

6-24-2016

State v. Williams Clerk's Record Dckt. 44300

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

KENT GLEN WILLIAMS,

Defendant-Appellant.

Supreme Court Case No. 44300

CLERK'S RECORD ON APPEAL

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

HONORABLE STEVEN HIPPLER

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE No. CR-FE-2015-12724

State of Idaho
vs.
Kent Glen Williams

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Location: **Ada County District Court**
Judicial Officer: **Hippler, Steven**
Filed on: **09/08/2015**
Case Number History:
Appellate Case Number: **44300**
Police Reference Number: **-362954995**
15507917
Previous Case Number: **G15-84**

CASE INFORMATION

Offense	Deg	Date	Case Type: Criminal
Jurisdiction: County			
1. Robbery	FEL	09/04/2015	
2. Robbery	FEL	09/04/2015	
<i>Filed As:</i> Weapon-Unlawful Possession by Convicted Felon	FEL	9/8/2015	
3. Enhancement-Use of a Deadly Weapon in Commission of a Felony	FEL	09/04/2015	
<i>Filed As:</i> Robbery	FEL	9/8/2015	
4. Weapon-Unlawful Possession by Convicted Felon	FEL	09/04/2015	
<i>Filed As:</i> Enhancement-Use of a Deadly Weapon in Commission of a Felony	FEL	9/8/2015	
5. Enhancement-Persistent Violator	FEL	09/04/2015	

Statistical Closures
05/23/2016 Closed

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	CR-FE-2015-12724
Court	Ada County District Court
Date Assigned	10/02/2015
Judicial Officer	Hippler, Steven

PARTY INFORMATION

State **State of Idaho**

Lead Attorneys

Haws, Joshua P.
Retained
208-287-7700(W)

Defendant **Williams, Kent Glen**

Chastain, Robert Ross
Public Defender
208-345-3110(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

09/08/2015	New Case Filed - Felony Party: Defendant Williams, Kent Glen <i>New Case Filed - Felony</i>
09/08/2015	Prosecutor Assigned Party: Defendant Williams, Kent Glen <i>Prosecutor assigned Fafa Alidjani</i>
09/08/2015	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Video Arraignment 09/08/2015 01:30 PM)</i>

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ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2015-12724

09/08/2015	Criminal Complaint Party: Defendant Williams, Kent Glen <i>Criminal Complaint</i>
09/08/2015	Continued Party: Defendant Williams, Kent Glen <i>Continued (Video Arraignment 09/09/2015 01:30 PM)</i>
09/08/2015	Notice of Hearing Party: Defendant Williams, Kent Glen <i>Notice Of Hearing</i>
09/09/2015	Order Party: Defendant Williams, Kent Glen <i>Order for the Record: Defendant is to be brought to court for arraignment on 9/9/2015, by any means necessary</i>
09/09/2015	Change Assigned Judge: Administrative Party: Defendant Williams, Kent Glen <i>Judge Change: Administrative</i>
09/09/2015	Order Appointing Public Defender Party: Defendant Williams, Kent Glen <i>Order Appointing Public Defender Ada County Public Defender [on the record in open court]</i>
09/09/2015	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Preliminary 09/23/2015 08:30 AM)</i>
09/09/2015	Bond Set Party: Defendant Williams, Kent Glen <i>BOND SET: at 1000000.00 - (118-6501 Robbery)</i>
09/09/2015	Arraignment Party: Defendant Williams, Kent Glen <i>Hearing result for Video Arraignment scheduled on 09/09/2015 01:30 PM: Arraignment / First Appearance</i>
09/09/2015	Miscellaneous Party: Defendant Williams, Kent Glen <i>Notice & Order Of Hearing/appointment Of Pd</i>
09/09/2015	Video Arraignment (1:30 PM) (Judicial Officer: Gardunia, Theresa L.)
09/11/2015	Motion for Bond Reduction Party: Defendant Williams, Kent Glen <i>Motion For Bond Reduction</i>
09/11/2015	Notice of Hearing Party: Defendant Williams, Kent Glen <i>Notice Of Hearing</i>
09/17/2015	Letter Party: Defendant Williams, Kent Glen <i>Letter from Defendant</i>
09/22/2015	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Preliminary scheduled on 09/23/2015 08:30 AM: Hearing Vacated</i>

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ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE No. CR-FE-2015-12724

09/22/2015	Indictment Party: Defendant Williams, Kent Glen <i>Indictment</i>
09/22/2015	Change Assigned Judge: Administrative Party: Defendant Williams, Kent Glen <i>Judge Change: Administrative</i>
09/22/2015	Indictment Party: Defendant Williams, Kent Glen <i>Indictment/Amended</i>
09/22/2015	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Arraignment 09/30/2015 09:00 AM)</i>
09/23/2015	CANCELED Preliminary Hearing (8:30 AM) (Judicial Officer: Cawthon, James S.) <i>Vacated</i>
09/28/2015	Motion for Bond Reduction Party: Defendant Williams, Kent Glen <i>Motion For Bond Reduction</i>
09/28/2015	Notice of Hearing Party: Defendant Williams, Kent Glen <i>Notice Of Hearing(09/30/15@9AM)</i>
09/28/2015	Request for Discovery Party: Defendant Williams, Kent Glen <i>Defendant's Request for Discovery</i>
09/28/2015	Motion Party: Defendant Williams, Kent Glen <i>Motion for GJ Transcript</i>
09/29/2015	Prosecutor Assigned Party: Defendant Williams, Kent Glen <i>Prosecutor assigned George Gunn</i>
09/30/2015	Motion to Disqualify Party: Defendant Williams, Kent Glen <i>Motion for Disqualification without Cause</i>
09/30/2015	Continued Party: Defendant Williams, Kent Glen <i>Continued (Arraignment 10/14/2015 09:00 AM)</i>
10/02/2015	Order Party: Defendant Williams, Kent Glen <i>Order for Disqualification Without Cause</i>
10/02/2015	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Arraignment scheduled on 10/14/2015 09:00 AM: Hearing Vacated</i>
10/02/2015	Change Assigned Judge: Disqualification without Cause Party: Defendant Williams, Kent Glen <i>Change Assigned Judge: Disqualification W/O Cause</i>
10/02/2015	Transcript Filed

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2015-12724

	Party: Defendant Williams, Kent Glen <i>Notice Of Reassignment</i>
10/02/2015	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Arraignment 10/05/2015 09:00 AM)</i>
10/05/2015	DC Arraignment: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Arraignment scheduled on 10/05/2015 09:00 AM: District Court Arraignment- Court Reporter: Penny Tardiff Number of Pages: less than 100</i>
10/05/2015	A Plea is entered for Charge:* Party: Defendant Williams, Kent Glen <i>A Plea is entered for charge: - NG (I18-6501 Robbery)</i>
10/05/2015	A Plea is entered for Charge:* Party: Defendant Williams, Kent Glen <i>A Plea is entered for charge: - NG (I18-3316(1) Weapon-Unlawful Possession by Convicted Felon)</i>
10/05/2015	A Plea is entered for Charge:* Party: Defendant Williams, Kent Glen <i>A Plea is entered for charge: - NG (I37-2732(c)(3) {M} Controlled Substance-Possession of)</i>
10/05/2015	A Plea is entered for Charge:* Party: Defendant Williams, Kent Glen <i>A Plea is entered for charge: - NG (I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use)</i>
10/05/2015	Order Party: Defendant Williams, Kent Glen <i>Order Governing Further Criminal Proceedings and Notice of Trial Setting</i>
10/05/2015	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Jury Trial 02/22/2016 09:00 AM) 5 days</i>
10/05/2015	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Pretrial Conference 02/08/2016 03:00 PM)</i>
10/05/2015	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Status 02/01/2016 02:00 PM)</i>
10/05/2015	Prosecutor Assigned Party: Defendant Williams, Kent Glen <i>Prosecutor assigned Joshua P Haws</i>
10/05/2015	Arraignment (9:00 AM) (Judicial Officer: Hippler, Steven)
10/05/2015	Plea 1. Robbery Not Guilty TCN: :
10/05/2015	Plea 2. Robbery

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	Not Guilty TCN: :
10/05/2015	Plea 3. Enhancement-Use of a Deadly Weapon in Commission of a Felony Not Guilty TCN: :
10/05/2015	Plea 4. Weapon-Unlawful Possession by Convicted Felon Not Guilty TCN: :
10/09/2015	Order Party: Defendant Williams, Kent Glen <i>Order for Grand Jury Transcript</i>
10/14/2015	CANCELED Arraignment (9:00 AM) (Judicial Officer: Hansen, Timothy) <i>Vacated</i>
10/20/2015	Notice Party: Defendant Williams, Kent Glen <i>Notice of Preparation of Grand Jury Transcript</i> <i>[file stamped 10/14/2015]</i>
11/04/2015	Transcript Filed Party: Defendant Williams, Kent Glen <i>Transcript Filed</i>
11/12/2015	Motion Party: Defendant Williams, Kent Glen <i>Motion for Leave to File Information Part II</i>
11/13/2015	Notice of Hearing Party: Defendant Williams, Kent Glen <i>Notice Of Hearing(11/30@900)</i>
11/13/2015	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Hearing Scheduled 11/30/2015 09:00 AM)</i>
11/13/2015	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery</i>
11/24/2015	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery</i>
11/30/2015	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Hearing Scheduled scheduled on 11/30/2015 09:00 AM: District Court</i> <i>Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: less than 100</i>
11/30/2015	Information Part 2 Party: Defendant Williams, Kent Glen

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ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2015-12724

Information Part 2

11/30/2015	A Plea is entered for Charge:* Party: Defendant Williams, Kent Glen <i>A Plea is entered for charge: - NG (119-2514 Enhancement-Persistent Violator)</i>
11/30/2015	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>THird State/City Response to Discovery</i>
11/30/2015	Hearing Scheduled (9:00 AM) (Judicial Officer: Hippler, Steven)
12/04/2015	Motion Party: Defendant Williams, Kent Glen <i>Motion for Release on Own Recognizance</i>
12/04/2015	Motion Party: Defendant Williams, Kent Glen <i>Motion to Transfer to Another Jail or Housing Unit Within the Ada County Jail</i>
12/18/2015	Motion Party: Defendant Williams, Kent Glen <i>Motion for Relief from Prejudicial Joinder</i>
12/31/2015	Objection Party: Defendant Williams, Kent Glen <i>State's Objection to Defendant's Motion For Release on Own Recognizance And Objection To Motion To Transfer To Another Jailunit</i>
01/06/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Motion 01/15/2016 10:00 AM)</i>
01/12/2016	Indictment Party: Defendant Williams, Kent Glen <i>Indictment / Second Amended</i>
01/13/2016	Motion to Suppress Party: Defendant Williams, Kent Glen <i>Motion to Suppress</i>
01/14/2016	Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Request for Discovery</i>
01/14/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery</i>
01/14/2016	Motion to Disqualify Party: Defendant Williams, Kent Glen <i>Motion for Disqualification Without Cause on Counts 3 and 4 of the Second Amended Indictment</i>
01/15/2016	DC Arraignment: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Arraignment scheduled on 01/15/2016 10:00 AM: District Court Arraignment- Court Reporter: Christie Valcich Number of Pages: motion dq; less than 100</i>
01/15/2016	Hearing Scheduled

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ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2015-12724

	Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Motion 01/29/2016 01:00 PM) to sever</i>
01/15/2016	Order Party: Defendant Williams, Kent Glen <i>Order for Expedited Grand Jury Transcript</i>
01/15/2016	Notice Party: Defendant Williams, Kent Glen <i>Notice of Preparation of Grand Jury Transcript</i>
01/15/2016	Arraignment (10:00 AM) (Judicial Officer: Hippler, Steven) <i>motion dq Hearing result for Arraignment scheduled on 01/15/2016 10:00 AM: District Court</i> <i>Arraignment- Court Reporter: Christie Valcich</i> <i>Number of Pages:</i>
01/19/2016	Transcript Filed Party: Defendant Williams, Kent Glen <i>Grand Jury Transcript Filed</i>
01/20/2016	Memorandum Party: Defendant Williams, Kent Glen <i>Memorandum in Support of Motion Defendant's Motion to Suppress</i>
01/22/2016	Request for Discovery Party: Defendant Williams, Kent Glen <i>Defendant's Request for Discovery / Specific</i>
01/25/2016	Motion Party: Defendant Williams, Kent Glen <i>Motion for Relief From Prejudicial Joinder/Second</i>
01/25/2016	Affidavit Party: Defendant Williams, Kent Glen <i>Affidavit of Jonathan Loschi</i>
01/28/2016	Brief Filed Party: Defendant Williams, Kent Glen <i>State's Brief in Support of Objection to Defendant's Second Motion for Relief from Prejudicial Joinder</i>
01/28/2016	Motion Party: Defendant Williams, Kent Glen <i>Defendant's Motion to be Free of Excessive Restraints in Court</i>
01/28/2016	Affidavit Party: Defendant Williams, Kent Glen <i>Affidavit of William Kent</i>
01/28/2016	Notice of Hearing
01/29/2016	Brief Filed Party: Defendant Williams, Kent Glen <i>State's Brief in Support of Objection to Defendant's Motion to Suppress</i> <i>[file stamped 01/28/2016]</i>
01/29/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Motion scheduled on 01/29/2016 01:00 PM: District Court Hearing Held</i> <i>Court Reporter: Penny Tardiff</i> <i>Number of Transcript Pages for this hearing estimated: to sever; less than 200</i>

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01/29/2016	Motion Hearing (1:00 PM) (Judicial Officer: Hippler, Steven) <i>to sever Hearing result for Motion scheduled on 01/29/2016 01:00 PM: District Court Hearing Held</i> <i>Court Reporter: Penny Tardiff</i> <i>Number of Transcript Pages for this hearing estimated:</i>
02/01/2016	Miscellaneous Party: Defendant Williams, Kent Glen <i>Amend Notice of Hearing</i>
02/01/2016	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Jury Trial scheduled on 02/22/2016 09:00 AM: Hearing Vacated 5 days</i>
02/01/2016	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Pretrial Conference scheduled on 02/08/2016 03:00 PM: Hearing Vacated</i>
02/01/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Status scheduled on 02/01/2016 02:00 PM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: less than 100</i>
02/01/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Jury Trial 03/28/2016 09:00 AM) 5 days</i>
02/01/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Pretrial Conference 03/14/2016 03:00 PM)</i>
02/01/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Status 03/07/2016 02:00 PM)</i>
02/01/2016	Status Conference (2:00 PM) (Judicial Officer: Hippler, Steven)
02/04/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery</i>
02/04/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery / Addendum</i>
02/05/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Motion 02/05/2016 01:30 PM) excessive jail restraints</i>
02/05/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Motion scheduled on 02/05/2016 01:30 PM: District Court Hearing Held</i> <i>Court Reporter: Kasey Redlich</i> <i>Number of Transcript Pages for this hearing estimated: excessive jail restraints; less than 100</i>
02/05/2016	Motion Hearing (1:30 PM) (Judicial Officer: Hippler, Steven) <i>excessive jail restraints Hearing result for Motion scheduled on 02/05/2016 01:30 PM: District Court Hearing Held</i> <i>Court Reporter: Kasey Redlich</i> <i>Number of Transcript Pages for this hearing estimated:</i>

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ADA COUNTY DISTRICT COURT
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02/08/2016	CANCELED Pre-trial Conference (3:00 PM) (Judicial Officer: Hippler, Steven) <i>Vacated</i>
02/09/2016	Notice of Hearing Party: Defendant Williams, Kent Glen <i>Notice Of Hearing (3/4@10am)</i>
02/09/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Hearing Scheduled 03/04/2016 10:00 AM)</i>
02/12/2016	Notice of Hearing Party: Defendant Williams, Kent Glen <i>Amended Notice Of Hearing (3/11 @ 2p)</i>
02/12/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Hearing Scheduled 03/11/2016 02:00 PM)</i>
02/16/2016	Order Party: Defendant Williams, Kent Glen <i>Order Allowing Defendant Access to the Grand Jury Transcripts</i>
02/17/2016	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Hearing Scheduled scheduled on 03/04/2016 10:00 AM: Hearing Vacated</i>
02/22/2016	Response Party: Defendant Williams, Kent Glen <i>Response to State's Objection to Defendant's Motion to Suppress for an Illegal Arrest</i>
02/22/2016	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Hippler, Steven) <i>Vacated</i> <i>5 days Hearing result for Jury Trial scheduled on 02/22/2016 09:00 AM: Hearing Vacated</i>
02/26/2016	Motion to Suppress Party: Defendant Williams, Kent Glen <i>Motion to Suppress Search Warrant</i>
02/26/2016	Memorandum Party: Defendant Williams, Kent Glen <i>Memorandum to Suppress Search Warrant</i>
03/04/2016	CANCELED Hearing Scheduled (10:00 AM) (Judicial Officer: Hippler, Steven) <i>Vacated</i>
03/07/2016	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Status scheduled on 03/07/2016 02:00 PM: Hearing Vacated</i>
03/07/2016	CANCELED Status Conference (2:00 PM) (Judicial Officer: Hippler, Steven) <i>Vacated</i>
03/08/2016	Motion to Disqualify Party: Defendant Williams, Kent Glen <i>Motion To Disqualify Judge for Cause Pursuant to ICR 25 (b)</i>
03/08/2016	Affidavit Party: Defendant Williams, Kent Glen <i>Affidavit of Jonathan Loschi in Support of Motion to Disqualify Judge Pursuant to ICR 25 (b)</i>

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03/08/2016	Affidavit Party: Defendant Williams, Kent Glen <i>Affidavit of Kent Williams in Support of Motion to Suppress</i>
03/08/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery/ Addendum</i>
03/08/2016	Miscellaneous Party: Defendant Williams, Kent Glen <i>State's Brief In Opposition To Defendant's Motions to Suppress</i>
03/09/2016	Continued Party: Defendant Williams, Kent Glen <i>Continued (Motion to Suppress 03/11/2016 03:00 PM)</i>
03/11/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Motion to Suppress scheduled on 03/11/2016 03:00 PM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: less than 300</i>
03/11/2016	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Pretrial Conference scheduled on 03/14/2016 03:00 PM: Hearing Vacated</i>
03/11/2016	Motion to Suppress (3:00 PM) (Judicial Officer: Hippler, Steven)
03/14/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Pretrial Conference 03/22/2016 03:00 PM)</i>
03/14/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Jury Trial 03/29/2016 09:00 AM) day 2</i>
03/14/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Jury Trial 03/30/2016 09:00 AM) day 3</i>
03/14/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Jury Trial 04/01/2016 09:00 AM) day 5</i>
03/14/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Jury Trial 03/31/2016 09:00 AM) day 4</i>
03/14/2016	Continued Party: Defendant Williams, Kent Glen <i>Continued (Pretrial Conference 03/22/2016 04:00 PM)</i>
03/14/2016	CANCELED Pre-trial Conference (3:00 PM) (Judicial Officer: Hippler, Steven) <i>Vacated</i>
03/17/2016	Motion Party: Defendant Williams, Kent Glen <i>Motion to Bifurcate Count II at Trial</i>

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ADA COUNTY DISTRICT COURT
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03/17/2016	Motion Party: Defendant Williams, Kent Glen <i>Motion to Allow Defendant to Shower and Shave Daily During Trial</i>
03/18/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>Defendant's Response to Discovery</i>
03/21/2016	Affidavit Party: Defendant Williams, Kent Glen <i>Affidavit of Kent Williams in Support of Motion to Suppress</i>
03/22/2016	Order Party: Defendant Williams, Kent Glen <i>Memorandum Decision and Order</i>
03/22/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Pretrial Conference scheduled on 03/22/2016 04:00 PM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: less than 200</i>
03/22/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery/ Second</i>
03/22/2016	Miscellaneous Party: Defendant Williams, Kent Glen <i>Defense Witness List</i>
03/22/2016	Miscellaneous Party: Defendant Williams, Kent Glen <i>State's List of Potential Trial Witnesses</i>
03/22/2016	Pre-trial Conference (4:00 PM) (Judicial Officer: Hippler, Steven)
03/23/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery/ Addendum</i>
03/24/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery/ Third Addendum</i>
03/25/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>State/City Response to Discovery / Fourth Addendum</i>
03/25/2016	Stipulation Party: Defendant Williams, Kent Glen <i>Stipulation to Bifurcate Trial with Respect to Charge of Felon in Possession of a Firearm</i>
03/25/2016	Response to Request for Discovery Party: Defendant Williams, Kent Glen <i>Defendant's Response to Discovery / Second</i>
03/28/2016	Jury Trial Started Party: Defendant Williams, Kent Glen <i>Hearing result for Jury Trial scheduled on 03/28/2016 09:00 AM: Jury Trial Started 5 days</i> <i>Court Reporter: Christie Valcich</i>

ADA COUNTY DISTRICT COURT
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Pages: less than 500

03/28/2016	Amended Information Party: Defendant Williams, Kent Glen <i>Amended Information</i>
03/28/2016	Charge Reduced Or Amended Party: Defendant Williams, Kent Glen <i>Charge Reduced Or Amended (118-6501 Robbery)</i>
03/28/2016	Charge Reduced Or Amended Party: Defendant Williams, Kent Glen <i>Charge Reduced Or Amended (119-2520 Enhancement-Use of a Deadly Weapon in Commission of a Felony)</i>
03/28/2016	Charge Reduced Or Amended Party: Defendant Williams, Kent Glen <i>Charge Reduced Or Amended (118-3316(1) Weapon-Unlawful Possession by Convicted Felon)</i>
03/28/2016	Jury Trial (9:00 AM) (Judicial Officer: Hippler, Steven) <i>5 days Hearing result for Jury Trial scheduled on 03/28/2016 09:00 AM: Jury Trial Started</i>
03/29/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Jury Trial scheduled on 03/29/2016 09:00 AM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: day 2; less than 500</i>
03/29/2016	Jury Trial (9:00 AM) (Judicial Officer: Hippler, Steven) <i>day 2 Hearing result for Jury Trial scheduled on 03/29/2016 09:00 AM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated:</i>
03/30/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Jury Trial scheduled on 03/30/2016 09:00 AM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: day 3; less than 500</i>
03/30/2016	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Jury Trial scheduled on 04/01/2016 09:00 AM: Hearing Vacated day 5</i>
03/30/2016	Hearing Vacated Party: Defendant Williams, Kent Glen <i>Hearing result for Jury Trial scheduled on 03/31/2016 09:00 AM: Hearing Vacated day 4</i>
03/30/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Sentencing 05/23/2016 11:00 AM)</i>
03/30/2016	Pre-Sentence Investigation Ordered Party: Defendant Williams, Kent Glen <i>Pre-Sentence Investigation Evaluation Ordered</i>
03/30/2016	Jury Instructions Filed Party: Defendant Williams, Kent Glen <i>Jury Instructions Filed</i>
03/30/2016	Verdict form Party: Defendant Williams, Kent Glen

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Verdict Form (counts 1-3)

03/30/2016	Verdict form Party: Defendant Williams, Kent Glen <i>Verdict Form (count 4 and part II)</i>
03/30/2016	Jury Trial (9:00 AM) (Judicial Officer: Hippler, Steven) <i>day 3 Hearing result for Jury Trial scheduled on 03/30/2016 09:00 AM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated:</i>
03/31/2016	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Hippler, Steven) <i>Vacated</i> <i>day 4 Hearing result for Jury Trial scheduled on 03/31/2016 09:00 AM: Hearing Vacated</i>
04/01/2016	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Hippler, Steven) <i>Vacated</i> <i>day 5 Hearing result for Jury Trial scheduled on 04/01/2016 09:00 AM: Hearing Vacated</i>
04/21/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Hearing Scheduled 05/06/2016 10:00 AM) new counsel/pro se</i>
04/21/2016	Order Party: Defendant Williams, Kent Glen <i>Order Re: Exhibits</i>
04/22/2016	Motion Party: Defendant Williams, Kent Glen <i>Motion for New Counsel or to Proceed Pro-se</i>
04/22/2016	Notice of Hearing Party: Defendant Williams, Kent Glen <i>Notice Of Hearing (5/6 @ 10a)</i>
05/06/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Hearing Scheduled scheduled on 05/06/2016 10:00 AM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: new counsel/pro se; less than 100</i>
05/06/2016	Hearing Scheduled Party: Defendant Williams, Kent Glen <i>Hearing Scheduled (Status 05/16/2016 02:00 PM)</i>
05/06/2016	Hearing Scheduled (10:00 AM) (Judicial Officer: Hippler, Steven) <i>new counsel/pro se Hearing result for Hearing Scheduled scheduled on 05/06/2016 10:00 AM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated:</i>
05/10/2016	Order Party: Defendant Williams, Kent Glen <i>Order Granting Motion for New Counsel and Appointing Conflict Counsel</i>
05/11/2016	Notice of Appearance Party: Defendant Williams, Kent Glen <i>Notice Of Appearance as Conflict Ada County Public Defender / Chastain</i>
05/12/2016	Prosecutor Assigned

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2015-12724





	Party: Defendant Williams, Kent Glen <i>Prosecutor assigned Daniel R. Dinger</i>
05/16/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Status scheduled on 05/16/2016 02:00 PM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: less than 50</i>
05/16/2016	Status Conference (2:00 PM) (Judicial Officer: Hippler, Steven)
05/23/2016	DC Hearing Held: Court Reporter: # of Pages: Party: Defendant Williams, Kent Glen <i>Hearing result for Sentencing scheduled on 05/23/2016 11:00 AM: District Court Hearing Held</i> <i>Court Reporter: Christie Valcich</i> <i>Number of Transcript Pages for this hearing estimated: less than 100</i>
05/23/2016	Finding of Guilty Party: Defendant Williams, Kent Glen <i>Finding of Guilty (118-6501 Robbery)</i>
05/23/2016	Sentenced to Jail or Detention Party: Defendant Williams, Kent Glen <i>Sentenced to Jail or Detention (118-6501 Robbery) Confinement terms: Penitentiary determinate: 12 years. Penitentiary indeterminate: 99 years.</i>
05/23/2016	Confinement Option Recorded Party: Defendant Williams, Kent Glen <i>Confinement Option Recorded: Life sentence.</i>
05/23/2016	Finding of Guilty Party: Defendant Williams, Kent Glen <i>Finding of Guilty (118-6501 Robbery)</i>
05/23/2016	Sentenced to Jail or Detention Party: Defendant Williams, Kent Glen <i>Sentenced to Jail or Detention (118-6501 Robbery) Confinement terms: Penitentiary determinate: 20 years. Penitentiary indeterminate: 99 years.</i>
05/23/2016	Concurrent Sentencing Party: Defendant Williams, Kent Glen <i>Concurrent Sentencing (118-6501 Robbery) Consecutive Sentence: count 1 Concurrent with:</i>
05/23/2016	Confinement Option Recorded Party: Defendant Williams, Kent Glen <i>Confinement Option Recorded: Life sentence.</i>
05/23/2016	Finding of Guilty Party: Defendant Williams, Kent Glen <i>Finding of Guilty (119-2520 Enhancement-Use of a Deadly Weapon in Commission of a Felony)</i>
05/23/2016	Finding of Guilty Party: Defendant Williams, Kent Glen <i>Finding of Guilty (118-3316(1) Weapon-Unlawful Possession by Convicted Felon)</i>
05/23/2016	Sentenced to Jail or Detention Party: Defendant Williams, Kent Glen <i>Sentenced to Jail or Detention (118-3316(1) Weapon-Unlawful Possession by Convicted Felon) Confinement terms: Penitentiary determinate: 5 years.</i>

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE No. CR-FE-2015-12724




05/23/2016	Concurrent Sentencing Party: Defendant Williams, Kent Glen <i>Concurrent Sentencing (118-3316(1) Weapon-Unlawful Possession by Convicted Felon)</i> <i>Consecutive Sentence: count 1 Concurrent with: count 2</i>
05/23/2016	Finding of Guilty Party: Defendant Williams, Kent Glen <i>Finding of Guilty (119-2514 Enhancement-Persistent Violator)</i>
05/23/2016	Status Changed Party: Defendant Williams, Kent Glen <i>STATUS CHANGED: closed pending clerk action</i>
05/23/2016	Sentencing (11:00 AM) (Judicial Officer: Hippler, Steven)
05/23/2016	Disposition 1. Robbery Guilty TCN: :
05/23/2016	Disposition 2. Robbery Guilty TCN: :
05/23/2016	Disposition 3. Enhancement-Use of a Deadly Weapon in Commission of a Felony Guilty TCN: :
05/23/2016	Disposition 4. Weapon-Unlawful Possession by Convicted Felon Guilty TCN: :
05/23/2016	Disposition 5. Enhancement-Persistent Violator Guilty TCN: :
05/23/2016	Sentence (Judicial Officer: Hippler, Steven) 1. Robbery Felony Sentence Confinement Type: State Prison Facility: Idaho Department of Corrections Effective Date: 05/23/2016 Determinate: 12 Years Indeterminate: 99 Years Life
05/23/2016	Sentence (Judicial Officer: Hippler, Steven) 2. Robbery Felony Sentence Confinement Type: State Prison Facility: Idaho Department of Corrections

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2015-12724

Effective Date: 05/23/2016
Determinate: 20 Years
Indeterminate: 99 Years
Life
Consecutive with case
Comment: enhanced by count 3

05/23/2016	Sentence (Judicial Officer: Hippler, Steven) 3. Enhancement-Use of a Deadly Weapon in Commission of a Felony Felony Sentence
05/23/2016	Sentence (Judicial Officer: Hippler, Steven) 4. Weapon-Unlawful Possession by Convicted Felon Felony Sentence Confinement Type: State Prison Facility: Idaho Department of Corrections Effective Date: 05/23/2016 Determinate: 5 Years Consecutive with case
05/23/2016	Sentence (Judicial Officer: Hippler, Steven) 5. Enhancement-Persistent Violator Felony Sentence
05/27/2016	Judgment of Conviction & Order of Commitment Party: Defendant Williams, Kent Glen <i>Judgment Of Conviction & Order Of Commitment</i>
06/24/2016	Notice of Appeal Party: Defendant Williams, Kent Glen <i>NOTICE OF APPEAL</i>
06/24/2016	Appeal Filed in Supreme Court Party: Defendant Williams, Kent Glen <i>Appealed To The Supreme Court</i>
06/24/2016	Motion Party: Defendant Williams, Kent Glen <i>Motion for Order Appointing State Appellate Public Defender on Appeal</i>
07/05/2016	Order Party: Defendant Williams, Kent Glen <i>Order Appointing SAPD on Direct Appeal</i>
08/10/2016	 Amended Notice of Appeal <i>Supreme Court No. 44300</i>
08/17/2016	 Motion <i>Motion for Order for Restitution and Judgment</i>
10/11/2016	 Motion <i>to Release Non Evidence Personal Property from Police Custody</i>
10/11/2016	 Objection <i>to States Motion for Order for Restitution and Judgment and Demand for Hearing</i>
10/12/2016	Other Documents Chastain, Robert Ross

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2015-12724

	Unserved Haws, Joshua P. Unserved
10/12/2016	Other Documents Chastain, Robert Ross Unserved Haws, Joshua P. Unserved
10/24/2016	Notice of Appeal <i>Amended / Transcript Request</i>
10/24/2016	 Motion <i>for Copies of Discovery and Trial Exhibits</i>
10/24/2016	 Amended Notice of Appeal <i>/ Transcript Request by Defendant</i>
10/25/2016	 Notice <i>of Transcript Lodged (2) - Supreme Court No. 44300</i>
10/25/2016	Other Documents Chastain, Robert Ross Unserved Haws, Joshua P. Unserved

SEP 08 2015

CHRISTOPHER D. RICH, Clerk
By STORMY MCCORMACK,
DEPUTY

DR # 15-507917

JAN M. BENNETTS
Ada County Prosecuting Attorney

Kari L. Higbee
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

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

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
KENT GLEN WILLIAMS,)
)
Defendant.)
_____)

Case No. CR-FE-2015-0012724

COMPLAINT

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

PERSONALLY APPEARED Before me this 8th day of September 2015, Kari L. Higbee, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that KENT GLEN WILLIAMS, on or between the 14th day of April, 2015 and the 20th day of August, 2015, in the County of Ada, State of Idaho, did commit the crimes of: I. ROBBERY, FELONY, I.C. §18-6501 and II. UNLAWFUL POSSESSION OF A FIREARM, FELONY, I.C. §18-3316 as follows:

SM

COUNT I


That the Defendant, KENT GLEN WILLIAMS, on or about the 14th day of April, 2015, in the County of Ada, State of Idaho, did intentionally and by means of force and/or fear take from the possession of J.S., certain personal property, to-wit: U.S. Currency, the property of Key Bank, which was accomplished against the will of J.S., in that the Defendant demanded and received U.S. Currency.

COUNT II

That the Defendant, KENT GLEN WILLIAMS, on or about the 20th day of August, 2015, in the County of Ada, State of Idaho, did possess a firearm, to-wit: a Baretta handgun, knowing that he has been convicted of Murder I in Washington in 1990, a felony crime.

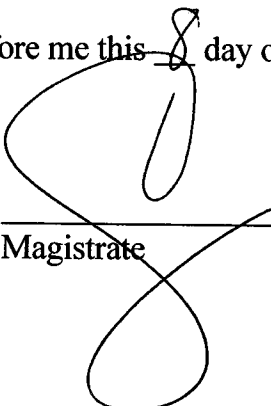
All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

JAN M. BENNETTS
Ada County Prosecutor



Kari L. Higbee
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 8 day of September 2015.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. _____

VS

CLERK _____

KENT GLEN WILLIAMS

DATE 09/05/2015 TIME 1:38

PROSECUTOR G. Gunn

CASE ID _____ BEG. 1:40

COMPLAINING WITNESS _____

COURTROOM _____ END _____

INTOX _____

JUDGE

- ☐ BEREZ
- ☐ BIETER
- ☐ CAWTHON
- ☐ COMSTOCK
- ☐ ELLIS
- ☐ FORTIER
- ☒ GARDUNIA
- ☐ HARRIGFELD
- ☐ HAWLEY
- ☐ HICKS
- ☐ KIBODEAUX
- ☐ _____
- ☐ _____

- ☐ MacGREGOR-IRBY
- ☐ MANWEILER
- ☐ McDANIEL
- ☐ MINDER
- ☐ OTHS
- ☐ REARDON
- ☐ SCHMIDT
- ☐ STECKEL
- ☐ SWAIN
- ☐ WATKINS

STATUS

- ☒ STATE SWORN
- ☒ PC FOUND by J. Hawley
- ☐ COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☐ AFFIDAVIT SIGNED
- ☐ JUDICIAL NOTICE TAKEN
- ☐ NO PC FOUND _____
- ☐ EXONERATE BOND _____
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

DR# _____

- ☐ DISMISS CASE
- ☐ IN CUSTODY

COMMENTS

- ☐ AGENTS WARRANT _____
- ☐ RULE 5(B) _____
- ☐ FUGITIVE _____
- ☐ MOTION & ORDER TO CONSOLIDATE _____
- ☒ SATURDAY PC - ROBBERY - Request
- ☐ UNLAWFUL POSSESSION OF FIREARM Request

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. FE-15-12724

VS Kent G. Williams

CLERK C. HO

PROSECUTOR: KARI HIGBEE DOUG VARIE

DATE 09 / 08 / 2015 TIME 10:45

CASE ID MACGREGOR-IRBY BEG. 110233

COURTROOM 204 END 110314

COMPLAINING WITNESS _____

INTOX _____

JUDGE

STATUS

- ☐ BERECZ
- ☐ BIETER
- ☐ CAWTHON
- ☐ COMSTOCK
- ☐ ELLIS
- ☐ FORTIER
- ☐ GARDUNIA
- ☐ HARRIGFELD
- ☐ HAWLEY
- ☐ HICKS
- ☐ KIBODEAUX

- ☒ MacGREGOR-IRBY
- ☐ MANWEILER
- ☐ McDANIEL
- ☐ MINDER
- ☐ OTHS
- ☐ REARDON
- ☐ SCHMIDT
- ☐ STECKEL
- ☐ SWAIN
- ☐ WATKINS

☒ STATE SWORN

- ☐ PC FOUND _____
- ☐ COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☐ AFFIDAVIT SIGNED
- ☒ JUDICIAL NOTICE TAKEN
- ☐ NO PC FOUND _____
- ☐ EXONERATE BOND _____
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

DR# _____

- ☐ MOTION TO REVOKE OR INCREASE BOND FOR NON-COMPLIANCE W/PT RELEASE CONDITIONS
- ☐ SET HEARING AT AR DATE ON MOTION TO REVOKE OR INCREASE BOND
- ☐ DISMISS CASE
- ☒ IN CUSTODY

COMMENTS

☐ AGENTS WARRANT w/ JUDGE PV AR set

☐ OUT OF COUNTY -RULE 5(B) _____ COUNTY _____ BOND \$ _____

☐ FUGITIVE (STATE) _____

☐ MOTION & ORDER TO CONSOLIDATE W/ n Refile

ADA COUNTY MAGISTRATE MINUTES

Kent Glen Williams

CR-FE-2015-0012724

DOB: [REDACTED]

Scheduled Event: **Video Arraignment** Tuesday, September 08, 2015 01:30 PM

Judge: **Daniel L Steckel**

Clerk: [REDACTED]

Interpreter: _____

Prosecuting Agency: AC BC EA GC MC

Pros: _____

PD / Attorney: _____

• 1 I18-6501 Robbery F

• 2 I18-3316(1) Weapon-Unlawful Possession by Convicted Felon F

_____ Case Called Defendant: _____ Present _____ Not Present X In Custody

X 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

Set over to 9/9/15
Judge Steckel ordered to be to to
undigned on 9/9/15

Finish () Release Defendant

NO. _____
A.M. _____

SEP 08 2015

CHRISTOPHER D. RICH, Clerk
By CASSANDRA JOHNSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION
Criminal Court - Traffic Division
200 W. Front St.
Boise, Idaho 83702

MEMO FOR THE RECORD

Date: 9/8/15

Case Number: CRFE 2015 012724

Defendant: Kent Williams

Subject: Mr. Williams is to be brought to arraignment
if he can be safely transported on 9/8/15 at 1:30

JUDGE: D/L. S. S.

9/8/15
Date

MEMO FOR THE RECORD

[REV 000024

NO. 1145 FILED
A.M. 11:45 P.M.

SEP 09 2015

CHRISTOPHER D. RICH, Clerk
By KELLY MITCHELL
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION
Criminal Court - Traffic Division
200 W. Front St.
Boise, Idaho 83702

Order

~~MEMO~~ FOR THE RECORD

Date: 9/9/15
Case Number: CR FE 2015 012724
Defendant: Kent Williams
Subject: Defendant is to be brought
to Court for arrignment on 9/9/15,
by any means necessary.

JUDGE: 

9/9/15
Date

Order

~~MEMO~~ FOR THE RECORD

[REV 000025

ADA COUNTY MAGISTRATE MINUTES

Kent Glen Williams

CR-FE-2015-0012724

DOB: [REDACTED]

Scheduled Event: Video Arraignment Wednesday, September 09, 2015

01:30 PM

Judge: Theresa Gardunia

Clerk: AM

Interpreter: _____

Prosecuting Agency: XAC BC EA GC MC

Pros: F. Alidjani

(PD) Attorney: N. Wollen

• 1 I18-6501 Robbery F

• 2 I18-3316(1) Weapon-Unlawful Possession by Convicted Felon F

13021 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 \$ 1,000,000 ROR Pay / Stay Payment Agreement

 In Chambers PT Memo Written Guilty Plea No Contact Order

Prelim: 9/23/2015 at 8:30 AM

w/ Judge Caution

Finish () Release Defendant

000026

CR-FE-2015-0012724

AM. 11:24 P.M.
Wednesday, September 09, 2015
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: _____
DEPUTY CLERK

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.

Kent Glen Williams
Homeless
Boise, ID 83702

Defendant.

Case No: CR-FE-2015-0012724

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:

Preliminary Wednesday, September 23, 2015 08:30 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.

I hereby certify that copies of this Notice were served as follows on this date of Wednesday, September 09, 2015.

Defendant: Mailed _____ Hand Delivered ☒

Signature Plumplain 5391 9/9

Clerk / date _____ / _____

Phone () _____

Prosecutor: Interdepartmental Mail ☒

Clerk SANDRA BURCH 9-10

Public Defender: Interdepartmental Mail ☒

Clerk SANDRA BURCH 9-10

Deputy Clerk B

Cite Pay Website: <https://www.citepayusa.com/payments>
Supreme Court Repository: <https://www.idcourts.us>

NOTICE OF APPOINTMENT OF PUBLIC DEFENDER

000027

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

NO. _____
A.M. _____ P.M. _____
FILED *24*
SEP 11 2015
CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

227
PH
9/23
8:30

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.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

MOTION FOR BOND REDUCTION

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

DATED, Friday, September 11, 2015.

Steven A. Botimer

STEVEN A BOTIMER
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, September 11, 2015, I mailed a true and correct copy of the within instrument to:

FAFA ALIDJANI
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

Fafa Alidjani

MOTION FOR BOND REDUCTION

000028

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

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

SEP 11 2015

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

vs.

KENT GLEN WILLIAMS,
Defendant.

Case No. CR-FE-2015-0012724

NOTICE OF HEARING

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

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Wednesday, September 23, 2015, at the hour of 08:30 AM , in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Friday, September 11, 2015.

Steven A. Botimer

STEVEN A BOTIMER
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, September 11, 2015, I mailed a true and correct copy of the within instrument to:

FAFA ALIDJANI
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

[Signature]

NOTICE OF HEARING

000029

MD

2014
FE-15-1724

NO. 1145 FILED
A.M. 11 P.M.

SEP 17 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

To: Judge James Cawthon

From: Kent Williams
ADA County Jail & m

FE-15-11999

Dear Judge Cawthon:

Please hear me out. I am not your average cry baby.

As a result of not being able to afford bail I have endured
torcher, cruel & unusual punishment, Punishment before conviction,
denied access to counsel & the courts. my ability to defend my self
is being hampered and I am in danger. All on Video:

Abbreviated Version: ON ^{September} ~~August~~ 2nd And 3rd 2015 I was told by Jail
staff IF I refuse to take a T.B. Test (Te'burkle'osis.sp?) I will
be placed in a corenteen cell until I give up my right to refuse.

ON August 4th I was placed in a corenteen cell after returning
From the court house (For some reason I was not allowed to be
present at the hearing ???)

ON ^{Sept} ~~August~~ 5th at Dinner time while in the 24 hour lock down cell
I was told to put on a mask ("mask up") in order to get Fed.
(or literally even Toilet Paper). I refused to mask up, as is my
right to refuse the test with out consequences. I was refused Food
for 11 consecutive meals for not "masking up". After over 3 days
Being denied Food staff then put masks on then lowered
a garbage bag of "Food." They were obligated to do this earlier.

ON ^{Sept} ~~August~~ 8th after demanding a razor to shave before that
days scheduled court appearance the jail some how post Pored

000030

CC: PA/PO

1-2

it until the 9th. On the 9th after demanding a razor before court the Jail "Goon Squad" shot pepper spray in the cell. At that point I saw that they would not be reasonable and complied with directives to cuff up through the cuff port. After I was secured in restraints they opened the door put me face down in the gas, Put in a device not intended to be used as it was.

The video can tell better than me.

* my hands were kept in cuffs then a thick strap was put on my upper arms squeezing them and compressing them into my body, causing them to become numb and painful, straining my whole body. The movement was so restrictive and painful it immediately caused an extreme claustrophobic panic attack. Then a small mask was placed over my face covered with gas exacerbating the claustrophobic attack. They wheeled me into the court video room where they kept telling me the pain and panic ~~can~~ all stop if I agree to take the test shot. (takes three days to develop). I finally agreed to take the test under EXTREME duress and coercion. They then took the strap and mask off. The implications obvious...

Please view the video and record of refused meals. It speaks for itself. Court clerks and other civilians were present. Including my "Attorney" (Don't know name) who witnessed it and said nothing. Nor did he tell the Judge a minute later when the hearing started. And I bet he never did report what he saw. He knew my mind was not present, only my body. I have no advocate. Please investigate and put the video and other evidence into the record and take action you deem fit. Thank you. Sincerely Keith White 906003715

SEP 22 2015

CHRISTOPHER D. RICH, Clerk
By MIREN OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 West 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

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
KENT GLEN WILLIAMS,)
)
Defendant.)

Grand Jury No. 15-84
Case No. CR-FE-2015-0011999
12724
INDICTMENT

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

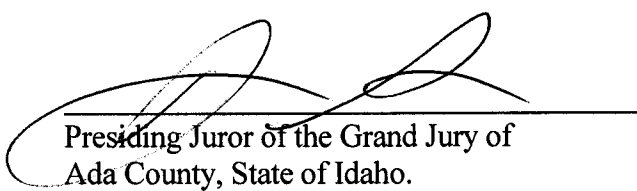
KENT GLEN WILLIAMS is accused by the Grand Jury of Ada County by this Indictment, of the crime of: I. ROBBERY, FELONY, I.C. §18-6501 was committed as follows:

That the Defendant, KENT GLEN WILLIAMS, on or about the 14th day of April, 2015, in the County of Ada, State of Idaho, did intentionally and by means of force and/or fear take from the possession of J.S., certain personal property, to-wit: U.S. Currency, the property of Key Bank, which was accomplished against the will of J.S., in that the Defendant demanded and received U.S. Currency.

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

A TRUE BILL

Presented in open Court this 22 day of September 2015.



Presiding Juror of the Grand Jury of
Ada County, State of Idaho.

Names of Witnesses Examined

By the Grand Jury:

JAMIE Spellman

Zachary Helbach

Ryan Williams

Jason Pietrzak

MONTE Iverson

SEP 22 2015

CHRISTOPHER D. RICH, Clerk
By MIREN OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Fafa Alidjani
Deputy Prosecuting Attorney
200 West 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

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.

Grand Jury No. 15-84
Case No. CR-FE-2015-0011999

12724

AMENDED INDICTMENT

Defendant's DOB: [REDACTED]

Defendant's SSN: [REDACTED]

KENT GLEN WILLIAMS is accused by the Grand Jury of Ada County by this Indictment, of the crime(s) of: I. ROBBERY, FELONY, I.C. §18-6501, II. UNLAWFUL POSSESSION OF A FIREARM, FELONY, I.C. §18-3316 III. POSSESSION OF A CONTROLLED SUBSTANCE, MISDEMEANOR, I.C. §37-2732(c)(3), and IV. POSSESSION OF DRUG PARAPHERNALIA, MISDEMEANOR, I.C. §37-2734B committed as follows:

COUNT I

That the Defendant, KENT GLEN WILLIAMS, on or about the 14th day of April, 2015, in the County of Ada, State of Idaho, did intentionally and by means of force and/or fear take from the possession of J.S., certain personal property, to-wit: U.S. Currency, the property of Key

SM

Bank, which was accomplished against the will of J.S., in that the Defendant demanded and received U.S. Currency.

COUNT II

That the Defendant, KENT GLEN WILLIAMS, on or about the 20th day of August, 2015, in the County of Ada, State of Idaho, did possess a firearm, to-wit: a Baretta handgun, knowing that he has been convicted of Murder 1st Degree in Washington in 1990, a felony crime.

COUNT III

That the Defendant, KENT GLEN WILLIAMS, on or about the 20th day of August, 2015, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: marijuana, a Schedule I controlled substance.

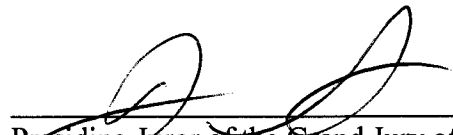
COUNT IV

That the Defendant, KENT GLEN WILLIAMS, on or about the 20th day of August, 2015, in the County of Ada, State of Idaho, did possess drug paraphernalia, to-wit: a pipe, knowing, or under circumstance where one reasonably should know, that said paraphernalia would be used to ingest and/or inhale a controlled substance.

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

A TRUE BILL

Presented in open Court this 22 day of September 2015.



Presiding Juror of the Grand Jury of
Ada County, State of Idaho.

Amended Indictment

JASON PIETRAK

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HRR
9/25
9-
ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. 8:30 P.M. _____

SEP 28 2015

CHRISTOPHER D. RICH, Clerk
By **MEG KEENAN**
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.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

MOTION FOR BOND REDUCTION

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

DATED, Friday, September 25, 2015.



ANTHONY R GEDDES
Attorney for Defendant

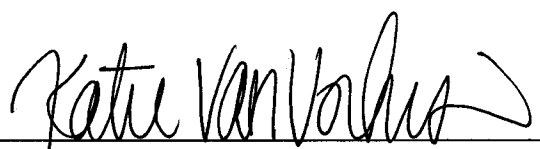
CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, September 25, 2015, I mailed a true and correct copy of the within instrument to:

FAFA ALIDJANI
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MOTION FOR BOND REDUCTION



Katie Van Vorst

000038

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

NO. _____ FILED _____
A.M. 8:30 P.M. _____

SEP 28 2015

CHRISTOPHER D. RICH, Clerk
By MEG KEENAN
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.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

NOTICE OF HEARING

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

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Wednesday, September 30, 2015, at the hour of 09:00 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Friday, September 25, 2015.



ANTHONY R GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, September 25, 2015, I mailed a true and correct copy of the within instrument to:

FAFA ALIDJANI
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

NOTICE OF HEARING



Katie Van Vorhis

000039

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

NO. _____ FILED _____
A.M. 8:30 P.M.

SEP 28 2015

CHRISTOPHER D. RICH, Clerk
By MEG KEENAN
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.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

REQUEST FOR DISCOVERY

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

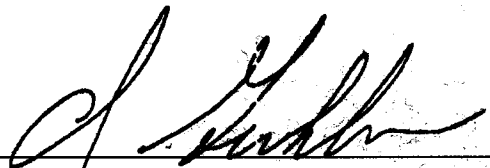
PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

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

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

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

DATED, Friday, September 25, 2015.



ANTHONY R GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Friday, September 25, 2015, 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.



SEP 28 2015

CHRISTOPHER D. RICH, Clerk
By SARA MARKLE
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

100
Av.
9/30
9/1A
Anthony Geddes
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.


Case No. CR-FE-2015-0012724

MOTION FOR GRAND JURY
TRANSCRIPT

COMES NOW the defendant, KENT GLEN WILLIAMS, by and through his attorney, Anthony Geddes, Ada County Public Defender's Office, and moves this Court to order that a transcript of the grand jury proceedings in this case be prepared and provided to counsel for the defendant and the prosecuting attorney as soon as possible. The defendant, being indigent, also requests that the transcript be prepared at the cost of Ada County.


This motion is made pursuant to the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution; Article I, Section 13, of the Idaho Constitution; and Idaho Criminal Rules 6 and 7.

DATED this 28th day of September 2015.


ANTHONY GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28th day of September 2015, I mailed a true and correct copy of the foregoing to the **Ada County Transcript Coordinator** by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

100
Arc
9:30
9:00

SEP 30 2015

CHRISTOPHER D. RICH, Clerk
By KATEINA CHRISTENSEN
Clerk

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Anthony Geddes
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

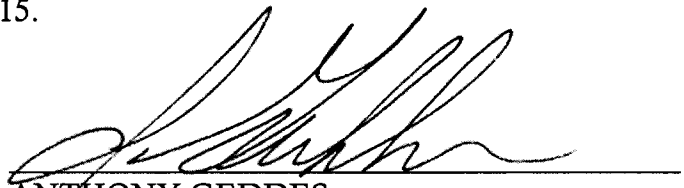
Defendant.

Case No. CR-FE-2015-0012724

MOTION FOR DISQUALIFICATION
WITHOUT CAUSE

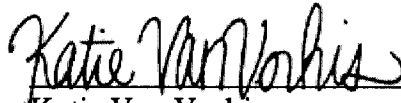
COMES NOW the defendant, KENT GLEN WILLIAMS, by and through his attorney, Anthony Geddes, Ada County Public Defender's Office, and moves this Court, pursuant to Idaho Criminal Rule 25(a)(1), for an order of disqualification of Judge Timothy Hansen in the above-entitled case.

DATED this 30th day of September 2015.


ANTHONY GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 30th day of September 2015, I mailed a true and correct copy of the foregoing to George Gunn, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

Time	Speaker	Note
<u>10:30:24 AM</u>		State v Kent Williams - CRFE15-12724
<u>10:30:40 AM</u>	State Attorney	George Gunn
<u>10:30:46 AM</u>	Public Defender	Tony Geddes
<u>10:30:49 AM</u>	Judge Carey	Calls case, def. is present in custody with counsel
<u>10:32:16 AM</u>	Judge Carey	arraigns the def. on the Indictment
<u>10:34:51 AM</u>	Judge Carey	will continue the arraignment to 10/14/15 at 9:00 - Court will note that the def. indicated he did not understand what was going on
<u>10:35:30 AM</u>		END CASE

OCT 02 '2015

CHRISTOPHER D. RICH, Clerk
By MIREN OLSON
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Anthony Geddes
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED
SEP 30 2015
ADA COUNTY COURT 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.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

ORDER OF DISQUALIFICATION
WITHOUT CAUSE

Based upon the defendant's motion pursuant to Idaho Criminal Rule 25(a)(1), it is hereby ordered that the Honorable Timothy Hansen is disqualified without cause and another judge shall be assigned to preside over the above-entitled case.

IT IS SO ORDERED.

DATED this 1st day of ^{October}~~September~~ 2015.


TIMOTHY HANSEN
District Judge

FILED
Friday, October 02, 2015 at 10:43 AM
CHRISTOPHER D. RICH, CLERK OF THE COURT
By: Maren Olson
Deputy 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.

KENT GLEN WILLIAMS,
Defendant.

Case No. CR-FE-2015-0012724

NOTICE OF REASSIGNMENT

NOTICE IS HEREBY GIVEN That the above-entitled case has been reassigned to the Honorable STEVEN HIPPLER.

DATED Friday, October 02, 2015.

CHRISTOPHER D. RICH
Clerk of the District Court

By: Maren Olson
Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on Friday, October 02, 2015, I have delivered a true and accurate copy of the foregoing document to the following parties in the method indicated below:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

CHRISTOPHER D. RICH
Clerk of the Court

By: Maren Olson
Deputy Clerk

ARRAIGNMENT IS SCHEDULED FOR OCTOBER 5, 2015 AT 9:00 A.M.

Time	Speaker	Note
<u>9:10:38 AM</u>		St. v. Kent Williams Arraignment CRFE15-12724 Cust
<u>9:10:44 AM</u>	Judge	calls case, def present in custody
<u>9:10:52 AM</u>	State	Barbara Duggan
<u>9:11:03 AM</u>	PD	Jonathan Loschi
<u>9:11:52 AM</u>	Judge	Arraigns defendant on charges.
<u>9:12:03 AM</u>		Ct advises Defendant of the possible penalties.
<u>9:12:05 AM</u>	PD	he's indicated that he'll remain silent thru these proceedings
<u>9:14:48 AM</u>	Judge	Reads the Amended Indictment
<u>9:17:53 AM</u>	PD	believe named is spelled correctly and SSN is correct
<u>9:18:11 AM</u>		dont' think he has any questions
<u>9:18:26 AM</u>	PD	stand silent
<u>9:18:29 AM</u>	Judge	enter a NG plea
<u>9:18:40 AM</u>	State	5 day Trial
<u>9:21:35 AM</u>	Judge	JT: Feb 22nd at 9am; PTC: Feb 8th at 3pm; Status: Feb 1st at 2pm
<u>9:22:50 AM</u>		end of case

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

FILED	10/5/15	AT	9a	M.
CHRISTOPHER D. RICH CLERK OF THE DISTRICT COURT				
BY <u>E. Chell</u> Deputy Clerk				

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
Kent Williams,)
)
Defendant.)

Case No. CR- FE-15-12724

**ORDER GOVERNING FURTHER
CRIMINAL PROCEEDINGS AND
NOTICE OF TRIAL SETTING**

IT IS HEREBY ORDERED as follows:

- (1) Compliance date for discovery is set on or before Jan 15, 2016.
- (2) Status conference will be held on Feb 1, 2016 at 2 p.m. wherein defendant(s) must be personally present in court.
- (3) Pretrial conference will be held on Feb 8, 2016 at 3 p.m. wherein defendant(s) must be personally present in court.
- (4) Jury trial will be held on Feb 22, 2016 at 9 a.m. and shall be scheduled for 5 days. The order of the jury panel will be drawn by lot the afternoon before the day of trial in chambers. Counsel may be present for the drawing of the names.
- (5) Notice is hereby given, pursuant to Rule 25(a)(6), I.C.R. that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. G.D. Carey	Hon. W.H. Woodland	Hon. Dennis Goff	Hon. Ronald Wilper
Hon. Daniel C. Hurlbutt, Jr.	Hon. James Judd	Hon. Duff McKee	Hon. Renee Hoff
Hon. Michael McLaughlin	Hon. Gerald Schroeder	Hon. Kathryn Sticklen	
Hon. Darla Williamson	Hon. Gregory M. Culet	Hon. James Morfitt	

ALL SITTING FOURTH DISTRICT JUDGES

- (6) **Defendant shall file all pretrial motions governed by Rule 12 of the Idaho Criminal Rules no later than fourteen (14) days after the compliance date set for discovery or otherwise show good cause, upon formal motion, why such time limits should be extended.** All such motions must be brought on for hearing within fourteen (14) days after filing or forty-eight (48) hours before trial, whichever is earlier. All motions *in limine* shall be in writing and filed no later than five (5) days prior to the pretrial conference. **All Motions to Suppress Evidence must be accompanied by a brief setting forth the factual basis and legal basis for the suppression of evidence.**

IT IS SO ORDERED this 5th day of October 2015.

Served in custody
Defendant's Signature

STEVEN J. HIPPLER
District Judge

cc: Hand delivered to Defendant and Counsel

OCT 09 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Anthony Geddes
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED
SEP 28 2015
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.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

ORDER FOR GRAND JURY
TRANSCRIPT

Based upon the motion of the defendant and pursuant to the requirements of Idaho Criminal Rules 6 and 16, this Court hereby orders that a typewritten transcript of the testimony of those witnesses appearing before the grand jury, and the grand jury proceedings in the above-entitled matter shall be prepared for use by both defense counsel and the prosecuting attorney as soon as possible. Said transcript shall be prepared at the cost of Ada County.

The Transcription Department is directed to make a physical recording of the proceedings available to a certified court reporter for transcribing. Upon receipt of its estimated fees as provided for in the case of transcripts for preliminary hearings, the Transcription Department shall have prepared and delivered to the Court a sealed typewritten original transcript and two sealed copies. Each sealed copy of the grand jury transcript shall be made available by the Court to both defense counsel and the prosecuting attorney.

Upon application of the prosecuting attorney, and good cause shown, the Court may direct that the transcript be edited and cause to be deleted any material in the transcript which does not pertain to the instant proceeding and which is part of other, on-going investigation not

relevant to the instant proceedings, any identification of individual grand jury members, and any comments by grand jury members other than comments which are part of specific questions of witnesses.


Copies of said transcript, with a notation of the nature, but not the content, of any redaction, will be made available to both defense counsel and the prosecuting attorney by the Court.

All such transcripts of grand jury testimony are to be used exclusively by the prosecutor and defense counsel in their preparation for this case, and for no other purpose. None of the material may be copied or disclosed to any other person other than the prosecutor and defense counsel without specific authorization by the Court. However, authorization is hereby granted to permit disclosure of the transcript of grand jury testimony to associates and staff assistants to both defense counsel and the prosecuting attorney, who agree to be bound by this order, and only in connection with the preparation of this case. Counsel may discuss the contents of the transcript with their respective clients, but may not release the transcript themselves. The defendant, defense counsel, and the prosecutor shall be allowed to review the entire grand jury transcript. In addition, a witness whose testimony was given during grand jury proceedings may review the typed portion of the transcript which contains their specific testimony only.

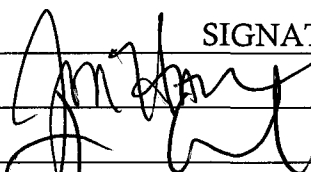
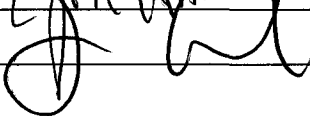
Violation of any provisions of this order shall be considered a contempt. Each counsel receiving such transcript from the Court shall endorse a copy of this order acknowledging that each such counsel is aware of the terms thereof, and agreeing to be bound hereby.

IT IS SO ORDERED.

DATED this 9th day of October ~~September~~ 2015.


~~TIMOTHY HANSEN~~ Steven Hippler
District Judge

By signature, the undersigned acknowledges their familiarity with the terms of the foregoing order, and agrees to comply herewith.

DATE	SIGNATURE	OFFICE
<u>11/11/16</u>		Prosecutor
<u>12/4/15</u>		Public Defender

cc: Transcripts

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NO. _____
A.M. _____ FILED P.M. 3 25

OCT 14 2015

CHRISTOPHER D. RICH, Clerk
By RAE ANN NIXON
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.	)	Case No. CRFE-2015-0012724
)	
KENT G. WILLIAMS,	)	NOTICE OF PREPARATION
	)	OF GRAND JURY TRANSCRIPT
Defendant,)	
_____)	

An Order for transcript was filed in the above-entitled matter on October 9, 2015, and a copy of said Order was received by the Transcription Department on October 13, 2015. I certify the estimated cost of preparation of the transcript to be:

Type of Hearing: Grand Jury Hearing
Date of Hearing: September 22, 2015
123 Pages x \$3.25 = \$399.75

In this case, the Ada County Public Defender's Office has agreed to pay for the cost of the transcript fee upon completion of the transcript.

The Transcription Department will prepare the transcript and file it with the Clerk of the District Court within thirty (30) days (or expedited days) from the date of this notice. The transcriber may make application to the District Judge for an extension of time in which to prepare the transcript.


Date: October 14, 2015.

Rae Ann Nixon
RAE ANN NIXON
Ada County Transcript Coordinator

CERTIFICATE OF MAILING

I certify that on October 14, 2015, a true and correct copy of the Notice of Preparation of Transcript was forwarded to Defendant's attorney of record, by first class mail, at:

Ada Co. Public Defender's Office
200 West Front Street Ste 1107
Boise, Idaho 83702
ANTHONY GEDDES



RAE ANN NIXON
Ada County Transcript Coordinator

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NO. _____ FILED 1206
A.M. _____ P.M.

NOV 12 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

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

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

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

HE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
KENT GLEN WILLIAMS,)
)
Defendant.)
_____)

Case No. CR-FE-2015-0012724

MOTION FOR LEAVE TO FILE
INFORMATION
PART II

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho and moves this Court for its order allowing the State to file an Information, Part II, in the above-matter based on what the State believes is the defendant's prior record as set out below.

That the defendant, KENT GLEN WILLIAMS was convicted of the crime of MURDER IN THE FIRST DEGREE, a Felony, and/or was convicted of the crime of FELONY HARASSMENT – DOMESTIC VIOLENCE, a Felony.

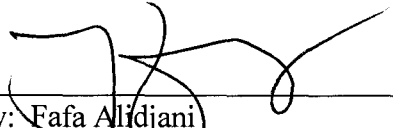
The State's information as to the defendant's prior record is based on a state or national

mw

records check and certified copies of the Judgments of Conviction.

RESPECTFULLY SUBMITTED this 12 day of November, 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney

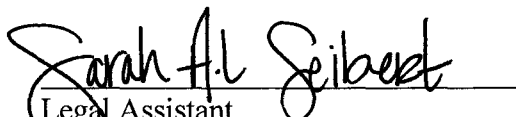

By: Fafa Alidjani
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 2015, I caused to be served, a true and correct copy of the foregoing Motion for Leave to File INFORMATION Part II upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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


Legal Assistant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 2015, I caused to be served, a true and correct copy of the foregoing Notice of Hearing upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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


Legal Assistant

NOV 13 2015

CHRISTOPHER D. RICH, Clerk
By CHRIS FRIES
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

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

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

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

KENT GLEN WILLIAMS,)

Defendant.)

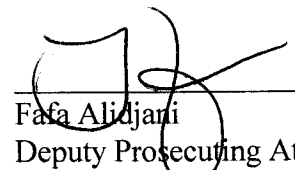
Case No. CR-FE-2015-0012724

**DISCOVERY
RESPONSE TO COURT**

COMES NOW, Fafa Alidjani, 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 13 day of November, 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Fafa Alidjani
Deputy Prosecuting Attorney

NOV 24 2015

CHRISTOPHER D. RICH, Clerk
By MEG KEENAM
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

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

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

THE STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.

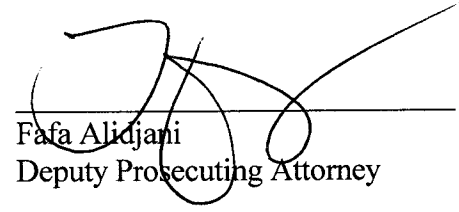
Case No. CR-FE-2015-0012724

**DISCOVERY
RESPONSE TO COURT**

COMES NOW, Fafa Alidjani, 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 23 day of November, 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Fafa Alidjani
Deputy Prosecuting Attorney

Time	Speaker	Note
<u>09:21:32 AM</u>		St. v. Kent Williams CRFE15-12724 Info Part II Cust
<u>09:22:00 AM</u>	Judge	calls case, def present in custody
<u>09:22:06 AM</u>	State	Fafa Alidajani
<u>09:22:19 AM</u>	PD	Jonathan Loschi
<u>09:22:52 AM</u>	Judge	an information part II?
<u>09:22:59 AM</u>	State	yes
<u>09:23:03 AM</u>	PD	no objection at this time
<u>09:23:15 AM</u>	Judge	Arraigns defendant on information part II
<u>09:23:27 AM</u>	Def	object to how I'm being restrained
<u>09:23:46 AM</u>		I can't afford bail
<u>09:23:50 AM</u>	Judge	I don't know what you did to make yourself a level
<u>09:24:01 AM</u>		the restraints you have are what are used for those who are a heightened security risk
<u>09:24:15 AM</u>		need you to pay attention
<u>09:24:22 AM</u>	Defendant	I'm not understanding anything at this moment
<u>09:24:32 AM</u>	PD	suggest the arraignment on info pt II be put off
<u>09:25:09 AM</u>	State	if the court will still proceed
<u>09:25:28 AM</u>		the behavior of the defendant
<u>09:25:53 AM</u>		at least arraign him
<u>09:26:03 AM</u>	Judge	I expect he'll be in the same condition when we come again
<u>09:26:17 AM</u>	PD	maybe we can special set it
<u>09:26:28 AM</u>	Judge	I will arraign, I can read it to him, I don't mind
<u>09:26:42 AM</u>	Judge	reads information Part II
<u>09:29:24 AM</u>		explains process of information part II after a trial
<u>09:31:16 AM</u>		Ct advises defendant of possible consequences
<u>09:31:24 AM</u>	Defendant	don't feel comfortable answering
<u>09:31:32 AM</u>	Judge	I'll take that as a no
<u>09:32:04 AM</u>		end of case

NOV 30 2015

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

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

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

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2015-0012724
)	
vs.	)	INFORMATION
	)	PART II
KENT GLEN WILLIAMS,)	
	)	DOB: [REDACTED]
Defendant.	)	SSN: [REDACTED]
_____)	

JAN M. BENNETTS, Prosecuting Attorney in and for the County of Ada, State of Idaho, who, in the name of and by the authority of said State, prosecutes in its behalf, in proper person, comes now before the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, and given the Court to understand and to be further informed that, as PART II of the Amended Indictment on file herein, the Defendant, KENT GLEN WILLIAMS, is a persistent violator of the law, in that the Defendant has heretofore been convicted of the following felonies, to-wit: I. MURDER IN THE FIRST DEGREE, a Felony, in case number 89-1-04646-2 and II. FELONY HARASSMENT – DOMESTIC VIOLENCE, a Felony, in case number 11-00194-2 SEA.

EW

I


That the said Defendant, KENT GLEN WILLIAMS on or about the 13th day of March, 1990, was convicted of the crime of MURDER IN THE FIRST DEGREE, a Felony, in the County of King, State of Washington, by virtue of that certain Judgment of Conviction made and entered by Honorable Judge Patricia Aitken in case number 89-1-04646-2.

II

That the said Defendant, KENT GLEN WILLIAMS on or about the ¹⁶13th day of ^{April 2011}March, 1990, was convicted of the crime of FELONY HARASSMENT – DOMESTIC VIOLENCE, a Felony, in the County of King, State of Washington, by virtue of that certain Judgment of Conviction made and entered by Honorable Judge Kimberley D. Prochnau, in case number 11-00194-2 SEA.

WHEREFORE, the said Defendant, having been convicted previously of two (2) or more felonies, should be considered a persistent violator of the law, and should be sentenced accordingly pursuant to Idaho Code §19-2514, upon conviction of the charge(s) contained in PART I of the Amended Indictment.

DATED this 16th day of November, 2015.



JAN M. BENNETTS
Ada County Prosecuting Attorney

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FILED
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NOV 30 2015

CHRISTOPHER J. HARRIS, Clerk
By _____

JAN M. BENNETTS
Ada County Prosecuting Attorney

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

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

THE STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.

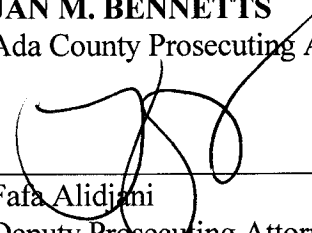
Case No. CR-FE-2015-0012724

**THIRD
DISCOVERY
RESPONSE TO COURT**

COMES NOW, Fafa Alidjani, 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 30 day of November, 2015.

JAN M. BENNETTS
Ada County Prosecuting Attorney



Fafa Alidjani
Deputy Prosecuting Attorney

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211
2p.

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 W. Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7450
Facsimile: (208) 287-7419

DEC 04 2015

CHRISTOPHER D. RICH, Clerk
By WENDY MALONE
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. CR FE 15 12724
vs.)	
	)	MOTION FOR RELEASE ON OWN
KENT WILLIAMS,	)	RECOGNIZANCE
)	
Defendant.)	
)	
)	

COMES NOW, the above named defendant, KENT WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN LOSCHI, handling attorney, and hereby moves this Honorable Court for an order releasing the defendant on his own recognizance.

This motion is made for the following reasons:

- 1) The defendant maintains he is unable to assist in his own defense due to the conditions of his confinement;
- 2) The defendant maintains that he has been denied food for 11 consecutive meals due to a refusal to get a TB test;
- 3) The defendant maintains that his current housing is inhumane;
- 4) The defendant is in a cell which is monitored by camera 24 hours per day that has a 24 hour light on it;
- 5) The defendant maintains that lights in his housing unit do not get shut off until approximately 1130am at night and turned on at approximately 430am in the morning;

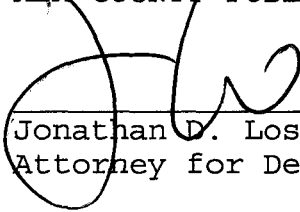
- 6) This short duration of "lights out" coupled with constant movement and activity in the housing unit even during those times has made it impossible for the defendant to get a decent sleep;
- 7) The defendant's lack of sleep leaves him incapable of reading discovery, or working on his case to assist his attorney;
- 8) The phone schedule in his housing unit sometimes makes it days between phone calls to his attorney. The defendant is often out of his cell, with access to the phone, after normal business hours;

This court should grant this motion to allow the defendant to be released on his own recognizance, with any appropriate restrictions, so that he is adequately able to assist in his own defense.

AND IT IS SO MOVED.

DATED this 4 day of ^{December}~~November~~, 2015.

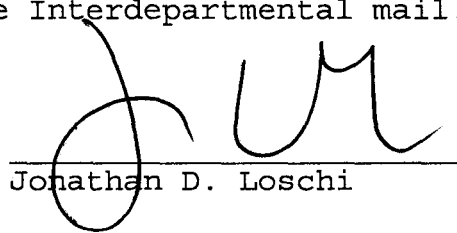
ADA COUNTY PUBLIC DEFENDER


Jonathan D. Loschi
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 4 day of ^{December}~~November~~, 2015, I mailed a true and correct copy of the foregoing to the:
Ada County Prosecutor's Office

by depositing same in the Interdepartmental mail.


Jonathan D. Loschi

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 W. Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7450
Facsimile: (208) 287-7419

DEC 04 2015

CHRISTOPHER D. RICH, Clerk
By WENDY MALONE
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. CR FE 15 12724
vs.)	
	)	MOTION FOR TRANSFER TO ANOTHER
KENT WILLIAMS,	)	JAIL OR HOUSING UNIT WITHIN
	)	THE ADA COUNTY JAIL
Defendant.)	
)	
)	
)	

COMES NOW, the above named defendant, KENT WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN LOSCHI, handling attorney, and hereby moves this Honorable Court for an order that the defendant be housed in another local jail, or in another housing unit within the Ada County Jail that permits him regular attorney phone calls and 8 hours of sleep per night.

This motion is made for the following reasons:

- 1) The defendant maintains he is unable to assist in his own defense due to the conditions of his confinement;
- 2) The defendant is in a cell which is monitored by camera 24 hours per day that has a 24 hour light on it. This inhibits his sleep;
- 3) The defendant maintains that lights in his housing unit do not get shut off until approximately 1130am at night and turned on at approximately 430am in the morning;

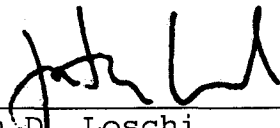
- 4) This short duration of "lights out" coupled with constant movement and activity in the housing unit even during those times has made it impossible for the defendant to get a decent sleep;
- 5) Mail is often delivered during these hours. Disciplinary hearings are held;
- 6) The defendant's lack of sleep leaves him incapable of reading discovery, or working on his case to assist his attorney;
- 7) The phone schedule in his housing unit sometimes makes it days between phone calls to his attorney. The defendant is often out of his cell, with access to the phone, after normal business hours;
- 8) The defendant further contends that he has been retaliated against for refusing a TB test in a manner that has also affected his ability to cogently participate in his defense. This is detailed in an attached letter.

Courts have stepped in when jail conditions inhibit a defendant's ability to assist in his own defense. See Stewart v. Gates, 450 F.Supp. 583 (remanded (9th Cir.) 618 F.2d 117) and Rutherford v. Pitchess, 457 F.Supp. 104 (C.D.Cal.1978). The defendant has attempted to address these issues with jail staff. See the attached grievances.

AND IT IS SO MOVED.

DATED this ^{December} 4 day of ~~November~~, 2015.

ADA COUNTY PUBLIC DEFENDER



Jonathan D. Loschi
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 4 day of ^{December}~~November~~, 2015, I
mailed a true and correct copy of the foregoing to the:
Ada County Prosecutor's Office

by depositing same in the Interdepartmental mail.



Jonathan D. Loschi



Ada County Sheriff's Office

Ada County Jail Inmate Grievance Report



Inmate: WILLIAMS KENT GLEN

Date: 10/07/2015 Grievance ID: 8202 Location: ADA JAIL/MSU HOUSING/

Grievance Stage: Supervisor Review

Grievance Type: Jail

Grievance Desc: Conditions of Confinement

THE DECISION/ACTION THAT I AM GRIEVING IS: To only give pretrial detainees, as I am, at least 6 hours of lights out and jail inactivity. Showers go usually until 11:30pm and lights usually go at 11:30-midnight. Staff do cell moves, hold discipline hearings and other things late night early morning. Porters clean at midnight to 1 am etc. usually at best there is only 5 hours of lights out as razors are issued at 4:55-5 am. This is not enough time to try to sleep and the law says there must be at least 8 hours of lights out and inactivity.

I TRIED TO SOLVE THIS PROBLEM BY: There does not seem to be any problem resolving with the Sheriff's Department

THE REASON WHY I FEEL IT SHOULD BE CHANGED IS: Is not reasonable and illegal

Inmate Name: WILLIAMS KENT GLEN

Date: 10/07/2015

Received By Staff Member: Ramos

ADA: SO5542

Date: 10/07/2015

Time: 7:10 pm

***** Received *****

The response from the staff member being grieved:

THE RESPONSE FROM THE STAFF MEMBER BEING GRIEVED: The inmate handbook states that depending on the housing unit lights will be turned on at 4:30 A.M. and turned off at 11:00 P.M. During the past few days lights have went out at 11 P.M. and lights have come on at 5 A.M. which meets the guidelines in the handbook.

Answered By Staff Member: Ramos

ADA: SO5542

Date: 10/08/2015

Time: 3:30 am

***** Response *****

☐ I accept the Response

☒ I Request an Appeal

Answered By Staff Member: Ramos

ADA: SO5542

Date: 10/08/2015

Time: 6:00 am

***** Inmate Review *****

Your grievance has been reviewed and I find:

APPEAL RESPONSE:

Mr. Williams, while we strive to make your stay more comfortable the jail is a 24 hour facility. When you go to bed there is still work that needs to be done and moves that need to be completed.
Staff response supported.

Answered By Staff Member: HILLNER

ADA: SO4199

Date: 10/09/2015

Time: 4:28 am

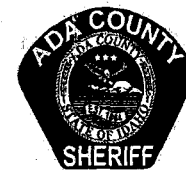
***** Supervisor Review *****



Ada County Sheriff's Office

Ada County Jail
Inmate Grievance Report

1728



Inmate: WILLIAMS KENT GLEN

Date: 10/06/2015 Grievance ID: 8193 Location: ADA JAIL/MSU HOUSING/

Grievance Stage: Supervisor Review

Grievance Type: Jail

Grievance Desc: Conditions of Confinement

THE DECISION/ACTION THAT I AM GRIEVING IS: To only allow max unit pre-trial detainees to make legal phone calls only during their hour out. This system makes it so you can go 10 days, up to more if moved cells, etc. without being allowed to attempt to call your attorney during business hours. No more than a 24 hour notice should be required. This can cause significant prejudice to someone's legal defense and thrawt an ability to prove ones innocence.

I TRIED TO SOLVE THIS PROBLEM BY: This grievance

THE REASON WHY I FEEL IT SHOULD BE CHANGED IS: Its despicable and obvious abuse of law enforcement, le the Sheriffs Dept. to help the prosecution.

Inmate Name: WILLIAMS KENT GLEN

Date: 10/06/2015

Received By Staff Member: Ramos

ADA: SO5542

Date: 10/06/2015

Time: 7:15 pm

***** Received *****

The response from the staff member being grieved:

THE RESPONSE FROM THE STAFF MEMBER BEING GRIEVED: Do to your custody level, you can only make attorney phone calls during your out time in order to allow others use of the phone. If you wish to contact your attorney you can do so through the mail system. Your attorney can also come into the jail at anytime to visit with you.

Answered By Staff Member: Ramos

ADA: SO5542

Date: 10/07/2015

Time: 2:15 am

***** Response *****

☐ I accept the Response

☒ I Request an Appeal

Answered By Staff Member: Ramos

ADA: SO5542

Date: 10/07/2015

Time: 6:00 am

***** Inmate Review *****

Your grievance has been reviewed and I find:

APPEAL RESPONSE:

Mr. Williams, Deputy Ramos is correct in that there are other avenues to contact your attorney than just the phone. Your attorney can always visit you and you are able to write their office as well.
Staff response is supported.

Answered By Staff Member: HILLNER

ADA: SO4199

Date: 10/09/2015

Time: 4:20 am

***** Supervisor Review *****



Ada County Sheriff's Office
Ada County Jail
Inmate Grievance Report



Inmate: WILLIAMS KENT GLEN
Grievance Stage: Inmate Review

Date: 10/07/2015 Grievance ID: 8197 Location: ADA JAIL/MSU HOUSING/
Grievance Type: Jail Grievance Desc: Conditions of Confinement

THE DECISION/ACTION THAT I AM GRIEVING IS:

To have a camera trained on me in my cell 24 hours a day. It is an unreasonable invasion of privacy. It effects my mental faculties knowing someone is watching me 25 hour a day and while Im sleeping and it is, has been ruled illegal. Lack of sleep effects my ability to defend myself against the charges leveled against me. This has been ruled illegal for convicted prisoners. Im a Pre-trial detainee.

I TRIED TO SOLVE THIS PROBLEM BY:

Covering up a camera and also wishing the sheriffs department wouldnt be so sadistic and sick and follow the rules

THE REASON WHY I FEEL IT SHOULD BE CHANGED IS:

It is illegal and disturbing

Inmate Name: WILLIAMS KENT GLEN

Date: 10/07/2015

Received By Staff Member: WHITE

ADA: SO5526

Date: 10/07/2015

Time: 8:34 am

***** Received *****

The response from the staff member being grieved:

THE RESPONSE FROM THE STAFF MEMBER BEING GRIEVED:

Your right to privacy is out weighed by the necessity of security of the facility.

Answered By Staff Member: RAMOS

ADA: SO5227

Date: 10/09/2015

Time: 9:25 am

***** Response *****

☐ I accept the Response

☐ I Request an Appeal

Answered By Staff Member:

ADA:

Date:

Time:

***** Inmate Review *****

Your grievance has been reviewed and I find:

Answered By Staff Member:

ADA:

Date: 01/01/1

Time: 12:00 am

***** Supervisor Review *****

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FE-15-1724

NO. 1145
A.M. FILED P.M.

SEP 17 2015

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

RECEIVED

NOV 18 2015

ADA COUNTY
PUBLIC DEFENDERS OFFICE

To: Judge James Cawthon

From: Kent Williams
ADA county Jail & m

FE-15-11999

Dear Judge Cawthon:

Please hear me out. I am not your average cry baby.

As a result of not being able to afford bail I have endured
torcher, cruel & unusual punishment, Punishment before conviction,
denied access to counsel & the courts. my ability to defend my self
is being hampered and I am in danger. All on Video:

Abbreviated Version: ON ^{September} ~~August~~ 2nd And 3rd 2015 I was told by Jail
staff IF I refuse to take a T.B. Test (Teburkle'osis.sp?) I will
be placed in a corenteen cell until I give up my right to refuse.

ON August 4th I was placed in a corenteen cell after returning
from the court house (For some reason I was not allowed to be
present at the hearing ???)

ON ^{Sept} ~~August~~ 5th at Dinner time while in the 24 hour lock down cell
I was told to put on a mask ("mask up") in order to get Fed.
(or literally even Toilet Paper). I refused to mask up, as is my
right to refuse the test with out consequences. I was refused Food
for 11 consecutive meals for not "masking up". After over 3 days
Being denied Food staff then put masks on then lowered
a garbage bag of "Food." They were obligated to do this earlier.

ON ^{Sept} ~~August~~ 8th after demanding a razor to shave before that
days scheduled court appearance the jail some how post Poned

it until the 9th. on the 9th after demanding a razor before court the Jail "Goon Squad" shot pepper spray in the cell. At that point I saw that they would not be reasonable and complied with directives to cuff up through the cuff port. After I was secured in restraints they opened the door put me face down in the gas, Put in a device not intended to be used as it was.

The video can tell better than me.

*my hands were kept in cuffs then a thick strap was put on my upper arms squeezing them and compressing them into my body, causing them to become numb and painful, straining my whole body. The movement was so restrictive and painful it immediately caused an extreme claustrophobic panic attack. Then a small mask was placed over my face covered with gas exacerbating the claustrophobic attack. They wheeled me into the court video room where they kept telling me the pain and panic ~~can~~ all stop if I agree to take the test shot. (takes three days to develop). I finally agreed to take the test under EXTREME duress and coercion. They then took the strap and mask off. The implications obvious...

Please view the video and record of refused meals. It speaks for itself. Court clerks and other civilians were present. Including my "Attorney" (Don't know name) who witnessed it and said nothing. Nor did he tell the Judge a minute later when the hearing started. And I bet he never did report what he saw. He knew my mind was not present, only my body. I have no advocate. Please investigate and put the video and other evidence into the record and take action you deem fit. Thank you. Sincerely Kent White 9-13-15
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2:00
HS

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 West Front Street, Suite 1107
Boise, ID. 83702
Telephone: (208) 287-7450

NO. _____
A.M. 10:51 FILED P.M. _____

DEC 18 2015

CHRISTOPHER D. RICH, Clerk
By SARA MARKLE
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)	
	)	Criminal No. CR FE 15 12724
Plaintiff,)	
)	
vs.	)	MOTION FOR RELIEF FROM
	)	PREJUDICIAL JOINDER
KENT WILLIAMS,)	
)	
Defendant.)	
_____)	

COMES NOW, The above named Defendant, KENT WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN D. LOSCHI, handling attorney, and hereby moves this court pursuant to ICR 14 to sever the charge of Robbery, Idaho Code Section 18-3316, from the remaining charges.

FACTS

The defendant is charged with committing a bank robbery on April 4, 2015. During the execution of a search warrant on August 20, 2015, a firearm, marijuana and drug paraphernalia were allegedly discovered in his hotel room. According to police reports, the teller in the April 4, 2015, robbery indicated that the robber never displayed a firearm or made any reference to a firearm.

ARGUMENT

Attorney for the defendant moves this court to sever the charge of Robbery from the remaining counts set for trial because it will prejudice the defendant. Idaho Criminal Rule 14 states in pertinent part:

If it appears that a defendant or the state is prejudiced by a joinder of offenses or of defendants in a complaint, indictment or information or by such joinder for trial together, the court may order the state to elect between counts, grant separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires.

Idaho Criminal Rule 14 presumes joinder was proper in the first place. State v. Anderson, 138 Idaho 359 (Ct.App.2003). A court may order two or more complaints, indictments, or informations to be tried together if the offenses could have been joined in a single complaint, indictment, or information. ICR 13. Two or more offenses may be joined in a single complaint, indictment or information if they are based on the same act or transaction, or on two or more acts or transactions connected together, or constitute parts of a common scheme or plan. ICR 8(a). Whether joinder is proper is determined by what is alleged, not by what the proof eventually shows. State v. Cochran, 97 Idaho 71 (1975).

In State v. Cook, 144 Idaho 784 (Ct.App. 2007) the Court of Appeals found a trial court in error for joining delivery and possession charges with a statutory rape charge. The court held there was not a sufficient nexus between each of the charges to make joinder permissible. Id. at 790. The proscribed conduct giving rise to each charge was distinct and occurred at various times and locations. Id. Further, there was no allegation that any offense was the predicate to completing any other offense such that Cook's actions were part of an overall design or

continuing course of conduct--rather, they were distinct and self-contained. Id. In the present case, the robbery was four months earlier than the discovery of the firearm, marijuana and paraphernalia. There is also no allegation of the use or threat of a firearm in the charged robbery.

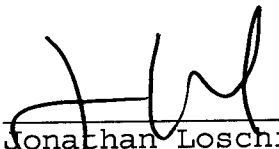
In State v. Abel, 104 Idaho 865 (1983), the court discussed some of the potential risks of joinder. One such risk discussed was prejudice. The jury may conclude that the defendant while not guilty of the specific charged offense is a bad person and will reach a guilty verdict on that basis. Id. at 868. The Abel court basically applied a 404(b) analysis to the issue. In dicta, the Court of Appeals has recognized that prejudice results to a defendant when a jury is informed he is a convicted felon, and suggests courts find a way to bifurcate proceedings when a defendant is charged with Unlawful Possession of a Firearm. State v. Avila, 143 Idaho 849, 153 P.3d 1195 (Ct.App.2006). The Supreme Court has ordered trials bifurcated when the defendant is charged with being a persistent violator to avoid such prejudice, and to ensure a fair and impartial trial. State v. Johnson, 86 Idaho 51, 383 P.2d 326 (1963).

In the present case, the defendant will be prejudiced on the felony charge of Robbery, if the jury is also informed that he is a convicted felon, and in possession of a firearm and drugs. The risk is present that the jury will abandon their responsibility to decide the case on the facts, and instead find the defendant guilty based on a belief that he has the propensity to commit crimes. Further, the jury could conclude that a person illegally in possession of a firearm would be more likely to commit a robbery.

CONCLUSION

For the foregoing reason, the cases should be severed and set for separate jury trials.

DATED this 19 day of December, 2015.



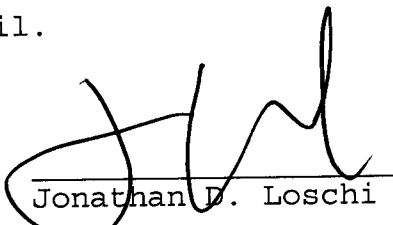
Jonathan Loschi
Attorney for the Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 18 day of December, 2015, I mailed a true and correct copy of the foregoing Motion to:

Ada County Prosecutor

by interdepartmental mail.



Jonathan D. Loschi

DEC 31 2015

CHRISTOPHER D. RICH, Clerk
By ARIC SHANK
DEPUTY

128
521
211
2:00
JAN M. BENNETTS
Ada County Prosecuting Attorney

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

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

STATE OF IDAHO,)	Case No. CR-FE-2015-0012724
)	
Plaintiff,	)	STATE'S OBJECTION TO
	)	DEFENDANT'S MOTION FOR
vs.	)	RELEASE ON OWN RECOGNIZANCE
	)	AND OBJECTION TO MOTION TO
KENT GLEN WILLIAMS,	)	TRANSFER TO ANOTHER JAIL UNIT
)	
Defendant.	)	DOB: [REDACTED]
	)	SSN: [REDACTED]

COMES NOW, Fafa Alidjani, Deputy Prosecuting Attorneys for Ada County, State of Idaho, and makes the following response to defense counsel's motion for release of the defendant on his own recognizance.

The Idaho Code sets out, in pertinent part, the duties of the county Sheriffs as follows: "[t]he policy of the state of Idaho is that the primary duty of enforcing all penal

**STATE'S OBJECTION TO DEFENDANT'S MOTION FOR ROR RELEASE and
OBJECTION TO MOTION TO TRANSFER TO ANOTHER JAIL UNIT
(WILLIAMS) Page 1**

000079

provisions and statutes of the state is vested with the sheriff of each county as provided in section 31-2227, Idaho Code. The sheriff shall perform the following: ... (6) Take charge of and keep the county jail and the prisoner's therein." I.C. 31-2202.

Kent Glen Williams comes before the Court having been indicted by the Ada County Jury on the crimes of Robbery, a felony, and Felon in Possession of a Firearm, a felony. Additionally, by way of filing of an Information Part II, he stands accused as a Habitual Offender of the law by virtue of two prior felony convictions, Murder in the First Degree and Harassment – Domestic Violence. Ken Glen Williams is believed to be a resident of the state of Washington and is believed to be responsible for 3 other bank robberies in Ada County between 2012 and 2015, where he wore disguises to hide his identity. See Exhibit 1, submitted under seal.

On the above-referenced charges, the defendant arrived at the Ada County Jail on August 20, 2015. The Ada County Jail's classification process is based on a variety of factors, to include the nature of charges on which an inmate is currently held, all known past or present institutional behavior, and prior assaultive felony convictions. See Exhibit 2, Classification Decision Tree, submitted under seal. The sheriff's classification method is a safety measure that ensures the safety of the jail staff, the safety of the inmates and decreases the risk of chaos, harm or potential escape or commission of new crimes against staff or fellow inmates. Inmates classified as levels 1 and 2 are Maximum security. Levels 3, 4 and 5 are Medium security and levels 6-9 are minimum level security. Id. See Exhibit 2.

**STATE'S OBJECTION TO DEFENDANT'S MOTION FOR ROR RELEASE and
OBJECTION TO MOTION TO TRANSFER TO ANOTHER JAIL UNIT
(WILLIAMS) Page 2**

After taking into consideration all the various factors, to include defendant's statements and conduct since his arrival at the jail, his prior history as an inmate for 20+ years (1990 – 2011) at the Washington Department of Corrections, he is currently classified as the Ada County Jail's highest risk inmate. For summary of documented institutional behavior at the Ada County Jail, see Exhibit 3, submitted under seal.

Kent Glen William's motions are accompanied by unverified allegations and without any assertion of constitutional rights violations. In so far as the unverified and conclusory allegation of his inability to assist in his own defense due to his living conditions can be construed to be a 6th Amendment violation, then the state's response is as follows:

1. The Defendant maintains that he has been denied food for 11 consecutive meals due to refusal to get a TB test.

The Ada County Sheriff has a duty to protect its staff and all other inmates housed in its facility. All inmates must be tested for presence of infectious diseases upon entry to the jail. Tuberculosis is a serious airborne infectious disease and because the air is circulated throughout the institution, any infected individual can pass on the highly contagious bacteria to several hundred people without effort. As the Court can see from the Jail's logs, Kent Glen Williams refused to cooperate at the time of his booking and refused to allow the TB skin test when he arrived at the jail. He additionally informed the staff that he has history of being tased, and having "OC" deployed on him and that he is unfazed by such recourse. He indicated having a history of "choking out" officers and expressed feeling excited just talking about

these events. See Exhibit 3, also specifically see Classification Log sheet, entries dated 8/22/15 through 8/25/15. Due to the unknown nature of Mr. Williams' medical history and current infectious disease status, he was initially housed in a special cell in the medical unit where the air is not circulated out to the outside hallways, to other medical units, to offices, and or to the other housing units. He was given the option of doing the TB skin test and being rehoused. He refused. He was given the option of wearing a medical mask to allow the jail staff to safely open the 'wiki port' for transference of food, and he refused. He stated that he would go on a 'hunger strike' so as to not be forced to put on the medical mask during food intake.

See Exhibit 3, page 4 of 20 Classification Log sheet, entries for 9/4/15. The defendant began meal refusal on 9/5/15 by virtue of refusing to put on a medical mask to allow staff to open the wiki port.

This 'hunger strike' refusal on his part continued on even after the staff began to wear the medical masks to open the wiki port and put his food in his cell. On 9/9/15, the staff decided to wear a mask and open the wiki port and provide him with meals, but the defendant continued to refuse to consume his meals as documented in the logs. He reportedly stated he was not on a 'hunger strike' but rather a "seven day fast." Id. Exhibit 3, Classification Log entries for 9/5/15 to 9/11/15. It is noted on 9/12/15 that he began consuming his meals rather than spilling them on the floor or giving them to other inmates as he was observed doing previously.

As a side note, the Ada County Sheriff jail staff are generally unaware of the facts and circumstances or details of the crimes that bring individuals into the jail.

Though it was not apparent to the jail staff, it is apparent to this attorney that the Defendant's refusal to wear a medical mask was likely due to not wanting to be seen in a mask covering his face in the same manner that the evidence shows he covered his face during the bank robberies of April and July of 2015. **Id. See Exhibit 1.**

2. The defendant maintains that his housing is inhumane. Other than this conclusory statement, the defendant does not delineate what inhumanity he is suffering in his housing unit.
3. The defendant is in a cell which is monitored by camera 24 hours a day that has a 24 hour light on it.

The Defendant has a class 1 classification and is housed in the maximum security unit of the Ada County Jail, Pod D. **Please see Exhibit 4, Pod D.**

Orientation sheet submitted under seal. The lighting Pod D unit is the same as all other units within the Ada County jail and complies with national standards and state Jail Standards and Inspection Program. The inmate cell lights are on (lights bright enough to read documents) from 5:00 a.m. to 11:00 p.m. or until all inmate showers are completed. The lights are then dimmed for "night lighting" which allows adequate illumination for required supervision, but does not hinder sleep. The jail lighting standards are "at least twenty (20) foot-candles measured three feet above

the floor. Light levels in other inmate occupied areas are appropriate for the use and

type of activities, which occur. Night lighting levels permit adequate illumination for supervision, but do not hinder restful sleep (5 ft. candles)(M) (Revised 12/03)(Revised 12/09). General Conditions. 18.04. **See Exhibit 5, Idaho Jail Standards, submitted under seal.**

As to the issue of a security camera in the maximum security unit cells, the defendant does not specify how this security measure violates his constitutional rights.

4. The Phone Schedule in his housing unit sometimes makes it days between phone calls to his attorney. The defendant is often out of his cell, with access to the phone, after normal business hours.

In the maximum security unit, each inmate is allowed out of their cell one hour a day to go to the dayroom. While in the dayroom, the inmate may shower, watch T.V., read books, use the telephone or go outside. The dayroom schedule predictably changes every day by moving forward one hour. If an inmate is out from 6:00 a.m. to 7:00 a.m. one day, the next day he is at out 7:00 a.m. to 8:00 a.m., and the next day, 9:00 a.m. to 10:00 a.m. The earliest time out is 6:00 a.m. and the latest time out is 7:00 p.m. Once an inmate reaches the 7:00 p.m. time out of his cell, it begins over at 6:00 a.m. the following day. It takes two weeks to go through the entire day room schedule 6:00 a.m. to 7:00 p.m. **See Exhibit 6, submitted under seal.**

According to the jail records, the defendant has made a total of 70 calls between August 20, 2015 and December 28, 2015. He has called his attorney 25 times and the remainder of his 46 calls (which include a video chat) have been to other individuals. See Exhibit 7, submitted under seal. Due to the scheduled dayroom rotations, every two weeks, four (4) of the defendant's one hour day breaks fall outside of business hours (between 6 a.m. to 8a.m., and 5 p.m. to 7 p.m.), but the defendant is still able to call and leave messages for his attorney during these time frames at his choosing. Additionally, in his current classification and housing unit, Mr. Williams can have unlimited attorney visits and the visits can occur without prior notice to the jail. He is not restricted as to the number of letters he may write to his attorney, and if he is indigent, the jail will provide paper, envelopes, a pen and postage for his legal mail. He has full access to his discovery documents which he is permitted to keep in his cell, and review the material any time he wishes.

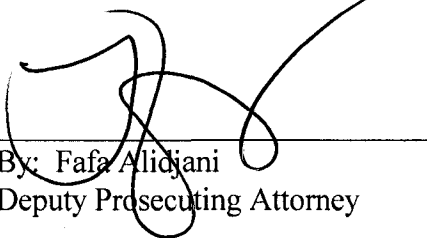
CONCLUSION

WHEREFORE, the defendant having failed to present any evidence of violation of his constitutional rights, and having only made conclusory claims of inability to assist his attorney in his defense, the State moves the Court for an order denying his motion for release on his own recognizance and or to be move to another housing unit within the jail. A hearing on the motions is respectfully requested.

RESPECTFULLY SUBMITTED this 31 day of December, 2015.

JAN M. BENNETTS

Ada County Prosecuting Attorney

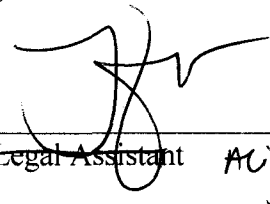

By: Fafa Alidjani
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 31 day of ^{December}~~November~~, 2015, I caused to be served, a true and correct copy of the foregoing State's Objection to Defendant's Motion for Release on Own Recognizance upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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


Legal Assistant *Alidjani*

128
MH
V15@ 10:00AM

NO. _____ FILED _____
A.M. 10:40 P.M. _____

JAN 12 2016

CHRISTOPHER D. RICH, Clerk
By MIREN OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 West 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

STATE OF IDAHO,
Plaintiff,

vs.

KENT GLEN WILLIAMS,
Defendant.

Grand Jury No. 15-84
Case No. CR-FE-2015-0011999
Second NP 12724 NP
AMENDED
INDICTMENT

Defendant's DOB
Defendant's SSN:



KENT GLEN WILLIAMS is accused by the Grand Jury of Ada County by this Amended Indictment, of the crimes of: I. ROBBERY, FELONY, I.C. §18-6501, II. UNLAWFUL POSSESSION OF A FIREARM, FELONY, I.C. §18-3316, III. ROBBERY, FELONY, I.C. §18-6501 and IV. USE OF A FIREARM OR DEADLY WEAPON DURING THE COMMISSION OF A CRIME, FELONY, I.C. §19-2520 committed as follows:

COUNT I

That the Defendant, KENT GLEN WILLIAMS, on or about the 14th day of April, 2015, in the County of Ada, State of Idaho, did intentionally and by means of force and/or fear take from the possession of J.S., certain personal property, to-wit: U.S. Currency, the property of Key

SM

Bank, which was accomplished against the will of J.S., in that the Defendant demanded and received U.S. Currency.

COUNT II

That the Defendant, KENT GLEN WILLIAMS, on or about the 20th day of August, 2015, in the County of Ada, State of Idaho, did possess a firearm, to-wit: a Baretta handgun, knowing that he has been convicted of Murder I in Washington in 1990, a felony crime.

COUNT III

That the Defendant, KENT GLEN WILLIAMS, on or about the 22nd day of July, 2015, in the County of Ada, State of Idaho, did intentionally and by means of force and/or fear take from the possession of E.P. certain personal property, to-wit: U.S. Currency, the property of Key Bank, which was accomplished against the will of E.P. in that the Defendant demanded and received U.S. Currency.

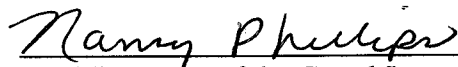
COUNT IV

That the Defendant, KENT GLEN WILLIAMS, on or about the 22nd day of July 2015, in the County of Ada, State of Idaho, did use a firearm or deadly weapon, to-wit: ~~a Baretta~~ NP handgun in the commission of the crime alleged in Count III..

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

A TRUE BILL

Presented in open Court this 12-day of January 2016.



Presiding Juror of the Grand Jury of
Ada County, State of Idaho.

Names of Witnesses Examined
By the Grand Jury:

Earl Peck

Jason Pietrzak

Monty Iverson

128
1/15
10:00
HS

NO. _____ FILED _____
A.M. 10:30 P.M. _____

JAN 13 2016

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

CHRISTOPHER D. RICH, Clerk
By SARA MARKLE
DEPUTY

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

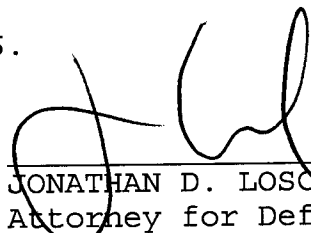
STATE OF IDAHO,)	
)	
Plaintiff,)	
	)	Criminal No. CR FE 15 12724
vs.)	
	)	MOTION TO SUPPRESS
KENT WILLIAMS,)	
)	
Defendant.)	
)	
)	
)	

COMES NOW, the above named defendant, KENT GLEN WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN D. LOSCHI, handling attorney, respectfully moves this court for an Order suppressing all evidence obtained as a result of an illegal arrest.

Defendant was illegally arrested without probable cause to believe that a crime had been committed, or was about to be committed, all in violation of Defendant's right under Article I, Section 13 and 17 of the Constitution of the State of Idaho, and under the Fourth and Fourteenth Amendments, Section 1, to the Constitution of the United States of America. Because the arrest of the Defendant was not supported by probable cause all evidence derived from the arrest of the Defendant must be suppressed as fruit of the poisonous tree. Wong Sun v. United States, 371 U.S. 471, 9 L.Ed. 441, 83 S.Ct 407 (1963).

Attorney for defendant will be filing a brief in support of this motion.

Dated this 12 day of January, 2016.



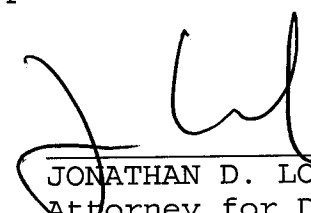
JONATHAN D. LOSCHI
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 12 day of January, 2016, I mailed a true and correct copy of the foregoing to the:

Ada County Prosecutor

By depositing the same in interdepartmental mail.



JONATHAN D. LOSCHI
Attorney for Defendant

128
1/15
10:00
HS

NO. 1015 FILED
A.M. 10:00 P.M.

JAN 14 2016

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 W. Front Street, Room 366
Boise, Id. 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

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

THE STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

REQUEST FOR DISCOVERY

TO THE ABOVE NAMED DEFENDANT:

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

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

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

(3) Defense Witnesses:

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

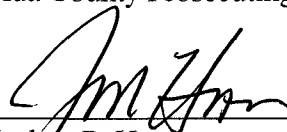
(4) Expert Witnesses:

The prosecution requests 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 14th day of January, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney



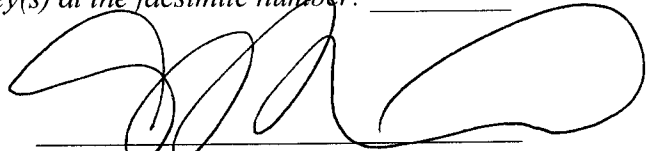
Joshua P. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2016, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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



Legal Assistant

NO. 1045 FILED
A.M. 10:45 P.M.

JAN 14 2016

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

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

THE STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
KENT GLEN WILLIAMS,)
)
Defendant.)
)
_____)


Case No. CR-FE-2015-0012724

**DISCOVERY
RESPONSE TO COURT**

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

RESPECTFULLY SUBMITTED this 14th day of January, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney



Joshua P. Haws
Deputy Prosecuting Attorney

JAN 14 2016

CHRISTOPHER D. RICH, Clerk
By CHRIS FRIES
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

JONATHAN D. LOSCHI, ISB #6002
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT WILLIAMS,

Defendant.

Case No. CR-FE-2015-12724

MOTION FOR DISQUALIFICATION
WITHOUT CAUSE ON COUNTS 3 AND
4 OF THE SECOND AMENDED
INDICTMENT

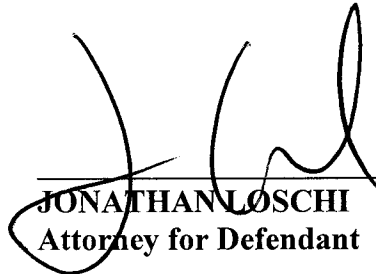
Comes now the defendant, KENT WILLIAMS, by and through his attorney of record, JONATHAN LOSCHI, and hereby moves this court for a disqualification without cause on Counts 3 and 4 pursuant to Idaho Criminal Rule 25(a). The defendant is entitled to this disqualification as a matter of right for the following reasons:

- 1) On 9/22/15, the defendant was indicted on two counts relating to a bank robbery that allegedly occurred in April of 2015. The defendant exercised his right to a disqualification without cause on Counts 1 and 2, and the case was reassigned to Judge Hippler;
- 2) The defendant entered a not guilty plea and the matter is set for trial on February 22, 2016. The defendant has not waived his speedy trial right;
- 3) On January 12, 2016, the state indicted the defendant on two counts related to a bank robbery that allegedly occurred in July of 2015. Instead of creating a new case relating to these new charges, the state amended the indictment in the present case to add these two charges as Counts 3 and 4, a little over a month prior to trial;
- 4) The defendant has a right to a disqualification without cause if a motion is brought "in conformity with the rule". Bower v. Morden, 126 Idaho 215 (1994). If counts 3 and 4 were charged in a new case, the defendant clearly would have a right to a

disqualification without cause. The state cannot circumvent that right simply by amending the indictment almost 4 months later to charge new crimes that occurred on a separate date.

AND IT IS SO MOVED.

Dated this 14 day of January, 2016.



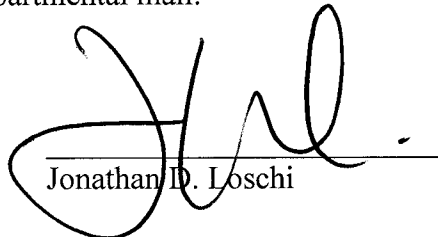
JONATHAN LOSCHI
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 14 day of January, 2016, I mailed a true and correct copy of the foregoing to the:

Ada County Prosecutor's Office

by depositing same in the Interdepartmental mail.



Jonathan D. Loschi

Time	Speaker	Note
10:07:55 AM		State v. Kent Williams CRFE15-12724 Arraignment Cust
10:07:57 AM	Judge	calls case, def present in custody
10:08:04 AM	State	Josh Haws
10:08:08 AM	PD	Jonathan Loschi
10:08:11 AM	Judge	there is the arraignment on the 2nd amended indictment
10:08:22 AM		there are motions, but they are withdrawn?
10:08:28 AM	PD	motion for jail and sever has been withdrawn for now; may be refiled later
10:08:50 AM		potential arraignment and potential motion for disqualification
10:09:18 AM	State	not prepared to argue motion for disqualification
10:09:36 AM	PD	my understanding until that motion is disposed of we can't do anything else
10:09:48 AM	State	the defendant isn't entitled to another disqualification, filed late yesterday afternoon
10:10:11 AM		this was just information not presented to the grand jury the first time thru
10:10:34 AM	Judge	think Mr. Loschi quotes the rule correctly
10:10:59 AM		I'm prepared to take up the motion
10:11:05 AM		I read it and am prepared to take it up
10:11:21 AM		willing to take that motion up
10:11:50 AM	PD	argues motion for disqualification
10:12:14 AM	Judge	at the preliminary stage they can file charges they contend they are part of the common scheme or plan
10:12:52 AM	PD	they could have chosen to indict me on a new case number
10:13:16 AM		they've now added another robbery
10:13:28 AM		we're a month and a week from jury trial
10:13:50 AM		ask the court to grant the motion
10:13:59 AM		I did do the research
10:14:03 AM	Judge	it's a unique situation
10:14:36 AM	PD	we're outside the timing on counts 1 and 2
10:14:45 AM	Judge	assuming it's properly joined, that would be the case anytime
10:15:04 AM	PD	if they had amended this
10:15:44 AM	Judge	to have two judges try the same case at the same time
10:15:57 AM	PD	if the motion isn't granted, I'd be filing a motion to sever
10:16:59 AM	Judge	the closest case by analogy is State v. Bloom, court of appeals decision from 1987

<u>10:17:51 AM</u>		the court held that it is all one case, no additional right to disqualify
<u>10:18:04 AM</u>		there is an argument by analogy
<u>10:18:09 AM</u>		a new charge coming into the same case
<u>10:18:31 AM</u>	PD	I can't disqualify you on a pv
<u>10:19:31 AM</u>		we disqualified Judge Hanson and case was reassigned to you
<u>10:19:59 AM</u>		potentiality for any defendant
<u>10:20:08 AM</u>		they didn't do it that way, they didn't file at the same time
<u>10:20:33 AM</u>		I'm entitled to two disqualifications
<u>10:20:42 AM</u>	State	argues against DQ
<u>10:20:48 AM</u>		this is a common scheme and plan
<u>10:20:54 AM</u>		the defense has had the reports of this robbery, these are just added charges
<u>10:21:20 AM</u>		ask the motion be denied
<u>10:21:33 AM</u>	Judge	standard under rule 25 is not a discretionary one
<u>10:23:07 AM</u>		don't believes he's entitled to a second disqualification
<u>10:25:06 AM</u>		this is part of the same felony district court case and the disqualification has been used previously
<u>10:25:26 AM</u>	Judge	Arraigns defendant on new additional charges.
<u>10:26:10 AM</u>		new charges are 3 and 4
<u>10:26:20 AM</u>	State	the original amended included 2 misdemeanor counts which we didn't include
<u>10:27:54 AM</u>	PD	can I be heard on something?
<u>10:27:59 AM</u>	Judge	yes
<u>10:28:09 AM</u>	PD	client has concern about the black box, causes him a hard time following along
<u>10:28:38 AM</u>		his conditions at jail and the claustrophobia he feels with the black box
<u>10:28:59 AM</u>		he asks not to be arraigned while he's under these conditions
<u>10:29:16 AM</u>		propose the black box be removed
<u>10:29:32 AM</u>		just making a record of what he's telling me
<u>10:29:40 AM</u>	State	ask the request to be denied
<u>10:29:52 AM</u>		appears to be gamesmanship
<u>10:30:01 AM</u>		doesn't make sense that he can't understand what's going on this his hands connected
<u>10:30:17 AM</u>	Judge	he's tracked what appears so far
<u>10:30:29 AM</u>		the black box is just a handcuffing device, no different from shackles
<u>10:30:45 AM</u>		I won't accept that and will arraign him
<u>10:30:53 AM</u>		we can take up an 18-211 eventuality
<u>10:31:00 AM</u>		I'm not getting that impression from the defendant, more to manipulate circumstances

<u>10:31:17 AM</u>		Continues to arraign defendant on second amended indictment, new charges 3 and 4
<u>10:31:37 AM</u>		Ct advises defendant of possible penalties
<u>10:33:22 AM</u>		Advice of rights
<u>10:36:02 AM</u>		he waive previously
<u>10:36:07 AM</u>	PD	he'll remain silent
<u>10:36:15 AM</u>		not guilty plea
<u>10:36:23 AM</u>	Judge	we'll enter a not guilty plea
<u>10:37:26 AM</u>	PD	want to set the motion to sever
<u>10:37:49 AM</u>		also a grand jury transcript
<u>10:37:56 AM</u>	Judge	Christie can expedite that, submit an order
<u>10:40:47 AM</u>		Jan 22nd at noon the motions to sever
<u>10:41:23 AM</u>		if more time, Jan 29th at 1pm
<u>10:41:51 AM</u>		lets do the 29th, more time
<u>10:42:28 AM</u>	Judge	make a note for the record
<u>10:42:35 AM</u>		while we've been talking, the defendant is calm, listening and following the discussion of the motion to sever and dates
<u>10:43:38 AM</u>		end of case

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 W. Front Street
Boise, ID. 83702
Telephone: (208) 287-7400

NO. _____
A.M. 10:59 FILED P.M. _____

JAN 15 2016

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
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)	
	)	Criminal No. CR FE 2015 12724
Plaintiff,)	
	)	ORDER FOR EXPEDITED
vs.	)	GRAND JURY TRANSCRIPT
)	
KENT WILLIAMS,)	
)	
Defendant.)	
_____)	

This matter having come before the court on motion of the attorney for KENT WILLIAMS, and good cause appearing therefore, it is hereby ordered that a transcript of the Grand Jury proceedings held on January 12, 2016, be prepared in an expedited manner.

AND IT IS SO ORDERED.

DATED this 15 day of January, 2016.



Steven Hippler
DISTRICT JUDGE

CC: PA/PD/Trans.

EC

000101

128
1129
1:06

NO. _____ FILED
A.M. 11:48 P.M. _____

JAN 15 2016

CHRISTOPHER D. RICH, Clerk
By P. BOURNE
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.	)	Case No. CRFE-2015-0012724
)	
KENT WILLIAMS,	)	NOTICE OF PREPARATION
	)	OF GRAND JURY TRANSCRIPT
Defendant,)	
_____)	


An Order for transcript was filed in the above-entitled matter on January 15, 2016, and a copy of said Order was received by the Transcription Department on January 15, 2016. I certify the estimated cost of preparation of the transcript to be:

Type of Hearing: Grand Jury Hearing
Date of Hearing: January 12, 2016
54 Pages x \$3.25 = \$ 202.50

In this case, the Ada County Public Defender's Office has agreed to pay for the cost of the transcript fee upon completion of the transcript.

The Transcription Department will prepare the transcript and file it with the Clerk of the District Court within thirty (30) days (or expedited days) from the date of this notice. The transcriber may make application to the District Judge for an extension of time in which to prepare the transcript.

Date: January 15, 2016.



PAMELA BOURNE
Ada County Transcript Department

8

CERTIFICATE OF MAILING

I certify that on January 15, 2016, a true and correct copy of the Notice of Preparation of Transcript was forwarded to Defendant's attorney of record, by first class mail, at:

Ada Co. Public Defender's Office
200 West Front Street Ste 1107
Boise, Idaho 83702
JONATHAN D. LOSCHI

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

PAMELA BOURNE
Ada County Transcript Department

JAN 20 2016

CHRISTOPHER D. RICH, Clerk
By SARA MARKLE
DEPUTY

128
M
1/29
1:00
ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 West Front St., Ste 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,	)	Criminal No. CR FE 2015 12724
)	
vs.)	
)	
KENT WILLIAMS,	)	MEMORANDUM IN SUPPORT
	)	OF MOTION DEFENDANT'S
Defendant.	)	MOTION TO SUPPRESS
)	
_____)	

COMES NOW the above named Defendant, KENT WILLIAMS, by and through his attorney Jonathan Loschi, Ada County Public Defender, and hereby submits this Memorandum in Support of Defendant's Motion to Suppress.

FACTS

From the report of Officer Pietrzak (Exhibit 1): On April 4, 2015, a white male adult wearing a maroon windbreaker, black hat and sunglasses robbed the Key Bank at 4920 W. Overland, Boise, Idaho. During the robbery, the suspect was given a bill containing a transponder. Following the robbery, that bill was located by law enforcement near the

MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO SUPPRESS-1

intersection of Roosevelt and Nez Perce streets in Boise, Idaho. Surveillance video was obtained from a nearby business. On that video, a passing car is seen slowing down while the driver throws something from the window. The object thrown from the car was later found to be the bill containing the transponder. The car was identified as a green Chevrolet Malibu.

On August 20, 2015, a green Chevy Malibu matching the description of the above car was located at the West River Inn in Garden City. Officer Pietrzak compared a photo of the suspect vehicle and noted similarities such as make and model, wheels, license plate color and location of a bumper sticker. Hotel staff confirmed that the person who registered the car was Kent Williams. Pietrzak obtained a DMV photo of Williams and noted that his height was listed as 5'10" and his nose was slightly upturned.

Williams was arrested. After his arrest, Pietrzak observed Williams, hand and noted that he had a raised area on the back of his left hand that was consistent with an area on the robber's hand captured in surveillance during the April 4, 2015, robbery of Key Bank. Pietrzak later obtained a search warrant for both Williams' motel room and vehicle.

From the Grand Jury Transcript: Officer Pietrzak testified at the Grand Jury. GJ, pp. 47-86. Pietrzak testified to his efforts to more conclusively identify the car seen on video tossing the transponder bill. Id. at 52. There was a lime green bumper sticker on the rear of the car. Id. Pietrzak concluded the car was a 1997 green Chevy Malibu. Id. at 55. The wheels on the car in the photo did not appear to be stock wheels of a 1997 Chevy Malibu. Id. Pietrzak testified to going to the West River Inn on August 20, 2015, to look at the Chevy Malibu located by Officer Thorndyke. Id. at 57. He testified the wheels on the two cars were consistent. Id. There was adhesive on the trunk of the car in the parking lot located in the same place as a lime green bumper sticker seen on the video of the car dropping the transponder bill. Id. at 58. The car in the parking lot was a 1999 Chevy Malibu. Id. The car involved in the bank robbery was thought to have damage to its rear end. Id. at 60-61. The car in the parking lot did not. Id. Pietrzak did not testify at Grand Jury to reviewing a picture of the defendant prior to arresting him. He testified that he "used a tow truck ruse" and the defendant exited his room. Id. at 62. He was then arrested. Id. No warrant for the defendant's arrest existed at that time. Id.

The defendant was subsequently charged with two counts of Bank Robbery and being a Felon in Possession of a Firearm.

ARGUMENT

The defendant was arrested without probable cause in violation of Articles Four, Five, Six and Fourteen of the United States Constitution and Article One Section Seventeen of the Idaho Constitution. An officer may make an arrest on a felony without a warrant based upon reasonable cause. Idaho Code Section 19-603(3). Reasonable or probable cause is the possession of information that would lead a person of ordinary care and prudence to believe or entertain an honest and strong presumption that the person is guilty. State v. Alger, 100 Idaho 675, 603 P.2d 1009 (1979). Probable cause is not measured by the same level of proof required for a conviction. Id. Rather, it deals with “the factual and practical considerations of everyday life on which reasonable and prudent [persons], not legal technicians, act.” Id. When reviewing an officer’s actions the court must judge the facts against an objective standard. That is, “would the facts available to the officer at the moment of the seizure or search ‘warrant a [person] of reasonable caution in the belief’ that the action taken was appropriate.” State v. Hobson, 95 Idaho 920, 523 P.2d 523 (1974).

I. The defendant’s arrest is unsupported by probable cause.

The defendant was arrested on August 20, 2015, for a bank robbery that occurred on April 4, 2015. The robber of the Key Bank on April 4, 2015, wore a disguise and was simply described as a male Caucasian by the teller who was robbed. GJ, at 19. He was wearing a “burgundy, maroonish” jacket, purple handkerchief, black hat, and aviator sunglasses. Id. at 26. He was believed to be between 5’8” and 5’10”. See attached bank robbery bulletin (Exhibit 2). Other than being a male Caucasian of roughly the same size there was nothing that Officer Pietrzak saw when the defendant exited his hotel room that physically identified him as the likely robber of the Key Bank on April 4, 2015. The description of the robber is so general and vague as to have no bearing on the probable cause analysis. In State v. Salato, 137 Idaho 260, 47 P.3d 763 (Ct.App.2001) the appellant challenged probable cause for the traffic stop that ultimately led to his arrest for two robberies in the same evening. In that case, the officer was aware that the robber of the first business “had a darker complexion, described as possibly Hispanic, wearing a hood cinched down tightly around his face, and that a hooded or shaved-headed person had been one of three persons seen” outside the second business that was robbed that evening. Id. at 266.

That same evening the officer stopped a maroon car "with a possibly Hispanic passenger who appeared to have a shaved head within five minutes of and only one block from the Jackson's robbery." Id. In this case, the Idaho Court of Appeals held that the description was sufficiently similar that "when combined with the vehicle description" there were reliable, articulable facts giving rise to reasonable suspicion. Id. Impliedly, this more particular physical description had to be examined in conjunction with the vehicle description to reach the level of reasonable suspicion for an investigatory stop in this case. In our case, the physical description is far more generic than in Salato, the arrest and robbery are separated by four months, and the standard to be met is "probable cause" and not "reasonable suspicion". The "reasonable suspicion" standard is less demanding than the probable cause standard. State v. Danney, 153 Idaho 405, 283 P.3d 722(2012)

In People v. Fleming, 16 Misc. 3d 706, 842 N.Y.S.2d 195 (Sup. Ct. 2007) the Supreme Court of New York dealt with a similar scenario and illustrated the difference in levels necessary to amount to reasonable suspicion versus probable cause. In that case, an arresting officer knew that the car the defendant was driving was used in the commission of a crime, and that the car was registered to the defendant. The defendant was stopped and immediately placed under arrest. Id. at 710. The court held that there was clearly enough to stop the defendant's vehicle. Id. In analyzing the arrest, the court noted:

They cite several cases in support of the proposition that the description of a "unique" car coupled with "general descriptions" of perpetrators provide the police with probable cause for an arrest. However, these cases can be distinguished. Not only were there matching descriptions, but the "closeness of the spatial and temporal factors" heavily contributed to the finding of probable cause. (See People v Hayes, 291 AD2d 334, 335, 739 NYS2d 12 [1st Dept 2002]; People v Jordan, 178 AD2d 1009, 1010, 578 NYS2d 764 [4th Dept 1991].) In these situations, one police officer has heard a description of a car and its occupants on a radio transmission immediately after, or soon after, a crime has occurred and the question is whether the apprehending officer has probable cause for an arrest based on the transmission. (See id., People v Merritt, 145 AD2d 827, 828, 535 NYS2d 812 [3d Dept 1988].) Here, the situation was entirely different. The officer stopped the car 10 days after the Brooklyn robbery occurred, and he was not acting on a transmission that was close either spatially or temporally. Moreover, as noted above, he did not have a description of the robbers. While the information he did have may have provided him with reasonable suspicion to stop and detain the defendant, it did not provide probable cause for an arrest.

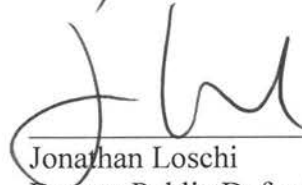
The court noted that the officer made no effort to determine whether anyone else had driven the car in the past 10 days, whether anyone had access to it, or even if it had been borrowed or reported stolen. Id. at 712. The 9th Circuit dealt with a traffic stop in United States v. Gaines, 563 F.2d 1352 (9th Cir. 1977) of a vehicle that was the same make, model, and license plate number and held that was enough for an investigatory stop. The court then went on to discuss the additional information that developed during the stop to give rise to probable cause to arrest. Id. at 1358. *See also* United States v. Hickman, 523 F.2d 323 (CA9 1975).

In the present case, the arrest was premised solely on the fact that the defendant was the purported owner of the vehicle that Officer Pietrzak believed was used in the robbery four months prior. The information that Officer Pietrzak possessed at the time of the arrest was possibly enough to support an investigatory stop of the car, but certainly not enough to warrant the probable cause arrest of the defendant without further information. Officer Pietrzak could have dealt with the situation in less intrusive ways amounting to an investigatory detention that may have then ripened into probable cause. For instance, he could have asked questions of the defendant prior to arrest, asked him for identification, checked the validity of any information he provided, asked for voluntary cooperation with a lineup, photographed the defendant to use in a photo array, inquired as to the registration history of the vehicle, questioned the defendant about other's use of the vehicle, etc. He did none of those things. He immediately placed the defendant under arrest without probable cause.

CONCLUSION

When the Fourth Amendment is violated, all fruits derived from that poisonous tree must be suppressed. Wong Sun v. United States, 371 U.S. 471 (1963). The arrest of the defendant was illegal. All evidence that followed from that illegal arrest should be suppressed.

RESPECTFULLY SUBMITTED this 20 day of January, 2016.


Jonathan Loschi
Deputy Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 20 day of January,

2016, I mailed a true and correct copy of the foregoing to the:

Ada County Prosecutor

by depositing same in the Interdepartmental Mail.


JONATHAN LOSCHI

Boise Police Department Supplemental Report

RD: 35 DR# 2015-507917

1. Incident Topic ROBBERY		2. Subject/Victim's Name SPELLMAN, JAMIE K	
3. Address 4920 W OVERLAND RD, BOISE		4. Phone	
5. Date Occurred 04/14/2015	6. Time Occurred 09:14	7. Route To County Prosecutor, PERSONS	8. Division PERSONS

Charges			
Chg#	Offense/Charge	Law Section	Severity
1	ROBBERY	18-6501	Felony
Contacts			
Suspect WILLIAMS, KENT G.		Race: W Sex: M DOB: [REDACTED]	Age: 47
Address: 3525 CHINDEN Apt. 24		5' 10" 135 lbs Hair Color: [REDACTED]	Eye Color: Brown
GARDEN CITY, ID -			
Occupation:	Res Phone: () -	SSN: -	Relationship: Sibling
Bus or School:	Cell Phone: (000) 000-0000	OLN/St: WILLIKG337QM / WA	Injury Type:
ID	Bus Phone: () -	How Ident.: Driver's License	
Offense/Charge	Law Section	Counts	Severity
ROBBERY	18-6501	1	Felony
<input checked="" type="checkbox"/> Arrest <input type="checkbox"/> Cited <input type="checkbox"/> Cuffs Checked <input type="checkbox"/> Seat Belted Summons:			

Narrative	
------------------	--

This supplement is intended for arraignment only. A more detailed report will follow.

Charge: Robbery

Suspect: Williams, Kent G
11/14/1967

Victim: Key Bank

Date: April 14, 2015

Additional Information:

Please see Garden City DR 2015-2536.

Background:

On July 25th, 2012, a white male adult wearing a maroon shirt, white hat and large sunglasses entered the Key Bank, 1111 S. Broadway, Boise, Idaho and demanded money via a robbery note that indicated that he possessed a firearm and would shoot if he did not receive money. One witness described the suspect as having an upturned nose, and used the term, "pig nosed" to give a visual representation. The suspect received money and fled the bank. This suspect was not identified and the investigation remained open.

On April 14th, 2015, a white male adult wearing a maroon windbreaker, black hat, and large sunglasses

Admin	
Officer(s) Reporting Ofc. Jason Pietrzak	Ada No. 753
Approved Supervisor Sgt. Nicholas Duggan	Ada No. 510
Approved Date 08/21/2015 03:08	

Exhibit 1

000061

Boise Police Department
Supplemental Report

RD: 35

DR# 2015-507917

1. Incident Topic ROBBERY		2. Subject/Victim's Name SPELLMAN, JAMIE K	
3. Address 4920 W OVERLAND RD , BOISE		4. Phone	
5. Date Occurred 04/14/2015	6. Time Occured 09:14	7. Route To County Prosecutor, PERSONS	8. Division PERSONS

entered the Key Bank, 4920 W. Overland, Boise, Idaho. The victim teller reported to law enforcement that she watched the man pull a purple "bandana" over his face while approaching and demanded money from her. After receiving the money the man left on foot in an unknown direction.

During the follow up investigation, on or about July 10th, 2015, I was able to review surveillance footage from the bank. While reviewing this surveillance footage, I noticed that the suspect had a distinctive raised area on the back of his left hand, located between his third finger and his wrist. The area is roughly consistent with the size of a pencil eraser.

I also reviewed surveillance video from a nearby business immediately after the robbery, and saw that the suspect was driving a green Chevrolet Malibu. The year of the car was believed to be either a 1997 or 1998 and had a green sticker on the trunk lid. The video showed the suspect tossing a piece of property that was found to have belonged to the bank on the ground and was located by officers directly after the robbery.

On July 22nd, 2015, a white male adult wearing a yellow and black windbreaker, yellow bandanna, black hat, and large mirrored sunglasses entered the Key Bank branch located at 1111 S. Broadway, Boise, ID, and demanded cash from the victim teller. The victim stated that the male directed him to not give him the "transponder." During this contact, the victim stated that the suspect asked for a banded group of \$20.00 bills that had not initially been handed to him. After receiving the money and examining it, the suspect motioned towards the gun with his hand in a threatening manner.

In reviewing the three robberies, I believe, based upon my training and experience, that the same person committed all three bank robberies due to the similarities in suspect description, white male between 5'08" and 6'00". The suspect's clothing, while different, is consistent in the use of a windbreaker, large sunglasses, hat and plain colored bandanas in two of the robberies. All three robberies were performed within 30 minutes of the banks opening for the day with the robberies occurring at 9:07, 9:14 and 9:29.

Current Information:

On August 20th, 2015, I learned that Garden City Officer J. Thorndyke had located a green Chevrolet Malibu bearing Washington plate AHC5784. This vehicle also had a section of what appeared to be adhesive residue on the trunk. Officer Thorndyke told your affiant that he recognized this vehicle to be consistent with a vehicle that I had

Admin	
Officer(s) Reporting Ofc. Jason Pietrzak	Ada No. 753
Approved Supervisor Sgt. Nicholas Duggan	Ada No. 510
Approved Date 08/21/2015 03:08	

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Boise Police Department
Supplemental Report

RD: 35

DR# 2015-507917

1. Incident Topic ROBBERY		2. Subject/Victim's Name SPELLMAN, JAMIE K	
3. Address 4920 W OVERLAND RD , BOISE		4. Phone	
5. Date Occurred 04/14/2015	6. Time Occured 09:14	7. Route To County Prosecutor, PERSONS	8. Division PERSONS

broadcast via news outlets as a vehicle related to the robbery on April 14th, 2015 that occurred at Key Bank, 4920 West Overland, Boise, Id. The vehicle was parked in the lot at the West River Inn, 3525 W. Chinden, Garden City, Id.

I compared a photo of the suspect vehicle to the vehicle parked at the West River Inn, and noted the similarities between them were not only the make and model, but the wheels, license plate color and location of the sticker were consistent.

Officer Thorndyke confirmed with hotel staff the person who registered the car with the hotel had provided the name of Kent Glen Williams. In researching Williams in the State of Washington Williams was found to have a date of birth of [REDACTED]. In reviewing a Washington State DMV photo of Williams, I noticed that his height was listed as 5'10". I also noticed that his nose was slightly upturned.

On August 20th, at about 1650 hours, Williams was contacted at the hotel and during this contact he stated that he did not wish to make any statements.

In looking at his left hand, Detective M. Iverson and I could clearly see a raised area on his left hand in the same location, size and shape as the area on the hand of the suspect of the April 14th, 2015 robbery. This raised area is consistent with a vein or tendon when Williams made a fist. While photographing Williams, he stated that he could not make a fist due to a medical condition. While he positioned his hands in different positions, I was able to see the raised area on his left hand. It should be known, that after Williams was left alone in an interview room at the Boise Police Department, Detective Iverson noted that Williams was able to make a fist like motion and retrieved a piece of tissue from the roll. Williams was transported to the Ada County Jail and booked under this report number for one count of robbery.

Photo Evidence:

The following photos are included to illustrate the similarities listed above. The photo of the suspect in the maroon jacket was taken by bank surveillance on April 14th, 2015. The photo shows the raised skin on his left hand. The adjacent photo shows Williams' left hand and the area consisted with the same size, shape and location of the area from the surveillance photo.

Admin	
Officer(s) Reporting Ofc. Jason Pietrzak	Ada No. 753
Approved Supervisor Sgt. Nicholas Duggan	Ada No. 510
Approved Date 08/21/2015 03:08	

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Boise Police Department
Supplemental Report

RD: 35

DR# 2015-507917

1. Incident Topic ROBBERY		2. Subject/Victim's Name SPELLMAN, JAMIE K	
3. Address 4920 W OVERLAND RD , BOISE		4. Phone	
5. Date Occurred 04/14/2015	6. Time Occured 09:14	7. Route To County Prosecutor, PERSONS	8. Division PERSONS



The photos attached are from bank surveillance on April 14th, 2015 and July 22nd, 2015 respectively.

Admin	
Officer(s) Reporting Ofc. Jason Pietrzak	Ada No. 753
Approved Supervisor Sgt. Nicholas Duggan	Ada No. 510
Approved Date 08/21/2015 03:08	

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Boise Police Department
Supplemental Report

RD: 35

DR# 2015-507917

1. Incident Topic ROBBERY		2. Subject/Victim's Name SPELLMAN, JAMIE K	
3. Address 4920 W OVERLAND RD , BOISE		4. Phone	
5. Date Occurred 04/14/2015	6. Time Occured 09:14	7. Route To County Prosecutor, PERSONS	8. Division PERSONS



The attached photos are of the bank surveillance on July 25th, 2012 and Kent G. Williams.

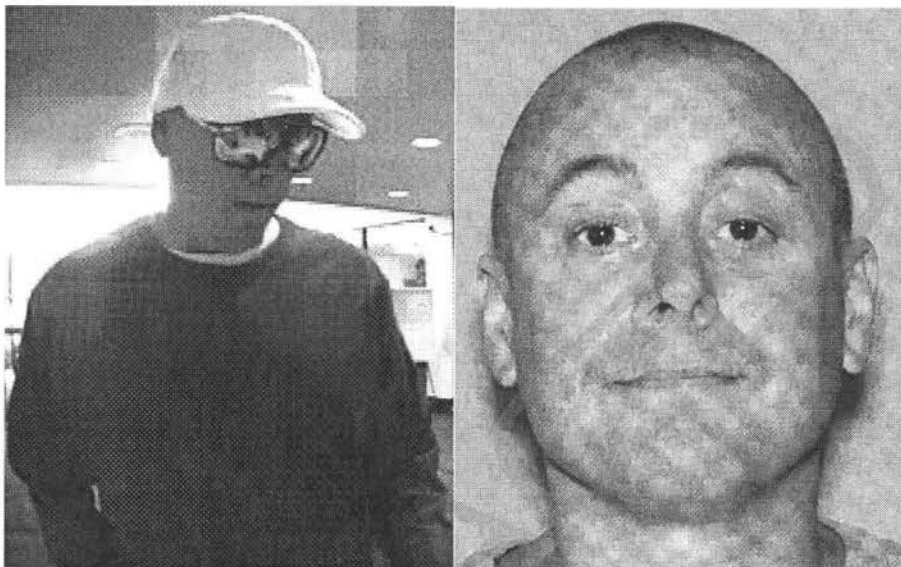
Admin		
Officer(s) Reporting Ofc. Jason Pietrzak	Ada No. 753	Approved Date 08/21/2015 03:08
Approved Supervisor Sgt. Nicholas Duggan	Ada No. 510	

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Boise Police Department Supplemental Report

RD: 35 DR# 2015-507917

1. Incident Topic ROBBERY		2. Subject/Victim's Name SPELLMAN, JAMIE K	
3. Address 4920 W OVERLAND RD , BOISE		4. Phone	
5. Date Occurred 04/14/2015	6. Time Occured 09:14	7. Route To County Prosecutor, PERSONS	8. Division PERSONS



The following photographs show the surveillance photo of the suspect vehicle on April 14th, 2015. The next three photos show the 1999 Chevrolet Malibu registered to Kent G. Williams. The last photo shows the adhesive residue on his vehicle in the same location as the sticker visible in the surveillance video.

Admin		
Officer(s) Reporting Ofc. Jason Pietrzak	Ada No. 753	Approved Date 08/21/2015 03:08
Approved Supervisor Sgt. Nicholas Duggan	Ada No 510	

000115
000066

Boise Police Department Supplemental Report

RD: 35

DR# 2015-507917

1. Incident Topic ROBBERY		2. Subject/Victim's Name SPELLMAN, JAMIE K	
3. Address 4920 W OVERLAND RD , BOISE		4. Phone	
5. Date Occurred 04/14/2015	6. Time Occured 09:14	7. Route To County Prosecutor, PERSONS	8. Division PERSONS



Admin			
Officer(s) Reporting Ofc. Jason Pietrzak	Ada No. 753	Approved Date 08/21/2015 03:08	Approved Supervisor Sgt. Nicholas Duggan

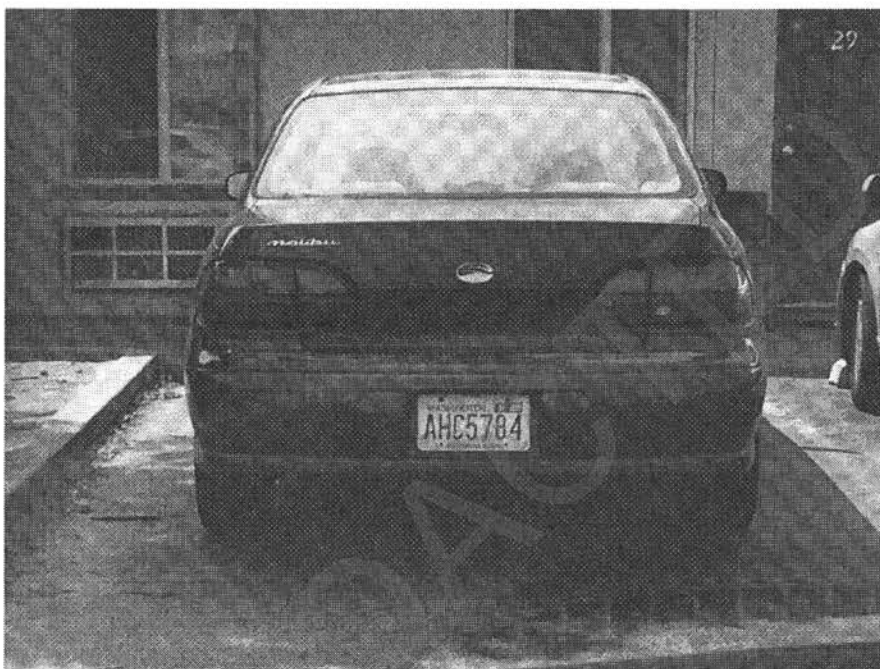
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Boise Police Department Supplemental Report

RD: 35

DR# 2015-507917

1. Incident Topic ROBBERY		2. Subject/Victim's Name SPELLMAN, JAMIE K	
3. Address 4920 W OVERLAND RD , BOISE		4. Phone	
5. Date Occurred 04/14/2015	6. Time Occured 09:14	7. Route To County Prosecutor, PERSONS	8. Division PERSONS



Admin			
Officer(s) Reporting Ofc. Jason Pietrzak	Ada No. 753	Approved Date 08/21/2015 03:08	Approved Supervisor Sgt. Nicholas Duggan

000068 000117

507-917

Bait List Log

Branch: 00471 471 - Overland
Operator ID: SPELLJA
Cashbox Number: 05

Date: 04/14/2015

Currency Serial Number Description

\$20.00	EA77943833E	TRACKING
\$20.00	GD35771865A	TRACKING
\$20.00	GH07296500A	TRACKING
\$20.00	IC32016410B	TRACKING
\$20.00	IL80071645C	TRACKING

Total Currency: \$100.00

UNREDACTED

Vic Teller
Jamie Kaye
1.125/7%

4650 S. Desert
Kor
Bulsa 83709

000118

507-917

BANK ROBBERY

Sent: 2015-04-14 @ 11:57

Case: DR 507-917

Author: 7799



At 09:16 am the Key Bank at 4920 West Overland Road in Boise was robbed. The suspect was wearing a dark beanie-style hat with a brim, a purple mask blue jeans, a maroon colored coat and sunglasses. Suspect is described as a white man between 5'8" and 5'10".

We believe the suspect was driving a teal colored, older model 4-door sedan (pictured above) with a bright green bumper sticker on the middle of the trunk.

If you have any information on this suspect, please contact Det. Jason Pietrzak at (208) 919-8079 or contact him through Dispatch at (208) 377-6790.

**BOISE POLICE DEPARTMENT (208) 570-6000
CONTACT ADA COUNTY DISPATCH AT (208) 377-6790**

This Bulletin is Confidential unless designated otherwise within the bulletin.

Exhibit 2

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000120

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1

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

NO. _____
A.M. 1:22 FILED P.M. _____

JAN 22 2016

CHRISTOPHER D. RICH, Clerk
By CHRIS FRIES
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,)	
	)	Case No. CR-FE-2015-0012724
Plaintiff,)	
)	
vs.	)	SPECIFIC REQUEST FOR
	)	DISCOVERY
KENT GLEN WILLIAMS,)	
)	
Defendant.)	
_____)	

PLEASE TAKE NOTICE that the undersigned, pursuant to I.C.R. 16, requests copies of any and all discovery and photocopies of the following specific information, evidence, and materials in this case.

1. Any reports generated by Special Agent Sheehan or Special Agent Draper (referenced on p. 187 of the Discovery) in connection with case # CR-FE-2015-0012724.
2. Any audio recordings made by Special Agent Sheehan or Special Agent Draper in connection with case # CR-FE-2015-0012724.

The undersigned further requests written compliance, pursuant to I.C.R. 16, two weeks from this request.

DATED, this 21st day of January, 2016.



JONATHAN D. LOSCHI
Attorney for Defendant

12

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 21st day of January, 2016, I mailed a true and correct copy of the foregoing to the:

**JOSHUA P. HAWS
ADA COUNTY PROSECUTOR
Counsel for the State of Idaho**

by depositing the same in the Interdepartmental Mail.



Quincy K. Harris

128
129
100
HS

NO. 10730 FILED
A.M. 10730 P.M.

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 West Front Street, Suite 1107
Boise, ID. 83702
Telephone: (208) 287-7450

JAN 25 2016

CHRISTOPHER D. RICH, Clerk
By SARA MARKLE
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)	
	)	Criminal No. CR FE 15 12724
Plaintiff,)	
)	
vs.	)	SECOND MOTION FOR RELIEF FROM
	)	PREJUDICIAL JOINDER
KENT WILLIAMS,)	
)	
Defendant.)	
_____)	

COMES NOW, The above named Defendant, KENT WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN D. LOSCHI, handling attorney, and hereby files this Second Motion for Relief from Prejudicial Joinder. Attorney for the defendant asks this court pursuant to ICR 14 to sever the charge of Count Three, Robbery, Idaho Code Section 18-3316, and Count Four, Use of a Firearm During the Commission of a Crime, Idaho Code Section 19-2520, from Counts One and Two of the Second Amended Indictment.

FACTS

The defendant was charged with committing a bank robbery on April 4, 2015. During the execution of a search warrant on August 20, 2015, a firearm, marijuana and drug paraphernalia were allegedly discovered in his hotel room. According to police reports, the teller in the April 4, 2015, robbery indicated that the robber never displayed a firearm or made any reference to a firearm. The defendant was indicted for one count of Robbery and

one count of Felon in Possession of a Firearm on September 22, 2015. These are counts One and Two of the Second Amended Indictment. The defendant entered a Not Guilty Plea on October 5, 2015, and the matter was scheduled for jury trial on February 22, 2016. That trial was scheduled for 5 days. Defendant has not waived speedy trial and the speedy trial period would end on April 4, 2015.

On January 12, 2016, the state indicted the defendant on an additional count of Robbery and the Use of a Firearm in the Commission of a Crime for a robbery that allegedly occurred on July 22, 2015. This indictment was done in the same case. These are counts Three and Four of the Second Amended Indictment. These additional counts are also currently set for trial on February 22, 2016.

LEGAL STANDARD

Attorney for the defendant moves this court to sever counts Three and Four from the remaining counts set for trial because it will prejudice the defendant. Idaho Criminal Rule 14 states in pertinent part:

If it appears that a defendant or the state is prejudiced by a joinder of offenses or of defendants in a complaint, indictment or information or by such joinder for trial together, the court may order the state to elect between counts, grant separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires.

Idaho Criminal Rule 14 presumes joinder was proper in the first place. State v. Anderson, 138 Idaho 359 (Ct.App.2003). A court may order two or more complaints, indictments, or informations to be tried together if the offenses could have been joined in a single complaint, indictment, or information. ICR 13. Two or more offenses may be joined in a single complaint, indictment or

information if they are based on the same act or transaction, or on two or more acts or transactions connected together, or constitute parts of a common scheme or plan. ICR 8(a). Whether joinder is proper is determined by what is alleged, not by what the proof eventually shows. State v. Cochran, 97 Idaho 71 (1975).

ARGUMENT

- I. The defendant is prejudiced by this joinder because his attorney does not have adequate time to prepare for trial on Counts Three and Four.

Attorney for the defendant is being asked to prepare for trial on a Robbery count that carries a potential life sentence approximately 41 days after the indictment, 38 days after arraignment on that indictment, and 33 days after receiving the Grand Jury transcript on that count. Attorney for the defendant believes that this court would never schedule him for trial 41 days after arraignment if counsel represented that was not adequate time to prepare the case for trial. Counsel is unable to ask for a continuance on all counts because the defendant has not waived his speedy trial rights on Counts One and Two. Further, the defendant should not be coerced into having to waive those speedy trial rights because the state has chosen to indict him on new charges almost four months after he was originally charged. This motion to sever is the functional equivalent of a motion to continue the trial on Counts Three and Four, which this court would normally grant in the regular course of business.

Attorney for the defendant cannot be ready to try these counts on February 22, 2016, for reasons detailed more specifically in the accompanying affidavit.

II. The defendant is prejudiced by this joinder because these two robberies should not be tried together.

In analyzing whether two offenses alleged to be of the "same or similar character" ought to be tried together, the Idaho Supreme Court has followed the federal analysis on this issue. State v. Abel, 104 Idaho 865, 664 P.2d 772 (1983). The test is as follows:

[When] two or more offenses are joined for trial solely on this theory, three sources of prejudice are possible which may justify the granting of a severance under Rule 14: (1) the jury may confuse and cumulate the evidence, and convict the defendant of one or both crimes when it would not convict him of either if it could keep the evidence properly segregated; (2) the defendant may be confounded in presenting defenses, as where he desires to assert his privilege against self-incrimination with respect to one crime but not the other; or (3) the jury may conclude that the defendant is guilty of one crime and then find him guilty of the other because of his criminal disposition.

United States v. Foutz, 540 F.2d 733, 1976 U.S. App. LEXIS 7542 (4th Cir. 1976); see also Drew v. United States, 331 F.2d 85, 88 (D.C.Cir.1964) (reversal of convictions of robbery and attempted robbery); 1 C. Wright, Federal Practice and Procedure: Criminal 2d § 222 at 778-79 (1982).

The Foutz case is factually similar to the case currently before the court. On December 30, 1974, a lone black male robbed a bank in Maryland. Id. at 735. The robber wore a turtleneck sweater pulled up over his mouth and a beret-style hat. Id. Two bank employees testified Foutz appeared similar to the robber. Id. On March 13, 1975, the same bank was robbed by three black males. Id. Foutz was allegedly one of the robbers and he wore a wide-brimmed hat and may have had on a turtleneck sweater. Id. Foutz was charged with both robberies in one indictment, and later tried and convicted in the same trial for both robberies.

Like Foutz, the basis for charging both robberies in our case in one indictment must be that they are of the "same or

similar character" under Idaho Code Section 19-1432. The state can charge two or more offenses in one indictment if they are "of the same or similar character or are based on the same act or transaction or on two (2) or more acts or transactions connected together or constituting parts of a common scheme or plan." Id. The state has not identified which of these bases apply in the current case, but attorney for the defendant believes that only "same or similar character" arguably applies. The analysis for a "common scheme or plan" is identified in State v. Joy, 155 Idaho 1,304 P.3d (2013). In the present case, while the conduct in both robberies may be similar in some respects, those similarities are not so "signature" as to amount to a "common scheme or plan". Disguises are different, conversations with tellers are different, and the use/threat of a firearm is present in one case and wholly absent in another. Further support for this position is that the similarities between the two robberies in Foutz were never argued to amount to a "common scheme or plan".

Some degree of prejudice is necessarily created by permitting the jury to hear evidence of more than one crime. See Drew, at 89-90. In those instances where evidence of one crime is admissible at a separate trial for another, it follows that a defendant will not suffer any additional prejudice if the two offenses are tried together. United States v. Bagan, 499 F.2d 1376 (4th Cir. 1974). When offenses are joined on the grounds that they "are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan," it is manifest that evidence of one offense would normally be admissible at a separate trial for the other. Foutz, at 737. When offenses are joined because they "are of the same or similar character," however, admissibility at separate trials is not so clear. Id.

In Foutz the government argued that evidence of one bank robbery would have been admissible at a trial for the other in order to prove identity. Id. at 737. If the two robberies were committed in a sufficiently similar manner, evidence of the second robbery would have been admissible in a separate trial for the first, and untoward prejudice could not inhere in joinder. Id. The Foutz court found that "[t]he same bank was robbed twice; beyond this, the differences between the two crimes are more striking than the similarities, and such similarities as do exist 'all fit into an obvious tactical pattern which would suggest itself to almost anyone disposed to commit a depredation of this sort.'" Drew, at 93.

In Foutz the same bank was robbed twice, two and one half months apart. In our case, the same bank was not robbed twice, and the robberies were more than three months apart. In Foutz the "possible, limited similarity of apparel" was described as "less than compelling". Id. We have a "limited, similarity of apparel" in our case as well. The robber in our case wore a hat, sunglasses, coat, and a bandanna/handkerchief over his face. In Foutz, there was evidence of a getaway car in one case, and in the other, the robber was seen walking away. Id. The same dissimilarity is present in our case. In our case, there was no reference to a gun in the April 2015 robbery while there was a direct verbal threat and visual display of a gun in the July 2015 robbery. The appellate court in Foutz held that the cases were improperly consolidated, and on remand ordered new, separate trials.

It is the third factor in the Foutz analysis that is the source of the most prejudice for the defendant in our case, i.e., "the jury may conclude that the defendant is guilty of one crime and then find him guilty of the other because of his criminal disposition". A review of the Grand Jury transcript from the July 22, 2015, robbery shows that the proof of the defendant's

guilt in that robbery would likely flow from a jury's belief he committed the April 2015 robbery and therefore has a propensity to commit crimes. Those items found in his possession during the execution of the search warrant on August 20, 2015, only match evidence from the July 22, 2015, robbery in terms of general similarities. A gun was used in the July 22, 2015, robbery but not identified beyond "handgun". 2nd GJ, at 11. A handgun was found during the execution of the search warrant. Id. at 32. The clothes worn during the July 2015 robbery were not found during the search warrant execution. Id. at 33. The amount of money stolen during the July 2015 robbery was not alleged to be the same amount of money as was discovered in the defendant's possession during the execution of the search warrant. Id. 13, and Iverson testimony. The description of the robber during the July 2015 was also very general, i.e. white guy, 5'8" to 6'2". Id. at 9.

The evidence in these two robberies is not separate and distinct. See State v. Wilske, 350 P.3d 344 (Ct.App. 2015); State v. Eguillor, 137 Idaho 903 (Ct.App. 2002). The appellate courts have often cited to separate and distinct evidence as a primary factor in rejecting the argument made by counsel here. However, in our case most of the evidence against the defendant in the two robberies is the same, i.e., those items found in his possession during the execution of the search warrant on August 20. The prejudice is summed up as follows:

- 1) Someone robs a bank in April 2015;
- 2) Someone soon after throws a transponder bill from a green car with certain characteristics;
- 3) A similar green car with certain characteristics is found at a motel in Garden City on August 20, 2015;
- 4) The defendant is the registered owner of that car;
- 5) A subsequent search warrant found items arguably consistent with a bank robber in his possession;

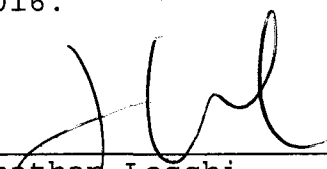
- 6) Someone robbed a bank in July 2015 with some general similarities to the prior robbery and items in the defendant's possession;
- 7) The jury will likely conclude that the defendant robbed the bank in April 2015 based primarily on the evidence of the car allegedly used in the robbery, and the items found during the execution of the search warrant. The jury then finds the defendant likely robbed the other bank in July of 2015 because he has a propensity to rob banks.

In the present case, the defendant will be prejudiced on each count of Robbery by the presence, in the same case, of the other count of Robbery. The risk is present that the jury will abandon their responsibility to decide the case on the facts, and instead find the defendant guilty based on a belief that he has the propensity to commit crimes.

CONCLUSION

For the foregoing reason, Counts 3 and 4 should be severed from Counts 1 and 2 at trial.

DATED this 25 day of January, 2016.



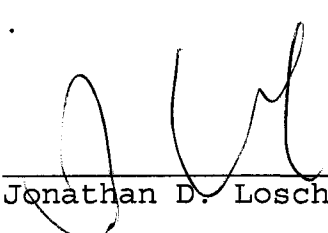
Jonathan Loschi
Attorney for the Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 25 day of January, 2016, I mailed a true and correct copy of the foregoing Motion to:

Ada County Prosecutor

by interdepartmental mail.



Jonathan D. Loschi

CHRISTOPHER D. RICH, Clerk
By SARA MARKLE
DEPUTY

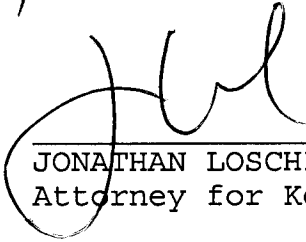
originally filed April, 2015, robbery as well as discovery relating to the July 22, 2015, robbery and another robbery that occurred on July 25, 2012;

6. I have been provided with approximately 12 disks containing audio, video and pictures related to the April 2015 robbery as well as the other two alleged robberies;
7. A few days prior to the amended indictment the prosecutor did indicate to me that he intended to charge the defendant for the July 22, 2015, robbery but did not indicate when that would happen or whether it would be by amended indictment in the existing case;
8. Prior to that conversation, I had no reason to believe additional charges were forthcoming, or if so, which robberies the defendant would be charged with;
9. There had also been no 404(b) motion filed by the prosecutor indicating they would seek to introduce evidence of other robberies into evidence at this trial;
10. I did review the discovery relating to the July 22, 2015, robbery as well as the other robbery but had no reason to investigate those cases any further;
11. On January 12, 2016, a Second Amended Indictment was handed down in this case adding Counts 3 and 4 which charge the defendant with the July 22, 2015, robbery;
12. Following the Second Amended Indictment, I was provided with more discovery, numbering pages 398-910. That discovery is dated January 13, 2016;
13. I have not been dilatory in preparing the defendant's April 2015 case for trial. Discovery related to that offense has been reviewed, investigation is being conducted, a motion to sever and a motion to suppress have been filed;
14. I have reviewed the Grand Jury Transcript related to Counts Three and Four and believe additional motions will need to be filed in that case;
15. I have briefly re-reviewed the discovery related to the July 22, 2015, and believe additional investigation is necessary as well as pretrial motion practice;
16. I will not identify specifically what I believe additionally needs to be done so as not to compromise the defendant's defense but am prepared to make an *in camera* showing to the court only if required;

17. Additionally, Defendant's speedy trial runs approximately April 4, 2016, on Counts One and Two and I cannot accommodate a different trial date prior to that time;

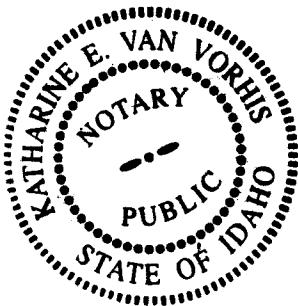
18. I am scheduled to be in trial on March 1, 2016, with a defendant who has not waived speedy trial. (State v. Thornock, CR FE 2015 11103). I am also scheduled to be in a co-defendant murder trial before Judge Hoagland beginning on March 7, 2016, and scheduled for approximately 3 weeks. (State v. Ward, CR FE 2014 15282). There is a possibility that trial will get continued, but that has not yet been granted. Until such time as a continuance is granted, I am preparing for that trial;

DATED this 25 day of January, 2016.



JONATHAN LOSCHI
Attorney for Kent Williams

SUBSCRIBED and SWORN to before me, a Notary Public, in and for the State of Idaho, County of Ada, this 25 day of January, 2016.

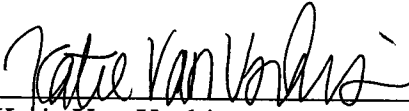


Katharine E. Van Vorhis

Notary Public
Residing at Boise, ID
My Commission Expires August 23, 2018

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25 day of January 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.



Katie Van Vorhis

JAN 28 2016

CHRISTOPHER D. RICH, Clerk
By MEG KEENAM
DEPUTY

128
MO
1/29
1:00
JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 W. Front Street
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.)

KENT GLEN WILLIAMS,)

Defendant.)
_____)

2015
Case No. CR-FE-~~2011~~-0012724

**STATE'S BRIEF IN SUPPORT OF
OBJECTION TO DEFENDANT'S
SECOND MOTION FOR RELIEF
FROM PREJUDICIAL JOINDER**

COMES NOW, Joshua P. Haws, Deputy Prosecuting Attorney in and for the State of Idaho, County of Ada, and hereby requests that this Court deny Defendant's motion for relief from joinder. The State believes that the correct heading for the Defendant's motion should be "motion to sever".

Statement of Facts

On April 14, 2015, the Defendant walked into the Key Bank on Overland road just after the bank opened. He was dressed in a knit hat that covered his ears and had a small bill on it, a burgundy or maroon colored windbreaker/jacket, and a pair of aviator sunglasses. As he walked in, he pulled up a maroon colored bandana/handkerchief over his mouth and nose and walked up to the teller station. He orally demanded that the teller give him all of

**STATE'S BRIEF IN SUPPORT OF OBJECTION TO DEFENDANT'S
MOTION FOR RELIEF FROM JOINDER (WILLIAMS), Page 1**

000134

the twenties, fifties, and hundreds that were in her banking station. He also told her not to give him any bait bills, transponders, or dye packs. The teller complied and the Defendant turned and walked out of the bank and walked west towards Orchard road. The teller had actually passed the Defendant a \$50.00 bill that had a transponder inserted into it. That transponder put out a signal that the police were able to track the signal and find the \$50.00 bill on Roosevelt road - just east of the Key Bank and around the corner.

Law enforcement officers were able to locate surveillance video footage of the area where the bill was found. The surveillance footage was recorded by two businesses on the east side of Roosevelt. The range of coverage showed that a white person had pulled over onto the west-side shoulder of Roosevelt and stopped their car. The car was a green four-door sedan. The person is seen dropping something that looked to be consistent with the \$50.00 bill out the car window onto the ground and then drive away southbound on Roosevelt. The police were able to see that the green sedan had a different colored green "bumper sticker" stuck to the back of the trunk near the top of the trunk lid in an area where the car's emblem would have been (as though it was placed there to cover up the car's brand emblem). The sedan had a license plate from another state. The police were on the lookout for that car.

On July 22, 2015 the Defendant walked into the Key Bank Broadway Avenue branch just after it opened and walked to the teller's station. He was dressed in a long-sleeved yellow or gold-colored jacket, a hat, a yellow/gold-colored mask or bandana/handkerchief, and aviator glasses. He orally demanded that the teller give him all of the twenties, fifties, and hundreds at his banking station. He also told the teller not to give him any bait bills, transponders, or dye packs. The teller complied. The defendant then leaned over the counter and looked into the drawer. He saw that there was still a \$20.00 bill in the drawer and he told the teller to give it to him. The \$20.00 bill contained a transponder. The defendant appeared to be angry and told the clerk, "I told you, no transponders" and then he lifted up his jacket to display a handgun tucked into his waistband. Another bank employee could see that the yellow bandana/handkerchief had an elastic band roughly sewn into the backside of it - so that it was behind the man's head. The defendant left with the money.

On August 20, a Garden City officer was doing routine license plate checks on automobiles found in a hotel parking lot in Garden City. The officer recognized the make/model and description to be a match to the green sedan seen on the Roosevelt surveillance video. The car even had an outline, a line of adhesive, in the form of a bumper sticker where the sedan in the video had the sticker. The officer notified other law enforcement officers and detectives worked to determine that the car was registered to Kent Glen Williams out of Washington. The officers contacted the desk clerk of the hotel and learned that Kent Williams was registered as a guest in that hotel.

The detectives applied for a search warrant to enter and search the hotel room for evidence of the crime of robbery. A search warrant was authorized by a neutral and detached magistrate and the detectives executed the search. Inside of the hotel room the detectives found numerous items of evidentiary value that showed that the Defendant was the person who had committed the robbery on April 14. The detectives found a set of clothes that matched the style of the disguise that the man in the robbery had used – not the same clothes. The clothes were not the exact same clothes (they were a different color – the ones found were green and blue) but they were similar in style – long sleeved green jacket, a green “homemade” style bandana with elastic sewn into the back was found in the pocket of the jacket. Inside of the hat, the officers found a loaded .40 caliber Beretta handgun that had the serial number obliterated. Later, the officers obtained a search warrant to search the green sedan. Inside of a backpack they found two pairs of aviator-style sunglasses. When they arrested the Defendant they searched him and found \$6,900 in large bills in his wallet. None of the bills matched the recorded sequence of the bills from the robberies.

On September 22, 2015 the State presented evidence that the defendant had committed a bank robbery on April 14, 2015. The sitting grand jury returned a true bill for the robbery that is charged in Count 1 of the State’s second amended indictment. The defendant was also indicted on that date for the crime of unlawful possession of a firearm for the .40 caliber handgun that was found in his hotel room.

On September 22 the State’s attorney presented only information relative to the April 14, 2015 robbery to the grand jury intending to handle information from the July 22

robbery as 404(b) evidence. The State disclosed and delivered police reports from the July 22 Key Bank robbery to the Defendant in a discovery response on November 30, 2012.¹

When the Defendant pled not guilty on October 5, 2015 the case was set for trial on February 22, 2016. Two months later, in December, the undersigned prosecutor was assigned and determined that it was appropriate to charge the July 22 bank robbery as additional substantive charges in the same case as opposed to using them solely as 404(b) evidence or as a separate criminal case. This decision was made, in part, in the interest of efficiency and judicial economy and because they were more appropriate as a common scheme or plan as permitted under the criminal rules. Moreover, the State considered that the defense was already fully informed: police reports and other evidence had already been disclosed to the defense months earlier. Additionally, the State determined that charging the additional counts (3 and 4) to the already opened criminal case was even likely preferable to the defense rather than facing two separate juries with each jury later considering evidence (under 404(b)) of the other crime.

The State returned to the original grand jury on January 12, 2016 and presented evidence about the July 22nd crimes. The grand jury returned the second amended indictment. The Defendant filed a motion to suppress on January 13, 2016.

ISSUES

- I. Does the addition of counts 3 and 4 of the second amended indictment five weeks before trial constitute prejudice to the defendant such that the Court should sever the counts for trial?
- II. Even assuming that the Court is concerned that the defendant may be prejudiced because of the compressed timing between the indictment and the scheduled jury trial, Does the fact that the Defendant filed a motion to suppress act a functional waiver of his speedy trial rights? Does the waiver allow the Court to vacate and continue the trial to some more distant date that would nullify the Defendant's claim of prejudice posed in Issue 1?

¹ See State's Addendum to discovery disclosing pages

LEGAL ANALYSIS

1. **Counts 3 and 4 of the second amended indictment are appropriately charged as additional counts under Idaho Criminal Rule 8(a) as they are part of a common scheme or plan.**

Idaho Criminal Rule 8(a) provides in relevant part: “Two (2) or more offenses may be joined in a single... indictment...if they are based on the same act or transaction, or on two or more acts or transactions connected together, or constitute parts of a common scheme or plan.”

Cases discussing common plans have focused on whether the offenses were one continuing action or whether the offenses have sufficient common elements including the type of sexual abuse, the circumstances under which the abuse occurred, and the age of the victims.” State v. Field, 144 Idaho 559, 565, 165 P.3d 273, 279 (2007). In Field, the Court found that it was appropriate to join offenses that had occurred on different dates with different victims as a common scheme or plan because of the charges had sufficient common elements. Here, as in Field, there are sufficient common elements between the charges. Both counts 1 and 3 are bank robberies with Key Bank as a victim. Although the Defendant robbed different branches both locations were Key Banks. In both crimes, the Defendant followed a similar modus operandi. – the Defendant entered the bank earlier in the morning after the bank had just opened, made oral demands for twenties, fifties, and hundreds and, in both crimes, demanded that they not give him any tracker bills, transponders, or dye packs. In both cases, the Defendant wore a color-coded “outfit” or disguise that included a hat that covered his ears, aviator sun glasses, a customized mask made from fabric that matched the color of his jacket and that had an elastic band sewn into the part of the bandana or handkerchief that joined the two sides

behind his head. The masks used were not something that could be purchased but were a creation by the Defendant. In both crimes, the Defendant used a long sleeve jacket/windbreaker of the same color as the mask. Besides the hats and aviator glasses that he wore in both robberies, the Defendant wore a burgundy/maroon color scheme in the April robbery and a yellow/gold color scheme in the July robbery. It is important to consider that when the police searched the Defendant's hotel room pursuant to the search warrant they found two more "sets" of color-coded disguises (jackets and customized handkerchiefs). They found a green colored jacket with a green mask in the pocket and a blue jacket and blue mask. All of this evidence shows a common scheme or plan.

2. Evidence from both robberies ought to be deemed to be admissible in the trial of the other under I.C.R. 404(b).

The rule admitting proof disclosing another crime to show the accused's identity as the perpetrator of the offense on trial does not demand that the two episodes possess factual sameness in every detail. The inquiry, rather, is whether the two have enough in common to justify a cautious judgment that the probative force of the common details received in evidence is appreciable, and so much so as in the scheme of jurisprudential values to outweigh the potential harm to the accused.

State v. Abel, 104 Idaho 865, 869-870, 664 P.2d 772, 776-777. Clearly, although there are very many similarities in the details of these separate crimes, the robberies are not exactly the same in every detail – the Defendant used a different color schemes and the branches of Key Bank that he robbed were not the same. He did not display the handgun in the April 14 robbery. Other circumstances that could be compared are unknown. It is unknown how the Defendant left the scene in the July 22 robbery so it unknown whether the same green sedan was used.

Here, as in Abel, the incidents are sufficiently similar to permit evidence of either to be introduced at a separate trial of the other as 404(b) evidence. Indeed, even if the Court were to sever the trial, evidence from each offense would be admissible in a trial on the other pursuant to Idaho Rule of Evidence 404(b) to establish identity, motive, intent, knowledge, and/or common scheme or plan.

3. The Court should not sever the counts for trial because the Defendant has not shown that he would be prejudiced by the joinder of the offenses.

Idaho Criminal Rule 14 provides:

If it appears that a defendant or the state is prejudiced by a joinder of offenses or of defendants in a complaint, indictment or information or by such joinder for trial together, the court may order the state to elect between counts, grant separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires. In ruling on a motion by a defendant for severance the court may order the attorney for the state to deliver to the court for inspection in camera any statements or confessions made by the defendants which the state intends to introduce in evidence at the trial.

The decision whether to grant or deny a motion to sever under Rule 14 is left to the sole discretion of the trial court. State v. Abel, at 867 and 774. The Idaho Supreme Court has identified three potential sources of prejudice that may justify severing a trial under Idaho Criminal Rule 14. When determining whether separate trials should be granted for different counts in an indictment, the Court considers (1) whether “the jury may confuse and cumulate the evidence, and convict the defendant of one or both crimes when it would not convict him of either if it could keep the evidence properly segregated;” (2) whether “the defendant may be confounded in presenting defenses;” and (3) whether “the jury may conclude that the defendant is guilty of one crime and then find him guilty of the other because of his criminal disposition.” Id. at 867–68, 664 P.2d at 774–75. When evaluating the third factor, the Court looks to whether, if the counts had been tried separately, the separate evidence could have been admitted as evidence in the different trials. Id.

In Abel, the Court analyzed these three potential sources of prejudice and ultimately affirmed the district court’s denial of the Defendant’s motion to sever because the Defendant failed to show he was prejudiced by the joinder of all the offenses for trial. 104 Idaho at 870, 664 P.2d at 777. In that case, two women were separately assaulted in

downtown Boise within forty-five minutes of each other. Id. at 866, 664 P.2d at 773. The first assault involved one suspect while the second assault involved two suspects. Id. After the Defendant was identified by both victims as a suspect, the Defendant was charged with six counts including assault with the intent to rape, attempted kidnapping in the second degree, and battery for each victim. Id. With regard to the first potential source of prejudice, the Court concluded that:

the facts relating to each incident were so distinct and simple that there was little risk that after having received proper instruction that the jury cumulated or confused the evidence. The jury was properly instructed on the reasonable doubt standard and that each count charged a separate and distinct offense which must be decided separately on the evidence and law applicable to it uninfluenced by the jury's decision on any other count.

Id. at 868, 664 P.2d at 775. When looking to the second factor, the Court found that the Defendant's defense to each count was alibi and, therefore, he was not confounded in his defense by the joining of all six offenses. Id. Finally, when looking to the third factor, the Court held that the incidents were sufficiently similar to allow evidence of each incident to be admitted in a separate trial of the other for the purpose of establishing identity.² Id. at 869, 664 P.2d at 776.

Similarly, in State v. Longoria, the Court analyzed the same three potential sources of prejudice when determining whether the Defendant should receive relief under Rule 14. 133 Idaho 819, 824, 992 P.2d 1219, 1224 (Ct. App. 1999). In that case, the Defendant was charged with three counts of lewd conduct with a minor under sixteen. Id. at 821, 992 P.2d at 1221. Each count alleged a different victim. Id. The first instance of lewd conduct with a minor was alleged to have happened in 1988 while the other two instances were alleged to have occurred in 1995 and 1996. The ages of the three victims ranged from nine to eleven-years-old. Id. During each incident, the victims were spending the night at the Defendant's home as a guest of one of his daughters. Id. The Defendant sought to have the three counts of lewd conduct tried separately arguing that

² Although the Court did not specifically cite to Idaho Rule of Evidence 404(b), the Court was indeed determining whether the evidence for each separate incident would have been admissible in a separate trial of the other for the purpose of proving (1) motive, (2) intent, (3) absence of mistake or accident, (4) common scheme or motive, (5) identity, and (6) other similar issues Id. at 869, 664 P.2d at 776.

each count arose from a discrete and separate occurrence during different years involving a different victim. Id.

The Court affirmed the district court's denial of the Defendant motion holding that

the facts relating to each incident were simple, straight forward, and distinct. All three of [the Defendant's] victims testified to the specific events that took place when [the Defendant] molested them. . . . As the district court noted, there was little risk the jury would confuse or cumulate the evidence in applying the court's instructions regarding the evidence in the case. The jury was properly instructed that each count charged a separate and distinct offense which must be decided separately on the evidence and the applicable law, uninfluenced by the jury's decision on any other count.

Id. at 824, 992 P.2d at 1224. The Court further found that there was no evidence that the Defendant was confounded in presenting his defenses. The Court also found no prejudice when analyzing the third factor—whether the jury may have found the Defendant guilty because of his criminal disposition—because even if each count had been tried separately, evidence of the Defendant's other two sex crimes would have been admissible pursuant to Idaho Rule of Evidence 404(b) in each trial “to prove a common plan to sexually exploit and sexually abuse an identifiable group of young female victims.” Id. at 825, 992 P.2d at 1225.

Defendant has not demonstrated that he will be prejudiced by a trial on both offenses alleged in the indictment. First, the Defendant has not shown that the jury may confuse or cumulate the evidence presented at trial. Just as in Abel and Longoria, each victim will testify as the specific events that occurred during each separate robbery and the Court can instruct the jury, pursuant to ICJI 110, that each count charges a separate and distinct offense and should be decided separately on the evidence and the law applicable to it and uninfluenced by the decision as to any other count. The facts as they relate to each incident are simple and straight-forward and, therefore, there is little danger that the jury would confuse or cumulate the evidence especially with the protection that ICJI 110 provides.

Secondly, the Defendant has not demonstrated that he will be confounded in presenting a defense at trial. In fact, the Defendant presents no argument from which the

Court can conclude that his ability to fully defend himself at trial will be compromised. The Defendant did not make any statements to police. It cannot be said that the Defendant would necessarily be “boxed in” to a contradictory defenses.

Lastly, there is no danger that the jury will convict the Defendant on either count simply based on his alleged disposition for criminal activity. In fact, as discussed above, even if the Court were to sever the trial, evidence from each offense would be admissible in a trial on the other pursuant to Idaho Rule of Evidence 404(b) to establish identity, motive, intent, knowledge, and/or common scheme or plan. There is little possibility that the jury, once they are properly instructed on the reasonable doubt instruction as to each count, will decide that the Defendant is guilty of one crime and then find him guilty of the other because of his criminal disposition.³

Thus, even if the Court were to sever the trial, evidence from each offense would be admissible in a trial on the other pursuant to Idaho Rule of Evidence 404(b) and pursuant to the three factors set forth in Abel, the Defendant has failed to establish that he would be prejudiced by a trial on both counts alleged in the indictment.

4. The defendant’s filing of a motion to suppress constitutes good cause for a delay in the trial setting should that become necessary in order to alleviate any prejudice against the defendant.

The Defendant claims that he is prejudiced by the joinder of counts 3 and 4 because his defense attorney will not have adequate time to prepare for trial. The defendant was provided all of the discovery material pertaining to the July 22, 2015 robbery in November 2015 – months before the trial date. Defense counsel claims that he is unable to ask for a continuance of the currently set trial because the defendant has not waived his speedy trial rights on Counts one and two.

When a defendant who invokes his statutory speedy trial rights is not brought to trial within six months and shows that trial was not postponed at his request, the burden then shifts to the state to demonstrate good cause for the court to decline to dismiss an action. State v. Livas, 147 Idaho 547, 211 P.3d 792 Ct.App.2009. Here, the Defendant’s

³ See State v. Ramsey, 2012 Ida.App.Unpublished Opinion, LEXIS 277; 2012 WL 9494167.

speedy trial period has not run and will not be up until April 4. The Defendant wants to stand on his right to speedy trial yet file motions to suppress, and this motion to sever, that necessarily delay the proceedings.


Pretrial delay is often both inevitable and wholly justifiable for reasons that include the parties' need to pursue or oppose important pretrial motions. Id at 796 and 551. Defendant's claims of prejudice for timing should not be considered good cause to sever the counts for trial.

CONCLUSION

For the foregoing reasons, the State respectfully requests that Defendant's motion for relief from joinder be DENIED.

DATED this 28th day of January, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney


By: Joshua P. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of January, 2016, I caused to be served, a true and correct copy of the foregoing State's Brief in Support of Objection to Defendant's Motion for Relief From Joinder upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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



Legal Assistant

NO. 140
A.M. FILED P.M.

JAN 28 2016

CHRISTOPHER D. RICH, Clerk
By GRICELDA TORRES
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

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Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

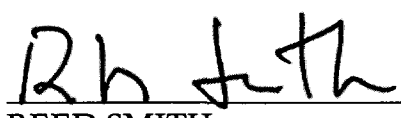
Defendant.

Case No. CR-FE-2015-0012724

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN to all parties that the Court will call on for hearing the Defendant's Motion to be Free of Excessive Restraints in Court. Said hearing shall take place on **February 8, 2016, at the hour of 3:00 p.m.**, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.


DATED this 28th day of January 2016.



REED SMITH
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28th day of January 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

NO. 16410
A.M. FILED P.M.
JAN 28 2016
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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.

KENT WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

**DEFENDANT'S MOTION TO BE
FREE OF EXCESSIVE RESTRAINTS
IN COURT**

COMES NOW the defendant, KENT WILLIAMS, by and through his attorney, Reed Smith, Ada County Public Defender's Office, and moves this Court, pursuant to the Idaho Constitution, the Fifth and Fourteenth Amendments of the United States Constitution, Idaho Code § 19-108 and the Due Process Clause for an Order releasing defendant from the excessive shackling he is subject to while in court.

I. STATEMENT OF THE CASE

A) Nature of the Case

United States Supreme Court and Idaho case law are clear in the prohibition of any more restraint than is necessary in order to detain a defendant to answer his charges and that the excessive use of physical restraints violates that Fifth and Fourteenth Amendments.

B) Procedural History

The defendant was charged by Indictment with the crimes of I. Robbery, I.C. § 18-6501 and II. Felon in Possession of a Firearm I.C. § 18-3316.

C) Statement of Facts

Please see the attached Affidavit of Kent Williams in support of the facts which serve as the basis for the present motion.

II. ISSUE PRESENTED FOR REVIEW

- A) Is the black box shackling of defendant excessive and a violation of his constitutional rights?; and
- B) Does the Court need to make an individualized finding that such shackling is necessary under circumstances specific to this case, and is failure to do so a violation of Defendant's Due Process rights?

III. ARGUMENT

- A) Black Box Shackling of Defendant is Excessive and Violates the Fifth and Fourteenth Amendments

The United States Supreme Court and Idaho courts clearly recognize the right of defendants to be free from visible physical restraints during criminal jury trials unless a court finds, in its discretion, that circumstances specific to the case warrant the use of such restraints. *See, State v. Wright*, 153 Idaho 478, 484 (Ct.App.2012). In *Wright*, the constitutional law applicable to the shackling of defendants in Idaho during jury trials was examined thusly.

“[T]he Fifth and Fourteenth Amendments prohibit the use of physical restraints visible to the jury absent a trial court determination, in the exercise of its discretion, that they are justified by a state interest specific to a particular trial.” *Deck v. Missouri*, 544 U.S. [622,] 629, 125 S. Ct. 2007, 161 L. Ed. 2d 953, [2005]; see also *Estelle v. Williams*, 425 U.S. 501, 505, 96 S. Ct. 1691, 48 L. Ed. 2d 126 (1976) (recognizing shackles should only be used when necessary to control a defendant); *Illinois v. Allen*, 397 U.S. 337, 343-44, 90 S. Ct. 1057, 25 L. Ed. 2d 353 (1970) (holding a defendant may be restrained to maintain [18] the decorum in a courtroom). A criminal

defendant may be restrained during trial only in the "presence of a special need." *Deck*, 544 U.S. at 626. Interpreting this, the Idaho Supreme Court held the Due Process Clauses of both the United States and Idaho Constitutions prohibit visibly restraining a criminal defendant at trial unless "overriding concerns for safety or judicial decorum predominate." *State v. Crawford*, 99 Idaho [87,] 96, 577 P.2d [1135,] 1144 [(1978)]. Therefore, any use of restraints must be based upon a finding that they are necessary. *Id.* at 98, 577 P.2d at 1146; *State v. Hyde*, 127 Idaho 140, 147, 898 P.2d 71, 78 (Ct.App.1995). Using restraints on a defendant during trial is reversible error if the trial judge fails to make a finding that the restraints are necessary for physical security, to prevent escape, or to maintain courtroom decorum, unless the State can show the error was harmless. *Deck*, 544 U.S. at 635 (citing *Chapman v. California*, 386 U.S. 18, 24, 87 S. Ct. 824, 17 L. Ed. 2d 705 (1967)); *State v. Moen*, 94 Idaho 477, 479, 491 P.2d 858, 860 (1971); *Miller*, 131 Idaho at 293, 955 P.2d at 608.

Wright, 153 Idaho at 484; *See also*; I.C. § 19-108, (prohibiting "any more restraint than is necessary" in order to detain the defendant to answer his or her charges).

The California Supreme Court discussed the potential harms resulting from the shackling of defendants, including "possible prejudice in the minds of the jurors, the affront to the human dignity, the disrespect for the entire judicial system which is incident to the unjustifiable use of physical restraints, as well as the effect such restraints have upon a defendant's decision to take the stand." *People v. Duran*, 545 P.2d 1322, 1327 (Cal. 1976).

Further, California courts have held that the principles announced in *Duran* applied equally to court proceedings other than jury trials. *Tiffany A v. Superior Court*, 59 Cal.Rptr.3d 363, 371 (Cal Ct. App. 2007). In *People v. Fierro*, 3 Cal. Rptr.2d 426 (Cal. 1991), the California Supreme Court held there must be "some showing" of necessity for the use of shackle even at a preliminary hearing. The *Fierro* Court determined that routine shackling was disallowed even where a jury was not present, noting that the general rule applicable to jury proceedings "serves not merely to insulate the jury from prejudice, but to maintain the composure and dignity of the individual accused, and to preserve respect for the judicial system as a whole; these are paramount values to be preserved irrespective of whether a jury is present during the proceedings." *Id.* In addition, the *Fierro* Court noted that shackles could impair the ability of the defendant to communicate effectively with counsel.

The United States Supreme Court extended its prohibition of routine shackling of adults during the guilt phase of a trial to the penalty phase of a capital case even though the defendant had already been convicted. *Deck*, 544 U.S. at 632. Shackles may interfere with

the accused's ability to communicate with his lawyer, and the use of shackles implicates a judges duty to "maintain a judicial process that is a dignified process" and which "includes the respectful treatment of defendants." *Id.* at 631.

Here Mr. Williams has yet to be present in any court proceeding where he was not shackled in the black box. Mr. Williams has complained of the pain such a device causes, as well as the claustrophobic feelings it renders. The black box device leaves Mr. Williams unable to concentrate while in court, thereby effectively limiting his ability to communicate with his counsel, or to assist in his defense. Mr. Williams cannot pick up or use a pen to take notes or write messages to his counsel while he is confined in such a manner. Continued use of the black box clearly hinders Mr. Williams's ability to communicate with his counsel, causes pain, discomfort and claustrophobia, and goes against the dignity of the court and the respectful treatment of defendants.

B) The Court Has A Duty To Make An Individualized Finding That "Black Box" Shackles Are Necessary For Mr. Williams And A Failure To Make Such Findings Violates Due Process

Idaho Courts, in discussing the use of physical restraints, have made clear the extraordinary nature of their use:

[A] decision whether to restrain a defendant requires close judicial scrutiny in weighing the State's interest against the prejudice to the defendant. See *Estelle*, 425 U.S. at 503-04. This imposes an initial burden on the court to determine both the facts supporting the use of restraints and whether the situation could be resolved in another manner, as the use of restraints should be exercised only as a last resort. *Allen*, 397 U.S. at 344; see also *Gonzalez v. Piller*, 341 F.3d 897, 900, 902 (9th Cir. 2003) (stating "the court must pursue less restrictive alternatives before imposing physical restraints" and that "it is the duty of the trial court, not correctional officers, to make the affirmative determination."). It is only in extreme and exceptional cases, where the safe custody of the prisoner and the peace of the tribunal imperatively demand, that restraints should be used. *Deck*, 544 U.S. at 626-27.

Wright, 153 Idaho at 487.

In *Wright*, the Idaho Court of Appeals discussed the requisite procedure for making a determination of whether physical restraints were necessary or not:

[A] finding that restraints are necessary may be based on both formally offered evidence admitted at trial and knowledge gained from law enforcement officers or official records. *State v. Knutson*, 121 Idaho 101, 105, 822 P.2d 998, 1002 (Ct.App.1991). "Although the sheriff has some initial responsibility for determining whether an accused should be handcuffed during a jury trial, the trial judge must, in fulfilling his duty to preside over the trial, decide the question for himself." *Moen*, 94 Idaho at 479, 491 P.2d at 860. The information relied upon to support restraining a defendant should be shown on the record, outside the presence of the jury, and "the defendant should be afforded reasonable opportunity to meet that information." *Id.* at 480, 491 P.2d at 861. Providing such a record allows an appellate [38] court to determine whether the trial court properly exercised its discretion. *Id.* When determining whether physically restraining a defendant is necessary, it is preferred that a hearing is conducted, with sworn testimony and the defendant present, except in cases where the trial process is disrupted in the court's presence. *Id.* at 479-80, 491 P.2d at 860-61; see also *Crawford*, 99 Idaho at 98, 577 P.2d at 1146 (holding the use of restraints after an ex parte hearing with the State violated the defendant's due process rights to a fair trial). However, where a trial court fails to hold a hearing, or does not specifically state the reasons for placing a defendant in restraints, we will not find an abuse of discretion so long as the record sufficiently justifies the order to restrain the defendant in a manner that would not be prejudicial. *Moen*, 94 Idaho at 480, 491 P.2d at 861; *Knutson*, 121 Idaho at 106, 822 P.2d at 1003.

Wright, 153 Idaho at 484-85.

Though the reasoning in *Wright* is made applicable to jury trials, the California Supreme court has previously held that there must be "some showing" of necessity for the use of shackles even as to preliminary hearings. *Fierro*, 821 p.2d at 1322. Mr. Williams argues such reasoning is persuasive and should be applied to the analysis in Idaho as well.

The United States Court of Appeals for the Ninth Circuit addressed a trial courts responsibility in determining whether a defendant should be shackled or not. *Spain v. Rushen*, 883 F.2d 712 (9th Cir. 1989). In *Spain*, a state trial court violated the defendant's constitutional rights by shackling Spain during his criminal trial. The district court referred the case to a magistrate on remand to determine the effect shackling had on Spain during his trial and on his ability to cooperate with his trial attorney and to testify in his own defense.

The magistrate found that:

- 1) Petitioner's shackling at trial aggravated his existing medical and psychological problems, and pained and preoccupied him during that time.

2) Petitioner's shackling interfered with his ability to communicate with his trial counsel and to participate in the preparation of his own defense.

3) Petitioner's shackling impeded his ability to testify on his own behalf.

Id. at 715.

Spain testified that the pain not only impeded his ability to concentrate on the trial proceedings but also affected his ability to participate at trial and cooperate with his counsel. *Id.* at 718. Further, the magistrate found that counsel for Spain's testimony that more than three quarters of their time together was spent talking about how he was being treated and how degraded he felt in the courtroom, was probably close to the truth. *Id.*

The Court identified a list of problems that should be considered in a decision to shackle as follows:

- 1) Physical restraints may cause jury prejudice, reversing the presumption of innocence;
- 2) Shackles may impair the defendant's mental faculties;
- 3) Physical restraints may impede the communication between the defendant and his lawyer;
- 4) Shackles may detract from the dignity and decorum of the judicial proceedings; and
- 5) Physical restraints may be painful to the defendant.

See, Kennedy v. Cardwell, 487 F.2d 101, 106 (6th Cir. 1973).

Given the problems that a decision to shackle a defendant presents, reviewing courts require that trial judges pursue less restrictive alternatives prior to imposing physical restraints. *Spain*, at 721.

The court in *Spain* found that another inherent danger in imposing physical restraints was the possibility that a defendant may feel confused, frustrated or embarrassed, which impairs his mental faculties. *Id.* at 722 citing *Zygadlo v. Wainwright*, 720 F.2d 1221 (11th Cir. 1983). The court in *Spain* found that defendant could not concentrate in court and this interfered with his ability to cooperate with his counsel. *Id.*

Finally, the court found that Spain's complaints about pain were "immediate, chronic and impassioned." *Id.* at 723. Accordingly, the court found that the trial court abused its discretion in shackling Spain during his trial and that the trial court never really considered alternatives to shackling, which thereby constituted constitutional error by failing to employ shackling as a "last resort." *Id.* at 725-28.

Mr. Williams has made immediate, chronic and impassioned pleas to the court since his initial preliminary hearing. Mr. Williams complained of the pain the black box shackles inflict upon him. Mr. Williams has complained of the claustrophobic feelings he gets when in the black box and how this interferes with his ability to concentrate while in court and subsequently with his ability to communicate with his counsel and assist in his defense. Mr. Williams cannot hold a pen to take notes during any hearings. Mr. Williams feels degraded and humiliated by the restraints he is placed in during court. Finally, Mr. Williams has been offered no other less restrictive means of court room security and no other reasonable alternatives have been explored.

IV. CONCLUSION

Based upon all the above, we respectfully request this Honorable Court grant Mr. Williams's motion for the reasons set forth herein.

DATED this 27th day of January 2016.



REED SMITH
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28 day of January 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.



Katie Van Vorhis

NO. _____ FILED _____
A.M. _____ P.M. _____
JAN 28 2016
CHRISTOPHER D. RICH, Clerk
By GRICELDA TORRES
DEPUTY

CHRISTOPHER D. RICH, Clerk
By GRICELDA TORRES
DEPUTY

STATE OF IDAHO,

Case No. CR-FE-2015-12724

**AFFIDAVIT OF
KENT WILLIAMS**

Defendant.

I, Kent Williams, after first being duly sworn do attest to the following:

- AFFIDAVIT OF KENT WILLIAMS**

6. That I cannot sit and view the lengthy video evidence in this matter with my attorneys as my attention is directed on the pain and claustrophobic feelings that result from wearing the black box;
7. That I cannot sit down and take notes on my discovery as the black box precludes me from holding a pen or writing;
8. That I have not been in a court room proceeding without the black box on;
9. That I have complained to jail staff and my attorneys of the pain and mental anguish that the black box causes from my initial court appearance;
10. That I have not been able to assist my attorneys while in court due to the distractions from the pain and claustrophobic effects of the black box;
11. That I cannot take notes in court due to the physical limitations imposed by the black box;
12. That my inability to take notes or concentrate in court due to the pain and subsequent impaired mental faculties this causes, hinders my ability to assist my counsel in my defense;
13. That the black box shackles have grossly interfered with my ability to cooperate with counsel and seriously impair my mental faculties;
14. That I feel humiliated and degraded that I am shackled such while out in public;
15. That I am presumed to be innocent yet I am shackled as if I have been adjudicated guilty;
16. That no alternatives to the black box shackling have ever been considered.

Pursuant to Idaho Code § 9-1406, I certify (or declare) under penalty of perjury that the foregoing information is true and correct.


DATED this 26th day of January 2016.



KENT WILLIAMS
Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 28 day of January 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

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NO. 1003
A.M. FILED P.M.

JAN 28 2016

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

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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.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

STATE'S BRIEF IN SUPPORT
OF OBJECTION TO
DEFENDANT'S MOTION
TO SUPPRESS

COMES NOW, Joshua P. Haws, Deputy Prosecuting Attorney in and for the State of Idaho, County of Ada, and hereby urges this Court to deny Defendant's Motion to Suppress "all evidence derived from the arrest of the Defendant as fruit of the poisonous tree". It is impossible for the State to appropriately respond to this motion because the Defendant's plea is too vague and does not articulate what evidence the Defendant believes should be suppressed.

Therefore, the State requests a more detailed and definite statement of what evidence

STATE'S BRIEF IN SUPPORT OF OBJECTION TO DEFENDANT'S
MOTION TO SUPPRESS (WILLIAMS), Page 1

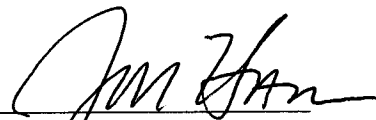
000159

MO

the Defendant believes is suppressible that derived from the arrest of the Defendant.

DATED this 29th day of January, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney


By: Joshua P. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January, 2016, I caused to be served, a true and correct copy of the foregoing State's Brief in Support of Objection to Defendant's Motion to Suppress upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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


Legal Assistant

Time	Speaker	Note
<u>01:15:59 PM</u>		State v. Kent Williams CRFE15-12724 Motion to Sever Cust
<u>01:16:04 PM</u>	Judge	calls case, def present in custody
<u>01:16:16 PM</u>	State	Josh Haws
<u>01:16:19 PM</u>	PD	Jonathan Loschi and Reed Smith
<u>01:16:24 PM</u>	Judge	Def's motion to sever for today
<u>01:16:42 PM</u>	Defendant	I want out of these torturous restraints
<u>01:17:01 PM</u>	PD	the black cuff box is very uncomfortable for him
<u>01:17:03 PM</u>		he's explained what he goes thru with that black cuff box
<u>01:18:25 PM</u>		we'd like the restraints removed or for him to be removed from courtroom, he doesn't really need to be here for this
<u>01:18:48 PM</u>	State	no objection to his removal from the courtroom, but we do object to removal from black box cuffs
<u>01:19:14 PM</u>	Judge	need to keep courtroom safe, the jail feels he needs
<u>01:19:48 PM</u>	PD	I'd prefer to be unrestrained as anyone on bail would be
<u>01:20:01 PM</u>	Judge	do you prefer to be present?
<u>01:20:09 PM</u>	PD	not be present
<u>01:20:15 PM</u>	Judge	ask the jail staff to talk about and think if this level of security is necessary and if Sgt Harris can provide some information on the security needed for this defendant
<u>01:21:30 PM</u>		he's asked to be excused, I'll allow him to excuse himself; if he wants to know what happened, I'd be willing to make a transcript available for him
<u>01:22:23 PM</u>	Judge	Mr. Loschi, it's your motion
<u>01:22:31 PM</u>	PD	argues motion to sever
<u>01:30:08 PM</u>		sever 3 and 4 from 1 and 2
<u>01:30:17 PM</u>		they chose to indict him when they did
<u>01:30:54 PM</u>	Judge	didn't say I was going to rule that way
<u>01:31:15 PM</u>	PD	or sever count 1 from the others
<u>01:31:21 PM</u>	Judge	even if I was to separate the robberies
<u>01:31:42 PM</u>		the evidence could come in from the one case to the other; proves identity
<u>01:32:05 PM</u>	PD	he was given a gps bill and green car
<u>01:32:18 PM</u>		the July 22nd robbery wouldn't prove the 2nd robbery
<u>01:32:33 PM</u>	Judge	the plan or scheme
<u>01:32:53 PM</u>		the scheme is a form of identity
<u>01:33:03 PM</u>		can be distinct
<u>01:33:22 PM</u>		some generalities are the nature of the business
<u>01:33:31 PM</u>		but if you look at the particulars and those combined on each robbery start to get close to common scheme/identity
<u>01:34:51 PM</u>		assuming you lose 404B, you'd still want them severed?
<u>01:35:26 PM</u>	PD	yes, I'd still want it severed
<u>01:35:43 PM</u>		the analysis begins and ends with late filing

01:36:07 PM		in the July 22nd robbery is more circumstantial, there were eyewitnesses; a red car identified and a weird guy
01:36:43 PM		then two crime stopper tips
01:37:00 PM		this robbery in April there is the teller
01:37:45 PM	Judge	can't be a surprise to you about a 404b
01:38:13 PM		they give you that discovery, tipped you off that they were looking that direction
01:39:09 PM	PD	don't know if witnesses will be available 3 weeks from trial for the July 22nd robbery
01:39:29 PM		I need to do this right
01:40:30 PM		I could be ready by end of March
01:40:44 PM		we just got dna results today
01:40:58 PM		there is a lot of stuff to do
01:41:08 PM	Judge	state contends you'll ask to suppress evidence, you hadn't noticed it for hearing
01:41:41 PM		it's getting late
01:41:50 PM	PD	filed it Jan 13th, then state did a 2nd indictment
01:42:47 PM		motion to suppress as to one witness, Officer Peter Zack
01:43:01 PM		he just immediately arrested him
01:43:24 PM		don't see why we can't do a hearing on that between now and 22nd
01:43:51 PM	Judge	was your motion to suppress timely filed?
01:44:00 PM	PD	no it wasn't
01:44:11 PM	Judge	would result if I'm able to hear it
01:44:21 PM	PD	it is timely for counts 3 and 4
01:44:32 PM	Judge	could benefit if cases are joined together
01:45:45 PM		I've denied motions to suppress when they are filed untimely
01:45:58 PM		the rule is mandatory
01:46:07 PM		I could just be making more work for myself
01:47:08 PM	PD	believe it's a one witness motion to suppress
01:47:29 PM	Judge	if I were sever on basis of late filing, not going to force your client to waive speedy; a motion to continue then won't sit well
01:48:23 PM	PD	he's not going to waive his speedy trial rights
01:48:50 PM		he's told me no, that may change on how court rules
01:49:06 PM	State	argues against motion to sever and deny
01:49:29 PM		this is 404B evidence
01:49:34 PM		common scheme of plan
01:49:48 PM	Judge	evidence of July crime without evidence from April
01:50:03 PM	State	evidence from execution of search warrant
01:50:12 PM		uses an outfit, homemade
01:50:20 PM		the jackets and masks in pockets; homemade
01:50:45 PM		finding of the gun, cash on defendant

<u>01:50:54 PM</u>		none of the bills match the marked recorded bills or bate bills
<u>01:51:06 PM</u>		not all money was bate bills
<u>01:51:25 PM</u>		he had some sequential bills
<u>01:51:57 PM</u>		the issue of prejudicial timing
<u>01:52:04 PM</u>		they've had these police reports
<u>01:52:45 PM</u>		there's been no showing that they've attempted to interview the witnesses or make appointments
<u>01:53:04 PM</u>		they're just typing up motions
<u>01:53:13 PM</u>		he didn't articulate any of that, but there's been no showing
<u>01:53:24 PM</u>		the motion to suppress isn't timely filed; the rule is mandatory
<u>01:54:06 PM</u>		the outside limit of trial is April 4th
<u>01:55:24 PM</u>	Judge	address Loschi's argument on whether there is distinct evidence; evidence of 2nd flows from 1st
<u>01:55:55 PM</u>	State	there is crossover for sure
<u>01:56:06 PM</u>		execution of search warrant for hotel room, vehicle
<u>01:56:27 PM</u>		they're separated by months, both separate branches of Key Bank, different tellers, disguise is the same type but different colors; same general demand
<u>01:57:09 PM</u>	Judge	both key banks, both soon after opening, description of robber, hat
<u>01:58:44 PM</u>	State	this page has 4 photos, left is the burgundy robbery; it's a baseball style hat
<u>01:59:33 PM</u>	Judge	long sleeve jacket, kerchief, elastic band; he knew two drawers would be available
<u>02:00:43 PM</u>	State	July he looked over the counter
<u>02:00:50 PM</u>	Judge	he knew 2 drawers were out of view; he asked for 20s, 50s, 100s
<u>02:01:24 PM</u>		he asked for no dye, no bate in April; then in July asked for no dye, no bate, no tracker
<u>02:01:48 PM</u>	State	a tracker is inserted into a bill, that bill is slightly thicker
<u>02:02:32 PM</u>	Judge	use of weapon in both
<u>02:02:40 PM</u>		in search find 7,000 in 100s; find a green and blue disguise; sewing materials; found the car and did surveillance
<u>02:04:11 PM</u>		the car in April had a green sticker, then July the vehicle had a sticker adhesive left, sticker removed
<u>02:04:42 PM</u>		license plate in white and blue, identifies as State of Washington
<u>02:05:11 PM</u>		statement on jail call
<u>02:05:19 PM</u>	State	the aviator glass, used in both
<u>02:07:01 PM</u>	Judge	did I miss anything of factual similarities?
<u>02:07:11 PM</u>	State	don't believe so
<u>02:07:15 PM</u>	Judge	is state planning to use 2012 robberies?
<u>02:07:26 PM</u>	State	no

02:08:43 PM		the belief on the trial that loschi is up against, is that it will be continued
02:09:08 PM	Judge	if these cases were consolidated, how much longer would you need to try it?
02:09:25 PM	State	maybe 1 more day, can't speak for the defense
02:09:37 PM	Judge	the state had all this on the first indictment, why'd you wait so long?
02:09:52 PM	State	as we prepared for the April robbery, found we were proving the July robbery
02:11:01 PM		I wasn't the handling attorney at the start, was still the attorney in late December when it got reassigned to me
02:11:31 PM		we realized we'd be presenting the same evidence
02:11:43 PM		judicial convenience and economy
02:12:45 PM		believed the defense would prefer one trial over two
02:12:57 PM	PD	not in a position to commit to a trial date at end of March
02:13:26 PM		it's forced the decision upon us
02:13:34 PM	Judge	I'm going to take the weekend upon us
02:13:43 PM		we have a status set Monday, know the defendant doesn't like the security measures made on him
02:14:19 PM		think this ultimately comes in one trial or another, not ruling yet
02:15:23 PM		two options; presentation of evidence doesn't change much at all
02:15:57 PM		taking the defense at their word on their ability to get ready
02:16:37 PM	PD	if settled on option 2 for trial on Feb 22nd, are you saying you wouldn't let us argue the motion to suppress
02:17:03 PM	Judge	you admitted that it wasn't timely filed
02:17:10 PM		the rule is mandatory
02:17:15 PM		you haven't given any good cause
02:17:50 PM		I don't know enough about the motion to suppress
02:18:18 PM	PD	I went back and read the grand jury order
02:18:31 PM		would like Mr. Williams to read them at the jail without be being there
02:18:50 PM		wondering if I could submit an amended order
02:19:10 PM	State	I'll leave it in your discretion
02:19:18 PM	Judge	reason for not allowing the defendant to have the grand jury transcript
02:19:48 PM		he has a conviction for first degree murder and there are security concerns
02:20:06 PM	State	you've pointed out our concern
02:20:12 PM	Judge	think about it and we'll discuss on MOneday
02:20:19 PM		talk to your client about the box
02:20:36 PM		end of case

FEB 01 2016

CHRISTOPHER D. RICH, Clerk
By ARIC SHANK
DEPUTY

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2:00
ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Reed Smith
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

AMENDED NOTICE OF HEARING

NOTICE IS HEREBY GIVEN to all parties that the Court will call on for hearing the Defendant's Motion to be Free of Excessive Restraints in Court. Said hearing shall take place on **Friday, February 5, 2016, at the hour of 1:30 p.m.**, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.


DATED this 1st day of February 2016.

Rh Smith

REED SMITH
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of February 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

Time	Speaker	Note	Status
02:31:51 PM		St. v. Kent Williams	CRFE15-12724
		Cust	
02:31:57 PM	Judge	calls case, def present in custody	
02:32:03 PM	State	Josh Haws	
02:32:06 PM	PD	Jonathan Loschi	
02:32:10 PM	Judge	time set for status	
02:32:18 PM		the defendant objects to being restrained in the black box	
02:32:47 PM		I asked the sheriff's office have someone present to give further information	
02:33:15 PM		prior to trial we'll have to have a longer discussion about restraints	
02:33:41 PM	Sgt Harris	every inmate has a number assigned 1 thru 9 and each has different security precautions	
02:34:42 PM		Level 1 is the highest level of security, he Mr. Williams is the highest level	
02:34:56 PM		they look at past charges and current and behavior at prior correctional facilities in his past	
02:35:20 PM		looked at documents from State of Washington, violations in their prison system	
02:35:48 PM		Sheriff Department policy	
02:36:01 PM		describes the black box, they don't wear it the entire time	
02:37:46 PM		I understand it's not comfortable	
02:38:00 PM		called the local US Marshals office and they use the same for everyone they transport, we only use it for Level 1's	
02:38:40 PM		if he had a cast, we'd find some other way	
02:39:53 PM		don't know what they're doing with their visits at the jail there	
02:40:03 PM		that is the only thing I feel comfortable with him wearing	
02:40:14 PM		at the trial, as it gets closer, we'd look at something else	
02:40:24 PM	PD	no questions, just some comments	
02:43:49 PM	State	I have a question	
02:44:01 PM	Sgt Harris	based on classification level, I just can't decide on that; I'd have to go to my Lieutenant; other inmates would then want the same treatment	
02:45:13 PM	Judge	comments	
02:47:52 PM	PD	we ask that he be excused then	
02:48:00 PM	Judge	he's entitled to be here, it's his hearing	
02:48:12 PM		don't think the black box is unreasonable	
02:48:18 PM		you wish to not be here?	
02:48:27 PM	PD	I'm being coerced to be here	
02:48:48 PM		I'm not in a good mood with this device	
02:49:00 PM	Judge	you have a right to be here?	
02:49:06 PM	PD	I don't understand anything with this device	
02:49:18 PM	Judge	I'll let him waive his right	

<u>02:49:27 PM</u>		being obstinate
<u>02:49:35 PM</u>		thank you Sergeant
<u>02:49:50 PM</u>	Judge	need to address the scheduling matters and motion to sever
<u>02:50:20 PM</u>	Judge	I didn't make any offers
<u>02:50:47 PM</u>	PD	ask that you sever counts 2, 3, 4 from count 1
<u>02:52:41 PM</u>		he hasn't waived speedy
<u>02:53:32 PM</u>	Judge	I've looked more at the motion to suppress
<u>02:55:11 PM</u>	State	we argued this point on Friday
<u>02:55:52 PM</u>		coming in and bringing up motions at the last minute with a timeframe that will not accommodate look to function as a waiver of speedy
<u>02:58:16 PM</u>	Judge	looked at motion to sever and with that 404b analysis
<u>03:00:41 PM</u>		puts analysis on the record
<u>03:13:13 PM</u>		there is a common scheme which allows joinder under rule 8
<u>03:13:25 PM</u>		then we go to rule 14
<u>03:14:34 PM</u>		lays analysis
<u>03:20:30 PM</u>		motion to sever is denied
<u>03:20:34 PM</u>		will set for trial in March, still looking at 5 days
<u>03:21:50 PM</u>		JT: March 28th at 9am
<u>03:22:04 PM</u>		PTC: March 14th at 3pm
<u>03:22:10 PM</u>		Status March 7th at 2pm
<u>03:22:31 PM</u>		notice up your motion to suppress Mr. Loschi
<u>03:23:02 PM</u>	PD	2 issues
<u>03:23:08 PM</u>		could I copy the grand jury transcript and give it to him at the jail?
<u>03:23:21 PM</u>	State	no objection
<u>03:23:26 PM</u>	Judge	you may do so
<u>03:23:29 PM</u>	PD	he hasn't waived speedy?
<u>03:23:35 PM</u>	Judge	not making finding one way or the other
<u>03:24:07 PM</u>		I need an amended order
<u>03:24:21 PM</u>	PD	I could list that he return the transcript to the jail authorities
<u>03:24:52 PM</u>	State	he can kite the jail law library
<u>03:25:00 PM</u>		end of case

FEB 04 2016

CHRISTOPHER D. RICH, Clerk
By MEG KEENAN
DEPUTY

128
status
3/7
2:00

JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 West 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.)

KENT GLEN WILLIAMS,)

Defendant.)


Case No. CR-FE-2015-0012724

**STATE'S RESPONSE TO
DEFENDANT'S SPECIFIC
REQUEST FOR DISCOVERY
TO COURT**

COMES NOW, Joshua P. Haws, 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 Specific Request for Discovery.

RESPECTFULLY SUBMITTED this 3rd day of February, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney


Joshua P. Haws
Deputy Prosecuting Attorney

FEB 04 2016

CHRISTOPHER D. RICH, Clerk
By **MEG KEENAN**
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

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200 West Front Street, Room 3191
Boise, ID 83702
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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.

KENT GLEN WILLIAMS,

Defendant.


Case No. CR-FE-2015-0012724

**ADDENDUM TO DISCOVERY
RESPONSE TO COURT**

COMES NOW, Joshua P. Haws, Deputy Prosecuting Attorney in and for Ada County,
State of Idaho, and informs the Court that the State has submitted an Addendum to Response to
Discovery.

RESPECTFULLY SUBMITTED this 3rd day of February, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney

By: 
Joshua P. Haws
Deputy Prosecuting Attorney

Time	Speaker	Note
01:35:32 PM		State v. Kent Williams CRFE15-12724 Motn/Restraints Cust
01:35:43 PM	Judge	calls case, def present in custody
01:35:51 PM	State	Josh Haws
01:35:54 PM	PD	Reed Smith and Jonathan Loschi
01:36:07 PM	Judge	def's motion regarding restraints
01:36:36 PM		it's your motion
01:36:39 PM	Smith	I filed a brief in that matter
01:36:49 PM	Judge	put on record
01:36:54 PM		the defendant is standing with his back to the court, refusing to sit down
01:37:08 PM	Smith	argues motion regarding restraints
01:37:35 PM		the California cases expand it to pretrial hearings
01:37:58 PM		there are reasons for the court making these findings
01:38:06 PM		excessive shackling causes pain
01:38:22 PM		it's unnatural position
01:38:29 PM		he's not the first client
01:38:36 PM		impedes ability to communicate with counsel
01:38:46 PM		he feels degraded
01:38:51 PM		he has the presumption of innocence
01:38:59 PM		they brought in doctors and psychologists
01:39:08 PM		the case law and statute is clear
01:39:12 PM	Judge	evidence of adverse effects other than his affidavit?
01:39:28 PM	Smith	look at Spane case,
01:40:01 PM		9th circuit case, a trial case
01:40:10 PM	Judge	lets talk about the statute
01:40:23 PM		the person shouldn't be compelled to incriminate themselves
01:40:45 PM		effect of restraints upon the jury
01:40:53 PM		don't see how that applies to the pretrial process, the court isn't going to be impacted by his restraints
01:41:14 PM	Smith	I think it does
01:41:26 PM	Judge	anyone besides California applying this to the pretrial phase?
01:41:37 PM	Smith	can't tell you
01:42:06 PM		no case law in Idaho, that doesn't surprise me
01:42:16 PM	Judge	why doesn't it surprise you if it's a constitutional right?
01:42:31 PM	Smith	it's just a fact
01:42:46 PM		all these issues impact our ability
01:42:56 PM	Judge	I've read all pleadings in regards to jail conditions
01:43:15 PM		appears he's going to be uncooperative as possible based on those pleadings

01:43:34 PM	Smith	when are these complaints made
01:43:49 PM		he has complained about this from day 1
01:43:55 PM	Judge	no different from anything else he's complained about
01:44:10 PM		all his other refusals
01:44:39 PM		never has been basically cooperative
01:45:20 PM		seems to me the need for the restraints has been made
01:45:31 PM	Smith	you don't tell what the jail to do, and they don't tell you what to do in your courtroom
01:45:47 PM	Judge	the court is informed in the decision making process and the need for security
01:46:03 PM	Smith	that's one factor
01:46:09 PM		the judge doesn't defer to the jail
01:46:17 PM	Judge	you have his naked dissensions that he's unable to participate
01:46:30 PM		his behavior right now shows a lot
01:46:43 PM	Smith	the court can make that finding
01:46:51 PM		the bulk of our conversations are about this
01:46:59 PM		he gets claustrophobic, can't take notes
01:47:06 PM		it's eroding the attorney/client relationship
01:47:12 PM		these are all factors that should be taken into consideration
01:47:30 PM		the court should consider the least restrictive means
01:48:02 PM	Judge	don't intend to start out trial that way
01:48:19 PM		it's more a significant factor
01:48:33 PM		it's a balancing act for courtroom safety when a jury is here
01:48:45 PM	Smith	he continues to complain about and it's a problem for us
01:49:03 PM	Judge	what would be the necessary restraint for pretrial matters?
01:49:15 PM	Smith	basic belly chain
01:49:23 PM		the black box is above and beyond
01:49:37 PM	State	feel this determination was already made at our last hearing
01:49:56 PM		Sgt Harris is here again, he gave testimony last time
01:50:40 PM	Judge	suggest you might want to
01:51:10 PM	State	I'll call Sgt Harris
01:51:28 PM	Witness	Swon
01:51:37 PM	State	Direct Exam
01:51:44 PM	Witness	Sgt with Sheriff's department, 21 years
01:51:53 PM		sgt with transport team
01:51:57 PM		duties and obligations
01:52:33 PM		some latitude and policy
01:52:44 PM		explains sheriff's policy
01:53:28 PM		all level 1 and 2's are required to wear the black box
01:53:46 PM		that is policy

<u>01:53:50 PM</u>		if there is a cast or open wound, then they wouldn't be in the black box
<u>01:54:05 PM</u>		classification team, not an expert
<u>01:54:22 PM</u>		previous history, current behavior and current charges
<u>01:55:15 PM</u>		explains black box
<u>01:56:33 PM</u>		an enhanced security measure assigned to that inmate
<u>01:56:51 PM</u>		numbering system
<u>01:57:27 PM</u>		I put it on him today twice
<u>01:57:35 PM</u>		he's compliant when its put on
<u>01:57:52 PM</u>	State	he's still standing, back to the court
<u>01:58:04 PM</u>	Witness	his behavior changes when we enter the courtroom
<u>01:58:15 PM</u>		he's never been disrespectful to me
<u>01:58:30 PM</u>		only to when it comes to wearing the box in this room
<u>01:59:06 PM</u>		I don't talk to him about his court proceedings
<u>01:59:19 PM</u>		said he was reading a dictionary
<u>01:59:54 PM</u>		safety for people around him
<u>02:00:10 PM</u>		I have not
<u>02:00:44 PM</u>		believe we're still a month and a half from trial
<u>02:01:02 PM</u>		my team finished a murder trial with defendants in such and no complaints
<u>02:01:18 PM</u>	Smith	Cross Exam
<u>02:01:26 PM</u>	Witness	I've read his history, I know why
<u>02:01:34 PM</u>		I don't do the classification
<u>02:02:09 PM</u>		my staff here armed, if he was was just in a belly chain, could trial to grab a weapon; this happened about two years ago in Judge Wetherell's courtroom on a rider review
<u>02:03:02 PM</u>		his behavior changes when we get to the courtroom
<u>02:03:11 PM</u>		they're not comfortable
<u>02:03:16 PM</u>		we adjust them for the defendant
<u>02:03:23 PM</u>		I put them on the restraints today and he never complained
<u>02:04:14 PM</u>	State	Redirect exam
<u>02:04:33 PM</u>	Witness	would guess about 15 level 1's currently
<u>02:05:02 PM</u>		on a monthly basis the classification reevaluates the inmates
<u>02:05:29 PM</u>		it's subject to review and still a level 1
<u>02:05:39 PM</u>	Smith	no further questions
<u>02:05:49 PM</u>	Judge	don't think I have any questions
<u>02:05:59 PM</u>	State	ask determination be made closer to trial
<u>02:06:49 PM</u>	Smith	no rebuttal
<u>02:06:56 PM</u>	Judge	didn't intend to made a determination today about restraints for trial
<u>02:07:27 PM</u>		most defendants have a leg weight at trial
<u>02:07:42 PM</u>		I would make determination a week to two weeks between trial as it relates to the defendant and right to a fair trial

<u>02:08:09 PM</u>		for in court security for other proceedings, don't believe the same constitutional standard security measures are applicable
<u>02:08:57 PM</u>		court notes in the record, the documents contained, I've reviewed the documents
<u>02:09:19 PM</u>		have observed the defendant in each hearing and the Sgt's testimony
<u>02:09:31 PM</u>		this is the first time I've had someone wearing a black box make a complaint about it
<u>02:09:50 PM</u>		he is the first that has raised this issue
<u>02:09:57 PM</u>		there are no anatomical issues with his wrists, no injuries that would impact
<u>02:10:26 PM</u>		there are legitimate security risks
<u>02:10:59 PM</u>		in the materials, it's clear he has significant crimes of violence
<u>02:11:11 PM</u>		he's stated that he has physically assaulted correctional officers; he welcomes less than lethal interventions like pepper spray and electricity
<u>02:12:09 PM</u>		deputies having to physically extract him from his cell
<u>02:12:24 PM</u>		the problem is his own statements and behavior
<u>02:12:39 PM</u>		it is part of a demonstration, whether it's a game or extract something else
<u>02:12:59 PM</u>		I find his concerns lack credibility; no medical evidence
<u>02:13:15 PM</u>		no history of anxiety attacks
<u>02:13:49 PM</u>		the level of restraints for pretrial hearings are necessary, don't infringe on constitutional rights
<u>02:14:15 PM</u>		deny the defendants motion
<u>02:14:25 PM</u>		I'll continue to have him appear hear in the black box
<u>02:14:42 PM</u>		if circumstances changes, I'll notice it up
<u>02:14:51 PM</u>		end of case

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ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Jonathan Loschi
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. 1648 FILED
A.M. _____ P.M. _____

FEB 09 2016

CHRISTOPHER D. RICH, Clerk
By GRICELDA TORRES
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.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN to all parties that the Court will call on for hearing the Defendant's Motion to Suppress. Said hearing shall take place on **March 4, 2016, at the hour of 10:00 a.m.**, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED this 9th day of February 2016.




JONATHAN LOSCHI
Attorney for Defendant


NOTICE OF HEARING

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 9th day of February 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

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Hr.
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10A.

NO. _____
FILED _____
A.M. _____ P.M. 3:45

FEB 12 2016

CHRISTOPHER D. RICH, Clerk
By WENDY MALONE
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Jonathan Loschi
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
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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.

KENT GLEN WILLIAMS,


Defendant.

Case No. CR-FE-2015-0012724

AMENDED NOTICE OF HEARING

NOTICE IS HEREBY GIVEN to all parties that the Court will call on for hearing the Defendant's Motion to Suppress. Said hearing shall take place on March 11, 2016, at the hour of 2:00 p.m., in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED this 12th day of February 2016.



JONATHAN LOSCHI
Attorney for Defendant

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12th day of February 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant

JONATHAN D. LOSCHI, ISB #6002
Deputy Public Defender
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Facsimile: (208) 287-7409

FEB 16 2016

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
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.

KENT WILLIAMS,

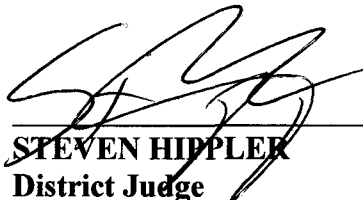
Defendant.

Case No. CR-FE-2015-12724

ORDER ALLOWING DEFENDANT
ACCESS TO THE GRAND JURY
TRANSCRIPTS

For good cause appearing, this Court hereby orders that attorney for the defendant be allowed to photocopy each Grand Jury Transcript in the above case. Those copies may then be delivered to the custody of the Ada County Jail Legal Resource Center. The defendant may read the transcripts at the Legal Resource Center but will not be allowed to remove the transcripts from the Legal Resource Center. The defendant may have access to these transcripts until March 15, 2016, at which time they will be returned to counsel.

SO ORDERED AND DATED, this 15th day of February 2016..


STEVEN HIPPLER
District Judge

FEB 22 2016

CHRISTOPHER D. RICH, Clerk
By ARIC SHANK
DEPUTY

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ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 West Front St., Ste 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO)

Plaintiff,)

vs.)

KENT WILLIAMS,)

Defendant.)
_____)

Criminal No. CR FE 2015 12724

**RESPONSE TO STATES OBJECTION
TO DEFENDANT'S MOTION TO
SUPPRESS FOR AN ILLEGAL
ARREST**

COMES NOW the above named Defendant, KENT WILLIAMS, by and through his attorney Jonathan Loschi, Ada County Public Defender, and hereby submits this Response to the State's Objection to the Defendant's Motion to Suppress for an Illegal Arrest.

The state objected that the defense had not stated what evidence it was seeking to suppress as the result of an illegal arrest.

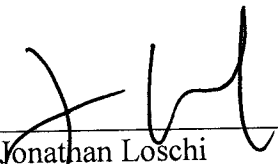
Upon his illegal arrest, the defendant was found in possession of a black wallet, a set of keys, a switch blade, miscellaneous bills (believed to total \$8, 097), and various wallet contents. The defense believes this evidence should be suppressed as the fruit of an illegal arrest.

During, or after his illegal arrest, Det. Pietrzak claims that he identifies a raised area on the back of the defendant's hand. The defense believes this evidence should be suppressed as the fruit of an illegal arrest.

After the illegal arrest, photos were taken of the defendant and his hands. The defense believes this evidence should be suppressed as the fruit of an illegal arrest.

Any statements purportedly made after the illegal arrest should also be suppressed. An audio, and video, of the defendant in a law enforcement interview room after the illegal arrest should also be suppressed.

DATED this 19 day of February, 2016.

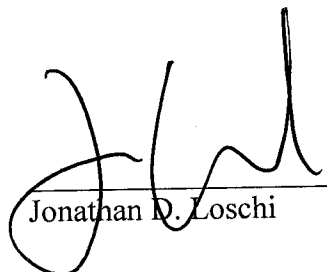

Jonathan Loschi
Attorney for the Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 19 day of February, 2016, I mailed a true and correct copy of the foregoing Motion to:

Ada County Prosecutor

by interdepartmental mail.


Jonathan D. Loschi

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

NO. _____ FILED _____
A.M. _____ P.M. 340

FEB 26 2016

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,)
)
vs.)
)
KENT WILLIAMS,)
)
Defendant.)
)
)
_____)

Criminal No. CR FE 2015 12724

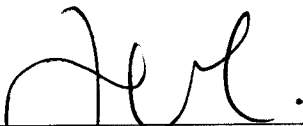
**MOTION TO SUPPRESS SEARCH
WARRANT**

COMES NOW, the above named defendant, KENT WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN D. LOSCHI, handling attorney, respectfully moves this court for an Order suppressing all evidence obtained as a result of an illegal search of his hotel room.

Defendant was illegally detained and/or searched without reasonable suspicion or probable cause to believe that a crime had been committed, or was about to be committed, all in violation of Defendant's right under Article I, Section 13 and 17 of the Constitution of the State of Idaho, and under the Fourth and Fourteenth Amendments, Section 1, to the Constitution of the United States of America. Because the search of the Defendant's hotel room was not supported by probable cause, all evidence derived from the seizure of the Defendant must be suppressed as fruit of the poisonous tree. Wong Sun v. United States, 371 U.S. 471, 9 L.Ed. 441, 83 S.Ct 407 (1963). This Motion is supported by Defendant's Brief in Support of the Motion to Suppress which is filed simultaneously herewith.

MO

Dated this 24 day of February, 2016.




JONATHAN D. LOSCHI
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 24 day of February, 2016, I mailed a true and correct copy of the foregoing to the:

Ada County Prosecutor

By depositing the same in interdepartmental mail.



JONATHAN D. LOSCHI
Attorney for Defendant

NO. 340
FILED
A.M. 2 P.M.

FEB 26 2016

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
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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,	)	Criminal No. CR FE 2015 12724
)	
vs.)	
)	
KENT WILLIAMS,	)	MEMORANDUM
	)	TO SUPPRESS SEARCH
	)	WARRANT
Defendant.)	
_____)	

COMES NOW the above named Defendant, KENT WILLIAMS, by and through his attorney Jonathan Loschi, Ada County Public Defender, and hereby submits this Memorandum to Suppress Search Warrant Evidence.

FACTS

Following the defendant's arrest on August 20, 2015, the state sought and was granted a search warrant to search the defendant's motel room and car.

MEMORANDUM TO SUPPRESS SEARCH WARRANT-1

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Detective Jason Pietrzak filed an Affidavit For Search Warrant. See Attached. Det. Pietrzak references three robberies in his affidavit. Those robberies occurred on July 25, 2012, April 14, 2015, and July 22, 2015.

Det. Pietrzak indicated that during his investigation of the April 14, 2015, bank robbery, he reviewed bank surveillance footage. Id. at p.4. He indicated that the suspect "had a distinctive raised area on the back of his left hand, located between his third finger and his wrist. The area is roughly consistent with the size of a pencil eraser." Id.

Det. Pietrzak indicated that on August 20th, at about 1650 hours, the defendant was contacted at his hotel. Id. Pietrzak stated "[I]n looking at his left hand, Detective M. Iverson and I could clearly see a raised area on his left hand in the same location, size and shape as the area on the hand of the suspect of the April 14th, 2015 robbery." Id. at 5.

Attorney for the defendant has previously filed a Motion to Suppress for an Illegal Arrest. The argument in this memorandum assumes this court's granting of that Motion to Suppress which would then require the above highlighted information to be removed from the probable cause analysis regarding the search warrant. Even if this court was to deny the Motion to Suppress for an Illegal Arrest, Attorney for the defendant still believes there is insufficient probable cause to search the hotel room.

LAW

The search warrant in the present case was issued without probable cause in violation of the fourth amendment of the United States Constitution and article I, Section 17 of the Idaho Constitution. The validity of a search warrant should not be tested in a hypertechnical manner. State v. Gomez, 101 Idaho 802, 623 P.2d 110 (1980), *cert. Denied*, 454 U.S. 963, 102 S.Ct. 503 (1981). The United State Supreme Court has said:

that only the probability, and not a prima facie showing, of criminal activity is the standard of probable cause...; that affidavits of probable cause are tested by much less rigorous standards than those governing the admissibility of evidence at trial..that in judging probable cause issuing magistrates are not to be confined by niggardly limitations or by restrictions on the use of their common sense...; and that their determination of probable cause should be paid great deference by reviewing courts...

Spinelli v. United States, 393 U.S. 410, 89 S.Ct. 584 (1969). In addition, “[the] quantum of information which constitutes probable cause...must be measured by the facts of the particular case.” Wong Sun v. United States, 371 U.S. 471, 479, 83 S.Ct. 407, 413 (1963).

The affidavit for probable cause must be evaluated as a whole to determine whether it was sufficient to establish probable cause for the issuance of a search warrant. State v. Fowler, 106 Idaho 3, 8, 674 P.2d 432 (Ct.App. 1983). Idaho has adopted the ‘totality of circumstances’ analysis as the standard by which the magistrates of Idaho will determine the existence of probable cause.” State v. Lang, 105 Idaho 683, 672 P.2d 561 (1983).

Probable cause to search requires a nexus between criminal activity and the item to be seized, and a nexus between the item to be seized and the place to be searched. U.S. Const. amend. IV; State v. Yager, 139 Idaho 680, 686, 85 P.3d 656, 662 (2004). Most courts require that a nexus between the items to be seized and the place to be searched must be established by specific facts, and an officer's general conclusions are not enough. Yager, 139 Idaho at 686. Nonetheless, even though criminal objects are not tied to a particular place by any direct evidence, an inference of probable cause to believe that they would be found in that place can be reasonable. State v. O’Keefe, 143 Idaho 278, 287, 141 P.3d 1147, 1156 (Ct. App. 2006); State v. Fairchild, 121 Idaho 960, 966, 829 P.2d 550, 556 (Ct. App. 1992). A magistrate is entitled to draw reasonable inferences about where evidence is likely to be kept based on the nature of the evidence and the type of offense. O’Keefe, 143 Idaho at 287, 141 P.3d at 1156. Moreover, the magistrate may take into account the experience and expertise of the officer conducting the search in making a probable cause determination. O’Keefe, 143 Idaho at 287.

When a search exceeds the scope allowed by a valid search warrant, the entire search is not rendered invalid. Rather, only the property unlawfully seized will be suppressed. State v. Bussard, 114 Idaho 781, 787, 760 P.2d 1197, 1200 (Ct.App.1988), citing State v. Holman, 109 Idaho 382, 389, 707 P.2d 493, 500 (Ct.App.1985).

ARGUMENT

The information contained in the affidavit for search warrant did not support a finding of probable cause to search the motel room. The information was stale, and did not establish a sufficient nexus between criminal activity, the things to be seized, and the place to be searched.

State v. Sorbel, 124 Idaho 275, 858 P.2d 814 (Ct.App. 1993).

I. Staleness

The probable cause required for a search warrant necessitates a finding that evidence is probably connected with some criminal activity and that the evidence being sought can currently be found at a specific place. W. RINGEL, Searches And Seizures, Arrests And Confessions § 4.2(a) (1985). The staleness of information regarding the presence of items in a certain place depends upon the nature of the factual scenario involved. State v. Turnbeaugh, 110 Idaho 11, 13, 713 P.2d 447, 449 (Ct. App. 1985). In a determination of whether information contained within a search warrant affidavit is stale, there exists no magical number of days within which information is fresh and after which the information becomes stale. State v. Carlson, 134 Idaho 471, 477 (Ct.App. 2000). The question must be resolved in light of the circumstances of each case. State v. Gomez, 101 Idaho 802, 808, 623 P.2d 110, 116 (1980). An important factor in a staleness analysis is the nature of the criminal conduct. If the affidavit recounts criminal activities of a protracted or continuous nature, a time delay in the sequence of events is of less significance. Id. Certain nefarious activities, such as narcotics trafficking, are continuing in nature and, as a result, are less likely to become stale even over an extended period of time. See Turnbeaugh, 110 Idaho at 14.

In the present case, the affidavit for search warrant was filed on August 20, 2015, approximately 29 days after the last robbery referred to in the affidavit. Det. Pietrzak confirmed that the defendant had stayed at that motel room since August 8, 2105, approximately 17 days after the last robbery referred to in the search warrant. Affidavit for search warrant, at 8. The only significance of the motel room in this particular case, though, is because of its link to the Chevy Malibu that matched the description of the suspect's car in the April 14, 2015, robbery, which occurred approximately 128 days prior. In his affidavit, Det. Pietrzak confirms that he had reviewed a Washington DMV photo of Williams, which implies that he was a Washington resident with a Washington address. Id. at 5.

It is unreasonable to believe that any of the items to be seized would be in the motel room on this particular date. It had been 29 days since the most recent robbery referred to in the affidavit, and that robbery was only connected to the defendant through a similar scheme or plan

that allegedly exists between these robberies. It had been 128 days since the robbery in which the defendant's car is alleged to have been involved. Law enforcement knew that the defendant was a Washington resident, creating the presumption that he had likely been in Washington on dates prior to August 8, 2015, when he registered at the motel. Law enforcement also knew he had not registered at that motel until 17 days after the most recent suspected robbery, and 116 days after the April robbery in which his car was allegedly involved. Det. Pietrzak also confirmed that he could see into the motel room and "was not able to see any item or property that he could directly link to any of the listed crimes". Id. at 8.

Courts have considered time delays to be of less significance in cases alleging criminal activity of a protracted nature. Carlson, 134 Idaho at 477. Counsel for the defendant is unaware, though, of this analysis being applied to the search of a motel room. Idaho cases have often held that evidence of drug trafficking activity would support the issuance of a search warrant to search a defendant's house or business. See Carlson; Gomez; Turnbeaugh; State v. Patterson, 139 Idaho 858 (Ct. App. 2003); State v. Alexander, 138 Idaho 18 (Ct.App. 2002); Woodward v. State, 142 Idaho 98 (Ct.App. 2005). It stands to reason that someone engaged in an ongoing criminal enterprise would be in possession of evidence related to that activity in their home.

In the present case, the search warrant was based on old information, and sought to search a motel room that the defendant had not moved into until well after the alleged criminal activity. The defendant was known to be a resident of Washington. The defendant was not represented as having stayed at the motel during the period of time of any of the robberies. It was not reasonable to believe that evidence of these prior crimes would be currently found in the motel room based on the staleness of the information.

II. Nexus

The assertions in the affidavit must establish a sufficient nexus, or link, between these alleged bank robberies, the things to be seized, and Room 24 of the West River Inn at 3525 Chinden, Garden City, Idaho. Analysis of the information in the affidavit establishing probable cause to search the motel room must not consider information suppressed as a result of the Motion to Suppress based on an Illegal Arrest previously filed.

The connection between the bank robberies and Room 24 of the West River Inn is based on the occupant of that room having registered the car with the hotel, and Pietrzak's belief that

the defendant matched the description of the alleged bank robber.

Even if the defendant was known to have committed other crimes, it would not necessarily lead to probable cause to search his home. State v. Molina, 125 Idaho 637, 873 P.2d 891 (Ct.App. 1993); State v. Sholes, 120 Idaho 639, 818 P.2d 343 (Ct.App. 1991). Even though criminal objects are not tied to a particular place by any direct evidence, an inference of probable cause to believe that they would be found in that place can be reasonable. United State v. Feliz, 182 F.3d 82 (1st. Cir. 199). A magistrate is entitled to draw reasonable inferences about where evidence is likely to be kept, based on the nature of the evidence and the type of the offense. United States v. McClellan, 165 F.3d 535 (7th. Cir. 1999); State v. Stevens, 139 Idaho 670 (Ct.App. 2004).

In this case, we are dealing with a search warrant for a motel room allegedly rented by the defendant on August 8, 2015, and not his home. While it may be logical in many instances to assume that those involved in a continuing criminal enterprise would keep evidence related to that enterprise in their home, this court is tasked with deciding whether it is reasonable to infer that evidence of these bank robberies would be in Room 24 of the West River Inn on August 20, 2015. No evidence was presented to the magistrate that the defendant was identified as a serial bank robber. It was only opined that his DMV photo matched the general description of suspects in bank robberies who wore disguises. Det. Pietrzak noted in the affidavit that the person who registered the car with the hotel "had provided the name of Kent Glen Williams". Affidavit, p. 5. Pietrzak did not state in his affidavit that the hotel confirmed that Kent Glen Williams was the registered guest of Room 24. Det. Pietrzak noted that the defendant was contacted at the hotel, but did not indicate if the defendant was seen emerging from Room 24. Id. Det. Pietrzak indicates that he knows items remain "in the hotel room Williams has been staying in", but again does not indicate to whom the room is registered, or if there are any other guests. There was no nexus established between the defendant and the particular room sought to be searched.

Nevertheless, even if it was established that the defendant was the registered sole occupant of Room 24 of the West River Inn, this does not establish probable cause to search that room on that date for evidence related to the bank robberies. The Idaho Court of Appeals has held that it is reasonable to infer that a regular drug trafficker keeps evidence of drug dealing in his or her residence. O'Keefe, at 23. The court discussed that it was reasonable in certain

situations to infer that there will be evidence of a crime in a particular place without any direct evidence. Id. But the court stressed that it did not hold that in all criminal cases there will not automatically be probable cause to search a suspect's residence. Id. at 26.

The affidavit of probable cause must establish there was probable cause to believe that contraband would be in Room 24 of the West River Inn at the time of the search. United States v. Rowland, 145 F.3d 1194 (10th. Cir. 1998). In Rowland, the defendant had given a post office box address for delivery of a videotape of child pornography that he ordered. The government obtained an anticipatory search warrant for Rowland's residence based on an affidavit which described the investigator's training and experience in the area of child pornography but did not set out any facts suggesting there was reason to believe that Rowland would be likely to view or store such materials at his home rather than elsewhere. Id. The court found the agent's general experience insufficient for probable cause in the absence of any evidence linking Rowland's home to the suspected criminal activity. Id.

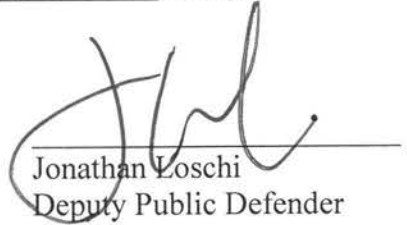
In our case, we are not talking about the defendant's home. We are talking about a hotel room he has resided in for 12 days. In his affidavit, Det. Pietrzak states "I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence...is located within the premise listed." Affidavit, p. 3. This is simply a conclusory statement without any further support in the affidavit. Pietrzak sets out no fact, or makes any statements, suggesting there was reason to believe contraband would be in the room. He simply notes that there are items in the hotel room at the time of the warrant application. He then goes on to gut his conclusion that evidence would be within the premises when he states he was "not able to see any item or property that he could directly link to any of the listed crimes".

There is no direct evidence that contraband is contained within the hotel room at that time. There is no basis for inferring that contraband is contained within the hotel room at that time.

CONCLUSION

When the Fourth Amendment is violated, all fruits derived from that poisonous tree must be suppressed. Wong Sun v. United States, 371 U.S. 471 (1963). The search of the hotel room was illegal. All evidence that followed from that illegal search should be suppressed.

RESPECTFULLY SUBMITTED this 24 day of Feb, 2016.


Jonathan Loschi
Deputy Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 24 day of Feb.,

2016, I mailed a true and correct copy of the foregoing to the:

Ada County Prosecutor

by depositing same in the Interdepartmental Mail.


JONATHAN LOSCHI

AUG 27 2015

CHRISTOPHER D. RICH, Clerk
By HEIDI BELL
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

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

IN THE MATTER OF THE)

APPLICATION FOR)

SEARCH WARRANT.)

**RETURN OF
SEARCH WARRANT**

STATE OF IDAHO)

) ss:

COUNTY OF ADA)

COMES NOW, Detective Jason Pietrzak of the Boise Police Department, who being first duly sworn upon oath, deposed and says:

That he received the attached Search Warrant on the 20th day of August, 2015. That he executed the same, thereby taking into possession:

Please see attached property invoices for property seized from hotel room and vehicle.

Signature

SUBSCRIBED AND SWORN to before me this 27th day of August 2015.

MAGISTRATE

STATE OF IDAHO) ss
COUNTY OF ADA)

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 foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this _____ day of _____, 20____.

CHRISTOPHER D. RICH, CLERK
By _____, Deputy

RETURN OF SEARCH WARRANT BPD 507-917

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JAN M. BENNETTS
Ada County Prosecuting Attorney

Heather C. Reilly
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

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

IN THE MATTER OF THE)	
)	
APPLICATION FOR)	SEARCH WARRANT
)	
SEARCH WARRANT.)	
)	
_____)	

**THE STATE OF IDAHO, TO ANY SHERIFF, CONSTABLE, MARSHAL OR
POLICEMAN IN THE COUNTY OF ADA:**

Detective Jason Pietrzak of the Boise Police Department, being first duly sworn, deposes and says: that he is a duly appointed, qualified, and acting peace officer within the County of Ada, State of Idaho and that he has reason to believe that evidence of the following offense(s): **ROBBERY, a violation of Idaho Code §18-6501** to-wit: clothing and/or outerwear/accessories including: a yellow colored windbreaker with a black colored section on the lower back; dark colored baseball style hat; a yellow handkerchief or yellow section of cloth consistent with the size of a handkerchief.; black or dark colored

handgun; Large dark frame sunglasses; large mirrored sunglasses; maroon or red windbreaker jacket with grey colored collar; Purple handkerchief or purple section of cloth consistent with the size of a handkerchief; dark colored winter hat with visor; long sleeve maroon or purple colored shirt; grey sweatpants; white baseball style hat; United States Currency including to following: twenty dollar bills with the following serial numbers: EA77943833E, GD35771865A, GH07296500A, IC32016410B, IL80071645C, IF14627510H, IH11938435A, IL28645101E, IL57700980C, JB33150592C, EA77943833E, GD35771865A, GH07296500A, IC32016410B, IL80071645C; one dollar bills with the following serial numbers: B111158446F, F84994701B, F95194615H, L23119852L, L04044887Q, L65575154R.; papers or documents containing language consistent with robbery notes witnessed by victim bank employees; documentation or items associated with Key Bank; indicia of ownership, occupancy, possession including photographs and/or forensic evidence such as fingerprints.

These items are located at and/or in the following described premises, to-wit:

Premises:

1. West River Inn Room #24. This hotel is located at 3525 Chinden, Garden City, Ada County, Idaho. This room is located in the southeast corner of the hotel, and faces northwest. The room number 24 is located in the center of the door in gold colored numbers that appear to be approximately 4 inches tall.
2. 1999 Green Chevrolet Malibu, Bearing Washington State license plate AHC5784. This vehicle was located in the parking lot of the West River Inn, and is currently in a Boise Police secure storage area.

YOU ARE THEREFORE COMMANDED, at any time of the day to make immediate search of the above described premises/property described and to seize the property on the Search Warrant Affidavit filed herein. This warrant specifically authorizes the search of closed containers.

Return of this Warrant is to be made to the above-entitled Court within 14 days from the date hereof.

GIVEN under my hand and dated this 20 day of August 2015 at 11:00 o'clock.



Magistrate

Nighttime Service Authorized X

STATE OF IDAHO
COUNTY OF ADA ss
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 foregoing is a
true and correct copy of the original on file in this office. In
witness whereof, I have hereunto set my hand and affixed
my official seal this 20 day
of August, 2015
CHRISTOPHER D. RICH, CLERK
By [Signature] Deputy
JUDICIAL DISTRICT

ADA COUNTY SHERIFF

BOISE POLICE

PROPERTY INVOICE

☐ INVOICE ONLY
 ☐ REPORT TO FOLLOW
 ☐ CITED/NO REPORT

DR No. 507-219	PAGE OF
DATE 8/20/15	TIME 2345
Property Codes* 1 = Stolen 2 = Embezzled 3 = Seized 4 = Evidence	5 = Found 6 = Safekeeping 7 = Destruct Only 8 = Other

BOOKING OFFICER PIETRUCCI	ADA NO. 753	APPROVED BY	OFFENSE ROBBERY	FELONY/MISD. FEL
------------------------------	----------------	-------------	--------------------	---------------------

			PROPERTY USE ONLY	
ITEM NO.	DESCRIPTION	SERIAL NO.	DISPO.	BAR CODE
41P	WASH. MOTOR DL # WILLIAMS 33764	-		
*CODE 4	OWNER'S NAME KENT WILLIAMS	LOCATION SEIZED #24 - West River Inn		
23P	GREEN CLOTH / MASK - BUNBEE	-		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 - West River		
31P	GREEN JACKET - EXPEDITION GEAR	-		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 WEST RIVER		
41P	RED/BLACK HAT	-		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 - West River		
51P	NYLON HATBOX w/ MAG	-		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 WEST RIVER		
61P	BERETTA Pk STORM	DESTROYED		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 West River		
71P	2 BERETTA MAGS	-		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 West River		
81P	GRN LEAFY SUBSTANCE - GREEN GRINDOL	-		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 West River		
91P	BAGGIE of GREEN LEAFY SUBSTANCE - Small PLASTIC CONTAINER	-		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 West River		
101P	SILVER COLORED PIPE w/ RESIDUE	-		
*CODE 4	OWNER'S NAME "	LOCATION SEIZED #24 West River		

HOW PROPERTY OBTAINED/DETAILS OF INCIDENT

SEE REPORT

WAIVER: The property is not my own and I do not allege any claim upon the property as against the true owner nor do I allege any claim upon the property against the City of Boise nor County of Ada, Idaho.

SIGNATURE:

PERSON PROPERTY OBTAINED FROM

ADDRESS

KENT WILLIAMS

2535 CITIZEN #24

Stored at:

☒ Property Room☐ Other☐ If Pawn Shop, attached pawn ticket copy to this form.

STATE OF IDAHO
COUNTY OF BOISE
I, CHRISTOPHER D. PIETRUCCI, Sheriff of the County of Boise, Idaho, in and for the Board of Supervisors of the County of Boise, Idaho, do hereby certify that the above described property is a true and correct copy of the original property as it was received by this office. In witness whereof, I have hereunto set my hand and affixed my official seal this 20th day of August, 2015.

CHRISTOPHER D. PIETRUCCI
By: _____, Deputy

000197

BPD024DP

**ADA COUNTY SHERIFF
BOISE POLICE
PROPERTY INVOICE**

☐ INVOICE ONLY ☒ REPORT TO FOLLOW ☐ CITED/NO REPORT

RD	DR No. 507417	PAGE OF
DATE 8/25/15		TIME 11:15
Property Codes	1 = Stolen 2 = Embezzled 3 = Seized 4 = Evidence 5 = Found 6 = Safekeeping 7 = Destruct Only 8 = Other	

BOOKING OFFICER Iverson, M	ADA NO. 489	APPROVED BY	OFFENSE Robbery	FELONY/MISD. Felony
--------------------------------------	-----------------------	-------------	---------------------------	-------------------------------

ITEM NO.	DESCRIPTION	SERIAL NO.	PROPERTY USE ONLY	
			DISPO	BAR CODE
MI1	Black + white New Balance Shoes			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	Kent Williams	Trunk of car		
MI2	Grey Orange lettering New Balance Shoes			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	Kent Williams	Trunk of car		
MI3	Grey Sweat Pants			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	Kent Williams	Trunk in Teal Bag		
MI4	American Eagle Pull over / Blue + Green			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	"	Black Backpack Trunk		
MI5	Homemade Green Mask / Bandanna			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	"	Middle Hand pocket of MI4		
MI6	Blue Zipper Pouch with 3 cell phones			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	"	Teal Duffle Bag		
MI7	3 sets of sunglasses			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	"	Black Backpack		
MI8	23 rounds saw .40 / 16 rounds NFA .40			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	"	in Green duffle bag Photiz Bag in stocking cap		
MI9	\$ 500.00 cash			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	"	Pillow Case Teal Duffle Bag		
MI10	Keys found in Williams hotel room			
CODE	OWNER'S NAME	LOCATION SEIZED		
4	"			

HOW PROPERTY OBTAINED/DETAILS OF INCIDENT

Items taken in search warrant from Kent Williams car

MI 10 found search warrant of hotel room

WAIVER: The property is not my own and I do not allege any claim upon the property as against the true owner nor do I allege any claim upon the property against the City of Boise nor County of Ada, Idaho.

SIGNATURE:

PERSON PROPERTY OBTAINED FROM

ADDRESS

Stored at:

☐ Property Room

☐ Other

☐ If Pawn Shop, attached pawn ticket copy to this form.

PHONE NO.

000198

JAN M. BENNETTS
Ada County Prosecuting Attorney

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

NO. 7:30 FILED
A.M. P.M.

AUG 21 2015

CHRISTOPHER D. RICH, Clerk
By VICKY EMERY
DEPUTY

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

IN THE MATTER OF THE)
APPLICATION FOR SEARCH)
WARRANT.)
_____)

**AFFIDAVIT FOR
SEARCH WARRANT**

STATE OF IDAHO)
County of Ada) ss:

JP

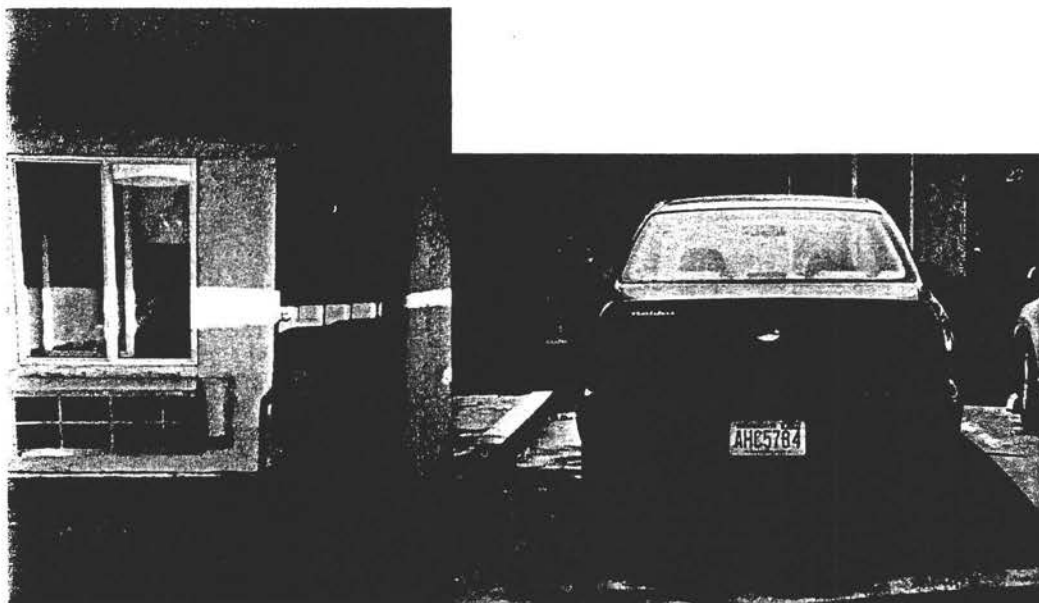
Detective Jason Pieterzak of the Boise Police Department, being first duly sworn, deposes and says: that he is a duly appointed, qualified, and acting peace officer within the County of Ada, State of Idaho and that he has reason to believe that evidence of the following offense(s): **ROBBERY, a violation of Idaho Code §18-6501** to-wit: clothing and/or outerwear/accessories including: a yellow colored windbreaker with a black colored section on the lower back; dark colored baseball style hat; a yellow handkerchief or yellow section of cloth consistent with the size of a handkerchief.; black or dark colored handgun; Large dark frame sunglasses; large mirrored sunglasses; maroon or red windbreaker jacket with grey colored collar; Purple handkerchief or purple section of cloth consistent with the size of a handkerchief; dark colored winter hat with visor; long sleeve maroon or purple colored shirt; grey sweatpants; white baseball style hat; United

States Currency including to following: twenty dollar bills with the following serial numbers: EA77943833E, GD35771865A, GH07296500A, IC32016410B, IL80071645C, IF14627510H, IH11938435A, IL28645101E, IL57700980C, JB33150592C, EA77943833E, GD35771865A, GH07296500A, IC32016410B, IL80071645C; one dollar bills with the following serial numbers: B111158446F, F84994701B, F95194615H, L23119852L, L04044887Q, L65575154R.; papers or documents containing language consistent with robbery notes witnessed by victim bank employees; documentation or items associated with Key Bank; indicia of ownership, occupancy, possession including photographs and/or forensic evidence such as fingerprints.

These items are located at and/or in the following described premises, to-wit:

Premises:

1. West River Inn Room #24. This hotel is located at 3525 Chinden, Garden City, Ada County, Idaho. This room is located in the southeast corner of the hotel, and faces northwest. The room number 24 is located in the center of the door in gold colored numbers that appear to be approximately 4 inches tall.
2. 1999 Green Chevrolet Malibu, Bearing Washington State license plate AHC5784. This vehicle was located in the parking lot of the West River Inn, and is currently in a Boise Police secure storage area.



That your affiant has probable cause to believe and is positive the same is true because of the following facts of which your affiant (hereinafter referred to as "I" or "my") has personal knowledge:

That I have the following training, experience and knowledge:

I have been employed by the Boise Police Department for eight (8) years and have been a sworn law enforcement officer in Idaho for eighteen (18) years. I have successfully completed the Idaho Peace Officer Standards and Training in Meridian, Idaho and hold a State of Idaho Advanced Law Enforcement Certificate. I am currently assigned to the Detective Division, Violent Crimes. During my time as a law enforcement officer I have had specialized training regarding investigations of violent crimes including Robbery. Further, I have prior experience investigating crimes against persons and property.

Because this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of Idaho Code §18-6501 is located within the premise listed.

Current Investigation

Your affiant knows that on July 25th, 2012, a white male adult wearing a maroon shirt, white hat and large sunglasses entered the Key Bank, 1111 S. Broadway, Boise, Idaho and demanded money via a robbery note that indicated that he possessed a firearm and would shoot if

he did not receive money. One witness described the suspect as having an upturned nose, and used the term, "pig nosed" to give a visual representation. The suspect received money and fled the bank.

Further, your affiant knows that on April 14th, 2015, a white male adult wearing a maroon windbreaker, black hat, and large sunglasses entered the Key Bank, 4920 W. Overland, Boise, Idaho. The victim teller reported to law enforcement that that she watched the man pull a purple "bandana" over his face and approach he and demanded money from her. After receiving the money the man left on foot in an unknown direction.

During the follow up investigation, on or about July 10th, 2015, your affiant was able to review surveillance footage from the bank. While reviewing this surveillance footage, ~~your~~^{JS} affiant noticed that the suspect had a distinctive raised area on the back of his left hand, located between his third finger and his wrist. The area is roughly consistent with the size of a pencil eraser.

Your affiant also reviewed surveillance video from a nearby business immediately after the robbery, and saw that the suspect was driving a green Chevrolet Malibu. The year of the car was believed to be either a 1997 or 1998 and had a green sticker on the trunk lid. This video showed the suspect tossing a piece of property that was found to have belonged to the bank on the ground and was located by officers directly after the robbery.

On July 22nd, 2015, a white male adult wearing a yellow and black windbreaker, yellow bandanna, black hat, and large mirrored sunglasses entered the Key Bank branch located at 1111 S. Broadway, Boise, ID, and demanded cash from the victim teller. The victim stated that the male directed him to not give him the "transponder." During this contact, the victim stated that the suspect asked for a banded group of \$20.00 bills that had not initially been handed to him. After receiving the money and examining it, the suspect motioned towards the gun with his hand in a threatening manner.

In reviewing the three robberies, based upon your affiant's training and experience it is believed that the same person committed all three bank robberies due to the similarities in suspect description, white male between 5'08" and 6'00". The suspect's clothing, while different, is consistent in the use of a windbreaker, large sunglasses, hat and plain colored bandanas in two of the robberies. All three robberies were performed within 30 minutes of the banks opening for the day with the robberies occurring at 9:07, 9:14 and 9:29.

On August 20th, 2015, I learned that Garden City Officer J. Thorndyke had located a green Chevrolet Malibu bearing Washington plate AHC5784. This vehicle also had a section of what appeared to be adhesive residue on the trunk. Officer Thorndyke told your affiant that he recognized this vehicle to be consistent with a vehicle that I had broadcast via news outlets as a vehicle related to the robbery on April 14th, 2015 that occurred at Key Bank, 4920 West Overland, Boise, Id.

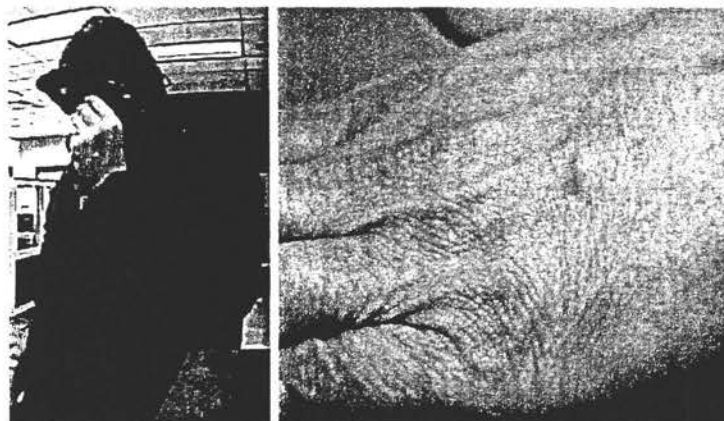
Your affiant compared a photo of the suspect vehicle to the vehicle parked at the West River Inn, and noted the similarities between them were not only the make and model, but the wheels, license plate color and location of the sticker were consistent.

Your affiant knows that Officer Thorndyke confirmed with hotel staff the person who registered the car with the hotel had provided the name of Kent Glen Williams, providing a date of birth of [REDACTED]. In reviewing a Washington State DMV photo of Williams, I noticed that his height was listed as 5'10". I also noticed that his nose was slightly upturned.

Your affiant knows that on August 20th, at about 1650 hours, Williams was contacted at the hotel and during this contact he stated that he did not wish to make any statements.

In looking at his left hand, Detective M. Iverson and I could clearly see a raised area on his left hand in the same location, size and shape as the area on the hand of the suspect of the April 14th, 2015 robbery. This raised area is consistent with a vein or tendon when Williams made a fist.

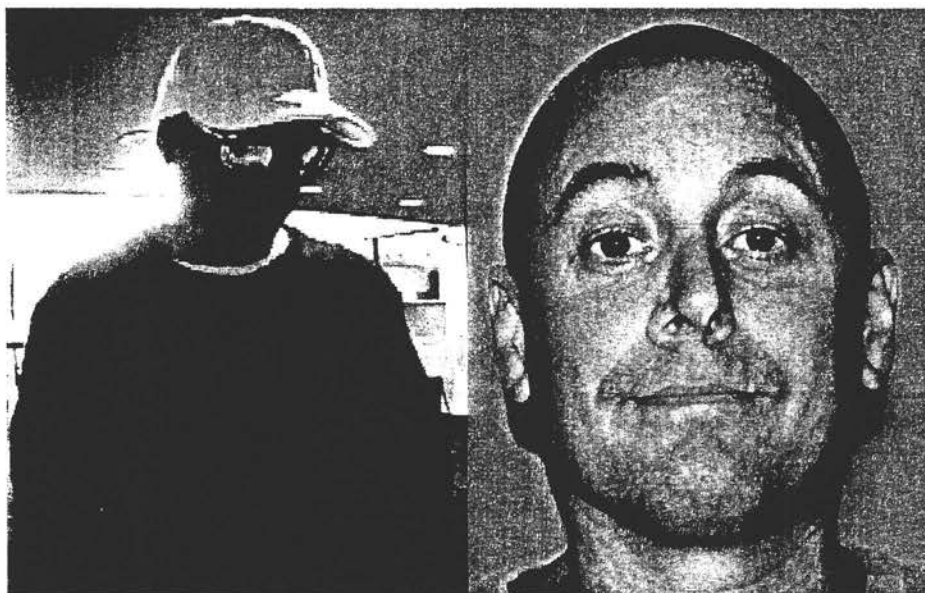
The following photos are included to illustrate the similarities listed above. The photo of the suspect in the maroon jacket was taken by bank surveillance on April 14th, 2015. The photo shows the raised skin on his left hand. The adjacent photo shows Williams' left hand and the area consisted with the same size, shape and location of the area from the surveillance photo.



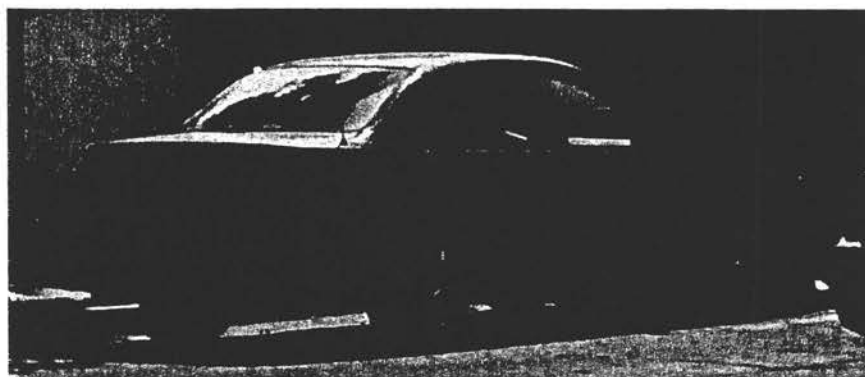
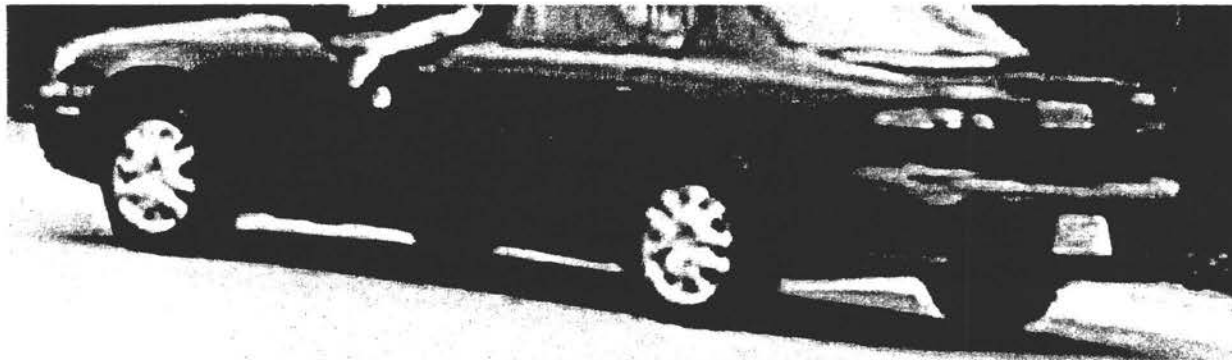
The photos attached are from bank surveillance. April 14th, 2015 and July 22nd, 2015 respectively.



The attached photos are of the bank surveillance on July 25th, 2012 and Kent G. Williams.



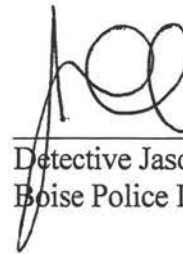
The following three photographs show the surveillance photo of the suspect vehicle on April 14th, 2015. The second two photos show the 1999 Chevorlet Malibu registered to Kent G. Williams.



Your affiant also knows that items remain in the hotel room Williams has been staying in since August 8th 2015 per hotel employees/records. From the outside, your affiant could see two backpack style bags. Both bags appear to contain property. Your affiant was not able to see any item or property that he could directly link to any of the listed crimes.

THEREFORE, your Affiant has probable cause and is positive that said property described herein is concealed within the above described premises and therefore prays that a Search Warrant be issued. Your Affiant further prays that this search warrant order that the items seized including closed containers/bags may be submitted for analysis, examination and comparison. Your Affiant further prays that this search warrant grant authorization to open closed containers.

It is currently 10:30 p.m. and dark, to avoid loss or destruction of evidence your affiant respectfully requests authorization for nighttime service.



Detective Jason Pietrzak
Boise Police Department

SUBSCRIBED AND SWORN to before me this 20 day of August 2015.



Magistrate

128
3/11
2:00
HS

NO. 1043
A.M. FILED

MAR 08 2016

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 W. Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7450
Facsimile: (208) 287-7419

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,)	
	)	Criminal No. CR FE 15 12724
vs.)	
	)	MOTION TO DISQUALIFY JUDGE
KENT WILLIAMS,	)	FOR CAUSE PURSUANT TO ICR
	)	25(b)
Defendant.)	
)	
)	
)	


COMES NOW, the above named defendant, KENT G. WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN LOSCHI, handling attorney, and hereby moves this Honorable Court to disqualify itself from presiding over this matter for cause pursuant to ICR 25(b)(4). The defendant contends that the actions/rulings of this court have demonstrated bias and prejudice against him.

This motion is supported by an accompanying affidavit of counsel.

AND IT IS SO MOVED.

DATED this 8 day of March, 2016.

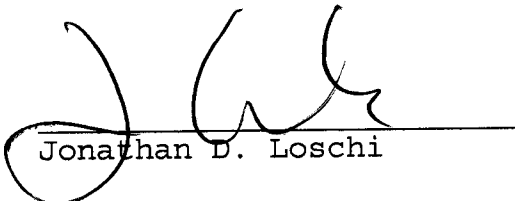
ADA COUNTY PUBLIC DEFENDER


Jonathan D. Loschi
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 8 day of March, 2016, I
mailed a true and correct copy of the foregoing to the:
Ada County Prosecutor's Office

by depositing same in the Interdepartmental mail.


Jonathan D. Loschi

MAR 08 2016

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

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,)	
	)	Criminal Nos. CR FE 15 12724
)	
vs.)	
	)	AFFIDAVIT OF JONATHAN LOSCHI
	)	IN SUPPORT OF MOTION TO
	)	DISQUALIFY JUDGE PURSUANT TO
KENT G. WILLIAMS,	)	ICR 25(b)
)	
Defendant.)	
)	
)	
)	

STATE OF IDAHO)
) ss.
County of Ada)

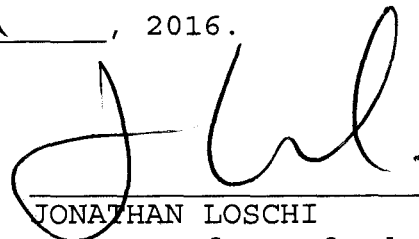
I, JONATHAN LOSCHI, after first being duly sworn do attest
to the following:

1. That I am the attorney for the defendant in the above referenced matter;
2. That the defendant has instructed me to file a motion to disqualify Judge Hippler from presiding over this case due to bias and prejudice;
3. The defendant intends to speak on his own behalf in addressing this motion;
4. Some issues that the defendant asserts show prejudice and bias on behalf of this court is this court's refusal to allow him to be free of the "black box" while in court. This court has sided with sheriff's deputies in their assessment of his dangerousness;

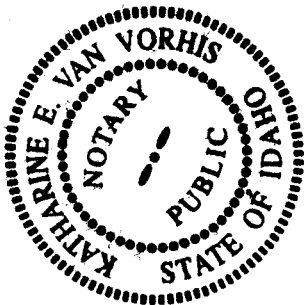
5. The defendant believes that this court has sided with the prosecution, and law enforcement in forming an opinion of him. The defendant, for instance, denies that he ever told jail staff that he had choked out guards before. The defendant has never killed someone in prison as mentioned in a prior hearing;
6. The defendant believes the court has suggested he is lying about the effects of the "black box" on his psyche and accused him of gamesmanship;
7. The defendant believes the court has shown impartiality in a previous hearing by responding to his "black box" complaints with a comment to the effect of "you're a level. You must have done something";
8. The defendant has other grounds to argue on his behalf that he has not shared with counsel.

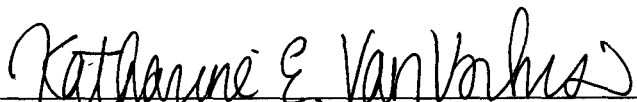
FURTHER YOUR AFFIANT SAYITH NOT.

DATED this 7 day of March, 2016.


JONATHAN LOSCHI
Attorney for Defendant/Affiant

SUBSCRIBED and SWORN to before me, a Notary Public, in and for the State of Idaho, County of Ada, this 8 day of March, 2016..




Katharine E. Van Vorhis
Notary Public
Residing at Boise, Idaho
My Commission Expires August 23, 2018

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

1043
A.M. FILED P.M.

MAR 08 2016
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,)	
	)	Criminal Nos. CR FE 15 12724
)	
)	
vs.	)	AFFIDAVIT OF KENT WILLIAMS
	)	IN SUPPORT OF MOTION TO
	)	SUPPRESS
KENT G. WILLIAMS,)	
)	
Defendant.)	
)	
)	
<hr/>		
STATE OF IDAHO)	
	)	ss.
County of Ada)	

I, KENT WILLIAMS, after first being duly sworn do attest to the following:


1. That I am the defendant in the above referenced matter;
2. That on August 20, 2015, I was contacted by law enforcement officials;
3. On that date and time I declined to speak with law enforcement officials;
4. I was immediately placed into handcuffs, taken into custody and arrested;
5. I did not consent to my arrest;
6. There were no exigent circumstances to justify my arrest. I was not breaking the law, or fleeing from law enforcement;

7. There was no warrant for my arrest at that time;
 8. As a result of my arrest, \$8097.00, identification, and a knife was found in my immediate possession;
 9. Immediately after my arrest, law enforcement insisted on looking at my hands, and took pictures of my hands.
- FURTHER YOUR AFFIANT SAYITH NOT.

DATED this 8 day of March, 2016.



KENT WILLIAMS
Defendant/Affiant

Witnessed by 

Dru Donat
Investigator, Ada County Public Defender

MAR 08 2016

CHRISTOPHER D. RICH, Clerk
By ARIC SHANK
DEPUTY

128
MTS
3/11
2:00

JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 W. Front Street
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.)
)
KENT GLEN WILLIAMS,)
)
Defendant.)
_____)

Case No. CR-FE-2015-0012724

**STATE'S BRIEF IN OPPOSITION
TO DEFENDANT'S MOTIONS TO
SUPPRESS**

COMES NOW, Joshua P. Haws, Deputy Prosecuting Attorney in and for the State of Idaho, County of Ada, and hereby requests that this Court deny the Defendant's "MOTION TO SUPPRESS FOR AN ILLEGAL ARREST" and Defendant's MOTION TO SUPPRESS SEARCH WARRANT". The State incorporates the Statement of Facts as articulated in the State's brief in "STATE'S BRIEF IN SUPPORT OF OBJECTION TO DEFENDANT'S SECOND MOTION FOR RELIEF FROM PREJUDICIAL JOINDER". The State now gives an additional statement of facts that are pertinent to this motion as follows.

\$

**STATE'S BRIEF IN OPPOSITION TO DEFENDANT'S MOTIONS TO
SUPPRESS (WILLIAMS), Page 1**

000214

I. STATEMENT OF FACTS

On July 25, 2012, a man walked into the Key Bank branch on Broadway Avenue just after the bank opened for the morning – 9:20 a.m. and robbed the bank. The white male entered through the front door and walked next to the height tape which showed that his height was very close to the six foot mark. The man then proceeded to the teller station where he gave the teller a demand note in which he demanded money and stated that he had a gun and that he would shoot it if the teller didn't comply with his demands. The man never did display the gun however. The teller complied and gave the man the money from his till. The suspect collected the money, folded it, put it into his pants pockets, collected the demand note, and left the bank. That teller told the police that the suspect was approximately six feet tall, wearing a dark sweatshirt, blue jeans, a white baseball cap, and large sunglasses (possibly aviator style). The surveillance still photograph of the robber shows that robber's sunglasses are consistent with aviator style glasses.

Another bank employee that was present at the Key Bank and observed the robbery reported to police that the man was 25 to 30 years of age and weighed between 175-180 pounds. She stated that he had a light-colored baseball cap, with some type of emblem on it. He was wearing dark sunglasses that she described as "Hollywood" style. He also had an indented nose that she described as "pig nosed".

Boise Police detectives Jason Pietrzak and Monte Iverson obtained surveillance video and printed stills of the image of the robber.¹ The police ultimately did a series of "media releases" in which they attached the same photograph as Exhibit 1 and briefly described the bank robbery. The media releases were made available so that media outlets could air and publicize the information to the public. There were additional bank robberies committed in Boise in subsequent years that the detectives believe were committed by the same suspect. They believe that this same suspect is a serial bank robber due to the similarities of the suspect's actions, demands, mannerisms, general physical characteristics, and circumstances of the robberies such as the time of day when the robberies were committed. Additionally, the suspect does not take any "carrying" bag or other items into the banks with him, and began to rob the same branches that he had robbed previously. In all of the subsequent robberies that the detectives believe the suspect is responsible for the

¹ See Exhibit 1

suspect used large, mirrored “aviator style” sunglasses, baseball caps, and long-sleeved shirts. Detectives also came to believe that the suspect began to use homemade styled masks because of the multiple news releases that depicted his face. Pietrzak and Iverson believe that the suspect came to refine his ability to quickly sort through stacks of cash money to find the bills that contained the transponder or tracker device. In fact, during the July 2015 Key Bank robbery the suspect was able to locate the chip while standing at the teller counter before he showed the teller the handgun. The detectives believed that the same suspect committed the bank robberies that are the subject of counts one and two.

When the Defendant committed the Key Bank robbery that is the subject of count one of the indictment, he used many of the same methods and exhibited many similar mannerisms. In the April 14, 2015 Key Bank robbery the teller passed the Defendant a \$50.00 bill that had a transponder inserted into it. That transponder put out a signal that the police were able to track the signal and find the \$50.00 bill on Roosevelt road - just east of the Key Bank and around the corner.

Law enforcement officers were able to locate surveillance video footage of the area where the bill was found. The surveillance footage was recorded by two businesses on the east side of Roosevelt. The range of coverage showed that a white person had pulled over onto the west-side shoulder of Roosevelt and stopped their car. The car was a green four-door sedan. The person is seen dropping something that looked to be consistent with the \$50.00 bill out the car window onto the ground and then drive away southbound on Roosevelt. The police were able to see that the green sedan had a different colored green “bumper sticker” stuck to the back of the trunk near the top of the trunk lid in an area where the car’s emblem would have been (as though it was placed there to cover up the car’s brand emblem). The sedan had a license plate from another state.

Police detectives worked hard to develop information about the green sedan that is seen on surveillance video. Law enforcement officers were able to determine that the vehicle was a green or teal colored late ‘90s model Chevy Malibu. Law enforcement officers were able to determine that the sedan had after-market wheels. Detectives

disseminated this information to other law enforcement officers in Idaho on August 20, 2015.²

On August 20, Garden City detective Josh Thorndyke was doing routine license plate checks on automobiles found in the West River Inn's parking lot in Garden City. He recognized the make/model and description to be a match to the green sedan seen on the Roosevelt surveillance video based upon material that had been disseminated to law enforcement agencies. Thorndyke investigated further and looked at media outlet information to find out more about the car used in the April 14 Key Bank robbery. He noted that the car in the information had a green bumper sticker over emblem on the trunk and that the car in the parking lot had an outline, a line of adhesive, in the form of a bumper sticker which would cover the emblem on the trunk – in the same location on the car.³⁴ He notified Detective Pietrzak and other law enforcement officers. Thorndyke then confirmed with the management of the hotel that the person who registered the car was Kent Glen Williams. He also obtained registration information for the car from the State of Washington.

Detectives made sure that the car had been registered to Williams before the date of the April 14, 2015 robbery. Further, Thorndyke confirmed with the manager of the hotel that Kent Williams was registered as the only guest in room 24 and that he had not seen anyone else come or go from that room. Thorndyke sent the Defendant's DMV photograph to Detective Pietrzak. Pietrzak believed that the photograph of Williams was consistent with the information given by the teller in the 2012 Key Bank robbery: that the Defendant had an up-turned and indented "pig nose".⁵

Detective Thorndyke watched the Defendant come and go from his hotel room number 24. Thorndyke was certain that the Defendant was the same man that is shown in exhibit 1 and that was depicted in other surveillance still photographs of the Defendant taken during the April 14, 2015 and July 22, 2015 Key Bank robberies. The police used a ruse to get the Defendant to come out of the hotel room. When he did they detained and handcuffed him. Detective Pietrzak immediately looked for and noticed that Williams' left hand had a noticeable raised area consistent with the one of the surveillance still

² State's exhibit 2

³ State's exhibits 3 A through 3 E

⁴ State's exhibits 4 A through 4 E

⁵ State's exhibit 5

photographs taken during the April 14, 2015 robbery showing a distinct “bump” or raised area on the back of the robber’s left hand. ⁶

When Detective Pietrzak ran Defendant’s information he obtained a return of the Defendant’s Washington driver’s license with his photograph, he recognized the Defendant from the 2012 Key Bank robbery. He noted that the Defendant’s driver’s license photograph depicted the Defendant’s up-turned and indented “pig nose”.

Detective Pietrzak wrote an affidavit seeking a search warrant for the Defendant’s car and room 24 the hotel room that the Defendant had been staying in at the West River Inn.

II. STANDARD OF REVIEW

The standard of review to be applied when determining whether there was probable cause to support the issuance of a search warrant is the abuse of discretion standard. *See State v. Carlson*, 134 Idaho 471, 474-75 (Id. Ct. App. 2000) (holding that “[t]he test for reviewing the magistrate’s action is whether he or she abused his or her discretion in finding that probable cause existed”). In other words, in order to grant Defendant’s motion to suppress the evidence found in the search of Defendant’s car and his motel room this court would have to find that Judge Swain abused his discretion in issuing the search warrant in question. Further, Idaho’s appellate courts have held that in evaluating whether probable cause existed for the issuance of a search warrant, “great deference is paid to the magistrate’s determination.” *Id.* In this case Judge Swain did not abuse his discretion, but rather made a reasoned and common sense determination that probable cause existed to allow the search. As such, this court should give deference to that decision and deny Defendant’s motion to suppress.

III. LEGAL ANALYSIS

This court should deny Defendant’s motions to suppress for the reasons that there was adequate probable cause to support the issuance of the warrant and because the information upon which it was based was not stale. There was also adequate probable cause to support the arrest of Defendant.

⁶ State’s exhibit 6 A through 6 D

A. PROBABLE CAUSE

In reviewing a determination of probable cause, this Court should look to the warrant affidavit to determine whether it provided the magistrate with a substantial basis to conclude that probable cause existed. *See State v. Yager*, 139 Idaho 680, 686 (Idaho 2004). “Probable cause is determined by the magistrate from the facts set forth in the affidavits...in support of the application for the warrant.” *Id.* The determination is based on a “totality of the circumstances” test. Great deference is accorded to the probable cause determinations of magistrates, “resolving doubts in favor of the warrant.” *Id.* As noted above, the test for reviewing the magistrate’s determination of probable cause is whether he or she abused his or her discretion in finding that probable cause existed. *See State v. O’Keefe*, 143 Idaho 278, 287 (Id. Ct. App. 2006). When determining whether probable cause exists, “[t]he task of the issuing magistrate is simply to make a practical, commonsense decision whether, given all the circumstances set forth in the affidavit before him . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *Id.* Furthermore, “[a] magistrate need only determine that it would be reasonable to seek the evidence in the place indicated in the warrant, not that the evidence sought is there in fact, or is more likely than not to be found, where the search takes place.” *Id.* A magistrate is entitled to draw reasonable inferences about where evidence is likely to be kept, based on the nature of the evidence and the type of offense. *See id.*

Only the probability, and not a prima facie showing, of criminal activity is the standard of probable cause. “[A]ffidavits of probable cause are tested by much less rigorous standards than those governing the admissibility of evidence at trial.” *United States v. Spinelli*, 393 U.S. 410, 419 (1969). In judging probable cause, “issuing magistrates are not to be confined by niggardly limitations or by restrictions on the use of their common sense.” *Id.*

Here, the totality of the circumstances shows that the issuing magistrate, the Honorable Judge Kevin Swain, had a substantial basis to conclude that probable cause existed to believe that evidence of the crime of robbery would be found in the Defendant’s motel room and car. The State presented the affidavit of Detective Pietrzak in support of the warrant. The affidavit presented information that established probable

cause to believe that evidence of the crime of Robbery would be found in the West River Inn number 24 and in the 1999 Green Chevrolet Malibu. The affidavit detailed three separate Key Bank robberies: a robbery of the Broadway branch on July 25, 2012; a robbery of the Overland branch on April 14, 2015; and a robbery of the Broadway branch on July 22, 2015.

The affidavit outlined the similarities of the three robberies. It detailed the identifying information of the suspect including the upturned “pig nose” description given by the witness in the July 25, 2012 robbery and general descriptions of a white male between 5’8” to 6’00”. Detective Pietrzak included information that the Defendant wore a similar (as to style, not as to color) outfit in both of the 2015 robberies. Pietrzak explained that the suspect’s clothing, while different, is consistent in the use of a windbreaker, large sunglasses, hat and plain colored bandanas in two of the robberies. All three of the robberies were performed within 30 minutes of the bank’s opening for the day with the robberies occurring at 9:07, 9:14, and 9:29. Additionally, Detective Pietrzak explained that he had reviewed surveillance video from a nearby business immediately after the April 14, 2015 robbery and saw that the suspect was driving a green Chevrolet Malibu sedan. He articulated that he observed on the surveillance video the suspect tossing a piece of property that was found to have belonged to the bank (the \$50.00 transponder bill) on the ground. He detailed identifying information about that car, including the wheels, general make and model, the color, the presence of an adhesive green sticker on the trunk lid. The affidavit then detailed the facts necessary to establish that the same green Chevrolet Malibu that was observed on the surveillance video was parked at the West River Inn. Further, Pietrzak relayed information in the affidavit that showed that the Defendant, Kent Glen Williams, was the person who registered that car with the hotel staff and that he provided the staff with his name and date of birth. Pietrzak explained that he reviewed a Washington State DMV photograph of Williams and noted that Williams’ height is listed as 5’10” and that his nose is slightly upturned in the photograph. Finally, Pietrzak relayed that when Williams was detained, before he was arrested, that he observed a raised area on his left hand in the same location and of the same size and shape as the suspect in the April 14, 2015 robbery. Detective Pietrzak attached photographs that depicted the West River Inn room 24—making it clear in the

affidavit that this was the room at issue—as well as the defendant’s car both as it sat in front of the hotel room and as it appeared in the surveillance stills following the April 14, 2015 robbery, the appearance of the bank robber in each of the three robberies from surveillance stills, the defendant’s DMV photo, and the Defendant’s left hand showing the raised bump.

All of this information was included in the affidavit. The information is not made up of conclusory statements or simple explanations of hunches by Detective Pietrzak. Rather, the information is the kind of concrete information that allowed Judge Swain a substantial basis to find that probable cause existed to believe that evidence of the bank robberies would be found in room 24 that the Defendant was staying in as well as in the green Malibu. The Defendant does not claim that the probable cause determination reached by Judge Swain was an abuse of discretion. As detailed in the case law cited above, Judge Swain was not required to determine that the evidence sought was, in fact, in the hotel room or car. Rather he was only required to determine that it would be reasonable to seek for evidence in the place indicated in the warrant—room 24 of the West River Inn and the 1999 Chevrolet Malibu. Of course, it was reasonable to search those places for evidence of the crime of robbery. Williams was registered guest of room 24 from the 8th of August until the date of the warrant August 20 and had registered the Malibu with them. Williams was registered owner of the Malibu.

In fact, the only challenge the Defendant raises is that while the warrant itself cites with particularity the places to be searched, i.e., room 24 of the West River Inn and the 1999 Chevrolet Malibu, the affidavit does not articulate that it was room 24 that the Defendant was renting from August 8 through August 20. The totality of the circumstances in the affidavit shows that the Defendant was the renter of room 24. The affidavit mentions “the room” on multiple occasions and includes a picture of room 24, and it is clear that there is only one room at issue – “the Defendant’s room”. It was reasonable for Judge Swain to infer that whenever the affiant referred to “the room” it was a reference to room 24 – the location to be searched as articulated in the actual warrant. There is no way that a police officer would be confused as to which room was to be searched when executing the search and there is no way that Judge Swain could have been confused as to which room was being referenced in the warrant affidavit.

Judge Swain simply made a practical commonsense decision that “the room” was the same room 24 of the warrant. It would be wrong to judge the conclusions reached by Judge Swain finding probable cause to search room 24 despite not articulating the room number in the affidavit as a “niggardly limitation or restriction on his use of his common sense”.

Additionally, these same facts and circumstances provided adequate probable cause to support the arrest of Defendant. And since the arrest was supported by probable cause, the evidence found on Defendant’s person was lawfully obtained and should not be suppressed.

B. STALENESS

Defendant suggests that the search warrant in the present case is based on old or stale information and therefore the evidence found during the search of the motel room should be suppressed. Defendant is incorrect.

As noted in Defendant’s motion, “[w]hether information regarding the presence of items in a particular place is stale depends upon the nature of the factual situation involved.” *State v. Turnbeaugh*, 110 Idaho 11, 13 (Id. Ct. App. 1985). Idaho’s appellate courts have consistently held that “continuing criminal activity . . . is one factual scenario where evidence may not become stale for extended periods of time.” *Id.* On this issue the Idaho Court of Appeals has held that “[i]f the affidavit recounts criminal activities of a protracted or continuous nature, a time delay in the sequence of events is of less significance.” *State v. Carlson*, 134 Idaho 471, 477 (Id. Ct. App. 2000). It further held that “[c]ertain nefarious activities . . . are continuing in nature and, as a result, are less likely to become stale even over an extended period of time.” *Id.* A series of bank robberies such as those in which Defendant was involved can certainly constitute criminal activities of a protracted or continuous nature that extend the period of time after which information or evidence may become stale for the purposes of a search warrant. *See United States v. Bowman*, 215 F.3d 951 (9th Cir. 2000). (Contrary to Defendant’s assertion in his motion, there is ample evidence to suggest that Defendant is a serial bank robber.)

The *Turnbeaugh* decision, which is cited in Defendant’s motion, addressed the viability of a search of a defendant’s home for evidence of drug-related activities

pursuant to a search warrant. In that case the affidavit of probable cause cited information gathered during and activities that occurred over a five year period of time. Despite the claim of staleness, the appellate court found that there was adequate probable cause to support the issuance of the search warrant. In doing so the court implicitly accepted the proposition that “[i]n a determination of whether information contained within a search warrant affidavit is stale, there exists no magical number of days within which information is fresh and after which the information becomes stale.” *Carlson*, 134 Idaho at 477. Given that in *Turnbeaugh* there was a period of five years during which the acts that provided the probable cause occurred, the fact that the present affidavit references facts that occur over a three year period of time is certainly not fatal to the validity of the affidavit in establishing probable cause. As noted above, Defendant William’s bank robberies took place multiple times over a period of years with two of the robberies occurring very close in time—within four months—to the application for the search warrant. Given that Defendant was engaged in continuing criminal activity the evidence supporting the search warrant for the motel room did not become stale.

Defendant is also incorrect when he tries to assert that the affidavit in the present case only or solely contains old or dated information. In reality, the affidavit contains information obtained on the very date that the affidavit was written. The affidavit in question references bank robberies that occurred in July 2012, April 2015, and July 2015. Some of the information contained in the affidavit linking the three robberies was known prior to the date of the affidavit. Specifically, prior to the date of the affidavit, investigators were aware that the three robberies shared similarities in the suspect’s height, clothing, and sunglasses; the timing of the robberies in terms of the robberies occurring within thirty minutes of the banks opening in the morning; and the fact that each robbery took place at a Key Bank. However, it was what they learned on August 20, 2015—the date of the affidavit—that really tied all of the robberies together. It was on that date that they learned that the Defendant was the owner of the car involved in the April 2015 robbery, that the motel room referenced in the warrant was rented by the owner of the car, that the Defendant had a unique marking on his hand that linked him personally and specifically to the April 2015 robbery, and that his physical description and, in particular, his nose, matched that of the suspect in the July 2012 robbery. This

information, in conjunction to what was known before, specifically linked Defendant to the robberies, to the car used to commit the robberies that was found in the motel parking lot in Garden City on the date of the affidavit, and to the motel room searched pursuant to the warrant. (Again, this information also very much contradicts Defendant's assertion in his brief that "[n]o evidence was presented to the magistrate that the defendant was identified as a serial bank robber." On the contrary, it clearly shows that the detectives had—and a jury will have—very good reason to believe that Defendant is in fact a "serial bank robber.") While some of the information was from prior months and years, it was fresh information that made the older information relevant and created a real-time link to the vehicle and the premises searched. As such, to claim that the affidavit was based on stale information is simply not true.

In his motion to suppress Defendant also asserts that it is "unreasonable to believe that any of the items to be seized would be in the motel room on this particular date." He bases this assertion on the passage of time, the fact that Defendant checked into the motel in question after the most recent robbery, and on Defendant's assertion that his having a Washington driver's license creates a "presumption that he had likely been in Washington on dates prior to August 8, 2015, when he registered at the motel." First, there should be no "presumption" that Defendant left the state of Idaho prior to checking into the motel on August 8, 2015. At the time that the affidavit was written, Detective Pietrzak had reason to believe that Defendant had committed robberies in Ada County not only in 2012, but twice in 2015, with the last robbery having been committed less than a month prior to the issuance of the search warrant and within just a few weeks of his checking into the motel at issue. If nothing else, this pattern of activity suggests that Defendant had been consistently in Idaho during the past months and that he therefore would have the instrumentalities needed to commit the robberies and the other items of evidence listed in the search warrant in either his car or his motel room and not in some unknown home or other location in Washington. In *State v. Patterson*, 139 Idaho 858, 865 (Id. Ct. App. 2003), the Idaho Court of Appeals held that "information in a warrant affidavit is only stale if it fails to demonstrate a fair probability that the contraband or evidence to be seized would presently be found at the location to be searched." Given the fact that Defendant and his car had consistently been in Idaho during the middle part of

2015 as well as in 2012, there certainly existed a “fair probability that the contraband or evidence to be seized would presently be found” in Defendant’s car or in his motel room. Thus probable cause existed to allow the searches of those locations.

As to Defendant’s assertion that the fact that he checked into the motel after the commission of the most recent robbery erases the nexus between the evidence sought in the warrant and the motel room, this assertion is incorrect and unsustainable. As noted above, law enforcement had no evidence to suggest and no reason to believe that Defendant had returned to Washington between the robberies. (Certainly having a license plate from a different state does not preclude someone from remaining in a different state for an extended period of time.) In reality, the fact that he had been present in Ada County committing robberies both in April and July of 2015 and had checked into a motel in early August of 2015 create a presumption that he was in Ada County continuously and was here without a permanent residence such as an apartment or a home. Thus it was reasonable to believe that he still had in his possession the instrumentalities and/or fruits of his prior robberies—in particular the robbery from just a few weeks prior—and not that he had discarded them or stashed them in some location in Washington. Additionally, the fact that detectives saw bags containing property in the room rented by the Defendant—property that turned out to be related to his string of robberies—suggests that Defendant was keeping his belongings there, solidifying the basis for finding probable cause for the warrant.

For these reasons this court should find that the information in the search warrant affidavit was anything but stale.

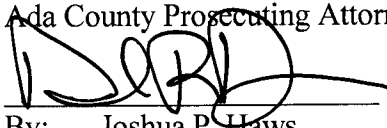
IV. CONCLUSION

The search warrant in this case was a valid search warrant. The defendant’s claims of staleness and lack of nexus are baseless. The information provided by Detective Pietrzak provided Judge Swain with a substantial basis for concluding that probable cause existed to believe that evidence of the crime of robbery would be found in

the Defendant's motel room—room 24—and in the Defendant's Chevrolet Malibu. The State urges this Court to deny the Defendant's motion to suppress evidence of the search warrant and evidence of the arrest.

DATED this 9th day of March, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney

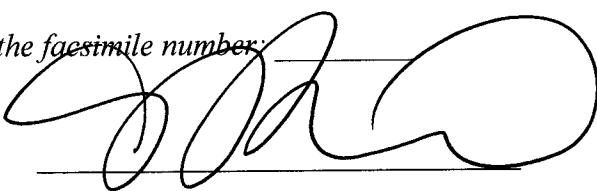

By: Joshua P. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 2016, I caused to be served, a true and correct copy of the foregoing State's Brief in Support of Objection to Defendant's Motion for Relief From Joinder upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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


Legal Assistant

State's Exhibit

1



07/25/2012 09:28:59.69
Teller 2
Surveillance
ID442Broadway

STATE'S
EXHIBIT
000228

State's Exhibit

2

Idaho Criminal Intelligence Center -- [IC]² Information Bulletin

August 20, 2015

Bank Robbery

STATE'S
EXHIBIT

2

LAW ENFORCEMENT SENSITIVE



Boise Police Department has had two separate robberies at two different Key Bank locations (S Broadway Ave and W Overland Rd). The suspect is described as a white male between 5'08" and 5'10" weighing approximately 175 lbs.

Suspect possibly driving a teal colored, older model 4-door sedan possibly a 1997 Chevy Malibu (pictured above) with a bright green bumper sticker on the middle of the trunk.

Suspect is considered armed and dangerous.

****Update** The Boise Police Department believes there was a 3rd bank robbery (S Broadway Ave.) committed in 2012 by the same suspect, related to the two most recent robberies. Please see additional photo of suspect without mask (white hat)****

If you have any information on this suspect, please contact Det. Jason Pietrzak at (208) 919-8079 or contact him through Dispatch at (208) 377-6790.

LAW ENFORCEMENT SENSITIVE



2015-32

For more information, contact [IC]² at
(208) 846-7676

Any information contained in this document is law enforcement sensitive. This document cannot be released outside law enforcement channels without the permission of the originating agency.

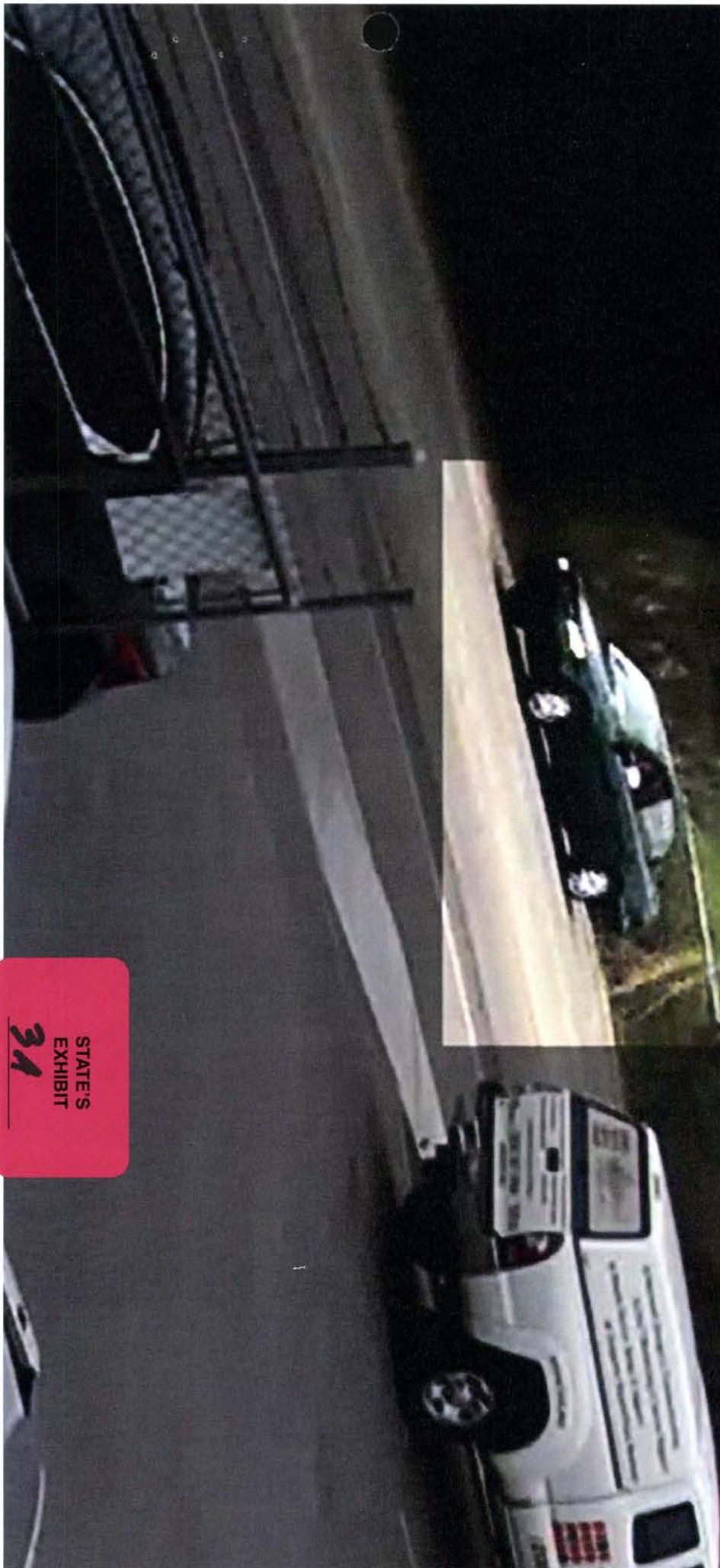
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State's Exhibits

3A – 3E

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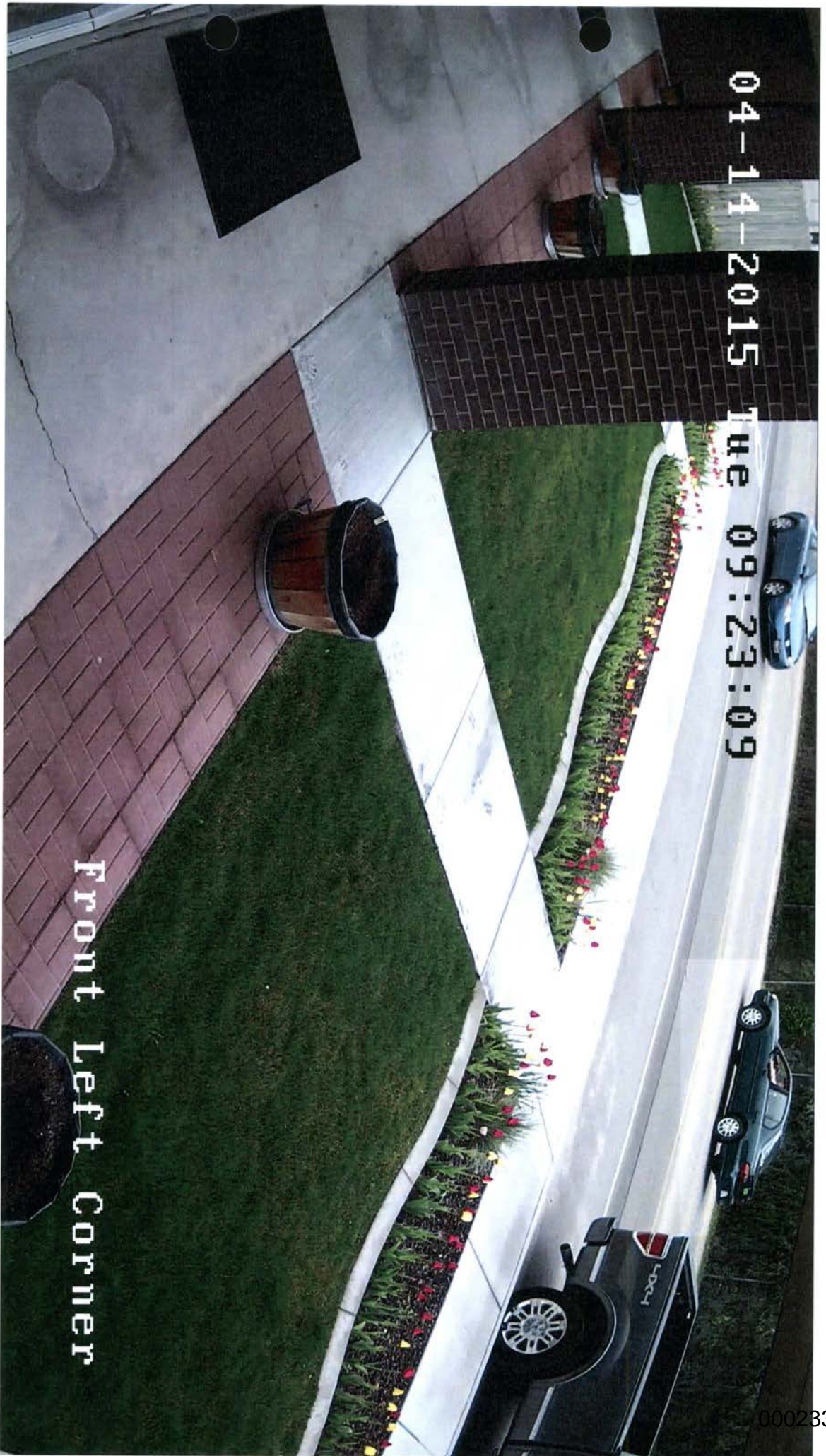
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STATE'S
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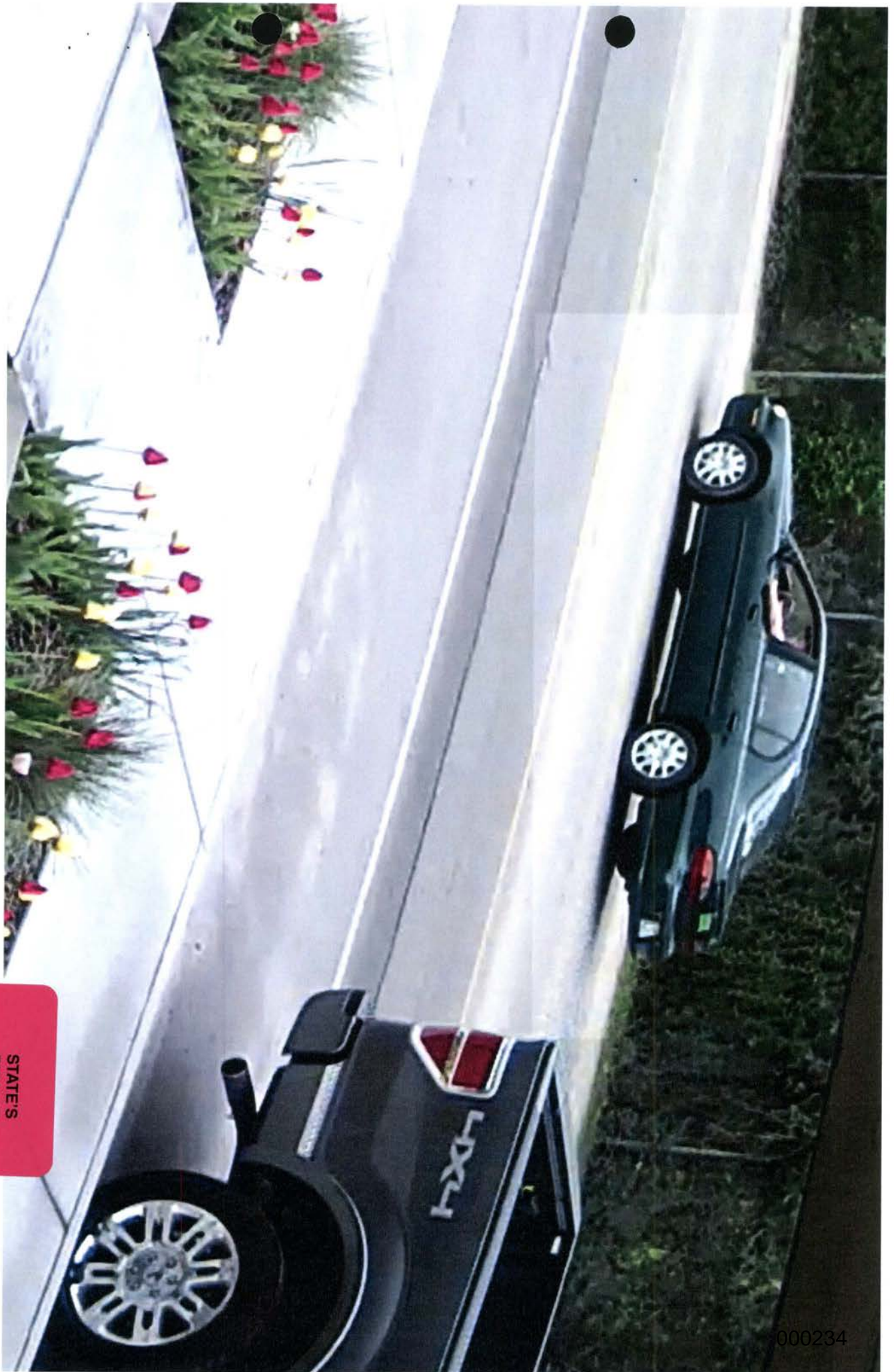
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Front Left Corner

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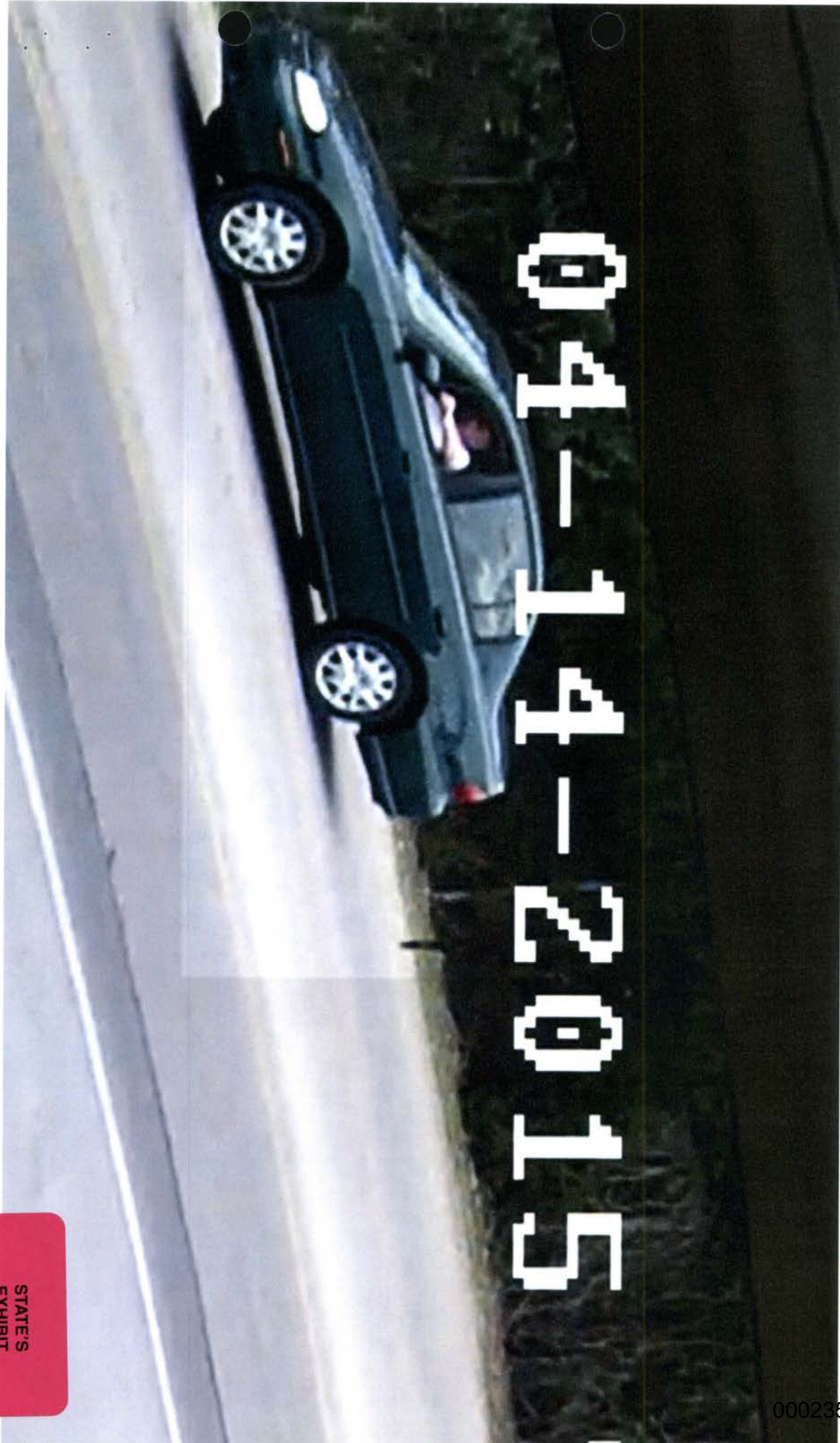


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STATE'S
EXHIBIT

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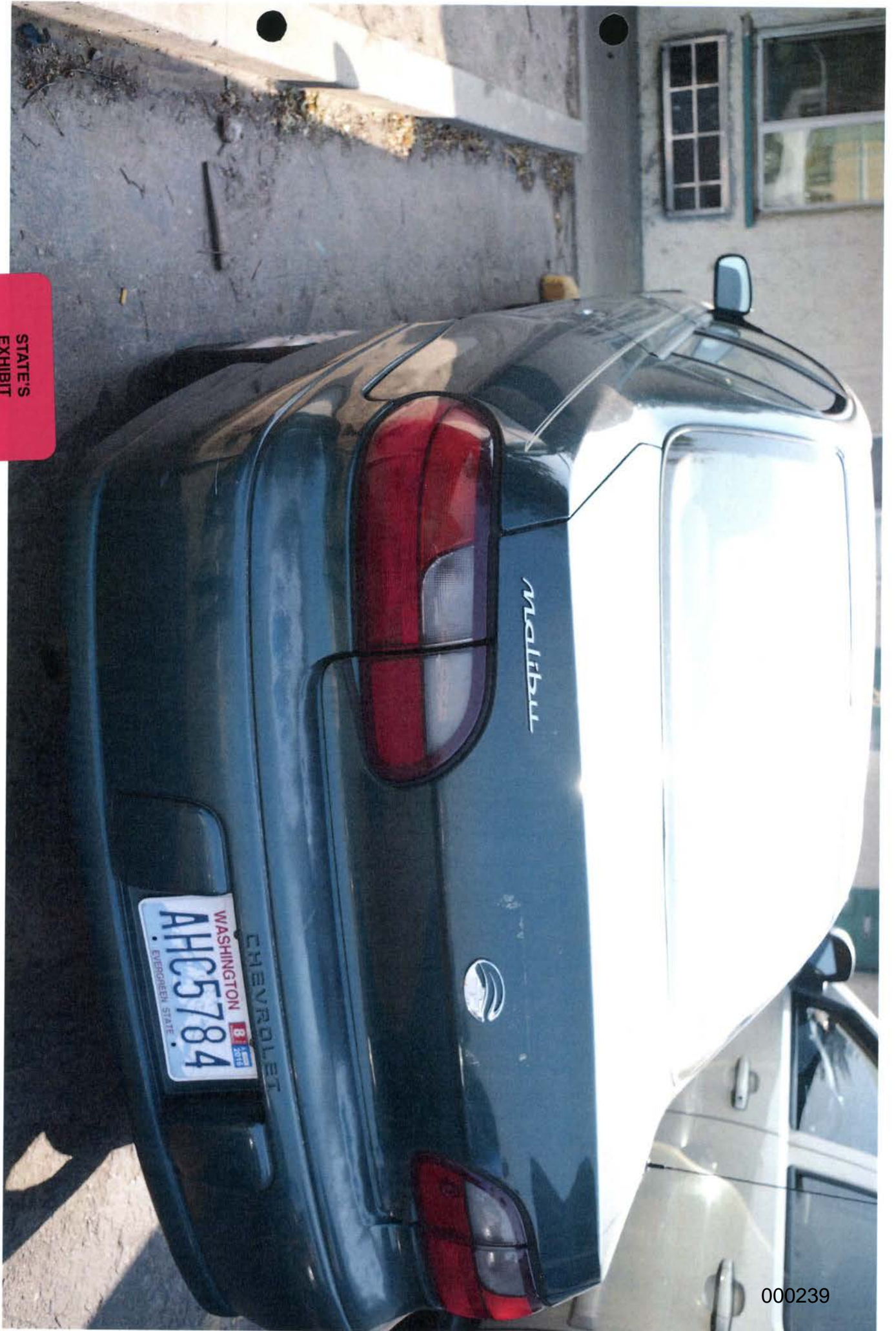
State's Exhibits

4A – 4E



STATE'S
EXHIBIT
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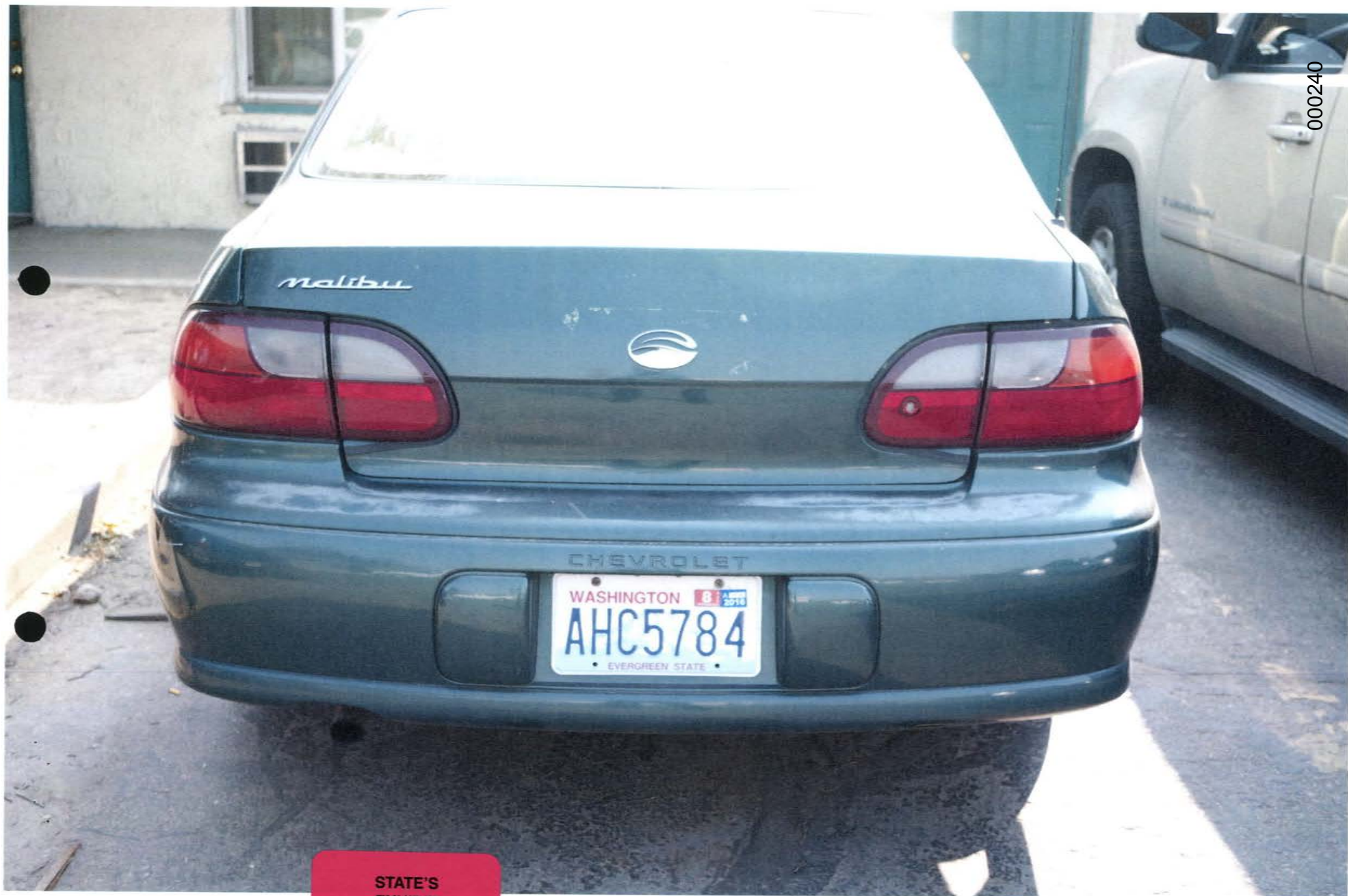
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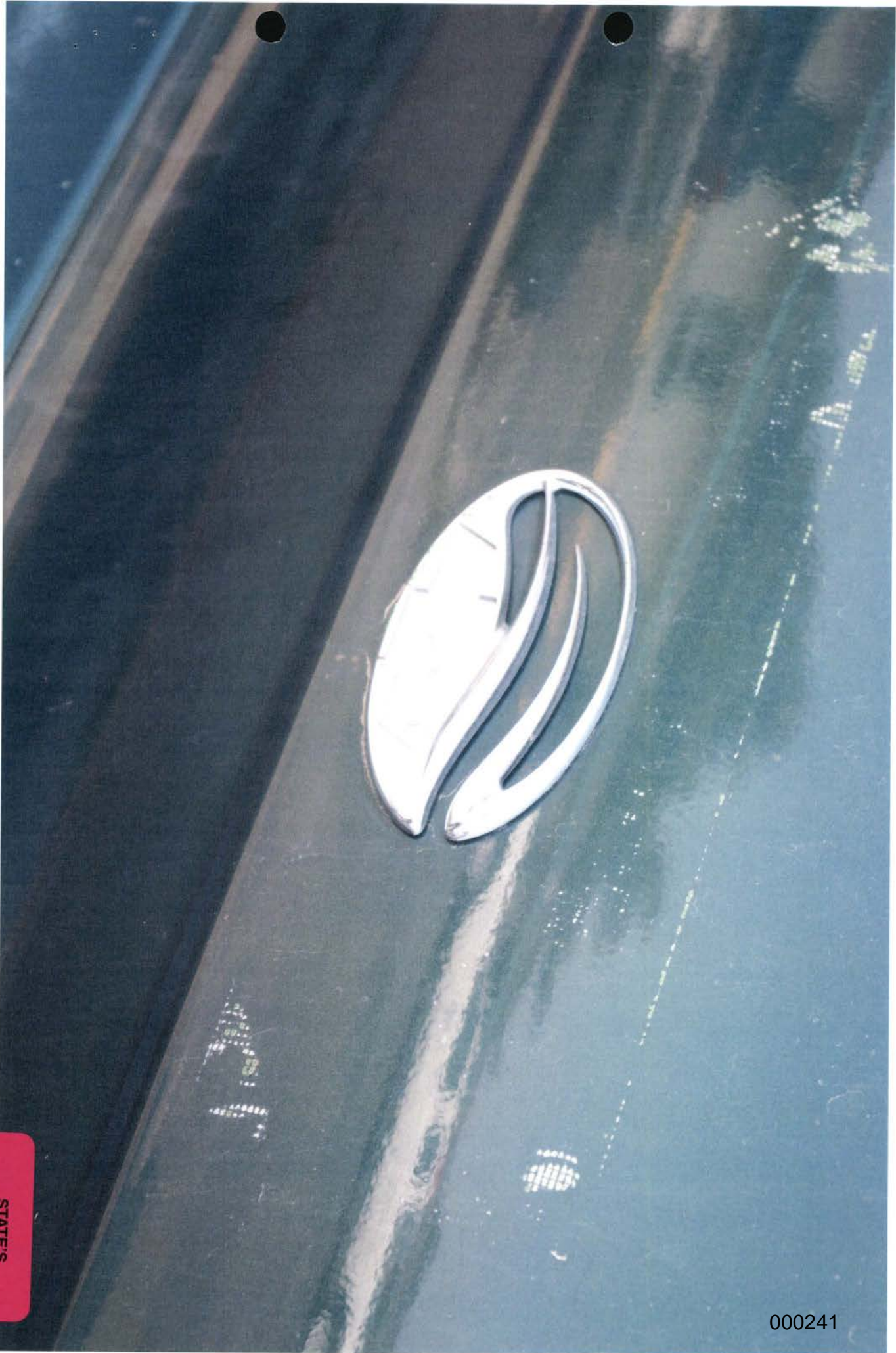
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STATE'S
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STATE'S
EXHIBIT
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STATE'S
EXHIBIT
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State's Exhibit

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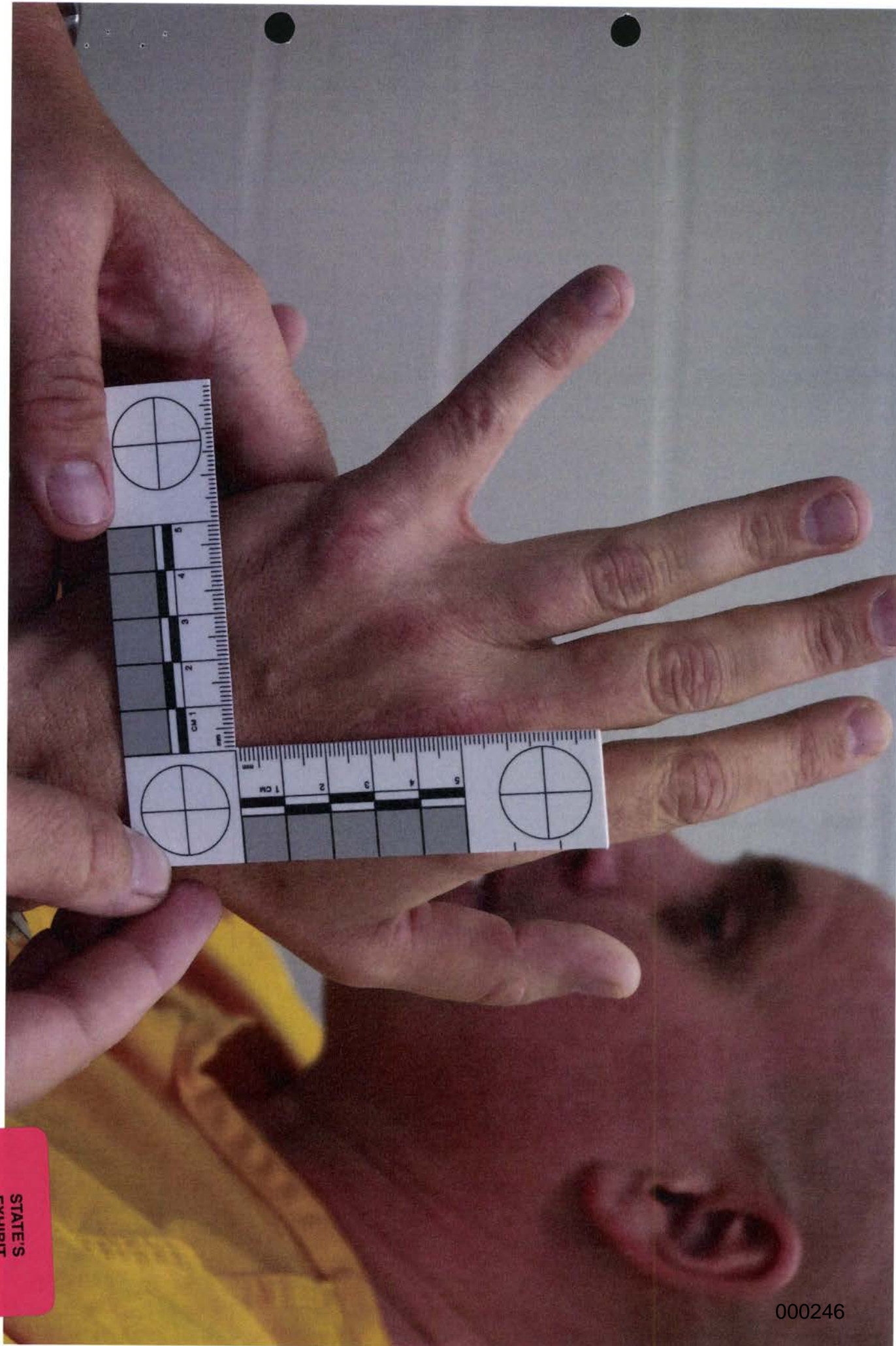
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State's Exhibits

6A – 6D



STATE'S
EXHIBIT
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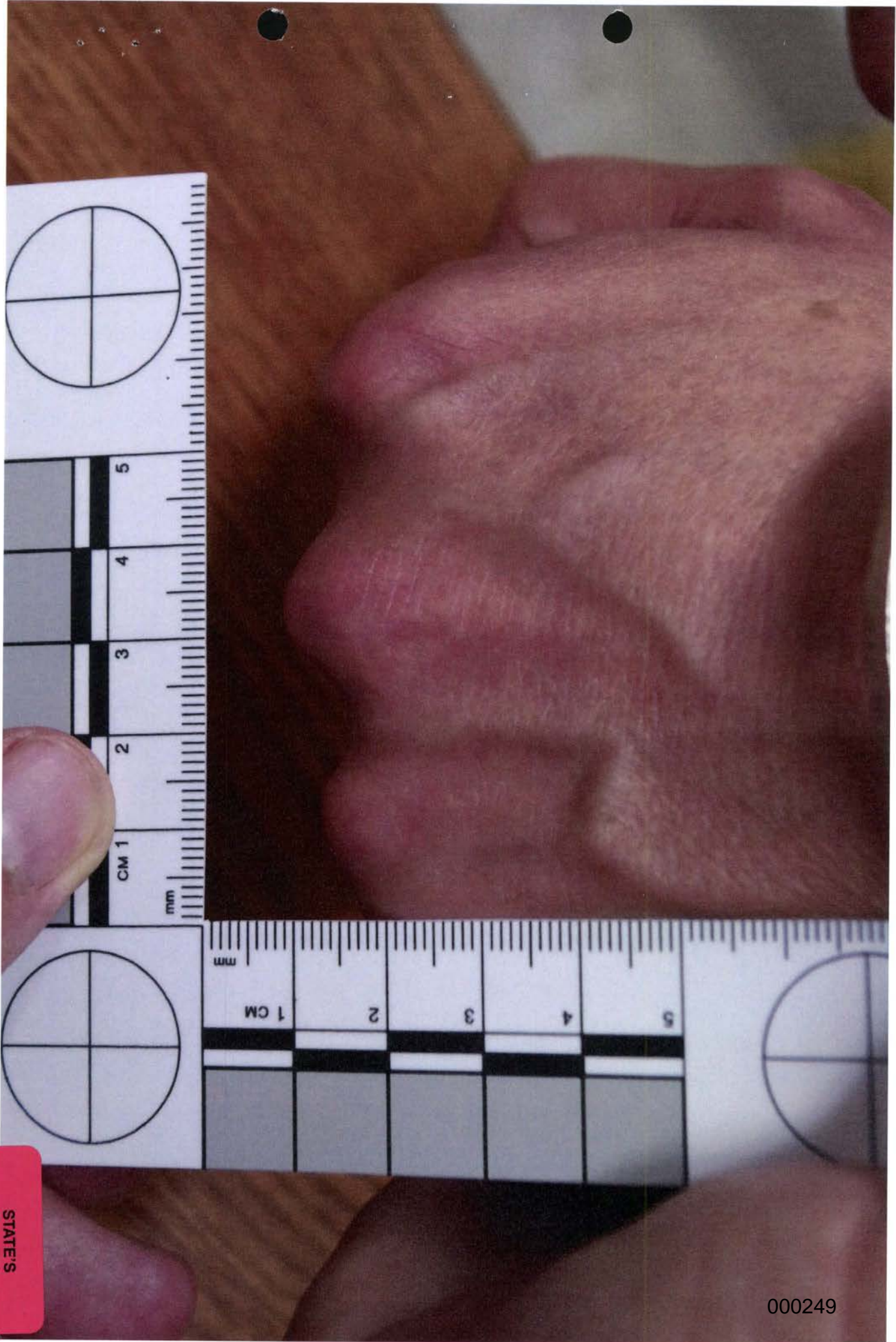
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EXHIBIT
LAB





LOC
STATES
EXHIBIT

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STATE'S
EXHIBIT
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000249

Time	Speaker	Note
03:32:40 PM		State v. Kent Williams CRFE15-12724 Suppression Cust
03:33:12 PM	Judge	calls case, def present in custody
03:33:17 PM	State	Josh Haws and Daniel Dinger
03:33:27 PM	PD	Jonathan Loschi
03:33:30 PM	Judge	we have a motion to suppress arrest and items seized
03:34:33 PM		also now a motion to disqualify 25b
03:34:41 PM	PD	my client has asked me to file this motion that he will argue
03:34:53 PM		he's prepared to be heard on this motion
03:35:01 PM	State	no objection
03:35:12 PM	Defendant	makes argument on motion to disqualify
03:54:50 PM	State	could I ask questions of the defendant?
03:55:01 PM	PD	he's not going to answer any questions
03:55:08 PM	State	there's never been any ex parte contact between you and the sheriffs office or with us
03:55:52 PM		doesn't believe there is anything slanderous has been done to the defendant
03:56:21 PM	Judge	response to rule 25b motion
03:56:55 PM		disappointed he feels I'm biased against him
03:58:02 PM		I've had no ex parte contact with anyone
03:58:10 PM		perhaps he misunderstands the nature of my ruling from before
03:59:31 PM		think I've tried to challenge that classification system
03:59:41 PM		he won't be in the black box at trial unless he does something that shows additional security measures need to be met
04:00:03 PM		but certainly at trial, unless an absolute last resort that would show the defendant is in custody
04:00:35 PM		I know he's been convicted of first degree murder
04:00:45 PM		I cited some evidence that was presented to me
04:00:59 PM		the sheriff's cited that
04:01:23 PM		don't feel I'm biased or prejudiced against the defendant
04:01:34 PM		he will have a fair trial
04:02:22 PM		I'll note again that now the defendant is standing with his back to the court in protest
04:02:52 PM		first time in hearing his refusal to take the TB test is religious based
04:03:07 PM	Judge	he doesn't want to be here for the hearing?
04:03:14 PM	PD	I've met with him and discussed
04:03:30 PM		he's always maintained, he has the ability to read from a prepared script
04:04:20 PM		he says he's incapable of participating in the hearing if he's in the black box
04:04:51 PM		I understand you can say that these are his choices

<u>04:05:00 PM</u>		I have to give him the best defense I can
<u>04:05:13 PM</u>		asking the court to remove him from the black box for today
<u>04:05:28 PM</u>		if not, then he doesn't want to be here
<u>04:05:37 PM</u>	State	we object the accommodations
<u>04:05:48 PM</u>		he's capable of making coherent statements
<u>04:05:57 PM</u>		it was scripted and read
<u>04:06:00 PM</u>		he has the mental ability to be articulate and focus
<u>04:06:11 PM</u>		we should proceed
<u>04:06:49 PM</u>	Judge	I have 3 deputies and a marshal
<u>04:07:08 PM</u>		will allow him to be in the belly chain and see how he behaves, it's a test I guess
<u>04:07:51 PM</u>		recess

Time	Speaker	Note
04:15:32 PM		State v. Kent Williams CRFE15-12724 Suppression Cust
04:33:46 PM	Judge	back on the record
04:33:53 PM		this is the defendants motion to suppress
04:34:01 PM		the arrest or evidence secured
04:34:11 PM		then the evidence recovered from the search warrant as to the hotel room
04:34:42 PM	PD	touches on the arreset
04:35:04 PM	Judge	because it was a warrantless arrest, the burden is on the state
04:35:24 PM	PD	I can put him on the stand
04:35:30 PM	State	no objection
04:35:51 PM	Judge	intend to agree
04:35:55 PM		there was a warrant for the hotel room
04:36:05 PM		defense to show, the magistrates exercise of discretion
04:36:22 PM		state's burden to show for arrest
04:36:29 PM	PD	as far as the search warrant itself
04:36:54 PM		to be based on probable cause
04:37:17 PM	Judge	on the search warrant for hotel warrant, the defense bears the burden of showing the magistrate erred
04:37:37 PM		it can be based upon the record
04:37:48 PM		think the burden has shifted as to the arrest
04:37:55 PM	State	rather do search warrant first
04:38:58 PM		I provided to counsel a supplemental picture, was meant to be in our briefing
04:39:30 PM		provide you a copy
04:39:42 PM		it should have been 6E
04:39:48 PM	PD	no objection
04:39:52 PM	Judge	Ex 6E is admitted
04:40:04 PM	PD	argues motion
04:41:21 PM		registered at a hotel Aug 8th
04:42:14 PM		don't think enough to believe he committed a crime
04:42:23 PM	Judge	if it were his residence, would it be enough?
04:42:32 PM		can a hotel/motel be a residence?
04:42:38 PM	PD	yes
04:44:58 PM		if this was his residence, my argument wouldn't go anywhere
04:45:10 PM	Judge	why then just the car and not the hotel room?
04:45:44 PM		a car can be transient?
04:45:51 PM	PD	there is probable cause, the car was seen on video with someone throwing something out of it
04:46:55 PM		the car was used in one robbery

04:47:02 PM		it must be tied to the other 3
04:47:15 PM	Judge	it suggests an enterprise
04:47:34 PM	PD	the hotel room is 4 months later
04:47:49 PM		the only commonality to him is the likeness
04:48:13 PM		to search "his" hotel room
04:48:27 PM		he's white, he's about the height
04:48:38 PM	Judge	it's his car, he's at the hotel room
04:48:47 PM		the registered owner of the car
04:48:53 PM	PD	look into if he's the only owner, has the car been loaned out
04:50:42 PM	Judge	transients live out of hotel rooms or car
04:51:00 PM	PD	he made no statements as to being a transient
04:51:10 PM		he'd been there for 12 days
04:53:03 PM		think the arrest was rushed and illegal
04:53:25 PM	Judge	what about the nose?
04:53:30 PM		theory is that the robberies are all connected
04:53:39 PM		they sent out an advisory statement
04:57:49 PM		how old was the ID?
04:57:52 PM	PD	not part of affidavit for probable cause
04:58:02 PM	State	response to argument
04:58:53 PM		we'd have to find that Judge Swain abused his discretion
04:59:13 PM	Judge	what's the evidence that Judge Swain had that there would be evidence in that hotel room?
04:59:32 PM	State	the Rowland case defense cited is a different search warrant
05:00:12 PM		there was a nexus that Judge Swain could rely on
05:01:02 PM		the connection of the green malibu to the hotel room
05:01:24 PM		the finding of that vehicle in the River Inn parking lot
05:01:37 PM		the band of the adhesive ring, the green adhesive to the green bumper sticker
05:01:56 PM		they contacted the hotel manager
05:02:39 PM		the the distinguishing characteristic of the nose
05:02:51 PM		the defendant has that characteristic
05:03:45 PM		there is a reason to believe
05:03:57 PM		with an extended stay in an area, are going to be living out of the hotel room; it is their residence
05:05:02 PM		able to look and see a bag in the hotel room
05:06:04 PM		looking at the O'Keefe case
05:07:00 PM		stands to reason he'd have fruits of the crime in the car and in the hotel room
05:07:21 PM		reasonable to seek evidence, not that the evidence is in fact there

<u>05:07:55 PM</u>		think the affidavit for the warrant and the warrant itself are justifiable
<u>05:08:20 PM</u>		can't be said that Judge Swain abused his discretion
<u>05:08:29 PM</u>		ask that the motion to suppress the search warrant be denied
<u>05:09:04 PM</u>	Judge	okay now the next issue
<u>05:09:16 PM</u>	State	calls witness
<u>05:09:30 PM</u>	Witness	Sworn
<u>05:09:48 PM</u>	State	Direct Exam
<u>05:09:52 PM</u>	Witness	Detective Peterzak
<u>05:10:06 PM</u>		training and experience
<u>05:12:27 PM</u>		examined different bank robberies and found connections
<u>05:12:39 PM</u>		the same robber began to use a mask
<u>05:13:32 PM</u>		color coordinated robbery, maroon color jacket and partial mask over face
<u>05:13:56 PM</u>		it was quickly lifted and stay on bridge of nose
<u>05:14:46 PM</u>		the green malibu
<u>05:15:18 PM</u>		recovered what was dropped out of car, was a transponder
<u>05:15:58 PM</u>		didn't believe it was an Idaho plate
<u>05:16:07 PM</u>		color of bumper sticker over emblem
<u>05:16:40 PM</u>		then another robbery, another color coordinated robbery, kind of yellow, the mask worked the same
<u>05:18:09 PM</u>		something with the tires wasn't absolute factory match
<u>05:18:33 PM</u>		neither robbers were apprehended that day
<u>05:18:50 PM</u>		believed the April robber was the July robber
<u>05:19:05 PM</u>		same bank franchise and then later with others, it was the same branch
<u>05:19:32 PM</u>		preference to time of day to commit crime
<u>05:19:38 PM</u>		folding of money
<u>05:19:52 PM</u>		became a common criminal enterprise
<u>05:22:55 PM</u>		no one else on the car registration
<u>05:23:28 PM</u>		after I spoke with Mr. Williams I spoke with hotel manager
<u>05:24:12 PM</u>		he matched the description of the 2012 robbery
<u>05:26:06 PM</u>		I asked Thorndyk to stay with the car
<u>05:26:56 PM</u>		boise police, garden city police and 2 FBI agents helped
<u>05:27:22 PM</u>		describes the ruse that occurred of towing his vehicle
<u>05:28:14 PM</u>		I watched as he came out
<u>05:29:48 PM</u>		change in body language
<u>05:30:22 PM</u>		I was steps away then and I went to then see his left hand

05:30:38 PM		there was to be a raised bump
05:31:01 PM		I saw it
05:31:20 PM		basis for linking the 3 robberies
05:32:07 PM		basis for linking the defendant to the robberies
05:33:35 PM	PD	objection, not part of the analysis
05:33:45 PM	Judge	sustained
05:33:50 PM		can I clarify one thing?
05:34:24 PM	Witness	when I got a patrol car there, I placed him under arrest
05:34:39 PM	Judge	evidence from the tellers
05:35:16 PM	PD	Cross Exam
05:36:12 PM	Witness	handcuffs doesn't mean arrest
05:36:39 PM		change from detention to an arrest
05:36:56 PM		keeping my Sgt apprised of what we were doing, giving him a heads up
05:37:18 PM		wasn't calling for permission
05:38:05 PM		I didn't search his person, didn't see it; I'm sure he was searched before transit
05:38:31 PM		was transported and taken to an interview room
05:38:41 PM		photos were taken of his hands
05:45:02 PM	State	Redirect
05:45:23 PM	Witness	also baseball style hat and aviator sunglasses
05:47:04 PM	PD	no recross
05:47:08 PM	Judge	a couple of questions from me
05:47:36 PM	PD	a question off that
05:48:24 PM	Witness	the same branch was the 2012 and the yellow robbery
05:48:45 PM	Judge	witness can step down
05:48:50 PM	State	no additional testimony
05:48:58 PM	State	argues to deny motion
05:51:57 PM	PD	argues to grant motion
05:52:47 PM		cites Az v. Hicks
05:58:41 PM		if they didn't see a bump, they would have let him go
05:58:50 PM		we have the license plate number
05:59:28 PM	Judge	anything else?
05:59:33 PM	State	rebuttal
06:00:41 PM		it's a defacto arrest
06:01:06 PM		he was certainly detained, we don't deny that
06:01:14 PM		he was detained and confirmed, then arrested
06:01:32 PM	Judge	I'll write this up soon
06:01:46 PM		still prepare for trial
06:02:00 PM	PD	can we vacate the pretrial on Monday
06:02:08 PM	Judge	yes

06:02:19 PM

end of case

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3/22
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NO. _____
A.M. 10:35 FILED P.M. _____

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 W. Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7450
Facsimile: (208) 287-7419

MAR 17 2016

CHRISTOPHER D. RICH, Clerk
By WENDY MALONE
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. CR FE 15 12724
vs.)	
	)	MOTION TO BIFURCATE
KENT WILLIAMS,	)	COUNT II AT TRIAL
)	
Defendant.)	
)	
)	
)	

COMES NOW, the above named defendant, KENT G. WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN LOSCHI, handling attorney, and hereby moves this Honorable Court to bifurcate the trial proceedings with respect to Count II, Felon in Possession of a Firearm.

Currently, the defendant is charged with Count One, Robbery, Count Two, Felon in Possession of a Firearm, Count Three, Robbery, Count Four, Use of a Weapon in Commission of a Crime and with being a persistent violator. Should the defendant get convicted of either, or both, robberies, the state will have to present convictions in the second part of the trial for the purpose of proving the persistent violator enhancement. The jury could also be instructed on the elements of "Felon in Possession of a Firearm" at that time. Should the defendant be acquitted of the Robberies, the state can then still present the prior

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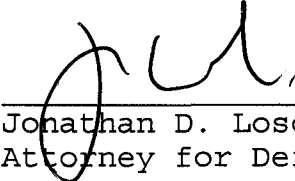
convictions in the second part of the trial, and the jury be instructed on the elements of "Felon in Possession of a Firearm" at that time. This is a no more burdensome process than is already anticipated with the current filing of the persistent violator.

Nothing in this motion would restrict the ability of the state to present evidence in the first part of the trial, with the exception of evidence of a prior conviction. This would insure the defendant gets a fair trial and the jury does not hold his prior conviction against him in adjudicating guilt on the robberies.

AND IT IS SO MOVED.

DATED this 16 day of March, 2016.

ADA COUNTY PUBLIC DEFENDER



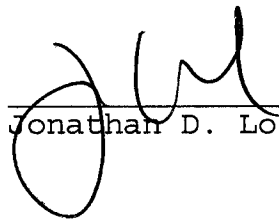
Jonathan D. Loschi
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 16 day of March, 2016, I
mailed a true and correct copy of the foregoing to the:

Ada County Prosecutor's Office

by depositing same in the Interdepartmental mail.


Jonathan D. Loschi

128
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ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 W. Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7450
Facsimile: (208) 287-7419

NO. _____ FILED
A.M. 10:35 P.M. _____

MAR 17 2016

CHRISTOPHER D. RICH, Clerk
By WENDY MALONE
DEPUTY

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

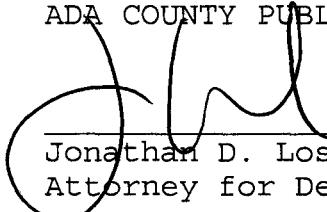
STATE OF IDAHO)	
)	
Plaintiff,)	
	)	Criminal No. CR FE 15 12724
vs.)	
	)	MOTION TO ALLOW DEFENDANT
KENT WILLIAMS,	)	TO SHOWER AND SHAVE DAILY
	)	DURING TRIAL
Defendant.)	
)	
)	
)	

COMES NOW, the above named defendant, KENT G. WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, JONATHAN LOSCHI, handling attorney, and hereby moves this Honorable Court for an order requiring the jail to provide Mr. Williams with the opportunity to both shower and shave either the night before, or the morning of, each trial day. Currently, Mr. Williams does not have daily access to the shower facilities.

AND IT IS SO MOVED.

DATED this 11 day of March, 2016.

ADA COUNTY PUBLIC DEFENDER

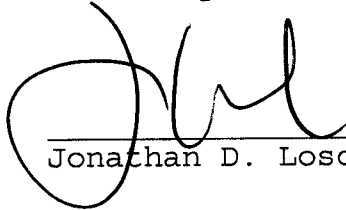
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Jonathan D. Loschi
Attorney for Defendant

000260

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 16 day of March, 2016, I
mailed a true and correct copy of the foregoing to the:
Ada County Prosecutor's Office

by depositing same in the Interdepartmental mail.



Jonathan D. Loschi

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4:00

NO. _____
A.M. _____ FILED P.M. 3:48

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Jonathan Loschi
Deputy Public Defender
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Telephone: (208) 287-7400
Facsimile: (208) 287-7409

MAR 18 2016

CHRISTOPHER D. RICH, Clerk
By WENDY MALONE
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.

KENT GLEN WILLIAMS,


Defendant.

Case No. CR-FE-2015-0012724

**DEFENDANT'S DISCOVERY
RESPONSE TO COURT**

COMES NOW the defendant, KENT GLEN WILLIAMS, by and through his attorney, Jonathan Loschi, Ada County Public Defender's Office, and informs the Court that the Defendant has complied with the State's Request for Discovery.

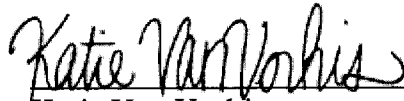
DATED this 18th day of March 2016.



JONATHAN LOSCHI
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of March 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

7. There was no warrant for my arrest at that time;
8. As a result of my arrest, \$8097.00, identification, and a knife was found in my immediate possession;
9. Immediately after my arrest, law enforcement insisted on looking at my hands, and took pictures of my hands.

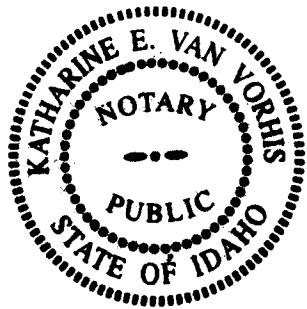
FURTHER YOUR AFFIANT SAYITH NOT.

DATED this 11 day of March, 2016.

Kent Williams

KENT WILLIAMS
Defendant/Affiant

SUBSCRIBED and SWORN to before me, a Notary Public, in and for the State of Idaho, County of Ada, this 11 day of March, 2016.



Katharine E. Van Vorhis
Notary Public
Residing at Boise, ID
My Commission Expires August 23, 2018

MAR 22 2016

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

CHRISTOPHER D. RICH, Clerk
 By EMILY CHILD
 DEPUTY

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT WILLIAMS

Defendant.

Case No. CR-FE- 2015-12724

MEMORANDUM DECISION AND
 ORDER

I. BACKGROUND

Defendant is charged with two counts of robbery, as well as one count of unlawful possession of a firearm and one count of use of a firearm during the commission of a crime. On January 13 and February 26 of 2016, Defendant filed two motions to suppress, the former asserting that law enforcement lacked probable cause for his arrest and the latter asserting the affidavit for a search warrant lacked probable cause. He seeks to suppress all evidence obtained as a result of his arrest¹ and in the execution of the search warrant. The State contends there was sufficient probable cause for the arrest and the issuance of the warrant.

A suppression hearing was held on March 11, 2016. The State offered the testimony of Detective Jason Pietrzak, the case officer in charge of investigating the alleged robberies, who this Court found to be credible and reliable. Following oral argument, the Court took the matter under advisement. Because the State has carried its burden in establishing Defendant's seizure was proper, and the Defendant has failed to demonstrate that the magistrate lacked a substantial

¹ In a supplemental memorandum, Defendant clarified that the evidence he seeks to suppress as a result of the arrest is a black wallet, a set of keys, a switch blade, miscellaneous bills totaling \$8097, and various wallet contents. He also seeks to suppress Detective Pietrzak's statement that, after detaining Defendant, he noticed the particular raised area on the back of Defendant's hand. He urges the suppression of the post-arrest photos taken of his hand, as well as any statements Defendant made following the arrest.

basis for concluding probable cause existed for the issuance of the search warrant, this Court hereby DENIES Defendant's motions to suppress.

II. STANDARD

In a suppression hearing, the power to assess the credibility of witnesses, resolve factual conflicts, weigh evidence, and draw factual inferences is vested in the trial court. *State v. Conant*, 143 Idaho 797, 799, 153 P.3d 477 (2007). Even if the factual evidence is "equivocal and somewhat in dispute, if the trial court's finding of fact is based on reasonable inferences that may be drawn from the record, it will not be disturbed[.]" *State v. Bottleson*, 102 Idaho 90, 625 P.2d 1093 (1981). However, the trial court's application of constitutional principles to the facts as found is freely reviewed. *State v. Veneroso*, 138 Idaho 925, 928, 71 P.3d 1072, 1075 (Ct. App. 2003).

When probable cause to issue a search warrant is challenged on appeal, the reviewing court's function is to ensure that the magistrate had a substantial basis for concluding that probable cause existed. *State v. Carlson*, 134 Idaho 471, 474-75, 4 P.3d 1122, 1125-26 (Ct. App. 2000). In this evaluation, great deference is paid to the magistrate's determination. *Id.* The test for reviewing the magistrate's action is whether he or she abused his or her discretion in finding that probable cause existed. *Id.*

III. FINDINGS OF FACT

On July 25, 2012, approximately seven minutes after the 9:00 a.m. opening, a Caucasian male wearing a maroon shirt, white baseball hat and large aviator-type sunglasses entered the Key Bank on Broadway in Boise. He handed the teller a note demanding money and indicated that he had a gun and would shoot. The robber, who did not have a mask, was described by a teller as being "pig-nosed," or having a distinctive, upturned nose. The suspect fled the bank after receiving the money. Detective Pietrzak investigated the robbery and reviewed still shots from the bank's internal surveillance system. He confirmed that the suspect had a distinct, upturned nose. State's Exh. 1.

On April 14, 2015, approximately fifteen minutes after the 9:00 a.m. opening, a Caucasian male approached a teller at the West Overland branch of Key Bank and demanded money. The teller noted the man was wearing aviator sunglasses and his clothing was color-coordinated, with a maroon windbreaker jacket, a maroon handkerchief-type mask that he

snapped over his mouth and nose², and a black baseball-style hat covering his ears. He then demanded from the teller cash bills consisting of 20's, 50's, and 100's. He specifically told her he wanted the money in two tills and he did not want any die packs or "bait." At no time did he display a firearm or threaten to use a firearm. After all the money was passed, he left on foot.

Contrary to the robber's demand, the teller provided him with bait money and one fifty dollar bill affixed with a tracking device. The tracking device sent out a tone alert to law enforcement. Deputy Zackary Helback responded and ultimately tracked the signal to the intersection of Roosevelt and Nez Perce, where he spotted a \$50 bill containing the tracking device in the middle of the street. Subsequently, officers contacted a nearby HVAC business which had outside video cameras recording the street on which the \$50 bill was found.

Detective Pietrzak reviewed the HVAC video footage and saw a Caucasian man in a green compact sedan with a lime green bumper sticker on its back trunk drop something out of the driver's side window. The driver appeared to have no facial hair and closely cropped hair. The description of his jacket and bandana given by the teller matched that of the driver. Detective Pietrzak also noticed that the wheels on the sedan were not consistent with factory wheels; rather, they were "after market" wheels. After doing a Google image search and sharing images of the vehicle with a Chevrolet dealer and an FBI employee specializing in vehicle identification, Detective Pietrzak determined the vehicle was a 1997 or 1998 Chevy Malibu. Detective Pietrzak also noted that the license plate from the footage was mostly white with some blue in it; in other words, out-of-state plates. State's Exhs. 3A-3E.

In addition, Detective Pietrzak reviewed internal surveillance videos from the bank. In doing so, he noticed a distinctive raised bump the size of a pencil eraser on the back side of the robber's left hand, located between his third finger and his wrist.

On July 22, 2015, at approximately thirty minutes after the 9:00 a.m. opening, a Caucasian male entered the Key Bank on Broadway in Boise – the same branch robbed in 2012 – and robbed a teller. He was also color-coordinated, wearing a long sleeved yellow jacket, yellow handkerchief-type mask across his face, a baseball-type hat and aviator sunglasses. The robber demanded 20's, 50's and 100's and specifically asked for no trackers or die packs. As the teller was pulling money out of the drawer, the robber noticed that a \$20 bill had a tracking device in

² The robber did not have the mask over his face when he walked into the bank; rather, he easily pulled the mask up over his nose and mouth with one hand while at the teller's desk.

hit. The robber grabbed the bill, felt the tracking device inside, and said, "This is a tracking device, don't do it again." The robber lifted his shirt and pointed to a gun in his waistband. After the teller gave him the money, the man thanked him and left the bank.

Detective Pietrzak investigated the robbery, including the internal surveillance videos from the bank. Due to their remarkable similarities, he suspected that all three robberies were committed by the same individual. Namely, all three were Key Bank, two of which were the same branch, they occurred within thirty minutes of the bank's opening and the suspect, described by all as a Caucasian male between 5'8 and 6'0 in height, was wearing aviator-type sunglasses and a baseball hat. The suspect's demands were similar in nature as well as the manner in which he folded the money. In the 2015 robberies, the suspect wore similar color-coded clothing and was quickly able to locate bills with transponders. Utilizing the description of the vehicle gleaned from the video footage, as well as still shots of the suspect from video footage captured in the bank during all three robberies, Detective Pietrzak put out an Information Bulletin to the news and other local police departments asking for any information on the suspect. State's Exh. 2.

On August 20, 2015, the same day the Information Bulletin was issued, Garden City Detective J. Thorndyke notified Detective Pietrzak that the vehicle described in the Bulletin was potentially parked at the West River Inn on Chinden Blvd. in Garden City. Detective Thorndyke sent photos of the vehicle to Detective Pietrzak to view. Detective Pietrzak requested that Detective Thorndyke, who was in plain clothes and an unmarked car, stay with the vehicle. He then drove to the location and personally inspected the vehicle, which he noted to be a green 1999 Chevy Malibu. He noted that the wheels on the vehicle looked consistent with the images from the footage and that there was adhesive residue with a greenish tint centrally located on the trunk that was consistent with where the lime green bumper sticker was seen on the footage. He also noted that there was a section of the bumper sticker still attached which was of the same shape and size of the bumper sticker from the footage. The vehicle had a white and blue Washington license plate, which also coincided with the footage.

Detective Thorndyke informed Detective Pietrzak that he had spoken to the manager of the Inn who told him that the vehicle was registered in Inn records as belonging to Defendant, who had been residing at the Inn since August 8, 2015 in Room 24. Staff confirmed that Defendant was the only occupant of the room. Detective Pietrzak ran the vehicle's license

number through the Washington Bureau of Licensing and confirmed Defendant was the sole registered owner and had been since prior to the April 14, 2015 robbery. He also confirmed his date of birth to be November 14, 1967, he was 5'10 in height, and he had a Washington address. Detective Pietrzak also received Defendant's DMV photograph, which he noted revealed an upturned nose consistent with the photo and description of the suspect from the 2012 robbery. State's Exh. 5. Defendant also had closely cropped hair in the DMV photo.

Detective Thorndyke further informed Detective Pietrzak that he had observed Defendant entering and leaving Room 24 and he believed him to be the same individual on the Bulletin.

At that point, Detective Pietrzak decided to use the "tow truck ruse"³ to attempt to detain Defendant so he could ascertain whether Defendant had the distinctive bump on the back of his left hand.⁴ While Detective Pietrzak observed from another vehicle approximately four to five car-lengths away, a tow truck was backed up to Defendant's vehicle while a law enforcement officer dressed as a tow truck operator stood beside the vehicle. At that point, Defendant walked out of Room 24 and approached the tow truck. Detective Pietrzak watched while the "tow truck operator" showed his badge to Defendant, at which point Defendant evasively and abruptly turned away from the officer "toward Chinden [Blvd.] in between two cars[.]" He refused to speak to the officer. Detective Pietrzak approached on foot as law enforcement immediately placed Defendant in handcuffs behind his back. Detective Pietrzak confirmed that Defendant's nose was upturned as observed by the witness in the first robbery. He also immediately rolled Defendant's left hand to the side and observed the same large distinctive bump as was seen in the bank surveillance video. This confirmed for Detective Pietrzak that Defendant was in all likelihood the same suspect wanted for the robberies.

A patrol car was dispatched to the scene and law enforcement placed Defendant in the back. Detective Pietrzak testified that it was at that point he placed the Defendant under arrest. Defendant was transported to the station where several photos were taken of the bump on his left

³ The tow truck ruse is where law enforcement will call a tow truck in to make it look like a suspect's car will be towed. The point is to compel the suspect to approach the "tow-truck operator", who is usually a law enforcement officer, to inquire why the car is being towed, thereby giving the officer an opportunity to detain the suspect.

⁴ Detective Pietrzak testified that he previously had a second suspect he believed may have been involved in the robberies but that suspect did not have the distinct bump on his hand. Therefore, the "first thing" Detective Pietrzak wanted to do upon detaining Defendant was inspect his left hand.

hand. At some point thereafter, Pietrzak peered inside the motel room window and noticed two backpack style bags containing property, but nothing specific to the robberies from his view.

Subsequently, Pietrzak applied for a search warrant for the vehicle and hotel room. His affidavit explained his investigation and findings including, among other things, the similarities between the three robberies and his corroborations regarding the vehicle, Defendant's distinct nose and the telltale bump on his left hand. In addition, Detective Pietrzak noted he had eighteen years of experience as a police officer in Idaho, serving as a detective for the violent crimes robbery unit for the last eight of those years. He also included in the affidavit photos from his investigation, including still shots from each of the three robberies, of the vehicle (both from the HVAC video and from the Inn) and Defendant's DMV photo. Judge Swain issued the warrant.

During the search of the hotel room, he found a green lightweight coat with a green piece of sewn triangular cloth, and a handgun and magazines located inside of a backpack. Marijuana and a pipe were also located. Inside the vehicle, Pietrzak found a blue and green coat with center pocket containing a blue and green acid washed cloth and several large "aviator" type mirrored sunglasses.⁵

IV. ANALYSIS AND CONCLUSIONS OF LAW

A. The Seizure

The Fourth Amendment to the United States Constitution and Article 1, Section 17 of the Idaho Constitution protects people against unreasonable searches and seizures. Typically, seizures must be based on probable cause to be reasonable. *State v. Bishop*, 146 Idaho 804, 811, 203 P.3d 1203, 1210 (2009), citing *Florida v. Royer*, 460 U.S. 491, 499–500, 103 S.Ct. 1319, 1324–1325, 75 L.Ed.2d 229, 237–238 (1983). However, limited investigatory detentions, based on less than probable cause, are permissible when justified by an officer's reasonable articulable suspicion that a person has committed, or is about to commit, a crime. *Id.* Based on what is discovered or occurs during the detention, the initial suspicion for the stop may ripen into probable cause for arrest. *United States v. Greene*, 783 F.2d 1364, 1368 (9th Cir. 1986).

It is the State's burden to establish that the seizure was based on reasonable suspicion and sufficiently limited in scope and duration to satisfy the conditions of an investigative seizure. *State v. Bordeaux*, 148 Idaho 1, 8, 217 P.3d 1, 8 (Ct. App. 2009). Likewise, the State bears the

⁵ Defendant does not challenge probable cause for the warrant to search the vehicle.

burden of establishing probable cause for an arrest. *State v. Jenkins*, 143 Idaho 918, 920, 155 P.3d 1157, 1159 (2007).

It is apparent from Defendant's arguments in his motion to suppress regarding his "arrest" that he believed his interaction with officers outside the Inn was, from its inception, an arrest which required probable cause. He argues that because probable cause did not exist at the time of the arrest, all evidence obtained as a result of the arrest must be suppressed. The State asserts the encounter began as an investigatory detention during which law enforcement confirmed through observing Defendant's hand that he was likely the robbery suspect, thereby giving rise to probable cause to arrest him. Thus, prior to determining whether law enforcement had reasonable suspicion or probable cause, it must first be determined what type of seizure occurred.

1. Defendant's seizure began as an investigatory detention, not an arrest.

To support its argument that Defendant's seizure was, at its inception, an investigatory detention, the State offered Detective Pietrzak's testimony that he arranged for Defendant's detention through the tow truck ruse specifically so he could inspect Defendant's left hand to confirm whether Defendant was, in fact, his suspect. Indeed, upon detaining Defendant, inspection of his hand was the "first thing" Pietrzak did.

Defendant does not dedicate any argument as to why he assumes his seizure was, at its inception, an arrest as opposed to an investigatory detention, but it is likely based on the fact that he was placed into handcuffs soon after approaching the "tow truck operator." The fact that he was placed in handcuffs, however, does not automatically give rise to an arrest. Based upon the specific facts of the situation and the reasonable inferences drawn therefrom, police officers are allowed to use of handcuffs during a perceived high-risk investigative stop "as a reasonable precaution for the officer's safety" or if there's a substantial risk of flight. *State v. Pannell*, 127 Idaho 420, 424, 901 P.2d 1321, 1325 (1995); *State v. Salato*, 137 Idaho 260, 266, 47 P.3d 763, 769 (Ct. App. 2001).

To illustrate, in *State v. Salato*, the officer was aware that two local convenience stores, M&W and Jackson's, had been robbed at gunpoint earlier in the evening by a suspect who "was possibly Hispanic, wearing a hood cinched down tightly around his face, and that a hooded or shaved-headed person had been one of three persons seen in a late model streamlined maroon car parked outside the M & W almost immediately before the M & W robbery." 137 Idaho 260, 266,

47 P.3d 763, 769 (Ct. App. 2001). Upon encountering a late model, streamlined maroon car with a possibly Hispanic passenger who appeared to have a shaved head within five minutes of and only one block from the Jackson's robbery, the officer initiated the traffic stop, ordered the occupants out of the car, and handcuffed them. *Id.* The Court found that the use of handcuffs during the traffic was justified considering the violent nature of the suspected crime. *Id.*

Likewise, in *State v. DuVault*, the Idaho Supreme Court found the use of handcuffs was valid during a late-night traffic stop of a vehicle which was driving erratically and was suspected of being involved in drug activity. 131 Idaho 550, 554, 961 P.2d 641, 645 (1998). Although there were five officers present and only three occupants, the Court did not consider the relatively heavy presence of law enforcement to militate against the need for handcuffs where the occupants were uncooperative with the officers. *Id.* Further, despite the fact there was no outward show of violence by the occupants or articulated belief by officers that the occupants were armed, the Court emphasized that even "routine traffic stops" pose dangers to police officers. *Id.*, citing *Maryland v. Wilson*, 519 U.S. 408, 117 S.Ct. 882, 885, 137 L.Ed.2d 41 (1997).

Considering the totality of circumstances present here, this Court finds officers were justified in handcuffing Defendant during the initial detention, both for their safety and to prevent flight. Defendant was suspected of committed three robberies, in two of which he displayed a gun, and the Bulletin described him as being "armed and dangerous." Although, unlike in *Salato*, the last armed robbery had occurred approximately four weeks prior to Defendant's detention and there was no outward appearance of a weapon on Defendant's person, this does not render concerns of officer safety any less serious. Under similar circumstances, in fact, the Seventh Circuit found handcuffs were justified. In *United States v. Thomas*, officers stopped a vehicle suspected of being a getaway car for several armed robberies in the area, the last of which occurred a few weeks prior. 79 F. App'x 908, 910 (7th Cir. 2003). When officers approached the vehicle, they noted that the driver matched the description of the robber. *Id.* Although officers did not notice any weapons, they immediately surrounded his car, ordered him at gunpoint to get out of the car, ordered him to lie down, and handcuffed him. *Id.* The Seventh

Circuit found the officers' tactics were justifiable "to protect themselves and passers-by from a potentially armed and dangerous bank robbery suspect." *Id.* at 912.⁶

Likewise, by virtue of his suspected crimes, officers were justified in believing Defendant was "potentially" armed and dangerous and, therefore, taking precautions to ensure their safety. Further, because the encounter occurred during the daytime in a parking lot on a highly populated Boise street, handcuffing Defendant was proper to ensure the safety of the public. In addition, as was the case in *Duvault*, Defendant was showing signs of flight and being uncooperative by abruptly turning away from the "tow truck operator" upon realizing he was law enforcement and by refusing to speak. Given these facts and the reasonable inferences drawn therefrom, this Court concludes that Defendant's seizure began as an investigatory detention and was not transformed into an arrest simply through the use of handcuffs.

2. Officers had reasonable suspicion to stop Defendant.

As explained by the Idaho Supreme Court in *Bishop*:

Reasonable suspicion must be based on specific, articulable facts and the rational inferences that can be drawn from those facts. The quantity and quality of information necessary to establish reasonable suspicion is less than that necessary to establish probable cause. Still, reasonable suspicion requires more than a mere hunch or inchoate and unparticularized suspicion. Whether an officer possessed reasonable suspicion is evaluated based on the totality of the circumstances known to the officer at or before the time of the stop.

146 Idaho at 811, 203 P.3d at 1210, internal quotes and cites omitted.

It is abundantly clear that law enforcement had sufficient reasonable suspicion to stop Defendant. In fact, in *Salato, supra*, the Idaho Court of Appeals found reasonable suspicion justifying a stop on far less incriminating evidence. Here, Detective Pietrzak, the primary investigating officer, was personally involved in the investigations of all three robberies and was familiar with the striking similarities between them. All involved Key Bank branches in Boise, they occurred within the first thirty minutes of the bank's opening, the suspect was described as a Caucasian male between 5'8 and 6'0 in height wearing a baseball hat and aviator-type sunglasses. In the two robberies occurring in 2015, he was described as wearing a color-coded windbreaker and bandana-type mask. Additionally, in the 2015 robberies, the suspect had a

⁶ See also, *United States v. Tilton*, 19 F.3d 1221, 1228 (7th Cir.1994)(noting that "handcuffing-once highly problematic-is becoming quite acceptable in the context of a *Terry* analysis").

particular mode of requesting the money (i.e., “no bait, no dyes” and requesting 20’s, 50’s and 100’s), and was able to quickly locate and dispose of tracker bills, thereby suggesting the suspect was a serial bank robber.

However, it was the discovery of the vehicle at the West River Inn and law enforcement’s pre-detention observations of Defendant’s physical appearance in comparison with the photos and descriptions in its possession that tied the robberies together and gave rise to reasonable suspicion for Defendant’s detention. The similarities between the vehicle caught on the video footage and the vehicle parked at the Inn were overwhelming, leaving little doubt that the car parked at the Inn was the exact car used in the April 2015 robbery. The vehicles were the same make, model and approximate year, the remnants of a greenish bumper sticker on the vehicle at the Inn matched the size, shape, and location of the bumper sticker in the video footage, the distinctive wheels matched the HVAC video footage, and the Washington license plate on the vehicle at the Inn was white and blue as noted in the video footage.

Officers further learned the vehicle had been registered to Defendant since prior to April of 2015 and his driver’s license information and photo revealed that Defendant was a 5’10 Caucasian male with a slightly upturned nose. Officers also knew that Defendant was staying in Room 24 of the Inn and, after observing Defendant come and go from that room, Detective Thorndyke believed him to be the same suspect whose photo appeared on the Bulletin. Detective Pietrzak likewise confirmed the physical similarities when he watched Defendant emerged from Room 24 to stop his car from being towed.

Viewed objectively, the information law enforcement had in its possession when Defendant was initially stopped gave rise to a reasonable suspicion that Defendant was the same suspect responsible for the three Key Bank robberies. Therefore, this Court finds the stop was justified.

3. Defendant’s detention was reasonable.

The determination of whether an investigative detention is reasonable requires a dual inquiry—whether the officer’s action was justified at its inception and whether it was reasonably related in scope to the circumstances, which justified the interference in the first place. *State v. Parkinson*, 135 Idaho 357, 361, 17 P.3d 301, 305 (Ct.App.2000). This Court has already determined that law enforcement had reasonable suspicion justifying the stop and, therefore, the focus will be on the latter element.

A detention must be temporary and last no longer than necessary to effectuate the purpose of the stop. *State v. Baxter*, 144 Idaho 672, 677, 168 P.3d 1019, 1024 (Ct. App. 2007). The detention must be carefully tailored to its underlying justification. *Id.* In this regard, a lawful detention can become unlawful if its manner of execution unreasonably infringes on the detainee's constitutional rights. *Id.*, citing *Illinois v. Caballes*, 543 U.S. 405, 407 (2005). A court must consider all of the surrounding circumstances and determine whether the investigative methods employed were the least intrusive means reasonably available to verify or dispel the officer's suspicion in a short period of time. *State v. Stewart*, 145 Idaho 641, 646, 181 P.3d 1249, 1254 (Ct. App. 2008), citing *Florida v. Royer*, 460 U.S. 491, 500, 103 S.Ct. 1319, 1325, 75 L.Ed.2d 229, 238 (1983).

As discussed herein, handcuffing Defendant was justified and did not elevate his detention into a *de facto* arrest. Defendant, however, asserts that Detective Pietrak's act of turning and inspecting of Defendant's left hand while cuffed behind his back was improperly intrusive and constituted a warrantless search. In support, Defendant relies on *Arizona v. Hicks*, wherein the United States Supreme Court concluded that officer's actions in moving stereo equipment located within the defendant's home to locate serial numbers constituted "search," which had to be supported by probable cause. 480 U.S. 321 (1987). There, the Court stated:

Merely inspecting those parts of the turntable that came into view during the latter search would not have constituted an independent search, because it would have produced no additional invasion of respondent's privacy interest. But taking action, unrelated to the objectives of the authorized intrusion, which exposed to view concealed portions of the apartment or its contents, did produce a new invasion of respondent's privacy unjustified by the exigent circumstance that validated the entry.

Id. at 325.

Hicks, however, is highly distinguishable. It is well recognized in this nation that the search of the interior of a home implicates a privacy interest of the highest degree. *United States v. Karo*, 468 U.S. 705, 715 (1984). A physical attribute which a person regularly exposes to the public, by contrast, does not implicate the same privacy concerns. As stated in *United States v. Katz*, the Fourth Amendment provides no protection for what "a person knowingly exposes to the public, even in his own home or office . . ." 389 U.S. 347, 351(1967). In *United States v. Dionisio*, the United States Supreme Court relied on *Katz* to hold that the physical characteristics

of a person's voice, "[l]ike a man's facial characteristics or handwriting", is constantly exposed to the public and, therefore, not subject to constitutional protection. 410 U.S. 1, 14 (1973).

Here, there was no testimony that Defendant kept his left hand covered from view or otherwise took steps indicating that he had an expectation of privacy in his left hand. Rather, until the officers placed Defendant in handcuffs, his left hand was in plain view in the middle of a public parking lot. The only reason Detective Pietrzak had to turn Defendant's hand to observe the backside is because the officers themselves shielded the backside of his hand from plain view by handcuffing him, not because Defendant attempted to protect it from view. Thus, unlike in the contents of a home at issue in *Hicks*, Defendant did not have a constitutionally protected privacy interest in the back of his left hand. Therefore, the manipulation of Defendant's left hand was not a search under Fourth Amendment standards, no warrant was required, and no constitutional violation resulted.

In addition, important to the *Hicks* court was that the officers substantially strayed from their original purpose for the search of the home when they turned the stereo equipment around to locate the serial numbers. Officers were present in the first place to search for shooters after a bullet fired into through the ceiling of an apartment below. The officers only noticed the stereo equipment because it was expensive and looked out of place in an otherwise squalid apartment. 480 U.S. at 323. Thus, by recording the serial numbers, the search branched out from one involving shooters to one involving potential theft. *Id.*

Here, by contrast, the entire reason for the detention in the first place was to ascertain, first and foremost, whether Defendant had the bump on the back of his left hand. Considering Defendant was handcuffed, Detective Pietrzak used the least intrusive means reasonably available to verify or dispel his suspicions, and did so within the first few moments of the detention, all without violating any reasonable expectation of Defendant's privacy. Thus, this Court concludes that his detention was carefully tailored to its underlying justification and, therefore, reasonable.

4. Defendant's detention gave rise to probable cause for his arrest.

As noted, evidence discovered during an investigative detention may elevate the reasonable suspicion for the detention into probable cause for arrest. *Greene, supra*. A police officer may, without a warrant, arrest a suspect "[w]hen a felony has in fact been committed and

he has reasonable cause for believing the person arrested to have committed it.” I.C. § 19–603. In *Jenkins*, the Idaho Supreme Court explained:

To have probable cause for a felony arrest, an officer must have information that would lead a person of ordinary care to believe or entertain an honest and strong presumption that such person is guilty. Probable cause is not measured by the same level of proof required for conviction. *Id.* As the Court explained in *State v. Alger*, 100 Idaho 675, 603 P.2d 1009, ‘(i)n dealing with probable cause ..., as the very name implies, we deal with probabilities.’ Judicial determination of probable cause focuses on the information and facts the officers possessed at the time.

Jenkins, 143 Idaho at 922, 155 P.3d at 1161, internal cites omitted.

Whether there is probable cause to arrest an individual depends upon the totality of the circumstances and the assessment of probabilities in the particular factual context. *State v. Finnicum*, 147 Idaho 137, 140, 206 P.3d 501, 504 (Ct. App. 2009), citing *Maryland v. Pringle*, 540 U.S. 366, 370–71 (2003). The facts making up a probable cause determination are viewed from an objective standpoint. *Id.*, citing *State v. Julian*, 129 Idaho 133, 136–37, 922 P.2d 1059, 1062–63 (1996). In passing on the question of probable cause, the expertise and the experience of the officer must be taken into account.

In *Thomas*, *supra*, the Seventh Circuit found probable cause to arrest a robbery suspect based on incriminating evidence similar to that present here. There, witnesses had described the robber as a middle-aged black man who was approximately 6 feet tall, weighed about 160 to 170 pounds, and had short hair graying on the sides, a pronounced nose, and slight facial hair. 79 F. App’x at 910. He reportedly wore sunglasses with gold earpieces during the robberies. Several witnesses also saw the robber’s getaway car, which they described to police as a dark-colored, late 1980’s model Dodge Dynasty or Diplomat with no license plates but bearing a temporary “license applied for” sticker in the rear window. *Id.* A few weeks after the last robbery, an officer noticed a black Dodge Dynasty with a temporary “license applied for” sticker in the rear window drive by a bank. The officer noticed that the driver was a short-haired, black male wearing sunglasses with gold earpieces. After stopping the Dynasty, the officer ordered the driver out of the car and confirmed that he matched the witness descriptions of the robber’s physical characteristics. *Id.* The Seventh Circuit held that the driver’s physical resemblance to the robbery suspect, viewed in conjunction with the matching sunglasses and similar vehicle with the distinctive “license applied for” sticker, gave rise to probable cause. *Id.* at 913.

The corroborations made by Detective Pietrzak in this case are no less incriminating than those in *Thomas*; in fact, they are even more so. As discussed, prior to the detention, he was able to confirm that the vehicle was almost certainly the same as used in the April 2015 robbery, that Defendant's DMV photo and in-person appearance matched the witness descriptions, including height, build, haircut and distinctive nose, and that the vehicle was registered to Defendant. During the detention, he was able to confirm perhaps the most incriminating evidence linking Defendant to the robberies – the large, distinctive bump on the back of his left hand that was in the identical location as seen in the surveillance still photo of the robber from the April 2015 robbery. Taken together and viewed objectively, this Court concludes that these facts gave rise to probable cause for Defendant's arrest for the robberies.⁷

In sum, this Court concludes that the State met its burden of demonstrating reasonable suspicion for Defendant's detention, that the detention itself was reasonable, and that the officers' reasonable suspicions ripened into probable cause justifying Defendant's arrest. Therefore, the Court will not suppress evidence discovered as a result of the arrest.

B. The Search Warrant

When a search is conducted pursuant to a warrant, the burden of proof is on the defendant to show that the search was invalid. *State v. O'Keefe*, 143 Idaho 278, 287, 141 P.3d 1147, 1156 (Ct.App.2006). For a search warrant to be valid, it must be supported by probable cause. *State v. Molina*, 125 Idaho 637, 639, 873 P.2d 891, 893 (Ct.App.1993). A search conducted pursuant to a warrant which is invalid for lack of probable cause is unlawful, and all evidence seized as a result of such a search must be suppressed. *State v. Johnson*, 110 Idaho 516, 528, 716 P.2d 1288, 1300 (1986). In *Illinois v. Gates*, the Supreme Court established a "totality of the circumstances" test for determining whether probable cause exists to issue a search warrant. 462 U.S. 213 (1983); *Molina*, 125 Idaho at 639, 873 P.2d at 893. Under this test, which was adopted by Idaho's Supreme Court in *State v. Lang*, 105 Idaho 683, 684, 672 P.2d 561, 562 (1983),

⁷ Defendant's assertion that officers lacked probable cause for his arrest is based on his belief that the arrest occurred prior to Detective Pietrzak observing the bump on his hand. Thus, the case law he cites supporting his argument that the description of a "unique" car coupled with only a general description of the perpetrator cannot give rise to probable cause - *People v. Fleming*, 842 N.Y.S.2d 195 (Sup. Ct. 2007) and *U.S. v. Gaines*, 563 F.2d 1352 (9th Cir. 1977) – is inapplicable. The distinctive bump on Defendant's left hand, coupled with the distinct nose and other similar physical characteristics, along with his ownership of the car used in one of the robberies, provided a level of specificity far greater than the general descriptions of the suspects at issue in those cases.

[t]he task of the issuing magistrate is simply to make a practical, commonsense decision whether, given all the circumstances set forth in the affidavit before him, including the "veracity" and "basis of knowledge" of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.

Gates, 462 U.S. at 238.

In dealing with probable cause, the Court is concerned with probabilities. *Carlson*, 134 Idaho at 478, 4 P.3d at 1129. "These are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men [and women], not legal technicians, act." *Brinegar v. United States*, 338 U.S. 160, 175 (1949). Probable cause is a fluid concept, "turning on the assessment of probabilities in particular factual contexts." *Gates*, 462 U.S. at 232. The magistrate is allowed to draw reasonable inferences from the evidence presented, including inferences about where evidence is likely to be kept based on the nature of the evidence and the type of offense. *Gates*, 462 U.S. at 240; *see also Molina*, 125 Idaho at 642, 873 P.2d at 896. Moreover, the magistrate may take into account the experience and expertise of the officer conducting the search in making a probable cause determination. *United States v. Terry*, 911 F.2d 272, 275 (9th Cir.1990); *O'Keefe*, 143 Idaho at 287, 141 P.3d at 1156.

Defendant challenges Detective Pietrzak's affidavit for probable cause on two grounds; 1) that the information contained therein was "stale" since 29 days had passed since the last robbery, and 2) the affidavit provided an insufficient nexus between the robberies, the items to be seized and Room 24 of the West River Inn.

1. The information cited in the affidavit was not stale.

The probable cause required for a search warrant necessitates a finding that evidence is probably connected with some criminal activity and that the evidence being sought can currently be found at a specific place. *State v. Turnbeaugh*, 110 Idaho 11, 13-14, 713 P.2d 447, 449-50 (Ct. App. 1985). In *Carlson*, the Court of Appeals discussed the factors to be considered in evaluating whether information offered in support of a warrant application is too stale due to the passage of time:

The staleness of information regarding the presence of items in a certain place depends upon the nature of the factual scenario involved. In a determination of whether information contained within a search warrant affidavit is stale, there exists no magical number of days within which information is fresh and after which the information becomes stale. The question must be resolved in light of the circumstances of each case. An important factor in a staleness analysis is the

nature of the criminal conduct. If the affidavit recounts criminal activities of a protracted or continuous nature, a time delay in the sequence of events is of less significance. Certain nefarious activities, such as narcotics trafficking, are continuing in nature and, as a result, are less likely to become stale even over an extended period of time.

Carlson, 134 Idaho at 477, 4 P.3d at 1129, internal cites omitted.

The type of continuing crime discussed in *Carlson* is well-illustrated in the case of *Woodward v. State*, which involved a long-standing father-son enterprise of growing and selling marijuana from their residence. 142 Idaho 98, 103-04, 123 P.3d 1254, 1259-60 (Ct. App. 2005).⁸ The investigation of the enterprise took place over a period of eleven years. Ultimately, the investigating officer felt he had enough information to apply for a warrant to search the residence and outbuildings on the premises. *Id.* He included detailed information of his investigation in the affidavit, including information regarding marijuana stems discovered in the defendants' trash three days prior to applying for the warrant. *Id.* The defendants argued the information in the application was too stale to give rise to probable cause. The Court acknowledged that, if viewed in isolation, the information in the warrant which was several years old would be too stale. *Id.* at 105-06, 123 P.3d 1254, 1261-62. However, the Court explained that the various elements and sources of information in a warrant affidavit must be viewed collectively, with the older information viewed with "due caution." *Id.* Considering that a good portion of the information was generated within close temporal proximity of the warrant application which, on its own established probable cause, the Court found application as a whole was not stale. *Id.*

The fact that Detective Pietrzak referred to material in his affidavit which is three years old does not render the information stale. As in *Woodward*, Defendant is suspected of continuing criminal activity – serial bank robbery. The vast majority of information contained in Detective Pietrzak's affidavit predated the affidavit by only one to four months, with the most relevant information – the discovery of the vehicle and the observation of the particular bump on Defendant's hand and his distinctive nose - occurring the day the affidavit was submitted. This information linked Defendant to all three robberies, thereby curing any staleness.

⁸ See also, *Turnbeaugh*, 110 Idaho at 14, 713 P.2d at 450 (affidavit for search warrant detailed investigation of defendant's drug activity over five year period, when viewed in combination with recent discovery of drugs and money at the scene of defendant's car accident, was not stale and sufficient to establish probable cause).

2. The affidavit established a sufficient nexus.

Assertions in the affidavit must establish a sufficient nexus between criminal activity, the things to be seized, and the place to be searched to lead to the issuance of a warrant. *Carlson*, 134 Idaho at 476, 4 P.3d at 1127. In *Zurcher v. Stanford Daily et al.*, the U.S. Supreme Court held that “the critical element in a reasonable search is not that the owner of the property is suspected of crime but that there is reasonable cause to believe that the specific ‘things’ to be searched for and seized are located on the property to which entry is sought.” 436 U.S. 547, 556 (1978). Importantly, a magistrate need only determine that it would be reasonable to seek the evidence in the place indicated in the warrant, not that the evidence sought is there in fact, or is more likely than not to be found, where the search takes place. *O’Keefe*, 143 Idaho at 287, 141 P.3d at 1156.

With regard to Defendant’s hotel room, Pietrzak’s affidavit states:

Your affiant also knows that items remain in the hotel room Williams has been staying in since August 8, 2015 per hotel employees/records. From the outside, your affiant could see two backpack style bags. Both bags appear to contain property. Your affiant was not able to see any item or property that he could directly link to any of the listed crimes.

THEREFORE, your Affiant has probable cause and is positive that said property described herein is concealed within the above described premises[.]

The “room” described in the affidavit is further described as “West River Inn Room #24.” Defendant argues that Detective Pietrzak’s statements did not adequately demonstrate that evidence of the robberies would reasonably be found in Room 24. He notes that he did not begin residing in Room 24 until seventeen days after the last of the three robberies occurred. Further, the affidavit did not state whether Defendant was in fact registered to the room and, if so, whether he was the sole occupant of the room. Defendant acknowledges that Idaho appellate courts find that it is reasonable to infer that a regular drug trafficker keeps evidence of drug dealing in his or her home. *O’Keefe, supra*. However, he notes that Room 24 is a motel room Defendant did not reside in at the time of the crimes in not entitled to the same inference absent specific facts linking the room to the crime.⁹

⁹ Defendant ignores a reasonable inference that can be drawn here that the Defendant was using hotel rooms as a residence as he was last known to be a Washington state resident.

With regard to Defendant's first contention regarding whether Defendant was the sole registered guest of Room 24, a reasonable inference can be drawn that such was the case based Detective Pietrzak's affidavit statement that "Williams has been staying in [Room 24] since August 8, 2015 per hotel employees/records." Had there been other individuals seen by either Detective Pietrzak or hotel staff coming and going from the room on a regular basis suggesting they were also guests, this fact likely would have been included in the affidavit. The fact that it was not suggests Defendant was the sole occupant.¹⁰ Further, the affidavit states that hotel staff confirmed that "the person who registered the car with the hotel had provided the name of Kent Glen Williams[.]" Viewing these facts collectively, they give rise to a reasonable inference that Defendant was registered as the sole occupant of Room 24.

With regard to Defendant's second contention that the affidavit lacked sufficient facts linking evidence of the crime to Room 24, this Court disagrees.¹¹ Detective Pietrzak's affidavit noted factual links between the robberies and Room 24 which, based on his professional and extensive experience investigating robberies, suggested to him that evidence of the robberies could be located in the room. Namely, he pointed out that Defendant began staying in the room approximately two weeks after the last robbery and, from the outside of the room, he saw two backpack style bags appearing to contain property. Although he did not see any open and obvious evidence of the crimes, Detective Pietrzak noted he was "positive" the room, including

¹⁰ In fact, Detective Pietrzak did learn from Detective Thorndyke that Inn staff confirmed Defendant was the sole occupant of the room; however, this information was not contained in the affidavit.

¹¹ In support of this argument, Defendant relies on *United States v. Rowland*, 145 F.3d 1194, 1204-06 (10th Cir.1998). In *Rowland*, the government obtained an anticipatory search warrant for Rowland's residence based on an affidavit which stated: 1) the defendant had ordered child pornography video tapes and requested delivery to his post office box, 2) that the agents planned to make a controlled delivery of the video tapes to the defendant's post office box and planned to maintain surveillance over the post office box to ensure the defendant picked up the package, and 3) that the defendant had been observed on several occasions collecting mail from the post office box and walking back to work. *Id.* The affidavit contained "[o]nly an oblique reference" to the anticipated route of the pornography after its delivery to the post office box, stating that it was "anticipated" that the defendant would return to his residence after work. *Id.* The agents put a tracking device in the package to track where the defendant took it. However, after the defendant returned to his office, the device stopped working. The agents were unable to confirm that the defendant subsequently removed the package from his office and brought it to his residence. *Id.* Given the absence of any facts in the affidavit suggesting that defendant would take the pornography with him to his residence, the Tenth Circuit found the anticipatory warrant to search the residence lacked probable cause because there was no stated nexus between the pornography and the residence. *Id.* at 1206. *Rowland*, however, is distinguishable, with the obvious difference being that it involved an anticipatory warrant, whereas this case involved a traditional warrant because there was probable cause that evidence of the robbery was in Room 24, not that it was *en route* to Room 24 or likely to arrive there by the time of the search. Further, unlike in *Rowland*, Detective Pietrzak's affidavit contains more than just his belief that evidence might be in Room 24 – he provides facts supporting his belief, as discussed.

any "closed containers/bags" contained evidence of the crime. His affidavit makes clear that he did not seek to search the room simply because it was associated with Defendant and Defendant was suspected of a crime; rather, Detective Pietrzak provided concrete facts linking the room to the crimes which, given Detective's Pietrzak's extensive experience in robbery investigations, was sufficient to give rise to an inference that fruits of the crime could be discovered in the room.

Further, while it is certainly conceivable, as Defendant argues, that he returned to the Washington address during the two week time delay between the last robbery and the commencement of his stay at the Inn, it is not the most reasonable inference considering the nature of serial robbery and the nature of the items sought. As noted by the Ninth Circuit:

Direct evidence linking criminal objects to a particular site is not required for the issuance of a search warrant. A magistrate need only determine that a fair probability exists of finding evidence, considering the type of crime, the nature of items sought, the suspect's opportunity for concealment and normal inferences about where a criminal might hide stolen property.

United States v. Jackson, 756 F.2d 703, 705 (9th Cir. 1985), internal cites omitted.

Importantly, the magistrate issuing the warrant is entitled to use common sense in determining whether it is reasonable from the affidavit to believe that evidence of a crime may be found in a particular place. Common sense suggests that serial bank robbery is often transient in nature - particularly where the suspected robber is believed to be from out-of-state - with robbers moving from city to city to commit their crimes and, by necessity, staying in motels or similar lodgings along the way. Just like it is reasonable to infer that a regular drug trafficker keeps evidence of drug dealing in his residence, it is also reasonable to infer that a serial bank robber will store evidence of his crimes, including cash, weapons, and disguises, wherever he happens to be staying.¹² Further, evidence of the bank robbery does not generally dissipate

¹² Additionally, the affidavit did not state whether Defendant maintained a residence in Washington; only that his vehicle was registered to a Washington address and Defendant had a Washington driver's license. Absent any reference in the affidavit to a permanent residence, coupled with the fact that Defendant had been staying in Room 24 for an extended period, it was reasonable to infer that a likely place to find incriminating items would be in Room 24 as opposed to an unidentified residence hundreds of miles away from the scene of the robberies. *Compare, United States v. Green*, 634 F.2d 222, 225-26 (5th Cir.1981) (holding no probable cause to search defendant's house in Florida where crimes committed in California) with *United States v. Jones*, 994 F.2d 1051, 1057 (3d Cir. 1993)(finding that where defendants' residences were near the scene of the crime, it was not unreasonable for magistrate to conclude the residences were a likely source of evidence). Because the last robbery was committed within a few miles of Room 24 and Defendant appeared to be treating Room 24 as a residence, it was likely that evidence of the robbery would be located in Room 24.

quickly, especially when large sums of cash are obtained. A robber may possess bills linked to the robbery long after the robbery occurs.¹³ Likewise, weapons and clothes may be maintained for future use. Given these realities, it was reasonable for the magistrate to conclude that Defendant still retained evidence of the robbery (i.e., bills, clothes, gun) despite having allegedly committed the last robbery two weeks prior to commencing his stay at the Inn, and that such evidence was likely contained in his motel room, the only place in which Defendant was known to staying since that last robbery.

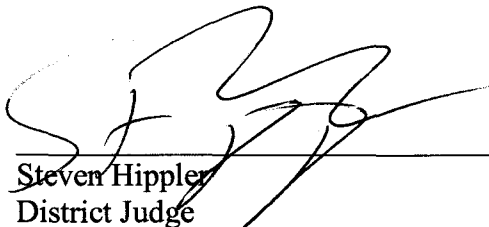
In sum, this Court does not find that Defendant has met his burden of establishing that Judge Swain abused his discretion in finding probable cause for issuance of the warrant based on Detective Pietrzak's affidavit. Consequently, the evidence resulting from the execution of the warrant will not be suppressed.

V. ORDER

Based on the evidence presented, witness testimony heard, and arguments made, Defendant's Motions to Suppress are hereby DENIED.

IT IS SO ORDERED

Dated this 22nd day of March, 2016.



Steven Hippler
District Judge

¹³ See, e.g., *United States v. Jones*, 994 F.2d at 1056 (finding that the passage of two weeks between the robbery and the issuance of the warrant did not dispel probability that cash, guns and clothing was still in suspect's residence).

Time	Speaker	Note
04:07:33 PM		State v. Kent Williams CRFE15-12724 Pretrial Conference Cust
04:08:08 PM	Judge	calls case, def present in custody
04:08:59 PM	State	Josh Haws and Daniel Dinger
04:09:06 PM	PD	Jonathan Loschi and Reed Smith
04:09:11 PM	Judge	time for pretrial conference and security issues
04:09:25 PM		also email about request for new counsel
04:09:35 PM		also motion for access to shower and shave
04:09:42 PM	PD	we'll withdraw the request for new counsel
04:10:20 PM	Judge	lets take up security measures
04:11:07 PM	State	calls Sgt Harris
04:11:09 PM	Witness	Sworn
04:11:42 PM	State	Direct Exam
04:11:54 PM	Witness	in charge of transport and courtroom security
04:12:25 PM		he's still a level one
04:12:29 PM		I don't have anything to do with his classification
04:12:59 PM		he could pose a potential risk at trial
04:13:08 PM		a flight risk
04:13:12 PM		leg weights
04:13:17 PM		bolt to the floor
04:13:21 PM		deputies with suits at trial
04:13:39 PM		every trial poses a risk and this one does as well
04:13:48 PM		the potential penalties with this one
04:13:56 PM		past charges, past behavior and current behavior
04:14:10 PM		he did make a statement
04:14:16 PM		more like a question
04:14:19 PM		we met about 10 days ago for a suppression
04:14:26 PM		prior to that hearing, we were waiting in 503, waiting to go to 501
04:14:39 PM		he's a very observant person, as am I
04:14:45 PM		he was looking at the floor plate
04:15:05 PM		his comment about escaping and would we shoot him
04:15:20 PM		he kept asking if we'd shoot him
04:15:31 PM		I was surprised he'd ask and then keep asking
04:15:49 PM		when public is coming in, we don't know who's coming in
04:16:39 PM		want him to participate in his defense
04:16:45 PM		want him comfortable, it will be some long days
04:17:14 PM		I had a question of him asking what courtroom we'd be in
04:17:59 PM		503 and 504, 508 have elevator access, there's bathroom for him, and a room for him to visit with his attorneys
04:18:39 PM		I know 503 and 508 have a bolt for the floor

04:19:01 PM		have one leg restrained to the floor
04:20:02 PM	PD	Cross Exam
04:20:23 PM	Witness	we used this exact courtroom for that trial
04:20:32 PM		both legs were shackled
04:20:38 PM		I set up the security plan
04:20:49 PM		we didn't do that without permission of their attorneys
04:20:58 PM		no one had any problems
04:21:06 PM	PD	I have no problem with a leg chain
04:21:16 PM	Witness	the entire chain is in bicycling tubing, so there's no noise
04:21:36 PM		it's in most courtrooms
04:21:53 PM		my plan is to transport him to the courthouse with the black box
04:22:13 PM		when he's then here, we'll take the black box and waist chain off
04:22:28 PM	PD	he's concerned about the marks on his arms
04:22:38 PM	Def	I don't want the jury to see that I've been restrained
04:22:49 PM	PD	clothing protocol
04:22:55 PM	Witness	whatever you bring down, we'll see that he's looking good
04:23:11 PM		he won't be leaving the basement to the courtroom in the black box
04:24:09 PM	PD	I'm fine with everything
04:24:29 PM		defendant's concerns
04:24:48 PM	Witness	that's a good point
04:24:57 PM		I'll work with you on that
04:25:00 PM	Judge	sounds like there's no objection
04:25:10 PM		the proposal doesn't sound unreasonable
04:26:26 PM	State	one additional issue
04:27:52 PM	Judge	take up issue of hygiene
04:28:01 PM	PD	we'll put him in a suit
04:28:25 PM		hope court would sign an order that would allow him the morning of court that he could have access to shower and shave
04:29:19 PM	Harris	I know his access is limited, but I'll make it happen
04:29:36 PM	Judge	now the firearm
04:29:42 PM	PD	addresses the firearm
04:30:44 PM	Judge	hypothetical
04:32:25 PM	Judge	what's to stop from asking for a judgment of acquittal
04:34:45 PM	State	I presented a proposal to the defense today, they turned it down
04:35:11 PM		he qualified for a persistent
04:35:23 PM		our proposal to bifurcate
04:36:08 PM	Judge	you want them to agree to persistent violator also, otherwise you're fine with the defense proposal
04:38:01 PM	PD	I don't know what we'd accomplish by stipulating

04:38:16 PM	Judge	essential element of the case, he has prior felonies; an element the jury has to find
04:38:35 PM	PD	I have the jury instructions right here
04:39:21 PM	Judge	hypothetical
04:39:40 PM		you want them to prove that he has that felony
04:41:40 PM	PD	he has the two prior felonies and now possessed a firearm also
04:41:51 PM		if you're not going to bifurcate it
04:42:08 PM		if they have to know he has one prior felony, I don't want them to know he has two prior felonies
04:42:45 PM	Judge	I guess I'm looking for an agreement if one can be reached
04:42:55 PM	State	response
04:43:05 PM		we're taking this out of order
04:43:23 PM		if defense wants to stipulate, that solves the problem
04:43:40 PM		whether part II, that means little to the state
04:44:16 PM	PD	think we're willing to stipulate
04:44:29 PM		the next thought though
04:45:09 PM		I think I reached a dead end
04:45:21 PM		we'll deal with that when we get to the part II
04:45:43 PM		we'll stipulate to the unlawful possession of a firearm
04:45:55 PM	Judge	after the verdict comes in?
04:46:01 PM	PD	yeah
04:46:06 PM	Judge	what Haws was suggesting?
04:46:55 PM		was that what was suggested? correct me I'm wrong
04:47:59 PM	PD	one second
04:49:00 PM		okay, would still be our request of the counts; explains proposal
04:49:50 PM	Judge	doing it in 3 parts now?
04:49:56 PM	PD	still 2 parts, still coming back for a part II
04:50:06 PM	Judge	trial, informed of 2 counts robbery and possession of firearm; what ever they come back, we'd still come back on unlawful possession of firearm; there would be a stipulation of qualifying felony; also within part II of trial, if convicted on one of the underlying felonies, the state would put on proof of the prior felonies?
04:51:06 PM	PD	yes
04:51:53 PM	State	I think we're real close
04:52:16 PM		don't think it needs to be 3 parts
04:53:09 PM	PD	nothing prejudicial
04:53:16 PM	State	this is part of our list today for the pretrial conference
04:53:26 PM		allow us to amend ct 2, we were looking closely at our charging documents
04:53:55 PM	Judge	you want to amend ct 2?
04:54:02 PM	State	yes

04:54:05 PM		would be read in part II of the trial
04:54:22 PM	Judge	you'll have to prove both of these either way
04:54:40 PM	PD	we're fine with that amendment, no objection
04:54:52 PM	Judge	this is an indictment
04:55:26 PM	State	I think we have an understanding
04:55:37 PM		I think we can call off that witness from Washington
04:56:08 PM	Judge	everyone is on board?
04:56:14 PM	PD	yes
04:56:16 PM	Judge	Mr. Williams?
04:56:21 PM	Def	think so
04:56:26 PM	Judge	write this up
04:56:33 PM		present an amended information
04:56:39 PM	PD	have the witness list
04:56:57 PM	State	we have ours also
04:57:21 PM	State	a final point
04:57:25 PM		intend to introduce the firearm
04:57:30 PM		working with marshals office
04:57:40 PM	Judge	I like it secured
04:58:09 PM	State	believe it's in a heat sealed bag
04:58:32 PM	Dinger	question about counts, don't want to wonder where count 2 is?
04:58:45 PM	PD	I didn't want to confuse anyone at the appellate level
04:59:06 PM	Judge	however you all can agree to it
04:59:50 PM	Judge	I haven't seen any media about this case
05:00:14 PM		5 day trial
05:00:19 PM		probably use 2 alternates
05:00:50 PM		Monday 9 to 4pm, Tuesday 9 to 4pm; Wednesday 9 to 2:45pm; Thursday 9 to 4pm; and Friday we'll go to verdict
05:01:48 PM		probably give jury a full lunch, maybe 45 minutes
05:06:07 PM	State	still working on redactions
05:06:24 PM		will be delivered to him tomorrow
05:06:40 PM	Judge	any evidentiary issues?
05:06:52 PM	State	no
05:06:54 PM	PD	we've talked a lot
05:07:49 PM	Judge	write up a written stipulation on the plan
05:08:04 PM	Dinger	I'll get an amended information
05:08:31 PM		end of case

MAR 22 2016

CHRISTOPHER D. RICH, CLERK
By ARIC SHANK
DEPUTY

128
JT
3/28
9:00
ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Jonathan Loschi
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,


Defendant.

Case No. CR-FE-2015-0012724

**DEFENDANT'S SECOND
DISCOVERY RESPONSE TO COURT**

COMES NOW the defendant, KENT GLEN WILLIAMS, by and through his attorney, Jonathan Loschi, Ada County Public Defender's Office, and informs the Court that the Defendant has submitted an Addendum to Response to Discovery.

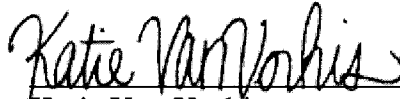
DATED this 22nd day of March 2016.



JONATHAN LOSCHI
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 22nd day of March 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

MAR 22 2016

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

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

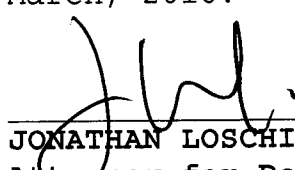
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
	)	CASE NO. CR FE 2015 12724
Plaintiff,)	
	)	DEFENSE WITNESS LIST
vs.)	
)	
KENT WILLIAMS,)	
)	
Defendant.)	
_____)	

COMES NOW, the defendant, kent Williams ^{he} ~~NICHOLAS STOREY~~, by and through his attorney of record, JONATHAN LOSCHI, and hereby submits this witness list in anticipation of trial:

- 1) Jana Piersol;
- 2) Nicole Romero;
- 3) Kim McDaid;
- 4) Amanda Strait;
- 5) Jen Delaney.

DATED, this 22 day of March, 2016.



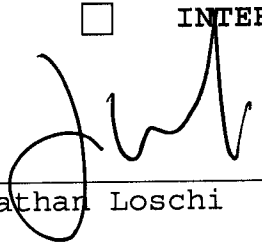
JONATHAN LOSCHI
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 22 day of March 2016, I
mailed a true and correct copy of the foregoing to:

ADA COUNTY PROSECUTOR'S OFFICE

<input type="checkbox"/>	U.S. MAIL
<input checked="" type="checkbox"/>	HAND DELIVERED
<input type="checkbox"/>	FACSIMILE
<input type="checkbox"/>	INTERDEPARTMENTAL MAIL



Jonathan Loschi

MAR 22 2016

CHRISTOPHER D. RICH, Clerk
By **EMILY CHILD**
DEPUTY

JAN M. BENNETTS

Ada County Prosecuting Attorney

Joshua P. Haws

Deputy Prosecuting Attorney

200 W Front Street, Room 1107

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.)

KENT GLEN WILLIAMS,)

Defendant.)

Case No. CR-FE-2015-0012724

**STATE'S LIST OF POTENTIAL
TRIAL WITNESSES**

COMES NOW, Joshua P. Haws, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and does hereby provide the following list of trial witnesses:

1. Clint Thompson, Key Bank
2. Jennifer Delaney, Boise Police Department
3. Officer Z. Helbach
4. Jamie Spellman, Key Bank
5. Officer J. Pietrzak, Boise Police Department
6. Officer J. Thorndyke, Garden City Police Department
7. Detective M. Iverson, Boise Police Department
8. Steve Miller, Total Systems Services
9. Amanda Strait, Boise Police Department

10. Kim Nix, Washington State Department of Correction
11. Earl Peck, Key Bank
12. Keesha Hart, Key Bank
13. Earl Tripp, c/o Ada County Prosecutor's Office
14. Special Agent C. Sheehan, Federal Bureau of Investigation
15. Special Agent R. Draper, Federal Bureau of Investigation
16. William Bellis, West River Inn
17. Bahadur Rai, 7K Motel
18. Mahesh Patel, Boise Inn
19. Jana Peirsol, c/o Ada County Prosecutor's Office
20. Ryan Williams, Total Systems Services
21. Jessica Bovard, Boise Police Department

DATED this 22nd day of March, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney



Joshua P. Haws
Deputy Prosecuting Attorney

126
JT
3/28
9:00

MAR 23 2016

CHRISTOPHER D. RICH, Clerk
By CHRIS FRIES

JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

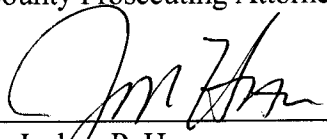
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2015-0012724
vs.)	
	)	SECOND ADDENDUM
KENT GLEN WILLIAMS,	)	TO DISCOVERY RESPONSE
	)	TO COURT
Defendant.)	
)	
_____)	

COMES NOW, Joshua P. Haws, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted a Second Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 23rd day of March, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney


By: Joshua P. Haws
Deputy Prosecuting Attorney

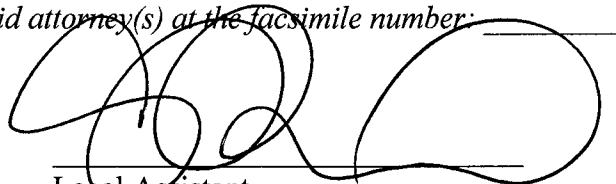
JP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of March, 2016, I caused to be served, a true and correct copy of the foregoing Second Addendum to Discovery to Court upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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



Legal Assistant

NO. 1156 FILED
A.M. _____ P.M. _____

MAR 24 2016

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

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

THE STATE OF IDAHO,

Plaintiff,

VS.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

**THIRD ADDENDUM TO
DISCOVERY RESPONSE TO
COURT**

COMES NOW, Joshua P. Haws, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Third Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 24th day of March, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney

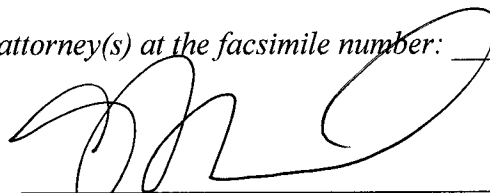
By: Joshua P. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2016, I caused to be served, a true and correct copy of the foregoing Third Addendum to Discovery to Court upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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



Legal Assistant

NO. _____
A.M. _____ FILED P.M. 2:19

MAR 25 2016

CHRISTOPHER D. RICH, Clerk
By WENDY MALONE
DEPUTY

128
JT
3/28
9-
JAN M. BENNETTS
Ada County Prosecuting Attorney

Joshua P. Haws
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

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

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

KENT GLEN WILLIAMS,)

Defendant.)

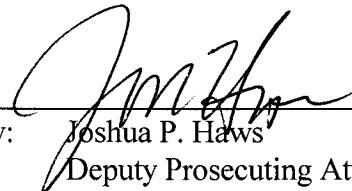
Case No. CR-FE-2015-0012724

FOURTH ADDENDUM TO
DISCOVERY RESPONSE TO
COURT

COMES NOW, Joshua P. Haws, Deputy Prosecuting Attorney in and for Ada County, State of Idaho, and informs the Court that the State has submitted an Fourth Addendum to Response to Discovery.

RESPECTFULLY SUBMITTED this 25th day of March, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney

By: 
Joshua P. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2016, I caused to be served, a true and correct copy of the foregoing Fourth Addendum to Discovery to Court upon the individual(s) named below in the manner noted:

Jonathan Loschi, Ada County Public Defender's Office, 200 W. Front Street, Rm. 1107, Boise, ID 83702

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



Legal Assistant

128
JT
3/28
9A

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

NO. _____ FILED 327
A.M. _____ P.M.

MAR 25 2016

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,

vs.

KENT WILLIAMS,

Defendant.

Case No. CR-FE-2015-12724

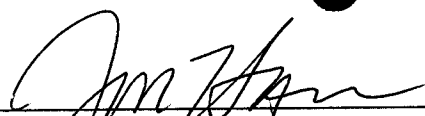
STIPULATION TO BIFURCATE
TRIAL WITH RESPECT TO CHARGE
OF FELON IN POSSESSION OF A
FIREARM


The parties above-named, by and through undersigned counsel, come now and hereby stipulate and agree to the following bifurcated procedure at trial:

- 1) The jury would be informed prior to the start of trial that the defendant is charged with two counts of Robbery, and one count of Use of a Firearm in Commission of a Crime;
- 2) If the jury acquits the defendant of all charges, or convicts the defendant of any or all charges, the jury would then be instructed in the second part of the trial on the charge of "Felon in Possession of a Firearm". The defendant would then stipulate that he is a prohibited possessor of a firearm for the purposes of that charge;
- 3) In the second part of the trial, the state would also present its' proof on the persistent violator enhancement. For the purposes of the enhancement, the defendant is not stipulating to prior convictions;
- 4) In the second part of the trial, the jury would be instructed that they must establish guilt or innocence on the charge of "Felon in Possession of a Firearm" before considering the "persistent violator enhancements".

DATED, this 25th day of March 2016.

mo



JOSH HAWS
Deputy Prosecutor

JONATHAN LOSCHI
Attorney for Defendant

KENT WILLIAMS
Defendant

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JT
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9A

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

MAR 25 2016

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Jonathan Loschi
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,


Defendant.

Case No. CR-FE-2015-0012724

DEFENDANT'S SECOND
DISCOVERY RESPONSE TO COURT

COMES NOW the defendant, KENT GLEN WILLIAMS, by and through his attorney, Jonathan Loschi, Ada County Public Defender's Office, and informs the Court that the Defendant has submitted an Addendum to Response to Discovery.

DATED this 25th day of March 2016.

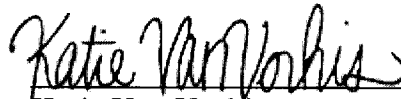


JONATHAN LOSCHI
Attorney for Defendant

MD

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25th day of March 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

Time	Speaker	Note
<u>08:19:53 AM</u>		State v. Kent Williams CRFE15-12724 Jury Trial – Day 1
<u>08:20:00 AM</u>	Judge	calls case
<u>08:20:03 AM</u>	State	Josh Haws and Daniel Dinger
<u>08:20:04 AM</u>	PD	Jonathan Loschi and Reed Smith
<u>08:20:05 AM</u>	Judge	do you know where your client wants to go?
<u>08:20:06 AM</u>	PD	I'm sure he's going to ask to fire us
<u>08:20:43 AM</u>	Judge	we'll find out then
<u>08:21:18 AM</u>	Judge	defendant and counsel are present
<u>08:22:04 AM</u>	State	we have the amended information
<u>08:22:38 AM</u>	PD	it's been agreed to
<u>08:22:47 AM</u>	Judge	you waive a formal reading
<u>08:23:02 AM</u>	PD	waive procedural rights
<u>08:23:07 AM</u>	Judge	I've been informed you're not happy with your lawyers
<u>08:23:16 AM</u>	Def	I'm not
<u>08:23:25 AM</u>		there have been some recent developments
<u>08:24:02 AM</u>		he only comes and talks to me before the hearing
<u>08:24:12 AM</u>		seemed he was conceding on the car
<u>08:24:42 AM</u>		the law is always evolving
<u>08:25:45 AM</u>		I've been writing him non-stop about my thoughts
<u>08:25:57 AM</u>		he's conceding a gun charge, I've told him my defense to that
<u>08:26:16 AM</u>		I have stacks of letters about that
<u>08:26:36 AM</u>		waiting for him to come talk to me about a defense
<u>08:27:10 AM</u>		I don't know what our defense is
<u>08:27:15 AM</u>		Mr. Reed has come up a few times
<u>08:27:21 AM</u>		he was going to prepare my testimony
<u>08:27:37 AM</u>		I wanted to see the records of my social security
<u>08:27:52 AM</u>		that would show why I can't keep money in a bank, but in my pockets
<u>08:28:08 AM</u>		my medical reasons why I might not remember
<u>08:28:48 AM</u>		this is a robbery case, you have to have proof of income
<u>08:29:10 AM</u>		please don't let this trial start, so I can get my social security records
<u>08:29:28 AM</u>		I can't imagine a trial without this or without knowing what my defense is
<u>08:29:45 AM</u>	Judge	those are your concerns?
<u>08:29:50 AM</u>	Def	that's the best I can remember right now
<u>08:29:59 AM</u>	PD	he has his idea of trial strategy and I have mine
<u>08:30:10 AM</u>		it's come down to Mr Smith and I with trial strategy

<u>08:30:27 AM</u>		Mr. Smith has spent 16 hours with Williams this past week
<u>08:30:36 AM</u>		I've been at working prepping for trial
<u>08:30:46 AM</u>		in regards to the social security records
<u>08:30:57 AM</u>		we do have checking account records
<u>08:31:09 AM</u>		I've spoken to the state
<u>08:31:13 AM</u>		they aren't going to dispute that he receives social security
<u>08:31:27 AM</u>		I agree with Kent, we have strong disagreements on how best to proceed
<u>08:31:39 AM</u>		I've had to end these disagreements by saying it's my call
<u>08:31:51 AM</u>	Def	I understand he has final say in trial strategy
<u>08:32:45 AM</u>	Judge	state isn't going to challenge social security
<u>08:32:53 AM</u>	Def	not what I'm talking about
<u>08:33:01 AM</u>		he could have told me earlier on
<u>08:33:21 AM</u>		I know he has the final say so
<u>08:33:26 AM</u>		not appropriate to lead me on
<u>08:33:35 AM</u>		it's the basic defense and how I thought we were going to go
<u>08:33:46 AM</u>		it's a fundamental difference
<u>08:33:53 AM</u>		he should have informed me longer than 6 days before trial
<u>08:34:34 AM</u>	Smith	I was probably out with him for 16 hours last week
<u>08:34:49 AM</u>	Def	he's not my lead attorney
<u>08:34:55 AM</u>	Judge	anything else?
<u>08:35:02 AM</u>	Def	no
<u>08:35:04 AM</u>	Judge	doesn't have right to choose his counsel
<u>08:35:23 AM</u>		trial strategy is something that is left with defense counsel
<u>08:36:00 AM</u>		no nature of legal conflict that would require the replacement of counsel
<u>08:36:13 AM</u>		differences in defense doesn't give right to different counsel, that is discretion of defense counsel
<u>08:36:34 AM</u>		doesn't sound like social security is an issue
<u>08:37:05 AM</u>		don't see anything that rises to the level of new counsel
<u>08:37:25 AM</u>		court notes that Mr. Loschi is an experienced attorney and best I've seen
<u>08:37:50 AM</u>		don't see a need to appoint new counsel
<u>08:37:57 AM</u>		I'll deny your request for new counsel
<u>08:38:09 AM</u>	Judge	do you want to?
<u>08:38:54 AM</u>	Def	I wish to go pro se
<u>08:39:00 AM</u>	Judge	explains risks
<u>08:40:15 AM</u>	Def	I will choose not to represent myself

<u>08:40:27 AM</u>	Judge	I have security risks that we agreed to last week, that isn't going to change
<u>08:41:43 AM</u>		there is risk to the public in this courtroom
<u>08:42:02 AM</u>		you can address jury from counsel table
<u>08:42:17 AM</u>	Def	this is a significant factor thinking of this chain on me
<u>08:42:27 AM</u>		I don't have freedom of mind
<u>08:42:36 AM</u>		the prosecutor can go everywhere they want
<u>08:42:47 AM</u>	Judge	the jury won't be aware of that
<u>08:42:55 AM</u>	Def	you're taking away my fundamental right
<u>08:43:08 AM</u>	Judge	I can have standby counsel use the technical devices for you
<u>08:43:36 AM</u>	Def	I want to be in front of the jury and pace back and forth
<u>08:43:50 AM</u>	Judge	evidence isn't admissible in opening statements
<u>08:44:07 AM</u>		you're only 15 feet from the jury box, you can make eye contact with them
<u>08:44:20 AM</u>	Def	I want to represent myself
<u>08:44:27 AM</u>		I want freedom of body, it's not fair
<u>08:44:42 AM</u>		restraints hinder my mind
<u>08:44:50 AM</u>		I withdraw my request
<u>08:44:55 AM</u>	Judge	you're not completely restrained
<u>08:45:01 AM</u>		only the chain limits your ability to step away from the desk
<u>08:45:11 AM</u>		you can withdraw your request
<u>08:45:25 AM</u>	Def	you've made your decision
<u>08:45:31 AM</u>	Judge	you want counsel to represent you
<u>08:53:56 AM</u>	Def	yes
<u>08:57:09 AM</u>	Judge	jury panel is present
<u>08:58:42 AM</u>	Clerk	roll call of panel
<u>09:02:50 AM</u>	Judge	Jury instructions
<u>09:03:24 AM</u>	Clerk	Jury Panel sworn
<u>09:09:44 AM</u>	Judge	#28 is excused
<u>09:10:05 AM</u>		Voir Dire
<u>09:13:07 AM</u>	Judge	#6 is excused
<u>09:21:39 AM</u>		#70 is excused
<u>09:27:30 AM</u>		#34 is excused
<u>09:28:01 AM</u>		#63 is excused
<u>09:31:44 AM</u>		#77 is excused
<u>09:33:59 AM</u>	State	Voir Dire
<u>10:20:30 AM</u>		pass for cause
<u>10:20:32 AM</u>	Judge	take a 10 minute recess
<u>10:20:50 AM</u>		admonition
<u>10:38:36 AM</u>	Judge	court resumes
<u>10:38:47 AM</u>	PD	Voir Dire

<u>11:21:18 AM</u>		pass panel for cause
<u>11:21:28 AM</u>	Judge	we'll be starting the peremptory challenges, take about 15 minutes
<u>11:42:40 AM</u>	Judge	call the numbers of the jurors selected
<u>11:46:08 AM</u>		no objections made to panel
<u>11:46:17 AM</u>		excuse remaining jurors not selected
<u>11:48:54 AM</u>		jury is excused to jury room
<u>11:49:03 AM</u>		have tables turned
<u>11:54:08 AM</u>	Judge	we'll bring the jury back in, have them sworn, jury instructions, then lunch break
<u>11:57:38 AM</u>		jury is present
<u>11:58:37 AM</u>	Clerk	Jury sworn
<u>11:58:41 AM</u>	Judge	jury instructions
<u>12:01:17 PM</u>		reads information
<u>12:19:40 PM</u>		admonition
<u>12:21:01 PM</u>		recess
<u>12:54:57 PM</u>	Judge	we dismissed #28 right out of the shoot, we did so because he was a brother in-law to one of the deputies; parties stipulated to that
<u>12:56:31 PM</u>	Judge	the jury is all present
<u>12:56:43 PM</u>	State	Opening Statement
<u>01:20:21 PM</u>	PD	Opening Statement
<u>01:30:49 PM</u>	State	calls Jamie Spellman
<u>01:31:42 PM</u>	Witness	Sworn
<u>01:31:47 PM</u>	State	Direct Exam
<u>01:32:16 PM</u>	Witness	work full time for Key Bank
<u>01:32:23 PM</u>		12 years in November
<u>01:32:27 PM</u>		mostly teller
<u>01:32:50 PM</u>		worked at Overland/Orchard
<u>01:32:58 PM</u>		worked at that branch 11 years
<u>01:33:11 PM</u>		Clint Thompson was also there
<u>01:33:22 PM</u>		get the bank ready for opening
<u>01:33:40 PM</u>		security protocols
<u>01:33:47 PM</u>		several cameras working
<u>01:35:58 PM</u>		responsible for my teller station
<u>01:36:06 PM</u>		some drawers are locked
<u>01:37:24 PM</u>		I was on the phone, hung up, turned and saw someone walking in
<u>01:37:54 PM</u>		he was walking in with a hat and sunglasses
<u>01:38:03 PM</u>		hat was knit with a brim on them
<u>01:38:10 PM</u>		the sunglasses were aviator, reflective, not clear
<u>01:38:35 PM</u>		a puffy jacket, slick material, purplish, burgundy
<u>01:38:59 PM</u>		it was zipped up, don't recall a shirt

01:39:11 PM		it was long-sleeved
01:39:18 PM		he pulled a mask up over his face
01:39:26 PM		it was purple in color
01:39:31 PM		it was grabbed and placed over his nose
01:39:40 PM		the hand was taken away, no hands holding it
01:39:59 PM		it was cloth, not stiff like a bandana
01:40:53 PM	State	hand you a series of photographs
01:41:57 PM	Witness	identifies St Ex 1 with time/date stamp
01:43:10 PM		identifies St Ex 2
01:43:43 PM		identifies St Ex 3
01:44:20 PM		he's still walking towards, in front lobby area
01:45:09 PM		identifies St Ex 4
01:45:39 PM	State	look at the rest 5-9
01:45:48 PM		move to admit 1-9
01:45:54 PM	PD	no objection
01:45:57 PM	Judge	1-9 are admitted
01:46:45 PM	Witness	he was taller than me, more slim, about 150 or 140
01:47:16 PM		paying more attention to business
01:50:50 PM		the button doesn't call 911 directly
01:52:03 PM		I have my top drawer open
01:52:57 PM		giving the money so he'd leave
01:53:03 PM		it's a terrifying situation, worried about others getting hurt
01:53:18 PM		I don't know if there's a package
01:53:25 PM		don't know their intent, want them out and we can all be safe
01:59:20 PM		he put his hands in his pockets, he opened both doors with his foot
02:00:00 PM		#9 is the back parking lot of the bank
02:00:50 PM	State	have you look at St Ex 83
02:01:20 PM		taken from google earth
02:01:45 PM		move to admit #83
02:01:52 PM	PD	no objection
02:01:55 PM	Judge	#83 is admitted
02:03:55 PM	Witness	he said have a nice day after he had the money
02:11:00 PM	PD	Cross Exam
02:11:46 PM	Witness	we share a parking lot with Walgreens
02:11:54 PM		don't recall anything suspicious
02:15:48 PM	PD	hand you Def Ex's A & B
02:16:31 PM	Witness	identifies Def Ex A, serious of bate money by serial numbers
02:16:58 PM		idenfites Def Ex B, tells how much money was lost
02:17:37 PM	PD	move to admit Def Ex's A & B

02:17:46 PM	State	no objection
02:17:49 PM	Judge	A and B are admitted
02:21:46 PM	Witness	no note, it was verbal
02:22:15 PM		haven't read my statements from police reports
02:22:29 PM		explains dye pack
02:23:07 PM		he didn't want anything that could be tracked
02:24:32 PM		no accent
02:26:19 PM	State	Redirect
02:27:43 PM	Judge	witness may step down
02:28:15 PM		admonition
02:42:55 PM	Judge	jury is present again
02:43:01 PM	State	calls next witness
02:43:51 PM	Witness	Sworn
02:46:09 PM	State	Direct Exam
02:46:13 PM	Witness	Clint Thompson
02:48:19 PM		robbers demands
02:50:18 PM	State	have you look at St Ex 20
02:50:33 PM	Witness	identifies St ex 20, a transponder bill
02:54:44 PM	PD	Cross Exam
02:56:19 PM	State	Redirect
02:56:39 PM	Witness	each drawer has a specific bill
02:56:54 PM	PD	recross
02:57:21 PM	State	move to admit Ex 20
02:57:26 PM	PD	I'll object at this point
02:57:36 PM	Judge	I'll hold and reserve ruling, lay more foundation
02:57:46 PM	State	calls next witness
02:58:23 PM	Witness	Sworn
02:58:40 PM	State	Direct Exam
02:58:53 PM	Witness	Zachary Hedlock
02:59:06 PM		patrol officer with Ada County Sheriff's office
02:59:14 PM		10 years with them
02:59:18 PM		8 years as patrol deputy
02:59:22 PM		duties and responsibilities
02:59:48 PM		training and experience
03:06:16 PM	State	have you look at St Ex 82
03:06:46 PM	Witness	identifies Ex 82
03:06:55 PM	State	move to admit Ex 82
03:07:01 PM	PD	no objection
03:07:05 PM	Judge	Ex 82 is admitted
03:08:27 PM	State	have you look at St Ex 16, 17, 18, 19
03:08:43 PM	Witness	identifies Ex 16, 17, 18, 19
03:09:16 PM	State	move to admit 16-19

03:09:24 PM	PD	no objection
03:09:36 PM	Judge	Ex 16-19 are admitted
03:09:59 PM	State	have witness look at St Ex 20
03:10:06 PM	PD	no objection
03:10:11 PM	Judge	Ex 20 is admitted
03:13:20 PM	PD	Cross Exam
03:15:27 PM	State	no redirect
03:15:31 PM	State	calls Ryan Williams
03:16:12 PM	Witness	Sworn
03:16:32 PM	State	Direct Exam
03:16:55 PM	Witness	Total Systems Services
03:17:18 PM		working there 6 years
03:17:23 PM		installed surveillance system
03:17:35 PM		know where the cameras are and the vision they have
03:19:23 PM		surveillance system with time stamp
03:20:06 PM		can't adjust the time and date
03:20:13 PM	State	have witness look at Ex's 10-15
03:21:10 PM	Witness	identifies Ex's 10-15
03:22:37 PM	State	have you look at Ex 82
03:26:23 PM		move to admit Ex's 10-15
03:26:29 PM	PD	no objection
03:26:32 PM	Judge	10-15 are admitted
03:30:38 PM	PD	Cross Exam
03:32:15 PM	Judge	witness may step down
03:32:21 PM	State	we'll be splitting up the testimony of our next witness
03:32:29 PM	Judge	approach
03:32:44 PM		you may
03:33:21 PM	State	calls next witness
03:33:22 PM	Witness	Sworn
03:33:45 PM	State	Direct Exam
03:33:52 PM	Witness	John Pieterzak
03:34:16 PM		recently with Garden City police
03:34:27 PM		I'm a detective with Crimes against Person
03:34:35 PM		there are 5 detectives and 1 sergeant
03:35:51 PM		case officer
03:37:30 PM		surveillance video at bank
03:47:44 PM		took every detail to identify vehicle
03:47:59 PM		wanted to try to find it locally first
03:48:06 PM		then we released it to media and law enforcement
03:48:34 PM		not an Idaho plate, no red stripe
03:54:19 PM	State	have you look at your flyer to refresh your recollection
03:55:12 PM		those are all the questions I have for you at this point

03:55:28 PM		we'll have you back again
03:55:33 PM	PD	Cross Exam
04:06:14 PM	State	no redirect
04:06:18 PM	Judge	witness may step down
04:06:23 PM	Judge	admonition
04:08:04 PM		jury excused
04:08:08 PM		any issues?
04:08:12 PM	State	no
04:08:14 PM		just recalibrate
04:08:20 PM		we might be able to finish by tomorrow afternoon
04:08:33 PM	PD	I do think Mr. Williams will testify, but not tomorrow
04:08:53 PM	Judge	be here ready to go at 8:30am
04:09:04 PM		end of case

COUNT I

That the Defendant, KENT GLEN WILLIAMS, on or about the 14th day of April, 2015, in the County of Ada, State of Idaho, did intentionally and by means of force and/or fear take from the possession of J.S., certain personal property, to-wit: U.S. Currency, the property of Key Bank, which was accomplished against the will of J.S. in that the Defendant demanded and received U.S. Currency.

COUNT II

That the Defendant, KENT GLEN WILLIAMS, on or about the 22nd day of July, 2015, in the County of Ada, State of Idaho, did intentionally and by means of force and/or fear take from the possession of E.P. certain personal property, to-wit: U.S. Currency, the property of Key Bank, which was accomplished against the will of E.P. in that the Defendant demanded and received U.S. Currency.


COUNT III

That the Defendant, KENT GLEN WILLIAMS, on or about the 22nd day of July 2015, in the County of Ada, State of Idaho, did use a firearm or deadly weapon, to-wit: a handgun in the commission of the crime alleged in Count II.

COUNT IV

That the Defendant, KENT GLEN WILLIAMS, on or about the 20th day of August, 2015, in the County of Ada, State of Idaho, did possess a firearm, to-wit: a Baretta handgun, knowing that he has been convicted of Murder In the First Degree in Washington in 1990, a felony crime, and/or Felony Harassment-Domestic Violence in Washington in 2011, a felony crime.

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.



JAN M. BENNETTS
Ada County Prosecuting Attorney

Time	Speaker	Note
08:48:24 AM		State v. Kent Williams CRFE15-12724 Jury Trial – Day 2
08:48:55 AM	Judge	any issues?
08:48:57 AM	PD	the leg shackling is causing him some problems
08:49:26 AM		he believes it's causing him anxiety
08:49:35 AM		believes he's not able to pay attention
08:49:47 AM		if he testifies, he'd not want to be leg shackled on the stand, so he can swivel around like the other witnesses
08:50:18 AM	State	he's free to move his arms and body
08:50:33 AM		ask that you stay with the prior ruling
08:50:41 AM	Judge	there was a stipulation previously for this ruling
08:51:05 AM		been watching him
08:51:12 AM		when he's stood, he's able to stand freely
08:51:20 AM		he can move around, he just can't walk away from the table
08:51:31 AM		he's been conversing with his counsel freely and talking with them
08:51:45 AM		this is the appropriate security for him
08:51:55 AM		he has freedom of his body, just not walking away from the table
08:52:14 AM		first it was the black box causing anxiety, he wanted more freedom
08:52:27 AM		now it's leg shackling
08:52:33 AM		stand with prior ruling
08:52:41 AM	PD	we did stipulate to this at the pretrial conference
08:53:00 AM		he's withdrawing that, since he didn't understand
08:53:58 AM	Def	I'm feeling like I'm guilty right now
08:54:06 AM		I should be able to cross my legs
08:54:11 AM	Judge	I've ruled
08:54:20 AM		counsel is free to renew the motion
08:54:25 AM	Judge	anything else?
08:54:35 AM		counsel indicated they didn't object
08:54:43 AM	State	first couple of witnesses
08:55:02 AM		think we could finish in the late afternoon
08:56:56 AM	Judge	you can't withdraw a stipulation
08:57:04 AM		why you can't withdraw a stipulation
08:59:00 AM	Judge	jury is present
08:59:23 AM	State	calls Earl Peck
09:00:16 AM	Witness	Sworn
09:00:28 AM	State	Direct Exam
09:00:42 AM	Witness	bank teller

09:00:48 AM		8 to 9 years with Key Bank
09:00:56 AM		general responsibilities
09:02:23 AM		bank drawers
09:02:48 AM		Broadway branch
09:02:56 AM		was closed shortly thereafter
09:03:40 AM		Keisha Hart was my manager
09:04:33 AM		I was at my station, mine is the closest to the door
09:04:56 AM		about 20 feet between door and my station
09:05:33 AM		describes man who entered bank
09:06:05 AM	State	show you exhibits 21-37
09:08:21 AM	Witness	identifies 21-37
09:08:31 AM	State	move to admit 21-37
09:08:35 AM	PD	no objection
09:08:38 AM	Judge	21-37 are admitted
09:12:06 AM	Judge	counsel approach
09:12:35 AM	Judge	we're going to take a break, have technical team come up
09:25:20 AM	State	continues Direct Exam
09:26:12 AM	Witness	believe I estimated his height at 5'8 to 6'2
09:26:28 AM		the sunglasses were mirrored
09:27:20 AM		when I saw him walk in, I thought we were being robbed
09:27:30 AM		he asked for 50s, 100s and 20s; then lifted his jacket and showed a gun
09:27:48 AM		took it as implied force
09:28:42 AM		I saw the handle
09:30:36 AM		fear of being shot
09:30:58 AM		demand was professional in a way; but an impatient demand
09:31:37 AM		said not to give him dye packs or transponders
09:33:26 AM		what he asked for
09:33:45 AM		he took the cash and was running it thru his hands
09:33:52 AM		I assume looking for a transponder
09:34:16 AM		I still had a 20 and it had a transponder in it
09:34:24 AM		he asked for that 20
09:34:30 AM		I gave it to him
09:34:39 AM		he felt it and said it had a transponder
09:34:53 AM		yelled at me to not lie to him again, lifted the jacket and showed the gun again
09:35:39 AM		he was in a hurry
09:38:57 AM		he asked about the 3rd drawer, I told him it was all coin
09:39:11 AM		he then left
09:39:13 AM		I activated the alarm

09:39:17 AM		it was quick
09:39:29 AM		money belonged to Key Bank
09:39:36 AM		we were afraid of being shot
09:40:06 AM		I called 911, manager went and locked the doors
09:43:22 AM	PD	Cross Exam
09:48:24 AM	Witness	pretty sure not to give out what he didn't request
09:57:21 AM	PD	show you Def Ex's C-F
09:58:09 AM	Witness	identifies exhibits, balancing sheets
09:58:34 AM		I understand the sheets
09:58:42 AM		Ex C is my total cash balancing for that day
09:59:06 AM		Ex D looks to be the same as C
09:59:25 AM		Ex E, list of my baited bills
09:59:35 AM		Ex F, is a breakdown of what cash is in my drawer by denomination
10:00:19 AM	PD	I'll go off D, E, F
10:00:38 AM		move to admit D, E, F
10:01:09 AM	State	no objection
10:01:12 AM	Judge	D, E, F are admitted
10:04:36 AM	PD	have you look at Def Ex G
10:04:42 AM	Witness	my talley sheet from that day
10:04:58 AM	PD	move to admit G
10:05:02 AM	State	no objection
10:05:07 AM	Judge	G is admitted
10:07:23 AM	State	Redirect
10:08:04 AM	Witness	strapped \$100s
10:10:38 AM	Judge	you may step down
10:10:46 AM	State	calls next witness
10:11:34 AM	Witness	Sworn
10:11:54 AM	State	Direct Exam
10:12:11 AM	Witness	Keisha Hart
10:12:19 AM		work for Key Bank, 10 years
10:12:33 AM		I was the branch manager at that time at the Broadway branch
10:12:53 AM		duties and responsibilities
10:13:19 AM		there are security procedures
10:13:26 AM		we opened at 9am
10:14:08 AM		the cameras were working that day
10:17:10 AM		describes man entering bank
10:18:10 AM		my first thought was "oh, shit"
10:18:21 AM		we were going to be robbed
10:18:35 AM		the voice, demeanor, appeared to be male

<u>10:18:56 AM</u>		he approached the teller window where I was standing with Earl
<u>10:19:09 AM</u>		he asked for 20s, 50s, 100s
<u>10:19:29 AM</u>		he kept repeating specifically
<u>10:19:46 AM</u>		it added fear
<u>10:20:18 AM</u>		I was just a couple feet away
<u>10:20:32 AM</u>		he asked about dye packs and transponders
<u>10:20:52 AM</u>		we did have transponders but Earl didn't feel comfortable giving it out
<u>10:21:13 AM</u>		it wasn't yelling, but not quiet
<u>10:21:55 AM</u>		he was folding the money in a specific way, checking for tracking devices or dye packs
<u>10:23:09 AM</u>		I told him there were no other cash boxes, Earl was the only teller
<u>10:25:00 AM</u>		he asked for the last 20
<u>10:25:05 AM</u>		we knew it was the transponder, and he was asking for something we knew he didn't want
<u>10:25:23 AM</u>		Earl gave it to him
<u>10:25:29 AM</u>		he felt the bill
<u>10:25:35 AM</u>		he felt the transponder, was angry, told us not to lie to him, he didn't want any transponders and redisplayed his gun
<u>10:26:15 AM</u>		I thought he was going to shoot Earl
<u>10:26:30 AM</u>		Earl has a top and bottom drawer
<u>10:26:37 AM</u>		Earl complied
<u>10:27:17 AM</u>		he left
<u>10:27:20 AM</u>		we then followed procedure to lock the door and call police
<u>10:27:49 AM</u>		describes bandana
<u>10:27:59 AM</u>		was stiched to some elastic
<u>10:28:17 AM</u>		what was keeping it up on his nose
<u>10:28:32 AM</u>	State	show you Ex 75, and 76
<u>10:29:11 AM</u>	Witness	identifies Ex 75 and 76
<u>10:29:25 AM</u>	State	won't offer those at this time
<u>10:29:33 AM</u>	PD	Cross Exam
<u>10:30:51 AM</u>	State	Redirect
<u>10:31:08 AM</u>	Witness	the stitching was messy on the bandana
<u>10:31:20 AM</u>		not from a store
<u>10:31:36 AM</u>	Judge	witness may step down
<u>10:31:41 AM</u>		think we'll take the morning break
<u>10:31:52 AM</u>		admonition
<u>10:50:17 AM</u>	Judge	jury is present
<u>10:50:22 AM</u>	State	calls next witness
<u>10:50:27 AM</u>	Witness	Josh Thorndyke

<u>10:51:11 AM</u>		detective with Garden City
<u>10:51:26 AM</u>		certified since 2005
<u>10:51:37 AM</u>		duties, special investigation unit
<u>10:51:56 AM</u>		qualifications
<u>10:53:24 AM</u>		forest green malibu caught my attention
<u>10:53:32 AM</u>		it had Washington plates
<u>10:53:37 AM</u>		I'd assisted on a bank robbery
<u>10:53:43 AM</u>		remembered a bright green sticker on back of car had covered car emblem
<u>10:54:01 AM</u>		saw residue of sticker
<u>10:54:07 AM</u>		I went by gut instincts
<u>10:54:20 AM</u>		took photos that day
<u>10:54:36 AM</u>	State	have you look at Ex 39
<u>10:54:47 AM</u>	Witness	identifies Ex 39
<u>10:55:05 AM</u>	State	move to admit 39
<u>10:55:10 AM</u>	PD	no objection
<u>10:55:13 AM</u>	Judge	Ex 39 is admitted
<u>10:56:49 AM</u>	State	have you look at 40-42
<u>10:57:02 AM</u>	Witness	identifies 40-42
<u>10:57:28 AM</u>	State	move to admit 40-42
<u>10:57:36 AM</u>	PD	no objection
<u>10:57:39 AM</u>	Judge	40-42 are admitted
<u>11:00:38 AM</u>	Witness	I started making some phone calls
<u>11:01:26 AM</u>	PD	objection, heresay
<u>11:01:30 AM</u>	Judge	sustained
<u>11:01:59 AM</u>	Witness	found who the car was registered to
<u>11:04:22 AM</u>	PD	objection
<u>11:04:28 AM</u>	Judge	heresay
<u>11:04:41 AM</u>	Witness	name was Kent G Williams
<u>11:05:01 AM</u>		was given room number
<u>11:05:09 AM</u>	State	have you look at Ex 84 and 85
<u>11:05:35 AM</u>	Witness	identifies 84 and 85
<u>11:05:56 AM</u>	State	move to admit 84 and 85
<u>11:06:11 AM</u>	PD	no objection
<u>11:06:20 AM</u>	Judge	84 and 85
<u>11:06:25 AM</u>	State	move to publish
<u>11:06:32 AM</u>		we'll get an electronic copy for later
<u>11:09:00 AM</u>	Witness	sat in my vehicle for about 2 hours and did surveillance
<u>11:09:17 AM</u>		there was a chair outside his room
<u>11:09:21 AM</u>		he'd come out, sit, look around and then go back in
<u>11:10:42 AM</u>		identifies suspect

11:10:57 AM	PD	objection
11:10:59 AM	Judge	sustained
11:11:46 AM	Witness	roll in suspects capture
11:12:46 AM		did place hands on Mr. Williams
11:13:11 AM		assisted in placing handcuffs on him
11:13:59 AM		explains the ruse
11:16:07 AM	PD	Cross Exam
11:24:58 AM	State	no redirect
11:25:18 AM	Judge	witness may step down
11:25:22 AM	State	calls next witness
11:25:53 AM	Witness	Sworn
11:26:18 AM	State	Direct Exam
11:26:31 AM	Witness	William Bellis
11:26:41 AM		manage West River Motel
11:26:50 AM		3525 Chinden
11:26:57 AM		managed it for 12 years
11:27:01 AM		21 rooms
11:27:11 AM		rooms start at #20
11:27:30 AM		live on-site
11:28:29 AM		we rent daily rooms and weekly rooms
11:28:39 AM		process of checking in
11:30:02 AM		Kent Williams checked in
11:30:08 AM		identifies Kent Williams
11:30:32 AM	State	have him shown what has now been marked as St Ex 86
11:31:49 AM	Witness	identifies Ex 86
11:31:59 AM		his registration card
11:32:05 AM	State	move to admit Ex 86
11:32:14 AM	PD	no objection
11:32:18 AM	Judge	Ex 86 is admitted
11:35:27 AM	State	show you what's been admitted as St Ex 39
11:36:00 AM	Witness	the license plates don't match exactly
11:36:31 AM		numbers in a different order
11:37:56 AM	State	show you St Ex 47
11:38:15 AM	Witness	identifies Ex 47
11:38:21 AM	State	move to admit 47
11:38:26 AM	PD	no objection
11:38:29 AM	Judge	Ex 47 is admitted
11:40:45 AM	Witness	he always parked in front of room 29
11:40:56 AM		there's a parking spot for 24
11:41:14 AM	PD	Cross Exam
11:46:21 AM	State	no redirect

11:46:39 AM	Judge	think we can take our lunch break
11:46:55 AM		admonition
11:47:42 AM	State	our other witness is testifying in another trial right now
11:47:59 AM		recess
12:34:07 PM	Judge	jury present
12:34:10 PM	State	calls Detective Peterzak
12:34:13 PM	Witness	Sworn
12:35:14 PM	State	continues Direct Exam from day prior
12:43:06 PM	Witness	received a call from Officer Thorndyke
12:43:23 PM		I asked him to send me a couple photos, he did
12:43:38 PM		difference was the bumper sticker, outline of adhesion
12:44:18 PM		easier to see in person than photos
12:44:26 PM		went to Westriver Inn
12:44:31 PM		had Thorndyke stay there and maintain visual of car
12:44:45 PM		got my file and called Detective Brady, Iverson was on another investigation
12:45:33 PM		interested in dates of the registration
12:45:39 PM		both were prior to April
12:45:57 PM		saw car in person
12:46:03 PM		looking at the wheels, the adhesion, where it was at in the lot
12:46:24 PM		my plan at that point
12:47:04 PM		learned from Thorndyke that the person tied to the car was in room 24
12:47:20 PM		he kept looking outside
12:47:28 PM		wanted to surprise them
12:47:32 PM		we did the tow truck ruse
12:47:41 PM		Special Agent Draper posed as the tow truck driver
12:47:58 PM		he had a clip board
12:48:04 PM		gave some type of motion
12:48:09 PM		the occupant had then come out and wanted to know why his car was being looked at
12:48:24 PM		I had parked in the lot in an unmarked car
12:48:32 PM		all of us in plain clothes
12:49:01 PM		he had an angry look at first
12:49:09 PM		then I saw his demeanor change
12:49:25 PM		went from angry to, he just changed, like he needs to get away
12:50:10 PM		ultimately identified him as Kent Williams
12:50:17 PM		identifies Mr. Williams in court
12:50:24 PM		he was detained
12:50:36 PM		wanted to see if there was a bump on his hand
12:50:44 PM		consistent in size and location

<u>12:50:51 PM</u>		that was the most concrete thing
<u>12:51:31 PM</u>		we placed him in handcuffs
<u>12:51:41 PM</u>		describes bump and location
<u>12:54:13 PM</u>		called my immediate supervisor
<u>12:54:26 PM</u>		informed I had a suspect, car, and room
<u>12:54:35 PM</u>		needed a search warrant
<u>12:54:40 PM</u>		maintain custody of car and room, so nothing changes
<u>12:54:55 PM</u>		writing an application for a search warrant
<u>12:55:11 PM</u>		search warrant for car and room was granted
<u>12:55:26 PM</u>		part of searching the room
<u>12:55:30 PM</u>		how a search warrant is executed
<u>12:56:21 PM</u>		describes room 24 in general, room assigned to Mr. Williams
<u>12:59:20 PM</u>		items found in backpack
<u>12:59:52 PM</u>		firearm was unloaded
<u>12:59:58 PM</u>		physical condition of firearm
<u>01:00:17 PM</u>		serial number was altered though
<u>01:00:27 PM</u>		.40 caliber
<u>01:00:30 PM</u>		it was black
<u>01:00:36 PM</u>		standard looking
<u>01:00:42 PM</u>		3 magazines, holster
<u>01:00:51 PM</u>		state of washington drivers license
<u>01:01:01 PM</u>		included a photograph
<u>01:01:08 PM</u>		matched Mr. Williams
<u>01:01:31 PM</u>		we seized the drivers license
<u>01:02:04 PM</u>		describes a gun magazine
<u>01:10:11 PM</u>		process of search of vehicle
<u>01:14:21 PM</u>		cash found in \$100 bills in one bag
<u>01:18:06 PM</u>	PD	Cross Exam
<u>01:36:56 PM</u>	State	Redirect
<u>01:37:21 PM</u>	Judge	witness may step down
<u>01:37:32 PM</u>	State	calls next witness, Amanda Strait
<u>01:38:09 PM</u>	Witness	Sworn
<u>01:38:27 PM</u>	State	Direct Exam
<u>01:38:53 PM</u>	Witness	Amanda Strait
<u>01:39:07 PM</u>		was community service specialist at that time
<u>01:39:21 PM</u>		duties and responsibilities
<u>01:39:59 PM</u>		training
<u>01:42:26 PM</u>	State	show you Ex 38
<u>01:42:34 PM</u>	Witness	identifies Ex 38
<u>01:42:52 PM</u>	State	move to admit Ex 38

01:42:59 PM	PD	no objection
01:43:03 PM	Judge	Ex 38 is admitted
01:44:09 PM	State	show you Ex 43-46
01:44:38 PM	Witness	identifies 46, miscellaneous items from wallet
01:45:08 PM	State	move to admit Ex 46
01:45:18 PM	PD	no objection
01:45:21 PM	Judge	46 is admitted
01:46:50 PM	Witness	identifies 43, 44, 45
01:47:14 PM	State	moves to admit 43-45
01:47:21 PM	PD	no objection
01:47:25 PM	Judge	43-45 are admitted
01:52:41 PM	State	show you Ex 48
01:52:58 PM	Witness	identifies Ex 48,
01:53:24 PM	State	moves to admit Ex 48
01:53:33 PM	PD	no objection
01:53:36 PM	Judge	48 is admitted
01:54:20 PM	State	have you shown Ex49 and 50
01:54:39 PM	Witness	identifies Ex 49 and 50
01:54:59 PM	State	move to admit 49 and 50
01:55:07 PM	PD	no objection
01:55:12 PM	Judge	49 and 50 are admitted
01:56:26 PM	State	have you shown 52, 53, 66
01:56:48 PM	Witness	identifies 52
01:57:25 PM	State	move to admit 52
01:57:32 PM	PD	no objection
01:57:36 PM	Judge	52 is admitted
01:58:21 PM	Witness	identifies 53 and 66
01:58:28 PM	State	moves to admit 53 and 66
01:58:39 PM	PD	no objection
01:58:42 PM	Judge	53 and 66 are admitted
01:59:14 PM	State	have you shown 54-58, 89, 90
02:00:58 PM	Witness	identifies 54-58
02:01:05 PM	State	moves to admit 54-58
02:01:12 PM	PD	no objection
02:01:15 PM	Judge	54-58 are admitted
02:03:18 PM	Witness	identifies 89 and 90
02:04:02 PM	State	move to admit 89 and 90
02:04:19 PM	PD	no objection
02:04:23 PM	Judge	89 and 90 are admitted
02:04:55 PM	State	show you 51, 59, 60, 61, 62, 63
02:06:31 PM	Witness	identifies 51
02:06:35 PM	State	move to admit 51

02:06:40 PM	PD	no objection
02:06:42 PM	Judge	51 is admitted
02:07:52 PM	Witness	identifies 59-62
02:08:00 PM	State	move to admit 59-62
02:08:05 PM	PD	no objection
02:08:09 PM	Judge	59-62 are admitted
02:08:47 PM	Witness	identifies Ex 63
02:08:53 PM	State	move to admit 63
02:08:59 PM	PD	no objection
02:09:03 PM	Judge	Ex 63 are admitted
02:09:45 PM	State	have you handed a fairly large box
02:10:17 PM	Witness	identifies Ex 91
02:10:24 PM	PD	no objection
02:10:27 PM	Judge	Ex 91 is admitted
02:10:33 PM	Witness	identifies Ex 88
02:10:45 PM	State	move to admit 88
02:10:50 PM	PD	no objection
02:11:02 PM	Judge	88 is admitted
02:11:22 PM	Witness	identifies Ex 64
02:11:29 PM	State	move to admit 64
02:11:35 PM	PD	no objection
02:11:43 PM	Judge	64 is admitted
02:14:41 PM	PD	Cross Exam
02:17:10 PM	State	Redirect
02:17:20 PM	Judge	witness may step down
02:17:41 PM		lets take the break now
02:17:45 PM		jury excused
02:19:11 PM		recess
02:39:39 PM	Judge	jury is present
02:39:43 PM	State	calls witness
02:39:47 PM	Witness	Sworn
02:40:07 PM	State	Direct Exam
02:40:17 PM	Witness	Monte Iverson
02:40:24 PM		detective with Boise Police Dept
02:40:33 PM		22 years with them
02:40:42 PM		over 15 years as detective
02:40:54 PM		currently with violent crimes unit
02:41:04 PM		investigate robberies
02:47:22 PM	State	have you shown 67, 68, 69, 70, 71, 72, 73, 74, 77, 78; also 75, 76
02:50:08 PM	Witness	identifies 67-78
02:50:15 PM	State	move to admit 67-78

02:50:23 PM	PD	no objection
02:50:28 PM	Judge	67-78 are admitted
02:51:09 PM	Witness	found 3 pairs of sunglasses in car
02:51:18 PM		bag of bullets in car
02:51:29 PM		jacket with a mask from car
02:51:39 PM		describes the mask
02:54:03 PM	State	there is a box at your feet, have you look at Ex 81
02:54:20 PM	Witness	identifies Ex 81
02:54:27 PM	State	move to admit Ex 81
02:54:34 PM	PD	no objection
02:54:37 PM	Judge	81 is admitted
02:54:46 PM	State	publish to the jury
02:59:55 PM	State	have you shown 79 and 80
02:59:57 PM	Witness	identifies 79 and 80
03:00:26 PM	State	move to admit 79 and 80
03:00:31 PM	PD	no objection
03:00:36 PM	Judge	79 and 80 are admitted
03:01:31 PM	PD	Cross Exam
03:06:01 PM	Judge	witness may step down
03:06:03 PM	State	recall Detective Peterzak
03:06:12 PM	Judge	you're still under oath from today
03:06:21 PM	State	Direct exam
03:08:38 PM	PD	no questions
03:08:43 PM	Judge	witness may step down
03:08:49 PM	State	the state rests
03:09:13 PM	Judge	we'll cut you loose today
03:09:31 PM		you will probably get this case tomorrow
03:10:40 PM		jury excused
03:10:45 PM		has your client decided to testify?
03:10:52 PM	PD	he does wish to testify
03:11:02 PM		we'll still talk with him
03:11:10 PM	State	we don't wish for him to show his hand
03:11:24 PM	PD	there's a possibility we'd want him to show his hand
03:11:38 PM	Judge	that would create a security issue
03:13:55 PM		be here at 8:30 tomorrow
03:14:23 PM		this is your one chance to shackle me
03:14:32 PM		I can see what it feels like with the leg chain and range of movement

Time	Speaker	Note
08:33:46 AM		State v. Kent Williams CRFE15-12724 Jury Trial – Day 3
08:34:13 AM	Judge	calls case, def present in custody
08:34:32 AM	State	Josh Haws and Daniel Dinger
08:34:35 AM	PD	Jonathan Loschi and Reed Smith
08:34:42 AM	Judge	I can tell by defendants dress this morning, he's refusing to put on dress clothes
08:35:06 AM	PD	he's refusing to speak to us
08:35:17 AM	Def	my choice not to wear them
08:35:27 AM	Judge	it's your choice
08:35:31 AM		we'll continue with the trial
08:35:36 AM		I'll instruct the jury not to use that against us
08:35:48 AM	Def	want a quick objection on the record
08:35:56 AM	Judge	want to take care of this issue first
08:36:05 AM		it's your election to wear civilian clothes
08:36:16 AM	Def	my choice
08:36:26 AM	Judge	I'll instruct the jury not to hold that against you
08:36:34 AM		I can't get inside their minds
08:36:46 AM	Def	I want to get my objection on the record
08:36:53 AM	Judge	take your silence that you understand
08:37:08 AM		now what's the objection
08:37:12 AM	Def	understand I can't represent myself now
08:37:24 AM		don't want my attorneys to do more damage
08:37:35 AM		I'd be suspicious of anyone from the public defender's office
08:37:52 AM	Judge	has something caused a change?
08:38:00 AM	Def	you've seen enough to know what's going on
08:38:08 AM		I just want to make my objection
08:38:17 AM	Judge	I think your attorney has been doing a fine job
08:38:30 AM		his cross exam
08:38:33 AM	Def	when he asks the detective about the fingerprints
08:38:56 AM		he kept tipping him off
08:39:02 AM		all the photos of my hand
08:39:12 AM		there's no bump
08:39:17 AM		the jail photographs
08:39:32 AM		the labtech lady didn't know what the conspiracy was
08:40:07 AM		hopefully lucky for a retrial
08:40:17 AM		I object to him
08:40:22 AM		ask him to forfeit anything of this case to the court and have appellate take over
08:40:38 AM	PD	comments
08:40:45 AM		he's shared his ideas of defense

08:40:54 AM		it's hard to explain the legal
08:40:59 AM		the fingerprints off the door, they were ran and no hits
08:41:09 AM		his fingerprints are in ABIS
08:41:15 AM		I wanted to make it clear, it must not have been Williams prints taken
08:41:30 AM		there would have been a hit then
08:41:47 AM		we had plans thru his own testimony
08:41:52 AM		he's now elected not to testify
08:42:01 AM		believe our relationship is broken at this time
08:42:08 AM		I'm prepared to do closing
08:42:15 AM		if he does suddenly choose to testify now, we'd be unprepared
08:42:28 AM		that's our situation
08:42:30 AM		he's not a lawyer, he has ideas, I've made some decisions
08:43:00 AM		want the record to reflect of our defense
08:43:13 AM		we had certain things that would be coming in thru his testimony, didn't want to tip off the state
08:43:39 AM		we're not communicating right now though
08:43:45 AM	Judge	you have a right to remain silent and a right to waive the right to remain silent and testify
08:44:02 AM		the idea going into this case is that you would testify
08:44:11 AM	Def	I'd remain silent
08:44:18 AM	Judge	you don't wish to testify
08:44:25 AM		Williams is an intelligent man
08:44:30 AM		he might not understand the legal technicalities or strategy
08:44:43 AM		he's clear headed
08:44:45 AM		he's making a decision on remaining silent, he's choosing not to testify
08:45:02 AM		if he wanted to testify, I'd give time to the defense to prepare this morning
08:45:21 AM		find he's elected not to testify
08:45:29 AM		he's elected to be present in jail clothing, I'll instruct the jury on that
08:45:56 AM		yesterday after trial, I had the deputies put the leg weight on me and tested it in the witness box
08:46:39 AM		wanted that on the record
08:47:10 AM	PD	prepared to do closing
08:47:14 AM	Judge	I'll go finalize the jury instructions
09:27:34 AM	Judge	completed jury instructions
09:27:43 AM		wanted to check with Mr. Williams again on his attire and testifying
09:28:02 AM		he's remaining silent
09:28:08 AM		this is an important matter

09:28:19 AM		you face a fixed life sentence
09:28:41 AM		it could be seen that you created this error
09:28:54 AM		I would send the jury out and have them come back in the afternoon and let you work with your attorneys
09:29:08 AM		want to make sure you're satisfied with your decisions
09:29:23 AM		he chooses to remain silent
09:29:29 AM	Judge	any objections to the instructions
09:29:50 AM	State	haven't seen the post-proof
09:29:59 AM		all we have are the standard, haven't seen the element
09:30:26 AM	Judge	they haven't changed other than the two I referenced
09:31:46 AM		any errors or problems
09:31:50 AM	State	don't think so
09:31:54 AM	PD	don't think so
09:31:58 AM	Judge	no reason to have Mr. Williams in handcuffs
09:32:13 AM		he's bolted to the floor
09:32:57 AM	Sgt Harris	we'll make one more change to his leg
09:33:09 AM		don't want it to make noise
09:36:09 AM	Judge	no objections to instructions
09:36:52 AM		jury is present
09:36:58 AM		appreciate your patience
09:37:03 AM		we were dealing with legal matters
09:37:12 AM		reads instruction
09:37:38 AM	PD	the defense rests
09:37:42 AM	Judge	we'll instruct you and then having closing arguments
09:38:23 AM		jury instructions
09:47:49 AM		read the remaining after closings
09:47:57 AM	State	Closing argument
10:21:30 AM	PD	Closing argument
10:50:27 AM	State	Rebuttal
11:09:13 AM	Judge	closing instructions
11:15:20 AM	Clerk	alternates selected
11:16:44 AM	Clerk	alternate jurors sworn
11:17:08 AM	Clerk	Bailiff sworn
11:17:43 AM	Judge	jury may begin deliberations
11:18:31 AM		they are excused
11:19:17 AM	Judge	how information part 2 will be presented
11:19:36 AM		thought that is what the stipulation was
11:19:50 AM		recess
02:01:20 PM	Judge	what we'll do after the jury comes in
02:01:29 PM		weapons charge

02:01:33 PM	State	we're ready
02:01:40 PM	Judge	I'll simply inform the jury of additional matters
02:02:03 PM		what I'll do
02:03:47 PM	PD	no objection
02:03:54 PM	State	no objection
02:03:58 PM		where we plan to go
02:04:01 PM		no additional evidence
02:04:15 PM	Judge	if there's acquittals, would only go into the firearm
02:05:13 PM	State	request clarification?
02:05:35 PM		want to make sure we're on the same page
02:05:57 PM	Judge	what I'd read
02:06:40 PM		jury is now present and seated
02:06:56 PM		who is our foreperson
02:07:01 PM		#14
02:07:18 PM		hand verdict to bailiff
02:07:24 PM		defendant please rise
02:07:29 PM		reads verdict
02:07:59 PM		you may be seated
02:08:03 PM		I appreciate the time of the jury
02:08:10 PM		there is additional duties
02:08:17 PM		there are additional charges
02:08:31 PM	Judge	the defendant has also been charged with unlawful possession of firearm
02:08:54 PM		reads count IV
02:09:19 PM		also filed an information part II
02:09:27 PM		reads information part II
02:12:06 PM		would the lawyers approach
02:12:40 PM		you have a couple of things left to decide
02:12:51 PM		lets the parties do brief statements
02:12:58 PM	State	Opening statement on info part II and unlawful possession of firearm
02:15:04 PM	PD	waive my opening
02:15:08 PM	State	calls Detective Peterzak
02:15:17 PM	Witness	Sworn
02:16:03 PM	State	Direct Exam
02:16:42 PM		hand you Ex 92, 93, 94, 95
02:17:10 PM	Witness	stamp certified copies
02:17:22 PM		identifies Ex 92, judgment and sentence
02:18:33 PM		last page has fingerprints, name, signature, his date of birth
02:18:53 PM		conviction for murder in the first degree
02:19:06 PM		Washington, for King County

02:19:12 PM		dated March 13th of 1990
02:19:28 PM	State	move to admit Ex 92
02:19:32 PM	PD	no objection
02:19:42 PM	Judge	Ex 92 is admitted
02:20:12 PM	State	publish Ex 92
02:22:13 PM	Witness	identifies Ex 93
02:22:26 PM		certified copy, brief that is filed
02:22:37 PM		a charging document
02:23:11 PM		count 1 is aggravated murder
02:23:37 PM		there are co-defendants, Kent Williams as co-defendant
02:24:04 PM		no date of birth or SSN
02:24:15 PM	State	move to admit Ex 93
02:24:19 PM	PD	no objection
02:24:23 PM	Judge	Ex 93 is admitted
02:24:35 PM	State	publishes Ex 93
02:26:12 PM	Witness	identifies Ex 94
02:26:22 PM		judgment and sentence for felony, reads case number
02:26:43 PM		Washington, King County
02:26:51 PM		versus Kent Glenn Williams
02:27:09 PM		fingerprints, signature, date of birth of Kent Williams
02:27:34 PM	State	move to admit Ex 94
02:27:40 PM	PD	no objection
02:27:45 PM	Judge	Ex 94 is admitted
02:27:50 PM	State	publishes Ex 94
02:29:52 PM	Witness	identifies Ex 95
02:30:03 PM		has photo of Mr. Williams, DOB
02:30:45 PM	State	move to admit Ex 95
02:30:50 PM	PD	no objection
02:30:53 PM	Judge	Ex 95 is admitted
02:30:59 PM	State	publishes Ex 95
02:33:57 PM	State	can we approach
02:34:57 PM		ask court to amend the information of part II, count II
02:35:16 PM		we have the wrong date
02:35:20 PM		ask the court to make that change
02:35:24 PM	Judge	any objection?
02:35:28 PM	PD	no your honor
02:35:31 PM	Judge	I'll make that change
02:35:38 PM		I've read previously the information part II
02:35:48 PM		I've now made that correction
02:35:58 PM		cross?

02:36:03 PM	PD	no questions
02:36:06 PM	Judge	witness may step down
02:36:12 PM	State	we rests
02:36:16 PM	PD	nothing
02:37:21 PM	Judge	need to make a couple notes, then I'll read the final instructions
02:38:16 PM		reads final instructions
02:38:23 PM		number these beginning with 1a, 1b, 1c
02:38:34 PM		not to worry about the numbering
02:41:30 PM		you must first consider the unlawful possession of a firearm before persistent violator is taken up as you deliberate
02:42:07 PM	State	Closing statement
02:47:08 PM	PD	Closing statement
02:47:53 PM	State	no rebuttal closing
02:48:11 PM	Judge	one additional instruction
02:48:18 PM		outlines what I told you, numbered 1d
02:48:42 PM		bailiff has been previously sworn
02:48:48 PM		he'll take you back again
03:19:00 PM	Judge	if the plea is guilty, do we have a date
03:19:15 PM	Clerk	May 23rd at 11am
03:19:20 PM	PD	he won't be participating with a psi
03:19:23 PM	State	move to revoke his bond
03:19:30 PM	Judge	let you know soon
03:21:00 PM	Judge	jury is present
03:21:08 PM		hand the verdict to the bailiff
03:21:28 PM		reads verdict
03:21:55 PM	State	requests polling of jury
03:22:50 PM	Clerk	polls jury
03:22:53 PM	Judge	revoke any bail, held in custody
03:23:00 PM		Sentencing May 23rd at 11am
03:23:49 PM		order a psi
03:24:05 PM		counsel has indicated that defendant doesn't want to participate
03:24:17 PM		that is his decision
03:24:21 PM		you can talk to counsel further
03:24:47 PM		final instruction
03:27:57 PM		jury is discharged
03:29:40 PM		end of case

MAR 30 2016

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

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS

Defendant.

Case No. CR-FE-2015-0012724

JURY INSTRUCTIONS

HONORABLE STEVEN J. HIPPLER

DISTRICT JUDGE

PRESIDING

INSTRUCTION NO. 1

Now that you have been sworn as jurors to try this case, I want to go over with you what will be happening. I will describe how the trial will be conducted and what we will be doing. At the end of the trial, I will give you more detailed guidance on how you are to reach your decision.

Because the State has the burden of proof, it goes first. After the State's opening statement, the defense may make an opening statement, or may wait until the State has presented its case. The opening statements of counsel are not evidence.

The State will offer evidence that it says will support the charge against the defendant. The defense may then present evidence, but is not required to do so. If the defense does present evidence, the State may then present rebuttal evidence. This is evidence offered to answer the defense's evidence.

After you have heard all the evidence, I will give you additional instructions on the law. After you have heard the instructions, the State and the defense will each be given time for closing arguments. In their closing arguments, they will summarize the evidence to help you understand how it relates to the law. Just as the opening statements are not evidence, neither are the closing arguments. After the closing arguments, you will leave the courtroom together to make your decision. During your deliberations, you will have with you my instructions, the exhibits admitted into evidence and any notes taken by you in court.

INSTRUCTION NO. 2

This criminal case has been brought by the State of Idaho. I will sometimes refer to the State as the prosecution.

The defendant is charged by the State of Idaho with violations of the law. The charges against the defendant are contained in the Information. I will now read the Information and state the defendant's plea: **[Information read to jury and Plea stated]**

The Information is simply a description of the charge; it is not evidence.

INSTRUCTION NO. 3

Under our law and system of justice, the defendant is presumed to be innocent. The presumption of innocence means two things.

First, the state has the burden of proving the defendant guilty. The state has that burden throughout the trial. The defendant is never required to prove his innocence, nor does the defendant ever have to produce any evidence at all.

Second, the state must prove the alleged crime beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If after considering all the evidence you have a reasonable doubt about the defendant's guilt, you must find the defendant not guilty.

INSTRUCTION NO. 4

Your duties are to determine the facts, to apply the law set forth in my instructions to those facts, and in this way to decide the case. In so doing, you must follow my instructions regardless of your own opinion of what the law is or should be, or what either side may state the law to be. You must consider them as a whole, not picking out one and disregarding others. The order in which the instructions are given has no significance as to their relative importance. The law requires that your decision be made solely upon the evidence before you. Neither sympathy nor prejudice should influence you in your deliberations. Faithful performance by you of these duties is vital to the administration of justice.

In determining the facts, you may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts. The production of evidence in court is governed by rules of law. At times during the trial, an objection may be made to a question asked a witness, or to a witness' answer, or to an exhibit. This simply means that I am being asked to decide a particular rule of law. Arguments on the admissibility of evidence are designed to aid the Court and are not to be considered by you nor affect your deliberations. If I sustain an objection to a question or to an exhibit, the witness may not answer the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. Similarly, if I tell you not to consider a particular statement or exhibit you should put it out of your mind, and not refer to it or rely on it in your later deliberations.

During the trial I may have to talk with the parties about the rules of law which should apply in this case. Sometimes we will talk here at the bench. At other times I will excuse you from the courtroom so that you can be comfortable while we work out any problems. You are

not to speculate about any such discussions. They are necessary from time to time and help the trial run more smoothly.

Some of you have probably heard the terms "circumstantial evidence," "direct evidence" and "hearsay evidence." Do not be concerned with these terms. You are to consider all the evidence admitted in this trial.

However, the law does not require you to believe all the evidence. As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it.

There is no magical formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves whom you believe, what you believe, and how much weight you attach to what you are told. The same considerations that you use in your everyday dealings in making these decisions are the considerations which you should apply in your deliberations.

In deciding what you believe, do not make your decision simply because more witnesses may have testified one way than the other. Your role is to think about the testimony of each witness you heard and decide how much you believe of what the witness had to say.

A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

INSTRUCTION NO. 5

You are instructed that any terms in these instructions which have a special legal meaning are defined for you in these instructions. Under Idaho law, if a word or phrase is not otherwise defined in these instructions, you are to construe that word or phrase according to its context and the approved usage of the language as the ordinary reading public would read and understand it. Words not otherwise defined should be given their ordinary significance as popularly understood. They do not have some mysterious or specialized meaning simply because they are a part of a jury instruction unless the Court has specifically defined them for you.

INSTRUCTION NO. 6

If during the trial I may say or do anything which suggests to you that I am inclined to favor the claims or position of any party, you will not permit yourself to be influenced by any such suggestion. I will not express nor intend to express, nor will I intend to intimate, any opinion as to which witnesses are or are not worthy of belief; what facts are or are not established; or what inferences should be drawn from the evidence. If any expression of mine seems to indicate an opinion relating to any of these matters, I instruct you to disregard it.

INSTRUCTION NO. 7

Do not concern yourself with the subject of penalty or punishment. That subject must not in any way affect your verdict. If you find the defendant guilty, it will be my duty to determine the appropriate penalty or punishment.

INSTRUCTION NO. 8

If you wish, you may take notes to help you remember what witnesses said. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. You should not let note-taking distract you so that you do not hear other answers by witnesses. When you leave at night, please leave your notes in the jury room.

Although the court reporter will create a verbatim account of all matters of record occurring in this trial, you should be aware that transcripts of witness testimony will not be available to you for your deliberations.

If you do not take notes, you should rely on your own memory of what was said and not be overly influenced by the notes of other jurors. In addition, you cannot assign to one person the duty of taking notes for all of you.

INSTRUCTION NO. 9

It is important that as jurors and officers of this court you obey the following instructions at any time you leave the jury box, whether it be for recesses of the court during the day or when you leave the courtroom to go home at night.

Do not discuss this case during the trial with anyone, including any of the attorneys, parties, witnesses, your friends, or members of your family. "No discussion" also means no emailing, text messaging, tweeting, blogging, facebook, flickr, google plus, linkedin, instagram, myspace, pinterest, tumblr, electronic bulletin boards or any other form of communication.

Do not discuss this case with other jurors until you begin your deliberations at the end of the trial. Do not attempt to decide the case until you begin your deliberations.

I will give you some form of this instruction every time we take a break. I do that not to insult you or because I don't think you are paying attention, but because experience has shown this is one of the hardest instructions for jurors to follow. I know of no other situation in our culture where we ask strangers to sit together watching and listening to something, then go into a little room together and not talk about the one thing they have in common: what they just watched together.

There are at least two reasons for this rule. The first is to help you keep an open mind. When you talk about things, you start to make decisions about them and it is extremely important that you not make any decisions about this case until you have heard all the evidence and all the rules for making your decisions, and you won't have that until the very end of the trial. The second reason for the rule is that we want all of you working together on this decision when you deliberate. If you have conversations in groups of two or three during the trial, you won't remember to repeat all of your thoughts and observations for the rest of your fellow jurors

when you deliberate at the end of the trial.

Ignore any attempted improper communication. If any person tries to talk to you about this case, tell that person that you cannot discuss the case because you are a juror. If that person persists, simply walk away and report the incident to the bailiff. Do not tell your fellow jurors what has occurred.

Do not make any independent personal investigations into any facts or locations connected with this case. **Do not** look up any information from any source, including the Internet. **Do not** communicate any private or special knowledge about any of the facts of this case to your fellow jurors. **Do not** read or listen to any news reports about this case or about anyone involved in this case, whether those reports are in newspapers or the Internet, or on radio or television.

In our daily lives we may be used to looking for information on-line and to "Google" something as a matter of routine. Also, in a trial it can be very tempting for jurors to do their own research to make sure they are making the correct decision. You must resist that temptation for our system of justice to work as it should. I specifically instruct that you must decide the case only on the evidence received here in court. If you communicate with anyone about the case or do outside research during the trial it could cause us to have to start the trial over with new jurors and you could be held in contempt of court.

The reason for these rules is simple: this would be unfair to both the State and the defendant. Reporters, bloggers, tweeters, writers of letters to the editor, and commentators are not subject to cross-examination in court under oath to point out inaccuracies in the facts they present or the opinions they hold. Their information may be second hand or may come from

sources which have only limited knowledge of the facts or simply an ax to grind. These people, as well, are not subject to cross-examination in court under oath.

In addition, neither counsel can address facts or opinions which you may have formed based upon facts they have never heard and which in reality might not even exist.

While you are actually deliberating in the jury room, the bailiff will confiscate all cell phones and other means of electronic communications. Should you need to communicate with me or anyone else during the deliberations, please notify the bailiff.

INSTRUCTION NO. 10

You have now heard all the evidence in the case. My duty is to instruct you as to the law.

You must follow all the rules as I explain them to you. You may not follow some and ignore others. Even if you disagree or don't understand the reasons for some of the rules, you are bound to follow them. If anyone states a rule of law different from any I tell you, it is my instruction that you must follow.

INSTRUCTION NO. 11

As members of the jury it is your duty to decide what the facts are and to apply those facts to the law that I have given you. You are to decide the facts from all the evidence presented in the case.

The evidence you are to consider consists of:

1. sworn testimony of witnesses;
2. exhibits which have been admitted into evidence; and
3. any facts to which the parties have stipulated.

Certain things you have heard or seen are not evidence, including:

1. arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;
2. testimony that has been excluded or stricken, or which you have been instructed to disregard; and
3. anything you may have seen or heard when the court was not in session.

INSTRUCTION NO. 12

Evidence may be either direct or circumstantial. It is direct evidence if it proves a fact, without an inference, and which in itself, if true, conclusively establishes that fact. It is circumstantial evidence if it proves a fact from which an inference of the existence of another fact may be drawn.

An inference of fact is one which may logically and reasonably be drawn from another fact or groups of facts established by the evidence.

The law makes no distinction between direct and circumstantial evidence as to the degree of proof required; each is accepted as a reasonable method of proof and each is respected for such convincing force as it may carry.

INSTRUCTION NO. 13

Each count charges a separate and distinct offense. You must decide each count separately on the evidence and the law that applies to it, uninfluenced by your decision as to any other count.

Except as otherwise provided in these Instructions, the defendant may be found guilty or not guilty on any or all of the offenses charged.

INSTRUCTION NO. 14

In order for the defendant to be guilty of Count I for Robbery, the state must prove each of the following:

1. On or about April 14, 2015
2. in the state of Idaho
3. J.S. had possession of U.S. currency, the property of Key Bank,
4. which the defendant, Kent Williams, took from J.S.'s person or from J.S.'s immediate presence,
5. against the will of J.S.
6. by the intentional use of force or fear to overcome the will of J.S. and
7. with the intent permanently to deprive J.S. of the property.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

INSTRUCTION NO. 15

In order for the defendant to be guilty of Count II for Robbery, the state must prove each of the following:

1. On or about July 22, 2015
2. in the state of Idaho
3. E.P. had possession of U.S. currency, the property of Key Bank,
4. which the defendant, Kent Williams, took from E.P.'s person or from E.P.'s immediate presence,
5. against the will of E.P.
6. by the intentional use of force or fear to overcome the will of E.P., and
7. with the intent permanently to deprive E.P. of the property.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

INSTRUCTION NO. 16

The fear required for the crime of robbery must be the fear of an unlawful injury to the person or property of J.S., for Count I, and E.P., for Count II. The fear must have been such as would have overcome the will of a reasonable person, under similar circumstances.

INSTRUCTION NO. 17

The phrase "intent to deprive" means the intent to withhold property or cause it to be withheld from an owner permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to such owner

INSTRUCTION NO. 18

If you find the defendant guilty of Count II for Robbery, you must next consider whether the defendant is guilty of Count III for Use of a Firearm of Deadly Weapon During the Commission of a Crime. If you find the defendant "Not Guilty" of Count II for Robbery, you must also find the defendant "Not Guilty" of Count III.

INSTRUCTION NO. 19

In order for the defendant to be guilty of Count III for Use of a Firearm of Deadly Weapon During the Commission of a Crime, the state must prove each of the following:

1. On or about July 22, 2015
2. in the state of Idaho
3. the defendant, Kent Williams, did use a firearm or deadly weapon, to wit: a handgun,
4. in the commission of the Robbery alleged in Count II.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

INSTRUCTION NO. 20

A firearm means any weapon capable of ejecting or propelling one or more projectiles by the action of any explosive or combustible propellant, and includes unloaded firearms and firearms which are inoperable but which can readily be rendered operable.

A deadly weapon is any object, instrument or weapon which is capable of producing, and likely to produce, death or great bodily injury.

INSTRUCTION NO. 21

In every crime or public offense there must exist a union or joint operation of act and intent.

INSTRUCTION NO. 22

The Defendant has elected to not wear civilian clothing for trial today. His appearance today in jail clothing is not evidence and should not be considered by you in any way. I specifically instruct you that you must not draw any inference of guilt from Mr. Williams' appearance in jail dress or his in custody status, nor should this fact be discussed by you or enter into your deliberations in any way.

INSTRUCTION NO. 23

A defendant in a criminal trial has a constitutional right not to be compelled to testify. The decision whether to testify is left to the defendant, acting with the advice and assistance of the defendant's lawyer. You must not draw any inference of guilt from the fact that the defendant does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

INSTRUCTION NO. 24

Certain evidence was admitted for a limited purpose. At the time this evidence was admitted you were admonished that it could not be considered by you for any purpose other than the limited purpose for which it was admitted. Do not consider such evidence for any purpose except the limited purpose for which it was admitted.

INSTRUCTION NO. 25

The fact the Court either overrules or sustains an objection to a question, or to testimony made, or to an argument advanced, is not a comment on the innocence or the guilt of the defendant or upon which counsel's argument is or is not to be believed. Counsel's statements are not evidence, nor are my rulings on objections made in a case. It is the job of counsel to raise objections they feel are appropriate just as it is my job to rule upon them.

INSTRUCTION NO. 26

You have been instructed as to all the rules of law that may be necessary for you to reach a verdict. Whether some of the instructions apply will depend upon your determination of the facts. You will disregard any instruction which applies to a state of facts which you determine does not exist. You must not conclude from the fact that an instruction has been given that the Court is expressing any opinion as to the facts.

INSTRUCTION NO. 27

I have outlined for you the rules of law applicable to this case and have told you of some of the matters which you may consider in weighing the evidence to determine the facts. Counsel have completed their closing remarks to you, and now you will retire to the jury room for your deliberations.

The arguments and statements of the attorneys are not evidence. If you remember the facts differently from the way the attorneys have stated them, you should base your decision on what you remember.

The attitude and conduct of jurors at the beginning of your deliberations are important. It is rarely productive at the outset for you to make an emphatic expression of your opinion on the case or to state how you intend to vote. When you do that at the beginning, your sense of pride may be aroused, and you may hesitate to change your position even if shown that it is wrong. Remember that you are not partisans or advocates, but are judges. For you, as for me, there can be no triumph except in the ascertainment and declaration of the truth.

As jurors you have a duty to consult with one another and to deliberate before making your individual decisions. You may fully and fairly discuss among yourselves all of the evidence you have seen and heard in this courtroom about this case, together with the law that relates to this case as contained in these instructions.

During your deliberations, you each have a right to re-examine your own views and change your opinion. You should only do so if you are convinced by fair and honest discussion that your original opinion was incorrect based upon the evidence the jury saw and heard during

the trial and the law as given you in these instructions.

Consult with one another. Consider each other's views, and deliberate with the objective of reaching an agreement, if you can do so without disturbing your individual judgment. Each of you must decide this case for yourself; but you should do so only after a discussion and consideration of the case with your fellow jurors.

However, none of you should surrender your honest opinion as to the weight or effect of evidence or as to the innocence or guilt of the defendant because the majority of the jury feels otherwise or for the purpose of returning a unanimous verdict.

INSTRUCTION NO. 28

The instructions and the exhibits will be with you in the jury room. The exhibits are part of the official court record. For this reason please do not alter them or mark on them in any way.

The instructions are numbered for convenience in referring to specific instructions. There may or may not be a gap in the numbering of the instructions. If there is, you should not concern yourselves about such gap. You may feel free to mark on your copy of the jury instructions if you wish to.

INSTRUCTION NO. 29

I will now draw the names of the alternate juror(s) to whom I will once again apologize in advance. I will advise the alternate(s) chosen that even at this time, it is possible, should some problem arise, that you could be recalled and the jury instructed to begin its deliberations anew with an alternate juror seated. For that reason, you are admonished not to discuss this case with other jurors or anyone else, nor to form an opinion as to the merits of the case or the defendant's innocence or guilt in this case.

Please leave your name and telephone number with the bailiff. The Court will call you to advise you when any verdict is reached and what that verdict may be, or to advise you if for any reason, you may be required to return to court for deliberations. Thank you for your service.

INSTRUCTION NO. 30

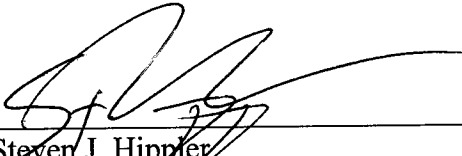
Upon retiring to the jury room, select one of you as a presiding officer, who will preside over your deliberations. It is that person's duty to see that discussion is orderly; that the issues submitted for your decision are fully and fairly discussed; and that every juror has a chance to express himself or herself upon each question.

In this case, your verdict must be unanimous. When you all arrive at a verdict, the presiding officer will sign it and you will return it into open court.

Your verdict in this case cannot be arrived at by chance, by lot, or by compromise. If, after considering all of the instructions in their entirety, and after having fully discussed the evidence before you, the jury determines that it is necessary to communicate with me, you may send a note by the bailiff. You are not to reveal to me or anyone else how the jury stands until you have reached a verdict or unless you are instructed by me to do so.

A verdict form suitable to any conclusion you may reach will be submitted to you with these instructions.

Dated this 30th day of March, 2016.


Steven J. Hippler
District Judge

INSTRUCTION NO 1A

You must next consider whether the defendant is guilty of Count IV for Unlawful Possession of a Firearm. In order for the defendant to be guilty of Count IV, the state must prove each of the following:

1. On or about August 20, 2015,
2. in the state of Idaho
3. the defendant, Kent Williams knowingly possessed a firearm, to wit: a Baretta handgun, and
4. when doing so, the defendant previously had been convicted of a qualifying felony.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

INSTRUCTION NO 1B

Parties can agree that certain facts are true, thereby eliminating the need for any evidence to establish those facts. In this case, the state and the defense have agreed that the following is true:

- That defendant previously has been convicted of a qualifying felony, for purposes of Count IV for Unlawful Possession of a Firearm.

You are to accept the agreed-upon fact as being true, and are to consider it along with all of the other evidence admitted during the trial.

INSTRUCTION NO 1C

Having found the defendant guilty of Counts 1, 2 & 3, you must next consider whether the defendant has been convicted on two prior occasions of felony offenses.

The state alleges the defendant has prior convictions as follows:

1. On or about the 13th day of March, 1990, the defendant was convicted of Murder in the First Degree in King County, Washington in case number 89-1-04646-2, and

2. On or about the ¹¹~~13~~th day of ^{April, 2011}~~March, 1990~~, the defendant was convicted of Felony Harassment – Domestic Violence in King County, Washington, in case number 11-00194-2 SEA.

The existence of a prior conviction must be proved beyond a reasonable doubt and your decision must be unanimous.

INSTRUCTION NO. 1D

You must consider the guilt or innocence of the defendant for Count IV for Unlawful Possession of a Firearm before you consider the Information Part II for Persistent Violator.

MAR 30 2016

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

VERDICT

We, the Jury, unanimously find the defendant, Kent Williams:

COUNT I

MARK ONLY ONE OF THE FOLLOWING COUNT I VERDICTS

NOT GUILTY of Robbery _____

GUILTY of Robbery ☒ _____

COUNT II

MARK ONLY ONE OF THE FOLLOWING COUNT II VERDICTS

NOT GUILTY of Robbery _____

GUILTY of Robbery ☒ _____

If you find the defendant "Not Guilty" of Count II for Robbery, you must find him "Not Guilty of Count III. If you find the defendant "Guilty" of Count II, you must consider whether he is "Guilty" or "Not Guilty" of Count III.

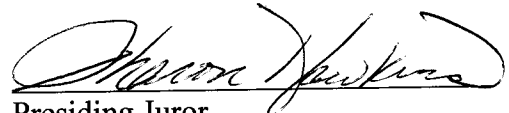
COUNT III

MARK ONLY ONE OF THE FOLLOWING COUNT IV VERDICTS

NOT GUILTY of Use of Firearm or Deadly Weapon During Commission of Crime _____

GUILTY of Use of Firearm or Deadly Weapon During Commission of Crime ☒ _____

Dated this 30th day of ~~April~~, 2016.
march


Presiding Juror

MAR 30 2016

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

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS

Defendant.

Case No. CR-FE-2015-0012724

VERDICT
Count IV and Part II

We, the Jury, unanimously find the defendant, Kent Williams:

COUNT IV
MARK ONLY ONE OF THE FOLLOWING COUNT IV VERDICTS

NOT GUILTY of Unlawful Possession of a Firearm _____

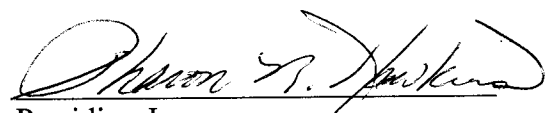
GUILTY of Unlawful Possession of a Firearm ✓

PART II
MARK ONLY ONE OF THE FOLLOWING PART II VERDICTS

NOT GUILTY Persistent Violator _____

GUILTY Persistent Violator ✓

Dated this 30th day of ~~April~~
March, 2016.


Presiding Juror

APR 21 2016

CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

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

THE STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

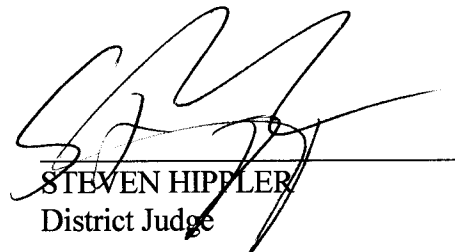
Defendant.

CASE NO. CR-FE-2015-0012724

ORDER RE: EXHIBITS

IT IS ORDERED that pursuant to I.C.A.R. 71(f) and (g) that the exhibits 64, 81, 88, and 91 from trial will be substituted by a photograph provided by the prosecutor's office who offered the exhibits and will be responsible for maintaining and preserving the exhibits.

DATED this 14th day of April, 2016.


STEVEN HIPPLER
District Judge

EV

000375

CERTIFICATE OF MAILING

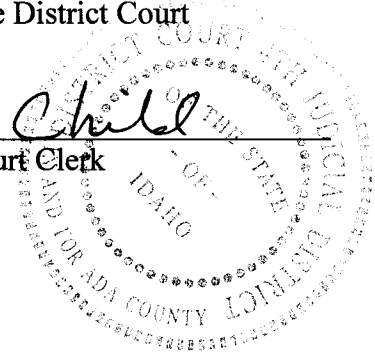
I hereby certify that on this 21 day of April, 2016, I mailed (served) a true and correct copy of the within instrument to:

Joshua P Haws
ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

Jonathan D Loschi
ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: E. Child
Deputy Court Clerk



RECEIPT OF EXHIBIT(S)

STATE OF IDAHO vs. KENT
CASE NUMBER # CRFE-15-12724

Received from the clerk, exhibit(s) # 64,81,88,91

Exhibits were submitted by STATE and will be returned to the law enforcement agency per court Order re: Exhibits that is pursuant to I.C.A.R 71(f)&(g).

Dated this 16 day of June, 2016.



Signature

JASON PIETRZAK


Print Name Boise PD 753

Certificate of Release

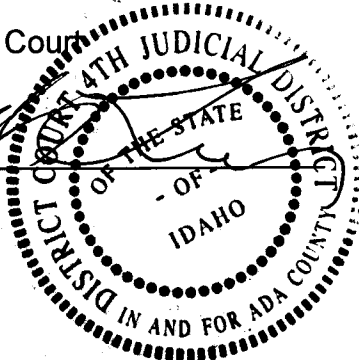
I hereby certify that on JUN 16 2016, I released Exhibit #
64,81,88,91, as directed by the above named order to the authorized
representative.

CourtClerk

Clerk of the District Court

By: 

Deputy Clerk



APR 22 2016

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

128
Mr.
5/6
10A

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant
200 W. Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7450
Facsimile: (208) 287-7419

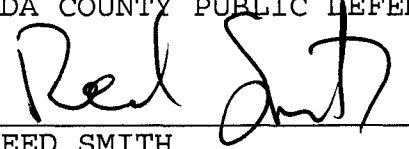
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff,)	
	)	Criminal No. CR FE 15 12724
vs.)	
	)	MOTION FOR NEW COUNSEL OR
KENT WILLIAMS,	)	TO PROCEED PRO SE
)	
Defendant.)	
)	
)	
)	

COMES NOW, the above named defendant, KENT WILLIAMS, by and through his attorney of record, the Ada County Public Defender's Office, REED SMITH, handling attorney, and hereby moves this Honorable Court for an order allowing him to obtain new counsel or, in the alternative, to proceed pro se. This motion is based on the reasons contained in the attached letter from the defendant.

AND IT IS SO MOVED.

DATED this 15 day of April, 2016.

ADA COUNTY PUBLIC DEFENDER


REED SMITH
Attorney for Defendant

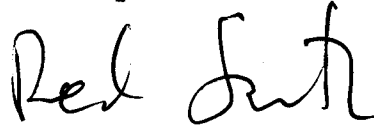
mo

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 2 day of April, 2016, I
mailed a true and correct copy of the foregoing to the:

Ada County Prosecutor's Office

by depositing same in the Interdepartmental mail.

A handwritten signature in cursive script, appearing to read "Reed Smith", is written above a horizontal line.

Reed Smith

RECEIVED

APR 21 2016

Ada County Clerk

RECEIVED

APR 21 2016

ADA COUNTY
PUBLIC DEFENDERS OFFICE

TO: Judge Hipple

FROM: Kent Williams

RE: State V Williams. CR-FE-2015-12724

Request to disqualify current counsel from any further representation; and that I be brought before the court before my sentencing on May 23rd, 2016 to make my case for this request. AND that my trial attorney, Mr. Loschi, be compelled by the court to appear as well to answer for his behavior since my trial.

Since my trial Mr. Loschi has informed me that he has taken himself off my case and that Mr. Reed Smith will be handling my sentencing.

I believe Mr. Loschi has deliberately sabotaged my defense. (and perhaps even conspired with the prosecutor. if no more than a wink and a nod method). I have called out Mr. Loschi with specific examples of this. (sabotage. I can not officially make the allegation of conspiring secretly with the prosecutor. its just conjecture at this point). I have even demanded specific facts concerning something he did that was unethical and potentially damaging to my defense had I taken the stand to testify in my defense. Information I would need to eventually know should I get a new trial. (Its possible).

In his turn, he has taken himself off my case and refuses to

000380

answer my questions I have written to him. Very legitimate questions. And he informed me that Mr Smith will be doing my sentencing. He's basically "lawyered up."

As far as Mr Smith representing me. I object. Besides a serious trust factor there is also a conflict of interest. He is Mr Loschi's partner and subordinate.

Several weeks before trial Mr Loschi discontinued all communication in regards to a defense. Instead he sent Mr Smith to see me about a week before trial "to prepare my testimony" (without even knowing what my defense would be since Mr Loschi went M.I.A. on me).

I got suspicious of Mr Loschi when he refused to vigorously cross examine Det Pietrzak at the suppression hearing and let his very disputable facts stand undisputed or call other cops or myself to the stand to contradict Pietrzak's testimony.

A week before trial when Mr Loschi popped into see me for literally 5 minutes, I finally confronted him and asked, "You're not going to defend me on the gun charge (in fact he told the jury, "Mr Williams had a gun!" OMG!) I always maintained I did not knowingly possess a firearm) OR confront the cops with the evidence of their false police reports and tampering with evidence, are you?" He then, after 5 months of leading me to believe he was going to, replied, "No I am not."

for all intensive purposes at that point mr smith became my attorney
of record. me and him talked about mr Loschi's indefensible behavior.
I asked mr smith to confront him about his unethical and bizarre
behavior and I asked for counsel on how to deal with the situation.

he replied that "this is a very awkward situation." (out of respect
for mr smith I will not divulge what all he said to me, but
I will say it was not my idea to represent myself, but some one
told me that if I want any meaningful defense I would have to do
it myself. unfortunately I did not feel comfortable trying to articulate
myself chained to the floor as I use body language to help
articulate myself. Plus it would not take a rocket scientist to
figure out I was chained to the floor if every one in the court
room but me was moving around, Plus all the other obvious
problems trying to represent ones self not even being able to stand
up without difficulty.)

But what I can say is he did tell me he can not confront mr
Loschi, "he's basically my boss." (paraphrasing, I'm sure). So he is not a
true advocate for me. At this point I am without true counsel
and ignorant of the law.

IF I can not have different, no conflict of interest counsel,
I request no counsel.

Sincerely, Kent White 4-17-16

NO. 1043
A.M. FILED P.M.

APR 22 2016

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Reed Smith
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

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

STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN to all parties that the Court will call on for hearing the Defendant's Motion for New Counsel or to Proceed Pro Se. Said hearing shall take place on May 6, 2016, at the hour of 10:00 a.m., in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

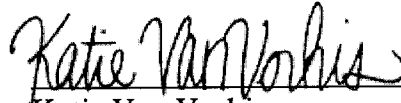
DATED this 21st day of April 2016.

Rh Jth

REED SMITH
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 21st day of April 2016, I mailed a true and correct copy of the foregoing to Joshua Haws, Ada County Prosecutor's Office, by placing the same in the Interdepartmental Mail.


Katie Van Vorhis

Time	Speaker	Note
<u>10:10:01 AM</u>		State v. Kent Williams CRFE15-12724 New Counsel/Pro Se Cust
<u>10:10:10 AM</u>	Judge	calls case, def present in custody
<u>10:10:18 AM</u>	State	Daniel Dinger
<u>10:10:22 AM</u>	PD	Reed Smith
<u>10:10:25 AM</u>	Judge	we're on motion for new counsel/pro se representation
<u>10:10:40 AM</u>	Smith	I received a copy of the letter
<u>10:10:55 AM</u>		I think the letter is clear
<u>10:11:00 AM</u>		there is some animosity between defendant and counsel
<u>10:11:11 AM</u>		he's asking for us to be removed as counsel
<u>10:11:22 AM</u>	Judge	it appears you're not in communication with Mr. Loschi
<u>10:11:39 AM</u>		what else is the issue?
<u>10:11:45 AM</u>	Def	lack of trust with Mr. Smith
<u>10:11:57 AM</u>		this is a sensitive subject, hard to speak about this
<u>10:12:14 AM</u>		I need to know how to appeal, make a record for appeal
<u>10:12:25 AM</u>		there are some facts I need to know as to what they've done
<u>10:12:44 AM</u>		I never ask to go pro se
<u>10:12:53 AM</u>		I told you about some stuff that was going on a week before trial
<u>10:13:13 AM</u>		Loschi pretty much took himself off my case a while back
<u>10:13:29 AM</u>		what he's doing is unethical
<u>10:13:43 AM</u>		Loschi is his boss
<u>10:13:54 AM</u>		if Loschi has taken himself off my case, than that's a guilty conscious
<u>10:14:08 AM</u>		I need a defense I can trust
<u>10:14:15 AM</u>		I need counsel, I need to know how to handle this
<u>10:14:22 AM</u>		there's a conflict of interest
<u>10:14:27 AM</u>	Judge	what I saw at trial, there was a difference in opinion of tactics
<u>10:14:44 AM</u>		you wanted him to accuse police of planting evidence
<u>10:15:01 AM</u>		they had a strategy
<u>10:15:11 AM</u>		what else?
<u>10:15:27 AM</u>	Def	other things developed
<u>10:15:33 AM</u>		Loschi won't answer my questions
<u>10:15:38 AM</u>		Smith won't tell me
<u>10:15:52 AM</u>		basically he's lawyered up
<u>10:16:03 AM</u>	Judge	conflict of interest?

<u>10:16:11 AM</u>		we use that in a very specific way
<u>10:16:21 AM</u>		explains conflict of interest, it's a legal conflict
<u>10:16:42 AM</u>		Mr. Smith do you feel there is a legal conflict with your office and Mr. Williams?
<u>10:16:52 AM</u>	Smith	no
<u>10:17:01 AM</u>		Loschi just felt I should handle this because of the animosity that has grown between the two of them
<u>10:17:32 AM</u>	Def	it's not just trial tactics
<u>10:17:40 AM</u>		so they can't be held to ethics
<u>10:17:58 AM</u>		Smith won't give me information on Loschi's ethics and what he did wrong
<u>10:18:18 AM</u>	Judge	that might be something for a post-conviction, if you were represented wrongfully
<u>10:18:48 AM</u>	Def	want information from them, to incriminate him
<u>10:19:16 AM</u>		Smith admitted before trial that he was in an awkward situation
<u>10:19:27 AM</u>		lack of interest in providing a defense
<u>10:19:34 AM</u>		he knew that what he was doing wasn't right
<u>10:19:53 AM</u>		is he my advocate or Loschi's advocate
<u>10:20:01 AM</u>		I can't talk to him
<u>10:20:05 AM</u>		Loschi won't admit what he's done or put in writing
<u>10:20:19 AM</u>		if he can't answer a letter
<u>10:20:28 AM</u>	Judge	what we have left is sentencing
<u>10:20:45 AM</u>	Def	I can talk to them
<u>10:20:55 AM</u>		Loschi has done some pretty nasty things
<u>10:21:09 AM</u>		I can only say so much
<u>10:21:13 AM</u>		the prosecutor is sitting right over there, can only say so much
<u>10:21:27 AM</u>	Judge	I don't know what's going on
<u>10:21:32 AM</u>		we only have sentencing left
<u>10:21:41 AM</u>		I expect there will be an appeal
<u>10:21:49 AM</u>		that is with the State Appellate Public Defender's office, not the public defenders; they are separate offices
<u>10:22:08 AM</u>		if you fail on appeal, there is post-conviction
<u>10:22:17 AM</u>	Smith	he feels if certain things aren't raised now, he feels he'll lose an appeal
<u>10:22:49 AM</u>	Judge	I'm not going to litigate a post-conviction here, right now
<u>10:23:12 AM</u>	Def	don't know what else I can tell ya
<u>10:23:20 AM</u>		Loschi has taken himself off my case
<u>10:23:26 AM</u>		he refuses to answer my questions
<u>10:23:32 AM</u>		I'm not going to speak with them
<u>10:23:43 AM</u>		I don't trust them

<u>10:23:57 AM</u>		I'm not going to talk to anyone in the public defender office
<u>10:24:16 AM</u>	Judge	Mr. Smith feels that he can represent you , that there is no legal conflict with him
<u>10:24:56 AM</u>	Def	not sure how else to articulate it
<u>10:25:07 AM</u>	Judge	has Mr. Smith done anything else from not answering questions
<u>10:25:48 AM</u>	Def	we haven't talked about sentencing at this point
<u>10:26:37 AM</u>		if there is contrary advice, he has to be protecting Mr. Loschi
<u>10:26:57 AM</u>		there's a conflict
<u>10:27:09 AM</u>		there's a reason he's not answering my questions
<u>10:27:22 AM</u>	Judge	the questions you're raising, Smith can't rightfully answer those questions
<u>10:27:45 AM</u>		that has nothing to do with what's left in this case
<u>10:27:55 AM</u>		all that is left in this case is sentencing
<u>10:28:29 AM</u>	Def	as for sentencing, it's a gross situation that's developed
<u>10:28:52 AM</u>		I can't talk to them, if I can trust them, how can I talk tot hem
<u>10:29:05 AM</u>	Judge	that's a choice your making to not trust them
<u>10:29:14 AM</u>		Mr. Smith has no issues
<u>10:29:33 AM</u>		they work in the same office
<u>10:30:15 AM</u>	Def	appreciate you letting me come in and say what I had
<u>10:30:26 AM</u>	Judge	Mr Dinger?
<u>10:30:33 AM</u>	State	agree with courts analysis
<u>10:30:45 AM</u>		there was no colluding between the state and Mr. Loschi
<u>10:31:02 AM</u>	Judge	Mr. Smith, def doesn't want to talk about conversations
<u>10:31:24 AM</u>		I can excuse the state for a moment if needed
<u>10:31:54 AM</u>	Judge	Mr. Williams, do you think youcan work with Mr. Smith on your sentencing?
<u>10:32:13 AM</u>	Def	no personal problems there, our relationship is limited
<u>10:32:35 AM</u>		I've been civil
<u>10:32:52 AM</u>		I'm going to prison and I had no defense
<u>10:33:36 AM</u>	Judge	I'm trying to decide if there is a conflict
<u>10:33:45 AM</u>	State	if you need me to step out, I'm fine with doing that
<u>10:33:56 AM</u>		if that would help resolve the issues
<u>10:34:07 AM</u>	Def	are the sheriff's still going to be here?
<u>10:34:17 AM</u>	Judge	yes
<u>10:34:19 AM</u>	Def	then I don't know if I want to
<u>10:35:01 AM</u>		Loschi isn't answering questions
<u>10:35:13 AM</u>	Judge	Loschi is no longer representing you, Mr. Smih is

<u>10:35:25 AM</u>	Def	that's part of the problem, he's his partner
<u>10:35:39 AM</u>		the trust is gone
<u>10:35:44 AM</u>		not going to talk to someone I don't trust
<u>10:36:10 AM</u>	Smith	with that said, ask that conflict counsel be appointed for sentencing
<u>10:36:36 AM</u>	Judge	i understand you have issues to raise, but it's not the time for that yet
<u>10:37:12 AM</u>		this dispute is fixed by substituting out one pd for another
<u>10:37:33 AM</u>		this has the potential of 3 life sentences
<u>10:37:47 AM</u>		we now would face a delay for sentencing so conflict counsel can get up to speedy
<u>10:38:01 AM</u>		conflict counsel would not want to get inot the issues you have with Mr. Loschi
<u>10:38:30 AM</u>		not going to go thru a litany of lawyers
<u>10:38:48 AM</u>		they might say we're not going to talk about those issues, they would be there for the sentencing
<u>10:39:12 AM</u>		will order pd office to order conflict counsel
<u>10:39:27 AM</u>		the trust has broken down
<u>10:39:33 AM</u>		with the potential of 3 life sentence, think its appropriate for new counsel
<u>10:39:49 AM</u>		no reflection on Mr. Smith
<u>10:39:58 AM</u>		I don't know the facts, just reading between the lines and erring on side of caution
<u>10:40:14 AM</u>		Sentencing is May 23rd, we'll leave that on
<u>10:40:46 AM</u>		Status May 16th at 2pm for a brief status; we can address if counsel is ready to proceed to sentencing and discuss security
<u>10:41:31 AM</u>		take his case up first and want him to be comfortable with a belly chain
<u>10:42:17 AM</u>		we'll get an order out
<u>10:42:24 AM</u>		end of case

FILED
May 10, 2016 at 8:40 A M
CHRISTOPHER D. RICH, CLERK OF THE COURT
BY: EMILY CHILD
Deputy Clerk

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

THE STATE OF IDAHO,
Plaintiff,
vs.
KENT GLEN WILLIAMS,
Defendant.

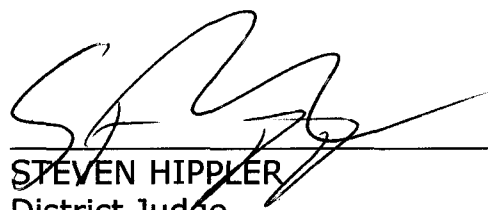
Case No. CR-FE-2015-0012724

**ORDER GRANTING MOTION FOR
NEW COUNSEL AND APPOINTING
CONFLICT COUNSEL**

The above named defendant appeared before the Court and requested the aid of new counsel, and the Court being satisfied that new counsel is appropriate;

IT IS HEREBY ORDERED That the Ada County Public Defender's Office appoint Conflict Counsel represent the defendant in all matters pertaining to sentencing.

DATED: May 9th, 2016.


STEVEN HIPPLER
District Judge

cc: Ada County Prosecutor
INTERDEPARTMENTAL MAIL

Ada County Public Defender
INTERDEPARTMENTAL MAIL

EL

MAY 11 2016

ROBERT R. CHASTAIN
CONFLICT ADA COUNTY PUBLIC DEFENDER
 300 Main, Suite 158
 Boise, ID 83702-7728
 Telephone: (208) 345-3110
 Idaho State Bar #2765

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

**NOTICE OF APPEARANCE AS
CONFLICT ADA COUNTY
PUBLIC DEFENDER**

DATED this 9th day of May, 2016.

NOTICE OF APPEARANCE AS CONFLICT ADA COUNTY PUBLIC DEFENDER – PAGE 1

000390

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 10 day of May, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:


___ By depositing copies of the same in the United States Mail, postage prepaid, first class.

☒ By hand delivering copies of the same to the office(s) of the attorney(s) indicated below.

___ By faxing copies of the same to said attorney(s) at the facsimile number: _____

☒

Ada County Prosecutor, 200 W. Front Street, Boise, ID 83702


Legal Assistant

Time	Speaker	Note
<u>02:52:31 PM</u>		St. v. Kent Williams CRFE15-12724 Status Cust (Chastain)
<u>02:52:33 PM</u>	Judge	calls case, def present in custody
<u>02:52:37 PM</u>	State	Josh Haws and Daniel Dinger
<u>02:52:38 PM</u>	Def Attny	Marilyn Chastain for Rob Chastain
<u>02:52:41 PM</u>	Judge	wanted to see who counsel would be
<u>02:52:52 PM</u>		if parties would be ready to proceed tomorrow
<u>02:53:07 PM</u>	Chastain	we want to keep May 23rd
<u>02:53:18 PM</u>		Rob needs to talk with Mr. Williams
<u>02:53:38 PM</u>	Judge	understand the state has some witnesses/victims
<u>02:53:52 PM</u>		let my clerk and counsel know by Wednesday if you'll be asking for a setover
<u>02:54:56 PM</u>		end of case

Time	Speaker	Note
<u>11:35:44 AM</u>		St. v. Kent Williams Sentencing CRFE15-12724 Cust (Chastain)
<u>11:35:49 AM</u>	Judge	calls case, def present in custody
<u>11:35:56 AM</u>	State	Josh Haws
<u>11:36:00 AM</u>	Def Attny	Robert Chastain, conflict counsel
<u>11:37:14 AM</u>	Judge	time set for sentencing
<u>11:37:18 AM</u>		parties are read to proceed
<u>11:37:23 AM</u>		found guilty at jury trial
<u>11:37:50 AM</u>		no legal cause
<u>11:37:53 AM</u>		I ordered a psi and I've reviewed it
<u>11:38:09 AM</u>		counsel and defendant have reviewed it
<u>11:38:18 AM</u>	Chastain	he chose not to cooperate with the psi, we wont' comment on that
<u>11:38:41 AM</u>	State	ask restitution remain open for 90 days
<u>11:38:54 AM</u>	Chastain	I know my client believes a harsh sentence will be imposed, we ask restitution not be imposed
<u>11:39:24 AM</u>	Judge	if ordered or ever paid it a decision court will need to make
<u>11:39:37 AM</u>		leave restitution open for 90 days and state can consider if they wish to proceed
<u>11:40:02 AM</u>	State	a victim is here, she wrote a statement, she doesn't wish to speak, just consider her written letter
<u>11:40:23 AM</u>	State	argues sentencing and rec's
<u>11:48:12 AM</u>	Chastain	argues sentencing and rec's
<u>11:50:57 AM</u>		he'll be choosing not to allocute
<u>11:52:45 AM</u>	Def	no statement
<u>11:54:32 AM</u>	Judge	I find you guilty on all 4 counts and persistent violator charge based upon the jury's finding
<u>11:55:29 AM</u>		comments
<u>11:59:58 AM</u>		JOC: ct 1: life=12+life; ct 2: life=20+life enhanced by count 3, consecutive to count 1; ct 4: 5=5+0, consecutive to ct 1 and concurrent to count 2; ct 5: which enhances previous sentences
<u>12:02:05 PM</u>		remanded, bail exonerated; credit for time served will be given
<u>12:02:46 PM</u>		dna sample and right thumbprint; restitution left open 90 days
<u>12:03:06 PM</u>		the sentence now equals life in prison with 32 fixed and life indeterminate
<u>12:03:23 PM</u>		no costs or fine, or pd reimb
<u>12:03:30 PM</u>		Appeal rights
<u>12:04:17 PM</u>		end of case

MAY 27 2016

CHRISTOPHER D. RICH, Clerk
By KIERSTEN HOUST
DEPUTY

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

THE STATE OF IDAHO,

Plaintiff,

-vs-

KENT GLEN WILLIAMS,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR FE 2015-0012724

**JUDGMENT OF CONVICTION
AND COMMITMENT**

On May 23, 2016, Joshua Haws, Deputy Prosecuting Attorney for the County of Ada, State of Idaho, and the defendant, Kent Glen Williams, with his attorney, Robert Chastain, appeared before this Court for sentencing.

The defendant was duly informed of the Amended Information and Information Part II filed against him, and the defendant was found guilty by a jury on March 30, 2016 to the crimes of COUNT I: ROBBERY, FELONY, I.C. § 18-6501, COUNT II: ROBBERY, FELONY, I.C. § 18-6501, COUNT III: USE OF A FIREARM OR DEADLY WEAPON DURING THE COMMISSION OF A CRIME, FELONY, I.C. § 19-2520, COUNT IV: UNLAWFUL POSSESSION OF A FIREARM, FELONY, I.C. § 18-3316 and the PERSISTENT VIOLATOR, under I.C. § 19-2514 contained in the Information Part II.

The defendant, and defendant's counsel, were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the defendant, and if the defendant, or defendant's counsel, wished to offer any evidence or to make a statement on behalf of the defendant, or to present any information to the Court in mitigation of punishment; and the Court, having accepted such statements, and having found no legal cause or reason why judgment and sentence should not be pronounced against the defendant at this time; does render its judgment of conviction as follows, to-wit:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crimes of COUNT I: ROBBERY, FELONY, I.C. § 18-6501, COUNT II: ROBBERY, FELONY, I.C. § 18-6501, COUNT III: USE OF A FIREARM OR DEADLY WEAPON DURING THE COMMISSION OF A CRIME, FELONY, I.C. § 19-2520, COUNT IV: UNLAWFUL POSSESSION OF A FIREARM, FELONY, I.C. § 18-3316 and PERSISTENT VIOLATOR, FELONY, I.C. § 19-2514, and that he be sentenced pursuant to the Uniform Sentence Law of the State of Idaho, I.C. § 19-2513, to the custody of the State of Idaho Board of Correction as follows:

Count I: Defendant shall serve an aggregate term of life in prison: with the first twelve (12) years of the term to be FIXED, and with the remainder of the term to be INDETERMINATE, with such sentence to commence immediately.

Count II: As enhanced by the USE OF A FIREARM OR DEADLY WEAPON DURING THE COMMISSION OF A CRIME charge contained in **Count III**, Defendant shall serve an aggregate term of life in prison: with the first twenty (20) years of the term to be FIXED, and with the remainder of the term to be INDETERMINATE, with such sentence to commence immediately, to run consecutively to Count I and concurrently with Count IV.

Count IV: Defendant shall serve an aggregate term of five (5) years: with the first five (5) years of the term to be FIXED, and with the remaining zero (0) years of the term to be INDETERMINATE, with such sentence to commence immediately, to run consecutively to Count I and concurrently with Count II.

All above sentences are enhanced by the persistent violator charge contained in the Information Part II.

Pursuant to I.C. § 18-309, the defendant shall be given credit for the time already served upon the charges specified herein, which is two hundred sixty-three (263) days as of the date of sentencing.

The defendant shall submit a DNA sample and right thumbprint impression to authorities pursuant to I.C. § 19-5506 within ten (10) days of this judgment.

The parties were not prepared to stipulate to restitution. The state is directed to notice restitution for hearing if the parties cannot stipulate to an amount within 90 days.

The defendant shall pay an amount to be determined by the Department of Correction, not to exceed one hundred dollars (\$100), for the cost of conducting the pre-sentence investigation and preparing the pre-sentence investigation report. The amount will be determined by the Department and paid by the defendant in accordance with the provisions of I.C. § 19-2516.

The defendant shall be remanded to the custody of the Sheriff of Ada County, to be delivered FORTHWITH by him into the custody of the Director of the State Board of Correction of the State of Idaho.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the defendant.

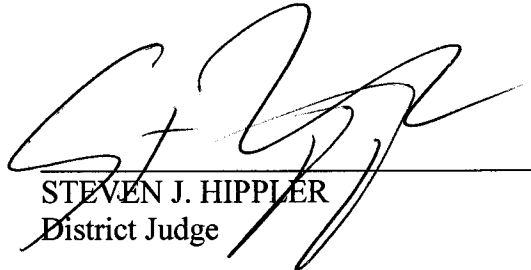
NOTICE OF RIGHT TO APPEAL

You, Kent Glen Williams, are hereby notified that you have the right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days from the entry of this judgment.

You are further notified that you have the right to be represented by an attorney in any appeal, that if you cannot afford to retain an attorney, one may be appointed at public expense. Further, if you are a needy person, the costs of the appeal may be paid for by the State of Idaho. If you have questions about your appeal rights, you should consult your present lawyer.

IT IS SO ORDERED.

Dated this 27th day of May 2016.


STEVEN J. HIPPLER
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of May 2016, I mailed (emailed) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR'S OFFICE
VIA EMAIL

ROBERT R. CHASTAIN
ATTORNEY AT LAW
PO BOX 756
BOISE, ID 83701-0756

ADA COUNTY JAIL
VIA EMAIL

IDAHO DEPARTMENT OF CORRECTION
VIA EMAIL

PSI DEPARTMENT
VIA EMAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: 

Deputy Clerk

ROBERT R. CHASTAIN
CONFLICT ADA COUNTY PUBLIC DEFENDER
 300 Main, Suite 158
 Boise, ID 83702-7728
 Telephone: (208) 345-3110
 Idaho State Bar #2765

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

the term to be INDETERMINATE, with such sentence to run consecutively to Count I and concurrently with Count II.

2. Mr. Williams has a right to appeal to the Idaho Supreme Court and the judgment described in paragraph 1 above is appealable under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).

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

- (a) The sufficiency of evidence to support the trial verdict;
- (b) The appellant asserts the Judge erred in denying Defendant's Motion to Disqualify Judge Without Cause filed January 14, 2016;
- (c) The appellant asserts the Judge erred in denying Defendant's Motion for Relief from Prejudicial Joinder;
- (d) The appellant asserts the Judge erred in denying Defendant's Motion to Suppress for Illegal Arrest and Motion to Suppress Search Warrant;
- (e) The appellant asserts the Judge erred in denying Defendant's Motion to Disqualify Judge for Cause filed March 8, 2016;
- (f) The appellant asserts the Judge erred in denying Defendant's right to proceed pro se at jury trial;
- (g) The appellant asserts the court's sentence was too harsh and that the district court abused its discretion by sentencing Mr. Williams to the custody of the State of Idaho Board of Correction as follows: **Count I:** for an aggregate term of life in prison: with the first twelve (12) years of said term to be FIXED, and with the remainder of the term to be INDETERMINATE. **Count II:** for an aggregate term of life in prison: with the first twenty (20) years of said term to be FIXED, and with the remainder of the term to be INDETERMINATE, with such sentence to run consecutively to Count I and concurrently with Count IV. **Count IV:** for an aggregate term of five (5) years: with the first five (5) years of the term to be FIXED, and with the remaining zero (0) years the of the term to be INDETERMINATE, with such sentence to run consecutively to

Count I and concurrently with Count II.

4. The appellant requests the preparation of the entire reporter's standard transcript defined in I.A.R. 25(a). The appellant also requests the preparation of the following portions of the reporter's transcript:

- (a) Sentencing held May 23, 2016;
- (b) The Motion hearing of January 15, 2016;
- (c) The Motion hearing of January 29, 2016;
- (d) The Motion hearing of February 1, 2016;
- (e) The Motion hearing of March 11, 2016;
- (f) The Motion hearing of March 28, 2016.

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

- (a) The Presentence Investigation

6. I certify:

- (a) A copy of this *Notice of Appeal* has been served on the court reporter.
- (b) The appellant is exempt from paying the estimated transcript fee because he is an indigent person and is unable to pay said fee. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24 (e));
- (c) The 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. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e)).
- (d) The appellant is exempt from paying the appellate filing fee because he is indigent and is unable to pay said fee. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8)).

(e) Service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 24th day of June, 2016.



ROBERT R. CHASTAIN
Attorney for Defendant-Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 24th day of June, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

Ada County Prosecuting Attorney

☒

By hand delivery to the Ada County Courthouse

Office of the State Appellate Public
Defender
304 N. 8th Street, Suite 403
Boise, ID 83702

☒

By first class mail, postage prepaid

Christie Valcich
Court Reporter

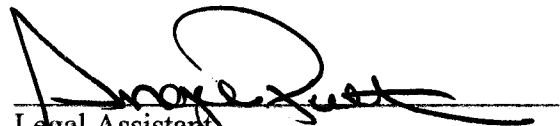
☒
☐

By hand delivery
By faxing the same to:

Kent Glen Williams, IDOC #119473
c/o ISCI
Unit 15
PO Box 14
Boise, ID 83707

☒

By first class mail, postage prepaid


Legal Assistant

JUN 24 2016

CHRISTOPHER D. RICH, Clerk
By WENDY MALONE
DEPUTY

ROBERT R. CHASTAIN
CONFLICT ADA COUNTY PUBLIC DEFENDER
300 Main Street Suite 158
Boise, ID 83702
(208) 345-3110
Idaho State Bar #2765

Attorney for Defendant

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

STATE OF IDAHO,

Respondent-Plaintiff,

vs.

KENT GLEN WILLIAMS,

Appellant-Defendant.

Case No. CR-FE-2015-12724

**MOTION FOR ORDER
APPOINTING STATE
APPELLATE PUBLIC
DEFENDER ON APPEAL**

COMES NOW the Defendant-Appellant and hereby moves this Court for its order appointing the State Appellate Public Defender to represent him in his appeal.

This Motion is made on the basis that he has no personal funds with which to hire private counsel and desires to have the services of the Idaho State Appellate Public Defender provided.

DATED this 24th day of June, 2016.



Robert R. Chastain
Conflict Ada County Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 24 day of June, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

Ada County Prosecuting Attorney

- ☒ By first class mail, postage prepaid
- ☒ By hand delivery
- ☐ By faxing the same to:

Kent Glen Williams, IDOC #119473
c/o ISCI
Unit 15
PO Box 14
Boise, ID 83707

- ☒ By first class mail, postage prepaid
- ☐ By hand delivery
- ☐ By faxing the same to:


Legal Assistant

RECEIVED

JUN 24 2016

NO. _____ FILED
A.M. 10:15 P.M. _____

Ada County Clerk

JUL 05 2016

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO
CHRISTOPHER D. RICH, Clerk
By EMILY CHILD
DEPUTY

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

STATE OF IDAHO,

Respondent-Plaintiff,

vs.

KENT G. WILLIAMS,

Appellant-Defendant.

Case No. CR-FE-2015-12724

ORDER APPOINTING
STATE APPELLATE PUBLIC
DEFENDANT
DIRECT APPEAL

The above matter having come before this Court, and good cause appearing, the Court finds Kent G. Williams has elected to pursue a direct appeal in the above entitled matter and is without sufficient funds with which to hire private counsel for his appeal.

It is hereby deemed Kent G. William is indigent and in need of an appointed attorney to pursue the appeal.

IT IS HEREBY ORDERED AND THIS DOES ORDER the Idaho State Appellate Public Defender is appointed to represent the above named Kent G. Williams in all matters pertaining to his direct appeal.

DATED this 30th day of June, 2016.


District Judge

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 5 day of July, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

Ada County Prosecuting Attorney

- ☒ By first class mail, postage prepaid
☐ By hand delivery
☐ By faxing the same to:

Robert R. Chastain
300 Main, Suite 158
Boise, ID 83702

- ☒ By first class mail, postage prepaid

Kent Glen Williams, IDOC #119473
c/o ISCI
Unit 15
PO Box 14
Boise, ID 83707

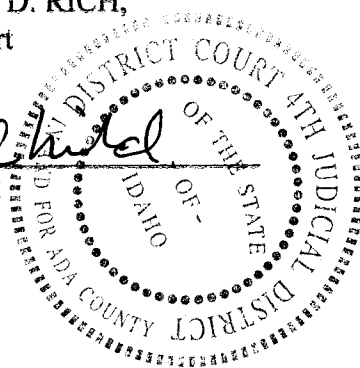
- ☒ By first class mail, postage prepaid

State Appellate Public Defender
PO Box 2816
Boise, ID 83702

- ☒ By first class mail, postage prepaid

CHRISTOPHER D. RICH,
Clerk of the Court

By: E. Chastain
Deputy Clerk



NO. _____
FILED _____
A.M. _____ P.M. 3:45

AUG 10 2016

CHRISTOPHER D. RICH, Clerk
By SUZANNE SIMON
DEPUTY

ERIC D. FREDERICKSEN
Interim State Appellate Public Defender
I.S.B. #6555

JUSTIN M. CURTIS
Deputy State Appellate Public Defender
I.S.B. #6406
P.O. Box 2816
Boise, ID 83701
(208) 334-2712

ORIGINAL

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

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	CASE NO. CR 2015-12724
)	
v.	)	S.C. DOCKET NO. 44300
)	
KENT GLEN WILLIAMS,	)	AMENDED
	)	NOTICE OF APPEAL
Defendant-Appellant.)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO AND THE PARTY'S ATTORNEYS, JAN M. BENNETTS, ADA COUNTY PROSECUTOR, 200 WEST FRONT STREET, BOISE, ID 83702, STATEHOUSE MAIL, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellant appeals against the State of Idaho to the Idaho Supreme Court from the Court's Judgment and conviction and Commitment entered in the above entitled action on the 27th day of May, 2016, the Honorable Steven J. Hippler, presiding, sentencing the defendant, Mr. Kent Glen Williams, to the custody of the State of Idaho Board of Corrections as follows:



Count I: for an aggregate term of life in prison: with the first twelve (12) years of said term to be FIXED, and with the remainder of the term to be INDETERMINATE. **Count II:** for an aggregate term of life in prison: with the first twenty (20) years of said term to be FIXED, and with the remainder of the term to be INDETERMINATE, with such sentence to run consecutively to Count I and concurrently with Count IV. **Count IV:** for an aggregate term of five (5) years: with the first five (5) years of the term to be FIXED, and with the remaining zero (0) years of the term to be INDETERMINATE, with such sentence to run consecutively to Count I and concurrently with Court II.

2. Mr. Williams has a right to appeal to the Idaho Supreme Court and the judgment described in paragraph 1 above is appealable under and pursuant to Idaho Appellate Rules (I.A.R.) 11(c)(1-409).

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

(a) The sufficiency of evidence to support the trial verdict;

(b) The appellant asserts the Judge erred in denying Defendant's Motion to Disqualify Judge Without Cause on Counts 3 and 4 of the Second Amended Indictment filed January 14, 2016;

(c) The appellant asserts the Judge erred in denying Defendant's Motion for Relief from Prejudicial Joinder;

(d) The appellant asserts the Judge erred in denying the Defendant's Motion to Suppress for Illegal Arrest and Motion to Suppress Search Warrant;

(e) The appellant asserts the Judge erred in denying Defendant's Motion to Disqualify Judge for Cause Pursuant to ICR 25 (b) filed March 8, 2016;

(f) The appellant asserts the Judge erred in denying Defendant's right to proceed pro se at jury trial;

(g) The appellant asserts the court's sentence was too harsh and that the district court abused its discretion by sentencing Mr. Williams to the custody of the State of Idaho Board of Corrections as follows:

Count I: for an aggregate term of life in prison: with the first twelve (12) years of said term to be FIXED, and with the remainder of the term to be INDETERMINATE. **Count II:** for an aggregate term of life in prison: with the first twenty (20) years of said term to be FIXED, and with the remainder of the term to be INDETERMINATE, with such sentence to run consecutively to Count I and concurrently with Count IV. **Count IV:** for an aggregate term of five (5) years: with the first five (5) years of the term to be FIXED, and with the remaining zero (0) years of the term to be INDETERMINATE, with such sentence to run consecutively to Count I and concurrently with Court II.

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

5. The appellant requests the preparation of the entire reporter's standard transcript defined in I.A.R. 25(a). The appellant also requests the preparation of the following portions of the reporter's transcript:

(a) The Motion Arraignment held on of January 15, 2016 (Court Reporter: Christie Valcich, estimation of less than 100 pages are listed on the Register of Actions);

(b) The Motion to Sever hearing held on of January 29, 2016 (Court Reporter: Penny Tardiff, estimation of less than 200 pages are listed on the Register of Actions);

(c) The Motion Status hearing held on of February 1, 2016 (Court Reporter: Christie Valcich, estimation of less than 100 pages are listed on the Register of Actions);

(d) The Motion to Suppress hearing held on of March 11, 2016 (Court Reporter: Christie Valcich, estimation of less than 300 pages are listed on the Register of Actions);

(e) Pretrial Conference held on March 22, 2016 (Court Reporter: Christie Valcich, estimation of less than 200 pages are listed on the Register of Actions);

(f) Jury Trial held March 28-30, 2016, to include the voir dire, opening statements, closing arguments, jury instruction conference(s), any hearings regarding questions from the jury during deliberations, return of the verdict, and any polling of the jurors (Court Reporter: Christie Valcich, estimation of less than 1500 pages are listed on the Register of Actions);

(g) Sentencing hearing held on May 6, 2016 (Court Reporter: Christie Valcich, estimation of less than 100 pages are listed on the Register of Actions);
and

(h) Sentencing hearing held on May 23, 2016 (Court Reporter: Christie Valcich, estimation of less than 100 pages are listed on the Register of Actions).

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

- (a) The Presentence Investigation;
- (b) Letter from Defendant filed September 17, 2015;
- (c) Memorandum in Support of Motion Defendant's Motion to Suppress filed January 20, 2016;
- (d) Affidavit of Jonathan Loschi filed January 25, 2016;
- (e) State's Brief in Support of Objection to Defendant's Second Motion for Relief from Prejudicial Joinder filed January 28, 2016;
- (f) Affidavit of William Kent filed January 28, 2016;
- (g) State's Brief in Support of Objection to Defendant's Motion to Suppress [file stamped 01/28/2016] filed January 29, 2016;
- (h) Response to State's Objection to Defendant's Motion to Suppress for an Illegal Arrest filed February 22, 2016;
- (i) Memorandum to Suppress Search Warrant filed February 26, 2016;
- (j) Affidavit of Jonathon Loschi in Support of Motion to Disqualify Judge Pursuant to ICR 25(b) filed March 8, 2016;
- (k) Affidavit of Kent Williams in Support of Motion to Suppress filed March 8, 2016;

(l) State's Brief in Opposition to Defendant's Motions to Suppress filed March 8, 2016;

(m) Affidavit of Kent Williams in Support of Motion to Suppress filed March 21, 2016;

(n) Defense Witness List filed March 22, 2016;

(o) State's List of Potential Trial Witnesses filed March 22, 2016;

(p) Jury Instruction filed March 30, 2016; and

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

7. I certify:

(a) That a copy of this Notice of Appeal has been served on the court reporter(s), Christie Valcich and Penny Tardiff;

(b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(10));

(c) That there is no appellate filing fee since this is an appeal in a post-conviction case (Idaho Code §§31-3220, 31-3220A, I.A.R. 23(a)(10));

(d) That arrangements have been made with Ada county who will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e); and

(e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 10th day of August, 2016.



JUSTIN M. CURTIS
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 10th day of August, 2016, caused a true and correct of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

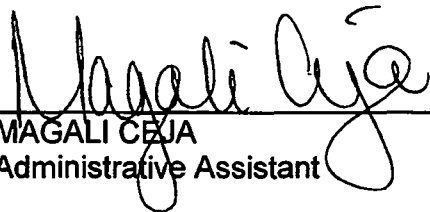
ROBERT R CHASTAIN
CONFLICT ADA COUNTY PUBLIC DEFENDER
300 MAIN STE 158
BOISE ID 83702

CHRISTIE VALCICH
COURT REPORTER
200 W FRONT STREET
BOISE ID 83702
STATEHOUSE MAIL

PENNY TARDIFF
COURT REPORTER
200 W FRONT STREET
BOISE ID 83702
STATEHOUSE MAIL

JAN M BENNETTS
ADA COUNTY PROSECUTOR
200 WEST FRONT STREET
BOISE ID 83702
STATEHOUSE MAIL

KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL – CRIMINAL DIVISION
Hand deliver to Attorney General's mailbox at Supreme Court


MAGALI CEJA
Administrative Assistant

EDF/mal/mc

JAN M. BENNETTS
Ada County Prosecuting Attorney

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

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

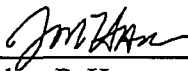
STATE OF IDAHO,)	
)	
Plaintiff,)	
	)	Case No. CR-FE-2015-0012724
vs.)	
)	
KENT GLEN WILLIAMS,	)	MOTION FOR ORDER FOR
	)	RESTITUTION AND JUDGMENT
Defendant.)	
_____)	

COMES NOW, Joshua P. Haws, Deputy Ada County Prosecuting Attorney, in and for the County of Ada, State of Idaho, and moves this Court pursuant to Idaho Code §19-5304 for a restitution judgment in the amount of \$19,961.00 for losses incurred by the victim(s) and/or law enforcement agency(ies) as listed below, in the above referenced case, and move the Court for its Order for Restitution and Judgment, based upon the attached documentation.

KEY BANK – OVERLAND BRANCH	\$9,450.00
KEY BANK - BROADWAY AVE BRANCH	\$7,506.00
CORPORATE SECURITY – VISTA AVE BRANCH	\$1,455.00
CORPORATE SECURITY - FAIRVIEW AVE BRANCH	\$1,450.00
DRUG ENFORCEMENT DONATION ACCOUNT	\$100.00
TOTAL:	\$19,961.00

DATED this 16th day of August, 2016.

JAN M. BENNETTS
Ada County Prosecuting Attorney

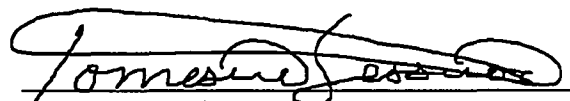

By: Joshua P. Haws
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of August, 2016, I caused to be served, a true and correct copy of the foregoing Motion for Order for Restitution and Judgment upon the individual(s) named below in the matter noted:

Name and address: „Robert Chastain, Attorney at Law, admin@chastainlaw.net

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☐ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____.
- ☐ By hand-delivering copies of the same to defense counsel.
- ☒ Via iCourt eFile and Serve.


Tomasine Sessions

507-917

Operator: SPELLJA

Date: 04/14/15

Cashbox: 05

LS Summary

Total Cash Count	2,841.58
------------------	----------

Ending Cash	12,291.58
-------------	-----------

Short	9,450.00
-------	----------

Canadian Summary

Total Cash Count	0.00
------------------	------

Ending Cash	0.00
-------------	------

Difference	0.00
------------	------

D R 516-380

Operator: PECKJEI**Date:** 07/22/15**Cashbox:** 01**US Summary**

Total Cash Count 3,732.06

Ending Cash 11,238.06

Short 7,506.00

Canadian Summary

Total Cash Count 0.00

Ending Cash 0.00

Difference 0.00

000305

REST000000218

Tomasine Sessions

From: [REDACTED]
Sent: Wednesday, August 10, 2016 02:45 PM
To: Tomasine Sessions
Subject: Re: WILLIAMS, KENT CRFE2015-12724

hello Tomasine.

So with respect to the Fairview Avenue robbery our loss was \$1,450.

For the second one on Vista Ave, our loss was \$1,455. Now, there was a recovery of \$280 which is being held by the PD as evidence. So if we subtracted the "unrecovered recovery", our loss would be \$1175.00.

Let me know if you need more clarification, information etc.

Thanks!

Bill

William M. Smithey, CFE, CPP, MBA
RCA Consultant/Senior Investigator, Corporate Security

[REDACTED] m

[REDACTED]

From: Tomasine Sessions [REDACTED]
To: [REDACTED] m
Date: 08/10/2016 10:28 AM
Subject: WILLIAMS, KENT CRFE2015-12724

Hello William

We spoke last week regarding the above defendant and robberies at two US bank locations. I was wondering if you have found any losses to claim in restitution. Below are the dates of the incidents and locations again for your reference. I will be finalizing this on Monday 8/15/16. Let me know if you have any questions.

US Bank 7230 W Fairview Ave Boise ID DOI:9/27/2012
US Bank 1103 Vista Ave Boise ID DOI:9/17/2012

Thank You,

Tomasine Sessions
Restitution Coordinator
Ada County Prosecutor



U.S. BANCORP made the following annotations

Electronic Privacy Notice. This e-mail, and any attachments, contains information that is, or may be, covered by electronic communications privacy laws, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing this information in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

OCT 11 2016

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,

v.

Kent Williams,
Defendant

Case # CR-FE-2015-002724

Motion to Release NON Evidence
personal property From police custody

comes now Kent Williams, Defendant, Pro se, and petitions
this court to release personal property of Mr Williams seized
by police pursuant to their investigation of the above prosecution.

CR-FE-2015-12724
MOTN
Motion
153498




Relevant facts

on or about August 24, 2015 Detectives went to an
impound lot pursuant to a search warrant to search
for specific authorized items located in defendant
vehicle. Det Iverson stated in his police Report
that when he looked in the Trunk of the car there
was too much stuff to go through at the impound lot

so he simply removed every thing from the car,
or most things. Williams also asks permission to have other
non evidence items not taken from the car returned)
and took it all to the police station to process & search
for evidence.

Mr Williams asks that all of the non evidence property
(that determination to be made by the prosecutor and police)
that was taken out of the car be released and made available
to be picked up by some one authorized by Mr Williams.

It is most likely that the police does not want all that extra
clutter laying around for the years it will take to get this
Kangaroo's court verdict over turned in the appellate courts
(most likely in the federal courts as Mr Williams is learning that
the state appellate courts are as corrupt and dishonest as the
district courts).


submitted by Kent Williams October 16th, 2016
119473 ZSC1
PO BOX 14
Boise Idaho

OCT 11 2016

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,

v.

Kent Williams,
Defendant.

Case # CR-FE-2015-0012724

objection to states motion for order
for Restitution and Judgment.
And Demand for Hearing

comes now Kent Williams, Prose, Defendant, and objects to
the states motion for restitution.

Grounds for objection.

CR-FE-2015-12724
OBJC
Objection
153496



1) The state is asking the court to award restitution for banks
allegedly Robbed that mr williams was not charged for or
convicted of.

2) mr williams challenges the validity of the documentation
"establishing" alleged losses. It looks like the state just typed up
some numbers on a piece of paper and calls it evidence.

3) This is a civil matter. If a private business alleges loss due to alleged civil liability of Mr Williams they must pursue their alleged losses through civil litigation. The state is without jurisdiction on this claim.

4) If the state is seeking alleged losses incurred by law enforcement, Mr Williams will need to see itemized accounting of all of their time spent submitting (very provable) false documentation, collusion with Judge Hippler, collusion with the court appointed attorney, Shyster Loschi, time giving perjured testimony and manipulating evidence and planting evidence. Mr Williams will also need to have a hearing where he can impeach the Piece of shit lying Pigs and Piece of shit lying Judge (very provable).

Hearing Demanded

Hearing Demanded.

submitted by Kent Williams

Kutwin

October 2nd, 2016

119473 ZSLZ

PO Box 14

Base, Idaho 83707

~

certificate of mailing

on October 4th, 2016 I mailed a copy of
defendants objection to states motion for order
for Restitution and Judgement
AND Demand for hearing and;

motion to Release non evidence
personal property from police custody

TO: Deputy Prosecutor
Joshua P. Haws
200 W. Front St. Room 3191
Boise Idaho 83702

and;

Court clerk
4th Judicial District of Idaho
for ADA county
200 W Front St.
Boise Idaho 83702-7300

Kittler

October 4th, 2016

Keat Williams 119473
ISCZ

Po Box 14

Boise Idaho 83707

OCT 24 2016

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

IN the District Court of the 4th Judicial District
of the state of Idaho, In and for ADA county

State of Idaho,
Plaintiff-Respondent
v.

CR 2015 - 12724

S.L. Docket # 44300

Kent Williams,
Defendant-Appellant

Motion for copies of Discovery
and trial exhibits

comes now Kent Williams, Defendant, and petitions
that discovery be made available to him to pursue
an appeal of the above conviction.

On May 23rd, 2016, Mr Williams was sentenced to
32 years fixed with a life time top. He has
submitted a notice of appeal as well as notices
of Amended Appeals.

Mr Williams believes he will need certain items
from the discovery in his case as well as an
exhibit used at a pretrial hearing



The need and relevance for the requested items are for his direct appeal, post conviction appeal and if need be federal Habeas or writ of certiorari.

Mr Williams has attempted to obtain the listed below items from his ~~to~~ sentencing and Attorney and the Idaho Public Defender Appellate office. Neither will cooperate - or even respond - they lack any professionalism.

Mr Williams request 3 copies of each of the following pictures, and in full size, size of this page, and in color. (Same size used for the states exhibits.)

All hand photos taken that are in his discovery. These were taken at the police station and Ada County Jail pursuant to a warrant.

The discovery indicates that the pictures are logged with the following numbers: 0057 through 0076 (Discovery pages 42-47).

pictures 0314 through 0337
(Discovery pages 180-185)

The picture of the bank robbers hand taken by surveillance and used for the warrant. This picture does not appear to have a discovery log picture number.

The exhibits used at the suppression hearing. Specifically the ones used depicting the suspect in the suspects car taken from video surveillance. (The one of a guy in a white t-shirt in which the Judge (Hartel) says he sees a guy in a purple coat and purple mask).

These photos do not appear to have a picture log number. But they were exhibits and the photos appear on discovery page 1025.

Submitted By Kat Wilh October 18th 2016
Kent Williams
119470 ISCI
PO Box 14
Boise, Idaho 83707

certificate of mailing

on october 18th, 2016 I placed in the U.S. mail
a copy of defendants amended notice of appeal and
motion for copies of Discovery and trial Exhibits
To:

The District Court of the 4th Judicial District
of the state of Idaho
200 W. Front street
Boise, Idaho 83702

and

The Ada county prosecuting attorney
200 W. Front st
Boise Idaho, 83702



10-18-16

Kent Williams

119473

ZSCZ

PO Box 14

Boise Idaho, 83707

OCT 24 2016

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

IN the District Court of the 4th Judicial District
of the State of Idaho, IN and for ADA County

State of Idaho,
Plaintiff-Respondent

v.

Case # CR 2015-12724

S.C. Docket NO. 44300

Kent Williams,
Defendant-Appellant

Amended Notice of
Appeal / Transcript Request

comes now, Kent Williams, Defendant; Prose, and makes
this Amended Notice of Appeal to include the following
Issue:

- 1) excessive restraints during the course of the trial proceedings
in violation of the 5th, 6th, and 14th Amendment of the
United States Constitution and;
- 2) Judicial Bias and
- 3) unfair trial in violation of the 5th, 6th and 14th Amendment
of the United States Constitution.

CR-FE-2015-12724
NOTA
Notice of Appeal
163332



The defendant - Appellant request that the entire and complete transcripts be provided and transcribed to include every hearing held in the matter of this case.

Defendant is without a complete docket list of the hearings. He request the transcripts to the hearings listed below and any omitted hearing on this list:

Hearings held on:

8-21-2015

8-24-2015

9-4-2015

9-8-2015

9-9-2015

9-11-2015

9-22-2015

9-28-2015

9-30-2015

10-2-2015

10-5-2015

11-13-2015

11-24-2015

11-30-2015

Submitted by: Kent Williams October 18th, 2016

Kent Williams

Idaho state correctional center

P.O. Box 14

Boise, Idaho 83707

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IN THE SUPREME COURT OF THE STATE OF IDAHO

Supreme Court No. 44300

STATE OF IDAHO,

Plaintiff-Respondent,

v.

KENT GLEN WILLIAMS

Defendant-Appellant.

)
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NO. _____ FILED
A.M. 9:14 P.M. _____

OCT 25 2016

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on October 24, 2016,
I lodged a transcript, 929 pages in length, for the
above-referenced appeal with the District Court Clerk of
Ada County in the Fourth Judicial District.



(Signature of Reporter)

Christie Valcich, CSR-RPR

October 24, 2016

Trial Date: November 30, 2015
January 15, 2016
February 1, 2016
March 11, 2016
March 22, 2016
March 28, 2016
March 29, 2016
March 30, 2016
May 6, 2016
May 23, 2016

000433

IN THE SUPREME COURT OF THE STATE OF IDAHO

KENT GLEN WILLIAMS,)
) Supreme Court Docket
Defendant-Appellant,) 44300
)
vs.)
)
STATE OF IDAHO,)
)
Plaintiff-Respondent.)

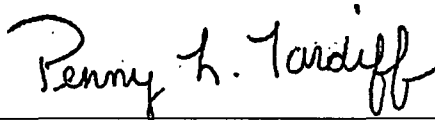
NO. _____
A.M. 9:14 FILED P.M. _____

OCT 25 2016

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on July 21, 2016, I
lodged a transcript 56 pages in length for the
above-referenced appeal with the District Court Clerk of
Ada County in the Fourth Judicial District.



(Signature of Reporter)

Penny L. Tardiff, CSR 712

7-21-2016

Hearing Date: January 29, 2016

000434

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.

KENT GLEN WILLIAMS,

Defendant-Appellant.

Supreme Court Case No. 44300

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:

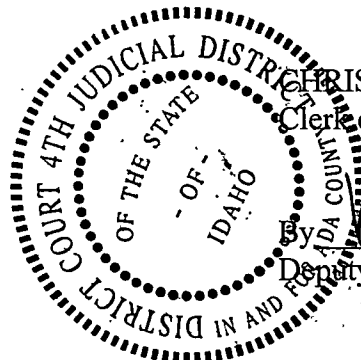
That the attached list of exhibits is a true and accurate copy of the exhibits being forwarded to the Supreme Court on Appeal. It should be noted, however, that the following exhibits will be retained at the District Court clerk's office and will be made available for viewing upon request.

1. State's Exhibit 20 – Transponder \$50 dollar bill.

I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Transcript of Grand Jury proceedings held September 22, 2015, Boise, Idaho, filed November 4, 2015.
2. Sealed Exhibits to State's Objection to Defendant's Motion for Release on Own Recognizance and Objection to Motion to Transfer to Another Jail Unit, filed December 31, 2015.
3. Transcript of Grand Jury proceedings held January 12, 2016, Boise, Idaho, filed January 19, 2016.
4. Presentence Investigation Report.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 26th day of October, 2016.



CHRISTOPHER D. RICH
Clerk of the District Court

By *[Signature]*
Deputy Clerk

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

HONORABLE STEVEN HIPPLER

March 11, 2016

CLERK: Emily Child

CT REPORTER: Christie Valcich

THE STATE OF IDAHO,

Plaintiff,

vs.

KENT GLEN WILLIAMS,

Defendant.

Case No. CR-FE-2015-0012724

EXHIBIT LIST

Counsel for State: Joshua P Haws

Counsel for Defendant: Jonathan D Loschi

STATE'S EXHIBITS / EVIDENCE

Admitted

Date Admit

(DR # If evidence, include property number here)

6E.	Photo from bank camera	Admitted	3/11/16
-----	------------------------	----------	---------

DEFENDANT'S EXHIBITS

Admitted

Date Admit

--	--	--	--

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

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

HONORABLE STEVEN HIPPLER
CLERK: Emily Child
CT REPTR: Christie Valcich

March 28, 2016

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.) Case No. CRFE15-12724
)
KENT WILLIAMS,)
)
Defendant.)
)

EXHIBIT LIST

Counsel for State: Josh Haws and Daniel Dinger
Counsel for Defendant: Jonathan Loschi and Reed Smith

STATE'S EXHIBITS

Exhibit 1	Photo of bank entrance	Admitted	03/28/2016
Exhibit 2	Photo of robber entering bank	Admitted	03/28/2016
Exhibit 3	Photo of robber in bank lobby	Admitted	03/28/2016
Exhibit 4	Photo of robber at teller window	Admitted	03/28/2016
Exhibit 5	Photo of robber at teller window	Admitted	03/28/2016
Exhibit 6	Photo of robber at window	Admitted	03/28/2016
Exhibit 7	Photo of robber with cash	Admitted	03/28/2016
Exhibit 8	Photo of robber leaving bank	Admitted	03/28/2016
Exhibit 9	Photo of robber in back parking lot	Admitted	03/28/2016
Exhibit 10	Photo of man in green sedan	Admitted	03/28/2016
Exhibit 11	Photo of man in green sedan	Admitted	03/28/2016
Exhibit 12	Photo of man in green sedan	Admitted	03/28/2016
Exhibit 13	Photo of man in green sedan	Admitted	03/28/2016
Exhibit 14	Photo of man dropping item from car	Admitted	03/28/2016
Exhibit 15	Photo of man dropping item from car	Admitted	03/28/2016
Exhibit 16	Photo of street with cone	Admitted	03/28/2016
Exhibit 17	Photo of cone by 50 dollar bill	Admitted	03/28/2016
Exhibit 18	Up-close photo of cone by \$50 bill	Admitted	03/28/2016
Exhibit 19	Up-close photo of \$50 dollar bill	Admitted	03/28/2016
Exhibit 20	Transponder \$50 dollar bill	Admitted	03/28/2016

Exhibit 21	Photo of man in yellow mask	Admitted	03/29/2016
Exhibit 22	Photo of man showing gun	Admitted	03/29/2016
Exhibit 23	Photo of robber approaching teller	Admitted	03/29/2016
Exhibit 24	Photo of robber in bank lobby	Admitted	03/29/2016
Exhibit 25	Photo of robber pointing at teller	Admitted	03/29/2016
Exhibit 26	Photo of teller showing gun	Admitted	03/29/2016
Exhibit 27	Photo of bank robber	Admitted	03/29/2016
Exhibit 28	Photo of robber feeling cash	Admitted	03/29/2016
Exhibit 29	Close-up photo of bank robber	Admitted	03/29/2016
Exhibit 30	Photo of robber feeling cash	Admitted	03/29/2016
Exhibit 31	Photo of robber holding transponder bill	Admitted	03/29/2016
Exhibit 32	Photo of robber holding cash	Admitted	03/29/2016
Exhibit 33	Photo of robber feeling for gun	Admitted	03/29/2016
Exhibit 34	Photo of robber feeling for gun	Admitted	03/29/2016
Exhibit 35	Photo of robber at teller station	Admitted	03/29/2016
Exhibit 36	Photo of robber pointing at cash	Admitted	03/29/2016
Exhibit 37	Photo of robber counting/feeling cash	Admitted	03/29/2016
Exhibit 38	Photo of miscellaneous items from wallet	Admitted	03/29/2016
Exhibit 39	Photo of green Chevy Malibu	Admitted	03/29/2016
Exhibit 40	Close-up photo of car emblem	Admitted	03/29/2016
Exhibit 41	Photo of green bumper sticker residue	Admitted	03/29/2016
Exhibit 42	Photo of green bumper sticker residue	Admitted	03/29/2016
Exhibit 43	Photo of \$100 bills found	Admitted	03/29/2016
Exhibit 44	Photo of \$100 bills found	Admitted	03/29/2016
Exhibit 45	Photo of \$100 bills found in wallet	Admitted	03/29/2016
Exhibit 46	Miscellaneous items of identification	Admitted	03/29/2016
Exhibit 47	Photo of motel room 24 door	Admitted	03/29/2016
Exhibit 48	Photo of motel room 24 interior	Admitted	03/29/2016
Exhibit 49	Photo of backpacks in motel room	Admitted	03/29/2016
Exhibit 50	Photo of backpacks	Admitted	03/29/2016
Exhibit 51	Photo of bags in motel room 24	Admitted	03/29/2016
Exhibit 52	Photo of items on bed	Admitted	03/29/2016
Exhibit 53	Photo of Driver's license	Admitted	03/29/2016
Exhibit 54	Photo of items in a backpack	Admitted	03/29/2016
Exhibit 55	Photo of gun in backpack	Admitted	03/29/2016
Exhibit 56	Photo of gun in holster	Admitted	03/29/2016
Exhibit 57	Photo of gun/clips/Taser	Admitted	03/29/2016
Exhibit 58	Photo of gun/clips/bullets	Admitted	03/29/2016
Exhibit 59	Photo of plastic bag	Admitted	03/29/2016
Exhibit 60	Photo of jacket with mask in pocket	Admitted	03/29/2016
Exhibit 61	Photo of mask in jacket pocket	Admitted	03/29/2016
Exhibit 62	Photo of mask	Admitted	03/29/2016
Exhibit 63	Photo of sewing needles	Admitted	03/29/2016
Exhibit 64	Green jacket and mask	Admitted	03/29/2016
Exhibit 66	State of Washington Driver's License	Admitted	03/29/2016
Exhibit 67	Photo of cash	Admitted	03/29/2016
Exhibit 68	Photo of bag with bullets	Admitted	03/29/2016
Exhibit 69	Photo of bullets from plastic bag	Admitted	03/29/2016
Exhibit 70	Photo of sunglasses	Admitted	03/29/2016
Exhibit 71	Photo of sunglasses	Admitted	03/29/2016

Exhibit 72	Photo of sunglasses	Admitted	03/29/2016
Exhibit 73	Photo of jacket with mask	Admitted	03/29/2016
Exhibit 74	Photo of green face mask	Admitted	03/29/2016
Exhibit 75	Photo of green face mask	Admitted	03/29/2016
Exhibit 76	Photo of green face mask with elastic	Admitted	03/29/2016
Exhibit 77	State of glasses in car	Admitted	03/29/2016
Exhibit 78	Photo of sunglasses	Admitted	03/29/2016
Exhibit 79	Photo of Kent Williams hand	Admitted	03/29/2016
Exhibit 80	Up-close photo of hand with mark	Admitted	03/29/2016
Exhibit 81	Jacket with mask	Admitted	03/29/2016
Exhibit 82	Map of Roosevelt and Nez Perce	Admitted	03/28/2016
Exhibit 83	Photo from Google earth of bank area	Admitted	03/28/2016
Exhibit 84	Photo of green Malibu wheels	Admitted	03/29/2016
Exhibit 85	Photo of green Malibu wheels	Admitted	03/29/2016
Exhibit 86	Kent G Williams Registration Card	Admitted	03/29/2016
Exhibit 88	Red and black hat	Admitted	03/29/2016
Exhibit 89	Photo of gun and bullets	Admitted	03/29/2016
Exhibit 90	Photo of gun/serial number punched out	Admitted	03/29/2016
Exhibit 91	Gun holster	Admitted	03/29/2016
Exhibit 92	Judgment and Sentence/Murder in 1 st	Admitted	03/30/2016
Exhibit 93	Certified Copy of Information	Admitted	03/30/2016
Exhibit 94	Cert. Copy of Judgment and Sentence	Admitted	03/30/2016
Exhibit 95	Attestation of Records	Admitted	03/30/2016

DEFENDANT'S EXHIBITS

Exhibit A	List of Bait money by serial number	Admitted	03/28/2016
Exhibit B	List of amounts of money lost	Admitted	03/28/2016
Exhibit D	Total of cash balancing sheet	Admitted	03/29/2016
Exhibit E	List of baited bills	Admitted	03/29/2016
Exhibit F	Breakdown of drawer cash by denomination	Admitted	03/29/2016
Exhibit G	Talley Sheet of Funds	Admitted	03/29/2016

State Ex 64, 81, 88, 1391 released to Boise Police on 6/16/2016 Per Order Re: Exhibits :
 Substituted by photos
 1CAR 71(F) & (G).
 M. Lewis
 Exhibits 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.

KENT GLEN WILLIAMS,

Defendant-Appellant.

Supreme Court Case No. 44300

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

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

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

Date of Service: OCT 26 2016



CHRISTOPHER D. RICH
Deputy 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.

KENT GLEN WILLIAMS,

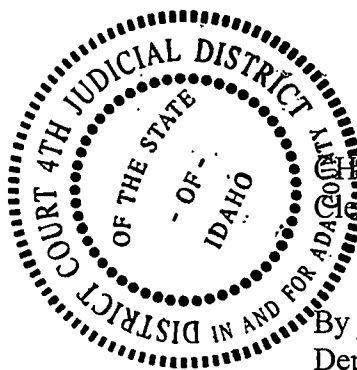
Defendant-Appellant.

Supreme Court Case No. 44300

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 under my direction 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 Counsel.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 24th day of June, 2016.



CHRISTOPHER D. RICH
Clerk of the District Court

By K. W. Segen
Deputy Clerk