

NO. _____ FILED 1159
A.M. _____ P.M.

OCT 13 2021

PHIL McGRANE, Clerk
By VIRGINIA DYER
DEPUTY

JAN M. BENNETTS
Ada County Prosecuting Attorney

Katelyn M. Farley
Deputy Prosecuting Attorney
Idaho State Bar No. 8932
200 W. Front Street, Room 3191
Boise, ID 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709
acpocourtdocs@adaweb.net

CR01-21-34839
ORMR
Order for Delivery of Medical Records
2610785



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,)	
)	ORDER FOR DELIVERY OF
vs.)	MEDICAL RECORDS TO THE ADA
)	COUNTY PROSECUTING
AARON ANSON VON EHLINGER,)	ATTORNEY'S OFFICE AND ORDER
)	PROHIBITING DISSEMINATION
Defendant.)	
_____)	

I. ORDER FOR DELIVERY OF MEDICAL RECORDS

This Court, upon request from the Ada County Prosecuting Attorney's Office wherein certain medical records described herein are necessary for the thorough and objective evaluation, preparation and presentation of the prosecution's case in the above-entitled matter, and the Court concluding that, upon further information, the medical records do appear to be relevant and necessary to the proper adjudication of this case does hereby order the delivery of medical records pertaining to the above-entitled case pursuant to the Health Insurance Portability and Accountability Act, I.C. § 19-3004 and I.C.R. 17.

This Court hereby orders employees or representatives of *Saint Luke's* to produce all personal health information and any and all records in its custody, including but not limited to any and all medical records, photographs, including eye photographs or scans, charts, x-rays, lab reports, skeletal, CT scans and/or MRIs, other imaging and billing statements in its custody pertaining to *J.V. 9/7/xxxx* treated or otherwise seen at *Saint Luke's* on or about *3/11/2021 and ongoing* to the Ada County Prosecuting Attorney's Office in response to this Order. The records may be generally provided in the manner set out in Idaho Code §9-420, except that the said records are to be made available for pickup by an agent of the Ada County Prosecuting Attorney's Office or law enforcement within five business days of receipt of this Order, rather than be delivered to the Court.

This Order is also specifically intended to permit, but not require, employees or representatives of *Saint Luke's* to make available to the prosecution or criminal defense, by interview or upon request, personal health information in addition to the above-described written medical records, including information known to employees or representatives of *Saint Luke's* about the case for which the written medical records are provided, and that those employees or representatives of *Saint Luke's* be permitted to testify if required.

II. ORDER PROHIBITING REDISTRIBUTION OF MEDICAL RECORDS

Given the confidential and sensitive nature of this information as described above, and to protect the privacy interests of the patient(s) involved, it is appropriate for this Court to preclude unauthorized copying, duplicating, dissemination or redistribution of this medical information.

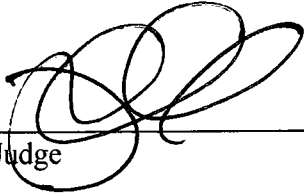
IT IS HEREBY ORDERED as follows:

The State is entitled to provide these medical records and materials to the defense pursuant to I.C.R. 16. Upon receiving these records in the above-entitled case through the discovery process, defense counsel and the defendant must comply with I.C.R. 16(d). Further, defense counsel, the defendant, the State and the agents of both parties to include but not limited to experts, investigators and others who are connected with the preparation of this case, are prohibited from copying, duplicating, disseminating, publishing or otherwise redistributing any of the above-referenced medical records, medical information and materials to anyone not associated with the State or defense in preparation for the litigation of this case without further order of this Court. Defense counsel, the defendant and the State may only provide these materials to those respective agents of the defense and the State, including but not limited to

experts, investigators and others who are connected with the preparation of this case. The defense and the State must notify its respective agents of this order and take reasonable steps to ensure compliance with this order. The parties are entitled to provide these medical records, medical information and materials to the presentence investigator should that be appropriate at a later date.

Any questions regarding said records should be directed to the Ada County Prosecuting Attorney's Office, (208) 287-7700.

DATED 10/13/21.



Judge