

5-8-2017

State v. Coleman Clerk's Record Dckt. 45032

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,) SUPREME COURT NO. 45032
)
Plaintiff / Respondent,) DISTRICT CASE NO. CR-2016-1199
vs.)
)
GEOFFREY C. COLEMAN,)
)
Defendant / Appellant.)

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the First Judicial District of the State of Idaho, in and for the
County of Boundary.

HON. BARBARA BUCHANAN
District Judge

LAWRENCE WADDEN
ATTORNEY FOR RESPONDENT

ERIK FREDERICKSEN
ATTORNEY FOR APPELLANT

State of Idaho vs. Geoffrey C Coleman

Felony

Date		Judge
12/27/2016	New Case Filed - Felony	Justin W. Julian
	Prosecutor assigned John R. Douglas	Justin W. Julian
	Case Sealed	Justin W. Julian
	Affd In Sppt Of After Hrs Warrantless Arrest	Justin W. Julian
	Hearing Held - Probable Cause	Justin W. Julian
	Court Minutes	Justin W. Julian
	Hearing type: Probable Cause	
	Hearing date: 12/27/2016	
	Time: 11:16 am	
	Courtroom: 001	
	Minutes Clerk: Teri Navarro	
	Prosecutor: Tevis Hull	
	Criminal Complaint	Justin W. Julian
	Arraignment / First Appearance	Justin W. Julian
	Case Un-sealed	Justin W. Julian
	Court Minutes	Justin W. Julian
	Hearing type: MC-Arraignment	
	Hearing date: 12/27/2016	
	Time: 11:44 am	
	Courtroom: 001	
	Minutes Clerk: Teri Navarro	
	Prosecutor: Tevis Hull	
	Notification Of Rights	Justin W. Julian
	Financial Statement And Order	Justin W. Julian
	Defendant: Coleman, Geoffrey C Order Appointing Public Defender Public defender Jerri Lynn Brooks	Justin W. Julian
	No Contact Order: Criminal No Contact Order Filed Comment: None	Justin W. Julian
	Expiration Days: 200 Expiration Date: 7/15/2017	
12/28/2016	Hearing Scheduled (Preliminary Hearing 01/06/2017 01:30 PM)	Justin W. Julian
	Notice of Hearing	Justin W. Julian
	Notice Of Appearance, Request For Timely Preliminary Hearing, Motion For Bond Reduction & Notice Of Hearing	Justin W. Julian
	Defendant's Request For Discovery	Justin W. Julian
	Defendant's Response To Discovery	Justin W. Julian
12/30/2016	Response To Request For Discovery	Justin W. Julian
1/6/2017	Hearing result for Preliminary Hearing scheduled on 01/06/2017 01:30 PM: Bound Over (after Prelim)	Justin W. Julian
	Court Minutes	Justin W. Julian
	Hearing type: Preliminary Hearing	
	Hearing date: 1/6/2017	
	Time: 1:44 pm	
	Courtroom: 001	
	Minutes Clerk: Sarah Byars	
	Defense Attorney: Jerri Brooks	
	Prosecutor: John Douglas	

State of Idaho vs. Geoffrey C Coleman

Felony

Date		Judge
1/6/2017	Order Holding Defendant To Answer To District Court	Justin W. Julian
1/9/2017	Change Assigned Judge	Barbara A. Buchanan
	Hearing Scheduled (DC-Arrestment 01/19/2017 09:00 AM)	Barbara A. Buchanan
1/11/2017	Motion For Own Recognizance Release	Barbara A. Buchanan
	Notice Of Hearing	Barbara A. Buchanan
	Hearing Scheduled (Motion 01/19/2017 09:00 AM) For Own Recognizance Release	Barbara A. Buchanan
1/12/2017	Information	Barbara A. Buchanan
	Charge Reduced Or Amended (I18-3303 Weapon-Exhibition or Use of Deadly Weapon)	Barbara A. Buchanan
	Request For Notice Of Alibi	Barbara A. Buchanan
	Request For Discovery And Information	Barbara A. Buchanan
1/19/2017	Hearing result for Motion scheduled on 01/19/2017 09:00 AM: Hearing Held For Own Recognizance Release	Barbara A. Buchanan
	Hearing result for DC-Arrestment scheduled on 01/19/2017 09:00 AM: Arrestment / First Appearance	Barbara A. Buchanan
	Hearing result for DC-Arrestment scheduled on 01/19/2017 09:00 AM: District Court Hearing Held Court Reporter: Kathy Plizga Number of Transcript Pages for this hearing estimated: Less than 100	Barbara A. Buchanan
	Court Minutes	Barbara A. Buchanan
	Hearing type: DC-Arrestment	
	Hearing date: 1/19/2017	
	Time: 9:02 am	
	Courtroom: 001	
	Court reporter: Kathy Plizga	
	Minutes Clerk: Jamie Wilson	
	Defense Attorney: Jerri Brooks	
	Prosecutor: John Douglas	
	Felony Arrestment Rights Form	Barbara A. Buchanan
	Hearing Scheduled (DC-Pretrial Conference 02/23/2017 10:00 AM)	Barbara A. Buchanan
	Hearing Scheduled (DC-Jury Trial 03/14/2017 09:00 AM) 2 Days	Barbara A. Buchanan
1/20/2017	Notice Of Hearing / Trial	Barbara A. Buchanan
	Notice of Trial and Pretrial Order	Barbara A. Buchanan
1/27/2017	Supplemental Response To Request For Discovery	Barbara A. Buchanan
2/23/2017	Hearing result for DC-Pretrial Conference scheduled on 02/23/2017 10:00 AM: Hearing Held	Barbara A. Buchanan
	Hearing result for DC-Pretrial Conference scheduled on 02/23/2017 10:00 AM: District Court Hearing Held Court Reporter: Kathy Plizga Number of Transcript Pages for this hearing estimated: Less than 100	Barbara A. Buchanan

State of Idaho vs. Geoffrey C Coleman

Felony

Date		Judge
2/23/2017	Court Minutes Hearing type: DC-Pretrial Conference Hearing date: 2/23/2017 Time: 10:10 am Courtroom: 001 Court reporter: Kathy Plizga Minutes Clerk: Jamie Wilson Defense Attorney: Jerri Brooks Prosecutor: John Douglas Witness List - Brooks	Barbara A. Buchanan
2/27/2017	State's Request for Jury Instructions State's Witness List	Barbara A. Buchanan Barbara A. Buchanan
3/2/2017	*****FILE OUT OF COUNTY*****	Barbara A. Buchanan
3/3/2017	Defendant's Requested Jury Instructions	Barbara A. Buchanan
3/14/2017	Hearing result for DC-Jury Trial scheduled on 03/14/2017 09:00 AM: Jury Trial Started 2 Days	Barbara A. Buchanan
	Hearing result for DC-Jury Trial scheduled on 03/14/2017 09:00 AM: District Court Hearing Held Court Reporter: Kathy Plizga Number of Transcript Pages for this hearing estimated: Less than 500	Barbara A. Buchanan
	Court Minutes Hearing type: DC-Jury Trial (2 days) Hearing date: 3/14/2017 Time: 9:05 am Courtroom: 001 Court reporter: Kathy Plizga Minutes Clerk: Della A. Armstrong Defense Attorney: Jerri Brooks Prosecutor: John Douglas	Barbara A. Buchanan
3/15/2017	Jury Instructions Filed	Barbara A. Buchanan
	Verdict Form - NG Counts I, III, and IV Guilty to Count II	Barbara A. Buchanan
	Acquitted (after Trial) (I18-907 Battery-Aggravated)	Barbara A. Buchanan
	Acquitted (after Trial) (I18-2403(1) {F} Theft-Grand)	Barbara A. Buchanan
	Acquitted (after Trial) (I18-7001 {M} Property-Malicious Injury to Property)	Barbara A. Buchanan
	Found Guilty After Trial (I18-3303 Weapon-Exhibition or Use of Deadly Weapon)	Barbara A. Buchanan
	Sentenced To Incarceration (I18-3303 Weapon-Exhibition or Use of Deadly Weapon) Confinement terms: Jail: 80 days. Credited time: 80 days.	Barbara A. Buchanan
	Sentenced To Pay Fine 157.50 charge: I18-3303 Weapon-Exhibition or Use of Deadly Weapon	Barbara A. Buchanan
	Judgment - Count I	Barbara A. Buchanan
	Judgment - Count II	Barbara A. Buchanan
	Judgment - Count III	Barbara A. Buchanan
	Judgment - Count IV	Barbara A. Buchanan

State of Idaho vs. Geoffrey C Coleman

Felony

Date		Judge
3/16/2017	STATUS CHANGED: closed pending clerk action	Barbara A. Buchanan
4/14/2017	Appealed To The Supreme Court	Barbara A. Buchanan
	Notice of Appeal	Barbara A. Buchanan
	STATUS CHANGED: Inactive	Barbara A. Buchanan
	Motion for Appointment of State Appellate Public Defender in Direct Appeal; Retaining Trial Counsel for Residual Purposes	Barbara A. Buchanan
	Order for Appointment of State Appellate Public Defender in Direct Appeal; Retaining Trial Counsel for Residual Purposes	Barbara A. Buchanan
5/3/2017	Amended Notice of Appeal	Barbara A. Buchanan

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

J. Dawson

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
 Geoffrey Claude Coleman)
 Defendant.)
 _____)

CR-2016-1199

**AFFIDAVIT IN SUPPORT OF AFTER
HOURS WARRANTLESS ARREST**

STATE OF IDAHO)
) ss.
 County of Boundary)

I, Deputy Elam, being first duly sworn, state that I am the same person whose name is subscribed to the attached Criminal Complaint/Citation, and that my answers to the questions asked by the Court with reference to said Complaint are as follows:

1. Did you personally observe the act(s) being committed as alleged in the attached Complaint in Boundary County, **STATE OF IDAHO**?

ANSWER: NO

2. If so, please state what you observed which gave you reason to believe the individual charged committed a crime.

ANSWER:

On 12-25-2016, at about 1637 hours, Geoffrey Coleman was arrested for aggravated battery, aggravated assault and grand theft near the intersection of Highway 95 and Balsam Road, located in Boundary County, Idaho. On 12-25-2016, at about 1157 hours, Geoffrey pulled Richard Coleman off of a four wheeler and ran him over with it.

On 12-25-2016, at about 1344 hours Geoffrey went into Richard's house and stole a pistol while holding him at gun point.

Geoffrey was booked into the Boundary County Jail on the charges of aggravated battery, aggravated assault and grand theft.

3. The following documents are attached hereto and are incorporated by reference (ATTACH CRIMINAL RECORD CHECK IF APPLICABLE):

DATED this 25th day of December, 2016, at 2145 hours.

 #1506

AFFIANT

SUBSCRIBED AND SWORN to before me this 25 day of December 2016



Notary Public of Idaho

Residing in Bonnars Ferry

Commission Expires 12-19-18

OUNDARY CO SHERIFFS OFFIC

CASE REPORT - 216CR0007847

Printed 12/25/2016-21:16

By E1403ELAM

Page 1

Sector 2 Level 9

NOT IBR COMPLIANT

NOT REVIEWED

CORE DATA

NOT IBR COMPLIANT

Case Report# 216CR0007847
 Other#
 Master CR#
 Classification 18-907(1) AGGRAVATED BATTERY
 Ranking FELONY
 Reported As BATTERY
 Time Reported (SUN) 12/25/2016 11:50
 Taken By P1452PETE
 Reported How 911 208-351-2376
 Time of Occurrence To
 Injuries
 Weapons
 Stolen Property\$ Stolen Vehicle\$
 Damaged Property\$ Damaged Vehicle\$
 Scene 1333 RIGBY RD
 Sector 2
 Premise
 Time Dispatched
 Time On Scene 12/25/2016 12:10 \1506
 Time Cleared Scene 12/25/2016 17:55
 Assigned To BCSO E1403ELAM
 Cleared

MORE CORE

Pattern
 Time-Of-Day
 Weather Condition
 Forms Prepared

MEMBERS

ASSIGNED ELAM ROBERT (E1403ELAM)

OFFENSES

12/25/2016 16:37 STATE, 18-907(1) AGGRAVATED BATTERY FELONY
 Arrest# 216AR0000529
 12/25/2016 16:37 STATE, 18-2407(1) THEFT - GRAND FELONY
 Arrest# 216AR0000529
 12/25/2016 16:37 18-905 ASSAULT-AGGRAVATED FELONY
 Arrest# 216AR0000529

DUNDARY CO SHERIFFS OFFIC

CASE REPORT - 216CR0007847

Printed 12/25/2016-21:16

By E1403ELAM

Page 2

Sector 2 Level 9
NOT IBR COMPLIANT NOT REVIEWED

NAMES

ARRESTEE	COLEMAN, GEOFFREY CLAUDEM WU 600 180	DOB	[REDACTED]	SocSec	[REDACTED]
Address	1333 RIGBY RD BONNERS FERRY, ID 83805	Home Phone	208-946-1534		
Employer	Occupation	Work Phone			
State#/NCIC# /	Arrest# 216AR0000529	Deposed	N		
Gang	ID How/By				

COMPLNANT	COLEMAN, RICHARD WILLIAM	DOB	[REDACTED]	SocSec	[REDACTED]
Address	1333 RIGBY RD BONNERS FERRY , ID 83805-056	Home Phone	208-351-2376		
Employer	Occupation	Work Phone			
State#/NCIC# /	Arrest#	Deposed			
Gang	ID How/By				

PROPERTY

STOLEN FIREARMS	Qty	1	Value	U
Description	PISTOL			
Make	KIMBER	Model	UTR CR II	
SerialNo	KU151359	OwnerNo	Evidence#	State#/NCIC# /

VEHICLES

OTHER	9B49848	ID	18	Value	U
Make	94 GMC JMY LL BLK			VIN	1GKCT18W7R0502640
Registered To	COLEMAN, RICHARD WILLIAM			State-Entry#	
Address	1333 RIGBY RD BONNERS FERRY, ID 83805-056			NCIC-Entry#	

DISPATCH WRITTEN BY P1452PETE ON 12/25/2016

11:57 P1452PETE> RP ADV HIS SON PUSHED HIM DOWN AND THEN GOT ON THE ATV AND PINNED HIM UP AGAINST A TREE/ RP IS NOT HURT REFUSES AMBULANCE

12:10 P1452PETE> 1506 ADV OUT WITH RP

12:15 P1452PETE> 1506 REQUEST 63 FOR COVER

12:22 P1452PETE> 1506 ADV SUSPECT POSSIBLE IN OLDER MODEL JIMMY LL BLK LIFTED WITH RACK ON TOP

12:26 \1506 STATUS> C 4

12:29 P1452PETE> 63 ADV ON SCENE

12:39 P1452PETE> 1506 ADV WILL BE OUT AT 1333 RIGBY RD

12:47 P1452PETE> 1506 REQUEST 1502 BE CONTACTED AND ADV OF SITUATION/ 1506 AND 63 WILL BE CONTINUING NORTH ON RIGBY RD ATTEMPTING TO LOCATE THE SUSPECT

12:56 P1452PETE> 63 ADV SUSPECTS VEHICLE IS STUCK IN THE DITCH ALONG RIGBY RD SUSPECT HAS LEFT ON FOOT/ WILL BE LEAVING AREA / 1506 WILL REMAIN ON SCENE

BOUNDARY CO SHERIFFS OFFICE

CASE REPORT - 216CR0007847

Printed 12/25/2016-21:16

By E1403ELAM

Page 3

Sector 2 Level 9
NOT IBR COMPLIANT NOT REVIEWED

DISPATCH WRITTEN BY P1452PETE ON 12/25/2016 (continued...)

12:57 P1452PETE> 1506 ADV OUT AT THE RP'S RES

13:05 \1506 CALLDONE> 1506 ADV NEGATIVE CONTACT WITH THE SUSPECT/ CLEAR WITH REPORT

13:44 P1452PETE> RP LL ADV HIS SON RETURNED AND FORCED HIM TO ASSIST GETTING HIS VEHICLE OUT OF THE SNOW AND HAS LEFT THE AREA/ LAST SEEN DRIVING SOUTH ON RIGBY RD TOWARD CAMP NINE RD/ SUSPECT DOES HAVE A GUN WITH HIM

13:55 P1452PETE> RP LL ADV THAT HIS SON HAS NOW TURNED ONTO HWY 95 AND IS NORTH BOUND/ RP ALSO ADV HIS SON IS IN POSSESSION OF 2 OF THE RP'S PISTOLS

14:04 P1452PETE> 1506 ATTEMPTED TO LL RP/ NO ANSWER/ LEFT MESSAGE/ WILL BE EN ROUTE TO THE RP'S LOCATION

15:01 \1506 CALLDONE> 1506 ADV CLEAR OF THE RP'S RES/ EN ROUTE TO MEET WITH 1505

15:47 P1452PETE> 1506 ADV HE AND 1505 WILL BE EN ROUTE TO EAST PORT WHERE THEY WILL MEET WITH 1503/ THEN THEY WILL ATTEMPT TO MAKE CONTACT WITH THE SUSPECT

16:33 TN1458NAV> UNITS REQ BP BE ADVISED OF TRAFFIC STOP W SUSP/BRAVO 11 ADVISED COPIED TRAFFIC

16:33 TN1458NAV> 1506 W T/S POSS SUSP/ CASE # 7852

16:41 TN1458NAV> 16:37 1505 ADV UNITS C4/1506 1 ADULT MALE IN CUSTODY

16:41 TN1458NAV> 1505 ADV SUSP REQ DYCKS TOWING

16:50 TN1458NAV> DYCKS WAS UNAVAIL/DRIVER REQ CABINET

16:50 TN1458NAV> CABINET WILL TAKE TOW EN ROUTE

16:56 TN1458NAV> 1506 EN ROUTE TO 301 W PRISONER

17:12 TN1458NAV> 1506 C4

17:25 TN1458NAV> 1506 C 4

17:28 TN1458NAV> 1506 AT 301

17:43 TN1458NAV> 1503 ADV TOW ON SCENE

17:55 \1503 CALLDONE> 1503 ADV CABINET HAS VEH/CLEAR NR

17:55 TN1458NAV> 1506 UNITS CLEAR W REPORT

BOUNDARY CO SHERIFFS OFFICE

CASE REPORT - 216CR0007847

Printed 12/25/2016-21:16

By E1403ELAM

Page 4

Sector 2 Level 9

NOT IBR COMPLIANT

NOT REVIEWED

PRELIMINARY WRITTEN BY E1403ELAM ON 12/25/2016

Synopsis:

On 12/25/2016, at about 1157 hours, I was dispatched to a reported aggravated battery.

Location:

1333 Rigby Road, located in Boundary County, Idaho.

Narrative:

When I arrived on scene, I met with Richard Coleman, who was verbally identified. When I approached Richard, I saw that the right side of his coat had several drops of blood on it. I saw that the back side of Richard's left hand, had a large cut on it and dried blood that covered it. I asked Richard to explain to me the events that lead to him calling 911. Richard told me that he had been plowing snow with a four wheeler, at the end of his driveway. Richard told me that his son, Geoffrey Coleman had gotten mad at him and began yelling at him. Richard told me that Geoffrey walked up to him and grabbed him by the coat. Richard told me that Geoffrey pulled him from the four wheeler and pushed him to the ground. Richard told me that Geoffrey got on the four wheeler and ran him over. Richard told me that he was scared that Geoffrey was attempting to kill him.

Richard told me that Geoffrey drove away and he was able get to his house and call 911. Richard told me that when he went back to the end of his driveway, Geoffrey had left the scene.

I asked Richard were Geoffrey might be at. Richard told me that Geoffrey was more then likely a short distance north on Rigby Road. Richard told me that Geoffrey had Gotten a vehicle stuck in the ditch and would be attempting to remove it.

I went to that location and found a black, Chevy S-10 Blazer. I check the vehicle and the area around it for Geoffrey with negative results.

I went back to Richard's residence and searched for Geoffrey with negative results.

I told Richard that I would attempt to find Geoffrey. I told Richard to contact the Boundary County Sheriff's Office if Geoffrey returned.

I left the scene.

On 12/25/2016, at about 1344 hours, Boundary County Dispatch Center contacted me and told me that Richard had called and said that Geoffrey had been back to his residence.

I went back to Richard's residence.

Richard told me that about fifteen minutes after I left his residence, Geoffrey opened his front door and came inside with a pistol in his hand. Richard told me that Geoffrey aimed the pistol at him. Richard told me that Geoffrey told him to remove his vehicle from the ditch on Rigby Road. Richard told me that he complied with Geoffrey's demands. I asked Richard if he thought that Geoffrey would harm him. Richard told me that he was afraid for his life and that was why he complied with Geoffrey's demands.

Richard told me that while he was at gunpoint, Geoffrey stole a Kimber pistol that was laying on the top of a cabinet, that was next to the front door.

BOUNDARY CO SHERIFFS OFFICE

CASE REPORT - 216CR0007847

Printed 12/25/2016-21:16

By E1403ELAM

Page 5

Sector 2 Level 9

NOT IBR COMPLIANT

NOT REVIEWED

PRELIMINARY WRITTEN BY E1403ELAM ON 12/25/2016 (continued...)

Richard told me that he wanted to pursue all criminal charges he could. Richard told me that he was very afraid of Geoffrey.

I asked Richard where he thought I could locate Geoffrey. Richard told me that he figured Geoffrey would be at his home at 56 Customs Lane.

Richard told me that Geoffrey had told him not to call law enforcement because he was not going to jail and that he would have a shoot out with law enforcement.

I went to Eastport Customs and met with Corporal Randall and Deputy Jarrell. While Corporal Randall, Deputy Jarrell and I were making a plan to take Geoffrey into custody, Geoffrey's vehicle was spotted. I followed the vehicle to confirm that it was the vehicle that Geoffrey had been driving. While traveling south bound on Highway 95, I activated my overhead emergency lights about a half mile north of Moyie River Road. Geoffrey, who was later verbally identified as the driver, did not respond. I activated my siren and again Geoffrey did not respond. After about one and a half miles, Geoffrey stopped the vehicle on the driveway across from Balsam Road.

Geoffrey exited the vehicle and was arrested without incident.

I read Geoffrey his Miranda Rights off of a card that I carry with me. I asked Geoffrey if he was willing to talk to me. Geoffrey told me that he was willing to talk to me. I asked Geoffrey if the Pistol in the front passenger seat belonged to Richard. Geoffrey told me that it did.

At this point Geoffrey told me that he wanted to invoke his right's. I placed Geoffrey in the back seat of my patrol vehicle.

The vehicle was towed from the scene by Cabinet Motors at Geoffrey's request.

I transported Geoffrey to the Boundary County Jail and booked him in for aggravated battery I.C. 18-907 (b), aggravated assault 18-905 (d) and grand theft 18-2407 (b) 6.

Geoffrey was turned over to detention staff without incident.

I returned the recovered pistol back to Richard.

Photographs were taken at the scene and Richard completed two Witness Statement forms.

Closing Statement:

Case closed with arrest. Case forwarded to P.A. for the prosecution of Geoffrey Coleman.

Deputy R. Elam / 1506



Approved: Sgt. Good



WITNESS STATEMENT

Boundary County Sheriff's Office

POST OFFICE BOX 127 • 6438 KOOTENAI STREET • BONNERS FERRY, IDAHO 83805
(208) 267-3151 • FAX (208) 267-3154

Date: 12/25/16 Time: 12:17 Type of Incident: BATTERY
Name: RICHARD W. COLEMAN Dob: [REDACTED] Soc: [REDACTED]
Address: 1333 Rigby Dr
Phone: (H) 208 351 237 (W) Other:
Location of Incident:

Please describe what you saw, heard, or know of this event:

my 37 year old son, Geoffrey CLAUDE
COLEMAN (Cole) attacked me physically
pushing me DOWN IN THE SNOW.
I WAS trying to get AWAY FROM
him on my ATV with SNOW PLOW
when he jumped up on the ATV
AND DRAGGED me OFF then BATTLED
me with the SNOW BLADE PENNING
me AGAINST A tree

Signature:



WITNESS STATEMENT

Boundary County Sheriff's Office

POST OFFICE BOX 127 • 6438 KOOTENAI STREET • BONNERS FERRY, IDAHO 83805
(208) 267-3151 • FAX (208) 267-3154

Date: 12/25/16 Time: _____ Type of Incident: _____
Name: RICHARD W. COLEMAN Dob: _____ Soc: _____
Address: _____
Phone: (H) _____ (W) _____ Other: _____
Location of Incident: _____

Please describe what you saw, heard, or know of this event:

MY SON, GEOFFREY COLEMAN, WAITED UNTIL THE DEPUTIES LEFT MY HOUSE AND CAME IN THREATENING ME WITH A PISTOL IN HIS HAND POINTED AT HIS HEAD. HE ACTUALLY DID NOT POINT THE GUN AT ME BUT INSISTED I PULL HIS TRUCK OUT OF THE DITCH. AND I DID BEGGING HIM TO GIVE ME MY KUMBER PISTOL.

Signature: _____

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

COURT MINUTES

JUDGE: Justin W. Julian **CASE NO.:** CR-2016-0001199
CLERK: Teri Navarro **DATE:** 12/27/2016 **TIME:** 11:16 am
CT. ROOM: 001 **DURATION:** 11:16-11:26

State of Idaho vs. Geoffrey C. Coleman

In the Matter of the Application for a Search Warrant regarding:

SUBJECT OF PROCEEDINGS: Probable Cause

Court in session. Time for probable cause regarding:			
X	Criminal Complaint	Charge:	Grand Theft, Aggravated Battery
	Search Warrant		
	Bonnors Ferry City Pros.		
X	Boundary County Pros.	Tevis Hull	
X	Oath administered to:	Peace Officer:	X Complainant: Tevis Hull
	Peace Officer questioned by prosecuting attorney as to		
	allegations in Complaint		
	reasons requesting search warrant		
X	Complainant questioned / gives testimony re allegations in Complaint		
	Further questions by the Court		
	Further testimony by peace officer		
	Further testimony by complainant		
X	Jurisdiction established		
	Court finds probable cause exists to issue Search Warrant.		
X	Court finds probable cause exists. Complaint signed by Court and peace officer or complaining witness.		
	Probable cause not established at this time.		
	Arrest Warrant to issue. To be served:		
	Day or Night		
	Other:		
X	Bond:	State's request:	\$50,000.00
		Court	\$15,000-CT I, \$15,000-CT II and CT III \$15,000 with a total of \$45,000
	Summons to issue		
	Search Warrant granted		
	To be conducted:	Day light hours only	
		Between the hours of:	
	File Return of Service on SW by:		
X	Ct	Adjourned.	

PROSECUTOR'S OFFICE
BOUNDARY COUNTY
P.O. BOX 1148
BONNERS FERRY, ID 83805
(208) 267-7545
(208) 267-5284 (Fax)

STATE OF IDAHO
COUNTY OF BOUNDARY
FILED 12-27-16 AT 11:26 am
GLENDA POSTON, CLERK
BY J. Navarro
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
GEOFFREY CLAUDE COLEMAN,)
DOB: [REDACTED])
SSN: [REDACTED])
)
Defendant.)
_____)

CASE NO.: CR-2016- **1199**
CRIMINAL COMPLAINT

PERSONALLY APPEARED before me this **27** day of December
2016, TEVIS W. HULL, who being first duly sworn, complains and
says:

**COUNT I
AGGRAVATED BATTERY**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about
the 25th day of December 2016, in the County of Boundary, State
of Idaho, wilfully and unlawfully use violence upon the person

of Richard Coleman, by means of a deadly instrument, to-wit: a ATV four wheeler with an attached snowplow, by running him over with the ATV and pinning him against a tree with the snowblade, a violation of Idaho Code Section 18-903(a) and 18-907(b), a felony.


**COUNT II
AGGRAVATED ASSAULT**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did intentionally, unlawfully and with apparent ability threaten by act to do violence upon the person of Richard Coleman, which created a well-founded fear in Richard Coleman that such violence was imminent, with a deadly weapon, to-wit: a pistol, by waving the pistol around and demanding Richard Coleman to help the Defendant, a violation of Idaho Code Section 18-901(b) and 18-905(a), a felony.

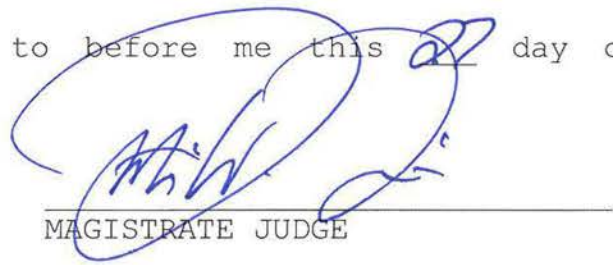
**COUNT III
GRAND THEFT**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did wrongfully take a firearm, to-wit: a Kimber pistol, from the owner, Richard Coleman, with the intent to deprive another of property, a violation of Idaho Code Section 18-2403(1) and 18-2407(1)(d), a felony.

Said Complainant therefore prays that said Defendant,
GEOFFREY CLAUDE COLEMAN, be dealt with according to law.


TEVIS W. HULL,
Complainant

SUBSCRIBED AND SWORN to before me this 22 day of
December 2016.


MAGISTRATE JUDGE

BOND: \$ 45,000-

FPC# _____

First Judicial District, Boundary County, Idaho

Filed: 12/27/2016

Time: 11:44 am

State of Idaho vs. / Interest of

Dep. Clerk: Teri Navarro

Dft / Juv: Geoffrey C Coleman

Judge: Justin W. Julian

Case No. CR-2016-0001199

Courtroom: 001

Duration: 11:44-11:47

Subject: MC-Arraignment

APPEARANCES:

[X] Defendant (X) in custody [] Probation: [] Pros: John R. Douglas
[] Juvenile () in custody [] Parent: [] Other:

FAILURE TO APPEAR:

[] Dft / Juv having failed to appear [] and good cause not shown for such absence
IT IS HEREBY ORDERED: [] BOND FORFEITED. Clerk to give Notice of Forfeiture.

[] Bench Warrant [] Day or Night Bond \$ [] CASH ONLY
[] To Prosecutor: [] Probable Cause and [] Warrant [] Detention Order

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

[] [] []

[X] Informed of the charges, legal rights, the right to be represented by an attorney in writing and/or video
[X] Dft/Juv advised of maximum penalties and penalties for subsequent violations.
[X] Understands charges/allegations, rights, maximum and subsequent penalties.
[X] Oath administered to: [X] Dft [] Juv [] Parent(s) [] Guardian
[X] Public Defender Appointed: Brooks Reimburse:
[] Court denies court appointed counsel.
[] Defendant waives right to an attorney [] Dft will hire attorney [] Dft will represent self

FELONY PROCEEDINGS - PRELIMINARY HEARING:

[X] Defendant informed of the purpose of a preliminary hearing. Set hearing within:
[X] 14 days [] 21 days [] WAIVED [] Statutory time waived.

ENTRY OF PLEA:

[] Desires to speak with attorney. CONTINUED TO:
[] GUILTY/ADMISSION [] NOT GUILTY [] NOT GUILTY / DENIAL BY COURT
Set for: [] Pretrial [] Jury Trial [] Court / Adjudicatory [] Evidentiary
[] Advised of rights waived on plea of guilty and understands.
[] Plea entered freely and voluntarily with knowledge of consequences.
[] No threats or promises made to Defendant.
[] Plea of guilty accepted by the Court.
Evaluation: [] ordered [] waived [] File with Court prior to Sentencing
[] Juvenile Probation to conduct Social Investigation
[] Sentencing / Disposition on: [] NO FURTHER NOTICE
BOND SET: \$45,000.00 [X] REMANDED to custody of Sheriff
[] Released [] own recognizance [] to Parents / Guardian
[] Released on bond previously posted

CURRENT ADDRESS:

Index Party Further Testimony / Orders

[] [] []

STATE OF IDAHO
County of Boundary
FILED 12-27-16
AT 11:44 O'CLOCK A M.
CLERK OF THE DISTRICT COURT
J. Navarro
Deputy

NOTIFICATION OF RIGHTS

STATE OF IDAHO vs. Jeffrey Coleman, Case No. CR-2016-1199

You have the right to remain silent. If you make any statements about your case, you will give up your right to remain silent and your statements could be used against you.

You have the right to hire an attorney, and the right to a reasonable extension of time so that you can obtain an attorney, or you may represent yourself without an attorney.

If you are indigent, there are some misdemeanors serious enough to allow you to make sworn application for an attorney at county expense. If an attorney is appointed for you, you could be required to repay the county at a later time.

You have the right to a speedy trial by jury, or you may request a trial by a judge.

You have the right to be present at your trial and to testify and cross-examine witnesses against you, but you cannot be forced to testify against your will.

You have the right to present a defense to the charges against you, and the right to subpoena witnesses to court to testify in your defense at no expense to you.

You are presumed innocent and the prosecution bears the burden of proving your guilt beyond a reasonable doubt.

You have the right to appeal within forty-two days from the time your case is concluded. You must file a written notice with the Clerk of the Court indicating that you wish to appeal.

You are required to notify the court of any change of address so long as your case is pending.

IF YOU ARE CHARGED WITH A MISDEMEANOR:

The general penalty for a misdemeanor is a maximum fine of \$1,000 plus court costs and a maximum jail sentence of 6 months. As with any general rule there are exceptions. The judge will notify you if there are different maximum penalties in your case.

After your charge is read, you will be asked to enter a plea of guilty, enter a plea of not guilty, or request a continuance before entering a plea.

If you enter a plea of not guilty, your case will be set for trial by the Calendar Clerk, and you or your attorney will be given notice of your trial date by mail.

If you enter a plea of guilty, you will give up the rights outlined above except the right to an attorney and the right to appeal. A plea of guilty has the same effect as a finding of guilt at trial.

If you enter a plea of guilty, you may be sentenced at that time or sentencing may be scheduled for a future date. At sentencing you will be given a chance to make any explanation you think the judge should hear before sentence is imposed.

If you are not a U.S. citizen, pleading guilty could result in your deportation or inability to become a legal U.S. citizen.

If you are sentenced to pay a fine, you should be prepared to pay your fine at that time. If you are unable to pay, then you must ask the court for additional time to make payment. If you fail to pay fines and costs assessed by the Court, you could be found in contempt of Court and sentenced to additional jail or fines for contempt.

IF YOU ARE CHARGED WITH A FELONY:

You have the additional right to a timely preliminary hearing in front of a Magistrate Judge.

If you remain in custody, the preliminary hearing must be held within fourteen (14) days, or within twenty-one (21) days if you are not in custody.

At the preliminary hearing the State bears the burden of proving by a preponderance of the evidence, meaning that it is more likely than not, 1) that the charged offense was committed within the jurisdiction, and 2) that you are the person who committed the offense.


During the preliminary hearing you have the right to be represented by counsel and to cross-examine the State's witnesses and call witnesses to testify in your defense.

If the State carries its burden of proof at the preliminary hearing, or if you decide to waive your right to a preliminary hearing, the Magistrate Judge will enter an order setting a date for you to appear before a District Court Judge for arraignment, at which time you will be asked by the District Judge to enter a plea of guilty or not guilty to the felony charge(s).

If the Magistrate Judge determines that the State has not carried its burden of proof at the preliminary hearing, an order dismissing the charge "without prejudice" will be entered, which means that the State has the option to refile the charge against you.

READ AND UNDERSTOOD

DATED: 12-27-16


Defendant's Signature

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

APPLICATION FOR: _____)
 DEFENDANT / JUVENILE / CHILD)
 BY [Signature])
 _____)
 DATE OF BIRTH [Redacted])
 SOC. SECURITY# (last four digits) [Redacted])

CASE NO. CR-16-1199

FINANCIAL STATEMENT AND ORDER

NOTE: If this application is being made on behalf of a juvenile, please answer the following questions as they apply to his/her parents or legal guardian.

I, the above named defendant, being first duly sworn on oath, depose and say in support of my request for court appointed counsel:

My **mailing** address is: _____
 (Street or P.O. Box City State Zip Code)

My **physical** address is: 56 Customs loop Eastport ID
 (Street or P.O. Box City State Zip Code)

My current telephone number or message phone is: 208 804-7856

That I have been charged with the crime of _____
 in the above entitled court and request the court to appoint counsel at county expense to represent me; **that I agree, if ordered by the Court, to refund to said County such sum as the court may fix for the cost of my defense, upon such terms as the court may order.**

BELOW IS A TRUE AND CORRECT STATEMENT OF MY FINANCIAL CONDITION:

1. EMPLOYMENT:

A. Employed: no yes B. Spouse Employed: no yes
 C. If not employed, or self-employed, last date of employment July 4, 2016
 D. My employer is: _____
 Address: _____

2. INCOME MONTHLY (Include income of spouse, if married):

Wages before deductions \$ 0 Other income: (Specify: Child Support, S.S., V.S., A.D.C.,
 Less Deductions \$ _____ Food Stamps, etc.)
 Net Monthly Wages \$ _____ 20 196.00 \$ _____

3. EXPENSES MONTHLY:

Rent or Mortgage Payment	\$ <u>5.50 monthly</u>	Child Care	\$ _____
Utilities	\$ <u>46.50 monthly</u>	Recreation	\$ _____
Clothing	\$ <u>0</u>	Medical	\$ _____
Transportation	\$ <u>0</u>	Insurance	\$ _____
School	\$ <u>0</u>	Other: (Specify)	\$ _____
Food	\$ <u>0</u>		\$ _____

DEBTS: Creditor _____ Total \$ 0 \$ _____ per mo.
Creditor _____ Total \$ 0 \$ _____ per mo.

4. ASSETS:
A. I (we) have cash on hand or in banks \$ 0
B. I (we) own personal property valued at \$ 0
C. I (we) own vehicle(s) valued at \$ 0
D. I (we) own real property valued at \$ 0
E. I (we) own stocks, bonds, securities, or interest therein \$ 0

5. THE FOLLOWING ALSO AFFECTS MY FINANCIAL CONDITION Specify: _____

6. DEPENDENTS: self _____ spouse _____ 1 children _____ other (specify) _____
(number)

APPLICANT Mally Cero

(Space below for official use only)

Subscribed and sworn to before me this 27 day of Dec., 2016.
[Signature]
Deputy Clerk/ Notary Public / Magistrate

The above named defendant _____ parent _____ guardian appeared before the court on the aforesaid charge and requested the aid of counsel. The court having considered the foregoing, and having personally examined the applicant;

ORDERS _____ DENIES the appointment of the service of counsel, LYNN BROOKS
(insert name of public defender)

The applicant is ordered to pay reimbursement for the cost of appointed counsel:

- \$ _____ monthly beginning _____, 20 _____ and continuing until notified by the court.
- at the conclusion of the case; said amount to be determined at sentencing.

DATED this 27 day of Dec., 2016.
[Signature]
JUDGE

Custody Status: In _____ Out

Bond \$ 45,000 -

Copies To:
 Prosecuting Attorney Douglas
 Public Defender Brooks
 Public Defender notified by phone

12-27-16 [Signature]
Date Deputy Clerk

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO,

Plaintiff

Case No. CR-16-1199

Citation No. _____

Arresting Agency _____

STATE OF IDAHO
COUNTY OF BOUNDARY
FILED 12-27-16 AT 11:47
BY Glenda Poston, Clerk
DEPUTY CLERK

vs. Geoffrey C. Coleman
Defendant
DOB [REDACTED]

NO CONTACT ORDER

Defendant, having been charged with violating Idaho Code Section(s):

- 18-918 Domestic Assault or Domestic Battery
- 18-7905 Stalking
- 18-901 Assault
- 18-903 Battery
- 39-6312 Violation of a Protection Order
- 18-905 Aggravated Assault
- 18-907 Aggravated Battery
- 18-923 Attempted Strangulation
- Other: _____

against the ALLEGED VICTIM(s) Richard Coleman

THE COURT, having jurisdiction, and having provided the Defendant with notice of his/her opportunity to be heard, either previously or herein, **ORDERS THE DEFENDANT TO HAVE NO DIRECT OR INDIRECT CONTACT WITH THE ALLEGED VICTIM, unless through an attorney.** You may not harass, follow, contact, attempt to contact, communicate with (in any form or by any means including another person), or knowingly go or remain within 300 feet of the alleged victim's person, property, residence, workplace or school. This order is issued under Idaho Code 18-920, Idaho Criminal Rule 46.2 and First District Administrative Order H2006-DW.1

IF THIS ORDER REQUIRES YOU TO LEAVE A RESIDENCE SHARED WITH THE ALLEGED VICTIM, you must contact an appropriate law enforcement agency for an officer to accompany you while you remove any necessary personal belongings, including any tools required for your work. If disputed, the officer will make a preliminary determination as to what are necessary personal belongings; and in addition, may restrict or reschedule the time spent on the premises.

VIOLATION OF THIS ORDER IS A SEPARATE CRIME UNDER Idaho Code 18-920 for which bail will be set by a judge; it is subject to a penalty of up to one year in jail and up to a \$1,000 fine. THIS ORDER CAN ONLY BE MODIFIED BY A JUDGE AND WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON July 15, 2017, OR UNTIL THIS CASE IS DISMISSED.

A violation of a No Contact Order is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. Any person who pleads guilty to or is found guilty of a violation of this section who previously has pled guilty to or been found guilty of two (2) violations of this section, or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the Judgment or Withheld Judgment, within five (5) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$5,000), or by both fine and imprisonment. No bond shall be set for this violation until the person charged is brought before the Court, which will set bond. Further, any such violation may result in the increase, revocation or modification of the bond set in the underlying charge for which the No Contact Order was imposed.

If a **DOMESTIC VIOLENCE (CIVIL) PROTECTION ORDER IS IN PLACE PURSUANT TO IDAHO'S DOMESTIC VIOLENCE CRIME PREVENTION ACT** (Title 39, Chapter 63 of the Idaho Code), the most restrictive of any conflicting provisions between the orders will control; however, entry or dismissal of another order shall not result in dismissal of this order.

NOTICE TO ALLEGED VICTIMS OF RIGHT TO A HEARING: As an alleged victim, you have the right to a hearing before a Judge on the continuation of this Order within a reasonable time of its issuance. To request that hearing, and TO AVOID GIVING UP THIS RIGHT you must contact the Clerk of Court, Boundary County Courthouse, 6452 Kootenai Street, P.O. Box 419, Bonners Ferry, Idaho 83805. Phone Number 208-267-5504.

The Clerk of the Court shall give written notification to the records department of the sheriff's office in the county of issuance IMMEDIATELY and this order shall be entered into the Idaho Law Enforcement Telecommunications System.

12-27-2016
Date of Order

[Signature]
JUDGE

I acknowledge having read and received this order.
[Signature]
DEFENDANT Signature / Served in open court

12-27-2016
Date of Service

Faxed to: Sheriff's Office - Records Department (208) 267-3154 at 1:00 p.m.
Interoffice to: Prosecutor: County PA City PA P.D. / Dft Atty
Mailed to: Victim Richard Coleman 1333 Rigby Rd Bonners Ferry, ID 83805

[Signature]
Deputy Clerk
12-27-16
Date

First Judicial District Court, State of Idaho
In and For the County of Boundary
6452 Kootenai Street, PO Box 419
Bonners Ferry, Idaho 83805
208-267-5504 / FAX 208-267-7814

FILED

2016 DEC 28 PM 2:58

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK
BY: S. Byars
DEPUTY CLERK

STATE OF IDAHO,)
)
Plaintiff.)
)
vs.)
)
Geoffrey C Coleman)
56 Customs Loop)
Eastport, ID 83826)
)
Defendant.)
)
DOB: [REDACTED])
DL: [REDACTED])
)

Case No: CR-2016-0001199

NOTICE OF HEARING

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

Preliminary Hearing
Judge:
Courtroom:

Friday, January 6, 2017 @ 01:30 PM
Justin W. Julian
Courtroom 1, Room 32 - 3rd Floor

Alternate Presiding Judges: Robert Caldwell; James F. Combo; Barbara Duggan; Anna Eckhart; Debra Heise; Justin Julian; Lori T. Meulenber; Douglas Payne; Clark Peterson; James Stow; Timothy Van Valin; Mayli Walsh; Henry Boomer; Gaylen L. Box; O. Lynn Brower; Robert Burton; Penny Freidlander; William Hamlett; A. Lynn Krogh; Eugene Marano; Patrick McFadden; Daniel McGee; Barry Watson.

I further certify that a true and correct copy of this Notice was served as follows:

Defendant: Geoffrey C Coleman
Mailed _____ Hand Delivered _____ Faxed _____

Defense Counsel:

Jerri Lynn Brooks
Attorney at Law
250 Northwest Blvd., Suite 108
Coeur d'Alene ID 83814
Mailed X Hand Delivered _____ Faxed X

Prosecutor: John R. Douglas Boundary County Prosecuting Attorney
Mailed _____ Interoffice Mail X Hand Delivered _____ Faxed _____

Dated: Wednesday, December 28, 2016
Glenda Poston,
Clerk Of The District Court

By: Sarah Byars
Sarah Byars, Deputy Clerk

FILED

2016 DEC 28 PM 4: 50

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK
BY: S. Ryan
DEPUTY CLERK

J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Telephone: (208) 665-0385
Fax: (208) 665-0220
brookslawcda@roadrunner.com
Bar Number: 3623

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)	
	)	CASE NUMBER CR-2016-1199
Plaintiff,)	
	)	NOTICE OF APPEARANCE
V.	)	REQUEST FOR TIMELY
	)	PRELIMINARY HEARING,
GEOFFREY C. COLEMAN,	)	MOTION FOR BOND REDUCTION
	)	& NOTICE OF HEARING
Defendant.)	

COMES NOW, J. Lynn Brooks, Contract Public Defender, and pursuant to court appointment hereby appears for and on behalf of the above named defendant in the above entitled matter, and requests that a preliminary hearing be scheduled in accordance with the time limits set forth in Idaho Criminal Rule 5.1.


Counsel hereby moves for reduction of the bond set in this matter on the grounds that it is excessive, and further, **notice is hereby given** that counsel will present argument in support of the motion to reduce bond at the time of the preliminary hearing scheduled in this matter if the defendant is in custody.

Notice is given that the Defendant herewith asserts all rights accorded him or her under the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States and under Article

I, § 13 of the Constitution of the State of Idaho and all prophylactic measures imposed upon the State pursuant to said constitutional provisions; including, but not necessarily limited to, the right to remain silent and the right to counsel. NO AGENT OF THE STATE OR PERSON ACTING IN SUCH CAPACITY IS TO QUESTION THE DEFENDANT IN REGARD TO ANY ACT, WHETHER CHARGED OR UNCHARGED.

Notice is further given that the Defendant herewith demands and asserts all State and federal statutory and constitutional rights to speedy trial of this matter.

DATED this 28th day of December, 2016.



J. LYNN BROOKS
Attorney for Defendant

CERTIFICATE OF DELIVERY


I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same by method indicated below on the 28th day of December, 2016, addressed to:

Boundary County Prosecuting Attorney

Via Fax 208-267-5284

Courthouse Mail

Hand-Delivery



FILED

J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Telephone: (208) 665-0385
Fax: (208) 665-0220
brookslawcda@roadrunner.com
Bar Number: 3623

2016 DEC 28 PM 4: 50

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA BOSTON, CLERK

BY *Skjyas*
DEPUTY CLERK

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-2016-1199
)	
V.)	
	)	DEFENDANT'S REQUEST
GEOFFREY C. COLEMAN,	)	FOR DISCOVERY
)	
Defendant.)	

PLEASE TAKE NOTICE that the undersigned pursuant to Rule 16 of the Idaho Criminal Rules, the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States, and Article I, §§ 1, 2, 13 and 17 of the Constitution of the State of Idaho requests discovery and inspection of all materials discoverable by defendant per I.C.R. 16 (b) (1-8) and the aforementioned Constitutional provisions including but not limited to the following information, evidence and materials:

1. Any relevant written or recorded statements made by the defendant and copies thereof, when in the possession, custody or control of the State, the existence of which is known or which is available to the prosecuting attorney by the exercise of due diligence, and also the substance of any relevant or oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or his agent, and the recorded testimony of the defendant before a Grand Jury which relates to the offense charged.

2. Any written or recorded statements by a co-defendant, and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to

interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney, or which are otherwise relevant to the offense charged.

3. A copy of the defendant's prior record, if any, as is then or may become available to the prosecuting attorney.

4. Books, papers, documents, photographs (including the booking photograph(s)), tangible objects, and copies and portions thereof, which are in the possession or control of the prosecuting attorney and which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the defendant.

5. The results of reports of physical or mental examinations and of scientific tests or experiments made in connections with this particular case, and copies thereof, within the possession or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence.

6. A written list of the names, addresses, phone numbers and/or other reasonable means of contact for all persons having knowledge of relevant facts who may be called by the prosecuting attorney as witnesses at trial, together with a NCIC report and a Spillman report of any such persons. Also the statements made by the prosecution witnesses or prospective witnesses, made to the prosecuting attorney or his agents, or to any official involved in the investigatory process of the case.

7. All reports, memoranda, audio and/or video recordings in the possession of the prosecuting attorney or which may come into the possession of the prosecuting attorney or in the possession of law enforcement which were made by a police officer or any investigator or any agent of the State or person or entity acting in such capacity in connection with the investigation or the prosecution of this case.

8. Expert witnesses. Provide a written summary or report of any testimony that the state intends to introduce pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence at trial or hearing. The summary provided must describe the witness's opinions, the facts and data for those opinions, and the witness's qualifications. Disclosure of expert opinions regarding mental health shall also comply with the requirements of I.C. § 18-207.

9. All documentation in support of or in connection with any search warrant issued in connection with this case, applications for search warrants (whether granted or denied), all affidavits, declarations and materials in support of such search warrants, all search warrants and all search warrant returns.

10. All material evidence within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Agurs*, 427 U.S. 97 (1976), *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555 (1995) and their progeny.

11. The existence and substance of any payments, promises of leniency, preferential treatment or other inducements or threats made to prospective witnesses, within the scope of *United States v. Giglio*, 405 U.S. 150 (1972) and *Napue v. Illinois*, 360 U.S. 264 (1959) and their progeny.

12. Disclose whether a defendant or any other person was identified by any lineup, show up, photo spread or similar identification proceeding relating to the offense charged, and produce any pictures utilized or resulting therefrom and the names, addresses and telephone numbers of all identifying witnesses.

13. The criminal record of any and all witnesses who will testify for the State at trial.

14. All rough notes or field notes of any agents or officers of the State involved in this case.

15. Inform the defendant of the government's intention to introduce proof during its case in chief of evidence pursuant to Rule 404(b) I.R.E.; and the general nature of any conduct the government intends to so introduce, see, e.g., *U.S. v. Long and Lugo*, 814 F.Supp.72 (D. Ks. 1993).

16. State whether the defendant was an aggrieved person, as defined by 18 U.S.C. § 2510(11) of any electronic surveillance, and if so, set forth in detail the circumstances thereof.


17. Provide a copy of all documentation generated as a result of performed drug tests by the State for drug identification purposes, including types of testing performed in this case, testing procedures, reagents and/or solvents used in testing, comparative analyses performed, and number of experiments performed in each test.

18. Provide copies of each and every Subpoena issued by the State to any person or entity, regardless of whether served or not, in connection with this case.

19. Provide verification of the hire date of all law enforcement officers that may be called as a witness in this matter, or who were involved in the investigation and/or arrest(s) in this case. Provide a copy of the POST certification for all law enforcement officers identified above.

The undersigned further requests permission to inspect and copy said information, evidence and materials within FOURTEEN (14) days of this request, unless this information is given to this office at a sooner time.

DATED this 28th day of December, 2016.



J. LYNN BROOKS
Attorney for Defendant

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same by method indicated below on the 28th day of December, 2016, addressed to:

Boundary County Prosecuting Attorney

Via Fax 208-267-5284

Courthouse Mail

Hand-Delivery



FILED

2016 DEC 28 PM 4:51

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA BOSTON, CLERK
BY: *S. Ryan*
DEPUTY CLERK

J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Telephone: (208) 665-0385
Fax: (208) 665-0220
brookslawcda@roadrunner.com
Bar Number: 3623

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-2016-1199
)	
V.)	
	)	DEFENDANT'S RESPONSE TO
GEOFFREY C. COLEMAN,	)	DISCOVERY
)	
Defendant.)	
)	

COMES NOW, the above-named defendant by and through defendant's attorney of record, J. Lynn Brooks, and hereby submits the defendant's Response to Discovery.

1. There are no books, papers, documents, photographs, or copies or portions thereof which are in the possession of the Defendant at this time which will be submitted at the time of trial.

The defendant may use any books, papers, documents, photographs or copies or portions thereof which have been disclosed by the State in discovery materials.


2. There are no results or reports of physical or mental examinations or scientific tests which are in the possession of the Defendant at this time, which will be submitted at the time of trial.

The defendant may use the results or reports of physical or mental examinations or scientific tests which have been disclosed by the State in discovery materials.

3. The following are the names and addresses of witnesses who may be called at the time of trial on behalf of the Defendant:

The Defendant herein, in addition to people, if any, that have been disclosed as potential witnesses by the State, and any other persons who were named by the State within other discovery materials.

DATED this 28th day of December, 2016.



J. LYNN BROOKS
ATTORNEY FOR DEFENDANT

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same by method indicated below on the 28th day of December, 2016, addressed to:

- Boundary County Prosecuting Attorney
- Via Fax 208-267-5284
- Bonners Ferry City Attorney
- Via Fax 208-267-4398
- Courthouse Mail
- Hand-Delivery



PROSECUTOR'S OFFICE
BOUNDARY COUNTY
P.O. BOX 1148
BONNERS FERRY, ID 83805
(208) 267-7545
(208) 267-5284 (Fax)

FILED

2016 DEC 30 PM 3:12

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK

BY J. Navaro
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO, :
 :
 : CASE NO. CR-2016-1199
 :
 Plaintiff, :
 :
 :
 vs. : RESPONSE TO REQUEST FOR
 : DISCOVERY
 :
 GEOFFREY COLEMAN, :
 :
 :
 Defendant. :
 :
 _____ :

COMES NOW, TEVIS W. HULL, Boundary County Deputy Prosecuting
Attorney, and hereby responds to the Request For Discovery as
follows:

1. All statements would be included in the police report attached hereto.
2. Any statements made by the Co-defendant in this case would be included in the officer's report.
3. A copy of the Defendant's prior criminal record is attached hereto.
4. Any documents and tangible objects in the possession of the Prosecuting Attorney are attached hereto.

RESPONSE TO REQUEST FOR DISCOVERY - 1

5. There are no reports of examination and tests available at this time. Once those reports are received by this office this answer will be supplemented.
6. Witnesses for the State at this time are as follows:
 - A. All persons named in the police report.
 - B. Robert Elam, Boundary County Deputy Sheriff, 6452 Kootenai Street, Bonners Ferry, ID 83805
 - E. Richard Coleman, 1333 Rigby Road, Bonners Ferry, ID 83805

The State has no knowledge of any prior felony convictions of the State's witnesses.

7. All reports, memoranda, audio and/or video recordings in the possession of the prosecuting attorney are attached hereto.
8. All underlying facts or data that form the basis of any expert testimony would be included in their report.
9. A copy of the search warrant was issued in this case is attached hereto.
10. State objects to this request based upon it being overbroad and does not lead to discoverable information.
11. No payments, promises of leniency, preferential treatment or other inducements have been made to prospective witnesses in this case.
12. No lineup was used in this case.
13. The State has no knowledge of any prior felony convictions of the State's witnesses.
14. All rough notes or field notes available to the prosecuting attorney has been provided
15. All information provided may be used as 404(b) evidence for such purposes as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.
16. The Defendant is not an aggrieved person under 18 U.S.C. 2510(11) in the opinion of the State.
17. Objection, this information is not in the possession of the prosecuting attorney but may be acquired through the department performing the tests.
18. Subpoenas have been set to the witnesses listed above and copies can be view at the prosecuting attorney's office.
19. Objection, this information is not in the possession of

the prosecuting attorney but may be acquired through the Bonners Ferry Police Dept., Boundary County Sheriff's Office or the Idaho State Police.

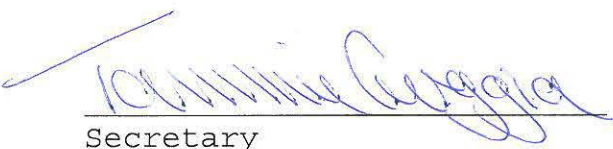
The Prosecuting Attorney has complied with your request by providing Bates stamped documents #1-23. All other evidence and information will be continuously provided as it is received by the Prosecuting Attorney.

DATED this 30 day of December 2016.

By 
TEVIS W. HULL
DEPUTY PROSECUTING ATTORNEY

I hereby certify that a true and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY was mailed, regular mail, postage prepaid, and/or delivered this 30 day of December 2016, to:

J. Lynn Brooks
Attorney at Law
250 Northwest Blvd, Suite 108
Coeur d'Alene, ID 83814


Secretary

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

COURT MINUTES

JUDGE: Justin W. Julian CASE NO. CR-2016-0001199
REPORTER: DATE: 1/6/2017 TIME: 1:44 pm
CLERK: Sarah Byars COURTROOM: 001

STATE OF IDAHO vs. GEOFFREY C COLEMAN

Plaintiff Defendant
Atty: John R. Douglas Atty: Jerri Lynn Brooks

SUBJECT OF PROCEEDINGS: Preliminary Hearing

LEGEND	Ct	Court (Judge)	St	State	Di	Direct Examination
	Plf	Plaintiff	Pet	Petitioner	Redi	Redirect Examination
	Dft	Defendant	Resp	Respondent	X	Cross Examination
	PA	Plaintiff's Attorney	PA	Petitioner's Attorney	ReX	Recross Examination
	DA	Defendant's Attorney	RA	Respondent's Attorney	Juv	Juvenile
	3Plf	Third Party Plaintiff	3PA	Third Party Plf's Atty	JPO	Juvenile Probation
	3Dft	Third Party Defendant	3DA	Third Party Dft's Atty	MPO	Misdemeanor Probation

APPEARANCES:

<input checked="" type="checkbox"/>	Defendant	(x) in custody	<input type="checkbox"/>	Probation	
<input type="checkbox"/>	Juvenile	() in custody	<input type="checkbox"/>	Parent	
<input checked="" type="checkbox"/>	Prosecutor	<u>Tevis Hull</u>	<input checked="" type="checkbox"/>	Attorney	<u>Lynn Brooks</u>
<input type="checkbox"/>	Other		<input type="checkbox"/>	Other	

INDEX	SPEAKER	PHASE OF CASE
1:44	Ct	Calls case. Reviews complaint. Defendant present in custody. Attorney Lynn Brooks present. Tevis Hull present for the State. Explains process of preliminary hearing. What does your client intend to do Ms. Brooks?
	DA	We are going to hearing.
	Ct	Is the State ready to proceed today?
	St	Yes.
	Ct	Other than victim and investigating officer do you have any other witnesses to call?
	St	No Your Honor.
	Ct	Any other issue for the Court to address before we get started?
	St	Nothing from the State.
	DA	No Your Honor. I believe that under the constitution Mr. Coleman being the complaining witness has a right to be in the courtroom even with other witnesses.
	Ct	Agreed. State, please call your first witness.
1:47	St	Richard Coleman called and sworn.
	St 1-Di	Testimony regarding residence .Testimony of ATV used to snowplow on the day of the incident. Testimony of words that were said in anger after asking him if he was leaving. Testimony of being pushed multiple

		times. Testimony of trying to calm him down and then deciding to leave. Testimony of being pulled off the ATV and then ran over with the ATV with the defendant driving. Testimony of the snowplow stopping the ATV from going any further. Testimony of defendant's girlfriend screaming at him to stop and throwing herself on top of him to protect him. Then she proceeded to walk seven miles to her daughter's house.
	DA	Objection. Hearsay.
	Ct	Nonresponsive.
1:53	St	I will ask a follow up question to help you out.
	Di Cont'd	Testimony of injuries received from being ran over. Testimony of what was said during the incident Phone call to 911 and law enforcement arriving. Testimony of Geoffrey showing up at the house about forty five minutes after the deputies left.
	DA	Objection. Nonresponsive.
	Dft	What did she say?
	Ct	Just try to answer the question as it is asked.
	St	I know you are trying to put in sequential order. I am just trying to move this along a little faster. I will see if I can't break it down a little bit further.
	Di Cont'd	Testimony of defendant looking crazy when he came to house. Defendant had pistol in his hand when he came back. Testimony of the pistol being upstairs in his home prior to incident. Did not give permission for him to have pistol. Testimony of horrible things that were said while pistol was in his hand. Testimony of begging for him not to shoot him and being afraid for his life. Belief that he would shoot him or shoot himself. Testimony of going to location outside where defendant's pickup was in the ditch. Testimony of damage done to pantry door inside the house when the defendant punched the door. Not concerned with the cost of the door.
	St	No further questions.
2:02	Ct	Cross examination?
2:03	X	Testimony of not getting medical care for injuries.
	St	Objection. Beyond the scope
	Ct	Overruled.
	St	Ask that counsel not give a preamble to the question. That she would just ask the question.
	Ct	Overruled.
	X cont'd	Testimony of passing Geoff on the highway. Did not witness Geoff get his vehicle stuck in the ditch. Testimony of how long remained outside snowplowing while Geoff and Kim were inside the house. Testimony of his vehicle getting stuck two times. Testimony of getting angry when he asked if he was staying for Christmas dinner. Testimony of distance of 30 feet apart when he began shouting and then getting close enough to push him down several times. Testimony of being tackled off the right side of the ATV and then Geoff backing up and coming straight at me. He obviously was not thinking clearly.
	DA	Not asking you what people were thinking. I am asking you what

		happened.
2:10	Dft	Okay.
	St	Objection asked and answered
	Ct	Overruled
	DA	You can answer that.
	X	Testimony of driving the ATV over him and the blade hitting the tree and that is what stopped it. Testimony of no apology when he helped remove the ATV. Testimony of weapon being kept in the bedroom on top of dresser or on top of gun safe. Did not see how the defendant came into possession of the pistol. Last seen that morning in bedroom on dresser. Testimony of defendant demanding and cursing that he come get truck out of the ditch.
	DA	No further questions
	Ct	Any redirect
	St	How old are you?.
	Dft	73 years old.
	St	Anything else you would like to say to the Court?
	Dft	Yes. Love son very much but he has severe anger management issues. I am worried about him coming back and being afraid that he will come back. Testimony of age and being in good shape. If he gets out regardless of no contact order it will not stop him. Would like to see him get anger management help. Have spent thousands of dollars trying to get him help.
	St	No further questions Your Honor.
	Ct	State call next witness if any.
	St	No.
2:17	St	State will rest
	Ct	Will the defense be calling any witnesses?
	DA	No Your Honor.
	Ct	Does the State wish to argue?
	St	Reserve Your Honor.
	Ct	Does the defense wish to argue?
	DA	Will leave it to the Court.
	Ct	Count I evidence is abundant that the aggregated battery did occur. Will find probable cause to support Count I. With respect to Count II the State's evidence falls short, so decline PC on Count II would find PC for misdemeanor of rudely and angrily displaying a weapon. With respect to Count III grand theft, the evidence is uncontroverted that the weapon did belong to Richard Coleman and was withheld from him despite many pleas to return. Grand theft has been established for probable cause.
	St	Also asking that the Court find malicious injury to property for the punch to the door.
	Ct	That would appear from the evidence as well. But only at misdemeanor level. Leave bond set at \$45,000.00. Arraignment will be January 19, 2017 at 9:00 am.
	DA	Would the Court consider an OR Release?

	Ct	Absolutely not in this case.
	DA	Client does not have a violent history
	Ct	Violent present
	St	He has an assault conviction
	Ct	Not on the table with me. Can take it up with the District Court Judge.
2:19	Ct	Excused.

STATE OF IDAHO
County of Boundary
FILED January 6, 2017
AT 2:19 O'Clock P M
CLERK DISTRICT COURT
S. Bryan
Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF BOUNDARY, MAGISTRATE DIVISION

STATE OF IDAHO,)
Plaintiff,)
vs.)
GEOFFREY C. COLEMAN)
SSN: [REDACTED])
DOB: [REDACTED])
Defendant.)

CASE NO. CR-2016-0001199
ORDER HOLDING DEFENDANT
TO ANSWER

Preliminary Hearing having been:
 waived,
 held in this case on 1/6/2017,
 waived, the Defendant having entered a plea of GUILTY and executing the same in writing, a copy of which is on file herein;

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;

? do display of weapon

IT IS HEREBY ORDERED that defendant be held to answer to the District Court of the First Judicial District of the State of Idaho, in and for the County of Boundary, to the charge(s) of: Count 1 – Idaho Code §18-907 Battery-Aggravated, a Felony Count 2 – ~~Idaho Code §18-905(a) Assault Aggravated With a Deadly Weapon or Instrument Without the Intent to Kill, a Felony~~ *misd.* Count 3 – Idaho Code §18-2403(1) F Theft-Grand, a Felony offense, *and malicious injury to property (m)*

on or about December 25, 2016
 between _____ and _____.

IT IS FURTHER ORDERED that:

Defendant appear for **ARRAIGNMENT IN DISTRICT COURT** on **January 19, 2017, at 9:00 am** before the Hon. Barbara Buchanan, who shall be the presiding judge in this action. (Alternate Presiding Judges: Rich Christensen; Lansing Haynes; Cynthia K.C. Meyer; John T. Mitchell; Scott Wayman; Fred M. Gibler; Charles W. Hosack; John P. Luster; Benjamin R. Simpson; Steve Verby; Jeff M. Brudie; Gregory FitzMaurice; Jay P. Gaskill; John R. Stegner)

IT IS FURTHER ORDERED: ALL pretrial motions in this case shall be filed NOT LATER THAN 42 DAYS after the date of this Order unless ordered otherwise. ALL such pretrial motions in this matter shall be accompanied by a brief in support of the motion and a notice of hearing for a date scheduled through the court.

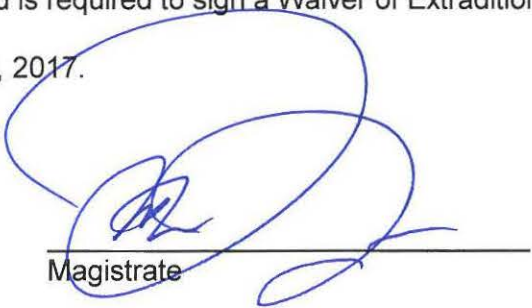
IT IS FURTHER ORDERED:

() A Presentence Investigation be conducted; Defendant is to contact Probation & Parole within twenty-four (24) hours of the date herein and **APPEAR FOR SENTENCING IN DISTRICT COURT** on the _____ day of _____, 20____ at _____ m., in the courtroom of the above entitled Court, before the Hon. _____.

IT IS FURTHER ORDERED that:

- () Defendant's release is continued on the bond posted.
- () Defendant's release on his / her own recognizance is continued.
- () Defendant is released on his / her own recognizance subject to a separate Order setting forth the terms and conditions of release.
- () Defendant's bond is reduced to \$ _____ subject to a separate Order setting forth the terms and conditions of release.
- (x) Defendant's bond remains as set by prior order of the Court.
- () YOU, THE SHERIFF OF BOUNDARY COUNTY, IDAHO, are commanded to receive him/her, the said defendant, into your custody and detain him/her until he/she is legally discharged. Defendant is to be admitted to bail in the sum of \$ _____ and is required to sign a Waiver of Extradition.

DATED this 6 day of January, 2017.



Magistrate

COPIES TO: [] PROS ATTY [] DFT [X] ATTY FOR DFT [X] BCSO

DATED: January 4, 2017 Sarah Bryan, Deputy Clerk

FILED

2017 JAN 11 PM 2:10

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDIA POSTON, CLERK
BY J. Navarro
DEPUTY CLERK

J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Telephone: (208) 665-0385
Fax: (208) 665-0220
brookslawcda@roadrunner.com
Bar Number: 3623

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-2016-1199
V.)	
	)	MOTION FOR OWN RECOGNIZANCE
GEOFFREY C. COLEMAN,	)	RELEASE
)	
Defendant.)	
)	


COMES NOW, the above named defendant, by and through his attorney, J. Lynn Brooks, Contract Public Defender, and hereby moves the Court for its Order releasing Defendant on his own recognizance.

This motion is made pursuant to the 8th and 14th Amendments to the U.S. Constitution; Article I, §§ 6 and 13 of the Idaho Constitution; and I.C.R. 46.

This motion is made on the grounds that defendant has ties to the community and is not a flight risk, and the bond as set violates the defendant's rights to due process and to be free from excessive bond and cruel and unusual punishment as guaranteed by the U.S. and Idaho Constitutions.

Counsel requests that this motion be set for hearing in order to present oral argument, evidence and/or testimony in support thereof. Requested time is 10 minutes.

DATED this 11th day of January, 2017.




J. LYNN BROOKS
ATTORNEY FOR DEFENDANT

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same by method indicated below on the 11th day of January, 2017, addressed to:

- Boundary County Prosecuting Attorney
- Via Fax 208-267-5284
- Bonners Ferry City Attorney
- Via Fax 208-267-4398
- Courthouse Mail
- Hand-Delivery



FILED

2017 JAN 11 PM 2:10

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK
BY: J. Navarro
DEPUTY CLERK

J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Telephone: (208) 665-0385
Fax: (208) 665-0220
brookslawcda@roadrunner.com
Bar Number: 3623

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)
)
Plaintiff,)
V.)
)
GEOFFREY C. COLEMAN,)
)
Defendant.)

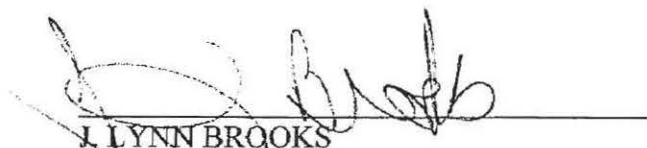
CASE NUMBER CR-2016-1199

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-named defendant by and through his attorney, J. Lynn Brooks, will call on for hearing defendant's **Motion for Own Recognizance Release** in the above entitled matter on **JANUARY 19, 2017 at 9:00 a.m.**, or as soon thereafter as counsel may be heard in front of the Honorable Barbara Buchanan.

Counsel for the defendant hereby gives notice of the intent to present oral argument and/or testimony in support of said Motion.

DATED this 11th day of January, 2017.



J. LYNN BROOKS
ATTORNEY FOR DEFENDANT

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same by method indicated below on the 11th day of January, 2017, addressed to:

Boundary County Prosecuting Attorney

Via Fax 208-267-5284

Bonners Ferry City Attorney

Via Fax 208-267-4398

Courthouse Mail

Hand-Delivery



PROSECUTOR'S OFFICE
BOUNDARY COUNTY
P.O. BOX 1148
BONNERS FERRY, ID 83805
(208) 267-7545
(208) 267-5284 (FAX)

FILED

2017 JAN 12 PM 3:39

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK
BY J. Navarro
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO : CASE NO. CR-2016-1199
: :
Plaintiff, : :
: : INFORMATION
vs. : :
: :
GEOFFREY CLAUDE COLEMAN, : :
: :
Defendant. : :
_____ :

COMES NOW, TEVIS W. HULL, Boundary County Prosecuting Attorney, states to the above-entitled Court that Defendant, GEOFFREY CLAUDE COLEMAN, is accused by this Information of **COUNT I: AGGRAVATED BATTERY**, a violation of Idaho Code Section 18-903(a) and 18-907(b), a Felony; **COUNT II: EXHIBITION OF A DEADLY WEAPON**, a violation of Idaho Code Section 18-3303, a misdemeanor; **COUNT III: GRAND THEFT**, a violation of Idaho Code Section 18-2403(1) and 18-2407(1)(d), a Felony; and **COUNT IV: MALICIOUS INJURY TO PROPERTY**, a violation of Idaho Code Section 18-7001, a misdemeanor. The crimes were committed as follows:

**COUNT I
AGGRAVATED BATTERY**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, wilfully and unlawfully use violence upon the person of Richard Coleman, by means of a deadly instrument, to-wit: a ATV four wheeler with an attached snowplow, by running him over with the ATV and pinning him against a tree with the snowblade, a violation of Idaho Code Section 18-903(a) and 18-907(b), a felony.

**COUNT II
EXHIBITION OF A DEADLY WEAPON**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did exhibit a deadly weapon, to-wit: a pistol, in the presence of two or more persons, in a rude, angry, or threatening manner, and not in necessary self defense, a violation of Idaho Code Section 18-3303, a misdemeanor.

**COUNT III
GRAND THEFT**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did wrongfully take a firearm, to-wit: a Kimber pistol, from the owner, Richard Coleman, with the intent to deprive another of property, a violation of Idaho Code Section 18-2403(1)

and 18-2407(1)(d), a felony.

**COUNT IV
MALICIOUS INJURY TO PROPERTY**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did maliciously injure certain personal property, to-wit: a pantry door, the property of Richard Coleman, by punching the door, a violation of Idaho Code Section 18-7001, a misdemeanor.

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

DATED this 12 day of January 2017.



TEVIS W. HULL,
Deputy Prosecuting Attorney

I hereby certify that a true and correct copy of the foregoing INFORMATION was mailed, postage prepaid, and/or delivered on this 12 day of January 2017, to:

J. Lynn Brooks
Attorney at Law
250 Northwest Blvd, Suite 108
Coeur d'Alene, ID 83814


Secretary

PROSECUTOR'S OFFICE
BOUNDARY COUNTY
P.O. BOX 1148
BONNERS FERRY, ID 83805
(208) 267-7545
(208) 267-5284 (FAX)

FILED

2017 JAN 12 PM 3:39

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK

BY J. Navarro

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO,	:	
	:	CASE NO. CR-2016-1199
Plaintiff,	:	
	:	
vs.	:	REQUEST FOR NOTICE OF ALIBI
	:	
GEOFFREY C. COLEMAN,	:	
	:	
Defendant.	:	
_____	:	

TO: GEOFFREY C. COLEMAN, Defendant, and
TO: J. LYNN BROOKS, her attorney of Records.


COMES NOW, TEVIS W. HULL, Boundary County Deputy Prosecuting Attorney, and does HEREBY REQUEST, pursuant to Idaho Code Rule 12.1 and Idaho Code Section 19-519, that, in the event that the above-named Defendant intends to rely upon the defense of alibi, that he within ten (10) days, or at such different time as the Court may direct, shall serve upon said Prosecuting Attorney, a written notice of his intention to offer a defense of alibi.

Such notice by the Defendant shall state the specific place or places at which the above-named Defendant claims to have been at the

time or the alleged offense; and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

Failure to make a full disclosure pursuant to the above rule and statute and this Request, shall result in the seeking of sanctions, if appropriate, by said Prosecuting Attorney, by authority of Idaho Code Section 19-519(4).

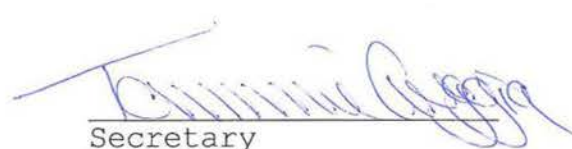
DATED this 12 day of January 2017.



TEVIS W. HULL
DEPUTY PROSECUTING ATTORNEY

I hereby certify that a true and correct copy of the foregoing was mailed, regular mail, postage prepaid, and/or delivered this 12 day of January 2017, to:

J. LYNN BROOKS
Attorney at Law
250 Northwest Blvd, Suite 108
Coeur d'Alene, ID 83814



Secretary

PROSECUTOR'S OFFICE
BOUNDARY COUNTY
P.O. BOX 1148
BONNERS FERRY, ID 83805
(208) 267-7545
(208) 267-5284 (FAX)

FILED

2017 JAN 12 PM 3:39

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA BOSTON, CLERK
BY J. Navaro
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO, :
 :
 Plaintiff, : CASE NO. CR-2016-1199
 :
 vs. : REQUEST FOR DISCOVERY
 : AND INFORMATION
 GEOFFREY C. COLEMAN, :
 :
 Defendant. :
 _____ :

TO: Defendant, GEOFFREY C. COLEMAN, and

TO: J. LYNN BROOKS, his attorney of record.

COMES NOW, TEVIS W. HULL, Boundary County Deputy Prosecuting Attorney, and pursuant to I.C.R. 16(c), requests discovery and inspection and the opportunity to copy the following information, evidence and materials:

1. Documents and Tangible Objects: All books, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody or control of the

REQUEST FOR DISCOVERY - 1

defendant which defendant intends to introduce into evidence at the trial of this case.


2. Copies of any transcripts: Any and all transcripts of tape recordings made in connection with the above case.

3. Reports of Examination and Tests: Any results or reports of physical and mental examinations and scientific tests of experiments made in connection with the above case or copies thereof within the possession or control of the defendant which the defendant intends to introduce in evidence at the trial of this case or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

4. Defense Witnesses: Furnish to the State a list of names and addresses of witnesses the defendant intends to call at the trial of this case.

The undersigned further requests permission to inspect and copy said information, evidence, and materials within fourteen (14) days of this request, at the office of the Prosecuting Attorney of Boundary County, Idaho, unless this information and material is earlier provided to the Prosecuting Attorney.

DATED this 12 day of January 2017.



TEVIS W. HULL
DEPUTY PROSECUTING ATTORNEY

I hereby certify that a true and correct copy of the foregoing REQUEST FOR DISCOVERY AND INFORMATION was mailed postage pre-paid and/or hand delivered this 12 day of January 2017, to:

J. Lynn Brooks
Attorney at Law
250 Northwest Blvd. Suite 108
Coeur d'Alene, ID 83814



Secretary

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

COURT MINUTES

JUDGE: Barbara A. Buchanan CASE NO. CR-2016-0001199
 REPORTER: Kathy Plizga DATE: 1/19/2017 TIME: 9:02 am
 CLERK: Jamie Wilson COURTROOM: 0010

STATE OF IDAHO vs. GEOFFREY C COLEMAN

Plaintiff

Atty: John R. Douglas

Defendant

Atty: J Lynn Brooks

SUBJECT OF PROCEEDINGS: DC-Arrestment / Motion For O/R Release

LEGEND	Ct	Court (Judge)	St	State	Di	Direct Examination
	Pif	Plaintiff	Pet	Petitioner	Redi	Redirect Examination
	Dft	Defendant	Resp	Respondent	X	Cross Examination
	PA	Plaintiff's Attorney	PA	Petitioner's Attorney	ReX	Recross Examination
	DA	Defendant's Attorney	RA	Respondent's Attorney	Juv	Juvenile
	3Pif	Third Party Plaintiff	3PA	Third Party Pif's Atty	JPO	Juvenile Probation
	3Dft	Third Party Defendant	3DA	Third Party Dft's Atty	MPO	Misdemeanor Probation

APPEARANCES:

<input checked="" type="checkbox"/>	Defendant	(X) in custody	<input type="checkbox"/>	Probation	
<input type="checkbox"/>	Juvenile	() in custody	<input type="checkbox"/>	Parent	
<input checked="" type="checkbox"/>	Prosecutor	<u>Tevis Hull</u>	<input checked="" type="checkbox"/>	Attorney	<u>Serra Woods</u>
<input type="checkbox"/>	Other		<input type="checkbox"/>	Other	

INDEX SPEAKER PHASE OF CASE

0902	Ct	Time set for Arrestment and motion for O/R release. Able to read and understand rights form?
	Dft	Yes
	Ct	Questions about rights?
	Dft	No.
	Ct	Have you seen the information?
	Dft	Yes
	Ct	Would you like the Court to read it out loud?
	Dft	Yes
	Ct	Reads the information into the record and gives possible maximum penalties. Read to plea?
	Dft	Yes
	Ct	How?
	Dft	NG
	Ct	Will enter NG on all charges and schedule for PTC and JUT
	St	2 days for trial
	Ct	Reviews dates. When
	Dft	Soon as possible
	Ct	Soonest date would be 3/14. Will set for 2 day trial at 9. Feb 23 at 10 is

		the PTC. Heard on issue of bond?
	DA	Yes. Have some notes from Ms. Brooks. Asking for O/R release. No NCO but will stay away from his father. Reviews residence and recovering from medical issues. Further comments in support of O/R release
	Ct	There is a NCO. Issued by Judge Julian. If you are released you may not have any contact with father. State?
	St	Objection to O/R release. Reviews the Dft's criminal history. Comments re the State's concerns.
	Ct	Leaving bond. Do not know a lot of facts of the case. Concerned about public safety. Do not know what would prompt this kind of behavior. Denying request.
	Dft	Say something?
	Ct	No.
0912	Ct	Remanded

FELONY ARRAIGNMENT RIGHTS FORM

You have been charged with one or more felony crimes. You are in court today to enter a plea of guilty or not guilty to the charges that have been filed against you.

The criminal charges filed against you are contained in a document which is labeled "Information." This charging document will be shown to you and you will be given an opportunity to review it when your case is called.

If this is your first time in District Court for this case, I will ask you if the Information has your correct name and if your name is spelled correctly. Each of you is informed that if the name which appears on the information is not your true name, you must declare your true name or the case will be prosecuted against you using the name in the Information.

The fact that Information has been filed against you proves nothing. It merely establishes that the state can compel you to come into court to answer the charge.

When your case is called, you will be advised of the possible penalties in the event you plead guilty or are found guilty of the offense or offenses filed against you. Later, a formal reading of the information will take place unless you waive such a reading.

You have the following rights:

You have the right to remain silent. Anything that you say in court can and may be used against you in further court hearings. You have the right to be represented by a lawyer. If you do not have enough money to hire a lawyer, I will appoint a lawyer to represent you at county expense upon you showing under oath that you cannot afford to hire a lawyer.

You are presumed innocent. The State has the burden of proving you guilty beyond a reasonable doubt. In order to convict you, the State must convince each and every one of the jurors at the time of trial of your guilt beyond a reasonable doubt. The State must prove its case by calling witnesses to testify under oath in front of you, your lawyer, the jury, and the judge.

You have the right to confront your accusers and to have your lawyer question or "cross-examine" any witnesses brought in to testify against you.

You have the right to present evidence and call witnesses of your choosing to testify concerning your guilt or innocence. You have the right to compel witnesses to come to court by having the court issue subpoenas and, in this way, to produce evidence on your own behalf. If you do not have the money to bring your witnesses to court, the state can be required to pay the cost.

As I've stated before, you have the absolute right to remain silent and you cannot be forced to testify. However, you may give up that right and testify on your own behalf if you choose.

Each of you has the rights I've mentioned and they stay with you so long as you plead "not guilty."

If you decide to plead guilty, the entire situation changes. If you plead guilty to the offense or offenses charged, you give up and waive any defenses that you might otherwise have. You waive any defects which might exist in the State's case. If you plead guilty, there will be no trial. There will be no jury. There will be no witnesses called concerning your guilt or innocence. The State will not have to prove anything in your case.

If you plead guilty:

You give up the presumption of innocence.

You give up your constitutional right to a jury trial.

GC Initials

You give up your right to confront your accusers and to cross-examine witnesses called against you concerning your guilt or innocence.

If you plead guilty, you give up the right to offer testimony and evidence on your own behalf.

If you plead guilty, you waive and give up your right to challenge any search and seizure involved in your case, any issues concerning the method or manner of your arrest, and any issues about whether any statements you made to law enforcement can be used against you.

If you plead guilty, you will be admitting the truth of each and every allegation in the Information.

If you plead guilty, you will be required to testify under oath concerning the facts of the alleged offense and other matters so that I can determine if your guilty plea is being made voluntarily and with an understanding of the consequences of pleading guilty, and so that I can determine if there is a factual basis for the guilty plea. If I do not accept your guilty plea or if you later withdraw the guilty plea, any statements that you made during questioning may be used against you in other court proceedings.

If you are found guilty after a trial, or if you plead guilty, you may be required to reimburse court costs and may be required to pay restitution to victims, law enforcement agencies and state drug labs. You may be required to pay for the cost of prosecution and for the cost of your public defender, if you had one.

If this is your first felony conviction, you will also lose certain rights you have as a United States citizen. If you are not a U.S. citizen, you will be subject to deportation and other consequences.

You may also be subject to Idaho's three strikes law. Simply stated, Idaho's three strikes law provides that if you are convicted of a third felony and the prosecutor seeks an enhanced penalty, you could be sentenced to a minimum of five additional years of prison and a maximum of life in prison.

You are also notified that I am not bound or obligated by any promise in any plea agreement made between you and the prosecution unless I agree to be bound.

Further, if you enter a guilty plea as part of a plea agreement, you are informed that if I do not follow the sentencing recommendations in the plea agreement, you will not have the right to withdraw your guilty plea.

If you are dissatisfied with any final judgment of this Court, you may appeal the judgment to a higher court. With regard to an appeal, you are notified that:

The time for filing the appeal is 42 days from the date the judgment is made and filed.

You have the right to be represented by a lawyer on any appeal. If you cannot afford to hire a lawyer for the appeal, the State Appellate Public Defender will be provided at public expense. Further, the appeal costs will be paid at public expense if you are a needy person.

Today, when your case is called, if this is your first appearance in District Court, you have several choices. You are entitled to at least one day to decide how you wish to plead. If you desire additional time to think your case over, I will continue it for a reasonable time. From a practical standpoint, however, this means you will be waiting for at least two weeks to enter a plea.

If you wish to proceed today, you may either enter a plea of guilty or not guilty to each charge. If you enter a plea of not guilty, your case will be set for a jury trial.

Dated this Jan day of 19, 2017.

[Signature]
Defendant

GC Initials

STA. OF IDAHO
County of Boundary
FILED 1-19-2017
AT 9:12 O'Clock AM
CLERK DISTRICT COURT
Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO Plaintiff, vs. <u>Geoffrey Coleman</u> Defendant.	CASE NO. CR- <u>2016-1199</u> NOTICE OF HEARING / TRIAL
--	--

NOTICE IS HEREBY GIVEN, that a hearing and/or trial is scheduled as follows:

Arraignment/Entry of Plea is set for the _____ day of _____, 20_____, at _____ o'clock _____.m. **THE DEFENDANT MUST BE PRESENT.**

Pretrial conference is set for the 23 day of Feb, 20 17, at 10:00 o'clock 9.m. **THE DEFENDANT MUST BE PRESENT.**

Jury trial is set for the 14 day of March, 20 17, at 9:00 o'clock 9.m. for a 2 day trial. **THE DEFENDANT MUST BE PRESENT.**

*****ALL PRETRIAL MOTIONS MUST BE FILED WITHIN 30 DAYS.**

Sentencing is set for the _____ day of _____, 20_____, at _____ o'clock _____.m. **THE DEFENDANT MUST BE PRESENT.**

***** DEFENDANT IS ORDERED TO CONTACT THE PRESENTENCE INVESTIGATOR AT 208-263-0455 BY 5:00 PM TODAY.**

Admit/Deny or Disposition/Evidentiary Hearing is set for the _____ day of _____, 20_____, at _____ o'clock _____.m. **THE DEFENDANT MUST BE PRESENT.**

Retained Jurisdiction Review Hearing is set for the _____ day of _____, 20_____, at _____ o'clock _____.m. **THE DEFENDANT MUST BE PRESENT.**

Sentencing is set for the _____ day of _____, 20_____, at _____ o'clock _____.m. **THE DEFENDANT MUST BE PRESENT.**

DATED 1/19

20 17

Bach
District Judge

FILED

2017 JAN 20 AM 11:00

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK

BY: Wilson
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO)
Plaintiff,)
vs.)
GEOFFREY C COLEMAN)
Defendant.)
DOB: [REDACTED])
DL: [REDACTED])
_____)

Case No: CR-2016-0001199

NOTICE OF TRIAL AND
PRETRIAL ORDER

Upon arraignment the Defendant pled not guilty in response to the criminal allegations of the Information; NOW THEREFORE:

IT IS HEREBY ORDERED that a trial and pretrial conference are set as follows:

(1) **DC-Jury Trial** **Tuesday, March 14, 2017** **@09:00 AM**
Judge: **Barbara A. Buchanan**
Length: **2 Days**

(2) A pretrial conference will be held before the trial date:

DC-Pretrial Conference **Thursday, February 23, 2017** **@10:00 AM**
Judge: **Barbara A. Buchanan**

Alternate Presiding Judges for Trial and Pretrial Conference: Barbara Buchanan; Rich Christensen; Lansing Haynes; Cynthia K.C. Meyer; John T. Mitchell; Scott Wayman; Fred M. Gibler; Charles W. Hosack; John P. Luster; Benjamin R. Simpson; Steve Verby; Scott Wayman; Jeff M. Brudie; Gregory FitzMaurice; Jay P. Gaskill; John R. Stegner

(3) **TRIAL START DATE.** Many cases are set for trial on the same date. The Court

typically has the entire week available for trials. Therefore, notice is given that the trial of this matter may begin any day during the trial week. The parties will be notified of any change in the trial start date as soon as possible.

(4) **CONTINUANCES**. A continuance of the trial date shall occur only upon a Stipulation of the parties, or upon a written Motion which clearly states the reasons for the requested continuance. A Stipulation, or a Motion to Continue the trial, agreed to or filed by the Defendant, requires an acknowledgment **signed by the Defendant** that the Motion to Continue has been discussed with and is agreed to by the Defendant.

(5) **PRE-TRIAL CONFERENCE**. A Pre-Trial Conference has been set above. The Defendant is Ordered to be present for the Pre-Trial Conference, unless incarcerated or otherwise ordered by the Court. Failure to appear, absent good cause, shall be grounds for issuance of a warrant of arrest and pre-trial incarceration.

(6) **DISCOVERY**, including all disclosures required by I.C.R. 16, must be served and completely responded to at least 21 days prior to trial.

(7) **MOTIONS**. Except for good cause shown, all Motions listed in I.C.R. 12(b) must be filed at least 45 days prior to trial and heard at least 30 days prior to trial. Motions in Limine shall be filed and heard by the Court at least 7 days prior to trial. All Motions shall be accompanied by a brief. Motions to Suppress shall identify the issues the Defendant intends to raise so the State may be prepared to go forward. **One** (1) duplicate copy of all Motions, together with supporting memorandum and documents, shall be lodged at the time of filing, in the Court's chambers in Bonner County, and shall be marked "Judge's Copy."

(8) **TRIAL BRIEFS**. Trial briefs are encouraged but not required. Submitted trial briefs

should address substantive factual, legal and/or evidentiary issues, with appropriate citation to authority. If a trial brief is filed, it must be provided to the opposing party and a Judge's Copy lodged in the Court's chambers in Bonner County, at least 5 days prior to trial.

(9) **PRE-TRIAL SUBMISSIONS**. At least 5 days prior to trial, each party shall file and provide to the opposing party and lodge a Judge's Copy in the Court's chambers, the following:

(A) A list of all witnesses which each party intends to call to testify at trial, including anticipated rebuttal witnesses. Expert witnesses shall be identified as such. Each party must also identify any witness previously disclosed by the opposing party that will be objected to and the legal grounds therefore.

(B) A list of all exhibits which each party intends to introduce at trial. Each party must also identify any exhibit previously disclosed by the opposing party that will be objected to and the legal grounds therefore.

(C) A set of **pre-marked** exhibits. The State shall mark exhibits beginning with the number "1" and the Defendant shall mark exhibits beginning with the letter "A." A Judge's Copy of the pre-marked exhibits shall also be provided to the Court.

(D) A list of any objections to any other anticipated evidence so that the Court may be prepared to rule on such objections at trial.

(E) A listing of any stipulated admissions of fact, which will avoid unnecessary proof.

(F) A statement whether counsel requests more than 30 minutes for voir dire or opening statement and, if so, the reason(s) more time is needed.

(10) **JURY INSTRUCTIONS**. Proposed jury instructions and verdict forms shall be filed and exchanged by the parties at least 5 days prior to trial. The parties shall also submit both a clean version and a version with cited authority, by e-mail, to the Court's clerk in Word format, at least 5 days prior to trial. Except for good cause shown, proposed jury

instructions should conform to the approved pattern Idaho Jury Instructions (ICJI). Certain "stock" instructions need not be submitted. These will typically include ICJI 101-108, 201-202, 204-208, and 232.

(11) **PLEA AGREEMENTS**. Except for good cause shown, the Court should be advised of any negotiated Plea Agreement no later than 1:00 P.M., the day prior to the trial, so the jury can be notified. Should a Plea Agreement be entered into after the jury has been summoned, the Court may assess the cost of calling the jury to the party the Court deems responsible for those costs.

(12) **TRIAL PROCEDURES**. If more trial days than indicated in Paragraph (1) above will be required, the parties are ORDERED to notify the Court no less than 30 days prior to trial. **On the first day of trial, counsel shall report to the Court's chambers at 8:30 a.m. for a brief status conference.** Unless otherwise ordered, trial days will begin at 9:00 a.m. and end about 5:00 p.m., with a one hour break for lunch. Jury selection shall be by a modified struck jury system.

(13) **HEARINGS OR CONFERENCES WITH THE COURT**. All meetings, conferences, and/or hearings with the Court shall be scheduled in advance with the Court's Clerk by calling 208-267-5504. No hearing shall be noticed without contacting the Clerk.

DATED this 20th day of January, 2017.




BARBARA BUCHANAN
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Trial and Pretrial Order was mailed, postage prepaid, emailed, faxed, or sent by interoffice mail this 20 day of January, 2017, to:

John R. Douglas
Boundary County Prosecuting Attorney
Courthouse Mail

Jerri Lynn Brooks
Attorney at Law
250 Northwest Blvd., Suite 108
Coeur d'Alene ID 83814



Deputy Clerk

PROSECUTOR'S OFFICE
BOUNDARY COUNTY
P.O. BOX 1148
BONNERS FERRY, ID 83805
(208) 267-7545
(208) 267-5284 (Fax)

FILED

2017 JAN 27 AM 9:45

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK
BY S. Bryan
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO, :
 :
 Plaintiff, : CASE NO. CR-2016-1199
 :
 vs. : SUPPLEMENTAL
 : RESPONSE TO REQUEST FOR
 : DISCOVERY
 GEOFFREY COLEMAN, :
 :
 Defendant. :
 :
 _____ :

COMES NOW, TEVIS W. HULL, Boundary County Deputy Prosecuting Attorney, and hereby submits the following supplemental Responses to Request for Discovery:

Plaintiff has complied with such request by supplying copies of the following:

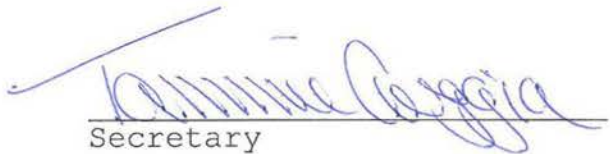
1. A copy of the supplemental police report is attached hereto. (Bates 24-31)
2. A copy of pictures are attached hereto (Bates 32-33)
3. A copy of statements made by Kim Christensen are on attached DVD.
4. Additional witness for the State:
 - A. Kim Christensen, 56 Customs Loop, Eastport, ID 83826

DATED this 27 day of January 2017.

By 
TEVIS W. HULL
DEPUTY PROSECUTING ATTORNEY

I hereby certify that a true and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY was mailed, regular mail, postage prepaid, and/or delivered this 27 day of January 2017, to:

J. Lynn Brooks
Attorney at Law
250 Northwest Blvd, Suite 108
Coeur d'Alene, ID 83814


Secretary

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

COURT MINUTES

JUDGE: Barbara A. Buchanan CASE NO. CR-2016-0001199
REPORTER: Kathy Plizga DATE: 2/23/2017 TIME: 10:10 am
CLERK: Jamie Wilson COURTROOM: 001

STATE OF IDAHO

vs. GEOFFREY C COLEMAN

Plaintiff

Defendant

Atty: John R. Douglas

Atty: Jerri Lynn Brooks

SUBJECT OF PROCEEDINGS: DC-Pretrial Conference

LEGEND

Ct	Court (Judge)	St	State	Di	Direct Examination
PIf	Plaintiff	Pet	Petitioner	Redi	Redirect Examination
Dft	Defendant	Resp	Respondent	X	Cross Examination
PA	Plaintiff's Attorney	PA	Petitioner's Attorney	ReX	Recross Examination
DA	Defendant's Attorney	RA	Respondent's Attorney	Juv	Juvenile
3PIf	Third Party Plaintiff	3PA	Third Party PIf's Atty	JPO	Juvenile Probation
3Dft	Third Party Defendant	3DA	Third Party Dft's Atty	MPO	Misdemeanor Probation

APPEARANCES:

<input checked="" type="checkbox"/>	Defendant	(X) in custody	<input type="checkbox"/>	Probation
<input type="checkbox"/>	Juvenile	() in custody	<input type="checkbox"/>	Parent
<input checked="" type="checkbox"/>	Prosecutor	<u>Tevis Hull</u>	<input checked="" type="checkbox"/>	Attorney <u>J Lynn Brooks</u>

INDEX

SPEAKER

PHASE OF CASE

1010	Ct	In session. Calls case. Scheduled for PTC today. Jury trial is on 3/14. Resolution or going to trial?
	DA	Planning on going to trial. First in line?
	Ct	First in line in Boundary. Need to find out what is going on in Bonner. Will have a better idea next week
	DA	If you have a case in Bonner go will a conflict DC judge be here?
	Ct	Yes. Would assume will go on Tuesday. 2 days?
	DA	Yes
	Ct	Will remain set. Plan to go. Will the State be ready?
	St	Yes
1011	Ct	Remanded.

FILED

2017 FEB 23 PM 3: 34

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK

BY WLB
DEPUTY CLERK

J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Telephone: (208) 665-0385
Fax: (208) 665-0220
brookslawcda@roadrunner.com
Bar Number: 3623

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)
)
) Plaintiff,)
)
) V.)
)
) GEOFFREY C. COLEMAN,)
)
) Defendant.)

CASE NUMBER CR-2016-1199

WITNESS LIST


COMES NOW, J. Lynn Brooks, Contract Public Defender, and hereby submits the following list of witnesses other than the Defendant herein who may be called to testify at the jury trial on behalf of Defendant:

Kim Christensen, 56 Customs Loop, Eastport, ID 83826

Kelly Crowder, 1988 Katka Rd., Bonners Ferry, ID 83805

Thomas Hankey, 19 Fawn Lane, Bonners Ferry, ID 83805

DATED this 23rd day of February, 2017.



J. LYNN BROOKS
Attorney for Defendant

CERTIFICATE OF DELIVERY

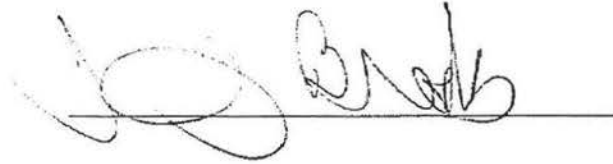
I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same by method indicated below on the 23rd day of February, 2017, addressed to:

Boundary County Prosecuting Attorney

Via Fax 208-267-5284

Courthouse Mail

Hand-Delivery



PROSECUTOR'S OFFICE
BOUNDARY COUNTY
P.O. BOX 1148
BONNERS FERRY, ID 83805
(208) 267-7545
(208) 267-5284 (Fax)

FILED

2017 FEB 27 PM 3:36

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO, :
 :
 Plaintiff, :
 :
 vs. :
 :
 GEOFFREY COLEMAN, :
 :
 Defendant. :
 :

CASE NO. CR-2016-1199

STATE'S LIST OF WITNESSES

The State intends to call the following witnesses at the Court trial in the above referenced case set for March 14, 2017. This list may be supplemented during the course of the trial.

1. All persons listed in the police report.
2. Robert Elam, Boundary County Deputy Sheriff, 6452 Kootenai Street, Bonners Ferry, ID 83805
3. Richard Coleman, 1333 Rigby Road, Bonners Ferry, ID 83805
4. Kim Christensen, 56 Customs Loop, Eastport, ID 83826

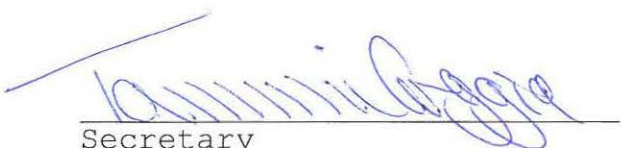
The State has no knowledge of any prior felony convictions of any of the State's witnesses except as noted in previous provided discovery.

DATED this 27 day of February 2017.


TEVIS W. HULL,
DEPUTY PROSECUTING ATTORNEY

I hereby certify that a true and correct copy of the foregoing document was hand delivered this 27 day of February 2017, to:

J. Lynn Brooks
Attorney at Law
250 Northwest Blvd, Suite 108
Coeur d'Alene, ID 83814


Secretary

PROSECUTOR'S OFFICE
BOUNDARY COUNTY
P.O. BOX 1148
BONNERS FERRY, ID 83805
(208) 267-7545
(208) 267-5284 (Fax)

FILED

2017 FEB 27 PM 3:36

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO
COUNTY OF BOUNDARY
DEA POSTON, CLERK
[Signature]
DEPUTY CLERK

STATE OF IDAHO, : CASE NO. CR-2016-1199
: :
Plaintiff, : :
vs. : STATE'S REQUEST FOR
: JURY INSTRUCTIONS
GEOFFREY C. COLEMAN, : :
: :
Defendant. : :
_____ :

COMES NOW, TEVIS W. HULL, Boundary County Deputy Prosecuting Attorney, and submits the following State's Request for Jury Instructions in the above referenced case as attached.

DATED this 27 day of February 2017.

[Signature]
TEVIS W. HULL,
Deputy Prosecuting Attorney

I hereby certify that a true and correct copy of the foregoing document was mailed postage pre-paid and/or hand delivered this 27 day of February 2017, to:

J. Lynn Brooks
Attorney at Law
250 Northwest Blvd, Suite 108
Coeur d'Alene, ID 83814

[Signature]

Legal Assistant

STATE'S PROPOSED JURY INSTRUCTION NO. _____

The Defendant, GEOFFREY CLAUDE COLEMAN, here upon trial on an Information filed in this Court by the Prosecuting Attorney of Boundary County, Idaho, charging the Defendant with of **COUNT I: AGGRAVATED BATTERY**, a violation of Idaho Code Section 18-903(a) and 18-907(b); **COUNT II: EXHIBITION OF A DEADLY WEAPON**, a violation of Idaho Code Section 18-3303; **COUNT III: GRAND THEFT**, a violation of Idaho Code Section 18-2403(1) and 18-2407(1)(d); and **COUNT IV: MALICIOUS INJURY TO PROPERTY**, a violation of Idaho Code Section 18-7001. The crimes were committed as follows:

**COUNT I
AGGRAVATED BATTERY**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, wilfully and unlawfully use violence upon the person of Richard Coleman, by means of a deadly instrument, to-wit: an ATV four wheeler with an attached snowplow, by running him over with the ATV and pinning him against a tree with the snowblade, a violation of Idaho Code Section 18-903(a) and 18-907(b).

**COUNT II
EXHIBITION OF A DEADLY WEAPON**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did exhibit a deadly weapon, to-wit: a pistol, in the presence of two or more persons, in a rude, angry, or threatening manner, and not in necessary self defense, a violation of Idaho Code Section 18-3303.

**COUNT III
GRAND THEFT**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did wrongfully take a firearm, to-wit: a Kimber pistol, from the owner, Richard Coleman, with the intent to deprive another of property, a violation of Idaho Code Section 18-2403(1) and 18-2407(1)(d).

**COUNT IV
MALICIOUS INJURY TO PROPERTY**

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did maliciously injure certain personal property, to-wit: a pantry door, the property of Richard Coleman, by punching the door, a violation of Idaho Code Section 18-7001.

The Information in this case is of itself a mere accusation or charge against the defendant and does not of itself constitute any evidence of the defendant's guilt; you are not to be prejudiced or influenced to any extent against the defendant because a criminal charge has been made.

DISTRICT JUDGE

GIVEN _____
MODIFIED _____
REFUSED _____

STATES PROPOSED JURY INSTRUCTION NO. ____

In order for the defendant to be guilty of Aggravated Battery, the state must prove each of the following:

1. On or about 25th day of December 2016
2. In the state of Idaho
3. The defendant, Geoffrey Claude Coleman, committed battery upon Richard Coleman, and
4. When doing so the defendant used a deadly instrument

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

District Judge

GIVEN__
MODIFIED__
REFUSED__

Comment

I.C. § 18-907. State v. Clark, 115 Idaho 1056, 772 P.2d 263 (Ct. App. 1989). The committee recommends that the phrase “great bodily injury” not be defined. “The irresistible impulse to define words of ordinary English is unfortunately pervasive. It should be curbed.” People v. Kimbrel, 174 Cal.Rptr. 816, 819 (Ct. App. Cal. 1981).

STATES PROPOSED JURY INSTRUCTION NO. ____

A “battery” is committed when a person:

- (1) wilfully and unlawfully uses force or violence upon the person of another; or
- (2) actually, intentionally, and unlawfully touches or strikes another person against the will of the other; or
- (3) unlawful and intentionally causes bodily harm to an individual.

District Judge

GIVEN__
MODIFIED__
REFUSED__

Comment

I.C. § 18-903. This instruction should be used only when the commission of a battery is an element of another crime, e.g. I.C. § 18-911.

STATES PROPOSED JURY INSTRUCTION NO. ____

A “deadly weapon or instrument” is one likely to produce death or great bodily injury. It also includes any other object that is capable of being used in a deadly or dangerous manner if the person intends to use it as a weapon.

Any firearm is a “deadly weapon,” though unloaded or so defective that it cannot be fired.

A “firearm” is any device designed to eject or propel a projectile by the force of an explosion or other form of combustion.

District Judge

GIVEN__
MODIFIED__
REFUSED__

Comment

State v. Missenberger, 86 Idaho 321, 386 P.2d 559; State v. Lenz, 103 Idaho 632, 651 P.2d 566 (Ct.App. 1982). I.C. § 18-905(d).

The committee recommends that the phrase “great bodily injury” not be defined. “The irresistible impulse to define words of ordinary English is unfortunately pervasive. It should be curbed.” People v. Kimbrel, 174 Cal.Rptr. 816, 819 (Ct.App. 1981).

See also State v. Townsend, 124 Idaho 881, 865 P.2d 972 (1993), holding that a bare hand is not a deadly weapon under the aggravated assault and aggravated battery statutes. I.C. §§ 18-907 and 18-905; and State v. Huston, 121 Idaho 738, 828 P.2d 301 (1992) holding that a boot worn by the defendant can be a weapon under I.C. § 18-905.

STATES PROPOSED JURY INSTRUCTION NO. _____

In order for the defendant to be guilty of Exhibition or Use of a Deadly Weapon, the State must prove each of the following:

1. On or about the 25th day of February 2016.
2. In the State of Idaho.
3. The defendant, Geoffrey Claude Coleman, exhibit a deadly weapon.
4. In a rude, angry and threatening manner.
5. Not in necessary self-defense.
6. In the presence of two or more people.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

District Judge

GIVEN _____
MODIFIED _____
REFUSED _____

Comment

I.C. § 18-3303

STATE'S PROPOSED JURY INSTRUCTION NO. ____

In order for the Defendant to be guilty of Grand Theft, the state must prove each of the following:

1. On or about the 25th day of December 2016.
2. In the State of Idaho
3. The Defendant, Geoffrey Claude Coleman, wrongfully took property, to-wit: a Kimber pistol.
4. From the owner
5. The Defendant took the property with the intent to deprive an owner of the property or appropriate the property.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty. .

DISTRICT JUDGE

GIVEN____
MODIFIED____
REFUSED_____

Comment

I.C. § 18-2403(1).

This instruction should be used in conjunction with ICJI 542 which deals with the degree of theft in regard to specified items of property.

STATE'S PROPOSED JURY INSTRUCTION NO. ____

Theft is classified into two degrees: Grand Theft and Petit Theft. If you find the defendant guilty of Theft, then you must determine whether the crime was Grand Theft or Petit Theft. You must state the degree in your verdict.

The Theft of property that consists of any firearm, rifle, or shotgun is Grand Theft.

Any theft that is not Grand Theft is Petit Theft.

DISTRICT JUDGE

GIVEN _____
MODIFIED _____
REFUSED _____

Comment

I.C. § 18-2407 and 18-3122

STATE'S PROPOSED JURY INSTRUCTION NO. _____

The Phrase "intent to deprive" means:

- a. The intent to withhold property or cause it to be withheld from an owner permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to such owner; or
- b. The intent to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.

The Phrase "intent to appropriate" means:

- a. The intent to exercise control over property, or to aid someone other than the owner to exercise control over it, permanently or for so extended a period of time or under such circumstances as to acquire the major portion of its economic value or benefit;
or
- b. The intent to dispose of the property for the benefit of oneself or someone other than the owner.

DISTRICT JUDGE

GIVEN _____
MODIFIED _____
REFUSED _____

Comment

I.C. § 18-2402(1).

STATE'S PROPOSED JURY INSTRUCTION NO. _____

An "owner" of property is any person who has a right to possession of such property superior to that of the defendant.

DISTRICT JUDGE

GIVEN _____
MODIFIED _____
REFUSED _____

Comment

I.C. § 18-2402(6).

STATE'S PROPOSED JURY INSTRUCTION NO. _____

"Property" means anything of value including labor or services.

DISTRICT JUDGE

GIVEN _____
MODIFIED _____
REFUSED _____

Comment

I.C. § 18-2402(8)

"Property" as defined in the code is an expansive concept. Other specific definitions of property may be found in I.C. § 18-2402(8). As may be necessary, these specific examples can be inserted in the instruction.

Prior Idaho case law support the proposition that the word "Property" includes all valuable right or interests which are protected by law. See **State v. Davis**, 81 Idaho 61, 336 P.2d 692 (1959)

STATE'S PROPOSED JURY INSTRUCTION NO. ____

A person steals property and commits theft when, with intent to deprive another of property or appropriate the same to the person or to a third party, such person wrongfully takes, obtains, or withholds such property from an owner thereof.

DISTRICT JUDGE

GIVEN _____
MODIFIED _____
REFUSED _____

Comment

I.C. § 18-2403(1)

This instruction should be used in conjunction with an appropriate Burglary instruction **only** when Theft is not charged as a separate count. If an instruction defining "intent to deprive" is to be used also, see ICJI 562.

STATE'S PROPOSED JURY INSTRUCTION NO. _____

DISTRICT JUDGE

GIVEN _____

MODIFIED _____

REFUSED _____

Comment

There are certain defenses and non-defenses to theft set forth in I.C. §18-2406. The committee decided not to include any pattern instructions on these subjects. If any of such defenses or non-defenses are raised by the evidence, an appropriate instruction should be given. The state has the burden of disproving any defense beyond a reasonable doubt.

STATES PROPOSED JURY INSTRUCTION NO. ____

In order for the defendant to be guilty of Malicious Injury to Property, the state must prove each of the following:

1. On or about 25th day of December 2016.
2. In the state of Idaho.
3. The defendant, GEOFFREY CLAUDE COLEMAN, maliciously.
4. Injured the certain personal property, a pantry door.
5. Not the defendant's own property.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty of misdemeanor malicious injury to property. The word "maliciously" means the desire to annoy or injure another or the intent to do a wrongful act.

District Judge

GIVEN__
MODIFIED__
REFUSED__

Comment

I.C. § 18-7001, 18-101(4).

STATES PROPOSED JURY INSTRUCTION NO. _____

The term "firearm" means any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas, or mechanical means, whether operable or inoperable.

District Judge

GIVEN _____
MODIFIED _____
REFUSED _____

Comment

I.C. § 18-3316(3)

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO,	:	CASE NO. CR-2016-1199
	:	
Plaintiff,	:	
	:	VERDICT
vs.	:	
	:	
GEOFFREY CLAUDE COLEMAN,	:	
	:	
Defendant.	:	
_____	:	

We, the Jury, unanimously find the Defendant, GEOFFREY CLAUDE COLEMAN,

COUNT I

Is Defendant, GEOFFREY CLAUDE COLEMAN, not guilty or guilty of AGGRAVATED
BATTERY?

Not Guilty _____ **Guilty** _____

COUNT II

Is the Defendant, GEOFFREY CLAUDE COLEMAN, not guilty or guilty of Exhibition of
a Deadly Weapon?

Not Guilty _____ **Guilty** _____

COUNT III

QUESTION NO. 1: Is Defendant, GEOFFREY CLAUDE COLEMAN, not guilty or guilty of Theft?

Not Guilty _____ **Guilty** _____

If you unanimously answered Question No. 1, "Guilty," then you must answer Questions No. 2. If you unanimously answered Question No. 1, "Not Guilty," then proceed to Court IV.

QUESTION NO. 2: Is the crime Grand Theft?

Yes _____ **No** _____

COUNT IV

Is the Defendant, GEOFFREY CLAUDE COLEMAN, not guilty or guilty of Malicious Injury to Property?

Not Guilty _____ **Guilty** _____

Dated this _____ day of March 2017.

Presiding Juror

District Judge

FILED

2017 MAR -3 AM 9:20

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK
BY Wun
DEPUTY CLERK


J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Phone/Fax: (208) 665-0385
brookslawcda@roadrunner.com
Bar Number: 3623

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-2016-1199
)	
V.)	
	)	DEFENDANT'S REQUESTED
GEOFFREY CLAUDE COLEMAN,	)	JURY INSTRUCTIONS
)	
Defendant.)	
)	

COMES NOW, the above named defendant, by and through his attorney, J. Lynn Brooks, Contract Public Defender, and respectfully submits the Defendant's Requested Jury Instructions No. 1 through 14, in addition to the Court's general instructions on the law.

DATED this 3rd day of March, 2017.



J. LYNN BROOKS
ATTORNEY FOR DEFENDANT

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same by method indicated below on the 31st day of March, 2017, addressed to:

Boundary County Prosecuting Attorney

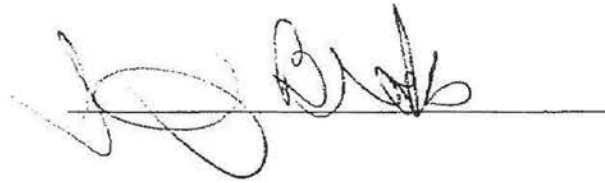
Via Fax 208-267-5284

Bonners Ferry City Attorney

Via Fax 208-267-4398

Courthouse Mail

Hand-Delivery



ICJI 103 REASONABLE DOUBT

DEFENDANT'S REQUESTED
INSTRUCTION NO. 1

Under our law and system of justice, the defendant is presumed to be innocent. The presumption of innocence means two things.

First, the state has the burden of proving the defendant guilty. The state has that burden throughout the trial. The defendant is never required to prove his innocence, nor does the defendant ever have to produce any evidence at all.

Second, the state must prove the alleged crime beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If after considering all the evidence you have a reasonable doubt about the defendant's guilt, you must find the defendant not guilty.

Comment

The Due Process Clause of the Fourteenth Amendment requires that the jury be instructed on the presumption of innocence. *Taylor v. Kentucky*, 436 U.S. 478 (1977). Although technically not a "presumption", the presumption of innocence is a way of describing the prosecution's duty both to produce evidence of guilt and to convince the jury beyond a reasonable doubt. *Id.*

"The beyond a reasonable doubt standard is a requirement of due process, but the Constitution neither prohibits trial courts from defining reasonable doubt nor requires them to do so as a matter of course. Indeed, so long as the court instructs the jury on the necessity that the defendant's guilt be proved beyond a reasonable doubt, the Constitution does not require that any particular form of words be used in advising the jury of the government's burden of proof. Rather, 'taken as a whole, the instructions [must] correctly conve[y] the concept of reasonable doubt to the jury.'" *Victor v. Nebraska*, 511 U.S. 1, 5 (1994) (citations omitted).

The above instruction reflects the view that it is preferable to instruct the jury on the meaning of proof beyond a reasonable doubt. This instruction defines that term concisely while avoiding the pitfalls arising from some other attempts to define this concept.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 105 DUTY OF COURT

DEFENDANT'S REQUESTED
INSTRUCTION NO. 3

If during the trial I may say or do anything which suggests to you that I am inclined to favor the claims or position of any party, you will not permit yourself to be influenced by any such suggestion. I will not express nor intend to express, nor will I intend to intimate, any opinion as to which witnesses are or are not worthy of belief; what facts are or are not established; or what inferences should be drawn from the evidence. If any expression of mine seems to indicate an opinion relating to any of these matters, I instruct you to disregard it.

I may at times use the word "victim" in these instructions or in the course of this trial. This word is used only to refer to a person or persons who are alleged to have been victimized, and is used only for convenience. It does not indicate any opinion on my part that a person is a victim, or that the defendant has committed an offense. Whether a person is a victim, and whether the defendant is guilty of any offense, are matters for you alone to determine based on the evidence presented at trial.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 110 CONSIDER EACH COUNT SEPARATELY

DEFENDANT'S REQUESTED
INSTRUCTION NO. 3

Each count charges a separate and distinct offense. You must decide each count separately on the evidence and the law that applies to it, uninfluenced by your decision as to any other count. The defendant may be found guilty or not guilty on either or both of the offenses charged.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 301 EFFECT OF DEFENDANT'S ELECTION NOT TO TESTIFY

DEFENDANT'S REQUESTED
INSTRUCTION NO. 4

A defendant in a criminal trial has a constitutional right not to be compelled to testify. The decision whether to testify is left to the defendant, acting with the advice and assistance of the defendant's lawyer. You must not draw any inference of guilt from the fact that the defendant does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 305 UNION OF ACT AND INTENT

DEFENDANT'S REQUESTED
INSTRUCTION NO. 5

In every crime or public offense there must exist a union or joint operation of act and intent.

Comment

I.C. s 18-114. The word "intent" does not mean an intent to commit a crime but merely the intent to knowingly perform the interdicted act, or by criminal negligence the failure to perform the required act. *State v. Parish*, 79 Idaho 75, 310 P.2d 1082 (1957); *State v. Booton*, 85 Idaho 51, 375 P.2d 536 (1962). The term "criminal negligence", means gross negligence, such as amounts to reckless disregard of consequences and the rights of others. *State v. McMahan*, 57 Idaho 240, 65 P.2d 156 (1937) (construing former I.C. s 17-114 which was identical to s 18-114).

This instruction is unnecessary when the crime charged requires a specific mental element and the jury is properly instructed regarding that mental element. *State v. Hoffman*, 137 Idaho 897, 55 P.3d 890 (Ct. App. 2002).

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 1207 AGGRAVATED BATTERY

DEFENDANT'S REQUESTED
INSTRUCTION NO. 6

In order for the defendant to be guilty of Aggravated Battery, the state must prove each of the following:

1. On or about December 25, 2016;
2. in the state of Idaho;
3. the defendant GEOFFREY CLAUDE COLEMAN committed a battery upon Richard Coleman;
4. by willfully and unlawfully using violence upon the person of Richard Coleman; and
5. when doing so the defendant used a deadly instrument.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

Comment

I.C. § 18-907. *State v. Clark*, 115 Idaho 1056, 772 P.2d 263 (Ct. App. 1989). The committee recommends that the phrase "great bodily injury" not be defined. "The irresistible impulse to define words of ordinary English is unfortunately pervasive. It should be curbed." *People v. Kimbrel*, 174 Cal.Rptr. 816, 819 (Ct. App. Cal. 1981).

Use of a deadly weapon to intimidate the victim to endure physical contact which she otherwise would have resisted or attempted to evade fits the definition of "use of a deadly weapon". *State v. Cates*, 117 Idaho 90, 785 P.2d 654 (Ct. App. 1989).

The charging document apprises the defendant in general terms of the manner in which he is alleged to have committed the crime charged. If there is evidence of other uncharged conduct by the defendant which could also fit within the statutory definition of the crime charged and if the jury is merely instructed regarding the statutory definition of the crime, the defendant may be denied due process by being convicted for a crime different from that charged. *State v. Sherrod*, 131 Idaho 56, 951 P.2d 1283 (Ct. App. 1998). Therefore, in that circumstance the jury instruction should include, in general terms, the description of the conduct alleged in the charging document to constitute the crime charged.

For a definition of "battery", see ICJI 1203.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 1203 BATTERY DEFINED

DEFENDANT'S REQUESTED
INSTRUCTION NO. 7

A "battery" is committed when a person willfully and unlawfully uses violence upon the person of another.

Comment

I.C. § 18-903. This instruction should be used when the commission of a battery is an element of another crime, e.g., IC § 18-911. The definition should be tailored to fit the allegations in the charging document. *State v. Brazil*, 136 Idaho 327, 33 P.3d 218 (Ct. App. 2001); *State v. Sherrod*, 131 Idaho 56, 951 P.2d 1283 (Ct. App. 1998).

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 340 WILFUL DEFINED

DEFENDANT'S REQUESTED
INSTRUCTION NO. 8

An act is "wilful" or done "wilfully" when done on purpose. One can act wilfully without intending to violate the law, to injure another, or to acquire any advantage.

Comment

IC § 18-101(1). The word "wilfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or injure another, or to acquire any advantage.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 1206 DEADLY WEAPON DEFINED

DEFENDANT'S REQUESTED
INSTRUCTION NO. 9

A "deadly instrument" is one likely to produce death or great bodily injury. It also includes any other object that is capable of being used in a deadly or dangerous manner if the person intends to use it as a weapon.

Comment

State v. Missenberger, 86 Idaho 321, 386 P.2d 559 (1963); *State v. Lenz*, 103 Idaho 632, 651 P.2d 566 (Ct. App. 1982). I.C. § 18-905(d).

The committee recommends that the phrase "great bodily injury" not be defined. "The irresistible impulse to define words of ordinary English is unfortunately pervasive. It should be curbed." *People v. Kimbrel*, 174 Cal.Rptr. 816, 819 (Ct. App. 1981).

See also *State v. Townsend*, 124 Idaho 881, 865 P.2d 972 (1993), holding that a bare hand is not a deadly weapon under the aggravated assault and aggravated battery statutes, I.C. §§ 18-907 & 18-905; and *State v. Huston*, 121 Idaho 738, 828 P.2d 301 (1992), holding that a boot worn by the defendant can be a weapon under I.C. § 18-905.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

DEFENDANT'S REQUESTED
INSTRUCTION NO. 13

In order for the defendant to be guilty of Exhibition of a Deadly Weapon, the state must prove each of the following:

1. On or about December 25, 2016;
2. in the state of Idaho;
3. the defendant GEOFFREY CLAUDE COLEMAN;
4. in the presence of two or more persons;
5. exhibited a deadly weapon;
6. in a rude, angry and threatening manner;
7. and not in necessary self-defense.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Comment

Idaho Code §18-3303.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 542A GRAND THEFT

DEFENDANT'S REQUESTED
INSTRUCTION NO. 11

In order for the defendant to be guilty of Grand Theft, the state must prove each of the following:

1. On or about December 25, 2016;
2. in the state of Idaho;
3. the defendant GEOFFREY CLAUDE COLEMAN wrongfully took property described as: a Kimber pistol;
4. from an owner;
5. with the intent to deprive an owner of the property; and
6. the property was any firearm, rifle, or shotgun.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Comment

I.C. § 18-2407.

If, pursuant to I.C. § 18-2407(1)(b)(8), several thefts are charged in one count as being part of a common scheme or plan with the aggregate value of the property stolen exceeding \$1,000, use ICJI 554.

Using ICJI 540 and ICJI 542 is intended to eliminate the need of instructing that Petit Theft is an included offense of Grand Theft.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 562 INTENT TO APPROPRIATE OR DEPRIVE DEFINED

DEFENDANT'S REQUESTED
INSTRUCTION NO. 12

The phrase "intent to deprive" means:

a. The intent to withhold property or cause it to be withheld from an owner permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to such owner; or

b. The intent to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.

Comment

I.C. § 18-2402(1) & (3).

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 1302 MALICIOUS INJURY TO PROPERTY

DEFENDANT'S REQUESTED
INSTRUCTION NO. 13

In order for the defendant to be guilty of Malicious Injury to Property, the state must prove each of the following:

- 1. On or about December 25, 2016;
- 2. in the state of Idaho;
- 3. the defendant GEOFFREY CLAUDE COLEMAN maliciously;
- 4. injured certain personal property, to-wit: a pantry door;
- 5. which was not the defendant's own.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

The word "maliciously" means the desire to annoy or injure another or the intent to do a wrongful act.

Comment

I.C. §§ 18-7001 & 18-101(4).

In using the term "maliciously" in I.C. § 18-7001, the legislature did not intent to proscribe and punish merely negligent conduct. *State v. Nunes*, 131 Idaho 408, 958 P.2d 34 (Ct. App. 1988). The definition of "malice" in I.C. § 18-101(4) leaves no room for an interpretation of the term to include negligence. *State v. Nastoff*, 124 Idaho 667, 862 P.2d 1089 (Ct. App. 1993).

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 204 CONCLUDING REMARKS (HOW TO DELIBERATE)

DEFENDANT'S REQUESTED
INSTRUCTION NO. 14

I have outlined for you the rules of law applicable to this case and have told you of some of the matters which you may consider in weighing the evidence to determine the facts. In a few minutes counsel will present their closing remarks to you, and then you will retire to the jury room for your deliberations.

The arguments and statements of the attorneys are not evidence. If you remember the facts differently from the way the attorneys have stated them, you should base your decision on what you remember.

The attitude and conduct of jurors at the beginning of your deliberations are important. It is rarely productive at the outset for you to make an emphatic expression of your opinion on the case or to state how you intend to vote. When you do that at the beginning, your sense of pride may be aroused, and you may hesitate to change your position even if shown that it is wrong. Remember that you are not partisans or advocates, but are judges. For you, as for me, there can be no triumph except in the ascertainment and declaration of the truth.

As jurors you have a duty to consult with one another and to deliberate before making your individual decisions. You may fully and fairly discuss among yourselves all of the evidence you have seen and heard in this courtroom about this case, together with the law that relates to this case as contained in these instructions.

During your deliberations, you each have a right to re-examine your own views and change your opinion. You should only do so if you are convinced by fair and honest discussion that your original opinion was incorrect based upon the evidence the jury saw and heard during the trial and the law as given you in these instructions.

Consult with one another. Consider each other's views, and deliberate with the objective of reaching an agreement, if you can do so without disturbing your individual judgment. Each of you must decide this case for yourself; but you should do so only after a discussion and consideration of the case with your fellow jurors.

However, none of you should surrender your honest opinion as to the weight or effect of evidence or as to the innocence or guilt of the defendant because the majority of the jury feels otherwise or for the purpose of returning a unanimous verdict.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

ICJI 222 VERDICT FORM -- MULTIPLE COUNTS AND SPECIAL CIRCUMSTANCE

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO,)	
)	
Plaintiff,)	
	)	CASE NUMBER CR-2016-1199
V.)	
	)	VERDICT
GEOFFREY CLAUDE COLEMAN,)	
)	
Defendant.)	

We, the Jury, unanimously find the defendant GEOFFREY CLAUDE COLEMAN,

COUNT I

(MARK ONLY ONE OF THE FOLLOWING COUNT I VERDICTS)

- NOT GUILTY of Aggravated Battery.
- GUILTY of Aggravated Battery.

COUNT II

(MARK ONLY ONE OF THE FOLLOWING COUNT II VERDICTS)

- NOT GUILTY of Exhibition of a Deadly Weapon.
- GUILTY of Exhibition of a Deadly Weapon.

COUNT III

(MARK ONLY ONE OF THE FOLLOWING COUNT III VERDICTS)

- NOT GUILTY of Grand Theft.
- GUILTY of Grand Theft.

COUNT IV

(MARK ONLY ONE OF THE FOLLOWING COUNT IV VERDICTS)

_____ **NOT GUILTY** of Malicious Injury to Property.

_____ **GUILTY** of Malicious Injury to Property.

Dated this _____ day of March, 2017.

Presiding Officer

Comment

Use this verdict form with ICJI 221. This verdict form can and should be modified to reflect all included offenses, counts and special circumstances. This verdict form should not be used to determine special circumstances which require a bifurcated trial, e.g., felony DUI. See ICJI 1008 and ICJI 1009.

GIVEN _____

REFUSED _____

MODIFIED _____

COVERED _____

JUDGE

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

COURT MINUTES

JUDGE: Barbara A. Buchanan CASE NO. CR-2016-0001199
 REPORTER: Kathy Plizga DATE: 3/14/2017 TIME: 9:05 am
 CLERK: Della A. Armstrong COURTROOM: 001

STATE OF IDAHO vs. GEOFFREY C COLEMAN

 Plaintiff Defendant
 Atty: John R. Douglas Atty: Jerri Lynn Brooks

SUBJECT OF PROCEEDINGS: DC-Jury Trial

LEGEND

Ct	Court (Judge)	St	State	Di	Direct Examination
Pf	Plaintiff	Pet	Petitioner	Redi	Redirect Examination
Dft	Defendant	Resp	Respondent	X	Cross Examination
PA	Plaintiff's Attorney	PA	Petitioner's Attorney	ReX	Recross Examination
DA	Defendant's Attorney	RA	Respondent's Attorney	Juv	Juvenile
3Plf	Third Party Plaintiff	3PA	Third Party Pif's Atty	JPO	Juvenile Probation
3Dft	Third Party Defendant	3DA	Third Party Dft's Atty	MPO	Misdemeanor Probation

INDEX SPEAKER PHASE OF CASE

		DAY ONE Tuesday March 14th, 2017
9:05	Ct	In session, calls case. Hull present for State. Brooks present. Defendant present. Douglas present for State. Ready to proceed?
	Counsel	Yes
	Ct	Panel to be sworn
	Clerk	Gives Oath to Jurors Before Voir Dire
	Ct	Introduces self, introduces court staff, explains each person's role, explains importance of jury duty, introduces counsel for the State, lead officer, defense counsel and defendant. Reads Information. Mr. Coleman has pled not guilty and requested a jury trial, as is his right. Explains presumption of innocence, State must prove beyond a reasonable doubt, reviews duty of jury in deciding the case. Admonishes jurors to not discuss or decide the case until has been submitted. Will begin questioning process
9:17	Ct	Begins Voir Dire
	#29	Has knowledge of this case, can be fair and impartial
	#31	Has knowledge of Defendant, cannot be fair and impartial
	Ct	Will excuse you for cause. Will call next juror.
	Bailiff	Calls next juror
	#2	No knowledge of this case or defendant
	#36	Has knowledge of Defendant, can be fair and impartial
	St	Richard Coleman will be testifying
	Ct	Continues with Voir Dire
	#13	Has already formed opinion, cannot be fair or impartial
	Ct	Will excuse for cause.

	Bailiff	Calls next juror #16
	Ct	He arrived late and did not see the video. Will call #42 instead
	#42	Has already formed opinion, cannot be fair and impartial
	Ct	Will excuse for cause.
	#46	Knows Defendant, cannot be fair and impartial
	Ct	Will excused. Calls next juror
	#47	No knowledge
	Ct	Continues with Voir Dire
	#8	Knows prosecutors, can be fair and impartial
	#10	Knows prosecutors, can be fair and impartial
	#47	Knows Mr. Douglas, can be fair and impartial
	#27	Knows Mr. Douglas, can be fair and impartial
	Ct	Continues with Voir Dire
	#20	Cannot be fair and impartial
	Ct	Will excuse for cause. Calls next juror.
	#48	Doesn't know anyone or anything, will be fair and impartial
	Ct	Continues with Voir Dire
	#38	Cannot be fair or impartial due to personal reasons
	Ct	Does either side object?
	St	Violence within the family, would be good to inquire about that issue and speak privately with the Court
	Ct	Can allow jurors to speak privately with the Court re family violence
	Counsel	No objection to excusing her
	Ct	Excuse for cause. Calls next juror
	#49	Doesn't know anyone or anything, can be fair and impartial
	Continu	Continues with Voir Dire
	#1	Have children at home, no child care, haven't ever done jury service
	Ct	Any objection to excusing?
	Counsel	No
	Ct	Will excuse. Calls next juror.
	#50	Doesn't know anyone or anything, will be fair and impartial
	Ct	Continues with Voir Dire
	#48	Childcare is an issue as well
	Ct	Will note that. Court has finished with Voir Dire. State will now begin.
9:45	St	Begins Voir Dire
10:03	St	Move to have #29 excused
	DA	No objection
	Ct	Will excuse for cause. Calls next juror
	#51	Friends with Defendant, work with him
	Ct	Will excuse for cause. Calls next juror
	#54	Knows Ms. Christensen, will be fair and impartial
10:06	St	Continues with Voir Dire
	St	Ask to excuse
	Ct	Will excuse for cause. Calls next juror
	#55	Knows prosecutors, can be fair and impartial
	St	Continues with Voir Dire
10:13	St	Pass for cause

10:14	Ct	Will take a five minute recess. Admonishes jurors.
10:21	Ct	Back in session, appears everyone is present. Ms. Brooks?
	DA	Begins Voir Dire
10:43	DA	Pass for cause
	Ct	Will now pick 13 jurors, 12 and one alternate. Need to take 15 minutes to select jury. Will give a 15 minute recess, admonishes jury panel. Instructs jurors that attorneys and witnesses cannot talk with jurors.
10:44	Ct	In recess
11:12	Ct	Back in session, all parties present. Will now announce completed jury: Ashley McIntosh (63), Janet Preston (127), Krista DuPont (138), Brenda Severson (94), Donald Dinning (28), Michael Munson (65), Clarice McKenney (16), Joel Majeski (112), Georja Nelson (49), Taylor Stockwell (32), Teresa Skeen (22), Randi Gedeon (118), Carol Graham (76)
	Clerk	Gives Oath to Completed Jury
	Ct	Thanks remainder of jurors for their service. Are excused. Continue to call in and follow instructions for reporting in. Explains procedures to completed jury and outlines plan for trial
11:18	Ct	Reads initial jury instructions
11:32	St	Gives opening statement
11:40	DA	Gives opening statement
11:46	Ct	Thanks counsel. Will take lunch recess. Return at 1:00 pm to begin to hear evidence. Admonishes jurors to not discuss case or form opinions
11:47	Ct	Recess
1:04	Ct	Back in session, all parties present. Jury is in the courtroom. Introduces the new clerk. State's first witness?
	St	Will call Richard Coleman
	Ct	Come forward and be sworn
1:06		RICHARD COLEMAN called and sworn
	St 1 Di	States name for the record. Testimony re marriage, number of children, names and residences. Testimony of Defendant's nickname "Cole." Testimony re own age and age of the Dft, testimony of current residences of each. Testimony of Cole's girlfriend Kim Christensen and her residence. Testimony of events of 12/25/16. Testimony of plans for Christmas dinner, food prepared, no one else in the home. Testimony of time Cole and Kim arrived, testimony of road and driveway, conditions that day. Testimony of knowledge of Kim and Cole's arrival at residence
	DA	Objection. Calls for speculation
1:11	Ct	He can answer if he knows
	Di cont'd	Testimony of not being home when Kim and Cole arrived, testimony of going to their house to retrieve ATV. Testimony re make, model and color of ATV. Testimony of use of ATV to plow own driveway. Called before left to get the ATV. Talked to Kim and told her I was coming. Reviews State's Exhibit 1, photo of ATV
	St	Move to admit State's Exhibit 1

	Voir Dire	Did not take photo. Was there when it was taken. It was not taken on the date of the incident
	DA	Object as to foundation
1:14	Ct	Lay some more foundation
	Di cont'd	Further testimony of Exhibit 1, photo taken last Thursday. Testimony of people present, condition of the ATV, true and correct representation of how ATV looked in December
	St	Move to admit
	DA	No objection
1:15	Ct	State's Exhibit 1 is admitted. Are you going to publish?
	St	Will wait until have a series of exhibits and publish all at one
	Di cont'd	Testimony of vehicle driven to Cole and Kim's, testimony of how haul ATV in truck, testimony of backing it in because of snowblade. Testimony of loaning ATV to Cole, testimony of amount of times Cole has used ATV, reasons was loaned to Cole. Testimony of giving instructions on use and shift. Review State's Exhibit 3, photo of shift control and lights, taken on Thursday, looks the same as in December
	St	Move to admit
	DA	No objection
1:17	Ct	State's Exhibit 3 is admitted.
	Di cont'd	Testimony re throttle on the ATV. Reviews State's Exhibit 2, photo of throttle control, right hand side of ATV, electronic shift is on the left. Photo taken Thursday. What looked like in December
	St	Move to admit
	DA	No objection
1:19	Ct	State's Exhibit 2 is admitted.
	Di cont'd	Continues with testimony of events of 12/22/16, testimony of loading up the ATV from their house then returning home. Testimony of arriving home to see Cole's Jimmy stuck in stuck in the snow at the end of driveway. Testimony of own vehicle Silverado with the ATV in the back. Testimony of finding them in the home, drinking, reviews discussion re eating and making selves at home. Testimony of going outside to unload ATV, reviews procedure for starting the ATV.
	St	Shows State's Exhibit 3 to the jury.
	Di cont'd	Reviews State's Exhibit 3, explains the buttons and how they are used to shift. The red button on the bottom is a kill switch. Yellow switch is lights. Testimony of procedure to get the ATV into reverse. Testimony of gear used for pushing snow. Reviews State's Exhibit 2, gives testimony of how to shift
	St	Move to publish State's Exhibits 1, 2 and 3
	Ct	Go ahead and pass to the jury.
	Di cont'd	Testimony of observing Cole operate the ATV previously. Testimony of starting plowing and then clearing snow from behind the Jimmy. Testimony of Cole and Kim arriving in Silverado. Cole got out, was driving, did not see Kim. He backed the truck up towards the Jimmy. Left them 10 - 15 feet apart. Testimony of knowledge of why Cole drove Silverado down to Jimmy and ATV

	DA	Objection. Yes or no question
1:29	Ct	The question was did you know. You have to answer yes or no
	Di cont'd	Testimony of belief Cole was going to use Silverado to pull Jimmy out
	Ct	One question at a time
	DA	Going to object to the surplus and ask to strike
1:29	Ct	Will ask the jury to disregard the second part of the answer. Don't always ask questions in a conversational way. Just answer and a follow up question will be asked. You said yes.
	Di cont'd	He did not say why he was backing the truck toward the Jimmy
	St	Did you have an understanding of why?
	DA	Objection. Calls for speculation
1:30	Ct	Sustained
	Di-cont'd	Testimony of owning Jimmy that Cole drove, testimony of being on ATV, getting out of the way of Silverado. Testimony of getting off ATV and turning off key. Testimony of Cole hooking a pull cable from the truck to the Jimmy, pulled it 10-15 feet to get it unstuck. Testimony of remaining standing by the ATV. Testimony of Cole saying they were leaving. Testimony re Cole removing cable from both vehicles and putting in the passenger side of the Jimmy. Testimony of asking Cole not to tear up the Jimmy, then being charged by Cole and shoved into the snow. Reviews State's Exhibit 4, photo of me taken 12/25/16
	St	Move to admit
	DA	No objection
1:34	Ct	State's Exhibit 4 is admitted
	Di cont'd	Testimony re Cole approaching, cursing and making accusations, pushed to the ground. Testimony of Cole's strength, pushed down multiple times, testimony of getting back up each time, pushed down at least three times, glasses knocked into the snow on the ground. Testimony of getting onto ATV and starting it, testimony of Cole's location and continued threatening and nasty language. Testimony of own state of mind and wanting Cole to calm down. Testimony of Cole jumping on the plow and tackling off the ATV. Further testimony re State's 1, plow was off the ground. Testimony re being tackled. He hit with his arms, shoulders and chest on my arms, shoulders and chest. Went off the right hand side, throttle. Testimony of location of ATV to the driveway. Testimony of falling onto the ground, ATV still running, left in neutral. Testimony of Cole getting on the ATV while on the ground looking for glasses. Cole backed the ATV up 6 to 10 feet, then put it in drive. Testimony of own position, legs were facing ATV, head furthest away from ATV. Testimony re Cole's facial expression when tackled. Testimony of how to shift from reverse into first, testimony of yelling at him to stop. Testimony of blade being raised, went over head, front wheels were on knees and thighs. Testimony of trying to protect with hands, still screaming at him to stop. Testimony of ATV stopping when blade hit a tree
	Di cont'd	Testimony of State's Exhibit 8. Photo of left hand. Injury received from ATV, taken by Deputy Elam on 12/25/16. Reviews State's Exhibit 9, photo of same hand a couple days later, took photo

	St	Move to admit State's Exhibits 8 and 9
	DA	No objection.
1:50	Ct	State's Exhibits 8 and 9 are admitted
	St	Move to publish?
	Ct	You may.
	St	Would also like to publish State's Exhibit 4
	Ct	Okay. Previously admitted.
	Di cont'd	Testimony of clothing worn at time of incident
	St	Exhibits admitted are State's 1-4 and State's 8 and 9?
	Ct	Yes
	Di cont'd	Testimony of receiving hand injury from incident with Cole, do not know what part of ATV caused injury. Describes ongoing issues from injuries received that day.
	DA	Objection. No question
1:54	Ct	Admonishes witness to wait for the next question
	Di cont'd	Testimony re bruises on legs and ongoing pain. Reviews State's Exhibit 10, photo of left leg and knee, took photo the next day. Knee did not look this way prior to incident with ATV. Reviews state's Exhibit 11, photo of lower leg and shin bruising, taken that same day as Exhibit 10. Reviews Exhibit 12, photo of bruising on right leg, taken at same time.
	St	Move to admit State's Exhibit 10, 11 and 12
	DA	No objection
1:56	Ct	Exhibits 10, 11 and 12 are admitted.
	Di cont'd	Further testimony re photos, which leg is in each photo and the injuries
	St	Move to publish
1:57	Ct	You may publish.
	Di cont'd	Testimony of position of tree behind head. Testimony of begging Cole to move ATV. Testimony of Kim arriving and telling him to move ATV. Cole didn't say anything, Kim helped me up and asked if I was okay.
	DA	Objection. Speculation
2:02	Ct	Strike what she thought.
	Di cont'd	Testimony of Kim leaving on foot, testimony of distance to highway. Testimony of Cole getting into the Jimmy and driving away in opposite direction of Kim to dead end. Testimony of Cole not saying anything or offering aid. Testimony of removing keys from the ATV and driving Silverado to the neighbor's house
	DA	Objection to anything he says. Hearsay
	Di cont'd	Testimony of calling law enforcement, Deputy Elam arrived in about 15 minutes. Testimony of returning to house with officer, left ATV in road, could get around it. Testimony of giving statement to Elam, testimony of Elam leaving. Testimony of going to retrieve ATV, saw Deputy Elam with another officer and the Jimmy, stuck in neighbor's drive. Testimony of returning to home to bring in firewood, testimony of Cole coming into home wearing own snow camo and holding pistol. Reviews State's Exhibit 7, photo of dresser in upstairs bedroom where keeps pistol
	St	Move to admit
	DA	No objection

2:10	Ct	Exhibit 7 is admitted.
	Di cont'd	Testimony re layout of the house and where the dresser is located in the bedroom. The pistol was on the dresser in a holster.
	St	Move to publish
	Ct	Go ahead.
	Di cont'd	Testimony of Cole having pistol in his hand, did not give permission for him to have the pistol. Testimony of rage and actions, testimony of asking for pistol and Cole refusing to give it back. Testimony of discussion of dog.
	DA	Beyond the scope and non-responsive
	St	Will ask additional questions.
2:13	Ct	Alright. Go ahead
	Di Cont'd	
	DA	At what point are walking talking about now?
	Di cont'd	Testimony of no recollection of initial statements, questions Cole asked about dog and getting Jimmy unstuck. Testimony of complying with request because he had a gun. Testimony of Cole hitting pantry door Reviews State's Exhibit 5 and 6, photos of door and calendar on door, show damage caused by Cole, photo taken last Thursday, accurate reflection of damage caused on 12/25/16
	St	Move to admit
	DA	Object based on foundation
2:17	Ct	Think sufficient foundation has been laid. Taken last Thursday?
	Ct/Di	Taken last Thursday. In the same condition as in December.
2:18	Ct	Will admit both 5 and 6.
	Di cont'd	Further testimony re 5 and 6
	St	Publish?
	Ct	Yes.
	Di cont'd	Testimony of leaving house to go pull the Jimmy out. Testimony of positions in vehicle, Cole continued to hold pistol. Testimony of asking again for pistol, Cole refused. Testimony of pulling the Jimmy out of the snow and following him to make sure he didn't get stuck again. Testimony of calling law enforcement again, testimony of phone call with Deputy Elam, warned that Cole had a pistol. Testimony re getting the pistol back that night from Deputy Elam. Reviews State's Exhibit 13, photo of pistol on seat of Jimmy with holster, knit cap and camo clothing that Cole had been wearing.
	Ct	Will take about 15 minutes. Admonishes jurors not to discuss or form opinion.
2:24	Ct	Off the record for a break.
2:38	Ct	Back on the record. Gave a copy of State versus Rothwell to both counsel. Re character evidence. DA wanted to submit character evidence and the State thought they may object.
2:39	Ct	Back off the record
2:40	Ct	Back on the record. Jury is back on the courtroom. State was just finishing up direct
	St	Do not have any further questions

	Ct	DA?
	X	Testimony re retrieving ATV from Cole's house, then returning home and Cole and Kim being inside. Testimony of greeting and discussion of passing them. Testimony of calling Kim to say was coming to get ATV. Testimony of being off grid, solar and generator, no landline, have cell service at home. Testimony re using cell phone to call 911 at the neighbors. Went to the neighbors because did not know what to do.
		Testimony re Exhibit 1, red button on the ATV to put the ATV in reverse. Testimony of taking photos and emailing to law enforcement, out of town in February. Testimony re why did not send the email before left in February. Door photos were taken by law enforcement when they came out in March. Don't remember if told law enforcement that door had a hole put in it. Put two statements in writing to the Sheriff's Office. Do not know if the damaged door is included. Reviews Defendant's Exhibits A and B, copies of written statements given to law enforcement.
	St	Objection to testimony re documents not in evidence
	DA	Move to admit
	St	No objection
2:51	Ct	Defendant's Exhibits A and B are admitted
	X cont'd	Testimony of not including damage to the door in written statement. Testimony re the blade being up when ran over, testimony of positions of the blade, how blade is controlled. Further testimony of position on the ground, position ATV was in. Do not specifically remember how hand was cut. Testimony re length between blade and wheels. Testimony of declining medical attention and driving vehicle home. Testimony re being in an argument with Cole at the end of the driveway, discussion of damage to Jimmy. Testimony of door Cole used to enter home after law enforcement left. Testimony of when Cole punched door, testimony of talking with Kim after incident, reviews topics of discussion.
	ReDirect	Testimony of testifying at preliminary hearing
3:00	DA	Objection, documents filed are outside the scope of his knowledge.
	St	Would ask that take judicial notice that the Information filed after preliminary hearing included malicious injury to property
	Ct	Was filed and did include malicious injury for that damage to the door.
	Redi Cont'd	
	DA	Objection, ask and answered
	St	Asked in cross
3:01	Ct	Overruled.
	Redi Cont'd	Testimony of why ATV stopped, hit a tree. Testimony of helping Kim
	Ct	Any further questions?
	DA	No.
	Ct	Witness may step down. Next witness?
3:03		ROBERT ELAM called and sworn
	St 2 Di	Testimony of employment with BCSO as patrol deputy, POST certified. Testimony re coming into contact with Robert Coleman and Geoffrey Coleman. Testimony of arresting Cole 12/25/16, time of day, location,

		Defendant was alone. Testimony of reading Miranda rights, Cole said he understood his rights and would talk with me. Testimony of admitting pistol in the front seat of his vehicle was his dad's. Reviews Exhibit 13, Photo of pistol in the Jimmy the Dft was driving. Seized the pistol, recorded the information off of it and gave it back to Robert Coleman
	St	Move to admit
	DA	No objection
3:07	Ct	State's Exhibit 13 is admitted.
	St	Publish?
	Ct	Yes
	Di cont'd	Identifies the Dft in the Courtroom.
	X	Testimony re getting called out more than once.
	St	Objection, beyond the scope. No objection if Defense wants to call as a witness
3:09	Ct	Is beyond the scope but can call him as your own witness
	DA	Have not subpoenaed him.
	Ct	Will order that he be present. More questions of him now or wait until call for the Defense?
	DA	Will wait
	Ct	May step down. Subject to recall.
	St	Clarifies admitted exhibits.
	Ct	Correct
	St	State rests.
	DA	Motion outside the presence of the jury.
	Ct	Excuses the Jury to hear motions
	DA	Moves for judgment of acquittal. Must be in the presence of two persons other than the defendant. Defendant and Richard Coleman were the only parties present.
	Ct	Want to take moment to review the code section. State?
	St	Statute makes sense that more than two people, gun being displayed in a rude and angry manner. Clear on its face. Two or more people. The Defendant and one other person. Originally charged as an aggravated assault. R. Coleman did fear for life but the gun was not pointed at him. Judge Julian correctly identified exhibition of a firearm in a rude or dangerous manner at prelim because two or more persons. Dft is included in that. No case law that excludes
	DA	Reviews findings at prelim, Statute not written that way to include the Dft. Tortured interpretation.
	Ct	Can see the argument the DA is making. If in front of two or more witnesses would agree. Lesser included of aggravated assault. Trying to make clear that if exhibiting a weapon rudely and are the only one there it does not constitute the crime. Denying the motion. Two or more includes the person with the weapon. Ready for first witness?
	DA	Yes.
	St	Another issue. Kim Crowder and Thomas Hankey. They said they do not know Richard Coleman and are witnesses for the Dft. Gives argument based on rules of evidence in support of objection. If goes to

		character evidence of the accused needs to have an accusation of a character trait. Have not made the accusation that he goes out and blows up on people. Would object to the testimony
	Ct	Seeking to introduce with regard to whom?
	DA	Character evidence about the accused and whether a violent person. Do not believe has to allege that he's violent to everybody. Refers to 404(a)1 and 405(a). Whether a violent person is pertinent.
	St	If this is the direction counsel is choosing to proceed then would intend to ask the witnesses whether they are aware that convicted of assault in 2009
	DA	That was dismissed
	St	Charged. Trespass in 2007.
	DA	Would object to the use of the information. Relying on the NCIC print out. Notoriously inaccurate. Conviction from another State. Not reliable enough to impeach with that. Further there was no disposition on the trespass. Does not address whether violent. Obtaining CDs is also not indicative of violence and also dismissed. Cannot impeach on a dismissed charge.
	Ct	State versus Rothwell instructive on issues and rule. Do find the Defense may call the witnesses as ask about the Dft character for violence. Character traits are relevant. May call and ask about reputation or opinion. Will need to lay foundation re how long and how well know the Dft. 405A does allow the State to inquire on cross. But need prior convictions.
	St	Conviction in Alabama
	Ct	Relevant
	DA	Reliability issue. Not certified copy of a conviction. NCIC print out. If he says he hasn't had that conviction then can't be entered. Hearsay
	St	Because has not complied with discovery the names were provided late. Discovery responsibility. Knew the names a while. Did not disclose. Had to determine why there were being called
	DA	Object to premise. The State does not know when found out about witnesses. Did not know why from the beginning. Disclosed weeks ago. Did not ask why calling. Listed in writing at least 3 weeks ago. Had ample opportunity to ask why I was calling them
	Ct	Sticking by ruling. Allowing testimony. Allowed to use the NCIC re the assault conviction. Not allowing the fraud or trespass. Consistent with 405A and case law.
3:34	Ct	Short break.
3:44	Ct	Back on the record. Jury is back. State has rested. DA first witness?
3:44		KIM CHRISTENSEN called and sworn
	DA 1 Di	Testimony of knowledge of Defendant and length of relationship. Testimony of events of 12/25/16. Testimony of not talking with Richard that morning, testimony of going to Richard's house, testimony of cell phone and knowledge of service. Testimony of arriving at Richard's home, vehicle driven there, reasons why vehicle was parked in snow bank.

	St	Objection. Relevance.
3:48	Ct	Overruled.
	Di Cont'd	Concerned Richard would be mad about damage
	St	Objection. Calls for speculation. Move to strike
	DA	It's her concern
3:48	Ct	Cannot tell what somebody else might do but she can state her concerns. Will let the answer stand.
	Di cont'd	Concerned he would be mad. Testimony of vehicle getting stuck
	St	Objection. Leading
3:49	Ct	Will caution about leading but can answer
	Di cont'd	Testimony of walking up the driveway, testimony of actions taken once arrived in the house. Testimony of when Richard arrived.
	Ct	Caution not to interrupt
	St	Would help if the DA didn't stop the testimony without an objection
	DA	Trying to prevent a narrative
	St	If narrative will object
	Di cont'd	Testimony of Cole and Richard going upstairs, time stayed, time returned downstairs, testimony of no observations of any items or interaction about pistol. Testimony of Richard going out to plow. Testimony of observations of Richard's mood.
	St	Narrative speculation
3:53	Ct	Overrule. Will set stand
	Di cont'd	Testimony of reasons decided to leave, drove Richard's truck down the driveway. Testimony of Richard continuing to plow and Cole asking his dad for help.
	St	Objection. Foundation
3:56	Ct	Sustained. Can only testify to what heard
	Di cont'd	Testimony of getting out of truck and into the Jimmy, did not hear Cole and Richard's conversation. Testimony re locations of all the vehicles in relation to each other. Draws diagram of vehicle location. Testimony of own location and Cole and Richard's locations. Testimony of observations of argument.
	St	Objection. Leading
4:03	Ct	Sustained and strike the testimony
	Di cont'd	Further testimony of observing argument and actions of Cole and Richard. Further testimony of vehicle locations and diagram. Testimony of observing Cole get on ATV, testimony of belief he was going to use ATV to get Jimmy unstuck
	St	Speculation
4:04	Ct	Cannot speculate what he was thinking. Will strike that statement
	Di cont'd	Testimony of seeing Cole look back and the ATV move forward
	St	Objection.
	Di cont'd	Testimony of seeing the ATV jerk forward and over Richard. Testimony of going to Richard. Testimony of not observing ATV back up before it went forward, testimony of blade being up, Richard on the ground on his back, blood on his hand. Testimony of Cole's statements, ATV was off of Richard by the time I got out of the Jimmy.

	St	Objection. Speculation. She can say what she saw him do or say
4:07	Ct	You can ask that question of what she saw.
	Di cont'd	He was upset because he just ran his dad over
	St	Objection as to reason was upset. Move to strike
4:08	Ct	Will have to strike that statement. Can only testify as to what you saw and heard, not how another person is feeling or thinking
	Di cont'd	Testimony of Cole being upset, Richard appearing to be fine. Testimony of walking away after determining Richard was alright.
	St	Objection. Relevance
	DA	Testified to by State's witness
4:09	Ct	Overruled.
	Di cont'd	Testimony of reasons left, belief Cole would pick me up later
	St	Objection. Relevance
	Di cont'd	Testimony of not being afraid of Cole
4:10	Ct	Overruled.
	Di cont'd	Testimony re seeing the pistol in the truck on the seat
	St	Objection. Relevance
	DA	For impeachment
	St	No testimony about whether he had loaned guns or not to his son before
4:11	Ct	Sustained. No talk about anything other than the one gun.
	DA	Can we approach the bench?
	Ct	Yes
		<i>Sidebar at the Bench</i>
4:13	Ct	Stand by ruling of sustained.
	Di Cont'd	
	St	Objection. 404(a)(1) 405(a) and 608.
4:14	Ct	Discussed outside the presence of the Jury. Allowing the testimony
	Di-cont'd	Testimony of opinion Cole is not a violent person
	St	Move to strike the "he is not part" without more foundation
	DA	Have to ask her opinion before can lay foundation
	St	Understand that. She gave answer prior to getting to that point
4:15	Ct	Ask the Jury to disregard the opinion and accept the answer that she has an opinion
	Di-cont'd	Testimony of time spent with Cole and observations
	St	Objection. Specific instance
	DA	Not specific if ever violent to her. Part of foundations
4:16	Ct	Sustaining the objection. Beyond the rule
	Di Cont'd	
	St	Objection. Specific conduct.
	DA	Take up outside the presence of the jury.
	Ct	Going to excuse the Jury. Will resume at 9:00 am tomorrow. Admonishes jury not to discuss case or form opinions.
		Jury has left the courtroom. Need to talk more about character evidence
	St	Court has made the ruling allowing. The problem is the way it's coming in. Refers to Rules re character evidence. Comments re Rothwell case and the Rules referred to in that case.

	DA	Do not agree that specific incident of conduct, would be particular incident on particular occasion. Have to lay foundation for opinion so have to give facts opinion is based on and have to have the foundation the opinion is based on. Not seeing any violence is laying that foundation.
	St	Allowing foundation to be specific instances of conduct. Have to give to have foundation for the opinion. Asked about classifications of specific instances. Gives examples of specific instances
	Ct	By including the subset of have you ever seen any instance you are asking about instances. Broader than the rule allows. All you can ask is the reputation. Cannot ask about a specific instance of violence to them or someone else. Going beyond what is allowed.
	DA	Think we disagree on what specific instance of conduct is.
	Ct	That is the Court's ruling. Will look at some more cases.
4:24	Ct	Adj.
		DAY TWO Wednesday March 15th, 2017
9:01	Ct	Back in session, counsel present, Defendant present. Outside the presence of the jury. Court represented that it would do additional research regarding testimony of the character of the accused. Ms. Brooks?
	DA	Reviews research that has been done. Unable to find definition
	Ct	Specific instances of conduct, will change my mind after thinking it through. The witness is trying to give an opinion through knowing defendant about his character for violence. For the opinion to have any basis, specific questions can be answered, cannot refer to bad acts. Will allow general statements. I know the State objects
	St	By saying "he hasn't hit me" she is using specific instances to prove an opinion. She could say that she has never seen be violent, rule prohibits specific instances.
	Ct	Understand but to have an opinion there has to be a basis. Will allow that limited inquiry. It does open it up to impeachment.
	DA	Procedurally would like to start from the beginning again without the objection of asked and answered
	Ct	I agree. Bring in the jury. Then will bring in the witness and swear her in again.
9:06		Jury has returned. Will have Ms. Christensen be sworn
		KIM CHRISTENSEN called and sworn
9:08	DA 1 Di	Testimony of having opinion regarding Geoffrey "Cole" Coleman.
	St	Asked and answered
	Ct	Not sure, will let her answer
	Di Cont'd	He's not violent, not pressured to testify, will not lie for him
	St	Objection, self-serving, doesn't talk about a fact of the case
	Ct	Sustained
	Di Cont'd	Testimony of phone calls with Richard Coleman
	DA	Nothing further
9:10	X	Testimony of not wanting to talk with the State

	DA	Asked and answered
	Ct	Overruled, is more specific
	X Cont'd	Testimony of not knowing how the legal system works or who should talk to. Testimony of statements to Robert Elam, don't remember discussing specifics, testimony of being upset and recollection of statements to police. Testimony of never seeing defendant be violent, testimony of having seen him argue angrily, testimony of definition of violence, testimony of knowledge of prior conviction for assault
	DA	Objection, not an accurate statement
	X Cont'd	Testimony of no knowledge of prior convictions for assault
9:13	Redi	
	St	Objection, beyond the scope
	Ct	Opened the door regarding who she talked to
	Redi Cont'd	Testimony of interview with Deputy Shuman, believe it was recorded, 15 minute interview, told him everything could remember
9:14	ReX	
	DA	Beyond the scope
	St	She asked if she told Shuman everything
	Ct	Will allow the question
	ReX Cont'd	Testimony of observations
	DA	Objection, whether she told the Deputy a certain thing, not whether the door was open or shut
	St	Will rephrase
	ReX Cont'd	Don't remember what I told the deputy, doors were shut
	DA	Objection
	Ct	Will let it stand
	ReX Cont'd	Testimony of observations and what was relayed to Deputy
	DA	What she told the deputy, not she knows
	Ct	Okay
	ReX Cont'd	Testimony of sitting in Jimmy with windows up, observations of Cole and Richard arguing, testimony of overhearing Cole tell Richard how the Jimmy got damaged. Testimony of Richard pulling Cole out.
	DA	Objection
	ReX Cont'd	Wasn't there when Jimmy got unstuck.
	DA	Need a ruling on my objection
	Ct	Sustain objection, if she wasn't there, she doesn't know. Ask that be stricken.
	ReX Cont'd	Testimony of knowledge of truck still being stuck when started walking down the road, testimony of Richard saying he pulled Cole out during a phone call, believed he was referring to the driveway. Testimony of staying at Richard's Christmas night. Knowledge of current location of the Jimmy. Testimony of recollection of context when he stated "lie for the greater good"
	St	Nothing further
	Ct	Anything further?
9:21	ReDi	Testimony of staying the night at Richard's
	St	Objection, relevance

	DA	Implication since she stayed the night
	Ct	She can answer
	Re Di	Testimony of whether staying the night indicated relationship
	St	Objection.
	DA	Need to explore it. He brought it up.
	Ct	You can answer the question.
	Re Di	Further testimony of staying the night
	St	Objection, speculation
	Ct	Am going to sustain the objection. Mr. Hull was just asking what had happened that night. Getting into things that are not going to be relevant. Did not take it as a romantic implication.
	DA	Nothing further
	Ct	Witness excused
	DA	Move for admission of poster as Defendant's Exhibit C
	Ct	For illustrative purposes?
	St	No objection
	Ct	Defense Exhibit C is admitted as illustrative 9:26 am
9:25	Ct	Have a question from juror
	R. Geadon	Needed to know if that last portion was to be stricken
	Ct	Just stopped that line of questioning
		KELLY FLESHER CROWDER called and sworn
9:27	DA 2 Di	Testimony of knowledge of Defendant, length of knowledge and relationship, testimony of work defendant has done around the house, further testimony of length of knowledge of Defendant, observations
	St	Objection, continuing objection to specific instances
	Ct	Okay.
	Di Cont'd	Testimony of observations of Defendant, believe him to be a loving and kind person
	St	Object to the nature of the answer. Issue is aggressiveness
	Ct	Ask that you ask another question
	Di Cont'd	He is not violent
9:30	X	Did not do a records check prior to employment, no knowledge of assault conviction, don't know the circumstances, may be self defense
	DA	Asked and answered
	Ct	Will sustain objection, getting argumentative
	Counsel	Nothing further
	Ct	Excused.
		THOMAS HANKEY called and sworn
9:31	DA 3 Di	Testimony of knowledge of Defendant, length of relationship, nature of relationship, testimony of time worked together, amount of time worked together. Have formed opinion, is not violent
9:35	X	Testimony of social time spent together, testimony of no knowledge of prior conviction for assault. Agree assault is a violent act
	Ct	Witness excused. Further witnesses?
	DA	Need to approach the bench
	Ct	Will take a recess then hear from Officer Elam. Admonishes jurors.
		Outside the presence of the jury. Advises Defendant of right to not

		testify, advises of consequences if choose to testify, if choose not to testify will instruct the jury.
	Def	Will testify.
	Ct/Def	Understand subject to cross examination.
	Ct	Do you want to call him now or wait for officer?
	DA	Okay to take out of order.
9:41	Ct	Will bring the jury back in. Off the record.
9:54	Ct	Back on the record, outside the presence of the jury. Have received a question from the jury, despite being admonished. Believe issue will be addressed when he testifies.
	DA	One thing to acknowledge a prior conviction, not proper to inquire about conviction. Assault is different things in different states, don't know the laws of Alabama.
	Ct	Has put character at issue by presenting three witnesses. Does allow the State to ask about specific instances
	DA	Can do so at their peril.
	Ct	Letting you know the jury has submitted this question. Counsel, do you have any thoughts on how this should be addressed?
	DA	They aren't supposed to be discussing
	St	Yes
	Bailiff	One person gave it to me
	Ct	The note says "several of us." Bring the jury back in
9:58	Ct	Jury has returned. Received a note from the jury. Need to remind you that you are not to be discussing the case or forming an opinion at this time. You can ask questions once you are deliberating.
		ROBERT ELAM called and sworn
9:59	DA 4 Di	Testimony of being investigating officer on 12/25/16 for this incident. Testimony of being dispatched shortly before noon, reviews notes to refresh memory, 12 minutes to reach Richard Coleman's residence. Testimony of interviewing Richard Coleman multiple times that day, testimony of second contact regarding son returning to property and a third time to return firearm.
	St	Objection, speculation as to whether it was adequate time for Richard Coleman
	Ct	Ask you to rephrase the question.
	Di Cont'd	Testimony of second time responded, additional calls in Moyie, testimony of taking time the first time responded, testimony of obtaining written statements from Richard Coleman, one each time. Don't recall damage to pantry door. Testimony of belief would have added to report.
	St	Stipulate that it is not mentioned in the report
	DA	Nothing further
10:03	X	Testimony of briefness of written statements. Testimony of believing Richard Coleman was hysterical, testimony of injuries.
	DA	Objection, assuming facts not in evidence
	Ct	Sustained
	X Cont'd	Testimony of totality of circumstances, door would have been minor considering totality of events

	DA	Objection, expert opinion. No foundation
	Ct	Ask another question
	X Cont'd	Testimony of time spent with people going through rough times
	DA	Objection, he can't be in the minds of other people to know
	Ct	Sustained
	X Cont'd	Testimony of experience that witnesses remember more later
	Counsel	Nothing further
	Ct	Witness can sit with counsel. Ms. Brooks?
		GEOFFREY COLEMAN called and sworn
10:06	DA 5 Di	Testimony of 12/25/2016 going to father's house with Kim Christensen, testimony of arriving and no one being home, testimony of father arriving, testimony of father's mood. Testimony of argument with father regarding getting vehicle unstuck.
	St	Objection, foundation. Need context
	DA	They heard it yesterday
	St	This witness is testifying
	Ct	Need some context, there have been different locations named
	Di Cont'd	Testimony of being at bottom of driveway where vehicles were. Testimony of father plowing while struggled with vehicles. Testimony of father being upset we were leaving, testimony of fighting about temper and control issues. Testimony of never pushing father off ATV, got on ATV after father got off ATV to plow the snow and get out of there.
	DA	Ask Defendant's exhibit C be placed back on the board
	Di Cont'd	Testimony of position of vehicles, uses green marker on Def Exhibit C to show positions of vehicle, ATV, Silverado and Jimmy. Testimony of getting on the ATV and attempting to back up. Testimony of steps to get ATV into reverse, if don't do all steps it won't move. Testimony of going forward instead, testimony of letting go of controls to stop ATV, distance traveled before it stopped. Testimony of experience with this ATV. Don't know how this mistake happened. Testimony of feelings after running over father, testimony of apologizing and immediately backing up. Did not intentionally run him over. Testimony of not backing up before going forward, father's statement yesterday was not accurate. Testimony of receiving permission to borrow handgun.
	St	Objection, asked and answered. He said he borrowed it.
	Ct	Will overrule
	Di Cont'd	Testimony of no intent to keep gun. Testimony of other guns and target practice prior to Christmas. Testimony of leaving property Christmas day and then returning. Testimony of having gun when returned. Testimony of never threatening father
	St	Objection, leading
	Ct	Sustained
	Di Cont'd	Testimony of holding gun to head and asking for help getting truck out
	St	Objection, he didn't finish answering question
10:24	Di Cont'd	Testimony of being frustrated with situation, trying to get him to help. Testimony of not doing damage to pantry door. Testimony of assault conviction Alabama in 2010.

10:25	X	Testimony of punching someone in Alabama in 2010, considered an act of violence. Testimony of returning all borrowed guns to father, testimony of holding gun to head while stuck at bottom of driveway, testimony of getting stuck a second time. Uses green marker on Defendant's Exhibit C to show second time got stuck, driver's side door previously damaged, describes how damage occurred. Testimony of location of father when hit father with ATV, no recollection of trees, testimony of ATV running, testimony of knowledge of ATV being in gear.
10:29	Ct	Witness may step down. Ms. Brooks?
	DA	Defense rests
	Ct	Rebuttal?
	St	Need a short break to discuss rebuttal testimony with witness.
10:31	Ct	Will take a short recess. Admonishes jurors.
10:43	Ct	Back in session, all parties present. Jury has returned. Mr. Hull?
	St	Calls Kim Christiansen
	Bailiff	She isn't in the hall
	St	Call Richard Coleman
		RICHARD COLEMAN called and sworn
	Rebut 1 Di	Testimony of loaning guns to son, 1911 .45 pistol, 300 Winchester mag Ruger, .22 rifle, testimony of son not returning guns
	DA	Objection, relevance, not subject to the charge
	St	Defendant testified he had no more guns, offered testimony is that Mr. Coleman had to go retrieve them after Christmas
	Ct	Will overrule
	Di Cont'd	Got them from Kim after Christmas
	DA	Objection, I don't know how this is rebuttal
	St	Testimony is that Mr. Coleman was standing up in front of the ATV, asking if he received injuries from the blade
	DA	Photos were admitted yesterday, not proper rebuttal
	Ct	Sustained. Was covered in testimony yesterday.
	DA	Ask the Court to ask the jury to strike
	St	Attorneys don't give testimony, the witnesses do.
	Ct	The question is not testimony, testimony comes from the witness.
	Di Cont'd	Testimony of length of time owned ATV
	DA	Objection, not proper rebuttal
	Ct	Overrule. He gave testimony about shifting the ATV
	Di Cont'd	Testimony of no issues with getting ATV into reverse
10:49	X	Testimony of the nature of the push button, have to put the brake on and push red button, have to push both at the same time.
	Ct	Witness excused
	St	Need a moment
	Ct	Will take a moment in place.
		KIM CHRISTESEN called, previously sworn
10:50	Rebut 2 Di	Testimony of having Richard Coleman's guns at home, Richard Coleman retrieved guns after Christmas, testimony of knowledge of two hand guns and .22

	Ct	Witness excused
	St	Need to recall Mr. Coleman.
10:52	Ct	Will take another moment in place. Off the record.
10:54	Ct	Back on the record.
		RICHARD COLEMAN recalled, previously sworn
	Rebut 1 Di Cont'd	Testimony of Cole not asking to borrow Kimber or shooting it off deck on Christmas day
	St	Finished with rebuttal
	Ct	Surrebuttal?
	DA	No
	Ct	Testimony is now complete. Need to work with attorneys on Jury Instructions. Admonishes jurors not to discuss case or form opinions
10:55	Ct	Off the record
11:15	Ct	On the record, outside the presence of the jury. Counsel has reviewed proposed final instructions. Any objections?
	St	No objections
	DA	Don't give 13
	Ct	13 will not be given as Defendant has testified.
	DA	Issue with 17 definition of battery. Was not pled in this Information.
	St	Facts support each one of those definitions. Used the ATV to create the aggravated battery. Has to be a battery first before it is aggravated battery
	DA	Reviews Information, unlawful touching could satisfy, violence is pled
	St	Definition of battery incorporates the facts of this case. Not limited to specific act of battery. ATV is a weapon, have to have the battery first
	Ct	Looking at instruction 15, not instructed on simple battery, have to find that he committed battery on Richard Coleman, then two more elements. Reviews possible concerns
	St	Will make it clear in closing that ATV is the issue
	DA	Is confusing to the jury to have 15 and 17. Lesser standard than using violence on someone. Inconsistent instructions
	St	It's the definition of battery
	DA	Chose to plead it the way they did, limited by their choice.
	St	No lesser included. From the evidence presented they will find the ATV was the weapon or they will find it is an accident. There is no middle ground, not lesser included.
	Ct	How would you ask that I instruct? Would have change 15 as well
	DA	Why?
	Ct	Third element
	DA	Change instruction on definition of battery, requested instruction 7, to track the language of the information.
	Ct	In abundance of caution will make changes to 17 to make sure jury is focusing on what is charged.
	DA	Have clean set if you need it.
	Ct	Will review to track your language.
	DA	18, elements for exhibition of a deadly weapon. Information does not saw drew or, it only says exhibited a deadly weapon

Ct	Any objection?
St	No
Ct	Will make that change. Will strike those two words.
DA	19 deadly weapon or instrument, Information charges deadly instrument
St	No objection to taking out firearm language. Is a definition out of the statute
DA	The State needs to choose that in their pleading.
St	Comments regarding preparation of documents
Ct	Asking the court to strike the last two paragraphs?
DA	That was Mr. Hull and don't object to that. Asking to strike "weapon or"
Ct	Will deny request. This is the statutory definition. Can take out last two paragraphs if you wish
St	It's not the firearm that caused the aggravated battery
DA	Misunderstood
Ct	Need to leave that in, it's the exhibition. Instruction would apply to both, aggravated battery references deadly instrument, exhibition of deadly weapon, applies to both, will leave as it.
DA	Withdraw objection. Instruction 20, elements of grand theft, not pled "or appropriate the property." Have surplusage .
St	There are two parts of the complaint, reads from rule, essential facts to establish what you are trying the defendant on, counsel is suggesting the elements not the facts.
DA	Disagree. This instruction puts too many words in. They need to agree.
Ct	Will grant so it tracks the information.
DA	Now need to address Instruction 23, intent to appropriate.
Ct	Will strike the portion in 23
St	Need to approach and get the code section of what we charged
Ct	Okay.
St	Court cannot do what it is doing. Complaint says essential facts. Charged 2403(1) which states "or to appropriate the same to himself," have charged the language, don't have to put the law and every definition. Same thing when you look at issue regarding aggravated battery, complaint says what general facts are and then you give the definition of the law
DA	That is not my argument, I object to that
St	Now saying that need to take it out and cherry pick at the defense's request. Clearly put the code section. Reviews Information, 903(a), limited to that, aggravated battery, stuck with what we have there. Grand theft included the appropriate.
Ct	Understand your argument, code says intent to deprive, haven't charged the alternative
St	Have cited code section, there are alternative ways to prove it
Ct	Disagreed, like with a battery
St	Difference is you have an (a), (b), (c) with battery. Inclusive in this code section
Ct	Will take a look at the code section. Sticking by ruling. You didn't include them. Additional objections?

	DA	No
	Ct	Will make those changes and print them out. Will give you a moment to review new case law and review final instructions.
11:37	Ct	Off the record.
11:54	Ct	Back on the record. Have finalized final jury instructions. In light of a new case, State v. Hall, I wanted counsel to state for the record if they have any objections to the final instructions
	St	19 and 22 that has removed the language and how to prove the case
	DA	No objections
11:55	Ct	Will go off the record
12:11	Ct	Back in session, all parties present. Jury is present. Will bring with final jury instructions. Turn in your books to Instruction 9.
	Ct	Finishes jury instructions.
12:29	St	Gives closing argument
12:58	DA	Gives closing argument
1:14	St	Gives rebuttal closing argument
	DA	Objection, goes beyond the scope of my argument
	Ct	Not limited to the scope of your argument
	St	Argued why it was an accident
	Ct	Ms. Brooks did make that argument
	St	Continues with rebuttal closing argument
	DA	Beyond the scope of my closing argument
	Ct	Overruled
1:17	St	Continues with rebuttal closing argument
1:21	DA	Mischaracterizes and disparaging closing arguments made by defense counsel
	Ct	Overrule objection
	St	Continues with rebuttal closing argument
1:28	Ct	Clerk to call alternate
	Clerk	Michael Munson
	Ct	Swear Bailiff
1:30	Clerk	Gives oath to bailiff
1:31	Ct	Excused to deliberate.
1:34	Ct	Back on the record. Alternate juror, do not discuss until verdict has been rendered.
	St	Ask to explain why
	Ct	Gives further explanation to alternate juror
	Juror	Will be ready.
1:35	Ct	Off the record.
2:30	Ct	Back on the record. Counsel and Defendant present. Have received a question from the jurors, have marked as Court's Exhibit 2, counsel has received copies. Assuming they are asking for a measurement and we can't give that information.
	DA	Believe they have to know that from their own life experience
	St	Agree
	Ct	Response will be The court cannot give you information?
	St	Comment on the evidence. Don't know which distance

	Ct	The court cannot provide any additional information.
	St	Yes
2:32	Ct	Off the record
4:03	Ct	Back in session, have been informed reached a verdict.
	J. Preston	Yes.
	Ct	Hand to the bailiff. The bailiff will bring it to the Court.
	Clerk	Reads verdict - guilty to Count II, Exhibit of a Deadly Weapon
	Ct	Is this your verdict?
	Jurors	Yes
	Ct	Poll the jury?
	St	No
	Da	No
	Ct	Gives final instruction. Jury is excused
4:06	Ct	Off the record
4:08	Ct	Back on the record. Counsel and defendant present. Have been found guilty of Count II, Exhibition of a deadly weapon, a misdemeanor Proceed to sentence? Intend to give credit for time served and release today.
	St	Fine with the state
	DA	Has been in jail for 80 days.
	Ct	Recommendations?
	St	Ask for \$300 fine, costs inclusive
	DA	Ask no further penalty be imposed
	Ct	Will impose 80 days jail, credit for 80 days, impose costs of \$157.50, must pay in full within 90 days. Will distribute judgments
4:10	Ct	Off the record

WITNESS LIST

JUDGE: Barbara Buchanan
COURTROOM: 001

CASE NO. CR-2016-1199
DATE: 3/14/17 – 3/15/17 **TIME:** 9:26 am

STATE OF IDAHO

vs. GEOFFREY COLEMAN

 Plaintiff / Petitioner

 Defendant / Respondent

Atty:

Atty:

SUBJECT OF PROCEEDINGS: Jury Trial

PLAINTIFF / PETITIONER		DEFENDANT / RESPONDENT	
NAME	PAGE	NAME	PAGE
1 – Richard Coleman	3	1 - Kim Christensen	10
2 – Robert Elam	8	2 - Kelly Flesher Crowder	15
		3 – Thomas Hankey	15
		4 – Robert Elam	16
		5 – Geoffrey Coleman	17
Rebuttal			
1 – Richard Coleman	18, 19		
2 – Kim Christensen	18		


Exhibit Summary

Case: CR-2016-0001199

State of Idaho vs. Geoffrey C Coleman

Sorted by Exhibit Number

Number	Description	Result	Storage Location Property Item Number	Destroy Notification Date	Destroy or Return Date
1	State's Exhibits 1 - 3: 3/14/17 JT - Photos of ATV	Admitted	Court file		
		Assigned to:	Douglas, John R.		
2	State's Exhibit 4: 3/14/17 JT - Photo of R. Coleman	Admitted	Court file		
		Assigned to:	Douglas, John R.		
3	State's Exhibits 5 and 6: 3/14/17 - Photo of damage to door	Admitted	Court file		
		Assigned to:	Douglas, John R.		
4	State's Exhibit 7: 3/14/17 JT - Photo of dresser	Admitted	Court file		
		Assigned to:	Douglas, John R.		
5	State's Exhibits 8 and 9: 3/14/17 JT - Photos of R. Coleman hand	Admitted	Court file		
		Assigned to:	Douglas, John R.		
6	State's Exhibits 10, 11, 12: 3/14/17 JT - Photos of R. Coleman legs	Admitted	Court file		
		Assigned to:	Douglas, John R.		
7	State's Exhibit 13: 3/14/17 JT - photo of gun on car seat	Admitted	Court file		
		Assigned to:	Douglas, John R.		
8	Defendant's Exhibts A and B: 3/14/17 JT - witness statements	Admitted	Court file		
		Assigned to:	Brooks, Jerri Lynn, 3623		
9	Defendant's Exhibit C: 3/14/17 JT - drawn diagram, illustrative purposes only	Admitted	Court file		
		Assigned to:	Brooks, Jerri Lynn, 3623		

STATE OF IDAHO
COUNTY OF BOUNDARY
FILED March 15, 2017 AT 2:32 PM
GLENDA POSTON, CLERK
BY 
DEPUTY CLERK

**First Judicial District Court, State of Idaho
In and For the County of Boundary
6452 Kootenai Street
Bonners Ferry, Idaho 83805**

STATE OF IDAHO)	
)	
Plaintiff,	)	Case No: CR-2016-0001199
vs.)	
	)	JURY INSTRUCTIONS GIVEN
Geoffrey C Coleman	)	1 through 30
)	
Defendant.	)	TRIAL OF March 14th and 15th, 2017
)	
)	
)	
)	


INSTRUCTION NO. 1

Now that you have been sworn as jurors to try this case, I want to go over with you what will be happening. I will describe how the trial will be conducted and what we will be doing. At the end of the trial, I will give you more detailed guidance on how you are to reach your decision.

Because the state has the burden of proof, it goes first. After the state's opening statement, the defense may make an opening statement, or may wait until the state has presented its case.

The state will offer evidence that it says will support the charge against the defendant. The defense may then present evidence, but is not required to do so. If the defense does present evidence, the state may then present rebuttal evidence. This is evidence offered to answer the defense's evidence.

After you have heard all the evidence, I will give you additional instructions on the law. After you have heard the instructions, the state and the defense will each be given time for closing arguments. In their closing arguments, they will summarize the evidence to help you understand how it relates to the law. Just as the opening statements are not evidence, neither are the closing arguments. After the closing arguments, you will leave the courtroom together to make your decision. During your deliberations, you will have with you my instructions concerning the law which applies to this case, the exhibits admitted into evidence, and any notes taken by you in court.



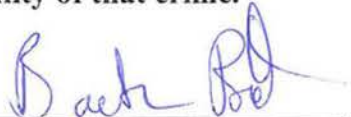
District Judge

INSTRUCTION NO. 2

Under our law and system of justice, the defendant is presumed to be innocent. The presumption of innocence means two things.

First, the state has the burden of proving the Defendant, GEOFFREY CLAUDE COLEMAN, guilty. The state has that burden throughout the trial. Mr. Coleman is never required to prove his innocence, nor does he ever have to produce any evidence at all.

Second, the state must prove that Mr. Coleman committed the alleged crime beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If, after considering all of the evidence, you have a reasonable doubt about whether Mr. Coleman committed the crime charged, you must find him not guilty of that crime.



District Judge

INSTRUCTION NO. 3

Your duties are to determine the facts, to apply the law set forth in my instructions to those facts, and in this way to decide the case. In so doing, you must follow my instructions regardless of your own opinion of what the law is or should be, or what either side may state the law to be. You must consider them as a whole, not picking out one and disregarding others. The order in which the instructions are given has no significance as to their relative importance. The law requires that your decision be made solely upon the evidence before you. Neither sympathy nor prejudice should influence you in your deliberations. Faithful performance by you of these duties is vital to the administration of justice.

In determining the facts, you may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts. The production of evidence in court is governed by rules of law. At times during the trial, an objection may be made to a question asked a witness, or to a witness' answer, or to an exhibit. This simply means that I am being asked to decide a particular rule of law. Arguments on the admissibility of evidence are designed to aid the Court and are not to be considered by you nor affect your deliberations. If I sustain an objection to a question or to an exhibit, the witness may not answer the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. Similarly, if I tell you not to consider a particular statement or exhibit you should put it out of your mind, and not refer to it or rely on it in your later deliberations.

During the trial I may have to talk with the parties about the rules of law which should apply in this case. Sometimes we will talk here at the bench. At other times I will excuse you from the courtroom so that you can be comfortable while we work out any problems. You are not to speculate about any such discussions. They are necessary from time to time and help the trial run more smoothly.

Some of you have probably heard the terms “circumstantial evidence,” “direct evidence” and “hearsay evidence.” Do not be concerned with these terms. You are to consider all the evidence admitted in this trial.

However, the law does not require you to believe all the evidence. As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it.

There is no magical formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves whom you believe, what you believe, and how much weight you attach to what you are told. The same considerations that you use in your everyday dealings in making these decisions are the considerations which you should apply in your deliberations.

In deciding what you believe, do not make your decision simply because more witnesses may have testified one way than the other. Your role is to think about the testimony of each witness you heard and decide how much you believe of what the witness had to say.


A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.



District Judge

INSTRUCTION NO. 4


If during the trial I may say or do anything which suggests to you that I am inclined to favor the claims or position of any party, you will not permit yourself to be influenced by any such suggestion. I will not express nor intend to express, nor will I intend to intimate, any opinion as to which witnesses are or are not worthy of belief; what facts are or are not established; or what inferences should be drawn from the evidence. If any expression of mine seems to indicate an opinion relating to any of these matters, I instruct you to disregard it.



District Judge

INSTRUCTION NO. 5


Do not concern yourself with the subject of penalty or punishment. That subject must not in any way affect your verdict. If you find the Defendant, GEOFFREY CLAUDE COLEMAN, guilty, it will be my duty to determine the appropriate penalty or punishment.



District Judge

INSTRUCTION NO. 6

It is alleged that each offense charged was committed “on or about” a certain date or on a certain date. If you find that the offense was committed, the proof need not show that the offense was committed on that precise date.



District Judge

INSTRUCTION NO. 7

Ladies and gentlemen of the jury, I will permit you to take notes during the trial. Your notes will serve as an aid to memory and may be used during your deliberations. You are instructed, however, not to take notes during opening statements or during objections made to evidence.

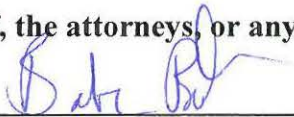
You should not allow yourselves to become so consumed in the taking of notes that you miss the oral testimony or fail to observe the demeanor of the witnesses on the stand.

Your notes should not contain personal reactions or philosophical comments, but rather should be limited to a brief factual summary of testimony you deem important. You should take no notes during breaks; notes may be made only in open court while witnesses are testifying. When court recesses for the day, your notes will be kept in the custody of the bailiff.

During the jury's deliberations you may use the notes to refresh your recollection of the testimony and you may compare your notes with other jurors and discuss them. You should not view your notes as authoritative records, however, nor should they be shown to other jurors in a direct attempt to influence them.

If you do not take notes, you should rely on your own memory of what was said and not be overly influenced by the notes of other jurors. In addition, you cannot assign to one person the duty of taking notes for all of you.

When the trial is complete, any juror notes will be destroyed. At no time will juror notes be read by the court, its staff, the attorneys, or any other persons.



District Judge

INSTRUCTION NO. 8

It is important that as jurors and officers of this court you obey the following instructions at any time you leave the jury box, whether it be for recesses of the court during the day or when you leave the courtroom to go home at night.

Do not discuss this case during the trial with anyone, including any of the attorneys, parties, witnesses, your friends, or members of your family. "No discussion" also means no emailing, text messaging, tweeting, blogging, posting to electronic bulletin boards, and any other form of communication, electronic or otherwise.

Do not discuss this case with other jurors until you begin your deliberations at the end of the trial. Do not attempt to decide the case until you begin your deliberations.

I will give you some form of this instruction every time we take a break. I do that not to insult you or because I don't think you are paying attention, but because experience has shown this is one of the hardest instructions for jurors to follow. I know of no other situation in our culture where we ask strangers to sit together watching and listening to something, then go into a little room together and not talk about the one thing they have in common: what they just watched together.

There are at least two reasons for this rule. The first is to help you keep an open mind. When you talk about things, you start to make decisions about them and it is extremely important that you not make any decisions about this case until you have heard all the evidence and all the rules for making your decisions, and you won't have that until the very end of the trial. The second reason for the rule is that we want all of you working together on this decision when you deliberate. If you have conversations in groups of two

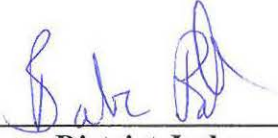
or three during the trial, you won't remember to repeat all of your thoughts and observations for the rest of your fellow jurors when you deliberate at the end of the trial.

Do not let any person talk about the case in your presence. Ignore any attempted improper communication. If any person tries to talk to you about this case, tell that person that you cannot discuss the case because you are a juror. If that person persists, simply walk away and report the incident to the bailiff. You should not tell any of your fellow jurors about any attempted improper communication.

Do not make any independent personal investigations into any facts or locations connected with this case. Do not look up any information from any source, including the Internet. Do not communicate any private or special knowledge about any of the facts of this case to your fellow jurors. Do not read or listen to any news reports about this case or about anyone involved in this case, whether those reports are in newspapers or the Internet, or on radio or television.

In our daily lives we may be used to looking for information on-line and to "Google" something as a matter of routine. Also, in a trial it can be very tempting for jurors to do their own research to make sure they are making the correct decision. You must resist that temptation for our system of justice to work as it should. I specifically instruct that you must decide the case only on the evidence received here in court. If you communicate with anyone about the case or do outside research during the trial it could cause us to have to start the trial over with new jurors and you could be held in contempt of court.

While you are actually deliberating in the jury room, the bailiff will confiscate all cell phones and other means of electronic communications. Should you need to communicate with me or anyone else during the deliberations, please notify the bailiff.

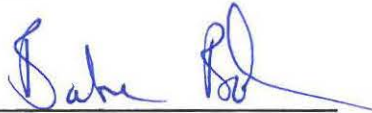


District Judge

INSTRUCTION NO. 9

You have now heard all of the evidence in the case. My duty is to instruct you as to the law.

You must follow the rules as I explain them to you. You may not follow some and ignore others. Even if you disagree or don't understand the reasons for some of the rules, you are bound to follow them. If anyone states a rule of law different from any I tell you, it is my instruction that you must follow.



District Judge

INSTRUCTION NO. 10

As members of the jury it is your duty to decide what the facts are and to apply those facts to the law that I have given you. You are to decide the facts from all the evidence presented in the case.

The evidence you are to consider consists of:

1. Sworn testimony of witnesses;
2. Exhibits which have been admitted into evidence; and
3. Any facts to which the parties have stipulated.

Certain things you have heard or seen are not evidence, including:

1. Arguments and statements by lawyers: The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;
2. Testimony that has been excluded or stricken, or which you have been instructed to disregard;
3. Anything you may have seen or heard when the court was not in session.



District Judge

INSTRUCTION NO. 11

The Defendant, GEOFFREY CLAUDE COLEMAN, is here upon trial upon an Information filed in this Court by the Deputy Prosecuting Attorney of Boundary County, Idaho, charging the Defendant:

In COUNT I, with the crime of AGGRAVATED BATTERY, in violation of Idaho Code §§ 18-903(a) and 18-907(b), allegedly committed as follows:

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did willfully and unlawfully use violence upon the person of Richard Coleman, by means of a deadly instrument, to-wit: a ATV four wheeler with an attached snowplow, by running him over with the ATV and pinning him against a tree with the snowblade.

In COUNT II, with the crime of EXHIBITION OF A DEADLY WEAPON, in violation of Idaho Code § 18-3303, allegedly committed as follows:

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did exhibit a deadly weapon, to-wit: a pistol, in the presence of two or more persons, in a rude, angry, or threatening manner, and not in necessary self-defense.


In COUNT III, with the crime of GRAND THEFT, in violation of Idaho Code §§ 18-2403(1) and 18-2407(1)(d), allegedly committed as follows:

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did wrongfully take a firearm, to-wit: a Kimber pistol, from the owner, Richard Coleman, with the intent to deprive another of property.

In COUNT IV, with the crime of MALICIOUS INJURY TO PROPERTY, in violation of Idaho Code § 18-7001, allegedly committed as follows:

That the Defendant, GEOFFREY CLAUDE COLEMAN, on or about the 25th day of December 2016, in the County of Boundary, State of Idaho, did maliciously injure certain personal property, to-wit: a pantry door, the property of Richard Coleman, by punching the door.

The Information in this case is of itself a mere accusation or charge against the defendant and is not evidence. You are not to be prejudiced or influenced to any extent against Mr. Coleman because a criminal charge has been made.



District Judge

INSTRUCTION NO. 12


Each count charges a separate and distinct offense. You must decide each count separately on the evidence and the law that applies to it, uninfluenced by your decision as to any other count. The defendant may be found guilty or not guilty of one or more of the offenses charged.



District Judge

INSTRUCTION NO. 13

In every crime or public offense, there must exist a union or joint operation of act and intent.




District Judge

INSTRUCTION NO. 14

In order for the Defendant, GEOFFREY CLAUDE COLEMAN, to be guilty of the crime of AGGRAVATED BATTERY, as charged in COUNT I, the state must prove each of the following elements:

1. On or about the 25th day of December 2016,
2. in the state of Idaho,
3. the Defendant, GEOFFREY CLAUDE COLEMAN, committed a battery upon Richard Coleman,
4. by willfully and unlawfully using violence upon the person of Richard Coleman, and
5. when doing so, the defendant used a deadly instrument.

If any of the above elements of the crime has not been proven beyond a reasonable doubt, you must find Mr. Coleman not guilty. If each of the elements of the crime set forth above has been proven beyond a reasonable doubt, then you must find Mr. Coleman guilty.



District Judge

INSTRUCTION NO. 15

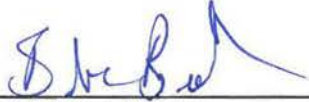
The word "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage.



District Judge

INSTRUCTION NO. 16

A "battery" is committed when a person willfully and unlawfully uses force or violence upon the person of another.



District Judge

INSTRUCTION NO. 17

In order for the Defendant, GEOFFREY CLAUDE COLEMAN, to be guilty of the crime of EXHIBITION OF A DEADLY WEAPON, as charged in COUNT II, the state must prove each of the following elements:

1. On or about the 25th day of December 2016,
2. in the state of Idaho,
3. the Defendant, GEOFFREY CLAUDE COLEMAN,
4. in the presence of two (2) or more persons,
5. exhibited a deadly weapon
6. in a rude, angry and threatening manner, and
7. not in necessary self-defense.

If any of the above elements of the crime has not been proven beyond a reasonable doubt, you must find Mr. Coleman not guilty. If each of the elements of the crime set forth above has been proven beyond a reasonable doubt, then you must find Mr. Coleman guilty.




District Judge

INSTRUCTION NO. 18

A "deadly weapon or instrument" is one likely to produce death or great bodily injury. It also includes any other object that is capable of being used in a deadly or dangerous manner if the person intends to use it as a weapon.

Any firearm is a "deadly weapon", though unloaded or so defective that it cannot be fired.

A "firearm" is any device designed to eject or propel a projectile by the force of an explosion or other form of combustion.



District Judge

INSTRUCTION NO. 19

In order for the Defendant, GEOFFREY CLAUDE COLEMAN, to be guilty of the crime of GRAND THEFT, as charged in COUNT III, the state must prove each of the following elements:

1. On or about the 25th day of December 2016,
2. in the state of Idaho,
3. the Defendant, GEOFFREY CLAUDE COLEMAN, wrongfully took property described as: a Kimber pistol,
4. from an owner,
5. with the intent to deprive an owner of the property, and
6. the property was any firearm, rifle, or shotgun.

If any of the above elements of the crime has not been proven beyond a reasonable doubt, you must find Mr. Coleman not guilty. If each of the elements of the crime set forth above has been proven beyond a reasonable doubt, then you must find Mr. Coleman guilty.



District Judge

INSTRUCTION NO. 2c

"Property" means anything of value including labor or services.

A handwritten signature in blue ink, appearing to read "S. R. R.", is written over a horizontal line.

District Judge

INSTRUCTION NO. 2f

An "owner" of property is any person who has a right to possession of such property superior to that of the defendant.



District Judge

INSTRUCTION NO. 22

The phrase "intent to deprive" means:

a. The intent to withhold property or cause it to be withheld from an owner permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to such owner; or

b. The intent to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.



District Judge

INSTRUCTION NO. 23

In order for the Defendant, GEOFFREY CLAUDE COLEMAN, to be guilty of the crime of MALICIOUS INJURY TO PROPERTY, as charged in COUNT IV, the state must prove each of the following elements:

1. On or about the 25th day of December 2016,
2. in the state of Idaho,
3. the Defendant, GEOFFREY CLAUDE COLEMAN, maliciously
4. injured certain personal property, to-wit: a pantry door,
5. which was not the defendant's own.

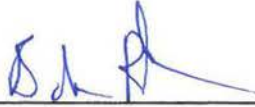
If any of the above elements of the crime has not been proven beyond a reasonable doubt, you must find Mr. Coleman not guilty. If each of the elements of the crime set forth above has been proven beyond a reasonable doubt, then you must find Mr. Coleman guilty.



District Judge

INSTRUCTION NO. 24

The word "maliciously" means the desire to annoy or injure another or the intent to do a wrongful act.



District Judge

INSTRUCTION 25

You have been instructed as to all the rules of law that may be necessary for you to reach a verdict. Whether some of the instructions will apply will depend upon your determination of the facts. You will disregard any instruction which applies to a state of facts which you determine does not exist. You must not conclude from the fact that an instruction has been given that the court is expressing any opinion as to the facts.




District Judge

INSTRUCTION NO. 26

The original instructions and the exhibits will be with you in the jury room. They are part of the official court record. For this reason please do not alter them or mark on them in any way.

The instructions are numbered for convenience in referring to specific instructions. There may or may not be a gap in the numbering of the instructions. If there is, you should not concern yourselves about such gap.



District Judge

INSTRUCTION NO. 27

I have outlined for you the rules of law applicable to this case and have told you of some of the matters which you may consider in weighing the evidence to determine the facts. In a few minutes counsel will present their closing remarks to you, and then you will retire to the jury room for your deliberations.

The arguments and statements of the attorneys are not evidence. If you remember the facts differently from the way the attorneys have stated them, you should base your decision on what you remember.

The attitude and conduct of jurors at the beginning of your deliberations is important. It is rarely productive at the outset for you to make an emphatic expression of your opinion on the case or to state how you intend to vote. When you do that at the beginning, your sense of pride may be aroused, and you may hesitate to change your position even if shown that it is wrong. Remember that you are not partisans or advocates, but are judges. For you, as for me, there can be no triumph except in the ascertainment and declaration of the truth.

As jurors you have a duty to consult with one another and to deliberate before making your individual decisions. You may fully and fairly discuss among yourselves all of the evidence you have seen and heard in this courtroom about this case, together with the law that relates to this case as contained in these instructions.

During your deliberations, you each have a right to re-examine your own views and change your opinion. You should only do so if you are convinced by fair and honest discussion that your original opinion was incorrect based upon the evidence the jury saw and heard during the trial and the law as given you in these instructions.

Consult with one another. Consider each other's views, and deliberate with the objective of reaching an agreement, if you can do so without disturbing your individual judgment. Each of you must decide this case for yourself; but you should do so only after a discussion and consideration of the case with your fellow jurors.

None of you, however, should surrender your honest opinion as to the weight or effect of evidence, or as to whether the state has or has not proven guilt beyond a reasonable doubt because the majority of the jury feels otherwise or for the purpose of returning a unanimous verdict.

A handwritten signature in blue ink, appearing to read "Baker" followed by a stylized flourish.

District Judge

INSTRUCTION 28

Upon retiring to the jury room, select one of you as a presiding officer, who will preside over your deliberations. It is that person's duty to see that discussion is orderly; that the issues submitted for your decision are fully and fairly discussed; and that every juror has a chance to express himself or herself upon each question.

In this case, your verdict must be unanimous. When you all arrive at a verdict, the presiding officer will sign it and you will return it into open court.

Your verdict in this case cannot be arrived at by chance, by lot, or by compromise.

If, after considering all of the instructions in their entirety, and after having fully discussed the evidence before you, the jury determines that it is necessary to communicate with me, you may send a note by the bailiff. You are not to reveal to me or anyone else how the jury stands until you have reached a verdict or unless you are instructed by me to do so.

A verdict form suitable to any conclusion you may reach will be submitted to you with these instructions.



District Judge

INSTRUCTION NO. 29

In this case you will return a verdict, consisting of a series of questions. Although the explanations on the verdict form are self-explanatory, they are part of my instructions to you. I will now read the verdict form to you. It states:

“We, the Jury, for our verdict, unanimously answer the questions submitted to us as follows:

QUESTION 1: Is the Defendant, GEOFFREY CLAUDE COLEMAN, guilty or not guilty of AGGRAVATED BATTERY, as charged in COUNT I?

_____ Not Guilty

_____ Guilty.

Proceed to Question 2.

QUESTION 2: Is the Defendant, GEOFFREY CLAUDE COLEMAN, guilty or not guilty of EXHIBITION OF A DEADLY WEAPON, as charged in COUNT II?

_____ Not Guilty

_____ Guilty.

Proceed to Question 3.

QUESTION 3: Is the Defendant, GEOFFREY CLAUDE COLEMAN, guilty or not guilty of GRAND THEFT, as charged in COUNT III?

_____ Not Guilty

_____ Guilty.

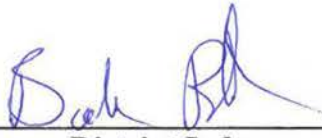
Proceed to Question 4.

QUESTION 4: Is the Defendant, GEOFFREY CLAUDE COLEMAN, guilty or not guilty of MALICIOUS INJURY TO PROPERTY, as charged in COUNT IV?

_____ **Not Guilty**

_____ **Guilty.”**

The verdict form then has a place for it to be dated and signed. After a unanimous decision is reached, the presiding juror should sign the verdict form and advise the bailiff.



District Judge

INSTRUCTION NO. 30

You have now completed your duties as jurors in this case and are discharged with the sincere thanks of this Court. The question may arise as to whether you may discuss this case with the attorneys or with anyone else. For your guidance, the Court instructs you that whether you talk to the attorneys, or to anyone else, is entirely your own decision. It is proper for you to discuss this case, if you wish to, but you are not required to do so, and you may choose not to discuss the case with anyone at all. If you choose to, you may tell them as much or as little as you like, but you should be careful to respect the privacy and feelings of your fellow jurors. Remember that they understood their deliberations to be confidential. Therefore, you should limit your comments to your own perceptions and feelings. If anyone persists in discussing the case over your objection, or becomes critical of your service, either before or after any discussion has begun, please report it to me.



District Judge

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO,)
)
 Plaintiff,) Case No. CR-2016-0001199
)
 vs.) VERDICT
)
 GEOFFREY CLAUDE COLEMAN,)
)
 Defendant.)
 _____)

We, the Jury, for our verdict, unanimously answer the questions submitted to us as follows:

QUESTION 1: Is the Defendant, GEOFFREY CLAUDE COLEMAN, guilty or not guilty of AGGRAVATED BATTERY, as charged in COUNT I?

Not Guilty
 Guilty.

Proceed to Question 2.

QUESTION 2: Is the Defendant, GEOFFREY CLAUDE COLEMAN, guilty or not guilty of EXHIBITION OF A DEADLY WEAPON, as charged in COUNT II?

Not Guilty
 Guilty.

Proceed to Question 3.

QUESTION 3: Is the Defendant, GEOFFREY CLAUDE COLEMAN, guilty or not guilty of GRAND THEFT, as charged in COUNT III?

Not Guilty

Guilty.

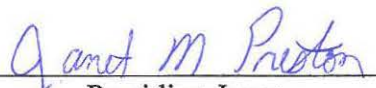
Proceed to Question 4.

QUESTION 4: Is the Defendant, GEOFFREY CLAUDE COLEMAN, guilty or not guilty of MALICIOUS INJURY TO PROPERTY, as charged in COUNT IV?

Not Guilty

Guilty.

DATED this 15 day of March 2017.



Presiding Juror

GEOFFREY C COLEMAN
56 CUSTOMS LOOP DL#: CITATION #
EASTPORT ID 83826

DOB: [REDACTED]

CASE # CR-2016-0001199

C+I

CHARGE: 18-907, Battery-Aggravated

AMENDED: _____

The Defendant, having been fully advised of his/her statutory and constitutional rights, including the right to be represented by Counsel, () SEE ATTACHED, and

- () Been advised of right to court appointed counsel
- () Defendant waived right to counsel
- (X) Defendant represented by counsel
- () Judgment, Plea of Guilty/Rights Waived
- () Withheld Judgment () Accepted
- (X) Judgment - Not Guilty
- () Judgment - Guilty
- () Bond Forfeited/Case Closed
- () Infraction: Judgment for (State) (Defendant) (Default Judgment)
- () Dismissed by () State () Court

MONIES ORDERED PAID:

- () Fine / Penalty / Costs / Fees \$ _____ Suspended \$ _____
- () Monthly payments of \$ _____ commencing _____ A \$2.00 handling fee is charged on each installment.
- () Monies to be paid in full by _____
- () Community Service of _____ hrs. to be completed by _____
- () Reimburse/Restitution: \$ _____ to: _____
- () Bond Exonerated and Applied to Fine and Costs () Return Remainder (X) BOND EXONERATED

INCARCERATION ORDERED:

- () Jail _____ Days/Months, Suspended _____ Days/Months, () Credit for time served
- () Report to jail _____
- () Work Release Authorized () In-Home Monitoring _____
- () Sheriff's Labor Program in lieu of jail _____ hours by _____. Must sign up within seven (7) days and complete by the ordered time or a warrant may issue for your arrest. Jail increases _____ days if failure to appear/comply.

DRIVING PRIVILEGES SUSPENDED _____ days, the first _____ days absolute, commencing _____

REINSTATEMENT OF DRIVING PRIVILEGES MUST BE ACCOMPLISHED before you can drive. Apply to DRIVERS SERVICES, P.O. Box 34, Boise ID 83731-0034. Phone (208) 334-8735 or online at www.itd.idaho.gov/dmv

PROBATION ORDERED FOR _____ YEAR(S) WITH THE FOLLOWING CONDITIONS:

- () UNSUPERVISED () SUPERVISED
- () Violate no federal, state or local law, excluding traffic infractions.
- () During the period of probation you may, and by accepting the conditions of the suspended sentence, you are consenting to be stopped by any peace officer if you are observed operating a motor vehicle on a public highway. The officer may, with or without probable cause, make a stop and require you to submit to a test to determine if there is any alcohol in your bloodstream. If you are driving with any alcohol in your bloodstream, it is a violation of your probation. If you refuse to take the test, as requested, that also is a violation of your probation.
- () Enroll in a substance abuse program within _____ days; complete _____ hrs. of counseling/education and file proof of completion in writing with Clerk of Court by _____
- () Attend the Alcohol and Traffic Safety Victims Panel Session and file proof of attendance in writing with the Clerk of the Court by _____
- () Notify the Court, in writing, of any change of address within 10 days of the change.
- () Maintain liability insurance on any vehicle that you drive.
- () Interlock Ignition device required on vehicle for _____ month(s)/year(s). (SEE SEPARATE ORDER)
- () Pay above monies ordered as directed. (For information regarding payment by credit card during business hours with the Clerk's Office, payment by phone after business hours, or payment online, please call 208-267-5504, 9:00 am - 5:00 pm PST.
- () OTHER: _____

SUSPENDED PENALTIES ARE SUBJECT TO COMPLIANCE WITH ALL OF THE ABOVE TERMS.

THE DEFENDANT HAS THE RIGHT TO APPEAL THIS JUDGMENT WITHIN 42 DAYS.

Date 3/15/17 Judge # 158

COPIES TO:

- (X) DFT (X) DFT ATTY (X) PROS (X) BCSO () MISD PROB () OTHER

Date 3/15/17 Deputy Clerk [Signature] Page 175 of 196

GEOFFREY C COLEMAN
56 CUSTOMS LOOP DL#: CITATION #
EASTPORT ID 83826

DOB [Redacted]

CASE # CR-2016-0001199

C+II

CHARGE: 118-905(a), Assault-Aggravated With a Deadly Weapon or Instrument Without the Intent to Kill

AMENDED: 118-3303, Weapon-Exhibition or Use of Deadly Weapon

The Defendant, having been fully advised of his/her statutory and constitutional rights, including the right to be represented by Counsel, () SEE ATTACHED, and

- () Been advised of right to court appointed counsel
- () Defendant waived right to counsel
- (X) Defendant represented by counsel
- () Judgment, Plea of Guilty/Rights Waived
- () Withheld Judgment () Accepted
- (X) Judgment - Not Guilty
- (X) Judgment - Guilty *jury verdict*
- () Bond Forfeited/Case Closed
- () Infraction: Judgment for (State) (Defendant) (Default Judgment)
- () Dismissed by () State () Court

MONIES ORDERED PAID:

- (X) Fine / Penalty / Costs / Fees \$ 157.50 Suspended \$ _____
- (X) Monthly payments of \$ _____ commencing _____ A \$2.00 handling fee is charged on each installment.
- (X) Monies to be paid in full by 6/15/17
- () Community Service of _____ hrs. to be completed by _____
- () Reimburse/Restitution: \$ _____ to: _____
- () Bond Exonerated and Applied to Fine and Costs () Return Remainder (X) BOND EXONERATED

INCARCERATION ORDERED:

- (X) Jail 80 Days/Months, Suspended _____ Days/Months, (X) Credit for time served
- () Report to jail _____
- () Work Release Authorized () In-Home Monitoring 80
- () Sheriff's Labor Program in lieu of jail _____ hours by _____. Must sign up within seven (7) days and complete by the ordered time or a warrant may issue for your arrest. Jail increases _____ days if failure to appear/comply.

DRIVING PRIVILEGES SUSPENDED _____ days, the first _____ days absolute, commencing _____

REINSTATEMENT OF DRIVING PRIVILEGES MUST BE ACCOMPLISHED before you can drive. Apply to DRIVERS SERVICES, P.O. Box 34, Boise ID 83731-0034. Phone (208) 334-8735 or online at www.itd.idaho.gov/dmv

PROBATION ORDERED FOR _____ YEAR(S) WITH THE FOLLOWING CONDITIONS:

- () UNSUPERVISED () SUPERVISED
- () Violate no federal, state or local law, excluding traffic infractions.
- () During the period of probation you may, and by accepting the conditions of the suspended sentence, you are consenting to be stopped by any peace officer if you are observed operating a motor vehicle on a public highway. The officer may, with or without probable cause, make a stop and require you to submit to a test to determine if there is any alcohol in your bloodstream. If you are driving with any alcohol in your bloodstream, it is a violation of your probation. If you refuse to take the test, as requested, that also is a violation of your probation.
- () Enroll in a substance abuse program within _____ days; complete _____ hrs. of counseling/education and file proof of completion in writing with Clerk of Court by _____
- () Attend the Alcohol and Traffic Safety Victims Panel Session and file proof of attendance in writing with the Clerk of the Court by _____
- () Notify the Court, in writing, of any change of address within 10 days of the change.
- () Maintain liability insurance on any vehicle that you drive.
- () Interlock Ignition device required on vehicle for _____ month(s)/year(s). (SEE SEPARATE ORDER)
- () Pay above monies ordered as directed. (For information regarding payment by credit card during business hours with the Clerk's Office, payment by phone after business hours, or payment online, please call 208-267-5504, 9:00 am - 5:00 pm PST.
- () OTHER: _____

SUSPENDED PENALTIES ARE SUBJECT TO COMPLIANCE WITH ALL OF THE ABOVE TERMS.

THE DEFENDANT HAS THE RIGHT TO APPEAL THIS JUDGMENT WITHIN 42 DAYS.

Date 3/15/17 Judge # 158

COPIES TO:

- (X) DFT (X) DFT ATTY () PROS () BCSO () MISD PROB () OTHER
- Date 3/15/17 Deputy Clerk [Signature] Page 176 of 196

GEOFFREY C COLEMAN
56 CUSTOMS LOOP DL#: CITATION #
EASTPORT ID 83826

DOB: [Redacted]

CASE # CR-2016-0001199

CHARGE: 18-2403(1) F, Theft-Grand

C+ III

AMENDED: _____

The Defendant, having been fully advised of his/her statutory and constitutional rights, including the right to be represented by Counsel, () **SEE ATTACHED**, and

- () Been advised of right to court appointed counsel
- () Defendant waived right to counsel
- Defendant represented by counsel
- () Judgment, Plea of Guilty/Rights Waived
- () Withheld Judgment () Accepted
- Judgment - Not Guilty
- () Judgment - Guilty
- () Bond Forfeited/Case Closed
- () Infraction: Judgment for (State) (Defendant) (Default Judgment)
- () Dismissed by () State () Court

MONIES ORDERED PAID:

- () Fine / Penalty / Costs / Fees \$ _____ Suspended \$ _____
- () Monthly payments of \$ _____ commencing _____ **A \$2.00 handling fee is charged on each installment.**
- () Monies to be paid in full by _____
- () Community Service of _____ hrs. to be completed by _____
- () Reimburse/Restitution: \$ _____ to: _____
- () Bond Exonerated and Applied to Fine and Costs () Return Remainder **BOND EXONERATED**

INCARCERATION ORDERED:

- () Jail _____ Days/Months, Suspended _____ Days/Months, () Credit for time served
- () Report to jail _____
- () Work Release Authorized () In-Home Monitoring _____
- () Sheriff's Labor Program in lieu of jail _____ hours by _____. Must sign up within seven (7) days and complete by the ordered time or a warrant may issue for your arrest. Jail increases _____ days if failure to appear/comply.

DRIVING PRIVILEGES SUSPENDED _____ days, the first _____ days absolute, commencing _____

REINSTATEMENT OF DRIVING PRIVILEGES MUST BE ACCOMPLISHED before you can drive. Apply to DRIVERS SERVICES, P.O. Box 34, Boise ID 83731-0034. Phone (208) 334-8735 or online at www.itd.idaho.gov/dmv

PROBATION ORDERED FOR _____ YEAR(S) WITH THE FOLLOWING CONDITIONS:

- () UNSUPERVISED () SUPERVISED
- () Violate no federal, state or local law, excluding traffic infractions.
- () During the period of probation you may, and by accepting the conditions of the suspended sentence, you are consenting to be stopped by any peace officer if you are observed operating a motor vehicle on a public highway. The officer may, with or without probable cause, make a stop and require you to submit to a test to determine if there is any alcohol in your bloodstream. If you are driving with any alcohol in your bloodstream, it is a violation of your probation. If you refuse to take the test, as requested, that also is a violation of your probation.
- () Enroll in a substance abuse program within _____ days; complete _____ hrs. of counseling/education and file proof of completion in writing with Clerk of Court by _____.
- () Attend the Alcohol and Traffic Safety Victims Panel Session and file proof of attendance in writing with the Clerk of the Court by _____.
- () Notify the Court, in writing, of any change of address within 10 days of the change.
- () Maintain liability insurance on any vehicle that you drive.
- () Interlock Ignition device required on vehicle for _____ month(s)/year(s). (SEE SEPARATE ORDER)
- () Pay above monies ordered as directed. (For information regarding payment by credit card during business hours with the Clerk's Office, payment by phone after business hours, or payment online, please call 208-267-5504, 9:00 am - 5:00 pm PST.
- () OTHER: _____

SUSPENDED PENALTIES ARE SUBJECT TO COMPLIANCE WITH ALL OF THE ABOVE TERMS.

THE DEFENDANT HAS THE RIGHT TO APPEAL THIS JUDGMENT WITHIN 42 DAYS.

Date 3/15/17 Judge # 158
[Signature]

COPIES TO:

- DFT DFT ATTY PROS BCSO () MISD PROB () OTHER

Date 3/15/17 Deputy Clerk [Signature] Page 177 of 198

GEOFFREY C COLEMAN
56 CUSTOMS LOOP DL#: CITATION #
EASTPORT ID 83826

DOB [REDACTED]

CASE # CR-2016-0001199

CHARGE: I18-7001 M, Property-Malicious Injury to Property

C + IV

AMENDED: _____

The Defendant, having been fully advised of his/her statutory and constitutional rights, including the right to be represented by Counsel, () SEE ATTACHED, and

- () Been advised of right to court appointed counsel
- () Defendant waived right to counsel
- () Defendant represented by counsel
- () Judgment, Plea of Guilty/Rights Waived
- () Withheld Judgment () Accepted
- () Judgment - Not Guilty
- () Judgment - Guilty
- () Bond Forfeited/Case Closed
- () Infraction: Judgment for (State) (Defendant) (Default Judgment)
- () Dismissed by () State () Court

MONIES ORDERED PAID:

- () Fine / Penalty / Costs / Fees \$ _____ Suspended \$ _____
- () Monthly payments of \$ _____ commencing _____ **A \$2.00 handling fee is charged on each installment.**
- () Monies to be paid in full by _____
- () Community Service of _____ hrs. to be completed by _____
- () Reimburse/Restitution: \$ _____ to: _____
- () Bond Exonerated and Applied to Fine and Costs () Return Remainder () **BOND EXONERATED**

INCARCERATION ORDERED:

- () Jail _____ Days/Months, Suspended _____ Days/Months, () Credit for time served
- () Report to jail _____
- () Work Release Authorized () In-Home Monitoring _____
- () Sheriff's Labor Program in lieu of jail _____ hours by _____. Must sign up within seven (7) days and complete by the ordered time or a warrant may issue for your arrest. Jail increases _____ days if failure to appear/comply.

DRIVING PRIVILEGES SUSPENDED _____ days, the first _____ days absolute, commencing _____

REINSTATEMENT OF DRIVING PRIVILEGES MUST BE ACCOMPLISHED before you can drive. Apply to DRIVERS SERVICES, P.O. Box 34, Boise ID 83731-0034. Phone (208) 334-8735 or online at www.itd.idaho.gov/dmv

PROBATION ORDERED FOR _____ YEAR(S) WITH THE FOLLOWING CONDITIONS:

- () UNSUPERVISED () SUPERVISED
- () Violate no federal, state or local law, excluding traffic infractions.
- () During the period of probation you may, and by accepting the conditions of the suspended sentence, you are consenting to be stopped by any peace officer if you are observed operating a motor vehicle on a public highway. The officer may, with or without probable cause, make a stop and require you to submit to a test to determine if there is any alcohol in your bloodstream. If you are driving with any alcohol in your bloodstream, it is a violation of your probation. If you refuse to take the test, as requested, that also is a violation of your probation.
- () Enroll in a substance abuse program within _____ days; complete _____ hrs. of counseling/education and file proof of completion in writing with Clerk of Court by _____.
- () Attend the Alcohol and Traffic Safety Victims Panel Session and file proof of attendance in writing with the Clerk of the Court by _____.
- () Notify the Court, in writing, of any change of address within 10 days of the change.
- () Maintain liability insurance on any vehicle that you drive.
- () Interlock Ignition device required on vehicle for _____ month(s)/year(s). (SEE SEPARATE ORDER)
- () Pay above monies ordered as directed. (For information regarding payment by credit card during business hours with the Clerk's Office, payment by phone after business hours, or payment online, please call 208-267-5504, 9:00 am - 5:00 pm PST.
- () OTHER: _____

SUSPENDED PENALTIES ARE SUBJECT TO COMPLIANCE WITH ALL OF THE ABOVE TERMS.

THE DEFENDANT HAS THE RIGHT TO APPEAL THIS JUDGMENT WITHIN 42 DAYS.

Date 3/15/17 Judge # 158
[Signature]


COPIES TO:

- DFT DFT ATTY PROS BCSO () MISD PROB () OTHER

Date 3/15/17 Deputy Clerk [Signature] Page 178 of 196

FILED

2017 APR 14 AM 11:08

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK
BY: 
DEPUTY CLERK

J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Telephone: (208) 665-0385
Fax: (208) 665-0220
brookslawcda@roadrunner.com
Bar Number: 3623

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)
)
Plaintiff/Respondent,)
)
V.)
)
GEOFFREY CLAUDE COLEMAN,)
)
Defendant/Appellant.)
_____)

CASE NUMBER CR-2016-1199
NOTICE OF APPEAL

TO: THE ABOVE NAMED RESPONDENT, STATE OF IDAHO, AND THE RESPONDENT'S ATTORNEY JACK R. DOUGLAS, BOUNDARY COUNTY PROSECUTOR, P.O. BOX 1148, BONNERS FERRY, ID 83805; AND THE CLERK OF THE ABOVE ENTITLED COURT:

1. The above-named Appellant appeals against the above-named Respondent to the Idaho Supreme Court from the Judgment entered in the above-entitled matter on the 15th day of March, 2017, by the Honorable Barbara Buchanan, District Judge. Said Judgment is based on a jury verdict entered on March 15, 2017.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgment or order described in paragraph one above is an appealable order under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).

3. A preliminary statement of the issue on appeal, which the Appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the Appellant from asserting other issues on appeal, is: whether the evidence presented at the jury trial was sufficient to sustain a conviction of the offense of exhibition of a deadly weapon.

4. No order has been entered sealing all or any part of the record or transcript.

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

a. Transcript of the defense motion for judgment of acquittal and the argument thereon made after the State rested its case during the jury trial. (Court Reporter: Kathy Plizga; estimated pages for hearing less than 100).

6. Clerk's Record. The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2).

7. I certify:

a. That a copy of this Notice of Appeal has been served on the Court Reporter.

b. That the Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is indigent. (Idaho Code § 31-3220, 31-3220A, I.A.R. 24(e));


c. That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code § 31-3220, 31-3220A, I.A.R. 24(e)(8));

d. That arrangements have been made with Boundary County who will be responsible for paying for the reporter's transcript, as the Appellant is indigent, Idaho Code §

31-3220, 31-3220A, I.A.R. 24(e);

e. That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 14th day of April, 2017.

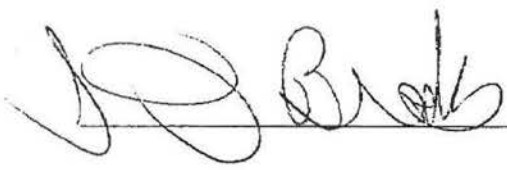


J. LYNN BROOKS
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 14th day of April, 2017, served a true and correct copy of the attached NOTICE OF APPEAL as indicated upon the parties as follows:

- | | | |
|--------------|---|--|
| <u> X </u> | Boundary County Prosecuting Attorney | [X] Facsimile (208) 267-5284
[] Courthouse Mail |
| <u> X </u> | State Appellate Public Defender
3050 Lake Harbor Lane, Suite 100
Boise, Idaho 83703 | [] First Class Mail
[] Certified Mail
[X] Facsimile (208) 334-2985 |
| <u> X </u> | Lawrence G. Wasden
Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010 | [] First Class Mail
[] Certified Mail
[X] Facsimile (208) 854-8071 |
| <u> X </u> | Reporter for District Judge Barbara Buchanan, Kathy Plizga, via email to jbp1075@aol.com . | |



J. Lynn Brooks, Attorney at Law
 Contract Public Defender for Boundary County
 250 Northwest Blvd., Suite 108
 Coeur d'Alene, Idaho 83814
 Telephone: (208) 665-0385
 Fax: (208) 665-0220
 brookslawcda@roadrunner.com
 Bar Number: 3623

FILED
 2017 APR 14 AM 11:08
 STATE OF IDAHO
 COUNTY OF BOUNDARY
 GLENDA POSTON, CLERK
 BY: 
 DEPUTY CLERK

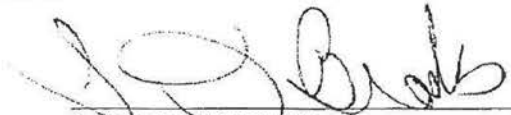
**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

<p>STATE OF IDAHO,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p>V.</p> <p>GEOFFREY CLAUDE COLEMAN,</p> <p style="padding-left: 100px;">Defendant.</p> <hr style="width: 100%;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NUMBER CR-2016-1199</p> <p>MOTION FOR APPOINTMENT OF STATE APPELLATE PUBLIC DEFENDER IN DIRECT APPEAL; RETAINING TRIAL COUNSEL FOR RESIDUAL PURPOSES</p>
--	--	---

COMES NOW, the above named Defendant, by and through his attorney, J. Lynn Brooks, and hereby moves the Court for an Order pursuant to Idaho Code §19-867, et seq., and Idaho Appellate Rules 13 and 45.1 for its order appointing the State Appellate Public Defender's Office to represent the Defendant in all further proceedings. This motion is brought on the grounds and for the reasons that the Defendant is currently being represented by J. Lynn Brooks, Attorney at Law, in her capacity as Boundary County Contract Public Defender; the State Appellate Public Defender is authorized by statute to represent the Defendant in appellate proceedings in which a jury trial was held in district court; and 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 appealed.

**MOTION FOR APPOINTMENT OF STATE APPELLATE PUBLIC DEFENDER
 IN DIRECT APPEAL; RETAINING TRIAL COUNSEL FOR RESIDUAL PURPOSES PAGE 1**

DATED this 14th day of April, 2017.

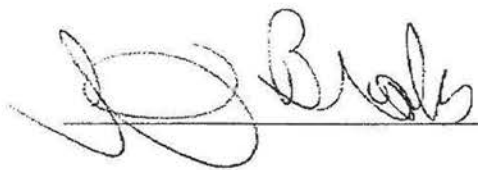


 J. LYNN BROOKS
 ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 14th day of April, 2017, served a true and correct copy of the attached NOTICE OF APPEAL as indicated upon the parties as follows:

- | | | | |
|--------------|---|-------------------------------------|--------------------------|
| <u> X </u> | Boundary County Prosecuting Attorney | <input checked="" type="checkbox"/> | Facsimile (208) 267-5284 |
| | | <input type="checkbox"/> | Courthouse Mail |
| <u> X </u> | State Appellate Public Defender
3050 Lake Harbor Lane, Suite 100
Boise, Idaho 83703 | <input type="checkbox"/> | First Class Mail |
| | | <input type="checkbox"/> | Certified Mail |
| | | <input checked="" type="checkbox"/> | Facsimile (208) 334-2985 |
| <u> X </u> | Lawrence G. Wasden
Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010 | <input type="checkbox"/> | First Class Mail |
| | | <input type="checkbox"/> | Certified Mail |
| | | <input checked="" type="checkbox"/> | Facsimile (208) 854-8071 |
| <u> X </u> | Reporter for District Judge Barbara Buchanan, Kathy Plizga, via email to
jbp1075@aol.com | | |



04/14/2017 11:18 208 7814
J. Lynn Brooks, Attorney

12086650220

FILED p.6

2017 APR 14 PM 1:14

STATE OF IDAHO
COUNTY OF BOUNDARY
GLENDA POSTON, CLERK
BY [Signature]
DEPUTY CLERK

J. Lynn Brooks, Attorney at Law
Contract Public Defender for Boundary County
250 Northwest Blvd., Suite 108
Coeur d'Alene, Idaho 83814
Telephone: (208) 665-0385
Fax: (208) 665-0220
brookslawcda@roadrunner.com
Bar Number: 3623

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY**

STATE OF IDAHO,)	
	)	CASE NUMBER CR-2016-1199
Plaintiff,)	
)	
V.	)	ORDER FOR APPOINTMENT OF STATE
	)	APPELLATE PUBLIC DEFENDER IN
	)	DIRECT APPEAL; RETAINING TRIAL
GEOFFREY CLAUDE COLEMAN,	)	COUNSEL FOR RESIDUAL PURPOSES
)	
Defendant.)	

TO: OFFICE OF THE IDAHO STATE APPELLATE PUBLIC DEFENDER, AND, J. LYNN BROOKS, CONTRACT PUBLIC DEFENDER, BOUNDARY COUNTY.

A Judgment having been entered by this Court on March 15, 2017, and the Defendant having requested the aid of counsel in pursuing a direct appeal from this District Court in this matter, and Defendant's trial counsel having filed a timely notice of appeal, and the Court being satisfied that said Defendant continues to be a needy person entitled to public representation, therefore,

IT IS HEREBY ORDERED, in accordance with Idaho Code §19-870, that the State Appellate Public Defender is appointed to represent Defendant in all further proceedings involving his appeal.

IT IS FURTHER ORDERED that trial counsel shall remain as appointed counsel of record

ORDER FOR APPOINTMENT OF STATE APPELLATE PUBLIC DEFENDER IN DIRECT APPEAL;
RETAINING TRIAL COUNSEL FOR RESIDUAL PURPOSES Page 1

04/14/2017 11:18
Apr 14 17 10:58a

20826.814
J. Lynn Brooks, Attorney

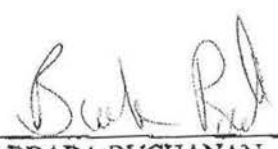
12086650220

p.7

for all other matters involving action in the trial court which, if resulting in an order in Defendant's favor, could affect the Judgment, order or sentencing in the action, until the expiration of the time limit for filing said motions or, if sought and denied, upon the expiration of the time for appeal of such ruling with the responsibility to decide whether or not a further appeal will be taken in such matters.

IT IS FURTHER ORDERED that trial counsel shall cooperate with the Office of State Appellate Public Defender in the prosecution of Defendant's appeal.

DATED this 14 day of April, 2017.



BARBARA BUCHANAN
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 17th day of April, 2017 served a true and correct copy of the attached ORDER FOR APPOINTMENT OF STATE APPELLATE PUBLIC DEFENDER via facsimile, courthouse mail or as otherwise indicated upon the parties as follows:

- Service list including J. Lynn Brooks, Contract Public Defender; Boundary County Prosecuting Attorney; State Appellate Public Defender; Lawrence G. Wasden, Attorney General; Supreme Court (certified); and Reporter for District Judge Barbara Buchanan, Kathy Plizga.

Handwritten signature in blue ink.

For Boundary County Clerk Processing Appeal:

- Supreme Court (certified copy) service options: First Class Mail, Fax Certified (208) 334-2616.

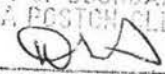
Sent / / by _____, Deputy Clerk.

ERIC D. FREDERICKSEN
State Appellate Public Defender
I.S.B. #6555

ERIK R. LEHTINEN
Chief, Appellate Unit
I.S.B. #6247
322 E. Front Street, Suite 570
Boise, Idaho 83702
Phone: (208) 334-2712
Fax: (208) 334-2985

FILED

2017 MAY -3 PM 4: 58

STATE OF IDAHO
COUNTY OF BOUNDARY
CLERK
BY 
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR BOUNDARY COUNTY

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	CASE NO. CR 2016-1199
)	
v.	)	S.C. DOCKET NO. 45032
)	
GEOFFREY CLAUDE COLEMAN,	)	AMENDED
	)	NOTICE OF APPEAL
Defendant-Appellant.)	
)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO AND THE PARTY'S ATTORNEYS, JACK DOUGLAS, BOUNDARY COUNTY, PROSECUTOR, P.O. BOX 1148, BONNERS FERRY, ID 83805, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above named respondent to the Idaho Supreme Court from the Judgment on entered in the above entitled action on the 15th day of March, 2017, the Honorable Barbara A. Buchanan, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rules (I.A.R.) 11(c)(1-409).

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

(a) Whether the evidence presented at the jury trial was sufficient to sustain a conviction of the offenses of exhibition of a deadly weapon.

4. ~~No order has been entered sealing all or any part of the record or transcript.~~ There is a portion of the record that is sealed. That portion of the record that is sealed is the Presentence Investigation Report (PSI).

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

(a) ~~Transcript of the defense motion for judgment of acquittal and the argument thereon made after the State rested its case during the jury trial (Court Reporter: Kathy Plizga, estimation pages for hearing less than 400);~~

(b) Jury Trial / Sentencing held on March 14-15, 2017, to include the voir dire, opening statements, closing arguments, jury instruction conferences, any hearings regarding questions from the jury during deliberations, return of the verdict, any polling of the jurors, and any

argument on motion or objections. (Court Reporter: Kathy Plizga, estimation of less than 500 pages is listed on the Register of Actions);

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2), and all exhibits, recordings, and documents for I.A.R. 31. The Appellant requests the following documents to be included in the Clerk's Record, in addition to those automatically included under I.A.R. 28(b)(2) and I.A.R. 31:

- (a) Witness List – Brooks filed February 23, 2017;
- (b) State's Request for Jury Instructions filed February 27, 2017,
- (c) State's Witness List filed February 27, 2017;
- (d) Defendant's Requested Jury Instructions filed March 3, 2017;
- (e) Jury Instructions Filed March 15, 2017; and
- (f) Any exhibits, including but not limited to the PSI, letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing. Except that any pictures or depictions of child pornography necessary to the appeal need not be sent, but maybe sought later by motion to the Idaho Supreme Court.

7. I certify:

- (a) That a copy of this Notice of Appeal has been served on the court reporter(s), Kathy Plizga;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e) 27(f));

- (c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§31-3220, 31-3220A, I.A.R. ~~24(e)~~ 23(a)(8));
- (d) That arrangements have been made with Boundary County who will be responsible for paying for the reporter's transcript, as the client is indigent, (I.C. §§ 31-3220, 31-3220A, I.A.R. ~~24(e)(h)~~); and
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 3rd day of May, 2017.



ERIK R. LEHTINEN
Chief, Appellate Unit

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 3rd day of May, 2017, caused a true and correct of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

J LYNN BROOKS
ATTORNEY AT LAW
CONFLICT PUBLIC DEFENDER
250 NORTHWEST BLVD STE 108
COEUR D'ALENE ID 83814

KATHY PLIZGA
COURT REPORTER
BONNER COUNTY COURTHOUSE
215 SOUTH FIRST AVENUE
SANDPOINT ID 83864

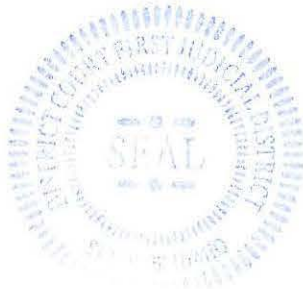
JACK DOUGLAS
BOUNDARY COUNTY PROSECUTOR
PO BOX 1148
BONNERS FERRY ID 83805

KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL - CRIMINAL DIVISION
Hand deliver to Attorney General's mailbox at Supreme Court



MARY ANN LARA
Administrative Assistant


ERL/mal



State of Idaho }
County of Boundary }ss

This is to certify that the foregoing is a true copy of the original now on file or record in this office

GLENDIA POSTON
Clerk of Dist. Court
Auditor & Recorder

By  Deputy
5-4-17

AMENDED NOTICE OF APPEAL – PAGE 5

1 TO: Clerk of the Court
2 Idaho Supreme Court
3 451 West State Street
4 Boise, Idaho 83720

FILED
2017 JUN 15 AM 9:05
STATE OF IDAHO
COUNTY OF BOUNDARY
GLENGA POSTON, CLERK
BY _____
DEPUTY CLERK

5 SUPREME COURT DOCKET NO. 45032

6 _____
7 STATE Of IDAHO) Boundary County
8 vs.) CR-2016-1199
9 GEOFFREY COLEMAN)

10 -----
11 N O T I C E O F T R A N S C R I P T L O D G E D
12 -----

13 Notice is hereby given that on June 14,
14 2017, I lodged a transcript consisting of 388 pages
15 in length, which is the Jury Trial held March 14 and
16 March 15, 2017, before the Honorable Barbara A.
17 Buchanan in the District Court of the County of
18 Boundary in the First Judicial District.

19
20 

21 KATHRYN PLIZGA, RPR, CSR

22
23
24
25

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO,	)	SUPREME COURT NO. 45032
)	
Plaintiff/Respondent,	)	District Court No. CR-2016-1199
vs.)	
	)	CERTIFICATE OF EXHIBITS
Geoffrey C. Coleman,)	
)	
Defendant/Appellant.)	


I, Glenda Poston, Clerk of the District Court of the First Judicial District, of the State of Idaho, in and for the County of Boundary, do hereby certify:

That the attached Exhibit List contains the exhibits which were offered or admitted into evidence during the trial in this cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Bonners Ferry, Idaho, this 15th day of June, 2017.



GLEND POSTON
CLERK OF THE DISTRICT COURT

By 
Deputy Clerk

.....

Exhibit Summary

Case: CR-2016-0001199

State of Idaho vs. Geoffrey C Coleman

Sorted by Exhibit Number

Number	Description	Result	Storage Location Property Item Number	Destroy Notification Date	Destroy or Return Date
1	State's Exhibits 1 - 3: 3/14/17 JT - Photos of ATV	Admitted	Court file		
		Assigned to:	Douglas, John R.		
2	State's Exhibit 4: 3/14/17 JT - Photo of R. Coleman	Admitted	Court file		
		Assigned to:	Douglas, John R.		
3	State's Exhibits 5 and 6: 3/14/17 - Photo of damage to door	Admitted	Court file		
		Assigned to:	Douglas, John R.		
4	State's Exhibit 7: 3/14/17 JT - Photo of dresser	Admitted	Court file		
		Assigned to:	Douglas, John R.		
5	State's Exhibits 8 and 9: 3/14/17 JT - Photos of R. Coleman hand	Admitted	Court file		
		Assigned to:	Douglas, John R.		
6	State's Exhibits 10, 11, 12: 3/14/17 JT - Photos of R. Coleman legs	Admitted	Court file		
		Assigned to:	Douglas, John R.		
7	State's Exhibit 13: 3/14/17 JT - photo of gun on car seat	Admitted	Court file		
		Assigned to:	Douglas, John R.		
8	Defendant's Exhibts A and B: 3/14/17 JT - witness statements	Admitted	Court file		
		Assigned to:	Brooks, Jerri Lynn, 3623		
9	Defendant's Exhibit C: 3/14/17 JT - drawn diagram, illustrative purposes only	Admitted	Court file		
		Assigned to:	Brooks, Jerri Lynn, 3623		

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

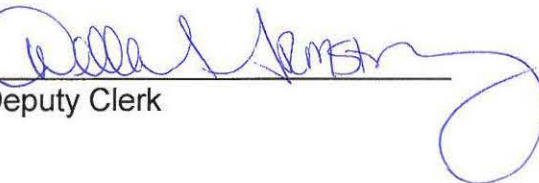
STATE OF IDAHO,	)	SUPREME COURT NO. 45032
)	
Plaintiff/Respondent,	)	District Court No. CR-2016-1199
vs.)	
	)	CLERK'S CERTIFICATE TO RECORD
GEOFFREY C. COLEMAN,)	
)	
Defendant/Appellant.)	

I, Glenda Poston, Clerk of the District Court of the First Judicial District, of the State of Idaho, in and for the County of Boundary, do hereby certify that the above and foregoing Record in the above-entitled cause was compiled and bound under my direction and is a true, full and correct Record of the pleadings and documents under Rule 28 of the Idaho Appellate Rules.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 15th day of June, 2017.



GLEND POSTON
CLERK OF THE DISTRICT COURT

By 
Deputy Clerk

.....

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOUNDARY

STATE OF IDAHO) SUPREME COURT NO. 45032
)
Plaintiff -Respondent,) BOUNDARY CO NO. CR-2016-1199
vs.)
) CLERK'S CERTIFICATE
GEOFFREY C. COLEMAN,) OF SERVICE
)
Defendant-Appellant.)

I, Glenda Poston, Clerk of the District Court of the First Judicial District, of the State of Idaho, in and for the County of Boundary, do hereby certify that I have personally served or mailed, by United States Mail, postage prepaid, one copy of the Clerk's Record and any Reporter's Transcript to each of the parties or their Attorney of Record as follows:

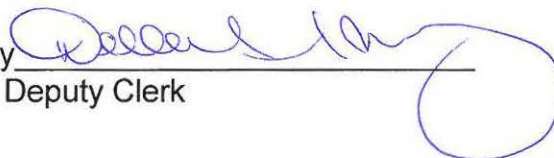
Lawrence G. Wadsen
Attorney General
PO Box 83702
Boise, ID 83720-0010

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 15th day of June, 2017.



GLEND POSTON
CLERK OF THE DISTRICT COURT

By 
Deputy Clerk

.....

1. CERTIFICATE OF SERVICE