

JAN 12 2004

J. DAVID NAVARRO, Clerk
[Signature]
DEPUTY

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

3 THE STATE OF IDAHO,

4 Plaintiff,

5 vs.

6 H. BRENT COLES,

7 Defendant.

Case No. H0300563

ORDER WITHHOLDING JUDGMENT
AND ORDER OF PROBATION

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9
10 On the 12th day of May, 2003, the defendant was arraigned
11 before the Honorable Thomas F. Neville, District Judge of the
12 Fourth Judicial District, in and for the County of Ada, upon the
13 charges of Count I. PRESENTATION OF A FRAUDULENT ACCOUNT OR
14 VOUCHER, FELONY, I.C. §18-2706; and Counts II. through V., MISUSE
15 OF PUBLIC MONEY BY OFFICERS, FELONY, I.C. §18-5701. On November
16 3, 2003, pursuant to a written Rule 11(d) plea agreement also
17 filed November 3, 2003, the defendant entered pleas of guilty to
18 Count I. PRESENTATION OF A FRAUDULENT ACCOUNT OR VOUCHER, FELONY,
19 I.C. §18-2706; and to Count IV. MISUSE OF PUBLIC MONEY BY
20 OFFICERS, FELONY, I.C. §18-5701 of the Indictment filed May 6,
21 2003, and thereafter returned to Court for sentencing on January
22 9, 2004. The District Court, having ascertained the desirability
23 of granting probation, does hereby order and decree on each of
24 Counts I. and IV., that the defendant be placed on probation, and
25 judgment is hereby withheld for a period of three (3) years,
26 concurrently with each other, under the following conditions, to-
wit:

1. That the probation is granted to and accepted by the probationer, subject to all its terms and conditions, and with the understanding that the Court may, at any time, in case of the violation of the terms of the probation, cause the probationer to be returned to the Court for the imposition of sentence as

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1 prescribed by law, or any other punishment as the Court may see
fit to hand down.

2 2. That the probationer shall be under the legal custody
3 and control of the Director of Probation and Parole of the State
4 of Idaho and the District Court and subject to the rules of
probation as prescribed by the Board of Correction and the
District Court.

5 3. Special Conditions, to-wit:

6 a. The defendant shall pay \$27.50 court costs, \$6 POST Fees,
7 \$5 ISTARs Fees, \$50 Victims' Compensation Fund, and a sum of not
8 more than \$40 per month for probation supervision if such payment
9 is determined by the Division of Probation and Parole of the
Idaho Department of Corrections to be appropriate. The exact
amount to be paid, and the terms and conditions of payment, will
be determined by the Division of Probation and Parole.

10 b. The defendant shall serve one hundred eighty (180) days
11 in the Ada County Jail to begin within thirty (30) days of
sentencing.

12 c. As a fundamental condition, the defendant shall complete
13 the Ada County Jail's Active Behavior Change ("ABC") Program and
pay the \$100 fee in advance.

14 d. The Court authorizes work release after the defendant
15 successfully completes the ABC Program.

16 e. The Court would entertain a motion for early release if
17 the defendant had completed the above fundamental condition, had
been signed up on probation and had a specific, detailed letter
18 of apology in which he takes full responsibility for his actions
(the letter to be reviewed by the State and the Court for
possible dissemination to the public).

19 f. The defendant shall complete counseling with Consumer
20 Credit Counseling within one hundred twenty (120) days.

21 IT IS FURTHER ORDERED as a further condition on Count IV.,
22 that the defendant is hereby disqualified indefinitely and
permanently from holding any office in the State of Idaho.

23 For record purposes, the defendant is entitled to credit for
24 zero (0) days served as of January 9, 2004.


25 4. If the probationer is placed on probation to a
26 destination outside the state of Idaho, or leaves the confines of
the state of Idaho, with or without permission of the director of

1 probation and parole, does hereby waive extradition to the state
2 of Idaho, and also agrees that the probationer will not contest
3 any effort by any state to return the probationer to the state of
4 Idaho.

5 IT IS FURTHER ORDERED that upon the expiration of the period
6 of this order withholding judgment, or the earlier termination
7 thereof, and upon written showing by or on behalf of the
8 defendant that he has fully complied with the terms of her
9 probation, then, and, in that event, this action may be
10 dismissed.

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

14 Dated this 12th day of January, 2004.

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THOMAS F. NEVILLE
District Judge

1 This is to certify that I have read or had read to me and
2 fully understand and accept all the conditions, regulations and
3 restrictions under which I am being granted probation. I will
4 abide by and conform to them strictly and fully understand that
5 my failure to do so may result in the revocation of my probation
6 and commitment to the Board of Correction to serve the sentence
7 originally imposed.

8 _____
9 Probationer's Signature

10 _____
11 Date of acceptance

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17 WITNESSED:

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19 _____
20 Probation and Parole Officer
21 State of Idaho

CERTIFICATE OF MAILING

1 I, J. David Navarro, the undersigned authority, do hereby
2 certify that I have mailed, by United States Mail, one copy of
3 the: ORDER WITHHOLDING JUDGMENT AND ORDER OF PROBATION as notice
4 pursuant to Rule 77(d) I.C.R. to each of the attorneys of record
in this cause in envelopes addressed as follows:

5 PROSECUTOR'S OFFICE
6 INTER DEPT MAIL

ADA COUNTY JAIL
1 COPY VIA MARSHAL'S OFFICE
(certified copy)

7 MARK MANWEILER
8 MANWEILER, MANWEILER, BREEN & BALL
9 PO BOX 937
BOISE, IDAHO 83701-0937

10 PROBATION AND PAROLE
11 INTER DEPT MAIL
(certified copy)

12 J. DAVID NAVARRO
13 Clerk of the District Court
14 Ada County, Idaho

15 Date:

Jan 12, 2004

By

Melanie Anderson
Deputy

JAN 28 2004

J. DAVID NAVARRO, Clerk
By *Melanie Holman*
DEPUTY

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

3 THE STATE OF IDAHO,
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5 Plaintiff,
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7 vs.
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9 H. BRENT COLES,
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11 Defendant.

Case No. H0300563

AMENDED ORDER
WITHHOLDING JUDGMENT
AND ORDER OF PROBATION

12 On the 12th day of May, 2003, the defendant was arraigned
13 before the Honorable Thomas F. Neville, District Judge of the
14 Fourth Judicial District, in and for the County of Ada, upon the
15 charges of Count I. PRESENTATION OF A FRAUDULENT ACCOUNT OR
16 VOUCHER, FELONY, I.C. §18-2706; and Counts II. through V., MISUSE
17 OF PUBLIC MONEY BY OFFICERS, FELONY, I.C. §18-5701. On November
18 3, 2003, pursuant to a written Rule 11(d) plea agreement also
19 filed November 3, 2003, the defendant entered pleas of guilty to
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23 2003, and thereafter returned to Court for sentencing on January
24 9, 2004. The District Court, having ascertained the desirability
25 of granting probation, does hereby order and decree on each of
26 Counts I. and IV., that the defendant be placed on probation, and
judgment is hereby withheld for a period of three (3) years,
concurrently with each other, under the following conditions, to-
wit:

1. That the probation is granted to and accepted by the
probationer, subject to all its terms and conditions, and with
the understanding that the Court may, at any time, in case of the
violation of the terms of the probation, cause the probationer to

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1 be returned to the Court for the imposition of sentence as
prescribed by law, or any other punishment as the Court may see
2 fit to hand down.

3 2. That the probationer shall be under the legal custody
and control of the Director of Probation and Parole of the State
4 of Idaho and the District Court and subject to the rules of
probation as prescribed by the Board of Correction and the
5 District Court.

6 3. Special Conditions, to-wit:

7 a. The defendant shall pay \$27.50 court costs, \$6 POST Fees,
\$5 ISTARs Fees, \$50 Victims' Compensation Fund, and a sum of not
8 more than \$40 per month for probation supervision if such payment
is determined by the Division of Probation and Parole of the
9 Idaho Department of Corrections to be appropriate. The exact
amount to be paid, and the terms and conditions of payment, will
10 be determined by the Division of Probation and Parole.

11 b. The defendant shall serve one hundred eighty (180) days
in the Ada County Jail to begin within thirty (30) days of
12 sentencing.

13 c. As a fundamental condition, the defendant shall complete
the Ada County Jail's Active Behavior Change ("ABC") Program and
14 pay the \$100 fee in advance.

15 d. The Court authorizes work release after the defendant
successfully completes the ABC Program.

16 e. The Court would entertain a motion for early release if
17 the defendant had completed the above fundamental condition, had
been signed up on probation and had a specific, detailed letter
18 of apology in which he takes full responsibility for his actions
(the letter to be reviewed by the State and the Court for
19 possible dissemination to the public).

20 f. The defendant shall complete counseling with Consumer
Credit Counseling within one hundred twenty (120) days.

21 g. As a further condition on Count IV., the defendant is
22 hereby disqualified from holding any office in the State of
Idaho.

23 For record purposes, the defendant is entitled to credit for
24 zero (0) days served as of January 9, 2004.

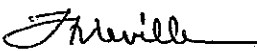
25 4. If the probationer is placed on probation to a
26 destination outside the state of Idaho, or leaves the confines of

1 the state of Idaho, with or without permission of the director of
2 probation and parole, does hereby waive extradition to the state
3 of Idaho, and also agrees that the probationer will not contest
4 any effort by any state to return the probationer to the state of
5 Idaho.

6 IT IS FURTHER ORDERED that upon the expiration of the period
7 of this order withholding judgment, or the earlier termination
8 thereof, and upon written showing by or on behalf of the
9 defendant that he has fully complied with the terms of her
10 probation, then, and, in that event, this action may be
11 dismissed.

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

15 Dated this 28th day of January, 2004.

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THOMAS F. NEVILLE
District Judge

1 This is to certify that I have read or had read to me and
2 fully understand and accept all the conditions, regulations and
3 restrictions under which I am being granted probation. I will
4 abide by and conform to them strictly and fully understand that
5 my failure to do so may result in the revocation of my probation
6 and commitment to the Board of Correction to serve the sentence
7 originally imposed.

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9 Probationer's Signature

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13 _____
14 Date of acceptance

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17 WITNESSED:

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20 _____
21 Probation and Parole Officer
22 State of Idaho

Neville

NO. FILED P.M. 2:00
A.M.

JAN 28 2004

David Navarro, Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
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THE STATE OF IDAHO,

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RECEIVED FEB 0

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AMENDED ORDER
WITHHOLDING JUDGMENT
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DEFENDANT'S
EXHIBIT
A

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1. That the probation is granted to and accepted by the probationer, subject to all its terms and conditions, and with the understanding that the Court may, at any time, in case of the violation of the terms of the probation, cause the probationer to

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1 be returned to the Court for the imposition of sentence as
prescribed by law, or any other punishment as the Court may see
fit to hand down.

2
3 2. That the probationer shall be under the legal custody
and control of the Director of Probation and Parole of the State
of Idaho and the District Court and subject to the rules of
4 probation as prescribed by the Board of Correction and the
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7 a. The defendant shall pay \$27.50 court costs, \$6 POST Fees,
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12 sentencing.

13 c. As a fundamental condition, the defendant shall complete
the Ada County Jail's Active Behavior Change ("ABC") Program and
14 pay the \$100 fee in advance.

15 d. The Court authorizes work release after the defendant
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17 the defendant had completed the above fundamental condition, had
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(the letter to be reviewed by the State and the Court for
19 possible dissemination to the public).

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Credit Counseling within one hundred twenty (120) days.

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22 hereby disqualified from holding any office in the State of
Idaho.

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25 4. If the probationer is placed on probation to a
26 destination outside the state of Idaho, or leaves the confines of

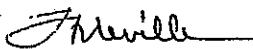
AMENDED ORDER WITHHOLDING JUDGMENT AND ORDER OF PROBATION -

1 the state of Idaho, with or without permission of the director of
2 probation and parole, does hereby waive extradition to the state
3 of Idaho, and also agrees that the probationer will not contest
4 any effort by any state to return the probationer to the state of
5 Idaho.

6 IT IS FURTHER ORDERED that upon the expiration of the period
7 of this order withholding judgment, or the earlier termination
8 thereof, and upon written showing by or on behalf of the
9 defendant that he has fully complied with the terms of her
10 probation, then, and, in that event, this action may be
11 dismissed.

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

15 Dated this 28th day of January, 2004.

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THOMAS F. NEVILLE
District Judge