

BARRY MCHUGH  
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STATE OF IDAHO } SS  
COUNTY OF KOOTENAI }  
FILED: *12/19/18*  
AT *11:30* O'CLOCK A.M.  
CLERK DISTRICT COURT  
*Kate W. [unclear]*  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,  
Plaintiff,

vs.

MELISSA KAY FOELLER  
Defendant.

Case No. CR28-18-*20682*

**BAIL MEMORANDUM**

COMES NOW, BARRY MCHUGH, Prosecuting Attorney, and moves this Court to establish bail for the Defendant herein in the amount of \$50,000. As grounds therefore, Counsel states that she has reviewed available police reports, NCIC files and miscellaneous community contacts and states as to the Defendant:

- 1) Employment Status: Last counsel was aware, Defendant was employed on a temporary basis in Washington.
- 2) Family Status: Counsel is aware Defendant has a husband.
- 3) Past and Present Residence: Defendant resides in Idaho.
- 4) Character and Reputation: Defendant was stealing money from her employer since 2008 by her own admission.
- 5) Availability of Person(s) to Assist in Attending Court: Unknown.
- 6a) Nature of Current Charge: Defendant was in a position of authority as payroll accountant

BAIL MEMORANDUM

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for Silverwood and she and her direct supervisor together embezzled almost \$1 million from the company over the course of a decade.

6b) Mitigating/Aggravating Circumstances: Defendant was in a position of trust and authority to commit this crime and also continued to engage in the theft over the course of many years.

7) Criminal Record: None

8) Facts Indicating Possibility of Violation of Law if Released Without Restrictions:

Unknown

9) Other Facts Indicating a Need for Bond and Bond Restrictions: The nature of the charges is egregious. Defendant alone is thought to have embezzled well over \$500,000 from Silverwood in her position as payroll accountant since 2008. Together with her supervisor Christopher Wyatt, they embezzled almost \$1 million. Defendant is an educated woman who knew what she was doing and that it was wrong, but continued to engage in the theft for years. A \$50,000 bond is appropriate here.

**RESPECTFULLY SUBMITTED** this 19th day of December, 2018.

DATED this 19<sup>th</sup> day of December, 2018.

BARRY MCHUGH  
Kootenai County Prosecuting Attorney



Casey Becker Riedner Simmons  
Deputy Prosecuting Attorney

BARRY MCHUGH  
Kootenai County Prosecuting Attorney  
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Assigned Attorney: Casey Becker Riedner Simmons

STATE OF IDAHO } SS  
COUNTY OF KOOTENAI }  
FILED: 12/19/18  
AT 11:30 O'CLOCK A.M.  
CLERK DISTRICT COURT  
Kara Wayman  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,  
Plaintiff,  
vs.  
MELISSA KAY FOELLER  
DOB:05/17/1974  
Defendant.

Case No. CR28-18-28-20687  
Grand Jury No. CV28-18-162  
INDICTMENT

Agency Case: 17-45833 K.C.S.O.

MELISSA KAY FOELLER is accused by the Grand Jury of Kootenai County, by this  
Indictment, of the crime(s) of: FIVE COUNTS, Grand Theft by Unauthorized Control, Idaho  
Code §18-2403(3), 18-2407(1)(b)(1), committed as follows:

COUNT I

That the Defendant, MELISSA KAY FOELLER, on or between December 1, 2013 and  
December 31, 2013, in Kootenai County, Idaho, took and/or exercised control over and/or made  
transfer of money in excess of one thousand dollars (\$1,000) of United States currency from the  
owner, Silverwood, knowing she was not authorized to do so and with the intent to deprive the  
owner of such property;

Wayman

## COUNT II

That the Defendant, MELISSA KAY FOELLER, on or between January 1, 2014 and December 31, 2014, in Kootenai County, Idaho, took and/or exercised control over and/or made transfer of money in excess of one thousand dollars (\$1,000) of United States currency from the owner, Silverwood, knowing she was not authorized to do so and with the intent to deprive the owner of such property;

## COUNT III

That the Defendant, MELISSA KAY FOELLER, on or between January 1, 2015 and December 31, 2015, in Kootenai County, Idaho, took and/or exercised control over and/or made transfer of money in excess of one thousand dollars (\$1,000) of United States currency from the owner, Silverwood, knowing she was not authorized to do so and with the intent to deprive the owner of such property;

## COUNT IV

That the Defendant, MELISSA KAY FOELLER, on or between January 1, 2016 and December 31, 2016, in Kootenai County, Idaho, took and/or exercised control over and/or made transfer of money in excess of one thousand dollars (\$1,000) of United States currency from the owner, Silverwood, knowing she was not authorized to do so and with the intent to deprive the owner of such property;

## COUNT V

That the Defendant, MELISSA KAY FOELLER, on or between January 1, 2017 and July 31, 2017, in Kootenai County, Idaho, took and/or exercised control over and/or made transfer of money in excess of one thousand dollars (\$1,000) of United States currency from the owner, Silverwood, knowing she was not authorized to do so and with the intent to deprive the owner of