

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.)
)
MICHAEL WALTER FORD-BRIDGES)
DOB: 06-03-1987)
SSN: 572-95-7657)
IDOC: 84529)
)
Defendant.)

Case No. **CRF 2008 10371**
CRF 2008 24355

**ORDER DENYING I.C.R. 35
MOTION AND NOTICE OF
RIGHT TO APPEAL**

On April 5, 2007, Michael Walter Ford-Bridges (Ford-Bridges), was sentenced by Judge Steve Verby in Bonner County Case No. CRF 2007 1161 (which later became Kootenai County Case No. CRF 2008 10371) as follows:

CRF 2008 10371 (formerly Bonner Co. Case CRF 2007 1161) - Delivery of a Controlled Substance, Cocaine, THREE (3) years fixed, followed by an indeterminate THREE (3) year period, for a total unified sentence of SIX (6) years.

That sentence ran concurrent to the previously entered sentence in Bonner County Case No. CRF 2006 5894 (which later became Kootenai County Case No. CRF 2008 24355), where Ford-Bridges was sentenced by Judge Verby as follows:

CRF 2008 24355 (formerly Bonner County Case No. CRF 2006 5894) - Burglary, THREE (3) years fixed, followed by an indeterminate THREE (3) year period, for a total unified sentence of SIX (6) years.

On April 5, 2007, Judge Verby sent Ford-Bridges a retained jurisdiction program in both cases. Following the retained jurisdiction, on September 14, 2007, even though the Idaho Department of Correction (IDOC) issued a report relinquishing jurisdiction due to Ford-

Bridges' poor performance on the retained jurisdiction, Judge Verby again placed Ford-Bridges on probation. On January 9, 2008, a Report of Probation was filed. On May 23, 2008, as a result of that probation violation, Judge Verby continued Ford-Bridges' probation, but ordered him to attend and successfully complete the Mental Health Drug Court program in Kootenai County. Both cases were then administratively assigned to Judge Mitchell, presiding judge for the Kootenai County Mental Health Court, and both cases became Kootenai County cases. Ford-Bridges was accepted in the Kootenai County Mental Health Court from that time until October 16, 2008, at which time he was terminated from that program for various failures to comply with that program's rules. A Report of Probation Violation was filed dated October 31, 2008. Ford-Bridges on November 20, 2008, admitted to those violations, and this Court sent Ford-Bridges on a second retained jurisdiction in both cases on that same date. Less than three months into the 180 day retained jurisdiction period, the (IDOC) issued an Addendum to the Pre-Sentence Report, recommending this Court relinquish its jurisdiction (which would result in Ford-Bridges spending the rest of his sentence in prison) due to Ford-Bridges' poor performance on the retained jurisdiction program, and the IDOC transported Ford-Bridges back to the Kootenai County jail. On March 26, 2008, this Court held a jurisdictional review hearing, at the conclusion of which this Court kept Ford-Bridges in the custody of the IDOC, with instructions that he be transported back to finish the remaining portion of his retained jurisdiction, get what programming he could obtain in that time, and see if his performance and attitude improved. On May 6, 2009, the IDOC issued a report that stood by its earlier recommendation for this Court to relinquish jurisdiction. On May 13, 2009, following a jurisdictional review hearing, this Court decided to impose Ford-Bridges' sentences and relinquish jurisdiction. In the Court's order, this Court recommended Ford-Bridges participate in the Therapeutic Community, the long term (nine plus month) chemical dependency and community accountability program in the Idaho penitentiary system. This Court felt that due to Ford-Bridges failure to abide by rules and regulations, the Therapeutic Community was the only reasonable alternative for Ford-Bridges' rehabilitation.

On May 14, 2009, Ford-Bridges filed his "Motion for Reconsideration of Sentence Pursuant to I.C.R. 35", as a plea for leniency, based on Ford-Bridges' claim that treatment in prison was not the most appropriate option for Ford-Bridges. A hearing on that motion

was held on June 23, 2009. The Court found that given Ford-Bridges' biggest problems, which were his attitude, honesty, and anti-social behavior, the Therapeutic Community was the best option to address Ford-Bridges' attitude, honesty, and anti-social behavior.

At times, Ford-Bridges has not received his mental health medication while in custody. Ford-Bridges claimed at the May 13, 2009, hearing, that a Dr. Clark took him off his medications while on his retained jurisdiction. There is indication at other times that Ford-Bridges has refused his medications while in custody. Even if Ford-Bridges is truthful that a Dr. Clark took him off his medications, Ford-Bridges has not proven any cause and effect between his lack of medications for his mental health conditions and his attitude and behaviors while in custody or while on probation. This is because Ford-Bridges has had extreme difficulty with his attitude and behaviors even while he was verifiably given his medications.

On the most recent retained jurisdiction, Ford-Bridges claimed that he was given his medications until he got to Cottonwood. At Cottonwood, Ford-Bridges was offered "Level A", the highest level of "A New Direction", the chemical dependency community treatment program on the retained jurisdiction. That was the very level this Court ordered Ford-Bridges to take at the hearing on November 20, 2008. That fact was placed in Ford-Bridges' Order. Ford-Bridges was reminded of that fact by Lynn Guyer, Warden at IDOC's Cottonwood facility. According to Guyer, Ford-Bridges was "extremely agitated" toward staff about the level he was given, and Ford-Bridges was warned that his refusal to enter into Level A would be noted to the Court. Ford-Bridges refused.

At the I.C.R. 35 hearing, counsel for Ford-Bridges argued that his bi-polar disorder, ADD and learning disabilities made it difficult for Ford-Bridges to interpret what is told to him. However, the Therapeutic Community is probably the best program for Ford-Bridges as its hallmark feature is for others in the community to constantly and consistently point out to an individual errant conduct, errant thoughts and errant beliefs. Following the hearing, the Court announced that it denied Ford-Bridges' I.C.R. 35 Motion, but also announced it would reconsider its ruling if there were any indication that Ford-Bridges could not get into the Therapeutic Community.

This Court has had the opportunity to speak with Mary Perrien, Chief, Division of Education and Treatment for IDOC. That conversation convinced the Court of the following:

-Ford-Bridges meets the IDOC criteria for the Therapeutic Community;
-The IDOC has capacity to find a spot within the Therapeutic Community for Ford-Bridges;

-Even if Ford-Bridges' mental health condition became unstable, he could have some of the same programming as the Therapeutic Community in a "Mental Health Community", although there would not be as much of the "group accountability" as found in the Therapeutic Community;

-While it is a State of Idaho Commission of Pardons and Parole decision, Mary Perrien indicated the IDOC would be open to participation in a Mental Health Court as a transition piece from prison, following completion of the Therapeutic Community and following completion of the fixed portion of Ford-Bridges' sentences, if that would assist Ford-Bridges with his parole eligibility.

A motion to reduce an otherwise lawful sentence is addressed to the sound discretion of the sentencing court. ... Such a motion is essentially a plea for leniency, which may be granted if the sentence originally imposed was unduly severe....

* * *

However, if the sentence is not excessive when pronounced, the defendant must later show that it is excessive in view of new or additional information presented with his motion. (Citations omitted)

State v. Forde, 113 Idaho 21, 22, 740 P.2d 63 (Ct. App. 1987).

The sentences imposed on Ford-Bridges were and continue to be appropriate sentences given Ford-Bridges' social and criminal history and the crimes for which sentence was imposed. A lesser sentence would depreciate the seriousness of Ford-Bridges' crimes. This Court concludes that the sentences imposed were and are necessary for the protection of society, the deterrence of and others, and primarily, the rehabilitation of Ford-Bridges.

IT IS THEREFORE ORDERED that Ford-Bridges' I.C.R. 35 Motion be and the same hereby is **DENIED**.

NOTICE OF RIGHT TO APPEAL

YOU, , ARE HEREBY NOTIFIED that you have a right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written order in this matter.

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer, if any.

DATED this 24th day of July, 2009.

John T. Mitchell, District Judge

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of July, 2009 copies of the foregoing were mailed, postage prepaid, or sent by interoffice mail or facsimile to:

Defense Attorney – Martin Neils
Prosecuting Attorney – Ann Eckhart

MICHAEL WALTER FORD-BRIDGES
IDOC # 84529

Probation & Parole – Marcy Black
Suzanne Witlicki – Mental Health Court Coordinator
IDOC – Mary Perrien FAX 208 327-7433
IDOC – Lynn Guyer FAX 208 962-7119

Hon. Steve Verby

Idaho Department of Correction
Records Division (certified copy)
Fax: (208) 327-7445

**CLERK OF THE DISTRICT COURT
KOOTENAI COUNTY**

BY: _____, Deputy