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

STATE OF IDAHO,

Plaintiff,

V.

BRYAN C. KOHBERGER,

Defendant.

CASE NUMBER CR01-24-31665

**DEFENDANT'S EXHIBIT LIST FOR
DEATH PENALTY MOTION RE:
GROUNDS OF ARBITRARINESS**

COMES NOW, Bryan C. Kohberger, by and through his attorneys of record, and hereby files with the court his redacted Exhibit A. At the hearing held on November 2, 2024 Judge Hippler granted the defense permission to file a redacted copy of the below exhibit.

Exhibit Disclosures:

- **Exhibit A:** PowerPoint by Professor Cover and data in support of study. (redacting child and sexual assault victim names).

PDF documents attached; USB electronic of same will be filed no later than 11/18/24 due to small print created by PDF conversion of Professor Cover's study. The USB electronic file is more readable.

DATED this 13 day of November, 2024.



ANNE C. TAYLOR
ANNE TAYLOR LAW, PLLC

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served as indicated below on the 13 day of November, 2024 addressed to:

Latah County Prosecuting Attorney –via Email: paservice@latahcountyid.gov
Elisa Massoth – via Email: legalassistant@kmrs.net
Jay Logsdon – via Email: Jay.Logsdon@spd.idaho.gov
Jeffery Nye, Deputy Attorney General – via Email: Jeff.nye@ag.idaho.gov
Ingrid Batey, Deputy Attorney General – via Email: ingrid.batey@ag.idaho.gov



**NARROWING
DEATH-ELIGIBILITY
IN IDAHO:
AN EMPIRICAL
AND
CONSTITUTIONAL
ANALYSIS**

PROFESSOR
ALIZA PLENER COVER

DEFENDANT'S
EXHIBIT NO. A
IDENTIFICATION / EVIDENCE
CASE NO. 01-24-31665
DATE: 11/13/24



Why this study?

Why Idaho?

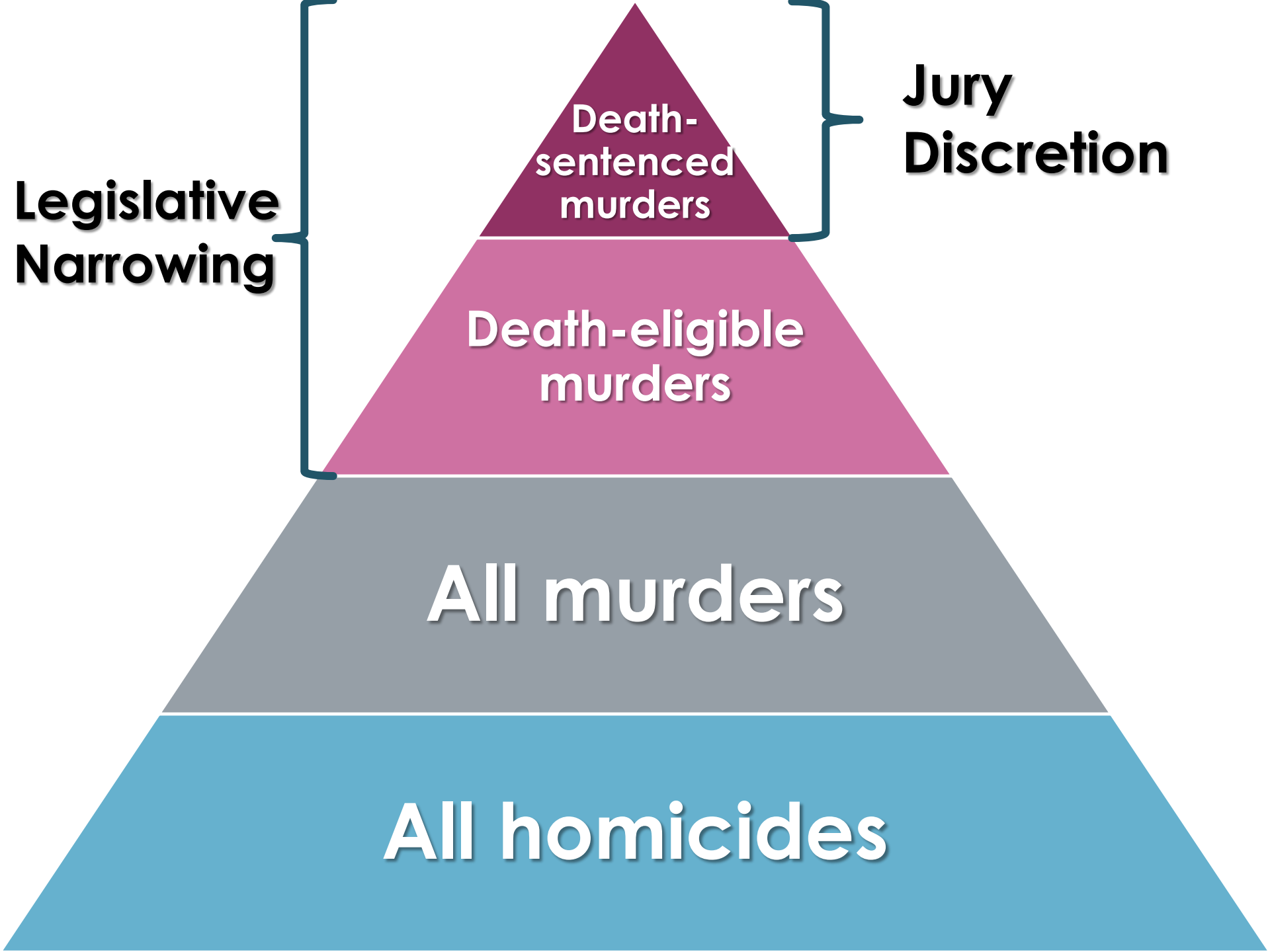


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graph TD; A[Guided discretion] --> B["Statutory narrowing ('eligibility decision')"]; A --> C["Individualized decision-making (including mitigation)"]
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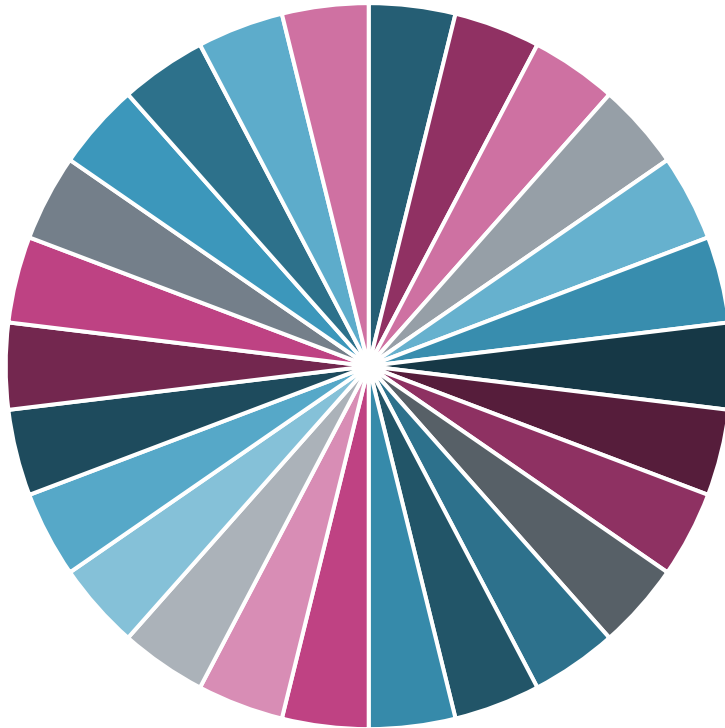
Guided
discretion

Statutory narrowing
("eligibility decision")

Individualized
decision-making
(including mitigation)



Last names



■ A ■ B ■ C ■ D ■ E ■ F ■ G ■ H ■ I ■ J ■ K ■ L ■ M
■ N ■ O ■ P ■ Q ■ R ■ S ■ T ■ U ■ V ■ W ■ X ■ Y ■ Z

THE
CUMULATIVE
EFFECT OF
MULTIPLE
CATEGORIES
ON THE
NARROWING
FUNCTION

STEP 1

- Analysis of Statutes & Caselaw

FIRST
DEGREE
MURDER
(PRE-
MEDITATED)

Idaho Code § 18-4003.

(a) All murder . . . which is perpetrated by any kind of willful, deliberate and **premeditated** killing is murder of the first degree.

FIRST
DEGREE
MURDER
(FELONY
MURDER)

Idaho Code § 18-4003.

* * *

(d) Any murder committed in the perpetration of, or attempt to perpetrate, aggravated battery on a child under twelve (12) years of age, arson, rape, robbery, burglary, kidnapping or mayhem, or an act of terrorism . . . or the use of a weapon of mass destruction, biological weapon or chemical weapon, is murder of the first degree.

CONTRAST WITH OTHER STATES

Examples:

- Louisiana First Degree Murder
- Texas Capital Murder
- Kansas Capital Murder

AGGRAVATING CIRCUMSTANCES

IDAHO CODE § 19-2515(9)

(9) The following are statutory aggravating circumstances, at least one (1) of which must be found to exist beyond a reasonable doubt before a sentence of death can be imposed:

(a) The defendant was previously convicted of another murder.

(b) At the time the murder was committed the defendant also committed another murder.

(c) The defendant knowingly created a great risk of death to many persons.

(d) The murder was committed for remuneration or the promise of remuneration or the defendant employed another to commit the murder for remuneration or the promise of remuneration.

(e) The murder was especially heinous, atrocious or cruel, manifesting exceptional depravity.

(f) By the murder, or circumstances surrounding its commission, the defendant exhibited utter disregard for human life.

(g) The murder was committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, burglary, kidnapping or mayhem and the defendant killed, intended a killing, or acted with reckless indifference to human life.

(h) The murder was committed in the perpetration of, or attempt to perpetrate, an infamous crime against nature, lewd and lascivious conduct with a minor, sexual abuse of a child under sixteen (16) years of age, ritualized abuse of a child, sexual exploitation of a child, sexual battery of a minor child sixteen (16) or seventeen (17) years of age, or forcible sexual penetration by use of a foreign object, and the defendant killed, intended a killing, or acted with reckless indifference to human life.

(i) The defendant, by his conduct, whether such conduct was before, during or after the commission of the murder at hand, has exhibited a propensity to commit murder which will probably constitute a continuing threat to society.

(j) The murder was committed against a former or present peace officer, executive officer, officer of the court, judicial officer or prosecuting attorney because of the exercise of official duty or because of the victim's former or present official status.

(k) The murder was committed against a witness or potential witness in a criminal or civil legal proceeding because of such proceeding.

“FUZZY” AGGRAVATORS

(e) The murder was especially **heinous, atrocious or cruel**, manifesting exceptional depravity.

(f) By the murder, or circumstances surrounding its commission, the defendant exhibited **utter disregard for human life**.

* * *

(i) The defendant, by his conduct, whether such conduct was before, during or after the commission of the murder at hand, has exhibited **a propensity to commit murder** which will probably constitute a continuing threat to society.

STEP 2

- Study: Gathering Data

METHODOLOGY

- Universe of Cases
 - Date range: June 2002 – 2019
 - Source: List of cases charged 1D or 2D from Idaho Supreme Court
 - Excluded cases

METHODOLOGY

- **Case file review (with research assistants)**
 - Court filings/transcripts from attorneys
 - Court records in courthouses
 - Online sources
 - Westlaw
 - U of I Digital Commons case file repository
 - iCourt
 - Idaho Department of Correction offender search

METHODOLOGY

Information collected:

- Offense charged?
- Notice of intent to seek the death penalty?
- Death penalty sought at trial?
- Offense of conviction?
- Did the facts support a first-degree murder conviction?
- Was a conviction obtained by plea or verdict after trial?
- Was the sentence death or less than death?
- If the case was procedurally or factually first-degree murder, did any of the “clear” aggravators apply?
- If no “clear” aggravators applied, did any of the “fuzzy” aggravators apply?
- Explanation

METHODOLOGY

- 194 cases: sufficient information
- 26 cases: insufficient information

CATEGORIZING CASES

Categorization	Definition
1DCap	High level of confidence the case was both first-degree and death-eligible
1DMaybeCap	High level of confidence the case was first-degree; significant possibility that it was death-eligible
1DNon	High level of confidence the case was first-degree; low possibility that it was death-eligible
2Dv1D	Unable to categorize as first-degree with confidence
2D	High level of confidence the case was not first-degree

METHODOLOGY

- “Controlling fact-finding” rule
- Deference to prosecutorial allegations of facts, unless rebutted by judge/jury
- “Legal sufficiency” rule, assuming as true the prosecutorial allegations

STEP 3

- Analysis & Findings

FIRST-DEGREE ELIGIBILITY

Factual or procedural 1D		Charged 1D		Convicted 1D	
#	%	#	%	#	%
167 – 175	86 – 90%	173	89%	108	56%

DEATH-ELIGIBILITY

CASE CATEGORY	TOTAL #	1DCAP	1DMAYBECAP	DEATH ELIGIBILITY RATE (%)
Factual / procedural 1D	167	155	9	93 – 98%
1D conviction (procedural 1D)	108	105	2	97 – 99%
1D charge	173	146	9	84 – 89%
All cases in study (1D and 2D)	194	155	9	79 – 85%

% of death-eligible convictions

Notice of intent to seek death filed	Death sought at trial	Death sentence imposed
21%	5%	3%

Furman: approximately 15-20% of convicted, death-eligible murderers sentenced to death

CHARGING DECISIONS

INTERSTATE COMPARISON

State (date range)	Death eligibility (%)		
	% of procedural 1D murders	% of factual & procedural 1D murders	% of all murders (1D and 2D)
Idaho (2002 – 2019)	97 - 99%	93 - 98%	79 - 85%
Arizona (2002 – 2012)	98%	-	-
California (1978 – 2002)	95%	86%	68%
Colorado (1999 – 2010)	-	90.4%	-
Georgia (1974 – 1979)	-	-	86%
Georgia (1995 – 2004)	-	-	56%
Maryland (1978 – 1999)	-	-	~ 21%
Nebraska (1973 – 1999)	-	-	25%

GEOGRAPHY

County	Death-eligible cases	Death-eligible cases w/ notice of intent to seek death		Death-eligible cases where death sought at trial		Death-eligible cases w/ death sentence	
		#	%	#	%	#	%
Total	155	32	21%	7	5%	4	3%
3 biggest by population - Ada, Canyon, Kootenai	76	20	26%	7	9%	4	5%
All but 3 biggest counties	79	12	15%	0	0%	0	0%

OTHER FACTORS / OBSERVATIONS

- **Egregiousness** (many highly aggravated cases – multiple homicides, torture, etc. – did not result in capital trials)

CONCLUSIONS

■ **Key findings**

- Minimal statutory narrowing: statutes are doing little to winnow down the class of murderers eligible for the death penalty
- Low rate of filing notice of intent to seek the death penalty, pursuing death at capital trial, securing death sentences

■ **Prosecutorial discretion**

- Unconstrained discretion for prosecutors, with minimal legislative narrowing, is inconsistent with constitutional mandate
- Death penalty as bargaining chip?
- Weakens penological justifications of the death penalty: lessens deterrent effect; undermines arguments that it's necessary for purposes of retribution or deterrence
- Evolving standards of decency

OREGON, 2019 – EXAMPLE OF A NARROWED STATUTE

Aggravated Murder:

[1] Murder of 2 or more people – terrorism;

[2] While in custody and after a previous homicide conviction;

[3] Premeditated and against a child under 14 years of age; or

[4] Premeditated and against a police officer or other officer

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X											
1	Defendant	Researcher	County	Charge ID # (DOCS)	Clear vs. Homicide	File source	Charge ID # (DOCS)	Death (yes/no)	DO# sought (yes/no)	Offense (premeditated)	Completion: note ID of statute	Sex	Age	Facts support 1D murder conviction?	Sentence received?	Clear aggressor(s)?	HAC/Utter charge(s) (premeditated)?	Explanation	Media address	Race of Def.	Race(s) of victim(s)	Gender of Def.	Gender(s) of victim(s)	Additional sources consulted	Date of incident									
1	Douglas, John C.	AC	Ada	10Cap	Clear	DOCS/court	1D	no	no	1D murder 1st attempted 1D murder 1D	no	male	19	Yes (convicted, premeditated)	WOP	9(B) (more than one murder)				Black	multi	male	Multi (male, male)											
2	Sanchez, Jose	AC	Ada	10Cap	Clear	SAPD hard copy	1D	no	no	1D murder (premeditated) 1D robbery (premeditated) 1D theft	no	male	19	Yes (convicted by jury, premeditated)	less than death	POSSIBLE 9(g) (robbery) - but also possibility remuneration (see explanation)	HAC, utter discharged, grossly				Hispanic	Hispanic	male	male	4/18/2007									
3	Lopez, Christian, Jorge	AC	Shawnee	10Cap	Clear	DOCS/court	1D	no	no	1D murder 1D	no	male	19	Yes (convicted)	1st WOP	9(B) (more than one murder)					Hispanic	multi	male	Multi (Male, 2 male, African)										
4	Sanchez, @braxo3	AC	Ada	10Cap	Clear	DOCS/court	1D	yes	yes	1D murder 1D	no	male	19	Yes (Bartore, 498 battery - see verdict form p. 434)	WOP						Hispanic	multi	male	child	12/7/2003									
5	Herrera, Paul Edgar	AC	Canyon	10Cap	Clear	SAPD affix	1D	no	no	1D murder, robbery, burglary, kidnapping second degree, and aggravated battery	no	male	19	Yes (convicted)	less than death	9(g) murder committed in perpetration of kidnapping, robbery, burglary					Hispanic	male	male	male										
6	Brink, Donald	AC	Pain Falls	10Cap	Clear	DOCS/court	1D	no	no	1D murder 1D	no	male	19	Yes (premeditated)	less than death	possible 9(c) (great risk of death to many persons) - holding 40 people at gunpoint	utter discharged / Property?					Native American	White	male	male									
7	Ehrlich, Daniel Edward Jr.	AC	Ada	10Cap	Clear	SAPD affix	1D	no	no	1D murder (death by torture, aggravated death by egg bat of child)	no	male	19	Yes (convicted)	less than death	Annotated indictment alleges: "That the Defendant, DANIEL EDWARD EHRLICH JR., ... did unlawfully and with the intentional application of torture, kill and murder (premeditated) a human being, by intentionally inflicting upon (premeditated) extreme and prolonged pain with the intent to cause suffering, and/or by inflicting upon (premeditated) extreme and prolonged acts of cruelty with the intent to cause suffering, to increase vengeance, or to satisfy some sadistic inclination, by inflicting repeated acts of blunt force trauma to the abdomen and/or head of (premeditated), an eight (8) year old child, ... with his hands, knees, fists, and/or feet, and/or by other means of physical force, physical abuse, and/or emotional abuse, which caused bruising, pain, abdominal bleeding and injuries, and/or head injuries including bleeding and/or brain swelling, from which injuries, force, and/or abuse (premeditated) died or around the 24th day of July 2000." The jury found the existence of two aggravating circumstances: (1) the defendant knowingly created a great risk of death to many persons and (2) by the murder or commission of this offense, the defendant exhibited utter disregard for human life.	HAC, Utter discharged																	
8	Abdulrah, Kaaf	AC	Ada	10Cap	Clear	DOCS/court	1D	yes	yes	1D murder 1D	no	male	19	Yes (premeditated)	death	9(c) (great risk of death to many persons)	utter discharged					Other	male	female										
9	William P. Moore	AC	Canyon	10Cap	Clear	SAPD affix	1D	no	no	1D murder 1D	no	male	19	Yes (convicted)	less than death	9(B) (more than 1 murder)					White	Multi-White	male	Multi (Male and female)										
10	Moore, David	AC	Ada	10Cap	Clear	DOCS/court	1D	no	no	1D murder 1D	no	male	19	Yes (convicted, premeditated)	WOP	9(B) remuneration					White	Unknown	male	female	2003									
11	Carver, David	AC	Shawnee	10Cap	Clear	SAPD hard copy	1D	no	no	1D murder (battery on under 12)	no	male	19	Yes (convicted)	WOP						White	Unknown	male	child										
12	Wood, Bryan Lee	CC	Canyon	10Cap	Clear	SAPD affix	1D	no	no	1D murder (robbery charge substituted by murder charge) 1D	no	male	19	Yes (convicted)	Not death	9(g) murder committed in the perpetration of a robbery & defendant acted with reckless indifference of human life.	utter discharged				White	White	male	male										

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X											
															<p>The autopsy findings demonstrate violent death from multiple gunshot wounds, several severely fractured ribs, and a dislocated bone. Additionally, the admissible evidence against Mallory was overwhelming. Such evidence included the testimony of the officer that responded to Mallory's residence and found the victim dead in her bedroom. This officer testified that, when he first entered the room, Mallory was crouched on the bed with the victim and looking her dead. The officer further testified that, after discovering the victim had no pulse, the officer conducted a field interview with Mallory to gain information. The officer testified:</p> <p>Obviously being that it was a crime scene, I removed Mr. Mallory from the crime scene. I took him up—initially upstairs and then eventually moved him out to the front of the residence. . . . Well, as we were exiting the residence, he advised me that—or he requested that he have a cigarette prior to going to jail. I kind of thought that was a bit unusual, as I didn't make any interrogation-type questions at that point."</p> <p><i>State v. Mallory</i>, No. 3774, 2012 WL 848833, at *3 (Ia.S.Ct., App. Apr. 4, 2012)</p>																			
															<p>Sentencing transcript: state argues that based on prior incidences of domestic violence (not convicted), there is "a history and a propensity for violence that goes back several years and has not changed. . . . Mr. Mallory has shown by his conduct over the years that he is a violent individual, someone that is violent after alcohol and sometimes even without alcohol." [49] "The Court based the testimony from the medical examiner who noted numerous external injuries and internal injuries including broken ribs, broken cornea, the fracture of the thyroid cartilage, the fracture of the thyroid cartilage, old rib breaks as well as new rib breaks. Mrs. Mallory was beaten and then she was strangled to death. The medical examiner testified that that death took a minimum of four minutes and that presented that the previous was consistent and it was not set up. It could have been much longer. Mr. Mallory is a danger that got back on the street, your Honor. This is not some aberrant behavior or factors that are unlikely to occur again. . . . It's only a miracle that he hasn't got to this court to this point in time earlier in his life." [49]</p>																			
21	Mallory, Gary Wayne	AC	Nez Perce	10Cap	felony	OCJ/court, business file	10	no	no	10	murder	10	felony	yes (convicted, premeditated)	less than death	letter disregarded, propensity		white	white	male	female													
	Heard	AC	Nez Perce	10Cap	felony	SAPD affa	10	no	no	10	murder	10	felony	yes (convicted, by premeditation and torture)	less than death	Clear PAC		white	white	male	male													
															<p>Judge at sentencing:</p> <p>The victim in this case, as I indicated, was actually defenseless, sat bleeding from a gunshot wound to his legs, when you chose to take his life." 1799-1800 (he shot in the head after someone else shot him in the leg) "Under subparagraph (1), I have to determine whether your conduct was a result of circumstances justifying lesser merit. And I cannot say with complete truth in fact, given your history of violence, your anger, the continued desire to take the lives of others who have wronged you, the problems you've had even when incarcerated show that similar conduct most likely will occur in the future." 1800-01 "The possible consequences of killing a human being did not deter you. Therefore, a lengthy sentence will deter or prevent your ability to carry out such acts or other crimes in the future. However, the sentencing investigation, those with whom you are incarcerated will not be at all. In addition, the manner by which you took the life of Mr. Davis shows a callous disregard for human life and the law and, therefore, a greater need to impose a sentence that will protect society. As such, imprisonment will provide an appropriate punishment." 1802-03 "All I can say to this factor is that a sentence of imprisonment should deter most persons from committing such a crime. It may not, however, deter those who have a mental disregard for human life, such as yourself." 1804 "I described criminal history [I] can only agree that you are a professional criminal. I'm also concerned with the nature of the violence of prior convictions." 1805 "In all of my legal career, I have never seen a conviction in a defendant as at risk to those with whom the defendant is incarcerated with." 1806 "The victim in this case may have been a drug addict, may have been a drug dealer, may have been a thief, but that does not justify execution, he was injured. He was defenseless. Rather than assist in getting him the necessary medical care, you chose to kill him, showing a complete disregard and callousness towards life." 1808-07 "Sentencing to feed life and says: "Now, feed life is one of the harshest sentences that we can hand down and is reserved only for those offenses that are so heinous that it demands an exceptionally high measure of retribution or that the evidence indicates that the offender cannot successfully be reintegrated in society to reduce the risk to those who come in contact with that individual and that imprisonment until death is the only way to ensure that we are protecting society. In my view, that is the case here. This murder was so cruel, showed such a lack of concern and respect for humanity that a feed sentence is appropriate. The inhumanity of this case and the very nature of this offense requires that we serve the rest of your life in prison. I can assure that any type of rehabilitation would be fruitless and that you are too high a risk to impose a sentence of anything less than feed life." 1808</p>																			
23	Smith, Madison	AC	Brighton	10Cap	felony	SAPD affa	10	no	no	10	murder	10	felony	yes (convicted, premeditated murder)	WOP	HAC, letter disregarded, propensity		white	white	female	male													
															<p>See Idaho Ct. of Appeals Decision. August 2005, Thurlow and Christopher Lewers went to a jewelry armed with concealed handguns and baseball bats. The victim, who was working on his vehicle near the jewelry garage, was shot in the head with a shotgun at close range. . . .</p> <p><i>State v. Thurlow</i>, 152 Idaho 256, 257, 269 P.3d 813, 814 (Id. App. 2011)</p> <p>Thurlow asserts that the district court considered only the premeditated nature of the crime when fashioning the feed life sentence. It is undisputed that Thurlow went to the jewelry with Lewers armed with a baseball bat and a concealed shotgun, stole the victim's belongings after the murder, concealed evidence of the crime, led to police, and failed to provide any explanation for why the murder occurred. At sentencing, the district court noted not only the calculated nature of the crime, but also the theft and later causal bargaining of the victim's belongings, and the striking lack of motive for the "harmless" murder. Thurlow denied culpability in his participation in the crime, which demonstrated little potential for rehabilitation. Based on his decision to appeal his conviction, forty-five-year-old Thurlow declined to discuss his participation in the murder and established no remorse for the victim's death in the presentence investigation report. While Thurlow later expressed remorse for the victim's death during the sentencing hearing, he also remarked that only the loud noise what happened on the night of the murder and that he would not "go over what happened" during the allocution. On appeal, he continues to deny his culpability, arguing that testimony at trial "suggests" that he prevented the murder of the caretaker and that the evidence suggests that "the most likely did not pull the trigger." However, the evidence Thurlow refers to is primarily his own testimony, which the district court found to be inconsistent with the evidence presented at trial. Thurlow's request that the district court consider only the premeditated nature of the crime as the reason for the imposition of the feed life sentence. The district court also considered the lack of motive for the murder, the callous nature of the crime, and Thurlow's potential for rehabilitation.</p> <p><i>State v. Thurlow</i>, 152 Idaho 256, 260, 269 P.3d 813, 817 (Id. App. 2011)</p>																			
24	Thurlow, Kenneth	AC	Boomer	10Cap	felony	OCJ/court	10	no	no	10	murder (premeditated)	10	felony	yes (convicted, premeditated)	WOP	letter disregarded, propensity		white	white	male	male													
															<p>Sentencing, prosecutor (p. 668-669 of pdf): "In this case what do we have? We have Mr. Wilson, who uses a gun, has at least one prior felony, maybe two. We don't know if that's a misdemeanor felony, but clearly, it was charged as a felony of a sexual assault. So again, it is a type of violent crime that he was charged with, unrelated to a criminal sexual conduct in the second degree, with multiple variables, whatever that means. But clearly, it's some other type of unconsented [sic] conduct. Fifteen years later — this is the 2005 case that he serves time on. on the court recalls — and this was the 40483 evidence — this was his sister — law, who posed him off, and so he tried to break her neck, tried to kill her, admitted that he tried to kill her. He wanted her dead, but he wasn't strong enough and didn't have the right technique to break her neck. Felony, close prison time. Thirteen months in prison. He had just over ten years later. What does he do? He gets involved with Pat Brown, who was a kindergarten woman who would help out people that needed help. . . . She takes him in. He lives with her from at least 2014 until he kills her."</p> <p>Sentencing, prosecutor (873): "He pulls the gun up, looks down that barrel at the back of her head and pulls that trigger. And the court's seen the pictures at the trial. She falls down. She's spewing blood out of her mouth, trying to breathe. He watches her until he calmly shuts the door, walks upstairs, and starts drinking beer. How long did he watch her before he shut the door and went upstairs? We don't know. How long did he sit there and watch her to make sure she was dead before he went back upstairs? We don't know."</p> <p>874-875: "Mark Wilson's prior record is, he tried to kill his sister — law and wasn't able to do it. . . . Mr. Wilson is a threat to society. He is a dangerous person. He can clearly — no matter what happened since he was 16 years old, he cannot quit drinking. And he wants to blame everybody else."</p>																			
															<p>Judge at sentencing (688): "In a very callous way did not attempt to take your own life but aimed the weapon at her at fairly close range and shot her in the back of the head, as the state has indicated. And as the jury heard, you then basically left her in that dark room, in that door, went back upstairs. And she was still breathing, still alive at that point. You went back upstairs, opened a can of beer, and sat for some period of time, by your account, approximately ten minutes, before calling 9-1-1."</p> <p>Your incident with sister-in-law (clearly demonstrates propensity): "It was clear from that incident report that you very much intended to kill her and to take her life and that you were trying to strangle her, you were trying to break her neck. And when you were being interviewed by the police, you made it very clear that you intended to kill her, that you didn't understand why you couldn't break her neck, as it appears on the 715 and so forth. But that was certainly your intent, and you made no apologies for what you were trying to do in that case either." (Judge, 688)</p> <p>Judge, p. 692: "And in this case I find that there is a risk that another crime would be committed if you were not incarcerated. It's really just a determination of how long that incarceration should last."</p>																			
25	Wilson, Mark Charles	AC	Custer	10Cap	felony	SAPD affa	10	no	no	10	murder (premeditated)	10	felony	yes (convicted, premeditated)	less than death	letter disregarded, propensity		white	white	male	female													
															<p>Idaho Supreme Court Opinion: "Defendant was convicted of the murder of his three-month-old son and was sentenced to feed life sentence based upon the jury's finding that he exhibited utter disregard for human life." <i>State v. Carson</i>, 153 Idaho 713, 715, 244 P.3d 84, 86 (2011) (Sentenced to feed life but jury found utter disregard applied.)</p>																			
26	Carson, Ora	AC	Carson	10Cap	felony	SAPD hard copy	10	yes	yes	10	murder (child under 12)	10	felony	yes (Hagg battery child under 12)	WOP	none		white	white	male	child													
	Smith, Jonathan	AC	Kootenai	10Cap	felony	court	10	yes	yes	10	murder + robbery + others	10	felony	yes (convicted)	death	96j (burglary), 96j (peace officer)	propensity		white	white	male	male												
	Daniel	AC	Kootenai	10Cap	felony	court	10	yes	yes	10	murder	10	felony	yes (convicted)	death	96j (burglary), 96j (peace officer)	propensity		white	white	male	male												
															<p>Case involves murder of wife by poisoning. Death noticed initially. Eventually the death notice was withdrawn after defense filed a motion to oppose the age factors.</p> <p>Prosecutor at sentencing: "Well you look at the planning, the attempts, the overall course in this case of a man taking enough time to hear open hundreds of capsules to empty them out, fill them full of drugs, put them back together. . . . [John Daniels] . . . that shows someone who has the dedication and commitment and willingness to follow through with a crime. That shows a cold calculated mathematical person. [4417]"</p> <p>"This was a psychological calculated manipulated murder to get the benefit of \$300,000 life insurance policy, and to get the benefit of a new woman." [4992]</p> <p>Closing arguments, prosecutor is arguing that "Grand" killed Mary Severson. 3995. 4004 Lots of property in her name that he would lose to divorce. Insurance policy (was 3993). "He gets the \$300,000 life insurance policy. He gets the house that still in his name, and that business business he and she has. And all those cars come back to him. And guess what? He is now free. Free financially, free to pursue whatever he wants. Grand and lost his Mary Severson at the hands of the defendant. That's first-degree murder. Premeditated, willful, deliberate killing of a human being. That's poison for you." [4061]</p>																			
28	Severson, Larry M.	AC	Shoshone	10Cap	felony	SAPD hard copy	10	yes	no	10	murder	10	felony	yes (convicted, premeditated)	less than death	96j remuneration	letter disregarded		white	white	male	female												

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
29	McDemott, Jason Ryan	AC	Ada	10Cap	hezy	DC/Court	10	yes	yes	10 murder + conspiracy	10	very	yes (convicted, premeditated)	WOP	HAC, utter diverge, propensity	<p>State v. McDemott, No. 32071, 2009 WL 5150885, at *2 (Idaho Ct. App. July 2, 2009)</p> <p>A failure to reach a unanimous decision on accomplice, without a unanimous finding that it was not proven, is like a hung jury and is not an "acquittal." See Sartzahn v. State, 146 Idaho 348, 349-51 P.3d 1055, 1056 (Idaho Ct. App. 2005).</p> <p>The State filed a motion of intent to seek the death penalty against McDemott alleging three statutory aggravating circumstances: (1) "The murder was especially heinous, atrocious or cruel, manifesting exceptional depravity;" (2) "The defendant exhibited utter disregard for human life;" and (3) "The defendant, by prior conduct or conduct in the commission of the murder at hand, has exhibited a propensity to commit murder which will probably constitute a continuing threat to society." McDemott was ultimately found guilty by a jury of all the charges, but the jury was unable to reach a unanimous decision on the statutory aggravating circumstances that would have triggered the death penalty. The court imposed concurrent determinate life sentences for first-degree murder and conspiracy to commit first-degree murder with a consecutive ten-year determinate term as a sentence enhancement for the use of a firearm. McDemott now appeals asserting that the district court abused its sentencing discretion.</p>	White	male	male				
30	Walt, Matthew Jr.	AC	Ada	10Cap	hezy	DC/Court	10	yes	no	10 murder	10	very	Yes (convicted, premeditated)	yes than death	HAC, utter diverge, propensity (see 232 of Clark's Record)	<p>State v. Walt, 146 Idaho 348, 349-51 P.3d 1055, 1056 (Idaho Ct. App. 2005)</p> <p>from state PC brief, outlining 10 of aggravating factors. According to the State's evidence presented at trial, on a certain night on the evening of August 18, 2002, a Portland Hughes pushed his daughter, [victim], towards his room covering the boy and his head as the wife of force that is generally necessary, generally not the kind of force that one uses with minor accidents, but rather it would be the type of force that one uses from a fall from a two or three story building, for example, or a significant amount of blunt force." (Tr. 43-64)</p> <p>State's theory is hit his head against toilet basin. Autopsy doc says consistent with theory. (Tr. 68)</p> <p>Testimony at trial re: aggressiveness when drunk (p. 427-428)</p> <p>Sentencing; prosecutor argues "[A]s go back over this incident and I think about [victim]'s injury and the fact that it covers half of his skull, and Mr. Hughes had custody of that little boy, and I think about that conversation on the tape where they're talking about chocolate milk, the one played for the jurors in closing argument, that was a child that was in a way, and sometimes that was, and the next phone call, Mr. Hughes did something to him to cause an injury that never, and he confessed to law enforcement that it was by throwing him or directing him toward the toilet, and that is the version the jury accepted. And the other version is ridiculous, and that is what I continue to forward as the story. He continues to stick by the fact that it was an accident and it was the car. He fails to accept responsibility. He didn't pass judgment." (Tr. 478) "This society needs to be protected from these sorts of acts and Mr. Hughes, because he doesn't get it. As long as he has the ability to be around children - ... This man needs to be away from children, because he is volatile and he will snap, and we've seen the results." (Tr. 478)</p>	White	male	male				
31	Hughes, Randy Darin	AC	Bozeman	10Cap	hezy	SAPD hard copy	10	no	no	10 murder	10	very	Yes (convicted history murder; 486 battery of child)	yes than death	HAC, possible propensity	<p>Judge concludes that he does have remorse (492) "I think that you do pose a danger and will continue to pose a danger until you obtain a great deal more maturity than you have now." (Tr. 491)</p> <p>Sentencing in prosecutor p. 33 "The felony murder rule by which the defendant is being sentenced under and was charged under - one of the main purposes is to deter people from committing felonies..."</p> <p>Sentencing in prosecutor p. 33-34 "One of the main reasons that this crime occurred was greed and the need for money..." The defendant himself admitted that he reportedly killed and Steven was being hit by his son. And we have the testimony of his co-defendants about the thing he was causing during the incident. Not only did this beating cause Steven's heart attack, but it caused bleeding in his lungs, making it impossible for medical personnel to intervene. This was not the first robbery this group had attempted. They believe, using a very similar trap as the one they set for Steven Nelson, they attempted to lure another victim to a remote location in sake speed in order to rob him. They used force, all of force. And the defendant wasn't able to get to him before he took off. Hours before the events of April 29, they attempted to rob the defendant's drug dealer. Luckily for both of these individuals, the group was unsuccessful in their attempts."</p>	White	male	child				
32	Schmiedel, Kelly Bryan	AC	Canyon	10Cap	dear	SAPD affix	10	no	no	10 murder	10	very	yes (not sure if premeditated or felony)	yes than death	HAC/ utter diverge/ propensity	<p>Sentencing in p. 31-32: prosecutor describes history of violence since age 2. p. 33: "He's shown over and over again that regardless of his age, his circumstances, his living situation, he has a propensity for violence, making him an extreme danger to the public."</p> <p>The evidence presented at trial was that in March 2005, Huntsman and Lorry Huntsman kidnaped Kyle Quinton and Becky Boden and took them to Barbara DeH's residence, where the three bound Quinton and Boden with packing tape, beat them, and questioned them about jewelry that DeH claimed was missing from a safe in her house. During the incident, someone implicated state Schmeidel in the theft of the jewelry. Huntsman and Huntsman then released Quinton from the 400 seats and took him to find Schmeidel. When the parties arrived at the residence where Schmeidel was staying, Huntsman and Huntsman confronted him about the allegedly stolen property. Subsequently, Schmeidel left with them in Huntsman's vehicle. While they were driving back to DeH's residence, Huntsman turned around from his position in the front passenger seat and shot Schmeidel in the face with a .38 caliber revolver, killing him. When they reached DeH's residence, Huntsman and Huntsman enticed Quinton's help in removing the body from the vehicle and wrapping it in trash bags and a tarp. A day or two later, Huntsman and Huntsman drove to Elaine Groom, where they and two other individuals dug a shallow grave and buried Schmeidel's body.</p> <p>State v. Huntsman, 146 Idaho 580, 582, 199 P.3d 155, 157 (Idaho Ct. App. 2006)</p> <p>Indictment: 10 murder on both a premeditation and a "during the perpetration of the felony crimes of kidnapping as charged in Counts III and IV" jury verdicts found guilty of 10 murder, a charged indictment plus enhancement plus 2x kidnapping</p> <p>any instruction 246: "It you find that the defendant killed (Dina Albert Schmeidel) in the perpetration of the kidnapping of Kyle Q. and/or the kidnapping Becky B., you are instructed that the element of malice aforethought required for the crime of murder would be satisfied by such finding. You are the judges of the facts. That means that you decide whether or not any of the charged felonies occurred and whether or not a killing occurred during the commission of the charged felonies."</p>	White	male	male				
33	Huntsman, Ronald Gary	AC	Ada	10Cap	dear	DC/Court, Ada file	10	no	no	10 murder, 2x kidnapping	10	very	yes (convicted, premeditation and/or felony murder)	yes than death	other charge/propensity	<p>See Fettery for stream of events: "Grammer's death was part of a stream of events which began the evening Fettery and Windsor entered Grammer's home and ended the following day when "1208 "72 Grammer's possessions were removed from the home." State v. Fettery, 109 Idaho 766, 771-72, 710 P.2d 1205, 1207-08 (1986)</p> <p>Indictment: "That the D, DKT, on or about the 12th day of January 2003, did wilfully, unlawfully, deliberately, and with malice aforethought kill and murder Curtis Thompson, a human being, by shooting Curtis Thompson in the mouth and head with a handgun from which he died, or did before or during his commission, intentionally aid, assist facilitate, promote, encourage, counsel, solicit, invite, help, or hire another to kill CT, by providing access to the home of CT and/or a .32 caliber handgun with which to shoot CT in the mouth and head from which he died." [jury instructions solely have theory of DKT shooting him in the mouth and head with a handgun. From which he died.]</p> <p>Media article included in the record says "Ada County prosecutors say Donna Thompson, 46, killed her husband to collect more than \$300,000 in insurance money and to keep their troubled son Austin from getting kicked out of the house."</p> <p>Sentencing re: judge: "I certainly understand that the State advanced other theories for the murder in this case but the only one that begins to make the least bit of sense to me is the motivation of pecuniary gain" (p. 78 of sentencing 84) "[A]s evaluate your prospects for rehabilitation, I, too, am disturbed as was the State by the conclusion that an act as heinous as the jury's verdict that hangs that your husband was never in the head you want about your son, as if absolutely nothing had transpired." (P.9)</p>	White	male	male				
34	Thompson, Donna Kay	AC	Ada	10Cap	dear	DC/Court/ 14 database, Ada file, sentencing	10	no	no	10 murder (premeditated)	10	very	yes (convicted by jury)	yes than death	9(6) (renumeration)	<p>Prosecutor at sentencing: "There is the Donna that would do anything to keep Austin from getting kicked out. The Donna that would so selfishly murder Curt for the money and then sit with a straight face while you're grieving the death and his images of the two of them together during - on their wedding day are being flashed upon the screen. She loved Curt so much that while she is frantically trying to withdraw the money out of his checking account his body is being rolled out of the refrigerator, and at the coroner's office, being put on a slab, and deposited at the same time" (93)</p>	White	female	male				
35	Coccone, Gilbert	AC	Emore	10Cap	dear	DC/Court	10	no	no	10 murder p 20	10	very	yes (convicted, premeditation)	yes than death	9(6) (more than one murder)	<p>On October 26, 2005, Coccone killed his patient with his car, killed her and his unborn fetus. Coccone was charged with two counts of first degree murder - one count for his wife and one count for the unborn fetus. ... The jury ultimately found Coccone guilty of first degree murder of his wife and second degree murder of the unborn fetus. (State v. Coccone, 154 Idaho 330, 334, 207 P.3d 1147, 1151 (Idaho Ct. App. 2005))</p>	White	male	female				
36	Parkinson, Shauna	AC	Jefferson	10Cap	dear	DC/Court	10	no	no	2x 10 murder	10	very	yes (convicted)	yes than death	9(6) (more than 1 murder)	<p>Parkinson was charged and convicted for murdering her ex-husband, Craig Whitmore, and his female, Kristi Cummings, at Whitmore's Jefferson County residence in the early morning of February 1, 2004. Police responded to the scene after Cummings' young daughter called 911 and reported that an intruder had stabbed her mother and Whitmore. When police arrived at the house, they found Whitmore lying face down in the kitchen in a pool of blood, his hand covering one of numerous bloody footprints leading from the kitchen out to the garage and the back alley. Cummings was found dead in a pool of blood in a bedroom. Both had suffered multiple stab wounds.</p> <p>State v. Parkinson, No. 3661, 2008 WL 6468203, at *1 (Idaho Ct. App. Apr. 17, 2008)</p>	White	female	Multi (male and female)				

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X											
															On December 15, 2006, Hernandez-Juarez and several other individuals participated in the robbery of a credit union. According to Hernandez-Juarez's appellate brief, those individuals included James John and Isaac Coates. Shortly thereafter, Hernandez-Juarez and John became worried that Coates would inform the police that they had been involved in the robbery of credit unions as well as other robberies. According to the presentence investigation report, Hernandez-Juarez, James John, Michael Johns, and Nicole Baker took Coates to a remote location where Coates was fatally shot. Hernandez-Juarez was charged with first degree murder, conspiracy to commit murder, and three counts of robbery. Although Hernandez-Juarez eventually admitted to participating in Coates's murder, he denied shooting him. An agreement attempted to obtain a Pleadings plea agreement, he agreed to waive a polygraph examination, during which he again denied that he shot Coates. The results of the examination indicated that his denial was deceptive. Pursuant to a plea agreement, Hernandez-Juarez pleaded guilty to first degree murder and one count of robbery." Hernandez-Juarez v. State, No. 38543, 2012 WL 9493181, at *1 (Idaho Ct. App. June 5, 2012)																			
															would 90%(witness) apply here because there was no criminal proceeding and? However, there is eventually a criminal proceeding and he does plead guilty to it. (p. 238 of sentencing) (would 90) (robbery) apply here or no because no longer in possession of robbery? But I am trying to get away with the robbery by killing a potential witness.																			
55	Friday	AC	Twin Falls	100CAP	robby	robby	10	no	no	1D murder	10	robby	yes (convicted, premeditated)	yes than death	uter diverge, propensity	Properly lengthy criminal record, including dismissal charges of a violent case, a battery, and also involved a stalking." Before burglary, vehicular manslaughter in 2000, while incarcerated disclosed sexual molestation of 14 children including his younger sister, and said he stabbed someone but those may have been false (25-5-2); counts of armed robbery, one of which he pled to plus the conspiracy/murder (pled to murder) Judge at sentencing: " I do believe... that you are a violent person. I believe that you are a dangerous person. I believe that you are a person who manipulates other people. I believe that you were the ring leader in this case. I believe those things because of your own words of what you have said... in the letters that were put on the board today. I think you were related to a gang culture and I think you continue to subscribe to that philosophy and I think you will kill somebody upon before your natural life ends." 281)	Hispanic		male				12/25/06	12/18/06										
56	Mercado,	AC	Ada	100CAP	robby	ADA file	10	no	no	1D murder	10	robby	yes (convicted, premeditated)	yes than death	90 (robbery) possible - but facts are definite	HAC, uter diverge	see Pleadings/Penalty entry for indictment. Pleads guilty to Count 1 (premeditated murder) and 1 state degree conspiracy and robbery charges. Gets 4 years + life.	Hispanic		female														
57	Yelton Kaita	CC	Canyon	100CAP	robby	Canyon County Kid	10	no	no	1D murder	10	robby	yes (convicted, 18 MOS, 18-40031-1)	yes than death	HAC, uter diverge, propensity	Source: Judgment & Comments, Affidavit of probable cause, Guilty Plea Advisory	Native American	White	female	female		on or about 2/26/01												
58	Booth,	AS	Canyon	100CAP	robby	SAPD file	10	no	no	1D murder	10	robby	Yes, (convicted, premeditated)	yes than death	HAC/uter diverge/Propensity	Properly announced intent to prove the ag. one's to the jury (though non-capital). Defendant's own counsel suggested that the plea guilty as state was leading to prove aggravating factors." The memorandum goes on to explain what statutory aggravating circumstances the State intended to prove. Items mentioned that in his experience, "It is not too difficult for a finding to be made that a murder is heinous (a murder by definition is considered heinous) atrocious or cruel or atrocious by committing the murder, the defendant showed utter disregard for the victim, as also described, in detail, all of the State's evidence against Booth, and explained "based upon the evidence as currently presented, I believe the high probability that the jury is going to return a verdict of guilty." "	NULL	White	Male	Male	Westlaw													
59	Penix, Luis	AC	Cassia	100CAP	shop	ADA knock	10	no	no	1D murder	10	robby	yes (convicted, premeditated and felony)	yes than death	90 (shoplifting and/or robbery)																			
60	Anderson, Ramiro	AC	Cassia	100CAP	robby	CourThruva An Odyssey Journal	10	no	no	1D murder	10	robby	yes (convicted)	yes than death	propensity	pled guilty to 1D murder in Idaho 8/7/13.	NULL																	
61	Time, Afida	CC	Canyon	100CAP	robby	Canyon knock	10	yes	no	1D murder	10	robby	yes (convicted)	need life	robby	Defendant stabbed and dismembered body. Defendant was arrested after he was involved in the affidavit of PC, said that the defendant had been hit on his back with a large, blooded hunting knife. Affidavit of probable cause.																		
62	Pennington, Chip	AC	Blaine	100CAP	robby	Benjamin file	10	no	no	1D murder	10	robby	yes (convicted)	25 to 30 yrs	Propensity, possibly uter diverge	Source: Notice of intent to seek Death, Court minutes, Judgment & comment, Notice of intent, Complaint, Amended Complaint, Affidavit of PC. CR. 2007-1865.							June 14 or 15, 2006											
63	Branton,	AC	Blaine	100CAP	robby	Benjamin file	10	no	no	1D murder	10	robby	yes (convicted, premeditated/lying in wait)	WOP	uter diverge, propensity	uter diverge: At sentencing, the state discussed "uter diverge" for human life "in relation to D." "[W]hat that is intended to reflect is a killing done without great provocation... in this particular case, as after the evidence at the Court show, this was nothing more than the Defendant's personal obsessive interest in [redacted] that led him to deliberately call out and kill the person he viewed as his rival for the affections of Ms. [redacted]." (1313)																		
64	Herman, Thomas Lee	AC	Ada	100CAP	robby	ADA file	10	no	no	1D murder	10	robby	yes (premeditated and/or through torture)	WOP	HAC, uter diverge	Properly: State at sentencing: "The Defendant started his involvement with the law enforcement system as early as grade school. He's been in and out of virtually every type of corrective institution available in the State of Idaho. ... [N]ot one time has he been a positive mouth to talk. If you review the history of his juvenile, every time that has come out, the violence has escalated until this point where it's gotten so violent it can be, he's killed another human being for no reason. He, as you know, was sent to the youth ranch and when he got there he assaulted two female staff members by adding, a fire extinguisher to the wall and assaulting them with it. His own statement said he kept hitting them there they kept moving. He expressed no remorse, no understanding of why that was wrong for society." (1313) The bottom line with this psychological evaluation is that clearly if Booth's (Branton) were released back in to the community given his history, I believe he would present a high risk for violence or acting out behavior." (1317) Judge at sentencing: "I'm by Dr. Beaver's evaluation... you do have a relatively serious personality disorder that results in some very impulsive, immature, self-indulgent and manipulative conduct... Dr. Beaver has very little optimism that that could be reversed with therapy. It also places you in very high risk for chemical dependency, and also, unfortunately, makes you a challenge for correctional authorities.... The question for me in this case... was whether there would be or at what point in time would be comfortable in having you back on the streets. After what length of time could I decide that you could trust you to conduct yourself appropriately and not put any member of the community at risk, unfortunately for you, Sir, length, I can find no such point and I can determine no appropriate length of time." (1317-18) (sentences LWOP + 15 for enhancement)	White	Black	male	female														
65	Pollock, Kim	AC	Canyon	100CAP	robby	OCL/Court	10	yes	no	2x 10 murder	10	robby	Yes (convicted)	WOP	90 (more than one murder)	Two 1D murder convictions. Source: Court.	White	White	male	male														
66	Nick, Jim	MS	Twin Falls	100CAP	shop	Twin Falls County Courthouse	10	Yes	No	3 Counts 1D Murder	10	robby	Yes (premeditated, convicted)	yes than death	HAC, uter diverge	Count 1: Crime of Murder in the First Degree with an Aggravating Circumstance 1: Guilty by plea - date of September 15, 2006 (pursuant to a written plea agreement dated September 14, 2006) Court 2: 1D murder in the first degree with same language. Red guilty to 3 counts of 1D murder in exchange for state agreeing not to pursue death penalty. Source: Judgment of Conviction Upon a Plea of Guilty to Three Felony Counts and Order of Commitment, Notice of Withdrawal of Intent to Seek Death Penalty, Plea Deal Offer from Corrections Officials, Notice of Intent to Seek Death Penalty. CR. 2005-1278-Vol.	White	Multi-White	male															

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
81	Booth, Justin Ray	AC	Rockwell	1DCap	Henry	DCJ/Hout	1D	no	no	1D murder + robbery	1D	ohja	yes (felony murder)	less than death	<p>Booth was charged with first degree murder, second degree kidnapping, robbery, first degree arson, and unlawful possession of a firearm. ... Both explained the version of the events leading to his charges as follows: Booth and his friend, David Hutto, followed a man home after the man (permanently determined to be William Kirk) allegedly kidnapped them. The man pulled into Kirk's driveway. Booth forced Kirk to drive. Booth forced Kirk to back Kirk's wallet and telephone, and zip tied Kirk's hands as Hutto's instruction. Thereafter, Hutto abducted Kirk as a gaspump. The three drove, in Kirk's vehicle, to a construction site where Hutto removed Kirk from the vehicle and shot him numerous times in the back. When the firearm was empty, Hutto made Booth reload the weapon and Hutto continued to shoot Kirk. Booth and Hutto left Kirk on the side of the road, drove to various banks and withdrew funds from Kirk's accounts, and burned Kirk's truck.</p> <p>Based on those events, a grand jury indicted Booth on the above-listed offenses. Pursuant to a conditional plea agreement, Booth agreed to plead guilty to first degree murder and robbery and the State agreed to dismiss the remaining charges."</p> <p>State v. Booth, No. 46454, 2020 WL 218841, at *1 (Idaho Ct. App. 6th Cir. 2020)</p>	White	White	male	male				
82	Cragan, Larry Alan	AC	Rockwell	1DCap	Cher	SAPD affa	1D	no	no	1D murder, attempt murder, 2x bag battery	1D	ohja	yes (convicted, 600/50) and/or (6)	less than death	<p>Amended indictment charges 1D murder on either premeditation or burglary grounds, R 547, D pleads guilty.</p> <p>150 /55; sentencing order. Attacked a person in the family with hammer. Brutal crime. Mental illness at play that may lead to future dangerousness.</p> <p>See case colloquy 240532, p. 13</p>	White	White	male	female				
83	March, Francis Marie	AC	Ada	1DCap	Cher	SAPD affa	1D	no	no	1D murder	1D	ohja	yes (convicted, felony murder)	less than death	<p>As part of a common scheme to steal, Francis Marie March finally, without having an intent to kill, did wrap an end of the rope around a door handle. Another repeated the process of the rope around the decedent's neck. Francis Marie March believed the death occurred while another acted to strangle the decedent. At no time did Francis Marie March act with an intent to kill but only with an intent to render the decedent unconscious to accomplish a theft.</p> <p>State argues the directly caused death through asphyxiation, with gruesome detail - p. 34-25. Judge at sentencing: "In this case the defendant, and her co-defendant, frankly, treated the victim as if he wasn't human. They acted in a depraved, indifferent and, frankly, torturous way. They left his body to rot on the floor of his home, and in his car, under a pile of trash, he was left to rot in the hot summer sun, all the while trespassing again and again into his home and stealing his possessions. He was treated, frankly, worse than road kill."</p> <p>Judge at sentencing seems to believe she directly caused death, p. 29. "She has gone to considerable length to try to convince this Court and others that she was a mere innocent bystander in the actual murder of Mr. Irwin. The evidence suggests she was significantly more involved, and I believe her attempt to characterize herself in this way is unconvincing."</p> <p>"In addition to the evidence suggesting a plea to poison from the outset, there are significant admissions, given in the jail, to the defendant's asphyxiating Mr. Irwin with a pillow, but over his head, and the robber taking away his car, and the evidence given to the jury that she fled."</p>	White	White	female	male				
84	Friedberg, Sue Diana Lynn	AC	Ada	1DCap	Henry	MAYBE CLEAR	Ada file	1D	no	no	1D murder (permitted)	1D	ohja	yes (convicted, 2nd degree murder)	less than death	<p>Indictment: Both Dana Friedberg (papa) and Jennifer Marshall (1. Conspiracy to commit murder in the first degree, 1. Murder in the first degree, 1b. Robbery. Overstated evidence for conspiracy charge. (b) purchased baseball bat which intended to use to murder V. Did attempt with a knife. Both purchased alcohol which intended to provide to V to make it easier to murder. Both drove V to foothills where intended to murder. Consumed alcohol until inebriated. At used baseball bat to strike V multiple times in head until he fell. On that occasion V multiple times with his knife. Then M used the knife to stab him multiple times."</p> <p>Hobby court took cash money and/or wallet (no felony murder charge)</p> <p>HAC, utter disregard</p>	White	White	female	male			
85	Marchant, Bruce Allen	AC	Ada	1DCap	Cher	SAPD affa	1D	no	no	1D murder (premeditated)	1D	ohja	yes (convicted, premeditated)	less than death	<p>RE 901, other cases have dismissed this aggravator when there is no formal act. However, here, it was on parole. Defendant was concerned about victim's intent to send him back to prison and about her conversations with his PO officer. Not clear if he killed her because he was angry at her or because she could later testify against him. (See issue 10, long report) (see court report) (see issue 10, long report)</p> <p>His death: (Issue 11) "State has agreed not to file a notice of intent to seek the Death Penalty" (sentencing memorandum. Defendant was on parole for least conduct with a minor. Victim wanted Defendant evicted from her house so contacted his parole officer because he was lazy, not looking for work, and was making sexual advances to her. Defendant was unattracted and became angry as to why he was attempting to take his own life. "I wanted answers why she had an PO and trying to get me sent back to prison." Defendant went over to victim's house, asked for her son to come, took off his shoes so he did not smell the house and entered her bedroom as she was waking up. Defendant demonstrated anger, which the victim did not give. Defendant got out zip ties. The victim tried to get away on Defendant showed her intent not to stop. He then got zip ties around her neck and tightened them as tight as he could. He covered her head with pillows and left. Prior to incarceration, Defendant lived with victim. Defendant made coffee and tried to hang himself after the murder. After fleeing to Oregon, Defendant held a couple hostages in their home at gun point before leaving their house and later being apprehended."</p> <p>Source: Sentencing memo's plea deal judgment: affidavit of PC: 01-2013-23234</p>	White	White	male	female				
86	Weston, Theodore John	CC (AC rewards)	Canyon	1DCap	Cher	Canyon Knox	1D	no	no	1D murder	1D	ohja	yes (convicted, premeditated)	less than death	<p>Yes, Defendant admitted on entering victim's house with zip ties. He did not need to use the zip ties but chose to after he had choked her into unconsciousness. Action of choking victim and advancing towards victim across the bedroom is committed against a witness or potential witness in a criminal or civil legal proceeding because of such legal proceeding being hostage taking after)</p> <p>Source: Sentencing memo's plea deal judgment: affidavit of PC: 01-2013-23234</p>	White	White	male	female				
87	Swanson, Jeremy Faith	AC	Bonner	1DCap	Cher	DCJ/Court, MEDIA	1D	no	no	1D murder	1D	ohja	yes (convicted)	less than death	<p>From Court: convicted of both 1D and 2D murder, but no details. This may be sufficient for all purposes. Media reports reveal that it killed wife and unborn child with ice pick. Would be to see indictment or sentencing file</p> <p>See Sentencing Hearing Transcript</p> <p>Reaction style murder: first shot from the side or behind, possibly with Michael on his knees though unproven. "The second shot missed and the third that was best contact at close range contact or very close and in the head. It was an execution. There's no other way to describe that." (sentencing hearing, prosecutor, p. 22)</p> <p>"I can't imagine the feelings of Michael's dad, David, knowing months later that the voice he thought was on the phone was not his son saying that he was okay. And that his son, in fact, was dead at that time period. "In family, it's the cruellest act that the ever seen in my career as a prosecuting attorney. But again, we feel that way. Mr. Thrasher does not. Because it served his interests. It served his interests to want and make people try to believe that Michael was still alive and, therefore, a murder hadn't been committed." (sentencing hearing, prosecutor, 20-21)</p> <p>"What struck the court in reviewing all of the documents is that in the Prosecution investigation where you went on and on and in the reports you made and the times you talked to the therapists, you didn't ever show any empathy. You never showed any understanding that you took a human life. You didn't express any remorse, any shame, any guilt. Everything was about you, your difficulties, your medical needs, your specialties, your concerns, people you loved." (sentencing hearing, judge, p. 28)</p> <p>"This was a heinous, inhumane act. I don't feel that there was any provocation. It was premeditated. It appears that Michael Smith was shot in the back with no warning and then executed." (sentencing hearing, judge, p. 29)</p>	White	White	male	female				
88	Thrasher, Austin Blake	AC	Bonner	1DCap	Henry	SAPD copy	1D	no	no	1D murder	1D	ohja	yes (convicted, premeditated)	less than death	<p>Yes (convicted, premeditated murder)</p> <p>Utter disregard</p>	White	White	male	male				
89	Hernandez, Eusebio K	AC	Bonneville	1DCap	Cher	SAPD affa	1D	yes	no	1D murder	1D	ohja	yes (convicted, premeditated)	less than death	<p>Change of plea hearing, p. 939-60</p> <p>Admission facts in plea colloquy indicates he broke into victim's house and killed her there and took things.</p> <p>3. a 1 of 2, second amended information: "with a knife, unlawfully, unlawfully, with premeditation, and malice although, kill and murder Miriam Walth, a human being, by shooting her in the head with a .22 rifle, from which she died."</p> <p>State's notice of intent lists: "the murder was especially heinous, atrocious or cruel, manifesting exceptional depravity; (2) the defendant exhibited utter disregard for human life; (3) the murder was committed in the perpetration of attempt to perpetrate rape, robbery or burglary; or (4) the murder was committed against a potential witness in a criminal proceeding of such proceeding" (p. 22-23 of state). (State agreed to withdraw in exchange for guilty plea, per rule 13 plea agreement)</p> <p>Ht Tz. The house was on fire. Body was found in computer room. Lots of blood in different rooms in house. Two bullets recovered. According to sheriff deputy Tracy was very traumatized. Um, he no looked like it could've been possibly blunt trauma. Um, one eye was almost swollen shut. Um, very brutal. ... Um, her hands had been tied behind her back" (155)</p>	White	White	male	female				
90	Sandberg, Lawrence Edward	AC	Bonneville	1DCap	Cher	Crookback file	1D	yes	no	1D murder (premeditated)	1D	ohja	yes (convicted, premeditated)	less than death	<p>Tellonymy of Larry's daughter, who was present outside the house and inside the house in a bathroom at the time. Larry's car got stuck in the mud, he stole another truck to get it out but that got stuck too. He went into Miriam's house apparently to steal Miriam's car (a car, which she did. Lots of screaming, bloody life, blood everywhere. (201-265). When back later (a couple days) it rained and burned the house down. (248)</p>	White	White	male	female				
91	Padraza, Juan David	AC	Canyon	1DCap	Henry	DCJ/Court	1D	yes	no	1D murder	1D	ohja	yes (aggravated)	less than death	<p>State's brief on appeal (offense definition): "Padraza was subjecting his girlfriend, two-year-old sister, E.N., he punched E.N. "She hardened" in the lower abdomen. He also allowed E.N. "Four or five times" on the top and the back of her head. After Padraza allowed E.N., he indicated E.N. barely moved, but her head down and died. One hour after E.N. had died, Padraza called 911. Emergency personnel responded to E.N.'s forehead, back, arms, legs, low torso and a large dark colored bruise over her left groin. Before personnel performed CPR, they noted E.N.'s stomach was hard, consistent with internal bleeding or trauma. They also stated E.N. had marks on her neck consistent with strangulation. The coroner identified E.N. had visible bruising, abrasions, and a distended abdomen. The significant findings were severe abdominal and head trauma. E.N. had 340 ml of blood in her abdominal cavity, with hemorrhaging around the duodenum, pancreas and liver. E.N.'s head and neck had significant external trauma, hemorrhaging, and cerebral edema. The state charged Padraza with first-degree murder. Pursuant to a plea agreement, Padraza pled guilty in exchange for the state's withdrawal of a Notice of Intent to Seek the Death Penalty."</p> <p>State of Idaho, Plaintiff-Respondent, v. Juan David PADRAZA, Defendant-Appellant, 2006 WJ 2783771 (Idaho), 1-2</p> <p>"Padraza's physical abuse of E.N. began months before her death." State of Idaho, Plaintiff-Respondent, v. Juan David PADRAZA, Defendant-Appellant, 2006 WJ 2783771 (Idaho), 3</p> <p>The court characterized the murder as "a cruel, heinous crime" that "can only be described as heinous." (9/15/05 Tr., p. 72, Ls 8-10) "The forensic evidence is very damning as to what happened" (9/15/05 Tr., p. 72, Ls 12-13) The court reasoned that E.N. was a two-year-old baby victim, with whom Padraza had a history of abusive behavior, and the fact he knew he was getting out of control and didn't do anything about it were major aggravating factors. (9/15/05 Tr., p. 72, Ls 13 - p. 73, L10) "And although you admit you didn't intend to kill her, the court concluded that the state: (1) (9/15/05 Tr., p. 72, Ls 22-23) The court considered the goals of sentencing (9/15/05 Tr., p. 74, Ls 17-18); the fact Padraza continued to use methamphetamine (9/15/05 Tr., p. 75, L25 - p. 76, L4); the fact he caused serious harm to a defenseless child (9/15/05 Tr., p. 76, Ls 9-24); and his history of acting out of and psychological issues (9/15/05 Tr., p. 76, Ls 16 - p. 77, L 15) "</p> <p>State of Idaho, Plaintiff-Respondent, v. Juan David PADRAZA, Defendant-Appellant, 2006 WJ 2783771 (Idaho), 5-6</p>	White	White	male	child				

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
14	Maria Manuel Oliver	AC	Carson	10Cap	4hr	SMPD hard copy	10	no	no	no	20 murder by shoot	20	aha	yes (premeditated)	WCP	901 (great risk of death to any person)	aggravated?	Hispanic	Hispanic	male	male		
<p>State at sentencing: "Mario and Manny were friends. They had a playful relationship out of hand, and the defendant went out of hand, all right? He pulled a gun, he fired at least seven times. Now, why do I say at least? I say at least because Mario, the victim, had seven entry and exit wounds in his body. Additionally, not other people were hit in the same fashion of gunfire. He fired at least seven times during that. Now, that's a minimum. He may have fired more. . . ." (E152)</p> <p>This suggests great risk of death to many people!</p> <p>Defendant at sentencing: "It was a heat of passion type of thing. There was an argument involved. There certainly wasn't premeditation because that just doesn't happen, especially knowing the relationship between the two." (56)</p> <p>Judge at sentencing: "You intentionally killed Mario Gomez without justification or excuse and with malice aforethought. (B)(1) - so this is not a depraved heart case and we know in later almost always premeditation if there is intent to kill."</p> <p>Judge at sentencing: "Clearly, the weight of your criminal behavior prior to this crime and then this crime suggests that there is an undue risk that you would engage in continued criminal behavior." (63)</p> <p>(7) "You appear to have been the only one in the room who was armed. . . . It was clearly not a case of self-defense. Why would an intelligent person get out of a firearm - and you didn't shoot just one shot. As the case said, at least seven shots were fired. And you shot a group of unarmed people, and we are [fortunate that there aren't more than - that there's only one death that we're in court today. . . . Yes, there was verbal provocation, but you were the one who pulled the gun and started shooting." (65)</p>																							
15	Chloe	AC	Miranda	10Cap	1hr	SMPD affidavit	10	no	no	no	20 murder, 20 kidnapping, 20 detaining	20	aha	yes (premeditated)	WCP	utter disregard, opportunity		Hispanic	Hispanic	male	male		
<p>(sentencing) re: prosecutor: some criminal history. History of exchanged violence including about 2 years earlier threatening to hit the ultimate victim, verbal domestic violence. "Now you go to February 8th, 2018. Nafaly went to drop off her daughter at Demi's house. Demi invites her into the residence, closes the door behind her. Once in the residence he asks whom she is texting and asks for her cell phone. She refuses to give her cell phone because it's in the car, and it actually was. He shuts the door behind her and he pulls out a gun and then he cocks it. Now, the control and power has escalated at this point in time to use of a weapon. But the harm fact of this incident is it's less than two months before he kills Rafael Vargas. So less than two months before he kills Rafael Vargas he is threatening to do - to use power and control with a gun, a loaded gun. Do you see the pattern?"</p> <p>heating from change of plea, he admitted intentionally killing V. (E1, 152-53)</p> <p>prosecutor: "That was the plan to stab. So there was a plan to shoot someone. And do we know there was a plan to shoot someone? Because he had gloves on. Because he loaded his gun before it. Because he was out there before she was out there. That's how we know he had a plan to kill someone. Did he plan he kill her dead? Yes. Did he plan to kill another man that was with her possibly? Yes. He said it himself. So was he indifferent to human life when he got out of that vehicle? Yes, he was." (200)</p> <p>"The other thing that I want to talk about is at one point in time during the testimony Nafaly testifies that he stopped the vehicle. Now, this is probably the most egregious act in this case. Not just watching your father but that three times. You yourself are in the seat. The guy who shot you stops the vehicle, tells you to close your eyes, get out of the vehicle, and that if you open your eyes he's going to - another person will kill you. He walks her in front of a vehicle and tells the individual, "Take a good look at her because if she looks the truth, I want you to see her and her family." Now, that threat to the way it did there, it still there. It has never been recounted from him. It's still there and it's still present. I can't imagine standing there with my eyes closed hearing my daughter's voice say "mommy" and have somebody tell someone else to kill me or kill my family after he shoots my dad." (202-03)</p> <p>Judge at sentencing: "I find that [DWP] sentence is appropriate based on a high degree of certainty that you can never be safely released back into society. I find the nature of the offense sentence that I'm not finding that the nature of the offense automatically means that. I'm not sentencing you to life based on just the nature of this. And I'm not saying that to mitigate the seriousness of what you did. I'm not finding necessary that it be life. But what I do acknowledge is that with your mental condition, with the nature of this crime, a sentence other than life or - - - the nature of this offense in particular is not the best for the state. It's serious and would lead to a substantial sentence with a long period of time before parole if I thought there was a chance you could be rehabilitated. I do not think there's a chance at rehabilitation here. That's why I'm sentencing the full life. I think there's a high degree of certainty that you will not be able to safely released back into society." (208-07)</p> <p>288 "I think if you are released in this country or Honduras or anywhere, you pose an inappropriate risk to society and will kill again if anything goes wrong in a way that would be injurious to other people to kill." (208)</p>																							
16	Raymond D	AC	Ada	10Cap	1hr	Ada file	10	no	no	no	20 murder (intentional)	20	aha	yes (aggravated)	HAC, utter disregard, opportunity	1000		Hispanic	Hispanic	male	child		
<p>(Victim) his son, a human being, in the perpetration of or attempt to perpetrate the crime of aggravated battery on a child under 12 years of age, to-wit: E.O., who was approximately 47 days old at the time of his death, by the willful and unlawful use of force or violence upon such child, causing great bodily injury, to-wit: abusive head injury, from which the child died on July 12, 2007."</p> <p>State's notice of intent to present evidence pursuant to I.R.E. 404(b): "This [Victim], at approximately one month of age, on or about June 18, 2007, sustained a broken arm while in the care of his parents, and Raymond Ortiz admitted that he caused the injury claimed that it happened during the course of changing the infant's clothing. That as a part of an investigation regarding the broken arm, both defendant Ortiz and defendant Arnold were put on notice . . . that E intentionally had a specific intent which would lead to the more violent injury and broken bones. . . and would exercise extreme caution in regard to handling the infant. . . . On or about July 7, 2007, defendant Arnold contacted Basica City Police alleging an instance of domestic violence. . . and during the course of investigation. . . both responding officers that she was afraid that when he was angry he would physically harm her children. . . Further, just prior to police arriving in response to her call on July 7, 2007, D. Arnold advised a witness that she was afraid for her children's life and that Ortiz had shaken their children/priest and that time. . . Further, that during the course of E.O.'s 47 days of life, the infant spent approximately half of his time hospitalized and that neither D regularly tended or cared for the child while he was in the hospital. The State believes that the above listed evidence is sufficient to demonstrate that as at the time the vicinity comprised both sides of [Victim]'s head until he heard the bones "pop" that he had actual knowledge that not only were his actions particularly lethal to any infant, but that the particular was that he was especially vulnerable due to his being harmed by acts of domestic violence to his body." (State's second notice of intent to present 404(b) evidence, includes acts of violence and/or abuse that D committed upon [Victim] and [Victim] including "wiping and sewing at the babies, forcefully covering a child's mouth with a hand and/or a blanket to stop the child from crying, shaking one or both of the children, and any other acts of violence referenced in the discovery protocol. . . and Kandy Arnold withdrew breathes and physical injuries, and prior to his death, he was an old E.O. suffered multiple injuries including broken arm, broken collarbone, and abrasions and bruising in other parts of his body, demonstrating that he suffered a systematic pattern of abuse." (20000)</p> <p>Heads to 20 per amended information: "60 willfully, unlawfully, deliberately, and with malice aforethought, but without premeditation, did murder E.O., his son, a human being, who was approximately 47 days old at the time of his death, by the willful, intentional, and unlawful use of force and violence upon such child, to-wit: by striking the infant's head and skull until E.O. suffered massive bilateral skull fractures and other non-accidental head trauma, from which the child died on July 12, 2007."</p> <p>State's sentencing memorandum: admitted intent to kill. "So too has an extensive history of violence does defendant Ortiz, who, as his criminal history and the judicial reports and other documents attached to his file. . . indicates, has an extensive history of violent criminal behavior, including at least felony conviction for a crime of violence out of the State of Washington" (p. 4). "In the present case, 60 Ortiz killed six-week old [Victim]. Furthermore, he is a defendant with a history of"</p>																							
17	Talavera, Miguel	OC IAC	Carson	10Cap	1hr	Ada knock (Carson case)	20	no	no	no	murder 20 (use of deadly weapon and criminal gang with felony conviction charges dismissed)	20	aha	yes (premeditated)	HAC, possible utter disregard, (opportunity based on media)	1000		Hispanic	Hispanic	male	child		
<p>yes (premeditated) followed the victim and stabbed repeatedly, though not charged w/ (premed)</p> <p>yes (premeditated) followed the victim and multiple stab wounds)</p> <p>yes (premeditated) followed the victim and stabbed repeatedly, though not charged w/ (premed)</p> <p>yes (premeditated) followed the victim and multiple stab wounds)</p>																							
18	Zepeda, Bobby	AC	Carson	10Cap	1hr	Ada knock (Carson case)	20	no	no	no	murder 20 (use of deadly weapon and criminal gang with felony conviction charges dismissed)	20	aha	yes (premeditated)	HAC, utter disregard, opportunity based on media	1000		Hispanic	Hispanic	male	male		
<p>17 stab wounds (defacing the victim's face and body, which is unnecessarily torturous. Plea agreement entered into to drop 4th enhancement B, use of a deadly weapon charge for defendant's felony plea to murder 20. Case got consolidated for 1st purposes with the Talavera case because the crimes formed part of a common scheme (plea/affidavit of PC says that the charge was "Second Degree Murder by a Gang Member.") Zepeda and Talavera and both known members Northside Gang Members, witness who had the defendant's in his car immediately before the attack said he handled three knives, got out of the car and chased down the victim through a trailer park. Autopsy suggested that two different knives were used, and there were approximately 17 knife-related injuries to the victim's stomach, face, legs, and hands. C of those 17 wounds were fatal stab wounds to the heart. (Affidavit of PC) (7) Grand jury transcript witness who was talking with victim and witnessed some of the attack that victim could have been a part of Suriano gang and three crime gang signs up to the group in the car Victim approached the group and threw the first punch (contradict affidavit of PC)</p> <p>Source: Plea Agreement Motion to Consolidate Pretrial Memorandum, Affidavit of PC, Judgment & Commitment, Transcript of Grand Jury Proceedings</p> <p>Information's Memo: Robbery 10 murder (felony theory, nonindustrial senses. "That the defendant, DOUGLAS ALLEN GARCIA, on or about the 16th day of October, 2007, did feloniously take personal property, to-wit: a wallet and/or cash currency. . . in the possession of another, to-wit: Christopher Swanson, from his person in immediate presence, and against his will, by means of force or threat of force or fear by threatening Swanson with a knife or other sharp object and/or cutting Swanson with a knife or sharp object in order to obtain his property." Court E: "did kill and murder a human being, to-wit: Christopher Swanson, during the perpetration of or attempt to perpetrate the crime of robbery. . . by stabbing and/or cutting Swanson in the neck with a knife or other sharp instrument causing wounds from which Swanson died." (Note that Karlo had 2 more counts for threatening two witnesses and their child if they say anything)</p> <p>Amended information still contains robbery charge but reduces 1D to 2D. (Record 0041-42)</p> <p>Plea agreement: drop 1D murder and robbery for 2D murder. (000046)</p> <p>From state's opposition to sentence reduction: ". . . when he nearly decapitated Chris Swanson. . . Mr. Garcia brutally murdered Chris Swanson over a minor amount of money and he deserves the sentence he received."</p>																							
19	Joseph Alfonso	AC	Ada	10Cap	1hr	Ada file	10	no	no	no	20 murder	20	aha	yes (felony murder)	901 (robbery)		Hispanic	Unknown	male	male		10/16/2007	
<p>"A witness called 911 and reported that he saw Cruz shoot and kill a man and that the victim was lying next to a black car at Cruz's residence. Upon arrival at Cruz's home, the responding officers observed a black car with bullet holes and found the deceased victim under a blanket inside the car. In an interview with the officers, the witness stated that he and the victim went to Cruz's residence where Cruz shot the victim. Cruz then pointed the pistol at the witness, and he heard two shots but was not shot. After Cruz told the witness not to move and turned around to put the pistol down in the garage, the witness ran away. Cruz caught up to the witness and tackled him but he escaped. The witness ran to a nearby house to call a telephone, knocked on the door, and broke a window when there was no answer. When the witness was unable to locate a telephone in the house, the witness ran to a neighbor's house where he was able to call 911.</p> <p>The responding officers verified that the witness had injuries consistent with being tackled by Cruz. The officers also went to the first home the witness entered and found the broken window, consistent with the witness's story. Officers located the pistol in Cruz's garage and recovered spent shell casing, consistent with the make and model of the pistol. A bullet from the same type of pistol was recovered from the deceased victim, and the coroner reported that three gunshot wounds caused the victim's death. The State charged Cruz with first degree murder and attempted first degree murder. . . Pursuant to a plea agreement, Cruz pled guilty to an amended charge of second degree murder and the remaining count was dismissed."</p> <p>State v. Cruz, No. 43466, 2017 WL 239336, *7 (9th Cir. Apr. 19, 2017)</p> <p>On premeditation/Intent at sentencing. Judge: "And in that regard, I'm mindful of Mr. Halzanspacher's comments that you acted impulsively and consistently with your character. The file-side of that case is that impulsivity at some point becomes contemplated action. And in this case, you actually thought out and found a weapon, either in a dresser drawer in a bedroom or in the garage. It's difficult for me to know which circumstances are actually the true circumstances. There was the time that pistol between what was the starting event - the entry into the garage, and perhaps outside, and Mr. Olson's reaction to that. And then there's some time has passed. The number of shots fired, I think in my mind pass impulsivity and cross over to contemplated and intentional conduct and purposeful conduct." (130-131)</p>																							
20	Cruz, Christopher	AC	Miranda	10Cap	1hr	OCU/Adm; SMPD affidavit	10	no	no	no	20 murder	20	aha	yes (felony murder)	utter disregard (given that he also unsuccessfully shot at the 2nd person)		Hispanic	White	male	male			

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
	Pickers, Buck	AC	Ada	100Cap	hazy	SAPD head copy	10	no	no	20 murder	20	ohla	yes (premeditation)	less than death	HAC, utter disregard								
	Fisher, Shawn Nathan	AC	Ada	100Cap	hazy	SAPD affix	10	no	no	20 murder	20	ohla	yes (premeditation)	less than death	utter disregard, propensity								
	Anderson, Douglas Everett	AC	Sam	100Cap	maybe clear, hazy	Ada knock	10	no	no	20 murder (by police) plus grand theft by false promise	20	ohla	yes (charged, premeditated)	less than death	covering up for swindling victim out of money, is this 99.7% 96% remuneration?	utter disregard, HAC							
	Culley, Michael J.	AC	Payette	100Cap	clear	OCU report	10	no	no	20 murder	20	ohla	yes (felony murder)	less than death	99 (robbery or burglary)	HAC							
	Lubbing, Todd Thomas	AC	Ada	100Cap	clear	Ada file	10	no	no	20 murder	20	ohla	yes (felony murder)	less than death	99 (burglary and/or attempted robbery)								
	Alldrin, Daniel Robert	AC	Charwater	100Cap	hazy	Ada knock	10	no	no	20 murder	20	ohla	yes (agg battery (child under 12))	less than death	possibly HAC (25 day old baby), after charged (behavior after the incident), propensity								

judge to defende atty at charge of plea: "Based on your review of the State's files, as well as your own case, is there reasonable chance that the State might be able to prove a murder in the first degree if this went to trial? A: Yes, ma'am." (p. 7)

State's case as described at charge of plea: "Buck had it in his head that the victim was perhaps . . . molesting the great-granddaughter . . . got it in his head, kept telling witnesses, "I have to take care of this," actually displayed a knife and said, "I have to take care of this. Don't you see what's going on?" We believe he stayed up most of the night, quite busy used methamphetamine that morning, went to the victim's trailer, . . . and with the knife, he killed her, stabbed him about the throat and the neck, multiple injuries, and it was the stabbing, the stabbing of the neck, that ultimately killed Arthur Clarkson." (p. 16 of charge plea) (other instances in the case, murder weapons found, he was trying to burn his clothes, and he told his brother "I need you." (I think I know Gordon)" 118

State's argument at sentencing: "[U]ltimately we are left with a young man who can brutally kill a 77-year-old man who uses a walker. The autopsy report indicates that Art Clarkson had 25 stab wounds. . . . This is someone who has a not on the door. "These come in," because it's hard for him to get so because he uses a walker. And then Mr. Pickers . . . he fires, he discharges the murder weapon, and so forth. Ultimately, when he's caught by police, his cocky response to the detectives, they asked the words to make a specific term, but trying to be evasive. And it seems there is indication . . . he seems to think this kind of makes him cool. A few weeks later on a recorded phone call he is laughing on the phone and saying, "No picture still on the news?" That's not innocent. . . . And I know Mr. Martin will disagree with me from the ultimate, but from the ultimate, case that when Buck learned that the gentleman who called 911 was a registered sex offender, Buck said if he had known that, it would have been a double homicide. This isn't someone who is sorry for what they did. This is premeditated. He had been talking about it the night before. It was cold. It was calculated." (20-20) "And it's brutal. There is something violent, it seems to me, about the mode of killing someone with a knife, that in my face. . . . 25 stab wounds to the neck. . . . There is something about that as violent that almost strikes worse than being shot in the head by a gun. Buck Pickers was within inches of Art as he killed him, as he watched him die. And . . . in some ways imply the brutality of this crime. . . . I think, demands that sentence." (13) (This supports both HAC and after disregard)

judge at sentencing: "Well, this case comes before the court with about as serious a second-degree murder as you could have. The defendant went into the home of a person who had befriended him in a meth-crazed paranoia, stabbed to death a 77-year old man who got around with using a walker. He stabbed him 25 different times, and I think that that does need to be the key focus of this sentencing." (46) "And I think counsel for the State makes an additional point that is valid and worth considering, which is that the victim in this case was killed by this close-range eruption of other destructive violence, and so that means, even though I think, he is there, he's aware of the person he's dealing with, the person is a disabled person who uses a walker, he can see the effects of his actions on that person, he knows stabbing and stabbing and stabbing him until he dies. . . . And so there certainly seems to be no indication of any compassion, of any leniency or mercy in the defendant when he was in the state that his own drug case got him into in this case." (56-57)

see Idaho Supreme Court opinion.
 Propensity: OSC upholds fixed life sentence resting in part on future dangerousness: "After considering all of the information available to it, the district court stated that it did not believe that there was a realistic prospect that Mr. Fisher could safely be returned to the future-to-the public at some future point without a meaningful risk, that he would engage in some kind of violent conduct in the future." The court concluded that the appropriate sentence was life without parole. . . . "To impose a fixed life sentence requires a high degree of certainty that the perpetrator could never be safely released back into society or that the nature of the offense requires that the individual remain in the custody of the state for the rest of his natural life." (1) [This statement refers to these two factors standing alone. In this case, the district court found both of these factors to be the predominant ones. The court concluded that there was not a "reasonable prospect" that [defendant] could be safely reintegrated into society and that the nature of the crime. "The considerations of societal vindication and general deterrence are not decided on the basis of the unique characteristics of the offender; rather these characteristics are decided upon the characteristics of the offense."] Defendant has not shown that the court committed a clear abuse of discretion in imposing the fixed life sentence."

State v. Fisher, 162 Idaho 465, 469, 398 P.3d 839, 843 (2017)
 utter disregard: 2 separate victims (one survived), selected at random: "There is no indication that Defendant previously had any contact with either victim. He apparently selected them at random. After his arrest, it was determined that Defendant was also under the influence of both salts." State v. Fisher, 162 Idaho 465, 466, 398 P.3d 839, 843 (2017)
 "When Defendant pled guilty, he admitted that he willfully shot at the victims, that he aimed his revolver at the victim and aimed to pull the trigger, that he did not intend to kill the victim, but intended to shoot him, and that he knew of the danger and had a conscious desire to kill the victim."
 State v. Fisher, 162 Idaho 465, 468, 398 P.3d 839, 842 (2017)

Defendant is schizophrenic.
 Sentencing TC judge: "It's clear there is a profound danger that Mr. Fisher presents, at least in an unmedicated state." 155. "I suspect that one of the most troubling and difficult aspects of these events to deal with for the victims, the victim's families, are its randomness. Mr. Fisher may have had his own reasons that he had become he was in a state of psychotic delusion, but as mentioned, those files were just in the wrong place at the wrong time. . . . The randomness (I think) speaks to the level of danger that the defendant presents to the public. I'm searching. . . for a reason to be confident that Mr. Fisher were at large again at some point in the future that he would not harm anyone and that the state of Idaho and the state that permitted him to carry on the course of conduct he carried out. . . . (117) Amended indictment (p. 34 of vol. 1): "On or about July 9, 2013, . . . did . . . with premeditation, and with malice aforethought, kill and murder Darole Carpenter, a human being, by repeatedly striking Darole Carpenter in the head with a blunt object and stabbing him in the abdomen, inflicting wounds from which he died."

indictment contains additional counts re: grand theft by false promise against the victim, Darole Carpenter. (Counts IV and V, p. 22-23 of Vol. 2)
 State's motion to limit regarding admissibility of factual statements: "On July 9, 2013, Darole Carpenter was found dead in his garage with multiple different injuries. . . . Evidence pointed to Douglas Anderson having intimate and large financial dealings with Carpenter, Anderson denied these dealings, and investigation found that the cellular Anderson was supposed to have to uphold his end of the bargain, did not exist. Video evidence showed Anderson at Carpenter's home for over an hour on the morning of Carpenter's death, which Anderson denied. Evidence also shows that immediately after leaving Carpenter's residence, Anderson called a real estate company to his home for sale to view a house and then went to a supply store to buy a full new set of clothes. Pursuant to a valid search warrant, Carpenter's blood was found in Anderson's truck on a day planner on the week of Carpenter's death. This was told ISP he confessed to her with details. He admitted killing her to call with friend."

Prosecutor at sentencing (minutes only, not 76): "This murder was calculated and methodical. This is the first murder in a decade we have had here in our county and it is so violent it is difficult to discuss. It was an impromptu victim to the defendant's transient scheme. The defendant had to kill the victim to cover his fraud." (p. 32 of vol. 1)

see Idaho Court of Appeals Decision:
 At the time of her death, the victim was living in a house with her cousin (Culley's mother), Culley, and the victim's boyfriend. One night in November 2012, Culley's mother discovered the body of the victim on the floor of a room with a knife sticking out of her head. An autopsy later revealed that the victim had twenty-nine stab wounds, including eleven wounds in her head. Two days after the homicide, police arrested Culley, and Culley implicated himself and a co-defendant in the death of the victim. According to Culley's statements to the police, Culley and his co-defendant entered the house to steal money or financial transaction cards from the victim in order to acquire methamphetamine. Culley was charged by indictment with first degree murder, grand theft by receiving or possessing stolen property, and burglary. As part of a plea agreement, the State later filed an amended indictment charging Culley with second degree murder, grand theft, and burglary. At the charge of plea hearing, the State acknowledged that it had agreed to dismiss the grand theft and burglary counts, and Culley pled guilty to second degree murder. At that hearing, Culley provided a factual basis for the plea. He explained that he and his co-defendant went over to the house where the victim was staying to rob the victim. According to Culley, as he and the co-defendant were walking into the house, the victim woke up and yelled at the co-defendant. The co-defendant yelled back and stabbed the victim. The co-defendant then handed Culley the knife and said, "You're either with me or you're not with me." Culley then stabbed the victim, recalling that he stabbed her in the back and chest. But according to a letter Culley later wrote to his grandfather, he also "strove the knife into her brain so she would not suffer."

State v. Culley, No. 42209, 2015 WL 4657118, at *1 (Idaho Ct. App. Aug. 6, 2015)
 information charges Murder I (premeditated and/or felony murder), burglary, Attempted Robbery: "That the . . . on or about the 31st day of May, 2007, . . . did . . . With premeditation and malice aforethought, kill and murder Andrew Dalley, a human being, by striking him in the head with a rock and stabbing him multiple times from which he died. OR IN THE ALTERNATIVE, did willfully, unlawfully, and with malice aforethought kill and murder Andrew Dalley by striking him in the head with a rock and stabbing him multiple times which caused his death, the said murder being committed during the perpetration of a felony, to-wit, burglary and/or attempted robbery. COURT II That the . . . did enter into a certain building, to-wit, a mobile home, the property of Andrew Dalley . . . with the intent to commit the crime of Theft and/or Robbery. COURT III That the . . . did intentionally and by means of force and/or fear attempt to take from the possession or from the person or from the immediate presence of Andrew Dalley certain personal property, to-wit: drugs, the property of Andrew Dalley, which was accomplished against the will of Andrew Dalley, in that the D struck V in the head with a rock and stabbed him multiple times while commanding V to give him drugs." PC found.

Rule 11 Plea Agreement: Agrees to plead guilty to reduced charge of 2D murder; prosecutor moves to dismiss burglary and attempted robbery charges. (Note: D had different theory of the case based on heat of passion but State continued to assert the robbery/burglary theory until the amended indictment, and PC was based on those charges)

Aggravated Battery, on a child, to-wit: C.A., a human being, who was under the age of twelve (12) years, to-wit: twenty-four (24) days old, DOB: April 17, 2016, 68 strike her about her person, including her abdomen and/or buttocks which perforated her eardrum from which she died."

see plea hearing and sentencing hearing:
 Original trial for 1D murder ended in mistrial. (plea hearing at 17)
 Prosecutor at charge of plea hearing: mom would testify that "when she left her daughter, [victim], with Daniel Alldrin that she was healthy . . . when she arrived back home after being gone from 12:00 pm to 3:20 pm that [victim] was cold to the touch. She was blue. She was shaking. That her ear was red and had an injury, and that she was having difficulty breathing. She would also testify that she immediately wanted to take [victim] to the ER, open, but that Daniel argued with her and she had to get the baby with some clothes on so she could put her in the car along with her sons, and that she took them to the ER. . . . Dr. Howard "testified that she is in pain that [victim] died as a result of a brain injury that was caused by the force of the blows that she took from the ER. . . . Dr. Howard "testified that abnormal force" (26-27). Mom "would testify again, that she took at the time that she was angry with her for leaving him with his children. That he had to watch them while she was gone and she had been gone for too long. [She] would also testify regarding a Google search that she found on the cellphone that was being used by Daniel Alldrin. . . . that it had been searched, rather, how to hide brain injury victim." (28)

judge: "That there is a factual basis that would support the plea in this matter. . . . that would raise a substantial likelihood that you would probably be convicted of the offense of First Degree Murder in this matter. You're only charged with Second Degree Murder, but there is a substantial likelihood based upon that evidence." (39)

"Daniel . . . was diagnosed with Antisocial Personality Disorder. Antisocial Personality Disorder is a mental condition which has long term patterns of manipulating, exploiting, or violating the rights of others without any remorse. This diagnosis makes Daniel's behavior from the onset of this case extremely clear. He left the hospital, left Severely alone at the hospital. He tried to leave the hospital on May 25th to get out of evidence by text messages. It explains why Daniel has a difficult time respecting boundaries and responsibility for his own actions and behavior. He blames others. He blamed Blaine. He blamed the investigation. What led to the treatment and life life flight. It is based summed up by his own statement that he has the [PSI] believe that my bad behavior choices in the past came back to affect law enforcement's reaction to my death that day. He would also testify that he was not in the hospital at this time when what led to the investigation. . . . What led to the prosecution were his actions, [victim] . . . was found . . . grazed, bluish gray, grunting to breathe with a red ear. That's how her mother . . . found her. Daniel Alldrin explained to her that a speaker had fallen on her. She was taken to the hospital. But there were multiple injuries. The ear, the buttocks, the perforated eardrum, the

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X													
															<p>he addition to considering Bates' mental health issues, the court considered the "heinousness of the crime, which it characterized as "a particularly gruesome murder." Bates pled guilty to second degree murder of her uncle whom she was living with at the time. Bates obtained a gun from beside the victim's nightstand and then fired the shot, causing him to fall to the ground where she then blew him with a metal rod. Bates then took a fire extinguisher and poured it over the victim's body, placed several vehicle tires atop of his body, and set them on fire, leaving the victim to burn. After the fire burned down, she decapitated the victim with an axe. She then threw the gun into the river, gathered her belongings, and fled to a nearby county where she was apprehended by law enforcement while waiting to catch a ferry.</p> <p>The court found a particularly troubling, though Bates had received mental health treatment in the past. "The professionals thought the treatment was successful. Yet after that treatment, after release, she has the horrible memories that we're sentencing her for now." Accordingly, the court found that protection of the community required that Bates be in a secure setting and that progress on her mental health issues, such as the district no longer represent a significant threat, would come only by prolonged and intense treatment, both of which mitigated in favor of a longer sentence. That the court carefully reviewed the facts of the case, considered the mitigating information presented by Bates, and concluded the sentence was necessary to achieve the goal of sentencing. Having reviewed the record, this Court cannot say the district court abused its discretion."</p> <p>State v. Bates, No. 0002, 2013 WL 65322, at *17 (Wash. Ct. App. Feb. 13, 2013)</p>																					
13	Bates, Mallia Renee	AC	seawah	10Cap	heary	DCLCourt	10	no	no	20	murder	20	ohka	yes (initially charged, only reduced for plea deal)	yes than death	HAC, 2/urter diverged/propensity		White	White	Female	male															
18	Hart, Delmer	AC	Baundary	10Cap	heary	Olney	20	no	no	20	murder	20	ohka	yes (released mental health -> premeditation, although he claimed not intent to kill)	yes than death	propensity, utter diverged		White	White	Female	male		11/8/2011													
19	Scott	AC	Ada	10Cap	heary	Ada file	10	no	no	20	murder	20	ohka	yes (aid & abet egg battery child under 12)	yes than death	HAC, 2/urter diverged		White	White	Female	child															
21	McQueen, Martin	AC	Franklin	10Cap	heary	SAPD affls	10	no	no	20	murder	20	ohka	yes (premeditation)	yes than death	HAC, Possible utter diverged		White	White	male	male															
41	Riggs, Scott E	AC	Stone	10Cap	heary	SAPD affls, Ada Rock	10	no	no	20	murder	20	ohka	yes (premeditation-PC Court of PR, again enough found to overturn MFO)	yes than death	HAC, utter diverged		White	White	Male	Female															
42	Shaw, Anthony Dwayne	AC	Ada	10Cap	heary	Ada file	10	no	no	20	murder	20	ohka	yes (egg battery child under 12)	yes than death	HAC, utter diverged		White	White	male	child															
43	Thompson, Christopher	AC	Sistent	10Cap	heary	SAPD affls	10	no	no	20	murder	20	ohka	yes (premeditation), but premeditation at sentencing. "No premeditation was proved. The evidence established the hit to the knife and pocket knife was not the knife and pocket knife that the defendant had used to cut her throat for five seconds. Every single one of the wounds inflicted, every second spent cutting her throat was a choice to stop and she chose not to. She did not bleed out. She screamed in her own blood. A force used to cut her neck left marks on her forehead. Anything less than the sentence recommended would demonstrate disrespect to the victims. Recommendations of the court, recommended about this case, I really didn't need to see the autopsy photos or the report this morning, but it is my duty. Both sides did a very thorough job to give me a basis to sentence. Considering the toxicity of the social factors, in recognition of the seriousness and gravity of the crime, and recognition of the fact that Thompson can't help being	yes than death	HAC, Utter diverged; Most likely Propensity		White	White	male	Female															

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X									
															information: Murder 1, Attempted murder, firearm enhancement. "Court 1. That the D. - On or about the 9th day of July, 2002. . . . With premeditation, and with malice aforethought, kill and murder Carlos Galvez, a human being, by shooting him with a rifle and/or shooting him with a firearm from which he died. Court 2. That the D. - on or about the 9th day of July, 2002. . . . did willfully, deliberately, and with malice aforethought, attempt to kill and murder Audria Johnson, a human being, by shooting at her with a firearm. Court 3: (Breann enhancement). . . . Committed for same after PH. Charge amended to 20 murder for plea. (Court 1 -> without premeditation). Court 2 + 3 dismissed.																	
13	Hunter, Aaron	AC	Ada	100Cap	only	Ada file	10	no	no	no	no	20 murder	20	other	yes (premeditation)	yes than death	Defendant turned himself in and did show remorse.	White	male	male			7/9/2002									
14	Paacock, Mark Anthony	AC	Ada	100Cap	only	Ada file	10	no	no	no	no	20 murder	20	other	yes (premeditation)	yes than death	Defendant turned himself in and did show remorse.	White	male	female												
15	Luera, Severo	AC	Owens	100Cap	clear	Ada kiosk	10	no	no	no	no	3x 20 murder (ad & abet)	20	other	yes (ad & abet)	yes than death	989 (more than 1 murder)				Multi 2 male, one female		4-Apr-13									
16	Reed, Montanna	AC	Thygha	100Cap	only	Ada kiosk	10	yes	no	no	no	20 murder	20	other	yes (conspiracy to commit 20 murder; failure to notify of a death)	yes than death	HAC, other disorganized, possibly (alleged in notice of intent)	White	female	male												
17	Baker, Jeffrey Alan	CS AC w/ed	Ada	100MyBeCa	only	SAPD affa	10	no	no	no	no	20 murder	20	other	yes (ad & abet)	yes than death	NSM	White	male	male												
18	Jewell, Christopher	AC	Banner	100MyBeCa		Berjamin file	10	no	no	no	no	20 murder	20	other	yes (convicted, premeditation)	yes than death	NSM	White	male	male												
19	Narajoo, Armine	CS	Twin Falls	100MyBeCa	other	Twin Falls County Courthouse	10	no	no	no	no	20 murder	20	other	yes (charged premeditation)	21 years	96 (The defendant knowingly created a great risk of death to many persons.)	Hispanic	Unknown	male	male											
20	Whitewater James	CS AC w/ed	Canyon	100MyBeCa		Canyon County Kiosk	10	no	no	no	no	20 murder	20	other	yes (premeditation)	yes than death	NSM	Hispanic	Unknown	male	male		13th July 2014									
21	Ruff, Eugene	AC	Bighand	100MyBeCa		SAPD affa	10	no	no	no	no	20 murder	20	other	yes (premeditation)	yes than death	NSM	White	Unknown	male	female											

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
73	Tortolano, Brent	AC	Ada	2D	N/A	OCJ/court, Ada file	2D	no	no	no	no	2D murder (by jury verdict)	2D	very			Tortolano v. Ramirez, No. 136-CV-00509-DCN, 2018 WL 5621856, at *2 (D. Idaho Oct. 30, 2018)	White	White	male	female		
73	Walters, John Edward	AC	Ada	2D	N/A	SAPD-afsa	1D	no	no	no	no	2D murder	2D	very									
80	Gomez, Oscar	CC IAC (renewed)	Canyon	2D		Ada County Court that Canyon case 1D	1D	No	No	No	No	Murder 2D	2D	inba			Charged 1D murder but no evidence that it is supported	Hispanic	Hispanic	male	male		4th May 2006
81	Maguire, Edward	AC	Ada	2D	N/A	OCJ/court, Benjamin file	2D	no	no	no	no	2D murder	2D	inba			Maguire was a member of Caldwell, Idaho gang. In the late evening on August 18, 2005, twenty-year-old Maguire and two fellow gang members, Mike Trinidad and Saul Castillo, were cruising the streets of downtown Boise in Maguire's vehicle, with a .357 revolver in the car. Orlando Hernandez and some of his friends were outside of a bar standing in line to gain entry. For reasons that are not clear, there was a brief incident between Maguire and Hernandez, the two were engaged in physical fights in the east, as had Trinidad and Hernandez's. Over a short period, the Maguire group drove past and then returned to the location of the Hernandez group several times. The Maguire group yelled insults and flashed gang signs at the Hernandez group, apparently trying to start a fight. Some witnesses said that members of the Hernandez group responded in kind. Ultimately, the Hernandez group decided to leave. As Hernandez was walking to his car, he encountered the Maguire vehicle stopped at a traffic light. Hernandez approached the vehicle. Some independent witnesses said that he punched Trinidad, the driver, several times. Maguire, seated behind the driver, picked up the gun and shot Hernandez, who died a short time later. Maguire, Trinidad and Castillo drove away but were apprehended by Boise police.	Hispanic	Hispanic	male	male		
81	Martinez, Juan Benito	AC	Canyon	2D	N/A	SAPD hand copy	2D	no	no	no	no	2D murder	2D	inba			State's theory is disproved heart killing. Possibly because it was a knife looking, but unlikely. Sounds like heat of passion and there are not enough facts to say determinative that Defendant did not use knife with intent to harm but not kill. Not clear from media reports about sentencing. Defendant shot 2 charges were dropped, which could have been part of the plea deal.	Hispanic	Hispanic	Male	Male		20 Aug 20
81	Martinez, Juan Benito	AC	Canyon	2D	N/A	SAPD hand copy	2D	no	no	no	no	2D murder	2D	inba			State's theory is disproved heart killing. Possibly because it was a knife looking, but unlikely. Sounds like heat of passion and there are not enough facts to say determinative that Defendant did not use knife with intent to harm but not kill. Not clear from media reports about sentencing. Defendant shot 2 charges were dropped, which could have been part of the plea deal.	Hispanic	Hispanic	Male	Male		20 Aug 20
81	McDaniel, Patrick	CC	Canyon	2D		Canyon Court records seem like 2d with fight to retrieve a gun, and fired 5 shots at the victim, but seems part of the fight from media reports about sentencing.	2D	no	no	no	no	Murder 2D	2D	inba			Defendant stabbed Robert Stevens with a knife or sharp instrument, causing injuries from which he died (Complainant) Defendant fled with his girlfriend after the incident (Sentencing Memo). Hand annotations on the complaint say that the prosecution did not consider the Defendant to have acted with premeditation / Affiant of Probable Cause is based off witness interview (Defendant's girlfriend), an argument erupted between victim and Defendant. 3 people picked Defendant out of a "line" line-up (Defendant's girlfriend's mother who did not know Defendant). Defendant was violent while incarcerated on the charge, showed no remorse. Red the scene after the incident, his gang affiliation (sentencing memo).	White	White	male	male		10th March 2016
84	White, Scott	CC	Boonville	2D		Canyon Court records seem like 2d with fight to retrieve a gun, and fired 5 shots at the victim, but seems part of the fight from media reports about sentencing.	2D	no	no	no	no	Murder 2D	2D	inba			Defendant shot victim (Complainant) The incident occurred following a heated exchange between the victim and the defendant (Report incident) / Charge was reduced from murder 2D to murder 2D. Defendant came into the bar with his girlfriend and got into a fight with the victim who had not done defendant. However, defendant knew victim's name. Defendant fired a notice of self-defense. / Court minutes detail that the murder was captured by surveillance. After the fight was over, the defendant got a gun and shot the victim twice in the chest and then three times in the stomach. / Prosecutor suggests that Defendant becomes violent when under the influence, which he was at the time of the incident (Court Minutes, Preliminary Hearing Statute).	White	White	male	male		4th February 2019
85	Hernera, Joseph	AC	Boonville	2D	N/A	OCJ/Court	2D	no	no	no	no	2D murder	2D	inba			Hernera challenged 2D murder conviction for lack of malice aforethought. / OSC upheld on grounds of implied malice. See State v. Hernera, 159 Idaho 615, 620, 364 P.3d 1305, 1305 (2015).	White	White	male	female		
86	Bond, John Gabriel	KS	Twin Falls	2D		Twin Falls County Courthouse	1D	no	no	no	no	2D Murder	2D	inba			Dad kept telling me he was going to shoot Hoshaw and I drove him to Hoshaw, watched him carry in the gun and start to shoot Hoshaw even though when he finally did I shot me and then I drove him away and helped him to the car. On the 15th day of November 2007, JOMIE GARCIA BONDI did borrow a vehicle from Jill Stratton for the purpose of driving to J... for the purpose of shooting Leland Joe Hoshaw, Jr. J... did take Dada James Dade Bond to an address in Twin Falls to get a gun for the purpose of shooting Hoshaw. Bond drove Dada James Dade away from the crime scene after Dada James Dade shot Hoshaw's (Bond and Dade) did take the rifle and shells used in the shooting.	White	White	male	male		
87	Johnson, Jeremy	KS	Twin Falls	2D		Twin Falls County Courthouse	1D	no	no	no	no	2D Murder	2D	inba			Had guilty to 2D murder in exchange for state amending 1d charge to 2d and dropping conspiracy 1st murder	White	White	male	male		
87	Johnson, Jeremy	KS	Twin Falls	2D		Twin Falls County Courthouse	1D	no	no	no	no	2D Murder	2D	inba			I was in the backseat of a car with two other people and one person asked me to hand him a rifle that was under a coat on the floor (didn't exactly know what was happening but when he started loading I realized something bad was gonna happen and I didn't run away so I'm guilty of being there. "Johnson [...] did aid and abet another [...] having knowledge of Dade's intention to kill Hoshaw) did take Dade to loading the rifle prior to the shooting. in violation of Idaho Code Section 18-4001, 18-4002, 18-4003, 18-204.	White	White	male	male		
87	Johnson, Jeremy	KS	Twin Falls	2D		Twin Falls County Courthouse	1D	no	no	no	no	2D Murder	2D	inba			I don't think this counts as 1D because no intent to kill established	White	White	male	male		
88	Garcia, David	AC	Ada	2D	2D	SAPD-afsa	2D	no	no	no	no	2D murder + 486 battery	2D	very			State's closing statement at trial: "And what happens? Eric and the defendant follow Luis. They follow him back to where Luis has met up with his group of friends at the bar and they establish them. And Eric and the defendant at 1:38:22 on channel 15 could see that man bar area. They establish the group and they establish the bar area in a circle watching them. And you see at 1:38:52... the defendant turns back and gives him the mad dog stare... This is at least the second time you can see that the same scenario. He's walking toward David's group. And Eric turns around and looks at them as well. At 1:40:10 the defendant and Eric walk to the dance floor on Channel 4 and you see he's got his knife in his right hand. 15 seconds later, approximately 1:40:33 the defendant's stabbing - the stabbing starts. Luis is there first and he's engaged with Luis and he's stabbing Luis and David walks up later and then he stabs David and the boys try to stand between the defendant and Luis to protect his friend... David is standing there a shot and he's getting stabbed by the defendant. And this takes approximately 15 seconds. And at 1:42:44 on Channel 4 you see the defendant running out of the club after he's just stabbed two men."	Hispanic	Hispanic	male	male		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	
155	Crosson, Kyle	AC	Ada	2D-1D		Ada Klask	2D	no	no	Murder 2D (admitting to shooting)	2D	pink	Probably yes (see Mykile Blumenshine)	less than death	possible 9(c) (great risk of death to many persons) - shooting at a group of people in the dark	possible letter disregard / propensity (due to the unspecified nature, shooting at a group of people, gang involvement)									
																SEE MYKILE BLUMENSHINE ABOVE									
																				Black	male	male			