

1-27-2014

State v. Thiel Clerk's Record Dckt. 41811

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Appellant,

vs.

COREY ALLEN THIEL,

Defendant-Respondent.

Supreme Court Case No. 41811

CLERK'S RECORD ON APPEAL

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

HONORABLE MICHAEL MCLAUGHLIN

LAWRENCE G. WASDEN
ATTORNEY FOR APPELLANT
BOISE, IDAHO

ADA COUNTY PUBLIC DEFENDER
ATTORNEY FOR RESPONDENT
BOISE, IDAHO

State of Idaho vs. Corey Allen Thiel

Date	Code	User		Judge
2/29/2012	NCRM	PRARMBBS	New Case Filed - Misdemeanor	Magistrate Court Clerk
	PROS	PRARMBBS	Prosecutor assigned Brett B. Judd	Magistrate Court Clerk
	CRCO	TCMCCOSL	Criminal Complaint	Magistrate Court Clerk
3/2/2012	WARI	TCMOLCMA	Warrant Issued - Arrest Bond amount: Hold Without Bond Until Formal Arraignment Before A Magistrate. Defendant: Thiel, Corey Allen	Magistrate Court Clerk
	XSEA	TCMOLCMA	Case Sealed	Magistrate Court Clerk
	STAT	TCMOLCMA	STATUS CHANGED: Inactive	Magistrate Court Clerk
3/6/2012	WART	TCCAMPAM	Warrant Returned Defendant: Thiel, Corey Allen	Magistrate Court Clerk
	XUNS	TCCAMPAM	Case Un-sealed	Magistrate Court Clerk
	STAT	TCCAMPAM	STATUS CHANGED: Pending	Magistrate Court Clerk
	BOOK	TCCAMPAM	Booked into Jail on:	Magistrate Court Clerk
	HRSC	TCCAMPAM	Hearing Scheduled (Video Arraignment 03/06/2012 01:30 PM)	Theresa Gardunia
	ORPD	TCMILLSA	Defendant: Thiel, Corey Allen Order Appointing Public Defender Public defender Ada County Public Defender	Magistrate Court Clerk
	ARRN	TCMILLSA	Hearing result for Video Arraignment scheduled on 03/06/2012 01:30 PM: Arraignment / First Appearance	Theresa Gardunia
	CHGA	TCMILLSA	Judge Change: Administrative	James Cawthon
	HRSC	TCMILLSA	Hearing Scheduled (Pretrial Conference 03/13/2012 01:00 PM)	James Cawthon
	ORPD	MADAVISM	Order Appointing Public Defender	James Cawthon
ORPD	MADAVISM	Order Appointing Public Defender	James Cawthon	
3/7/2012	NOPE	TCPENAE	Notification of Penalties for Escape	James Cawthon
3/12/2012	RQDD	TCTONGES	Defendant's Request for Discovery	James Cawthon
	RSDS	TCTONGES	State/City Response to Discovery	James Cawthon
	RQDS	TCTONGES	State/City Request for Discovery	James Cawthon
3/13/2012	CONH	TCCASTAE	Hearing result for Pretrial Conference scheduled on 03/13/2012 01:00 PM: Conference Held	James Cawthon
	FIGT	TCCASTAE	Finding of Guilty (I18-920 No Contact Order Violation)	James Cawthon
	JAIL	TCCASTAE	Sentenced to Jail or Detention (I18-920 No Contact Order Violation) Confinement terms: Jail: 365 days. Suspended jail: 356 days. Credited time: 9 days.	James Cawthon
	PROB	TCCASTAE	Probation Ordered (I18-920 No Contact Order Violation) Probation term: 1 year 11 months 9 days. (Misdemeanor Unsupervised)	James Cawthon
	STAT	TCCASTAE	STATUS CHANGED: closed pending clerk action	James Cawthon
	SNPF	TCCASTAE	Sentenced To Pay Fine 167.50 charge: I18-920 No Contact Order Violation	James Cawthon

State of Idaho vs. Corey Allen Thiel

Date	Code	User		Judge
3/13/2012	CHGA	TCCASTAE	Judge Change: Administrative	Carolyn Minder
	HRSC	TCCASTAE	Hearing Scheduled (Review 04/04/2012 08:30 AM)	Carolyn Minder
	NPNC	TCCASTAE	Notification of Penalties for Violation of a No Contact Order	Carolyn Minder
4/4/2012	CONT	CCSTOKSN	Hearing result for Review scheduled on 04/04/2012 08:30 AM: Continued	Carolyn Minder
	HRSC	CCSTOKSN	Hearing Scheduled (Review 05/02/2012 08:30 AM)	Carolyn Minder
5/2/2012	HRHD	CCSTOKSN	Hearing result for Review scheduled on 05/02/2012 08:30 AM: Hearing Held	Carolyn Minder
	HRSC	CCSTOKSN	Hearing Scheduled (Probation Violation 05/11/2012 09:00 AM)	James Cawthon
	ORDR	CCSTOKSN	Order Remanding Defendant	Carolyn Minder
	JAIL	CCSTOKSN	Sentenced to Jail or Detention- 9 discretionary days	Carolyn Minder
5/3/2012	MOTN	CCSTOKSN	Motion for Bench Warrant for PV	Carolyn Minder
	WARB	TCPACKCF	Warrant Issued - Bench Bond amount: 1000.00 Failing to comply with a court order Defendant: Thiel, Corey Allen	Carolyn Minder
5/7/2012	STAT	TCPACKCF	STATUS CHANGED: Inactive	Carolyn Minder
	WART	TCMCCOSL	Warrant Returned Failing to comply with a court order Defendant: Thiel, Corey Allen	Carolyn Minder
	STAT	TCMCCOSL	STATUS CHANGED: Pending	Carolyn Minder
	BOOK	TCMCCOSL	Booked into Jail on:	Carolyn Minder
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 05/07/2012 01:30 PM)	Cawthon / Irby
	PLEA	TCMITCBC	A Plea is entered for charge: - NG (IPV Probation Violation-Misdemeanor)	Carolyn Minder
	BSET	TCMITCBC	BOND SET: at 1000.00 - (IPV Probation Violation-Misdemeanor)	Carolyn Minder
	ARRN	TCMITCBC	Hearing result for Video Arraignment scheduled on 05/07/2012 01:30 PM: Arraignment / First Appearance	Cathleen Macgregor-Irby
	ORPD	MADEFRJM	Order Appointing Public Defender	Carolyn Minder
	ORPD	MADEFRJM	Order Appointing Public Defender	Carolyn Minder
5/11/2012	PLEA	CCSTOKSN	A Plea is entered for charge: - GT (IPV Probation Violation-Misdemeanor)	Carolyn Minder
	CONT	TCCASTAE	Hearing result for Probation Violation scheduled on 05/11/2012 09:00 AM: Continued	James Cawthon
	HRSC	TCCASTAE	Hearing Scheduled (Probation Violation 06/15/2012 09:00 AM)	Carolyn Minder

State of Idaho vs. Corey Allen Thiel

Date	Code	User		Judge
6/15/2012	HRHD	CCSTOKSN	Hearing result for Probation Violation scheduled on 06/15/2012 09:00 AM: Hearing Held	Carolyn Minder
	HRSC	CCSTOKSN	Hearing Scheduled (Review 07/25/2012 02:30 PM)	Carolyn Minder
	FIGT	CCSTOKSN	Finding of Guilty (IPV Probation Violation-Misdemeanor)	Carolyn Minder
	STAT	CCSTOKSN	STATUS CHANGED: closed pending clerk action	Carolyn Minder
	PROB	CCSTOKSN	Probation Ordered: Reinstated per terms of case CRFE1120485. 356 jail days remaining.	Carolyn Minder
	ORDR	CCSTOKSN	Order of Release	Carolyn Minder
7/25/2012	HRHD	CCSTOKSN	Hearing result for Review scheduled on 07/25/2012 02:30 PM: Hearing Held	Carolyn Minder
7/26/2012	HRSC	CCSTOKSN	Hearing Scheduled (Review 09/19/2012 02:30 PM)	Carolyn Minder
9/4/2012	PROS	PRARMBBS	Prosecutor assigned Tamera B Kelly	Carolyn Minder
	PROS	PRARMBBS	Prosecutor assigned DVC Attorney	Carolyn Minder
9/19/2012	WARB	CCSTOKSN	Warrant Issued - Bench Bond amount: 25000.00 Failure to Appear Defendant: Thiel, Corey Allen	Carolyn Minder
	STAT	CCSTOKSN	STATUS CHANGED: Inactive	Carolyn Minder
9/20/2012	FTAH	CCSTOKSN	Hearing result for Review scheduled on 09/19/2012 02:30 PM: Failure To Appear For Hearing Or Trial	Carolyn Minder
10/12/2012	MOTN	TCTURNJM	Motion for PV Contact PO, Treatment	Carolyn Minder
10/18/2012	ORDR	CCSTOKSN	Order for Probation Violation	Carolyn Minder
11/13/2012		TCMORGAM	Overdue List Only; ROA text: ***** Report to Collections ***** - list only (warrant outstanding) - Step 1, Failure to Pay Fines and Fees - Charge # 1, No Contact Order Violation	Carolyn Minder
1/29/2013	MOTN	TCWRIGSA	Motion for Hearing - DENIED	Carolyn Minder
2/7/2013	HRSC	TCMCCOSL	Hearing Scheduled (Probation Violation 03/15/2013 09:00 AM)	James Cawthon
	WART	TCMCCOSL	Warrant Returned Failure to Appear Defendant: Thiel, Corey Allen	Carolyn Minder
	STAT	TCMCCOSL	STATUS CHANGED: Pending	Carolyn Minder
	BOOK	TCMCCOSL	Booked into Jail on:	Carolyn Minder
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 02/07/2013 01:30 PM)	Cawthon / Irby
	ARRN	TCCASTAE	Hearing result for Video Arraignment scheduled on 02/07/2013 01:30 PM: Arraignment / First Appearance	Howard Smyser
	ORPD	TCCASTAE	Order Appointing Public Defender Ada County Public Defender	Carolyn Minder
	PLEA	TCCASTAE	A Plea is entered for charge: - NG (IPV Probation Violation-Misdemeanor)	Carolyn Minder

State of Idaho vs. Corey Allen Thiel

Date	Code	User		Judge
2/7/2013	BSET	TCCASTAE	BOND SET: at 25000.00 - (IPV Probation Violation-Misdemeanor)	Carolyn Minder
	ORPD	MADEFRJM	Order Appointing Public Defender	Carolyn Minder
	ORPD	MADEFRJM	Order Appointing Public Defender	Carolyn Minder
3/15/2013	HRHD	TCCASTAE	Hearing result for Probation Violation scheduled on 03/15/2013 09:00 AM: Hearing Held	James Cawthon
	PLEA	TCCASTAE	A Plea is entered for charge: - GT (IPV Probation Violation-Misdemeanor)	Carolyn Minder
	FIGT	TCCASTAE	Finding of Guilty (IPV Probation Violation-Misdemeanor)	Carolyn Minder
	ORDR	TCCASTAE	Order Revoke Probation & Commute Sentence to 356d/J 67dcts	Carolyn Minder
	JAIL	TCCASTAE	Sentenced to Jail or Detention (IPV Probation Violation-Misdemeanor) Confinement terms: Jail: 356 days. Credited time: 67 days.	Carolyn Minder
	STAT	TCCASTAE	STATUS CHANGED: closed pending clerk action	Carolyn Minder
4/24/2013	MISC	TCCHRIKE	ABC Completed	Carolyn Minder
4/29/2013	MOTN	TCTONGES	Motion for Reconsideration of Sentence - **DENIED**	Carolyn Minder
4/30/2013	LETD	TCTONGES	Letter from Defendant	Carolyn Minder
	LETT	TCTONGES	Letter from S. Weeks	Carolyn Minder
	LETT	TCTONGES	Letter from L. Oneal	Carolyn Minder
5/8/2013	MOTN	TCTONGES	Motion for Early Release	Carolyn Minder
	MISC	TCCHRIKE	SAP Completed	Carolyn Minder
5/10/2013	ORDR	CCSTOKSN	Order Releasing Defendant - **DENIED**	Carolyn Minder
7/22/2013	MOTN	TCCHRIKE	Motion for Work Release / Search Program	Carolyn Minder
7/26/2013	OBJE	TCCHRIKE	State's Objection to Defendant's Motion for Work Release/ Search Program	Carolyn Minder
7/29/2013	ORDR	CCSTOKSN	Order Granting Work Release **DENIED**	Carolyn Minder
10/23/2013	LETD	TCCHRIKE	Letter from Defendant	Carolyn Minder
11/14/2013	MOTN	TCWRIGSA	Motion for Immediate Release	Carolyn Minder
11/19/2013	ORDR	CCSTOKSN	Order Releasing Defendant - DENIED	Carolyn Minder
	NOTA	TCCHRIKE	NOTICE OF APPEAL	Carolyn Minder
	APDC	TCCHRIKE	Appeal Filed In District Court	Carolyn Minder
	CAAP	TCCHRIKE	Case Appealed:	Carolyn Minder
	STAT	TCCHRIKE	STATUS CHANGED: Reopened	Carolyn Minder
	CHGA	TCCHRIKE	Judge Change: Administrative	Michael McLaughlin
11/26/2013	BREF	TCOLSOMC	Appellant's Brief	Michael McLaughlin
	MOTN	TCWRIGSA	Motion ro Expedited Procedure on Appeal	Michael McLaughlin
12/6/2013	HRSC	TCEDWAAM	Hearing Scheduled (Hearing Scheduled 12/12/2013 01:00 PM)	Michael McLaughlin

State of Idaho vs. Corey Allen Thiel

Date	Code	User		Judge
12/6/2013	NOTH	TCEDWAAM	Notice Of Hearing	Michael McLaughlin
12/12/2013	DCHH	TCEDWAAM	Hearing result for Hearing Scheduled scheduled on 12/12/2013 01:00 PM: District Court Hearing Held Court Reporter: Number of Transcript Pages for this hearing estimated:	Michael McLaughlin
	HRSC	TCEDWAAM	Hearing Scheduled (Hearing Scheduled 12/17/2013 10:30 AM)	Michael McLaughlin
12/16/2013	BREF	TCLANGAJ	Respondent's Brief	Michael McLaughlin
12/17/2013	DCHH	TCEDWAAM	Hearing result for Hearing Scheduled scheduled on 12/17/2013 10:30 AM: District Court Hearing Held Court Reporter: N. Julson Number of Transcript Pages for this hearing estimated: Less than 100	Michael McLaughlin
	ORDR	TCEDWAAM	Order of Release	Michael McLaughlin
12/30/2013	DEOP	DCABBOSM	Memorandum Decision and Order	Michael McLaughlin
1/27/2014	APSC	TCLANGAJ	Appealed To The Supreme Court	Michael McLaughlin
	NOTA	TCLANGAJ	NOTICE OF APPEAL	Michael McLaughlin

FEB 29 2012

CHRISTOPHER D. FISH, Clerk
By STORMY BROCKMACK
DEPUTY

DR # 12-079381

GREG H. BOWER
Ada County Prosecuting Attorney

Brett B Judd
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

DVC

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.)
)
COREY ALLEN THIEL,)
)
Defendant.)
_____)

Case No. **CR-MD-2012-0003054**

COMPLAINT

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

PERSONALLY APPEARED Before me this 29 day of February 2012, Brett B Judd, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that COREY ALLEN THIEL, on or about the 9th day of January, 2012, in the County of Ada, State of Idaho, did commit the crime of NO CONTACT ORDER VIOLATION, MISDEMEANOR, I.C. §18-920 as follows:

SM

That the Defendant, COREY ALLEN THIEL, on or about the 9th day of January, 2012, in the County of Ada, State of Idaho, had contact with Stephanie Weeks in violation of a no contact order issued by honorable Judge Gardunia and Defendant has been charged with the offense of Domestic Violence in that case.

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 Prosecutor



Brett B Judd
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 29 day of February 2012.



Magistrate



Ada County Sheriff's Office

Ada County Mugshot - Informational Release

User: PRARMBBS
Device: PR311321



600000

Photo Taken: 2012-01-08 21:07:00

Name: THIEL, COREY ALLEN

LE Number: 677216

DOB: [REDACTED]

SSN: [REDACTED]

Phone: (208)703-0578

Height: 510

Weight: 155

Address: 511 E. 43RD

City State Zip: GARDEN CITY, ID 83714-0000

Birth City State: NAMPA, ID

Drivers License Number:

Drivers License State:

Sex: M **Race:** W **Eye Color:** BLU **Hair Color:** BRO **Facial Hair:**

Marks: CHEST

Scars:

Tattoos:

Booking Date: 2012-01-08

Booking Time: 21:07:00

Booking

Comment:

Officer: MCGREW,
SHAWN

Employer Name:

Notify Name: LILLI ONEIL

Notify Address:

Notify Relation: PA

Notify Phone: (208)599-1140

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. MD-12-3054

vs.

CLERK LIZ CASTANEDA

Cory A. Thiel

DATE 2/29/12 TIME 10:30

PROSECUTOR Brett Judd

TOXIMETER _____
CASE ID. Cawthon Castaneda REG. 104863
(401) END 106016

COMPLAINING WITNESS _____

JUDGE

STATUS

- | | |
|---|---|
| <input type="checkbox"/> BERECZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input checked="" 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 type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

- WITNESS SWORN
- PC FOUND Violation NCL
- COMPLAINT SIGNED
- AMENDED COMPLAINT SIGNED
- NO PC FOUND _____
- EXONERATE BOND
- SUMMONS TO BE ISSUED
- WARRANT ISSUED
- BOND SET \$ Hold w/o Bond until
- NO CONTACT Formal Arraignment

D.R. # _____

- DISMISS CASE
- IN CUSTODY

COMMENTS

679216

NO. _____ FILED _____
A.M. *gpo* P.M. _____

MAR 06 2012

CHRISTOPHER D. PICH, Clerk
By ANNETTE CAMPBELL

Greg H. Bower
Ada County Prosecuting Attorney

Brett B Judd
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702 Telephone: (208) 287-7700

DVC

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.)
)
Corey Allen Thiel,)
)
Defendant.)
_____)

Case No. CRMD20120003054 - 0101

ARREST WARRANT

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

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

A COMPLAINT, UPON OATH, having been laid this day before me by Brett B Judd, stating that the crime of NO CONTACT ORDER VIOLATION, has been committed in the County of Ada and accusing Corey Allen Thiel thereof, the above-named defendant, and probable cause having been found, YOU ARE THEREFORE COMMANDED to forthwith arrest the said defendant and bring the defendant before me at my office in said County of Ada, or in case of my absence or inability to act or arrest outside of this county, before the nearest available magistrate within the judicial district where the defendant is arrested.

RECEIVED
Ada County Sheriff
WARRANTS
MAR 02 2012
Gary Raney, Sheriff
BOISE, IDAHO

ARRESTED ADA COUNTY SHERIFF

M

DATED at my office in said county of Ada this 29 day of February,
2012.

[Signature]
Magistrate

BOND SET AT:
\$ _____ Cash/Surety
_____ ROR to Parent

_____ AND may be served in the Defendant's residence between the hours of 8 pm
and 8 am.
**hold without bond until formal arraignment before a magistrate.*

RETURN OF SERVICE

I HEREBY CERTIFY that I served the forgoing Warrant by arresting the above
named defendant and bringing Corey Allen Thiel into Court this 5 day of
MARCH 2012.

OFF M. CANFIELD 844
Peace Officer
BOISE POLICE DEPT

ADA COUNTY MAGISTRATE MINUTES

Corey Allen Thiel CR-MD-2012-0003054

DOB [REDACTED]

Scheduled Event: Video Arraignment Tuesday, March 06, 2012 01:30 PM

Judge: Theresa Gardunia Clerk: SA Interpreter: _____

Prosecuting Agency: X AC BC EA GC MC Pros: D PETERSON

PD / Attorney: L ESTESS

• 1 I18-920 No Contact Order Violation M

30729 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 \$ 2000 ROR Pay / Stay Payment Agreement

In Chambers PT Memo Written Guilty Plea No Contact Order

PTC 03/13/12 @ 1:00 pm
w/ CAUTION

Finish () Release Defendant

FILED 12/12/12 AT 12:57 P.M.
 CHRISTOPHER D. RICH,
 CLERK OF THE DISTRICT COURT
 BY [Signature]
 Deputy

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

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

CASE NO. MD-12-3054
 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.

[Signature]
 DEFENDANT

3/6/12
 DATE

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. 10:28 FILED
A.M. 10:28 P.M.

MAR 12 2012

CHRISTOPHER D. RICH, Clerk
By AMY LANG
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.

COREY ALLEN THIEL,

Defendant.

Case No. CR-MD-2012-0003054

REQUEST FOR DISCOVERY

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

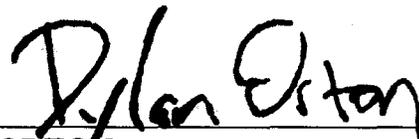
PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 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 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, Friday, March 09, 2012.



DYLAN J ORTON
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, March 09, 2012, 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.



MAR 12 2012

CHRISTOPHER D. RICH, Clerk
By **AMY LANG**
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

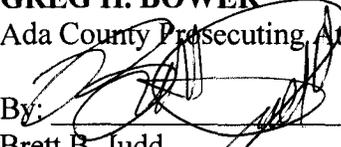
Brett B. Judd
Deputy Prosecuting Attorney
Magistrate Division, 200 W. Front Street, Room 3191
Boise, Idaho 83702 Telephone: (208) 287-7700

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,	)	Case No. CR-MD-2012-0003054
vs.)	
	)	STATE'S DISCOVERY
COREY ALLEN THIEL,	)	RESPONSE TO COURT
)	
Defendant,)	
_____)	

COMES NOW, Brett B. Judd, 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 12 day of March, 2012.

GREG H. BOWER
Ada County Prosecuting Attorney
By: 
Brett B. Judd
Deputy Prosecuting Attorney

C

MAR 12 2012

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Brett B. Judd
Deputy Prosecuting Attorney
Magistrate Division, 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.)
)
 COREY ALLEN THIEL,)
)
 Defendant.)
 _____)

Case No. CR-MD-2012-0003054

**STATE'S 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.

e

(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.

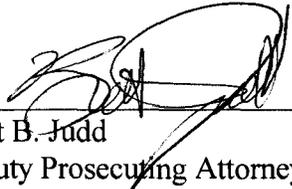
(4) Expert Witnesses:

The prosecution requires the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) 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 12 day of March, 2012.

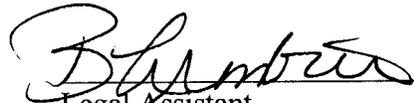
GREG H. BOWER
Ada County Prosecuting Attorney

By: 
Brett B. Judd
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 11 day of, 2011, I caused to be served a true and correct copy of the foregoing document to: **Ada County Public Defender's Office**, by the method indicated below:

- NOTIFIED AVAILABLE FOR PICK UP
- U.S. MAIL (Postage Prepaid)
- FAX TRANSMISSION
- HAND DELIVERY


Legal Assistant

CR 902

ADA COUNTY MAGISTRATE MINUTES

Corey Allen Thiel CR-MD-2012-0003054

DOB [REDACTED]

Scheduled Event: Pretrial Conference Tuesday, March 13, 2012 01:00 PM

Judge: James Cawthon

Minder For

Clerk: DL

Interpreter: _____

Prosecuting Agency: AC BC EA GC MC

Pros: Brett Judd

PD/Attorney: Dylon Orton

• 1 118-920 No Contact Order Violation M

12824 Case Called Defendant: Present Not Present In Custody

Advised of Rights Waived Rights PD Appointed Waived Attorney

Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty ^{6 MAY}

Bond \$ _____ ROR Pay / Stay Payment Agreement ^{6 EMP}

In Chambers PT Memo Written Guilty Plea No Contact Order

Judge Minder's Case

511 E 43rd St
GC, ID 83714

T 1000/1000 + CC

365/356 9 dcrs
2yr Prob (2/22/14)
Comply w/ FE-11-2048S

Review 4/4/12 @ 8:30

Finish Release Defendant

13847

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>01:28:13 PM</u>	Judge C Minder	Thiel/MD-12-3054
<u>01:28:24 PM</u>	PD Dylan Orton	ready to proceed to sentencing today, have a settlement can present that to court, informs court what they are doing
<u>01:29:18 PM</u>	Deputy Clerk	swears in defendant
<u>01:29:34 PM</u>	Judge C Minder	advises defendant of rights
<u>01:30:13 PM</u>	Def Thiel	gives up rights
<u>01:30:52 PM</u>	St Atty Brett Judd	no amendments
<u>01:30:54 PM</u>	Judge C Minder	asks def what he did
<u>01:31:05 PM</u>	Def Thiel	pleads guilty and informs court what he did
<u>01:31:29 PM</u>	Judge C Minder	asks def why would he do that knowing that there was a NCO in place
<u>01:31:36 PM</u>	Def Thiel	response to courts question, doesn't think that Stephanie knew about the NCO
<u>01:32:08 PM</u>	St Atty Brett Judd	consist with police report,
<u>01:32:30 PM</u>	Judge C Minder	finds recitation of facts is correct
<u>01:32:43 PM</u>	Judge C Minder	gives Notification of penalties for Viol of NCO
<u>01:33:50 PM</u>	Judge C Minder	accepts plea, inquires if Mr. Thiel is doing good on Supervised Prob in other case
<u>01:34:30 PM</u>	St Atty Brett Judd	response, Mr. Thiel reported to S Probation, Mrs. Lobo found out about warrant they talked about it, then went into custody, was meeting with probation at that point, before he was on probation in front of this court he did violate the law and he has 356 more days of encouragement to follow this probation
<u>01:35:06 PM</u>	PD Dylan Orton	def had signed up for classes, is aware of probation, trying to do everything that was talked about last time parties were in court
<u>01:35:36 PM</u>	Judge C Minder	what the status of the NCO
<u>01:35:41 PM</u>	St Atty Brett Judd	NCO Quashed

01:35:51 PM	Judge C Minder	announces sentence, 2 yr unsupervised probation cc w/FE-11-20485, sets review hearing same time as FE-11-20485, 4/4 @ 8:30
01:38:47 PM		End Case

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

JUDGMENT OF CONVICTION

WITHHELD JUDGMENT

PROBATION ORDER

Expires _____

FILED 3/13/12 AT 1:41 p.m.
 CHRISTOPHER D. RICH,
 CLERK OF THE DISTRICT COURT
 BY [Signature]
 Deputy

STATE OF IDAHO vs.

Corey Thiel
5111 E 43rd St
8590
83714

DOB _____
 SSN _____

CASE NO. MO-12-3054 Tape _____

Prosecuting Agency: AC BC EC GC MC

State's Attorney: _____

DEFENDANT having been charged with the following offenses:

Count 1. VNCO 18-900

Count 3. _____

Count 2. _____

Count 4. _____

DEFENDANT WAS: Present In Custody Not Present Interpreter Present Advised of all rights and penalties per ICR 5.11, IMCR 5(f)

Represented by: [Signature]

COURT ENTERS JUDGMENT AFTER: Vol Guilty Plea Trial - Found Guilty

Defendant Waived Right: To All Defenses Against Self-Incrimination To Jury Trial To Confront and Cross Examine Accuser(s) To Counsel

ORDERED: DEFENDANT'S DRIVING PRIVILEGES SUSPENDED _____ days beginning _____; or

CONSECUTIVE TO ANY CURRENT SUSPENSION Absolute Suspension _____ days Interlock from _____ to _____

ORDERED: DEFENDANT TO PAY TO THE CLERK: Apply cash bond \$ _____

Count 1: Fine/Penalty \$ 1000 W/ \$ 1000 Suspended + CT Costs \$ CC = \$ _____

Count 2: Fine/Penalty \$ _____ W/ \$ _____ Suspended + CT Costs \$ _____ = \$ _____

Count 3: Fine/Penalty \$ _____ W/ \$ _____ Suspended + CT Costs \$ _____ = \$ _____

Count 4: Fine/Penalty \$ _____ W/ \$ _____ Suspended + CT Costs \$ _____ = \$ _____

Reimburse Public Defender \$ _____ Workers' Comp (\$.60/hr) \$ _____ **TOTAL = \$ _____**

Restitution \$ _____ Defendant shall make 6 **EQUAL MONTHLY PAYMENTS BEGINNING ONE MONTH FROM TODAY**

ORDERED: DEFENDANT TO BE INCARCERATED IN: County Jail Juvenile Detention Center

Count 1: 306 days W/ 356 Suspended - Credit 9 Total = 9 TOTAL DAYS TO SERVE = 0

Count 2: _____ days W/ _____ Suspended - Credit _____ Total = _____ Concurrent to Case number(s): _____

Count 3: _____ days W/ _____ Suspended - Credit _____ Total = _____

Count 4: _____ days W/ _____ Suspended - Credit _____ Total = _____ Concurrent Consecutive

to all cases to any other cases

_____ days must be fully completed, with **NO OPTIONS** available. _____ days must be fully completed, with **INTERIM JAIL** available.

Pay or Stay \$ _____ In-Custody _____ SAP _____ ABC Interlock Funds (after use of any cafeteria funds)

If approved by the Ada County Sheriff's Office, defendant is allowed to serve in _____ County at defendant's expense.

THE FOLLOWING options offered by the County Sheriff are available to the defendant only **IF** defendant meets requirements of the program.

All Options _____ days; If defendant is in custody, release and re-book for any options.

Any combo of the following Options: Wk Rls _____ days; SLD _____ days; SCS _____ hours; Hs. Arr. (2/1) _____ days (1/1) _____ days

PROBATION CONDITIONS: Supervised Probation Expires: _____ Unsupervised Probation Expires: 3/13/12

Commit no new crimes Classes and treatment per Probation Officer 374 Discretionary jail days to Probation Officer _____

Programs Ordered: (Defined on Responsibilities Form) No Alcohol Poss/Consume Refuse no evidentiary test for drugs/alcohol (BAC)

Alcohol/Drug Ed hrs _____ Anger Management hrs _____ Tobacco Ed hrs _____ Driving School hrs _____

Victim's Panel Theft classes hrs _____ Domestic Violence Treatment Weeks _____ Cog Self Change _____

OTHER probation ordered in FE-11-20485, all classes/rehabilitative

Defendant accepted terms and conditions of probation and received a copy of this form and supplemental **Notice of Responsibilities after Sentencing**.

PLEA AND SENTENCE VIA DEFENSE COUNSEL AUTHORIZED. IN CHAMBERS PER WRITTEN GUILTY PLEA

DEFENDANT [Signature]
 Release Defendant this case only

JUDGE [Signature] Number 374

Date of Order 3-13-2012

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

MAR 13 2012

CHRISTOPHER D. RICH, Clerk
By ELIZABETH CASTANEDA
DEPUTY

STATE OF IDAHO)
Plaintiff,)
)
vs.)
)
Corey Allen Thiel)
511 E. 43rd)
Garden City, ID 83714)
Defendant.)
)
DOB: [REDACTED])
DL or SSN: [REDACTED])

Case No: CR-MD-2012-0003054

NOTIFICATION OF PENALTIES
UNDER I.C. 18-920, FOR
VIOLATION OF A NO CONTACT
ORDER

TO: THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY NOTIFIED that if you plead guilty to or are found guilty of violation of a no contact order, the penalties will be as follows:

1. A first conviction for the crime of violation of a no contact order is a misdemeanor 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.
2. A second conviction for the crime of violation of a no contact order is a misdemeanor 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.
3. A third conviction for violation of a no contact order within five (5) years, including withheld judgments, is a felony and is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison not to exceed five (5) years, or both.

I HAVE READ THIS ENTIRE DOCUMENT, IT HAS BEEN EXPLAINED TO ME, AND I HAVE RECEIVED A COPY.



DEFENDANT

3-13-12

DATE

Served by: _____

AK

ADA COUNTY MAGISTRATE MINUTES

F12.3054

Cory Thiel CR-FE-2011-0020485

DOB:

Scheduled Event: Review Wednesday, April 04, 2012 08:30 AM

Judge: Carolyn Minder Clerk: S Stokes Interpreter: _____

Prosecuting Agency: PAC BC EA GC MC Pros: Slaven

PD / Attorney: Orten

• 1 I18-918(3)(B) M Battery-Domestic Violence Without Traumatic Injury Against a Household Member M

Case Called Defendant: P Present Not Present P In Custody

Advised of Rights Waived Rights PD Appointed Waived Attorney

Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty

Bond \$ ROR Pay / Stay Payment Agreement

In Chambers PT Memo Written Guilty Plea No Contact Order

In chambers

Δ in custody. Counsel agreed no need for court to come in on record.

5/2/12 830A

Finish () Release Defendant

Defendant having appeared in court today and the matter being continued for:

- _____ Trial - Court/Jury
- _____ Preliminary Hearing
- _____ Sentencing
- _____ Contact Attorney
- _____ Other Review

M12-3054
F11-20485

Defendant shall appear on May 2 20 12 at 830 o'clock A M

DATED: 4/4/12

SPZ
Magistrate/Clerk

[Signature]
Defendant

ADA COUNTY MAGISTRATE MINUTES

Cory Thiel CR-FE-2011-0020485 & CR-MD-2012-03054

DOB:

Scheduled Event: Review Wednesday, May 02, 2012 08:30 AM

Judge: Carolyn Minder Clerk: S Stokes Interpreter: _____

Prosecuting Agency: AC BC EA GC MC Pros: Judd

PD / Attorney: Arton

• 1 118-918(3)(B) M Battery-Domestic Violence Without Traumatic Injury Against a Household Member M

84559 Case Called Defendant: Present Not Present In Custody

Advised of Rights Waived Rights PD Appointed Waived Attorney

Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty

Bond \$ _____ ROR Pay / Stay Payment Agreement

In Chambers PT Memo Written Guilty Plea No Contact Order

Labo. Δ reported to probation crew.

PV will be filed. Prog of enrollment for DV was just done yesterday.

Π° would ask for discretionary time & be held until next PV date

Δ° would ask for the June PV date.

Crt reminds Δ until 5/11/12 9AM

Finish () Release Defendant

FILED 5/2/12 AT 8:45 M.
 CHRISTOPHER D. RICH,
 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.)
)
Cory Thiel)
 Defendant.)
)
 SSN: _____)
 DOB: _____)
 _____)

CRMD 1203054
 CASE NO. CRFE 1120485

ORDER REMANDING DEFENDANT TO THE
 CUSTODY OF THE ADA COUNTY SHERIFF

Prosecuting Agency:
 Ada County Boise Eagle
 Garden City Meridian

TO: THE SHERIFF OF ADA COUNTY:

YOU ARE HEREBY COMMANDED to take custody of the above-named defendant

- until further order of this Court / Judge _____.
- until the defendant posts a new bond in the amount of \$ _____ cash or surety (previous bond was revoked by this Court).
- until May 11, 2012 at 9:00 a.m./p.m., at which time you shall return the defendant to open Court before Judge Caution.
- until _____ at _____ a.m./p.m., at which time you shall release the defendant on his/her own recognizance.
- other _____

IT IS SO ORDERED on 5/2/12
[Signature]
 MAGISTRATE JUDGE

MAY 02 2012

CHRISTOPHER D. RICH, Clerk
By SABRINA STOKES
DEPUTY

Greg H. Bower
Ada County Prosecuting Attorney

Dvc Attorney
Deputy Prosecuting Attorney
Magistrate Division, 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,	)	Case No. CRMD20120003054
)	
-vs-	)	MOTION FOR BENCH
	)	WARRANT FOR PROBATION
Corey Allen Thiel,	)	VIOLATION
)	
Defendant.)	
)	

COMES NOW, Dvc Attorney, Deputy Prosecuting Attorney for Ada County, State of Idaho, who being duly sworn, deposes and says:

That on the 13th day of March, 2012, after a finding of guilt upon a charge of VIOLATION OF A NO CONTACT ORDER, this Court placed the above-named defendant on probation for a period of 2 years.

That as a condition of probation, this Court required, and said defendant agreed, that he/she would respect and obey all the laws of the State of Idaho, and at all times conduct

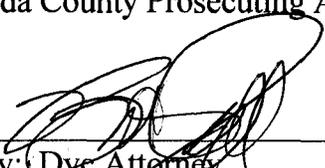
himself/herself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of his probation agreement by:

1. Failing to comply with terms and condition of probation on case number CR-FE-2011-0020485.

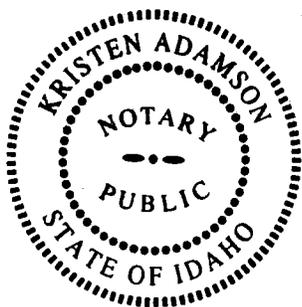
WHEREFORE, your affiant prays for an order of this Court directing the clerk of the Court to issue a Bench Warrant for the arrest of Corey Allen Thiel requiring that he/she be arrested and brought before this Court on the arraignment day next following his/her arrest, at which time to show cause why the probation and withheld sentence in this case should not be revoked and sentence imposed according to law.

DATED this 2 day of May 2012.

Greg H. Bower
Ada County Prosecuting Attorney


By: Dve Attorney
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 2 day of May 2012.



Kristen Adamsa
Notary Public for Idaho
Residing at Middleton, Idaho
My Commission Expires: 6-15-2013

MAY 07 2012

CHRISTOPHER D. RICH, Clerk
By STORMY MCCORMACK, Sheriff
Administrative Services
MAY 04 2012
Gary Raney, Sheriff
BOISE, IDAHO

Greg H. Bower
Ada County Prosecuting Attorney

Dvc Attorney
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Id. 83702
Telephone: (208) 287-7700

12-082416

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.)
)
 Corey Allen Thiel,)
)
 Defendant.)
 _____)

Case No. CRMD20120003054 . 01.02

**BENCH WARRANT FOR
PROBATION VIOLATION**

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

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

YOU ARE HEREBY COMMANDED forthwith, to arrest the Defendant and Probationer Corey Allen Thiel and deliver him/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 his/her arrest and delivery to the Ada County Jail, then and there to show cause, if any, why the probation and withheld sentence heretofore granted him/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.

**ARRESTED
ADA COUNTY SHERIFF**

BENCH WARRANT FOR PROBATION VIOLATION (CRMD20120003054), Page 1

DATED this 2 day of May 2012.


Magistrate
Fourth District Court

BOND SET AT:

\$ 1000 Cash/Surety
 ROR to parent
 ROR upon payment of \$

 AND may be served in the Defendant's residence between the hours of 8 pm and 8 am.

RETURN OF SERVICE

I HEREBY CERTIFY that I served the forgoing Warrant by arresting the defendant and bringing Corey Allen Thiel into Court this 4 day of May 2012.

CP/W 5215
~~(Deputy Sheriff)~~ (State Policeman)
(City Policeman)

ADA COUNTY MAGISTRATE MINUTES

Corey Allen Thiel CR-MD-2012-0003054

DOB: [REDACTED]

Scheduled Event: Video Arraignment Monday, May 07, 2012 01:30 PM

Judge: Cawthon / Irby

Clerk: On

Interpreter: _____

Prosecuting Agency: AC BC EA GC MC

Pros: K. Staller

PD / Attorney: K. Rogers

• 1 118-920 No Contact Order Violation M

25945 Case Called Defendant: Present Not Present In Custody

Advised of Rights Waived Rights PD Appointed Waived Attorney

Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty

Bond \$ 1500.00 ROR Pay / Stay Payment Agreement

In Chambers PT Memo Written Guilty Plea No Contact Order

PV HP: 5/11/12 @ 9:00am
w/ Cawthon

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. _____
A.M. _____ FILED _____
P.M. _____

MAY 08 2012

STATE OF IDAHO,
Plaintiff.

vs.

Corey Allen Thiel
511 E. 43rd
Garden City, ID 83714

Defendant.

CHRISTOPHER D. RICH, Clerk
By DONNA LEE
DEPUTY

Case No: CR-MD-2012-0003054

**NOTICE OF APPOINTMENT OF PUBLIC DEFENDER
AND SETTING CASE FOR HEARING**

Ada Boise Eagle Garden City Meridian

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:

Probation Violation Friday, May 11, 2012 09:00 AM
Judge: James Cawthon

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 : 5/7/2012

Deputy Clerk

I hereby certify that copies of this Notice were served as follows on this date Monday, May 07, 2012

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

Prosecutor: Interdepartmental Mail 5/8

Public Defender: Interdepartmental Mail 5/8

Deputy Clerk

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
10:26:26 AM		Thiel/MD-12-3054/FE-11-20485/MD-10-8177
10:26:45 AM	Judge James Cawthon	what's the status
10:26:47 AM	PD Atty Annie Cosho	request s/o, St is willing to offer Prob to Mr. Thiel w/discretionary time, cases are more complex than PD feels can effectively address
10:27:56 AM	St Atty Brett Judd	no objection, request def remaining incustody pending PVH date
10:28:22 AM	Judge James Cawthon	informs parties defendant is incustody on case MD-12-3054 and FE-11-20485, def has bonded on case MD-10-8177 after serving 3 days
10:28:43 AM	Judge James Cawthon	set on PV docket 6/15 @ 9am
10:30:17 AM		End Case

ADA COUNTY MAGISTRATE MINUTES

Corey Allen Thiel CR-MD-2012-0003054

DOB: [REDACTED]

Scheduled Event: Probation Violation Friday, June 15, 2012 09:00 AM

Judge: Carolyn Minder

Clerk: Stokes

Interpreter: _____

Prosecuting Agency: AC BC EA GC MC

Pros: Judd

PD / Attorney: O'Farrell

- 1 118-920 No Contact Order Violation M
- 2 IPV Probation Violation-Misdemeanor M

11:08:15 Case Called Defendant: Present Not Present In Custody
 Advised of Rights Waived Rights PD Appointed Waived Attorney
 Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty
 Bond \$ _____ ROR Pay / Stay Payment Agreement
 In Chambers PT Memo Written Guilty Plea No Contact Order

D admits Allegation.

Crt reinstates probation, re-order cc
356 dys remaining

Finish Release Defendant

FILED 6/15/12 AT 12:47 P.M.
 CHRISTOPHER D. RICH,
 CLERK OF THE DISTRICT COURT
 BY _____
 Deputy [Signature]

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

STATE OF IDAHO)
)
 vs.)
Corey Thiel)
)

CASE NO. MD-12-3054 TAPE _____
 Ada Boise Eagle Garden City Meridian
 State's Attorney Judd
 Defense Attorney Orton

Address _____
 DOB _____ SSN _____ Interpreter present

CHARGE(S): PROBATION VIOLATION CONTEMPT OTHER _____

PLEA: Guilty Admit Not Guilty Deny IN CHAMBERS PER WRITTEN GUILTY PLEA

DECISION: Acquitted Dismissed Guilty WHJ Sustained WHJ Revoked

PENALTY: FINE \$ _____ / _____ COSTS \$ _____ JAIL _____ / _____ CTS _____
 RESTITUTION \$ _____ APPLY CASH BOND \$ _____

REORDER: FINE & COSTS JAIL _____ / _____ CTS _____ CLASSES _____

DEFENDANT SHALL MAKE _____ EQUAL MONTHLY PAYMENTS BEGINNING ONE MONTH FROM TODAY

REMARKS: restate prob. as ordered in FE -11-20485
Under order CC - 356 days jail remaining

PROBATION ORDERED/CONDITIONS: Supervised Probation Expires: _____ Unsupervised Probation Expires: _____
 Programs (re) Ordered: (Defined on Responsibilities Form) Commit no new crimes Discretionary jail days to Probation Officer _____
 No Alcohol Poss/Consumption Refuse no evidentiary test for drugs/alcohol (BAC)
 Alcohol/Drug Ed hrs _____ Anger Management hrs _____ Tobacco Ed hrs _____ Driving School hrs _____
 Victim's Panel Theft classes hrs _____ Domestic Violence Treatment Weeks _____ Cog Self Change
 Classes and treatment per Probation Officer OTHER _____

TOTAL DAYS JAIL TO SERVE = _____ Concurrent to Case number(s): _____
 Concurrent to all cases Consecutive to any other cases

_____ days must be fully completed, with **NO OPTIONS** available. _____ days must be fully completed, with **INTERIM JAIL** available.

Pay or Stay \$ _____ In-Custody _____ SAP _____ ABC Interlock Funds (after use of any cafeteria funds)

OR THE FOLLOWING options offered by the County Sheriff are available to the defendant IF he/she meets the requirements of the Sheriff's programs.

All Options _____ days
 Any combination of the following Options:
 Wk Rls _____ days; SLD _____ days; SCS _____ hours; Hs. Arr. (2 for 1) _____ days (1 for 1) _____ days

If approved by the Ada County Sheriff's Office, defendant is allowed to serve in _____ County at defendant's expense.
 For all jail, including out of county service, Defendant must first report to Day Reporting Center within 48 hours.

If defendant is in-custody, release and re-book for any options

JUDGE [Signature] Number _____

Date 6-15-2012 Defendant [Signature]

Release Defendant this case only.

T-DOCKET

FILED 6/15/12 AT 130 .M.
CHRISTOPHER D. RICH,
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.)
)
 Carey A Thiel)
 Defendant.)

CASE NO. CRMO1203054

ORDER OF RELEASE

Prosecuting Agency:
 Ada County Boise Eagle
 Garden City Meridian

TO THE SHERIFF OF ADA COUNTY OF THE STATE OF IDAHO:
IT IS HEREBY ORDERED that the above-named Defendant be released from custody

This case only

DATED: 6/15/12

[Signature]
MAGISTRATE JUDGE

ADA COUNTY MAGISTRATE MINUTES

CRF 11 20485
CRMD 1203054

Corey Allen Thiel

CR-MD-2010-0008177

DOB [REDACTED]

Scheduled Event: Review

Wednesday, July 25, 2012

02:30 PM

Judge: Carolyn Minder

Clerk: S Stokes

Interpreter: _____

Prosecuting Agency: AC BC EA GC MC

Pros: Slaven

PD / Attorney: Oton

- 1 I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use M
- 2 IPV Probation Violation-Misdemeanor M
- 3 IPV Probation Violation-Misdemeanor M

30907 Case Called Defendant: Present Not Present In Custody

Advised of Rights Waived Rights PD Appointed Waived Attorney

Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty

Bond \$ _____ ROR Pay / Stay Payment Agreement

In Chambers PT Memo Written Guilty Plea No Contact Order

Chadis - Clean WAS, Started pathways 7/13,
is working on GED
↑↑ much better review

Δ Δ is doing great. Progress scores are
improving each time; is paying fines/fees
Is getting help from mother
Δ Am looking for work. Have resolved
all other criminal issues.

Finish () Release Defendant 9/19/12 2300

Defendant having appeared in court today and the matter being continued for:

_____ Trial - Court/Jury

_____ Preliminary Hearing

_____ Sentencing

_____ Contact Attorney

_____ Other Review

M10.8177
P11.2045
M12.3054

Defendant shall appear on September 19 20 12 at 230 o'clock P M

DATED: 7/25/12

[Signature]
Magistrate / Clerk

[Signature]
Defendant

ADA COUNTY MAGISTRATE MINUTES

Corey Allen Thiel CR-MD-2012-0003054

DOB: [Redacted]

Scheduled Event: Review Wednesday, September 19, 2012 02:30 PM

Judge: Carolyn Minder Clerk: S Stokes Interpreter: _____

Prosecuting Agency: X AC BC EA GC MC Pros: Slaves

PD / Attorney: Orton

- 1 118-920 No Contact Order Violation M
- 2 IPV Probation Violation-Misdemeanor M

3: 33:16 Case Called Defendant: Present Not Present In Custody
 _____ Advised of Rights _____ Waived Rights _____ PD Appointed _____ Waived Attorney _____
 _____ Guilty Plea / PV Admit _____ N/G Plea _____ Advise Subsequent Penalty _____
 _____ Bond \$ _____ ROR _____ Pay / Stay _____ Payment Agreement _____
 _____ In Chambers _____ PT Memo _____ Written Guilty Plea _____ No Contact Order _____

CA issues BW for PTA:

CRMD 10.8177

50,000.-

m.2 3054

25,000.-

~~m.2~~ fl. 20485

25,000.-

Finish () Release Defendant

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

OCT 12 2012

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Minder
Saksena **Kassandra Slaven**
Deputy Prosecuting Attorney
Magistrate Division, 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-)
)
COREY ALLEN THIEL,)
)
Defendant.)
_____)

Case No. CR-MD-2012-0003054
MOTION FOR
PROBATION VIOLATION

COMES NOW, Kassandra Slaven, Deputy Prosecuting Attorney for Ada County,
State of Idaho, who being duly sworn, deposes and says:

That on 13th day of March, 2012 after a finding of guilt upon a charge of
VIOLATION NO CONTACT ORDER, this Court placed the above-named defendant on
probation for a period of 2 years. The Defendant subsequently plead guilty to PROBATION
VIOLATION on June 15, 2012.

JT

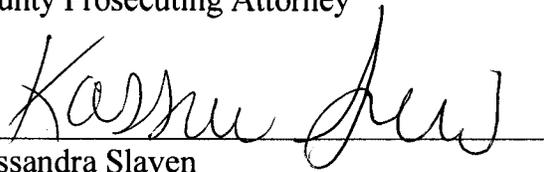
That as a condition of probation, this Court required, and said defendant agreed, that he/she would respect and obey all the laws of the State of Idaho, and at all times conduct himself/herself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned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

1. Failing to maintain contact with Supervised Probation by missing a scheduled appointment on September 17, 2012. Last contact with Defendant was in person on August 15, 2012.
2. Violating Supervised Probation by failing to provide documentation of enrolling/completing 52 weeks of Domestic Violence treatment with a parent component.

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.

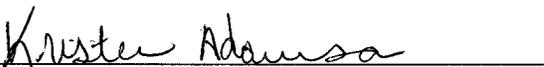
DATED this 11th day of October, 2012.

GREG H. BOWER
Ada County Prosecuting Attorney


By: Cassandra Slaven
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 11 day of October, 2012.




Notary Public for Idaho
Residing at Middleton, Idaho
My Commission Expires: 6-15-2013

OCT 18 2012

CHRISTOPHER D. RICH, Clerk
By SABRINA STOKES
DEPUTY

RECEIVED
OCT 12 2012
Ada County Clerk

GREG H. BOWER
Ada County Prosecuting Attorney

Kassandra Slaven
Deputy Prosecuting Attorney
Magistrate Division, 200 W. Front Street, Room 3191
Boise, Idaho 83702 Telephone: (208) 287-7700

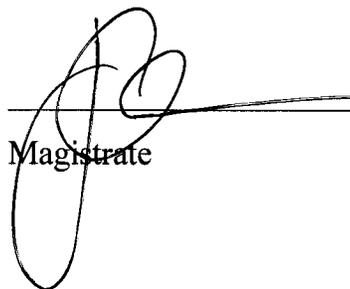
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-MD-2012-0003054
vs.)	
	)	ORDER FOR
COREY ALLEN THIEL,	)	PROBATION VIOLATION
)	
Defendant.)	
_____)	

The above Motion having come before this Court, and good cause appearing therefor;

IT IS HEREBY ORDERED that the Motion for Probation Violation is granted.

DATED this 18 day of October, 2012.


Magistrate

374

FILED _____
A.M. _____ P.M. *UK*

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

JAN 29 2013

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

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

STATE OF IDAHO,)	
)	
Plaintiff,	)	Criminal No. MD 12 3054
	)	FE 11 20485
vs.	)	MD 10 8177
)	
COREY THIEL,)	
)	
Defendant.	)	MOTION FOR HEARING
_____)	

COMES NOW, the above-named Defendant, COREY THIEL, by and through his Attorney of Record, the Ada County Public Defender's Office, DYLAN ORTON, handling attorney, and hereby requests this Honorable Court to set Probation Violation Hearings in these matters on the 22nd day of February, 2013, at the hour of 9:00 a.m. The defendant is currently in custody at the Canyon County Jail.

DATED, this 29th day of January, 2013.

Dylan Orton

DYLAN ORTON
Attorney for Defendant

SW

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 29th day of January, 2013, I mailed a true and correct copy of the foregoing to the:

Ada County Prosecutor

by depositing the same in the Interdepartmental Mail.


Jennifer Vanderhoof

RECEIVED

JAN 29 2013

JAN 30 2013

CHRIS ... RICH, Clerk
By SABRINA STOKES
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

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.)
)
CORY THIEL,)
)
Defendant.)
_____)

Criminal No. MD 12 3054
FE 11 20485
MD 10 8177

NOTICE OF HEARING

*Denial defendant turn
def needs to turn
himself in
on his
outstanding
warrants
and
get a
date
Chunhua
1/30/2013*

Notice is hereby given to all parties in the above-entitled
matter that this Court will call on for hearing the defendant's
MOTION FOR PROBATION VIOLATION HEARINGS on the 22nd day
February, 2013, at the hour of 9:00 a.m., in the above-entitled
court, or as soon thereafter as counsel can be heard.

IT IS SO ORDERED.

DATED, this _____ day of _____, 2013.

Magistrate

677216

NO. _____ FILED _____
A.M. 8:00 P.M. _____

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA FEB 07 2013

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

STATE OF IDAHO,
COUNTY OF ADA
Plaintiff,

Case No: CR-MD-2012-0003054 . 01.03

vs.

BENCH WARRANT FOR FAILURE TO APPEAR

COREY ALLEN THIEL,
511 E. 43rd
Garden City, ID 83714
Defendant.

DOB: [REDACTED]

The above-named defendant having been charged with the crime of:

- 1)..118-920..No Contact Order Violation M
- 2)..IPV..Probation Violation-Misdemeanor M

and having failed to appear on September 19 2012 at 2:30 pm, for a Review hearing at:
Ada County Courthouse – Magistrate Division
200 W. Front Street
Boise, Idaho 83702

as ordered by the Court.

THIS IS TO COMMAND the Sheriff of Ada County, Idaho, or any peace officer of this State, to forthwith arrest the above-named defendant, and bring him/her before this Court.

Dated this 19th day of September, 2012.

By [Signature]
Magistrate Judge
Fourth District Court

BOND SET AT: \$25,000.00 Cash / Surety _____ ROR to Parent

_____ MAY BE SERVED DURING THE DAY OR NIGHT IN ANY PLACE

RETURN OF SERVICE

I HEREBY CERTIFY that I served the foregoing Warrant by arresting the above named defendant and bringing Corey Allen Thiel in Court this 19th day of February, 2013.

[Signature]
(Deputy Sheriff) (State Policeman) (City Policeman)

RECEIVED
Ada County Sheriff
WARRANTS
SEP 20 2012
Gary Raney, Sheriff
BOISE, IDAHO

FAXED
TO: Ada County

ARRESTED
ADA COUNTY SHERIFF
BY: S332
TIME: 0108
JAN 08 2013
000050

SM

[Signature]

ADA COUNTY MAGISTRATE MINUTES

Corey Allen Thiel CR-MD-2012-0003054

DOB [REDACTED]

Scheduled Event: Video Arraignment Thursday, February 07, 2013 01:30 PM

Judge: Muser Cawthon / Irby

Clerk: AC

Interpreter: _____

Prosecuting Agency: AC BC EA GC MC

Pros: R. Bleazard

PD / Attorney: M. Herrett

- 1 118-920 No Contact Order Violation M
- 2 IPV Probation Violation-Misdemeanor M
- 3 IPV Probation Violation-Misdemeanor M

35705 Case Called Defendant: Present Not Present In Custody

Advised of Rights Waived Rights PD Appointed Waived Attorney

Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty

Bond \$ 25,000.00 ROR Pay / Stay Payment Agreement

In Chambers PT Memo Written Guilty Plea No Contact Order

DVC

PVH

3/15/13

@ 9:00

w/ Cawthon

Finish () Release Defendant

40610

25,000.00

Time	Speaker	Note
12:10:42 PM		Thiel/MD-10-8177/MD-12-3054/FE-11-20485
12:11:03 PM	Judge J Cawthon	Parties Present: Mr. Thiel w/counsel Mr. Orton, Ms. Slaven for the State and Ms. Anderson w/Misd Prob
12:11:13 PM	PD Atty Mr. Orton	admitting violations, no agreement
12:11:31 PM	Judge J Cawthon	67d cts, addresses defendant, advises defendant of rights, swears in defendant, takes judicial notices of admission in previous cases, same allegations
12:19:45 PM	St Atty Ms. Slaven	recs, revoke & Impose, consecutive
12:22:28 PM	PD Atty Mr. Orton	comments, recs
12:26:36 PM	Defendant Mr. Thiel	addresses court
12:31:55 PM	Judge J Cawthon	addresses defendant, imposes sentence, Revokes & Imposes sentence, orders SAP & ABC incustody interlock funding, will entertain Rule 35 motion of completion of Inc programs
12:36:17 PM	PD Atty Mr. Orton	inquires about jail time in case ending 8177
12:36:38 PM	Judge J Cawthon	response
12:38:09 PM	PD Atty Mr. Orton	inquires about jail time in case ending 3054
12:39:16 PM	Judge J Cawthon	runs all jail concurrent
12:39:44 PM		End Case

FILED 3/15/13 AT 3:13 p.M.
 CHRISTOPHER D. RICH,
 CLERK OF THE DISTRICT COURT
 BY [Signature]

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

STATE OF IDAHO)

vs.)

Cory Thiel

CASE NO. MO-12-3064 DIGITALS _____

Ada Boise Eagle Garden City Meridian

State's Attorney _____

Defense Attorney _____

Address _____
 DOB _____ SSN XXX-XX-XXXX _____ Interpreter present

CHARGE(s): PROBATION VIOLATION CONTEMPT OTHER _____

PLEA: Guilty Admit Not Guilty Deny IN CHAMBERS PER WRITTEN GUILTY PLEA

DECISION: Acquitted Dismissed Guilty WHJ Sustained WHJ Revoked

PENALTY: FINE \$ _____ / _____ COSTS \$ _____ JAIL 356 / _____ CTS 67
 RESTITUTION \$ _____ APPLY CASH BOND \$ _____ REIMBURSE PD \$ _____

REORDER: FINE & COSTS \$ _____ JAIL _____ / _____ CTS CLASSES _____

DEFENDANT SHALL MAKE _____ EQUAL MONTHLY PAYMENTS BEGINNING ONE MONTH FROM TODAY

REMARKS: RI

- ORDERED: DEFENDANT'S DRIVING PRIVILEGES SUSPENDED _____ days beginning _____; or
- CONSECUTIVE TO ANY CURRENT SUSPENSION Absolute Suspension _____ days
- PROBATION ORDERED/CONDITIONS: Supervised Probation Expires: _____ Unsupervised Probation Expires: _____
- Programs (re) Ordered: (Defined on Responsibilities Form) Commit no new crimes Discretionary jail days to Probation Officer _____
- No Alcohol Poss/Consumption Refuse no evidentiary test for drugs/alcohol (BAC)
- Alcohol/Drug Ed hrs _____ Anger Management hrs _____ Tobacco Ed hrs _____ Driving School hrs _____
- Victim's Panel Theft classes hrs _____ Domestic Violence Treatment Weeks _____ Cog Self Change
- Classes and treatment per Probation Officer OTHER _____

TOTAL DAYS JAIL TO SERVE = 289 Concurrent to Case number(s): _____
 Concurrent to all cases Consecutive to any other cases CRFE 11 20465

289 days must be fully completed, with **NO OPTIONS** available. 25 days must be fully completed, with **INTERIM JAIL** available.

Pay or Stay \$ _____ In-Custody SAP ABC Interlock Funds (after use of any cafeteria funds)

OR THE FOLLOWING options offered by the County Sheriff are available to the defendant **IF** he/she meets the requirements of the Sheriff's programs.
 All Options _____ days
 Any combination of the following Options:
 Wk Rls _____ days; SLD _____ days; SCS _____ hours; Hs. Arr. (2 for 1) _____ days (1 for 1) _____ days

If approved by the Ada County Sheriff's Office, defendant is allowed to serve in _____ County at defendant's expense
 For all jail, including out of county service, **Defendant must first report to Day Reporting Center within 48 hours.**
 If defendant is in-custody, release and re-book for any options

JUDGE [Signature] Number 507 Date 3/15/13 Defendant [Signature]

Release Defendant this case only.



ADA COUNTY SHERIFF'S OFFICE

Gary Raney, Sheriff

April 18, 2013

Honorable Judge James Cawthon
200 West Front Street
Boise, ID 83702

RECEIVED
APR 24 2013
Ada County Clerk

RE: Thiel, Corey Allen
Case: CR-MD-2012-0003054

Judge James Cawthon:

The above named client completed the Ada County Sheriff's Office *ACTIVE BEHAVIOR CHANGE - MRT* on 04/18/2013.

This four week program includes the Moral Reconciliation Therapy curriculum, lectures, process groups, homework assignments, and "How to Escape Your Prison" workbook.

Clients are offered a list of community resources to assist them with successful reintegration into the community. If you have any questions please call 577-3400.

Respectfully,

Program Counselor WILLIAMS
Ada County Sheriff's Office

cc: DVC- Ada County Prosecutor
Dylan Orton, Public Defender

7200 Barrister Drive | Boise, Idaho 83704-9217 | TEL:208.577.3000 | FAX:208.577.3009

— www.adasheriff.org —

Printed - 04/16/2013 12:49:37 pm

000054
Printed by - SO5196

374

NO. _____ FILED 3:40 P.M. _____
A.M. _____

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

APR 29 2013

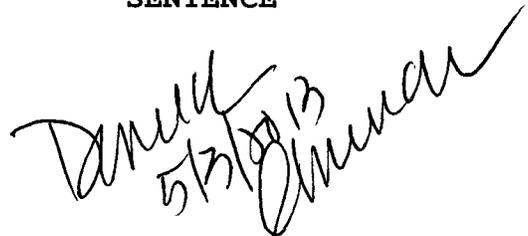
CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

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.)
)
COREY ALLEN THIEL,)
)
Defendant.)
_____)

Criminal No. MD 12 3054

MOTION FOR RECONSIDERATION OF
SENTENCE



COMES NOW, the above-named Defendant, CORY ALLEN THIEL, by and through his Attorney of Record, the Ada County Public Defender's Office, DYLAN ORTON, handling attorney, and hereby moves this Honorable Court, pursuant to I.C.R. 35, for reconsideration of sentence entered on the 15th day of March, 2013. Defendant so moves this Honorable Court upon the grounds and for the reason that the defendant requests leniency in the above-entitled matter. As grounds, therefore, defendant states as follows:

As of the 3rd day of March, 2013 the defendant will have completed both the SAP and ABC courses while in custody.

Furthermore, the defendant has been an exemplary inmate with no negative write ups or disciplinary actions.

DATED, this 29 day of April, 2013.



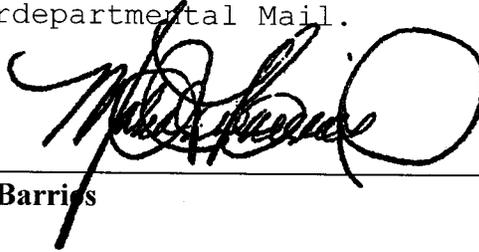
DYLAN ORTON
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 29th day of April, 2013, I mailed a true and correct copy of the foregoing to the:

ADA COUNTY PROSECUTOR

by depositing the same in the Interdepartmental Mail.

A handwritten signature in black ink, appearing to read 'Irene Barrios', is written over a horizontal line. The signature is stylized and includes a large circular flourish at the end.

Irene Barrios

RECEIVED

MD-12-3054

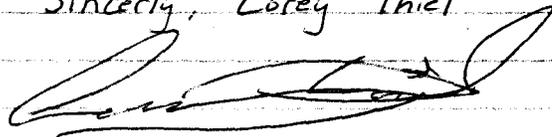
APR 30 2013

APR 30 2013
Dear Honorable Judge Cawthon,
Ada County Clerk

CHRISTOPHER D. RICH, Clerk
By ELAINE TONG
DEPUTY

Hello sir, I would first off like to tell you how much I appreciate these classes, SAP and ABC. These classes have shown me so many problems that I have to work on. That I didn't even know I had. With these classes I have been able to recognize, plus change my selfish ways. Through out this letter I will identify my problems to you and show you what I have learned. Also in this letter I will talk about my Substance Abuse Program as well as the Absolute Behavior Change program and how they effected me. First I would like to start off with the SAP program. I would like to admit I have a drug problem and that I have to be honest with myself and others, to be able to change my problem. I can change with the tools I have learned in SAP, like calling a sponsor to help me when I feel like using. Sponsors are there to listen and help you to stay sober. In my past, I would have laughed at the idea of a sponsor. I know how how much talking to a sponsor can really help me when Im thinking of relapse. Ive learned support is key to be a sober success. Ive learned how to change my core belief, which was believing that I was above the law and above any other rules of authority figures. I realize that to change my core belief, I need to hold myself more accountable and take responsibility for my actions using the tools Ive learned. While in ABC class, Ive learned that setting goals are a important role in being successful. Its not a good idea to make big decisions when Im angry or depressed. A big question that I need to keep in mind, is what Im about to do, going to jeopardize my freedom. I should keep that in mind when Im in the "Red Flag Zone" which are areas of boredom, complacment and stagnants. I also know that my goal settings should involve people, events, resources and comittment to be successful. Thank you for this oppurtunity to better myself with the help of these classes. Your Honor, I feel Im ready to be placed back into the communitly as a better person, a better man and Im ready to become a full functioning member of the community. Id like to end this letter with a quote that means alot to me. "Chance always favors the prepared mind."

Thank you for your time
Sincerely, Corey Thiel



NO. _____ FILED PM

APR 30 2013

CHRISTOPHER D. RICH, Clerk
BY ELAINE TONG, DEPUTY

MD-12-2054

APR 30 2013

Ada County Clerk

RECEIVED

To: Dawn & My Concern

My Name is Stephanie Wells, I have been employed at Marzak Mediterranean Grill for three years. I am a mother of three, have an Associates in Business Management, my General Education Development, and a clean record. Cory Allen Tiel and I have been in a relationship for three plus years. In this time I have learned alot about his upbringing, beliefs, and moral standing.

Cory had at the age of forty-one never had opportunity to meet his biological father. He was raised by a very young teen mother who was strggling to make it. At the beginning of adolescents his mother married a young man from the military named Dery. Years later the marriage came to an end.

Shortly after at the age of eighteen Cory was incarcerated for the first time. In which time his mother again found love and moved away with her youngest son Adam and soon to be fiance Fred to a small city in Virginia. Upon Cory's release he was homeless and clueless. Trying to make it he lived among other teenagers who would soon imprint his very first impressions of mankind in transton.

Mark of 2010 Cory and I were introduced. Cory showed promise, he was outgoing with my one year old son and treated me like gold. As we all know, you cant always judge a book by its cover. Corys insecurities had surfaced, he suffered from an extreme addiction to damaging narcotics. This addiction, in short compounded criminal charges that soon resulted in probation. Throughout the whole duration of probation he has managed to maintain sobriety thus allowing mental growth. Unfortunately succeeding at love with our growing family is not accedited to the soecss of probation.

In the past year Corey has grown into a father, a partner, and a man. He has changed his internal demeanor and speaks in a different tone. I believe that after time and termination he will come home ready. Ready to be the man that I saw when looking past all of his underlying issues.

In Conclusion if you could take just one minute to court, court all the way to sixty and visualize what could be lost in such a short period of time. Although self inflicted Corey missed seeing his baby girl crawl for the first time, her first steps and soon (May 25th) her first birthday. I only wish he could be out as soon possible so he doesn't miss any more firsts. If it is in Gods will he will again be incarcerated, but at least give him a chance to do it right as a free man.

Thank you for your time,

Stephen Wren

RECEIVED

APR 30 2013

Ada County Clerk

MD-12-3054

NO. 9 FILED
A.M. _____ P.M. _____

APR 30 2013

CHRISTOPHER D. RICH, Clerk
By ELANETONG 2013
DEPUTY

Dear Honorable Judge Cawthon,
I would like to take this chance to Thank
You for all you have done for my son Corey
Thiel.

I would like to Thank You for waiving
the fee for the classes you had him take. His
attitude and outlook at what he needs to
do has done a complete 180.

He really has learned alot just from
class. He has also been reading books on
self improvement. This is very important
as he is now a new Daddy to a beautiful
daughter and with thanks to you for
the classes and time terminating his
probation, he will be able to focus on being
the best Daddy he can be. As well as not
have the stress of probation. So Thank You
Again from all the family.

Corey has been changing for about a
year now, but the stress of probation
has caused alot of problems for him
and his girlfriend, having a 3yr old a
new baby and the stress of no real
income and trying to do probation was
too much for this young couple. This
will be the best gift they could ever ask

☺

for from anyone. Thank You again for that.

I have been talking to my son every week and have been able to watch him grow. This is something even my husband has said "Wow his attitude has changed along with his demeanour, thats good". He has told Corey to stay positive and learn from the past and that this is a fresh start to having a family and being a Great Daddy.

We are very proud of him for the changes we have seen more so than any other time in the past. We are very excited to see him get more involved in his church and the stress of this being gone. It's wonderful to see him smile and talk about how he will be the best daddy to his step-son and his daughter. I do know that he will try really hard because he has said it broke his heart that his step-son said when you are done in jail you come home Corey, I am waiting. He is 3yrs old and now he has missed his daughters first steps, she will be a year old may 25th 2013.

These are huge reasons for his change.

He said I don't want my children to
not have a daddy their.

I would just like to thank you again
for all you have done.

I will say prayers for your family
as well as I'm sure Corey will too!!!

I'm sure your position is no easy
task, so GOD BLESS YOU EVERYDAY IN WHAT
YOU DO... Thank You for your time...

Sincerely & Grateful
Lili Ward-O'Neal

374

A.M. 11 FILED P.M.

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

MAY 08 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
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,) Criminal No. MD 12 3054
)
 vs.) MOTION FOR EARLY RELEASE
)
 COREY ALLEN THIEL,)
)
 Defendant.)

Dylan Orton
5/9/2017

COMES NOW, the above-named Defendant, COREY ALLEN THIEL, by and through his Attorney of Record, the Ada County Public Defender's Office, DYLAN ORTON, handling attorney, and hereby moves this Honorable Court for an early release of the defendant from the Ada County Jail. In support of this motion, the defendant states as follows:

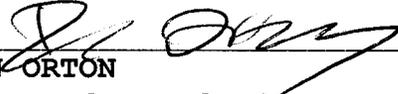
Mr. Thiel was sentenced for violating his probation on March 15, 2013. At that hearing the Court informed Mr. Thiel that it would consider an alternative sentence in the future if Mr. Thiel successfully completed treatment in the Ada County Jail. In response, Mr. Thiel enrolled himself into the jail's substance abuse program and Affirmative Behavioral Change course. He recently completed these courses successfully and would like this Court now to consider releasing him from jail sooner than the maximum jail sentence that was ordered on March 15. Additionally, while in the ACJ Mr. Thiel has been an exemplary

{

inmate and received no write-ups or disciplinary action. Mr. Thiel also requests that this Court consider the letters written to the Court on behalf of Mr. Thiel and recently submitted in CR-MD-12-3054.

The Court's sentencing goals of rehabilitation, punishment, and deterrence have been met and additional jail time is not necessary. Thus Mr. Thiel requests that this Court commute this case and release him from his current jail sentence.

DATED, this 8 day of May, 2013.



DYLAN ORTON

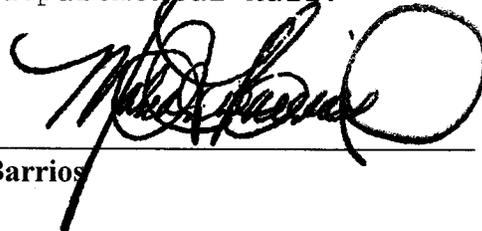
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 8th day of May, 2013, I mailed a true and correct copy of the foregoing to the:

ADA COUNTY PROSECUTOR

by depositing the same in the Interdepartmental Mail.

A handwritten signature in black ink, appearing to read 'Irene Barrios', is written over a horizontal line. The signature is stylized and includes a large circular flourish at the end.

Irene Barrios

May 03, 2013

RECEIVED
MAY 08 2013

Honorable Judge James Cawthon
200 West Front Street
Boise, ID 83702
Ada County Clerk

RE: Thiel, Corey Allen
Case: CR-MD-2012-0003054

Judge James Cawthon:

The above named client completed the Ada County Sheriff's Office *SUBSTANCE ABUSE PROGRAM - NEW DIRECTION COD* on 05/03/2013.

This four week program includes lectures, process groups, and homework assignments. Clients completed "New Direction Co-Occurring Disorders" and "Criminal & Addictive Thinking" workbooks.

Clients are offered a list of community resources to assist them with successful reintegration into the community. If you have any questions please call 577-3400.

Respectfully,



Program Counselor KOFF
Ada County Sheriff's Office

cc: DVC- Ada County Prosecutor
Dylan Orton, Public Defender

7200 Barrister Drive | Boise, Idaho 83704-9217 | TEL:208.577.3000 | FAX:208.577.3009

— www.adasheriff.org —

SAP PROGRESS NOTES

Client Name: Thiel, Corey

LE#: 677216

Judge: **J. Cawthon**

Date: 04/08/2013 - 05/03/2013

Case #: **CR MD 2012 3054**

CLASS SUMMARY: The evidence-based New Direction Program is based on the cognition/behavioral premise of changes in cognition patterns results in improved, pro-social behavior. Socialization workbooks are designed to identify damage done to self and others because of criminality or addiction. Co-occurring Disorder workbooks are designed to identify the decadence done by not managing symptoms. Criminal & Addictive in conjunction with Thinking Reports are designed for offenders to recognize and process thinking which results in predictable behavior. Alternative Thinking is designed to identify pro-social thinking to support recovery and eliminate recidivism. Throughout the four-week program, clients process Thinking Reports and identify Alternative Thinking that identifies problematic thinking and replaces it with pro-social thinking that supports recovery and promotes reintegration into the community and successful change.

All clients are educated about the disease of addiction and given assignments designed to help them reduce cognitive dissonance about the severity of their symptoms. They are educated about the biotransformation process and the damage done to bodies as the body metabolizes the drugs and/or alcohol to minimize damage. They are educated about extrinsic/intrinsic triggers and how to ameliorate risky places, people and situations. They are educated about the necessity of continued participation in residential or outpatient treatment programs as well as immersion in the recovery communities to support their recovery.

CLASS PROGRESS: Client was receptive to the information and class process. He grasped the cognitive/behavioral concept and completed his work. He recognizes that his choices and lifestyle has to change to remain in society and is willing to make those choices. He recognized some of the damage his chemical ingestion has caused not only to himself, but others, and identified solutions that will assist with his successful recovery.

COMMUNITY REINTEGRATION: Client reports that he has minimal experience with a spiritual recovery community, but will participate by attending Celebrate Recovery. Client also discloses that he plans to live with his girlfriend and kids. Client's goals are to complete his GED and then continue his education by attending the College of Western Idaho.



Natasha Koff, BA
Programs Instructor

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

RECEIVED
MAY 08 2013
Ada County Clerk

NO. _____ FILED _____
A.M. _____ P.M. 1255
MAY 10 2013
CHRISTOPHER D. RICH, Clerk
By SABRINA STOKES
DEPUTY

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

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
COREY ALLEN THIEL,)
)
Defendant.)
)
)
)
)
)

Criminal No. MD 12 3054
ORDER RELEASING DEFENDANT
FROM THE ADA COUNTY JAIL

For good cause appearing, this Court hereby grants
Defendant's MOTION FOR EARLY RELEASE.

IT IS HEREBY ORDERED, AND THIS DOES ORDER, that the
Defendant, COREY ALLEN THIEL, be immediately released from the
Ada County Jail.

DATED, this _____ day of _____ 2013.

Magistrate Judge

ORDER RELEASING DEFENDANT FROM THE ADA COUNTY JAIL

000069

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

345

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

JUL 22 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

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

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
COREY ALLEN THIEL,)
)
Defendant.)
_____)

Criminal No. MD 12 3054

**MOTION FOR WORK
RELEASE/SEARCH PROGRAM**

COMES NOW, the above-named Defendant, CORY ALLEN THIEL, by and through his Attorney of Record, the Ada County Public Defender's Office, DYLAN ORTON, handling attorney, and hereby moves this Honorable Court for its Order granting the Defendant work release options upon the grounds and for the following reason(s):

The defendant completed his in-custody programs and would now like an opportunity to search for work so that he can obtain and maintain employment. This will contribute to his successful integration into the community once his time is served. It will also allow him a chance to support his family and himself. Please see accompanying documents for information on the program.

DATED, this 22 day of July, 2013.



DYLAN ORTON
Attorney for Defendant

ll

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 22nd day of July, 2013, I mailed a true and correct copy of the foregoing **MOTION FOR WORK RELEASE/SEARCH PROGRAM** to the:

ADA COUNTY PROSECUTOR

by depositing the same in the Interdepartmental Mail.

A handwritten signature in black ink, appearing to read 'Irene Barrios', is written over a horizontal line. The signature is stylized and includes a large circular flourish at the end.

Irene Barrios

Dylan Orton

From: Christopher Saunders
Sent: Wednesday, June 19, 2013 01:39 PM
To: Dylan Orton
Subject: Corey Thiel

Good afternoon Mr. Orton,

When you have a second, can you call me concerning Corey Thiel (CR-MD-2012-3054 & CS-MD-2010-8177)? He has completed in-custody programs and I wanted to see if you thought it might be possible to file a motion to amend his sentence to have options so we can place him in our work search program.

Thank you.

 **ADA COUNTY SHERIFF'S OFFICE**

Christopher J. Saunders, MS
Reentry Programs Supervisor
7200 Barrister Dr. Boise, ID 83704
Office: 208.577.3454
Cell: 208.830.1513
Fax: 208.577.3449
csaunders@adaweb.net

Dylan Orton

From: Christopher Saunders
Sent: Wednesday, June 19, 2013 03:47 PM
To: Dylan Orton
Subject: Work Search Program

Thanks again for your call today. Here is a brief description of our new work search program.

- Once an offender has completed all necessary in-custody program, we will refer them to work search (assuming they don't have a job to return to).
- The offender will be moved to the work release housing unit
- Our Offender Workforce Development Specialist case manager will conduct an assessment with the offender to determine which field(s) of work are the most appropriate
- The case manager will assist the offender in developing a resume, cover letter and other necessary items for the interview process
- The offender will be fitted with a GPS device while they are out in the community applying for jobs and attending interviews.
- Once the offender is employed, he/she will transition into the work release program

I hope this is sufficient information. Let me know if you have any questions.

Thank you.



Christopher J. Saunders, MS
Reentry Programs Supervisor
7200 Barrister Dr. Boise, ID 83704
Office: 208.577.3454
Cell: 208.830.1513
Fax: 208.577.3449
csaunders@adaweb.net

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NO. _____ FILES _____
A.M. _____ P.M. 330

JUL 26 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Kassandra J. Slaven
Deputy Prosecuting Attorney
Magistrate Division, 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,	)	Case No. CR-MD-2012-0003054
vs.)	
	)	STATE'S OBJECTION TO
COREY ALLEN THIEL,	)	DEFENDANT'S MOTION FOR
	)	WORK RELEASE/SEARCH
Defendant.	)	PROGRAM
_____)	

The Ada County Prosecuting Attorney, through Kassandra J. Slaven, Deputy Prosecuting Attorney for Ada County, State of Idaho, hereby objects to the Defendant's motion for work release. The Defendant was on supervised probation for domestic battery in case CR-FE-11-20485 when he was charged with Violation of No-Contact Order in this case. The Defendant entered a plea of guilty in this case on March 13, 2012. The Defendant was sentenced to comply with the terms and conditions of probation in CR-FE-11-20485, which included completing 52 weeks of domestic violence treatment. The Defendant entered an admission to a probation violation on June 15, 2012. Specifically, the Defendant admitted to missing meetings with his probation officer, failing to appear for drug testing, and providing a diluted drug test. The

(GILBERT)
STATE'S RESPONSE TO MOTION FOR REORDER OF SILD, PAGE 1

Defendant's probation was reinstated. The Defendant subsequently admitted a second violation of probation on March 15, 2013. Specifically, the Defendant admitted that he had failed to complete 52 weeks of domestic violence treatment and that he had absconded from probation. At that time, the Court revoked the Defendant's probation and ordered him to serve the remainder of his underlying sentence.

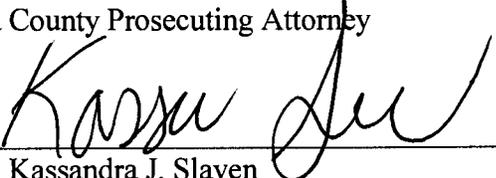
The Defendant should not be entitled to work release. There are four objectives of criminal punishment: (1) protection of society, (2) deterrence of the individual and the public generally, (3) possibility of rehabilitation, and (4) punishment or retribution for wrongdoing. *State v. Toohill*, 103 Idaho 565, 568 (Ct. App. 1982). However, "it is clear, as a matter of policy in Idaho, that the primary consideration is the good order and protection of society. All other factors must be subservient to that end." *Id.*

In order to protect the community, the Defendant should remain incarcerated and should not be given the opportunity for work release. The Defendant has a significant criminal history and has a history of violating probation. Furthermore, the Defendant was given the opportunity for rehabilitation in this case and he did not take advantage of the opportunity. He failed to complete his court-ordered treatment, committed a new crime while on probation, and absconded from supervision for several months. Given the Defendant's refusal to comply with the terms and conditions of probation and his failure to abide by the laws of this State, he represents a danger to the community. The only way to protect society at this point is for the Defendant to remain incarcerated. It is the State's position that the Defendant has not shown an ability to comply with the orders of the Court or probation. For this reason, the State has concerns about the

Defendant's ability to comply with the terms and conditions of work release while he is out in the community. Therefore, the State respectfully requests that this Court deny the Defendant's motion for work release.

DATED this 25 day of July, 2013

GREG H. BOWER
Ada County Prosecuting Attorney


By: Cassandra J. Slaven
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26 day of ~~December~~ ^{July 2013} 2011 I caused to be served a true and correct copy of the foregoing document to: **Dylan Orton, Ada County Public Defender,** by the method indicated below:

- INTERDEPARTMENTAL MAIL
- U.S. MAIL (Postage Prepaid)
- FAX TRANSMISSION
- HAND DELIVERY

 _____

RECEIVED
JUL 22 2013
Ada County Clerk

FILED 235
P.M.

JUL 29 2013

CHRISTOPHER D. RICH, Clerk
BY CARRINA STOKES
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

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

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 CORY ALLEN THIEL,)
)
 Defendant.)
)
 _____)

Criminal No. MD 12 3054

ORDER GRANTING WORK RELEASE

The above-entitled matter, having come before this Court and good cause appearing therefrom;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, that the above-named Defendant is granted work release options for the remainder of his sentence.

DATED, this _____ day of _____, 2013.

Magistrate Judge

ORDER GRANTING WORK RELEASE

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Dear Honorable Judge Minder,

OCT 23 2013
OCT 21 2013
CHRISTOPHER D RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

I'm writing this letter with all respect on your decisions for my poor choices that I've made in my life. I would like to bring to your attention my accomplishments while being incarcerated. In march of this year, after my sentencing, I started and completed the SAT, ABC, Fatherhood, Financial and workplace readiness classes. Through these classes I have gained a variety of life skills that will benefit me and my family. These skills will also contribute to me being a better father and productive member of society. The jail was in the process of starting a program that is one of six in the nation. I was allowed to participate and for that I am very grateful. In summary, I would like the courts to consider granting me any Good Time I may have coming. Thankyou for your time and consideration in this matter.

Truly Yours
Corey Thiel

✓

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ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

NOV 14 2013
CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
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.)
)
COREY ALLEN THIEL,)
)
Defendant.)
_____)

Criminal No. CR-MD-2012-0003054
MOTION FOR IMMEDIATE RELEASE

COMES NOW, the above-named Defendant, COREY ALLEN THIEL, by and through his Attorney of Record, the Ada County Public Defender's Office, DYLAN J. ORTON, handling attorney, and hereby moves this Honorable Court for an immediate release of the defendant from the Ada County Jail pursuant to Idaho Code Section 20-621. In support of this motion, the defendant states as follows:

On October 15, 2013 a letter from the Ada County Sheriff's Office was submitted to the Court for approval of defendant's early release for good behavior pursuant to Idaho Code Section 20-621. On October 23, 2013 this Court denied the jail's request. Idaho Code Section 20-621 gives this Court no authority to deny such recommendations but states that "Every person serving a jail sentence in a county jail in the state of Idaho who has a good record as a prisoner and who performs the tasks assigned him in an orderly and peaceable manner, shall upon

SW

recommendation of the sheriff be allowed five (5) days off of each and every month of his sentence, by the magistrate judge.” (Emphasis added). Good time release encourages inmates to conduct themselves in an orderly manner and to perform all assigned tasks.

The letter from the Ada County Sheriff to this Court specifically states that Mr. Thiel “had a good record and performed all assigned tasks in an orderly and peaceable manner.” Additionally, Mr. Thiel has been an inmate worker while incarcerated and has completed the Sheriff’s Active Behavioral Change and Substance Abuse Programs. Because Idaho Code section 20-621 states that a person “shall” be allowed specific time off of his sentence, Mr. Thiel requests that the Sheriff’s request for good time be signed and returned by this court, or alternatively, that he be released pursuant to this motion.

DATED, this 14 day of November, 2013.



DYLAN ORTON
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this the 14th day of November, 2013, I mailed a true and correct copy of the foregoing to the:

ADA COUNTY PROSECUTOR

by depositing the same in the Interdepartmental Mail.

A handwritten signature in black ink, appearing to read 'Irene Barrios', is written over a horizontal line. The signature is stylized and cursive.

**Irene Barrios
Legal Assistant**

374

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

NOV 19 2013

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
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-Respondent,)
)
vs.)
)
COREY ALLEN THIEL,)
)
Defendant-Appellant.)
_____)

Case No. CR-MD-2012-0003054

NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, THE STATE OF IDAHO, BY AND THROUGH THE ADA COUNTY PROSECUTING ATTORNEY'S OFFICE, AND THE CLERK OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN that the above-named Defendant-Appellant, COREY ALLEN THIEL, appeals against the State of Idaho to the District Court of the Fourth Judicial District, State of Idaho, from the order denying the Defendant's Good Time release from Ada County Jail based on I.C. section 20-621, entered on the 15th day of November, 2013, in *State v. Corey Allen Thiel*, Case No. CR-MD-2012-0003054.

- a. **Title of the Action:** *State v. Corey Allen Thiel*
- b. **Title of Court that heard Proceedings Appealed from and Presiding Magistrate:** Magistrate Division of the Fourth Judicial District Court, State of Idaho, the Honorable Judge Carolyn Minder presiding.
- c. **Case Number:** CR-MD-2012-0003054.
- d. **Court to Which Appeal Taken:** District Court of the Fourth Judicial District, State of Idaho.

✓

- e. **Date and Heading of Judgment, Decision, or Order from Which Appeal is Taken:** Decision Denying the Defendant's Good Time release from Ada County Jail issued November 15th, 2013, based on I.C. section 20-621.
- f. **Statement as to Whether Appeal is Taken Upon Matters of Law, or Upon Matters of Fact, or Both:**
1. Appeal is taken upon all matters of law and fact.
 2. The Defendant-Appellant anticipates raising issues including but not limited to: Did the magistrate court err in denying the Defendant's Good Time release from the Ada County Jail?
- g. **Transcript Request:**
1. The Defendant-Appellant requests the following transcript: N/A
- h. **Certification:** I certify the following:
1. That a copy of this Notice of Appeal has been served on the reporter through the Clerk of the Court through Interdepartmental Mail.
 2. That a copy of this Notice of Appeal has been served on the opposing party through Interdepartmental Mail.
 3. That the Defendant-Appellant is exempt from paying the estimated transcript fee because he is an indigent person and is unable to pay said fee.
 4. That the Defendant-Appellant is exempt from paying the estimated fee for preparation of the record because he is an indigent person and is unable to pay said fee.
 5. That the Defendant-Appellant is exempt from paying the appellant filing fee because he is indigent and is unable to pay said fee.
- i. **Jurisdiction:** That the Defendant-Appellant may appeal to the District Court, and the judgment described above is appealable under and pursuant to Idaho Criminal Rule 54.1(i).

DATED this 19 day of November, 2013.


DYLAN J. ORTON
Attorney for Defendant-Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 19th day of November, 2013, I mailed a true and correct copy of the foregoing to the:

ADA COUNTY PROSECUTOR

by depositing the same in the Interdepartmental Mail.



**Irene Barrios
Legal Assistant**

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NO. _____ FILED 350
A.M. _____ P.M. 10

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT NOV 26 2013

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

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
vs.)
)
COREY ALLEN THIEL,)
)
)
Defendant-Appellant.)
_____)

Case No. CR-MD-2012-0003054

APPELLANT'S BRIEF

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

HONORABLE MICHAEL MCLAUGHLIN

District Judge

DYLAN J. ORTON
Ada County Public Defender
200 W. Front, Suite 1107
Boise, Idaho 83702

KASSANDRA J. SLAVEN
Ada County Prosecuting Attorney
200 W. Front, Suite 3191
Boise, Idaho 83702

ATTORNEY FOR DEFENDANT-
APPELLANT

ATTORNEY FOR PLAINTIFF-
RESPONDENT

MO

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-Respondent,)
)
 vs.)
)
 COREY ALLEN THIEL,)
)
 Defendant-Appellant.)
 _____)

Criminal No. CR-MD-2012-0003054

APPELLANT'S BRIEF

COMES NOW, the above-named Appellant, COREY ALLEN THIEL, by and through his Attorney of Record, the Ada County Public Defender's Office, DYLAN J. ORTON, handling attorney, and hereby submits the following Appellant's Brief to the Court.

NATURE OF THE CASE

Defendant appeals from the lower court's denial of his motion for immediate release pursuant to the Ada County Sheriff's Office request for commutation for good behavior based on Idaho Code section 20-621.

FACTS AND PROCEDURAL HISTORY

On March 15, 2013, the lower court revoked Mr. Thiel's probation and sentenced him to 356 days of jail, with credit for 67 days, for violating probation. While in custody at the Ada

County Jail Mr. Thiel completed the Substance Abuse Program and the Affirmative Behavior Change. During this time in jail, Mr. Thiel maintained a record of good behavior.

On October 15, 2013 The Ada County Sheriff's Office submitted a letter to the court for approval of defendant's early release for good behavior pursuant to Idaho Code section 20-621. That letter stated that Mr. Thiel "had a good record and performed all assigned tasks in an orderly and peaceable manner." In that letter the Sheriff requested 55 days of early release time. This number was calculated pursuant to Idaho Code section 20-621 and would make Mr. Thiel's release date on or about November 4, 2013. But on October 23, 2013 the court denied the Sheriff's request.

On November 14, Mr. Thiel, by formal motion, requested an immediate release from jail citing the letter from the Sheriff's Office, Idaho Code section 20-621, and his performance and accomplishments while in the Ada County Jail. On November 15, the lower court denied Mr. Thiel's motion. Mr. Thiel timely filed notice of appeal of that decision.

ISSUE PRESENTED

Does Idaho code section 20-621 give a magistrate judge the authority to deny a sheriff's recommendation to reduce an inmate's jail sentence?

STANDARD OF REVIEW

Because this appeal addresses an issue of law and requires the Court to interpret a statute, this Court may exercise *de novo* review. *State v. Olson*, 138 Idaho 438, 64 P.3d 967 (Ct. App. 2003).

ARGUMENT

The trial court should have granted the Sheriff's recommendation because Idaho Code section 20-621 is plainly worded and does not give the magistrate judge the authority to deny such a recommendation.

The rules of statutory construction dictate that magistrate judges have no authority to deny a Sheriff's request for early release in these instances. According to Idaho Code section 20-621, a jail inmate *shall* be allowed time off of his or her sentence by a magistrate judge upon recommendation of the sheriff:

Every person serving a jail sentence in a county jail in the state of Idaho who has a good record as a prisoner and who performs the tasks assigned him in an orderly and peaceable manner, *shall* upon the recommendation of the sheriff be allowed five (5) days off of each and every month of his sentence, by the magistrate judge.

Emphasis added. Following constitutional direction, this statute is "plainly worded." Idaho Const., Art. III, § 17. The Supreme Court of the State of Idaho reviewed Idaho Code section 20-621 and cited no deficiencies. *Cornell v. Mason*, 46 Idaho 112, 268 P. 8 (1928). Indeed, the Supreme Court has specifically recognized that Idaho Code section 20-621 gives the sheriff authority to approve a reduction of sentence. *State v. Hughes*, 102 Idaho 703, 639 P.2d 1 (1981). Furthermore, early release based on good behavior encourages inmates to conduct themselves in an orderly manner and to perform all assigned tasks. This results in safety and efficiency for other inmates and jail staff.

The language of Idaho Code section 20-621 is clear and precise. This statute, in plain language, allows a sheriff to recommend time off of a jail inmate's sentence and dictates that a magistrate judge *shall* allow it. The letter from the Ada County Sheriff's Office dated October 15 specifically states that Mr. Thiel "had a good record and performed all assigned tasks in an orderly and peaceable manner." Acting outside the parameters of the statute, the magistrate judge in this case denied the Ada County Sheriff's recommendation. The trial court should have

followed the statute and approved the Sheriff's recommendation. Had that letter been approved, Mr. Thiel would have been released on or about November 4, 2013. Mr. Thiel now asks this Court to follow the plain language of the statute and direct the lower court to approve the recommendation from the Sheriff for commutation of his sentence pursuant to Idaho Code section 20-621.

CONCLUSION

Because Idaho code section 20-621 is plainly worded, the lower court should have followed the language of the statute and approved the sheriff's recommendation concerning Mr. Thiel. Mr. Thiel now requests that this court reverse the magistrate judge's denial of his motion for immediate release. Mr. Thiel should be released from the Ada County Jail as soon as possible.

DATED, this 26 day of November, 2013.



DYLAN J. ORTON
Attorney for Defendant-Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 26th day of November, 2013, I mailed a true and correct copy of the foregoing to the:

ADA COUNTY PROSECUTOR

by depositing the same in the Interdepartmental Mail.

A handwritten signature in black ink, appearing to read 'Irene Barrios', is written over a horizontal line. The signature is stylized with large loops.

**Irene Barrios
Legal Assistant**

ADA COUNTY SHERIFF'S OFFICE

Gary Raney, Sheriff

October 15, 2013

Hon. James Cawthon
Ada County Courthouse
200 W. Front St.
Boise, Idaho 83702-7300

RECEIVED
OCT 17 2013
Ada County Clerk

Re: Commutation for Good Behavior Pursuant to Section 20-621, Idaho Code.
Inmate's Name: Thiel, Corey Allen
Case No.: CRMD2012-0003054

Dear Judge Cawthon:

I am the Jail Services Bureau Director for the Ada County Sheriff's Office and I am writing to you on Sheriff Raney's behalf. On 03/15/13, you ordered Thiel, Corey A. LE# 677216 to serve 356 days in the Ada County Jail on the above-referenced case. While an inmate in the Ada County Jail, he had a good record and performed all assigned tasks in an orderly and peaceable manner.

Based on the foregoing, it is Sheriff Raney's recommendation that you allow this inmate five (5) days off for each and every month of the above-referenced sentence, for a total of 55 days of early release time. This recommendation is made pursuant to Section 20-621, Idaho Code. Please sign below to indicate your approval of this request.

Your time and consideration in this matter are greatly appreciated. If you have any questions, please contact Sergeant Paul Stoltenberg at (208) 577-3418.

Sincerely,

GARY RANEY
Ada County Sheriff

Kody Aldrich
Captain Kody Aldrich
Jail Services Bureau Director

I do not agree to any release will be decision up to the prison but I ALSO will not agree pursuant
10/23/13

Signature of Magistrate Judge

RECEIVED

NOV 14 2013

ADA COUNTY CLERK

NO. _____ FILED _____
A.M. 9:15 P.M.

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7419

NOV 19 2013

CHRISTOPHER D. RICH, Clerk
By SABRINA STOKES
DEPUTY

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

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
COREY ALLEN THIEL,)
)
Defendant.)

Criminal No. CR-MD-2012-0003054

ORDER RELEASING DEFENDANT
FROM THE ADA COUNTY JAIL

For good cause appearing, this Court hereby grants Defendant's MOTION FOR IMMEDIATE RELEASE.

IT IS HEREBY ORDERED, AND THIS DOES ORDER, that the Defendant, COREY ALLEN THIEL, be immediately released from the Ada County Jail.

DATED, this _____ day of _____ 2013.

Magistrate Judge

I will not sign an order releasing an untreated offender into the community. The Ada County Sheriff has the authority to do so, may release regarding anyone's safety.
Chandler
11/15/2013
copy to [unclear]

ORDER RELEASING DEFENDANT FROM THE ADA COUNTY JAIL
CR-MD-2012-0003054

189

NO. _____ FILED 350
A.M. _____ P.M. _____

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

NOV 26 2013
CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
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-Respondent,)
)
 vs.)
)
 COREY ALLEN THIEL,)
)
 Defendant-Appellant.)
 _____)

Criminal No. CR-MD-2012-0003054

MOTION FOR EXPEDITED
PROCEDURE ON APPEAL

COMES NOW, the above-named Appellant, COREY ALLEN THIEL, by and through his Attorney of Record, the Ada County Public Defender's Office, DYLAN J. ORTON, handling attorney, and hereby moves this Honorable Court, pursuant to Idaho Criminal Rule 54.18, to expedite the briefing and oral argument on the above captioned appeal. In support of this motion the Defendant-Appellant states as follows:

The Appellant's appeal concerns the matter of his incarceration. Mr. Thiel believes he is currently being held contrary to the laws of Idaho. His current release date is on/or about the 29th day of December, 2013. However, based on his argument on appeal he should have been released on/or about the 4th day of November, 2013. If the appellant prevails he should be released from the Ada County Jail as soon as possible. To expedite the procedure on appeal the Appellant now also submits his Appellant's Brief.

SW

DATED, this 26 day of November, 2013.



DYLAN J. ORTON
Attorney for Defendant-Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 26th day of November, 2013, I mailed a true and correct copy of the foregoing to the:

ADA COUNTY PROSECUTOR

by depositing the same in the Interdepartmental Mail.



Irene Barrios
Legal Assistant

DEC 06 2013

CHRISTOPHER D. RICH, Clerk
By AMY 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.

COREY ALLEN THIEL,

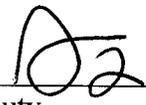
Defendant.

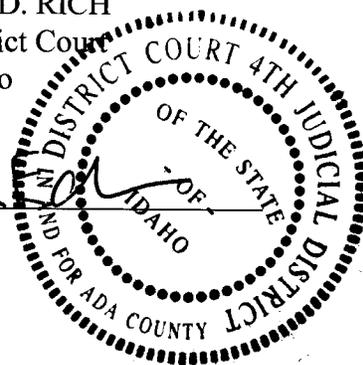
Case No. CR-MD-2012-03054

NOTICE OF HEARING

PLEASE TAKE NOTICE That the Honorable Michael McLaughlin, District Judge, has set this matter for Hearing regarding a scheduling order and the order releasing the defendant on **Thursday, December 12th, 2013 at 1:00 p.m.**, at the Ada County Courthouse, 200 W. Front, Boise, Idaho.

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

By: 
Deputy



CERTIFICATE OF MAILING

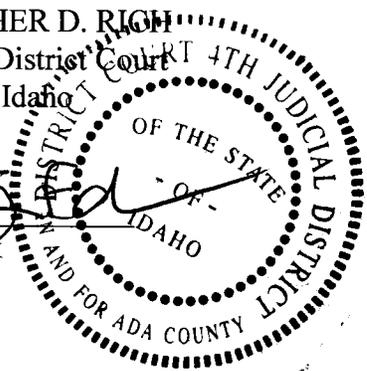
I hereby certify that on this 6th day of December, 2013, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTING ATTORNEY
ATTN: MICHAEL HAWKINS
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
ATTN: DYLAN ORTON
INTERDEPARTMENTAL MAIL

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho


Deputy Clerk



Time	Speaker	Note
<u>1:13:15 PM</u>		CR-MD-2012-03054 State vs. Thiel
<u>1:13:26 PM</u>		Mr. Orton present with the defendant-In custody
<u>1:13:39 PM</u>	Mr. Orton	No contact with the prosecutors office
<u>1:14:02 PM</u>	Judge	Sent to both your office Mr. Orton and Ada County, clerk please call
<u>1:15:33 PM</u>	Clerk	Called the Ada County Prosecutors office- they are sending someone up
<u>1:15:44 PM</u>	Judge	Puts facts of the case on record
<u>1:21:45 PM</u>		Darcy Ward appears for the State
<u>1:21:54 PM</u>	Judge	I have just been reviewing the record, notice of appeal and expedited procedure. The issues I would like to gain input on are is the status based on good time and then whether this court should stay any remaining jail pending the appeal. I am scheduling oral arguments in April currently and then this point would be moot
<u>1:24:51 PM</u>	Mr. Orton	38 over, he would be released at the end of the month. I would move the court to stay execution of sentence and ask him to be released, he has a place to go an a job. He would go back to live with his girlfriend and two children.
<u>1:26:29 PM</u>	Judge	Is that the subject of the NCO?
<u>1:26:37 PM</u>	Mr. Orton	Yes, that NCO has been quashed, he has a job available, Dome Automotive.
<u>1:27:05 PM</u>	Defendant	I do anything in the industry, small engines, exhaust
<u>1:27:24 PM</u>	Mr. Orton	He has help in the community to help prevent relapse
<u>1:27:28 PM</u>	Defendant	Sober Recovery at the Vineyard Church, Mike O'Malley
<u>1:27:56 PM</u>	Judge	What is your clients financial status?
<u>1:28:06 PM</u>	Defendant	I have no assets.
<u>1:28:18 PM</u>	Mr. Orton	He has been in jail for so long his funds have run out. His family is struggling and can't post for him. I have advised him that if the court releases him and does not find in our favor he will have to serve his additional time
<u>1:29:21 PM</u>	Ms. Ward	From the arrest history it appears he has been arrested for FTA 9 times, arrested for contempt of court 9 times. I do not have information from each individual case.
<u>1:30:25 PM</u>	Mr. Orton	No reason to dispute, fees were the basis for the contempt
<u>1:30:40 PM</u>	Judge	I would be focusing on the FTA's, when it comes to good time that the prerogative of the sheriff, what is the state's understanding?

<u>1:31:28 PM</u>	Ms. Ward	I have read the statute and have understood 5 days for each month, the state is concerned with the potential for ex parte communication and the ability to comply with the victims rights act.
<u>1:32:39 PM</u>	Judge	So if we came back next week?
<u>1:32:46 PM</u>	Ms. Ward	I can't disagree that the word "shall" is in there and the statute reads in that manner, I would not want to undercut the decision
<u>1:33:18 PM</u>	Judge	The other option is an expedited appeal
<u>1:33:27 PM</u>	Ms. Ward	That may be an appropriate solution
<u>1:33:38 PM</u>	Judge	Any other input?
<u>1:34:04 PM</u>	Ms. Ward	The state agrees with the decision, if the court is implied to let the defendant out today I would ask that would be deferred until tomorrow so I may contact the victim
<u>1:34:39 PM</u>	Mr. Orton	He has served a stiff penalty in jail time and has made the most of that, we move for an expedited hearing
<u>1:35:23 PM</u>	Judge	To me that is the issue, if he has earned credit for good time, isn't that the issue on appeal.
<u>1:36:03 PM</u>	Mr. Orton	That is the issue
<u>1:36:07 PM</u>	Judge	Could you get a memo to the court before Thursday of next week
<u>1:36:21 PM</u>	Mr. Orton	I filed the appellants brief in order to expedite the procedure
<u>1:36:36 PM</u>	Judge	I could come over on Tuesday but I would like to give the state the opportunity to have the victim present in court
<u>1:37:01 PM</u>	Mr. Orton	I think that is appropriate
<u>1:37:15 PM</u>	Judge	Check your calendars for Tuesday, what would work? 10:30 Tuesday morning. State submit any documentation to the PD and then to me.
<u>1:38:53 PM</u>		END OF CASE

189
HS
1/27
1040

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

DEC 16 2013

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Darci Ward
Deputy Prosecuting Attorney
Magistrate Division, 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,	)	Case No. CR-MD-2012-0003054
vs.)	
	)	RESPONDENT'S BRIEF
COREY ALLEN THIEL,)	
)	
Defendant.)	
_____)	

COMES NOW, the Ada County Prosecuting Attorney, by and through Darci Ward, Deputy Prosecuting Attorney for Ada County, State of Idaho, and submits the following Respondent's Brief to the Court.

ANALYSIS

Defendant appeals from the Magistrate Court's denial of his request for early release from the Ada County Jail pursuant to a letter sent from the Ada County Sheriff to the magistrate. Defendant alleges one issue on appeal: whether a magistrate court is bound by the Ada County Sheriff's Office recommendation for good time pursuant to Idaho Code Section 20-621.

The plain meaning of I.C. Section 20-621 is consistent with the magistrate's discretion to deny Defendant's motion.

Idaho Code section 20-621 states:

Every person serving a jail sentence in a county jail in the state of Idaho who has a good record as a prisoner and performs the tasks assigned him in an orderly and peaceable manner, shall upon the recommendation of the sheriff be allowed five (5) days off each and every month of his sentence, by the magistrate judge.

Under Defendant's interpretation of the statute, the magistrate's duty is purely ministerial. Stripping a magistrate of the authority and discretion he or she imposed at sentencing. Additionally, the crime victim has no opportunity to receive notice of the early release and/or to be heard on the issue of the offender's release.

The statute creates three separate requirements: (1) the inmate has a demonstrated good record; (2) the inmate performs his job duties peaceably, and (3) a recommendation from the sheriff is an independent requirement to receive good time. Since this reading creates two separate conditions precedent to the Sheriff's recommendation, the magistrate is afforded some limited discretion in whether an inmate has a good record and whether he performed his tasks peaceably. Thus the magistrate would determine whether a particular inmate is worthy of a reduction in his or her sentence.

In this case, the Honorable Carolyn Minder received a letter on October 15, 2013 from the Ada County Sheriff requesting that she allow Defendant five days off for each month, totaling 55 days. *See* Exhibit 1. The letter briefly notes that the defendant "had a good record and performed all assigned tasks in an orderly and peaceable manner." *Id.* The letter does not, however, expound upon that information and does not state that those conditions were completed as a precedent to his release. *Id.* There is no opportunity for either the State or the Court to

inquire regarding these conditions precedent. Additionally, in this particular case, it is problematic for a judge who revokes probation and imposes sentence on a criminal defendant after repeated failures while on probation and repeated failures to comply with the Court's orders, to simply then later receive a letter stating that the same Defendant requests an early release, without being informed what the particular Defendant did to deserve good time. Such a case is worthy of the sentencing judge's discretion in determining whether an inmate has demonstrated a good record in jail and performed tasks while in jail peaceably.

This "plain meaning" reading of Idaho Code § 20-621 is most rational and effective in that it affords all parties an opportunity to be heard, does not violate ex parte communications and complies with the Victim's Rights Statute. *See* I.C. §§ 19-5306, 67-5253. It not only accommodates the sheriff, but also accommodates an inmate who is deserving of early release while recognizing that the sentencing judge has the ultimate authority to modify his/her sentence. *See* Exhibit 2, "Ex Parte Motion for Early Release Denied," *State v. Lopez*, CRMD-2009-19802. Allowing a magistrate to make a determination of whether an inmate is to be released from custody on an earlier date would allow a victim the opportunity to be heard and inform the State of a defendant's impending release.

Under I.C. § 19-5306(1)(e), a victim has a right to be heard, upon their request, at all criminal justice proceedings, including a criminal defendant's "*release from custody.*" I.C. § 19-5306(1)(e) (emphasis added). Further, under I.C. § 19-5306(1)(j), a mandatory duty upon a Magistrate to release an inmate upon a "recommendation" of the Sheriff would never afford the State the ability to confirm that the Sheriff provided timely notice of early release to a victim.

This is problematic for victims that are concerned for their safety when the offender is released. It is equally problematic for the State because the State is not afforded an opportunity to be heard on the issue. *See* Exhibit 2, p.3. The State is unsure how the Sheriff complies with this section and notifies the victim of an offender's early release from custody, when the State never receives notice itself.

CONCLUSION

The State respectfully requests the District Court affirm the magistrate's decision denying Defendant's motion for immediate release and set a hearing on the matter.

DATED this 16th day of December, 2013.

GREG H. BOWER
Ada County Prosecuting Attorney

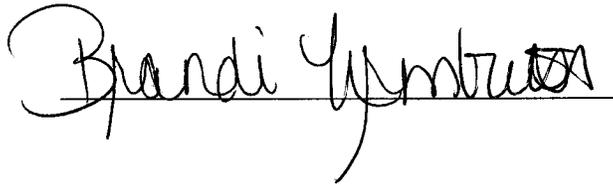


By: Darci Ward
Deputy Ada County Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 16 day of December, 2013, I caused to be served a true and correct copy of the foregoing document to: **Dylan Orton, Ada County Public Defender's Office, Boise, ID**, by the method indicated below:

- U.S. MAIL (Postage Prepaid)
- FAX TRANSMISSION
- HAND DELIVERY



October 15, 2013

Hon. James Cawthon
Ada County Courthouse
200 W. Front St.
Boise, Idaho 83702-7300

RECEIVED
OCT 17 2013
Ada County Clerk

Re: Commutation for Good Behavior Pursuant to Section 20-621, Idaho Code.
Inmate's Name: Thiel, Corey Allen
Case No.: CRMD2012-0003054

Dear Judge Cawthon:

I am the Jail Services Bureau Director for the Ada County Sheriff's Office and I am writing to you on Sheriff Raney's behalf. On 03/15/13, you ordered Thiel, Corey A. LE# 677216 to serve 356 days in the Ada County Jail on the above-referenced case. While an inmate in the Ada County Jail, he had a good record and performed all assigned tasks in an orderly and peaceable manner.

Based on the foregoing, it is Sheriff Raney's recommendation that you allow this inmate five (5) days off for each and every month of the above-referenced sentence, for a total of 55 days of early release time. This recommendation is made pursuant to Section 20-621, Idaho Code. Please sign below to indicate your approval of this request.

Your time and consideration in this matter are greatly appreciated. If you have any questions, please contact Sergeant Paul Stoltenberg at (208) 577-3418.

Sincerely,

GARY RANEY
Ada County Sheriff

Kody Aldrich
Captain Kody Aldrich
Jail Services Bureau Director

I do not agree to any release will be discussed up to the ALSO will not agree permanent
Chenail 10/23/13

Signature of Magistrate Judge

STATE'S EXHIBIT
000106

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

CESAR LOPEZ,

Defendant.

Case No. CRMD0919802

**EX PARTE MOTION FOR EARLY RELEASE
DENIED**

I. IC §20-621 is not controlling

August 12, 2010 this Court, after a probation violation hearing, revoked probation and imposed defendant's full suspended sentence of three hundred and forty (340) days.

Defendant's sentence is to be complete July 28, 2011.

On March 16, 2011, defendant filed a motion for "immediate release."

Defendant, as of March 16, 2011 served two hundred eighteen (218) days of his revoked sentence and is not entitled to "immediate release."

Defendant cites to IC §20-621 and asserts that this Court must approve fifty-five (55) days of "early release time" and that the sheriff's recommendation of release fifty-five (55) days early must be signed/approved immediately by this Court.

IC §20-621, though cited by defendant, is not controlling of defendant's motion. The letter received from the Ada County Sheriff does not cite to this section; does not make a recommendation pursuant to and in accordance with the language prescribed; nor does the "recommendation" accurately "calculate" the reduction in a jail sentence that a defendant might be entitled to. The Ada County Sheriff's office can only recommend a reduction in a "jail sentence" if a defendant has a documented good record as a prisoner and who is performing or has performed tasks assigned to him. The Sheriff's office cannot guess if one will perform tasks peaceably in the future. Attached hereto and incorporated by reference is the letter at issue, Exhibit A. This is legal basis alone upon which to deny the pending motion.

II. Constitutional problems presented by IC §20-621

This Court notes that IC §31-2202 does not include or identify a duty of the sheriff to include commutation of a duly issued judgment for incarceration. IC §31-2202 (10) does direct the sheriff to perform duties required of him by law.

Article II §1 of the Idaho Constitution distributes power to three (3) distinct departments.

Article IV §7 of the Idaho Constitution creates a board of pardons to, among other things, grant a commutation after conviction of a judgment.

Article II §13 of the Idaho Constitution prohibits the legislature from depriving the judicial department of any power or jurisdiction.

The procedure provided in Idaho Constitution Article IV §7 is the only recognized means by which the executive branch may commute a sentence. *See Bates V Murphy 118 Idaho 239, 242 (1990).*

IC §20-621 purports to delegate to the sheriff the ability to commute or reduce a sentence and as such does not comport with the procedures provided for by Idaho Constitution Article IV §7. As such, IC §20-621 appears to be an invalid exercise of executive power and therefore, in this Court's opinion, not valid under the Idaho Constitution. Moreover, the statute uses language which removes any discretion in the sentencing judge to approve or reject any such recommendation. The statute does not afford notice to the Prosecuting Attorney nor the ability to be heard on the "recommendations." Such absence of notice to a victim of a crime runs afoul of the Victim's Rights Act which is problematic to this Court.

It is significant that the defendant is in custody for a probation violation due to his demonstrated inability and unwillingness to comport his behavior and successfully complete his probationary term. This Court is of the opinion that a revocation and imposition of a suspended sentence as not the same as a jail sentence ordered and suspended in an original judgment of conviction.

Because one should assume a statute is constitutional, there is a way to "read" IC §20-621 as being constitutional if the court, in the exercise of its discretion, exercises the ultimate authority in approving of or rejecting a recommendation of commutation made by the executive branch.

The Idaho Constitution Article II §1 provides that “no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others...”

Idaho Constitution Article V§13 provides “the legislature shall have no power to deprive the judicial department of any power or jurisdiction which rightly pertains to it as a coordinate department of the government.”

Among the inherent powers of the court is the power to exercise discretion in sentencing. *State v McCoy* 44 Idaho 236,240 (1971). Inherent powers include the power to control and prevent abuse of a court’s order. *McHaffey v State*, 87 Idaho 228 (1964).

IC §20-621, in order to be constitutional, must provide for the court’s exercise of its discretion in granting or rejecting a “recommendation” for reduction in a sentence.

If, and when, this Court receives information as dictated by IC §20-621 that this defendant “has a good record as a prisoner and who performs the tasks assigned to him in an orderly and peaceable manner,” further assuming this statute is applicable to a person incarcerated due to a probation violation and assuming the statute is constitutional, this Court will exercise its discretion at the appropriate time in approving or rejecting any such “recommendation.”

Counsel is invited to more fully brief whether IC §20-621 is constitutional and/or whether it is a violation of separation of powers for the legislature to order the sheriff to grant clemency of a sentence over the objection of the sentencing court and without notice or any opportunity of the Prosecuting Attorney’s office to be heard, when the matter, as to this defendant, is not premature.

This Court recognizes there is no case law interpreting IC §20-621 and that this is a case of first impression.

There are several potential interpretations which can be attributed to this statute.

The first interpretation is: if the defendant has a good record as a prisoner and performs his tasks peaceably, the sheriff may make a recommendation to the court that the defendant receive good time. Upon receipt of said recommendation and in precise calculation required by the statute, the magistrate judge must grant the good time. Under this interpretation, the magistrate's duty is purely ministerial and the court maintains no ultimate authority over its orders.

The statute could also fairly be read to create three (3) separate requirements: (1) the prisoner has a demonstrated good record; (2) the prisoner performs his tasks peaceably; and a recommendation from the sheriff, is an independent requirement to receive good time. Since this reading creates two (2) requirements independent of the sheriff's mandatory requirement to recommend good time, assuming the conditions have been met, the court's duties would not be ministerial, and the court would have limited power to inquire into whether the prisoner had a good record and whether he performed his tasks peaceably. This would require a hearing at which the sheriff or his delegate would have to appear and justify the recommendation. If in the court's opinion, one of those conditions did not exist, the court could then deny the defendant's request for good time.

This Court acknowledges the problems inherent in requiring such a hearing and the unnecessary use of court process to determine each defendant's entitlement or not to "good time." This reading would read out of existence the mandatory language of the

statute. The word “shall,” is meant to remove discretion from the court. *See* Black’s Law Dictionary, 8th Ed., p 1407 (West Group, 2004) (“has a duty to; more broadly, is required to”). This reading would remove the criteria by which the sheriff is supposed to decide whether to recommend the defendant for good time. The sheriff would be at risk of accusation that he arbitrarily decided whether to withhold or grant a recommendation, thus granting veto power over good time to the sheriff and generating unnecessary protracted litigation.

There is precedent in Idaho for a court to “read out” the section of a statute which would make the statute unconstitutional. For example, the Supreme Court, in interpreting its rule relating to a without-cause disqualification of a judge, has read out a portion of the rule. *See Bower v. Mordin*, 126 Idaho 215, 880 P.2d 245 (1994). Specifically, they have disallowed any inquiry into whether the disqualification is for an improper purpose, which effectively eliminates the portion of the rule requiring that the disqualification not be for the purpose of hindering, delaying, or obstructing justice.

This Court does not want to declare the statute unconstitutional and disallow a defendant who should have a mechanism by which their peaceable performance can be rewarded. This Court is further mindful of jail overcrowding and wants to support the sheriff in his ability to release prisoners early, if warranted. This Court does not want to interfere with the sheriffs operation of the jail nor to declare prisoners can not be eligible for early release if the circumstances warrant the same. On the other hand, a sentence and any reduction thereof lies in the discretion of the judge, who could afford the Prosecuting Attorney the right to be heard on any such reduction of sentence.

The practice which has developed into a general policy without any real guidance or standards which accommodates the sheriff, accommodates a prisoner who is deservant of early release and recognizes that the sentencing judge has the ultimate authority to modify his/her sentence is the preferred reading of IC §20-621.

Defendant's Motion for "Immediate Release" is denied.

IT IS SO ORDERED.

Dated this 24th day of March, 2011.

Carolyn Minder
Magistrate Judge

CERTIFICATE OF MAILING

I hereby certify that on this 24th day of March, 2011, I mailed a true and correct copy of the within instrument to:

PROSECUTING ATTORNEY
ATTN: TAMERA KELLY
INTERDEPARTMENTAL MAIL

PUBLIC DEFENDER
ATTN: DYLAN ORTON
INTERDEPARTMENTAL MAIL

COURTESY COPY TO:

ADA COUNTY SHERIFF'S OFFICE
ATTN: GARY RANEY, SHERIFF
INTERDEPARTMENTAL MAIL

PROSECUTING ATTORNEY
ATTN: JAN BENNETTS
INTERDEPARTMENTAL MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By:

Deputy Court Clerk

Time	Speaker	Note
<u>10:35:06 AM</u>		CR-MD-12-03054 State vs. Thiel
<u>10:35:19 AM</u>		Whitney Welsh for the state; Dylan Orton for the defense, defendant present in-custody
<u>10:35:34 AM</u>	Judge	Had a hearing on this last week, request for an expedited appeal in this case. Def. is serving jail time based on PV's, all suspended jail imposed, court ordered jail programming which has been completed, earlier request for reduction of sentence which was denied. Motion for early release which was denied. Request for work release denied. Request for immediate release based on 5 days off for each month served.
<u>10:37:23 AM</u>	Judge	Mr. Theil was eligible for release back in November based on good time, his release date without that is after Christmas. Parties agreed to expedited appeal. Sole issue on appeal. I have reviewed the appellants and respondents brief. We wanted the victim to have the right to be heard and notified.
<u>10:38:43 AM</u>	Mr. Orton	Victim is present in the courtroom, Stephanie Weeks. It's a simple issue, the statute is plainly worded. The state and magistrate level want to set it up differently. Argument
<u>10:42:30 AM</u>	Judge	I did not see the magistrate judge order the hearing. The sheriff has a policy, is he violating the spirit of the statute?
<u>10:45:22 AM</u>	Mr. Orton	They did send a letter, clear direction from legislature, magistrate court must follow it.
<u>10:46:22 AM</u>	Judge	You are saying the magistrate judge abused the discretionary call, it was an abuse of discretion.
<u>10:47:13 AM</u>	Mr. Orton	I don't believe this statute gives the magistrate discretion.
<u>10:47:31 AM</u>	Judge	It goes back to my earlier question, if a judge has no discretion, as you read the statute, there is no requirement the sheriff send a letter seeking approval
<u>10:48:02 AM</u>	Mr. Orton	This statute does not direct the sheriff to send a letter
<u>10:48:28 AM</u>	Judge	I am reading the statute and it outlines that every person serving a sentence in a county jail.....shall upon recommendation be allowed 5 days off each and every month of the sentence, then it says by the magistrate judge. Is that process proper or appropriate?
<u>10:50:29 AM</u>	Mr. Orton	It could be
<u>10:50:34 AM</u>	Judge	Lets hear from the state

<u>10:50:38 AM</u>	Ms. Welsh	Argument. Idaho code 2621, 3 requirements.
<u>10:53:12 AM</u>	Judge	Lets assume that is correct and the sheriff issues a letter that he has behaved well and complied, contemplating that there will be credit for 55 days of good behavior, that is sent out and gives the state ample time to notify the victim, wouldn't; it be to seek out the hearing
<u>10:54:37 AM</u>	Ms. Welsh	I don't believe the sheriff gave us notice, under the scenario you hypothesized we would perform our duties
<u>10:55:02 AM</u>	Judge	You are saying whether it was isolated to this case or it is a practice the sheriff does not send this letter
<u>10:55:23 AM</u>	Ms. Welsh	I came into this hearing with that understanding, we became aware of this with the notice of appeal. My office takes this very seriously. 19-5306 sub J. ex-parte rules. The only case in Idaho State v. Hughes, the last sentence of this case, reads. Subject to the authority of the sheriff and prosecuting attorney
<u>10:59:34 AM</u>	Judge	If someone is released from the county jail, I suppose they are given a certain number of days, if they aren't ideal the sheriff doesn't notify that this is the release date. You can tell them based on your calculation when they may be released. This could be true for someone in the penitentiary. Do they have a duty to notify the victim
<u>11:01:19 AM</u>	Ms. Welsh	Absolutely. I don't know whether they do, I belie they have a duty to do so.
<u>11:02:52 AM</u>	Mr. Orton	Response, the victim is here in the courtroom and she knows he may be released today. The sheriff's office does notify victims through a phone call.
<u>11:04:07 AM</u>	Judge	I want to come back over to the state, we have instruction on the VINE system, what is your response?
<u>11:04:25 AM</u>	Ms. Welsh	A phone call does not comply with the spirit of the victims rights statute, the victim may not be available to receive that call.
<u>11:05:47 AM</u>	Mr. Orton	It simply says upon recommendation of the sheriff
<u>11:06:01 AM</u>	Judge	I think this is an important decision and I will take it under advisement, pending the issuance of a decision I will sign an order for the release of Mr. Thiel. If the court affirms the decision then we will go forward. I believe the NCO has been quashed.

<u>11:10:11 AM</u>		No issues for release that I need to be aware of?
<u>11:10:20 AM</u>		Not that we are aware of your honor
<u>11:10:28 AM</u>	Judge	You are to keep in contact with your attorney Mr. Thiel. You have no plans to leave Idaho?
<u>11:10:49 AM</u>	Defendant	No
<u>11:10:56 AM</u>	Judge	You will be released today pending the courts decision, you will either be done or have to serve your remaining time. Anything else from either side
<u>11:11:22 AM</u>		Nothing
<u>11:11:24 AM</u>		END OF CASE

FILED
Tuesday, December 17, 2013 at 11:04 AM
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: [Signature]
Deputy Clerk

STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
COREY ALLEN THIEL,)
)
Defendant.)
_____)

Case No. CR-MD-2012-0003054

ORDER OF RELEASE

Prosecuting Agency:
 Ada County Boise City Eagle
 Garden City Meridian

TO THE SHERIFF OF ADA COUNTY OF THE STATE OF IDAHO:

IT IS HEREBY ORDERED that the above-named Defendant be released from custody

pending appeal. Defendant is to maintain contact with your attorney.

DATED: 12/17/2013

[Signature]
DISTRICT JUDGE

NO. _____
A.M. 10:09 P.M. _____

DEC 30 2013

CHRISTOPHER D. PICH, Clerk
By: HEAVY ABBOTT
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-Respondent,

vs.

COREY ALLEN THIEL,

Defendant-Appellant.

Case No. CR-MD-2012-0003054

MEMORANDUM DECISION
AND ORDER

ATTORNEY FOR THE APPELLANT: DYLAN ORTON

ATTORNEY FOR THE RESPONDENT: WHITNEY WELCH

This matter was presented to the Court pursuant to an expedited appeal on December 17, 2014. The Court took the matter under advisement.

FACTS

The Defendant (Theil) committed probation violations and Judge Cawthon imposed all of the suspended jail (365 days) after Theil admitted to violating his probation for the offense of Violation of a No Contact Order. Ada County Sheriff Raney through jail staff submitted a letter to the Magistrate Court in October recommending

fifty-five (55) days of good time for Theil, after he had served eleven (11) months in the county jail. The traditional practice of the Ada County Sheriff has been to submit a letter for judicial approval of credit for good behavior. Judge Minder indicated that she would not approve any reduction in Theil's jail sentence for good behavior.¹ The sheriff continued the incarceration of Thiel without credit for good behavior after Judge Minder's declination of approval for good time credit. The parties stipulated to expedite the appeal because Theil would have served his entire sentence if the normal appeal process had been in place rendering the appeal moot. Theil was released from incarceration pending the decision on this appeal.

ISSUE ON APPEAL

The issue in this case is whether or not the sheriff must obtain the consent of the sentencing court in granting good time pursuant to I.C. § 20-621.

STANDARD OF REVIEW

"Legislative acts are presumed to be constitutional, with any doubt concerning interpretation of a statute being resolved in favor of finding the statute constitutional." *State v. Doe*, 155 Idaho 99, 103-04, 305 P.3d 543, 547-48 (Ct. App. 2013). The party asserting that the statute is unconstitutional "bears the burden of overcoming the presumption of the validity of [the statute]." *Id.*

"When interpreting a statute, this Court must strive to give force and effect to the legislature's intent in passing the statute. 'It must begin with the literal words of the

¹ Judge Minder had declined to grant other requests for reduction or modification of Theil's sentence prior to the good behavior request from the Ada County Sheriff.

statute; those words must be given their plain, usual, and ordinary meaning; and the statute must be construed as a whole. Where the language of a statute is plain and unambiguous, this Court must give effect to the statute as written, without engaging in statutory construction.’ However, if the result is palpably absurd’ this Court must engage in statutory construction. When engaging in statutory construction, this Court has a ‘duty to ascertain the legislative intent, and give effect to that intent. ‘The Court must construe a statute as a whole, and consider all sections of applicable statutes together to determine the intent of the legislature. The Court must also take account of all other matters such as the reasonableness of the proposed interpretations and the policy behind the statute.’” *Wheeler v. Idaho Department of Health and Welfare*, 147 Idaho 257, 263, 207 P.3d 988, 994 (2009) (citations omitted).

ANALYSIS

The Ada County Sheriff has for many years requested that the judiciary approve credit for good behavior for defendants who have been sentenced to the county jail. This is done in the form of a letter setting forth the prisoners’ imposed jail sentence, how the sheriff has calculated good time credit and a statement that the prisoner has complied with all jail regulations, thus warranting a commutation of the prisoner’s sentence for good behavior. The letter has a signature place for the judge to sign approving the commutation.

The statute in question is Idaho Code Section § 20-621:

“Commutation for good behavior. Every person serving a jail sentence in a county jail in the state of Idaho who has a good record as a prisoner and who performs the tasks assigned him in an orderly and applicable manner, *shall* upon the recommendation of the sheriff be allowed five (5) days off of each and every month of his sentence, by the magistrate judge.” (emphasis added).

Mr. Theil argues that the statute is ministerial and, therefore the sheriff can grant the commutation without input from the sentencing judge. In other words, the Court has no discretion in this process.

The State asserts that the statute violates the victim's rights act by not requiring notice be provided to a victim of an early release and, consequently, is unconstitutional. The State also argues that the State has a due process right to challenge the good behavior recommendation of the sheriff, if the State believes that the prisoner did not have a good jail record.

The first issue the Court will address is the interplay between I.C. § 20-621 and The Victim Rights act found at I.C. § 19-5306 ("Rights of victim during investigation, prosecution, and disposition of the crime.") That statute provides that:

(1) Each victim of a criminal or juvenile offense shall be . . . (d) Given . . . upon request, information about the . . . release of the defendant . . . (e) Heard, upon request, at all criminal justice proceedings considering . . . release of the defendant unless manifest injustice would result . . . (j) Notified whenever the defendant or suspect is released . . . from custody. When release is ordered prior to final conviction, notice shall be given by the law enforcement authority from whose custody the defendant was released. When the release is granted subsequent to a final conviction, notice shall be given to the victim by the law enforcement authority from whose custody the defendant was released . . .

"When interpreting statutes, this Court strives to give force and effect to the legislature's intent. Statutes that are in *pari materia*, i.e., relating to the same subject, should be construed harmoniously, if possible, so as to further the legislative intent. Thus, we must reconcile apparent inconsistencies between statutes if it is possible to do so. If two statutes are irreconcilable, however, the more recently enacted statute governs." *State v. Gamino*, 148 Idaho 827, 828-29, 230 P.3d 437, 438-39

(Ct. App. 2010).

The State has the burden of demonstrating that this statute is unconstitutional and has failed to do so. There is no apparent conflict with the victim's rights act. The act provides that the victim is entitled to notice when a defendant is being released, but I.C. § 20-621 does not prevent this from occurring.

The State argues that it has a "due process right" to challenge the good behavior recommendation of the sheriff if the State believes that the prisoner did not have a good jail record, thus implicating judicial review of the good behavior commutation by the sheriff.

The Court will find that the statute is ministerial and does not allow for judicial review. A ministerial act is an act that "involves obedience to instructions, but demands no special discretion, judgment, or skill. Official's duty is 'ministerial when it is absolute, certain and imperative, involving merely execution of a specific duty arising from fixed and designated facts . . . A ministerial duty is "[o]ne regarding which nothing is left to discretion—a simple and definite duty, imposed by law, and arising under conditions admitted or proved to exist." *Ausman v. State*, 124 Idaho 839, 842, 864 P.2d 1126, 1129 (1993). If the statute or rule is "clear, specific, and mandatory with respect to what a judge must do . . . This is a ministerial act as opposed to a discretionary or judicial one." 124 Idaho at 1129-30, 864 P.2d at 1129-30.

It is unclear how the State's due process rights are violated simply because the statute does not expressly provide the State with the right to challenge the sheriff's good behavior determination. See, e.g., *State v. Leavitt*, 153 Idaho 142, 146, 280 P.3d 169, 173 (2012) ("Leavitt argues that the district court's issuance of the death warrant without

providing Leavitt and his counsel with an opportunity to contest the issuance of the death warrant violated his Due Process rights . . . The statute explains that the issuance of a death warrant is a ministerial process and thus, it does not implicate substantive rights.”). The sheriff’s discretion only extends to five days of confinement per month and the legislature could reasonably have determined that this was insufficiently consequential, in terms of the overall sentence to justify a more involved (substantive) procedure, such as by requiring a hearing.

The statute’s terms, which appear to be ministerial, are clear and unambiguous. If the sheriff finds that the person serving a jail sentence in the county jail has a good record as an inmate and performed the tasks assigned in an orderly and peaceable manner and the sheriff so recommends, the magistrate judge is required to commute five days off of each and every month of the sentence. The legislature granted to the sheriff commutation authority for inmates held in the county jail. The obvious intent of the statute is to encourage good jail behavior and the legislature also was of the view that the sheriff, who oversees the county jail, would be in the best position to make the good behavior determination.

In sum, pursuant to the plain wording of the statute, which has not been shown to be unconstitutional, the sheriff possesses the sole discretion to recommend commutation for good behavior. So long as a sheriff specifies a recommendation of commutation because the prisoner has had a good record as a prisoner and has performed their assigned tasks in an orderly and peaceable manner, the appropriate credit should be granted and the judge must grant the requested commutation.

CONCLUSION

Based upon the plain language of I.C. § 20-621 the sheriff is required to grant good time to all inmates who meet the requirement of this statute. Therefore, the Court will order the Ada County Sheriff to apply the accumulated good time towards Theil's sentence.

IT IS SO ORDERED.

Dated this 30th day of December 2013.



Michael McLaughlin
Senior District Judge

CERTIFICATE OF MAILING

I, Christopher D. Rich, the undersigned authority, do hereby certify that I have mailed, by United States Mail, one copy of the MEMORANDUM DECISION AND ORDER as notice pursuant to the Idaho Rules to each of the parties of record in this cause in envelopes addressed as follows:

DYLAN ORTON
ADA COUNTY PUBLIC DEFENDER
VIA INTERDEPARTMENTAL MAIL

WHITNEY WELCH
ADA COUNTY PROSECUTOR
VIA INTERDEPARTMENTAL MAIL

HON. CAROLYN MINDER
MAGISTRATE JUDGE
VIA INTERDEPARTMENTAL MAIL

ADA COUNTY SHERIFF
VIA FACSIMILE

CHRISTOPHER D. RICH
Clerk of the District Court
Elmore County, Idaho

Date: December 30, 2013

By 
Deputy Clerk

189

NO. _____ FILED _____
A.M. _____ P.M. *[Signature]*

LAWRENCE G. WASDEN
Attorney General
State of Idaho

JAN 27 2014

CHRISTOPHER D. RICH, Clerk
By AMY LANG
DEPUTY

PAUL R. PANTHER
Deputy Attorney General
Chief, Criminal Law Division

KENNETH K. JORGENSEN
Idaho State Bar # 4051
Deputy Attorney General
P. O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534

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

STATE OF IDAHO)	
)	
Plaintiff- Appellant,	)	Case No. CR-MD-2012-3054
)	
vs.	)	NOTICE OF APPEAL
)	
COREY ALLEN THIEL,)	
)	
Defendant- Respondent.)	
_____)	

TO: COREY ALLEN THIEL, THE ABOVE-NAMED RESPONDENT,
DYLAN ORTON, ADA COUNTY PUBLIC DEFENDER'S OFFICE, 200 W
FRONT STREET, STE 1107, BOISE, IDAHO 83702, AND THE CLERK OF THE
ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, State of Idaho, appeals against the above-named respondent to the Idaho Supreme Court from the MEMORANDUM

[Handwritten mark]

DECISION AND ORDER, entered in the above-entitled action on the 30th day of December, 2013, the Honorable Michael R. McLaughlin presiding.

2. The state 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 Rule 11(c)(10), I.A.R.

3. Preliminary statement of the issue on appeal: Whether the district court misinterpreted the magistrate's role in awarding good time credit under I.C. § 20-621.

4. To undersigned's knowledge, no part of the record has been sealed.

5. The appellant requests the preparation of the following portions of the reporter's transcript: The State requests no additional transcript. The State requests that any transcripts previously prepared for the appeal from the magistrate's division be included in this appeal.

6. Appellant requests the normal clerk's record pursuant to Rule 28, I.A.R.

7. I certify:

(a) That a copy of this notice of appeal is being served on each reporter of whom a transcript has been requested as named below at the address set out below:

Nicole Julson
Court Reporter
Ada County Courthouse
200 W Front St
Boise, ID 83702

(b) That arrangements have been made with the Ada County Prosecuting Attorney who will be responsible for paying for the reporter's transcript;

(c) That the appellant is exempt from paying the estimated fee for the preparation of the record because the State of Idaho is the appellant (Idaho Code § 31-3212);

(d) That there is no appellate filing fee since this is an appeal in a criminal case (I.A.R. 23(a)(8));

(e) That service is being made upon all parties required to be served pursuant to Rule 20, I.A.R.

DATED this 27th day of January, 2014.



KENNETH K. JORGENSEN
Deputy Attorney General
Attorney for the Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 27th day of January, 2014, caused a true and correct copy of the attached NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

THE HONORABLE MICHAEL R. MCLAUGHLIN
Ada County Courthouse
200 W. Front Street
Boise, Idaho 83702

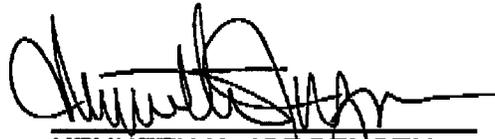
WHITNEY WELCH
Ada County Prosecutor's Office
200 W. Front Street, Room 3191
Boise, Idaho 83702

DYLAN ORTON
Ada County Public Defender's Office
200 W. Front Street, Ste 1107
Boise, Idaho 83702

NICOLE JULSON
Court Reporter
Ada County Courthouse
200 W Front St
Boise, ID 83702

HAND DELIVERY

MR. STEPHEN W. KENYON
CLERK OF THE COURTS
P.O. Box 83720
Boise, Idaho 83720-0101


KENNETH K. JORGENSEN
Deputy Attorney General

KKJ/pm

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-Appellant,
vs.
COREY ALLEN THIEL,

Defendant-Respondent.

Supreme Court Case No. 41811

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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 26th day of February, 2014.

CHRISTOPHER D. RICH
Clerk of the District Court
OF THE STATE
- OF -
By *B. Bradley*
Deputy Clerk
DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO
IN AND FOR ADA COUNTY

CERTIFICATE OF EXHIBITS

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-Appellant,
vs.
COREY ALLEN THIEL,

Defendant-Respondent.

Supreme Court Case No. 41811

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

to each of the Attorneys of Record in this cause as follows:

LAWRENCE G. WASDEN
ATTORNEY FOR APPELLANT
BOISE, IDAHO

ADA COUNTY PUBLIC DEFENDER
ATTORNEY FOR RESPONDENT
BOISE, IDAHO

Date of Service: FEB 26 2014

CHRISTOPHER D. RICH
Clerk of the District Court
OF THE STATE
OF
IDAHO
By 
Deputy Clerk
DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO
IN AND FOR ADA COUNTY

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-Appellant,

vs.

COREY ALLEN THIEL,

Defendant-Respondent.

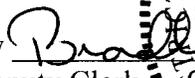
Supreme Court Case No. 41811

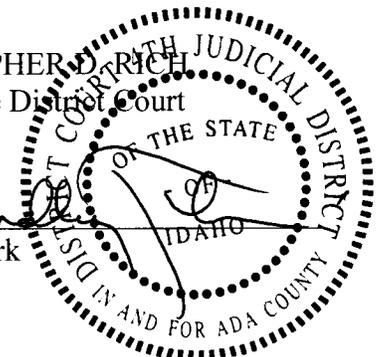
CERTIFICATE TO RECORD

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 27th day of January, 2014.

CHRISTOPHER D. RICH
Clerk of the District Court

By 
Deputy Clerk



CERTIFICATE TO RECORD

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