

1-10-2017

## State v Snapp Clerk's Record Dckt. 44642

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IN THE SUPREME COURT OF THE  
STATE OF IDAHO

STATE OF IDAHO, )  
 )  
 Plaintiff- )  
 Respondent, )  
 )  
 -vs- )  
 )  
 JAMES EDWARD SNAPP, JR., )  
 aka JAMES PENCE, JIM SNAPP, )  
 JIM SNOTT, JAMES EDWARD PENCE, )  
 JAMES EDWARD SNOPP, JR., )  
 )  
 )  
 Defendant- )  
 Appellant. )

Supreme Court No. 44642-2016

Appeal from the Third Judicial District, Canyon County, Idaho.

HONORABLE THOMAS J. RYAN, Presiding

Eric Fredericksen, State Appellate Public Defender,  
322 East Front Street, Suite 570, Boise, Idaho 83702

Attorney for Appellant

Lawrence G. Wasden, Attorney General, Statehouse, Boise, Idaho 83720

Attorney for Respondent

## Felony

Date		Judge
12/22/2015	New Case Filed-Felony	Thomas J Ryan
	Affidavit Of Probable Cause	Thomas A. Sullivan
	Criminal Complaint	Thomas A. Sullivan
	Warrant Issued - Arrest Bond amount: 100000.00 Defendant: Snapp, James Edward Jr	Thomas A. Sullivan
	Case Sealed	Thomas A. Sullivan
	Case Status Changed: Inactive	Thomas A. Sullivan
1/19/2016	Warrant Returned Defendant: Snapp, James Edward Jr/ Served in Ada County	Thomas J Ryan
	Case Un-sealed	Thomas J Ryan
	Case Status Changed: Pending	Thomas J Ryan
	Case Status Changed: inactive	Thomas J Ryan
2/3/2016	Notice Of Court Date And Bond Receipt	Thomas J Ryan
	Hearing Scheduled (Arraignment / First Appearance 02/12/2016 09:00 AM)	Thomas A. Sullivan
	Bond Posted - Surety (Amount 100000.00 )	Thomas J Ryan
2/12/2016	Hearing result for Arraignment / First Appearance scheduled on 02/12/2016 09:00 AM: Arraignment / First Appearance Felony	Thomas A. Sullivan
	Hearing result for Arraignment / First Appearance scheduled on 02/12/2016 09:00 AM: Constitutional Rights Warning Felony	Thomas A. Sullivan
	Hearing result for Arraignment / First Appearance scheduled on 02/12/2016 09:00 AM: Order Appointing Public Defender Felony	Thomas A. Sullivan
	Hearing result for Arraignment / First Appearance scheduled on 02/12/2016 09:00 AM: Order Release to Pre-trial Release Program	Thomas A. Sullivan
	Hearing Scheduled (Preliminary Hearing 02/26/2016 08:30 AM)	Gary D. DeMeyer
2/17/2016	PA's Response and Objection to Request For Discovery	Thomas J Ryan
	Request For Discovery	Thomas J Ryan
	Demand For Notice Of Defense Of Alibi	Thomas J Ryan
2/18/2016	Request For Discovery	Thomas J Ryan
2/25/2016	Affidavit of Pretrial NonCompliance (w/letter)	Thomas J Ryan
2/26/2016	Hearing result for Preliminary Hearing scheduled on 02/26/2016 08:30 AM: Continued	Gary D. DeMeyer
	Hearing Scheduled (Preliminary Hearing 03/10/2016 08:30 AM)	Gregory F. Frates
3/10/2016	Hearing result for Preliminary Hearing scheduled on 03/10/2016 08:30 AM: Continued	Gregory F. Frates
	Hearing Scheduled (Preliminary Hearing 03/17/2016 08:30 AM)	Gregory F. Frates
3/17/2016	Hearing result for Preliminary Hearing scheduled on 03/17/2016 08:30 AM: Preliminary Hearing Held	Gregory F. Frates
	Hearing result for Preliminary Hearing scheduled on 03/17/2016 08:30 AM: Bound Over (after Prelim)	Gregory F. Frates
	Hearing result for Preliminary Hearing scheduled on 03/17/2016 08:30 AM: Order Binding Defendant Over to District Court	Gregory F. Frates

## Felony

Date		Judge
12/22/2015	New Case Filed-Felony	Thomas J Ryan
	Affidavit Of Probable Cause	Thomas A. Sullivan
	Criminal Complaint	Thomas A. Sullivan
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	Case Un-sealed	Thomas J Ryan
	Case Status Changed: Pending	Thomas J Ryan
	Case Status Changed: inactive	Thomas J Ryan
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	Hearing result for Arraignment / First Appearance scheduled on 02/12/2016 09:00 AM: Constitutional Rights Warning Felony	Thomas A. Sullivan
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	Hearing result for Arraignment / First Appearance scheduled on 02/12/2016 09:00 AM: Order Release to Pre-trial Release Program	Thomas A. Sullivan
	Hearing Scheduled (Preliminary Hearing 02/26/2016 08:30 AM)	Gary D. DeMeyer
2/17/2016	PA's Response and Objection to Request For Discovery	Thomas J Ryan
	Request For Discovery	Thomas J Ryan
	Demand For Notice Of Defense Of Alibi	Thomas J Ryan
2/18/2016	Request For Discovery	Thomas J Ryan
2/25/2016	Affidavit of Pretrial NonCompliance (w/letter)	Thomas J Ryan
2/26/2016	Hearing result for Preliminary Hearing scheduled on 02/26/2016 08:30 AM: Continued	Gary D. DeMeyer
	Hearing Scheduled (Preliminary Hearing 03/10/2016 08:30 AM)	Gregory F. Frates
3/10/2016	Hearing result for Preliminary Hearing scheduled on 03/10/2016 08:30 AM: Continued	Gregory F. Frates
	Hearing Scheduled (Preliminary Hearing 03/17/2016 08:30 AM)	Gregory F. Frates
3/17/2016	Hearing result for Preliminary Hearing scheduled on 03/17/2016 08:30 AM: Preliminary Hearing Held	Gregory F. Frates
	Hearing result for Preliminary Hearing scheduled on 03/17/2016 08:30 AM: Bound Over (after Prelim)	Gregory F. Frates
	Hearing result for Preliminary Hearing scheduled on 03/17/2016 08:30 AM: Order Binding Defendant Over to District Court	Gregory F. Frates

## Felony

Date		Judge
3/17/2016	Hearing Scheduled (Arrn. - District Court 04/01/2016 09:00 AM)	Davis F. VanderVelde
3/21/2016	Information	Thomas J Ryan
3/31/2016	Motion to Produce Preliminary Hearing Transcript (w/order)	Thomas J Ryan
4/1/2016	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: Hearing Held RYAN PT-June 13@1:30 JT-July 26-29@8:30-Carey	Davis F. VanderVelde
	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: District Court Hearing Held Court Reporter: Christine Rhodes Number of Transcript Pages for this hearing estimated: RYAN PT-June 13@1:30 JT-July 26-29@8:30-Carey	Davis F. VanderVelde
	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: Arraignment / First Appearance RYAN PT-June 13@1:30 JT-July 26-29@8:30-Carey	Davis F. VanderVelde
	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: District Court Hearing Held Court Reporter: Christine Rhodes Number of Transcript Pages for this hearing estimated: less than 100 pages	Davis F. VanderVelde
	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: Arraignment / First Appearance RYAN PT-June 13@1:30 JT-July 26-29@8:30-Carey	Davis F. VanderVelde
	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: Notice Of Hearing RYAN PT-June 13@1:30 JT-July 26-29@8:30-Carey	Davis F. VanderVelde
	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: Motion Held RYAN PT-June 13@1:30 JT-July 26-29@8:30-Carey	Davis F. VanderVelde
	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: Motion Granted RYAN PT-June 13@1:30 JT-July 26-29@8:30-Carey	Davis F. VanderVelde
	Hearing result for Arrn. - District Court scheduled on 04/01/2016 09:01 AM: Consolidation Of Files with CR2015-9735*N	Davis F. VanderVelde
	Hearing Scheduled (Pre Trial 06/13/2016 01:30 PM)	Thomas J Ryan
	Hearing Scheduled (Jury Trial 07/26/2016 08:30 AM) stnw	G.D. Carey
	A Plea is Entered for Charge: - NG (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine)	Thomas J Ryan
	Order to Produce Preliminary Hearing Transcript	Thomas J Ryan
4/12/2016	PA's First Supplemental Response to Request for Discovery	Thomas J Ryan
4/22/2016	Transcript Filed (Preliminary Hearing 3-17-16)	Thomas J Ryan

## Felony

Date		Judge
4/29/2016	Motion to Suppress	Thomas J Ryan
5/2/2016	Order Setting Hearing and Briefing Schedule	Thomas J Ryan
	Hearing Scheduled (Motion Hearing 05/24/2016 03:30 PM) Mtn to Suppress	Thomas J Ryan
5/16/2016	Defendant's Memorandum in Support of Motion to Suppress Evidence, Admissions/Confessions	Thomas J Ryan
5/24/2016	Brief In Support Of Objection To Motion To Suppress Evidence	Thomas J Ryan
	Hearing result for Motion Hearing scheduled on 05/24/2016 03:30 PM: Hearing Held	Thomas J Ryan
	Hearing result for Motion Hearing scheduled on 05/24/2016 03:30 PM: District Court Hearing Held Court Reporter: Kim Saunders Number of Transcript Pages for this hearing estimated: less than 100	Thomas J Ryan
6/13/2016	Hearing result for Jury Trial scheduled on 07/26/2016 08:30 AM: Hearing Vacated stnw	G.D. Carey
	Hearing result for Pre Trial scheduled on 06/13/2016 01:30 PM: Continued	Thomas J Ryan
	Hearing result for Pre Trial scheduled on 06/13/2016 01:30 PM: District Court Hearing Held Court Reporter: Kim Saunders Number of Transcript Pages for this hearing estimated: less than 100	Thomas J Ryan
	Hearing Scheduled (Motion Hearing 06/27/2016 03:30 PM) to suppress	Thomas J Ryan
	Hearing Scheduled (Pre Trial 07/11/2016 01:30 PM)	Thomas J Ryan
6/27/2016	Hearing result for Motion Hearing scheduled on 06/27/2016 03:30 PM: Hearing Held - under advisement	Thomas J Ryan
	Hearing result for Motion Hearing scheduled on 06/27/2016 03:30 PM: District Court Hearing Held Court Reporter: Debora Kreidler Number of Transcript Pages for this hearing estimated: less than 100	Thomas J Ryan
7/8/2016	Memorandum Decision and Order Upon Defendant's Motion to Suppress / DENIED	Thomas J Ryan
7/11/2016	Hearing result for Pre Trial scheduled on 07/11/2016 01:30 PM: Hearing Held	Thomas J Ryan
	Hearing result for Pre Trial scheduled on 07/11/2016 01:30 PM: District Court Hearing Held Court Reporter: Kim Saunders Number of Transcript Pages for this hearing estimated: less than 100	Thomas J Ryan
	Hearing Scheduled (Conference - Status 07/25/2016 02:30 PM)	Thomas J Ryan
	Hearing Scheduled (Jury Trial 08/23/2016 08:30 AM) stw	G.D. Carey
7/12/2016	Notice Of Hearing	Thomas J Ryan
7/25/2016	Hearing result for Conference - Status scheduled on 07/25/2016 02:30 PM: Hearing Held	Thomas J Ryan

## Felony

Date		Judge
7/25/2016	Hearing result for Conference - Status scheduled on 07/25/2016 02:30 PM: District Court Hearing Held Court Reporter: Kim Saunders Number of Transcript Pages for this hearing estimated: less than 100	Thomas J Ryan
8/15/2016	Notice of Service of Witnesses	Thomas J Ryan
8/16/2016	Notice of Intent to Use Redacted Video Witness List - Exhibit List	Thomas J Ryan Thomas J Ryan
8/19/2016	Disclosure of Expert Witness Pursuant to I.C.R. 16(b)(7) and IRE 702, 703, 705	Thomas J Ryan
8/23/2016	Hearing result for Jury Trial scheduled on 08/23/2016 08:30 AM: Hearing Held Hearing result for Jury Trial scheduled on 08/23/2016 08:30 AM: District Court Hearing Held Court Reporter: Christine Rhodes Number of Transcript Pages for this hearing estimated: Less than 100 pages	G.D. Carey G.D. Carey
	Hearing result for Jury Trial scheduled on 08/23/2016 08:30 AM: Change Plea To Guilty Before H/t	G.D. Carey
	Hearing result for Jury Trial scheduled on 08/23/2016 08:30 AM: Guilty Plea Advisory Form	G.D. Carey
	Hearing result for Jury Trial scheduled on 08/23/2016 08:30 AM: Rule 11 Plea Agreement	G.D. Carey
	Hearing Scheduled (Sentencing 10/18/2016 04:15 PM)	Thomas J Ryan
	A Plea is Entered for Charge: - GT (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine)	Thomas J Ryan
	Hearing result for Jury Trial scheduled on 08/23/2016 08:30 AM: Pre-Sentence Investigation Evaluation Ordered	G.D. Carey
	Hearing result for Jury Trial scheduled on 08/23/2016 08:30 AM: PSI Face Sheet Transmitted	G.D. Carey
10/17/2016	Hearing result for Sentencing scheduled on 10/18/2016 04:15 PM: Hearing Vacated	Thomas J Ryan
	Hearing Scheduled (Sentencing 10/20/2016 09:30 AM) special set Amended Notice Of Sentencing Hearing	Thomas J Ryan Thomas J Ryan
10/20/2016	Hearing result for Sentencing scheduled on 10/20/2016 09:30 AM: Hearing Held	Thomas J Ryan
	Hearing result for Sentencing scheduled on 10/20/2016 09:30 AM: Final Judgement, Order Or Decree Entered	Thomas J Ryan
	Hearing result for Sentencing scheduled on 10/20/2016 09:30 AM: Sentenced To Fine And Incarceration	Thomas J Ryan
	Hearing result for Sentencing scheduled on 10/20/2016 09:30 AM: Notice of Post Judgment Rights	Thomas J Ryan
	Hearing result for Sentencing scheduled on 10/20/2016 09:30 AM: Commitment - Held To Answer	Thomas J Ryan

## Felony

Date		Judge
10/20/2016	Sentenced To Incarceration (I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine) Confinement terms: Penitentiary determinate: 3 years. Penitentiary indeterminate: 4 years.	Thomas J Ryan
	Case Status Changed: closed pending clerk action	Thomas J Ryan
	Sentenced To Pay Fine 10285.50 charge: I37-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine	Thomas J Ryan
	District Court Hearing Held Court Reporter: Kim Saunders Number of Transcript Pages for this hearing estimated: less than 100	Thomas J Ryan
10/21/2016	Lab Restitution Order And Judgment	Thomas J Ryan
	Surety Bond Exonerated (Amount 100,000.00)	Thomas J Ryan
	Restitution Ordered 100.00 victim # 1	Thomas J Ryan
10/25/2016	Judgment and commitment	Thomas J Ryan
	Judgment	Thomas J Ryan
11/16/2016	Notice of Appeal	Thomas J Ryan
	Appealed To The Idaho Supreme Court	Thomas J Ryan
11/17/2016	Motion for Appointment of State Appellate Public Defender (w/order)	Thomas J Ryan
11/23/2016	Order Appointing State Appellate Public Defender	Thomas J Ryan
12/9/2016	copies	Thomas J Ryan



IN THE DISTRICT COURT OF THE 3RD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON MAGISTRATE DIVISION

FILED  
A.M. 12:33 P.M.  
DEC 22 2015  
CANYON COUNTY CLERK  
B HATFIELD, DEPUTY

STATE OF IDAHO  
Plaintiff

vs.

Snapp, James E. Jr  
Defendant.

DOB: [REDACTED]  
SSN: [REDACTED]  
OLN: [REDACTED]  
State: ID

AFFIDAVIT OF PROBABLE CAUSE

Case No. CR15-24528

Agency Case No. N15-27590

I Brian Jones of the Nampa Police Department being first duly sworn,

state that the following is true and accurate. The following acts occurred at: Barger St. north of Garrity Nampa, ID

Canyon County, State of Idaho.

Alleged Crime(s) Occurred at 23:38 hours on the date of: 05-21-2015

Crime(s) alleged to have been committed:  
Trafficking Methamphetamine 37-2732(4)(A)

1. Please state what you did or observed that gives you reason to believe the individual(s) committed the crime(s) alleged:  
On 05-21-15 at approx. 2338 hours I observed a silver and black Ford Bronco (1AXN319) travelling northbound on Barger from the area of Garrity. I observed the vehicle was traveling approx. 40 mph in an un-posted 20 mph residential zone. I confirmed the speed to be 37 mph. The vehicle then turned off the roadway into a long driveway without using a turn signal. I activated my emergency lights and the vehicle continued driving for a short distance. As the vehicle passed an outbuilding, the driver started to pull in a driveway at 918 N. Barger Street. I observed the driver side door start to open and the driver throw something towards the residence, I could'nt quite see what it was but it appeared to be a darker object

2. What further information do you have regarding what others did or observed giving you reasonable grounds to believe that the individual(s) committed the crime(s) alleged?

I made contact with the driver and lone occupant who was later identified as James E. Snapp (12/3/59). Snapp denied throwing anything. I detained him in handcuffs. I then proceeded to search the area that I had seen Snapp throw the item. I then located a black zipper bag that had landed behind some weeds up next to the house. When I opened the bag I observed a large gallon sized Ziploc bag inside of it. Inside of that bag I observed large crystal shards that due to training experience I believed to be methamphetamine. Ofc. Calderon NIK tested the substance which indicated meth.

3. Set out any information you have and its source as to why a warrant instead of a summons should be issued.

The total package weight of the substance was 119.5 grams which was 4.2 ounces and a little over a quarter pound. The state lab tested the substance and confirmed it was meth.

Snapp already has an FTA for paraphernalia on this case.

RC  
12-22-2015  
BH

"I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct."

Dated this 28 day of November 20 15.

M 0306  
Signature of Officer

ORIGINAL

IN THE DISTRICT COURT OF THE 3RD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON  
MAGISTRATE DIVISION

STATE OF IDAHO  
Plaintiff

vs.

Snapp, James E. Jr  
Defendant.

DOB:

SSN:

OLN:

State: ID

**AFFIDAVIT OF PROBABLE CAUSE**

Case No. \_\_\_\_\_

Agency Case No. **N15-27590**

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Snapp already has an FTA for paraphernalia on this case.

"I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct."

Dated this 28 day of November 2015

MP 326  
Signature of Officer

15-12197

**FILED**  
A.M. 1:53 P.M.  
**DEC 22 2015**  
CANYON COUNTY CLERK  
B HATFIELD, DEPUTY

cm

BRYAN F. TAYLOR  
CANYON COUNTY PROSECUTING ATTORNEY  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605  
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR

D.O.B. [REDACTED]

Defendant.

CASE NO. CR2015- 24578

**CRIMINAL COMPLAINT**

**TRAFFICKING IN METHAMPHETAMINE  
AND/OR AMPHETAMINE**  
Felony, I.C. §37-2732B(a)(4)

STATE OF IDAHO            )  
  ss  
County of Canyon         )

PERSONALLY APPEARED Before me this 22 day of December, 2015,

John Spalding, of the Canyon County Prosecuting Attorney's  
Office, who being duly sworn, complains and says:

CRIMINAL COMPLAINT

ORIGINAL

That the Defendant, James Edward Snapp Jr, on or about the 21st day of May, 2015, in the County of Canyon, State of Idaho, did knowingly possess twenty-eight (28) grams or more of methamphetamine and/or amphetamine, a controlled substance, or of any mixture or substance containing a detectable amount of methamphetamine and/or amphetamine.

All of which is contrary to **Idaho Code**, Section 37-2732B(a)(4) and against the power, peace and dignity of the State of Idaho.

Said Complainant therefore prays that a Warrant for the above named Defendant be issued, and that the Defendant may be dealt with according to law.



---

Complainant

SUBSCRIBED AND SWORN To before me this 22 day of December, 2015.



---

Magistrate

15-12197  
TAMPA POLICE  
WARRANTS  
RECEIVED  
DEC 24 2015

FILED  
A.M. P.M.

JAN 19 2016

CANYON COUNTY CLERK  
T EDWARDS, DEPUTY

cm

BRYAN F. TAYLOR  
CANYON COUNTY PROSECUTING ATTORNEY  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605  
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON  
MAGISTRATE DIVISION

THE STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR  
D.O.B. [REDACTED]

Defendant

CASE NO. CR2015- 24528

WARRANT OF ARREST

TO ANY SHERIFF, CONSTABLE, MARSHAL, POLICEMAN OR PEACE OFFICER  
IN THE STATE OF IDAHO OR COUNTY OF CANYON

A Complaint, under oath having been laid before me, the undersigned Magistrate, by DOUG  
ROBERTSON, of the Canyon County Prosecuting Attorney's Office, showing by substantial evidence  
that there is probable cause to believe that the crime(s) of **TRAFFICKING IN**  
**METHAMPHETAMINE AND/OR AMPHETAMINE**, a Felony in violation of **Idaho Code** Section

WARRANT OF ARREST

DOCKETED  
ORIGIN  
Adm. CO.  
1-19-16

37-2732B(a)(4) and has been committed in the County of Canyon, State of Idaho, and that JAMES EDWARD SNAPP JR has committed the said crime(s);

YOU ARE THEREFORE COMMANDED forthwith to arrest the above named DEFENDANT and bring said person before the nearest available Magistrate. This Warrant may be served at any time during the hours of the daytime or nighttime.

After the court having considered the facts pertaining to the said person and crime, the bail is fixed by endorsement in the amount of \$ 100,000.

**NO CONTACT ORDER**

If checked, Defendant is to have the following No Contact Order is served on, or signed by, the Defendant:

YOU, THE DEFENDANT IN THE ABOVE CAPTIONED CASE, ARE HEREBY ORDERED TO HAVE NO CONTACT DIRECTLY OR INDIRECTLY WITH THE ALLEGED VICTIM(S):

\_\_\_\_\_  
\_\_\_\_\_

You shall not harass, follow, contact, attempt to contact, communicate with in any form, or knowingly remain within 300 feet of the alleged victim(s) or his/her property, residence, work or school.

THIS ORDER WILL EXPIRE AT 11:59 P.M. ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, OR UPON DISMISSAL OF THE CASE.

VIOLATION OF THIS ORDER MAY BE PROSECUTED AS A SEPARATE CRIME UNDER Idaho Code section 18-920 for which no bail will be set until you appear before a judge and is subject to a penalty of up to one (1) year in jail or up to a one thousand dollar (\$1,000) fine, or both.

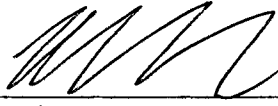
THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WHEN MORE THAN ONE DOMESTIC VIOLENCE PROTECTION ORDER (Title 39, Chapter 62 of Idaho Code) IS IN PLACE THE MOST RESTRICTIVE PROVISION WILL CONTROL ANY CONFLICTING TERMS OF ANY OTHER CIVIL OR CRIMINAL PROTECTION ORDER.

The clerk shall immediately give written notification to the records department of the Canyon County Sheriff's Office of the issuance of this order. THE INFORMATION ON THIS ORDER SHALL BE ENTERED INTO THE IDAHO LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM.


WARRANT OF ARREST

This order is entered pursuant to Idaho Code section 18-920, and Idaho Criminal Rule 46.2 (for felonies) or Idaho Misdemeanor Criminal Rule 13 (for misdemeanors).

DATED This 22<sup>nd</sup> day, of December, 2015 .

  
Magistrate

**DEFENDANT INFORMATION**

Race: White	Hair: Brown	Eyes: Green
Height: 5'10"	Weight: 200	DOB: 
SS#:	Agency#:15027590	Agency: Nampa City Police Department
Officer: Brian Jones	Badge No.	

Last Known Address: 813 Bacon Dr. Boise, ID 83712

NCIC ENTRY: (Additional Levels Inclusive)

- Local
- Statewide
- Surrounding States
- Western United States
- Nationwide

By: \_\_\_\_\_  
Dated: \_\_\_\_\_

RETURN:

STATE OF IDAHO    )  
                          ss.  
County of Canyon  )

I HEREBY CERTIFY that I received the within Warrant of Arrest on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and served the said Warrant by arresting the within named Defendant \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and that I served a copy of said Warrant of Arrest, together with the no contact order (if any) contained within said Warrant of Arrest on the Defendant on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Law Enforcement Officer

**IMPORTANT!**

**INSTRUCTIONS FOR ARRESTING OFFICER**

- 1. READ THIS WARRANT TO THE DEFENDANT.
- 2. GIVE THE DEFENDANT A COMPLETE COPY OF THIS WARRANT.
- 3. COMPLETELY FILL OUT AND SIGN THE RETURN.
- 4. IMMEDIATELY FAX THE RETURN TO THE ENTERING AGENCY:

CANYON COUNTY SHERIFF'S OFFICE DISPATCH FAX # (208) - 454-9355  
NAMPA CITY POLICE DEPARTMENT DISPATCH FAX # (208) - 465-2213



THIRD JUDICIAL DISTRICT, STATE OF IDAHO  
COUNTY OF CANYON

**ARRAIGNMENT**      **IN-CUSTODY**      **SENTENCING / CHANGE OF PLEA**

STATE OF IDAHO, )  
 ) Plaintiff  
-vs- )  
James Edward Snapp Jr )  
 ) Defendant.  
 True Name )  
Corrected Name: )

Case No. CR15-24528-C  
Date: 2/12/16  
Judge: T. Sullivan  
Recording: MAG 7 (907-922)

**APPEARANCES:**

Defendant      Prosecutor John Spalding  
 Defendant's Attorney      Interpreter

**ADVISEMENT OF RIGHTS:** Defendant

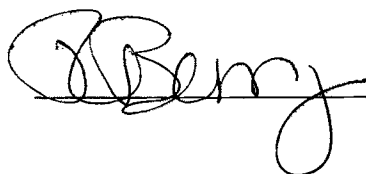
was informed of the charges against him/her and all legal rights, including the right to be represented by counsel.  
 requested court appointed counsel.      waived right to counsel.  
 Indigency hearing held.  
 Court appointed public defender.      Court denied court-appointed counsel.  
 Arraignment continued to before Judge  
 to consult / retain counsel,      other

**PRELIMINARY HEARING:**     Statutory time waived:  Yes      No      Preliminary Hearing Waived  
 Preliminary Hearing set     February 26, 2016 at 8:30 am     before Judge DeMeyer  
 **DISTRICT COURT ARRN:**     before Judge

**BAIL:** State recommends

Released on written citation promise to appear      Released on bond previously posted.  
 Released on own recognizance (O.R.)      Remanded to the custody of the sheriff.  
 Released to pre-trial release officer.      Bail set at \$  
 No Contact Order      entered      continued      Cases consolidated  
 Address Verified      Defendant to Report to Pretrial Release Services upon posting bond.  
 Corrected Address: 69954 Hidden Valley Ln  
Cove, OR 97824

**OTHER:** \_\_\_\_\_

 \_\_\_\_\_, Deputy Clerk

THIRD JUDICIAL DISTRICT  
STATE OF IDAHO  
COUNTY OF CANYON

FILED 2/12/16 AT 9:22 A.M.  
CLERK OF THE DISTRICT COURT  
BY [Signature], Deputy

THE STATE OF IDAHO/or

James Edward Snapp Jr

Case No. CL15-24528-C

ORDER APPOINTING PUBLIC  
DEFENDER

The Court being fully advised as to the application of the above-named applicant and it appearing to be a proper case,

IT IS HEREBY ORDERED that the Canyon County Public Defender be, and hereby is, appointed for

THE MATTER IS SET FOR Preliminary Hearing 2/16/16 @ 8:30am  
before Judge DeMeyer

THE MATTER SHALL BE SET FOR \_\_\_\_\_  
before Judge \_\_\_\_\_

Dated: 2/12/16

Signed: [Signature]  
Judge

In Custody -- Bond \$ \_\_\_\_\_  
 Released:  O.R.  
 on bond previously posted  
 to PreTrial Release

Juvenile:  In Custody  
 Released to \_\_\_\_\_

No Contact Order entered.

Cases consolidated.

Discovery provided by State.

Interpreter required.

Additional charge of FTA.

Judge Ryan

Original--Court File

Yellow--Public Defender

Pink--Prosecuting Attorney

ORDER APPOINTING PUBLIC  
DEFENDER

THIRD JUDICIAL DISTRICT  
STATE OF IDAHO  
COUNTY OF CANYON

FILED 2/12/16 AT 9:00 A.M.  
CLERK OF THE DISTRICT COURT  
BY [Signature], DEPUTY

STATE OF IDAHO,  
Plaintiff,  
-vs-

Case No. CR15-21528

James Edward Snapp Jr  
Defendant,

ORDER FOR

- Conditional Release/Pretrial Services
- Release on Own Recognizance
- Commitment on Bond

IT IS HEREBY ORDERED the defendant abide by the following conditions of release:

- Defendant is Ordered released
  - On own recognizance
  - Placed on probation
  - Case Dismissed
- Bond having been set in the sum of \$ 100,000  Total Bond Previously Pasted
- Bond having been  increased  reduced to the sum of \$ \_\_\_\_\_  Total Bond
- Upon posting bond, defendant must report to the Canyon County Pretrial Services office as stated below:
- Defendant shall report to the Canyon County Pretrial Services Office and follow the standard reporting conditions:
  - Comply with a curfew designated by the Court or standard curfew set by Pretrial Services \_\_\_\_\_.
  - Not consume or possess alcoholic beverages or mood altering substances without a valid prescription.
  - Submit to evidentiary testing for alcohol and/or drugs as requested by Pretrial Services at defendant's expense. Defendant MAY provide THIS RESULTS From existing service in UGRAWNE, Oregon in lieu of testing in Canyon County.
  - Not operate or be in the driver's position of any motor vehicle.
  - Abide by any No Contact Order and its conditions.
  - Submit to  GPS  Alcohol monitoring as directed by Pretrial Services.  
**Defendants Ordered to submit to GPS or alcohol monitoring shall make arrangements with a provider approved by Pretrial Services, prior to release.**

OTHER: Defendant MAY return to and reside in COLE, Oregon

Failure by defendant to comply with the rules and/or reporting conditions and/or requirements of release as Ordered by the Court may result in the revocation of release and return to the custody of the Sheriff.

Dated: 2/12/2016 Signed: [Signature]  
Judge

White - Court     Yellow - Jail/Pretrial Services     Pink - Defendant

THIRD JUDICIAL DISTRICT, STATE OF IDAHO  
COUNTY OF CANYON  
CONTINUED HEARING

STATE OF IDAHO

-vs-

James Edward Snapp Jr

True Name  
Corrected Name:

Plaintiff

Defendant.

) Case No. CR15-24528-C

) Date: 2/26/16

) Judge: DeMeyer

) Recording: MAG 2 (906-908)

) Hearing: Preliminary Hearing

**APPEARANCES:**

Defendant

Prosecutor – Patrick Denton

Defendant's Attorney – Kimberly Simmons

Interpreter -

Other -

**PROCEEDINGS:** This matter shall be

continued to March 10, 2016 at 8:30 am before Judge Frates

per stipulation of counsel     at the request of     State     Defendant/Counsel

to allow Ms. Simmons time to review discovery and the State's offer with her client.

**BAIL:** The Defendant was

Released on written citation promise to appear

Released on own recognizance (O.R.)

Released to pre-trial release officer.

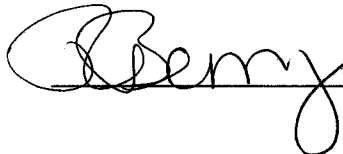
Released on bond previously posted.

Remanded to the custody of the sheriff.

Bail set at \$

Defendant to Report to Pretrial Release Services upon posting bond.

**OTHER:** Ms. Simmons stated the defendant would wave statutory time to have his Preliminary Hearing.



Deputy Clerk

THIRD JUDICIAL DISTRICT, STATE OF IDAHO  
COUNTY OF CANYON  
PRELIMINARY HEARING

STATE OF IDAHO )  
 ) Plaintiff ) Case No. CR-2015-24528-C  
-vs- ) ) Date: March 10, 2016  
James Edward Snapp, Jr. ) )  
 ) Defendant. ) Judge: Gregory F. Frates  
 ) )  
 True Name ) )  
Corrected Name: ) ) Recording: Mag6 (840-842)  
 ) )

**APPEARANCES:**

- Defendant  Defendant's Attorney Kimberly Simmons  
 Prosecutor Josh van Swearingen  Interpreter

**PROCEEDINGS:**

- Preliminary hearing continued to March 17, 2016 at 8:30 a.m. before Judge Frates.

**BAIL:** The Defendant was

- Released on written citation promise to appear  Released on bond previously posted.  
 Released on own recognizance (O.R.)  Remanded to the custody of the sheriff.  
 Released to pre-trial release officer.  Bail set at \$100,000.00 remains  
 Defendant to Report to Pretrial Release Services upon posting bond.

**OTHER:** Ms. Simmons advised the defendant had a preliminary hearing in Ada County this morning and was not present, and requested a short continuance.

*Dacia for* \_\_\_\_\_, Deputy Clerk  
*Baerlocker*

THIRD JUDICIAL DISTRICT, STATE OF IDAHO  
COUNTY OF CANYON  
PRELIMINARY HEARING

STATE OF IDAHO )  
 ) Plaintiff ) Case No. CR15-24528C  
-vs- ) ) Date: 03/17/2016  
James Edward Snapp Jr ) )  
 ) Defendant. ) Judge: Gregory F. Frates  
 ) )  
 True Name ) )  
Corrected Name: ) ) Recording: Mag6(903-924)  
\_\_\_\_\_ ) )

**APPEARANCES:**

- Defendant
- Prosecutor Josh van Swearingen
- Defendant's Attorney Kimberly Simmons
- Interpreter

**PROCEEDINGS:**

- Preliminary hearing held.
- Prospective witnesses excluded.

**STATE'S WITNESSES SWORN:**

1. <u>Brian Jones</u>	2. <u>Angel Calderon</u>
3. _____	4. _____
	5. _____

**DEFENDANT'S WITNESSES SWORN:**

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

- Defendant had no testimony or evidence to present.

**EXHIBITS:**  As set forth on attached list.

**COURT'S RULING:**

- Probable cause found for offense set forth in Complaint.
- Defendant held to answer to the District Court. District Court Arraignment set for April 1, 2016 at 9:00 a.m. before Judge VanderVelde.

**BAIL:** The Defendant was

- Released on written citation promise to appear
- Released on own recognizance (O.R.)
- Released to pre-trial release officer.
- Released on bond previously posted.
- Remanded to the custody of the sheriff.
- Bail set at \$
- Defendant to Report to Pretrial Release Services upon posting bond.

**OTHER:** \_\_\_\_\_

Kimberly Simmons, Deputy Clerk

**MAGISTRATE LOG/ MINUTE**

**CASE NO. CR15-24528C**

<b>INDEX</b>	<b>Name of Speaker: Phase of Case: Cross-Examination, Etc.</b>
<b>(903-914)(919-923)</b>	<b>SW1) Brian Jones- SWORN,DX,CX,RDX</b>
<b>(914-919)</b>	<b>SW2) Angel Calderon- SWORN,DX,CX,RDX</b>

Third Judicial District Court, State of Idaho  
In and For the County of Canyon  
1115 Albany Street  
Caldwell, Idaho 83605

Filed: 3/17/16 at 9:24 A.M.  
Clerk of the District Court  
By [Signature], Deputy

STATE OF IDAHO  
Plaintiff,

vs.

James Edward Snapp Jr  
Defendant,

Case No: CR 15-2482PC

**ORDER BINDING DEFENDANT OVER TO DISTRICT COURT**

Preliminary hearing having been  waived  held in this case on the 17<sup>th</sup> day of March, 20 16 and the Court being fully satisfied that a public offense has been

committed and that there is probable or sufficient cause to believe the Defendant guilty thereof,

**IT IS HEREBY ORDERED** that the Defendant herein be held to answer in the District Court of the Third Judicial District of The State of Idaho, in and for the County of Canyon, to the charge of Trafficking In Methamphetamine And/or Amphetamine 37-2732B(a)(4)

a felony, committed in Canyon County, Idaho on or about the 21<sup>st</sup> day of May, 20 15.

**IT IS FURTHER ORDERED** that the Defendant herein shall be arraigned before the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, on the 1<sup>st</sup> day of April, 20 16 at 9:00 a.m.

- Defendant is continued released on the bond posted.
- Defendant's personal recognizance release is  continued  ordered.
- Defendant's release to Pre-Trial Release Officer is  continued  ordered.

YOU, THE SHERIFF OF CANYON COUNTY, IDAHO, are commanded to receive into your custody and detain the Defendant until legally discharged. Defendant is to be admitted to bail in the sum of \$ \_\_\_\_\_.

Dated: 3/17/16

Signed [Signature]  
Magistrate



**FILED**  
10:40 A.M. P.M.

MAR 21 2016

CANYON COUNTY CLERK  
S. ALSUP, DEPUTY

cb

BRYAN F. TAYLOR  
CANYON COUNTY PROSECUTING ATTORNEY  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605  
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR  
D.O.B. [REDACTED]

Defendant.

CASE NO. CR2015-24528

**INFORMATION**

**COUNT I - TRAFFICKING IN  
METHAMPHETAMINE AND/OR  
AMPHETAMINE**

Felony, I.C. §37-2732B(a)(4)

BRYAN F. TAYLOR, Prosecuting Attorney in and for the County of Canyon, State of Idaho, who in the name and by authority of said state prosecutes in its behalf, in proper person comes into the above entitled Court and informs said Court that the above name Defendant stands accused by this Information of crime of

TRAFFICKING IN METHAMPHETAMINE AND/OR AMPHETAMINE  
Felony  
Idaho Code Section 37-2732B(a)(4)

committed as follows:

INFORMATION

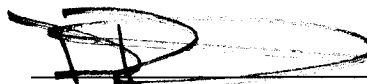
**ORIGINAL**

**COUNT I**

That the Defendant, James Edward Snapp Jr, on or about the 21st day of May, 2015, in the County of Canyon, State of Idaho, did knowingly possess twenty-eight (28) grams or more of methamphetamine and/or amphetamine, a controlled substance, or of any mixture or substance containing a detectable amount of methamphetamine and/or amphetamine.

All of which is contrary to **Idaho Code**, Section 37-2732B(a)(4) and against the power, peace and dignity of the State of Idaho.

DATED this 17th day of March, 2016.



---

DOUG ROBERTSON for  
BRYAN F. TAYLOR  
Prosecuting Attorney for Canyon County, Idaho

MAR 31 2016

CANYON COUNTY CLERK  
S ALSUP, DEPUTY

AF  
Kimberly Simmons, Deputy Public Defender, ISB #6909  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605  
Telephone: 208-649-1818  
Facsimile: 208-649-1819  
Email: ksimmons@canyonco.org  
*Attorneys for the Defendant*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO  
  
Plaintiff,  
  
vs.  
  
JAMES EDWARD SNAPP JR.,  
  
Defendant.

Case No. CR-2015-24528  
  
MOTION TO PRODUCE PRELIMINARY  
HEARING TRANSCRIPT

COMES NOW, JAMES EDWARD SNAPP JR., the Defendant above-named, by and through counsel, Kimberly Simmons, Canyon County Public Defender's Office, and moves this honorable court for an Order to produce the record of preliminary hearing held in this matter on the 17th day of April, 2016 in front of the Honorable Judge Gregory Frates leading to the filing of the Information in this matter.

THIS MOTION is made pursuant to the provisions of Idaho Rules of Criminal Procedure

5.2. DATED this 31st day of March, 2016.



Kimberly Simmons, Deputy Public Defender  
Attorney for the Defendant

## CERTIFICATE OF SERVICE

I certify that on this 31st day of March, 2016, a copy of the foregoing MOTION TO PRODUCE PRELIMINARY HEARING TRANSCRIPT was served on the following named persons at the addresses shown and in the manner indicated.

Canyon County Prosecuting Attorney  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605

U.S. Mail  
 Facsimile  
 Hand Delivery-Court Mailbox  
 Electronic Mail

Clerk of the Court-Criminal Proceeding  
Canyon County Courthouse  
1115 Albany Street, Rm 201  
Caldwell, Idaho 83605

U.S. Mail  
 Facsimile  
 Hand Delivery  
 Electronic Mail



---

Canyon County Public Defender's Office

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **DAVIS F. VANDERVELDE** DATE: April 1, 2016

THE STATE OF IDAHO,	)	COURT MINUTES
	)	
Plaintiff,	)	CASE NO: CR2015-24528*C
	)	CR2015-9735*N
vs.	)	TIME: 9:00 A.M.
	)	
JAMES EDWARD SNAPP JR.,	)	REPORTED BY:
	)	Christine Rhodes
Defendant.	)	
_____	)	DCRT5 (950-956)

This having been the time heretofore set for **arraignment** in the above entitled matter, the State was represented by Mr. Christopher Topmiller, Deputy Prosecuting Attorney for Canyon County; and the defendant appeared in court with counsel, Mr. Andrew Woolf.

The Court called the case and determined the defendant's true name was charged.

The Court advised the defendant of the charge in the above referenced case and possible penalties for the same.

The Court determined the defendant had received and reviewed a copy of the Information and waived formal reading of the same. In answer to Court's inquiry, the defendant indicated he understood the nature of the charges and the penalties.

The Court advised the defendant he had the right against self-incrimination. The defendant could not be compelled or required to make statements against himself, however, if the defendant made any such statements they could be used against him at a later time.

In answer to Court's inquiry, the defendant entered a plea of **not guilty** and **demanding speedy trial**.

The Court noted there was motion before the Court to consolidate the cases.

Mr. Topmiller concurred.

Mr. Woolf advised the Court the defendant had no objection.

The Court granted the motion and consolidated the cases.

The Court set this matter for **pretrial conference on June 13, 2016 at 1:30 p.m. before Judge Ryan and jury trial for four (4) days to commence on July 26, 2016 at 8:30 a.m. before Senior Judge Carey.**

The defendant was continued released on the bond previously posted to Pretrial Services. d.

-----

  
Deputy Clerk

**FILED**  
A.M. 3:27 P.M.

APR 01 2016

CANYON COUNTY CLERK  
S ALSUP. DEPUTY

AF  
Kimberly Simmons, Deputy Public Defender, ISB #6909  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605  
Telephone: 208-649-1818  
Facsimile: 208-649-1819  
Email: ksimmons@canyonco.org

*Attorneys for the Defendant*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR.,

Defendant.

Case No. CR-2015-24528

ORDER TO PRODUCE PRELIMINARY  
HEARING TRANSCRIPT

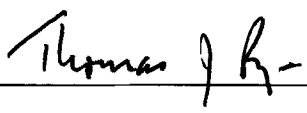
The above named Defendant having filed a Motion for an Order to produce the record of the Preliminary Hearing of the above named Defendant, good cause appearing and under authority of Idaho Criminal Rule 5.2 therefore;

IT IS FURTHER ORDERED AND THIS DOES ORDER a transcript of the Preliminary Hearing proceedings be prepared within 30 days of the filing of this Order and delivered to the Court, prosecuting attorney and defense counsel thereafter, to be prepared by the court reporter assigned at that hearing.

IT IS FURTHER ORDERED, that:

Based upon Idaho Criminal Rule 5.2 the defendant has previously been determined by a court to indigent as the public defender was appointed and therefore order the payment of the preliminary hearing transcript to be conducted at county expense.

DATED this 1st day of April, 2016.

  
\_\_\_\_\_  
JUDGE



**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that on the 1 day of April, 2016, I served a true and correct copy of the foregoing document, **ORDER TO PRODUCE PRELIMINARY HEARING TRANSCRIPT**, upon the individual(s) named below in the manner noted:

- By depositing copies of the same in Canyon County Courthouse Interdepartmental Mail.
- 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:

Canyon County Prosecutor's Office  
1115 Albany Street  
Caldwell, Idaho 83605

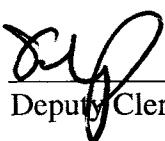
- By depositing copies of the same in Canyon County Courthouse Interdepartmental Mail.
- By depositing copies of the same in the United States Mail, postage prepaid first class.
- By hand delivering copies of the same to the office(s) of the attorney(s) indicated below.
- By faxing copies of the same to said attorney(s) at the facsimile number:

Canyon County Public Defender  
111 N. 11<sup>th</sup> Avenue, Suite 120  
Caldwell, Idaho 83605

- By depositing copies of the same in Canyon County Courthouse Interdepartmental Mail.
- 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:

Transcript Clerk  
Canyon County Courthouse  
Caldwell, Idaho 83605

**CHRIS YAMAMOTO**  
Clerk of the Court

By:   
Deputy Clerk

Kimberly Simmons, Deputy Public Defender, ISB #6909  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Avenue, Suite 120  
Caldwell, Idaho 83605  
Telephone: (208) 649-1818  
Facsimile: (208) 649-1819  
Email: ksimmons@canyonco.org

**F I L E** *7:19*  
A.M. P.M.

APR 29 2016

CANYON COUNTY CLERK  
M. NYE, DEPUTY

*Attorneys for Defendant*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR.,

Defendant.

Case No. CR-2015-24528

MOTION TO SUPPRESS

COMES NOW, JAMES EDWARD SNAPP, JR., the above-named Defendant, by and through counsel, KIMBERLY J. SIMMONS, of the Canyon County Public Defender's Office, and moves this Court pursuant to I.C.R. 12(b)(3) to suppress any and all evidence and statements, admissions, and/or confessions made by and/or attributed to the Defendant that were obtained as the result of the unlawful traffic stop.

Circa Mr. Snapp's arrest in connection with this case, Mr. Snapp and his vehicle were illegally seized by law enforcement officers. Mr. Snapp was neither presented with a warrant, nor did he consent to the stop of his vehicle. Based upon the police reports authored in connection with this case, and testimony presented at the preliminary hearing, law enforcement officers violated Mr. Snapp's rights guaranteed by the Fourth Amendment to the United States

Constitution and Article I, Sections 13 and 17 of the Idaho Constitution.

A Brief in Support of this Motion is forthcoming.

DATED this 29th day of April, 2016.



KIMBERLY J. SIMMONS  
Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that on this 29th day of April, 2016, a copy of the foregoing MOTION TO SUPPRESS was served on the following named persons at the addresses shown and in the manner indicated.

Canyon County Prosecuting Attorney  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605

U.S. Mail  
 Facsimile  
 Hand Delivery-Court Mailbox  
 Electronic Mail

Clerk of the Court-Criminal Proceeding  
Canyon County Courthouse  
1115 Albany Street, Rm 201  
Caldwell, Idaho 83605

U.S. Mail  
 Facsimile  
 Hand Delivery  
 Electronic Mail



Canyon County Public Defender's Office

**F I L E D**  
A.M. 3:21 P.M.

MAY 02 2016

CANYON COUNTY CLERK  
SALSUP. DEPUTY

THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,	)
	)
Plaintiff,	)
	)
vs.	)
	)
JAMES E. SNAPP, JR.,	)
	)
Defendant.	)

**CASE NO.** CR 2015-24528\*C  
CR 2015-9735\*N

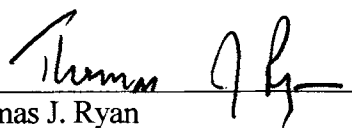
**ORDER SETTING HEARING  
AND BRIEFING SCHEDULE**

IT IS HEREBY ORDERED that Defendant James E. Snapp, Jr.'s Motion to Suppress, filed April 29, 2016, shall be heard before the Honorable Judge Thomas J. Ryan on May 24, 2016, at 3:30 p.m.

IT IS FURTHER ORDERED:

- 1) Defendant's brief in support of the Motion to Suppress shall be submitted no later than 5:00 p.m., May 16, 2016; and
- 2) State's responsive brief, if any, shall be submitted no later than 5:00 p.m., May 23, 2016.

DATED this 2nd day of May 2016.

  
 \_\_\_\_\_  
 Thomas J. Ryan  
 District Judge


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER was mailed, hand delivered, or sent via facsimile transmission to the following persons:

BRYAN F. TAYLOR  
*Canyon County Prosecuting Attorney*  
1115 Albany Street  
Caldwell, Idaho 83605

TERA HARDEN  
*Canyon County Public Defender*  
111 N. 11<sup>th</sup> Ave., Suite 120  
Caldwell, Idaho 83605

DATED this 2 day of May 2016.

  
\_\_\_\_\_  
Deputy Clerk of the Court

MAY 16 2016

CANYON COUNTY CLERK  
E BULLON, DEPUTY

AF  
Scott Gatewood, Deputy Public Defender, ISB #5982  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Avenue, Suite 120  
Caldwell, Idaho 83605  
Telephone: (208) 649-1818  
Facsimile: (208) 649-1819  
Email: sgatewood@canyonco.org

*Attorneys for the Defendant*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR.,

Defendant.

Case No. CR-2015-24528

DEFENDANT'S MEMORANDUM IN  
SUPPORT OF MOTION TO SUPPRESS  
EVIDENCE, ADMISSIONS/CONFESSIONS,

**I. STATEMENT OF THE CASE**

**A. Nature of the Case**

Motion to suppress evidence.

**B. Procedural History**

The Defendant was charged by Complaint with POSSESSION OF A CONTROLLED SUBSTANCE. The Defendant was bound over after preliminary hearing and entered a plea of "not guilty" in District Court. The case was set for pretrial conference and jury trial, a motion to suppress was filed. This memorandum in support follows.

### **C. Statement of Facts**

Law enforcement officer observed a vehicle traveling through an intersection perpendicular to the Officer's vehicle at what was thought to be in excess of the speed limit. The officer turned to follow the Defendant's vehicle and determined through radar that the Defendant was traveling 37 mph in a 20 mph zone. The Defendant then turned onto a private driveway without signaling, prior to the Officer attempting to pull the Defendant over. The officer then turned in behind the Defendant and conducted a traffic stop for the speeding and turn signal violations. The Defendant stopped at his residence with the Officer behind him. The Officer claims that he observed the Defendant throw something out of his vehicle as he was stopping. The Defendant denied this allegation. At that point the office approached the Defendant, placed him in custody and proceeded to conduct a search of the Defendant's private property. Additional Law enforcement were called to the scene for the sole purpose of assisting in the search of the Defendant private property. At no time did any of the officers have a valid warrant to dig through and search the Defendant's yard. Eventually an officer located a bag that was later said to contain approximately 119g of suspected methamphetamine. At no time during the stop did the initial officer engage in dealing with the alleged traffic violations.

### **II. ISSUES PRESENTED FOR REVIEW**

1. Has the Defendant met the burden of going forward so-as-to shift the burden to the state to prove an exception to the warrant requirement?
2. Should this Court suppress the Defendant's statements as fruit of the poisonous tree?

### III. ARGUMENT

A. The Defendant has met the burden of going forward so-as-to shift the burden to the state to prove an exception to the warrant requirement.

A Defendant attempting to suppress evidence obtained from a search must come forward with evidence sufficient to show there was a Fourth Amendment search, he has standing to challenge the search, and the search was illegal.<sup>1</sup> The Fourth Amendment of the United States Constitution and Article I, § 17 of the Idaho Constitution protect people from unreasonable searches and seizures by the agents of the government. Warrantless searches are deemed to be "per se unreasonable" and the burden is upon the state to demonstrate that the search was carried out pursuant to one of the exceptions to the warrant requirement.<sup>2</sup>

The petitioner bears the burden of proving not only the search was illegal, but also that he had a legitimate expectation of privacy.<sup>3</sup>

Law enforcement did not possess any type of judicial warrant before entering the Defendant's private property. The Defendant has standing to challenge the search as this was his personal residence. The Defendant was arrested and charged with crimes as a result of this search. The Defendant has met his burden of going forward, and the burden has shifted to the state to prove an exception to the warrant requirement.

B. This Court should suppress the any evidence gathered through this warrantless search. Quoting from *State v Ramirez*, 145 Idaho 886 (Ct.App 2008):

An investigative detention must be temporary and last no longer than necessary to effectuate the purpose of the **stop**. *State v. Roe*, 140 Idaho 176, 181, 90 P.3d 926, 931 (Ct.App.2004); *State v. Gutierrez*, 137 Idaho 647, 651, 51 P.3d 461, 465 (Ct.App.2002). There is no rigid time-limit for determining when a detention has lasted longer than necessary; rather, a court must consider the scope of the detention and the law enforcement purposes to be served, as well as the duration of the **stop**. *United States v. Sharpe*, 470 U.S. 675, 685-86, 105 S.Ct. 1568, 1574-76, 84 L.Ed.2d 605 (1985); *State v. Soukharith*, 253 Neb. 310, 570 N.W.2d 344, 355 (1997). Where a person is

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<sup>1</sup> *State v Bottelson*, 102 Idaho 90

<sup>2</sup> *State v Cook*, 106 Idaho 209

<sup>3</sup> *Rawlings v Kentucky*, 448 US 98



detained, the scope of detention must be carefully tailored to its underlying justification. *Roe*, 140 Idaho at 181, 90 P.3d at 931; *State v. Parkinson*, 135 Idaho 357, 361, 17 P.3d 301, 305 (Ct.App.2000). The scope of the intrusion permitted will vary to some extent with the particular facts and circumstances of each case. *Roe*, 140 Idaho at 181, 90 P.3d at 931; *Parkinson*, 135 Idaho at 361, 17 P.3d at 305. However, brief inquiries not otherwise related to the initial purpose of the **stop** do not necessarily violate a detainee's Fourth Amendment rights. *Roe*, 140 Idaho at 181, 90 P.3d at 931. Any routine **traffic stop** might turn up suspicious circumstances that could justify an officer asking further questions unrelated to the **stop**. *State v. Myers*, 118 Idaho 608, 613, 798 P.2d 453, 458 (Ct.App.1990). The officer's observations, general inquiries, and events succeeding the **stop** may—and often do—give rise to legitimate reasons for particularized lines of inquiry and further investigation by an officer. *Id.* Accordingly, the length and scope of the initial investigatory detention may be lawfully expanded if there exist objective and specific articulable facts that justify suspicion that the detained person is, has been, or is about to be engaged in criminal activity. *Id.*

In this case the Officer not only extended his inquiries beyond the purpose of the stop, he entirely abandoned the purpose of the stop. While believing he observed the Defendant throw an item out of his vehicle onto his own private front yard, the officer would admittedly give the officer some leeway for additional inquiry, however it does not in and of itself provide the right to conduct a warrantless search of the Defendant's private property. *Ramirez*, 145 Idaho at 889, 187 P.3d at 1264. Probable cause to conduct a search is not at the discretion of this officer, and if he believed that he had sufficient information supporting probable-cause for a search of the Defendant's private property, proper channels would be to secure the area and seek a warrant from a detached magistrate. For a search warrant to be valid, it not only must be based on sworn testimony and a valid determination of probable cause, but the judge issuing the warrant must also be neutral and **detached**. See *United States v. Leon*, 468 U.S. 897, 914, 104 S.Ct. 3405, 3416, 82 L.Ed.2d 677, 692 (1984); *State v. Nunez*, 138 Idaho 636, 642, 67 P.3d 831, 837 (2003); *State v. Prestwich*, 115 Idaho 317, 766 P.2d 787 (Ct.App.1988).

“Pursuant to the exclusionary rule, evidence obtained as a result of an illegal search is inadmissible in the criminal trial of a defendant. *State v. Brauch*, 133 Idaho 215, 219, 984 P.2d 703, 707 (1999). This includes not only evidence uncovered as a direct result of the illegal search, but also any evidence later discovered that is a “**fruit** of the poisonous tree.” *Segura v. United States*, 468 U.S. 796, 804, 104 S.Ct. 3380, 3385, 82 L.Ed.2d 599, 608 (1984).

The drugs that are alleged to have been found on Defendant's private property, were obtained as a direct result of the illegal search.

**IV. CONCLUSION**

For the above stated reasons, the Defendant requests this Court to suppress the evidence seized as a result of the warrantless search, and suppress all admissions/confessions made by the Defendant as a result of the coerced interrogation by police.

Dated this 16<sup>th</sup> day of May, 2016.



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Scott Gatewood  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I certify that on this 16th day of May, 2016, a copy of the foregoing MEMORANDUM IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE was served on the following named persons at the addresses shown and in the manner indicated.

Canyon County Prosecuting Attorney  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605

[ ] U.S. Mail  
[ ] Facsimile  
[x] Hand Delivery-Court Mailbox  
[ ] Electronic Mail

Clerk of the Court-Criminal Proceeding  
Canyon County Courthouse  
1115 Albany Street, Rm 201  
Caldwell, Idaho 83605

[ ] U.S. Mail  
[ ] Facsimile  
[x] Hand Delivery  
[ ] Electronic Mail



Canyon County Public Defender's Office

cb

MAY 24 2016

CANYON COUNTY CLERK  
T EDWARDS, DEPUTY

BRYAN F. TAYLOR  
CANYON COUNTY PROSECUTING ATTORNEY  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605  
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,	)	CASE NO. CR2015-24528
	)	
Plaintiff,	)	
	)	<b>BRIEF IN SUPPORT OF</b>
vs.	)	<b>OBJECTION TO MOTION TO</b>
	)	<b>SUPPRESS EVIDENCE</b>
JAMES EDWARD SNAPP JR	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, DOUG ROBERTSON, Deputy Prosecuting Attorney of the Canyon County Prosecuting Attorney's Office, and hereby provides supplemental evidence to support Plaintiff's Objection to the defendant's Motion to Suppress.

FACTS

On May 21<sup>st</sup>, 2016, Defendant, James Snapp, was speeding. Officer Brian Jones of Nampa Police, saw him travelling in excess of the speed limit on Barger Road. On that section of road, the speed limit is twenty miles per hour. The vehicle was travelling perpendicular to Officer Jones's direction of travel, so he was unable to accurately estimate the speed. Officer Jones pulled behind Defendant's vehicle. At this point, Defendant continued from the public road onto

BRIEF IN SUPPORT OF  
OBJECTION TO MOTION TO  
SUPPRESS EVIDENCE

**ORIGINAL**

a long private drive. Officer Jones was then able to estimate the speed at forty miles per hour. Radar confirmed that Defendant was travelling at thirty-seven miles per hour.

Officer Jones initiated a traffic stop by turning on his overhead lights. The Defendant drove a short ways and then stopped near a residence. The Defendant opened the driver's door and threw something towards the residence. Officer Jones detained the Defendant and searched the area where he saw the object go. Officer Jones recovered a black zipper bag in the weeds. Inside was 4.2 ounces of methamphetamine.

#### PROCEDURAL HISTORY

Defendant was arrested on May 21<sup>st</sup>, 2016. Preliminary Hearing was held on March 17, 2016. It was a contested hearing. Defendant was bound over to district court, where he entered a Not Guilty plea on April 1, 2016. The Motion to Suppress was filed on April 29, 2016.

#### ARGUMENT

Two primary issues exist in this case. First, whether Officer Jones was legally justified in pursuing the Defendant onto private property to effectuate the traffic stop. And second, whether when Officer Jones recovered the bag of methamphetamine, he conducted a search of the Defendant's private property. The State concedes that Defendant was seized pursuant to the Fourth Amendment. However, the State does not agree that Officer Jones's recovery of the bag constituted a search as defined by Fourth Amendment jurisprudence.

When an officer observes illegal conduct in a public place, he is justified in pursuing the suspect onto private property. "A suspect may not defeat an arrest that has been set in motion in a public place...by the expedient of escaping to a private place." *United States v. Santana*, 427

U.S. 38, 43 (1976); see also *State v. Jenkins*, 143 Idaho 918, 922 (2007). In *Jenkins*, police were investigating a battery. They went to the defendant's home in an attempt to locate him. While they were there, a vehicle matching the description provided by the victim drove up to the house. The garage door opened and the vehicle drove inside. At this point, the officer turned on his overhead lights and told the defendant to remain in the vehicle. *Jenkins*, 143 Idaho at 919. The Court denied his motion to suppress because the arrest had been initiated in a public place, namely, the defendant's driveway. *Id.* at 922. While a private driveway does not constitute "private property open to the public" for the purposes of I.C. 18-8004, *Jenkins* suggests that a private driveway is indeed a "public place" with regard to Fourth Amendment analysis. Further, in *Jenkins* the police were justified in entering the Defendant's garage, not just his private property.

In this case, Officer Jones observed the Defendant speeding upon a public roadway. This provided him the justification to initiate a traffic stop. Even though the stop was initiated on private property, as in *Jenkins*, the Defendant cannot retreat to private property to avoid arrest. Officer Jones had reasonable suspicion that the Defendant was speeding and was justified in making the traffic stop, even after the Defendant's vehicle had entered onto private property. For this reason, the State requests the Court find that the traffic stop was lawfully conducted.

The Defendant also asserts that the "search" of his private property was unjustified. The State disagrees. First, there is no evidence in the record that this residence is the Defendant's property. In fact, according to law enforcement internal records, the Defendant does not live at that address. However, even if Defendant could establish that he had Fourth Amendment standing in that residence, he has failed to show that Officer Jones's actions constitute a search of

a protected interest. Some of this will have to be fleshed out at the suppression hearing, however, the State will proceed with this brief giving the Defendant the benefit of the doubt, and operating under the assumption that the black bag containing the methamphetamine was located within the curtilage of the residence.

Fourth Amendment protections extend to the curtilage of a home, which is any area immediately adjacent to the home where a reasonable person would expect to remain private. *State v. Riguolot*, 123 Idaho 267, 272 (Ct. App. 1992). However, the presence of a police officer in the curtilage does not automatically constitute a Fourth Amendment violation. *State v. Clark*, 124 Idaho 308, 313 (Ct. App. 1993). When an officer is conducting legitimate police business, he is entitled to enter the same places as any other citizen on private property, like the driveway or pathways to the entry. *Id.* A criminal investigation is a legitimate societal purpose, allowing an officer access to those common areas. *Riguolot*, 123 Idaho at 272. Observations made from those areas are not protected by the Fourth Amendment. *Id.*

In this case, the Defendant asserts that Officer Jones needed a warrant before he could search for the item thrown. However, even assuming Defendant had standing in the curtilage of that residence, and assuming that the area qualified as curtilage, the Defendant still would not have a protected interest in the item thrown. Officer Jones was on the property investigating a traffic violation. Thus, as stated in *Clark*, he had a legitimate reason to be there. He was standing on the driveway, a place he was perfectly entitled to be. Furthermore, from that vantage point, he witnessed the Defendant throw an unknown object towards the house. If *Jenkins* stands for the proposition that a suspect cannot evade arrest by fleeing into a home, logic dictates that neither can a suspect avoid the seizure of contraband by flinging it onto private property.

Officer Jones had probable cause to believe that a crime was being committed in his presence. It is extremely unusual behavior for a person during a routine traffic stop to open his door and throw an object into the weeds. In fact, it would be difficult to imagine a scenario in which this behavior was not indicative of criminal activity. Thus, because Officer Jones observed highly suspicious behavior from a place he was entitled to be, he was justified in searching the immediate area for the discarded item.

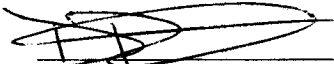
The Defendant's motion to suppress should be denied because he cannot establish that he has standing to object to Officer Jones's entry into the curtilage of the home. Furthermore, even if he could establish standing in the curtilage, Officer Jones's entry was justified given the circumstances of this case.

#### CONCLUSION

The State respectfully requests that this court deny the Defendant's motion to suppress because the traffic stop was lawfully conducted, and any seizure of the Defendant was justified given the Defendant's subsequent actions. Furthermore, the Court should find that the Defendant's Fourth Amendment rights were not infringed when Officer Jones went looking for the Defendant's discarded methamphetamine.

DATED this 20th day of May, 2016.

BRYAN F. TAYLOR  
Prosecuting Attorney  
Canyon County, Idaho

  
DOUG ROBERTSON  
Deputy Prosecuting Attorney

BRIEF IN SUPPORT OF  
OBJECTION TO MOTION TO  
SUPPRESS EVIDENCE



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on or about this 20th day of May, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Canyon County Public Defender  
111 N 11<sup>th</sup> Ave, Ste 120  
Caldwell, ID 83605

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



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DOUG ROBERTSON  
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON  
PRESIDING: **THOMAS J. RYAN** DATE: **MAY 24, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR2015-24528-C
	)	CR2015-09735-N
	)	
vs.	)	TIME: 3:30 P.M.
	)	
JAMES EDWARD SNAPP, JR.,	)	<b>DCRT3 (336-340)</b>
	)	
Defendant.	)	REPORTED BY: Kim Saunders
_____	)	

This having been the time heretofore set for **motion hearing** in the above entitled matters, the State was represented by Mr. Doug Robertson, Deputy Prosecuting Attorney for Canyon County, Idaho; and the defendant was not present in court and represented by Mr. Scott Gatewood.

The Court called the case and noted this matter was set for hearing on the defense's motion to suppress.

Mr. Gatewood indicated he has not been able to contact the defendant nor was he sure the defendant had received notice of this hearing. All three (3) numbers Mr. Gatewood had for the defendant were disconnected. He requested the motion be preserved and the hearing reset.

In answer to the Court's inquiry, Mr. Robertson submitted to the Court. However, the officer was present and so there was inconvenience and costs incurred for the delayed hearing.

The Court indicated it would want an explanation from the defendant for his absence. If the explanation was not adequate, the Court could be in the position to impose a sanction for costs if the defendant was a fault.

The Court noted the defendant clearly had notice of the pre-trial conference on the 13<sup>th</sup> day of June and indicated it wanted to see if the defendant appeared for that hearing. The jury trial would probably have to be vacated if the motion to suppress was to be heard. If the defendant appeared for the pre-trial, it would set the motion to suppress for a date certain at that time.

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Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: THOMAS J. RYAN DATE: JUNE 13 2016

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR2015-24528-C
	)	CR2015-09735-N
	)	
vs.	)	TIME: 1:30 P.M.
	)	
JAMES EDWARD SNAPP, JR.,	)	DCRT3 (205-209)
	)	
Defendant.	)	REPORTED BY: Kim Saunders
_____		

This having been the time heretofore set for **pre-trial** in the above entitled matters, the State was represented by Mr. Doug Robertson, Deputy Prosecuting Attorney for Canyon County, Idaho; and the defendant was present in court and represented by Mr. Scott Gatewood.

The Court called the case and noted there was a pending motion to suppress as the defendant had not appeared for that hearing. It was further noted all three (3) of the telephone numbers for the defendant were not working.

In answer to the Court's inquiry, Mr. Gatewood indicated he was obtaining contact information for the defendant at this moment. He requested the Court set a date for the motion to suppress.

The Court inquired as to when the State's officer would be available.

Mr. Robertson advised the Court of the officer's unavailable dates.

To accommodate the motion, the Court indicated speedy trial would need to be waived.

Mr. Gatewood agreed.

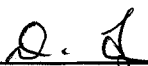
The Court examined the defendant and determined he waived his right to a speedy trial.

**After discussions with counsel, the Court set this matter for a hearing on the motion to suppress on the 27<sup>th</sup> day of June, 2016 at 3:30 p.m. before this Court. A continued pre-trial was set for the 11<sup>th</sup> day of July, 2016 at 1:30 p.m. before this Court.**

The Court vacated the current jury trial and indicated a new trial would be set at the time of the pre-trial if needed.

The defendant was continued released to pre-trial release on the bond previously posted.

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Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **THOMAS J. RYAN** DATE: **JUNE 27, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR2015-24528-C
	)	CR2015-09735-N
	)	
vs.	)	TIME: 3:30 P.M.
	)	
JAMES EDWARD SNAPP, JR.,	)	<b>DCRT3 (303-308)</b>
	)	
Defendant.	)	REPORTED BY: Debora Kreidler
_____		

This having been the time heretofore set for **motion hearing** in the above-entitled matters, the State was represented by Mr. Doug Robertson, Deputy Prosecuting Attorney for Canyon County, Idaho; and the defendant was present in court and represented by Mr. Scott Gatewood.

The Court called the case, noted this matter was set for hearing on the defense's motion to suppress, and determined the parties were prepared to proceed.

The defense's first witness, **JAMES EDWARD SNAPP**, was called, sworn by the clerk, direct examined, and cross-examined.

The defense's second witness, **CARLA SNAPP**, was called, sworn by the clerk, direct examined, and cross-examined.

After discussion with counsel, the Court agreed the burden had shifted to the State.

The State's first witness, **BRIAN JONES**, was called, sworn by the clerk, direct examined, cross-examined, re-direct examined, examined by the Court, and re-cross examined.

The witness was excused.

Mr. Gatewood presented argument in support of his motion.

Mr. Robertson objected and presented argument.

Mr. Gatewood presented additional argument.

The Court took this matter under advisement and indicated a written decision would be issued.

The defendant was continued released to pre-trial release on the bond previously posted.

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\_\_\_\_\_  
Deputy Clerk

JUL 08 2016

CANYON COUNTY CLERK  
S ALSUP, DEPUTY

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JAMES E. SNAPP, JR. )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

**CASE NOS.** CR-2015-24528\*C  
CR-2015-09735\*C

**MEMORANDUM DECISION AND  
ORDER UPON DEFENDANT'S  
MOTION TO SUPPRESS**

This matter came on for hearing June 27, 2016, upon the defendant's Motion to Suppress. Scott Gatewood, Deputy Public Defender, represented defendant James E. Snapp Jr. (hereinafter "Snapp"). Douglas W. Robertson, Deputy Prosecutor, represented the State. The matter has been fully briefed and argued and the Court finds as follows.

**BACKGROUND**

On May 21, 2015, Brian Jones of the City of Nampa Police Department was driving around a trailer park in the 400 block of North Kings, Canyon County, Idaho, as part of his duty as a corporal on a patrol team. See *Preliminary Hearing Transcript* (hereinafter "PHT"), at Pg., 2, at LL., 19-25, and Pg., 3 at LL., 5-11. At around 11:40 in the evening, Corporal Jones observed a Ford Bronco pass perpendicular to his vehicle while heading northbound on Barger Road at a "high rate of speed." *Id.*, at Pg., 3, at LL., 1-3 and 12-17. Because Corporal Jones estimated the Bronco was traveling at about 40 mph, wherein there was an unposted speed limit of 20 mph, he chose to pull in behind the



vehicle and actuate his radar to determine the Bronco's actual speed. *Id.*, at Pg., 3, at LL., 18-25, and Pg., 4, at LL., 1-2; *for speed limit see* Pg., 13, at LL., 2-5 and Pg., 11, at LL., 3-5.

As Corporal Jones continued to follow the Bronco, the driver of the Bronco, without using a turn signal, turned right off of Barger Road, past a fence, and onto a driveway that turns from pavement to dirt after about 100 yards. *Id.*, at Pg., 4, at LL., 4-12, and Pg., 11, at LL., 6-14. During the hearing, Corporal Jones asserted Snapp failed to use his turn signal while on private property, but at that point in time he believed they were on public property.

At some point after the Bronco passed the fence, but before it reached where the driveway turned into a dirt road, Corporal Jones was able to determine the Bronco was traveling at 37 mph. *Id.*, at Pg., 10, at LL., 15-21 and Pg., 11, at LL., 2-8. Corporal Jones asserts he activated his vehicle's overhead lights when the Bronco turned onto the dirt driveway. *Id.*, at Pg., 13, at LL., 7-21. The Bronco did not immediately yield, but rather "continued up [the] driveway and then rounded an outbuilding and pulled into...a driveway area of a residence...." *Id.*, at Pg., 4, at LL., 7-12.

As Corporal Jones likewise stopped in front of the residence, he observed the Bronco's driver side door open. *Id.*, at Pg., 4, at LL., 4-25. During the hearing on this matter, Corporal Jones testified Snapp's vehicle was still moving as the driver side door opened. He further testified that he believed Snapp was going to flee, so sped up to place his vehicle behind the Bronco. *Id.* However, Snapp did not flee; he allegedly tossed a "dark-colored item" towards the residence, 918 North Barger Street. *Id.*; *for residence address see Probable Cause Affidavit* (The PHT asserts Barger "Road" while the PC Affidavit asserts Barger "Street.").

Thereafter, Corporal Jones made contact with the driver, defendant James E. Snapp, Jr. *Id.*, and Pg., 4, at LL., 24-25 and Pg., 5, LL., 1-13. Within either seconds or minutes after making initial contact with Snapp, a female came outside of the residence and Corporal Jones told her to go back inside. *Id.*, at Pg., 11, at LL., 15-25 and Pg., 12, at LL., 1-14. In response to Corporal Jones' inquiry, Snapp asserted he did not throw anything towards the residence and could not have as his window was rolled up the entire time. *Id.*, at Pg., 5, at LL., 14-18. At that point, Corporal Jones handcuffed Snapp,

placed him into the rear of his patrol vehicle, and proceeded to search the area surrounding the residence where he believed Snapp tossed the dark-colored item. *Id.*, at Pg., 5, at LL., 19-24 and Pg., 6, at LL., 1-4.

Shortly thereafter, backup officers arrived on scene. Corporal Jones stated he told the backup officers Snapp threw something into the yard and that he did not believe it was a beer can.

Corporal Jones and the other officers searched for about five to 10 minutes before Jones found the item up next to the residence, behind some weeds, about three feet from the pathway:

So the yard was very cluttered. There were several objects around, but all those objects were either covered with dirt or debris. There was also—the area was wet with what smelled to be urine since there was a lot of animals around, and the item I located was clear of any debris. It was clean, and it wasn't wet. It was dry.

*Id.*, at Pg., 6, LL., 1-19. The black bag was “about a football size, handbag, zippered bag,” with a “large gallon-size Ziploc baggy” inside. *Id.*, at Pg., 6, LL., 8-25. Inside of the Ziploc bag was a “white, crystal shard substance.” *Id.*

Corporal Jones maintained custody of the bag while speaking with a narcotics investigator who had arrived on scene, Corporal Calderon. *Id.*, at Pg., 7, LL., 1-9. The officers, with the bag and Snapp in tow, went to the police department where Corporal Calderon tested the white substance. *Id.*, at Pg., 7, LL., 8-16. Corporal Calderon obtained a presumptive positive for crystal methamphetamine by utilizing a “NIK Test U” to test the substance. *Id.*, at Pg., 17, LL., 1-5. Corporal Jones, who was in the observation room while Corporal Calderon performed the test, then took back the bag, weighed it on a digital scale (119.5 grams), and placed it into evidence. *Id.*, at Pg., 20, LL., 12-25, and Pg., 21, at LL., 1-16. The total weight included the substance and its packaging. *Id.*

### **SNAPP'S MOTION TO SUPPRESS**

Snapp moves for an order suppressing “any and all evidence and statements, admissions, and/or confessions made by and/or attributed to the Defendant that were obtained as the result of the unlawful traffic stop.” *Motion to Suppress*, at Pg., 1. In sum, Snapp argues his Motion should be granted because: (1) Corporal Jones immediately abandoned the initial purpose of the stop—the traffic violations; (2) Corporal Jones

searched Snapp's private property without a warrant, whereas he should have secured the location and then obtained a warrant; and (3) Corporal Calderon was called to the scene for the sole purpose of assisting in the search of Snapp's private property. *Memorandum in Support*, at Pg., 2.

Snapp presents the foregoing arguments by way of two "issues presented": (1) Has the defendant met the burden of going forward so-as-to shift the burden to the state to prove the existence of an exception to the warrant requirement; and (2) should this Court suppress the defendant's statements as fruit of the poisonous tree?

### **STANDARD OF APPELLATE REVIEW**

The standard of review of a suppression motion is bifurcated. At 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. Schevers*, 132 Idaho 786, 789, 979 P.2d 659, 662 (Ct. App. 1999). When a decision on a motion to suppress is challenged, the reviewing court will accept the trial court's findings of fact that are supported by substantial evidence, but will freely review the application of constitutional principles to the facts as found. *State v. Atkinson*, 128 Idaho 559, 561, 916 P.2d 1284, 1286 (Ct.App.1996).

### **SEARCH AND SEIZURE**

The Fourth Amendment to the United States Constitution and its counterpart, Article I, Section 17 of the Idaho Constitution, guarantee protection from unreasonable searches and seizures. The reasonableness standard requires a balancing of the public interest and the individual's privacy interest against governmental intrusion. *State v. Bordeaux*, 148 Idaho 1, 6, 217 P.3d 1, 6 (Ct.App.2009). The stop of a vehicle constitutes a seizure of all its occupants and is subject to Fourth Amendment standards. *State v. Aguirre*, 141 Idaho 560, 112 P.3d 848 (2005). "Evidence seized pursuant to an unlawful stop or an unreasonable detention is 'fruit of the poisonous tree' and is, therefore, inadmissible." *Bordeaux*, 6, 6 (citing *Wong Sun v. United States*, 371 U.S. 471, 487, 83 S.Ct. 407, 417 (1963)).

#### **(1) Reasonable Suspicion Justifying Stop**

An officer may stop a vehicle to investigate possible criminal behavior if a reasonable and articulable suspicion exists the vehicle is being driven contrary to traffic

laws. *Aguirre*, 141 Idaho at 562, 112 P.3d at 850. The reasonableness of the suspicion must be evaluated upon the totality of the circumstances at the time of the stop. *Bordeaux*, 148 Idaho at 6, 217 P.3d at 6. This standard requires less than probable cause but more than mere speculation, instinct, or hunch on the part of the officer. *State v. Ferreira*, 133 Idaho 474, 483, 988 P.2d 700, 709 (Ct.App.1999). A law enforcement officer may draw reasonable inferences from facts in his possession, as well as his experience and training.” *State v. Montague*, 114 Idaho 319, 321, 756 P.2d 1083, 1085 (1988).

Because probable cause and reasonable suspicion are objective tests, the court may freely apply relevant law to the objective facts presented when determining whether a traffic stop constituted a lawful seizure. *State v. Young*, 144 Idaho 646, 648, 167 P.3d 783, 785 (Ct.App.2006) (internal citations omitted).

Here, Corporal Jones stopped Snapp for speeding, in violation of I.C. § 49-654 and failing to use a turn signal, in violation of I.C. § 49-808. Snapp does not assert he was not speeding, nor does he assert he used a turn signal. Rather, Snapp asserts he failed to use a turn signal while on private property. However, because Corporal Jones by visual estimate and use of radar observed Snapp was traveling at a speed in excess of the speed limit, he lawfully stopped him.

**(2) Reasonableness of Detention**

Following the lawful stop, the question raised in this scenario is whether the scope of the investigative detention was “reasonably related to the circumstances that justified the stop.” *State v. Martinez*, 129 Idaho 426, 430, 925 P.2d 1125, 1129 (1996). “An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop.” *Florida v. Royer*, 460 U.S. 491, 500, 103 S.Ct. 1319, 1325 (1983); *see also Aguirre, supra*, 141 Idaho at 563, 112 P.3d at 851. The State bears the burden of establishing a seizure was both based on reasonable suspicion and sufficiently limited in scope and duration to satisfy the conditions of an investigative seizure. *Royer*, at 500, 1326.

Circumstances giving rise to legitimate reasons for particularized lines of inquiry and further investigation unrelated to the initial purpose of the stop may include events succeeding the stop and an officer's observations and general inquiries. *Roe, supra*, 140

Idaho at 181, 90 P.3d at 931; *State v. Myers*, 118 Idaho 608, 613, 798 P.2d 453, 458 (Ct.App.1990). Where an officer abandons the initial purpose of a routine traffic stop and extends it, the extension must be justified by a reasonable suspicion criminal activity is afoot. *State v. Danney*, 153 Idaho 405, 409, 283 P.3d 722, 726 (2012) (internal citations omitted). “The existence of alternative innocent explanations does not necessarily negate reasonable suspicion.” *State v. Rader*, 135 Idaho 273, 275–76, 16 P.3d 949, 951–52 (Ct.App.2000). However, suspicion is not justified if the conduct observed by the officer falls within the broad range of what can be described as normal behavior. *Id.* (Discussing normal driving behavior.). Likewise, reasonable suspicion requires “more than a mere hunch or ‘inchoate and unparticularized suspicion.’” *State v. Linenberger*, 151 Idaho 680, 685, 263 P.3d 145, 150 (Ct.App.2011) (quoting *United States v. Sokolow*, 490 U.S. 1, 7, 109 S.Ct. 1581, 1585 (1989)).

In this case, the State asserts Corporal Jones gained reasonable suspicion to abandon the initial purpose of the stop because, based upon his experience and law enforcement training, he believed Snapp was discarding evidence possibly associated with criminal activity when he observed Snapp open the car door and toss something into the lawn. Idaho Code § 18–2603 provides, in part, that a person who willfully conceals evidence knowing that it is about to be discovered as evidence upon any inquiry or investigation authorized by law is guilty of a felony if the inquiry or investigation is criminal in nature. “Traffic infractions are criminal in nature and are treated as criminal for both constitutional and statutory purposes.” *State v. Bettwieser*, 143 Idaho 582, 586–87, 149 P.3d 857, 861–62 (Ct.App.2006).

Tossing a bag out of the car immediately upon being pulled over by a law enforcement officer is not normal behavior. Corporal Jones was not acting on a mere hunch or inchoate suspicion. Rather, he observed the car door open and a black object dart from the car into the yard. While Snapp’s action could have been innocent, an innocent explanation does not negate reasonable cause. Thus, the Court agrees with the State that Corporal Jones acted lawfully when he abandoned the initial purpose of the stop, the traffic violation, to conduct a new investigation regarding possible criminal activity—concealment of evidence.

**(3) Whether Corporal Jones' presence within the curtilage of Snapp's home resulted in an unconstitutional intrusion.**

Having concluded Corporal Jones' possessed reasonable suspicion to abandon the initial purpose of the traffic stop, the Court must next consider whether his warrantless search of the curtilage<sup>1</sup> constituted an unlawful intrusion. Snapp argues Corporal Jones probably had reason to inquire as to what was tossed into the front yard, but needed a warrant to actually search the front yard.

"A man's home is, for the most purposes, a place where he expects privacy, but objects, activities, or statements that he exposes to the plain view of outsiders are not protected because no intention to keep them to himself has been exhibited." *State v. Clark*, 124 Idaho 308, 316, 859 P.2d 344, 352 (Ct.App.1993) (internal citations, quotation marks, and brackets omitted). "Police officers without a warrant are permitted the same intrusion and the same level of observation as one would expect from a 'reasonably respectful citizen.'" *Id.*, at 313-14, 349-50.

However, "absent exigent circumstances, a warrantless search of one's home or its curtilage, *when effected through trespass*, violates Fourth Amendment prohibitions against unreasonable searches and seizures." *State v. Rigoulot*, 123 Idaho 267, 272, 846 P.2d 918, 923 (Ct.App.1992) (internal citations omitted) (*emphasis added*). Despite this

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<sup>1</sup>Four factors are used to determine whether an area surrounding a home comes within the definition of curtilage for Fourth Amendment purposes: (1) the proximity to the home of the area claimed to be curtilage; (2) whether the area is included within an enclosure surrounding the home; (3) the nature of the uses to which the area is put; and (4) the steps taken by the resident to protect the area from the observation of people passing by. *State v. Beck*, 157 Idaho 402, 405, 336 P.3d 809, 812 (Ct.App.2014).

"Fourth Amendment protection extends to the 'curtilage' of a residence, which is the area or buildings immediately adjacent to a home that a reasonable person may expect to remain private even if accessible to the public." *State v. Hiebert*, 156 Idaho 637, 643-44, 329 P.3d 1085, 1091-92 (Ct.App.2014) (citing *United States v. Dunn*, 480 U.S. 294, 301, 107 S.Ct. 1134, 1139-40 (1987)). "Our courts have interpreted "curtilage" under Article I, Section 17, of the Idaho Constitution to include outbuildings and drives within the areas protected from unreasonable searches, affording more protection than does the United States Supreme Court's narrower interpretation of 'curtilage' under the Fourth Amendment." *Heibert* (citing *State v. Webb*, 130 Idaho 462, 467, 943 P.2d 52, 57 (1997) and *State v. Cada*, 129 Idaho 224, 230-32, 923 P.2d 469, 475-77 (Ct.App.1996)).

rule, the presence of a “no trespassing”<sup>2</sup> sign in and of itself does not constitute an unlawful search due to trespass:

[A no trespassing sign] cannot reasonably be interpreted to exclude normal, legitimate inquiries or visits by mail carriers, newspaper deliverers, census takers, neighbors, friends, utility workers and others who restrict their movements to the areas of one's property normally used to approach the home ... *A criminal investigation is as legitimate a societal purpose as any other undertaking that would normally take a person to another's front door.*

*Id.* (emphasis added).

Under the open view doctrine<sup>3</sup>, when a police officer goes onto private property for a legitimate purpose and restricts his movements to places where a normal visitor would go, observations of incriminating evidence or unlawful activity made from such vantage points do not implicate the Fourth Amendment. *State v. Linenberger*, 151 Idaho 680, 683, 263 P.3d 145, 148 (Ct.App.2011); *see also Clark, supra*. The reason being, a homeowner does not have a reasonable expectation of privacy in something that is knowingly exposed to public view. *State v. Hiebert*, 156 Idaho 637, 643-44, 329 P.3d 1085, 1091-92 (Ct.App.2014). “The plain view exception allows police officers to make warrantless seizures of evidence viewed from a location where the officer has a right to be.” *State v. Christensen*, 131 Idaho 143, 146-47, 953 P.2d 583, 586-87 (1998) (citing *Horton v. California*, 496 U.S. 128, 110 S.Ct. 2301 (1990)).

Here, Corporal Jones was in his vehicle when he observed Snapp toss an object that he reasonably believed to be incriminating evidence; he was occupying an area which would normally be occupied by ordinary visitors. Thus, he was allowed, under the plain view exception, to find and seize the black bag.

**(4) Whether Corporal Jones was reasonable in searching the bag.**

In this case, Snapp told the officer he did not throw anything from his car. In *State v. Zaitseva*, 135 Idaho 11, 13, 13 P.3d 338, 340 (2000), the Court made the following finding on the issue of abandonment:

“[B]y denying ownership of the bag in response to the officer's inquiry prior to the search, Zaitseva essentially relinquished or abandoned any

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<sup>2</sup> Snapp asserted at the preliminary hearing he had “no trespassing” signs.

<sup>3</sup> Warrantless searches are properly analyzed under the open view doctrine.” *State v. Christensen*, 131 Idaho 143, 146-47, 953 P.2d 583, 586-87 (1998).

privacy interest in the contents of the bag. *State v. Harwood*, 133 Idaho 50, 981 P.2d 1160 (Ct.App.1999). See also, *State v. Cowen*, 104 Idaho 649, 662 P.2d 230 (1983); *State v. Agundis*, 127 Idaho 587, 903 P.2d 752 (Ct.App.1995). Accordingly, it was not improper for the officer to search the bag in the course of searching the car with the consents he had obtained from the driver, from the apparent owner and from Zaitseva.”

See also the Idaho Court of Appeals decision in *State v. Jeffrey B. Melling*, Docket No. 42666 (2016 Opinion No. 27), filed April 6, 2016. In *Melling*, the defendant’s girlfriend came outside of the residence, threw a lockbox onto the grass and asserted the lockbox belonged to the defendant. The defendant told the arresting officer that nothing in the lockbox was his. The court held:

A person challenging a search has the burden of showing that he or she had a legitimate expectation of privacy in the item or place searched. *State v. Pruss*, 145 Idaho 623, 626, 181 P.3d 1231, 1234 (2008). That involves a two-part inquiry: Did the person have a subjective expectation of privacy in the object of the challenged search? Is society willing to recognize that expectation as reasonable? *Id.* The first inquiry is a question of fact; the second is a question of law. *Id.* Assuming, *arguendo*, that Melling demonstrated a subjective expectation of privacy in the lockbox, *we hold that society is not willing to recognize an expectation of privacy as reasonable where the owner abandoned the item.*

*Id.*, at Pg., 3 (emphasis added).

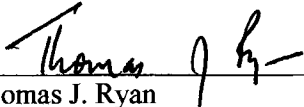
Accordingly, because Snapp denied tossing the bag out of the door, he thereby denied ownership of the bag. By doing so, Snapp relinquished any reasonable expectation of privacy regarding the contents of the bag. Therefore, Corporal Jones was proper in searching the bag.

Therefore,

**ORDER**

IT IS HEREBY ORDERED that Snapp’s Motion to Suppress is DENIED.

Dated this 8<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
Thomas J. Ryan  
District Judge



**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing to be served upon the following via U.S. Mail, postage prepaid, facsimile transmission, or by hand delivery on this 8 day of July 2016.

**SCOTT GATEWOOD**  
*Canyon County Deputy Public Defender*  
111 N. 11<sup>th</sup> Ave., Ste. #120  
Caldwell, ID 83605

**DOUGLAS W. ROBERTSON**  
*Canyon County Deputy Prosecutor*  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, ID 83605

7/8/16  
Date

  
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **THOMAS J. RYAN** DATE: **JULY 11, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR2015-24528-C
	)	CR2015-09735-N
	)	
vs.	)	TIME: 1:30 P.M.
	)	
JAMES EDWARD SNAPP, JR.,	)	<b>DCRT3 (141-142)</b>
	)	
Defendant.	)	REPORTED BY: Kim Saunders
_____		

This having been the time heretofore set for **pre-trial** in the above-entitled matters, the State was represented by Mr. Doug Robertson, Deputy Prosecuting Attorney for Canyon County, Idaho; and the defendant was present in court and was represented by Mr. Scott Gatewood.

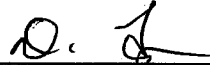
The Court called the cases and advised counsel it had issued a written ruling on the motion. That decision had been filed in the case on Friday.

Mr. Gatewood requested a continuance of the pre-trial to allow him to review the ruling.

**After discussion with counsel, the Court continued the pre-trial conference until the 25<sup>th</sup> day of July, 2016 at 2:30 p.m. before this Court and reset the jury trial to commence on the 23<sup>rd</sup> day of August, 2016 at 8:30 a.m. before Judge Carey.**

The defendant was continued released to pre-trial release on the bond previously posted.

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Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **THOMAS J. RYAN** DATE: **JULY 25, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR2015-24528-C
	)	CR2015-09735-N
	)	
vs.	)	TIME: 2:30 P.M.
	)	
JAMES EDWARD SNAPP, JR.,	)	DCRT3 (258-300)
	)	
Defendant.	)	REPORTED BY: Kim Saunders
_____		

This having been the time heretofore set for **pre-trial** in the above entitled matter, the State was represented by Mr. Doug Robertson, Deputy Prosecuting Attorney for Canyon County, Idaho; and the defendant was present in court and represented by Mr. Scott Gatewood.

The Court called the case and inquired of counsel as to the status.

Mr. Gatewood indicated this matter remained on for trial.

Mr. Robertson indicated there were no discovery issues. There was video and he would work with Mr. Gatewood on any redactions.

Mr. Gatewood believed he had all discovery.

Neither counsel believed there would be any motions in limine.

The Court instructed the defendant to remain in contact with his attorney.

The defendant was continued released to pre-trial release on the bond previously posted.

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\_\_\_\_\_  
Deputy Clerk

**FILED**  
A.M. *115* P.M.  
AUG 16 2016  
CANYON COUNTY CLERK  
S ALSUP. DEPUTY

cb

BRYAN F. TAYLOR  
CANYON COUNTY PROSECUTING ATTORNEY  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605  
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

James Edward Snapp Jr

Defendant.

CASE NO. CR2015-24528

**NOTICE OF INTENT TO  
USE REDACTED VIDEO**

COMES NOW DOUG ROBERTSON, Deputy Prosecuting Attorney for the County of Canyon, State of Idaho, and does notify the Defendant, by and through counsel, of the State's intent to use redacted media in the Jury Trial scheduled for August 23, 2016 at 8:30 a.m.

The Defense has not filed a motion in Limine regarding any requested redactions:

1. Video entitled: N15-27590\_2015.05.22\_05.38.48\_JonesB1\_mpeg2video redacted from 2:02 to end
2. Video entitled: N15-27590\_2015.05.22\_05.47.30\_JonesB2\_mpeg2video redacted from 00:11 to end

NOTICE OF INTENT TO  
USE REDACTED VIDEO



3. Video entitled: N15-27590\_2015.05.22\_05.49.24\_JonesB3\_mpeg2video redacted 00:26  
to end

DATED this 16th day of August, 2016.



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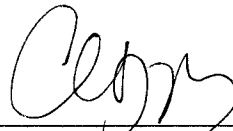
DOUG ROBERTSON  
Deputy Prosecuting Attorney

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 16th day of August, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Canyon County Public Defender  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



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DOUG ROBERTSON  
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON  
PRESIDING: **G.D. CAREY** DATE: **August 23, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR2015-24528*C
	)	CR2015-9735*N
	)	
vs.	)	TIME: 8:30 a.m.
	)	
JAMES EDWARD SNAPP, JR.,	)	REPORTED BY: Christine Rhodes
	)	
Defendant.	)	DCRT 2 (8:31-8:44)
_____	)	

This having been the time heretofore set for **jury trial** in the above entitled matter, the State was represented by Mr. Doug Robertson, Deputy Prosecuting Attorney for Canyon County, and the defendant was personally present with counsel, Mr. Scott Gatewood.

The Court called the cases and noted this matter was set for a change of plea.

The Court reviewed prior proceedings held and advised the defendant of the charges and the maximum possible penalties provided by law.

The Court noted it had been provided with a Guilty Plea Advisory Form and sentencing agreement indicating if the defendant's guilty plea was accepted, he would be entitled to an appeal from an adverse ruling on a motion to suppress.



Mr. Gatewood and the defendant concurred.

The defendant was sworn to answer the Court's questions truthfully.

The Court examined the defendant and determined his true name was charged, that he read, wrote and understood the English language, he had not consumed any drugs, alcohol, medications or narcotics and he was a citizen of the United States. Additionally, the Court determined the defendant was willing to plead guilty to the charge on certain conditions.

The Court advised the defendant that the crime of Trafficking in Methamphetamine or Amphetamine carried a possible life sentence, three (3) years of which was mandatory, a mandatory fine of \$10,000.00 and a possible fine of \$100,000.00. The Court further advised if the defendant was found guilty, he was not entitled to request any type of probation, withheld judgment or retained jurisdiction.

The Court examined the defendant and determined he had not been forced or coerced to plead guilty, he has had enough time to work with his attorney in this matter and there had been no other promises made to get him to plead guilty, other than allowing the right to appeal issues that were raised on a motion to suppress evidence.

In answer to the Court's inquiry, Mr. Robertson indicated there would be open recommendations at sentencing.

The Court examined Mr. Gatewood and determined he has had enough time to work on this matter, he was not aware of any motions or discovery that needed to be handled and he concurred in the defendant's decision to plead guilty.

The Court examined the defendant and determined he had read, reviewed and understood the Guilty Plea Advisory Form and the answers contained therein were correct to the best of his knowledge.

The Court advised the defendant that by pleading guilty he was giving up a number of rights including his right to a jury trial where the State would be required to prove his guilt beyond a reasonable doubt, his right to remain silent, his right to confront and cross examine witnesses against him, his right to present a defense and he would be waiving any defenses he had to the charge.

The Court read the charging portion of the Information to the defendant and in answer to the Court's inquiry, the defendant indicated it was true.

Upon the Court's inquiry, Mr. Robertson stated lab testing indicated the substance was Methamphetamine, in the amount of 108 grams.

The Court found there was a factual basis for the plea, that it was knowingly, voluntarily and intelligently made and accepted the defendant's plea, with the understanding he would retain his right to appeal the decision in the motion to suppress.

The Court ordered a **Presentence Investigation Report** and set this matter for **sentencing on October 18, 2016 at 4:15 p.m. before Judge Ryan.**

In answer to the Court's inquiry, Mr. Gatewood indicated the defendant would waive his fifth and sixth amendment rights with respect to the evaluation.

The Court noted the misdemeanor charges in CR2015-9735\*N would be dismissed at sentencing.

The defendant was remanded to the custody of the Canyon County Sheriff pending further proceedings or the posting of bond.

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K. Beckley  
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

GUILTY PLEA ADVISORY AND FORM  
TO BE FILLED OUT BY THE DEFENDANT

**F I L L E D**  
8:44 A.M. P.M.  
AUG 23 2016

Defendant's Name: James Edward Snapp

Signature  CANYON COUNTY CLERK  
K BECKLEY, DEPUTY

Date: Aug 22 2016

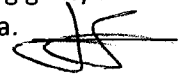
Case Number: CR 2015-24258

Age: 56 Years

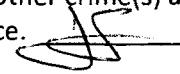
Date of Birth 


**STATEMENT OF CONSTITUTIONAL RIGHTS**  
**(Please initial each response)**

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elect to have a trial, the State may not call you as a witness or ask you any questions. If you do decide to testify the State will be permitted to ask you questions and anything you say can be used as evidence against you in court.


I understand that by pleading guilty I am **waiving** my right to remain silent as to the elements of the crime(s) to which I am entering this plea. 

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

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

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the Judge for an attorney who will be paid by the county. You may be required to reimburse the county for the cost of this representation. 

4. You are presumed to be innocent. You will be found guilty if: 1) you plead guilty in front of the Judge; or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am **waiving** my right to be presumed innocent. 

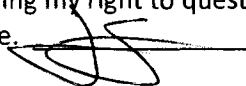
5. You have the right to a speedy and public jury trial before twelve persons. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. You are not required to do so, however. The State must convince all of the jurors of your guilty beyond a reasonable doubt.

I understand that by pleading guilty I am **waiving** my right to a speedy and public jury trial.



6. You have the right to question (confront) the witnesses testifying against you. This occurs during a jury trial. At trial, the State must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call witnesses of your choosing to testify on your behalf. If you do not have the funds to bring those witnesses to court, the State will pay the cost of bringing your witnesses to court and will compel their attendance by the use of the subpoena power of the court.

I understand that by pleading guilty I am waiving my right to question (confront) the witnesses against me, and present witnesses and evidence in my defense.



7. The State has the burden of proving you guilty beyond a reasonable doubt. I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt.



### QUESTIONS REGARDING ABILITY TO ENTER PLEA

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

Please check the correct answer

1. Do you read and write the English language?

YES  NO

If not, have you been provided with an interpreter to help you fill out this form?

YES  NO

Do you want an Interpreter?

YES  NO

2. What is your true and legal name? JAMES EDWARD SWIFT

3. What was the highest grade of school you completed? 14

4. If you did not complete high school, have you received either a general education diploma or high school equivalency diploma?

YES  NO

5. Are you currently under the care of a mental health professional?

YES  NO

6. Have you ever been diagnosed with a mental health disorder?

YES  NO

If so, what was the diagnosis and when was it made? PTSD

DEPRESSION ANXIETIES ADD

7. Are you currently prescribed any medication?

YES  NO

If yes, what medications are you taking at this time? NONE

If you answered "yes," have you taken your prescription medication during the past 24 hours?

YES \_\_\_ NO

8. In the last 48 hours, have you taken any medication or drugs, including over the counter, or have consumed an alcoholic beverages which you believe affect your ability to understand these questions and to make a reasoned and informed decision in this case?

YES \_\_\_ NO

9. Are you under the influence of any alcohol, drugs, or other medication at this time?

YES \_\_\_ NO

10. Are you capable of understanding these proceedings?

YES  NO \_\_\_

11. Do you claim that you are mentally incapable of understanding these proceedings or what it means to plead guilty to a crime?

YES \_\_\_ NO

12. Is there anything going on in your life that affects your ability to enter a voluntary guilty plea?

YES \_\_\_ NO

13. Are you having any difficulty in understanding what you are doing by filling out this form?

YES \_\_\_ NO

14. Is there any other reason that you cannot make a reasoned and informed decision in this case?  
If yes, what is the reason? \_\_\_\_\_

YES \_\_\_ NO

**PLEA AGREEMENT**

15. Is your guilty plea the result of a plea agreement?

YES  NO \_\_\_

If so, what are the terms of that plea agreement?

(If available, a written plea agreement must be attached hereto as "Addendum 'A' ")

**Plead Guilty to Possessio 28 grams or more methamphetamine**

**Rule 11 – conditional plea**

**Open argument at sentencing**

If a written plea agreement was done, have you read this plea agreement?

YES  NO

16. Do you understand your plea agreement?

YES  NO

17. There are two types of plea agreements. Please initial the one paragraph below which describes the type of plea agreement.

a. I understand that my plea agreement is a **non-binding** plea agreement. This means that the Court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, up to the maximum sentencing recommendations, and may impose any sentence authorized by law, up to the maximum sentence. Because the Court is not bound by the agreement, if the District Court chooses not follow the agreement, I will not have the right to withdraw my guilty plea.

*[Handwritten initials]*

b. I understand that my plea agreement is a **binding** plea agreement. This means that if the District Court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty and proceed to a jury trial. \_\_\_\_\_

18. Has your attorney or anyone else forced or coerced you in any way into accepting this plea agreement

YES \_\_\_\_\_ NO

19. Have any other promises been made to you that have influenced your decision to plead guilty?

YES \_\_\_\_\_ NO

20. Has anyone told you what your sentence will be? If so, what have you been promised?

YES \_\_\_\_\_ NO

\_\_\_\_\_  
\_\_\_\_\_

21. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues

YES  NO

22. Have you waived you right to appeal your **judgment of conviction** as part of your plea agreement?

YES \_\_\_\_\_ NO

23. Have you waived you right to appeal your sentence as part of your plea agreement? Under what condition can you appeal your sentence?

YES \_\_\_\_\_ NO

\_\_\_\_\_  
\_\_\_\_\_

24. Do you understand that by pleading guilty you will waive (or give up) any defenses, both factual and legal, that you believe you may have in this case?

YES  NO

25. Have you discussed the elements of the offense(s) for which you are charged with your attorney?

YES  NO

**POTENTIAL SENTENCE**

I am charged with the crime(s) of:

I understand the Minimum & Maximum - Fine and Imprisonment:

Possession of more than 28 grams methamphetamine

Minimum 3 years prison  
Up to life  
Fine not less than \$10,000

26. If you plead guilty to more than one crime do you understand that your sentences for each crime could be ordered to be served either **concurrently** (at the same time) or **consecutively** (one after the other)?

YES  NO

27. Do you understand that if you plead guilty and you commit crimes in the future, this conviction could be considered in the future case and could cause more severe penalty in the future case?

YES  NO

**ADDITIONAL CONSEQUENCES OF A GUILTY PLEA**

28. Are you currently on probation or parole?

YES  NO

If so, do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole (WHICH MEANS THAT ANY SUSPENDED SENTENCE COULD BE IMPOSED AND ANY PAROLE REVOKED)?

YES  NO

29. Are you aware that if you are not a citizen of the United States, the entry of a plea or making of factual admissions could have consequences of deportation or removal, inability to obtain legal status in the United States, and or denial of an application for United States citizenship?

YES  NO

30. Does the crime to which you will plead guilty required you to register as a **sex offender**? (I.C. §18-8304)

YES  NO

31. Are you aware that if you plead guilty you may be required to pay **restitution** in this case? (I.C. §37-2732(k)), (I.C.R.33(d)(2))

YES  NO

32. Are you pleading guilty to a crime for which you may be required to pay the cost of prosecution and investigation? (I.C. § 37-2732 (k)), (I.C.R. 33(d)(2))

YES  NO



If so, have you and the State agreed upon the amount of this reimbursement?

YES \_\_\_ NO

If you have, what is the amount? \_\_\_\_\_

33. Have you agreed to pay restitution as a condition of your plea agreement?

YES  NO \_\_\_

34. If the amount of restitution has not been agreed upon, do you understand that you cannot withdraw your guilty plea even if the restitution amount is determined to be higher than you thought it might be or should be?

YES  NO \_\_\_

35. Is a license suspension required as a result of a guilty plea in this case?

YES \_\_\_ NO

36. Do you understand that if you plead guilty you will be required to submit a **DNA sample** and **Right Thumbprint impression** to the State? (I.C. §19-5506)

YES  NO \_\_\_

37. Are you pleading guilty to a crime for which the Court could impose a **fine** for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. §19-5307)

YES \_\_\_ NO

38. Do you understand that if you plead guilty to a felony, you will lose your right to **vote** in Idaho during the period of your sentence? (Id. Const. art6, §3)

YES  NO \_\_\_

39. Do you understand that if you plead guilty to a felony, you will lose your right to hold **public office** in Idaho during the period of your sentence? (Id. Const. art.6§3)

YES  NO \_\_\_

40. Do you understand that if you plead guilty to a felony, you will lose your right to perform **jury service** in Idaho during the period of your sentence? (Id. Const. art.6§3)

YES  NO \_\_\_

41. Do you understand that if you plead guilty to a felony and or to a misdemeanor crime of domestic violence you will lose your right to purchase, possess, or carry **firearms**? (I.C. §19-310, 18 U.S.C. §922(g)(9))

YES  NO \_\_\_

42. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a Persistent Violator? (I.C. §§ 19-2514, 37-2739)

YES  NO \_\_\_

## RELATIONSHIP WITH YOUR ATTORNEY

43. Have you had sufficient time to discuss your case with your attorney? YES  NO
44. Have you had adequate time to fill out this form? YES  NO
45. Have you had adequate access to your attorney's assistance in filling out this form? YES  NO
46. Your attorney can obtain various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called "**discovery**." Have you had the opportunity to review the discovery provided by your attorney? YES  NO
47. Do you want your attorney to take any further action in this case? YES  NO
48. If you are not a **citizen** of the United States, have you talked to your attorney about the impact of your guilty plea on deportation, on your legal status in the United States and on obtaining United States citizenship? YES  NO
49. Do you understand that no one, including your attorney, can force you to plead guilty in this case? YES  NO
50. Are you satisfied with your attorney's representation? YES  NO

If not, please state why you are dissatisfied?

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## IF YOUR GUILTY PLEA IS THE RESULT OF A PLEA AGREEMENT REACHED THROUGH MEDIATION:

51. Did you voluntarily enter mediation? YES  NO
52. Did anyone force you, or coerce you, to enter into the plea agreement in the mediation? YES  NO
53. Were you satisfied with the conduct of the mediation? YES  NO

## ENTRY OF PLEA

54. Are the answers thought this form your own answers? YES  NO
55. Are you entering your plea freely and voluntarily? YES  NO

56. Do you understand the consequences of entering a guilty plea?

YES  NO

57. Are you admitting to all the elements of the crime(s) to which you are pleading guilty?

YES  NO

Or are you pleading guilty because you are entering an Alford Plea?

YES  NO

58. If you are entering an Alford Plea, do you understand that the Court will consider you just as guilty as if you enter a non-Alford plea?

YES  NO

59. Have you had any trouble answering any of the questions in this form which you could not resolve by discussing the issue(s) with your attorney?

YES  NO

60. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter?

YES  NO

61. Do you need any additional time before you enter your guilty plea(s)?

YES  NO

62. Do you understand that if the Court accepts your guilty plea(s) that you may not be able to withdraw your plea(s) at a later date?

YES  NO

63. Is there anything else you want to tell the court about why you are pleading guilty?

YES  NO

I have answered the questions on pages 1-8 of this Guilty Plea Advisory Form truthfully, I understand all of the questions and answers herein, I have had the opportunity to discuss each questioned answer with my attorney, and I have completed this form freely and voluntarily **WITH A COMPLETE UNDERSTANDING OF THE CHARGE(S) TO WHICH I AM PLEADING GUILTY AND WITH KNOWLEDGE OF THE POTENTIAL CONSEQUENCES OF THIS PLEA.** Furthermore, no one has forced me or threatened me to plead guilty.

DATE: Aug 23 / 16

[Signature]  
DEFENDANT

## POST PLEA RIGHTS

A presentence investigation will be ordered by the Court unless both you and the State waive that report and the Court approves that waiver. The Court may order evaluations as part of this investigation **AND THESE REPORTS WILL BE USED TO DETERMINE YOUR SENTENCE.** You have the right to remain silent during all proceedings and interviews from now until sentencing WHICH INCLUDES THE PRESENTECE INESTIGATION AND ANY COURT ORDERED EVALUTIONS.

The information in the presence interview and any evaluations (which will include any statements you make in these processes) will be used by the Court in determining your sentence. In particular if you are ordered to undergo a psychosexual evaluation (which can include a polygraph examination), a domestic violence evaluation, a substance abuse evolution or a mental health examination (which can include a psychological or psychiatric examination) you will be asked extensive question and your answers to those questions may be used against you during sentencing.

1. Have you discussed the right to remain silent with your attorney? YES  NO
2. Do you understand the nature of these rights? YES  NO
3. Do you understand that you may waiver these rights? YES  NO
4. Have you waived any of these rights in your plea agreement? YES  NO
5. Do you have any questions concerning either these rights or the waiver of these rights? YES  NO
6. Have you discussed with your attorney your rights regarding your attorney's attendance and presence during the presentence investigation or these various evaluations? YES  NO
7. Do you what the Court to order any particular evaluations to assist the Court in determining your sentence in this case? YES  NO

If yes, which evaluations and why?


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I ACKNOLWDGE THE FOREGOING POST PLEA RIGHTS.

DATE: Aug/23/16

DEFENDANT 

**ORIGINAL OF THIS DOCUMENT TO IDOC**

Assigned to: \_\_\_\_\_  
Assigned: \_\_\_\_\_

BY K. Beckley, DEPUTY

**Third Judicial District Court, State of Idaho  
In and For the County of Canyon  
ORDER FOR PRESENTENCE REPORT AND EVALUATIONS**

STATE OF IDAHO  
Plaintiff,  
vs.

James Edward Snapp, Jr  
69954 Hidden Valley Ln  
Cove, OR 97824

Case No: CR2015-24528\*C

**ORDER FOR PRE – SENTENCE INVESTIGATION  
REPORT**

**CHARGE(s):**

137-2732B(a)(4) Drug-Trafficking in Methamphetamine or  
Amphetamine

**ROA : PSIO1-** Order for Presentence Investigation Report

On this Tuesday, August 23, 2016, a **Pre-sentence Investigation Report** was ordered by the Honorable G.D. Carey to be completed for Court appearance on:

**Sentencing Tuesday, October 18, 2016 at 04:15 PM at the above stated courthouse before the Honorable Thomas J. Ryan.**

Behavioral Health Assessments waived by the Court

Waiver under IC 19-2524 2 (e) allowing assessment and treatment services by the same person or facility

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

Sex Offender  Domestic Violence  Other \_\_\_\_\_ Evaluator: \_\_\_\_\_

**PLEA AGREEMENT:** State recommendation

WHJ/JOC  Probation  PD Reimb  Fine  ACJ  Restitution  Other: \_\_\_\_\_

DEFENSE COUNSEL: Canyon County Public Defender: Scott James.

PROSECUTOR: Canyon County Prosecutor: Doug Robertson.

THE DEFENDANT IS IN CUSTODY:  NO  YES If yes where: Canyon County  
DO YOU NEED AN INTERPRETER?  NO  YES if yes, what is the language? \_\_\_\_\_

Date: August 23 2016

Signature: *George A. Robertson*  
District Judge

**Kim Beckley**

---

**From:** Bacon, Randall <rabacon@idoc.idaho.gov>  
**Sent:** Tuesday, August 23, 2016 11:37 AM  
**To:** Kim Beckley  
**Subject:** RE: Scan from a Xerox WorkCentre

Received.

-----Original Message-----

**From:** Kim Beckley [<mailto:kbeckley@canyonco.org>]  
**Sent:** Tuesday, August 23, 2016 11:19 AM  
**To:** Department of Health & Welfare; Bacon, Randall  
**Subject:** FW: Scan from a Xerox WorkCentre

James Snapp, Jr. CR2015-24528\*C

-----Original Message-----

**From:** WorkCentre 7120 [<mailto:noreply@canyonco.org>]  
**Sent:** Tuesday, August 23, 2016 11:12 AM  
**To:** Kim Beckley  
**Subject:** Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Number of Images: 2  
Attachment File Type: PDF

Device Name: WorkCentre 7120  
Device Location:

For more information on Xerox products and solutions, please visit <http://www.xerox.com/>

Scott Gatewood, Deputy Public Defender, ISB #5982  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Avenue, Suite 120  
Caldwell, Idaho 83605  
Telephone: (208) 649-1818  
Facsimile: (208) 649-1819  
Email: sgatewood@canyonco.org

**FILED**  
844 A.M. P.M.  
AUG 23 2016

CANYON COUNTY CLERK  
K BECKLEY, DEPUTY

*Attorneys for the Defendant*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR.,

Defendant.

Case No. CR-2015-24528

**BINDING PLEA AGREEMENT  
PURSUANT TO I.C.R 11(a)(2)**

The parties above-named, by and through undersigned counsel, come now and hereby stipulate and agree, pursuant to Idaho Criminal Rule 11(a)(2), to the following:

- 1) With approval of the Court, the defendant shall enter a conditional plea of "guilty" in the above-entitled action.
- 2) The defendant's conditional plea of "guilty" shall reserve in writing the right, on appeal from judgment, to review the Court's adverse ruling on the defendant's Motion to Suppress, decision filed on July 8, 2016.
- 3) If the defendant prevails on appeal, the defendant shall be allowed to withdraw his conditional plea of "guilty" pursuant to Idaho Criminal Rule 11(a)(2).

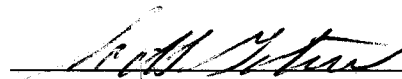
DATED this 23 day of August, 2016.

  
\_\_\_\_\_  
Deputy Prosecuting Attorney

DATED this 23 day of Aug, 2016.

  
\_\_\_\_\_  
JAMES EDWARD SWAPP JR.  
Defendant

DATED this 23 day of August, 2016.

  
\_\_\_\_\_  
Scott Gatewood, Deputy Public Defender  
Attorney for the Defendant



**CERTIFICATE OF SERVICE**

I certify that on this 23 day of August, 2016, a copy of the foregoing BINDING PLEA AGREEMENT PURSUANT TO I.C.R. 11 was served on the following named persons at the addresses shown and in the manner indicated.

Canyon County Prosecuting Attorney  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605

U.S. Mail  
 Facsimile  
 Hand Delivery-Court Mailbox  
 Electronic Mail

Clerk of the Court-Criminal Proceeding  
Canyon County Courthouse  
1115 Albany Street, Rm 201  
Caldwell, Idaho 83605

U.S. Mail  
 Facsimile  
 Hand Delivery  
 Electronic Mail

  
Canyon County Public Defender's Office

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **THOMAS J. RYAN** DATE: **OCTOBER 20, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR2015-24528-C
	)	CR2015-09735-N
	)	
vs.	)	TIME: 9:30 A.M.
	)	
JAMES EDWARD SNAPP, JR.,	)	<b>DCRT4 (942-944)(140-149)</b>
	)	
Defendant.	)	REPORTED BY: Kim Saunders
<hr/>		

This having been the time heretofore set for **sentencing** in the above-entitled matters, the State was represented by Mr. Doug Robertson, Deputy Prosecuting Attorney for Canyon County, Idaho; and the defendant was present in court and represented by Mr. Scott Gatewood.

The Court called the case and noted the defendant was not present.

In answer to the Court's inquiry, Mr. Gatewood indicated he had talked to the defendant a day or two ago and he knew about the changed date and time for this hearing.

The Court issued a bench warrant in the amount of \$150,000.00.

There being no objection, the Court dismissed the companion misdemeanor offenses.

The Court recessed at 9:44 a.m.

**\*\*\*Later this date:** Defendant slept late and showed up at the Public Defender's office. Both of counsel and the defendant were instructed to appear before the Court at 11:15 a.m. and the defendant did not appear. The warrant was left as previously ordered. This clerk ran into the defendant in the hallway at 11:35 a.m. and instructed him to appear at 1:30 p.m. This clerk e-mailed this information to Mr. Robertson, Mr. Gatewood, and Ms. Hill. The defendant appeared at 1:30 p.m.

The Court recalled the case determined all parties had received / reviewed the Presentence Investigation Report. No factual corrections were made to the report.

In answer to the Court's inquiry, Mr. Robertson made statements about the defendant and the case, recommended a sentence of five (5) years fixed followed by ten (10) years indeterminate, imposed, and presented argument.

Mr. Gatewood made statements about the defendant and recommended a sentence of three (3) years fixed followed by seven (7) years indeterminate, imposed. All other terms and conditions of the sentence were left to the Court's discretion.

The defendant made statements to the Court on his own behalf.

**The Court made statements to the defendant and found him to be guilty of the offense of Trafficking in Methamphetamine and/or Amphetamine, a felony, and sentenced him as set forth in the Judgment and Commitment.**

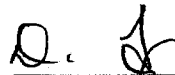
In answer to the Court's inquiry, neither counsel had anything further for the Court to address.

The Court provided the defendant with a notice of his rights upon sentencing, which the defendant reviewed, signed, and returned to the Court.

Both of counsel returned their copies of the Presentence Investigation Report to the clerk.

The defendant was remanded into the custody of the Canyon County Sheriff pending transfer to the Idaho Department of Correction.

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Deputy Clerk

THIRD JUDICIAL DISTRICT  
STATE OF IDAHO  
COUNTY OF CANYON

FILED 10.20.16 AT 148 A.M.  
CLERK OF THE DISTRICT COURT  
BY D. J., Deputy

THE STATE OF IDAHO, or

Plaintiff,

-vs-

James Edward Snapp, Jr.  
Defendant.

Case No. CR15-24528c

COMMITMENT

Charge: Supplying in  
Methamphetamine

IT IS HEREBY ORDERED that the above-named Defendant, having been found guilty as charged, be committed to the custody of the Sheriff of Canyon County, Idaho and that this Order of Commitment shall serve as authority for continued custody.

IT IS FURTHER ORDERED that the above-named Defendant shall serve:

- \_\_\_\_\_ day(s).     \_\_\_\_\_ month(s).     \_\_\_\_\_ year(s).
- as previously Ordered on the Judgment dated \_\_\_\_\_.
- credit for \_\_\_\_\_ day(s) served.
- determinate 3 yrs     indeterminate 4 yrs     retained jurisdiction.
- work search/work-out privileges granted from \_\_\_\_\_ to \_\_\_\_\_.

- upon written verification.     as authorized by the Sheriff of Canyon County.

Sheriff's Work Detail: \_\_\_\_\_ days in lieu of \_\_\_\_\_ days jail to be completed by \_\_\_\_\_. If the Defendant fails to report to the jail as ordered or at a time agreed upon with the jail, or fails to satisfactorily perform the Defendant's obligations with the Sheriff Inmate Labor Detail, then the Sheriff is ordered and directed to place the Defendant in custody to serve the Defendant's jail time that has not been suspended.

Other: \_\_\_\_\_

IT IS FURTHER ORDERED that the above-named Defendant shall report to the Canyon County Sheriff on or before \_\_\_\_\_.

Dated: 10/20/16

Signed: Thomas J. [Signature]  
Judge

- Jail     Defendant

COMMITMENT

3/02

OCT 21 2016

CANYON COUNTY CLERK  
S MEHIEL, DEPUTY

dm

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR,

Defendant.

CASE NO. CR2015-24528

**LAB RESTITUTION ORDER AND  
JUDGMENT**

Based upon the judgment and sentence in this case, and the expenses of the victim on this matter, and pursuant to **Idaho Code**, Section 37-2732.

IT IS HEREBY ORDERED THAT THE DEFENDANT, JAMES EDWARD SNAPP JR, pay **ONE HUNDRED DOLLARS (\$100)** in restitution and that such restitution be paid to the Court to be distributed by the Court to the following victim(s):

Idaho State Police  
Forensic Services  
700 S. Stratford Dr., Suite #125  
Meridian, ID 83642-6202

<u>Date</u>	<u>Lab Expense</u>
6.4.2015	\$100

There are no known Co-Defendants.

It is **FURTHER ORDERED** that pursuant to I.C. Section 19-5305, forty-two (42) days after entry of this order, or at the conclusion of a hearing to reconsider this order, whichever occurs later, this order may be recorded as judgment and the victim(s) may execute as provided by law for civil judgments.

DATED this 20th day of October, 2016.

Thomas J. By  
Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Order for Restitution was forwarded to the following persons this 21 day of October, 2016.

Prosecutor: Court Basket X

Public Defender: Court Basket X

Felony Parole & Probation: Court Basket X

Idaho State Police  
700 S. Stratford Drive, Ste 125  
Meridian, ID 83642 Mailed X

Dated: 10/21/16  
CHRIS YAMAMOTO  
Clerk of the District Court

By: [Signature]  
Deputy Clerk





**IDAHO STATE POLICE FORENSIC SERVICES**

700 South Stratford Drive, Ste 125

Meridian, ID 83642-6202

Phone: (208) 884-7170

Fax: (208) 884-7197

**FORENSIC CONTROLLED SUBSTANCE ANALYSIS REPORT**

Case Agency(s): <b>NAMPA POLICE DEPARTMENT</b>	Agency Case No(s).: <b>N15-27590</b>	Laboratory Case No.: <b>M2015-1731</b>
Date(s) of Offense: <b>5/21/2015</b>	Investigating Officer(s): <b>Brian Jones</b>	Report No.: <b>1</b>
Date Evidence Accepted: <b>5/28/2015</b>	Analyst: <b>Corinna Owsley</b>	
Case Name(s): <b>Suspect - JAMES E SNAPP</b>		

Lab Item #	Agency Exhibit	Description	Conclusions and Interpretations	Additional Information
1	001	108.25g crystalline material	Methamphetamine (CII)	

**REMARKS:**

I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

*Corinna C Owsley*

Corinna Owsley / Forensic Scientist

Issue Date: **06/04/2015**

## Idaho State Police Drug Restitution

As provided in Idaho Code 37-2732(k), the Idaho State Police requests restitution from the defendant, **JAMES E SNAPP** in the amount of **\$100** in association with Laboratory Case No. **M2015-1731**. This amount is based upon the confirmation of the following drug(s) being present in sample(s) submitted to this laboratory. The amount requested reflects a portion of the cost incurred to the laboratory during the analysis of drug evidence.

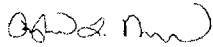
<b>Confirmed Drug/Analysis</b>	<b>Cost</b>
Methamphetamine (CII) (1 sample(s) @ \$100 ea.)	\$100

Please present this restitution request form and a copy of the laboratory report to the court at the time of sentencing.

Please make checks payable to:      Forensic Services  
700 South Stratford  
Meridian, Idaho 83642-6202

Thank you for your cooperation in this matter.

Sincerely,



Rylene Nowlin  
Meridian Laboratory Manager  
Forensic Services

OCT 25 2016

CANYON COUNTY CLERK  
D TORGERSEN, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JAMES EDWARD SNAPP, JR., )  
 aka JAMES PENCE, JIM SNAPP, )  
 JIM SNOTT, JAMES EDWARD PENCE, )  
 JAMES EDWARD SNOOP, JR. )  
 SS# [REDACTED] )  
 )  
 D.O.B. [REDACTED] )  
 )  
 Defendant. )

**JUDGMENT AND COMMITMENT**

**CASE NO. CR2015-24528-C**

On this 20<sup>th</sup> day of October, 2016, personally appeared Doug Robertson, Deputy Prosecuting Attorney for the County of Canyon, State of Idaho, and the defendant, James Edward Snapp, Jr., and the defendant's attorney, Scott Gatewood.

**IT IS ADJUDGED** that defendant has been convicted upon the defendant's plea of guilty to the offense of **Trafficking in Methamphetamine and/or Amphetamine**, a felony, as charged in the Information, a violation of Idaho Code Section 37-2732B(a)(4), being committed on or about the 21<sup>st</sup> day of November, 2015; and the Court having asked the defendant whether there was any legal cause to show why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court.

**IT IS ADJUDGED** that the defendant is guilty as charged and convicted.

**IT IS HEREBY FURTHER ADJUDGED** that the defendant be sentenced to the custody of the Idaho State Board of Correction for a minimum period of confinement of

*Copies sent 10.25.16 A*

three (3) years and a subsequent indeterminate period of confinement not to exceed four (4) years for a total unified sentence of seven (7) years.

**IT IS FURTHER ORDERED** that the defendant be given credit for twelve (12) days of incarceration prior the entry of judgment for this offense, pursuant to Idaho Code Section 18-309.

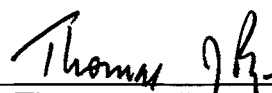
**IT IS FURTHER ORDERED** that the defendant shall pay court costs in the amount of \$285.50, a fine in the amount of \$10,000.00, and restitution pursuant to the restitution order.

**IT IS FURTHER ORDERED** that the defendant shall submit a DNA sample and right thumbprint impression to the Idaho State Police through its designated agent, the Idaho Department of Correction, pursuant to I.C. §19-5506. Such sample must be provided within 10 calendar days of this order; failure to provide said sample within the 10 day period is a felony offense.

**IT IS ADJUDGED** that the defendant be committed to the custody of the Sheriff of Canyon County, Idaho, for delivery forthwith to the Director of the Idaho State Board of Correction at the Idaho State Penitentiary or other facility within the State designated by the State Board of Correction.

**IT IS ORDERED** that the clerk deliver a copy of this Judgment and Commitment to the Director of the Idaho State Board of Correction or other qualified officer and that the copy serve as the commitment of the defendant.

DATED this 24<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Thomas J. Ryan  
District Judge

**F I L E D**  
A.M. 3:40 P.M.

NOV 16 2016

CANYON COUNTY CLERK  
B DOMINGUEZ, DEPUTY

Scott Gatewood, Deputy Public Defender, ISB #5982  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605  
Telephone: 208-649-1818  
Facsimile: 208-649-1819  
Email: sgatewood@canyonco.org

*Attorneys for the Defendant*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO

Plaintiff,

vs.

JAMES EDWARD SNAPP JR.

Defendant.

Case No. CR-2015-24528

~~CR-2015-09735~~

*Dismissed by Court  
10/20/16*

NOTICE OF APPEAL

TO: THE ABOVE NAMED RESPONDENT, THE STATE OF IDAHO, AND THE CLERK  
OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Appellant, JAMES EDWARD SNAPP JR., appeals against the  
above-named Respondent to the Idaho Supreme Court from the following:

A. The Decision of Judge Thomas J Ryan on or about July 8, 2016, denying  
Defendant's Motion to Suppress re ICR 12(b).

2. These matters were heard, and the decisions were entered, in the Third Judicial  
District, in and for the County of Canyon by District Judge Thomas J Ryan.

*ORIGINAL*

3. A preliminary statement of the issues on appeal which the appellant 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 or amending issues listed below.

A. Whether the court abused its discretion in denying Defendant's Motion to Suppress.

4. Appellant has the right to appeal all final judgments of convictions in criminal proceedings pursuant to Rule 11(c)(1) of the Idaho Appellate Rules.

5. Appellant requests a transcript, in both hard copy and electronic form, of the following hearings in this matter:

A. The Motion Hearing on or about June 27, 2016.

6. In addition to the standard clerk's record on appeal, the Appellant requests the following:

A. The Presentence Investigation Report.

7. I certify:

A. That a copy of this notice of appeal has been served on each

Reporter of whom a transcript has been requested as named below at the address set out below:

c/o Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605

B. That the appellant is exempt from paying the estimated transcript fee because he is incarcerated with the Idaho Department of Corrections and he is indigent.

C. That the appellant is exempt from paying the estimated fee for the preparation of the clerk's record because he is considered indigent by the Court.

D. That appellant is exempt from paying the appellate filing fee because he is indigent by the Court.

E. That service has been made upon all parties required to be served pursuant to Rule 20 and the attorney general of Idaho pursuant to Section 67-1401(1), Idaho Code.

DATED this 16th day of November, 2016.



---

Scott Gatewood, Deputy Public Defender  
Attorney for the Defendant

**CERTIFICATE OF SERVICE**

I certify that on this 16th day of November, 2016, a copy of the foregoing NOTICE OF APPEAL was served on the following named persons at the addresses shown and in the manner indicated.

Canyon County Prosecuting Attorney                     U.S. Mail  
Canyon County Courthouse                                 Facsimile  
1115 Albany Street                                         Hand Delivery-Court Mailbox  
Caldwell, Idaho 83605                                    Electronic Mail

Clerk of the Court-Criminal Proceeding                 U.S. Mail  
Canyon County Courthouse                                 Facsimile  
1115 Albany Street, Rm 201                                Hand Delivery  
Caldwell, Idaho 83605                                    Electronic Mail

Court Reporter Assigned to Case                         U.S. Mail  
Canyon County Courthouse                                 Facsimile  
1115 Albany Street                                         Hand Delivery-Court Mailbox  
Caldwell, Idaho 83605                                    Electronic Mail

Idaho Attorney General                                     U.S. Mail  
700 W. State Street                                       Facsimile  
P.O. Box 83720     Hand Delivery  
Boise, Idaho 83703                                         Electronic Mail

State Appellate Public Defender                         U.S. Mail  
P.O. Box 2816     Facsimile  
Boise, Idaho 83701                                         Hand Delivery-Court Mailbox  
    Electronic Mail

James Edward Snapp Jr                                     U.S. Mail  
ISCI Unit 15     Facsimile  
PO Box 14     Hand Delivery  
Boise, ID 83707      Electronic Mail



\_\_\_\_\_  
Canyon County Public Defender's Office



NOV 17 2016

CANYON COUNTY CLERK  
E BULLON DEPUTY

Scott Gatewood, Deputy Public Defender, ISB #5982  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605  
Telephone: 208-649-1818  
Facsimile: 208-649-1819  
Email: sgatewood@canyonco.org

*Attorneys for the Defendant*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,  
  
Plaintiff/Respondent,  
  
vs.  
  
JAMES EDWARD SNAPP JR.,  
  
Defendant/Appellant.

Case No. CR-2015-24528

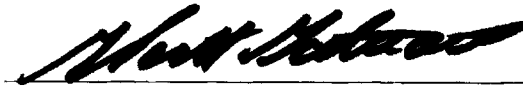
MOTION FOR APPOINTMENT OF  
STATE APPELLATE PUBLIC  
DEFENDER

COMES NOW, JAMES EDWARD SNAPP JR., by and through the his attorneys of record, the Canyon County Public Defender's Office, and hereby moves this Court for its order, pursuant to Idaho Code §19-867 et. seq., appointing the State Appellate Public Defender's Office to represent the Appellant in all further appellate proceedings and allowing current counsel for the Defendant to withdraw as counsel of record for the purpose of appellate proceedings. This motion is brought on the grounds and for the reasons that:

1. The Appellant is currently represented by the Canyon County Public Defender;
2. The State Appellate Public Defender is authorized by statute to represent the Defendant in all appellate proceedings; and

3. It is in the interest of justice for them to do so in this case since the Defendant is indigent and any further proceedings on this case will be an appellate issue.

DATED this 16th day of November, 2016.



---

Scott Gatewood  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of November, 2016, a copy of the foregoing *Motion for Appointment of State Appellate Public Defender* was served on the following named persons at the addresses shown and in the manner indicated.

Canyon County Prosecuting Attorney	<input type="checkbox"/> U.S. Mail
Canyon County Courthouse	<input type="checkbox"/> Facsimile
1115 Albany Street	<input checked="" type="checkbox"/> Hand Delivery-Court Mailbox
Caldwell, Idaho 83605	<input type="checkbox"/> Electronic Mail

Clerk of the Court	<input type="checkbox"/> U.S. Mail
Canyon County Courthouse	<input type="checkbox"/> Facsimile
1115 Albany Street, Rm 201	<input checked="" type="checkbox"/> Hand Delivery
Caldwell, Idaho 83605	<input type="checkbox"/> Electronic Mail

State Appellate Public Defender	<input checked="" type="checkbox"/> U.S. Mail
P.O. Box 2816	<input type="checkbox"/> Facsimile
Boise, Idaho 83701	<input type="checkbox"/> Hand Delivery
	<input type="checkbox"/> Electronic Mail

Lawrence Wasden	<input checked="" type="checkbox"/> U.S. Mail
Idaho Attorney General	<input type="checkbox"/> Facsimile
P.O. Box 83720	<input type="checkbox"/> Hand Delivery
Boise, Idaho 83720	<input type="checkbox"/> Electronic Mail

Theresa Randall, Court Reporter	<input type="checkbox"/> U.S. Mail
c/o Canyon County Courthouse	<input type="checkbox"/> Facsimile
1115 Albany Street, Rm 201	<input checked="" type="checkbox"/> Hand Delivery
Caldwell, Idaho 83605	<input type="checkbox"/> Electronic Mail



\_\_\_\_\_  
Canyon County Public Defender's Office

NOV 23 2016

CANYON COUNTY CLERK  
M. NYE, DEPUTY

Scott Gatewood, Deputy Public Defender, ISB #5982  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605  
Telephone: 208-649-1818  
Facsimile: 208-649-1819  
Email: sgatewood@canyonco.org

*Attorneys for the Defendant*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,

Plaintiff/Respondent,

vs.

JAMES EDWARD SNAPP JR.,

Defendant/Appellant.

Case No. CR-2015-24528

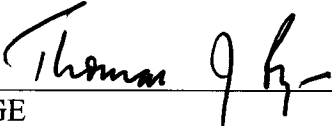
ORDER APPOINTING STATE  
APPELLATE PUBLIC DEFENDER

THIS MATTER having come before the Court pursuant to Defendant/Appellant's Motion for Appointment of State Appellate Public Defender; the Court having reviewed the pleading's on file and the motion, the Court being fully apprised in the matter and good cause appearing;

IT IS HEREBY ORDERED that the Canyon County Public Defender is withdrawn as counsel of record for the Defendant-Appellant and the State Appellate Public Defender is hereby appointed to represent the Defendant-Appellant, JAMES EDWARD SNAPP JR., in the above entitled matters for appellate purposes.

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

DATED this 22nd day November, 2014.

  
\_\_\_\_\_  
JUDGE

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that on the 23 day of NOVEMBER, 2016 I served a true and correct copy of the foregoing document upon the individual(s) named below in the manner noted:

- By depositing copies of the same in Canyon County Courthouse Interdepartmental Mail.
- 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:

Canyon County Prosecuting Attorney  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605

- By depositing copies of the same in Canyon County Courthouse Interdepartmental Mail.
- 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:

Canyon County Public Defender  
Canyon County Courthouse  
111 N. 11<sup>th</sup> Ave., Suite 120  
Caldwell, Idaho 83605

- By depositing copies of the same in Canyon County Courthouse Interdepartmental Mail.
- 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:

State Appellate Public Defender  
P.O. Box 2816  
Boise, Idaho 83701

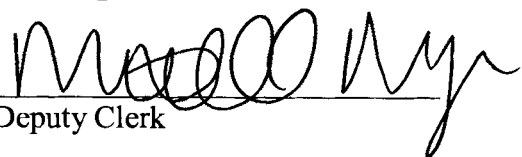
- By depositing copies of the same in Canyon County Courthouse Interdepartmental Mail.
- By depositing copies of the same in the United States Mail, postage prepaid first class.
- By hand delivering copies of the same to the office(s) of the attorney(s) indicated below.
- By faxing copies of the same to said attorney(s) at the facsimile number:

Lawrence Wasden  
Idaho Attorney General  
P.O. Box 83720  
Boise, Idaho 83720

- By depositing copies of the same in Canyon County Courthouse Interdepartmental Mail.
- 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:

Theresa Randall, Court Reporter  
c/o Canyon County Courthouse  
1115 Albany Street, Rm 201  
Caldwell, Idaho 83605

**CHRIS YAMAMOTO**  
Clerk of the Court

By:   
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,	)	
	)	
Plaintiff-	)	
Respondent,	)	Case No. CR-15-24528*C
	)	
-vs-	)	CERTIFICATE OF EXHIBITS
	)	
JAMES EDWARD SNAPP, JR., etal.,	)	
	)	
Defendant-	)	
Appellant.	)	

I, CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, do hereby certify the following are being sent as confidential exhibits:

**Presentence Investigation Report**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 11<sup>th</sup> day of January, 2017.

CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon.  
By: *K Waldemer* Deputy

CERTIFICATE OF EXHIBITS





IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,	)	
	)	Case No. CR-15-24528 *C
Plaintiff-	)	
Respondent,	)	
	)	
-vs-	)	CERTIFICATE OF CLERK
	)	
JAMES EDWARD SNAPP, JR., etal.,	)	
	)	
Defendant-	)	
Appellant.	)	

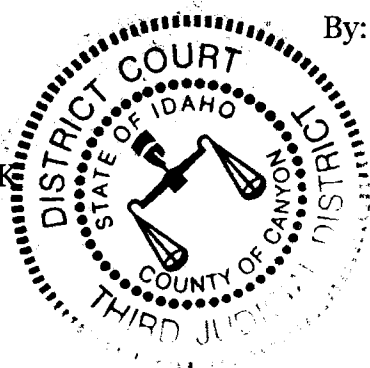
I, CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, do hereby certify that the above and foregoing Record in the above entitled case was compiled and bound under my direction as, and is a true, full correct Record of the pleadings and documents under Rule 28 of the Idaho Appellate Rules, including all documents lodged or filed as requested in the Notice of Appeal.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 11<sup>th</sup> day of January, 2017.

CHRIS YAMAMOTO, Clerk of the District  
Court of the Third Judicial  
District of the State of Idaho,  
in and for the County of Canyon.

By: *K Waldemej* Deputy

CERTIFICATE OF CLERK



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO, )  
)  
Plaintiff- ) Supreme Court No. 44642-2016  
Respondent, )  
) CERTIFICATE OF SERVICE  
-vs- )  
)  
JAMES EDWARD SNAPP, etal., )  
)  
Defendant- )  
Appellant. )

I, CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, do hereby certify that I have personally served or had delivered by United State's Mail, postage prepaid, one copy of the Clerk's Record and one copy of the Reporter's Transcripts to the attorney of record to each party as follows:

Eric Fredericksen, State Appellate Public Defender's Office,  
322 East Front Street, Suite 570, Boise, Idaho 83702

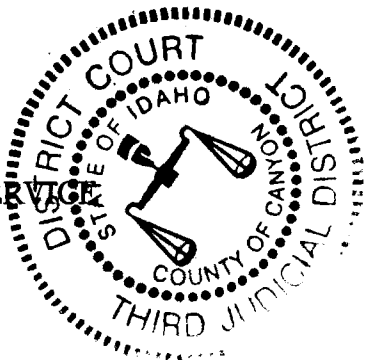
Lawrence G. Wasden, Attorney General, Statehouse, Boise, Idaho 83720

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 11<sup>th</sup> day of January, 2017.

CHRIS YAMAMOTO, Clerk of the District  
Court of the Third Judicial  
District of the State of Idaho  
in and for the County of Canyon.

By: *KW Waldemer* Deputy

CERTIFICATE OF SERVICE



1 TO: Clerk of the Court  
Idaho Supreme Court  
2 451 West State Street  
Boise, Idaho 83720  
3 Fax: 334-2616

4

5 Docket No. 44642

6

7 (Res) State of Idaho

8 vs.

9 (App) Snapp, James Edward

10

11 NOTICE OF TRANSCRIPT LODGED

12

13 Notice is hereby given that on January 6,  
14 2017, I lodged 0 & 4 transcripts of the Motion to  
15 Suppress Hearing dated 6-27-16 of approximately 66  
16 pages in length for the above-referenced appeal  
17 with the District Court Clerk of the County of  
18 Canyon in the Third Judicial District.

19

20 Debora Ann Kreidler,  
21 Court Reporter, CSR No. 754

22

23 Date January 6, 2017

24

25

FEB 07 2017

CANYON COUNTY CLERK  
E BULLON, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,  
Plaintiff-Respondent,  
v.  
JAMES EDWARD SNAPP, JR. ,  
Defendant-Appellant.

CASE NO. CR 2015-24528  
SUPREME COURT NO. 44642  
ORDER GRANTING  
OBJECTION TO THE RECORD

Upon reviewing the attached (stipulation or objection) and finding good cause, IT IS HEREBY ORDERED the Record on Appeal in the above mentioned case shall include the following:

- 1) Transcript of the change of plea hearing, held on 8/23/16, Court Reporter: Christine Rhodes, estimated pages: less than 100; and
- 2) Transcript of the sentencing hearing, held on 10/20/16, Court Reporter: Kim Saunders, estimated pages: less than 100.

The above items shall be prepared and lodged with the Clerk of the Idaho Supreme Court, and copies served on the State Appellate Public Defender's Office and the Idaho Attorney General's Office. The above items shall be prepared at county expense.

DATED this 7<sup>th</sup> day February, 2017.

Thomas J. Ryan  
THOMAS J. RYAN  
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 7 day of Feb, 2017, served a true and correct copy of the attached ORDER by placing a copy in the United States mail, postage prepaid, addressed to:

BRYAN TAYLOR  
CANYON COUNTY PROSECUTOR  
1115 ALBANY STREET  
CALDWELL ID 83605

SCOTT GATEWOOD  
CANYON COUNTY PUBLIC DEFENDER  
111 N 11TH AVENUE STE 120  
CALDWELL ID 83605

KIM SAUNDERS  
COURT REPORTER  
CANYON COUNTY COURT HOUSE  
1115 ALBANY  
CALDWELL ID 83605

CHRISTINE RHODES  
COURT REPORTER  
M&M COURT REPORTING  
605 FORT STREET  
BOISE ID 83702

KENNETH K JORGENSEN  
DEPUTY ATTORNEY GENERAL  
PO BOX 83720  
BOISE ID 83720-0010

ERIC D FREDERICKSEN  
STATE APPELLATE PUBLIC DEFENDER  
322 E FRONT STREET SUITE 570  
BOISE IDAHO 83702

STEPHEN KENYON  
CLERK OF THE SUPREME COURT  
PO BOX 83720  
BOISE ID 83720-0101



Clerk of the Court

TO: Clerk of the Court  
Idaho Supreme Court  
451 West State Street  
Boise, Idaho 83720

DOCKET NO. 44642

(  
(STATE OF IDAHO,  
(  
( vs.  
(  
(JAMES EDWARD SNAPP, JR.,  
(

---

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on March 6, 2017, I lodged 0 & 3 transcripts of 6 pages in length, consisting of a sentencing hearing on 10-20-16, in the above-referenced appeal with the District Court Clerk of the County of Canyon in the Third Judicial District.

---

Kimberly R. Hofkins, RPR, CSR #703

---

3-06-17

## Kathy Waldemer

---

**From:** christine rhodes <christinerhodes@sbcglobal.net>  
**Sent:** Friday, February 24, 2017 01:21 PM  
**To:** supremecourtdocuments@idcourts.net  
**Cc:** Kathy Waldemer  
**Subject:** James Edward Snapp, S.C. #44642  
**Attachments:** 8-23-16 Snapp.pdf

Notice of Lodging

State of Idaho vs. James Edward Snapp, Jr.  
CR-2015-24528

Change of Plea Hearing 8-23-16, Judge Carey, 11 pages

Thanks, Christine Rhodes