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*Attorneys for the Ada County Prosecuting Attorney*

IN THE SUPREME COURT OF THE STATE OF IDAHO

TRACY TUCKER, JASON SHARP,  
NAOMI MORLEY, and BILLY  
CHAPPELL, on behalf of themselves and all  
other similarly situated,

Plaintiffs-Appellants,

v.

STATE OF IDAHO; and DARRELL BOLZ,  
ANGELA BARKELL, ERIC LEHTINEN,  
REP. DAVID CANNON, HON. LINDA  
COPPLE TROUT, DAN DINNING, SEN.  
MELISSA WINTROW, and BEN  
ANDERSEN, in their official capacities as  
members of the Idaho State Public Defense  
Commission,

Defendants-Respondents.

**Supreme Court Docket No. 51631-2024**

**District Court No. CV-OC-2015-10240**

**APPLICATION FOR ADA  
COUNTY PROSECUTING  
ATTORNEY TO FILE AMICUS  
BRIEF IN OPPOSITION TO  
MOTION TO MODIFY  
INJUNCTION AND FOR AN  
ORDER TO SHOW CAUSE**

## **I. INTRODUCTION**

The Ada County Prosecuting Attorney applies under I.A.R. 8 for permission to file a brief as amicus curiae in opposition to the Appellants' *Motion to Modify Injunction and for an Order to Show Cause*.

## **II. ADA COUNTY PROSECUTING ATTORNEY'S INTEREST REGARDING THE MOTION**

The Ada County Prosecuting Attorney is dedicated to ensuring the safety of Ada County residents in conjunction with law enforcement. The Prosecuting Attorney's deputies appear at criminal hearings, arguing appropriate pretrial release conditions for defendants on a case-by-case basis. The Prosecuting Attorney zealously advocates for justice and proudly stands up for crime victims to ensure they are heard.

While the Prosecuting Attorney does not speak on the question of whether the State Public Defender is fulfilling its duty under the Sixth Amendment, or the broader question of how public defense should operate in Idaho, it does speak on the impact the requested relief would have on public safety and the rights of crime victims, as well as on the administration of justice.

The Prosecuting Attorney's constitutional and statutory role provides a perspective that is different than that of the Respondents, who are not charged with doing the hands-on public-safety work the Prosecuting Attorney does regularly, in the very realm affected most by the Appellants' proposal in their motion—pretrial detention, release, and conditions.

## **III. CONCLUSION**

The Ada County Prosecuting Attorney respectfully requests that this Court allow her to provide input on the very real public safety concerns that are present in this case through filing an

amicus brief, addressing how the motion directly impacts public safety from the perspective of a constitutional officer entrusted with ensuring public safety.

**DATED** this 31st day of January, 2025.

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

By: /s/ Dayton P. Reed  
Dayton P. Reed  
Deputy Prosecuting Attorney

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of January, 2025, I served a true and correct copy of the foregoing APPLICATION FOR ADA COUNTY PROSECUTING ATTORNEY TO FILE AMICUS BRIEF IN OPPOSITION TO MOTION TO MODIFY INJUNCTION AND FOR AN ORDER TO SHOW CAUSE to the following persons by the following method:

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By: /s/ Chyvonne Tiedemann  
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