

CASE NO. CR-02-2242

2003 AUG 28 PM 4:12

CLERK OF DISTRICT COURT
LATAH COUNTY
BY JD 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.)
)
ZACHARY L. LANDMARK,)
)
)
Defendant.)
_____)

Case No. CR-02-02242

**JUDGMENT OF CONVICTION AND
ORDER RETAINING JURISDICTION
PURSUANT TO I.C. 19-2601(4)**

On the 25th day of August, 2003, the defendant, ZACHARY L.
LANDMARK, and the State's
attorney, appeared before this Court for
pronouncement of judgment.

At that time the defendant was again advised that a Criminal

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Information had been filed charging the defendant with the offense of RAPE, Idaho Code 18-6101, a felony in Count I,

and that on June 19, 2003, a verdict was returned finding the defendant not guilty of such charge.

The defendant was again advised that a Criminal Information had been filed charging the defendant with the offense of RAPE, Idaho Code 18-6101, a felony in Count II,

and that on June 19, 2003, a verdict was returned finding the defendant guilty of such charge.

The Court, having considered the Presentence Investigation Report, the evidence, if any, of circumstances in aggravation and in mitigation of punishment, the arguments of counsel and any statement of the defendant, asked the defendant if he had any legal cause to show why judgment should not be pronounced at this time to which defendant replied that there was none.

Good cause appearing,

The Court finds that the defendant, ZACHARY L. LANDMARK, having been found guilty of the crime of RAPE, in violation of Idaho Code Section 18-6101, a felony in Count II, is guilty of that

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offense; and

IT IS ORDERED ADJUDGED AND DECREED, that ZACHARY L. LANDMARK stands **CONVICTED OF RECORD** of the crime of RAPE, in violation of Idaho Code Section 18-6101, a felony, in Count II, and that defendant be committed to the custody of the Idaho State Board of Correction for a period of **EIGHT (8) YEARS**. Pursuant to Idaho Code 19-2513, the defendant shall serve a minimum period of confinement of not less than **TWO (2) YEARS**, during which the defendant shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct except for meritorious service. After that **TWO (2) YEAR** minimum period of confinement, the defendant shall subsequently be confined for a maximum indeterminate period of time not to exceed **SIX (6) YEARS**. The defendant is further ordered to pay \$288.50 court costs and shall also pay restitution as provided in the Order of Restitution entered herein.

PROVIDED FURTHER, the Court elects to exercise its discretion pursuant to Idaho Code 19-2601(4) and retain jurisdiction over the defendant for a period of one hundred eighty (180) days from this date. The defendant shall appear for hearing on this matter on February 9, 2004, at 4:00 p.m., unless otherwise ordered by the

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Court.

IT IS FURTHER ORDERED that the Clerk of the Court, Latah County, deliver two (2) certified copies of the Judgment of Conviction to the Sheriff of Latah County, one to serve as a commitment of the defendant to the Idaho State Board of Correction, and that the Sheriff of Latah County shall deliver such copy to the appointed agents of the Idaho State Board of Correction when the defendant is delivered to such agents' custody.

DATED this 28th day of August, 2003.