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3-27-2017

### State v. Tryon Clerk's Record Dckt. 44489

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IN THE SUPREME COURT OF THE  
STATE OF IDAHO

STATE OF IDAHO, )  
 )  
 Plaintiff- )  
 Respondent, )  
 )  
 -vs- )  
 )  
 GRACIE JEAN TRYON, )  
 )  
 Defendant- )  
 Appellant. )

Supreme Court No. 44489-2016

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

HONORABLE JUNEAL C. KERRICK, Presiding

Erick D. Fredericksen, State Appellate Public Defender,  
322 East Front Street, Suite 570, Boise, Idaho 83702

Attorney for Appellant

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

Attorney for Respondent

## Felony

Date		Judge
2/2/2016	New Case Filed-Felony	Juneal C. Kerrick
	Hearing Held	Thomas A. Sullivan
	Affidavit Of Probable Cause	Thomas A. Sullivan
	Criminal Complaint	Thomas A. Sullivan
	Hearing Scheduled (Arraignment (In Custody) 02/02/2016 01:32 PM)	Thomas A. Sullivan
	Hearing result for Arraignment (In Custody) scheduled on 02/02/2016 01:32 PM: Arraignment / First Appearance	Thomas A. Sullivan
	Hearing result for Arraignment (In Custody) scheduled on 02/02/2016 01:32 PM: Constitutional Rights Warning	Thomas A. Sullivan
	Hearing result for Arraignment (In Custody) scheduled on 02/02/2016 01:32 PM: Order Appointing Public Defender	Thomas A. Sullivan
	Hearing result for Arraignment (In Custody) scheduled on 02/02/2016 01:32 PM: Order Release to Pre-trial Release Program	Thomas A. Sullivan
	Hearing result for Arraignment (In Custody) scheduled on 02/02/2016 01:32 PM: Notice Pretrial Release Services	Thomas A. Sullivan
	Hearing Scheduled (Preliminary Hearing 02/16/2016 08:30 AM)	Juneal C. Kerrick
2/3/2016	Waiver Of Extradition	Juneal C. Kerrick
2/8/2016	Request For Discovery	Juneal C. Kerrick
	Request For Discovery	Juneal C. Kerrick
	Demand For Notice Of Defense Of Alibi	Juneal C. Kerrick
	PA's Response and Objection to Request For Discovery	Juneal C. Kerrick
2/16/2016	Hearing result for Preliminary Hearing scheduled on 02/16/2016 08:30 AM: Continued	Thomas A. Sullivan
	Hearing Scheduled (Preliminary Hearing 03/01/2016 08:30 AM)	John Meienhofer
2/24/2016	PA's First Supplemental Response to Request for Discovery	Juneal C. Kerrick
3/1/2016	Hearing result for Preliminary Hearing scheduled on 03/01/2016 08:30 AM: Preliminary Hearing Waived (bound Over)	John Meienhofer
	Hearing result for Preliminary Hearing scheduled on 03/01/2016 08:30 AM: Order Binding Defendant Over to District Court	John Meienhofer
	Hearing Scheduled (Arrn. - District Court 03/11/2016 09:00 AM)	Juneal C. Kerrick
3/3/2016	Information	Juneal C. Kerrick
3/10/2016	PA's Second Supplemental Response to Request for Discovery	Juneal C. Kerrick
3/11/2016	Hearing result for Arrn. - District Court scheduled on 03/11/2016 09:01 AM:	G.D. Carey
	Hearing Held KERRICK	
	PT- May 9@9:00	
	JT- June 21-24@8:30 w/ MORFITT	
	Hearing result for Arrn. - District Court scheduled on 03/11/2016 09:01 AM:	G.D. Carey
	District Court Hearing Held	
	Court Reporter: Kathy Klemetson	
	Number of Transcript Pages for this hearing estimated: less than 100 pages	

## Felony

Date		Judge
3/11/2016	Hearing result for Arrn. - District Court scheduled on 03/11/2016 09:01 AM: G.D. Carey Arraignment / First Appearance KERRICK PT- May 9@9:00 JT- June 21-24@8:30 w/ MORFITT	G.D. Carey
	Hearing result for Arrn. - District Court scheduled on 03/11/2016 09:01 AM: G.D. Carey Notice Of Hearing KERRICK PT- May 9@9:00 JT- June 21-24@8:30 w/ MORFITT	G.D. Carey
	Hearing Scheduled (Pre Trial 05/09/2016 09:00 AM)	Juneal C. Kerrick
	Hearing Scheduled (Jury Trial 06/21/2016 08:30 AM) stnw	James C. Morfitt
	A Plea is Entered for Charge: - NG (I37-2732(c)(1) {F} Controlled Substance-Possession of)	Juneal C. Kerrick
	A Plea is Entered for Charge: - NG (I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use)	Juneal C. Kerrick
4/13/2016	Affidavit of PreTrial NonCompliance (w/letter)	Juneal C. Kerrick
5/9/2016	Hearing result for Pre Trial scheduled on 05/09/2016 09:00 AM: District Court Hearing Held Court Reporter: Kathy Klemetson Number of Transcript Pages for this hearing estimated: Less than 100	Juneal C. Kerrick
	Hearing result for Pre Trial scheduled on 05/09/2016 09:00 AM: Hearing Held	Juneal C. Kerrick
	Hearing result for Pre Trial scheduled on 05/09/2016 09:00 AM: Pre-trial Memorandum	Juneal C. Kerrick
	Order Release to Pre-trial Release Program {Amended}	Juneal C. Kerrick
	Hearing Scheduled (Conference - Status 06/15/2016 09:00 AM)	Juneal C. Kerrick
	Notice Of Hearing	Juneal C. Kerrick
5/12/2016	Defendant's Response to Request for Discovery	Juneal C. Kerrick
5/16/2016	Affidavit of Pretrial	Juneal C. Kerrick
6/14/2016	Disclosure of Expert Witness Pursuant to I.C.R. 16(b)(7) and IRE 702,703,705	Juneal C. Kerrick
	Disclosure of Second Expert Witness Pursuant to I.C.R. 16(b)(7) an IRE 702,703,705	Juneal C. Kerrick
6/15/2016	Hearing result for Conference - Status scheduled on 06/15/2016 09:00 AM: District Court Hearing Held Court Reporter: Kathy Klemetson Number of Transcript Pages for this hearing estimated: Less than 100	Juneal C. Kerrick
	Hearing result for Conference - Status scheduled on 06/15/2016 09:00 AM: Hearing Held- remain on for trial	Juneal C. Kerrick
6/17/2016	Pa's Third Supplemental Response to Request for Discovery	Juneal C. Kerrick
	Witness List- Exhibit List	Juneal C. Kerrick
6/20/2016	Amended Witness List-Exhibit List	Juneal C. Kerrick
6/21/2016	PA's Fourth Supplemental Response to Request for Discovery	Juneal C. Kerrick

State of Idaho vs. Gracie Jean Tryon

## Felony

Date		Judge
6/21/2016	Hearing result for Jury Trial scheduled on 06/21/2016 08:30 AM: Hearing Held Day 1	James C. Morfitt
	Hearing result for Jury Trial scheduled on 06/21/2016 08:30 AM: Day 1 Jury Trial Started stnw	James C. Morfitt
	Hearing result for Jury Trial scheduled on 06/21/2016 08:30 AM: Preliminary Jury Instructions Filed	James C. Morfitt
	State's Proposed Final Jury Instruction -Denied-	James C. Morfitt
	Defendant's Proposed Final Jury Instruction #1 -Denied-	James C. Morfitt
	Defendant's Proposed Final Jury Instruction #2 -Denied-	James C. Morfitt
	Defendant's Proposed Final Jury Instruction #3 -Denied-	James C. Morfitt
	Defendant's Proposed Final Jury Instruction #4 -Denied-	James C. Morfitt
	District Court Hearing Held Court Reporter: Debora Kreidler Number of Transcript Pages for this hearing estimated: More than 100 pages	James C. Morfitt
6/22/2016	Hearing Held Jury Trial Day 2	James C. Morfitt
	Final Jury Instructions Filed	James C. Morfitt
	Defendant's Proposed Final Jury Instruction #5 -Denied-	James C. Morfitt
	Verdict Filed	James C. Morfitt
	Found Guilty After Trial- Both Counts	Juneal C. Kerrick
	Pre-Sentence Investigation Evaluation Ordered	Juneal C. Kerrick
	PSI Face Sheet Transmitted	Juneal C. Kerrick
	District Court Hearing Held Court Reporter: Debora Kreidler Number of Transcript Pages for this hearing estimated: More than 100 pages	Juneal C. Kerrick
	Hearing Scheduled (Sentencing 08/30/2016 09:00 AM) Guilty Counts I and II	Juneal C. Kerrick
8/30/2016	Hearing result for Sentencing scheduled on 08/30/2016 09:00 AM: District Court Hearing Held Court Reporter: Kathy Klemetson Number of Transcript Pages for this hearing estimated: Less than 100	Juneal C. Kerrick
	Hearing result for Sentencing scheduled on 08/30/2016 09:00 AM: Hearing Held	Juneal C. Kerrick
	Hearing result for Sentencing scheduled on 08/30/2016 09:00 AM: Final Judgement, Order Or Decree Entered	Juneal C. Kerrick
	Hearing result for Sentencing scheduled on 08/30/2016 09:00 AM: Notice of Post Judgment Rights	Juneal C. Kerrick

## Felony

Date		Judge
8/30/2016	Hearing result for Sentencing scheduled on 08/30/2016 09:00 AM: Order for DNA Sample and right thumbprint impression	Juneal C. Kerrick
	Hearing result for Sentencing scheduled on 08/30/2016 09:00 AM: Order Releasing from PTR Reporting	Juneal C. Kerrick
	Hearing result for Sentencing scheduled on 08/30/2016 09:00 AM: Commitment - SILD- CT I	Juneal C. Kerrick
	Hearing result for Sentencing scheduled on 08/30/2016 09:00 AM: Judgment {M-CTII}	Juneal C. Kerrick
	Probation Ordered (I37-2732(c)(1) {F} Controlled Substance-Possession of) Probation term: 3 years. (Supervised)	Juneal C. Kerrick
	Guilty Plea Or Admission Of Guilt (I37-2732(c)(1) {F} Controlled Substance-Possession of)	Juneal C. Kerrick
	Sentenced To Incarceration (I37-2732(c)(1) {F} Controlled Substance-Possession of) Confinement terms: Jail: 180 days. Suspended jail: 175 days. Credited time: 2 days. Discretionary: 175 days. Penitentiary determinate: 1 year 6 months. Penitentiary indeterminate: 2 years 6 months.	Juneal C. Kerrick
	Sentenced To Fine And Incarceration	Juneal C. Kerrick
	Sentenced To Pay Fine 635.50 charge: I37-2732(c)(1) {F} Controlled Substance-Possession of	Juneal C. Kerrick
	Guilty Plea Or Admission Of Guilt (I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use)	Juneal C. Kerrick
	Sentenced To Incarceration (I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use) Confinement terms: Jail: 2 days. Credited time: 2 days.	Juneal C. Kerrick
	Sentenced To Fine And Incarceration	Juneal C. Kerrick
	Case Status Changed: closed pending clerk action	Juneal C. Kerrick
	Sentenced To Pay Fine 197.50 charge: I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use	Juneal C. Kerrick
	Hearing Scheduled (Review Hearing 10/07/2016 11:30 AM) Probation RH	Juneal C. Kerrick
9/2/2016	Notice of Appeal	Juneal C. Kerrick
	Appealed To The Supreme Court	Juneal C. Kerrick
	Motion to Appoint State Appellate Public Defender (w/order)	Juneal C. Kerrick
9/7/2016	Judgment and Commitment and Order of Probation on Suspended Execution of Judgment	Juneal C. Kerrick
9/8/2016	Lab Restitution Order and Judgment	Juneal C. Kerrick
	Restitution Ordered 100.00 victim # 1	Juneal C. Kerrick
9/15/2016	Order Appointing State Appellate Public Defender	Juneal C. Kerrick
10/7/2016	Hearing result for Review Hearing scheduled on 10/07/2016 11:30 AM: District Court Hearing Held Court Reporter: Kathy Klemetson Number of Transcript Pages for this hearing estimated: Less than 100 pages	Juneal C. Kerrick

State of Idaho vs. Gracie Jean Tryon

Felony

Date		Judge
10/7/2016	Hearing result for Review Hearing scheduled on 10/07/2016 11:30 AM: Hearing Held	Juneal C. Kerrick
	Hearing result for Review Hearing scheduled on 10/07/2016 11:30 AM: Failure To Appear For Hearing Or Trial	Juneal C. Kerrick

THIRD JUDICIAL DISTRICT, STATE OF IDAHO  
COUNTY OF CANYON  
PROBABLE CAUSE

\_\_\_\_\_  
THE STATE OF IDAHO, Plaintiff,  
-vs- \_\_\_\_\_  
Gracie J Tryon  
\_\_\_\_\_  
aka \_\_\_\_\_  
\_\_\_\_\_  
Defendant.

Case No. CR- 16-2267 \*C  
Date 2/2/16  
Judge T. Sullivan  
Tape CMAS 5110  
Time 1109-1110

**APPEARANCES:**

Prosecuting Attorney Gery Wolf  
 Witness \_\_\_\_\_ Sworn:  Yes  No  
 Initiating Agency \_\_\_\_\_

**PROCEEDINGS:**

Cause Found:  Yes  No  For Setting of Bail  Previously Found Electronically  
Complaint Signed:  Yes  No  
Warrant Issued:  Yes  No Summons Issued:  Yes  No

**BAIL:**

Bond Recommended: \$ \_\_\_\_\_ Bond Set: \$ \_\_\_\_\_  
In Custody:  Yes  No  
Comments: \_\_\_\_\_

**CHARGES:**

1.  (F)  (M) Possession of Controlled Substance - typo fixed in Affidavit
2.  (F)  (M) Possession of Drug Paraphernalia
3.  (F)  (M) \_\_\_\_\_
4.  (F)  (M) \_\_\_\_\_
5.  (F)  (M) \_\_\_\_\_
6.  (F)  (M) \_\_\_\_\_

Gery Wolf, Deputy Clerk



16-1172

created 06/03/15

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

FILED

FEB 02 2016

STATE OF IDAHO  
Plaintiff

CANYON COUNTY CLERK  
T EDWARDS, DEPUTY

vs.

Tryon, Gracie J  
Defendant.

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

AFFIDAVIT OF PROBABLE CAUSE

Case No. CR16-02267

Agency Case No. 16-02696

Det. M Richardson 101 of the Caldwell Police Dept

being first duly sworn,

state that the following is true and accurate. The following acts occurred at: Marble Front and N Illinois City of Caldwell Canyon County, State of Idaho.

Alleged Crime(s) Occurred at 2142 hours

on the date of: February 1, 2015

Crime(s) alleged to have been committed

PCS 37-2732(C)1  
Possession of Paraphernalia 37-2734A

1. Please state what you did or observed that gives you reason to believe the individual(s) committed the crime(s) alleged:

On the above day and time I conducted a traffic stop on 1A1567G for failing to come to a complete stop and Lincoln and Rose Garden Hill and Rose Garden Hill and Marble Front. I contacted the driver Carl Ringcamp and advised him the reason for the stop. Carl stated his license was not valid. While talking to Carl I could smell the faint odor of marijuana emitting from the vehicle. I had Carl exit the vehicle and could smell the distinct odor of marijuana emitting from him. I asked Carl what he had on him and at first he stated nothing. Carl then admitted there was a marijuana pipe on the seat of the truck with marijuana in it. He stated it was an E-cigarette. Carl's driving stated showed suspended. I had the passenger Gracie Tryon exit the vehicle and she stated he had a marijuana pipe in her pocket which was the one that was on the seat. When searching the vehicle located in a black leather bag in Gracie purse with syringes, two glass pipes and a clear plastic baggy containing a white crystallized substance (1.1gTPW and tested presumptive positive for marijuana using Nark 2 kit 15).

Post Miranda Gracie state the substance belong to Carl. I interview Carl post Miranda and he stated he wished to have a lawyer present. I stopped questioning Carl and after a few second of silence he stated "it was mine ok". I reminded Carl he requested to have a lawyer present.

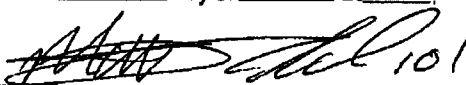
When Gracie was searched at the jail they located a clear tear off baggy containing a white residue .1gTPW.

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

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

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

Dated this 2 day of 2 2016

  
Signature of Officer

PC found  
on the Record

2/2/2016

TRB

**F I L E D**  
A.M. P.M.

dm

FEB 02 2016

CANYON COUNTY CLERK  
T EDWARDS, DEPUTY

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

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

THE STATE OF IDAHO

Plaintiff,

vs.

GRACIE L TRYON  
D.O.B. [REDACTED]

Defendant.

CASE NO. CR 2016- 2267

**CRIMINAL COMPLAINT**

**COUNT I - POSSESSION OF  
CONTROLLED SUBSTANCE**

Felony, I.C. §37-2732(c)(1)

**COUNT II - POSSESSION OF DRUG  
PARAPHERNALIA**

Misdemeanor, I.C. §37-2734A

STATE OF IDAHO            )  
  ss  
County of Canyon         )

PERSONALLY APPEARED Before me this 2nd day of February, 2016,

Gezard L. Wolff, of the Canyon County Prosecuting Attorney's Office, who

being duly sworn, complains and says:

**COUNT I**

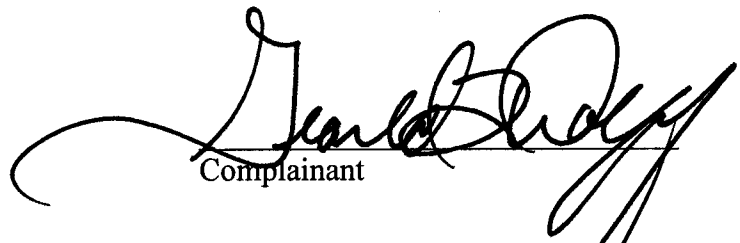
That the Defendant, Gracie J Tryon, on or about the 1st day of February, 2016, in the County of Canyon, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine, a Schedule II controlled substance.

All of which is contrary to **Idaho Code**, Section 37-2732(c)(1) and against the power, peace and dignity of the State of Idaho.

**COUNT II**

That the Defendant, Gracie J Tryon, on or about the 1st day of February, 2016, in the County of Canyon, State of Idaho, did possess with the intent to use drug paraphernalia, to-wit: a marijuana pipe, to inhale a controlled substance.

All of which is contrary to **Idaho Code**, Section 37-2734A and against the power, peace and dignity of the State of Idaho.

  
Complainant

SUBSCRIBED AND SWORN To before me this 2nd day of February, 2016.

  
Magistrate

THIRD JUDICIAL DISTRICT, STATE OF IDAHO  
COUNTY OF CANYON

ARRAIGNMENT     IN-CUSTODY     SENTENCING / CHANGE OF PLEA

STATE OF IDAHO,		)	Case No. CR-2016-2267-C
	Plaintiff	)	Date: 02-02-2016
-vs-		)	Judge: T Sullivan
Gracie Tryon	Defendant.	)	Recording: MAG7(223-227)
<input checked="" type="checkbox"/> True Name		)	
Corrected Name:		)	

**APPEARANCES:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Defendant                       | <input checked="" type="checkbox"/> Prosecutor Sam Dickinson |
| <input checked="" type="checkbox"/> Defendant's Attorney Andy Wolff | <input type="checkbox"/> Interpreter                         |

**ADVISEMENT OF RIGHTS:** Defendant

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

**PRELIMINARY HEARING:** Statutory time waived:  Yes  No  Preliminary Hearing Waived  
 Preliminary Hearing set February 16, 2016 at 08:30 AM before Judge T Sullivan

**BAIL:** State recommends the defendant be released to Pre-Trial Services

- |   |  |
|---|--|
| <input type="checkbox"/> Released on written citation promise to appear                                       | <input type="checkbox"/> Released on bond previously posted.                                 |
| <input type="checkbox"/> Released on own recognizance (O.R.)  | <input type="checkbox"/> Remanded to the custody of the sheriff.                             |
| <input checked="" type="checkbox"/> Released to pre-trial release officer.                                    | <input type="checkbox"/> Bail set at \$  |
| <input type="checkbox"/> No Contact Order <input type="checkbox"/> entered <input type="checkbox"/> continued | <input type="checkbox"/> Cases consolidated  |
| <input type="checkbox"/> Address Verified   | <input type="checkbox"/> Defendant to Report to Pretrial Release Services upon posting bond. |
| <input type="checkbox"/> Corrected Address: _____   |  |

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

 , Deputy Clerk

THIRD JUDICIAL DISTRICT  
STATE OF IDAHO  
COUNTY OF CANYON

FILED 2-2-16 AT 2:27 P.M.  
CLERK OF THE DISTRICT COURT  
BY Suda, Deputy

THE STATE OF IDAHO/or  
Gracie Bryan

Case No. CR-16-2267

ORDER APPOINTING PUBLIC  
DEFENDER

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

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

THE MATTER IS SET FOR Prel. Hearing 2-16-16  
@ 8:30 AM before Judge T. Sullivan

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

Dated: 2-2-16

Signed: [Signature]  
Judge

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

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

- No Contact Order entered.
- Cases consolidated.
- Discovery provided by State.
- Interpreter required.
- Additional charge of FTA.

Kerrick

Original--Court File

Yellow--Public Defender

Pink--Prosecuting Attorney

ORDER APPOINTING PUBLIC  
DEFENDER

THIRD JUDICIAL DISTRICT  
STATE OF IDAHO  
COUNTY OF CANYON

FILED 2-2-16 AT 2:27 P.M.  
CLERK OF THE DISTRICT COURT  
BY [Signature], DEPUTY

STATE OF IDAHO, )  
Plaintiff, )  
-vs- )

[Signature: Gracie D. Ryan]  
Defendant, )

Case No. CR-16-2267C

ORDER FOR

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

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

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

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

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

Dated: 2-2-16 Signed: [Signature]  
Judge

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

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

STATE OF IDAHO )  
 ) Plaintiff ) Case No. CR-2016-2267-C  
-vs- ) Date: 02-16-2016  
Gracie Jean Tryon )  
 ) Defendant. ) Judge: T Sullivan  
 ) Recording: MAG5(905-906)  
 True Name )  
Corrected Name: )  
 ) Hearing: Preliminary Hearing

**APPEARANCES:**

- Defendant  Defendant's Attorney – Ryan Dowel  
 Prosecutor – Matt Thomsson  Interpreter -  
 Other -

**PROCEEDINGS:** This matter shall be


- continued to March 1, 2016 at 08:30 AM before Judge Meienhofer.  
 per stipulation of counsel  at the request of  State  Defendant/Counsel  
 to allow the defendant the opportunity to potentially retain private counsel

**BAIL:** The Defendant was

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

**OTHER:** Mr. Dowel requested the Court set the next Preliminary Hearing on the 08:30 AM calendar, in case the defendant was not able to retain counsel.

The defendant waived statutory time to have a preliminary hearing.

 Deputy Clerk



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

STATE OF IDAHO

Plaintiff

-vs-

Gracie Jean Tryon

Defendant.

True Name  
Corrected Name:

) Case No. CR16-2267C

) Date: 03/01/2016

) Judge: John Meienhofer

) Recording: Mag7(852-854)

**APPEARANCES:**

Defendant  
 Prosecutor Patrick Denton

Defendant's Attorney Dave Smethers  
 Interpreter

**PROCEEDINGS:**

Preliminary hearing waived; Defendant bound over to District Court.

**COURT'S RULING:**

Defendant held to answer to the District Court. District Court Arraignment set for March 11, 2016 at 9:00 a.m. before Judge Kerrick.

**BAIL:** The Defendant was

Released on written citation promise to appear  
 Released on own recognizance (O.R.)  
 Released to pre-trial release officer.

Released on bond previously posted.  
 Remanded to the custody of the sheriff.  
 Bail set at \$  
 Defendant to Report to Pretrial Release Services upon posting bond.

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

Kel Fulmer, Deputy Clerk

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

Filed: 3/1/16 at 8:54 A.M.

Clerk of the District Court

By [Signature], Deputy

Case No: CR16-2267C

**ORDER BINDING DEFENDANT OVER TO DISTRICT COURT**

STATE OF IDAHO  
Plaintiff,

vs.

Gracie Jean Tryon  
Defendant,

Preliminary hearing having been  waived  held in this case on the 1<sup>st</sup> day of

March, 20 16 and the Court being fully satisfied that a public offense has been committed and that there is probable or sufficient cause to believe the Defendant guilty thereof,

**IT IS HEREBY ORDERED** that the Defendant herein be held to answer in the District Court of the Third Judicial District of The State of Idaho, in and for the County of Canyon, to the charge of Count 1 - Possession of Controlled Substance 37-2732(c)(1)

a felony, committed in Canyon County, Idaho on or about the 1<sup>st</sup> day of February, 20 16.

**IT IS FURTHER ORDERED** that the Defendant herein shall be arraigned before the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, on the 11<sup>th</sup> day of March, 20 16 at 9:00 a.m.

- Defendant is continued released on the bond posted.
- Defendant's personal recognizance release is  continued  ordered.
- Defendant's release to Pre-Trial Release Officer is  continued  ordered.
- YOU, THE SHERIFF OF CANYON COUNTY, IDAHO, are commanded to receive into your custody and detain the Defendant until legally discharged. Defendant is to be admitted to bail in the sum of \$ \_\_\_\_\_.

Dated: 3/1/16

Signed [Signature]  
Magistrate

MAR 03 2016

CANYON COUNTY CLERK  
B DOMINGUEZ, DEPUTY

SZ

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

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

THE STATE OF IDAHO

Plaintiff,

vs.

*JENN*  
GRACIE TRYON  
D.O.B. [REDACTED]

Defendant.

CASE NO. CR2016-02267

**INFORMATION**

**COUNT I - POSSESSION OF  
CONTROLLED SUBSTANCE**

Felony, I.C. §37-2732(c)(1)

**COUNT II - POSSESSION OF DRUG  
PARAPHERNALIA**

Misdemeanor, I.C. §37-2734A

BRYAN F. TAYLOR, Prosecuting Attorney in and for the County of Canyon,

State of Idaho, who in the name and by authority of said state prosecutes in its behalf, in proper

person comes into the above entitled Court and informs said Court that the above name

Defendant stands accused by this Information of crime of

**POSSESSION OF CONTROLLED SUBSTANCE**

Felony

Idaho Code Section 37-2732(c)(1)

**POSSESSION OF DRUG PARAPHERNALIA**

Misdemeanor

Idaho Code Section 37-2734A

INFORMATION

ORIGINAL

*Jenn*  
*6/21/16*

committed as follows:

**COUNT I**

*Ja*  
*6/21/16*

That the Defendant, Gracie <sup>JAN</sup> Tryon, on or about the 1st day of February, 2016, in the County of Canyon, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine, a Schedule II controlled substance.

All of which is contrary to **Idaho Code**, Section 37-2732(c)(1) and against the power, peace and dignity of the State of Idaho.

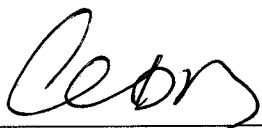
**COUNT II**

*Ja*  
*6/21/16*

That the Defendant, Gracie <sup>JAN</sup> Tryon, on or about the 1st day of February, 2016, in the County of Canyon, State of Idaho, did possess with the intent to use drug paraphernalia, to-wit: a marijuana pipe, to inhale a controlled substance.

All of which is contrary to **Idaho Code**, Section 37-2734A and against the power, peace and dignity of the State of Idaho.

DATED this 2nd day of March, 2016.



CHRISTOPHER BOYD for  
BRYAN F. TAYLOR  
Prosecuting Attorney for Canyon County, Idaho

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

PRESIDING JUDGE: **G.D. CAREY** DATE: March 11, 2016

THE STATE OF IDAHO,	)	COURT MINUTES
	)	
Plaintiff,	)	CASE NO. CR2016-2267*C
	)	
vs	)	TIME: 9:00 A.M.
	)	
GRACIE J TRYON,	)	REPORTED BY: Kathy Klemetson
	)	
Defendant.	)	DCRT5 (922-926)
	)	

---

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

The Court called the case.

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

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

The Court examined the defendant and determined her true name was charge, that she did read and write the English language, that she

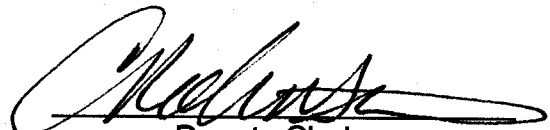
was not under the influence of alcohol, drugs, medications or narcotics that affect her ability to understand these proceedings and she was a citizen of the United States.

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

The Court set this matter for **pretrial conference on May 9, 2016 at 9:00 a.m. before Judge Kerrick and jury trial for four (4) days to commence on June 21, 2016 at 8:30 a.m. before Senior Judge Morfitt.**

The defendant was continued released on her own recognizance to Pretrial Services.

-----

  
Deputy Clerk

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

PRESIDING: **JUNEAL C. KERRICK** DATE: **MAY 9, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR-2016-2267*C
	)	
vs.	)	TIME: 9:00 A.M.
	)	
GRACIE JEAN TRYON,	)	REPORTED BY: Kathy Klemetson
	)	
Defendant.	)	DCRT 3 (1051-1058)
	)	

This having been the time heretofore set for **pre-trial** in the above entitled matter, the State was represented by Mr. Christopher Boyd, Deputy Prosecuting Attorney for Canyon County, and the defendant was personally present with counsel, Mr. David Smethers.

The Court noted the case, parties present and noted this had been the time scheduled for pre-trial conference.

The Court further noted the Affidavit of Pre-trial Non-compliance filed on April 13, 2016, reviewed the allegations of non-compliance and determined the State had received/reviewed a copy of the document; however the same had not been received by defense counsel.

The Court provided the Affidavit of Pre-trial Non-Compliance to defense counsel for purposes of review.

Following discussions with the defendant, Mr. Smethers noted it had been counsel's understanding the defendant had tested negative twice since April 13, 2016.

The Court noted a formal pre-trial conference would be conducted at this time, and in answer to the Court's inquiry, each of counsel advised the Court of the potential witnesses and physical evidence in this matter.

**The Court scheduled the matter for status conference on June 15, 2016 at 9:00 a.m. before this Court with commencement of jury trial on June 21, 2016 at 8:30 a.m. for four (4) days before Senior Judge Morfitt.**

**The Court advised the defendant action would not be taken on the Affidavit of Pre-trial Non-compliance this date, however Pre-trial Services would be directed to provide a record of the testing results to the Court.**

**The Court further advised the defendant she would be continued released on her own recognizance to Pre-trial Services pursuant to the conditions previously ordered and the following additional conditions: 1) report to Pre-trial Services in person this date (05/09/2016); 2) submit to any additional evidentiary testing/drug testing required by Pre-trial Release Services.**

The Court advised the defendant the record from Pre-trial Services would provide additional information in terms of what was going on, noting she would be continued on her current status should testing be negative. However, in the event of any other issues, she may be brought back before the Court.



The defendant was continued released on her own recognizance to Pre-trial Release Services.

  
Deputy Clerk

MAY 09 2016

CANYON COUNTY CLERK  
S BRITTON, DEPUTY

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

THE STATE OF IDAHO, Plaintiff,  
-vs- Grace Jean Tyson Defendant.

Case No. CR-2016-2267C

PRETRIAL MEMORANDUM  
David Smith

Appearances: Christ Boyd Prosecuting Attorney Attorney for Defendant David Smith

- Counsel revealed to each other  prior to pretrial  at pretrial the evidence to be offered at trial.
- Intoximeter (or other breath test) reading \_\_\_\_\_
- Video \_\_\_\_\_
- Physical evidence:  on police report  other \_\_\_\_\_
- Tape recording \_\_\_\_\_
- Oral statements:  on police report  other \_\_\_\_\_
- Plaintiffs' witnesses and addresses:

Witnesses disclosed  
Alleged controlled substance  
(Meth & Marijuana)

Defendants' witnesses and addresses:  
Defendant  
Defense to file disclosure response  
on or before May 12, 2016

Counsel shall reveal to each other and the Court, in writing, any additional witnesses or exhibits to the above list of the preceding evidence by when 10 days before trial, 20\_\_ at \_\_ m.

Plea negotiations:

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

Both counsel certify that the case is ready for trial on the date set.

Proposed jury instructions shall be submitted to the Court and opposing counsel not less than five days prior to trial.

Jury trial reset for \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m.

Jury trial waived and case reset for court trial on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m.

Pretrial motions shall be filed and heard  
 within \_\_\_\_\_ days of this Order.

no less than 10 days prior to trial. Included Motions in Motion

no later than \_\_\_\_\_, 20\_\_.

Pretrial motions, timely filed, are set for hearing on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ m.

Copies of Pretrial Memorandum given to both counsel.

Parties to reappear for a status conference on June 15, 20\_\_ 14 at 9:00 a.m. The Defendant must be personally present. J. Perina

Other: Jury trial remains set for June 21 - 24 2016 8:30 am J. Perfitt.

So ordered

Deputy Prosecuting Attorney

Defense Attorney

Dated: May 16, 2016

Signed: James O. Perina

~~Magistrate~~ Judge

THIRD JUDICIAL DISTRICT  
STATE OF IDAHO  
COUNTY OF CANYON

FILED 5/10/16 AT 11:03 A.M.  
CLERK OF THE DISTRICT COURT  
BY JM, DEPUTY

STATE OF IDAHO, )  
Plaintiff, )

-vs- )

Gracie Jean Tizon  
Defendant, )

Case No. CR 2016-2267C

ORDER FOR Amended

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

*All other terms and conditions New. Order shall remain in effect*

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

- Defendant is Ordered released
  - On own recognizance
  - Placed on probation
  - Case Dismissed
- Bond having been set in the sum of \$ \_\_\_\_\_  Total Bond
- Bond having been  increased  reduced to the sum of \$ \_\_\_\_\_  Total Bond
- Upon posting bond, defendant must report to the Canyon County Pretrial Services office as stated below:

*Cont.*  Defendant shall report to the Canyon County Pretrial Services Office and follow the standard reporting conditions:

- Comply with a curfew designated by the Court or standard curfew set by Pretrial Services *Report today 5/9/16*
- Not consume or possess alcoholic beverages or mood altering substances without a valid prescription.
- Submit to evidentiary testing for alcohol and/or drugs as requested by Pretrial Services at defendant's expense. *Additional drug testing by PSM*
- Not operate or be in the driver's position of any motor vehicle.
- Abide by any No Contact Order and its conditions.
- Submit to  GPS  Alcohol monitoring as directed by Pretrial Services.

**Defendants Ordered to submit to GPS or alcohol monitoring shall make arrangements with a provider approved by Pretrial Services, prior to release.**

OTHER: Continue w/ PSM but Court directs PSM send the court a report of the

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

Dated: May 9 2016 Signed: James C. Perich  
Judge

*Drug testing results*

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

**Sue Britton**

---

**From:** Microsoft Outlook  
**To:** Pre Trial  
**Sent:** Monday, May 09, 2016 01:02 PM  
**Subject:** Delivered: Amended Order re: Gracie Tryon CR-2016-2267. Please see note below

**Your message has been delivered to the following recipients:**

[Pre Trial \(PTrial@canyonco.org\)](mailto:PTrial@canyonco.org)

Subject: Amended Order re: Gracie Tryon CR-2016-2267. Please see note below

**Sue Britton**

---

**From:** DistCourtClerkX71 <noreply@canyonco.org>  
**Sent:** Monday, May 09, 2016 02:00 PM  
**To:** Sue Britton  
**Subject:** Scanned Image from Canyon County Work Center  
**Attachments:** img-509135934-0001.pdf

Please open the attached document.

Number of Images: 10  
Attachment File Type: PDF

Device Name: DistCourtClerkX71  
Device Location: Rm 310

Thank You, for saving paper by using e-solutions.

**FILED**  
A.M. 1:07 P.M.  
JUN 14 2016  
CANYON COUNTY CLERK  
S ALSUP, DEPUTY

cb

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

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

THE STATE OF IDAHO

Plaintiff,

vs.

GRACIE J TRYON,

Defendant.

CASE NO. CR2016-02267

**DISCLOSURE OF EXPERT WITNESS  
PURSUANT TO I.C.R. 16(b)(7) AND IRE  
702, 703, 705**

COMES NOW, The Plaintiff, the State of Idaho, and submits the following Disclosure of Expert Witness pursuant to I.C.R 16 and IRE 702, 703 and 705.

That the Plaintiff, the State of Idaho, has complied with ICR 16(b)(7) and IRE 702, 703 and 705 by submitting the following information, evidence and materials.

1) Corinna Owsley:

(a) The State discloses Corinna Owsley, Idaho State Police Forensic Scientist, as an expert witness on controlled substances.

(b) See the Curriculum Vitae attached for Corinna Owsley's qualifications.

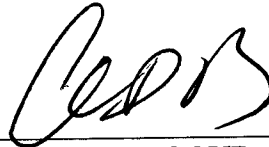
DISCLOSURE OF EXPERT WITNESS  
PURSUANT TO I.C.R. 16(b)(7) AND IRE  
702, 703, 705

**ORIGINAL**

2) Witness Opinions:

- (a) A summary of findings and opinions was disclosed in the Idaho State Police Forensic Services Controlled Substance Analysis Report on or about the 24th day of February, 2016.

DATED this 14th day of June, 2016.



---

CHRISTOPHER BOYD  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on or about this 14th day of June, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

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

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



---

CHRISTOPHER BOYD  
Deputy Prosecuting Attorney





# Idaho State Police

Service Since 1939



Colonel Ralph W. Powell  
Director

C.L. "Butch" Otter  
Governor

## Corinna Owsley

Forensic Scientist II

Idaho State Police Forensic Services

700 S. Stratford Dr. Ste 125

Meridian, Idaho 83642

(208) 884-7170 – phone

(208) 884-7197 – fax

### EDUCATION:

1998

Albertson College of Idaho

Bachelor of Science- Chemistry

### EXPERIENCE:

2006-present

Idaho State Police Forensic Services

Controlled Substance Analysis

Clandestine Laboratory Response

Deputy Quality Manager

2000-2006

Idaho State Police Forensic Services

Controlled Substance Analysis

Clandestine Laboratory Response

Breath Alcohol Program Manager

1998-2000

Analytical Laboratories, Inc

Analytical Chemist

### CERTIFICATION:

2007-present Fellow in Drug Analysis- American Board of Criminalistics (ABC)

2000-2007 Diplomate- American Board of Criminalistics (ABC)

### PROFESSIONAL ORGANIZATIONS:

2004-present Member Northwest Association of Forensic Scientists (NWAFS)

2008-2014 Membership Secretary NWAFS

2008-present Member Clandestine Laboratory Investigating Chemists Association (CLIC)

2006-2014 Member Association of Forensic Quality Assurance Managers (AFQAM)

700 South Stratford Drive • Meridian, Idaho 83642-6251

**EQUAL OPPORTUNITY EMPLOYER**

Revised 9/29/14

Corinna Owsley

**TESTIMONY:**

I have testified as an expert in controlled substance analysis in Federal district court (Boise, ID) and in Idaho State court in the following counties: Ada, Bannock, Bingham, Blaine, Boise, Bonneville, Boundary, Canyon, Elmore, Gem, Gooding, Jerome, Payette, Twin Falls and Washington.

**CONTINUING EDUCATION; ASSOCIATION MEETINGS, CONFERENCES:**

- 2013 Northwest Association of Forensic Scientists Annual Meeting;  
Clandestine Laboratory Investigating Chemists Association 23<sup>rd</sup> Annual  
Technical Training Seminar;  
NIST/DEA Emerging Trends in Synthetic Drugs Workshop & Webcast
- 2012 Midwestern Association of Forensic Scientists 41<sup>st</sup> Annual Meeting
- 2011 Association of Forensic Quality Assurance Managers Annual Meeting;  
Clandestine Laboratory Investigating Chemists Association 21<sup>rd</sup> Annual  
Technical Training Seminar
- 2010 Ethics in Forensic Science, West Virginia University Extended Learning;  
Association of Forensic Quality Assurance Managers Annual Meeting;  
Northwest Association of Forensic Scientists Annual Meeting
- 2009 Clandestine Laboratory Investigating Chemists Association 19<sup>th</sup> Annual  
Technical Training Seminar;  
Northwest Association of Forensic Scientists Annual Meeting
- 2008 Northwest Association of Forensic Scientists Annual Meeting;  
Association of Forensic Quality Assurance Managers Annual Meeting;  
Clandestine Laboratory Investigating Chemists Association 18<sup>th</sup> Annual  
Technical Training Seminar;  
FBI Crime Laboratory Development Symposium
- 2007 Northwest Association of Forensic Scientists Annual Meeting;  
ASCLD/LAB-International Assessor/Auditor Training
- 2006 A2LA ISO/IEC 17025:2005 and Laboratory Accreditation Training;  
Northwest Association of Forensic Scientists Annual Meeting;  
Association of Forensic Quality Assurance Managers Annual Meeting;  
Agilent Technologies Northwest Speed School;  
Laboratory Safety Institute's 3-day Lab Safety Short Course;  
Alco Sensor III Operator, Calibration, Accuracy Check, and Maintenance  
Training
- 2005 Effective Supervision I-IV
- 2003 Northwest Association of Forensic Scientists Annual Meeting;  
Courtroom Presentation of Evidence

**Corinna Owsley**

- 2001 Intoxilyzer 5000EN Operation, Maintenance & Calibration;  
Drug Enforcement Administration Clandestine Laboratory  
Investigation/Safety
- 2000 Drug Enforcement Administration Forensic Chemist Seminar;  
Clandestine Lab Investigations, Rocky Mountain High Intensity Drug  
Trafficking Area;  
The Robert F. Borkenstein Course on Alcohol, Drugs and Highway  
Safety: Testing, Research and Litigation

**TEACHING; PRESENTATIONS**

- 2013-present Clandestine Laboratory Recertification Training
- 2000-2006 Breath Testing Specialist Training (Alco-Sensor and Intoxilyzer)

Property of Idaho State Police Forensic Services  
Internet Copy

cb

**F I L E D**  
A.M. 11:07 P.M.

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

**JUN 14 2016**  
CANYON COUNTY CLERK  
S ALSUP, DEPUTY

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

THE STATE OF IDAHO

Plaintiff,

vs.

GRACIE J TRYON,

Defendant.

CASE NO. CR2016-02267

**DISCLOSURE OF SECOND EXPERT  
WITNESS PURSUANT TO I.C.R. 16(b)(7)  
AND IRE 702, 703, 705**

COMES NOW, The Plaintiff, the State of Idaho, and submits the following Disclosure of  
Expert Witness pursuant to I.C.R 16 and IRE 702, 703 and 705.

That the Plaintiff, the State of Idaho, has complied with ICR 16(b)(7) and IRE 702, 703  
and 705 by submitting the following information, evidence and materials.

1) Steven Petersen:

(a) The State discloses Steven Petersen, Lab Technician, as an expert witness on  
controlled substances.

(b) See the Curriculum Vitae attached for Steven Petersen's qualifications.

DISCLOSURE OF SECOND EXPERT WITNESS  
PURSUANT TO I.C.R. 16(b)(7) AND IRE  
702, 703, 705

**ORIGINAL**

2) Witness Opinions:

- (a) A summary of findings and opinions was disclosed in the Canyon County Sheriff's Office Forensic Services Analysis Report on or about March 10, 2016.

DATED this 14th day of June, 2016.



CHRISTOPHER BOYD  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on or about this 14th day of June, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

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

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



CHRISTOPHER BOYD  
Deputy Prosecuting Attorney

**Office**

Canyon County Sheriff's Office  
Forensic Services  
1014 Belmont St  
Caldwell, ID 83605

**Email**

spetersen@canyonco.org

**Voice:** 208 454-7528

**Fax:** 208 455-5948

**Prepared:**

01/12/15

**Education:**

---

B. A., Criminal Justice / Criminalistics, Weber State University, Ogden, Utah, Awarded,  
December 2005

**Professional Employment:**

---

Criminalist, Canyon County Sheriff's Office Forensic Services  
Caldwell, Idaho Aug, 2006 – Present

Trainer, The CAD Zone Inc. Sep 2008 - Present

**Certifications:**

---

Certified Senior Crime Scene Analyst  
International Association of Identification Nov 2012

Certified Instructor for Nark II Poly-testing Kits  
Sirchie Fingerprint Labs., Inc. June 10, 2010

Certified Crime Scene Investigator  
International Association of Identification July 2007

Certified Marijuana Examiner Jan 2007

Drug Polytesting System of Narcotics Identification Oct. 2006

**Specialized Training:**

---

Forensic Anthropology and Recovery of Clandestine Human Remains  
Ada County Coroner's Office Mar 20-21, 2014

Shooting Reconstruction Jun – Oct 2013  
West Virginia University Extended Learning

**Steven L. Petersen****Curriculum Vitae**

---

IAI Latent Print Certification Test Preparation Training Ron Smith & Associates, Inc.	Jan 21-25, 2013
Statistics, Ridgeology and ACE-V Elite Forensic Services / Two N's Forensics	Nov 5-9, 2012
Conducting Death and Homicide Investigations Homicide Training	Apr 18-20, 2012
Wide Area Search Texas Engineering Extension Service	Feb 7-9, 2012
Law Enforcement Prevention and Deterrence of Terrorist Acts National Center for Biomedical Research and Training	May 24-25, 2011
Investigation of Suspicious Burn injuries and Torture Phylip J. Peltier – Idaho State Association of County Coroners	Feb 1, 2010
Forensic Identification and Techniques Pacific Northwest Division of the International Association for Identification	May 20-22, 2009
Intermediate Comparison of Friction Ridge Impressions Jon Stimac - Pacific Northwest Division of the International Association for Identification	May 19, 2009
Bloodstain Pattern Analysis Daniel V. Christman & Christman Forensics, Inc.	Mar30- Apr 3, 2009
Forensic Chemist Seminar Drug Enforcement Agency Special Testing and Research Laboratory	Mar 2-6, 2009
Instructor Development – Nampa, ID Idaho POST Academy	Feb 2-6, 2009
Investigation of Medical Pathology – Boise, ID Public Agency Training Council	Jan 20-21, 2009
Basic Explosives Analysis – Boise ID Federal Bureau of Investigations	Nov 3-4, 2008
Myths and Realities of Clandestine Manufacturing – Boise ID Northwest Association of Forensic Scientist	Nov 5 <sup>th</sup> , 2008
Hazardous Materials Awareness for Law Enforcement Boise State University – Larry G. Selland College of Applied Technology	Jul 24, 2008

**Steven L. Petersen****Curriculum Vitae**

---

Gas Chromatograph / Mass Spectrometer Tom Kwoka with PerkinElmer	May 20-21, 2008
Gas Chromatograph / Mass Spectrometer Mike Matovina with PerkinElmer	April 22-23, 2008
Gas Chromatograph / Mass Spectrometer Installation Bill Engar with PerkinElmer	April 9-10, 2008
Advanced Cadzone-CrashZone Riverside CA University of California - Riverside	Feb 14-15, 2008
Examination & Comparison of Tire Track Evidence Ron Smith & Associates	Oct 16-18, 2007
Vehicle Fire Investigation Meridian, ID Public Area Training Council	June 12-14, 2007
Post Blast Investigation Training Bureau of Alcohol Tobacco and Firearms and Explosives	May 21-25, 2007
Bloodstain and Bullet Pattern Evidence Analysis for Crime Scene Reconstruction Public Agency Training Council	Apr 16-18 2007
Advanced Palm Print Comparison Techniques Ron Smith & Associates	Mar 5-7, 2007
Introduction to the Science of Fingerprint Identification Ron Smith & Associates	Feb 5-9, 2007
Understanding the Dangers of Agro-terrorism Western Institute for Food Safety and Security	Jan 30, 2007
Epic Evidence Photography School, Long Beach, California Evidence Photographers International Council	Nov 16 – 19, 2006
Crime Scene Investigation Course, Boise, ID	Oct 30 – Nov 4, 2006
Internship with Davis County Sheriff's Crime Lab, Farmington, Utah	Jan 04 – May-04
Operated a Gas Chromatograph/Mass Spectrometer to test drugs during my Education at Weber State University	Sep 03 – Dec 05



**Professional Organizations:**

---

Law Enforcement and Emergency Services Video Association	Jan 2007 - Present
ASTM International, E-30 Committee Member	Nov 2006 - Present
International Association for Identification, Active Member	Jan 2007 – Present
International Association for Identification, Student Member	Jan 2006 – Jan 2007

**Seminars Attended:**

---

International Association for Identification International Education And Training Conference	July 12-16, 2010
Pacific Northwest Division of the International Association for Identification Education & Training Conference	May 18-22, 2009
Northwest Association of Forensic Science – Boise, ID	Nov 3-7, 2008
Epic Evidence Photography School, Long Beach, California	Nov 16 – 19, 2006

**Training Sessions Taught:**

---

Nark II Drug Testing	Aug 8, 2010
Fingerprints 101	April 1, 2010
Crime Scene Investigation	Feb 18, 2010
Basic Crime Scene Diagramming/Drawing, Boise PD	Apr 27-29, 2009
Fingerprinting, Idaho Post Reserve Academy	July 29, 2008
Basic Crime Scene Investigation, Caldwell Police Department	Aug 31, Sep 12, 2007
Crime Scene Investigation, Canyon County Sheriff's Office	Aug 20, 2007
Basic Fingerprinting Class, Canyon County Sheriff's Office	June 18, 2007
Basic Latent Fingerprint Processing, Caldwell Police Department, Caldwell Idaho	Sep. 28, 2006

**Publications:**

---

“Tool Mark Impressions” *Forensic Magazine*. Vol. 7 No. 1 pg. 43-45  
Feb-Mar 2010 issue.

“Enhancing Latent Prints” *Forensic Magazine*. Vol. 4 No. 6 pg 31-33  
Dec 07- Jan 08 issue.

**Volunteer Work:**

---

Shop with a Cop, Nampa, ID

Dec. 2 2006

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **JUNEAL C. KERRICK** DATE: **JUNE 15, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR-2016-2267*C
	)	
vs.	)	TIME: 9:00 A.M.
	)	
GRACIE J TRYON,	)	REPORTED BY: Kathy Klemetson
	)	
Defendant.	)	DCRT 3 (908-912)
	)	

This having been the time heretofore set for **status conference** in the above entitled matter, the State was represented by Mr. Christopher Boyd, Deputy Prosecuting Attorney for Canyon County, and the defendant was personally present with counsel, Mr. David Smethers.

The Court noted the case, parties present; noting this had been the time scheduled for status conference and inquired how counsel intended to proceed.

Mr. Smethers advised the Court a resolution had not been reached in this matter.

The Court reviewed prior proceedings with specific regard to the hearing held on May 9, 2016 at which time the Affidavit of Pre-trial Non-compliance had been addressed. However, action had not been taken on the affidavit and the defendant had been continued released to Pre-trial Release Services pursuant to the conditions previously ordered with certain additional conditions.

The Court further reviewed the Affidavit of Pretrial filed on May 16, 2016, noting it appeared the defendant had reported as directed and had tested negative.

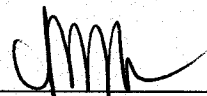
The Court directed counsel to have filed a list of proposed exhibits and witnesses on or before June 17, 2016.

**The Court advised the defendant her personal appearance would be required in connection with the jury trial scheduled to commence on June 21, 2016 at 8:30 a.m. before Senior Judge Morfitt.**

The Court directed the defendant to meet with her attorney at the times and places as directed and further directed the defendant to continue to comply with the terms of Pre-trial Release.

Mr. Boyd advised the Court the State had been uncertain as to the priority schedule in terms of the trial setting, however noted the expert witness should be available at some point during the trial and there was no media involved.

The defendant was continued released on her own recognizance to Pre-trial Services.

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Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON  
PRESIDING: **JAMES C. MORFITT**    DATE: JUNE 21, 2016

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR-2016-0002267-C
	)	
vs.	)	TIME: 8:30 a.m.
	)	
	)	REPORTED BY: Debora Kreidler
GRACIE JEAN TRYON,	)	
	)	DCRT 4 (833-833)(839-839)(845-5154)
	)	
Defendant.	)	
_____	)	

This having been the time heretofore set for **trial to a jury day one (1)** in the above-entitled matter, the State was represented by Mr. Christopher Boyd and Mr. John Spalding Deputy Prosecuting Attorney's for Canyon County; and the defendant was present represented by counsel, Mr. David Smethers.

The Court convened at 8:45 a.m., with each of counsel being present, and outside the presence of the prospective jury panel.

In answer to the Court's inquiry, each counsel advised that this matter would proceed to trial.

The Court advised each of counsel and the defendant that it needed to address an issue in regard to the defendant's true and correct name.

Based upon the Court's inquiry, the defendant stated that her true and correct name was Gracie Jean Tryon. The Court amended the information to reflect the true and correct name.

The Court reviewed Preliminary Jury Instructions #1 through #8 individually; whereupon each of counsel indicated they had no objections to those instructions nor did they have any additional instructions they desired to be given.

The Court noted the Preliminary Jury Instructions were settled.

Mr. Smethers requested the Court delay the start of trial till 9:30 tomorrow due to a scheduling conflict. Further, Mr. Smethers advised the Court that his case tomorrow before Judge Nye required two (2) different interpreters. Mr. Smethers informed the Court that it would be too difficult to reschedule.

The Court agreed to the same. Further, the Court informed each of counsel that trial would start tomorrow at 9:30 a.m.

The Court inquired as to whether each of counsel wished to exclude witnesses.

Each of counsel agreed to the same.

The Court advised each of counsel and the defendant that it would first address witness exclusion procedure.

The Court ordered each of counsel to admonish their witnesses, agents and law enforcement officials to not discuss their testimony or anything that may occur in the courtroom with anyone; (including the jury panel); nor should they discuss anything in the presence of the jury panel or any other witnesses until the case had been concluded.

The Court further instructed each of counsel to admonish their witnesses not to volunteer information regarding the defendant or refers to any other acts, crimes or misconduct not charged in this case, nor mentions the words "felony" or "misdemeanor".

Each of counsel agreed to the same.

The Court instructed each of counsel to limit objections to just stating legal basis without argument.

The Court noted that the witness listed was received from the State.

The Court and counsel discussed trial issues, witness lists and jury selection procedure to be used in this matter.

Mr. Boyd requested that Detective Matthew Richardson be allowed to be present in the Court room.

Mr. Smethers objected.

The Court overruled the objection.

Mr. Boyd advised the Court of the amendments in regard to the States witness list.

Mr. Smethers had no objection.

The Court and counsel discussed trial issues, witness lists and jury selection procedure to be used in this matter.

The Court advised the defendant of her Fifth Amendment right not to testify in this case.

The Court advised the defendant of her constitutional right against self-incrimination and her right to remain silent. Further, the right to testify was her choice and that if she did

testify she could be cross-examined by the State within the scope of anything she testified to on direct examination. The Court further advised the defendant if chose not to testify the jury panel would be instructed that could not be held against her in their deliberations. The defendant indicated she understood her rights as explained by the Court.

In answer to the Court's inquiry, the defendant advised the Court she had no questions regarding her Fifth Amendment rights.

The Court noted that on the 17<sup>th</sup> of June, 2016 a supplemental response to discover in regard to audio and video had been filed. The Court inquired as to whether the audio and video had been disclosed.

Each of counsel agreed to the same.

The Court inquired as to any other issues in this matter.

Mr. Smethers advised the Court that he had several pretrial motions. Mr. Smethers presented argument in support of his motion in regard to a 404b notice.

The Court reviewed the Pretrial Order signed by Judge Kerrick that stated all issues including motions in limine needed to have been filed and heard ten (10) days prior to trial. Further, the Court advised each of counsel that if a 404b issue arose it would address it at that time.

Mr. Smethers presented argument in support of his second motion to disallow the mentioning of a small baggie found on the defendant. Further, Mr. Smethers cited case law in support of his motion.

The Court advised Mr. Smethers his second argument was a motion in limine that



should have been filed ten (10) days prior to trial.

Mr. Smethers presented additional argument in support of his motion. Further, Mr. Smethers provided clarification in regard to his reasoning for presenting the motion the morning of trial.

Mr. Boyd presented argument in opposition to the motion as well as cited case law.

The Court granted the motion in limine.

Mr. Spalding advised the Court that the State had an additional motion in limine. Further, Mr. Spalding informed the Court that the State intended to introduce evidence through a statement in the police report without the witness.

Based upon the Court's inquiry, Mr. Spalding advised that the State would not call Carl Ringcamp as a witness.

Mr. Smethers advised the Court that he would object when the issue arose.

The Court advised each of counsel that it would address the matter when the issue arose.

The Court inquired as to any other matters that needed to be addressed.

Each of counsel advised the Court there were none at this time.

The Court recessed at 9:09 a.m.

The Court reconvened at 9:17 a.m., with each of counsel and the defendant being present. The prospective jury panel was present in the charge of the Bailiff, Mr. Matthew Burgess.

The Court explained the process of jury selection and introduced its' staff, each of

counsel and the defendant to the prospective jurors.

The Court advised the jury of the charges in these matters.

The Court advised the State and the defendant of their right to challenge any juror for cause or via peremptory; and that any such challenge must be made prior to the jury panel being sworn.

Under direction of the Court, the clerk called roll of the prospective jury panel; with all being present.

The prospective jury panel was sworn voir dire by the clerk at 9:25 a.m.

The Court admonished the prospective jurors as to their conduct during the trial; and read Preliminary Jury Instruction #1 to the prospective jury panel.

The clerk drew twenty-seven (27) numbers, one at a time, and the following prospective jurors were seated:

#492	#375	# 516	#518	#488	#261
#517	#557	#541	#484	#485	#538
#476	#494	#467	#513	#562	#542
#519	#520	#499	#469	#510	#470
#480	#543	#512			

The Court instructed the prospective jurors regarding voir dire examination.

The Court conducted general voir dire examination of the prospective jury panel as a whole.

The Court conducted general voir dire examination of the prospective jury panel as a whole.

Mr. Boyd conducted individual voir dire examination of the prospective jury panel, and passed the panel for cause.

Juror #470 and #516 were excused for cause.

Mr. Smethers conducted individual voir dire examination of the prospective jury panel, and passed the panel for cause.

Juror #510 and #541 were excused for cause.

The Court explained the process of the seven (7) peremptory challenges to the jury.

Upon instruction of the Court, each of counsel exercised their seven (7) peremptory challenges.

The Court instructed those prospective jurors chosen to try this matter to take the appropriate seat in the jury box.

The following jurors were called and seated:

#488	#261	#557	#559	#484	#476	
#494	#542	#519	#520	#469	#480	#543

Each of counsel accepted the jury panel as seated.

The Court thanked and excused the remaining members of the prospective jury panel with instruction to report back to the Jury Commissioner.

The jurors were sworn by the clerk to well and truly try the matter at issue at 11:01a.m.

The Court instructed the jury as to the process in which the alternate juror would be selected and that it was important they all pay close attention to the presentation of

evidence and testimony.

The Court recessed at 11:01 a.m., with admonishment to the jury.

Mr. Smethers requested the Court declare a mistrial in this matter. Mr. Smethers presented argument in support of his motion for mistrial.

Mr. Spalding presented argument in opposition to the motion for mistrial. Further, Mr. Spalding advised the Court that each of counsel passed the panel for cause.

The Court expressed legal opinions, cited case law and denied the motion. The Court recessed at 11:07 a.m.

The Court reconvened at 11:22 a.m. outside the presence of the jury. The Court advised Mr. Smethers that he could draft an instruction in regard to his objection and present it to the Court during final jury instructions.

The Court recessed at 11:07 a.m.

The Court reconvened at 11:26 a.m., with each of counsel and the defendant. The jury panel was present and properly seated.

Under direction of the Court, the clerk read the Information to the jury; and noted the defendant's plea of not guilty to the charges.

The Court read Preliminary Jury Instructions to the jury panel.

Mr. Spalding presented the State's opening statement.

Mr. Smethers presented the defendant's opening statement.

The Court recessed the jury for lunch at 11:52 a.m. and admonished the jury panel not to discuss this case among one another or with anyone else, not to communicate

regarding this case by any form of electronic communication, not to conduct any personal investigation, and that they were not to form an opinion as to the outcome of the case until it was submitted to them for deliberation.

The Court directed counsel and the defendant to be present at 12:50 p.m. to address legal issues before the jury returns from lunch.

The Court recessed at 11:52 a.m.

The Court reconvened at 1:22 p.m., with all parties present. The jury panel was present and properly seated.

**Matthew Richardson** was called as the State's first witness, sworn by the clerk, direct examined and cross examined.

The Court recessed at 1:31 p.m., with admonishment to the jury.

The Court noted that it was proceeding in the absence of the jury. Further, The Court noted that the State had requested it question this witness for an offer of proof.

Mr. Smethers presented argument in opposition.

Mr. Boyd presented additional argument in support of the motion.

The Court cited case law, expressed legal opinions and sustained the objection.

Mr. Spalding advised the Court that the State had intended to introduce statements overheard by another. Mr. Spalding presented argument in support of his request as well as cited case law.

Based upon the Court's inquiry, Mr. Spalding advised that the witness who made the statement would not appear in court this date.

Mr. Smethers presented argument in opposition to the State's request.

Mr. Spalding advised the Court of the State's effort to contact the witness.

The Court inquired of Mr. Spalding for clarification.

Mr. Spalding provided clarification of the same. Further, Mr. Spalding requested a brief recess to do further research in support of his request.

Mr. Boyd provided additional argument and support.

Mr. Smethers presented additional argument in opposition.

The Court advised each of counsel and the defendant that it would take a recess in order to further research the cited law provided by the State.

The Court recessed at 1:58 p.m.

The Court reconvened at 2:11 p.m., with each of counsel and the defendant being present, and outside the presence of the prospective jury panel.

The Court reviewed the cited case law presented by the State. Further, the Court requested the State provide an additional offer of proof in regard to the statement in question.

Mr. Boyd as well as Mr. Smethers questioned the witnesses individually in regard to providing the Court with an offer of proof.

Mr. Smethers and Mr. Boyd presented extensive argument in regard to the offer of proof.

The Court expressed legal opinions and cited case law.

Mr. Smethers requested an additional instruction to present to the jury.

The Court advised Mr. Smethers that if he had a requested instruction he was to submit it for review.

The Court recessed at 2:19 p.m.

The Court reconvened at 2:21 p.m., with each of counsel and the defendant. The jury panel was present and properly seated.

**Matthew Richardson** resumed the stand as the State's first witness and reminded by the Court that he was still under oath.

**State's exhibit #3** previously marked, was identified by the witness a photograph of an e-cigarette, was offered and there being no objection, it was Ordered admitted into evidence and published upon request.

**State's exhibit #4** previously marked, was identified by the witness as a clear plastic bag with a bag of meth in it, was offered and the defendant objected.

Mr. Smethers objected to the admission of State's exhibit #4 on the basis that there was no foundation to admit the item.

The Court overruled the objection.

States exhibit # 4 was admitted into evidence and published upon request.

**State's exhibit #2** previously marked, was identified by the witness as a photograph of the substance on a scale, and there being no objection, it was Ordered admitted into evidence and published upon request.

**State's exhibit #1** previously marked, was identified by the witness as a photograph of drug paraphernalia and marijuana stems, and the defendant objected.

Mr. Smethers objected to the admission of State's exhibit #1.

The Court overruled the objection.

States exhibit # 1 was admitted into evidence and published upon request.

**State's exhibit #5** previously marked, was identified by the witness as a plastic bag with a bag and inside the bag was a tube and pipe, was offered and the defendant objected.

Mr. Smethers objected to the admission of State's exhibit #4.

The Court overruled the objection.

States exhibit # 5 was admitted into evidence and published upon request.

Further, the Court noted that it would be subject to redaction prior to the submission to the jury.

The Court recessed at 3:04 p.m. and excused the jury to hall briefly.

The Court noted proceeding in absence of jury.

Mr. Boyd redacted State's exhibit #5.

Mr. Smethers had no objection

The Court reconvened at 3:07 p.m., with each of counsel and the defendant. The jury panel was present and properly seated.

The Court admitted State's exhibit #5 and advised the jury that the evidence tag was removed and advised them that they were not to speculate as to why it was removed.

**State's exhibit #5** was Ordered admitted into evidence and published upon



request.

Mr. Smethers requested the admission of defense exhibit A.

Mr. Boyd and Mr. Spalding requested additional time to review the exhibit as they had not seen it prior to trial.

**Defendant's exhibit A** was marked by the clerk and identified by the witness as a report. Mr. Smethers moved for admission of Defendant's Exhibit A and Mr. Spalding objected.

The Court noted that the State's objection.

**Defendant's exhibit A** was admitted into evidence and published upon request.

The Court recessed at 3:31 p.m., with admonishment to the jury.

The Court reconvened at 3:46 p.m., with each of counsel and the defendant. The jury panel was present and properly seated.

Mr. Boyd advised the Court the State rested.

The Court recessed at 3:47 p.m., with admonishment to the jury.

Mr. Smethers made a motion to dismiss and cited I.C.R. 29 in support.

Mr. Spalding presented extensive argument in opposition to the defendant's motion.

The Court reviewed IC.R 29, expressed legal opinions and denied the motion without prejudice.

Mr. Smethers requested a recess.

The Court recessed at 3:58 p.m.

The Court reconvened at 4:08p.m., with each of counsel and the defendant. The

jury panel was present and properly seated.

Mr. Smethers advised the Court that the defendant rested.

The Court informed the jury the parties needed to settle final jury instructions and would reconvene tomorrow at 9:30 a.m. Further, the Court excused the jury for the evening at 4:10 p.m.

The Court admonished the jury panel not to discuss this case among one another or with anyone else, not to communicate regarding this case by any form of electronic communication, not to conduct any personal investigation, and that they were not to form an opinion as to the outcome of the case until it was submitted to them for deliberation.

The Court advised each of counsel that the instructions were almost completed. Further, the Court inquired as to whether Mr. Smethers wished to submit any proposed instructions.

Mr. Smethers agreed to the same. Further, Mr. Smethers advised the Court that the proposed instructions were not yet prepared.

The Court reiterated Judge Kerrick's Pretrial Order in regard to preparation of proposed instructions to have been submitted ten (10) days prior to trial.

Mr. Smethers provide argument in support of his requested to submit proposed instructions this date.

The Court provided each of counsel a proposed copy of the final jury instructions for their review.

The Court recessed at 4:12 p.m.

The Court reconvened at 4:58 p.m., outside the presence of the jury.

The Court noted that each of counsel had previously reviewed and discussed final jury instructions in order to finalize them this date. Further, the Court noted that review and discussion of final instructions would be done outside the presence of the jury.

The Court determined each of the parties had an opportunity to review the proposed final jury instructions.

The Court reviewed proposed Final Jury Instructions #9 through #25 individually on the record; with no objections stated by either party.

The Court submitted final copies for either party to review and was accepted.

The Court noted the State had requested one instruction and provided authority to the same.

Mr. Smethers presented argument in opposition to the State's requested instruction.

Mr. Spalding presented further argument in support of the request for jury instruction.

The Court cited case law, expressed legal opinions and denied the State's requested jury instruction.

The Court noted the Defendant had requested one instruction.

Mr. Spalding presented argument in opposition to the request for the defendant's instruction.

Mr. Smethers provided additional argument in support of his requested jury

instruction.

The Court noted the Defendant's second requested jury instruction.

Mr. Smethers presented argument in support of his second requested jury instruction.

MR. Spalding presented argument in opposition of the defendant's request.

The Court cited case law and expressed legal opinions and denied the defendant's requested jury instruction #1 and #2.

The Court noted the defendant's third requested jury instruction.

Mr. Smethers presented argument in support.

The Court expressed legal opinions and denied the 3<sup>rd</sup> requested instruction.

Mr. Smethers presented argument in support of his 4<sup>th</sup> requested argument.

Mr. Spalding presented argument in opposition to the defendant's 4<sup>th</sup> requested instruction.

The Court expressed legal opinions and denied the 4<sup>th</sup> requested instruction.

Upon the Court's inquiry, neither counsel had issue with instructions as presented.

Mr. Smethers advised the Court that he had an additional instruction to present in the morning.

Mr. Spalding requested that Mr. Smethers provide the State with an emailed copy in order to be better prepared.

Upon inquiry of the Court, each of counsel indicated there were no additional jury instructions they would request to be given.

In answer to the Court's inquiry, each of counsel indicated they had no objection to the proposed Verdict Form.

The Court deemed the Verdict Form settled.

The Court deemed the Final Jury Instructions #9-#27 and Verdict Form to be settled.

The Court noted that the defendant's would to present their 5<sup>th</sup> requested instruction tomorrow morning outside the presence of the jury. Further, the Court advised each of counsel that all other instructions had been settled.

The Court instructed counsel and the defendant to be present at 9:15 a.m. to address any preliminary matters prior to the arrival of the jury.

The Court adjourned for the day at 5:38 p.m.

The defendant was continued released to Pretrial Services.

  
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON  
PRESIDING: **JAMES C. MORFITT**    DATE: JUNE 22, 2016

THE STATE OF IDAHO,	)	COURT MINUTE
	)	
Plaintiff,	)	CASE NO: CR-2016-0002267-C
	)	
vs.	)	TIME: 8:30 a.m.
	)	
	)	REPORTED BY: Debora Kreidler
GRACIE JEAN TRYON,	)	
	)	DCRT 4 (0926-1143)
Defendant.	)	
_____	)	

This having been the time heretofore set for **trial to a jury day one (2)** in the above-entitled matter, the State was represented by Mr. Christopher Boyd and Mr. John Spalding Deputy Prosecuting Attorney's for Canyon County; and the defendant was present represented by counsel, Mr. David Smethers.

The Court reconvened at 9:26 a.m., with each of counsel and the defendant being present, and outside the presence of the prospective jury panel.

The Court noted that final jury instructions and verdict form were settled previously and only the defendant's final requested instructed needed to be discussed this date.

The Court determined that all parties had received and reviewed a copy of the defendant's 5<sup>th</sup> proposed jury instruction.

Based upon the Court's inquiry, Mr. Smethers did not have additional authority in regard to the proposed instruction.

Mr. Smethers presented additional argument in support of his requested jury instruction.

Mr. Spalding presented argument and cited case law in opposition to the request.

Mr. Smethers presented additional argument in support of his requested instruction.

The Court expressed legal opinions, cited case law and denied the defendant's 5<sup>th</sup> requested instruction.

The Court noted that final instructions and verdict form were settled.

Based upon the court inquiry each of counsel had no further issues to address.

The Court recessed at 9:33 a.m.

The Court reconvened 9:40 a.m., with each of counsel and the defendant. The jury panel was present and properly seated.

The Court informed the Jury that final instructions had been settled as well as the verdict form and each of counsel was prepared to present final arguments.

The Court read Final Jury Instructions to the jury.

Mr. Boyd presented closing argument on behalf of the State.

Mr. Smethers presented closing argument on behalf of the defendant.

Mr. Boyd presented final closing argument on behalf of the State.

Under direction of the Court, the clerk randomly drew juror #261 to be the alternate juror in this matter. Upon stipulation of the parties, the Court advised the alternate juror

her would be excused at this time subject to recall. The Court further advised juror #261 the Bailiff would contact her once the case was concluded, but in the interim to follow the Court's earlier admonishment not to discuss the case or form any opinions.

**Oath to the Bailiff was administered by the clerk and the jury retired to deliberate its' verdict at 11:04 a.m.**

Outside the presence of the jury, the Court instructed counsel to leave their contact information with the clerk and directed the defendant to readily remain available within a ten to fifteen minute time frame.

The Court recessed at 11:05 a.m. await the verdict of the jury.

The Court reconvened at 11:36 a.m. with each of counsel and the defendant being present, and outside the presence of the jury.

The Court noted that it had been previously advised that there was a question by the jury prior to a verdict. The Court inquired of the jurors if they had resolved the question or if it still needed to be addressed.

Jury Foreman #543 advised the Court that the question was resolved.

The Court so noted.

In answer to the Court's inquiry, the presiding juror indicated a verdict had been reached. The following verdict was delivered to the Court by the Bailiff and under direction of the Court, was read by the clerk:



We, the Jury, duly impaneled and sworn to try the above-entitled action, for our verdict, unanimously answer the question submitted to us as follows:

**Count I:** We, the Jury, unanimously find the defendant , Gracie Tryon,

**Not Guilty** of Possession of Methamphetamine.

**Guilty** of Possession of Methamphetamine.

**Count II:** We, the Jury, unanimously find the defendant , Gracie Tryon,

**Not Guilty** of Possession of Drug Paraphernalia.

**Guilty** of Possession of Drug Paraphernalia.

Dated this 22<sup>nd</sup> day of June, 2016.

---

Presiding Juror  
Juror No. #543

In answer to the Court's inquiry, each of the jurors indicated this was their unanimous verdict.

In answer to the Court's inquiry, each of counsel waived polling of the jury.

The Court ordered the Verdict be received and filed upon the records of the Court.

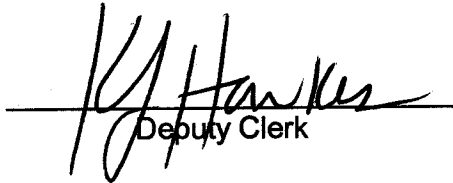
The Court gave concluding instructions and the jury was excused from these proceedings at 11:39 a.m.

The Court ordered the defendant to obtain a Presentence Investigation Report and set this matter for sentencing **the 30<sup>th</sup> day of August, 2016 at 9:00 a.m., before Judge Juneal C. Kerrick.**

The Court advised the defendant that her right against self-incrimination carried over to the Presentence Investigation and evaluation process.

The defendant shall continue to be released to Pretrial Services.

The Court adjourned at 11:43 a.m.

  
Deputy Clerk

FILED  
A.M. P.M.

JUN 22 2016

CANYON COUNTY CLERK  
K HAWKES, DEPUTY

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

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	CASE NO. CR-2016-2267
-vs-	)	
	)	
GRACIE JEAN TRYON,	)	VERDICT FORM
	)	
Defendant.	)	
_____	)	

**Count I:**

We, the Jury, unanimously find the defendant, Gracie Jean Tryon,

           NOT GUILTY of Possession of Methamphetamine.

  X   GUILTY of Possession of Methamphetamine.

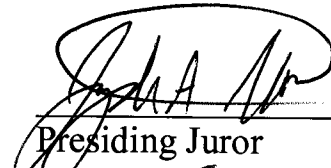
**Count II:**

We, the Jury, unanimously find the defendant, Gracie Jean Tryon,

       NOT GUILTY of Possession of Drug Paraphernalia.

  X   GUILTY of Possession of Drug Paraphernalia.

Dated this   22   day of June, 2016.

  
\_\_\_\_\_  
Presiding Juror  
Juror No.   543

**ORIGINAL OF THIS DOCUMENT TO IDOC**

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

BY K. Hawkes, DEPUTY

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

STATE OF IDAHO  
Plaintiff,  
vs.

Gracie Jean Tryon  
17671 Oasis Rd Lot 54  
Caldwell, ID 83607

Case No: CR-2016-0002267-C

**ORDER FOR PRE – SENTENCE INVESTIGATION  
REPORT**

**CHARGE(s):**

I37-2732(c)(1) F Controlled Substance-Possession of  
I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to  
Use

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

On this Wednesday, June 22, 2016, a **Pre-sentence Investigation Report** was ordered by the Honorable James C. Morfitt to be completed for Court appearance on:

**Sentencing Tuesday, August 30, 2016 at 09:00 AM at the above stated courthouse before the Honorable Juneal C. Kerrick.**

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

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

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

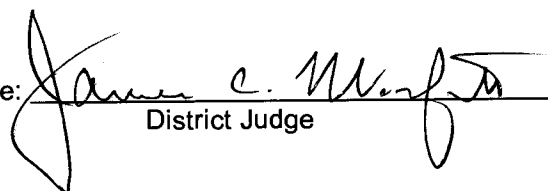
DEFENSE COUNSEL: Canyon County Public Defender David Smethers

PROSECUTOR: Canyon County Prosecutor Christopher Boyd

THE DEFENDANT IS IN CUSTODY:  NO YES If yes where: \_\_\_\_\_

DO YOU NEED AN INTERPRETER?  NO  YES if yes, what is the language? \_\_\_\_\_

Date: the 22<sup>nd</sup> day of June, 2016

Signature:   
District Judge

**Kara Hawkes**

---

**From:** Microsoft Outlook  
**To:** rabacon@idoc.idaho.gov; 19-2524@dhw.idaho.gov; oalambra@idoc.idaho.gov;  
RESMITH@idoc.idaho.gov  
**Sent:** Wednesday, June 22, 2016 02:10 PM  
**Subject:** Relayed: PSI for Gracie Tryon CR-2016-2267

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[rabacon@idoc.idaho.gov](mailto:rabacon@idoc.idaho.gov) ([rabacon@idoc.idaho.gov](mailto:rabacon@idoc.idaho.gov))

[19-2524@dhw.idaho.gov](mailto:19-2524@dhw.idaho.gov) ([19-2524@dhw.idaho.gov](mailto:19-2524@dhw.idaho.gov))

[oalambra@idoc.idaho.gov](mailto:oalambra@idoc.idaho.gov) ([oalambra@idoc.idaho.gov](mailto:oalambra@idoc.idaho.gov))

[RESMITH@idoc.idaho.gov](mailto:RESMITH@idoc.idaho.gov) ([RESMITH@idoc.idaho.gov](mailto:RESMITH@idoc.idaho.gov))

Subject: PSI for Gracie Tryon CR-2016-2267

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

PRESIDING: **JUNEAL C. KERRICK** DATE: **AUGUST 30, 2016**

THE STATE OF IDAHO,	)	COURT MINUTES
	)	
Plaintiff,	)	CASE NO: CR-2016-2267*C
	)	
vs.	)	TIME: 9:00 A.M
	)	
GRACIE JEAN TRYON,	)	REPORTED BY: Kathy Klemetson
	)	
Defendant,	)	DCRT 3 (901-939)
_____	)	

This having been the time heretofore set for **sentencing** in the above entitled matter, the State was represented by Mr. Christopher Boyd, Deputy Prosecuting Attorney for Canyon County, and the defendant appeared in court with counsel, Mr. David Smethers.

The Court noted the case, parties present, noted this had been the time scheduled for sentencing and reviewed relevant procedural history, noting the defendant had been found guilty following jury trial of the felony offense of Possession of Controlled Substance (Count I) together with the misdemeanor offense of Possession of Drug Paraphernalia (Count II).

The Court reviewed the maximum possible penalties for each of the offenses and noted its receipt/review of the Presentence Investigation Report.

The Court determined each of counsel and the defendant had received/reviewed a copy of the Presentence Investigation Report together with the appended materials and further

determined the State had not been aware of any factual corrections/clarifications to be made to the same.

Mr. Smethers advised the Court of the factual clarification to be made to page #3 and #12 of the report in reference to the "tear off with white residue", noting the same had been the subject of a Motion in Limine, had not been tested and had not been considered by the jury, therefore requested the same not be considered by the Court.

Mr. Boyd noted the tear off had been tested and the State believed the same would be appropriate for consideration for purposes of sentencing.

Mr. Smethers presented comments in response, noting the results had never been received by the defense and were not made available at trial.

Mr. Boyd noted the State believed the matter could be charged as an additional count, further noting the State believed the same had been relevant in any factor and could be considered by the sentencing court. Further, the State believed the same would be significant based on the lack of accountability demonstrated by the defendant and presented further comments concerning the issue.

The Court expressed opinions, noting argument would be permitted on the fact the item was subsequently tested, however it would note that the issue had not been before the jury and the information had been received by the State post-trial.

Based on the additional information, the Court advised Mr. Smethers a continuance would be permitted in the event he believed the issue needed to be looked into further, however



noted it did not believe the same rose to the level of something tremendously significant, although it was not irrelevant.

Mr. Smethers noted the defendant would be prepared to proceed this date and stated there was no legal reason why sentencing could not go forward.

Mr. Boyd presented statements regarding the defendant and recommended an underlying sentence of two (2) years fixed, followed by three (3) years indeterminate, suspension of the commitment with the defendant's placement on probation. Mr. Boyd further requested the issue of restitution be reserved so as to allow the State the opportunity to submit a proposed order in the sum of \$100.00 wherein Mr. Smethers indicated the defendant would stipulate to the restitution as represented by the State.

Mr. Smethers presented statements in support of the defendant, requested the defendant's placement on probation and deferred the entire sentence to the discretion of the Court.

The defendant made a statement to the Court on her own behalf.

The Court advised the defendant the background and character of the offender together with the facts and circumstance of the offense were considered in conjunction with sentencing and reviewed the objectives of sentencing.

The Court expressed views relative to the Presentence Investigation Report, recognizing the lack of a mental health screen based on the GAIN evaluation.

The Court further referred to page #7 of the Presentence Investigation Report relative to employment, examined the defendant with regard to her situation, residence and what she had

been doing post jury trial. The Court further noted it believed a mental health evaluation would be appropriate so as to determine whether or not treatment and/or medication were necessary so as to assist in the defendant's success.

The Court addressed the defendant, noting she would need to obtain stable a residence, her GED, job training and consider who she chooses to become involved with. Additionally, the Court noted it was uncertain whether or not she qualified for Advocates Against Family Violence, however noted additional information concerning programming/classes could potentially be provided.

**There being no legal cause shown why judgment should not be pronounced, the Court found the defendant to be guilty, based on the verdict of the jury, of the offense of Possession of Controlled Substance, a felony, as charged in Count I of the Information and sentenced her as set forth in the Judgment and Commitment and Order of Probation on Suspended Execution of Judgment.**

**Additionally, the Court found the defendant to be guilty following jury trial of the offense of Possession of Drug Paraphernalia, a misdemeanor, as charged in Count II of the Information and sentenced her as set forth in the Judgment of Conviction.**

In answer to the Court's inquiry, the defendant indicated she understood the terms and conditions of probation and accepted the same.

The Court admonished the defendant.

The Court provided the defendant a notice of rights upon sentencing which she was instructed to read and sign if she understood the same.

Upon the defendant signing the notice of rights upon sentencing, the Court determined the defendant had in fact reviewed and signed the same.

A card for Third District Probation and Parole was provided to the defendant and the Court instructed the defendant to check in with the duty officer this date so as to obtain further instruction. The Court further directed the defendant to report to Pre-trial Services this date for purposes of release.

The Court further advised the defendant she would be required to submit a DNA sample and right thumbprint impression within ten (10) days, therefore instructed the defendant to discuss submission of the same with Third District Probation and Parole.

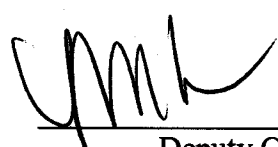
A pamphlet for the Family Justice Center was provided to the defendant with hand written contact information for Advocates Against Family Violence located in Caldwell, and directed the defendant make an appointment with one of the operations so as to discuss whether or not she qualified for certain services based on her background.

**The Court scheduled the matter for probation review hearing on October 7, 2016 at 11:30 a.m. before this Court for the following purposes: 1) defendant to provide a status/update concerning her contact/meetings with her probation officer; 2) provide an update on whether or not a mental health evaluation had been scheduled; 2) status/update of any involvement in classes/programming.**

The Court advised the defendant her personal appearance would be required at the time of the review hearing.

The Court executed an Order releasing the defendant from Pre-trial Release Reporting and the defendant was placed on probation.

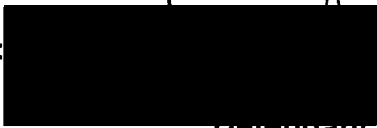

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Deputy Clerk

FILED 8/30/16 AT 9:34 .M.  
CLERK OF THE DISTRICT COURT  
BY YM, Deputy

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

STATE OF IDAHO, Plaintiff,	CASE NO. CR <u>2016-2267C</u> *C
vs. <u>Gracia Jean Trevani</u>	ORDER FOR DNA SAMPLE AND RIGHT THUMBPRINT
DOB:  SSN:  Defendant.	

THIS IS A CRIMINAL MATTER. The defendant is guilty of felony,

PC

Accordingly, THE IDAHO DNA DATABASE ACT of 1996 (Idaho Code § 19-5501, et seq.) requires defendant to provide a deoxyribonucleic acid (DNA) sample and right thumbprint impression to the Idaho State Police.

**THEREFORE, THIS ORDERS THAT:**

1. The defendant shall report to the Idaho Department of Corrections **within ten (10) days** of the date of this order to provide a DNA sample and right thumbprint impression.
2. The defendant is on notice that a failure to provide the DNA sample and thumbprint ordered above is a separate felony offense and can result in a violation of probation or parole, regardless of whether a new charge is filed based upon a violation of the Act.
3. Duly authorized law enforcement and correction personnel shall employ reasonable force to collect the DNA sample and/or right thumbprint should the defendant be incarcerated and refuse or resist providing the same.

DATED this 30th day of August, 2016.

Jerald C. Keen  
District Judge

Copies: 1 Defendant

THIRD JUDICIAL DISTRICT  
STATE OF IDAHO  
COUNTY OF CANYON

FILED 8/30/2016 AT 9:21 A.M.  
CLERK OF THE DISTRICT COURT  
BY [Signature], Deputy

\_\_\_\_\_  
THE STATE OF IDAHO, or )  
\_\_\_\_\_) )  
Plaintiff, )  
vs- )  
Gracie Jean Tryon )  
Defendant. )  
\_\_\_\_\_ )

Case No. CL-2016-2267C

COMMITMENT

Charge: PCS

- SILD -

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

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

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

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

→  Sheriff's Work Detail: 5 days in lieu of 5 days jail to be completed by \_\_\_\_\_

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

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

Re: SEB

→ Sheriff on ~~or before~~ by November date - to be completed within a 3 month period - SEB

Dated: Aug 30, 2016

Signed: Janeal C. Lewis  
Judge

Jail     Defendant

COMMITMENT

**Sue Britton**

---

**From:** Microsoft Outlook  
**To:** Alternative Sentencing  
**Sent:** Tuesday, August 30, 2016 01:13 PM  
**Subject:** Delivered: SILD Crystal Crisp CR-2016--988\*C//Gracie Tryon CR-2016-2267\*C

**Your message has been delivered to the following recipients:**

[Alternative Sentencing \(asentencing@canyonco.org\)](mailto:asentencing@canyonco.org)

Subject: SILD Crystal Crisp CR-2016--988\*C//Gracie Tryon CR-2016-2267\*C

THIRD JUDICIAL DISTRICT  
STATE OF IDAHO  
COUNTY OF CANYON

FILED S. Bowman AT 9:30 M.  
CLERK OF THE DISTRICT COURT  
BY CM, DEPUTY

STATE OF IDAHO, )  
Plaintiff, )

-vs- )

Gracie Jean Tryoni )  
Defendant, )

Case No. CR 2016-0267C

ORDER FOR Release from PTL Reporting

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

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

Defendant is Ordered released → from PTL Reporting

- On own recognizance
- Placed on probation
- Case Dismissed

Bond having been set in the sum of \$ \_\_\_\_\_  Total Bond

Bond having been  increased  reduced to the sum of \$ \_\_\_\_\_  Total Bond

Upon posting bond, defendant must report to the Canyon County Pretrial Services office as stated below:

Defendant shall report to the Canyon County Pretrial Services Office and follow the standard reporting conditions:

- Comply with a curfew designated by the Court or standard curfew set by Pretrial Services \_\_\_\_\_.
- Not consume or possess alcoholic beverages or mood altering substances without a valid prescription.
- Submit to evidentiary testing for alcohol and/or drugs as requested by Pretrial Services at defendant's expense.
- Not operate or be in the driver's position of any motor vehicle.
- Abide by any No Contact Order and its conditions.
- Submit to  GPS  Alcohol monitoring as directed by Pretrial Services.

**Defendants Ordered to submit to GPS or alcohol monitoring shall make arrangements with a provider approved by Pretrial Services, prior to release.**

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

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

Dated: Aug 30, 2016 Signed: Jessica C. Korman  
Judge

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



THIRD DISTRICT COURT, STATE OF IDAHO  
COUNTY OF CANYON  
JUDGMENT

FILED: Stabou at 9am M.  
CLERK OF THE DISTRICT COURT

By [Signature] Deputy

State of Idaho vs.  
Gracie Jean Tryon  
68 S Inverness Dr  
Nampa ID 83651  
D.L. # [Redacted]  
DOB: [Redacted]

Panel II

PROSECUTOR: Christopher Boyce  
DEFENSE ATTORNEY: David S. [Redacted]  
INTERPRETER: \_\_\_\_\_  
TAPE NO: 18 ITB 901.0305  
AGENCY: CALDWELL POLICE DEPARTMENT  
CITATION NO: \_\_\_\_\_

Reported by: Kathy Klemel [Redacted]

CASE NO.: **CR-2016-0002267-C**  
CHARGE: **I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use**  
**AMENDED**

BOND: \_\_\_\_\_

The Defendant, having been fully advised of his/her statutory and constitutional rights, including the right to be represented by counsel,  
 pleaded **guilty**.  was found **guilty**.  was found **not guilty**.  
 State moved to dismiss this charge.  Charge is dismissed.  Infraction default entered.  
 Conviction is entered.  Judgment is withheld.

**JUDGMENT:**

The bond is  exonerated.  forfeited and case closed.  to be applied to the fine and costs.

**PAYMENTS:** Defendant shall pay immediately, or as provided in payment agreement, as follows:

\$ 197.50, which includes fine and court costs. \$ \_\_\_\_\_, suspended. to be paid  
by \_\_\_\_\_ Pay \$ \_\_\_\_\_ per \_\_\_\_\_ to begin \_\_\_\_\_  
 Reimburse for atty or P.D. \$ \_\_\_\_\_ by \_\_\_\_\_ / \$ \_\_\_\_\_ per month.  
 \$ \_\_\_\_\_ restitution to \_\_\_\_\_

**Make payments payable to Canyon County Clerk, include case number, and send to Court Fine/Fees, 1115 Albany Street, Caldwell, ID 83605. Telephone: 454-7566 All installment payments are subject to a \$2.00 handling fee. Failure to pay your fine by the due date may result in your account being turned over to a collection agency.**

**JAIL:** Defendant shall serve 0 days in jail with \_\_\_\_\_ days suspended and credit for 2 days served.  
\_\_\_\_\_ days to be served at the discretion of the probation officer.

- Defendant shall report to jail  immediately  on \_\_\_\_\_
- Work release/search/All options granted in all counties and Defendant shall report to jail immediately to make arrangements.
- Sheriff's Work Detail: \_\_\_\_\_ days in lieu of \_\_\_\_\_ days jail to be completed by \_\_\_\_\_ and Defendant shall report to jail immediately to make arrangements. If the Defendant fails to report to the jail as ordered or at a time agreed upon with the jail, or fails to satisfactorily perform the Defendant's obligations with the Sheriff Inmate Labor Detail, then the Sheriff is ordered and directed to place the Defendant in custody to serve the Defendant's jail time that has not been suspended.
- Community service: \_\_\_\_\_ hours in lieu of \_\_\_\_\_ days jail to be completed by \_\_\_\_\_ and Defendant shall report to Canyon County Misdemeanor Probation Department (222 N. 12<sup>th</sup> Avenue, Caldwell, ID) to make arrangements.

This jail sentence is  concurrent  consecutive with any jail sentence previously ordered.

**DRIVING PRIVILEGES**

- suspended for \_\_\_\_\_ days/months beginning on \_\_\_\_\_
- the date of this Judgment.  \_\_\_\_\_
- D.W.P.: The period of suspension shall commence following the end of any prior period of suspension, disqualification, or revocation existing at the time of this offense.

Reinstatement of driving privileges must be accomplished before you can drive. Apply to: Driver's Services, P. O. Box 7129, Boise, ID 83707-1129.

**PROBATION:**

The Defendant shall be placed on  supervised  unsupervised probation for \_\_\_\_\_ months.  
During the period of probation, all suspended penalties are subject to Defendant's compliance with all of the above orders and the following conditions. The Defendant shall:

- if on supervised probation, immediately report to the Misdemeanor Probation Dept. (222 N. 12<sup>th</sup> Ave, Caldwell, Idaho, 208-454-7260) and comply with all rules and reporting requirements pursuant to the Canyon County Misdemeanor Probation Agreement of Supervision, and pay a monthly cost of supervision fee as set by the Board of Canyon County Commissioners.
- not refuse evidentiary test for alcohol or drugs requested by a peace officer, probation officer, or treatment provider. All tests requested by probation officer shall be at the Defendant's expense.
- keep Court informed in writing of Defendant's current mailing address and telephone number. If on supervised probation, do not move without first obtaining written permission from probation officer.
- not commit a felony or a misdemeanor.  not violate conditions of No Contact Order.
- Waive 4<sup>th</sup> Amendment Search and Seizure Rights to law enforcement.
- do not associate with known gang members or persons identified by your probation officer.
- not consume alcohol and/or any other mood altering substance unless prescribed by a physician.
- not operate any motor vehicle upon a public roadway unless validly licensed and insured.
- not operate any motor vehicle after having consumed any quantity of alcohol.  functioning Interlock Device required.
- perform \_\_\_\_\_ hours of community service to be completed by \_\_\_\_\_ and pay all community service fees.
- alcohol monitoring/electronic monitoring/or GPS monitoring program at Defendant's expense if required by probation officer.
- complete any and all evaluations/treatment recommended by probation officer.
- within \_\_\_\_\_ days enroll in, and then promptly complete, \_\_\_\_\_

payment schedule and terms of probation accepted.  
 \_\_\_\_\_

Dated: 8/30/2016 Signed: [Signature] Judge Judge No. 119

Copies to:  Defendant  Defense/Prosecuting Attorney  Misd. Prob.  Jail  ITD

**JUDGMENT**

**FILED**  
A.M. 2:57 P.M.  
**SEP 02 2016**

ALH  
David J. Smethers, Deputy Public Defender, ISB #4711  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605  
Telephone: 208-649-1818  
Facsimile: 208-649-1819  
Email: dsmethers@canyonco.org

**CANYON COUNTY CLERK**  
**SAL SUP DEPUTY**

*Attorneys for the Defendant*

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

STATE OF IDAHO

Plaintiff,

vs.

GRACIE JEAN TRYON

Defendant.

Case No. CR-2016-02267

NOTICE OF APPEAL

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

NOTICE IS HEREBY GIVEN THAT:

1. The above named Appellant, GRACIE JEAN TRYON, appeals against the  
above-named Respondent to the Idaho Supreme Court from the following:

2. These matters were heard, and defendant found guilty, in the Third Judicial  
District, in and for the County of Canyon, on June 21, 2016.

3. Defendant appeals from the jury's verdict of guilty. Issues on appeal  
include, but are not limited to:

- A. Erroneous ruling by the Court in matters of law and evidence;
- B. Improper jury instructions;

- C. The Court's failure to give defendant's requested jury instructions;
- D. Denial of the defendant's ICR 29 Motion; and
- E. Prosecutorial misconduct.

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

- A. Status Conference June 15, 2016;
- B. Jury Trial and Proceedings held on June 21 and 22, 2016.

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

7. I certify:

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

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

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

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

C. That the appellant is exempt from paying the estimated fee for the preparation of the clerk's record because she is incarcerated with the Federal Bureau of Prisons and she is indigent.

D. That appellant is exempt from paying the appellate filing fee because she is incarcerated with the Idaho Department of Corrections and she is indigent.

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

DATED this 2nd day of September, 2016.



---

David Smethers, Deputy Public Defender  
Attorney for the Defendant

**CERTIFICATE OF SERVICE**

I certify that on this 2nd day of September, 2016, a copy of the foregoing NOTICE OF APPEAL was served on the following named persons at the addresses shown and in the manner indicated.

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

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

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

U.S. Mail  
 Facsimile  
 Hand Delivery  
 Electronic Mail

Court Reporter Assigned to Case  
Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605

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

Idaho Attorney General  
700 W. State Street  
P.O. Box 83720  
Boise, Idaho 83703

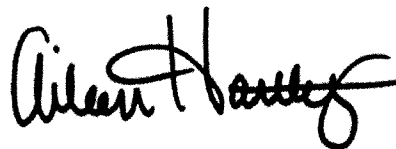
U.S. Mail  
 Facsimile  
 Hand Delivery  
 Electronic Mail

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

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

Gracie Jean Tryon, Defendant  
*Address of Defendant*

U.S. Mail  
 Facsimile  
 Hand Delivery  
 Electronic Mail



Canyon County Public Defender's Office

**F I L E D**  
A.M. 3:57 P.M.

SEP 02 2016

CANYON COUNTY CLERK  
S ALSUP, DEPUTY

ALH  
David J. Smethers, Deputy Public Defender, ISB #4711  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605  
Telephone: 208-649-1818  
Facsimile: 208-649-1819  
Email: dsmethers@canyonco.org

*Attorneys for the Defendant*

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

STATE OF IDAHO

Plaintiff,

vs.

GRACIE JEAN TRYON

Defendant.

Case No. CR-2016-02267

MOTION TO APPOINT STATE  
APPELLATE PUBLIC DEFENDER

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

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

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

DATED this 2nd day of September, 2015



---

Canyon County Public Defender

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2nd day of September, 2016, I served a true and correct copy of the above and foregoing *Motion for Appointment of State Appellate Public Defender* upon the individual(s) named below in the manner noted:

- By hand delivering copies of the same to the office(s) of the attorney(s) indicated below.

Bryan F. Taylor  
Canyon County Prosecuting Attorney  
1115 Albany Street  
Caldwell, Idaho 83605

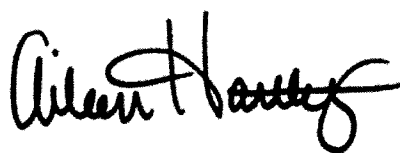
Court Reporter  
c/o Canyon County Courthouse  
1115 Albany Street  
Caldwell, Idaho 83605

- By depositing copies of the same in the United States Mail, postage prepaid, first class, or

Lawrence Wasden  
Idaho Attorney General  
700 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0010

Gracie Tryon  
Defendant

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



---

Canyon County Public Defender



SEP 07 2016

CANYON COUNTY CLERK  
S BRITTON, DEPUTY

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

THE STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 GRACIE JEAN TRYON, )  
 )  
 SS# [REDACTED] )  
 D.O. [REDACTED] )  
 )  
 Defendant. )

CASE NO. CR-2016-2267\*C

**JUDGMENT AND COMMITMENT  
and ORDER OF PROBATION  
ON SUSPENDED EXECUTION  
OF JUDGMENT**

On this 30th day of August, 2016 personally appeared Christopher Boyd, (Deputy) Prosecuting Attorney for Canyon County, Idaho, and the defendant Gracie Jean Tryon and the defendant's attorney David Smethers.

**IT IS ADJUDGED** that the defendant has been convicted upon the verdict of the jury finding her of guilty to the offense of **Possession of Controlled Substance**, a felony, as charged in Count I of the Information, a violation of Idaho Code Section 37-2732(c)(1), committed on or about the 1st day of February, 2016.

The Court having asked whether the defendant had any legal cause why Judgment should not be pronounced against the defendant, and no sufficient cause to the contrary having been shown or appearing to the Court,

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

**IT IS FURTHER ADJUDGED** that the defendant be sentenced to the custody of the Idaho State Board of Correction for a minimum period of confinement of one and one half (1 1/2) years, and a subsequent indeterminate period of confinement not to exceed two and one half (2 1/2) years, for a total unified term of four (4) years, with credit for two (2) days served pursuant to Idaho Code Section 18-309.

**JUDGMENT AND COMMITMENT AND ORDER OF PROBATION  
ON SUSPENDED EXECUTION OF JUDGMENT – PAGE 1**

**IT IS ORDERED** that the defendant provide a DNA sample and right thumbprint impression to the Idaho State Police or its agent, the Idaho Department of Correction, pursuant to I.C. §19-5506. Said sample must be provided within 10 calendar days; failure to provide said sample within 10 days is a felony offense.

**AND IT IS ORDERED** that execution of this Judgment be suspended in compliance with Idaho Code 19-2601, Sub-Section 2, and that the defendant be placed on probation under the supervision and control of the Idaho State Department of Correction, Probation and Parole Division and this Court for a period of three (3) years, commencing on the 30th day of August, 2016, and under the following terms and conditions:

That the defendant shall: (a) violate no State, Federal, or Municipal penal laws; (b) not change residence without first obtaining written permission from the supervising officer; (c) submit a truthful written report to the supervising officer each and every month and report in person when requested; (d) not leave the State or Third Judicial District (Adams, Gem, Canyon, Owyhee, Payette and Washington counties) without first obtaining written permission from the supervising officer; (e) seek and maintain employment or a program approved by the supervising officer, and not change employment or program without first obtaining written permission from the supervising officer; (f) waives constitutional right to be free from search and consents to the search of person, residence, vehicle, or property at request of supervising officer or any law enforcement officer (search of vehicle or residence may be done without the defendant present); (g) not purchase or possess any firearms or weapons; (h) not use or possess any controlled substances without a valid prescription; (i) submit to a test for controlled substance or alcohol at probationer's own expense upon the request of the supervising officer or any law enforcement officer; (j) follow advice and instructions of the supervising officer; (k) execute a waiver of extradition; (l) enter into and comply with an Agreement of Supervision with the Idaho Board of Correction, Department of Probation and Parole.

**SPECIAL CONDITIONS:**

1. The defendant shall pay each of the following sums as specified, pursuant to a payment schedule established with the probation officer:
  - A. Court costs and fees totaling \$285.50:
  - B. Restitution pursuant to the Order of Restitution;

C. Reimbursement to Canyon County for the expense of her Court appointed attorney in the sum of \$350.00;

D. A fine in the amount of \$500.00 with the same suspended;

All of the previous stated amounts of money are due and payable to the District Court in an amount to be determined by the supervising officer.

2. Pay a monthly supervision fee as set by the supervising officer.
3. The defendant is Ordered to serve one hundred eighty (180) days county jail with one hundred and seventy-five (175) days suspended and designated as discretionary jail. The defendant shall perform five (5) days on the Sheriff's Inmate Labor Detail (SILD) in lieu of five (5) days jail, she shall report to commence serving said time on or before November 1, 2016 and thereafter complete the requirement within a three month period.

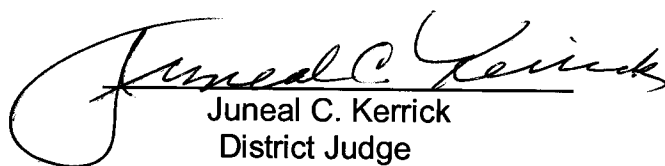
**OTHER SPECIAL CONDITIONS:**

1. The defendant shall enroll in and complete any counseling, treatment, educational or rehabilitative programs, thinking errors, or any other program prescribed by the probation officer, specifically complete Level 2.1 Intensive Outpatient programming, obtain a mental health evaluation and follow through with any recommendations for treatment and/or medication. The defendant shall participate in vocational rehabilitation programming and become involved in individual counseling for victimization issues.
2. The defendant shall have no contact with any person with whom the probation officer prohibits contact, specifically the defendant shall have no contact with Carl Ringcamp, unless otherwise permitted by the probation officer.
3. The defendant shall consume no alcoholic beverages and not enter into any establishment wherein the primary source of revenue is the sale of alcoholic beverages (no bars, even if food is served).
4. The defendant shall complete one hundred (100) hours of community service, to be completed within a twelve (12) month period pursuant to a schedule established with the probation officer, and she shall pay all costs/fees associated with community service.

5. The defendant shall complete her GED/HSE and any other educational/vocational programs, recommended by the probation officer, to be completed pursuant to a schedule established by the probation officer. The District Court specifically recommends the defendant become involved in vocational rehabilitation.

The terms of the defendant's probation may be revoked, modified or extended at any time by the Court, and in the event of any violation of the conditions hereof, during the period of probation, the Court may revoke this Order and cause the sentence to be executed. Defendant is subject to arrest without a warrant for violation of any condition hereby imposed.

DATED this 2<sup>nd</sup> day of September, 2016.

  
Juneal C. Kerrick  
District Judge

I understand, accept and will abide by the terms and conditions of the above Order.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Defendant

WITNESSED: \_\_\_\_\_

**FILED**  
A.M. 1:55 P.M.

SEP 08 2016

CANYON COUNTY CLERK  
S.A.L.SUP. DEPUTY

cb

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

THE STATE OF IDAHO

Plaintiff,

vs.

GRACIE J TRYON,

Defendant.

CASE NO. CR2016-02267

**LAB RESTITUTION ORDER AND  
JUDGMENT**

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

IT IS HEREBY ORDERED THAT THE DEFENDANT, GRACIE J TRYON, pay **TWO HUNDRED DOLLARS (\$200)** in restitution and that such restitution be paid to the Court to be distributed by the Court to the following victim(s):

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

<u>Date</u>	<u>Lab Expense</u>	
2.9.16	\$100	M2016-0429

LAB RESTITUTION ORDER AND JUDGMENT

1

92

**ORIGINAL**

Canyon County Sheriff's Office  
Forensic Services  
1014 Belmont St  
Caldwell, ID 83605

<u>Date</u>	<u>Lab Expense</u>	
2.10.16	\$100	#160197

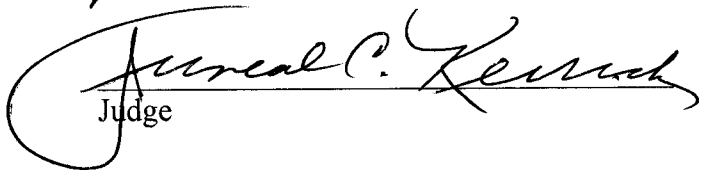
Such restitution shall be joint and several with any other Co-Defendants who are ordered to pay restitution arising from the same occurrence or event.

There are no known Co-Defendants.

In cases where there are direct and indirect victims, restitution payments will be distributed to direct victims before indirect victims.

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

DATED this 2<sup>nd</sup> day of September, 2016

  
Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Order for Restitution was forwarded to the following persons this 8 day of Sept, 2010.

Prosecutor: Court Basket X

Public Defender: Court Basket X

Felony Parole & Probation: Court Basket X

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

Canyon County Sheriff's Office  
1014 Belmont St  
Caldwell, ID 83605 Court Basket X

Dated: 9/13/10  
CHRIS YAMAMOTO  
Clerk of the District Court

By: [Signature]  
Deputy Clerk

02/11/2016

1

**CANYON COUNTY SHERIFF'S OFFICE FORENSIC SERVICES**

1014 Belmont St. Caldwell, Idaho 83605 (208) 454-7528

Lab #: 160197

Agency Case No.: 16-02696

Agency Requesting Analysis: Caldwell Police

Offense Date: 2/1/2016

**FORENSIC ANALYSIS REPORT**

Agency Received From: Caldwell Police

Received From: Rowley

Date Received: 2/2/2016

Received By: 5961 - Hobbs

Suspect(s): Ringcamp, Carl

Victim: State of Idaho

Date Tested: 2/10/2016

**EVIDENCE DESCRIPTION:**


**CONCLUSION:**


1 evidence envelope sealed with evidence tape and initials, containing:

0197-8 (AE#8) Burnt plant material in heat sealed plastic (0.1g net weight, <0.1g used for tests)

Contains Delta-9-tetrahydrocannabinol Schedule I non-narcotic

This report does or may contain opinions and interpretations of the undersigned analyst based on scientific data

  
Lab Tech Assigned: 5228 - Steven Petersen

 Lab #: 160197

Case notes are on file and available upon written request.



**CANYON COUNTY SHERIFF'S OFFICE FORENSIC SERVICES**

1014 Belmont St. Caldwell, ID 83605

(208) 454-7528

**Lab #:** 160197

**Agency Case No.:** 16-02696

**Agency Received From:** Caldwell Police

**Date of Crime:** 2/1/2016

**Type of Crime:** PCS - Possession of Controlled Substance

**EVIDENCE PROCESSING REPORT**

**Received From:** Rowley

**Date Received:** 2/2/2016

**Received By:** 5961 - Hobbs

**Evidence to State Lab (Date):**

**From State Lab (Date):**

**Suspect(s):** Ringcamp, Carl

**Victim:** State of Idaho

**Evidence Description:** 1 small evidence envelope sealed with evidence tape and initials, listing:

- |  |     |
|--|-----|
| 1- burnt green leafy substance 11.5g tpw | 8-  |
| 2-                                       | 9-  |
| 3-                                       | 10- |
| 4-                                       | 11- |
| 5-                                       | 12- |
| 6-                                       | 13- |
| 7-                                       | 14- |

**PROCESS REQUESTED—**

**FP PROCESS:**      **FP COMP.:**

**DRUG TEST:** X      **MEDIA REQ.:**

**SERIAL # RESTORATION:**

**SHOE/TIRE TRACK:**      **OTHER (SPECIFY):**

**RESULTS OF PROCESS:**

**NOTES:**

**EVIDENCE RELEASED TO:** Gallagher

**AGENCY:** Caldwell Police      **DATE:** 2/18/16

**CRIMINALIST:** 5961 - Hobbs

Case notes on file and available upon written request.

AFFIDAVIT

Lab No: 160197  
Agency Case No: 16-02696  
Suspect: Ringcamp, Carl  
Victim: State of Idaho  
State of Idaho )  
                          ) ss.  
County of Canyon )

Steven L. Petersen, being first duly sworn, deposes and says the following:

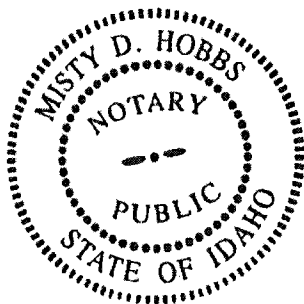
1. That I am a Criminalist with the Canyon County Sheriff's Office Forensic Services and am qualified to perform the examination and draw conclusions of the type shown on the attached report;
2. That I conducted a scientific examination of evidence described in the attached report in the ordinary course and scope of my duties with the Canyon County Sheriff's Office Forensic Services;
3. That the conclusion(s) expressed in this report is/are correct to the best of my knowledge;
4. That the case identifying information reflected in this report came from the evidence packaging, a case report, or another reliable source;

**That a true and accurate copy of this report is attached to this affidavit.**

  
Steven L. Petersen

Dated this February 11, 2016

Subscribed and Sworn to before me this 11th day of February 2016



  
Notary Public, State of Idaho

Commission Expires; 10/18/19

**CANYON COUNTY SHERIFF'S OFFICE FORENSIC SERVICES**

1014 Belmont St. Caldwell, ID 83605

(208) 454-7528

**DRUG RESTITUTION**

As provided in Idaho Code 37-2732(k), the Canyon County Sheriff's Office requests restitution from the defendant (s) for the confirmation of the following drug(s) being present in the sample(s) submitted to this laboratory. The amount requested reflects a portion of the cost incurred to the laboratory during the analysis of drug evidence.

Defendant (s): Ringcamp, Carl

Lab Number: 160197

Total Amount: \$100.00

Confirmed Drug/Analysis	Cost
1. Delta-9-tetrahydrocannabinol (1 sample(s) confirmed at \$100.00 each)	\$100.00
2.	
3.	
4.	
5.	

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

Please make checks payable to: Canyon County Sheriff's Office  
Forensic Services  
1115 Albany Street  
Caldwell, Idaho 83605

Thank you for your cooperation in this matter.

Sincerely,



Sgt. Shawn Naccarato  
Lab Supervisor  
Forensic Services



**IDAHO STATE POLICE FORENSIC SERVICES**

700 South Stratford Drive, Ste 125

Meridian, ID 83642-6202

Phone: (208) 884-7170

Fax: (208) 884-7197

**FORENSIC CONTROLLED SUBSTANCE ANALYSIS REPORT**

Case Agency(s): <b>CALDWELL POLICE DEPARTMENT</b>	Agency Case No(s): <b>16-02696</b>	Laboratory Case No.: <b>M2016-0429</b>
Date(s) of Offense: <b>2/1/2016</b>	Investigating Officer(s): <b>Matthew Richardson</b>	Report No.: <b>1</b>
Date Evidence Accepted: <b>2/2/2016</b>	Analyst: <b>Corinna Owsley</b>	
Case Name(s): <b>Suspect - GRACIE J TRYON</b>		

Lab Item #	Agency Exhibit	Description	Conclusions and Interpretations	Additional Information
1.1	1	0.51g crystalline material	Methamphetamine (CII)	
1.2	2	One piece of plastic with residue	Not analyzed	

**DISPOSITION OF EVIDENCE:**

All items will be returned to the submitting agency.

**REMARKS:**

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

*Corinna C Owsley*

Corinna Owsley / Forensic Scientist

Issue Date: **02/09/2016**

**Idaho State Police  
Drug Restitution**

As provided in Idaho Code 37-2732(k), the Idaho State Police requests restitution from the defendant, **GRACIE J TRYON** in the amount of **\$100** in association with Laboratory Case No. **M2016-0429**. This amount is based upon the testing of the sample(s) submitted to this laboratory. The amount requested reflects a portion of the cost incurred to the laboratory during the analysis of drug evidence.

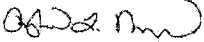
Test	Cost
Controlled Substance Analysis (1 sample(s) @ \$100 ea.)	\$100

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

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

Thank you for your cooperation in this matter.

Sincerely,

  
Rylene Nowlin  
Meridian Laboratory Manager  
Forensic Services

ALH  
David J. Smethers, Deputy Public Defender, ISB #4711  
Tera A. Harden, Chief Public Defender, ISB #6052  
CANYON COUNTY PUBLIC DEFENDER'S OFFICE  
Canyon County Administration Building  
111 N. 11<sup>th</sup> Ave, Suite 120  
Caldwell, ID 83605  
Telephone: 208-649-1818  
Facsimile: 208-649-1819  
Email: dsmethers@canyonco.org

**FILED**  
130 A.M. P.M.  
SEP 15 2016  
CANYON COUNTY CLERK  
E BULLON, DEPUTY

*Attorneys for the Defendant*

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

STATE OF IDAHO

Plaintiff,

vs.

GRACIE JEAN TRYON

Defendant.

Case No. CR-2016-02267


ORDER APPOINTING STATE  
APPELLATE PUBLIC DEFENDER

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

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

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

DATED this 14<sup>th</sup> day September, 2016.

  
District Court Judge

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that on the 15 day of September 2016, I served a true and correct copy of the foregoing upon the individual(s) named below in the manner noted:

By hand delivering copies of the same to the office(s) of the attorney(s) indicated below.

Bryan F. Taylor  
Canyon County Prosecuting Attorney  
1115 Albany Street  
Caldwell, Idaho 83605

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

Canyon County Public Defender

By depositing copies of the same in the United States Mail, postage prepaid, first class, or

Lawrence Wasden  
Idaho Attorney General  
700 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0010

Gracie Tryon  
Defendant

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

**CHRIS YAMAMOTO**  
Clerk of the Court

By:   
Deputy Clerk



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

STATE OF IDAHO,	)	
	)	
Plaintiff-	)	
Respondent,	)	Case No. CR-16-02267*C
	)	
-vs-	)	
	)	CERTIFICATE OF EXHIBITS
GRACIE JEAN TRYON,	)	
	)	
Defendant-	)	
Appellant.	)	

I, CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, do hereby certify the following exhibits were used at the Jury Trial:

**State's Exhibits:**

<b>1 - 3</b>	<b>Photograph</b>	<b>Admitted</b>	<b>Sent</b>
<b>4</b>	<b>Clear Bag (meth)</b>	<b>Admitted</b>	<b>Retained</b>
<b>5</b>	<b>Clear Bag/pipe</b>	<b>Admitted</b>	<b>Retained</b>

**Defendant's Exhibit:**

<b>A</b>	<b>Caldwell Police Report</b>	<b>Admitted</b>	<b>Sent</b>
----------	-------------------------------	-----------------	-------------

The following is being sent as a confidential exhibit:

**Presentence Investigation Report**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 16th day of December, 2016.



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

CERTIFICATE OF EXHIBITS

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

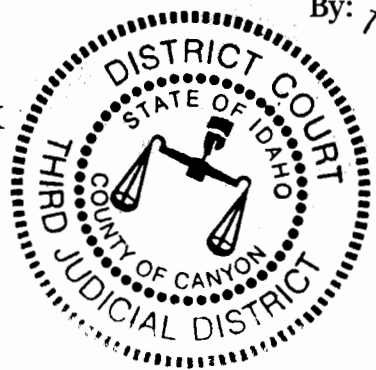
STATE OF IDAHO,	)	
	)	Case No. CR-16-02267 *C
Plaintiff-	)	
Respondent,	)	
	)	
-vs-	)	CERTIFICATE OF CLERK
	)	
GRACIE JEAN TRYON,	)	
	)	
Defendant-	)	
Appellant.	)	

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 16<sup>th</sup> day of December, 2016.

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

CERTIFICATE OF CLERK



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

STATE OF IDAHO,	)	
	)	
Plaintiff-	)	Supreme Court No. 44489-2016
Respondent,	)	
	)	CERTIFICATE OF SERVICE
-vs-	)	
	)	
GRACIE JEAN TRYON,	)	
	)	
Defendant-	)	
Appellant.	)	

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

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

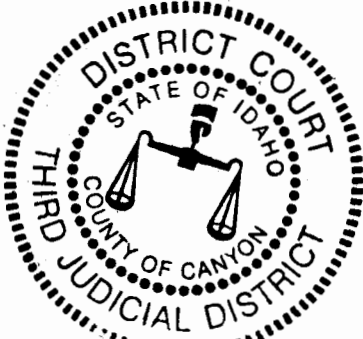
Lawrence G. Wasden, Attorney General, Statehouse, Boise, Idaho 83720

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 16th day of December, 2016.

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

By: *K Waldemer* Deputy

CERTIFICATE OF SERVICE



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

DOCKET NO. 44489

(

(STATE OF IDAHO

(

(vs.

(

(GRACIE JEAN TRYON

(

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on October 17, 2016, I lodged 0 & 3 transcripts of 7 pages in length, consisting of a status conference on June 15, 2016, for the above-referenced appeal with the District Court Clerk of the County of Canyon in the Third Judicial District.

\_\_\_\_\_  
Katherine J. Klemetson, RPR, CSR #436

\_\_\_\_\_  
(Date)

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

4

5 Docket No. 44489

6

7 (Res) State of Idaho

8 vs.

9 (App) Tryon, Gracie Jean

10

11 NOTICE OF TRANSCRIPT LODGED

12

13 Notice is hereby given that on December 15,  
14 2016, I lodged 0 & 4 transcripts of the Jury Trial  
15 dated 6-21-16 and 6-22-16 of approximately 340  
16 pages in length for the above-referenced appeal  
17 with the District Court Clerk of the County of  
18 Canyon in the Third Judicial District.

19

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

22

23 Date December 15, 2016

24

25

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

BEN P. MCGREEVY  
Deputy State Appellate Public Defender  
I.S.B. #8712  
322 E. Front Street, Suite 570  
Boise, Idaho 83702  
Phone: (208) 334-2712  
Fax: (208) 334-2985

**FILED**  
A.M. *[Signature]* P.M.  
JAN 12 2017  
CANYON COUNTY CLERK  
E BULLON, DEPUTY

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

STATE OF IDAHO,  
Plaintiff-Respondent,  
v.  
GRACIE JEAN TRYON,  
Defendant-Appellant.

CASE NO. CR 2016-2267  
SUPREME COURT NO. 44489  
OBJECTION TO THE RECORD

TO: THE ABOVE-NAMED RESPONDENT, THE STATE OF IDAHO, AND  
BRYAN TAYLOR, CANYON COUNTY PROSECUTOR, 1115 ALBANY STREET,  
CALDWELL ID, 83605 AND THE CLERK OF THE ABOVE ENTITLED COURT:

NOTICE IS HEREBY GIVEN that appellant in the above entitled proceeding  
hereby objects to the record on appeal served on December 16, 2016, pursuant to  
Idaho Appellate Rule (I.A.R.) 29. This objection is based upon the fact that the  
appellant is requesting the item/s listed below. Accordingly, the appellant requests,  
pursuant to I.A.R. 29(a), that the following be added:

- 1) Transcript of the sentencing hearing, held August 30, 2016 (Kathy  
Klemetson, court reporter, estimated number of pages under 100).

Idaho case law currently indicates that any missing portions of the record are presumed to support the trial court's ruling. *State v. Wolfe*, 99 Idaho 382, 390, 582 P.2d 728, 736 (1978); *State v. Williams*, 126 Idaho 39, 45, 878 P.2d 213, 219 (Ct. App.1994). The requested item is currently missing from the record. Unless made part of the record on appeal, the events of this hearing will be presumed to support the district court's sentencing decisions, which are now on appeal. In order to overcome this legal presumption and to have her case considered on its facts and merits, Ms. Tryon requests that the above-mentioned item be made part of the record on appeal and filed with the Idaho Supreme Court.

DATED this 12<sup>th</sup> day of January, 2017.

  
BEN P. MCGREEVY  
Deputy State Appellate Public Defender

CERTIFICATE OF SERVICE

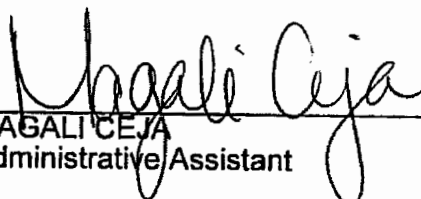
I HEREBY CERTIFY that I have this 12<sup>th</sup> day of January, 2017, served a true and correct copy of the attached OBJECTION TO THE RECORD by the method indicated below:

BRYAN TAYLOR  
CANYON COUNTY PROSECUTOR  
1115 ALBANY STREET  
CALDWELL ID 83605

DAVID J SMETHERS  
CANYON COUNTY PUBLIC DEFENDER  
111 N 11TH AVENUE SUITE 120  
CALDWELL ID 83605

KATHY KLEMETSON  
COURT REPORTER  
1115 ALBANY ST  
CALDWELL ID 83605

KENNETH K JORGENSEN  
DEPUTY ATTORNEY GENERAL  
PO BOX 83720  
BOISE ID 83720-0010  
Hand delivered to Attorney General's mailbox at Supreme Court

  
MAGALI CEJA  
Administrative Assistant

BPM/mc



FILED 5/8  
A.M. P.M.

MAR 02 2017

CANYON COUNTY CLERK  
E BULLON, DEPUTY

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

STATE OF IDAHO,  
Plaintiff-Respondent,  
v.  
GRACIE JEAN TRYON,  
Defendant-Appellant.

CASE NO. CR 2016-2267  
SUPREME COURT NO. 44489  
ORDER GRANTING  
OBJECTION TO THE RECORD

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

- 1) Transcript of the sentencing hearing, held August 30, 2016 (Kathy Klemetson, court reporter, estimated number of pages under 100).

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

DATED this 28<sup>th</sup> day of February, 2017

*Juneal C. Kerrick*  
JUNEAL C. KERRICK  
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 2 day of March, 2017, served a true and correct copy of the attached ORDER by placing a copy in the United States mail, postage prepaid, addressed to:

BRYAN TAYLOR  
CANYON COUNTY PROSECUTOR  
1115 ALBANY STREET  
CALDWELL ID 83605

DAVID J SMETHERS  
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\_\_\_\_\_  
Clerk of the Court

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

DOCKET NO. 44489

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(STATE OF IDAHO  
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(vs.  
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(GRACIE JEAN TRYON  
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NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on March 27, 2017, I lodged 0 & 3 transcripts of 27 pages in length, consisting of a sentencing hearing on August 30, 2017, for the above-referenced appeal with the District Court Clerk of the County of Canyon in the Third Judicial District.

\_\_\_\_\_  
Katherine J. Klemetson, RPR, CSR #436

\_\_\_\_\_  
(Date)