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IN THE SUPREME COURT OF THE
STATE OF IDAHO

STATE OF IDAHO
Plaintiff/Respondent

vs.

STEVEN MICHAEL MOORE
Defendant/Appellant

Appealed from the First Judicial District, Bonner County, Idaho

Honorable BARBARA BUCHANAN, presiding

Eric D. Frederickson
State Appellate Public Defender
322 East Front Street
Boise, Idaho 83702
ATTORNEY FOR APPELLANT

Lawrence Wasden
Attorney General
PO Box 83720
Boise, Idaho 83720-0010
ATTORNEY FOR RESPONDENT

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO
Plaintiff/Respondent

vs.

STEVEN MICHAEL MOORE
Defendant/Appellant

) SUPREME COURT NO. 45100
) BONNER COUNTY CR2016-2854
)
)
) **CLERK'S RECORD ON APPEAL**
)
)
)

CLERK'S RECORD ON APPEAL

Appealed from the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner.

HONORABLE JUDGE Barbara Buchanan
District Judge

Eric D. Frederickson
State Appellate Public Defender
322 East Front Street
Boise, Idaho 83702
ATTORNEY FOR APPELLANT

Lawrence Wasden
Attorney General
PO Box 83720
Boise, Idaho 83720-0010
ATTORNEY FOR RESPONDENT

State of Idaho vs. Steven Michael Moore

Date	Code	User		Judge	
5/9/2016	NCRF	TAYLOR	New Case Filed - Felony	Magistrate Court Clerks	
	AFPC	TAYLOR	Affidavit Of Probable Cause	Magistrate Court Clerks	
	CRCO	TAYLOR	Criminal Complaint	Magistrate Court Clerks	
	NOTR	TAYLOR	Notification of Rights	Magistrate Court Clerks	
	JLBS	TAYLOR	Jail Booking Sheet	Magistrate Court Clerks	
				Document sealed	
	CHJG	TAYLOR	Change Assigned Judge	Lori T Meulenberg	
	HRSC	TAYLOR	Hearing Scheduled (In Custodies 05/09/2016 01:15 PM)	Lori T Meulenberg	
	PROS	TAYLOR	Prosecutor assigned Shane L. Greenbank	Lori T Meulenberg	
	ORPC	AYERLE	Order Finding Probable Cause	Lori T Meulenberg	
	JLIS	AYERLE	Jail Information Sheet	Lori T Meulenberg	
	CRNC	AYERLE	No Contact Order: Criminal No Contact Order Filed Comment: None Expiration Days: 237 Expiration Date: 1/1/2017	Lori T Meulenberg	
	CMIN	AYERLE	Court Minutes Hearing type: In Custodies Hearing date: 5/9/2016 Time: 2:26 pm Courtroom: Court reporter: Minutes Clerk: Susan Ayerle Tape Number: 2 Defense Attorney: Prosecutor:	Lori T Meulenberg	
	HRHD	AYERLE	Hearing result for In Custodies scheduled on 05/09/2016 01:15 PM: Hearing Held FIRST APPEARANCE ON FELONY CHARGE	Lori T Meulenberg	
BSET	AYERLE	BOND SET: at 5000.00	Lori T Meulenberg		
ORPD	AYERLE	Defendant: Moore, Steven Michael Order Appointing Public Defender Public defender Public Defenders	Lori T Meulenberg		
NCOR	AYERLE	No Contact Order From Jail SIGNED BY DEF	Lori T Meulenberg		
5/10/2016	NTDF	TURNBULL	Notice to Defendant	Lori T Meulenberg	
	BNDS	TURNBULL	Bond Posted - Surety (Amount 5000.00)	Lori T Meulenberg	
	WAEX	TURNBULL	Waiver of Extradition	Lori T Meulenberg	
5/11/2016	CHJG	TAYLOR	Change Assigned Judge	Justin W. Julian	
	HRSC	TAYLOR	Hearing Scheduled (Preliminary 05/25/2016 01:30 PM) 21 day Prelim due to posting bond	Justin W. Julian	
		TAYLOR	Notice of Hearing	Justin W. Julian	
	NOAP	TURNBULL	Notice Of Appearance, request for timely preliminary hearing, and motion for bond reduction	Justin W. Julian	
	RQFD	TURNBULL	Defendant's Request For Discovery	Justin W. Julian3	

State of Idaho vs. Steven Michael Moore

Date	Code	User	Judge
5/11/2016	NOAP	AYERLE	Justin W. Julian
5/12/2016	DRCQ	AYERLE	Lori T Meulenberg
			Document sealed
5/23/2016	RQFD	TURNBULL	Justin W. Julian
	RRFD	TURNBULL	Justin W. Julian
5/25/2016	CMIN	AYERLE	Justin W. Julian
			Court Minutes Hearing type: Preliminary Hearing date: 5/25/2016 Time: 2:26 pm Courtroom: Court reporter: Minutes Clerk: Susan Ayerle Tape Number: 3 Defense Attorney: Susie Jensen Prosecutor: Roger Hanlon
	HRHD	AYERLE	Justin W. Julian
			Hearing result for Preliminary scheduled on 05/25/2016 01:30 PM: Hearing Held CONTINUED TO JUNE 8TH AT 1:30 PM
	CONT	AYERLE	Justin W. Julian
			Hearing result for Preliminary scheduled on 05/25/2016 01:30 PM: Continued
	HRSC	AYERLE	Justin W. Julian
			Hearing Scheduled (Preliminary 06/08/2016 01:30 AM)
		AYERLE	Justin W. Julian
			Notice of Hearing
5/31/2016	CRCO	TURNBULL	Justin W. Julian
6/3/2016	SUPR	HUMRICH	Justin W. Julian
			Plaintiff's Supplemental Response To Request For Discovery
6/7/2016	SUPR	TURNBULL	Justin W. Julian
			Plaintiff's Supplemental Response To Request For Discovery
6/8/2016	CMIN	BOWERS	Justin W. Julian
			Court Minutes Hearing type: Preliminary Hearing date: 6/8/2016 Time: 2:13 pm Courtroom: Court reporter: Minutes Clerk: Missy Seck Tape Number: 3 Defense Attorney: Susie Jensen Prosecutor: Shane Greenbank
	OADC	BOWERS	Justin W. Julian
			Order Holding Defendant To Answer To District Court
	INFO	BOWERS	Justin W. Julian
			Information
	HRHD	BOWERS	Justin W. Julian
			Hearing result for Preliminary scheduled on 06/08/2016 01:30 PM: Hearing Held
	PHWV	BOWERS	Justin W. Julian
			Hearing result for Preliminary scheduled on 06/08/2016 01:30 PM: Preliminary Hearing Waived (bound Over)
	CHJG	BOWERS	Barbara A. Buchanan
			Change Assigned Judge

State of Idaho vs. Steven Michael Moore

Date	Code	User		Judge
6/8/2016	HRSC	BOWERS	Hearing Scheduled (Arraignment/District Court 06/20/2016 09:00 AM)	Barbara A. Buchanan
6/20/2016	CMIN	RASOR	Court Minutes Hearing type: Arraignment/District Court Hearing date: 6/20/2016 Time: 9:52 am Courtroom: Court reporter: None Minutes Clerk: Linda Oppelt Tape Number: 1 Defense Attorney: Susie Jensen Prosecutor: Shane Greenbank	Barbara A. Buchanan
	DCHH	RASOR	Hearing result for Arraignment/District Court scheduled on 06/20/2016 09:00 AM: District Court Hearing Held Court Reporter: None Number of Transcript Pages for this hearing estimated: Less than 100 Pages	Barbara A. Buchanan
	ARRN	RASOR	Hearing result for Arraignment/District Court scheduled on 06/20/2016 09:00 AM: Arraignment / First Appearance	Barbara A. Buchanan
	PNGJ	RASOR	Hearing result for Arraignment/District Court scheduled on 06/20/2016 09:00 AM: Plea of Not Guilty, Set for Jury Trial	Barbara A. Buchanan
	PLEA	RASOR	A Plea is entered for charge: - NG (118-905 Assault-Aggravated)	Barbara A. Buchanan
	NOTL	RASOR	Notice Of Trial	Barbara A. Buchanan
	FARF	RASOR	Felony Arraignment Rights Form	Barbara A. Buchanan
	HRSC	RASOR	Hearing Scheduled (Pretrial Conference 08/19/2016 10:00 AM)	Barbara A. Buchanan
	HRSC	RASOR	Hearing Scheduled (Jury Trial - 3 Days 09/13/2016 09:00 AM)	Barbara A. Buchanan
6/29/2016	NOTL	RASOR	Notice Of Trial and Pretrial Order	Barbara A. Buchanan
7/28/2016	MOTN	HENDRICKSO	Motion to Suppress; Notice of Hearing	Barbara A. Buchanan
	HRSC	HENDRICKSO	Hearing Scheduled (Motion to Suppress 08/16/2016 01:30 PM)	Barbara A. Buchanan
	SUPR	HENDRICKSO	Defendant's Supplemental Request for Discovery	Barbara A. Buchanan
8/2/2016	SUPR	HENDRICKSO	Plaintiff's Supplemental Response to Request for Discovery	Barbara A. Buchanan
8/11/2016	SUBI	ROSS	Subpoena Issued-Copy to File Kimberly Kempton for 8/16 at 1:30	Barbara A. Buchanan
	SUBI	ROSS	Subpoena Issued-Copy to File James Cotter for 8/16 at 1:30	Barbara A. Buchanan
	MEMO	HENDRICKSO	Memroandum in Support of Motion to Suppress	Barbara A. Buchanan
8/12/2016	SUBR	TURNBULL	Subpoena Returned - Kimberly K Kempton - Svd 8/11/16	Barbara A. Buchanan

State of Idaho vs. Steven Michael Moore

Date	Code	User	Judge
8/15/2016	STIP	OPPELT	Stipulated Motion to Continue Motion to Suppress/Dismiss, Pretrial and Trial Dates Barbara A. Buchanan
8/16/2016	ORDR	OPPELT	Order Vacating and Resetting Motion to Suppress/Dismiss, Pretrial and Trial Dates Barbara A. Buchanan
	CONT	OPPELT	Hearing result for Motion to Suppress scheduled on 08/16/2016 01:30 PM: Continued Barbara A. Buchanan
	CONT	OPPELT	Hearing result for Pretrial Conference scheduled on 08/19/2016 10:00 AM: Continued Barbara A. Buchanan
	CONT	OPPELT	Hearing result for Jury Trial - 3 Days scheduled on 09/13/2016 09:00 AM: Continued Barbara A. Buchanan
	HRSC	OPPELT	Hearing Scheduled (Pretrial Conference 10/21/2016 10:00 AM) Barbara A. Buchanan
	HRSC	OPPELT	Hearing Scheduled (Jury Trial - 3 Days 11/15/2016 09:00 AM) Barbara A. Buchanan
	HRSC	OPPELT	Hearing Scheduled (Motion to Suppress 08/30/2016 09:00 AM) Barbara A. Buchanan
8/17/2016	CONT	OPPELT	Hearing result for Motion to Suppress scheduled on 08/30/2016 09:00 AM: Continued Barbara A. Buchanan
	HRSC	OPPELT	Hearing Scheduled (Motion to Suppress 08/30/2016 09:30 AM) Barbara A. Buchanan
		OPPELT	Amended Notice of Hearing Barbara A. Buchanan
8/24/2016	SUBI	ROSS	Subpoena Issued-Copy to file James Cotter for 8/30/16 @ 9:30 am Barbara A. Buchanan
	SUBI	ROSS	Subpoena Issued-Copy to file Kimberly Kempton for 8/30/16 @ 9:30 am Barbara A. Buchanan
8/30/2016	CMIN	RASOR	Court Minutes Hearing type: Motion to Suppress Hearing date: 8/30/2016 Time: 9:37 am Courtroom: Court reporter: Kathy Plizga Minutes Clerk: Sandra Rasor Tape Number: 1 Defense Attorney: Susie Jensen Prosecutor: Shane Greenbank Barbara A. Buchanan
	DCHH	RASOR	Hearing result for Motion to Suppress scheduled on 08/30/2016 09:30 AM: District Court Hearing Held Court Reporter: Kathy Plizga Number of Transcript Pages for this hearing estimated: Less Than 100 Pages Barbara A. Buchanan
	EXHB	RASOR	Exhibit List Barbara A. Buchanan
8/31/2016	SHRT	HUMRICH	Sheriff's Return Subpoena service - James Lloyd Cotter on 8/29/2016 Barbara A. Buchanan
	SHRT	HUMRICH	Sheriff's Return Subpoena - Unserved, Kimberly Kempton Barbara A. Buchanan

State of Idaho vs. Steven Michael Moore

Date	Code	User		Judge
9/7/2016	MEMO	HENDRICKSO	Memorandum Decision and Order Denying Defendant's Motion to Suppress	Barbara A. Buchanan
10/21/2016	HRVC	RASOR	Hearing result for Jury Trial - 3 Days scheduled on 11/15/2016 09:00 AM: Hearing Vacated	Barbara A. Buchanan
	CMIN	RASOR	Court Minutes Hearing type: Pretrial Conference Hearing date: 10/21/2016 Time: 11:17 am Courtroom: Court reporter: Kathy Plizga Minutes Clerk: Sandra Rasor Tape Number: 1 Defense Attorney: Susie Jensen Prosecutor: Shane Greenbank	Barbara A. Buchanan
	DCHH	RASOR	Hearing result for Pretrial Conference scheduled on 10/21/2016 10:00 AM: District Court Hearing Held Court Reporter: Kathy Plizga Number of Transcript Pages for this hearing estimated: Less Than 100 Pages	Barbara A. Buchanan
	REDU	RASOR	Hearing result for Pretrial Conference scheduled on 10/21/2016 10:00 AM: Charge Reduced Or Amended	Barbara A. Buchanan
	GLTY	RASOR	Hearing result for Pretrial Conference scheduled on 10/21/2016 10:00 AM: Guilty Plea Or Admission Of Guilt	Barbara A. Buchanan
	REDU	RASOR	Charge Reduced Or Amended (118-905 {AT} Assault-Aggravated (Attempted))	Barbara A. Buchanan
	AMIN	RASOR	Amended Information	Barbara A. Buchanan
	ORDR	RASOR	Order (Allowing Conditional Plea)	Barbara A. Buchanan
		RASOR	Rule 11 Conditional Plea	Barbara A. Buchanan
	ALFP	RASOR	Alford Plea	Barbara A. Buchanan
	GPAF	RASOR	Guilty Plea Advisory and Form-Pretrial Settlement Agreement Attached	Barbara A. Buchanan
	PSIO1	RASOR	Pre-Sentence Investigation Evaluation Ordered	Barbara A. Buchanan
	PSIO2	RASOR	PSI Face Sheet Transmitted	Barbara A. Buchanan
			Document sealed	
	HRSC	RASOR	Hearing Scheduled (Sentencing/District Court 04/10/2017 11:00 AM)	Barbara A. Buchanan
10/24/2016		RASOR	Notice of Hearing	Barbara A. Buchanan
1/23/2017	CONT	OPPELT	Hearing result for Sentencing/District Court scheduled on 04/10/2017 11:00 AM: Continued	Barbara A. Buchanan
	HRSC	OPPELT	Hearing Scheduled (Sentencing/District Court 04/17/2017 10:30 AM)	Barbara A. Buchanan
		OPPELT	Notice of Hearing	Barbara A. Buchanan

State of Idaho vs. Steven Michael Moore

Date	Code	User		Judge
3/28/2017	CINF	ROSTECK	Stipulated motion to continue sentencing on 4/17-jo	Barbara A. Buchanan
	CINF	ROSTECK	Order to continue sentencing of 4/17-jo	Barbara A. Buchanan
	STIP	HENDRICKSO	Stipuated Motion to Continue Sentencing	Barbara A. Buchanan
3/29/2017	ORCO	OPPELT	Order To Continue Sentencing	Barbara A. Buchanan
	CONT	OPPELT	Hearing result for Sentencing/District Court scheduled on 04/17/2017 10:30 AM: Continued	Barbara A. Buchanan
	HRSC	OPPELT	Hearing Scheduled (Sentencing/District Court 05/01/2017 02:30 PM)	Barbara A. Buchanan
		OPPELT	Amended Notice of Hearing	Barbara A. Buchanan
4/24/2017	PSR	RASOR	Presentence Report	Barbara A. Buchanan
			Document sealed	
5/1/2017	CMIN	MORELAND	Court Minutes Hearing type: Sentencing/District Court Hearing date: 5/1/2017 Time: 3:03 pm Courtroom: Court reporter: Kathy Plizga Minutes Clerk: Jody Moreland Tape Number: 1 Defense Attorney: Susie Jensen Prosecutor: Shane Greenbank	Barbara A. Buchanan
	DCHH	OPPELT	Hearing result for Sentencing/District Court scheduled on 05/01/2017 02:30 PM: District Court Hearing Held Court Reporter: Kathy Plizga Number of Transcript Pages for this hearing estimated: Less Than 100 Pages	Barbara A. Buchanan
	CAGP	OPPELT	Court Accepts Guilty Plea (I18-905 {AT} Assault-Aggravated (Attempted))	Barbara A. Buchanan
	SNIC	OPPELT	Sentenced To Incarceration (I18-905 {AT} Assault-Aggravated (Attempted)) Confinement terms: Jail: 14 days. Credited time: 4 days. Penitentiary determinate: 1 year. Penitentiary indeterminate: 1 year.	Barbara A. Buchanan
	PROB	OPPELT	Probation Ordered (I18-905 {AT} Assault-Aggravated (Attempted)) Probation term: 2 years 0 months 0 days. (Supervised)	Barbara A. Buchanan
	STAT	OPPELT	STATUS CHANGED: closed pending clerk action	Barbara A. Buchanan
	BNDE	OPPELT	Surety Bond Exonerated (Amount 5,000.00)	Barbara A. Buchanan
	JLIS	OPPELT	Jail Information Sheet	Barbara A. Buchanan
5/2/2017	CINF	GLAZE	Clerk Information - Notice of Appeal	Barbara A. Buchanan
	CINF	GLAZE	Clerk Information - Motion for Appointment of State Appellate Public Defender	Barbara A. Buchanan
	CINF	GLAZE	Clerk Information - Order for Appointment of State Appellate Public Defender	Barbara A. Buchanan

State of Idaho vs. Steven Michael Moore

Date	Code	User		Judge
5/2/2017	MOTN	OPPELT	Motion to Stay Execution of Judgment Pending Appeal; Notice of Hearing	Barbara A. Buchanan
	HRSC	OPPELT	Hearing Scheduled (Motion 05/15/2017 10:30 AM) to Stay Execution of Judgment Pending Appeal; Notice of Hearing	Barbara A. Buchanan
	MOTN	CFLOWERS	Motion for Appointment of State Appellate Public Defender	Barbara A. Buchanan
5/8/2017	PRFI	OPPELT	Probation Reporting Form and Instructions	Barbara A. Buchanan
	JDMT	OPPELT	Felony Judgment (Probation) - 7 Pages	Barbara A. Buchanan
5/10/2017	APSC	CFLOWERS	Appealed To The Supreme Court	Barbara A. Buchanan
	NOTA	CFLOWERS	NOTICE OF APPEAL	Barbara A. Buchanan
	LETT	CFLOWERS	Letter to Public Defender requesting more detailed Transcript requests (per Linda) - K. Bowers called at 3:10 p.m. to respond that only the single Hearing indicated on page 2 is being requested.	Barbara A. Buchanan
	CCOA	CFLOWERS	Clerk's Certificate Of Appeal	Barbara A. Buchanan
	CHJG	CFLOWERS	Change Assigned Judge	Idaho Supreme Court
5/12/2017	ORDR	CFLOWERS	Order for Appointment of State Appellate Public Defender	Idaho Supreme Court
5/15/2017	CMIN	MORELAND	Court Minutes Hearing type: Motion Hearing date: 5/15/2017 Time: 10:41 am Courtroom: Court reporter: Kathy Plizga Minutes Clerk: Jody Moreland Tape Number: 1 Defense Attorney: Susie Jensen Prosecutor: Nicholas Lepire	Barbara A. Buchanan
	DCHH	OPPELT	Hearing result for Motion scheduled on 05/15/2017 10:30 AM: District Court Hearing Held Court Reporter: Kathy Plizga Number of Transcript Pages for this hearing estimated: to Stay Execution of Judgment Pending Appeal; Notice of Hearing - Less Than 100 Pages	Barbara A. Buchanan
	GRNT	OPPELT	Hearing result for Motion scheduled on 05/15/2017 10:30 AM: Motion Granted to Stay Execution of Judgment Pending Appeal; Notice of Hearing	Barbara A. Buchanan
	ORDR	OPPELT	Order to Stay Execution Pending Appeal	Barbara A. Buchanan
5/22/2017	CERT	CFLOWERS	Certificate Of Mailing - CCOA and Accompanying Docs to ISC via Certified Mail (7007 2560 0003 0853 6822)	Idaho Supreme Court
5/30/2017	DCRR	CFLOWERS	Domestic Certified Mail Return Receipt - ISC (7007 2560 0003 0853 6822)	Idaho Supreme Court

State of Idaho vs. Steven Michael Moore

Date	Code	User		Judge
6/1/2017	SCDF	CFLOWERS	Supreme Court Document Filed - Email: Filed Notice of Appeal. Transcript requested. Reporter's lodging date 06/30/2017. Clerk's Record shall be filed with ISC by 08/04/2017 (Attachments: Judgment, Notice of Appeal, Clerk's Cert of Appeal, Order for SAPD).	Idaho Supreme Court
6/2/2017	NOTC	CFLOWERS	Notice of Transcript Lodged - Motion to Suppress dated 08/30/2016 (K. Plizga - 51 pages)	Idaho Supreme Court
	MISC	CFLOWERS	Invoice - \$165.75 for Transcript of Motion to Suppress dated 08/30/2016 (K. Plizga - 51 pages)	Idaho Supreme Court
	TRAN	CFLOWERS	Transcript Filed - Motion to Suppress dated 08/30/2016 (K. Plizga - 51 pages)	Idaho Supreme Court
6/5/2017	SCDF	CFLOWERS	Supreme Court Document Filed - Email: Filed Notice of Transcript Lodged by K. Plizga	Idaho Supreme Court
6/29/2017	NOTA	CFLOWERS	AMENDED NOTICE OF APPEAL	Idaho Supreme Court
7/5/2017	SCDF	CFLOWERS	Supreme Court Document Filed - E-mail: Filed Amended Notice of Appeal. Motion to Suppress has already been prepared and lodged. Transcripts due date: 08/04/2017; Clerk's Record due date: 09/08/2017.	Idaho Supreme Court
7/11/2017	ASLP	MJOHNSON	Affidavit Of Fta For Sheriff's Labor Program - failed to enroll for the SLP by July 01, 2017.	Idaho Supreme Court

STATE OF IDAHO
County of Bonner
FILED _____
AT _____ O'CLOCK ____ M.
CLERK OF THE DISTRICT COURT

Deputy

NOTIFICATION OF RIGHTS

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 MAY 9 AM 8 39

STATE OF IDAHO vs. STEVEN MOORE, Case No. CR 2016-2854

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

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

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

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

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

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

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

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

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

IF YOU ARE CHARGED WITH A MISDEMEANOR:

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

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

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

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

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

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

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

IF YOU ARE CHARGED WITH A FELONY:

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

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

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

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

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

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

READ AND UNDERSTOOD

DATED: 5-7-16


Defendant's Signature

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

STATE OF IDAHO

Plaintiff,

v.

STEVEN M. MOORE,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

FIRST JUDICIAL DISTRICT
2016 MAY 9 AM 8 39
CLERK OF DISTRICT COURT
DEPUTY

Court Case Number: CR-2016-2854

PROBABLE CAUSE AFFIDAVIT

BCSO Incident #: 16-008137

I, Kimberly Kempton, the undersigned, being first duly sworn on oath, depose and say that:

- 1) I am a duly appointed, qualified, and acting peace officer in the State of Idaho and am employed by the Bonner County Sheriff's Department;
- 2) I am the same person whose name is subscribed to the attached Citation(s), if any.
- 3) The Defendant was identified by:
 - Military ID
 - State ID Card
 - Student ID Card
 - Credit Card
 - Driver's License
 - Paperwork found
 - Verbal ID by defendant
 - Identity confirmed through in-house records.
 - Identified by witness: Bryan Kaufman.
- 4) The Defendant is currently:
 - not in custody.
 - in custody.

- 5) I believe that there is probable cause to believe the defendant committed the crime(s) of: **Aggravated Assault, Idaho Code 18-905 (b)**, because of the following facts:

[You must clearly articulate: 1) the facts giving rise to the stop/contact/investigation; 2) the facts regarding EVERY element of the offense(s) for which you believe PC exists; 3) why it is believed that the Defendant committed the offense(s); and 4) state the source of all information provided – stating what you observed and what you learned from someone else, and identifying such persons below].

On 5/6/16, I was in full uniform employed as a Bonner County Sheriff's Office Deputy. I responded to a call of a battery just occurred at 443 Meadowlark Lane, Oldtown.

I met with 12 year old Bryan Kaufman. He stated that he was riding ATV northbound on Meadowlark Lane. He approached Larch Lane and saw a dark blue older truck with a canopy parked on Larch. It was on the southside of the road facing east. It had a front plate on the bumper and was an Idaho plate unknown county. Bryan did a fast U turn in the intersection and began back south. He observed the truck turn onto Meadowlark and follow him.

Bryan pulled into his driveway and approximately 50 yards up by his house. He stopped and was seated on his ATV. The blue truck pulled into the driveway and intentionally rammed the ATV while Bryan was seated on it. Bryan was not injured but it the force of the hit did cause the ATV to move forward a couple of feet. The front right bumper of the truck collided with the right rear tire and fender of the ATV. The fender had a fresh scratch and the tire had rub marks.

The male, described as 50-70 years, full head of grey hair, thick grey and white mustache, medium build, dirty teeth, with a light blue t shirt. Bryan could smell the odor of cigarette smoke. The male then threatened Bryan by saying, "If I see any fuckbags like you driving fast on my road again, I will

shoot and kill you with a bullet." Bryan advised that he did not see a firearm but believed the the threat.

Bryan advised that he would be able to identify the male and his truck if he were to see them again. Bryan's mother, Michelle Naylor, observed Bryan pull into the driveway and the truck hit him. She ran out and the male left in the truck.

On 5/7/16 at 1856 hours, I conducted a follow up in the area of Larch Lane. I drove in the area looking for a vehicle that matched the description of the suspect.

I met with a neighbor who told me "Steve" has a vehicle like that. I was directed to drive past Meadowlark and it is the second driveway on the right.

I drove to this driveway which was marked 420 larch Lane. I pulled into the fork on the right and saw a dark blue Nissan Pathfinder, license 7BE7451, which came back the Sherlee Pugh. There was a small grey pick up that came back to Steven Moore. I knocked on the door and there was no answer. I called the telephone number for that location and Sherlee Pugh answered. She advised that her roommate, Steve, was asleep and she tried to wake him and he was "passed out." I asked when he might be awake and she advised, "tomorrow."

I pulled up a photo of Steve from his driver's license return. The photo matched the description that Bryan Kaufman had given me on 5/6/16. Especially the mustache, it was thick and bi colored. I sent the return to Sergeant Cotter and he went to 443 Meadowlark Lane to see if Bryan was there.

Bryan came out of the house and looked at the photo that was on Sergeant Cotter's MDC. Without hesitation, Bryan advised that was the man who had followed him and rammed his ATV while he was it.

Sergeant Cotter and I responded back 420 Larch Lane. I knocked again and Sherlee came to the door. I advised her I needed to speak with Steve. She opened the door and we entered and Steve was asleep on a pull out couch in the front room. I told Steve that there was an incident down the road and he advised he knew about it he went to Mike Naylor's earlier in the day and Mike told him. When Mike described the suspect to Steve, Steve said "that could be me or you."

Sherlee advised that the pathfinder is hers but Steve occasionally drives it. She further stated that the keys are always in it. She advised she went to bed before dark and does not know what Steve did in the early evening after they came back from dinner.

I came back and Steve was discussing how he gets upset with kids and people driving motorcycles and ATVS tearing up the road. I told Steve that the kid involved in the incident last night identified his photo as the suspect who followed him and rammed him. Steve said, "take me in" and stood up and put his hands together in front him. He was taken into custody without incident.

[Briefly explain specialized training, experience, or expertise utilized relating to the offenses listed. For example, if a drug offense has been committed, briefly explain your training, experience and qualifications to identify the substance and/or paraphernalia at issue],


[If the offense involves testing or comparison analysis, briefly explain the test and results. For example, if a drug offense has been committed explain 1) what tests were performed and 2) what the results were].

- 6) The events described above, which give rise to the criminal offenses believed to have been committed, occurred on or about the date(s) of 5/6/16, in:
- The City of _____, County of Bonner, State of Idaho;
 - Bonner County, State of Idaho.
- 7) Based on the investigation detailed above [*complete all that apply*]:
1. A Uniform Citation, number _____, was personally served on the Defendant for the Misdemeanor offense(s) detailed in paragraph 5 above.
 2. A Uniform Citation, number _____, which is attached hereto, for the Misdemeanor offense(s) detailed in paragraph 5 above, has not yet been served on the defendant;
 - a. and a Complaint/Summons is requested.
 - b. and an Arrest Warrant is requested because: _____.
 3. A request for the filing of a Felony Criminal Complaint has been made upon the Bonner County Prosecutor's Office for the Felony offense(s) detailed in paragraph 5.
 - a. and a Complaint/Summons is requested.
 - b. and an Arrest Warrant is requested because: _____.
- 8) The following documents are attached hereto and are incorporated by reference [*No police reports AND No Lab Reports if NIK was positive*]:
- Copy of Protection Order Copy of NCO Laboratory Report _____

STATE OF IDAHO)
) ss.
 COUNTY OF BONNER)

By my signature, I hereby certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the information contained in this document, and attached reports and/or documents that may be included herewith, is true and correct to the best of my information and belief.

DATED this 7 , day of May , 2016.


 Kimberly Kempton, affiant

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2016 MAY 9 AM 8 55

CLERK DISTRICT COURT

DEPUTY

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
(208) 263-6726 (facsimile)

Assigned Prosecutor:
SHANE GREENBANK

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

<p>STATE OF IDAHO Plaintiff,</p> <p>v.</p> <p>STEVEN MICHAEL MOORE, DOB: [REDACTED] SSN: [REDACTED] Defendant.</p>	<p>Case NO: CR-2016- <u>2854</u></p> <p>CRIMINAL COMPLAINT</p> <p>AGENCY: BCSO# 15-008137</p>
--	---

COMES NOW Shane Greenbank, Chief Deputy Prosecuting Attorney for Bonner County, State of Idaho, and complains that the above named defendant did commit the crime of: **AGGRAVATED ASSAULT**, a Felony offense pursuant to Idaho Code §18-901 and §18-905; committed as follows:

The Defendant, **STEVEN MICHAEL MOORE**, on or about the 6th day of May, 2016, in the County of Bonner, State of Idaho, did intentionally, unlawfully and with apparent ability threaten by word and act to do violence upon the person of Bryan Kaufman, with a deadly weapon/instrument, to-wit: a vehicle, which created a well-founded fear in Bryan Kaufman that such violence was imminent.

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

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

WHEREFORE, Complainant prays that the Defendant be dealt with according to law.

DATED this 9th day of May, 2016.



**SHANE GREENBANK, COMPLAINANT
CHIEF DEPUTY PROSECUTOR**

STATE OF IDAHO, COUNTY OF BONNER VS

NAME: STEVEN MICHAEL MOORE		CASE #:		CR-2016-2854					
CASE CALLED	226	to	232	DATE:	MAY 9 2016	TIME:	1:15	P.	M.
CRTRM:	2	JUDGE:	LORI T MEULENBERG		CLERK:	SUSAN AYERLE			
APPEARANCES									
<input checked="" type="checkbox"/>	Defendant	IN CUSTODY VIA VIDEO			Other				
	Def Attorney				Pros. Attorney	BONNER COUNTY PROSECUTOR			
FAILURE TO APPEAR:									
Defendant having failed to appear, and good cause not shown for such absence									
IT IS ORDERED:									
	Bench Warrant Issued	\$	Bond		Bond Forfeited				
Referred to Prosecuting Attorney for probable cause to issue arrest warrant									
CHARGES:									
FE AGG ASSAULT									
PROCEEDINGS AND ADVISEMENT OF RIGHTS:					CHARGE AMENDED:				
<input checked="" type="checkbox"/>	Defendant is informed of the charges against him/her and all legal rights, including the right to be represented by counsel.								
<input checked="" type="checkbox"/>	Defendant advised of maximum penalties and penalties for subsequent violations.								
	Defendant waives right to counsel and understands				Hire own attorney.				
<input checked="" type="checkbox"/>	Defendant sworn.								
<input checked="" type="checkbox"/>	Public Defender appointed:	BONNER COUNTY PUBLIC DEFENDER							
	Court denies court appointed counsel.				Defendant waives right to Public Defender				
	Matter continued to:		at						
FELONY PRELIMINARY HEARING:									
<input checked="" type="checkbox"/>	Set preliminary hearing			<input checked="" type="checkbox"/>	14 days			21 days	
MISDEMEANOR:									
PLEA OF NOT GUILTY ENTERED									
	Set for Pre-Trial Conference and Jury Trial				Set for Court Trial				
DEFENDANT ENTERS PLEA OF GUILTY									
Defendant enters plea freely, voluntarily, and intelligently with knowledge of consequences									
Defendant is advised of rights waived on plea of guilty and understands									
Defendant admits charge is true									
Defendant denies that any threats or promises have been made									
Pleas of guilty accepted by the court									
	Set for SENTENCING on:			at		Judge:			
Defendant ordered to obtain alcohol/substance abuse/domestic violence evaluation prior to sentencing date									
BAIL:									
	Released on own recognizance			<input checked="" type="checkbox"/>	bail set at:	\$ 5,000	Case/cnt:		
	Remanded to the custody of the Sheriff					\$	Case/cnt:		
	Released on bond previously posted					\$	Case/cnt:		
	Warrant of Attachment	\$			Days jail in lieu of fine/costs				
INDEX	SPEAKER	PHASE OF CASE							
	J	ENTER NCO BRIAN KAUFMAN							
	DEF	I DON'T KNOW WHO THAT IS							
	J	OK							
	J	RIGHT TO REMAIN SILENT; NOT GOING TO ASK QUESTIONS A PERSON THEY ARE ALLEGING THAT YOU RAMED THE ATV THAT PERSON WAS SEATED ON							
	DEF	CAN I REQUEST A BOND REDUCTION HEARING							
	J	CAN TALK TO YOUR ATTORNEY; HAVEN'T SET BOND YET EXPLAINS NO CONTACT ORDER VIOLATION COULD BE ANOTHER CRIMINAL CHARGE IN PLACE UNTIL JANUARY 1, 2017 DON'T HAVE INFORMATION YOU FAILED TO APPEAR							
	DEF	A LONG TIME AGO; 2009							

	J	DON'T SEE LOCAL HISTORY DON'T WANT YOU TO TALK ABOUT PROTECT YOUR RIGHT TO REMAIN SILENT
232	J	ARE YOU GOING TO ABIDE BY NCO
	DEF	YES
	J	NO ALCOHOL OR CONTROLLED SUBSTANCES SET BOND

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

STATE OF IDAHO
Plaintiff

Case No. CR 2016-2854
STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

vs.
Steven Michael Moore
DOB [REDACTED] SSN xxx-xx- [REDACTED]
Defendant

2016 MAY -9 P 2:39

NO CONTACT ORDER COURT

[Signature]

The above-entitled matter having come before the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-named defendant shall not contact (including: in person or through another person, or in writing or e-mail, or by telephone, pager, or facsimile) or attempt to contact, harass, follow, communicate with, or knowingly remain within 100 feet of: Bryan Kaufman

Exceptions are:

- no exceptions
- to contact by telephone between _____ . m. and _____ . m. on _____
- _____ for the following purpose: _____
- to participate in counseling/mediation
- to meet with or through attorneys and/or during legal proceedings
- to respond to emergencies involving the natural or adopted children of both parties
- other: _____

Bryan Kaufman
DOB: _____

IT IS FURTHER ORDERED that the defendant named herein shall not go within 300 yards of the above-named person's residence or workplace as set forth below (provide this information only if requested by prosecution):

Residence Address _____

Work Address _____

A VIOLATION OF THIS ORDER IS A SEPARATE CRIME under Idaho Code § 18-920, for which no bail will be set until an appearance before a judge. A first and second conviction for the crime of violation of a no contact order is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. A third conviction for violation of a no contact order within five (5) years is a felony and is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison not to exceed five (5) years, or both. Further, any such violation of this order may result in the increase, revocation, or modification of the bond set in underlying charge for which this no contact order was imposed.

If there is more than one domestic violence protection order in place, the most restrictive provision will control any conflicting terms of any other civil or criminal protection order.

This order may subject you to Federal prosecution under 18 U.S. Code § 922 if you possess, receive, or transport a firearm.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WILL EXPIRE:

at 11:59 p.m. on Jan 1, 2017

OR upon dismissal of this case, whichever occurs first.

Defendant _____

[Signature] 5-9-2016
Judge Date

Served by: _____

Dated served: _____

[] Ordered / Served in open court

- Faxed to: Sheriff's Office – Records, SPD, POPD, PRPD, VAST
 Agency _____ (ONLY send to agency if faxing NCO after 5 pm)
 Interoffice to: Prosecutor: County PA City PA
 Public Defender
 Mailed to: Victim _____
 Defense Attorney _____

[] Jail Booking (fax 208-255-1975) for service on defendant prior to release from custody (Jail must return defendant's signed copy to court)

[Signature]
Deputy Clerk

5-9-2016
Date

ADULT JUVENILE

Deputy

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: Mewtenberg

STATE OF IDAHO COUNTY OF BONNER DISTRICT COURT
2016 MAY 19 2:34 PM
CASE NO. CR16 - 2854

Steven M Moore
(SUBJECT'S FIRST NAME) (SUBJECT'S MIDDLE NAME) (SUBJECT'S LAST NAME)

BY VIDEO
 SUBJECT APPEARED IN COURT ON: 9 May 2016 AT 1315 P.M.

SUBJECT IS TO: BE OR'D REMAIN IN CUSTODY
 BE RELEASED BY JUDGES ORDER
 BE RELEASED/TIME SERVED BOND \$ 5,000.00
 BE RELEASED TO PARENT/PTA

MUST SIGN WAIVER OF EXTRADITION WORK RELEASE/SEARCH GRANTED
 AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

SENTENCED TO: _____ DAYS IMPOSED _____ HOURS ON SHERIFF'S LABOR PROGRAM.
 _____ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
 _____ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
 _____ DAYS CREDIT _____, 20____

SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____ M
 BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____ M
 SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR(S).

SUBJECT SENTENCED TO SERVE NOT LESS THAN _____ AND NOT MORE THAN _____
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
 THIS SENTENCE IS SUSPENDED. PLACED ON _____ YEARS PROBATION.
 SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 365 DAYS.
 AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES Video

Agg Assault - Bond \$5,000.00

JUDGE'S ORDER: SUBJECT IS TO Remain in custody

- NCO entered

JUDGE'S ORDER WILL FOLLOW PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed)

A. Clark
BAILIFF

CLERK OF THE DISTRICT COURT

BY _____ DEPUTY

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

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT COURT

2016 MAY -9 P 2:48

CLERK DISTRICT COURT

CASE NO. 2016-2854

APPLICATION FOR: Steven M Moore
DEFENDANT / JUVENILE / CHILD

BY _____
DEFENDANT / PARENT / GUARDIAN

DATE OF BIRTH _____

SOC. SECURITY # _____

FINANCIAL STATEMENT AND ORDER

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

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

My current address is: 420 Larch Lane Oldtown ID 83822
(Street or P.O. Box City State Zip Code)

My current telephone number or message phone is: 208-437-0843

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

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

1. EMPLOYMENT:

A. Employed: yes ___no B. Spouse Employed: ___yes ___no
C. If not employed, or self-employed, last date of employment _____
D. My employer is/was: Self employed
Address: 420 Larch Lane Oldtown ID 83822

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

Wages before deductions \$ 1400⁰⁰ Other income: (Specify: Child Support, S.S., V.S., A.D.C.,
Less Deductions \$ 0 Food Stamps, etc.) _____
Net Monthly Wages \$ 1600⁰⁰ _____ \$ _____

3. EXPENSES MONTHLY:

Rent or Mortgage Payment \$ 200⁰⁰ Child Care \$ 0
Utilities \$ 50⁰⁰ Recreation \$ 100⁰⁰
Clothing \$ 50.00 Medical \$ 0

3. EXPENSES MONTHLY (Continued):

Transportation

\$ 150⁰⁰

School

\$ 0

Food

\$ 200⁰⁰

Insurance

\$ 30⁰⁰

Other: (Specify)

\$ 0

\$

Total \$ _____ per mo.

Total \$ _____ per mo.

DEBTS: Creditor 0

Creditor 0

4. ASSETS:

A. I (we) have cash on hand or in banks

\$ 150⁰⁰

B. I (we) own personal property valued at

\$ 3000⁰⁰

C. I (we) own vehicle(s) valued at

\$ 2500⁰⁰

D. I (we) own real property valued at

\$ 0

E. I (we) own stocks, bonds, securities, or interest therein

\$ 0

5. THE FOLLOWING ALSO AFFECTS MY FINANCIAL CONDITION (Specify): 0

6. DEPENDENTS: 1 Self 0 Spouse 0 Children 0 Other (specify) _____

(number)

[Signature]

APPLICANT

Subscribed and sworn to before me this 9th day of May, 20 16.

[Signature]

The above named 1 defendant 0 parent 0 guardian appeared before the court on the aforesaid charge and requested the aid of counsel. The court having considered the foregoing, and having personally examined the applicant; 1 ORDERS 0 DENIES the appointment of the service of counsel in all matters pertaining to this action at county expense.

The 1 defendant 0 parent 0 guardian is required to reimburse the county for the services of counsel, at a rate of \$ _____ per month, commencing _____, 20 _____ and continuing until notified by the court.

DATED this 9th day of May, 20 16.

[Signature]
JUDGE

Custody Status: X In 0 Out

Copies To:
 Prosecuting Attorney BePA
 Public Defender
 Public Defender notified by phone

Bond \$ 500

5-9-16 [Signature]
Date Deputy Clerk

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

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

MAY 8 2016

CLERK DISTRICT COURT

Case Number(s): CR-2016-2854

DEPUTY

STATE OF IDAHO

Plaintiff,

v.

STEVEN M. MOORE,

Defendant.

**ORDER FINDING
PROBABLE CAUSE**

BCSO Incident #: 16-008137

The above-named Defendant having been charged with, or arrested for, the offense(s) of: Aggravated Assault, Idaho Code 18-905 (b), and the court having examined the affidavit of Kimberly Kempton, and any attached documentation, the Court finds a substantial and factual basis for believing that the offense(s) has/have been committed and that the Defendant committed it/them.

WHEREFORE, IT IS HEREBY ORDERED that:

- a Criminal Summons may be issued for the above-named Defendant, giving the Defendant a date certain to appear before the Court.
- a Warrant may be issued for the arrest of the above-named Defendant, or, if s/he has been arrested without warrant, that the Defendant may be detained and that s/he may be required to post bail prior to his release.

DATED this 9th day of May, 2016.

[Signature]
MAGISTRATE COURT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the ___ day of _____, _____, a true and correct copy of this Order Finding Probable Cause was caused to be served as follows:

Bonner County Sheriff's Office:

- Fax: (208) 265-4378 [fax only if PC was not found]
- I.O.M.

Bonner County Prosecutor:

- Fax: (208) 263-6726 [fax only if PC was not found]
- I.O.M.

CLERK / DEPUTY CLERK

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

COUNTY OF IDAHO CITY OF BONNER DISTRICT JUDICIAL DIST.

STATE OF IDAHO Plaintiff

Case No. CR 2016-2854

2016 MAY -9 P 4:10

va. Steven Michael Moore Defendant

NO CONTACT ORDER CLERK DISTRICT COURT DEPUTY

The above-entitled matter having come before the Court, and good cause appearing therefor,

IT IS HEREBY ORDERED that the above-named defendant shall not contact (including: in person or through another person, or in writing or e-mail, or by telephone, pager, or facsimile) or attempt to contact, harass, follow, communicate with, or knowingly remain within 100 feet of: Bryan Kaufman DOR!

Exceptions are:

- no exceptions
to contact by telephone between . m. and . m. on
for the following purpose:
to participate in counseling/mediation
to meet with or through attorneys and/or during legal proceedings
to respond to emergencies involving the natural or adopted children of both parties
other:

IT IS FURTHER ORDERED that the defendant named herein shall not go within 300 yards of the above-named person's residence or workplace as set forth below (provide this information only if requested by prosecution):

Residence Address

Work Address

A VIOLATION OF THIS ORDER IS A SEPARATE CRIME under Idaho Code § 18-820, for which no bail will be set until an appearance before a judge. A first and second conviction for the crime of violation of a no contact order is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. A third conviction for violation of a no contact order within five (5) years is a felony and is punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the state prison not to exceed five (5) years, or both. Further, any such violation of this order may result in the increase, revocation, or modification of the bond set in underlying charge for which this no contact order was imposed.

If there is more than one domestic violence protection order in place, the most restrictive provision will control any conflicting terms of any other civil or criminal protection order.

This order may subject you to Federal prosecution under 18 U.S. Code § 922 if you possess, receive, or transport a firearm.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WILL EXPIRE:

at 11:59 p.m. on Jan 1, 2017

OR upon dismissal of this case, whichever occurs first.

Defendant [Signature]

Judge [Signature] Date 5-9-2016

Served by [Signature]

Dated served: 19 May 2016

[] Ordered / Served in open court

- Faxed to: Sheriff's Office - Records, SPD, POPD, PRPD, VAST
Agency (ONLY send to agency if faxing NCO after 5 pm)
Prosecutor: County PA City PA
Public Defender
Mailed to: Victim
Defense Attorney

[] Jail Booking (fax 208-255-1975) for service on defendant prior to release from custody (Jail must return defendant's signed copy to court)

Deputy Clerk

Date

Bonner 019 NO CONTACT ORDER Rev. 03/12

CR2016-2854

CASE NO. CR-16-2854
CHARGE(S) Agg Assault

STATE OF IDAHO
COUNTY OF BONNER
FILED _____
AT _____ O'CLOCK _____ M

NOTICE TO DEFENDANTS

Regarding your release from custody

TO: Moore, Steven M., Defendant. Dob: 04/18/1956

You were released on your own recognizance by Judge _____ on the _____ day of _____, 20____ at _____ M by DEPUTY

telephone / fax Bailiff slip personal contact

You have posted bail / cash in the amount of \$ 5,000 to secure your release. Agency BB

You are bonding on **DUI Second Offense or More, or Excessive DUI**. Misdemeanor Criminal Rule 5(b) requires you to appear before a judge within 48 hours, excluding weekends and holidays. You are to appear at the Bonner County Courthouse, 215 South First Avenue, Sandpoint, Idaho on _____/_____/_____ at 1:15 p.m.
(JAIL - Set date for next business day and immediately fax a copy to Magistrate Court at 265-1468)

You or your attorney will be notified by the Court when to appear.

Two of the conditions of your release on bail/your own recognizance are:

1. YOU ARE REQUIRED TO NOTIFY THE COURT AND YOUR ATTORNEY, if you have one, OF ANY CHANGE OF ADDRESS OR PHONE NUMBER THAT YOU HAVE WHILE YOUR CASE IS PENDING BEFORE THE COURT.
2. NOTIFY YOUR ATTORNEY OF THE COURT DATE ABOVE.

FAILURE TO APPEAR ON ANY APPEARANCE DATE OR FAILURE TO NOTIFY THE COURT REGARDING CHANGE OF ADDRESS OR PHONE NUMBER MAY CAUSE A WARRANT TO ISSUE FOR YOUR ARREST.

MY CURRENT MAILING ADDRESS IS: 420 Larch Lane Oldtown, ID

MY CURRENT PHYSICAL ADDRESS (if different from above): SAA

MY CURRENT PHONE NUMBER IS: (208) 437-0843 MESSAGE PHONE: _____

I have read, understand and received a copy of the above instructions. My signature is not an admission of guilt to any charge(s), but acknowledgment of the instructions contained above.

5-9-16
DATE

[Signature]
SIGNATURE OF DEFENDANT

WITNESS

[Signature] 373
DEPUTY SHERIFF

***NOTE TO DEPUTY: Provide a copy to defendant. Return this original to the Court. If the Defendant refuses to sign this, witness the same and make a written indication that the defendant refused to do so.



American Contractors Indemnity Company

9841 Airport Blvd., 9th Floor
Los Angeles, CA 90045
(310) 649-2663

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT JUDICIAL DIST.

APPEARANCE BOND

2016 MAY 10 A 9:24

IN THE _____ DISTRICT-MAGISTRATE _____ COURT, STATE OF IDAHO

STATE OF IDAHO,

Plaintiff

vs.

COUNTY OF _____

CLERK DISTRICT COURT
DEPUTY [Signature]
BONNER

MOORE, STEVEN M.

Defendant

KNOW ALL MEN BY THESE PRESENTS:

That we, RADD S. RAYNOR DBA/ AGENCY BAIL BONDS, as Principal and **American Contractors Indemnity Company**, as Surety, identified by attached Power of Attorney Number A7-2297209, are held firmly bound unto the Governor of the State of Idaho, and his successors, the said RADD S. RAYNOR, Principal, in the sum of 5,000.-

Dollars, for the payment whereof well and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this bond is such that the above named Defendant shall personally appear in the above Court on TO BE SET, _____, at _____ o'clock, _____ M, to answer to the charge of AGG ASS, and to do and receive what shall be by said Court then and there enjoined upon him, and shall not depart the said Court without leave, and meanwhile shall be of good behavior toward all people of the State of Idaho then this obligation shall be void, otherwise in full force and effect, but not to exceed beyond the time of the verdict of the jury, or a plea of guilty by the Defendant, except will at all times hold himself amenable to the orders and process of the Court, and if convicted, will appear for judgment and render himself in execution thereof, or if he fails to perform either of these conditions, that we will pay to the people of the State of Idaho the sum of 5,000.-.

Taken before and approved by me:

PO BOX1747 SANDPOINT, ID 83864 (265-5746)

(L.S.)

American Contractors Indemnity Company

By Sandra Gomez

By Sandra Gomez (L.S.)
Attorney-in-Fact

THIS APPEARANCE BOND NOT VALID UNLESS ACCOMPANIED BY AN INDIVIDUALLY NUMBERED POWER OF ATTORNEY PROPERLY EXECUTED

This bond not valid if more than one (1) Power of Attorney has been attached.

NOTE: THIS IS AN APPEARANCE BOND AND CANNOT BE A GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS BACK ALI-MONY PAYMENTS, FINES, OR WAGE LAW CLAIMS, NOR CAN IT BE USED AS A BOND ON APPEAL.



HCC

American Contractors Indemnity Company
A subsidiary of HCC Insurance Holdings, Inc.
601 S. Figueroa Street, Suite 1600, Los Angeles, California 90017

Jan 25 2017

POWER OF ATTORNEY

A7-2297209

POWER NO.

THIS POWER VOID IF NOT USED BY:

KNOW ALL MEN BY THESE PRESENTS that the American Contractors Indemnity Company, a corporation duly organized and existing under the laws of the State of California and by the authority of the Resolution adopted by the Board of Directors by unanimous written consent on December 6, 1990 which said Resolution has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent

RADD RAYNOR DBA AGENCY BAIL BONDS

is its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power-of-Attorney is for use with Bail Bonds only. Not valid if used in connection with Immigration Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated amount of this Power, and can only be used once. The obligation of the company shall not exceed the sum of

SHALL NOT EXCEED THE SUM OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00)

and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, AMERICAN CONTRACTORS INDEMNITY COMPANY has caused these presents to be signed by its duly authorized officers, proper for the purpose and its corporate seal to be hereunto affixed this 9th of MAY 2016.

Bond Amount \$ 5,000.-

Defendant MOORE, STEVEN M.

Charges AGG ASS

Court / Date TO BE SET

Case No. _____

City SDPT State ID

If rewrite, original No. _____

Attorney-in-Fact Sandra Gomez
(Name)



By: Adam S. Pessin
Adam S. Pessin, President

By: Scott D. Anschultz
Scott D. Anschultz, Senior Vice-President

COURT COPY ACIC-FSCD-1

CR2016 - 2854

WAIVER OF EXTRADITION

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT JUDICIAL DIST.
Bonner County, Idaho

2016 MAY 10 A 4:24

CLERK DISTRICT COURT

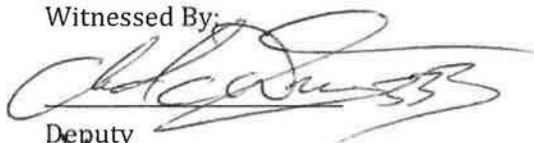
I, Steven Michael Moore, do freely and voluntarily state that I am the person against who criminal proceedings, charging me with the commission of a felony have been instituted in the County of Bonner, State of Idaho and I further hereby freely, voluntarily and without promise of reward of leniency, agree, consent and elect to return to the County of Bonner, State of Idaho, without requisition papers, warrant of rendition or other form of processes, having for their purpose my return to said County and State. THIS AGREEMENT AND WAIVER is made by me without any reference to my guilt or innocence and shall not be considered in any manner as prejudicing my case and not in any sense an admission of guilt, and further wholly exonerate and hold blameless in this matter the Sheriff of _____, State of _____, and all persons active under him/her, and agree to accompany to the State of Idaho, any peace officer who may be sent to take me to State for trial.

THIS STATEMENT AND WAIVER, (made in triplicate) done at Sandpoint, Idaho, on:
May 9, 2016.



Inmate Signature

Witnessed By:



Deputy



Deputy

I, _____, DO NOT WISH TO SIGN WAIVERS AT THIS TIME. I UNDERSTAND AND I HAVE THE RIGHT TO SIGN WAIVERS AT ANY TIME.

Inmate Signature

- Inmate File _____
- Court Clerk _____
- Prosecuting Atty _____
- Other _____

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864

STATE OF IDAHO,
Plaintiff.

vs.

Steven Michael Moore
420 Larch Ln
Oldtown, ID 83822

Defendant.

DOB: [REDACTED]
DL or SSN: [REDACTED]

FIRST JUDICIAL DIST.)
MAY 11 PM 1 08)
CLERK DISTRICT COURT)
DEPUTY)

Case No: CR-2016-0002854

NOTICE OF HEARING

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

Preliminary : Wednesday, May 25, 2016 @01:30 PM
Judge: Justin W. Julian

Alternate Presiding Judges: Any First Judicial District Magistrate as listed herein:
Eugene Marano, James Stow, Barry Watson, Clark Peterson, Scott Wayman,
Penny Friedlander, Patrick McFadden, Daniel McGee, Debra Heise, Gaylen Box,
Justin Julian, Robert Burton, Robert Caldwell, O. Lynn Brower, Lori T.
Meulenberg, Anna M Eckhart, William C Hamlett, James F Combo, Steve Verby,
John P. Luster

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, May 11, 2016.

Steven Michael Moore

Mailed Hand Delivered _____ Faxed _____

Counsel: Public Defenders
Courthouse Mailbox
Sandpoint ID 83864

Mailed _____ Hand Delivered _____ Faxed

Shane L. Greenbank Bonner County Prosecutor

Mailed _____ Hand Delivered _____ Faxed

Dated: Wednesday, May 11, 2016
Michael W. Rosedale
Clerk Of The District Court

By: [Signature]
Deputy Clerk

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
 123 S. First Ave.
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 1ST JUDICIAL DIST.

MAY 11 2 16
ORIGINAL

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

STATE OF IDAHO,)	
	)	CASE NUMBER CR-16-0002854
Plaintiff,)	
	)	NOTICE OF APPEARANCE,
V.	)	REQUEST FOR TIMELY
	)	PRELIMINARY HEARING, AND
STEVEN M. MOORE,	)	MOTION FOR BOND REDUCTION
)	
Defendant.)	

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

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

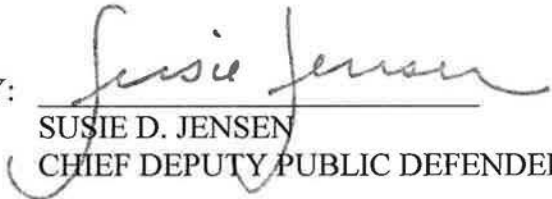
Notice is given that the Defendant herewith asserts all rights accorded him or her under the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States and under Article I, § 13 of the Constitution of the State of Idaho and all prophylactic measures imposed

upon the State pursuant to said constitutional provisions; including, but not necessarily limited to, the right to remain silent and the right to counsel.

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

DATED this 11th day of May, 2016.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: 
SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 11th day of May, 2016, addressed to:

Shane Greenbank
Bonner County Prosecutor



BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
 123 S. First Ave
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

MAY 11 P 2:16

CLERK DISTRICT COURT

ORIGINAL

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

STATE OF IDAHO,)
)
 Plaintiff,)
)
 V.)
)
STEVEN M. MOORE,)
)
 Defendant.)

CASE NUMBER CR-16-0002854

**DEFENDANT'S REQUEST
 FOR DISCOVERY**

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

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

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

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

3. A copy of the defendant's prior record or criminal history report including all fifty states, if any, as is then or may become available to the prosecuting attorney.

4. Any and all driver's packets, books, papers, documents, photographs, tangible objects, and copies and portions thereof, which are in the possession or control of the prosecuting attorney and which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the defendant.

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

6. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the prosecuting attorney as witnesses at trial, together with a NCIC report or criminal history report including all fifty states and a Spillman report of any such persons. Also the statements made by the prosecution witnesses, or prospective witnesses, made to the prosecuting attorney or his agents, or to any official involved in the investigatory process of the case.

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

8. The underlying facts or data that form the basis of any expert testimony pursuant to Idaho Rule of Evidence 705.

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

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

11. The existence and substance of any payments, promises of leniency, preferential treatment or other inducements or threats made to prospective witnesses, within the scope of *United States v. Giglio*, 405 U.S. 150 (1972) and *Napue v. Illinois*, 362 U.S. 264 (1959) and their progeny.

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

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

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

15. Inform the defendant of the government's intention to introduce proof during its case in chief of evidence pursuant to Rule 404(b) I.R.E.

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

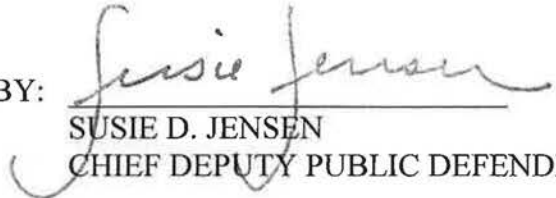
17. Provide a copy of all documentation generated as a result of performed drug tests by the State for drug identification purposes, including types of testing performed in this case, testing procedures, reagents and/or solvents used in testing, comparative analyses performed, and number of experiments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

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

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

DATED this 11th day of May, 2016.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: 
SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 11th day of May, 2016, addressed to:

Shane Greenbank
Bonner County Prosecutor



BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
Phone: (208) 263-6714
Fax: (208) 263-6726

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT JUDICIAL DIST.

MAY 23 P 11

CLERK DISTRICT COURT

DEPUTY

ORIGINAL

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

STATE OF IDAHO

Case No: **CR-2016-2854**

Plaintiff,

v.

**PLAINTIFF'S RESPONSE TO
REQUEST FOR DISCOVERY**

STEVEN MICHAEL MOORE,

Defendant.

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following response to request for discovery:

1) Pursuant to Idaho Criminal Rule 16(a), the defendant is hereby informed that the prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged other than that which may be included in the discovered reports. With regards to evidence that may be exculpatory, as used or interpreted, the prosecution requests that counsel submit, in writing, the defense to be asserted in this case so that the prosecution may review its file to determine if any facts, evidence or witnesses may be material to the preparation of the defense.

2) The State has complied with the discovery request by furnishing the following information, evidence and materials:

Page (s):	1	BCSO Incident Report Form
	2 - 5	Probable Cause Affidavit
	6 - 33	NCIC History of Defendant

If you have not received any of the foregoing copies, please contact this office immediately.

Protected information, to-wit: Contact information, personal identifying information and private information, may have been redacted in the provided discovery per Idaho Criminal Rule 16(d). If the Attorney for the Defendant wishes to review this information, please contact the Prosecuting Attorney assigned to handle the case. Please note, in the event the prosecution has no objection to providing

unredacted copies of protected information on colored paper, the information shall not be shared with the defendant or the defendant's family without the explicit written consent of the prosecutor assigned to handle the case.

Additionally, regarding Laboratory Analysts/Scientists with Idaho State Police, *Curriculum Vitae's* are freely available for downloading off of the internet. To do so, navigate to the Idaho State Police homepage, then follow their link to the "Forensic Services" site. Once there, select the folder tab labelled "Accreditation & Staff CV's". Therein, information about their analysts/scientists, pertinent to Idaho Criminal Rule 16(d), is freely accessible and printable. If you are unable to access this information, please contact the prosecutor's office immediately.

3) Pursuant to Idaho Criminal Rule 16(b)(3), a copy of the defendant's prior criminal record as is currently known to the prosecutor has been provided. This serves as notice of the intention to use the defendant's criminal history should any fall under evidence rule 609 and any relevant prior bad acts as identified in the case report.

4) Pursuant to Idaho Criminal Rule 16(b)(6), a record of any prior Felony convictions known to the prosecutor of persons that the prosecutor intends to call as witnesses at hearing or trial will be provided when the case is set for trial.

5) Pursuant to Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents, photographs, tangible objects, building or places or copies or portions thereof that are mentioned or listed in the above-listed documents, that are in the possession, custody or control of the Prosecuting Attorney and that are material to the preparation of the defense, or intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

6) The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney by the exercise of due diligence.

7) The State reserves the right to call on any witnesses listed in the provided discovery or listed in the underlying police report(s). In addition, Plaintiff may call the following witnesses:

Deputy Kimberly Kempton, Bonner County Sheriff's Office
Bryan Kaufman
Michelle Naylor

8) The State reserves the right to call on any witnesses listed in the provided discovery or listed in any underlying reports or documentation submitted by the defense.

9) **NOTICE OF INTENT TO USE RULE 404(b) EVIDENCE:** Pursuant to Rule 404(b), the State hereby provides notice of its intent to use any and all of the evidence / testimony described or referred to in the provided discovery.

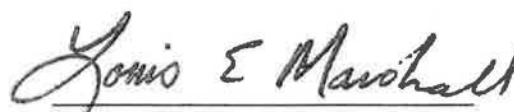
10) NOTICE is hereby given that any Information to be filed in this matter may include a **Deadly Weapons Enhancement** and/or a **Habitual Offender Enhancement** if applicable.

11) The Prosecuting Attorney objects to any request beyond the scope of I.C.R. 16, and specifically objects to any request for copies of subpoenas issued by the state in this matter, for any witness's NCIC or Spillman report, and for any of the witness's misdemeanor criminal history under *Ramirez v. State*, 119 Idaho 1037 (Ct.App. 1991) and *Queen v. State*, 146 Idaho 502 (Ct.App. 2008).

12) Pursuant to I.C.R. 16(f) and I.R.E. 509, the Prosecuting Attorney hereby asserts its privilege(s) and objects to any request which qualifies as work product and/or which might have the tendency of compromising the identity of any informants.

13) The State reserves the right to supplement discovery as it becomes available. Should the State become aware of additional material or information subject to disclosure, and within the prosecutions possession or control, the State will notify the defendant pursuant to ICR 16.

DATED this 23rd day of May, 2016.


Louis E. Marshall, ISB# 6441
Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of May, 2016, I caused to be served true and correct copies of the foregoing document as follows:

Court File - Original

Susie Jensen - Copy
Attorney for Defendant
Chief Deputy Public Defender
Copy served via: Scanned and E-mailed


Cherie Moore, Legal Assistant

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
Phone: (208) 263-6714
Fax: (208) 263-6726

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT JUDICIAL DIST.

MAY 23 11:11

CLERK DISTRICT COURT
DEPUTY

ORIGINAL

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

STATE OF IDAHO

Case No: **CR-2016-2854**

Plaintiff,

**PLAINTIFF'S REQUEST
FOR DISCOVERY**

v.

STEVEN MICHAEL MOORE,

Defendant.

TO THE ABOVE NAMED DEFENDANT AND YOUR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that the Bonner County Prosecuting Attorney, pursuant to I.C.R. 16, requests discovery, inspection and copies of the following information and materials:

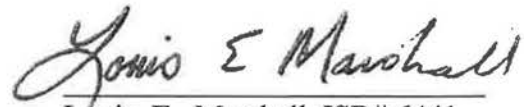
1. Any and all books, papers documents, photographs, tangible objects, and copies or portions thereof, that are within the possession, custody or control of the Defendant and which the Defendant intends to introduce as evidence at the trial in this case.
2. Any and all results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case that are within the possession, custody or control of the Defendant and which the Defendant intends to introduce as evidence at the trial in this case, or which were prepared by a witness whom the Defendant intends to call at the trial when the results or reports relate to the testimony of that witness.
3. Names and addresses of all witnesses the Defendant intends to have testify at the trial in this case.

FURTHER, the Bonner County Prosecuting Attorney demands a written summary or report of any testimony that the defense intends to introduce pursuant to Rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing. Pursuant to Idaho Criminal Rule 16(c)(4), the report must describe the witness's qualifications, opinions, and the facts and data of those opinions.

FURTHER, the Bonner County Prosecuting Attorney demands, pursuant to Idaho Code §19-519 and Idaho Criminal Rule 12.1, a written notice of Defendant's intention to offer a defense of alibi and all information pertaining thereto discoverable under said rule.

FURTHER, the Bonner County Prosecuting Attorney requests that the Defendant provide the same materials within Fourteen (14) days of the date of service of this request at our office at 127 S. First Avenue, in the City of Sandpoint, Idaho, unless this information and material is given to the Bonner County Prosecutor at a sooner time.

DATED this 23rd day of May, 2016.



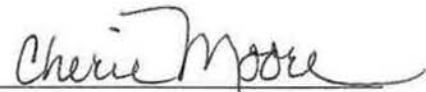
Louis E. Marshall, ISB# 6441
Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of May, 2016, I caused to be served true and correct copies of the foregoing document as follows:

Court File - Original

Susie Jensen - Copy
Attorney for Defendant
Chief Deputy Public Defender
Copy served via: Scanned and E-mailed



Cherie Moore, Legal Assistant

**PRELIMINARY HEARING
STATE OF IDAHO, COUNTY OF BONNER VS**

NAME: **STEVEN MICHAEL MOORE** CASE #: **CR-2016-2854**
CASE CALLED **226** to **232** DATE: **MAY 25 2016** TIME: **1:30 P. M.**
CTRM 3 JUDGE: **JUSTIN W JULIAN** CLERK: **SUSAN AYERLE**

APPEARANCES

Defendant Other **ROGER HANLON FOR STATE**
 Def Attorney **SUSIE JENSEN** Pros. Attorney **SHANE GREENBANK**

FAILURE TO APPEAR:

Defendant having failed to appear without justifiable excuse, and good cause not shown for such absence

IT IS ORDERED:

Bench Warrant Issued \$ Bond Bond Forfeited

PRELIMINARY HEARING:

Case proceeding to Preliminary Hearing Case dismissed upon Motion of Prosecutor

- Defendant advised of the charges in the criminal Complaint and purpose of a Preliminary Hearing
- Defendant waived the reading of the Complaint
- Attorney has discussed **nature and purpose** of Preliminary Hearing with Defendant
- Defendant advised of **giving up right** to Preliminary Hearing and being bound over to District Court
- Defendant **waived the right** to Preliminary Hearing and understands giving up that right
- Judge accepted waiver of Preliminary Hearing
- Case bound over to District Court for Arraignment on the date listed on the Order Holding Defendant to Answer
- Charges reduced; Defendant pled guilty
- Set for sentencing on:

- Defendant waived 24 hour waiting period before entering guilty plea
- Defendant entered guilty plea to the charge(s) in the Information filed
- Case bound over to District Court for Sentencing on the date and time listed on the Order Holding Defendant to Answer

Defendant waived right to a timely Preliminary Hearing
 Preliminary Hearing reset: | Date: | JUNE 1 | Time: | 1:30 | Judge | JULIAN

Order Holding Defendant to Answer handed out in court to all parties
 Information filed

INDEX	SPEAKER	PHASE OF CASE
	SJ	READY
	RH	MOVE TO AMEND AN AGGRAVATED BATTERY §18-903
	J	ALLEGATION VICTIM STRUCK BY VEHICLE ADD A WHOLE NEW ELEMENT TO THE CHARGE A DIFFERENT CHARGE AT THAT POINT INJURY AND INJURY GRIEVOUS
	RH	NOT AN INJURY, PHYSICAL CONTACT
	J	IF DEFENSE FELT SUCH AMENDMENT PREJUDICIAL I WOULD BE WILLING TO HEAR MOTION TO CONTINUE
	SJ	PREJUDICIAL ANOTHER ELEMENT

		SIGNIFICANTLY MORE SEVERE CONSEQUENCE
	J	MR HANLON
	RH	CONDUCT WILL BE DESCRIBED BY WITNESSES SET FORTH IN DETAIL IN INFORMATION PROVIDED TO THE DEFENSE NOT IN POSITION PREJUDICED BECAUSE OF ANY NEW FACTUAL INFORMATION STATE WILL BE OFFERING IN SUPPORT OF AMENDED CHARGE
	J	MS JENSEN
	SJ	ONLY OTHER THING RELEVANT, NOT MR HANLON'S CASE, MR GREENBANK'S CASE; I'M NOT SURE IF MR HANLON AND I HAVEN'T REACHED RESOLUTION NOT SURE IF POSSIBLE PRIOR TO GOING TO PRELIM
	J	SOME THINGS NOT CONCERN OF PRELIM PUNISHMENT; NEGOTIATE WITH PROSECUTORS BUT THIS AMENDMENT NOT CORRECTING TYPO OR ADDING WHOLE NEW ELEMENT ALLEGING ACTUAL CONTACT, NOT IN CURRENT CHARGE LARGELY SPECULATION MAY OPEN UP DEFENSE ISSUE, SEE VEHICLE, MEDICAL RECORDS NOT PART OF ASSAULT
	J	REQUIRE STATE FILE AMENDED COMPLAINT GIVE DEFENSE OPPORTUNITY TO PREPARE FOR NEW CHARGE RESCHEDULE PRELIM JUNE 1 ST AT 1:30 Q
231	RH	REQUEST SET OUT ADDITIONAL WEEK UNTIL END OF SCHOOL TERM VICTIM WILL BE UNAVAILABLE NEXT WEDNESDAY; SCHOOL EVENT
	J	OBJECTION TO JUNE 8 TH
	SJ	NO
	J	JUNE 8 TH AT 1:30
232		END

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864

STATE OF IDAHO,
Plaintiff.

vs.

Steven Michael Moore
420 Larch Ln
Oldtown, ID 83822

Defendant.

DOB:

DL or SSN:



STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 MAY 25 P 3:38

CLERK DISTRICT COURT

SKA

DEPUTY

Case No: CR-2016-0002854

NOTICE OF HEARING

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

Preliminary : Wednesday, June 8, 2016 @01:30 AM

Judge: Justin W. Julian

Alternate Presiding Judges: Any First Judicial District Magistrate as listed herein:
Eugene Marano, James Stow, Barry Watson, Clark Peterson, Scott Wayman,
Penny Friedlander, Patrick McFadden, Daniel McGee, Debra Heise, Gaylen Box,
Justin Julian, Robert Burton, Robert Caldwell, O. Lynn Brower, Lori T.
Meulenberg, Anna M Eckhart, William C Hamlett, James F Combo, Steve Verby,
John P. Luster

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, May 25, 2016.

Steven Michael Moore

Mailed _____ Hand Delivered _____ Faxed _____

Counsel: Susie D Jensen

Mailed _____ Hand Delivered _____ Faxed XX


Shane L. Greenbank Bonner County Prosecutor

Mailed _____ Hand Delivered _____ Faxed XX

Dated: Wednesday, May 25, 2016

Michael W. Rosedale
Clerk Of The District Court

By:


Deputy Clerk


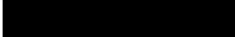
STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2018 MAY 31 P 3:57
CLERK DISTRICT COURT

DEPUTY

BONNER COUNTY PROSECUTING ATTORNEY
127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
(208) 263-6726 (facsimile)

Assigned Prosecutor:
SHANE GREENBANK

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

STATE OF IDAHO Plaintiff, v. STEVEN MICHAEL MOORE, DOB:  SSN:  Defendant.	Case NO: CR-2016-2854 AMENDED CRIMINAL COMPLAINT AGENCY: BCSO #16-008137
---	--

COMES NOW, Shane Greenbank, Chief Deputy Prosecuting Attorney for Bonner County, State of Idaho, and complains that the above named defendant did commit the crime of: **AGGRAVATED BATTERY**, a Felony offense per Idaho Code §18-903(a) & §18-907(b); committed as follows:

The Defendant, **STEVEN MICHAEL MOORE**, on or about the 6th day of May, 2016, in the County of Bonner, State of Idaho, in the County of Bonner, State of Idaho did willfully and unlawfully use force or violence upon the person of Bryan Kaufman by means of a deadly weapon / instrument, to-wit: a vehicle.

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

WHEREFORE, Complainant prays that the Defendant be dealt with according to law.

DATED this 31st day of May, 2016.



**SHANE GREENBANK, COMPLAINANT
CHIEF DEPUTY PROSECUTOR**

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of May, 2016, I caused to be served a true and correct copy of the foregoing document as follows:

Court File - Original

Susie Jensen - Copy
Attorney for Defendant
Emailed



Cherie Moore, Legal Assistant

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
Phone: (208) 263-6714
Fax: (208) 263-6726

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 JUN -3 P 1:15

CLERK DISTRICT COURT

Dff
DEPUTY

ORIGINAL

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

STATE OF IDAHO

Plaintiff,

v.

STEVEN MICHAEL MOORE,

Defendant.

Case No: **CR-2016-2854**

**PLAINTIFF'S SUPPLEMENTAL
RESPONSE TO REQUEST FOR
DISCOVERY**

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following Supplemental Response to Request for Discovery:

Page (s): 34 - 39 Expert's facts and data

If you have not received any of the foregoing copies, please contact this office immediately.

Protected information, to-wit: Contact information, personal identifying information and private information, may have been redacted in the provided discovery per Idaho Criminal Rule 16(d). If the Attorney for the Defendant wishes to review this information, please contact the Prosecuting Attorney assigned to handle the case. Please note, in the event the prosecution has no objection to providing unredacted copies of protected information on colored paper, the information shall not be shared with the defendant or the defendant's family without the explicit written consent of the prosecutor assigned to handle the case.

Additionally, regarding Laboratory Analysts/Scientists with Idaho State Police, *Curriculum Vitae's* are freely available for downloading off of the internet. To do so, navigate to the Idaho State Police homepage, then follow their link to the "Forensic Services" site. Once there, select the folder tab labelled "Accreditation & Staff CV's". Therein, information about their analysts/scientists, pertinent to Idaho Criminal Rule 16(d), is freely accessible and printable. If you are unable to access this information, please contact the prosecutor's office immediately.

The State reserves the right to call on any witnesses listed in the provided discovery or listed in the underlying police report(s). Further, the State may call the following additional witness(es):

No additional witnesses to disclose at this time.

Further, the State reserves the right to call on any witnesses listed in the provided discovery or listed in any underlying reports or documentation submitted by the defense.

Pursuant to Idaho Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents, photographs, tangible objects, building or places or copies or portions thereof, which are mentioned or listed in the above-listed documents and which are in the possession, custody or control of the Prosecuting Attorney and which are material to the preparation of the defense, or intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney, the existence of which is known or is available to the Prosecuting Attorney by the exercise of due diligence.

Should the State become aware of additional material or information subject to disclosure, the State will notify the defendant pursuant to ICR 16.

DATED this 3rd day of June, 2016.



Shane Greenbank, ISB# 7845
Chief Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2016, I caused to be served true and correct copies of the foregoing document as follows:

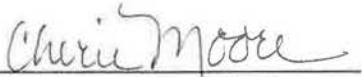
Court File - Original

Susie Jensen - Copy

Attorney for Defendant

Chief Deputy Public Defender

Copy served via: Courthouse Mail


Cherie Moore, Legal Assistant

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
Phone: (208) 263-6714
Fax: (208) 263-6726

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 JUN -7 P 1:19

CLERK DISTRICT COURT

DEPUTY

ORIGINAL

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

STATE OF IDAHO

Plaintiff,

v.

STEVEN MICHAEL MOORE,

Defendant.

Case No: **CR-2016-2854**

**PLAINTIFF'S SUPPLEMENTAL
RESPONSE TO REQUEST FOR
DISCOVERY**

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following Supplemental Response to Request for Discovery:

CD (s): #1 - #2 Photos
DVD (s) #3 Video

If you have not received any of the foregoing copies, please contact this office immediately.

Protected information, to-wit: Contact information, personal identifying information and private information, may have been redacted in the provided discovery per Idaho Criminal Rule 16(d). If the Attorney for the Defendant wishes to review this information, please contact the Prosecuting Attorney assigned to handle the case. Please note, in the event the prosecution has no objection to providing unredacted copies of protected information on colored paper, the information shall not be shared with the defendant or the defendant's family without the explicit written consent of the prosecutor assigned to handle the case.

Additionally, regarding Laboratory Analysts/Scientists with Idaho State Police, *Curriculum Vitae's* are freely available for downloading off of the internet. To do so, navigate to the Idaho State Police homepage, then follow their link to the "Forensic Services" site. Once there, select the folder tab labelled "Accreditation & Staff CV's". Therein, information about their analysts/scientists, pertinent to Idaho Criminal Rule 16(d), is freely accessible and printable. If you are unable to access this information, please contact the prosecutor's office immediately.

The State reserves the right to call on any witnesses listed in the provided discovery or listed in the underlying police report(s). Further, the State may call the following additional witness(es):

No additional witnesses to disclose at this time.

Further, the State reserves the right to call on any witnesses listed in the provided discovery or listed in any underlying reports or documentation submitted by the defense.

Pursuant to Idaho Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents, photographs, tangible objects, building or places or copies or portions thereof, which are mentioned or listed in the above-listed documents and which are in the possession, custody or control of the Prosecuting Attorney and which are material to the preparation of the defense, or intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney, the existence of which is known or is available to the Prosecuting Attorney by the exercise of due diligence.

Should the State become aware of additional material or information subject to disclosure, the State will notify the defendant pursuant to ICR 16.

DATED this 7th day of June, 2016.



Shane Greenbank, ISB# 7845
Chief Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of June, 2016, I caused to be served true and correct copies of the foregoing document as follows:

Court File - Original

Susie Jensen - Copy
Attorney for Defendant
Chief Deputy Public Defender
Copy served via: Courthouse Mail


Cherie Moore, Legal Assistant

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

STATE OF IDAHO,)
)
 Plaintiff,)
 vs)
)
 STEVEN MICHAEL MOORE,)
)
 Defendant.)

Case No: CR-2016-2854
ORDER HOLDING
DEFENDANT TO ANSWER

STATE OF IDAHO } ss
County of Bonner }
FILED 6-8-16
AT 130 O'Clock PM
CLERK [Signature] DISTRICT COURT
Deputy

Preliminary Hearing having been:

- waived,
- held in this case on June 8, 2016,
- waived, the Defendant having entered a plea of GUILTY and executing the same in writing, a copy of which is on file herein;

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

IT IS HEREBY ORDERED the Defendant shall be held to answer to the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, to the charge of: AGGRAVATED BATTERY, I.C. §18-903(a) and 18-907(b), a felony offense committed in Bonner County, Idaho,

- on or about the 6th day of May, 2016.
- between the _____ day of _____, 20____, and the _____ day of _____, 20____.

IT IS FURTHER ORDERED:

Defendant shall appear for **ARRAIGNMENT IN DISTRICT COURT** on **Monday, June 20, 2016 at 9:00a.m.** in front of the Honorable Barbara A Buchanan who shall be the presiding judge in this action.

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

IT IS FURTHER ORDERED:

A Presentence Investigation be conducted; Defendant is to contact Probation & Parole within **TWENTY-FOUR (24) HOURS** of the date herein and **APPEAR FOR SENTENCING IN DISTRICT COURT** on _____, 20____ at _____, in the courtroom of the above entitled Court, before the Honorable Barbara A Buchanan who shall be the presiding judge in this action.

IT IS FURTHER ORDERED:

- Defendant's release is continued on the bond posted.
- Defendant's release on his own recognizance is continued.
- Defendant is released on his own recognizance pursuant to agreement.
- YOU, THE SHERIFF OF BONNER COUNTY, IDAHO, are commanded to receive the above-named Defendant into your custody and detain Defendant until Defendant is legally discharged. Defendant is to be admitted to bail in the sum of \$ _____.

DATED: June 8, 2016

[Signature]
JUSTIN W JULIAN Magistrate

COPIES TO: DEF DEF COUNSEL PROSECUTOR (copies provided in court)

DATE: June 8, 2016

[Signature], Deputy Clerk

STATE OF IDAHO
County of Bonner } ss
FILED 6-8-16
AT 1:30 O'Clock 2 M
CLERK. [Signature] DISTRICT COURT
Deputy

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
(208) 263-6714
(208) 263-6726 (facsimile)

Assigned Prosecutor:
SHANE GREENBANK

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

<p>STATE OF IDAHO</p> <p>Plaintiff,</p> <p>v.</p> <p>STEVEN MICHAEL MOORE, DOB: [REDACTED] SSN: [REDACTED]</p> <p>Defendant.</p>	<p>Case NO: CR-2016-2854</p> <p>INFORMATION</p> <p>AGENCY: BCSO #16-008137</p>
--	--

ORIGINAL

COMES NOW, Shane Greenbank, Chief Deputy Prosecuting Attorney for Bonner County, State of Idaho, and complains that the above named defendant did commit the crime of: **AGGRAVATED BATTERY**, a Felony offense per Idaho Code §18-903(a) & §18-907(b); committed as follows:

The Defendant, **STEVEN MICHAEL MOORE**, on or about the 6th day of May, 2016, in the County of Bonner, State of Idaho, in the County of Bonner, State of Idaho did willfully and unlawfully use force or violence upon the person of Bryan Kaufman by means of a deadly weapon / instrument, to-wit: a vehicle.

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

WHEREFORE, Complainant prays that the Defendant be dealt with according to law.

DATED this 8th day of June, 2016.



**SHANE GREENBANK, COMPLAINANT
CHIEF DEPUTY PROSECUTOR**

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2016, I caused to be served a true and correct copy of the foregoing document as follows:

Court File - Original

Susie Jensen - Copy
Attorney for Defendant
Hand Delivered



**SHANE GREENBANK, COMPLAINANT
CHIEF DEPUTY PROSECUTOR**

PRELIMINARY HEARING

STATE OF IDAHO, COUNTY OF BONNER VS

NAME: STEVEN MICHAEL MOORE

CASE #: CR-2016-2854

CASE CALLED 213 to 215 DATE: JUNE 8, 2016 TIME: 1:30 P M.

COURTROOM # 3 JUDGE: JUSTIN W. JULIAN CLERK: MISSY SECK

APPEARANCES

X Defendant
X Def Attorney SUSIE JENSEN
Other
X Pros. Attorney SHANE GREENBANK

FAILURE TO APPEAR:

Defendant having failed to appear without justifiable excuse, and good cause not shown for such absence

IT IS ORDERED:

Bench Warrant Issued \$ Bond Bond Forfeited

PRELIMINARY HEARING:

Case proceeding to Preliminary Hearing Case dismissed upon Motion of Prosecutor

- X Defendant advised of the charges in the criminal Complaint and purpose of a Preliminary Hearing
Defendant waives the reading of the Complaint
X Attorney has discussed nature and purpose of Preliminary Hearing with Defendant
X Defendant advised of giving up right to Preliminary Hearing and being bound over to District Court.
X Defendant waives right to Preliminary Hearing and understands giving up that right.
X Judge accepts waiver of Preliminary Hearing.
X Case bound over to District Court for Arraignment on the date listed on the Order Holding Defendant to Answer.
Charge(s) reduced to Misdemeanor charge(s) and Defendant entered guilty plea(s).
Case proceeded to Sentencing Case set for Sentencing on:

- Defendant waived 24 hour waiting period before entering guilty plea.
Defendant entered guilty plea to the charge(s) in the Information filed.
Case bound over to District Court for Sentencing on the date and time listed on the Order Holding Defendant to Answer.

Defendant waived right to a timely Preliminary Hearing
Preliminary Hearing reset: Date: Time: Judge

- X Order Holding Defendant to Answer handed out in court to all parties.
X Information filed
Bond Reduced to: \$

Table with 3 columns: INDEX, SPEAKER, PHASE OF CASE. Row 1: SJ, I BELIEVE THERE IS AN AMENDED CRIMINAL COMPLAINT.

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

COURT MINUTES

JUDGE: BARBARA BUCHANAN CASE NO. CR-2016-2854
REPORTER: NONE DATE: 6-20-16 TIME: 9:00 A.M.
CLERK: LINDA OPPELT COURTROOM 1
DIVISION: DISTRICT

STATE OF IDAHO vs STEVEN MICHAEL MOORE

Plaintiff / Petitioner

Defendant / Respondent

Atty: SHANE GREENBANK

Atty: SUSIE JENSEN

SUBJECT OF PROCEEDINGS ARRAIGNMENT

INDEX	SPEAKER	PHASE OF CASE
9:52	J	Calls Case
		Present: DEFENDANT, SUSIE JENSEN, SHANE GREENBANK
	J	QUESTIONS ABOUT RIGHTS?
	D	NO
	J	READ INFORMATION?
	D	NO
	J	CHARGED WITH AGGRAVATED BATTERY. CITES PENALTIES.
		ENTER PLEA?
	D	NOT GUILTY.
	J	TRIAL 9-13-16 AT 9:00 AM.
		2 DAYS?
	SG	YES
	J	PRETRIAL 8-19-16 AT 10:00 AM.
9:54		END

FELONY ARRAIGNMENT RIGHTS FORM

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

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

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

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

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

You have the following rights:

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

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

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

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

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

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

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

If you plead guilty:

You give up the presumption of innocence.

You give up your constitutional right to a jury trial.

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

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

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

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

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

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

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

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

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

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

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

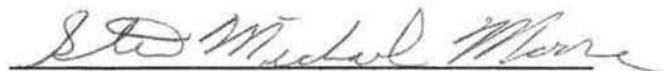
The time for filing the appeal is 42 days from the date the judgment is made and filed.

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

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

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

Dated this 20th day of June, 2016.


Defendant

STATE OF IDAHO }
 County of Bonner } ss
 FILED 6/20/16
 AT 9:54 O'clock A M
 CLERK, DISTRICT COURT
 J/2

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

STATE OF IDAHO Plaintiff, vs. <u>Steven Moore</u> Defendant,	CASE NO. CR- <u>16-2857</u> NOTICE OF HEARING / TRIAL
---	--

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

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

Pretrial conference is set for the 19 day of August, 2016,
 at 10:00 o'clock a.m. **THE DEFENDANT MUST BE PRESENT.**

Jury trial is set for the 13 day of Sept, 2016,
 at 9:00 o'clock a.m. for a 3 day trial. **THE DEFENDANT MUST BE PRESENT.**

***ALL PRETRIAL MOTIONS MUST BE FILED WITHIN ⁴⁵ DAYS OF THE ABOVE DATE.

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

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

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

Other: _____ is set for the _____ day of _____,
 20____, at _____ o'clock ____m. **THE DEFENDANT MUST BE PRESENT.**

DATED 6/20, 2016.

B. J. ...
 District Judge

CC: Defendant
 Susie Jentra } In Court
 Sh... - ...

STATE OF IDAHO }
 County of Bonner }
 FILED 6-29-16 }
 AT 4 54 O'CLOCK } M
 CLERK } DISTRICT COURT
 DEPUTY } *DR*

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

STATE OF IDAHO)
 Plaintiff,)
 vs.)
 Steven Michael Moore)
 Defendant.)
 DOB: [REDACTED])
 DL: [REDACTED])
 _____)

Case No: CR-2016-0002854

**NOTICE OF TRIAL AND
 PRETRIAL ORDER**

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

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

(1) **Jury Trial - 3 Days Tuesday, September 13, 2016 @09:00 AM**
Judge: Barbara A. Buchanan

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

Pretrial Conference Friday, August 19, 2016 @10:00 AM
Judge: Barbara A. Buchanan

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

(3) **TRIAL START DATE.** Many cases are set for trial on the same date. The Court typically has the entire week available for trials. Therefore, notice is given that the trial of

this matter may begin any day during the trial week. The parties will be notified of any change in the trial start date as soon as possible.

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

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

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

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

(8) **TRIAL BRIEFS**. Trial briefs are encouraged but not required. Submitted trial briefs should address substantive factual, legal and/or evidentiary issues, with appropriate

citation to authority. If a trial brief is filed, it must be provided to the opposing party and a Judge's Copy lodged in the Court's chambers in Bonner County, at least 5 days prior to trial.

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

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

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

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

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

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

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

(10) **JURY INSTRUCTIONS**. Proposed jury instructions and verdict forms shall be filed and exchanged by the parties at least 5 days prior to trial. The parties shall also submit both a clean version and a version with cited authority to the Court's clerk in Word format at least 5 days prior to trial. Except for good cause shown, proposed jury instructions should conform to the approved pattern Idaho Jury Instructions (ICJI). Certain "stock"

instructions need not be submitted. These will typically include ICJI 101-108, 201-202, 204-208, and 232.

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

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

(13) **HEARINGS OR CONFERENCES WITH THE COURT.** All meetings, conferences, and/or hearings with the Court shall be scheduled in advance with the Court's Clerk by calling 208-265-1445. No hearing shall be noticed without contacting the Clerk.

DATED this 29 day of June, 2016.



BARBARA BUCHANAN
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Trial and Pretrial Order was mailed, postage prepaid, emailed, faxed, or sent by interoffice mail this 29 day of June, 2016, to:

Shane L. Greenbank
Bonner County Prosecuting Attorney
Fax

Susie D Jensen
Attorney at Law
Fax



Deputy Clerk

cc: Jury Commissioner

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN, ISBN: (8222)
123 S. First Avenue
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

JUL 28 P 12:12

CLERK DISTRICT COURT

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

STATE OF IDAHO,

Plaintiff,

V.

STEVEN M. MOORE,

Defendant.

CASE NUMBER CR-16-0002854

MOTION TO SUPPRESS;
NOTICE OF HEARING

COMES NOW the above-named Defendant by and through his attorney of record, Susie D. Jensen, Chief Deputy Public Defender, and hereby moves this Honorable Court for an Order suppressing the alleged victim's eyewitness identification because the overly suggestive procedures the police used to obtain the identification violated the Defendant's due process rights and rendered the identification unreliable.

Memorandum in support is forthcoming.

NOTICE OF HEARING

Defendant's Motion to Suppress shall be called on for hearing on August 16, 2016, at the hour of 1:30 p.m., or as soon thereafter as counsel may be heard in front of the Honorable Judge Buchanan.

DATED this 28th day of July, 2016.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY:
SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

MOTION TO SUPPRESS;
NOTICE OF HEARING

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 28th day of July, 2016, addressed to:

Shane Greenbank
Bonner County Prosecutor

J. Darnan

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 JUL 28 PM 3:46

CLERK DISTRICT COURT

[Signature]
DEPUTY

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

STATE OF IDAHO,)	
	)	CASE NUMBER CR-16-0002854
Plaintiff,)	
	)	DEFENDANT'S SUPPLEMENTAL
V.	)	REQUEST FOR DISCOVERY
)	
STEVEN M. MOORE,)	
)	
Defendant.)	

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

- 1.) Any audio/video from Sergeant Cotter during his interview with Brian Kaufman on May 7, 2016.

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

DATED this 28th day of July, 2016.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: *[Signature]*
SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 28th day of July, 2016, addressed to:

Shane Greenbank
Bonner County Prosecutor

A handwritten signature in black ink, appearing to read "J. Dorman", is written over a horizontal line.

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, ID 83864
Phone: (208) 263-6714
Fax: (208) 263-6726

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 AUG -2 PM 1:13

CLERK DISTRICT COURT


DEPUTY

ORIGINAL

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

STATE OF IDAHO

Plaintiff,

v.

STEVEN MICHAEL MOORE,

Defendant.

Case No: **CR-2016-2854**

**PLAINTIFF'S SUPPLEMENTAL
RESPONSE TO REQUEST FOR
DISCOVERY**

COMES NOW the Office of the Bonner County Prosecuting Attorney and submits the following Supplemental Response to Request for Discovery:

Page(s): 40 - 42 BCSO Incident Report - Lineup

If you have not received any of the foregoing copies, please contact this office immediately.

Protected information, to-wit: Contact information, personal identifying information and private information, may have been redacted in the provided discovery per Idaho Criminal Rule 16(d). If the Attorney for the Defendant wishes to review this information, please contact the Prosecuting Attorney assigned to handle the case. Please note, in the event the prosecution has no objection to providing unredacted copies of protected information on colored paper, the information shall not be shared with the defendant or the defendant's family without the explicit written consent of the prosecutor assigned to handle the case.

Additionally, regarding Laboratory Analysts/Scientists with Idaho State Police, *Curriculum Vitae's* are freely available for downloading off of the internet. To do so, navigate to the Idaho State Police homepage, then follow their link to the "Forensic Services" site. Once there, select the folder tab labelled "Accreditation & Staff CV's". Therein, information about their analysts/scientists, pertinent to Idaho Criminal Rule 16(d), is freely accessible and printable. If you are unable to access this information, please contact the prosecutor's office immediately.

The State reserves the right to call on any witnesses listed in the provided discovery or listed in the underlying police report(s). Further, the State may call the following additional witness(es):

No additional witnesses to disclose at this time.

Further, the State reserves the right to call on any witnesses listed in the provided discovery or listed in any underlying reports or documentation submitted by the defense.

Pursuant to Idaho Criminal Rule 16, the Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph books, paper, documents, photographs, tangible objects, building or places or copies or portions thereof, which are mentioned or listed in the above-listed documents and which are in the possession, custody or control of the Prosecuting Attorney and which are material to the preparation of the defense, or intended for use by the Prosecutor as evidence at trial, or obtained from or belonging to the Defendant.

The Prosecuting Attorney further informs the Defendant that you are permitted to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, which are mentioned or listed in the above-listed documents and which are within the possession, custody or control of the Prosecuting Attorney, the existence of which is known or is available to the Prosecuting Attorney by the exercise of due diligence.

Should the State become aware of additional material or information subject to disclosure, the State will notify the defendant pursuant to ICR 16.

DATED this 1st day of August, 2016.



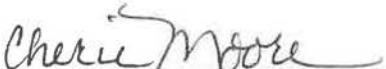
Shane Greenbank, ISB# 7845
Chief Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of August, 2016, I caused to be served true and correct copies of the foregoing document as follows:

Court File - Original

Susie Jensen - Copy
Attorney for Defendant
Chief Deputy Public Defender
Copy served via: Courthouse Mail


Cherie Moore, Legal Assistant

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN, ISBN: (8222)
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 FIRST JUDICIAL DISTRICT
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2016 AUG 11 A 11: 23

CLERK DISTRICT COURT

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

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-16-0002854
)	
V.	)	MEMORANDUM IN SUPPORT OF
	)	MOTION TO SUPPRESS
STEVEN M. MOORE,)	
)	
Defendant.)	
)	

COMES NOW, the above-named Defendant, Steven M. Moore, by and through his attorney, Susie D. Jensen, Bonner County Chief Deputy Public Defender, and respectfully submits this Memorandum in Support of Motion to Suppress in the above-referenced matter.

STATEMENT OF THE CASE

On May 6, 2016, Deputy Kimberly Kempton investigated a report of a truck hitting a parked ATV, resulting in a charge of Aggravated Battery. *See Police Report of Deputy Kempton* (attached as Exhibit 1). Deputy Kempton met with the 12-year-old alleged victim, Bryan Kaufman on May 6. *Id.* Kaufman described the perpetrator as driving a “dark blue older truck with a canopy.” *Id.* He noticed an Idaho license plate on the front bumper. *Id.* Kaufman described the perpetrator as “50-70 years, grey hair, thick grey and white mustache, medium build, dirty

teeth, with a light blue t-shirt.” *Id.* Kaufman could also smell the odor of cigarette smoke. *Id.*

On May 7, Deputy Kempton pulled up a photograph of Defendant Steven Moore from his driver’s license return. *See Supplemental Narrative of Deputy Kempton* (attached as Exhibit 2). Deputy Kempton sent the return to Sergeant Cotter, who went to meet with Bryan Kaufman. *Id.* Sergeant Cotter showed the driver’s license return photograph to Kaufman on his “MDC” and Kaufman advised that it was the man who had hit his ATV. The picture used to identify Steven Moore is attached as Exhibit 3. Defendant Moore was arrested and booked into jail on May 7. While at Defendant Moore’s residence, Deputy Kempton noticed that there was a Nissan Pathfinder and a small grey pick-up in the driveway. *Id.* (Pictures of the Pathfinder and Grey Truck attached as Exhibit 5).

Defendant Moore had his Preliminary Hearing on May 25, 2016. Bryan Kaufman was present in the courtroom. Defendant Moore waived his speedy Preliminary Hearing at that time. A six-person photo line-up was disclosed in August which includes Defendant Moore in Position 6 (attached as Exhibit 4). The photograph used appears to be a booking photograph and includes the words “Bonner County Sheriff’s Office Number 50959” and is dated July 14, 2016. The initials “B.K.” are written on Defendant Moore’s photograph.

ARGUMENT

To determine whether evidence of an out-of-court identification violates due process, this Court applies a two-step test. First, the defendant must establish that the identification procedure was overly suggestive. Second, if the defendant meets that burden, courts consider whether the identification was nonetheless reliable under the totality of the circumstance. This second step entails considering the witness’s opportunity to view the perpetrator, his degree of attention, the accuracy of his description, his level of certainty, and the time between the crime and pretrial confrontation, and then weighing those factors against the “corrupting effect of the

suggestive identification.” Thus, greater indicia of reliability may be necessary the more egregious the suggestive procedures.

State v. Abdullah, 158 Idaho 386, 497, 348 P.3d 1, 112 (2015) (internal citations omitted) *citing*

State v. Almaraz, 154 Idaho 584, 593, 301 P.3d 242, 251 (Ct. App. 2013)

When examining a claim involving eyewitness identification procedures, the Court considers several factors:

For an out-of-court identification to taint an in-court identification, the out-of-court identification must have been “so suggestive that there is a very substantial likelihood of misidentification.” *State v. Trevino*, 132 Idaho 888, 892, 980 P.2d 552, 556 (1999). “Due process requires the exclusion of identification evidence if police suggestiveness created a substantial risk of mistaken identification, except where the reliability of the identification is sufficient to outweigh the corrupting effect of the suggestive identification.” *Id.* “[S]ingle subject showups are inherently suspect and generally not condoned . . .” *State v. Hoisington*, 104 Idaho 153, 162, 657 P.2d 17, 26 (1983). However, “reliability is the linchpin in determining the admissibility of identification testimony.” *Id.* at 161, 657 P.2d at 25. The question of whether improper suggestiveness exists is determined from a totality of the circumstances. Factors to review in determining whether an identification is reliable include: “(1) the opportunity of the witness to view the criminal at the time of the crime; (2) the witness’ degree of attention; (3) the accuracy of the witness’ prior description of the criminal; (4) the level of certainty demonstrated at the identification; and (5) the length of time between the crime and the identification.” *Trevino*, 132 Idaho at 893, 980 P.2d at 557.

Abdullah, 158 Idaho at 497-498, 348 P.3d at 112-113, *citing State v. Payne*, 146 Idaho 548, 562, 199 P.3d 123, 137 (2008).

In *State v. Almaraz*, the Court noted the dangers of erroneous eyewitness identification, stating that “eyewitness misidentification is ‘the single greatest cause of wrongful convictions in this country.’” 154 Idaho 584, 593, 301 P.3d 242, 251 (Ct. App. 2013)(*citing State v. Henderson*, 208 N.J. 208, 27 A.3d 872, 885 (2011)). The Court continued on to analyze and adopt extensive research undertaken by the New Jersey Supreme Court. *Id.* The research found two relevant sets

of variables, dubbed “system variables” and “estimator variables.” *Id.* at ___, 301 P.3d at 252. The Idaho Court of Appeals found that

[t]hese two types of variables dovetail nicely with the two-step analysis this Court applies to determine whether evidence of an out-of-court identification violates due process. As previously stated, we first look at whether the identification procedures are overly suggestive, and if we find that they are, we examine whether the reliability of the identification outweighs the corrupting effect of the suggestive identification. We hold that the system variables outlined above are factors that courts should consider in determining whether identification procedures were overly suggestive.

Id.

According to the Idaho Court of Appeals

[t]he research showed that the following system variables help reduce the risk of misidentification: (1) conducting the identification procedure double-blind helps ensure that lineup administrators who know the suspect’s identity do not inadvertently suggest the information to the witness; (2) administering proper pre-lineup instructions that inform the witness that a suspect may or may not be in the lineup and it is permissible not to identify anyone; (3) avoiding confirmatory or post-identification feedback which can engender a false sense of confidence in the witness’s identification; (4) making a full record of the witness’s statement of confidence once an identification is made; and (5) shielding witnesses from viewing suspects or fillers more than once.

In contrast, the research established that the following estimator variables diminish the reliability of a witness’s identification: (1) stress; (2) the use of a visible weapon during a crime; (3) the shorter the duration of a criminal event; (4) the greater the distance and the poorer the lighting conditions; (5) increased levels of intoxication; (6) the use of disguises during the crime and changes in facial features between the time of initial observation and a subsequent identification; (7) the greater the period of time between observation and identification to law enforcement; (8) race-bias; and (9) feedback from co-witnesses confirming the identification of a perpetrator.

Id.

The Court used the “estimator variables” to elaborate on the second prong of the Court’s two-step analysis – namely to flesh out the Court’s five-factor test for reliability. For example, as

listed previously, the Court's first factor for reliability is "(1) the witness's opportunity to view the perpetrator." *Id.* at ___, 301 P.3d at 253. Using the "estimator variables", "courts may consider the lighting at the time the crime was committed, whether the perpetrator was wearing a disguise, and the length of time taken to commit the crime, among other variables." *Id.* Under the second factor for reliability, "(2) the witness's degree of attention," "courts may consider the amount of stress the witness was under, whether a weapon was present, or the witness's level of intoxications." *Id.*

The Court further warned future courts to be "cautious in the amount of weight they give to a witness's degree of certainty in their identification when police have used overly suggestive procedures, particularly when confirmation feedback has been given" and noted *State v. Lawson*, which stated that "the current scientific knowledge and understanding regarding the effects of suggestive identification procedures indicate that self-reported evidence [a witness's level of certainty and degree of attention] can be inflated by the suggestive procedure itself." 352 Or. 724, 291 P.3d 673, 689 (2012).

I. THE IDENTIFICATION PROCEDURE WAS OVERLY SUGGESTIVE.

The out-of-court identification of Defendant Moore by Bryan Kaufman was so suggestive that there is a substantial likelihood of misidentification. The procedures used by Deputy Kempton and Sergeant Cotter during Kaufman's identification were overly suggestive under the two-part test referenced in *Almaraz* and *Abdullah*, and using the system variables promulgated in *Almaraz*.

In *State v. Almaraz*, the officer testified that instead of using a standard double-blind administration of a line-up, he used a single photograph that had defendant Almaraz in the center of a group of individuals. 154 Idaho 584, ___, 301 P.3d 242, 253 (Ct. App. 2013). The Court found that the group photograph placing Almaraz squarely in the center of the group with a light directly over his head was suggestive. *Id.* “If a photo lineup creates a situation in which the witness’s attention is focused on the defendant, the lineup may be unduly suggestive.” *Id.* It was further noted that the officer had both the time and ability to arrange a traditional photo line-up and instead used a single photograph. *Id.*

The Court also found that the officer egregiously erred by turning off his recording device prior to the actual identification, therefore depriving the court of having a full record of the witness’s confidence in his identification. *Id.* Furthermore, the officer failed to give the witness the general instruction that the suspect may or may not be in the photo. The officer also indicated in his wording that Almaraz was in the photograph. *Id.* Taken altogether, the Court found that the procedures employed by the officer to elicit identification were overly suggestive.

In the present case, Sergeant Cotter showed the witness, Bryan Kaufman, a photograph of a single individual – Defendant Moore. *See Exhibit 2 and 3.* Sergeant Cotter did not employ a double-blind administration of a line-up, indeed, no line-up was used at all. *Id.* It was an individual picture, not even a group photograph as used in *Almaraz*. All of Bryan Kaufman’s attention was focused on one picture, of Defendant Moore. Deputy Kempton and Sergeant Cotter had both the time and the ability to arrange a traditional photo line-up and chose not to do so. No

safeguards associated with a photo line-up were present. There were no other people presented at the same time, there was no possibility that Defendant Moore was *not* present. Additionally, the act of showing a single photograph is suggestive in and of itself.

Additionally, no audio or video recording has been provided that records Bryan Kaufman’s identification and the questions posed by Sergeant Cotter.

Taken together, the suggestive individual photograph, no pre-identification instructions, and the failure to record Kaufman’s identification, the procedures Sergeant Cotter employed to elicit the identification were overly suggestive.

II. THE IDENTIFICATION WAS NOT RELIABLE UNDER THE TOTALITY OF THE CIRCUMSTANCES.

“Once the police procedures are found to be overly suggestive, the court must conduct a second inquiry to determine ‘whether under ‘the totality of the circumstances’ the identification was reliable even though the [identification] procedure was suggestive.’” *Almaraz* at ___, 301 P.3d at 254 (citing *State v. Hoisington*, 104 Idaho 153, 162 657 P.2d 17, 26 (1983)). A court should apply the five-factor test which consists of: “(1) the opportunity of the witness to view the criminal at the time of the crime; (2) the witness’ degree of attention; (3) the accuracy of the witness’ prior description of the criminal; (4) the level of certainty demonstrated at the identification; and (5) the length of time between the crime and the identification,” along with the estimator variables that fall under these factors. *Id.* (citing *State v. Abdullah*, 158 Idaho at 497-498, 348 P.3d at 112-113 (2015)).

Under the first factor, Bryan Kaufman had a fleeting and distant interaction with the

person who allegedly bumped his ATV. After the contact with the ATV, the man yelled at Kaufman, and then drove off. *See Exhibit 1*. “[W]hile there is no minimum time required to make an accurate identification, a brief or fleeting contact is less likely to produce an accurate identification than a more prolonged exposure.” *Almaraz* at ____, 301 P.3d at 254. There is no evidence that Kaufman was able to get a close look at the person in the truck, or that he was able to get a clear look at the person in the truck. Kaufman was seated on his ATV when a truck hit the back end and caused the ATV to roll several feet forward. *See Exhibit 1*. While no distance is stated, it is logical to hypothesize that sitting on the ATV, Kaufman was at least 10 feet from the person sitting in the truck. It is also logical to hypothesize that Kaufman was facing forward and the truck was behind him. Kaufman told the police that “The front right bumper and tire of the truck collided with the right rear tire and fender of the ATV.” *Id.* This would put the driver of the truck at an even greater distance from Kaufman. The distance and circumstances would limit Kaufman’s opportunity to view the driver of the truck. The brief length of time before the truck drove away also limits Kaufman’s opportunity to view the person seated in the truck. *Id.*

Under the second factor, the witness’s degree of attention, there is substantial evidence that Kaufman’s attention was compromised. Using the estimator variables, the stress of the situation, combined with the threat of a weapon, would impact the level of Kaufman’s awareness and weigh against the reliability of his identification. Kaufman was on his ATV, which was hit by a truck hard enough to move it forward several feet. *Id.* Kaufman told the police that he didn’t see a weapon, but believed the threat. *Id.* These factors combined would compromise Kaufman’s attention and should weigh against reliability.

The third factor, the accuracy of Kaufman’s prior description of the alleged perpetrator, is the most relevant. Kaufman described the perpetrator as driving a “dark blue older truck with a canopy.” *Id.* He noticed an Idaho license plate on the front bumper. *Id.* Kaufman described the perpetrator as “50-70 years, grey hair, thick grey and white mustache, medium build, dirty teeth, with a light blue t-shirt.” *Id.* Kaufman could also smell the odor of cigarette smoke. *Id.*

Defendant Moore owns a grey pick-up with no canopy. (Attached as Exhibit 5). His roommate owns a grey Nissan Pathfinder. *See* Exhibit 5. Neither owns a dark blue truck with a canopy. Nor does Steven Moore have access to a truck of that description.

Defendant Moore does have a “grey” mustache; however his hair is dark brown. *See* Exhibit 3. He does not have dirty teeth and he does not smoke. The owner of the Nissan Pathfinder does not smoke. Neither Defendant Moore, nor the Nissan Pathfinder, smell of cigarette smoke. The only match between Kaufman’s description and the photograph shown by Deputy Kempton, is a grey mustache. Altogether, Kaufman’s prior description of the perpetrator is not descriptive of Steven Moore- it is highly inaccurate and indicates that his identification is unreliable.

Under the fourth factor, the court should take into consideration that there are no recordings of Kaufman’s identification, and weigh that information against the reliability of such identification. In *Almaraz*, the court found that an officer turning of the tape recorder before the identification procedure weighed against the reliability of the identification. *Almaraz* at ___, 301 P.3d at 255. “It is an improper police tactic for an interviewing officer to record only part of the

interview, especially without providing a reasons or justification.” *Id.* This deliberate omission denies the reviewing court the best recollection of what was said or done. *Id.* Without any recording, there is no record of whether Sergeant Cotter’s actions or words led Kaufman towards or away from identifying the Defendant. These facts, together with the potential for confirmation feedback, weigh against reliability.

Finally, in looking at the fifth factor, the length of time between the incident and the identification does not detract from the overall reliability and is within the time frame found to be acceptable by Idaho Courts. *Id.*


Of these five factors, only the fifth weighs in favor of reliability. The other four factors have significant shortcomings that call into question the reliability of Kaufman’s identification. In addition, as noted in *Almaraz*, “confirmation feedback from overly suggestive police procedures can impact an eyewitness’s level of certainty in their identification.” *Id.* This is further highlighted, or brought to the forefront, by the decision to not record the interview or identification. When balancing these five reliability factors against the first prong’s determination of suggestive procedures, the reliability of the identification fails to outweigh the impact of the suggestive circumstances. In other words, the circumstances surrounding Kaufman’s identification of Defendant Moore do not outweigh the suggestiveness of the identification procedure, and Kaufman’s identification of Defendant Moore should be excluded.

CONCLUSION

Based on the foregoing, the Defendant's Motion to Suppress should be GRANTED.

DATED this 11th day of August, 2016.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: 
SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 11th day of August, 2016, addressed to:

Shane Greenbank
Bonner County Prosecutor



Narrative:

371/37

Report of a battery in the 400 block of Larch Lane.

Offense: Idaho Code 18-905 Aggravated Assault

Audio: No
Video: No
Photographs: Yes
Evidence: No

Officer(s) Involved: Deputy Kimberly Kempton 371 and Sergeant James Cotter 37

Overview: On 05/06/16 at approximately 2030 hours, 12 year old Bryan Kaufman was riding his ATV on Meadowlark Lane. He made a u turn at Larch Lane and headed back south. A lone older male in a dark blue older truck with a matching canopy followed him.

Bryan pulled in to his driveway at 443 Meadowlark Lane and stopped by the house. The male in the truck pulled into the driveway and intentionally rammed the ATV while Bryan was still on it. The male then threatened Bryan and left.

Narrative: On 05/06/16, I was in full uniform employed as a Bonner County Sheriff's Office Deputy. I responded to a call of a battery just occurred at 443 Meadowlark Lane, Oldtown.

I met with 12 year old Bryan Kaufman. He stated that he was riding his 2001 Polaris Trail boss ATV northbound on Meadowlark Lane. He approached Larch Lane and saw a dark blue older truck with a canopy parked on Larch. It was on the southside of the road facing east. It had a front plate on the bumper and was an Idaho plate unknown county. Bryan did a fast U turn in the intersection and began back south. He observed the truck turn onto Meadowlark and follow him.

Bryan pulled into his driveway and approximately 50 yards up by his house. He stopped and was seated on his ATV. The blue truck pulled into the driveway and intentionally rammed the ATV while Bryan was seated on it. Bryan was not injured but it the force of the hit did cause the ATV to move forward a couple of feet. The front right bumper and tire of the truck collided with the right rear tire and fender of the ATV. The fender had a fresh scratch and the tire had rub marks.

The male, described as 50-70 years, grey hair, thick grey and white mustache, medium build, dirty teeth, with a light blue t-shirt. Bryan could smell the odor of cigarette smoke. The male then threatened Bryan by saying, "If I see any fuckbags like you driving fast on my road again, I will shoot and kill you with a bullet." Bryan advised that he did not see a firearm but believed the threat.

Bryan advised that he would be able to identify the male and his truck if he

were to see them again. Bryan's mother, Michelle Naylor, observed Bryan pull into the driveway and the truck hit him. She ran out and the male left in the truck. Michelle and Michael Naylor called around to their neighbors to see if anyone knows who drives the truck described. They were not able to obtain any information about the suspect.

Sergeant Cotter and I drove around the area and searched for the vehicle but did not locate. I will follow up in the area during the early evening on 05/07/16. The family advised they would do more inquiring and contact the BCSO if they obtain any possible suspect information.

Attachments:

Report By: Deputy Kimberly Kempton 371
Typed By: Deputy Kimberly Kempton 371
Approved By: Sergeant James Cotter 37
Copies To: Detectives, Prosecutors office

Law Supplemental Narrative:

Seq Name	Date	Supplemental Narratives Narrative
1 Kempton, K 371/37	21:20:33 05/07/2016	

Steven M. Moore, a 60 year old male from Oldtown, was arrested for aggravated assault.

Offense: Aggravated Assault; Idaho Code 18-905 (b)

Audio: No
Video: Yes
Photos: Yes
Evidence: No

Overview: On 05/06/16, a male in a dark truck followed Bryan Kaufman home to 443 Meadowlark Lane, while he was driving his ATV. Once in the drive way the man intentionally rammed the ATV with the truck while Bryan was still on it. On 05/07/16, I located a possible suspect and Bryan identified him through his Driver's License photo return. A follow up to 420 Larch Lane was conducted and Steven Moore was arrested for Aggravated Assault.

Narrative: On 05/07/16, at approximately 1856 hours, I conducted a follow up in the area of Larch Lane. I drove in the area looking for a vehicle that matched the description of the suspect.

I met with a resident, David Cassel, at 676 Larch Lane. I asked him if he knew anyone who drove a dark pick up truck with a matching canopy. He advised me that Steve has vehicle that matches that description. He told me to drive past Meadowlark and it is the second driveway on the right.

I drove to this driveway which was marked 420 larch Lane. I pulled into the fork on the right and saw a dark blue Nissan Pathfinder, license 7BE7451, and a small grey pick up. I ran the registration on truck and it came back to Steven Moore. I knocked on the door and could hear a TV. There was no answer. I went to my vehicle and pulled up the phone number. I called and Sherlee Pugh answered. She advised that her roommate, Steve, was asleep and she tried to wake him and he was "passed out." I asked when he might be awake and she advised, "tomorrow."

I pulled up a photo of Steve from his driver's license return. The photo matched the description that Bryan Kaufman had given me on 05/06/16, especially the mustache, it was thick and bi colored. I sent the return to Sergeant Cotter and he went to 443 Meadowlark Lane to see if Bryan was there.

Bryan came out of the house and looked at the photo that was on Sergeant Cotter's MDC. Without hesitation, Bryan advised that was the man who had followed him and rammed his ATV while he was it.

Sergeant Cotter and I responded back 420 Larch Lane. I knocked again and Sherlee came to the door. I advised her I needed to speak with Steve. She opened the door and we entered and Steve was asleep on a pull out couch in the

front room.

I told Steve that there was an incident down the road and he advised he knew about it he went to Mike Naylor's earlier in the day and Mike told him. When Mike described the suspect to Steve, Steve said that could be me or you.

I asked Steve his whereabouts from the evening before. He advised he went to the Blanchard Restaurant for prime rib and came home before dark. I asked Sherlee separately and her story was the same. She stated that when they came home she went to her bedroom and went to sleep since she gets up at 0400 hours for work. I asked if she knew whether or not Steve had left and she said she did not know. Sherlee advised that the Pathfinder is hers but Steve occasionally drives it. She further stated that the keys are always in it.

I came back and Steve was discussing how he gets upset with kids and people driving motorcycles and ATVS tearing up the road. I told Steve that the kid involved in the incident last night identified his photo as the suspect who followed him and rammed him. Steve said, "take me in" and stood up and put his hands together in front of him.

I handcuffed Steve in back with two sets and double locked them. He was transported to Bonner Jail without incident and booked.

I took photos of the Pathfinder and found a fresh scuff mark on the outside of the tire. The bumper was old and rusted and did not appear to have any damage on it.

There were two rifle pellet guns in the house, one by the front door and one on the couch. Steve advised they were his, and even though he is a convicted felon he could have them since they were pellet guns. He was advised that he was not legally allowed to have any weapon system the fired a projectile, to include pellet guns.

Attachments:

Affidavit and Order Finding Probable Cause
Copy of Driver's license photo used to ID suspect

Typed By: Deputy Kimberly Kempton 371
Reported By: Deputy Kimberly Kempton 371/cr
Approved By: Sergeant James Cotter 37
Copies To: Prosecutor, Court

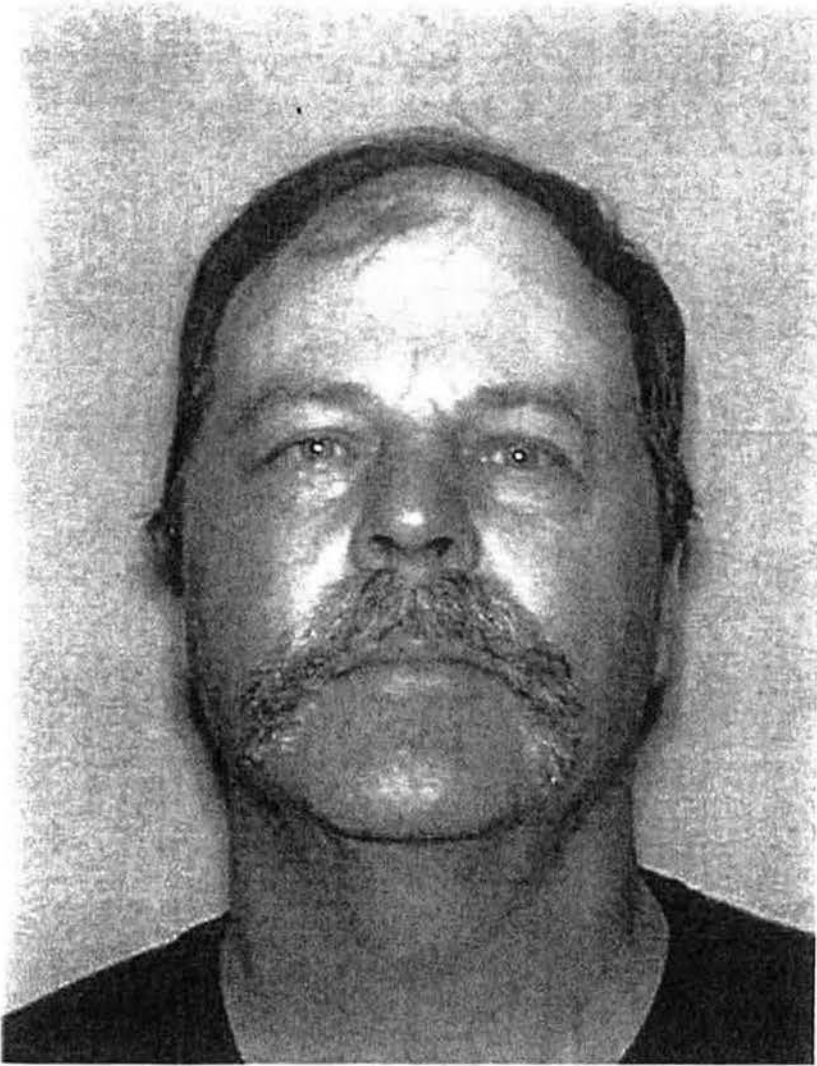


photo used to ID suspect

BONNEVILLE COUNTY SHERIFF'S OFFICE INCIDENT REPORT FORM

In Custody

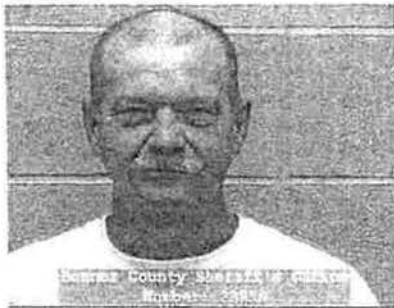
CASE # 16-8137

<input type="checkbox"/> Main <input checked="" type="checkbox"/> Supplemental		Date Reported: 7-29-16			Day Reported: FR		Time Reported:												
Nature of Incident: AGGRAVATED BATTERY				Date Occurred: 5-5-16			Time: 2030												
Location: 443 MEADOWLARK LN				District: <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4		City of: CLOUTON													
Responsible Deputy Name & Badge #: KEMPTON 371					Responding Deputy(s):														
INVOLVED PERSON Suspect <input checked="" type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Mentioned <input type="checkbox"/> Other <input type="checkbox"/>																			
Name (Last, First, Middle): MOORE, STEVEN						Alias:													
Home Address (Physical & Mailing):						Phone:													
Work Address:						Phone:													
<table style="width: 100%; border: none;"> <tr> <td style="border: none;"><input type="checkbox"/> Male <input type="checkbox"/> Female</td> <td style="border: none;">DOB</td> <td style="border: none;">HGT</td> <td style="border: none;">WGT</td> <td style="border: none;">Hair</td> <td style="border: none;">Eyes</td> <td style="border: none;">OLN/SSN</td> <td style="border: none;">State</td> <td style="border: none;">Class</td> <td style="border: none;">Cell Phone</td> </tr> </table>										<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB	HGT	WGT	Hair	Eyes	OLN/SSN	State	Class	Cell Phone
<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB	HGT	WGT	Hair	Eyes	OLN/SSN	State	Class	Cell Phone										
INVOLVED PERSON Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Mentioned <input type="checkbox"/> Other <input type="checkbox"/>																			
Name (Last, First, Middle):						Alias:													
Home Address (Physical & Mailing):						Phone:													
Work Address:						Phone:													
<table style="width: 100%; border: none;"> <tr> <td style="border: none;"><input type="checkbox"/> Male <input type="checkbox"/> Female</td> <td style="border: none;">DOB</td> <td style="border: none;">HGT</td> <td style="border: none;">WGT</td> <td style="border: none;">Hair</td> <td style="border: none;">Eyes</td> <td style="border: none;">OLN/SSN</td> <td style="border: none;">State</td> <td style="border: none;">Class</td> <td style="border: none;">Cell Phone</td> </tr> </table>										<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB	HGT	WGT	Hair	Eyes	OLN/SSN	State	Class	Cell Phone
<input type="checkbox"/> Male <input type="checkbox"/> Female	DOB	HGT	WGT	Hair	Eyes	OLN/SSN	State	Class	Cell Phone										
VEHICLE INFORMATION Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Other <input type="checkbox"/>																			
Year		Make		Model		Color		# of Doors		Value	VIN								
Lic. Plate #		State		Exp. Date		Registered Owner/Address													
Insurance Co.		Policy #		Date Recovered:		Tow Company		Storage Location											

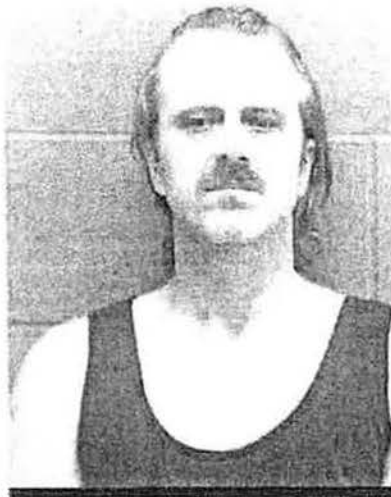
SUMMARY

Deputy: [Signature] Badge #: 371 Date: 7-29-16
 Supervisor: [Signature] Badge #: 121 Date: 7/21/16
 Date Received by Records: 8-1-16 Initials: AKW

DISTRIBUTION: Criminal Investigations Narcotics Investigations Health & Welfare Court Adult Probation & Parole File
 Misdemeanor/Juvenile Probation Prosecutor's Office Sheriff Undersheriff Other _____
 ATTN GREENBANK



1



2



3



4



5



6

Position	Name Number	Name
1.	23850	Pettit, Ervin Frank
2.	76754	Hudson, James Earl
3.	4197	Jacobson, Terry Michael
4.	220	Stewart, Troy Dean
5.	12114	Zimmerman, Martin Charles
6.	50959	Moore, Steven Michael





BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

SEARCHED
SERIALIZED
INDEXED
AUG 11 P 2 20
CLERK

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

STATE OF IDAHO,)
) **CASE NUMBER CR-16-0002854**
) **Plaintiff,**) **SUBPOENA**
) **V.**)
) **STEVEN M. MOORE,**)
) **Defendant.**)

TO: JAMES COTTER
C/O BONNER COUNTY SHERIFF
4001 N. BOYER AVENUE
SANDPOINT, ID 83864

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, in Sandpoint, Idaho, on: **August 16, 2016, at 1:30 p.m.**, the time set for a Motion to Suppress Hearing, as a witness in the above-entitled matter on the part of the Defendant.

YOU ARE FURTHER NOTIFIED THAT IF YOU FAIL TO APPEAR AT THE PLACE AND TIME SPECIFIED ABOVE, THAT YOU MAY BE HELD IN CONTEMPT OF COURT AND THAT THE AGGRIEVED PARTY MAY RECOVER FROM YOU THE SUM OF \$100.00 AND ALL DAMAGES WHICH HE MAY SUSTAIN BY YOUR FAILURE TO ATTEND AS A WITNESS.

GIVEN UNDER MY HAND THIS 11th day of August, 2016.

MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT

Please call the Public Defender's office at (208) 255-7889 upon receipt of this subpoena to schedule the time for your appearance as a witness in this matter.



Andy Ross
Deputy Clerk

SUBPOENA

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

RECEIVED
DISTRICT COURT
AUG 11 P 2 26
CLERK

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

STATE OF IDAHO,)
)
 Plaintiff,) **CASE NUMBER CR-16-0002854**
)
 V.) **SUBPOENA**
)
 STEVEN M. MOORE,)
)
 Defendant.)

TO: **KIMBERLY KEMPTON
C/O BONNER COUNTY SHERIFF
4001 N. BOYER AVENUE
SANDPOINT, ID 83864**

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, in Sandpoint, Idaho, on: **August 16, 2016, at 1:30 p.m.**, the time set for a Motion to Suppress Hearing, as a witness in the above-entitled matter on the part of the Defendant.

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GIVEN UNDER MY HAND THIS 11th day of August, 2016.

**MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT**

Please call the Public Defender's office at (208) 255-7889 upon receipt of this subpoena to schedule the time for your appearance as a witness in this matter.

Andy Bass
Deputy Clerk



SUBPOENA

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

STATE OF IDAHO
County of Bonner
FILED 8/12/16
9:20 AM
CLERK, DISTRICT COURT
Deputy

Defendant Disposition:
Steven Michael Moore
420 Larch Ln Oldtown, ID 83822

Witness Disposition: PER Personal Service
Kimberly Katherine Kempton
393 Ranch Rd Sagle, ID 83860
Served on: 11th day of August, 2016 by Cimbalik, T
Served to: Kimberly Kempton ()
73 Eastside Rd; Bonner Co Priest River, ID 83856

Plaintiff Disposition:
State of Idaho

Process Number: C16-01218

Court Number: CR16-2854

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 11th day of August, 2016.

Dated the 15th day of August, 2016

Fees:

Service: 0.00
Mileage: 0.00
Other : 0.00
Total : 0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO
BY: CIMBALIK #400
Authorized Representative
Civil Division

Comments
clb

2016 AUG 15 PM 3:35

CLERK DISTRICT COURT

DEPUTY

BONNER COUNTY PROSECUTOR'S OFFICE
127 S. First Avenue
Sandpoint, Idaho 83864
Tele: (208) 263-6714
Fax: (208) 263-6726

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

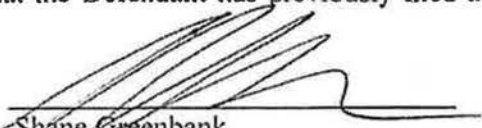
STATE OF IDAHO	)	Case No: CR-2016-2854
)	
Plaintiff,)	
v.	)	STIPULATED MOTION TO CONTINUE
	)	MOTION TO SUPPRESS/DISMISS,
STEVEN MICHAEL MOORE,	)	PRETRIAL AND TRIAL DATES
)	
Defendant.)	

COMES NOW, Shane Greenbank, Chief Deputy Prosecuting Attorney for Bonner County, State of Idaho, and the Defendant, by and through the attorney of record, Susie Jensen, and jointly move this Honorable Court for an Order Vacating the Motion to Suppress/Dismiss, Pretrial Conference, and Trial dates, all currently scheduled to be heard 8/16/2016, 08/19/2016 , and 09/13/2016 , respectively, and resetting said hearings to the dates of: 1) Motion for 8/30/2016, at the hour of 9:00 a.m.; 2) Pretrial for 10/21/2016, at the hour of 10:00 a.m., and 3) Trial for 11/15/2016, at the hour of 9:00 a.m..

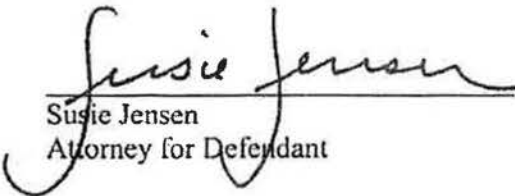
The basis of this motion is the State failed to get service on a necessary witness for the currently set hearing date.

The Court is further advised that defense counsel asserts that the Defendant has previously filed a waiver of Speedy Trial.

DATED this 15th day of August, 2016.


Shane Greenbank
Chief Deputy Prosecuting Attorney

SO STIPULATED AND AGREED:

 DATED this 15th day of August, 2016.
Susie Jensen
Attorney for Defendant

2016 AUG 16 AM 8:09

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**
215 S. First Avenue, Sandpoint, Idaho

DISTRICT COURT

DEPUTY

STATE OF IDAHO

Plaintiff,

v.

STEVEN MICHAEL MOORE,

Defendant.

Case No: CR-2016-2854

**ORDER VACATING AND RESETTING
MOTION TO SUPPRESS/DISMISS,
PRETRIAL AND TRIAL DATES**

WHEREAS the State, by and through Shane Greenbank, Chief Deputy Prosecuting Attorney for Bonner County, State of Idaho, and the Defendant, by and through the attorney of record, Susie Jensen, and have jointly moved the Court for an Order Vacating the Motion to Suppress/Dismiss, Pretrial Conference, and Trial dates, all currently scheduled to be heard 8/16/2016, 08/19/2016 , and 09/13/2016 , respectively, and the Court being advised that the Defendant has previously filed a waiver of Speedy Trial, and with good cause appearing, now therefore:

IT IS HEREBY ORDERED that the Motion to Suppress/Dismiss, Pretrial Conference, and Trial dates, all currently docketed to be heard 8/16/2016, 08/19/2016 , and 09/13/2016 , respectively, are VACATED;

IT IS FURTHER ORDERED that the Defendant's Motion to Suppress/Dismiss shall be docketed to be heard on the date of 8/30/2016, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, and the Defendant and counsel for the parties shall attend;

IT IS FURTHER ORDERED that the Pretrial Conference shall be docketed to be heard on the date of 10/21/2016, at the hour of 10:00 a.m., or as soon thereafter as the matter can be heard, and the Defendant and counsel for the parties shall attend;

IT IS FURTHER ORDERED that the Trial of this matter shall be docketed to commence on the date of 11/15/2016, at the hour of 9:00 a.m., or as soon thereafter as the matter can be heard, and the Defendant, and counsel if any are subsequently retained or appointed, shall attend.

SO ORDERED this 16 day of August, 2016.


BARBARA BUCHANAN
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of August, 2016, I caused a true and correct copy of this Order to be served as follows:

Shane Greenbank – Copy
Chief Deputy Prosecuting Attorney
 Via Fax
 Via Email
 Via Courthouse Mail

Susie Jensen - Copy
Attorney for Defendant
 Served via Courthouse Mail
 Fax:
 Served via Email:

 Served via U.S. Mail:

Linda Appel
DEPUTY CLERK

First Judicial District Court, State of Idaho
 In and For the County of Bonner
 215 S. First Avenue
 Sandpoint, Idaho 83864
 208-265-1445 1-888-960-4885 (fax)

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DISTRICT

STATE OF IDAHO,)
 Plaintiff.)
 vs.)
 Steven Michael Moore)
 420 Larch Ln)
 Oldtown, ID 83822)
 Defendant.)
 DOB: [REDACTED])
 DL or SSN: [REDACTED])

2016 AUG 17 PM 1:15
 CLERK DISTRICT COURT

 DEPUTY

Case No: CR-2016-0002854
**AMENDED NOTICE OF HEARING
 (TIME CHANGED)**

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

Motion to Suppress Tuesday, August 30, 2016 @ **09:30 AM**
 Judge: Barbara A. Buchanan

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,
 John T. Mitchell, Fred M. Gibler, Steve Verby, Jeff Brudie, Lansing Haynes,
 Benjamin R. Simpson, John Stegner, Barbara Buchanan, Richard Christensen,
 Jay Gaskill, Cynthia K.C. Meyer, Gregory FitzMaurice, Scott Wayman, Carl
 Kerrick

I hereby certify that the foregoing is a true and correct copy of this Amended Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, August 17, 2016.

Counsel: Susie D Jensen Mailed _____ Hand Delivered _____ Faxed X

Shane L. Greenbank Mailed _____ Hand Delivered _____ Faxed X
 Bonner County Chief Deputy Prosecutor

Dated: Wednesday, August 17, 2016
 Michael W. Rosedale
 Clerk Of The District Court

By: [Signature]
 Deputy Clerk

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 AUG 24 P 2:08

CLERK DISTRICT COURT

BJS
DEPUTY

HENRY D. MADSEN
MADSEN LAW OFFICES, PC
1044 Northwest Blvd., Suite B
Coeur d'Alene, ID 83814
Telephone: (208) 664-8080
Facsimile: (208) 664-6258
ISBA # 4428

Attorney for Respondent

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

JEFFEREY FERRIS,
Petitioner,

Vs

LOURA HOLLY,
Respondent.

Case No. CV-07-1197

**NOTICE OF SERVICE OF NOTICE OF
"NO OBJECTION"**

I HEREBY CERTIFY that on the 24th day of August, 2016, the NOTICE OF "NO OBJECTION" was served upon LOURA HOLLY via U.S. Mail to 416 Loman Circle Sandpoint, Idaho 83864, along with a copy of this Notice.

DATED this 24th day of August, 2016.

MADSEN LAW OFFICES, PC

By:


Assistant to Henry Madsen

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 AUG 24 PM 2:33

CLERK DISTRICT COURT

AA
DEPUTY

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

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

STATE OF IDAHO,)
)
 Plaintiff,)
)
 V.)
)
 STEVEN M. MOORE,)
)
 Defendant.)

CASE NUMBER CR-16-0002854

SUBPOENA

TO: **JAMES COTTER**
C/O BONNER COUNTY SHERIFF
4001 N. BOYER AVENUE
SANDPOINT, ID 83864

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, in Sandpoint, Idaho, on: **August 30, 2016, at 9:30 a.m.**, the time set for a Motion to Suppress Hearing, as a witness in the above-entitled matter on the part of the Defendant.

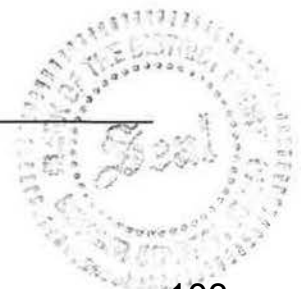
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GIVEN UNDER MY HAND THIS 24th day of August, 2016.

MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT

Please call the Public Defender's office at (208) 255-7889 upon receipt of this subpoena to schedule the time for your appearance as a witness in this matter.

BY: *Andy R.*
Deputy Clerk



SUBPOENA

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 AUG 24 PM 2:33

CLERK DISTRICT COURT

AR
DEPUTY

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

STATE OF IDAHO,)
)
 Plaintiff,)
)
 V.)
)
 STEVEN M. MOORE,)
)
 Defendant.)

CASE NUMBER CR-16-0002854

SUBPOENA

TO: **KIMBERLY KEMPTON
C/O BONNER COUNTY SHERIFF
4001 N. BOYER AVENUE
SANDPOINT, ID 83864**

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GIVEN UNDER MY HAND THIS 24th day of August, 2016.

**MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT**

Please call the Public Defender's office at (208) 255-7889 upon receipt of this subpoena to schedule the time for your appearance as a witness in this matter.

BY: Andy R
Deputy Clerk



SUBPOENA

951		SENT PHOTO TO MY BOSS MR. COTTER HE WAS NEAR THE VICTIMS RESIDENCE AND HE WENT THERE, I WAS ADVISED THAT OUR SUSPECT WAS IDENTIFIED, VICTIM WAS ONLY SHOWN THAT PHOTO, WE RESPONDED TO 420 LARCH LANE AND TOOK HIM INTO CUSTODY, I TOOK PHOTOS AFTER TAKING HIM INTO CUSTODY, VICTIM STATED HOW THE VEHICLE HIT HIM, I TOOK PICTURE AND ON FENDER AROUND TIRE YOU SEE SCUFFS OF DUST MISSING, WHEN I TOLD HIM THE VICTIM IDENTIFIED HIM HE PUT HIS HANDS OUT AND SAID "TAKE ME IN" THE VICTIM VISITED HIS DAD OVER THE SUMMER AND WHEN HE CAME BACK IN JULY I WENT TO SEE HIM, I TOOK A PHOTO LINE UP, (EXPLAINS PROCEDURE) BRIAN CHOSE MR. STEVEN MOORE, HE IDENTIFIED HIM WITHOUT HESITATION,
953	SJ	CROSS
1001	KK	BRIAN KAUFFMAN DID DESCRIBE VEHICLE TO ME, DARK BLUE TRUCK, MATCHING CANOPY, OLDER, FOREIGN, PUSH BUMPER, I ASKED ABOUT PLATE, HE SAID PLATE ON THE BUMPER, HE SAID IDAHO PLATE, I DON'T RECALL EXACTLY I THINK HE SAID BROWN, (CHECKS NOTES) GRAY HAIR, I DID NOT ASK IF HE GOT OFF HIS ATV, (DISCUSSION REGARDING WHERE ATV WAS HIT) PATHFINDER WAS DARK GREEN, PATHFINDER IS AN SUV, DOES NOT HAVE A CANOPY BUT APPEARS AS A TOPPER, I HAD LOOKED AT OTHERS IN THE AREA BEFORE MR. MOORE WAS A SUSPECT AND THAT DAY AND AFTER THAT DAY. DL PICTURE WAS IN COLOR, MR. MOORE'S HAIR WAS BROWN IN PICTURE, I WAS ENCOURAGED TO DO A SIX PACK LINE UP AND TO USE A DIFFERENT PHOTO, NOT SURE WHY I WAS ENCOURAGED TO DO SO, STANDARD PROCEDURE, (DESCRIBES LINE UP)
1004	SG	CROSS
	KK	ALL BOOKING PHOTOS, I CHOSE BECAUSE THEY WERE VERY SIMILAR, GO ON COMPUTER AND PUT POTENTIAL SUSPECT AND IT GIVES YOU OPTIONS, DON'T RECALL DATE DL WAS ISSUED, (GOES OVER DESCRIPTION ON PC REPORT) (VIEWS STATE'S EXHIBIT 6) VEHICLE LOOKS GREY BLUE IN PHOTO,
	SG	MOVE TO ADMIT 1 THROUGH 6)
	SJ	OBJECT TO PHOTO OF BUMPER, NOT RELEVANT TODAY, SHOWS NOTHING ON MR. KAUFFMAN'S ID OF PHOTO, DON'T THINK GOES TOWARD HIS IDENTIFICATION
	SG	MY READING OF THE BRIEF AND WHAT WE HAVE INTRODUCE ALL GOES INTO HOW WE IDENTIFIED THE SUBJECT, FRESH MARKS ON THE VEHICLE,
	J	I WILL ADMIT ALL BUT THAT, TODAY JUST WHETHER OR NOT THE ID WAS TOO SUGGESTIVE, NOT RELEVANT TO WHAT I HAVE TO DECIDE,
1009	J	1,2,4,5 AND 6 ADMITTED AT THIS TIME
	SJ	RECORD
	KK	DESCRIBED FULL HEAD OF HAIR, DON'T KNOW IF MR. MOORE IS A SMOKER,
	CLERK	DETECTIVE JAMES COTTER SWORN
	SG	DIRECT
1011	JC	JAMES COTTER, BCSO, PATROL DIVISION PATROL SERGEANT SUPERVISOR RESPONDED TO CALL, I WAS INVOLVED THE NEXT DAY, PRESENTED PHOTO TO VICTIM, PHOTO SENT TO ME BY DETECTIVE KEMPTON, I WAS NEAR THE AREA TO SHOWED COLOR PHOTO TO THE VICTIM, HE IMMEDIATELY SAID THAT WAS THE PERSON AT HIS HOUSE, HE HAD NO RESERVATIONS, HE SAID HE WAS POSTIVE,
1013	SJ	CROSS
	JC	I DID NOT CALL FIRST, THEY WERE OUTSIDE, THE STEP DAD SEEN ME PULL IN AND HE CAME OVER, I TOLD THEM I HAD A PICTURE FOR THE JUVENILE TO LOOK AT, I SHOWED HIM THE PICTURE TO SEE IF THAT WAS THE PERSON WHO CAME TO HIS HOUSE, I SAID THANK YOU AFTER HE ID'D THE PICTURE, NEVER TOLD HIM WHO THE PICTURE WAS OF, HIS STEP DAD SAW IT AT THE SAME TIME AS BRIAN, HE SAID HE DIDN'T KNOW BECAUSE HE WAS NOT PRESENT WHEN IT HAPPENED, NO RECORDING OF SHOWING HIM THE PICTURE, GAVE NO INSTRUCTIONS BEFORE SHOWING HIM THE PICTURE, I DID KNOW WHO THE PERSON WAS, I CONSIDERED HIM A POSSIBLE SUSPECT, I DON'T RECALL TIME OF RECEIVING PICTURE THE DAY BEFORE,
1017	SG	REDIRECT

	JC	I WAS THERE WHEN MR. MOORE WAS ARRESTED, DID NOT PAY ATTENTION TO WHAT HIS MUSTACHE LOOKED LIKE AT THAT POINT,
1018	J	ANYTHING FURTHER
	SJ	NO
	SG	NO
	J	ARGUMENT
1018	SJ	ARGUMENT TWO PRONGED, FIRST INITIAL ID OPENLY SUGGESTIVE, A SINGLE PICTURE IS INHERENTLY SUSPECT, NOT CONDONED IN NORMAL COURSE OF INVESTIGATION, A LINEUP IS PROPER, ENCOURAGED TO BE A DOUBLE BLIND (EXPLAINS) , PRE LINEUP INSTRUCTIONS, THOSE WERE NOT GIVEN INITIALLY, NO DISCLAIMERS, NOTHING TO SAFE GUARD PROCEDURE, NO RECORDING, ALSO SHIELDING VICTIM FROM SEEING MULTIPLE TIMES, 2 ND TOTALITY OF CIRCUMSTANCES, DON'T THINK CIRCUMSTANCES OVERCOME SUGGESTIVENESS. HE SAID A DARK BLUE OLDER PICKUP TRUCK, ALSO FULL HEAD OF CURLY GRAY HAIR, 50 TO 70 MEDIUM BUILD, BAD TEETH AND ODOR OF CIGARETTES, SMALLER PICK UP TRUCK AND A NISSAN PATHFINDER, NOT DARK BLUE, NOT A TRUCK, NO CANOPY, PICTURE PRESENTED, NOT A FULL HEAD OF HAIR, NOT A SMOKER AND MUSTACHE DOESN'T FIT, NO OTHER OPTIONS GIVEN, VARIABLES ON 2 ND PRONG, (EXPLAINS) HE WAS GIVEN SINGLE PICTURE, SHOULD BE SUPPRESSED
1024	J	YOU SAID IT WAS NIGHT, WHAT TIME DID CALL COME IN,
	SG	BOTH AGREE IT WAS DARK AT TIME OF ENCOUNTER
	J	THANK YOU
1026	SG	ARGUMENT (READS LAW) STIPULATE SUGGESTIVE TO USE ONE PICTURE BUT NOT OVERLY SUGGESTIVE, (DESCRIBES OVERLY SUGGESTIVE) I SUBMIT THE SUV DOES LOOK LIKE A PICKUP IN MANY RESPECTS, A 12 YEAR OLD COULD CONFUSE, AGAIN IT WAS DARK, 2 ND IF MEET OVERLY SUGGESTIVE, COURT CONSIDER NONETHELESS RELIABLE, WHAT THE VICTIM DID HIS BEST TO DESCRIBE WHAT HE PERCEIVED, OFFICER WAS NOT SUGGESTIVE IN WAY OF PRESENTING TO THE KID, IN BOTH INSTANCES THE KID DID NOT HESITATE, FOLLOW UP WITH 6 PACK ID, ASK COURT TO DENY THE MOTION
1030	J	FINAL COMMENTS MS. JENSEN
	SJ	VICTIM NOTICED A LOT OF STUFF, VERY SPECIFIC, CAN SAY HE REALLY DID NOTICE BUT THEN THE CAR USED TO ID WAS NOWHERE NEAR THAT, OR YOU CAN SAY HE WAS CONFUSED, IT DOESN'T MAKE SENSE
1031	J	INTERESTING ISSUE I WANT TO LOOK AT WHAT CASE LAW SAYS, WE WILL GET A WRITTEN DESCRIPTION OUT, BEFORE PT.
1031		END

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

SEARCHED
SERIALIZED
INDEXED
AUG 30 2016
DH

Defendant Disposition:
Steven Michael Moore
420 Larch Ln Oldtown, ID 83822

Witness Disposition: NFR Not Found
Kimberly Katherine Kempton
393 Ranch Rd Sagle, ID 83860
UNSERVED

Plaintiff Disposition:
State of Idaho

Process Number: C16-01318 Court Number: CR16-2854

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 25th day of August, 2016.

Dated the 30th day of August, 2016

Fees:
Service: 0.00 Daryl D Wheeler, Sheriff
Mileage: 0.00 Bonner County Sheriff's Office, IDAHO
Other : 0.00
Total : 0.00

BY: *Daryl D Wheeler*
Authorized Representative
Civil Division

Comments
clb/On Vacation

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

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

STATE OF IDAHO,

Plaintiff,

V.

STEVEN M. MOORE,

Defendant.

CASE NUMBER CR-16-0002854

SUBPOENA

AUG 25 2016 AM 7:14

TO: **KIMBERLY KEMPTON**
C/O BONNER COUNTY SHERIFF
4001 N. BOYER AVENUE
SANDPOINT, ID 83864

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, in Sandpoint, Idaho, on: **August 30, 2016, at 9:30 a.m.**, the time set for a Motion to Suppress Hearing, as a witness in the above-entitled matter on the part of the Defendant.

YOU ARE FURTHER NOTIFIED THAT IF YOU FAIL TO APPEAR AT THE PLACE AND TIME SPECIFIED ABOVE, THAT YOU MAY BE HELD IN CONTEMPT OF COURT AND THAT THE AGGRIEVED PARTY MAY RECOVER FROM YOU THE SUM OF \$100.00 AND ALL DAMAGES WHICH HE MAY SUSTAIN BY YOUR FAILURE TO ATTEND AS A WITNESS.

GIVEN UNDER MY HAND THIS 24th day of August, 2016.

MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT

Please call the Public Defender's office at (208) 255-7889 upon receipt of this subpoena to schedule the time for your appearance as a witness in this matter.

BY: Andy R
Deputy Clerk



SUBPOENA

State of IDAHO
Bonner County Sheriff's Office
Civil Division
4001 N. Boyer Ave.
Sandpoint, ID 83864

Defendant Disposition:
Steven Michael Moore
420 Larch Ln Oldtown, ID 83822 *DA*

James Lloyd Cotter
4001 N Boyer Ave Sandpoint, ID 83864
Served on: 29th day of August, 2016 by Chandler, R
Served to: James Cotter ()
4001 N Boyer Ave Sandpoint, ID 83864

Plaintiff Disposition:
State of Idaho

Process Number: C16-01319 Court Number: CR16-2854

I, Daryl D Wheeler, Sheriff of Bonner County Sheriff's Office do hereby certify that I received the foregoing Criminal Subpoena on the 25th day of August, 2016.

Dated the 30th day of August, 2016

Fees:
Service: 0.00
Mileage: 0.00
Other : 0.00
Total : 0.00

Daryl D Wheeler, Sheriff
Bonner County Sheriff's Office, IDAHO
BY: *[Signature]*
Authorized Representative
Civil Division

Comments
clb

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

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

STATE OF IDAHO,)
)
 Plaintiff,)
)
 V.)
)
 STEVEN M. MOORE,)
)
 Defendant.)

CASE NUMBER CR-16-0002854
SUBPOENA

AUG 25 2016 AM 7:17

TO: **JAMES COTTER**
C/O BONNER COUNTY SHERIFF
4001 N. BOYER AVENUE
SANDPOINT, ID 83864

YOU ARE HEREBY COMMANDED that laying aside all excuses, you appear in the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, in Sandpoint, Idaho, on: **August 30, 2016, at 9:30 a.m.**, the time set for a Motion to Suppress Hearing, as a witness in the above-entitled matter on the part of the Defendant.

YOU ARE FURTHER NOTIFIED THAT IF YOU FAIL TO APPEAR AT THE PLACE AND TIME SPECIFIED ABOVE, THAT YOU MAY BE HELD IN CONTEMPT OF COURT AND THAT THE AGGRIEVED PARTY MAY RECOVER FROM YOU THE SUM OF \$100.00 AND ALL DAMAGES WHICH HE MAY SUSTAIN BY YOUR FAILURE TO ATTEND AS A WITNESS.

GIVEN UNDER MY HAND THIS 24th day of August, 2016.

MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT

Please call the Public Defender's office at (208) 255-7889 upon receipt of this subpoena to schedule the time for your appearance as a witness in this matter.

BY: Andy R.
Deputy Clerk



SUBPOENA

2016 SEP -7 PM 3: 54

CLERK DISTRICT COURT

DEPUTY

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

STATE OF IDAHO,	)	CASE NO. CR-2016-0002854
)	
Plaintiff,)	
	)	MEMORANDUM DECISION AND
vs.	)	ORDER DENYING DEFENDANT'S
	)	MOTION TO SUPPRESS
)	
STEVEN MICHAEL MOORE,)	
)	
Defendant.)	
_____)	

THIS MATTER came before the Court on August 30, 2016, for a hearing on Defendant's Motion to Suppress, filed July 28, 2016. Defendant Steven Michael Moore is represented by Bonner County Chief Deputy Public Defender Susie D. Jensen. The State of Idaho is represented by Bonner County Chief Deputy Prosecuting Attorney Shane L. Greenbank.

I. FACTS

[This recitation of the facts is derived from the (1) initial and supplemental police reports, Exhibits 1 and 2, *Defendant's Memorandum in Support of Motion to Suppress* (filed August 11, 2016); (2) *Probable Cause Affidavit* (filed May 9, 2016); and (3) sworn oral testimony of Deputy Kimberly Kempton and Sergeant James Cotter at the suppression hearing on August 30, 2016].

On May 6, 2016, at approximately 8:30 p.m.¹, 12 year-old Bryan Kaufman was riding his ATV on Meadowlark Lane. He made a U-turn at Larch Lane and headed back south. He was followed by a person later described by Kaufman as an older male in a dark blue older truck with

¹ The parties stipulated on the record in open court that it was "dark" at the time of the incident.

a matching canopy. Kaufman pulled into his driveway at 443 Meadowlark Lane and stopped by the house. The male in the truck pulled into the driveway and intentionally rammed the ATV while Kaufman was on it. The male then threatened Kaufman and left without exiting the truck.

Patrol Deputy Kimberly Kempton was in uniform and responded to a call of a battery just occurred at 443 Meadowlark Lane, Oldtown, Idaho. Kempton met with Kaufman. He stated that he was riding his 2001 Polaris Trail Boss ATV northbound on Meadowlark Lane. He approached Larch Lane and saw a dark blue older truck with a canopy parked on the south side of Larch facing east. It had a front Idaho license plate on the bumper. Kaufman did a fast U-turn in the intersection and began back south. He observed the truck turn into Meadowlark and follow him.

Kaufman stated that he pulled into his driveway about 50 yards up—near his house. He stopped and was seated on his ATV. The truck pulled into the driveway and intentionally rammed the ATV while he was seated on it. He was not injured, but the force of the hit caused the ATV to move forward a couple of feet. The truck's front right bumper and tire collided with the ATV's right rear tire and fender.² The fender had a fresh scratch and the tire had rub marks.

The male driver was described by Kaufman as between 50 and 70 years old, a full head of gray hair, a thick gray and white mustache,³ medium build, dirty teeth, with a light blue t-shirt. Kaufman said that he could smell the odor of cigarette smoke. The male then threatened Kaufman by saying, "If I see any fuckbags like you driving fast on my road again, I will shoot and kill you with a bullet." Kaufman said that he did not see a firearm, but believed the threat.

² Kempton testified on direct that the collision was with the ATV's left rear tire and fender, but after it was pointed out on cross-examination that her report said the right side, she indicated that the report was probably correct.

³ Kempton testified that she questioned Kaufman in detail about the mustache with regards to how far it went down below the lip, if it was a goatee, or if it was a beard. Kaufman stated that it was a thick, bicolored (gray and white) mustache that stopped at the crease of the mouth

Kaufman did not know the male, but advised Kempton that he would be able to identify the male and his truck if he were to see them again. Kaufman's mother, Michelle Naylor, observed her son pull into the driveway and the truck hit him. She ran out and the male left in the truck. Kempton and Sergeant James Cotter drove around the area, but could not locate the truck.

On May 7, 2016, at 6:56 p.m., Kempton conducted a follow up investigation in the area of Larch Lane. She drove around the area looking for a vehicle that matched the description of the suspect's truck. Kempton met with a neighbor who told her "Steve" has a vehicle like that. She was directed to drive past Meadowlark Lane and it was the second driveway on the right.

Kempton drove to that driveway, which was marked 420 Larch Lane. She pulled into the fork on the right and saw a dark blue⁴ 1987 Nissan Pathfinder. When Kempton ran the registration, it came back registered to Sherlee Pugh. *See State's Exhibits 2 and 6.* There was also a 1994 Mitsubishi small silver (or gray) pickup that came back registered to Steven Moore. *See State's Exhibit 1.* Kempton knocked on the door and there was no answer. She found, and then, called the telephone number for that location, and Sherlee Pugh answered. Pugh told Kempton that her roommate, "Steve", was asleep, and that she tried to wake him and he was "passed out." Kempton asked when he might be awake, and Pugh said, "Tomorrow."

Kempton pulled up (on her in-car computer) a color photograph of Steven Moore from his driver's license record. *See State's Exhibit 4.*⁵ The photograph matched the description that Kaufman had given Kempton on May 6, 2016, especially the mustache, it was thick and bicolored and went down below the lip. Kempton sent the photograph to Sergeant Cotter via his in-car computer. Cotter was just down the road from Kaufman's driveway at 443 Meadowlark

⁴ The Nissan Pathfinder appears in the photographs submitted into evidence, *State's Exhibits 2 and 6*, to be dark blue. In Defendant's Memorandum in Support of Motion to Suppress, Moore asserts that the vehicle is gray; and during the examination of Deputy Kempton at the suppression hearing, there was a reference made to it being green.

Lane. Kaufman and his stepfather were standing in the driveway when Cotter pulled in. He did not tell Kaufman that he was coming. Kaufman and his stepfather walked over to the patrol car. Cotter told them he had a picture for Kaufman to look, and pulled up the driver's license color photograph of Steven Moore on his in-car computer. Kaufman within seconds identified Moore as the person that was at the house. Cotter asked if he was sure. Kaufman said he was positive. Cotter said, "Thank you." He did not tell Kaufman or his stepfather who the person was.

Sergeant Cotter and Deputy Kempton responded back to 420 Larch Lane. Kempton advised Steven Moore that the kid involved in the incident last night identified his photograph as the suspect who followed him and rammed him. After some discussion, Moore said, "Take me in," and stood up and put his hands together in front of him. He was taken into custody.

Kaufman went out-of-town to visit his father for most of the summer and came back at the end of July; so on July 29, 2016, Kempton went by Kaufman's house and did a six pack line-up. Prior to the line-up, Kempton told Kaufman that the line-up had six similar people matching the description of the suspect; the person may or may not be in the line-up; and if he did see somebody that he thinks is a suspect, to initial the photograph itself. Kaufman chose the photograph of Steven Moore within seconds, and he initialed the photograph. *See State's Exhibit 5.* All six photographs used in the line-up were black and white booking photographs. Two of the six photographs, including Moore's, contained, in small letters along the bottom of the photograph, the words "Bonner County Sheriff's Office and a booking number.

⁵ Although in color on the in-car computer, the photograph printed out black and white in State's Exhibit 4.

II. STANDARD OF REVIEW

In *State v. Almaraz*, 154 Idaho 584, 301 P.3d 242 (2013), the Idaho Supreme Court set forth the standard for review of a district court's ruling on a motion to suppress, as well as the standard for determining whether evidence of an out-of-court statement violates due process:

In reviewing the district court's ruling on a motion to suppress, this Court applies a bifurcated standard of review. *State v. Ray*, 153 Idaho 564, 286 P.3d 1114, 1117 (2012). This Court will accept the trial court's findings of fact that are supported by substantial evidence and freely review any constitutional principles implicated by the facts. *Id.* To determine whether evidence of an out-of-court identification violates due process, this Court applies a two-step test. *See State v. Hoisington*, 104 Idaho 153, 162, 657 P.2d 17, 26 (1983). First, the defendant must establish that the identification procedure was overly suggestive. *United States v. Wade*, 388 U.S. 218, 240 n. 31, 87 S.Ct. 1926, 1939 n. 31, 18 L.Ed.2d 1149, 1164 n. 31 (1967); *Hoisington*, 104 Idaho at 162, 657 P.2d at 26. Second, if the defendant meets that burden, courts consider whether the identification was nonetheless reliable under the totality of the circumstances. *Id.* This second step entails considering the witness's opportunity to view the perpetrator, his degree of attention, the accuracy of his description, his level of certainty, and the time between the crime and pretrial confrontation, and then weighing those factors against the "corrupting effect of the suggestive identification." *Manson v. Brathwaite*, 432 U.S. 98, 108, 97 S.Ct. 2243, 2249–50, 53 L.Ed.2d 140, 150 (1977); *Hoisington*, 104 Idaho at 162, 657 P.2d at 26. Thus, greater indicia of reliability may be necessary the more egregious the suggestive procedures.

...We agree with the New Jersey Supreme Court and find that this extensive research convincingly demonstrates the fallibility of eyewitness identification testimony and pinpoints an array of variables that are most likely to lead to a mistaken identification.

The New Jersey Supreme Court divided these variables into "system variables" and "estimator variables." System variables are factors that are "within the control of the criminal justice system." *Id.* [*State v. Henderson*, 208 N.J. 208, 27 A.3d 872, 885 (2011)] at 895. Estimator variables are "factors related to the witness, the perpetrator, or the event itself—like distance, lighting, or stress—over which the legal system has no control." *Id.*

The research showed that **the following system variables help reduce the risk of misidentification:** (1) conducting the identification procedure double-blind helps ensure that lineup administrators who know the suspect's identity do not inadvertently suggest the information to the witness; (2) administering proper pre-lineup instructions that inform the witness that a suspect may or may not be in the lineup and it is permissible not to identify anyone; (3) avoiding confirmatory or post-identification feedback which can engender a false sense of confidence in

the witness's identification; (4) making a full record of the witness's statement of confidence once an identification is made; and (5) shielding witnesses from viewing suspects or fillers more than once. *Id.* at 895–903.

In contrast, the research established that **the following estimator variables diminish the reliability of a witness's identification: (1) stress; (2) the use of a visible weapon during a crime; (3) the shorter the duration of a criminal event; (4) the greater the distance and the poorer the lighting conditions; (5) increased levels of intoxication; (6) the use of disguises during the crime and changes in facial features between the time of initial observation and a subsequent identification; (7) the greater the period of time between observation and identification to law enforcement; (8) race-bias; and (9) feedback from co-witnesses confirming the identification of a perpetrator.** *Id.* at 904–09.

These two types of variables dovetail nicely with the two-step analysis this Court applies to determine whether evidence of an out-of-court identification violates due process. As previously stated we first look at whether the identification procedures are overly suggestive, and if we find that they are, we examine whether the reliability of the identification outweighs the corrupting effect of the suggestive identification. **We hold that the system variables outlined above are factors that courts should consider in determining whether identification procedures were overly suggestive.**

Correspondingly, the estimator variables we addressed serve to elaborate on **this Court's five-factor test for reliability: (1) the witness's opportunity to view the perpetrator, (2) the witness's degree of attention, (3) the witness's accuracy of description, (4) the witness's level of certainty, and (5) the time between the crime and pretrial confrontation.** For example, under the first factor courts may consider the lighting at the time the crime was committed, whether the perpetrator was wearing a disguise, and the length of time taken to commit the crime, among other variables. Under the second factor courts may consider the amount of stress the witness was under, whether a weapon was present, or the witness's level of intoxication. Additionally, we note that courts should be cautious in the amount of weight they give to a witness's degree of certainty in their identification when police have used overly suggestive procedures, particularly when confirmation feedback has been given. *See State v. Lawson*, 352 Or. 724, 291 P.3d 673, 689 (2012) (noting that “the current scientific knowledge and understanding regarding the effects of suggestive identification procedures indicates that self-reported evidence [a witness's level of certainty and degree of attention] can be inflated by the suggestive procedure itself”).

In sum, we are not changing the two-part test this Court adopted in *Hoisington* to determine whether an out-of-court-identification violates a defendant's due process rights. Rather, by outlining the system and estimator variables that research has convincingly shown to impact the reliability of

eye-witness identification, we hope to provide guidance to lower courts applying the test from *Hoisington*.

154 Idaho at 593-595, 301 P.3d at 251-253 (emphasis supplied) (footnotes omitted).

III. DEFENDANT'S ARGUMENTS

A. Defendant Moore argues that the identification procedure was overly suggestive.

The defendant claims that the out-of-court identification of Defendant Moore by Bryan Kaufman was so suggestive that there is a substantial likelihood of misidentification; and that the procedures used by Deputy Kempton and Sergeant Cotter during Kaufman's identification were overly suggestive under the two-part test referenced in *Almaraz, supra*, and *State v. Abdullah*, 158 Idaho 386, 348 P.3d 1 (2015), and using the system variables in *Almaraz. Defendant's Memorandum in Support of Motion to Suppress* (filed August 11, 2016), at 5.

The defendant argues that Cotter showed Kaufman a photograph of a single individual – Defendant Moore; that Cotter did not employ a double-blind administration of a line-up; no safeguards associated with a photo line-up were present; there were no other people presented at the same time; there was no possibility that Moore was *not* present; and no audio or video recording has been provided that records Kaufman's identification and the questions posed by Sergeant Cotter. The defendant contends that, taken together, the individual photograph, no pre-identification instructions, the failure to record Kaufman's identification, and the procedures Sergeant Cotter employed to elicit the identification, were overly suggestive. *Id.* at 6-7.

B. Defendant Moore argues that the identification was not reliable under the totality of circumstances.

The defendant argues that the Court should apply the five-factor test in *Almaraz*. Under the first factor, the witness's opportunity to view the perpetrator, the defendant contends that Bryan Kaufman had a fleeting and distant interaction with the person who allegedly bumped his

ATV; that after the contact with the ATV, the man yelled at Kaufman, and then drove off; and that there is no evidence that Kaufman was able to get a close or clear look at the person in the truck. Further, the distance and circumstances would limit Kaufman's opportunity to view the driver of the truck, and the brief length of time before the truck drove away also limits Kaufman's opportunity to view the person seated in the truck. *Defendant's Memorandum in Support of Motion to Suppress*, at 7-8,

Under the second factor, the witness's degree of attention, the defendant claims there is substantial evidence that Kaufman's attention was compromised, and that using the estimator variables, the stress of the situation, combined with the threat of a weapon, would impact the level of Kaufman's awareness and weigh against the reliability of his identification. *Id.* at 8.

The third factor, the witness's accuracy of description, the defendant argues, is the most relevant. He asserts that Moore owns a gray pickup with no canopy; that Moore's roommate owns a gray Nissan Pathfinder; and that neither owns a dark blue truck with a canopy; further, that Moore does have a gray mustache, but his hair is dark brown; and he does not have dirty teeth and does not smoke. The defendant claims that the only match between Kaufman's description and the photograph shown to him by Sergeant Cotter is a gray mustache; and that altogether, Kaufman's prior description of the perpetrator is not descriptive of Steven Moore; is highly inaccurate, and indicates that his identification is unreliable. *Id.* at 9.

Under the fourth factor, the witness's level of certainty, the defendant asks this Court to take into consideration that there are no recordings of Kaufman's identification, and weigh that information against the reliability of such identification. *Id.*

Finally, the defendant concedes that the fifth factor, the length of time between the incident and the identification, does not detract from the overall reliability of Kaufman's identification and is within the time frame found to be acceptable by Idaho Courts. *Id.* at 10.

The defendant concludes by stating that of these five factors, only the fifth weighs in favor of reliability, and that the other four factors have significant shortcomings that call into question the reliability of Kaufman's identification. The defendant maintains that when balancing these five reliability factors against the first prong's determination of suggestive procedures, the reliability of the identification fails to outweigh the impact of the suggestive circumstances; and because the circumstances surrounding Kaufman's identification of Moore do not outweigh the suggestiveness of the identification procedure, the identification should be excluded. *Id.* at 10.

IV. DISCUSSION

In determining whether the out-of-court identification in this case violated Defendant Moore's due process rights, this Court applies the two-step test set forth in *State v. Hoisington*, 104 Idaho 153, 161-162, 657 P.2d 17, 25-26 (1983), and later referenced in *State v. Almaraz*, 154 Idaho at 593, 301 P.3d at 251. The colloquy in *Almaraz* does not change the two-part test adopted by the Idaho Supreme Court in *Hoisington*; it merely outlines system and estimator variables that have been shown to impact the reliability of eyewitness identification, and which can guide a trial court's application of the *Hoisington* test. 154 Idaho at 595, 301 P.3d at 253.⁶

A. The identification procedures employed by the police were impermissibly suggestive.

⁶ In *Almaraz*, "[t]he photograph obtained by Officer Sloan and presented to Hust was not a typical photo lineup. Instead of several discrete pictures of different individuals, the photo used was a group photograph of Almaraz and seven other Hispanic men. Almaraz is in the center of the photo with a chandelier hanging directly above his head." 154 Idaho at 589, 301 P.3d at 247. This Court finds the identification procedure used in *Almaraz* to be sufficiently different from the procedure used in this case to distinguish *Almaraz* from the instant case on the facts.

In the first part of the *Hoisington* test, the defendant must establish that the identification procedure was overly suggestive. In that regard, the Idaho Supreme Court in *Hoisington* stated:

In the present case some of the identification procedures employed by the police may have been in some respects suggestive. **In particular, single subject showups are inherently suspect and generally not condoned**, *Simmons v. United States*, 390 U.S. 377, 383, 88 S.Ct. 967, 970, 19 L.Ed.2d 1247 (1968); *Stovall v. Denno*, 388 U.S. 293, 302, 87 S.Ct. 1967, 1972, 18 L.Ed.2d 1199 (1967); *State v. Sadler*, 95 Idaho 524, 529, 511 P.2d 806, 811 (1973); *see Manson v. Brathwaite*, 432 U.S. at 109, 97 S.Ct. at 2250. **Also, the danger of misidentification may increase where a witness is presented with several lineups or showups in which a single individual has a recurring presence.** *Simmons v. United States, supra*; e.g., *Foster v. California*, 394 U.S. 440, 89 S.Ct. 1127, 22 L.Ed.2d 402 (1969). In the present case, the initial six-photo lineup elicited a somewhat tentative identification, at least on the part of Tracy Boyd. It was followed by the single subject showup and then a corporeal lineup of six persons including the defendant, which resulted in strong positive identification of Hoisington by both witnesses. **In light of the use of the single photo showups, and the several identification procedures in which Hoisington had a recurring presence, we conclude that there is at least sufficient indicia of suggestiveness in the identification procedures to require review under the Manson-Biggers balancing test.**

State v. Hoisington, 104 Idaho at 162, 657 P.2d at 26 (emphasis supplied) (footnote omitted).

Similarly, in *State v. Cottrell*, 132 Idaho 181, 968 P.2d 1090 (Ct. App. 1998), with respect to the first part of the *Hoisington* test, the Idaho Court of Appeals stated:

1. The identification procedures employed by police were impermissibly suggestive

The procedures utilized by police to facilitate J.L.'s identification of Cottrell were *clearly* suggestive. Prior to the show-up procedure, J.L. and her mother were informed that the man now in custody was named Ed Cottrell, but sometimes went by the name of Ryan. This disclosure to the victim, as she waited to view the suspect, was obviously suggestive, as it would serve to bolster the idea that the correct man had been arrested.

More importantly, instead of using a line-up procedure with a number of possible suspects from whom J.L. could identify her attacker, the police chose to display only Cottrell and two uniformed officers. Such single-person show-ups are inherently suggestive and cannot be condoned. *Hoisington*, 104 Idaho at 162, 657 P.2d at 26 (1983); *see also United States v. Wade*, 388 U.S. 218, 234, 87 S.Ct. 1926, 18 L.Ed.2d 1149 (1967) ("It is hard to

imagine a situation more clearly conveying the suggestion to the witness that the one presented is believed guilty by the police.”).

Accordingly, we conclude that the identification procedures employed by the police to obtain J.L.'s identification of Cottrell were impermissibly suggestive and violated well-established constitutional precedent.

Id. at 185, 968 P.2d at 1094 (emphasis supplied).

At the suppression hearing, the prosecutor orally stipulated that “it is suggestive to use one picture.”⁷ That is the law in Idaho. Therefore, in this case, in accord with *Hoisington* and *Cottrell, supra*, the use by Sergeant Cotter of a photograph with a single subject (i.e., Defendant Moore) to obtain an identification from the alleged victim, Bryan Kaufman, was “inherently suggestive and cannot be condoned.” *Cottrell*, 132 Idaho at 185, 968 P.2d at 1094.

Accordingly, the identification procedures employed by the police in this case were impermissibly suggestive, and having so found, it is unnecessary for this Court to consider the system variables set forth in *Almaraz*, such as whether the identification procedure should have been conducted double-blind; whether proper pre-lineup instructions were administered to Kaufman; and whether to draw any inference from Sergeant Cotter’s failure to make an audio or video record of Kaufman’s statement of confidence once the identification was made. *Almaraz*, 154 Idaho at 594, 301 P.3d at 252. The defendant includes these system variables in his arguments under the second part of the *Hoisington* test. However, the reasoning in *Almaraz* indicates that these system variables are to be used only in the first part of the analysis.

B. Under the totality of the circumstances the identification was reliable, even though the procedure was suggestive.

In both *Hoisington* and *Cottrell, supra*, after finding the identification procedures employed by the police (i.e., single subject line-ups) to be impermissibly suggestive, each court

⁷ The prosecutor also stated that he did not believe it to be *overly* suggestive.

proceeded to the second part of the *Hoisington* test to determine whether under the totality of circumstances, the identification was nonetheless reliable.

In *Cottrell*, the Idaho Court of Appeals performed the second part analysis this way:

2. Under the totality of the circumstances the identification was reliable, even though the procedure was suggestive.

This Court will next consider whether the identification possesses other indicia of reliability which outweigh and purge the corrupting influences of the impermissible suggestiveness. The established factors to be considered in determining whether an identification is constitutionally reliable include:

(1) the opportunity of the witness to view the criminal at the time of the crime; (2) the witness's degree of attention; (3) the accuracy of the witness's prior description of the criminal; (4) the level of certainty demonstrated at the identification; and (5) the length of time between the crime and the identification.

State v. Buti, 131 Idaho 793, 799, 964 P.2d 660, 666 (1998); *State v. Kysar*, 116 Idaho 992, 995, 783 P.2d 859, 862 (1989).

The district court found that J.L. had numerous opportunities to view Cottrell prior to, during and after the crime. She first saw him at the gas station where he approached her. Then, as she drove he sat within inches of her in the passenger seat of her truck. Prior to the attack, Cottrell moved across the truck seat, placing himself immediately next to her. He then proceeded to sexually assault J.L., during which time he kissed her, placing his face directly in front of her. J.L. testified that at this time the dash lights were on inside the truck. Furthermore, Cottrell twice approached her after the ordeal as she stood inside the gas station. Upon seeing him there, J.L. identified him as the attacker, and during the second of these confrontations, Cottrell himself stated that he had been in a vehicle with J.L. before she left screaming. Moreover, upon hearing him speak at the police station J.L. spontaneously exclaimed that his was the voice of her attacker. During this unplanned encounter in a less suggestive circumstance than the subsequent show-up, J.L. recognized and identified Cottrell's voice. We find that there was sufficient evidence to support the district court's finding that J.L. had ample time and opportunity to observe Cottrell's physical appearance and voice characteristics during the crime and immediately afterwards.

The court also found that J.L. would have had a high degree of attention focused on her attacker during the crime and afterwards when he approached her at the gas station. We concur. A victim of crime, as opposed to a casual observer, has more reason to be attentive to the circumstances and to an attacker's appearance. *State v. Bush*, 131 Idaho 22, 29, 951 P.2d 1249, 1256 (1997).

Next, the district court noted that although the physical description J.L. gave police was not thorough, it was accurate. The record reflects that J.L. described her attacker as having dark, shoulder length hair, dark eyes and weighing less than 200 pounds. Although she was unsure of his height, J.L. did identify the relative size of her attacker and also stated that she did not remember him as having any facial hair. While Cottrell's clothing, at the time of his arrest, did not match J.L.'s description, his physical features did. He had dark, shoulder length hair and other than a small five o'clock shadow, he did not have any facial hair. Based upon these facts we cannot say that the district court erred when it found that the accuracy of the description supported the reliability of the identification.

Although the district court noted her original hesitancy, it also found that J.L.'s identification of Cottrell was a "very concrete identification." This finding was based upon her emphatic statements at the show-up and her in-court identification. J.L.'s preliminary hearing testimony reveals that at the jail she initially viewed Cottrell from behind and was unsure if he was the attacker; so too when he turned and J.L. saw him from the side. However, he turned again and while directly facing her, smiled. At that point she said, "That's him." J.L. testified that this thought process occurred over a span of about five seconds. In his report the investigating officer noted that when J.L. was asked if she was sure, she stated that she was "positive." We regard the cautious manner in which J.L. approached this task, combined with her confident assertion, as further confirmation that the identification was reliable.

Finally, the district court found that the identification came only a few hours after the attack. The record shows that the show-up procedure occurred in the early morning hours of the day after the attack, a time when Cottrell's appearance was still fresh in J.L.'s mind. We therefore uphold the district court's finding that this extremely short length of time between the crime and the show-up support the reliability of the identification.

Accordingly, we find that notwithstanding the inherently suggestive show-up procedure utilized by police, the totality of the circumstances provides sufficient indicia of reliability to justify the admission of J.L.'s identification of Cottrell as the man that attacked her. We therefore affirm the denial of Cottrell's motion to suppress his identification by J.L.

Cottrell, 132 Idaho at 186-187, 968 P.2d at 1095-1096 (emphasis supplied) (footnote omitted).

The Idaho Supreme Court conducted a similar analysis in *Hoisington*:

1. **The opportunity to view.** ...The rape took place at approximately 6:00 a.m. on July 4, 1977. ...Tracy Boyd's testimony makes it clear that although she saw the defendant for perhaps a half a minute, she had a very good look at the defendant from close proximity and under good lighting conditions....

Sharon Fuller also testified that it was “fairly light” in her room at the time of the attack. She further testified that when Hoisington and Boyd entered her room she had an unobstructed view of Hoisington's face. ...

2. **The degree of attention.** Boyd was “no casual observer, but rather the victim of one of the most personally humiliating of all crimes.” *Neil v. Biggers*, 409 U.S. at 200, 93 S.Ct. at 382. **Her testimony indicates that during the time of her observations, she focused almost exclusively on the assailant's face.** Likewise, Sharon Fuller testified that she looked at the assailant's face the second time in particular “because I wanted to remember it.” Clearly both women were attentive observers during the time which they had to view the assailant.

3. **The accuracy of the description.** On July 4, 1977, the date of the rape, Boyd and Fuller provided the police with a general description of the assailant matching the appearance of the appellant. On that same date, Boyd and Fuller met with Officer Stucker of the Lewiston police department. The two women constructed a composite picture of the assailant from a kit. **With reference to the composite, the district court later found, not unreasonably, that “there is a striking resemblance to the defendant in that picture.”**

4. **The witness's level of certainty.** Sharon Fuller on December 8, 1977, and Tracy Boyd on December 9, 1977, were separately shown the six-photo lineup containing Hoisington's picture. Both positively identified Hoisington as the rapist; however, Tracy Boyd's identification was slightly tentative in that she stated that she was “relatively certain,” that Hoisington's photo was that of the rapist. The slight hesitance evidenced by the response may well be explained by the fact that the photo of Hoisington showed him with short hair, while the rapist had significantly longer and wavy hair. ... **Viewing the lineup photo of Hoisington and the 8 x 10 photo, it is clear that the different hair style made a significant difference in his appearance. Immediately upon being shown the 8 x 10's of Hoisington, Tracy Boyd turned red, pointed to it, and stated, “That's him.” Under the circumstances, notwithstanding the suggestive nature of the single subject showup, Tracy Boyd's level of certainty was very high.** It is evident that Sharon Fuller's level of certainty was high even from the time of the first photo lineup.

5. **The length of time between the crime and the identification.** Although Boyd and Fuller provided a description and completed the composite of the assailant on July 4, 1977, the day of the rape, they did not identify Hoisington as the rapist until five months later. This situation is similar to that which occurred in *Neil v. Biggers, supra*, where there was a seven month gap between the crime and the identification. In *Biggers* the following was stated:

“There was, to be sure, a lapse of seven months between the rape and the confrontation. This would be a seriously negative factor in most cases. Here, however, the testimony is undisputed that the victim made no previous identification [of another individual] at any of the showups, lineups, or photographic showings. Her record for reliability was thus a good one, and she had previously resisted whatever suggestiveness inures in a showup.” 409 U.S. at 200, 93 S.Ct. at 382.

Likewise, in the present case, the record shows that the women had been previously presented with both single photo showups and lineups during the five month interval, and had not made any identification prior to identifying the defendant. ...

In light of the totality of the circumstances presented in this case, the aspects of reliability with regard to Boyd's and Fuller's identification of the defendant far outweigh any suggestiveness that may have been present in the identification procedures employed by the police. Consequently, we find that the admission of the identification testimony was not erroneous.

Hoisington, 104 Idaho at 162-165, 657 P.2d at 26-29 (emphasis supplied) (footnote omitted).

Post-*Almaraz*, Idaho appellate courts have continued to apply the two-part test adopted in *Hoisington* (and used in *Cottrell*), often using as guidance one or more of the estimator variables set forth in *Almaraz* to elaborate on the five-factor test for reliability. For instance, the Idaho Supreme Court in *State v. Abdullah*, 158 Idaho 386, 348 P.3d 1 (2015), reasoned:

A key witness in the State's case was Marjorie Wood. She worked as a gas station clerk in Mountain Home and identified Abdullah as having entered the gas station around midnight on the night of the murder. **Wood identified Abdullah for law enforcement a week after the crime from a single photograph depicting Abdullah. The detectives asked Wood whether she had seen that individual in the photograph before, and Wood immediately responded that she had seen the individual a week prior.** She further indicated that she remembered Abdullah because he had acted rude, which caused him to stand out in her mind.

...

Abdullah filed a motion to suppress Wood's identification. Wood and the detectives involved in the identification testified at the suppression hearing. The district court concluded that there were no due process implications, nor was there a substantial risk of mistaken identification. Even assuming suggestive procedures, the district court examined the relevant factors and concluded Wood's identification was sufficiently reliable to outweigh any potential low-level suggestiveness.

...

b. *Standard of Review*

To determine whether evidence of an out-of-court identification violates due process, this Court applies a two-step test. *See State v. Hoisington*, 104 Idaho 153, 162, 657 P.2d 17, 26 (1983). First, the defendant must establish that the identification procedure was overly suggestive. *United States v. Wade*, 388 U.S. 218, 240 n. 31 [87 S.Ct. 1926, 1939 n. 31, 18 L.Ed.2d 1149, 1164-65 n. 31] (1967); *Hoisington*, 104 Idaho at 162, 657 P.2d at 26. **Second, if the**

defendant meets that burden, courts consider whether the identification was nonetheless reliable under the totality of the circumstances. *Hoisington*, 104 Idaho at 162, 657 P.2d at 26. This second step entails considering the witness's opportunity to view the perpetrator, his degree of attention, the accuracy of his description, his level of certainty, and the time between the crime and pretrial confrontation, and then weighing those factors against the “corrupting effect of the suggestive identification.” *Manson v. Brathwaite*, 432 U.S. 98, 108 [97 S.Ct. 2243, 2249–50, 53 L.Ed.2d 140, 150] (1977); *Hoisington*, 104 Idaho at 162, 657 P.2d at 26. Thus, greater indicia of reliability may be necessary the more egregious the suggestive procedures.

State v. Almaraz, 154 Idaho 584, 593, 301 P.3d 242, 251 (2013).

c. *Analysis*

...

Further, while use of a single photo can create suggestiveness, *Hoisington*, 104 Idaho at 162, 657 P.2d at 26, the situation here was not a traditional line-up or photo array procedure. Wood was neither a victim nor an eyewitness to a crime. In the traditional context, a victim or eyewitness being shown a single photo might suggest that the individual in the photo is the perpetrator. That risk did not exist here. ...

...

Even assuming the use of a single photograph was impermissibly suggestive, the district court's findings of fact indicate the following: (1) Wood had an opportunity to observe Abdullah; (2) only one week passed between this observation and the identification; (3) Wood was certain of her identification; (4) Abdullah's behavior drew Wood's attention to him and caused Wood to remember him; (5) Wood was focused on Abdullah while he was in the store; and (6) the situation was non-threatening and non-stressful. There was substantial and competent evidence to support the district court's findings. ...

...

Abdullah's challenges to the techniques used by detectives are unfounded. In seeking to locate a potential eyewitness along the route from Salt Lake City to Boise, two detectives drove that route stopping at all gas stations and convenience stores along the freeway. This investigative trip lasted around seventeen hours. **Throughout the trip, the detectives asked clerks whether they worked on the night in question. If a clerk responded in the affirmative, the detectives inquired further by showing a picture of Abdullah and asking whether they had seen him. The detectives used special caution not to mention Abdullah's name. ...**

Abdullah, 158 Idaho at 496-499, 348 P.3d at 111-114 (emphasis supplied).

Similarly, in *State v. Quilimaco*, 2015 WL 7075218, Docket No. 42458 (November 12,

2015), unpublished, the Idaho Court of Appeals explained:

Daniel Curtis Quilimaco appeals from his judgment of conviction for robbery. Specifically, Quilimaco alleges the district court erred in denying his motion to suppress the eyewitness identification because it was unnecessarily suggestive, rendering the identification unreliable. For the reasons set forth below, we affirm.

An unmasked man entered a motel, walked to the front desk, and inquired about renting a room. The employee looked away and when she looked back, the man had a rifle pointed at her. The man then walked behind the counter. The employee backed toward a doorway leading to an adjoined apartment and called for another employee. The second employee walked toward the door of the apartment and saw the man with the rifle. **After obtaining money, the man left and one of the employees called 911 to report the robbery. During the call, the employee described the man as a Hispanic male, approximately twenty-seven years old, having shaved black hair and a big nose, and wearing a black leather jacket and black gloves. An officer responded to the motel where the employees described the rifle as black, with a short barrel and a scope.**

Shortly thereafter, a different officer stopped a vehicle for speeding. There were two men in the vehicle, one of which was Quilimaco. The vehicle was stopped twenty-three miles from the motel, approximately thirty minutes after the motel was robbed. The officer had received a report that a robbery had recently occurred at the motel, along with the descriptions of the suspect and gun provided by the eyewitnesses. The officer observed that both men acted “very nervous” and that one of the men had some of the characteristics of the robbery suspect. The officer returned to his vehicle and received information from dispatch that a person driving on the same highway reported seeing a bag thrown from a vehicle near where Quilimaco's vehicle was stopped. The officer returned to Quilimaco's vehicle and asked for consent to search the vehicle, which was refused. A canine officer then arrived and searched the exterior of the vehicle for indications that the vehicle contained drugs. The dog did not alert on the vehicle and was then used to search for the discarded bag. As a result, the officer recovered a duffle bag containing a short rifle. Quilimaco and his passenger were taken into custody as suspects of the motel robbery.

Photographs of Quilimaco and his passenger were taken and emailed to the officer who initially responded to the motel. That officer printed the images—two of Quilimaco and one of his passenger—on a single sheet of paper and returned to the motel. At the motel, both employees were shown the images. The officer told the employees that the men had been stopped on the highway and could possibly be the robbers. Both employees identified Quilimaco as the man who committed the robbery.

...

To determine whether evidence of an out-of-court identification violates due process, this Court applies a two-step test. *State v. Almaraz*, 154 Idaho 584, 593, 301 P.3d 242, 251 (2013). First, the defendant must establish that the identification procedure was overly suggestive. *Id.* **Once the police procedures are found to be overly suggestive, the trial court must conduct a second inquiry to determine whether, under the totality of the circumstances, the identification was reliable despite the identification procedure being overly suggestive.** *Id.* at 596, 301 P.3d at 254. This second step entails considering: (1) the witness's opportunity to view the criminal at the time of the crime; (2) the witness's degree of attention; (3) the accuracy of the witness's prior description of the criminal; (4) the witness's level of certainty demonstrated at the identification; and (5) the length of time between the crime and the identification. Those five factors are then weighed against the corrupting effect of the suggestive identification. *Id.* In addition to these five factors, a trial court also considers the relevant estimator variables, which diminish the reliability of a witness's identification. *Id.* at 593–94, 301 P.3d at 251–52. These estimator variables include stress; the use of a visible weapon during a crime; the shorter the duration of a criminal event; the greater the distance and the poorer the lighting conditions; increased levels of witness intoxication; the use of disguises during the crime and changes in facial features between the time observation and a subsequent identification; the greater the period of time between observation and identification to law enforcement; racial bias; and feedback from co-witnesses confirming the identification of a perpetrator. *Id.*

In this case, the district court found that the identification procedure used by the officer was overly suggestive. This finding is not challenged by either party on appeal. Thus, the sole issue on appeal is whether the district court erred in finding that, under the totality of the circumstances, the identification was reliable despite the identification procedure being suggestive.

A number of factors indicate that the employees' identifications of Quilimaco were reliable. First, both employees observed the robber for what they estimated to be five to eight minutes. The robber was not wearing a mask or hat. The two employees and the robber were in a relatively small area, were in close proximity to one another, and the robber was in plain view of the employees at all times. Throughout the robbery, the employees' attention was directed at the robber and his actions. **In addition, immediately after the robbery occurred, one employee called 911 and gave a description of the robber as a Hispanic male, dark skin, large or distinctive nose, shaved or buzzed head, wearing a black leather jacket, and having a black rifle with a short barrel and a scope.** The description is consistent with the employees' written statements prepared later that night and with Quilimaco's appearance when he was arrested. **Also, when the employees viewed the images and identified Quilimaco, they demonstrated a high level of certainty that he was the robber.** The district court found that the employees were positive that Quilimaco was the robber. **Finally, only**

approximately two and one-half hours had elapsed from the time of the robbery until the employees were shown the images of Quilimaco. On the other hand, several estimator variables weigh against the reliability of the employees' identifications. First, one employee had taken prescribed pain medication an hour prior to the robbery. However, the district court found that there was no evidence that the employee's ability to observe the robber was impaired by the medication. In addition, the use of a firearm caused both employees to be under stress at the time they observed the robber, which had potential to affect their perception of the robber. However, the district court found that the robber's use of a firearm was not so distracting that it took the employees' attention away from the robber.

Application of the five reliability factors listed above indicates that the employees' identifications of Quilimaco were reliable. While some of the estimator variables have potential to weigh against reliability of the identifications, after balancing the reliability factors against the suggestive elements of the identification, the reliability of the identification outweighs the impact of the suggestive elements. Another important event adds to the reliability of the employees' identification. A citizen observed a bag being tossed from a vehicle prior to the traffic stop. The officers located the bag, which contained a rifle matching the description (given by the employee) of the weapon used in the robbery, in the vicinity of Quilimaco's vehicle. Under the totality of the circumstances, we agree with the district court that the employees' identifications of Quilimaco were reliable despite the identification procedure being overly suggestive. Thus, Quilimaco has not shown that the district court erred in denying his motion to suppress. Therefore, Quilimaco's judgment of conviction for robbery is affirmed.

Quilimaco, 2015 WL 7075218 at **1-3 (emphasis supplied).

Wherefore, conducting the second part *Hoisington* analysis of the facts in this case, using the five factor test for reliability set forth therein, and also utilizing the estimator variables set forth in *Almaraz*, this Court finds as follows:

1. The opportunity of the witness to view the perpetrator at the time of the crime.

“[U]nder the first factor courts may consider the lighting at the time the crime was committed, ... and the length of time taken to commit the crime *Almaraz*, 154 Idaho at 595, 301 P.3d at 253. Moore characterizes Kaufman’s opportunity to view the male driver of the truck as “fleeting and distant.” *Defendant’s Memorandum in Support of Motion to Suppress*, at

7. The Court disagrees with this characterization. Kaufman described to Deputy Kempton pulling into his driveway about 50 yards up, near his house, and then, stopping and being seated on his ATV when a truck pulled into his driveway and rammed the ATV while he was still seated on it, causing the ATV to move forward several feet. The male driver never exited the truck. Moore contends that “[w]hile no distance is stated, it is logical to hypothesize that sitting on the ATV, Kaufman was at least 10 feet from the person in the truck.” *Id.* at 8.

Assuming *arguendo* that the distance between Kaufman and the male driver was indeed 10 feet (which is a fairly short distance), this Court finds that Kaufman had an opportunity to view Moore. While still seated on the ATV, Kaufman could turn around and view the driver’s face through the windshield of the truck. Further, counsel stipulated that it was “dark” at the time of the incident. But remember, Bryan Kaufman had driven the ATV 50 yards up the driveway to near his house, and his mother “observed Bryan pull into the driveway and the truck hit him. She ran out and the male left in the truck.” Exhibit 1, *Defendant’s Memorandum in Support of Motion to Suppress*. So, although it was “dark” and no testimony was elicited as to whether the exterior lights from the Kaufman home or from the ATV or the truck illuminated the scene, due to the detail of the description given by Kaufman, this Court finds that the lighting conditions—whether natural or artificial—were sufficient to allow Kaufman to get a clear view of the perpetrator’s face at the time of the crime through the windshield of the truck.

2. The witness's degree of attention.

“Under the second factor courts may consider the amount of stress the witness was under, whether a weapon was present” *Almaraz*, 154 Idaho at 595, 301 P.3d at 253.

At the time the truck rammed the rear of the ATV, if Kaufman turned around to view the truck, the perpetrator’s face would be visible through the windshield or driver’s side window,

giving Kaufman the opportunity to focus his attention exclusively on the assailant's face. Kaufman relayed to Deputy Kempton that the male driver had threatened to shoot and kill him with a bullet, and that he believed the threat, though he did not see a firearm. The Court finds that because no visible weapon was present during the crime, Kaufman's mere belief in the threat does not diminish the reliability of his identification. Although, the verbal threats made to Kaufman during the incident may have caused him stress, the Court finds that such stress, if any, did not undermine his degree of attention to the perpetrator. On the contrary, any words spoken by the male driver would cause Kaufman to focus even more attention on the driver's face.

3. The accuracy of the witness's prior description of the perpetrator.

Moore argues that "Kaufman's prior description of the perpetrator is not descriptive of Steven Moore- it is highly inaccurate and indicates that his identification is unreliable." *Defendant's Memorandum in Support of Motion to Suppress*, at 9. The Court disagrees. Kaufman described the perpetrator as an older male in a dark blue older truck with a matching canopy. Specifically, he described the male driver as 50 -70 years old, a full head of gray hair, a thick gray and white mustache that stopped at the crease of the mouth, medium build, dirty teeth, with a light blue t-shirt. Kaufman also said that he could smell the odor of cigarette smoke.

The Court finds that the description of the male driver by Kaufman, given to Deputy Kempton almost immediately following the incident, bears a striking resemblance to the driver's license photograph of Steven Moore. Moore's gray and white mustache appears to stop at or just below the crease of his mouth; strands of gray hairs are visible around his temples and at the top of his head; he looks to be of medium build and between 50 and 70 years old. Moore does not have a full head of gray hair; however, the 12 year-old victim in this case was looking at Moore

from the front, and perhaps lower, vantage point of the ATV seat, and from that angle it is difficult to ascertain where his hair line starts.

Additionally, Kaufman described the male as driving a dark blue older truck with a matching canopy. The 1987 Nissan Pathfinder at Moore's residence fits this description. It is irrelevant whether the Nissan is listed on the vehicle registration as gray or green, because it appears to be dark blue. In the photograph taken by Deputy Kempton the next day, *during daylight hours*, the Nissan appears to be dark blue. *See* State's Exhibits 2 and 6. Even more so at approximately 8:30p.m., when this incident occurred, it would be difficult for anyone, let alone a 12 year-old, to discern between subtle shades of dark blue and dark gray. Further, looking at the Nissan from the front, which is where Kaufman was located, it appears to be a truck rather than a sports utility vehicle (SUV), and the rear of the vehicle could easily be mistaken for a canopy.

Lastly, the defendant asserts that Moore does not smoke. Moore did not testify at the suppression hearing. The Court does not find the fact that Moore does not smoke, if true, to undermine the accuracy of Kaufman's description of both the perpetrator and the vehicle he was driving. Both descriptions were substantially accurate.

4. The level of certainty demonstrated at the identification.

On May 6, 2016, after giving Deputy Kempton a description of the male driver, Kaufman advised the deputy that he did not know the male who rammed his ATV, but that he would be able to identify the male and his truck if he were to see them again.

On May 7, the day after the incident, when Sergeant Cotter showed Kaufman the driver's license color photograph of Steven Moore on his in-car computer, Kaufman within seconds identified Moore as the driver. Cotter asked if he was sure. Kaufman said that he was positive.

On July 29, 2016, when Deputy Kempton showed Kaufman the six-pack line-up, Kaufman chose the photograph of Steven Moore immediately, even though the photograph of Moore used in the line-up was different from the photograph used by Sergeant Cotter.

Based on these facts, the Court finds that Kaufman demonstrated a high level of certainty in his identification of Steven Moore as the perpetrator.

5. The length of time between the crime and the identification.

The crime occurred the evening of May 6, 2016, the identification occurred sometime the next day, less than 24 hours later. With respect to this fifth factor, Moore concedes that ... “the length of time between the incident and the identification, does not detract from the overall reliability of Kaufman’s identification and is within the time frame found to be acceptable by Idaho Courts.” *Defendant’s Memorandum in Support of Motion to Suppress*, at 10.

Application of the five reliability factors listed above indicates that Bryan Kaufman’s identifications of Steven Moore were reliable. While some of the estimator variables have potential to weigh against reliability of the identifications, after balancing the reliability factors against the suggestive elements of the identification, the reliability of the identification outweighs the impact of the suggestive elements. Accordingly, this Court finds that under the totality of the circumstances, Kaufman’s identifications of Steven Moore to Sergeant Cotter and Deputy Kempton were reliable despite the identification procedure being overly suggestive.

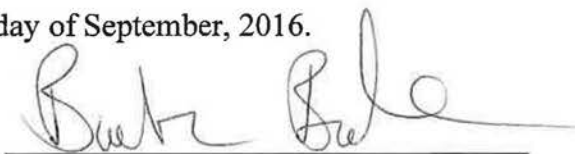
The defendant’s motion to suppress shall be denied, and Bryan Kaufman shall be allowed to make an in-court identification of Steven Moore.

V. CONCLUSION AND ORDER

NOW, THEREFORE, for the foregoing reasons, IT IS HEREBY ORDERED THAT Defendant's Motion to Suppress is DENIED.

IT IS SO ORDERED.

DATED this 7 day of September, 2016.



Barbara Buchanan
District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, or delivered via Courthouse Mail, this 7 day of September, 2016, to:

Shane Greenbank
Bonner County Chief Deputy Prosecutor
Sandpoint, ID 83864

COURTHOUSE MAIL *via email*

Susie D. Jensen
Bonner County Chief Deputy Public Defender
Sandpoint, ID 83864

COURTHOUSE MAIL *via email*



Deputy Clerk

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

COURT MINUTES

JUDGE: BARBARA BUCHANAN CASE NO. CR-16-2854
REPORTER: KATHY PLIZGA DATE: 10/21/16 TIME: 10:00 AM
CLERK: SANDRA RASOR CTRM 1
DIVISION: DISTRICT

STATE OF IDAHO

vs STEVEN MOORE

Plaintiff / Petitioner

Defendant / Respondent

Atty: SHANE GREENBANK

Atty: SUSIE JENSEN

SUBJECT OF PROCEEDINGS
CHARGE

PRETRIAL CONFERENCE

INDEX	SPEAKER	PHASE OF CASE
1117	J	Calls Case
		Present: SHANE GREENBANK, SUSIE JENSEN, DEFENDANT
	J	ISSUED DECISION ON MOTION TO SUPPRESS THAT DEFENDANT WANTS TO APPEAL SO ENTER A RULE 11 CONDITIONAL PLEA HE CAN ENTER ALFORD PLEA TO THE UNDERLYING CHARGE AND RESERVE RIGHT TO APPEAL ON THE IDENTITY ISSUE
	SJ	WE WERE GOING TO ASK TO SET SENTENCING VERY FAR OUT HE IS AWARE THE APPEAL WOULD NOT BE FILED UNTIL HE GOT BACK
	SG	NO OBJECTION
	J	MR. MOORE BE SWORN
	CLERK	DEFENDANT SWORN
	J	(JUDGES QUESTIONS)
	DEF	(ANSWERS SATISFACTORILY)
	J	ALFORD PLEA TO ATTEMPTED AGG ASSAULT?
	DEF	YES
	J	AMENDED INFORMATION ATTEMPTED AGG ASSAULT I WILL CHANGE THAT (FURTHER QUESTIONS)
	DEF	(ANSWERS SATISFACTORILY)
	J	UNDERSTAND ALFORD PLEA AND ENTERING TO TAKE ADVANTAGE OF AMENDED PLEA AND FILE THE PLEA IF YOU WISH, UNDERSTAND SENTENCED AS IF PLED GUILTY?
1121	DEF	YES
	J	GO FORWARD TODAY?
	DEF	YES
	J	I WILL ACCEPT ALFORD PLEA YOU CAN'T APPEAL UNTIL THE FINAL PLEA IS ENTERED, ORDER PSI AND SET SENTENCING OUT APRIL 10, 2017 AT 11:00 AM
1126		END

STATE OF IDAHO
 County of Bonner
 FILED **OCT 21 2016**
 AT 11:20 O'CLOCK 2 M
 CLERK SP DISTRICT COURT
 DEPUTY

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
 123 S. First Ave.
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

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

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-16-0002854
)	
V.	)	RULE 11 CONDITIONAL PLEA
)	
STEVEN M. MOORE,)	
)	
Defendant.)	
_____)	

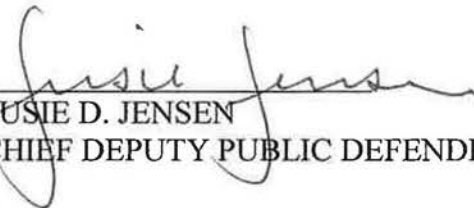
In accordance with Rule 11(a)(2) of the Idaho Criminal Rules, the above-named Defendant, by and through his attorney, Susie D. Jensen, Chief Deputy Public Defender, and the State of Idaho, through Prosecuting Attorney, Shane Greenbank, agree that the Defendant may enter a conditional plea of guilty to the charge in this case as follows.

1. The Defendant will enter a conditional plea of guilty to the charge of Attempted Aggravated Assault.
2. Pursuant to Rule 11(a)(2), the Defendant specifically reserves the right to appeal


the District Court's denial of his Motion to Suppress.

DATED this 21st day of October, 2016.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: 
SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

DATED this 21st day of October, 2016.



STEVEN MOORE
DEFENDANT

DATED this 21st day of October, 2016.

OFFICE OF THE BONNER COUNTY
PROSECUTING ATTORNEY


SHANE GREENBANK
DEPUTY PROSECUTING ATTORNEY

DATED this 21 day of October, 2016.


JUDGE

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 21 day of October, 2016, addressed to:

Shane Greenbank
Bonner County Prosecutor

SR

STATE OF IDAHO
 County Bonner }
 FILED OCT 21 2016 }
 AT 11:20 O'CLOCK 9 M
 CLERK _____ DISTRICT COURT
 DEPUTY SB

BONNER COUNTY PROSECUTING ATTORNEY
 127 S. First Avenue
 Sandpoint, ID 83864
 (208) 263-6714
 (208) 263-6726 (facsimile)

Assigned Prosecutor:
SHANE GREENBANK

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

<p>STATE OF IDAHO</p> <p>Plaintiff,</p> <p>v.</p> <p>STEVEN MICHAEL MOORE, DOB: [REDACTED] SSN: [REDACTED]</p> <p>Defendant.</p>	<p>Case NO: CR-2016-2854</p> <p>AMENDED INFORMATION</p> <p>AGENCY: BCSO #16-008137</p>
--	--

COMES NOW, Shane Greenbank, Chief Deputy Prosecuting Attorney for Bonner County, State of Idaho, and complains that the above named defendant did commit the crime of: **ATTEMPTED AGGRAVATED ASSAULT**, a Felony offense per I.C. §§18-901, 18-905, and §18-306; committed as follows:

The Defendant, **STEVEN MICHAEL MOORE**, on or about the 6th day of May, 2016, in the County of Bonner, State of Idaho, in the County of Bonner, State of Idaho, did intentionally, unlawfully and with apparent ability attempt to threaten by word and act to do violence upon the person of Bryan Kaufman, with a deadly weapon, to-wit: a vehicle,

which was designed to create a well-founded fear in Bryan Kaufman that such violence was imminent.

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

WHEREFORE, Complainant prays that the Defendant be dealt with according to law.

DATED this 21st day of October, 2016.



**SHANE GREENBANK, COMPLAINANT
CHIEF DEPUTY PROSECUTOR**

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October, 2016, I caused to be served a true and correct copy of the foregoing document as follows:

Court File - Original

Susie Jensen - Copy
Attorney for Defendant
Hand Delivered



**SHANE GREENBANK, COMPLAINANT
CHIEF DEPUTY PROSECUTOR**

STATE OF IDAHO
 County of Bonner
 FILED **OCT 21 2016**
 AT 11:20 O'CLOCK A M
 CLERK *SR* DISTRICT COURT
 DEPUTY

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
 123 S. First Ave.
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

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

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-16-0002854
)	
V.	)	ORDER
)	
STEVEN M. MOORE,)	
)	
Defendant.)	
_____)	

Based upon the Stipulation of the parties, and the approval of the Court,
 IT IS HEREBY ORDERED that the Defendant be allowed to enter a Conditional Plea in the
 above-referenced matter.

DATED this 21 day of October, 2016.

Buck Red

 JUDGE

CLERK'S CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was personally served by
 placing a copy of the same in the interoffice mailbox on the 21 day of October, 2016
 addressed to:

Bonner County Public Defender
 Bonner County Prosecutor

SR

STATE OF IDAHO }
County of Bonner }
FILED }
AT 11:20 O'CLOCK M }
CLERK DISTRICT COURT }
DEPUTY }
SR

State of Idaho v. STEVEN M. MOORE

Bonner County Case No. CR-16-0002854

ACKNOWLEDGEMENT OF ALFORD PLEA

NOTICE: DEFENDANT MUST READ AND INITIAL EACH PARAGRAPH

SMM 1. I understand that a Defendant may plead guilty to a felony charge, even though he/she either claims to be innocent of the charge, or does not admit to all of the elements of such charge. This is known as a *North Carolina v. Alford* guilty plea.

SMM 2. In order for the court to accept a guilty plea, pursuant to the decision of the United States Supreme Court in *North Carolina v. Alford*, 400 U.S. 25 (1970), I understand that the Court must make the following findings:

SMM a. That there exists a strong factual basis to support the guilty plea;

SMM b. That the Defendant's guilty plea is voluntarily, knowingly and understandingly made;

SMM c. That the Defendant understands the elements of the charge, the potential defenses and his/her right against self-incrimination; and

SMM d. That the Defendant is aware of the consequences of his/her guilty plea and the rights that are waived by such guilty plea.

SMM 3. When the Court accepts a guilty plea, pursuant to *North Carolina v. Alford*, a Defendant must understand that the Court will treat the Defendant as though he/she were in fact guilty of all the elements of such felony offense. The Court will not accept a guilty plea, pursuant to *North Carolina v. Alford*, unless the court record reflects that the guilty plea was voluntary, and was also an intelligent choice among the alternatives available to the Defendant.

SMM 4. I consent that the judgment be entered against me, without a trial of any kind, even though I do not admit that I committed all of the elements of the offense to which I plead guilty. I further recognize that the Court, upon entry of this plea, will make a finding that I am guilty.

SM 5. In signing this form, I hereby attest and acknowledge that I have discussed my guilty plea, pursuant to *North Carolina v. Alford*, with my attorney and that I fully understand this type of guilty plea and the consequences which result.

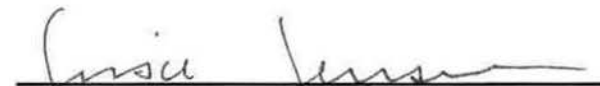
Dated this 21st day of October, 2016.



STEVEN M. MOORE
DEFENDANT

I hereby attest and acknowledge that I have fully discussed a guilty plea, pursuant to *North Carolina v. Alford*, with the above named Defendant.

Dated this 21st day of day of October, 2016.



SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

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

GUILTY PLEA ADVISORY AND FORM

TO BE FILLED OUT BY THE DEFENDANT

DEFENDANT: STEVEN M. MOORE
CASE NO: CR-16-0002854
DOB: [REDACTED]
AGE: 60

STATE OF IDAHO
County of Bonner } ss
FILED Oct 21, 2016
AT 11:20 O'CLOCK 2 M
CLERK SR DISTRICT COURT
DEPUTY

SIGNATURE: Steven M. Moore

DATE: 21 OCT 2016

STATEMENT OF CONSTITUTIONAL RIGHTS
(Please initial each response)

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

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

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

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

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the Judge for an attorney who will be paid by the county. You may be required to reimburse the county for the cost of this representation. SM
4. You are presumed to be innocent. You will be found guilty if: 1) you plead guilty in front of the Judge; or 2) you are found guilty at a jury trial.

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

SM

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

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

SM

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

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

- 7. The State has the burden of proving you guilty beyond a reasonable doubt.

I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. SM

QUESTIONS REGARDING ABILITY TO ENTER PLEA:

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

Please Circle and Initial One:

- 1. Do you read and write the English language? YES NO

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

YES NO

Do you want an Interpreter?

YES NO

- 2. What is your true and legal name? Steven Michael Moore

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

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

YES NO

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

YES NO

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

YES NO

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

7. Are you currently prescribed any medication?

YES NO

If yes, what medications are you taking at this time? _____

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

YES NO

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

YES NO

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

YES NO

10. Are you capable of understanding these proceedings?

YES NO

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

YES NO

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

YES NO

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

YES NO

14. Is there any other reason that you cannot make a reasoned and informed decision in this case?

YES ___ NO X

If yes, what is the reason? _____

PLEA AGREEMENT:

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

YES X NO ___

If so, what are the terms of that plea agreement?
(If available, a written plea agreement **must** be attached hereto as "Addendum 'A'")

"SEE ADDENDUM A"

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

YES X NO ___

16. Do you understand your plea agreement?

YES X NO ___

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

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

SMA

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

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

YES ___ NO X

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

YES ___ NO X

20. Has anyone told you what your sentence will be?

YES ___ NO

If so, what have you been promised? _____

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

YES NO ___

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

YES NO ___

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

YES NO ___

Under what condition can you appeal your sentence? _____

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

YES NO ___

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

YES NO ___

POTENTIAL SENTENCE:

I am charged with the crime(s) of:

~~AGGRAVATED BATTERY~~
I.C. § 18-903(a)

Attempted Agg.
Assault

I understand the Minimum & Maximum - Fine and Imprisonment:

Punishable by zero to ~~fifteen (0-15)~~ years imprisonment in a state prison, or by a zero to ~~fifty thousand (0-\$50,000)~~ fine, or by both

(0-21/2) BS
\$2500-

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

YES NO

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

YES NO

28. Are you currently on probation or parole?

YES NO

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

YES NO

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

YES NO

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

YES NO

31. Are you aware that if you plead guilty you may be required to pay **restitution** in this case? (I.C. §19-5304)

YES NO

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

YES NO

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

YES NO

If you have, what is the amount? _____

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

YES NO

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

YES NO

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

YES NO

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

YES NO

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

YES NO

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

YES NO

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

YES NO

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

YES NO

41. Do you understand that if you plead guilty to a felony, you will lose your right to purchase, possess, or carry **firearms**? (I.C. § 18-310)

YES NO

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

YES NO

RELATIONSHIP WITH YOUR ATTORNEY:

43. Have you had sufficient time to discuss your case with your attorney? YES NO

44. Have you had adequate time to fill out this form? YES NO

45. Have you had adequate access to your attorney's assistance in filling out this form? YES NO

46. Have you told your attorney everything you know about your case? YES NO

47. Your attorney can obtain various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called "discovery." Have you reviewed the evidence provided to your attorney during discovery? YES NO

48. Do you want your attorney to take any further action in this case? YES NO

49. If you are not a **citizen** of the United States, have you talked to your attorney about the impact of your guilty plea on deportation, on your legal status in the United States and on obtaining United States citizenship? YES NO

50. Do you understand that no one, including your attorney, can force you to plead guilty in this case? YES NO

51. Are you satisfied with your attorney's representation? YES NO

If not, please state why you are dissatisfied? _____

ENTRY OF PLEA:

52. Are the answers throughout this form your own answers? YES NO

53. Are you entering your plea freely and voluntarily? YES NO

54. Do you understand the consequences of entering a guilty plea? YES NO

55. Are you admitting to all the elements of the crime(s) to which you are pleading guilty? YES NO

Or are you pleading guilty because you are entering an Alford Plea? YES NO

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

YES NO

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

YES NO

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

YES NO

59. Do you need any additional time before you enter your guilty plea(s)? YES NO


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

YES NO

61. Is there anything else you want to tell the court about that's affecting your decision to plead guilty?

YES NO

I have answered the questions on pages 1-9 of this Guilty Plea Advisory Form truthfully, understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily **WITH A COMPLETE UNDERSTANDING OF THE CHARGE(S) TO WHICH I AM PLEADING GUILTY AND WITH KNOWLEDGE OF THE POTENTIAL CONSEQUENCES OF THIS PLEA.** Furthermore, no one has forced me or threatened me to plead guilty.


STEVEN M. MOORE
DEFENDANT

DATE: 21 Oct 2016

I HEREBY ACKNOWLEDGE THAT I HAVE DISCUSSED IN DETAIL THE FOREGOING QUESTIONS AND ANSWERS WITH MY CLIENT.


SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

DATE: 10/21/16

POST PLEA RIGHTS:

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

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

1. Have you discussed the right to remain silent with your attorney? YES NO

2. Do you understand the nature of these rights? YES NO

3. Do you understand that you may waive these rights? YES NO

4. Have you waived any of these rights in your plea agreement? YES NO

5. Do you have any questions concerning either these rights or the waiver of these rights?

YES NO

6. Have you discussed with your attorney your rights regarding your attorney's attendance and presence during the presentence investigation or these various evaluations?

YES NO

7. Do you want the Court to order any particular evaluations to assist the Court in determining your sentence in this case?

YES NO

If yes, which evaluations and why?

-

-

-

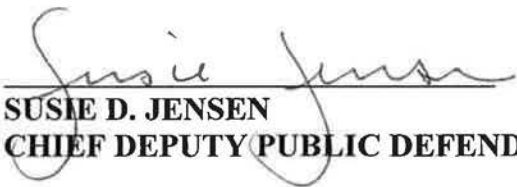
I ACKNOWLEDGE THE FOREGOING POST PLEA RIGHTS.



STEVEN M. MOORE
DEFENDANT

DATE: 21 Oct 2016

I ACKNOWLEDGE THAT I HAVE DISCUSSED THE POST PLEA RIGHTS LISTED ABOVE WITH MY CLIENT.



SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

DATE: 10/21/16

"Addendum a"

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

STATE OF IDAHO

Case No.: CR-2016-2854

vs.

PRETRIAL SETTLEMENT AGREEMENT

STEVEN MICHAEL MOORE,

OFFER EXPIRES: 14 days after Prelim date or other ()

The State offers that in exchange for the Defendant's guilty plea(s) to:

Count	Charge	Statutory Minimum and Maximum Penalties
I	ATTEMPTED AGGRAVATED ASSAULT	0-2.5 years prison / 0 - \$2,500 Fine

And Defendant's agreement to:

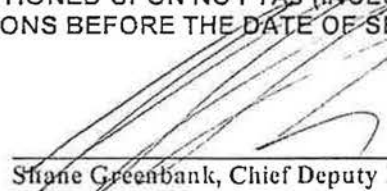
- Waive rights to appeal conviction and sentence (as described below).
- Other agreements: Waive Preliminary Hearing.

It will agree and recommend as follows:

- Amendment: State will Amend Count I from AGGRAVATED BATTERY [Up to 15 years prison and up to \$50,000 fine], to ATTEMPTED AGGRAVATED ASSAULT [Max of 2.5 years prison and \$2,500 fine].
- Sentence recommendation: State will join with the recommendation of the PSI examiner, but will not exceed a Retained Jurisdiction; State will recommend standard fines and costs; Open recommendations as to any other sentence consideration.
- DEFENDANT IS FREE TO MAKE SEPARATE RECOMMENDATIONS.

NOTE: THE STATE'S SENTENCE RECOMMENDATION IS CONDITIONED UPON NO FTAs (INCLUDING PRE-SENTENCE INTERVIEW) AND NO NEW CRIMINAL LAW VIOLATIONS BEFORE THE DATE OF SENTENCING

Dated: 2 June 2016

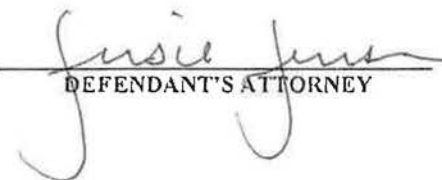

Shane Greenbank, Chief Deputy Prosecutor

BY SIGNING BELOW, I SIGNIFY THAT I ACCEPT THE ABOVE PRETRIAL SETTLEMENT OFFER AND IN CONSIDERATION THEREOF DO KNOWINGLY AND VOLUNTARILY HEREBY WAIVE THE FOLLOWING RIGHTS:

1. The right to appeal the conviction;
2. The right to appeal sentence (except to the extent the term of actual incarceration or the fine is greater than is recommended herein).


DEFENDANT

21 Jun 2016
DATE


DEFENDANT'S ATTORNEY

10/21/16
DATE

ORIGINAL OF THIS DOCUMENT TO IDOC

STATE OF IDAHO
County of Bonner }ss
Assigned to: FILED OCT 21 2016
AT 11:20 O'CLOCK A M
CLERK SR DISTRICT COURT
DEPUTY

**First Judicial District Court, State of Idaho
In and For the County of Bonner**

**ORDER FOR PRE-SENTENCE INVESTIGATION
REPORT**

STATE OF IDAHO)
Plaintiff,)
vs.)
Steven Michael Moore)
420 Larch Ln)
Oldtown, ID 83822)

Case No: CR-2016-0002854

CHARGE(s):

118-905 Attempted Assault-Aggravated

ROA : PSI01-Order for Presentence Investigation Report
PSMH1- Order for Presentence Investigation Report and Mental
Health Assessment
PSSA1- Order for Presentence Investigation Report and
Substance Abuse Assessment

On this Friday, October 21, 2016, a **Pre-sentence Investigation Report** was ordered by the Honorable Barbara A. Buchanan to be completed for Court appearance on:

APRIL 10, 2017 AT 11:00 AM at the above stated courthouse.

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

(Not sentencing until April but need evaluators done before)

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

Sex Offender Domestic Violence Other _____ Evaluator: gives such for

winter AT

PLEA AGREEMENT: State recommendation

WHJ JOC Probation PD Reimb Fine ACJ Restitution Other: _____

DEFENSE COUNSEL: Susie D Jensen

PROSECUTOR: Shane L. Greenbank

THE DEFENDANT IS IN CUSTODY: YES NO If yes where: _____

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

Date: 10/21/16 Signature: [Signature] Judge

cc: d1sudintake@idoc.idaho.gov Deputy Clerk: SR Date OCT 21 2016

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864
208-265-1445 1-888-960-4885 (fax)

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2016 OCT 24 PM 3:13
CLERK DISTRICT COURT
SR
DEPUTY

STATE OF IDAHO,
Plaintiff.

vs.

Steven Michael Moore
420 Larch Ln
Oldtown, ID 83822

Defendant

DOB: [REDACTED]
DL or SSN: [REDACTED]

Case No: CR-2016-0002854

NOTICE OF HEARING

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

Sentencing/District Court Monday, April 10, 2017 @11:00 AM
Judge: Barbara A. Buchanan

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,
John T. Mitchell, Fred M. Gibler, Steve Verby, Jeff Brudie, Lansing Haynes,
Benjamin R. Simpson, John Stegner, Barbara Buchanan, Richard Christensen,
Jay Gaskill, Cynthia K.C. Meyer, Gregory FitzMaurice, Scott Wayman, Carl
Kerrick

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Monday, October 24, 2016.

Steven Michael Moore

Susie D Jensen
Bonner County
Public Defender

Mailed _____ Hand Delivered _____ Faxed XX

Shane L. Greenbank
Bonner County Prosecutor

Mailed _____ Hand Delivered _____ Faxed XX

Dated: Monday, October 24, 2016
Michael W. Rosedale
Clerk Of The District Court

By:

SR
Deputy Clerk

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864
208-265-1445 1-888-960-4885 (fax)

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 JAN 23 PM 2: 51
CLERK DISTRICT COURT
[Signature]
DEPUTY

STATE OF IDAHO,
Plaintiff.

vs.

Steven Michael Moore
420 Larch Ln
Oldtown, ID 83822

Defendant

DOB: [Redacted]
DL or SSN: [Redacted]

Case No: CR-2016-0002854

NOTICE OF HEARING

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

Sentencing/District Court Monday, April 17, 2017 @10:30 AM
Judge: Barbara A. Buchanan

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,
John T. Mitchell, Fred M. Gibler, Steve Verby, Jeff Brudie, Lansing Haynes,
Benjamin R. Simpson, John Stegner, Barbara Buchanan, Richard Christensen,
Jay Gaskill, Cynthia K.C. Meyer, Gregory FitzMaurice, Scott Wayman, Carl
Kerrick

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Monday, January 23, 2017.

Counsel: Susie D Jensen Mailed _____ Hand Delivered _____ Faxed X

Shane L. Greenbank Mailed _____ Hand Delivered _____ Faxed X
Bonner County Chief Deputy Prosecutor

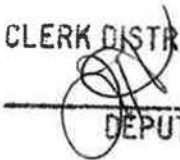
Dated: Monday, January 23, 2017
Michael W. Rosedale
Clerk Of The District Court

By: *[Signature]*
Deputy Clerk

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 MAR 28 PM 2:14

CLERK DISTRICT COURT


DEPUTY

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

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

STATE OF IDAHO,

Plaintiff,

V.

STEVEN M. MOORE

Defendant.

CASE NUMBER: CR-16-0002854

STIPULATED MOTION TO
CONTINUE SENTENCING

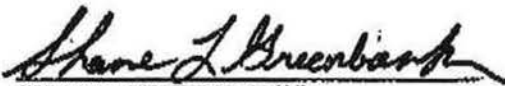
COMES NOW, Susie D. Jensen, Chief Deputy Public Defender, attorney for the above-named Defendant, and Shane Greenbank, Prosecuting Attorney, and hereby stipulate and move this Honorable Court for its Order continuing the Sentencing Hearing currently set for April 17, 2017, at 10:30 a.m., for a period of one (1) week.

The foregoing motion is brought on the grounds that that counsel for the Defendant will be out of the country.

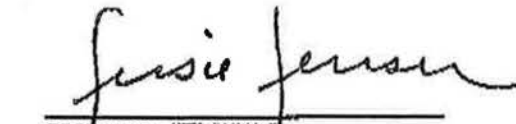
DATED this 28th day of March, 2017.

OFFICE OF THE BONNER
COUNTY PROSECUTOR

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER



SHANE GREENBANK
PROSECUTING ATTORNEY



SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

BR

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 28th day of March, 2017, addressed to:

Shane Greenbank
Bonner County Prosecutor

A handwritten signature in cursive script, appearing to read "J. James", written over a horizontal line.

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 MAR 29 AM 10:56
CLERK DISTRICT COURT
[Signature]
DEPUTY

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

STATE OF IDAHO,

Plaintiff,

V.

STEVEN M. MOORE

Defendant.

CASE NUMBER: CR-16-0002854

ORDER TO CONTINUE SENTENCING

The Court having before it the Stipulated Motion to Continue Sentencing and good cause appearing; now, therefore

IT IS HEREBY ORDERED that the Sentencing Hearing currently set for April 17, 2017, at 10:30 a.m., is to be continued and reset for a period of one (1) week.

DATED this 29 day of March, 2017.

[Signature]

JUDGE

CLERK'S CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 29 day of March, 2017, addressed to: *fax*

Susie D. Jensen, Chief Deputy Public Defender
Shane Greenbank, Prosecuting Attorney

[Signature]

**First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864
208-265-1445 1-888-960-4885 (fax)**

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 MAR 29 AM 11:23

CLERK DISTRICT COURT

DEPUTY

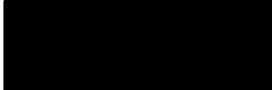
STATE OF IDAHO,)
Plaintiff.)

vs.)

Steven Michael Moore)
420 Larch Ln)
Oldtown, ID 83822)

Defendant.)

DOB:)
DL or SSN:)



Case No: CR-2016-0002854

AMENDED NOTICE OF HEARING

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

Sentencing/District Court Monday, May 1, 2017 @ 02:30 PM
Judge: Barbara A. Buchanan

Alternate Presiding Judges: Charles W. Hosack, John P. Luster,
John T. Mitchell, Fred M. Gibler, Steve Verby, Lansing Haynes, Benjamin R.
Simpson, Barbara Buchanan, Richard Christensen, Cynthia K.C. Meyer, Scott
Wayman,

I hereby certify that the foregoing is a true and correct copy of this Amended Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, March 29, 2017.

Counsel: Susie D Jensen Mailed _____ Hand Delivered _____ Faxed

Shane L. Greenbank Mailed _____ Hand Delivered _____ Faxed
Bonner County Chief Deputy Prosecutor

Dated: Wednesday, March 29, 2017
Michael W. Rosedale
Clerk Of The District Court

By: *J. Apples*
Deputy Clerk

ADULT JUVENILE

STATE OF IDAHO }
County of Bonner } ss
FILED 5-17
AT 5:16 O'Clock P M
CLERK, DISTRICT COURT
Deputy ✓

JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: BUCHANAN CASE NO. CR 14 - 2854
STEVEN M. MOORE
(SUBJECT'S FIRST NAME) (SUBJECT'S MIDDLE NAME) (SUBJECT'S LAST NAME)

SUBJECT APPEARED IN COURT ON: 05-01-17 AT 230 P M
[] BY VIDEO
[] SUBJECT IS TO: [] BE OR'D [] REMAIN IN CUSTODY
 [] BE RELEASED BY JUDGES ORDER
 [] BE RELEASED/TIME SERVED [] BOND \$ _____
 [] BE RELEASED TO PARENT/PTA
[] MUST SIGN WAIVER OF EXTRADITION [] WORK RELEASE/SEARCH GRANTED
[] AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

SENTENCED TO: 14 DAYS IMPOSED 80 HOURS ON SHERIFF'S LABOR PROGRAM.
 [] _____ DAYS SUSPENDED **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**
 [] _____ DAYS TO SERVE **AT SHERIFF'S OFFICE AND COMPLETE BY:**
 4 DAYS CREDIT _____, 20____

[] SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: _____ AT _____ M
[] BREATH OR U/A TEST ORDERED _____ X'S WEEKLY ON: _____ AT _____ M
[] SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED _____ YEAR(S).

SUBJECT SENTENCED TO SERVE NOT LESS THAN 1 yr AND NOT MORE THAN 2 yr
IN THE IDAHO STATE DEPT. OF CORRECTIONS.
 THIS SENTENCE IS SUSPENDED. PLACED ON 2 YEARS PROBATION.
[] SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 365 DAYS.
[] AS CONDITION OF PROBATION, SUBJECT TO SERVE _____ DAYS LOCAL JAIL.

CHARGES SENTENCING -
ATTEMPT. AGG. ASSAULT. / ALFORD

JUDGE'S ORDER: SUBJECT IS TO DO 80 HOURS ON LABOR
PROGRAM. SIGN UP WITHIN 60 DAYS
COMPLETE WITHIN 120 DAYS.
(APPEAL PENDING.)

4
DAYS CREDIT.
[] JUDGE'S ORDER WILL FOLLOW [] PUBLIC DEFENDER OFFICE APPOINTED

JUDGE'S SIGNATURE (if needed) my BAILIFF 164
BON 028 Rev 11-2013

PROBATION REPORTING FORM AND INSTRUCTIONS

NAME OF PROBATIONER: STEVEN M. MOORE

IDAHO } ss
3.03 3:03 PM
DISTRICT COURT

CASE NUMBER: CR 16 - 2854

CASE NUMBER: CR _____

DATE PUT ON PROBATION: MAY 01, '17 TIME: 3:00 am/pm

LENGTH OF PROBATION: 2 yrs COMMUNITY SERVICE _____ hrs

MINIMUM AND MAXIMUM SENTENCE: 1 yr - 2 yrs

LOCAL JAIL SENTENCE: 8 HRS S.P.

CREDIT DAYS: ~~4~~ 4 WORK RELEASE: _____ YES _____ NO

REPORT TO JAIL: _____ @ _____ am / pm

OTHER INSTRUCTIONS: SIGN UP WITHIN 60 DAYS
COMPLETE WITHIN 120 DAYS - APPEAL PENDING.

You have been sentenced to court ordered probation. You are to report, in person, IMMEDIATELY. Do not delay and do not call the IDOC Office: (If you are released/sentenced after the office has closed, report the following weekday morning at 9:00 am).

Sandpoint Office, 1013 Lake Street, Suite 101, Sandpoint, Idaho 83864, Phone (208) 263-0455 Fax (208) 263-3251. Office open 9:00 am to 2:00 pm, Monday thru Friday

Coeur d'Alene Office, 202 E. Anton, Suite 100, Coeur d'Alene, Idaho 83815. Phone (208) 769-1444 Fax (208) 769-1481. Office open 9:00 am to 5:00 pm, Monday thru Friday.

Out of State Residents: You may not leave the State of Idaho until you are approved for an Interstate Compact. Do not return to your state of residence, until instructed. You must meet specific criteria to qualify for an interstate compact. If you do not meet the requirements, you may be denied. You must make arrangements to stay in Idaho until this process can be scheduled and completed. You will need a \$100.00 money order for the interstate compact fee and a \$101.50 money order for your presentence investigation fee, if one was completed, to begin the Interstate Compact process. If you leave Idaho without approval, you are violating the interstate compact rules and it may result in a probation violation and your arrest.

Failing to report to the Idaho Department of Correction Office, could result in a probation violation and your arrest.

ADDRESS: 420 Larch Lane

PHONE: (208) 437 - 0843 cell / home / message

[Signature]
Probationer

DATE AND TIME FAXED TO P&P: _____ / _____ / _____ @ _____ By _____

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

COURT MINUTES

JUDGE: BARBARA A BUCHANAN **CASE NO.** CR-2016-2854
REPORTER: KATHY PLIZGA **DATE:** 5/01/2017 **TIME:** 2:30 PM
CLERK: JODY MORELAND **CRTRM:** 1

STATE OF IDAHO vs **STEVEN MICHAEL MOORE**

Plaintiff / Petitioner

Defendant / Respondent

Atty: SHANE GREENBANK

Atty: SUSIE JENSEN

SUBJECT OF PROCEEDINGS **SENTENCING**
CHARGE:

INDEX	SPEAKER	PHASE OF CASE
303		SHANE GREENBANK; SUSIE JENSEN; DEFENDANT
	J	ALFORD PLEA TO AMENDED ATTEMPTED AGGRAVATED ASSAULT & RESERVED THE RIGHT TO APPEAL MY DECISION ON THE SUPPRESSION; HAVE REVIEWED PSI ANY CHANGES
	SJ	NO
		ADDITIONAL TESTIMONY OR EVIDENCE
	SG	NO, NOTICE SENT TO VICTIMS OCT 31
	J	NOTE ON THE PSI THEY TALKED TO THEM & SAID THEY MIGHT MAKE VICTIMS IMPACT STATEMENT, THAT'S NOT HERE, MR. GREENBANK
	SG	1 FIXED 1.5 INDETERMINATE, STANDARD FINE & COSTS, RESTITUTION BE LEFT OPEN 60 DAYS; 2 YRS. SUP & ASKING THE NCO CONTINUE
	J	NO CONTACT AS CONDITION OF PROBATION
	SG	YES JUDGE
	SJ	WENT OVER PSI, NO CHANGES, LIMITED CRIMINAL HISTORY, WORKING FULL TIME AT THIS POINT, FINANCES A LITTLE TIGHT, HIS PARTNER FELL & HURT HERSELF IN CALIF. SHE IS STILL THERE RECUPERATING; GAIN EVALUATION LEVEL .5 WHICH I THINK IS 8 HR. DRUG & ALCOHOL CLASS, THINK APPROPRIATE, ASK FOR 6 MONS FIXED 1.5 SUSPENDED, THINK 2 YRS. OF PROBATION PLENTY; RESTITUTION DON'T BELIEVE THERE IS ANY, NO PROBLEM LEAVING OPEN AT THIS TIME, NCO EXPIRED IN JANUARY, DON'T THINK ANY INSTANCES SINCE MY CONCERN IS THEY LIVE IN THE SAME NEIGHBORHOOD, SEE EACH OTHER IN PASSING, NO ISSUES, ASK COURT TO SUSPEND PRISON SENTENCE, DID SERVE 3 DAYS IN CUSTODY, IF ADDITIONAL JAIL ALLOW TO DO ON WEEKENDS
	SG	30 DAYS LOCAL INCARCERATION, PLEAD GUILTY OCT 21 2016 EXTENDED THIS OUT BECAUSE HE WAS GOING OUT OF TOWN, HE NEVER ACTUALLY LEFT, CERTAINLY CONCERN, ANIMOSITY BETWEEN THE PARTIES REASON FOR REQUEST
	J	MR. MOORE STATEMENT ON YOUR BEHALF
	SJ	NO YOUR HONOR
		ANY LEGAL, FACTUAL OR EQUITABLE REASON NOT TO IMPOSE SENTENCE
	SJ	NO
	J	GOING TO APPEAL
	DEF	YES
		2 YRS., 1 FIXED 1 INDETERMINATE 2 YRS. SUPERVISED PROBATION 14 DAYS JAIL, CREDIT 4 DAYS SERVED 10 DAYS SLP, SIGNUP WITHIN 60 DAYS FROM TODAY, IF YOU APPEAL YOU HAVE TO ASK FOR STAY & COMPLETE WITHIN 120 DAYS 300.00 245.50 CC

		300.00 PUBLIC DEFENDER FEE RESTITUTION WILL REMAIN OPEN FOR 60 DAYS DNA NOT REQUIRED NO DIRECT CONTACT WITH THE VICTIM (CITES NAME)
316		

NUMBER OF TRANSCRIPT PAGES: LESS THAN 100 PAGES

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

FILED 5/1/2017 03:06 PM

MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT


DEPUTY

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

STATE OF IDAHO)

Plaintiff,)

vs.)

Steven Michael Moore)

Defendant.)

DOB [REDACTED])

DL [REDACTED])

Case No: CR-2016-0002854

**FELONY JUDGMENT
(PROBATION)**

On Monday, May 01, 2017, before the Honorable Barbara Buchanan, District Judge, you, STEVEN MICHAEL MOORE, personally appeared for a sentencing hearing. Also appearing were Shane Greenbank, Prosecuting Attorney for Bonner County, Idaho, and your Counsel, Susie Jensen.

WHEREUPON, the previously ordered presentence report having been filed, and the Court having ascertained that you have had an opportunity to read the presentence report and review it with your lawyer, and you having been given the opportunity to explain, correct or deny parts of the presentence report, and recommendations having been made by counsel for the State and by your lawyer, and there being no legal reason given why judgment and sentence should not then be pronounced, the Court did then pronounce its sentencing disposition as follows:

IT IS HEREBY ORDERED that you, STEVEN MICHAEL MOORE, having been advised of and having waived your constitutional rights to a) trial by jury; b) remain silent; and c) confront witnesses, and thereafter having pled guilty to the criminal offense(s)

FELONY JUDGMENT: PROBATION - (CR-2016-0002854) - 1 of 5

charged in the Information on file herein as follows:

**Count 1 – Idaho Code §18-905 AT
Assault-Aggravated (Attempted), a Felony,**

ARE GUILTY OF THE CRIME(S) SO CHARGED.

IT IS FURTHER ORDERED that pursuant to Idaho Code §19-2513, you are sentenced as follows: For a total unified sentence not to exceed 2 years, commencing with a fixed term of 1 years, to be followed by an additional 1 years indeterminate.

IT IS FURTHER ORDERED that said sentence of incarceration is hereby suspended and you are placed on supervised probation for a period of 2years from today's date upon the terms and conditions set forth below and upon the attached "IDOC Agreement of Supervision."

IT IS FURTHER ORDERED that you have no direct contact with Bryan Kaufman.

IT IS FURTHER ORDERED that you are assessed and ordered to pay a fine in the amount of \$-300, inclusive of all counts, to the Clerk of the Court. Such fine shall be paid in full within twenty four months of your release from custody.

IT IS FURTHER ORDERED that you are assessed and ordered to pay court costs in the amount of \$245.50, inclusive of all counts, to the Clerk of the Court. Such costs shall be paid in full within twenty four months of your release from custody.

IT IS FURTHER ORDERED that you shall reimburse the County for the expenses incurred in the defense of this case in the amount of \$300, inclusive of all counts, to the Clerk of the Court. Such reimbursement shall be paid in full within twenty four months of your release from custody.

IT IS FURTHER ORDERED that you shall pay restitution pursuant to any Order of Restitution filed in this case. In the event the amount of restitution has not yet been determined, the State has sixty days from today's date to either request a restitution hearing or to submit a stipulated restitution order and judgment, unless an extension of time is authorized by this Court. If ordered, such restitution shall be paid in full within twenty four months of your release from custody.

IT IS FURTHER ORDERED that payments for any fine, court costs, reimbursement,

and restitution ordered herein shall be made payable to the Clerk of the Court in cash, certified check, cashier's check, or money order.

IT IS FURTHER ORDERED that you shall be incarcerated in the county jail for 14 days beginning that you serve an additional ten days on the Sheriff's Labor Program. Sign up within 60 days and Work release is not authorized.

IT IS FURTHER ORDERED that you shall be given credit for all time served on the above charge(s). The parties stipulate that you have accrued 4 days pre-sentence jail time for which you shall receive credit.

IT IS FURTHER ORDERED that you shall personally appear and report to Probation and Parole at 1013 Lake Street, Suite 101, Sandpoint, Idaho, telephone number (208) 263-0455, on the next business day, or if you are in custody, no later than the next business day following your release from custody.

IT IS FURTHER ORDERED that any bail posted in this matter shall be exonerated, provided that any deposit shall be applied pursuant to Idaho Code §19-2923.

NOTICE OF RIGHT TO APPEAL

YOU ARE HEREBY NOTIFIED that you have a right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written order in this matter.

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

DATED: May 1, 2017.



BARBARA BUCHANAN
District Judge

RECEIPT BY DEFENDANT

I, the undersigned defendant, hereby acknowledge receipt of a copy of the foregoing order and hereby accept and agree to the attached terms and conditions of probation. By accepting this probation, I do hereby agree that if I am placed on probation to a destination outside the State of Idaho, or if I leave the confines of the State of Idaho, with or without the permission of my Probation officer, I do hereby waive extradition to the State of Idaho. I further agree that I will not contest any effort by any State to return me to the State of Idaho.

DATED: May 1, 2017.



STEVEN MICHAEL MOORE



M. JOHNSON, WITNESS

Agreement of IDOC Supervision

Initial

SM A. **Probation Granted:** I understand that probation is being granted to me and I accept and agree that it is subject to all the terms and conditions imposed by the court. I understand that the court may at any time, in a case of a violation of the terms of probation, cause me to be returned to the court for imposition of sentence as prescribed by law.

SM B. **IDOC Custody:** I agree to be under the legal custody and control of the Idaho State Board of Corrections (IDOC), Division of Probation and Parole, and I agree to comply with all of the rules and regulations by it.

SM C. **Immediate Reporting to IDOC:** I agree that immediately following my release from jail, or at such other time ordered by the court, I agree I will personally appear and report to Probation and Parole at either 1013 Lake Street, Suite 101, Sandpoint, Idaho, (208)263-0455 or 202 E. Anton, Suite 100, Coeur d'Alene, Idaho, (208)769-1444, as directed by the court.

SM 1. **Laws and Conduct:** I will not violate any municipal, county, state and federal laws, in any jurisdiction. I will cooperate with the requests of my probation officer. Cooperation includes being truthful. Therefore, I agree to submit to a polygraph examination at my own expense at any time requested by my probation officer and I will provide truthful answers. If I am detained by law enforcement, I will tell the officer(s) that I am on felony supervision, and the name of my probation officer. I will also notify my probation officer of any such contact within 24 hours.

SM 2. **Ongoing Duty to Report:** I agree that I will meet with my probation officer promptly at the times and places required by my probation officer.

SM 3. **Residence:** I agree I will reside in a location approved by my probation officer. I will not change my approved place of residence without first obtaining permission from my probation officer. I agree I will comply with all curfew restrictions ordered by my probation officer.

SM 4. **Firearms and Weapons:** I will not purchase, carry, possess, or have control of any firearms, chemical weapons, electronic weapons, explosives, or other weapons. Any weapons or firearms seized may be forfeited to the IDOC for disposal. I will not reside at any location where firearms are present.

SM 5. **Search:** I consent to the search of my person, residence, vehicle, personal property, and other real property or structures owned or leased by me, or for which I am a controlling authority conducted by any agent of IDOC or a law enforcement officer. I hereby waive my rights under the Fourth Amendment and the Idaho constitution concerning searches.

SM 6. **Employment:** I will seek and maintain employment, or a program, to include a stay at home parent, approved by my probation officer, and will not change employment or program without first obtaining permission from my supervision officer.

SM 7. **Associations:** I will not knowingly be in the presence of or communicate with person(s) prohibited by any IDOC agent.

SM 8. **Travel:** I will not leave the state of Idaho or the assigned district without first obtaining permission from my probation officer.

SM 9. **Alcohol:** I will not purchase, possess, or consume alcoholic beverages in any form, will not enter any establishment where alcohol is a primary source of income, and will not work in an establishment where alcohol is the primary source of income unless otherwise ordered by the court or my probation officer.

SM 10. **Controlled Substances:** I will not purchase, possess, or consume any controlled substances, in any form, that are not prescribed for me. I further understand and agree that I will not obtain prescriptions for substances that are illegal to possess or consume under state or federal law. For prescribed substances, I agree I will only use the substance(s) in the manner prescribed. I will not use or possess any substance my probation officer forbids me from using or possessing.

JMM 11. Substance Abuse Testing: I will submit to any test for alcohol or controlled substances as requested and directed by any IDOC agent or other law enforcement officer. I agree that I will not purchase, possess, or use any substance intended to alter the results of any tests for the presence of alcohol or controlled substances. A dilute or adulterated sample, or a failure to provide a sample, will be deemed a positive test. I agree that I may be required to obtain tests at my own expense. I hereby waive any objection to the admission of those blood, urine, or breath test results presented in the form of a certified affidavit.

JMM 12. Evaluation and Program Plan: I will obtain any evaluation deemed necessary as ordered by the court or requested by any agent of IDOC. I will meaningfully participate in and successfully complete any treatment, counseling or other programs deemed beneficial, including but not limited to programs of mental health, substance abuse, education, and vocational rehabilitation as directed by the court or any agent of IDOC. I understand I may be required to attend treatment, counseling or other programs at my own expense.

JMM 13. Absconding Supervision: I will not leave or attempt to leave the state or the assigned district without first obtaining the permission of my probation officer. I will be available for supervision as instructed by my probation officer and will not avoid supervision.

JMM 14. Intrastate/Interstate Violations: I waive any objection to the admission into evidence of any probation violation allegation documents submitted by the agency or my supervising officer in another district or state at any probation violation hearing.

JMM 15. Extradition: In return for the court's grant of probation, I do hereby knowingly and voluntarily waive extradition to the state of Idaho and agree I will not contest any effort to return me to the state of Idaho, including, but not limited to, waiving any right to the issuance and service of a governor's extradition warrant and any other legal documents and procedures which otherwise would be required to secure my return to the state of Idaho, and that I knowingly and voluntarily consent to my return to the state of Idaho. Furthermore, I understand that the court may require me to pay for the cost of extradition.

JMM 16. Court Ordered Financial Obligations: I agree to pay all fines, fees, court costs, and restitution as ordered by the court. I agree to make payments to the Clerk of the Court in cash, by cashier's check, by certified check, or money order. I understand that the payments ordered by the judge shall be made in such periodic amounts as my probation officer or the court shall specify and shall be subject to a maximum time period within which to pay as ordered by the court.

JMM 17. Cost of Supervision: I will comply with Idaho Code §20-225 which authorizes IDOC to collect a cost of supervision fee. I will pay supervision fees as directed by IDOC.

JMM 18. Discretionary Time: I agree that, in addition to any other incarceration, ordered by the court, I am given ninety (90) days in the county jail or in the Sheriff's Labor Program to be served and imposed at the discretion of my probation officer and upon the written approval of the District Court.

By my initials to each paragraph above, and by my signature below, I hereby certify and affirm that I have read, or have had read to me, the above agreement. I understand and accept these conditions of probation and supervision. I agree to abide by and conform to them and understand that my failure to do so may result in the submission of a report of violation to this court.

[Handwritten Signature]
Defendant Signature

JMM
Defendant Initials

5-1-2017
Date

[Handwritten Signature]
Witness Signature

Susie Jensen
Witness Name (printed)

5-1-2017
Date

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of May, 2017,
a true and correct copy of the foregoing was served as follows:

Shane Greenbank, Bonner County Prosecutor
Served via ~~interoffice mail~~. fax

Susie Jensen, Attorney for Defendant
Served via: Mail Hand Delivered Fax
If mailed, mailed to:

Bonner County Sheriff's Office
Served via: Mail Hand Delivered Fax

Probation & Parole
dist1@idoc.idaho.gov

Idaho Department of Corrections
centralrecords@idoc.idaho.gov
ccdsentencingteam@idoc.idaho.gov

L. Campbell
Deputy Clerk

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Avenue
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

BONNER COUNTY
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 MAY 2 PM 4 23
CLERK DISTRICT COURT
DEPUTY

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

STATE OF IDAHO,)	
	)	CASE NUMBER CR-16-0002854
Plaintiff,)	
	)	MOTION TO STAY EXECUTION OF
V.	)	JUDGMENT PENDING APPEAL;
	)	NOTICE OF HEARING
STEVEN M. MOORE,)	
)	
Defendant.)	
_____)	

COMES NOW, the above-named Defendant, by and through his attorney of record, Susie D. Jensen, Chief Deputy Public Defender, and hereby moves this Honorable Court for its Order to Stay Execution of Judgment Pending Appeal.

This motion is brought on the grounds that Defendant is in the process of appeal in the above-entitled matter and begs that his sentence be stayed until appeal has been addressed.

NOTICE OF HEARING

The forgoing motion shall be called on for hearing on May 15, 2017, at the hour of 10:30 a.m., or as soon thereafter as counsel may be heard in front of the Honorable Judge Buchanan.

DATED this 2nd day of May, 2017.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: Susie Jensen
SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

**MOTION TO STAY EXECUTION OF JUDGMENT PENDING APPEAL;
NOTICE OF HEARING**

Page 1

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 2nd day of May, 2017, addressed to:

Shane Greenbank
Bonner County Prosecutor

A handwritten signature in cursive script, reading "J. Jarman", is written over a horizontal line.

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 MAY -2 PM 4:22
CLERK DISTRICT COURT

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

STATE OF IDAHO,)	
)	
Plaintiff/	)	CASE NUMBER CR-16-0002854
Respondent,)	
	)	NOTICE OF APPEAL
V.)	
)	
STEVEN M. MOORE,)	
)	
Defendant/)	
Appellant.)	

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

1. The above named Appellant hereby appeals against the above named Respondent, the State of Idaho, to the Idaho Supreme Court from the final Judgment and Sentence entered in the above-entitled matter on May 1, 2017, the Honorable Barbara Buchanan, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the Judgment described above in paragraph one, is an appealable Judgment under and pursuant to Idaho Appellate Rule 11(c)(1).

3. The issues Appellant intends to assert in this appeal include, but are not necessarily limited to:

a. Denial of Motion to Suppress.

4. Appellant requests the preparation of the entire reporter's standard transcript as defined in Rule 25 I.A.R., and to also include the following, pursuant to Rule 25 (b):

✓ 73

a. Motion to Suppress Hearing held on August 30, 2017.

5. The Appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28 I.A.R.:

a. Presentence Investigation.

6. I hereby certify as follows:

a. A copy of this Notice of Appeal has been served upon the court reporter.

b. The Appellant is exempt from paying the estimated transcript fee because the Appellant is an indigent who is represented by the Office of the Bonner County Public Defender.

c. The Appellant is exempt from paying the filing fee because the Appellant is an indigent who is represented by the Office of the Bonner County Public Defender.

d. The Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is an indigent who is represented by the Office of the Bonner County Public Defender.

e. Service has been made upon all parties required to be served pursuant to Rule 20 I.A.R., to wit the Bonner County Prosecuting Attorney, and the Attorney General of Idaho pursuant to Section 67-1401 (1) Idaho Code.

DATED this 2nd day of May, 2017.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

Susie Jensen
BY _____

SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 2nd day of May, 2017, served a true and correct copy of the attached NOTICE OF APPEAL via interoffice mail or as otherwise indicated upon the parties as follows:

✓ Bonner County Prosecuting Attorney
127 S. 1st Avenue
Sandpoint, Idaho 83864
Fax: (208) 263-6726
 Intercourthouse Mail
 Certified Mail
 Facsimile

✓ State Appellate Public Defender
322 East Front Street, Suite 570
Boise, Idaho 83720-0005
Fax: (208) 334-2985
 First Class Mail
 Certified Mail
 Facsimile

✓ Lawrence Wasden
Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Fax: (208) 854-8071
 First Class Mail
 Certified Mail
 Facsimile

✓ Reporter for District Judge Barbara Buchanan
Fax: (208) 263-0896
 Intercourthouse Mail
 Certified Mail
 Facsimile

✓ Steven Moore
420 Larch
Oldtown, ID 83822

J. Shuman

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 MAY -2 PM 4:22
CLERK DISTRICT COURT
Cl
DEPUTY

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

STATE OF IDAHO,)	
	)	CASE NUMBER CR-16-0002854
Plaintiff,)	
	)	MOTION FOR APPOINTMENT OF
V.	)	STATE APPELLATE PUBLIC DEFENDER
)	
STEVEN M. MOORE,)	
)	
Defendant.)	

COMES NOW, the above-named Defendant, by and through his attorney, Susie D. Jensen, Chief Deputy Public Defender, and hereby moves the Court for an Order pursuant to Idaho Code §19-867, et seq., and I.A.R. Rule 13(b), (12) and (19) for its order appointing the State Appellate Public Defender's Office to represent the Appellant in all further appellate proceedings and allowing counsel for the Defendant to withdraw as counsel of record.

This motion is brought on the grounds and for the reasons that the Defendant is currently being represented by the Office of the Public Defender, Bonner County; the State Appellate Public Defender is authorized by statute to represent the Defendant in all felony appellate proceedings; and it is in the interest of justice, for them to do so in this case since the Defendant is indigent, and any further proceedings on this case will be appealed.

DATED this 2nd day of May, 2017.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY: *Susie Jensen*
SUSIE D. JENSEN
CHIEF DEPUTY PUBLIC DEFENDER

MOTION FOR APPOINTMENT OF STATE
APPELLATE PUBLIC DEFENDER

Page 1

fb

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 2nd day of May, 2017, served a true and correct copy of the attached NOTICE OF APPEAL via interoffice mail or as otherwise indicated upon the parties as follows:

✓ _____	Bonner County Prosecuting Attorney 127 S. 1 st Avenue Sandpoint, Idaho 83864 Fax: (208) 263-6726	<input type="checkbox"/> Intercourthouse Mail <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Facsimile
------------	--	---

✓ _____	State Appellate Public Defender 322 East Front Street, Suite 570 Boise, Idaho 83720-0005 Fax: (208) 334-2985	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Facsimile
------------	---	---

✓ _____	Lawrence Wasden Attorney General P.O. Box 83720 Boise, Idaho 83720-0010 Fax: (208) 854-8071	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Facsimile
------------	---	---

✓ _____	Reporter for District Judge Barbara Buchanan Fax: (208) 263-0896	<input type="checkbox"/> Intercourthouse Mail <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Facsimile
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✓ _____	Steven Moore 420 Larch Oldtown, ID 83822	<input checked="" type="checkbox"/> Facsimile
------------	--	---

J. Garman

2017 MAY 10 PM 2:41

CLERK DISTRICT COURT

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

STATE OF IDAHO

CLERK'S CERTIFICATE OF APPEAL

vs.

Supreme Court Docket No.
Bonner County Case No. CR2016-2854

STEVEN M. MOORE

Appeal from: First Judicial District, Bonner County, Honorable Barbara Buchanan, presiding

Case number from Court: CR2016-2854

Order or Judgment appealed from: Judgment and Sentence 05/01/2017

Attorney for Appellant: E. Frederickson, State Appellate Public Defender

Attorney for Respondent: L. Wasden, Atty. General State of Idaho

Appealed by: S. Jensen, Bonner Co. Public Defender

Appealed against: State of Idaho

Notice of Appeal Filed: 05/02/2017

Appellate Fee Paid: Exempt

Was District Court Reporter's Transcript Requested? Yes

If so, name of reporter: Kathy Plizga

Estimated Fee for Transcripts Paid? Exempt

Estimated Fee for Preparation of Clerk's Record Paid? Exempt

Dated this 10th day of May, 2017

STATE OF IDAHO
County of Bonner

MICHAEL W. ROSEDALE
CLERK OF THE DISTRICT COURT

BY [Signature]
DEPUTY CLERK

I, Michael W. Rosedale, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, do hereby certify that the foregoing instrument is a true and correct copy of the original thereof now on file in this office, except as redacted by law. Witness my hand and seal of said Court on this the 10th day of May, 2017.
BONNER COUNTY CLERK

By [Signature] Deputy



Bonner County Clerk

Michael W. Rosedale

Clerk of the District Court
Ex-Officio Auditor, Recorder
Clerk of the Board of County Commissioners

May 10, 2017

Susie D. Jensen
123 South First Avenue
Sandpoint, Idaho 83864

Re: Case No. CR2016-2854
Notice of Appeal

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2017 MAY 10 PM 2:32
CLERK DISTRICT COURT
DEPUTY

Dear Ms. Jensen:

The Clerk's Office has received your Notice of Appeal and your request for Transcripts and Clerk's Record. The Transcriptionists require a list including title and date of each hearing you require. Can you please send an addendum or Amended Notice of Appeal that includes this?

If you have any questions, please do not hesitate to contact us at (208) 265-1446, ext. 2164.

Very truly yours,

Corinne Flowers

Corinne Flowers
Deputy Clerk

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2017 MAY 12 AM 8:13

CLERK DISTRICT COURT

[Signature]
DEPUTY

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

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

STATE OF IDAHO,)	
	)	CASE NUMBER CR-16-0002854
Plaintiff,)	
	)	ORDER FOR APPOINTMENT OF STATE
V.	)	APPELLATE PUBLIC DEFENDER
)	
)	
STEVEN M. MOORE,)	
)	
Defendant.)	

The Court having reviewed and considered the Defendant's Motion for Appointment of State Appellate Public Defender good cause appearing therefore;

IT IS HEREBY ORDERED that the State Appellate Public Defender's Office is appointed to represent the Defendant in all further appellate proceedings.

IT IS FURTHER ORDERED that the Bonner County Public Defender is allowed to withdraw as counsel of record.

DATED this 12 day of May, 2017.

[Signature]
BARBARA BUCHANAN
DISTRICT JUDGE

✓ 78

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 12th day of May, 2017, served a true and correct copy of the attached NOTICE OF APPEAL via interoffice mail or as otherwise indicated upon the parties as follows:

<p>_____ Bonner County Prosecuting Attorney 127 S. 1st Avenue Sandpoint, Idaho 83864 Fax: (208) 263-6726</p>	<input checked="" type="checkbox"/> Intercourthouse Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile
--	---

<p>_____ State Appellate Public Defender 322 East Front Street, Suite 570 Boise, Idaho 83720-0005 Fax: (208) 334-2985</p>	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile
--	---

<p>_____ Lawrence Wasden Attorney General P.O. Box 83720 Boise, Idaho 83720-0010 Fax: (208) 854-8071</p>	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile
--	---

<p>_____ Reporter for District Judge Barbara Buchanan Fax: (208) 263-0896</p>	<input checked="" type="checkbox"/> Intercourthouse Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile
--	---

<p>_____ Steven Moore 420 Larch Oldtown, ID 83822</p>	<input type="checkbox"/> Intercourthouse Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile <i>First Class Mail</i>
---	---



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

COURT MINUTES

JUDGE: BARBARA A BUCHANAN CASE NO. CR2016-2854
REPORTER: KATHY PLIZGA DATE: 5/15/2017 TIME: 10:30
CLERK: JODY MORELAND CRTRM: 1

STATE OF IDAHO vs STEVEN MICHAEL MOORE

 Plaintiff / Petitioner Defendant / Respondent

Atty: ROGER HANLON Atty: SUSIE JENSEN

SUBJECT OF PROCEEDINGS MOTION
CHARGE

INDEX SPEAKER PHASE OF CASE

1041	J	Calls Case
		Present: NICK LEPIRE; SUSIE JENSEN; DEFENDANT
	J	MOTION FOR STAY PENDING APPEAL, FILED MAY 2, SIGNED ORDER FOR STATE APPELLATE PUBLIC DEFENDER TO REPRESENT HIM, JUDGMENT ENTERED, WOULD LIKE TO STAY JAIL SENTENCE & FINES & COSTS
	SJ	YES, SPOKE WITH MR. GREENBANK EARLIER, HE WAS OK WITH THAT AS LONG AS PROBATION IS NOT STAYED
	J	MR LEPIRE
	NL	IT IS
	J	I WILL SIGN ORDER THAT WILL STAY IMPOSITION, JAIL, LABOR PROGRAM, TIME TO PAY FINE & COSTS WILL STILL BE ON FELONY PROBATION HAVE TO MEET WITH PO, WANT TO MAKE THAT CLEAR YOU ARE ON PROBATION MS JENSEN GET ME APPROPRIATE ORDER
1043		

NUMBER OF TRANSCRIPT PAGES – LESS THEN 100 PAGES

2017 MAY 17 AM 8:57

CLERK DISTRICT COURT

DEPUTY

BONNER COUNTY PUBLIC DEFENDER
SUSIE D. JENSEN (ISBN: 8222)
123 S. First Ave.
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

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

STATE OF IDAHO,)	
	)	CASE NUMBER CR-16-0002854
Plaintiff,)	
	)	ORDER TO STAY EXECUTION
V.	)	PENDING APPEAL
)	
STEVEN M. MOORE,)	
)	
Defendant.)	
_____)	

This Court having heard the Motion to Stay Execution of Judgment Pending Appeal in open Court on May 15, 2017, and good cause appearing; now, therefore

IT IS HEREBY ORDERED that the execution of fines, fees, and jail time is to be stayed pending appeal.

DATED this 17 day of May 2017.

[Handwritten Signature]

JUDGE

CLERK'S CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox or as otherwise indicated on the 17th day of May ~~5/16/2017~~ addressed to:

Bonner County Jail (by fax)
Susie Jensen, Chief Deputy Public Defender - *Faxed*
Shane Greenbank, Prosecuting Attorney - *Faxed & Appeal*

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO
Plaintiff/Respondent

vs.

STEVEN MICHAEL MOORE
Defendant/Appellant

) SUPREME COURT NO. 45100
) BONNER COUNTY NO. CR2016-2854
)
)

) **CLERK'S CERTIFICATE**
)
)
)

I, Michael W. Rosedale, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, do certify that the foregoing Record in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents requested by Appellant Rule 28.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this

1st day of August, 2017.

Michael W. Rosedale,
Clerk of the District Court

Michael W. Rosedale
Deputy Clerk



IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO
Plaintiff/Respondent

vs.

STEVEN MICHAEL MOORE
Defendant/Appellant

) SUPREME COURT NO. 45100
) BONNER COUNTY NO. CR2016-2854
)
)
) CLERK'S CERTIFICATE
) OF EXHIBITS
)
)

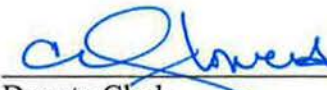
I, Michael W. Rosedale, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, do hereby certify that the following is offered as the Clerk's Exhibit on Appeal:

SEE ATTACHED EXHIBIT LIST

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this

10th day of August, 2017.

Michael W. Rosedale
Clerk of the District Court


Deputy Clerk



STATE OF IDAHO }
 County of Bonner } ss
 FILED 8-30-16
 AT 9:45 O'CLOCK AM
 CLERK [Signature] DISTRICT COURT
 DEPUTY

EXHIBIT LIST

JUDGE:	BARBARA BUCHANAN	CASE NO:	CR-16-2854
PROCEEDINGS:	MOTION TO SUPPRESS		
CLERK:	SANDRA RASOR	DATE:	08/30/16
		TIME:	09:30 AM

STATE OF IDAHO	VS	STEVEN MICHAEL MOORE
Plaintiff/Petitioner		Defendant/ Respondent
ATTY:	SHANE GREENBANK	ATTY: SUSIE JENSEN

S T A T E	D E F E N D A N T	ITEM DESCRIPTION	MARKED	OFFERED	ADMITTED	REFUSED	ADMITTED BY STIP	RULING RSRVD
1		PHOTO-VEHICLE	X	X	X			
2		PHOTO-VEHICLE	X	X	X			
3		PHOTO OF FENDER OF VEHICLE	X	X		XXX		
4		PHOTO USED TO ID SUSPECT	X	X	X			
5		PHOTO OF LINEUP	X	X	X			
6		PHOTO-VEHICLE	X	X	X			

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO
Plaintiff/Respondent

vs.

STEVEN MICHAEL MOORE
Defendant/Appellant

) SUPREME COURT NO. 45100
) BONNER COUNTY NO. CR2016-2854
)
)

) **CLERK'S CERTIFICATE**
) **OF SERVICE**
)
)

I, Michael W. Rosedale, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, do hereby certify that I have personally served by USPS postage paid, one copy of the **CLERK'S RECORD** to each of the Attorneys of Record in this cause as follows:

Eric D. Frederickson
State Appellate Public Defender
322 East Front Street
Boise, Idaho 83702
ATTORNEY FOR APPELLANT

Lawrence Wasden
Attorney General
PO Box 83720
Boise, Idaho 83720-0010
ATTORNEY FOR RESPONDENT

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this

1st day of August, 2017.

MICHAEL W. ROSEDALE
Clerk of the District Court


Deputy Clerk

