

FILED_____

AT_____ O'clock ____M
CLERK, DISTRICT COURT

Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE

STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,)
Plaintiff,)

vs.)

TRAVIS WILLIAM PETERSON,)
DOB:)
SSN:)
IDOC:)
Defendant.)

Case No. **CRF 2011 1799**

**ORDER DENYING DEFENDANT'S
MOTION FOR RESTRICTED DRIVING
PRIVILEGES, and NOTICE OF
HEARING ON ORDER TO SHOW
CAUSE**

_____ This matter coming before the Court on defendant Travis William Peterson's (Peterson) Motion for Restricted Driving Privileges, which was filed on March 25, 2013.

On June 6, 2011, Peterson was sentenced by this Court for a fixed five year sentence for felony eluding a peace officer, and sent to prison on a period of retained jurisdiction (rider), specifically recommending a chemical dependency (CAPP) rider. The Idaho Department of Correction honored that request, and gave Peterson the CAPP rider. On September 29, 2011, Peterson returned from his retained jurisdiction, and this Court placed Peterson on supervised probation. At neither hearing did either party request license suspension, and the Court, errantly did not impose a license suspension. That fact came to the Court's attention and May 15, 2012, this Court entered an order absolutely suspending Peterson's driving privileges for a three year period beginning that date. On March 6, 2012, a Report of Probation Violation was filed alleging Peterson: admitted using Spice (synthetic illegal cannabinoid) on October 2, 2011; admitted using methamphetamine on February 2, 2012 and February 3, 2012; failed to complete the 24/7 chemical dependency rehabilitation program; failed to pay court costs and costs of supervision. On May 17, 2012, a Report of Violation Addendum was filed alleging Peterson: associated with a prohibited person (a woman with small plastic baggies and syringes); failed to cooperate with supervision (Peterson fled the house when his probation officer arrived and found the woman with drug paraphernalia). A bench warrant was

issued on May 22, 2012, the next day Peterson was apprehended on that warrant. On June 19, 2012, Peterson admitted all these violations and the Court imposed another period of retained jurisdiction upon Peterson, again, specifically recommending a chemical dependency (CAPP) rider. Again, the Idaho Department of Correction honored that request, and gave Peterson the CAPP rider. On December 5, 2012, this Court placed Peterson back on probation.

On March 10, 2013, defendant requested and received a hearing date for May 22, 2013, to present oral argument on his motion.

On April 23, 2013, an Order for Incarceration was filed by Peterson's felony probation officer, Sandy Beamer. Peterson was ordered to serve eight days in jail consisting of four consecutive weekends, for the following actions: 1/9/13 testing positive for marijuana; 1/14/13 testing positive for methamphetamine; 1/20/13 missing four twelve-step support meetings; 2/24/13 arrested for Driving Without Privileges, and 4/2/13 admitted using methamphetamine on 3/30/13 and 3/31/13.

The Court has reviewed the file and finds that a hearing on this motion would only be a waste of the Court's time, the attorneys' time, and that no additional evidence or argument would effect this Court's decision. Because the following actions of Peterson occurred before Peterson's court appointed attorney filed the motion on Peterson's behalf it would appear that Peterson did not apprise his court appointed attorney of his transgressions: 1/9/13 testing positive for marijuana; 1/14/13 testing positive for methamphetamine; 1/20/13 missing four twelve-step support meetings; 2/24/13 arrested for Driving Without Privileges. Such deception upon his own attorney is, in and of itself, further evidence of Peterson's continued criminal thinking. These various actions of Peterson indicate he is not at all interested in his recovery from addiction in spite of extensive chemical dependency treatment at the expense of the State of Idaho taxpayer. These various actions of Peterson show he is not amenable to supervised probation and has not changed his criminal thinking in the past two years in spite of the imposition of two retained jurisdictions, again, at the expense of the State of Idaho taxpayer. These various actions of Peterson indicate he is a danger to the public were he to have the legal ability to drive.

IT IS HERBY ORDERED THAT TRAVIS WILLIAM PETERSON's Motion for Restricted Driving Privileges is DENIED.

IT IS FURTHER ORDERED that the May 22, 2013, 3:00 p.m., hearing on TRAVIS

WILLIAM PETERSON's Motion for Restricted Driving Privileges is VACATED;

IT IS FURTHER ORDERED a hearing on a Motion for an Order to Show Cause (based on the reasons set forth in the April 23, 2013, Order for Incarceration) as to why Peterson's probation should not be revoked and his prison sentence imposed will be held on May 22, 2013, 3:00 p.m., and this constitutes a NOTICE OF HEARING on such Motion for an Order to Show Cause.

DATED this 17th day of May, 2013.

JOHN T. MITCHELL District Judge

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of May, 2013 copies of the foregoing Order were mailed, postage prepaid, or sent by facsimile or interoffice mail to:

Defense Attorney - Lynn Nelson
Prosecuting Attorney -
Probation & Parole – ATTN: SANDY BEAMER

Faxed to (208) 327-7445]

CLERK OF THE DISTRICT COURT
KOOTENAI COUNTY

BY: _____
Deputy