

6-21-2017

State v. Billups Clerk's Record Dckt. 45199

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs

Recommended Citation

"State v. Billups Clerk's Record Dckt. 45199" (2017). *Idaho Supreme Court Records & Briefs, All*. 6900.
https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/6900

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ UIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs, All by an authorized administrator of Digital Commons @ UIdaho Law. For more information, please contact annablaine@uidaho.edu.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Appellant,

vs.

RANDALL JEROME BILLUPS,

Defendant-Respondent.

Supreme Court Case No. 45199

CLERK'S RECORD ON APPEAL

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

HONORABLE LYNN G. NORTON

LAWRENCE G. WASDEN

ATTORNEY FOR APPELLANT

BOISE, IDAHO

R. THOMAS CURL

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

In the Supreme Court of the State of Idaho

STATE OF IDAHO,

Plaintiff-Appellant,

v.

RANDALL JEROME BILLUPS,

Defendant-Respondent.

ORDER AUGMENTING APPEAL

Supreme Court Docket No. 45199-2017
Ada County No. CRFE-2014-17766

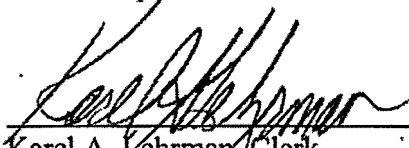
A Clerk's Record, Reporters' Transcripts and Exhibits were filed with this Court in prior appeal No. 43571, *State v. Billups*, Ada County No. CRFE-2014-17766. Therefore,

IT HEREBY IS ORDERED that this Record on Appeal shall be AUGMENTED to include the Clerk's Record, Reporters' Transcripts and Exhibits filed in prior appeal No. 43571, *State v. Billups*, Ada County No. CRFE-2014-17766.

IT FURTHER IS ORDERED that the District Court Clerk shall prepare and file a CLERK'S RECORD with this Court, which shall contain the documents requested in this Notice of Appeal together with a copy of this Order, but shall not duplicate any document included in the Clerk's Record filed in prior appeal No. 43571. Further, the designated Court Reporters shall prepare the transcripts requested in this Notice of Appeal and the CLERK'S RECORD AND REPORTERS' TRANSCRIPTS shall be filed with this Court by September 15, 2017.

DATED this 11th day of July, 2017.

For the Supreme Court


Karel A. Lehrman, Clerk

cc: Counsel of Record
District Court Clerk
Court Reporter
District Judge Lynn G. Norton

Entered on JSI
By: leg

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

State of Idaho
vs.
Randall Jerome Billups

§
§
§
§
§
§

Location: Ada County District Court
Judicial Officer: Norton, Lynn G.
Filed on: 12/08/2014
Case Number History:
Appellate Case Number: 43571
Police Reference Number: 14-006204

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type: Criminal
Jurisdiction: County				
1. Drug-Trafficking in Heroin (7 grams to Less Than 28 grams) TCN: 1110199877	I37-2732B(a) (6)(B)	FEL	12/05/2014	
Filed As: Drug-Trafficking in Heroin	FEL		12/8/2014	

Related Cases

CR-FE-2014-16656 (Consolidated Case)
CR-FE-2014-16657 (Consolidated Case)
CR-FE-2015-5259 (Consolidated Case)

Statistical Closures

09/10/2015 Closed

DATE	CASE ASSIGNMENT
------	-----------------

Current Case Assignment

Case Number	CR-FE-2014-17766
Court	Ada County District Court
Date Assigned	01/20/2015
Judicial Officer	Norton, Lynn G.

PARTY INFORMATION

State	State of Idaho	<i>Lead Attorneys</i> Vogt, James E., Jr 208-287-7700(W)
Defendant	Billups, Randall Jerome	Curl, Robert Thomas <i>Retained</i> 208-917-3439(W)
Victim	ACPO DRUG PROSECUTION RESTITUTION DRUG ENFORCEMENT DONATION ACCOUNT	

DATE	EVENTS & ORDERS OF THE COURT	INDEX
------	------------------------------	-------

12/08/2014	New Case Filed - Felony Party: Defendant Billups, Randall Jerome <i>New Case Filed - Felony</i>	
12/08/2014	Prosecutor Assigned Party: Defendant Billups, Randall Jerome <i>Prosecutor assigned Edwina E Wager</i>	
12/08/2014	Criminal Complaint Party: Defendant Billups, Randall Jerome <i>Criminal Complaint</i>	
12/08/2014	Hearing Scheduled	

000003

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Video Arraignment 12/08/2014 01:30 PM)

12/08/2014 Arraignment
Party: Defendant Billups, Randall Jerome
Hearing result for Video Arraignment scheduled on 12/08/2014 01:30 PM: Arraignment / First Appearance

12/08/2014 Change Assigned Judge: Administrative
Party: Defendant Billups, Randall Jerome
Judge Change: Administrative

12/08/2014 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Preliminary 12/23/2014 08:30 AM)

12/08/2014 Bond Set
Party: Defendant Billups, Randall Jerome
BOND SET: at 50000.00 - (137-2732B(a)(6) Drug-Trafficking in Heroin)

12/08/2014 Notice of Hearing
Party: Defendant Billups, Randall Jerome
Notice Of Hearing

12/08/2014 Notice of Hearing
Party: Defendant Billups, Randall Jerome
*Notice Of Hearing
[duplicate entry]*

12/08/2014 Video Arraignment (1:30 PM) (Judicial Officer: Hawley, John T., Jr)

12/09/2014 Notice of Appearance
Party: Defendant Billups, Randall Jerome
Notice Of Appearance / Burkett

12/09/2014 Request for Discovery
Party: Defendant Billups, Randall Jerome
Defendant's Request for Discovery

12/10/2014 Notice of Hearing
Party: Defendant Billups, Randall Jerome
Notice Of Hearing

12/10/2014 Preliminary Hearing Response to Request for Discovery
Party: Defendant Billups, Randall Jerome
Preliminary Hearing Response to Request for Discovery and Objections/Fourth Supplemental

12/11/2014 Preliminary Hearing Response to Request for Discovery
Party: Defendant Billups, Randall Jerome
Preliminary Hearing Response to Request for Discovery and Objections/Fifth Supplemental

12/17/2014 Motion to Consolidate
Party: Defendant Billups, Randall Jerome
Motion to Consolidate / FE-14-16657

12/22/2014 Preliminary Hearing Response to Request for Discovery
Party: Defendant Billups, Randall Jerome
Preliminary Hearing Response to Request for Discovery and Objections / Sixth Supplemental

12/22/2014 Order
Party: Defendant Billups, Randall Jerome

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

Order Consolidating to FE-14-16657

12/23/2014 Continued
Party: Defendant Billups, Randall Jerome
Continued (Preliminary 01/07/2015 08:30 AM)

12/23/2014 Amended Complaint Filed
Party: Defendant Billups, Randall Jerome
Amended Complaint Filed

12/23/2014 Charge Reduced Or Amended
Party: Defendant Billups, Randall Jerome
Charge Reduced Or Amended (I37-2732B(a)(6)(B) Drug-Trafficking in Heroin (7 grams to Less Than 28 grams))

12/23/2014 Miscellaneous
Party: Defendant Billups, Randall Jerome
Magistrate Minutes & Notice of Hearing

01/07/2015 Hearing Held
Party: Defendant Billups, Randall Jerome
Hearing Held

01/07/2015 Hearing Held
Party: Defendant Billups, Randall Jerome
Hearing result for Preliminary scheduled on 01/07/2015 08:30 AM: Preliminary Hearing Held

01/07/2015 **Preliminary Hearing (8:30 AM)** (Judicial Officer: Oths, Michael J.)

01/08/2015 Order
Party: Defendant Billups, Randall Jerome
Order RE: Preliminary Hearing

01/08/2015 Change Assigned Judge: Bind Over
Party: Defendant Billups, Randall Jerome
Change Assigned Judge: Bind Over

01/08/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Arrestment 01/23/2015 01:30 PM)

01/12/2015 Order for Commitment
Party: Defendant Billups, Randall Jerome
Commitment

01/12/2015 Miscellaneous
Party: Defendant Billups, Randall Jerome
Magistrate Minutes & Notice of Hearing
[file stamped 01/08/2015]

01/12/2015 Information Filed
Party: Defendant Billups, Randall Jerome
Information

01/12/2015 Motion for Disqualification of Judge
Party: Defendant Billups, Randall Jerome
Motion For Disqualification Without Cause

01/13/2015 Order
Party: Defendant Billups, Randall Jerome
Order Granting Disqualification - Judge Melissa Moody

000005

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

01/13/2015 Hearing Vacated
Party: Defendant Billups, Randall Jerome
Hearing result for Arraignment scheduled on 01/23/2015 01:30 PM: Hearing Vacated

01/13/2015 Change Assigned Judge: Disqualification without Cause
Party: Defendant Billups, Randall Jerome
Change Assigned Judge: Disqualification W/O Cause

01/13/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Arraignment 01/21/2015 01:30 PM)

01/13/2015 Transcript Filed
Party: Defendant Billups, Randall Jerome
Notice Of Reassignment

01/16/2015 Prosecutor Assigned
Party: Defendant Billups, Randall Jerome
Prosecutor assigned James E Vogt

01/20/2015 Order
Party: Defendant Billups, Randall Jerome
Order Granting Motion to Disqualify Without Cause

01/20/2015 Hearing Vacated
Party: Defendant Billups, Randall Jerome
Hearing result for Arraignment scheduled on 01/21/2015 01:30 PM: Hearing Vacated

01/20/2015 Change Assigned Judge: Disqualification without Cause
Party: Defendant Billups, Randall Jerome
Change Assigned Judge: Disqualification W/O Cause

01/20/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Arraignment 01/22/2015 09:00 AM)

01/20/2015 Transcript Filed
Party: Defendant Billups, Randall Jerome
Notice Of Reassignment to Lynn G. Norton

01/21/2015 **CANCELED Arraignment (1:30 PM) (Judicial Officer: Copsey, Cheri C.)**
Vacated

01/22/2015 DC Arraignment: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
*Hearing result for Arraignment scheduled on 01/22/2015 09:00 AM: District Court Arraignment- Court Reporter: Penny Tardiff
Number of Pages: Less than 100*

01/22/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Pretrial Conference 04/02/2015 09:00 AM)

01/22/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Jury Trial 04/13/2015 08:30 AM) 4 days

01/22/2015 A Plea is entered for Charge:*
Party: Defendant Billups, Randall Jerome
A Plea is entered for charge: - NG (137-2732B(a)(6)(B) Drug-Trafficking in Heroin (7 grams

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

to Less Than 28 grams))

01/22/2015 Notice of Jury Trial & Scheduling Order
Party: Defendant Billups, Randall Jerome
Notice Of Jury Trial And Scheduling Order

01/22/2015 **Arraignment (9:00 AM)** (Judicial Officer: Norton, Lynn G.)

01/22/2015 **Plea**
1. Drug-Trafficking in Heroin (7 grams to Less Than 28 grams)
Not Guilty
TCN: 1110199877 :

01/23/2015 **CANCELED Arraignment (1:30 PM)** (Judicial Officer: Moody, Melissa)
Vacated

02/23/2015 Response to Request for Discovery
Party: Defendant Billups, Randall Jerome
State/City Response to Discovery

02/23/2015 Request for Discovery
Party: Defendant Billups, Randall Jerome
State/City Request for Discovery
[unable to locate]

03/12/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Status Conference 03/13/2015 09:00 AM)

03/13/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
Hearing result for Status Conference scheduled on 03/13/2015 09:00 AM: District Court
Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 100

03/13/2015 Hearing Vacated
Party: Defendant Billups, Randall Jerome
Hearing result for Pretrial Conference scheduled on 04/02/2015 09:00 AM: Hearing Vacated

03/13/2015 Hearing Vacated
Party: Defendant Billups, Randall Jerome
Hearing result for Jury Trial scheduled on 04/13/2015 08:30 AM: Hearing Vacated 4 days

03/13/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Status Conference 04/16/2015 09:00 AM)

03/13/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Pretrial Conference 05/21/2015 09:00 AM)

03/13/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Jury Trial 06/01/2015 08:30 AM) 5 days

03/13/2015 Notice of Jury Trial & Scheduling Order
Party: Defendant Billups, Randall Jerome
Amended Notice Of Jury Trial And Scheduling Order

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

03/13/2015 **Status Conference (9:00 AM)** (Judicial Officer: Norton, Lynn G.)

03/24/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Hearing Scheduled 04/09/2015 09:00 AM)

03/24/2015 Notice of Preparation of Transcript
Party: Defendant Billups, Randall Jerome
Notice of Preparation of Preliminary Hearing Transcript

03/25/2015 Motion to Withdraw
Party: Defendant Billups, Randall Jerome
Motion to Withdraw as Attorney of Record

03/25/2015 Notice of Hearing
Party: Defendant Billups, Randall Jerome
Notice Of Hearing(04/02/15@11AM)

03/25/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Hearing Scheduled 04/02/2015 11:00 AM)

03/25/2015 Motion to Withdraw
Party: Defendant Billups, Randall Jerome
Motion to Withdraw as Attorney of Record

03/25/2015 Notice of Hearing
Party: Defendant Billups, Randall Jerome
Notice Of Hearing(004/02/15@11AM)

03/27/2015 Motion
Party: Defendant Billups, Randall Jerome
Motion to Sever
[file stamped 03/26/2015]

03/27/2015 Memorandum
Party: Defendant Billups, Randall Jerome
Memorandum in Support of Motion
[file stamped 03/27/2015]

04/02/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
Hearing result for Hearing Scheduled scheduled on 04/02/2015 11:00 AM: District Court
Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 100

04/02/2015 Order
Party: Defendant Billups, Randall Jerome
Order to Withdraw as Attorney of Record

04/02/2015 Notice
Party: Defendant Billups, Randall Jerome
Notice and Order Appointing Public Defender

04/02/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Status Conference 04/09/2015 09:00 AM)

04/02/2015 **CANCELED Pre-trial Conference (9:00 AM)** (Judicial Officer: Norton, Lynn G.)
Vacated

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

04/02/2015 **Hearing Scheduled** (11:00 AM) (Judicial Officer: Norton, Lynn G.)

04/03/2015 **Motion for Bond Reduction**
Party: Defendant Billups, Randall Jerome
Motion For Bond Reduction

04/03/2015 **Notice of Hearing**
Party: Defendant Billups, Randall Jerome
Notice Of Hearing (4/16 @ 9:00)

04/03/2015 **Response to Request for Discovery**
Party: Defendant Billups, Randall Jerome
State/City Response to Discovery/ First Addendum

04/03/2015 **Request for Discovery**
Party: Defendant Billups, Randall Jerome
Defendant's Request for Discovery

04/09/2015 **DC Hearing Held: Court Reporter: # of Pages:**
Party: Defendant Billups, Randall Jerome
Hearing result for Status Conference scheduled on 04/09/2015 09:00 AM: District Court Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 100

04/09/2015 **Substitution of Counsel**
Party: Defendant Billups, Randall Jerome
Substitution Of Conflict Counsel

04/09/2015 **Request for Discovery**
Party: Defendant Billups, Randall Jerome
Request For Discovery

04/09/2015 **CANCELED Hearing Scheduled** (9:00 AM) (Judicial Officer: Norton, Lynn G.)
Vacated

04/09/2015 **Status Conference** (9:00 AM) (Judicial Officer: Norton, Lynn G.)

04/13/2015 **CANCELED Jury Trial** (8:30 AM) (Judicial Officer: Norton, Lynn G.)
Vacated
4 days Hearing result for Jury Trial scheduled on 04/13/2015 08:30 AM: Hearing Vacated

04/16/2015 **DC Hearing Held: Court Reporter: # of Pages:**
Party: Defendant Billups, Randall Jerome
Hearing result for Status Conference scheduled on 04/16/2015 09:00 AM: District Court Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 100

04/16/2015 **Hearing Scheduled**
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Motion to Suppress 05/07/2015 11:00 AM) and to Sever

04/16/2015 **Motion to Suppress**
Party: Defendant Billups, Randall Jerome
Motion to Suppress

04/16/2015 **Memorandum**
Party: Defendant Billups, Randall Jerome
Memorandum in Support of Defendant's Motion to Supress

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

04/16/2015 **Status Conference (9:00 AM)** (Judicial Officer: Norton, Lynn G.)

04/17/2015 Request for Discovery
Party: Defendant Billups, Randall Jerome
State/City Request for Discovery

05/06/2015 Response to Request for Discovery
Party: Defendant Billups, Randall Jerome
State/City Response to Discovery / Second Addendum

05/06/2015 Continued
Party: Defendant Billups, Randall Jerome
Continued (Motion to Suppress 05/18/2015 09:00 AM)

05/07/2015 Objection
Party: Defendant Billups, Randall Jerome
Objection to Defendant's Motion to Suppress Evidence

05/08/2015 Notice of Hearing
Party: Defendant Billups, Randall Jerome
Notice Of Hearing (5/18 @ 9am)

05/08/2015 Motion
Party: Defendant Billups, Randall Jerome
*Motion for Preliminary Hearing Transcript
[entered in error]*

05/18/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
*Hearing result for Motion to Suppress scheduled on 05/18/2015 09:00 AM: District Court
Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 100*

05/18/2015 **Motion to Suppress (9:00 AM)** (Judicial Officer: Norton, Lynn G.)

05/19/2015 Motion to Continue
Party: Defendant Billups, Randall Jerome
Motion To Continue Jury Trial

05/19/2015 Notice of Hearing
Party: Defendant Billups, Randall Jerome
Notice Of Hearing (5-21-2015 @ 9)

05/21/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
*Hearing result for Pretrial Conference scheduled on 05/21/2015 09:00 AM: District Court
Hearing Held
Court Reporter: Susan Gambee
Number of Transcript Pages for this hearing estimated: Less than 100*

05/21/2015 Hearing Vacated
Party: Defendant Billups, Randall Jerome
Hearing result for Jury Trial scheduled on 06/01/2015 08:30 AM: Hearing Vacated 5 days

05/21/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Pretrial Conference 07/16/2015 09:00 AM)

05/21/2015 Hearing Scheduled

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Jury Trial 07/27/2015 08:30 AM) 3 days

05/21/2015 Notice of Jury Trial & Scheduling Order
Party: Defendant Billups, Randall Jerome
Amended Notice Of Jury Trial And Scheduling Order

05/21/2015 **Pre-trial Conference (9:00 AM)** (Judicial Officer: Norton, Lynn G.)

06/01/2015 **CANCELED Jury Trial (8:30 AM)** (Judicial Officer: Norton, Lynn G.)
Vacated
5 days Hearing result for Jury Trial scheduled on 06/01/2015 08:30 AM: Hearing Vacated

06/22/2015 Response to Request for Discovery
Party: Defendant Billups, Randall Jerome
State/City Response to Discovery/ Third Addendum

07/16/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
Hearing result for Pretrial Conference scheduled on 07/16/2015 09:00 AM: District Court Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 100

07/16/2015 Motion
Party: Defendant Billups, Randall Jerome
Motion for Temporary Removal and Production of a Witness and to Transport a Witness Separately from the Ada County Jail

07/16/2015 Affidavit
Party: Defendant Billups, Randall Jerome
Affidavit of James E Vogt

07/16/2015 **Pre-trial Conference (9:00 AM)** (Judicial Officer: Norton, Lynn G.)

07/17/2015 Miscellaneous
Party: Defendant Billups, Randall Jerome
St's List of Potential Witnesses
[file stamped 07/16/2015]

07/17/2015 Miscellaneous
Party: Defendant Billups, Randall Jerome
St's List of Potential Trial Exhibits
[file stamped 07/16/2015]

07/17/2015 Miscellaneous
Party: Defendant Billups, Randall Jerome
St's List of Requested Jury Instructions
[file stamped 07/16/2015]

07/17/2015 Response to Request for Discovery
Party: Defendant Billups, Randall Jerome
State/City Response to Discovery/ Fourth Addendum

07/20/2015 Order
Party: Defendant Billups, Randall Jerome
Final Pre-Trial Order

07/20/2015 Continued
Party: Defendant Billups, Randall Jerome
Continued (Jury Trial 07/27/2015 01:30 PM) 3 days

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

07/20/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Pretrial Conference 07/23/2015 01:00 PM)

07/20/2015 Order
Party: Defendant Billups, Randall Jerome
Order for Temporary Removal & Production of a Witness and to Transport a Witness Separately from the Ada County Jail

07/23/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
Hearing result for Pretrial Conference scheduled on 07/23/2015 01:00 PM: District Court Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 100

07/23/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Change of Plea 07/24/2015 10:00 AM)

07/23/2015 **Pre-trial Conference (1:00 PM)** (Judicial Officer: Norton, Lynn G.)

07/24/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
Hearing result for Change of Plea scheduled on 07/24/2015 10:00 AM: District Court Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 100 pages

07/24/2015 **Change of Plea (10:00 AM)** (Judicial Officer: Norton, Lynn G.)

07/27/2015 Jury Trial Started
Party: Defendant Billups, Randall Jerome
Hearing result for Jury Trial scheduled on 07/27/2015 01:15 PM: Jury Trial Started 3 days
Reporter: Penny Tardiff - Less than 200 pages

07/27/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Jury Trial 07/28/2015 09:00 AM) Day 2 Jury Trial

07/27/2015 **Jury Trial (1:15 PM)** (Judicial Officer: Neville, Thomas F.)
3 days Hearing result for Jury Trial scheduled on 07/27/2015 01:15 PM: Jury Trial Started

07/28/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
Hearing result for Jury Trial scheduled on 07/28/2015 09:00 AM: District Court Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Day 2 Jury Trial Less than 300 pages

07/28/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Jury Trial 07/29/2015 09:00 AM)

07/28/2015 **Jury Trial (9:00 AM)** (Judicial Officer: Neville, Thomas F.)
Day 2 Jury Trial Hearing result for Jury Trial scheduled on 07/28/2015 09:00 AM: District Court Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated:

07/29/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

*Hearing result for Jury Trial scheduled on 07/29/2015 09:00 AM: District Court Hearing Held
Court Reporter: Penny Tardiff
Number of Transcript Pages for this hearing estimated: Less than 300 pages*

07/29/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Jury Trial 07/30/2015 09:00 AM) Day four Jury out for deliberations

07/29/2015 **Jury Trial (9:00 AM)** (Judicial Officer: Neville, Thomas F.)

07/30/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
*Hearing result for Jury Trial scheduled on 07/30/2015 09:00 AM: District Court Hearing Held
Court Reporter: Vanessa Starr
Number of Transcript Pages for this hearing estimated: Day four Jury out for deliberations
Less than 100 pages*

07/30/2015 Found Guilty after Trial
Party: Defendant Billups, Randall Jerome
Found Guilty After Trial On Count I

07/30/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Sentencing 09/10/2015 10:00 AM)

07/30/2015 Jury Instructions Filed
Party: Defendant Billups, Randall Jerome
Jury Instructions Filed

07/30/2015 Verdict form
Party: Defendant Billups, Randall Jerome
Verdict Form

07/30/2015 Pre-Sentence Investigation Ordered
Party: Defendant Billups, Randall Jerome
Pre-Sentence Investigation Evaluation Ordered

07/30/2015 **Jury Trial (9:00 AM)** (Judicial Officer: Neville, Thomas F.)
*Day four Jury out for deliberations Hearing result for Jury Trial scheduled on 07/30/2015
09:00 AM: District Court Hearing Held
Court Reporter: Vanessa Starr
Number of Transcript Pages for this hearing estimated:*

08/05/2015 Hearing Scheduled
Party: Defendant Billups, Randall Jerome
Hearing Scheduled (Hearing Scheduled 08/10/2015 03:00 PM)

08/10/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
*Hearing result for Hearing Scheduled scheduled on 08/10/2015 03:00 PM: District Court
Hearing Held
Court Reporter: Tiffany Fisher
Number of Transcript Pages for this hearing estimated: less than 100*

08/10/2015 **Hearing Scheduled (3:00 PM)** (Judicial Officer: Neville, Thomas F.)

09/10/2015 Interest Ordered on Restitution
Int Start Dt: 09/10/2015

09/10/2015 DC Hearing Held: Court Reporter: # of Pages:
Party: Defendant Billups, Randall Jerome
Hearing result for Sentencing scheduled on 09/10/2015 10:00 AM: District Court Hearing

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

Held

Court Reporter: Penny Tardiff

Number of Transcript Pages for this hearing estimated: Less than 100

09/10/2015 Finding of Guilty
Party: Defendant Billups, Randall Jerome
Finding of Guilty (137-2732B(a)(6)(B) Drug-Trafficking in Heroin (7 grams to Less Than 28 grams))

09/10/2015 Sentenced to Jail or Detention
Party: Defendant Billups, Randall Jerome
Sentenced to Jail or Detention (137-2732B(a)(6)(B) Drug-Trafficking in Heroin (7 grams to Less Than 28 grams)) Confinement terms: Penitentiary determinate: 10 years.

09/10/2015 Status Changed
Party: Defendant Billups, Randall Jerome
STATUS CHANGED: closed pending clerk action

09/10/2015 Sentenced to Pay Fine
Party: Defendant Billups, Randall Jerome
Sentenced To Pay Fine 22285.50 charge: 137-2732B(a)(6)(B) Drug-Trafficking in Heroin (7 grams to Less Than 28 grams)

09/10/2015 Restitution Recommended by the Prosecutor's Office
Party: Defendant Billups, Randall Jerome
Restitution Recommended by the Prosecutor's office. 100.00 victim # 1

09/10/2015 Restitution Recommended by the Prosecutor's Office
Party: Defendant Billups, Randall Jerome
Restitution Recommended by the Prosecutor's office. 7134.00 victim # 2

09/10/2015 **Sentencing** (10:00 AM) (Judicial Officer: Norton, Lynn G.)

09/10/2015 **Disposition**
1. Drug-Trafficking in Heroin (7 grams to Less Than 28 grams)
Guilty
TCN: 1110199877 :

09/10/2015 **Sentence** (Judicial Officer: Norton, Lynn G.)
1. Drug-Trafficking in Heroin (7 grams to Less Than 28 grams)
Felony Sentence
Confinement
Type:
Facility: Idaho Department of Correction
Effective Date: 09/10/2015
Determinate: 10 Years

09/10/2015 Case Final Judgment Entered

09/11/2015 Judgment
Party: Defendant Billups, Randall Jerome
Judgment & Commitment

09/11/2015 Order
Party: Defendant Billups, Randall Jerome
Order for Restitution

09/22/2015 Appeal Filed in Supreme Court
Party: Defendant Billups, Randall Jerome
Appealed To The Supreme Court

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

09/22/2015 Notice of Appeal
Party: Defendant Billups, Randall Jerome
NOTICE OF APPEAL

09/22/2015 Motion
Party: Defendant Billups, Randall Jerome
Ex Parte Motion to Appoint State Appellate Public Defender on Direct appeal


10/02/2015 Order
Party: Defendant Billups, Randall Jerome
Order Appointing State Appellate Public Defender on Direct Appeal


10/29/2015 Notice
Party: Defendant Billups, Randall Jerome
Notice of Transcript Lodged - Supreme Court No. 43571


11/02/2015 Notice of Appeal
Party: Defendant Billups, Randall Jerome
Amended NOTICE OF APPEAL


02/09/2016 Notice
Party: Defendant Billups, Randall Jerome
(2) Notice of Transcript Lodged - Supreme Court No. 43571


07/06/2016 Notice
Party: Defendant Billups, Randall Jerome
Notice of Transcript Lodged - Supreme Court No. 43571


03/10/2017  Decision or Opinion
- Unpublished Opinion - Reversed - Supreme Court No. 43571


03/10/2017  Order to Transport


04/04/2017  Notice of Hearing


04/06/2017  Remittitur
- Supreme Court No. 43571


04/21/2017  Substitution of Counsel
/Curl


04/21/2017  Request for Discovery

05/04/2017  Status Conference (9:00 AM) (Judicial Officer: Norton, Lynn G.)






05/04/2017  Court Minutes

05/05/2017  Bond Receipt and Court Date
5/18/17

05/18/2017  Status Conference (9:00 AM) (Judicial Officer: Norton, Lynn G.)

05/18/2017  Court Minutes

ADA COUNTY DISTRICT COURT
CASE SUMMARY
CASE NO. CR-FE-2014-17766

05/19/2017	 Order <i>Setting Aside Judgments, Dismissing Case</i>
05/19/2017	Amended Disposition 1. Drug-Trafficking in Heroin (7 grams to Less Than 28 grams) Dismissed by Court TCN: 1110199877 :
05/22/2017	 Notice <i>of Hearing</i>
05/22/2017	 Motion for Reconsideration
06/08/2017	Hearing Scheduled (11:00 AM) (Judicial Officer: Norton, Lynn G.)
06/08/2017	 Court Minutes
06/21/2017	 Notice of Appeal
06/21/2017	Appeal Filed in Supreme Court
08/17/2017	Notice <i>of Transcript Lodged x 2 - Supreme Court No. 45199</i>

DATE	FINANCIAL INFORMATION	
	Defendant Billups, Randall Jerome	
	Total Charges	29,895.08
	Total Payments and Credits	574.02
	Balance Due as of 8/17/2017	29,321.06

MAR 10 2017

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

CHRISTOPHER D. RICH, Clerk
By JANINE KORSEN
DEPUTY

State of Idaho
vs.
Randall Jerome Billups
DOB: [REDACTED]

Case No. CR-FE-2014-17766

Order to Transport

Event Code: OTRAN

It appearing that the above-named Defendant is in custody at the Department of Corrections and that it is necessary or appropriate that the Defendant be brought to the Ada County Jail and housed at the Ada County Jail.

The Ada County Sheriff shall transport the Defendant to the Ada County Jail and house him there until further order from the Court.

The Department of Corrections shall release the Defendant to the Ada County Sheriff for the purpose of housing him at the Ada County Jail temporarily.

IT IS SO ORDERED.

Dated: March 10, 2017



Lynn G. Norton
Judge

cc: ACJ, IDOC



Filed: April 04, 2017 at 1:35 PM.
Fourth Judicial District, Ada County
Christopher D. Rich, Clerk of the Court
By: *Janine Korsen* Deputy Clerk

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

State of Idaho
vs.
Randall Jerome Billups

Case No. CR-FE-2014-17766
Notice of Hearing

NOTICE IS GIVEN That the above-entitled case is set for:

Hearing Type	Date	Time	Judge
Status Conference	05/04/2017	9:00 AM	Lynn G. Norton

at the: Ada County Courthouse
200 W. Front Street
Boise ID 83702

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the attached to:

Tanner John Stellmon
200 W Front Street Rm 3191
Boise ID 83702
acpocourtdocs@adaweb.net

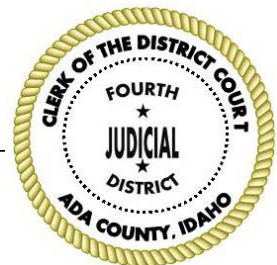
By email [] By mail

Randall Scott Barnum
380 S 4th Street Ste 104
Boise ID 83702
courtdocs@bhglaw.net

By email [] By mail

Dated: April 04, 2017

By: *Janine Korsen*
Deputy Clerk



R. Thomas Curl, Esq
Mountain Valley Law PLLC
380 South 4th Street, Suite 202
Boise, ID 93702
Telephone: (208) 917-3439
Fax: (208) 279-5525
tom@mountainvalleylaw.com
Idaho State Bar No. 9945

Attorney for the Defendant

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

STATE OF IDAHO,

Plaintiff,

vs.

RANDALL JEROME BILLUPS

Defendant.

CASE NO. CR-FE-2014-17766

SUBSTITUTION OF COUNSEL

TO: THE CLERK OF THE COURT

AND: THE STATE OF IDAHO

Please note that R. Thomas Curl, Esq. and Mountain Valley Law PLLC has been retained by the defendant and hereby substitute as counsel for Defendant in place of the Ada County Public Defender. Please address all future correspondence accordingly.

DATED this 21ST day of April, 2017.

/s/R. Thomas Curl, Esq/s/
R. Thomas Curl, Esq

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of April, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ada County Prosecutor
200 W Front ST, Fl 3
Boise, ID 83702
acpocourtdocs@adaweb.net

U.S. Mail
 Hand Delivery
 E-Filing
 Facsimile

Ada County Public Defender
200 W Front St
Boise, ID 83702
Public.defender@adacounty.id.gov

U.S. Mail
 Hand Delivery
 E-Filing
 Facsimile

/s/R. Thomas Curl, Esq/s/
R. Thomas Curl, Esq.

R. Thomas Curl, Esq
Mountain Valley Law PLLC
380 South 4th Street, Suite 202
Boise, ID 93702
Telephone: (208) 917-3439
Fax: (208) 279-5525
tom@mountainvalleylaw.com
Idaho State Bar No. 9945

Attorney for the Defendant

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

THE STATE OF IDAHO,

Plaintiff,

vs.

RANDALL JEROME BILLUPS,

Defendant.

CASE NO. CR-FE-2014-17766

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, PLAINTIFF, AND ITS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that the undersigned, pursuant to I.M.C.R. 1 and I.C.R. 16, requests discovery and inspection of the following information, evidence, and materials.

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

REQUEST FOR DISCOVERY – 1 of 4

000021

2. Any written or recorded statements of a co-defendant, and the substance of any relevant oral statement made by a co-defendant, whether before or after arrest, in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.

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

4. Books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody, 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. Any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with this case, or copies thereof, within the possession, custody, 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. SPECIFICALLY, A COPY OF THE AUDIO DISPATCH TAPE EVIDENCING ALL INFORMATION ON THE STOP OF THE DEFENDANT.

6. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the State as witnesses at trial, together with any record of prior felony convictions of any such person which is within the knowledge of the prosecuting attorney. The prosecuting attorney shall also furnish the statements made by the prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or her agents or to any official involved in the investigatory process of the case. This request also seeks any oral or written

statements made by a State's witness to victim/witness coordinator; including, but not limited to, any notes taken by the victim/witness coordinator.

7. Reports and memorandum in the prosecuting attorney's possession which were made by a police officer or investigator in connection with the investigation or prosecution of the case. This request also seeks the back side of any citation and summons issued to the Defendant.

8. Any 404 (a) or (b) evidence that the State intends to introduce at trial, including but not limited to, police reports, judgments, witness statements, or physical evidence.

The undersigned further requests permission to inspect and copy said information, evidence, and materials at a time and place mutually agreeable to the parties hereto.

You are advised that if, subsequent to compliance with this Request, and prior to or during trial, you discover additional evidence or the evidence of an additional witness or witnesses, such evidence is automatically subject to discovery and inspection under this Request, and you shall promptly notify this party and the Court of the existence of such additional evidence or the names of such additional witness or witnesses in order to allow this party to make an appropriate request for additional discovery.

DATED this 21st day of April, 2017.

/s/R. Thomas Curl, Esq/s/
R. Thomas Curl, Esq
Attorney for the Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of April, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Ada County Prosecutor
200 W Front Street, Floor 3
Boise, ID 83702
acpocourtdocs@adaweb.net

U.S. Mail
 Hand Delivery
 E-Filing
 Facsimile

Ada County Public Defender
200 W Front St
Boise, ID 83702
Public.defender@adacounty.id.gov

U.S. Mail
 Hand Delivery
 E-Filing
 Facsimile

/s/R. Thomas Curl, Esq/s/

R. Thomas Curl, Esq.
Managing Attorney

Description	Judge Norton 050417 Janine Korsen Penny Tardiff		
Date	5/4/2017	Location	1A-CRT503
Time	Speaker	Note	
09:08:47 AM		St. v. Randall Billups CRFE14-17766 Status Conference Cust	
09:08:49 AM	Defendant	Defendant is present in custody.	
09:08:51 AM	State Attorney - Tanner Stellmon		
09:08:53 AM	Personal Attorney - Robert Curl		
09:08:57 AM	Judge Norton	reviews the file.	
09:09:04 AM	Judge Norton	will release him on his own recognizances.	
09:09:18 AM	State Attorney -	requests pre-trial monitoring.	
09:09:22 AM	Judge Norton	advises no.	
09:09:49 AM	Judge Norton	continues the matter to May 18 at 9:00 for another status conference.	

Produced by FTR Gold™
www.fortherecord.com

**IN THE DISTRICT COURT OF THE 4TH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

THE STATE OF IDAHO,
Plaintiff,

vs.

Billups, Randall
Defendant



DOB

NO. 9- FILED PM
AM
NOTICE OF COURT DATE
MAY 05 2017
CHRISTOPHER D. RICH, Clerk
By RACHAEL WEATHERBY
DEPUTY
CRFE-2014-17766
Case Number

YOU ARE HEREBY NOTIFIED that you must appear before the Judge,

on 05/18/2017 at 09:00 AM hrs, at the:

District Court
200 W. Front St
Boise, ID 83702

YOU ARE FURTHER NOTIFIED that if you fail to appear as specified herein,
a Warrant of Arrest will be issued against you.

This is to certify that I have received a copy of this NOTICE TO APPEAR.
I understand that I am being released on my own recognizance and that the court may, as a condition
of my release, require an agreement to comply with any terms and conditions it finds necessary in my
release. Further, I promise to appear in the court at the time, date, and place described in this notice.

Randall Billups
Defendant Signature

5-4-17
Date

Description	Judge Norton 051817 Janine Korsen Penny Tardiff	
Date	5/18/2017	Location 1A-CRT503
Time	Speaker	Note
09:38:55 AM		St. v. Randall Billups CRFE14-17766 Status Conference ROR
09:38:57 AM	Defendant	is present, ROR.
09:39:01 AM	State Attorney - Tanner Stellmon	
09:39:08 AM	Personal Attorney - Robert Curl	
09:39:11 AM	Judge Norton	inquires as to the status of this case.
09:39:20 AM	State Attorney -	requests to set it for trial and another status conference in two or three weeks.
09:39:40 AM	Personal Attorney -	objects to that and asks for a dismissal today.
09:40:06 AM	Judge Norton	agrees with that and will dismiss this case and discharges the Defendant.

Produced by FTR Gold™
www.fortherecord.com

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

STATE OF IDAHO,

Plaintiff,

vs.

RANDALL JEROME BILLUPS,

Defendant.

Case No. CR-FE-2014-17766

ORDER SETTING ASIDE JUDGMENTS,
DISMISSING CASE

The Judgment and Commitment entered on September 11, 2015 was reversed pursuant to Idaho Court of Appeals unpublished opinion number 2017 Opinion No. 395. The case was not remanded to the District Court for further proceedings.

Therefore, the Judgment and Commitment entered on September 11, 2015 and the Order for Restitution and Judgment entered September 11, 2015 are set aside and this case is dismissed.

The Defendant is discharged.

Signed: 5/19/2017 09:49 AM



Lynn G. Norton
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 19th, 2017, I e-mailed (served) a true and correct copy of the above document to:

Tanner Stellmon
acpocourtdocs@adaweb.net

Robert Curl
tom@mountainvalleylaw.com

CHRISTOPHER D. RICH
Clerk of the Court


Deputy Clerk Signed: 5/19/2017 10:06 AM



JAN M. BENNETTS
Ada County Prosecuting Attorney

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

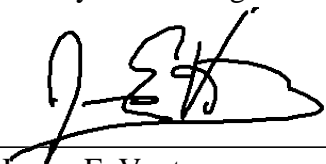
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,)	
	)	Case No. CR-FE-2014-17766
vs.)	
	)	NOTICE OF HEARING
RANDALL JEROME BILLUPS,)	
)	
Defendant.)	
_____)	

TO: R. Thomas Curl, Attorney of Record, you will please take notice that on the 8th day of June, 2017 at the hour of 11:00AM of said day, or as soon thereafter as counsel can be heard, Deputy Prosecuting Attorney James E. Vogt, will move this Honorable Court regarding the State's Motion for Reconsideration in the above-entitled action.

DATED this 22 day of May, 2017.

JAN M. BENNETTS
Ada County Prosecuting Attorney



By: James E. Vogt
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this the 22 day of May, 2017 I caused to be served, a true and correct copy of the foregoing Notice of Hearing upon the individual(s) named below in the manner noted:

R. Thomas Curl, 380 S. 4th Street, Suite 202, Boise, ID 83702

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



JAN M. BENNETTS
Ada County Prosecuting Attorney

James E. Vogt
Deputy Prosecuting Attorney
200 W. Front St., Room 3191
Boise Idaho 83702
Telephone: 208-287-7700

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

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2014-0017766
vs.)	
)	
RANDALL JEROME BILLUPS,	)	STATE'S MOTION FOR
	)	RECONSIDERATION
Defendant.)	
)	
)	
_____)	

COMES NOW, James E. Vogt, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and does hereby move the Court to reconsider the May 18, 2017 denial of the State's motion for trial date and further reconsideration regarding the order dismissing the case and discharging the defendant.

The defendant was convicted in this case of Conspiracy to Traffic in Heroin. The Court of Appeals issued an unpublished opinion on March 9, 2017 wherein the Court of Appeals ruled that certain evidence should have been suppressed. The Court of Appeals reversed the Judgment of Conviction. The Court then issued a

remittitur which ordered the District Court to forthwith comply with the directive of the unpublished opinion, “if any action is required.”

The District Court set a status conference. At the status conference, the State requested a jury trial date. The State has a significant quantum of admissible evidence, separate and apart from the evidence which the Court of Appeals deemed inadmissible. For instance, the State adduced at the last trial testimony of a co-conspirator. The Court denied the State’s motion for a trial setting and instead dismissed the case on the motion of the defense. The State moves this Court to reconsider its denial of the motion for a new trial date and further reconsider the order dismissing the case.

This Court’s order notes that the case was not remanded for further proceedings. The State submits that despite the absence of any reference to remand in the Court of Appeal’s opinion, that was the effect of the remittitur. The remittitur entitles this Court to take such action as is required to effectuate the opinion. The opinion requires vacation of the Judgment, but does not preclude further proceedings. In the absence of a conviction, the State submits the next action required is to further process the case. Thus the State submits the Court of Appeals decision and remittitur taken together permits this Court to set a jury trial date and permit the State to present the remaining evidence in the State’s case. The State asks the Court permit the State to proceed.

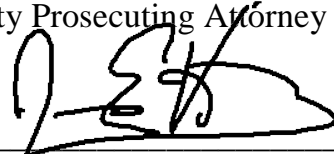
The State sought a trial date at the last hearing, and the Court dismissed based on the verbal motion of the defense without permitting the State an opportunity to brief the issue or fully respond. The Court indicated in its written order that the Court was setting aside the prior judgment, dismissing the case and discharging the defendant. The State objects to dismissal of the case. The State, at trial, adduced evidence including the testimony of a co-conspirator. The State has a good faith basis to believe that even absent the suppressed evidence, the case can successfully proceed to trial.

Idaho Appellate Rule 39(c) provides, in relevant part: “The remittitur shall advise the district court or administrative agency that the opinion has become final and that the district court or administrative agency shall forthwith comply with the directive of the opinion.” Consistent with this rule, the Remittitur in this case reads: “IT IS HEREBY ORDERED that the District Court shall forthwith comply with the directive of the Unpublished Opinion, if any action is required.” The Opinion, in turn, requires that the judgment of conviction is “reversed.” Thus, the district court complies with the Opinion by vacating the judgment. The Opinion does not direct the district court to *dismiss* the case, nor is dismissal appropriate. Substantively, the only thing the Opinion prohibits is admission of the evidence the Court of Appeals found should not have been admitted. The ordinary course in such a circumstance is retrial *if* the state elects to proceed, which is precisely why dismissal is improper absent a motion by the State.

Insofar as further proceedings were not precluded, the State requests that the Court reconsider the State’s request for a trial setting and further reconsider the dismissal of the case.

DATED this 22 day of May, 2017.

JAN M. BENNETTS
Ada County Prosecuting Attorney



By: James E. Vogt
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22 day of May, 2017, I caused to be served, a true and correct copy of the State's Motion for Reconsideration upon the individual(s) named below in the manner noted:

R. Thomas Curl, 380 S. 4th Street, Suite 202, Boise, ID 83702

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



Legal Assistant to James Vogt

Description	Judge Norton 060817 Janine Korsen Dianne Cromwell got here at 9:40 am		
Date	6/8/2017	Location	1A-CRT503
Time	Speaker	Note	
11:32:23 AM		St. v. Randall Billups CRFE14-17766 Motion for Reconsideration	
11:32:26 AM	Defendant	is present.	
11:32:30 AM	State Attorney - Jim Vogt		
11:32:33 AM	Personal Attorney - Robert Curl		
11:32:36 AM	Judge Norton	argues his Motion for Reconsideration.	
11:34:08 AM	Personal Attorney -	argues in opposition.	
11:34:53 AM	Judge Norton	comments and will deny the Motion for Reconsideration.	

Produced by FTR Gold™
www.fortherecord.com

LAWRENCE G. WASDEN
Attorney General
State of Idaho

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

KENNETH K. JORGENSEN
Idaho State Bar #4051
Deputy Attorney General
P. O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534
Email: ecf@ag.idaho.gov

NO. _____ FILED
A.M. _____ P.M. 4:00
JUN 21 2017
CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

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

STATE OF IDAHO,	)	District Court Case No.
	)	CR-FE-2014-17766
Plaintiff-Appellant,)	
	)	Supreme Court No.
v.)	
	)	NOTICE OF APPEAL
RANDALL JEROME BILLUPS,)	
)	
Defendant-Respondent.)	

TO: RANDALL JEROME BILLUPS, THE ABOVE-NAMED
RESPONDENT, R. THOMAS CURL, MOUNTAIN VALLEY LAW PLLC, 380 S.
4TH ST., STE. 202, BOISE, ID 83702 AND THE CLERK OF THE ABOVE-
ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, State of Idaho, appeals against the
above-named respondent to the Idaho Supreme Court from the ORDER
SETTING ASIDE JUDGMENTS, DISMISSING CASE, entered in the above-

entitled action on the 19th day of May, 2017, the Honorable Lynn G. Norton presiding. A copy of the judgment or order being appealed is attached to this notice, as well as a copy of the final judgment if this is an appeal from an order entered after final judgment.

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 Rule 11(c)(3), I.A.R.

3. Preliminary statement of the issue on appeal: Whether the district court erred by dismissing the case post-appeal.

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

5. The appellant requests the preparation of the following portions of the reporter's transcript:

Hearing on the Status Conference, held May 18, 2017 (Court Reporter Penny Tardiff, 10 pages estimated).

Hearing on the Motion for Reconsideration, held June 8, 2017 (Court Reporter Dianne Cromwell, no estimate for number of pages available).

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

7. I certify:

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

PENNY TARDIFF
Court Reporter
200 W. Front St.
Boise, ID 83702-7300

DIANNE CROMWELL
Court Reporter
200 W. Front St.
Boise, ID 83702-7300

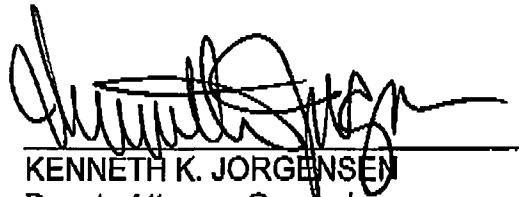
(b) That arrangements have been made with the Ada County Prosecuting Attorney who will be responsible for paying for the reporter's transcript;

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

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

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

DATED this 21st day of June, 2017.



KENNETH K. JORGENSEN
Deputy Attorney General
Attorney for the Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 21st day of June, 2017, caused a true and correct copy of the foregoing NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

THE HONORABLE LYNN G. NORTON
Ada County District Court
200 W. Front St.
Boise, ID 83702-7300

JAN M. BENNETTS
Ada County Prosecuting Attorney
200 W. Front St., Room 3191
Boise, ID 83702

JAMES E. VOGT
Ada County Prosecutor's Office
200 W. Front St., Room 3191
Boise, ID 83702

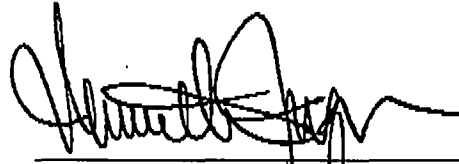
R. THOMAS CURL
Mountain Valley Law PLLC
380 S. 4th St., Ste. 202
Boise, ID 83702

PENNY TARDIFF
Court Reporter
200 W. Front St.
Boise, ID 83702-7300

DIANNE CROMWELL
Court Reporter
200 W. Front St.
Boise, ID 83702-7300

HAND DELIVERY

**KAREL LEHRMAN
ACTING CLERK OF THE COURT
IDAHO SUPREME COURT
P. O. Box 83720
Boise, ID 83720-0101**



**KENNETH K. JORGENSEN
Deputy Attorney General**

KKJ/dd

<p>FILED By: Signed: 6/19/2017 10:05 AM <i>Jannine Korman</i> Deputy Clerk Fourth Judicial District, Ada County CHRISTOPHER D. RICH, Clerk</p>

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

STATE OF IDAHO,

Plaintiff,

vs.

RANDALL JEROME BILLUPS,

Defendant.

Case No. CR-FE-2014-17766

ORDER SETTING ASIDE JUDGMENTS,
DISMISSING CASE

The Judgment and Commitment entered on September 11, 2015 was reversed pursuant to Idaho Court of Appeals unpublished opinion number 2017 Opinion No. 395. The case was not remanded to the District Court for further proceedings.

Therefore, the Judgment and Commitment entered on September 11, 2015 and the Order for Restitution and Judgment entered September 11, 2015 are set aside and this case is dismissed.

The Defendant is discharged.

Signed: 5/19/2017 09:49 AM



Lynn G. Norton
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 19th, 2017, I e-mailed (served) a true and correct copy of the above document to:

Tanner Stellmon
acpocourtdocs@adaweb.net

Robert Curl
tom@mountainvalleylaw.com

CHRISTOPHER D. RICH
Clerk of the Court

Janine Hansen
Deputy Clerk

Signed: 5/19/2017 10:05 AM



NO. _____
A.M. 10:33 FILED P.M. _____

AUG 17 2017

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

Stephen W. Kenyon
Clerk of Supreme Court
451 W State Street
Boise, Idaho 83720

In re: State of Idaho v. Randall Billups, Docket No. 45199

Notice is hereby given that on Wednesday, August 16, 2017, I lodged a transcript of 9 pages in length for the above-referenced appeal with the district court clerk of Ada County in the Fourth Judicial District.

The following files were lodged:

Proceeding 6-8-2017

David Cromwell
Tucker & Associates

cc: sctfilings@idcourts.net
PDF format of completed files emailed to Supreme Court

AUG 17 2017

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
	)	Supreme Court Docket
Plaintiff-Respondent,	)	45199
)	
vs.)	
)	
RANDALL JEROME BILLUPS,)	
)	
Defendant-Appellant.)	

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on August 15, 2017,
I lodged a transcript 8 pages in length for the
above-referenced appeal with the District Court Clerk of
Ada County in the Fourth Judicial District.


(Signature of Reporter)

Penny L. Tardiff CSR

8-15-2017

Hearing Date: 5/18/17

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

STATE OF IDAHO,

Plaintiff-Appellant,

vs.

RANDALL JEROME BILLUPS,

Defendant-Respondent.

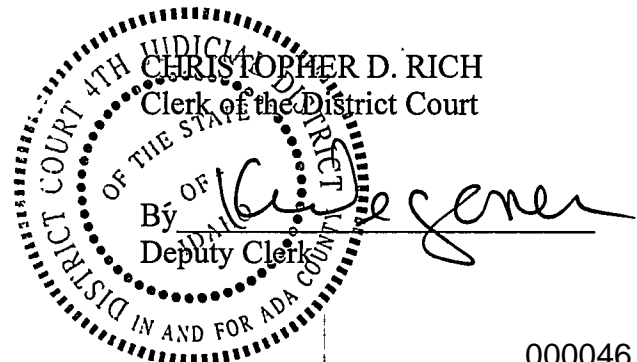
Supreme Court Case No. 45199

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

There were no exhibits offered for identification or admitted into evidence during the course of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 17th day of August, 2017.



CERTIFICATE OF EXHIBITS

000046

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

STATE OF IDAHO,

Plaintiff-Appellant,
vs.

RANDALL JEROME BILLUPS,

Defendant-Respondent.

Supreme Court Case No. 45199

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

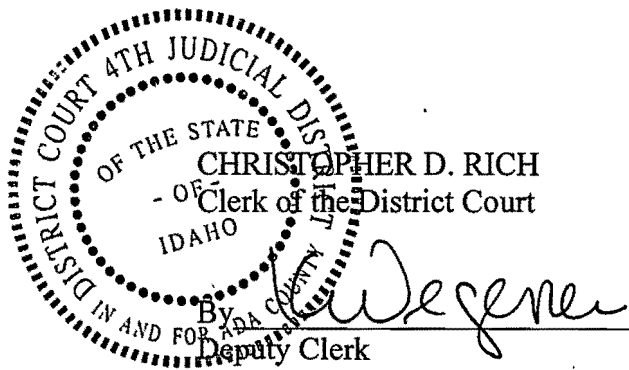
CLERK'S RECORD AND REPORTER'S TRANSCRIPT

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

LAWRENCE G. WASDEN
ATTORNEY FOR APPELLANT
BOISE, IDAHO

R. THOMAS CURL
ATTORNEY FOR RESPONDENT
BOISE, IDAHO

Date of Service: AUG 17 2017


CHRISTOPHER D. RICH
- OF - Clerk of the District Court
By C. D. Rich
Deputy Clerk

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

STATE OF IDAHO,

Plaintiff-Appellant,

vs.

RANDALL JEROME BILLUPS,

Defendant-Respondent.

Supreme Court Case No. 45199

CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsel.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 21st day of June, 2017.

