



**PROSECUTING ATTORNEY
BONNEVILLE COUNTY, IDAHO**

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MEMORANDUM

December 20, 2024

*RE: In-Custody Death Criminal Liability Review
James Ryan Roberts*

TO: Samuel Hulse, Sheriff, Bonneville County, Idaho

FROM: Randy Neal, Prosecuting Attorney, Bonneville County

I have reviewed the investigation conducted by the Tri-County Sheriff's Association led by Bingham County Joint Detective Division Detective Shade Rosenkrance. My review is limited to determining criminal liability of any employee associated with the arrest and transport of Mr. Roberts to the Idaho Falls Community Hospital. I have reviewed the criminal liability of the following Bonneville County Sheriff's Office personnel:

1. Deputy Curtis
2. Deputy Niblett
3. Deputy Clark
4. Deputy Loveland
5. Deputy Demastus
6. Sergeant Rix
7. Sergeant Fielding

The scope of the prosecutor's criminal liability review of in-custody deaths is limited to the evaluation of whether an employee's action should subject them to criminal prosecution. I am not evaluating any potential civil liability. It is also not my role to evaluate the employee's judgment or to determine whether the officer(s) acted within policy. These roles are left in this case to the Sheriff, who is an equal, elected constitutional officer.

I have reviewed the Tri-County Investigation report, the autopsy report, the interviews of involved personnel, the autopsy records, and the medical records related to the incident.

STANDARD OF CRIMINAL REVIEW

Pursuant to Idaho Code § 18-109, “a crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, [an enumerated] punishment.” Pursuant to Idaho Code §§ 19-505 and 19-506, in order to charge a crime, there must be sufficient facts which tend to establish there is probable cause to believe that an offense has been committed and that the defendant committed it. In other words, there must be both a prohibited act and sufficient evidence to establish probable cause to believe that an individual violated a law, which requires or proscribes an act, and provides for a punishment for committing or omitting the act.

In fulfilling this duty of criminal review, it is not the Prosecutor’s role to seek ways to justify law enforcement actions. I am not their advocate in these circumstances. The analysis begins with an objective and open mind. For the reasons described below, I find no evidence to support that any employee committed a criminal offense in relation to the incident described below.

STATEMENT OF FACTS

1. On late Thursday night October 31, 2024, Patrol deputies Deputy Curtis, Niblett, Clark, and Loveland responded to an injury crash at the Ammon City Walmart in Bonneville County Idaho.
2. Deputies were advised that air bags had deployed and a male was in the vehicle.
3. When deputies arrived, it was discovered the male was James Ryan Roberts, and the investigation evolved into a driving under the influence due to the driver acting "intoxicated" and actively ingesting air duster from an aerosol can.
4. Store video showed Mr. Roberts went into Walmart and proceeded directly to the electronics counter 5 times throughout the day of October 31 starting at 8:13 am and the last time being 6:15 pm.
5. The first three times Mr. Roberts bought one two-pack of air duster and the last two times he bought 2 two packs of air duster.
6. Mr. Roberts bought the air duster at 8:13 am, 10:40 am, 12:45 pm, 2:43 pm, and finally at 6:15 pm.
7. The video and the receipts indicate the purchase of 14 cans of air duster throughout day of October 31.
8. Deputy Curtis was the first on scene of the accident.
9. Deputy Curtis observed Mr. Roberts’ vehicle had crashed into a shipping container with all the air bags deployed.
10. Deputy Curtis stated he walked up to the car and couldn’t see inside then knocked on the window with no response.

11. Deputy Curtis then walked to the front of the car and observed Mr. Roberts inhaling air duster while in the car.

12. Deputy Curtis stated Mr. Roberts had the air duster in both hands and was spraying it directly into his mouth.

13. Deputy Curtis stated he took the can from Mr. Roberts and took him out of the car.

14. Mr. Roberts was taken over to the ambulance to be assessed and was released to deputies to transport to the hospital for further medical evaluation and a blood draw for the DUI investigation.

15. Mr. Roberts was placed in handcuffs and taken to the ambulance by Deputy Clark and Deputy Curtis.

16. Deputy Curtis didn't feel it to be safe to do SFSTS on Mr. Roberts.

17. Mr. Roberts told Deputy Curtis he would voluntarily give blood, so Deputy Curtis decided he would drive Mr. Roberts to the hospital.

18. Mr. Roberts was transported to the Idaho Falls Community hospital.

19. When they arrived Mr. Roberts went directly into a bathroom due to complaints he needed to go to the bathroom.

20. Medical staff was advised by Deputy Curtis that Mr. Roberts was in an accident and needed a blood draw.

21. Mr. Roberts was monitored through an open door while in the bathroom by Deputy Curtis and Deputy Demastus, who was acting in the role of security for the hospital.

22. Medical staff knew Mr. Roberts was in the bathroom and needed to be seen.

23. Medical staff approached Deputy Curtis asking for information on Mr. Roberts.

24. Deputy Curtis didn't have Mr. Roberts's information on him, so Deputy Curtis asked Demastus to watch Mr. Roberts while he went to the patrol car to retrieve Mr. Roberts' identifying information.

25. Deputy Curtis stated he went to the car and got Mr. Roberts' ID and the can of air duster so he could show medical staff what he was inhaling.

26. Deputy Demastus told Deputy Curtis Mr. Roberts was responsive but not using words.

27. Deputy Curtis then decided at that point they needed to enter the bathroom to help Mr. Roberts so they could get him into a room for evaluation.

28. Deputy Curtis stated they went in the bathroom and Mr. Roberts was "leaned over himself."

29. Deputy Curtis said his initial thought was that Mr. Roberts had fallen asleep.

30. Deputy Curtis tried to talk to Mr. Roberts with no response,

31. Deputy Curtis lifted Mr. Roberts up and observed his face to be very pale and felt like "dead weight" when trying to lift him.

32. Deputy Curtis said he then checked for a pulse and didn't locate one,

33. Deputy Curtis told Deputy Clark who was also now at the hospital, to get help.

34. Deputy Curtis administered Narcan to Mr. Roberts, and he appeared to respond to the Narcan.

35. Mr. Roberts came to and made noise, then hospital staff entered the bathroom.

36. Deputies and medical staff rendered aid but ultimately Mr. Roberts died.

37. An autopsy determined the cause of death to be Diflouroethane Intoxication related to the abuse of the air dusters.

STATEMENT OF THE LAW

The question in the case of an in-custody death is whether the acts of any employee constitute any degree of homicide. In Idaho, there are two prosecutable forms of homicide:

Murder is defined as:

“Murder is the unlawful killing of a human being with malice aforethought.

“Malice is that state of mind manifested by the doing of an unlawful and felonious act intentionally, deliberately, and without legal cause or excuse.

“Malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.”¹

First degree murder is defined as follows:

“Murder in the First Degree is defined in this case as all murder which is perpetrated by any kind of wilful, deliberate and premeditated killing.

“In order to prove the commission of the crime of Murder in the First Degree, each of the following elements must be proved beyond a reasonable doubt:

(a) That a human being was killed;

- (b) That the killing was unlawful;
- (c) That the killing was done with malice aforethought;
- (d) That the killing was willful;
- (e) That the killing was deliberate; and
- (f) That the killing was premeditated.”

Second degree murder is defined as follows:

“Murder in the Second Degree is defined in this case as all other kinds of murder.

“In order to prove the commission of the crime of Murder in the Second Degree, each of the following elements must be proved beyond a reasonable doubt:

- (a) That a human being was killed;
- (b) That the killing was unlawful;
- (c) That the killing was done with malice aforethought.”

The elements differentiating first and second degree murder are as follows:

“Any unlawful killing of a human being with malice aforethought is murder. If nothing further characterizes the killing, the murder is of the second degree. To constitute the higher offense of murder in the first degree, there must be wilfulness, deliberation and premeditation in addition to malice aforethought.

“Wilfulness means that there was manifested a clear intent to take life.

“Deliberation and premeditation means done with reflection and conceived beforehand and not done upon a sudden heat of passion or other condition precluding the idea of deliberation.

“Premeditation does not require an appreciable space of time between the intention to kill and the killing; they may be as instantaneous as successive thoughts of the mind.”²

Manslaughter is the unlawful killing of a human being including, but not limited to, a human embryo or fetus, without malice. It is of three (3) kinds:

- (1) Voluntary—upon a sudden quarrel or heat of passion.
- (2) Involuntary—in the perpetration of or attempt to perpetrate any unlawful act, other than those acts specified in section 18-4003(d), Idaho Code; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection; or in the operation of any firearm or deadly weapon in a reckless, careless or negligent manner which produces death.
- (3) Vehicular³

It is long settled law in Idaho that “malpractice” in providing medical care invokes civil but not criminal liability:

The failure to exercise due caution and circumspection by one who undertakes to diagnose, treat, operate, or prescribe for disease or physical ailment of another, defined in instruction to be “the failure or omission on his part to exercise such skill and care as are ordinarily exercised by others practicing his profession under like or similar circumstances”, invokes the rule with respect to civil liability of physicians and surgeons, which is based on implied contract between them and their patients, and not the rule of criminal liability to the state for malpractice resulting in the death of the patient, and in making the practitioner guilty of manslaughter.⁴

That court went on to explain, “Where death results in consequence of a negligent act, it would seem that to create criminal responsibility the degree of negligence must be so gross as to amount to recklessness. Mere inadvertence, while it might create civil liability, would not suffice to create criminal liability. *** And it is not sufficient to create criminal liability to show that the act which caused death constituted a tort.”⁵

LEGAL ANALYSIS AND CONCLUSION

Based on my review of the investigation into the death of James Ryan Roberts, I find no evidence of any intentional act or omission by any employee of the Bonneville County Sheriff's Office that led or contributed to his death. It appears Mr. Ryan succumbed solely to the consequences of his own decisions and actions.

As to any “failure or omission *** to exercise such skill and care as are ordinarily exercised by others practicing [the medical] profession under like or similar circumstances” committed by medical personnel, I offer no opinion, because this is beyond the scope of my review. But I do conclude that even if such a failure or omission existed, under Idaho law, criminal liability would not attach.

Therefore, any prosecution against any employee of the Bonneville County Sheriff’s Office is DECLINED.

¹ I.C. § 18–4002

² I.C. § 18–4003

³ I.C. § 18–4006

⁴ *State v. McMahan*, 57 Idaho 240, 65 P.2d 156, 161 (1937).

⁵ *Id.* citing *State v. Custer*, 129 Kan. 381, 282 P. 1071, 1076, 67 A.L.R. 909.