



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

RAÚL R. LABRADOR

September 7, 2023

Idaho State Board of Examiners
c/o State Controller's Office
700 W. State Street, 5th Floor
P.O. Box 83720
Boise, ID 83720-0011

Re: Joseph Douglas LaCroix

Dear Board Members:

On May 1, 2023, Joseph Douglas LaCroix filed a petition against the State of Idaho under Idaho's Wrongful Conviction Act ("Act") seeking a Certificate of Innocence and an award of compensation. Mr. LaCroix had been convicted of failure to update sex offender registration information, in violation of Idaho Code § 18-8309. After Mr. LaCroix was convicted, the Idaho State Police determined that Mr. LaCroix did not meet the criteria to register on the Idaho Central Sex Offender Registry. In March 2023, a district court vacated Mr. LaCroix's conviction and entered an order dismissing the case.

The Act applies to a person convicted and subsequently imprisoned for one or more crimes that the person did not commit, and the Act refers to such person as a claimant. Idaho Code § 6-3502(1). In order to receive compensation and a Certificate of Innocence under the Act, a claimant must establish by a preponderance of evidence seven elements:

- a. The claimant was convicted of a felony in this state and subsequently imprisoned;
- b. The claimant did not commit the crime for which he was convicted;
- c. The claimant did not commit the acts that were the basis of the conviction;
- d. The claimant did not aid, abet, or act as an accomplice or accessory to

either the acts or to a person who committed the acts that were the basis for the conviction;

- e. The claimant did not commit an included offense of the crime for which he was imprisoned;
- f. The claimant establishes that his conviction was reversed or vacated and either:
 - i. The claimant was not retried and the charges were dismissed; or
 - ii. The claimant was retried and was found not guilty; and
- g. The claimant establishes that the basis for reversing or vacating the conviction was not legal error unrelated to his factual innocence.

Idaho Code § 6-3502(2). Under the Act, a claimant must bring a claim under the Act within two years after his “conviction was reversed or vacated and the charges were dismissed” or he was “retried and found not guilty.” Idaho Code § 6-3502(4)(a).

After evaluating the facts in Mr. LaCroix’s case, the State concluded that Mr. LaCroix met the requirements of the Act. The State and Mr. LaCroix entered into a stipulation agreeing that Mr. LaCroix was entitled to a Certificate of Innocence and an award of compensation. The reasons for the State’s conclusion are set forth in the stipulation, which is attached as **Exhibit 1**, which also includes the original exhibits to the stipulation.

The Act provides that Mr. LaCroix is entitled to \$62,000 for each year of actual imprisonment, including time imprisoned before he was convicted. The Act further provides that Mr. LaCroix is entitled to at least \$25,000 for each year on parole. Compensation under the Act is calculated on a daily, pro rata basis. The State and Mr. LaCroix agreed that the pro rata daily rate for each day of actual imprisonment would be \$169.86, and for each day of parole or probation the pro rata daily rate would be \$68.49.

Based on Mr. LaCroix’s dates of actual imprisonment and dates on probation or parole, Mr. LaCroix is entitled to \$319,297.74. Additionally, the Act entitles Mr. LaCroix to reasonable attorney fees and costs in the amount of \$3,298.24. *See* Idaho Code § 6-3503(4).

The parties submitted the stipulation to the court on August 31, 2023. On September 5, 2023, the court entered an order and judgment granting Mr. LaCroix a Certificate of Innocence, awarding compensation in the amount of \$319,297.74, and awarding reasonable attorney fees and costs in the amount of \$3,298.24. The order is attached as **Exhibit 2**. The judgement is attached as **Exhibit 3**.

The State requests that the Board of Examiners determine the amount awarded by the court is a claim that should be paid by the Controller out of the funds set aside by the Idaho Legislature in the Innocence Fund. The controller should issue a check to Mr. LaCroix through his attorneys, Nevin, Benjamin & McKay, LLP.

Respectfully,

/s/ Brian V. Church

BRIAN V. CHURCH
Deputy Attorney General

EXHIBIT 1

Stipulation for Certificate of Innocence and for Order Awarding Compensation

RAÚL R. LABRADOR
ATTORNEY GENERAL

LINCOLN DAVIS WILSON, ISB #11860
Chief, Civil Litigation and
Constitutional Defense

BRIAN V. CHURCH, ISB #9391
Deputy Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
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lincoln.wilson@ag.idaho.gov
brian.church@ag.idaho.gov

Attorneys for Respondent

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

JOSEPH LaCROIX,

Petitioner,

v.

STATE OF IDAHO,

Respondent.

Case No. CV01-23-07121

**STIPULATION FOR
CERTIFICATE OF
INNOCENCE AND FOR ORDER
AWARDING COMPENSATION**

Respondent, State of Idaho, and Petitioner, Joseph LaCroix, stipulate that a Certificate of Innocence should be issued by this Court, as well as an order directing an award of compensation to Mr. LaCroix for the following reasons.

STATUTORY FRAMEWORK

Mr. LaCroix seeks relief under the Wrongful Conviction Act (“Act”). The Act applies to a person convicted and subsequently imprisoned for one or more crimes that the person did not commit, and the Act refers to such person as a claimant. Idaho Code § 6-3502(1). In order to receive compensation and a Certificate of Innocence under the Act, a claimant must establish by a preponderance of evidence seven elements:

- a. The claimant was convicted of a felony in this state and subsequently imprisoned;
- b. The claimant did not commit the crime for which he was convicted;
- c. The claimant did not commit the acts that were the basis of the conviction;
- d. The claimant did not aid, abet, or act as an accomplice or accessory to either the acts or to a person who committed the acts that were the basis for the conviction;
- e. The claimant did not commit an included offense of the crime for which he was imprisoned;
- f. The claimant establishes that his conviction was reversed or vacated and either:
 - i. The claimant was not retried and the charges were dismissed; or
 - ii. The claimant was retried and was found not guilty; and
- g. The claimant establishes that the basis for reversing or vacating the conviction was not legal error unrelated to his factual innocence

Idaho Code § 6-3502(2). Under the Act, a claimant must bring a claim under the Act within two years after his “conviction was reversed or vacated and the charges were dismissed” or he was “retried and found not guilty.” Idaho Code § 6-3502(4)(a).

FACTUAL BACKGROUND

Mr. LaCroix was charged by criminal complaint in 2017 with failing to update his registration as a sex offender, a violation of Idaho Code § 18-8309:

COUNT I
SEX OFFENDER-FAIL TO PROVIDE REQUIRED INFORMATION
OR NOTICE, Felony
I.C. § 18-8309

The Defendant, JOSEPH DOUGLAS LACROIX, convicted as a sex offender on February 04, 2002, for the charge of Sodomy in Lincoln County, Oregon, and residing in the State of Idaho, on or on or about June 11, 2017, in the County of Bonneville, State of Idaho, did wrongfully fail to inform the law enforcement agency with whom JOSEPH DOUGLAS LACROIX last registered, of his change of address, in writing, within two (2) days of such change. (10 years, \$5,000 fine and restitution)

Exhibit A at 1. He was then charged by information with the same offense. Exhibit B at 1. Mr. LaCroix pleaded guilty to the offense, and on October 3, 2017, the district court entered a “Judgment of Conviction Retained Jurisdiction.” Exhibit C. Mr. LaCroix was sentenced to the custody of the Idaho State Board of Correction for seven years, with a minimum period of confinement of two years. Exhibit C at 2. The district court also retained jurisdiction for the first 365 days of Mr. LaCroix’s sentence. *Id.*

Mr. LaCroix, who had been incarcerated since June 11, 2017, remained incarcerated until June 12, 2018, when he was released on probation. Petition for Certificate of Innocence and Compensation (“Petition”) ¶¶ 7–8. He was reincarcerated on June 20, 2018. *Id.* ¶ 8. On December 18, 2018, the district court entered an “Amended Disposition Judgment, Probation Violation(s),” in which the court revoked Mr. LaCroix’s probation, imposed the sentence to the custody of the Idaho State Board of Correction, and granted Mr. LaCroix credit for time served. Exhibit D at 1.

Mr. LaCroix remained incarcerated until October 3, 2019, when he was

released on parole. Exhibit E. Mr. LaCroix was arrested and re-incarcerated on September 23, 2020 on an agent's warrant. Exhibit F. Mr. LaCroix on October 28, 2020, admitted to a parole violation and waived further consideration for parole. Exhibit G.

On December 20, 2020, Mr. LaCroix, through counsel, moved the district court to vacate his conviction and sentence and dismiss the case for lack of subject matter jurisdiction. Exhibit H. Mr. LaCroix's motion included a letter from the Idaho State Police to Mr. LaCroix, dated June 25, 2018, informing him that he did "not meet the criteria to register on the Idaho central Sex Offender Registry." Exhibit H at 10. On March 8, 2023, the district court granted Mr. LaCroix's motion to vacate his conviction. Exhibit I at 6. The district court explained that "[b]ecause LaCroix was a juvenile at the time of his Oregon offense, and because LaCroix was charged and adjudicated as a juvenile, he was never convicted of a crime." Exhibit I at 5. The district court also explained,

Because LaCroix was never convicted of a crime in Oregon, he does not meet Idaho's statutory requirements that would necessitate him to register on Idaho's sex offender registry. Accordingly, LaCroix never committed the crime of failing to register as a sex offender as alleged in the Information filed in this case. As such, Idaho and this Court never had the requisite subject matter jurisdiction over him for a conviction, sentencing and imposition of a sentence.

Exhibit I at 5–6. On March 9, 2023, the district entered an order under Idaho Criminal Rule 48 dismissing Mr. LaCroix's criminal case. Exhibit J. Mr. LaCroix was released from custody on March 9, 2023. Petition ¶ 9.

On May 1, 2023, Mr. LaCroix filed a Petition for Certificate of Innocence and

Compensation. Exhibit K.

CERTIFICATE OF INNOCENCE

Based on the foregoing Factual Background, the exhibits referenced in the Factual Background, and Mr. LaCroix's Petition, the parties stipulate that Mr. LaCroix has established by a preponderance of evidence the seven elements of Idaho Code § 6-3502(2). Under Idaho Code § 6-3504, the parties stipulate that Mr. LaCroix is entitled to a Certificate of Innocence as to Count I charged in the information filed in *State v. LaCroix*, Case No. CR-2017-6067, Bonneville County District Court.

AWARD OF COMPENSATION

The Act provides for compensation to a claimant who satisfies the elements in Idaho Code § 6-3502. The Act specifies that "for each year of imprisonment actually served, including time spent awaiting trial" the claimant is entitled to \$62,000 per year, on a pro-rata basis. Idaho Code § 6-3503(1)(a)(i), (2). However, "for each year the person was on parole" the claimant is entitled to a minimum of \$25,000 per year, on a pro-rata basis. Idaho Code § 6-3503(1)(b), (2).

The parties agree that the pro-rata compensation rate for Mr. LaCroix's actual incarceration is \$169.86 per day of incarceration. The parties further agree that the pro-rata compensation rate for Mr. LaCroix's time spent on probation or parole is \$68.49 per day.

The parties stipulate to the following award of compensation in accordance with Idaho Code § 6-3503(3): \$319,297.74. The following table provides a breakdown for each period of incarceration, probation, or parole.

Period	Days	Description	Pro-rata rate	Amount
June 11, 2017 – June 12, 2022	366	Actually incarcerated	\$169.86	\$62,168.76
June 12, 2018 – June 20, 2018	8	Probation	\$68.49	\$547.92
June 20, 2018 – October 3, 2019	470	Actually incarcerated	\$169.86	\$79,834.20
October 3, 2019 – September 23, 2020	356	Parole	\$68.49	\$24,382.44
September 23, 2020 – March 9, 2023	897	Actually incarcerated	\$169.86	\$152,364.40
<i>Total</i>	2097			\$319,297.74

ATTORNEY FEES AND COSTS

The State agrees to pay Mr. LaCroix reasonable attorney fees and costs in the amount of \$3,298.24. *See* Idaho Code § 6-3503(4).

REENTRY SERVICES

1. Under Idaho Code § 6-3503(4)(b), the Act also authorizes the Court to direct that the Idaho Department of Correction provide reentry services “as applicable.” The parties stipulate that the Idaho Department of Correction will, within its discretion, determine what reentry services it could provide to Mr. LaCroix *and* that would be appropriate for Mr. LaCroix, and will then offer such services to Mr. LaCroix. Under Idaho Code § 6-3503(4), the Idaho Department of Correction shall determine within its discretion what reentry services it could provide to Mr. LaCroix *and* what reentry services would be appropriate for Mr. LaCroix, and shall offer such services to Mr. LaCroix. Such services will not exceed the scope or duration of services typically provided to individuals receiving reentry services, and may

include up to 30 days of transitional housing if Mr. LaCroix qualifies for that, and the Idaho Department of Correction will exercise its discretion in determining the quantity, scope, duration, and type of reentry services. Mr. LaCroix will contact Daina Drake, Re-entry Program Manager, at (208) 605-4771 (or via email at ddrake@idoc.idaho.gov) within 30 days of the entry of the court order awarding reentry services, in order to establish such services. Failure to attend any reentry service may be treated by the Idaho Department of Correction as a waiver of other services by Mr. LaCroix. Mr. LaCroix understands he is not entitled to any particular reentry service, and Mr. LaCroix may be required to submit himself to one or more assessments for such services.

ACKNOWLEDGEMENT OF REIMBURSEMENT OBLIGATION

Mr. LaCroix acknowledges that the reimbursement obligation codified in the Act applies to his award of compensation. *See* Idaho Code § 6-3503(3).

SUBMISSION TO THE BOARD OF EXAMINERS

Mr. LaCroix acknowledges that the State must submit his claim to the State Board of Examiners. Idaho Const. art. IV, § 18; Idaho Code §§ 67-2001–2029. Following the district court’s entry of a judgment and an order issuing a Certificate of Innocence and awarding compensation in the amount of \$319,297.74, the State will submit Mr. LaCroix’s claim to the State Board of Examiners for payment from the Innocence Fund created at Idaho Code § 6-3505.

JUDGMENT

The parties stipulate that simultaneous to its filing of an order directing the

award of compensation and reentry services as discussed above, the Court shall enter a final judgment in accordance with Idaho Rule of Civil Procedure 54(a). The parties further stipulate that the Court will close the case upon entry of the final judgment.

DATED: August 31, 2023

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

NEVIN, BENJAMIN & McKAY LLP

By: /s/ Brian V. Church
LINCOLN DAVIS WILSON
Chief, Civil Litigation and
Constitutional Defense
BRIAN V. CHURCH
Deputy Attorney General
Attorneys for Respondent

By: /s/ Dennis Benjamin
DENNIS BENJAMIN
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023, I filed the foregoing electronically through the iCourt E-File system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notification of Service

Dennis Benjamin
db@nbmlaw.com

Attorney for Petitioner

/s/ Brian V. Church

BRIAN V. CHURCH

Deputy Attorney General

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY
IDAHO

17 JUN 12 AM 11:42

John C. Dewey
Chief Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff.

vs.

JOSEPH DOUGLAS LACROIX,
153 E. 16th St., 1/2
Idaho Falls, ID 83401
DOB: [REDACTED] 1984
SSN: [REDACTED] -2060

Defendant.

Case No. 17-6067

Temporary No.: TC-2017-0000387-

CRIMINAL COMPLAINT

The Bonneville County Prosecuting Attorney's Office having submitted, pursuant to Idaho Criminal Rule 3, the sworn affidavit of Officer Craig Morgan, Idaho Falls Police Department, who complains and alleges the defendant, JOSEPH DOUGLAS LACROIX, committed the following crime(s):

COUNT I
SEX OFFENDER-FAIL TO PROVIDE REQUIRED INFORMATION OR NOTICE,
Felony
I.C. § 18-8309

The Defendant, JOSEPH DOUGLAS LACROIX, convicted as a sex offender on February 04, 2002, for the charge of Sodomy in Lincoln County, Oregon, and residing in the State of Idaho, on or on or about June 11, 2017, in the County of Bonneville, State of Idaho, did wrongfully fail to inform the law enforcement agency with whom JOSEPH DOUGLAS LACROIX last registered, of his change of address, in writing, within two (2) days of such change. (10 years, \$5,000 fine and restitution)

CRIMINAL COMPLAINT

1

EXHIBIT
A

ORIGINAL

COUNT II
POSSESSION OF A CONTROLLED SUBSTANCE, Misdemeanor
I.C. § 37-2732(c)(3)

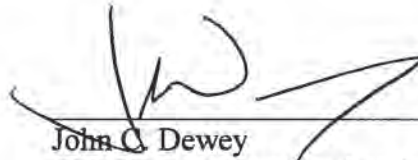
The Defendant, JOSEPH DOUGLAS LACROIX, on or about June 11, 2017, in the County of Bonneville, State of Idaho, did unlawfully possess Marijuana, a Schedule I controlled substance. (1 year, \$1,000 fine & costs of prosecution and investigation)

COUNT III
FALSE INFORMATION PROVIDED ON OWN IDENTITY OR ANOTHER'S TO AN
INVESTIGATING LAW ENFORCEMENT OFFICER, Misdemeanor
I.C. § 18-5413(2)

The defendant, JOSEPH DOUGLAS LACROIX, on or about June 11, 2017, in Bonneville County, State of Idaho, did knowingly provide Officer Craig Morgan, Idaho Falls Police Department, false information regarding his identity while Officer Morgan was investigating the commission of an offense. (1 year, \$1,000 fine)

All of which is contrary to the laws of the State of Idaho. Complainant therefore requests that JOSEPH DOUGLAS LACROIX be dealt with according to law.

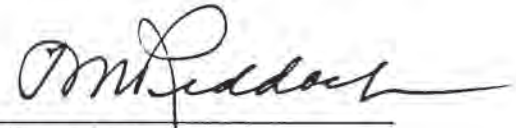
Dated this 12th day of June 2017.



John C. Dewey
Chief Deputy Prosecuting Attorney

SUBMITTED AND ACCEPTED for filing before me this 12th day of June 2017.





Magistrate Judge

Bond: \$ 50,000

DANIEL R. CLARK
BONNEVILLE COUNTY PROSECUTING ATTORNEY

BONNEVILLE COUNTY
IDAHO

2017 JUN 27 PM 4:00

John C. Dewey
Chief Deputy Prosecuting Attorney
605 North Capital Avenue
Idaho Falls, Idaho 83402
Phone: (208) 529-1348
Fax: (208) 529-1189

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, COUNTY OF BONNEVILLE

STATE OF IDAHO,	)	Case No. CR-2017-0006067-FE
)	
Plaintiff.)	
)	
vs.	)	PROSECUTING ATTORNEY'S
	)	INFORMATION
)	
JOSEPH DOUGLAS LACROIX,)	
)	
Defendant.)	

JOSEPH DOUGLAS LACROIX is hereby accused by the Chief Deputy Prosecuting Attorney of the County of Bonneville, State of Idaho, of committing, prior to the filing of this Information, the following crime(s):

COUNT I
SEX OFFENDER-FAIL TO PROVIDE REQUIRED INFORMATION OR NOTICE,
Felony
I.C. § 18-8309

The Defendant, JOSEPH DOUGLAS LACROIX, convicted as a sex offender on February 04, 2002, for the charge of Sodomy in Lincoln County, Oregon, and residing in the State of Idaho, on or on or about June 11, 2017, in the County of Bonneville, State of Idaho, did wrongfully fail to inform the law enforcement agency with whom JOSEPH DOUGLAS LACROIX last registered, of his change of address, in writing, within two (2) days of such change. (10 years, \$5,000 fine and restitution)

PROSECUTING ATTORNEY'S INFORMATION

PAGE 1

EXHIBIT
B

ORIGINAL

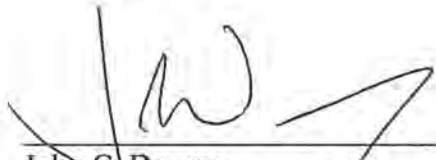
COUNT II
POSSESSION OF A CONTROLLED SUBSTANCE, Misdemeanor
I.C. § 37-2732(c)(3)

The Defendant, JOSEPH DOUGLAS LACROIX, on or about June 11, 2017, in the County of Bonneville, State of Idaho, did unlawfully possess Marijuana, a Schedule I controlled substance. (1 year, \$1,000 fine & costs of prosecution and investigation)

COUNT III
FALSE INFORMATION PROVIDED ON OWN IDENTITY OR ANOTHER'S TO AN
INVESTIGATING LAW ENFORCEMENT OFFICER, Misdemeanor
I.C. § 18-5413(2)

The defendant, JOSEPH DOUGLAS LACROIX, on or about June 11, 2017, in Bonneville County, State of Idaho, did knowingly provide Officer Craig Morgan, Idaho Falls Police Department, false information regarding his identity while Officer Morgan was investigating the commission of an offense. (1 year, \$1,000 fine)

Dated this 27 day of June 2017.




John C. Dewey
Chief Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 27 day of June 2017, a true and correct copy of the foregoing Information was delivered to the following person(s):

DOCUMENT SERVED: PROSECUTING ATTORNEY'S INFORMATION

PARTIES SERVED: John K. Thomas
Bonneville County Public Defender
Courthouse Mailbox
Idaho Falls, ID 83402



Legal Assistant

BONNEVILLE COUNTY
IDAHO
2017 OCT -3 PM 3:06

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2017-6067-FE
)	
vs.	)	JUDGMENT OF CONVICTION
	)	RETAINED JURISDICTION
JOSEPH DOUGLAS LACROIX,)	
DOB: [REDACTED] 1984,)	
SS: [REDACTED] 2060,)	
)	
Defendant.)	
)	

On the 3rd day of July, 2017, Joseph Douglas Lacroix was arraigned before the Honorable Joel E. Tingey, District Judge of the Seventh Judicial District Court in and for the County of Bonneville.

The defendant was fully informed by the Court of the nature of the charges of Count I- Sex Offender- Fail to Provide Required Information or Notice, Felony, as set forth in the Information, a violation of Idaho Code Section 18-8309, Count II- Possession of a Controlled Substance, Misdemeanor, as set forth in the Information, a violation of Idaho Code Section 37-2732(c)(3), and Count III- False Information Provided on Own Identity or Another's to an Investigating Law Enforcement Officer, Misdemeanor, as set forth in the Information, a violation of Idaho Code Section 18-5413(2), which were committed on or about June 11, 2017. The defendant entered a plea of not guilty to the charges. The defendant subsequently withdrew his plea of not guilty and on the 7th day of August, 2017, entered a plea of guilty to the charge of Count I- Sex Offender- Fail to Provide Required Information or Notice, Felony, as set forth in the Information, a violation of Idaho Code Section 18-8309.

On the 2nd day of October, 2017, the Prosecuting Attorney together with the above named defendant and his counsel of record, Mr. John Thomas appeared before the Court for the pronouncement of sentence upon the defendant. Upon inquiry from the Court, the defendant advised that he did not wish to withdraw his guilty plea. Further, counsel for the defendant was provided the opportunity to speak on behalf of the defendant and the Court addressed the defendant personally and advised the defendant of his right to make a statement in his own behalf and to present any information in mitigation of punishment. The defendant was asked if there was any legal cause why sentence should not be pronounced and no sufficient cause was given. Based upon the foregoing,

together with all the evidence before the Court, and the Court being fully advised in the law and the premises:

IT IS ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crime as charged in the Information and in execution thereof, IT IS FURTHER ORDERED, that the defendant be sentenced to the custody of the Idaho State Board of Corrections for a term of seven (7) years, subject to a credit for prior jail service, plus retained jurisdiction time, if any, which credit shall be applied at the end of any minimum sentence, or in the absence thereof, at the conclusion of any indeterminate sentence. Of the total sentence heretofore pronounced, the defendant shall serve a confinement for a minimum period of two (2) years. The minimum period of confinement shall be followed by an indeterminate period of confinement of five (5) years.

The Court shall retain jurisdiction for the first 365 days of the sentence remaining, during which time the Court recommended that the defendant participate in the: No Recommendation.

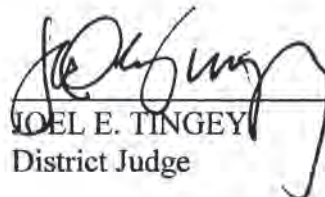
The 365-day period shall commence on the date the defendant is placed in the physical custody of the Department of Corrections.

A fine of \$500.00 shall be imposed. Defendant must pay \$400.00 public defender fee, \$170.50 court costs, \$75.00 to the Victim's Relief Fund. The defendant shall pay up to \$100.00 to the Department of Correction for the preparation of the Presentence Investigation Report.

Pursuant to I.C. § 19-5507(2), Defendant is required to provide a DNA sample and thumbprint impression at an Idaho state police designated sample collection location. Defendant is to report within ten (10) working days to the facilities designated for the collection of such specimens, unless such specimens have previously been provided.

The defendant shall be remanded to the custody of the Sheriff of Bonneville County for incarceration in the Bonneville County Jail pending transport. The defendant shall then be delivered to the custody of the Director of the State Board of Corrections.

Dated this 3 day of October, 2017.


JOEL E. TINGEY
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 4 day of October, 2017, I did send a true and correct copy of the foregoing document upon the parties listed below by mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by causing the same to be hand-delivered.

State
John Thomas
Probation and Parole
Sheriff Office - Jail
IDOC

PENNY MANNING
Clerk of the District Court
Bonneville County, Idaho

By _____
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

State of Idaho
vs.
Joseph Douglas Lacroix

Case No. CR-2017-6067
Amended
Disposition Judgment, Probation Violation(s)
Event Code: DJPV

On the 13th day of August, 2018, the defendant appeared with counsel, John Thomas, before the undersigned District Judge, and was found guilty of violating his probation as set forth in the Report of Violation on file herein. The Court continued the defendant on probation.

The Defendant, Joseph Douglas Lacroix personally appeared for probation violation disposition on December 17, 2018, represented by John Thomas. The State of Idaho was represented by John Dewey. District Judge Joel E. Tingey, presided. Defendant earlier admitted to violating probation or was adjudged to have violated probation after having been informed of his rights, the alleged violations, and his prior sentence. The defendant having not complied with the previously entered Order Continuing Probation on August 14, 2018, the Court hereby withdraws the order.

DISPOSITION

☒ **Probation is revoked.** The sentence to the custody of the board of correction is imposed.

CREDIT FOR TIME SERVED

☒ The Defendant is given credit for all time served on this case to date of this judgment I.C. § 18-309. This credit includes all time served in the county jail prior to entry of this judgment (including time previously served on a retained jurisdiction, if applicable).

BAIL

☒ There is no bail to be exonerated.

☒ **ORDER OF COMMITMENT**

☒ Defendant is hereby committed to the custody of the Bonneville County Sheriff, for delivery



forthwith to the board of correction at the Idaho State Penitentiary, or other facility within the State designated by the board of correction. I.C. § 20-237.

RIGHT TO APPEAL/LEAVE TO APPEAL *IN FORMA PAUPERIS*

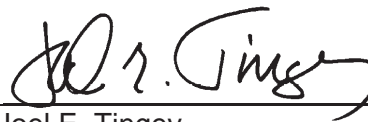
The Right: The Defendant has the right to appeal this judgment within forty two (42) days of the date it is file stamped by the clerk of the court. I.A.R. 14 (a).

In forma Pauperis: The Court further advised the Defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal *in forma pauperis*, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3); I.C. § 19-852(a)(1) and (b)(2).

IT IS SO ORDERED.

Dated: _____

Signed: 12/18/2018 01:54 PM



Joel E. Tingey
Judge



CERTIFICATE OF SERVICE

I certify that on this date I served a copy of the attached to:

State's Attorney

Tanner Fred Crowther
605 N Capital Avenue
Idaho Falls ID 83402
bcprosecutoricourt@co.bonneville.id.us

☒ By E-mail ☐ By mail
☐ By fax (number) _____
☐ By personal delivery
☐ By courthouse box

Defense Attorney

John Thomas
605 N Capital Avenue
Idaho Falls, ID 83402
jthomaseserve@co.bonneville.id.us

☒ By E-mail ☐ By mail
☐ By fax (number) _____
☐ By personal delivery
☐ By courthouse box

Defendant

Joseph Douglas Lacroix
153 E 16th St 1/2
Idaho Falls Id 83401

☐ By E-mail ☐ By mail
☐ By fax (number) _____
☐ By personal delivery

IDOC

dist7@idoc.idaho.gov

☒ By E-mail

PENNY MANNING
Clerk of the District Court

Dated: _____ Signed: 12/18/2018 02:57 PM

By: _____
Deputy Clerk



**NOTICE TO PLAINTIFFS, DEFENDANTS AND OTHERS
REGARDING CONTACT WITH THE JUDGE
(avoiding *ex parte* contact)**

The Judge is impartial and is ethically prohibited from having verbal or written contact with any party or entity without all parties being present or being informed of the communication at the same time as the Judge. To ensure that all parties are treated fairly you must comply with the following requirements if you desire to communicate with the Judge.

Contact with the Judge by you and other communications by others on your behalf SHALL be made through your attorney. If you are not represented by an attorney or if no alternative is available to you, you may contact the court directly. YOU AND OTHERS COMMUNICATING ON YOUR BEHALF can only contact the Judge in the following manner. This applies to all public or private entities.

WRITTEN COMMUNICATION: Written communication or filings to the Judge SHALL be mailed or delivered to all parties at the same time. YOU, AND OTHERS COMMUNICATING ON YOUR BEHALF, SHALL INDICATE IN THE WRITTEN COMMUNICATION OR FILINGS TO THE COURT THAT THESE COMMUNICATIONS HAVE BEEN MAILED OR DELIVERED AND INCLUDE THE ADDRESS TO WHICH THE COMMUNICATION WAS MAILED OR DELIVERED.

VERBAL COMMUNICATION: Verbal communication with the Judge can only take place in the presence of all parties.

ALL OTHER CONTACT WITH THE JUDGE IS PROHIBITED. THE JUDGE WILL NOT PERMIT, CONSIDER OR ACT UPON COMMUNICATIONS THAT HAVE NOT FOLLOWED THE ABOVE PROCEDURE.

EXCEPTION: FOR SCHEDULING, ADMINISTRATIVE PURPOSES OR EMERGENCIES THAT DO NOT INVOLVE THE SUBSTANCE, DETAILS OR ISSUES OF THE CASE, YOU MAY CONTACT THE COURT DIRECTLY. HOWEVER, THE JUDGE WILL NOT ACT UPON THE COMMUNICATION IF THE JUDGE REASONABLY BELIEVES THE COMMUNICATION WILL ALLOW A PARTY TO GAIN A PROCEDURAL, SUBSTANTIVE, OR TACTICAL ADVANTAGE.

All communications received by the JUDGE OR THE CLERK OF THE COURT may become part of the official court record and may be available to the public.





IDAHO COMMISSION OF PARDONS AND PAROLE

P.O. Box 83720, Boise, Idaho 83720-1807

IDOC #125141

MAXIMUM EXPIRATION: (1) Case #CR17-6067, June 16, 2024

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, on the 17th day of December, 2018, JOSEPH DOUGLAS LACROIX was sentenced by the Judge of the District Court of the State of Idaho, in and for the County of Bonneville to be committed to the Idaho State Board of Correction for the crime of Sex Offender - Fail To Provide Required Information or Notice, Felony, Count 1, Court Case CR17-6067, for a term not to exceed seven (7) years.

NOW THEREFORE, the State Commission of Pardons and Parole by virtue of the authority vested in it by the laws of the State of Idaho, hereby authorizes the Executive Director of the Idaho State Commission of Pardons and Parole to allow the said JOSEPH DOUGLAS LACROIX to go on parole outside an institution effective this date, subject to the conditions enumerated on the reverse side of this document and Special Conditions, if any, given below.

This parole is granted to and accepted by the parolee subject to all its terms and conditions and with the understanding that the Commission of Pardons and Parole may, at any time, in case of violation of the terms of this parole, cause the parolee to be returned to an institution to serve the full maximum sentence or any part thereof. Maximum sentence date could change if time on parole is forfeited (due to parole revocation) or if time is not credited (due to fugitive status).

The parolee will be under the jurisdiction of Probation and Parole for a minimum of at least one (1) year but not to exceed the maximum sentence. The parolee shall abide by all conditions until a final discharge has been effected.

In the event of any period of confinement imposed upon parolee pursuant to I.C. § 20-229B, parolee will obey all Idaho Department of Correction and individual facility rules, policies, and procedures, and cooperate fully with correctional staff.

Based on your crime(s) and Idaho Administrative Code 250.07.b, your Parole Officer or other designated agent may petition the Commission to consider an early discharge based on the following schedule:

- For offenses deemed violent or sexual in nature, early discharge will not be considered until you have served a minimum 1/3 of your remaining sentence.
- For life sentences, early discharge will not be considered until you have served a minimum of five years on parole.
- For all other offenses, early discharges will not be considered until you have served a minimum of one year on parole.

SPECIAL CONDITIONS:

1. Remain alcohol and drug free, which includes not using marijuana and not having a medical marijuana card. Do not enter any establishment where alcohol is the main source of income.
2. While on parole, you may drive only at times, and to and from locations, for which you have been given permission by your supervising officer, as long as you possess a valid driver's license and insurance.
3. Follow the aftercare plan recommended by IDOC.
4. Obtain a sex offender evaluation as directed by the Commission, or supervising personnel and comply with all directives for treatment/counseling.
5. Do not associate with a minor child under the age of 18 years unless a responsible adult, approved by supervising personnel, is present.
6. Do not frequent any establishment where pornographic material is the main source of income nor possess or view pornographic material.
7. Submit to polygraph and/or plethysmograph testing at the request of the treatment providers and/or supervising personnel.
8. You must register as a sex offender if dictated by law.
9. May not enter into any relationship until the Parole Officer and treatment provider approves.
10. You may be ordered to have no computer or your access to the Internet may be restricted.
11. Pay restitution as determined by the courts. You must make payment to the sentencing court for fines and other assessments, which were ordered at the time of sentencing. Establish and follow a payment schedule as determined by the Parole Officer.
12. Take medication as prescribed by a physician.
13. The parolee will not associate with known felons (unless specifically allowed by the Commission or supervising personnel); persons involved with illegal activity, or other persons as identified by supervising personnel.
14. Have no contact with the victim of your crime.
15. If paroling within the state of Idaho, the Commission will allow the parole officer to use discretionary jail time of ten (10) days for the term of subject's parole. If paroling outside of the state of Idaho, if the subject returns to Idaho while still under parole supervision, the Commission will allow the parole officer ten (10) days discretionary jail time for the remaining term of the subject's parole with all options available if the PO approves. All costs for options in lieu of jail time will be paid by the offender.

Next Page →

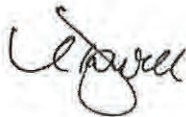
**EXHIBIT
E**

GENERAL CONDITIONS:

1. Parolee will go directly to the destination approved by the Commission for Pardons and Parole and, upon arrival, report as instructed to the parole officer or person whose name and address appear on the arrival notice. Any deviation in travel plans will require prior permission from the Commission staff.
2. Parolee shall (a) work diligently in a lawful occupation or a program approved by the Commission or supervision officer and not change employment or designated program without written permission from the Commission or supervising officer, (b) support dependents (if any) to the best of his/her ability, and (c) live within lawful income without incurring unnecessary indebtedness.
3. Parolee shall submit a complete and truthful report to the assigned parole officer, or other person designated by the Commission, on forms available, before the fifth (5th) day of each month, or as otherwise instructed.
4. If at any time it becomes necessary to communicate with the assigned parole officer or other official designee and s/he is unavailable, communication will be directed to the district supervisor.
5. Parolee will: (a) obey all municipal, county, state, tribal and federal laws; (b) conduct him/herself in a manner which is not, nor is intended to be, harmful to him/herself or others; (c) enter into and comply with an agreement of supervision with the Board of Correction; (d) not purchase, own, sell, or have in his/her possession or control, to include storing in residence, vehicle, etc., any type of firearm for whatever purpose; (e) not have any dangerous weapon used or intended to be used for other than normal or usual purposes, such as knives for household use.
6. Parolee shall: (a) abstain from use of alcoholic beverages; (b) abstain completely from the possession, procurement, use, or sale of narcotics or controlled substance, except as prescribed by a licensed medical practitioner; (c) freely cooperate and voluntarily submit to medical and chemical tests and examinations for the purpose of determining if parolee is using, or under the influence of alcohol or narcotics, which may be at parolee's expense; (d) participate in treatment programs as specified by the Commission or ordered by the parole officer.
7. Parolee is fully advised that written permission is required for the following: (a) willfully changing job, (b) willfully changing residence, (c) leaving assigned district of the State of Idaho.
8. Parolee will submit to a search of person or property, to include residence and vehicle, at any time and place by any agent of Field and Community Services and s/he does waive constitutional right to be free from such searching.
9. If another jurisdiction has lodged a detainer against a parolee, parolee may be released to the custody of the jurisdiction. Should parolee be released from their custody prior to the expiration of the Idaho parole, or should the detainer be adjudicated without incarceration, parolee will: (a) report immediately to the nearest Adult Parole and Probation office for instructions concerning placement under supervision, if appropriate; and (b) contact the Executive Director of the Parole Commission to advise of address, employment, etc., within five (5) days after release from custody.
10. The parolee will not abscond from supervision as defined by the Absconder Policy issued by the Board of Correction.
11. While on parole, have no affiliation with any criminal gang, to include outlaw motorcycle gangs.

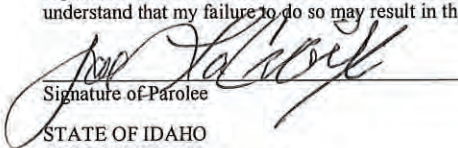
Dated in Boise, Idaho, this 3rd day of October, 2019.

IDAHO STATE COMMISSION OF PARDONS AND PAROLE



EXECUTIVE DIRECTOR OR DESIGNEE

THIS IS TO CERTIFY THAT I have read, or have had read to me, and fully understand and accept all the conditions, regulations and restrictions under which I am being released on parole. I will abide by and conform to them strictly, and fully understand that my failure to do so may result in the revocation of my parole.



Signature of Parolee

STATE OF IDAHO
COUNTY OF ADA

On the 3rd day of October, 2019, before me came JOSEPH DOUGLAS LACROIX to me known to be the individual described herein, and who executed the foregoing instrument and acknowledged that he/she executed same.



NOTARY PUBLIC

Commission Expires: 5/20/2025



IDAHO DEPARTMENT OF CORRECTION

Agent's Warrant

TO: ALL CHIEFS OF POLICE, SHERIFFS, MARSHALS, CONSTABLES, AND PEACE OFFICERS OF THE STATE OF IDAHO

In accordance with Title 20-227 and 20-301 of the Idaho Code, you are hereby commanded to take or retake into custody during the day or night, and detain

Name: Lacriox, Joseph IDOC #: 125141

County and Court Case No: Ada CR-2017-6067

Sentencing Judge: Joel Tingey

Underlying Offense: Failure to Register as a Sex Offender

Probation/Parole Expiration Date: 06/16/2024

Sentence Length: 5 Years

Who is alleged to have violated their PROBATION or PAROLE as granted by the

Parole Commission on the 3 day of October, 2019

at Boise, Ada County, Idaho

This warrant shall be sufficient to detain a probationer until they are brought before the Court for arraignment pursuant to I.C.R. 53. Parolees shall be held without bond. This Warrant shall be valid until such time as it is replaced by a Bench Warrant, Parole Commission Warrant, or is withdrawn by the Idaho Department of Correction.

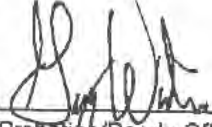
Dated at Caldwell, Idaho, this 23 day of September, 2020.

Alleged 1. Threatening staff and other class participants.


Violations: 2. Acting aggressive to treatment staff.

3. Failure to Report

Other: Any Other Allegations Under Investigation


Probation/Parole Officer Gregson Wilkie
for the State of Idaho 0076

I have been given notice for the reason(s) I am in custody.


Signature of Offender

9/23/20 2:44
Date Time

(Parolees only)

I understand I have the right to a preliminary hearing within 5 business days of my incarceration.

☒ I do not wish to have a preliminary hearing. JS (initials of offender)

☐ I wish to have a preliminary hearing. _____ (initials of offender)

☐ Parolee not eligible for a preliminary hearing due to absconding or misdemeanor or felony conviction.

RECEIPT OF WARRANT

I HEREBY CERTIFY that I received this Warrant on the 23 day of September, 2020.

Officer: William Brust William Brust SSB Agency: CCSO

Ht	5 ft 9 in	Wt	155 lb	Hair	Blond	Eyes	Hazel
DOB	<u>1984</u>	SSN	<u>2060</u>	Race	White	Sex	male

Distribution: Original-IDOC File; Copy-Offender Copy-Jail; Copy-Prosecutor or Idaho Commission of Pardons and Parole

Appendix A

701.04.02.018 v2.0

(appendix last updated 1/19/18)

EXHIBIT
F



STATE OF IDAHO

COMMISSION OF PARDONS AND PAROLE

Brad Little
Governor

Ashley Dowell
Executive Director

WAIVER OF VIOLATION/REVOCATION HEARINGS AND REQUEST TO BE PASSED FROM PAROLE CONSIDERATION

IDAPA Docket No. 50.01.01-9602\400.07.a states: The subject may request continuance or waiver of any hearing which is subject to the final determination of the hearing officer, executive director, or the commission. Section 20-229A, Idaho Code allows for the alleged parole violator to waive any hearing and admit one or more of the allegations.

I, Joseph D. LaRoche IDOC # 125141 wish to
PRINT NAME

waive my right to appear at any parole violation or revocation hearing and I wish to waive any further consideration for parole release.

By my signature below, I fully understand that I am admitting guilt to one or more of the allegations of violation of the conditions of parole; and that I am waiving my right to appear at any hearings in the parole revocation process; and that by waiving my right to appear, the commission will make a decision in my absence; and that I will be passed from further parole consideration on my current commitments. I also fully understand that the commission may reject this waiver and elect to schedule a hearing; and that I may request reconsideration of any commission decision through the proper self-initiated appeal process.

[Signature]
PAROLEE'S SIGNATURE

10-28-2000
DATE

[Signature]
WITNESS'S SIGNATURE

VH
TITLE

ERIC FREDERICKSEN ISB # 6555
SHANNON ROMERO ISB #5888
Appearing Pro Bono
2514 N 21st Street
Boise, Idaho 83702
208-514-6072
Shannon470@gmail.com

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	CASE NO. CR-2017-6067-FE
)	
v.)	
)	
JOSEPH LACROIX,	)	MOTION TO VACATE CONVICTION
	)	AND SENTENCE AND DISMISS
	)	CASE FOR LACK OF SUBJECT
Defendant-Appellant.	)	MATTER JURISDICTION
_____)	

Joseph LaCroix, through counsel, Eric Fredericksen and Shannon Romero, hereby moves this Court to vacate his conviction and sentence, and dismiss this case for lack of subject matter jurisdiction. The factual and legal bases for this Motion are set forth below.

FACTUAL & PROCEDURAL BACKGROUND

Joseph LaCroix was seventeen years old¹ on February 2, 2002, when he was adjudicated delinquent in Deschutes County, Oregon for third degree sodomy. Third degree sodomy, a Class C felony, was defined as a person engaging in “deviate sexual intercourse with another person under 16 years of age or caus[ing] that person to engage in deviate sexual intercourse.”² The same behavior involving a person under the age of 14 was a Class B felony and punished more

¹ Mr. LaCroix's date of birth is [REDACTED] 1984. The petition underlying the delinquency finding was filed on December 20, 2001, and was based on a violation date of November 10, 2001.

² O.R.S. § 163.385 (2001). The statute has since been amended and “deviate” has been replaced by “oral or anal.” O.R.S. § 163.385 (Approved by Governor, June 14, 2017, effective January 1, 2018).

MOTION TO VACATE CONVICTION AND SENTENCE AND DISMISS CASE FOR LACK
OF SUBJECT MATTER JURISDICTION - 1

**EXHIBIT
H**

harshly.³ Then and now, all persons under the age of 18 in Oregon are incapable of consenting to a sexual act,⁴ and for crimes like third degree sodomy, “it is no defense that the defendant did not know the child’s age or that the defendant reasonably believed the child to be older than the age of 16.”⁵ Mr. LaCroix’s third degree sodomy adjudication involving a victim who is at least 14 years of age but less than 16 years of age was a strict liability offense even though he was also under the age of 18. And even though Mr. LaCroix was adjudicated delinquent for a felony sex offense, not convicted, he was required to register on the Oregon adult sex offender registry.

On June 11, 2017, Mr. LaCroix was arrested in Idaho Falls, Idaho, for felony failure to register as a sex offender and misdemeanor possession of marijuana. A Criminal Complaint (“Complaint”) filed the next day alleged Mr. LaCroix violated Idaho Code §18-8309 by failing to register in Idaho as a sex offender; unlawfully possessed marijuana, a schedule I controlled substance; and provided false information to a police officer regarding his identity. The sex offender registry offense was the only felony alleged. The Complaint asserted Mr. LaCroix’s registration requirement in Idaho was based on him having been “convicted as a sex offender on February 4, 2002, for the charge of Sodomy in Lincoln County, Oregon.”

Mr. LaCroix was appointed counsel who requested and received discovery from the State that included Mr. LaCroix’s juvenile petition and judgment of commitment to the Oregon Youth Authority for the offense of Sodomy in the Third Degree, on February 4, 2002, when Mr. Lacroix was seventeen years old.

³ O.R.S. § 163.395 (providing that a person who engages in oral or anal sexual intercourse with another person or causes another to engage in oral or anal sexual intercourse commits second degree sodomy, a Class B felony, if the victim is under 14 years of age),

⁴ O.R.S. § 163.315 (identifying persons incapable of consenting to sexual acts).

⁵ O.R.S. §163.325(1).

Mr. LaCroix waived his right to preliminary hearing on June 23, 2017, and his case was bound over to district court the same day. The prosecutor filed the Prosecuting Attorney's Information ("Information") on July 18th alleging the same offenses contained in the Complaint. Mr. LaCroix pled not guilty at the arraignment. At the next court hearing, with the assistance of counsel, Mr. LaCroix pled guilty to the felony of failing to register as a sex offender, in violation of Idaho Code. §18-8309. In exchange, the state dismissed the two misdemeanor charges and agreed to recommend a sentence no harsher than retained jurisdiction. The district court sentenced Mr. LaCroix to seven years in prison, with two years fixed, but retained jurisdiction for a year. Mr. LaCroix received a probation recommendation from the Correctional Alternative Placement Program (CAPP) staff, and on June 11, 2018, the court suspended Mr. LaCroix's prison sentence and placed him on probation for three years.

On June 25, 2018, the Idaho State Police (ISP) sent a letter to Mr. LaCroix at a Pocatello address, informing him that he was not required to register on Idaho's Central Sex Offender Registry.⁶ Subsequently, the State alleged and Mr. LaCroix admitted to violating probation. On December 18, 2018, the court ordered him to serve the previously suspended seven-year prison sentence, with two years fixed. Mr. LaCroix has been in physical custody of the Idaho Department of Correction (IDOC) ever since.

This Court's Order Sentencing Mr. LaCroix To Serve A Seven Year Prison Sentence Is Void And Unenforceable Because The Court Lacked Subject Matter Jurisdiction

This Court had no subject matter jurisdiction over the Complaint and Information alleging Mr. LaCroix violated Idaho Code §18-8309 by failing to register as a sex offender, and all orders relating to that offense are void and unenforceable. "Subject matter jurisdiction is the

⁶ Mr. LaCroix did not receive the ISP letter at that time. A copy of the ISP's June 15, 2018 letter is attached to this Motion to Vacate Conviction and Sentence and Dismiss Case for Lack of Subject Matter Jurisdiction.

power to determine cases over a general type or class of dispute.” *State v. Urrabazo*, 150 Idaho 158, 163 (2010), *quoting* *Bach v. Miller*, 144 Idaho 142, 145 (2007). Subject matter jurisdiction “is so fundamental to the propriety of a court’s actions, that subject matter jurisdiction can never be waived or consented to, and a court has a *sua sponte* duty to ensure that it has subject matter jurisdiction over a case.” *State v. Urrabazo*, 150 Idaho 158, 163 (2010), abrogated on other grounds by *Verska v. Saint Alphonsus Regional Medical Center*, 150 Idaho 158 (2010). Any judgments and orders issued without subject matter jurisdiction are void, *Urrabazo*, 150 Idaho at 163, and a court’s subject matter jurisdiction can be raised at any time, including for the first time on appeal. *State v. Rogers*, 140 Idaho 223, 227 (2004); *State v. Jakoski*, 139 Idaho 352, 354-55 (2003). “[W]ithout subject matter jurisdiction, the court has no alleged crime affecting the State of Idaho to hold the person responsible for.” *Rogers*, 140 Idaho at 228. And “[w]here it is apparent from the record that the act the defendant was criminally convicted for is not a crime according to the laws of the state, this Court has the authority to vacate the conviction *sua sponte*.” *State v. Kavajecz*, 139 Idaho 482, 484 (2003) (citations omitted); *see also* *State v. Byington*, 135 Idaho 621, 623 (Ct. App. 2001) (holding that “the failure of an indictment to charge a crime is a fundamental defect which can be raised at any time.”).

Here, the Complaint and Information alleged conduct that was not a crime. Even a cursory review of the Complaint and Information reveals the problem. Mr. LaCroix’s date of birth, [REDACTED] 1984, is contained in the caption of both the June 17, 2017 Complaint, and the June 18, 2017 Information. The Complaint and Information both allege:

The Defendant, JOSEPH DOUGLAS LACROIX, convicted as a sex offender on **February 4, 2002**, for the charge of Sodomy in Lincoln County, Oregon, and residing in the State of Idaho, on or on or [sic] about June 11, 2017, in the County of Bonneville, State of Idaho, did wrongfully fail to inform the law

enforcement agency with whom JOSEPH DOUGLAS LACROIX last registered, of his change of address, in writing, within two (2) days of such change. (10 years, \$5,000 fine and restitution)

(Emphasis added.) The dates in the Complaint and Information reveal that Mr. LaCroix would have only been seventeen (17) on February 4, 2002, and while the language “convicted” is used to define his status in Oregon, his age suggests “convicted” is a false characterization of his status. Rather, Mr. LaCroix was *adjudicated* of a juvenile offense.

Even though Mr. LaCroix is not a convicted sex offender, he was required to register on Oregon’s adult sex offender registry. This is because Oregon’s sex offender registry broadly defines sex offenders to include not only adults who have been convicted of a sex crime like third degree sodomy,⁷ but also juveniles who have been adjudicated or deemed responsible by the juvenile courts “for having committed an act that, if committed by an adult, would constitute a felony sex crime.”⁸ Because Mr. LaCroix was adjudicated delinquent by the Oregon juvenile court for third degree sodomy, which would constitute a felony sex crime if committed by an adult, he is required to register on the adult sex offender registry in Oregon.

By contrast, Idaho’s sex offender registry is much narrower, applying to any person: (1) who “[h]as been **convicted** of any **crime**, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts”; or (2) “who has a foreign **conviction** that is substantially equivalent to the offenses listed in paragraphs (a) and (f) of this subsection **and** was required to register as a sex offender in any other state or

⁷ A sex crime in Oregon includes all degrees of sodomy. O.R.S. 163A.005 (5)(b).

⁸ O.R.S. § 163A.005(6)(d) (defining sex offender to include a person adjudicated in juvenile court); O.R.S. § 163A.025(1) (“A person found to be within the jurisdiction of the juvenile court . . . or found by the juvenile court to be responsible . . . for having committed an act that, if committed by an adult, would constitute a felony sex crime shall report as a sex offender . . .”).

jurisdiction when he established residency in Idaho.”⁹ Idaho’s adult sex offender registry does not apply to individuals who have been adjudicated delinquent for a sex offense. Instead, the Idaho Legislature established a separate registry for juvenile sex offenders¹⁰ and has also adopted specific processes a prosecutor must follow to transfer a registered juvenile sex offender to the adult sex offender registry once the juvenile turns 21.¹¹ If that process is not followed, the juvenile “shall be deleted from the registry”¹² and is not required to register either on the juvenile or adult sex offender registry. In Idaho, a juvenile offender is “a person under the age of eighteen (18) years at the time of any act, omission or status and who has been adjudicated as being within the purview of this chapter.”¹³ Mr. LaCroix was not adjudicated delinquent in Idaho for a sex offense and was never on Idaho’s juvenile sex offender register.

Because Mr. LaCroix was not adjudicated delinquent or convicted in Idaho for a sex offense, the only basis to require him to register would be a similar offense in another jurisdiction. However, Idaho’s sex offender registry only requires registration by one “who has a foreign **conviction** that is substantially equivalent to the offenses listed in paragraphs (a) and (f) of this subsection **and** was required to register as a sex offender in any other state or jurisdiction when he established residency in Idaho.”¹⁴ Though Mr. LaCroix is required to register in Oregon as a sex offender by the explicit terms of Oregon’s sex offender registry statute which includes both criminal conviction and juvenile adjudications for sex offenses within its scope, Idaho’s registration statute is not as broad. Because Mr. LaCroix does not have

⁹ See I.C. § 18-8304 (emphasis added).

¹⁰ See I.C. §§18-8401 to -8414.

¹¹ See I.C. § 18-8410.

¹² *Id.*

¹³ I.C. § 20-502 (15).

¹⁴ See I.C. § 18-8304 (2)(emphasis added).

a foreign conviction for a registerable sex offense, only a juvenile adjudication, Idaho's sex offender registration statute does not apply to him and he is not required to register as a sex offender. This point was explicitly acknowledged by the Idaho State Police's letter refusing to place Mr. LaCroix on the registry in June of 2018.

The facts in Mr. LaCroix's case are similar to *State v. Lute*, 150 Idaho 837 (2011), and warrant a similar result. In *Lute*, the defendant was indicted by a grand jury for felony battery with intent to commit a serious felony of rape and/or kidnapping. *Id.* at 838. He pled guilty to an amended charge which eliminated any reference to rape and was sentenced to serve five years in prison, concurrent with an existing commitment. *Id.* Almost ten years after his sentence expired, Mr. Lute filed an Idaho Criminal Rule 35 motion, asserting that because the grand jury's term had expired at the time he was indicted, the district court had no subject matter jurisdiction when it entered the judgment. *Id.* at 839. Mr. Lute argued the district court simply lacked subject matter jurisdiction to even consider the charges filed against him when the grand jury that indicted him acted without legal authority. *Id.* The Court concluded that because there was never a valid indictment entered against Mr. Lute, the district court never had subject matter jurisdiction over the case, vacated the district court's dismissal of Mr. Lute's Rule 35 motion, and remanded with instructions to grant the Rule 35 motion and vacate Mr. Lute's conviction. *Id.* at 841. As in *Lute*, the district court never had subject matter jurisdiction over Mr. LaCroix's felony charge because there was never a valid criminal information or indictment alleging a felony offense.

CONCLUSION

Because Mr. LaCroix is not required to register on Idaho's adult sex offender registry and is not a convicted sex offender, this Court never had subject matter jurisdiction over his case;

MOTION TO VACATE CONVICTION AND SENTENCE AND DISMISS CASE FOR LACK OF SUBJECT MATTER JURISDICTION - 7

there was never a criminal complaint or information alleging a felony offense in his case. It is apparent from the record that the act Mr. LaCroix was criminally convicted for was not a crime according to the laws of Idaho, and this Court never had subject matter jurisdiction. As a result, for the reasons explained above, this Court must vacate Mr. LaCroix's conviction.

RESPECTFULLY submitted this 20th day of December, 2022.

/S/ Eric Fredericksen
Eric Fredericksen
Counsel for Mr. LaCroix

/S/ Shannon Romero
Shannon Romero
Counsel for Mr. LaCroix

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 20th day of December 2022, served a true and correct copy of the forgoing MOTION TO VACATE JUDGMENT OF CONVICTION AND SENTENCE AND DISMISS CASE FOR LACK OF SUBJECT MATTER JURISDICTION, as follows:

Joseph LaCroix, # 125141
I.S.C.C. – C Block
PO BOX 70010
Boise Idaho 83707

 X Mail

Randy Neal
Bonneville Prosecuting Attorney
bcprosecutoricourt@co.bonneville.id.us

 X E-file



Idaho State Police

Service Since 1939



Colonel Kedrick R. Wills
Director

Bureau of Criminal Identification

C.L. "Butch" Otter
Governor

June 25, 2018

Joseph Douglas LaCroix
1150 N. Arthur Ave.
Pocatello, ID 83204

COPY

RE: Does Not Meet Criteria to Register

Dear Mr. LaCroix,

Upon review of your registration file under current processes, we have determined that you do not meet the criteria to register on the Idaho Central Sex Offender Registry. Your record has been expunged from the Idaho Central Sex Offender Registry.

Please note that this does not preclude the possibility that: (1) You may have to register in another jurisdiction; (2) the Idaho legislature might amend Idaho sex offender registration law to require you to register in this state in the future; or (3) you may be required to register for subsequent criminal offenses. If you move out of the state of Idaho to another jurisdiction, please check with that state for their registration requirements, as you may be required to register there. We suggest you keep this letter for your records.

For additional information please call (208) 884-7305.

Sincerely,

Carol A. Redding
Criminal Records Supervisor
Idaho Central Sex Offender Registry

C/c Bannock County Sheriff

Idaho Sex Offender Registry

700 South Stratford Drive, Suite 120 • Meridian, Idaho 83642-6251

EQUAL OPPORTUNITY EMPLOYER

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO

Plaintiff,

vs.

JOSEPH LACROIX

Defendant.



Case No. CR-2017-6067

ORDER ON MOTION TO VACATE
CONVICTION

STATE OF IDAHO } ss
County of Bonneville }
I, Penny Manning, Clerk of the District Court, do hereby certify that the above and foregoing is a true and correct copy of the original as the same is in my office.
Dated: 4.24.23
PENNY MANNING
Clerk of the District Court
By: Deputy Clerk

This matter is before the Court on Defendant Joseph LaCroix's ("LaCroix") motion to vacate his conviction and sentence and dismiss the above case for lack of subject matter jurisdiction. The Court heard oral argument on this matter on February 21, 2023, and took the matter under advisement at that time. The Court, having reviewed the motion and fully considered the record, now orders as follows.

I. BACKGROUND

LaCroix was seventeen (17) years old when he was adjudicated of a juvenile sex offense in Deschutes County, Oregon. Due to Oregon's statutory requirements, even though LaCroix was adjudicated of a juvenile offense, he was still required to register on the Oregon adult sex offender registry.

On June 11, 2017, LaCroix was arrested in Idaho Falls, Idaho, and charged with failure to register as a sex offender, a felony in the State of Idaho. The Criminal Complaint in this case stated that LaCroix was required to register on Idaho's sex offender registry on the basis that he was a convicted sex offender in Oregon.

LaCroix pled guilty and was sentenced to seven (7) years in prison, with two (2) years determinate and five (5) years indeterminate, but the Court retained jurisdiction for a year. After

completing the RIDER program, on June 11, 2018, the Court suspended LaCroix's prison sentence and placed him on probation for a period of three (3) years.

LaCroix later received a probation violation, and, following an admission to violating probation, on December 18, 2018, the Court ordered LaCroix to serve his previously suspended sentence.

On June 25, 2018, the Idaho State Police sent LaCroix a letter stating that he did not meet the criteria to register on the Idaho Central Sex Offender Registry. LaCroix did not receive this letter at the time it was sent. There is no information in the record that the State of Idaho and the presiding district judge were aware of this letter and the Idaho State Police's opinion regarding LaCroix not meeting the criteria for registration until LaCroix filed this motion before this Court.

II. ANALYSIS

LaCroix now challenges his conviction on the grounds that this Court had no subject matter jurisdiction over the Complaint and Information because Idaho law did not require him to register as a sex offender and, thus no crime was ever committed.

In its briefing, the State raised procedural issues about the form and timeliness of LaCroix' motion. Thus, this Court will address those issues before determining the merits of LaCroix' motion. The State has argued that LaCroix' motion is more appropriately one that should fall under the Idaho Post-Conviction Act, and is therefore inappropriately filed. The State also argues that even if LaCroix had filed a post-conviction relief claim, said claim would be untimely as LaCroix was sentenced over three years ago. While the State is correct that a lack of jurisdiction claim could be included in a post-conviction relief claim, and that any post-conviction claim filed three years after LaCroix' sentencing would be untimely per the statutory language, the Idaho Supreme Court has taken the position that questions about the court's subject

matter jurisdiction can be raised at any time, are not waived and can be brought by motion similar to LaCroix' motion.

Subject matter jurisdiction is a key requirement for the justiciability of a claim and cannot be waived by consent of the parties. *Sierra Life Ins. Co. v. Granata*, 99 Idaho 624, 626, 586 P.2d 1068, 1070 (1978). Because of the serious ramifications of a court acting without subject matter jurisdiction, namely that the judgments of that court are void, the concept must be clearly defined. *Id.* Subject matter jurisdiction was first defined in *Richardson v. Ruddy*, a case dealing with the predecessor to Idaho Code section 6-501, the statute in issue here:

Jurisdiction over the subject matter is the right of the court to exercise judicial power over that class of cases; not the particular case before it, but rather the abstract power to try a case of the kind or character of the one pending; and not whether the particular case is one that presents a cause of action, or under the particular facts is triable before the court in which it is pending, because of some of the inherent facts that exist and may be developed during trial.

Troupis v. Summer, 148 Idaho 77, 79-80, 218 P.3d 1138, 1140-41 (2009).

Subject-matter jurisdiction "is so fundamental to the propriety of a court's actions, that subject matter jurisdiction can never be waived or consented to, and a court has a sua sponte duty to ensure that it has subject matter jurisdiction over a case." *State v. Urrabazo*, 150 Idaho 158, 163 (2010). Any judgments and orders issued without subject matter jurisdiction are void, *Id.* At 163. Additionally, a court's subject matter jurisdiction can be raised at any time, including for the first time on appeal. *State v. Rogers*, 140 Idaho 223, 227 (2004). "[W]ithout subject matter jurisdiction, the court has no alleged crime affecting the State of Idaho to hold the person responsible for." *Id.* At 228. "Where it is apparent from the record that the act the defendant was criminally convicted for is not a crime according to the laws of the state, this Court has the authority to vacate the conviction sua sponte." *State v. Kavajecz*, 139 Idaho 482, 484 (2003) (citations omitted); see also *State v. Byington*, 135 Idaho 621, 623 (Cl. App. 2001) (holding that "the failure of an indictment to charge a crime is a fundamental defect which can be raised at any time").

This Court disagrees with the State that this argument is an issue that only may be raised on a post-conviction argument. Based on the numerous cases cited above, this Court finds that LaCroix is entitled to raise the subject-matter jurisdiction issue through his motion. This Court will now review the merits of LaCroix' allegation that the Court lacked jurisdiction to convict and sentence LaCroix.

LaCroix argues that the State of Idaho never had the authority to charge him with the crime of failure to register as a sex offender because he was never legally required to register as a sex offender in Idaho. LaCroix points to his Oregon adjudication, the Idaho sex offender registration statutes and the aforementioned Idaho State Police June 25, 2018, letter in support.

As indicated near the beginning of this Order, LaCroix was seventeen years of age when he was *adjudicated* in Oregon of third degree sodomy, defined as "deviate sexual intercourse with another person under 16 years of age..."¹ Because of this adjudication, LaCroix was required to register on Oregon's adult sex offender registry. In 2017, LaCroix was charged with failing to register as a sex offender in Idaho. The charging language contained in the information included that "...LaCroix, convicted as a sex offender on February 4, 2002... and residing in the State of Idaho, on or on or [sic] about June 11, 2017..."

Idaho Code §18-8304 outlines who is required to register on its adult sex offender registry list. In relevant part it states that a person is required to register if they have "been *convicted* of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, or who has a foreign *conviction* that is substantially equivalent to the offenses listed in paragraphs (a) and (f) of this subsection and was required

¹ O.R.S. §163.385 (2001).

to register as a sex offender in any other state or jurisdiction when he established residency in Idaho.” (Emphasis added). While Oregon’s statutory language required LaCroix to register as a sex offender in Oregon because of the adjudication, Idaho’s statutory language is different and more narrow with respect to the category of individuals who are required to register after establishing residency in Idaho. Idaho’s adult sex offender registry statute requires registration only if a person is required to register in a foreign state and has a foreign conviction substantially equivalent to those listed in the statute. While LaCroix was required to register in Oregon due to its statutory language, LaCroix was never convicted of a crime listed in paragraphs (a) and (f). This is confirmed through the Idaho State Police June 25, 2018, letter indicating that LaCroix did not meet the Idaho criteria to register.

Because LaCroix was a juvenile at the time of his Oregon offense, and because LaCroix was charged and adjudicated as a juvenile, he was never convicted of a crime. The rules that apply to juveniles in criminal court are purposefully separate and different from the rules that apply to adults. Statutorily, juveniles cannot be convicted of committing crimes, but rather the matter in which juveniles are involved are adjudicated. An adjudication is not a conviction, but rather a resolution, indicating that the legal case has been decided. A juvenile adjudication means that the juvenile is subject to receive punishment from a court. However, at no point in a juvenile case does a juvenile admit guilt, nor could the juvenile be found guilty by a court following an evidentiary hearing. Rather juveniles admit that the alleged facts/offenses in a petition are true. Neither an admission of the juvenile, nor a finding by the court that the facts alleged in the petition are true, is a conviction.

Because LaCroix was never convicted of a crime in Oregon, he does not meet Idaho’s statutory requirements that would necessitate him to register on Idaho’s sex offender registry.

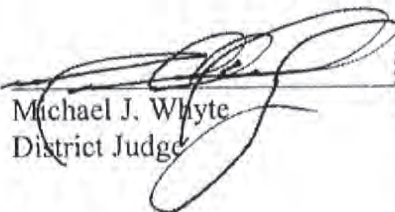
Accordingly, LaCroix never committed the crime of failing to register as a sex offender as alleged in the Information filed in this case. As such, Idaho and this Court never had the requisite subject matter jurisdiction over him for a conviction, sentencing and imposition of a sentence.

III. CONCLUSION

For the foregoing reasons, LaCroix's motion to vacate his conviction is granted.

IT IS SO ORDERED.

Dated this 8 day of March, 2023.


Michael J. Whyte
District Judge



CERTIFICATE OF SERVICE

I hereby certify that on this **3/8/2023 8:08:31 AM**, the foregoing Order was entered and a true and correct copy was served upon the parties listed below by mailing, with the correct postage thereon, or by causing the same to be delivered to their courthouse boxes; by causing the same to be hand-delivered, by facsimile, or by e-mail.

Parties Served:

Bonneville County Prosecutor, Scott Davis
bcprosecutoricourt@co.bonneville.id.us
Attorney for Plaintiff, State of Idaho

Eric Fredericksen
documents@sapd.idaho.gov
Attorney for Defendant, Joseph LaCroix

Clerk of the District Court
Bonneville County, Idaho

by



Deputy Clerk

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

STATE OF IDAHO

Plaintiff,

vs.

JOSEPH LACROIX

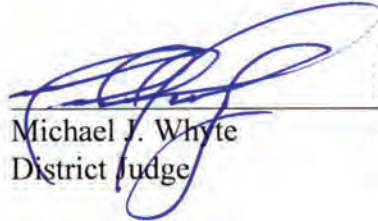
Defendant.

Case No. CR-2017-6067

ORDER TO DISMISS

IT IS HEREBY ORDERED pursuant to Idaho Criminal Rule 48 that the above case is hereby dismissed based on the reasons outlined in the Order on Motion to Vacate Conviction dated March 8, 2023.

Dated this 7 day of March, 2023.


Michael J. Whyte
District Judge



EXHIBIT

J

CERTIFICATE OF SERVICE

I hereby certify that on this **3/10/2023 4:36:35 PM** , the foregoing Order was entered and a true and correct copy was served upon the parties listed below by mailing, with the correct postage thereon, or by causing the same to be delivered to their courthouse boxes; by causing the same to be hand-delivered, by facsimile, or by e-mail.

Parties Served:

Bonneville County Prosecutor, Scott Davis
bcprosecutoricourt@co.bonneville.id.us
Attorney for Plaintiff, State of Idaho

Eric Fredericksen
Shannon Romero
Shannon470@gmail.com
Attorney for Defendant, Joseph LaCroix

Jenifer.Grout@mtctrains.com
mianders@idoc.idaho.gov

Clerk of the District Court
Bonneville County, Idaho

by



Deputy Clerk

Dennis Benjamin, ISB No. 4199
NEVIN, BENJAMIN & McKAY LLP
303 West Bannock
P.O. Box 2772
Boise, Idaho 83701
Telephone: (208) 343-1000
Facsimile: (208) 345-8274
db@nbmlaw.com

Attorneys for the Petitioner

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

JOSEPH LaCROIX,)	
)	
Petitioner,	)	CASE NO. CV01-23-07121
)	
vs.)	
)	
STATE OF IDAHO,	)	PETITION FOR CERTIFICATE
	)	OF INNOCENCE AND
	)	COMPENSATION
Respondent.)	
_____)	

COMES NOW, the above titled Petitioner, Joseph LaCroix, for a claim against
Respondent, the State of Idaho, and alleges as follows:

FACTS IN SUPPORT OF CLAIM

1. This action is brought on behalf of Mr. LaCroix, pursuant to the Idaho Wrongful Conviction Act, Idaho Code §§ 6-3501–3505, through which wrongfully convicted Idahoans may bring actions for relief.
2. Mr. LaCroix was wrongfully convicted of Failing to Register as a Sex Offender on October 3, 2017, in Case No. CR-2017-6067 and was wrongfully incarcerated.. He is completely innocent of these crimes.

3. The Idaho Wrongful Conviction Act allows wrongfully convicted Idahoans, like Mr. LaCroix, to seek compensation for the years they lost to their wrongful incarceration and conviction. Idaho Code § 6-3501–3505. Mr. LaCroix brings this action pursuant to this Act. Mr. LaCroix meets all criteria for compensation.
4. On March 8, 2023, the District Court found that Mr. LaCroix was factually innocent of the charge, vacated the conviction, and dismissed the case.
5. A certified copy of the Court's Order on Motion to Vacate Conviction is attached as Exhibit A.
6. The State did not appeal from that Order and it is now final.
7. Mr. LaCroix was incarcerated by the State of Idaho from his arrest on June 11, 2017, to March 9, 2023, except for a period of six days that he was on probation.
8. He was released from custody on June 12, 2018, but was reincarcerated on June 20, 2018.
9. He remained in custody from June 21, 2018, until March 9, 2023.
10. He served a total of five years and nine months excluding the days he was on probation.
11. Mr. LaCroix is eligible for and now seeks a certificate of innocence, I.C. § 6-3504, as well as \$62,000 per year of his wrongful incarceration, totaling \$1,248,493.15, I.C. § 6-3503(1)(a)(1), and other relief to which he is entitled, I.C. § 6-303(4).

PARTIES, JURISDICTION, AND VENUE

12. The Petitioner and claimant, Joseph LaCroix, was wrongfully convicted of a crime

he did not commit and was wrongfully imprisoned for those crimes for over 20 years. He is an individual and a resident of the State of Idaho and of Elmore County.

13. Respondent, the State of Idaho, is and was the state wherein Petitioner was wrongfully convicted. The State Capital and center of State government is in Ada County.

14. Because Petitioner meets the requirements of I.C. § 6-3502, the Court has jurisdiction over Petitioner's claim pursuant to I.C. § 6-3502(2).

15. Venue is proper in this Court pursuant to I.C. §§ 5-402, 404 because the State of Idaho is named as Respondent in this action, and Ada County encompasses the capital city of Boise.

PETITION FOR CERTIFICATE OF INNOCENCE AND COMPENSATION

16. Mr. LaCroix re-alleges and hereby incorporates paragraphs 1–15 herein.

17. Mr. LaCroix was wrongfully convicted in Idaho of felony Failure to Register as a Sex Offender.

18. Mr. LaCroix spent five years and nine months incarcerated on that conviction.

19. Mr. LaCroix's conviction was vacated and dismissed by Michael J. Whyte, in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville.

20. A true and correct certified copy of that Order is attached as Exhibit A.

21. The State did not appeal from this Order.

22. The basis for the vacatur and dismissal of Mr. LaCroix's convictions was his

actual innocence of the crimes for which he was wrongfully convicted; the vacatur and dismissals were not based on legal error unrelated to his factual innocence.

23. Mr. LaCroix is entitled to relief for his wrongful conviction and incarceration under the Idaho Wrongful Conviction Act, I.C. §§ 6-3501–6-3505. Mr. LaCroix is entitled to a certificate of innocence, pursuant to I.C. § 6-3504, and compensation, pursuant to I.C. § 6-3503(1)(a)(i).
24. It has been necessary for Mr. LaCroix to retain the services of counsel to prosecute this matter and Mr. LaCroix is thus entitled to an award of his attorney's fees and costs as provided in I.C. § 6-5303(4)(a).

DAMAGES

25. Mr. LaCroix was never imprisoned on death row. He never registered as a sex offender and was never on parole.
26. Mr. LaCroix seeks all compensation to which he is entitled pursuant to I.C. §§ 6-3503–6-3504.
27. Mr. LaCroix is entitled to a certificate of innocence pursuant to I.C. § 6-3504, finding that Mr. LaCroix was innocent of all crimes for which he was mistakenly convicted.
28. I.C. § 6-3503(1)(a)(i) provides that claimants are entitled to \$62,000 for each year of imprisonment. Compensation awarded under this section is computed on a pro rata basis according to the number of days the claimant was imprisoned. I.C. § 6-3503(2).

29. As Mr. LaCroix was incarcerated for five years, he is entitled to \$62,000 for each of those years, as well as compensation on a pro rata basis for the remaining nine months, totaling \$356,500.
30. Mr. LaCroix is also entitled to reasonable attorney's fees and costs, pursuant to I.C. § 6-3503(4)(a).
31. Mr. LaCroix is also entitled to reentry services offered through the department of correction, pursuant to I.C. § 6-3503(4)(b).
32. Pursuant to I.C. § 6-3503(6), all damages to which Petitioner is entitled shall be tax-exempt in the state of Idaho.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays this Court:

1. The issuance of a certificate of innocence.
2. Enter a judgment in favor of Mr. LaCroix in the amount of \$356,500.
3. Enter a judgment in favor of Mr. LaCroix for his attorney's fees and costs on his claims.
4. Enter a judgment in favor of Mr. LaCroix for all benefits made to wrongfully convicted claimants, including payment for reentry services.
5. For such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted this 1st day of May 2023.

/s/Dennis Benjamin
Dennis Benjamin
Attorney for Joseph LaCroix

VERIFICATION OF PETITION

I, Joseph LaCroix, being duly sworn under oath, states: I know of the contents of the foregoing Petition for Post-Conviction Relief and that the matters and allegations set forth are true and correct to the best of my knowledge and belief.


Joseph LaCroix

SUBSCRIBED AND SWORN TO BEFORE ME
this 24th day of April 2023.

Dennis Benjamin
Notary Public for the State of Idaho

Residing at: Boise

My commission expires: 07/29/2025



CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May 2023, I electronically filed the foregoing with the Clerk of the Court using the iCourt e-file system, which caused the following parties or counsel to be served by electronic means:

Idaho State Attorney General
Criminal Law Division
ecf@ag.idaho.gov

/s/Dennis Benjamin
Dennis Benjamin

EXHIBIT 2

Order Granting Certificate of Innocence and Award of Compensation

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

JOSEPH LaCROIX,

Petitioner,

v.

STATE OF IDAHO,

Respondent.

Case No. CV01-23-07121

**ORDER GRANTING
CERTIFICATE OF
INNOCENCE AND AWARD OF
COMPENSATION**

Before the Court is the parties' Stipulation for Certificate of Innocence and for Order Awarding Compensation. Finding good cause, the Court accepts the parties' stipulation and enters the following order:

1. The Court finds, based on the parties' stipulation, that Mr. LaCroix has established the requirements by a preponderance of evidence set forth in Idaho Code § 6-3502(2). Under Idaho Code § 6-3504, the Court enters a Certificate of Innocence finding that Mr. LaCroix was innocent of the following crime for which he was mistakenly convicted:

For the criminal case of *State of Idaho v. Joseph Douglas LaCroix*, No. CR-2017-6067-FE, Bonneville County District Court: Count I as charged in the Information as follows:

COUNT I
SEX OFFENDER-FAIL TO PROVIDE REQUIRED INFORMATION
OR NOTICE, Felony

I.C. § 18-8309

The Defendant, JOSEPH DOUGLAS LACROIX, convicted as a sex offender on February 04, 2002, for the charge of Sodomy in Lincoln County, Oregon, and residing in the State of Idaho, on or on or about June 11, 2017, in the County of Bonneville, State of Idaho, did wrongfully fail to inform the law enforcement agency with whom JOSEPH DOUGLAS LACROIX last registered, of his change of address, in writing, within two (2) days of such change. (10 years, \$5,000 fine and restitution)

2. Under Idaho Code § 6-3503, based on the parties' stipulation, the Court awards Mr. LaCroix \$319,297.74 as compensation for his claim under the Wrongful Conviction Act.


3. Under Idaho Code § 6-3503(4), Petitioner Joseph LaCroix is awarded reasonable attorney fees and costs in the amount of \$3,298.24.

4. Under Idaho Code § 6-3503(4), the Idaho Department of Correction shall determine within its discretion what reentry services it could provide to Mr. LaCroix *and* what reentry services would be appropriate for Mr. LaCroix, and shall offer such services to Mr. LaCroix. Such services will not exceed the scope or duration of services typically provided to individuals receiving reentry services, and may include up to 30 days of transitional housing if Mr. LaCroix qualifies for that, and the Idaho Department of Correction will exercise its discretion in determining the quantity, scope, duration, and type of reentry services. Mr. LaCroix will contact Daina Drake, Re-entry Program Manager, at (208) 605-4771 (or via email at ddrake@idoc.idaho.gov) within 30 days of the entry of the court order awarding reentry services, in order to establish such services. Failure to attend any reentry service may be treated by the Idaho Department of Correction as a waiver of other services by Mr. LaCroix. Mr. LaCroix understands he is not entitled to

any particular reentry service, and Mr. LaCroix may be required to submit himself to one or more assessments for such services.

5. Concurrent with this order, the Court will enter a final judgment under Rule 54. The Court directs the Clerk of the Court to close this case.

Dated: 9/5/2023 10:51:38 AM

By: 

HON. PETER G. BARTON
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on 9/5/2023 2:23:08 PM 2023, I emailed
the foregoing to the following persons:

Dennis Benjamin
db@nbmlaw.com

Attorney for Petitioner

Lincoln Davis Wilson
Chief, Civil Litigation
and Constitutional Defense
Brian V. Church
Deputy Attorney General
lincoln.wilson@ag.idaho.gov
brian.church@ag.idaho.gov

Attorneys for Respondent



DEPUTY CLERK

EXHIBIT 3

Judgement

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

JOSEPH LaCROIX,

Petitioner,

v.

STATE OF IDAHO,

Respondent.

Case No. CV01-23-07121

JUDGMENT

JUDGMENT IS ENTERED AS FOLLOWS:

1. Petitioner Joseph LaCroix is granted a Certificate of Innocence, under Idaho Code § 6-3504, finding that Mr. LaCroix was innocent of the following crime for which he was mistakenly convicted:

For the criminal case of *State of Idaho v. Joseph Douglas LaCroix*, No. CR-2017-6067-FE, Bonneville County District Court: Count I as charged in the Information as follows:

**COUNT I
SEX OFFENDER-FAIL TO PROVIDE REQUIRED INFORMATION
OR NOTICE, Felony
I.C. § 18-8309**

The Defendant, JOSEPH DOUGLAS LACROIX, convicted as a sex offender on February 04, 2002, for the charge of Sodomy in Lincoln County, Oregon, and residing in the State of Idaho, on or on or about June 11, 2017, in the County of Bonneville, State of Idaho, did


wrongfully fail to inform the law enforcement agency with whom JOSEPH DOUGLAS LACROIX last registered, of his change of address, in writing, within two (2) days of such change. (10 years, \$5,000 fine and restitution).

2. Petitioner Joseph LaCroix is awarded \$319,297.74 as compensation for his claim under the Wrongful Conviction Act. Idaho Code § 6-3503.

3. Petitioner Joseph LaCroix is awarded reasonable attorney fees and costs in the amount of \$3,298.24. Idaho Code § 6-3503(4).

4. Under Idaho Code § 6-3503(4), the Idaho Department of Correction shall determine within its discretion what reentry services it could provide to Mr. LaCroix *and* what reentry services would be appropriate for Mr. LaCroix, and shall offer such services to Mr. LaCroix. Such services will not exceed the scope or duration of services typically provided to individuals receiving reentry services, and may include up to 30 days of transitional housing if Mr. LaCroix qualifies for that, and the Idaho Department of Correction will exercise its discretion in determining the quantity, scope, duration, and type of reentry services. Mr. LaCroix will contact Daina Drake, Re-entry Program Manager, at (208) 605-4771 (or via email at ddrake@idoc.idaho.gov) within 30 days of the entry of the court order awarding reentry services, in order to establish such services. Failure to attend any reentry service may be treated by the Idaho Department of Correction as a waiver of other services by Mr. LaCroix. Mr. LaCroix understands he is not entitled to any particular reentry service, and Mr. LaCroix may be required to submit himself to one or more assessments for such services.

Dated: 9/5/2023 10:52:57 AM

By: 

HON. PETER G. BARTON
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on 9/5/2023 11:21:28 AM 2023, I emailed
the foregoing to the following persons:

Dennis Benjamin
db@nbmlaw.com

Attorney for Petitioner

Lincoln Davis Wilson
Chief, Civil Litigation
and Constitutional Defense
Brian V. Church
Deputy Attorney General
lincoln.wilson@ag.idaho.gov
brian.church@ag.idaho.gov

Attorneys for Respondent



DEPUTY CLERK