

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

THE STATE IDAHO,)
)
 Plaintiff)
)
 v.)
)
)
)
 JAMES C. LEONARD)
 Defendant.)

CASE NO. Case #
UNIFORM C CR 2007-2455
AFFIDAVIT ()
SUPPORTING ()
OF PROBABLE CAUSE PURSUANT TO ()
I. C. R. 5 (C)

Your AFFIANT, being first sworn, deposes and says:

1. Your Affiant is a duly qualified peace officer serving the Latah County Sheriff
2. Your Affiant seeks a Warrant of Arrest for the above named Defendant for the crime of:

VOLUNTARY MANSLAUGHTER, IDAHO CODE 18-4006 (1)

The fact Affiant states in believing there is cause for the issuance of an Arrest Warrant are: On 06-19-2007, at 0441 hours, I was contacted by Latah County Dispatcher Mike Gregory. Gregory told me there had been a shooting on Sprenger Road. I was instructed to meet Sgt. Aston at the Sheriff's Office. After arriving at the Sheriff's Office, Sgt. Aston told me and Detective Vietmeier to go to the residence at [REDACTED] Genesee, Latah County, Idaho, where we were to talk with individuals on scene and ask them if they would voluntarily come into the Sheriff's Office for interviews.

We were met at the scene by Deputy Russell who told us there were four adults and two children. The adults were separated, three of them in different patrol vehicles and one outside of the patrol vehicle sitting in the grass next to the road. Deputy Russell pointed to the man sitting on the grass and said that he thought this man was the one who fired the handgun, but he was not certain. Deputy Russell had no further information and had not been up to the residence.


At 0636 hours, I talked with [REDACTED] who agreed to be transported to the Sheriff's Office for an interview. At 0643 hours, I asked the man who was sitting on the grass next to the road if I could join him. He told me I could. I introduced myself and told him that I worked for the Sheriff's Office. The male identified himself to me as James Leonard. I asked him if would mind going to the Sheriff's Office to be interviewed. Leonard said, "Don't mind at all." I told him he was not under arrest and it was entirely up to him whether he wanted to go to the Sheriff's Office for an interview. I told Leonard he could ride to the Sheriff's Office with me if he wanted. Leonard said, "I'm the one who shot him." Leonard said he did not have a choice because Lee was on top of him. Leonard said he was leaning against the Jeep and Lee hit him on his face. Leonard got up and we walked to my vehicle.

Leonard sat in the passenger seat. At 0651 hours, I read Leonard his Miranda Warning. Leonard said he understood his rights and signed the form to indicate the same. He agreed to talk

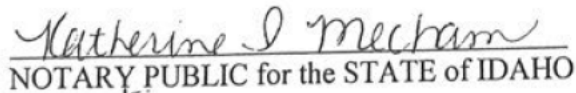
with me. Leonard asked me if I felt he should have a lawyer present. I told him that it was up to him. Leonard said, "I don't think so." Leonard was cold so we sat in my vehicle so he could warm up while others were preparing to be transported to the Sheriff's Office for interviews.

Leonard and I sat quiet for just over a minute when he said, "He threatened all of us." I asked Leonard if he wanted to talk about it now and told him it was up to him. Leonard said, "Now or later it doesn't matter I'm going to remember more now than later." I told Leonard to tell me if he wanted to. Leonard said he got a phone call at about 0230 hours, from Tyler Lee. I asked what Lee did. Leonard said that Lee told him that he needed to talk with him and it was important and it could not wait until morning. Leonard said he knew by the sound in Lee's voice that he could not trust Lee. Leonard said that Lee has come at him in the past with, "bats, machetes and other things." Leonard said Lee came to his house, [REDACTED]. Leonard said he was leaning against the back of a Jeep in the driveway. Leonard said Lee was "rambling on about his girlfriend sleeping with me." Leonard said he told Lee he was not sleeping with his girlfriend and told Lee to go home and go to bed. Leonard said Lee would not leave and he (Leonard) told him that he was not going to tell him to leave again. Leonard said that Lee "blindsided" him and told him he was going to "slit your throat." I asked Leonard how he was blindsided. Leonard said Lee hit his left eye. Leonard said he fell to the ground and Lee jumped on top of him and told him (Leonard) that he was going to kill everyone as soon as he was done with him. Leonard said Lee threatened his son [REDACTED] and that is when Leonard shot Lee. Leonard said he was on his side and Lee was on top of him pushing him into the ground. Leonard said he had a handgun in his sweatshirt pocket that he took out and fired. Leonard said he began to stand and saw Lee also standing up and moving towards him, so Leonard shot two more times and Lee fell to the ground.

I asked Leonard if Lee had a weapon. Leonard said that he did not see Lee with a weapon and did not know if Lee had a weapon. Leonard said that Lee generally carries a knife that has two blades that open opposite of one another.


Affiant/Police Officer

SUBSCRIBED and SWORN to before me
this 19th day of June, 2007.


NOTARY PUBLIC for the STATE of IDAHO

Residing in moscow
My commission expires 02.28.08

Date/Time _____

Reviewed by _____
Prosecutor



All of which is contrary to the form, force and effect of the statutes above cited, and against the peace and dignity of the People of the State of Idaho, WHEREFORE complainant REQUESTS a Warrant of Arrest be issued for the person of:

JAMES CURTIS LEONARD
DOB: 07-09-1983
SSN:

And that the Defendant may be dealt with according to law.

DATED this 19 day of June, 2007.

WILLIAM W. THOMPSON, JR.
Prosecuting Attorney



CASE NO. CR08-02455
April 24 2008
CLERK OF DISTRICT COURT
LATAH COUNTY
BY [Signature] DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,)
Plaintiff,)
V.)
JAMES CURTIS LEONARD,)
Defendant.)
_____)

Case No. CR-2008-02455
ORDER OF DISMISSAL

The above matter having come before the Court based upon the motion of the State, and good cause appearing:

IT IS HEREBY ORDERED that the above matter be and the same hereby is dismissed so as to allow the State to pursue new charges based on newly discovered evidence as articulated in the State's Motion to Dismiss Criminal Information, all in furtherance of justice, and to serve the ends of justice and the effective administration of the court's business..

SO ORDERED this 24th day of April, 2008.

[Signature]
John R. Stegner
DISTRICT JUDGE

CERTIFICATE OF SERVICE

I do hereby certify that full, true, complete and correct copies of the foregoing
ORDER OF DISMISSAL were delivered to the following as indicated:

Sunil Ramalingam
Attorney at Law
Courthouse Mail
Moscow, ID 83843

U.S. Mail
 Overnight Mail
 Fax
 Hand Delivery

William W. Thompson, Jr.
Latah County Prosecuting Attorney
Latah County Courthouse
Moscow, ID 83843

U.S. Mail
 Overnight Mail
 Fax
 Hand Delivery

on this 24 day of April, 2008.

SUSAN PETERSEN
Latah County Clerk of the Court



IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

THE STATE IDAHO,)
)
Plaintiff)
)
V.)
)
James C. Leonard)

CASE NO. _____
UNIFORM CITATION _____
AFFIDAVIT OF _____
SUPPORTING _____
OF PROBABLE _____
I. C. R. 5 (C) _____

Case #
CR2008-
1577

Your AFFIANT, being first sworn, deposes and says:

1. Your Affiant is a duly qualified peace officer serving the Latah County Sheriff's Office.
2. Your Affiant seeks a Warrant of Arrest for the above named Defendant for the crime of:

IDAHO CODE Second Degree Murder (18-4001, 18-4003, 18-4004)

The fact Affiant states in believing there is cause for the issuance of an Arrest Warrant are:

On 06-19-2007, at 0441 hours, I was contacted by Latah County Dispatcher Mike Gregory. Gregory told me there had been a shooting on Sprenger Road. I was instructed to meet Sgt. Aston at the Sheriff's Office. After arriving at the Sheriff's Office, Sgt. Aston told myself and Detective Vietmeier to go to the residence at [REDACTED] Genesee, Latah County, Idaho, where we were to talk with individuals on scene and ask them if they would voluntarily come into the Sheriff's Office for interviews.

We were met by Deputy Russell who told us there were four adults and two children. The adults were separated, three of them in different patrol vehicles and one sitting in the grass next to the road. Deputy Russell pointed to the man sitting on the grass and said that he thought this man was the one who fired the handgun, but he was not certain. Deputy Russell had no further information and had not been up to the residence.

At 0636 hours, I talked with [REDACTED] who agreed to be transported to the Sheriff's Office for an interview. At 0643 hours, I asked the man who was sitting on the grass next to the road if I could join him. He told me I could. I introduced myself and told him that I worked for the Sheriff's Office. The male identified himself to me as James Leonard. I asked him if he would be willing to go to the Sheriff's Office to be interviewed. Leonard said, "Don't mind at all." I told him he was not under arrest and it was entirely up to him whether he wanted to go to the Sheriff's Office for an interview. I told Leonard he could ride to the Sheriff's Office with me if he wanted. Leonard said,

"I'm the one who shot him." Leonard said he did not have a choice because Lee was on top of him. Leonard said he was leaning against the Jeep, and Lee hit him on his face. I asked Leonard to get up and we walked to my vehicle.

I took the handcuffs off of Leonard and he sat in the passenger seat. At 0651 hours, I read Leonard his Miranda Warning. Leonard said he understood his rights and signed the form to indicate the same. He agreed to talk with me. Leonard asked me if I felt he should have a lawyer present. I told him that it was up to him. Leonard said, "I don't think so." Leonard was cold so we sat in my vehicle so he could warm up while others were preparing to be transported to the Sheriff's Office for interviews.

Leonard and I sat quiet for just over a minute when he said, "He threatened all of us." I asked Leonard if he wanted to talk about it now and told him it was up to him. Leonard said, "Now or later it doesn't matter I'm going to remember more now than later." I told Leonard to tell me if he wanted to. Leonard said he got a phone call at about 0230 hours, from Tyler P. Lee. I asked what Lee did. Leonard said Lee told him that he needed to talk with him and it was important, it could not wait until morning. Leonard said he knew by the sound in Lee's voice that he could not trust Lee. Leonard said Lee has come at him in the past with, "bats, machetes and other things." Leonard said Lee came to his house, [REDACTED] Leonard said he was leaning against the back of a Jeep in the driveway and Lee was "rambling on about his girlfriend sleeping with me." Leonard said he told Lee he was not sleeping with Lee's girlfriend and told Lee to go home and go to bed. Leonard said Lee would not leave and he (Leonard) told him that he was not going to tell him to leave again. Leonard said Lee "blindsided" him and he (Lee) said he was going to "slit your throat." I asked Leonard how he was "blindsided." Leonard said Lee hit him on the left eye and I was able to see a faint mark under Leonard's left cheek. Leonard said he fell to the ground and Lee jumped on top of him and told him (Leonard) he was going to kill everyone as soon as he was done with him. Leonard said Lee threatened his son, [REDACTED] and that is when he shot Lee. Leonard said he was on his side and Lee was on top of him pushing him into the ground. Leonard said he had a handgun in his sweatshirt pocket which he took out and fired.

I asked Leonard if Lee had a weapon. Leonard said he did not see Lee with a weapon and did not know if Lee had a weapon. Leonard said Lee generally carries a knife that has two blades that open opposite of one another.

On 06-19-2007, [REDACTED] Leonard's wife, said in her written statement she had gotten home at around 2330 hours, on 06-18-2007. [REDACTED] said when Leonard was not home by about 0130 hours, she decided to call him using [REDACTED] and [REDACTED] cell phone (Leonard's cell phone records show this received call at 0129 hours.) [REDACTED] said Leonard got home at about 0230 hours and got into bed with her. [REDACTED] said as they were falling to sleep their cell phone began to ring. They did not pick up the call. Other calls began to come in one after another so [REDACTED] said she told Leonard to see who kept calling. [REDACTED] said another call came in and they lost reception. Leonard told her it was Lee who had been calling. [REDACTED] said Leonard went to the porch to get

reception. ██████ said about 5 to 10 minutes later, Leonard returned and retrieved a .38 caliber revolver from a locked safe which was under their bed. ██████ said Leonard told her Lee was coming out because ██████ had told Lee she ██████ had sex with Leonard. ██████ said she had asked Leonard, "Well did you?" He replied, "No of course not."

██████ wrote in her statement Leonard left the bedroom and returned with the house phone and told her to call the police if she heard gun shots. ██████ said Leonard went back outside to smoke a cigarette and "presumably" wait for Lee. ██████ said Lee arrived, "So I snuck out to the living room to peak out the windows." ██████ said she watched Lee pull up next to next to Leonard's Mustang. ██████ said she saw a dome light in the white Chevy (pick-up) with "2 blue racing strips" turn on and then off and heard the door of the vehicle shut. ██████ said she saw the "cherry" of a cigarette and could not see anything more, so when she did not hear any shouting she went and sat on the couch. ██████ said she had not been sitting for more than a few minutes when she heard a gun go off. ██████ said she heard one shot, a pause, and two more shots, one after the other. ██████ said she had to go to the bedroom to get the phone, as she ran back through the kitchen to the side porch she said she fell. ██████ said Leonard came back to the house and said, "I have a big problem." ██████ replied by saying, "You have a very big problem," and handed Leonard the phone. ██████ said she asked Leonard why he fired the gun and Leonard told her Lee had hit him and had come at him with a knife.

██████ and ██████ are the renters of ██████, and allowed Leonard and ██████ to stay with them. ██████ said in her written statement she heard a vehicle drive in at 0230 hours. ██████ said that later she heard another vehicle drive up and went back to sleep. ██████ said she awoke to two "loud bang noises." ██████ said she looked out the window and saw Leonard. ██████ said she and ██████ went down stairs where she sat with ██████ on the bottom of the stairs. ██████ said ██████ was crying and asked her what was wrong but she kept crying. ██████ said she asked ██████ what the loud sound was and ██████ told her it was "gun shots." ██████ said she looked out through the window in the door and asked ██████ who was outside. ██████ replied, "Tyler." ██████ told ██████ that ██████ had told Lee that Leonard had slept with her ██████ said ██████ and Leonard had come back into the house through the kitchen door and she and ██████ went up stairs.

██████ said in her written statement that while she and ██████ were up stairs she asked ██████ if Lee was dead and ██████ did not answer her. ██████ said she heard a truck start and looked outside. ██████ said she saw the truck backing up and "freaked out" because Leonard was "messing up the crime scene." ██████ said she ran down stairs and told ██████ they needed to call the police. ██████ said when Leonard came in the house she asked him if he moved the truck. ██████ said Leonard told her that he had moved the truck. ██████ said she told Leonard it was going to look like he was "trying to cover shit up and mess things up because the truck was backed up to Tyler." ██████ said Leonard went back outside and moved the truck again. ██████ said in her written statement she asked Leonard where Lee was when he shot him. ██████

said Leonard told her Lee was on his (Leonard's) back with a knife so he (Leonard) shot three times.

██████████ said in his written statement that he awoke at about 0300 hours and was not sure which woke him, "pop (sound) or the voices." He got up and looked out the window and saw Leonard walking towards the house. ██████████ said he got dressed and went down stairs where he saw ██████████ at the bottom of the stairs and asked her if she was alright because she was crying, but she did not answer him. ██████████ said Leonard came in the house and said, "No one will threaten my family." ██████████ and Leonard went outside and walked to the front of the Jeep where ██████████ said he "saw the body on the ground." ██████████ said he asked Leonard, "What did you do?" ██████████ could not remember what Leonard's answer was. ██████████ said Leonard told him the gun was on the Mustang, so he looked and saw a gun on the hood of Leonard's Mustang. ██████████ said he went back to the house and told ██████████ that they were going back upstairs to bed because he did not want anything to do with what had just happened.

██████████ said in his written statement that while he and ██████████ were up stairs, ██████████ asked him if Leonard shot Lee. ██████████ said he told her "Yes." ██████████ then noticed Leonard was moving the truck and she told ██████████ to stop Leonard because he was not supposed to touch anything. ██████████ said he went out and told Leonard to stop moving the truck and asked him to come in the house so they could talk. Leonard moved the vehicle away from the body and went into the house where he was eventually talked into calling the police. About 30 minutes, or more, later a call was placed to 911. ██████████ said at some point ██████████ told him he had told Lee not to come out to the house until tomorrow because he (Lee) needed time to cool down. ██████████ said Leonard told him Lee had "attacked" him with a knife.

On 07-05-2007, during an interview in preparation for a polygraph, Idaho State Police Detective Fred Swanson learned from ██████████ that Leonard tried to dispose of Lee's body. ██████████ said while he and Leonard were outside together Leonard asked him for a shovel, which he provided. ██████████ said he refused to help Leonard dispose of Lee's body and went back into the house. At some point ██████████ said he took the shovel and placed it in a nearby shed.

On 06-21-2008, at 0800 hours, an Autopsy was done on Lee by Jeffrey M. Reynolds, M.D. Pathologist, Reynolds determined there were three gun shot wounds in Lee. The first, and fatal shot, was a contact wound to the right side of Lee's chest which penetrated Lee's heart; death was within seconds. Reynolds determined the second and third shots were post mortem due to lack of bleeding (blood pressure.) There was one bullet wound to Lee's left leg in which the bullet entered the inside of the left leg at the thigh and exited the opposite side and one bullet wound to Lee's face in which the bullet traveled from just under the left eye to the top of the back of the head and did not exit. Reynolds could not determine the order of the second and third shots. Collected blood and urine samples from Lee tested and indicated a presence of Mescaline and Cannabinoids in Lee, but no alcohol. ✓

During the Autopsy a closed single blade folding style knife was found in Lee's pants pocket. No other weapon was found on Lee or in the immediate vicinity where his body was found.

On 04-22-2008, at about 1330 hours, I contacted [REDACTED] reference a voice mail she had left for Prosecutor Thompson. [REDACTED] (unknown last), sister to Lee, had information which had been told to her by [REDACTED]

On 04-22-2008, at about 1337 hours, I contacted and talked with [REDACTED] who said on 06-20-2007, [REDACTED] had called wanting to talk with her. [REDACTED] said [REDACTED] had given her several stories of what had happened on 06-19-2007. [REDACTED] said the first story [REDACTED] told her was that Lee had caught her ([REDACTED] and Leonard having sex. [REDACTED] said she questioned [REDACTED] about where she and Leonard were when they had been caught having sex. [REDACTED] had told her they were in the bathroom. [REDACTED] said [REDACTED] told her Lee became angry. Lee was "yelling and swearing at them" and saying "vile" things that he would do to them. [REDACTED] said [REDACTED] told her Lee hit both her and Leonard, Leonard then left and Lee went after Leonard.

[REDACTED] said the second story [REDACTED] gave her was Lee and Leonard were off some place using Mescaline. When Lee returned he jumped on her while she was sleeping and was swearing at her. [REDACTED] said [REDACTED] told her she did not know her brother (Lee) was physically abusive. [REDACTED] said she has spent a lot of time with her brother and he being abusive did not sound right to her.

[REDACTED] said the third story [REDACTED] gave her was Lee had left and was helping move a woman named [REDACTED]. [REDACTED] had called [REDACTED] a tall, blonde, beautiful, w [REDACTED] like her ([REDACTED])

[REDACTED] said the fourth story given by [REDACTED] was Lee had driven up and caught her [REDACTED] and Leonard kissing on the porch.

On 04-22-2008, at 1630 hours, I contacted [REDACTED] who had also talked with [REDACTED], according to [REDACTED]. [REDACTED] said at first [REDACTED] was not sharing all the information because she didn't know what to do or how much to share because she did not want Lee's family to blame her for Lee's death. [REDACTED] was worried about Lee's family disowning her. [REDACTED] said [REDACTED] had originally told her Lee had come over and attacked her, accusing her of sleeping with Leonard. [REDACTED] said she thought it was within the first week, maybe two weeks of Lee's death, when [REDACTED] had told her she ([REDACTED] and Leonard were caught by Lee in the act of having sex when Lee knocked on the bathroom door interrupting them.

On 04-23-2008, at about 0945 hours, Detective Vietmeier and I talked to [REDACTED]. [REDACTED] had earlier maintained she and Leonard were not engaged in any sexual activity on

06-19-2007, although they did have sex on 06-07-2007. [redacted] admitted she and Leonard were "messing around" on 06-19-2007, and it was possible Lee had caught them by looking through the trailer windows from outside. [redacted] denied having sexual intercourse on 06-19-2007, but admitted she and Leonard at some point were "at second base," and may have been looking for a condom in the bathroom. [redacted] said she told Lee she was messing around with Leonard and that they have had sex. [redacted] said she does not know if Lee took this as meaning right then, or if he was reacting to the knowledge that it had occurred earlier (on 06-07-2007). Leonard then became angry and made threats against Lee and his family; he then left her trailer to go see Leonard.

[Signature]
Affiant/Police Officer

SUBSCRIBED and SWORN to before me
this 2 day of May, 2008

[Signature]
NOTARY PUBLIC for the STATE OF IDAHO
Residing in Moscow, Idaho
My commission expires 01/28/09
Date/Time _____
STATE OF IDAHO NOTARY PUBLIC
MICHAEL A. GREGORY

Reviewed by _____
Prosecutor

JAMES C. of Latan, under Tyler, which he did

CASE NO. 08-1577

2008 MAY -7 PM 2:37

BY AW COUNTY DEPUTY

LATAH COUNTY PROSECUTOR'S OFFICE
WILLIAM W. THOMPSON, JR.
PROSECUTING ATTORNEY
Latah County Courthouse



IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,
Plaintiff,

V.

JAMES CURTIS LEONARD,
Defendant.

)
)
) Case No. CR-2008- 1577

)
) CRIMINAL COMPLAINT
)
)
)

The undersigned, based upon the Affidavit of Margaret Lehmbecker, complains and says; that JAMES CURTIS LEONARD, in Latah County, State of Idaho, on or about the 19th day of June, 2007, did then and there commit a crime against the People of the State of Idaho, by committing: MURDER IN THE SECOND DEGREE, Idaho Code 18-4001, 4003, 4004, a Felony, committed as follows:

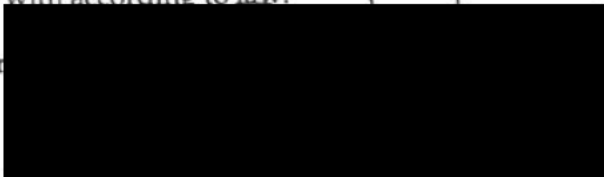
That the Defendant, JAMES CURTIS LEONARD, on or about the 19th day of June, 2007, in the County of Latah, State of Idaho, did unlawfully and with malice aforethought, kill and murder Tyler P. Lee, a human being, by shooting Tyler P. Lee with a handgun, from which he died.

All of which is contrary to the form, force and effect of the statutes above cited, and against the peace and dignity of the People of the State of Idaho, WHEREFORE complainant REQUESTS a Warrant of Arrest be issued for the person of:

JAMES CURTIS LEONARD
DOB: 07-09-1983
SSN:

And that the Defendant may be dealt with according to law.

DATED this 7 day of Apr



William W. Thompson, Jr.
Prosecuting Attorney