Box 757
Ketchum, Idaho 83340
208 726-3170

- U.S. Mail Postage Prepaid
- Hand Delivery
- Overnight Mail
- Telecopy

Blaine County Prosecuting Attorney
201 2nd Ave South Ste. 100
Hailey, Idaho 83333
208 788-5554

- U.S. Mail Postage Prepaid
- Hand Delivery
- Overnight Mail
- Telecopy



Deputy Clerk

COURT MINUTES

CR-2012-0000368

State of Idaho vs. Pierre John Saviers

Hearing type: Sentencing

Hearing date: 10/1/2012

Time: 10:00 am

Judge: Robert J. Elgee

Courtroom: District Courtroom-judicial Bldg

Court reporter: Susan Israel

Minutes Clerk: Crystal Rigby

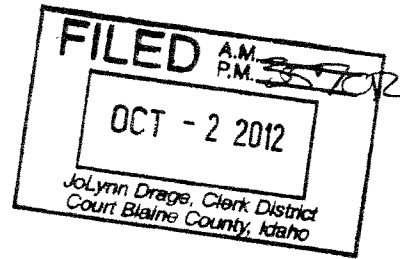
Tape Number: DC

Defense Attorney: Daniel Dolan

Prosecutor: Matthew Fredback

Counter #	
10.08	Counsel and Def. present.
	Court introduces the case, and has reviewed the PSI.
10.09	State makes comments and recommendations: 5 years of probation with 3 years mandatory, 3+3 years prison, suspended, no fine, SCRAM Unit cost be paid back to the court as restitution, credit for time served, no contact order with Timi.
10.22	Mr. Dolan responds, and comments about the conditions of probation that would work best for the Def. to succeed. Requests 43 days of credit for time served.
10.37	Court comments to the Def. Imposes a sentence of 3+2 years prison, suspended; places the Def. on probation for 5 years; fine of \$2,000 all suspended; court costs; reviews special terms and conditions of probation.
10.51	State requests the disclosure of any doctor and medicines prescribed.

	Court agrees.
10.53	Def. speaks on his own behalf.
10.55	Court responds.
	Recess



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,)	
)	
Plaintiff,)	
vs.	)	Case No. CR-2012-368
)	
)	
PIERRE JOHN SAVIERS,)	
SS# [REDACTED])	
D.O.B. [REDACTED])	
)	
Defendant.)	

**JUDGMENT OF CONVICTION
UPON A PLEA OF GUILTY TO ONE FELONY COUNT,
SUSPENDING SENTENCE AND ORDER OF SUPERVISED PROBATION
I.C. § 19-2601(2)**

I. INTRODUCTION

1. The date of sentencing was October 1, 2012 (hereinafter called sentencing date).
2. The State of Idaho was represented by counsel, Matthew Fredback, of the Blaine County Prosecutor's office.
3. The defendant Pierre Saviers, appeared personally. I.C. § 19-2503.
4. The defendant was represented by counsel, Daniel Dolan.
5. Robert J. Elgee, District Judge, presiding.

II. ARRAIGNMENT FOR SENTENCING. I.C. § 19-2510

1. The defendant Pierre Saviers, was found guilty by court trial to the charge below.

Crime of: Violation of a No Contact Order, Two Prior Convictions within Five Years, a felony

Idaho Code: I.C. § 18-920(3)

Adjudged Guilty by Court Trial -- date of: June 18, 2012

2. The defendant **was then asked** by the Court whether the defendant had any legal cause to show why judgment should not be pronounced against the defendant, to which the defendant responded "No."

IV. SENTENCING DATE PROCEEDINGS

On October 1, 2012, the sentencing date, and after the arraignment for sentencing as set forth in section II "Arrestment for Sentencing" above, the Court proceeded as follows:

1. Determined that more than two (2) days had elapsed from the finding of guilt to the date of sentencing. I.C. § 19-2501 and I.C.R. Rule 33(a)(1).
2. Discussed the presentence report and relevant matters with the parties pursuant to I.C. § 20-220 and I.C.R. Rule 32.
3. Determined victim's rights and restitution issues pursuant to I.C. § 19-5301 and Article 1, § 22 of the Idaho Constitution.
4. Offered an aggravation and/or mitigation hearing to both parties, including the right to present evidence pursuant to I.C.R. 33(a)(1).
5. Heard comments and sentencing recommendations of both counsel and asked the defendant personally if the defendant wished to make a statement and/or to present any information in mitigation of punishment. I.C.R. Rule 33(a)(1).
6. The Court made its comments pursuant to I.C. § 19- 2512, and discussed one or more of the criteria set forth in I.C. § 19-2521.

V. THE SENTENCE

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as follows:

The Defendant is guilty of the Crime of Violation of a No Contact Order, Two Prior Convictions within Five Years, a felony and a Judgment of Conviction shall enter.

1. **Court costs:** The defendant shall pay court costs in the sum of \$255.50.
2. **Fine:** The defendant is fined the sum of \$2,000, with \$2,000 suspended, and the defendant shall pay all costs, fees and fines ordered by this Court. This judgment that the defendant pay a fine and costs shall constitute a lien in like manner as a judgment for money in a civil action. I.C. § 19-2518, I.C. § 19-2702.
3. **Penitentiary:** The defendant, Pierre Saviers, shall be committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of 5 years; which unified sentence is comprised of a minimum (fixed) period of confinement of 3 years, followed by an indeterminate period of custody of 2 years, with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to exceed 5 years.
4. **Credit for time served:** The defendant is given credit for time previously served on this crime in the amount of 43 days. I.C. § 18-309.

The credit for time served is calculated as follows:
January 23, 2012 – March 5, 2012: 43 days

5. **Sentence suspended/terms of supervised probation:** Provided however, that the execution of said **prison portion** of the sentence is hereby suspended (the costs and fine portion is not suspended) and the defendant is placed on supervised probation for a period of 5 years beginning on October 1, 2012 to and under the control of the Idaho State Board of Correction, (I.C. § 19-2601(5) and I.C. § 20-219), subject to the following terms:

General Terms and Conditions of Probation:

- a) **Supervision Level:** The defendant shall successfully complete any specialized supervision level deemed appropriate for the Defendant's needs by the Department of Probation and Parole.
- b) **General Conditions:** Abide by the Court Ordered Specific Conditions of Probation previously signed and attached hereto as Exhibit 1, which exhibit is by this reference incorporated herein.
- c) **Specific Conditions:** Abide by the Court Ordered Specific Conditions of Probation previously signed and attached hereto as Exhibit 2, which exhibit is by this reference incorporated herein.

Special Terms and Conditions of Probation:

- a) The defendant shall continue to **regularly** attend AA/NA meetings (3-4 times per week) throughout the term of his probation.
- b) The defendant shall continue to see Dr. Peterson and must advise his probation officer if anything changes regarding Dr. Peterson.
- c) The defendant shall take medication as prescribed by Dr. Thorston of the Mountain States Tumor Institution.
- d) The defendant shall disclose to his probation officer the medications that he is prescribed, and shall also disclose any physician that is prescribing medications for him.
- e) **No Contact:** The defendant shall continue to have no contact with Timi Del Conte (FKA Timi Saviers) under the terms and conditions of the original No Contact Order, issued October 11, 2011.

VI. ORDER REGARDING RESTITUTION

No restitution ordered at this time.

VII. RIGHT TO APPEAL/LEAVE TO APPEAL INFORMA PAUPERIS

The Right:

The Court advises the defendant, of the Defendant's right to appeal this judgment within forty two (42) days of the date it is file stamped by the clerk of the court. I.A.R. Rule 14 (a).

In forma Pauperis:

The Court further advises the defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal in forma pauperis, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3). I.C. § 19-852(a)(1) and (b)(2).

VIII. ENTRY OF JUDGMENT - RECORD BY CLERK

The Court orders the Judgment and record be entered upon the minutes and that the record be assembled, prepared and filed by the Clerk of the Court in accordance with I.C. § 19-2519.

IX. BOND/BAIL

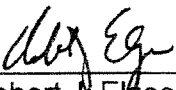
The conditions of bail given in this case having been satisfied, the bail is ordered exonerated. I.C.R. 46(g).

X. ORDER ON PRESENTENCE INVESTIGATION REPORTS

The parties are hereby ordered to return their respective copies of the presentence investigative reports to the deputy clerk of the court. Use of said report shall thereafter be governed by I.C.R. 32(h)(1),(2), and(3).

IT IS SO ORDERED.

DATED: October 1, 2012

SIGNED: 
Robert J. Elgee, District Judge

I.C.R. RULE 49 (b)
NOTICE OF ORDER

I, Deputy Clerk for the County of Blaine, do hereby certify that on the 3 day of October, 2012, I have filed the original and caused to be served a true and correct copy of the above and foregoing document:

Jim Thomas, Esq.
Blaine County Prosecuting Attorney
PO Box 756
Hailey, ID 83333

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Fax

Daniel Dolan
Attorney at Law
P.O. Box 757
Ketchum, ID 83340

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Fax

Kevin Wayt
Probation Officer
dist5@idoc.idaho.gov

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Email

CCD Sentencing Team
ccdsentencingd5@idoc.idaho.gov

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Email



Deputy Clerk

EXHIBIT 1

COURT ORDERED

GENERAL CONDITIONS OF PROBATION

IMPOSED AT THE REQUEST OF IDAHO DEPT. OF CORRECTION

I.C. §§ 20-219, 19-2601(5), and I.C.R. 33(d).

1. **Supervision Level:** The defendant's level of supervision, including caseload type and electronic monitoring shall be determined by the Idaho Dept of Correction. *RS*
2. **Laws and Conduct:** The defendant shall obey all municipal, county, state and federal laws. The defendant shall comply with all lawful requests of any agent of the Idaho Dept of Correction. The defendant shall be completely truthful at all times with any agent of the Idaho Dept of Correction. During any contact with law enforcement personnel the defendant shall provide their identity, notify the officer(s) that they are under supervision and provide the name of their supervising officer. The defendant shall notify their supervising officer of the contact within 24 hours. *RS*
3. **Residence:** The defendant shall not change residence without first obtaining permission from an authorized agent of the Idaho Dept of Correction. *RS*
4. **Reporting:** The defendant shall report to his/her supervising officer as directed. The defendant shall provide truthful and accurate information or documentation whenever requested by the Idaho Dept of Correction. *RS*
5. **Travel:** The defendant shall not leave the State of Idaho or the assigned district without first obtaining permission from his/her supervising officer. *RS*
6. **Extradition:** If the defendant does leave the State of Idaho, with or without permission, the defendant does hereby waive extradition to the State of Idaho and will not contest any effort to return the defendant to the State of Idaho. *RS*
7. **Employment/Alternative Plan:** The defendant shall seek and maintain gainful, verifiable, full-time employment. The defendant shall not accept, cause to be terminated from, or change employment without first obtaining written permission from his/her supervising officer. In lieu of full-time employment, the defendant may participate in full-time education, a combination of employment and education, vocational program or other alternative plan based on the offender's specific situation and as approved by his/her supervising officer. *RS*
8. **Alcohol:** The defendant shall not purchase, possess, or consume alcoholic beverages in any form. The defendant shall not, for any reason enter any establishment which sells or dispenses alcoholic beverages by the drink. This provision is not intended to preclude the defendant from entering restaurants, cafes, or other establishments whose primary business is the sale of food and non-alcoholic beverages. It is intended to preclude the defendant from entering bars and taverns. In any event, defendant may not enter such establishments for any purpose other than food consumption or employment reasons, and must leave as soon as food is consumed or employment shift terminates. *RS*
9. **Controlled Substances:** The defendant shall not use or possess any illegal drug or any substance that simulates the effect of an illegal drug. The defendant shall not use or possess any paraphernalia for the purpose of ingesting any illegal drug. The defendant shall not use or possess any controlled substances unless lawfully prescribed for him/her by a licensed physician or dentist. The defendant shall use medications only in the manner prescribed by their physician or dentist. *RS*

10. **Firearms/Weapons:** The defendant shall not purchase, carry, possess or have control of any firearms, chemical weapons, electronic weapons, explosives or other dangerous weapons. Other dangerous weapons may include, but are not limited to: knives with blades over two and one half inches in length, switch-blade knives, brass knuckles, swords, throwing stars and other martial arts weapons. The defendant shall not reside in any location that contains firearms or weapons. *[Signature]*
11. **Search:** The defendant shall consent to the search of his/her person, residence, vehicle, personal property, and other real property or structures owned or leased by the defendant or for which the defendant is the controlling authority conducted by any agent of the Idaho Dept of Correction or law enforcement officer. The defendant waives his/her Fourth Amendment Rights concerning searches. Furthermore, anyone with whom the defendant lives must also execute such a waiver. *[Signature]*
12. **Cost of Supervision:** The defendant shall comply with Idaho Code 20-225, which authorizes the Idaho Dept of Correction to collect a cost of supervision fee. The defendant shall make payments as prescribed in his/her monthly cost of supervision bill. *[Signature]*
13. **Associations:** The defendant shall not associate with any person(s) designated by any agent of the Idaho Dept of Correction. *[Signature]*
14. **Substance Abuse Testing:** The defendant shall submit to any test for alcohol or controlled substances as requested and directed by any agent of the Idaho Dept of Correction or law enforcement officer. The defendant may be required to obtain tests at their own expense. If the results of the test indicate an adulterant has been used to interfere with the results, that test will be deemed to have been positive. *[Signature]*
15. **Evaluation and Program Plan:** The defendant shall obtain any treatment evaluation deemed necessary and as ordered by the Court or any agent of the Idaho Dept of Correction. The defendant shall meaningfully participate in and successfully complete any treatment, counseling or other programs deemed beneficial and as directed by the Court or any agent of the Idaho Dept of Correction. The defendant may be required to attend treatment, counseling or other programs at their own expense. *[Signature]*
16. **Cooperation with Supervision:** When home, the defendant shall answer the door for the probation officer. The defendant shall allow the probation officer to enter their residence, other real property, place of employment and vehicle for the purpose of visitation, inspections and other supervision functions. The defendant shall not possess, install or use any monitoring instrument, camera, or other surveillance device to observe or alert them to the approach of his/her probation officer. The defendant shall not keep any vicious or dangerous dog or other animal on or in their property that the probation officer perceives as an impediment to accessing the defendant or their property. *[Signature]*
17. **Absconding Supervision:** The defendant will not leave the state or the assigned district in an effort to abscond or flee supervision. The defendant shall make himself/herself available for supervision and program participation as instructed by the probation officer and will not actively avoid supervision. *[Signature]*
18. **Court Ordered Financial Obligations:** The defendant shall pay all costs, fees, fines and restitution in the amount and manner and to the parties ordered by the Court. The defendant shall make payments as ordered by the Court or as designated in a Payment Agreement and Promissory Note to be completed with an agent of the Idaho Dept of Correction. *[Signature]*
19. **Confidential Informant:** The defendant shall not act as a confidential informant for law enforcement, except as allowed in Idaho Dept. of Correction policy and with the written consent of both the Court and the Idaho Dept. of Correction. *[Signature]*
20. **Intrastate/Interstate Violations:** If allowed to transfer supervision to another district or state the defendant agrees to accept any violation allegation documents purportedly submitted by the agency/officer supervising the

EXHIBIT 2

COURT ORDERED
SPECIFIC CONDITIONS OF PROBATION
IMPOSED IN ADDITION TO THE EXHIBIT 1 GENERAL CONDITIONS

I.C. § 20-221

1. **Discretionary county jail time to be served in the future:**
The defendant shall serve not more than 30 days in the county jail at the discretion of the defendant's probation officer, with the prior approval of the Court. Any time spent in jail pursuant to an Agent's Warrant and/or for absconding supervision does not count against this discretionary jail time. *g*
2. **Polygraph examinations:** The defendant shall submit to polygraph examinations at the defendant's own expense when requested to do so by the defendant's probation officer. *g*
3. **Stipulate to the admission of test results:** The defendant shall stipulate to the admission of blood, urine, or breath test results in the form of a certified affidavit at any probation hearing following a judicial determination that live testimonial evidence would otherwise be impractical. However, the defendant, at the defendant's own expense may have the lab analysis of the defendant's blood, urine, or breath performed at an in-state approved lab of the defendant's choosing upon notifying the official administering the test at the time the test is requested. *g*
4. **Modification of probation requirements:** Probation conditions are set by the court. The court delegates some discretion to the agents of the Department of Corrections, Probation and Parole to make or enforce probation requirements. In the event Probation and Parole sets a condition of probation or requires the defendant to comply with a condition of probation that is unreasonable or impossible to perform, Defendant has the right to motion the court to modify or revoke specific probationary requirements. Unless or until any condition is modified by the court, Defendants are expected comply to their utmost ability with such conditions as may be set. It is very unlikely that the standard written conditions of probation set by the court will be modified. *g*

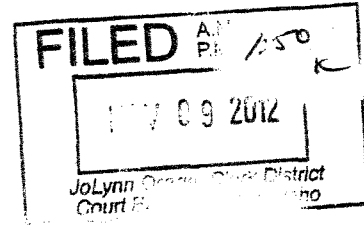
I ~~Peter Garcia~~ have read, or have had read to me, the above agreement. I understand and accept the conditions of supervision under which I have been released. I agree to abide by and conform to them and understand that my failure to do so may result in the revocation of my probation and parole.

Peter Garcia
Defendant

[Signature]
Witness

10-1-12
Date Accepted.

DANIEL M. DOLAN
 Attorney At Law
 671 First Avenue North
 Post Office Box 757
 Ketchum, ID 83340
 Telephone: 208-726-3005
 Facsimile: 208-726-1187
 Idaho State Bar Number 4147
 Attorney for Defendant



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	Case No. CR 2012 368
vs.	)	Ex Parte Motion To:
	)	Appoint Counsel on Appeal;
Pierre J. Saviers,	)	Waive Fees and Costs of Appeal;
	)	Prepare the Transcript and Clerk's
Defendant-Appellant.	)	Record at Public Expense
)	

COMES NOW Pierre J. Saviers, the Appellant herein, by and through his court appointed attorney of record, Daniel M. Dolan, and pursuant to Rules 24(e) and 27(e) and 45.1 of the I.A.R. hereby request that:

A. This Court pursuant to Idaho Code § 19-867, for its order appointing the State Appellate Public Defender's Office to represent the appellant in all further appellate proceedings. This motion is brought on the grounds and for the reasons that the appellant is currently represented by Blaine County Public Defender, Daniel M. Dolan; the State Appellate Public Defender is authorized by Idaho Code § 19-870 to represent the defendant in all felony appellate proceedings; the defendant has been found indigent; and it is in the interest of justice for them to do so in this case.

The appointment of the State Appellate Public Defender is for the purposes of the appeal only.

B. The cost to prepare the transcript and clerks record be prepared at public expense.

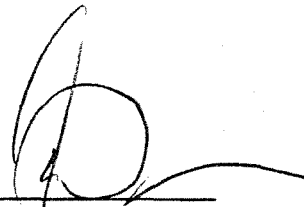
C. That any and all fees and cost of this appeal be waived.

This motion is based upon the following grounds.

1. The appellant is an indigent person without funds to retain private counsel.
2. The Appellant was represented by court appointed counsel in the trial court.
3. The appellant is an indigent person without funds to pay for the costs of the preparation of the transcript and clerk's record herein.
4. The appellant brings this action in good faith
5. Appellant has attached his affidavit of indigence in support of this motion.

WHEREFORE, appellant respectfully request this court to appoint an attorney to represent him on appeal, and to waive the cost and fees of this appeal and to have the clerk's record and transcript prepared at public expense,

DATED THIS 9th day of Nov, 2012


Daniel M. Dolan
Attorney for Appellant.

DANIEL M. DOLAN
 Attorney At Law
 671 First Avenue North
 Post Office Box 757
 Ketchum, ID 83340
 Telephone: 208-726-3005
 Facsimile: 208-726-1187
 Idaho State Bar Number 4147
 Attorney for Defendant

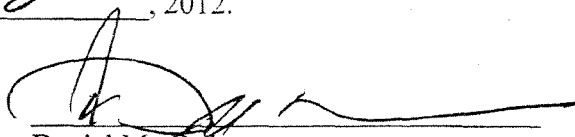
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

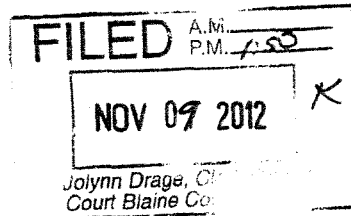
STATE OF IDAHO;)	
)	
Plaintiff-Respondent,	)	Case No. CR 2012 368
vs.)	
	)	MOTION TO PROCEED
Pierre J. Saviers,	)	IN FORMA PAUPERIS
	)	AND SUPPORTING
Defendant-Appellant.	)	AFFIDAVIT
_____)	

COMES NOW, the petitioner, Pierre J. Saviers, by and through his attorney of record, in the above-entitled matter and moves this Honorable Court for an order of the Court to proceed in forma pauperis on the grounds he is indigent pursuant to Idaho Code §31-3220A. Said Motion is supported by the following Affidavit of Inability to Pay Court Fees.

DATED this 9th day of Nov, 2012.


 Daniel M. Dolan
 Attorney for Defendant-Appellant

DANIEL M. DOLAN
 Attorney At Law
 671 First Avenue North
 Post Office Box 757
 Ketchum, ID 83340
 Telephone: 208-726-3005
 Facsimile: 208-726-1187
 Idaho State Bar Number 4147
 Attorney for Defendant



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	Case No. CR 2012 368
vs.)	
	)	NOTICE OF APPEAL
Pierre J. Saviers,)	
)	
Defendant-Appellant.)	

TO: The above named Respondent, STATE OF IDAHO
 and their Attorneys, Jim J. Thomas, Blaine County Prosecuting Attorney,
 201 2nd Avenue S. Suite 100 and Lawrence G. Wasden, State of Idaho
 office of the Attorney General, 700 W. Jefferson Street, Suite 210, P.O.
 Box 83720, Boise, Idaho 83720-0010
 and the Clerk of the above Entitled Court.

NOTICE IS HEREBY GIVEN THAT:

1. The above named appellant Pierre J. Saviers appeals against the above named respondent to the Idaho Supreme Court from The Judgement of Conviction entered in the above entitled action on October 2, 2012, The Honorable Judge Robert J. Elgee presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, from the Judgement of Conviction described in paragraph 1. is an appealable order under and pursuant to Idaho Appellate Rule (I.A.R). 11 (c.)(1), and (I.A.R). 11 (c.)(6).

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is:

Did the district court err in finding that the two prior convictions for Violation of a No Contact Order, which were entered on the same day, and involved the same victim counted as two separate convictions rather than one conviction.

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:

(a) Entry of Guilty Plea, to the Violation of the No Contact Order portion of the charge, held on May 23, 2012 (Court Reporter: Susan Israel, estimation of pages listed on the Register of Actions less than 100 pages);

(b) Court Trial held May 30, 2012, (Court Reporter: Susan Israel, estimation of pages listed on the Register of Actions one half day of trial less than 100 pages);

(c) Return of Verdict issued June 18, 2012, (Court Reporter: Susan Israel, estimation of pages listed on the Register of Actions less than 100 pages);

(d) Sentencing Hearing held October 1, 2012, (Court Reporter: Susan Israel, estimation of pages listed on the Register of Actions less than 100 pages);

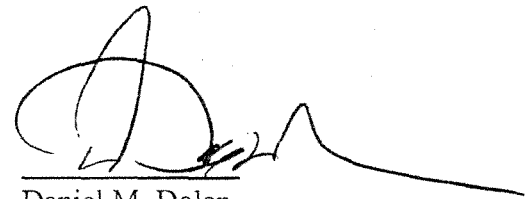
6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

(a) Any exhibits, including but not limited to letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing or the Rule 35 motion hearing.

7. I certify:

- (a) That a copy of this Notice of Appeal has been served on the Court Reporter, Susan Israel, 201 2nd Avenue S., P.O. Box 1379, Hailey Idaho 83333;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) That arrangements have been made with Blaine County who will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e);
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED THIS 9th day of Nov, 2012



Daniel M. Dolan
Attorney for Appellant.

DANIEL M. DOLAN
Attorney At Law
671 First Avenue North
Post Office Box 757
Ketchum, ID 83340
Telephone: 208-726-3005
Facsimile: 208-726-1187
Idaho State Bar Number 4147
Attorney for Defendant

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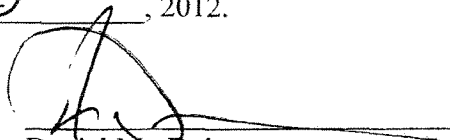
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

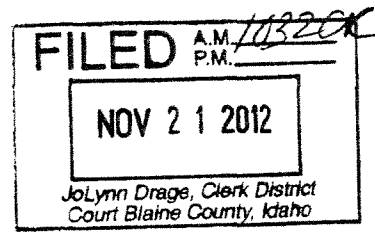
STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	Case No. CR 2012 368
vs.)	
	)	MOTION TO PROCEED
Pierre J. Saviers,	)	IN FORMA PAUPERIS
	)	AND SUPPORTING
Defendant-Appellant.	)	AFFIDAVIT
_____)	

COMES NOW, the petitioner, Pierre J. Saviers, by and through his attorney of record,
in the above-entitled matter and moves this Honorable Court for an order of the Court to proceed
in forma pauperis on the grounds he is indigent pursuant to Idaho Code §31-3220A. Said
Motion is supported by the following Affidavit of Inability to Pay Court Fees.

DATED this 13th day of Nov, 2012.



Daniel M. Dolan
Attorney for Defendant-Appellant



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	Case No. CR 2012 368
vs.	)	ORDER:
	)	APPOINTING ATTORNEY;
Pierre J. Saviers,	)	WAIVING ALL FEES;
	)	FOR PREPARATION OF TRANSCRIPT
	)	AND CLERK'S RECORD
Defendant-Appellant.	)	AT PUBLIC EXPENSE
)	

THIS MATTER having come before this court upon the motion of the appellant, Pierre J. Saviers,, and being supported by appellant's affidavit;

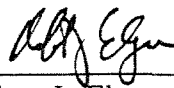
NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. For the purpose of this appeal, Pierre J. Saviers, Appellant is found to be indigent.
2. **IT IS HEREBY ORDERED** that the State Appellate Public Defender is hereby appointed to represent the Appellant, Pierre J. Saviers, in the above entitled matters for appellate purposes.

The appointment of the State Appellate Public Defender is for purposes of the appeal only.

3. All fees and cost of this appeal shall be waived.
4. The preparation of the transcript of proceedings and clerk's record is order to be prepared at county expense.

DATED THIS 15 day of November, 2012



Robert J. Elgee,
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 21 Day of NW, 2012, I served a true and correct copy of the within and foregoing document by the method indicated below, and addressed to each of the following:

Blaine County Prosecuting Attorney
201 2nd Ave South Ste. 100
Hailey, Idaho 83333
208 788-5554

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

Daniel M. Dolan
P.O. Box 757
Ketchum, Idaho 83340
208 726-1187

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

Susan Israel Blaine County Court Reporter
201 2nd Ave South Ste. ____
Hailey, Idaho 83333

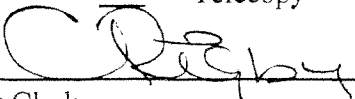
U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

State of Idaho Office of the Attorney General
P.O. Box 83720-0010
Boise, Idaho 83720-0010

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy

State Appellate Public Defender
3050 N Lake Harbor Lane, Suite 100
Boise, Idaho 83703
208-334-2985

U.S. Mail Postage Prepaid
 Hand Delivery
 Overnight Mail
 Telecopy



Deputy Clerk

EXHIBITS

Court's Exhibits:

- 1- Transcript of Arraignment January 24, 2012- Case CR12-368
- 2- Transcript of Arraignment April 13, 2011- Case CR11-1243 & CR10-1199
- 3- Transcript of Arraignment May 26, 2011- Case CR11-1971
- 4- Transcript of Arraignment June 23, 2011- Case CR11-2428
- 5- Transcript of Arraignment July 8, 2011- Case CR11-2730
- 6- Transcript of Motion for a Neuropsychological Evaluation August 8, 2011- Case CR10-1199, CR11-1243, CR11-1971, CR11-2428, CR11-2730
- 7- Transcript of Arraignment on Violation of Conditions of Release October 7, 2011- Case CR10-1199, CR11-1243
- 8- Transcript of Change of Plea and Sentencing October 11, 2011- Case CR10-1199, CR11-1243, CR11-1971, CR11-2428, CR11-2730
- 9- SEALED- Presentence Report dated August 14, 2012

Preliminary Hearing Exhibits (February 7, 2012):

- 1-Judgment of Conviction & No Contact Order
- 2-Judgment of Conviction & No Contact Order
- 3-Packet of Emails
- 4-Printout of Text Messages

Motion to Reduce Bond Hearing Exhibit (March 5, 2012):

A-Psychiatrist Letter

Court Trial Exhibits (May 30, 2012):

- 1- Judgment CR11-2428
- 2- Judgment CR11-2730

Motion to Amend Conditions of Release Exhibit (July 7, 2012):

A- SEALED- Mental Evaluation

Dated this 13 day of January, 2013



Crystal Rigby, Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,)
)
)
Plaintiff / Respondent,)
)
vs.)
)
PIERRE J. SAVIERS,)
)
)
Defendant/ Appellant,)
_____)

Supreme Court No. 40503

CLERK'S CERTIFICATE

STATE OF IDAHO)
) ss.
County of Blaine)

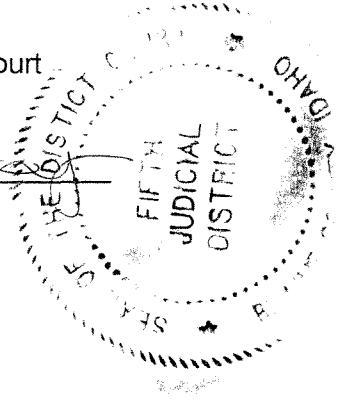
I, Crystal Rigby, Deputy Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the above and foregoing Clerk's Record on Appeal was compiled and bound under my direction and is a true, full and correct Record of the pleadings and documents as are automatically required under Rule 28 of the Idaho Appellate Rules as well as those requested by the Appellant.

I do further certify that all exhibits offered or admitted in the above-entitled cause and exhibits requested by the Appellant will be duly lodged with the Clerk of the Supreme Court along with the Clerk's Record on Appeal and the Court Reporter's Transcript on Appeal.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Hailey, Idaho, this 23 day of January, 2013.

Jolynn Drage, Clerk of the Court

By [Signature]
Crystal Rigby, Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

STATE OF IDAHO,	)	Supreme Court No. 40503
)	
Plaintiff/Respondent,	)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
PIERRE J. SAVIERS,)	
)	
Defendant/Appellant.)	
_____)	

I, Crystal Rigby, Deputy Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that I have personally served or mailed, by United States mail, one copy of the Clerk's Record and Court Reporter's Transcript to each of the Attorneys of Record in this cause as follows:

Idaho State Appellate Public
Defender's Office
3647 Lake Harbor Lane
Boise, Idaho 83703

Attorney General's Office
CRIMINAL APPEALS
P.O. Box 83720
Boise, Idaho 83720-0010

Attorney for Defendant/Appellant

Attorney for Plaintiff/Respondent

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal
of the said Court this 23 day of January, 2013.

JOLYNN DRAGE, Clerk of the Court

By [Signature]
Crystal Rigby, Deputy Clerk

