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Attorney for Defendant

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,)	DEFENDANT’S MOTION
vs.)	TO VACATE AND RESET
)	JURY TRIAL
AARON ANSON VON EHLINGER,)	
)	
Defendant.)	
_____)	

COMES NOW the Defendant, Aaron Anson von Ehlinger, by and through his attorney of record, Jon R. Cox of The Cox Law Firm, and hereby moves this Court for an Order to vacate and reset the jury trial currently scheduled to begin on April 26, 2022 by and for the following reasons:

- 1) Due to the current Covid-backlog of jury trials, Defense counsel has maintained a reliance on the 4th District Court’s prior procedures regarding the Priority Jury Trial List. It has been Counsel’s understanding that unless a Defendant is listed on a priority listing there is little chance if any that the matter will proceed to trial on the current scheduled date. Counsel for

Defense recognizes that as of this date, the 14th of April, 2022 Mr. von Ehlinger is, for the first time on the jury priority list for trial before this Court on the 26th of April, 2022.

2) This Court conducted its status conference in this matter on this past Monday, the 11th of April. Counsel for both the State and Defense were told that the matter would remain as scheduled and we would see what happened at the Pre-trial conference set for the 18th of April. Neither, the State nor the Defense had prepared witness and exhibit lists. The Defense, again in reliance on the prior procedure of a priority listing of trials, anticipated this matter would not proceed as scheduled.

3) Subsequent to the Courts scheduling conference on the 11th Counsel for the State, Ms. Farley and Mr. Dinger and Defense Counsel communicated by email to discuss the current state of affairs. A telephone conference was held that same day wherein it was discussed by Counsel that we both were surprised by the Court not resetting the matter based on the matter not being on the Priority list. We discussed a stipulation to vacate and reset and in fact reviewed our calendars and determined that the 17th of October 2022 would work with everyone's calendar. Mr. Dinger inquired of my client's willingness to execute a waiver of speedy trial and Ms. Farley also indicated she would need to check her witness availability for October 17th. Counsel for the defense indicated he would discuss with the Defendant and get back to them. Ms. Farley later that same day on the 11th indicated that she and Mr. Dinger were leaving for meetings and to just email them regarding the waiver. Counsel for the Defense emailed both counsel that day indicating

that Defendant had agreed and in fact had signed a waiver of speedy trial. (See Waiver attached hereto.) That same email requested that if the State would prepare the stipulation to vacate and reset Counsel for Defense would sign and attach the written waiver.

4) On the 12th of April at **8:31** p.m. Ms. Farley emailed Defense counsel and stated, “Sorry. I was waiting to respond until we heard back from some of our witnesses. That October date isn’t ideal for some of our witnesses. If it can go on April 26th- does that work for you?”

5) On the 13th of April at **7:54** a.m. Counsel replied and indicated that the 26th of April did not work due to over booking on Defense Counsel calendar relying on the priority list for jury trials.

6) Not receiving any response from the State, Counsel for the Defense, again emailed both counsel for the State today the 14th of April at 8:04 am and again at 8:16 am to provide detail of the conflicts of Defense Counsel currently scheduled, again in reliance on the procedures before utilized in the 4th District regarding the setting of trials. (A copy of the entire email discussion described above between all Counsel is attached hereto and incorporated herein by reference.)

7) On this date, the 14th of April counsel for the Defense received a telephone call from Ms. Farley at 9:38 a.m. and it was indicated that the State would advise the Court at the PTC on Monday the 18th that its alleged victim desired to go forward, that subpoenas had been issued and the State would be ready to proceed.

- 8) Counsel for Defense is first priority for a jury trial set on April 21st, 2022 for case number CR01-21-27020.
- 9) Counsel for the Defense has pre-registered and prepaid for the IACDL Conference and lodging in Sun Valley set to begin on April 22nd, 2022 and running through the weekend. This is our associations major conference that has not been held in over two years due to covid. Counsel has secured lodging and at this point is non-refundable. (Please see attached receipt of the same.).
- 10) Counsel for the Defense has two jury trials scheduled for the 25th day of April, 2022 before Judge Manweiler in case numbers CR01-21-36366 and CR01-21-14321. Counsel is anticipating the CR01-21-14321 case will be a priority or at the very least be required to present in the morning and be prepared to proceed should any matters before it be resolved or vacated.

Defense Counsel's calendar as set forth above would make it very difficult to properly prepare for this pending matter and respectfully requests that the Court vacate and reset this matter for a time in the future convenient to all parties.

Oral argument is requested on this matter at the Status Conference current set for Monday April 18, 2022 at 2:00 p.m.

DATED this 14th day of April, 2022

THE COX LAW FIRM, PLLC

By: _____


JON R. COX, of the firm
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of April 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
[X] eFile/Email
acpocourtdocs@adacounty.id.gov


ALICIA SCHIFFER

JON R. COX, ISB No. 4487
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Attorney for Defendant

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,)	Case No. CR01-21-34839
)	
vs.)	
)	DEFENDANT’S WAIVER OF
AARON VON EHLINGER,)	STATUTORY RIGHT TO
)	SPEEDY JURY TRIAL
Defendant.)	
_____)	

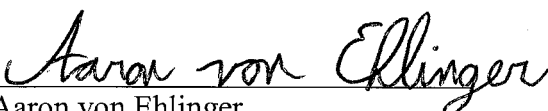
COMES NOW the Defendant, Aaron von Ehlinger, and hereby acknowledges his constitutional right to speedy trial and a statutory right to have this case brought to trial within six (6) months of Defendant’s arraignment in District Court on an Indictment or within six (6) months of the filing of the Information. Further, the Defendant acknowledges consulting with Defendant’s attorney regarding the right to a speedy trial pursuant to the Sixth Amendment of the United States Constitution, Article 1, Section §13 of the Constitution of Idaho, and Idaho Code §19-3501.

Based upon careful consideration and consultation with the attorney, the Defendant hereby waives Defendant’s rights to speedy trial and believes that it would be in Defendant’s best interest to give up this right. The Defendant further understands that once the right to a speedy trial is waived,

the Court may set this case for trial more than six (6) months from the tie in which the Defendant was arraigned in District Court on an Indictment or from the filing of the Information.

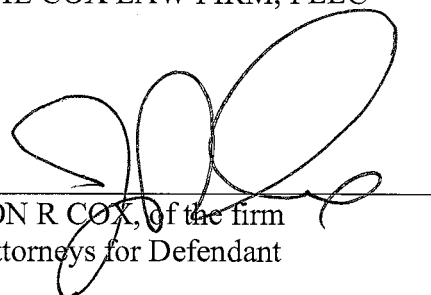
DATED this 11th day of April, 2022.

DEFENDANT

By: 
Aaron von Ehlinger

DATED this 11th day of April, 2022.

THE COX LAW FIRM, PLLC

By: 
JON R COX, of the firm
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th, of April, 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


Alicia Schiffer

From: [Jon Cox](#)
To: [Alicia Schiffer](#)
Subject: FW: Von Ehlinger
Date: Thursday, April 14, 2022 5:23:55 PM

From: Jon Cox
Sent: Thursday, April 14, 2022 9:56 AM
To: Katelyn Farley <kfarley@adacounty.id.gov>
Cc: Daniel Dinger <ddinger@adacounty.id.gov>
Subject: RE: Von Ehlinger

Thanks for the call just now Katelyn,
I understood you to say that you will tell the Court on Monday that your alleged victim is desiring to go forward, sub's have been issued and the State is ready to proceed. You should receive my motion to continue along with a motion to shorten time by the end of the day.

From: Jon Cox
Sent: Thursday, April 14, 2022 8:16 AM
To: Katelyn Farley <kfarley@adacounty.id.gov>
Cc: Daniel Dinger <ddinger@adacounty.id.gov>
Subject: RE: Von Ehlinger

I wanted to add, I am also 1st priority on a one day jury trial on the 21st and the IACDL conference begins on 21st and runs through the weekend.

Jon Cox

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Boise, Idaho 83702
Post Office Box 1828
Boise, ID 83701
208-287-2008

From: Jon Cox
Sent: Thursday, April 14, 2022 8:04 AM
To: Katelyn Farley <kfarley@adacounty.id.gov>
Cc: Daniel Dinger <ddinger@adacounty.id.gov>
Subject: RE: Von Ehlinger

Folks,

I have not heard back from you regarding this matter. Just to give a little more context. As we all know there is a reliance on the Court's prior procedure's regarding the priority list for jury trials. This matter not being on the last three priority listings I relied on the fact is scheduling other matters. I can advise that I have pre-paid to attend and lodge in Sun Valley for the IACDL annual conference. This is my reporting year for CLE's and I am in dire need of credits. Additionally I am set for a jury trial on the 25th, actually 2 cases are set before the same Judge and I am anticipating I will be a priority or will at least be required to be present in the morning and be prepared to proceed if others before me resolve. Additionally I am set for a total of 6 other hearings on the 25th, 26th and 27th. As indicated previously my client in this case has signed a waiver of speedy trial as you requested in our joint telephone conversation on Monday of this week after the status conference where we discussed a joint stipulation to vacate and reset this matter, tentatively discussing the date of October 17th, where we were all available. I understood from Katelyn after that conversation that some witnesses had a problem with that date and I understand but there should be plenty of dates where availability is not a problem. I'm asking for some help here. We have, I believe, always worked well together and so I'm requesting again that we enter into a joint stip to vacate and reset this matter. Please advise.

Thanks for your consideration.

Jon Cox

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Boise, Idaho 83702
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Boise, ID 83701
208-287-2008

From: Jon Cox <jon@coxlawboise.com>
Sent: Wednesday, April 13, 2022 7:54 AM
To: Katelyn Farley <kfarley@adacounty.id.gov>
Cc: Daniel Dinger <ddinger@adacounty.id.gov>
Subject: Re: Von Ehlinger

No, that doesn't work. Like we discussed on the phone, Reardon's not following the established priority list procedure has caused an overbooking of settings on my calendar.

Get [Outlook for iOS](#)

From: Katelyn Farley <kfarley@adacounty.id.gov>
Sent: Tuesday, April 12, 2022 8:31:22 PM
To: Jon Cox <jon@coxlawboise.com>
Cc: Daniel Dinger <ddinger@adacounty.id.gov>
Subject: RE: Von Ehlinger

Sorry. I was waiting to respond until we heard back from some of our witnesses. That October date isn't ideal for some of our witnesses. If it can go on April 26th – does that work for you?

Katelyn Farley

Deputy Prosecuting Attorney, Ada County
Phone: (208) 287-7700
Fax: (208) 287-7709

From: Jon Cox <jon@coxlawboise.com>
Sent: Monday, April 11, 2022 4:34 PM
To: Katelyn Farley <kfarley@adacounty.id.gov>
Cc: Daniel Dinger <ddinger@adacounty.id.gov>
Subject: [EXTERNAL] RE: Von Ehlinger

He has signed a waiver. If you want to do stip to vacate and reset to the week of the 17th of October. I can sign and will submit back with the waiver.

Jon Cox

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199 N. Capitol Blvd., Ste. 601
Boise, Idaho 83702
Post Office Box 1828
Boise, ID 83701
208-287-2008

From: Katelyn Farley <kfarley@adacounty.id.gov>
Sent: Monday, April 11, 2022 4:02 PM
To: Jon Cox <jon@coxlawboise.com>
Cc: Daniel Dinger <ddinger@adacounty.id.gov>
Subject: RE: Von Ehlinger

Just send us an email. Dan and I both have to head off to meetings. I sent an inquiry out to see if that date works for our witnesses as well.

Katelyn Farley

Deputy Prosecuting Attorney, Ada County
Phone: (208) 287-7700
Fax: (208) 287-7709

From: Jon Cox <jon@coxlawboise.com>
Sent: Monday, April 11, 2022 3:32 PM
To: Katelyn Farley <kfarley@adacounty.id.gov>
Subject: [EXTERNAL] RE: Von Ehlinger

Give me a call here in 10 208-863-3453

Jon Cox

COX LAW
199 N. Capitol Blvd., Ste. 601
Boise, Idaho 83702
Post Office Box 1828
Boise, ID 83701
208-287-2008

From: Katelyn Farley <kfarley@adacounty.id.gov>
Sent: Monday, April 11, 2022 3:31 PM
To: Jon Cox <jon@coxlawboise.com>; Daniel Dinger <ddinger@adacounty.id.gov>
Subject: RE: Von Ehlinger

We can. Are you available now or in like 10 min?

Katelyn Farley

Deputy Prosecuting Attorney, Ada County
Phone: (208) 287-7700
Fax: (208) 287-7709

From: Jon Cox <jon@coxlawboise.com>
Sent: Monday, April 11, 2022 3:29 PM
To: Katelyn Farley <kfarley@adacounty.id.gov>
Subject: [EXTERNAL] Von Ehlinger

CAUTION: This email originated from outside Ada County email servers. Do not click on links or open attachments unless you recognize the sender and know the content is safe. Verify the sender by mouse-hovering over their display name in order to see the sender's full email address and confirm it is not suspicious. If you are unsure an email is safe, please report the email by using the 'Phish Alert' button in Outlook.

So..... Do we not rely now on the priority list anymore or is this just something at Reardon is doing to keep our feet to the fire? Not sure of your position at this point but should we discuss?

Jon Cox

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Boise, ID 83701
208-287-2008

From: [Jon Cox](#)
To: [Alicia Schiffer](#)
Subject: FW: SV receipt
Date: Thursday, April 14, 2022 5:22:36 PM

From: Jon Cox <coxlawboise@icloud.com>
Sent: Thursday, April 14, 2022 5:21 PM
To: Jon Cox <jon@coxlawboise.com>
Subject:

4:22



Guest Details

Name: Jon Cox

Contact Email: jon@coxlawboise.com

Reservation Details

Booking Status: CONFIRMED

Reservation Number: R600073110

Itinerary Number: [9171278391168](#)

Check-in Date: [Friday, April 22, 2022](#)

Check-out Date: [Sunday, April 24, 2022](#)

Hotel Details

Sun Valley Resort

[1 Sun Valley Rd](#)

[Sun Valley Idaho 83353](#)

US

Room Details

Room 1 (Jon Cox):

Room Type: Inn Luxury One King

Guests: 1 Adult(s), 0 Children

Jon Cox

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