STATE OF IDAHO)
County of KOOTENAI)ss

FILED_____

AT_____ O'clock _____M
CLERK, DISTRICT COURT

_____
Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE

STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,
Plaintiff,
vs.
ANGELA RUTH HALL-JOHNSON,
Defendant.

Case No. **CRF 2009 3124**

MEMORANDUM DECISION AND ORDER RE: JURISDICTION OF THE COURT OVER PROBATION VIOLATION PROCEEDINGS; NOTICE OF EVIDENTIARY HEARING

I. PROCEDURAL HISTORY.

This matter is presently before the Court following the Kootenai County Prosecuting Attorney's unilateral decision to withdraw the probation violations at the June 5. 2013, evidentiary hearing on a probation violation. The Court finds the Kootenai County Prosecuting Attorney lacks the authority to unilaterally withdraw the pending probation violation without an order from the Court.

On July 15, 2009, Angela Ruth Hall-Johnson pled guilty to the felony charge possession of a controlled substance, methamphetamine; misdemeanor possession of paraphernalia and misdemeanor injury to child (used syringes were found near a three year old who was at the residence). On September 1, 2009, this Court sentenced Hall-Johnson to two years fixed, two years indeterminate, and placed her on a retained jurisdiction to obtain chemical dependency treatment and cognitive restructuring. On February 10, 2010, Hall-Johnson returned from her retained jurisdiction, and this Court placed her on three years supervised probation.

On September 30, 2010, her probation officer used twenty days discretionary jail time for various probation violations including using methamphetamine. On January 20, 2011, Hall-Johnson admitted using methamphetamine and marijuana, and a probation violation was filed. On April 12, 2010, this Court placed Hall-Johnson on a second period of

retained jurisdiction, specifically recommending a CAPP rider due to her need for chemical dependency treatment, and recommended she attend Good Samaritan (local inpatient faith based chemical dependency treatment) following the second period of retained jurisdiction. On September 29, 2011, this Court placed Hall-Johnson on another three-year period of probation. Hall-Johnson wanted to move to Washington, so Good Samaritan was not possible, but Hall-Johnson claimed to have continued treatment lined up at Okanangen Behavioral Health Clinic.

On February 6, 2013, a Report of Violation was filed alleging Hall-Johnson had violated her probation by: providing false information to her Washington probation officer; moved without permission; was found on January 28, 2013, with expired plates and in possession of methamphetamine; failed to pay costs of supervision; failed to perform community service; and failed to attend sober support meetings since April, 2012. Catherine Gates, Idaho Department of Correction, Interstate Compact Senior Probation Agent, authored the February 6, 2013, Report of Violation, and recommended Hall-Johnson be given a third period of retained jurisdiction, and take the Therapeutic Community (the longest, most intensive, chemical dependency inpatient treatment available in prison on a retained jurisdiction). This Court issued a no bond bench warrant on February 7, 2013, and on February 26, 2013, scheduled Hall-Johnson for a probation violation admit/deny hearing on April 10, 2013. On February 28, 2013, the State of Idaho, through the Kootenai County Prosecuting Attorney, filed a "Motion to Show Cause Why Probation Should Not be Revoked." On March 21, 2013, a deputy Kootenai County Prosecuting Attorney entered into a stipulation with Hall-Johnson's attorney, that the probation violation admit/deny hearing could be vacated, and Hall-Johnson would be released on her own recognizance and enter into the 24/7 (a local faith based inpatient chemical dependency program). This Court refused to vacate the hearing. At the April 10, 2013, hearing, Hall-Johnson denied the alleged violations and an evidentiary hearing was scheduled for May 30, 2013. The Court released Hall-Johnson to begin treatment at 24/7. The May 30, 2013, hearing was moved to June 5, 2013, due to the Court's calendar.

On June 1, 2013, a deputy Kootenai County Prosecuting Attorney filed a "Motion to Withdraw Probation Violation" with a "No Objection" by Hall-Johnson's attorney. On June 5, 2013, this Court signed and filed an "Order Denying Motion to Withdraw Probation Violation." Thus, the June 5, 2013, evidentiary hearing remained set. At the earlier request of the Prosecutor, and hour hearing time was set aside for the evidentiary hearing.

On June 5, 2013, a different deputy Kootenai County Prosecuting Attorney was present in Court. At that hearing, that deputy Kootenai County Prosecuting Attorney unilaterally withdrew the probation violations, indicated there was no witnesses present to testify, that the State would not proceed with the hearing as long as Hall-Johnson remained in the 24/7 facility. The Court asked if that deputy Kootenai County Prosecuting Attorney had run all of this by Catherine Gates of the Idaho Department of Correction, and, incredibly, that deputy said there was no indication in the file that such had happened. The Court then scheduled the matter for an Order to Show Cause hearing *sua sponte*, for July 31, 2013. Counsel for Hall-Johnson objected to the Court setting that hearing, claiming that it was the exclusive job of the prosecutor as to whether to proceed with a probation violation and that the Court was violating the separation of powers doctrine. The Court stated on the record that the Court disagreed that the Court lacked jurisdiction and asked both the Deputy Prosecuting Attorney and counsel for Hall-Johnson to submit any authority on the issue that the Court lacks jurisdiction to bring an Order to Show Cause on a probation violation on its own volition. More than two weeks have transpired, and neither the Deputy Prosecuting Attorney nor counsel for Hall-Johnson have submitted any briefing or cited the Court to any authority supporting their joint position. The following analysis perhaps shows why counsel for both the State and Hall-Johnson have gone silent.

II. ANALYSIS.

A review of Idaho statutes shows the Kootenai County Prosecuting Attorney and counsel for Hall-Johnson are simply wrong in thinking the prosecutor or the prosecutor and defense counsel, have the ability to nullify a probation violation. Counsel for Hall-Johnson is simply wrong that there is a separation of powers problem.

Idaho Code § 20-222 reads in pertinent part:

> At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Thereupon the court, after summary hearing may revoke the probation and suspension of sentence and cause the sentence imposed to be executed, or may cause the defendant to be brought before it and may continue or revoke the probation, or may impose any sentence which originally might have been imposed at the time of conviction.

That statue places the authority and power upon the court to act. That statute places absolutely no authority upon the prosecuting attorney to deprive the court of its authority and power to act. That statute provides no authority upon the attorneys for the two parties

(prosecuting attorney and defense counsel) to stipulate to deprive the court of any of that authority and power. This authority of the court to issue a warrant, deal with probation violations, continue probation, revoke probation and impose sentence, is discretionary with the court. *State v. Bell,* 103 Idaho 255, 646 P.2d 1026 (Ct. App. 1982); *State v. Fife,* 114 Idaho 103, 753 P.2d 839 (Ct.App. 1988); *State v. Drennen,* 122 Idaho 1019, 842 P.2d 698 (Ct.App. 1992). This Court can find no authority that this discretion lies with anyone other than the court. This discretion is not shared in any way with the State via the Prosecuting attorney.

It is unthinkable that the Deputy Prosecuting Attorney would unilaterally withdraw a probation violation without consulting with the State of Idaho Department of Correction. It is not the Prosecuting Attorney who supervises probationers, it is the Idaho Department of Correction. I.C. § 20-219. That statute reads, in pertinent part:

> The state board of correction shall be charged with the duty of supervising all persons convicted of a felony placed on probation or released from the state penitentiary on parole, and all persons convicted of a felony released on parole or probation from other states and residing in the state of Idaho; of making such investigations as may be necessary; *of reporting alleged violations of* parole or *probation in specific cases to* the commission or *the courts* to aid in determining whether the parole or probation should be continued or revoked and of preparing a case history record of the prisoners to assist the commission or the courts in determining if they should be paroled or should be released on probation.

(italics added). The italicized portion shows that the duty of the Idaho Department of Correction to report probation violations *is to the court*, not to the prosecuting attorney.

In monitoring probation, the State of Idaho Department of Correction has more discretion than the prosecuting attorney (who has very little discretion), but the probation officer's discretion is subject to review by the court in its discretion. In State v. Wardle, 137 Idaho 808, 53 P.3d 1227, (Ct.App. 2002), the Idaho Court of Appeals held:

> Trial courts frequently require as a condition of probation that the probationer undergo such counseling as may be ordered by the probation officer. Such a term gives the officer the ability to tailor any counseling directives to the particular emotional or behavioral problems that may become apparent from the officer's observation of the defendant throughout the probation period. This sort of probation condition reflects the trial court's recognition that the probation officer will have far more contact with the defendant and a better opportunity to evaluate the defendant's counseling needs than the trial court would possess at the time of sentencing. This authority in the hands of the probation officer can be a valuable tool in furthering a defendant's rehabilitation. Although this

> term may appear to give unfettered discretion to the probation officer, the exercise of that discretion is always subject to review by the sentencing court, for a defendant may file a motion asking the court to countermand a probation officer's counseling requirement if the defendant believes it to be unwarranted. *See* I.C. § 20-221 (trial court may modify conditions of probation at any time). *State v. Oyler,* 92 Idaho 43, 47, 436 P.2d 709, 713 (1968); *State v. Williams,* 126 Idaho 39, 44, 878 P.2d 213, 218 (Ct.App.1994).

137 Idaho 808, 811, 53 P.3d 1227, 1230. This Court finds probation is a matter between the Court and the State of Idaho Department of Correction, through its probation officer, to be facilitated by the county prosecuting attorney. It is the court alone which has complete discretion, in probation violation proceedings. The Department of Corrections, through its probation officer, has discretion, subject to review by the court. Here, the Deputy Prosecuting Attorney unilaterally took the only two people who have discretion, this Court and Catherine Gates, out of the proceedings.

It does not appear that the Idaho Supreme Court or Court of Appeals has addressed this issue. Due to the clarity of the above two statues, there is little doubt in this Court's mind how Idaho's appellate courts would rule if presented with this issue. There is authority from other states which is instructive.

The Supreme Court of Indiana, in *Isaac v. State,* 605 N.E.2d 144 (Ind. 1992) discussed a fact situation very similar to what the Deputy Prosecuting Attorney has decided to do in the instant case. In *Isaac*, the prosecutor filed a petition to revoke Isaac's probation, but at hearing, the prosecutor moved to dismiss the petitions. The court denied the motion to dismiss, and the prosecutor "…then declined to present any evidence on the revocation petition, so the judge called the probation officer…to the stand…" 605 N.E.2d 144, 145. The court found Isaac violated his probation. Isaac appealed, claiming the court violated his equal protection and due process rights by not granting the prosecutor's motion to dismiss. *Id. "*The [Indiana] Court of Appeals held the trial court was authorized to refuse to dismiss and upheld the refusal. *Isaac v. State,* 590 N.E.2d 606." *Id.* The Supreme Court of Indiana took the case to review the Indiana Court of Appeals decision that the trial court violated the separation of functions section of the Indiana Constitution by calling an questioning the probation officer. *Id.* The Indiana Supreme Court analyzed the responsibilities of both the prosecutor and the court. That analysis, in its entirety, is as follows:

II. General Procedure for Probation Revocation

There is no right to probation, and the decision whether to grant probation is a matter within the discretion of the trial court. *Farmer v. State* (1973), 257 Ind. 511, 275 N.E.2d 783. The court determines the conditions of probation and may revoke probation if these conditions are violated. Ind. Code Ann. §§ 35-38-2-1 to -3 (West 1986). As part of its supervisory duties, the court appoints probation officers who are directly responsible to the court and subject to its orders. Ind. Code Ann. § 11-13-1-1 (West 1982). One of the duties of probation officers is to notify the court when a violation of a condition of probation occurs. Ind. Code Ann. § 11-13-1-3(7) (West 1982).

Probation revocation is governed by Ind. Code Ann. § 35-38-2-3 (West 1986). The statute does not specify who is to file a petition for probation revocation but common practice is that it may be filed by either the probation officer or the prosecuting attorney. *See, e.g., Malone v. State* (1991), Ind.App., 571 N.E.2d 329 (no error in probation officer filing motion for revocation); *Dalton v. State* (1990), Ind.App., 560 N.E.2d 558 (prosecutor filed motion to revoke); Indiana Judicial Center, Criminal Benchbook for Indiana Judges, Form 20.03 (2nd Ed.1984) (petition for probation revocation form to be signed by probation officer). When a petition to revoke is filed, the court must hold a hearing on the alleged probation violation. Ind. Code Ann. § 35-38-2-3(c) (West 1986). A revocation hearing is in the nature of a civil action, and the alleged violation need be proven only by a preponderance of the evidence. *Henderson v. State* (1989), Ind., 544 N.E.2d 507.

III. Prosecutor's Duty

The prosecuting attorney is a constitutional officer and an officer of the court. Ind. Const. art. 7, § 16; *State ex rel. Latham v. Spencer Circuit Court* (1963), 244 Ind. 552, 194 N.E.2d 606. A prosecutor's duties are prescribed in general terms by statute. *Id.;* Ind. Code Ann. § 33-14-1-4 (West 1982). Although prosecuting attorneys are primarily concerned with prosecuting criminal matters, they also perform duties of a civil nature such as assisting the court by presenting evidence at probation revocation hearings. *Cf. Latham,* 244 Ind. at 556, 194 N.E.2d at 607. We perceive that refusals to perform this duty are rare. The question posed in this case is what options are available to the court when such a refusal does occur.

One possible option open to a judge when the prosecutor refuses to present evidence on a revocation petition is to appoint a special prosecutor. The court has a duty to relieve a prosecutor where he is disqualified by reason of prejudice or hostility to the state's interest. *Hendricks v. State* (1964), 245 Ind. 43, 196 N.E.2d 66. This does not mean that a prosecutor is subject to an arbitrary order of disqualification at the whim of a trial judge. *King v. State* (1979), Ind.App., 397 N.E.2d 1260. If the regular prosecutor objects to his disqualification, the trial court must afford the regular prosecutor an opportunity to be heard before making a determination of disqualification. *Id.* at 1266.

Because probation is subject to the court's supervision, a petition to revoke probation may not be dismissed without the

court's permission. If a prosecutor refuses to proceed with the evidence after his motion to dismiss is denied, the court may relieve him. The prosecutor would be disqualified by reason of his failure to act. The court may then appoint a special prosecutor to go forward with the evidence of the alleged violation. *Cf. Dukes v. State* (1858), 11 Ind. 557, 563 (court has inherent power to appoint attorneys to conduct prosecution of criminal when necessary to prevent failure of justice).

> FN2. The Court of Appeals correctly held that Ind.Code § 35-34-1-13, requiring the court upon motion of the prosecuting attorney to dismiss an indictment or information, did not include motions to dismiss probation revocation petitions. *Isaac v. State* (1991), Ind.App., 590 N.E.2d 606. In an ordinary criminal case, however, if the prosecutor moves to dismiss an indictment or information the court would be obliged to grant the motion. Ind.Code Ann. § 35-34-1-13 (West 1986); *Burdine v. State* (1987), Ind., 515 N.E.2d 1085, 1089.

Because of the costs and delays involved in appointing a special prosecutor, however, this cannot be the only option available to a judge faced with a potential probation violator and no prosecutor to present evidence of the violation. The judge faced with this problem in the case at bar chose to question the probation officer himself. Isaac claims that by calling and questioning the probation officer, the judge abandoned his judicial role and took on the role of prosecutor, thereby violating his due process right to a hearing before a neutral and detached hearing officer.

A defendant at a probation revocation hearing is not endowed with all the same rights he possessed prior to his conviction. *Henderson,* 544 N.E.2d at 512. Formal procedural and evidentiary rules required at criminal trials are not required at probation revocation hearings. *Gagnon v. Scarpelli,* 411 U.S. 778, 789, 93 S.Ct. 1756, 1763, 36 L.Ed.2d 656 (1973). There are certain due process rights, of course, which inure to a probationer at a revocation hearing. These include written notice of the claimed violations, disclosure of the evidence against him, an opportunity to be heard and present evidence, the right to confront and cross-examine adverse witnesses, and a neutral and detached hearing body. *Gagnon,* 411 U.S. at 782, 93 S.Ct. at 1760; *Morrissey v. Brewer,* 408 U.S. 471, 489, 92 S.Ct. 2593, 2604, 33 L.Ed.2d 484 (1972). Indiana Code § 35-38-2-3(d) (West 1986) [FN3] also ensures the probationer the right to confrontation, cross-examination, and representation by counsel.

We can think of three rather different settings which illuminate the boundaries of judicial participation and due process in adjudication.

First, while a trial judge may not assume an adversarial role in any proceeding, we have held that the judge may intervene in the fact-finding process and question witnesses in order to promote clarity or dispel obscurity. *Fox v. State* (1986), Ind., 497 N.E.2d 221. The purpose of allowing the judge to question witnesses is to permit the court to develop the truth or present facts which may have been overlooked by the parties. *Id.* As long as the questioning is conducted in an impartial manner and

the defendant is not prejudiced, such questioning is within the discretion of the court. *Id.*

Second, a court may also initiate and adjudicate certain violations of its orders. For example, if a lawyer fails to file a brief by the time designated in an order granting a final extension of time, this Court may order the lawyer to appear and show cause why he should not be found in contempt. At the hearing on this citation, the members of this Court pose questions regarding the violation of the order. There is no prosecutor to present evidence. It is simply a one-issue inquiry into whether there was a willful failure to obey the order. The Court then decides whether to hold the party in contempt. *See, e.g., Matter of Toomey, Brown v. State* (1989), Ind., 532 N.E.2d 608; *Matter of Cowen, Hough v. State* (1989), Ind., 539 N.E.2d 24; *Eaton v. State, In re Payne* (1991), Ind.App., 566 N.E.2d 550.

Third, this same principle of due process may be seen in quite a different context: discharge of an employee by a public officer in situations in which the supervisor who brings the charges also participates in the decision disposing of the matter. The Seventh Circuit, and others, have rejected due process claims against such procedures. *Panozzo v. Rhoads,* 905 F.2d 135 (7th Cir.1990) ("plaintiff must overcome the presumption that decision-maker is [a person] of conscience and intellectual discipline, capable of judging a particular controversy fairly on the basis of its own circumstances," quoting *Withrow v. Larkin,* 421 U.S. 35, 53-54, 95 S.Ct. 1456, 1467-68, 43 L.Ed.2d 712). *Accord Duchesne v. Williams,* 849 F.2d 1004, 1008 (6th Cir.1988), *cert. denied,* 489 U.S. 1081, 109 S.Ct. 1535, 103 L.Ed.2d 840; *Brasslett v. Cota,* 761 F.2d 827, 836-37 (1st Cir.1985).

The lesson of these examples is that where the matter being decided is immediately within the knowledge or view of the judge or his officers, due process permits the judge to deal more directly with the matter than would be the case if the events under consideration occurred farther away from the judge's purview.

IV. Court's Role in This Case

We conclude that by calling and questioning the probation officer in this situation the trial judge did not abandon his role as neutral fact finder.[FN4] The questions the judge asked were very straight forward and clearly intended to develop the truth and ascertain the facts. The questions were designed simply to determine whether Isaac showed up for his regularly scheduled appointments, an issue within the personal knowledge of the probation officer. Although there may have been some awkwardness when defense counsel objected to the questioning, there was nothing in the questioning to indicate the judge was anything but impartial. A trial judge is not transformed into a prosecutor by calling and asking questions of the court's own probation officer to determine whether the court's probation order has been violated.

FN4. Other courts which have addressed whether a judge abandons his neutral role by questioning witnesses at a probation revocation hearing have found no due process violation. *See, e.g., People v. Rocha,* 299 N.W.2d 16 (Mich.Ct.App.1980) (no due

> process right to have prosecutor present at every probation revocation hearing); *People v. Buford,* 42 Cal.App.3d 975, 117 Cal.Rptr. 333 (1974); *State v. Starbuck,* 239 Kan. 132, 715 P.2d 1291 (1986); *State v. Milton,* 673 S.W.2d 555 (Tenn.Crim.App.1984); *Bennett v. State,* 705 S.W.2d 806 (Tex.Ct.App.1986).
>
> Isaac argues the language of Ind.Code § 35-38-2-3(d) (West 1986), "The state must prove the violation ...", means that only the prosecutor can present evidence of the alleged violation. A probation revocation hearing is not, however, to be equated with an adversarial criminal proceeding. *Gagnon,* 411 U.S. at 789, 93 S.Ct. at 1763. It is a narrow inquiry, and its procedures are to be more flexible. *Morrissey,* 408 U.S. at 489, 92 S.Ct. at 2604. At a probation revocation hearing the court is only trying to determine whether its probation order has been violated. **The prosecutor usually assists by presenting evidence of a violation of the terms of the probation. It cannot be said that if the prosecutor refuses to present the evidence, however, the court is helpless to enforce its probation order. To deny a court power to enforce obedience to its lawful orders is to nullify its effectiveness as an independent branch of government.** *State ex rel. Brubaker v. Pritchard* (1956), 236 Ind. 222, 138 N.E.2d 233. **The power of a court to enforce compliance with its orders duly entered is inherent.** *Id.*

605 N.E.2d 144, 146-48. (bold added) (footnote 1, 3, 5 omitted). The Ninth Circuit Court of Appeals has similarly held that:

> A district court has supervisory authority over and maintains a relationship of trust with a defendant on supervised release. *See United States v. Marvin,* 135 F.3d 1129, 1137 (7th Cir.1998) ("We begin with a recognition that 'the violation of a condition of supervised release is not a crime, but it is a "breach of trust," and a ground for revocation of supervised release.' ") (quoting *United States v. Hill,* 48 F.3d 228, 232 (7th Cir.1995)) (alterations omitted); U.S. Sentencing Guidelines Manual, Ch. 7, Pt. A(3) (1997). As a result of this relationship, a district court may *sua sponte* initiate revocation proceedings whenever it obtains information that a defendant has violated a condition of his release. *See United States v. Feinberg,* 631 F.2d 388, 391 (5th Cir.1980) (per curiam).

United States v. Mejia-Sanchez, 172 F.3d 1172, 1175 (9th Cir. 1999). The Ninth Circuit continued:

> When a probation officer provides a petition on supervised release to a district court, she is fulfilling her statutory obligation to monitor and report on the defendant's conduct. *See Burnette,* 980 F.Supp. at 1433 (probation officers are an investigative and supervisory arm of the court). The probation officer's petition does not itself initiate revocation proceedings; instead, it is the district court that ultimately decides whether to initiate revocation proceedings after considering the probation officer's

> report and petition. *See Davis,* 151 F.3d at 1307 ("the sentencing court, not the probation officer, ultimately determines whether revocation proceedings will be initiated"); *Berger,* 976 F.Supp. at 949 ("Regardless of the title on the [petition], it was I as sentencing judge who initiated the revocation proceeding-not the probation officer."). As noted, the probation officer acts within the scope of her statutory authority when submitting a petition on supervised release to the court, and the district court may *sua sponte* initiate revocation proceedings after considering this information.

172 F.3d 1172, 1175

As to counsel for Hall-Johnson's claim that the Court insisting on an order to show cause hearing in this case violates the separation of powers clause, just the opposite is true. "Indeed, some courts have recognized that relegating this supervisory power [] to the United States Attorney "'would be tantamount to abdicating the Judiciary's sentencing responsibility to the Executive.'" *United States v. Mejia-Sanchez,* 172 F.3d 1172, 1175 (9th Cir. 1999), *citing United States v. Davis,* 151 F.3d 1304, 1308 (10th Cir. 1998), *quoting United States v. Berger,* 976 F.Supp 947, 950 (N.D.Cal. 1997). "Nothing seems more unsuitable than a system in which the Court would be empowered to proceed on an alleged violation of a condition of supervised release only if the United States Attorney's Office exercised its prosecutorial discretion to place a decision in front of the Court." *United States v. Mejia-Sanchez,* 172 F.3d 1172, 1175, *citing United States v. Wilson,* 973 F.Supp. 1031, 1033 (N.D.Ca. 1997).

III. CONCLUSION AND ORDER.

This Court finds it has the jurisdiction, authority and discretion to schedule an order to show cause hearing.

IT IS HEREBY ORDERED that an Order to Show Cause Evidentiary Hearing will be held in this matter on July 31, 2013.

IT IS FURTHER ORDERED that the Kootenai County Prosecuting Attorney has until June 28, 2013, to file with the Court, notice as to whether a deputy Kootenai County Prosecuting Attorney will issue subpoenas and cover that July 31, 2013, evidentiary hearing. If the Kootenai County Prosecuting Attorney fails to file such notice or refuses to issue subpoenas and cover the evidentiary hearing, the Court will appoint a special deputy prosecuting attorney to do so.

DATED this 21st day of June, 2013.

_____
JOHN T. MITCHELL District Judge

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of June, 2013 copies of the foregoing Order were mailed, postage prepaid, or sent by facsimile or interoffice mail to:

Defense Attorney - Rick Baughman Faxed to (208) 327-7445]
Prosecuting Attorney -
Probation & Parole – CATHERINE GATES

CLERK OF THE DISTRICT COURT
KOOTENAI COUNTY

BY:_____
Deputy