

11-17-2008

## State v. Adamcik Clerk's Record v. 1 Dckt. 34639

Follow this and additional works at: [https://digitalcommons.law.uidaho.edu/idaho\\_supreme\\_court\\_record\\_briefs](https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs)

---

### Recommended Citation

"State v. Adamcik Clerk's Record v. 1 Dckt. 34639" (2008). *Idaho Supreme Court Records & Briefs*. 2624.  
[https://digitalcommons.law.uidaho.edu/idaho\\_supreme\\_court\\_record\\_briefs/2624](https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/2624)

This Court Document is brought to you for free and open access by Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIIdaho Law. For more information, please contact [annablaine@uidaho.edu](mailto:annablaine@uidaho.edu).

IN THE  
**SUPREME COURT**  
OF THE  
**STATE OF IDAHO**

STATE OF IDAHO,

Plaintiff and

Respondent,

VS.

TOREY MICHAEL ADAMCIK,

Defendant and

Appellant.

HONORABLE PETER D. McDERMOTT District Judge

Appealed from the District Court of the Sixth  
Judicial District of the State of Idaho, in and  
for Bannock County.

Dennis A. Benjamin

Attorney for Appellant

Larence G. Wasden

Attorney for Respondent

Filed this \_\_\_\_\_ day of \_\_\_\_\_

20

FILED COPY

NOV 17 2008

Clerk

Supreme Court Court of Appeals

Deputy

34639

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	
	)	
vs.	)	Supreme Court Case No. 34639
	)	
TOREY MICHAEL ADAMCIK,	)	<i>Volume I</i>
	)	
Defendant-Appellant.	)	

CLERK'S TRANSCRIPT ON APPEAL

Appeal from the District Court of the Sixth Judicial District of the State of Idaho  
in and for the County of Bannock.

HONORABLE PETER D. McDERMOTT, District Judge

Bron M. Rammell  
Aaron Thompson  
P. O. Box 370  
Pocatello, Idaho 83204-0370  
Attorneys for Defendant-  
Appellant

Mark L. Hiedeman  
Vic A. Pearson  
P. O. Box P  
Pocatello, Idaho 83205-0050  
Attorneys for Plaintiff-  
Respondent

TABLE OF CONTENTS

Page

Register of Actions ..... 12

**COLORED SHEET OF PAPER**

**DISTRICT COURT CASE NO. CR-06-17984-FE,  
STATE OF IDAHO VS. TOREY MICHAEL ADAMCIK AND  
BRIAN LEE DRAPER**

Affidavit of Probable Cause (Adamcik) ..... 29

Complaint (Adamcik) ..... 45

Probable Cause Minute Entry and Order, filed 9/25/06 (Adamcik) ..... 47

Motion to Seal Court Documents and Order (Adamcik) ..... 48

Order to Seal Court Documents, filed 9/28/06 ..... 49

Request for Discovery (Adamcik) ..... 50

Order of Commitment, filed 9/28/06 ..... 53

Affidavit of Probable Cause (Draper)..... 54

Complaint (Draper)..... 70

Probable Cause Minute Entry and Order, filed 9/28/06 (Draper) ..... 72

Motion to Seal Court Documents and Order (Draper)..... 73

Order to Seal Court Records, filed 9/28/06 ..... 74

Request for Bond (Draper) ..... 75

Order of Commitment, filed 9/28/06 ..... 76

	<u>Page</u>
Motion to Revoke Bond .....	77
Order, filed 10/2/06.....	78
Discovery Request .....	79
Motion for Disqualification.....	83
Order for Disqualification, filed 10/4/06 .....	85
Order of Assignment, filed 10/5/06 .....	86
Motion to Disqualify Without Cause (Brammell).....	88
Motion to Disqualify Without Cause (Box).....	90
Affidavit of Bron Rammell (Adamcik).....	92
Order of Assignment, filed 10/13/06 .....	94
Motion for Closed and/or Sealed Preliminary Hearing and “gag” Order (Adamcikk).....	96
Memorandum in Support of Defendant Torey Adamcik’s Motion for Closed and/or Sealed Preliminary Hearing and “gag” Order, filed 10/19/06.....	100
Affidavit of Aaron A. Thompson in Support of Defendant Tory Adamcik’s Motion For Closed and/or Sealed Preliminary Hearing and “gag” Order.....	112
Affidavit of Randall D. Schulties (Draper).....	144
Order Denying Motion to Close Preliminary Hearing, Denying Issuance of “gag” Order and Order Opening File for Limited Purposes, IC 19-811.....	146
Order Denying Motion for Disqualify, filed 10/30/06.....	151
Motion for In Camera Review of Video and Motion to Reconsider Order Denying Motion for Closed and/or Sealed Preliminary Hearing.....	154
Motion to Sever (Draper) .....	157
Order Denying Motions to Sever, Continue Preliminary Hearing, and to Allow Defendant to Wear Civilian Clothes, filed 11/3/06.....	159

	<u>Page</u>
Notice of Intent to Seek Life Imprisonment Without the Possibility of Parole .....	163(a)
Minute Entry and Order Binding Defendants Over to District Court, filed 11/9/06 .....	164
Prosecuting Attorney's Information .....	165
Minute Entry and Order, filed 11/14/06 (Adamcik) .....	169
Minute Entry and Order, filed 11/14/06 (Draper) .....	172
Response to Request for Discovery (Adamcik) .....	174
Response to Request for Discovery (Draper) .....	220
Supplemental Discovery Request .....	265
Response to Supplemental Discovery Request .....	267
Minute Entry and Order, filed 11/22/06 (Draper) .....	268
Minute Entry and Order, filed 12/7/06 (Draper) .....	271
Minute Entry and Order, filed 12/7/06 (Adamcik) .....	274
Second Request for Discovery (Adamcik) .....	277
Response to Second Request for Discovery (Adamcik) .....	279
First Supplemental Response to Request for Discovery (Draper) .....	281
First Supplemental Response to Request for Discovery (Adamcik) .....	325
Second Supplemental Request for Discovery (Adamcik) .....	376
Minute Entry and Order, filed 12/21/06 .....	378
Response to Second Supplemental Request for Discovery (Adamcik) .....	381
Second Supplemental Response to Request for Discovery (Adamcik) .....	396
Motion to Perform Testing on Limited Evidence .....	410

Page

Motion to Suppress (Draper) ..... 411

Motion to Sever (Draper) ..... 413

Motion to Dismiss the Commitment to District Court..... 415

State’s Response to Defendant’s Motion for More Definite Statement Re: Plaintiff’s  
Motion to Perform Testing on Limited Evidence (Adamcik) ..... 417

Minute Entry and Order, filed 1/29/07..... 421

**COLORED SHEET OF PAPER**

**STATE OF IDAHO VS. TOREY MICHAEL ADAMCIK, DISTRICT COURT  
CASE NO. CR 06-17984, SUPREME COURT CASE NO. 34639**

Affidavit of Shannon Adamcik in Support of Defendant Torey Adamcik’s  
Motion to Suppress a Videotaped Interview and/or Portion thereof..... 424

Affidavit of Sean Adamcik in Support of Defendant Torey Adamcik’s  
Motion to Suppress a Videotaped Interview and/or Portions thereof..... 429

Defendant Torey Adamcik’s Motion to Suppress a Videotaped Interview  
And/or Portion thereof..... 434

Memorandum in Support of Defendant Torey Adamcik’s Motion to Suppress a  
Videotaped Interview and/or Portions thereof..... 436

Motion for Gag Order and Sanctions..... 463

Affidavit of Aaron N. Thompson in Support of Defendant Torey Adamcik’s Motion  
for Sanctions ..... 465

Affidavit of Bron Rammell ..... 469

Memorandum in Support of Motion for Gag Order and Sanctions..... 472

Motion to Sever ..... 483

Page

Affidavit of Bron Rammell .....	485
Memorandum in Support of Motion to Sever .....	508
Defendant Torey Adamcik’s Motion to Suppress Videotape and Other Illegally Obtained Evidence .....	512
Affidavit of Aaron N. Thompson in Support of Defendant Torey Adamcik’s Motion To Suppress a Videotaped Interview and/or Portions Thereof..... (Exhibit A – 2 DVDs – Duplicates)	514
Minute Entry and Order, filed 1/22/07.....	518
Minute Entry and Order, filed 1/29/07.....	522
Request for Discovery.....	525
Response to Request for Discovery .....	529
Third Supplemental Response to Request for Discovery for Discovery .....	533
Defendant’s First Supplemental Response to Request for Discovery .....	549
Response to Request for Discovery .....	553
Motion to Strike State’s Notice of Intent to Seek Life Without Parole .....	555
Motion to Dismiss.....	557
Affidavit of Bron Rammell in Support of Motion to Dismiss .....	559
Memorandum in Support of Motion to Dismiss.....	564
Sixth Supplemental Response to Request for Discovery .....	593
Fifth Supplemental Response to Request for Discovery .....	600
Seventh Supplemental Response to Request for Discovery.....	643
Defendant’s Proposed Jury Instructions.....	660



Page

Eighth Supplemental Response to Request for Discovery.....	694
Motion In Limine Re: Testing of Forensic Evidence .....	696
Motion In Limine Re: Sequestering of Witnesses and Limited Publication Of the Draper Videotape .....	698
Motion to Shorten Time .....	701
Motion to Transport.....	703
Stipulation to Allow Transport.....	706
Order to Transport, filed 4/9/07.....	707
Motion In Limine: Limited Publication of Draper Videotape.....	709
Stipulation Regarding Motions Scheduled for Monday April 9, 2007; Monday April 16, 2007; and Monday May 4, 2007 .....	711
Motion to Quash Subpoena Duces Tecum.....	713
Order Re: Testing of Evidentiary Items, filed 4/17/07 .....	715
Motion to Amend Prosecuting Attorney's Information.....	717
Amended Prosecuting Attorney's Information.....	718
Objection to Juror Questionnaire.....	721
Motion to Allow Defendant to Have Unrecorded and Private Conversations With his Parents to Prepare Defense.....	723
Memorandum in Support of Motion to Allow Defendant to have Unrecorded and Private Conversations.....	725
Minute Entry and Order, filed 4/23/07.....	728
Minute Entry and Order, filed 4/23/07.....	730
Motion for Reconsideration.....	731
Ninth Supplemental Response to Request for Discovery .....	732
Stipulation Regarding: Independent Lab Testing and Chain of Custody .....	734

	<u>Page</u>
Motion to Strike Objections to Juror Questionnaire .....	736
Minute Entry and Order, filed 4/26/07 .....	738
Order, filed 4/26/07 .....	742
Affidavit of Bron Rammell in Support of Motion to Inspect, Copy and Test Brian Draper Videotape .....	755
Motion to Inspect, Copy and Test Brian Draper Videotape .....	758
Affidavit of John Young in Support of Motion to Inspect, Copy and Test Brian Draper videotape .....	760
Motion to Close Pretrial Suppression and Evidentiary Hearings to the Public and Press .....	763
Affidavit of Bron Rammell in Support of Motion to Close Pretrial Suppression and Evidentiary Hearings to the Public and Press .....	765
Memorandum in Support of Motion to Close Pretrial Suppression and Evidentiary Hearings to the Public and Press .....	776
First Motion in Limine .....	779
Second Motion in Limine .....	780
Third Motion in Limine .....	781
Fourth Motion in Limine .....	782
Minute Entry and Order, filed 5/2/07 .....	783
Motion in Limine Regarding Expert Testimony .....	791
Defendant's Second Amended Jury Questionnaire .....	793
Stipulation Regarding Transport of Torey Adamcik to Dial, May and Rammell, Chtd., .....	795
Order to Transport Torey Adamcik to Dial, May and Rammell, Chtd., filed 5/4/07 .....	797

Page

Order, filed 5/4/07.....	799
Defendant’s Objection to Plaintiff’s Fourth Motion in Limine.....	803
Motion in Limine: Clothing, Autopsy Photograph, Photographs of Body and Other Inflammatory Evidence .....	807
Memorandum in Support of Motion in Limine Re: Clothing, Autopsy Photograph, Photographs of Body and Other Inflammatory Evidence.....	809
Tenth Supplemental Response to Request for Discovery .....	813
Eleventh Supplemental Response to Request for Discovery .....	841
Minute Entry and Order, filed 5/17/07.....	843
Memorandum Decision and Order on Defendant’s Motion to Suppress, filed 5/17/07 .....	846
Defendant’s Third Supplemental Response to Request for Discovery.....	888
Points and Authorities in Support of Motion to Limit Experts .....	890
Minute Entry and Order, filed 5/22/07.....	893
Fifth Motion in Limine.....	896
Defendant’s Proposed Jury Instructions.....	898
Defendant’s Fourth Supplemental Response to Request for Discovery .....	953
Minute Entry and Order, filed 5/24/07.....	1007
Twelfth Supplemental Response to Request for Discovery .....	1012
Plaintiff’s Requested Jury Instructions .....	1013
Defendant’s Fifth Supplemental Response to Request for Discovery .....	1041
Motion to Admit Compilation of Movies .....	1043
Memorandum in Support of Motion to Admit Compilation of Movies .....	1045

Page

Thirteenth Supplemental Response to Request for Discovery .....	1058
Order on State’s Motion in Limine, filed 5/30/07 .....	1060
Order, filed 5/31/07.....	1063
Objection to Title of Adamcik Interview Disc .....	1066
Objection to Don Wyckoff’s Testimony.....	1069
Defendant’s Supplemental Proposed Jury Instructions .....	1071
Fourteenth Supplemental Response to Request for Discovery .....	1083
Original Jury Instruction 1 Through 27 .....	1085
Verdict Form, filed 6/8/07.....	1123
Minute Entry and Order on Jury Trial, filed 6/12/07 .....	1124
Motion to Continue Sentencing .....	1147
Order, filed 6/13/07.....	1148
Minute Entry, filed 6/21/07 .....	1150
Motion to Bifurcate Sentencing.....	1153
Objection to Handling Analysis .....	1156
Voir Dire Brief.....	1158
Objection to the Proposed Jury Instructions.....	1161
Memorandum in Support of Objection to the Proposed Jury Instructions.....	1163
Minute Entry and Order, filed 7/26/07.....	1168
Potential Witness List .....	1170
Addendum to Potential Witness List .....	1173

	<u>Page</u>
Minute Entry and Order and Commitment Order, filed 8/24/07 .....	1175
Minute Entry and Order, filed 8/29/07.....	1178
Notice of Appeal, filed 9/26/07 .....	1183
Motion for Court Appointed Counsel Pursuant to LAR Rule 45.1 .....	1188
Order, filed 9/27/07.....	1190
Clerk's Certificate of Appeal, filed 10/3/07.....	1191
Motion for Correction or Reduction of Sentence Pursuant to Idaho Criminal Rule 35 .....	1193
Motion for Confidential Neuropsychological Examination at Public Expense .....	1195
Affidavit of Dr. Mark Corgiat in Support of Defendant's Motion for Confidential Neuropsychological Examination at Public Expense .....	1197
Affidavit of Aaron N. Thompson in Support of Defendant's Motion for Confidential Neuropsychological Examination at Public Expense .....	1202
Memorandum in Support of Defendant's Motion for Confidential Neuropsychological Examination at Public Expense .....	1205
Minute Entry and Order, filed 1/10/08.....	1209
Memorandum Decision and Order, filed 1/31/08.....	1211
Order Extending Neuropsychological Examination Deadline, filed 2/14/08.....	1216
Affidavit of Aaron N. Thompson in Support of Defendant's Rule 35 Motion .....	1218
(2 Discs, Exhibit 300)	
Minute Entry and Order, filed 3/18/08.....	1221
Clerk's Certificate.....	1223
Certificate of Clerk to Original Exhibits.....	
Certificate of Service .....	

I N D E X

**DISTRICT COURT CASE NO. CR-06-17984-FE**  
**STATE OF IDAHO VS. TOREY MICHAEL ADAMCIK AND**  
**BRIAN LEE DRAPER**

Affidavit of Probable Cause (Adamcik)	29
Affidavit of Probable Cause (Draper) .....	54
Affidavit of Bron Rammell (Adamcik) .....	92
Affidavit of Aaron N. Thompson in Support of Defendant Torey Adamcik's Motion for Closed and/or Sealed Preliminary Hearing and "Gag" Order .....	112
Affidavit of Randall D. Schulties (Draper) .....	144
Complaint (Adamcik) .....	45
Complaint (Draper) .....	70
Discovery Request .....	79
First Supplemental Response to Request for Discovery (Draper) .....	381
First Supplemental Response to Request for Discovery (Adamcik) .....	329
Memorandum in Support of Defendant Torey Adamcik's Motion for Closed and/or Sealed Preliminary Hearing and "Gag" Order (Adamcik), filed 10/19/06 .....	100
Minute Entry and Order Binding Defendants Over to District Court, filed 11/9/06 .....	164
Minute Entry and Order, filed 11/14/06 (Adamcik) .....	169

	Page
Minute Entry and Order, filed 11/14/06 (Draper).....	27
Minute Entry and Order, filed 11/22/06 (Draper).....	27
Minute Entry and Order, filed 12/7/06 (Draper).....	27
Minute Entry and Order, filed 12/7/06 (Adamcik) .....	274
Minute Entry and Order, filed 12/21/06.....	379
Minute Entry and Order, filed 1/29/07 .....	411
Motion to Seal Court Documents and Order .....	58
Motion to Seal Court Documents and Order .....	71
Motion to Revoke Bond .....	77
Motion for Disqualification.....	83
Motion to Disqualify Without Cause (Brower).....	88
Motion to Disqualify Without Cause (Box) .....	90
Motion for Closed and/or Sealed Preliminary Haring and “Gag” Order (Adamcik) .....	96
Motion for In Camera Review of Video and Motion to Reconsider Order Denying Motion for Closed and/or Sealed Preliminary Hearing.....	154
Motion to Sever (Draper) .....	157
Motion to Perform Testing on Limited Evidence .....	410
Motion to Suppress (Draper).....	411
Motion to Sever (Draper) .....	413

	<u>Page</u>
Motion to Dismiss the Commitment to District Court.....	415
Notice of Intent to Seek Life Imprisonment Without the Possibility of Parole.....	163(a)
Order to Seal Court Documents and Order, filed 9/28/06 (Adamcik) .....	49
Order of Commitment, filed 9/28/06 .....	53
Order to Seal Court Documents and Order, filed 9/28/06.....	74
Order of Commitment, filed 9/28/06 .....	76
Order, filed 10/2/06.....	78
Order to Disqualify, filed 10/4/06.....	85
Order of Assignment, filed 10/5/06 .....	86
Order of Assignment, filed 10/13/06 .....	94
Order Denying Motion to Close Preliminary Hearing, Denying Issuance of Gag Order and Order Opening File for Limited Purposes, IC-19-811, filed 10/26/06 .....	146
Order Denying Motion to Disqualify, ICR 15(b), filed 10/30/06.....	151
Order Denying Motions to Sever, Continue Preliminary Hearing, and to Allow Defendant to Wear Civilian Clothes, filed 11/3/06 .....	159
Probable Cause Minute Entry and Order, filed 9/28/06 (Adamcik) .....	47
Probable Cause Minute Entry and Order, filed 9/28/06 (Draper).....	72
Prosecuting Attorney’s Information.....	166
Register of Actions.....	12
Request for Discovery (Adamcik) .....	50
Request for Bond (Draper) .....	75



	<u>Page</u>
Response to Request for Discovery (Adamcik).....	175
Response to Request for Discovery (Draper) .....	220
Response to Supplemental Discovery Request.....	267
Response to Second Request for Discovery (Adamcik) .....	279
Response to Second Supplemental Request for Discovery (Adamcik) .....	381
Second Request for Discovery (Adamcik).....	277
Second Supplemental Request for Discovery (Adamcik).....	376
Second Supplemental Response to Request for Discovery (Adamcik) .....	396
State’s Response to Defendant’s Motion for More Definite Statement Re: Plaintiff’s Motion to Perform Testing on Limited Evidence (Adamcik) .....	417
Supplemental Discovery Request .....	265

**COLORED SHEET OF PAPER**

**STATE OF IDAHO VS. TOREY MICHAEL ADAMCIK, DISTRICT COURT  
CASE NO. CR-06-17984, SUPREME COURT CASE NO. 34693**

Addendum to Potential Witness List	1173
Affidavit of Shannon Adamcik in Support of Defendant Torey Adamcik’s Motion to Suppress a Videotaped Interview and/or Portions Thereof .....	424
Affidavit of Sean Adamcik in Support of Defendant Torey Adamcik’s Motion to Suppress a Videotaped Interview and/or Portions Thereof .....	429
Affidavit of Aaron N. Thompson in Support of Defendant Tory Adamcik’s Motion for Sanctions .....	465

	<u>Page</u>
Affidavit of Bron Rammell.....	469
Affidavit of Bron Rammell.....	485
Affidavit of Aaron N. Thompson in Support of Defendant Torey Adamcik’s Motion to Suppress Videotape Interview and/or Portions Thereof.....	514
Affidavit of Bron Rammell in Support of Motion to Dismiss.....	579
Affidavit of Bron Rammell in Support of Motion to Inspect, Copy and Test Brian Draper Videotape.....	755
Affidavit of John Young in Support of Motion to Inspect, Copy and Test Brian Draper Videotape.....	760
Affidavit of Bron Rammell in Support of Motion to Close Pretrial Suppression and Evidentiary Hearings to the Public and Press.....	765
Affidavit of Dr. Mark Corgiat in Support of Defendant’s Motion for Confidential Neuropsychological Examination at Public Expense.....	1197
Affidavit of Aaron N. Thompson in Support of Defendant’s Motion for Confidential Neuropsychological Examination at Public Expense.....	1202
Affidavit of Aaron N. Thompson in Support of Defendant’s Rule 35 Motion (2 Discs, Exhibit 300).....	1214
Amended Prosecuting Attorney’s Information.....	1178
Certificate of Clerk to Original Exhibits.....	1104
Certificate of Service	
Clerk’s Certificate of Appeal, filed 10/3/07.....	1191
Clerk’s Certificate.....	1223
Defendant Torey Adamcik’s Motion to Suppress a Videotaped Interview and/or Portions Thereof.....	423

	<u>Page</u>
Defendant Torey Adamcik’s Motion to Suppress Videotape and Other Illegally Obtained Evidence.....	512
Defendant’s First Supplemental Response to Request for Discovery .....	549
Defendant’s Proposed Jury Questionnaire .....	660
Defendant’s Second Amended Jury Questionnaire .....	793
Defendant’s Objection to Plaintiff’s Fourth Motion in Limine.....	803
Defendant’s Third Supplemental Response to Request for Discovery.....	888
Defendant’s Proposed Jury Instructions.....	898
Defendant’s Fourth Supplemental Response to Request for Discovery .....	953
Defendant’s Fifth Supplemental Response to Request for Discovery .....	1041
Defendant’s Supplemental Proposed Jury Instructions.....	1071
Eighth Supplemental Response to Request for Discovery .....	694
Eleventh Supplemental Response to Request for Discovery.....	841
Fifth Supplemental Response to Request for Discovery.....	600
Fifth Motion In Limine.....	896
First Motion In Limine .....	779
Fourth Motion In Linime.....	782
Fourteenth Supplemental Response to Request for Discovery.....	1083
Memorandum in Support of Defendant Torey Adamcik’s Motion to Suppress a Videotaped Interview and/or Portions Thereof.....	436

	<u>Page</u>
Memorandum in Support of Motion for Gag Order and Sanctions .....	472
Memorandum in Support of Motion to Sever.....	508
Memorandum in Support of Motion to Dismiss .....	564
Memorandum in Support of Motion to Allow Defendant to have Unrecorded And Private Conversations .....	725
Memorandum in Support of Motion to Close Pretrial Suppression and Evidentiary Hearings to the Public and Press .....	776
Memorandum in Support of Motion in Limine Re: Clothing, Autopsy Photographs, Photographs of Body and Other Inflammatory Evidence.....	809
Memorandum Decision and Order on Defendant’s Motion to Suppress, filed 5/17/07 .....	846
Memorandum in Support of Motion to Admit Compilation of Movies.....	1045
Memorandum in Support of Objection to the Proposed Jury Instructions.....	1163
Memorandum in Support of Defendant’s Motion for Confidential Neuropsychological Examination at Public Expense.....	1205
Memorandum Decision and Order, filed 1/31/08.....	1211
Minute Entry and Order, filed 1/22/07 .....	518
Minute Entry and Order, filed 1/29/07 .....	525
Minute Entry and Order, filed 4/23/07 .....	728
Minute Entry and Order, filed 4/23/07 .....	730
Minute Entry and Order, filed 4/26/07 .....	738
Minute Entry and Order, filed 5/2/07 .....	783
Exhibit 3 – 2 discs	
Minute Entry and Order, filed 5/17/07 .....	843

	<u>Page</u>
Minute Entry and Order, filed 5/22/07 .....	893
Minute Entry and Order, filed 2/24/07 .....	1007
Minute Entry and Order on Jury Trial, filed 6/12/07 .....	1124
Minute Entry, filed 6/21/07 .....	1150
Minute Entry and Order, filed 7/26/07 .....	1166
Minute Entry and Order and Commitment Order, filed 8/24/07 .....	1177
Minute Entry and Order, filed 8/29/07 .....	1198
Minute Entry and Order, filed 1/10/08 .....	1205
Minute Entry and Order, filed 3/1/8/08 .....	1211
Motion for Gag Order and Sanctions .....	463
Motion to Sever .....	483
Motion to Strike State's Notice of Intent to Seek Life Without Parole .....	555
Motion to Dismiss .....	557
Motion In Limine Re: Testing of Forensic Evidence.....	696
Motion In Limine Re: Sequestering of Witnesses and Limited Publication of the Draper Videotape.....	698
Motion to Shorten Time .....	701
Motion to Transport .....	703
Motion In Limine: Limited Publication of Draper Videotape.....	707
Motion to Quash Subpoena Duces Tecum .....	713

	<u>Page</u>
Motion to Amend Prosecuting Attorney’s Information .....	717
Motion to Allow Defendant to Have Unrecorded and Private Conversations with his Parents to Prepare Defense .....	723
Motion for Reconsideration.....	731
Motion to Strike Objections to Juror Questionnaire .....	736
Motion to Inspect, Copy and Test Brian Draper Videotape.....	758
Motion to Close Pretrial Suppression and Evidentiary Hearings to the Public and Press .....	763
Motion In Limine Regarding Expert Testimony .....	791
Motion In Limine: Clothing, Autopsy Photograph, Photographs of Body and Other Inflammatory Evidence.....	807
Motion to Admit Compilation of Movies.....	1043
Motion to Continue Sentencing .....	1147
Motion to Bifurcate Sentencing.....	1153
Motion for Court Appointed Counsel Pursuant to LAR Rule 45.1 .....	1188
Motion for Correction or Reduction of Sentence Pursuant to Idaho Criminal Rule 35 .....	1193
Motion for Confidential Neuropsychological Examination at Public Expense .....	1195
Ninth Supplemental Response to Request for Discovery .....	732
Notice of Appeal, filed 9/26/07 .....	1183
Objection to Juror Questionnaire .....	721

	<u>Page</u>
Objection to Title of Adamcik Interview Disc .....	1066
Objection to Don Wyckoff's Testimony .....	1069
Objection to Handling Analysis.....	1156
Objection to the Proposed Jury Instructions.....	1161
Order to Transport, filed 4/9/07 .....	707
Order Re: Testing of Evidentiary Objects, filed 4/17/07 .....	715
Order, filed 4/26/07 .....	742
Order to Transport Torey Adaamcik to Dial, May and Rammell, Chtd, filed 5/4/07 .....	797
Order, filed 5/4/07 .....	799
Order on State's Motion in Limine, filed 5/30/07 .....	1060
Order, filed 5/31/07 .....	1063
Order, filed 6/13/07 .....	1148
Order, filed 9/27/07 .....	1190
Order Extending Neuropsychological Examination Deadline, filed 2/14/08.....	1216
Original Jury Instructions 1 thru 27 .....	1085
Plaintiff's Requested Jury Instructions .....	1013
Points and Authorities in Support of Motion to Limit Experts .....	890
Potential Witness List.....	1170
Request for Discovery .....	525

	<u>Page</u>
Response to Request for Discovery .....	529
Response to Request for Discovery .....	553
Second Motion In Limine.....	780
Seventh Supplemental Response to Request for Discovery .....	643
Sixth Supplemental Response to Request for Discovery .....	593
Stipulation to Allow Transport .....	706
Stipulation Regarding Motions Scheduled for Monday April 9, 2007, Monday April 16, 2007 and May 4, 2007 .....	711
Stipulation Re: Independent Lab Testing and Chain of Custody .....	734
Stipulation Regarding Transport of Torey Adamcik to Dial, May and Rammell, Chtd. ....	795
Tenth Supplemental Response to Request for Discovery .....	813
Third Supplemental Response to Request for Discovery .....	533
Third Motion In Limine .....	781
Thirteenth Supplemental Response to Request for Discovery .....	1058
Twelfth Supplemental Response to Request for Discovery .....	1072
Verdict Form, filed 6/8/07.....	1123
Voir Dire Brief.....	1158



State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge	
9/28/2006	NCRF	CINDYBF	Supreme Court Appeal; Sent file to Sandy for Clerk's Record on 9-28-07	Lynn Brower
	PROS	CINDYBF	Prosecutor Assigned Vic Pearson	Lynn Brower
	CRCO	CINDYBF	Criminal Complaint- I Count Murder in the First Degree, IC 18-4001-02-03(a) and I Count Conspiracy to Commit Murder in the First Degree, IC 18-4001-02-03(a) & 18-1701.	Lynn Brower
	AFPC	CINDYBF	Affidavit Of Probable Cause/BCS Incident Report. \$1,000,000.00 request for bond.	Lynn Brower
	ORDR	CINDYBF	Minute Entry & Order- Probable Cause determined by Judge Brower. Bond to be set at arraignments.	Lynn Brower
	MOTN	CINDYBF	Motion to seal Court documents and order- by PA Pearson.	Lynn Brower
	ORDR	CINDYBF	Order to seal Court documents and Order- Case is sealed until preliminary hearing as agreed by state and DA- s/Brower.	Lynn Brower
	ARRN	KIM	Hearing result for Arraignment held on 09/28/2006 03:00 PM: Arraignment / First Appearance	Lynn Brower
	ATTR	KIM	Defendant: Adamcik, Torey Michael Attorney Retained Gregory C May	Lynn Brower
	NOAP	KIM	Notice Of Appearance	Lynn Brower
	BOND	KIM	Bond Set at 1000000.00	Lynn Brower
	HRSC	KIM	Hearing Scheduled (Preliminary Hearing 10/12/2006 09:00 AM)	Lynn Brower
	REDS	KIM	Request For Discovery	Lynn Brower
	MISC	KIM	REQUEST RO OBTAIN APPROVAL TO BROADCAST AND/OR PHOTOTGRAPH A COURT PROCEEDING/GRANTED	Lynn Brower
10/2/2006	MOTN	KIM	Motion TO REVOKE BOND	Lynn Brower
	ORDR	KIM	Order; \$1,000,000 bond is revoked and a NO BOND release is ordered; J Brower 9-29-06	Lynn Brower
10/3/2006	MISC	KIM	REQUEST TO OBTAIN APPROVAL TO BROADCAST AND/OR PHOTOGRAPH A COURT PROCEEDING	Lynn Brower
10/4/2006	MOTN	BRANDY	Motion to disqualify without cause; Bron Rammell aty for dfdt Adamcik	Gaylen L. Box
10/5/2006	HRVC	KIM	Hearing result for Preliminary Hearing held on 10/12/2006 09:00 AM: Hearing Vacated	Lynn Brower
	ORDR	BRANDY	Order assigning case to Judge Box by TCA; 10-5-06	Peter D. McDermott
10/11/2006	HRSC	PAULA	Hearing Scheduled (Preliminary Hearing 1-12-2006 09:00 AM);	Gaylen L. Box
	MOTN	PAULA	Motion to Disqualify Without Cause (Bron Rammell, for Adamcik);	Gaylen L. Box

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User		Judge
10/11/2006	MOTN	PAULA	Motion for Expedited Hearing & NOtc of Hearing (Bron Rammell, for Adamcik);	Gaylen L. Box
	AFFD	PAULA	Affidavit of Bron Rammell;	Gaylen L. Box
	MOTN	PAULA	Motion to Continue Preliminary Hearing (Adamcik);	Gaylen L. Box
	WAIV	PAULA	Waiver Of Speedy Trial (Adamcik);	Gaylen L. Box
10/12/2006	CONT	PAULA	Hearing result for Preliminary Hearing held on 10/12/2006 09:00 AM: Continued	Gaylen L. Box
	DISA	PAULA	Disqualification Of Judge - Automatic	Magistrate Court Clerk
10/13/2006	ORDR	BRANDY	Order assigning case to Judge Naftz by TCA	Peter D. McDermott
10/19/2006	MOTN	BRANDY	Motion for closed and or sealed preliminary hearing and gag order; Bron Rammell aty for dfdt Adamcik	Peter D. McDermott
	MEMO	BRANDY	Memorandum in support of dfdt Torey Adamcik motion for closed and or sealed preliminary hearing and gag order; aty for dfdt	Peter D. McDermott
	AFFD	BRANDY	Affidavit of Aaron Thompson in support of dfdt Torey Adamcik motion for closed and or sealed preliminary hearing and gag order; dfdt aty	Peter D. McDermott
	NOTC	BRANDY	Notice of Hearing filed by Bron Rammell on Motion for Closed prelim	Peter D. McDermott
10/20/2006	NOTC	NICOLE	Notice of Hearing filed by Rammell on Motion for Closed or Sealed Preliminary Hearing and Gag Order; aty for dfdt Adamcik	Robert C. Naftz
10/25/2006	OBJT	BRANDY	Objection to Proposed Closure of Preliminary Hearing and Objection to Continued Blanket Sealing of All Court Records in the Case filed by Howard Burnett representing KPVI	Peter D. McDermott
	NOTC	BRANDY	Notice of Errata of Citation filed by Aaron Thompson for Torey Adamcik	Peter D. McDermott
10/26/2006	ORDR	BRANDY	Order Denying Motion to Close Preliminary Hearing, Denying Issuance of Gag Order and Order Opening File for Limited Purposes s/ J. Naftz	Peter D. McDermott
10/31/2006	ORDR	BRANDY	Order Allowing Cameras in the Courtroom s/ J. Naftz	Peter D. McDermott
11/1/2006	MOTN	BRANDY	Motion for Early Transport filed by Aaron Thompson	Peter D. McDermott
	NOTC	BRANDY	Notice of Objection to Defendant Torey Adamcik's Appearance at Preliminary Hearing in Inmate Clothing and/or Restraints and Motion to Appear, in Person, in Civilian Clothing filed by Aaron Thompson	Peter D. McDermott
	MOTN	BRANDY	Motion for In Camera Review of Video and Motion to Reconsider Order Denying Motion for Closed and/or Sealed Preliminary Hearing filed by Aaron Thompson	Peter D. McDermott

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User		Judge
11/1/2006	MOTN	BRANDY	Motion to Continue Preliminary Hearing filed by Aaron Thompson	Peter D. McDermott
11/2/2006	NOTC	BRANDY	Notice of Hearing filed by Aaron Thompson; got 11-2-06 at 4:00p.m.	Peter D. McDermott
11/3/2006	PHHD	BRANDY	Hearing result for Preliminary Hearing held on 11/03/2006 09:00 AM: Preliminary Hearing Held	Peter D. McDermott
	BOUN	BRANDY	Bound Over (after Prelim)	Peter D. McDermott
11/6/2006	NOTC	BRANDY	Notice of intent to seek life imprisonment without the possibility of parole; Mark Hiedeman aty for State	Peter D. McDermott
	INFO	CINDYBF	Prosecuting Attorney's Information- I Count Murder in the First Degree, IC 18-4001-02-03(a) and I Count Conspiracy to Commit Murder in the First Degree, IC 18-4001-02-03(a) & 18-1701.	Peter D. McDermott
11/8/2006	HRSC	BRANDY	Hearing Scheduled (Arraignment 11/14/2006 10:00 AM)	Peter D. McDermott
11/9/2006	ORDR	NICOLE	Minute Entry and Order Binding Defendants Over to District Court s/ J .nafz	Robert C. Nafz
11/14/2006	ARRN	BRANDY	Hearing result for Arraignment held on 11/14/2006 10:00 AM: Arraignment / First Appearance	Peter D. McDermott
	APNG	BRANDY	Appear & Plead Not Guilty - NG (I18-4001-I Murder I)	Peter D. McDermott
	APNG	BRANDY	Appear & Plead Not Guilty - NG (I18-4001-I {CY} Murder I-conspiracy)	Peter D. McDermott
	ORDR	BRANDY	Minute entry and order; dfdt arrnd; NG pleas entered; transcripts of all prior hearings ordered to be done by 12-15-06; trial set; REMANDED with no bail; J McDermott 11-14-06	Peter D. McDermott
	RESP	BRANDY	Response to Request for Discovery; Vic Pearson aty for State	Peter D. McDermott
	HRSC	BRANDY	Hearing Scheduled (Jury Trial 03/20/2007 09:00 AM)	Peter D. McDermott
11/30/2006	HRVC	BRANDY	Hearing result for Jury Trial held on 03/20/2007 09:00 AM: Hearing Vacated	Peter D. McDermott
12/1/2006	ORDR	BRANDY	Pre trial order; motion to continue jury trial is granted; trial reset; deadlines set for motions and jury instructions; jury will be sequestered; only one camera in courtroom and media must share; Notice of intent to seek life imprisonment without the possibility of parole received by all parties; if two trials are needed, the second trial will be 5-22-07; waiver of speedy trial hearing set; J McDermott 11-30-06	Peter D. McDermott
12/5/2006	HRSC	BRANDY	Hearing Scheduled (Further Proceedings 12/05/2006 10:00 AM)	Peter D. McDermott
	HRSC	BRANDY	Hearing Scheduled (Jury Trial 04/10/2007 09:00 AM)	Peter D. McDermott

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
12/5/2006	INHD	BRANDY	Hearing result for Further Proceedings held on 12/05/2006 10:00 AM: Interim Hearing Held; Minute Entry and Order; motion to continue jury trial is GRANTED, trial vacated and reset; dfdts waived right to speedy trial; deadlines set for jury instructions; J McDermott 12-5-06
12/12/2006	DISC	BRANDY	Second Request for Discovery; Bron Rammell aty for dfdt
12/19/2006	RESP	BRANDY	First Supplemental Response to Request fo0r Discovery; Vic Pearson aty for State
	RESP	BRANDY	Response to Second Request for Discovery; Vic Pearson aty for State
12/20/2006	ORDR	BRANDY	Minute entry and order; hearing held 12-20-06; jury trial procedure put in place; 100 jurors per day for 3 days; dfdts will appear in street clothing for trial; Prelim Hearing transcript is SEALED; J McDermott 12-20-06
12/21/2006	DISC	BRANDY	Second Supplemental Request for Discovery; Bron Rammell aty for dfdt
1/10/2007	MOTN	BRANDY	Motion for more definite statement re: pltfs motion to perform testing on limited evidence; Bron Rammell aty for dfdt
	MOTN	BRANDY	Motion to perform testing on limited evidence; aty for State
	NOTC	BRANDY	Notice of hearing; motion to perform testing; on 1-16-07 at 10:00 am
	RESP	BRANDY	Response to second supplemental request for discovery; Vic Pearson aty for State
	RESP	BRANDY	Second Supplemental Response to request for discovery; Vic Pearson aty for State
1/11/2007		BRANDY	Request to broadcast from KPVI; GRANTED; no pictures of jurors; J McDermott 1-11-07
	RESP	BRANDY	State's response to dfdts motion for more definite statement re: Plaintiffs motion to perform testing on limited evidence; Mark Hiedeman aty for State
1/16/2007	MOTN	BRANDY	Defendant Torey Adamcik's motion to suppress videotape and other illegally obtained evidence; Aaron Thompson aty for dfdt
	AFFD	BRANDY	Affidavit of Aaron Thompson in support of defendant Torey Adamcik's motion to suppress a videotaped interview and or portions thereof; Aaron Thompson aty for dfdt
	AFFD	BRANDY	Affidavit of Shannon Adamcik in support of defendant Torey Adamcik's motion to suppress a videotaped interview and or portions thereof; Aaron Thompson aty for dfdt

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
1/16/2007	AFFD	BRANDY	Affidavit of Sean Adamcik in support of defendant Torey Adamcik's motion to suppress a videotaped interview and or portions thereof; Aaron Thompson aty for dfdt
	MOTN	BRANDY	Motion for expedited hearing and notice of hearing; Bron Rammell aty for dfdt
	MOTN	BRANDY	Defendant Torey Adamcik motion to suppress a videotaped interview and or portions thereof; Aaron Thompson aty for dfdt
	MEMO	BRANDY	Memorandum in support of dfdt Torey Adamcik motion to suppress a videotaped interview and or portions thereof; aty for dfdt
	MOTN	BRANDY	Motion for gag order and sanctions; Bron Rammell aty for dfdt
	AFFD	BRANDY	Affidavit of Aaron Thompson in support of defendant Torey Adamcik motion for sanctions; aty for dfdt
	AFFD	BRANDY	Affidavit of Bron Rammell; aty for dfdt
	MEMO	BRANDY	Memorandum in support of motion for gag order and sanctions; Bron Rammell aty for dfdt
	MOTN	BRANDY	Motion to sever; Bron Rammell aty for dfdt
	AFFD	BRANDY	Affidavit of Bron Rammell; aty for dfdt
	MEMO	BRANDY	Memorandum in support of motion to sever; Bron Rammell aty for dfdt
	ORDR	BRANDY	Order; Motion to suppress, motion to sever and motion to dismiss commitment to district court set for oral argument; J McDermott 1-16-07
1/22/2007	ORDR	BRANDY	Minute entry and order; Motion for more definite statement is withdrawn; Motion to perform testing on limited evidence is GRANTED; dfdt Motion for expedited hearing is GRANTED; motion for gag order DENIED, Motion for Sanctions DENIED; no counsel shall make any statements to media regarding evidence or facts of case; J McDermott 1-16-07
1/23/2007	ORDR	BRANDY	Order; both dfdts motions to sever will be heard 1-24-07; J McDermott 1-23-07
1/26/2007	ORDR	BRANDY	Order; due to memorial day weekend, jury trial for this dfdt is reset for 5-30-07 9:00 am in Twin Falls County, J McDermott 1-25-07

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User		Judge
1/29/2007	ORDR	BRANDY	Minute entry and order; hearing held 1-24-07; courts previous order regarding testing on limited evidence is RESCINDED; lab shall perform customary testing; counsel shall be notified when testing will take place; counsel shall receive written report of testing results; defendant's Motions to Sever are GRANTED; case number to remain the same, however Adamcik shall have "AA" at the end; counsel to appear on 1-31-07 regarding Voir Dire; J McDermott 1-24-07	Peter D. McDermott
	CONT	BRANDY	Continued (Jury Trial 05/30/2007 09:00 AM)	Peter D. McDermott
2/6/2007	DISC	BRANDY	Request for Discovery; Vic Pearson aty for State	Peter D. McDermott
2/7/2007	RESP	BRANDY	Response to request for discovery; Bron Rammell aty for dfdt	Peter D. McDermott
2/9/2007	ORDR	BRANDY	Order; jury instructions due 5-16-07; all motion to be heard before 5-7-07; J McDermott 2-8-07	Peter D. McDermott
2/27/2007	RESP	BRANDY	Third Supplemental response to request for discovery; Vic Pearson aty for State	Peter D. McDermott
3/5/2007	HRSC	BRANDY	Hearing Scheduled (Motion 03/09/2007 10:00 AM)	Peter D. McDermott
	MOTN	BRANDY	Motion to quash subpoena duces tecum; Bron Rammell aty for dfdt	Peter D. McDermott
3/6/2007	NOTC	BRANDY	Amended notice of hearing; set 3-9-07	Peter D. McDermott
3/7/2007	RESP	BRANDY	Defendant's first supplemental response to request for discovery; Bron Rammell aty for dfdt	Peter D. McDermott
	ORDR	BRANDY	Order; pretrial motions set for 5-4-07 at 9:30; J MCDermott 3-2-07	Peter D. McDermott
3/8/2007	RESP	BRANDY	Response to Request for Discovery; Vic Pearson aty for State	Peter D. McDermott
3/15/2007	MEMO	BRANDY	Memorandum in support of motion to dismiss; Bron Rammell aty for dfdt	Peter D. McDermott
	MOTN	BRANDY	Motion to strike State's notice of intent to seek life without parole; Rammell for dfdt	Peter D. McDermott
3/16/2007	AFFD	BRANDY	Affidavit of Bron Rammell in support of motion to dismiss	Peter D. McDermott
	MOTN	BRANDY	Motion to dismiss; Bron Rammell aty for dfdt	Peter D. McDermott
3/20/2007	ORDR	BRANDY	Order; counsel to submit juror questionnaire to Court by 4-6-07; J McDermott 3-17-07	Peter D. McDermott
	MOTN	BRANDY	Motion for transcripts; Bron Rammell aty for dfdt	Peter D. McDermott
	RESP	BRANDY	Fifth Supplemental Response to request for discovery; Vic Pearson aty for State	Peter D. McDermott
	RESP	BRANDY	Sixth Supplemental Response to request for discovery; Vic Pearson aty for State	Peter D. McDermott
4/2/2007	RESP	KATHYS	Seventh Supplemental Response Request for Discovery; Vic Pearson for State	Peter D. McDermott

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
4/3/2007	ORDR	KATHYS	Order -- School records of Brian Draper from S.D. 25 submitted to counsel for Adamcik following court's determinate that none are privileged.
4/5/2007	ORDR	KATHYS	Order Judge McDermott - pending motions set for oral argument; Mtn to Suppress video tape and other illegally obtn'd evidence; Mtn to Dismiss and Remand for New Prelim Hrg.; Mtn to Strike State's Ntc of Intent to Seek Life w/o parole; Mtn for Transcripts of Hrg 3/9/07 and copy of deposition of Charles Garrison on 4/16/07
18	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 05/04/2007 09:30 AM) Def. Adamcik's Mtn to Suppress video tape interview
		KATHYS	Defendant's Proposed Jury Questionnaire
4/6/2007	RESP	KATHYS	Response State's Eighth Supplement Response to Rqst for Discovery by Vic Pearson
	NOTC	KATHYS	Notice of Hrg by Def. Adamcik: Mtn to Transport, Mtn in Limine re sequestering of Witnesses and Publication of Draper Videotape, Mtn in Limine re: Testing of Forensic Evidence set 4/9/07 at 11
	MOTN	KATHYS	Motion Def Adamcik Motion in Lime re testing of forensic evidence
	MOTN	KATHYS	Motion in limine - Def. Adamcik re sequestering of witnesses and limited publication of the draper videotap
	MOTN	KATHYS	Motion Def Adamcik's Mtn to Shorten time
	MOTN	KATHYS	Motion to Transport for psychological Eval - Granted
4/9/2007	ORDR	KATHYS	Order Def. Adamcik's Order GRANTED to transport for psychological Assessment
	STIP	KATHYS	Stipulation to allow transport of Def. Adamcik
		KATHYS	KPVI Rqst for Broadcast 4/16/07 hrg. - granted
		KATHYS	Rqst KPVI for broadcast April 9, 2007 11 a.m. hrg - Granted
		KATHYS	Amended Notic of Hrg by Def. Adamcik resetting Def. Mtn in Limine re: testing of forensic evidence; mtn in limin re publication of Draper videotape reset for 4/11/07 at Noon
	CONT	KATHYS	Hearing result for Further Proceedings held on 04/09/2007 11:00 AM: Continued to 4/11/07 at Noon
		KATHYS	Certificate of Service Def. Mtn in Limine re testing of Forensic Evidence was faxed to Randall Schulthies
	MOTN	KATHYS	Motion in Limine by Def. re limited publication of the draper videotape
4/10/2007		KATHYS	Rqst KPVI to Broadcast 4/11/07 hrg at Noon Granted

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
4/11/2007	STIP	KATHYS	Stipulation State and Def. Adamcik regarding Mtns scheduled for Monday April 9, April 16 and May 4. Hrgs for 4/16/07 hrg reset from 16th to 23rd
	MEOR	KATHYS	Minute Entry and Order -- Def. Mtn in Limine re Testing of Forensic Evidence. Stipulation re Calvin Klein Shirt and Puma Glove. Agreed mutual witnesses in Draper and Adamcik not discuss or communicate any testimony with one another until conclusion of St. v Adamcik. State's Notice of Intent to Seek Life w/o Parole striken. Stipulation re Dr. Garrison's depostion.
4/12/2007	MOTN	KATHYS	Motion City of Pocatell's Mtn to Quash Adamcik's Subpoena for Draper records
	NOTC	KATHYS	Notice of Hrg on City's Mtn to Quash Adamcik's Subpoena for Draper records on 4/13/07
	ORDR	KATHYS	Order Judge McDermott Defendant's Proposed Jury Questionnaire set Mond 4/23/07 at 11 a.m.
4/13/2007	MEOR	KATHYS	Minute Entry and Order -- City of Pocatello's Mtn to Quash Subpena for employment records of Brian Draper -- GRANTED
4/16/2007		KATHYS	Rqst KPVI to broadcast 4/23/07 11:00 a.m. hrg - Granted
4/17/2007	ORDR	KATHYS	Order Re testing of evidentiary items: Calvin Klein Shirt and right handed Puma glove to be sent following verdict in Draper case to independent laboratory w/def. to be responsible for cost of mailing -- Judge McDermott
4/19/2007	NOTC	KATHYS	Notice of Hrg. State Mtn to Amend PAI on 4/23/06
	MOTN	KATHYS	Motion State's Motion to Amend Prosecuting Attorney's Information
		KATHYS	Amended Prosecuting Attorney's Information
		KATHYS	State's Objections to Def. Juror Questionnaire and Notice of Hearing
4/20/2007	HELD	KATHYS	Hearing result for Motion held on 03/09/2007 10:00 AM: Motion Held Mtn to Quash Subpoena re Adamcik's records - stip regarding records put on record
	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 04/16/2007 11:00 AM)
	MOTN	KATHYS	Motion - State's Mtn to continue 4/16/07 hrg -
	NOTC	KATHYS	Notice -- of Hrg. Def.'s Mtn to Con. 4/16/07 hrg
	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 04/09/2007 11:00 AM) Adamcik - Mtns
	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 04/23/2007 11:00 AM)



State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
4/20/2007	CONT	KATHYS	Peter D. McDermott
	CONT	KATHYS	Peter D. McDermott
	HRSC	KATHYS	Peter D. McDermott
4/23/2007	HRHD	KATHYS	Peter D. McDermott
	MEOR	KATHYS	Peter D. McDermott
	HRVC	KATHYS	Peter D. McDermott
	HRSC	KATHYS	Peter D. McDermott
		KATHYS	Peter D. McDermott
		KATHYS	Peter D. McDermott
		KATHYS	Peter D. McDermott
	MOTN	KATHYS	Peter D. McDermott
		KATHYS	Peter D. McDermott
		KATHYS	Peter D. McDermott
4/24/2007		KATHYS	Peter D. McDermott
		KATHYS	Peter D. McDermott
		KATHYS	Peter D. McDermott
		KATHYS	Peter D. McDermott

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User		Judge
4/26/2007	ORDR	KATHYS	Order -- written decision regarding denial of Defendant's Motion to Dismiss and/or remand	Peter D. McDermott
	MOTN	KATHYS	Motion -- Def's to Strike Objections to Juror Questionnaire	Peter D. McDermott
		KATHYS	Defendant's Second Amended Jury Questionnaire	Peter D. McDermott
4/27/2007		KATHYS	Rqst for Broadcast Approval News 8 for 5/2/07	Peter D. McDermott
4/30/2007		KATHYS	Amended Notice of Hearing -- State's Mtn for Reconsideration reset 5/2/07	Peter D. McDermott
5/1/2007		KATHYS	Affidavit of Bron Rammell in Support of Mtn to Inspect, copy, and test Brian Draper Videotape	Peter D. McDermott
	MOTN	KATHYS	Motion -- Defendant to Inspect, copy and test Brian Draper videotape	Peter D. McDermott
		KATHYS	Affidavit of John Young in Support of Mtn to Inspect, Copy and Test Brian Draper videotape	Peter D. McDermott
		KATHYS	Defendant's Notice of Hearing May 2nd hrg re Mtn to Close Pretrial Suppression and Evidentiary Hearing to the Public and Press	Peter D. McDermott
		KATHYS	Defendant's Notice of Hearing re May 2nd hrg re Defendant's Motion to Inspect, Copy, and Test Brian Draper videotape	Peter D. McDermott
		KATHYS	Rqst to obtain broadcast approval Id. State Journal	Peter D. McDermott
	MOTN	KATHYS	Motion Def. to Close Pretrial Suppression and evidentiary Hearings to public and press	Peter D. McDermott
		KATHYS	Affidavit of Bron Rammell in Support of Motion to Close Pretrial Suppression and Evidentiary Hearing to the Public and Press	Peter D. McDermott
		KATHYS	Defendant's Memo in Support of Motion to Close Pretrial Suppression and Evidentiary Hearings to the Public and Press	Peter D. McDermott
	MOTN	KATHYS	State's First Motion in Limine re transcript of homemade video	Peter D. McDermott
	MOTN	KATHYS	State's Second Motion in Limine re: allowing Dets. Vollmer and Thomas to sit at counsel table	Peter D. McDermott
	MOTN	KATHYS	State's Second Motion in Limine re Detectives Vollmer and Thomas sitting at counsel table during trial	Peter D. McDermott
	MOTN	KATHYS	State's Third Motion in Limine re: allowing copy of "homemade" video at trial	Peter D. McDermott
	MOTN	KATHYS	State's Fourth Motion in Limine to allow jury to visit crime scene and Blackrock Canyon	Peter D. McDermott

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge	
5/2/2007	MEOR	KATHYS	Minute Entry and Order -- State's Motion to Reconsider Court's previous Order re visitation - Granted order modified and counsel to stipulate. Def's Motion to Close Hearing to Public and Press - DENIED -- Def's Motion to Suppress Videotape and Other Illegally Obtained Evidence -- Denied w/order to follow -- Def's Mtn to Suppress Videotape of Draper or Parts Thereof -- State's Exhibit #1, #2, and #3 submitted and admitted -- testimony of witnesses -- Taken Under Advisement.	Peter D. McDermott
	HRHD	KATHYS	Hearing result for Further Proceedings held on 05/02/2007 09:30 AM: Hearing Held	Peter D. McDermott
	MOTN	KATHYS	Motion Defendant regarding Expert Testimony	Peter D. McDermott
5/3/2007		KATHYS	State's Notice of Hearing re First Motion in Limine set 5/14/07 at 3:00 P.M.	Peter D. McDermott
	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 05/14/2007 03:00 AM)	Peter D. McDermott
		KATHYS	State's Notice of Hearing re: Second Motion in Limine	Peter D. McDermott
		KATHYS	State's Notice of Hearing re Third Motion in Limine	Peter D. McDermott
		KATHYS	State's Notice of Hearing re Fourth Motion in Limine	Peter D. McDermott
5/4/2007		KATHYS	Stipulation regarding transport of Torey Adamcik to Dial, May & Rammel	Peter D. McDermott
	ORDR	KATHYS	Order to Transport Def. to Dial May & Rammell pursuant to Stipulation	Peter D. McDermott
	ORDR	KATHYS	Order DENYING Defendant's Motion to Suppress a Videotape and Other Illegally Obtained Evidence	Peter D. McDermott
5/9/2007		KATHYS	Request for Approval to Broadcast KIFI for 5/14/07 hrg GRANTED	Peter D. McDermott
		KATHYS	Request for Approval to Broadcast KPVI for 5/14/07 hrg GRANTED	Peter D. McDermott
		KATHYS	Defendant's Objection to Plaintiff's Fourth Motion in Limine	Peter D. McDermott
	MOTN	KATHYS	Motion Defendant's Motion in Limine re Clothing, Autpsy Photographs, Photographs of Body, and Other Inflammatory Evidence	Peter D. McDermott
5/10/2007		KATHYS	Memorandum in Support of Motion in Limine Re: Clothing, Autopsy Photos, Photos of Body, and Other Inflammatory Evidence	Peter D. McDermott
5/14/2007		KATHYS	State's Eleventh Supplemental Response to Request for Discovery	Peter D. McDermott
		KATHYS	State's Tenth Supplemental Response to Request for Discovery	Peter D. McDermott

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
5/14/2007	MEOR	KATHYS	Minute Entry and Order--State's Motions 1 through 4 in Limine
	HRHD	KATHYS	Hearing result for Further Proceedings held on 05/14/2007 03:00 AM: Hearing Held
		KATHYS	Request for Approval to Broadcast by Id. St. Journal for 5/30 through jury trial granted
		KATHYS	Request for Approval to Broadcast by Idaho State Journal -- for May 14th -- granted
5/15/2007		KATHYS	Juror Questionnaire Information form used by Court in Twin Falls for proposed jurors filling out Questionnaire
5/17/2007	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 05/21/2007 03:00 AM)
		KATHYS	Memorandum Decision and Order on Defendant's Motion to Suppress
5/18/2007		KATHYS	Request to Obtain approval to Broadcasat 5/21/07 hearing by KPVI - Granted
5/21/2007		KATHYS	Defendant's Points and Authorities in Support of Motion to Limit Experts
		KATHYS	Defendant's Third Supplemental Response to Request for Discovery
5/22/2007	MEOR	KATHYS	Minute Entry and Order -- Defendant's Motion in Limine Regarding Expert Testimony - Dr. Charles Garrison c/s/t. Crt advised proper foundation must be laid for all witnesses. Jury Questionnaires will be addressed May 23rd and Voir Dire will commence in Twin Falls on May 30th
	MOTN	KATHYS	State's Fifth Motion in Limine
		KATHYS	State's Notice of Hearing Wednesday -- State's Fifth Motion in Limine and jury questionnaires
	HRHD	KATHYS	Hearing result for Further Proceedings held on 05/21/2007 03:00 AM: Hearing Held
	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 05/23/2007 09:00 AM)
		KATHYS	Defendant's Proposed Jury Instructions
5/24/2007	MEOR	KATHYS	Minute Entry and Order -- Challenges for Cause on Questionnaires. State's 5th Mtn in Limine. DVD "Movie" taken under advisement. Defense to supply reports on expert witnesses by Tuesday, May 29, 2007.
		KATHYS	Defendant's Fourth Supplemental Response to Request for Discovery
		KATHYS	State's Twelfth Supplemental Response to Request for Discovery
5/25/2007		KATHYS	Plaintiff's Requested Jury Instructions

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
5/25/2007		KATHYS	Plaintiff's Requested Jury Instructions
5/29/2007		KATHYS	Defendant's Fifth Supplemental Response to Request for Discovery
		KATHYS	Request to Obtain Approval for Broadcast for May 30th by News 8
	MOTN	KATHYS	Motion Defendant's to Admit Compilation of Movies
		KATHYS	Defendant's MEMORANDUM in Support of Motion to Admit Compilation of Movies
		KATHYS	State's Thirteenth Supplemental Response to Request for Discovery
5/30/2007	ORDR	KATHYS	Order on State's Motion in Limine
		KATHYS	Defendant's Voire Dire Brief
5/31/2007	ORDR	KATHYS	Order Judge McDermott issued to sequestered jurors regarding court marshals supervision
		KATHYS	Peremptory Challenges at Jury Trial
6/1/2007		KATHYS	Defendant's Objection to Title of Adamcik Interview Disc
6/4/2007		KATHYS	Defendant's Objection to Handwriting Analysis
6/7/2007		KATHYS	Defendant's Objection to Don Wyckoff's Testimony
6/8/2007		KATHYS	Defendant's Objection to the Proposed Jury Instructions
		KATHYS	Defendant's Memorandum in Support of Objection to the Proposed Jury Instructions
		KATHYS	State's Fourteenth Supplemental Response to Request for Discovery
		KATHYS	Original Jury Instructions 1- 27
		KATHYS	VERDICT FORM - Defendant found guilty of Murder in the First Degree and guilty of Conspiracy to Commit Murder in the First Degree
6/12/2007	MEOR	KATHYS	Minute Entry and Order-- on Jury Trial -- Defendant found GUILTY -- PSI ordered -- sentencing set 8/9/07 at 9:00 - Defendant REMANDED
	MOTN	KATHYS	Motion--State's Motion to Continue Sentencing from 8/9/07
6/13/2007	ORDR	KATHYS	Order Judge McDermott granting State's Mtn to continue sentencing -- resetting sentencing Tuesday, August 21, 2007, at 9:00 a.m.
6/21/2007	MEOR	KATHYS	Minute Entry and Order--Twin Falls Voir Dire MEOR for commencement of Jury Trial
7/7/2007		KATHYS	Defendant's Supplemental Proposed Jury Instructions
7/10/2007		KATHYS	Rqst to Obtain Approval to Broadcast sentencing set 8/21/07 by KIFI Local News 8 -- granted

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
7/25/2007	HRHD	KATHYS	Hearing result for Further Proceedings held on 05/23/2007 09:00 AM: Hearing Held
	JTST	KATHYS	Hearing result for Jury Trial held on 05/30/2007 09:00 AM: Jury Trial Started
	HRSC	KATHYS	Hearing Scheduled (Sentencing 08/09/2007 09:00 AM)
	CONT	KATHYS	Hearing result for Sentencing held on 08/09/2007 09:00 AM: Continued reset 8/21/07 at 9:00 a.m.
	HRSC	KATHYS	Hearing Scheduled (Sentencing 08/21/2007 09:00 AM)
	MOTN	KATHYS	Motion Defendant's Motion to Bifurcate Sentencing
		KATHYS	Defendant's Notice of Hearing on Motion to Bifurcate Sentencing
	ORDR	KATHYS	Order--Judge McDermott's Order - Defendant Draper's Mtn to Sever and Defendant Adamcik's Mtn to Bifurcate set Wed. 7/25/07 at 2:00 P.M. Presentence conference.
	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 07/25/2007 02:00 AM)
		KATHYS	Request for Approval to Broadcast -- KPVI - 7/25/07 -- hrg. - Granted
7/26/2007	MEOR	KATHYS	Minute Entry and Order- presentence conference and Defendant Adamcik's Mtn to Bifurcate sentencing and Defendant Drapers' Mtn to Sever sentences. Mtns partially granted. Court set forth the sntcg protocol Draper first, commencing 8/21/07 at 9 -- Adamcik second commencing 8/22/07 at 1:30 p.m. - sntcg for both 8/24/07 at 9:30 a.m.
	HELD	KATHYS	Hearing result for Further Proceedings held on 07/25/2007 02:00 AM: Motion Held
8/16/2007		BRANDY	Potential Witness List; Bron Rammell aty for dfdt
		BRANDY	Addendum to Potential Witness List; Bron Rammell aty for dfdt
8/21/2007	HRHD	BRANDY	Hearing result for Sentencing held on 08/21/2007 09:00 AM: Hearing Held
8/24/2007	ORDR	BRANDY	Minute entry and order and commitment order; dfdt guilty on both counts; on Conspiracy to Commit Murder in the First Degree dfdt sentenced to 30 years fixed and Life indeterminate, on Murder in the First Degree dfdt sentenced to Life Without Parole, sentences to run concurrent; credit time served, appeal rights given; J McDermott 8-24-07
	CPGT	BRANDY	Change Plea To Guilty Before H/t (I18-4001-I Murder I); dfdt found guilty by jury 6-8-07
	SNIC	BRANDY	Sentenced To Incarceration (I18-4001-I Murder I) Confinement terms: Life Without Parole

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
8/24/2007	SNIC	BRANDY	Sentenced To Incarceration Life sentence.
	CPGT	BRANDY	Change Plea To Guilty Before H/t (118-4001-I {CY} Murder I-conspiracy); found guilty by jury 6-8-07
	CSTS	BRANDY	Case Status Changed: closed pending clerk action
	SNIC	BRANDY	Sentenced To Incarceration (118-4001-I {CY} Murder I-conspiracy) Confinement terms: Penitentiary determinate: 30 years and Life indeterminate
8/29/2007	ORDR	BRANDY	Minute entry and order; mitigation/aggravation hearing held 8-22-07; PSI was received by the court; court heard testimony from several witnesses and victims; sentencing set for 8-24-07 at 9:00 am; J McDermott 8-23-07
9/26/2007	APSC	DCANO	Appealed To The Supreme Court
	MISC	DCANO	NOTICE OF APPEAL; Aaron N. Thompson , Atty for Torey Adamcik
	MISC	DCANO	MOTION FOR COURT APPOINTED COUNSEL PURSUANT TO IAR RULE 45.1, Aaron N. Thompson, Atty for Torey Adamcik
9/27/2007	MISC	DCANO	ORDER; Granting State Appellate Public Defender and Fees Waived; s/J. McDermott on 9-27-07
9/28/2007	MISC	DCANO	CLERK'S CERTIFICATE OF APPEAL; Lodged by Diane Cano on 9-28-07. Mailed to Supreme Court and Counsel on 9-28-07
10/10/2007	MISC	DCANO	IDAHO SUPREME COURT; Filing of Clerk's Certificate received in Supreme Court on 10-4-07.
	MISC	DCANO	IDAHO SUPREME COURT: Notice of Appeal, Docket #34639. Clerk's Record and Reporter's Transcript must be filed in this office on 1-2-08. (5 weeks prior 11-28-07)
10/15/2007	MISC	DCANO	LETTER FROM STATE APPELLATE PUBLIC DEFENDER; STATE PD APPOINTED Nevin, Benjamin and McKay, LLP, P.O. Box 2772, Boise, Idaho 83701 as CONFLICT COUNSEL.
10/22/2007	MISC	DCANO	NOTICE OF SUBSTITUTION OF COUNSEL FROM IDAHO SUPREME COURT; Nevin, Benjamin & McKay in Place.
11/28/2007	MISC	DCANO	Stephanie Davis notified Court Records on 11-28-07 that she will be filing for an extension on Transcripts.
12/4/2007	MISC	DCANO	IDAHO SUPREME COURT; Transmittal of Document, Supreme Court granted order to extent Reporter's Transcript. Transcript must be lodged in District Court before 3-5-08. filed in Supreme Court by 4-9-08.

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
12/14/2007	MOTN	KATHYS	Motion-Defendant's for Correction or Reduction of Sentence Pursuant to Idaho Criminal Rule 35 Peter D. McDermott
	MOTN	KATHYS	Motion-Defendant's for Confidential Neuropsychological Examination at Public Expense Peter D. McDermott
		KATHYS	Affidavit of Dr. Mark Corgiat in Support of Defendant's Motion for Confidential Neuropsychological Examination at Public Expense Peter D. McDermott
		KATHYS	Affidavit of Aaron N. Thompson in Support of Defendant's Motion for Confidential Neuropsychological Examination at Public Expense Peter D. McDermott
		KATHYS	Memorandum in Support of Defendant's Motion for Confidential Neuropsychological Examination at Public Expense Peter D. McDermott
12/18/2007	ORDR	KATHYS	Order-Judge McDermott - oral argument re Motion for Confidential Neuropsychological Examination at Public Expense set 1/7/08 Peter D. McDermott
12/19/2007	HRSC	KATHYS	Hearing Scheduled (Further Proceedings 01/07/2008 08:30 AM) Defendant's Mtn for Confidential Neuropsychological Exam at Public Expense Peter D. McDermott
12/27/2007	MISC	DCANO	REPORTER'S TRANSCRIPTS RECEIVED FROM T&T REPORTING ON 12-27-07 signed by Diane for Dfdts and Plntfs. Witnessess held 8-23-07 and Victim's Impact Statement held 8-23-07. Exhibits for Plntf and Dfdt also marked on 8-23-07. Peter D. McDermott
	MISC	DCANO	REPORTER'S TRANSCRIPT RECEIVED FROM T&T Reporting on 12-27-07 signed by Diane for Sentencing held 8-24-07. Peter D. McDermott
1/10/2008	MEOR	KATHYS	Minute Entry and Order-- hrg re Def's Motion for Confidential Neuropsychological Exam at Public Expense. oral argument - Motion taken under advisement with respective counsel to submit simulataneous briefs within 10 days of hearing date. Peter D. McDermott
2/5/2008	MEMO	KATHYS	Memorandum Decision and Order re Defendant's Motion for Confidential Neurological Exam at Public Expense - granted Peter D. McDermott
	GRNT	KATHYS	Hearing result for Further Proceedings held on 01/07/2008 08:30 AM: Motion Granted Peter D. McDermott
	HRSC	KATHYS	Hearing Scheduled (Motion 03/10/2008 01:30 PM) Defendant's Rule 35 Motion Peter D. McDermott
2/11/2008	STIP	KATHYS	Stipulation- State and Def.'s counsel to Extend Neurological Examination Deadline Peter D. McDermott
2/14/2008	ORDR	KATHYS	Order-- Judge McDermott Extending Neurological Examination Deadlin Peter D. McDermott



Date: 4/1/2008  
Time: 12:53 PM  
Page 17 of 17

Sixth Judicial District Court - Bannock County

User: DCANO

ROA Report

Case: CR-2006-0017984-FE Current Judge: Peter D. McDermott

Defendant: Adamcik, Torey Michael

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User	Judge
2/29/2008	MISC	DCANO	IDAHO SUPREME COURT; Transmittal of document, Court Reporter's 2nd Motion for extension of time to Lodge Transcript GRANTED. Transcript shall be lodged in DC on 5-7-08 and filed in SC before 6-11-08.

28

Date: 4/8/2008

Six Judicial District Court - Bannock County

User: KATHYS

Time: 02:25 PM

ROA Report

Page 1 of 1

Case: CR-2006-0017984-FE Current Judge: Peter D. McDermott

Defendant: Adamcik, Torey Michael

Selected Items

State of Idaho vs. Brian Lee Draper, Torey Michael Adamcik

Date	Code	User		Judge
3/7/2008		KATHYS	Affidavit of Aaron N. Thompson In Support of Defendant's Rule 35 Motion	Peter D. McDermott
3/18/2008	MEOR	KATHYS	Minute Entry and Order-- Defendant's Rule 35 Motion for leniency. Denied. Sentence imposed remains on 1 Ct. Conspiracy to Commit Murder in the 1st Degree - fixed 30 years and subsequent indeterminate life. 1 Count Murder in the First Degree, Fixed Life Without Parole	Peter D. McDermott
4/8/2008	DCHH	KATHYS	Hearing result for Motion held on 03/10/2008 01:30 PM: District Court Hearing Held Court Reporter: Stephanie Davis Number of Transcript Pages for this hearing estimated:over 100 Defendant's Rule 35 Motion	Peter D. McDermott



STATE OF IDAHO,

Plaintiff-Respondent,

vs.

TOREY MICHAEL ADAMCIK and  
BRIAN LEE DRAPER,

Defendant-Appellant.

ORIGINAL  
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO, )  
)  
Plaintiff, )  
)  
vs. )  
)  
TOREY MICHAEL ADAMCIK, )  
)  
[REDACTED] )  
06-14-90 )  
)  
Defendant. )

CASE NO. CR-2006-0798

AFFIDAVIT OF PROBABLE  
CAUSE

*[Handwritten signature]*  
2006

STATE OF IDAHO, )  
) ss  
COUNTY OF BANNOCK )

VIC A. PEARSON, being first duly sworn, deposes and says that:

I am the Chief Deputy Prosecutor for the Bannock County Prosecuting Attorney's Office. I have reviewed the investigation regarding TOREY MICHAEL ADAMCIK. Based on that review, I have requested a Sixth District Magistrate Judge to make a determination of probable cause to hold or set bond on the above-named defendant for the public offense of 1 COUNT MURDER IN THE FIRST DEGREE, a violation of I.C. §§18-4001-02-03(a), and 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, a violation of I.C. §§18-4001-02-03(a) and §18-1701.

The basis for the request is the information set forth in a supplementary police report which is designated as Exhibit "A" attached hereto. I further depose and say that I have read Exhibit "A" and all the contents are true to the best of my knowledge, and that I personally know the author of that report to be a law enforcement officer whom I believe to be credible and reliable.

DATED this 28 day of September, 2006.

*[Handwritten signature]*  
VIC A. PEARSON

STATE OF IDAHO )  
) ss  
COUNTY OF BANNOCK )

VIC A. PEARSON, known to me to be the person whose name is subscribed to the within instrument, acknowledged to me that he has executed the same and that he read the same and that the same was true to the best of his knowledge.

DATED this 28<sup>th</sup> day of September, 2006.

*[Handwritten signature]*  
NOTARY/MAGISTRATE  
29

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

THE STATE OF IDAHO,

Plaintiff ) CASE NO.  
vs. )  
)  
) AFFIDAVIT OF PROBABLE CAUSE  
) IN SUPPORT OF CRIMINAL  
Torey Michael Adamcik ) COMPLAINT/CITATION  
Defendant)  
STATE OF IDAHO)  
ss.  
County of Bannock

05 9 14  
I, Detective Andy Thomas of the Bannock County Sheriff's Department, being first duly sworn, on oath deposes and says: That I am the same person whose name is subscribed to the attached complaint/citation. The above named defendant was arrested for the crime(s) First Degree Murder in violation of Idaho Code 18-4003 (a). Your affiant believes that probable cause existed for said arrest and believes the crime(s) as set out above have been committed in Bannock County, Idaho and that **Torey Michael Adamcik** is the person who committed said crime(s). That your affiant did arrest **Torey Michael Adamcik** for the crime(s) of, First Degree Murder, which is in violation of Idaho Code 18-4003 (a), after observing the following probable cause:

1. On September 24, 2006. The Bannock County Sheriff's Office received a call for assistance and deputies responded to a residence, which is located at 11372 Whispering Cliffs, Bannock County, Idaho. Upon arrival at the residence, deputies located a deceased female in the living room of the residence at 11372 Whispering Cliffs, Bannock County, Idaho.
2. Upon arrival at 11372 Whispering Cliffs, Your affiant along with other Bannock County Detectives and assisting officers were informed of the following:

AFFIDAVIT OF PROBABLE CAUSE  
IN SUPPORT OF CRIMINAL  
COMPLAINT/CITATION

29a

- a. When deputies arrived at the residence they located a female, later identified as Cassie Stoddart on the living room floor of the residence and she was deceased. It appeared that Cassie had been stabbed to death.
- b. Cassie had come to the Frank and Allison Contreras residence located at 11372 Whispering Cliffs on Friday September 22, 2006 at approximately 5:30 p.m., to house sit for the owners of the residence while they went out of town for the weekend.
- c. CASSIE'S mother Anna Stoddart dropped off Cassie, and her boyfriend Matt Beckham, at the Contreras residence.
- d. When the Contreras family returned home on Sunday September 24, 2006 they located CASSIE dead in their living room. The 911 call from the Contreras residence came into Bannock County dispatch at approximately 1:55 p.m.
4. On September 24, 2006 at approximately 6:07 p.m., Lt. John Ganske and your affiant conducted an interview with Matt Beckham, CASSIE'S boyfriend and subsequent To that interview Matt Beckham made the following statements:
  - a. On Friday September 22, 2006 at approximately 5:30 p.m., he along with Cassie Stoddart, were dropped off at a residence located at 11372 Whispering Cliffs, by Cassie's mother Anna Stoddart.
  - b. They were dropped off there because CASSIE had agreed to house sit for the weekend and take care of the property owner's animals.
  - c. He was going to stay with CASSIE for the evening while she was house sitting. Matt and CASSIE are boyfriend and girlfriend and have been seeing each on a daily basis for the past five months.
  - d. At approximately 8:20 p.m., Matt and Cassie's friends Tory ADAMCIK and Brian DRAPER came by the residence to see Matt and CASSIE. The purpose of the visit was to attend a party at the residence that they had talked about and planned earlier in the week.
  - e. Adamcik and Draper were the only people to show up for the party. Adamcik and Draper arrived at the residence in Adamcik's red Geo Prism.
  - f. When Adamcik and Draper entered the residence they came through the front door of the residence that is located on the upper level next to the living room. Upon entering the residence Adamcik and Draper proceeded to explore the residence going into every room of the residence and eventually ending up in the garage playing with a weight machine.
  - g. Adamcik and Draper began to look through the movie collection in the living room and Torey selected the movie Kill Bill Volume 2. CASSIE, Beckham, Adamcik and Draper began watching the movie but did not see it in its entirety.
  - h. While at the residence and watching the movie they ate Popsicles, which they got from a freezer in the basement. He obtained a black handled utility knife from the kitchen and they all used the knife to open their Popsicles. The knife was in a

protective sheath, which he had to show Draper how to release the knife from the sheath.

- i. Shortly before 9:30 p.m., Draper began telling him and Cassie that he had to be home by 9:30 p.m. at which time they began preparing to leave the residence.
- j. Before Adamcik and Draper left he discussed spending the night with Adamcik and asked him to come back later and pick him up so he could spend the night at Adamcik's residence. Adamcik said that he probably could come back and get him if he needed a ride. He told Adamcik that he would check with his mother and get permission to spend the night at Adamcik's house.
- k. At around 9:45 to 10:00 p.m., Adamcik and Draper left the residence, he did not see Adamcik or Draper again that evening.
- l. A while after Adamcik and Draper left the residence he called Adamcik on his cell phone 208-760-7033 and told him that his mother said he could not spend the night at Adamcik's house and his mother told him she was going to come and pick him up.
- m. Sometime after Adamcik and Draper left the residence he and Cassie were in the living room watching television and the power went off. He and Cassie went around the upstairs of the house and tried some light switches but no lights would come on.
- n. They left a few light switches in the on position so they would know when the power came on. Approximately 15 to 20 minutes later the upstairs hall light came on along with the outlet that powered the cordless phone that was in the kitchen. They were unable to get any other lights or the television in the house to come on.
- o. During the time that the lights were off it was very dark in the residence and he became somewhat scared, he did not want to go to any other room in the residence and they stayed the living room.
- p. He noticed the Contreras' dog that was in the house, would go into the kitchen area at the top of the stairs and bark a few times and then come back into the living room. The dog did this several times and it gave him the feeling that someone besides him and Cassie were in the residence.
- q. At approximately 11:00 p.m., he called his mother (208-478-2005) from the kitchen phone and told her that the lights were off and she told him she was coming to get him very soon. Beckham discussed with his mother if Cassie could come with him and Cassie said, no, she needs to stay to take care of the dogs.
- r. Beckham's mother overhears Cassie tell Matt that she is going to stay at the residence to take care of the dogs.
- s. At approximately 11:30 p.m., his mother and father arrive at the residence to pick him up and take him home.
- t. At approximately 11:40 to 11:50 p.m., he along with his mother and father arrived home at their residence, which is located at 1505, Eastridge #13, Pocatello, Bannock County, Idaho.
- u. He stayed up with his mother and father. His father read a book to them concerning his recent experiences in rehab.



- 32
- v. Then he watched the movie "The Rookie" in its entirety with his father.
  - w. After watching "The Rookie" he and his father watched most of the movie "The Green Mile."
  - x. At approximately 3:00 to 3:30 a.m., he went to bed in his bedroom.
  - y. When he woke up in the morning he found out that his father had stayed up on the couch the entire night.
  - z. On Saturday (September 23, 2006) he tried contacting Cassie several times but was unable to contact her.
  - aa. He did not go check on Cassie because he did not have transportation to get back out to the house where Cassie was. His mother had the car at work.
  - bb. On September 23, 2006, at approximately 7:00 to 8:00 p.m., Torey came to his house and picked him up and he spent the night at Torey's house, which is located at 1598 Point view, Pocatello, Bannock County, Idaho.
  - cc. While at Torey's house he became worried about Cassie and asked Torey to take him to see her. Torey told him that he did not have enough gas in his car to drive out there, the gas that he had in his car had to last him the rest of the week. So Torey would not take him back out to 11372 Whispering Cliffs, Bannock County, Idaho where CASSIE was.
  - dd. He did not know about Cassie being murdered until Cassie's mother Anna called him on the telephone Sunday (September 24, 2006) and asked him what he did to her daughter.
  - ee. He believed that both Adamcik and Draper had crushes on CASSIE and at times would flirt with her.
  - ff. Adamcik and Draper are really into horror/suspense type movies.
5. On September 24, 2006 at approximately 8:27 a.m., your affiant and Idaho State Police Lt. John Ganske conducted a voluntary interview with Torey Michael Adamcik at his residence located at 1598 Pointe View in Pocatello, Bannock County, Idaho. Present during the voluntary interview was Torey's mother, Shannon Adamcik and his father Sean Adamcik. The interview was in regard to Torey's knowledge and possible involvement in the death of Cassie Stoddart. Draper made the following statements:
- a. He has known Cassie for several years and he attends Pocatello High School with her.
  - b. On Friday night at approximately 8:00 p.m., he picked up Brian Draper at his house on Shale Drive with the intention of going to the house where Cassie was housesitting to attend the party. He knew that Cassie's boyfriend, Matt, was going to be there with Cassie and he also knows Matt as a friend who also attends Pocatello High School.
  - d. After he and Brian left Brians residence, they called the telephone number to the house where Cassie was housesitting using his cellular telephone (208-760-7033). It was necessary for them to call several times in order to get directions to the house that Cassie was housesitting.
  - f. At approximately 8:30 p.m., they arrived at the house, later identified as located at

- 11372 Whispering Cliffs in Bannock County, Idaho. He parked his red car on the right side of a truck that had a camper shell on it that was parked in the driveway.
- g. They were greeted by Matt at the upper level front door of the residence and were invited inside.
  - h. Once inside the residence, Cassie and Matt gave him and Brian a tour of the house.
  - i. While at the house they watched the movie "Kill Bill Volume II," but did not watch the movie in its entirety, and ate some Popsicles.
  - j. During the tour of the residence, he opened doors, drawers and cabinets and played on a weight machine that was in the garage.
  - k. No one else showed up for the party, so he and Brian decided to leave and go to a movie.
  - L. At approximately 9:45 p.m., he and Brian left the residence and drove directly to the Carmike Theaters located at the corner of Quinn and Poleline. Once at the theaters, they looked at the marquee and decided that they were going to watch the movie called "Pulse."
  - m. He and Brian purchased their own tickets with cash and entered the movie.
  - n. He could not recall which theater the movie was held in and thought that it was on the right side of the theater.
  - o. He could not give any details of the movie or what it was about.
  - p. After the movie was over, he and Brian went directly back to his residence located at 1598 Point View, Pocatello, Bannock County where they spent the night.
  - q. He recalls returning home at approximately 11:45 p.m. to 12:00 a.m.
  - r. On Saturday, September 23, 2006 at approximately 10:30 a.m. he gave Brian a ride back to his residence at Shale Drive.

On September 25, 2006 at approximately 12:00 a.m., your affiant and Idaho State Police Lt. John Ganske conducted a voluntary interview with Brian Lee Draper at his residence located at 1030 Shale Drive in Pocatello, Bannock County, Idaho. Present during the voluntary interview was Brian's mother, Pam Draper. The interview was in regard to Brian's knowledge and possible involvement in the death of Cassie Stoddart. Subsequent to the interview, Lt. Ganske informed your affiant that Draper made the following statements:

- a. He has known Cassie for several years and he attends Pocatello High School with her.
- b. Sometime on Friday, September 22, 2006 while at school, Cassie told him that she was going to be housesitting over the weekend and they were planning on having a party at that house, to which he was invited.
- c. On Friday night at approximately 8:00 p.m., Torey Adamcik picked him up at his house on Shale Drive with the intention of going to the house where Cassie was housesitting to attend the party. He knew that Cassie's boyfriend, Matt, was going to be there with Cassie and he also knows Matt as a friend who also attends Pocatello High School.

- d. Torey Adamcik picked him up in Adamcik's red car, but he did not know the make and model of the car.
  - e. After he and Torey left his residence, they called the telephone number to the house where Cassie was housesitting using Torey's cellular telephone (208-760-7033). It was necessary for them to call several times in order to get directions to the house that Cassie was housesitting.
  - f. At approximately 8:30 p.m., they arrived at the house, later identified as located at 11372 Whispering Cliffs in Bannock County, Idaho. Torey parked his red car on the right side of a truck that had a camper shell on it that was parked in the driveway.
  - g. They were greeted by Matt at the upper level front door of the residence and were invited inside.
  - h. Once inside the residence, Cassie and Matt gave him and Torey a tour of the house.
  - i. While at the house they watched the movie "Kill Bill Volume II," but did not watch the movie in its entirety, and ate some Popsicles.
  - j. During the tour of the residence, he opened doors, drawers and cabinets and played on a weight machine that was in the garage.
  - k. No one else showed up for the party, so he and Torey decided to leave and go to a movie.
  - L. At approximately 9:45 p.m., he and Torey left the residence and drove directly to the Carmike Theaters located at the corner of Quinn and Poleline. Once at the theaters, they looked at the marquee and decided that they were going to watch the movie called "Pulse."
  - m. He and Torey purchased their own tickets with cash and entered the movie.
  - n. He could not recall which theater the movie was held in and thought that it was on the right side of the theater.
  - o. He could not give any details of the movie or what it was about other than he met a girl named Heather inside the movie and spoke to her. He believed that Heather was a freshman or sophomore at Highland High School.
  - p. After the movie was over, he and Torey went directly back to Torey's residence located at 1598 Point View, Pocatello, Bannock County where he spent the night.
  - q. He recalls returning to Torey's house at approximately 11:45 p.m. to 12:00 a.m.
  - r. On Saturday, September 23, 2006 at approximately 10:30 a.m., Torey gave him a ride back to his residence at Shale Drive.
  - s. He was very shocked at Cassie's death and could not believe she was dead. The first time he heard of Cassie's death was when your affiant and Lt. Ganske told him.
6. On September 25, 2006 at approximately 11:38 a.m., Bannock County Detective Tom Foltz conducted an interview with a person who is known to him but wishes to remain anonymous. The interview was conducted at the Pocatello High School and was in regard to the person's knowledge of the death of Cassie Stoddart. Subsequent to the interview Detective Foltz informed your affiant of the following:

- a. Torey Adamcik is obsessed with knives guns and horror films.
  - b. Torey and his friend Brian Draper are so obsessed with horror films that they are writing their own script for a horror movie.
  - c. Torey and Brian's movie script is about a boy, girl, and a little boy getting killed.
  - d. He/she has heard Cassie tell Torey that she wanted to be in his movie when he made it.
  - e. Torey gave him/her the script about two (2) months ago to read.
  - f. Torey has told him/her that he loves killing movies like Scream and Friday the 13<sup>th</sup>.
  - g. Torey has a knife collection that he keeps in the closet of his bedroom.
  - h. Torey made a glove with knives on it like in the movie Friday the 13<sup>th</sup>.
  - i. He/she has heard Torey bragging about committing the perfect crime and how he watches killing movies and actually takes notes during the movie on how not to get caught when committing a murder.
  - j. At school Torey likes to mess around and pretend he is stabbing people and cutting their throats.
  - k. Torey invited him/her to a party at the house Cassie was at Friday night (September 22, 2006); he/she did not go to the party.
  - l. He/she knows that Torey has had a crush on Cassie for the last 2-3 years.
7. On September 26, 2006 at approximately 6:36 p.m., Idaho State Police Detective Lieutenant John Ganske and your affiant conducted a follow-up voluntary interview with Brian Draper. The interview was conducted at the Pocatello Police Department and was in regard to his knowledge and possible involvement in the death of Cassie Stoddart. Brian Draper's parents had consented to the interview and were present while the interview was being conducted. Subsequent to the interview Lt. Ganske and your affiant confirmed statements made from the earlier interview and after being confronted with several inconsistencies in his earlier statements, Draper made the following additional statements:
- a. On Thursday (September 21, 2006) at approximately 8:00 p.m., he and Torey Adamcik went to Cassie's house, which is located at 1256 Kinghorn Apt. C, Pocatello, Bannock County, Idaho, to visit with her. While at Cassie's house she mentioned that she was going to be house sitting for some people this weekend. They were planning on having a party at the house, where she was housesitting on Friday night (September 23, 2006).
  - b. While at the Whispering Cliffs residence, he did not eat anything; Matt, Cassie and Torey all ate Popsicles.
  - c. He was lying in the earlier interview when he made the statements about he and Torey going to the movies after they left the residence on Whispering Cliffs.
  - d. At approximately 9:45 p.m., he and Torey left the whispering Cliffs residence drove a short distance from the residence, south on Whispering Cliffs, where Torey parked his car on the side of the road.

- e. He and Torey got out of the car and put gloves on, and proceeded to walk around the neighborhood, with the intent of "going through" or burglarizing vehicles in the area. He does not recall any of the cars being unlocked that they tried to open. He cannot specifically recall where the cars were parked or any further description of the cars they tried to "go through". They did not get anything from any of the cars they tried to "go through".
- f. While in the neighborhood on foot he and Torey called Matt on Torey's cellular telephone, at least once. He spoke to Matt between the hours of 10:00 p.m., and 10:30 p.m.
- g. They spoke to Matt to see if Matt was going to come with them to "go through" the cars in the neighborhood. Matt told them he would not be going with them; his mother was on her way to pick him up.
- h. He does not recall how long they were in the neighborhood "going through" cars. But does not think it was very long.
- i. Once they left the Whispering Cliffs neighborhood, they drove to a neighborhood near Torey's house on Pointe View and began "going through cars". Approximately five cars were unlocked, but they did not take anything from the vehicles they went through.
- j. He does not recall the exact locations of the cars in this neighborhood that they went through and cannot give any further descriptions of the cars they went through.
- k. They drove to Torey's house and he spent the night there.
- l. At approximately 12:00 a.m., he called his mother on Torey's cell phone, to let her know he was spending the night at Torey's.
- m. He stated that he would take a polygraph.

8. On September 27, 2006 at approximately 2:30 p.m., Bannock County Deputy Alex Hamilton informed your affiant of the following:

- a. Brian Draper and his parents came into the Bannock County Sheriff's Office to voluntarily take a polygraph that had been scheduled for him.
- b. Draper and his father stepped out to talk and he spoke with Draper's mother.
- c. When Draper and his father came back in his father was crying.
- d. At that point Detective Hamilton decided to bring the Detectives back in that had originally interviewed Draper.

9. At approximately 2:40 p.m., Bannock County Detective Andy Thomas, Pocatello Police Detective Sergeant Scott Marchand, Idaho State Police Detective Lieutenant John Ganske conducted an interview with Draper who was accompanied by his parents, and they were present during the interview. Detective Thomas informed your affiant that he read Draper his rights per Miranda which Draper stated he understood and was willing to answer questions. Detective Thomas informed your affiant that during the interview Draper made the following statements:

- 37
- a. On September 22, 2006 he and Torey Adamcik went to the residence where Matt and Cassie were at on Whispering Cliffs.
  - b. They visited with Matt and Cassie for a while and then left the residence.
  - c. They got into Torey's vehicle, the red 1994 Geo and drove down the road a short distance from the Whispering Cliff's residence.
  - d. They pulled over and parked, they got out of the vehicle and proceeded to put costumes on that consisted of dark shirts, gloves and masks. They also grabbed a knife.
  - e. They drove back and parked just to the east of the residence on Whispering Cliffs.
  - f. They walked down the driveway to the residence on Whispering Cliffs where Matt and CASSIE were located with their costumes on and knives in hand.
  - g. They looked through the windows of the residence prior to entering the residence through the basement door on the south side of the residence.
  - h. They walked around in the basement making noise trying to get Cassie and Matt to come down the stairs so they could scare them.
  - i. They threw some objects on the floor in the basement, breaking them, in an attempt to get Cassie and Matt to come down stairs.
  - j. They found the panel box and turned the lights off in the residence. After a while they turned the power back on.
  - k. They heard Matt's mother arrive and pick up Matt.
  - l. They turned the power off again after Matt left with his mother and they proceeded to walk upstairs.
  - m. At the top of the stairs he opens and slams a closet door in an attempt to scare Cassie.
  - n. The Contreras' dog came out to them and then ran back into the living room where Cassie was.
  - o. They walked into the living room and Cassie was lying on the couch. She jumps to her feet and asks them who they are.
  - p. Torey was in front of him walking toward Cassie.
  - q. Cassie says that she is going to kick their Asses.
  - r. He hears Cassie scream and then he sees Torey stab Cassie several times.
  - s. Cassie goes to the ground and he hears a snoring/gurgling sound.
  - t. Torey turns to him and says; I don't know what I have done, we have to help her.
  - u. Torey goes back to Cassie and stabs her several more times.
  - v. They then left the residence.
  - w. They drive in Torey's car back to Torey's house, where they stayed for a while.
  - x. They go into the garage of Torey's house and get a blue garbage sack from the garage and put the costumes and knives they had on when Cassie was killed into the sack.

AFFIDAVIT OF PROBABLE CAUSE  
 IN SUPPORT OF CRIMINAL  
 COMPLAINT/CITATION

- y. They get a bottle of rubbing alcohol from Torey's house and go to Torey's car, throw the bag with the knives and costumes in the back of Torey's car.
- z. They leave Torey's residence and drive to the Common Cents located at Hiline and Alameda in Pocatello, Bannock County, Idaho.
- aa. He goes into the Common Cents and purchases some matches.
- bb. They drive out Bannock Highway and go to either the Mink Creek area or the Black Rock Canyon area.
- cc. They walk up a trail for a ways and then burn the bag with the costumes and the knives.
- dd. He is not sure but Torey then may have buried what remained after the fire.
- ee. Torey had on high top Converse tennis shoes and black jeans at the time Cassie is killed and they do not burn those.
- ff. The shirt, pants and shoes he was wearing at the time Cassie was killed were not burnt either.
- gg. They then drove back to Torey's residence 1598 Pointe View in Pocatello, Bannock County, Idaho and watched a video.

10. On September 27, 2006 at approximately 6:08 p.m., Bannock County Detective Alex Hamilton relayed the following information to your affiant:

- a. Brian Draper took him and Bannock County Deputy Mark Ballard to the location in the Black Rock Canyon area.
- b. They located the area where Torey and Brian burned the bag of costumes.
- c. Bannock County Detectives located the costumes, 4-knives, videotape and a letter that was partially burned. What they could read on the letter stated the following:

Brian is gonna to kill Cassie home alone stop runs into Torey  
 We murder Cassie is home alone house Brian kills his on the back porch his body on  
 the back porch house Brian has and we kill her killing Matt.

11. On September 27, 2006 at approximately 7:05 p.m., Idaho State Police Lieutenant John Ganske and your affiant conducted a follow up interview with Torey Michael Adamcik at the Pocatello Police Department. Adamcik was interviewed concerning his knowledge of the homicide of Cassie Jo Stoddart. Adamcik was interview in the presence of his parents Sean and Shannon Adamcik after being read his right as per Miranda. Adamcik supplied Lieutenant Ganske and your affiant with a signed Miranda rights waiver form. Torey Adamcik informed your affiant and Lieutenant Ganske of the following:

- a. That in his previous interview he lied about going to the movie "Pulse" with Brian Draper after leaving the residence located at 11372 Whispering Cliffs on Friday September 22, 2006.
- b. He and Draper left 11372 Whispering Cliffs between 9:35 p.m., and 9:40 p.m., at which time they drove a short distance away from the residence on Whispering Cliffs got out of

the car and began going through cars in the area in an attempt to burglarize them. He and Draper went through approximately three cars that were unlocked obtaining only a small amount of change. He tried the door handles on several other cars in the area but they were locked.

- 39
- c. He could not specifically identify any of the vehicles he burglarized. He did however recall making three cellular telephone calls to Matt Beckham and Cassie Stoddart at 11372 Whispering Cliffs. He spoke to Beckham and the general conversations were concerning Beckham helping them go through cars and needing a ride to his house. He said that Beckham told him his mother was coming to pick him up soon to go home and would not be helping them.
  - d. After burglarizing cars in the area of Whispering cliffs he and Draper drove directly to his residence located at 1598 Pointe View arriving home at approximately 11:30 p.m.
  - e. Once at home he and Draper watched the movie Saving Silverman then went to sleep around 2:00 a.m. on September 23, 2006.
  - f. When confronted about he and Draper leaving his residence without permission once they arrived home for the evening he admitted that they did leave.
  - g. At approximately 1:30 a.m., they drove to Common Cents Convenience Store located at the corner of Alameda and Hilina where Draper purchased a box of stick matches.
  - h. Draper purchased the matches because he is a smoker, but he does not know what brand of cigarettes he smokes.
  - i. Before leaving his house at 1:30 a.m., he loaded a shovel into the trunk, which belonged to Draper.
  - j. He probably had a Halloween type mask in his trunk that he purchased a while ago.
  - k. He and Draper drove to the area of Black Rock Canyon, which is located south of Pocatello near Century High School where they parked and got out of the car.
  - l. Draper smoked two cigarettes and he urinated. He believed that Draper may have taken the shovel out of the trunk but does not remember if he dug dirt with the shovel.
  - m. When confronted with the possibility that he and Draper killed Cassie Stoddart earlier in the evening he stated that he would like to speak to his attorney.
12. At this time the interview was terminated with Adamcik and we told him we would not be asking him any further questions and he was going to be taken into custody and charged with First Degree Murder. His father Sean Adamcik asked Torey the following question:



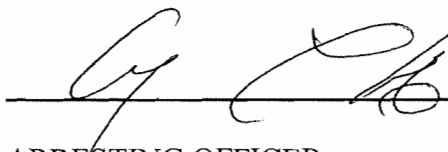
"This is right Torey? What they're saying is true?"

Tory Adamcik responded to his fathers question by stating "Yeah"

Sean Adamcik responded to Torey's response by saying "it sounds like you need a lawyer then."  
"What can I say?"

That the events described above did take place in Bannock County, State of Idaho.

DATED THIS 27 DAY OF September, 2006.

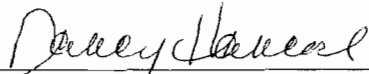


ARRESTING OFFICER

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of September

\_\_\_\_\_, 2006.



  
Notary Public of Idaho  
Residing at Bannock Co. Idaho  
My Commission Expires: 2 2009

AFFIDAVIT OF PROBABLE CAUSE  
IN SUPPORT OF CRIMINAL  
COMPLAINT/CITATION

09/28/06  
07:51

Page: 649  
1

STATE LINK MESSAGES:

Terminal I	Arrival Date/Time	Message Subject	R
bpro03	07:50:16 09/28/2006	??	1

Message Received From DMV

KR.ID0030210.DMV .\*MRI3024668.TXT

OLN/DB179815H

MAY BE THE SAME AS: PAGE 01 FOR OFFICIAL INVESTIGATION PURPOSES ONLY  
OLN/DB179815H. PRIVACY FLAG.

NAM/ADAMCIK, TOREY MICHAEL.

\*\* OPR STATUS/VALID.

RES/

\*\* CDL STATUS/NOT LICENSED.

1598 POINTE VIEW

CLASS/D. \*\* EXP/06-19-2008.

POCATELLO ID 83201.

OLT/DRIVER LICENSE.

SEX/M. HAI/BRO. EYE/GRN. DOB/06-14-1990. SOC/[REDACTED]  
HGT/505. WGT/118. ISS/08-24-2006. REC/030062360112. CNTY/BANN.

AKA OLN/[REDACTED]

AKA OLS/ID.

END OF RECORD

END OF MESSAGE...

MRI 3024669 IN: DMVIO1 2632 AT 07:49 28SEP06  
OUT: PPOC 144 AT 07:49 28SEP06

=====

09/28/06  
07:51

Page: 649  
1

STATE LINK MESSAGES:

Terminal	Arrival	Date/Time	Message	Subject	R
bpro03	07:51:44	09/28/2006	??		1

Message Received From NCIC

NLO100I4,MRI3024740I  
NLO100I4,MRI3024740  
IDOO30210

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX  
(III) FOR NAM/ADAMCIK,TOREY MICHAEL.SEX/M.RAC/W.DOB [REDACTED]  
SOC/[REDACTED] PUR/C.  
END

MRI 3024741 IN: NCIC 2273 AT 07:50 28SEP06  
OUT: PPOC 146 AT 07:50 28SEP06

=====

09/28/06  
07:52

Page: 649  
1

STATE LINK MESSAGES:

Terminal	I	Arrival Date/Time	Message Subject	R
bpro03		07:52:18 09/28/2006	??	1

Message Received From CCH

IR. IDSIR0000.ID0030210.\*MRI3024772.  
PUR/C.ATN/J HOBSON CHG INV

THE FOLLOWING IS IN RESPONSE TO YOUR INQUIRY ON  
NAM/ADAMCIK,TOREY MICHAEL .DOB/[REDACTED].SEX/M.SOC/[REDACTED]

\*\*\* THE ABOVE NAMED SUBJECT MAY BE THE SAME AS \*\*\*  
\*\*\* OUR IDAHO CRIMINAL HISTORY ON \*\*\*

\*\*\*\*\* NO MATCHING RECORD ON FILE \*\*\*\*\*

NOTICE -- THE RESPONSE TO YOUR REQUEST FOR A CRIMINAL  
HISTORY RECORD CHECK IS BASED ON A REVIEW OF THE STATE  
OF IDAHO'S DATA BASE ONLY. THIS DOES NOT PRECLUDE THE  
POSSIBLE EXISTENCE OF A RECORD IN A LOCAL AGENCY,  
(SHERIFF'S OFFICE OR POLICE DEPARTMENT), A STATE OTHER  
THAN IDAHO OR THE FBI IDENTIFICATION DIVISION FILES.

MRI 3024774 IN: CCH 195 AT 07:51 28SEP06  
OUT: PPOC 147 AT 07:51 28SEP06

= = = = =

Date: 09/28/2006

Time: 07:53 AM

Page 1 of 1

Sixth Ju 'al District Court - Bannock County

Party Detail Summary

Criminal, Juvenile, and Civil Cases

User: BPROS

**Adamcik, Torey**

DOB: [REDACTED]

SSN:

835 Nixon

License:

Height:

Pocatello

ID 83201

Sex: Male

Weight:

Hair:

Balance due court: 0.00

Eyes:

**Case: JV-2003-0000470**

**Juvenile**

**Closed**

**Sealed**

Judge: Bryan K. Murray

Filing Date: 06/17/2003

Charge

Degree Disposed

Plea

Finding

Citation

Curfew

M 06/17/2003 Admit

Dismissed By Court

Issued: 06/09/2003

Fines/Fees: 0.00 Paid:

0.00 Balance: 0.00

**Case Total: 0.00**

**Paid: 0.00**

**Balance: 0.00**

ORIGINAL

MARK L. HIEDEMAN  
BANNOCK COUNTY PROSECUTOR  
P.O. BOX P  
POCATELLO, ID 83205-0050  
(208) 236-7280

VIC A. PEARSON ISB #6429  
Chief Deputy Prosecuting Attorney

S-J 28 2006

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

vs.

**TOREY MICHAEL ADAMCIK,**  
[REDACTED]  
06-14-90

BRIAN LEE DRAPER,  
[REDACTED]  
03-21-90

Defendant.

CR-2006-1798 BFE  
COMPLAINT - CRIMINAL

Personally appeared before me this 28<sup>th</sup> day of September, 2006, VIC A.

PEARSON in the County of Bannock, who, first being duly sworn, complains of **TOREY**

**MICHAEL ADAMCIK** and **BRIAN LEE DRAPER** and charges the defendant with the

public offense of 1 COUNT MURDER IN THE FIRST DEGREE, Idaho Code

§18-4001-02-03(a), and 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE

FIRST DEGREE, Idaho Code §§18-4001-02-03(a) and §18-1701, committed as follows:

COUNT 1  
MURDER IN THE FIRST DEGREE


That the said **TOREY MICHAEL ADAMCIK** and **BRIAN LEE DRAPER**, in the County of Bannock, State of Idaho, on or between the 22<sup>nd</sup> and 23<sup>rd</sup> days of September, 2006, did kill and murder Cassie Stoddart, a human being, by lying in wait, or torture, when torture is inflicted with the intent to cause suffering, to execute vengeance, or to satisfy some sadistic inclination, or which is perpetrated by any kind of willful, deliberate and premeditated killing by purchasing knives and stabbing Cassie Stoddart, causing injuries to the Cassie Stoddart from which the victim died in Bannock County, Idaho.

COUNT 2  
CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE


46  
That the said **TOREY MICHAEL ADAMCIK**, in the County of Bannock, State of Idaho, on or between the 22<sup>nd</sup> and 23<sup>rd</sup> days of September, 2006, did burglariously, combine and conspire with **BRIAN LEE DRAPER** to commit the crime of **MURDER IN THE FIRST DEGREE**, an offense prescribed by the laws of the State of Idaho, Idaho Code §18-4001-02-03(a), by lying in wait, or torture, when torture is inflicted with the intent to cause suffering, to execute vengeance, or to satisfy some sadistic inclination, or which is perpetrated by any kind of willful, deliberate and premeditated killing by purchasing knives and stabbing Cassie Stoddart, causing injuries to the Cassie Stoddart from which the victim died in Bannock County, Idaho.

All of which is contrary to the form of the statute in said State made and provided and against the peace and dignity of the State of Idaho.

Said complainant prays that the said **TOREY MICHAEL ADAMCIK** and **BRIAN LEE DRAPER** be dealt with according to law.

  
\_\_\_\_\_  
VIC A. PEARSON

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of September, 2006.

  
\_\_\_\_\_  
MAGISTRATE

ORIGINAL

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK  
MAGISTRATE DIVISION

STATE OF IDAHO )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 TOREY MICHAEL ADAMCIK, )  
 )  
 [REDACTED] )  
 06-14-90 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. CR-2006-1798#FE

PROBABLE CAUSE MINUTE  
ENTRY AND ORDER

*[Handwritten Signature]*  
28 2006

An Affidavit of Probable Cause having been presented to the undersigned magistrate on this date charging the defendant with the crime(s) of:

- 1 COUNT MURDER IN THE FIRST DEGREE, Idaho Code §18-4001-02-03(a)
- 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Idaho Code §§18-4001-02-03(a) and §18-1701

The defendant, having been incarcerated without a warrant, the court finds Probable Cause to believe the defendant committed the crime(s) set forth above.

- The defendant is released O.R.
- The defendant shall remain incarcerated in lieu of bond(s) in the amount of \$ \_\_\_\_\_
- The defendant shall remain incarcerated in lieu of bond in the amount set by the bond schedule.
- The defendant shall remain incarcerated and bond shall be determined at arraignment.

This affidavit is made in support of an application for an arrest warrant.

An arrest warrant was issued setting bond(s) in the amount of \_\_\_\_\_

The court does not find Probable Cause to believe the defendant committed the crime(s) set forth above. The defendant shall be released within 48 hours of arrest.

IT IS SO ORDERED,

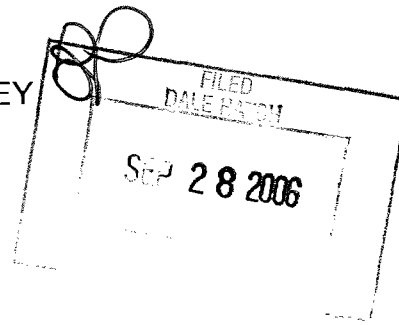
Dated this 26<sup>th</sup> day of SEPTEMBER, 2006 and signed at 10:45 o'clock A.M.

*[Handwritten Signature]*  
\_\_\_\_\_  
SIXTH DISTRICT MAGISTRATE JUDGE



ORIGINAL

MARK L. HIEDEMAN  
BANNOCK COUNTY PROSECUTING ATTORNEY  
P. O. BOX P  
Pocatello, Idaho 83205-0050  
(208) 236-7280



**VIC A. PEARSON ISB #6429**  
Chief Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK


STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 **TOREY MICHAEL ADAMCIK,** )  
 )  
 BRIAN LEE DRAPER, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

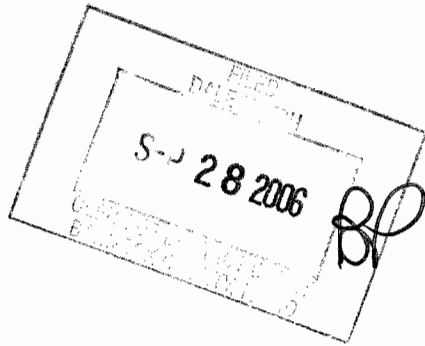
CASE NO. **CR-2004-1798** *YH*  
  
MOTION TO SEAL COURT  
DOCUMENTS AND ORDER

COMES NOW, VIC A. PEARSON, Chief Deputy Prosecutor for the County of Bannock, State of Idaho, and moves this court for an order sealing all court documents related to this case as the investigation of the defendant and other co-conspirators is still continuing and that releasing such documents to the media or for public consumption would jeopardize this continuing investigation.

The State therefore requests all court documents pertaining to this case be sealed until the time of the preliminary hearing or as agreed upon by the State and defendant.

DATED this 28 day of September, 2006.

  
\_\_\_\_\_  
VIC A. PEARSON  
Chief Deputy Prosecutor



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK


STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 )  
**TOREY MICHAEL ADAMCIK,** )  
 )  
 BRIAN LEE DRAPER, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

CASE NO. CR-2006-17989FE

ORDER TO SEAL COURT DOCUMENTS AND ORDER

UPON MOTION of the Chief Deputy Prosecutor, VIC A. PEARSON, it is hereby ordered that the court records and documents on this case are hereby sealed until such time as the preliminary hearing or as agreed upon by the State and the Defendant.

SO ORDERED this 28<sup>th</sup> day of September, 2006.

  
MAGISTRATE

FILED  
DATE RECORDED  
SEP 28 2006

ORIGINAL

Bron M. Rammell, Esq.  
DIAL, MAY & RAMMELL, CHARTERED  
216 W. Whitman/P.O. Box 370  
Pocatello, Idaho 83204-0370  
Phone: (208) 233-0132 Fax: (208) 234-2961  
Idaho State Bar #4389

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

vs.

TOREY ADAMCIK,

Defendant.

CASE NO.

**REQUEST FOR DISCOVERY**

TO: The Prosecuting Attorney:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and inspection of the following information, evidence and materials within 14 days from the date of service:

1. Any and all written or recorded statements of the Defendant within the possession, custody or control of the State, the existence of which is known or is available to you by the exercise of due diligence; and also the substance of any relevant, oral statement made by the Defendant, whether before or after arrest, to a peace office, you, or your agent.
2. Any and all statements of a co-defendant, written or recorded, within the possession, custody or control of the State, the existence of which is known or is available to you by the exercise of due diligence; and also the substance of any relevant, oral statement made by any co-defendant, whether before or after arrest to a peace office, yourself, or your agent.
3. The Defendant's prior criminal record.

50

4. Any and all documents and tangible objects which are in your possession, custody or control, and which are or may be material to the preparation of the defense, or are intended for use by you as evidence at the trial, or were obtained from, or belong to, the Defendant.

5. Any and all results or reports of physical or mental examinations, and the scientific tests or experiments made in connection with this case, or copies thereof, within your possession, custody or control, or the existence of which are known or are available to you by the exercise of due diligence.

6. The names, addresses and telephone numbers of any and all state witnesses who have knowledge of relevant facts and who may be called by the State as witnesses at the trial, together with any record of prior felony convictions of any such person which is within the knowledge of the Prosecuting Attorney.

7. Reports and memoranda in your possession which are made by a police officer or investigator in connection with the investigation or prosecution of this case.

DATED this 28<sup>th</sup> day of September, 2006.

DIAL, MAY & RAMMELL, CHARTERED  
Attorneys for Defendant,

  
BRON M. RAMMELL

CERTIFICATE OF SERVICE

I certify that on this date a copy of the *Request For Discovery* was served on the following named persons at the addresses shown and in the manner indicated.

Bannock County Prosecutor  
P.O. Box P  
Pocatello, ID 83205-0050

[ ] Facsimile  
[ ] Hand Delivery  
[ ] U.S. Mail

DATED this 28<sup>th</sup> day of September, 2006.

BRONAL KAMMEL



FILED  
DALE HATCH  
SEP 28 2006

CW 2006-17984 FE

me

x Torrey M. Adamack 28 Sept 06  
Murder in the 1st Degree (one million)  
Conspiracy to Commit Murder in the 1st degree 1000000  
Cumb.

✓

✓

✓

✓

Oct 06 9:00AM Brower 12<sup>th</sup>

28 Sept 06

OLB  
53

ORIGINAL

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

FILED  
THE CLERK  
SEP 28 2006  
CLERK OF DISTRICT COURT  
BANNOCK COUNTY, IDAHO

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BRIAN LEE DRAPER, )  
 519-39-8358 )  
 03-21-90 )  
 )  
 Defendant. )

CASE NO. 0906-17984-PE  
AFFIDAVIT OF PROBABLE CAUSE

STATE OF IDAHO, )  
 ) ss  
COUNTY OF BANNOCK )

VIC A. PEARSON, being first duly sworn, deposes and says that:

I am the Chief Deputy Prosecutor for the Bannock County Prosecuting Attorney's Office. I have reviewed the investigation regarding BRIAN LEE DRAPER. Based on that review, I have requested a Sixth District Magistrate Judge to make a determination of probable cause to hold or set bond on the above-named defendant for the public offense of 1 COUNT MURDER IN THE FIRST DEGREE, a violation of I.C. §§18-4001-02-03(a), and 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, a violation of I.C. §§18-4001-02-03(a) and §18-1701.

The basis for the request is the information set forth in a supplementary police report which is designated as Exhibit "A" attached hereto. I further depose and say that I have read Exhibit "A" and all the contents are true to the best of my knowledge, and that I personally know the author of that report to be a law enforcement officer whom I believe to be credible and reliable.

DATED this 28 day of September, 2006.

  
\_\_\_\_\_  
VIC A. PEARSON

STATE OF IDAHO )  
 ) ss  
COUNTY OF BANNOCK )

VIC A. PEARSON, known to me to be the person whose name is subscribed to the within instrument, acknowledged to me that he has executed the same and that he read the same and that the same was true to the best of his knowledge.

DATED this 28<sup>th</sup> day of September, 2006.

  
\_\_\_\_\_  
NOTARY/MAGISTRATE  
54

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

THE STATE OF IDAHO,

Plaintiff ) CASE NO.  
 )  
vs. )  
 )  
 ) **AFFIDAVIT OF PROBABLE CAUSE**  
 ) **IN SUPPORT OF CRIMINAL**  
 ) **COMPLAINT/CITATION**

**Brian Lee Draper**  
 **Defendant)**  
 STATE OF IDAHO)  
 ss.  
 **County of Bannock**

54

I, Detective Andy Thomas of the Bannock County Sheriff's Department, being first duly sworn, on oath deposes and says: That I am the same person whose name is subscribed to the attached complaint/citation. The above named defendant was arrested for the crime(s) First Degree Murder in violation of Idaho Code 18-4003 (a). Your affiant believes that probable cause existed for said arrest and believes the crime(s) as set out above have been committed in Bannock County, Idaho and that **Brian Lee Draper** is the person who committed said crime(s). That your affiant did arrest **Brian Lee Draper** for the crime(s) of, First Degree Murder, which is in violation of Idaho Code 18-4003 (a), after observing the following probable cause:

1. On September 24, 2006. The Bannock County Sheriff's Office received a call for assistance and deputies responded to a residence, which is located at 11372 Whispering Cliffs, Bannock County, Idaho. Upon arrival at the residence, deputies located a deceased female in the living room of the residence at 11372 Whispering Cliffs, Bannock County, Idaho.
2. Upon arrival at 11372 Whispering Cliffs, Your affiant along with other Bannock County Detectives and assisting officers were informed of the following:

**AFFIDAVIT OF PROBABLE CAUSE**  
**IN SUPPORT OF CRIMINAL**  
**COMPLAINT/CITATION**



- 6/6
- a. When deputies arrived at the residence they located a female, later identified as Cassie Stoddart on the living room floor of the residence and she was deceased. It appeared that Cassie had been stabbed to death.
  - b. Cassie had come to the Frank and Allison Contreras residence located at 11372 Whispering Cliffs on Friday September 22, 2006 at approximately 5:30 p.m., to house sit for the owners of the residence while they went out of town for the weekend.
  - c. CASSIE'S mother Anna Stoddart dropped off Cassie, and her boyfriend Matt Beckham, at the Contreras residence.
  - d. When the Contreras family returned home on Sunday September 24, 2006 they located CASSIE dead in their living room. The 911 call from the Contreras residence came into Bannock County dispatch at approximately 1:55 p.m.
4. On September 24, 2006 at approximately 6:07 p.m., Lt. John Ganske and your affiant conducted an interview with Matt Beckham, CASSIE'S boyfriend and subsequent To that interview Matt Beckham made the following statements:
- a. On Friday September 22, 2006 at approximately 5:30 p.m., he along with Cassie Stoddart, were dropped off at a residence located at 11372 Whispering Cliffs, by Cassie's mother Anna Stoddart.
  - b. They were dropped off there because CASSIE had agreed to house sit for the weekend and take care of the property owner's animals.
  - c. He was going to stay with CASSIE for the evening while she was house sitting. Matt and CASSIE are boyfriend and girlfriend and have been seeing each on a daily basis for the past five months.
  - d. At approximately 8:20 p.m., Matt and Cassie's friends Tory ADAMCIK and Brian DRAPER came by the residence to see Matt and CASSIE. The purpose of the visit was to attend a party at the residence that they had talked about and planned earlier in the week.
  - e. Adamcik and Draper were the only people to show up for the party. Adamcik and Draper arrived at the residence in Adamcik's red Geo Prism.
  - f. When Adamcik and Draper entered the residence they came through the front door of the residence that is located on the upper level next to the living room. Upon entering the residence Adamcik and Draper proceeded to explore the residence going into every room of the residence and eventually ending up in the garage playing with a weight machine.
  - g. Adamcik and Draper began to look through the movie collection in the living room and Torey selected the movie Kill Bill Volume 2. CASSIE, Beckham, Adamcik and Draper began watching the movie but did not see it in its entirety.
  - h. While at the residence and watching the movie they ate Popsicles, which they got from a freezer in the basement. He obtained a black handled utility knife from the kitchen and they all used the knife to open their Popsicles. The knife was in a

protective sheath, which he had to show Draper how to release the knife from the sheath.

- i. Shortly before 9:30 p.m., Draper began telling him and Cassie that he had to be home by 9:30 p.m. at which time they began preparing to leave the residence.
- j. Before Adamcik and Draper left he discussed spending the night with Adamcik and asked him to come back later and pick him up so he could spend the night at Adamcik's residence. Adamcik said that he probably could come back and get him if he needed a ride. He told Adamcik that he would check with his mother and get permission to spend the night at Adamcik's house.
- k. At around 9:45 to 10:00 p.m., Adamcik and Draper left the residence, he did not see Adamcik or Draper again that evening.
- l. A while after Adamcik and Draper left the residence he called Adamcik on his cell phone 208-760-7033 and told him that his mother said he could not spend the night at Adamcik's house and his mother told him she was going to come and pick him up.
- m. Sometime after Adamcik and Draper left the residence he and Cassie were in the living room watching television and the power went off. He and Cassie went around the upstairs of the house and tried some light switches but no lights would come on.
- n. They left a few light switches in the on position so they would know when the power came on. Approximately 15 to 20 minutes later the upstairs hall light came on along with the outlet that powered the cordless phone that was in the kitchen. They were unable to get any other lights or the television in the house to come on.
- o. During the time that the lights were off it was very dark in the residence and he became somewhat scared, he did not want to go to any other room in the residence and they stayed the living room.
- p. He noticed the Contreras' dog that was in the house, would go into the kitchen area at the top of the stairs and bark a few times and then come back into the living room. The dog did this several times and it gave him the feeling that someone besides him and Cassie were in the residence.
- q. At approximately 11:00 p.m., he called his mother (208-478-2005) from the kitchen phone and told her that the lights were off and she told him she was coming to get him very soon. Beckham discussed with his mother if Cassie could come with him and Cassie said, no, she needs to stay to take care of the dogs.
- r. Beckham's mother overhears Cassie tell Matt that she is going to stay at the residence to take care of the dogs.
- s. At approximately 11:30 p.m., his mother and father arrive at the residence to pick him up and take him home.
- t. At approximately 11:40 to 11:50 p.m., he along with his mother and father arrived home at their residence, which is located at 1505, Eastridge #13, Pocatello, Bannock County, Idaho.
- u. He stayed up with his mother and father. His father read a book to them concerning his recent experiences in rehab.

AFFIDAVIT OF PROBABLE CAUSE  
IN SUPPORT OF CRIMINAL  
COMPLAINT/CITATION

- v. Then he watched the movie "The Rookie" in its entirety with his father.
  - w. After watching "The Rookie" he and his father watched most of the movie "The Green Mile."
  - x. At approximately 3:00 to 3:30 a.m., he went to bed in his bedroom.
  - y. When he woke up in the morning he found out that his father had stayed up on the couch the entire night.
  - z. On Saturday (September 23, 2006) he tried contacting Cassie several times but was unable to contact her.
  - aa. He did not go check on Cassie because he did not have transportation to get back out to the house where Cassie was. His mother had the car at work.
  - bb. On September 23, 2006, at approximately 7:00 to 8:00 p.m., Torey came to his house and picked him up and he spent the night at Torey's house, which is located at 1598 Point view, Pocatello, Bannock County, Idaho.
  - cc. While at Torey's house he became worried about Cassie and asked Torey to take him to see her. Torey told him that he did not have enough gas in his car to drive out there, the gas that he had in his car had to last him the rest of the week. So Torey would not take him back out to 11372 Whispering Cliffs, Bannock County, Idaho where CASSIE was.
  - dd. He did not know about Cassie being murdered until Cassie's mother Anna called him on the telephone Sunday (September 24, 2006) and asked him what he did to her daughter.
  - ee. He believed that both Adamcik and Draper had crushes on CASSIE and at times would flirt with her.
  - ff. Adamcik and Draper are really into horror/suspense type movies.
5. On September 24, 2006 at approximately 8:27 a.m., your affiant and Idaho State Police Lt. John Ganske conducted a voluntary interview with Torey Michael Adamcik at his residence located at 1598 Pointe View in Pocatello, Bannock County, Idaho. Present during the voluntary interview was Torey's mother, Shannon Adamcik and his father Sean Adamcik. The interview was in regard to Torey's knowledge and possible involvement in the death of Cassie Stoddart. Draper made the following statements:
- a. He has known Cassie for several years and he attends Pocatello High School with her.
  - b. On Friday night at approximately 8:00 p.m., he picked up Brian Draper at his house on Shale Drive with the intention of going to the house where Cassie was housesitting to attend the party. He knew that Cassie's boyfriend, Matt, was going to be there with Cassie and he also knows Matt as a friend who also attends Pocatello High School.
  - d. After he and Brian left Brians residence, they called the telephone number to the house where Cassie was housesitting using his cellular telephone (208-760-7033). It was necessary for them to call several times in order to get directions to the house that Cassie was housesitting.
  - f. At approximately 8:30 p.m., they arrived at the house, later identified as located at

**AFFIDAVIT OF PROBABLE CAUSE  
IN SUPPORT OF CRIMINAL  
COMPLAINT/CITATION**

- 11372 Whispering Cliffs in Bannock County, Idaho. He parked his red car on the right side of a truck that had a camper shell on it that was parked in the driveway.
- g. They were greeted by Matt at the upper level front door of the residence and were invited inside.
  - h. Once inside the residence, Cassie and Matt gave him and Brian a tour of the house.
  - i. While at the house they watched the movie "Kill Bill Volume II," but did not watch the movie in its entirety, and ate some Popsicles.
  - j. During the tour of the residence, he opened doors, drawers and cabinets and played on a weight machine that was in the garage.
  - k. No one else showed up for the party, so he and Brian decided to leave and go to a movie.
  - L. At approximately 9:45 p.m., he and Brian left the residence and drove directly to the Carmike Theaters located at the corner of Quinn and Poleline. Once at the theaters, they looked at the marquee and decided that they were going to watch the movie called "Pulse."
  - m. He and Brian purchased their own tickets with cash and entered the movie.
  - n. He could not recall which theater the movie was held in and thought that it was on the right side of the theater.
  - o. He could not give any details of the movie or what it was about.
  - p. After the movie was over, he and Brian went directly back to his residence located at 1598 Point View, Pocatello, Bannock County where they spent the night.
  - q. He recalls returning home at approximately 11:45 p.m. to 12:00 a.m.
  - r. On Saturday, September 23, 2006 at approximately 10:30 a.m. he gave Brian a ride back to his residence at Shale Drive.

On September 25, 2006 at approximately 12:00 a.m., your affiant and Idaho State Police Lt. John Ganske conducted a voluntary interview with Brian Lee Draper at his residence located at 1030 Shale Drive in Pocatello, Bannock County, Idaho. Present during the voluntary interview was Brian's mother, Pam Draper. The interview was in regard to Brian's knowledge and possible involvement in the death of Cassie Stoddart. Subsequent to the interview, Lt. Ganske informed your affiant that Draper made the following statements:

- a. He has known Cassie for several years and he attends Pocatello High School with her.
- b. Sometime on Friday, September 22, 2006 while at school, Cassie told him that she was going to be housesitting over the weekend and they were planning on having a party at that house, to which he was invited.
- c. On Friday night at approximately 8:00 p.m., Torey Adamcik picked him up at his house on Shale Drive with the intention of going to the house where Cassie was housesitting to attend the party. He knew that Cassie's boyfriend, Matt, was going to be there with Cassie and he also knows Matt as a friend who also attends Pocatello High School.

- 60
- d. Torey Adamcik picked him up in Adamcik's red car, but he did not know the make and model of the car.
  - e. After he and Torey left his residence, they called the telephone number to the house where Cassie was housesitting using Torey's cellular telephone (208-760-7033). It was necessary for them to call several times in order to get directions to the house that Cassie was housesitting.
  - f. At approximately 8:30 p.m., they arrived at the house, later identified as located at 11372 Whispering Cliffs in Bannock County, Idaho. Torey parked his red car on the right side of a truck that had a camper shell on it that was parked in the driveway.
  - g. They were greeted by Matt at the upper level front door of the residence and were invited inside.
  - h. Once inside the residence, Cassie and Matt gave him and Torey a tour of the house.
  - i. While at the house they watched the movie "Kill Bill Volume II," but did not watch the movie in its entirety, and ate some Popsicles.
  - j. During the tour of the residence, he opened doors, drawers and cabinets and played on a weight machine that was in the garage.
  - k. No one else showed up for the party, so he and Torey decided to leave and go to a movie.
  - L. At approximately 9:45 p.m., he and Torey left the residence and drove directly to the Carmike Theaters located at the corner of Quinn and Poleline. Once at the theaters, they looked at the marquee and decided that they were going to watch the movie called "Pulse."
  - m. He and Torey purchased their own tickets with cash and entered the movie.
  - n. He could not recall which theater the movie was held in and thought that it was on the right side of the theater.
  - o. He could not give any details of the movie or what it was about other than he met a girl named Heather inside the movie and spoke to her. He believed that Heather was a freshman or sophomore at Highland High School.
  - p. After the movie was over, he and Torey went directly back to Torey's residence located at 1598 Point View, Pocatello, Bannock County where he spent the night.
  - q. He recalls returning to Torey's house at approximately 11:45 p.m. to 12:00 a.m.
  - r. On Saturday, September 23, 2006 at approximately 10:30 a.m., Torey gave him a ride back to his residence at Shale Drive.
  - s. He was very shocked at Cassie's death and could not believe she was dead. The first time he heard of Cassie's death was when your affiant and Lt. Ganske told him.

6. On September 25, 2006 at approximately 11:38 a.m., Bannock County Detective Tom Foltz conducted an interview with a person who is known to him but wishes to remain anonymous. The interview was conducted at the Pocatello High School and was in regard to the person's knowledge of the death of Cassie Stoddart. Subsequent to the interview Detective Foltz informed your affiant of the following:

**AFFIDAVIT OF PROBABLE CAUSE  
IN SUPPORT OF CRIMINAL  
COMPLAINT/CITATION**

- a. Torey Adamcik is obsessed with knives guns and horror films.
  - b. Torey and his friend Brian Draper are so obsessed with horror films that they are writing their own script for a horror movie.
  - c. Torey and Brian's movie script is about a boy, girl, and a little boy getting killed.
  - d. He/she has heard Cassie tell Torey that she wanted to be in his movie when he made it.
  - e. Torey gave him/her the script about two (2) months ago to read.
  - f. Torey has told him/her that he loves killing movies like *Scream* and *Friday the 13<sup>th</sup>*.
  - g. Torey has a knife collection that he keeps in the closet of his bedroom.
  - h. Torey made a glove with knives on it like in the movie *Friday the 13<sup>th</sup>*.
  - i. He/she has heard Torey bragging about committing the perfect crime and how he watches killing movies and actually takes notes during the movie on how not to get caught when committing a murder.
  - j. At school Torey likes to mess around and pretend he is stabbing people and cutting their throats.
  - k. Torey invited him/her to a party at the house Cassie was at Friday night (September 22, 2006); he/she did not go to the party.
  - l. He/she knows that Torey has had a crush on Cassie for the last 2-3 years.
7. On September 26, 2006 at approximately 6:36 p.m., Idaho State Police Detective Lieutenant John Ganske and your affiant conducted a follow-up voluntary interview with Brian Draper. The interview was conducted at the Pocatello Police Department and was in regard to his knowledge and possible involvement in the death of Cassie Stoddart. Brian Draper's parents had consented to the interview and were present while the interview was being conducted. Subsequent to the interview Lt. Ganske and your affiant confirmed statements made from the earlier interview and after being confronted with several inconsistencies in his earlier statements, Draper made the following additional statements:
- a. On Thursday (September 21, 2006) at approximately 8:00 p.m., he and Torey Adamcik went to Cassie's house, which is located at 1256 Kinghorn Apt. C, Pocatello, Bannock County, Idaho, to visit with her. While at Cassie's house she mentioned that she was going to be house sitting for some people this weekend. They were planning on having a party at the house, where she was housesitting on Friday night (September 23, 2006).
  - b. While at the Whispering Cliffs residence, he did not eat anything; Matt, Cassie and Torey all ate Popsicles.
  - c. He was lying in the earlier interview when he made the statements about he and Torey going to the movies after they left the residence on Whispering Cliffs.
  - d. At approximately 9:45 p.m., he and Torey left the whispering Cliffs residence drove a short distance from the residence, south on Whispering Cliffs, where Torey parked his car on the side of the road.

**AFFIDAVIT OF PROBABLE CAUSE  
IN SUPPORT OF CRIMINAL  
COMPLAINT/CITATION**

- 62
- e. He and Torey got out of the car and put gloves on, and proceeded to walk around the neighborhood, with the intent of “going through” or burglarizing vehicles in the area. He does not recall any of the cars being unlocked that they tried to open. He cannot specifically recall where the cars were parked or any further description of the cars they tried to “go through”. They did not get anything from any of the cars they tried to “go through”.
  - f. While in the neighborhood on foot he and Torey called Matt on Torey’s cellular telephone, at least once. He spoke to Matt between the hours of 10:00 p.m., and 10:30 p.m.
  - g. They spoke to Matt to see if Matt was going to come with them to “go through “ the cars in the neighborhood. Matt told them he would not be going with them; his mother was on her way to pick him up.
  - h. He does not recall how long they were in the neighborhood “going through” cars. But does not think it was very long.
  - i. Once they left the Whispering Cliffs neighborhood, they drove to a neighborhood near Torey’s house on Pointe View and began “going through cars”. Approximately five cars were unlocked, but they did not take anything from the vehicles they went through.
  - j. He does not recall the exact locations of the cars in this neighborhood that they went through and cannot give any further descriptions of the cars they went through.
  - k. They drove to Torey’s house and he spent the night there.
  - l. At approximately 12:00 a.m., he called his mother on Torey’s cell phone, to let her know he was spending the night at Torey’s.
  - m. He stated that he would take a polygraph.
8. On September 27, 2006 at approximately 2:30 p.m., Bannock County Deputy Alex Hamilton informed your affiant of the following:
- a. Brian Draper and his parents came into the Bannock County Sheriff’s Office to voluntarily take a polygraph that had been scheduled for him.
  - b. Draper and his father stepped out to talk and he spoke with Drapers mother.
  - c. When Draper and his father came back in his father was crying.
  - d. At that point Detective Hamilton decided to bring the Detectives back in that had originally interviewed Draper.
9. At approximately 2:40 p.m., Bannock County Detective Andy Thomas, Pocatello Police Detective Sergeant Scott Marchand, Idaho State Police Detective Lieutenant John Ganske conducted an interview with Draper who was accompanied by his parents, and they were present during the interview. Detective Thomas informed your affiant that he read Draper his rights per Miranda which Draper stated he understood and was willing to answer questions. Detective Thomas informed your affiant that during the interview Draper made the following statements:

AFFIDAVIT OF PROBABLE CAUSE  
IN SUPPORT OF CRIMINAL  
COMPLAINT/CITATION

- a. On September 22, 2006 he and Torey Adamcik went to the residence where Matt and Cassie were at on Whispering Cliffs.
- b. They visited with Matt and Cassie for a while and then left the residence.
- c. They got into Torey's vehicle, the red 1994 Geo and drove down the street a short distance from the Whispering Cliff's residence.
- d. They pulled over and parked, they got out of the vehicle and proceeded to put costumes on that consisted of dark shirts, gloves and masks. They each also grabbed a knife.
- e. They drove back and parked just to the east of the residence on Whispering Cliffs.
- f. They walked down the driveway to the residence on Whispering Cliffs where Matt and CASSIE were located with their costumes on and knives in hand.
- g. They looked through the windows of the residence prior to entering the residence through the basement door on the south side of the residence.
- h. They walked around in the basement making noise trying to get Cassie and Matt to come down the stairs so they could scare them.
- i. They threw some objects on the floor in the basement, breaking them, in an attempt to get Cassie and Matt to come down stairs.
- j. They found the panel box and turned the lights off in the residence. After a while they turned the power back on.
- k. They heard Matt's mother arrive and pick up Matt.
- l. They turned the power off again after Matt left with his mother and they proceeded to walk upstairs.
- m. At the top of the stairs he opens and slams a closet door in an attempt to scare Cassie.
- n. The Contreras' dog came out to them and then ran back into the living room where Cassie was.
- o. They walked into the living room and Cassie was lying on the couch. She jumps to her feet and asks them who they are.
- p. Torey was in front of him walking toward Cassie.
- q. Cassie says that she is going to kick their Asses.
- r. He hears Cassie scream and then he sees Torey stab Cassie several times.
- s. Cassie goes to the ground and he hears a snoring/gurgling sound.
- t. Torey turns to him and says; I don't know what I have done, we have to kill her.
- u. Torey goes back to Cassie and stabs her several more times.
- v. They then left the residence.
- w. They drive in Torey's car back to Torey's house, where they stayed for a while.
- x. They go into the garage of Torey's house and get a blue garbage sack from the garage and put the costumes and knives they had on when Cassie was killed into the sack.



- y. They get a bottle of rubbing alcohol from Torey's house and go to Torey's car, throw the bag with the knives and costumes in the back of Torey's car.
- z. They leave Torey's residence and drive to the Common Cents located at Hiline and Alameda in Pocatello, Bannock County, Idaho.
- aa. He goes into the Common Cents and purchases some matches.
- bb. They drive out Bannock Highway and go to either the Mink Creek area or the Black Rock Canyon area.
- cc. They walk up a trail for a ways and then burn the bag with the costumes and the knives.
- dd. He is not sure but Torey then may have buried what remained after the fire.
- ee. Torey had on high top Converse tennis shoes and black jeans at the time Cassie is killed and they do not burn those.
- ff. The shirt, pants and shoes he was wearing at the time Cassie was killed were not burnt either.
- gg. They then drove back to Torey's residence 1598 Pointe View in Pocatello, Bannock County, Idaho and watched a video.

10. On September 27, 2006 at approximately 6:08 p.m., Bannock County Detective Alex Hamilton relayed the following information to your affiant:

- a. Brian Draper took him and Bannock County Deputy Mark Ballard to the location in the Black Rock Canyon area.
- b. They located the area where Torey and Brian burned the bag of costumes.
- c. Bannock County Detectives located the costumes, 4-knives, videotape and a letter that was partially burned. What they could read on the letter stated the following:

Brian is gonna to kill Cassie home alone stop runs into Torey  
 We murder Cassie is home alone house Brian kills his on the back porch his body on  
 the back porch house Brian has and we kill her killing Matt.

11. On September 27, 2006 at approximately 7:05 p.m., Idaho State Police Lieutenant John Ganske and your affiant conducted a follow up interview with Torey Michael Adamcik at the Pocatello Police Department. Adamcik was interviewed concerning his knowledge of the homicide of Cassie Jo Stoddart. Adamcik was interview in the presence of his parents Sean and Shannon Adamcik after being read his right as per Miranda. Adamcik supplied Lieutenant Ganske and your affiant with a signed Miranda rights waiver form. Torey Adamcik informed your affiant and Lieutenant Ganske of the following:

- a. That in his previous interview he lied about going to the movie "Pulse" with Brian Draper after leaving the residence located at 11372 Whispering Cliffs on Friday September 22, 2006.
- b. He and Draper left 11372 Whispering Cliffs between 9:35 p.m., and 9:40 p.m., at which time they drove a short distance away from the residence on Whispering Cliffs got out of

the car and began going through cars in the area in an attempt to burglarize them. He and Draper went through approximately three cars that were unlocked obtaining only a small amount of change. He tried the door handles on several other cars in the area but they were locked.

- c. He could not specifically identify any of the vehicles he burglarized. He did however recall making three cellular telephone calls to Matt Beckham and Cassie Stoddart at 11372 Whispering Cliffs. He spoke to Beckham and the general conversations were concerning Beckham helping them go through cars and needing a ride to his house. He said that Beckham told him his mother was coming to pick him up soon to go home and would not be helping them.
- d. After burglarizing cars in the area of Whispering cliffs he and Draper drove directly to his residence located at 1598 Pointe View arriving home at approximately 11:30 p.m.
- e. Once at home he and Draper watched the movie Saving Silverman then went to sleep around 2:00 a.m. on September 23, 2006.
- f. When confronted about he and Draper leaving his residence without permission once they arrived home for the evening he admitted that they did leave.
- g. At approximately 1:30 a.m., they drove to Common Cents Convenience Store located at the corner of Alameda and Hiline where Draper purchased a box of stick matches.
- h. Draper purchased the matches because he is a smoker, but he does not know what brand of cigarettes he smokes.
- i. Before leaving his house at 1:30 a.m., he loaded a shovel into the trunk, which belonged to Draper.
- j. He probably had a Halloween type mask in his trunk that he purchased a while ago.
- k. He and Draper drove to the area of Black Rock Canyon, which is located south of Pocatello near Century High School where they parked and got out of the car.
- l. Draper smoked two cigarettes and he urinated. He believed that Draper may have taken the shovel out of the trunk but does not remember if he dug dirt with the shovel.
- m. When confronted with the possibility that he and Draper killed Cassie Stoddart earlier in the evening he stated that he would like to speak to his attorney.

12. At this time the interview was terminated with Adamcik and we told him we would not be asking him any further questions and he was going to be taken into custody and charged with First Degree Murder. His father Sean Adamcik asked Torey the following question:

**AFFIDAVIT OF PROBABLE CAUSE  
IN SUPPORT OF CRIMINAL  
COMPLAINT/CITATION**

"This is right Torey? What they're saying is true?"

Tory Adamcik responded to his fathers question by stating "Yeah"

Sean Adamcik responded to Torey's response by saying "it sounds like you need a lawyer then."  
"What can I say?"

That the events described above did take place in Bannock County, State of Idaho.

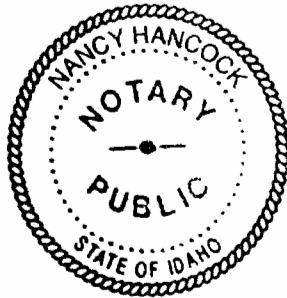
28  
DATED THIS 27 DAY OF September, 2006.

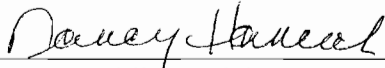
  
\_\_\_\_\_

ARRESTING OFFICER

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of

September, 2006.



  
\_\_\_\_\_  
Notary Public of Idaho  
Residing at Bannock Co, Idaho  
My Commission Expires: 9 2009

09/28/06  
07:47

Page: 649  
1

STATE LINK MESSAGES:

Terminal	I	Arrival Date/Time	Message Subject	R
bpro03		07:47:12 09/28/2006	??	1

Message Received From DMV

KR.ID0030210.DMV .\*MRI3024500.TXT

NAM/DRAPER,BRIAN LEE.DOB/[REDACTED].SEX/M

MAY BE THE SAME AS: PAGE 01 FOR OFFICIAL INVESTIGATION PURPOSES ONLY  
OLN/DB178120D. PRIVACY FLAG.

NAM/DRAPER, BRIAN LEE.

\*\* OPR STATUS/VALID.

RES/

\*\* CDL STATUS/NOT LICENSED.

1030 SHALE DR

CLASS/D. \*\* EXP/03-26-2008.

POCATELLO

ID 83204.

OLT/DRIVER LICENSE.

\*\* REST/DAY/16 ATTACH.

SEX/M. HAI/BRO. EYE/BLU.

DOB/[REDACTED].

SOC/[REDACTED]

HGT/509. WGT/123. ISS/11-18-2005. REC/030053220080. CNTY/BANN.

AKA OLN/[REDACTED]

AKA OLS/ID.

END OF RECORD

END OF MESSAGE...

MRI 3024501 IN: DMVIO1 2592 AT 07:45 28SEP06

OUT: PPOC 136 AT 07:45 28SEP06

=====

09/28/06  
07:46

Page: 649  
1

STATE LINK MESSAGES:

Terminal I	Arrival Date/Time	Message Subject	R
bpro03	07:45:27 09/28/2006	??	1

Message Received From NCIC

NLO100I4,MRI3024405I  
NLO100I4,MRI3024405  
IDO030210

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX  
(III) FOR NAM/DRAPER,BRIAN LEE.SEX/M.RAC/W.DOB [REDACTED].PUR/C.  
END

MRI 3024406 IN: NCIC 2201 AT 07:44 28SEP06  
OUT: PPOC 135 AT 07:44 28SEP06

=====

09/28/06  
07:48

Page: 649  
1

STATE LINK MESSAGES:

Terminal	I	Arrival Date/Time	Message Subject	R
bpro03		07:48:23 09/28/2006	??	1

Message Received From CCH

IR.IDSIR0000.ID0030210.\*MRI3024563.  
PUR/C.ATN/J HOBSON CHGT INV

THE FOLLOWING IS IN RESPONSE TO YOUR INQUIRY ON  
NAM/DRAPER,BRIAN LEE .DOB/[REDACTED] SEX/M.SOC/[REDACTED]

λ  
0

\*\*\* THE ABOVE NAMED SUBJECT MAY BE THE SAME AS \*\*\*  
\*\*\* OUR IDAHO CRIMINAL HISTORY ON \*\*\*

\*\*\*\*\* NO MATCHING RECORD ON FILE \*\*\*\*\*

NOTICE -- THE RESPONSE TO YOUR REQUEST FOR A CRIMINAL HISTORY RECORD CHECK IS BASED ON A REVIEW OF THE STATE OF IDAHO'S DATA BASE ONLY. THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF A RECORD IN A LOCAL AGENCY, (SHERIFF'S OFFICE OR POLICE DEPARTMENT), A STATE OTHER THAN IDAHO OR THE FBI IDENTIFICATION DIVISION FILES.

MRI 3024564 IN: CCH 188 AT 07:47 28SEP06  
OUT: PPOC 139 AT 07:47 28SEP06

= = = = =

ORIGINAL

MARK L. HIEDEMAN  
BANNOCK COUNTY PROSECUTOR  
P.O. BOX P  
POCATELLO, ID 83205-0050  
(208) 236-7280

FILED  
DALE HATCH  
SEP 28 2006  
CLERK OF DISTRICT COURT  
BANNOCK COUNTY, IDAHO

VIC A. PEARSON ISB #6429  
Chief Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 TOREY MICHAEL ADAMCIK, )  
 )  
 [REDACTED] )  
 06-14-90 )  
 )  
 ✓ BRIAN LEE DRAPER, )  
 )  
 [REDACTED] )  
 03-21-90 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

COMPLAINT - CRIMINAL  
CROU-11984-FE

Personally appeared before me this 28<sup>th</sup> day of September, 2006, VIC A. PEARSON in the County of Bannock, who, first being duly sworn, complains of TOREY MICHAEL ADAMCIK and BRIAN LEE DRAPER and charges the defendant with the public offense of 1 COUNT MURDER IN THE FIRST DEGREE, Idaho Code §18-4001-02-03(a), and 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Idaho Code §§18-4001-02-03(a) and §18-1701, committed as follows:

COUNT 1  
MURDER IN THE FIRST DEGREE

That the said TOREY MICHAEL ADAMCIK and **BRIAN LEE DRAPER**, in the County of Bannock, State of Idaho, on or between the 22<sup>nd</sup> and 23<sup>rd</sup> days of September, 2006, did kill and murder Cassie Stoddart, a human being, by lying in wait, or torture, when torture is inflicted with the intent to cause suffering, to execute vengeance, or to satisfy some sadistic inclination, or which is perpetrated by any kind of willful, deliberate and premeditated killing by purchasing knives and stabbing Cassie Stoddart, causing injuries to the Cassie Stoddart from which the victim died in Bannock County, Idaho.

COUNT 2  
CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE


71  
That the said **BRIAN LEE DRAPER**, in the County of Bannock, State of Idaho, on or between the 22<sup>nd</sup> and 23<sup>rd</sup> days of September, 2006, did burglariously, combine and conspire with TOREY MICHAEL ADAMCIK to commit the crime of MURDER IN THE FIRST DEGREE, an offense prescribed by the laws of the State of Idaho, Idaho Code §18-4001-02-03(a), by lying in wait, or torture, when torture is inflicted with the intent to cause suffering, to execute vengeance, or to satisfy some sadistic inclination, or which is perpetrated by any kind of willful, deliberate and premeditated killing by purchasing knives and stabbing Cassie Stoddart, causing injuries to the Cassie Stoddart from which the victim died in Bannock County, Idaho.

All of which is contrary to the form of the statute in said State made and provided and against the peace and dignity of the State of Idaho.

Said complainant prays that the said TOREY MICHAEL ADAMCIK and **BRIAN LEE DRAPER** be dealt with according to law.

  
\_\_\_\_\_  
VIC A. PEARSON

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of September, 2006.

  
MAGISTRATE



ORIGINAL

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK  
MAGISTRATE DIVISION

FILED  
DALE HATCH  
SEP 28 2006  
CLERK OF DISTRICT COURT  
BANNOCK COUNTY, IDAHO

STATE OF IDAHO )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 BRIAN LEE DRAPER, )  
 519-39-8358 )  
 03-21-90 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. CR06-17984-PC  
  
PROBABLE CAUSE MINUTE  
ENTRY AND ORDER

72

An Affidavit of Probable Cause having been presented to the undersigned magistrate on this date charging the defendant with the crime(s) of:

- 1 COUNT MURDER IN THE FIRST DEGREE, Idaho Code §18-4001-02-03(a)
- 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Idaho Code §§18-4001-02-03(a) and §18-1701

The defendant, having been incarcerated without a warrant, the court finds Probable Cause to believe the defendant committed the crime(s) set forth above.

- The defendant is released O.R.
- The defendant shall remain incarcerated in lieu of bond(s) in the amount of \$ \_\_\_\_\_
- The defendant shall remain incarcerated in lieu of bond in the amount set by the bond schedule.
- The defendant shall remain incarcerated and bond shall be determined at arraignment.

This affidavit is made in support of an application for an arrest warrant.

An arrest warrant was issued setting bond(s) in the amount of \_\_\_\_\_

The court does not find Probable Cause to believe the defendant committed the crime(s) set forth above. The defendant shall be released within 48 hours of arrest.

IT IS SO ORDERED,

Dated this 28<sup>th</sup> day of SEPTEMBER, 2006 and signed at 10:45 o'clock A.M.

  
SIXTH DISTRICT MAGISTRATE JUDGE

ORIGINAL

MARK L. HIEDEMAN  
BANNOCK COUNTY PROSECUTING ATTORNEY  
P. O. BOX P  
Pocatello, Idaho 83205-0050  
(208) 236-7280

FILED  
DALE HATCH  
SEP 28 2006  
CLERK OF DISTRICT COURT  
BANNOCK COUNTY, IDAHO

VIC A. PEARSON ISB #6429  
Chief Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO, )  
)  
Plaintiff, )  
)  
vs. )  
)  
TOREY MICHAEL ADAMCIK, )  
)  
BRIAN LEE DRAPER, )  
)  
Defendant. )  
\_\_\_\_\_ )

CASE NO.  
CR06-17984-PE  
MOTION TO SEAL COURT  
DOCUMENTS AND ORDER

COMES NOW, VIC A. PEARSON, Chief Deputy Prosecutor for the County of Bannock, State of Idaho, and moves this court for an order sealing all court documents related to this case as the investigation of the defendant and other co-conspirators is still continuing and that releasing such documents to the media or for public consumption would jeopardize this continuing investigation.

The State therefore requests all court documents pertaining to this case be sealed until the time of the preliminary hearing or as agreed upon by the State and defendant.

DATED this 28 day of September, 2006.

  
VIC A. PEARSON  
Chief Deputy Prosecutor

ORIGINAL

FILED  
DALE HATCH  
SEP 28 2006  
CLERK OF DISTRICT COURT  
BANNOCK COUNTY, IDAHO

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 TOREY MICHAEL ADAMCIK, )  
 )  
 **BRIAN LEE DRAPER,** )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

CASE NO.  
*0206-17984-PE*  
ORDER TO SEAL COURT  
DOCUMENTS AND ORDER

UPON MOTION of the Chief Deputy Prosecutor, VIC A. PEARSON, it is hereby ordered that the court records and documents on this case are hereby sealed until such time as the preliminary hearing or as agreed upon by the State and the Defendant.

SO ORDERED this 28 day of September, 2006.

*[Signature]*  
MAGISTRATE

ORIGINAL

FILED  
DALE HATCH  
SEP 28 2006  
CLERK OF DISTRICT COURT  
BANNOCK COUNTY, IDAHO

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

MAGISTRATE DIVISION

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BRIAN LEE DRAPER, )  
 519-39-8358 )  
 03-21-90 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

REQUEST FOR BOND  
0206-1984-FE

We request a bond of **\$1,000,000** be set for defendant, BRIAN LEE DRAPER, charged with the public offenses of 1 COUNT MURDER IN THE FIRST DEGREE, Idaho Code §18-4001-02-03(a), and 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Idaho Code §§18-4001-02-03(a) and §18-1701, for the following reasons: due to the nature of the offense.

DATED this 28 day of September, 2006.

  
\_\_\_\_\_  
BANNOCK COUNTY PROSECUTOR

CR 2006-17984 FE

unc

FILED  
10/28/06  
CR

x Brian L. Draper  
Murder in the 1<sup>st</sup> degree

28

Sept 2006  
Conspiracy to Commit Murder in the First Degree  
Commitment

Conspiracy to Commit Murder in the First

OCT

06

9:00A

Brower

12<sup>th</sup>


28

Sept

06

06

MARK L. HIEDEMAN/  
BANNOCK COUNTY PROSECUTOR  
P.O. BOX P  
POCATELLO, IDAHO 83205  
Telephone: (208) 236-7280

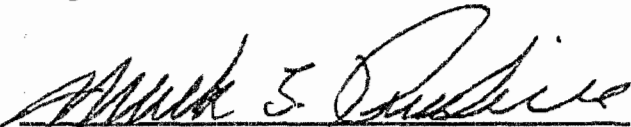
FILED  
BANNOCK COUNTY  
2006 OCT -2 PM 2:37  
BY 

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,	)	
	)	CASE NO. CR-06-17984-FE
Plaintiff,	)	
	)	MOTION TO
vs.	)	REVOKE BOND
	)	
BRIAN LEE DRAPER,	)	
TORY MICHAEL ADAMCIK	)	
	)	
Defendants.	)	
	)	

COMES NOW, MARK L. HIEDEMAN, Prosecuting Attorney for Bannock County, Idaho, and moves the Court for an Order revoking the bond heretofore by the above-named defendant on the grounds and for the reasons that it is for the protection of society to do so.

DATED this 29<sup>th</sup> day of September, 2006.

  
MARK L. HIEDEMAN  
Prosecuting Attorney

FILED  
2006-09-29 10:27

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

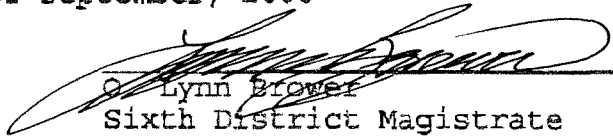
STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BRIAN LEE DRAPER )  
 TOREY MICHAEL ADAMCIK, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. CR-06-17984-FE  
ORDER

78  
On Motion from Mark L. Hiedeman, Bannock County  
Prosecutor, and there being no objection from David Martinez,  
Defense Counsel representing Brian Lee Draper and Greg May,  
Defense Counsel representing Tory Michael Adamcik and good cause  
appearing therefor;

IT IS HEREBY ORDERED that the \$1,000,000 bond in the  
above matter be, and the same is hereby revoked and a No Bond  
release be ordered;

DATED this 29<sup>th</sup> day of September, 2006

  
Lynn Brower  
Sixth District Magistrate

Brower

FILED  
COUNTY  
2006-17-2  
7/11/20  
[Signature]

**RANDALL D. SCHULTHIES**  
Chief Public Defender  
P. O. Box 4147  
Pocatello, Idaho 83205  
(208) 236-7040

**DAVID R. MARTINEZ**  
Chief Deputy Public Defender  
ISB 5084

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK**

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	Case No. CR-2006-17984-FE
vs.	)	
	)	<b>DISCOVERY REQUEST</b>
BRIAN L. DRAPER,	)	
	)	
Defendant.	)	
_____	)	

79

COMES NOW, Brian L. Draper, the Defendant in the above entitled matter, acting by and through his attorney of record, and pursuant to Rule 16 of the Idaho Criminal Rules submits the following requests for Discovery:

1. Defendant requests those materials specified for automatic disclosure by the Prosecutor:
  - (a) All evidence which tends to negate guilt of the accused in this offense.
  - (b) All evidence which would tend to reduce the punishment in this case.
2. Any and all statements of the Defendant, written or recorded, and the substance of any statement which may have been made orally, either before or after the arrest, to a peace officer, Prosecuting Attorney or his agent, or to any witness the state intends to call in this case.



3. Any and all statements, both written or recorded, of the co-defendant or co-conspirators in this case; whether before or after arrest, in response to interrogation or contact by a peace officer or law enforcement agency or otherwise.

4. A copy of the Defendant's prior criminal record.

5. Please list books, papers, documents, photographs, tangible objects, buildings, places or copies or portions thereof which are in possession, control, or custody of the Prosecuting Attorney, or to which the Prosecuting Attorney has access, or are intended for use by the Prosecuting Attorney as evidence at trial, or obtained from the Defendant.

80  
6. To permit the Defendant to inspect, copy or photograph books, papers, documents, photographs, tangible objects, buildings, places or copies or portions thereof which are in the possession, control, or custody of the Prosecuting Attorney, or to which the Prosecuting Attorney has access, or are intended for use by the Prosecuting Attorney as evidence at trial, or obtained from the Defendant.

7. Please list any physical or mental examinations, scientific tests, or experiments made in connection with this case.

8. To allow the Defendant to inspect, copy, or photograph results of any physical or mental examinations, scientific tests, or experiments made in connections with this case.

9. Please furnish to the Defendant a written list of names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial; together with any record of prior felony convictions, which is within the knowledge of the Prosecuting Attorney after exercising due diligence, and a copy of statements made by the prosecution's witnesses.

10. Copies of all police reports, investigative reports and memoranda within the Prosecutor's possession in connection with the investigation and prosecution of this case.

11. Any and all tape recorded or written statements in the possession of the Prosecuting Attorney pertaining to this case. All video tapes and audio tapes in the possession of law enforcement personnel, or the Prosecuting Attorney, together with transcripts of video taped interviews.

12. Any and all evidence intended to be introduced at the preliminary hearing/and or trial in this matter.

13. Any results from photographic lineups associated with this case.

14. Any and all statements from conversations between the Defendant and any third person, which may have been intercepted through telephone monitoring, visitation monitoring, or any other means, during any time that the Defendant was incarcerated at the Bannock County Jail, or any other detention facility.

15. Pursuant to Rule 16 of the Idaho Criminal Rules the State has a continuing duty to supplement such responses, and has a duty to exercise due diligence in the gathering and discovering of such evidence. Response to this Request For Discovery is required to be furnished within fifteen (15) days from receipt of the same.

DATED this 2 day of Oct, 2006.

  
\_\_\_\_\_  
DAVID R. MARTINEZ  
Chief Deputy Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2 day of Oct, 2006, I served a true and correct copy of the foregoing **DISCOVERY REQUEST** to the Bannock County Prosecuting Attorney, by hand-delivery to the Bannock County Prosecutor's in-box in Room 220 of the Bannock County Courthouse, Pocatello, Idaho.

  
\_\_\_\_\_  
DAVID R. MARTINEZ

**RANDALL D. SCHULTHIES**  
Chief Public Defender  
P. O. Box 4147  
Pocatello, Idaho 83205  
(208) 236-7040

FILED  
BANNOCK COUNTY  
SEP 15 2006  


**DAVID R. MARTINEZ**  
Chief Deputy Public Defender  
ISB 5084

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK**

STATE OF IDAHO, )  
)  
Plaintiff, )  
)  
vs. )  
)  
BRIAN L. DRAPER, )  
)  
Defendant. )  
\_\_\_\_\_ )

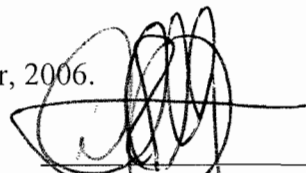
Case No. CR-2006-17984-FE

**MOTION FOR DISQUALIFICATION**

**COMES NOW**, Brian L. Draper, the Defendant in the above entitled matter, acting by and through his attorney of record, David R. Martinez, Chief Deputy Public Defender of the Bannock County Public Defender's Office and hereby makes moves the Court for an Order disqualifying the presiding Judge in this matter pursuant to Idaho Criminal Rule 25 (a)(1).

Counsel for the Defendant requests that the Court assign a new Judge pursuant to ICR 25 (4).

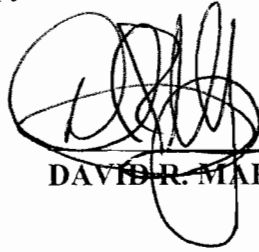
**DATED** this 3<sup>rd</sup> day of September, 2006.



\_\_\_\_\_  
**DAVID R. MARTINEZ**  
Chief Deputy Public Defender

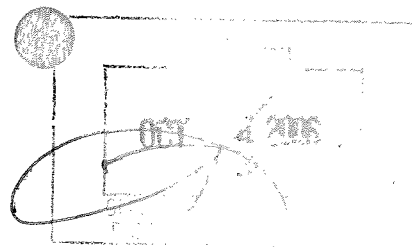
**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on this 3<sup>rd</sup> day of September, 2006, a true and correct copy of the foregoing **MOTION FOR DISQUALIFICATION** was served upon the Bannock County Prosecuting Attorney, by depositing a copy of the same in the Prosecutor's in-box, Bannock County Courthouse, Pocatello, Idaho.



\_\_\_\_\_  
**DAVID R. MARTINEZ**

RANDALL D. SCHULTHIES  
Chief Public Defender  
P. O. Box 4147  
Pocatello, Idaho 83205  
(208) 236-7040  
ISB 1784



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO, )  
)  
Plaintiff, )  
)  
vs. )  
)  
BRIAN L. DRAPER, )  
)  
Defendant. )  
\_\_\_\_\_ )

Case No. CR-2006-17984

**ORDER FOR DISQUALIFICATION**

BASED UPON THE DEFENDANT'S MOTION and for good cause appearing,

IT IS HEREBY ORDERED that the undersigned Judge hereby disqualifies himself  
in the above entitled case.

IT IS SO ORDERED.

DATED this 5<sup>th</sup> day of October, 2006.

  
HONORABLE LYNN BROWER

cc: Bannock County Prosecuting Attorney  
Bannock County Public Defender, David R. Martinez

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE  
COUNTY OF BANNOCK  
MAGISTRATE DIVISION

FILED  
BANNOCK COUNTY  
CLOCK: 5:15 PM  
OCT 5 2006

STATE OF IDAHO, )  
 )  
 )  
 Plaintiff, )  
 )  
 )  
 VS. )  
 )  
 )  
 BRIAN DRAPER AND TOREY ADAMCIK )  
 )  
 )  
 Defendant. )

Case No. CR-2006-17984 FE

**ORDER OF ASSIGNMENT**

THE Honorable O. Lynn Brower having been disqualified;

IT IS HEREBY ORDERED that the above matter be and hereby is assigned to the  
Honorable Gaylen L. Box for all further proceedings.

IT IS SO ORDERED this October 5, 2006

Suzanne H. Johnson  
Trial Court Administrator  
Sixth Judicial District

DALE HATCH, Bannock County Clerk of the Court  
BY, Deputy Clerk

86

CERTIFICATE OF SERVICE

I HERE BY CERTIFY that on the October 5, 2006, I served a true and correct copy of the foregoing document on the following person(s):

Honorable O. Lynn Brower  
Bear Lake County Magistrate Court  
P.O. Box 190  
Paris, Idaho 83261-0190

David Martinez  
Bannock County Public Defender  
P.O. Box 4147  
Pocatello, Idaho 83205

U.S. Mail, postage prepaid  
 Hand Delivery (Courthouse Mail)  
 Fax

U.S. Mail  
 Hand Delivery (Courthouse Mail)  
 Fax

Honorable Gaylen L. Box  
Bannock County Magistrate Court  
543 Bannock Avenue  
Pocatello, Idaho 83201


Vic Pearson  
Bannock County Prosecutor  
P.O. Box P  
Pocatello, Idaho 83205

U.S. Mail, postage prepaid  
 Hand Delivery (Courthouse Mail)  
 Fax

U.S. Mail  
 Hand Delivery (Courthouse Mail)  
 Fax

Bron Rammell  
Dial May & Rammell, Chtd.  
P.O. BOX 370  
Pocatello, Idaho 83204

U.S. Mail, postage prepaid

  
Deputy Clerk



ORIGINAL

Bron M. Rammell, Esq.  
DIAL, MAY & RAMMELL, CHARTERED  
216 W. Whitman/P.O. Box 370  
Pocatello, Idaho 83204-0370  
Phone: (208) 233-0132 Fax: (208) 234-2961  
Idaho State Bar #4389

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

vs.

TOREY ADAMCIK,

Defendant.

CASE NO. CR-2006-17983-FE-4

**MOTION TO DISQUALIFY  
WITHOUT CAUSE**

88

Torey Adamcik, by and through his counsel of record, Bron M. Rammell of the firm Dial, May & Rammell, Chtd., hereby moves this Court for an Order Disqualifying Without Cause the Honorable O. Lynn Brower pursuant to I.C.R. Rule 25(a)(1).

DATED this 3<sup>rd</sup> day of October, 2006.

DIAL, MAY & RAMMELL, CHTD.

for BRON M. RAMMELL


CERTIFICATE OF SERVICE

I certify that on this date a copy of the *Motion For Bond Reduction And Notice Of Hearing* was served on the following named persons at the addresses shown and in the manner indicated.

Bannock County Prosecutor  
P.O. Box P  
Pocatello, ID 83205-0050

[ ] Facsimile  
[ ] Hand Delivery  
[x] U.S. Mail

DATED this 3<sup>rd</sup> day of October, 2006.

  
\_\_\_\_\_  
for BRON M. RAMMELL

89

ORIGINAL

Bron M. Rammell, Esq.  
DIAL, MAY & RAMMELL, CHARTERED  
216 W. Whitman/P.O. Box 370  
Pocatello, Idaho 83204-0370  
Phone: (208) 233-0132 Fax: (208) 234-2961  
Idaho State Bar #4389

FILED  
2006 OCT 11 PM 2:00

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

vs.

TOREY ADAMCIK,

Defendant.

CASE NO. CR-2006-17983-FE

**MOTION TO DISQUALIFY  
WITHOUT CAUSE**

Torey Adamcik, by and through his counsel of record, Bron M. Rammell of the firm Dial, May & Rammell, Chtd., hereby moves this Court for an Order Disqualifying Without Cause the Honorable Gaylen L. Box pursuant to I.C.R. Rule 25(a)(1).

DATED this 11<sup>th</sup> day of October, 2006.

DIAL, MAY & RAMMELL, CHTD.

  
\_\_\_\_\_  
BRON M. RAMMELL

90


CERTIFICATE OF SERVICE

I certify that on this date a copy of the *Motion For Bond Reduction And Notice Of Hearing* was served on the following named persons at the addresses shown and in the manner indicated.

Bannock County Prosecutor  
P.O. Box P  
Pocatello, ID 83205-0050

[ ] Facsimile  
[  ] Hand Delivery  
[ ] U.S. Mail

DATED this 11<sup>th</sup> day of October, 2006.

  
\_\_\_\_\_  
BRON M. HAMMELL

91

91

ORIGINAL

FILED  
DEPT. OF CLERK  
JUL 11 2006  
IDAHO STATE BAR

Bron M. Rammell, Esq.  
Aaron N. Thompson, Esq.  
DIAL, MAY & RAMMELL, CHARTERED  
216 W. Whitman/P.O. Box 370  
Pocatello, Idaho 83204-0370  
Phone: (208) 233-0132 Fax: (208) 234-2961  
Idaho State Bar No. 4389  
Idaho State Bar No. 6235

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

92

STATE OF IDAHO,		CASE NO. CR-2006-17983-FE
	Plaintiff,	<b>AFFIDAVIT OF BRON RAMMELL</b>
vs.		
TOREY ADAMCIK,		
	Defendant.	

STATE OF IDAHO            )  
  : ss  
County of BANNOCK        )

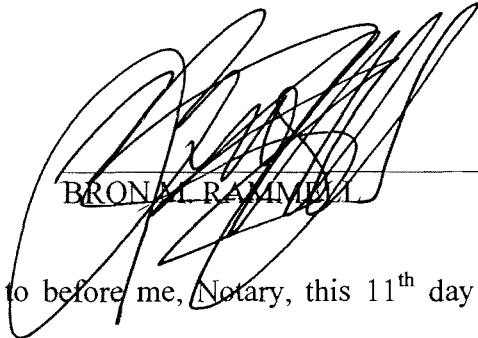
- I, Bron M. Rammell, being first duly sworn, depose and say:
1. I make the following statements based upon my personal knowledge.
  2. I am one of the attorneys for Defendant, Torey Adamcik.
  3. Our office has filed a *Discovery Request* asking for evidence which the State has within its possession, custody or control.
  4. In order to adequately prepare for the Preliminary Hearing currently scheduled for Thursday, October 12, 2006 at 9:00 a.m., our office needs access to evidence that the State intends to present at the Preliminary Hearing.

92

5. As of the signing of this Affidavit, we have not received any police reports, the identification of the investigating officers, a list of persons who may potentially testify at the Preliminary Hearing, or any evidence at all, other than excerpts from a videotape.
6. The only other documents the Defendant has in its possession regarding the charges in this case are the *Complaint*, an *Affidavit of Probable Cause*, and a list of items taken pursuant to a warrant.
7. It will be impossible for Defendant Torey Adamcik to receive a fair Preliminary Hearing with full representation unless the Preliminary Hearing is continued to a later time when the requested information is disclosed to Defense counsel.

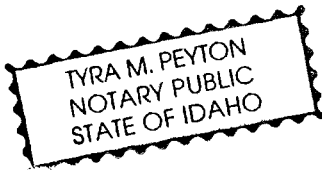
FURTHER AFFIANT SAYETH NAUGHT


DATED this 11<sup>th</sup> day of October, 2006.

  
\_\_\_\_\_  
BRONN RAMMELL

SUBSCRIBED AND SWORN to before me, Notary, this 11<sup>th</sup> day of October, 2006.

(Seal)



  
\_\_\_\_\_  
TYRA M. PEYTON  
NOTARY PUBLIC OF IDAHO  
Residing in: Pocatello, Idaho  
Commission Expires: 6/6/2012

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the *Affidavit of Bron Rammell* was served on the following named persons at the addresses shown and in the manner indicated.

Bannock County Prosecutor  
P.O. Box P  
Pocatello, ID 83205-0050

Facsimile  
 Hand Delivery  
 U.S. Mail

DATED this 11<sup>th</sup> day of October, 2006.

  
\_\_\_\_\_  
DIAL, MAY & RAMMELL, CHTD.

93a

FILED  
BANNOCK COUNTY  
2006 OCT 13 1:40

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE  
COUNTY OF BANNOCK  
MAGISTRATE DIVISION

STATE OF IDAHO, )  
)  
)  
Plaintiff, )  
)  
VS. )  
)  
)  
BRIAN DRAPER AND TOREY ADAMCIK, )  
)  
Defendant. )

**ORIGINAL**

Case No. CR-2006-17984 FE

**ORDER OF ASSIGNMENT**

aw

THE Honorable Gaylen L. Box having been disqualified;

IT IS HEREBY ORDERED that the above matter be and hereby is assigned to the  
Honorable Rob C. Naftz for all further proceedings.

IT IS SO ORDERED this October 13, 2006



Suzanne H. Johnson  
Trial Court Administrator  
Sixth Judicial District

DALE HATCH, Bannock County Clerk of the Court  
BY, Deputy Clerk



CERTIFICATE OF SERVICE

I HERE BY CERTIFY that on the October 13, 2006, I served a true and correct copy of the foregoing document on the following person(s):

Honorable Gaylen L. Box  
Bannock County Magistrate Court  
624 E. Center  
Pocatello, Idaho 83201

- U.S. Mail, postage prepaid  
 Hand Delivery (Courthouse Mail)  
 Fax

David Martinez  
Bannock County Public Defender  
  
Bannock County Prosecutors

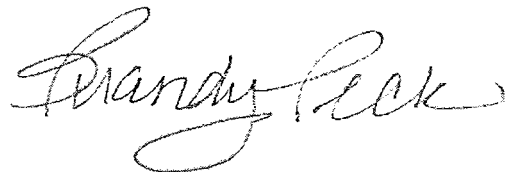
- U.S. Mail  
 Hand Delivery (Courthouse Mail)  
 Fax

04  
Honorable Rob C. Naftz  
Bannock County Magistrate Court  
624 E. Center  
Pocatello, Idaho 83201

- U.S. Mail, postage prepaid  
 Hand Delivery (Courthouse Mail)  
 Fax

Bron Rammell  
Dial, May & Rammell  
P.O. Box 370  
Pocatello, Idaho 83204

- U.S. Mail  
 Hand Delivery (Courthouse Mail)  
 Fax



Deputy Clerk

ORIGINAL

Bron M. Rammell, Esq.  
Aaron N. Thompson, Esq.  
DIAL, MAY & RAMMELL, CHARTERED  
216 W. Whitman/P.O. Box 370  
Pocatello, Idaho 83204-0370  
Phone: (208) 233-0132 Fax: (208) 234-2961  
Idaho State Bar No. 4389  
Idaho State Bar No. 6235

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

vs.

TOREY ADAMCIK,

Defendant.

CASE NO. CR-2006-17983-FE

**MOTION FOR CLOSED AND/OR  
SEALED PRELIMINARY HEARING  
AND "GAG" ORDER**

Torey Adamcik, by and through his counsel of record, Aaron N. Thompson of the firm Dial, May & Rammell, Chtd., respectfully moves this Court for an Order closing and/or sealing the Preliminary Hearing in the above referenced matter. Further, Mr. Adamcik requests a "Gag" Order precluding law enforcement and prosecution personnel from making statements to the media regarding this case. The grounds and reasoning for as such are as follows:

1. Defendant, Torey Adamcik, is a 16-year-old minor. He has been charged with murder in the first degree and conspiracy to commit murder in the first degree;
2. The case has received tremendous and repeated media coverage through television and print sources, and this has caused wild speculation as to what occurred in this case;

3. The State has disclosed to the print media that if Mr. Adamcik does not waive his Preliminary Hearing, which is a fundamental right he is entitled to, it will present a “video” purporting to contain information regarding this case;
4. Mr. Adamcik is entitled to a Preliminary Hearing pursuant to ICR Rule 5.1 (a) before a Magistrate to determine if probable cause exists that he committed the crime(s) in question;
5. If probable cause is found to exist, Mr. Adamcik is entitled, pursuant to the United States Constitution, the Constitution for the State of Idaho, and all applicable Rules and Statutes, to a trial by a fair and impartial jury, consisting of his peers;
6. The contents of this video have not been previously reported;
7. The video contains partial information, which is highly inflammatory and prejudicial, and which may not accurately reflect the events that occurred in this case;
8. The State itself continues to develop evidence and has not provided any evidence to the Defendant, demonstrating that the evidence and information that will be presented at the Preliminary Hearing, and thus through the media, is some of the most prejudicial and inflammatory evidence available, and only a small part of the total evidence;
9. The Magistrate is the sole arbiter as to whether said probable cause exists;
10. Presumptively, the media will try to attend the Preliminary Hearing and report upon the case, including the contents of the previously unreleased video and other partial evidence;
11. Mr. Adamcik is guaranteed by the Sixth Amendment of the United States Constitution, along with the applicable provisions of the Idaho Constitution, a right to a fair trial by an impartial jury of his peers;
12. The evidence submitted at the Preliminary Hearing will be disseminated throughout the entirety of Bannock County via television and/or print media, thus tainting the jury pool, and said reporting/disclosure will

significantly impact Mr. Adamcik's ability to have a fair and impartial jury of his peers in Bannock County, Idaho;

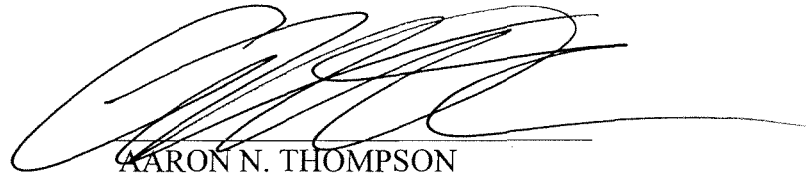
13. The information may gain national exposure, preventing a fair trial, even in a distant county;
14. Additionally, discussion of the video and other facts to the media will result in more speculation and damage to Mr. Adamcik's trial rights as discussed above;
15. If said video and other partial evidence are previewed and disseminated to the media, the harm caused to Mr. Adamcik's right to a fair and impartial trial will be irreparably infringed;
16. There are no alternative measures available to preserve the fair and impartial trial right other than what is requested in this Motion.

WHEREFORE it is respectfully prayed that this Court issue an Order closing and/or sealing the Preliminary Hearing to avoid prejudicing Mr. Adamcik's right to a fair and impartial jury, in addition to a "Gag" Order precluding law enforcement and prosecution personnel from making statements to the media regarding this case.

This Motion is supported by the Memorandum in support and the Affidavits filed contemporaneously herein.

DATED this 19<sup>th</sup> day of October, 2006.

DIAL, MAY & RAMMELL, CHTD.



AARON N. THOMPSON

CERTIFICATE OF SERVICE

I certify that on this date a copy of the *Motion For Closed And/Or Sealed Preliminary Hearing and "Gag" Order* was served on the following named persons at the addresses shown and in the manner indicated.

Bannock County Prosecutor  
P.O. Box P  
Pocatello, ID 83205-0050

Facsimile  
 Hand Delivery  
 U.S. Mail

99  
Randall Schulties  
David Martinez  
Bannock County Public Defender  
P.O. Box 4147  
Pocatello, ID 83205

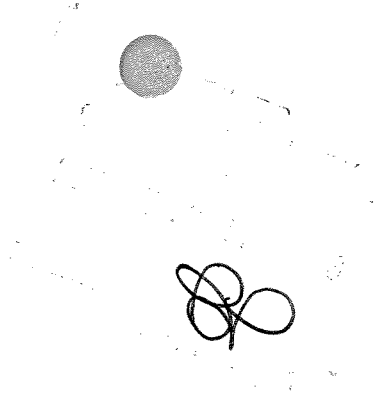
U.S. Mail

DATED this 19<sup>th</sup> day of October, 2006.

  
DIAL, MAY & RAMMELL, CHTD.

ORIGINAL

Bron M. Rammell, Esq.  
Aaron N. Thompson, Esq.  
DIAL, MAY & RAMMELL, CHARTERED  
216 W. Whitman/P.O. Box 370  
Pocatello, Idaho 83204-0370  
Phone: (208) 233-0132 Fax: (208) 234-2961  
Idaho State Bar No. 4389  
Idaho State Bar No. 6235



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

vs.

TOREY ADAMCIK,

Defendant.

CASE NO. CR-2006-17983-FE

**MEMORANDUM IN SUPPORT OF  
DEFENDANT TOREY ADAMCIK'S  
MOTION FOR CLOSED AND/OR  
SEALED PRELIMINARY HEARING  
AND "GAG" ORDER**

Torey Adamcik, by and through his counsel of record, Aaron N. Thompson and Bron Rammell, of the firm Dial, May & Rammell, Chtd., hereby respectfully submits this *Memorandum in Support of Defendant Torey Adamcik's Motion for Closed and/or Sealed Preliminary Hearing and "Gag" Order.*

**I. STATEMENT OF FACTS**

In late September, 2006, Cassie Stoddart was found deceased. The Bannock County Police charged 16 year-old Torey Adamcik and Brian Draper with murder in the first degree and conspiracy to commit murder in the first degree.

Since discovery of the victim, this subject matter has been the top news story in Southeast Idaho in both the print and visual media.<sup>1</sup> Speculation about how Adamcik,

<sup>1</sup> See Affidavit of counsel and various exhibits, which are true and correct copies of each and every Idaho State Journal news story relating to the case, available to counsel at the time of filing this Motion.

Draper, and possibly others committed the crimes have been (and continue to be) the topic of daily discussion in the homes, around the water coolers and on the streets as well as on television. Of course, after discussion of how the Defendants committed the crime, the word “allegedly” (with a wink) is added.

Torey Adamcik was arraigned before the Honorable O. Lynn Brower on Thursday, September 28, 2006. On Motion by counsel, which was granted by the Court, the Court Record was sealed in order to prevent public consumption of the partial facts and conclusory statements associated with this case. The Court ordered bail to be set at \$1,000,000. The following day, Friday, September 29, 2006, the State presented a videotape allegedly pertaining to the events surrounding this subject matter, and disclosed as such to the Court. The Court then revoked bond for both Adamcik and Draper, which again, was widely reported.

The headlines in the media continue. In an article dated Tuesday, October 3, 2006, the State threatened that if Mr. Adamcik did not waive his Preliminary Hearing, then it intended to show the video at the Preliminary Hearing.<sup>2</sup> This disclosure to the media continued and heightened speculation by the public and the media. Such a statement has only one purpose; to titillate the potential jury via the media. The Preliminary Hearing scheduled for November 3, 2006 before the Honorable Rob Naftz. Supporting the bolstered media attention will feed the frenzy that will surely continue during and after the Preliminary Hearing.

## **II. ARGUMENT**

1. Torey Adamcik is presumptively innocent and is entitled to fair and impartial trial pursuant to the United States Constitution.

The Sixth Amendment of the United States Constitution guarantees “trial by an impartial jury,” and by and through the Due Process clause of the Fourteenth Amendment, the right also applies to State prosecutions as well. *U.S. Constitution Amendments VI, XIV. (Also, Article I, § 13 of Idaho Constitution).*

“In the ultimate analysis, only a jury can strip a man of his liberty or his life. In the language of Lord Coke, a juror must be as indifferent as he stands unsworne. His

---

<sup>2</sup> *Id.* at Exhibit 2(p),

verdict must be based upon the evidence developed at the **trial.**" *Irvin v. Dowd*, 366 U.S. 717, 722, 81 S.Ct. 1639, 1642, 6 L.Ed.2d 751 (1961) (emphasis added). Furthermore, "The right to jury trial guarantees to the criminally accused a fair trial by a panel of impartial, 'indifferent' jurors. . . ." "A fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 625, 99 L.Ed. 942 (1955).

2. *Torey Adamcik has a right to Preliminary Hearing.*

In Idaho, an incarcerated criminal defendant is entitled to a preliminary hearing within fourteen (14) days of arraignment. *Idaho Criminal Rule 5.1(a)*. At such a hearing, the State must prove, to a Magistrate, that there is sufficient probable cause to believe that the defendant committed the offense alleged. *Idaho Criminal Rule 5.1(b)*.

The State's burden is a much lower standard than is applicable to a trial on the merits.

102  
There is substantial policy behind this hearing: We are to afford the accused, who is presumptively innocent, a timely hearing and force the State to come forward with evidence. If the State does not have "probable cause" evidence, then a citizen, (a member of our community) must be released with the hopes the accused's reputation is not irreparably damaged. If the State does not present sufficient probable cause evidence, then it certainly has insufficient evidence to prove its case beyond a reasonable doubt, which is what is required at jury trial.

The Magistrate is required to review the evidence produced at this hearing, and is the **sole arbiter** as to whether probable cause exists. If this determination is made, the defendant is then "bound over" to the District Court for further proceedings.

a. *The State has threatened to play a very prejudicial and inflammatory video at the Preliminary Hearing.*

The State, which has control of all evidence, can submit it in several forms. Some evidence might be testimonial. Some evidence might be forensic. A videotape has been disclosed which is allegedly relevant to the events of the crime charged. The State, through print media in an October 3, 2006 Idaho State Journal article, has put Mr. Adamcik on notice that if he does not waive his Preliminary Hearing, it intends to play the videotape.<sup>3</sup> The exact quote from the article reads as follows: "Hiedeman said he

<sup>3</sup> *Id.* at Exhibit 2(p).



wasn't sure if the teens' attorneys would waive their right to a preliminary hearing, but said he would show the videotape if they do not."<sup>4</sup> The threat to play the videotape has been repeated, including in an Idaho State Journal article on October 11, 2006, on the front page.<sup>5</sup> The threat was once again repeated on October 17, 2006 in the Idaho State Journal.<sup>6</sup>

Of all the evidence available and with the low evidentiary standard at the Preliminary Hearing, why does the State need to proclaim to the media that it will play a video at the Preliminary Hearing? The Court has not even addressed the relevance or other evidentiary value or reliability of the video at this time. The only reasonable explanation is to incite the media and taint the jury pool.

The videotape is but one small piece of evidence in this case. It is also the most inflammatory. Assuming that the videotape is relevant to these proceedings, and presuming that Mr. Adamcik elects to exercise his fundamental right to a Preliminary Hearing, the matter becomes increasingly complicated.

3. Public criminal trials are allowable in the United States to protect defendants against governmental persecution.

In the American system of justice, trials are generally open to the public. "Whatever other benefits the guarantee to an accused that his trial be public may confer upon society, the guarantee has always been recognized as a safeguard against any attempt to employ our courts as instruments of persecutions. The knowledge that every criminal trial is subject to contemporaneous review in the forum of public opinion is an effective restraint on possible abuse of judicial power." *State v. Blake*, 633 P.2d 831, 913, (Or.App. 1984). The right to a public trial is to protect the accused, not to incite or titillate the public. The public is to play the role of "watchdog" and monitor governmental activity to ensure that the accused is avoiding governmental persecution. This policy was implemented by the Framers of the Constitution. Unfortunately, modern convention has often reversed the vision of the Framers.

---

<sup>4</sup> *Id.* at Exhibit 2(p).

<sup>5</sup> *Id.* at Exhibit 2(u).

<sup>6</sup> *Id.* at Exhibit 2(x).

104

The Framers were appalled by British treatment of American colonists, in that they were subject to state deprivation of life, liberty and property interests – **in private**. “In drafting both the Constitution and the Bill of Rights, the Framers strove to a form of Government decidedly different from their British heritage . . . . The Colonists considered the British government dangerously omnipotent . . . . Thus, the Framers of the Bill of Rights did not purport to “create” rights. Rather, they designed the Bill of Rights to prohibit our Government from infringing rights and liberties presumed to be pre-existing.” *U.S. v. Verdugo-Urguidez*, 494 U.S. 259, 288, 110 S.Ct. 1056, 1073 (1990). The colonists were prevented from knowing any of the evidence submitted against other accused colonists, by the British, and considered the treatment tyrannical. The entire concept of public trials is in place to protect the **accused**.

4. Local media coverage has tainted the Bannock County jury pool against Torey Adamcik.

The media reports this case as its top story *ad nauseum*. For nearly a week, this story consumed multiple pages of print and numerous minutes of television and radio time. Some details have been disclosed and reported accurately. Some have not. The *Affidavit of Aaron N. Thompson* demonstrates a small portion of the level of interest in the case by the media. Further, a quick review of the articles shows that the State has spoken to the media on multiple occasions. These examples do not include television reports, which have been widespread. Speculation in and around the Bannock County community runs high. The public’s desire for information regarding this case has been nearly unquenchable. Of course, even at the Preliminary Hearing, only a part of the information will be provided by the State.

a. At the November 3, 2006 Preliminary Hearing, the pretrial publicity will continue.

To satisfy public desire for information, presumably, the media will be at the Preliminary Hearing in full force. To support this contention, one need not look far. This matter was set for a Preliminary Hearing on October 12, 2006 before the Honorable Gaylen Box. The Preliminary Hearing was continued and Judge Box was disqualified.

In attendance were every local television station, the Idaho State Journal, and approximately 40-50 citizens.

On November 3, 2006, partial evidence will be presented by the State against the 16 year-old accused. The media will therefore report the State's evidence. The allegations will be splashed across headlines the following day. The television reporters will lead into their programming, headlining the information. There are rumors the national media will become involved.<sup>7</sup> If the national media becomes involved, Mr. Adamcik will likely not be able to receive a fair trial anywhere in Idaho. He vehemently denies that he committed the alleged crimes, and will not even have all of the alleged evidence against him for several months.

105

5. This Court has a clear opportunity to stop the media "circus," and protect Torey Adamcik's right to an impartial jury.

Once this door is opened,<sup>8</sup> from that point forward, it will be impossible to have an untainted, fair, and impartial jury trial in Bannock County. Obviously, the potential jury pool consists of Bannock County residents. It may be impossible, regardless, due to current media exposure to find an untainted jury. However, if the Court or the State has any interest in keeping the jury trial in Bannock County, the step of limiting information to the public is one that must be taken.

"The trial judge has a major responsibility. What the judge says about a case, in or out of the courtroom, is likely to appear in newspapers and broadcasts. More important, the measures a judge takes or fails to take to mitigate the effects of pretrial publicity . . . may well determine whether the defendant receives a trial consistent with the requirements of due process . . . . The costs of failure to afford a fair trial are high." *Nebraska Press Association v. Stuart*, 427, U.S. 837, 555, 99 S. Ct. 2791, 2801, (1976). The Court's duty to protect Mr. Adamcik's right to an impartial trial begins **now**.

---

<sup>7</sup> Rumors abound that the show *48 Hours* has contacted the States for the purpose of reporting an "exposé."

<sup>8</sup> If, as the State promises, the video is played to the media at the Preliminary Hearing, the proverbial "bell" will have been "rung." There will be no opportunity to repair the damage that will occur once this reporting is complete.

6. The United States Supreme Court has created a test to determine if an Order like this is appropriate, and the test is satisfied in this case.

In the *Nebraska Press* case, the United States Supreme Court put forth a three-point test to determine whether an Order Sealing Proceedings, such as the one requested by Mr. Adamcik, is appropriate. The Court held, "To issue a [Gag] Order, we must examine the evidence before the trial judge when the order was entered to determine (a) the nature and extent of pretrial news coverage; (b) whether other measures would be likely to mitigate the effects of unrestrained pretrial publicity; and (c) how effectively a restraining order would operate to prevent the threatened danger." *Nebraska*, 427, U.S at 562, 96 S.Ct. at 2804.

106  
a. The pretrial publicity in this case is extensive and has been extremely sensational.

Here, the Court has no alternative but to issue a "Gag" Order. The Court can readily see that there have been extensive and sensationalist news stories through the print and visual media. One example of the sensationalist nature of the reporting is found in an October 3, 2006 news article by the Idaho State Journal.<sup>9</sup> In a deep exploration of Mr. Draper's (who is a codefendant in this case) website, the article refers to Mr. Draper's atheist beliefs, his tribute to the students at Columbine, and his infatuation with the heavy metal group "Slipknot." The clear inference is that since Mr. Draper was arrested, he is obviously guilty and attempts to explain what motivated his alleged actions. The implication is that since Mr. Draper listens to this type of music he was driven to commit a murder. To drive this point home, on Sunday, October 8, 2006, the Idaho State Journal ran an article on "Slipknot" and heavy "death" metal.<sup>10</sup> The article explores the violent lyrics of groups such as "Slipknot," and the correlation between the lyrics and violence perpetrated by teenagers. Once again, the clear and direct inference is that if Mr. Draper and Mr. Adamcik listen to "Slipknot" they were persuaded or motivated to act violently, and therefore, murdered Ms. Stoddart. There is no other way to read this.

<sup>9</sup> *Id.* at Exhibit 2(o). It should also be noted that the Idaho State Journal is the only newspaper servicing Bannock County, Idaho.

<sup>10</sup> *Id.* at Exhibit 2(s).

Another article quoted a 16 year-old at Pocatello High School making incredibly inflammatory and accusatory statements. “[Draper] would brag last year that he plans different ways to get away with murder. He always wanted to stab someone. He also talked about doing a school shooting.”<sup>11</sup> This statement, which is one of many (See attached articles) does nothing more than convict the accused before any admissible evidence is presented in Court, as our system of justice requires.

107  
The articles did not stop there, however. In an article subtitled “*Any link to Nori Jones murder?*” the Idaho State journal attempts to tie, without any real evidence, Mr. Adamcik to the Nori Jones murder in 2004. The article, based on mere coincidences, proffers, “The gray two-story house where Torey Adamcik grew up sits unoccupied. . . . From the upper windows of his former home at 835 Nixon Street there is an almost direct line of sight to the small white house less than 100 yards away where Nori Jones was found dead two years ago Thursday. Jones murder remains unsolved.”<sup>12</sup> Where, exactly, is the Journal going with this? It is almost as if the allegations regarding the murder of Ms. Stoddart are not horrific enough. The Journal, by making such implications, asserts that Torey Adamcik has been tried and convicted for Ms. Stoddart’s death before it actually has happened. Therefore, since this “trial and conviction” has occurred, now we have other mysteries to solve, so, now we are to believe that Mr. Adamcik, who would have been 14 years-old at the time of Ms. Jones’ death, committed TWO murders, not just one. This article, in and of itself, is proof why the media intrusion must cease immediately.

The visual media has also been inflammatory. Immediately after the Hearing on October 12, 2006, Ms. Stoddart’s father gave an interview and was, understandably, upset. He told the interviewer, while images of Mr. Adamcik and Mr. Draper (wearing inmate clothing at the Bannock County Jail) flashed across the screen, of his belief that the defendants were guilty. He also stated that he wished for them to “spend the rest of

---

<sup>11</sup> *Id.* at Exhibit 2(d).

<sup>12</sup> *Id.*

their lives behind bars.” Immediately following, the Chief Deputy Prosecutor spoke of “overwhelming” evidence against the defendants.<sup>13</sup>

Since Mr. Draper and Mr. Adamcik are being jointly prosecuted, there is simply no way to segregate the sensationalist nature of these articles between the two defendants. At this point, any taint directly applied to Mr. Draper equally taints Mr. Adamcik, and *vice versa*. At the time of this filing, no evidence has been presented against Mr. Adamcik in the court system. The stories have accomplished nothing more than to “flame the fire” of guilt against the charged defendants. This, coupled with the other numerous articles, demonstrates the extensive nature of the media coverage. The articles and stories invariably infer Mr. Adamcik’s guilt.

6. *A sealed Preliminary Hearing and a “Gag” Order is the only alternative that will accomplish the goal of a fair and impartial jury pool.*

The next inquiry is whether other measures will likely mitigate the effects of unrestrained pretrial publicity. As it is, the Court is left with a simple choice. The State has indicated it plans to present an inflammatory video at the Preliminary Hearing. If the media report the contents of the video, or if prosecution and/or law enforcement officials are allowed to discuss the contents of the video with the media, the facts of the case will be reported, and the result will be extremely prejudicial.<sup>14</sup> The result of such disclosure to the press is that there will be absolutely no chance that a fair and impartial jury can be selected from the Bannock County pool.<sup>15</sup> Furthermore, if such disclosure is made, it is likely that national media will become involved, and it will be unlikely that a fair trial can be held anywhere in the State of Idaho. The only alternative is that the Court stop this from happening. The Court has a clear opportunity that must be taken now.

To be clear, Mr. Adamcik is not arguing that the State be disallowed from presenting whatever evidence it feels necessary at the Preliminary Hearing- including the

---

<sup>13</sup> The State is certainly entitled to its opinion as to the strength of its evidence. However, ultimately, the strength of the evidence is a question for a jury. Such prosecutorial pretrial statements tend to taint the jury pool, and they are not conducive to finding a fair and impartial trier of fact.

<sup>14</sup> It should be remembered that the video is only a small part of the information in this case, and is in no way complete. Sixteen year old Torey Adamcik should at least have the opportunity to see all evidence against him before he is convicted without a trial.

<sup>15</sup> It already may be too late due to the prejudicial pretrial attention, but it will be impossible after the Preliminary Hearing.

video. In contrast, Mr. Adamcik is simply requesting that the Court preserve the right to a fair trial, by preventing public disclosure of **partial and inflammatory information** by the State, through the media. The State and its agents must refrain from discussing the subject matter with the public until trial. At that time, the jury will be hearing **all** the evidence, and watching the video at the same time as the public. Therefore, no prejudice to the jury pool occurs. The public also is afforded its right to know, and all First Amendment rights are maintained.

109  
c. The Restraining Order will be extremely effective in eliminating public consumption of the inflammatory video.

The last *Nebraska Press* inquiry is how effective the Restraining Order will be in to preventing the threatened danger. Continuing a Restraining/ “Gag” Order and sealing the Preliminary Hearing will cause the speculation to die down, at least for the present time. It will protect the family of the victim and of the accused from daily attacks on their peace-of-mind. It will prevent further taint of an already tainted jury pool. The Protective Order being sought is the **most** effective method to prevent and otherwise calm the frenzied pretrial publicity. There is no reason why publicity cannot wait until trial, preserving both Mr. Adamcik’s rights, and the community’s right to know.

7. Protection of Torey Adamcik’s family must be considered.

Cassie Stoddart is deceased. The crime was horrific. People in this community are understandably shocked and concerned. This is something that, very thankfully, does not happen often in our community. Hopefully, this will never happen again.

Against this backdrop, there are additional reasons why confidentiality is important. Mr. Adamcik has a family. This family is completely innocent. The charges and publicity alone are devastating to them. Disclosure of inflammatory information can put these families in harm’s way. They are subject to unnecessary public backlash and ridicule. By limiting the dissemination of partial information and evidence, the Court has the power to avoid this.

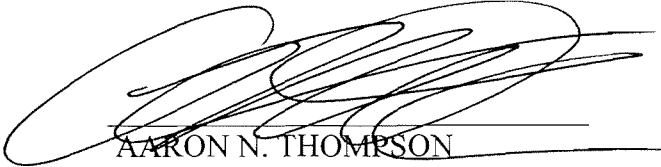
**III. CONCLUSION**

110

Mr. Adamcik has been charged and accused of committing a horrific crime. Until a jury of twelve finds Mr. Adamcik guilty of the crimes charged, he is afforded the presumption of innocence. He is also entitled to a fair and impartial jury. This Court has a duty to protect that impartiality. If the media is allowed to attend and/or report upon the contents of the Preliminary Hearing, there will be no chance of trying the case fairly in Bannock County, Idaho. Further, there may be a chance that no jury can be found in any jurisdiction in Idaho. The Court has the power to protect and preserve the rights of all members in our community, by staying true to the Constitution. This power not only includes preserving Mr. Adamcik's right to a fair and impartial jury trial, but also, those who follow. This Restraining Order must be issued now.

DATED this 9<sup>th</sup> day of October, 2006.

DIAL, MAY & RAMMELL, CHTD.

  
AARON N. THOMPSON



CERTIFICATE OF SERVICE

111  
I certify that on this date a copy of the *Memorandum in Support of Defendant Torey Adamcik's Motion For Closed and/or Sealed Preliminary Hearing and "Gag" Order* was served on the following named persons at the addresses shown and in the manner indicated.

Bannock County Prosecutor  
P.O. Box P  
Pocatello, ID 83205-0050

[X] U.S. Mail

Randall Schulties  
David Martinez  
Bannock County Public Defender  
P.O. Box 4147  
Pocatello, ID 83205

[X] U.S. Mail

DATED this 17<sup>th</sup> day of October, 2006.

  
DIAL, MAY & RAMMELL, CHTD.

ORIGINAL

*[Handwritten signature]*

Bron M. Rammell, Esq.  
Aaron N. Thompson, Esq.  
DIAL, MAY & RAMMELL, CHARTERED  
216 W. Whitman/P.O. Box 370  
Pocatello, Idaho 83204-0370  
Phone: (208) 233-0132 Fax: (208) 234-2961  
Idaho State Bar No. 4389  
Idaho State Bar No. 6235

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

vs.

TOREY ADAMCIK,

Defendant.

CASE NO. CR-2006-17983-<sup>4</sup>FE

**AFFIDAVIT OF AARON N.  
THOMPSON IN SUPPORT OF  
DEFENDANT TOREY ADAMCIK'S  
MOTION FOR CLOSED AND/OR  
SEALED PRELIMINARY HEARING  
AND "GAG" ORDER**

STATE OF IDAHO            )  
  : ss  
County of BANNOCK        )

I, Aaron N. Thompson, being first duly sworn, depose and say:

1. I am one of the attorneys for Defendant, Torey Adamcik.
2. Attached are true and correct copies of the following articles, taken from the Idaho State Journal:
  - a. Local teen killed  
9/25/06
  - b. Police seek killer  
9/26/06
  - c. Arrests made in girl's death  
9/28/06

*112*

- 119
- d. Two Pocatello High students accused of killing classmate  
9/29/06
  - e. Teens shocked at identity of accused  
9/29/06
  - f. One teen once lived near site of two-year -old murder  
9/30/06
  - g. Possible links to 2004 death checked  
9/30/06
  - h. City Mourns  
9/30/06
  - i. Bail revoked for suspects in killing of local girl  
9/30/06
  - j. Murdered girl's funeral draws 500  
10/01/06
  - k. Community left with tough questions after tragedy  
10/01/06
  - l. Views on the street  
10/01/06
  - m. Investigators turn to processing evidence  
10/02/06
  - n. Site raises questions  
10/03/06
  - o. Prosecutor: Video is 'key piece of evidence'  
10/03/06
  - p. Fraternity fundraiser to aid murder victim's family  
10/04/06
  - q. Judge may be disqualified  
10/06/06
  - r. Violent music  
10/08/06
  - s. Murder case offers opportunity to bring change

10/10/06

t. Hearing for murder suspects to go ahead

10/11/06

u. Second judge disqualified in murder case

10/13/06

v. Showing support

10/16/06

w. New hearing date set in murder case

10/17/06

x. New judge in Stoddart murder trial has ties to PHS

10/18/06

FURTHER AFFIANT SAYETH NAUGHT

DATED this 19<sup>th</sup> day of October, 2006.

  
AARON N. THOMPSON

SUBSCRIBED AND SWORN to before me, Notary, this 19<sup>th</sup> day of October, 2006.

(Seal)

\_\_\_\_\_  
NOTARY PUBLIC OF IDAHO  
Residing in: Pocatello, Idaho  
Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the *Affidavit of Aaron N. Thompson* was served on the following named persons at the addresses shown and in the manner indicated.


Bannock County Prosecutor  
P.O. Box P  
Pocatello, ID 83205-0050

Facsimile  
 Hand Delivery  
 U.S. Mail

115  
Randall Schulties  
David Martinez  
Bannock County Public Defender  
P.O. Box 4147  
Pocatello, ID 83205

U.S. Mail

DATED this 19<sup>th</sup> day of October, 2006.

  
DIAL, MAY & RAMMELL, CHTD.

# Local teen killed

## Girl's body found in home north of Chubbuck



Journal photo by Justin Duplechan

Investigators process the inside of a home Sunday night for information on a suspected homicide at 11372 Whispering Cliffs Drive north of Chubbuck.

## Authorities investigating death as possible homicide

By Debbie Bryce and Greg McReynolds  
Journal Staff

A Pocatello High School student was found dead Sunday afternoon in a home north of Chubbuck and authorities said they are investigating the incident as a homicide.

Bannock County Sheriff Lorin Nielsen said the 16-year-old female victim, who has not been identified pending notification of kin, was house sitting at 11372 Whispering Cliffs

Drive at the time she died. She was discovered by the owners of the home Sunday afternoon.

"When the family came back from vacation about 1 p.m., they discovered the body and called 911," Nielsen said. "They fortunately did not disturb too much of the crime scene."

Nielsen declined to speculate about a cause of death, but did note that the victim had visible wounds.

"The circumstances are such we're handling it as a homicide," he said, adding that the cause of the wounds was also undetermined. "As for cause of death, we are going to wait until the coroner does the autopsy."

Late Sunday night, an armada of police vehicles still surrounded the stone-faced two-story home. Investigators wearing white hazmat style suits milled around an area cordoned off with

See **HOMICIDE**, A6

## Homicide

Continued from A5

A bright tungsten light and the hum of a generator that powered it disturbed the otherwise peaceful neighborhood located off Hilline Road near Treee.

Neighbors remained inside their mostly darkened homes and only police were visible on the rural street.

Still on the scene at about 9:30 p.m., Nielsen said that the family who owned the home had gone on vacation Friday and the victim's mother had dropped her off that evening.

"The last person that we've known to see the victim alive was the mother (of the victim)," he said. "Obviously she was alive on Friday, and so some time between then and Sunday afternoon was the cause of death," Nielsen said.

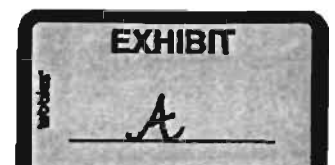
Investigators are currently questioning friends and neighbors of the victim and are also talking to residents in the area where the victim was killed.

The Bannock County Sheriff's office is the heading up the investigation with assistance from Pocatello police and Idaho State Police. Nielsen said counselors would be on hand Monday morning for classmates of the victim to talk to at Pocatello High School.

"Obviously, this is a tragedy and we have all the resources we have working on this," he said. "We do not have any prime suspects right now. We are just following up leads."

Police ask anyone with information about the case to call the sheriff's department at 236-7123.

116



# Police seek killer

## No primary suspect in teen's death

By Jimmy Hancock  
Journal Writer

Bannock County Sheriff Lonn Nielsen said Monday his department has a number of leads, but they do not have a primary suspect in the murder of a Pocatello teen found dead Sunday afternoon.



STODDART

Cassie Jo Stoddart, 16, a Pocatello High School student, was housesitting last weekend for family members Frank and Allison Contreras when she was killed.

When the Contrerases returned to their home at 11372 Whispering Cliffs Drive just northeast of Chubbuck about 1 p.m. Sunday, they found Stoddart dead.

"As they went up to the stairs to their living room, they found Cassie dead," Nielsen said. "The nature of her wounds are such that we are handling this as a homicide."

Nielsen declines to comment on the wounds, saying only that it was obvious by looking at Stoddart what the cause of death was. He would not elaborate.

Paul Sisneros Jr., Stoddart's uncle, said the family had no comment at this time. Stoddart's stepmother, Yolanda Stoddart, did speak briefly Monday.

**Could murder be linked to an unsolved 2004 killing?**  
See A7

She described Cassie as a shy, pretty girl who was "getting good grades." She said Cassie had typical high school issues like not fitting in.

"She said there were some girls at her school who wouldn't talk to her," Yolanda said. "I told her they were probably jealous of how pretty she was."

Yolanda Stoddart said the family See TEEN, A7



Journal photos by Joshua Dupiechian

ABOVE: Bannock County deputy sheriff Clint Brown and his dog, Rex, search the sides of Hillside Road late Monday afternoon near the home where authorities are investigating the murder of a Pocatello High School student.



LEFT: Yellow crime scene tape surrounds a home at 11372 Whispering Cliffs Drive, the scene where authorities are investigating the homicide.

## Classmates recall murder victim as a kindhearted optimist

POCATELLO — Pocatello High School students who knew 16-year-old murder victim Cassie Stoddart dealt with their grief in different ways on Monday.

Stoddart, a PHS junior, was killed while housesitting for relatives at 11372 Whispering Cliffs Drive near Chubbuck.

A group of Stoddart's best friends checked themselves out of school and spent the day sharing their favorite stories about her. They speculated about why anyone would kill the girl

they described as a perpetual optimist with a kind heart.

"She was the nicest girl around," PHS senior Chris Terrace said. "She was always looking at the glass half full. The last thing she said to me was 'Chris, you're my best friend.' That's going to stay with me for the rest of my life."

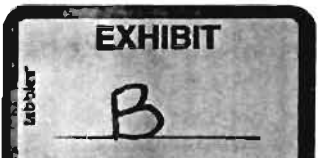
Fellow friend Robbie McCoy portrayed Stoddart as free spirited with a great sense of humor.

"If you were having a bad day, she always tried to cheer you up,"

added senior Robbie McCoy. "She was spontaneous."

Longtime PHS counselor Ralph Reavis has helped students deal with grief after a schoolmate was killed in a car accident or from suicide, but he has never comforted them in the wake of a friend's murder. Reavis said many students arrived at school Monday morning with no knowledge of what had occurred. Once they found out, many expressed to him feelings of shock and disbelief.

See PHS, A7





Journal photo by Doug Lindley

Pocatello High School counselor Ralph Reavis and Director for Secondary Education Robert Devine talk about the procedures that the School District follows when a student dies, as in the case of murder victim Cassie Stoddart.

# PHS

Continued from A1

"It's such a tender situation for us and for students at this point," Reavis said. "We want parents to visit with their children when they get home and during the rest of the week."

Reavis had to counsel students differently than he usually would because of the ongoing police investigation.

"Normally we would take kids in groups," Reavis said. "That's exactly the kind of thing that the investigators don't want."

— Casey Searles

# Teen

Continued from A1

spent Monday evening making funeral arrangements and that Cassie had been turned over to the family late in the day.

She said because of Cassie's injuries, the family opted for a closed-casket ceremony. She did not know when the funeral would be.

The Contreras were out of town last weekend, leaving about 4 p.m. Friday, Nielsen said. Stoddart was dropped off at the Contreras home at 5:30 p.m.

Nielsen said that three of Stoddart's friends arrived at the home some time after she did and left at 8:30 p.m.

"The last time we can document they saw her alive was at 8:30 p.m. (Friday)," Nielsen said.

Nielsen credits the Contreras family for preserving the crime scene by immediately calling 911 and following the operator's instruction to vacate the home until officers arrived.

"My office was the first to arrive and we secured the scene," Nielsen said.

Bannock Sheriff's Department is the lead on a multidepartment investigation that includes resources from outside Southeast Idaho.

Idaho State Police crime lab specialists arrived late Monday afternoon to investigate the scene. Also included in the investigation are Pocatello Police Department and the local ISP office, Nielsen said.

"The nature and the scope of this is such that we brought in other agencies," he said.

Nielsen said all three friends who were with Stoddart Friday night have been interviewed. He declined to say if any were discounted as suspects in the Stoddart's death, but reiterated there was no primary suspect yet.

The Contreras home is in the 2 1/2 Mile Road neighborhood just northeast of Chubbuck within Bannock County.

It's a split-level home set about 30 yards back from the road.

The entire property of about two acres was sectioned off Monday with yellow caution tape. The home, its yard and the perimeter was filled with about 20 local law enforcement officers. Roughly 10 of those were combing the backyard of the home, Nielsen said. It was standard procedure and the officers were looking for evidence.

He said the home showed no obvious signs of forced entry at first glance and he would not know if anything was stolen until the Contreras family was allowed back into the home.

"We put them up in a hotel (Sunday) night and again (Monday) and hopefully we can let them into the home on Tuesday," Nielsen said. "We are working on the homicide right now and then we will look into motive."

## Is it possible 2006 murder is connected to killing in 2004?

**POCATELLO** — The identity of the girl Cassie Stoddart, who died in a murder case almost a year ago, was reported in her Pocatello home. Relatives for whom Stoddart, Pocatello, was recovering from her two-week stay in a hospital after she was shot on Sunday afternoon when she returned home from a vacation, a cousin, a friend and Jones, 23, lived in the home. Stoddart died after she failed to answer the door that morning.

Detectives are still piecing together the details of the Stoddart murder case. Jones' case remains unclear.

Devine said it will be difficult to say if the two cases are connected. Bannock County Sheriff Linn Nielsen said it is possible.

### Learn More

Stoddart's death in 2004 was the first murder case in Pocatello since the death of a young woman in 1999. The case was linked to a murder in 2004. Jones' case remains unclear.



JONES

Stoddart's death in 2004 was the first murder case in Pocatello since the death of a young woman in 1999. The case was linked to a murder in 2004. Jones' case remains unclear.

Pocatello Police Agency on the same day as the Stoddart murder, the name of Stoddart was multiple in the Stoddart case. The investigation was led by Detective Sgt. Steve Nielsen. The case was linked to a murder in 2004. Jones' case remains unclear.

Nielsen said the case was linked to a murder in 2004. Jones' case remains unclear. Nielsen said the case was linked to a murder in 2004. Jones' case remains unclear.

— Casey Searles



119



AFTER EMOTIONAL WIN, CENTURY BACK ON TRACK, B1

# Idaho State Journal

THURSDAY, SEPTEMBER 28, 2006

50 CENTS

SERVING SOUTHEAST IDAHO SINCE 1892

IDAHOSTATEJOURNAL.COM

## Arrests made in girl's death

### Police take two suspects into custody late Wednesday night

By Jimmy Hancock and Dan Boyd  
Journal Writers

Authorities made two arrests late Wednesday night in connection with the recent death of a 19-year-old high school student.

The identity of the arrested individuals was not released, but both Pocatello Police and Bannock County Sheriff Loris Nielsen confirmed the occurrence.

"Warrants are being served right now as we speak," Nielsen said at about 11 p.m.

A news conference is scheduled at 1:30 p.m. today and Nielsen said Bannock County Prosecutor Mark Heideman

will be in charge of revealing the details. Pocatello Police Department Sgt. Jerry Van Vleet said he saw individuals in handcuffs being taken into custody in connection with the case late Wednesday night, three days after Cassie Jo Stoddart was found dead.

Stoddart had been house-sitting for

relatives in the 1 1/2 Mile Road neighborhood in Blainock County, northeast of Pocatello.

Nielsen said search warrants were served on two houses and one vehicle, which was eventually impounded, in Wednesday's whirlwind developments.

See ARREST, A6

Pocatello High School senior Jordyn Passey, 17, adds to the detail of a painting of slain PHS student Cassie Jo Stoddart Wednesday afternoon in front of the high school. The high school art club decided to paint a memorial to Stoddart.

Journal photo by Bill Schaefer



119



# Arrest

Continued from A1

"Things can happen really fast," Nielsen said.



**CASSIE JO STODDART**

Both the arrested individuals are being held in the Bannock County Jail, though Nielsen said a clear motive for the killing hasn't been determined.

"I still don't know why," he said.

Earlier Wednesday,

Bannock County Coroner Jim Allen classified Stoddart's death as violent, although he declined to give a specific cause.

Allen said information his office has gathered about Stoddart's death is part of an active investigation and he could not share any of those details.

While there is a method to the autopsy process that is standard, Allen said those considered potential murder victims are handled slightly differently because of prosecution concerns.

"The body handling and the chain of evidence has to be handled more methodically," Allen said. "You have to be able to show in the courtroom that procedures were handled properly."

## MEMORIAL FUND

POCATELLO — The Cassie Jo Stoddart Memorial Fund was set up Wednesday afternoon at the Ireland Bank in all locations by Carl and Theresa Durk, owners of Maple Street Sit N'Sleep.

Cassie's stepfather, Victor Price, employee of the Durks' business, has been part of Cassie's life since she was three. "Victor and I work side by side six days a week," Carl said. "Cassie's mother, Anna Stoddart, is employed by Gifts of Joy. Victor and Anna are family-oriented and really good citizens."

If you have questions about the memorial fund, the Durks can be reached at their business phone, 233-1099.

Stoddart, a 16-year-old Pocatello High School junior, was last seen alive by three classmates who visited her at that home Friday, leaving her alone there at 8:30 p.m. Nielsen said it's the last documented contact with the girl.

She was found dead by family members returning home Sunday at about 1 p.m. after a weekend away from home.

Nielsen's department is the lead investigator in the case and he has solicited a number of agencies help in gathering evidence including Pocatello Police Department, Idaho State Police crime lab personnel and even the FBI.

"It's important to gather all the evidence you can in the first 48 hours," Nielsen said.

"Physical evidence is what applies to that 48-hour period. That's why we have pretty much been at the crime scene 24 hours a day."

He said the more time that passes the more contaminated forensic evidence can become. He said other evidence, such as testimony, has no timetable.

Nielsen hopes to be able to turn the home back over today to Frank and Allison Contreras, owners of the home at 11372 Whispering Cliffs Road, where Stoddart was killed. The Contreras family has been living in a motel since discovering Stoddart Sunday.

*Jimmy Hancock covers crime and courts for the Journal. He can be reached at 239-3137 or by e-mail at jhancock@journalnet.com.*

CASSIE JO STODDART MURDER

# Tragedy grips community

Pocatello High students  
 mourning killing classmate

Thursday at  
 got with fa-  
 300000.  
 by Michael  
 noted late  
 of with one  
 conspiracy.  
 The two  
 are accused  
 terrorists.  
 to be poly-  
 during the  
 that and  
 violence we  
 st, that's  
 a lack of a  
 the domi-  
 s fall," said  
 city Sheriff



TOREY ADAMCIK



BRIAN DRAPER

if the boys  
 feet to the  
 one "nop-  
 tough still  
 two were  
 talk.  
 I be treated  
 is and pur-  
 today fur-  
 suits," said  
 city Prosec-  
 law allow  
 against ju-  
 book jurist,  
 is the 2 1/2  
 with County  
 found dead  
 no relatives  
 way.  
 th close as  
 at Thursday  
 stabbed to  
 BREYER, 46



ABOVE: Ronald Stoddart, biological father of Cassie Stoddart, and his wife, Yolanda, embrace while visiting with Pocatello High School students and their art teacher, Bob Beason, Thursday morning. Beason said they have been working many hours paying tribute to Cassie Stoddart. "We've been working on lunch hours, prep hours and after-school hours," said Beason. Beason also said he and some of the students plan on camping near the rock tributes this weekend to make sure no one defaces the artwork.

RIGHT: Bannock County Sheriff  
 Lorin Nielsen speaks to the  
 media about arrests made in  
 the recent murder of Pocatello  
 High School student Cassie  
 Stoddart with the prosecutor's  
 office staff and Pocatello Police  
 Chief Ed Guthrie present  
 on Thursday.



## LINK TO NORI JONES KILLING?

lived near site of two-year-old murder

last year and now owners pur-  
 chased the home.  
 Stoddart, a 14-year-old  
 Pocatello High School student,  
 was killed almost exactly two  
 years after Jones and while  
 police have yet to reveal many  
 details of Stoddart's death, po-  
 lice acknowledge that both  
 died in water outings.  
 Pocatello Police Chief Ed  
 Guthrie did save the anniversary of  
 Jones' death during a press conference  
 Thursday, but didn't go any further.  
 "What I can say is we have found  
 nothing of evidentiary value that con-  
 nects these two children," he said. "We

"I've always felt like if some-  
 one knew and was watching, it  
 could be a neighbor... It just  
 makes you wonder."  
 — Lynette Chavez, who used to live next  
 door to Torey Adamcik  
 have found nothing to connect them."  
 Vic Pearson, Bannock County assis-  
 tant chief criminal justice attorney,  
 also said there was currently no con-  
 nection between the cases.  
 See JONES, A1

## STUDENTS REACT

Teens shocked at identity of accused

By Casey Santee  
 Journal Staff  
 Thursday  
 As students discussed the arrest of  
 Brian Draper, 18, and Torey Adamcik,  
 18, their collective reaction was of  
 shock and anger.  
 See STUDENTS, A8

EXHIBIT  
 D, E, F

121

# Arrests

Continued from A1  
 death, likely Friday night. Although he would not give a precise timeline of events, Nielsen did give a loose idea of the comings and goings that night.

"The mother dropped off (Stoddart) and her boyfriend at the residence," Nielsen said. "Two of their friends came over and they spent some time together. They allegedly had left. The boyfriend had also left with his parents late in the evening."

Nielsen said the two friends were Adamcik and Draper, but he wouldn't say what time they returned and allegedly killed Stoddart. He also had something to say about the boyfriend.

"I know there has been an awful lot of speculation about her boyfriend who was there," Nielsen said. "As of right now we have not found evidence to connect him to this."

Nielsen went on to say the boyfriend, whose name has not been released because he is a minor, is not a prime suspect, but is a person of interest similar to other people surrounding the case including the family member who found Stoddart Sunday.

Nielsen said the boyfriend took a polygraph test and was found to be "not deceptive."

By Thursday afternoon Draper and Adamcik were in front of

Sixth District Judge O. Lynn Brower for an initial hearing. The boys were seen in the courtroom via closed-circuit television. Brower informed the two of the charges against them and then turned to attorneys to discuss bail.

The Bannock County Prosecutor's Office said earlier in the day it would seek \$1 million bail for each teen. In Brower's court, however, Deputy Prosecuting Attorney Zachary Parris asked the judge to withhold bail entirely.

Parris cited the heinous nature of the crime, concerns for the safety of the community as well as the safety of Draper and Adamcik as reasons the two should remain in custody. He also mentioned concerns over the two fleeing.

The attorneys for Adamcik and Draper, Bron Ramonell and David Martinez, both of Pocatello, requested the boys be released on their own recognizance or \$100,000 bail maximum. Brower set the bail at \$1 million each giving no explanation for the amount.

Although Idaho law allows a death sentence for first-degree murder, because of their age, the maximum penalty the teens are facing is life in prison, said Vic Pearson, of the Bannock County prosecutor's office.

Also in the courtroom were several Pocatello High School

students. While they all said they knew Adamcik only in passing, a couple of the students knew Draper very well.

"Brian would brag last year that he plans different ways to get away with murder," said Skyler Pulley, a 16-year-old sophomore. "He always wanted to stab someone. He also talked about doing a school shooting."

Pulley said no one ever reported this talk to authorities as far as he knew. He said it might be because Draper was also considered a class clown of sorts.

"He was the guy always pulling a practical joke," Pulley said.

Neither Nielsen nor Hiedeman at a press conference Thursday would give information about their case against the two youths, saying it would compromise their ability to prosecute them.

Hiedeman said he must think about the whole process including that time when jury selection comes.

"We don't want to tarnt jury any more than we have to," Hiedeman said. "Press conferences like this will taint a jur enough without us talking about any lurid details or any evidence we may have to present. I want a jury to be able to see this, and hear that for the first time in court and not to see it on the front page of the paper."

# Idaho Sta

FRIDAY, SEPTEMBER 29, 2006

50 CENTS

SERVING SOUTHEAST IDAHO SINCE

CASSIE

# Tragedy gi

## Two Pocatello High students accused of killing classmate

By Jimmy Hancock  
 Journal Writer

POCATELLO — Bail was set Thursday at \$1 million each for two teens charged with fatally stabbing 16-year-old Cassie Jo Stoddart.

Brian Lee Draper and Torey Michael Adamcik, both 16, were arrested late Wednesday and were each charged with one count of first-degree murder and conspiracy to commit first-degree murder. The two Pocatello High School students were arrested after taking polygraphs, or lie-detector tests, Wednesday.

"The parents brought them in to be polygraphed and during the interviews of that and (with) other evidence we had received, that's when, for the lack of a better word, the dominoes began to fall," said Bannock County Sheriff Lorin Nielsen.

Nielsen said the boys did not confess to the murder but were "cooperative." Although still minors, the two were charged as adults.

"They will be treated for all intents and purposes from today forward as adults," said Bannock County Prosecutor Mark Hiedeman. "Idaho law allows any murder case, even though it's against juveniles, to be charged as adults."

Stoddart, a Pocatello High School junior, was housesitting for relatives in the 2 1/2 Mile Road neighborhood in Bannock County northeast of Chubbuck. She was found dead Sunday around 1 p.m. when those relatives returned home from a weekend away.

Police held the cause of death close as they investigated the murder, but Thursday authorities revealed the girl was stabbed to

See ARRESTS, A6



TOREY ADAMCIK



BRIAN DRAPER



STODDART

Family of murder victim speaks out. See page A6.

### CANDLELIGHT VIGIL

Pocatello High School students will have an all-night candlelight vigil Friday night in memory of their slain classmate, Cassie Jo Stoddart. It will be held near the memorial boulder in front of the school after the Highland-Pocatello High football game.

events. He said it is disturbing to learn such serious issues exist between students.

"We don't know what precipitated this," Cotant said. "We are very saddened - not only for the victim, but also for the families of those arrested."

Senior Jason Allmond said he couldn't believe anyone could be driven to commit such a violent crime.

"I'm at a loss of words right now," Allmond said. "A bunch of questions are running through my head right now - mostly why. Why her? Why someone so young?"

## Students

Continued from A1

The PHS juniors are charged with first-degree murder for allegedly stabbing 16-year-old Cassie Stoddart to death while she was housesitting for relatives on Whispering Cliffs Drive this weekend. Her aunt and uncle discovered Stoddart's body when they returned home from vacation Sunday afternoon.

Senior Mellyssa Swan attended classes with the suspects and didn't notice anything unusual about them.

"This is my senior year and since I've been here nothing like this has happened," Swan said. "It makes you think of reality. Life could be over in a second."

Swan said one of the counselors approached her after she heard about the arrests.

"I had a look of shock," Swan said. "I got lightheaded. I knew Cassie, too. She was sweet and generous."

PHS Principal Don Cotant said it will take students and staff time to heal from the week's traumatic

## Jones

Continued from A1

While police downplayed any connection between the two murders Thursday, neighbors in the area were left wondering about the similarities between the two deaths.

"I can see her house from my house," said Lynette Chavez, who used to live next door to Adamcik.

She remembers Nori Jones as the woman who came to her daughter's rescue.

"About a year before (Nori's) death, my 12-year-old daughter was hit by a car," Chavez said.

She said Nori is the one who called her to work.

"She was just so calm," Chavez said. "She was our angel. Nori just held her the whole time until the ambulances got there. I still have a picture of me and her and my daughter on my fridge."

Besides remembering Jones as an angel, Chavez also remembers the fear that accompanied Jones' death.

"Detectives told me whoever did it knew her schedule," she said. "I've always felt like if someone knew and was watching, it could be a neighbor... It just makes you wonder."

### ANY LINK TO NORI JONES KIL

## One teen once lived near site of tw

By Greg McReynolds  
 Journal City Editor

POCATELLO — The gray two-story house where Torey Adamcik grew up sits unoccupied on a quiet street lined with mail boxes and pickup trucks.

From the upper windows of his former home at 835 Nixon St. there is an almost direct line of sight to the small white house less than 100 yards away where Nori Jones was found dead two years ago Thursday. Jones' murder remains unsolved.

Adamcik, 16, was one of two teens charged Thursday with first-degree murder in the killing of Cassie Jo Stoddart. He moved away from the house

last year and new owners purchased the home.

Stoddart, a 16-year-old Pocatello High School student, was killed almost exactly two years after Jones and while police have yet to reveal many details of Stoddart's death, police acknowledge that both died in violent stabbings.

Pocatello Police Chief Ed Guthrie did note the anniversary of Jones' death during a press conference Thursday, but didn't go any further.

"What I can say is we have found nothing of evidentiary value that connects these two incidents," he said. "It

"It

ONI

COI

MI

-

-

-

-

-

-

-

-

-

-

CASSIE JO STODDART MURDER

Possible links to 2004 death checked

No connection yet found to Nori Jones

POCATELLO — Police Chief Ed Guthrie said authorities are actively investigating any possible link between the murder of Pocatello High School student Cassie Stoddart last weekend and that of car-renter Nori Jones also exactly two years before-hand.



NORI JONES

Stoddart, 15, was fatally stabbed while house-sitting for an ailing sister on Wednesday night. Jones was stabbed to death at her Fox Line Road home on Sept. 28, 2004. Two of Stoddart's classmates, Brian Draper and Tony Adanck, both 16, were arrested Wednesday night and charged with first-degree murder and conspiracy to commit first-degree murder in the case of Jones' murder, which remains unsolved. Adanck lived less than 100 yards away from Jones on Nixon Road.



Pocatello High School junior Delacy Beach, 15, tries to keep her candles lit during a vigil for Cassie Jo Stoddart, a murder victim, at the memorial rock at Pocatello High School Friday night.

City mourns

Residents remember teen at viewing, candlelight vigil

By Jimmy Hancock

POCATELLO — The yellowish light of hundreds of candles lit up the porch of Cassie Jo Stoddart on the "memorial rock" at Pocatello High School as friends of the murdered teen gathered to remember her last Friday night. Classmates of the 15-year-old student said they wanted to be there together to remember Stoddart. "There will probably be about 10 of us here all night," said Dustin Little, a senior

and a representative of the school's art club. "There's been somebody lit the rock all the time since we started putting it." The students passed the rock with an image of Stoddart on Wednesday. Little said the rock will be passed once more Friday. The vigil was one of several memorials for Stoddart, who was stabbed to death last weekend at the house set for relatives at the 2 1/2 block neighborhood in Sunrock County northeast of Chubbuck.



CASSIE JO STODDART

ONLINE TRIBUTES Visit the Community Blog at idahostatejournal.com to post your tributes to Cassie Jo Stoddart.

Bail review for suspect in killing local girl

Authorities deny existence of link

By Casey Searles

POCATELLO — Authorities are reviewing the bail of a suspect in the killing of a local girl, but they deny any link to the 2004 murder of Cassie Jo Stoddart. The suspect, a 16-year-old male, was arrested on Wednesday night and charged with first-degree murder in the killing of a 15-year-old girl. The girl was found in a wooded area near her home on Friday. The suspect's bail is currently set at \$1 million. Authorities are reviewing the bail to ensure it is appropriate given the severity of the charges. The review process is ongoing, and a final decision is expected within the next few days.



# Bail revoked for suspects in killing of local girl

## Authorities also confirm existence of videotape

By Casey Serwer  
Journal Writer

POCAHONTO — Magistrate O. Lynn Bower on Friday revoked a \$1 million bond for two Pocahontas High School students charged with murdering 16-year-old classmate Cassie Jo Stoddart last weekend. Hancock County Prosecutor Mark Hiedeman also confirmed the existence of a videotape made by Adamcik and Draper.

Bower's decision, which officials say follows new and substantial evidence uncovered Friday, means Tony Adamcik and Brian Draper, both 16, will remain behind bars for the time being. Both boys, who were arrested Wednesday night, are charged as adults with first-degree murder and conspiracy to commit first-degree murder.

"We filed a motion to revoke the million-dollar bond and impose a re-bond. We were going to have a hearing this afternoon. We discovered some further evidence that we felt the court should know about," Hiedeman said, though he declined to detail that evidence.

Hiedeman said the attorneys of both suspects agreed to the charge, something he acknowledged was unusual.

Meanwhile, Hiedeman said prosecutors have a videotape made by the defendants in their possession.

"We have a videotape," he said, though he also said it was not a tape of the killing.

When asked if there was a body on the tape, Hiedeman said "No."

He declined to say if the tape is proof of the killing.

Adamcik and Draper allegedly stabbed PHS classmate Cassie Jo Stoddart to death while she was house-sitting for relatives last weekend on Whispering Chiffs Drive-northeast of Chatham. The relatives found Stoddart's body in an upstairs living room when they returned home from vacation Sunday.



ADAMCIK



DRAPER



Journal photo by Bill Schwartz

her candles lit during a vigil for Cassie Jo Stoddart at Pocahontas High School Friday night.

# Burns

en  
vigil

leaf's art  
the nick  
ing it."  
ock with  
elay. Lit  
and liver

remains  
to death  
relatives  
of in Dan-  
with.  
JRM, AS

COM



CASSIE JO STODDART

See B10B, A5

124



## Bond

Continued from A1

While the maximum penalty for first-degree murder is death, prosecutors said since the defendants are minors, life in prison is the harshest sentence the law allows.

Bannock County Sheriff Lorin Nielsen said Friday that although the murder investigation remains open and active, he doesn't anticipate any more arrests.

Nielsen said rumors about the case are running rampant in the community. He mentioned one of them he wanted to quickly dispel — that Stoddart's boyfriend was involved in the murder.

"The boyfriend is cooperating fully and right now he is not a prime suspect," Nielsen said.

Authorities previously said the unidentified teen was at the Whispering Cliff's Drive home Sept. 22 along with the suspects, but he left with his mother before Draper and Adamcik allegedly killed Stoddart.

Nielsen also pointed out that Draper and Adamcik didn't take polygraph tests before their arrests Wednesday night despite widespread media reports saying otherwise.

"They came in to take polygraphs, but didn't actually take them," Nielsen said. "Most of the important information came out during interviews."

Nielsen said he also wants the public to know that while the arrests came just three days after the discovery of Stoddart's body, the public shouldn't expect the investigation to unfold like an episode of the TV program "CSI." He said forensic tests performed on trace evidence, such as DNA, collected at the crime scene will take months to analyze. However, he said results of a rape kit conducted at the scene to determine if Stoddart was sexually assaulted, as well as other pathology tests, will be forwarded to Hiedeman in the coming weeks.

Nielsen said "48 Hours" and other national news programs have contacted him this week hoping to cover the gruesome case.

The sheriff declined to say if authorities have recovered a murder weapon or what the motive was.

"My first obligation is prosecution, which is why we're not disclosing much," Nielsen said. "I know people want to know everything now. We understand their frustration. I feel after all the evidence is out, there are some serious issues the community will need to discuss."

Casey Santree covers education for the Idaho State Journal. He can be reached at 239-3135, or by e-mail at [csantree@journalnet.com](mailto:csantree@journalnet.com).

## COMMUNITY BLOG

"The biggest loss was to Cassie herself. A young high school junior said to have good grades and a bright outlook, who was talking of one day going to college, has had her future ripped from her. No university, no husband, no children, no high school graduation, not even a ju-



Journal photo by Andrew Duplehman

Family, friends and community members file into St. Anthony's Catholic Church for the viewing of local high school student Cassie Jo Stoddart Friday evening in Pocatello.

nior prom. Her family is now left with a tremendous void. It's a void that will never be filled."

For the rest of Reporter Jimmy Hancock's column on Cassie Jo Stoddart's murder, visit the Community Blog at [idahostatejournal.com](http://idahostatejournal.com).

## Mourns

Continued from A1

Thursday, two schoolmates, Torey Adamcik and Brian Draper, both 16, were arrested and charged with first-degree murder and conspiracy to commit first-degree murder.

Friday evening's memorials to Stoddart began at the St. Anthony's parish of Holy Spirit Catholic Community where the family held a visitation from 7 to 9 p.m.

More than 200 people attended the memorial at the church on Seventh Avenue in Pocatello. Anna Stoddart, Cassie's mother, cried as she twice kissed the burgundy coffin within which her daughter lay.

Anna and several other family members started making their way to the front of the sanctuary, many of them stopping to hug and greet Bannock County Sheriff Lorin Nielsen before continuing on.

The Rev. Justin Brady of Holy Spirit Catholic Community presided over the service Friday. He said the entire church community was praying for the family.

"Their hearts are with you," Brady said. "We help to carry the sorrow of others in a very real way. Because we have the love we have for each other and Cassie, we are able to do that."

After the service, Brady said death in any form is difficult, but when it is violent and aggressive as was the case with Stoddart, it's especially difficult to handle.

Stoddart was also memori-

alized at the Black & Blue Bowl, the annual game between Highland High School and Pocatello High School.

Before the game players were asked to take a knee and remove their helmets while fans were asked to stand. A moment of silence was observed. Stoddart was also with every Pocatello Indian player.

"Each of the players has her initials on a band of tape around their arm," said Arnie Holmes, Pocatello High's defensive backs coach. "We also said a prayer for the family before the game."

Pocatello High School sophomore Sydnee Clinton, 15, said the week's events have taken a toll on the students.

"It's like a cloud of solemn," Clinton said. "There's no fire in the eyes like there usually is for Black & Blue."

That same solemn feeling was apparent earlier in the evening at St. Anthony's. As the burgundy coffin with Stoddart inside was rolled toward the front of the sanctuary, the hymn "Precious Lord, Take My Hand," was sung.

"When my way grows dreary, precious Lord linger near. When my life is almost gone, hear my cry, hear my call, hold my hand lest I fall. Take my hand precious Lord, lead me home," they sang.

Jimmy Hancock covers crime and courts for the Journal. He can be reached at 239-3137 or by e-mail at [jhancock@journalnet.com](mailto:jhancock@journalnet.com).

125



\$1.50

SERVING SOUTHEAST IDAHO SINCE 1892

WWW.IDAHOSTATEJOURNAL.COM

# Murdered girl's funeral draws 500

The casket of Pocatello High School student Cassie Jo Stoddart is trailed by family during the funeral for the murdered student Saturday at Pocatello's St. Anthony's Catholic Church.

Journal photo by Joshua Spector



## Family, friends remember Stoddart

By Debbie Bryce  
Journal Staff

POCATELLO — Shabby Hall and Lauren Parker, both 17, didn't know Cassie Jo Stoddart, but the Century High School students attended her funeral to show support for her family and the Pocatello High School community.

Both girls said Cassie's murder touched them deeply.

"This doesn't ever just happen here," Parker said. "This doesn't happen anywhere."

Hall's younger brother Ryan, 15, said he was shocked when two of Cassie's classmates were charged in connection with the Pocatello High School junior's death.

About 500 family members, friends, classmates

### Inside

■ Southeast Idahoans react to the killing of Cassie Jo Stoddart.

See A5, C3

and law enforcement officials filed St. Anthony's Chapel on Seventh Street to pay their last respects to Stoddart who was killed while house-sitting for relatives northwest of Chubbuck.

The family found her when they returned home Sept. 24.

See FUNERAL, A5

126





# Funeral

Continued from A1

Torey Adamcik and Brian Draper, both 16, were charged with first degree murder and conspiracy to commit murder in connection with Stoddart's death.

Bond was originally set at \$1 million, but Magistrate O. Lynn Brower revoked bail Friday after Bannock County Prosecutor confirmed that a videotape made by Adamcik existed.

Bannock County Sheriff Lorin Nielsen attended Saturday's service to pay his last respects to Stoddart.

"We've been following up on Cassie for a week now," he said. "We feel like we know her. This is our way to show her the respect she deserves."

Nielsen said 30 officers from the sheriff's office, Pocatello Police and the Idaho State Police

## Visit these blogs

■ Visit the Community Blog at [idahostatejournal.com](http://idahostatejournal.com) to post your tributes to Cassie Jo Stoddart

■ Journal editor Ian H. Fennell reflects on recent area violence.



investigated the murder and he said the nature of the case motivated the team.

"It's been very emotional," he said.

Nielsen said the multi-agency team set precedents in the

county and was an asset to the investigation.

Richard Hernandez, a friend of the Stoddart family, said Cassie's murder and the arrest of her classmates alarmed him.

"I just can't believe kids are killing kids," he said.

Dozens of floral arrangements stood behind Stoddart's casket, which was draped in white silk and family pictures and several of Stoddart's drawings were on display in the front of the chapel.

Father Enrique Tenquez said death can overcome quickly and suddenly and he urged Cassie's family and friends to find solace in the knowledge that God gives hope.

Mary Brownsky and Mendi Serpa performed four special arrangements and pallbearers



A funeral procession for Cassie Jo Stoddart makes its way down Fourth Street to Mountain View Cemetery early Saturday afternoon.

Journal photo by Joshua Dupireman

for Stoddart consisted of cousins and classmates.

Zerick Brown, 20, a close friend of Stoddart, said the ser-

vice was overwhelming.

He described Stoddart as outgoing and funny, she was buried at Mountainview Cemetery.

Debbie Bryce is the regional reporter at the Journal. She can be reached at 239-3132 or by e-mail at [dbryce@journalnet.com](mailto:dbryce@journalnet.com).

# Community left with tough questions after tragedy

The Portneuf Valley was shaken to its core when 16-year-old Cassie Jo Stoddart was found dead in her relatives' home a week ago. A beloved family member and classmate to hundreds at Pocatello High School was lost.

That wasn't all that was lost, though. In the days that have followed since the discovery of the stabbing victim, it's apparent every one of us who lives here has lost something.

The biggest loss was to Cassie herself. A young high school junior said to have good grades and a bright outlook, who was talking of one day going to college, has had her future ripped from her. No university, no husband, no



By Jimmy Hancock

children, no high school graduation, not even a junior prom. Her family is now left with a tremendous void. It's a void that will never be filled—one that may, with years and years, begin to shrink.

Those friends who were close to Cassie will live the rest of their lives with this traumatic episode, their worlds forever a bit less secure. Her schoolmates will forever talk of Cassie when they gather after high school

and at every reunion.

Now the Gate City has lost two more teens to this tragic incident. The two accused of brutally stabbing Cassie are in custody and face spending the rest of their lives in prison, too young to be given Idaho's stiffest penalty: Death.

Two more lives lost, families disrupted and friends left wondering why. Even more tragedy for the Pocatello High School students who were already wondering why one of their own was taken so young. They now have to cope with the how two teens they shared most of their school-age lives with could commit such a crime.

The friends of young Brian Draper and Torey Adamcik, the

boys accused in Cassie's death, are in disbelief. The boys' immediate families are faced first with the prospect of defending them, then with living in the community if the teens are found guilty.

The subtlest loss has to be that of the community itself. How could two teenage Pocatellans take the life of another teen, a schoolmate? Aren't we a community that cares about one another? Isn't this the place where we stop so others can cross the street, not because it's the law, but because we are expected to do the right thing?

The parents of every teen must now wonder if their child could end up like Cassie, the victim of a senseless crime, or

like Adamcik and Draper, accused of committing a heinous act. Even the most confident parents must be second-guessing themselves in at least some small way.

I believe our little corner of the world is a place where we are our brother's and sister's keepers, where our neighbor's children and their welfare are also our concern. This is the place where we pride ourselves on being involved with our children.

There are now questions that beg to be asked and answered.

Do we really know enough about our youth? Are we giving them too much "space" to be free. Are we headed down

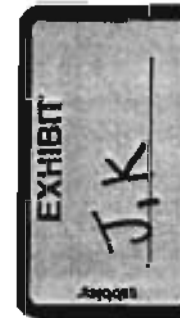
the path to becoming the next Columbine? When children are killing children, something has spun out of control.

We should all be concerned about whether this will be an isolated incident or the first in a string of events. Either way, it has to be considered a sign that there is a cancer, however small, among our youth. It's clearly time to consult a doctor.

Jimmy Hancock covers crime and courts for the Journal. He can be reached at (208) 239-3137 or [jhancock@journalnet.com](mailto:jhancock@journalnet.com).

■ To comment on this column visit the Community Blog at [idahostatejournal.com](http://idahostatejournal.com).

## Gay marriage



121

## Views on the Street

What are your thoughts on the recent murder of 16-year-old Cassie Jo Stoddart?

*"It's horrible. It's too close to home. You could never think that something like this would happen in Pocatello. What was in their minds?"*



— Caren Hill

*"We just moved here from a big city, and it's almost comforting to see that this kind of thing is such a big deal. A 16-year-old girl is always shocking, though. I think the biggest question is why."*



— Brita Peavey

*"Nori Jones was a friend of mine, and this of course brought it all back, but it's worse. I'm horrified. Who would want to hurt a little girl like that?"*



— Terri Walker

*"It's a sad state that we're having children murdered here in Pocatello. Terrible."*



— Jon Herrick

*"I just wonder what their motives are. It definitely raises paranoia, especially when you have kids going into high school."*



— Bob Tripp



NEW SPECIES OF BIRD DISCOVERED IN INDIA, C1

# Idaho State Journal



MONDAY, OCTOBER 2, 2006

50 CENTS

SHIPPING SOUTH/EAST IDAHO SPACE 21

IDAHOSTATEJOURNAL.COM



CASSIE JO STODDART

## Investigators turn to processing evidence

### Officials withhold motive for teen's slaying

By Debbie Bryce

POCAHELLO — Bannock County Sheriff Loris Nielsen said investigators spent Saturday bagging and labeling forensic evidence collected at the scene of the murder of a Pocatello High School junior. Nielsen said it could take several months to analyze DNA evidence in the case.

Cassie Jo Stoddart, 18, was found dead Sunday, Sept. 24, in a home north of Clubbuck where she had been house-sitting for relatives over the weekend. The family found her body when they returned home. The teenager was stabbed to death.

On Wednesday, Sept. 27, the sheriff's office arrested Tary Adamski and Brian Draper, both 18, on charges of first-degree murder and conspiracy to commit first-degree murder. Both boys attended Pocatello High School.

Magistrate D. Lynn Brower set bond in the case at \$1 million each on Thursday, Sept. 28, but revoked it the next day after Bannock County Prosecutor Mark Sandeman confirmed the existence of a videotape.

Nielsen declined to comment on the content of the videotape, but said it caused him to ask the court to revoke bail.

See MURDER, A1

*"It reminded us why we were police officers. We all have kids and grandkids of our own."*

— Bannock County Sheriff Loris Nielsen about the struggles officers faced in dealing with Cassie Jo Stoddart's murder



A6 MONDAY, OCTOBER 2, 2006

## Murder

Investigation  
"After a lengthy trial, we felt it would not benefit anyone to delay or get into a trial."

Nielsen emphasized that Adamski and Draper are innocent, were proven guilty after the boys were tried as adults in the capital crime, they're being separated from the general population at the Bannock County Jail due to their age and vulnerability.

While Nielsen said investigators believe they might have a motive for the murder, he said it would be up to the prosecutor to release that information.

He also declined to say if a murder weapon was located.

"For some reason we've been asked by the prosecutor not to discuss on that," he said.

Nielsen said law enforcement officials from Bannock County, Pocatello police and the Idaho State Police worked together on the murder case.

"There were fewer and not many," he said. "Everyone told me it was wonderful to work together. I've been getting lots of accolades, but it was a whole team that worked together well."

Nielsen said the investigation caused the officers to reflect on why they got involved in law enforcement.

"It reminded us why we were police officers," he said. "We all have kids and grandkids of our own."

Debbie Bryce is the regional reporter for the Journal. She can be reached at 228-2132 or by e-mail at dbryce@journal.com.

129

129



# Site raises questions

## Slaying suspect's Web site has Columbine references

By Greg McKeown  
Aurora City Editor

POCATELLO — The Web site of a Pocatello teen charged in the murder of 16-year-old Pocatello High student Cassie Jo Stoddart contains a memorial to several victims of the Columbine High School shootings in Colorado and a large amount of content dedicated to the band Slipknot.

Brian Draper's Web site, [fallenslipknot.tripod.com](http://fallenslipknot.tripod.com), is primarily dedicated to the heavy metal band Slipknot, but also contains information about the Columbine shootings, anarchy and dozens of reviews of energy drinks.



DRAPER

Police would not give specifics of the investigation, but did say they were aware of the site and were looking into the content posted there.

Draper was arrested last week along with another teenager, Tony Adamski, in connection with the murder of Stoddart.

Both boys are 16-year-old sophomores at Pocatello High School and are charged with first-degree murder and conspiracy to commit murder.

On a page titled, "You will be missed," Draper's site memorializes three of the 13 students killed during the 1999 Columbine shootings, in some cases detailing exactly how they died.

At the bottom of the page, which appears unfinished, the last line says "More victims to come."

See DRAPER, B2



Source: [fallenslipknot.tripod.com](http://fallenslipknot.tripod.com) Web site

Brian Draper's Web site, [fallenslipknot.tripod.com](http://fallenslipknot.tripod.com), part of which is pictured above, is primarily dedicated to the heavy metal band Slipknot, but also contains information about the Columbine shootings, anarchy and dozens of reviews of energy drinks.

### ON PAGE A6

- Blaine County Prosecutor Mark Hiedeman Monday called a videotape collected by law enforcement investigating the murder of Cassie Jo Stoddart a "key piece of evidence."
- Cassie Jo Stoddart's grave at Mountainview Memorial Lawns is still unmarked and Carl and Teresa Durr, owners of Maple Street Sit & Sleep Furniture, want to amend that.



# Draper

**Continued from A1**  
 Bannock County Sheriff Loren Nielsen declined to say if police had evidence the two boys had further plans for violence. Bannock County Prosecutor Mark Hiedeman also declined to comment on the topic.

Nielsen did say that police had confiscated "different forms of weapons" while serving search warrants in the case, but did not specify the amount or type of weapons.

Draper speaks in first person several times on the Web site, including sections where he advocates atheism and encourages people to rebel against their government.

The following are excerpts from his site:

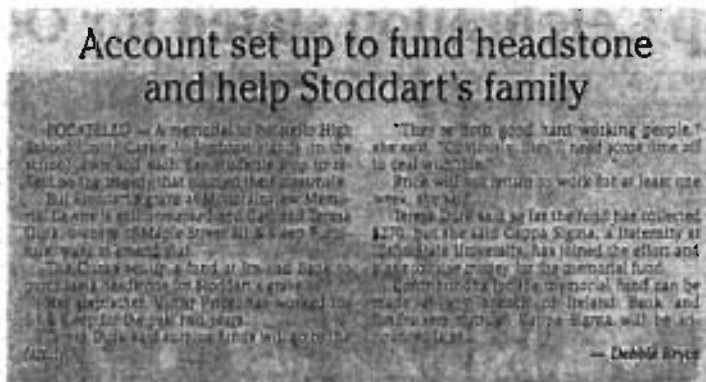
"My name is Brian Draper. I am a 16 year old sophomore at Pocatello High School. I am a very independent and opinionated person. I consider myself an atheist and an anarchist.

"There is just too much bad (expletive) in this world for God to be real. If you actually sit down and think about the Bible and about God, you will probably think the same way I do. Since there are about a handful of people that don't believe in God and there are so many people that do. Since these numbers are so far apart, people consider the non-believers foolish and not many people take us seriously. I consider the non-believers

the smart ones they aren't afraid to go against what everybody else is doing and what everybody else is believing. I am surprised that there are not that many 'atheists' out there, because if you listen to the stories in the Bible they are so stupid and obviously fake, but so many people think that just because it is written down in an old book, it has to be true. Well atheists are the smart ones."

On a page entitled "You can make a difference," Draper writes about his frustration with the Bush administration and society in general.

The following are unedited



excerpts from his site. "Don't be afraid to rebel against authority. Don't let them think that they have the right to tell you what to do. Just because they have a badge, doesn't make them of a higher class. Police can get away with murder. Have you ever turned to the news on TV and there is this huge funeral mourning the death of a police officer. Have you ever seen a funeral on TV for a regular person? Didn't think so. Just because they are cops, doesn't mean that they are more important than everyone else."

Sheriff Nielsen said Monday that the investigation does include several sites on the Internet and that the FBI was assisting in that portion of the investigation.

While he declined to discuss specifics, the sheriff said this case demonstrated a need for better dialogue in the community, especially between children and their parents. "I think there is some dialogue we need to have as a community," he said for the second time in several days. Everyone wants to point a finger — I am not trying to do that. All of us, we need to have a better line of communication."

# Prosecutor: Video is 'key piece of evidence'

By Jimmy Hancock  
 Journal Writer

POCATELLO — Bannock County Prosecutor Mark Hiedeman Monday called a videotape collected by law enforcement investigating the murder of Cassie Jo Stoddart a "key piece of evidence."

Hiedeman, who still would not say what was on the videotape Monday, did tell the Journal last week that neither a murder nor a body was on the tape.

"There is not a lengthy videotape of them killing her, not that we have anyway," Hiedeman said when asked about rumors circulating.

Stoddart, a 16-year-old junior at Pocatello High School, was killed Sept. 22 while she was housesitting for relatives. Late in the evening of Sept. 27, Brian Draper and Torey Adamcik, both 16 and also students at PHS, were arrested and charged with her murder.

Hiedeman said Monday he believes he knows the motive of the two teens he is charged with prosecuting, but called it a difficult issue. He also believes the murder weapons have been recovered but is not 100 percent sure yet.

"I don't know if they are the murder weapons or not," Hiedeman said. "There is testing going on still. We have a lot of evidence and it has to be

processed before we can determine what is relevant and what isn't."

Authorities charged Adamcik and Draper with first-degree murder and conspiracy to commit first-degree murder in the stabbing death of Stoddart. Their bail was set at \$1 million each at an initial hearing on Thursday by Magistrate Judge O Lynn Brower.

Bail was then revoked by Brower on Friday at the request of Hiedeman's office after it found new evidence. Hiedeman said that evidence was the videotape and he was prepared to show it at a hearing Friday as cause to revoke the bail.

Hiedeman said attorneys for Draper and Adamcik did not oppose the request to revoke bail.

A preliminary hearing is set for Oct. 12, during which the prosecutor must show proof a crime has been committed as well as proof that Draper and Adamcik should be charged with the crime.

Hiedeman said he wasn't sure if the teens' attorneys would waive their right to a preliminary hearing, but said he would show the videotape if they do not.

Jimmy Hancock covers crime and courts for the Journal. He can be reached at 239-3137 or at jhancock@journalnet.com.



181

10/4/00

# Fraternity fundraiser to aid murder victim's family

By Debbie Bryce  
Journal Writer

POCATELLO — A fraternity on the Idaho State University campus aims to dispel the "frat boy" stereotype and raise money to help the family of



STODDART

Cassie Jo Stoddart. Stoddart was killed while housesitting for relatives Sept. 22. Two of her classmates, Torey Adamcik and Brian Draper, have been charged in connection with her murder.

"It's a horrible situation all the way around," said Kappa Sigma philanthropy chairman Mike Skimmyhorn. "We felt so bad for the family and we just wanted to give her a little respect."

For the next two weeks the fraternity will have tables set up at Pond Student Union and will collect donations for the Cassie Jo Stoddart Memorial Fund.

"That's what Kappa Sigma does," Skimmyhorn said.

Donations can also be taken directly to the Yellowstone

*It's a horrible situation all the way around. We felt so bad for the family and we just wanted to give her a little respect.*

*We're looking to raise about \$10,000 by the end of the semester. The money is all going to a good cause."*

— Mike Skimmyhorn,  
Kappa Sigma philanthropy chairman

branch of Ireland Bank.

More than 50 fraternity members will volunteer at the student union, he said.

The fund was established at Ireland Bank by Carl and Teresa Durk, owners of Maple Street Sit and Sleep. Stoddart's stepfather Victor Price works for the furniture retailer.

Price is not expected to return to work until next week.

Skimmyhorn, a disc jockey at STAR 98.5, said the radio station's Web site will direct people who wish to donate as well.

Kappa Sigma members will be wearing letters next week and will collect donation on campus.

"We're looking to raise about \$10,000 by the end of the

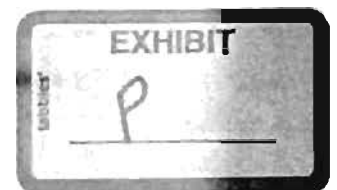
semester," Skimmyhorn said. "The money is all going to a good cause."

The bulk of the memorial fund, between \$4,000 and \$7,000, will go to purchase a headstone for Stoddart's grave at Mountainview Memorial Lawn and any surplus will go to the family, he said.

"Our heart goes out to the family," he said. "This one way for us as a fraternity to change our name and reputation as frat boys and do something for the community."

To make a contribution, call Skimmyhorn at (208) 207-4056.

Debbie Bryce is the regional reporter for the Journal. She can be reached at 239-3132 or by e-mail at [dbryce@journalnet.com](mailto:dbryce@journalnet.com).



193  
METS SEIZE 2-0 LEAD ON DODGERS, B2

# Idaho State Journal

FRIDAY, OCTOBER 6, 2006

50 CENTS

SERVING SOUTHEAST IDAHO SINCE 1892

IDAHOSTATEJOURNAL.COM



## Judge may be disqualified

### 1/33 Brower replacement sought in murder case

By Jimmy Hancock  
Journal Writer

POCATELLO — The attorney of one of the two teens charged in the stabbing death of Cassie Jo Stoddart has filed a motion to disqualify Magistrate Judge O. Lynn Brower.

Brower is the judge who presided over the initial hearings for Brian Draper and Torey Adamcik, both 16-years-old and sophomores at Pocatello High School.

They were both charged with first-degree murder and conspiracy to commit first-degree murder. The two were again supposed to come before Brower on Oct. 12 for their preliminary hearing.

Stoddart, 16, and a junior at PHS, was stabbed to death Sept. 22 while house-sitting for relatives in the 2 1/2 Mile neighborhood in Bannock County northeast of Chubbuck. Her body was discovered by relatives on Sept. 24 when

they returned home. Adamcik and Draper were arrested on Sept. 27.

David Martinez, chief deputy public defender who is representing Draper, would not say why he filed the motion. Bannock County Prosecutor Mark Hiedeman said no reason is necessary.

"Under Idaho statute, you have the



STODDART

right to ask to disqualify the judge one time without giving any reason," Hiedeman said.

Bron Rammell, a partner at Dial May & Rammell in Pocatello, is representing Adamcik.

A spokesperson from his office said the two teens will continue to be tried together and the motion to disqualify would include Adamcik.

Hiedeman said the motion means the Oct. 12 preliminary hearing will be rescheduled with another judge, probably for a different date.





AP file photo

Music group Slipknot poses before a show at Continental Airlines Arena in East Rutherford, N.J.

# Violent music

Teen's murder raises concerns about ties between entertainment, behavior

By Daniel Mooney • Journal Writer

"Mate. Feed. Kill. Repeat." That's the title of the debut album from Slipknot, a heavy-metal band whose ever-present gruesome masks and violent sound became popular in the late 1990s. It's also the mantra of many of Slipknot's most hardcore fans, whom the band affectionately calls "maggots."

Lumped in among these "maggots," according to fellow Pocateño High School students and a self-made Web site dedicated to

the band, is 16-year-old Brian Draper.

Draper is accused, along with classmate Torey Adamcik, of fatally stabbing 16-year-old Cassie Jo Stoddart. The brutal murder has raised questions about the potential influence of entertainment media on young people.

Slipknot's promotional biography on the Road Runner Records Web site says the band's latest album "Slipknot 9.0: Live," a compilation of live performances, "cap-

## Slipknot lyrics

Iowa  
Relax... it's over, you belong to me I fill your mouth with dirt  
Relax... it's over, you can never leave I take your second digit with me...

Love...  
You are... my first, I can barely breathe I find you fascinating  
You are... my favorite, lay you down to sleep It's all that I can do to stop...

Love...  
So blue... so broken, paper doll decays I haven't left you yet  
So cold... subversive, your eyes are full of bleach  
Tomorrow, I will go away again...

Love...  
You are mine, you will always be mine  
I can tear you apart  
I can recombine you  
All I want is to covet you all  
You belong to me  
I will kill you to love you.

— Song lyrics taken from [www.black-goat.com](http://www.black-goat.com)

tures all the noise, hatred, intensity, violence, pain, blood and infection that make the maggots swarm."

See SLIPKNOT, A5

Fitness

about will be  
While work  
6: until the  
7:30 a.m. an  
Crews will  
Brecht.

East Hyder  
located on Se  
Water line ter  
Street Depart  
POCATELL  
to be pav  
Seventh A

to 5:30 p.m.  
open during  
The Idaho  
University.  
Session, at  
School C

will be closer  
normal sche  
will be pick  
be closed for  
ement age  
Columbus Dr  
zens are re  
POCATELL

closed or  
Banks, a

Courtney Fis  
For addit  
ing, 1001 N.



EXHIBIT

R



# Violent lyrics are pa

Continued from A1

The listed themes are celebrated and screamed about explicitly throughout Slipknot's repertoire. Vividly graphic descriptions of killings and mutilation — beatings, shootings, stabbings, etc. — abound in their lyrics, and the band urges their "maggots" to accompany them in that vicious state of mind.

The similarly vicious stabbing of Stoddan, a Pocatello High sophomore, has given local experts reason to discuss the issue.

Bannock County Sheriff Lorin Nielsen said he does not see the band's lyrics as having a connection to the crime, at least not directly.

"We have a motive, and that motive didn't involve the lyrics to any music," he said.

But authorities are not commenting about that motive, at least for now.



ADAMCIK



DRAPER

Investigators have taken Draper's obsession with Slipknot, as well as fellow suspect Adamcik's obsession with slasher movies, into serious consideration.

"I think the lyrics, the descriptions of violence and brutality have got to have some sort of desensitization to violence, and I'm concerned about that kind of desensitization," Nielsen said.

Draper's Web site, fallenslipknot.tripod.com, which also contains tributes to Columbine victims, is largely a tribute to his favorite band, Slipknot. Much of the site is still under construction, but Draper has set up pages for pictures and information about every one of the band's nine members, links to the band's lyrics and mock reviews of the band in concert.

A link entitled "This is Slipknot" reads (unedited):

"Slipknot is a death-metal band consisting of 9 members. Each member wears a different mask and all of the members sport matching jumpsuits. So obviously their look alone sets them apart



The band Slipknot performs during the 2001 Ozzfest in Clarkston, Mich.

AP file photo

positive places, such as death-metal fandom.

"Worse is if they're angry. If they're angry against the larger picture of what we call society, they're going to act out," Hueftle said.

Pocatello High School student Jordan Lindley, 14, said he is a Slipknot fan, but the disturbing lyrics of the songs don't influence him at all. He just likes heavy-metal music.

"I think they're a cool band, but nothing would drive me to do something like that," Lindley said about the violence mentioned in the band's songs. "They're just putting (those lyrics) into their songs to make money, cause they know some people are into that kinda stuff."

Hooper, who also practices hypnotherapy, said music actually possesses mild hypnotic powers. He explained that when he hypnotizes someone, he first induces the trance and then gives suggestions. A Slipknot song might work the same way, he said, with the music inducing a mild trance-like state and the lyrics providing the suggestion.

"Music changes your mood, it affects your emotion, but it actually

To comment on this story, visit the Community Blog at [idahostatejournal.com](http://idahostatejournal.com).

changes your state of mind where you are more open to suggestion," Hooper said.

The Journal tried to get an interview with Slipknot for this story, but the band did not return repeated phone calls. Slipknot percussionist Shawn "Clown" Crahan wrote in the band's promotional biography on [roadrunnerrecords.com](http://roadrunnerrecords.com) that a mind-altering effect is part of the band's goal. His statement concerned how he hopes their recently-released live album will be received by the "maggots."

"You're used to seeing us live, but now you're hearing it live, so you're forced to paint the movie in your head, which creates a psychosis — that is what we are doing with rock 'n' roll music," Crahan wrote.

You can't blame Slipknot, though, Hooper said, emphasizing that each individual makes the choice to listen to that kind of

STOREWI

135

000.00

136

"Slipknot is a death-metal band consisting of 9 members. Each member wears a different mask and all of the members sport matching jumpsuits. So obviously their look alone sets them apart from other bands. But what also sets them apart is their sound. Slipknot has 1 main drummer, 2 keg players, 1 d.j., 2 guitarists, 1 bassist, a sampler, and finally a lead singer. The reason why Slipknot has so many members and instruments is because it gives the music a sound like no other. It's kind of like a metal orchestra."

Richard Hooper, professor of social work at Idaho State University, became curious when he saw a Journal story about Draper's Web site. He listened to samples of each of the top 10 bands Draper listed and said he was shocked at the re-occurring themes in the lyrics.

"Almost all of the bands he listened to were listed as explicit," Hooper said. "Everyone has different musical tastes, but this goes way beyond a difference in taste. It's actually promoting deviant, illegal, anti-social behavior."

Controversy over "deviant" music is nothing new. Heavy metal artists Ozzy Osbourne and Judas Priest were sued for promoting deviant behavior in the 1980s, and many modern rap groups have taken fire for violent and sexual content in their lyrics.

Even Elvis Presley's music was seen as deviant decades ago, Hooper said, but Elvis never sang about slitting throats.

One Slipknot song, titled "Disasterpiece," begins with the shocking line, "I wanna slit your throat," and then describes a graphic sexual act.

"It will have some influence on (adolescent) development," Hooper said confidently. "That music is like training for a plastic, inexperienced mind."

Hooper emphasized that teens are more open to suggestion because their minds are still immature and developing.

Longtime psychologist M. Keene Hueftle, of Pocatello, said teens who already have issues are the vulnerable ones.

"When teenagers are especially not grounded or anchored in strong psychological health, when they are troubled themselves, they are going to invariably look for something else to satisfy their lives," Hueftle said.

He listed lack of self-esteem, purpose and positive role models as reasons that teens search for identity, adding that an unhealthy family life often plays a role.

"He would not have been vulnerable to the Slipknot music or the Columbine stuff if he hadn't already been troubled," Hueftle said.

Religion is one positive place to which normally teens turn for relief



Social  
Media  
nwa  
WorldV

APPLY  
Make Shopping

# are part of larger picture



The band Slipknot performs during the 2001 Ozzfest in Clarkston, Mich.

AP file photo

To comment on this story, visit the Community Blog at [idahostatejournal.com](http://idahostatejournal.com).

changes your state of mind where you are more open to suggestion," Hooper said.

The Journal tried to get an interview with Slipknot for this story, but the band did not return repeated phone calls. Slipknot percussionist Shawn "Clown" Crahan wrote in the band's promotional biography on [roadrunnerrecords.com](http://roadrunnerrecords.com) that a mind-altering effect is part of the band's goal. His statement concerned how he hopes their recently-released live album will be received by the "maggots."

"You're used to seeing us live, but now you're hearing it live, so you're forced to paint the movie in your head, which creates a psychosis — that is what we are doing with rock 'n' roll music," Crahan wrote.

You can't blame Slipknot, though, Hooper said, emphasizing that each individual makes the choice to listen to that kind of

music and subject himself or herself to its effects.

"My question is, do parents know that kids are listening to this stuff?" Hooper said.

He said there are certain risk factors parents and teachers should look for in order to prevent violent behavior, and, after hearing Slipknot, he would add death-metal to that list.

Kim Hirning, the mother of a Century High School freshman, said her kids don't listen to that kind of music, preferring classic rock instead, but she's heard it.

"One of the hard things as a parent right now is that you can't even understand the lyrics to a lot of the songs," she said.

The singers of bands like Slipknot often do more screaming than singing, and the lyrics are sometimes incomprehensible. But Slipknot albums come with lyric booklets, and the Internet has dozens of sites dedicated to deciphering songs.

"It's something you've just gotta keep up on," Hirning said, adding that she and her husband would take serious action if they found their son listening to Slipknot-like music. "If it was something that we didn't approve of as parents, I would take it away."

Huettle said the fact that young people are listening to such music should serve as a wake-up call to the community of Pocatello.

"Parents would do well from this situation to look deep within themselves to see what kind of modeling they are providing younger people," he said. "Are we truly living lives that are modeling healthy behavior?"

Sheriff Nielsen agrees that the

community needs to use the situation for learning.

"I want to be careful not to say that the root of all evil is rock 'n' roll like we did in the '50s, but I would hope that we could get a discussion going in the community about vio-

lence, not only in music and movies, but in all parts of society," Nielsen said. "We've had music, movies and video games around for years, and this is the first time we've seen such a failure to distinguish entertainment from reality."

## Idaho State Journal

Copyright © 2006 Idaho State Journal  
VOL. CXIII, NO. 202, October 8, 2006

P.O. Box 431 • 305 S. Arthur • Pocatello, ID 83204  
(208) 232-4161 • Web site: [www.idahostatejournal.com](http://www.idahostatejournal.com)

Published daily by Idaho State Publishing LLC., 305 South Arthur.

Pursuant to Sec. 60-108 Idaho Code, Tuesday is hereby designated as the day of the week in which legal notices will be published.

Periodicals mail postage paid at Pocatello, Idaho 83201. Postmaster: Send address changes to Idaho State Journal, Box 431, Pocatello, Idaho 83204. USPS 255-980

### DELIVERY TIMES

Weekdays - 6:30 a.m. • Weekend - 7:30 a.m.

If you fail to receive your paper on time, call Subscriber Services at 232-6150.

### SUBSCRIPTION RATES

	CARRIER	MOTOR ROUTE	BY MAIL
<b>Daily (monthly)</b>	\$11.25	\$12.25	\$18.75
Subscription Price	\$5.63	\$6.76	\$7.08
Sales tax at 5%	\$2.28	\$3.34	\$3.35
Delivery service cost	\$5.34	\$5.15	\$11.32
<b>Weekend (monthly)</b>	\$9.75	\$10.75	\$10.25
Subscription Price	\$4.77	\$6.29	\$3.87
Sales tax at 5%	\$2.24	\$3.31	\$3.19
Delivery service cost	\$4.74	\$4.15	\$6.19

Bill Kunert/Publisher

[bkunert@journalnet.com](mailto:bkunert@journalnet.com)

Ian Fennel, Managing Editor

[ifennel@journalnet.com](mailto:ifennel@journalnet.com)

Henry Johnson/Business Manager

[hjohnson@journalnet.com](mailto:hjohnson@journalnet.com)

Kerry Johnson/Facilities Manager

[kjohnson@journalnet.com](mailto:kjohnson@journalnet.com)

David Mape/Circulation Director

[dmape@journalnet.com](mailto:dmape@journalnet.com)

Dirk Poe/Advertising Director

[dpoe@journalnet.com](mailto:dpoe@journalnet.com)

Lynne M. Schultz/Administration Mgr.

[lmrschultz@journalnet.com](mailto:lmrschultz@journalnet.com)

Justin Smith/Information Systems Mgr.

[jsmith@journalnet.com](mailto:jsmith@journalnet.com)

# OREWIDE SAVINGS

# October Sale

00  
E



25%  
OFF



\$79  
VALUE



\$19.99  
VALUE

10-10-06

# Murder case offers opportunity to bring change

**P**ocatello doesn't want to go down the path that has now presented itself, but it's here. With the murder of Cassie Stoddart and the consequences of her death, Pocatello is faced with few choices. The first response for such a horrific act is to reel from the shock of it, then go numb. Then there is the "try to go on" pattern, followed by the creeping doubts and growing distrust. We ask ourselves what went wrong and could it have been prevented.

Along with limited choices, Pocatello can try to blame others. But blame solves nothing. Nor can there be the feeling that if we had watched our young people more carefully or taught them better that Cassie's murder would not have occurred.

What has happened in Pocatello over a very long time is the powerful disconnect among members of this community. In living our lives individually, we close the door and shut the blinds on our neighbor. Wrapped tightly in our daily agendas, we ignore what goes on around us.

Above all, Pocatellans feel helpless. I heard recently from someone who has not lived in Pocatello for several years that more Pocatello people who have lived in this town for many years tend to be more negative

## Commentary

by Jodeane Albright



than those who see this place through a newcomer's eyes. There are many people here who wish Pocatello had never grown from its rural and railroad roots. They sob over the passing of the old ways and reject the new.

The new path for Pocatello lies in our coming together, even if we don't want to. We can't allow parents to be the sole guidance for their children simply because they can't do it all by themselves, and they can't do it alone. Nor should we expect schools to carry the burden of our youth, or depend on a church to take care of its flock because that means we're still segregating ourselves from one another.

I think in the modern world, in the rational era, we have lost something our primitive selves understood. Pulling together as a commu-

nity meant all or most members of the community could survive. It meant we had to depend on the other. There were those who took care of the food matters, those who took care of the young, those who helped us learn about the world we were born into.

Is that happening in Pocatello? As an example, how many of the population here involve themselves with activities and learning at Idaho State University? How many ISU students or faculty look beyond the brick walls of their academic world? Not enough people do.

What about the school district itself? You can educate children in myriad ways, you can protect them while they are in the schools, but what do you do when, at the end of the school day, the child or teen goes home to a household of drugs, drinking, violence,

anger, neglect? Then all the protection and education in the world won't matter because the young person returns to the snake pit.

Pocatello has to choose a new path because we can't let this craziness continue. Toward that end, I suggest a

direction to help us start down that new road. I think we should, at least to begin with, have a series of "town hall" meetings, where the town be counseled as it needs.

I think we could start those meetings and counseling with a major community event, the type of event that allows people to weep and mourn, rant and vent, pray and reach out to the other.

Pocatello is like a diamond, and we don't know it. Because of Cassie's murder, how it happened and why, we are undergoing the same kind of pressure that the earth uses to create a diamond. It's up to us to facet and polish this gem so we can see our own beauty and fire that lies within.

From the smallest child to the eldest among us, Pocatello can heal and transform. I know that because when someone in this town is down on their luck, or sick or friendless, help any way we can. We're there the other.

So let's capitalize on that. Let's give momentum to our ability to care. Let's act on the true meaning of the word community. Here's my hand, extended in hope. Will your hand be there to grasp mine?

*Jodeane Albright is the news assistant for the Idaho State Journal. Her column appears regularly on Tuesdays.*

138



10-11-00

# Hearing for murder suspects to go ahead

Change in judge  
won't affect timing

By Jimmy Hancock  
Journal Writer

POCATELLO — Bannock County Prosecutor Mark Hiedeman said the preliminary hearing for two teens charged in the stabbing death of Cassie Jo Stoddart will be held as previously planned despite a change in judge.

Magistrate Judge O. Lynn Brower presided over the initial hearing for Brian Draper and Torey Adamcik, the 16-year-old Pocatello High School students charged with first-degree murder and conspiracy to commit first-degree murder in the death of Stoddart.

Last week, Draper's attorney, David Martinez, chief deputy public defender, filed a motion to disqualify Brower. Under Idaho statute an attorney can ask to disqualify

See **MURDER**, A10



DRAPER



ADAMCIK

## Murder

Continued from A1

a judge once during preliminary hearing process without giving a reason.

Brower did disqualify himself and the case was assigned to District Judge Gaylen Box. Hiedeman said Box made room in his calendar to keep the previously scheduled time of 9 a.m. Thursday for the preliminary hearing.

Stoddart, 16, and a junior at PHS, was stabbed to death Sept. 22 while house-sitting for relatives in the 2 1/2 mile neighborhood in Bannock County northeast of Chubbuck.

Adamcik and Draper were arrested Sept. 27.

At the preliminary hearing, the prosecutor must prove to a judge a crime has been committed and show evidence that the person or persons charged with the crime committed it.

Often a defense attorney will waive the preliminary hearing to avoid tipping too much of his defense. Hiedeman has previously told the Journal that if the preliminary hearing is not waived, he will likely show a video tape he called a "key piece of evidence."

Hiedeman has not revealed what is on the tape but has said it does not contain the murder or a body.

Jimmy Hancock covers crime and courts for the Journal. He can be reached at 239-3137 or [jhancock@journalnet.com](mailto:jhancock@journalnet.com).

EXHIBIT

T

# Hearing

Continued from A1

Both the prosecution and defense attorneys agreed to allow Box to rule on the motions before addressing the disqualification request. Box first asked Vic Pearson, Bannock County chief deputy prosecutor, if he had an objection to allowing the continuance.

Pearson said his office did not object based on the defense attorney's grounds the council does not have everything they need.

"We just this morning gave them several (compact discs) of interviews," Pearson said. "We have not given them the police reports because we have not gotten them yet."

Bannock County Sheriff Lorin Nielsen, whose department headed up the investigation into the Stoddart murder, said the prosecutor's office got the autopsy report on Stoddart and the police reports on Thursday morning.

Schulthies told Box his office would not be able to adequately defend Draper without the items Pearson mentioned. He also said he had concerns about his client being "prosecuted as an adult

given his young age."

Both Adamcik and Draper, who were not in the courtroom Thursday but present via closed-circuit television from Bannock County Jail, told Box they would waive their rights to have the preliminary hearing within 14 days of being charged.

Stoddart was housesitting for

is not considered a suspect. Nielsen has said.

After speaking with Adamcik and Draper, Box ruled to allow the continuance. Turning to the disqualification request, Box quickly granted it, saying the case would be turned over to the court administrator, who would then assign it to another judge.

*"I was hoping to speed it up a little. The longer we have to wait, the harder it is for us."*

— Paul Sineros Sr., grandfather of murder victim

relatives in the 2 1/2 Mile Road neighborhood of Bannock County northeast of Chubbuck.

Draper, Adamcik and Stoddart's boyfriend, whose name has not been released by law enforcement, went to the home to visit with the 16-year-old Pocatello High School junior. Police said they were the only visitors to the house that night.

Stoddart was killed later that night and found on Sunday about 1 p.m. when relatives returned from a weekend trip. While Draper and Adamcik were arrested and charged for allegedly killing Stoddart, her boyfriend

No judge had been assigned the case by press time Thursday.

Rammell, after the proceedings ended, said he was concerned his client may have already been tried in the court of popular opinion.

He stopped short of saying he would eventually ask for a change of venue and move the trial outside Bannock County.

Several of Stoddart's family members were in court Thursday. Her grandfather, Paul Sineros Sr., was disappointed by the delay in getting to a trial.

"I was hoping to speed it up a little," Sineros said. "The

longer we have to wait, the harder it is for us."

Jimmy Hancock covers crime and courts for the Journal. He can be reached at 239-3137 or at jhancock@journalnet.com

77-411  
• Tuxedo  
232-5  
2761 Potebine Rd

## Second judge disqualified in murder case

By Jimmy Hancock  
Journal Writer

POCATELLO — The preliminary hearing for two teens charged in the stabbing death of Cassie Jo Stoddart was delayed Thursday and a second judge presiding over the case was disqualified.

Attorneys for Torey Adamcik and Brian Draper, both 16-year-old Pocatello High School students, each filed a motion asking for a continuance or postponement of the preliminary hearing because they don't yet have all the police reports.

The teens are charged with first-degree murder and conspiracy to commit first-degree murder in the stabbing death of Stoddart on Sept. 22.

Magistrate Judge Gaylen Box was assigned the case after Magistrate Judge O' Lynn Brower was disqualified at the request of Draper's attorney, Randy Schulthies, chief public defender, and Dave Martinez, chief deputy public defender.

In addition to the two motions for continuance Thursday, Box was looking at a request from Adamcik's attorneys, Bron Rammell and Aaron Thompson, both of Dial, May & Rammell in Pocatello, to disqualify him from the case as well.

Each defendant is allowed to request disqualification of a judge with no reason once during the preliminary process.

See HEARING, A14



ADAMCIK



DRAPER

10-13-06

EXHIBIT

u

140

# Showing support

16-C16

## Concert aids family of slain girl

By Debbie Bryce  
JOURNAL STAFF

POCAHELLO — Anna Stoddart said the Pocahellico community's show of support for her family following her daughter's death has been overwhelming.

"Words can't even describe it," she said.

Stoddart's 16-year-old daughter,

Cassie, was murdered last month while house-sitting north of Chubbuck. Two of her classmates at Pocahellico High School, Brian Draper and Tony Adamschik, were arrested and charged in connection with her death.

At a special concert for Cassie, hosted at the First National Bar on Center Street, Anna Stoddart said dealing with her daughter's death, while being the focus of local media, has been difficult.

*"A lot of times (families) drift apart through marriage and divorce, but something like this reminds you what's important."*

— Cassie's aunt Hope Henney



Journal photo by STEVE HANSEN

Dan Hillebrand, right, sings "Ain't No Sunshine" at the First National Bar for "A Night for Cassie" benefit Sunday evening in Pocahellico. Funds go to the family of slain 16-year-old Cassie Jo Stoddart.

"I still don't believe it — I don't want to believe it," she said. "I'm just taking it one day at a time."

Slapfather Victor Price plans to return to work today at Maple Street Ski Shop.

His employees, Carl and Teresa

Dunk, launched local fundraising efforts by creating a fund to pay for a headstone for Cassie Jo Stoddart.

And family friend Brian Miers said when he read about fundraising efforts, he wanted to get involved.

He organized Sunday's concert and

aimed to raise about \$1,000 for Cassie's family.

Six bands donated their time to support the family and in the process, send a message.

See PT02B016, p. 16

A6 WEDNESDAY, OCTOBER 18, 1995

L6

## Stoddart

Continued from A1

Anderson, along with band members Josh Schmidt and Steve McMichael, wanted to get involved to remind people that death should never be just a fact.

"Josh and I are both Pocahellico alumni and I type a little more that goes there," Anderson said. "This is not a song, it's a reality."

He described the Regillans' musical style as "psychedelic death metal."

"We're out to unite people — bring them together," Anderson said.

His father, Randy Anderson, said he supports his son's musical choices and attends most of his gigs.

"I get treated better here than I do at work," he said.

Miers said the bar's owner, Ross Gennard, was quick to provide a venue for the event.

"I've known her grandfather,

Paul Gennard, for years," Gennard said. "He has ties to the community, he's got a really great gig."

The bar staff approached him about the concert and most of

through marriage and divorce, but something like this reminds you what's important," she said.

Jennifer Bowen of the Greater Pocahellico Chamber of Commerce said she wanted to

*"We're out to unite people — bring them together."*

— Bob Anderson, one-third of the Regillans

them donated a portion of their salaries Sunday night, he said.

Barowner Chris Janicki gladly donated part of his pay to the Stoddart family.

"Paul's a regular and a nice guy," he said.

Janicki said it was important to remember the family.

Cassie's aunt, Hope Henney said the tragedy brought the family together.

"A lot of times you drift apart

show community support for the Stoddart family.

"I think that's the least we can do," she said.

Bowen said Cassie's death deeply impacted residents in the Gap City.

"It would have shocked and interested," she said.

Debbie Bryce is the regional reporter at the Journal. She can be reached at 238-2132 or by e-mail at dbryce@journal.net.

141



BOISE STATE LOOKING AT BIG BOWL GAMES, B1

# Idaho State Journal

TUESDAY, OCTOBER 17, 2006

50 CENTS

SERVING SOUTHEAST IDAHO SINCE 1892

IDAHOSTATEJOURNAL.COM

## New hearing date set in murder case



DRAPER



ADAMCIK

### Judge Naftz to preside at Nov. 9 session

By Jimmy Newcomb  
Journal Writer

FOCATELLO — The preliminary hearing for two teens charged in the stabbing death of Cassie Jo Stoddart has been rescheduled for Nov. 9 with a new judge. Gary Adamcik and Brian Draper, both 16 and Focarelli High School juniors, have been charged with first-degree mur-

der and conspiracy to commit first-degree murder for allegedly killing Stoddart, also a 16-year-old FHS junior.

On Oct. 5, Draper's attorney, David Martinez, chief deputy public defender, filed a motion to disqualify Magistrate Judge G Lynn Bower. Each defendant is allowed one disqualification request during the preliminary process without giving any reason.

Bower disqualified himself and Magistrate Judge Gaylen Box was assigned the case. Box presided over the originally scheduled preliminary hearing on Oct. 17 just long enough to grant a motion to continue the hearing, then disqualify himself.

Adamcik's attorneys, Ron Ramroed and Aaron Thompson, both of Dial, May & Kohnert in Focarelli, put in the motion to disqualify Box.

See HEARINGS, A8

## Hearing

Continued from A1

Magistrate Judge Ronald C. Naftz will now preside over the preliminary hearing for Draper and Adamcik, which is scheduled for Nov. 9 at 9 a.m.

Stoddart was investigating for relatives who found her dead when they came home Sept. 24, a Sunday. Adamcik and Draper, along with Stoddart's boyfriend, visited the teen in the evening hours of Sept. 22, the night police believe she was suffocated to death.

Bannock County Sheriff Lynn Nielson, who is leading the investigation, has reportedly said Stoddart's boyfriend is not a suspect in the murder.

Bannock County Prosecutor Mark Hindeman said he expects

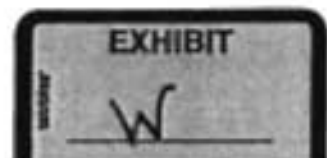
the preliminary hearing to take place Nov. 9 and doesn't anticipate any further delays.

During the preliminary hearing, Hindeman's office is required to show proof a crime has been committed and no credible proof these charged, Adamcik and Draper, may have committed the crime.

The teens have the right to waive that hearing and defense attorneys often will to keep from tipping their defense plans to the prosecution.

Hindeman has said if the preliminary hearing is not waived, he intends to show a video tape he has called a key piece of evidence. He previously told the Journal the tape does not show the murder or a body.

142





143

# New judge in Stoddart murder trial has ties to PHS

## His wife works there, son attends classes

By Jimmy Hancock  
Journal Writer

POCATELLO — The latest judge slated to preside over the Nov. 3 preliminary hearing for two teens accused of stabbing to death Cassie Jo Stoddart has ties to Pocatello High School.

Magistrate Judge Robert C. Naftz is the third judge to be assigned the preliminary hearing for Torey Adamcik and Brian Draper.

The two 16-year-old Pocatello High School juniors are charged with first-degree murder and conspiracy to commit first-degree murder in the death of Stoddart, also a 16-year-old PHS junior.

Naftz's wife works at PHS and their son attends the school. Naftz declined to comment Tuesday as to whether this could be grounds for either defense attorney to motion to disqualify him from the case. A staff member said the judge conveyed that it would be unethical for him to comment.

Draper's attorney, David Martinez, chief deputy public defender for Ban-

nock County, would not comment on his plans for the case except to say he was aware Naftz had family members involved with PHS.

Adamcik's attorney, Aaron Thompson of Dial, May & Rammell in Pocatello, said his office does not plan to file any motion to disqualify Naftz.

"We don't perceive a conflict based on what we know at this time," Thompson said.

He said while his office is still receiving information pertinent to the case, he does expect the Nov. 3 preliminary hearing to go forward.

The preliminary hearing was origi-

nally scheduled for Oct. 12 and assigned to Magistrate Judge O. Lynn Brower, who presided over the initial hearing.

Martinez filed a motion to disqualify Brower, a motion each defendant can make during the preliminary hearing process without giving a cause for the disqualification request.

Brower was disqualified and Magistrate Judge Caylen Box was assigned the preliminary hearing. Box presided over the Oct. 12 hearing long enough to grant a motion to continue, or postpone, the hearing.

Box then disqualified himself based on a motion filed by Adamcik's attorneys, Thompson and Bron Ram-

mell, also of Dial, May and Rammell in Pocatello.

Bannock County Prosecutor Mark Hiedeman said each defendant is allowed to file a motion to disqualify a judge with no reason given, but any further motion to disqualify must show cause.

"You have to show that a judge is biased," said Hiedeman, who doesn't believe that's the case with Naftz. "I trust all these magistrates to be fair and unbiased."

Jimmy Hancock covers crime and courts for the Journal. He can be reached at 239-3137 or at [jhancock@journalnet.com](mailto:jhancock@journalnet.com).

143



**RANDALL D. SCHULTHIES**  
**Chief Public Defender**  
**P. O. Box 4147**  
**Pocatello, Idaho 83205**  
**(208) 236-7040**

FILED  
CLERK OF DISTRICT COURT  
DISTRICT OF IDAHO  
POCATELLO, IDAHO  
BY \_\_\_\_\_

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK**

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BRIAN L. DRAPER, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. CR-2006-17984-FE

**AFFIDAVIT OF  
RANDALL D. SCHULTHIES**

STATE OF IDAHO )  
 ) ss.  
 County of Bannock )

**RANDALL D. SCHULTHIES**, having been first duly sworn on his oath, deposes and states:

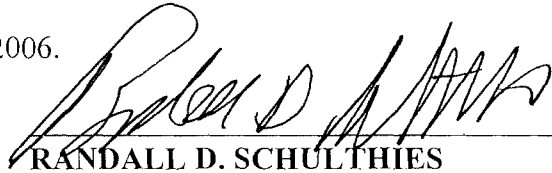
- (1) That your affiant is counsel of record for Brian L. Draper, the Defendant in the above entitled matter.
- (2) That your affiant is familiar with the file, the background and circumstances of the allegations in this matter.
- (3) That your affiant is aware that the presiding Court's wife is a teacher at Pocatello High School; that Brian Draper and his co-defendant, Torey Adamcik along with the alleged victim attended Pocatello High School.

(4) That your affiant has reason to believe and therefore alleges that the presiding Judge's wife and son may have attended memorial services for the alleged victim, participated in certain memorial activities regarding her and as a result created bias and prejudice which should exclude this Court from presiding over further matters in this case.


(5) That your affiant, as Attorney of record for Mr. Draper, has great respect for the Court and it's attempts to be fair and impartial. Unfortunately in this case because of the facts, circumstances and contacts between the presiding Judge's family, including his son, the two Defendants and the alleged victim, there is an extreme risk of prejudice to Mr. Draper.

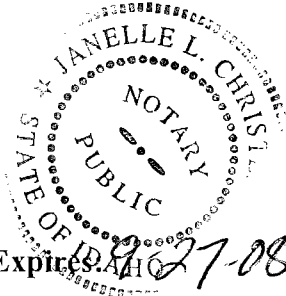
For the reasons set out in the above affidavit, your affiant and Counsel for Mr. Draper, reluctantly requests that the presiding Judge, in this case, excuse himself and further reassign the case to a different presiding magistrate.

DATED this 22<sup>nd</sup> day of October, 2006.

  
RANDALL D. SCHULTHIES

SUBSCRIBED AND SWORN TO BEFORE ME this 22<sup>nd</sup> day of October, 2006.

  
NOTARY PUBLIC FOR IDAHO  
Residing at: Pocatello, Idaho



(SEAL)

My Commission Expires 09-27-08

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK  
MAGISTRATE DIVISION

STATE OF IDAHO, )  
 )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 TOREY MICHAEL ADAMCIK and )  
 BRIAN LEE DRAPER, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**CASE NO. CR-2006-17984-FE**

ORDER DENYING MOTION TO CLOSE  
PRELIMINARY HEARING, DENYING  
ISSUANCE OF GAG ORDER AND  
ORDER OPENING FILE FOR LIMITED  
PURPOSES  
IDAHO CODE §19-811

146

This case is before the Court based upon a motion filed by counsel for Defendant, Torey Adamcik, requesting that the Court close the Preliminary Hearing to the public and to issue a gag order against law enforcement and the prosecuting attorney's office regarding this case. The matter came before the Court for oral argument on October 25, 2006. Present at the hearing was Aaron Thompson and Greg May, attorneys for defendant, Torey Michael Adamcik. Also present were Mark Hiedeman and Vic Pearson from the Prosecuting Attorney's office, along with Howard D. Burnett and Steven Wright attorneys representing the various media outlets in Southeastern Idaho. The Court heard argument and took the matter under advisement.

**A. MOTION TO CLOSE PRELIMINARY HEARING**

Idaho Code §19-811 requires a magistrate to close court proceedings, normally open to the public, upon the request of the defendant. However, this statute is in direct conflict with the first amendment to the United States Constitution and the open court mandate of the Idaho Constitution, Art. 1, § 18. The Idaho Supreme Court ruled in *Cowles Publishing Company v. The Magistrate*

147  
*Court of the First Judicial District of the State of Idaho*, 118 Idaho 753, 800 P.2d 640 (1990), that Idaho Code §19-811 does not violate either provision of the state or national constitutions. *id.* at 755. The Court went on to explain that Idaho has a tradition of presumed openness with preliminary hearings closed only for cause shown. 118 Idaho at 758. Further, that “public access to preliminary hearings in Idaho plays a significant positive role in the functioning of the criminal justice system.” 118 Idaho at 759. The Court went on to hold that once a defendant requests that a preliminary hearing be closed pursuant to Idaho Code §19-811, the preliminary hearing may be closed if the magistrate makes the specific findings on the record that there is, first, a substantial probability that the defendant’s right to a fair trial will be prejudiced by publicity that closure would prevent, and second, that reasonable alternatives to closure cannot adequately protect the defendant’s fair trial rights. 118 Idaho at 760, as cited in *Press-Enter. Co. v. Superior Court of California*, 478 U.S. 1, 106 S.Ct. 2735, 92 L.Ed.2d 1 (1986). Further, that a preliminary hearing should only be closed under unusually compelling circumstances. 118 Idaho at 760.

In our present case counsel for defendant Torey Adamcik, argues that the preliminary hearing should be closed to the public due to the nature of the case and the risk that the evidence that may be presented at the hearing would be so prejudicial that Adamcik could not obtain a fair trial in Bannock County. Pursuant to the *Cowles* decision the Court must first decide if closure of the hearing would prevent publicity that could otherwise deny the defendant of his right to a fair trial. The Court must also consider the long standing tradition in Idaho of open access to court proceedings.

Having reviewed the briefs presented by counsel and their subsequent arguments the Court finds that the Defendant will not be so prejudiced, by an open preliminary hearing, that his ability

148  
for a fair trial would be significantly impacted. A first degree murder in any community is going to garner a great deal of interest from the media and the public. Often times the preliminary hearing is the only opportunity the public will have to observe the criminal justice system, since the majority of all felonies do not go to trial. The District Courts in the Sixth Judicial District, as a general rule, attempt to seat an unbiased jury before deciding on a motion to change venue. The district court could enlarge the number of potential jurors called to sit on the case. The court could also allow for expanded voir dire to allow counsel to determine if potential jurors have formed opinions about the guilt or innocence of their client. If an impartial jury cannot be seated from Bannock County then the court would look to another community in Idaho. The Court does not believe that the media attention for this crime is so widespread that a fair and impartial jury could not be found, if needed, outside Bannock County. Once the preliminary hearing is concluded it will be months before the case would go to trial, if at all. The Court has not been presented with sufficient evidence that would lead it to believe that closing the preliminary hearing is the only way to preserve the Defendant's right to a fair trial.

#### **B. ISSUANCE OF A GAG ORDER**


The Court further denies Defendant's motion to gag attorneys and law enforcement from disseminating information about this case. The Court relies on Rule 3.6 and 3.8 of the Idaho Rules of Professional Conduct to limit counsel from making extrajudicial statements to the media or public. Rule 3.8 further requires the prosecutor to exercise reasonable care to prevent investigators, and law enforcement from making extrajudicial statements about this case. The Court does not believe that the imposition of an additional order reinforcing what the prosecutor's office and defense counsel are already obligated to follow under the rules of professional conduct is necessary.

C. SEALING OF THE FILE

Based upon the representation of defense counsel, Aaron Thompson and Prosecuting Attorney Mark Hiedeman, the Court will open the file in this case for limited purposes. The file will be opened to allow the public to access any motion that is deemed, by this Court, to be procedural in nature along with any written orders issued by the Court. The remainder of the file will remain sealed.

IT IS SO ORDERED.

DATED this 26 day of October, 2006.

  
ROBERT C. NAFTZ  
Sixth District Magistrate Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26 day of October, 2006, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Mark Hiedeman  
Bannock County Prosecuting Attorney

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

Randall D. Schulthies  
Bannock County Public Defender

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

Aaron Thompson  
Dial, May & Rammell, Chtd.  
P.O. Box 370  
Pocatello, ID 83204-0370

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

Howard D. Burnett  
Hawley, Troxell, Ennis & Hawley  
P.O. Box 100  
Pocatello, ID 83204-0100

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

Steven J. Wright  
Wright, Wright, & Johnson  
P.O. Box 50578  
Idaho Falls, ID 83405-0578

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

DATED this 26 day of October, 2006

*Michael P. Deback*

Deputy Clerk



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK  
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

TOREY MICHAEL ADAMCIK and  
BRIAN LEE DRAPER,

Defendants.

**CASE NO. CR-2006-17984-FE**

ORDER DENYING MOTION TO  
DISQUALIFY  
IDAHO CRIMINAL RULE 25(b)

151

This case is before the Court based upon a motion filed by counsel for Defendant, Brian Draper, requesting that the Court to disqualify itself pursuant to Idaho Criminal Rule 25(b). The matter came before the Court for oral argument on October 30, 2006. Present at the hearing was Bron Rammell and Aaron Thompson, attorneys for defendant, Torey Michael Adamcik. Also present were Randall Schulthies and David Martinez attorneys for defendant Brian Draper along with Vic Pearson of the Bannock County Prosecuting Attorney's office. After hearing oral argument from respective counsel the Court denied Defendant's motion.

Idaho Criminal Rule 25(b) allows for counsel representing a criminal defendant to motion the court for disqualification for cause. In this particular case counsel for Draper alleged that the Court might be prejudice or biased against his client due to the fact that the Court's wife and son work and attend high school at the same school Draper did. Counsel further alleges the Court might be biased because the Court's wife and son may have attended a memorial for the victim in this case.


152

In order for a judge to be disqualified, the alleged bias or prejudice must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from his participation in the case. *Hays v. Craven*, 131 Idaho 761, 963 P.2d 1198 (Ct.App. 1998). Under Idaho Criminal Rule 25(b) and Idaho Rules of Civil Procedure 40(d)(2), disqualification is not automatic, but requires a supporting affidavit which sets out facts showing bias or prejudice. 131 Idaho at 763. "...vague and factually unsubstantiated allegations are wholly insufficient to merit disqualification of the district court." 131 Idaho at 763. Mandating a judicial disqualification on such unsubstantiated assertions would delay the administration of justice..." 131 Idaho at 763.

In the present case counsel for Mr. Draper asserts that because the Court's wife and son work and attend Pocatello High School and that perhaps they attended a memorial service for the victim that the Court might be biased or prejudiced against his client. The Court concludes that the assertions are too vague and unsubstantiated to warrant disqualification. No evidence was presented that showed that the Court had received extrajudicial information that would have caused it to be prejudiced or biased against either Draper or Adamcik. Therefore the Court denies the motion to disqualify.

IT IS SO ORDERED.

DATED this 30 day of October, 2006.

  
ROBERT C. NAFTZ  
Sixth District Magistrate Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 30 day of October, 2006, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Mark Hiedeman  
Bannock County Prosecuting Attorney

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

Randall D. Schulthies  
Bannock County Public Defender

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

Bron Rammell  
Dial, May & Rammell, Chtd.  
P.O. Box 370  
Pocatello, ID 83204-0370

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

DATED this 30 day of October, 2006

Amber P. LeBaron  
Deputy Clerk

ORIGINAL

FILED  
BANNOCK COUNTY  
CLERK OF THE COURT  
2006 NOV -1 PM 4:40  
BY BP  
DEPUTY CLERK

Bron M. Rammell, Esq.  
Aaron N. Thompson, Esq.  
DIAL, MAY & RAMMELL, CHARTERED  
216 W. Whitman/P.O. Box 370  
Pocatello, Idaho 83204-0370  
Phone: (208) 233-0132 Fax: (208) 234-2961  
Idaho State Bar No. 4389  
Idaho State Bar No. 6235

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

STATE OF IDAHO,

Plaintiff,

vs.

TOREY ADAMCIK,

Defendant.

CASE NO. CR-2006-17984-FE

**MOTION FOR *IN CAMERA* REVIEW  
OF VIDEO AND MOTION TO  
RECONSIDER ORDER DENYING  
MOTION FOR CLOSED AND/OR  
SEALED PRELIMINARY HEARING**

Torey Adamcik, by and through his counsel of record, Aaron N. Thompson of the firm Dial, May & Rammell, Chtd., hereby moves this Court, pursuant to Idaho Rule of Civil Procedure Rule 11(a)(2)(B), for an Order reconsidering the Order issued by this Court on October 26, 2006. Furthermore, Mr. Adamcik moves this Court to inspect the videotape referenced in Mr. Adamcik's initial Motion and discussed at the hearing held on Wednesday, October 29, 2006 *in camera*.

The grounds and reasoning for such Motion for reconsideration are as follows:

1. The standard set forth in the *Cowle* case is that in order to seal a preliminary hearing from the public, a defendant had to defeat the presumption that the public has unfettered access by proving that there is substantial likelihood that the defendant's right to a fair and impartial trial would be infringed, and that there are no alternatives that would remedy the issue;

2. This Court, in its previous Order, believed there was insufficient evidence presented by Mr. Adamcik showing that there was a substantial likelihood of prejudice;
3. That upon an *in camera* review of the inflammatory videotape, the Court will find that there is a substantial likelihood that Mr. Adamcik's right to a fair and impartial jury trial will be infringed if the public is allowed to view as such at this preliminary hearing stage;
4. That, after said *in camera* review, the Court will understand that there are no alternatives that can remedy the substantial prejudice that will flow from the public consumption of the video at this preliminary hearing stage;

WHEREFORE it is respectfully requested:

1. That this Court view the videotape, *in camera*, and subsequently, based upon the arguments already presented, reconsider its *Order Denying Defendant Torey Adamcik's Motion For Closed And/Or Sealed Preliminary Hearing*;

DATED this 1<sup>st</sup> day of November, 2006.

DIAL, MAY & RAMMELL, CHTD.

  
AARON N. THOMPSON

CERTIFICATE OF SERVICE

I certify that on this date a copy of the *Motion For In Camera Review Of Video And Motion To Reconsider Order Denying Motion For Closed And/Or Sealed*

CERTIFICATE OF SERVICE

I certify that on this date a copy of the *Motion For In Camera Review Of Video And Motion To Reconsider Order Denying Motion For Closed And/Or Sealed Preliminary Hearing* was served on the following named persons at the addresses shown and in the manner indicated.

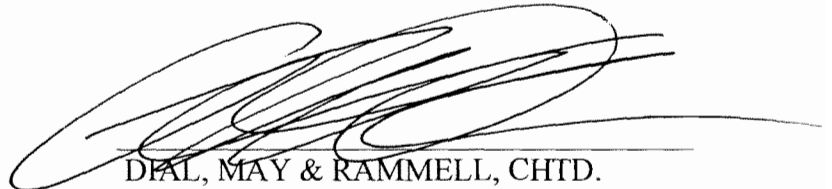
Bannock County Prosecutor  
P.O. Box P  
Pocatello, ID 83205-0050

Facsimile  
 Hand Delivery  
 U.S. Mail

156  
Randall Schulties  
David Martinez  
Bannock County Public Defender  
P.O. Box 4147  
Pocatello, ID 83205

Facsimile  
 Hand Delivery  
 U.S. Mail

DATED this 1<sup>st</sup> day of November, 2006.

  
DIAL, MAY & RAMMELL, CHTD.

**RANDALL D. SCHULTHIES**  
**Chief Public Defender**  
**P. O. Box 4147**  
**Pocatello, Idaho 83205**  
**(208) 236-7040**  
**ISB 1784**

MD

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE**  
**STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK**

157

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	
	)	Case No. CR-2006-17984-FE
vs.	)	
	)	<b>MOTION TO SEVER</b>
BRIAN DRAPER,	)	
	)	
Defendant.	)	
_____	)	

**COMES NOW**, Brian Draper, the Defendant in the above entitled matter, acting by and through his attorney of record, Randall D. Schulthies, Chief Public Defender of the Bannock County Public Defender's Office, and hereby moves the Court for an Order, as follows:


The Defendant hereby moves the Court for an Order, severing the above entitled case from any and all Court proceedings in the matter of State of Idaho v. Torey Adamcik, Bannock County Case No. CR-2006-17984-FE, pursuant to Rule 14 of the Idaho Criminal Rules.

This Motion is based upon the grounds and for the reasons that the Defendant will be prejudice by joinder of the Defendants. Based on statements made by the Defendants, that counsel

for the defense has reason to believe, will be introduced by the State at the preliminary hearing. The respective Defendants postures in this particular case require that the cases be severed.

This Motion is further based upon the records and files in this matter.

DATED this 2<sup>nd</sup> day of November, 2006.

  
\_\_\_\_\_  
RANDALL D. SCHULTHIES  
Chief Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of November, 2006, a true and correct copy of the foregoing **MOTION TO SEVER** was served upon the Bannock County Prosecuting Attorney, by depositing a copy of the same in the Prosecutor's in-box, Bannock County Courthouse, Pocatello, Idaho 83201.

  
\_\_\_\_\_  
RANDALL D. SCHULTHIES



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK  
MAGISTRATE DIVISION

STATE OF IDAHO, )  
 )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 TOREY MICHAEL ADAMCIK and )  
 BRIAN LEE DRAPER, )  
 )  
 Defendants. )  
 )  
 )

3  
MD  
**CASE NO. CR-2006-17984-FE**

**ORDER DENYING MOTIONS TO SEVER,  
CONTINUE PRELIMINARY HEARING,  
AND TO ALLOW DEFENDANT TO  
WEAR CIVILIAN CLOTHES**

159

This case is before the Court based upon motions filed by counsel for Defendant, Torey Adamcik, and Defendant Brian Lee Draper requesting that the Court sever the defendant's for purposes of the preliminary hearing, to continue the preliminary hearing, and to allow Mr. Adamcik to appear at the preliminary hearing free of restraints and wearing civilian clothes. The matter came before the Court for oral argument on November 2, 2006. Present at the hearing were Aaron Thompson and Bron Rammell, attorneys for Defendant, Torey Michael Adamcik, and Randall Schulthies and David Martinez, attorneys for Defendant Brian Lee Draper. Also present were Mark Hiedeman and Vic Pearson from the Prosecuting Attorney's office. The Court heard argument from respective counsel and issued these findings.

**A. MOTION TO SEVER**

Rule 14 of the Idaho Criminal Rules allows a court, in its sound discretion, to grant a severance of defendants for purpose of trial. *State v. Gooding*, 110 Idaho 856, 719 P.2d 405 (Ct. App. 1986). In seeking relief from prejudicial joinder the moving party carries the burden of

showing that joinder of the defendants at trial would prejudice them. *State v. Martin*, 199 Idaho 61, 704 P.2d 965 (Ct. App. 1985). Counsel for Draper argued that the preliminary hearing was a trial for purposes of this rule. Further, that statements made by Adamcik would prejudice Draper and therefore required that the defendants be separated for purposes of the preliminary hearing.

160  
A preliminary hearing is not a trial as referred to in Idaho Criminal Rule 14. A preliminary hearing is simply a probable cause hearing to determine if there is sufficient evidence to bind a defendant over to the district court to stand trial for alleged crimes. The rules of evidence are even relaxed for purposes of admitting certain types of documents. The court is not making a determination of guilt or innocence at this hearing. The language of Idaho Criminal Rule 14 contemplates severance of defendants or charges at the time of trial. Idaho Criminal Rule 15(b)(5) requires that motions for severance of charge or defendants must be made prior to trial. Idaho Criminal Rule 12(d) requires that motions under Rule 12(b) be filed within twenty-eight (28) days after the entry of a plea of not guilty or seven (7) days before trial. It is clear that Idaho Criminal Rule 14 is reserved for after the case reaches the district court and after a plea of not guilty is entered. The Court can find no authority that would allow it to entertain a motion for severance at the time of the preliminary hearing and therefore denies the defendant's motion to sever.

**B. MOTION TO CONTINUE**

Counsel for both Adamcik and Draper contend that they need more time to prepare for the preliminary hearing. Draper's counsel assert that they have only had police reports for approximately two weeks and have only had one week to review them since they were at a legal conference and unable to work on the case. Adamcik's counsel also argues that they need

additional time to complete their preparation of the case so that they can adequately cross examine witnesses called by the State.

161  
Charges against the Defendant's were brought in late September and counsel assigned or retained by the time of the arraignment. The initial preliminary hearing was set within 14 days of the arraignment. Two judges have been disqualified prior to the first preliminary hearing. Counsel for Mr. Draper made the choice to go to a conference during this time. There has been approximately 30 days since attorneys have been on this case and about two weeks since the prosecutor's office has provided the documents to counsel for purposes of the preliminary hearing. This is sufficient time for counsel to prepare for a hearing such as this. Defendants will not be denied an opportunity to fully cross examine each witness called by the State. Each defendant will have a chance to examine each witness called. Further, they are not precluded from further deposing witnesses even after the preliminary hearing if counsel finds it necessary. This is only a probable cause hearing and the State is only required to present the evidence it thinks necessary for the court to bind the defendants over to district court to answer to these charges. Based upon the type of hearing to be held and the amount of time counsel has had available to prepare for the hearing the Court denies Defendant's request to continue the preliminary hearing.

**C. MOTION TO BE FREE OF RESTRAINTS AND WEAR CIVILIAN CLOTHES**

The Court does not find that the Defendants will be prejudiced in any way if they are brought from the jail in restraints and jail clothing. The Court defers to the needs of the Court Marshall's Office in determining the needs for security in the courtroom at this stage in the proceedings. It has been made very evident that the Defendants are being housed at the Bannock

County Jail and it would not be a surprise or a shock for the public to see them restrained or clothed in jail clothing. Therefore the Court denies the request.

IT IS SO ORDERED.

DATED this 2 day of November, 2006.

*Robert C. Naftz*  
\_\_\_\_\_  
ROBERT C. NAFTZ  
Sixth District Magistrate Judge

162

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 3 day of November, 2006, I served a true and correct copy of the foregoing document upon each of the following individuals in the manner indicated.

Mark Hiedeman  
Bannock County Prosecuting Attorney

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

163  
Randall D. Schulthies & David Martinez  
Bannock County Public Defender

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

Bron Rammell & Aaron Thompson  
Dial, May & Rammell, Chtd.  
P.O. Box 370  
Pocatello, ID 83204-0370

- U.S. Mail
- Overnight Delivery
- Hand Deliver
- Facsimile

DATED this 3 day of November, 2006

Neale P. Deback

Deputy Clerk

MARK L. HIEDEMAN  
BANNOCK COUNTY PROSECUTOR  
P.O. BOX P  
POCATELLO, ID 83205-0050  
TELEPHONE: (208) 236-7280  
FACSIMILE: (208) 236-7288

FILED  
BANNOCK COUNTY  
CLERK OF THE COURT

2006 NOV -6 PM 2:39

BY   
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

1630a

STATE OF IDAHO,	)	
	)	CASE NO. CR-06-17984-FE
Plaintiff,	)	
	)	
vs.	)	NOTICE OF INTENT TO
	)	SEEK LIFE IMPRISONMENT
TOREY MICHAEL ADAMCIK,	)	WITHOUT THE POSSIBILITY
	)	OF PAROLE
<b>BRIAN LEE DRAPER,</b>	)	
	)	
Defendants	)	
_____	)	

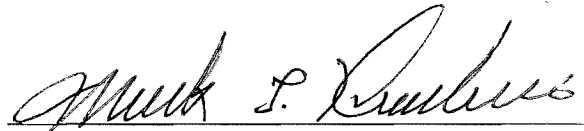
COMES NOW THE STATE OF IDAHO, by and through Mark L. Hiedeman, Bannock County Prosecutor, and does hereby give Notice to the Court and Counsel that it Intends to seek a mandatory determinate Life sentence pursuant to I.C. §18-4004A and I.C. §19-2515. The statutory aggravating circumstances the State intends to prove beyond a reasonable doubt are:

- I.C. §19-2515(9)(e) The murder was exceptionally heinous, atrocious or cruel, manifesting exceptional depravity.
- I.C. §19-2515(9)(f) By the murder or circumstances surrounding its commission, the defendants exhibited utter disregard for human life.

I.C. §19-2515(9)(g) The murder was committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, burglary, kidnapping or mayhem and the defendants killed, intended a killing, or acted with reckless indifference to human life.

I.C. §19-2515(9)(i) The defendants by their conduct, whether such conduct was before, during or after the commission of the murder at hand, have exhibited a propensity to commit murder which will probably constitute a continuing threat to society.

163 b  
DATED this 6<sup>th</sup> day of November, 2006.

  
MARK L. HIEDEMAN  
Bannock County Prosecutor

163 b

CERTIFICATE OF DELIVERY

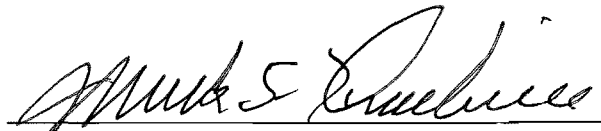
I HEREBY CERTIFY That on this 6<sup>th</sup> day of November, 2006, a true and correct copy of the foregoing NOTICE OF INTENT TO SEEK LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE was mailed, postage prepaid and/or hand delivered, to the following:

DAVID R. MARTINEZ  
PUBLIC DEFENDERS OFFICE  
BANNOCK COUNTY COURTHOUSE  
POCATELLO, IDAHO 83205

[ ] mail -  
postage prepaid  
[X] hand delivery  
[ ] facsimile

163 e  
GREGORY C. MAY  
DIAL, MAY & RAMMEL, Chtd  
P.O. Box 370  
POCATELLO ID 83204

[ ] mail -  
postage prepaid  
[ ] hand delivery  
[X] facsimile – 234-2961

  
MARK L. HIEDEMAN  
Bannock County Prosecutor



**SIXTH JUDICIAL DISTRICT COURT STATE OF IDAHO  
IN AND FOR THE COUNTY OF BANNOCK  
MAGISTRATE DIVISION**

FILED  
DALE HATCH  
NOV - 9 2006  
CLERK OF DISTRICT COURT  
BANNOCK COUNTY  
ID

STATE OF IDAHO,	)	
	)	
Plaintiff.	)	
	)	Case No: CR-2006-0017984-FE
vs.	)	
	)	
Torey Michael Adamcik and	)	
Brian Lee Draper,	)	<b>MINUTE ENTRY AND ORDER</b>
	)	<b>BINDING DEFENDANTS OVER</b>
Co-Defendants.	)	<b>TO DISTRICT COURT</b>
_____	)	

164

The above-entitled matter was before the court on Friday, November 03, 2006 for preliminary hearing on the charges of ONE COUNT MURDER IN THE FIRST DEGREE, Idaho Code Section 18-4001-02-03(a) and ONE COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Idaho Code Sections 18-4001-02-03(a) and 18-1701, each Defendant being charged with both counts. The Honorable Robert C. Naftz presided. The State was represented by Mark Heideman and Vic A. Pearson. The Defendant, Torey Adamcik, appeared in person by and through counsel, Bron Rammell and Aaron Thompson. The Defendant, Brian Draper, also appeared in person by and through counsel, Randall Schulthies and Dave Martinez.

At the outset of this hearing, counsel for Mr. Adamcik renewed motions to allow the Defendant to wear civilian clothing and for a continuance of the preliminary hearing. The Court previously had ruled on these issues. Counsel for Mr. Draper renewed their motion to disqualify. The Court denied this motion.

The state called the following witnesses during the course of this proceeding: Matt Beckham, Detective Andy Thomas, Dr. S. Skoumal, and Detective Alex Hamilton. Plaintiff introduced a videotape known as Plaintiff's Exhibit 1 admitted as evidence, which was later returned back to the custody of Detective Alex Hamilton. Counsel for Defendants did not call any witnesses, but representation for Mr. Adamcik did introduce autopsy results known as Defendant's Exhibit A, which was admitted as evidence.

At the conclusion of said hearing, the court reviewed the evidence of the videotape, the autopsy results, and testimony of all witnesses. The Court did conclude the public offenses listed above were committed in Bannock County, that jurisdiction is proper, and that evidence introduced was considered separately on each Defendant. In regard to Mr. Draper, the Court took into consideration Mr. Draper's confession, the discussion on the videotape, and the forensic evidence and found reasonable grounds to believe Mr. Draper committed said offenses. Regarding Mr. Adamcik, the Court did not consider the testimony of Detective Thomas, but did consider Mr. Adamcik's statement to his father, the forensic evidence, and the admission on the videotape. The Court found reasonable grounds to believe Mr. Adamcik committed said offenses.

164

IT IS THEREFORE ORDERED that the Defendants be bound over to the district court and held to answer to the charges listed above. The Defendants remain incarcerated at the Bannock County Jail on a no-bond hold pending further proceedings. Counsel for Defendants requested that an arraignment hearing be postponed until the first of November 13, 2006. Further, the Court orders that the physical file remain open for regard to any non-procedural matters.

IT IS SO ORDERED this Thursday, November 09, 2006.

*Robert C. Naftz*

ROBERT C. NAFTZ  
MAGISTRATE JUDGE

I certify that on Wednesday, November 08, 2006 I served a true and correct copy of the foregoing **Minute Entry and Order Binding the Defendants Over to District Court** on the person(s) listed below by hand delivery or mail with correct postage.

Mark Heideman and Vic Pearson Bannock County Prosecutors Office P O Box P Pocatello, ID 83205	Bron Rammell and Aaron Thompson P.O. Box 370 Pocatello, ID 83204  Randall Schulthies and Dave Maden Bannock County Public Detention Office 141 N 6th Pocatello ID 83201
--	--

Dale Hatch  
Clerk Of The District Court

By: *Nicole P. DeLoach*  
Nicole P. DeLoach, Deputy Clerk

MARK L. HIEDEMAN  
BANNOCK COUNTY PROSECUTOR  
P.O. BOX P  
POCATELLO, IDAHO 83205  
Telephone: (208) 236-7280

FILED  
BANNOCK COUNTY  
CLERK OF THE COURT



2006 NOV -6 PM 2:39

BY GA  
DEPUTY CLERK

VIC A. PEARSON, ISB #6429  
Chief Deputy Prosecutor

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

166

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	CASE NO. CR-06-17984-FE
	)	
vs.	)	PROSECUTING ATTORNEY'S
	)	INFORMATION
TOREY MICHAEL ADAMCIK,	)	
	)	
06-14-90	)	
	)	
BRIAN LEE DRAPER,	)	
	)	
03-21-90	)	
	)	
Defendant.	)	
_____	)	

MARK L. HIEDEMAN, Prosecuting Attorney, in and for Bannock County, State of Idaho, who, in the name and by the authority of said State prosecutes in its behalf, in proper person comes into said District Court in the County of Bannock, State of Idaho, on the 6<sup>th</sup> day of November, 2006, and gives the Court to understand and be informed that BRIAN LEE DRAPER is accused by this information of the crime of 1 COUNT MURDER IN THE FIRST DEGREE, Idaho Code §18-4001-02-03(a), and 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Idaho Code §§18-4001-02-03(a) and §18-1701, committed as follows:

166

COUNT 1  
MURDER IN THE FIRST DEGREE

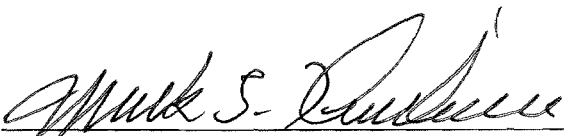
That the said TOREY MICHAEL ADAMCIK and **BRIAN LEE DRAPER**, in the County of Bannock, State of Idaho, on or between the 22<sup>nd</sup> and 23<sup>rd</sup> days of September, 2006, did kill and murder Cassie Stoddart, a human being, by lying in wait, or torture, when torture is inflicted with the intent to cause suffering, to execute vengeance, or to satisfy some sadistic inclination, or which is perpetrated by any kind of willful, deliberate and premeditated killing by purchasing knives and stabbing Cassie Stoddart, causing injuries to the Cassie Stoddart from which the victim died in Bannock County, Idaho.

COUNT 2  
CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE

That the said **BRIAN LEE DRAPER**, in the County of Bannock, State of Idaho, on or between the 22<sup>nd</sup> and 23<sup>rd</sup> days of September, 2006, did burglariously, combine and conspire with TOREY MICHAEL ADAMCIK to commit the crime of MURDER IN THE FIRST DEGREE, an offense prescribed by the laws of the State of Idaho, Idaho Code §18-4001-02-03(a), by lying in wait, or torture, when torture is inflicted with the intent to cause suffering, to execute vengeance, or to satisfy some sadistic inclination, or which is perpetrated by any kind of willful, deliberate and premeditated killing by purchasing knives and stabbing Cassie Stoddart, causing injuries to the Cassie Stoddart from which the victim died in Bannock County, Idaho.

All of which is contrary to the form of the statute in such case in said State made and provided and against the peace and dignity of the State of Idaho.

STATE OF IDAHO }  
County of Bannock } ss.

  
MARK L. HIEDEMAN  
Prosecuting Attorney  
Bannock County, Idaho

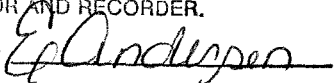
I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 13 day of NOV 2006

DALE HATCH, CLERK OF THE DISTRICT COURT,  
EX OFFICIO AUDITOR AND RECORDER.

By Deputy



STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BANNOCK    )

I, DALE HATCH, Clerk of the District Court of the Sixth Judicial District, in  
and for the County of Bannock, State of Idaho, do hereby certify that the foregoing is a  
true and correct copy of the original information filed in my office on the \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Deputy

168

CLERK OF DISTRICT COURT  
2006 NOV 14 PM 1:05  
*[Handwritten signature]*

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
IN AND FOR THE STATE OF IDAHO, COUNTY OF BANNOCK**

**STATE OF IDAHO,**

**Plaintiff,**

vs.

**TOREY MICHAEL ADAMCIK,**

*169*  
[Redacted]

**BRIAN LEE DRAPER,**

[Redacted]

**Defendant.**

**CASE NO. CR2004-17984FE**

**MINUTE ENTRY AND ORDER**

The above named **TOREY MICHAEL ADAMCIK** came before the Court for arraignment on the 14th day of November, 2006, with counsel, Aaron Thompson and Bron Rammell. Mark L. Hiedeman, Bannock County Prosecuting Attorney, and Vic A Pearson, Chief Bannock County Prosecuting Attorney, appeared on behalf of the State of Idaho.

When asked by the Court, the Defendant stated that his true name is as shown on the Prosecuting Attorney's Information. Reading of the Information was waived and a certified copy of the same was handed to counsel for defendant.

When asked by the Court the Defendant entered a plea of NOT GUILTY to the charge of 1 COUNT MURDER IN THE FIRST DEGREE, Idaho Code §18-4001-02-03(a) and 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Idaho Code §§18-4001-02-03(a) and §18-1701.

Counsel for Defendant Brian Draper requested a transcript of the preliminary hearing and transcript of all motions heard by Honorable Robert C. Naftz, Magistrate Judge. There was no objection.

170  
NOW, THEREFORE, IT IS HEREWITH ORDERED the official Court Transcriber Sherrill Grimmatt, shall prepare a transcript of the Preliminary Hearing held before Honorable Robert C. Naftz on Friday, November 3, 2006, as well as prepare a transcript of all motions heard by Judge Naftz prior to the Preliminary Hearing pertaining to this matter. The originals shall be filed with the Court and copies to respective counsel. The Court requests the transcripts be completed by **Friday, December 15, 2006.**

IT IS FURTHER ORDERED that this matter is set for Trial by Jury commencing **Tuesday, March 20, 2006, at 9:00 a.m.**, District Courtroom No. 300, Bannock County Courthouse. Defendant must be present.


IT IS FURTHER ORDERED proposed jury instructions shall be filed on or before **Thursday, March 8, 2006.**

IT IS FURTHER ORDERED no pretrial motions will be orally argued subsequent to March 5, 2006.

IT IS FURTHER ORDERED that Defendant is REMANDED to the custody of the Bannock County Sheriff with NO BAIL.

IT IS SO ORDERED.

DATED this 14<sup>th</sup> day of November, 2006.

  
PETER D. McDERMOTT  
District Judge

Copies to:  
Mark L. Hiedeman/Vic A. Pearson  
Aaron Thompson/Bron Rammell  
Bannock County Sheriff  
Sherrill Grimmett  
Tape: 996: 1598



CLERK OF THE COURT  
2007 NOV 14 PM 1:57  
*[Signature]*

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
IN AND FOR THE STATE OF IDAHO, COUNTY OF BANNOCK**

STATE OF IDAHO,	)	
	)	<b>CASE NO. CR2004-17984FE</b>
<b>Plaintiff,</b>	)	
	)	
vs.	)	<b>MINUTE ENTRY AND ORDER</b>
	)	
TOREY MICHAEL ADAMCIK,	)	
██████████	)	
06-14-1990	)	
	)	
<b>BRIAN LEE DRAPER,</b>	)	
██████████	)	
03-21-1990	)	
	)	
<b>Defendant.</b>	)	
	)	

172

The above named **BRIAN LEE DRAPER** came before the Court for arraignment on the 14th day of November, 2006, with counsel, Randall D. Schulthies, Chief Public Defender and David R. Martinez, Chief Deputy Public Defender. Mark L. Hiedeman, Bannock County Prosecuting Attorney and Vic A. Pearson, Chief Deputy Bannock County Prosecuting Attorney, appeared on behalf of the State of Idaho.

When asked by the Court, the Defendant stated that his true name is as shown on the Prosecuting Attorney's Information. Reading of the Information was waived and a certified copy of the same was handed to counsel for defendant.

172

When asked by the Court the Defendant entered a plea of NOT GUILTY to the charge of 1 COUNT MURDER IN THE FIRST DEGREE, Idaho Code §18-4001-02-03(a), and 1 COUNT CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Idaho Code §§18-4001-02-03(a) and §18-1701.

173  
Counsel for Defendant Brian Draper requested a transcript of the preliminary hearing and transcript of all motions heard by Honorable Robert C. Naftz, Magistrate Judge. There was no objection.

NOW, THEREFORE, IT IS HEREWITH ORDERED the official Court Transcriber Sherrill Grimmett, shall prepare a transcript of the Preliminary Hearing held before Honorable Robert C. Naftz on Friday, November 3, 2006, as well as prepare a transcript of all motions heard by Judge Naftz prior to the Preliminary Hearing pertaining to this matter. The originals shall be filed with the Court and copies to counsel for respective defendants and the State. The Court requests the transcripts be completed by **Friday, December 15, 2006.**

IT IS FURTHER ORDERED that this matter is set for Trial by Jury commencing **Tuesday, March 20, 2006, at 9:00 a.m.**, District Courtroom No. 300, Bannock County Courthouse. Defendant must be present.

IT IS FURTHER ORDERED proposed jury instructions shall be filed on or before **Thursday, March 8, 2006.**

174

IT IS FURTHER ORDERED no pretrial motions will be orally argued subsequent to March 5, 2006.

IT IS FURTHER ORDERED that Defendant is REMANDED to the custody of the Bannock County Sheriff with NO BAIL.


IT IS SO ORDERED.

DATED this 14<sup>th</sup> day of November, 2006.

  
PETER D. McDERMOTT  
District Judge

Copies to:  
Mark L. Hiedeman/Vic A. Pearson  
Randall D. Schulthies/David R. Martinez  
Bannock County Sheriff  
Sherrill Grimmett  
Tape: 996: 1538

xMARK L. HIEDEMAN  
BANNOCK COUNTY PROSECUTING ATTORNEY  
P.O. Box P  
IDAHO FALLS, Idaho 83405-1219-0050  
(208) 236-7280

BANNOCK COUNTY  
CLERK OF THE COURT  
2006 NOV 14 AM 9:14  
BY   
DEPUTY CLERK

**VIC A. PEARSON ISB#6429**  
Chief Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

175  
STATE OF IDAHO, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
TOREY MICHAEL ADAMCIK, )  
 )  
Defendant. )  
\_\_\_\_\_ )  
 )

CASE NO. CR-06-17984-FE-  
RESPONSE TO REQUEST  
FOR DISCOVERY

TO: BRON M. RAMMELL, DIAL, MAY & RAMMELL, Pocatello, Idaho, Attorney for the Defendant.

COMES NOW, the State of Idaho, by and through VIC A. PEARSON, Assistant Chief Deputy Prosecuting Attorney in and for the County of Bannock, Idaho, and responds to Defendant's Request for Discovery as follows:

RESPONSE NO. 1: For written or recorded statements of the defendant, please see Bannock County Sheriff's Department Offense Report No. 06-B4057; Pocatello Police Department Offense Report No. 06-P21017; and/or Idaho State Police Investigations Report No. Z0600052. Report No. 06-B4057 was previously provided on

or about October 17, 2006. The other reports are attached hereto and incorporated by reference.

RESPONSE NO. 2: For written or recorded statements of the defendant, please see Bannock County Sheriff's Department Offense Report No. 06-B4057; Pocatello Police Department Offense Report No. 06-P21017; and/or Idaho State Police Investigations Report No. Z0600052. Report No. 06-B4057 was previously provided to defense counsel on or about October 17, 2006. The other reports are attached hereto and incorporated by reference.

176  
RESPONSE NO. 3: Please see the defendant's criminal history, attached hereto and incorporated by reference. There is no criminal history for the defendant, but a law enforcement printout of the defendant's involvements is attached.

RESPONSE NO. 4: The following is a list of documents and tangible objects that may be used at the time of trial: Please see the attached lists – Evidence List and Property List, which is attached hereto and incorporated by reference. Copies of items therein are attached and incorporated by reference or may be viewed by making an appointment with the law enforcement officer involved with that matter or were previously provided to defense counsel as stated on the list.

RESPONSE NO. 5: The following is a list of physical or mental examinations and/or scientific tests or experiments made in connection with this case: Please see the attached – Evidence List and Property List, which is attached hereto and incorporated by reference. Copies of results of physical or mental examinations and/or scientific tests or experiments are either attached hereto or shall be forwarded upon receipt.

RESPONSE NO. 6: The following list of individuals may be called to testify at any time of trial: Please see the list of law enforcement and profession witnesses and civilian witnesses, which is attached hereto and incorporated by reference.

At the present time, to the best knowledge of the plaintiff, only the aforementioned individuals with an "\*" before their name have a record of felony convictions. Copies of the criminal histories for these individuals is attached hereto and incorporated by reference. For statements made by prosecution witnesses, please see police reports

177  
RESPONSE NO. 7: Please see Bannock County Sheriff's Department Offense Report No. 06-B4057; Pocatello Police Department Offense Report No. 06-P21017; and/or Idaho State Police Investigations Report No. Z0600052. Report No. 06-B4057 was previously provided to defense counsel on or about October 17, 2006. The other reports are attached hereto and incorporated by reference.

The State reserves the right to supplement this response upon receipt of evidence not currently in our possession.

DATED this 14<sup>th</sup> day of November, 2006.



VIC A. PEARSON  
Chief Deputy Prosecuting Attorney

**CERTIFICATE OF DELIVERY**

I HEREBY CERTIFY That on this 14<sup>th</sup> day of November, 2006, a true and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY was delivered to the following:

BRON M. RAMMELL  
DIAL MAY & RAMMELL  
P O BOX 370  
POCATELLO, ID 83204-0370

mail -  
postage prepaid  
 hand delivery  
 facsimile 234-2961



VIC A. PEARSON

178

178

STATE V. TOREY ADAMCIK & BRIAN DRAPER  
EVIDENCE LIST

Specifics	Items	## Pgs	Given To Bron Rammell	Given To Randall Schulthies
<b>BRIAN DRAPER INFORMATION</b>				
	"Diary Entries" – 12/25/00, 08/21/01, 8/20/01, 12/19/01, 12/20/01, 12/24/01, 12/26/01, 06/07/04, 06/08/04, 06/27/04, 09/01/04, 02/11/05, 08/08/05, 08/11/05	15	11/14/06	11/14/06
	Witness statement	4	11/03/06	11/03/06
	Miranda Sheet dated 09/27/06	1	11/03/06	11/03/06
	Drawings dated 09/27/06	5	11/14/06	11/14/06
	Drawings dated 09/26/06	1	11/14/06	11/14/06
	Miranda Sheet dated 09/29/06	1	11/03/06	11/03/06
	Sketch of house with backyard	1	11/14/06	11/14/06
	Poems/sketches/pictures from Brian's bedroom	10	11/14/06	11/14/06
	10/24/06 Search of Brian Draper's Cell at the jail	6	11/14/06	11/14/06
	Document taken off Brian Draper's computer by Det. John Walker	13	11/14/06	11/14/06
	Police Copy of complaint	2	11/14/06	11/14/06
	Brian Draper's "MySpace.com" profile	2	11/14/06	11/14/06
	Fallenslipnot.com website	6	11/14/06	11/14/06
	Miranda Sheet dated 09/28/06	1	11/03/06	11/03/06
<b>BANNOCK COUNTY SHERIFF'S DEPARTMENT DETECTIVES' NOTES</b>				
	Andy Thomas	44	11/14/06	11/14/06
	Doug Armstrong	56	11/14/06	11/14/06
	Mark Ballard	19	11/14/06	11/14/06
	Justin Cannon	2	11/14/06	11/14/06
<b>CASSIE STODDART</b>				
	Consent to Search signed by Anna Stoddart	1	11/14/06	11/14/06
	Medical Release and Record from Children's Clinic	14	11/14/06	11/14/06
	Driver's License Record and Criminal Check	2	11/14/06	11/14/06
	"MySpace.com" profile	19	11/14/06	11/14/06
<b>CELLULAR TELEPHONE RECORDS</b>				
	Torey Adamcik	2	11/03/06	11/03/06
	Chronological Breakdown of calls between 09/22/06 and 09/24/06 prepared by Julie Donahue, ISPI	6	11/03/06	11/03/06
	Cellular telephone records prepared by Julie Donahue, ISPI	10	11/03/06	11/03/06
<b>CRIME SCENE</b>				
	Schematics	14	11/14/06	11/14/06
	Sketches	19	11/14/06	11/14/06



STATE V. TOREY ADAMCIK & BRIAN DRAPER  
EVIDENCE LIST

180

Specifics	Items	## Pgs	Given To Bron Rammell	Given To Randall Schulthies
<b>EVIDENCE</b>				
	Idaho State Police Forensic Services Submission Form	2	11/14/06	11/14/06
	BCSO Property Record by Det. Toni Vollmer	6	11/14/06	11/14/06
	BCSO Evidence Submission Form by Det. Mark Ballard	6	11/14/06	11/14/06
	BCSO Property Record by Mark Ballard	16	11/14/06	11/14/06
	BCSO Evidence Submission Form by Det. Doug Armstrong	3	11/14/06	11/14/06
	BCSO Property Receipt by Det. Tom Foltz	1	11/14/06	11/14/06
	BCSO Property Record by Det. Tom Foltz	1	11/14/06	11/14/06
	BCSO Property Record by Det. Andy Thomas	1	11/14/06	11/14/06
<b>IDAHO STATE POLICE NOTES</b>				
	Det. John Ganske	38	11/14/06	11/14/06
	Det. Gary Brush	34	11/14/06	11/14/06
	Det. Tom Sellers	18	11/14/06	11/14/06
	Det. John Kempf	19	11/14/06	11/14/06
	Det. Julie Donahue	50	11/14/06	11/14/06
	Det. Frank Csajko	22	11/14/06	11/14/06
	Det. Don Broughton	26	11/14/06	11/14/06
<b>COMPACT DISCS / RECORDED INTERVIEWS</b>				
	<b>Miscellaneous Discs</b>	5	11/14/06	11/14/06
	911 Calls to the Bannock County Sheriff s Dispatch, September 24, 2006		10/17/06	10/17/06
	Home Video by Brian Draper and Torey Adamcik		10/17/06	10/17/06
	Transcript of Home Video		11/14/06	11/14/06
	Recordings of the answering machine		10/17/06	10/17/06
	ISU enhanced version of Adamcik and Drapers' Video		10/17/06	10/17/06
	ISP Crime Scene Sketch on Disc.		10/17/06	10/17/06
	<b>Interviews for September 25, 2006</b>	3	10/17/06	10/17/06
	Anna Stoddart		10/17/06	10/17/06
	Victor Price		10/17/06	10/17/06
	Josephina Sisneros		10/17/06	10/17/06
	<b>Interviews for September 26, 2006</b>	5	10/17/06	10/17/06
	Matt Beckham 2nd Interview		10/17/06	10/17/06
	Matt Beckham 3rd Interview		10/17/06	10/17/06
	Brian Draper 2nd Interview 2 disc set		10/17/06	10/17/06
	Victor Price Polygraph		10/17/06	10/17/06
	Anna Stoddart V SA test		10/17/06	10/17/06

180

STATE V. TOREY ADAMCIK & BRIAN DRAPER  
EVIDENCE LIST

Specifics	Items	## Pgs	Given To Bron Rammell	Given To Randall Schulthies
<b>COMPACT DISCS / RECORDED INTERVIEWS cont'd</b>				
	<b>Interview for September 27, 2006</b>	6	10/17/06	10/17/06
	Matt Beckham Polygraph, 2 disc set		10/17/06	10/17/06
	Matt Beckham Post Polygraph Interview		10/17/06	10/17/06
	Torey Adamcik 2 <sup>nd</sup> Interview		10/17/06	10/17/06
	Brian Draper 3rd Interview (Confession) at BC SO		10/17/06	10/17/06
	Ronald Stoddart Interview		10/17/06	10/17/06
	Yolanda Stoddart Interview		10/17/06	10/17/06
	<b>Interviews for September 28, 2006</b>	3	10/17/06	10/17/06
	Brain Draper 4th Interview		10/17/06	10/17/06
	Amber Phillips Interview		10/17/06	10/17/06
	Joe Lucero Interview		10/17/06	10/17/06
	<b>Interviews for September 29, 2006</b>	4	10/17/06	10/17/06
	Brain Draper		10/17/06	10/17/06
	Amber Phillips		11/14/06	11/14/06
	April Phillips		11/14/06	11/14/06
	Matt & Sherri consent for DNA		11/14/06	11/14/06
<b>LAW ENFORCEMENT CONTACT INFORMATION</b>				
	Richard Nelson	2	11/14/06	11/14/06
	Joy Nelson	2	11/14/06	11/14/06
	Dustin Jade Morgan photograph and information	4	11/14/06	11/14/06
	Ralph Nelson	2	11/14/06	11/14/06
	Derek Lindberg	16	11/14/06	11/14/06
	Daniel Warner	2	11/14/06	11/14/06
<b>LAB REPORTS</b>				
	ISP Forensic Services Evidence Submission Form – Det. Mark Ballard	2	11/14/06	11/14/06
	ISP Forensic Services Evidence Submission/Receipt Form – Det. Mark Ballard	1	11/14/06	11/14/06
<b>MAJOR INCIDENT LOGS</b>				
	Letter Size pages	12	11/14/06	11/14/06
	Legal Size Pages	13	11/14/06	11/14/06

181

181

STATE V. TOREY ADAMCIK & BRIAN DRAPER  
EVIDENCE LIST

Specifics	Items	## Pgs	Given To Bron Rammell	Given To Randall Schulthies
<u>MATT BECKHAM</u>				
	Consent to Search	1	11/14/06	11/14/06
	Picture	1	11/14/06	11/14/06
	Driver's License and Criminal check	2	11/14/06	11/14/06
	Statement	1	11/03/06	11/03/06
	Sketched Diagrams	3	11/14/06	11/14/06
	ISP Rights Form	1	11/14/06	11/14/06
	Sherri Beckham statement	1	11/14/06	11/14/06
	Driver's License Photo and information	1	11/14/06	11/14/06
	Finger Print Card	1	11/14/06	11/14/06
	Det. Andy Thomas Notes	2	11/14/06	11/14/06
<u>MISCELLANEOUS</u>				
	Pocatello Police Department Offense Report No. 04-P05848	7	11/14/06	11/14/06
	Pocatello Police Department Offense Report No. 04-P22062 – Supplements		11/14/06	11/14/06
	Confidentiality agreement	1	11/14/06	11/14/06
	Letter dated 10/18/06 from Bron Rammell	1	11/14/06	11/14/06
	Bannock County Sheriff's Department Offense Report No. 06-B4075	3	11/14/06	11/14/06
	Letter dated 09/29/06 from Don Cotant, Pocatello High School Principal	1	11/14/06	11/14/06
	Bannock County Sheriff's Department Offense Report No. 06-B4065	3	11/14/06	11/14/06
	Ralph Nelson Driver's License and Personal History	3	11/14/06	11/14/06
<u>NEIGHBORHOOD INFORMATION</u>				
	Neighborhood Platt	1	11/14/06	11/14/06
	Telephone Book Pages	2	11/14/06	11/14/06
	Address Information	1	11/14/06	11/14/06
<u>PHONE TIPS</u>				
	BCSO case Tip Sheets dated 09/25 & 26/06	5	11/14/06	11/14/06
	Hand Notes from Tips	2	11/14/06	11/14/06
	Information Control Sheets 1-26 & 28-30	29	11/14/06	11/14/06
	Hand Notes	1	11/14/06	11/14/06
	Power County Sheriff's Department Offense Report No. 01-2006-02801	5	11/14/06	11/14/06
	Information Control Filter Report	23	11/14/06	11/14/06

182

182

STATE V. TOREY ADAMCIK & BRIAN DRAPER  
EVIDENCE LIST

Specifics	Items	## Pgs	Given To Bron Rammell	Given To Randall Schulthies
<u>PHOTO LINE UPS</u>				
	Line Ups	6	11/14/06	11/14/06
	Beckham Driver's License	1	11/14/06	11/14/06
	Adamcik Driver's License	1	11/14/06	11/14/06
	Photo	1	11/14/06	11/14/06
<u>PHOTOGRAPHS AND LOGS</u>				
	12 Pictures from Cassie Stoddart's Autopsy	2	11/14/06	11/14/06
	Compact discs	5	11/14/06	11/14/06
	Thumbnails from CDs	82	11/14/06	11/14/06
<u>POCATELLO HIGH SCHOOL LOCKERS</u>				
	Copies of Video Boxes	7	11/14/06	11/14/06
	Book	7	11/14/06	11/14/06
	Bell Schedule	1	11/14/06	11/14/06
	Property Receipt from Cassie Stoddart's Locker	1	11/14/06	11/14/06
	Consent Form signed by Anna Stoddart	1	11/14/06	11/14/06
<u>LAW ENFORCEMENT REPORTS</u>				
	BCSO Offense Report No. 06-B4057	224	10/17/06	10/17/06
	Autopsy Report by Steven Skoumal	15	10/17/06	10/17/06
	ISP Forensic Lab Crime Scene Inventory Report	7	11/14/06	11/14/06
	ISP Investigations Report No. Z06000052 – Investigative Report List (2), Original (3) plus 23 supplements (57)	62	11/14/06	11/14/06
	PPD Offense Report No. 06-P21017	15	11/14/06	11/14/06
	Certification of Medical Records from Patti Knapp PMC	1	11/14/06	11/14/06
<u>STATEMENTS</u>				
	Anna Stoddart	1	11/03/06	11/03/06
	Victor Price	2	11/03/06	11/03/06
	Frank Contreras	1	11/03/06	11/03/06
	Allison Serr-Contreras (includes diagram)	3	11/03/06	11/03/06
	Shelby McClusky	1	11/03/06	11/03/06
	Sheri Henderson	1	11/03/06	11/03/06
	Darrell Henderson	2	11/03/06	11/03/06
	Riley Smith	2	11/03/06	11/03/06
	Ethan Smith	2	11/03/06	11/03/06
	Christy Barbre drawing	1	11/03/06	11/03/06
	Copy of Reciepts from Ronald Stoddart	1	11/14/06	11/14/06

STATE V. TOREY ADAMCIK & BRIAN DRAPER  
EVIDENCE LIST

Specifics	Items	## Pgs	Given To Bron Rammell	Given To Randall Schulthies
<b>SEARCH WARRANTS</b>				
	Affidavit of Probable Cause, Search Warrant, Return to Search Warrant for Computers, Cameras, Film etc.	23	11/14/06	11/14/06
	Affidavit of Probable Cause and Search Warrant, dated 09/27/06; Return to Search Warrant dated 10/11/06 for 1598 Point View	17	11/14/06	11/14/06
	Affidavit of Probable Cause and Search Warrant, dated 09/27/06; Return to Search Warrant dated 10/11/06 for 1030 Shale Drive	15	11/14/06	11/14/06
	Affidavit of Probable Cause and Search Warrant, dated 09/29/06; Return to Search Warrant dated 10/11/06 for Pocatello High School Locker #3124	14	11/14/06	11/14/06
	Affidavit of Probable Cause and Search Warrant, dated 09/29/06; Return to Search Warrant dated 10/11/06 for Pocatello High School Locker #2208	13	11/14/06	11/14/06
	Affidavit of Probable Cause and Search Warrant, dated 10/04/06; Return to Search Warrant dated 10/11/06 for 1598 Point View	15	11/14/06	11/14/06
	Petition for Detention and Order of Detention dated 10/04/06 for blood and hair samples and oral swabs; and Receipt, Inventory, Return of Detention Order dated 10/11/06 from Torey Adamcik	5	11/14/06	11/14/06
	Petition for Detention and Order of Detention dated 10/04/06 for blood and hair samples and oral swabs; and Receipt, Inventory, Return of Detention Order dated 10/11/06 from Brian Draper	5	11/14/06	11/14/06
	ISP Permission to Search signed by Frank Contreras	1	11/14/06	11/14/06
	PPD Permission to Search signed by Amber(?) and Doug Dykman	1	11/14/06	11/14/06
<b>TOREY ADAMCIK</b>				
	Notebook page – List of Supplies & Victims	1	11/14/06	11/14/06
	Police Copy of Complaint	2	11/14/06	11/14/06
	Hand Written notes of 09/27/06 Interview	7	11/14/06	11/14/06
	Written Statement	1	11/03/06	11/03/06
	ISP Rights Form	1	11/03/06	11/03/06
	Drawings dated 09/27/06	2	11/14/06	11/14/06
	Law enforcement information printout	5	11/14/06	11/14/06
	Driver's License printout	1	11/14/06	11/14/06
	Westmark Credit Union Savings Passbook	2	11/14/06	11/14/06
	"Ideas for the Movie"	5	11/14/06	11/14/06
	Notebook of sketches, songs & poems	49	11/14/06	11/14/06
	Love note from Jodi Chandler	1	11/14/06	11/14/06
	Handwritten Instructions for copying	1	11/14/06	11/14/06

STATE V. TOREY ADAMCIK & BRIAN DRAPER  
EVIDENCE LIST

Specifics	Items	## Pgs	Given To Bron Rammell	Given To Randall Schulthies
<u>WEATHER SERVICE INFORAMTION</u>				
	<a href="http://aa.unso.navy.mil/cgi-bin/aa_pap.pl">http://aa.unso.navy.mil/cgi-bin/aa_pap.pl</a>	3	11/14/06	11/14/06
	Decoding a METAR observation by David Phelps	5	11/14/06	11/14/06
	Record of River and Climatological Observations	2	11/14/06	11/14/06
	<a href="http://www.weather.gov/climate/getclimate.php?wfo=pih">http://www.weather.gov/climate/getclimate.php?wfo=pih</a>	13	11/14/06	11/14/06

185

185



PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: HARD DRIVE		Property Number: P93080
Item/Brand: TRAVEL STAR		Model: HTS541060G9ATOO
Serial Number:		Color:
Characteristics:		
Quantity: 1	Meas:	Total Value: 20.00
Owner ID Number:		

Item Type: HARD DRIVE		Property Number: P93081
Item/Brand: SEAGATE		Model:
Serial Number: 4LR26K8H		Color:
Characteristics:		
Quantity: 1	Meas:	Total Value: 20.00
Owner ID Number:		

186

Item Type: T-SHIRT		Property Number: P93083
Item/Brand:		Model:
Serial Number:		Color: BLK /
Characteristics:		
Quantity: 1	Meas:	Total Value: 0.00
Owner ID Number:		

Item Type: GLOVE		Property Number: P93084
Item/Brand:		Model: FINGERLESS
Serial Number:		Color: BLK /
Characteristics:		
Quantity: 1	Meas:	Total Value: 0.00
Owner ID Number:		

Item Type: SHEATH		Property Number: P93085
Item/Brand:		Model: FOR KNIFE
Serial Number:		Color: BLK /
Characteristics:		
Quantity: 1	Meas:	Total value: 0.00
Owner ID Number:		

Item Type: CORD		Property Number: P93086
Item/Brand: IBM		Model: POWER
Serial Number: 78X2581		Color: /
Characteristics:		
Quantity: 1	Meas:	Total Value: 0.00
Owner ID Number:		

Item Type: JEANS		Property Number: P93087
Item/Brand:		Model:
Serial Number:		Color: BLU /
Characteristics:		
Quantity: 1	Meas:	Total Value: 0.00
Owner ID Number:		

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: LAPTOP COMPUTER  
Item/Brand: IBM  
Serial Number: 78X2581  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: P93088  
Model: THINKPAD  
Color: BLK /

Meas: Total Value: 0.00

Item Type: SHOE  
Item/Brand: CONVERSE  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: P93089  
Model: LEFT  
Color: BLK /

Meas: Total Value: 0.00

Item Type: SHOE  
Item/Brand: CONVERSE  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: P93090  
Model: RIGHT  
Color: BLK /

Meas: Total Value: 0.00

Item Type: DVD  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: P93091  
Model: DYKMAN, ADAM  
Color: /

Meas: Total Value: 0.00

Item Type: DVD  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: P93092  
Model: PHILLIPS, AMBER  
Color: /

Meas: Total Value: 0.00

Item Type: COMPUTER  
Item/Brand: COMPAQ PRESARIO  
Serial Number: 3D94CMP2C2F2  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: P93189  
Model: 5184  
Color: /

Meas: Total Value: 250.00

Item Type: COMPUTER  
Item/Brand: MICRON  
Serial Number: 25522448-0001  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: P93190  
Model: CLIENT PROBE  
Color: /

Meas: Total Value: 250.00



PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: SHOES  
Item/Brand: CONVERSE/TENNIS  
Serial Number:  
Characteristics:  
Quantity: 2 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018753  
Model:  
Color: WHI /

Item Type: SHOES  
Item/Brand: COLUMBIA  
Serial Number:  
Characteristics:  
Quantity: 2 Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018754  
Model:  
Color: /

188  
Item Type: SHOE  
Item/Brand: DC  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018755  
Model:  
Color: WHI /

Item Type: SHOES  
Item/Brand: BASS/TENNIS  
Serial Number:  
Characteristics:  
Quantity: 2 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018756  
Model:  
Color: /

Item Type: BODY PART(S)  
Item/Brand: LIVING ROOM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018757  
Model:  
Color: /

Item Type: BLOOD  
Item/Brand: DROP/LIVING RM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018758  
Model:  
Color: /

Item Type: BLOOD  
Item/Brand: DROP/LIVING RM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018759  
Model:  
Color: /



PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: BLOOD  
Item/Brand: DROP/LIVING RM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD  
Item/Brand: DROP/LIVING RM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD  
Item/Brand: DROP/LIVING RM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD  
Item/Brand: DROP/LIVING RM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: JACKET  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD  
Item/Brand: DROP/ENTRY WAY  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD  
Item/Brand: DROP/ENTRY WAY  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

189

189

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: BLOOD  
Item/Brand: SMEAR/FRONTDOOR  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018767  
Model: INSIDE FRAME  
Color: /

Item Type: BLOOD  
Item/Brand: SMEAR/ENTRY WAY  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018768  
Model: WALL  
Color: /

190  
Item Type: BLOOD  
Item/Brand: DROP/HALL FLOOR  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018769  
Model:  
Color: /

Item Type: BLOOD  
Item/Brand: DROP/HALL FLOOR  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018770  
Model:  
Color: /

Item Type: BLOOD  
Item/Brand: DROP/HALL FLOOR  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018771  
Model:  
Color: /

Item Type: BLOOD  
Item/Brand: DROP/HALL/WALL  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018772  
Model:  
Color: /

Item Type: BLOOD  
Item/Brand: DROP/HALL/WALL  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018773  
Model:  
Color: /

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: BLOOD Property Number: B0018774  
Item/Brand: SMEAR/HALL/WALL Model:  
Serial Number: Color: /  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD Property Number: B0018775  
Item/Brand: DROP/HALL/FLOOR Model:  
Serial Number: Color: /  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD Property Number: B0018776  
Item/Brand: DROP/STAIRS Model: STEP #1  
Serial Number: Color: /  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD Property Number: B0018777  
Item/Brand: DROP/STAIRS Model: STEP #3  
Serial Number: Color: /  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD Property Number: B0018778  
Item/Brand: DROP/STAIRS Model: STEP #9  
Serial Number: Color: /  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD Property Number: B0018779  
Item/Brand: DROP/STAIRS Model: STEP #10  
Serial Number: Color: /  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: FLOOR Property Number: B0018780  
Item/Brand: DIVET/LINOLEUM Model: LOWER LEVEL  
Serial Number: Color: /  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: CLOTHES  
Item/Brand: PAJAMA BOTTOMS  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018781  
Model: BODY/LIVING RM  
Color: YEL /

192  
Item Type: CLOTHES  
Item/Brand: SHIRT/TANK TOP  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018782  
Model: BODY/LIVING RM  
Color: WHI /

Item Type: CLOTHES  
Item/Brand: PANTIES  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018783  
Model: BODY/LIVING RM  
Color: BLK /

Item Type: BLOOD  
Item/Brand: SPATTER/LIVING  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018784  
Model: EAST WALL  
Color: /

Item Type: BLOOD  
Item/Brand: SPATTER  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018785  
Model: LIVING RM/TV  
Color: /

Item Type: BLOOD  
Item/Brand: SPATTER/LIVING  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018786  
Model: EAST WALL  
Color: /

Item Type: DOOR KNOB  
Item/Brand: SMOKE ROOM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018787  
Model: ROOM OFF GARAGE  
Color: /

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: ELECTRIC BOX  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: WINDOW  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: CURTAINS  
Item/Brand: LIVING ROOM  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: PHONE  
Item/Brand: PANASONIC/CORDL  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BLOOD  
Item/Brand: DROP/DRIVEWAY  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: CAST  
Item/Brand: TIRE TREAD  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: CAST  
Item/Brand: TIRE TREAD  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: CIGARETTE BUTT  
Item/Brand: FIELD OUT BACK  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: DOOR KNOB  
Item/Brand: FRONT DOOR  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: SHOES  
Item/Brand: SAND N SUN  
Serial Number:  
Characteristics:  
Quantity: 2 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BOX  
Item/Brand: W/MARIJUANA/PAP  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: DOOR KNOB  
Item/Brand: FROM GARAGE  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: CLOTHING  
Item/Brand: VICTIM'S  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: KEY  
Item/Brand: HOUSE  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: VIDEOTAPE  
Item/Brand: PRE/POST SEARCH  
Serial Number:  
Characteristics:  
Quantity: 4 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: 50018804  
Model: DVD-R, 2 B...  
Color: /

Item Type: BOX  
Item/Brand: LETTERS/CELL PH  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BCS06807  
Model: 1256 KINGHOL...  
Color: /

Item Type: JEANS  
Item/Brand: BLUE  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: 50018806  
Model:  
Color: BLU /

Item Type: FINGERPRINT  
Item/Brand: CASSIE J STODDART  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BCS06807  
Model: PRMC  
Color: /

Item Type: KNIFE  
Item/Brand: & SHARPENER  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: 50018808  
Model: KITCHEN TOP DRA  
Color: /

Item Type: CARDS  
Item/Brand: 29 LATENT  
Serial Number:  
Characteristics:  
Quantity: 29 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BCS06809  
Model:  
Color: /

Item Type: MISCELLANEOUS  
Item/Brand: LEAF W/BLOOD  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: 50018810  
Model: BACK YARD  
Color: /



PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: HAIR  
Item/Brand: CAT/TABBY  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018811  
Model: RESIDENCE  
Color: YEL / WHI

Item Type: WINDOW SCREEN  
Item/Brand: RM OFF GARAGE  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018812  
Model: SMOKE ROOM  
Color: /

Item Type: CARDS  
Item/Brand: 9 LATENT LIFT  
Serial Number:  
Characteristics:  
Quantity: 9 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018813  
Model: RESIDENCE  
Color: /

Item Type: BLOOD  
Item/Brand: DROP  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018814  
Model: KITCHEN SINK  
Color: /

Item Type: BLOOD  
Item/Brand: DROP/STAIN  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018815  
Model: MN BATHRM SINK  
Color: /

Item Type: BLOOD  
Item/Brand: DROP/STAIN  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018816  
Model: MAIN BATHROOM  
Color: /

Item Type: CONDOM PACKAGES  
Item/Brand: WRAPPER  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018817  
Model: MAIN BATHROOM  
Color: /

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: SAMPLE  
Item/Brand: WATER  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018618  
Model: KITCHEN Sink  
Color: /

Item Type: SAMPLE  
Item/Brand: WATER  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018619  
Model: MAIN BATHROOM  
Color: /

Item Type: SAMPLE  
Item/Brand: WATER  
Serial Number:  
Characteristics:  
Quantity: Meas: Total value: 0.00  
Owner ID Number: Property Number: B0018620  
Model: MAIN BATHROOM  
Color: /

Item Type: SAMPLE  
Item/Brand: WATER  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018821  
Model: MASTER BATHROOM  
Color: /

Item Type: SAMPLE  
Item/Brand: WATER  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018822  
Model: DOWNSTAIRS BATH  
Color: /

Item Type: VENT COVER  
Item/Brand: LIVING ROOM  
Serial Number:  
Characteristics:  
Quantity: Meas: Total value: 0.00  
Owner ID Number: Property Number: B0018823  
Model:  
Color: /

Item Type: WINDOW SCREEN  
Item/Brand: KITCHEN  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: B0018824  
Model:  
Color: /

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: DEADBOLT  
Item/Brand: BASEMENT  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018825  
Model: ENTRY DOOR  
Color: /

Item Type: COMPUTER TOWER  
Item/Brand: HARD DRIVE  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018826  
Model: KITCHEN  
Color: /

Item Type: PHONE  
Item/Brand: AT&T  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018827  
Model: AMERITELL  
Color: BLK /

Item Type: PHONE  
Item/Brand: BASE/CHRGR/ANSW  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018828  
Model: BASEMENT BEDRM  
Color: BLK /

Item Type: PHONE  
Item/Brand: BASE/CALLER ID  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018829  
Model: KITCHEN COUNTER  
Color: BLK /

Item Type: CARPET  
Item/Brand: UNDER BODY  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018830  
Model: LIVING ROOM  
Color: BLK /

Item Type: MISCELLANEOUS  
Item/Brand: BROKEN WOODCORK  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018831  
Model: BASEMENT BEDRM  
Color: /

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: PANTS  
Item/Brand: CARGO W32/L34  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total value: 0.00  
Owner ID Number:

Item Type: MISCELLANEOUS  
Item/Brand: LION GLOBE  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

199  
Item Type: CARDS  
Item/Brand: 7 LATENT LIFT  
Serial Number:  
Characteristics:  
Quantity: 7 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: CARDS  
Item/Brand: LATENT PRINTS  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: CD  
Item/Brand: BURNED  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: LOCKER  
Item/Brand: CONTENTS  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: LOCKER  
Item/Brand: CONTENTS  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

199

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: COMPUTER TOWER  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018839  
Model:  
Color: BLK /

Item Type: COMPUTER EQUIP  
Item/Brand: EXT MAXTOR DRIV  
Serial Number: Y3LRWGEE  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018840  
Model:  
Color: /

Item Type: COMPUTER EQUIP  
Item/Brand: EXT MAXTOR DRIV  
Serial Number: B60X4RGH  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018841  
Model:  
Color: /

Item Type: CAMCORDER  
Item/Brand: SONY  
Serial Number: 10924  
Characteristics: .  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018842  
Model:  
Color: /

Item Type: LAPTOP COMPUTER  
Item/Brand: IBM THINKPAD  
Serial Number: L3-AB190  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018843  
Model:  
Color: /

Item Type: CAMERA  
Item/Brand: VIVITAR  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018844  
Model:  
Color: /

Item Type: PAPERS  
Item/Brand: MISC  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018845  
Model:  
Color: /

200

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: JOURNAL  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018845  
Model:  
Color: /

Item Type: VIDEO CAMERA  
Item/Brand: PANASONIC  
Serial Number: J5IA10734A  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018847  
Model:  
Color: /

201  
Item Type: MISCELLANEOUS  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018848  
Model: ITEMS OF OCCUPA  
Color: /

Item Type: VIDEOTAPE  
Item/Brand: PRE/POST SEARCH  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018849  
Model:  
Color: /

Item Type: MATCHES  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 6 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018850  
Model: STICK/PHOTO 1-6  
Color: /

Item Type: BOOTS  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018851  
Model: PHOTO #8  
Color: /

Item Type: GLOVES  
Item/Brand: #9 BLKRCK CANYO  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number: Property Number: BO018852  
Model: BLUE RUBBER  
Color: /

201

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: GLOVES  
Item/Brand: #10 BLKRCK CANY  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: BOTTLE  
Item/Brand: BLACKROCK CANYO  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: MASK  
Item/Brand: BLACKROCK CANYO  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: KNIFE  
Item/Brand: LG. DAGGER  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: c 0.00  
Owner ID Number:

Item Type: KNIFE  
Item/Brand: BLACKROCK CANYO  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Item Type: KNIFE  
Item/Brand: SM. DAGGER  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: VIDEO TAPE  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

202

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: MATCHES  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018860  
Model: FROM HOLE  
Color: /

Item Type: KNIFE  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018861  
Model: BLK GRIP HANDLE  
Color: /

Item Type: NOTE  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018862  
Model: SCRIPT  
Color: /

Item Type: MASK  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018863  
Model: RED/WHITE  
Color: RED / WHI

Item Type: GLOVE  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018864  
Model: CLOTH (1)  
Color: BLK /

Item Type: GLOVES  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 2 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018865  
Model: BLACK CLOTH  
Color: BLK /

Item Type: BAG  
Item/Brand: BLUE PLASTIC  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018866  
Model: W/ DIRT  
Color: BLU /



PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: SHIRT  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018567  
Model: HAGGAR LG  
Color: BLK /

Item Type: SHIRT  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018570  
Model: CALVIN KLEIN  
Color: BLK /

Item Type: SOCK  
Item/Brand: BLKRCK CANYON  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018869  
Model:  
Color: WHI / GRY

Item Type: CORD  
Item/Brand: BLACKROCK CAN  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018870  
Model: BLACK  
Color: BLK /

Item Type: SHOVEL  
Item/Brand: SPADE  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018871  
Model: GARAGE SW CORNER  
Color: /

Item Type: SHOVEL  
Item/Brand: SQUARE "STARKY"  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018872  
Model: GARAGE SW CORNER  
Color: /

Item Type: LAPTOP COMPUTER  
Item/Brand: GATEWAY  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018873  
Model: TOREYS BEDRM  
Color: /

204

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: KNIVES  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 6 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018874  
Model: TOREYS CLOSET  
Color: /

Item Type: CELL PHONE  
Item/Brand: & CHARGER  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018875  
Model: TOREYS CLOSET  
Color: /

Item Type: JOURNAL  
Item/Brand: & CHARGER  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018876  
Model: TOREYS CLOSET  
Color: /

Item Type: VIDEO CAMERA  
Item/Brand: SONY 8MM  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018877  
Model: MASTER BEDROOM  
Color: /

Item Type: CAMERA  
Item/Brand: OLYMPUS 4MG  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018878  
Model: MASTER BEDROOM  
Color: /

Item Type: MAP  
Item/Brand: & CELL PHONE  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018879  
Model: KITCHEN TABLE  
Color: /

Item Type: BAG  
Item/Brand: PLASTIC  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018880  
Model: PANTRY OFF KITC  
Color: BLU /

205

205

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: KEYS  
Item/Brand: CAR  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018881  
Model: FRUIT BOWL KITC  
Color: /

Item Type: CAMERA  
Item/Brand: OLYMPUS  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018882  
Model: FAMILY ROOM  
Color: /

Item Type: COMPUTER TOWER  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018883  
Model: BASEMENT TV RM  
Color: /

Item Type: PDA  
Item/Brand: PALM M130  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018884  
Model: BASEMENT TV RM  
Color: /

Item Type: NOTEBOOK  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018885  
Model: BASEMENT TV RM  
Color: /

Item Type: MAGAZINE  
Item/Brand: PLAYSTATION  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018886  
Model: TOREYS CLOSET  
Color: /

Item Type: SWEATSHIRT  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018887  
Model: LAUNDRY RM BASE  
Color: RED /

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: SHIRT  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: B001BBB8  
Model: LAUNDRY  
Color: WHI /

Meas: Total Value: 0.00

Item Type: UNDERWEAR  
Item/Brand: STAFFORD  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: B001BBB9  
Model: LAUNDRY  
Color: /

Meas: Total Value: 0.00

Item Type: TOWEL  
Item/Brand: W/RED SPOTS  
Serial Number:  
Characteristics: 1,  
Quantity: 1  
Owner ID Number: ,

Property Number: B001BB90  
Model: LAUNDRY  
Color: /

Meas: Total Value: 0.00 "1"

Item Type: TOWEL  
Item/Brand: W/BLUE STAIN  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: B001BB91  
Model: LAUNDRY  
Color: /

Meas: Total Value: 0.00

Item Type: COMPUTER TOWER  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: B001BB92  
Model: BEDROOM DOWNSTA  
Color: / r

Meas: Total Value: 0.00

Item Type: CAMERA  
Item/Brand: DIGITAL  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: B001BB93  
Model: BEDRM DOWNSTAIR  
Color: /

Meas: Total value: 0.00

Item Type: SHOVEL  
Item/Brand: SPADE  
Serial Number:  
Characteristics:  
Quantity: 1  
Owner ID Number:

Property Number: B001BB94  
Model: GARAGE NW CORNE  
Color: /

Meas: Total value: 0.00

207

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: VACUUM  
Item/Brand: CRAFTSMAN SHOP  
Serial Number:  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018895  
Model: GARAGE N. SIDE  
Color: /

Item Type: SHOES  
Item/Brand:  
Serial Number:  
Characteristics:  
Quantity: 2 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018896  
Model: BACK PORCH  
Color: WHI /

Item Type: VIDEOTAPE  
Item/Brand: PRE/POST SEARCH  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018897  
Model: OF SW 1598 POIN  
Color: WHI /

Item Type: MISCELLANEOUS  
Item/Brand: PACKAGING  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018902  
Model: MATERIAL  
Color: /

Item Type: NOTEBOOK  
Item/Brand: 2 WIRE NOTEBOOK  
Serial Number:  
Characteristics:  
Quantity: 2 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018904  
Model: 1 DRAWING  
Color: /

Item Type: Video Tape  
Item/Brand: PRE & POST SW  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018905  
Model:  
Color: /

Item Type: Sex Crime Kit  
Item/Brand: SEXUAL ASSAULT  
Serial Number: OF CASSIE STODDART  
Characteristics:  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: BO018908  
Model: KIT,  
Color: /

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: HAIR  
Item/Brand: SAMPLES  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018909  
Model: OF CASSIE STODD  
Color: /

Item Type: BLOOD KIT  
Item/Brand: TOXICOLOGY  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018910  
Model: OF CASSIE STODD  
Color: /

Item Type: Computer  
Item/Brand: VIDEO OF  
Serial Number: HARD DRIVE, PORTABLE  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018911  
Model: POCKY HIGH SCHO  
Color: /

Item Type: PROGAM CARD  
Item/Brand: ACCEL  
Serial Number:  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018912  
Model: ON CD  
Color: /

Item Type: MAP  
Item/Brand: MAPS OF CAMERA  
Serial Number: POCKY HIGH SCHOOL  
Characteristics:  
Quantity: Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018913  
Model: LOCATIONS AT  
Color: /

Item Type: SWABS  
Item/Brand: STERILE  
Serial Number:  
Characteristics: NEW  
Quantity: 1 Meas: Total Value: 0.00 1  
Owner ID Number: j

Property Number: B0018914  
Model: ORAL-ANNA STODD  
Color: /

Item Type: SWABS  
Item/Brand: STERILE  
Serial Number:  
Characteristics: NEW  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Property Number: B0018915  
Model: ORAL-VICTOR PRI  
Color: /

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: SWABS  
Item/Brand: STERILE  
Serial Number:  
Characteristics: NEW NEW NEW NEW  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: SWABS  
Item/Brand: STERILE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

Item Type: SWABS  
Item/Brand: STERILE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas: Total Value: 0.00  
Owner ID Number:

210

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018923  
Model: ALLISON SERR-CO  
Color: /

Total Value: 0.00

Item Type: SWABS  
Item/Brand: STERILE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018924  
Model: ORAL-ANNA STODD  
Color: /

Total Value: 0.00

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018925  
Model: ANNA STODDART  
Color: /

Total Value: 0.00

Item Type: SWABS  
Item/Brand: STERILE-ORAL  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018926  
Model: BROOKE ARELLANO  
Color: /

Total Value: 0.00

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018927  
Model: BROOKE ARELLANO  
Color: /

Total Value: 0.00

Item Type: SWABS  
Item/Brand: STERILE-ORAL  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018928  
Model: DYLAN CONTRERAS  
Color: /

Total Value: 0.00

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018929  
Model: DYLAN CONTRERAS  
Color: /

Total Value: 0.00

211



PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: SWABS  
Item/Brand: STERILE-ORAL  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018930  
Model: CHEYENNE MCCLUS  
Color: /  
  
Total Value: 0.00

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018931  
Model: CHEYENNE MCCLUS  
Color: /  
  
Total Value: 0.00

Item Type: SWABS  
Item/Brand: STERILE-ORAL  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018932  
Model: BRIAN DRAPER  
Color: /  
  
Total Value: 0.00

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018933  
Model: BRIAN DRAPER  
Color: /  
  
Total Value: 0.00

Item Type: FINGERPRINT CAR  
Item/Brand: ELIM/SUSPECT  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 11 sets Meas:  
Owner ID Number:

Property Number: B0018934  
Model: FINGER/PALM  
Color: /  
  
Total Value: 0.00

Item Type: HAIR  
Item/Brand: DOG  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018935  
Model: FEMALE HUSKY X  
Color: /  
  
Total Value: 0.00

Item Type: HAIR  
Item/Brand: CAT  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018936  
Model: FEMALE  
Color: BLK /  
  
Total Value: 0.00

212

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: HAIR  
Item/Brand: DOG  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018937  
Model: FEMALE CHIHUAHUA  
Color: BLK /  
Total Value: 0.00

Item Type: HAIR  
Item/Brand: CAT  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018938  
Model: MALE  
Color: BLK /  
Total Value: 0.00

Item Type: SEX CRIME KIT  
Item/Brand: ISP  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018939  
Model: BRIAN DRAPER  
Color: BLK /  
Total Value: 0.00

Item Type: SEX CRIME KIT  
Item/Brand: ISP  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018941  
Model: TOREY ADAMCIK  
Color: /  
Total Value: 0.00

Item Type: SEX CRIME KIT  
Item/Brand: ISP  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018942  
Model: MATT BECKHAM  
Color: /  
Total Value: 0.00

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018943  
Model: TOREY ADAMCIK  
Color: /  
Total Value: 0.00

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018944  
Model: BRIAN DRAPER  
Color: /  
Total Value: 0.00

213

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: HAIR  
Item/Brand: SAMPLE  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: BO018945  
Model: MATT BECKHAM  
Color: /  
Total Value: 0.00

Item Type: SAMPLE  
Item/Brand: WRITING/SUSPECT  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: Meas:  
Owner ID Number:

Property Number: BO018955  
Model: POKY HIGH  
Color: /  
Total Value: 0.00

Item Type: PHOTOGRAPHS  
Item/Brand: KNIVES  
Serial Number: Color: /  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 4 Meas:  
Owner ID Number:

Property Number: BO018956  
Model: BCSO  
Total Value: 0.00

Item Type: CDS  
Item/Brand: 911 CALL  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: Meas:  
Owner ID Number:

Property Number: BO018966  
Model: BANNOCK COUNTY  
Color: /  
Total Value: 0.00

Item Type: CDS  
Item/Brand: INTERVIEWS  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: Meas:  
Owner ID Number:

Property Number: BO018967  
Model: MATT BECKHAM  
Color: /  
Total Value: 0.00

Item Type: CDS  
Item/Brand: INTERVIEWS  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: Meas:  
Owner ID Number:

Property Number: BO018968  
Model: TOREY ADAMCIK  
Color: /  
Total Value: 0.00

Item Type: CDS  
Item/Brand: INTERVIEWS  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: Meas:  
Owner ID Number:

Property Number: BO018969  
Model: BRIAN DRAPER  
Color: /  
Total Value: 0.00

314

PROPERTY ITEMS  
BCSO OFFENSE REPORT NO 06-B4057

Item Type: CDS  
Item/Brand: INTERVIEWS  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: Meas:  
Owner ID Number:

Property Number: B0018376  
Model: ADAM DYKMAN  
Color: /  
Total Value: 0.00

Item Type: CDS  
Item/Brand: INTERVIEWS  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: Meas:  
Owner ID Number:

Property Number: B0018971  
Model: APRIL PHILLIPS  
Color: /  
Total Value: 0.00

Item Type: CDS  
Item/Brand: INTERVIEWS  
Serial Number:  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: Meas:  
Owner ID Number:

Property Number: B0018971  
Model: AMBER PHILLIPS  
Color: /  
Total Value: 0.00

Item Type: CD  
Item/Brand: POCATELLO HIGH  
Serial Number: VIDEO  
Characteristics: NEW NEW NEW NEW NEW  
Quantity: 1 Meas:  
Owner ID Number:

Property Number: B0018971  
Model: SCHOOL  
Color: /  
Total Value: 0.00

## LAW ENFORCEMENT AND PROFESSIONAL WITNESSES

### BCSO

ANDY THOMAS  
TOM FOLTZ  
ALEX HAMILTON  
DOUG ARMSTRONG

TONI VOLLMER  
MARK BALLARD  
KAREN HATCH  
JUSTIN CANNON

### PPD

JOHN WALKER  
SCOTT MARCHAND  
DEE O'BRIEN  
ROBB EGGIMANN

BILL COLLINS  
BRET SCHEI  
CHAD HIGBEE

### ISP FORENSIC LAB

DON WYCKOFF  
SHANNON LARSON  
ROCKLAN MCDOWELL

GARY CUSHMAN  
SKYLAR ANDERSON

### ISP INVESTIGATIONS

TOM SELLERS  
GARY BRUSH  
JULIE DONAHUE  
FRANK CSAJKO  
BETH BRADBURY

JOHN KEMPF  
DON BROUGHTON  
JOHN GANSKE  
JAMES CHRISTENSEN

### DOWNARD FUNERAL HOME

DAVE LANCE

### MEDICAL PERSONNEL

DR. STEVE SKOUMAL

DR. CHARLES GARRISON

WESTERN PATHOLOGY ASSOC.  
246 N 18<sup>TH</sup>, POCATELLO  
233-3764  
PMC EAST  
777 HOSPITAL WAY, POCATELLO  
234-0777

## CIVILIAN WITNESSES

MARY BLATTNER	13770 N WHITECLOUD POCATELLO, ID 83201	237-0203
JOSEPHINA SISNEROS	1143 N HARRISON POCATELLO, ID 83204	232-3561
ROBBIE McCOY (JUV)	1247 KINGHORN RD POCATELLO, ID 83201	237-7191
BRITTANY CORBRIDGE (JUV)	637 S HAYES AVE POCATELLO, ID 83204	317-5675
SANDRA GRAVES	11310 W WHISPERING CLIFFS, POCATELLO ID 83201	
SUSAN ASHTON	1256 KINGHORN RD APT D POCATELLO ID 83201	223-1021
KADEE PENA (JUV)	4957 BANNOCK HWY POCATELLO ID 83201	234-4574
ALYSSA ARMIJO (JUV)	777 GREED RD POCATELLO ID	234-3753
MICAH ASHTON (JUV)	1256 KINGHORN RD APT D POCATELLO ID	223-1021
RONALD YOUNG	11316 WHISPERING CLIFFS POCATELLO ID	
SHELBY CAMMACK (JUV)	249 TAFT AVE POCATELLO ID 83204	637-2231
DAVID HOLTZEN (JUV)	635 RICHLAND AVE POCATELLO ID 83204	478-2669
CHRIS MATHEWS (JUV)	1040 MEMORY LANE POCATELLO ID 83201	237-2645 220-1154
TRACI SANTILLANES	11328 WHISPERING CLIFFS PCOATELLO DI 83202	238-7029
PAUL SISNEROS	1143 N HARRISON AVE POCATELLO ID 83204	232-3561
CINDY TARGETT	1236 KINGHORN RD POCATELLO ID 83201	637-0566 234-7500
DEXTER PITMAN	13689 N MARBLE DR POCATELLO ID 83202	
JERRY TARGETT	1236 KINGHORN RD POCATELLO ID 83201	637-0566
MARK OLSON (JUV)		
RAMANA RAYBORN	2344 HORIZON DR POCATELLO ID 83201	232-5835
TRACEY DUSTIN (JUV)	995 WILSON AVE #5 POCATELLO ID 83201	478-2151
HEATHER GRAVATT (JUV)	RT 2 BOX 55A (SILER ROAD) POCATELLO ID 83202	

## CIVILIAN WITNESSES

218

HEATHER HARMON (JUV)	RT 2 N BOX 66 POCATELLO ID 83202	237-8410 251-2596
TRISTIN ELDRIDGE (JUV)		
JOEL CUNNINGHAM (JUV)	1730 W QUINN RD #60 POCATELLO ID 83202	478-6823
KALEB GARDINER (JUV)	221 STUART AVE CHUBBUCK ID 83202	232-1517
GARDNER		
AUBREY TAYLOR (JUV)	1046 MT MCGUIRE DR POCATELLO ID 83204	233-3757
KEELY WATKINS (JUV)	1544 JUNIPER DRIVE POCATELLO ID 83201	233-2343
TIFFANY CHAVEZ (JUV)		
ASHLEY OMANS (JUV)	1257 RIDGE ST POCATELLO ID 83201	637-1115
ANGELA SMITH	92 TOPONCE ST POCATELLO ID 83204	233-0020 233-7541
ALEXIS ANDERSON (JUV)	5005 CHINOOK ST POCATELLO ID 83204	234-4917 251-3474
JIM WORKMAN (JUV)	5104 APACHE AVE POCATELLO ID 83204	233-4258
JOSEPH THOMAS LACEY (JUV)	969 HIGHLAND BLVD POCATELLO ID 83204	234-1537
DARRELL WAYNE HENDERSON	11500 WHISPERING CLIFFS POCATELLO ID 83202	237-5816
SHARI DORA HENDERSON	11500 WHISPERING CLIFFS POCATELLO ID 83202	237-5816
FRANK CONTRERAS	11372 WHISPERING CLIFFS POCATELLO ID 83202	237-1899
ALLISON SERR-CONTRERAS	11372 WHISPERING CLIFFS POCATELLO ID 83202	237-1899 760-0305
MATTHEW PATRICK BECKHAM (JUV)	1505 EASTRIDGE DR 13 POCATELLO ID 83201	478-2005
AMBER CHANTEAL PHILLIPS (JUV)	234 NORTH 9 <sup>TH</sup> POCATELLO ID 83201	223-4152
APRIL PHILLIPS (JUV)	234 NORTH 9 <sup>TH</sup> POCATELLO ID 83201	223-4152
ELLEN MAE PHILLIPS	234 NORTH 9 <sup>TH</sup> POCATELLO ID 83201	223-4152
WADE DOUGLAS SEMONS	11396 WHISPERING CLIFFS POCATELLO ID 83202	238-0629
WILLIAM ANDREW SEMONS (JUV)	11396 WHISPERING CLIFFS POCATELLO ID 83202	238-0629

## CIVILIAN WITNESSES

219

RANDALL P HARRIS	11344 WHISPERING CLIFFS POCATELLO ID 83202	
GABE JOEL JARDINE (JUV)	1499 SEIRRA DR POCATELLO ID 83202	237-0872
JENNIFER LYNNETTE JARDINE	1499 SEIRRA DR POCATELLO ID 83202	237-0872
KERRY LYNN DRAPER	1030 SHAEEL DR PCOATELLO ID 83204	232-1067
PAMELA DRAPER	1030 SHAEEL DR PCOATELLO ID 83204	232-1067 317-8789
SEAN THOMAS ADAMCIK	1598 POINTE VIEW POCATELLO ID 83201	
MATTHEW LANHAM (JUV)	1730 W QUINN RD #237 POCATELLO ID 83202	237-6531
RILEY SMITH (JUV)	9871 ESHELMAN ST BOISE ID	672-8688 724-7215
ETHAN SMITH (JUV)	9871 ESHELMAN ST BOISE ID	672-8688
KRISTEN BARTA (JUV)	1313 W QUINN RD POCATELLO	237-0350
MIRANDA CHACON (JUV)	2695 VIA VALDARNO POCATELLO ID 83201	
DANNI DIXON (JUV?)	11880 PHILBIN RD POCATELLO ID 83202	238-1778
SHAYLYN MCINTIRE (JUV)	1517 N GARFIELD AVE POCATELLO ID 83204	232-3268 223-8291
ADAM DYKMAN (JUV)	1320 W ELDREDGE RD POCATELLO ID 83201	237-2893
VICTOR PRICE	1256 KINGHORN DR #C POCATELLO ID 83201	223-4602
BROOKE ARELLANO (JUV)	4773 WHITAKER RD CHUBBUCK ID 83202	637-0981
ANDREW WITCHER (JUV)	843 N ARTHUR AVE POCATELLO ID 83204	232-5231
SHELBY MCCLUSKEY (JUV)	11372 WHISPERING CLIFFS POCATELLO ID 83202	237-1889
CHEYENNE MCCLUSKEY (JUV)	11372 WHISPERING CLIFFS POCATELLO ID 83202	237-1889
DYLAN CONTRERAS (JUV)	11372 WHISPERING CLIFFS POCATELLO ID 83202	237-1889
ANNA STODDART	1256 KINGHORN RD APT C POCATELLO ID 83201	232-3561 232-8890
FREDERICK HOFMEISTER (JUV)	855 W SUBLETTE ST POCATELLO ID 83204	406-4965