

BOISE, TUESDAY, SEPTEMBER 15, 2009, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35697

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 MICHAEL SHANE BYINGTON,)
)
 Defendant-Appellant.)
 _____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Ronald J. Wilper, District Judge.

Ron McWilliams, Idaho Law Group, LLP, Nampa, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Nicole L. Schafer, Deputy Attorney General, Boise, for respondent.

Michael Shane Byington was convicted by jury of aggravated assault. He appeals from the district court's denial of his subsequent motion for a new trial brought on the ground of newly discovered evidence.

BOISE, TUESDAY, SEPTEMBER 15, 2009, AT 10:30 AM

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35926

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 AGENCY BAIL BONDS,)
)
 Real Party in Interest-Appellant,)
)
 and)
)
 PATRICIA HANEY,)
)
 Defendant.)
)
 _____)

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. James R. Michaud, District Judge. Hon. Barbara A. Buchanan, Magistrate.

Featherston Law Firm, Chtd., Sandpoint, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Karin Magnelli, Deputy Attorney General, Boise, for respondent.

Patricia Haney was convicted of driving under the influence. The magistrate suspended Haney's sentence and placed her on probation for two years. Haney was subsequently arrested for a probation violation and released on a \$10,000 bond posted by Agency Bail Bonds. Haney appeared at the hearing on her probation violation and was sentenced to a term of confinement of 132 days. The magistrate then granted Haney leave to report to the jail three days after sentencing in order to make arrangements for her work and property. Haney failed to appear at the jail for execution of her sentence. The magistrate ordered the bond to be forfeited and denied Agency's motion to set aside forfeiture and exonerate bond. Agency filed a motion to reconsider which the magistrate also denied.

Agency appealed the magistrate's denial of its motion to set aside forfeiture and exonerate bond to the district court. The district court affirmed the magistrate's order, reasoning that the language of the bond clearly and unambiguously provided that Agency would guarantee Haney's appearance for judgment and would render herself for execution of her sentence. The

district court held that, when Haney failed to fulfill those conditions, the forfeiture of bond was appropriate. Agency again appeals.

BOISE, TUESDAY, SEPTEMBER 15, 2009, AT 1:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35393

IDAHO STATE SPEECH AND HEARING)
SERVICES LICENSURE BOARD,)
)
Plaintiffs-Respondents,)
)
v.)
)
RANDELL E. BROWN,)
)
Defendant-Appellant.)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Gregory S. Anderson, District Judge.

Randell E. Brown, Idaho Falls, pro se appellant.

Bruce J. Castleton, Boise, for respondents.

In 2000, the Idaho Bureau of Occupational Licenses (IBOL) filed an administrative complaint with the Idaho State Hearing Aid Dealers and Fitters Board of Examiners (HADFB), the predecessor of the Idaho State Speech and Hearing Services Licensure Board (the Board), against Randell E. Brown, a licensed hearing aid dealer and fitter. After an investigation and hearing, HADFB entered a “Final Order” on September 24, 2002, finding that Brown acted in violation of Idaho rules and statutes governing his professional conduct and imposing various costs. Brown filed a motion for reconsideration on October 15, 2002. On November 14, 2002, HADFB denied the motion. On June 10, 2003, Brown filed a petition for judicial review of HADFB’s 2002 final order. The district court dismissed the petition as untimely.

Brown failed to pay the costs imposed by the 2002 final order, and HADFB and IBOL filed a complaint against him in an effort to recover the costs. Brown answered and filed a counterclaim, arguing, among other things, that the 2002 final order was invalid. The agencies filed several motions for summary judgment, arguing that Brown’s counterclaim was effectively a request for judicial review of the 2002 final order and was therefore time-barred. Ultimately, the district court granted summary judgment. Brown now appeals.