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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

STATE OF IDAHO	)	
	)	
Plaintiff,	)	Case No. CR38-25-1295
	)	
vs.	)	OBJECTION TO MOTION TO
	)	DISMISS
STACEY JAMES WONDRA,	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, Kimberlee S. Bratcher, Payette County Prosecuting Attorney, and hereby
OBJECTS to the Defendant's Motion to Dismiss.

Defendant has claimed three things in his motion to dismiss: failure of the State to
provide documentation to support a detainer, that his right to an arraignment hearing within 72-
hours has been "neglected," and that his right to due process was violated by his statements
being released to the public and that his Eighth Amendment rights were violated. After review,
the State requests that this Court DENY the defendant's motion, and further direct the Defendant
to ensure that further pleadings are properly served upon the State.

- 1. Defendant claims that "Plaintiff has failed to provide any documentation or
evidence to support a detainer to hold [him] pending extradition to Idaho."**

Here, the State has elected to file a petition for a writ of habeas corpus *ad prosequendum*,
in order to expedite the matter, not a detainer. These are two distinct procedural mechanisms to

**OBJECTION TO DEFENDANT'S MOTION
TO DISMISS**

secure the presence of the Defendant. The State is not required to file one or the other. See, *United States v. Mauro*, 436 US 340 (1978).

Under the Idaho Criminal Rules, the Court was provided a probable cause affidavit with the Complaint. The Court found probable cause and issued a warrant for the charges of Murder in the First Degree, Kidnapping in the Second Degree, Destruction or Concealment of Evidence. A persistent violator enhancement was also filed under Idaho Code 19-2514. The State properly provided the Court with the evidence necessary for a warrant to be issued under Idaho Criminal Rule 4.

2. The Defendant claims he “has been neglected his right to a(n) arraignment hearing within the 72-hour time from (sic) per Idaho State Code.”

Idaho Code does not provide a timeframe for an arraignment hearing. Procedural matters generally fall under the Idaho Criminal Rules. Defendant is entitled to an initial appearance without unreasonable delay when he is arrested, with or without a warrant. I.C.R. 5. In this case, the Defendant has not been arrested or served with a warrant, and the provisions of I.C.R. 5(b) have not been violated.

3. Defendant claims “[h]as violated [his] right to due process by releasing a statement [he] made to Payette County Detectives to the public media, also violating [his] 8th amendment causing [him] to be in constant fear for [his] life, and [his] life being in danger.

Defendant is currently in secure custody in Phoenix, Arizona, far from the State of Idaho. The Defendant has not shown any evidence that his life is in danger while confined.

The State is aware that the Washington County Sheriff’s Office released a video recording to a private citizen pursuant to a 2023 public records request. That video shows the Defendant directing Fruitland Police detectives and others to where he says he saw the victim’s body being buried in Defendant’s backyard, *inter alia*.

The Defendant has not shown any evidence that pretrial publicity had an actual effect or even a general effect on the impartiality of any juror or potential juror that would substantively impact his due process rights. The Court has a long list of potential remedies if any such bias can be proven, including voir dire questioning, potential change of venue and the like. If anything, the motion to dismiss predicated on these grounds is premature and should be denied.

Therefore, based upon the foregoing, the State respectfully requests that the Defendant's motion to dismiss be DENIED.

The State further requests that the Defendant be instructed to properly serve copies of all further pleadings upon the Payette County Prosecuting Attorney's Office.

DATED 9/9/25

MICHAEL DUKE
Payette County Prosecuting Attorney

A handwritten signature in black ink, appearing to read "Kimberlee S. Bratcher", written over a horizontal line.

By: Kimberlee S. Bratcher
Deputy Prosecutor