

**BONNER COUNTY PROSECUTING ATTORNEY**

127 S. First Avenue  
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*Assigned Prosecutor:*  
**LOUIS E. MARSHALL, ISB #6441**

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

<b>STATE OF IDAHO,</b>  Plaintiff,  v.  <b>JAMES DAVID RUSSELL,</b> DOB: 02/03/1982 SSN: XXX-XX-8509  Defendant.	Case No.: _____  <b>CRIMINAL COMPLAINT</b>  AGENCY: BCSO #21-020948
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**COMES NOW**, Louis E. Marshall, Prosecuting Attorney for the County of Bonner, State of Idaho, and complains that the above-named defendant did commit the following crime(s):

**COUNT I**  
**MURDER IN THE FIRST DEGREE**  
**(Felony, Idaho Code §18-4003(d))**  
**(Max. Penalty: 10 Years - Life/\$50,000)**

The Defendant, **JAMES DAVID RUSSELL**, on or about September 10, 2021, in the County of Bonner, State of Idaho, did willfully, unlawfully, deliberately, with premeditation and with malice aforethought or intentional application of torture with

the intent to cause suffering, kill and murder David M. Flaget, a human being, by binding his wrists and inflicting blunt force trauma to his head or in the alternative binding his wrists, mutilating his body by removing large areas of skin and members of his body, and inflicting blunt force trauma to his head, from which he died from cumulative injuries suffered at the defendant's hands.

All of which is contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Idaho.

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

**WHEREFORE**, Complainant prays that the Defendant be dealt with according to law.

**DATED** this 13<sup>th</sup> day of September, 2021.

*/s/ Louis E. Marshall*  
**LOUIS E. MARSHALL, COMPLAINANT**  
**Bonner County Prosecuting Attorney**

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

STATE OF IDAHO

Plaintiff,

v.

RUSSELL, JAMES DAVID,

DOB: [REDACTED]

SSN: XXX-XX [REDACTED]

Defendant.

Court Case Number:

CR09-21-3993

PROBABLE CAUSE AFFIDAVIT

BCSO Incident #: 21-020948

I, Detective Mike Gagnon, the undersigned, being first duly sworn on oath, depose and say that:

- 1) I am a duly appointed, qualified, and acting peace officer in the State of Idaho and am employed by the Bonner County Sheriff's Department;
- 2) I am the same person whose name is subscribed to the attached Citation(s), if any;
- 3) The Defendant was identified by:

Military ID

State ID Card

Student ID Card

Credit Card

Driver's License

Paperwork found

Verbal ID by defendant

Identity confirmed through in-house records.

Identified by witness: Elizabeth Russell, Mark Russell.

- 4) The Defendant is currently:

not in custody.

in custody.

- 5) I believe that there is probable cause to believe the defendant committed the crime(s) of: **First Degree Murder I.C.18-4003(d)**, because of the following facts:

*[You must clearly articulate: 1) the facts giving rise to the stop/contact/investigation; 2) the facts regarding EVERY element of the offense(s) for which you believe PC exists; 3) why it is believed that the Defendant committed the offense(s); and 4) state the source of all information provided – stating what you observed and what you learned from someone else, and identifying such persons below].*

On September 10, 2021 around 16:17 Bonner County Dispatch was advised of a possible homicide at 168 Lower Mosquito Creek Rd in Clark Fork, Idaho in Bonner County. Initial statements to Dispatch from Reporting Party's (RP) Mark Russell and Elizabeth Russell (brother and sister) said that David M. Flaget was deceased inside a pickup truck located on the property ([REDACTED]) of the Russell's. Mark Russell stated he believed his nephew, James David Russell (Jimmy) was a possible suspect. Jimmy was eventually located by Bonner County Sheriff's Office (BCSO) personnel and detained.

Elizabeth Russell advised she saw Jimmy Russell around Flaget's truck sometime around 10:30 AM wearing a stripped shirt, and shorts. She saw Jimmy carrying a large duffle bag and a blue bucket.

As BCSO units arrived they found a male matching the given description and wearing gloves in the area of the vehicle. The male was later confirmed to be Jimmy Russell. When confronted, Jimmy ran in the direction of the main house and a garage/loft (two separate buildings). A foot pursuit followed. Eventually Jimmy was located in the loft. After a brief standoff, Jimmy surrendered without incident. Jimmy was detained, handcuffed and placed into a patrol vehicle.

Note: the loft over the garage was actually a small apartment and is known to be Jimmy's residence while he stays at the property.

Note: when Jimmy surrendered, he was wearing tan trousers and a striped shirt. Jimmy also had long brown unkempt hair.

With the scene now secure we began our investigation.

Elizabeth Russell:

Elizabeth stated around 10:30am she saw Jimmy walking between the main lodge and the garage and he was running with a black duffel bag and latex gloves. A few minutes later she saw Jimmy again and he did not have the duffel bag or gloves. Elizabeth said Jimmy was sweating and moving quickly. Elizabeth then went over to where Jimmy was and there was a dark pickup. Elizabeth assumed the truck belonged to the caretaker on the property she identified as David Flaget. Elizabeth felt it was strange that Flaget's pickup was parked at this location as he never parks in this spot. Elizabeth asked Jimmy whose pickup it was and Jimmy replied that it wasn't his. Elizabeth had noticed that the black duffel bag she saw with Jimmy was now sitting on the ground next to the pickup. Additionally, Elizabeth noticed a blue bucket of soapy water on the ground next to the pickup. After Elizabeth asked Jimmy about the truck, she said he picked up the bag and supplies and walked off.

Around a half an hour later, her brother Mark Russell, came to the property to work on some mining projects. Mark needed access to the upper loft area above the garage. Elizabeth said the door was locked and barricaded. Elizabeth spoke with Jimmy, announced her intentions to allow Mark in to repair the internet cables in the room. (The loft area is the hub for the internet used on the property). Elizabeth used her key to unlock the door and she pushed open the door and the barricade (eventually determined to be a bed). She found Jimmy inside.

After gaining entry, there was a brief confrontation between Mark and Jimmy. Elizabeth stated Jimmy was agitated and aggressive towards Mark. There was no physical contact, but Jimmy made accusations to Mark that he did not know him and Mark was not part of the family. Jimmy later text messaged Mark and apologize for the incident.

Around 15:45 Elizabeth noted the pickup was still parked in the same place. Elizabeth decided to look into the truck. Elizabeth looked in the truck and saw what she believed to be a body wrapped in plastic inside the truck. Elizabeth immediately went to the main lodge, gathered her mother and they left the property. Elizabeth then went to her brother Mark, who was working in the family mine just above the property, explained to him what she had seen. This ended Elizabeth's involvement until BCSO units arrived.

Mark eventually made the first call to 911 at 16:15 with Elizabeth by his side. Elizabeth said she assumed the body inside the pickup was Dave, the caretaker for their property. Elizabeth said she did not move the body or attempt to identify him.

Mark Russell:

Mark said he came to the property between 11:00-11:30 to repair the internet. Mark stated Jimmy was living in the loft where the internet hub was located. Mark stated Jimmy had an irrational fear the internet was causing problems with his mental health and would routinely unplug the cables or remove the internet fixtures to make them inoperable.

On this day, Mark went to the loft to make the necessary repairs. When he went to the loft, the entrance door was barricaded with a bed. Mark said this was the first time Jimmy had barricaded the door. With Elizabeth's assistance, they made entry. After entering, Jimmy told Mark he did not know who he was and their property was for family only. Note: Mark says he and Jimmy have known each

other for several years and their relationship had been good until this point. Mark said Jimmy had become aggressive and he was in fear his continued presence may escalate and already tense situation. Mark said he quickly retrieved his internet equipment and left. While this confrontation was verbal only, it was obvious something was wrong with Jimmy and he feared Jimmy may have become physical had he not left.

Next, investigators made our way to the truck which was located a few hundred yards to the northeast of the loft. The truck was parked in a north/south direction. The truck was identified as a four door 2005 black Chevrolet Silverado (Idaho LP [REDACTED] VIN: [REDACTED]). The registered owner is David Flaget.

The truck was locked with no keys available; investigators forced entry by breaking the driver side front window. Inside the vehicle we found a deceased male (later the deceased was identified as David Flaget) in the front passenger's seat. Flaget was naked from the waist down. His head was on the passenger's side front floorboard with most of his body in the front passenger seat. In the rear seat were bloodied articles of clothing.

After removing Flaget from the vehicle, his injuries were photographed and documented. Flaget's head appeared to have suffered massive trauma and is likely the cause of death. Evidence of post mortem mayhem was present along the right thigh, anus and genitalia. Flaget's body was sealed into a bodybag by Coroner Beers. the body was removed by Lakeview Funeral Home.

Jimmy was transported to the Bonner County Jail. After reading him his Miranda Rights several times it was apparent Jimmy was not able to understand those rights. Jimmy did make one unsolicited statement, " It's private property and we don't like non-family on it".

At this point search warrants were applied for and granted for the vehicle, loft, mechanics shop and the main house.

On September 11, 2021 Investigators served the warrants.

While searching Jimmy's residence, the loft area where he was located and surrendered himself to BCSO personnel, investigators found suspected human flesh , latex gloves, bloody newspapers, bloody duct tape pieces, cutting implements with suspected blood, several areas of blood. Inside the dryer, also located in the loft were a blue striped shirt and shorts matching the original clothing description provided by the Russell's.

Given the facts that both Mark and Elizabeth Russell who have known James "Jimmy" Russell for an extended period listed him as a probable suspect, the fact Elizabeth Russell witnessed Jimmy in the area of the pickup truck acting suspiciously. The fact Russell's clothing description initially provided to dispatch matched the shorts and shirt found in the dryer in the loft. The fact that the suspected human flesh, bloody newspapers, bloody cutting implements, the several areas of blood inside the loft, latex gloves matching Elizabeth's initial account and bloody duct tape were all found inside the loft where Jimmy surrendered and is known to be the sole resident, along with the post-mortem mayhem on the body, I believe Probable cause exists to charge James D Russell with First Degree Murder I.C. 18-4003(d).

*[Briefly explain specialized training, experience, or expertise utilized relating to the offenses listed. For example, if a drug offense has been committed, briefly explain your training, experience and qualifications to identify the substance and/or paraphernalia at issue].*

I am a duly appointed, qualified, and Idaho POST certified Peace Officer since 2012. I have been continuously employed with the Bonner County Sheriff's Office since April of 2015. During my time of employment, I have worked in the Patrol Division, and as of October of 2020, I was promoted to the

Criminal Investigation/Detectives Division. Prior to working for Bonner County, I was a Police Officer for the City of Priest River in Priest River, Idaho from December of 2012 until April of 2015. Related training and instruction include Basic Criminal investigation, (to include review of computer crimes) and New Detective training, Interview and Interrogation, Death investigation, Detecting deception, Force Encounter Analysis, Auto Theft investigation, Criminal and Terrorist interdiction, Crisis Intervention Training and Field Training Officer. Currently I hold an intermediate patrol certificate for Idaho Peace Officer Standards and Training. (P.O.S.T)

*[If the offense involves testing or comparison analysis, briefly explain the test and results. For example, if a drug offense has been committed explain 1) what tests were performed and 2) what the results were].*

- 6) The events described above, which give rise to the criminal offenses believed to have been committed, occurred on or about the date(s) of September 10, 2021, in:
- The City of Sandpoint, County of Bonner, State of Idaho:
  - Bonner County, State of Idaho.
- 7) Based on the investigation detailed above *[complete all that apply]*:
1.  A Uniform Citation, number \_\_\_\_\_, was personally served on the Defendant for the Misdemeanor offense(s) detailed in paragraph 5 above.
  2.  A Uniform Citation, number \_\_\_\_\_, which is attached hereto, for the Misdemeanor offense(s) detailed in paragraph 5 above, has not yet been served on the defendant:
    - a.  and a Complaint/Summons is requested.
    - b.  and an Arrest Warrant is requested because: \_\_\_\_\_.
  3.  A request for the filing of a Felony Criminal Complaint has been made upon the Bonner County Prosecutor's Office for the Felony offense(s) detailed in paragraph 5.
    - a.  and a Complaint/Summons is requested.
    - b.  and an Arrest Warrant is requested because: \_\_\_\_\_.
- 8) The following documents are attached hereto and are incorporated by reference *[No police reports AND No Lab Reports if NIK was positive]*:
- Copy of Protection Order     Copy of NCO     Laboratory Report     \_\_\_\_\_

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF BONNER            )

By my signature, I hereby certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the information contained in this document, and attached reports and/or documents that may be included herewith, is true and correct to the best of my information and belief.

DATED this 11, day of September, 2021.

*Michael R. Gagnon # 409*

\_\_\_\_\_  
Detective Mike Gagnon, affiant

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

STATE OF IDAHO  
Plaintiff,

Case No. CR09-21-3993

v.

Russell, James  
Defendant

Notification of Rights (Felony)

Refused to sign rights.  
Verbally advised of felony  
rights. *AW 415*

You have been charged with the felony criminal offense(s) of:

Count	Statute I.C. §	Charge Desc
1	<u>18-4003</u>	<u>Murder First Degree</u>
2	_____	_____
3	_____	_____

It is very important that you read this notification of your rights and understand them fully before signing this document. If you have any questions concerning these rights, you may ask the judge when your case is called or consult an attorney.

Please initial each item which is fully understood; Leave blank any items which you do not understand.

- \_\_\_\_ 1. You have the absolute right to remain silent and the privilege against self-incrimination (the state cannot force you to testify against yourself). Any statement you make is a part of the record and may be used against you.
- \_\_\_\_ 2. You have the right to represent yourself and present your case without the aid of an attorney.
- \_\_\_\_ 3. You have the right to hire your own attorney to represent you in this matter. If you wish to be represented by an attorney but feel you cannot afford one, you may apply to the Court to appoint an attorney for you, but you may be required to repay the County for the attorney fees.
- \_\_\_\_ 4. Under the law, you are presumed innocent unless you plead "guilty" or are proven as such.

5. The charge(s) pending before the Court are felony matters. If you are charged by a criminal complaint, they must be set for a preliminary hearing within fourteen (14) days if you are in custody or twenty-one (21) days if you are not in custody, unless you waive the time period.
6. At the preliminary hearing, the State must prove that it is more probable than not that you committed the alleged crime(s) for which you have been charged. If the State meets this minimal burden of proof you will be bound over to District Court to answer to the charge(s) and that is where you will enter your plea.
7. If you are being charged by a Grand Jury Indictment you will be arraigned on that Indictment before another court on \_\_\_\_\_ before District Judge \_\_\_\_\_.
8. You have the right to a public and speedy jury trial or a court trial. If your case goes to trial, the burden will be upon the State to prove guilt beyond a reasonable doubt. At trial, you can question any witness who is going to testify against you and call your own witnesses to testify for you, as well as present evidence on your behalf.
9. If you are not satisfied with the decision of the Court, you may appeal to the next higher Court, so long as your Notice of Appeal is filed within forty-two (42) days of the entry of the decision.
10. If you are in custody, you have the following additional rights:
- a. That you have a right to communicate with an attorney or immediate family, and reasonable means will be provided for you to do so.
  - b. You have a right to bail which is an amount of money necessary to allow your release and assure your presence in Court at a future date.
11. If you have been arrested or are being held on a charge from a county other than this county you may request in writing that you wish to plead guilty to the charge in this county and consent to a disposition of the case in the county in which you were arrested, held, or are present, subject to approval by the prosecutors in each county.
12. Your exercise of any of these rights shall not be held against you. If you have any questions about these rights, ask the Judge at the next hearing.

Please mark the appropriate box to the following questions.

- Yes  No Have you received a copy of the charging document filed in this case?
- Yes  No Do you understand what you have been charged with?
- Yes  No Are you under the influence of any drugs or alcohol at this time?
- Yes  No Has anyone made you any promises or coerced you to act in this matter?



Yes  No Would you like the Court to read the charging document to you?

Please choose only one of the following options to indicate how you wish to be represented in this matter:

Yes  No I wish to apply for Court Appointed Attorney to represent me.

Yes  No I wish to be given a continuance to decide how I would like to be represented.

Yes  No I wish to retain/hire my own attorney.

Yes  No I wish to waive my right to be represented by an attorney. I will represent myself.

If you are on probation or parole a plea of guilty could serve as a basis for violating your probation or parole.

A plea of guilty or a conviction may impact your right to own or possess firearms. A plea of guilty or a conviction of certain charges may result in the loss of your driving privileges.

If you are not a citizen of the United States, and if you plead guilty or are found guilty you could be removed from the country, excluded from entering this country, and denied the opportunity to obtain legal status or become a naturalized citizen.

By signing this document, I acknowledge that I have read and fully understand my rights as indicated above.

9-11-21  
Dated

Refused to Sign  
Signature of Defendant

\_\_\_\_\_  
Typed/Printed Name

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

STATE OF IDAHO  
Plaintiff,

Case No. CR09-21-3993

v.

Russell, James  
Defendant.

Application for Attorney at Public Expense

*Wants to talk to Parants first.*

I want to be represented by an attorney in this case and I cannot afford to hire one. I understand that the information in this form cannot be used against me in any criminal case, except:

- To dispute the truth of my testimony if I choose to testify in court.
- In a prosecution for perjury or contempt if I provide information in this form that I know is false.

**CONTACT INFORMATION**

Name: \_\_\_\_\_ Year of birth: XX/XX/\_\_\_\_\_

Address: \_\_\_\_\_

Is this a jail, penitentiary, correctional, or mental health facility?  Yes  No

Mailing address (if different): \_\_\_\_\_

Email address: \_\_\_\_\_

Cell phone number: \_\_\_\_\_

Home phone number: \_\_\_\_\_

**DEPENDENTS**

Do you have any children, or other dependents, that you care for?  Yes  No  
If yes, how many? \_\_\_\_\_

Have you been ordered to pay child support for any of these dependents?  Yes  No  
If yes, how much do you pay per month: \$ \_\_\_\_\_

Do you receive child support payments for any of the dependents you have listed?  Yes  No  
If yes, how much per month: \$ \_\_\_\_\_

**EARNINGS**

Are you employed?  Yes  No

If yes, name and address of employer: \_\_\_\_\_

How much do you earn per month (after taxes): \$ \_\_\_\_\_

If no, give month and year of last employment: \_\_\_\_/\_\_\_\_

How much did you earn per month (after taxes): \$ \_\_\_\_\_

Did you receive any other income?  Yes  No

*This includes income from self-employment, rental payments, interest, dividends, retirement, pension, unemployment benefits, workers compensation, annuity payments, or other sources.*

If yes, how much did you earn per month (after taxes) \$ \_\_\_\_\_

Are you married?  Yes  No

If yes, spouse's name: \_\_\_\_\_

Name of spouse's employer (if employed): \_\_\_\_\_

How much does your spouse earn per month (after taxes): \$ \_\_\_\_\_

**PUBLIC ASSISTANCE**

Do you receive public assistance?  Yes  No

Examples: Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, food stamps, or childcare assistance.

If yes, how much do you receive per month: \$ \_\_\_\_\_

**ASSETS**

List total cash on hand (include money in savings or checking account): \$ \_\_\_\_\_

List the value of any stocks, bonds, coins, firearms, or precious metals you own: \$ \_\_\_\_\_

List the value of any other personal property with a value of over \$750: \$ \_\_\_\_\_

(example: vehicles, recreational vehicles, boats, ATV's, jewelry)

Description of property: \_\_\_\_\_

List the value of any estates or trusts you are beneficiary to: \$ \_\_\_\_\_

List the value of any homes or real-estate you own: \$ \_\_\_\_\_ \$ \_\_\_\_\_

Value

Amount owed

**DEBTS**

List your debts (example: credit card, student loans, outstanding child support obligations, and other debt):

Description of Debt	Amount Owed
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

**EXPENSES**

List your monthly expenses (example: rent, food, utilities, transportation, child support):

Description of Expense	Monthly Amount Paid
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Typed/Printed Name

NOTICE: If an attorney is appointed to represent you at public expense, and if you plead guilty or are found guilty of any crime, you may be required by the court to reimburse the county for all or a portion of the cost of the legal services you have received.

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

STATE OF IDAHO  
Plaintiff,

v.

JAMES DAVID RUSSELL  
Defendant.

Case No. CR09-21-3993

Order Appointing Public Defender  
I.C. §19-852; 19-854

The Court finds Defendant indigent pursuant to I.C. § 19-852 and 19-854. The public defender is ordered to represent Defendant in all matters pertaining to this action. Defendant may be required to reimburse the county for all or a portion of the costs of representation.

The Bonner County Public Defender's Office is located at 123 S 1st Ave., Sandpoint, ID 83864. The phone number is 208-255-7889 and E-mail is [pubdefefile@bonnercountyid.gov](mailto:pubdefefile@bonnercountyid.gov).

The Court does not find Defendant to be indigent, the application for public defender is denied.

IT IS SO ORDERED.

Dated: 9/13/2021 1:50:03 PM

  
\_\_\_\_\_  
Judge Tera A. Harden

**CERTIFICATE OF SERVICE**

I certify that on this date, I served a copy of the attached to:

Louis E. Marshall  
BCPD

[prosefile@bonnercountyid.gov](mailto:prosefile@bonnercountyid.gov)  
[pubdefefile@bonnercountyid.gov](mailto:pubdefefile@bonnercountyid.gov) [x] By E-mail

[X] By E-mail

Michael W. Rosedale  
Clerk of the Court

Dated: 9/13/2021 02:03:28 PM

By:   
\_\_\_\_\_  
Deputy Clerk

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

STATE OF IDAHO  
Plaintiff,

v.

JAMES DAVID RUSSELL  
Defendant.

Case No. CR09-21-3993

Conditions of Bail or Release

Bail is set in the amount of **Defendant to be held without bond pending further order of the court pursuant to I.C. R Rule 46 (b).**  The defendant is released on his/her own recognizance. The Defendant is ordered, as a condition of bail or release, to comply with the following: (I.C.R. Rule 46(e))

Report to pretrial release program within \_\_\_\_\_ days and comply with all conditions of pretrial release.

Have no new felony or misdemeanor charges.

Appear for all Court dates on time and be prepared for Court proceedings.

Stay in contact with your attorney and keep your attorney informed of your current mailing address and telephone number.

Do not consume alcohol or illegal drugs or possess any controlled substance without a valid prescription.

Submit to and pay all costs associated with SCRAM or other alcohol monitoring.

Submit to testing for alcohol or drug usage at Defendant's own expense at the request of the Court, Court personnel or law enforcement or by: \_\_\_\_\_

Do not appear for Court with any amount of alcohol or illegal drugs in your system.

Do not operate a motor vehicle with any amount of alcohol or illegal drugs in your system.

Do not operate a motor vehicle without valid liability insurance and valid driver's license.

Geographical restrictions:

remain within the State of Idaho.  exception: \_\_\_\_\_

remain within Bonner County  exception: \_\_\_\_\_

Do not go: \_\_\_\_\_

- Comply with all geographical restrictions contained in any no contact order and all other conditions of any no contact order entered in this case or any other case applying to the Defendant.
- Defendant's location shall be monitored by electronic GPS tracking. Defendant is notified that intentionally leaving the area of restriction, except for the purpose of obtaining emergency medical care, may be prosecuted for the crime of escape and subject you to prosecution for a felony if you are charged with convicted of or on probation for a felony I.C. 18-2505. If you are charged with, convicted of or on probation for a misdemeanor, you may be charged with a misdemeanor I.C. § 15-2506. The penalty for a felony is up to 5 years in prison or fine up to \$50,000 or both. If this charge is a misdemeanor the penalty is up to six months in jail or a fine of up to \$1,000 or both I.C. § 18-2506.
- If defendant leaves the State of Idaho, Defendant agrees to waive extradition to the State of Idaho, and Defendant agrees not to contest any effort by any state to return Defendant to the State of Idaho.
- If on probation, Defendant shall comply with terms and conditions of probation, and shall meet with Defendant's probation officer as requested.
- Do not associate with any individuals who are on probation/parole or involved in criminal activity.
- Have no contact with
- If sentencing is scheduled, Defendant shall meet and comply with requests of pre-sentence investigator.
- No disorderly, violent or insolent behavior in the Courtroom.
- Other Conditions: **Competency Evaluation ordered pursuant to 18-210/18-211(see separate order).**

If the Defendant fails to comply with any of these terms the Court may, pursuant to Idaho criminal Rule 46(i)(2) and I.C § 19-2919, revoke the Defendant's release and issue a warrant for the Defendant's arrest.

**IT IS SO ORDERED.**

Dated: 9/13/2021 2:02:34 PM

\_\_\_\_\_  
Defendant Signature

  
\_\_\_\_\_  
Judge Tera A. Harden

**CERTIFICATE OF SERVICE**

I certify that on this date, I served a copy of the attached to:


BCPA                      prosefile@bonnercountyid.gov

BCPD                      pubdefefile@bonnercountyid.gov

Defendant                

Michael W. Rosedale  
Clerk of the Court

Dated: 9/13/2021 02:05:35 PM

By:  \_\_\_\_\_  
Deputy Clerk

ADULT       JUVENILE

Filed: 09/13/2021 15:52:03MT  
First Judicial District, Bonner County  
Michael W Rosedale, Clerk of the Court  
By: Deputy Clerk - Nielsen, Jennifer

### JAIL INFORMATION FOR BONNER COUNTY SHERIFF'S OFFICE

JUDGE: H. R. Jensen      CASE NO: CP09-21-3993  
James      D.      Russell  
(SUBJECT'S FIRST NAME)      (SUBJECT'S MIDDLE NAME)      (SUBJECT'S LAST NAME)

BY VIDEO  
 SUBJECT APPEARED IN COURT ON: 09-13-21 AT 115 PM

SUBJECT IS TO:       BE OR'D       REMAIN IN CUSTODY  
                                  BE RELEASED BY JUDGES ORDER  
                                  BE RELEASED/TIME SERVED       BOND \$ None  
                                  BE RELEASED TO PARENT/PTA  
 MUST SIGN WAIVER OF EXTRADITION       WORK RELEASE/SEARCH GRANTED  
 AUTHORIZATION TO TRANSFER TO REGION ONE JUVENILE DETENTION CENTER GRANTED, IF NECESSARY.

SENTENCED TO:       \_\_\_\_\_ DAYS IMPOSED       \_\_\_\_\_ HOURS ON SHERIFF'S LABOR PROGRAM.  
                                  \_\_\_\_\_ DAYS SUSPENDED      **SIGN UP WITHIN SEVEN (7) DAYS FROM TODAY**  
                                  \_\_\_\_\_ DAYS TO SERVE      **AT SHERIFF'S OFFICE AND COMPLETE BY:**  
                                  \_\_\_\_\_ DAYS CREDIT      \_\_\_\_\_, 20\_\_

SUBJECT TO REPORT TO THE BONNER COUNTY JAIL ON: \_\_\_\_\_ AT \_\_\_\_\_ M  
 BREATH OR U/A TEST ORDERED \_\_\_\_\_ X'S WEEKLY ON: \_\_\_\_\_ AT \_\_\_\_\_ M  
 SUBJECT PLACED IN THE CUSTODY OF THE DEPT. OF HEALTH & WELFARE NOT TO EXCEED \_\_\_\_\_ YEAR(S).

SUBJECT SENTENCED TO SERVE NOT LESS THAN \_\_\_\_\_ AND NOT MORE THAN \_\_\_\_\_  
IN THE IDAHO STATE DEPT. OF CORRECTIONS.  
 THIS SENTENCE IS SUSPENDED.  PLACED ON \_\_\_\_\_ YEARS PROBATION.  
 SUBJECT TO BE PLACED IN THE **RETAINED JURISDICTION PROGRAM** FOR NOT MORE THAN 365 DAYS.  
 AS CONDITION OF PROBATION, SUBJECT TO SERVE \_\_\_\_\_ DAYS LOCAL JAIL.

CHARGES Video Assessment -  
1st Degree Murder I

status Review: 10-07-21 @ 11:30am  
Prelim - 09-22-21 @ 1:30pm (suspended)

JUDGE'S ORDER: SUBJECT IS TO Remain in Custody.  
Bail set at \$10,000 with 10% cash

JUDGE'S ORDER WILL FOLLOW       PUBLIC DEFENDER OFFICE APPOINTED  
[Signature]      [Signature]  
JUDGE'S SIGNATURE (if needed)      BAILIFF



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

STATE OF IDAHO  
Plaintiff,

v.

JAMES DAVID RUSSELL  
Defendant.

Case No. CR09-21-3993

Order for Competency Evaluation,  
I.C. §18-211 and Order Allowing Access

The above matter having come before this Court, and good cause appearing therefore;

IT IS ORDERED that Pursuant to Idaho Code § 18-211 all proceedings against the Defendant are suspended and,

the Defendant is ordered to be examined by a psychiatrist or licensed psychologist designated by the Bonner County Public Defender's Office and/or the Department of Health and Welfare as soon as possible.

the Defendant is suspected of being developmentally disabled and shall submit to an examination conducted by an Evaluation Committee appointed by the Department of Health and Welfare, Region \_\_\_\_\_ as defined in Idaho Code § 66-402(7) within two business days.

The Examiner shall report to the Court as specified below:

The report shall include the following:

- a) a description of the nature of the examination;
- b) a diagnosis or evaluation of the mental condition of the Defendant;
- c) an opinion as to the Defendant's capacity to understand the proceedings against him and assist in his own defense;
- d) an opinion whether the Defendant lacks the ability to make informed decisions about treatment. "Lack of capacity to make informed decisions about treatment" means the Defendant's inability, by reason of mental condition, to achieve a rudimentary understanding of the purpose, nature and possible significant risks and benefits of treatment, after conscientious efforts to explain.

The report shall be filed with the Clerk of the District Court. The Clerk shall provide a copy of the report to the prosecutor and the Defendant's attorney.



The examiner shall have three days to determine the best location for the examination. If deemed necessary for purposes of the examination, the examiner may request a Court Order for confinement to a jail, hospital or other suitable facility.

The Defendant may be required to reimburse the County for the cost of examination.

The Defendant is in custody. If not in custody, Defendant's contact information may be obtained from defense counsel:

If Defendant is in custody, the County Sheriff shall allow the evaluator designated by Health and Welfare entry into the County Jail in a private area. If Defendant wishes to be examined by an expert of his own choosing, the County Sheriff shall likewise allow the private examiner reasonable access to the Defendant in a private area for the purpose of the examination.

The prosecuting attorney's office and Defendant's counsel shall provide the examiner with police reports and such other discoverable, relevant information in their possession that the examiner deems necessary to conduct this evaluation.

If the examination cannot be conducted by reason of unwillingness of the Defendant to participate, the report shall so state and shall include, if practicable, an opinion on such unwillingness being a result of a mental disease or defect.

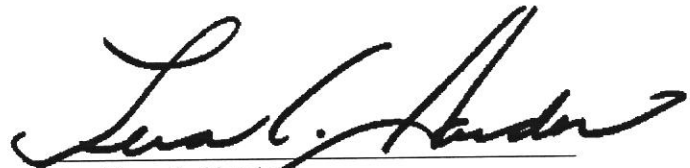
All reports presently existing or received in the future pertaining to the Defendant's condition shall be SEALED in the Court's file. (I.C.A.R. Rule 32(g)(17)(D)).

The Court has reset this case for review on:

<u>Hearing Type</u>	<u>Date</u>	@	<u>Time</u>
18-210/18-211 Status/Review Hearing	October 7, 2021		1:15 PM

**IT IS SO ORDERED.**

Dated: 9/13/2021 1:50:37 PM

  
\_\_\_\_\_  
Judge Tera A. Harden



CERTIFICATE OF SERVICE

I certify that on this date, I served a copy of the attached to:

Louis E. Marshall                      prosefile@bonnercountyid.gov                      [X] By E-mail

Idaho Department of Health and Welfare                      [X] By E-mail


Bonner County Jail                      [X] By E-mail

Evaluator                      [X] By E-mail

James David Russell  
[REDACTED]

- By E-mail     By mail
- By fax (number) \_\_\_\_\_
- By overnight delivery/Fed Ex
- By personal delivery

Michael W. Rosedale  
Clerk of the Court

By:  \_\_\_\_\_  
Deputy Clerk

Dated: 9/13/2021 02:04:37 PM



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

<p>STATE OF IDAHO Plaintiff, v. RUSSELL, JAMES DAVID, Defendant.</p>	<p>Case Number(s): CR09-21-3993  <b>ORDER FINDING PROBABLE CAUSE</b>  BCSO Incident #: 21-020948</p>
--	--

The above-named Defendant having been charged with, or arrested for, the offense(s) of: First Degree Murder I.C.18-4003(d), and the court having examined the affidavit of Detective Mike Gagnon, and any attached documentation, the Court finds a substantial and factual basis for believing that the offense(s) has/have been committed and that the Defendant committed it/them.

**WHEREFORE, IT IS HEREBY ORDERED** that:

- a Criminal Summons may be issued for the above-named Defendant, giving the Defendant a date certain to appear before the Court.
- a Warrant may be issued for the arrest of the above-named Defendant, or, if s/he has been arrested without warrant, that the Defendant may be detained and that s/he may be required to post bail prior to his release.

DATED this 12<sup>th</sup> day of September, 2021.

  
MAGISTRATE COURT JUDGE

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a true and correct copy of this Order Finding Probable Cause was caused to be served as follows:

**Bonner County Sheriff's Office:**

- Fax: (208) 265-4378 [fax only if PC was not found]
- I.O.M.

**Bonner County Prosecutor:**

- Fax: (208) 263-6726 [fax only if PC was not found]
- I.O.M.

9/13/2021 2:54:38 PM

  
CLERK / DEPUTY CLERK

**Filed:** 09/13/2021 at 3:59 PM.  
First Judicial District, Bonner County  
Michael W. Rosedale, Clerk of the Court  
By: *Jennifer Nielsen*, Deputy Clerk

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

STATE OF IDAHO  
Plaintiff,

v.

JAMES DAVID RUSSELL  
Defendant.

Case No. CR09-21-3993

Notice of Hearing

**NOTICE IS GIVEN** That the above-entitled case is set for:

<u>Hearing Type</u>	<u>Date</u>	<u>Time</u>	<u>Judge</u>
Review Hearing	10/07/2021	1:15 PM	Tera A. Harden

at the: Bonner County Courthouse, 215 South First Ave., Sandpoint, ID 83864.

Michael W. Rosedale  
Clerk of the Court

Dated: 09/13/2021

By: *Jennifer Nielsen*  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

**EMAILED:**

- [ x ] BCPA - [prosefile@bonnercountyid.gov](mailto:prosefile@bonnercountyid.gov)
- [ x ] BCPD - [pubdefefile@bonnercountyid.gov](mailto:pubdefefile@bonnercountyid.gov)
- [ x ] BCJail - [REDACTED]
- [ x ] DHW - [reg1odyssey@dhw.idaho.gov](mailto:reg1odyssey@dhw.idaho.gov)

Michael W. Rosedale  
Clerk of the Court

Dated: 09/13/2021

By: *Jennifer Nielsen*  
Deputy Clerk



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

State of Idaho  
 Plaintiff,  
 vs.  
 James David Russell  
 Defendant.

**Case No. CR09-21-3993**

**Court Minutes**

JUDGE: Harden, Tera A.  
 CLERK: Jennifer Nielsen  
 HEARING TYPE: Initial Appearance - Felony  
 Magistrate Court

DATE: September 13, 2021  
 LOCATION: 2  
 COURT REPORTER:  
 INTERPRETER:

**Parties Present: VIA ZOOM**

State of Idaho Attorney: SHERRITT in court  
 James David Russell Attorney: Susie D. Jensen  
 IN CUSTODY

**Hearing Start Time: 1:43 PM**

Journal Entries:

<u>01:43:19</u> PM	COURT	• CALLS CASE
<u>01:43:42</u> PM	DEFENDANT	• MAKES STATEMENTS
<u>01:43:48</u> PM	COURT	• CITES ALLEGATIONS & POTENTIAL PENALTIES
<u>01:44:53</u> PM	DEFENDANT	• UNDERSTANDS ALLEGATIONS & POTENTIAL PENALTIES/ MAKES STATEMENTS
<u>01:45:17</u> PM	COURT	• CITES RIGHTS • CITES PROCEDURES
<u>01:46:27</u> PM	DEFENDANT	• MAKES STATEMENTS
<u>01:46:56</u> PM	COURT	• CONTINUES CITING RIGHTS
<u>01:47:35</u> PM	DEFENDANT	• MAKES STATEMENTS
<u>01:47:42</u> PM	COURT	• CONTINUES CITING RIGHTS

<u>01:48:20</u> PM	DEFENDANT	<ul style="list-style-type: none"> <li>• UNDERSTANDS RIGHTS/ MAKES STATEMENTS</li> </ul>
<u>01:48:40</u> PM	COURT	<ul style="list-style-type: none"> <li>• <b>ARE YOU REQUESTING PUBLIC DEFENDER?</b></li> </ul>
<u>01:48:50</u> PM	DEFENDANT	<ul style="list-style-type: none"> <li>• MAKES STATEMENTS</li> </ul>
<u>01:49:10</u> PM	COURT	<ul style="list-style-type: none"> <li>• <b>DISCUSSES HIRING ATTORNEY</b></li> </ul>
<u>01:49:39</u> PM	COURT	<ul style="list-style-type: none"> <li>• <b>APPOINTS PUBLIC DEFENDER</b></li> </ul>
<u>01:49:44</u> PM	DEFENDANT	<ul style="list-style-type: none"> <li>• DOESN'T WANT</li> </ul>
<u>01:49:49</u> PM	COURT	<ul style="list-style-type: none"> <li>• <b>APPOINTS PUBLIC DEFENDER</b></li> <li>• <b>NEEDS REPRESENTATION</b></li> <li>• <b>NOT COMPETENT</b></li> <li>• <b>ORDERS 18-210-211 EVALUATIONS BASED ON RESPONSES TODAY</b></li> <li>• <b>ORDERS TO BE EVALUATED</b></li> </ul>
<u>01:50:22</u> PM	DEFENDANT	<ul style="list-style-type: none"> <li>• REFUSES</li> </ul>
<u>01:50:26</u> PM	COURT	<ul style="list-style-type: none"> <li>• <b>CONTINUES ORDERING</b></li> <li>• <b>SETS FOR STATUS REVIEW 10/7 115</b></li> <li>• <b>CONCERNED WITH COMPETENCY</b></li> </ul>
<u>01:50:48</u> PM	STATE	<ul style="list-style-type: none"> <li>• NO ADDITIONAL INFORMATION REGARDING COMPETENCE/ REQUESTING EVALUATION</li> </ul>
<u>01:51:06</u> PM	DEFENSE	<ul style="list-style-type: none"> <li>• NO OBJECTION/ AGREES WITH COMPETENCY EVAL</li> </ul>
<u>01:51:18</u> PM	DEFENDANT	<ul style="list-style-type: none"> <li>• REFUSES</li> </ul>
<u>01:51:35</u> PM	COURT	<ul style="list-style-type: none"> <li>• <b>SUSPENDS CRIMINAL PROCEEDINGS UNTIL EVAL</b></li> </ul>
<u>01:51:38</u> PM	DEFENDANT	<ul style="list-style-type: none"> <li>• MAKES STATEMENTS</li> </ul>
<u>01:51:48</u> PM	STATE	<ul style="list-style-type: none"> <li>• RECOMMENDATIONS: HOLD WITHOUT BOND</li> </ul>
<u>01:52:55</u> PM	DEFENSE	<ul style="list-style-type: none"> <li>• RECOMMENDATIONS: NO ADDITIONAL STATEMENTS</li> </ul>
<u>01:53:22</u>	COURT	<ul style="list-style-type: none"> <li>• <b>BASED ON FACTS IN PC &amp; ALLEGATIONS</b></li> </ul>

<u>PM</u>		<ul style="list-style-type: none"> <li>• EGREGIOUS ALLEGED OFFENSE</li> <li>• PUBLIC SAFETY AND MENTAL HEALTH</li> <li>• HELD WITHOUT BOND PENDING EVALUATION UNTIL FURTHER ORDER OF THE COURT</li> </ul>
<u>01:54:40</u> <u>PM</u>	COURT	<ul style="list-style-type: none"> <li>• ADDRESSES THE VICTIMS FAMILY</li> <li>• ENDS</li> </ul>

Hearing End Time:

Exhibits:



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

STATE OF IDAHO  
Plaintiff,

v.

JAMES DAVID RUSSELL  
Defendant.

Case No. CR09-21-3993

Conditions of Bail or Release

Bail is set in the amount of **Defendant to be held without bond pending further order of the court pursuant to I.C. R Rule 46 (b).**  The defendant is released on his/her own recognizance. The Defendant is ordered, as a condition of bail or release, to comply with the following: (I.C.R. Rule 46(e))

Report to pretrial release program within \_\_\_\_\_ days and comply with all conditions of pretrial release.

Have no new felony or misdemeanor charges.

Appear for all Court dates on time and be prepared for Court proceedings.

Stay in contact with your attorney and keep your attorney informed of your current mailing address and telephone number.

Do not consume alcohol or illegal drugs or possess any controlled substance without a valid prescription.

Submit to and pay all costs associated with SCRAM or other alcohol monitoring.

Submit to testing for alcohol or drug usage at Defendant's own expense at the request of the Court, Court personnel or law enforcement or by: \_

Do not appear for Court with any amount of alcohol or illegal drugs in your system.

Do not operate a motor vehicle with any amount of alcohol or illegal drugs in your system.

Do not operate a motor vehicle without valid liability insurance and valid driver's license.

Geographical restrictions:

remain within the State of Idaho.  exception: \_

remain within Bonner County  exception: \_

Do not go: \_\_\_\_\_

Comply with all geographical restrictions contained in any no contact order and all other conditions of any no contact order entered in this case or any other case applying to the Defendant.

Defendant's location shall be monitored by electronic GPS tracking. Defendant is notified that intentionally leaving the area of restriction, except for the purpose of obtaining emergency medical care, may be prosecuted for the crime of escape and subject you to prosecution for a felony if you are charged with convicted of or on probation for a felony I.C. 18-2505. If you are charged with, convicted of or on probation for a misdemeanor, you may be charged with a misdemeanor I.C. § 15-2506. The penalty for a felony is up to 5 years in prison or fine up to \$50,000 or both. If this charge is a misdemeanor the penalty is up to six months in jail or a fine of up to \$1,000 or both I.C. § 18-2506.

If defendant leaves the State of Idaho, Defendant agrees to waive extradition to the State of Idaho, and Defendant agrees not to contest any effort by any state to return Defendant to the State of Idaho.

If on probation, Defendant shall comply with terms and conditions of probation, and shall meet with Defendant's probation officer as requested.

Do not associate with any individuals who are on probation/parole or involved in criminal activity.

Have no contact with

If sentencing is scheduled, Defendant shall meet and comply with requests of pre-sentence investigator.

No disorderly, violent or insolent behavior in the Courtroom.

Other Conditions: **Competency Evaluation ordered pursuant to 18-210/18-211(see separate order).**

If the Defendant fails to comply with any of these terms the Court may, pursuant to Idaho criminal Rule 46(i)(2) and I.C § 19-2919, revoke the Defendant's release and issue a warrant for the Defendant's arrest.

**IT IS SO ORDERED.**

Dated: 9/13/2021 2:02:34 PM

  
Defendant Signature

  
Judge Tera A. Harden

**CERTIFICATE OF SERVICE**

I certify that on this date, I served a copy of the attached to:


BCPA                    prosefile@bonnercountyid.gov

BCPD                    pubdefefile@bonnercountyid.gov

Defendant            

Michael W. Rosedale  
Clerk of the Court

Dated: 9/13/2021 02:05:35 PM

By:  \_\_\_\_\_  
Deputy Clerk



CR09-21-3993

**BONNER COUNTY SHERIFF'S OFFICE**

4001 N. Boyer Road  
Sandpoint, Idaho 83864-1300

(208) 263-8417  
Fax: (208) 255-1975

**WAIVER OF EXTRADITION TO IDAHO**

I James David Russell, do freely and voluntarily state that I am the identical person against whom felony criminal proceedings are pending against me in the County of Bonner, State of Idaho, in Bonner County criminal case number CR09-21-3993. I further hereby freely, voluntarily and without promise of reward of leniency, agree, consent and elect to return to the County of Bonner, State of Idaho, without requisition papers, warrant of rendition or other form of process, having for their purpose my return to said County and State.

This AGREEMENT and WAIVER is made by me without any reference to my guilt or innocence and shall not be considered in any manner as prejudicing my case and not in any sense an admission of guilt, and further wholly exonerate and hold blameless in this matter the Sheriff of                     County, State of                    , and all persons active under him or her, and agree to accompany to the State of Idaho, any peace officer who may be sent to take me to the State for further proceedings.

THIS STATEMENT AND WAIVER, made in triplicate and executed in Sandpoint, Idaho, on the date of                     9/13/21                    .

[X] *James David Russell*  
Inmate Signature

WITNESSED BY:  
[X] *[Signature]* 481  
Deputy

[X] *Donald 227*  
Deputy

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

STATE OF IDAHO

Plaintiff,

v.

RUSSELL, JAMES DAVID,

DOB: 02/03/1982

SSN: XXX-XX-8509

Defendant.

Court Case Number: CR-20\_\_\_\_-\_\_\_\_

CR09-21-3993

**PROBABLE CAUSE AFFIDAVIT**

BCSO Incident #: 21-020948

I, Detective Sergeant Phillip Stella, the undersigned, being first duly sworn on oath, depose and say that:

- 1) I am a duly appointed, qualified, and acting peace officer in the State of Idaho and am employed by the Bonner County Sheriff's Department;
- 2) I am the same person whose name is subscribed to the attached Citation(s), if any.
- 3) The Defendant was identified by:

Military ID                       State ID Card                       Student ID Card                       Credit Card  
 Driver's License                       Paperwork found                       Verbal ID by defendant  
 Identity confirmed through in-house records.                       Identified by witness: \_\_\_\_\_.

- 4) The Defendant is currently:

not in custody.  
 in custody.

- 5) I believe that there is probable cause to believe the defendant committed the crime(s) of: I.C 18-5003 Cannibalism, because of the following facts:

*[You must clearly articulate: 1) the facts giving rise to the stop/contact/investigation; 2) the facts regarding EVERY element of the offense(s) for which you believe PC exists; 3) why it is believed that the Defendant committed the offense(s); and 4) state the source of all information provided – stating what you observed and what you learned from someone else, and identifying such persons below].*

On September 10, 2021, Bonner County Sheriff's Detectives began the investigation into the murder of David M. Flaget. Flaget's body was discovered inside of his vehicle found on the Russell family trust located at 293 Lower Mosquito Creek Road in Clark Fork, Bonner County, Idaho. Flaget's cause of death, as listed in the Spokane Medical Examiner's Office Autopsy report, was from blunt force trauma to the head and neck. James David Russell was arrested for the murder of Flaget on September 10, 2021. Probable cause for charging James Russell with the murder of David Flaget was found on September 13, 2021, and James Russel was ordered to be held without bail.

Flaget's body was located inside his truck. His head was on the passenger floorboard. His midsection was on the passenger seat, with his feet and lower legs over top of the front seat and into the back seat area. Flaget was naked from the waist down, except for black socks, and covered with 3 black trash bags. Flaget's wrists were wrapped with silver duct tape. The duct tape cuff on his left wrist had an approximately 18-inch tail on it that appeared to have connected to the right wrist at one time. This would have effectively secured both wrists together. At autopsy no blood was located under the tape on the wrists, indicating the tape may have been applied while Flaget was still alive and used to control his resistance. Postmortem mutilation was evident on several spots including Flaget's right thigh and genital area. A large strip of flesh about 4 inches wide and 10 inches long was cut/ripped from his right thigh, exposing muscle and connective tissue. Flaget's entire penis, scrotum

and testicles were carved out from the base of the anus to the top of the pelvic mound. None of the removed tissue was located in or around the truck.

On September 11, 2021, a search warrant was served at James Russell's residence where he had been taken into custody the night before, 168 Lower Mosquito Creek in Clark Fork, Idaho. This property is also owned by the Russel family and is adjacent to the 293 Lower Mosquito Creek Road property. During the search warrant service, tissue, consistent with the flesh missing from Flaget, was located inside of James Russell's second story apartment and on the ground underneath a back window. This recovered tissue was examined by the Spokane Medical Examiner's Office during the autopsy. The pieces found matched those missing from David Flaget. Tissue still missing from David Flaget included the penis, one testicle, a portion of the scrotum, as well as some of the flesh from the right thigh. The autopsy report indicated recovered tissue showed "thermal artifact". Dr. Singh, who performed the autopsy, clarified the meaning of "thermal artifact" as indicating heat had been applied to that particular piece of tissue and not the entire body. Dr. Singh could not identify the heat source but indicated it could have been a microwave.

During the search of James Russell's apartment, a bowl and microwave containing apparent blood and tissue were seized. These items, along with the tissue recovered at the same scene were sent to the Idaho State Lab for testing. According to the state lab, both the bowl and the outside of the microwave contained David Flaget's DNA.

Using pig skin as a reference tissue, Bonner County Detectives were able to reproduce the "thermal artifact" visible on the recovered tissue belonging to Flaget. Visible indicators of heat consisted of shrinking and darkening of the dermal and sub-dermal tissue. The tests showed pig skin cooked in a microwave for 1-2 minutes exhibited consistent thermal characteristics as those observed on the Flaget tissue recovered in and around the appartement of James Russell.

On May 3, 2021 San Diego Police Department responded to Mesa Vista Hospital where Dane and Mark Russell, brothers of James Russell, had taken him for psychiatric help (San Diego PD case #21020770). During the investigation family members told officers James Russell, "wanted to cut chunks of his skin off with a knife" this was in order to, "cure his brain".

During the morning of September 10, 2021, James Russell and his uncle, Mark Russell, got into an argument. Later that day, James Russell left a voicemail on Mark Russell's phone apologizing for his actions stating, "Sorry... I might be a little sensitive – some sort of food I ate".

David Flaget was murdered by blunt force to the head and neck. His body showed postmortem removal of the penis, scrotum, both testicles, and flesh of the outer right thigh. Portions of the removed tissue were recovered inside and outside of James Russell's appartement. Evidence inside the apartment indicates portions of the flesh removed from David Flaget were placed in a glass bowl and microwaved. Tissue not recovered from the scene include David Flaget's penis, one testicle, a portion of the scrotum and a portion of the right-side thigh skin. Historical data indicates James Russell had a belief that he could heal himself by cutting off portions of flesh. Based on this information I believe probable cause exists to conclude James Russell ingested the missing portions of the body of David Flaget, a violation of Idaho Code 18-5003, Cannibalism.

*[Briefly explain specialized training, experience, or expertise utilized relating to the offenses listed. For example, if a drug offense has been committed, briefly explain your training, experience and qualifications to identify the substance and/or paraphernalia at issue],*

I am currently a Detective Sergeant with the Bonner County Sheriff's Office. I have been a commissioned law enforcement officer for over 19 years, I currently hold an Idaho P.O.S.T. Master Certificate. I attended the Idaho Police Officers Academy, graduating in June of 2002. I graduated from North Idaho College with a degree in Criminal Justice in 2013. I have attended certified training

in criminal investigations, child sexual assault investigations, homicide investigations, child homicide investigations, computer investigations, field training officer school, SWAT officer school, SWAT Command school and interviewing and interrogation techniques. I am assigned to several multi-agency task forces, including; Idaho Internet Crimes Against Children (ICAC) and Bureau of Alcohol Tobacco and Firearms' North Idaho Firearms and Explosives Group (N.I.F.E) I have investigated hundreds of cases including homicides, child sexual and physical assaults, burglaries, thefts, and property crimes.

[If the offense involves testing or comparison analysis, briefly explain the test and results. For example, if a drug offense has been committed explain 1) what tests were performed and 2) what the results were].

6) The events described above, which give rise to the criminal offenses believed to have been committed, occurred on or about the date(s) of **September 10, 2021**, in:

- The City of \_\_\_\_\_, County of Bonner, State of Idaho;  
 Bonner County, State of Idaho.

7) Based on the investigation detailed above [complete all that apply]:

1.  A Uniform Citation, number \_\_\_\_\_, was personally served on the Defendant for the Misdemeanor offense(s) detailed in paragraph 5 above.
2.  A Uniform Citation, number \_\_\_\_\_, which is attached hereto, for the Misdemeanor offense(s) detailed in paragraph 5 above, has not yet been served on the defendant;
  - a.  and a Complaint/Summons is requested.
  - b.  and an Arrest Warrant is requested because: \_\_\_\_\_.
3.  A request for the filing of a Felony Criminal Complaint has been made upon the Bonner County Prosecutor's Office for the Felony offense(s) detailed in paragraph 5.
  - a.  and a Complaint/Summons is requested.
  - b.  and an Arrest Warrant is requested because: \_\_\_\_\_.


8) The following documents are attached hereto and are incorporated by reference [No police reports AND No Lab Reports if NIK was positive]:

- Copy of Protection Order     Copy of NCO     Laboratory Report     \_\_\_\_\_

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF BONNER            )

By my signature, I hereby certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the information contained in this document, and attached reports and/or documents that may be included herewith, is true and correct to the best of my information and belief.

DATED this   8  , day of December, 2021.



\_\_\_\_\_  
Detective Sergeant Phillip Stella  
Stella, affiant