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State v. Gonzalez Clerk's Record Dckt. 44534

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IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
) Supreme Court No. 44534
)
 vs.)
)
 ZUATNEY GONZALEZ,)
)
 Defendant-Appellant,)
)
)
 _____)

CLERK'S RECORD

Appeal from the District Court of the Sixth Judicial District of the State of
Idaho, in and for the County of Bannock.

Before **HONORABLE Robert C. Naftz** District Judge.

For Appellant:

Sara B. Thomas
State Appellate Public Defender
P.O. Box 83720
Boise, Idaho 83720-0005

For Respondent:

Lawrence G. Wasden
Idaho Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

State of Idaho vs. Zuatney Gonzalez

Date	Code	User	Judge
10/21/2015	LOCT	CHANTELLEK	CR Magistrate Court Clerk
	NCRF	CHANTELLEK	New Case Filed-Felony Magistrate Court Clerk
	PROS	CHANTELLEK	Prosecutor Assigned Brian Trammell Magistrate Court Clerk
	CRCO	CHANTELLEK	Criminal Complaint- I count Criminal Possession of a Financial Transaction Card, Idaho Code 18-3125, I count Burglary, Idaho Code 18-1401-03 and I Count Grand Theft Idaho Code 18-2403(1) Magistrate Court Clerk
	AFPC	CHANTELLEK	Affidavit Of Probable Cause- PPD Incident Report/ \$25,000.00 Request for Bond Magistrate Court Clerk
	ORDR	CHANTELLEK	Probable Cause Minute Entry and Order- Probable cause was determined by Judge Clark and an arrest warrant was issued with a set bond of \$25,000.00 s/ Clark 10/21/15 Magistrate Court Clerk
	WARI	CHANTELLEK	Warrant Issued - Arrest Bond amount: 25000.00 Defendant: Gonzalez, Zuatney Magistrate Court Clerk
	XSEA	CHANTELLEK	Case Sealed Magistrate Court Clerk
	CSTS	CHANTELLEK	Case Status Changed: Inactive Magistrate Court Clerk
3/10/2016	WART	DCANO	Warrant Returned Defendant: Gonzalez, Zuatney: ORIGINAL WARRANT RETURNED SERVED by BCSO on 3-3-16. Magistrate Court Clerk
	CSTS	DCANO	Case Status Changed: Pending Magistrate Court Clerk
	XUNS	DCANO	Case Un-Sealed Magistrate Court Clerk
	HRSC	KIM	Hearing Scheduled (Arraignment 03/10/2016 02:00 PM) Paul Laggis
	ORPD	KIM	Defendant: Gonzalez, Zuatney Order Appointing Public Defender Public defender Randall D Schulthies Paul Laggis
	HRSC	KIM	Hearing Scheduled (Preliminary Hearing 03/24/2016 10:30 AM) Paul Laggis
		KIM	Order to Attend Preliminary Hearing Paul Laggis
		NOELIA	Order of Commitment - BOND SET \$25,000 Paul Laggis
	ARRN	KIM	Hearing result for Arraignment scheduled on 03/10/2016 02:00 PM: Arraignment / First Appearance Paul Laggis
3/23/2016	DISC	KIM	FIRST Request for Discovery/DA Paul Laggis
3/24/2016	PHWV	KIM	Hearing result for Preliminary Hearing scheduled on 03/24/2016 10:30 AM: Preliminary Hearing Waived (bound Over) Paul Laggis
		KIM	Questionnaire in File Paul Laggis
3/31/2016	HRSC	BRANDY	Hearing Scheduled (Arraignment 04/04/2016 09:00 AM) Robert C Naftz

State of Idaho vs. Zuatney Gonzalez

Date	Code	User	Judge	
3/31/2016	INFO	BRANDY	Prosecuting Attorney's Information; Charge "Criminal Possession of a Financial Transaction Card, IC 18-3125; Burglary, IC 18-1401-03 and Grand Theft, IC 18-2403(1) and 18-2407(1);"	Robert C Naftz
4/1/2016		NICOLE	Order of Commitment - \$25,000 on Fraud; ROR on Burglary and Grand Theft	Robert C Naftz
4/4/2016	PLEA	NICOLE	Plea is entered for charge: - NG (I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices)	Robert C Naftz
	PLEA	NICOLE	Plea is entered for charge: - NG (I18-1401 Burglary)	Robert C Naftz
	PLEA	NICOLE	Plea is entered for charge: - NG (I18-2403(1) {F} Theft-Grand)	Robert C Naftz
4/5/2016	ARRN	NICOLE	Hearing result for Arraignment scheduled on 04/04/2016 09:00 AM: Arraignment / First Appearance	Robert C Naftz
	HRSC	NICOLE	Hearing Scheduled (Further Proceedings 04/18/2016 09:00 AM)	Robert C Naftz
	RESP	NICOLE	Response to Request for Discovery filed by Brian Trammell	Robert C Naftz
4/6/2016	MEOR	NICOLE	Minute Entry and Order; Arraignment held 4-4-16; Def. entered not guilty plea to charges of Criminal Possession of a Financial Transaction Card, Burglary and Grand Theft; Further Proceedings set 4-18-16 at 9:00 am; Def. remanded back to BCJ on \$25,000; s/ J. Naftz 4-5-16	Robert C Naftz
4/15/2016		NICOLE	Order of Commitment - \$25,000 on Fraud; ROR on other charges	Robert C Naftz
4/18/2016	CONT	NICOLE	Hearing result for Further Proceedings scheduled on 04/18/2016 09:00 AM: Continued	Robert C Naftz
	HRSC	NICOLE	Hearing Scheduled (Further Proceedings 04/19/2016 02:00 PM) Change Plea	Robert C Naftz
4/19/2016	ORDR	NICOLE	Order Continuing Further Proceedins; defense counsel requested continuance of 4-18-16 hearing to allow additional time to obtain Canyon County Presentence Report; Change of Plea set 4-19-16 at 2:00 pm; remanded back on \$25,000 bond; s/J. Naftz 4-19-16	Robert C Naftz
		NICOLE	Order of Commitment - \$25,000	Robert C Naftz
	DSBT	NICOLE	Dismissed Before Trial Or Hearing (I18-1401 Burglary)	Robert C Naftz
	REDU	NICOLE	Charge Reduced Or Amended (I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices)	Robert C Naftz

State of Idaho vs. Zuatney Gonzalez

Date	Code	User	Judge
4/19/2016	PLEA	NICOLE	Plea is entered for charge: - GT (I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices) Robert C Naftz
	PLEA	NICOLE	Plea is entered for charge: - GT (I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices) Robert C Naftz
4/26/2016	DCHH	NICOLE	Hearing result for Further Proceedings scheduled on 04/19/2016 02:00 PM: District Court Hearing Held Court Reporter: Stephanie Davis Number of Transcript Pages for this hearing estimated: less than 100 pages Change Plea Robert C Naftz
	HRSC	NICOLE	Hearing Scheduled (Sentencing 05/02/2016 09:00 AM) Robert C Naftz
	AINF	NICOLE	Amended Information charging 2 counts Criminal Possession of a Financial Transaction Card, IC 18-3125 Robert C Naftz
	GQIF	NICOLE	Guilty questionnaire in file Robert C Naftz
4/29/2016	MEOR	NICOLE	Minute Entry and Order; Further Proceedings held 4-19-16; state moved to amend Information charging Two Counts Criminal Possession of Financial Transaction Card; motion granted; Def. entered guilty pleas; sentencing set 5-2-16 at 9:00 am; preparation of new PSI was waived; copy of Canyon County PSI received; Def. remanded back to BCJ on \$25,000 bond; s/ J. Naftz 4-29-16 Robert C Naftz
		NICOLE	Order of Commitment Robert C Naftz
5/2/2016	FINDG	NICOLE	Court Finding: Guilty- (I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices) Robert C Naftz
	FINDG	NICOLE	Court Finding: Guilty- (I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices) Robert C Naftz
	CSTS	NICOLE	Case Status Changed: closed pending clerk action Robert C Naftz
	SNIC	NICOLE	Sentenced To Incarceration (I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices) Confinement terms: Penitentiary determinate: 1 year. Penitentiary indeterminate: 4 years. Robert C Naftz
	SNPF	NICOLE	Sentenced To Pay Fine 745.50 charge: I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Robert C Naftz

State of Idaho vs. Zuatney Gonzalez

Date	Code	User	Judge
5/2/2016	SNIC	NICOLE	Sentenced To Incarceration (I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices) Confinement terms: Penitentiary determinate: 1 year. Penitentiary indeterminate: 4 years.
	SNPF	NICOLE	Sentenced To Pay Fine 445.50 charge: I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices
	RESO	NICOLE	Restitution Ordered 3760.74 victim # 1
5/9/2016	DCHH	NICOLE	Hearing result for Sentencing scheduled on 05/02/2016 09:00 AM: District Court Hearing Held Court Reporter: Stephanie Davis Number of Transcript Pages for this hearing estimated: more than 100 pages
5/13/2016	MEOR	NICOLE	Minute Entry and Order; sentencing held 5-2-16; 1 fixed and 4 indeterminate on each charge concurrent with each other and with Canyon County; \$200 fines each charge; court costs each charge; \$300 defense;s/ J. Naftz 5-10-16
5/16/2016	ORDR	NICOLE	Order of Restitution s/ J. Naftz 5-16-16; \$3760.74 owed to Sportsman's Warehouse
7/14/2016	MOTN	BRANDY	Motion for credit for time served; dfdt aty
7/20/2016	MEOR	BRANDY	Minute Entry and Order; motion for credit for time served granted; J Naftz
8/2/2016	DEOP	BRANDY	Memorandum Decision and Order; court denies request for credit for time served from 10--21-15 to 3-3-16; court grants dfdt credit of 62 days; J Naftz 8-1-16
8/3/2016	HRSC	BRANDY	Hearing Scheduled (Motion 08/22/2016 09:00 AM) Rule 35
8/22/2016	DCHH	KERI	Hearing result for Motion scheduled on 08/22/2016 09:00 AM: District Court Hearing Held Court Reporter: Stephanie Davis Number of Transcript Pages for this hearing estimated: More than 100 pages Rule 35
8/24/2016	MEOR	KERI	Minute Entry and Order; Rule 35 motion DENIED /s/ J Naftz 08/24/16
9/7/2016	APSC	DCANO	Appealed To The Supreme Court
	NOTC	DCANO	NOTICE OF APPEAL: Randall D. Schulthies, Attorney for Defendant Zuatney Gonzales
	MOTN	DCANO	MOTION TO APPOINT STATE APPELLATE DIVISION: Randall D. Schulthies, Attorney for Defendant Zuatney Gonzales
9/28/2016	WDAT	KERI	Withdrawal Of Attorney

State of Idaho vs. Zuatney Gonzalez

Date	Code	User	Judge
9/28/2016	ORDR	DCANO	ORDER RE; MOTION FOR APPOINTMENT OF STATE APPELLATE PUBLIC DEFENDER: Signed Judge Naftz on 9-8-16.
9/30/2016	MISC	DCANO	CLERK'S CERTIFICATE OF APPEAL: Signed and Mailed to SC and Counsel on 9-30-16. (Received filed from Judge's Clerk on 9-28-16)
10/13/2016	MISC	DCANO	IDAHO SURPEME COURT; Received Notice of Appeal - Transcripts Requested per Notice of Appeal. Suet Due Date Transcripts 11-10-16 and Clerk's Record Due 12-15-16. Docket # 44534-2016
11/14/2016	NOTC	DCANO	Notice of Lodging of Transcripts From S. Davis on 11-14-16 for the following Hearings: Plea 4-19-16 Sent. 5-2-16 Ryke 35 8-22-16.
11/22/2016	MISC	DCANO	CLERK'S RECORD RECEIVED IN COURT RECORDS ON 11-22-16.
	MISC	DCANO	CLERK'S RECORD AND REPORTER'S TRANSCRIPTS MAILED TO COUNSEL ON 11-11-16. Due in SC on 12-20-16. Emailed Cert. of Service to SC on 11-22-16. Provided a copy of Clerk's Record to Bannock County Prosecuting Attorney's Office on 11-22-16.

ORIGINAL
BANNOCK COUNTY
CLERK OF THE COURT

2015 OCT 21 AM 10:32

BY: 
DEPUTY CLERK

STEPHEN F. HERZOG
BANNOCK COUNTY PROSECUTOR
P.O. BOX P
POCATELLO, ID 83205-0050
(208) 236-7280

BRIAN D. TRAMMELL ISB #9213
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)	
	)	CASE NO. <u>02-18-15275-FB</u>
Plaintiff,)	
	)	COMPLAINT - CRIMINAL
vs.)	
)	
ZUATNEY GONZALEZ,)	
XXX-XX-7098)	
11/5/1983)	
)	
Defendant.)	
_____)	

Personally appeared before me this 21 day of October, 2015, STEPHEN F. HERZOG in the County of Bannock, who, first being duly sworn, complains of ZUATNEY GONZALEZ and charges the defendant with the public offense of CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125, BURGLARY, Idaho Code §18-1401-03, and GRAND THEFT, Idaho Code §18-2403(1) and §18-2407(1), committed as follows, to-wit:

COUNT I-CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD:

That the said ZUATNEY GONZALEZ in Pocatello, in the County of Bannock, State of Idaho, on or about the 26th of September, 2015, did, with the intent to defraud, knowingly obtain or attempt to obtain credit or purchase or attempt to purchase any goods, property or service, by use of any false, fictitious, counterfeit, revoked, expired or fraudulently obtained FTC or FTC account number, purchasing several items with fictitious MasterCard Credit Card No.'s: XXXX-XXXX-XXXX-3788, XXXX-XXXX-XXXX-7298 and Visa Credit Card No's: XXXX-XXXX-XXXX-1009, XXXX-XXXX-XXXX-1912 and XXXX-XXXX-XXXX-3215.

COUNT II-BURLGARY:

That the said ZUATNEY GONZALEZ, in the County of Bannock, State of Idaho, on or about the 26th of September, 2015, did enter a certain business, Sportsman's Warehouse, located at 760 Yellowstone Ave., Pocatello, Idaho, the property of Sportsman's Warehouse, with the intent to commit any theft or any felony.

COUNT III-GRAND THEFT:

That the said ZUATNEY GONZALEZ, in the County of Bannock, State of Idaho, on or about the 26th of September, 2015, did wrongfully take, obtain or withhold, with the intent to deprive another of their property, or to appropriate the same to self or a third person, several miscellaneous items, having a value in excess of \$1,000.00, lawful money of the United States, the property of Sportsman's Warehouse.

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

Said complainant prays that a Warrant be issued for the arrest of the said ZUATNEY GONZALEZ that the defendant may be dealt with according to law.



STEPHEN F. HERZOG

SUBSCRIBED AND SWORN to before me this 21st day of October, 2015.



MAGISTRATE

STATE OF IDAHO v ZUATNEY GONZALEZ
XXX-XX-7098
11/5/1983

- WILL EXTRADITE
- WILL NOT EXTRADITE
- IDAHO ONLY
- WESTERN CONTINENTAL STATES
- NATIONWIDE

STEPHEN F. HERZOG
BANNOCK COUNTY PROSECUTOR

BY: Stunt

ORIGINAL

FILED
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
CLERK OF THE COURT
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

2015 OCT 21 AM 10:32

MAGISTRATE DIVISION

BY Ch
DEPUTY CLERK

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 ZUATNEY GONZALEZ,)
)
 XXX-XX-7098)
)
 11/5/1983)
)
 Defendant.)
 _____)

CASE NO. CR-15-15275 FE

REQUEST FOR BOND

We request a bond of \$25,000.00 be set for defendant, ZUATNEY GONZALEZ, charged with the public offense of CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125, BURGLARY, Idaho Code §18-1401-03, and GRAND THEFT, Idaho Code §18-2403(1) and §18-2407(1), for the following reasons: due to the nature of the offense, defendant's extensive prior history, defendant is from Nicaragua and defendant has multi felonies pending in other counties.

DATED this 21 day of October, 2015.

Stuntt
BANNOCK COUNTY PROSECUTOR

Case History

Cases for: **Gonzalez, Zuatney Canyon**

1 Cases Found.

State of Idaho vs. Zuatney Gonzalez					
Next hearing scheduled: 10/13/2015 8:30 AM					
Case:	District Judge:	Amount due:			
CR-2015-0019062-C	Bradly S Ford	\$0.00			Pending
Charges:	Violation Date	Charge	Citation	Degree	Disposition
	09/28/2015	I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-3125 {F} Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-1401 Burglary Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-1401 Burglary Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-2403(1) {F} Theft-Grand Officer: Nampa Police,, NPD		Felony	
	09/28/2015	I18-2403(1) {F} Theft-Grand Officer: Nampa Police,, NPD		Felony	
Pending hearings:	Date/Time	Judge		Hearing Type	
	10/13/2015 8:30 AM	Thomas A Sullivan		Preliminary Hearing	

Connection: Secure

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2015 OCT 21 AM 10:32

STATE OF IDAHO,
Plaintiff,

BY 
DEPUTY CLERK

CASE NO. CR-15-15275FE

vs.
ZUATNEY GONZALEZ,
XXX-XX-7098
11/5/1983
Defendant.

AFFIDAVIT OF PROBABLE
CAUSE

STATE OF IDAHO,)
) ss
COUNTY OF BANNOCK)

STEPHEN F. HERZOG, being first duly sworn, deposes and says that:

I am a Deputy Prosecutor with the Bannock County Prosecutor's Office. I have conducted an investigation regarding ZUATNEY GONZALEZ. Based on that investigation, I have requested a Sixth District Magistrate Judge to make a determination of probable cause to hold or set bond on the above-named defendant for the public offense of CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125, BURGLARY, Idaho Code §18-1401-03, and GRAND THEFT, Idaho Code §18-2403(1) and §18-2407(1).

The basis for the request is the information set forth in a supplementary police report which is designated as Exhibit "A" attached hereto. I further depose and say that I have read Exhibit "A" and all the contents are true to the best of my knowledge, and that I personally know the author of that report to be a law enforcement officer whom I believe to be credible and reliable.

DATED this 21 day of October, 2015.


STEPHEN F. HERZOG ()

STATE OF IDAHO)
) ss
COUNTY OF BANNOCK)

STEPHEN F. HERZOG, known to me to be the person whose name is subscribed to the within instrument, acknowledged to me that he has executed the same and that he read the same and that the same was true to the best of his knowledge.

DATED this 21st day of October, 2015.


NOTARY/MAGISTRATE

10/13/15
16:17

Bannock County Sheriff's Office
Detail Incident Report

1033
Page: 1

Incident #: 15-P21654

LAW INCIDENT:

Nature: FRAUD Address: 760 YELLOWSTONE AVE; SPORTSMANS WAREHOUS
Location: City: Pocatello ST: ID Zip: 83201

Offense Codes: FRAD
Received By: PECK,L How Received: Telephone Agency: PPD
Rspndg Officers: DANIELS,D
Rspnsbl Officer: DANIELS,D Disposition: Active on 10/02/15
When Reported: 17:28:44 09/29/15
Occurred: Between 17:28:44 09/29/15 and 17:28:44 09/29/15

VICTIMS:

NAME: SPORTSMANS WAREHOUSE Name Number: 290105
Race: Sex: [REDACTED]
Address: 760 YELLOWSTONE AVE; SPORTSMANS WAREHOUSE, Pocatello, ID 83201
Home Phone: (208)232-3100 Work Phone: () -

SUSPECTS:

NAME: GONZALEZ, ZUATNEY Name Number: 302302
Race: U Sex: F [REDACTED]
Height: 5'03" Weight: 0 Hair: Eyes:
Address: , ,
Home Telephone: () - Work Telephone: () -

NAME: TORRES CASTILLO, ALBERTO M. Name Number: 302303
Race: U Sex: M [REDACTED]
Height: 5'05" Weight: 150 Hair: BLK Eyes: BRO
Address: , ,
Home Telephone: () - Work Telephone: () -

PROPERTY INFORMATION:

Item Type: DVD Property Number: P173153
Item/Brand: SURVEILLANCE Model:
Serial Number: Color: WHI /
Characteristics:
Quantity: 1 Meas: Total Value: 0.00
Local Status: Evidence in Storage
Owner ID Number: 290105 Owner Name: SPORTSMANS WAREHOUSE,

One surveillance DVD from 760 Yellowstone occurring on the date of 09/26/15 at approximately 1950 hours.

10/13/15
16:17

Bannock County Sheriff's Office
Detail Incident Report

1033
Page: 2

Incident #: 15-P21654

NARRATIVE:

OFFICER: D. DANIELS #5235

Dictated: 09/30/15 @ 1610 HOURS

Investigative Time: 2 HOURS

LAW INCIDENT #: 15-P21654

STENO INITIALS: PS

DATE & TIME

Transcribed: 10/01/15 @ 1303 HOURS

#12 - MISCELLANEOUS INCIDENT:

1. BRIEF SYNOPSIS OF OFFENSE:

On 09/30/15 at approximately 1100 hours, I made contact with CORY, who is an employee at Sportsman's Warehouse. He reported that two subjects came into the store and used fraudulent credit cards to purchase approximately \$6700 worth of property. CORY stated that he was contacted by a Sportsman's store from the Boise area, and they indicated that they had two subjects come into their store with fraudulent credit cards and had been arrested. This matched the incident that occurred in the Pocatello store.

CORY was able to confirm through the emails that the two subjects, later identified as ALBERTO TORRES and ZUATNEY GONZALEZ, were using fictitious credit cards to make large purchases at various Sportsman's Warehouse stores throughout the area. They had been contacted by law enforcement in the Nampa area and were in possession of 39 fraudulent credit cards as well as two fake identifications.

Photos provided by CORY from the Pocatello store matched photos provided by the Nampa store as well as driver's licenses for ALBERTO TORRES CASTILLO and ZUATNEY GONZALEZ.

2. DOCUMENTS OF EVIDENCE TO BE FILED IN RECORDS:
(STATEMENTS, RIGHTS FORMS, LATENTS, PHOTOS, ETC)

There will be an email from info@orcaid.org for a retail incident alert from Sportsman's Warehouse in Nampa, Idaho. It includes two pages plus three photographs. The second document will be an incident report from CORY at the Sportsman's Warehouse in Pocatello. This document has nine pages and references ZUATNEY GONZALEZ. The next document is five pages and includes information for ALBERTO TORRES. I also have an email from Detective TOM GERDES with the Nampa Police Department in reference to his investigation with the two suspects. I have driver's license information for ZUATNEY GONZALEZ as well as for ALBERTO TORRES CASTILLO; all will be uploaded to Spillman under this report.

3. VICTIM(S) INTERVIEW(S):

On 09/30/15, I made contact with CORY who is an employee of Sportsman's Warehouse at 760 Yellowstone Avenue. He stated that he has documentation and a report from an incident that occurred on 09/26/15 around 1950 hours. He states that two subjects who were later identified as ALBERTO TORRES and ZUATNEY GONZALEZ entered the store and selected numerous items. They then used fictitious credit cards to purchase approximately \$6700 worth of merchandise.

10/13/15
16:17

Bannock County Sheriff's Office
Detail Incident Report

1033
Page: 3

Incident #: 15-P21654

CORY said that he was later contacted by a fellow employee out of the Nampa area who indicated that these two subjects had done the same thing at the Nampa store and were currently in police custody. CORY also told me that the suspects had numerous fictitious credit cards as well as fake identifications on their person when they were contacted by law enforcement. CORY said that his reports were broken down and were specific towards each suspect as they had each made a separate purchase at the store. He said that one of them spent \$3760 and the other had spent \$2842.

After speaking with CORY, I remembered that I had received an email from orcaid.org for a retail incident alert out of the Nampa Sportsman's Warehouse where a male and a female were using fraudulent credit cards to purchase property. I also had three photographs. I was able to locate that email and print it off to attach to this report, including the photographs that were supplied.

Upon arrival, I made contact with CORY and he provided me with the two separate incident reports, specific to each individual person. The first report was for ALBERTO TORRES. There was minimal information for TORRES other than a name, but it did have the purchases itemized on the report, totaling \$3125.85. CORY also had a report indicating what had happened and what he had done in his investigation. It indicates that he was made aware of a credit card fraud by District Manager JENNY ROGERS, who is based out of Meridian. She had informed CORY that the incident at his store had taken place on 09/26/15. Two subjects, one male and one female had used a fraudulent credit card to purchase items at approximately 1945 hours.

CORY gathered the information and contacted law enforcement. He was told that the Nampa Police case number referencing the incident that had occurred in Nampa was N15-54859 and that Detective TOM GURDES was investigating that. He also provided me with a second report in reference to ZUATNEY GONZALEZ but said that she goes by the name of "TIFFANY". He states that the itemized list shows a total of \$3547.87. At the end of the report for GONZALEZ, the narrative that he had typed out was identical to the one for TORRES, but he also provided in this report a list of emails between himself and his fellow employees as well as other information that had been passed back and forth between the stores. This information will also be uploaded to Spillman.

After speaking with them, I responded back to the Pocatello Police Department where I was able to make contact with Detective GURDES of the Nampa Police Department. He provided me with names of the subjects as well as dates of birth and driver's license information. Detective GURDES provided a driver's license number out of Florida for ZUATNEY GONZALEZ of G524-980-83-905-1. I was able to run that driver's license number and obtain a photo as well as driver's license information for GONZALEZ. Detective GURDES also provided a date of birth and a Virginia driver's license for ALBERTO CASTILLO and a driver's license number of [REDACTED]. I was also able to locate driver's license information as well as a driver's license photograph for him.

The photographs that were provided in CORY'S report from Sportsman's Warehouse in Pocatello had photographs of the suspects. Those photographs appeared to match the subjects that were sent out in the retail incident alert through orcaid.org from the Sportsman's Warehouse in Nampa, Idaho. Those photographs also matched the driver's license photos found for the two subjects.

10/13/15
16:17

Bannock County Sheriff's Office
Detail Incident Report

1033
Page: 4

Incident #: 15-P21654

Detective GURDES is in the process of collecting all of the fictitious credit cards he was able to locate. He states that he currently has 39 of them and is in the process of investigating those. He also has two fake identifications that the subjects had. He indicated that once he has all of the information that he needs, he will contact me and provide me with some of that information to determine whether or not the credit cards used in the incidents that occurred in Pocatello matched the fraudulent credit cards he had located on the subjects in Nampa. At this time there is nothing further and further follow up will be conducted with Detectives from Nampa when that information is available.

End of report.

SUPPLEMENTAL NARRATIVE:

Officer: D. DANIELS #5235
Date Typed: Tue Oct 06 09:12:32 MDT 2015
Investigative Time: 15 min
LI: 15-P21654

Supplemental Narrative: This case was sent to the Bannock County Prosecutor's office on 10-6-15. DD 5235

ORIGINAL

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK
MAGISTRATE DIVISION

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2015 OCT 21 AM 10:32

STATE OF IDAHO

Plaintiff

vs.

ZUATNEY GONZALEZ
XXX-XX-7098
11/5/1983

Defendant.

BY Ch
DEPUTY CLERK

Case No. CR-15-15275-FB

PROBABLE CAUSE MINUTE
ENTRY AND ORDER

An Affidavit of Probable Cause having been presented to the undersigned magistrate on this date charging the defendant with the crime(s) of:

CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125, BURGLARY, Idaho Code §18-1401-03, and GRAND THEFT, Idaho Code §18-2403(1) and §18-2407(1)

The defendant, having been incarcerated without a warrant, the court finds Probable Cause to believe the defendant committed the crime(s) set forth above.

The defendant is released O.R.

The defendant shall remain incarcerated in lieu of bond(s) in the amount of \$ _____

The defendant shall remain incarcerated in lieu of bond(s) in the amount set by the bond schedule.

The defendant shall remain incarcerated and bond(s) shall be determined at arraignment.

This affidavit is made in support of an application for an arrest warrant.

An arrest warrant was issued setting bond(s) in the amount of \$ 25,000-

The Court does not find Probable Cause to believe the defendant committed the crime(s) set forth above. The defendant shall be released within 48 hours of arrest.

IT IS SO ORDERED,

Dated this 21st day of October, 2015. and signed at 10:15 o'clock A..M.

Thomas W. Chad

SIXTH DISTRICT MAGISTRATE JUDGE

Probable Cause Minute Entry and Order
Revised 04-13-06

THIRD JUDICIAL DISTRICT, STATE OF IDAHO
COUNTY OF CANYON

ARRAIGNMENT IN-CUSTODY
BANNOCK COUNTY WARRANT

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2015 DEC 21 AM 11:13

BY
DEPUTY CLERK

STATE OF IDAHO, _____)
Plaintiff)
-vs-)
ZUATNEY GONZALEZ)
Defendant.)
 True Name)
Corrected Name:)

Case No. **CR-2015-15275FE**
Date: December 14, 2015
Judge: James A. (JR) Schiller
Recording: Mag 7 (304-306)

APPEARANCES:

- Defendant
- Defendant's Attorney
- Prosecutor
- Interpreter

ADVISEMENT OF RIGHTS: Defendant

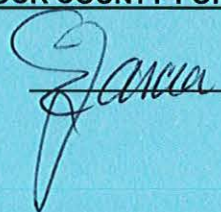
was informed of the charges against him/her and all legal rights, including the right to be represented by counsel.

BAIL: State recommends

CUSTODY STATUS:

- Released on written citation promise to appear
- Released on own recognizance.
- Released to pre-trial release officer.
- Released on bond previously posted.
- Cont remanded to the custody of the sheriff.
- Bail as set at \$25,000.00

OTHER: THE COURT INFORMED THE DEFENDANT OF BANNOCK COUNTY WARRANT AND OPTIONS TO POST BOND OR BE TRANSPORTED TO BANNOCK COUNTY FOR FURTHER PROCEEDINGS.

 _____, Deputy Clerk

STATE OF IDAHO v ZUATNEY GONZALEZ
XXX-XX-7098
11/5/1983

WILL EXTRADITE
 WILL NOT EXTRADITE
 IDAHO ONLY
 WESTERN CONTINENTAL STATES
 NATIONWIDE

STEPHEN F. HERZOG
BANNOCK COUNTY PROSECUTOR

BY: Stewart

ORIGINAL

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2016 MAR 10 AM 10:21

Sixth Judicial District Court, State of Idaho
In and For the County of Bannock
Magistrate Division

BY *[Signature]*
DEPUTY CLERK

STATE OF IDAHO,)
Plaintiff.)
vs.)
Zuatney Gonzalez)
,)
Defendant.)
[Redacted])
[Redacted] or [Redacted])

ARRAIGNMENT ORDER
Case No: CR-2015-0015275-FE
ORDER TO ATTEND PRELIMINARY HEARING

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

Preliminary Hearing Thursday, March 24, 2016 10:30 AM
Judge: Paul Laggis
Courtroom: Room 119, Traffic Court-first Floor

The defendant in this case appeared for initial appearance on this date and was informed of the charge(s) filed against him/her and was advised of his/her constitutional rights.

Upon request and application for an attorney, the Public Defender's office was appointed to represent the defendant. Reimbursement for the services of the Public Defender, if any, will be determined at the conclusion of the case. The defendant is **ordered**, as a condition of release, to contact the Public Defender's office at (208) 236-7040 as listed below and to provide that office with a valid mailing address and telephone number. If the defendant's address or telephone number changes he/she shall immediately notify the court and the public defender's office in writing. The defendant is also **ordered**, as a condition of release, to remain in contact with the Public Defender's office at all times until the end of this case. Failure to maintain contact with the public defender may result in a warrant for the defendant's arrest.

Meet with your Public Defender on Tuesday, March 15/16 at 2:30 p.m.

Other conditions of release: Whether released on your own recognizance, or to Court Services Pretrial Release, or after posting bond the Court ORDERS you to comply with the following conditions of release:

- You shall appear for all court ordered hearings unless excused by the court in writing.
- You shall not appear for court with any amount of alcohol or illegal drugs in your system.
- You shall not violate any Domestic Violence or Criminal No Contact order.

PLEASE PRINT

CASE NO. _____

APPLICATION FOR PUBLIC DEFENDER

ZUAINY GONZALEZ

Defendant's Name

3924 NW 5TH

Mailing Address

MIAMI

City State Zip

[REDACTED]

Physical Address

SAME

Work Phone

[REDACTED]

Home Phone

786-461-0740

Message/Cell Phone

Marital Status Single Married Separated

No. Dependant Children 4 Child Support Payments Monthly \$ 0
Child Support Received Monthly \$ 0

EMPLOYMENT

STAY-AT-HOME-MOM

Name of Employer Phone

City State Zip

Start Date End Date Hrs Per Week

\$ per month at \$ per hour

Name of Spouse's Employer phone

City State Zip

Start Date End Date Hrs Per Week

\$ per month at \$ per hour

FINANCIAL

Your Home--Rent Own Other Explain if Other IN CUSTODY LAST 6 MOS

Equity in Home/Properties \$ 0 Equity in Vehicles \$ 0

Name of financial Institution(s) NONE

Balance in Checking \$ 0 Balance in Savings \$ 0

Other Assets \$ 0

OTHER INCOMES:

A.F.D.C. \$ 0
Social Security \$
S.S.I./S.S.D. \$
Unemployment \$
Veterans Benefits \$
Retirement/Pension \$
Student Loans \$
Inheritance per Capita \$
Lease Money \$
Other \$

MONTHLY EXPENSES:

Rent/Mortgage \$
Vehicle Payments \$
Food/Utilities \$
Auto Insurance \$
Student Loans \$
Credit Cards \$
Medical \$
Other \$

IN CUSTODY LAST 6 MOS.

FILED
DANNOK COUNTY
CLERK OF THE COURT
2016 MAR 11 1:56 PM
BY DEPT. CLERK

DEFENDANT'S NAME Zuatney Gonzalez

LEGAL STATUS (KNOWN):

Prior Felonies: Fraud Pass 8cts-7cts GR. 2cts Dism Dom Batt Strangulation > 8/30/03
F.T.C. > 7/28/15 Dism conv. Theft > 9/28/15 Child Neglect > 12/8/09-2cts/ct
Burg > 9/28/15 2cts-1ct Dism 1ct conv. (FL) No. Fugitive-FL > 5/30/14, 3/31/15 Dism.
2/29/98 Dism. Robbery > 4/20/14 Dism

Prior Misdemeanors: YES NO 1-5 X 6-10 11-more

Prior Same As Present: Petit Theft > 11/8/08, 3/14/09, 11/23/13

See above Related felony charges

Other Pending Charges: Fraud Pass FTC, Burg & GR Theft > 9/26/15 * current charges

FTA's: _____

FTOC's: _____

Arrest- Charge warrants > 10/21/15 Active on current charges *

Prob. Viol's: 3/5/15 (FL), 6/10/14 (FL)

FTP's: _____

Bond Jumping Charges/Ptrl. Rel. Revocations: _____

Prior Violent Related Offences (for Drug Court): _____

RELEASE RECOMMENDED: YES [] NO [X] FELONY [X]

INFORMATION VERIFIED: YES [] NO [X] PARTIALLY []

COMMENTS: Recently sentenced to I.D.O.C. for felony charges in Canyon Co. 3 known Alias Names. Name variations on NCIC along with 3 different SS#'s. No contacts listed to verify personal info. States Resident of Miami FL 22 yrs States she has been in jail in Canyon Co Past 6 months

DATE: 3/10/16

COURT SERVICES: [Signature]

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
STATE OF OAHO, IN AND FOR THE COUNTY OF HAWAII

NAME: ZWAINEL GONZALEZ M/F [REDACTED]

Marital Status: Married Single Divorced Widowed Separated How long 2008

Phone # NO PHONE Message # 786-461-0740 Work # MOM MARSHA

PRESENT OFFENSE(S) POSS FTC, BURGL, BUR THEFT

Current Address [REDACTED] IN CUSTODY IN CANYON CO FOR LAST SIX MONTHS How long

own buy rent \$ _____ Mailing Address 3924 NW 5TH ST MIAMI FL

What County do you reside in? CANYON CO LAST SIX How long

Who lives with you _____ Relationship _____ Their phone # _____

Prior State & County MIAMI FL - 22 YRS. How long

Contact People for verification:

Name MAR NO ENGLISH Relationship _____ Phone _____

Name _____ Relationship SPEAKING CONTACTS Phone _____

Are you currently in school Yes / No Where _____ Length _____ Level _____

Are you employed Yes / No Date of hire _____ Date of termination 2008 Your position _____

Employer & Address _____ Supervisor _____ Phone _____

Are you currently on Probation/Parole Yes / No Where _____ PO _____

Ever participated in: Drug Crt ___ DUI Crt ___ Mental Health Crt ___ Family Treatment Crt ___ Veterans Crt ___

Date _____ Where NONE Length _____ Successful / Unsuccessful

Have you ever been diagnosed with any of the below listed mental illness disorders: NONE
Schizophrenia schizoaffective bipolar severe mood psychotic delusional disorders

Have you ever been a patient of an inpatient psychiatric hospital Yes / No Voluntarily / Involuntarily committed

Date _____ Length _____ Where _____

List any medications you take or have been prescribed for a mental illness NONE

Are you currently suicidal Yes / No Ever attempt suicide Yes / No Did you seek medical attention Yes / No

Currently or ever served in the United States Armed Forces Yes / No Date _____ Discharge papers Yes / No

Do you currently or have you ever had an open case with Child Protective Services Yes / No Date _____

___ Felony Drug Crt ___ DUI Crt ___ Mental Health Crt ___ Veterans Crt ___ Family Treatment Crt

Name: Zuatney Gonzalez

Case #: CR-2015-0015275-FE

Citation Number:

Release Date: _____

Time: _____

Deputy: _____

FILED
BANNOCK COUNTY
CLERK OF THE COURT
ORIGINAL
2016 MAR 10 PM 12:43
DEPUTY CLERK

ORDER OF COMMITMENT

SIXTH DISTRICT COURT, BANNOCK COUNTY, STATE OF IDAHO

TO THE SHERIFF OF BANNOCK COUNTY:

Zuatney Gonzalez having this 10th day of March, 2016 had a Arraignment in the Magistrate Court on the charge(s) of:

Warrant: Arrest Warrant Bond: Dismissed

Charge(s):

Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Bond: 25,000
Devices Burglary Theft-Grand Bond:

Amended to:

Bond:
Bond:
Bond:

Special Instructions _____

Court Services

Is hereby ordered to serve _____ days.

credit for _____ days

credit to begin on _____

consecutive with _____

concurrent with _____

good time

Future Commitment

Jail sentence to Begin:

Jail sentence to End:

To be completed no later than:

Special Instructions:

Work Release Special Instructions

The jail is ORDERED to monitor schedule, verify worksite and confirm transportation to and from work site.

SCILD or Trustee 1x1 2x1 to be completed by _____

Special Instructions

Sign up times for SCILD: Tuesday, Thursday, Friday, and Sunday 0700 to 0745; Wednesday 0700-1500. Do not wait until the last day to sign up! Call 236-7162 for more information.

Next Court Appearance: None

It is hereby ordered that you receive him/her into our custody and detain him/her until such time you are furnished an Order of Release or the defendant has satisfied the penalty as imposed by the Court.

Dated: 3/10/2016 Judge Paul Laggis

Final Disposition _____ Date _____ Deputy _____

lag

RANDALL D. SCHULTHIES
Bannock County
Chief Public Defender
Pocatello, Idaho 83205-4147
(208) 236-7040
ISB 1784

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2016 MAR 23 PM 3:42
BY [Signature]
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,	)	CASE NO. CR-2015-15275-FE
)	
Plaintiff,	)	FIRST DISCOVERY REQUEST
)	
vs.)	
)	
ZUATNEY GONZALEZ,)	
)	
Defendant.)	

TO: Bannock County Prosecutor, Bannock County Courthouse, Pocatello, Idaho
83205

Comes now the Defendant, Zuatney Gonzalez, by and through her, attorney of record, Randall D. Schulthies, Chief Public Defender, and pursuant to Rule 16 of the Idaho Criminal Rules submits the following requests for discovery:

1. Defendant requests that the Prosecutor disclose to defense counsel all material or information specified for automatic disclosure within the prosecutor's possession or control, or which thereafter comes within the prosecutor's possession or control, including material or information within the possession or control of the prosecutor's staff and/or others who have participated in the

investigation or evaluation of this case who either regularly report, or with reference to this case have reported, to the office of the prosecutor. The items specified for automatic disclosure include the following:

- a. All evidence which tends to negate the guilt of the accused in this offense.
- b. All evidence which would tend to reduce the punishment in this case.

2. Defendant provides this written request that the prosecutor disclose the following information, evidence and material to defense counsel:

- a. Any and all relevant statements of the defendant, written or recorded, and the substance of any statement, written or oral, made by the defendant, made either before or after the defendant's arrest, to peace officer, prosecuting attorney, or the prosecuting attorney's agent, or to any witness the state intends to call in this case. .

- b. Any and all statements, either written or recorded or both, of a co-defendant or co-conspirator in this case, made either before or after arrest in response to any questioning, detention and/or interrogation or contact by any peace officer or law enforcement agency, probation/parole officer, prosecuting attorney, or the prosecuting attorney's agent or otherwise.

- c. Please provide a copy of the defendant's prior criminal record.

- d. Please list books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney, or to which the Prosecuting Attorney has access, or are intended for use for evidence at trial, or obtained from the Defendant.

- e. To permit the Defendant to inspect, copy or photograph books, papers, documents, photographs, tangible objects, buildings, places or copies or portions thereof which are

in the possession, control or custody of the Prosecuting Attorney, or to which the Prosecuting Attorney has access, or are intended for use by the Prosecuting Attorney as evidence a trial, or obtained from the Defendant.

f. Please provide a list of and permit the defendant to inspect, copy or photograph the results or reports of any physical or mental examinations, scientific tests or experiments made in connection with this case, or copies thereof, within the possession, custody or control of the prosecuting attorney or any law enforcement agency, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence.

g. Please furnish to the defendant a written list of the names, addresses, telephone/cell phone number and the identity of the telephone/cell phone service provider or carrier, i.e. Alltel, Verizon, etc., and the contact information of the telephone/cell phone service provider or carrier for all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior felony convictions, which is within the knowledge of the prosecuting attorney after exercising due diligence, and a copy of statements made by the prosecution's witnesses.

h. Please furnish any and all statements made by prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of this case.

I. Please furnish a written summary or report of any testimony that the Prosecuting Attorney intends to introduce which includes the expert witness's opinions, the facts and data for those opinions, and the expert witness's qualifications pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence.

j. Please furnish to the defendant any reports, field notes and/or memoranda in

possession of the prosecuting attorney or any law enforcement agency or person which were made by a police officer or investigator or probation/parole officer in connection with the investigation or prosecution of the case.

k. Any and all statements from conversations between the Defendant and any third person, which may have been intercepted through telephone monitoring, visitation monitoring, or any other means, during any time that the Defendant was incarcerated at the Bannock County Jail, or any other detention facility.

l. Any and all evidence intended to be introduced at the preliminary hearing and or trial in this matter.

m. Copies of and any results from any type of photographic lineup associated with this case.

n. Copies of any and all search warrants, affidavits in support of search warrants, and return on search warrants including audio or video recordings regarding the execution of the warrant associated with this case.

Defendant further provides notice that the State, pursuant to Rule 16 of the Idaho Criminal Rules, has a continuing duty to supplement discovery responses and has a duty to exercise due diligence in the gathering and discovering of the evidence requested.

Dated this 23 day of March, 2016.



RANDALL D. SCHULTHIES
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23 day of March, 2016, I served a true and correct copy of the foregoing **FIRST DISCOVERY REQUEST** to the Bannock County Prosecutor by hand-delivery to the Bannock County Prosecutor in-box in Room 220 of the Bannock County Courthouse, Pocatello, Idaho.



RANDALL D. SCHULTHIES

FILED
ANNOCK COUNTY

Time	Speaker	Note
10:59:38 AM	CRT/DEF ZUATNEY W/C RANDALL SCHULTHIES/STATE BRIAN TRAMMELL	
11:00:23 AM	DEF WAIVES PRELIM	
11:00:30 AM	BOUND OVER TO DC	
11:00:50 AM	BOND CONT	

2016 MAR 24 AM 11:42
BY DEPUTY CLERK

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2018 JAN 11 AM 11:42
DEPUTY

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT, OF THE
STATE OF IDAHO, IN ND FOR THE COUNTY OF BANNOCK

STATE V. Zwatney Gonzalez CASE NO. CR- 2015-15275-FE

QUESTIONNAIRE

READ EACH OF THE FOLLOWING 8 STATEMENTS CAREFULLY, INITIAL EACH STATEMENT ONLY IF YOU FEEL THAT YOU UNDERSTAND THE STATEMENT.

- ZG 1. You have received a copy of the Complaint charging you with the crime(s) of: Transaction CARD
- ZG 2. You have the right to a Preliminary Hearing on each charge.
- ZG 3. At the Preliminary Hearing, the State must present evidence which shows that a crime has been committed and that there is probable cause to believe that you committed the crime.
- ZG 4. If the State is able to show that you probably committed the crime, you will be required to appear in district court and enter a plea to the charge against you.
- ZG 5. You may waive your right to a Preliminary Hearing.
- ZG 6. If you waive your Preliminary Hearing, you will be required to appear in District Court to enter a plea to the charge against you.
- ZG 7. By waiving the right to a Preliminary Hearing, you do not admit that you are guilty.
- ZG 8. By waiving the right to a Preliminary Hearing, you do not waive any other right which you have.

ANSWER THE FOLLOWING QUESTIONS:

- 1. Do you read and understand the English language? yes
- 2. Have you discussed all the facts and circumstances of your case with your attorney? yes
- 3. Do you have any questions regarding the way in which your attorney has handled your case? no
- 4. Do you wish to waive your right to a Preliminary Hearing? yes
- 5. Has anyone promised you anything or threatened you in any way to get you to waive your right to a Preliminary Hearing? no
- 6. Has your attorney fully discussed this questionnaire with you? yes
- 7. Do you feel that you fully understand all statements and questions in this questionnaire? yes

DATE: 2/3/24/16
[Signature]
ATTORNEY FOR DEFENDANT

[Signature]
DEFENDANT

I certify that on Thursday, March 24, 2016 I served a true and correct copy of the foregoing **Minute Entry and Order Waiving Preliminary Hearing** on the person(s) listed below by hand delivery or mail with correct postage.

Brian Trammell Pocatello, ID 83201	Randall D Schulthies Bannock County Public Defender 141 N 6th Pocatello ID 83201
---	---

Robert Poleki
Clerk Of The District Court



By: Kim Whitehead
Deputy Clerk

STEPHEN F. HERZOG
BANNOCK COUNTY PROSECUTOR
P.O. BOX P
POCATELLO, IDAHO 83205
Telephone: (208) 236-7280

BANNOCK COUNTY COURT
16 MAR 31 AM 10:28
BY: [Signature] DEPUTY

BRIAN D. TRAMMELL, ISB #9213
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NO. CR-2015-15275-FE
)	
vs.	)	PROSECUTING ATTORNEY'S
	)	INFORMATION
ZUATNEY GONZALEZ,)	
)	
Defendant.)	
_____)	

STEPHEN F. HERZOG, Prosecuting Attorney, in and for Bannock County, State of Idaho, who, in the name and by the authority of said State prosecutes in its behalf, in proper person comes into said District Court in the County of Bannock, State of Idaho, on the 25 day of March, 2016, and gives the Court to understand and be informed that ZUATNEY GONZALEZ is accused by this information of the crime of CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125, **(punishable from 1 to 5 years in prison and/or \$50,000 fine)**, BURGLARY, Idaho Code §18-1401-03, **(punishable from 1 to 10 years in prison and/or \$50,000 fine)**, and GRAND THEFT, Idaho Code §18-2403(1) and §18-2407(1), **(punishable from 1 to 14 years in prison and/or \$5,000 fine)**, committed as follows, to-wit:

COUNT I-CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD:

That the said ZUATNEY GONZALEZ in Pocatello, in the County of Bannock, State of Idaho, on or about the 26th of September, 2015, did, with the intent to defraud, knowingly obtain or attempt to obtain credit or purchase or attempt to purchase any goods, property or service, by use of any false, fictitious, counterfeit, revoked, expired or fraudulently obtained FTC or FTC account number, purchasing several items with fictitious MasterCard Credit Card No.'s: XXXX-XXXX-XXXX-3788, XXXX-XXXX-XXXX-7298 and Visa Credit Card No's: XXXX-XXXX-XXXX-1009, XXXX-XXXX-XXXX-1912 and XXXX-XXXX-XXXX-3215.

COUNT II-BURLGARY:

That the said ZUATNEY GONZALEZ, in the County of Bannock, State of Idaho, on or about the 26th of September, 2015, did enter a certain business, Sportsman's Warehouse, located at 760 Yellowstone Ave., Pocatello, Idaho, the property of Sportsman's Warehouse, with the intent to commit any theft or any felony.

COUNT III-GRAND THEFT:

That the said ZUATNEY GONZALEZ, in the County of Bannock, State of Idaho, on or about the 26th of September, 2015, did wrongfully take, obtain or withhold, with the intent to deprive another of their property, or to appropriate the same to self or a third person, several miscellaneous items, having a value in excess of \$1,000.00, lawful money of the United States, the property of Sportsman's Warehouse.

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



STEPHEN F. HERZOG
Prosecuting Attorney
Bannock County, Idaho

STATE OF IDAHO)
) ss.
COUNTY OF BANNOCK)

I, ROBERT POLEKI, Clerk of the District Court of the Sixth Judicial District, in and for the County of Bannock, State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original information filed in my office on the _____ day of _____, 2015.

Clerk

Deputy

COURT MINUTES

CR-2015-0015275-FE

State of Idaho vs. Zuatney Gonzalez

Hearing type: Arraignment

Hearing date: 4/4/2016

Time: 9:43 am

Judge: Robert C Naftz

Courtroom:

Court reporter: Stephanie Davis

Minutes Clerk: Nicole Deloach

Tape Number:

Defense Attorney: Randall Schulthies

Prosecutor: JaNiece Price

BANNED
CLERK
2016 APR -5 AM 10:35
BY
DEPUTY CLERK

9:43 Kent Reynolds covering; Arraignment Possession of Financial Transaction Card; Burglary; Grand Theft; penalties; Information

Def. - entered not guilty pleas

Court - set for Further Proceedings 4-18; remand to BCJ

Name: Zuatney Gonzalez

Case #: CR-2015-0015275-FE

Citation Number:

Release Date: _____
Time: _____
Deputy: _____

ORDER OF COMMITMENT
SIXTH DISTRICT COURT, BANNOCK COUNTY, STATE OF IDAHO

2016 APR -5 AM 10:35
 BY: _____
 DEPUTY CLERK

TO THE SHERIFF OF BANNOCK COUNTY:

Zuatney Gonzalez having this 4th day of April, 2016 had a Arraignment in the District Court on the charge(s) of:

Warrant: N/A Bond: Dismissed

Charge(s):

Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery	Bond: \$25,000
Devices	Bond:
Burglary	Bond: ROR
Theft-Grand	Bond: ROR
Amended to:	Bond:

Special Instructions _____

Court Services

Is hereby ordered to serve _____ days.

- credit for _____ days
- credit to begin on _____
- consecutive with _____
- concurrent with _____
- good time

<u>Future Commitment</u>
Jail sentence to Begin: _____
Jail sentence to End: _____
To be completed no later than: _____
Special Instructions: _____

Work Release Special Instructions

The jail is ORDERED to monitor schedule, verify worksite and confirm transportation to and from work site.

SCILD or Trustee 1x1 2x1 to be completed by _____

Special Instructions

Sign up times for SCILD: Tuesday, Thursday, Friday, and Sunday 0700 to 0745; Wednesday 0700-1500. Do not wait until the last day to sign up! Call 236-7162 for more information.

Next Court Appearance: april 18 at 9:00 am

It is hereby ordered that you receive him/her into our custody and detain him/her until such time you are furnished an Order of Release or the defendant has satisfied the penalty as imposed by the Court.

Dated: 4/1/2016 Judge Robert C. Naftz

Final Disposition _____ Date _____ Deputy _____

STEPHEN F. HERZOG
BANNOCK COUNTY PROSECUTING ATTORNEY
P.O. Box P
Pocatello, Idaho 83205-0050
(208) 236-7280

FILED
BANNOCK COUNTY
CLERK OF THE COURT

2016 APR -5 PM 3: 52

BY [Signature]
DEPUTY CLERK

BRIAN D. TRAMMELL, ISB #9213
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 ZUATNEY GONZALEZ,)
)
 Defendant.)
 _____)

CASE NO. CR-2015-15275-FE -C
RESPONSE TO REQUEST
FOR DISCOVERY

TO: RANDALL D. SCHULTHIES, Public Defenders Office, Pocatello, Idaho, Attorney
for the Defendant.

COMES NOW, the State of Idaho, by and through BRIAN D. TRAMMELL,
Deputy Prosecuting Attorney, in and for the County of Bannock, Idaho, and responds to
Defendant's Request for Discovery as follows:

REQUEST NO. 1: Defendant requests that the Prosecutor disclose to defense
counsel all material or information specified for automatic disclosure within the
prosecutor's possession or control, or which thereafter comes within the prosecutor's
possession or control, including material or information within the possession or control of
the prosecutor's staff and/or others who have participated in the investigation or
evaluation of this case who either regularly report, or with reference to this case have
reported, to the office of the prosecutor. The items specified for automatic disclosure
include the following:

RESPONSE - Page 1

a. All evidence which tends to negate the guilt of the accused in this offense.

RESPONSE NO. 1a: None known at this time.

b. All evidence which would tend to reduce the punishment in this case.

RESPONSE NO. 1b: None known at this time.

REQUEST NO. 2: Defendant provides this written request that the prosecutor disclose the following information, evidence and material to defense counsel:

a. Any and all statements of the defendant, written or recorded, and the substance of any relevant oral statement made by the defendant, made either before or after the defendant's arrest, to peace officer, prosecuting attorney, or the prosecuting attorney's agent.

RESPONSE NO. 2a: Please refer to the enclosed copy of the Pocatello Police Department's Incident Report LI# 15-P21654, CD labeled 15-P21654 "Sportsman's Warehouse" and a DVD labeled 15-P21654 "Additional Evidence". Any and all other video and/or audiotapes have been requested from law enforcement, and if in existence, will be provided upon receipt.

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

RESPONSE NO. 2b: No known statements from co-defendant at this time. If in existence, it will be provided upon receipt.

c. Please provide a copy of the defendant's prior criminal record.

RESPONSE NO. 2c: Please refer to the defendant's enclosed Idaho criminal history.

d. Please list books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney, or to which the Prosecuting Attorney has access, or are intended for use for evidence at trial, or obtained from the Defendant.

RESPONSE NO. 2d: The following is a list of items that may be used as evidence at the time trial:

- Pocatello Police Department's Incident Report LI# 15-P21654;
- CD labeled 15-P21654 "Sportsman's Warehouse";
- DVD labeled 15-P21654 "Additional Evidence";
- Any other videotapes (if in existence);
- Any other audiotapes (if in existence); and
- Any other photographs (if in existence).

e. To permit the Defendant to inspect, copy or photograph books, papers, documents, photographs, tangible objects, buildings, places or copies or portions thereof which are in the possession, control or custody of the Prosecuting Attorney, or to which the Prosecuting Attorney has access, or are intended for use by the Prosecuting Attorney as evidence at trial, or obtained from the Defendant.

RESPONSE NO 2e: The defense counsel may schedule an appointment convenient for both parties to inspect any items in the State's possession pertaining to this case.

f. Please provide a list of and permit the defendant to inspect, copy or photograph the results or reports of any physical or mental examinations, scientific tests or experiments made in connection with this case, or copies thereof, within the possession, custody or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence.

RESPONSE NO 2f: Any and all lab results, if in existence, have been requested from the Law Enforcement and will be provided upon receipt.

g. Please furnish to the defendant a written list of the names, addresses, telephone/cell phone number and the identity of the telephone/cell phone service provider or carrier, i.e. Alltel, Verizon, etc., and the contact information of the telephone/cell phone service provider or carrier for all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior felony convictions, which is within the knowledge of the prosecuting attorney after due diligence, and a copy of statements made by the prosecution's witnesses.

RESPONSE NO 2g: The following list of individuals may be called to testify at the time of trial:

- D. Daniels–Pocatello Police Department; and
- T. Gerdes–Nampa Police Department;

At the present time, to the best knowledge of the plaintiff, the aforementioned individuals have no record of felony convictions.

- Cory-Loss Prevention Office with Sportsman’s Warehouse;
- Jenny Rogers-District Manager with Sportsman’s Warehouse; and
- Alberto Torres Castillo–1222 SW 30th Ct, Miami, FL..

The State objects to the portion of the request asking for “telephone/cell phone number and the identity of the telephone/cell phone service provider or carrier, i.e. Alltel, Verizon, etc. and the contact information of the telephone/cell phone service provider or carrier” as it is overly broad, unduly burdensome and beyond the scope.

At the present time, to the best knowledge of the plaintiff, the aforementioned individuals have no record of felony convictions; with the exception of Alberto Torres Castillo and a copy of his criminal history is enclosed.

h. Please furnish statements made by prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or the prosecuting attorney’s agents or to any official involved in the investigatory process of this case.

RESPONSE NO 2h: Please refer to response number 2a.

i. Please furnish a written summary or report of any testimony that the Prosecuting Attorney intends to introduce which includes the expert witness’s opinions, the facts and data for those opinions, and the expert witness’s qualifications pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence.

RESPONSE NO. 2i: At the present time, the State does not intend to call any expert witnesses.

j. Please furnish to the defendant any reports, field notes and/or

memoranda in possession of the prosecuting attorney or any law enforcement agency or person which were made by a police officer or investigator or probation/parole officer in connection with the investigation or prosecution of this case.

RESPONSE NO 2j: Please refer to response number 2a.

k. Any and all statements from conversations between the Defendant and any third person, which may have been interrupted through telephone monitoring, visitation monitoring, or any other means, during any time that the Defendant was incarcerated at the Bannock County Jail, or any other detention facility.

RESPONSE NO 2k: Any and all video recordings of visitation monitoring can be viewed by making an appointment with the Bannock County Jail.

l. Any and all evidence intended to be introduced at the preliminary hearing and or trial in this matter.

RESPONSE NO. 2l: Please refer to Response No. 2a.

m. Copies of any results from any type of photographic lineup associate with this case.

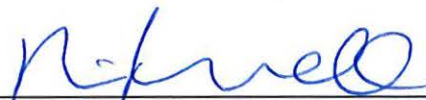
RESPONSE NO. 2m: Any and all photographic lineups have been requested from the Bannock County Sheriff, and if in existence, will be provided upon receipt.

n. Copies of any and all search warrants, affidavits in support of search warrants, and return on search warrants including audio or video recordings regarding the execution of the warrant associated with this case.

RESPONSE NO. 2n: Please refer to Response No. 2a.

The State reserves the right to supplement this response upon receipt of such evidence.

DATED this 5 day of April, 2016.




BRIAN D. TRAMMELL
Deputy Prosecuting Attorney

CERTIFICATE OF DELIVERY

I **HEREBY CERTIFY** That on this 5 day of April, 2016, a true and correct copy of the foregoing **RESPONSE TO REQUEST FOR DISCOVERY** was delivered to the following:

RANDALL D. SCHULTHIES
PUBLIC DEFENDER
BANNOCK COUNTY COURTHOUSE
POCATELLO, IDAHO 83205

mail -
 postage prepaid
 hand delivery
 facsimile
 courthouse mailbox



BRIAN D. TRAMMELL

BANNOCK COUNTY
CLERK OF DISTRICT COURT
2016 APR -6 PM 1:10
BY: [Signature]
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

STATE OF IDAHO,
Plaintiff,

Case No: CR-2015-15275-FE

vs.

MINUTE ENTRY & ORDER

ZUATNEY GONZALEZ,
Defendant.

The above named Defendant appeared in Court on the 4th day of April, 2016, with her counsel, Kent Reynolds covering for Randall Schulthies, for arraignment. JaNiece Price, Bannock County Assistant Chief Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho. Stephanie Davis was the Court Reporter.

When asked by the Court, the Defendant stated that her true name is as shown on the Information. The reading of the Prosecuting Attorney's Information was waived and a certified copy of the same handed to the Defendant.

When asked by the Court, the Defendant waived the statutory time in which to enter a plea and entered pleas of **NOT GUILTY** to the charges of **CRIMINAL**

**POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125,
BURGLARY, Idaho Code §18-1401-03 AND GRAND THEFT, Idaho Code §18-
2403(1) and §18-2407(1).**

IT IS HEREBY ORDERED that the above entitled matter be and the same is hereby set for **FURTHER PROCEEDINGS** before the undersigned District Judge on **APRIL 18, 2016, AT THE HOUR OF 9:00 A.M.**

The Defendant was remanded back to the custody of the Bannock County Jail wherein bond remains set in the amount of \$25,000.

DATED this 5 day of April, 2016.



ROBERT C. NAFTZ
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6 day of April, 2016, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Bannock County Prosecutor

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 236-7288

Randall Schulthies

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:



Deputy Clerk

COURT MINUTES

CR-2015-0015275-FE

State of Idaho vs. Zuatney Gonzalez

Hearing type: Further Proceedings

Hearing date: 4/18/2016

Time: 12:27 pm

Judge: Robert C Naftz

Courtroom:

Court reporter: Stephanie Davis

Minutes Clerk: Nicole Deloach

Tape Number:

Defense Attorney: Randall Schulthies

Prosecutor: JaNiece Price

CLERK
2016 APR 18 PM 4:08
BY DEPUTY CLERK

12:27 Change Plea

Schulthies - can get PSI from Canyon County

Guiberson - can get copies of PSI

Court - set for ⁴2-19 at 2:00 pm; remand to BCJ

Name: Zuatney Gonzalez

Case #: CR-2015-0015275-FE

Citation Number:

Release Date: _____

Time: _____

Deputy: _____

BANNOCK COUNTY CLERK
2016 APR 18 PM 4:08
DEPUTY CLERK

ORDER OF COMMITMENT
SIXTH DISTRICT COURT, BANNOCK COUNTY, STATE OF IDAHO

TO THE SHERIFF OF BANNOCK COUNTY:

Zuatney Gonzalez having this 18th day of April, 2016 had a Hearing in the District Court on the charge(s) of:

Warrant: N/A Bond: Dismissed

Charge(s):

Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery	Bond: \$25,000
Devices	Bond:
Burglary	Bond: ROR
Theft-Grand	Bond: ROR
Amended to:	Bond:

Special Instructions _____

Court Services

Is hereby ordered to serve _____ days.

- credit for _____ days
- credit to begin on _____
- consecutive with _____
- concurrent with _____
- good time

Future Commitment

Jail sentence to Begin:

Jail sentence to End:

To be completed no later than:

Special Instructions:

Work Release Special Instructions

The jail is ORDERED to monitor schedule, verify worksite and confirm transportation to and from work site.

SCILD or Trustee 1x1 2x1 to be completed by _____

Special Instructions

Sign up times for SCILD: Tuesday, Thursday, Friday, and Sunday 0700 to 0745; Wednesday 0700-1500. Do not wait until the last day to sign up! Call 236-7162 for more information.

Next Court Appearance: April 19 at 2:00 pm

It is hereby ordered that you receive him/her into our custody and detain him/her until such time you are furnished an Order of Release or the defendant has satisfied the penalty as imposed by the Court.

Dated: 4/15/2016 Judge Robert C. Naftz

Final Disposition _____ Date _____ Deputy _____

FILED
BANNOCK COUNTY CLERK OF THE DISTRICT COURT
2016 APR 19 AM 11:43
BY *[Signature]*
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

STATE OF IDAHO,
Plaintiff,

vs.

ZUATNEY GONZALEZ,
Defendant.

Case No: CR-2015-0015275-FE

**ORDER CONTINUING
FURTHER PROCEEDINGS**

The above named Defendant appeared in Court on the 18th day of April, 2016, with her counsel, Randall D. Schulthies, for Further Proceedings. JaNiece Price, Bannock County Assistant Chief Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho. Stephanie Davis was the Court Reporter.

Having received an informal request to continue further proceedings from defense counsel to allow additional time to obtain the Canyon County Presentence Report from Probation & Parole,

IT IS HEREBY ORDERED that **FURTHER PROCEEDINGS/CHANGE OF PLEA** in this matter be continued and the same is hereby reset for **APRIL 19, 2016, AT THE HOUR OF 2:00 P.M.** at the Bannock County Courthouse, Pocatello, Idaho before the

undersigned Judge.

The Defendant was remanded back to the custody of the Bannock County Jail wherein bond remains set in the amount of \$25,000.

DATED this 19 day of April, 2016.


ROBERT C NAFTZ
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19 day of April, 2016, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Bannock County Prosecutor

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 236-7288

Randall Schulthies

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Probation & Parole

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 237-2624

Robert Poleki
CLERK OF THE COURT

By: 
Deputy Clerk

COURT MINUTES

CR-2015-0015275-FE 2016 APR 26 PM 2: 34

State of Idaho vs. Zuatney Gonzalez

Hearing type: Further Proceedings (Change Plea)

Hearing date: 4/19/2016

Time: 1:55 pm

Judge: Robert C Naftz

Courtroom:

Court reporter: Stephanie Davis

Minutes Clerk: Nicole Deloach

Tape Number:

Defense Attorney: Randall Schulthies

Prosecutor: JaNiece Price

1:55 Change Plea;

Schulthies – agreement recited

Trammell – need to notify victim regarding restitution

Schulthies – court can hold open restitution

Trammell – move to dismiss Count II and amend Count III to Criminal Possession of Financial Transaction Card;

Def. – entered guilty pleas

Court – reviewed Guilty Plea Questionnaire; accepted pleas; PSI received from Canyon County; set sentencing 5-2; remand

STEPHEN F. HERZOG
BANNOCK COUNTY PROSECUTOR
P.O. BOX P
POCATELLO, IDAHO 83205
Telephone: (208) 236-7280

FILED
BANNOCK COUNTY
DISTRICT COURT
2016 APR 26 PM 2:26
BY MS
DEPUTY CLERK

BRIAN D. TRAMMELL, ISB #9213
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 ZUATNEY GONZALEZ,)
)
 Defendant.)
 _____)

CASE NO. CR-2015-15275-FE
*******AMENDED*******
PROSECUTING ATTORNEY'S
INFORMATION

STEPHEN F. HERZOG, Prosecuting Attorney, in and for Bannock County, State of Idaho, who, in the name and by the authority of said State prosecutes in its behalf, in proper person comes into said District Court in the County of Bannock, State of Idaho, on the 19 day of April, 2016, and gives the Court to understand and be informed that ZUATNEY GONZALEZ is accused by this information of II COUNTS of the crime of CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125, (punishable from 1 to 5 years in prison and/or \$50,000 fine), committed as follows, to-wit:


COUNT I-CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD:

That the said ZUATNEY GONZALEZ in Pocatello, in the County of Bannock, State of Idaho, on or about the 26th of September, 2015, did, with the intent to defraud, knowingly obtain or attempt to obtain credit or purchase or attempt to purchase any goods, property or service, by use of any false, fictitious, counterfeit, revoked, expired or fraudulently obtained FTC or FTC account number, purchasing several items with fictitious MasterCard Credit Card No.'s: XXXX-XXXX-XXXX-3788, XXXX-XXXX-XXXX-7298 and Visa Credit Card No's: ~~XXXX-XXXX-XXXX-1009, XXXX-XXXX-XXXX-1912 and XXXX-XXXX-XXXX-3215.~~

COUNT II-CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD:

That the said ZUATNEY GONZALEZ in Pocatello, in the County of Bannock, State of Idaho, on or about the 26th of September, 2015, did, with the intent to defraud, knowingly obtain or attempt to obtain credit or purchase or attempt to purchase any goods, property or service, by use of any false, fictitious, counterfeit, revoked, expired or fraudulently obtained FTC or FTC account number, purchasing several items with fictitious ~~MasterCard Credit Card No.'s: XXXX-XXXX-XXXX-3788, XXXX-XXXX-XXXX-7298~~ and Visa Credit Card No's: XXXX-XXXX-XXXX-1009, XXXX-XXXX-XXXX-1912 and XXXX-XXXX-XXXX-3215..

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

for 
STEPHEN F. HERZOG
Prosecuting Attorney
Bannock County, Idaho

STATE OF IDAHO)
) ss.
COUNTY OF BANNOCK)

I, ROBERT POLEKI, Clerk of the District Court of the Sixth Judicial District,
in and for the County of Bannock, State of Idaho, do hereby certify that the foregoing is a
true and correct copy of the original information filed in my office on the _____ day of
_____, 2015.

Clerk

Deputy

GUILTY PLEA QUESTIONNAIRE

FILED
BANNOCK COUNTY
CLERK OF DISTRICT COURT
DISTRICT 26 PM 2:25
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO vs. Zutney Gonzalez Case No. _____

True Legal Name: Z _____

Address: _____

Charge(s) Pleading Guilty To: _____ Maximum Possible Penalty: _____

204
possession of
financial card.
_____ 5 years.

STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY
(PLEASE INITIAL EACH RESPONSE)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elected to have a trial, the state could not call you as a witness or ask you any questions. However, anything you do say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving or giving up my right to remain silent before and during trial. ZG (Initials).

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

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

3. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving or giving up my right to be presumed innocent. ZG (Initials).

4. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every juror of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving or giving up my right to a speedy and public jury trial. TCY (Initials).

5. You have the right to confront the witnesses against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty I am waiving or giving up my right to confront the witnesses against me, and present witnesses and evidence in my defense. TCY (Initials).

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

I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. TCY (Initials)

7. I understand that by pleading guilty I am waiving or giving up any and all rights I have as a defendant in a criminal case, under the Constitution of the United States and the Constitution of the State of Idaho, whether listed in this form or not. TCY (Initials).

QUESTIONS REGARDING PLEA

Please answer every question. If you do not understand a question, consult your attorney before answering.

PLEASE CIRCLE ONE

1. Do you read and write the English language? YES NO
If **NO**, have you been provided with an interpreter to help you fill out this form? YES NO
2. What was the highest grade in school that you completed? 12.
- a) If you did not complete high school, have you received either a general education diploma (GED) or high school equivalency (HSE) diploma? YES NO

3. Have you ever been diagnosed with and/or counseled or treated for a mental illness, disease or disorder? YES NO

a) If so, what was the diagnosis and when was it made? _____

b) Are you currently under the care of a mental health professional? YES NO

c) Are you currently taking medication for mental health issues? YES NO

d) If so, what is the medication you are currently taking? _____

4. In the 24 hours prior to filling out this questionnaire, have you taken any medications, whether prescribed or not, drugs, or alcoholic beverages? YES NO

a) If YES, what have you taken? remrom, presatin

b) Because of any medications, drugs or alcohol you have taken that are listed above, are you UNABLE to understand the questions in this questionnaire and/or correctly answer them? YES NO

c) Are you currently addicted to any drug, including alcohol? YES NO

5. Is there any reason that you would be unable to make an informed and voluntary decision to plead guilty in this case? YES NO

a) If Yes, what is the reason you cannot make an informed and voluntary decision to plead guilty? _____

b) Are you having any difficulty in understanding what you are doing by filling out this form? YES NO

6. Is your guilty plea the result of a plea agreement? YES NO

a) If YES, what do you understand the terms of the plea agreement to be? _____

yes
plea guilty to trasaction record. dismiss grand theft burglary

b) Is this a *North Carolina v. Alford* plea? YES NO

c) If you are entering an Alford Plea, do you understand that the Court will consider you just as guilty as if you entered a non-Alford plea? YES NO

7. There are two types of plea agreements. Please initial the **ONE** paragraph below which describes the type of plea agreement you are entering into:

a) I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty and proceed to a jury trial. ~~ZG~~ (Initials).

b) I understand that my plea agreement is a non-binding plea agreement. This means that the court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above, which can be imposed without the possibility of probation and/or parole. Because the court is

Sentence concurrent with county

not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. ZCJ (Initials).

8. Are you pleading guilty to more than one crime?
a) If YES, do you understand that your sentences for the crimes could be served either concurrently (at the same time) or consecutively (one after the other)?
9. Is this a conditional guilty plea, meaning you are reserving your right to appeal any pre-trial issues or decisions?
a) If YES, what issue are you reserving the right to appeal?
10. Have you waived or given up your right to appeal your judgment of conviction and sentence as part of your plea agreement?
11. Has anyone (including any law enforcement officer) threatened you or done anything to make you enter this plea against your will?
a) If YES, who made such a threat and how was it made?
12. Has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter?
a) If YES, what are those promises and who made them?
13. Have you been represented by an attorney at all stages of these proceedings?
a) Have you had sufficient time to discuss your case with your attorney?
b) Have you told your attorney everything you know about the crime, including any witnesses you know that would show your innocence?
c) Have you fully discussed all the facts and circumstances surrounding the case with your attorney?
d) Has your attorney discussed with you the nature of the charges against you, the elements of the crime you have been charged with, any evidence provided by the prosecutor in your case, any possible defenses you may have to the charges, and the consequences of pleading guilty?
e) Has your attorney discussed your Constitutional and Civil rights?
f) Are you fully satisfied with the representation of your attorney?
i) If not, please state why you are dissatisfied.
- g) Is there anything you requested your attorney to do that has not been done, including filing any motions or other requests in this case?
If YES, please explain.

h) To the best of your knowledge, has your attorney discussed with you all proposed plea agreements offered by the prosecuting attorney? YES NO

(*Missouri v. Frye*, 132 S.Ct. 1399)

i) Do you want your attorney to take any further action in this case? YES NO

14. Do you understand that by pleading guilty you will waive or give up any defenses, both factual and legal, that you believe you may have in this case? YES NO

15. Do you claim any violation of your Constitutional or Civil rights? YES NO

a) If YES, what rights do you claim have been violated? _____

16. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including: 1) any searches or seizures that occurred in your case, 2) any issues concerning the method or manner of your arrest, and 3) any issues about any statements you may have made to law enforcement? YES NO

17. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty? YES NO

18. Are you currently on probation or parole? YES NO

a) If so, do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole? YES NO

19. Are you aware that if you are not a citizen of the United States, the entry of a plea or making of factual admissions could have consequences of deportation or removal, loss of permanent legal status, inability to obtain legal status in the United States, or denial of an application for United States citizenship? YES NO

a) If you are not a citizen of the United States, have you talked to your attorney about the impact of your guilty plea on deportation, on your legal status in the United States and on obtaining United States citizenship? (*Padilla v. Kentucky*, 130 S.Ct. 1473 (2010))

YES NO

20. Does the crime to which you will plead guilty require you to register as a sex offender? (See I.C. § 18-8304) YES NO

a) Has your attorney advised you that if the Court orders a psychosexual evaluation for purposes of sentencing, you have a right to not answer questions in that evaluation?

(*Estrada v. State*, 143 Idaho 558, 149 P.3d 833). YES NO

21. Are you aware that if you plead guilty you may be required to pay restitution to the victims in this case? (See I.C. § 19-5304) YES NO

a) Have you agreed to pay restitution to any other party as a condition of your plea agreement? YES NO

1) If YES, how much must you pay and to whom? _____

b) If the amount of restitution has not been agreed upon, do you understand that you cannot withdraw your guilty plea even if the restitution amount is determined to be higher than you thought it might be or should be? YES NO

22. Is there a mandatory driver's license suspension as a result of a guilty plea in this case? YES NO
- a) If YES, for how long must your license be suspended? _____.
23. Are you pleading guilty to a crime for which a mandatory domestic violence, substance abuse, or psychosexual evaluation is required? (I.C. §§ 18-918(7)(a),-8005(9),-8317) YES NO
24. Are you pleading guilty to a crime for which you may be required to pay the costs of prosecution and investigation? (I.C. § 37-2732A(k)), (I.C.R. 33(d)(2)) YES NO
- a) If so, have you and the State agreed upon the amount of this reimbursement? YES NO
- i) If you have, what is the amount? _____
25. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a persistent violator? YES NO
- a) Do you understand that if you are convicted as a persistent violator, the sentence in the new case could be life imprisonment? YES NO
26. Do you understand that you will be required to submit a DNA sample and thumbprint to the State of Idaho? (I.C. § 19-5506). YES NO
27. Are you pleading guilty to a crime for which the court could impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307) YES NO
28. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose the following rights:
- a) Your right to vote in Idaho? (ID. CONST. art. 6, § 3) YES NO
- b) Your right to hold public office in Idaho? (ID. CONST. art. 6, § 3) YES NO
- c) Your right to perform jury service in Idaho? (ID. CONST. art. 6, § 3) YES NO
- d) Your right to purchase, possess, or carry firearms? (I.C. § 18-310) YES NO
29. Do you understand that no one, including your attorney, can force you to plead guilty in this case? YES NO
30. Are you entering your plea freely and voluntarily? YES NO
31. Are you pleading guilty because you did commit the acts alleged in the information or indictment? YES NO
32. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? YES NO
33. Have you had any trouble answering any of the questions in this form which you could not resolve by discussing the issue with your attorney? YES NO

34. Were you able to ask your attorney any questions you had about any questions in this form that you did not understand? **YES** NO

IF YOUR GUILTY PLEA WAS REACHED AS A RESULT OF CRIMINAL MEDIATION YOU NEED TO ANSWER THE FOLLOWING QUESTIONS:

35. Did you voluntarily enter mediation? **YES** NO
36. Were you satisfied with how the mediation was conducted? **YES** NO
37. Did anyone force you, or coerce you, to enter into the plea agreement in the mediation? **YES** NO

I have answered the questions on pages 1-7 of this Guilty Plea Advisory form truthfully, correctly, and of my own free will. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this _____ day of 4/17, 2016

Leatney Gley
DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.

R. W. [Signature]
DEFENDANT'S ATTORNEY

Name: Zuatney Gonzalez

Case #: CR-2015-0015275-FE

Citation Number:

Release Date:	_____
Time:	_____
Deputy:	_____

FILED
 BANNOCK COUNTY
 CLERK
 2016 APR 26 PM 2:26
 DEPUTY CLERK

ORDER OF COMMITMENT
SIXTH DISTRICT COURT, BANNOCK COUNTY, STATE OF IDAHO

TO THE SHERIFF OF BANNOCK COUNTY:

Zuatney Gonzalez having this 19th day of April, 2016 had a Hearing in the District Court on the charge(s) of:

Warrant: N/A Bond: Dismissed

Charge(s):

Fraud-Possession of Financial Transaction Card

Bond: \$25,000

Bond:

Bond:

Bond:

Bond:

Amended to:

Special Instructions _____

Court Services

Is hereby ordered to serve _____ days.

credit for _____ days

credit to begin on _____

consecutive with _____

concurrent with _____

good time

Future Commitment

Jail sentence to Begin:

Jail sentence to End:

To be completed no later than:

Special Instructions:

Work Release Special Instructions

The jail is ORDERED to monitor schedule, verify worksite and confirm transportation to and from work site.

SCILD or Trustee 1x1 2x1 to be completed by _____

Special Instructions

Sign up times for SCILD: Tuesday, Thursday, Friday, and Sunday 0700 to 0745; Wednesday 0700-1500. Do not wait until the last day to sign up! Call 236-7162 for more information.

Next Court Appearance: May 2, 2016 at 9:00 am

It is hereby ordered that you receive him/her into our custody and detain him/her until such time you are furnished an Order of Release or the defendant has satisfied the penalty as imposed by the Court.

Dated: 4/19/2016 Judge Robert Naftz

Final Disposition _____ Date _____ Deputy _____

FILED
BANNOCK COUNTY
CLERK
2016 APR 29 AM 9:40
BY [Signature]
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

STATE OF IDAHO,
Plaintiff,
vs.
ZUATNEY GONZALEZ,
Defendant.

Case No: CR-2015-0015275-FE

MINUTE ENTRY & ORDER

The above named Defendant appeared in Court on the 19th day of April, 2016, with her counsel, Randall D. Schulthies, for further proceedings. Brian Trammell, Bannock County Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho. Stephanie Davis was the Court Reporter.

At the outset, the State moved to file an Amended Prosecuting Attorney's Information charging the Defendant with **TWO COUNTS CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125**. The Court **GRANTED** the motion and the Information was filed.


When asked by the Court, the Defendant entered pleas of **GUILTY** to the charges of **TWO COUNTS CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD**,

Idaho Code §18-3125 and submitted her signed and completed Questionnaire to the Court. Following questioning by the Court, the Defendant's plea was accepted as being voluntarily and knowingly given.

IT IS HEREBY ORDERED that the **SENTENCING** in this matter be and the same is hereby set for **MONDAY, MAY 2, 2016, AT THE HOUR OF 9:00 A.M.** at the Bannock County Courthouse, Pocatello, Idaho before the undersigned Judge. The preparation of a new Presentence Report was waived; the Court and counsel will review the Presentence Report from Canyon County as provided.

The Defendant was remanded back to the custody of the Bannock County Jail wherein bond remains set in the amount of \$25,000.

DATED this 30 day of April, 2016.



ROBERT C NAFTZ
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29 day of April, 2016, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Bannock County Prosecutor

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 236-7288

Randall Schulthies

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Probation & Parole

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 237-2624

Robert Poleki
CLERK OF THE COURT

By:  _____
Deputy Clerk

COURT MINUTES

CR-2015-0015275-FE

State of Idaho vs. Zuatney Gonzalez

Hearing type: Sentencing

Hearing date: 5/2/2016

Time: 11:11 am

Judge: Robert C Naftz

Courtroom:

Court reporter: Stephanie Davis

Minutes Clerk: Nicole Deloach

Tape Number:

Defense Attorney: Randall Schulthies

Prosecutor: Ryan Godfrey

FILED
BANNOCK COUNTY
CLERK OF DISTRICT COURT
2016 MAY -9 PM 4: 12
BY _____
DEPUTY CLERK

11:12 Sentencing

Schulthies – stand by previous comments

Herzog – contacted victim;

Def. – no comments; maintains pleas of guilty

Court – each charge 1 fixed and 4 years indeterminate; credit for time;
concurrent with each other and with Canyon county; \$3760.74 restitution; \$200
fine; court costs on both ^{cases;} *charges* \$300 defense; deliver to IDOC

Name: Zuatney Gonzalez

Case #: CR-2015-0015275-FE

Citation Number:

Release Date: _____
Time: _____
Deputy: _____

BANNOCK COUNTY CLERK
 2016 MAY -9 PM 4:12
 BY: _____ CLERK

ORDER OF COMMITMENT
SIXTH DISTRICT COURT, BANNOCK COUNTY, STATE OF IDAHO

TO THE SHERIFF OF BANNOCK COUNTY:

Zuatney Gonzalez having this 2nd day of May, 2016 had a Hearing in the District Court on the charge(s) of:

Warrant: N/A **Bond:** Dismissed

Charge(s):

Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices	Bond:
	Bond:
	Bond:
	Bond:

Amended to: Fraud-Possession of Financial Transaction Card, Number and/or FTC Forgery Devices	Bond:
---	--------------

Special Instructions 1 and 4 on each charge concurrent with each other and with Canyon County; credit for time served; deliver to IDOC

Court Services

Is hereby ordered to serve _____ days.

- credit for _____ days
- credit to begin on _____
- consecutive with _____
- concurrent with _____
- good time

<p>Future Commitment</p> <p>Jail sentence to Begin: _____</p> <p>Jail sentence to End: _____</p> <p>To be completed no later than: _____</p> <p>Special Instructions: _____</p>
--

Work Release Special Instructions

The jail is ORDERED to monitor schedule, verify worksite and confirm transportation to and from work site.

SCILD or Trustee 1x1 2x1 to be completed by _____

Special Instructions

Sign up times for SCILD: Tuesday, Thursday, Friday, and Sunday 0700 to 0745; Wednesday 0700-1500. Do not wait until the last day to sign up! Call 236-7162 for more information.

Next Court Appearance: None

It is hereby ordered that you receive him/her into our custody and detain him/her until such time you are furnished an Order of Release or the defendant has satisfied the penalty as imposed by the Court.

Dated: 4/29/2016 **Judge** Robert Naftz

Final Disposition _____ **Date** _____ **Deputy** _____

IN THE SIXTH DISTRICT JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF BANNOCK

BANNOCK COUNTY
CLERK OF DISTRICT COURT

2016 MAY -9 PM 4:12

BY _____
DEPUTY CLERK

STATE

Plaintiff,

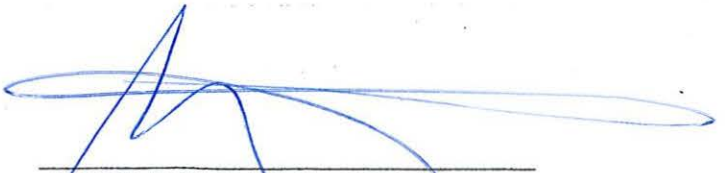
Case No. CR2015-15275FE

VS.

Zuatney Gonzalez

Defendant.

The hearing held on 5/2/14 in the above-entitled matter
is estimated to be more than 100 pages.


STEPHANIE DAVIS, Official Reporter

OFFICE OF THE PROSECUTING ATTORNEY

BANNOCK COUNTY
STATE OF IDAHO

STEPHEN F. HERZOG
PROSECUTING ATTORNEY

ZACHARY G. PARRIS
CHIEF DEPUTY

JaNIECE PRICE
ASSISTANT CHIEF DEPUTY

IAN N. SERVICE
CIVIL DEPUTY



BANNOCK COUNTY COURTHOUSE
POST OFFICE BOX P
POCATELLO, ID 83205-0050

(208) 236-7280

FAX (208) 236-7288

Email: sherzog@bannockcounty.us

TAMELA MANHART
VICTIM/WITNESS COORDINATOR

April 27, 2016

JUDGE ROBERT C. NAFTZ
District Judge
Bannock County Courthouse
Pocatello, Idaho 83205

Re: State vs. ZUATNEY GONZALEZ
Case No: CR-2015-15275-FE

Dear Judge Naftz:

Please refer to the above-cited case with particular reference to restitution. The State would request that the Court order \$3,760.74, please refer to attached documentation, and be paid to:

Sportsman's Warehouse
Attn: Jesse Howard
7035 S. High Tech Dr.
Midvale, UT 84047

\$3,760.74

We request that restitution be ordered at this time regardless of the defendant's sentence.

Sincerely,

A handwritten signature in blue ink that reads "Brian D. Trammell".

BRIAN D. TRAMMELL
Deputy Prosecuting Attorney

BDT/js
Attachment

cc: Randall D. Schulthies
Felony Probation & Parole



Store: #236,Store 236
760 Yellowstone Ave
Pocatello,ID 83201

SUBJECT INFORMATION

Last Name:	Gonzalez	Adult/Juvi:	Adult	First Name:	Zuatney
Middle Intl:		Phone#:		Height/Weight:	'0
█	__/__/	ID #:		Eye Color:	
ID Type:		Race:	Hispanic	Hair Color:	Black
Sex:	Female	Address:	Colorado	Zip:	80031
City:	Colorado	State:	CO	Country:	USA
Attire:	Black and White striped shirt and sandal			Monetary Info:	Cash: 0
Features:					

MERCHANDISE

Description	SKU	Dept Code	Rec	Dmg	Qty	Price	Total
Reg 8 Tran 70 - MC 65			<input type="checkbox"/>	<input type="checkbox"/>	1	97.20	97.20
Reg 8 Tran 70 - MC 15			<input type="checkbox"/>	<input type="checkbox"/>	1	1,000.00	1,000.00
Reg 8 Tran 70 - VISA 1			<input type="checkbox"/>	<input type="checkbox"/>	1	1,000.00	1,000.00
Reg 8 Tran 70 - VISA 1			<input type="checkbox"/>	<input type="checkbox"/>	1	1,000.00	1,000.00
Reg 8 Tran 70 - VISA 1			<input type="checkbox"/>	<input type="checkbox"/>	1	663.54	663.54

Merch Rec'd:	.00	Merch Unrec'd:	3760.74	Merch Total:	3760.74
Cash Rec'd:	.00	Cash Unrec'd:	.00	Cash Total:	.00
Credit Rec'd:	.00	Credit Unrec'd:	.00	Credit Total:	.00
Other Rec'd:	.00	Other Unrec'd:	.00	Other Total:	.00
# of items:	5	Damaged amount:	.00	Total amount:	3760.74

Evidence: _____ **RTS Date:** ___/___/___ **Officer Received:** _____
Officer Badge#: _____ **Associate Rec'd:** _____

PERSONS INVOLVED INFORMATION

Ulrich, Quincy
 Type: Witness

SUMMARY: Witness Statement

NOTES:

Foster, Jazmyne
 Type: Witness

SUMMARY: Witness Statement

NOTES:

Huber, Hunter

SUMMARY: Witness Statement

NOTES:

Agent _____ Date _____

FILED
BANNOCK COUNTY
CLERK
2016 MAY 13 AM 9:09
BY *[Signature]*
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

STATE OF IDAHO,
Plaintiff,

vs.

ZUATNEY GONZALEZ,
XXX-XX-7098
11/5/1983

Defendant.

Case No: CR-2015-0015275-FE

MINUTE ENTRY & ORDER
JUDGMENT OF CONVICTION

The above named Defendant appeared in Court on the 2nd day of May, 2016, with her counsel, Randall D. Schulthies, for sentencing. Stephen Herzog, Bannock County Prosecuting Attorney, appeared on behalf of the State of Idaho. Stephanie Davis was the Court Reporter.

On April 19, 2016, the Defendant entered pleas of **GUILTY** to the charges of **TWO COUNTS CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125.**

A pre-sentence investigation report was received from Canyon County. The Court received corrections and objections to the report from Defendant's counsel. The Court heard comments and recommendations from respective counsel and a statement from the

Case No. CR-2015-0015275-FE
MINUTE ENTRY & ORDER - JUDGMENT OF CONVICTION
Page 1 of 5

Defendant.

The Defendant was asked by the Court if she had any legal cause to show why judgment should not be pronounced against her, and none was shown.

Therefore:

JUDGMENT OF CONVICTION AND COMMITMENT ORDER

IT IS HEREBY ORDERED, pursuant to Idaho Code §19-2513, the Defendant shall be sentenced to the custody of the Idaho Department of Corrections for a **UNIFIED TERM OF FIVE (5) YEARS OF WHICH ONE (1) YEAR IS FIXED AND A SUBSEQUENT INDETERMINATE TERM OF FOUR (4) YEARS on each charge to run concurrently with each other and with Canyon County.**

IT IS FURTHER ORDERED that the Defendant shall be given credit for time served in the Bannock County Jail on this charge.

IT IS FURTHER ORDERED that Defendant pay the following:

- Statutory Court Costs on each charge.
- For the payment of restitution to the victim in this matter. The total amount of restitution due is **\$3,760.74**. The name and address of each victim with the amount due each is as follows:

Sportsman's Warehouse	\$3,760.74
Attn: Jesse Howard	
7035 South High Tech Drive	
Midvale, UT 84047	

- You shall pay the sum of **\$300.00** to the County for costs of defense, pursuant to Idaho Code 19-854. The sum so paid shall be remitted to the County Auditor who shall deposit said amount directly into the District Court Fund in and for Bannock County.

You shall pay a fine in the amount of **\$200.00** on each charge.

IT IS FURTHER ORDERED that payments be suspended until the Defendant is out on parole. The Defendant will need to contact Judicial Enforcement to make payment arrangements.

IT IS FURTHER ORDERED that the Defendant is **REMANDED** to the custody of the Bannock County Sheriff to be delivered to the custody of the Idaho Department of Corrections, consistent with this Judgment.

IT IS FURTHER ORDERED that any surety, cash, or property bond posted, if any, is hereby **EXONERATED**.

IT IS FURTHER ORDERED, pursuant to I.C.R. 32(h)(1), that the presentence report is sealed, except that a copy is to be made available to the Idaho Department of Corrections.

Defendant was advised of her right to appeal, that said appeal must be filed with the Idaho Supreme Court no later than 42 days from the date sentence is imposed, and that a person who is unable to pay the costs of an appeal has the right to apply for leave to appeal *in forma pauperis*.

DATED this 10 day of May, 2016.



ROBERT C NAFTZ
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13 day of May, 2016, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Bannock County Prosecutor

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 236-7288

Randall Schulthies

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Probation & Parole

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 237-2624


Judicial Enforcement Office

- U.S. Mail
- E-Mail
- Hand Deliver
- Fax:

Records Administrator

- U.S. Mail
- E-Mail
- Hand Deliver
- Fax:

Robert Poleki
CLERK OF THE COURT

By:  _____
Deputy Clerk

NAME: Zuatney Gonzalez - [REDACTED]

DATE OF OFFENSE: September 26, 2015

STATE OF IDAHO)
)
COUNTY OF BANNOCK)

I, Robert Poleki, Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, do hereby certify the foregoing to be a full, true and correct copy of the Judgment duly made and entered on the Minutes of the said District Court in the above entitled action, and that I have compared the same with the original and the same is a correct transcript therefrom and/or the whole thereof.

ATTEST my hand and the seal of said District Court on the 13 day of May, 2016.

ROBERT POLEKI, Clerk

By 
Deputy Clerk

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK.

FILED
BANNOCK COUNTY
DISTRICT COURT
2016 MAY 16 PM 4:46
BY
DEPUTY CLERK

STATE OF IDAHO,)
)
Plaintiff,)
vs.)
)
ZUATNEY GONZALEZ,)
)
Defendant.)
_____)

CASE NO. CR-2015-0015275-FE

ORDER OF RESTITUTION

Pursuant to IDAHO CODE (IC) § 19-5304(2) the Defendant in the above-entitled matter is hereby ordered to pay restitution in the amount of **\$3,760.74**. The name of the victim(s) with the amount due each is as follows:

Sportsman's Warehouse **\$3,760.74**

Pursuant to IC §19-5304(8), if more than one defendant responsible for causing economic loss to the victim then each defendant is, jointly and severally responsible to pay for any restitution ordered.

The Defendant shall pay restitution as follows:


- Any and all payments shall commence after the Defendant's release from incarceration.
- As ordered by the Court as a term and condition of probation.
- In full on or before: _____.
- The Defendant shall immediately contact the Judicial Enforcement Officer in Room 107, Bannock County Courthouse and make payment arrangements for satisfaction of the Restitution amount.

If payment of restitution is a term and condition of the Defendant's probation, failure to pay restitution as ordered may result in a warrant for the arrest of the Defendant for a probation violation. If the defendant is not on probation, failure to pay restitution as ordered may result in a warrant for the arrest of the defendant for contempt of court.

DEFENDANT: shall make payment to Bonds and Fines, Room 217, Bannock County Courthouse by cash or money order.

VICTIM: is advised that pursuant to IC § 19-5305, after forty-two (42) days from the entry of the order of restitution it may be recorded as a judgment and the victim may execute as provided by law for civil judgments. Further, an order of restitution does not prevent the victim from seeking any other legal remedy. (IC § 19-5304(11)).

IT IS SO ORDERED this 16 day of May, 2016.



Robert C Naftz
District Judge

CERTIFICATE OF MAILING/SERVICE

I hereby certify that on 16 day of May, 2016, I mailed/served a true copy of the ORDER OF RESTITUTION on the attorney(s)/person(s) listed below by mail with correct postage thereon or causing the same to be hand delivered.

Brian Trammell

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Randall D Schulthies
Bannock County Public Defender

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Probation & Parole

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:


Sportsman's Warehouse

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:


Judicial Enforcement

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Robert Poleki, Clerk

By:  _____
Deputy Clerk

RANDALL D. SCHULTHIES
Chief Public Defender
P. O. Box 4147
Pocatello, Idaho 83205
(208) 236-7040
ISB 1784

FILED
 BANNOCK COUNTY
 CLERK OF THE COURT
 2016 JUL 14 PM 3:26
 BY 
 DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)	
	)	CASE NO. CR-2015-15275- FE-C
Plaintiff,)	
)	
vs.	)	MOTION FOR CREDIT
	)	FOR TIME SERVED
ZUATNEY GONZALEZ,)	
)	
Defendant)	
_____)	

COMES NOW, Zuatney Gonzalez, the Defendant in the above entitled matter, acting by and through his attorney of record, Randall D. Schulthies, Chief Public Defender of the Bannock County Public Defender’s Office, and hereby moves the Court for an Order crediting the Defendant time served for her out of County housing.

Ms. Gonzalez was arrested on September 28, 2015, by the Nampa Idaho Police Department. Bannock County issued a warrant for her arrest on October 21, 2015. Ms. Gonzalez remained in the Canyon County Jail from the date of her arrest on September 28, 2015, until she was transported to Bannock County on March 9, 2016. *See* attached documentation

Defendant is asking for credit for the time sat in Canyon County from October 21, 2015, (date of warrant) to March 9, 2016, (transferred to Bannock County) for a total of 134 days.

Motion For Credit For Time Served
Page 1

DATED this 14th day of July, 2016.



RANDALL D. SCHULTHIES
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of July, 2016, a true and correct copy of the foregoing **MOTION FOR CREDIT FOR TIME SERVED** was served upon the Bannock County Prosecuting Attorney, by depositing a copy of the same into the Prosecutor's in-box, Bannock County Courthouse, Pocatello, Idaho 83205.



RANDALL D. SCHULTHIES

OR# 15-P21654-D. DANIELS

BOND \$25,000 - DAY / NIGHT

ORIGINAL
BANNOCK COUNTY
CLERK OF THE COURT
2016 MAR 15
BY [Signature] MTI: 55
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

WARRANT OF ARREST

CR-15-15075FB

THE STATE OF IDAHO:

To any Sheriff, Constable, Marshal or Policeman of the State of Idaho:

Information, on oath, having this day been laid before me by STEPHEN F. HERZOG in the County of Bannock, State of Idaho, and there appearing that there is probable cause to believe that the public offense of CRIMINAL POSSESSION OF A FINANCIAL TRANSACTION CARD, Idaho Code §18-3125, BURGLARY, Idaho Code §18-1401-03, and GRAND THEFT, Idaho Code §18-2403(1) and §18-2407(1), has been committed and accusing ZUATNEY GONZALEZ thereof, you are commanded forthwith to arrest the above-named ZUATNEY GONZALEZ and bring the defendant before me, at my office, at Pocatello, County of Bannock.

DATED at Pocatello, County of Bannock, at the hour of 10:15 clock A.M., this 21st day of October, 2015.

[Signature]
MAGISTRATE

The above-named ZUATNEY GONZALEZ having been brought before me under this Warrant and he is hereby committed to the custody of the Sheriff of the County of Bannock.

MAGISTRATE

STATE OF IDAHO)
) ss
COUNTY OF Bannock)

I HEREBY CERTIFY that I received the within Warrant on the 3 day of MARCH, 2016, and served said Warrant on the within named defendant on the 3 day of MARCH, 2016.

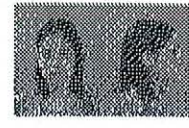
[Signature]
OFFICER

6/15/2016 04:29 PM

jlbook.agency = CCS jlbook.num = 15-007302

Name Number: 409763

ZUATNEY GONZALEZ, White/Hispanic Latin Female, [REDACTED]



Agency Booked For: *Nampa Police*
 Booking Type: *Custody Without Warrant*
 Initial Booking Date: *09/28/2015 19:30:00*
 Last Intake Date: *09/28/2015 19:30:00*
 Case Number:
 Local Number:
 Booking Disposition:
 Scheduled Release:
 Actual Release: *03/09/2016 07:29:00*
 Req Bond Payments Due: *\$0.00*
 Time Left To Serve:
 Charge Housing: *Yes*
 Non-Custody Booking: *No*

Additional Info

03/11/2016 SCAN SECOND VERIFICATION COMPLETE CJ5970
 3/7/16 TIERED BACK IN FROM OWYHEE COUNTY KC5945
 Fri Jan 22 15:20:15 2016 TIERED OUT TO OWYHEE COUNTY KC5945
 Sat Jan 16 23:27:35 2016 Warned for having the tablet upstairs 5314
 Wed Jan 13 10:59:11 2016 J16-00127 7 days LOP ends 01/20/16 5367
 Tue Jan 12 08:32:21 2016 Denied Inmate Worker. Other Co Hold, High Bond, Recent Minor INT. JB5389
 Sat Jan 09 10:46 2016- Minor Intent to Discipline for theft of another inmates property. 5348
 Sun Jan 03 23:17:22 2016 - Underwear given per kite request. 5360
 Thu Dec 24 13:36:50 2015 Kite request completed for pair of underwear. 5304
 Thu Dec 24 11:05:43 2015 Warned not to have the tablet on her bunk or in the restroom 5379
 Wed Dec 16 09:28:17 2015 Denied inmate worker. Classified to MED, High Bond, Mult pend F. JB5389
 TIERED TO OWYHEE COUNTY CJ5970 Thu Nov 19 13:12:13 2015
 Thu Nov 19 11:24:58 2015 Denied inmate worker. Classified to MED, High Bond, Mult pend F. JB5389
 Fri Oct 30 05:12:01 2015~~Kite request completed for pair of underwear. ~~ 5 Engel 5313
 Sat Oct 17 13:27:00 2015 Complained of abdominal pain. Said she submitted several kites. Informed medical. 5406
 Thu Oct 15 16:08:07 2015 Denied inmate worker. Classified to MED, High Bond, Mult pend F. JB5389
 Tue Oct 06 10:21:52 2015 Denied inmate worker. Classified to MED, High Bond, Mult pend F. JB5389
 9/28/15 PIN 8320 KC5945
 9/28/15 HOUSED IN POD 3 J1 OVERFLOW PER CPL ZAVALA KC5945

Holds

Clearance Description	Code	Enter Date	Clear Date	Clear By
WENT TO BANNOCK COUNTY Other County Hold		12/11/2015 08:01 PM	03/09/2016 07:33 AM	S PFEIFER
K EDWARDS				


Commitments

No Entries

Bonds

Number	Type	Req Due	Opt Due	Remaining	Clear Date	Clearance
202910	No Bond	0.00	0.00	0.00	9/29/2015 12:00 AM	CON
202911	No Bond	0.00	0.00	0.00	3/7/2016 12:00 AM	DIS
205407	Cash or Surety	25000.00	0.00	0.00	3/9/2016 12:00 AM	TRA
208229	No Bond	0.00	0.00	0.00	3/7/2016 12:00 AM	SEN

RANDALL D. SCHULTHIES
Chief Public Defender
P. O. Box 4147
Pocatello, Idaho 83205
(208) 236-7040
ISB 1784

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2016 JUL 14 PM 3:26
BY 
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)
)
 Plaintiff,)
)
)
 vs.)
)
 ZUATNEY GONZALEZ,)
)
 Defendant)
 _____)

CASE NO. CR-2015-15275-FE-C

NOTICE OF HEARING

TO: State of Idaho and their attorney of record, Bannock County Prosecuting Attorney

NOTICE IS HEREBY GIVEN, that further proceedings regarding the Defendant's Motion for Credit for Time Served, shall be called up and presented for disposition before the above entitled court on the ^{15th}25th day of July, 2016, at the hour of 9:00 o'clock a.m., or as soon thereafter as counsel can be heard, before the Honorable Robert C. Naftz, Bannock County Courthouse.

DATED this 14th day of July, 2016.



RANDALL D. SCHULTHIES
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of July, 2016, a true and correct copy of the foregoing **NOTICE OF HEARING** was served upon the Bannock County Prosecuting Attorney by depositing a copy of the same into the Prosecutor's in-box, Bannock County Courthouse, Pocatello, Idaho.



RANDALL D. SCHULTHIES

BANNOCK COUNTY
2016 JUL 20 AM 10:23
BY [Signature]
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

STATE OF IDAHO,
Plaintiff,

vs.

ZUATNEY GONZALEZ,
Defendant.

Case No:CR-2015-0015275-FE

MINUTE ENTRY & ORDER

The above named Defendant appeared in Court on the 18th day of July, 2016, with his counsel, Randall D. Schulthies, for Further Proceedings. Jeremiah Stoddard, Bannock County Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho. Stephanie Davis was the Court Reporter.

The Court heard argument from counsel regarding Defendant's Motion for Credit for Time Served. After hearing argument, the Court GRANTED the motion and will issue a written decision stating the number of days to be credited.

DATED this 19 day of July, 2016.



ROBERT C NAFTZ
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of July, 2016, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Bannock County Prosecutor

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 236-7288

Randall Schulthies

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Robert Poleki
CLERK OF THE COURT

By: _____
Deputy Clerk

COURT MINUTES

CR-2015-0015275-FE

State of Idaho vs. Zuatney Gonzalez

Hearing type: Motion

Hearing date: 7/18/2016

Time: 10:52 am

Judge: Robert C Naftz

Courtroom: 309

Court reporter: Stephanie Davis

Minutes Clerk: Brandy Peck

Defense Attorney: Randall Schulthies

Prosecutor: Jeremiah Stoddard

BANNOCK COUNTY CLERK
2016 JUL 20 AM 10:23
BY DEPUTY CLERK

10:50 DA motion for credit for days in custody in places other than Bannock
State no objection
Court grants and will review number of days to be credited

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

BANNOCK COUNTY
CLERK OF DISTRICT COURT
2016 AUG -2 PM 3:53
BY [Signature]
DEPUTY CLERK

STATE OF IDAHO,)
)
 Plaintiff,)
)
 v.)
)
 ZUATNEY GONZALEZ,)
)
 Defendant.)

CASE NO. CR-2015-15275-FE
MEMORANDUM DECISION
AND ORDER

NATURE OF THE CASE

On July 14, 2016, the defendant, Zuatney Gonzalez (“the Defendant” or “Gonzalez”), filed a Motion for Credit for Time Served. The motion requested that this Court grant her credit for time served on her Bannock County case while she was in jail in Canyon County awaiting disposition of her case there. This Court heard oral arguments regarding the Defendant’s motion on July 18, 2016. After the hearing, this Court took the matter under advisement. After considering the oral arguments and reviewing the entire file, this Court now issues this Memorandum Decision and Order.

ISSUE

Is the Defendant entitled to credit for time served while in the Canyon County jail?

STATEMENT OF FACTS

On September 28, 2015, Gonzalez was arrested and charged in Canyon County, Idaho, with 12 felony counts consisting of forgery, burglary, grand theft, and criminal possession of a financial transaction card. The Defendant remained incarcerated in Canyon County until her sentencing hearing on March 7, 2016. Gonzalez pled guilty to a single count of burglary and was sentenced to one year fixed, followed by four years indeterminate. At the time of sentencing, the Defendant was granted 162 days of credit for time served on the Canyon County case.

On October 21, 2015, the Bannock County Prosecuting Attorney filed a Criminal Complaint against Gonzalez, charging her with two counts of criminal possession of a financial

transaction card and one count of burglary. On that same date, a magistrate judge set bond at \$25,000.00 and issued an arrest warrant. The Defendant was served with the warrant on March 3, 2016. Ultimately, the Defendant pled guilty to two counts of criminal possession of a financial transaction card and was sentenced to serve a sentence of one year fixed and four years indeterminate. That sentence was ordered to run concurrently with the Canyon County case.

The Defendant now asks that this Court grant her credit for the time she spent in the Canyon County jail prior to being served with the Bannock County warrant.

DISCUSSION

In computing the term of imprisonment, the person against whom the judgment was entered shall receive credit in the judgment for any period of incarceration prior to entry of judgment, if such incarceration was for the offense or an included offense for which the judgment was entered. IDAHO CODE ANN. § 18-309. Credit for time served pertains to the pretrial incarceration of a person charged with a crime but prior to the entry of a conviction. *State v. Moliga*, 113 Idaho 672, 675, 747 P.2d 81, 84 (Idaho Ct.App.1987)(quoting *In re Rojas*, 23 Cal.3d 152, 151 Cal.Rptr. 649, 652, 588 P.2d 789, 792 (1979)). The crucial element of the statute is not where or under what conditions the defendant has been deprived of his liberty, but, rather, whether the custody to which he has been subjected is attributable to charges arising from the same criminal act or acts for which the defendant has been convicted. *Moliga*, 113 Idaho at 675. Idaho Code (“IC”) § 18-309 does not authorize credit where the pending proceeding has no effect whatsoever upon a defendant’s liberty. *Id.* Therefore, entitlement to credit under I.C. § 18-309 depends upon the answer to a single question: Was the defendant’s incarceration upon the offense for which he was sentenced? If a particular period of confinement served prior to the imposition of sentence is not attributable to the charge or conduct for which a sentence is to be imposed, the offender is not entitled to credit. *State v. Hale*, 116 Idaho 763, 765, 779 P.2d 438, 440 (Idaho Ct.App.1989).

The Defendant was incarcerated in Canyon County in case number CR-2015-19062-C from September 28, 2015, until her sentencing on March 7, 2016. The district judge in Canyon County granted her credit of 162 days, since the time the Defendant spent in jail in Canyon County was directly attributable to the crimes she committed in that jurisdiction. An arrest warrant was issued in Bannock County on October 21, 2015, and served on the Defendant on March 3, 2016. The Defendant is now requesting that credit for that time be applied to her

Bannock County case. However, the time Gonzalez spent in the Canyon County jail from October 21, 2015, to March 3, 2016, is still attributable to her criminal conduct in Canyon County. Gonzalez's incarceration in the Canyon County jail was for an offense other than the one for which she was sentenced in Bannock County; therefore she is not entitled to credit in the Bannock County case for that Canyon County jail time. However, once the Defendant was served with the arrest warrant, it is clear that she was then being held for criminal conduct that allegedly occurred in Bannock County, and she is therefore entitled to credit for time served from March 3, 2016, until May 2, 2016. Thus, the Defendant is entitled to 68 days of credit on her Bannock County case.

CONCLUSION

After careful consideration, this Court DENIES the Defendant's request for credit for time served from October 21, 2015, to March 3, 2016, since she was confined in the Canyon County jail on conduct unrelated to the charges in Bannock County at that time. However, this Court GRANTS the Defendant credit of 62 days, which represents the time spent incarcerated on the charges in Bannock County.

IT IS SO ORDERED this August 1, 2016.



ROBERT C. NAFTZ
District Judge

CERTIFICATE OF MAILING/SERVICE

I hereby certify that on, 8/2/16 I mailed/served a true copy of the ORDER ON MOTION FOR CREDIT FOR TIME SERVED to the attorney(s)/person(s) listed below by mail with correct postage thereon or causing the same to be hand delivered.

Bannock County Prosecuting Attorney
Stephen F. Herzog/Brian D. Trammell

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Attorney for the Defendant
Randall D. Schulthies

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Probation & Parole

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Records Administrator

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

ROBERT POLEKI, Clerk

By: 
Deputy Clerk

IN THE SIXTH DISTRICT JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF BANNOCK

STATE

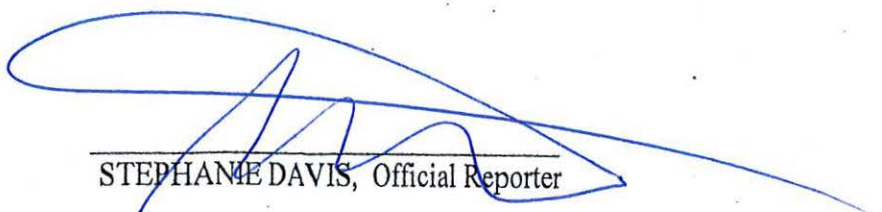
Plaintiff,

Case No. CR 2015 - 15275FE

VS.

Zautney Gonzalez
Defendant.

The hearing held on Aug 22, 2016 in the above-entitled matter
is estimated to be more than 100 pages.


STEPHANIE DAVIS, Official Reporter

COURT MINUTES

CR-2015-0015275-FE

State of Idaho vs. Zuatney Gonzalez

Hearing type: Motion

Hearing date: 8/22/2016

Time: 10:54 am

Judge: Robert C Naftz

Courtroom: 309

Court reporter: Stephanie Davis

Minutes Clerk: Brandy Peck

Defense Attorney: Randall Schulthies

Prosecutor: Matthew Kerbs

10:55 DA motion for reconsideration (rule 35) credit and modify
 Court – denies motion

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

- (a) Did the district court err in denying the appellant's Idaho Criminal Rule 35 motion to reduce his sentence?
- (b) Did the district court err in denying the appellant's credit for time served?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

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

- (a) Sentencing Hearing held on May 2 , 2016 (Court Reporter: Stephanie Davis, More than 100 pages);
- (b) Motion for Credit for Time Served heard on August 22, 2016 (Court Reporter: Stephanie Davis, More than 100 pages);
- (c) Motion to Reconsider hearing held on August 22, 2016 (Court Reporter: Stephanie Davis, More than 100 pages);

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

- (a) Any exhibits, including but not limited to letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing or the Rule 35 motion hearing.

7. I certify:

- (a) That a copy of this Notice of Appeal has been served on the Court Reporter;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) That arrangements have been made with Bannock County who will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e);
- (e) That service has been made upon all parties required to be served pursuant to I.A.R 20.

DATED this 7th day of September, 2016.


for RANDALL D. SCHULTHIES
Chief Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 7TH day of September, 2016, I served a true and correct copy of the above document upon the following:

Bannock County Prosecutor
P.O. Box P
Pocatello, ID 83205

Court Reporter
Box room 220
Bannock County Courthouse

Lawrence G. Wasden
Attorney General for Idaho
Statehouse, Room 210
P.O. Box 83720
Boise, ID 83720-0010

Stephen W. Kenyon
Clerk of the Court
P.O. Box 83720
Boise, ID 83720-0010

State Appellate Public Defender's Office
Chief Appellate Unit
P.O. Box 2816
Boise, ID 83701-2816

By depositing a copy thereof in the United States Mail, postage prepaid, by first class mail to said attorney at the above address.


for RANDALL D. SCHULTHIES

Randall D. Schulthies
Chief Public Defender
P.O. Box 4147
Pocatello, Idaho 83205-4147
(208) 236-7040
ISB 1784

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2016 SEP -7 PM 3:33
BY KB
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)	
	)	CASE NO. CR-2015-15275-FE-C
Plaintiff/ Respondent)	
vs.)	
	)	MOTION TO APPOINT STATE
ZUATNEY GONZALEZ,	)	APPELLATE DIVISION
)	
Defendant/Appellant.)	
_____)	


COMES NOW, Zuatney Gonzalez, the Appellant in the above entitled matter, and hereby moves the Court for an Order, as follows:

The Defendant has filed a Notice Of Appeal for the Court's review of the Court's Decisions, filed August 1, 2016, and August 24, 2016, by Robert C. Naftz, Sixth District Judge. A Notice Of Appeal has been filed on September 7, 2016.

The Defendant respectfully requests that the Court enter an Order, appointing the State Appellate Division to assist the Defendant with the Appeal in this matter, and that further, said appointment shall be relative to the appeal proceedings only.

Motion To Appoint State Appellate Division
Page 1

DATED this 7th day of September, 2016.


for RANDALL D. SCHULTHIES
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of September, 2016, I served a true and correct copy of the foregoing **MOTION TO APPOINT STATE APPELLATE DIVISION** upon the Bannock County Prosecuting Attorney, by depositing a copy of the same in the Prosecutor's in-box, Bannock County Courthouse, Pocatello, Idaho; and served the following by depositing a copy of the same in the United States Mail, postage prepaid and addressed to: Lawrence G. Wasden, Attorney General - State of Idaho, P. O. Box 83720, Boise, Idaho 83720-0010; Stephen W. Kenyon, Clerk of the Court, P. O. Box 83720, Boise, Idaho 83720; State Appellate Public Defender's Office, Chief Appellate Unit, P.O. Box 2816, Boise, ID 83701-2816.


for RANDALL D. SCHULTHIES

Randall D. Schulthies
Chief Public Defender
P.O. Box 4147
Pocatello, Idaho 83205-4147
(208) 236-7040
ISB 1784

FILED
BANNOCK COUNTY
2016 SEP 28 AM 10:22
BY *KP*
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,	)	CASE NO. CR-2015-15275-FE-C
)	
Plaintiff/Respondent)	
)	
v.	)	ORDER RE: MOTION FOR
	)	APPOINTMENT OF STATE
ZUATNEY GONZALEZ,	)	APPELLATE PUBLIC DEFENDER
)	
)	
Defendant/Appellant.)	

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

IT IS HEREBY ORDERED that the Bannock County Public Defenders Office, is withdrawn as counsel of record for the Petitioner and the State Appellate Public Defender is hereby appointed to represent the Defendant, Zuatney Gonzalez, in the above-entitled matters and for all further proceedings.

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

DATED this 8 day of September, 2016.

Robert C. Naftz
ROBERT C. NAFTZ
District Judge

cc: Bannock County Prosecutor's Office
Bannock County Public Defender
State Appellate Public Defender
Lawrence G. Wasden
Stephen W. Kenyon

BANNOCK COUNTY
2016 AUG 24 PM 1:54
BY KP
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF BANNOCK

STATE OF IDAHO,
Plaintiff,

vs.

ZAUTNEY GONZALEZ,
Defendant.

Case No:CR-2015-0015275-FE

MINUTE ENTRY & ORDER

The above named Defendant appeared in Court on the 22nd day of August, 2016, with his counsel, Randall D. Schulthies, for hearing on a Rule 35 Motion. Matthew Kerbs, Bannock County Deputy Prosecuting Attorney, appeared on behalf of the State of Idaho. Stephanie Davis was the Court Reporter.

The Court heard argument from counsel regarding the pending motion. At the conclusion of argument, the Court DENIED the motion.

DATED this 24 day of August, 2016.

Robert C. Naftz
ROBERT C NAFTZ
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24 day of August, 2016, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Bannock County Prosecutor

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax: 236-7288

Randall Schulthies

- U.S. Mail
- E-Mail
- Courthouse Box
- Fax:

Robert Poleki
CLERK OF THE COURT

By: 
Deputy Clerk

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)	
)	
)	
Plaintiff-Respondent,	)	Supreme Court No.
)	
vs.)	
	)	CLERK'S CERTIFICATE
ZUATNEY GONZALEZ,	)	OF
	)	APPEAL
Defendant-Appellant,)	
)	
_____)	

Appealed from: Sixth Judicial District, Bannock County

Honorable Judge Robert C. Naftz presiding

Bannock County Case No: CR-2015-15275-FE

Order of Judgment Appealed from: Minute Entry and Order filed the 24th day of August, 2016.

Attorney for Appellant: Sara B. Thomas, State Appellate Public Defender, Boise

Attorney for Respondent: Lawrence G. Wasden, Attorney General, Boise

Appealed by: Zuatney Gonzalez

Appealed against: State of Idaho

Notice of Appeal filed: September 7, 2016

Notice of Cross-Appeal filed: No

Appellate fee paid: No, exempt

Request for additional records filed: No

Request for additional reporter's transcript filed: No

Name of Reporter: Stephanie Davis

Was District Court Reporter's transcript requested? Yes

Estimated Number of Pages: More than 100

Dated September 30, 2016

ROBERT POLEKI,
Clerk of the District Court



By [Signature]
Deputy Clerk

FILED
BANNOCK COUNTY
CLERK OF THE COURT
2016 NOV 14 PM 3:16
BY [Signature]
DEPUTY CLERK

DOCKET NO. 44534
(
(
(
(STATE OF IDAHO
(
(
(vs.
(
(ZUATNEY GONZALEZ

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on 11/10/2016 I lodged a transcript including the following proceedings: (PLEA4/19/16; SENT 5/2/16; RULE 35 8/22/16) for the above-referenced appeal with the Sixth Judicial District, District Court Clerk of the County indicated:

- (XX) BANNOCK () POWER
- () ONEIDA () BEAR LAKE
- () FRANKLIN () CARIBOU

via:

- () Hand-Delivery
- () U.S. Mail

(XX) **Electronic Copy to ISC/COA; AG; SAPD**

(Signature of Reporter)

S. DAVIS
(Typed name of Reporter)

11/10/2016
(Date)

cc:

Diane Cano, dianec@bannockcounty.us
ISC/COA- sfilings@idcourts.net

IAGO - patricia.miller@ag.idaho.gov
SAPD - transcripts@sapd.id.us

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,)	
	)	Supreme Court No. 44534
Plaintiff-Respondent,)	
	)	CONFIDENTIAL
vs.	)	CERTIFICATE OF EXHIBITS
)	
ZUATNEY GONZALEZ,)	
)	
Defendant-Appellant.)	
_____)	

I, ROBERT POLEKI, the duly elected, qualified and acting Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, do hereby certify that there were no exhibits marked for identification and introduced into evidence at trial. The following exhibit will be treated as a exhibit in the above and foregoing cause, to wit:

1. Presentence Report dated 2-29-16.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this the 22 day of November, 2016.

(Seal)



ROBERT POLEKI, Clerk of the District Court
Bannock County, State of Idaho

By: 
Deputy Clerk

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

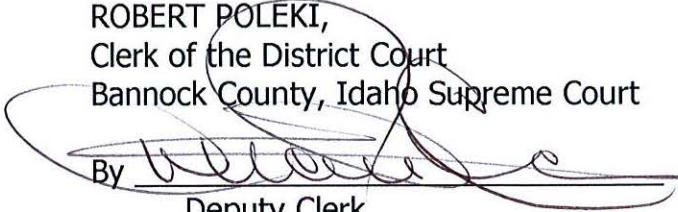
STATE OF IDAHO,)	
	)	Supreme Court No. 44534
Plaintiff-Respondent,)	
	)	CONFIDENTIAL
vs.	)	CLERK'S CERTIFICATE
)	
ZUATNEY GONZALEZ,)	
)	
Defendant-Appellant.)	
_____)	

I, ROBERT POLEKI, Clerk of the District Court of the Sixth Judicial District, of the State of Idaho, in and for the County of Bannock, do hereby certify that the above and foregoing record in the above-entitled cause was compiled and bound under my direction as, and is a true, full, and correct record of the pleadings and documents as are automatically required under Rule 28 of the Idaho appellate Rules.

I do further certify that there were no exhibits marked for identification or admitted into evidence during the course of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Pocatello, Idaho, this 22 day of November, 2016.



ROBERT POLEKI,
Clerk of the District Court
Bannock County, Idaho Supreme Court
By 
Deputy Clerk

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff – Respondent,

vs.

ZUATNEY GONZALEZ,

Defendant – Appellant,

) Supreme Court No. 44534
)
)
) CERTIFICATE OF SERVICE
)
)
)
)
)
)

I, ROBERT POLEKI, Clerk of the District Court of the Sixth Judicial District, of the State of Idaho, in and for the County of Bannock, do hereby certify that I have personally served or mailed, by United States mail, one copy of the REPORTER'S TRANSCRIPT and CLERK'S RECORD to each of the Attorneys of Record in this cause as follows:

Sara B. Thomas
State Appellate Public Defender
Post Office Box 83720
Boise, Idaho 83720-0005

Lawrence G. Wasden
Idaho Attorney General
Post Office Box 83720
Boise, Idaho 83720-0010

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Pocatello, Idaho, this 22 day of November 2016.



ROBERT POLEKI,
Clerk of the District Court
Bannock County, Idaho Supreme Court

By 
Deputy Clerk