



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

October 18, 2016

Louis Marshall
Bonner County Prosecutor
127 S 1st Ave.
Sandpoint, ID 83864

Re: Agreement on Prosecutorial/Investigative Assistance Request.
Date of Request: October 17, 2016
Date of Acceptance: October 18, 2016
Nature of Assistance Requested: Prosecutorial Review and Investigative Assistance
Name of Defendant/Matter: State v. Unknown at this time.
Contact: Louis Marshall, Bonner County Prosecutor
Agency: Bonner County Prosecutor's Office

Dear Mr. Marshall:

Pursuant to the terms of Paragraph A(2)(b) of the Memorandum of Understanding Regarding Prosecutorial Assistance dated January 26, 2004 between the Attorney General (AG) and the Idaho Prosecuting Attorney's Association, this letter of agreement is intended to memorialize our joint understandings regarding the request for assistance that the AG received from your office (County) on the above case/matter.

The nature and scope of the assistance requested by the County and which the AG has agreed to provide are as follows:

Nature of the Request:

- Providing prosecutorial assistance due to a conflict of interest.
- Providing prosecutorial assistance due to other reasons without local prosecutor involvement.
- Providing prosecutorial assistance with local prosecutor involvement.
- Providing only investigative assistance.
- Providing investigative assistance and, if determined by the investigation to be warranted, prosecutorial assistance without the involvement of the local prosecutor.

Scope of the Assistance to be Provided:

Review and investigate incident reports, make the decision to file charges or decline prosecution, handle matter through final resolution in trial court.

Criminal Law Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8074
Located at 700 W. State Street
Joe R. Williams Building, 4th Floor

The terms and conditions of the assistance to be provided are as follows:

Conflict of Interest:

The AG will assume full responsibility and authority for the case. All decisions regarding the case shall be the responsibility of the AG. The County Prosecutor will file an appropriate motion under the provisions of Idaho Code § 31-2603(a).

Prosecutorial/Investigative Assistance Without Local Prosecutor Involvement:

The AG will assume full responsibility and authority for the case. All decisions regarding the case shall be the responsibility of the AG. The County Prosecutor will file an appropriate motion under the provisions of Idaho Code §31-2603 to allow the AG or his designee to appear in the case, or the AG will file a notice of appearance pursuant to Idaho Code § 67-1401(7).

Prosecutorial/Investigative Assistance with Local Prosecutor Involvement:

The County is seeking prosecutorial assistance or investigative assistance and the () AG () County Prosecutor will remain in control of the prosecution of the case and responsible for case management. The County Prosecutor will file a motion, if appropriate, under the provisions of Idaho Code § 31-2603 to allow the AG or his designee to appear in the case or the AG will file a notice of appearance pursuant to Idaho Code § 67-1401(7). The AG's responsibility and authority in the case will be as follows:

A copy of a motion or petition for appointment of this office as Special Prosecutor, and a proposed order for the same, are enclosed.

Payment of Costs:

In all cases the County will pay the out of pocket expenses incurred by the AG's Office. Out of pocket expenses include: all costs for witnesses, expert witnesses, transcription services, subpoenas, and any lodging expenses the AG's Office incurs in the course of the case; all expenses for travel other than in state vehicles, whether airfare or mileage reimbursement; and, a per diem reimbursement for meals. (The AG's Office will seek restitution for expenses when appropriate.) The AG will pay the salaries of all AG personnel involved in providing the assistance. All payments made to the AG's office shall go through Trudy Jackson, Business Manager, Office of Attorney General, P.O. Box 83720, Boise, Idaho 83720-0010.

Please indicate your acceptance of this agreement by signing and dating this letter in the space provided below, and by returning an executed copy to our office. If your understanding, or the understanding of the County Commissioners, is different than that expressed in this letter, please let me know immediately. If at any time you or the Commissioners are dissatisfied with our office's involvement

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in this case, please do not hesitate to contact me immediately. We look forward to working with you on this case.

Sincerely,



Paul R. Panther
Deputy Attorney General
Chief, Criminal Law Division

Accepted by:

Louis Marshall
Prosecuting Attorney
Bonner County

Date: _____

Enc.

PRP: fn
cc: Trudy Jackson, Office of Attorney General