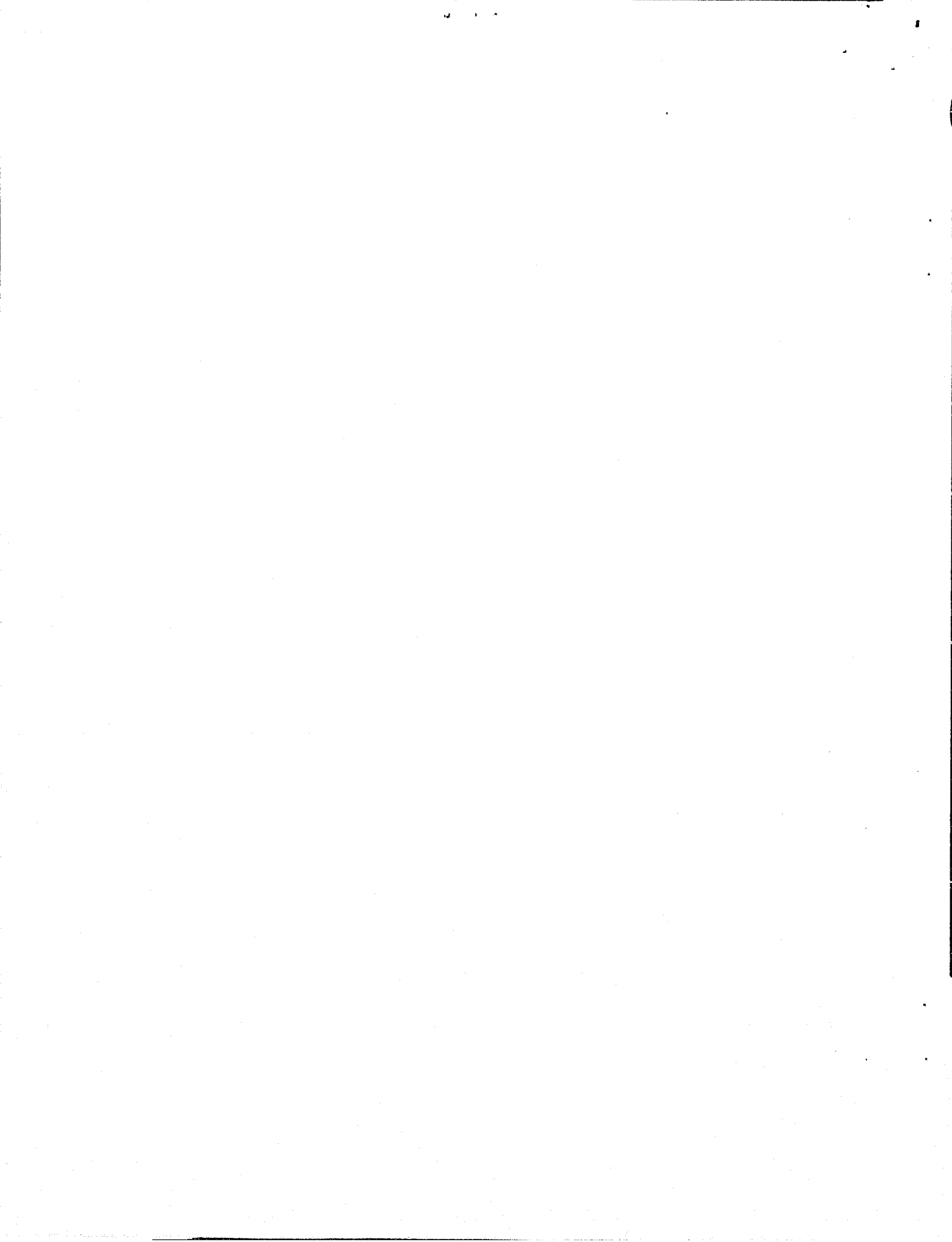


LEPC COURT DOCKET STUDY
BONNEVILLE, CANYON, AND NEZ PERCE COUNTIES
1975

Prepared by:

Law Enforcement Planning Commission
Statistical Analysis Center
State of Idaho
February, 1977

50146



LEPC COURT DOCKET STUDY
BONNEVILLE, CANYON, AND NEZ PERCE COUNTIES
1975

O V E R V I E W

In an effort to obtain information related to the performance of the Criminal Justice System, a court docket study in three counties was undertaken by research staff of the Law Enforcement Planning Commission. This study was designed to obtain information on the number of felony prosecutions begun in district court, the number of convictions obtained, and the number of defendants receiving sentences involving jail or institutional confinement, probation, or other non-institutional sentences. Specific data sought included the following: offense; complaint date in magistrate court; date the information was filed in district court; plea; trial date; final disposition date; disposition; pre-sentence investigation, if any; sentence; dismissal date; and reason for dismissal.

The 1975 district court dockets from Bonneville, Nez Perce and Canyon Counties were reviewed in July, 1976. It was discovered that full data related to case processing activities was not available from any of the dockets. Nez Perce County's docket included only case numbers, names, and dates complaints were filed. Because this docket information was so limited, it was necessary to individually review all felony case files to obtain the information desired. Bonneville County had no information on sentences for those committed, on pre-sentence investigations, and, in some instances, on charges filed. No information was available concerning final dispositions. In all three counties, information related to processing periods was not considered reliable. For example, in Bonneville County it was discovered that in many cases the preliminary hearing dates recorded were dates prior to information filing dates; also trial dates were not included. Canyon County's docket showed dates when cases were filed in district court, but not in magistrate court.

The study revealed that 139 felony cases were processed in Bonneville County during 1975, 208 felony cases in Canyon County, and 73 felony cases in Nez Perce County. The Tables on the following page provide a county breakdown of these cases by dismissals, cases pending, cases remanded to magistrate court, the acquittals, transfers, cases where guilty pleas or verdicts were entered, and days from the filing of the complaint to disposition.

TABLE A
 BONNEVILLE, CANYON, AND NEZ PERCE COUNTIES
 FELONY CASE FILINGS
 1975

	Bonneville County	% of Total	Canyon County	% of Total	Nez Perce County	% of Total
Number of cases	139		208		173	
Number dismissed	31	22.3	41	19.7	52	30.1
Pending	10	7.2	26	12.5	16	9.2
Remanded to Magistrate Court	10	7.2	8	3.8	0	0
Acquittals	2	1.4	12	5.8	4	2.3
Transferred	6	4.3	--		--	
Guilty	80	57.6	121	58.2	101	58.4

TABLE B
 BONNEVILLE, CANYON, AND NEZ PERCE COUNTIES
 LENGTH OF TIME FROM COMPLAINT TO DISPOSITION
 1975

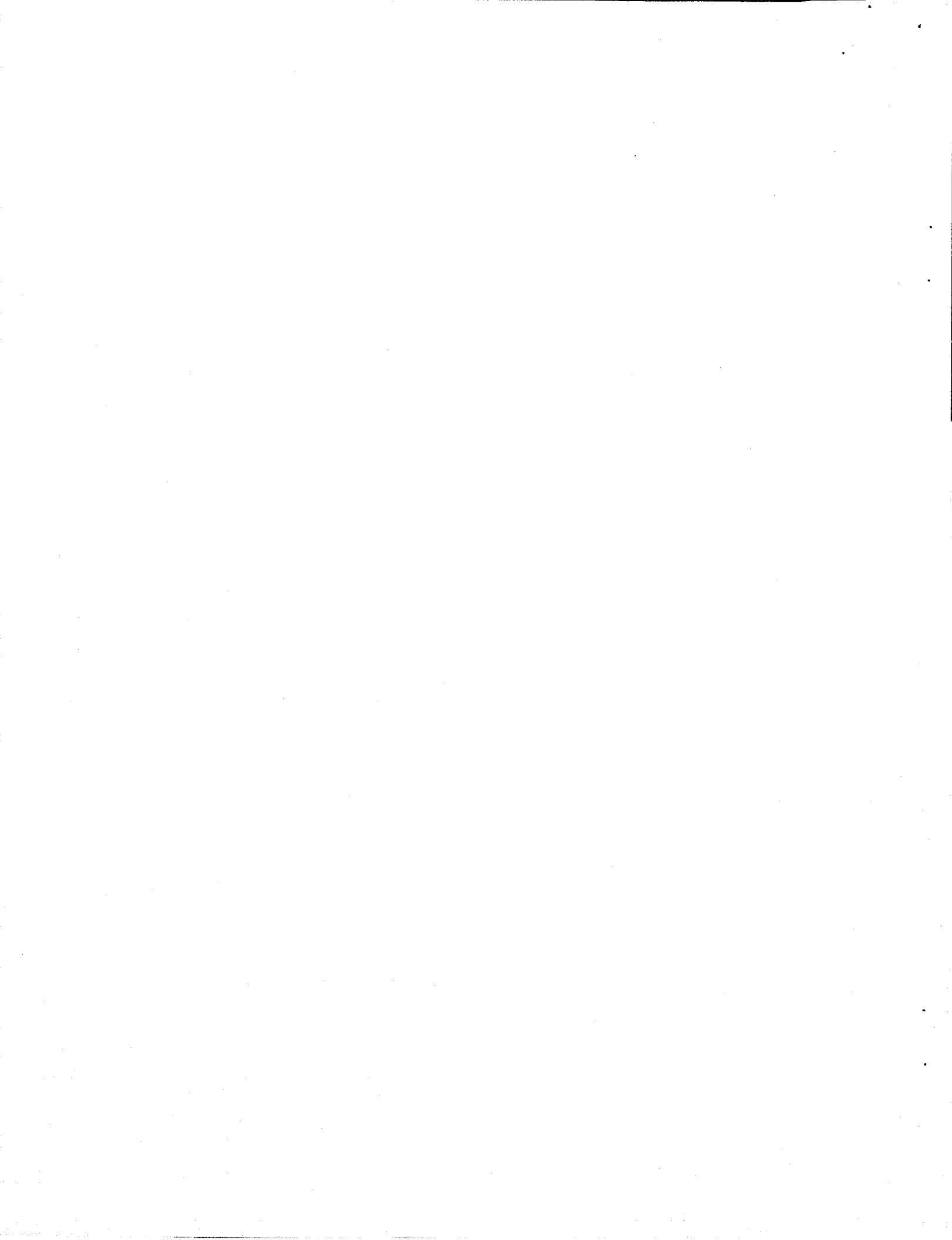
	<u>Bonneville County</u>	<u>Canyon County</u>	<u>Nez Perce County</u>
Complaint to Final Disposition			
Part I	73.5 days	148.4 days	58.9 days
Part II	76.3 days	176.3 days	51.7 days
Combined	75.1 days	165.6 days	55.2 days

The remainder of the report provides the information obtained from each county. Because of time constraints placed upon the completion of the data gathering, the reliability of information obtained from dockets in Bonneville and Canyon Counties was not validated by reviewing case files. The information on Nez Perce County was obtained from case files because there was no information on the docket.

BONNEVILLE COUNTY DISTRICT COURT DOCKET STUDY

TABLE OF CONTENTS

	<u>Page No.</u>
Offenses	1
Dismissals	2
Pending/Unknown.	3
Acquittals	4
Remanded to Magistrate Court	4
Motion and Order to Transfer	4
Sentences.	4
Time Frames.	6



BONNEVILLE COUNTY DISTRICT COURT DOCKET STUDY

The information which was obtained from the Bonneville County District Court criminal docket was limited to the data readily available for use in this study. It was not possible to obtain supplementary data from the files to resolve conflicting or inconclusive information due to the time constraints.

OFFENSES:

There were 139 felonies filed in 1975, in District Court in Bonneville County. There were 53 (38.1%) Part I Offenses*, 77 (55.4%) Part II Offenses*, and 9 (6.5%) cases categorized as unknown, since the type of offense was not indicated in the court docket.

Burglaries accounted for the majority of the Part I Offenses (50.9%), while Controlled Substance cases made up the largest percentage of Part II Offenses (32.5%). Table I on the following page depicts Part I and Part II offenses for Bonneville County.

*According to the FBI's Uniform Crime Classification, Part I offenses are Murder, Rape, Robbery, Burglary, Larceny, Aggravated Assault, and Auto Theft. Part II offenses encompass all other crime classifications.

TABLE I
DISTRICT COURT FELONY FILINGS
BONNEVILLE COUNTY
1975

PART I OFFENSES			PART II OFFENSES		
Offense	Filings	%	Offense	Filings	%
Murder - vol. mans.	1	1.9	Involuntary Mans.	3	3.9
Burglary	27	50.9	Kidnapping, 2nd	1	1.3
Robbery	10	18.9	Controlled Substance	25	32.5
Aggravated Assault	6	11.3	DWI	5	6.5
Grand Larceny	9	17.0	Escape	1	1.3
Total	53	100.0	L & L	3	3.9
			Forgery	13	16.9
			Embezzlement	4	5.2
			Insufficient Funds	13	16.9
			Receiving stolen property	1	1.3
			Obtaining money under false pretenses	4	5.2
			Illegal use of credit cards	2	2.6
			Obtaining property under false pretenses	1	1.3
			Resisting an officer	1	1.3
			Unknown Cases	9	Total 77 100.1*

*Percentages may not equal 100% due to rounding.

DISMISSALS

Of the 139 felony filings in Bonneville County in 1975, 30 cases (22.3%) were dismissed. Six of the 30 cases were Part I Offenses (20%) and 17 of the 30 cases were Part II Offenses (56.7%). The unknown offenses accounted for seven cases dismissed (23.3%).

TABLE II
 CASES DISMISSED
 BONNEVILLE COUNTY
 1975

PART I OFFENSES		PART II OFFENSES	
Offense	Dismissed	Offense	Dismissed
Burglary	4	Kidnapping, 2nd	1
Aggravated Assault	1	Controlled Substance	6
Grand Larceny	1	L & L	1
Total	6 (11.3%)*	Forgery	4
		Insufficient Funds	4
		Obtaining money or property under false pretenses	1
		Total	17 (23.4%)**
		Unknown	7 (77.8%)***
Grand Total - Part I & Part II			
Cases Dismissed 30			

*Percent of Part I cases dismissed.
 **Percent of Part II cases dismissed.
 ***Percent of unknown cases dismissed.

PENDING/UNKNOWN

Ten of the 139 cases (7.2%) were pending and/or dispositions were unknown at the time of the study. Four involved Part I Offenses, while six involved Part II Offenses.

TABLE III
 CASES PENDING AND/OR DISPOSITIONS UNKNOWN AT TIME OF STUDY, July, 1976
 BONNEVILLE COUNTY
 1975

Offense	# Pending/ Unknown	Offense	# Pending/ Unknown
Burglary	3	Controlled Substance	3
Aggravated Assault	1	Forgery	1
Total	4	Embezzlement	1
		Insufficient Funds	1
		Total	6

ACQUITTALS

There were two acquittals, both for Part I Offenses: Aggravated Assault and Grand Larceny.

REMANDED TO MAGISTRATE COURT

Eleven (7.9%) of the 139 cases were remanded to the Magistrate Division: four Part I Offenses, five Part II Offenses, and two involving "unknown" charges.

PART I		PART II		UNKNOWN	
Offense	No.	Offense	No.	Offense	No.
Agg. Asslt.	1	Cont. Subs.	3	Unknown	2
Robbery	1	Ins. Funds	1	Total	2
Grand Larceny	2	Obt. money under false pretenses	1		
Total	4	Total	5		

MOTION AND ORDER TO TRANSFER

Six cases, (4.3%), divided equally among Part I and Part II Offenses, were transferred from the District Court and/or county's jurisdiction.

PART I		PART II	
Offense	No.	Offense	No.
Burglary	1	Cont. Subs.	1
Robbery	1	Ins. Funds	1
Grand Larceny	1	DWI	1
Total	3	Total	3

SENTENCES

Formal sentences were imposed in 80 (57.6%) of the 139 cases. Thirty-four such sentences were imposed in the original Part I felony filings.

Part I Sentences

Of the original 53 Part I cases, probation was awarded in 35.8%, 13 withheld judgments, five suspended sentences, and commitments were imposed in 16 (30.2%). The court dockets were not explicit enough to obtain the type of commitment received (e.g., jail, ISCC, 120-day retainer, State Hospital South).

In 15 burglary cases, the sentence was probation, which accounts for 55.6% of the original 27 burglaries analyzed. There were eight robbery cases in which the 10 defendants received a final sentence of commitment.

TABLE IV
PART I SENTENCES
BONNEVILLE COUNTY
1975

Offense	Number	Withheld Judgment/ Probation	Suspended Sentence Probation	Commitment
Murder-voluntary mans.	1			1
Burglary	19	10 (3)	5	4
Robbery	8			8 (10)
Aggravated Assault	2	1		1
Grand Larceny	4	2*	(1)*	2
Total	34	13	5(1)	16(10)

Numbers in () indicates the number of people affected when the number of defendants exceeded one per case.

*One case involved two defendants, one receiving withheld judgment/probation and the other a suspended sentence/probation.

Part II Sentences

In the 77 original Part II Offenses, probation was awarded in 31 (40.3%); 22 withheld judgment, nine suspended sentence, and commitments were imposed in 15 (19.5%).

In twelve of the original 25 controlled substance cases the defendants received probation and in only one was the defendant committed. In eight of the forgery cases, there were six commitments.

TABLE V
PART II SENTENCES
BONNEVILLE COUNTY

Offense	Number	Withheld Judgment/ Probation	Suspended Sentence/ Probation	Commitment
Involuntary Manslaughter	3	1		2
Controlled Substance	12	9	2	1
DWI	4	3		1
Escape	1			1
L & L	2			2
Forgery	8	2		6
Embezzlement	3	1	2	
Insufficient Funds	6	3	2	1
Receiving Stolen Property	1	1		
Obt. Money under false pretenses	3	1	2	
Illegal use of credit cards	2	1	1	
Resisting an Officer	1			1
Total	46	22	9	15

TIME FRAMES

PART I

Average days from complaint to final disposition for
guilty and acquitted (47) = 66.3 days

Average days from complaint to dismissal (6) = 129.8 days

Total average days from complaint to completion (53) = 73.5 days for
all Part I Offenses.

PART II

Average days from complaint to final disposition for
guilty and acquitted (53) = 73.9 days

Average days from complaint to dismissal (18) = 83.3 days

Total average for all Part II Offenses (71) = 76.3 days

Grand average of all offenses from complaint to disposition (124) = 75.1 days

CANYON COUNTY DISTRICT COURT DOCKET STUDY

TABLE OF CONTENTS

	<u>PAGE NO.</u>
Offenses.	1
Dismissals.	1
Pending	2
Trials.	3
Convictions	3
Sentences	4
Time Frames	6

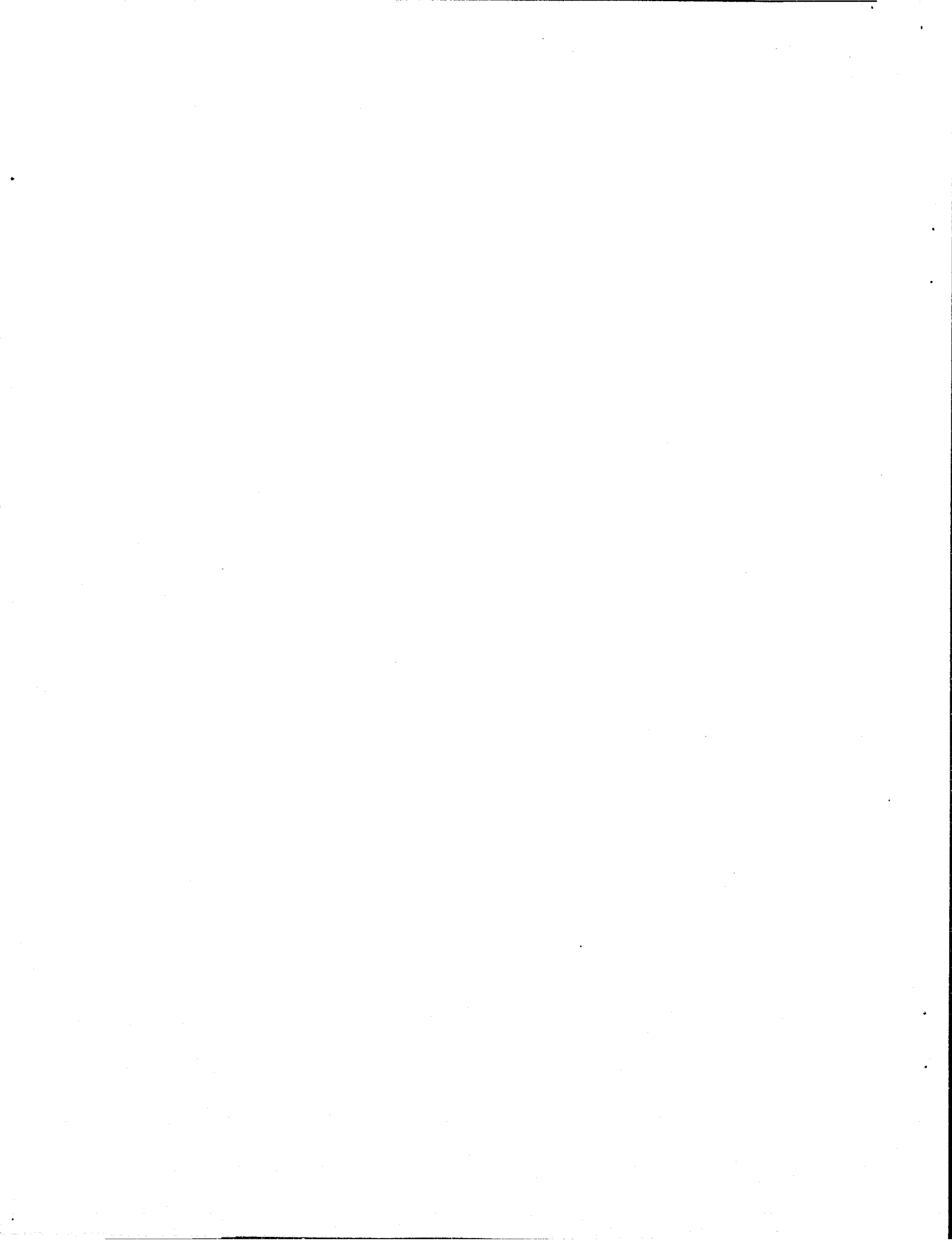


TABLE II
DISTRICT COURT FELONY CASE DISMISSALS
CANYON COUNTY

1975

PART I	Cases Dismissed	PART II	Cases Dismissed
Offense		Offense	
Aggravated Assault	5	Controlled Substance	16
Burglary	4	Ins. Funds	6
Grand Larceny	2	Obtaining Money under False Pretenses	2
Total	11	Receiving Stolen Property	2
		Embezzlement	1
		Lewd & Lascivious	1
		Forgery	1
		Resisting an Officer	1
		Total	30

PENDING

Twenty-six of the 201 cases were still pending at the time of the study (July, 1976). Eight of these were Part I Offenses, while 18 were Part II Offenses. As seen from Table III below, three of the eight pending Part I Offenses were burglary cases. Seven of the 18 Part II cases still pending were substance abuse cases.

TABLE III
DISTRICT COURT FELONY CASES PENDING
CANYON COUNTY

1975

PART I	# Cases Pending	PART II	# Cases Pending
Offense		Offense	
Burglary	3	Controlled Substance	7
Grand Larceny	2	Insufficient Funds	4
Aggravated Assault	2	Involuntary Manslaughter	2
Rape	1	Resisting an Officer	2
Total	8	Lewd & Lascivious	2
		Forgery	1
		Total	18

TRIALS

Twenty-six cases reached the stage of trial on not guilty pleas. Twelve (46.1%) of the 26 resulted in acquittals and 14 (53.8%) resulted in convictions. In nearly 60% of the Part I cases the defendants were acquitted, while 22% of the defendants in Part II cases were acquitted.

TABLE IV
TRIALS - ACQUITTALS, CONVICTIONS
CANYON COUNTY
1975

PART I OFFENSES

Offense	# of Not Guilty Pleas	Acquittals	Convictions
Aggravated Assault	4	4	0
Murder	3	2	1
Burglary	6	2	4
Rape	1	1	0
Robbery	3	1	2
Total	17	10	7

PART II OFFENSES

Offense	# of Not Guilty Pleas	Acquittals	Convictions
Controlled Substance	5	1	4
Insufficient Funds	1	0	1
Lewd & Lascivious	1	0	1
Embezzlement	1	0	1
Forgery	1	1	0
Total	9	2	7

CONVICTIONS

Sixty percent (121) of the 201 cases resulted in guilty dispositions. The defendant(s) pleaded guilty in 107 cases, including 14 cases where the defendant(s) originally pleaded not guilty, but changed their plea to guilty of lesser offenses. Also included were those whose plea was changed from not guilty to guilty on the original charge. The remaining fourteen cases involved not guilty pleas, but as a result of the trial process the defendants were found to be guilty.

In the following Table, it is evident there were 36 Part I cases and 71 Part II cases that resulted in guilty pleas. Of these, burglary accounted for the majority of the Part I guilty pleas (17). Controlled Substance cases accounted for 27 of the Part II guilty pleas.

TABLE V
DISTRICT COURT FELONY CASE GUILTY PLEAS
CANYON COUNTY
1975

<u>Offense</u>	<u>Guilty Pleas</u>	<u>Offense</u>	<u>Guilty Pleas</u>
Burglary	17	Controlled Substance	27
Grand Larceny	9	Forgery	15
Aggravated Assault	6	Insufficient Funds	11
Robbery	4	DWI	6
	<hr/>	Fraud	5
Total	36	Embezzlement	3
		Receiving Stolen Property	1
		Resisting an Officer	1
		Conspiracy	1
		Bail Jumping	1
			<hr/>
		Total	71

SENTENCES

The sentences imposed in 64 of the 121 cases in which convictions were obtained were probation combined with withheld judgment; in 21 cases commitment to the Idaho State Correctional Institution (ISCI); in 18 cases 120-day retained jurisdiction; in 10 cases jail sentences with either jail/probation or suspended sentence; in one case sentence to ISCI commuted to jail; in five cases suspended sentences with probation; and in two cases fines. (Refer to Tables VI and VII.)

PART I CONVICTIONS

In nearly half of the Part I cases, 21 (48.8%) cases in which convictions were obtained, the Court entered a withheld judgment with probation (refer to Table VI. Twelve of the 21 cases were burglary cases.

In eight of the cases, the Court imposed the sentence of 120-day retained jurisdiction*, with nine defendants involved. Again, burglary cases made up the majority of the Part I cases in which this disposition was imposed (five cases, six individuals).

Eight defendants were committed to the Idaho State Correctional Institution; one was sentenced to ISCI, but the sentence was commuted to jail, and four defendants received jail sentences with either suspended sentences or suspended probation.

*Final results after 120 days were either probation or pending for all cases.

TABLE VI
DISTRICT COURT FELONY CASES
PART I SENTENCES
CANYON COUNTY
1975

Offense	No. of Cases	Withheld Judgment/ Probation	Suspended Sentence/ Probation	ISCI Commitment	ISCI 120 Days	ISCI Committed to Jail	Committed to Jail S/Prob.	S.S.
Murder	1			1				
Robbery	6	2		3	1			
Agg. Assault	6			2	1	1	1	1
Burglary	21	12 (14)*	1	2	5 (6)			1
G. Larceny	9	7			1			1
Total	43	21	1	8	8	1	4	

*Numbers in () indicates people affected if different from case number.

Convictions were obtained in 61% of the Part II Offense cases (78 of 128). In 55.1% of those cases the Court entered withheld judgment/probation. In 13 cases (16.7% of the total) the sentences were commitments to the Idaho State Correctional Institution, and in ten cases the Court ordered 120-day retained jurisdiction (12.8%). In four cases a total of five defendants were given suspended sentences with probation, six defendants were given jail sentences with either suspended jail/probation or suspended sentences and two individuals were fined (see Table VII).

TABLE VII
DISTRICT COURT FELONY CASES
PART II SENTENCES
1975

Offense	No. Cases	Withheld Judgment/ Probation	Sus. Sen./ Probation	ISCI Commit on Convict.	ISCI 120 Days	Commit to Jail S/Prob.	S/S	Fine
Bail Jumping	1			1				
Conspiracy	1	1						
Res. an Officer	1						1	
Rec. Stln Prop.								
Embezzlement	4	1	2	1				
L & L	1			1				
DWI	6	3			2	1		
Fraud	5	5	(1)*					
Forgery	15	7		4	3	1		
Insuff. Funds	12	7	1		2		1	1
Cont. Subs.	31	18	1	6	3	2		1
Total	78	43	4 (5)	13	10	4	2	2

*Numbers in () indicates people affected if different from case numbers.

TIME FRAMES

One hundred and eight (69 Part I and 111 Part II Offenses) of the 201 cases were analyzed to determine court processing time frames. The remaining 21 cases were excluded because time data elements were missing.

The average number of days from complaint to disposition for all felonies analyzed was 165.6 days. For cases acquitted, the average was figured from date of complaint to trial date. For cases dismissed, the average was figured from the date of complaint to date of dismissal. Cases involving convictions were figured from the date of complaint to date of sentence. Table VIII presents a breakdown of cases and time frames by Part I and Part II Offenses.

TABLE VIII
DISTRICT COURT FELONY CASES
TIME FRAMES FOR CASE PROCESSING
1975

PART I

Avg. days from complaint to trial (guilty and not guilty) (55)	= 121.5
Avg. days from complaint to trial - guilty only (45)	= 103.2
Avg. days from complaint to sentencing for guilty (45)	= 132.1
Avg. days from complaint to dismissal (14)	= 161.2

Average days from complaint to disposition (trial for acquittals, sentence for guilty, and dismissal for dismissed) for all Part I offenses (69) was 148.4 days.

PART II

Avg. days from complaint to trial (guilty and not guilty) (80)	= 145.7
Avg. days from complaint to sentencing for guilty (78)	= 174.3
Avg. days from complaint to dismissal (31)	= 180.1
Avg. days from complaint to guilty only (78)	= 144.3

Average days from complaint to disposition (trial for acquittals, sentence for guilty, and dismissal for dismissed) for all Part II offenses (111) was 176.3 days.

The grand average days from complaint to disposition for Part I and Part II offenses (180) was 165.6.

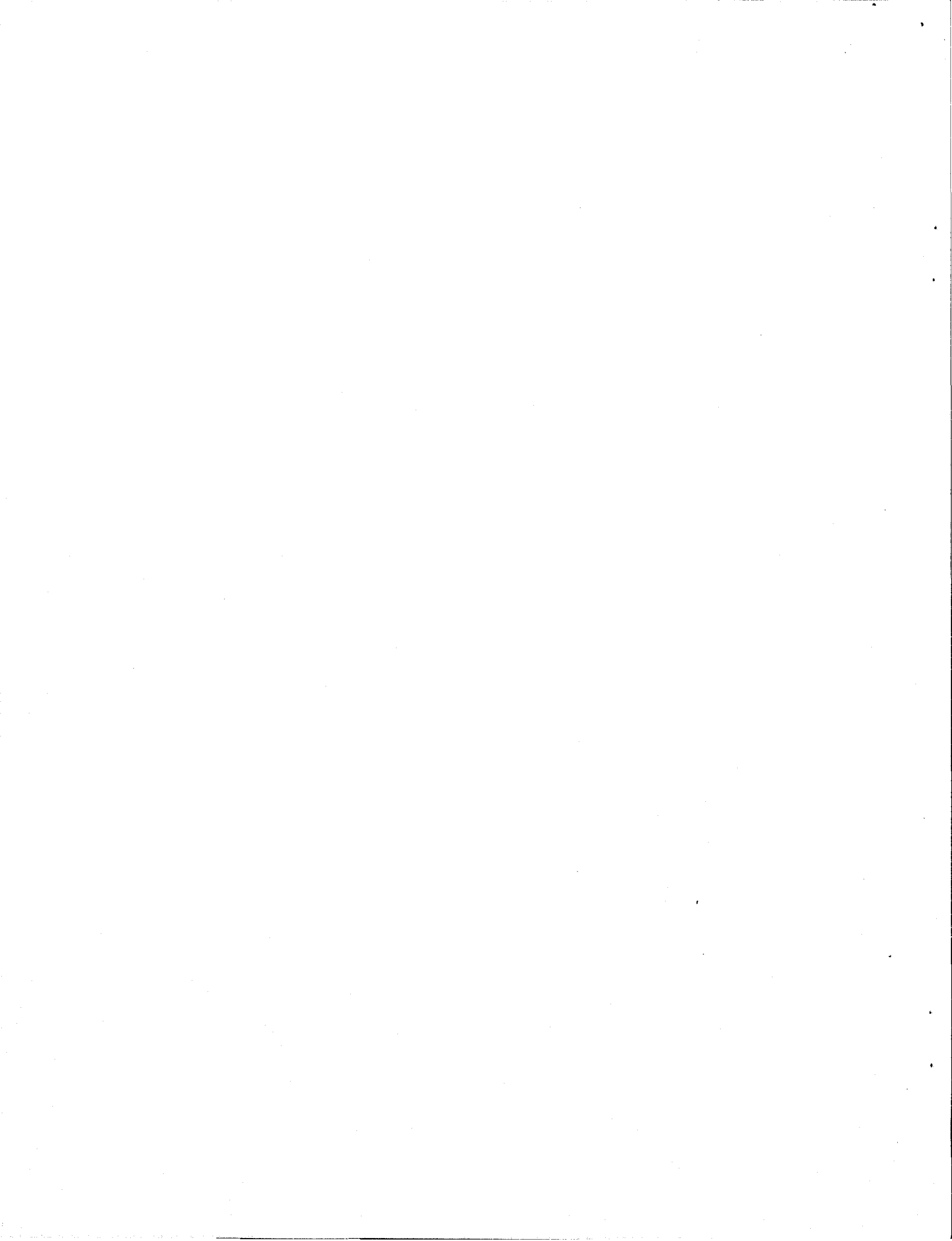
As shown in Table VIII the average number of days from complaint to disposition for 69 Part I cases analyzed was 148.4 days, while the 111 Part II cases averaged 176.3 days.



NEZ PERCE COUNTY DISTRICT COURT CASE STUDY

TABLE OF CONTENTS

	<u>PAGE NO.</u>
Offenses.	1
Part I and II Offenses with Convictions	1
Cases Dismissed	2
Pleas	3
Dispositions.	4
Time Frames	6



NEZ PERCE COUNTY DISTRICT COURT CASE STUDY

In July, 1976, a study of the felonies filed in Nez Perce County District Court during 1975 was conducted. Only a limited amount of data related to case processing was available from the criminal dockets: case number, name, and the date the complaint was filed. Therefore, it was necessary to manually review each file to obtain pertinent information.

OFFENSES

The number of cases studied in Nez Perce County totalled 173 as follows:

TABLE I
DISTRICT COURT FELONY FILINGS
NEZ PERCE COUNTY
1975

Part I Offenses - Convictions	50	28.9%
Part I Offenses - Acquittals	4	2.3%
Part II Offenses - Convictions	51	29.5%
Part II Offenses - Acquittals	0	0.0%
Dismissals	52	30.0%
Pending	5	2.9%
Bench Warrants Issued	11	6.4%
	<u>173</u>	<u>100.0%</u>

PART I AND II OFFENSES WITH CONVICTIONS

The majority of the Part I Offenses with convictions consisted of burglary cases (50%), while the largest percentage of Part II Offenses with convictions (43.1%) were Delivery of Controlled Substance cases.

TABLE II
DISTRICT COURT FELONY CASES
NEZ PERCE COUNTY
1975

PART I OFFENSES WITH CONVICTIONS:

Burglary*	27	50.0%
Larceny	13	24.0%
Robbery	5	14.8%
Aggravated Assault	4	7.4%
Rape	1	1.9%
Murder	0	1.9%
Total	<u>50</u>	<u>100.0%</u>

*includes 2 attempted burglaries

(Table 2 contd)

PART II OFFENSES WITH CONVICTIONS:

Delivery of controlled substance	22	43.1%
Aggravated battery	4	7.8%
Resisting an Executive Officer	4	7.8%
Issuing check without funds	4	7.8%
DWI - felony	3	5.9%
Embezzlement	3	5.9%
Receiving stolen property	3	5.9%
Forgery	2	3.9%
Statutory rape	2	3.9%
Lewd and lascivious conduct	1	2.0%
Possession with intent to deliver	1	2.0%
Making false report (bomb)	1	2.0%
Kidnapping	1	2.0%
Total	<u>51</u>	<u>100.0%</u>

The fifty-two cases that were dismissed consisted of twenty-three Part I Offenses.

TABLE III
DISTRICT COURT FELONY CASES
NEZ PERCE COUNTY
1975

PART I CASES DISMISSED:

Burglary	11	47.8%
Larceny	9	39.1%
Robbery	1	4.3%
Intent to rape	1	4.3%
Assault with intent to rape	1	4.3%
Total	<u>23</u>	<u>99.8%*</u>

*Percentages may not equal 100% due to rounding.

The remaining twenty-nine dismissed cases were primarily Delivery of Controlled Substance cases and Issuing Checks without Funds cases.

TABLE IV
DISTRICT COURT FELONY CASES
NEZ PERCE COUNTY
1975

PART II CASES DISMISSED:

Delivery of controlled substance	8	27.5%
Issuing check without funds	8	27.5%
Embezzlement	3	10.3%
Resisting an Executive Officer	2	6.9%
Kidnapping	2	6.9%
Aggravated battery	1	3.5%
Obtaining property under false pretenses	1	3.5%
False report of explosives	1	3.5%
Bail jumping	1	3.5%
Sale of drugs	1	3.5%
Bribery	1	3.5%
Total	29	100.0%

As of July, 1976, five of the cases filed were pending from 1975 at the District Court level. One case was continued because the defendant moved out of State, and the other four cases involved defendants who were undergoing psychological evaluations for the offenses of kidnapping, assault with intent to commit rape, statutory rape, and attempted rape.

Eleven cases have had complaints filed and bench warrants issued. These cases consisted of issuing checks without funds, 7; statutory rape, 1; DWI-felony, 1; embezzlement, 1; and forgery, 1.

PLEAS

Not Guilty Acquittals

Four defendants pleaded not guilty to Part I-related offenses. Three defendants were acquitted in two jury trials, and one was found not guilty of assault with intent to commit murder, by reason of mental disease. (The latter defendant was committed to Health and Welfare and then to the Idaho State Correctional Institution's Security Unit). Acquittals by jury trials involved one defendant charged with murder, and two defendants charged on the same robbery case.

Not Guilty Convictions

There were no pleas of not guilty of either Part I or Part II Offenses that resulted in convictions.

Guilty Pleas

One hundred and one defendants pleaded guilty to either guilty as charged in the complaint (60), or guilty to a reduced or amended charge (41). This represents 64.3% of the cases reaching a final disposition (excluding pending cases and those with bench warrants issued).

Guilty as Charged in Complaint*

Over 75% of the guilty pleas to Part I-related offenses were to burglary and grand larceny charges. Thirty percent of the guilty pleas to Part II-related offenses were for Delivery of Controlled Substance charge. (Refer to Table V)

TABLE V
DISTRICT COURT FELONY CASES
NEZ PERCE COUNTY
1975

GUILTY PLEAS AS CHARGED:

P A R T I			P A R T I I		
	Guilty Pleas	%		Guilty Pleas	%
Burglary	16	47.0	Delivery of Cont. Sub.	8	30.8
Grand Larceny	10	29.4	Issuing Check w/o funds	4	15.4
Robbery	4	11.8	Aggravated Battery	4	15.4
Attempted Burglary	2	5.9	DWI - Felony	3	11.5
Assault with Deadly Weapon	2	5.9	Embezzlement	3	11.5
Total	34	100.0%	Forgery	2	7.7
			Receiving Stolen Property	1	3.8
			False Report (bomb)	1	3.8
			Total	26	100.0%

Guilty to Reduced or Amended Charge

The majority of Part I offenses reduced or amended were burglary charges, and the majority of Part II Offenses were substance-abuse related. Percentages were not figured because of the small numbers involved. (See Table VI, on the following page).

DISPOSITIONS

Thirty-one defendants (30.7%) were committed to the Idaho State Correctional Institution, with 25 of the 31 sentenced on offenses that were charged in the original complaint. The second largest category, probation, consisted of 23 defendants (22.8%). Table VII on page 6 provides a synopsis of dispositions for those sentenced.

*includes those whose initial pleas were not guilty, but subsequently pleaded guilty to the original charge.

TABLE VI
DISTRICT COURT FELONY CASES
NEZ PERCE COUNTY

1975

GUILTY PLEAS TO REDUCED OR AMENDED CHARGE

P A R T I

	<u>No.</u>
Burglary to petit larceny	3
Burglary to trespassing	3
Burglary to larceny	1
Burglary to receiving stolen property	1
Burglary to concealing information	1
Grand larceny to petit larceny	1
Grand larceny to accessory to grand larceny	1
Grand larceny to operating motor vehicle without owner's consent	1
Assault with deadly weapon to exhibiting or use of deadly weapon	1
Robbery to grand larceny	1
Robbery to accessory to crime	1
Rape to assault with intent to commit rape	<u>1</u>
Total	16

P A R T I I

Delivery of controlled substance to possession of controlled substance	9
Delivery of controlled substance to harboring information relating to a felony	3
Delivery of controlled substance to withholding information from magistrate	1
Delivery of controlled substance, 2 counts, to Count II	1
Resisting an executive officer to resisting a public officer	2
Resisting an executive officer to aggravated assault (misdemeanor)	1
Resisting an executive officer to disorderly conduct	1
Receiving stolen property to petit larceny	2
Possession with intent to delivery to possession	1
Lewd & lascivious conduct to statutory rape	1
Statutory rape to accessory to crime	1
Statutory rape to withholding information from magistrate	1
Kidnapping to withholding information of crime from magistrate	<u>1</u>
Total	25

TABLE VII
DISTRICT COURT FELONY CASES
NEZ PERCE COUNTY
1975

DISPOSITIONS:

Sentence	P A R T I		P A R T II		Total	%
	Original Charge	Amended Charge	Original Charge	Amended Charge		
ISCI	12	1	8	2	23	22.8
ISCI/120 days	3	2	2	1	8	7.9
ISCI committed to jail	8	1	5	3	17	16.8
(Withheld judgment/jail	1	0	2	2	6	5.9
-7 Withheld sentence/jail	1	0	0	0		
(Withheld judgment/probation	4	2	3	1	21	20.8
-7 Withheld sentence/probation	4	3	3	1		
(Withheld judgment-Rest./fine	0	1	2	5	10	9.9
-7 Withheld sentence-Rest./fine	0	0	0	2		
Jail	0	3	0	4	7	6.9
Fine	0	2	1	4	7	6.9
Probation	1	1	0	0	2	2.0
TOTAL	34	16	26	25	101	99.9

MEASUREMENT OF TIME FRAMES

In Nez Perce County the average number of days from filing the complaint in Magistrate's Court to date of trial (including guilty plea to either the original charge or to a reduced or amended charge) was 28.7 days for Part I Offenses; the average number of days from complaint to sentencing was 56.8 days. Compared with the same measurements for Part II Offenses (41.4 average days from complaint to trial and 69.1 average days from complaint to sentencing), it appears that the county is placing emphasis on the more serious offenses.

The grand average days to final disposition for all offenses was 55.2 days. A complete time-frame breakdown for Part I and Part II Offenses is included in Table VIII on the following page.

TABLE VIII
DISTRICT COURT FELONY CASES
FELONY CASES PROCESSING PERIODS
1975

P A R T I

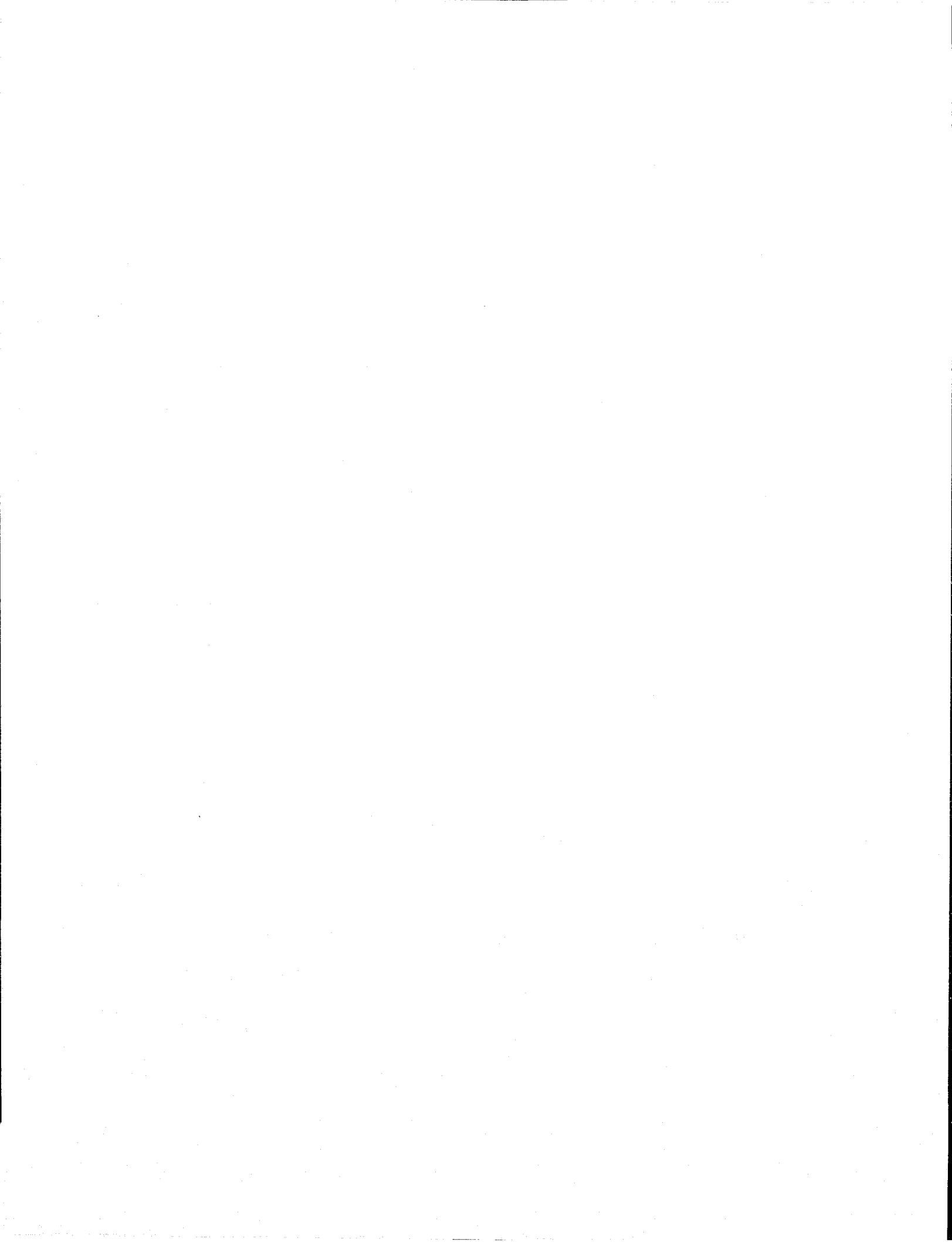
Average days from complaint to trial for guilty and acquitted (52)	30.5
Average days from complaint to trial (guilty only) (49)	28.7
Average days from complaint to sentence (49)	56.8
Average days from complaint to dismissal (23)	63.4
Average days from complaint to final disposition (trial for acquittals, sentence for guilty, and dismissal for dismissed) for all Part I offenses (75)	58.9

P A R T II

There were no acquittals	
Average days from complaint to trial (50)	41.4
Average days from complaint to sentence (50)	69.1
Average days from complaint to dismissal (29)	21.8
Average days from complaint to final disposition (sentence for guilty and dismissal for dismissed) for all Part II offenses (79)	51.7
Grand average days from complaint to final disposition for Part I and Part II offenses (154)*	55.2

*Three cases were excluded from these tabulations: one was a murder trial which was in Nez Perce County on a change of venue, one file had conflicting dates, and one file was missing.

There were several cases where a complaint was filed against a defendant in the Magistrate's Court and a bench warrant issued. In some cases, several weeks, or perhaps months, might elapse before the defendant was arrested. To determine an accurate measure of performance of cases moving through the district court (from filing of the information to either verdict of a trial or plea of guilty and excluding time for presentences, since some defendants waived their statutory time prior to sentencing) time frames were tabulated from information dates to trial dates only. For 51 Part I Offenses that were measurable, the average number of days was 17.9 days; for 46 Part II Offenses, the average was 22.6 days. Seven offenses had to be excluded as they were reduced to misdemeanors and had no information filed and one was the murder trial referenced in Table VIII.



END