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

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	CASE NO. CR01-21-34839
	)	
v.	)	S.C. DOCKET NO. 50087-2022
	)	
AARON ANSON VON EHLINGER,	)	
AKA AARON ANSON EHLINGER,	)	<u>AMENDED</u> NOTICE OF APPEAL
	)	
Defendant-Appellant.	)	
_____	)	

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO AND THE PARTY'S ATTORNEYS OF RECORD, JAN M. BENNETTS, ADA COUNTY PROSECUTOR, 200 W. FRONT STREET, ROOM 3194 BOISE, ID 83702, STATEHOUSE MAIL, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, Aaron Anson 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 of Conviction and Order of Commitment entered on September 1, 2022, by the Honorable Michael J. Reardon, presiding. 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. That the party has a right to appeal to the Idaho Supreme Court, and the judgment of ~~conviction and order of commitment~~ judgments or orders described in paragraph 1 above ~~is~~ are appealable orders under and pursuant to Idaho Appellate Rules (I.A.R.) 11(c)(1-9).

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

(a) The court erred during trial in allowing the State to present evidence from witness Anne Wardle to support the allegations in the case despite defendant's 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 defendant's post trial motion under ICR 29, and defendant's motion for a new trial.

(d) The court used its discretion in the pronouncement of sentence that imposed a twenty (2) 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. That portion of the record that is sealed is the Presentence Investigation Report (PSI) and the Psychosexual Evaluation.

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(d)(e) ~~in electronic format.~~ The Appellant also

~~requests the preparation of the additional portions of the reporter's transcript: The appellant will seek assistance to pay any necessary costs for such transcript upon receipt of an estimate for the same. The appellant, who incarcerated is unable to pay for the same due to his status as indigent.~~

(a) Motion Hearing held on April 18, 2022 (Court Reporter: Christine Smith, no estimation of pages is listed on the Register of Actions);

(b) Jury Trial held April 26-29, 2022, to include the voir dire, opening statements, closing statements, jury instruction conferences, any hearings regarding questions from the jury during deliberations, return of verdict, any argument on motion or objections, and any polling of the jurors (Court Reporter: Christie Valcich, no estimation of pages is listed on the Register of Actions);

(c) Motion Hearing held on August 25, 2022 (Court Report: Fran Casey, no estimation of pages is listed on the Register of Actions); and

(d) Sentencing Hearing held on August 31, 2022 (Court Reporter: Christie Valcich, no estimation of pages is listed on the Register of Actions).

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2), and all exhibits, recordings, and documents for I.A.R. 31. The Appellant requests the following documents to be included in the Clerk's Record, in addition to those automatically included under I.A.R. 28(b)(2) and I.A.R. 31: The appellant will seek assistance to pay any necessary costs for such transcript upon receipt of an estimate for the same. The appellant, who incarcerated is unable to pay for the same due to his status as indigent.

(a) Warrant/Det Order Issued - Arrest filed September 9, 2021;

(b) PC Minute Sheet filed September 9, 2021;

(c) Notice of Faxed Warrant to Clayton Co. GA-1 filed September 25, 2021;

- (d) Notice of Appearance Cox filed September 29, 2021;
- (e) Stipulation for In-Person Preliminary Hearing held on October 21, 2021;
- (f) Objection to Motion to Close Preliminary Hearing to the Public and/or Place Limits on Audio/Visual Coverage of the Preliminary Hearing filed October 28, 2021;
- (g) Letter (Sealed) Regarding Results filed October 29, 2021;
- (h) Letter Regarding Results filed October 29, 2021;
- (i) Memorandum Decision and Order Re: Media Request for Preliminary Hearing filed October 29, 2021;
- (j) List of Potential Trial Witnesses and Exhibits filed April 15, 2022;
- (k) List of Potential Exhibits and Witnesses filed April 18, 2022;
- (l) Letter (Sealed) Regarding Results filed April 19, 2022;
- (m) Letter Regarding Results filed April 19, 2022;
- (n) Amended List of Potential Trial Witness and Exhibits filed April 19, 2022;
- (o) Objection to Defendant List of Potential Exhibits and Witnesses and State's Motion to Exclude Reference to Defendant's Polygraph Test and Results filed April 19, 2022;
- (p) Objection to Limits on Peremptory Challenges filed April 20, 2022;
- (q) Response to Defendant's Objection to Limitation of Peremptory Challenges to Jurors filed April 21, 2022;
- (r) Objection to State's Motion in Limine to Exclude Evidence Pursuant to IRE 412 filed April 22, 2022;
- (s) Objection to Live-Streaming filed April 25, 2022;
- (t) Notice of Appearance filed April 26, 2022;

- (u) Jury Instructions Filed April 29, 2022;
- (v) Jury Trial Work Product Documentation- Misc Documents filed April 29, 2022;
- (w) Exhibit List/Log filed April 29, 2022;
- (x) Prosecutor's Packet for Sentencing filed May 2, 2022;
- (y) Prosecutor's Packet for Sentencing filed May 2, 2022;
- (z) Response and Objections to Specific Request for Discovery (Filed Under Seal) filed May 26, 2022;
- (aa) Declaration of Alicia Schiffer (Filed Under Seal) filed June 8, 2022;
- (bb) Affidavit of Brandy Bentzinger in Support of Motion for Judgment of Acquittal or, in the Alternative, Motion for a New Trial (Filed Under Seal) filed June 8, 2022;
- (cc) Prosecutor Packet for Sentencing- Restitution filed June 27, 2022;
- (dd) Request to Inspect Sealed Records filed July 12, 2022;
- (ee) Transcript Filed Hearing held on April 26-29, 2022 filed July 20, 2022;
- (ff) Objection to Motion to Continue Sentencing filed July 20, 2022;
- (gg) Memorandum in Support of Motion for Acquittal or in the Alternative Motion for New Trial filed August 3, 2022;
- (hh) Objection to Motion for Acquittal or, in the Alternative, Motion for New Trial filed August 16, 2022;
- (ii) Notice of Lodging (Filed Under Seal) filed August 30, 2022;
- (jj) Affidavit of Aaron Von Ehlinger filed September 22, 2022; and
- (kk) Any exhibits, including but not limited to the PSI, the Psychosexual Evaluation, letters or victim impact statements, addendums to the PSI, addendums to the Psychosexual Evaluation or other items offered at the sentencing hearing. Except that any

pictures or depictions of child pornography necessary to the appeal need not be sent, but maybe sought later by motion to the Idaho Supreme Court.

7. I certify:

(a) That a copy of this Amended Notice of Appeal has been served on the Court Reporter(s), Christine Smith, Fran Casey, and Christie Valcich;

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

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

(d) That arrangements have been made with Ada County who will be responsible for paying for the reporter's transcript, as the client is indigent, (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(h)); and

(e) That service has been made upon all parties required to be served pursuant to I.A.R. 20. ~~That a copy of this Notice of Appeal has been served on the clerk and the Attorney General.~~

(f) ~~The Appellant is requesting a waiver of any costs associated with this appeal.~~

(g) ~~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~~

~~(h) — 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 fees be waived and paid at public expense by Ada County as the appellant is indigent (I.C. §§ 31-3220, 31-3220A, I.A.R. 27(f)). That motion is currently pending before the Honorable Judge Michael Reardon.~~

DATED this 18<sup>th</sup> day of October, 2022.

/s/ Erik R. Lehtinen  
ERIK R. LEHTINEN  
Chief, Appellate Unit

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of October, 2022, I caused a true and correct copy of the foregoing AMENDED NOTICE OF APPEAL to be served follows:

CHRISTINE SMITH  
COURT REPORTER  
E-Service: csmith@adacounty.id.gov

FRAN CASEY  
COURT REPORTER  
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CHRISTIE VALCICH  
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KENNETH K JORGENSEN  
DEPUTY ATTORNEY GENERAL  
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/s/ Mary Ann Lara  
MARY ANN LARA  
Administrative Assistant

ERL/mal