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State v. Hensley Clerk's Record Dckt. 45470

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)
)
 Plaintiff/Respondent,)
)
 v.)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant/Appellant.)
)
 _____)

Case No. CR-2016-7593
Docket No. 45470

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the
Seventh Judicial District of the State of Idaho,
in and for the County of Bonneville

HONORABLE BRUCE L. PICKETT, District Judge.

Attorney General's Office
Statehouse Mail, Room 210
700 West Jefferson
Boise, ID 83720

Attorney for Respondent

State Appellate Public Defender
322 East Front Street, Suite 570
Boise, ID 83702
Tel: (208) 334-2712
Fax: (208)-334-2985

Attorney for Appellant

State of Idaho vs. Scott Robert Hensley

Date	Code	User	Judge
6/24/2016	NCRF	AJENKINS	New Case Filed-Felony
	JUDGE	AJENKINS	Judge Change
	HRSC	AJENKINS	Hearing Scheduled (Arraignment 06/24/2016 01:00 PM)
	HRSC	AJENKINS	Hearing Scheduled (Preliminary Hearing 07/08/2016 01:30 PM)
	HRHD	AJENKINS	Hearing result for Arraignment scheduled on 06/24/2016 01:00 PM: Hearing Held
	ASDJ	AJENKINS	Assigned District Judge: Bruce Pickett
	BDST	AJENKINS	Bond Set: \$10,000
	JUDGE	AJENKINS	Judge Change
		AJENKINS	Will Obtain own Attorney
6/27/2016	BNDS	AJENKINS	Bond Posted - Surety (Amount 10000.00)
7/7/2016	LODG	BIRCH	Lodged: Letter (File with Judge Gardner) - Denied
7/8/2016		KBAIRD	wavier of time on the record
	HRHD	KBAIRD	Hearing result for Preliminary Hearing scheduled on 07/08/2016 01:30 PM: Hearing Held
	HRSC	KBAIRD	Hearing Scheduled (Preliminary Hearing 07/22/2016 01:30 PM)
		KBAIRD	Notice of Hearing
7/19/2016	NOAP	DOOLITTL	Defendant: Hensley, Scott Robert Notice Of Appearance Kelly D. Mallard
	RQDS	DOOLITTL	Request For Discovery and Inspection
7/20/2016	RQST	BIRCH	Request For Discovery And Demand For Notice Of Intent To Rely Upon Defense Of Alibi
		BIRCH	State's Response To Request For Discovery
7/21/2016	SPRD	BIRCH	State's Supplemental Response to Discovery
7/22/2016	STIP	AJENKINS	Stipulation to Continue Preliminary Hearing and Waiver of Time
	CONT	ABARNES	Hearing result for Preliminary Hearing scheduled on 07/22/2016 01:30 PM: Continued
	HRSC	ABARNES	Hearing Scheduled (Preliminary Hearing 08/05/2016 01:30 PM)
7/25/2016	ORDR	ABARNES	Order to Continue Preliminary Hearing and Waiver of Time
8/5/2016	STIP	DOOLITTL	Stipulation to Continue Preliminary Hearing and Waiver of Time
	CONT	MSTARKS	Hearing result for Preliminary Hearing scheduled on 08/05/2016 01:30 PM: Continued
	HRSC	MSTARKS	Hearing Scheduled (Preliminary Hearing 08/12/2016 01:30 PM)
8/12/2016	STIP	ABIRCH	Stipulation to Continue Preliminary Hearing and Waiver of Time

State of Idaho vs. Scott Robert Hensley

Date	Code	User		Judge
8/12/2016	ORDR	ABIRCH	Order to Continue Preliminary Hearing and Waiver of Time	Michael B. Kennedy
	CONT	ABIRCH	Hearing result for Preliminary Hearing scheduled on 08/12/2016 01:30 PM: Continued	Michael B. Kennedy
	HRSC	ABIRCH	Hearing Scheduled (Preliminary Hearing 08/17/2016 01:30 PM)	Stephen J. Clark
		ABIRCH	Notice of Hearing	Steven A. Gardner
8/17/2016	CONT	ABIRCH	Hearing result for Preliminary Hearing scheduled on 08/17/2016 01:30 PM: Continued	Stephen J. Clark
	HRSC	ABIRCH	Hearing Scheduled (Preliminary Hearing 08/24/2016 01:30 PM)	Stephen J. Clark
		ABIRCH	Notice of Hearing	Steven A. Gardner
8/24/2016	WAVE	KCONLEY	Waiver Of Preliminary Hearing	Steven A. Gardner
	ORDR	ABIRCH	Order Binding Defendant Over and Order Setting Time for Arraignment	Stephen J. Clark
	PHWV	ABIRCH	Hearing result for Preliminary Hearing scheduled on 08/24/2016 01:30 PM: Preliminary Hearing Waived (bound Over)	Stephen J. Clark
	JUDGE	ABIRCH	Judge Change	Bruce L Pickett
	HRSC	ABIRCH	Hearing Scheduled (Arraignment 09/07/2016 08:45 AM)	Bruce L Pickett
8/26/2016	INFO	EGAN	Prosecuting Attorney's Information	Bruce L Pickett
9/7/2016	MINE	ABARNES	Minute Entry Hearing type: Arraignment Hearing date: 9/7/2016 Time: 9:10 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 4 Defense Attorney: Kelly Mallard Prosecutor: Penelope Shaul	Bruce L Pickett
	FTAH	ABARNES	Hearing result for Arraignment scheduled on 09/07/2016 08:45 AM: Failure To Appear For Hearing Or Trial	Bruce L Pickett
	HRSC	ABARNES	Hearing Scheduled (Arraignment 09/13/2016 08:45 AM)	Bruce L Pickett
		ABARNES	Notice of Hearing	Bruce L Pickett
9/8/2016	NOTC	ABARNES	Notice of Alternate Judges	Bruce L Pickett

State of Idaho vs. Scott Robert Hensley

Date	Code	User	Judge
9/13/2016	MINE	ABARNES	Bruce L Pickett
			Minute Entry Hearing type: Arraignment Hearing date: 9/13/2016 Time: 9:20 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 3 Defense Attorney: Kelly Mallard Prosecutor: Penelope Shaul
	DCHH	ABARNES	Bruce L Pickett
			Hearing result for Arraignment scheduled on 09/13/2016 08:45 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
9/16/2016	HRSC	ABARNES	Bruce L Pickett
			Hearing Scheduled (Arraignment 09/20/2016 08:45 AM)
		ABARNES	Bruce L Pickett
			Notice of Hearing
9/20/2016	MINE	ABARNES	Bruce L Pickett
			Minute Entry Hearing type: Arraignment Hearing date: 9/20/2016 Time: 9:11 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 5 Defense Attorney: Kelly Mallard Prosecutor: Penelope Shaul
	DCHH	ABARNES	Bruce L Pickett
			Hearing result for Arraignment scheduled on 09/20/2016 08:45 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
9/22/2016	HRSC	ABARNES	Bruce L Pickett
			Hearing Scheduled (Arraignment 10/04/2016 08:45 AM)
		ABARNES	Bruce L Pickett
			Notice of Hearing
10/4/2016	MINE	ABARNES	Bruce L Pickett
			Minute Entry Hearing type: Arraignment Hearing date: 10/4/2016 Time: 9:37 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 3 Defense Attorney: Kelly Mallard Prosecutor: Penelope Shaul

State of Idaho vs. Scott Robert Hensley

Date	Code	User	Judge
10/4/2016	DCHH	ABARNES	Hearing result for Arraignment scheduled on 10/04/2016 08:45 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
	HRSC	ABARNES	Hearing Scheduled (Arraignment 10/12/2016 08:45 AM)
	NOAP	ABARNES	Defendant: Hensley, Scott Robert Notice Of Appearance Bonneville County P.D. Office
	NOAP	LSPOKLIE	Defendant: Hensley, Scott Robert Notice Of Appearance Jordan S Crane
	RQDS	LSPOKLIE	Request For Discovery
10/6/2016		ABARNES	Order Appointing Public Defender
		ABARNES	Notice of Hearing
10/7/2016	SUBC	DOOLITTL	Substitution Of Counsel
10/12/2016	MINE	ABARNES	Minute Entry Hearing type: Arraignment Hearing date: 10/12/2016 Time: 9:11 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 4 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul
	PLEA	ABARNES	A Plea is Entered for Charge - NG (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	PLEA	ABARNES	A Plea is Entered for Charge - NG (I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use)
	DCHH	ABARNES	Hearing result for Arraignment scheduled on 10/12/2016 08:45 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
	HRSC	ABARNES	Hearing Scheduled (Pretrial Conference 11/29/2016 10:00 AM)
	HRSC	ABARNES	Hearing Scheduled (Jury Trial 12/12/2016 10:00 AM)
	AURA	ABARNES	Acknowledgement Of Understanding Rights
	ORDR	ABARNES	Order Setting Pre-Trial Conference and Trial
10/13/2016	SPRD	LSPOKLIE	State's Supplemental Response to Discovery
10/17/2016	SWEL	DOOLITTL	State's Expert Witness Disclosure
10/18/2016	SUBR	CMADDEN	Subpoena Returned: Scott Hellstrom
10/20/2016	MOTN	ABARNES	Motion to Unseal Search Warrant

State of Idaho vs. Scott Robert Hensley

Date	Code	User	Judge
10/21/2016	HRSC	ABARNES	Hearing Scheduled (Motion 11/09/2016 09:45 AM) Motion to Unseal Seach Warrant
	NOTC	KCONLEY	Notice Of Hearing
11/3/2016	STIP	CMADDEN	Stipulation to Unseal Search Warrant
	ORDR	ABARNES	Order to Unseal Search Warrant
	HRVC	ABARNES	Hearing result for Motion scheduled on 11/09/2016 09:45 AM: Hearing Vacated Motion to Unseal Seach Warrant
11/29/2016	MINE	ABARNES	Minute Entry Hearing type: Pretrial Conference Hearing date: 11/29/2016 Time: 10:34 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 3 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul
	HRVC	ABARNES	Hearing result for Jury Trial scheduled on 12/12/2016 10:00 AM: Hearing Vacated
	DCHH	ABARNES	Hearing result for Pretrial Conference scheduled on 11/29/2016 10:00 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
12/1/2016	HRSC	ABARNES	Hearing Scheduled (Pretrial Conference 01/17/2017 10:00 AM)
	HRSC	ABARNES	Hearing Scheduled (Jury Trial 01/30/2017 10:00 AM)
	SUBR	LSPOKLIE	Subpoena Returned
12/2/2016	ORDR	ABARNES	Order Vacating Trial and Re-Setting Trial
12/7/2016	HRSC	ABARNES	Hearing Scheduled (Motion 12/28/2016 10:30 AM) Mtn to Suppress
	NOTC	KCONLEY	Notice Of Hearing
	MOTN	KCONLEY	Motion to Suppress
12/9/2016	MOTN	KCONLEY	State's Opposition To Motion To Suppress
12/12/2016	SUBR	EGAN	Subpoena Returned: Kyle Fielding

State of Idaho vs. Scott Robert Hensley

Date	Code	User	Judge
12/28/2016	MINE	ABARNES	Bruce L Pickett
			Minute Entry Hearing type: Motion Hearing date: 12/28/2016 Time: 10:45 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 4 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul
	DCHH	ABARNES	Bruce L Pickett
			Hearing result for Motion scheduled on 12/28/2016 10:30 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Mtn to Suppress Under 100
12/30/2016	ORDR	ABARNES	Bruce L Pickett
			Opinion and Order on Defendant's Motion to Suppress
1/17/2017	MINE	ABARNES	Bruce L Pickett
			Minute Entry Hearing type: Pretrial Conference Hearing date: 1/17/2017 Time: 10:21 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 5 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul
	DCHH	ABARNES	Bruce L Pickett
			Hearing result for Pretrial Conference scheduled on 01/17/2017 10:00 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
		ABARNES	Bruce L Pickett
			Request for Jury
1/20/2017	HRSC	ABARNES	Bruce L Pickett
			Hearing Scheduled (Status Conference 01/25/2017 09:30 AM)
		ABARNES	Bruce L Pickett
			Notice of Hearing
	SPRD	DOOLITTL	Bruce L Pickett
			State's 3rd Supplemental Response to Discovery
	SWEL	DOOLITTL	Bruce L Pickett
			State's Witness and Exhibit List
	MOTN	DOOLITTL	Bruce L Pickett
			Motion to Amend Information
1/23/2017	SPRD	BELLIN	Bruce L Pickett
			State's Fourth Supplemental Response to Discovery
	NOTC	KCONLEY	Bruce L Pickett
			Notice Of Hearing
	MOTN	KCONLEY	Bruce L Pickett
			Motion In Limine
	DWEL	KCONLEY	Bruce L Pickett
			Defendant's Witness and Exhibit List
	MISC	KCONLEY	Bruce L Pickett
			Psychological Assessment

State of Idaho vs. Scott Robert Hensley

Date	Code	User		Judge
1/23/2017	SWEL	DOOLITTL	State's Witness and Exhibit List	Bruce L Pickett
	SPJI	DOOLITTL	State's Proposed Jury Instructions	Bruce L Pickett
	SJIN	DOOLITTL	State's Jury Instructions	Bruce L Pickett
1/25/2017	MINE	ABARNES	Minute Entry Hearing type: Status Conference Hearing date: 1/25/2017 Time: 9:35 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 4 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul	Bruce L Pickett
	HRVC	ABARNES	Hearing result for Jury Trial scheduled on 01/30/2017 10:00 AM: Hearing Vacated	Bruce L Pickett
	DCHH	ABARNES	Hearing result for Status Conference scheduled on 01/25/2017 09:30 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50	Bruce L Pickett
	HRSC	ABARNES	Hearing Scheduled (Pretrial Conference 02/21/2017 10:00 AM)	Bruce L Pickett
	HRSC	ABARNES	Hearing Scheduled (Jury Trial 03/06/2017 10:00 AM)	Bruce L Pickett
	ORDR	ABARNES	Order Vacating Trial and Re-Setting Trial	Bruce L Pickett
1/26/2017	SPRD	DOOLITTL	State's 5th Supplemental Response to Discovery	Bruce L Pickett
1/27/2017	SUBR	CMADDEN	Subpoena Returned	Bruce L Pickett
2/16/2017		BIRCH	State's Sixth Supplemental Discovery Response	Bruce L Pickett
2/21/2017	MINE	AJENKINS	Minute Entry Hearing type: Pretrial Conference Hearing date: 2/21/2017 Time: 10:40 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Andrea Jenkins Tape Number: 5 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul	Bruce L Pickett
	DCHH	AJENKINS	Hearing result for Pretrial Conference scheduled on 02/21/2017 10:00 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: State's Motion in Limine and a Motion to Amend Information: Under 50	Bruce L Pickett
	HRVC	AJENKINS	Hearing result for Jury Trial scheduled on 03/06/2017 10:00 AM: Hearing Vacated	Bruce L Pickett

State of Idaho vs. Scott Robert Hensley

Date	Code	User	Judge
2/21/2017	HRSC	AJENKINS	Hearing Scheduled (Motion 03/28/2017 11:00 AM) Bruce L Pickett
	HRSC	AJENKINS	Hearing Scheduled (Pretrial Conference 04/11/2017 10:00 AM) Bruce L Pickett
	HRSC	AJENKINS	Hearing Scheduled (Jury Trial 04/24/2017 10:00 AM) Bruce L Pickett
		AJENKINS	Notice of Hearing Bruce L Pickett
2/22/2017	ORDR	ABARNES	Order Vacating Trial and Re-Setting Trial Bruce L Pickett
	SUBR	BIRCH	Subpoena Returned - Scott Hellstrom Bruce L Pickett
2/24/2017	WAVE	KCONLEY	Waiver Of Speedy Trial Bruce L Pickett
3/17/2017	MOTN	AJENKINS	Ex Parte Motion to Seal State's Seventh Supplemental Discovery Response Bruce L Pickett
	ORDR	AJENKINS	Order to Seal State's Seventh Supplemental Discovery Response Bruce L Pickett
	RSRQ	AJENKINS	State's Seventh Supplemental Discovery Response Bruce L Pickett
3/22/2017	MOTN	AJENKINS	States Motion in Limine Bruce L Pickett
3/23/2017	MOTN	SUGARDNER	States Motion in Limine Bruce L Pickett
3/28/2017	MINE	AJENKINS	Minute Entry Hearing type: Motion Hearing date: 3/28/2017 Time: 11:25 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Andrea Jenkins Tape Number: 3 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul Bruce L Pickett
3/29/2017	SWEL	BIRCH	Second Amended State's Witness and Exhibit List Bruce L Pickett
3/30/2017	ORDR	AJENKINS	Order Bruce L Pickett
	ORDR	AJENKINS	Order to Amend Information Bruce L Pickett
	AINF	AJENKINS	Amended Information Bruce L Pickett
3/31/2017	ORDR	AJENKINS	Order Bruce L Pickett
	ORDR	AJENKINS	Order Re: States Motion in Limine Bruce L Pickett
	DCHH	AJENKINS	Hearing result for Motion scheduled on 03/28/2017 11:00 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: State's Motion in Limine and a Motion to Amend Information Under 100 Bruce L Pickett

State of Idaho vs. Scott Robert Hensley

Date	Code	User	Judge
4/11/2017	MINE	AJENKINS	Bruce L Pickett
			Minute Entry Hearing type: Pretrial Conference Hearing date: 4/11/2017 Time: 10:01 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Andrea Jenkins Tape Number: 3 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul
	DCHH	AJENKINS	Bruce L Pickett
			Hearing result for Pretrial Conference scheduled on 04/11/2017 10:00 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
4/12/2017		AJENKINS	Bruce L Pickett
			Request for Jury
4/20/2017	HRSC	AJENKINS	Bruce L Pickett
			Hearing Scheduled (Change of Plea 04/21/2017 10:00 AM)
4/21/2017	MINE	AJENKINS	Bruce L Pickett
			Minute Entry Hearing type: Change of Plea Hearing date: 4/21/2017 Time: 10:02 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Andrea Jenkins Tape Number: 4 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul
	DCHH	AJENKINS	Bruce L Pickett
			Hearing result for Change of Plea scheduled on 04/21/2017 10:00 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
	HRSC	AJENKINS	Bruce L Pickett
			Hearing Scheduled (Sentencing 06/07/2017 10:00 AM)
		AJENKINS	Bruce L Pickett
			Order for Presentence Report
	HRVC	AJENKINS	Bruce L Pickett
			Hearing result for Jury Trial scheduled on 04/24/2017 10:00 AM: Hearing Vacated
	PLEA	AJENKINS	Bruce L Pickett
			A Plea is Entered for Charge - GT (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	ORDR	AJENKINS	Bruce L Pickett
			Order Vacating Trial
5/23/2017	MOTN	DOOLITTL	Bruce L Pickett
			Motion for costs of Prosecution and Investigation and Notice of Hearing 6-7-17 @ 10:00 a.m.
5/31/2017	PSIF	AJENKINS	Bruce L Pickett
			Pre-sentence Investigation Filed With Court Document sealed

State of Idaho vs. Scott Robert Hensley

Date	Code	User	Judge
6/7/2017	MINE	ABARNES	Bruce L Pickett
			Minute Entry Hearing type: Sentencing Hearing date: 6/7/2017 Time: 9:58 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: 3 Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul
6/9/2017	DCHH	ABARNES	Bruce L Pickett
			Hearing result for Sentencing scheduled on 06/07/2017 10:00 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
	HRSC	ABARNES	Bruce L Pickett
			Hearing Scheduled (Sentencing 08/16/2017 09:00 AM)
		ABARNES	Bruce L Pickett
			Notice of Hearing
		DOOLITTL	Bruce L Pickett
			Objection to Costs of Prosecution and Investigation
8/16/2017	MINE	ABARNES	Bruce L Pickett
			Minute Entry Hearing type: Sentencing Hearing date: 8/16/2017 Time: 9:15 am Courtroom: Court reporter: Mary Fox Minutes Clerk: Amanda Barnes Tape Number: Defense Attorney: Jordan Crane Prosecutor: Penelope Shaul
	DCHH	ABARNES	Bruce L Pickett
			Hearing result for Sentencing scheduled on 08/16/2017 09:00 AM: District Court Hearing Held Court Reporter: Mary Fox Number of Transcript Pages for this hearing estimated: Under 50
	GUILTY	ABARNES	Bruce L Pickett
			Found Guilty (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	SNIC	ABARNES	Bruce L Pickett
			Sentenced To Incarceration (I37-2732(c)(1) {F} Controlled Substance-Possession of) Confinement terms: Penitentiary determinate: 1 year. Penitentiary indeterminate: 6 years.
9/20/2017	MOTN	ABARNES	Bruce L Pickett
			Motion to Dismiss
	JOC	ABARNES	Bruce L Pickett
			Judgment of Conviction Retained Jurisdiction
	ORDR	ABARNES	Bruce L Pickett
			Order to Dismiss Count II , Count I, Part II
	DMPR	ABARNES	Bruce L Pickett
			Dismissed on Motion of Prosecutor (I37-2734A(1) Drug Paraphernalia-Use or Possess With Intent to Use)
	DMPR	ABARNES	Bruce L Pickett
			Dismissed on Motion of Prosecutor (I19-2514 Enhancement-Persistent Violator)

State of Idaho vs. Scott Robert Hensley

Date	Code	User		Judge
9/20/2017	STATUS	ABARNES	Case Status Changed: closed pending clerk action	Bruce L Pickett
	MOTN	LSPOKLIE	Motion to Appoint State Appellate Public Defender and To Proceed in Forma Paperis- File and Order to Judge Pickett	Bruce L Pickett
	NOTC	LSPOKLIE	Notice of Appeal	Bruce L Pickett
9/27/2017	HRSC	ABARNES	Hearing Scheduled (Motion 10/13/2017 10:00 AM) Mtn for Rest.	Bruce L Pickett
9/28/2017	NOTH	LSPOKLIE	Notice Of Hearing	Bruce L Pickett
9/29/2017	APSC	ABIRCH	Appealed To The Supreme Court	Bruce L Pickett
	CERTAP	ABIRCH	Clerk's Certificate of Appeal	Bruce L Pickett
10/2/2017	STIP	KCONLEY	Stipulation For Restitution	Bruce L Pickett
	MOTN	ABARNES	Amended Motion for Costs of Prosecution and Investigation and Notice of Hearing	Bruce L Pickett
10/3/2017	HRVC	ABARNES	Hearing result for Motion scheduled on 10/13/2017 10:00 AM: Hearing Vacated Mtn for Rest.	Bruce L Pickett
10/5/2017	ORDR	ABARNES	Order of Costs of Prosecution and Investigation \$1,542.90	Bruce L Pickett
10/16/2017	NOTC	ABARNES	Notice of Rider Placement	Bruce L Pickett
12/12/2017	NOTC	ABIRCH	Amended Notice of Appeal	Bruce L Pickett
1/23/2018	BNDE	TABOR	Surety Bond Exonerated (Amount 10,000.00)	Bruce L Pickett

16 JUN 24 A11:34

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff.

vs.

SCOTT ROBERT HENSLEY,
1481 Carson Street
Idaho Falls, ID 83402
DOB: [REDACTED]
SSN: [REDACTED]

Defendant.

Case No. CR-2016-7593
Temporary No.: TC-2016-0000403-

CRIMINAL COMPLAINT

The Bonneville County Prosecuting Attorney's Office having submitted, pursuant to Idaho Criminal Rule 3, the sworn affidavit of Deputy Kyle Fielding, Bonneville County Sheriff's Office, who complains and alleges the defendant, SCOTT ROBERT HENSLEY, committed the following crime(s):

COUNT I
POSSESSION OF A CONTROLLED SUBSTANCE - METHAMPHETAMINE,
Felony, I.C. §37-2732(c)(1)

The Defendant, SCOTT ROBERT HENSLEY, on or about June 23, 2016, in the County of Bonneville, State of Idaho, did unlawfully possess Methamphetamine, a Schedule II controlled substance. (7 years, \$15,000 fine and costs of prosecution and investigation.)

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a licensed attorney for the State of Idaho, with my office in Idaho Falls, and that on the 17th day of July, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

REQUEST FOR DISCOVERY
AND INSPECTION

PARTIES SERVED:

PENNY SHAUL
Bonneville County Deputy Prosecutor
Courthouse Box
605 N Capital Ave
Idaho Falls, ID 83402

- Hand Delivery
- Facsimile
- Mailing

Lisa Mallard

LISA MALLARD
Legal Assistant

REQUEST FOR DISCOVERY AND INSPECTION - 3

COUNT II
POSSESS WITH INTENT TO USE DRUG PARAPHERNALIA,
Misdemeanor, I.C. §37-2734A(1)

The Defendant, SCOTT ROBERT HENSLEY, on or about June 23, 2016, in Bonneville County, State of Idaho, did possess, with the intent to use, drug paraphernalia, to ingest, inhale, or otherwise introduce into the human body a controlled substance. *(1 year, \$1,000 fine and costs of prosecution and investigation.)*

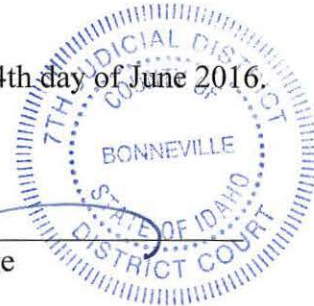
All of which is contrary to the laws of the State of Idaho. Complainant therefore requests that SCOTT ROBERT HENSLEY be dealt with according to law.

Dated this 24th day of June 2016.


Penelope North Shaul
Deputy Prosecuting Attorney

SUBMITTED AND ACCEPTED for filing before me this 24th day of June 2016.


Magistrate Judge



Bond: \$ 10,000 —

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE
MAGAISTRATE DIVISION

16 JUN 24 AM 11:34

STATE OF IDAHO,)
Plaintiff,)

Case No. CR-

v.)

AFFIDAVIT OF PROBABLE CAUSE
FOR WARRANTLESS ARREST
UNDER I.C.R. 5

SCOTT R. HENSLEY,)

DOB [REDACTED])

SSN: [REDACTED])

Defendant.)

STATE OF IDAHO)

: ss

County of Bonneville)

Kyle Fielding, the undersigned peace officer, being first duly sworn, deposes and states under oath as follows:

1. I am a duly qualified and acting peace officer for **Bonneville County Sheriff's Office**.
2. I have probable cause to believe the above-identified defendant committed the offense(s) of Possession of controlled substance methamphetamine I.C. 37-2732(C) (1).
3. The facts upon which I rely in believing there is probable cause that the above defendant committed the above offense(s)

On Thursday 6-23-2016, I obtained a search warrant number 2016-55 in reference to case 2016-07428 in reference to this address 1481 W. Carson. This address is residence to Scott Hensley. The Bonneville County Tactical team cleared and secured the residence for us to search. Scott Hensley and Victoria Kinghorn were detained at Walgreens on W. Broadway after leaving the residence of 1481 W. Carson just before the Tactical Team secured it. In the residence we located 23.4grams of white crystal substance in a black plastic case with a metal spoon and syringe in Scott Hensley bedroom on the south end of the residence. The white crystal substance was NIK tested by Detective Contreras and was presumptive positive for methamphetamine. Scott Hensley was arrested for possession of controlled substance of methamphetamine I.C. 37-2732(C) (1). Victoria Kinghorn was cited and released for possession of marijuana I.C. 37-2732(C) (3) and paraphernalia I.C. 37-2732(A) (1).

4. Attached to this affidavit is report #2016-07461 consisting of 2 pages, including any witness statements accompanying such report, which I incorporate by reference to this affidavit and request the court consider in making its determination of probable cause.

B. FILE FIELDING
RC 345
Peace Officer / Affiant

SUBSCRIBED AND SWORN to before me this 23rd day of June, in the year 2014.



Paulina P. Wahnschaffe
Magistrate or Notary Public for State of Idaho
Residing at: Jefferson Co, Idaho
My commission expires: 11/28/17

REVIEWED AND APPROVED FOR CHARGING BY BONNEVILLE COUNTY PROSECUTING ATTORNEY'S OFFICE.

Dated this _____ day of _____, in the year _____.

Bonneville County Prosecuting Attorney Office

Pursuant to I.C.R. 5 (c) the above affidavit has been examined and probably cause is found that the above named defendant committed the offense(s) alleged and defendant shall be held in custody pending issuance of criminal complaint.

Dated this _____ day of _____, in the year _____.

Magistrate

Case Summary Report

Agency: BCSO

Case Number: 2016-07461

Date: 6/23/2016 16:27:07

Last Modified: 6/23/2016 16:26:38

Incident Information

Date/Time Reported 06/23/2016 11:26	Date/Time Found 06/23/2016 11:26	Date/Time Found 06/23/2016 11:26	Officer (345BKF) FIELDING, BRET KYLE
Incident Location 1481 W Carson, Idaho Falls, ID			<i>Relax 345</i>

Charges

Charges								
1	Charge Type State	Description CONT SUBST-POSSESSION OF	Statute 37-2732(C)(1)	UCR 35A	<input type="checkbox"/> Att	<input checked="" type="checkbox"/> Com		
Alcohol, Drugs or Computers Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type RESIDENCE/HOME	Premises Entered	Forced Entry <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapons 1. 2. 3.			
Entry		Exit	Criminal Activity POSSESSING/CONCEALING					
Bias Motivation		Bias Target	Bias Circumstances			Hate Group		
2	Charge Type State	Description DRUG PARAPHERNALIA-USE OR POSESS W/INTENT TO USE	Statute 37-2734A(1)	UCR 35B	<input type="checkbox"/> Att	<input checked="" type="checkbox"/> Com		
Alcohol, Drugs or Computers Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type RESIDENCE/HOME	Premises Entered	Forced Entry <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapons 1. 2. 3.			
Entry		Exit	Criminal Activity POSSESSING/CONCEALING					
Bias Motivation		Bias Target	Bias Circumstances			Hate Group		

Victims

Victims							
1	Seq. #	Type SOCIETY/ PUBLIC	Injuries None	Residency Status Unknown	Ethnicity Unknown		
Name (Last, First, M) SOCIETY				Race U	Sex U	DOB	Age 00
Address						Home Phone	
Employer Name/Address						Business Phone	
Victim of Crimes 1,2							

Case Summary Report

Agency: BCSO

Case Number: 2016-07461

Date: 6/23/2016 16:27:09

Last Modified: 6/23/2016 16:26:38

Offenders

Seq. # 1	Type INDIVIDUAL	Name(Last, First, M) HENSLEY, SCOTT ROBERT					
AKA		Race W	Sex M	DOB [REDACTED]	Age 31	Height 5'07"	Weight 180 lbs
Address 1481 W CARSON, IDAHO FALLS, ID 83401						Home Phone (208) 525-7143	
Employer Name/Address INDEPENDENT PAINT /						Business Phone	
Scars, Marks, Tatoos or other distinguishing features Tattoo/Left/Fore Arm-Knights Cross With "american Outlaw"; Tattoo/Upper/Back-Flaming Skull; Tattoo/Upper/Back-"hensley"; Tattoo, Neck - "i"							
Physical Characteristics							

Suspect Details

Seq. # 2	Type INDIVIDUAL	Name(Last, First, M) KINGHORN, VICTORIA RAI					
AKA		Race W	Sex F	DOB [REDACTED]	Age 25	Height 5'02"	Weight 137 lbs
Address 1481 CARSON, IDAHO FALLS, ID 83401						Home Phone (208) 569-0619	
Employer Name/Address SMILEYS AUTO / ANDERSON						Business Phone	
Scars, Marks, Tatoos or other distinguishing features Tattoo, Abdomen - Left Side Cherrys; Tattoo, Abdomen - Right Side "trust No Soul"; Tattoo, Back - Chines Symbol							
Physical Characteristics							

Suspect Details

Case Summary Report

Agency: BCSO

Case Number: 2016-07461

Date: 6/23/2016 16:27:09

Last Modified: 6/23/2016 16:26:38

Property

Seq. # 0	Description WHITE CRYSTAL SUBSTANCE	Serial Number	Make/Model
Owner SOCIETY		License / State	Color
Status SEIZED	Status Officer (345BKF) FIELDING, BRET KYLE	Quantity 23.40	Units of Measure GM
Value			
Gun Type	Caliber	Finish	Grip
			Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			Sight Type
Property Notes			
Seq. # 0	Description DRUG PARAPHERNALIA	Serial Number	Make/Model
Owner SOCIETY		License / State	Color
Status SEIZED	Status Officer (345BKF) FIELDING, BRET KYLE	Quantity 1.00	Units of Measure XX
Value			\$1.00
Gun Type	Caliber	Finish	Grip
			Gun Stock
Condition	Gun Test <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Test Type	Sight Test <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			Sight Type
Property Notes			

Case Summary Report

Agency: BCSO

Case Number: 2016-07461

Date: 6/23/2016 16:27:09

Last Modified: 6/23/2016 16:26:38

Notes/Narratives

Synopsis: On Thursday 6-23-2016, I obtained a search warrant number 2016-55 in reference to case 2016-07428 in reference to this address 1481 W. Carson. This address is residence to Scott Hensley. The Bonneville County Tactical team cleared and secured the residence for us to search. Scott Hensley and Victoria Kinghorn were detained at Walgreens on W. Broadway after leaving the residence of 1481 W. Carson just before the Tactical Team secured it. In the residence we located 23.4grams of white crystal substance in a black plastic case with a metal spoon and syringe in Scott Hensley bedroom on the south end of the residence. The white crystal substance was NIK tested by Detective Contreras and was presumptive positive for methamphetamine. Scott Hensley was arrested for possession of controlled substance of methamphetamine I.C. 37-2732(C) (1). Victoria Kinghorn was cited and released for possession of marijuana I.C. 37-2732(C) (3) and paraphernalia I.C. 37-2732(A) (1).

On Thursday 6-23-2016, I obtained a search warrant number 2016-55 in reference to case 2016-07428 in reference to this address 1481 W. Carson. This address is residence to Scott Hensley. The Bonneville County Tactical team cleared and secured the residence for us to search. While the Tactical Team was securing the structure a distraction device was deployed outside and the main door was breached using a manual ram. The Tactical Team also breached a fence in the backyard of the residence to secure the large shed which was south of the main residence.

Detective Contreras was the evidence custodian. He took the pre video, post video of the residence. Detective Contreras also photographed logged and collected the evidence that we obtained from the search warrant.

In the residence Sgt. Reed found a black plastic case with a medium size clear plastic baggy which had white crystal substance inside. There was also a metal spoon which had white crystal substance on it with a syringe. The clear baggy of white crystal substance was weighed and tested by Detective Contreras and was presumptive positive for methamphetamine. The white crystal substance weighed 23.4grams.

Detective Trimble with the Idaho Falls Police Department assisted with stopping Victoria Kinghorn and Scott Hensley who had just left the residence prior to the Bonneville County Tactical team securing the residence. Deputy Norman located Scott Hensley and Victoria Kinghorn at Walgreens on West Broadway. Victoria was detained in the vehicle; Scott Hensley was located inside of Walgreens and arrested by Deputy Norman for possession of methamphetamine. Deputy Norman booked Scott into the Bonneville County Jail.

Victoria was cited and released for possession of marijuana I.C. 37-2732(C) (3) and possession of paraphernalia I.C. 37-2732(A) (1) by Detective Trimble.

Deputy Sperry towed Scott Hensley vehicle a silver 2007 Toyota Highlander with Idaho plate number 8BGS909 to the Bonneville County Jail Impound after the vehicle was searched by Detective Trimble. See Detective Trimble's supplement.

I left a copy of the search warrant on the kitchen bar and Detective Contreras left a copy of the property receipt on the top of the search warrant. The residence at 1481 W. Carson was secured by me after I closed the door. See Detective Contreras's supplement. I took the packaged evidence from Detective Contreras and placed it into the BCSO evidence locker. The ISP evidence envelope was placed into the BCSO evidence locker by me to be sent to the ISP Lab for further testing.

Case Summary Report

Agency: BCSO

Case Number: 2016-07461

Date: 6/23/2016 16:27:09

Last Modified: 6/23/2016 16:26:38

Notes/Narratives

I am charging Scott Hensley with possession of controlled substance I.C. 37-2732(C) (1). End of Report

Detective K. Fielding 345

Notes/Continuation

Case Summary Report

Agency: BCSO

Case Number: 2016-07461

Date: 6/23/2016 16:27:09

Last Modified: 6/23/2016 16:26:38

Supplement Information

Supplement Date 06/23/2016 16:15:17	Supplement Type ASSISTING OFFICER	Supplement Officer (318NPC) CONTRERAS, NICHOLAS PAUL
Contact Name		Supervising Officer

Supplement Notes

On June 23, 2016, I was assisting other detectives with the service of a search warrant, search warrant number 2016-55, at the residence located at 1481 W Carson Idaho Falls Idaho. During the service of the search warrant I was tasked as the evidence custodian.

Sgt Reed and Detective Lasher were searching the inside of the house and called me to the southernmost bedroom. Sgt Reed was on the south end of the room and Detective Lasher was on the northern side of the room, the bed was against the west wall with the foot of the bed at the east with room to walk around it. There was a nightstand on both sides, north and south of the bed.

Detective Lasher pointed to the nightstand on his side of the room, being the north, and told me he located a needle inside a wooden box atop the night stand. There was also a marijuana pipe that was on top of the nightstand and inside the drawer of the night stand were two rubber bands that are commonly used to tie around the arm of someone who uses hypodermic needles. I photographed and collected these items.

Sgt Reed was on the south side of the bed and advised me he had located what appeared to be methamphetamine. Inside the drawer of the southern nightstand was a black case that had two need caps, a spoon with cotton swab and white residue and a zip top bag containing a white crystal and powder substance. The container was painted black with magnets affixed to the back of it. I photographed and collected this item.

Detective Lasher located a black Toshiba Laptop, serial number C66-45311, in a case in a trunk at the foot of the bed. This was also collected and photographed. There was obvious damage to the "down" arrow key as it was broken and loose inside the laptop once the lid was opened.

I then went outside the home to the outbuilding at the southern end of the home where Detective Fielding and Sgt Hurt were searching. Detective Fielding located a small black container that was inside an orange tool box. The black container held two glass pipes. I photographed and collected the container and pipes.

I was summoned back to the residence and into the same southern bedroom where Detective Lasher had located a Night Owl DVR system that appeared to cover the carport security camera. This was photographed and collected as well for further examination of its contents.

Detective Lasher also located a small container, which appeared to be a TicTac container with a green powder that was very finely ground up and smelled of marijuana on the nightstand on the north side of the bed. I photographed and collected that as well.

On the door that entered the southern bedroom Detective Lasher located a jacket hanging from the door, between the jacket and the hood on the outside he located a syringe that appeared to be used and I photographed and collected this needle.

Indicia of Scott Hensley was located in the closet by Detective Lasher and that was seized as well.

I also performed a pre search video, and post search video of the residence and the outbuilding. I left a copy of the Property Receipt next to the copy of the search warrant on a counter in between the living room and kitchen.

At the office I field tested and weighed the white crystal and powder substance. It weighed approximately 23.4 grams. I used a Nik test kit and it

Case Summary Report

Agency: BCSO

Case Number: 2016-07461

Date: 6/23/2016 16:27:09

Last Modified: 6/23/2016 16:26:38

returned presumptive positive results for methamphetamine. I packaged this to be sent to the Idaho State Police Lab for further testing.

I weighed the TicTac container with the green substance and it had a total weight of 11.3 grams. I used a Nik field test kit for marijuana and it returned presumptive positive results for marijuana. I packaged this to be sent to the Idaho State Police Lab for further testing.

I photographed the paraphernalia and packaged it all into county evidence. The indicia was packaged in its own envelope for county evidence. I disposed of the needles in a Sharps container.

I burned the video of the pre and post search to a disc and it will be entered into evidence. Photographs of the items seized will be burned to a disc and entered into evidence.

The other copy of the property receipt will be turned into records to be attached to the case.

Nothing Further

N. Contreras 318

7th JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF BONNEVILLE
FELONY ARRAIGNMENT MINUTE ENTRY/LOG/ORDER

2016 JUN 24 PM 2:44

STATE v. SCOTT ROBERT HENSLEY

Case No. : CR-2016-0007593-FE

D.L.#: [REDACTED] DOB: [REDACTED]

Date: 6/24/2016

Address: 1481 Carson Street Idaho Falls ID 83402

Judge: Michelle R. Mallard

Courtroom: 2 Time: 2:39pm Interpreter: _____

DEFENDANT having been charged with the following:

COUNT 1: Controlled Substance-Possession of

COUNT 2: Drug Paraphernalia-Use or Possess With Intent to Use - Misd. - Not guilty plea entered

Defendant: Appeared () Failed to Appear () Bench Warrant Issued & Bond Forfeiture Ordered

Advised of all rights and penalties per ICR 5, including right to remain silent, that statements may be used against him/her, right to bail, right to counsel, appointment of Public Defender as provided by law, Preliminary Hearing.

() Represented by Counsel (present) _____

Advised of Charges () Waived Counsel () Requested PD () Private Attorney

() Waived Reading Complaint () Complaint Read by Court () Requested Continuance

Bond \$10,000 () Remanded to Custody of Sheriff

() Ordered Released () Own Recognizance () To Pre-Trial Services

() Ordered No-Contact with victim

Other may release if Def is accepted into a Problem Solving Court Clerk mm

Ordered: Preliminary Hearing (ICR 5.1). The Prosecutor and Defendant, with attorney, if any, are ordered to appear for a **Preliminary Hearing on July 8, 2016, at 1:30 p.m., before Honorable Steven Gardner** at the Law Enforcement Building, 605 N. Capital Avenue, Idaho Falls, ID, to determine whether there is probable cause that a crime was committed and whether there is probable cause that Defendant committed the alleged crime(s) as charged in the Complaint. Motions to Continue must be submitted in writing at least 24 hours prior to the hearing.

IT IS SO ORDERED.

Judge [Signature] Date 6/24/16

Received by Defendant _____

Assigned District Judge: Honorable Bruce Pickett

Personally served copy on Prosecutor/Defendant/Counsel () Mailed

By Clerk JB Date 6/23/16

FAXED
54 JUN 24 2016
25

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

DISTRICT COURT
MAGISTRATE DIVISION
BONNEVILLE COUNTY, IDAHO
16 JUL -8 PM 3:41

STATE OF IDAHO,)	
Plaintiff.)	
vs.	)	Case No.: CR-2016-0007593-FE
)	
Scott Robert Hensley	)	NOTICE OF HEARING
1481 Carson Street)	
Idaho Falls, ID 83402)	
Defendant.)	

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

Preliminary Hearing: Friday, July 22, 2016 at 01:30 PM
Judge: Michael B. Kennedy
Courtroom: TBA
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: _____
CC to Kelly Mallard

Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul

Court Box Mailed Hand Delivered

Dated: Friday, July 08, 2016

Ronald Longmore
Clerk Of The District Court

By:
Deputy Clerk

doc22cr 2/05

MAGISTRATE CRIMINAL LOG MINUTES

DATE: Friday, July 08, 2016 TIME: 01:30 PM CASE NO.: CR-2016-0007593-FE
 County of Bonneville, Idaho Falls, Idaho FTR Recording: 7/8/2016
 Magistrate Courtroom No. 3 Judge Michael Kennedy presiding
 Jury _____ Non-Jury _____ Hearing/Trial: PRELIMINARY HEARING

PLAINTIFF		DEFENDANT	
STATE OF IDAHO		SCOTT ROBERT HENSLEY	
Attorney: Penelope North Shaul		Attorney:	
J - Judge	W - Witness	P - Plaintiff	D - Defendant
DX - Direct Examination	X - Cross Examination	PA - Plaintiff's Attorney	DA - Defendant's Attorney
Time	Case Proceedings		
1:40	Judge opened and called case:		
	Def appears with K. Mallard-		
	D waves time on record		
	J- July 11 ^{22ND} 2016 @ 1:30pm		
	7/8/2016 <i>[Signature]</i>		

Kb 78-16
 Deputy Clerk

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY
CLERK OF DISTRICT COURT
2016 JUL 13 PM 3:58

Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE
MAGISTRATE DIVISION

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	REQUEST FOR DISCOVERY AND
	)	DEMAND FOR NOTICE OF INTENT
vs.	)	TO RELY UPON DEFENSE OF ALIBI
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

TO: The Defendant and his attorney, Kelly D. Mallard:

Pursuant to I.C.R. 16, the State of Idaho hereby requests disclosure of the following information, evidence, and material by Defendant to the Prosecuting Attorney:

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

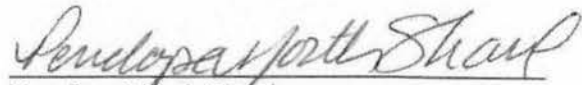
ORIGINAL

3. Defense witness. A list of name and addresses of witnesses the Defendant intends to call at trial.

4. Demand is made by the State for the Defendant to provide the State Notice of Defense of Alibi as required by Idaho Code § 19-519, if an alibi defense is anticipated.

5. Provide a written summary or report of any expert testimony that defendant intends to introduce pursuant to Rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing.

Dated this 19th day of July 2016.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July 2016 I served a true copy of the foregoing Request for Discovery on the parties listed below, by emailing, or by causing the same to hand-delivered:

DOCUMENT SERVED: STATE'S REQUEST FOR DISCOVERY

PARTIES SERVED: Kelly D. Mallard
Mallard Law Office
Email/Courthouse Box
Idaho Falls, ID 83402



Legal Assistant

BONNEVILLE COUNTY, IDAHO

16 JUL 19 AM 9:26

MALLARD LAW OFFICE, P.C.
Kelly D. Mallard, ISB# 4802
P.O. Box 50396
381 Shoup Ave, Ste 203
Idaho Falls, Idaho 83402
Telephone: (208) 542-0766
Facsimile: (208) 529-4090

Attorney for Defendant

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO.)

Plaintiff,)

vs.)

SCOTT ROBERT HENSLEY,)

Defendant.)

Case No. CR-16-7593-FE

NOTICE OF APPEARANCE

Kelly D. Mallard, of the firm Mallard Law Office, P.C., enters an appearance for and in behalf of

Defendant, SCOTT ROBERT HENSLEY, in the above matter.

Dated this 16th day of July, 2016.


KELLY D. MALLARD

NOTICE OF APPEARANCE

1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a licensed attorney for the State of Idaho, with my office in Idaho Falls, and that on the 19th day of July, 2016, served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

NOTICE OF APPEARANCE

PARTIES SERVED:

PENNY SHAUL
Bonneville County Prosecutor
Courthouse Box
Idaho Falls, ID 83402

- Hand Delivery
- Mailing
- Facsimile

Lisa Mallard

LISA MALLARD
Legal Assistant

NOTICE OF APPEARANCE

2

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

2016 JUL 19 PM 3:58

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189
Attorney for Plaintiff

IN THE DISTRICT COURT SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO COUNTY OF BONNEVILLE
MAGISTRATE DIVISION

STATE OF IDAHO,)	
	)	Case No. CR-2016-0007593-FE
Plaintiff.)	
	)	STATE'S RESPONSE TO
vs.	)	REQUEST FOR DISCOVERY
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

Penelope North Shaul, Bonneville County Prosecuting Attorney's Office, hereby responds to the Defendant's Request for Discovery by providing copies of the following:

RESPONSE #1 Defendant's statements:

Statements made by the Defendant, known to the State, are contained in the attached police report.

RESPONSE #2 Defendant's prior criminal history:

Attached is a copy of Defendant's prior criminal history.

RESPONSE #3 Evidence:

All evidence known to the State is attached to the police report. Idaho State Police Forensic Lab Report will be provided upon receipt of the same by the State.

Property receipt.

RESPONSE #4 Physical or Mental examinations:

The State is unaware of any physical or mental examinations.

STATE'S RESPONSE TO REQUEST FOR DISCOVERY

PAGE 1
ORIGINAL

RESPONSE #5 Witnesses:

1. Detective Kyle Fielding
Bonneville County Sheriff's Office
2. Sgt. Chris Reed
Bonneville County Sheriff's Office
3. Sgt. Jared Hurt
Bonneville County Sheriff's Office
4. Detective Nicholas Contreras
Bonneville County Sheriff's Office
5. Detective Brian Trimble
Idaho Falls Police Department
6. Detective Robert Lasher
Idaho Falls Police Department

RESPONSE #6 Witnesses statements:

Statements made by any witnesses, known to the State, are contained in the police report.

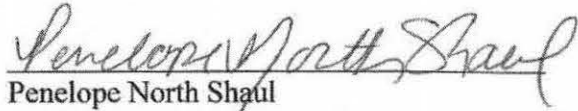
RESPONSE #7 Police reports:

Bonneville County Sheriff's Office, Report Nos. 2016-07461 and 2016-07428, including the arrest report, are attached.

RESPONSE #8 Videotape, audiotape, or photographic evidence:

The State has requested any audio/video or photographic evidence and the same will be forwarded upon receipt.

DATED this 19th day of July 2016.


Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of July 2016, I served a true and correct copy of the foregoing document by causing it to be emailed and/or hand-delivered to the parties listed below:

DOCUMENT SERVED: STATE'S RESPONSE TO REQUEST FOR DISCOVERY

PARTIES SERVED: Kelly D. Mallard
Mallard Law Office
Email/Courthouse Box



Legal Assistant

BONNEVILLE COUNTY, IDAHO

10 JUL 19 AM 9:26

MALLARD LAW OFFICE, P.C.
Kelly D. Mallard, ISB# 4802
P.O. Box 50396
381 Shoup Ave., Ste. 203
Idaho Falls, Idaho 83402
Telephone: (208) 542-0766
Facsimile: (208)529-4090

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
	)	Case No. CR-16-7593-FE
Plaintiff,)	
	)	REQUEST FOR DISCOVERY
v.	)	AND INSPECTION
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
_____)	

TO: PENNY SHAUL, Bonneville County Deputy Prosecutor, 605 N Capital Ave, Idaho Falls, ID 83402

The Defendant in the above-entitled proceeding requests the right to be furnished or to examine, inspect and copy the following, which are either within your possession, custody or control, or by the exercise of due diligence may become known to you:

1. Any written or recorded statement made by Defendant and also the substance of any relevant oral statements made by Defendant, whether before or after arrest, to a peace officer, Prosecuting Attorney or his agent.
2. A copy of Defendant's prior criminal record.
3. Any book, paper, document, photograph or copies or portions thereof intended for use by you as evidence at trial or obtained from or belonging to Defendant.

REQUEST FOR DISCOVERY AND INSPECTION - 1

4. Any results or reports of physical or mental examinations, scientific tests or experiments (lab reports) made in connection with the above-entitled case.

5. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the State as witness at any hearing or at the trial of this matter, together with any record of prior felony convictions of any such person within your knowledge

6. Any statements made by co-defendants, prosecution witnesses or prospective prosecution witnesses to the Prosecuting Attorney or his agents or to any official involved in the investigative process of the case.

7. Any police reports, to include affidavits of probable cause in support of search warrants, made by a police officer investigating in connection with the investigation or prosecution of the case.

8. Any video tape, audio tape or photographic evidence taken of Defendant during the investigation of this case.

9. The prosecuting attorney shall serve defendant's counsel with a redacted copy of the discovery printed on white paper simultaneously with an unredacted copy of the discovery printed on paper of a color that is clearly distinguishable from white.

It is further requested that the Prosecuting Attorney provide any of the above-requested material on a continuing basis throughout this case without the necessity of further formal requests.

Dated this ^{18th} day of July, 2016.


KELLY D. MALLARD

REQUEST FOR DISCOVERY AND INSPECTION - 2

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

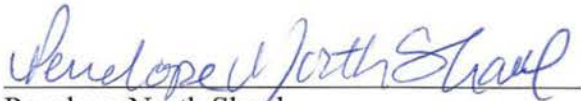
IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S SUPPLEMENTAL DISCOVERY
	)	RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

1. DVD-R, Walgreens video;
2. CD-RW, search warrant pre & post video; and
3. CD-RW, scene photos.

Dated this 21st day of July 2016.


 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of July 2016, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED: STATE'S SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED: Kelly D. Mallard
Mallard Law Office
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

MALLARD LAW OFFICE, P.C.
 Kelly D. Mallard, ISB# 4802
 P.O. Box 50396
 381 Shoup Ave., Ste. 203
 Idaho Falls, Idaho 83402
 Telephone (208) 542-0766
 Facsimile (208) 529-4090

BONNEVILLE COUNTY
 IDAHO
 2016 JUL 22 AM 11:29

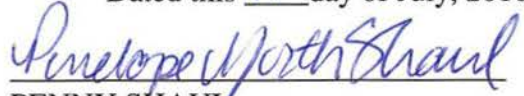
**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**


STATE OF IDAHO,)	
	)	Case No. CR-16-7593-FE
)	
Plaintiff,)	
	)	STIPULATION TO CONTINUE
v.	)	PRELIMINARY HEARING AND
	)	WAIVER OF TIME
SCOTT ROBERT HENSLEY,)	
))
)	
Defendant.)	
_____)	

The State of Idaho, by and through PENNY SHAUL, Bonneville County Deputy Prosecutor and the defendant, SCOTT ROBERT HENSLEY, by and through his attorney, KELLY D. MALLARD, hereby stipulate that the Preliminary Hearing set for July 22nd, 2016, at 1:30 p.m. be continued, by and for the reason that Counsel for the Defendant was just retained and has not received the discovery.

The Defendant hereby waives his right to a preliminary hearing within the time prescribed by I.C.R. Rule 5.1.

Dated this 19th day of July, 2016


 PENNY SHAUL
 Bonneville Co. Deputy Prosecutor


 KELLY D. MALLARD
 Attorney for the Defendant

STIPULATION TO CONTINUE PRELIMINARY
 HEARING AND WAIVER OF TIME



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a licensed attorney for the State of Idaho, with my office in Idaho Falls, and that on the 20th day of July, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT: Stipulation to Continue Preliminary Hearing

PARTIES SERVED: PENNY SHAUL
Bonnevile Co. Deputy Prosecutor
605 N. Capital Avenue
Idaho Falls, Idaho 83402

Hand Delivery

Mailing



KELLY D. MALLARD

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

2016 JUL 25 AM 9:18
DISTRICT COURT
BONNEVILLE COUNTY ID

STATE OF IDAHO)
)
 Plaintiff,) Case No. CR-16-7593-FE
)
 vs.)
) ORDER TO CONTINUE
 SCOTT ROBERT HENSLEY,) PRELIMINARY HEARING
 Defendant.) AND WAIVER OF TIME
 _____)

Upon reviewing the Stipulation to Continue Preliminary Hearing and Waiver of Time,
and good cause appearing;

IT IS HEREBY ORDERED that the Preliminary Hearing be continued from
July 22nd, 2016, to the 5 day of August, 2016, at 1:30 p.m.

Dated this 22 day of July, 2016.



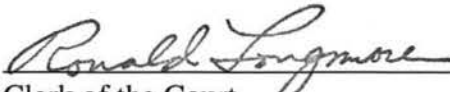
Judge

NOTICE OF ENTRY

I HEREBY CERTIFY that on this 25 day of July, 2016, I entered the order or judgment described below into the record of this case and serve a true and correct copy of the enclosed document by mailing, with the correct postage thereon, or by causing the same to be hand delivered to the following parties:

KELLY D. MALLARD
Mallard Law Office
P.O. Box 50396
Idaho Falls, ID 83405

PENNY SHAUL
Bonneville Co. Deputy Prosecutor
Courthouse Box
Idaho Falls, ID 83402


Clerk of the Court


Deputy Clerk

MALLARD LAW OFFICE, P.C.
Kelly D. Mallard, ISB# 4802
P.O. Box 50396
381 Shoup Ave., Ste. 203
Idaho Falls, Idaho 83402
Telephone (208) 542-0766
Facsimile (208) 529-4090

BONNEVILLE COUNTY, IDAHO
16 AUG -5 AM 11:06

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
)
Plaintiff,)
)
v.)
)
SCOTT ROBERT HENSLEY,)
)
)
Defendant.)
_____)

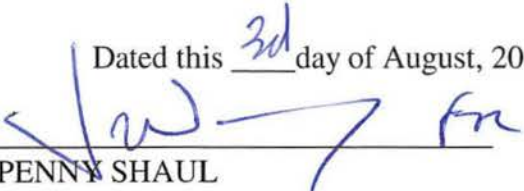
Case No. CR-16-7593-FE

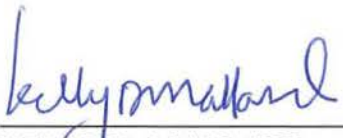
STIPULATION TO CONTINUE
PRELIMINARY HEARING AND
WAIVER OF TIME

The State of Idaho, by and through PENNY SHAUL, Bonneville County Deputy Prosecutor and the defendant, SCOTT ROBERT HENSLEY, by and through his attorney, KELLY D. MALLARD, hereby stipulate that the Preliminary Hearing set for July 22nd, 2016, at 1:30 p.m. be continued, by and for the reason that the Defendant will be out of town attending a funeral.

The Defendant hereby waives his right to a preliminary hearing within the time prescribed by I.C.R. Rule 5.1.

Dated this 3rd day of August, 2016


PENNY SHAUL
Bonneville Co. Deputy Prosecutor


KELLY D. MALLARD
Attorney for the Defendant

STIPULATION TO CONTINUE PRELIMINARY
HEARING AND WAIVER OF TIME

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a licensed attorney for the State of Idaho, with my office in Idaho Falls, and that on the 5th day of August, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT: Stipulation to Continue Preliminary Hearing

PARTIES SERVED: PENNY SHAUL
Bonnevile Co. Deputy Prosecutor
605 N. Capital Avenue
Idaho Falls, Idaho 83402

Hand Delivery

Mailing



KELLY D. MALLARD

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT ROBERT HENSLEY,)
 Defendant.)
 _____)

Case No. CR-16-7593-FE

ORDER TO CONTINUE
PRELIMINARY HEARING
AND WAIVER OF TIME

16 AUG -5 PM 5:47
 DISTRICT COURT
 MAGISTRATE DIVISION
 BONNEVILLE COUNTY
 IDAHO

Upon reviewing the Stipulation to Continue Preliminary Hearing and Waiver of Time,
and good cause appearing;

IT IS HEREBY ORDERED that the Preliminary Hearing be continued from
August 5th, 2016, to the 12th day of August, 2016, at 1:30 p.m.

Dated this ____ day of July, 2016.

8/5/2016 - W. B. Gandy
Judge

NOTICE OF ENTRY

I HEREBY CERTIFY that on this 5 day of August, 2016, I entered the order or judgment described below into the record of this case and serve a true and correct copy of the enclosed document by mailing, with the correct postage thereon, or by causing the same to be hand delivered to the following parties:

KELLY D. MALLARD
Mallard Law Office
P.O. Box 50396
Idaho Falls, ID 83405

PENNY SHAUL
Bonneville Co. Deputy Prosecutor
Courthouse Box
Idaho Falls, ID 83402

Clerk of the Court



Deputy Clerk

MALLARD LAW OFFICE, P.C.
 Kelly D. Mallard, ISB# 4802
 P.O. Box 50396
 381 Shoup Ave., Ste. 203
 Idaho Falls, Idaho 83402
 Telephone (208) 542-0766
 Facsimile (208) 529-4090

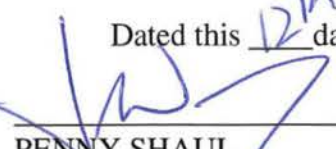
2016 AUG 12 PM 2:20
 DISTRICT COURT
 MAGISTRATE DIVISION
 BONNEVILLE COUNTY
 IDAHO

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

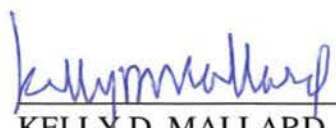
STATE OF IDAHO,)	
	)	Case No. CR-16-7593-FE
)	
Plaintiff,)	
	)	STIPULATION TO CONTINUE
v.	)	PRELIMINARY HEARING AND
	)	WAIVER OF TIME
SCOTT ROBERT HENSLEY,)	
)	
)	
Defendant.)	
_____)	

The State of Idaho, by and through PENNY SHAUL, Bonneville County Deputy Prosecutor and the defendant, SCOTT ROBERT HENSLEY, by and through his attorney, KELLY D. MALLARD, hereby stipulate that the Preliminary Hearing set for August 12th, 2016, at 1:30 p.m. be continued, by and for the reason that Counsel for the Defendant was unable to meet with the Defendant to discuss the case because he was out of town working.

The Defendant hereby waives his right to a preliminary hearing within the time prescribed by I.C.R. Rule 5.1.

Dated this 12th day of August, 2016


 PENNY SHAUL
 Bonneville Co. Deputy Prosecutor



 KELLY D. MALLARD
 Attorney for the Defendant

STIPULATION TO CONTINUE PRELIMINARY
 HEARING AND WAIVER OF TIME



CERTIFICATE OF SERVICE


I HEREBY CERTIFY that I am a licensed attorney for the State of Idaho, with my office in Idaho Falls, and that on the 12th day of August, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT: Stipulation to Continue Preliminary Hearing

PARTIES SERVED: PENNY SHAUL
Bonneville Co. Deputy Prosecutor
605 N. Capital Avenue
Idaho Falls, Idaho 83402

Hand Delivery

Mailing




KELLY D. MALLARD

MAGISTRATE CRIMINAL LOG MINUTES

DATE: Friday, August 12, 2016 TIME: 1:30 PM
 County of Bonneville, Idaho Falls, Idaho
 Magistrate Courtroom No. 3
 Jury _____ Non-Jury _____ Hearing/Trial: _____

2016 AUG 12 PM 2:20
 CASE NO. CR-2016-0007593-FE
 FTR Recording: 8/12/2016
 Judge Michael B. Kennedy presiding
 PRELIMINARY HEARING
 IDAHO

PLAINTIFF		DEFENDANT	
STATE OF IDAHO		SCOTT ROBERT HENSLEY	
Attorney: Penelope North Shaul		Attorney: Kelly D. Mallard	
J - Judge W - Witness DX - Direct Examination X - Cross Examination		P - Plaintiff D - Defendant PA - Plaintiff's Attorney DA - Defendant's Attorney	
Time	Case Proceedings		
	Judge opened and called case:		
	Stip. to Continue		
	J- Continue to 8-17-16 @ 1:30		
			

 Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

2016 AUG 12 PM 2:42

STATE OF IDAHO,
Plaintiff.

vs.

Scott Robert Hensley
1481 Carson Street
Idaho Falls, ID 83402
Defendant.

DISTRICT COURT
MAGISTRATE DIVISION
BONNEVILLE COUNTY
IDAHO

Case No.: CR-2016-0007593-FE

NOTICE OF HEARING

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

Preliminary Hearing: Wednesday, August 17, 2016 at 01:30 PM
Judge: Stephen J. Clark
Courtroom:
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Kelly D. Mallard
381 Shoup Avenue, Ste 203
Idaho Falls ID 83402
 Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul
 Court Box Mailed Hand Delivered

Dated: Friday, August 12, 2016

Penny Manning
Clerk Of The District Court

By: 
Deputy Clerk

doc22cr 2/05

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

2016 AUG 12 PM 2:20
DISTRICT COURT
MAGISTRATE DIVISION
BONNEVILLE COUNTY
IDAHO

STATE OF IDAHO

Plaintiff,

vs.

SCOTT ROBERT HENSLEY,
Defendant.

Case No. CR-16-7593-FE

ORDER TO CONTINUE
PRELIMINARY HEARING
AND WAIVER OF TIME

Upon reviewing the Stipulation to Continue Preliminary Hearing and Waiver of Time,
and good cause appearing;

IT IS HEREBY ORDERED that the Preliminary Hearing be continued from
August 5th, 2016, to the 17 day of August, 2016, at 1:30 p.m.

Dated this 12 day of August, 2016.


Judge

NOTICE OF ENTRY

I HEREBY CERTIFY that on this 12 day of August, 2016, I entered the order or judgment described below into the record of this case and serve a true and correct copy of the enclosed document by mailing, with the correct postage thereon, or by causing the same to be hand delivered to the following parties:

KELLY D. MALLARD
Mallard Law Office
P.O. Box 50396
Idaho Falls, ID 83405

PENNY SHAUL
Bonneville Co. Deputy Prosecutor
Courthouse Box
Idaho Falls, ID 83402



Clerk of the Court



Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

2016 AUG 17 PM 2:18
DISTRICT COURT
MAGISTRATE DIVISION
BONNEVILLE COUNTY
IDAHO

STATE OF IDAHO,
Plaintiff.

vs.

Scott Robert Hensley
1481 Carson Street
Idaho Falls, ID 83402
Defendant.

Case No.: CR-2016-0007593-FE

NOTICE OF HEARING

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

Preliminary Hearing: Wednesday, August 24, 2016 at 01:30 PM
Judge: Stephen J. Clark
Courtroom:
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Kelly D. Mallard
381 Shoup Avenue, Ste 203
Idaho Falls ID 83402
 Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul
 Court Box Mailed Hand Delivered

Dated: Wednesday, August 17, 2016

Penny Manning
Clerk Of The District Court

By: 
Deputy Clerk

doc22cr 2/05

MAGISTRATE CRIMINAL LOG MINUTES

DATE: Wednesday, August 17, 2016 TIME: 1:54 PM CASE NO.: CR-2016-0007593-FE
 County of Bonneville, Idaho Falls, Idaho Recording: 8/17/2016
 Magistrate Courtroom No. 6 Judge Stephen J. Clark presiding
 Jury _____ Non-Jury _____ **DISTRICT COURT MAGISTRATE DIVISION BONNEVILLE COUNTY IDAHO** PRELIMINARY HEARING

PLAINTIFF		DEFENDANT	
STATE OF IDAHO		SCOTT ROBERT HENSLEY	
Attorney: Penelope North Shaul		Attorney: Kelly D. Mallard	
J - Judge W - Witness DX - Direct Examination X - Cross Examination		P - Plaintiff D - Defendant PA - Plaintiff's Attorney DA - Defendant's Attorney	
Time	Case Proceedings		
	Judge opened and called case:		
	DA- Requests a continuance		
	PA- No Objections for 1 week Continuance		
	S- Continued to 8-24-16 @ 1:30		

Deputy Clerk

MALLARD LAW OFFICE, P.C.
Kelly D. Mallard, ISB# 4802
P.O. BOX 50396
381 Shoup Ave., Ste. 203
Idaho Falls, Idaho 83402
Telephone: (208) 542-0766
Facsimile: (208) 529-4090

BONNEVILLE COUNTY
IDAHO

2016 AUG 24 AM 8:28

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-16-7593-FE
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,	)	WAIVER OF PRELIMINARY
	)	HEARING
Defendant.)	
_____)	


I, SCOTT ROBERT HENSLEY, having been charged in the District Court of the Seventh District of the State of Idaho, in and for the County of Bonneville, in violation of Idaho Code I37-2732 (c) (1) {F} with the offense of Controlled Substance - Possession, having been informed by the Magistrate of the Complaint against me and of my right to retain counsel, of my right to request assignment of counsel if I am unable to obtain counsel, of the general circumstances under which I may secure a pre-trial release, and of my right for the nature of, and the effect of a waiver of a preliminary examination. I have further been informed that I am not required to make a statement and that any statement made by me may be used against me.

I also have been provided reasonable time and opportunity to consult counsel and

to arrange for my release by making bail.

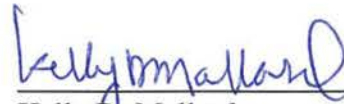
Without waiving any other rights I may have, I hereby waive my right to a preliminary hearing and agree that I may be held to answer in the above entitled District Court.

DATED this 23rd day of ~~July~~ August, 2016.


SCOTT HENSLEY

I consent to and approve the waiver of the preliminary hearing.

DATED this 23^d day of ~~July~~ August, 2016.


Kelly D. Mallard
Attorney for the Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a licensed attorney for the State of Idaho, with my office in Idaho Falls, and that on the 24th day of July, 2016, served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

WAIVER OF PRELIMINARY
HEARING

PARTIES SERVED:

PENNY SHAUL
Bonneville County Prosecutor
Courthouse Box
Idaho Falls, ID 83402

- Hand Delivery
- Mailing
- Facsimile



KELLY D. MALLARD

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY**

2016 AUG 24 PM 2:09
DISTRICT COURT
MAGISTRATE DIVISION
BONNEVILLE COUNTY
IDAHO

STATE OF IDAHO,)
Plaintiff.)

-vs-)

SCOTT ROBERT HENSLEY,)
1481 Carson Street)
Idaho Falls, ID 83402)
Defendant.)

Case No.: CR-2016-0007593-FF
**ORDER BINDING DEFENDANT OVER
AND ORDER SETTING TIME FOR
ARRAIGNMENT**

DEFENDANT having been charged with the following:

- COUNT 1: Controlled Substance-Possession of
COUNT 2: Drug Paraphernalia-Use or Possess With Intent to Use

There is sufficient probable cause to believe that the crime has been committed and sufficient probable cause to believe that the above-named defendant committed said crime.

NOW, THEREFORE IT IS HEREBY ORDERED that the above-named defendant be bound over to the District Court on the above-stated charge(s) to be brought before the Honorable Bruce Pickett, District Judge, on September 7, 2016 at 8:45 A.M. for arraignment.

The defendant **has posted bond.**

Dated: 8-24-16




Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order was mailed or delivered to the following:

<u>Prosecuting Attorney</u> Penelope North Shaul 605 N Capital Idaho Falls ID 83402 Courthouse Box US Mail Hand Delivered	<u>Defense Attorney</u> Kelly D. Mallard 381 Shoup Avenue, Ste 203 Idaho Falls ID 83402 Courthouse Box US Mail Hand Delivered
<u>Defendant</u> Jail Box <u>US Mail</u> Hand Delivered	

Dated: 8-24-16



Deputy Clerk

MAGISTRATE CRIMINAL LOG MINUTES

DATE: Wednesday, August 24, 2016 TIME: 1:38
 County of Bonneville, Idaho Falls, Idaho
 Magistrate Courtroom No. 3
 Jury _____ Non-Jury _____ Hearing/Trial: _____

CASE NO.: CR-2016-0007593-TE
 FTR Recording: 8/24/2016
 Judge Stephen J. Clark presiding
 PRELIMINARY HEARING

2016 AUG 24 PM 1:59
 DISTRICT COURT
 MAGISTRATE DIVISION
 BONNEVILLE COUNTY
 IDAHO

PLAINTIFF		DEFENDANT	
STATE OF IDAHO		SCOTT ROBERT HENSLEY	
Attorney: Penelope North Shaul		Attorney: Kelly D. Mallard	
J - Judge W - Witness DX - Direct Examination X - Cross Examination		P - Plaintiff D - Defendant PA - Plaintiff's Attorney DA - Defendant's Attorney	
Time	Case Proceedings		
	Judge opened and called case:		
	<i>Waiver of Preliminary Hearing</i>		
	<i>J- Bound Over to Judge Pickett's Court for Arraignment on September 7, 2016 @ 8:45</i>		

 Deputy Clerk

P

BONNEVILLE COUNTY
IDAHO
2016 AUG 26 PM 4:03

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.)	
	)	PROSECUTING ATTORNEY'S
vs.	)	INFORMATION
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

SCOTT ROBERT HENSLEY is hereby accused by the Deputy Prosecuting Attorney of the County of Bonneville, State of Idaho, of committing, prior to the filing of this Information, the following crime(s):

COUNT I
POSSESSION OF A CONTROLLED SUBSTANCE - METHAMPHETAMINE,
Felony, I.C. §37-2732(c)(1)

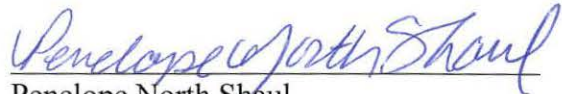
The Defendant, SCOTT ROBERT HENSLEY, on or about June 23, 2016, in the County of Bonneville, State of Idaho, did unlawfully possess Methamphetamine, a Schedule II controlled substance. *(7 years, \$15,000 fine and costs of prosecution and investigation.)*

ORIGINAL

COUNT II
POSSESS WITH INTENT TO USE DRUG PARAPHERNALIA,
Misdemeanor, I.C. §37-2734A(1)

The Defendant, SCOTT ROBERT HENSLEY, on or about June 23, 2016, in Bonneville County, State of Idaho, did possess, with the intent to use, drug paraphernalia, to ingest, inhale, or otherwise introduce into the human body a controlled substance. *(1 year, \$1,000 fine and costs of prosecution and investigation.)*

Dated this 26th day of August 2016.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of August 2016, a true and correct copy of the foregoing Information was delivered to the following person(s):

DOCUMENT SERVED: PROSECUTING ATTORNEY'S INFORMATION

PARTIES SERVED: Kelly D. Mallard
Mallard Law Office
Courthouse Mailbox
Idaho Falls, ID 83402



Legal Assistant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY**

STATE OF IDAHO,
Plaintiff.

vs.

Scott Robert Hensley
1481 Carson Street
Idaho Falls, ID 83402
Defendant.

DISTRICT COURT)
7TH JUDICIAL DISTRICT)
BONNEVILLE COUNTY ID)

Case No.: CR-2016-0007593-FE

NOTICE OF HEARING

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

Arraignment: **Tuesday, September 13, 2016 at 08:45 AM**
 Judge: Bruce L Pickett
 Courtroom:
 Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
 Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Kelly D. Mallard
 381 Shoup Avenue, Ste 203
 Idaho Falls ID 83402
 Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul
 Court Box Mailed Hand Delivered

Dated: Wednesday, September 07, 2016

Penny Manning
 Clerk Of The District Court

By: *A. Baer*
 Deputy Clerk

doc22cr 2/05

2016 SEP -8 AM 8:58

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs.-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE

COURT MINUTE ON
ARRAIGNMENT

Date: September 7, 2016, at 9:10 a.m.

Ms. Penny North Shaul represented the State.

Mr. Kelly Mallard appeared on behalf of the defendant. The defendant failed to appear.

Presiding Judge: Bruce L. Pickett.

Court Reporter present was Ms. Mary Fox.

Deputy Court Clerk present was Ms. Amanda Barnes.

Ms. Shaul requested the Court issue a bench warrant.

Mr. Mallard noted the defendant may have not received notice.

The Court ordered the forfeiture of bond previously posted, authorized the issuance of a bench warrant and set bond at \$50,000.00. The Court will allow Mr. Mallard until 5:00 p.m. to contact the defendant before issuing the warrant and forfeiting the bond.

Court was thus adjourned.

BRUCE L. PICKETT
District Judge

c: Prosecutor
Kelly Mallard

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF BONNEVILLE**

2016 SEP 8 AM 8:58
DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
SCOTT ROBERT HENSLEY,)
)
Defendant.)
)
_____)

Case No.: CR-2016-7593-FE

NOTICE OF ALTERNATE JUDGES
PURSUANT TO I.C.R. 25(a)(6)

NOTICE IS HEREBY GIVEN that the presiding judge assigned to this case intends to utilize the provisions of Rule 25(a)(6) of the Idaho Criminal Rules by having a panel of judges available for assignment in the absence of the presiding judge or due to a conflict in the judges scheduling. Notice is also given that if there are multiple defendants, any Disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3).

The following judges may be assigned to this case:

- Honorable Richard T. St. Clair
- Honorable Jon J. Shindurling
- Honorable Alan C. Stephens
- Honorable Joel E. Tingey
- Honorable Dane H. Watkins, Jr.
- Honorable Gregory W. Moeller
- Honorable William W. Woodland
- Honorable Gregory S. Anderson
- Honorable Darla Williamson
- Honorable Darren B. Simpson

The parties are hereby notified that they have fourteen (14) days from the date of service of this Notice to file one (1) motion for disqualification without cause as to any alternate judge. If a party has previously exercised the right to disqualify a judge without cause under Rule 25(a), that party shall have no right to disqualify an alternate judge. Any judge not so disqualified may be assigned to try this case and resolve all matters subsequent to such assignment.

Dated this 7th day of September, 2016.



BRUCE L. PICKETT
District Judge

CERTIFICATE OF SERVICE

I hereby certify that the foregoing is a true and correct copy of this Notice of Alternate Judges entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this 8 day of September, 2016.

Prosecutor

U.S. Mail Courthouse Box Facsimile
 e-mail

Kelly Mallard

U.S. Mail Courthouse Box Facsimile
 e-mail

PENNY MANNING, Clerk of the Court

By: 
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

2016 SEP 16 AM 10:41

STATE OF IDAHO,
Plaintiff.

vs.

Scott Robert Hensley
1481 Carson Street
Idaho Falls, ID 83402
Defendant.

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Case No.: CR-2016-0007593-FE

NOTICE OF HEARING

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

Arraignment: Tuesday, September 20, 2016 at 08:45 AM
Judge: Bruce L Pickett
Courtroom:
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Kelly D. Mallard
381 Shoup Avenue, Ste 203
Idaho Falls ID 83402
 Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul
 Court Box Mailed Hand Delivered

Dated: Friday, September 16, 2016

Penny Manning
Clerk Of The District Court

By: AB
Deputy Clerk

doc22cr 2/05

2016 SEP 16 AM 10:47
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs.-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE

COURT MINUTE ON
ARRAIGNMENT

Date: September 13, 2016, at 9:20 a.m.

Mr. Danny Clark represented the State.

Defendant appeared in person and with his attorney, Mr. Kelly Mallard.

Presiding Judge: Bruce L. Pickett.

Court Reporter present was Ms. Mary Fox.

Deputy Court Clerk present was Ms. Amanda Barnes.

The Court recessed at 9:26 a.m.

The Court reconvened at 9:28 a.m. with all parties present.

Mr. Mallard requested a continuance to allow time for the defendant to retain new counsel.

The Court continued the defendant's arraignment to September 20, 2016, at 8:45 a.m.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Kelly Mallard

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

2016 SEP 22 PM 5:02

STATE OF IDAHO,
Plaintiff.

vs.

Scott Robert Hensley
1481 Carson Street
Idaho Falls, ID 83402
Defendant.

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Case No.: CR-2016-0007593-FE

NOTICE OF HEARING

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

Arraignment: **Tuesday, October 04, 2016 at 08:45 AM**
Judge: Bruce L Pickett
Courtroom:
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Kelly D. Mallard
381 Shoup Avenue, Ste 203
Idaho Falls ID 83402
 Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul
 Court Box Mailed Hand Delivered

Dated: Thursday, September 22, 2016

Penny Manning
Clerk Of The District Court

By: *P. Baeris*
Deputy Clerk

doc22cr 2/05

2016 SEP-23 AM 11:20
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs.-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE

COURT MINUTE ON
ARRAIGNMENT

Date: September 20, 2016, at 9:11 a.m.

Mr. Tanner Crowther represented the State.

Defendant appeared in person. Mr. Kelly Mallard was not personally present.

Presiding Judge: Bruce L. Pickett.

Court Reporter present was Ms. Mary Fox.

Deputy Court Clerk present was Ms. Amanda Barnes.

Mr. Hensley requested a continuance to allow time to retain new counsel.

Mr. Crowther had no objection.

The Court continued the defendant's arraignment to October 4, 2016, at 8:45 a.m.

Court was thus adjourned.

BRUCE L. PICKETT
District Judge

c: Prosecutor
Kelly Mallard

JORDAN S. CRANE
Idaho State Bar No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Telephone: (208) 529-1350, Ext. 1105

BONNEVILLE COUNTY
IDAHO FALLS, IDAHO

2016 OCT -4 PM 4: 20

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-7593-FE
)	
Plaintiff,)	
)	
SCOTT R. HENSLEY,	)	REQUEST FOR DISCOVERY
)	
Defendant.)	
_____)

TO: PENELOPE SHAUL, BONNEVILLE COUNTY PROSECUTOR'S OFFICE

The Defendant in the above-entitled proceeding requests the right to be furnished or to examine, inspect and copy the following, which are either within your possession, custody or control, or by the exercise of due diligence may become known to you:

1. Any written or recorded statement made by Defendant and also the substance of any relevant oral statements made by Defendant, whether before or after arrest, to a peace officer, Prosecuting Attorney or his agent.
2. A copy of Defendant's prior criminal record.
3. Any book, paper, document, photograph or copies or portions thereof intended for use by you as evidence at trial or obtained from or belonging to Defendant.
4. Any results or reports of physical or mental examinations, scientific tests or

experiments made in connection with the above-entitled case.

5. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the State as witness at any hearing or at the trial of this matter, together with any record of prior felony convictions of any such person within your knowledge

6. Any statements made by co-defendants, prosecution witnesses or prospective prosecution witnesses to the Prosecuting Attorney or his agents or to any official involved in the investigative process of the case.

7. Any police reports made by a police officer investigating in connection with the investigation or prosecution of the case.

8. Any video tape, audio tape or photographic evidence taken of Defendant during the investigation of this case.


9. A written summary or report of any testimony that the state intends to introduce pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence at trial or hearing. The summary provided must describe the witness's opinions, the facts and data for those opinions, and the witness's qualifications.

10. Rebuttal Witnesses: Pursuant to *Wardius v. Oregon*, 412 U.S. 470 (1973) provide 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 to rebut testimony of any defense witness, expert witness, witness in support of an alibi defense, or to rebut any other defense testimony or evidence disclosed as required by law pursuant to Idaho Criminal Rule 16(c) or other provision of law. Please specify what evidence and/or defense witness the rebuttal witness is expected to testify in refutation of. If the rebuttal witness is expected to provide expert testimony please provide all

information requested in paragraph #9 above.

It is further requested that the Prosecuting Attorney provide any of the above-requested material on a continuing basis throughout this case without the necessity of further formal requests.

DATED this 4 day of October, 2016.



JORDAN S. CRANE
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4 day of October, 2016 I served a true and correct copy of the foregoing DEFENDANT'S REQUEST FOR DISCOVERY on the party listed below, by fax and/or mailing with the correct postage thereon, or by causing the same to be hand-delivered, as indicated hereafter.



Legal Assistant to JORDAN S. CRANE

PARTIES SERVED:

PENELOPE SHAUL
Bonneville County Prosecutor's Office
605 N. Capital Ave.
Idaho Falls, ID 83402

SERVICE TYPE:

- Hand Delivery
- Facsimile Transmission 208-529-1181
- Courthouse Box
- Mailing

BONNEVILLE COUNTY
IDAHO FALLS, IDAHO
2016 OCT -4 PM 4:20

JORDAN S. CRANE
Idaho State Bar No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Telephone: (208) 529-1350, Ext. 1105

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE


STATE OF IDAHO)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT R. HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR- 2016-7593-FE

NOTICE OF APPEARANCE

JORDAN S. CRANE, of the Bonneville County Public Defender's Office, enters an
appearance for and in behalf of Defendant, SCOTT R. HENSLEY, on the above-entitled matter.

Dated this 4 day of October, 2016.



JORDAN S. CRANE
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4 day of October, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

NOTICE OF APPEARANCE

PARTIES SERVED:

PENELOPE SHAUL
Prosecuting Attorney's Office
Courthouse Box
Idaho Falls, ID 83402

Hand Delivery
 Mailing



Legal Assistant to JORDAN S. CRANE

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

2016 OCT -6 AM 11:55

STATE OF IDAHO,
Plaintiff.

vs.

Scott Robert Hensley
4465 E Greenwillow
Idaho Falls, ID 83401
Defendant.

DISTRICT COURT)
7TH JUDICIAL DISTRICT)
BONNEVILLE COUNTY ID)

Case No.: CR-2016-0007593-FE

NOTICE OF HEARING

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

Arraignment: **Wednesday, October 12, 2016 at 08:45 AM**
Judge: Bruce L Pickett
Courtroom:
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Jordan S Crane
P.O. Box 51257
Idaho Falls ID 83405
 Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul
 Court Box Mailed Hand Delivered

Dated: Thursday, October 6, 2016

Penny Manning
Clerk Of The District Court

By: *A. Boren*
Deputy Clerk

doc22cr 2/05

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

STATE OF IDAHO,

Plaintiff,

vs.

Scott Robert Hensley
4465 E Greenwillow
Idaho Falls, ID 83401

Defendant.

2016 OCT -7 AM 10:58
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Case No: CR-2016-0007593-FE

ORDER APPOINTING PUBLIC DEFENDER

Citation No:

The Court being fully advised as to the application of Scott Robert Hensley, and it appearing to be a proper case,

NOW, THEREFORE, IT IS ORDERED that an attorney be appointed through the:

Bonneville County Public Defender's Office
605 N. Capital
Idaho Falls, Id 83402

Public Defender for the County of Bonneville, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Scott Robert Hensley, in all proceedings in the above entitled case.

The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.


Date: October 6th, 2016



Judge

Copies to: Public Defender
 Prosecuting Attorney

Date: October 6th, 2016



Deputy Clerk

IMPORTANT INFORMATION CONCERNING THE PUBLIC DEFENDER'S OFFICE:

1. You need to make sure the courts have your correct address and telephone number.
 - a. If your address or telephone number changes notify the courts and the public defender's office of those changes.
2. Do not go directly to the public defender's office.
 - a. They will not have any information concerning your case until they receive it from the courts.
3. You will receive a letter from the public defender's office.
 - a. This could take up to 2 weeks.
 - b. The letter will tell you who your attorney is and have the phone number for the public defender's office.
 - c. Once you receive this letter you need to call and make an appointment with your attorney.
 - d. If you do not receive a letter from the public defender's office within 2 weeks you will need to contact them.
 - e. **The phone number is (208) 529-1267.**
4. Only you can contact the public defender's office unless you are a juvenile.
 - a. The public defender's office cannot discuss your case with anyone but you.
5. Any requests concerning continuances must be made through your attorney.

2016 OCT -7 AM 10:58
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
	)	Case No. CR-2016-7593-FE
Plaintiff,)	
)	
-vs.-	)	COURT MINUTE ON
	)	ARRAIGNMENT
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
_____)	

Date: October 4, 2016, at 9:36 a.m., in Courtroom #3.

Ms. Penny North Shaul represented the State.

Defendant appeared in person.

Presiding Judge: Bruce L. Pickett.

Court Reporter present was Ms. Mary Fox.

Deputy Court Clerk present was Ms. Amanda Barnes.

The defendant requested counsel.

The Court recessed at 9:39 a.m. to allow time for the defendant to fill out an application for a public defender.

The Court reconvened at 9:43 a.m. with all parties present.

The Court appointed the public defender's office and continued the defendant's arraignment to October 12, 2016, at 8:45 a.m.

Court was thus adjourned.

BRUCE L. PICKETT
District Judge

c: Prosecutor
P.D. Office

APPLICATION FOR PUBLIC DEFENDER/APLICACIÓN PARA EL DEFENSOR DE OFICIO

CASE NO.: CR-20 16 - 7593

NAME /Nombre [Signature] ADDRESS/Dirección

SOC. SEC. NO./Nu. de Seguro [Redacted] PHONE NO./Telefonó 201-270-1418

Will you be able to post bail/Puede pagar la fianca? Cash/En efectivo? Bondsman/Fiador? 2018 OCT - 6 AM 9:58

Employer's Name/Nombre de empleo Independent payor Months Worked/Cuantos meses Hours working per week/#horas por semana 10-53 Pay rate/Redito de pago \$ NA

CURRENT MONTHLY TAKE HOME PAY/Cantidad que lleva a casa \$ CURRENT MONTHLY GROSS PAY/Cantidad mensual antes de impuestos? \$

Income this year to date/Ingresos de este año \$ NA Income last year/Ingresos del año anterior \$ NA Date last employed/Ultima fecha que trabajo 2010 Last employer's name/Nombre de ultimo empleo Independent payor

Reason for termination/Razon por terminar su trabajo Imprisonment Soc. Security/Seguro Social \$

Other income/Otros Ingresos: Welfare/Asistencia del estado \$ Worker's Compensation/Compensación de Trabajadores \$ Disability/Desabilidad \$ Money from any other source/Otros ingresos? TOTAL OTHER INCOME/Total de otros Ingresos \$

Spouse's Name/Nombre de Cónyuge NA Employer/Empleo Income/Ingresos \$ No. of children you are supporting/Cuantos menores mantiene? 2

Residing with you/Residen con usted? Child support payment/Pago de Sostentimiento de Menores \$ 1000 per month Are you current/Esta corriente en sus pagos?

Value/Equity of your home(s)/Valor de su casa \$ Amount owed/Cuanto debe \$ Cash on hand/En efectivo a la mano \$ Savings/Ahorros \$

Checking Account/Cuenta de Cheques \$ Your banks/Nombre del Banco

Your motor vehicles/Su vehiculo(s): Year/Model/Año y Modelo 1989 Ford F.250 Value/Valor del vehiculo \$ 3000 Amount owed/Cuanto se debe \$

TOTAL MONTHLY EXPENSES/Gastos Mensuales en Total \$ 830 = rent, 1000 = child, other, 2525 = other, 2000 =

If you are under 18, state your parent's/guardian's name, address and phone number: Nombre de sus padres, direccion y num. de telefono si usted tiene menos de 18 años:

I request a lawyer be appointed to represent me. I AGREE TO REPAY BONNEVILLE COUNTY FOR PUBLIC DEFENDER COSTS AS ORDERED BELOW. I swear under penalty of perjury the answers above are true and correct to the best of my knowledge. If these answers are found to be false, I understand I may be prosecuted for the felony of perjury.

Yo pido que me otorgen un abogado para que me represente. ESTOY DE ACUERDO DE PAGAR AL CONDADO DE BONNEVILLE POR COSTOS DEL ABOGADO SEGUN COMO SE ME ORDENE. Declaro bajo pena y perjurio que las respuestas susdichas son ciertas. Si encuentran alguna respuesta ser falsa, comprendo que pueden interponer una acción judicial por dar falso testimonio.

YOUR SIGNATURE/Su Firma [Signature] DATE/Fecha 10-4-16

PUBLIC DEFENDER IS APPOINTED/Aprobado PUBLIC DEFENDER IS APPOINTED ONLY UNTIL YOU ARE RELEASED FROM JAIL El abogado solamente lo representera mientras esta encarselado

PUBLIC DEFENDER IS DENIED/Negado

You are hereby ORDERED TO REPAY BONNEVILLE COUNTY FOR THE COSTS OF THE PUBLIC DEFENDER \$25 EVERY TWO WEEKS UP TO THE AMOUNT SET BY THE JUDGE IN YOUR FINAL APPEARANCE. YOUR FIRST \$25 PAYMENT IS DUE TWO WEEKS FROM THE DATE OF YOUR RELEASE FROM JAIL OR, IF NOT HELD IN JAIL, TWO WEEKS FROM THIS DATE.

Se ordena que pague al Condado de Bonneville por cosots del Defensor de Oficio en la cantidad de \$25 cada dos semanas hasta que pague por completo la cantidad que sea ordenado por el Juéz en su comparecencia final. Se obliga que dé su primer pago de \$25 dos semanas despues de su libertad o si no esta encarcelado seria entonces dos semanas desde la fecha de hoy.

JUDGE/Juéz [Signature] DATE/Fecha 10-4-16 80

P

11:18:47 10-07-2016

1

208 529 1181

Oct. 7. 2016 11:43AM

No. 5650 P. 1/2

BONNEVILLE COUNTY IDAHO

16 OCT -7 PH 3:47

JORDAN S. CRANE
Idaho State Bar No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Telephone: (208) 529-1350, Ext. 1105

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT HENSLEY,)
)
 Defendant.)

Case No. CR-2016-7593

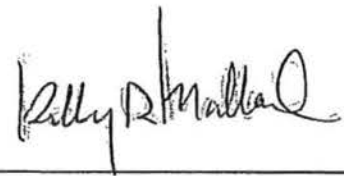
SUBSTITUTION OF COUNSEL

Notice is hereby given that JORDAN S. CRANE is hereby substituted as counsel of record for SCOTT HENSLEY, in the place of KELLY MALLARD, Office of the Public Defender, previous counsel for the said defendant.

DATED this 7 day of October, 2016.



 JORDAN S. CRANE



 KELLY MALLARD

ORIGINAL

Oct. 7. 2016 11:43AM

No. 5650 P. 2/2

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am a licensed attorney for the State of Idaho, with my office in Idaho Falls, and that on the 7 day of October, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

SUBSTITUTION OF COUNSEL

Prosecuting Attorney
 Courthouse Box
 Idaho Falls, ID 83402

Hand Delivery

Mailing



Legal Assistant to JORDAN S. CRANE

2016 OCT 12 PM 3:06
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE
ORDER SETTING PRE-TRIAL
CONFERENCE AND TRIAL

IT IS HEREBY ORDERED:

- 1) Formal pre-trial conference pursuant to Rule 18, I.C.R. will be held on November 29, 2016, at 10:00 a.m.
- 2) Witness lists, exhibit lists, jury instructions and any trial briefs must be filed one week before the beginning of trial.
- 3) Jury trial will commence on December 12, 2016, at 10:00 a.m.
- 4) The defendant is ordered to appear at the pre-trial conference and jury trial.

SO ORDERED this 12th day of October, 2016.

BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

2016 OCT 12 PM 3:06
DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

STATE OF IDAHO,)	
	)	Case No. CR-2016-7593-FE
Plaintiff,)	
)	
-vs.-	)	COURT MINUTE ON
	)	ARRAIGNMENT
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
_____)	

Date: October 12, 2016, at 9:11 a.m.

Mr. Danny Clark represented the State.

Defendant appeared in person and with his attorney, Mr. Jordan Crane.

Presiding Judge: Bruce L. Pickett.

Court Reporter present was Ms. Mary Fox.

Deputy Court Clerk present was Ms. Amanda Barnes.

Name: Scott Robert Hensley.

Defendant indicated that his name as shown on the Information on file was true and correct.

Crime charged: Count I: Possession of a Controlled Substance – Methamphetamine, Felony, and Count II: Possess with Intent to Use Drug Paraphernalia, Misdemeanor, as appears on Information on file.

The Court informed the defendant and the defendant acknowledged that he understood that he was charged with the criminal offense of Possession of a Controlled Substance – Methamphetamine, Felony. The Court informed the defendant that if found guilty of said charge, he could be sentenced to the custody of the Idaho Department of Correction for a maximum of seven (7) years and/or a fine of up to \$15,000. The defendant was also advised of his obligation for restitution. The defendant acknowledged that he understood.

The Court informed the defendant and the defendant acknowledged that he understood that he was charged with the criminal offense of Possess with Intent to Use Drug Paraphernalia, Misdemeanor. The Court informed the defendant that if found guilty of said charge, he could be sentenced to the custody of the Bonneville County Sheriff's Office for a maximum of one (1) year and/or a fine of up to \$1,000.00. The defendant was also advised of his obligation for restitution. The defendant acknowledged that he understood.

The defendant further acknowledged that he had a copy of the Information filed in this matter, understood the nature of the charge, waived additional time to consider the same and was ready to proceed in all respects to this case.

The Defendant waived the reading of the Information.

Prior to court convening, the defendant viewed the video presentation explaining his Constitutional rights re: arraignment. Upon inquiry from the Court, the defendant stated he understood his rights as explained. The defendant and his counsel signed the Acknowledgement of Understanding of Rights on Arraignment.

The Court asked the defendant if he was ready to enter a plea, where upon the defendant answered that he was ready.

The defendant then entered a plea of not guilty to the charges set forth in the Information on file in this case.

Upon a plea of not guilty, pre-trial conference was scheduled for November 29, 2016, at 10:00 a.m., jury trial was scheduled for December 12, 2016, at 10:00 a.m.

Bail was continued as previously set.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

2016 OCT 12 PM 3:06
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

STATE OF IDAHO,)
)
Plaintiff (Acusador),)
)
-vs-)
)
Hensley, Scott Robert)
Defendant (El Acusado).)
)
)
)

Case No. 16-7593

ACKNOWLEDGEMENT OF
UNDERSTANDING OF
RIGHTS IN ARRAIGNMENT
RECONOCIMIENTO Y
ENTENDIMIENTO DE DERECHOS
EN LA VISTA INCOATORIA

BIRTHDATE: [REDACTED] AGE: 31 SSN: [REDACTED] PHONE: _____
FECHA DE NAC: [REDACTED] EDAD: 31 NÚM. DE SEGURO SOCIAL: [REDACTED] TELÉFONO: _____
ADDRESS: 4465 Greenway Blvd. Idaho Falls
DOMICILIO: _____
HOW FAR DID YOU GO IN SCHOOL? 12th grade graduate
¿CUANTOS AÑOS DE ESTUDIO? _____
LIST EACH STATE (OTHER THAN IDAHO) WHERE YOU HAVE LIVED: _____
INDIQUE CADA ESTADO DONDE UD. HA VIVIDO (APARTE DEL ESTADO DE IDAHO): _____

I, [Signature], hereby acknowledge and confirm the following:
Yo, _____ (Write your name/Escriba su nombre) por el presente reconozco y entiendo lo siguiente:

- 1. I have reviewed with my attorney a copy of the Information that has been filed against me and I understand the nature of the charges that are stated in the Information.
Con mi abogado he repasado una copia del Informe Acusatorio que ha sido elevado en mi contra, y yo entiendo la naturaleza de dicho(s) cargo(s) indicado(s) en el Informe Acusatorio.
- 2. Before my arraignment in district court I viewed the video presentation which explained the various plea options that are available to me and my Constitutional rights.
Antes de mi vista incoatoria en el tribunal de distrito, alcance ver un video que me explicó mis derechos Constitucionales y las opciones declaratorias que tengo disponible.
- 3. I understand the various plea options that were explained in the video presentation; I also understand my Constitutional rights and the consequences of exercising each of my plea options.
Entiendo las varias opciones declaratorias que fueron explicadas en el video; también entiendo mis derechos Constitucionales y las consecuencias por ejercer cada una de mis opciones declaratorias.
- 4. I have had adequate time and opportunity to talk to my attorney before my arraignment and he has advised me concerning the arraignment and answered all of my questions to my satisfaction.
Antes de la vista incoatoria, he tenido el tiempo necesario y la oportunidad de hablar con mi abogado y el me ha orientado en cuanto la vista incoatoria y estoy satisfecho de que contesto todas mis preguntas.

DATED this 12 day of October, 2016.
FECHADO ÉSTE DÍA DE _____, 2016.

[Signature]
Defendant's Attorney
Abogado Defensor

[Signature]
Defendant
Acusado

2016 OCT 13 PM 3:56

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189
Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S SECOND SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

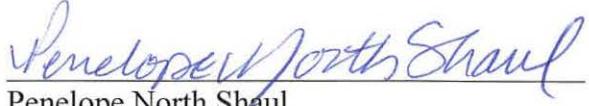
RESPONSE #3 Evidence:

1. Idaho State Police Forensic Services Lab Report P2016-1627, including the Controlled Substance Analysis Notes.
2. Idaho State Police Forensic Services Lab Report P2016-1636, including the Controlled Substance Analysis Notes.

RESPONSE #5 Witnesses:

1. Scott Hellstrom
Forensic Scientist

Dated this 13th day of October 2016.


 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 13th of October 2016, a true and correct copy of the foregoing EXPERT WITNESS DISCLOSURE was delivered to the following person(s):

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402



Legal Assistant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of October 2016, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED:

STATE'S SECOND SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED:

Jordan Crane

PD
Courthouse Box
Idaho Falls, Idaho 83402

[Signature]

Legal Assistant

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY, IDAHO
16 OCT 17 AM 10:59

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189


Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	EXPERT WITNESS DISCLOSURE
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

Pursuant to Idaho Criminal Rule 16(b)(7), the State of Idaho, through its attorney of record Bonneville County Deputy Prosecuting Attorney Penelope North Shaul, makes the following expert witness disclosure. The State intends to call Scott Hellstrom as an expert witness in the area of drug testing. The State has enclosed as exhibits to this Expert Witness Disclosure documents summarizing the substance of the testimony of the expert as well as his qualifications.

Dated this 13th day of October 2016.


Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 13th of October 2016, a true and correct copy of the foregoing EXPERT WITNESS DISCLOSURE was delivered to the following person(s):

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402



Legal Assistant

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY, IDA.
16 OCT 17 AM 10:59

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189


Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	EXPERT WITNESS DISCLOSURE
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

Pursuant to Idaho Criminal Rule 16(b)(7), the State of Idaho, through its attorney of record Bonneville County Deputy Prosecuting Attorney Penelope North Shaul, makes the following expert witness disclosure. The State intends to call Scott Hellstrom as an expert witness in the area of drug testing. The State has enclosed as exhibits to this Expert Witness Disclosure documents summarizing the substance of the testimony of the expert as well as his qualifications.

Dated this 13th day of October 2016.


Penelope North Shaul
Deputy Prosecuting Attorney

JORDAN CRANE #6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Telephone: (208) 529-1350 ext. 1105

BONNEVILLE COUNTY
IDAHO

2016 OCT 21 AM 11:05

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT R. HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593

NOTICE OF HEARING

TO: Prosecuting Attorney; Courthouse Box.

PLEASE TAKE NOTICE that on November 9, 2016, at the hour of 9:45 a.m. or as soon thereafter as counsel can be heard, the Defendant will call up a Motion to Unseal Search Warrant.

DATED this 21st day of October, 2016.



JORDAN CRANE #6843
Deputy Public Defender

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21 day of October, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

NOTICE OF HEARING

PARTIES SERVED:

SCOTT R. HENSLEY
Prosecuting Attorney's Office
Courthouse Box
Idaho Falls, ID 83402

Hand delivery

Mailing



Legal Assistant to JORDAN CRANE #6843

Jordan S. Crane
ISB No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Phone: (208) 529-1350 ext. 1105
Email: JCrane@co.bonneville.id.us

BONNEVILLE COUNTY
IDAHO
2016 OCT 20 PM 3:43

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,

Plaintiff,

v.

SCOTT ROBERT HENSLEY,

Defendant.

Case No. CR-2016-7593-FE

**MOTION TO UNSEAL
SEARCH WARRANT**

COMES NOW, the Defendant, SCOTT ROBERT HENSLEY, by and through counsel, Jordan S. Crane, and respectfully requests an order requiring that the following be disclosed to the defense:

1. Bonneville County Search Warrant No. 2016-55;
2. All affidavits in support of the application for Bonneville County Search Warrant No. 2016-55; and
3. All recordings made of any testimony given regarding the application for Bonneville County Search Warrant No. 2016-55.

DATED this 20 day of October, 2016.



Jordan S. Crane
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of October, 2016. I served a true and correct copy of foregoing MOTION TO UNSEAL SEARCH WARRANT on the party listed below, by fax and/or mailing with the correct postage thereon, or by causing the same to be hand-delivered, as indicated hereafter.



PARTIES SERVED:

Penny North Shaul
Bonneville County Prosecutor's Office
605 N. Capital Ave.
Idaho Falls, ID 83402

SERVICE TYPE:

- Hand Delivery
- Facsimile Transmission
- Courthouse Box
- Mailing

2016 NOV -3 PM 12:39
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593

ORDER TO UNSEAL
SEARCH WARRANT

The Court having reviewed the Stipulation to Unseal Search Warrant and having found good grounds therefore, hereby ORDERS that Search Warrant in the above mentioned case is hereby unsealed.

Dated this 3rd day of November, 2016.



Judge

NOTICE OF ENTRY

I HEREBY CERTIFY that on this 3 day of November, 2016, I served a true and correct copy of the enclosed document by mailing, with the correct postage thereon, or by causing the same to be hand delivered to the following parties:

JORDAN S. CRANE
Office of the Public Defender
Bonneville County
605 N. Capital
Idaho Falls, Idaho 83402

PENELOPE SHAUL
Prosecuting Attorney's Office
Bonneville County
605 N. Capital
Idaho Falls, ID 83402

Penny Manning

Clerk of the Court

A. Baer

Deputy Clerk

JORDAN S. CRANE
 Idaho State Bar No. 6843
 Office of the Public Defender
 Bonneville County
 605 N. Capital Avenue
 Idaho Falls, Idaho 83402
 Telephone: (208) 529-1350, Ext. 1105

BONNEVILLE COUNTY
 IDAHO FALLS, IDAHO
 2016 NOV -3 AM 10:53

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT HENSLEY,)
)
 Defendant.)

Case No. CR-2016-7593

STIPULATION TO UNSEAL
SEARCH WARRANT

The State of Idaho, by and through PENELOPE SHAUL, Bonneville County Deputy Prosecutor, and the defendant, SCOTT HENSLEY by and through his attorney, JORDAN S. CRANE, Bonneville County Public Defender, hereby stipulate that the Search Warrant in the above mentioned case be unsealed.

Dated: Nov 2, 2016

Penelope North Shaul
 PENELOPE SHAUL
 Bonneville County Deputy Prosecutor

Dated: 11/3/16

Jordan S. Crane
 JORDAN S. CRANE
 Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3 day of November, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

STIPULATION TO UNSEAL
SEARCH WARRANT

PARTIES SERVED:

PENELOPE SHAUL
Prosecuting Attorney's Office
Bonneville County
Courthouse Box
Idaho Falls, Idaho 83402

Hand Delivery

Mailing



Legal Assistant to
JORDAN S. CRANE

2016 DEC -2 AM 9:40
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE
MINUTE ENTRY ON
PRETRIAL CONFERENCE

On November 29, 2016, at 10:34 a.m., in Courtroom #3, this pre-trial conference came on for hearing before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Amanda Barnes, Deputy Court Clerk, were present. Ms. Penny North Shaul appeared on behalf of the State. The defendant appeared in person and with counsel, Mr. Jordan Crane.

Mr. Crane requested a continuance.

Ms. Shaul had no objection.

The Court vacated the current trial setting and scheduled the matter for a pretrial conference on January 17, 2017, at 10:00 a.m. and jury trial on January 30, 2017, at 10:00 a.m.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

2016 DEC -2 AM 9:40
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
-vs.-)	
	)	ORDER VACATING TRIAL AND
SCOTT ROBERT HENSLEY,	)	RE-SETTING TRIAL
)	
Defendant.)	
_____)	

NOTICE IS HEREBY GIVEN that the above entitled matter, which was previously scheduled for jury trial on December 12, 2016, before the Honorable Bruce L. Pickett, District Judge is vacated. IT IS HEREBY ORDERED that:

- 1) Formal pre-trial conference pursuant to Rule 18, I.C.R. will be held on January 17, 2017, at 10:00 a.m.
- 2) Witness lists, exhibit lists, jury instructions and any trial briefs must be filed one week before the beginning of trial.
- 3) Jury trial will commence on January 30, 2017, at 10:00 a.m.
- 4) The defendant is ordered to appear at the pre-trial conference and jury trial.

SO ORDERED this 18 day of December, 2016.



 BRUCE L. PICKETT
 District Judge

c: Prosecutor
Jordan Crane

JORDAN CRANE #6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Telephone: (208) 529-1350 ext. 1105

BONNEVILLE COUNTY
IDAHO
2016 DEC -7 PM 3:42

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)


Case No. CR-2016-7593

NOTICE OF HEARING

TO: Prosecuting Attorney; Courthouse Box.

PLEASE TAKE NOTICE that on December 28, 2016, at the hour of 10:30 A.M. or as soon thereafter as counsel can be heard, the Defendant will call up a Motion to Suppress.

DATED this 7 day of December, 2016.


JORDAN S. CRANE
Deputy Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7 day of December, 2016, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

NOTICE OF HEARING

PARTIES SERVED:

PENELOPE SHAUL
Prosecuting Attorney's Office
Courthouse Box
Idaho Falls, ID 83402

Hand delivery

Mailing



Legal Assistant to JORDAN S. CRANE

Jordan S. Crane
ISB No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Phone: (208) 529-1350 ext. 1105
Fax: (208) 529-1181
Email: JCrane@co.bonneville.id.us

BONNEVILLE COUNTY
IDAHO
2016 DEC -7 PM 3:42

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE**

STATE OF IDAHO

Plaintiff,

v.

SCOTT ROBERT HENSLEY,


Defendant.

Case No. CR-2016-7593-FE

MOTION TO SUPPRESS

COMES NOW the Defendant, SCOTT ROBERT HENSLEY, by and through counsel of record, Jordan S. Crane, and hereby moves for an order suppressing any/all evidence obtained and derived as a result of Bonneville County Search Warrant No. 2016-55. This motion is based upon the fact that the issuance of Search Warrant No. 2016-55 failed to comply with the requirements of Idaho Criminal Rule 41 and was, therefore, invalid. *See State v. Zielinski*, 119 Idaho 316, 805 P.2d 1240 (1991) and *State v. Slater*, 133 Idaho 882, 994 P.2d 625 (1999).

Dated this 6th day of December, 2016

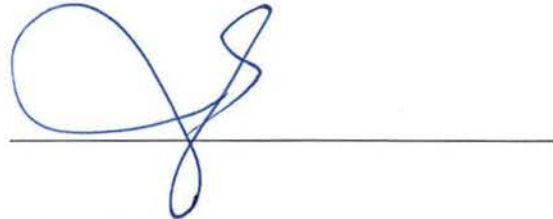


JORDAN S. CRANE
Attorney for Defendant



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7 day of December, 2016, I served a true and correct copy of the foregoing MOTION TO SUPPRESS on the party listed below, by fax and/or mailing with the correct postage thereon, or by causing the same to be hand-delivered, as indicated hereafter.



PARTIES SERVED:

Penelope North Shaul
Prosecuting Attorney's Office
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402

SERVICE TYPE:

- Hand Delivery
- Facsimile Transmission
- Courthouse Box
- Mailing

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY
IDAHO
2016 DEC -9 AM 10:39

Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S OPPOSITION TO
	)	MOTION TO SUPPRESS
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho opposes the Defendant's Motion to Suppress and will present testimony and argument at the hearing scheduled for Wednesday, December 28, 2016.

Dated this 8th day of December 2016.

Penelope North Shaul
Penelope North Shaul
Deputy Prosecuting Attorney


ORIGINAL
23 2016
10 10
096

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of December 2016, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED: STATE'S OPPOSITION TO MOTION TO SUPPRESS

PARTIES SERVED: Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402



Legal Assistant

2016 DEC 28 PM 1:29
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,) Case No. CR-2016-7593-FE
)
 -vs-) **MINUTE ENTRY**
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

This matter came on for hearing on defendant's Motion to Suppress on December 28, 2016, at 10:45 a.m., in Courtroom #4, before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Amanda Barnes, Deputy Court Clerk, were present.

Ms. Penny North Shaul appeared on behalf of the State.

The defendant appeared in person and with counsel, Mr. Jordan Crane.

Mr. Crane clarified the defendant's Motion to Suppress.

Counsel stipulated to the facts of a written Affidavit of Probable Cause was submitted, Detective Kyle Fielding was the Affiant, Detective Fielding appeared in Judge Gil Gardner's chambers, Detective Fielding signed in presence of magistrate, and there was no audio.

Detective Kyle Fielding being called on behalf of the State was duly sworn and examined by Ms. Shaul. Mr. Crane objected at 10:52 a.m. Ms. Shaul responded. The Court overruled the objection. Ms. Shaul continued with examination. Mr. Crane cross-examined the witness and the

witness was excused.

Mr. Crane presented argument in support of the defendant's Motion to Suppress.

Ms. Shaul argued in opposition to the defendant's motion.

Mr. Crane presented rebuttal argument.

The Court took the matter under advisement and will issue a decision in due course.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

2016 DEC 30 AM 11:07

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,

Plaintiff,

v.

SCOTT ROBERT HENSLEY,

Defendant,

Case No. CR-2016-7593

OPINION AND ORDER ON
DEFENDANT'S MOTION TO
SUPPRESS

This is an Opinion and Order in response to Defendant's Motion to Suppress argued and submitted on December 28, 2016.

**I.
FACTS**

The facts were submitted by stipulation with some testimony from Detective Fielding. The testimony was consistent with the stipulated facts which were also consistent with the Affidavit of search warrant which was part of the court file and this court takes judicial notice of its own file.

Detective Fielding went to obtain a search warrant from Magistrate Judge Gil Gardner. Judge Gardener placed Detective Fielding under oath. Detective Fielding signed the affidavit in front of Judge Gardner. Judge Gardner issued the search warrant. There was no audio recording made of any part of the interaction between the Magistrate Judge and the Deputy. The

2016
Wayan to
OK

Defendant does not contest the finding of probable cause to issue the warrant but the non-recording of the interaction.

The Defendant did not stipulate that that is all that occurred during the interaction. The defense has argued that is exactly the problem. The Defendant does not know what occurred between the deputy and the Magistrate.

The Defendant subsequently filed this Motion to Suppress based upon the fact there was no recording of the interaction between law enforcement and the Magistrate Judge. The State has argued that they followed the law and they do not need a recording. The issue before the Court is, is a recording of an application for search warrant needed if there was no oral testimony given to the Magistrate, also must there be a recording of the deputy being sworn in by the Magistrate to subscribe and swear to the affidavit.

II. APPLICABLE PRINCIPLES OF LAW

Idaho Criminal Rule 41(c) states

(c) Issuance and Content. A warrant shall issue only on an affidavit or affidavits, which include written certifications or declarations under penalty of perjury, or by testimony under oath and recorded and establishing the grounds for issuing a warrant. If the district judge or magistrate is satisfied that there is probable cause to believe that the grounds for the application exist, the judge or magistrate shall issue a warrant identifying the property or person and naming or describing the person or place to be searched. The finding of probable cause shall be based upon substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis, considering the totality of the circumstances, to believe probable cause exists. Before ruling on a request for a warrant the district judge or magistrate may require the affiant to appear personally and may examine under oath the affiant and any witnesses affiant may produce, provided that such proceeding shall be taken down by recording equipment and shall be considered a part of the affidavit.

In *State v. Slater*, 133 Idaho 882, 888–89, 994 P.2d 625, 631–32 (Ct. App. 1999) the Defendant argued the search warrant was invalid because among other things, no record was

made of the officer's testimony in support of the search warrant. The State argued that under I.C.R. 41, the recording requirement applies only to oral affidavits. *Id.* The Court held:

Defendant argues that because no record of [the officer's] testimony, or of the proceedings before [the magistrate] wherein the warrant was obtained was made, the warrant should be found defective pursuant to the holding in *State v. Zielinski*, 119 Idaho 316, 805 P.2d 1240 (1991). This reliance is misplaced. In *Zielinski*, the affidavit was oral and a record was attempted to be preserved by electronic tape recording, but the tape recorder failed. There was never a written affidavit, and there was thus no record of the oral proceedings. Here, we have the written affidavit and facts stipulated to by both parties concerning its execution. We have a record that satisfies both I.C.R. 41(c) and I.C. § 19-4403.

The Supreme Court of Idaho stated in *State v. Bicknell*, 140 Idaho 201, 203-04, 91 P.3d 1105, 1107-08 (2004)

The district court granted the motions to dismiss because it concluded that the issuance of the search warrant violated the procedure set forth in that portion of Idaho Criminal Rule 41(c), which provides, "A warrant shall issue only on an affidavit or affidavits sworn to before a district judge or magistrate or by testimony under oath and recorded and establishing the grounds for issuing a warrant." The district court construed the phrase "sworn to before a district judge or magistrate" as requiring that the affiant appear personally before the district judge or magistrate and execute the affidavit in the judge's presence.

There is no showing that the procedure followed in this case to obtain the search warrant in any way violated either the Constitution of the United States or the Constitution of the State of Idaho. The Fourth Amendment to the United States Constitution states that no "warrants shall issue, but upon probable cause, supported by oath or affirmation." The "oath or affirmation" requirement of the Fourth Amendment is a formal assertion of, or attestation to, the truth of what is said. *United States v. Turner*, 558 F.2d 46 (2d Cir.1977); *United States v. Brooks*, 285 F.3d 1102 (8th Cir.2002). The Defendants have not cited, nor have we found, any authority supporting the proposition that the Fourth Amendment requires that an affidavit submitted in connection with an application for a search warrant must be signed in the presence of the person issuing the warrant. Likewise, our state Constitution does not contain any such requirement. Article I, § 17, simply provides that "no warrant shall issue without probable cause shown by affidavit." There is no requirement that the affidavit, if it is in writing,¹ be signed in the presence of the person issuing the search warrant. At the time of the adoption of our Constitution, one of the duties of a notary public was "[t]o take depositions and affidavits, and administer oaths and affirmations, in all matters incident to the duties of the office, or to be used before any court, judge, officer, or board in this Territory." REV. STAT. OF IDAHO TERR. § 289(3) (1887). Had the framers of our Constitution intended to exclude affidavits signed before a notary public from being used to obtain a search warrant, they would certainly have drafted Article I, § 17, to do so.

III. ANALYSIS

The Defendant has argued that since there was no recording of the interaction between law enforcement and the Magistrate Judge when the warrant was issued the defendant is precluded from knowing what occurred. The Defendant has also argued that the best practice would be for the State or the Court to record the interaction and then allow the Defendant to review the interaction to look for inconsistencies. The Defendant also argues there are affidavit search warrants, where there is no interaction between the court and law enforcement other than in writing, oral search warrants where all of the interaction is recorded and the evidence submitted is without a written affidavit and then a hybrid where the State produces an affidavit but the Magistrate has questions and so it changes into oral testimony to complete probable cause.

The State has argued it is not required to record that interaction and the Idaho Criminal Rule 41 requires a recording only if there is oral testimony of any kind either in whole or in part.

This is a question of law and fact. The facts were stipulated to but even if there had not been a stipulation the written affidavit provides the same facts that the parties stipulated to and the Court considers. The Court finds that as a matter of law under the United States Constitution, the Idaho Constitution, the Idaho Code and Idaho Criminal Rule 41 that there does not need to be a recording of the interaction between law enforcement and a magistrate if there is probable cause submitted by a properly sworn written affidavit. In this case there was no evidence submitted that the oath was improper or that there was any irregularity as to the swearing in of the deputy. The rule requires a recording if there is oral testimony of facts that the court used in considering probable cause. If there is no oral testimony of facts that the court

considered the law does not require there to be a recording of the interaction. The case is more similar to the courts ruling in,

State v. Slater, 133 Idaho 882, 888–89, 994 P.2d 625, 631–32 (Ct. App. 1999)

Defendant argues that because no record of [the officer's] testimony, or of the proceedings before [the magistrate] wherein the warrant was obtained was made, the warrant should be found defective pursuant to the holding in *State v. Zielinski*, 119 Idaho 316, 805 P.2d 1240 (1991). This reliance is misplaced. In *Zielinski*, the affidavit was oral and a record was attempted to be preserved by electronic tape recording, but the tape recorder failed. There was never a written affidavit, and there was thus no record of the oral proceedings. Here, we have the written affidavit and facts stipulated to by both parties concerning its execution. We have a record that satisfies both I.C.R. 41(c) and I.C. § 19-4403.

Counsel for the Defense argues that it is not best practice to not record the interaction and the Court would agree. It is a better practice to record the interaction between law enforcement and the Court so that the interaction can be examined. However neither the Rule nor the Statute requires that. The State properly followed the law and the Rule in this case and properly submitted evidence by written affidavit properly subscribed and sworn to before a magistrate.

IV. CONCLUSION

Based on the foregoing, the Defendants' Motion to Suppress is denied.

Dated this 30th day of December, 2016.



Bruce L. Pickett
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 30 day of December 2016, the foregoing OPINION AND ORDER ON DEFENDANTS MOTION TO SUPPRESS was entered and a true and correct copy was served upon the parties listed below by mailing, with the correct postage thereon, or by causing the same to be delivered to their courthouse boxes.

Attorney for State

Penny North Shaul
Bonnevill County Prosecutor's Office
624 E. Center St.
Pocatello ID 83201

Attorney for Defendant

Jordan Crane
Court House Box

Penny Manning

Clerk of the District Court
Bonnevill County, Idaho

by *A. Barnett*
Deputy Clerk

**REQUEST FOR JURY
(CRIMINAL)**

2017 JAN 17 PM 2:04
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Judge: Bruce L Pickett

Title of Case: State of Idaho v. Scott Robert Hensley Case No. CR-2016-0007593-FE

Date and Time Trial to Begin: Monday, January 30, 2017 at 10:00 AM

Number of Jurors to be Summoned: 50

Magistrate or District? District

Courtroom: To Be Announced

Time for Jurors to Report for Orientation: 9:00 a.m.

Expected Number of Trial Days: 2

Prosecuting Attorney: Penelope North Shaul

Defendant's Attorney: Jordan S Crane

Date: Tuesday, January 17, 2017

A Barnes
Amanda Barnes, Deputy Clerk

2017 JAN 19 AM 7:55
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
-vs-	)	MINUTE ENTRY ON
	)	PRETRIAL CONFERENCE
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
_____)	

On January 17, 2017, at 10:21 a.m., in Courtroom#5, this pre-trial conference came on for hearing before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Amanda Barnes, Deputy Court Clerk, were present. Mr. Danny Clark appeared on behalf of the State. The defendant appeared in person and with counsel, Mr. Jordan Crane.

Mr. Crane noted the parties had not been able to reach a resolution and were ready to proceed to trial.

The Court instructed counsel to have witness lists, exhibit lists, and jury instructions filed by January 23, 2017.

Trial will commence on January 30, 2017, at 10:00 a.m.

Court was thus adjourned.


BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

2017 JAN 20 PM 3:23

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

STATE OF IDAHO,
Plaintiff.

vs.

Scott Robert Hensley
4465 E Greenwillow
Idaho Falls, ID 83401
Defendant.

Case No.: CR-2016-0007593-FE

NOTICE OF HEARING

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

Status Conference: **Wednesday, January 25, 2017 at 09:30 AM**
Judge: Bruce L Pickett
Courtroom:
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Jordan S Crane
P.O. Box 51257
Idaho Falls ID 83405
 Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul
 Court Box Mailed Hand Delivered

Dated: Friday, January 20, 2017

Penny Manning
Clerk Of The District Court

By: A Baerney
Deputy Clerk

doc22cr 2/05

P

BONNEVILLE COUNTY CLERK
17 JAN 20 PM 3:39

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S WITNESS AND
	)	EXHIBIT LIST
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State submits the following as its potential witness and exhibit list for trial in the above action:

WITNESSES

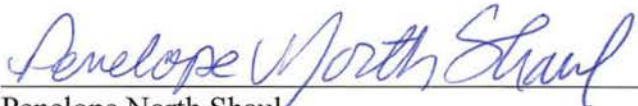
1. Detective Kyle Fielding
Bonnevill County Sheriff's Office
2. Sgt. Chris Reed
Bonnevill County Sheriff's Office
3. Detective Nicholas Contreras
Bonnevill County Sheriff's Office
4. Scott Hellstrom
Forensic Scientist

5. Victoria Kinghorn
6. Dan Ziegler or Jared Thompson in case number CR -2011-000095-FE
7. Dan Ziegler or Jared Thompson in case number CR -2004-0013217-FE

EXHIBITS

1. Two (2) documents from closet shelf.
2. Defendant Driver's License.
3. Power bill.
4. Photographs.
5. Methamphetamine.
6. Lab report.
7. Judgment in case number CR -2011-000095-FE.
8. Judgment in case number CR -2004-0013217-FE.
9. Pre-Search video.
10. Post-Search video.

Dated this 20th day of January 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 10 of January 2017, a true and correct copy of the foregoing STATE'S WITNESS AND EXHIBIT LIST was delivered to the following person(s):

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

BONNEVILLE COUNTY IDAHO

17 JAN 20 PM 3:39

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S THIRD SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

RESPONSE #3 Evidence:

1. Judgement of Conviction Suspended and Order of Probation, CR-2004-0013217-FE, dated November 2, 2004.
2. Judgement of Conviction Retained Jurisdiction, CR-2011-000095-FE, dated June 9, 2011.

RESPONSE #8 Videotape, audiotape, or photographic evidence:

1. CD copy of pics, report #2016-07428, June 22, 2016.

RESPONSE #5 Witnesses:

1. Probation Officer in case number CR-2004-0013217-FE.
2. Probation Officer in case number CR-2011-000095-FE

Dated this 30th day of January 2017.


Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on the 20 day of January 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED:

STATE'S THIRD SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED:

Jordan Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

BONNEVILLE COUNTY
IDAHO
2017 JAN 23 AM 10:58

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE


STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S FOURTH SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

RESPONSE #3 Evidence:

1. Idaho Department of Correction documents and photographs.

Dated this 20th day of January 2017.


 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of January 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED:

STATE'S FOURTH SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED:

Jordan Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant



Idaho Department of Correction

Offender Summary

Offender Name: HENSLEY, SCOTT ROBERT			
Offender Number: 75704			
Location: HISTORY	Location Date: 07/02/2015		
Custody Level: UNCLASSIFIED	Custody Date:		
Legal Status: HISTORY	Status Date: 07/02/2015		
Gender: MALE	SSN: [REDACTED]		
Height: 5 ft 8 in	FBI No:		
Weight: 180 lbs	SID No:		
Eye Color: BROWN			
Hair Color: BROWN			
Birth Date: [REDACTED]			
Age: 31			
PED:	TPD:	FTRD:	Case Manager/PO:
Alias Name:		Name Type:	
HENSLEY, SCOTT ROBERT		Name of Record	
DOMESTIC,		Moniker	
Scars, Marks, Tattoos			
No Records Found			
Crime			
Disposition	County	Sentence (Min/Max)	Sentence Date
No Records Found			
Detainers and Holds			
Type	Requesting Agency	Jurisdiction	Effective Date
No Records Found			
Cautions, Holds and Considerations			End Date
No Records Found			
Security Threat Group Information			
STG	Activity Level	Comments	
OTHER	SUSPECTED	AMERICAN OUTLAW	
Offender Safety Concerns			
Primary Offender	Offender Number	Location	Secondary Offender
			Offender Number
			Location
			Conflict Staff Name
			Conflict Staff Location
			End Date
No Records Found			

=====

FBI No.: 901330EC5	SID No: ID00300437	Inmate Class: See CIS
Birthdate: ██████████	S.S.N.: ██████████	Status Type:
Sex: MALE	Ethnicity: WHITE	Status Date:
Height: 5'08	Complexion: FAIR	Par Elig: 07/05/2012
Weight: 180	Pre ID Incr: 1	Inst Disch: 07/04/2015
Eyes: BROWN	Detain/Warr: NONE	Tent. Par. Date:
Hair: BROWN	Nxt Par Hrg:	
Birthplace: AMERICAN FALLS ID		Case Mgr/Par Off: UNASSIGNED

Alerts:

Crime	# Dis Cnty	Docket Number / Seq	Fac/Lvg	Pd T Cl Bk	Date
SUBST POSS	D BONNE	CR11-95	1 HISTORY	SENT DISCH	07/02/2015
SUBST POSS	D BONNE	CR04-13217	1 ISCI/UNT08	00 A 4 A	06/23/2015
			ISCI/UNT11	00 A 11 B	05/22/2015
			ISCI/UNT08	00 A 10 A	05/13/2015
			ISCI/UNT09	00 C 76 B	04/28/2015
			ISCI/UNT07	00 B 18 B	04/23/2015
			WAIT TRNSP	BONNEVL/SH	03/11/2015
			SECRTYHOLD	BONNEVL/SH	01/07/2015
			CWC-IF	00 2 37 C	12/17/2014
			CWC-IF	00 2 37 A	11/06/2014
			CWC-IF	00 2 37 C	11/05/2014
			CWC-IF	00 2 37 B	10/16/2014
			CWC-IF	00 2 37 C	09/17/2014
			ICC/TRNSIT		09/17/2014
			ICC/UNIT H J	1 19 B	06/19/2014
			ICC/UNIT H J	1 20 A	02/07/2014
			ICC/UNIT H J	1 2 B	12/17/2013
			ISCI/TR		12/17/2013
			ISCI/UNT07	00 A 6 A	12/12/2013
			ICC/TRNSIT		12/11/2013
			ICC/UNIT H J	1 19 A	12/05/2013
			ICC/UNIT H J	1 2 B	09/11/2013
			ICC/SEG	00 2 6 B	09/05/2013
			ICC/UNIT H J	2 22 B	02/11/2013
			ICC/UNIT H J	2 10 B	12/24/2012
			ICC/UNIT H J	1 8 B	11/09/2012
			ICC/SEG	00 1 14 B	10/26/2012
			ICC/PIE BL P2	1 3 B	09/20/2012
			ISCI/TR		09/20/2012
			ISCI/UNT15	00 A 14 A	07/17/2012
			ISCI/UNT15	00 A 7 B	07/10/2012
			ISCI/UNT07	00 A 5 B	07/05/2012
			ISCI/UNT08	00 B 32 A	06/21/2012
			ISCI/UNT14	00 D 57 B	02/21/2012
			ISCI/UNT07	00 A 8 B	02/08/2012
			ISCI/UNT24	00 B 3 A	02/07/2012
			NICI/TR		02/07/2012
			NICI/UNIT4	00 4 64 G	02/06/2012
			NICI/UNIT3	00 3 12 A	01/02/2012

NICI/UNIT3	00	3	12	B	12/02/2011
NICI/UNIT3	00	3	28	B	09/20/2011
NICI/UNIT4	00	4	64	F	09/19/2011
NICI/UNIT3	00	3	28	B	08/13/2011
NICI/UNIT3	00	3	20	A	08/08/2011
ISCI/TR					08/08/2011
ISCI/UNT24	00	B	30	A	07/27/2011
BONNEVL/JB					07/08/2011
RT/UNAVTRN	BONNEVL	/SH			06/15/2011
RT AWT NOT	BONNEVL	/SH			06/06/2011
HISTORY	EARLYPBDIS				12/15/2005
D7ID FALLS	CCD	SPRVS	SN		11/22/2004
D7ID FALLS	DIST-07				09/24/2004

Previous Numbers:
Superceded Numbers:

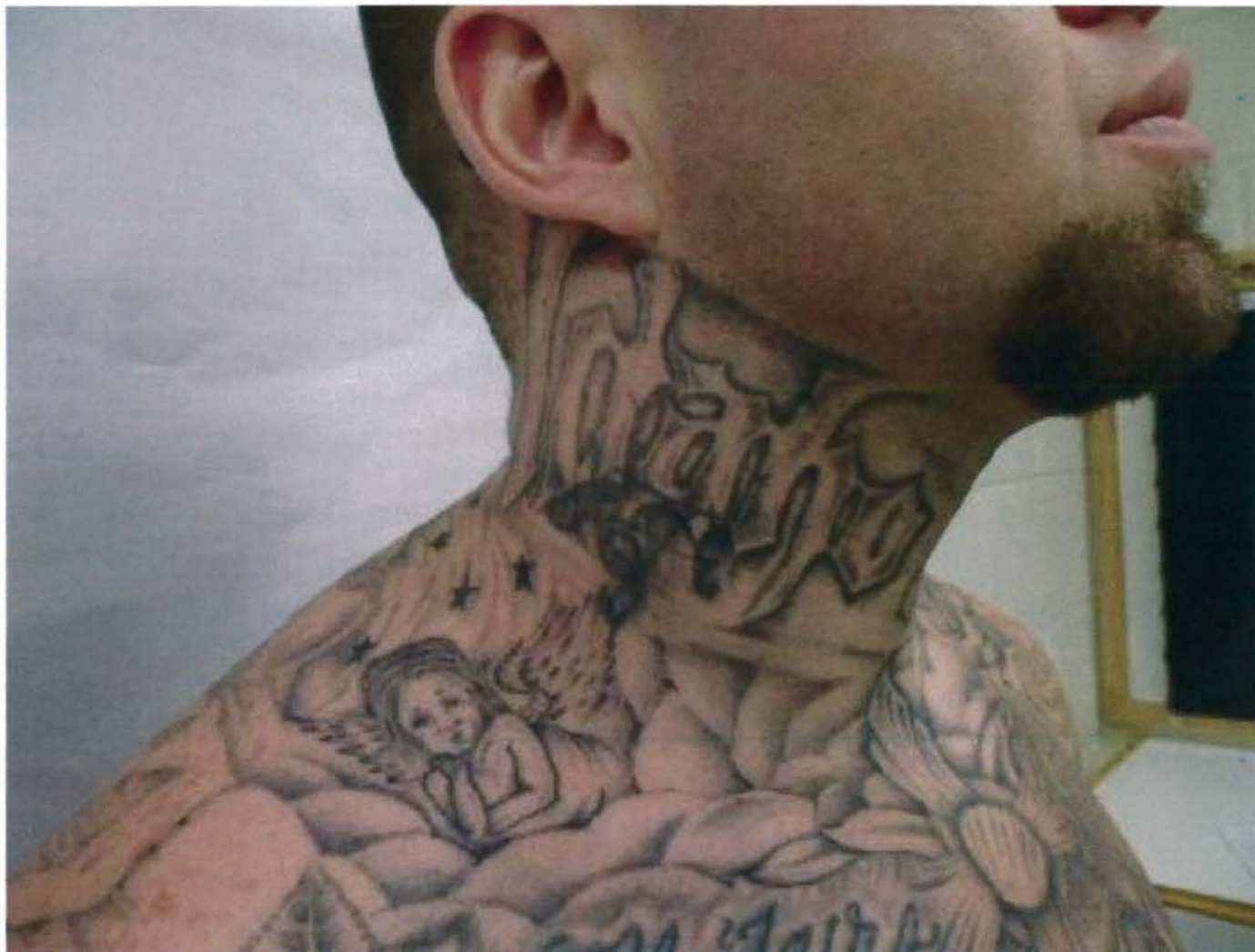
HENSLEY, SCOTT ROBERT

IDOC#: 75704



HENSLEY, SCOTT ROBERT

IDOC#: 75704



HENSLEY, SCOTT ROBERT
IDOC#: 75704



HENSLEY, SCOTT ROBERT

IDOC#: 75704



HENSLEY, SCOTT ROBERT

IDOC#: 75704



17 JAN 23 PM 5:05

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,

Plaintiff.

vs.

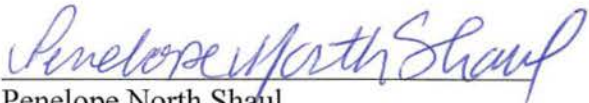
SCOTT ROBERT HENSLEY,

Defendant

)
) Case No. CR-2016-0007593-FE
)
) STATE'S PROPOSED JURY
) INSTRUCTIONS
)
)
)
)
)
)

The State of Idaho hereby submits the following proposed jury instructions.

Respectfully submitted this 23rd day of January 2017.


Penelope North Shaul
Deputy Prosecuting Attorney

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2017, I caused a true and correct copy of the foregoing document to be served on the following party:

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

ICJI 403 POSSESSION OF A CONTROLLED SUBSTANCE

STATE'S PROPOSED JURY INSTRUCTION NO. _____

In order for the defendant to be guilty of Possession of a Controlled Substance, the state must prove each of the following:

1. On or about June 23, 2016
2. in the state of Idaho
3. the Defendant Scott Robert Hensley possessed any amount of Methamphetamine, and
4. the Defendant either knew it was Methamphetamine, or believed it was a controlled substance.

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

Comment

I.C. § 37-2732(a). If the charge is possession of a controlled substance by an inmate, see ICJI 604.

If the defendant is charged with "second offense" drug possession, I.C. § 37-2739, that issue should be presented in a bifurcated proceeding.

In *State v. Fox*, 124 Idaho 924, 866 P.2d 181 (1993), the Supreme Court held that I.C. § 37-2732(c) does not set forth any mental state as an element of the crime of possession of a controlled substance. "Thus, as [this statute] does not expressly require any mental element and I.C. § 18-114 only requires a general intent, we conclude that the offense only requires a general intent, that is, the knowledge that one is in possession of the substance." The Court held that the defendant's lack of knowledge that the substance was illegal (as a controlled substance) was irrelevant.

In order to establish possession of a controlled substance, a defendant need not have actual physical possession of the substance; the state need only prove that the defendant had such dominion and control over the substance to establish constructive possession. *State v. Kopsa*, 126 Idaho 512, 887 P.2d 57 (Ct. App. 1994). Constructive possession of a controlled substance exists where a nexus between the accused and the substance is sufficiently proven so as to give rise to the reasonable inference that the accused was not simply a bystander but, rather, had the power and intent to exercise dominion and control over the substance. *State v. Rozajewski*, 130 Idaho 644, 945 P.2d 1390 (Ct. App. 1997).

Even trace or residual quantities of cocaine fall within the scope of I.C. § 37-2732(c). *State v. Groce*, 133 Idaho 144, 983 P.2d 217 (Ct. App. 1999).

The statute does not contain a mental element. The committee concluded, based upon *State v. Lamphere*, 130 Idaho 630, 945 P.2d 1 (1997), a mental element as set forth in element 4 should be included.

ICJI 408 POSSESSION OF DRUG PARAPHERNALIA

STATE'S PROPOSED JURY INSTRUCTION NO. _____

In order for the defendant to be guilty of Possession of Drug Paraphernalia, the state must prove each of the following:

1. On or about June 23, 2016
2. in the state of Idaho
3. the Defendant Scott Robert Hensley used or possessed a spoon and/or syringe, intending
4. to ingest, inhale, or otherwise introduce into the human body, a controlled substance.

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

Comment

I.C. § 37-2734A. Under the statute, the paraphernalia must be used or intended to be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body.

I.C. § 37-2701(n) contains the definition of drug paraphernalia.

Possession of drug paraphernalia is not an "included offense" of the crime of possession of cocaine. *State v. Kodesh*, 122 Idaho 756, 838 P.2d 885 (Ct. App. 1992).

ICJI 421 POSSESSION DEFINED

STATE'S PROPOSED JURY INSTRUCTION NO. _____

A person has possession of something if the person knows of its presence and has physical control of it, or has the power and intention to control it. More than one person can be in possession of something if each knows of its presence and has the power and intention to control it.

Comment

There is no need to attempt to distinguish further between actual and constructive possession and sole and joint possession. *State v. Seitter*, 127 Idaho 356, 900 P.2d 1367 (1995).

The first bracketed sentence is to be given only when a violation of the tax stamp law is charged. I.C. § 63-4202(3).

ICJI 422 CONTROLLED SUBSTANCE DEFINED

STATE'S PROPOSED JURY INSTRUCTION NO. _____

Under Idaho law, Methamphetamine, is a controlled substance.

Comment

I.C. §§ 37-2705 to 37-2713A.

The question whether a substance is designated in the Act as a controlled substance is a question of law for the court, not the jury. *State v. Hobbs*, 101 Idaho 262, 263, 611 P.2d 1047, 1048 (1980).

ICJI 427 PARAPHERNALIA DEFINED

STATE'S PROPOSED JURY INSTRUCTION NO. _____

"Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the human body.

Comment

I.C. § 37-2701(n). The committee recommends that this instruction be given only in unusual circumstances as the meaning of "drug paraphernalia" is implicit in the issue instruction. See ICJI 408 and ICJI 409.

ICJI 220 VERDICT FORM-SINGLE COUNT

STATE'S PROPOSED JURY INSTRUCTION NO. ____

STATE OF IDAHO,)	
)	
Plaintiff.	)	Case No. CR-2016-0007593-FE
)	
vs.)	
	)	VERDICT
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

We, the Jury, unanimously find the Defendant Scott Robert Hensley:

_____ Not Guilty of Possession of a Controlled Substance

_____ Guilty Possession of a Controlled Substance

We, the Jury, unanimously find the Defendant Scott Robert Hensley:

_____ Not Guilty of Possess with Intent to Use Drug Paraphernalia

_____ Guilty Possess with Intent to Use Drug Paraphernalia

Dated this _____ day of _____, 2017.

Presiding Officer

Comment

Use this verdict form when only one offense has been charged and there are no included offenses or special circumstances to be established. Otherwise use ICJI 221 and ICJI 222 or ICJI 223 and ICJI 224.

ICJI 1601 PERSISTENT VIOLATOR

STATE'S PROPOSED JURY INSTRUCTION NO _____

Having found the Defendant guilty of Possession of a Controlled Substance, you must next consider whether the Defendant has been convicted on at least two prior occasions of felony offenses.

The state alleges the defendant has prior convictions as follows:

1. On or about the 2nd day of November 2004, the Defendant was convicted of Possession of a Controlled Substance in Bonneville County Case Number CR-2004-0013217-FE, and;
2. On or about the 9th day of June 2011, the Defendant was convicted of Possession of a Controlled Substance in Bonneville County Case Number CR-2011-0000095-FE.

The existence of a prior conviction must be proved beyond a reasonable doubt and your decision must be unanimous.

Comment

State v. Johnson, 86 Idaho 51, 383 P2d 326 (1963), held that a persistent violator charge should be stated in a two-part information. The first part should state the particular offense with which the defendant is charged, and be signed at the end of the page by the prosecutor. The second part, or page, should allege former convictions, and be separable from the first part. It should be signed separately by the prosecutor. The entire information should be read to the accused at arraignment. However, when the jury is informed of the charge only the first part is read, then, after, and depending upon the verdict on part one, the second part is read, and the jury deliberates further.

Additional instruction on persistent violator and suitable verdict forms -- for findings by the jury on each alleged prior conviction -- should be given upon sending the jury back to deliberate further.

ICJI 223 INSTRUCTION ON USE OF VERDICT FORM WITH QUESTIONS

STATE'S PROPOSED JURY INSTRUCTION NO. ____

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

"We, the Jury, for our verdict, unanimously answer the question(s) submitted to us as follows:

QUESTION NO. 1: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2004-0013217-FE on November 2, 2004?

Yes _____ No _____

QUESTION NO. 2: : Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2011-0000095-FE on June 9, 2011?

Yes _____ No _____

Once you have answered the questions, your presiding juror should date and sign the verdict form and advise the baliff that you have reached a verdict.

Comment

The questions on this verdict form can be repeated as many times as necessary. The questions and responses should be inserted in the appropriate verdict form, ICJI 224.

If a special circumstance must be found, i.e. use of a deadly weapon that can be added as an additional direction and question as follows:

ICJI 224 VERDICT FORM WITH QUESTIONS

STATE'S PROPOSED JURY INSTRUCTION NO. _____

STATE OF IDAHO,)	
)	
Plaintiff.	)	Case No. CR-2016-0007593-FE
)	
vs.)	
	)	VERDICT
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

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

QUESTION NO. 1: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2004-0013217-FE on November 2, 2004?

Yes _____ No _____

QUESTION NO. 2: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2011-0000095-FE on June 9, 2011?

Yes _____ No _____

DATED this _____ day of _____, 2017.

Presiding Officer

Comment

Use this verdict form with ICJI 223.

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY COURT
17 JAN 23 PM 5:05

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,

Plaintiff.

vs.

SCOTT ROBERT HENSLEY,

Defendant

)
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Case No. CR-2016-0007593-FE

STATE'S JURY INSTRUCTIONS

The State of Idaho hereby submits the following jury instructions.

Respectfully submitted this 23rd day of January 2017.

Penelope North Shaul
Penelope North Shaul
Deputy Prosecuting Attorney

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2017, I caused a true and correct copy of the foregoing document to be served on the following party:

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

JURY INSTRUCTION NO. _____

In order for the defendant to be guilty of Possession of a Controlled Substance, the state must prove each of the following:

1. On or about June 23, 2016
2. in the state of Idaho
3. the Defendant Scott Robert Hensley possessed any amount of Methamphetamine, and
4. the Defendant either knew it was Methamphetamine, or believed it was a controlled substance.

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

JURY INSTRUCTION NO. _____

In order for the defendant to be guilty of Possession of Drug Paraphernalia, the state must prove each of the following:

1. On or about June 23, 2016
2. in the state of Idaho
3. the Defendant Scott Robert Hensley used or possessed a spoon and/or syringe, intending
4. to ingest, inhale, or otherwise introduce into the human body, a controlled substance.

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

JURY INSTRUCTION NO. _____

A person has possession of something if the person knows of its presence and has physical control of it, or has the power and intention to control it. More than one person can be in possession of something if each knows of its presence and has the power and intention to control it.

JURY INSTRUCTION NO. _____

Under Idaho law, Methamphetamine, is a controlled substance.

JURY INSTRUCTION NO. _____

"Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the human body.

JURY INSTRUCTION NO. ____

STATE OF IDAHO,)	
)	
Plaintiff.	)	Case No. CR-2016-0007593-FE
)	
vs.)	
	)	VERDICT
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

We, the Jury, unanimously find the Defendant Scott Robert Hensley:

_____ Not Guilty of Possession of a Controlled Substance

_____ Guilty Possession of a Controlled Substance

We, the Jury, unanimously find the Defendant Scott Robert Hensley:

_____ Not Guilty of Possess with Intent to Use Drug Paraphernalia

_____ Guilty Possess with Intent to Use Drug Paraphernalia

Dated this _____ day of _____, 2017.

Presiding Officer

JURY INSTRUCTION NO ____

Having found the Defendant guilty of Possession of a Controlled Substance, you must next consider whether the Defendant has been convicted on at least two prior occasions of felony offenses.

The state alleges the defendant has prior convictions as follows:

1. On or about the 2nd day of November 2004, the Defendant was convicted of Possession of a Controlled Substance in Bonneville County Case Number CR-2004-0013217-FE, and;
2. On or about the 9th day of June 2011, the Defendant was convicted of Possession of a Controlled Substance in Bonneville County Case Number CR-2011-0000095-FE.

The existence of a prior conviction must be proved beyond a reasonable doubt and your decision must be unanimous.

JURY INSTRUCTION NO. ____

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

"We, the Jury, for our verdict, unanimously answer the question(s) submitted to us as follows:

QUESTION NO. 1: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2004-0013217-FE on November 2, 2004?

Yes _____ No _____

QUESTION NO. 2: : Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2011-0000095-FE on June 9, 2011?

Yes _____ No _____

Once you have answered the questions, your presiding juror should date and sign the verdict form and advise the baliff that you have reached a verdict.

JURY INSTRUCTION NO. _____

STATE OF IDAHO,)	
)	
Plaintiff.	)	Case No. CR-2016-0007593-FE
)	
vs.)	
	)	VERDICT
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

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

QUESTION NO. 1: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2004-0013217-FE on November 2, 2004?

Yes _____ No _____

QUESTION NO. 2: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2011-0000095-FE on June 9, 2011?

Yes _____ No _____

DATED this _____ day of _____, 2017.

Presiding Officer

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

SEVENTH JUDICIAL DISTRICT
17 JAN 23 PM 5:05

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	AMENDED
	)	STATE'S WITNESS AND
vs.	)	EXHIBIT LIST
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State submits the following as its potential witness and exhibit list for trial in the above action:

WITNESSES


1. Detective Kyle Fielding
Bonnevill County Sheriff's Office
2. Sgt. Chris Reed
Bonnevill County Sheriff's Office
3. Detective Nicholas Contreras
Bonnevill County Sheriff's Office
4. Scott Hellstrom
Forensic Scientist

5. Victoria Kinghorn
6. Dan Ziegler or Jared Thompson in case number CR -2011-000095-FE
7. Dan Ziegler or Jared Thompson in case number CR -2004-0013217-FE
8. Detective Robert Lasher
Idaho Falls Police Department
9. Deputy Brandon Norman
Bonneville County Sheriff's Office

EXHIBITS

1. Defendant Driver's License.
2. Power bill.
3. Photographs (2).
4. Methamphetamine.
5. Spoon.
6. Lab report.
7. Judgment in case number CR -2011-000095-FE.
8. Judgment in case number CR -2004-0013217-FE.
9. Pre-Search video.
10. Post-Search video.
11. Probation and Parole documents.
12. Hensley Toyota letter.
13. Hensley Social Security letter.

Dated this 23rd day of January 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 13 of January 2017, a true and correct copy of the foregoing AMENDED STATE'S WITNESS AND EXHIBIT LIST was delivered to the following person(s):

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

BONNEVILLE COUNTY
IDAHO
2017 JAN 23 PM 4:08

JORDAN S. CRANE
Idaho State Bar No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Telephone: (208) 529-1350, Ext. 1105
Fax: (208) 529-1181
Email: jcraane@co.bonneville.id.us

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,

Plaintiff,

v.

SCOTT ROBERT HENSLEY,

Defendant.

Case No. CR-2016-7593-FE

**DEFENDANT'S WITNESS
AND EXHIBIT LIST**

COMES NOW the Defendant, SCOTT ROBERT HENSLEY, by and through counsel,
JORDAN S. CRANE, and hereby submits the following list of potential witnesses and exhibits:

WITNESSES

1. Victoria Kinghorn;
2. Deputy Court Clerk, Bonneville County.

The Defendant reserves the right to call any witness identified by the State as a witness,
the right to call as a witness any individual identified in any police report or item of discovery
provided to the Defendant this case, and the right to testify on his own behalf.

EXHIBITS

1. Victoria Rai Kinghorn, ISTARs Party Detail Summary.

Defendant specifically reserves the right to supplement this witness and exhibit list.

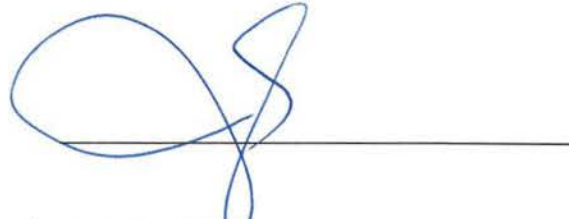
Dated this 23 day of January, 2017.



JORDAN S. CRANE
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of January, 2017. I served a true and correct copy of foregoing DEFENDANT'S WITNESS AND EXHIBIT LIST on the party listed below, by fax and/or mailing with the correct postage thereon, or by causing the same to be hand-delivered, as indicated hereafter.



PARTIES SERVED:

Penelope North Shaul
Bonneville County Prosecutor's Office
605 N. Capital Ave.
Idaho Falls, ID 83402

SERVICE TYPE:

- Hand Delivery
- Facsimile Transmission
- Courthouse Box
- Mailing

JORDAN CRANE #6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Telephone: (208) 529-1350 ext. 1105

BONNEVILLE COUNTY
IDAHO
2017 JAN 23 PM 4:01

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)


Case No. CR-2016-7593

NOTICE OF HEARING

TO: Prosecuting Attorney; Courthouse Box.

PLEASE TAKE NOTICE that on January 25, 2017, at the hour of 9:30 a.m. or as soon thereafter as counsel can be heard, the Defendant will call up a Motion In Limine.

DATED this 23 day of January, 2017.


JORDAN S. CRANE
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of January, 2017, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

NOTICE OF HEARING

PARTIES SERVED:

PENELOPE SHAUL
Prosecuting Attorney's Office
Courthouse Box
Idaho Falls, ID 83402

Hand delivery

Mailing



Legal Assistant to JORDAN S. CRANE

Jordan S. Crane
ISB No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Phone: (208) 529-1350 ext. 1105
Fax: (208) 529-1181
Email: JCrane@co.bonneville.id.us

BONNEVILLE COUNTY
IDAHO
JAN 23 PM 4:03

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE**

STATE OF IDAHO

Plaintiff,

v.

SCOTT ROBERT HENSLEY,

Defendant.

Case No. CR-2016-7593-FE

MOTION IN LIMINE

COMES NOW the Defendant, SCOTT ROBERT HENSLEY, by and through counsel of record, Jordan S. Crane, and, pursuant to I.R.E. 402, 403, and 404(b), as well as his rights to Due Process and fundamental fairness as guaranteed by the Idaho and United States Constitutions, hereby requests an order in limine preventing the state from offering or attempting to offer certain evidence.

Specifically, the state should be precluded from offering or attempting to offer the following:

1. Any evidence of, or reference to, the search warrant issued in relation to the search of 1481 W. Carson in Idaho Falls, Idaho;
2. Any evidence that 1481 W. Carson was surveilled by law enforcement; and
3. Any evidence regarding any alleged contraband found during the "trash pull" that occurred on June 22, 2016.

Although the evidence listed above may have some relevancy, it should not be admitted at Defendant's trial for two reasons. First, any relevance that the evidence may have is substantially outweighed by the danger of unfair prejudice to Defendant. The evidence above gives rise to inferences that Defendant is, or has been, involved in other illegal conduct that is not the subject matter of this case. Those inferences severely prejudice Defendant and could result in the jury basing its verdict on those inferences rather than the evidence presented at trial.

For the same reason, I.R.E. 404(b) precludes admission of the evidence listed above. The extremely prejudicial inferences that could be drawn by the jury, were it to hear that evidence, involve illegal conduct/other bad acts. Therefore, the state should be precluded for offering that evidence at trial.

Dated this 23 day of January, 2017



JORDAN S. CRANE
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of January, 2017, I served a true and correct copy of the foregoing MOTION IN LIMINE on the party listed below, by fax and/or mailing with the correct postage thereon, or by causing the same to be hand-delivered, as indicated hereafter.



PARTIES SERVED:

Penelope North Shaul
Prosecuting Attorney's Office
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402

SERVICE TYPE:

- Hand Delivery
- Facsimile Transmission
- Courthouse Box
- Mailing

2017 JAN 25 PM 4:50
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID


IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
-vs.-)	
	)	ORDER VACATING TRIAL AND
SCOTT ROBERT HENSLEY,	)	RE-SETTING TRIAL
)	
Defendant.)	
_____)	

NOTICE IS HEREBY GIVEN that the above entitled matter, which was previously scheduled for jury trial on January 30, 2017, before the Honorable Bruce L. Pickett, District Judge is vacated. IT IS HEREBY ORDERED that:

- 1) Formal pre-trial conference pursuant to Rule 18, I.C.R. will be held on February 21, 2017, at 10:00 a.m.
- 2) Witness lists, exhibit lists, jury instructions and any trial briefs must be filed one week before the beginning of trial.
- 3) Jury trial will commence on March 6, 2017, at 10:00 a.m.
- 4) The defendant is ordered to appear at the pre-trial conference and jury trial.

SO ORDERED this 25th day of January, 2017.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

2017 JAN 25 PM 4:50
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
 Plaintiff,) Case No. CR-2016-7593-FE
)
 -vs-) **MINUTE ENTRY**
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

This matter came on for status conference on January 25, 2017, at 9:39 a.m., in Courtroom #4, before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Amanda Barnes, Deputy Court Clerk, were present.

Ms. Penny North Shaul appeared on behalf of the State.

The defendant appeared in person and with counsel, Mr. Jordan Crane.

Mr. Crane requested a continuance.

Ms. Shaul had no objection.

The Court granted the continuance and vacated the current trial. A pretrial conference was scheduled on February 21, 2017, at 10:00 a.m. and jury trial on March 6, 2017, at 10:00 a.m.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

2017 JAN 26 PM 3 51

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE


STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S FIFTH SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

RESPONSE #3 Evidence:

1. Bonneville County Sheriff's Office report 2016-07461 Supplement Information dated January 25, 2017 by Detective Kyle Fielding.

Dated this 26th day of January 2017.


 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of January 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED: STATE'S FIFTH SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED: Jordan Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

Incident/Investigation Report

Agency: BCSO

Case Number: 2016-07461

Date: 1/26/2017 08:51:40

Supplement Information

Supplement Date 01/25/2017 16:00:42	Supplement Type EVIDENCE	Supplement Officer (345BKF) FIELDING, BRET KYLE
Contact Name		Supervising Officer

Supplement Notes

On 6-23-2016, I recieved Scott Hensley's phone which is a white LG G3 model LG-D851, S/N LGD851cca6e smartphone. I do not know where this phone was recovered from. I downloaded this phone using Oxygen Forensics Detective. I was unable to locate anything of evidentry value on the smartphone. This narrative was written on Wednesday 1-25-2017. End of Supplement

Detective K. Fielding 345

2017 FEB 15 PM 4:12

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S SIXTH SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

RESPONSE #3 Evidence:

1. Audio recording: 01_Hensley mp3, previously provided; and
2. A copy of the layout of Defendant's house is attached.

Dated this 14th day of February 2017.


 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15 day of February 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED:

STATE'S SIXTH SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED:

Jordan Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402

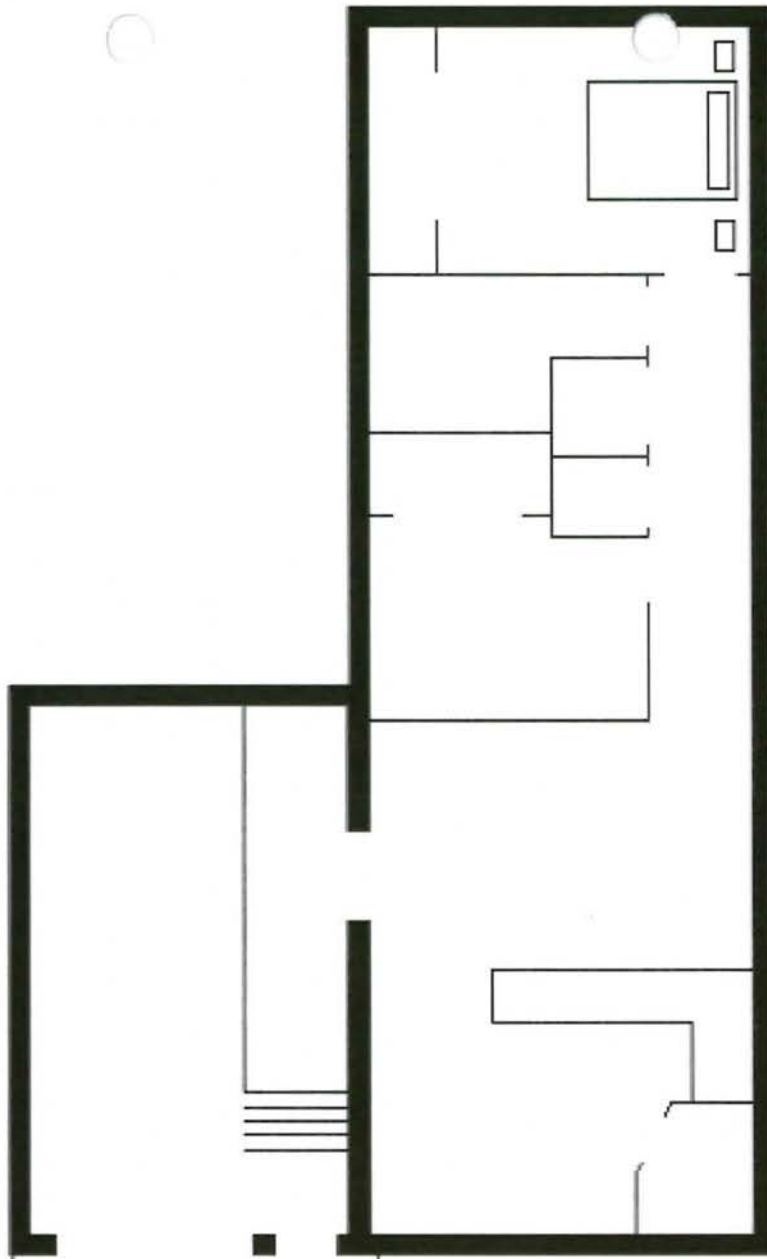


Legal Assistant

NOT TO SCALE



CARSON



DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

17 JAN 20 PM 3 41

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	MOTION TO AMEND INFORMATION
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho moves the Court for its order amending the above action, to add the charge of **COUNT I, PART II, PERSISTENT VIOLATOR STATUS, I.C. § 19-2514**, by and for the reason that it is in the interests of justice.

Dated this 20th day of January 2017.

Penelope North Shaul
Penelope North Shaul
Deputy Prosecuting Attorney




CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 20 of January 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED: MOTION TO AMEND INFORMATION

PARTIES SERVED: Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY**

2017 FEB 22 AM 10:08

STATE OF IDAHO,
Plaintiff.

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

vs.

Case No.: CR-2016-0007593-FE

Scott Robert Hensley
4465 E Greenwillow
Idaho Falls, ID 83401
Defendant.

NOTICE OF HEARING

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

Motion: **Tuesday, March 28, 2017 at 11:00 AM**
Judge: Bruce L Pickett
Courtroom:
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
 Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Jordan S Crane
 P.O. Box 51257
 Idaho Falls ID 83405
 Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul
 Court Box Mailed Hand Delivered

Dated: Tuesday, February 21, 2017

Penny Manning
 Clerk Of The District Court

By: AB
 Deputy Clerk

doc22cr 2/05

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY CLERK
17 JAN 23 PM 5:05

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,

Plaintiff.

vs.

SCOTT ROBERT HENSLEY,

Defendant


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Case No. CR-2016-0007593-FE

STATE'S JURY INSTRUCTIONS

The State of Idaho hereby submits the following jury instructions.

Respectfully submitted this 23rd day of January 2017.


Penelope North Shaul
Deputy Prosecuting Attorney

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2017, I caused a true and correct copy of the foregoing document to be served on the following party:

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

JURY INSTRUCTION NO. _____

In order for the defendant to be guilty of Possession of a Controlled Substance, the state must prove each of the following:

1. On or about June 23, 2016
2. in the state of Idaho
3. the Defendant Scott Robert Hensley possessed any amount of Methamphetamine, and
4. the Defendant either knew it was Methamphetamine, or believed it was a controlled substance.

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

JURY INSTRUCTION NO. _____

In order for the defendant to be guilty of Possession of Drug Paraphernalia, the state must prove each of the following:

1. On or about June 23, 2016
2. in the state of Idaho
3. the Defendant Scott Robert Hensley used or possessed a spoon and/or syringe, intending
4. to ingest, inhale, or otherwise introduce into the human body, a controlled substance.

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

JURY INSTRUCTION NO. _____

A person has possession of something if the person knows of its presence and has physical control of it, or has the power and intention to control it. More than one person can be in possession of something if each knows of its presence and has the power and intention to control it.

JURY INSTRUCTION NO. _____

Under Idaho law, Methamphetamine, is a controlled substance.

JURY INSTRUCTION NO. _____

"Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing a controlled substance into the human body.

JURY INSTRUCTION NO. ____

STATE OF IDAHO,

Plaintiff.

vs.

SCOTT ROBERT HENSLEY,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. CR-2016-0007593-FE

VERDICT

We, the Jury, unanimously find the Defendant Scott Robert Hensley:

_____ Not Guilty of Possession of a Controlled Substance

_____ Guilty Possession of a Controlled Substance

We, the Jury, unanimously find the Defendant Scott Robert Hensley:

_____ Not Guilty of Possess with Intent to Use Drug Paraphernalia

_____ Guilty Possess with Intent to Use Drug Paraphernalia

Dated this _____ day of _____, 2017.

Presiding Officer

JURY INSTRUCTION NO _____

Having found the Defendant guilty of Possession of a Controlled Substance, you must next consider whether the Defendant has been convicted on at least two prior occasions of felony offenses.

The state alleges the defendant has prior convictions as follows:

1. On or about the 2nd day of November 2004, the Defendant was convicted of Possession of a Controlled Substance in Bonneville County Case Number CR-2004-0013217-FE, and;
2. On or about the 9th day of June 2011, the Defendant was convicted of Possession of a Controlled Substance in Bonneville County Case Number CR-2011-0000095-FE.

The existence of a prior conviction must be proved beyond a reasonable doubt and your decision must be unanimous.

JURY INSTRUCTION NO. ____

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

"We, the Jury, for our verdict, unanimously answer the question(s) submitted to us as follows:

QUESTION NO. 1: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2004-0013217-FE on November 2, 2004?

Yes _____ No _____

QUESTION NO. 2: : Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2011-0000095-FE on June 9, 2011?

Yes _____ No _____

Once you have answered the questions, your presiding juror should date and sign the verdict form and advise the baliff that you have reached a verdict.

JURY INSTRUCTION NO. ____

STATE OF IDAHO,)	
)	
Plaintiff.	)	Case No. CR-2016-0007593-FE
)	
vs.)	
	)	VERDICT
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

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

QUESTION NO. 1: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2004-0013217-FE on November 2, 2004?

Yes _____ No _____

QUESTION NO. 2: Has the Defendant been convicted of Possession of a Controlled Substance, a felony violation of I.C. §37-2732(c)(1), in Bonneville County Case Number CR-2011-0000095-FE on June 9, 2011?

Yes _____ No _____

DATED this _____ day of _____, 2017.

Presiding Officer

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

RECEIVED
17 JAN 23 PM 5:05

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	AMENDED
	)	STATE'S WITNESS AND
vs.	)	EXHIBIT LIST
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State submits the following as its potential witness and exhibit list for trial in the above action:

WITNESSES


1. Detective Kyle Fielding
Bonneville County Sheriff's Office
2. Sgt. Chris Reed
Bonneville County Sheriff's Office
3. Detective Nicholas Contreras
Bonneville County Sheriff's Office
4. Scott Hellstrom
Forensic Scientist

5. Victoria Kinghorn
6. Dan Ziegler or Jared Thompson in case number CR -2011-000095-FE
7. Dan Ziegler or Jared Thompson in case number CR -2004-0013217-FE
8. Detective Robert Lasher
Idaho Falls Police Department
9. Deputy Brandon Norman
Bonneville County Sheriff's Office

EXHIBITS

1. Defendant Driver's License.
2. Power bill.
3. Photographs (2).
4. Methamphetamine.
5. Spoon.
6. Lab report.
7. Judgment in case number CR -2011-000095-FE.
8. Judgment in case number CR -2004-0013217-FE.
9. Pre-Search video.
10. Post-Search video.
11. Probation and Parole documents.
12. Hensley Toyota letter.
13. Hensley Social Security letter.

Dated this 23rd day of January 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 13 of January 2017, a true and correct copy of the foregoing AMENDED STATE'S WITNESS AND EXHIBIT LIST was delivered to the following person(s):

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

JORDAN S. CRANE
Idaho State Bar No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Telephone: (208) 529-1350, Ext. 1105
Fax: (208) 529-1181
Email: jcrane@co.bonneville.id.us

BONNEVILLE COUNTY
IDAHO
2017 JAN 23 PM 4:03

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,

Plaintiff,

v.

SCOTT ROBERT HENSLEY,

Defendant.

Case No. CR-2016-7593-FE

**DEFENDANT'S WITNESS
AND EXHIBIT LIST**

COMES NOW the Defendant, SCOTT ROBERT HENSLEY, by and through counsel,
JORDAN S. CRANE, and hereby submits the following list of potential witnesses and exhibits:

WITNESSES

1. Victoria Kinghorn;
2. Deputy Court Clerk, Bonneville County.

The Defendant reserves the right to call any witness identified by the State as a witness,
the right to call as a witness any individual identified in any police report or item of discovery
provided to the Defendant this case, and the right to testify on his own behalf.

EXHIBITS

1. Victoria Rai Kinghorn, ISTARs Party Detail Summary.

Defendant specifically reserves the right to supplement this witness and exhibit list.

Dated this 23 day of January, 2017.



JORDAN S. CRANE
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of January, 2017. I served a true and correct copy of foregoing DEFENDANT'S WITNESS AND EXHIBIT LIST on the party listed below, by fax and/or mailing with the correct postage thereon, or by causing the same to be hand-delivered, as indicated hereafter.



PARTIES SERVED:

Penelope North Shaul
Bonneville County Prosecutor's Office
605 N. Capital Ave.
Idaho Falls, ID 83402

SERVICE TYPE:

- Hand Delivery
- Facsimile Transmission
- Courthouse Box
- Mailing

JORDAN CRANE #6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Telephone: (208) 529-1350 ext. 1105

BONNEVILLE COUNTY
IDAHO
2017 JAN 23 PM 4:01

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)


Case No. CR-2016-7593

NOTICE OF HEARING

TO: Prosecuting Attorney; Courthouse Box.

PLEASE TAKE NOTICE that on January 25, 2017, at the hour of 9:30 a.m. or as soon thereafter as counsel can be heard, the Defendant will call up a Motion In Limine.

DATED this 23 day of January, 2017.


JORDAN S. CRANE
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of January, 2017, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

NOTICE OF HEARING

PARTIES SERVED:

PENELOPE SHAUL
Prosecuting Attorney's Office
Courthouse Box
Idaho Falls, ID 83402

Hand delivery

Mailing



Legal Assistant to JORDAN S. CRANE

Jordan S. Crane
ISB No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Phone: (208) 529-1350 ext. 1105
Fax: (208) 529-1181
Email: JCrane@co.bonneville.id.us

BONNEVILLE COUNTY
IDAHO
JAN 23 PM 4:00

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE**

STATE OF IDAHO

Plaintiff,

v.

SCOTT ROBERT HENSLEY,

Defendant.

Case No. CR-2016-7593-FE

MOTION IN LIMINE

COMES NOW the Defendant, SCOTT ROBERT HENSLEY, by and through counsel of record, Jordan S. Crane, and, pursuant to I.R.E. 402, 403, and 404(b), as well as his rights to Due Process and fundamental fairness as guaranteed by the Idaho and United States Constitutions, hereby requests an order in limine preventing the state from offering or attempting to offer certain evidence.

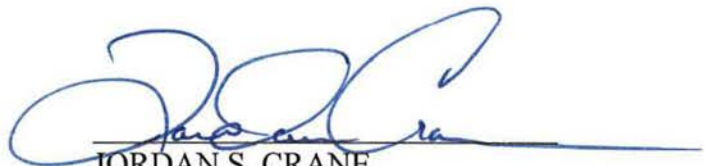
Specifically, the state should be precluded from offering or attempting to offer the following:

1. Any evidence of, or reference to, the search warrant issued in relation to the search of 1481 W. Carson in Idaho Falls, Idaho;
2. Any evidence that 1481 W. Carson was surveilled by law enforcement; and
3. Any evidence regarding any alleged contraband found during the "trash pull" that occurred on June 22, 2016.

Although the evidence listed above may have some relevancy, it should not be admitted at Defendant's trial for two reasons. First, any relevance that the evidence may have is substantially outweighed by the danger of unfair prejudice to Defendant. The evidence above gives rise to inferences that Defendant is, or has been, involved in other illegal conduct that is not the subject matter of this case. Those inferences severely prejudice Defendant and could result in the jury basing its verdict on those inferences rather than the evidence presented at trial.

For the same reason, I.R.E. 404(b) precludes admission of the evidence listed above. The extremely prejudicial inferences that could be drawn by the jury, were it to hear that evidence, involve illegal conduct/other bad acts. Therefore, the state should be precluded for offering that evidence at trial.

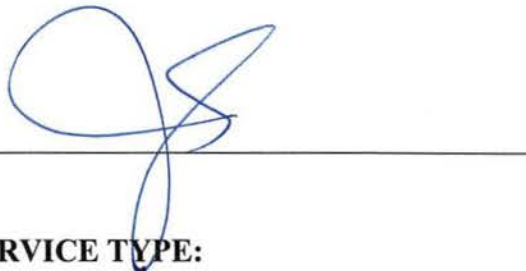
Dated this 23 day of January, 2017



JORDAN S. CRANE
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of January, 2017, I served a true and correct copy of the foregoing MOTION IN LIMINE on the party listed below, by fax and/or mailing with the correct postage thereon, or by causing the same to be hand-delivered, as indicated hereafter.



PARTIES SERVED:

Penelope North Shaul
Prosecuting Attorney's Office
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402

SERVICE TYPE:

- Hand Delivery
- Facsimile Transmission
- Courthouse Box
- Mailing

2017 JAN 25 PM 4:50
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
-vs.-)	
	)	ORDER VACATING TRIAL AND
SCOTT ROBERT HENSLEY,	)	RE-SETTING TRIAL
)	
Defendant.)	
_____)	

NOTICE IS HEREBY GIVEN that the above entitled matter, which was previously scheduled for jury trial on January 30, 2017, before the Honorable Bruce L. Pickett, District Judge is vacated. IT IS HEREBY ORDERED that:

- 1) Formal pre-trial conference pursuant to Rule 18, I.C.R. will be held on February 21, 2017, at 10:00 a.m.
- 2) Witness lists, exhibit lists, jury instructions and any trial briefs must be filed one week before the beginning of trial.
- 3) Jury trial will commence on March 6, 2017, at 10:00 a.m.
- 4) The defendant is ordered to appear at the pre-trial conference and jury trial.

SO ORDERED this 25th day of January, 2017.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

2017 JAN 25 PM 4:50
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
-vs-	)	MINUTE ENTRY
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
_____)	

This matter came on for status conference on January 25, 2017, at 9:39 a.m., in Courtroom #4, before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Amanda Barnes, Deputy Court Clerk, were present.

Ms. Penny North Shaul appeared on behalf of the State.

The defendant appeared in person and with counsel, Mr. Jordan Crane.

Mr. Crane requested a continuance.

Ms. Shaul had no objection.

The Court granted the continuance and vacated the current trial. A pretrial conference was scheduled on February 21, 2017, at 10:00 a.m. and jury trial on March 6, 2017, at 10:00 a.m.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

17 JAN 26 PM 3 51

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

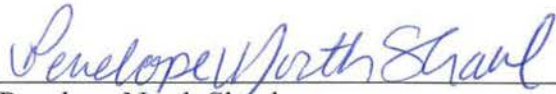
STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S FIFTH SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

RESPONSE #3 Evidence:

1. Bonneville County Sheriff's Office report 2016-07461 Supplement Information dated January 25, 2017 by Detective Kyle Fielding.

Dated this 26th day of January 2017.


 Penelope North Shaul
 Deputy Prosecuting Attorney

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of January 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED: STATE'S FIFTH SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED: Jordan Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

Incident/Investigation Report

Agency: BCSO

Case Number: 2016-07461

Date: 1/26/2017 08:51:40

Supplement Information

Supplement Date 01/25/2017 16:00:42	Supplement Type EVIDENCE	Supplement Officer (345BKF) FIELDING, BRET KYLE
Contact Name		Supervising Officer

Supplement Notes

On 6-23-2016, I recieved Scott Hensley's phone which is a white LG G3 model LG-D851, S/N LGD851cca6e smartphone. I do not know where this phone was recovered from. I downloaded this phone using Oxygen Forensics Detective. I was unable to locate anything of evidentry value on the smartphone. This narrative was written on Wednesday 1-25-2017. End of Supplement

Detective K. Fielding 345

BONNEVILLE COUNTY
IDAHO FALLS, IDAHO

2017 FEB 15 PM 4:12

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S SIXTH SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

RESPONSE #3 Evidence:

1. Audio recording: 01_Hensley mp3, previously provided; and
2. A copy of the layout of Defendant's house is attached.

Dated this 14th day of February 2017.



 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15 day of February 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

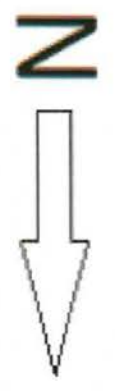
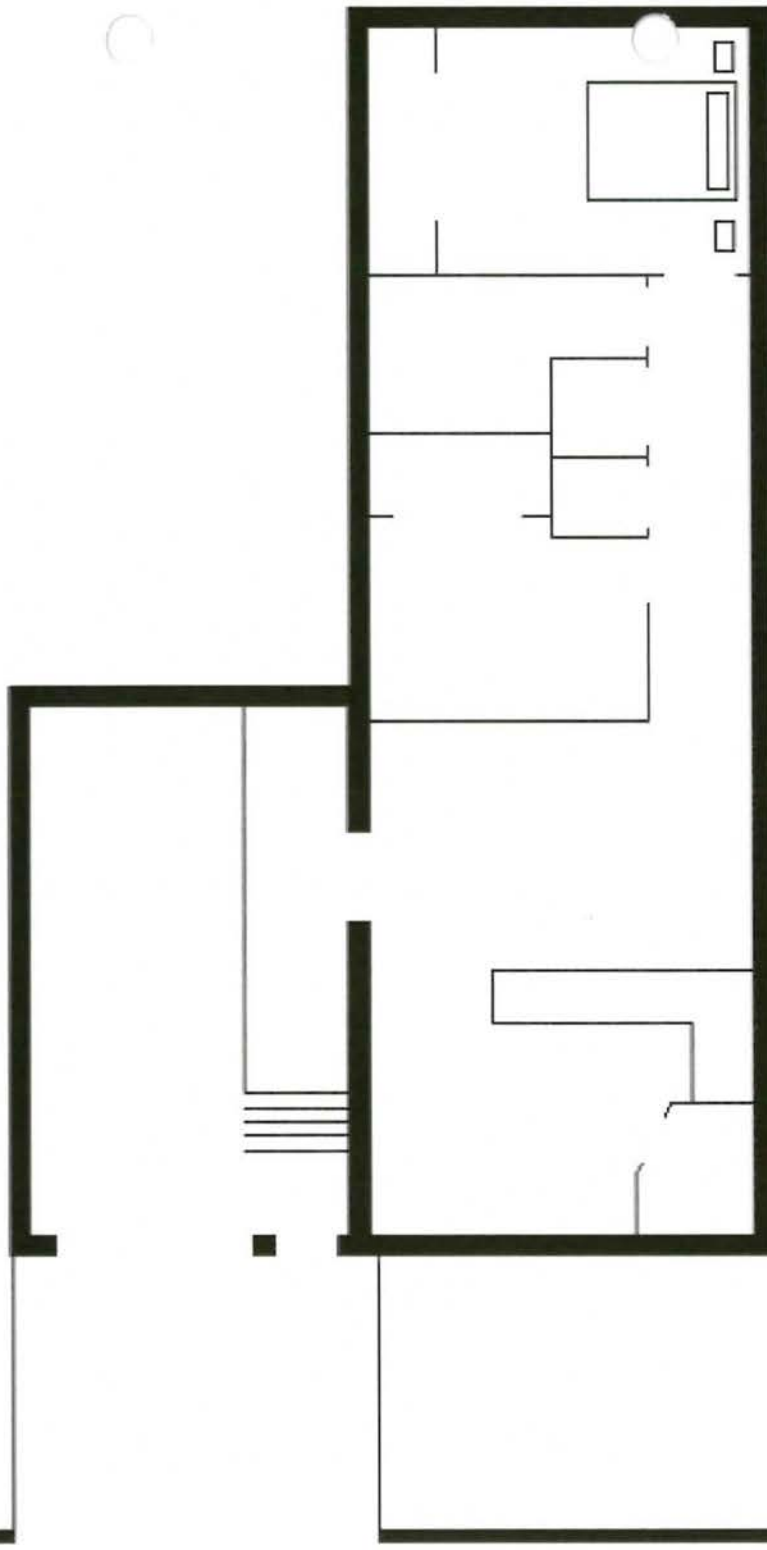
DOCUMENT SERVED: STATE'S SIXTH SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED: Jordan Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

NOT TO SCALE



CARSON

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

RECEIVED DISTRICT CLERK
17 JAN 20 PM 3 41

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	MOTION TO AMEND INFORMATION
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho moves the Court for its order amending the above action, to add the charge of **COUNT I, PART II, PERSISTENT VIOLATOR STATUS, I.C. § 19-2514**, by and for the reason that it is in the interests of justice.

Dated this 20th day of January 2017.


Penelope North Shaul
Deputy Prosecuting Attorney


ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 20 of January 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED: MOTION TO AMEND INFORMATION

PARTIES SERVED: Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY

2017 FEB 22 AM 10:08

STATE OF IDAHO,
Plaintiff.

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

vs.

Case No.: CR-2016-0007593-FE

Scott Robert Hensley
4465 E Greenwillow
Idaho Falls, ID 83401
Defendant.

NOTICE OF HEARING

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

Motion: Tuesday, March 28, 2017 at 11:00 AM
Judge: Bruce L Pickett
Courtroom:
Charge(s): Controlled Substance-Possession of I37-2732(c)(1) F Drug
Paraphernalia-Use or Possess With Intent to Use I37-2734A(1)

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Jordan S Crane
P.O. Box 51257
Idaho Falls ID 83405

Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul

Court Box Mailed Hand Delivered

Dated: Tuesday, February 21, 2017

Penny Manning
Clerk Of The District Court

By: AB
Deputy Clerk

doc22cr 2/05

2017 FEB 22 PM 1:37
 DISTRICT COURT
 SEVENTH JUDICIAL DISTRICT
 BONNEVILLE COUNTY ID

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE
MINUTE ENTRY ON
PRETRIAL CONFERENCE

On February 21, 2017, at 10:40 a.m., in Courtroom#5, this pre-trial conference came on for hearing before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Andrea Jenkins, Deputy Court Clerk, were present. Ms. Penny North Shaul appeared on behalf of the State. The defendant appeared in person and with counsel, Mr. Jordan Crane.

Mr. Crane requested a continuance.

Ms. Shaul had no objection.

The Court vacated the current trial setting and scheduled the matter for a pretrial conference on April 11, 2017 at 10:00 a.m., jury trial April 24, 2017 at 10:00 a.m. The Court instructed Mr. Crane to file the defendant's written waiver of speedy trial.

The State's Motion to Amend Information and Motion in Limine were scheduled for hearing on March 28, 2017 at 11:00 a.m.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

2017 FEB 22 AM 9:42
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs.-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. 2016-7593-FE

ORDER VACATING TRIAL AND
RE-SETTING TRIAL

NOTICE IS HEREBY GIVEN that the above entitled matter, which was previously scheduled for jury trial on March 6, 2016, before the Honorable Bruce L. Pickett, District Judge is vacated. IT IS HEREBY ORDERED that:

- 1) Formal pre-trial conference pursuant to Rule 18, I.C.R. will be held on April 11, 2017, at 10:00 a.m.
- 2) Witness lists, exhibit lists, jury instructions and any trial briefs must be filed one week before the beginning of trial.
- 3) Jury trial will commence on April 24, 2017, at 10:00 a.m.
- 4) The defendant is ordered to appear at the pre-trial conference and jury trial.

SO ORDERED this 22nd day of February, 2017.

BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

JORDAN S. CRANE
Idaho State Bar No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Avenue
Idaho Falls, Idaho 83402
(208) 529-1350 ext. 1105

BONNEVILLE JOHN
IDAHO
FEB 24 AM 11:05

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT R. HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE

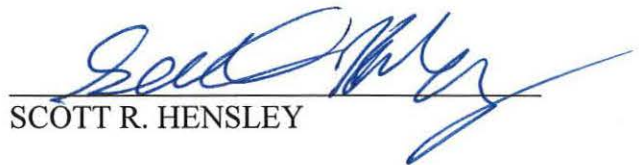
WAIVER OF SPEEDY TRIAL

COMES NOW, SCOTT R. HENSLEY, the above Defendant, and hereby waives his/her right to a speedy trial pursuant to the Constitution of the United States and that of the State of Idaho and pursuant to Idaho Code §19-3501, and that he/she is fully aware that he/she has a right to have said hearing and trial within a six (6) months period from the date of his/her arraignment upon the Information.

DATED this 23 day of February, 2017.



JORDAN S. CRANE
Chief Public Defender



SCOTT R. HENSLEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of February, 2017, I served a true and correct copy of the document described below on the parties listed below, by mailing with the correct postage thereon, or by causing the same to be hand-delivered.

DOCUMENT:

WAIVER OF SPEEDY TRIAL

PARTIES SERVED:

PENELOPE SHAUL
Prosecuting Attorney
Bonneville County
Courthouse Box
Idaho Falls, ID 83402



Legal Assistant

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

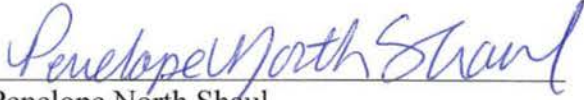
STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S SEVENTH SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

RESPONSE #3 Evidence:

1. Letter to Jordan Crane, dated March 14, 2017.

Dated this 14th day of March 2017.


 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15 day of March 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED:

STATE'S SEVENTH SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED:

Jordan Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

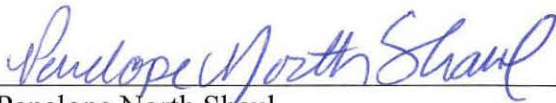
Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	EX PARTE MOTION TO SEAL STATE'S
vs.	)	SEVENTH SUPPLEMENTAL
	)	DISCOVERY RESPONSE
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, by and through Penelope North Shaul, Deputy Prosecuting Attorney, hereby moves the Court for an order that the State's Seventh Supplemental Discovery Response and attachment be filed under seal, pursuant to ICR 16(1).

Dated this 15th day of March 2017.



 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th of March 2017, I served the above document on the following parties by either hand delivery or by placing the same in the mail with the correct postage affixed thereon.

DOCUMENT SERVED:

EX PARTE MOTION TO SEAL LETTER
STATE'S SEVENTH SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED:

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402



Legal Assistant

DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

2017 MAR 17 PM 3:04
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	ORDER TO SEAL STATE'S SEVENTH
vs.	)	SUPPLEMENTAL DISCOVERY RESPONSE
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

Based upon the Motion and good cause appearing, therefore;

IT IS HEREBY ORDERED that the Motion to Seal State's Seventh Supplemental Discovery Response is granted.

Dated this 17th day of March 2017.



Judge

NOTICE OF ENTRY

I HEREBY CERTIFY that on the ____ day of March 2017, I caused a true and correct copy of the foregoing document to be served on the following parties.

Penelope North Shaul
Bonneville County Prosecutor's Attorney
Courthouse Box
Idaho Falls, ID 83402

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402

Clerk

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

2017 MAR 22 PM 4:42
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

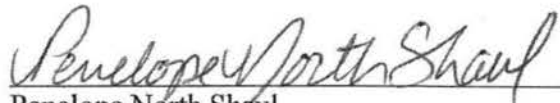
Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S MOTION IN LIMINE
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, by and through the Bonneville County Prosecutor's Office, hereby submits its Motion in Limine seeking a pre-trial ruling ordering the Defendant to bare his neck to reveal his tattoos during the second phase of the trial, relevant to the State's allegation that the Defendant is a persistent violator under Idaho law. The Defendant's tattoos are admissible evidence probative of the issue of his identification and connection to two prior judgments of conviction, and the probative nature of this evidence outweighs any prejudicial effect created by the display. *State v. Ruybal*, 102 Idaho 885, 888 (1982).

Dated this 22nd day of March 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 02 day of March, 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED: STATE'S MOTION IN LIMINE

PARTIES SERVED: Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402



Legal Assistant

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY
IDAHO
2017 MAR 23 AM 11:40

Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

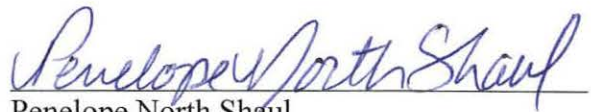
Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S MOTION IN LIMINE
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, by and through the Bonneville County Prosecutor's Office, hereby submits its Motion in Limine seeking a pre-trial ruling ordering the Defendant to bare his neck to reveal his tattoos during the second phase of the trial, relevant to the State's allegation that the Defendant is a persistent violator under Idaho law. The Defendant's tattoos are admissible evidence probative of the issue of his identification and connection to two prior judgments of conviction, and the probative nature of this evidence outweighs any prejudicial effect created by the display. *State v. Ruybal*, 102 Idaho 885, 888 (1982).

Dated this 22nd day of March 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22 day of March, 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED: STATE'S MOTION IN LIMINE

PARTIES SERVED: Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402



Legal Assistant

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY
IDAHO FALLS, IDAHO

2017 MAR 29 PM 3:40

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	SECOND AMENDED
	)	STATE'S WITNESS AND
vs.	)	EXHIBIT LIST
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State submits the following as its potential witness and exhibit list for trial in the above action:

WITNESSES


1. Detective Kyle Fielding
Bonneville County Sheriff's Office
2. Sgt. Chris Reed
Bonneville County Sheriff's Office
3. Detective Nicholas Contreras
Bonneville County Sheriff's Office
4. Scott Hellstrom
Forensic Scientist

5. Victoria Kinghorn
6. Dan Ziegler or Jared Thompson in case number CR -2011-000095-FE
7. Dan Ziegler or Jared Thompson in case number CR -2004-0013217-FE
8. Detective Robert Lasher
Idaho Falls Police Department
9. Deputy Brandon Norman
Bonneville County Sheriff's Office
10. Tina Mattox
Forensic Scientist

EXHIBITS

1. Defendant Driver's License.
2. Power bill.
3. Photographs (2).
4. Methamphetamine.
5. Spoon.
6. Lab report.
7. Judgment in case number CR -2011-000095-FE.
8. Judgment in case number CR -2004-0013217-FE.
9. Pre-Search video.
10. Post-Search video.
11. Probation and Parole documents.
12. Hensley Toyota letter.
13. Hensley Social Security letter.

Dated this 29th day of March 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 29 of March 2017, a true and correct copy of the foregoing SECOND AMENDED STATE'S WITNESS AND EXHIBIT LIST was delivered to the following person(s):

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY
IDAHO FALLS, IDAHO
2017 MAR 29 PM 3:40

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE


STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STATE'S EIGHTH SUPPLEMENTAL
	)	DISCOVERY RESPONSE
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, through the Bonneville County Prosecuting Attorney, hereby supplements the Defendant's discovery by providing the following information:

RESPONSE #3 Evidence:

- Idaho State Police Forensic Services Lab Report P2016-1636, Report No.: 2, including the Controlled Substance Analysis Notes.

Dated this 27th day of March 2017.


 Penelope North Shaul
 Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

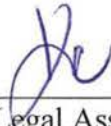
I HEREBY CERTIFY that on the 29 day of March 2017, I served a true and correct copy of the foregoing document by causing it to be hand delivered or by placing it in the mail with the correct postage affixed thereon to the parties listed below:

DOCUMENT SERVED:

STATE'S EIGHTH SUPPLEMENTAL
DISCOVERY RESPONSE

PARTIES SERVED:

Jordan Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant



IDAHO STATE POLICE FORENSIC SERVICES

209 E. Lewis
Pocatello, ID 83201-6465
Phone: (208) 232-9474
Fax: (208) 232-3697

FORENSIC CONTROLLED SUBSTANCE ANALYSIS REPORT

Case Agency(s): BONNEVILLE COUNTY SHERIFF'S OFFICE	Agency Case No(s).: 2016-07461	Laboratory Case No.: P2016-1636
Date(s) of Offense: 6/23/2016	Investigating Officer(s): Bret Fielding	Report No.: 2
Date Evidence Accepted: 1/26/2017	Analyst: Anna Kristina (Tina) Mattox	
Case Name(s): Suspect - VICTORIA KINGHORN Suspect - SCOTT R HENSLEY		

Lab Item #	Agency Exhibit	Description	Conclusions and Interpretations	Additional Information
5	5	spoon with cotton and white residue	Methamphetamine (CII)	
6	6	smoking device with burnt residue	Marijuana or the resins thereof (CI)	

DISPOSITION OF EVIDENCE:

All items will be returned to the submitting agency.

REMARKS:

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

Anna Kristina (Tina) Mattox / Forensic Scientist
Issue Date: **02/23/2017**

Idaho State Police Drug Restitution

As provided in Idaho Code 37-2732(k), the Idaho State Police requests restitution from the defendant, **VICTORIA KINGHORN and SCOTT R HENSLEY** in the amount of **\$200** in association with Laboratory Case No. **P2016-1636**. This amount is based upon the testing of the sample(s) submitted to this laboratory. The amount requested reflects a portion of the cost incurred to the laboratory during the analysis of drug evidence.

Test	Cost
Controlled Substance Analysis (2 sample(s) @ \$100 ea.)	\$200

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

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

Thank you for your cooperation in this matter.

Sincerely,



Rachel Cutler
Pocatello Laboratory Manager
Forensic Services

CONTROLLED SUBSTANCE ANALYSIS NOTES

Case: P2016-1636

Examiner: Anna Kristina (Tina) Mattox

Dates of analysis: 01/30/2017 to 02/21/2017

Packaging Information

Item 5-Spoon w/ white residue

<u>Task/Test</u>	<u>Value</u>
Sealed	Yes
Initialed	Yes
External Packaging Type	evidence envelope

Item 6-glass pipw w/ dark colored residue

<u>Task/Test</u>	<u>Value</u>
Sealed	Yes
Initialed	Yes
External Packaging Type	evidence envelope

Controlled Substance Analysis

Item 5-Spoon w/ white residue

<u>Task/Test</u>	<u>Value</u>
Item Designation	5
Agency Exhibit	5
Packaging Type	ziplock bag
Exhibit Description	spoon with cotton and white residue
Reserve	>1/2
Marquis	orange to brown
FTIR	Direct ATR
Sample Contains	Methamphetamine (CII)

Item 6-glass pipw w/ dark colored residue

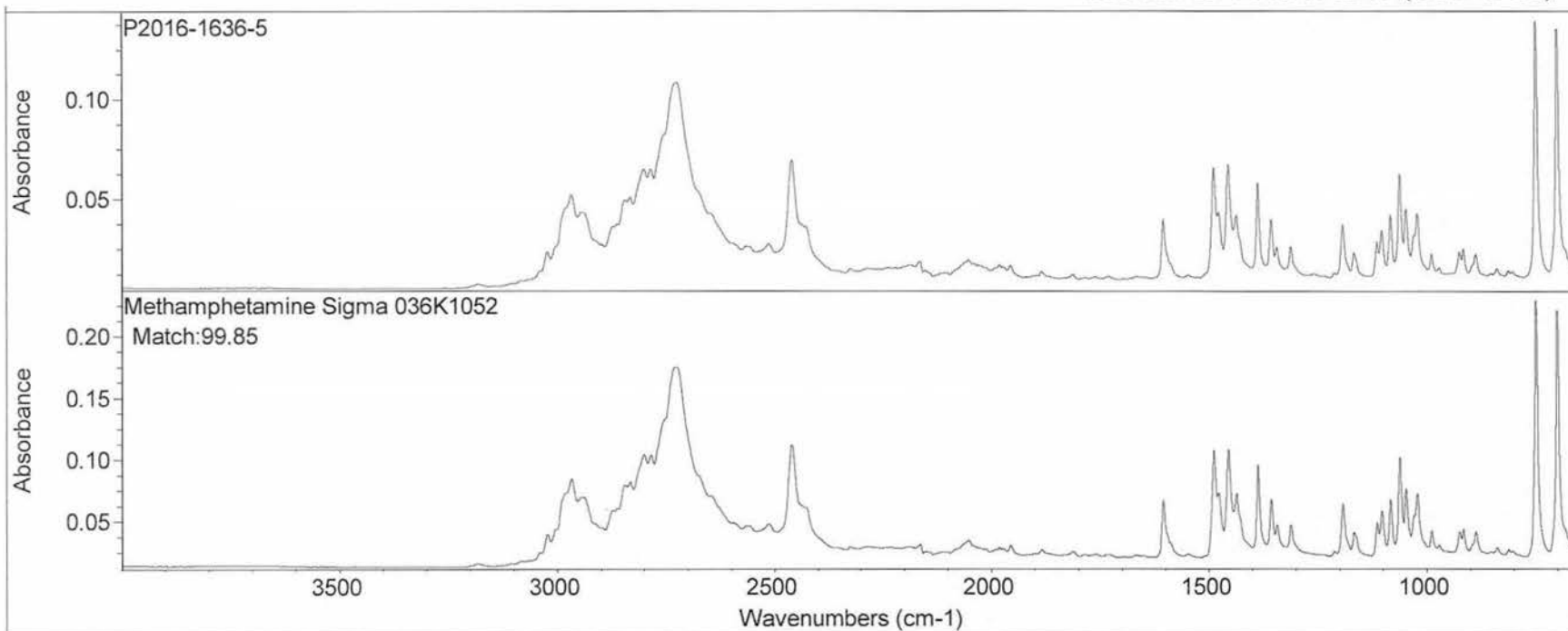
<u>Task/Test</u>	<u>Value</u>
Item Designation	6
Agency Exhibit	6
Exhibit Description	smoking device with burnt residue
Reserve	>1/2
Microscopic	cystolythic hairs observed on leaf material
Marijuana Extraction Solvent	hexane
Marijuana std lot	P2015-0415-1.3
Modified Duquenois-Levine	Purple / blue develops with color transfer into CHCl3
Duquenois (+) control	Purple / blue develops with color transfer into CHCl3
Duquenois Blank	no color develops
Sample Contains	Marijuana or the resins thereof (CI)

Jan

FTIR 63030

P2016-1636-5

Mon Jan 30 14:46:17 2017 (GMT-07:00)



Number of sample scans: 8
Number of background scans: 8
Resolution: 4.000
Sample gain: 1.0
Optical velocity: 0.4747
Aperture: 80.00

Spectrum: P2016-1636-5
Region: 3995.85-649.92
Search type: Correlation
Hit List:

Index	Match	Compound name	Library
1	99.85	Methamphetamine Sigma 036K1052	Pocatello
9	99.66	Methamphetamine - Sigma 60K1908	Pocatello

IDAHO STATE POLICE



Jan



DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

2017 MAR 30 AM 10:42
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	AMENDED
	)	PROSECUTING ATTORNEY'S
vs.	)	INFORMATION
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

SCOTT ROBERT HENSLEY is hereby accused by the Deputy Prosecuting Attorney of the County of Bonneville, State of Idaho, of committing, prior to the filing of this Information, the following crime(s):

COUNT I, PART I
POSSESSION OF A CONTROLLED SUBSTANCE - METHAMPHETAMINE,
Felony, I.C. §37-2732(c)(1)


The Defendant, SCOTT ROBERT HENSLEY, on or about June 23, 2016, in the County of Bonneville, State of Idaho, did unlawfully possess Methamphetamine, a Schedule II controlled substance. *(7 years, \$15,000 fine and costs of prosecution and investigation.)*

ORIGINAL

COUNT II
POSSESS WITH INTENT TO USE DRUG PARAPHERNALIA,
Misdemeanor, I.C. §37-2734A(1)

The Defendant, SCOTT ROBERT HENSLEY, on or about June 23, 2016, in Bonneville County, State of Idaho, did possess, with the intent to use, drug paraphernalia, to ingest, inhale, or otherwise introduce into the human body a controlled substance. *(1 year, \$1,000 fine and costs of prosecution and investigation.)*

Dated this 27th day of January 2017.



Penelope North Shaul
Deputy Prosecuting Attorney


COUNT I, PART II
PERSISTENT VIOLATOR STATUS
I.C. § 19-2514

The Prosecuting Attorney for Bonneville County further informs the Court that, upon conviction of any of the offense(s) alleged in COUNT I, PART I, the Defendant, SCOTT ROBERT HENSLEY, will have been convicted three or more times for felony offenses, as follows:

- 1) November 2, 2004, Possession of a Controlled Substance, Felony, Bonneville County Case No. CR 2004-0013217-FE (copy of Judgment of Conviction attached);
- 2) June 9, 2011, Possession of a Controlled Substance, Felony, Bonneville County case No. CR 2011-000095-FE (copy of Judgment of Conviction attached).

(5 years to life)

Dated this 20th day of January 2017.

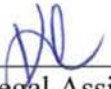

Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 20 day of January 2017, a true and correct copy of the foregoing Information was delivered to the following person(s):

DOCUMENT SERVED: AMENDED PROSECUTING ATTORNEY'S INFORMATION

PARTIES SERVED: Jordan Crane
Public Defender
Courthouse Mailbox
Idaho Falls, ID 83402



Legal Assistant

RECEIVED
NOV - 3 2004

Idaho Dept. of Correction
& Parole



STATE OF IDAHO }
County of Bonneville } ss
I HEREBY CERTIFY that above and foregoing
is a full and correct copy of the original
thereof, on file in my office.
Dated 11-19 2017
Penny Manning
Clerk of the District Court
By [Signature]
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs.-)
)
 SCOTT ROBERT HENSLEY,)
 DOB: [REDACTED])
 SS: [REDACTED])
)
 Defendant.)
 _____)

Case No. CR-04-13217

**JUDGMENT OF CONVICTION
SUSPENDED AND ORDER OF
PROBATION**

On the 10th day of August, 2004, SCOTT ROBERT HENSLEY was arraigned before the Honorable Gregory S. Anderson, District Judge of the Seventh Judicial District Court in and for the County of Bonneville.

The defendant was fully informed by the Court of the nature of the charge of Possession with Intent to Deliver as set forth in the Information, a violation of Idaho Code Section 37-2732(a)(1)(B), which was committed on or about June 24, 2004. The defendant entered a plea of not guilty to the charge. The defendant subsequently withdrew her not guilty plea and entered a plea of guilty to the charge of Possession of a Controlled Substance, a violation of Idaho Code Section 37-2732(e).

On the 1st day of November, 2004, the Prosecuting Attorney together with the above-named defendant and his counsel of record, Mr. Stephen Meikle, appeared before the Court for the pronouncement of sentence upon the defendant. Upon inquiry from the Court, the defendant advised that he did not wish to withdraw his guilty plea. Further, counsel for the defendant was provided the opportunity to speak on behalf of the defendant and the Court addressed the defendant personally and advised the defendant of his right to make a statement in his own behalf and to present any information in mitigation of punishment. The defendant was asked if there was any legal cause why sentence should not be pronounced and no sufficient cause was given. Based upon the foregoing, together with all the evidence before the Court, and the Court being fully advised in the law and the premises:

IT IS ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the

crime as charged in the Information and in execution thereof, IT IS FURTHER ORDERED, that the defendant be sentenced to the custody of the Idaho State Board of Corrections for a term of three (3) years, subject to a credit of 1 day for prior jail service, which credit shall be applied at the end of any minimum sentence, or in the absence thereof, at the conclusion of any indeterminate sentence. Of the total sentence heretofore pronounced, the defendant shall serve a confinement for a minimum period of one (1) year. The minimum period of confinement shall be followed by an indeterminate period of confinement of two (2) years.

IT IS FURTHER ORDERED, that said sentence shall be suspended and the defendant placed on probation for a period of three (3) years under the following conditions:

1. That the probation is granted to and accepted by the probationer, subject to all the terms and conditions specified in the Conditions of Probation and the Department of Corrections Agreement of Supervision, which must be obeyed, a copy of which is attached hereto and made a part hereof by this reference, and with the understanding that the Court may at any time, in case of violation of the terms of the probation, cause the probationer to be returned to the Court for the imposition sentence as prescribed by law.

2. That the probationer shall be under the legal custody and control of the Director of Probation and Parole of the State of Idaho and the District Court and subject to the rules of probation as prescribed by the Board of Correction and the District Court including those attached hereto.

3. That the probationer, if placed on probation to a destination outside the State of Idaho, or leaves the confines of the State of Idaho with or without permission of the Director of Probation and Parole does hereby waive extradition to the State of Idaho and also agrees that the said probationer will not contest any effort by any state to return the probationer to the State of Idaho.

4. That the probationer is also subject to the following Special Conditions, to wit:

- a. The defendant shall serve 30 days in the Bonneville County Jail, subject to a credit of 1 day for prior jail service. Time may be served on work release.
- b. The defendant shall complete 100 hours of community service, plus pay \$.60/hr. for related Worker's Compensation Insurance.
- c. The defendant shall obtain a substance abuse evaluation and successfully complete any treatment recommended.

A fine of \$500.00 shall be imposed. Defendant must pay \$50.00 to the Victim's Relief Fund, \$38.50 court costs, and \$320.93 joint and several restitution.

Done in open Court this 2nd day of November, 2004.

Gregory S. Anderson
GREGORY S. ANDERSON
District Judge

c: State
Defendant
Defense Counsel
Sheriff's Office – Jail
Probation and Parole

NOV 21 11 41 AM '10
DISTRICT COURT

CONDITIONS OF PROBATION

1. Probationer shall report within 72 hours unless otherwise directed by the Court to the District 7 Probation and Parole Office and make himself available to the probation activation process.

2. Probation has been ordered for a specific length of time; however, probation shall not be terminated until the Court has both reviewed the performance of the probationer and has signed an order discharging the probationer. Probation is subject to extension for non-payment of costs, fines, and restitution or unsatisfactory performance.

3. In addition to any jail sentence ordered to be served immediately, the probationer shall serve an additional 90 days at any time during the probationary period to be served at the discretion of the court as recommended by an agent of probation and parole.

4. Probationer shall pay the following to the clerk of the District Court:

Court Costs	\$38.50
Victim's Relief Fund	\$50.00
Fine	\$500.00
Worker's Compensation	\$60.00
Restitution (joint & several)	\$320.93

The Court may order probationer to pay up to an additional 25% of restitution ordered to be paid to compensate for delay in payment. If restitution is not set at the time of sentencing, the prosecutor's office shall submit an itemized statement of costs which will determine restitution, subject to further order of the court.

If community service has been ordered by the Court or as a condition of supervision on a specialized caseload, the probationer is responsible for workers' compensation fees at a rate of 60 cents per hour unless waived or reduced by the Court.

5. Probationer shall not purchase, carry, or have in possession or control any firearm, ammunition, explosives, or other dangerous weapons.

6. Probationer shall not, without permission from the Court or probation department: (a) purchase or operate a motor vehicle; (b) incur any unnecessary indebtedness; (c) leave the assigned district.

7. Probationer shall submit to a search of his person, residence or vehicle, at the request of an agent of probation and parole, without a search warrant.

8. Probationer shall maintain employment or an approved program at all times or, if

not employed, make a diligent effort to obtain employment. Probationer shall report any termination of employment or program to the supervising probation officer within two days of termination.

9. Probationer shall participate in any mental health, drug/alcohol abuse program, vocational habilitation, educational or learning program as recommended by his probation officer and pay the costs of such programs.

10. Probationer shall participate in and successfully complete any specialized caseload program prescribed by the Department of Corrections as recommended by the supervising probation officer.

11. Probationer shall not associate with any individual specified by his probation officer. Probationer shall not associate with anyone connected unlawfully to this crime unless approved by his supervising officer. Further, probationer shall not associate with anyone who use unlawful drugs.

12. Probationer shall not frequent any establishment where the sale of alcohol is the major source of income and must not consume any alcoholic beverages nor use any drugs or controlled substances not prescribed by a licensed physician.

13. Probationer shall submit at his own expense (unless waived) blood, breath, or urine at the request of an agent of probation and parole to be analyzed for the detection of substance abuse or alcohol consumption.

14. Probationer shall respect and obey all laws and report any criminal arrest or receipt of any citation for violation of the law to his probation officer within two days of arrest or receipt of any citation.

15. Probationer shall submit to a polygraph examination at his own expense (unless waived) if requested by his probation officer.

This is to certify that I have read or have had read to me and fully understand all the conditions, regulations, and restrictions as made by the State Board of Corrections and those imposed by the District Court as conditions of my being granted probation. I hereby agree to abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation.

Scott Wesley 11-18-04 JA Murphy 11/18/09
Probationer Date Probation Officer Date

COMMUNITY CORRECTIONS
AGREEMENT OF SUPERVISION

NOV 21 10 11 AM '05
DISTRICT
CITY ID

1. LAWS AND COOPERATION: I shall respect and obey all laws and comply with any lawful request of my supervising officer or an Agent of the Division of Community Corrections. SH

2. RESIDENCE: I shall not change residence without first obtaining written permission from my supervising officer. SH

3. REPORTS: I shall submit a truthful, written report to my supervising officer each and every month and shall report in person on dates and times specified. SH

4. TRAVEL: I will not leave the state or the assigned district without first obtaining permission from my supervising officer. My assigned district is SEVENTH (7) JUDICIAL. SH

5. EMPLOYMENT: I shall seek and maintain employment, or a program approved by my supervising officer, shall not change employment or program without first obtaining written permission from my supervising officer. SH

6. SEARCH: I agree and consent to the search of my person, automobile, real property, and any other property at any time and at any place by an Agent of the Division of Community Corrections and waive my constitutional right to be free from such searches. SH

7. WEAPONS/CONTRABAND: I shall not purchase, carry, own, or have in possession or control any firearm, ammunition, explosives, or other weapons. Firearms, weapons, and contraband seized will be forfeited to the Department of Corrections for Disposal. SH

8. CONTROLLED SUBSTANCES: I shall not use or possess any controlled substances unless lawfully prescribed by a licensed physician. I agree to submit to tests for controlled substances or alcohol, at my own expense, as requested by my supervising officer or any Agent of the Division of Community Corrections. SH

9. RESTITUTION: I shall pay restitution and other fees as ordered in the sum of \$ 969.43. Payments will be made at the rate of \$ 25 per month beginning on the 1st day of January, 20 05. A receipt for all payments will be submitted to my supervising officer within (30) days of payment. SH

10. COST OF SUPERVISION: I will comply with Idaho Code 20-225, which authorizes a cost of supervision fee. SH \$40.00 Per Month

SPECIAL INSTRUCTIONS:

1. Comply with court order(s)
2. No firearms, archery equipment or other weapons (identified by supervising personnel) are allowed to be at your place of residence.
3. No law enforcement or surveillance equipment (e.g. scanners, cameras and handcuff / keys) allowed at your place of residence.
4. _____

I have read, or have had read to me, the above agreement. I understand and accept the conditions of supervision under which I have been released. I agree to abide by and conform to them and understand that my failure to do so may result in the revocation of my probation or parole.

[Signature]
Signature of Client:

[Signature]
Witness:

11/18/05
Date Accepted

2011 JAN 15 AM 9:42 AM 9:45
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)

Plaintiff,)

Case No. CR-2011-95)

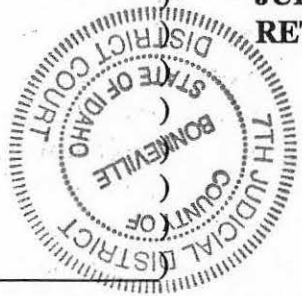
vs.)

**JUDGMENT OF CONVICTION
RETAINED JURISDICTION**

SCOTT ROBERT HENSLEY,)

DOB: [REDACTED])
SS: [REDACTED])

Defendant.)



STATE OF IDAHO } SS
County of Bonneville
I HEREBY CERTIFY that above and foregoing
is a full and correct copy of the original
thereof, on file in my office.
Dated 1-18-2017
PENNY MANNING
Clerk of the District Court
By [Signature] Deputy Clerk

On the 31st day of January, 2011, Scott Robert Hensley was arraigned before the Honorable Gregory S. Anderson, District Judge of the Seventh Judicial District Court in and for the County of Bonneville.

The defendant was fully informed by the Court of the nature of the charge of Possession of a Controlled Substance as set forth in the Information, a violation of Idaho Code Section 37-2732(c)(1), which was committed on or about January 4, 2011. The defendant entered a plea of not guilty to the charge. The defendant subsequently withdrew his not guilty plea and on April 25, 2011 entered a plea of guilty to the charge of Possession of a Controlled Substance, a violation of Idaho Code Section 37-2732(c)(1).

On the 6th day of June, 2011, the Prosecuting Attorney together with the above named defendant and his counsel of record, Mr. Curtis Smith appeared before the Court for the pronouncement of sentence upon the defendant. Upon inquiry from the Court, the defendant advised that he did not wish to withdraw his guilty plea. Further, counsel for the defendant was provided the opportunity to speak on behalf of the defendant and the Court addressed the defendant personally and advised the defendant of his right to make a statement in his/her own behalf and to present any information in mitigation of punishment. The defendant was asked if there was any legal cause why sentence should not be pronounced and no sufficient cause was given. Based upon the foregoing, together with all the evidence before the Court, and the Court being fully advised in the law and the premises:

IT IS ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crime as charged in the Information and in execution thereof, IT IS FURTHER ORDERED, that the defendant be sentenced to the custody of the Idaho State Board of Corrections for a

term of four and one-half (4 ½) years, subject to a credit for prior jail service, plus retained jurisdiction time, if any, which credit shall be applied at the end of any minimum sentence, or in the absence thereof, at the conclusion of any indeterminate sentence. Of the total sentence heretofore pronounced, the defendant shall serve a confinement for a minimum period of one and one-half (1 ½) years. The minimum period of confinement shall be followed by an indeterminate period of confinement of three (3) years.

The Court shall retain jurisdiction for the first 365 days of the sentence remaining, during which time the Court recommended that the defendant participate in the:

- Correctional Alternative Placement Program (CAPP) followed by a Problem-Solving Court. **(RJCAPS)**
- Correctional Alternative Placement Program (CAPP) **(RJCAPP)**
- Retained Jurisdiction (Traditional Rider) **(RJTR)**
- Therapeutic Community (TC Rider) **(RJTC)**
- Retained Jurisdiction Sex Offender **(RJSO)**
- No Recommendation **(RJNR)**

The 365-day period shall commence on the date the defendant is placed in the physical custody of the Department of Corrections.

A fine of \$500.00 shall be imposed. Defendant must pay \$454.87 restitution, \$160.50 Court costs, \$75.00 to the Victim's Relief Fund, and reimbursement for court expended funds.

The defendant shall be remanded to the custody of the Sheriff of Bonneville County for incarceration in the Bonneville County Jail pending transport. The defendant shall then be delivered to the custody of the Director of the State Board of Corrections.

Dated this 9th day of June, 2011.


Gregory S. Anderson
GREGORY S. ANDERSON
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 15 day of June, 2011, I did send a true and correct copy of the foregoing document upon the parties listed below by mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by causing the same to be hand-delivered.

State
Defense Counsel
Probation and Parole
Sheriff Office - Jail
IDOC

RONALD LONGMORE
Clerk of the District Court
Bonneville County, Idaho

By 
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

2017 MAR 20 AM 10:41
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

STATE OF IDAHO,	)	Case No. CR-2016-0007593-PE
)	
Plaintiff.	)	ORDER TO AMEND INFORMATION
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

IT IS HEREBY ORDERED that the above action be and is amended to the charge of
COUNT I, PART II, PERSISTENT VIOLATOR STATUS, I.C. § 19-2514, as requested by
the State of Idaho.

Dated this 28th day of January 2017.

Bruce L Pickett
District Judge

ORIGINAL

NOTICE OF ENTRY

I certify that I am a Clerk in the above-entitled Court and that I mailed, with postage prepaid, or caused to be hand-delivered a true and correct copy of the following document to be served on the following persons this 28 day of ~~January~~ March 2017.

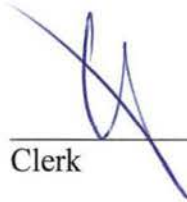
DOCUMENT:

ORDER TO AMEND INFORMATION

PARTIES SERVED:

Penelope North Shaul
Deputy Prosecuting Attorney
Courthouse Box
Idaho Falls, Idaho 83402

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Clerk

2017 MAR 30 AM 10:40
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

JORDAN S. CRANE
Idaho State Bar No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Telephone: (208) 529-1350, Ext. 1105

Attorney for Defendant

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,

Plaintiff,

v.

SCOTT HENSLEY,

Defendant.

Case Nos. CR-2016-7593-FE

ORDER

The Defendant's Motion in Limine having come before the Court and good cause appearing:

IT IS HEREBY ORDERED that Defendant's Motion in Limine is GRANTED IN PART and DENIED IN PART as follows:

1. The State may offer evidence at trial that law enforcement was executing a search warrant at 1481 W. Carson on June 23, 2016, but shall not offer or attempt to offer any evidence regarding how the search warrant was obtained and shall not offer or attempt to offer any evidence regarding the basis for obtaining the search warrant.
2. The State may not offer or attempt to offer any evidence that 1481 W. Carson was being surveilled by law enforcement, with the exception that the State may offer evidence beginning on June 22, 2016, leading up to the "trash pull" on that date.

ORDER

3. The State may offer evidence that mail and a driver's license were allegedly found during the June 22, 2016 "trash pull" but shall not offer or attempt to offer any evidence of any other items being found during that "trash pull."

Dated this 30th day of March, 2017.



DISTRICT JUDGE

ORDER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of March, 2017, I served a true and correct copy of the enclosed document by mailing, with the correct postage thereon, or by causing the same to be hand delivered to the following parties:



CLERK

PARTIES SERVED:

PENELOPE SHAUL
Bonneville County Prosecutor's Office

Jordan S. Crane
Bonneville County Public Defender's Office
605 N. Capital Ave.
Idaho Falls, ID 83402

SERVICE TYPE:

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail
- Courthouse Box

- Hand Delivery
- Facsimile Transmission
- Courthouse Box
- Mailing

2017 MAR 31 AM 11:15

DISTRICT COURT
7TH JUDICIAL DISTRICT
BOYDA

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
-vs-	)	MINUTE ENTRY
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
_____)	

This matter came on for hearing on Motion in Limine, Motion to Amend Information and Motion on March 28, 2017, at 11:26 a.m., in Courtroom #3 before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Andrea Jenkins, Deputy Court Clerk, were present.

Ms. Penny North Shaul appeared on behalf of the State.

The defendant appeared in person and with counsel, Mr. Jordan Crane.

Ms. Shaul presented argument in support of the State's Motion to Amend Information.

Mr. Crane had no objection to the motion.

The Court granted the State's Motion to Amend Information.

Mr. Crane presented argument in support of the defendant's Motion in Limine.


Ms. Shaul argued in opposition and requested clarification to the motion.

Mr. Crane provided rebuttal argument.

The Court granted the motion in part and denied the motion in part, Mr. Crane to provide an

appropriate order for the Court's signature.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

2017 MAR 31 PM 3:59
DISTRICT COURT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff,	)	ORDER
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The Court having reviewed the State's Motion in Limine and based upon the hearing held March 28, 2017;

IT IS HEREBY ORDERED that the court grants the State's Motion in Limine requiring the Defendant, Scott Robert Hensley, to bare his neck and display his tattoos to the jury in the second phase of the trial regarding the Persistent Violator allegation.

DATED this 31 day of March 2017.



Bruce L Pickett
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 31 day of March 2017, I served a true and correct copy of the foregoing document on the following party by either hand delivery or by placing the same in the mail with the correct postage affixed thereon.


DOCUMENT SERVED:

ORDER

PARTIES SERVED:

Penelope North Shaul
Prosecuting Attorney's Office
Courthouse Box
Idaho Falls, Idaho 83402

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

**REQUEST FOR JURY
(CRIMINAL)**

2017 APR 12 AM 8:39
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Judge: Bruce L Pickett

Title of Case: State of Idaho v. Scott Robert Hensley Case No. CR-2016-0007593-FE

Date and Time Trial to Begin: Monday, April 24, 2017 at 10:00 AM

Number of Jurors to be Summoned: 75

Magistrate or District? District

Courtroom: To Be Announced


Time for Jurors to Report for Orientation: 9:00 a.m.

Expected Number of Trial Days: 3

Prosecuting Attorney: Penelope North Shaul

Defendant's Attorney: Jordan S Crane

Date: Wednesday, April 12, 2017



Andrea Jenkins, Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

2017 APR 11 AM 10:54
 DISTRICT COURT
 SEVENTH JUDICIAL DISTRICT
 BONNEVILLE COUNTY ID

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
-vs-	)	MINUTE ENTRY ON
	)	PRETRIAL CONFERENCE
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
<hr style="width: 100%;"/>)	

On April 11, 2017, at 10:01 a.m., in Courtroom #3, this pre-trial conference came on for hearing before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Andrea Jenkins, Deputy Court Clerk, were present. Ms. Penny North Shaul appeared on behalf of the State. The defendant appeared in person and with counsel, Mr. Jordan Crane.

Mr. Crane updated the Court on the status of the case and requested the matter be left on the trial calendar.

Ms. Shaul had no objection.

The Court left the matter on the current trial setting.

Bond was continued as previously set.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

BONNEVILLE COUNTY
IDAHO FALLS, IDAHO
2017 APR 19 PM 3:49

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	PLEA AGREEMENT
	)	I.C.R. 11(f)(1)(A), (B)
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

The State of Idaho, by and through the Bonneville County Prosecutor's Office, and the Defendant, SCOTT ROBERT HENSLEY, with his attorney of record Jordan S Crane, hereby stipulates and agrees as follows:

STIPULATION AND AGREEMENT

1. In Case No. CR-2016-0007593-FE, the Defendant agrees to plead guilty to COUNT I, PART I, Possession of a Controlled Substance-Methamphetamine, Felony, I.C. § 37-2732(c)(1), as charged. The State agrees to dismiss COUNT II, Possess with Intent to Use Drug Paraphernalia, Misdemeanor, I.C. §37-2734A(1), and COUNT I, PART II, Persistent Violator Status, I.C. §19-2514.

2. The State shall recommend 2 years fixed, followed by 5 years indeterminate, at Sentencing. The Defendant is free to argue at Sentencing.

3. Pursuant to I.C.R. 11(a)(2), the Defendant reserves the right to appeal the court's decision on his Motion to Suppress.

4. The Defendant agrees to pay full costs of investigation, prosecution, and lab testing on all counts.

5. As to any other conditions not expressly agreed upon in this written plea agreement, the parties are free to argue as they see fit.

THIS AGREEMENT IS NOT BINDING ON THE COURT

This agreement is made pursuant to I.C.R. 11(f)(1)(A), (B) and is not intended to be binding upon the Court. If the Court rejects this plea agreement, the defendant acknowledges that there would nevertheless be no right to withdraw the guilty plea.

DEFENDANT'S ACKNOWLEDGMENT AND CONSENT

The Defendant in the above entitled case, by executing this plea agreement, acknowledges the following:

1. ***Understanding of the Potential Punishment.***

a. I understand that the crime of Possession of a Controlled Substance (Methamphetamine) is punishable as follows:

- 1) Imprisonment in the State Penitentiary for up to seven (7) years;
- 2) A fine of up to fifteen thousand dollars (\$15,000);
- 3) Costs; or
- 4) Any combination of fine, imprisonment, and costs as listed above.

2. ***Consequences for Non-United States Citizens.*** I understand that if I am 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, or denial of an application for United States citizenship.

3. ***Parties Affected by the Agreement.*** I understand that this plea agreement is only between the State of Idaho and me and therefore this plea agreement does not affect the rights of anyone else.

4. ***Intelligent, Knowing, and Voluntary Entry Into This Agreement.*** I believe that:

a. I am signing this agreement with full knowledge of the facts, my legal rights, and the consequences of entering the plea as described above.

b. No unlawful threats have been made to secure my plea of guilty, nor have any promises been made to get me to plead guilty, other than those promises made by the State of Idaho as set forth in this agreement.

c. I sign this agreement willingly, without force or duress, and of my own free will and choice.

5. ***No Other Promises or Agreements.*** I understand and acknowledge that no other agreements or conditions have been made or represented to me, except those terms of the plea agreement which are set forth within this written agreement.

6. ***Waiver of Constitutional Rights.*** I understand that I am waiving the following rights as guaranteed by the United States Constitution and the Constitution of the State of Idaho:

a. My right to a jury trial;

b. My right against self-incrimination, including my right not to testify against myself;

c. My right to require the State of Idaho to call witnesses against me and my right to call witnesses in my defense; and

d. My right to require the State of Idaho to prove my guilt beyond a reasonable doubt.

7. ***Changes in Circumstances.*** I understand that the State has made this agreement contingent on the condition that the circumstances under which the agreement was made is in accordance with my representations and that such circumstances will remain unchanged prior to sentencing. These circumstances include but are not limited to my representations concerning my past criminal record, my compliance with bail release conditions (such as appearing at all hearings), and my compliance with the law prior to sentencing. I understand that changes in these circumstances could amount to a breach of this agreement, and in that case the State would be excused from fulfilling its promised recommendation.

8. ***Understanding of the Agreement.*** I acknowledge the following:

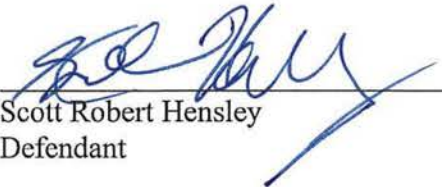
a. I have read this written plea agreement and understand its terms and the consequences of his entering into this plea agreement,

b. I agree to be bound by the terms of this plea agreement,

c. Prior to agreeing to this plea agreement, I have had sufficient time to discuss the terms and the consequences of entering into this agreement, with my attorney, my family and anyone else with whom I wished to consult with, and


d. I am satisfied with the services and advice of my attorney.

AGREED, ACKNOWLEDGED AND CONSENTED, dated this 19 day of April 2017.




Scott Robert Hensley
Defendant

AGREED AND CONSENTED, dated this 19 day of April 2017.



Jordan S Crane
Attorney for Defendant

AGREED, dated this 19th day of April 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

2017 APR 21 PM 2:28

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
Plaintiff,)
)
-vs-)
)
SCOTT ROBERT HENSLEY,)
)
Defendant.)
_____)

Case No. CR-2016-7593-FE

**CHANGE OF PLEA
MINUTE ENTRY**

On April 21, 2017, at 10:02 a.m. in courtroom #4, this change of plea came on for hearing before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Andrea Jenkins, Deputy Court Clerk, were present.

Mr. Danny Clark appeared on behalf of the State. The defendant appeared in person and with counsel, Mr. Jordan Crane.

The Court outlined the terms of the plea agreement.

The Court reviewed the file and, after a discussion between the Court and the defendant, the defendant entered a plea of guilty to the charge of Possession of a Controlled Substance – Methamphetamine, Felony.

After a discussion between the Court and counsel, Mr. Crane stated he consented to the guilty plea.

The defendant was placed under oath by the Clerk.

The defendant explained the circumstances of the crime. After further discussion, the Court found the defendant understood the nature of the offense and the consequences of a guilty plea and found there was a factual basis for the plea. The Court further found the plea was freely, voluntarily, and knowingly made and accepted the guilty plea. The Court ordered a pre-sentence investigation, and scheduled sentencing to begin June 7, 2017 at 10:00 a.m.

Bond was continued as previously set.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

2017 APR 21 PM 2:28
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
-vs.-	)	NOTICE OF TIME FOR
	)	SENTENCING
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
_____)	

NOTICE IS HEREBY GIVEN that the above-named defendant will be brought before the Honorable Bruce L. Pickett, District Judge, on the 7th day of June, 2017, at the hour of 10:00 a.m. for sentencing.

DATED this 21st day of April, 2017.



BRUCE L. PICKETT
DISTRICT JUDGE

c: Prosecutor
Jordan Crane


2017 APR 21 PM 2:28
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. 2016-7593-FE
)	
-vs.-)	
	)	ORDER VACATING TRIAL
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
_____)	

NOTICE IS HEREBY GIVEN that the above entitled matter, which was previously scheduled for jury trial on April 24, 2017, before the Honorable Bruce L. Pickett, District Judge is vacated.

SO ORDERED this 21st day of April, 2017.


BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

BONNEVILLE COUNTY, IDAHO
17 MAY 23 AM 11:10

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189
Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff,	)	MOTION FOR COSTS OF PROSECUTION
	)	AND INVESTIGATION
vs.	)	AND NOTICE OF HEARING
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

Pursuant to Idaho Code Section 37-2732 (k), the State of Idaho presents to the court a list of costs of prosecution and investigation owing by the Defendant and moves the court for its order of reimbursement.

The following is a true and correct list of the entities involved in the above criminal action and the amount of costs of prosecution and investigation claimed by the law enforcement agency(s) to be owed by the Defendant.


<u>Law Enforcement Agency</u>	<u>Amount</u>
Bonneville County Sheriff's Office Drug Reimbursement	
Bonneville County Sheriff's Office Report No. 2016-07461	\$677.38
Bonneville County Sheriff's Office Report No. 2016-07461	\$485.52
Bonneville County Sheriff's Office Report No. 2016-07428	\$522.30
c/o Bonneville County Prosecutor	
Idaho Falls, ID 83402	

Forensic Services \$500.00
700 S Stratford Drive
Meridian, ID 83642-6202

Bonneville County Prosecutor's Office \$157.70
605 N Capital Ave
Idaho Falls, ID 83402

TOTAL COSTS \$2,342.90

Dated this 22nd day of May 2017.


Penelope North Shaul
Deputy Prosecuting Attorney


NOTICE OF HEARING

PLEASE TAKE NOTICE that on the **7th day of June 2017 at 10:00 AM**, the State will call up for hearing its Motion for Costs of Prosecution and Investigation before the Honorable Bruce L. Pickett.

NOTICE

In the event defendant intends to produce evidence on the amount of costs of prosecution and investigation or otherwise intends to challenge the State's Motion for Costs of Prosecution and Investigation, defendant shall notify the court and the State by written objection filed at least five days prior to the above hearing date.

Dated this 22nd day of May 2017.


Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

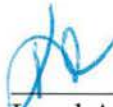
I HEREBY CERTIFY that on the 22nd day of May 2017, I served the above document on the following parties by either hand delivery or by placing the same in the mail with the correct postage affixed thereon.

DOCUMENT SERVED:

MOTION FOR COSTS OF PROSECUTION
AND INVESTIGATION AND
NOTICE OF HEARING

PARTIES SERVED:

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83405



Legal Assistant

**BONNEVILLE COUNTY SHERIFF'S OFFICE
IDAHO FALLS POLICE DEPARTMENT
SPECIAL INVESTIGATION UNIT
Idaho Falls, ID 83402**

Drug Reimbursement Report

As provided in Idaho Code 37-2732 (k), we hereby ask the Court to order restitution for expenses incurred by the Idaho Department of Law Enforcement.

Monies ordered for restitution **SHALL BE PAID TO THE BONNEVILLE COUNTY SHERIFF'S OFFICE SPECIAL INVESTIGATION UNIT DRUG ENFORCEMENT ACCOUNT.**

DEFENDANT: Scott Robert Hensley Page 2/2

AGENCY CASE NO: 2016-7461 June 23, 2016

Officers Involved	Hr. / Salary	x	No. of Hrs.	+	O.T. x 1.5	=	Total
1- Fielding, J	\$ 25.11		2				\$ 50.22
2- Martin, J	\$ 27.72		2				\$ 55.44
3- Norman, B	\$ 20.88		2				\$ 41.76
4- Hammer, M	\$ 21.27		2				\$ 42.54
5- Mortimer, A	\$ 23.66		2				\$ 47.32
6- Sorenson, J	\$ 29.90		2				\$ 59.80
7- Davenport, B	\$ 22.45		2				\$ 44.90
8- Lenz, C	\$ 22.98		2				\$ 45.96
9- Stewart, J	\$ 25.81		2				\$ 51.62
10- Cook, D	\$ 22.98		2				\$ 45.96
Total Personnel							\$ 485.52

Buy Monies Expended

	Amount
1- _____	_____
2- _____	_____
3- _____	_____
4- _____	_____
Total Buy	\$ -

C.I. Fees

	Amount
1- _____	_____
2- _____	_____
3- _____	_____
4- _____	_____
Total C.I.	\$ -

Miscellaneous Expenses For:

K-9 Searches are \$36.00 per search
Audio Equipment \$35.00 per hour

Surveillance Vehicle	_____
Surveillance Equipment	_____
Court Appearances	_____
K-9 Searches	_____
Perdiem / Lodging	_____
Lab Fees	_____
Total Misc.	\$ -

Total Personnel	Total Buy	Total C.I.	Total Misc.	GRAND TOTAL
\$ 485.52	\$ -	\$ -	\$ -	\$ 485.52

Other Agenices Involved: _____

Prepared by: Kyle Fielding

Contact Phone: 529-1147

**BONNEVILLE COUNTY SHERIFF'S OFFICE
IDAHO FALLS POLICE DEPARTMENT
SPECIAL INVESTIGATION UNIT
Idaho Falls, ID 83402**

Drug Reimbursement Report

As provided in Idaho Code 37-2732 (k), we hereby ask the Court to order restitution for expenses incurred by the Idaho Department of Law Enforcement.

Monies ordered for restitution **SHALL BE PAID TO THE BONNEVILLE COUNTY SHERIFF'S OFFICE SPECIAL INVESTIGATION UNIT DRUG ENFORCEMENT ACCOUNT.**

DEFENDANT: Scott Robert Hensley Page 1/2

AGENCY CASE NO: 2016-7461 June 23, 2016

Officers Involved	Hr. / Salary	x	No. of Hrs.	+	O.T. x 1.5	=	Total
1- <u>Fielding, K</u>	\$ 25.41		4				\$ 101.64
2- <u>Hurt, J</u>	\$ 29.28		2				\$ 58.56
3- <u>Reed, C</u>	\$ 28.82		2				\$ 57.64
4- <u>Trimble, B</u>	\$ 31.35		2				\$ 62.70
5- <u>Contreras, N</u>	\$ 20.77		2				\$ 41.54
6- <u>Lasher, R</u>	\$ 30.00		2				\$ 60.00
7- <u>Casper, K</u>	\$ 33.96		2				\$ 67.92
8- <u>Hulse, S</u>	\$ 36.99		2				\$ 73.98
9- <u>Glenn, T</u>	\$ 29.37		2				\$ 58.74
10- <u>Smith, C</u>	\$ 29.33		2				\$ 58.66
					Total Personnel		\$ 641.38

Buy Monies Expended
Amount

1- _____	_____
2- _____	_____
3- _____	_____
4- _____	_____
Total Buy	\$ -

C.I. Fees

	Amount
1- _____	_____
2- _____	_____
3- _____	_____
4- _____	_____
Total C.I.	\$ -

Miscellaneous Expenses For:

K-9 Searches are \$36.00 per search
Audio Equipment \$35.00 per hour

Surveillance Vehicle	_____
Surveillance Equipment	_____
Court Appearances	_____
K-9 Searches	\$ 36.00
Perdiem / Lodging	_____
Lab Fees	\$ 100.00
Total Misc.	\$ 136.00

Total Personnel	Total Buy	Total C.I.	Total Misc.	GRAND TOTAL
\$ 641.38	\$ -	\$ -	\$ 136.00	\$ 777.38

Other Agenices Involved: _____

Prepared by: Kyle Fielding

Contact Phone: 529-1147

Idaho State Police Drug Restitution

As provided in Idaho Code 37-2732(k), the Idaho State Police requests restitution from the defendant, **VICTORIA KINGHORN and SCOTT R HENSLEY** in the amount of **\$200** in association with Laboratory Case No. **P2016-1636**. This amount is based upon the testing of the sample(s) submitted to this laboratory. The amount requested reflects a portion of the cost incurred to the laboratory during the analysis of drug evidence.

Test	Cost
Controlled Substance Analysis (2 sample(s) @ \$100 ea.)	\$200

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

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

Thank you for your cooperation in this matter.

Sincerely,



Rachel Cutler
Pocatello Laboratory Manager
Forensic Services

Idaho State Police Drug Restitution

As provided in Idaho Code 37-2732(k), the Idaho State Police requests restitution from the defendant, **VICTORIA KINGHORN and SCOTT R HENSLEY** in the amount of **\$200** in association with Laboratory Case No. **P2016-1636**. This amount is based upon the testing of the sample(s) submitted to this laboratory. The amount requested reflects a portion of the cost incurred to the laboratory during the analysis of drug evidence.

Test	Cost
Controlled Substance Analysis (2 sample(s) @ \$100 ea.)	\$200

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

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

Thank you for your cooperation in this matter.

Sincerely,



Rachel Cutler
Pocatello Laboratory Manager
Forensic Services

**BONNEVILLE COUNTY SHERIFF'S OFFICE
IDAHO FALLS POLICE DEPARTMENT
SPECIAL INVESTIGATION UNIT
Idaho Falls, ID 83402**

Drug Reimbursement Report

As provided in Idaho Code 37-2732 (k), we hereby ask the Court to order restitution for expenses incurred by the Idaho Department of Law Enforcement.

Monies ordered for restitution **SHALL BE PAID TO THE BONNEVILLE COUNTY SHERIFF'S OFFICE SPECIAL INVESTIGATION UNIT DRUG ENFORCEMENT ACCOUNT.**

DEFENDANT: Scott Robert Hensley

AGENCY CASE NO: 2016-7428 **June 22, 2016**

Officers Involved	Hr. / Salary	x	No. of Hrs.	+	O.T. x 1.5	=	Total
1- Fielding, K	\$ 25.41		4				\$ 101.64
2- Hurt, J	\$ 29.28		3				\$ 87.84
3- Reed, C	\$ 28.82		3				\$ 86.46
4- Trimble, B	\$ 31.35		3				\$ 94.05
5- Contreras, N	\$ 20.77		3				\$ 62.31
6- Lasher, R	\$ 30.00		3				\$ 90.00
7- _____							\$ -
8- _____							\$ -
9- _____							\$ -
10- _____							\$ -
Total Personnel							\$ 522.30

<u>Buy Monies Expended</u>		<u>C.I. Fees</u>	
	Amount		Amount
1- _____		1- _____	
2- _____		2- _____	
3- _____		3- _____	
4- _____		4- _____	
Total Buy		Total C.I.	
	\$ -		\$ -

Miscellaneous Expenses For:

K-9 Searches are \$36.00 per search
Audio Equipment \$35.00 per hour

Surveillance Vehicle	_____
Surveillance Equipment	_____
Court Appearances	_____
K-9 Searches	_____
Perdiem / Lodging	_____
Lab Fees	\$ 100.00
Total Misc.	\$ 100.00

Total Personnel	Total Buy	Total C.I.	Total Misc.	GRAND TOTAL
\$ 522.30	\$ -	\$ -	\$ 100.00	\$ 622.30

Other Agenices Involved: _____

Prepared by: Kyle Fielding

Contact Phone: 529-1147

Idaho State Police Drug Restitution

As provided in Idaho Code 37-2732(k), the Idaho State Police requests restitution from the defendant, **SCOTT R HENSLEY** in the amount of **\$100** in association with Laboratory Case No. **P2016-1627**. This amount is based upon the testing of the sample(s) submitted to this laboratory. The amount requested reflects a portion of the cost incurred to the laboratory during the analysis of drug evidence.

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

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

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

Thank you for your cooperation in this matter.

Sincerely,



Rachel Cutler
Pocatello Laboratory Manager
Forensic Services

STATE OF IDAHO • BONNEVILLE COUNTY
OFFICE OF THE PROSECUTING ATTORNEY
CRIMINAL DIVISION

DANIEL R. CLARK
Prosecuting Attorney

JOHN C. DEWEY
Chief Deputy Prosecuting Attorney

PENNY NORTH SHAUL
Asst. Chief Deputy Prosecuting Attorney

TANNER F. CROWTHER
Deputy Prosecuting Attorney

E. ALEX MUIR
Deputy Prosecuting Attorney



H. ALAYNE BEAN
Deputy Prosecuting Attorney

KELSIE KIRKHAM
Deputy Prosecuting Attorney

MICHAEL MCCRACKEN
Deputy Prosecuting Attorney

PAM MILLHOUSE
Victim/Witness Coordinator

May 22, 2017

COSTS OF PROSECUTION AND INVESTIGATION FOR PROSECUTION OF CASE
NUMBERS CR-2016-0007593 Scott Hensley

The Bonneville County Prosecuting Attorney's Office is requesting costs of prosecution and investigation for the prosecution of the Defendant.

The Case was resolved at the Pre-Trial Conference resulting in fees of:

1) Deputy Prosecuting Attorney Penelope North Shaul	2.5 hrs	\$139.03
2) Administrative Assistant	1.0 hrs	\$ 18.67

Total costs of prosecution and investigation for time spent in the prosecution of this case is \$157.70 and all monies ordered for costs of prosecution and investigation shall be paid directly to the Bonneville County Prosecuting Attorney's Office, 605 N Capital, Idaho Falls, Idaho 83402.

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BONNEVILLE COUNTY**

JUN -9 PM 12:43
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

STATE OF IDAHO,
Plaintiff.

vs.

Scott Robert Hensley
4465 E Greenwillow
Idaho Falls, ID 83401
Defendant.

Case No.: CR-2016-0007593-FE

NOTICE OF HEARING

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

Sentencing:	Wednesday, August 16, 2017 at 09:00 AM
Judge:	Bruce L Pickett
Courtroom:	
Charge(s):	Controlled Substance-Possession of I37-2732(c)(1) F Drug Paraphernalia-Use or Possess With Intent to Use I37-2734A(1) Enhancement-Persistent Violator I19-2514

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:

Defendant: Scott Robert Hensley Jail Mailed Hand Delivered

Def's Counsel: Jordan S Crane
P.O. Box 51257
Idaho Falls ID 83405

Court Box Mailed Hand Delivered

Prosecutor: Penelope North Shaul

Court Box Mailed Hand Delivered

Dated: Friday, June 9, 2017

Penny Manning
Clerk Of The District Court

By: A. Boenus
Deputy Clerk

doc22cr 2/05

2017 JUN 12 AM 8:48
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs.-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE

**MINUTE ENTRY ON
SENTENCING HEARING**

On June 7, 2017, at 10:01 a.m., in Courtroom #3, this matter came on for sentencing before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

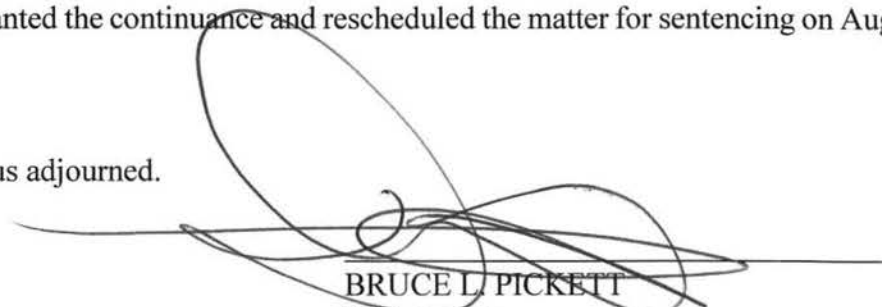
Ms. Mary Fox, Court Reporter, and Ms. Amanda Barnes, Deputy Court Clerk, were present. Mr. Danny Clark appeared on behalf of the State. The defendant appeared in person and with counsel, Mr. Jordan Crane.

Mr. Crane advised the Court the defendant was scheduled to have surgery on June 26, 2017, and requested a continuance.

Mr. Clark had no objection.

The Court granted the continuance and rescheduled the matter for sentencing on August 16, 2017, at 9:00 a.m.

Court was thus adjourned.


BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane

Jordan S. Crane
ISB No. 6843
Office of the Public Defender
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Phone: (208) 529-1350 ext. 1105
Facsimile: (208) 529-1181
Email: JCrane@co.bonneville.id.us
Attorney for Defendant

DISTRICT COURT
MAGISTRATE DIVISION
BONNEVILLE COUNTY, IDAHO

17 JUN -9 PM 3:46

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,

Plaintiff,

v.

SCOTT ROBERT HENSELY,

Defendant.

Case No. CR-2016-7593-FE

**OBJECTION TO COSTS
OF PROSECUTION AND
INVESTIGATION**

COMES NOW the Defendant, SCOTT ROBERT HENSELY, by and through counsel, Jordan S. Crane, and, hereby objects to the state's Motion for Costs of Prosecution and Investigation. Specifically, Defendant objects to the state's request relating to personnel costs allegedly incurred on June 23, 2016. The state requests reimbursement for time spent by 20 officers. Without more information, Defendant cannot agree that the state's request is reasonable or that the state is requesting reimbursement for costs actually incurred.

DATED this 9th day of June, 2017.


JORDAN S. CRANE
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9 day of June, 2017, a true and correct copy of the foregoing OBJECTION TO COSTS OF PROSECUTION AND INVESTIGATION was served upon the person or entity named below or their agent, at the address or facsimile number listed below, by such service as indicated hereafter.



PERSON SERVED

Penelope North Shaul
Deputy Prosecutor
Bonneville County

SERVICE TYPE

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

2017 AUG 18 PM 4:39
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE

ORDER FOR INCARCERATION

TO: THE SHERIFF OF BONNEVILLE COUNTY:

An order having been this day made by me that the above named defendant is convicted in said County of Bonneville;

NOW THEREFORE, You the said Sheriff are commanded to receive the said defendant into your custody and detain him until further order.

DATED this 16th day of August, 2017.



BRUCE L. PICKETT
DISTRICT JUDGE

c: Prosecutor
Jordan Crane
Bonneville County Jail

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

2017 SEP 20 AM 8:32
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Penelope North Shaul
Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
THE STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
	)	Case No. CR-2016-0007593-FE
Plaintiff.)	
	)	MOTION TO DISMISS
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	
)	

The State of Idaho hereby moves the court for its order dismissing without prejudice the charges of COUNT II, Possess with Intent to Use Drug Paraphernalia, Misdemeanor, I.C. §37-2734A(1), and COUNT I, PART II, Persistent Violator Status, I.C. §19-2514, in the above action upon the grounds that it is pursuant to a plea agreement.

Dated this 2nd day of June 2017.

Penelope North Shaul

Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2 day of June 2017, I caused a true and correct copy of the foregoing document to be served on the following parties by hand delivery or by placing the same in the mail with the correct postage affixed thereon:

DOCUMENT SERVED: MOTION TO DISMISS

PARTIES SERVED: Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402



Legal Assistant

2017 SEP 20 AM 9:26
DISTRICT
BONNEVILLE COUNTY ID

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs.-)
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE

**MINUTE ENTRY ON
SENTENCING HEARING**

On August 16, 2017, at 9:12 a.m., in Courtroom #4, this matter came on for sentencing before the Honorable Bruce L. Pickett, District Judge, sitting in open court at Idaho Falls, Idaho.

Ms. Mary Fox, Court Reporter, and Ms. Amanda Barnes, Deputy Court Clerk, were present. Mr. Danny Clark appeared on behalf of the State. The defendant appeared in person and with counsel, Mr. Jordan Crane.

The Court reviewed the file and inquired if the defendant wished to stand by the guilty plea previously entered to the charge of Count I: Possession of a Controlled Substance - Methamphetamine, Felony, to which the defendant stated he did.

The Court noted a pre-sentence report had been filed and inquired if there are any areas needing clarification or correction. Mr. Crane noted no clarifications and/or corrections thereto.

Mr. Crane addressed the Court in mitigation and requested a suspended sentence and probation.

Mr. Clark recommended two (2) years determinate, followed by five (5) years indeterminate.

The State requested \$2,342.90. Mr. Crane objected.

The defendant addressed the Court.

The Court inquired if there was any reason why judgment should not be imposed at this time, to which the parties stated there was none.

After a discussion between the Court and the Defendant, the Court imposed sentence as follows: the defendant was ordered to serve a minimum period of one (1) year in the custody of the Idaho State Board of Correction, followed by an indeterminate period of six (6) years. Credit will be allowed for time served. The Court shall retain jurisdiction for 365 days, and recommends one of the following retained jurisdiction sentencing options: **ROA- RJNR No Recommendation.**

A fine of \$1,000.00 was imposed. Defendant must pay \$75.00 to the Victim's Relief Fund, \$210.50 court costs, reimbursement TBD, and \$500.00 to public defender costs. Defendant shall pay up to \$100.00 to the Department of Correction for the preparation of the Presentence Investigation Report.

The defendant was advised that this was a final order of the Court and of his right to appeal the Court's decision, his right to seek relief under the Idaho Criminal Rules, and his right to seek post-conviction relief.

The defendant was remanded to the custody of the Bonneville County Sheriff's Office.

Court was thus adjourned.



BRUCE L. PICKETT
District Judge

c: Prosecutor
Jordan Crane


IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE
MAGISTRATE DIVISION

2017 SEP 20 AM 9:26
7th JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

STATE OF IDAHO,)
) Case No. CR-2016-0007593-FE
 Plaintiff.)
)
 vs.) ORDER TO DISMISS
)
 SCOTT ROBERT HENSLEY,)
)
 Defendant.)
)
 _____)

IT IS HEREBY ORDERED that the charge of COUNT II, Possess with Intent to Use Drug Paraphernalia, Misdemeanor, I.C. §37-2734A(1), and COUNT I, PART II, Persistent Violator Status, I.C. §19-2514, in the above action be and is dismissed without prejudice pursuant to the State's motion.

Dated this 20th day of Sept 2017.



Bruce L Pickett
District Judge

NOTICE OF ENTRY

I HEREBY CERTIFY that on the 20 day of ~~June~~^{Sept} 2017, I served a true and correct copy of the document described below on the party listed below, by mailing with the correct postage thereon, or by causing the same to be hand delivered.

DOCUMENT SERVED: ORDER TO DISMISS

PARTIES SERVED: Penelope North Shaul
Prosecuting Attorney's Office
Courthouse Mailbox
Idaho Falls, Idaho 83402

B.C.J.

Jordan S Crane
Public Defender
Courthouse Mailbox
Idaho Falls, Idaho 83402

AB

Clerk

**THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE**

<p>STATE OF IDAHO,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p>vs.</p> <p>SCOTT ROBERT HENSELY,</p> <p style="padding-left: 100px;">Defendant/Appellant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p style="text-align: right;">Case No. CR-2016-7593-FE</p> <p>ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER, PROVIDING FOR PAYMENT OF RECORD AND TRANSCRIPT PREPARATION FEES, AND WITHDRAWING ATTORNEY OF RECORD FOR APPEAL</p>
---	---	---

The above named Defendant/Appellant appeared in this for Sentencing before the Honorable Bruce L. Pickett on August 16, 2017, at which time the Court pronounced a unified sentence of seven (7) years, of which two (2) years are determinate and five (5) years are indeterminate with the court retaining jurisdiction.

The Defendant/Appellant has requested the aid of counsel in pursuing a direct appeal;

The Court being satisfied that the Defendant/Appellant is a needy person entitled to the services of the State Appellate Public Defender for purposes of appeal pursuant to Idaho Code §§19-852 and 19-854 and the services of the State Appellate Public Defender are available pursuant to Idaho Code §19-863A;

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


IT IS FURTHER ORDERED that, in accordance with I.C. §31-3220 and §31-3220A, the fee

ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER,
PROVIDING FOR PAYMENT OF RECORD AND TRANSCRIPT PREPARATION FEES,
AND WITHDRAWING ATTORNEY OF RECORD FOR APPEAL

for preparation of the Clerk's Record and the fee for preparation of the Reporter's Transcript shall be paid at county expense subject to future reimbursement if proper under Idaho Law.

IT IS FURTHER ORDERED that JORDAN S. CRANE, Bonneville County Public Defender, be withdrawn for purposes of appeal.

DATED this 21st day of September, 2017.



District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21 day of Sept., 2017, I served a true and correct copy of the attached ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER, PROVIDING FOR PAYMENT OF RECORD AND TRANSCRIPT PREPARATION FEES, AND WITHDRAWING ATTORNEY OF RECORD FOR APPEAL by placing a copy in the United States mail, with the correct postage thereon, or by causing the same to be hand delivered to the following parties:

PERSON SERVED

SERVICE TYPE

State Appellate Public Defender
322 E. Front Street, Suite 570
Boise, ID 83702

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Bonneville County Prosecuting Attorney
605 N. Capital Ave.
Idaho Falls, ID 83402

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Jordan S. Crane
Public Defender's Office
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Mary Fox
Court Reporter
605 N. Capital Ave.
Idaho Falls, ID 83402

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER,
PROVIDING FOR PAYMENT OF RECORD AND TRANSCRIPT PREPARATION FEES,
AND WITHDRAWING ATTORNEY OF RECORD FOR APPEAL

Lawrence G. Wasden
State of Idaho Attorney General
Appellate Division
PO Box 83720
Boise, ID 83720-0010

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Stephen Kenyon
Clerk of the Idaho Supreme Court & Court of
Appeals
P.O. Box 83720
Boise, ID 83720-0101

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Penny Manning

Clerk of the Court

J. Baerly

Deputy Clerk

ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER,
PROVIDING FOR PAYMENT OF RECORD AND TRANSCRIPT PREPARATION FEES,
AND WITHDRAWING ATTORNEY OF RECORD FOR APPEAL

-4

2017 SEP 20 AM 9:22
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT ROBERT HENSLEY,)
 DOB: [REDACTED])
 SS: [REDACTED])
)
 Defendant.)
 _____)

Case No. CR-2016-7593-FE

**JUDGMENT OF CONVICTION
RETAINED JURISDICTION**

On the 12th day of October, 2016, Scott Robert Hensley was arraigned before the Honorable Bruce L. Pickett, District Judge of the Seventh Judicial District Court in and for the County of Bonneville.

The defendant was fully informed by the Court of the nature of the charges of Count I: Possession of a Controlled Substance – Methamphetamine, Felony, a violation of Idaho Code Section 37-2732(c)(1), and Count II: Possess with Intent to use Drug Paraphernalia, Misdemeanor, a violation of Idaho Code Section 37-2734A(1), as set forth in the Information which were committed on or about June 23, 2016. The defendant entered a plea of not guilty to the charges. The defendant subsequently withdrew his plea of not guilty and on the 21st day of April, 2017, entered a plea of guilty to the charge of Count I: Possession of a Controlled Substance – Methamphetamine, Felony, a violation of Idaho Code Section 37-2732(c)(1).

On the 16th day of August, 2017, the Prosecuting Attorney together with the above named defendant and his counsel of record, Mr. Jordan Crane appeared before the Court for the pronouncement of sentence upon the defendant. Upon inquiry from the Court, the defendant advised that he did not wish to withdraw his guilty plea. Further, counsel for the defendant was provided the opportunity to speak on behalf of the defendant and the Court addressed the defendant personally and advised the defendant of his right to make a statement in his/her own behalf and to present any information in mitigation of punishment. The defendant was asked if there was any legal cause why sentence should not be pronounced and no sufficient cause was given. Based upon the foregoing, together with all the evidence before the Court, and the Court being fully advised in the law and the premises:

IT IS ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crime as charged in the Information and in execution thereof, IT IS FURTHER ORDERED, that the defendant be sentenced to the custody of the Idaho State Board of Corrections for a term of seven (7) years, subject to a credit for prior jail service, plus retained jurisdiction time, if any, which credit shall be applied at the end of any minimum sentence, or in the absence thereof, at the conclusion of any indeterminate sentence. Of the total sentence heretofore pronounced, the defendant shall serve a confinement for a minimum period of one (1) year. The minimum period of confinement shall be followed by an indeterminate period of confinement of six (6) years.

The Court shall retain jurisdiction for the first 365 days of the sentence remaining, during which time the Court recommended that the defendant participate in the: **No Recommendation (RJNR)**.

The 365-day period shall commence on the date the defendant is placed in the physical custody of the Department of Corrections.

A fine of \$1,000.00 shall be imposed. Defendant must pay TBD reimbursement, \$500.00 public defender fee, \$210.50 court costs, \$75.00 to the Victim's Relief Fund. The defendant shall pay up to \$100.00 to the Department of Correction for the preparation of the Presentence Investigation Report.

Pursuant to I.C. § 19-5507(2), Defendant is required to provide a DNA sample and thumbprint impression at an Idaho state police designated sample collection location. Defendant is to report within ten (10) working days to the facilities designated for the collection of such specimens, unless such specimens have previously been provided.

The defendant shall be remanded to the custody of the Sheriff of Bonneville County for incarceration in the Bonneville County Jail pending transport. The defendant shall then be delivered to the custody of the Director of the State Board of Corrections.

Dated this 20th day of Sept, 2017.


BRUCE L. PICKETT
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of ^{Sept} August, 2017, I did send a true and correct copy of the foregoing document upon the parties listed below by mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by causing the same to be hand-delivered.

State
Jordan Crane
Probation and Parole
Sheriff Office - Jail
IDOC

PENNY MANNING
Clerk of the District Court
Bonneville County, Idaho

By A. Barnes
Deputy Clerk

BONNEVILLE COUNTY
IDAHO

2017 SEP 20 PM 4: 08

Jordan S. Crane
ISB No. 6843
Public Defender's Office
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Phone: (208) 529-1350 ext. 1105
Facsimile: (208) 529-1181
Email: JCrane@co.bonneville.id.us

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
	)	Case No. CR-2016-7593-FE
)	
Plaintiff/Respondent,)	
	)	MOTION TO APPOINT STATE
v.	)	APPELLATE PUBLIC
	)	DEFENDER AND TO PROCEED
SCOTT ROBERT HENSLEY,	)	IN FORMA PAUPERIS
Defendant/Appellant.)	
_____)	

COMES NOW Defendant/Appellant by and through court appointed counsel and hereby requests that the above-entitled court appoint the State Appellate Public Defender Office to prosecute his appeals pursuant to Idaho Code and Defendant/Appellant be allowed to proceed In Forma Pauperis.

This Motion is made by and for the reason that Defendant/Appellant is currently indigent and unable to afford private representation for purposes of appeal. Defendant/Appellant was previously found indigent and provided court appointed counsel. Defendant/Appellant is currently an indigent

prisoner serving a period of retained jurisdiction and is without the funds necessary to pay for his appeals.

Dated this 20th day of Sept., 2017.



JORDAN S. CRANE
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of September, 2017, I served a true and correct copy of foregoing MOTION TO APPOINT STATE APPELLATE PUBLIC DEFENDER AND TO PROCEED IN FORMA PAUPERIS on the parties listed below, by mailing and/or by fax with the correct postage thereon, or by causing the same to be hand-delivered.

PERSON SERVED

SERVICE TYPE

State Appellate Public Defender
322 E. Front Street, Suite 570
Boise, ID 83702

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Bonneville County Prosecuting Attorney
605 N. Capital Ave.
Idaho Falls, ID 83402

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Mary Fox
Court Reporter
605 N. Capital Ave.
Idaho Falls, ID 83402

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Lawrence G. Wasden
State of Idaho Attorney General
Appellate Division
PO Box 83720
Boise, ID 83720-0010

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Clerk of the Court
Bonnevill County
605 N. Capital Ave.
Idaho Falls, ID 83402

- Hand Delivery
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BONNEVILLE COUNTY
IDAHO

2017 SEP 20 PM 4:16

Jordan S. Crane
ISB No. 6843
Public Defender's Office
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402
Phone: (208) 529-1350 ext. 1105
Facsimile: (208) 529-1181
Email: JCrane@co.bonneville.id.us

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2016-7593-FE
)	
v.)	
)	
SCOTT ROBERT HENSLEY,	)	NOTICE OF APPEAL
)	
Defendant/Appellant.)	
_____)	

TO: The above-named Respondent, State of Idaho, and its attorney of record, Prosecuting Attorney for Bonneville County, and the Clerk of the above-entitled court.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, SCOTT ROBERT HENSLEY, appeals to the Idaho Supreme Court from the District Court's September 20, 2017 Judgment of Conviction and the sentence imposed by the District Court.

2. The Appellant has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule 11(c).

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

A. Did the District Court abuse its discretion in denying Defendant Appellant's Motion to Suppress?

4. A reporter's transcript of the following hearing(s) is requested:

A. December 28, 2016 – Motion to Suppress Hearing (estimated length under 100 pages).

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 Report and attachments.

6. I certify:

A. That a copy of this Notice of Appeal has been served on the reporter;


B. That the appellant is exempt from paying the estimated transcript fee because the defendant is an indigent person. Appellant was previously found indigent and appointed counsel. Appellant is currently an indigent prisoner serving a period of retained jurisdiction with an underlying unified sentence of seven (7) years, of which one (1) years are determinate and six (6) years are indeterminate. Appellant is currently without funds for payment of the reporter's fees and therefore, pursuant to I.C. §31-3220 and §31-3220A and Idaho Appellate Rule 24(h) the payment of the reporter's fees should be waived by the district court;

C. That the appellant is exempt from paying the estimated fee for preparation of the record because he is an indigent person. Appellant is without funds for payment of the preparation of the record and therefore, pursuant to I.C. §31-3220 and §31-3220A and Idaho Appellate Rule 27(f) the payment of the preparation of the record should be waived by the district court.

D. That appellant is exempt from paying the appellate filing fee because defendant is without funds for payment of the appellate filing fee and therefore, pursuant to I.C. § 31-3220 and §31-3220A and Idaho Appellate Rule 23(c) the payment of the appellate filing fee should be waived by the district court;

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

Dated this 20 day of Sept-, 2017.


JORDAN S. CRANE
Attorney at Law

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of September, 2017, I served a true and correct copy of the foregoing NOTICE OF APPEAL on the parties listed below, by mailing and/or by fax with the correct postage thereon, or by causing the same to be hand-delivered.

PERSON SERVED

SERVICE TYPE

State Appellate Public Defender
322 E. Front Street, Suite 570
Boise, ID 83702

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Bonneville County Prosecuting Attorney
605 N. Capital Ave.
Idaho Falls, ID 83402

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Clerk of the Court
Bonneville County
605 N. Capital Ave.
Idaho Falls, ID 83402

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Mary Fox
Court Reporter
501 North Maple, 310
Blackfoot, ID 83221

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

Lawrence G. Wasden
State of Idaho Attorney General
Appellate Division
PO Box 83720
Boise, ID 83720-0010

- Hand Delivery
- Facsimile Transmission
- Mailing - US Mail, Postage Prepaid
- Email
- Courthouse Box

2017 SEP 28 AM 11:19

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	NOTICE OF HEARING
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

TO: Defendant and his attorney, Jordan S Crane:

PLEASE TAKE NOTICE that on the 13th day of October, 2017, at 10:00 AM, the State's Motion for Restitution will be called up for hearing before the Honorable Bruce L Pickett.

DATED this 27th day of September 2017.



 Penelope North Shaul
 Deputy Prosecuting Attorney

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of September 2017, I served a true and correct copy of the foregoing document on the following parties by hand delivery or by placing the same in the mail with the correct postage affixed thereon:

DOCUMENT SERVED:

NOTICE OF HEARING

PARTIES SERVED:

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,

Plaintiff,

vs.

SCOTT ROBERT HENSLEY,

Defendant.

DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

Case No. CR-2016-0007593-FE


)
) ORDER OF COSTS OF PROSECUTION
) AND INVESTIGATION
)
)
)
)
)
)

Based upon the State's Motion for Costs of Prosecution and Investigation;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant shall pay costs of prosecution and investigation to the following:

<u>Law Enforcement Agency</u>	<u>Amount</u>
Bonneville County Sheriff's Office Drug Reimbursement Bonneville County Sheriff's Office Report No. 2016-07461 Bonneville County Sheriff's Office Report No. 2016-07461 Bonneville County Sheriff's Office Report No. 2016-07428 c/o Bonneville County Prosecutor Idaho Falls, ID 83402	\$477.38 \$285.52 \$322.30
Forensic Services 700 S Stratford Drive Meridian, ID 83642-6202	\$300.00
Bonneville County Prosecutor's Office 605 N Capital Ave Idaho Falls, ID 83402	\$157.70
TOTAL	\$1,542.90

Dated this 2nd day of Oct. 2017.


Bruce L. Pickett
District Judge

NOTICE OF ENTRY

I HEREBY CERTIFY that on the 3 day of Oct. 2017, I served the above document on the following parties by either hand delivery or by placing the same in the mail with the correct postage affixed thereon.

DOCUMENT SERVED: ORDER OF COSTS OF PROSECUTION
AND INVESTIGATION

PARTIES SERVED: Penelope North Shaul
Prosecuting Attorney's Office
Courthouse Box
Idaho Falls, Idaho 83402

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, Idaho 83402

State Probation and Parole
Courthouse Mailbox
Idaho Falls, Idaho 83402

Bonneville County Sheriff's Office
Attn: Julie
Courthouse Box
Idaho Falls, Idaho 83402

PENNY MANNING, Clerk

by: J. Baeny
Deputy

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

17 OCT -3 AM 3:48

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Telephone: (208) 529-1348

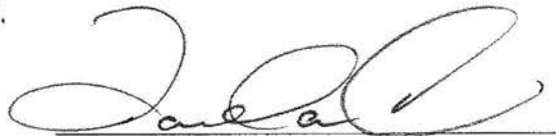
Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, BONNEVILLE COUNTY

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff.	)	STIPULATION FOR RESTITUTION
)	
vs.)	
)	
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

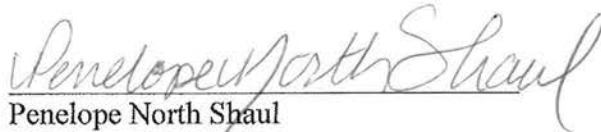
The State of Idaho by and through its attorney of record Penelope North Shaul, Deputy Prosecuting Attorney for Bonneville County, and Scott Robert Hensley by and through his attorney of record, Jordan S Crane, hereby stipulate that the Defendant shall be ordered to pay restitution as set forth in the State's Amended Motion for Restitution dated September 28, 2017 in the amount of \$1,542.90.

Dated this 28 day of September, 2017.



Jordan S Crane
Attorney for Defendant

Dated this 29th day of September, 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of September 2017, I served a true and correct copy of the foregoing document on the following parties by hand delivery or by placing the same in the mail with the correct postage affixed thereon.

DOCUMENT SERVED: STIPULATION FOR RESTITUTION

PARTIES SERVED: Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83402



DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

Penelope North Shaul
Deputy Prosecuting Attorney
605 N. Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189
Attorney for Plaintiff

2017 OCT -2 PM 4:16
DISTRICT COURT
7TH JUDICIAL DISTRICT
BONNEVILLE COUNTY ID

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2016-0007593-FE
)	
Plaintiff,	)	AMENDED
	)	MOTION FOR COSTS OF PROSECUTION
vs.	)	AND INVESTIGATION
	)	AND NOTICE OF HEARING
SCOTT ROBERT HENSLEY,)	
)	
Defendant.)	

Pursuant to Idaho Code Section 37-2732 (k), the State of Idaho presents to the court a list of costs of prosecution and investigation owing by the Defendant and moves the court for its order of reimbursement.

The following is a true and correct list of the entities involved in the above criminal action and the amount of costs of prosecution and investigation claimed by the law enforcement agency(s) to be owed by the Defendant.

<u>Law Enforcement Agency</u>	<u>Amount</u>
Bonneville County Sheriff's Office Drug Reimbursement	
Bonneville County Sheriff's Office Report No. 2016-07461	\$477.38
Bonneville County Sheriff's Office Report No. 2016-07461	\$285.52
Bonneville County Sheriff's Office Report No. 2016-07428	\$322.30
c/o Bonneville County Prosecutor	
Idaho Falls, ID 83402	

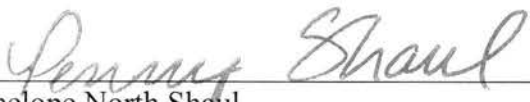
ORIGINAL

Forensic Services \$300.00
700 S Stratford Drive
Meridian, ID 83642-6202

Bonneville County Prosecutor's Office \$157.70
605 N Capital Ave
Idaho Falls, ID 83402

TOTAL COSTS \$1,542.90

Dated this 29th day of September 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

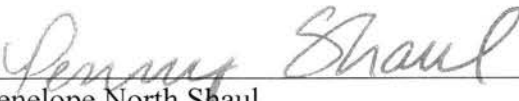
NOTICE OF HEARING

PLEASE TAKE NOTICE that on the **13th day of October 2017 at 10:00 AM**, the State will call up for hearing its Motion for Costs of Prosecution and Investigation before the Honorable Bruce L. Pickett.

NOTICE

In the event defendant intends to produce evidence on the amount of costs of prosecution and investigation or otherwise intends to challenge the State's Motion for Costs of Prosecution and Investigation, defendant shall notify the court and the State by written objection filed at least five days prior to the above hearing date.

Dated this 29th day of September 2017.



Penelope North Shaul
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29 day of September 2017, I served the above document on the following parties by either hand delivery or by placing the same in the mail with the correct postage affixed thereon.

DOCUMENT SERVED:

AMENDED MOTION FOR COSTS OF PROSECUTION AND INVESTIGATION AND NOTICE OF HEARING

PARTIES SERVED:

Jordan S Crane
Public Defender
Courthouse Box
Idaho Falls, ID 83405



Legal Assistant

1 Mary Fox, CSR
2 Seventh Judicial District
3 Bonneville County Courthouse
4 605 N Capital Ave
5 Idaho Falls, Idaho 83402
6 (208) 529-1350 Ext. 1194
7 E-Mail: mfox@co.bonneville.id.us

8 NOTICE OF TRANSCRIPT LODGED

9 DATE: 11/29/2017

10 To: Kimber Grove, Clerk of the Court
11 Supreme Court / Court of Appeals
12 P.O. Box 83720
13 Boise, ID 83720-0101

14 SUPREME COURT DOCKET NO: 45470

15 DISTRICT COURT CASE NO: CR-2016-7593-FE

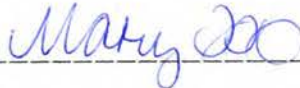
16 CAPTION OF CASE:

17 STATE OF IDAHO V SCOTT ROBERT HENSLEY

18 You are hereby notified that a reporter's appellate
19 transcript in the above-entitled and numbered case has
20 been lodged with the District Court Clerk of the County
21 of Bonneville in the Seventh Judicial District. Said
22 transcript consists of the following proceedings,
23 totaling 37 pages:

24 1. Motion for Suppression hearing, December 28, 2016

25 Respectfully,



Mary Fox, CSR 1008, RPR

cc: District Court Clerk

1 MARY FOX, CSR
2 Seventh Judicial District
3 Bonneville County Courthouse
4 605 N Capital Ave
5 Idaho Falls, Idaho 83402
6 (208) 529-1350 Ext. 1194
7 E-Mail: mfox@co.bonneville.id.us

8 NOTICE OF SUPPLEMENTAL TRANSCRIPT LODGED

9 DATE: January 16, 2018

10 TO: Karel Lehrman, Clerk of the Court
11 Supreme Court / Court of Appeals
12 P.O. Box 83720
13 Boise, ID 83720-0101

14 SUPREME COURT DOCKET NO: 45470
15 DISTRICT COURT CASE NO: CR-2016-7593
16 CAPTION OF CASE: State of Idaho v. Scott Robert Hensley

17 You are hereby notified, pursuant to
18 Amended Notice of Appeal, that a supplemental reporter's
19 appellate transcript in the above-entitled and numbered
20 case has been lodged with the District Court Clerk of
21 the County of Bonneville in the Seventh Judicial
22 District. Said transcript consists of the following
23 proceedings, which totals 36 pages. The total pages of
24 all transcripts lodged in this case by me thus far total
25 7~~4~~₃ pages.

1. Change of Plea Hearing, April 21, 2017
2. Sentencing Hearing, August 16, 2017

Respectfully,



Mary Fox, CSR 1008, RPR

CC: District Court Clerk

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
)	
Plaintiff/Respondent,	)	Case No. CR-2016-7593
)	
v.	)	Docket No. 45470
)	
SCOTT ROBERT HENSLEY,	)	CLERK'S CERTIFICATE
)	
Defendant/Appellant.)	
)	

STATE OF IDAHO)
)
 County of Bonneville)


I, Penny Manning, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville, do hereby certify that the above and foregoing Record in the above-entitled cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents as are automatically required under Rule 28 of the Idaho Appellate Rules.

I do further certify that all exhibits, offered or admitted in the above-entitled cause, will be duly lodged with the Clerk of the Supreme Court along with the Court Reporter's Transcript (if requested) and the Clerk's Record as required by Rule 31 of the Idaho Appellate Rules.

IN WITNESS WHEREOF, I have hereunto set my hand affixed the seal of the District Court this 21 day of February, 2018.

PENNY MANNING
 Clerk of the District Court

By: *Penny Manning*
 Deputy Clerk



**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO,)	
)	
Plaintiff/Respondent,	)	Case No. CR-2016-7593
)	
v.	)	Docket No. 45470
)	
SCOTT ROBERT HENSLEY,	)	CLERK'S CERTIFICATION OF EXHIBITS
)	
Defendant/Appellant.)	
<hr style="width: 40%; margin-left: 0;"/>		

STATE OF IDAHO)
)
County of Bonneville)

I, Penny Manning, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville, do hereby certify that the foregoing Exhibits were marked for identification and offered in evidence, admitted, and used and considered by the Court in its determination

I further certify that the following documents were not offered for identification or admitted but were reviewed during the course of this action:

- 1) Letter from Mr. Hensley to Honorable Steven Gardner dated July 7, 2017.
- 2) Letter from the Idaho Department of Correction dated October 12, 2017.

I, certify that the following documents will be submitted as CONFIDENTIAL SEALED EXHIBIT to the Record:

- 1) PSI Presentence Investigation Report dated May 30, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
District Court this 21st day of February, 2018.



PENNY MANNING
Clerk of the District Court

By: 
Deputy Clerk

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

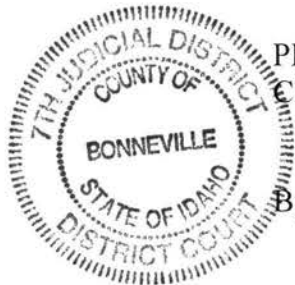
STATE OF IDAHO,)	
)	
Plaintiff/Respondent,	)	Case No. CR-2016-7593
)	
v.	)	Docket No. 45470
)	
SCOTT ROBERT HENSLEY,	)	CERTIFICATE OF SERVICE
)	
Defendant/Appellant.)	

I HEREBY CERTIFY that on the 21st day of February, 2018, I served a copy of the Reporter's Transcript (if requested) and the Clerk's Record in the Appeal to the Supreme Court in the above entitled cause upon the following attorneys:

Attorney General's Office
Statehouse Mail, Room 210
700 West Jefferson
Boise, ID 83720

State Appellate Public Defender
322 East Front Street, Suite 570
Boise, ID 83702
Tel: (208) 334-2712
Fax: (208)-334-2985

by depositing a copy of each thereof in the United States mail, postage prepaid, in an envelope addressed to said attorneys at the foregoing address, which is the last address of said attorneys known to me.



PENNY MANNING
Clerk of the District Court

By: *[Signature]*
Deputy Clerk