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RE: Boundary County Incident 01-2023-00131

I am Nick Lepire, Senior Deputy Prosecutor for Bonner County. I have been tasked with reviewing the above-referenced incident number from Boundary County, due to a conflict of interest, for potential Battery charges per Idaho Code §18-903.

Specifically, Mark Moseley (hereinafter "Moseley") has requested that Danielle Ahrens be charged with Battery based upon an incident that occurred in Mugsy's meeting room on 3/6/23. Danielle Ahrens (hereinafter "Ahrens") has not asked that Mark Moseley be charged with Battery. Therefore, I have been tasked with reviewing whether Ahrens committed a Battery on Moseley by: willfully and unlawfully using force or violence; or intentionally and unlawfully touching or striking; or unlawfully and intentionally causing bodily harm, as contemplated by Idaho Code §18-903.

To commit a Battery as referenced above, the three potential ways to commit that crime all provide that the actions (use of force or violence; touching or striking; or causing bodily harm) have to be done unlawfully. This signifies that a Battery might not be unlawful if it is done under self defense, or defense of property.

A person may use reasonable force to defense property under Idaho law. A person may also use reasonable force to protect themselves if they believe they are in imminent danger of bodily harm, and the actions they took were necessary to prevent that bodily harm, under Idaho law.

The issue in this case is whether on 3/6/23 Ahrens committed a Battery on Moseley; and if so, whether Ahrens was justified in doing so to either because she was engaged in self defense; or defense of her property.

In this case, there are differing accounts of what happened on 3/6/23. I have reviewed the witness statements forms collected, recorded audio interviews, and most importantly, I have reviewed the surveillance video from the Mugsy's meeting room from 3/6/23.

What is clear to me is that both Ahrens and Moseley believed that each other had items of personal property of the other. Moseley believed that Ahrens had his phone, and Ahrens also believed that Moseley had her phone. They were both motivated at the same time to get their respective phones back from the other. In reviewing the meeting room video, Ahrens clearly placed Moseley's belongings on a table. Moseley was walking around, gesturing, and while doing so had some items in his off hand. Based upon the video it is supported that Moseley would have known Ahrens did not have his phone on

her person, and also that Ahrens could have believed Moseley did still have her phone. In reality, at the point of any physical altercation, neither Moseley nor Ahrens actually had each other's phones. What is more important however, is that both parties apparently still believed the other had their phone.

When interviewed by law enforcement, Ahrens indicated that at the point she and Moseley met each other at the end of a row of tables, that Moseley hit her with his body, in a body check type of motion. She then explained she threw her body weight back into him, and he fell down. Ahrens felt like Moseley fell down on purpose to be dramatic.

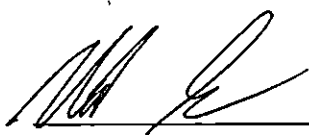
When Moseley was interviewed, he expressed that he believed Ahrens was going to throw his phone into a toilet, and that Ahrens was in an uncontrollable violent rage. Moseley expressed that Ahrens grabbed him, shook him, and hit him, causing him to fall.

Since there are conflicting versions of what happened, the video evidence from the meeting room has become the most meaningful evidence. The video does not support Moseley's version that Ahrens was in an uncontrollable rage. The video shows Moseley gesturing, and yelling, but does not show Ahrens yelling or gesturing back. Unfortunately, where the physical altercation took place in the meeting room was not captured by the video. The result is any actual physical contact is not shown on the video – only the moments leading up to it, and the moments immediately after it. The video does not show who touched who first, and it does not show whether Moseley fell down. The audio on the video shows that in the moments leading up to any physical contact, Ahrens can be heard saying "give me my phone back."

What is available from the video evidence, does not fully support the version of events as laid out by Moseley. However, the video does not show objectively what physically happened between Ahrens and Moseley. Therefore, I am left with the differing accounts. Both Ahrens and Moseley's accounts support that they each believed they needed to retrieve their respective phones, possibly providing them with a justification to use reasonable force. Unfortunately, without the physical altercation being captured on video, it is impossible to know whether any force used was reasonable.

Additionally, both their versions paint the other as the primary aggressor, thereby providing them with a colorable claim of self defense. Again, without the benefit of objective video evidence, it is impossible to see whether Ahrens or Moseley engaged in the first act of contact. Therefore, I am unable to determine a primary aggressor in this incident. Without being able to determine who might have been the primary aggressor, I am in turn unable to determine who might have had a right to self defense.

Therefore, in conclusion, I am unable to bring forth a charge of Battery against Ahrens. This is because I am unable to establish whether she was the primary aggressor, or not. I am also unable to rule out that Ahrens might have a claim of self defense. The end result is I do not believe I have probable cause to believe Ahrens committed the crime of Battery. I am therefore declining to prosecute this matter.



Nicholas Lepire
Bonner County Senior Deputy Prosecutor