

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTIES OF
ADAMS, CANYON, GEM, OWYHEE, PAYETTE AND WASHINGTON

IN THE MATTER OF THE ARREST)
) ADMINISTRATIVE ORDER
OF PROBATIONERS AND PAROLEES.) 85-7

TO: TRIAL COURT ADMINISTRATOR
ALL THIRD JUDICIAL DISTRICT MAGISTRATES
ALL SHERIFF'S OFFICES IN THE THIRD JUDICIAL DISTRICT
DEPARTMENT OF PROBATION AND PAROLE

William Morrow, Chief Deputy for the Canyon County
Prosecuting Attorney's Office, and Rich Hammond of the Department
of Probation and Parole having asked the undersigned as
Administrative Judge for some clarification concerning the
procedure to be utilized in the arrest of probationers and
parolees pursuant to Court Orders and on the Agent's Warrants,
and it appearing to the Court that it would be in the best
interest of all Departments to standardize the appropriate
procedure, and that it would be in the best interests of efficient
judicial administration to effect a policy for the handling of
the same, and good cause appearing therefor,

IT IS HEREBY ORDERED that all Judges of the Third Judicial District follow the following procedure on the arrest of probationers and parolees:

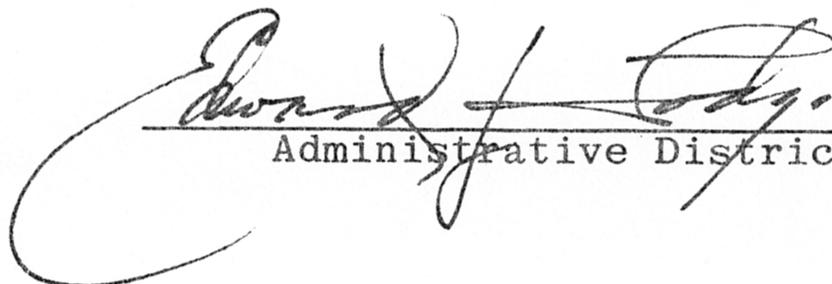
1) If the defendant is a parolee and picked up on an Agent's Warrant, it is not necessary for said defendant to be taken before a Magistrate or Judge, but he can be held on the Agent's Warrant.

2) If the defendant has been arrested on an Agent's Warrant for a probation violation on a conviction from out of State, it is likewise not necessary that said defendant be brought before a Magistrate or Judge within this District, and the Sheriff's Office can hold said defendant on the Agent's Warrant.

3) If the defendant is arrested for an alleged probation violation on a conviction within this District, the defendant should be taken before a Magistrate to be arraigned, and a bond may or may not be set in the Judge's discretion.

4) If the defendant is arrested on an Agent's Warrant for an alleged probation violation on a prior conviction within this State, but outside the Third Judicial District, the defendant should be taken before a Magistrate and arraigned, but the bond or absence of the same should be left as set forth in the District Court's Order.

Dated this 31st day of October, 1985.


Administrative District Judge

file

DISTRICT COURT
THIRD JUDICIAL DISTRICT
STATE OF IDAHO



STEPHEN A. BOUCH
TRIAL COURT ADMINISTRATOR
FOR
ADAMS, CANYON, GEM, OWYHEE,
PAYETTE AND WASHINGTON COUNTIES

DISTRICT OFFICES
CANYON COUNTY COURTHOUSE
12TH AND ALBANY STREET
CALDWELL, IDAHO 83605
(208) 454-7360

July 29, 1985

Mr. E. C. Rood
Attorney at Law
P.O. Box 216
Emmett, Idaho 83617

Dear Cy:

As it now stands the rules of the Third District Court still require the service of a Request for Trial Setting on the Trial Court Administrator.

I am in the process of converting the Magistrates Division calendar so that the individual Magistrate Judge will have more control over the trial settings of his own cases. This, I am sure is what has led to the confusion. As it currently stands, however, a copy of all Request for Trial Setting should be sent to this office until the local Third District Court Rules are amended to effectuate any change.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jue".

SAB:cc

cc: Thelma Kolodziej
Gem County Clerk

Rec 7/2/85

E.C. Rood

ATTORNEY AT LAW

312 EAST MAIN - P.O. BOX 216
EMMETT, IDAHO 83617

TELEPHONE:
(208) 365-4551

July 1, 1985

Stephen Bouch
Court Administrator
Canyon County Courthouse
1115 Albany
Caldwell, Idaho 83605

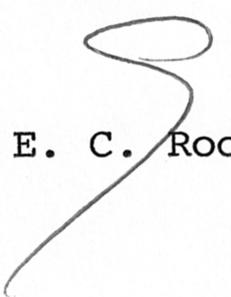
Re: Trial Settings

Dear Steve,

I have just been advised that we are to no longer send a copy of the Request for Trial Setting to your office when the case involves trial before a Magistrate but are instead required to send a copy of that request to the Magistrate assigned to the case. Is that the rule in the Third District?

I await your reply.

Respectfully,



E. C. Rood

ECR/kf
cc. Thelma Kolodziej
Gem County Clerk