

**FILED**  
 A.M. 4:00 P.M.  
**MAR 20 1997**  
 NED J. KERR, CLERK  
 DEPUTY CLERK

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTIES OF  
 ADAMS, CANYON, GEM, OWYHEE, PAYETTE AND WASHINGTON


In the Matter of the Appointment of	)	Administrative
of Persons to Give Oaths on Affidavits	)	Order
of Probable Cause and Affidavits of	)	97-2
of Refusal to Take Alcohol Test	)	

**WHEREAS**, the Administrative Judge is charged by the statutes of Idaho with the administrative supervision and authority over the operation of the District Courts (Ref. I.C. §1-907) and.

**WHEREAS**, Misdemeanor Criminal Rule 12(a) provides that the Administrative Judge may appoint persons to administer oaths;

**IT IS HEREBY ORDERED** that all duly authorized on shift Peace Officers, including but not limited to Sheriffs, Chiefs of Police, Shift Commanders, Captains, Lieutenants, Sergeants, Corporals, Deputies and Patrolmen have the authority to administer oaths to a Peace Officer signing either an Affidavit of Probable Cause or an Affidavit of Refusal to Take Alcohol Test.

Dated this 18<sup>th</sup> day of March, 1997.

  
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 GERALD L. WESTON  
 Administrative District Judge  
 Third Judicial District

**FILED**  
A.M. 1:12 P.M.  
**MAR 26 1985**  
**BILL A. STAKER, CLERK**  
*M. Macho*  
**DEPUTY CLERK**

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

Appointment of Peace Officers to )  
Administer Oaths on Affidavits of )  
Refusal to Take Alcohol Test )  
) )  
\_\_\_\_\_ )

**ADMINISTRATIVE  
O R D E R**  
85-5

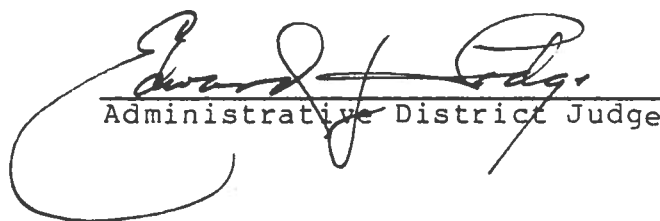
The Third Judicial District Court desires to maintain an efficient judiciary responsive to the needs of the public and effective law enforcement.

Pursuant to Idaho Misdemeanor Criminal Rule 9.2.(a), the court shall not accept a license seized under Section 18-3002, Idaho Code, without an accompanying affidavit of a duly authorized peace officer. The Affidavit shall be subscribed and sworn to before an official authorized to administer oaths.

The Administrative Judge is charged by the statutes of Idaho with the administrative supervision and authority over the operation of the District Courts (Ref. I.C. 1-907). Pursuant to his inherent power over the operation of the District Court and pursuant to Idaho Misdemeanor Criminal Rule 12(a), the Administrative Judge does hereby enter this order to allow on shift Peace Officers, including but not limited to Shift Commanders, Lieutenants, Sergeants, Corporals, Deputies and Patrolmen to administer oaths to the Peace Officer signing the Affidavit of Refusal to Take Alcohol Test.

NOW, THEREFORE, IT IS ORDERED that all duly authorized on shift Peace Officers, including but not limited to Shift Commanders, Lieutenants, Sergeants, Corporals, Deputies and Patrolmen, have the authority to administer oaths to the Peace Officer signing the Affidavit of Refusal to Take Alcohol Test.

Dated this 26<sup>th</sup> day of March, 1985.

  
Administrative District Judge

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

IN RE: APPOINTMENT OF PERSONS  
TO GIVE OATHS, PURSUANT  
TO IDAHO CRJMINAL RULE 4

ORDER  
96-07-0029

Pursuant to Idaho Criminal Rule 4, and to preserve the continuity of caseflow  
management.

IT IS ORDERED that the following persons are appointed by authority of Misdemeanor  
Criminal Rule 12 (a) for the select and limited purpose of administering the oath to law  
enforcement officers submitting affidavits of probable cause as provided for by the Idaho  
Criminal rules.

The persons assigned to the below listed offices may administer the oath in the Fourth  
Judicial District.

- 1. Ada County
  - (a) County Sheriff
    - (1) Watch Commander, each shift
  - (b) All Chiefs of Police
    - (1) All Watch Commanders.

IT IS SO ORDERED at Boise, Idaho this 29<sup>th</sup> day of July, 1996.

*Robert G. Newhouse*  
Honorable Robert G. Newhouse  
Administrative District Judge

MEMORANDUM

JOHN TRAYLOR

Trial Court Administrator  
Ada County Courthouse  
Phone: 364-2100

March 17, 1997

TO : Dan Kessler  
RE : Probable Cause Affidavits



Enclosed is an Adm'v Order regarding such affidavits. We did this just recently at the request of Boise City. It's not limited to BAC. They use it for PC in misdemeanor cases as well. Our magistrates don't like it for two reasons. It means more paperwork for them to read, and, they don't have a live body to ask questions of. The griping has stopped, however.