

4-7-2014

State v. Mace Clerk's Record Dckt. 42024

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MICHELLE ALECE MACE,

Defendant-Appellant.

Supreme Court Case No. 42024

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE MELISSA MOODY

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | | Judge |
|------------|------|------|--|---------------|
| 10/24/2005 | NEWC | ID | Case Created | James Cawthon |
| | | ID | Case Opened | James Cawthon |
| | ARRN | ID | Video Arraignment - 10/24/2005 | James Cawthon |
| | CHAD | ID | Charge number 1: Charge Booked by ACSO | James Cawthon |
| | ARRN | SM | Video Arraignment - Video Arraignment - 10/24/2005 | James Cawthon |
| | | SH | Charge number 1: Charge Filed Cause Found | James Cawthon |
| | ARRN | HQ | Video Arraignment | James Cawthon |
| | ORPD | HQ | Order Appointing Public Defender [file stamped 10/26/2005] | James Cawthon |
| | | HQ | Charge number 1: Bond Reduced or Amended to - \$10000.00 | James Cawthon |
| | HRSC | TE | Event Scheduled - Preliminary Hearing - 11/04/2005 | James Cawthon |
| | HRSC | TE | Event Scheduled - Preliminary Hearing - 11/07/2005 [file stamped 10/26/2005] | James Cawthon |
| 10/26/2005 | NOTC | KM | Notice - of Hearing | James Cawthon |
| | MOTN | KM | Motion - for Bond Reduction | James Cawthon |
| | RESD | KM | Defendant Request For Discovery | James Cawthon |
| 11/7/2005 | HRSC | ME | Event Scheduled - Preliminary Hearing - 11/23/2005 | James Cawthon |
| 11/23/2005 | HRSC | RB | Event Scheduled - Preliminary Hearing - 12/15/2005 | James Cawthon |
| 12/15/2005 | | ME | Charge number 1: Defendant Bound Over - H0501736 D.01 | James Cawthon |
| | | ME | Charge number 1: Count Bound To - H0501736 D.01 C.001 | James Cawthon |
| | | ME | Charge number 1: Bond Transferred To - H0501736 D.01 C.001 | James Cawthon |
| | PHHD | ME | Preliminary Hearing | James Cawthon |
| | NCOR | ME | Order No Contact - Jerome Bryant | James Cawthon |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | | Judge |
|------------|------|------|--|--------------------|
| 12/15/2005 | NEWC | ME | Case Created - Bind Over M0513452 | Michael McLaughlin |
| | COMM | ME | Charge number 1: Commitment and Papers | Michael McLaughlin |
| | | ME | Charge number 1: Defendant Transferred In - M0513452 D.01 | Michael McLaughlin |
| | | ME | Charge number 1: Count Bound From - M0513452 D.01 C.001 | Michael McLaughlin |
| | | ME | Charge number 1: Bond Transferred From - M0513452 D.01 C.001 | Michael McLaughlin |
| | HRSC | ME | Event Scheduled - 0900 - 01/06/2006 | Michael McLaughlin |
| | NCOR | ME | Order No Contact - Jerome Bryant | Michael McLaughlin |
| 12/16/2005 | INFO | SG | Information and Papers Filed | Michael McLaughlin |
| 1/6/2006 | ARRN | KB | Arraignment | Michael McLaughlin |
| | CONT | KB | Continued For Plea | Michael McLaughlin |
| 1/27/2006 | ARRN | KB | Arraignment - (Con't) | Michael McLaughlin |
| | CONT | KB | Continued For Plea | Michael McLaughlin |
| 2/3/2006 | ARRN | KB | Arraignment - (Con't) | Michael McLaughlin |
| | CONT | KB | Continued For Plea | Michael McLaughlin |
| 2/17/2006 | ARRN | KB | Arraignment - (Con't) | Michael McLaughlin |
| | APNG | KB | Charge number 1: Not Guilty Plea | Michael McLaughlin |
| | JTSC | KB | Jury Trial Set - 05/30/2006 | Michael McLaughlin |
| | HRSC | KB | Event Scheduled - Pre-Trial Conference - 05/12/2006 | Michael McLaughlin |
| | | KB | No Contact Order | Michael McLaughlin |
| 2/22/2006 | | KB | Scheduling Order | Michael McLaughlin |
| 3/17/2006 | | NK | State/City Request for Discovery | Michael McLaughlin |
| | REQD | NK | State/City Response to Disc. Req. | Michael McLaughlin |
| 5/12/2006 | CONT | KB | Pre-Trial Conference | Michael McLaughlin |
| | | KB | Guilty Plea Form | Michael McLaughlin |
| | CPGT | KB | Charge number 1: Change Plea to Guilty Before Trial | Michael McLaughlin |
| | HRSC | KB | Event Scheduled - Sentencing Hearing - 06/23/2006 | Michael McLaughlin |
| 6/23/2006 | SENT | KB | Sentence Hearing | Michael McLaughlin |
| | WHJD | KB | Charge number 1: Withheld Judgment Entered | Michael McLaughlin |
| | SNPF | KB | Charge number 1: Sentenced to Fine & Costs - \$1097.50 | Michael McLaughlin |
| | | KB | Charge number 1: Sentenced to Reimburse P D - \$250.00 | Michael McLaughlin |
| | | KB | Charge number 1: Sentenced to ISCI - 5y 5y sp 5d cr | Michael McLaughlin |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | Judge |
|------------|------|--------|--|
| 6/23/2006 | PROB | KB | Charge number 1: Placed on Probation - 5y Standard Terms 120D ACJ - OPTIONS Michael McLaughlin |
| | BVEX | | Charge number 1: Exoneration of Bond - LG10-348847 - 06/23/2006 Michael McLaughlin |
| | ORDR | NT | Order - Withholding Judgment & Order of Probation Michael McLaughlin |
| | JAIL | TCHOCA | Sentenced to Jail or Detention (I18-7902 Malicious Harassment) Confinement terms: Jail: 120 days. Credited time: 5 days. Penitentiary determinate: 5 years. Michael McLaughlin |
| 7/31/2006 | | | Charge number 1: Fine Agreement Set - 07/31/2006 Michael McLaughlin |
| 8/25/2006 | | RB | Charge number 1: Partial Payment - A1910067 \$57.00 Michael McLaughlin |
| 9/22/2006 | | MS | Charge number 1: Partial Payment - A1919367 \$57.00 Michael McLaughlin |
| 10/23/2006 | | KM | Charge number 1: Partial Payment - A1928296 \$57.00 Michael McLaughlin |
| 11/20/2006 | | | Charge number 1: Fine Agreement Set - 11/20/2006 Michael McLaughlin |
| 11/22/2006 | | MI | Charge number 1: Partial Payment - A1939167 \$57.00 Michael McLaughlin |
| 12/29/2006 | | SG | Charge number 1: Partial Payment - A1952215 \$60.00 Michael McLaughlin |
| 1/30/2007 | | AS | Charge number 1: Partial Payment - A1962183 \$57.00 Michael McLaughlin |
| 2/28/2007 | | JO | Charge number 1: Partial Payment - A1972877 \$57.00 Michael McLaughlin |
| 4/5/2007 | | WM | Charge number 1: Partial Payment - A1985463 \$57.00 Michael McLaughlin |
| 5/1/2007 | | DF | Charge number 1: Partial Payment - A1994969 \$57.00 Michael McLaughlin |
| 6/4/2007 | | MO | Charge number 1: Partial Payment - A2005927 \$57.00 Michael McLaughlin |
| 7/6/2007 | | RB | Charge number 1: Partial Payment - A2019771 \$57.00 Michael McLaughlin |
| 8/14/2007 | | MO | Charge number 1: Partial Payment - A2034657 \$57.00 Michael McLaughlin |
| 9/18/2007 | | SW | Charge number 1: Partial Payment - A2047161 \$57.00 Michael McLaughlin |
| 9/26/2007 | | MO | Charge number 1: Partial Payment - A2050498 \$57.00 Michael McLaughlin |
| 10/30/2007 | | MO | Charge number 1: Partial Payment - A2063214 \$60.00 Michael McLaughlin |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | Judge |
|------------|------|----------|--|
| 12/18/2007 | | JO | Charge number 1: Partial Payment - A2080598 \$57.00 |
| 1/3/2008 | | WM | Charge number 1: Partial Payment - A2085237 \$57.00 |
| 2/8/2008 | | SW | Charge number 1: Partial Payment - A2098286 \$60.00 |
| 3/13/2008 | | MO | Charge number 1: Partial Payment - A2109780 \$57.00 |
| 4/1/2009 | ORDR | CCBROWKM | Order for DJT - 15 days |
| 6/24/2009 | AFFD | TCMCCOSL | Affidavit of PC to Hold Probationer on Agent's Warrant |
| | AFFD | TCMCCOSL | Affidavit |
| | HRSC | CCEDWARM | Hearing Scheduled (Arraignment 07/01/2009 09:00 AM) |
| | STAT | CCEDWARM | STATUS CHANGED: Closed pending clerk action |
| | ORPD | CCMANLHR | Defendant: Mace, Michelle Alece Order Appointing Public Defender Public defender Ada County Public Defender [on the record in open court] |
| | ORPD | MADALERD | Order Appointing Public Defender |
| | ORDR | TCMCCOSL | Order on Probationer Arrest on Agent's Warrant |
| 6/25/2009 | MFBR | TCBULCEM | Motion For Bond Reduction |
| | NOHG | TCBULCEM | Notice Of Hearing |
| | RQDD | TCBULCEM | Defendant's Request for Discovery |
| 7/1/2009 | DCAR | CCBROWKM | Hearing result for Arraignment held on 07/01/2009 09:00 AM: District Court Arraignment- Court Reporter: S Gambee Number of Pages: less than 50 |
| | HRSC | CCBROWKM | Hearing Scheduled (Admit/Deny Hearing 07/08/2009 09:00 AM) |
| | MOTN | TCWEGEKE | Motion for Probation Violation (Agents Warrant) |
| 7/2/2009 | BNDS | TCMCCOSL | Bond Posted - Surety (Amount 30000.00) |
| 7/8/2009 | DCHH | CCBROWKM | Hearing result for Admit/Deny Hearing held on 07/08/2009 09:00 AM: District Court Hearing Hel Court Reporter: Cromwell Number of Transcript Pages for this hearing estimated: less than 50 |
| | HRSC | CCBROWKM | Hearing Scheduled (Admit/Deny Hearing 07/15/2009 09:00 AM) |
| 7/14/2009 | PROS | PRPONCBL | Prosecutor assigned R. SCOTT BANDY |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | Judge |
|-----------|------|----------|--|
| 7/15/2009 | DCHH | CCBROWKM | Hearing result for Admit/Deny Hearing held on 07/15/2009 09:00 AM: District Court Hearing Held Court Reporter: V Gosney Number of Transcript Pages for this hearing estimated: less than 50 |
| | HRSC | CCBROWKM | Hearing Scheduled (Hearing Scheduled 08/12/2009 11:00 AM) |
| | HRSC | CCBROWKM | Hearing Scheduled (Probation Violation Hearing 08/19/2009 04:00 PM) |
| 7/17/2009 | SCHE | CCBROWKM | Scheduling Order - PV |
| 8/12/2009 | DCHH | CCBROWKM | Hearing result for Hearing Scheduled held on 08/12/2009 11:00 AM: District Court Hearing Held Court Reporter: L Anderson Number of Transcript Pages for this hearing estimated: less than 50 |
| 8/19/2009 | DCHH | CCBROWKM | Hearing result for Probation Violation Hearing held on 08/19/2009 04:00 PM: District Court Hearing Held Court Reporter: Cromwell Number of Transcript Pages for this hearing estimated: less than 50 |
| 8/21/2009 | MOTN | TCBULCEM | Motion to continue disposition |
| 8/31/2009 | HRSC | CCBROWKM | Hearing Scheduled (PV Disposition Hearing 09/30/2009 02:00 PM) |
| | ORDR | TCWEGEKE | Order Resetting Disposition |
| 9/2/2009 | MOTN | TCBULCEM | 2nd Motion to reset disposition |
| 9/8/2009 | CONT | CCBROWKM | Continued (PV Disposition Hearing 09/09/2009 02:00 PM) |
| | ORDR | CCBROWKM | Second Order Resetting Disposition |
| 9/9/2009 | DCHH | CCBROWKM | Hearing result for PV Disposition Hearing held on 09/09/2009 02:00 PM: District Court Hearing Held Court Reporter: Dianne Cromwell Number of Transcript Pages for this hearing estimated: less than 50 |
| | HRSC | CCBROWKM | Hearing Scheduled (Status 09/23/2009 11:00 AM) |
| 9/15/2009 | NOAP | TCBULCEM | Notice Of Appearance/Patterson |
| | CESR | TCBULCEM | Certificate of Service |
| 9/16/2009 | NOTC | TCRAMISA | Notice of Substitution of Counsel/Patterson |
| 9/23/2009 | DCHH | CCBROWKM | Hearing result for Status held on 09/23/2009 11:00 AM: District Court Hearing Held Court Reporter: k redich Number of Transcript Pages for this hearing estimated:50 |
| | HRSC | CCBROWKM | Hearing Scheduled (Disposition 10/07/2009 02:00 PM) |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | Judge |
|-----------|------|----------|---|
| 10/7/2009 | DCHH | CCBROWKM | Hearing result for Disposition held on 10/07/2009 02:00 PM: District Court Hearing Held Court Reporter: Robin Lee Number of Transcript Pages for this hearing estimated: less than 50 |
| | FIGT | CCBROWKM | Finding of Guilty (I20-222 Probation Violation) |
| | JAIL | CCBROWKM | Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Credited time: 157 days. Penitentiary determinate: 2 years. Penitentiary indeterminate: 3 years. |
| | STAT | CCBROWKM | STATUS CHANGED: closed pending clerk action |
| | SNPF | CCBROWKM | Sentenced To Pay Fine 0.00 charge: I20-222 Probation Violation |
| | BNDE | CCBROWKM | Surety Bond Exonerated (Amount 30,000.00) |
| | AMJD | DCJOHNSI | Amended Judgment Sentence modified on 4/21/2010. (I20-222 Probation Violation) |
| | PROB | DCJOHNSI | Probation Ordered (I20-222 Probation Violation) Probation term: 5 years 0 months 0 days. (Felony Probation & Parole) |
| | JAIL | TCHOCA | Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Credited time: 247 days. Penitentiary determinate: 2 years. Penitentiary indeterminate: 3 years. |
| 10/8/2009 | ORDR | DCABBOSM | Order Revoking Probation and Withheld Judgment, and Judgment of Conviction and Order of Retained Jurisdiction |
| 3/24/2010 | ORDR | DCABBOSM | Order Extending Period of Retained Jurisdiction |
| 3/26/2010 | HRSC | TCHOCA | Hearing Scheduled (Rider Review 04/21/2010 03:00 PM) |
| | ORTR | TCWEGEKE | Order To Transport for Rider Review |
| 4/21/2010 | DCHH | DCJOHNSI | Hearing result for Rider Review held on 04/21/2010 03:00 PM: District Court Hearing Held Court Reporter: omsberg Number of Transcript Pages for this hearing estimated:50 |
| 4/26/2010 | ORDR | DCABBOSM | Order Suspending Sentence and Reinstating Probation |
| 6/22/2010 | NOWA | TCRAMISA | Notice Of Withdrawal Of Attorney/Patterson |
| 7/12/2010 | AFFD | TCMCCOSL | Affidavit |
| | AFFD | TCMCCOSL | Affidavit of PC to Hold Probationer on Agent's Warrant |
| | HRSC | TCMCKEAE | Hearing Scheduled (Arraignment 07/21/2010 09:00 AM) |
| | ORPD | MADAVISM | Order Appointing Public Defender |
| | ORPD | MADAVISM | Order Appointing Public Defender [duplicate entry] |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | | Judge |
|-----------|------|----------|---|------------------------------|
| 7/12/2010 | NOPE | TCMCCOSL | Notification of Penalties for Escape | Michael McLaughlin |
| | ORDR | TCMCCOSL | Order on Probationer Arrest on Agent's Warrant | Michael McLaughlin |
| 7/13/2010 | MOTN | TCTHOMBJ | Motion for PV (Agent's Warrant) | Michael McLaughlin |
| 7/14/2010 | MFBR | TCRAMISA | Motion For Bond Reduction | Michael McLaughlin |
| | NOHG | TCRAMISA | Notice Of Hearing | Michael McLaughlin |
| | RQDD | TCRAMISA | Defendant's Request for Discovery | Michael McLaughlin |
| 7/21/2010 | DCHH | TCHOCA | Hearing result for Arraignment held on 07/21/2010 09:00 AM: District Court Hearing Held Court Reporter: Penny Tardiff Number of Transcript Pages for this hearing estimated: Bond Reduction/ 50 | Michael McLaughlin |
| | HRSC | TCHOCA | Hearing Scheduled (Admit/Deny Hearing 08/11/2010 09:00 AM) | Michael McLaughlin |
| | BSET | TCHOCA | BOND SET: at 50000.00 - (I20-222 Probation Violation) | Michael McLaughlin |
| 8/11/2010 | DCHH | TCHOCA | Hearing result for Admit/Deny Hearing held on 08/11/2010 09:00 AM: District Court Hearing Held Court Reporter: Vanessa Gosney Number of Transcript Pages for this hearing estimated: 50 | Michael McLaughlin |
| | PLEA | TCHOCA | A Plea is entered for charge: - GT (I20-222 Probation Violation) | Michael McLaughlin |
| | HRSC | TCHOCA | Hearing Scheduled (PV Disposition Hearing 09/08/2010 01:00 PM) | Michael McLaughlin |
| 8/25/2010 | CONT | TCHOCA | Continued (PV Disposition Hearing 09/15/2010 02:00 PM) | Michael McLaughlin |
| 8/26/2010 | NOTC | DCABBOSM | Notice of Rescheduled PV Dispo hearing | Michael McLaughlin |
| 9/15/2010 | DCHH | TCHOCA | Hearing result for PV Disposition Hearing held on 09/15/2010 02:00 PM: District Court Hearing Held Court Reporter: Robin Lee Number of Transcript Pages for this hearing estimated: 50 | Michael McLaughlin |
| | FIGT | TCHOCA | Finding of Guilty (I20-222 Probation Violation) | Michael McLaughlin |
| | JAIL | TCHOCA | Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Jail: 69 days. Credited time: 69 days. Penitentiary determinate: 2 years. Penitentiary indeterminate: 3 years. | Michael McLaughlin |
| | PROB | TCHOCA | Probation Ordered (I20-222 Probation Violation) Probation term: 5 years 0 months 0 days. (Felony Probation & Parole) | Michael McLaughlin |
| | OSOO | TCHOCA | Other Sentencing Option Ordered: Misc. Treatment Program Hours assigned: 0 Terms: Complete Provenance Program | Michael McLaughlin |
| | BSET | TCHOCA | BOND SET: at 0 - (I20-222 Probation Violation) | Michael McLaughlin |
| 9/20/2010 | ORDR | DCABBOSM | Order Suspending Sentence and Reinstating Probation | Michael McLaughlin 000008 |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | | Judge |
|-----------|------|----------|--|------------------------------|
| 1/25/2011 | MOTN | TCGREEAE | Motion for BW for PV | Michael McLaughlin |
| 1/28/2011 | ORDR | TCGREEAE | Order for BW for PV [file stamped 02/01/2011] | Michael McLaughlin |
| 2/1/2011 | WARB | TCGREEAE | Warrant Issued - Bench Bond amount: 100000.00 Failing to comply with a court order Defendant: Mace, Michelle Alece | Michael McLaughlin |
| | STAT | TCGREEAE | STATUS CHANGED: Inactive | Michael McLaughlin |
| 5/12/2011 | HRSC | TCMCCOSL | Hearing Scheduled (Video Arraignment 05/12/2011 01:30 PM) | Michael Oths |
| | HRSC | TCMCCOSL | Hearing Scheduled (Arraignment 05/18/2011 09:00 AM) | Michael McLaughlin |
| | WART | TCWADAMC | Warrant Returned Failing to comply with a court order Defendant: Mace, Michelle Alece | Michael McLaughlin |
| | STAT | TCWADAMC | STATUS CHANGED: Pending | Michael McLaughlin |
| | ARRN | TCGARDKM | Hearing result for Video Arraignment held on 05/12/2011 01:30 PM: Arraignment / First Appearance | Michael Oths |
| | BSET | TCGARDKM | BOND SET: at 100000.00 - (I20-222 Probation Violation) | Michael McLaughlin |
| | ORPD | MADEFRJM | Order Appointing Public Defender | Michael McLaughlin |
| | ORPD | MADEFRJM | Order Appointing Public Defender [duplicate entry] | Michael McLaughlin |
| 5/18/2011 | DCHH | TCHOCA | Hearing result for Arraignment held on 05/18/2011 09:00 AM: District Court Hearing Held Court Reporter: Patty Terry Number of Transcript Pages for this hearing estimated: 50 | Michael McLaughlin |
| | HRSC | TCHOCA | Hearing Scheduled (Admit/Deny Hearing 05/25/2011 09:00 AM) | Michael McLaughlin |
| | DCHH | TCHOCA | Hearing result for Admit/Deny Hearing held on 05/25/2011 09:00 AM: District Court Hearing Held Court Reporter: Patty Terry Number of Transcript Pages for this hearing estimated: 50 | Michael McLaughlin |
| | HRSC | TCHOCA | Hearing Scheduled (Admit/Deny Hearing 05/25/2011 09:00 AM) | Michael McLaughlin |
| 5/19/2011 | MFBR | TCBROXLV | Motion For Bond Reduction | Michael McLaughlin |
| | NOHG | TCBROXLV | Notice Of Hearing | Michael McLaughlin |
| | RQDD | TCBROXLV | Defendant's Request for Discovery | Michael McLaughlin |
| 5/25/2011 | DCHH | TCHOCA | Hearing result for Admit/Deny Hearing held on 05/25/2011 09:00 AM: District Court Hearing Held Court Reporter: Sue Wolf Number of Transcript Pages for this hearing estimated: 50 | Michael McLaughlin |
| | PLEA | TCHOCA | A Plea is entered for charge: - GT (I20-222 Probation Violation) | Michael McLaughlin 000009 |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | | Judge |
|-----------|------|----------|--|--------------------|
| 5/25/2011 | BSET | TCHOCA | BOND SET: at 99000.00 - (I20-222 Probation Violation) | Michael McLaughlin |
| | HRSC | TCHOCA | Hearing Scheduled (PV Disposition Hearing 06/22/2011 02:30 PM) | Michael McLaughlin |
| 6/22/2011 | DCHH | TCHOCA | Hearing result for PV Disposition Hearing held on 06/22/2011 02:30 PM: District Court Hearing Held Court Reporter: Dianne Cromwell Number of Transcript Pages for this hearing estimated: 50 | Michael McLaughlin |
| | FIGT | TCHOCA | Finding of Guilty (I20-222 Probation Violation) | Michael McLaughlin |
| | JAIL | TCHOCA | Sentenced to Jail or Detention (I20-222 Probation Violation) Confinement terms: Credited time: 80 days. Penitentiary determinate: 2 years. Penitentiary indeterminate: 3 years. | Michael McLaughlin |
| | STAT | TCHOCA | STATUS CHANGED: closed pending clerk action | Michael McLaughlin |
| | OSOO | TCHOCA | Other Sentencing Option Ordered: Misc. Treatment Program Hours assigned: 0 Terms: Therapeutic Community | Michael McLaughlin |
| 6/23/2011 | ORDR | DCABBOSM | Order Revoking Probation, and Execution of Judgment of Conviction | Michael McLaughlin |
| 8/19/2011 | ORDR | DCABBOSM | Amended Order Revoking Probation and Execution of Judgment of Conviction | Michael McLaughlin |
| 9/30/2011 | VOIR | TCGOHNST | Voided Receipt (Receipt# 113034 dated 9/30/2011) | Michael McLaughlin |
| 7/3/2012 | CHRT | CCMORRPH | Changed Assigned Judge: Retired (batch process) | |
| 2/18/2014 | MOTN | TCOLSOMC | Motion for Credit for for Time Served | Melissa Moody |
| | AFFD | TCOLSOMC | Affidavit of Defendant | Melissa Moody |
| 2/26/2014 | HRSC | TCHOCA | Hearing Scheduled (Motion 03/07/2014 11:00 AM) For Jail Credit | Melissa Moody |
| | NOTC | TCHOCA | Notice of Hearing | Melissa Moody |
| | ORDR | TCHOCA | Order Transport for 3/07/14 | Melissa Moody |
| 3/5/2014 | HRVC | TCHOCA | Hearing result for Motion scheduled on 03/07/2014 11:00 AM: Hearing Vacated For Jail Credit | Melissa Moody |
| | HRSC | TCHOCA | Hearing Scheduled (Hearing Scheduled 03/14/2014 08:30 AM) For Jail Credit | Melissa Moody |
| | MINE | TCHOCA | Minute Entry: email with Court and Counsel re: credit for time served calculations and resetting hearing | Melissa Moody |
| | ORDR | TCHOCA | Amended Order to Transport for 3/14/14 | Melissa Moody |
| | ORDR | DCVOLLCC | Order Vacating Hearing and Setting New Date | Melissa Moody |
| 3/12/2014 | ORDR | TCWEGEKE | Order to Quash Transport Order | Melissa Moody |

State of Idaho vs. Michelle Alece Mace

| Date | Code | User | Judge |
|-----------|------|----------|---|
| 3/14/2014 | DCHH | TCHOCA | Hearing result for Hearing Scheduled scheduled on 03/14/2014 08:30 AM: District Court Hearing Held Court Reporter: Tiffany Fisher Number of Transcript Pages for this hearing estimated: For Jail Credit/ 50 Melissa Moody |
| 3/21/2014 | LETT | TCHOCA | Letter from defendant copied to Counsel Melissa Moody |
| 3/24/2014 | MEMO | DCVOLLCC | Memorandum Decision Regarding Credit for Time Served Melissa Moody |
| 4/7/2014 | NOTA | TCWRIGSA | NOTICE OF APPEAL Melissa Moody |
| | APSC | TCWRIGSA | Appealed To The Supreme Court Melissa Moody |
| 4/14/2014 | ORDR | CCAMESLC | Order Appointing State Appellate Public Defender on Direct Appeal Melissa Moody |
| 5/12/2014 | NOTC | CCTHIEBJ | Notice of Transcript Lodged - Supreme Court Docket No. 42024 Melissa Moody |

OCT 24 2005

By J. David Navarro, Clerk
DEPUTY

DR # 05-533803

GREG H. BOWER
Ada County Prosecuting Attorney

Connie A. Vietz
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. M0513452

C O M P L A I N T

Mace's DOB: [REDACTED]
Mace's SSN: [REDACTED]


PERSONALLY APPEARED Before me this 24 day of October 2005, Connie A. Vietz, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that MICHELLE ALECE MACE, on or about the 23rd day of October, 2005, in the County of Ada, State of Idaho, did commit the crime of MALICIOUS HARASSMENT, FELONY, I.C. §18-7902 as follows:

That the Defendant, MICHELLE ALECE MACE, on or about the 23rd day of October, 2005, in the County of Ada, State of Idaho, did maliciously and with the intent to intimidate or harass Jerome Bryant because of his race, cause physical injury to Jerome Bryant by calling him a nigger and punching him in the face causing physical injury to his face and mouth.

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


Said Complainant therefore prays that a Warrant issue for the arrest of the Defendant and that MICHELLE ALECE MACE, may be dealt with according to law.

GREG H. BOWER
Ada County Prosecutor



Connie A. Vietz
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 24th day of October, 2005.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. M0513452

vs. Michelle Alice Mace

CLERK MARILYN EDWARDS

PROSECUTOR Connie Vetz

DATE 10/24/05 TIME 1113

COMPLAINING WITNESS _____

TOXIMETER _____

TAPE NO. Reardon 102405 BEG. 111318

END _____

JUDGE

- | | |
|--|----------------------------------|
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> DAY | <input type="checkbox"/> SCHMIDT |
| <input type="checkbox"/> DENNARD | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HANSEN | <input type="checkbox"/> VELOW |
| <input type="checkbox"/> HAY | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> MCDANIEL | |
| <input checked="" type="checkbox"/> <u>Schelling</u> | |
| <input type="checkbox"/> _____ | |

STATUS

- State
- WITNESS SWORN
 - PC FOUND _____
 - COMPLAINT SIGNED
 - AMENDED COMPLAINT SIGNED
 - NO PC FOUND _____
 - EXONERATE BOND
 - SUMMONS TO BE ISSUED
 - WARRANT ISSUED
 - BOND SET \$ _____
 - NO CONTACT
- _____
- D.R. # _____
- DISMISS CASE
 - IN CUSTODY

COMMENTS

CJ3BMIN
TCHULLCJ

ADA COUNTY MAGISTRATE MINUTES

10/24/2005
10:28:57

SCHEDULED EVENT:
Video Arraignment

JUDGE:
Thomas Watkins / #251

CLERK:
Holly Quaid

DATE: 10/24/2005 TIME: 13:30 COURT REPORTER: _____

TAPE NO: _____ PR/AGY: AC PROS: _____

B. Harmer
apt d
F.D./ATTORNEY _____

MACE MICHELLE ALECE M0513452.01 SSN [REDACTED] DOB [REDACTED]

1 MALICIOUS S 18.7902 F

142809 Case Called Def: Present Not Pres. In Custody
 Advised of Rights Waived Rts PD Appointed Waived Atty
 Guilty Plea/PV Admit N/G Plea Advise Subsq Penalty
 Bond \$ 10,000 ROR Pay/Stay Payment Agr

PH 11/7/05 @ 8:30 # 227

* Finish () Release Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

STATE OF IDAHO,

vs. Michelle Mae Plaintiff,
Defendant.

CASE NO. M0513452

FILED
A.M. _____ P.M. 3

NOTICE OF APPOINTMENT
OF PUBLIC DEFENDER

Ada Boise

OCT 26 2005

J. DAVID NAVARRO, Clerk
By [Signature] DEPUTY

TO: The Ada County Public Defender

YOU ARE HEREBY NOTIFIED that an Order has been entered by this Court ordering that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

PRE-TRIAL Date _____ at _____ a.m./p.m. o'clock
JURY TRIAL Date _____ at _____ a.m./p.m. o'clock
PRELIMINARY HEARING #227 Date 11/7/05 at 8:30 a.m./p.m. o'clock
SENTENCING Date _____ at _____ a.m./p.m. o'clock
OTHER _____ Date _____ at _____ a.m./p.m. o'clock

in the courtroom at the ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID.

The defendant is In custody Released on bail ROR

TO: The above-named defendant

YOU HAVE BEEN ORDERED BY THIS COURT to contact the Ada County Public Defender's office at 200 W. FRONT STREET, BOISE, IDAHO, ROOM #1107.

MISDEMEANOR DIVISION, TELEPHONE NO. (208) 287-7400
 FELONY DIVISION, TELEPHONE NO. (208) 287-7400

within one week and set an appointment to meet with your attorney. You must maintain contact with your assigned attorney and appear at your scheduled court hearings.

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

IT HAS ALSO BEEN ORDERED that, if the defendant is unable to post bond and obtain his/her release from jail, the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

FURTHER ORDERS OF THE COURT: _____

DATE: 10/24/05

[Signature]
Deputy Clerk of the District Court

Defendant's Signature of Receipt

Phone #

Copy to the Public Defender by interdepartmental mail on 10/27/05

000016

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR ADA COUNTY
MAGISTRATE DIVISION

NO. _____ FILED P.M. 3

OCT 26 2005

STATE OF IDAHO,)
) Plaintiff)
 vs.)
 MACE MICHELLE ALECE)
) Defendant.)

CR. M0513452.01 DAVID NAVARRO, Clerk
By [Signature] DEPUTY
NOTICE OF PRELIMINARY HEARING

NOTICE IS HEREBY GIVEN to the above Defendant that a Preliminary Hearing has been scheduled before the Honorable Judge Cawthon at 8:30 o'clock a.m. on the 7TH day of NOVEMBER, 2005, in the courtroom at:

Magistrate
200 W. Front Street
Boise, Idaho 83702

YOU ARE HEREBY NOTIFIED that if you do not appear in Court at said time and place, any bond posted may be forfeited by the Court and a warrant will be issued for your arrest without further notice.

Dated 10/27/05 [Signature]
Court Clerk

I hereby certify that copies of this Notice were served as follows on this date: 10/24/05.

Defendant:
Hand Delivered X Mailed _____
SERVED #805 [Signature]

Private Counsel:
Hand Delivered _____ Mailed _____

Prosecutor:
X Ada X Boise X G.C. _____ Meridian
Public Defender X Interdepartmental Mail X
Interdepartmental Mail _____

001 28 2005

227
DH
117
880

ADA COUNTY PUBLIC DEFENDER
ATTORNEYS FOR DEFENDANT
200 West Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

J. DAVID NAVARRO, Clerk
By _____
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)

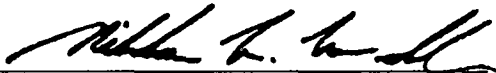
Criminal No. M0513452

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to the ADA COUNTY PROSECUTOR:

YOU, AND EACH OF YOU ARE HEREBY NOTIFIED That the Defendant will call on for hearing MOTION FOR BOND REDUCTION now on file in the above entitled action, on the 7TH day of NOVEMBER, 2005 at the hour of 8:30 A.M., in the courtroom of the above entitled court, or as soon thereafter as counsel can be heard.


DATED This Tuesday, October 25, 2005.


NICHOLAS L. WOLLEN
Attorney for Defendant



CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on this Tuesday, October 25, 2005, I mailed a true and correct copy of the foregoing MOTION FOR BOND REDUCTION and NOTICE OF HEARING to the: ADA COUNTY PROSECUTOR by depositing the same in the Interdepartmental Mail.



Donna J. Waters

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

NO. 11
A.M. 11 FILED P.M.

OCT 26 2005

J. DAVID NAVARRO, Clerk
DEPUTY


IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)
Plaintiff,)
vs.)
MICHELLE ALECE MACE)
Defendant.)

Criminal No. M0513452
MOTION FOR BOND REDUCTION

COMES NOW, The above named Defendant, by and through his Attorney of Record, the Ada County Public Defender's Office, **NICHOLAS L. WOLLEN**, handling attorney, and moves this Honorable Court for its Order reducing bond in the above entitled matter, upon the grounds and for the reason that the bond is so unreasonably high that the Defendant, who is an indigent person with no funds, cannot post such a bond and that Defendant has thereby been effectively denied his right to bail.

DATED This Tuesday, October 25, 2005


NICHOLAS L. WOLLEN
Attorney for Defendant

MOTION FOR BOND REDUCTION

NO. _____
A.M. _____ P.M. _____

OCT 28 2005

ADA COUNTY PUBLIC DEFENDER
ATTORNEYS FOR DEFENDANT
200 West Front Street Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

By J. DAVID NAVARRO, Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)

Plaintiff,)

vs.)

MICHELLE ALECE MACE,)

Defendant.)

Criminal No. M0513452

REQUEST FOR DISCOVERY

TO: STATE OF IDAHO, Plaintiff and to the ADA COUNTY PROSECUTOR


PLEASE TAKE NOTICE, That the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and photocopies of the following information, evidence and materials: All material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment therefore. I.C.R. 16(a).

- 1) All written or recorded statements or oral admissions of the defendant within the possession, custody, control or knowledge of the State.
- 2) All written or recorded statements or oral admissions of any co-defendant within the possession, custody, control or knowledge of the State.
- 3) Any prior criminal record of the defendant and co-defendant, if any.
- 4) All documents and tangible objects as defined by I.C.R. 16(b)(4) in the possession or control of the prosecutor which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 5) All reports or physical or mental examinations and of scientific tests or experiments within the possession, control or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 6) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 7) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes".
- 8) Any writing object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to I.R.E. 612.

The undersigned further requests written compliance pursuant to I.C.R. 16, by the 31ST day of OCTOBER 2005.

DATED This October 25, 2005


NICHOLAS L. WOLLEN
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on October 25, 2005 I mailed a true and correct copies of the foregoing REQUEST FOR DISCOVERY to the ADA COUNTY PROSECUTOR by depositing the same in the Interdepartmental Mail.


Donna J. Waters

CJ3BMIN
CCEDWARM

ADA COUNTY MAGISTRATE MINUTES

11/04/2005
8:21:00

SCHEDULED EVENT:
Preliminary Hearing

JUDGE: THOMAS WATKINS
James Cawthon

CLERK:
Marilyn Edwards

DATE: 11/07/2005 TIME: 8:30

COURT REPORTER: _____

TAPE NO: Cawthon 110705

PR/AGY: AC PROS: _____

Justin Whalcraft
Steve Batorin
P.D./ATTORNEY

MACE MICHELLE ALECE

M0513452.01

SSN

DOB

1 MALICIOUS S 18 7902 F

| | | | |
|---|--|--|--------------------------------------|
| <u>105308</u> Case Called | Def: <input checked="" type="checkbox"/> Present | <input type="checkbox"/> Not Pres. | <input type="checkbox"/> In Custody |
| <input type="checkbox"/> Advised of Rights | <input type="checkbox"/> Waived Rts | <input type="checkbox"/> PD Appointed | <input type="checkbox"/> Waived Atty |
| <input type="checkbox"/> Guilty Plea/PV Admit | <input type="checkbox"/> N/G Plea | <input type="checkbox"/> Advise Subsqt Penalty | |
| <input checked="" type="checkbox"/> Bond \$ <u>10,000</u> | <input type="checkbox"/> ROR | <input type="checkbox"/> Pay/Stay | <input type="checkbox"/> Payment Agr |

130. Review

Case Resumed

133504.* Δ had Car Problems this Morning

to be chg - Reset 11/23/05 @ 130 pm.

133727 * Finish () Release Defendant

FILED 11/7/05 AT 136 .M.
 J. DAVID NAVARRO,
 CLERK OF THE DISTRICT COURT
 BY Marilyn Edwards
 Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
Michelle Mace)
 Defendant.)

CASE NO. MO513452

NOTICE OF:

Ada Boise GC Meridian

- FURTHER PROCEEDINGS
- TRIAL SET COURT/JURY
- PRELIMINARY HEARING RESET
- DISTRICT COURT ARRAIGNMENT

BEFORE JUDGE _____
 BEFORE JUDGE _____
 BEFORE JUDGE Cauthon
 BEFORE JUDGE _____

NOTICE IS HEREBY GIVEN to the above named Defendant that proceedings in this case have been continued until 130 o'clock a.m./p.m. on Nov 23 05, in the courtroom at the

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

J. DAVID NAVARRO, Clerk

DATED 11/7/05

By: Marilyn Edwards
 Deputy Clerk

I hereby certify that copies of this Notice were served as follows:

Defendant:
 Hand Delivered Mailed
 Clerk ME Date _____

Signature Michelle Mace
 Address _____

Defense Attorney:
 Hand Delivered Mailed
 Clerk _____ Date _____

Prosecutor - Interdepartmental Mail
 Public Defender Interdepartmental Mail

Clerk _____ Date _____
 Clerk _____ Date _____

SCHEDULED EVENT:
Preliminary Hearing

JUDGE:
James Cawthon

CLERK:
Marilyn Edwards

DATE: 11/23/2005 TIME: 13:30

COURT REPORTER:

TAPE NO: Cawthon

PR/AGY: AC

PROS:

Justin Whatcott
(P.D.) / ATTORNEY Mark Waller

MACE MICHELLE ALECE

M0513452.01

SSN

DOB

1 MALICIOUS S 18 7902 F

| | | | | |
|--------|--|--|--|--------------------------------------|
| 134122 | Case Called | Def: <input checked="" type="checkbox"/> Present | <input type="checkbox"/> Not Pres. | <input type="checkbox"/> In Custody |
| | <input type="checkbox"/> Advised of Rights | <input type="checkbox"/> Waived Rts | <input type="checkbox"/> PD Appointed | <input type="checkbox"/> Waived Atty |
| | <input type="checkbox"/> Guilty Plea/PV Admit | <input type="checkbox"/> N/G Plea | <input type="checkbox"/> Advise Subsqt Penalty | |
| | <input checked="" type="checkbox"/> Bond \$ 10,000 | <input type="checkbox"/> ROR | <input type="checkbox"/> Pay/Stay | <input type="checkbox"/> Payment Agr |

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1 - Reg SO
Unavailable witness

2 - No obj
Reset. 12/15/ @ 130 PM

hrg.

134342 * Finish () Release Defendant

FILED 11/23/05 AT 1:43
 J. DAVID NAVARRO,
 CLERK OF THE DISTRICT COURT
 BY Marilyn Edwards
 Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
Michelle Mace Defendant.)

CASE NO. MO513452

NOTICE OF:

Ada Boise GC Meridian

- FURTHER PROCEEDINGS
- TRIAL SET COURT/JURY
- PRELIMINARY HEARING RESET
- DISTRICT COURT ARRAIGNMENT

BEFORE JUDGE _____
 BEFORE JUDGE _____
 BEFORE JUDGE Cawthon
 BEFORE JUDGE _____

NOTICE IS HEREBY GIVEN to the above-named Defendant that proceedings in this case have been continued until 1:30 o'clock a.m./p.m. on 12/15/05, in the courtroom at the

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

J. DAVID NAVARRO, Clerk

DATED 11/23/05

By: Marilyn Edwards
 Deputy Clerk

I hereby certify that copies of this Notice were served as follows:

Defendant:
 Hand Delivered Mailed
 Clerk _____ Date _____

Signature Michelle Mace
 Address _____

Defense Attorney:
 Hand Delivered Mailed
 Clerk _____ Date _____

Prosecutor Interdepartmental Mail
 Public Defender Interdepartmental Mail

Clerk _____ Date _____
 Clerk _____ Date _____

CJ3BMIN
CCEDWARM

ADA COUNTY MAGISTRATE MINUTES

12/13/2005
13:28:42

SCHEDULED EVENT:
Preliminary Hearing

JUDGE:
James Cawthon

CLERK:
Marilyn Edwards

DATE: 12/15/2005 TIME: 13:30

COURT REPORTER:

TAPE NO: Cawthon 121505

PR/AGY: AC

PROS:

Cathy Huszmar
Nick Wollen
(P.D./ATTORNEY)

MACE MICHELLE ALECE

M0513452.01

SSN

DOB

1 MALICIOUS S 18 7902 F

| | | | |
|---|---------------------------------------|--|--------------------------------------|
| Case Called | Def: <input type="checkbox"/> Present | <input type="checkbox"/> Not Pres. | <input type="checkbox"/> In Custody |
| <input type="checkbox"/> Advised of Rights | <input type="checkbox"/> Waived Rts | <input type="checkbox"/> PD Appointed | <input type="checkbox"/> Waived Atty |
| <input type="checkbox"/> Guilty Plea/PV Admit | <input type="checkbox"/> N/G Plea | <input type="checkbox"/> Advise Subsqt Penalty | |
| <input checked="" type="checkbox"/> Bond \$ <u>10,000</u> | <input type="checkbox"/> ROR | <input type="checkbox"/> Pay/Stay | <input type="checkbox"/> Payment Agr |

* arg.

* 10/23

* arg held

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* Finish () Release Defendant

Session: Cawthon121505

Division: MC

Courtroom: CR205

Session Date: 2005/12/15

Session Time: 08:35

Judge: Cawthon, Jim

Reporter:

Clerk(s):

Edwards, Marilyn

State Attorneys:

Guzman, Cathy

Haws, Joshua

Public Defender(s):

Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0012

Case Number: M0513452

Plaintiff:

Plaintiff Attorney:

Defendant: Mace, Michele Alece

Previous audio and annotations can be found in case: 0005.

Co-Defendant(s):

Pers. Attorney:

State Attorney: Guzman, Cathy

Public Defender: Wollen, Nick

2005/12/15

14:40:31 - Operator

Recording:

14:40:31 - Recall

Mace, Michele Alece

14:40:49 - Public Defender: Wollen, Nick

def present out of custody

14:41:18 - State Attorney: Guzman, Cathy

Direct examination of witness.

14:42:19 - Other: Bryant, Jerome

Sworn.

14:42:35 - Other: Bryant, Jerome

10/23/05 I was downtown in front of the Bistro
14:42:55 - Other: Bryant, Jerome
I was approached by def witness ID def
14:43:27 - Other: Bryant, Jerome
I was hit my def & called a nigger
14:44:29 - Public Defender: Wollen, Nick
no questions
14:44:37 - Other: Bryant, Jerome.
Nothing further, witness steps down.
14:45:33 - Other: Waker, Matthew
Sworn.
14:45:37 - State Attorney: Guzman, Cathy
Direct examination of witness.
14:45:41 - Other: Waker, Matthew
Boise police officer on foot patrol 6th & main 10/23/05
14:46:32 - Other: Waker, Matthew
I had a citizen who had been punched in the face & called a
nigger
14:47:00 - Other: Waker, Matthew
I arrested def for this altercation
14:47:48 - Other: Waker, Matthew
the reason she said she did it was she didn't like niggers
14:48:04 - Public Defender: Wollen, Nick
Cross-examination of the witness.
14:50:06 - Other: Waker, Matthew
Nothing further, witness steps down.
14:53:17 - General:
Time stamp
14:53:22 - Judge: Cawthon, Jim
B/O McLaughlin 01/06/06 9am H0501736 Comm Signed
14:53:52 - Judge: Cawthon, Jim
NCO entered against Jerome Bryant
14:54:30 - General:
Time stamp
14:54:33 - Operator
Stop recording:

FILED 12/15/05 AT 250P .M.
 J. DAVID NAVARRO,
 CLERK OF THE DISTRICT COURT
 BY Marilyn Edwards
 Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

H0501936

STATE OF IDAHO,

Plaintiff,

vs.

Michelle A. Mace
 Defendant.

CASE NO. M0513452

NOTICE OF:

Ada Boise GC Meridian

- FURTHER PROCEEDINGS
- TRIAL SET COURT/JURY
- PRELIMINARY HEARING RESET
- DISTRICT COURT ARRAIGNMENT

BEFORE JUDGE _____
 BEFORE JUDGE _____
 BEFORE JUDGE _____
 BEFORE JUDGE M.C. Laughlin

NOTICE IS HEREBY GIVEN to the above-named Defendant that proceedings in this case have been continued until 900 o'clock (a.m.) p.m. on Jan 6, 2006, in the courtroom at the

ADA COUNTY COURTHOUSE, 200 W. FRONT STREET, BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

J. DAVID NAVARRO, Clerk

DATED 12/15/05

By: Marilyn Edwards
 Deputy Clerk

I hereby certify that copies of this Notice were served as follows:

Defendant:
 Hand Delivered Mailed
 Clerk ME Date _____

Signature Michelle Mace
 Address _____

Defense Attorney:
 Hand Delivered Mailed
 Clerk _____ Date _____

Prosecutor - Interdepartmental Mail
 Public Defender Interdepartmental Mail

Clerk _____ Date _____
 Clerk _____ Date _____

FILED 12/15/05 AT 250 .M.
J. DAVID NAVARRO,
CLERK OF THE DISTRICT COURT
BY Marilyn Edwards
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Michelle Alice Mace

DOB: 10-6-82

Defendant.

SSN: 543-11-5076

Case No. M0513452

Reference No. _____

NO CONTACT ORDER

DR # 533-803

Ada Boise GC Meridian

The above-entitled matter having come before the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-named defendant shall not contact (including: in person or through another person, or in writing or e-mail, or by telephone, pager, or facsimile) or attempt to contact, harass, follow, communicate with, or knowingly remain within 100 feet of: Jerome Bryant

Exceptions are:

- no exceptions
- to contact by telephone between _____ .m. and _____ .m. on _____
_____ for the following purposes: _____
- to participate in counseling/mediation
- to meet with or through attorneys and/or during legal proceedings
- to respond to emergencies involving the natural or adopted children of both parties
- other: _____

IT IS FURTHER ORDERED that the defendant named herein shall not go within 300 yards of the above-named person's residence or workplace as set forth below (provide this information only if requested by prosecution):

Residence Address _____

Work Address _____

A VIOLATION OF THIS ORDER IS A SEPARATE CRIME under Idaho Code § 18-920, for which no bail will be set until an appearance before a judge, and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. Further, any such violation of this order may result in the increase, revocation, or modification of the bond set in the underlying charge for which this no contact order was imposed.

If there is more than one domestic violence protection order in place, the most restrictive provision will control any conflicting terms of any other civil or criminal protection order.

This order controls over all no contact orders previously entered in this case.

This order may subject you to Federal prosecution under 18 U.S. Code § 922 if you possess, receive, or transport a firearm.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WILL EXPIRE:

at 11:59 p.m. on 12/15/06

OR upon dismissal of this case.

Michelle Mace
Defendant

Kevin [Signature] 12/15/05
Judge Date

Served by: _____

Dated served: _____

NO. _____ FILED _____
A.M. _____ P.M. 250

DEC 15 2005

J. DAVID NAVARRO, CLERK
BY Marilyn Edwards
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Justin Whatcott
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
Defendant.)
_____)

H0501736

Case No. M0513452

COMMITMENT

Defendant's DOB: 
Defendant's SSN: 


THE ABOVE NAMED DEFENDANT, MICHELLE ALECE MACE, having been brought before this Court for a Preliminary Examination on the 15 day of December, 2005, on a charge that the Defendant on or about the 23rd day of October 2005, in the County of Ada, State of Idaho, did commit the crime of: MALICIOUS HARASSMENT, FELONY, I.C. §18-7902 as follows:

That the Defendant, MICHELLE ALECE MACE, on or about the 23rd day of October, 2005, in the County of Ada, State of Idaho, did maliciously and with the intent to intimidate or harass Jerome Bryant because of his race, cause physical injury to Jerome Bryant by calling him a nigger and punching him in the face causing physical injury to his face and mouth.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ _____.

DATED this 15 day of December, 2005.


MAGISTRATE

DEC 16 2005

J. DAVID NAVARRO, Clerk

By [Signature]
DEPUTY

189
AM
1-4
9:00

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. H0501736

I N F O R M A T I O N


Defendant's DOB: 
Defendant's SSN: 

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that MICHELLE ALECE MACE is accused by this Information of the crime of: MALICIOUS HARASSMENT, FELONY, I.C. §18-7902 which crime was committed as follows:

[Signature] That the Defendant, MICHELLE ALECE MACE, on or about the 23rd day of October, 2005, in the County of Ada, State of Idaho, did maliciously and with the

intent to intimidate or harass Jerome Bryant because of his race, cause physical injury to Jerome Bryant by calling him a nigger and punching him in the face causing physical injury to his face and mouth.

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



GREG H. BOWER
Ada County Prosecuting Attorney

Session: mclaughlin010606
Session Date: 2006/01/06
Judge: McLaughlin, Michael R.
Reporter: Hohenleitner, Tammy

Division: DC
Session Time: 08:27

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Alidjani, Fafa
Bratcher, Kimberlee
Darrington, Shane
Udink, Dynise

Public Defender(s):
DeAngelo, Michael
Odessey, Ed
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0005

Case Number: all
Plaintiff:
Plaintiff Attorney:
Defendant: Arraignment
Co-Defendant(s):
Pers. Attorney:
State Attorney: Darrington, Shane
Public Defender: Odessey, Ed

2006/01/06

09:12:27 - Operator
Recording:
09:12:27 - New case
, Arraignment
09:13:50 - Judge: McLaughlin, Michael R.
roll call, advice of rights to Fisher, Gayton, Lewis, Larson
, Mace,
09:14:27 - Judge: McLaughlin, Michael R.

Pentecosta
09:17:38 - Operator
Stop recording:

Session: mclaughlin010606
Session Date: 2006/01/06
Judge: McLaughlin, Michael R.
Reporter: Hohenleitner, Tammy

Division: DC
Session Time: 08:27

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Alidjani, Fafa
Bratcher, Kimberlee
Darrington, Shane
Udink, Dynise

Public Defender(s):
DeAngelo, Michael
Odessey, Ed
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0012

Case Number: H0501736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Darrington, Shane
Public Defender: Odessey, Ed

2006/01/06

09:34:26 - Operator
Recording:
09:34:26 - New case
Mace, Michelle
09:34:53 - Defendant: Mace, Michelle
present on bond
09:36:08 - Judge: McLaughlin, Michael R.
will reset 1/27/06 at 9am for plea

09:37:01 - Judge: McLaughlin, Michael R.
needs NCO in file, reviews file further
09:37:48 - Operator
Stop recording:

Session: mclaughlin012706
Session Date: 2006/01/27
Judge: McLaughlin, Michael R.
Reporter: Hohenleitner, Tammy

Division: DC
Session Time: 07:55

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Alidjani, Fafa
Armstrong, Shelley
Bratcher, Kimberlee
Darrington, Shane
Duggan, Barbara
Fisher, Jean

Public Defender(s):
DeAngelo, Michael
Odessey, Ed
Smethers, David
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0019

Case Number: H0501736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Darrington, Shane
Public Defender: Steveley, Craig

2006/01/27

09:53:46 - Operator
Recording:
09:53:46 - New case
Mace, Michelle
09:53:57 - Defendant: Mace, Michelle
present on bond
09:54:06 - Public Defender: Steveley, Craig
present
09:54:15 - State Attorney: Darrington, Shane
present
09:54:23 - Judge: McLaughlin, Michael R.
will reset to 2/3/06 at 9am
09:54:39 - Operator
Stop recording:

Session: mclaughlin020306
Session Date: 2006/02/03
Judge: McLaughlin, Michael R.
Reporter: Hohenleitner, Tammy

Division: DC
Session Time: 08:28

Courtroom: CR507

Clerk(s):

Brown, Kristin

State Attorneys:

Alidjani, Fafa
Armstrong, Shelley
Bratcher, Kimberlee
Darrington, Shane
Duggan, Barbara
Fisher, Jean

Public Defender(s):

DeAngelo, Michael
Odessey, Ed
Smethers, David
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0014

Case Number: H0501736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Darrington, Shane
Public Defender: Steveley, Craig

2006/02/03

09:49:06 - Operator
Recording:
09:49:06 - New case
Mace, Michelle
09:49:33 - Defendant: Mace, Michelle
present on bond
09:49:41 - Public Defender: Steveley, Craig
speaks as to settlement
09:49:55 - State Attorney: Darrington, Shane
present
09:50:00 - Judge: McLaughlin, Michael R.
will reset one more time 2/17/06 at 9am
09:50:20 - Operator
Stop recording:

Session: mclaughlin021706
Session Date: 2006/02/17
Judge: McLaughlin, Michael R.
Reporter: Whiting, Laura

Division: DC
Session Time: 08:36

Courtroom: CR504

Clerk(s):
Brown, Kristin

State Attorneys:
Bratcher, Kimberlee
Darrington, Shane
Owen, Patrick

Public Defender(s):
DeAngelo, Michael
Odessey, Ed
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0014

Case Number: H0501736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Owen, Patrick
Public Defender: Steveley, Craig

2006/02/17

09:44:20 - Operator
Recording:
09:44:20 - New case
Mace, Michelle
09:45:01 - Defendant: Mace, Michelle
present on bond
09:45:10 - Public Defender: Steveley, Craig
NG plea
09:45:17 - State Attorney: Owen, Patrick

present

09:45:25 - Judge: McLaughlin, Michael R.
will set 1d JT 5/30/06 at 9am
09:45:43 - Judge: McLaughlin, Michael R.
PTC 5/12/06
09:45:48 - Judge: McLaughlin, Michael R.
motions 4/14/06, discovery 4/7/06
09:47:03 - Judge: McLaughlin, Michael R.
no contact with Jerome Bryant
09:47:32 - Judge: McLaughlin, Michael R.
will do NCO right now...
09:48:45 - Operator
Stop recording:

FILED 2/17/06 AT 9 A.M.
 J. DAVID NAVARRO,
 CLERK OF THE DISTRICT COURT
 BY [Signature]
 Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
Michelle Mace)
)
 Defendant.)

Case No. 40501736

NO CONTACT ORDER

DR # 533803

Ada Boise GC Meridian

The above-entitled matter having come before the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-named defendant shall not contact (including: in person or through another person, or in writing or e-mail, or by telephone, pager, or facsimile) or attempt to contact, harass, follow, communicate with, or knowingly remain within 100 feet of: Jerome Bryant

Exceptions are:

- no exceptions
- to contact by telephone between _____ .m. and _____ .m. on _____ for the following purposes: _____
- to participate in counseling/mediation
- to meet with or through attorneys and/or during legal proceedings
- to respond to emergencies involving the natural or adopted children of both parties
- other: _____

IT IS FURTHER ORDERED that the defendant named herein shall not go within 300 yards of the above-named person's residence or workplace as set forth below (provide this information only if requested by prosecution):

Residence Address _____

Work Address _____

A VIOLATION OF THIS ORDER IS A SEPARATE CRIME under Idaho Code § 18-920, for which no bail will be set until an appearance before a judge, and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. Further, any such violation may result in the increase, revocation, or modification of the bond set in the underlying charge for which this no contact order was imposed.

A domestic violence protection order issued after this order will control if there are any conflicting provisions; however, entry or dismissal of a civil protection order shall not result in dismissal of this order.

This order controls over all no contact orders previously entered in this case.

This order may subject you to Federal prosecution under 18 US Code Section 922 if you possess, receive, or transport a firearm.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WILL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THE COURT. THIS ORDER SHALL EXPIRE ON TERMINATION OF THIS CASE.

Michelle Mace
 Defendant

[Signature] Judge 2-17-06 Date

000044

FILED
A.M. _____ P.M. 6

FEB 22 2006

DAVID NAVARRO, CLERK
[Signature]

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,
vs.
MICHELLE MACE,
Defendant.

Case No. H0501736
SCHEDULING ORDER

This matter came before the Court on February 17, 2006 at 9:00 a.m. for an entry of plea of the above-named defendant. The attorneys present were:

For the State: SHANE DARRINGTON for PATRICK OWEN

For the Defendant(s): CRAIG STEVELEY

The defendant entered a plea of not guilty and requested a jury trial. The Court instructed the clerk to enter the plea of not guilty into the court minutes. **The defendant is specifically instructed that as a condition of bail/ROR release, they are to maintain contact with their attorney and they are to keep their attorney informed as to their current mailing address and contact phone number.**

Pursuant to Idaho Criminal Rule 12, 16 and Rule 18, the Court hereby orders that the attorneys and defendant shall comply with the following scheduling order:

1) JURY TRIAL DATE: The **one (1) day jury trial** of this action shall commence before this Court on **May 30, 2006 at 9:00 a.m. or any day that week.** **Counsel and the defendant shall be present at 8:30 a.m. on the first day of trial.**

Notice is hereby given, pursuant to I.C.R. 25(a)(6) that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. Phillip M. Becker
Hon. G.D. Carey
Hon. Dennis Goff
Hon. George R. Reinhart, III
Hon. Nathan Higer

Hon. James Judd
Hon. Duff McKee
Hon. Daniel Meehl
Hon. Ronald Schilling

Hon. Daniel C. Hurlbutt, Jr.

Hon. W. H. Woodland

Unless a party has previously exercised their right to disqualification without cause under Rule 25(a)(1), each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than fourteen (14) days after service of this written notice listing the alternate judge.

2) PRE-TRIAL CONFERENCE: Counsel for the parties and the defendant(s) shall appear before this Court on **May 12, 2006 at 10:00 a.m.** for pre-trial conference. Counsel shall be prepared to discuss settlement possibilities pursuant to I.C.R. Rule 18. Failure of the defendant to appear at this pre-trial conference will result in a forfeiture of bail and the Court shall issue a bench warrant. **The parties shall submit all proposed jury instructions and witness lists to the Court at the pretrial conference.**

In the event that either party intends to introduce evidence pursuant to I.R.E. 404, 405, 406, 410, 412, 608 and 609, that party must disclose such evidence to opposing counsel on or before the pre-trial conference.

3) MOTIONS: All motions pursuant to I.C.R. Rule 12 and any other motions, including Motions in Limine and Motions to Dismiss, shall be **filed** on or before **April 14, 2006**. All Motions to Suppress Evidence must be accompanied by a brief setting forth with specificity what evidence is to be suppressed and the factual basis for the motion. Further the brief must set for both constitutional and specific case precedent for the suppression of evidence. Upon the filing of the motion, the brief and proposed notice of hearing, the motion will be calendared by the clerk for hearing.

4) DISCOVERY CUT-OFF: All discovery pursuant to I.C.R. Rule 15 and Rule 16 shall be completed by **April 7, 2006**. Counsel for the parties shall have disclosed to each other in writing the following information:

The list of all witnesses, along with their addresses and phone numbers which each side intends to call for their case must also be disclosed at this time. This order does not apply to rebuttal witnesses for the state.

5) SANCTIONS: Failure to comply with this order will subject a party or its attorney to appropriate sanctions including, but not limited to, costs for subpoenas, reasonable attorney fees, exclusion of witnesses and jury costs.

6) **CONTINUANCES:** The Court will not grant continuances unless extraordinary circumstances exist and all the parties waive their right to a speedy trial.

Dated this 22 day of February, 2006.



MICHAEL MCLAUGHLIN
District Judge

CERTIFICATE OF MAILING

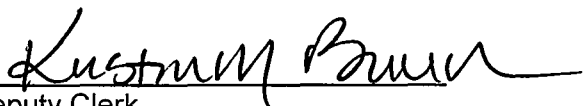
I HEREBY CERTIFY that I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, or hand-delivered, to:

PATRICK OWEN
DEPUTY ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

CRAIG STEVELEY
DEPUTY ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court
Ada County, Idaho

Date: 22 February, 2006

By 

Deputy Clerk

MAR 17 2006

By J. DAVID NAVARRO Clerk
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Patrick H. Owen
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Id. 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. H0501736

REQUEST FOR DISCOVERY

TO THE ABOVE NAMED DEFENDANT:

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

- (1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are

within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.


(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 14 day of March, 2006.

GREG H. BOWER
Ada County Prosecuting Attorney

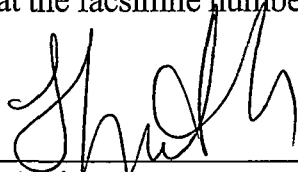

By: Patrick H. Owen
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 10 day of March, 2006, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

Name and address: Craig Stevely, Ada County Public Defender

- By depositing copies of the same in the United States mail, postage prepaid, first class.
- By depositing copies of the same in the Interdepartmental Mail.
- By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- By faxing copies of the same to said attorney(s) at the facsimile number: _____



Legal Assistant

NO. _____
A.M. 10:17 FILED P.M. _____

MAR 17 2006

By J. DAVID NAVARRO, Clerk
DEPUTY

189
PT
5/12
10:00

GREG H. BOWER
Ada County Prosecuting Attorney

Patrick H. Owen
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

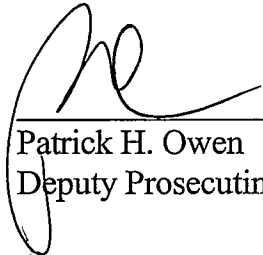
THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant,)
)
_____)

Case No. H0501736
**DISCOVERY
RESPONSE TO COURT**

COMES NOW, Patrick H. Owen Deputy Prosecuting Attorney, in and for the
County of Ada, State of Idaho, and informs the Court that the State has complied with the
Defendant's Request for Discovery.

RESPECTFULLY SUBMITTED this 14th day of March, 2006.

GREG H. BOWER
Ada County Prosecuting Attorney



Patrick H. Owen
Deputy Prosecuting Attorney

nk

Session: mclaughlin051206
Session Date: 2006/05/12
Judge: McLaughlin, Michael R.
Reporter: Hohenleitner, Tammy

Division: DC
Session Time: 08:37

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Alidjani, Fafa
Bratcher, Kimberlee
Haws, Joshua
Owen, Pat

Public Defender(s):
Odessey, Ed
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0026

Case Number: H0501736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Bratcher, Kimberlee
Public Defender: Steveley, Craig

2006/05/12

10:47:58 - Operator
Recording:
10:47:58 - New case
Mace, Michelle
10:49:03 - Public Defender: Steveley, Craig
plead guilty to charge 5 years probation, WJ, max 120d ACJ,
all else open
10:51:08 - State Attorney: Bratcher, Kimberlee
statement to Court

10:51:44 - Public Defender: Steveley, Craig
approves of plea
10:52:18 - Defendant: Mace, Michelle
sworn as to plea
10:52:25 - Judge: McLaughlin, Michael R.
reviews guilty plea with defendant
10:54:31 - Judge: McLaughlin, Michael R.
accepts plea - factual basis
10:54:39 - Judge: McLaughlin, Michael R.
will set sentencing 6/23/06 at 11am
10:55:35 - Judge: McLaughlin, Michael R.
wants updated report from Crossroads
10:56:12 - Operator
Stop recording:

GP = 5 120 wbj =


Judge McLaughlin or Judge _____
FELONY GUILTY PLEA QUESTIONNAIRE

AM 10 P.M.

MAY 12 2006

IN THE DISTRICT COURT OF THE 4th JUDICIAL DISTRICT
STATE OF IDAHO vs. _____

~~James McLaughlin~~
Kustumr...

1. Name: Michelle Mace
Married: yes no
Age: 23
DOB: 

- 2. What schooling have you completed? Some college
- 3. Do you read and understand the English language? YES () NO
- 4. Have you ever been treated or counseled for mental illness, disease or disorder? NO () YES. If yes please explain and list what medications if any that you take:

Are you at this time receiving treatment for the same? () NO () YES

When were you last treated or counseled? Currently going to alcohol & anger management classes.

- 5. Are you presently addicted to the use of alcohol or drugs? yes no
- 6. Have you taken any alcohol, drug or medication within the last 48 hours? yes no

If your answer is yes, indicate the last time you took such alcohol, drugs or medication, and what it was.

Do you feel that this impairs your ability to understand these questions, or to understand the information given to you by your attorney or by the court?
 yes no



7. Have you been represented by an attorney at all stages of these proceedings?

yes no

What is your attorney's name? Craig Stevely

Have you had enough time to discuss all of the ramifications of this case with your attorney?

yes no

Have you fully discussed all the facts and circumstances surrounding the charges against you with your attorney?

yes no

Has your attorney discussed fully with you the nature of the charges against you, your involvement with the crime, your arrest, the elements of the crime which you committed, your constitutional rights, any defenses (legal or otherwise) you may have to the charges, and possible consequences of your guilty plea?

yes no

Has your attorney discussed your Constitutional and Civil rights with you?

yes no

Are you satisfied with your attorney's services?

yes no

Do you feel that you have been adequately and competently represented by your attorney?

yes no

8. Do you claim any violation of your Constitutional or Civil rights?

yes no

9. What crime(s) are you accused of committing?

malicious harrasment

Have you received and read the Information charging you with such crimes?

yes no

What is the maximum sentence that you may receive for each crime charged?

Count I Prison years 5 Fine \$ _____
Count II Prison years _____ Fine \$ _____

Count III Prison years _____ Fine \$ _____
Count IV Prison years _____ Fine \$ _____

Do you realize that you may be imprisoned in the State Penitentiary?

yes no

Do you understand that your sentence may be imposed with no right to parole?

yes no

Do you understand that if there is more than one crime charged, the sentence may be consecutive? yes no

10. Do you understand that you have the following Constitutional Rights, relating to the crime(s) charged against you?

(a) to the presumption that you are innocent, until proven by the State beyond a reasonable doubt to be guilty?

yes no

(b) to a speedy and public trial by jury?

yes no

(c) to a jury trial where the State must convince all jurors of your guilt beyond a reasonable doubt?

yes no

(d) to present evidence in your own behalf?

yes no

(e) to the process of the Court to compel the attendance of witnesses to testify in your behalf?

yes no

(f) to remain silent and not to make any statement to the Court or any person (including any law enforcement officer, policeman or other official) that will incriminate you, or in any way help to prove the charged crime(s) against you?

yes no

(g) to require that all persons who have accused you of a crime appear in court and be questioned under oath?

yes no

11. Do you realize that if you enter a plea of guilty that you give up your above listed rights in Question 10, which are constitutional rights under the 4th, 5th and 6th Amendments to the Constitution of the United States and similar rights under the Idaho Constitution?

yes no

12. Has any person (including a law enforcement officer or policeman) threatened you or done anything to make you enter this plea against your will?

~~yes~~ no

13. Has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter?

yes no

If your answer is yes, what promises have been made and by whom?

14. Do you understand that the only person who can promise what sentence you will actually receive is the Judge?

yes no

15. Do you admit the truth of the charges against you as stated in the Information?

yes no

16. Do you disagree with any statement in the Information?

yes no

17. Is this a North Carolina v. Alford Guilty Plea?

yes no

18. Do you admit that you are guilty of the acts and conduct charged in the Information?

yes no

19. Do you hereby admit your guilt and have therefore instructed your attorney not to raise any defense(s) as to your involvement or whether you committed this crime(s)?

yes no

20. Are you a citizen of the United States of America?

yes no

If you are not a United States Citizen please answer these questions

If you answered no to the above question do you understand that a consequence of your plea of Guilty in this case is your deportation and exclusion from the United States?

yes no

Do you understand that if you are deported or excluded from the United States, and you choose to reenter the United States, you could be charged with a felony?

yes no

Do you understand that another consequence of your plea(s) of Guilty in this case is possible denial or naturalization to become a citizen of the United States?

yes no

If you answered no to being a citizen of the United States, are you a lawful permanent resident of the United States?

yes no

If you answered yes to the previous "permanent resident" question, do you understand that your plea of Guilty in this case may result in the loss of your status as lawful permanent resident of the United States?

yes no

21. Have you answered all questions on this Questionnaire truthfully and of your own free will?

yes no

22. Is it your desire to enter a guilty plea at this time?

yes no

23. Do you swear under penalty of perjury that your answers to these questions are true and correct?

yes no

24. Are you pleading GUILTY to the charged crime(s) in the Information freely and voluntarily?

yes no

I have answered the questions on pages 1-6 of this Questionnaire truthfully, understand that all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this Questionnaire freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 12th day of May, 2006

Michelle Alice Mace
DEFENDANT

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

Dated this ___ day of _____, 20__.

DEFENDANT'S ATTORNEY

Session: mclaughlin062306
Session Date: 2006/06/23
Judge: McLaughlin, Michael R.
Reporter: French, Janet

Division: DC
Session Time: 08:31

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Bratcher, Kimberlee
Haws, Joshua
Owen, Pat

Public Defender(s):
DeAngelo, Michael
Odessey, Ed
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0031

Case Number: H0501736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Owen, Pat
Public Defender: Steveley, Craig

2006/06/23

12:24:31 - Operator
Recording:
12:24:31 - New case
Mace, Michelle
12:24:38 - Defendant: Mace, Michelle
on bond
12:24:41 - Public Defender: Steveley, Craig
present
12:24:52 - State Attorney: Owen, Pat
present
12:25:10 - Other: Statement, Victim
Jerome Bryant speaks to Court
12:26:58 - State Attorney: Owen, Pat
makes sentencing recs to Court
12:30:59 - Public Defender: Steveley, Craig
speaks on behalf of the defendant
12:34:30 - Defendant: Mace, Michelle
speaks to the Court
12:36:17 - Judge: McLaughlin, Michael R.

appeal rights
12:36:46 - Judge: McLaughlin, Michael R.
questions defendant
12:39:25 - Judge: McLaughlin, Michael R.
def will do 120d ACJ, with option of work release, 5 years p
robation
12:39:53 - Judge: McLaughlin, Michael R.
will impose \$1000 fine
12:40:10 - Judge: McLaughlin, Michael R.
no contact with Jerome Bryant
12:40:32 - Judge: McLaughlin, Michael R.
court costs, PD reimbursement \$250
12:41:57 - Judge: McLaughlin, Michael R.
complete anger & alcohol classes that def is currently enrol
led in
12:42:29 - Judge: McLaughlin, Michael R.
will grant withheld judgment in this case
12:42:41 - Judge: McLaughlin, Michael R.
continues with standard terms of probation
12:43:20 - Defendant: Mace, Michelle
understands & accepts probation
12:43:30 - Judge: McLaughlin, Michael R.
jail time to be served within 6 months
12:43:55 - Operator
Stop recording:

5d. credit

JUN 23 2006
By J. DAVID NAMARRO, Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,
vs.
MICHELLE ALECE MACE,
Defendant.
DOB: [REDACTED]
SSN: [REDACTED]

Case No. H0501736
ORDER WITHHOLDING JUDGMENT
AND ORDER OF PROBATION

WHEREAS, on the 6th day of January 2006, MICHELLE ALECE MACE was arraigned before the Honorable Michael R. McLaughlin, Judge of the Fourth Judicial District, in and for the County of Ada, and charged with the crime of MALICIOUS HARASSMENT, a felony under I.C. §18-7902;

AND WHEREAS, through due process of law, the defendant, MICHELLE ALECE MACE, pled guilty to said crime, and requested probation from the District Court;

AND WHEREAS, the District Court, having ascertained the desirability of granting this petition of probation, does hereby order and decree that she be placed on probation on the crime of MALICIOUS HARASSMENT, a felony under I.C. §18-7902, and judgment is hereby withheld for a period of five (5) years commencing on June 23, 2006, under the following conditions, to-wit:

1 1. That the probation is granted to and accepted by the probationer, subject to all
2 its terms and conditions, and with the understanding that the Court may, at any time, in
3 case of the violation of the terms of probation, cause the probationer to be returned to
4 the Court, for the imposition of sentence as prescribed by law, or any other punishment
5 as the court may see fit to hand down.

6 2. That the probationer shall be under the legal custody and control of the
7 Director of Probation and Parole of the State of Idaho and the District Court and subject
8 to the rules of probation as prescribed by the Board of Correction and the District Court.

9 3. Special Conditions, to-wit:

10 1. You will be a law-abiding citizen and will commit no misdemeanors
11 or felonies.

12 2. The probationer does hereby agree and consent to the search of
13 her person, automobile, real property, and any other property, at
14 any time, and at any place, by any law enforcement officer, peace
15 officer, or probation officer, and does waive her constitutional rights
16 to be free from such searches.

17 3. Defendant shall enroll in, meaningfully participate in, and
18 successfully complete any and all programs of rehabilitation
19 specified by her probation officer which may include: mental health,
20 educational and vocational rehabilitation and training programs,
21 criminal thinking errors, substance abuse treatment, including
22 inpatient treatment if requested, and financial counseling.

23 4. The probationer shall pay \$17.50 court costs, \$6.00 P.O.S.T. fees,
24 \$50.00 fine for Victims' Compensation Fund, \$10.00 County Justice
25 Fund fees and \$5.00 ISTARs Fund fees in such manner as shall be
26 established by the probation officer.

1. The probationer shall contribute such monthly sum for probation
supervisions as shall be established by the Idaho State Board of
Correction, in an amount not to exceed the maximum allowable by
I.C. 20-225.

2. The probationer shall pay \$250.00 to the public defenders for
reimbursement for legal fees in such manner as shall be set by the
probation officer.

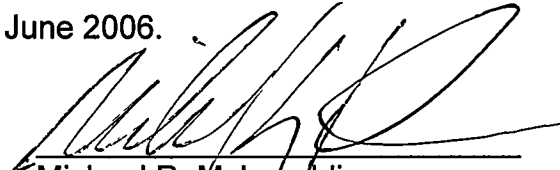
3. The probationer shall pay a fine in the amount of one thousand
dollars (\$1,000.00), in such a manner as shall be set by the
probation officer.

- 1 8. The probationer shall become and remain fully employed or be
2 enrolled as a full time student. She shall not terminate employment
3 without securing other employment. The Defendant if required by
4 law must register with the Selective Service within 30 days of the
5 date of this judgment.
- 6 9. The probationer shall submit, at her own expense, to a chemical
7 test of her blood, breath or urine for the detection of substance
8 abuse, when requested by the probation officer.
- 9 10. The probationer shall not associate with individuals specified by the
10 probation officer **specifically including** Jerome Bryant.
- 11 11. The probationer shall not frequent any establishment where alcohol
12 is a major source of income.
- 13 12. The probationer shall serve one hundred twenty (120) days in the
14 Ada County Jail, to be completed within six (6) months from the
15 date of this Judgment, and shall have all Ada County jail service
16 options. She is to receive credit for five (5) days served prior to this
17 order.
- 18 13. The probationer shall submit to a polygraph examination at her own
19 expense if requested by the probation officer.
- 20 14. The probationer shall not purchase, carry or have in her possession
21 any firearms or other weapons.
- 22 15. The probationer shall not purchase, possess or consume any
23 alcoholic beverages while on probation.
- 24 16. The probationer shall not purchase, possess, or consume any drug
25 or narcotic unless specifically prescribed by a medical doctor.
- 26 17. That in addition to any other local incarceration you are given thirty
(30) to ninety (90) days in the county jail to be served and imposed at
the discretion of your probation officer and upon the written approval
of the District Court.
18. The probationer shall successfully complete her anger management
and substance abuse classes that she is currently enrolled in.

1 4. THAT THE PROBATIONER, IF PLACED ON PROBATION TO A
2 DESTINATION OUTSIDE THE STATE OF IDAHO, OR LEAVES THE CONFINES OF
3 THE STATE OF IDAHO, WITH OR WITHOUT PERMISSION OF THE DIRECTOR OF
4 PROBATION AND PAROLE, DOES HEREBY WAIVE EXTRADITION TO THE STATE
OF IDAHO, AND ALSO AGREES THAT THE PROBATIONER WILL NOT CONTEST
ANY EFFORT BY ANY STATE TO RETURN THE PROBATIONER TO THE STATE OF
IDAHO.

5 AND IT IS FURTHER ORDERED that upon the expiration of the period of this
6 order withholding judgment, or the earlier termination thereof, and upon written showing
7 by or on behalf of the defendant that she has fully complied with the terms of her
8 probation, then, and, in that event, this action shall be dismissed.

9 Sentenced and dated this 23rd day of June 2006.

10
11 
12 Michael R. McLaughlin
13 District Judge
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ACKNOWLEDGEMENT BY PROBATIONER

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.

Probationer's Signature

Date of acceptance

WITNESSED:

Probation and Parole Officer
State of Idaho

CERTIFICATE OF MAILING

1
2 I, J. David Navarro, the undersigned authority, do hereby certify that I have
3 mailed, by United States Mail, on this 28th day of June 2006, one copy of the: ORDER
4 WITHHOLDING JUDGMENT AND ORDER OF PROBATION as notice pursuant to Rule
5 77(d) I.C.R. to each of the attorneys of record in this cause in envelopes addressed as
6 follows:

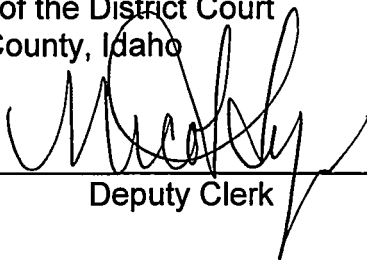
7 PROSECUTING ATTORNEY'S OFFICE
8 INTERDEPARTMENTAL MAIL

9 PUBLIC DEFENDER'S OFFICE
10 INTERDEPARTMENTAL

11 PSI DEPARTMENT/P&P
12 INTERDEPARTMENTAL MAIL

13 ADA COUNTY JAIL
14 VIA MARSHALL'S OFFICE
15 INTERDEPARTMENTAL MAIL

16 J. DAVID NAVARRO
17 Clerk of the District Court
18 Ada County, Idaho

19 By 
20 Deputy Clerk

Moby



IDAHO DEPARTMENT OF CORRECTION

SPECIAL PROGRESS REPORT Request for Discretionary Jail Time

FILED
P.M. *430*

APR 01 2009

David Navarro
DEPUTY

DATE:

TO: Honorable
Judge, Michael R. McLaughlin
4th Judicial District

RE: *Michelle Mace*
Court case #: H0501736

Underlying Conviction: Malicious Harassment
Date of Probation: June 23, 2006.

I am writing to you about the lack of progress on probation by the above listed offender, who does not appear to be taking the conditions of probation seriously.

Your sentencing order allows for thirty (30) to ninety (90) days of discretionary jail time to be imposed by the discretion of the probation officer. At this time, zero (0) days have been served.

In lieu of filing a report of violation and seeking revocation of probation, I am requesting that fifteen (15) days of discretionary jail time be imposed in response to the following violations:

1. Defendant moving without permission
2. Not coming to scheduled office visit as instructed

Respectfully Submitted,

Gabriel Hofkins
Gabriel Hofkins
Probation Officer

Approved Denied

[Signature]
Judge, Fourth Judicial Court
PLEASE FAX RESPONSE TO:

Approved,

Shelly Williams
Shelly Williams
Section Supervisor

4/1/09
Date

JUN 24 2009

J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Whitney A. Faulkner
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. H051736

**AFFIDAVIT OF PROBABLE
CAUSE TO HOLD
PROBATIONER ON AGENT'S
WARRANT**

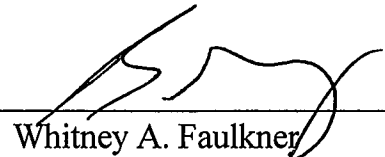
Whitney A. Faulkner, being first duly sworn, deposes and says that MICHELLE ALECE MACE is on probation for a felony charge in the State of Idaho. That an Agent's Warrant has been issued by GABRIEL HOFKINS, who is a probation officer for the Idaho Department of Corrections which is responsible to supervise this probationer. That said Defendant has been arrested in Ada County, Idaho on the Agent's Warrant and is now before this court. That said Defendant is the same person named in the above-mentioned

warrant of arrest. Probable Cause to establish this belief is based upon the attached Agent's Warrant.

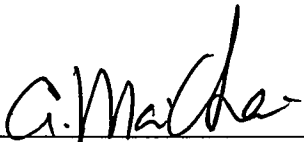
Wherefore, it is requested that MICHELLE ALECE MACE be committed to the custody of the Sheriff of Ada County, to be held with bail set by the Magistrate and that an arraignment be set in the District Court.

DATED this 24th day of June 2009.

GREG H. BOWER
Ada County Prosecuting Attorney

for By: 
Whitney A. Faulkner
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 24th day of June 2009.



NO. FILED
A.M. 11:37 P.M.

JUN 24 2009

J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)
Plaintiff)
-Vs.-)
Michelle Alece Mace)

AFFIDAVIT

STATE OF IDAHO)
County of ADA) Ss.

Court case #: H0501736

Offense/Underlying Conviction: Malicious Harassment

Date of Probation: June 23, 2006

Gabriel Hopkins, being first duly sworn, deposes and says:

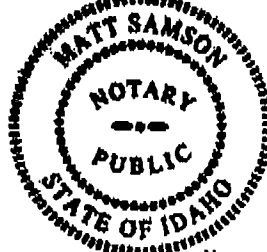
1. THAT he is a probation officer for the State of Idaho.
2. THAT on the 23rd, day of June, 2009, he issued an Agent's Warrant on the above named defendant for violating her probation.
3. THAT the following statement is offered as probable cause.
4. THAT your affiant has read the following statements and state that the facts set for therein are true and correct to the best of my knowledge and belief.

The defendant plead guilty to Battery, Misdemeanor on 6/23/09. The defendant was also charged with Driving Under the Influence on January 10, 2008, and Domestic Battery on January 19, 2008.

Dated this 23rd day of June, 2009.

Gabriel Hopkins
Probation and Parole Officer

SUBSCRIBED AND SWORN to before me this 23 day of June 2009.



Matt Samson
Notary Public

Residing at Boise, Idaho

My commission expires 6/21/12

Bond is set at \$ _____ pending arraignment.

DATED this _____ day of _____, 2004.

Honorable _____, Fourth Judicial District Judge

IDAHO DEPARTMENT OF CORRECTION
Community Corrections

AGENT'S WARRANT OF ARREST

TO: ALL CHIEFS OF POLICE, SHERIFFS, MARSHALS, CONSTABLES, AND PEACE OFFICERS OF THE STATE OF IDAHO

In accordance with Title 20-227 and 20-301 of the Idaho Code, you are hereby commanded to take or retake into custody during the day or night, and detain

Name: Mace, Michelle Alece

IDOC # 82268

County and Court Case No.: ADA H0501736

Who is alleged to have violated her probation as granted by the 4th Judicial District on the 23rd day June, 2006 dated at Boise, Ada, IDAHO.

This warrant shall be sufficient to detain a probationer until they are brought before the Court for arraignment. Parolees shall be held without bond. This Warrant shall be valid until such time as it is replaced by a Bench Warrant, Parole Commission Warrant, or is withdrawn by the Department of Correction.

Dated at Boise, Idaho, this 23rd day of June, 2009

Alleged New Crime: Battery
Violations New Crime: Domestic Battery
New Crime: DUI

Gabriel Hopkins
Gabriel Hopkins
Probation/Parole Officer for
The State of Idaho

I have been given notice for the reason(s) I am in custody.

Michelle Mace 6 23-09
(Signature of Offender) (Date/Time) 10:13

I understand I have a right to a preliminary hearing within 5 business days of my incarceration (Parolees only)
 I do not wish to have a preliminary hearing. _____ (Initials of the Offender)
 I wish to have the preliminary hearing. _____ (Initials of the Offender)
 Parolee not eligible due to absconding or misdemeanor or felony conviction

RECEIPT OF WARRANT

I HEREBY CERTIFY, that I received this Warrant on the 23 day of June, 2009.

Officer B Elliott 4701 Agency ACSD

| | | | | | | | |
|------|----------|-----|----------|------|--------|------|--------|
| HGT. | 5'2" | Wt | 140 | Hair | blonde | Eyes | green |
| DOB | ████████ | SSN | ████████ | Race | White | Sex | female |

Distribution: Original-IDOC File, Copy-Offender, Copy-Jail; Copy-Parole Commission

ARRESTED
ADA COUNTY SHERIFF



Ada County Sheriff's Office

Jail Booking Sheet

Booking ID: 100411555



LE #: 659856



Name: MACE MICHELLE ALECE

SSN: [REDACTED]

DOB: [REDACTED]

Age: 26

Address: 3689 BLACK HILLS

BOISE, ID 83709 Ph.

Marital Status: S

Years in Education: 13

Sex: F Race: W Ht: 5'02" Wt: 140 Eyes: BLU Hair: BLN POB: EUGENE, OR, UNITED STATES

Marks: TAT R CALF, DAG, DAGGER; TAT RF ARM, FAC, FACE; TAT NECK, ROS, ROSES; TAT ABDOM, MON, MOON; TAT HIP, UNK; TAT ABDOM, DRG, DRAGON; TAT L ARM, SKL, SKULL

Alias: PEARSON MICHELLE ALECE

Emp: DAVID AND SONS

Notify: BID

Rel: Parent

Ph: (208) 587-3268 - H

Date-in: 06/23/2009 Time-in: 12:12:42 ADA JAIL / BOOKING / 2W

Prop Box: 21

PCN#:

Booked by: 4701

Comments:

* * * * *

VISUAL ARREST

DR: ADA 99-999999

Booked by: 4701

Case: Def: Cnt: ISTARs Case:

Def: Cnt:

Arrest Date/Time: 06/23/2009 11:40:00 Release Date/Time:

Citation: 0

Location: 8752 FAIRVIEW

Officer: A 4701

Municipality: ADA COUNTY

Pros. Agency: Ada County

Visual: LE-126-A {F} AGENTS WARRANT--PROBATION VIOLATION

Video Arraignment Date: 06/24/2009 Time: 13:30:00

Initial Bond: Bond Amt: \$ 0.00

Type:

Paid By/Agy:

000073

*asw
4924*

ADA COUNTY JAIL - ARRESTING OFFICERS FORM

| | | | | |
|----------------------|---|-----|----|---|
| LE# 65085B | Vehicle Towed? Michelle Who? | YES | NO | Received Date / Time 6-23-09 1204 |
|----------------------|---|-----|----|---|

Arrestee Information (To be completed by ARRESTING / TRANSPORTING OFFICER)

| | | |
|---|---------------------|---|
| Name (Last, First, Middle) Mace, Michelle Michelle Mace | Date of Birth (DOB) | Victim Notification: YES <input type="radio"/> NO <input checked="" type="radio"/> |
|---|---------------------|---|

| | | |
|-----------------------------|---|---|
| Is Arrestee a U.S. Citizen? | YES <input checked="" type="radio"/> / NO | IF NO, what is arrestee's country of citizenship? |
|-----------------------------|---|---|

| | | |
|----------------------------------|---|--|
| Does the Arrestee speak English? | YES <input checked="" type="radio"/> / NO | IF NO, what is his / her primary language? |
|----------------------------------|---|--|

Arresting Officer Questionnaire: **Response**

| | | | |
|----|--|----------|--|
| 1) | Are you aware of this arrestee's consumption of alcohol, drugs or any other substance, or any behaviors that indicate the arrestee may have ingested something to hide it (if you found drugs on this person during a search please indicate it here)? | YES / NO | |
| 2) | Has the arrestee made any comments (e.g. "I'm going to kill myself"; "I want to die"; "I have nothing to live for"; "Everyone would be better off without me around") or engaged in any behavior that would suggest they have thoughts of hurting themselves? | YES / NO | |
| 3) | Has another individual with knowledge of the arrestee informed you, and/or made comments, that suggest the arrestee is potentially suicidal and/or has a history of suicidal behavior, mental illness, or medical problems? | YES / NO | |
| 4) | Are you aware of any serious injuries the arrestee may have sustained or of the need for medical treatment (if the arrestee was involved in a fight, vehicle accident, or some other incident where there may be a need medical treatment, please indicate it here). | YES / NO | |
| 5) | Did the arrestee indicate they were taking medications, or were medications found on their person, in the car they were in, or the location of arrest? If so, what were those medications and are they available for the arrestee's use? | YES / NO | |

Additional comments or information:

By signing below, I confirm that I have reported all available medical information concerning this arrestee to the Ada County Jail.

| | |
|---|---------------------|
| Arresting Officer Signature <i>Hofkins</i> | Badge # 9802 |
|---|---------------------|

| | | | |
|--|--|---------------------|---|
| Charge Information: | | | |
| Date / Time of Arrest 6/23/09 1140 | Location of Arrest 8752 Fairview | Agency PT | Badge / Ada # Arresting / Transporting Officer 9802/4058 Hofkins/Clifford |

NOTICE: The exact charge and code must be known before the defendant can be booked. Drug charges must include exact drug, charge, code and sub-section. The defendant will not be accepted until you have completed this form properly. **INTAKES WITH .29BAC OR MORE REQUIRE HOSPITAL CLEARANCE.**

| ARREST CHARGE | STATUS / SUB CODE | F/M | WARRANT / CASE NUMBER | DR NUMBER | CITATION NUMBER |
|---------------------|-------------------|-----|-----------------------|-----------|-----------------|
| Probation Violation | LE 126 A | F | H0501736 | | |
| Agents Warrant | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. CRFB 05 1736

vs.

CLERK MARILYN EDWARDS

Michelle Aileen Mace

DATE 06/24/2009 TIME 1059

PROSECUTOR Brent Ferguson

TOXIMETER _____

COMPLAINING WITNESS _____

CASE ID. Steckel 062409 BEG. 105910

END 110126

JUDGE

- | | |
|---|---|
| <input type="checkbox"/> BERECZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input checked="" type="checkbox"/> <u>Cheris</u> | |
| <input type="checkbox"/> _____ | |

STATUS

- STATE SWORN
- PC FOUND _____
- COMPLAINT SIGNED
- AMENDED COMPLAINT SIGNED
- NO PC FOUND _____
- EXONERATE BOND
- SUMMONS TO BE ISSUED
- WARRANT ISSUED
- BOND SET \$ _____
- NO CONTACT

D.R. # _____

- DISMISS CASE
- IN CUSTODY

COMMENTS

AGENT'S WARRANT McLaughlin 7/1/09 @ 900am

RULE 5 (b)

FUGITIVE

ADA COUNTY MAGISTRATE MINUTES

SCHEDULED EVENT: VA JUDGE: Gardunia CLERK: Heidi Manley

DATE: 6/24/09 TIME: 1:30 COURT REPORTER: _____

TAPE NO: _____ PR/AGY: _____ PROS: _____
P.D./ATTORNEY _____

Mace, Michelle H0501736 SSN _____ DOB _____

1 2
3 4
5 6 Agent

134451 Case Called Def: Present Not Pres. In Custody
 Advised of Rights Waived Rts PD Appointed Waived Atty
 Guilty Plea/PV Admit N/G Plea Advise Subsqt Penalty
 Bond \$ _____ ROR Pay/Stay Payment Agr

*
* D advised of charges
*
*
*
*
*

* Arrestment Set 7/1/09 @ 9:00 am
* w/ Judge McLaughlin
*
*
*
*
*
*

* Finish () Release Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

NO. _____ FILED _____
A.M. _____ P.M. _____

STATE OF IDAHO,
Plaintiff.

vs.

Michelle Alece Mace
3689 S Black Hills
Boise, ID 83709

Defendant.

)
) H0501736
)
) Case No: CR-FE-2005-0004768
)
) **NOTICE OF APPOINTMENT OF PUBLIC DEFENDER**
) **AND SETTING CASE FOR HEARING**
)
) Ada Boise Garden City Meridian
)
)

JUN 24 2009

CHRISTOPHER D. RICH, Clerk
By BRADLEY J. THIES
DEPUTY

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Arraignment Wednesday, July 01, 2009 09:00 AM
Judge: Michael McLaughlin

BOND AMOUNT: _____ The Defendant is: In Custody Released on Bail ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and **THAT THE DEFENDANT BE PERSONALLY PRESENT AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A BENCH WARRANT FOR THE DEFENDANT'S ARREST.**

Dated : 6/24/2009


Deputy Clerk

I hereby certify that copies of this Notice were served as follows on this date Wednesday, June 24, 2009.

Defendant: Mailed _____ Hand Delivered / Signature _____
Clerk / date _____ Phone () _____

Prosecutor: Interdepartmental Mail _____

Public Defender: Interdepartmental Mail _____



Deputy Clerk
6-24-09

JUN 24 2009

J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Whitney A. Faulkner
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. H051736
ORDER ON PROBATIONER
ARREST ON AGENT'S
WARRANT

Whitney A. Faulkner, having appeared before the Court this date, pursuant to arrest by the Ada County Sheriff's Office, in Ada County, Idaho. Defendant was informed in conformance with Administrative Order of the probation violation allegations against him/her, that he/she is not required to make a statement, and that any statement made by him/her may be used against him/her, of his/her right to counsel as provided by law, and of his/her rights to rebut the allegations, to present and confront witnesses and to present evidence all in District Court.

IT IS ORDERED AND THIS DOES ORDER that bond in this matter is set

IT IS ORDERED AND THIS DOES ORDER that the defendant appear in Judge

Melaughlin Court on the 1st day of July 2009 at the hour of
9:00am

DATED this 24th day of June 2009.



MAGISTRATE

189
Am
7/1
9:00

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

FILED 4
P.M.
JUN 25 2009
J. DAVID NAVARRO, Clerk
By ERIN BULCHER
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff.

vs.

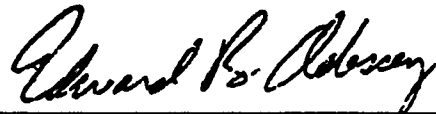
MICHELLE ALECE MACE,
Defendant.

Case No. CR-FE-2005-0001736

MOTION FOR BOND REDUCTION

COMES NOW, MICHELLE ALECE MACE, the above-named defendant, by and through counsel EDWARD B ODESSEY, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Thursday, June 25, 2009.



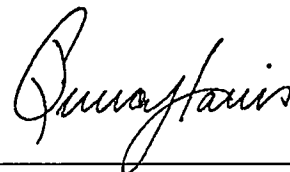
EDWARD B ODESSEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, June 25, 2009, I mailed a true and correct copy of the within instrument to:

PATRICK H. OWEN
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. _____ **4**

JUN 25 2009

J. DAVID NAVARRO, Clerk
By ERIN BULCHER
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

MICHELLE ALECE MACE,

Defendant.

Case No. CR-FE-2005-0001736

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to PATRICK H. OWEN:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Wednesday, July 01, 2009, at the hour of 09:00 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Thursday, June 25, 2009.



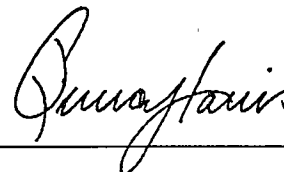
EDWARD B ODESSEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, June 25, 2009, I mailed a true and correct copy of the within instrument to:

PATRICK H. OWEN
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



NOTICE OF HEARING

000081

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NC
A.M. FILED P.M. 4

JUN 25 2009

J. DAVID NAVARRO, Clerk
By ERIN BULCHER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

MICHELLE ALECE MACE,

Defendant.

Case No. CR-FE-2005-0001736

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to :

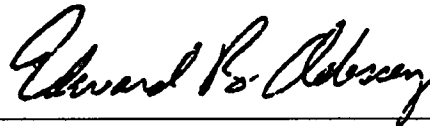
PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace office or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Thursday, June 25, 2009.



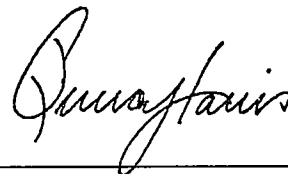
EDWARD B ODESSEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, June 25, 2009, I mailed a true and correct copy of the within instrument to:

Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



Session: McLaughlin070109
Session Date: 2009/07/01
Judge: McLaughlin, Michael R.
Reporter: Gambee, Susan

Division: DC
Session Time: 08:48

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Bandy, R. Scott
Guzman, Cathy
Haws, Joshua
Reilly, Heather

Public Defender(s):
Odessey, Edward
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0006

Case Number: CRFE05-1736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Bandy, R. Scott
Public Defender: Odessey, Edward

2009/07/01

09:28:23 - Operator
Recording:
09:28:23 - New case
Mace, Michelle
09:28:25 - Defendant: Mace, Michelle
present in custody
09:28:40 - State Attorney: Bandy, R. Scott
present
09:28:47 - Public Defender: Odessey, Edward

present
09:28:55 - Judge: McLaughlin, Michael R.
to defendant
09:30:50 - Judge: McLaughlin, Michael R.
PV allegations to defendant, rights as to PV
09:31:50 - Defendant: Mace, Michelle
understands rights
09:31:57 - Public Defender: Odessey, Edward
would like to address bond today, argues for bail reduction
09:33:37 - Public Defender: Odessey, Edward
offers letters to Court
09:37:18 - State Attorney: Bandy, R. Scott
response to bail argument
09:38:03 - Public Defender: Odessey, Edward
clarification, as to new crimes
09:38:49 - Judge: McLaughlin, Michael R.
reviews files, as to bail - will set bail at \$30,000
09:42:18 - Judge: McLaughlin, Michael R.
upon release, def continue in Community Services programming
, report to PO
09:42:42 - Judge: McLaughlin, Michael R.
will reset for 1 week 7/8/09 for admit/deny
09:43:05 - Operator
Stop recording:

FILED
 9 P.M.
 JUL 01 2009
 DAVID NAVARRO
 DEPUTY

GREG H. BOWER
 Ada County Prosecuting Attorney

Scott Bandy
 Deputy Prosecuting Attorney
 200 West Front Street, Room 3191
 Boise, Idaho 83702
 Phone: (208) 287-7700
 Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

| | | |
|----------------------|---|------------------------------------|
| THE STATE OF IDAHO, |) | |
| |) | |
| Plaintiff, |) | Case No. CR-FE-2005-0001736 |
| |) | MOTION FOR PROBATION |
| vs. |) | VIOLATION |
| |) | |
| MICHELLE ALECE MACE, |) | (AGENTS WARRANT) |
| |) | |
| Defendant. |) | |
| _____ |) | |

STATE OF IDAHO)
) ss:
 County of Ada)

COMES NOW, Scott Bandy, Deputy Prosecuting Attorney for Ada County, State of Idaho, being first duly sworn, deposes and says:

That on the 12th day of May 2006, the Defendant pled guilty to MALICIOUS HARASSMENT, FELONY, and that on the 23rd day of June 2006, this Court placed the Defendant on probation for a period of five (5) years.

MOTION FOR PROBATION VIOLATION, (AGENTS WARRANT), (MACE/CR-FE-2005-0001736), Page 1 000086

Handwritten initials

This Court required, and the Defendant agreed, that as a condition of probation she would respect and obey all the laws of the State of Idaho, at all times conduct herself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of her probation agreement by:

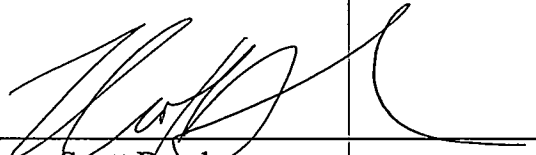
1. Committing the crime of BATTERY ON A LAW ENFORCEMENT OFFICER, MISDEMEANOR, on or about the 10th day of January 2008, filed as Elmore county DR number 08-000068;
2. Committing the crime of DOMESTIC BATTERY, MISDEMEANOR, on or about the 10th day of January 2008, filed as Elmore County DR number 08-000068;
3. Committing the crime of OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, EXCESSIVE ALCOHOL CONCENTRATION, MISDEMEANOR, on or about the 19th day of January 2008, filed as case number CR-MD-2008-0000921;
4. Consuming an alcoholic beverage on or about the 19th day of January 2008, which is a violation of her orders of probation;
5. Possessing an alcoholic beverage on or about the 19th day of January 2008, which is a violation of her orders of probation;
6. Committing the crime of BATTERY, MISDEMEANOR, on or about the 30th day of March 2009, filed as case number CR-MD-2009-0006359;
7. Failing to pay the cost of supervision fee as ordered by the Court;
8. Failing to pay fines, fees, and costs as ordered by the Court;

MOTION FOR PROBATION

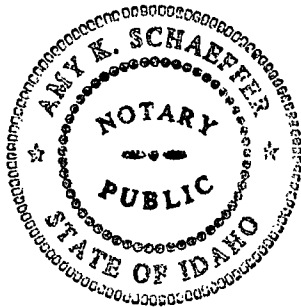
9. Committing the crime of DISTURBING THE PEACE, MISDEMEANOR, on or about the 4th day of July 2007, filed as case number CR-MD-2007-0013332, and by;
10. Committing the crime of VIOLATION OF PROTECTION ORDER, MISDEMEANOR, on or about the 24th day of October 2007, filed as Adams County case number CR-2007-0007617-MD.

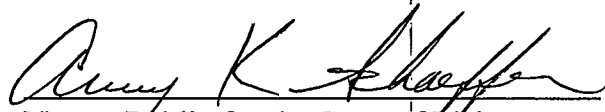
WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Scott Bandy
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 30th day of June 2009.




Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 05-02-2014.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

THE STATE OF IDAHO,
Plaintiff,
vs.
MACE MICHELLE ALECE
Defendant

NOTICE OF COURT DATE
AND
BOND RECEIPT

FILED
A.M. P.M. 2:19
JUL 02 2009
J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

YOU ARE HEREBY NOTIFIED that you must appear in Court
on 08 July 2009 at 09:00:00 hrs, at the:

McLaughlin

Ada County Court House
200 West Front Street
Boise, ID 837020000

You are further notified that if you fail to appear as specified herein, your bond will be forfeited and a Warrant of Arrest will be issued against you.

BOND RECEIPT No: 211731

Charge: LE-126-A {F} AGENTS WARRANT--PROBATION VIOLATION
Bond Amount: \$ 30,000.00
Case # CRFE20050001736
Bond # DN50-2573172
Bond Type: Surety
Warrant #:
Agency: ALADDIN/ANYTIME BAIL BONDS
Bondsman: KEYS LINDSEY
Address: 80 N COLE RD
Boise, ID 83704

This is to certify that I have received a copy of this NOTICE TO APPEAR. I understand that I am being released on the conditions of posting bail and my promise to appear in the court at the time, date, and place described in this notice.

DATED 7/1/09

Michelle Mace
DEFENDANT

SM

Session: McLaughlin070809
Session Date: 2009/07/08
Judge: McLaughlin, Michael R.
Reporter: Cromwell, Dianne

Division: DC
Session Time: 08:42

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Atwood, Chris
Bandy, R. Scott
Haws, Joshua

Public Defender(s):
Bublitz, Jessica
Odessey, Edward

Prob. Officer(s):

Court interpreter(s):

Case ID: 0009

Case Number: CRFE05-1736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Joshua
Public Defender: Odessey, Edward

2009/07/08

10:02:01 - Operator
Recording:
10:02:01 - New case
Mace, Michelle
10:02:05 - Defendant: Mace, Michelle
present - now on bond
10:02:11 - Public Defender: Odessey, Edward
present
10:02:18 - Judge: McLaughlin, Michael R.
will reset for next week 7/15/09 at 9am

10:03:12 - Operator
Stop recording:

Session: McLaughlin071509
Session Date: 2009/07/15
Judge: McLaughlin, Michael R.
Reporter: Gosney, Vanessa

Division: DC
Session Time: 08:20

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Bandy, R. Scott
HAWS, JOSH

Public Defender(s):
Bublitz, Jessica
Odessey, Edward
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0012

Case Number: CRFE05-1736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Bandy, R. Scott
Public Defender: Odessey, Edward

2009/07/15

09:57:57 - Operator
Recording:
09:57:57 - New case
Mace, Michelle
09:58:08 - Defendant: Mace, Michelle
present on bond
09:58:14 - State Attorney: Bandy, R. Scott
present
09:58:20 - Public Defender: Odessey, Edward
present, will enter denial at this time

09:59:04 - State Attorney: Bandy, R. Scott
response, def has already been sentenced to new misdemeanors
10:00:49 - Judge: McLaughlin, Michael R.
will set PV Status 8/12/09 at 11am, PV Hrg 8/19/09 at 4pm
10:01:04 - Operator
Stop recording:

FILED
A.M. 9 P.M.

JUL 17 2009

DAVID NAVARRO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAO,

Plaintiff,

vs.

MICHELLE MACE,

Defendant.

Case No. CRFE05-1736

SCHEDULING ORDER

This matter came before the Court on July 15, 2009 at 9:00 a.m. for an admit/deny hearing in the above case. The attorneys present were:

For the Plaintiff: SCOTT BANDY

For the Defendant: EDWARD ODESSEY

The defendant entered a denial of the probation violation allegations, and the Court set the matter for hearing. **The defendant is specifically instructed that as a condition of bail/ROR release, they are to maintain contact with their attorney and they are to keep their attorney informed as to their current mailing address and contact phone number.**

1) PROBATION VIOLATION STATUS REVIEW: A status review of the above case shall commence before this Court on **August 12, 2009 at 11:00 a.m.** **Counsel and the defendant shall be present.**

2) PROBATION VIOLATION HEARING: Counsel for the parties, and the defendant shall appear before this Court on **August 19, 2009 at 4:00 p.m.** for probation violation hearing. **Counsel and the defendant shall be present.**

Dated this 17 day of July, 2009.



MICHAEL MCLAUGHLIN
District Judge

CERTIFICATE OF MAILING


I HEREBY CERTIFY that I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, or hand-delivered, to:

SCOTT BANDY
DEPUTY ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

EDWARD ODESSEY
DEPUTY ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court
Ada County, Idaho

Date: 17 July, 2009

By 
Deputy Clerk

Session: McLaughlin081209
Session Date: 2009/08/12
Judge: McLaughlin, Michael R.
Reporter: Anderson, Leslie

Division: DC
Session Time: 08:23

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Haws, Joshua
Morrison, Monica

Public Defender(s):
Bublitz, Jessica
Odessey, Edward
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0027

Case Number: CRFE05-1736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Joshua
Public Defender: Odessey, Edward

2009/08/12

11:43:49 - Operator
Recording:
11:43:49 - New case
Mace, Michelle
11:43:51 - Defendant: Mace, Michelle
present on bond
11:44:10 - Public Defender: Odessey, Edward
present
11:44:18 - State Attorney: Haws, Joshua
present

11:44:46 - Judge: McLaughlin, Michael R.
will go to hearing next week at 4pm, questions which matters
will be addresse
11:45:06 - Public Defender: Odessey, Edward
as to what def is willing to admit to
11:46:02 - Judge: McLaughlin, Michael R.
will see all next week
11:46:21 - Operator
Stop recording:

Session: McLaughlin081909
Session Date: 2009/08/19
Judge: McLaughlin, Michael R.
Reporter: Cromwell, Dianne

Division: DC
Session Time: 08:03

Courtroom: CR507

Clerk(s):
Brown, Kristin

State Attorneys:
Armstrong, Shelley
Atwood, Chris
Bandy, R. Scott
Haws, Joshua
Morrison, Monica
Stellmon, Tanner

Public Defender(s):
Bublitz, Jessica
Odessey, Edward
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0036

Case Number: CRFE05-01736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Bandy, R. Scott
Public Defender: Bublitz, Jessica

2009/08/19

16:11:48 - Operator
Recording:
16:11:48 - New case
Mace, Michelle
16:11:51 - Defendant: Mace, Michelle
present on bond

16:11:56 - State Attorney: Bandy, R. Scott
present

16:12:08 - Public Defender: Bublitz, Jessica
present for Mr. Odessey

16:12:23 - State Attorney: Bandy, R. Scott
speaks as to report of violation, errors, corrections

16:25:34 - State Attorney: Bandy, R. Scott
def will admit #1, amended to simple battery

16:27:10 - Judge: McLaughlin, Michael R.
to def as to admissions

16:30:24 - Judge: McLaughlin, Michael R.
questions bail, will set PV sentencing 9/9/09 at 2pm

16:31:03 - Judge: McLaughlin, Michael R.
will copy PSI for defense

16:31:21 - Judge: McLaughlin, Michael R.
at this time, Court will revoke bail, no bail pending sentencing

16:32:14 - Operator
Stop recording:

10/18

189

NO. _____
FILED _____
P.M. _____ 3

AUG 21 2009
J. DAVID NAVARRO, Clerk
By ERIN BULCHER
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE A. MACE,

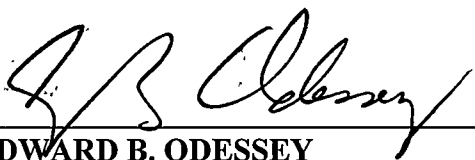
Defendant.

Case No. CR-FE-2005-0001736

MOTION TO CONTINUE
DISPOSITION

COMES NOW, EDWARD B. ODESSEY of the Ada County Public Defender's office, counsel of record for the defendant above-named, and moves this Court for an ORDER continuing the disposition hearing set in the above case number from September 9, 2009, at 2:00 p.m., to September 16, 2009, at 2:00 p.m., as undersigned counsel is unavailable the week of September 9th.

DATED, this 20th day of August 2009.



EDWARD B. ODESSEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 21 day of August 2009, I mailed a true and correct copy of the within instrument to:

R. SCOTT BANDY
Ada County Prosecutor's Office

by placing said same in the Interdepartmental Mail.



Jacob R. Precht

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

FILED
AUG 31 2009
9:30 P.M.

DAVID NAVARRO
[Signature]
CLERK

RECEIVED
AUG 21 2009
ADA COUNTY CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE A. MACE,

Defendant.

Case No. CR-FE-2005-0001736

ORDER RESETTING DISPOSITION

For good cause appearing, this Court hereby grants defense counsel's MOTION TO CONTINUE DISPOSITION. The probation violation disposition hearing currently set for September 9, 2009, at 2:00 p.m., is hereby reset to September 30th 2009, at 2:00 p.m.

SO ORDERED AND DATED, this 31 day of August 2009.

[Signature]
MICHAEL R. McLAUGHLIN
District Judge

[Handwritten mark]

189
PV
9/30
2:00

NO. _____ FILED _____
A.M. _____ P.M. _____

SEP 02 2009

J. DAVID NAVARRO, Clerk
By ERIN BULCHER
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE A. MACE,

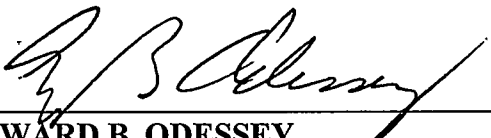
Defendant.

Case No. CR-FE-2005-0001736

**SECOND MOTION TO RESET
DISPOSITION**

COMES NOW, EDWARD B. ODESSEY of the Ada County Public Defender's office, counsel of record for the defendant above-named, and moves this Court for an ORDER resetting the defendant's disposition hearing of September 30, 2009, at 2:00 p.m. to its original date of September 9, 2009, at 2:00 p.m., as undersigned counsel is available that week.

DATED, this 15th day of September 2009.



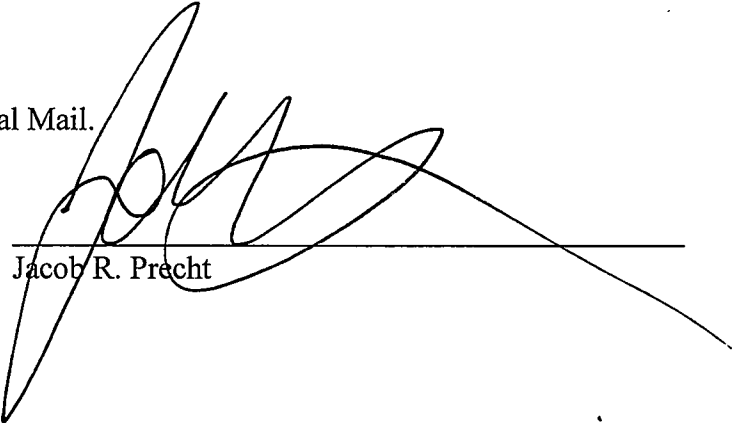
EDWARD B. ODESSEY
Attorney for Defendant

CERTIFICATE OF MAILING

I **HEREBY CERTIFY**, that on this 2 day of September 2009, I mailed a true and correct copy of the within instrument to:

R. SCOTT BANDY
Ada County Prosecutor's Office

by placing said same in the Interdepartmental Mail.



Jacob R. Precht

FILED
P.M.
SEP 08 2009
DAVID NAVARRO
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED
SEP 02 2009
ADA COUNTY CLERK

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE A. MACE,

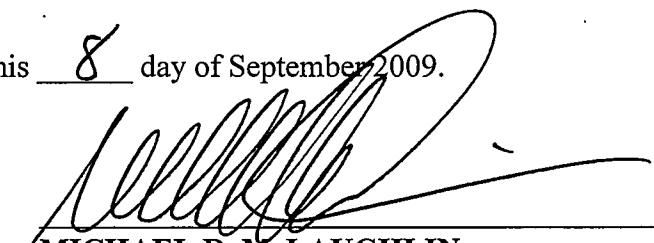
Defendant.

Case No. CR-FE-2005-0001736

**SECOND ORDER RESETTING
DISPOSITION**

For good cause appearing, this Court hereby grants defense counsel's SECOND MOTION TO RESET DISPOSITION. The probation violation disposition hearing currently set for September 30, 2009, at 2:00 p.m. shall be reset to its original date of September 2, 2009, 2:00 p.m.

SO ORDERED AND DATED, this 8 day of September 2009.


MICHAEL R. McLAUGHLIN
District Judge

fts

Session: McLaughlin090909
Session Date: 2009/09/09
Judge: McLaughlin, Michael R.
Reporter: Cromwell, Dianne

Division: DC
Session Time: 08:23

Courtroom: CR507

Clerk(s):

Brown, Kristin

State Attorneys:

Armstrong, Shelley
Atwood, Chris
Bandy, Scott
Haws, Joshua
James, J. Scott

Public Defender(s):

Bublitz, Jessica
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0024

Case Number: CRFE05-1736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Joshua
Public Defender: Bublitz, Jessica

2009/09/09

14:26:45 - Operator
Recording:
14:26:45 - New case
Mace, Michelle
14:26:49 - Defendant: Mace, Michelle
present in custody
14:26:56 - Public Defender: Bublitz, Jessica
present for Mr. Odessey

14:27:09 - State Attorney: Haws, Joshua
present

14:28:04 - Public Defender: Bublitz, Jessica
asks for continuance, is Mr. Odessey's case

14:28:32 - Public Defender: Bublitz, Jessica
requests 19-2524 evaluation

14:30:17 - Public Defender: Bublitz, Jessica
questions to witness

14:34:25 - State Attorney: Haws, Joshua
no questions

14:34:33 - Judge: McLaughlin, Michael R.
questions witness

14:35:41 - Other: Down, Witness steps

14:35:47 - Judge: McLaughlin, Michael R.
questions Ms. Bublitz re: continuance and 19-2524

14:36:28 - Judge: McLaughlin, Michael R.
to defendant as to evaluations

14:37:41 - Judge: McLaughlin, Michael R.
questions def's mental history

14:38:31 - Judge: McLaughlin, Michael R.
will revisit on 9/23/09 at 11am, will order 1925-24 MHC and
substance abuse

14:40:04 - Judge: McLaughlin, Michael R.
evaluation at this time

14:41:41 - Operator
Stop recording:

189
Statug
9/23
11:00

NO. _____
A.M. 11:00 P.M. _____

SEP 15 2009

J. DAVID NAVARRO, Clerk
By ERIN BULCHER
DEPUTY

1 GEORGE PATTERSON
2 PATTERSON LAW OFFICES, P.A.
3 410 SOUTH ORCHARD SUITE 136
4 BOISE, ID 83705
5 (208) 343-2240

6 ATTORNEY FOR DEFENDANT

7 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
8 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

9 STATE OF IDAHO,

10 Plaintiff,

Case No. CR-FE-2005-0001736

11 v.

NOTICE OF APPEARANCE

12 MICHELLE A. MACE,

13 Defendant.

14 COMES NOW, GEORGE PATTERSON of PATTERSON LAW OFFICES, P.A.
15 and makes an appearance on behalf of Defendant, as Attorney of Record for Defendant. It is
16 requested that all further notices concerning this matter be directed to PATTERSON LAW
17 OFFICES, P.A.

18 **Counsel for Defendant is unavailable, September 16 and 17, 21, 2009, October
19 7 and 8, 2009, November 5, 27 and 30, 2009, December 1 & 2, 9 & 10 and 24, 2009.**

20 DATED this 15th day of September, 2009.

21 PATTERSON LAW OFFICES, P. A.



22 _____
23 GEORGE PATTERSON
24 Attorney for Defendant

25
26
27
NOTICE OF APPEARANCE

NO. 1130 FILED _____
A.M. _____ P.M. _____

SEP 15 2009

J. DAVID NAVARRO, Clerk
By ERIN BULCHER
DEPUTY

1 GEORGE PATTERSON
2 PATTERSON LAW OFFICES, P.A.
3 410 SOURH ORCHARD SUTTE 136
4 BOISE, ID 83705
5 (208) 343-2240

6 ATTORNEY FOR DEFENDANT

7 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
8 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

9 STATE OF IDAHO,

10 Plaintiff,

Case No. CR-FE-2005-0001736

11 v.

CERTIFICATE OF SERVICE

12 MICHELLE A. MACE,

13 Defendant.

14 I HEREBY CERTIFY that on the date set forth below I caused a true and correct copy
15 of the NOTICE OF APPEARANCE, be hand delivered to the Ada County Prosecutor.

16 DATED this 15th day of September, 2009.

17 PATTERSON LAW OFFICES, P.A.



18 _____
19 GEORGE PATTERSON
20 Attorney for Defendant

21
22
23
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25
26
27 CERTIFICATE OF SERVICE

SEP 16 2009

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GEORGE PATTERSON
PATTERSON LAW OFFICES, P.A.
410 SOUTH ORHARD SUITE 136
BOISE, ID 83705
(208) 343-2240
(208) 343-2668 FAX

ATTORNEY FOR DEFENDANT

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

v.

MICHELLE A. MACE,

Defendant.

Case No. CR-FE-2005-0001736

NOTICE OF SUBSTITUTION
OF COUNSEL

COMES NOW the attorney of record in the above entitled matter and hereby gives notice to all parties and counsel of record of a voluntary change of attorney for Defendant in the above matter.

EDWARD B. ODESSEY, ADA COUNTY PUBLIC DEFENDER shall no longer be the attorney of record and the new attorney of record shall be GEORGE PATTERSON of PATTERSON LAW OFFICES, P.A.

DATED this 16th day of September 2009.

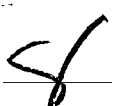


EDWARD B. ODESSEY
Ada County Public Defender



GEORGE PATTERSON
Attorney at Law

11/23/09



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date set forth below I caused a true and correct copy of the NOTICE OF SUBSTITUTION OF COUNSEL to be hand delivered to the Ada County Prosecutor and the Ada County Public Defender.

DATED this 16th day of September 2009.

PATTERSON LAW OFFICES, P.A.



GEORGE PATTERSON
Attorney for Defendant

Session: McLaughlin092309
Session Date: 2009/09/23
Judge: McLaughlin, Michael R.
Reporter: Redlich, Kasey

Division: DC
Session Time: 08:12

Courtroom: CR507

Clerk(s):

Brown, Kristin
Child, Emily

State Attorneys:

Welsh, Whitney
Atwood, Chris
Bandy, R. Scott
Haws, Joshua
Sheehan, Karen

Public Defender(s):

Bublitz, Jessica
Odessey, Edward
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0023

Case Number: CRFE05-1736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney: Patterson, George
State Attorney: Atwood, Chris
Public Defender:

2009/09/23

11:38:49 - Operator
Recording:
11:38:49 - New case
Mace, Michelle
11:39:01 - General:
def present in custody for review

11:39:43 - Judge: McLaughlin, Michael R.

Reviews status, 19-2524 requested.

11:40:19 - Pers. Attorney: Patterson, George

Just substituted in, already has alcohol eval 2008, use instead?

11:41:35 - Judge: McLaughlin, Michael R.

Q. on specifics- Mr. Patterson to submit eval at sentencing, Q. def.

11:42:47 - Judge: McLaughlin, Michael R.

Grants request, Disp-10/7/09 at 2

11:43:13 - Operator

Stop recording:

Session: McLaughlin100709
Session Date: 2009/10/07
Judge: McLaughlin, Michael R.
Reporter: Lee, Robin

Division: DC
Session Time: 08:10

Courtroom: CR507

Clerk(s):
Brown, Kristin
Child, Emily

State Attorneys:
Alidjani, Fafa
Atwood, Chris
Bandy, Scott
Christensen, David
HAWS, JOSH
Topmiller, Christopher

Public Defender(s):
Bublitz, Jessica
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0026

Case Number: CRFE05-1736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney: Patterson, George
State Attorney: Atwood, Chris
Public Defender:

2009/10/07

14:00:54 - Operator
Recording:
14:00:54 - New case
Mace, Michelle
14:01:09 - Defendant: Mace, Michelle
present in custody
14:01:26 - Pers. Attorney: Patterson, George
present
14:01:36 - State Attorney: Atwood, Chris
present
14:01:49 - Judge: McLaughlin, Michael R.
speaks as to request by PSI for reset
14:02:23 - Judge: McLaughlin, Michael R.
would prefer to go forward today
14:03:02 - State Attorney: Atwood, Chris
sentencing recs to Court

14:04:21 - Pers. Attorney: Patterson, George
speaks on behalf of the defendant
14:09:10 - Judge: McLaughlin, Michael R.
appeal rights
14:11:28 - Judge: McLaughlin, Michael R.
to defendant as to sentence
14:17:05 - Judge: McLaughlin, Michael R.
continues to defendant, will impose retained jurisdiction pr
ogram is
14:17:27 - Judge: McLaughlin, Michael R.
appropriate in this case, underlying is conviction 2+3, tota
l 5 years
14:18:32 - Judge: McLaughlin, Michael R.
with retained jurisdiction, will suspend \$1000 fine, 157d cr
edit
14:18:42 - Operator
Stop recording:

NO. _____ FILED
A.M. _____ P.M. 3:06

OCT - 8 2009

J. DAVID NAVARRO, Clerk
By _____ DEPUTY

1
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3
4 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
5 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

6 THE STATE OF IDAHO

7 Plaintiff,

8 vs.

9 MICHELLE ALECE MACE

10 Defendant.

11 DOB: [REDACTED]

12 SSN: [REDACTED]

Case No. H0501736

ORDER REVOKING PROBATION AND
WITHHELD JUDGMENT, AND
JUDGMENT OF CONVICTION AND
ORDER OF RETAINED JURISDICTION

13
14
15 WHEREAS, on the 7th day of October, 2009 the above named defendant,
16 MICHELLE ALECE MACE, appeared before this court, with counsel, George
17 Patterson, for disposition on defendant's violation of the Court's probation.
18

19 Now, therefore, IT IS HEREBY ORDERED that the Order Withholding Judgment
20 and Order of Probation, directed at the defendant, MICHELLE ALECE MACE, on the
21 charge of MALICIOUS HARASSMENT, a felony under I.C. §18-7902, entered by this
22 Court on June 23, 2006, be and the same is hereby revoked, and the defendant is
23 sentenced on the said charge to the Idaho State Board of Correction, under the Unified
24 Sentence Law of the State of Idaho, for an aggregate term of five (5) years, to be
25

26 ORDER REVOKING PROBATION AND WITHHELD JUDGMENT, AND JUDGMENT OF CONVICTION
AND ORDER OF RETAINED JURISDICTION - 1

000117

1 served as follows: a minimum period of confinement of two (2) years, followed by a
2 subsequent indeterminate period of custody not to exceed three (3) years.

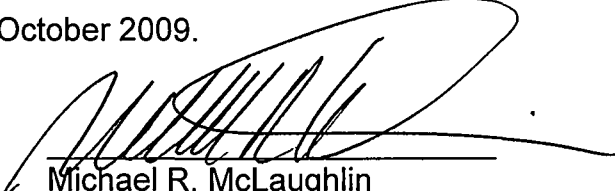
3 IT IS FURTHER ORDERED that the Court retain jurisdiction over the defendant
4 for the first 180 days of this sentence as provided by I.C. §19-2601 or upon completion
5 of programs.

6 The defendant is hereby remanded to the custody of the Sheriff of Ada County
7 to be delivered into the custody of the Director of the Idaho State Correctional Institute.
8 If the defendant does not receive probation, she is to receive credit for the one
9 hundred fifty-seven (157) days served prior to entry of this Order.

10 IT IS FURTHER ORDERED that the defendant shall pay a fine in the amount of
11 one thousand dollars (\$1,000.00), with the Court suspending one thousand dollars
12 (\$1,000.00).

13
14 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Order
15 of Revocation of Probation and Withheld Judgment, and Execution of Sentence to the
16 said Sheriff, which shall serve as the commitment of the defendant.

17 Sentenced and dated this 7th day of October 2009.

18
19 
20 Michael R. McLaughlin
21 District Judge
22
23
24
25

CERTIFICATE OF MAILING

1
2 I, J. David Navarro, the undersigned authority, do hereby certify that I have
3 mailed, by United States Mail, on this 8th day of October 2009, one copy of the:
4 ORDER REVOKING PROBATION AND WITHHELD JUDGMENT, AND JUDGMENT
5 OF CONVICTION AND ORDER OF RETAINED JURISDICTION as notice pursuant to
6 Rule 77(d) I.C.R. to each of the attorneys of record in this cause in envelopes
7 addressed as follows:

8 ADA COUNTY PROSECUTOR'S OFFICE
9 INTERDEPARTMENTAL MAIL

10 GEORGE C. PATTERSON
11 ATTORNEY AT LAW
12 410 S ORCHARD, STE 136
13 BOISE, ID 83705

14 DEPARTMENT OF CORRECTIONS
15 CENTRAL RECORDS
16 1299 N ORCHARD SUITE 110
17 BOISE, IDAHO 83706

18 PSI DEPARTMENT
19 INTERDEPARTMENTAL MAIL

20 ADA COUNTY JAIL
21 VIA MARSHAL'S OFFICE

22 J. DAVID NAVARRO
23 Clerk of the District Court
24 Ada County, Idaho

25 By  _____
26 Deputy Clerk

1
2 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
3 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

4 THE STATE OF IDAHO,

5 Plaintiff,

6 vs.

8 MICHELLE ALECE MACE,

9 Defendant.

Case No. H0501736

ORDER EXTENDING PERIOD OF
RETAINED JURISDICTION

10
11 On October 7, 2009, this Court entered its Order Revoking Probation and
12 Withheld Judgment, and Judgment of Conviction and Order of Retained Jurisdiction in
13 the above-referenced matter. The Court imposed a two (2) year fixed plus three (3) year
14 indeterminate prison sentence and retained jurisdiction for one hundred and eighty (180)
15 days. Under the current Order, this Court's jurisdiction will expire in this matter on
16 approximately March 17, 2010.

17
18 Idaho Code § 19-2601 allows a sentencing judge to retain jurisdiction over a
19 sentenced defendant for an indeterminate period of time not to exceed 180 days. The
20 statute was amended within the last few years by the Idaho Legislature to give the court
21 the authority to expand that period of retained jurisdiction by an additional period of time
22 not to exceed 30 additional days if good cause exists for such an extension.

23 This Court does find good cause to extend the Court's period of retained
24 jurisdiction for an additional period of thirty (30) days for a total of two hundred ten (210)
25 days.

CONCLUSION

FOR GOOD CAUSE SHOWN IT IS HEREBY ORDERED AND THIS DOES
ORDER that the Court's period of retained jurisdiction in this case shall be extended by
thirty (30) days for a total of two hundred ten (210) days, *nunc pro tunc*.

IT IS SO ORDERED.

Dated this 17th day of March 2010.



Michael McLaughlin
District Judge

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CERTIFICATE OF SERVICE

I, J. David Navarro, the undersigned authority, do hereby certify that I have mailed, by United States Mail, on this 24th day of March 2010, one copy of the foregoing as notice pursuant to Rule 77(d) I.C.R. to each of the attorneys of record in this cause in envelopes addressed as follows:

ADA COUNTY PROSECUTING ATTORNEY
INTERDEPARTMENTAL MAIL

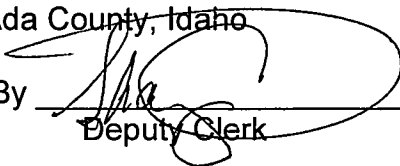
George C. Patterson
ATTORNEY AT LAW
410 S Orchard, Ste 136
Boise, ID 83705

DEPARTMENT OF CORRECTIONS
CENTRAL RECORDS
1299 N. ORCHARD, STE 110
BOISE, ID 83706
ATTN: BRAD PACKER

BRAD LUTZ
PROGRAM MANAGER
N.I.C.I.
236 RADAR RD.
COTTONWOOD, ID 83522

962-7119

J. DAVID NAVARRO
Clerk of the District Court
Ada County, Idaho

By  Deputy Clerk

MAR 26 2010

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

DAVID NAVARRO, Clerk
By C. HO
DEPUTY

STATE OF IDAHO
Plaintiff,

vs.

MICHELLE ALECE MACE,
IDOC # 82268
Defendant.

Case No. CR-FE-2005-0001736

ORDER TO TRANSPORT
FOR RIDER REVIEW

It appearing that the above-named defendant is in the custody of the Idaho Department of Corrections, and that it is necessary that he be brought before the Court for further proceedings;

IT IS THEREFORE ORDERED that the Sheriff of Ada County, State of Idaho, bring the defendant to the Court in Boise, Idaho, County of Ada, State of Idaho for:

RIDER REVIEW.....**Wednesday, April 21, 2010 @ 03:00 PM**

IT IS FURTHER ORDERED that immediately following the court appearance, the Sheriff return the said defendant to the custody of the Department of Corrections.

IT IS FURTHER ORDERED that the Department of Corrections release the said defendant to the Sheriff of Ada County, State of Idaho, for the purpose of the aforementioned appearance and retake him into custody from the said sheriff upon his return to the Department of Corrections.

DATED this 26th day of March , 2010.



MICHAEL MCLAUGHLIN
District Judge

Copies to:

- ADA COUNTY JAIL
- BY FAX (1)
- INTERDEPARTMENTAL MAIL (1)
- DEPARTMENT OF CORRECTIONS
- CENTRAL RECORDS
- 1299 NORTH ORCHARD STREET SUITE 110
- BOISE ID 83706
- BY FAX (1)

Session: McLaughlin042110
Session Date: 2010/04/21
Judge: McLaughlin, Michael R.
Reporter: Omsberg, Nicole

Division: DC
Session Time: 07:48

Courtroom: CR507

Clerk(s):
Ho, Cindy
Johnson, Inga

State Attorneys:
Alidjani, Fafa
Armstrong, Shelley
Atwood, Chris
Guzman, Cathy
HAWS, JOSH

Public Defender(s):
Bailey, Ransom
Odessey, Edward
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0033

Case Number: FE-05-01736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney: Patterson, George
State Attorney: HAWS, JOSH
Public Defender:

2010/04/21

15:37:14 - Operator ,
Recording:
15:37:14 - New case
Mace, Michelle
15:37:35 - General:
def presnt in custody for rider review, ct reviews
15:38:21 - State Attorney: HAWS, JOSH
recs- prob
15:38:26 - Pers. Attorney: Patterson, George
recs- prob
15:39:05 - Defendant: Mace, Michelle
comments
15:39:36 - Judge: McLaughlin, Michael R.
rites, probation, 5(2+3), susp. 5 yrs starting today. terms-
same as before.
15:41:03 - Judge: McLaughlin, Michael R.
MRT...parenting, relapse prevention.... 90 in 90...

15:42:29 - Defendant: Mace, Michelle
asks move to mountain home
15:42:37 - Judge: McLaughlin, Michael R.
no obj, work out with PO. Release today
15:43:33 - Operator
Stop recording:

APR 26 2010

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

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE ALECE MACE,

Defendant.

DOB: [REDACTED]
SSN: [REDACTED]

Case No. H0501736

ORDER SUSPENDING SENTENCE,
AND REINSTATING PROBATION

WHEREAS on the 7th day of October, 2009, pursuant to defendant's admission to the Motion for Probation Violation filed on July 1, 2009, defendant's Withheld Judgment was revoked and a Judgment of Conviction for the crime of MALICIOUS HARRASSMENT, was entered ordering the defendant to serve an aggregate five (5) year prison term with two (2) years being fixed.

AND WHEREAS the Court retained jurisdiction for 180 days to suspend execution of Judgment pursuant to Section 19-2601 (4), of the Idaho Code;

AND WHEREAS, the said District Court, having ascertained the desirability of suspending execution of the judgment and again placing the defendant on probation for the balance of said sentence;

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the said sentence
2 be suspended and the defendant, MICHELLE ALECE MACE, be placed on probation for
3 a five (5) year period, commencing on April 21, 2010, upon the following conditions, to-
4 wit:

5 1. That the probation is granted to and accepted by the probationer, subject to all its
6 terms and conditions, and with the understanding that the Court may, at any time, in
7 case of the violation of the terms of probation, cause the probationer to be returned to
8 the Court, for the imposition of sentence as prescribed by law, or any other
9 punishment as the court may see fit to hand down.

10 2. That the probationer shall be under the legal custody and control of the Director of
11 Probation and Parole of the State of Idaho and the District Court and subject to the
12 rules of probation as prescribed by the Board of Correction and the District Court.

13 3. Pursuant to I.C. § 18-2505, the probationer is advised any failure to return to the
14 custody of the Sheriff when required or intentionally leaving any area to which he is
15 restricted while in any program permitted as an alternative to incarceration, or the
16 removal or disabling of any SCRAM bracelet, GPS tracking or similar device, will be
17 considered an "escape" and may result in a sentence of up to five (5) years in prison
18 to be served consecutive to any sentence already being served or imposed, or a
19 \$50,000.00 fine, or both.

20 4. Special Conditions, to-wit:

21 1. You will be a law-abiding citizen and will commit no misdemeanors or
22 felonies.

23 2. The probationer does hereby agree and consent to the search of her
24 person, automobile, real property, and any other property, at any
25 time, and at any place, by any law enforcement officer, peace officer,
26 or probation officer, and does waive her constitutional rights to be
free from such searches.

1 3. The probationer shall enroll in, meaningfully participate in, and
2 successfully complete any and all programs of rehabilitation specified
3 by her probation officer which may include: mental health,
4 educational and vocational rehabilitation and training programs,
5 criminal thinking errors, substance abuse treatment, including
6 inpatient treatment if requested, and financial counseling.

7 4. The probationer shall contribute such monthly sum for probation
8 supervisions as shall be established by the Idaho State Board of

1 Correction, in an amount not to exceed the maximum allowable by
2 I.C. 20-225.

- 3 5. The probationer shall pay all fines, costs, fees and restitution as
4 previously ordered and in such a manner as shall be set by the
5 probation officer.
- 6 6. The probationer shall become and remain fully employed or be
7 enrolled as a full time student. She shall not terminate employment
8 without securing other employment.
- 9 7. The probationer shall submit to random blood, breath, saliva and/or
10 urine analysis upon the request of the Court, their probation officer or
11 any law enforcement official.
- 12 8. The probationer shall not associate with individuals specified by the
13 probation officer, **specifically including**, Jerome Bryant.
- 14 9. The probationer shall not frequent any establishment where alcohol
15 is a major source of income.
- 16 10. The probationer shall submit to a polygraph examination at her own
17 expense if requested by the probation officer.
- 18 11. The probationer shall not purchase, carry or have in her possession
19 any firearms or other weapons.
- 20 12. The probationer shall not purchase, possess or consume any
21 alcoholic beverages while on probation.
- 22 13. The probationer shall not purchase, possess, or consume any drug
23 or narcotic unless specifically prescribed by a medical doctor.
- 24 14. That in addition to any other local incarceration you are given thirty (30)
25 to one hundred eighty (180) days in the county jail to be served and
26 imposed at the discretion of your probation officer and upon the written
approval of the District Court.
15. The probationer shall enroll in and successfully complete an MRT
class as approved by her probation officer.
16. The probationer shall enroll in and successfully complete a parenting
class as approved by her probation officer.
17. The probationer shall enroll in and successfully complete a relapse
prevention program as approved by her probation officer.

1 18. The probationer shall attend 90 substance abuse 12-step meetings
2 within 90 days from the date of this Order and submit written
3 confirmation of her attendance to her probation officer.

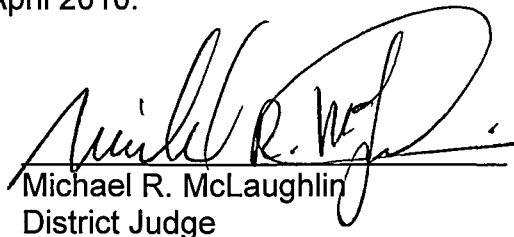
4 19. The Court has no objection to the defendant residing in Mountain
5 Home, Idaho.

6 5. THAT THE PROBATIONER, IF PLACED ON PROBATION TO A DESTINATION
7 OUTSIDE THE STATE OF IDAHO, OR LEAVES THE CONFINES OF THE STATE
8 OF IDAHO, WITH OR WITHOUT PERMISSION OF THE DIRECTOR OF
9 PROBATION AND PAROLE, DOES HEREBY WAIVE EXTRADITION TO THE
10 STATE OF IDAHO, AND ALSO AGREES THAT THE PROBATIONER WILL NOT
11 CONTEST ANY EFFORT BY ANY STATE TO RETURN THE PROBATIONER TO
12 THE STATE OF IDAHO.

13 **IT IS FURTHER ORDERED** that so long as you abide by and perform all of the
14 foregoing conditions, entry of judgment and sentence will continue to be **suspended**. If you
15 violate any of the terms and conditions of your probation, you will be brought before the
16 Court for imposition of judgment and sentence.

17 The defendant shall receive two hundred forty-seven (247) days credit for time
18 served prior to the entry of this Order.

19 Sentenced and dated this 21st day of April 2010.

20 
21 Michael R. McLaughlin
22 District Judge
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ACKNOWLEDGEMENT OF PROBATIONER

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.

Probationer's Signature

Date of acceptance

WITNESSED:

Probation and Parole Officer
State of Idaho

CERTIFICATE OF MAILING

1
2 I, J. David Navarro, the undersigned authority, do hereby certify that I have mailed,
3 by United States Mail on this 26th day of April 2010, one copy of the: ORDER
4 SUSPENDING SENTENCE, AND REINSTATING PROBATION as notice pursuant to
5 Rule 77(d) I.C.R. to each of the attorneys of record in this cause in envelopes addressed
6 as follows:

7 ADA COUNTY PROSECUTING ATTORNEY'S OFFICE
8 VIA EMAIL

9 George C. Patterson
10 ATTORNEY AT LAW
11 410 S Orchard, Ste 136
12 Boise, ID 83705

13 ADA COUNTY JAIL
14 VIA EMAIL

15 PSI DEPARTMENT/P&P
16 VIA EMAIL

17 DEPARTMENT OF CORRECTION
18 VIA EMAIL

19 J. DAVID NAVARRO
20 Clerk of the District Court
21 Ada County, Idaho

22 By  Deputy Clerk

JUN 22 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

184

1 GEORGE PATTERSON
2 PATTERSON LAW OFFICES, P.A.
3 410 SOUTH ORCHARD SUITE 136
4 BOISE, ID 83705
5 (208) 343-2240

6 ATTORNEY FOR DEFENDANT

7
8 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
9 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

10 STATE OF IDAHO,

11 Plaintiff,

Case No CR-FE-2005-0001736

12 v.

NOTICE OF WITHDRAWAL
AS ATTORNEY OF RECORD

13 MICHELLE A. MACE,


14 Defendant.

15 COMES NOW, GEORGE PATTERSON, of PATTERSON LAW OFFICES, P.A.,
16 Attorney of Record for Defendant and hereby gives Notice of Withdrawal as Attorney of
17 Record.

18 Subsequent to a period of retained jurisdiction Defendant was placed on probation in
19 this matter on April 21, 2010. The time for appeal has expired and there are no issues
20 currently pending before the Court at this time.

21 A copy of this notice of withdrawal has been mailed to defendant at her last known
22 address.

23 DATED this 22nd day of June, 2010.

24 
25 _____
26 GEORGE PATTERSON
27 Attorney for Defendant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date set forth below I caused a true and correct copy of the NOTICE OF WITHDRAWAL to be delivered to the ADA COUNTY PROSECUTOR and mailed via regular U.S. Mail to MICHELLE A. MACE.

DATED this 22nd day of June, 2010.



GEORGE PATTERSON
Attorney for Defendant

JUL 12 2010

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

By S. McCormack, Clerk
DEPUTY

THE STATE OF IDAHO
Plaintiff

vs.

_____ MACE, Michelle Alece _____
Defendant

AFFIDAVIT

STATE OF IDAHO,
County of Ada
Court Case # H0501736
Offense/Underlying Conviction:
Malicious Harrassment
Date of Probation 4/21/10

Ss.

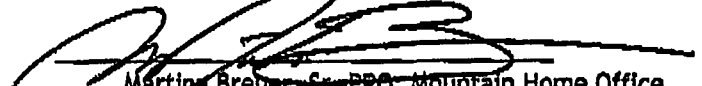
I, Martina Breuer, the undersigned, being first duly sworn, depose and say that:

1. I am a Felony Probation/Parole Officer for the State of Idaho.
2. On the 7th day of July, 2010, I issued an Agent's Warrant on the above named defendant for violating the defendant's terms of probation.
3. I offer the following statement as probable cause that the violations were committed.
4. I have read the following statements and state that the information is true and correct to the best of my knowledge and belief.

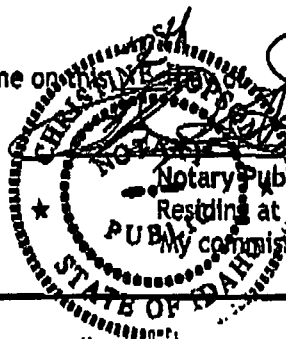
On 4/21/10, Michelle Mace was granted yet another opportunity on probation. On 5/4/10, her probation sign-up was completed whereas she signed the standard Agreement of Supervision and was instructed to enroll into Relapse Prevention, obtain employment, and given reporting instructions. To date she has failed to do what was instructed, other than, apparently, obtain employment. Ms. Mace failed to appear for drug testing on 6/17/10 and 6/24/10, as instructed. She moved from her father's residence sometime in June 2010; however, did not report this or provide an address. At this time, Ms. Mace's address is unknown. Ms. Mace informed me that she was employed at McDonald's in Mountain Home. She was instructed to provide her employer's contact information; however, to date, she has failed to do so. During her sign up on 5/4/10, Ms. Mace was instructed to report to me three times each month; in person, in writing and by telephone. She last reported to this office on 5/20/10. Ms. Mace called on 6/18/10, when I was on vacation. My voicemail message stated that I was on vacation that week and to contact PPO Hopson if assistance was needed. Ms. Mace left a message stating that she spoke to her father who informed her that I had talked to him and he said that she was in trouble. Ms. Mace stated that she tried calling me about her moving, but I did not call her back so she should not be in trouble. She still did not include her new address in the message she left on 6/18/10. It should be noted that my voicemail is on at all times and I had no previous messages from Ms. Mace. I have called and left Ms. Mace messages to report to my office, when her phone is accepting messages. She has not complied. I recently received information that Ms. Mace was planning to move to Boise. She called and left a message on Saturday, July 3, 2010, indicating the same thing; however, again did not leave her current address in Mountain Home, or a date she planned to move, or an address that she planned to move to. Her whereabouts was unknown until today. I received a call from the Elmore County Sheriff's Office this morning, indicating that they had located Ms. Mace at what appears to be her residence. They wanted to question her with regard to a possible drug overdose that occurred at her residence the end of June 2010. Due to Ms. Mace's failure to comply with the conditions of her probation, her failure to report and inferred flight risk, and Agent's Warrant was issued for her arrest.

000134

Dated this 7th day of July, 2010.


Martina Breder, Sr. PPO, Mountain Home Office
(Affiant)

Subscribed and sworn to before me on July, 2010.


Notary Public for Idaho
Residing at Mr. Lane, Idaho
My commission expires: 9-24-13

Bond is set at \$ _____ pending arraignment.
DATED this _____ day of _____, 20__.

Honorable Judge _____, Fourth Judicial District Judge

Field and Community Services

AGENT'S WARRANT OF ARREST

TO: ALL CHIEFS OF POLICE, SHERIFFS, MARSHALS, CONSTABLES, AND PEACE OFFICERS OF THE STATE OF IDAHO

In accordance with Title 20-227 and 20-301 of the Idaho Code, you are hereby commanded to take or retake into custody during the day or night, and detain

Name Mace, Michelle Alice IDOC # 82268

County and Court Case No. Ada County, H0501936

Who is alleged to have violated their PROBATION or PAROLE as granted by the (Authority) The Honorable Michael R. McLaughlin on the 21st day of April, 2010, at (City) Boise, (County) Ada, (State) Idaho

This warrant shall be sufficient to detain a probationer until they are brought before the Court for arraignment. Parolees shall be held without bond. This Warrant shall be valid until such time as it is replaced by a Bench Warrant, Parole Commission Warrant, or is withdrawn by the Department of Correction.

Dated at (City) Mountain Home, Idaho, this 7th Day of July, 2010

Alleged Violations 1. Failed to report for drug testing 10/7/10
2. Moved w/out permission
3. Failed to report as instructed.
Other _____
Probation/Parole Officer for The State of Idaho

I have been given notice for the reason(s) I am in custody. Michelle Mace (Signature of Offender) 07.7.10 12:05 (Date/Time)

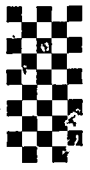
I understand I have a right to a preliminary hearing within 96 business hours of my incarceration (Parolees only)
 I wish to waive the preliminary hearing. _____ (Initials of the Offender)
 I wish to have the preliminary hearing. _____ (Initials of the Offender)

RECEIPT OF WARRANT

I HEREBY CERTIFY, that I received this Warrant on the 7th day of July, 2010
Officer G. Kinn Agency Elmore

| | | | | | | | |
|-----|--|-----|--|------|--|------|--|
| Ht | | Wt | | Hair | | Eyes | |
| DOB | | SSN | | Race | | Sex | |

Distribution: Original-IDOC File, Copy-Offender, Copy-Jail



Field and Community Services

AGENT'S WARRANT OF ARREST

TO: ALL CHIEFS OF POLICE, SHERIFFS, MARSHALS, CONSTABLES, AND PEACE OFFICERS OF THE STATE OF IDAHO

In accordance with Title 20-227 and 20-301 of the Idaho Code, you are hereby commanded to take or retake into custody during the day or night, and detain

Name Mace, Michelle Alece IDOC # 82268
County and Court Case No. Ada County, H0501936

Who is alleged to have violated their PROBATION or PAROLE as granted by the
(Authority) The Honorable Michael R. McLaughlin on the 21st day of April, 2010,
at (City) Boise (County) Ada (State) Idaho

This warrant shall be sufficient to detain a probationer until they are brought before the Court for arraignment. Parolees shall be held without bond. This Warrant shall be valid until such time as it is replaced by a Bench Warrant, Parole Commission Warrant, or is withdrawn by the Department of Correction.

Dated at (City) Mountain Home, Idaho, this 7th Day of July, 2010.

Alleged Violations: 1. Failed to report for drug testing 6/17, 6/24; 2. Moved without permission; 3. Failed to report as instructed. Other
Probation/Parole Officer for The State of Idaho

I have been given notice for the reason(s) I am in custody: Michelle Mace (Signature of Offender) 07, 7 10 (Date/Time)

I understand I have a right to a preliminary hearing within 96 business hours of my incarceration (Parolees only)
I wish to waive the preliminary hearing. (Initials of the Offender)
I wish to have the preliminary hearing. (Initials of the Offender)

RECEIPT OF WARRANT

I HEREBY CERTIFY, that I received this Warrant on the 7th day of July, 2010.
Officer G. Kinnon Agency Elmore

Table with 8 columns: Ht, Wt, Hair, Eyes, DOB, SSN, Race, Sex

Distribution: Original-IDOC File, Copy-Offender, Copy-Jail

ARRESTED



Ada Coun Sheriff's Office

Jail Booking Sheet

JUL 12 2010

Booking ID: 100456678



LE #: 659856



Name: MACE MICHELLE ALECE

SSN: [REDACTED]

DOB: [REDACTED]

Age: 27

Address: 1910 STONETREE DR

MT HOME, ID 83647 Ph. (208) 587-7297

Marital Status: D

Education: Some College

Sex: F Race: W Ht: 5'02" Wt: 130 Eyes: BLU Hair: BLN POB: EUGENE, OR, UNITED STATES

Marks: TAT R CALF, DAG, DAGGER; TAT RF ARM, FAC, FACE; TAT NECK, ROS, ROSES; TAT ABDOM, MON, MOON;
TAT HIP, UNK; TAT ABDOM, DRG, DRAGON; TAT L ARM, SKL, SKULL

Alias: PEARSON MICHELLE ALECE, MACE MICHELLE ALECE

Emp:

Notify: BID SANDERS

Rel: Parent

Ph: (208) 587-3268 - H

Date-in: 07/09/2010 Time-in: 12:22:05 ADA JAIL / CCU / HOLD1

Prop Box: 968

PCN#: 1110141904

Booked by: 4884

Comments:

* * * * *

VISUAL ARREST

DR: ADA 99-999999

Booked by: 4884

Case: Def: Cnt: ISTARs Case: CR-FE-2005-0001736 Def: 1 Cnt: 1

Arrest Date/Time: 07/09/2010 12:20:00 Release Date/Time:

Citation: 0

Location: 7200 BARRISTER

Officer: A 4884

Municipality: ADA COUNTY

Pros. Agency: Ada County

Visual: LE-126-A {F} AGENTS WARRANT--PROBATION VIOLATION

Video Arraignment Date: 07/12/2010 Time: 13:30:00

Initial Bond: Bond Amt: \$ 0.00

Type:

Paid By/Agy:

000138

VA 9
203

(Yellow)

ADA COUNTY JAIL - ARRESTING OFFICERS FORM

| | | |
|---------------|-------------------------|--------------------------------------|
| LE# 659856 | Vehicle Towed YES NO | Received Date / Time 7/09/10 1220 |
| Who? | | |

Arrestee Information (To be completed by ARRESTING / TRANSPORTING OFFICER)

| | | | |
|--|---------------------------------|---------------------|--|
| Name (Last, First, Middle) Mace, Michelle Alece | Social Security # [REDACTED] | Date of Birth (DOB) | Visual Identification YES / NO <input checked="" type="radio"/> |
|--|---------------------------------|---------------------|--|

| | | |
|-----------------------------|---|---|
| Is Arrestee a U.S. Citizen? | <input checked="" type="radio"/> YES / NO | IF NO, what is arrestee's country of citizenship? |
|-----------------------------|---|---|

| | | |
|----------------------------------|---|--|
| Does the Arrestee speak English? | <input checked="" type="radio"/> YES / NO | IF NO, what is his / her primary language? |
|----------------------------------|---|--|

Arresting Officer Questionnaire

| | Response |
|---|---|
| 1) Are you aware of this arrestee's consumption of alcohol, drugs or any other substance, or any behaviors that indicate the arrestee may have ingested something to hide it (if you found drugs on this person during a search please indicate it here)? | YES / <input checked="" type="radio"/> NO |
| 2) Has the arrestee made any comments (e.g. "I'm going to kill myself"; "I want to die"; "I have nothing to live for"; "Everyone would be better off without me around") or engaged in any behavior that would suggest they have thoughts of hurting themselves? | YES / <input checked="" type="radio"/> NO |
| 3) Has another individual with knowledge of the arrestee informed you and/or made comments, that suggest the arrestee is potentially suicidal and/or has a history of suicidal behavior, mental illness, or medical problems? | YES / <input checked="" type="radio"/> NO |
| 4) Are you aware of any serious injuries the arrestee may have sustained or of the need for medical treatment (if the arrestee was involved in a fight, vehicle accident, or some other incident where there may be a need for medical treatment, please indicate it here). | YES / <input checked="" type="radio"/> NO |
| 5) Did the arrestee indicate they were taking medications, or were medications found on their person, in the car they were in, or the location of arrest? If so, what were those medications and are they available for the arrestee's use? | YES / <input checked="" type="radio"/> NO |

Additional comments or information:
POSITIVE FOR HBPC

By signing below, I confirm that I have reported all available medical information concerning this arrestee to the Ada County Jail.

Arresting Officer: D. Jensen Badge # 4576

| | | | | |
|---------------------------------------|--------------------------------------|----------------|-----------------------|---|
| Charge Information: | | | | |
| Date / Time of Arrest 7/09/10 1220 | Location of Arrest 7210 Barrister | Agency Acsa | Badge / Ada # 4576 | Arresting / Transporting Officer D. Jensen |

NOTICE: The exact charge and code must be known before the defendant can be booked. Drug charges must include exact drug, charge, code and sub-section. The defendant will not be accepted until you have completed this form properly. INTAKES WITH .29BAC OR MORE REQUIRE HOSPITAL CLEARANCE.

| ARREST CHARGE | STATUS / SUB CODE | F/M | WARRANT / CASE NUMBER | DR NUMBER | CITATION NUMBER |
|-----------------|-------------------|-----|----------------------------------|-----------|-----------------|
| Agent's Warrant | LE 126 A | F | 000000 H050001736↑ | | |
| | | | | | |
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JUL 12 2010

J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Whitney A. Faulkner
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. CR-FE-2005-0001736

**AFFIDAVIT OF PROBABLE
CAUSE TO HOLD
PROBATIONER ON AGENT'S
WARRANT**

Whitney A. Faulkner, being first duly sworn, deposes and says that MICHELLE ALECE MACE is on probation for a felony charge in the State of Idaho. That an Agent's Warrant has been issued by a probation officer, who is a probation officer for the Idaho Department of Corrections which is responsible to supervise this probationer. That said Defendant has been arrested in Ada County, Idaho on the Agent's Warrant and is now before this court. That said Defendant is the same person named in the above-mentioned

warrant of arrest. Probable Cause to establish this belief is based upon the attached Agent's Warrant.

Wherefore, it is requested that MICHELLE ALECE MACE be committed to the custody of the Sheriff of Ada County, to be held with bail set by the assigned District Court Judge and that an arraignment be set in the District Court.

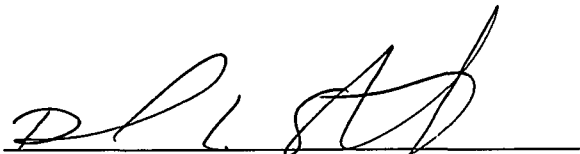
DATED this 12th day of July 2010.

GREG H. BOWER
Ada County Prosecuting Attorney



By: Whitney A. Faulkner
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 12th day of July 2010.



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. CRFE05 1736

vs.

CLERK AMY MCKENZIE

Michelle Mase

DATE 7/12/2010 TIME 10:30

PROSECUTOR W Faulkner

TOXIMETER _____

COMPLAINING WITNESS _____

CASE ID. State 1071210 BEG. 104236

END 104516

JUDGE

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> BERECZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input checked="" type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- STATE SWORN
- PC FOUND _____
- COMPLAINT SIGNED
- AMENDED COMPLAINT SIGNED
- AFFIDAVIT SIGNED
- NO PC FOUND _____
- EXONERATE BOND
- SUMMONS TO BE ISSUED
- WARRANT ISSUED
- BOND SET \$ _____
- NO CONTACT

D.R. # _____

COMMENTS

- DISMISS CASE
- IN CUSTODY

AGENT'S WARRANT McLaughlin 7/2/10 09

() RULE 5(b)

() FUGITIVE

ADA COUNTY MAGISTRATE MINUTES

SCHEDULED EVENT: VA

JUDGE: Gardunia/Oths

CLERK: Sean Mills/AW

DATE: 7/12/10 TIME: 1:30

COURT REPORTER: _____

TAPE NO: _____

PR/AGY: _____ PROS: _____

P.D./ATTORNEY _____

Mace, Michelle

H05017.36

SSN _____ DOB _____

1 _____ 2 _____
3 _____ 4 _____
5 _____ 5 _____

Agent

13594

Case Called Def: Present Not Pres. In Custody
 Advised of Rights Waived Rts PD Appointed Waived Atty
 Guilty Plea/PV Admit. N/G Plea Advise Subsq. Penalty
 Bond \$ No Bond ROR Pay/Stay Payment Agr

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7/21/10 @ 9:00

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w/ Mclayl in

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* Finish () Release Defendant

War#

Def# 01 Seq# 01 Type A Docket#

Rev: 3/97

000143

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

NO. _____ FILED _____
A.M. _____ P.M. _____

STATE OF IDAHO,
Plaintiff.
vs.
Michelle Alece Mace
1910 Stonetree Drive
Mountain Home, ID 83647
Defendant.

) H0501736
)
) Case No: CR-FE-2005-0001736
) CHRISTOPHER D. RICH, Clerk
) By KELLE WEGENER
) DEPUTY
) **NOTICE OF APPOINTMENT OF PUBLIC DEFENDER**
) **AND SETTING CASE FOR HEARING**
)
) Ada Boise Garden City Meridian

JUL 12 2010

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Arraignment Wednesday, July 21, 2010 09:00 AM
Judge: Michael McLaughlin

BOND AMOUNT: _____ The Defendant is: In Custody Released on Bail ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE **PERSONALLY PRESENT** AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A **BENCH WARRANT** FOR THE DEFENDANT'S ARREST.

Dated : 7/12/2010


Deputy Clerk

I hereby certify that copies of this Notice were served as follows on this date Monday, July 12, 2010.

Defendant: Mailed _____ Hand Delivered Signature _____
Clerk / date _____ Phone () _____

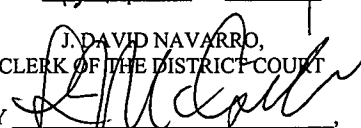
Prosecutor: Interdepartmental Mail _____

Public Defender: Interdepartmental Mail _____



Deputy Clerk
772-10

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY

FILED 7/12/10 AT 5:00 P.M.
J. DAVID NAVARRO,
CLERK OF THE DISTRICT COURT
BY 
Deputy

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
Mace)
Defendant)
SSN: XXX-XX-)

CASE NO. FE-05-1736
NOTIFICATION OF CONSEQUENCES AND
PENALTIES FOR ESCAPE PURSUANT TO
I.C. §§ 18-2505, 2506

TO: THE ABOVE-NAMED DEFENDANT, YOU ARE HEREBY NOTIFIED AS FOLLOWS:

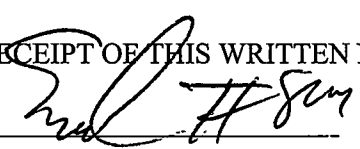
I.C. § 18-2505 (1) Every prisoner charged with, convicted of, or on probation for a **felony** who is confined in any correctional facility, as defined in section 18-101A, Idaho Code, including any private correctional facility, or who while outside the walls of such correctional facility in the proper custody of any officer or person, or while in any factory, farm or other place without the walls of such correctional facility, who escapes or attempts to escape from such officer or person, or from such correctional facility, or from such factory, farm or other place without the walls of such correctional facility, shall be guilty of a **felony**, and upon conviction thereof, any such second term of imprisonment shall commence at the time he would otherwise have been discharged. **A felony is punishable by fine not exceeding fifty thousand dollars (\$50,000.00) or imprisonment in the state prison not to exceed five (5) years or both.**

I.C. § 18-2506 (1)(a) Every prisoner charged with or convicted of a **misdemeanor** who is confined in any county jail or other place or who is engaged in any county work outside of such jail or other place, or who is in the lawful custody of any officer or person, who escapes or attempts to escape therefrom, is guilty of a **misdemeanor**. **A misdemeanor is punishable by fine not exceeding \$1000.00 or by imprisonment in the county jail not to exceed one (1) year or both.**

(b) In cases involving escape or attempted escape by use of threat, intimidation, force, violence, injury to person or property other than that of the prisoner, or wherein the escape or attempted escape was perpetrated by use or possession of any weapon, tool, instrument or other substance, the prisoner shall be guilty of a **felony**.

Escape shall be deemed to include abandonment of a job site or work assignment without the permission of an employment supervisor or officer. Escape includes the intentional act of leaving the area of restriction set forth in a court order admitting a person to bail or release on a person's own recognizance with electronic or global positioning system tracking, monitoring and detention or the area of restriction set forth in a sentencing order, except for leaving the area of restriction for the purpose of obtaining emergency medical care.

I ACKNOWLEDGE RECEIPT OF THIS WRITTEN NOTICE.

Defendant: 

Dated: 7-12-10

JUL 12 2010

J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Whitney A. Faulkner
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. CR-FE-2005-0001736
ORDER ON PROBATIONER
ARREST ON AGENT'S
WARRANT

Whitney A. Faulkner, having appeared before the Court this date, pursuant to arrest by the Ada County Sheriff's Office, in Ada County, Idaho. Defendant was informed in conformance with Administrative Order of the probation violation allegations against him/her, that he/she is not required to make a statement, and that any statement made by him/her may be used against him/her, of his/her right to counsel as provided by law, and of his/her rights to rebut the allegations, to present and confront witnesses and to present evidence all in District Court.

IT IS ORDERED AND THIS DOES ORDER that bond in this matter is set

_____ thel

IT IS ORDERED AND THIS DOES ORDER that the defendant appear in Judge

_____ McKynis Court on the 21 day of July at the hour of
9:00

DATED this 12th day of July 2010.



MAGISTRATE

JUL 13 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

R. Scott Bandy
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. CR-FE-2005-0001736
**MOTION FOR PROBATION
VIOLATION**
(AGENTS WARRANT)

STATE OF IDAHO)
) ss:
County of Ada)

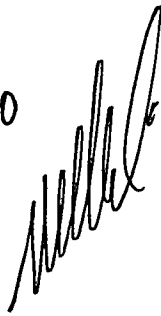
COMES NOW, R. Scott Bandy, Deputy Prosecuting Attorney for Ada County,
State of Idaho, being first duly sworn, deposes and says:

That on the 12th day of May 2006, the said Defendant pled guilty to MALICIOUS
HARASSMENT, FELONY, and that on the 23rd day of June 2006, this Court placed the
Defendant on probation for a period of five (5) years, and that on the 19th day of August

2009, the said Defendant pled guilty to PROBATION VIOLATION, FELONY, and that on the 7th day of October 2009, this Court retained jurisdiction, and that on the 24th day of March 2010, this Court extended period of retained jurisdiction, and that on the 21st day of April 2010, this Court reinstated probation for a period of five (5) years.


This Court required, and the Defendant agreed, that as a condition of probation she would respect and obey all the laws of the State of Idaho, at all times conduct herself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of her probation agreement by:

- 1. Failing to submit to a urinalysis test as lawfully requested by her supervising officer on the 17th day of June 2010, and on the 24th day of June 2010;
- 2. Failing to attend and/or successfully complete the relapse prevention program as lawfully requested by her supervising officer;
- 3. Failing to obtain written permission from her supervising officer before changing residence;
- 4. Failing to report to her supervising officer on the date(s) and time(s) specified, to-wit: the said Defendant failed to report in person in the month of June;
- 5. Absconding from supervision, and by;
- 6. Failing to pay fines, fees, and/or costs as ordered by the Court.

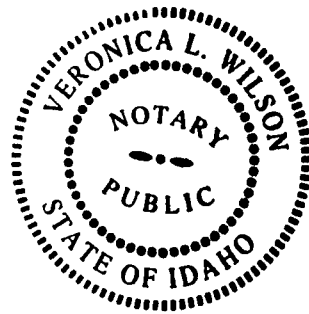
Darius
Violate #2 46
8/11/2010


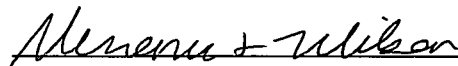
WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney


By: R. Scott Bandy
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 13th day of July 2010.




Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 12-16-2015.

189
AMW
7/21
a

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. _____

JUL 14 2010

J. DAVID NAVARRO, Clerk
By JANAE PETERSON
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

MICHELLE ALECE MACE,

Defendant.

Case No. CR-FE-2005-0001736

MOTION FOR BOND REDUCTION

COMES NOW, MICHELLE ALECE MACE, the above-named defendant, by and through counsel CRAIG A STEVELEY, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Wednesday, July 14, 2010.



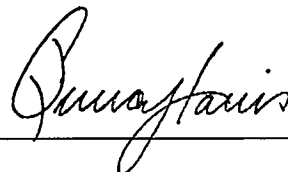
CRAIG A STEVELEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, July 14, 2010, I mailed a true and correct copy of the within instrument to:

R. SCOTT BANDY
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



MOTION FOR BOND REDUCTION

000151

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. _____

JUL 14 2010

J. DAVID NAVARRO, Clerk
By JANA E PETERSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff

vs.

MICHELLE ALECE MACE,
Defendant.


Case No. CR-FE-2005-0001736

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to R. SCOTT BANDY:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Wednesday, July 21, 2010, at the hour of 09:00 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Wednesday, July 14, 2010.


CRAIG A STEVELEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, July 14, 2010, I mailed a true and correct copy of the within instrument to:

R. SCOTT BANDY
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

NOTICE OF HEARING

000152

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. _____
JUL 14 2010

J. DAVID NAVARRO, Clerk
By JANA E PETERSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

MICHELLE ALECE MACE,

Defendant.

Case No. CR-FE-2005-0001736

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Wednesday, July 14, 2010.



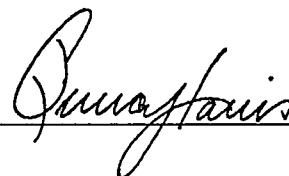
CRAIG A STEVELEY
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, July 14, 2010, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



Session: McLaughlin072110
Session Date: 2010/07/21
Judge: McLaughlin, Michael R.
Reporter: Tardiff, Penny

Division: DC
Session Time: 08:04

Courtroom: CR507

Clerk(s):
Ho, Cindy

State Attorney(s):
Alidjani, Fafa
Atwood, Chris
Bandy, R. Scott
Haws, Joshua
Naugle, Brian

Public Defender(s):
Bailey, Ransom
Odessey, Edward
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0011

Case number: FE-05-01736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Bandy, R. Scott
Public Defender: Steveley, Craig

2010/07/21

09:58:43 - Operator
Recording:
09:58:43 - New case
Mace, Michelle
09:59:10 - Defendant: Mace, Michelle
Present In-Custody with Atty for PV AR
09:59:14 - Judge: McLaughlin, Michael R.
Advised of Allegation, Penalties and Rights
10:00:54 - Judge: McLaughlin, Michael R.
Reset for 8/11/10 for @ 9:00 AM For Admit/Deny

Bail set @ \$50K

10:02:13 - Operator
Stop recording:

Session: McLaughlin081110
Session Date: 2010/08/11
Judge: McLaughlin, Michael R.
Reporter: Gosney, Vanessa

Division: DC
Session Time: 07:59

Courtroom: CR507

Clerk(s):
Ho, Cindy

State Attorney(s):
Atwood, Chris
Bandy, R. Scott
Haws, Joshua
SWANSON, GREGORY

Public Defender(s):
Bailey, Ransom
Odessey, Edward
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0017

Case number: FE-05-01736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Joshua
Public Defender: Steveley, Craig

2010/08/11

10:16:49 - Operator
Recording:
10:16:49 - New case
Mace, Michelle
10:17:06 - Defendant: Mace, Michelle
Present In-Custody with Atty for A/D
10:17:29 - General:
Plea Agreement Plea G to Allegation #1 #3 and #5/Balance #2 #4 #6 Dismissed
10:18:52 - Defendant: Mace, Michelle
Admits #1 #3 and #5
10:19:43 - Judge: McLaughlin, Michael R.

Accepts Guilty Admissions and Dism Balance

10:20:05 - Judge: McLaughlin, Michael R.

Set for PV Dispo on 9/08/10 @ 1:00 pm

10:21:26 - Public Defender: Steveley, Craig

Bond Argue

10:24:56 - State Attorney: Haws, Joshua

Objection

10:25:01 - Judge: McLaughlin, Michael R.

Bond Remains

10:25:12 - Judge: McLaughlin, Michael R.

If Accepted into Providence and Which House in Writing CT will Reduce to

10:25:45 - Judge: McLaughlin, Michael R.

\$15,000.00 Bond will be granted

10:26:09 - Operator

Stop recording:

NO. _____
A.M. _____ P.M. 2:57
AUG 26 2010
J. DAVID NAVARRO, Clerk
By: [Signature]
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,

vs.

MICHELLE ALECE MACE,
Defendant.

Case No. CR-FE-05-01736

NOTICE OF RESCHEDULED
PROBATION VIOLATION DISPOSITION
HEARING

PLEASE TAKE NOTICE, that the above-entitled case has been rescheduled for
Disposition of Probation Violation Hearing on **Wednesday, September 15, 2010 at 2:00 PM**,
at the Ada County Courthouse, at 200 W. Front Street, Boise, Idaho before Judge Michael
McLaughlin.

Dated this 26 day of August, 2010.

J. David Navarro
Clerk of the District Court

By: [Signature]
Deputy Clerk

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26 day of August, 2010, I caused a true and
correct copy of the above and foregoing instrument to be mailed, postage prepaid, to:

DEPUTY ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

[Signature]

J. David Navarro
Clerk of the District Court

By: [Signature]
Deputy Clerk

NOTICE OF HEARING

000159

[Signature]

Session: McLaughlin091510
Session Date: 2010/09/15
Judge: McLaughlin, Michael R.
Reporter: Lee, Robin

Division: DC
Session Time: 07:40

Courtroom: CR507

Clerk(s):
Ho, Cindy

State Attorney(s):
Atwood, Chris
Bandy, R. Scott
Haws, Joshua
Taylor, Joshua
Welsh, Whitney

Public Defender(s):
Bailey, Ransom
Steveley, Craig

Prob. Officer(s):

Court interpreter(s):

Case ID: 0051

Case number: FE-05-01736
Plaintiff:
Plaintiff Attorney:
Defendant: Mace, Michelle
Co-Defendant(s):
Pers. Attorney:
State Attorney: Bandy, R. Scott
Public Defender: Steveley, Craig

2010/09/15

14:30:58 - Operator
Recording:
14:30:58 - New case
Mace, Michelle
14:31:17 - Defendant: Mace, Michelle
Present In-Custody with Atty for PV Dispo
14:32:42 - State Attorney: Bandy, R. Scott
Rec's
14:33:55 - Public Defender: Steveley, Craig
Rec's
14:35:19 - Defendant: Mace, Michelle

Statement

14:36:40 - Judge: McLaughlin, Michael R.

Appeal Rights

14:40:06 - Judge: McLaughlin, Michael R.

Complete Provenance Program

14:41:33 - Judge: McLaughlin, Michael R.

Sentence

14:41:57 - Judge: McLaughlin, Michael R.

Order 69d Jail with 69d Credit/5yr Probation (2+3)

14:42:58 - Operator

Stop recording: (Off Record)

15:07:01 - Operator

Recording:

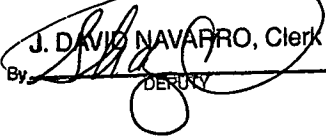
15:07:01 - Record

Mace, Michelle

15:07:06 - Operator

Stop recording:

SEP 20 2010

J. DAVID NAVARRO, Clerk
By:  DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE ALECE MACE,

Defendant.

DOB: 

SSN: 

Case No. H0501736

ORDER SUSPENDING SENTENCE,
AND REINSTATING PROBATION

WHEREAS, on the 15th day of September, 2010, the above named defendant, MICHELLE ALECE MACE, appeared before this Court, with counsel, Craig Steveley, for disposition because of the defendant's violation of the Court's probation.

Now, therefore, IT IS HEREBY ORDERED that the Order Suspending Sentence and Order of Probation, directed at the defendant, MICHELLE ALECE MACE, on the charge of MALICIOUS HARRASSMENT, a felony under I.C. §18-7902, entered by this Court on April 21, 2010, be and the same is hereby revoked, and the defendant is sentenced on the said charge to the Idaho State Board of Correction, under the Unified Sentence Law of the State of Idaho, for an aggregate term of five (5) years, to be served as follows: a minimum period of confinement of two (2) years, followed by a subsequent



1 indeterminate period of custody not to exceed three (3) years, with said term to
2 commence immediately.

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the sentence
4 ordered on October 7, 2009, in the above entitled matter is suspended and the defendant
5 placed on supervised probation for a period of five (5) years, commencing on September
6 15, 2010, in the custody and under the control of the Department of Probation and Parole
7 subject to their rules and regulations of probation, plus the following terms as
8 recommended by the Department of Corrections and imposed by the Court:

9 1. That the probation is granted to and accepted by the probationer, subject to all its
10 terms and conditions, and with the understanding that the Court may, at any time, in
11 case of the violation of the terms of probation, cause the probationer to be returned to
12 the Court, for the imposition of sentence as prescribed by law, or any other
punishment as the court may see fit to hand down.

13 2. That the probationer shall be under the legal custody and control of the Director of
14 Probation and Parole of the State of Idaho and the District Court and subject to the
rules of probation as prescribed by the Board of Correction and the District Court.

15 3. Pursuant to I.C. § 18-2505, the probationer is advised any failure to return to the
16 custody of the Sheriff when required or intentionally leaving any area to which ^he is
17 restricted while in any program permitted as an alternative to incarceration, or the
18 removal or disabling of any SCRAM bracelet, GPS tracking or similar device, will be
considered an "escape" and may result in a sentence of up to five (5) years in prison
to be served consecutive to any sentence already being served or imposed, or a
\$50,000.00 fine, or both.

19 4. Special Conditions, to-wit:

20 1. You will be a law-abiding citizen and will commit no misdemeanors or
21 felonies.

22 2. The probationer does hereby agree and consent to the search of her
23 person, automobile, real property, and any other property, at any
24 time, and at any place, by any law enforcement officer, peace officer,
or probation officer, and does waive her constitutional rights to be
25 free from such searches.
26

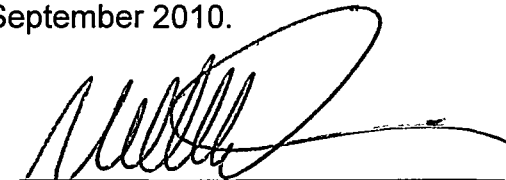
- 1 3. The probationer shall enroll in, meaningfully participate in, and
2 successfully complete any and all programs of rehabilitation specified
3 by her probation officer which may include: mental health,
4 educational and vocational rehabilitation and training programs,
5 criminal thinking errors, substance abuse treatment, including
6 inpatient treatment if requested, and financial counseling.
- 7 4. The probationer shall contribute such monthly sum for probation
8 supervisions as shall be established by the Idaho State Board of
9 Correction, in an amount not to exceed the maximum allowable by
10 I.C. 20-225.
- 11 5. The probationer shall pay all fines, costs, fees and restitution as
12 previously ordered and in such a manner as shall be set by the
13 probation officer.
- 14 6. The probationer shall become and remain fully employed or be
15 enrolled as a full time student. She shall not terminate employment
16 without securing other employment.
- 17 7. The probationer shall submit to random blood, breath, saliva and/or
18 urine analysis upon the request of the Court, their probation officer or
19 any law enforcement official.
- 20 8. The probationer shall not associate with individuals specified by the
21 probation officer, **specifically including**, Jerome Bryant.
- 22 9. The probationer shall not frequent any establishment where alcohol
23 is a major source of income.
- 24 10. The probationer shall submit to a polygraph examination at her own
25 expense if requested by the probation officer.
- 26 11. The probationer shall not purchase, carry or have in her possession
any firearms or other weapons.
12. The probationer shall not purchase, possess or consume any
alcoholic beverages while on probation.
13. The probationer shall not purchase, possess, or consume any drug
or narcotic unless specifically prescribed by a medical doctor.
14. That in addition to any other local incarceration you are given thirty (30)
to one hundred eighty (180) days in the county jail to be served and
imposed at the discretion of your probation officer and upon the written
approval of the District Court.

- 1 15. The probationer shall enroll in and successfully complete an MRT
2 class as approved by her probation officer.
- 3 16. The probationer shall enroll in and successfully complete a parenting
4 class as approved by her probation officer.
- 5 17. The probationer shall enroll in and successfully complete a relapse
6 prevention program as approved by her probation officer.
- 7 18. The probationer shall attend 90 substance abuse 12-step meetings
8 within 90 days from the date of this Order and submit written
9 confirmation of her attendance to her probation officer.
- 10 19. The Court has no objection to the defendant residing in Mountain
11 Home, Idaho.
- 12 20. The probationer shall successfully complete the Providence program.
- 13 21. The probationer shall serve sixty-nine (69) days in the Ada County
14 Jail, with sixty-nine (69) days credit for time served.

15 5. THAT THE PROBATIONER, IF PLACED ON PROBATION TO A DESTINATION
16 OUTSIDE THE STATE OF IDAHO, OR LEAVES THE CONFINES OF THE STATE
17 OF IDAHO, WITH OR WITHOUT PERMISSION OF THE DIRECTOR OF
18 PROBATION AND PAROLE, DOES HEREBY WAIVE EXTRADITION TO THE
19 STATE OF IDAHO, AND ALSO AGREES THAT THE PROBATIONER WILL NOT
20 CONTEST ANY EFFORT BY ANY STATE TO RETURN THE PROBATIONER TO
21 THE STATE OF IDAHO.

22 **IT IS FURTHER ORDERED** that so long as you abide by and perform all of the
23 foregoing conditions, entry of judgment and sentence will continue to be **suspended**. If you
24 violate any of the terms and conditions of your probation, you will be brought before the
25 Court for imposition of judgment and sentence.

26 Sentenced and dated this 15th day of September 2010.



Michael R. McLaughlin
District Judge

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ACKNOWLEDGEMENT OF PROBATIONER

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.

Probationer's Signature

Date of acceptance

WITNESSED:

Probation and Parole Officer
State of Idaho

CERTIFICATE OF MAILING

1
2 I, J. David Navarro, the undersigned authority, do hereby certify that I have mailed,
3 by United States Mail on this 20th day of September 2010, one copy of the: ORDER
4 SUSPENDING SENTENCE, AND REINSTATING PROBATION as notice pursuant to
5 Rule 77(d) I.C.R. to each of the attorneys of record in this cause in envelopes addressed
6 as follows:

7 ADA COUNTY PROSECUTING ATTORNEY'S OFFICE
8 VIA EMAIL

9 ADA COUNTY PUBLIC DEFENDER'S OFFICE
10 VIA EMAIL

11 ADA COUNTY JAIL
12 VIA EMAIL

13 PSI DEPARTMENT/P&P
14 VIA EMAIL

15 DEPARTMENT OF CORRECTION
16 VIA EMAIL

17 J. DAVID NAVARRO
18 Clerk of the District Court
19 Ada County, Idaho

20 By  _____
21 Deputy Clerk

JAN 25 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

R. Scott Bandy
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone:(208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. CR-FE-2005-0001736
**MOTION FOR BENCH
WARRANT FOR
PROBATION VIOLATION**

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, R. Scott Bandy, Deputy Prosecuting Attorney for Ada County,
State of Idaho, being first duly sworn, deposes and says:

That on the 12th day of May 2006, the said Defendant pled guilty to MALICIOUS
HARASSMENT, FELONY, and that on the 23rd day of June 2006, this Court placed the
Defendant on probation for a period of five (5) years, and that on the 19th day of August

AG

2009, the said Defendant pled guilty to PROBATION VIOLATION, FELONY, and that on the 7th day of October 2009, this Court retained jurisdiction, and that on the 24th day of March 2010, this Court extended jurisdiction, and that on the 21st day of April 2010, this Court reinstated probation for a period of five (5) years, and that on the 11th day of August 2010, the said Defendant pled guilty to PROBATION VIOLATION, FELONY, and that on the 15th day of September 2010, this Court reinstated probation for a period of five (5) years.

This Court required, and the Defendant agreed, that as a condition of probation she would respect and obey all the laws of the State of Idaho, at all times conduct herself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of her probation agreement by:

- 1. Failing to report to her supervising officer on the date(s) and time(s) specified, to-wit: the said Defendant has absconded supervision and the said Defendant's last face to face contact with her supervising officer was on or about the 17th day of November 2010;
- 2. Absconding from supervision;
- 3. Failing to obtain written permission from her supervising officer before changing residence, to-wit: on or about the 7th day of January 2011, information was received from the said Defendant's landlord that the Defendant had packed up her belongings, moved out and had not returned;
- 4. Failing to maintain full-time employment, be actively seeking employment or be enrolled as a full time student as lawfully requested by her supervising officer, to-wit: on or about the 18th day of January 2011, the manager at the


Dismissed
4/5/11
5/25/11

said Defendant's listed employer informed that the Defendant is no longer employed there and has not been for the past several weeks;

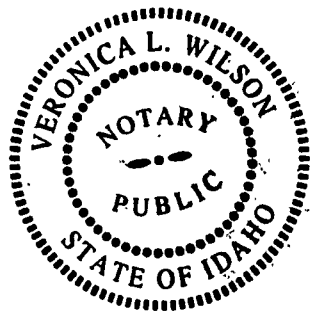
5. Failing to attend and/or successfully complete Relapse Prevention at Community Services Counseling as lawfully requested by her supervising officer;
- 6. Failing to attend and/or successfully complete the Providence program as lawfully requested by her supervising officer, to-wit: the said Defendant has moved from her listed Providence residence on or about the 31st day of December 2010, and has been discharged from the program;
7. Failing to pay the cost of supervision fee as ordered by the Court, and by;
8. Failing to pay fines, fees, funds, surcharges and/or costs as ordered by the Court.

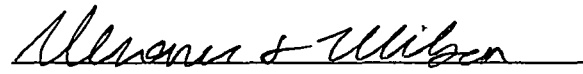
WHEREFORE, your affiant prays for an Order of this Court directing the Clerk of the Court to issue a Bench Warrant for the arrest of the Defendant requiring that she be arrested and brought before this Court on the arraignment day next following her arrest, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney


By: R. Scott Bandy
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 25th day of January 2011.




Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 12-16-2015.

FEB 01 2011

CHRISTOPHER D. RICH, Clerk
By ASHLEY GREEN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

R. Scott Bandy
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

RECEIVED
JAN 25 2011
ADA COUNTY CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
_____)

Case No. CR-FE-2005-0001736

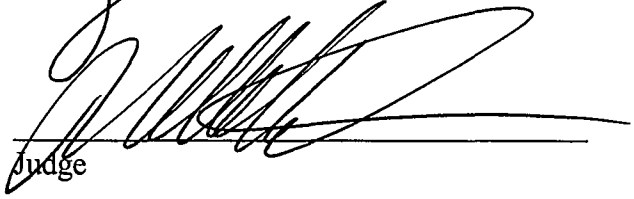
**ORDER FOR BENCH WARRANT FOR
PROBATION VIOLATION**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of the Court issue a Bench Warrant for the arrest of the Defendant requiring that she be arrested at any time during the day or night and brought before this Court on the arraignment day next following her arrest.

It is further ordered that the above-named Defendant shall remain on active probationary status and be subject to all requirements of her probation order during the pendency of these

proceedings, unless the Defendant meets the criteria for absconding. Bond is set at \$ 100,000
_____ pending arraignment on the Bench Warrant.

DATED this 28 day of January 2011.



Judge

BOND SET AT:
\$ 100,000 Cash/Surety
\$ _____ Cash
\$ _____ Surety

659856

DR# 05-533803

NO. _____ FILED _____
AM. 8:15 P.M. _____

MAY 12 2011

GREG H. BOWER
Ada County Prosecuting Attorney

CHRISTOPHER D. RICH, Clerk
By **CHERYL WADAMS**
DEPUTY

R. Scott Bandy
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

RECEIVED
Ada County Sheriff
WARRANTS

FEB 02 2011

Gary Raney, Sheriff
BOISE, IDAHO

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
MICHELLE ALECE MACE,)
)
Defendant.)
10-6-82)

CR-FE-2005-0001736-01-01
Case No. CR-FE-2005-0001736

**BENCH WARRANT FOR
PROBATION VIOLATION**

TO ANY SHERIFF, CONSTABLE OR PEACE OFFICER OF THE STATE OF IDAHO:

YOU ARE HEREBY COMMANDED forthwith, to arrest the defendant and probationer at any time during the day or night and deliver her into the custody of the Sheriff of Ada County, Idaho, at the County Jail; the Defendant and Probationer to be brought before this Court on the next regular arraignment day of the Court following her arrest and delivery to the Ada County Jail, then and there to show cause, if any, why the

BENCH WARRANT FOR PROBATION VIOLATION FAXED TO: Wallowa Co Oregon
(MACE/CR-FE-2005-0001736), Page 1

ARRESTED
ADA COUNTY SHERIFF

APR 04 2011 000174
BY: 4308 DM

probation and withheld sentence heretofore granted her in the above-entitled cause should not be revoked and sentence imposed according to law, it appearing to this Court that the Defendant, a probationer under the jurisdiction of this Court, has violated the terms and conditions of said Judgment and Order and Agreement of Probation.

DATED this 01 day of Feb 2011.

CHRISTOPHER D. RICH
Ada County Clerk

By: Deputy Clerk

BOND SET AT:

\$ 100,000 Cash/Surety

\$ _____ Cash

\$ _____ Surety

Pending arraignment on the Bench Warrant by Judge Bl McLaughlin.

Served 5-11-11
by: g Negretto #4852
aceo

ADA COUNTY MAGISTRATE MINUTES

Michelle Alece Mace CR-FE-2005-0001736

DOB: [REDACTED]

Scheduled Event: Video Arraignment Thursday, May 12, 2011 01:30 PM

Judge: Michael Oths

Clerk: KEY

Interpreter: _____

Prosecuting Agency: (C) AC ___BC ___EA ___GC ___MC

Pros: [Signature]
PD Attorney: [Signature]

- 1 I18-7902 Malicious Harassment F
- 2 I20-222 Probation Violation F
- 3 I20-222 Probation Violation F
- 4 I20-222 Probation Violation F

13539 Case Called Defendant: X Present Not Present X In Custody
X Advised of Rights Waived Rights X PD Appointed Waived Attorney
 Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty
X Bond \$ 100,000 - ROR Pay / Stay Payment Agreement
 In Chambers PT Memo Written Guilty Plea No Contact Order

Arr: 5/18/11 @ 9:00

W McLaughlin

Finish () Release Defendant

IN THE DISTRICT COURT

COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA MAGISTRATE DIVISION

NO. _____ FILED _____ P.M. _____ A.M. _____

STATE OF IDAHO, Plaintiff. vs. Michelle Alece Mace 1910 Stonetree Drive Mountain Home, ID 83647 Defendant.

) H0501736) Case No: CR-FE-2005-000078) NOTICE OF APPOINTMENT OF PUBLIC DEFENDER AND SETTING CASE FOR HEARING) [checkbox] Ada [checkbox] Boise [checkbox] Eagle [checkbox] Garden City [checkbox] Meridian

MAY 12 2011

CHRISTOPHER D. RICH, Clerk By KELLE WEGENER DEPUTY

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Arraignment Judge: Wednesday, May 18, 2011 09:00 AM Michael McLaughlin

BOND AMOUNT: _____ The Defendant is: [checkbox] In Custody [checkbox] Released on Bail [checkbox] ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE PERSONALLY PRESENT AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A BENCH WARRANT FOR THE DEFENDANT'S ARREST.

Dated : 5/12/2011

Deputy Clerk

I hereby certify that copies of this Notice were served as follows on this date Thursday, May 12, 2011.

Defendant: Mailed _____ Hand Delivered _____ Signature Served #824 5/12/11 Phone () _____ Clerk / date

Prosecutor: Interdepartmental Mail _____

Public Defender: Interdepartmental Mail _____

Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
DISTRICT COURT MINUTES

CASE #CR-FE-2005-0001736

STATE OF IDAHO,

vs.

MICHELLE ALECE MACE,
DOB: 10/6/1982

STATE ATTORNEY: R. SCOTT BANDY ✓

DEFENSE ATTORNEY/PD: GRAIG A STEVELEY
TERRI JONES

Public Defender Appointed

Interpreter: _____

Judge/Tape: MCLAUGHLIN 051811 Clerk: Cindy Ho Court Reporter: Patty Terry

SCHEDULED EVENT: PV Arraignment HEARING DATE: Wednesday, May 18, 2011 @ 09:00 AM

CHARGES:

#1...I18-7902... MALICIOUS HARASSMENT F

#2...I20-222... PROBATION VIOLATION F

#3...I20-222... PROBATION VIOLATION F

#4...I20-222... PROBATION VIOLATION F

- Defendant Present Attorney Present Pro-Se In Custody On Bond
 Waives Reading Advised of Charges Advised Penalties Advised of Rights
 Defendant Sworn Guilty Plea Advisory Waived Rights
 Defendant Not Present B/F -- B/W _____
 N/G Plea _____
 JT _____ days _____ PTC _____ Motions _____ Discovery _____
 PV Denial PV Status _____ PV Hearing _____
 EOP _____ Admit/Deny 5-25-11 Status/Review _____
 Enter Guilty Plea Count # _____ Dism # 9 AM
 Admit Allegations # _____ Dism # _____
 Sentence HR _____
 PSI Ordered/PSIO1 19-2524/PSMH1 19-2524/PSSA1 PSI Waived
 Sex Offender DV MH Substance Evaluator _____
 Bond \$ 100,000 ROR
 Reduce Bond to \$ _____ with Written Proof Housing Written Proof Work
 Bond Conditions
 No Driving NCO Keep Contact w/Atty No Law Violations Scram Device

OTHER: _____

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
A.M. _____ FILED P.M. 4

MAY 19 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

MICHELLE ALECE MACE,

Defendant.

Case No. CR-FE-2005-0001736

MOTION FOR BOND REDUCTION

COMES NOW, MICHELLE ALECE MACE, the above-named defendant, by and through counsel DANICA M. COMSTOCK, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Thursday, May 19, 2011.

Danica Comstock

DANICA M. COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, May 19, 2011, I mailed a true and correct copy of the within instrument to:

R. SCOTT BANDY
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MOTION FOR BOND REDUCTION

R. Scott Bandy

000179

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

A.M. _____ FILED _____ P.M. 14

MAY 19 2011

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

MICHELLE ALECE MACE,

Defendant.

Case No. CR-FE-2005-0001736

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to R. SCOTT BANDY:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Wednesday, June 08, 2011, at the hour of 09:00 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Thursday, May 19, 2011.



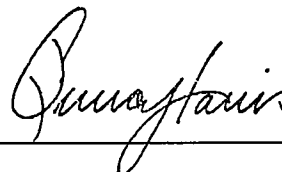
DANICA M. COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, May 19, 2011, I mailed a true and correct copy of the within instrument to:

R. SCOTT BANDY
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



NOTICE OF HEARING

000180

MAY 19 2011

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

CHRISTOPHER D. RICH, Clerk
By LANI BROXSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff

vs.

MICHELLE ALECE MACE,
Defendant.

Case No. CR-FE-2005-0001736

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Thursday, May 19, 2011.



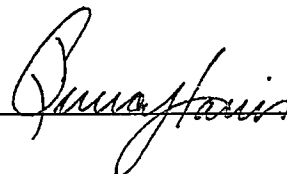
DANICA M. COMSTOCK
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Thursday, May 19, 2011, I mailed a true and correct copy of the within instrument to:

**ADA COUNTY PROSECUTOR
Counsel for the State of Idaho**

by placing said same in the Interdepartmental Mail.



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
DISTRICT COURT MINUTES

CASE #CR-FE-2005-0001736

STATE OF IDAHO,

STATE ATTORNEY: R. SCOTT BANDY

vs.

DEFENSE ATTORNEY/PD: DANICA M. COMSTOCK

MICHELLE ALECE MACE,

Public Defender Appointed

DOB: [REDACTED]

Interpreter: _____

Judge/Tape: MCLAUGHLIN 052511 Clerk: Cindy Ho Court Reporter: Sue Wolf

SCHEDULED EVENT: Admit/Deny Hearing HEARING DATE: Wednesday, May 25, 2011 @ 09:00 AM

CHARGES:

w/ Bond Argue

#1...118-7902... MALICIOUS HARASSMENT F

#2...120-222... PROBATION VIOLATION F

#3...120-222... PROBATION VIOLATION F

#4...120-222... PROBATION VIOLATION F

- Defendant Present Attorney Present Pro-Se In Custody On Bond
 Waives Reading Advised of Charges Advised Penalties Advised of Rights
 Defendant Sworn Guilty Plea Advisory Waived Rights
 Defendant Not Present B/F -- B/W _____
 N/G Plea _____ PV Denial
 PV Status _____ @ 10:00 PV Hearing _____ @ 4:00 pm
 JT ___ days _____ @ 9am PTC _____ @ 10am Motions _____ Discovery _____
 EOP _____ Admit/Deny 6-22-11 Status/Review _____
 Enter Guilty Plea Count # _____ Dism # 2:30 CT accepts Guilty Pleas
 Admit Allegations # 1-2-3-6 Dism # 4-5-7-8 CT accepts Admissions
 Sentence/PV Dispo HR _____
 PSI Ordered/PSIO1 19-2524/PSMH1 19-2524/PSSA1 PSI Waived
 Sex Offender DV MH Substance Evaluator _____
 Bond \$ 100,000 ROR
 Reduce Bond to \$ 99,000 with Written Proof Housing Written Proof Work
 Bond Conditions
 No Driving NCO Keep Contact w/Atty No Law Violations Scram/Tad Device

OTHER:

Bond Argue

IN THE DISTR. COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA DISTRICT COURT MINUTES

CASE #CR-FE-2005-0001736

STATE OF IDAHO,

vs.

STATE ATTORNEY: R. SCOTT BANDY DEFENSE ATTORNEY/PD: DANICA M. COMSTOCK

MICHELLE ALECE MACE, DOB: [REDACTED]

Public Defender Appointed Interpreter:

Judge/Tape: MCLAUGHLIN 062211 Clerk: Cindy Ho Court Reporter: Dianne Cromwell

SCHEDULED EVENT: PV Disposition Hearing Hearing Date: Wednesday, June 22, 2011 @ 02:30 PM

CHARGES:

- #1...118-7902... MALICIOUS HARASSMENT F #2...120-222... PROBATION VIOLATION F #3...120-222... PROBATION VIOLATION F #4...120-222... PROBATION VIOLATION F

- Defendant Present Attorney Present Pro-Se In Custody On Bond Defendant Not Present B/F-B/W Judgment Withheld; years of probation Judgment of Conviction Sentence Suspended; years of probation Retained Jurisdiction Ordered CAPS CAPP TR TO SO NR Rider Review Drop Jurisdiction Impose Sentence Probation Reinstated Beginning Ending Probation Violation - Impose Sentence RULE-35 Sentenced Reduction

Term of years= 2 fixed followed by 3 indeterminate for a total: 5 # Term of years= fixed followed by indeterminate for a total: # Term of years= fixed followed by indeterminate for a total:

Fines Susp Costs Restitution PD Fees # Fines Susp Costs # Fines Susp Costs

Total Jail Credit ACJ days Imposed Serve: Immediately Options w/in Credit on PV 30-180 DJT Year Driver License Suspension Absolute Com Service hrs w/in Sentence: Consecutive Concurrent with

Appeal Rights

All Standard Terms of Probation Including: 401 days Credit

JUN 23 2011

CHRISTOPHER D. RICH, Clerk
By SHARY ABBOTT
DEPUTY

1
2
3
4 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
5 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

6
7 THE STATE OF IDAHO,

8 Plaintiff,

9 vs.

10 MICHELLE ALECE MACE,

11 Defendant.

12
13 DOB: [REDACTED]
SSN: [REDACTED]

Case No. H0501736

ORDER REVOKING PROBATION,
AND EXECUTION OF JUDGMENT OF
CONVICTION

14 WHEREAS, on the 22nd day of June, 2011, the above named defendant,
15 MICHELLE ALECE MACE, appeared before this court, with counsel, Danica Comstock,
16 for disposition on defendant's violation of the court's probation.
17

18 Now, therefore, IT IS HEREBY ORDERED that the Order Suspending Sentence
19 and Reinstating Probation, directed at the defendant, MICHELLE ALECE MACE, on the
20 charge of MALICIOUS HARASSMENT, a felony under I.C. §18-7902, entered by this
21 Court on September 15, 2010, be and the same is hereby revoked, and the defendant is
22 sentenced on the said charge to the Idaho State Board of Correction, under the Unified
23 Sentence Law of the State of Idaho, for an aggregate term of five (5) years, to be served
24 as follows: a minimum period of confinement of two (2) years, followed by a subsequent
25

1 indeterminate period of custody not to exceed three (3) years, with said term to
2 commence immediately. The defendant shall receive four hundred one (401) days credit
3 for time served prior to the entry of this Order.

4 The Court specifically recommends that the defendant be allowed to participate in
5 the Therapeutic Community.

6 The defendant is hereby remanded to the custody of the Sheriff of Ada County to
7 be delivered into the custody of the Director of the Idaho State Correctional Institute.

8 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Order of
9 Revocation of Probation and Order Suspending Sentence, and Execution of Sentence to
10 the said Sheriff, which shall serve as the commitment of the defendant.
11

12 Sentenced and dated this 22nd day of June 2011.

13 

14 Michael R. McLaughlin
15 District Judge
16
17
18
19
20
21
22
23
24
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26

CERTIFICATE OF MAILING

1
2 I, Christopher D. Rich, the undersigned authority, do hereby certify that I have
3 mailed, by United States Mail, this 23rd day of June 2011, one copy of the: ORDER
4 REVOKING PROBATION, AND EXECUTION OF JUDGMENT OF CONVICTION as
5 notice pursuant to Rule 77(d) I.C.R. to each of the attorneys of record in this cause in
6 envelopes addressed as follows:

7 ADA COUNTY PROSECUTING ATTORNEY'S OFFICE
8 VIA EMAIL

9 ADA COUNTY PUBLIC DEFENDER'S OFFICE
10 VIA EMAIL

11 ADA COUNTY JAIL
12 VIA EMAIL

13 PSI DEPARTMENT/P&P
14 VIA EMAIL

15 DEPARTMENT OF CORRECTION
16 VIA EMAIL

17 CHRISTOPHER D. RICH
18 Clerk of the District Court
19 Ada County, Idaho

20 By  Deputy Clerk

AUG 19 2011

CHRISTOPHER D. RICH, Clerk
By SHARY ABBOTT,
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE ALECE MACE,

Defendant.

DOB: [REDACTED]
SSN: [REDACTED]

Case No. H0501736

AMENDED
ORDER REVOKING PROBATION,
AND EXECUTION OF JUDGMENT OF
CONVICTION

WHEREAS, on the 22nd day of June, 2011, the above named defendant, MICHELLE ALECE MACE, appeared before this court, with counsel, Danica Comstock, for disposition on defendant's violation of the court's probation.

Now, therefore, IT IS HEREBY ORDERED that the Order Suspending Sentence and Reinstating Probation, directed at the defendant, MICHELLE ALECE MACE, on the charge of MALICIOUS HARASSMENT, a felony under I.C. §18-7902, entered by this Court on September 15, 2010, be and the same is hereby revoked, and the defendant is sentenced on the said charge to the Idaho State Board of Correction, under the Unified Sentence Law of the State of Idaho, for an aggregate term of five (5) years, to be served as follows: a minimum period of confinement of two (2) years, followed by a subsequent

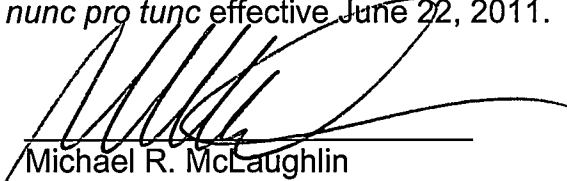
1 indeterminate period of custody not to exceed three (3) years, with said term to
2 commence immediately. The defendant shall receive five hundred thirty (530) days credit
3 for time served as of June 22, 2011.

4 The Court specifically recommends that the defendant be allowed to participate in
5 the Therapeutic Community.

6 The defendant is hereby remanded to the custody of the Sheriff of Ada County to
7 be delivered into the custody of the Director of the Idaho State Correctional Institute.

8 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Order of
9 Revocation of Probation and Order Suspending Sentence, and Execution of Sentence to
10 the said Sheriff, which shall serve as the commitment of the defendant.

11 Dated this 19 day of August, 2011, *nunc pro tunc* effective June 22, 2011.

12
13 
14 Michael R. McLaughlin
15 District Judge
16
17
18
19
20
21
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23
24
25
26

CERTIFICATE OF MAILING

I, Christopher D. Rich, the undersigned authority, do hereby certify that I have mailed, by United States Mail, this 19th day of August 2011, one copy of the: ORDER REVOKING PROBATION, AND EXECUTION OF JUDGMENT OF CONVICTION as notice pursuant to Rule 77(d) I.C.R. to each of the attorneys of record in this cause in envelopes addressed as follows:

ADA COUNTY PROSECUTING ATTORNEY'S OFFICE
VIA EMAIL

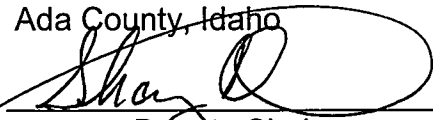
ADA COUNTY PUBLIC DEFENDER'S OFFICE
VIA EMAIL

ADA COUNTY JAIL
VIA EMAIL

PSI DEPARTMENT/P&P
VIA EMAIL

DEPARTMENT OF CORRECTION .
VIA EMAIL

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

By 
Deputy Clerk

122

FEB 18 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

Inmate name Michelle Mace
IDOC No. 82268
Address 1451 Fore Rd.
Pocatello, Id 83204

Defendant

IN THE DISTRICT COURT OF THE Ada 4th JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
Michelle Mace /)
Pearson)
Defendant.)

Case No. CR-FE-2005-0001736

**MOTION FOR CREDIT
FOR TIME SERVED**

COMES NOW, Michelle Mace/Pearson, Defendant in the above-entitled matter, and pursuant to Idaho Code 18-309 hereby moves the Court for an Order, as follows:

That the Court issue an Order, granting the Defendant credit for all local, county and state time served in conjunction with this charge, and the resulting sentence imposed by the Court.

Further that all time shall be appropriately credit to the Defendant.

This Motion is further based upon the records and files in this matter.

DATED this 12 day of February, 2014.

Michelle Mace/Pearson
Defendant

MD

ly

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 12 day of February, 2014, I mailed a true and correct copy of this **MOTION FOR CREDIT FOR TIME SERVED** for the purposes of filing with the court and of mailing a true and correct copy via prison mail system for processing to the U.S. mail system to:

Ada County Prosecuting Attorney

Michelle Mace/Pearson
Defendant

FEB 18 2014

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

Inmate name Michelle Mace
IDOC No. 822128
Address 1451 Fore Rd.
Pocatello, Id 83204

Defendant

IN THE DISTRICT COURT OF THE 4th JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Ada

STATE OF IDAHO,)
)
) Plaintiff,)
)
) vs.)
)
) Michelle Mace /)
) Pearson /)
) Defendant.)
)

Case No. CR-FE-2005-0001736
**AFFIDAVIT OF
DEFENDANT**

STATE OF IDAHO)
)
) ss)
County of _____)

_____, after first being duly sworn upon his/her oath, deposes
and says as follows: I was arrested in Enterprise Oregon
on an old warrant on 4/4/2011. It was a
book and release but was being held on
my Idaho warrant for violating my pro-
bation. After being extradicted, I was only
credited for time following sentencing.
I should have been credited 4/4/2011-6/22/11
80 days. Also in 2009 (10/7/09) I was

MLL

Sentenced to a rider. Pre-Sentence I was incarcerated 2-3 months (not sure exact date I was arrested, probation revoked) My credit only started from the day of sentencing 10/7/09. I'm missing 5-7 months credit for time I've spent incarcerated on this single felony. Please credit me accordingly. Thank you.

Further your affiant sayeth naught.

DATED This 12 day of February, 2014.

Michelle Mace/Pearson
Defendant

SUBSCRIBED AND SWORN to before me this 12 day of February, 2014.

Felicia Funk
Notary Public for Idaho
Commission expires: Nov. 29, 2019



AFFIDAVIT OF DEFENDANT - 2
Revised: 10/13/05

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 17 day of February,
2014, I mailed a true and correct copy of the DEFENDANT'S AFFIDAVIT via prison mail
system for processing to the U.S. mail system to:

Ada County Prosecuting Attorney

Michelle Mace/Pearson
Defendant

4:51
FILED
P.M.
Wednesday, February 26, 2014
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: CINDY HO
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,
Plaintiff,

vs.

MICHELLE ALECE MACE,
Defendant.

Case No. CR-FE-2005-0001736

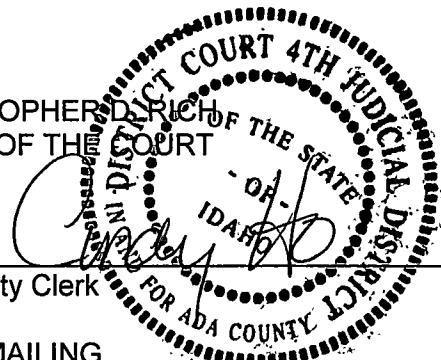
NOTICE OF HEARING
ON MOTION FOR CREDIT TIME
SERVED

The above-entitled case has been set for **Friday, March 07, 2014 at 11:00 AM** , in the Ada County Courthouse at 200 W. Front Street, Boise, Idaho before Judge Melissa Moody.

DATED this 26th day of February, 2014.

CHRISTOPHER D. RICH
CLERK OF THE DISTRICT COURT

by _____
Deputy Clerk



CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26th day of February, 2014, I caused a true and correct copy of the above and foregoing instrument to be mailed, postage prepaid, to:

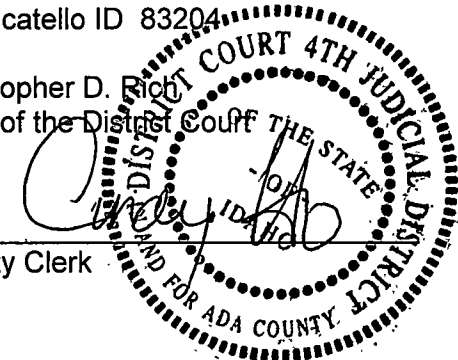
R. Scott Bandy
Deputy Ada County Prosecutor
INTERDEPARTMENTAL MAIL

Ada County Public Defender
200 W Front St Rm 1107
Boise ID 83702

Michelle Mace
#82268
1457 Fore Rd.
Pocatello ID 83204

Christopher D. Rich
Clerk of the District Court

By: _____
Deputy Clerk



oho

FEB 26 2014

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CHRISTOPHER D. RICH, Clerk
By CINDY HO
DEPUTY

STATE OF IDAHO
Plaintiff,

vs.

MICHELLE ALECE MACE,
IDOC # 82268
Defendant.

Case No. CR-FE-2005-0001736

ORDER TO TRANSPORT

It appearing that the above-named defendant is in the custody of the Idaho Department of Corrections, and that it is necessary that he be brought before the Court for further proceedings;

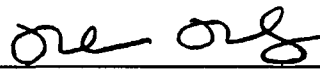
IT IS THEREFORE ORDERED that the Sheriff of Ada County, State of Idaho, bring the defendant to the Court in Boise, Idaho, County of Ada, State of Idaho for:

MOTION FOR CREDIT.....Friday, March 07, 2014 @ 11:00 AM

IT IS FURTHER ORDERED that immediately following the court appearance, the Sheriff return the said defendant to the custody of the Department of Corrections.

IT IS FURTHER ORDERED that the Department of Corrections release the said defendant to the Sheriff of Ada County, State of Idaho, for the purpose of the aforementioned appearance and retake him into custody from the said sheriff upon his return to the Department of Corrections.

DATED this 26th day of February , 2014.


MELISSA MOODY
District Judge

Copies to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

ADA COUNTY JAIL
BY FAX (1)

DEPARTMENT OF CORRECTIONS
CENTRAL RECORDS
1299 NORTH ORCHARD STREET SUITE 110
BOISE ID 83706
BY FAX (1)

effo

Cindy Ho

NO. 945 FILED
A.M. _____ P.M. _____

MAR 05 2014

From: Scott Bandy
Sent: Wednesday, March 05, 2014 09:45 AM
To: Jonathan Loschi; Judge Melissa Moody
Cc: Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

CHRISTOPHER D. RICH, Clerk
By CINDY HO
DEPUTY

I would stipulate to the 412, but I would object to the time served as a term of probation.

Scott

From: Jonathan Loschi
Sent: Wednesday, March 05, 2014 8:47 AM
To: Judge Melissa Moody
Cc: Scott Bandy; Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

So, if I'm right about the 120 days, then I think she'd be entitled to 532 days credit.

From: Judge Melissa Moody
Sent: Tuesday, March 04, 2014 4:56 PM
To: Jonathan Loschi
Cc: Scott Bandy; Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

Jon – Thank you for sending that. This is what the court file reflects, so we are pretty close. (Actually – the court file reflects an additional 120 days of credit for time served as a condition of probation – but I am discounting that because I believe the credit was given in error, so it will not figure into the final tally.) Scott can let us know where he disagrees. Thanks again. It is appreciated. - Melissa

| Charge | Arrest | Bond | Sentence | Credit | Total Credit |
|--------------|----------|----------|----------|--------|--------------|
| | 10-23-05 | 10-28-05 | | 6 | 6 |
| PV #1 | 6-23-09 | 7-01-09 | | 9 | 15 |
| Bond Revoke | 8-19-09 | 10-07-09 | | 49 | 64 |
| Rider | 10-07-09 | 4-21-10 | | 197 | 261 |
| PV #2 | 7-09-10 | 9-15-10 | | 69 | 330 |
| Oregon PV #3 | 4-04-11 | 6-22-11 | | 80 | 410 |

From: Jonathan Loschi
Sent: Tuesday, March 04, 2014 4:05 PM
To: Judge Melissa Moody
Cc: Scott Bandy
Subject: Michelle Mace CR FE 2005 1736

Judge Moody/Scott,

CTAD

I'm at a CLE Friday. Dave Simonaitis is handling this file. I have not had a chance to speak with Ms. Mace. I also do not have all the prior judgments in the case since she had private counsel at one time. But I tallied up her time in custody on this case and here's what I came up with.....

When sent to prison on 6-22-11 she was given credit for **401 days** total. I think she's entitled to **412 days**.

| | |
|---|---|
| Arrested 10-23-05 to 10-28-2005 | 5 days |
| PV 6-23-2009 to 7-1-09 | 8 days |
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| PV 7-9-10 to 9-15-10 dispo | 69 days |
| PV arrest in Oregon 4-4-11 to arrmt in Idaho on 5-11-11 | 37 days |
| PV 5-11-11 to 6-22-11 dispo (prison | 42 days..this JOC reflects the 401 total |

These numbers add up to 412 days.

JON

Cindy Ho

From: Jonathan Loschi
Sent: Wednesday, March 05, 2014 09:30 AM
To: Cindy Ho
Cc: Scott Bandy
Subject: FW: Michelle Mace CR FE 2005 1736

Cindy...can we move this gal to one of the next couple of Fridays...I wont be here this week...
Thanks
JON

From: Judge Melissa Moody
Sent: Wednesday, March 05, 2014 9:28 AM
To: Jonathan Loschi
Cc: Scott Bandy
Subject: RE: Michelle Mace CR FE 2005 1736

We can move it. Cindy will work with you on this.

From: Jonathan Loschi
Sent: Wednesday, March 05, 2014 9:22 AM
To: Judge Melissa Moody
Cc: Scott Bandy
Subject: RE: Michelle Mace CR FE 2005 1736

I would like to argue this.

I think the distinction is that in Moore he was not entitled to all of that credit under IC 18-309. I agree that Mace would not be entitled to that 120 days under 18-309. I think it would be incorrect to say "im giving you credit for probation time under 18-309".

In Moore, there was no argument that he was getting credit for probation time. He never served probation. He was just flat given an incorrect number of days.

Mace's scenario is basically the exact same as in Hoid. WHJ, revoked, probation reinstated with jail, then later PV, prison. That opinion to me makes it clear that the court does have the authority to give credit for that probation time but it would be under ICR 35. That's what Footnote 1 says.

Hoid goes on to say that "the issue...is whether any of the prior order's actually credited against Hoid's sentence any portion of the 230 days served as a condition of probation. If so, those credits must be added to the 422 days credited in the..final order".

That being said...Im not here on Friday. I wonder if we might move this hearing to next week so I can argue it.

Thanks
JON

From: Judge Melissa Moody
Sent: Wednesday, March 05, 2014 8:59 AM
To: Jonathan Loschi
Cc: Scott Bandy; Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

<http://www.isc.idaho.gov/opinions/Moore.pdf>

"Accordingly, a district court may only give credit for the correct amount of time actually served by the defendant prior to imposition of judgment in the case; the district court does not have discretion to award credit for time served that is either more or less than that."

I read the case you attached; I do not think its holding is to the contrary.

Melissa

From: Jonathan Loschi
Sent: Wednesday, March 05, 2014 8:46 AM
To: Judge Melissa Moody
Cc: Scott Bandy; Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

If she got credit for those 120 days, I think she's entitled to it. I think the court has discretion to award credit for time served as a condition of probation. Once that's done, the court does not have discretion to take that time away. The sentence is not illegal.

I don't have the judgments from that time period so I couldn't tell if she got the credit or not.

See the attached case.

Thanks
JON

From: Judge Melissa Moody
Sent: Tuesday, March 04, 2014 4:56 PM
To: Jonathan Loschi
Cc: Scott Bandy; Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

Jon – Thank you for sending that. This is what the court file reflects, so we are pretty close. (Actually – the court file reflects an additional 120 days of credit for time served as a condition of probation – but I am discounting that because I believe the credit was given in error, so it will not figure into the final tally.) Scott can let us know where he disagrees. Thanks again. It is appreciated. - Melissa

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| Rider | 10-07-09 | 4-21-10 | | 197 | 261 |
| PV #2 | 7-09-10 | 9-15-10 | | 69 | 330 |
| Oregon PV #3 | 4-04-11 | 6-22-11 | | 80 | 410 |

From: Jonathan Loschi
Sent: Tuesday, March 04, 2014 4:05 PM
To: Judge Melissa Moody
Cc: Scott Bandy
Subject: Michelle Mace CR FE 2005 1736

Judge Moody/Scott,

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| PV 5-11-11 to 6-22-11 dispo (prison | 42 days..this JOC reflects the 401 total |

These numbers add up to 412 days.

JON

Cindy Ho

From: Judge Melissa Moody
Sent: Wednesday, March 05, 2014 08:59 AM
To: Jonathan Loschi
Cc: Scott Bandy; Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

<http://www.isc.idaho.gov/opinions/Moore.pdf>

“Accordingly, a district court may only give credit for the correct amount of time actually served by the defendant prior to imposition of judgment in the case; the district court does not have discretion to award credit for time served that is either more or less than that.”

I read the case you attached; I do not think its holding is to the contrary.

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From: Jonathan Loschi
Sent: Wednesday, March 05, 2014 8:46 AM
To: Judge Melissa Moody
Cc: Scott Bandy; Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

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See the attached case.

Thanks
JON

From: Judge Melissa Moody
Sent: Tuesday, March 04, 2014 4:56 PM
To: Jonathan Loschi
Cc: Scott Bandy; Cindy Ho
Subject: RE: Michelle Mace CR FE 2005 1736

Jon – Thank you for sending that. This is what the court file reflects, so we are pretty close. (Actually – the court file reflects an additional 120 days of credit for time served as a condition of probation – but I am discounting that because I believe the credit was given in error, so it will not figure into the final tally.) Scott can let us know where he disagrees. Thanks again. It is appreciated. - Melissa

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| PV #1 | 6-23-09 | 7-01-09 | | 9 | 15 |
| Bond Revoke | 8-19-09 | 10-07-09 | | 49 | 64 |

| | | | | |
|--------------|----------|---------|-----|-----|
| Rider | 10-07-09 | 4-21-10 | 100 | 261 |
| PV #2 | 7-09-10 | 9-15-10 | 69 | 330 |
| Oregon PV #3 | 4-04-11 | 6-22-11 | 80 | 410 |

From: Jonathan Loschi
Sent: Tuesday, March 04, 2014 4:05 PM
To: Judge Melissa Moody
Cc: Scott Bandy
Subject: Michelle Mace CR FE 2005 1736

Judge Moody/Scott,

I'm at a CLE Friday. Dave Simonaitis is handling this file. I have not had a chance to speak with Ms. Mace. I also do not have all the prior judgments in the case since she had private counsel at one time. But I tallied up her time in custody on this case and here's what I came up with.....

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| PV arrest in Oregon 4-4-11 to arrmt in Idaho on 5-11-11 | 37 days |
| PV 5-11-11 to 6-22-11 dispo (prison | 42 days..this JOC reflects the 401 total |

These numbers add up to 412 days.

JON

MAR 05 2014

CHRISTOPHER D. RICH, Clerk
By CINDY HO
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO
Plaintiff,

vs.

MICHELLE ALECE MACE,
IDOC # 82268
Defendant.

Case No. CR-FE-2005-0001736

"AMENDED"
ORDER TO TRANSPORT

It appearing that the above-named defendant is in the custody of the Idaho Department of Corrections, and that it is necessary that he be brought before the Court for further proceedings;

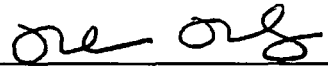
IT IS THEREFORE ORDERED that the Sheriff of Ada County, State of Idaho, bring the defendant to the Court in Boise, Idaho, County of Ada, State of Idaho for:

MOTION FOR CREDIT IS RESCHEDULED FOR.....Friday, March 14, 2014 @ 08:30 AM

IT IS FURTHER ORDERED that immediately following the court appearance, the Sheriff return the said defendant to the custody of the Department of Corrections.

IT IS FURTHER ORDERED that the Department of Corrections release the said defendant to the Sheriff of Ada County, State of Idaho, for the purpose of the aforementioned appearance and retake him into custody from the said sheriff upon his return to the Department of Corrections.

DATED this 5th day of March , 2014.



MELISSA MOODY
District Judge

Copies to:

ADA COUNTY JAIL
BY FAX (1)

DEPARTMENT OF CORRECTIONS
CENTRAL RECORDS
1299 NORTH ORCHARD STREET SUITE 110
BOISE ID 83706
BY FAX (1)



MAR 05 2014

CHRISTOPHER D. RICH, Clerk
By CHARLOTTE C. VOLLET
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE ALECE MACE,

Defendant.

Case No. CR FE 2005-0001736

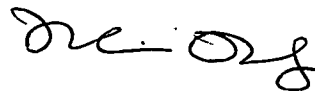
ORDER VACATING HEARING AND
SETTING NEW DATE

The March 7, 2014 hearing on motion for credit for time served is hereby vacated. The hearing is vacated to accommodate the request of defense counsel, sent by email to the Court and the prosecuting attorney, for a different date.

The hearing will now be held on **March 14, 2014 at 8:30 a.m.** Both parties must appear in person. The Court will order the transport of the Defendant.

IT IS SO ORDERED.

DATED this 5th day of March 2014.



Melissa Moody
District Judge



CERTIFICATE OF MAILING

I hereby certify that on this 5th day of March 2014, I mailed (served) a true and correct copy of the within instrument to:

Scott Bandy
ADA COUNTY PROSECUTING ATTORNEY
VIA EMAIL

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Electronic Mail
- Facsimile

Jonathan Loschi
ADA COUNTY PUBLIC DEFENDER
VIA EMAIL

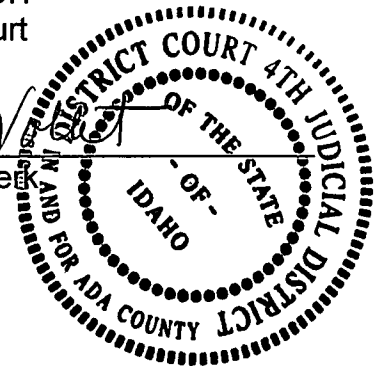
- U.S. Mail, Postage Prepaid
- Hand Delivered
- Electronic Mail
- Facsimile

Michelle Alece Mace, #82268
1457 Fore Rd
Pocatello, ID 83204

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Electronic Mail
- Facsimile

CHRISTOPHER D. RICH
Clerk of the District Court

By: Charlotte V. [Signature]
Deputy Court Clerk



MAR 12 2014

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CHRISTOPHER D. RICH, Clerk
By **CINDY HO**
DEPUTY

THE STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE MACE,

Defendant.

Case No. CR-FE-2005-01736

ORDER TO QUASH
TRANSPORT ORDER

IT IS HEREBY ORDERED That the Transport Order issued for Friday, March 14 2014, be and the same are hereby quashed and NOTICE HEREOF is hereby given to ISOC and the Sheriff of Ada County, State of Idaho by delivery of a copy to the said Sheriff.

Dated: 3/12/14

Melissa Moody

MELISSA MOODY
DISTRICT JUDGE

ADA COUNTY JAIL
BY FAX (1)

DEPARTMENT OF CORRECTIONS
CENTRAL RECORDS
1299 NORTH ORCHARD STREET SUITE 110
BOISE ID 83706
BY FAX (1)

AKO

| <u>Time</u> | <u>Speaker</u> | <u>Note</u> |
|-------------------|---------------------|--|
| <u>8:53:50 AM</u> | Case Called | State v. Michelle Mace (By Phone) FE-05-01736 C Motion for CTS |
| <u>8:54:07 AM</u> | States Attorney | Scott Bandy |
| <u>8:54:08 AM</u> | Defense Attorney | Jon Loschi |
| <u>8:58:21 AM</u> | Defense Attorney | Arguement as to 120 days of jail given as part of sentence being counted toward jail credit |
| <u>9:04:28 AM</u> | States Attorney | Response |
| <u>9:05:36 AM</u> | Judge | Takes Under Advisement |
| <u>9:05:41 AM</u> | | End of Case |
| <u>9:05:42 AM</u> | | |

RECEIVED

MAR 21 2014

H0501736

100

To whom it may concern: 3-18-14
ADA COUNTY CLERK

I currently have a motion in for credit for time served. My dates I was incarcerated in Ada County seem off to me. Please send me a list of all jail credits I have in Ada. I'm not getting my pre-sentence judgement from 2009 or the time I spent being extradicted back to Idaho from Oregon. All of it should count as credit since its all the same charge. Per Writ of Habeas Corpus I am entitled to every day I spent incarcerated on this felony. Case # H0501736 is my order revoking probation.

Case # for my one felony is:
CB-FE-2005-0001736

Also do you have or are you able to obtain my jail credits from Union Co. Oregon from 4/4/2011 - 5/18/2011

Thank you for all your help!

Michelle Mace/Pearson #82268
PWCC
1451 Fore Rd.
Pocatello, Id 83204

NO. FILED P.M.
MAR 21 2014
CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

over

000210

AC/PD 3/21/14 cwo

MLL

Please respond in a timely manner, Thank you

My motion is taken up by Judge Moody and I'd like to appear in my court hearings for this matter but they keep getting stopped. I feel I need to appear in person to continue these proceedings.

Thank you again!

Michelle Mace

DOB: 10-6-1982

MAR 24 2014

CHRISTOPHER D. RICH, Clerk
By **CHARLOTTE C. VOLLET**
D22PU13

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

MICHELLE MACE,

Defendant.

Case No. CR FE 2005-0001736

MEMORANDUM DECISION
REGARDING CREDIT FOR TIME
SERVED

On February 18, 2014, the Defendant filed a motion for credit for time served which was argued on March 14, 2014. Jonathan Loschi, Deputy Ada County Public Defender, appeared on behalf of the Defendant, who appeared by phone because she is in custody. Scott Bandy, Deputy Ada County Prosecutor, appeared on behalf of the State.

The parties agreed that under Idaho Code § 18-309, the Defendant is entitled to credit for 410 days. This credit was calculated as follows:

| Charge | Arrest | Bond Out | Credit (sub-total) | Total Credit |
|-------------|----------|----------|--------------------|--------------|
| Felony | 10/23/05 | 10/23/05 | 6 | 6 |
| PV #1 | 06/23/09 | 07/01/09 | 9 | 15 |
| Bond Revoke | 08/19/09 | 10/07/09 | 46 | 64 |
| Rider | 10/07/09 | 04/21/10 | 197 | 261 |
| PV #2 | 07/09/10 | 09/15/10 | 69 | 330 |
| PV #3 | 04/04/11 | 06/22/11 | 80 | 410 |

The parties disagreed about whether Defendant is entitled to additional credit, previously awarded, for the time she served as a condition of probation.

Defendant concedes that, under Idaho Code § 18-309, she is not entitled to credit for time served as a condition of probation; however, Defendant contends that she is entitled to this same credit pursuant to Idaho Criminal Rule 35(b). Defendant argues that, because Judge McLaughlin previously gave her credit for time served as a condition of probation, any subsequent judgment which does not award this credit unlawfully increases her sentence. She relies on the case of *State v. Hoid*, No. 39304, 2012 WL 9189566 (Ct. App. 2012), acknowledging that this is an unpublished decision.¹ At oral argument, defense counsel stated that reliance on the *Hoid* case is “more for the cases cited within the *Hoid* case than the *Hoid* case itself.” Draft Tr. 6: 5-7.

The State took the position that a Defendant is never entitled to credit for time served as a condition of probation. Draft Tr. 11: 6-9. Additionally, as a factual matter,

¹ In another unpublished decision, *State v. Bateman*, No. 37719, 2011 WL 11036670 (Ct. App. 2011), the Court of Appeals specifically rejected the argument that failure to give credit for time served on probation results in an illegal increase in a sentence.

the State argued that Judge McLaughlin did not intend that the Defendant should receive, in the exercise of the Court's discretion, additional credit for the time she served as a condition of probation. The prosecutor explained: "I think that the more likely situation is that when it came to adding up her periods of incarceration, that she served those 120 days, and they were lumped into the total. I don't think there was any intent by Judge McLaughlin to exercise discretion to give those 120 days."² Draft Tr. 10: 19-24.

In the June 23, 2006 Order Withholding Judgment, the Court ordered Defendant to serve 120 days of jail as a condition of probation. In the October 8, 2009 Order Revoking Probation and Withheld Judgment, and Judgment of Conviction and Order of Retained Jurisdiction, the Court gave Defendant credit for one hundred fifty-seven (157) days served prior to the entry of the Order. Excluding time that Defendant served as a condition of probation, Defendant was only entitled to 64 days of credit as of October 8, 2009. Thus, whether Judge McLaughlin intended to credit Defendant with time served as a condition of probation or whether, as the prosecutor argued, the days were inadvertently "lumped into the total," the fact remains that Defendant received credit for 93 days served as a condition of probation.

As a question of law, the Court finds that Defendants are never entitled to credit for time served as a condition of probation. Our appellate courts have been clear on this point. *State v. Allen*, 144 Idaho 875, 877, 172 P.3d 1150, 1152 (Ct. App. 2007) ("When a criminal defendant is sentenced to a period of confinement, credit against the

² At oral argument, the Court stated that Judge McLaughlin had given 120 days credit for time served as a condition of probation. A review of the record shows that Judge McLaughlin gave credit for 93 days served as a condition of probation. The prosecutor's statement that Judge McLaughlin gave credit for 120 days merely incorporates the Court's misstatement.

sentence must be given for any periods of incarceration that were served before entry of judgment, save for time served solely as a condition of probation.”) I.C. §§18-309, 19-2603; *State v. Albertson*, 135 Idaho, 723, 725, 23 P.3d 797, 799 (Ct. App. 2001)); *State v. Moore*, No. 40673, 2014 WL 448865, at *3 (Ct. App. 2014).

Defendant argues that footnote 1 in *Hoid* suggests that, in an exercise of leniency under Idaho Criminal Rule 35, judges can award credit for time served as a condition of probation. That footnote states:

Because a defendant is not statutorily entitled to credit for time served as a condition of probation, a post-sentencing discretionary “credit” for that time served effectively constitutes a reduction of sentence pursuant to Idaho Criminal Rule 35(b).

State v. Hoid, No. 39304, 2012 WL 9189566, at *2 n.1 (Ct. App. 2012).

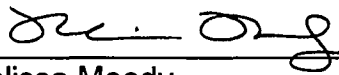
This Court is not persuaded that courts can do by criminal rule what they cannot do by statute. Case law interpreting Idaho Code § 18-309 would be meaningless if a judge could circumvent the clear prohibition on awarding credit for time served as a condition of probation by simply relabelling the credit a “rule 35 reduction.”

A judge has no discretion to grant credit for time served as a condition of probation as a means of reducing a defendant’s sentence under Idaho Criminal Rule 35. If a judge desires to reduce a defendant’s sentence under Idaho Criminal Rule 35, the judge may reduce the underlying prison term or the judge may commute the sentence. I.C. § 19-2601(1); *See Albertson*, 135 Idaho at 726, 23 P.3d at 800 (“For purposes of applying credit for time served, we perceive no substantive difference between the commutation of a sentence under § 19-2601(1) and any other modification of a sentence under I.C.R. 35.”). In no event may the judge give credit for time served as a condition of probation.

For the above stated reasons, the Court denies Defendant credit for the 93 days served as a condition of probation. Defendant is awarded credit for 410 days.

IT IS SO ORDERED.

DATED this 24th day of March 2014.



Melissa Moody
District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 24th day of March 2014, I mailed (served) a true and correct copy of the within instrument to:

Scott Bandy
ADA COUNTY PROSECUTING ATTORNEY
VIA INTERDEPARTMENTAL MAIL

- U.S. Mail, Postage Prepaid
- Interdepartmental Mail
- Electronic Mail
- Facsimile

Jonathan Loschi
ADA COUNTY PUBLIC DEFENDER
VIA INTERDEPARTMENTAL MAIL

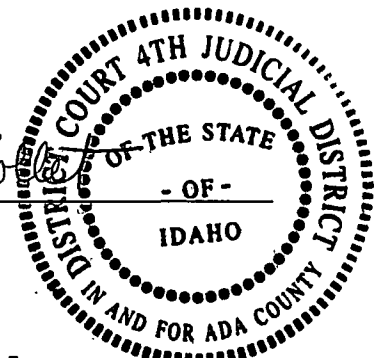
- U.S. Mail, Postage Prepaid
- Interdepartmental Mail
- Electronic Mail
- Facsimile

Michelle Alece Mace, #82268
1457 Fore Rd
Pocatello, ID 83204

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Electronic Mail
- Facsimile

CHRISTOPHER D. RICH
Clerk of the District Court

By: Charlotte Volpe
Deputy Court Clerk



122

NO. 103 FILED
A.M. _____ P.M. _____

APR - 7 2014

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant-Appellant

JONATHAN D. LOSCHI, ISB #6002
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MICHELLE ALECE MACE,

Defendant-Appellant.

Case No. CR-FE-2005-0001736

NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE CLERK
OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

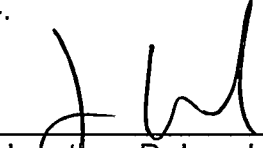
- 1) The above-named Appellant appeals against the above-named respondent to the Idaho Supreme Court from the final decision and order entered against her in the above-entitled action on March 24, 2014, the Honorable Melissa N. Moody, District Judge presiding.
- 2) That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under, and pursuant to, IAR 11(c)(1-10).
- 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:
 - a) Did the district court illegally sentence Defendant when it refused to award 120 days of credit previously given to Defendant in the October

sw

8, 2009, Order Revoking Probation and Withheld Judgment, and Judgment of Conviction and Order of Retained Jurisdiction?

- 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 by IAR 25(d). The Appellant also requests the preparation of the additional portions of the reporter's transcript:
 - a) Motion hearing held March 14, 2014 (Court Reporter: Tiffany Fisher. Estimated Pages: 50).
- 6) Clerk's Record. The Appellant requests the standard clerk's record pursuant to IAR 28(b)(2). In addition to those documents automatically included under IAR 28(b)(2), Appellant also requests that the following be included in the Clerk's Record:
 - a) October 8, 2009: Order Revoking Probation and Withheld Judgment, and Judgment of Conviction and Order of Retained Jurisdiction;
 - b) February 18, 2014: Motion for Credit for Time Served
 - c) February 18, 2014: Affidavit of Defendant.
- 7) I certify:
 - a) That a copy of this Notice of Appeal has been served on the Court Reporter(s) mentioned in paragraph 5 above.
 - b) That the Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is indigent. (I.C. §§ 31-3220, 31-3220A, IAR 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, IAR 23(a)(8)).
 - d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent (I.C. §§ 31-3220, 31-3220A, IAR 24(e)).
 - e) That service has been made upon all parties required to be served pursuant to IAR 20.

DATED this 2 day of April 2014.



Jonathan D. Loschi
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 7 day of April 2014, I mailed (served) a true and correct copy of the within instrument to:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho Appellate Public Defender
3050 North Lake Harbor Lane, Suite 100
Boise, Idaho 83703

Tiffany Fisher
Court Reporter
Interdepartmental Mail

R. Scott Bandy
Ada County Prosecutor's Office
Interdepartmental Mail



Jacob R. Precht

RECEIVED

APR - 7 2014

NO. _____ FILED _____
A.M. 9:03 P.M. _____

ADA COUNTY CLERK

APR 14 2014

CHRISTOPHER D. RICH, Clerk
By LARA AMES
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant-Appellant

JONATHAN D. LOSCHI, ISB #6002
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MICHELLE ALECE MACE,

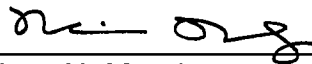
Defendant-Appellant.

Case No. CR-FE-2005-0001736

ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER ON
DIRECT APPEAL

Defendant has elected to pursue a direct appeal in the above-entitled matter. Defendant being indigent and having heretofore been represented by the Ada County Public Defender's office in the District Court, the Court finds that, under these circumstances, appointment of appellate counsel is justified. The Idaho State Appellate Public Defender shall be appointed to represent the above-named Defendant in all matters pertaining to the direct appeal.

SO ORDERED AND DATED this 14th day of April 2014.



Melissa N. Moody
District Judge



CERTIFICATE OF MAILING

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have mailed one copy of the Order Appointing State Appellate Public Defender on Direct Appeal as notice pursuant to the Idaho Rules to each of the parties of record in this case in envelopes addressed as follows:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

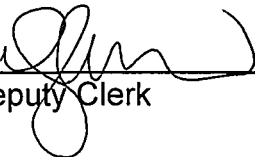
Idaho Appellate Public Defender
3050 North Lake Harbor Lane, Suite 100
Boise, Idaho 83703

R. Scott Bandy
Ada County Prosecutor's Office
Interdepartmental Mail

Ada County Public Defender
Attn: Jacob Precht
Interdepartmental Mail

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date: 4-14-14

By  _____
Deputy Clerk

TO: Clerk of the Court
Idaho Supreme Court
451 West State Street
Boise, Idaho 83720
(208) 334-2616

NO. _____
A.M. 8:00 FILED P.M. _____

MAY 12 2014

CHRISTOPHER D. RICH, Clerk
By BRADLEY J. THIES
DEPUTY

IN THE SUPREME COURT OF THE STATE OF IDAHO

----- x Docket No. 42024
STATE OF IDAHO, :
 :
 Plaintiff-Respondent, :
 :
 vs. :
 :
 MICHELLE ALECE MACE, :
 :
 Defendant-Appellant :
----- x


NOTICE OF TRANSCRIPT OF 15 PAGES LODGED

Appealed from the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, Honorable Melissa Moody, District Court Judge.

This transcript contains:

03-14-14 Motion Hearing

DATE: May 12, 2014



Tiffany Fisher, Official Court Reporter
Official Court Reporter,
Judge Melissa Moody
Ada County Courthouse
Idaho Certified Shorthand Reporter No. 979
Registered Professional Reporter

BT

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MICHELLE ALECE MACE,

Defendant-Appellant.

Supreme Court Case No. 42024

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

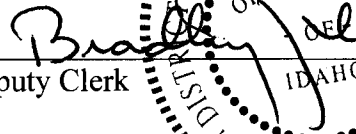
There were no exhibits offered for identification or admitted into evidence during the course of this action.

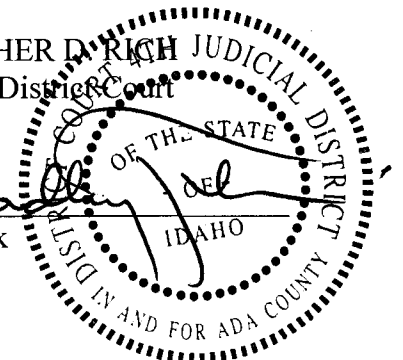
I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Pre-Sentence Investigation Report.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 12th day of May, 2014.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk



CERTIFICATE OF EXHIBITS

000223

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,
vs.

MICHELLE ALECE MACE,

Defendant-Appellant.

Supreme Court Case No. 42024

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

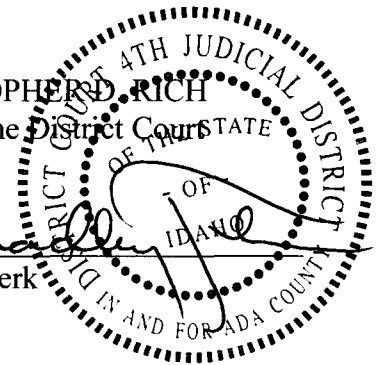
ATTORNEY FOR RESPONDENT

BOISE, IDAHO

Date of Service: MAY 12 2014

CHRISTOPHER D. RICH
Clerk of the District Court

By Bradley
Deputy Clerk



CERTIFICATE OF SERVICE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MICHELLE ALECE MACE,

Defendant-Appellant.

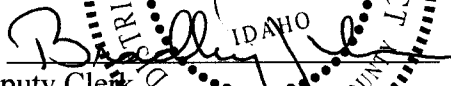
Supreme Court Case No. 42024

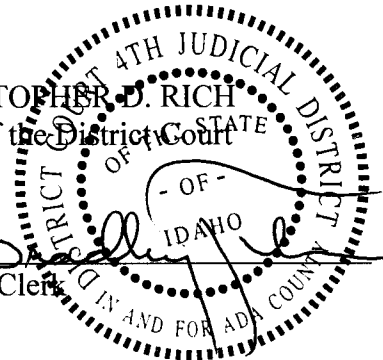
CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled and bound under my direction as, and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsels.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 7th day of April, 2014.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk



CERTIFICATE TO RECORD

000225