

Greenbank and Heise are using every word I say against me.

They have obstructed a sworn complaint from the victim

They are both notably creating a prejudice on their court documents

Debra Heise does not act in her judicial capacity clearly indicating she has not perfected her Oath for example on the court transcript

Judge “Well I will decline to read the document it is not filed in a timely manner” She hears all of Greenbanks motions that are not filed in a timely manner.

Rita “Then I want a continuance I stand bby my paperwork and mhy innocence I assert my right to remain silend

Judge ”Explains respecting that right and right to amendment rights.” [then she will respect my right to remain silent that I exercise at the evaluation” They are using every word I say against me there it no reason to think they would not use every word I say in the evaluation against me. They are forcing me to have a lawyer represent me by using every word and document I file against me.

Judge “ON the motion for evaluation: **I do think** the paperwork and actions by Ms. Hutchens do demonstrate a complete lack of understanding of the criminal process. [Good this means I don’t stand under the criminal process] **I think** the lack of understand could act to her detriment [I understand there is no victim. I understand they are all criminals. Are judges suppose to rule on what they think or what they know]

BONNER COUNTY PROSECUTING ATTORNEY

127 S. First Avenue

Sandpoint, ID 83864

(208) 263-6714

(208) 263-6726 (facsimile)

Assigned Prosecutor:

SHANE GREENBANK

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

V.

RITA NANCY HUTCHENS,

Defendant.

CASE No.: CR-2012-4024

MOTION FOR ARREST WARRANT

COMES NOW, Shane Greenbank, Chief Deputy Prosecuting Attorney for Bonner County, State of Idaho, and respectfully moves this Honorable Court for an Arrest Warrant.

This motion is based on the Following:

1. The defendant in this matter is charged with a misdemeanor for battering a city clerk.
2. Defendant failed to appear for a hearing on 12/17/12, and an arrest warrant was issued by Judge Swanstrom. (The scheduled hearing was for Defendant's Motion to Continue, Defendant's Motion to Continue, and the State's Motion for a Mental Health Evaluation pursuant to Idaho Code §18-210 and §18-211).
3. On 4/16/13, law enforcement went to Defendant's residence and was able to see her lying on the couch. The officers knocked and attempted to get her to answer the door. She

COPY

refused to answer and, pursuant to the authorization of the warrant, the officers forced entry into the house and arrested Defendant. (Officers also recovered drug paraphernalia that Defendant tossed under the couch during execution of the arrest warrant).

4. After posting the \$5,000 bond, Defendant was released from custody and a hearing was scheduled for 5/1/13 to address Defendant's Motion to Dismiss and the State's Motion for Mental Health Evaluation.
5. On 5/1/13, Judge Heise denied Defendant's Motion to Dismiss and granted the State's motion for the evaluation. Defendant was ordered to submit to the examination by Carl Haugan, PhD, on May 8, 2013, at the hour of 9 o'clock.
6. As reflected in the Court Minutes, a copy of which accompanies this motion, as the Court was going off the record on 5/1/13, Defendant announced "*Let the record show that I will not participate in any mental evaluations from the State.*"
7. Dr. Haugan reported that while Defendant did show up for the appointment, Defendant refused to comply with the court order and submit to the evaluation. Thus, Dr. Haugan was unable to reach a conclusion as to Defendant's competency, and further, he was unable to state whether or not her refusal was based on a mental disorder. (See sealed report in Court file).

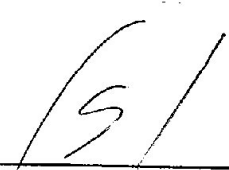
Paragraph 7 of the Court's Order for Evaluation pursuant to I.C. 18-210, 18-211, notified the defendant of the consequences of non-compliance with the order:

If the Defendant does not present herself at the designated time, on the designated date, at the above described location for evaluation by Carl Haugan, or does not fully cooperate with Carl Haugan in the evaluation, Carl Haugan SHALL immediately inform the Prosecuting Attorney and an Arrest Warrant SHALL then issue for the Defendant upon a motion by the prosecution, and, upon arrest, the Defendant shall remain in custody without bond until such evaluation is completed and report is received by this Court, or until the Court orders otherwise.

Whereas this Court has found that there is reason to believe that the Defendant lacks the capacity to understand the proceedings against her and may be unable to assist in her own defense and accordingly ordered an evaluation pursuant to Idaho Code §18-210 and §18-211, and whereas Defendant has refused to cooperate with said evaluation, the State respectfully moves the Court to issue an Arrest Warrant and have Defendant held in custody until such time that the evaluation can

be completed.

DATED this 20 day of May, 2013.



SHANE GREENBANK
Chief Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of May, 2013, a true and correct copy of the foregoing was served as follows:

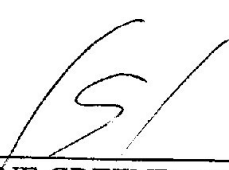
☒ Court – Original

☒ Rita Hutchens – Copy

☒ Mailed to:
Rita Hutchens
PO Box 1954
Sandpoint, Idaho 83864

☐ Personally Served

☒ Susie Jensen – Copy
Standby Counsel for Defendant
Hand Delivered



SHANE GREENBANK
Chief Deputy Prosecutor

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

COURT MINUTES

JUDGE: DEBRA A. HEISE
DIVISION: MAGISTRATE
CLERK: MISSY SECK

CASE NO. CR-2012-4024 / 2013-1704
DATE: MAY 1, 2013 **TIME:** 2:00 PM
COURTROOM # 4

STATE OF IDAHO

vs RITA NANCY HUTCHENS

Plaintiff / Petitioner

Defendant / Respondent

Atty: SHANE GREENBANK

Atty: SELF REPRESENTED DEFENDANT
SUSIE JENSEN (STANDBY COUNSEL)

SUBJECT OF PROCEEDINGS

**DEFENDANT'S MOTION TO DISMISS;
MOTION FOR CLARIFICATION OF APPOINTMENT OF PUBLIC
DEFENDER;
STATE'S MOTION FOR EVALUATION**

CHARGE

INDEX	SPEAKER	PHASE OF CASE
201	J	Calls Case
		PRESENT: KATHERINE MURDOCK; SHANE GREENBANK; SUSIE JENSEN STANDBY COUNSEL; DEFENDANT RITA HUTCHENS, SELF REPRESENTED DEFENDANT
	J	MS. JENSEN, MS. HUTCHENS HAS NOT ACCEPTED AN OFFER FOR COURT APPOINTED ATTORNEY. IF A JUDGE BELIEVES THAT THINGS ARE OCCURRING TO THE DETERMENT OF A DEFENDANT BECAUSE OF THE LACK OF AN ATTORNEY, THERE IS THE ABILITY TO APPOINT STANDBY COUNSEL. I AM APPOINTING YOU AS STANDBY COUNSEL. YOU CAN OFFER ADVICE TO HER IF YOU FEEL SHE IS TAKING A LEGAL POSITION THAT IS TO HER DETRIMENT.
	SJ	JUST FOR CLARIFICATION, ALL NOTICES WILL BE SENT TO HER AS IF SHE WERE PRO SE
	J	THAT IS CORRECT. IN FACT YOU DON'T REALLY SAY ANYTHING UNLESS SHE OR I TELL YOU TO.
	KM	MAY I HAVE SOME CLARIFICATION. I AM HOLDING DISCOVERY IN MY CASE.
	J	MAIL YOUR DISCOVERY TO MS. HUTCHENS. COPIES TO PUBLIC DEFENDER. IF MS. JENSEN'S OFFICE FILES A REQUEST FOR DISCOVERY, AGAIN, MAIL A COPY OF RESPONSE TO BOTH.
	J	MS. HUTCHENS, HAVE A SEAT AT THE TABLE. YOU DON'T WANT TO?
	RH	I'M NOT RITA HUTCHENS.
	J	THE RECORD WILL REFLECT THAT THE PERSON THAT HAS BEEN CHARGED HERE AND WHO HAS APPEARED PREVIOUSLY, RITA HUTCHENS, IS SITTING IN THE AUDIENCE.
	RH	I'M THE LIVING WOMAN RITA HUTCHENS.
	J	I WILL NOTE THAT MS. HUTCHENS IF YOU WANT TO ARGUE YOUR MOTION YOU NEED TO BE CLOSE TO A MICROPHONE.
	RH	EXCUSE ME HAVE YOU SEEN THE PAPERWORK THAT I FILED THIS MORNING.
	J	RECITES BOTH CASE NUMBERS.
	RH	THE COURT MUST READ THE DOCUMENT BEFORE WE CAN MOVE FORWARD
	J	WELL ACTUALLY I WILL DECLINE TO READ THE DOCUMENT. IT IS NOT FILED IN A TIMELY MANNER
	RH	THEN I WANT A CONTINUANCE. I STAND BY MY PAPERWORK AND MY INNOCENCE. I ASSERT MY RIGHT TO REMAIN SILENCE.
	J	EXPLAINS RESPECTING THAT RIGHT AND RIGHT TO AMENDMENT RIGHTS.

CASE NO. CR-2012-4024 / 2013-1704

DATE: 5/1/13

Page 1 of 3

COURT MINUTES

J	I HAD ALREADY DETERMINED THAT BONNER COUNTY MAGISTRATE COURT HAS JURISDICTION.
RH	ARE YOU SPEAKING TO ME AS A MAGISTRATE JUDGE OR AS MS. HEISE
J	MS. HUTCHENS THAT IS ALMOST DISRESPECTFUL AND I AM WORKING IN MY CAPACITY AS A MAGISTRATE JUDGE HERE IN BONNER COUNTY. LET'S DO THIS WE CAN EITHER HERE YOUR MOTION TO DISMISS FIRST OR THE STATE'S MOTION FOR AN EVALUATION. I WILL LET YOU DECIDE WHICH.
RH	THIS IS THE DOCUMENT THAT NEEDS TO BE HEARD FIRST. I STAND BY MY PAPERWORK AND I EXERCISE MY RIGHT TO REMAIN SILENT.
J	FAIR ENOUGH. WE WILL THEN PROCEED. ARE YOU EACH REPRESENTING A DIFFERENT COUNTY CASE.
SG	I HAVE THE BATTERY CASE. (4024)
KM	AND I REPRESENT THE STATE ON THE PARAPHERNALIA CASE (1704).
J	AND THE MOTION FOR EVALUATION IS ONLY IN YOUR CASE MR. GREENBANK. GO AHEAD.
SG	FILED THE MOTION FOR EVALUATION. DEFENDANT THROUGH FILINGS AND HER ACTIONS IN COURT DISPLAYS A HIGH DEGREE OF CONFUSION AS TO CRIMINAL PROCEDURE. SHE WAS FIRST IN FRONT OF JUDGE BUCHANAN AND SHOWED HIGH DEGREE OF CONFUSION. THE PRETRIAL CONFERENCE YOU PRESIDED OVER THERE WAS QUITE A DISPLAY AT THAT TIME IF YOU RECALL. KEPT RETURNING DISCOVERY TO ME; COURT HAD TO ORDER HER TO ACCEPT THE DISCOVERY IN COURTROOM.
SG	SAW HER AGAIN APRIL 17 TH . FOR FIRST VIDEO APPEARANCE; AGAIN HIGH DEGREE OF CONFUSION. DESCRIBES. THROUGH FILINGS, RECITES. IN ADDITION, WHAT SHE DISPLAYS IN COURT BEFORE, AND TODAY. IN ADDITION WHEN I SERVED HER THESE DOCUMENTS PERSONALLY, SHE STRUCK ME WITH IT. HIT ME IN THE HEAD WITH THE PAPERWORK.
SG	HER ACTIVITIES ARE NOT OF A RATIONAL WOMAN. I BELIEVE SHE IS SUFFERING FROM A MENTAL DISEASE UNTIL AN 18-210 EVALUATION. DON'T THINK WE CAN PROCEED UNTIL AN EVALUATION IS DONE.
RH	CAN THE PROSECUTION PLEASE TOUCH THE SHOULDER OF THE DEFENDANT.
J	I WILL DECLINE TO ALLOW THAT. I DECLINE TO HAVE THE PROSECUTOR OR ANY ATTORNEY TO TOUCH ANYBODY IN MY COURTROOM.
J	ANY RESPONSE TO THE MOTION MS. HUTCHENS
RH	I STAND ON MY PAPERWORK, I EXERCISE MY RIGHT TO REMAIN SILENT.
J	EXCUSE ME I AM GOING TO GO AHEAD AND RULE.
J	ON THE MOTION FOR EVALUATION; I DO THINK THE PAPERWORK AND ACTIONS BY MS. HUTCHENS DO DEMONSTRATE A COMPLETE LACK OF UNDERSTANDING OF THE CRIMINAL PROCESS. I THINK THAT LACK OF UNDERSTANDING COULD ACT TO HER DETRIMENT. I WILL GRANT THE MOTION FOR 18-210 EVALUATION. I WILL ASK YOU MR. GREENBANK TO PREPARE THE ORDER.
SG	I HAVE AN ORDER.
J	DID YOU FILE ANYTHING MS. MURDOCK
KM	NO.
J	SO THEY MUST HAVE JUST BROUGHT THIS CASE OVER WITH THE OTHER. ONLY DEALING WITH THE MOTIONS IN THIS CASE IN CR-2012-4024
J	MS. HUTCHENS, I DO WANT TO COMMENT AND THIS IS FOR YOUR BENEFIT, IN THE NEW CASE CR-2013-1704, I STRONGLY ENCOURAGE YOU TO TALK TO A LAWYER...
RH	INTERRUPTS - I AM NOT RITA HUTCHENS.
JSTRONGLY ENCOURAGE YOU TO TALK TO A LAWYER ABOUT POLICE PROCEDURE IN THAT CASE BECAUSE IT IS EXTRAORDINARY. YOU NEED TO TALK TO A LAWYER.
RH	THE DEFENDANT IS NOT IN THE ROOM. THE PROSECUTOR NEEDS TO TAP THE SHOULDER OF THE DEFENDANT. I AM NOT THE DEFENDANT. I STAND BY MY PAPERWORK. YOU ARE IGNORING MY PAPERWORK. ARE YOU ACTING AS MS. HEISE OR AS JUDGE HEISE.
J	MS. HUTCHENS THIS IS YOUR OPPORTUNITY TO PRESENT ANY ARGUMENT IN

		YOUR MOTION TO DISMISS THAT HAS BEEN NOTICED UP FOR HEARING.
	RH	I STAND BY MY PAPERWORK.
	J	I INTERPRET YOUR PAPERWORK AND YOUR MOTION TO DISMISS AS CHALLENGING THE COURT'S JURISDICTION AND BASED ON THAT.
	RH	THE COURT CANNOT PROCEED UNTIL JURISDICTION HAS BEEN ESTABLISHED.
	J	YOUR PAPERWORK IS AN INCH THICK AND I HAVE READ ALL THAT PAPERWORK. NOTHING IN IT THAT WOULD JUSTIFY THE MOTION TO DISMISS.
	RH	I DON'T HAVE A MOTION TO DISMISS, I AM CHALLENGING THE JURISDICTION OF THIS COURT. I AM NOT RITA HUTCHENS. I AM THE LIVING WOMAN RITA HUTCHENS.
	J	THIS COURT DOES HAVE JURISDICTION; MOTION TO DISMISS IS DENIED. MR. GREENBANK I WILL ASK YOU TO PREPARE BOTH ORDERS.
	J	WE HAVE NOT SET THESE MATTERS FOR TRIAL. PRETRIAL CONFERENCE SET FOR MAY 20, 2013.
	RH	INTERRUPTS JUDGE.
	RH	CAN-YOU TELL ME MS. HEISE WHAT CONSTITUTION THIS COURT OPERATES UNDER.
	J	I AM NOT GOING TO ADDRESS YOU MS. HUTCHENS BECAUSE YOUR STATEMENT IS DISRESPECTFUL
	RH	I AM HERE REPRESENTING THE LIVING WOMAN RITA HUTCHENS. THE DEFENDANT IS NOT IN THE ROOM. UNLESS THE PROSECUTOR CAN TAP THE SHOULDER OF THE DEFENDANT THE COURT CANNOT GO FORWARD. CLEAR IN MY DOCUMENTS; THIS COURT IS ON JUDICIAL NOTICE. IF YOU NEED MORE TIME TO READ THE PAPERWORK WE CAN HAVE A CONTINUANCE. COURT MUST ESTABLISH JURISDICTION.
	J	MS. HUTCHENS YOUR BEHAVIOR TODAY IS CLEAR THAT A MENTAL EVALUATION IS HIGHLY APPROPRIATE.
	J	COURT IS IN RECESS
	RH	LET THE RECORD SHOW THAT I WILL NOT PARTICIPATE IN ANY MENTAL EVALUATIONS FROM THE STATE.
216		END

BONNER COUNTY PROSECUTING ATTORNEY

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Assigned Prosecutor:
SHANE GREENBANK

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**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATE OF IDAHO,

Plaintiff,

V.

RITA NANCY HUTCHENS,

Defendant.


CASE No.: CR-2012-4024

**NOTICE OF FILING
PSYCHOLOGICAL
EVALUATION REPORT**

*******CONFIDENTIAL*******

COMES NOW, Shane Greenbank, Chief Deputy Prosecuting Attorney for Bonner County,
State of Idaho, and hereby provides the Court with the Psychological Evaluation report of Dr. Carl
Haugan which is attached hereto and incorporated herein by reference.

DATED this 20 day of May, 2013.



SHANE GREENBANK
Chief Deputy Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of May, 2013, a true and correct copy of the foregoing was served as follows:

☒ Court – Original

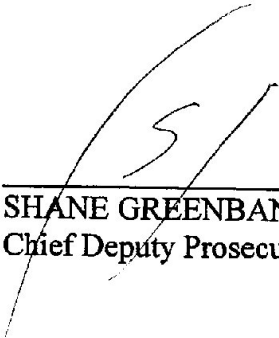
☒ Rita Hutchens – Copy

☒ Mailed to:
Rita Hutchens
PO Box 1954
Sandpoint, Idaho 83864

☐ Personally Served

☒ Susie Jensen – Copy

Standby Counsel for Defendant
Hand Delivered



SHANE GREENBANK
Chief Deputy Prosecutor

