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Attorney for Appellant

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

AARON ANSON VON EHLINGER,)	
)	Case No. CR01-21-34839
Appellant,)	
)	Supreme Court Docket No. <u>50087-2022</u>
vs.)	
)	
STATE OF IDAHO,)	NOTICE OF APPEAL
)	
Respondent.)	
_____)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND ITS ATTORNEY OF RECORD, ADA COUNTY PROSECUTING ATTORNEY, 200 WEST FRONT STREET, ROOM 3191, BOISE, IDAHO 83702, AND THE CLERK OF THE ABOVE-ENTITLED COURT

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Appellant, Aaron Anson von Ehlinger, by and through his attorney of record, Jon R. Cox of The Cox Law Firm, appeals against the above-named Respondent, State of Idaho, to the Idaho Supreme Court from the entry of Judgment and Commitment executed on the 1st day of September 2022, entered in the above-entitled action by the Honorable Michael Reardon,

Case No. CR01-20-29432, in the Fourth Judicial District of the State of Idaho, in and for the County of Ada. A copy of the Judgment of Conviction and Order of Commitment is attached hereto.

2. Aaron Anson von Ehlinger has a right to appeal to the Idaho Supreme Court, and the Judgment of Conviction and Order of Commitment described in paragraph 1 above is an appealable order under and pursuant to Rule 11(c)(1), I.A.R.

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

a. The Court erred during trial in allowing the State to present evidence from witness Anne Wardle to support the allegations in this case despite Defendants objections. Such error was not harmless.

b. The Court erred in not immediately declaring a mistrial when the complaining witness who took the witness stand abruptly left the witness stand and never returned.

c. The Court erred in denying the Defendant's Motion for Idaho Criminal Rule 29 at the close of the State's case in chief and further erred in the denial of Defendants post trial motion under ICR 29, and Defendants Motion for a New Trial

d. The Court abused its discretion in the pronouncement of sentence that imposed a twenty (20) year sentence, with eight (8) years of that sentence being fixed.

e. Any other issues that may be determined by a review of the record.

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

5. The Appellant requests the preparation of the entire reporter's standard transcript as defined in Rule 25(c), I.A.R., in electronic format. The Appellant will seek assistance to pay any

necessary costs for such transcript upon receipt of an estimate for the same. The Appellant, who is incarcerated is unable to pay for the same due to his status as indigent.

6. The Appellant requests the standard clerk's record pursuant to Rule 28(a)(2), I.A.R. The Appellant will seek assistance to pay any necessary costs for such transcript upon receipt of an estimate for the same. The Appellant, who is incarcerated is unable to pay for the same due to his status as indigent.

7. I certify that:

a. That a copy of this Notice of Appeal has been served on the court reporter, Fran Casey;

b. That the Appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent ((Idaho Code §§ 31-3220, 31-3220A, I.A.R. 27(f)).

c. The Appellant is requesting a waiver of any costs associated with this appeal;

d. That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));

e. That a copy of this Notice of Appeal has been served on the clerk and the Attorney General;

f. The appellant has filed a Motion for Appointment of a State Appellate Public Defender, pursuant to I.C. 19-853 and ICR 45.1, and an affidavit in support of that motion to request current counsel be allowed to withdraw as counsel of record on appeal to follow once signed by appellant. The appellant will submit an affidavit to the Court that established his indigency and his inability to pay an outstanding balance with his

current attorney of record. That motion is currently pending before the Honorable Judge Michael Reardon; and

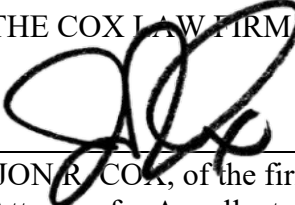
g. The appellant has filed a Motion for Preparation of the Clerk’s Record and Transcripts at Public Expense, and an affidavit in support of that motion is filed concurrently herewith, to request that the payment of the clerk’s record fee and the reporter’s fee be waived and paid at public expense by Ada County as the Appellant is indigent. (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(h), I.A.R. 27(f)). That motion is currently pending before the Honorable Judge Michael Reardon; and

h. That service has been made upon all parties required to be served pursuant to Rule 20, I.A.R.

DATED this 22nd day of September, 2022.

THE COX LAW FIRM PLLC

By:



JON R. COX, of the firm
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of September, 2022, I caused to be served a true and correct copy of the foregoing document upon the following individual, by the method indicated, and addressed as follows:

Ada County Prosecuting Attorney’s Office
200 W. Front Street, Rm 3191
Boise, Idaho 83702

U.S. Mail, postage prepaid
 Hand Delivered
 Facsimile – 287-7709
 eFile/Email
acpocourtdocs@adacounty.id.gov

Honorable Michael Reardon
Ada County Courthouse
200 W. Front Street
Boise, Idaho 83702

U.S. Mail, postage prepaid
 Hand Delivery
 eFile/Email
mreardon@adacounty.id.gov

Aaron Von Ehlinger, No. 01133224
Ada County Jail
7210 Barrister Road
Boise, ID 83704

U.S. Mail, postage prepaid

Beth Masters
Clerk to the
Honorable Michael Reardon
Ada County Courthouse
200 W. Front Street
Boise, ID 83702

Email:
lmasters@adacounty.id.gov

Fran Casey
Court Reporter to the
Honorable Michael Reardon
Ada County Courthouse
200 W. Front Street
Boise, Idaho 83702

Email:
fcasey@adacounty.id.gov

Kenneth K. Jorgensen
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

U.S. Mail, postage prepaid
 Facsimile: (208) 854-8074
 eFile/Email:
ecf@ag.idaho.gov


ALICIA SCHIFFER

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

STATE OF IDAHO,)	
)	Case No. CR01-21-34839
Plaintiff,)	
)	JUDGMENT OF CONVICTION
vs.)	AND ORDER OF COMMITMENT
)	
AARON ANSON VON EHLINGER,)	
aka AARON ANSON EHLINGER,)	
)	
Defendant.)	
)	
SSN: xxx-xx-2701)	
DOB: 05/07/1982)	
_____)	

On the 31st day of August 2022, before the Honorable Michael J. Reardon, District Judge, personally appeared Katelyn M. Farley and Whitney Welsh, Deputy Prosecuting Attorneys for the County of Ada, State of Idaho, and the Defendant with his attorney, Jon R. Cox, this being the time fixed for pronouncing judgment in this matter.

IT IS ADJUDGED that the Defendant has been convicted upon a finding of guilty by jury to the offense of COUNT I. RAPE, FELONY, I.C. § 18-6101, of the Information (Defendant having been acquitted on Count II). The Court asked the Defendant if he had any legal cause to show why judgment should not be pronounced against him, and no objection was made by either the State or the Defense to the entry of judgment;

IT IS FURTHER ADJUDGED that Defendant is guilty as charged and convicted; that the offense for which Defendant is adjudged guilty herein was committed on or about March 9, 2021.

IT IS FURTHER ADJUDGED that the Defendant is sentenced, pursuant to Idaho Code § 19-2513, to the custody of the Idaho State Board of Correction, to be held and incarcerated by said Board in a suitable place for a period of time as follows:

For a minimum fixed and determinate period of confinement of eight (8) years, with the fixed minimum period followed by an indeterminate period of custody of up to twelve (12) years, for a total term not to exceed twenty (20) years.

Pursuant to Idaho Code §18-309, the Defendant shall be given credit for the time already served in this case in the amount of one hundred thirty-nine (139) days, which shall be applied to the fixed portion of Defendant's sentence.

IT IS ORDERED that the Defendant shall pay a civil penalty of five thousand dollars (\$5,000.00), in favor of the victim, J.V.; pay restitution in the amount of two thousand fifteen and 39/100 dollars (\$2,015.39); and remit court costs of seventeen and 50/100 dollars (\$17.50); Administrative Surcharge Fee of ten dollars (\$10.00); P.O.S.T. Fee of fifteen dollars (\$15.00); Victim Notification Fee (VINE), pursuant to I.C. § 31-3204, in the amount of fifteen dollars (\$15.00); Court Technology Fee of ten dollars (\$10.00); Peace Officer Temporary Disability Fee of three dollars (\$3.00); Victim's Compensation Fund in the amount of three hundred seventy-five dollars (\$375.00); and Emergency Surcharge Fee of one hundred dollars (\$100.00).

IT IS FURTHER ORDERED that the Defendant shall submit a DNA sample and thumbprint impression to the State of Idaho database, as required under Idaho law.

Upon release from incarceration, the Defendant is subject to the requirements of the Sexual Offender Registration Notification and Community Right to Know Act, I.C. §§ 18-8301, *et seq.* Defendant shall comply with the act and register as a sex offender in any county in which he shall reside.

IT IS FURTHER ORDERED that the Defendant is committed to the custody of the Sheriff of Ada County, Idaho, for delivery forthwith to the custody of the Idaho State Board of Correction at the Idaho State Penitentiary or other facility within the state designated by the State Board of Correction.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the Defendant.

NOTICE OF RIGHT TO APPEAL

YOU ARE HEREBY NOTIFIED that you have the right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written order in this matter.

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal *in forma pauperis* or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

Done in open Court this 31st day of August 2022.

9/1/2022 10:26:52 AM



MICHAEL J. REARDON
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of September 2022, I e-mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ATTORNEY FOR DEFENDANT
Jon R. Cox
THE COX LAW FIRM, PLLC
VIA E-MAIL – coxlaw@coxlawboise.com

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTION – CENTRAL RECORDS
VIA E-MAIL

CCD SENTENCING TEAM – DOC
VIA E-MAIL

PROBATION & PAROLE – PSI DEPARTMENT
VIA E-MAIL

PHIL McGRANE
Clerk of the District Court



By: Christa Beatty
Deputy Court Clerk 9/1/2022 10:31:56 AM