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

JOSEPH LaCROIX,)	
)	
Petitioner,)	CV01-23-07121
)	CASE NO.
vs.)	
)	PETITION FOR CERTIFICATE
STATE OF IDAHO,)	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

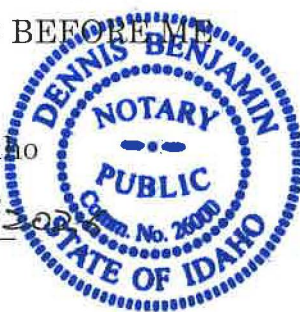
this 24th day of April 2023.

Dennis Benjamin

Notary Public for the State of Idaho

Residing at: Boise

My commission expires: 07/29/2024



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:

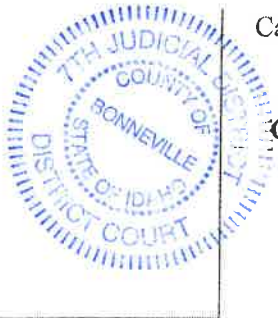
Idaho State Attorney General
Criminal Law Division
ecf@ag.idaho.gov

/s/Dennis Benjamin

Dennis Benjamin

**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
thereof, on file in my office.
Dated: 4-24 2023
PENNY MANNING
Clerk of the District Court
By: [Signature]
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

