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**Attorney for the Plaintiff**

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM MAGISTRATE  
DIVISION**

**STATE OF IDAHO**

**Plaintiff,**

**vs.**

**MARCUS KURT YUPE**

**Defendant.**

**Case No. CR06-21-2204**

**AMENDED PROSECUTING  
ATTORNEY'S INFORMATION**

The Defendant Marcus Kurt Yupe is accused by the Prosecuting Attorney of Bingham County, Idaho, by this Information of the following:

**COUNT I: Aggravated Assault on Certain Personnel, a Felony, Idaho Code §18-915(1), 18-905 (punishable by up to ten (10) years and/or a fine of up to \$10,000.00);**

**COUNT II: Aggravated Assault on Certain Personnel, a Felony, Idaho Code §18-915(1), 18-905 (punishable by up to ten (10) years and/or a fine of up to \$10,000.00);**

**COUNT III: Possession of a Controlled Substance, a Felony, Idaho Code §37-2732(c)(1), (punishable by 7 years and/or \$15,000.00);**

**COUNT IV: Eluding a Peace Officer, a Felony, Idaho Code §49-1404(2), (punishable up to 5 years in prison and/or \$50,000 fine);**

**Committed as follows:**

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**COUNT I**

**That the Defendant, Marcus Kurt Yupe, on or about May 8, 2021, in the County of Bingham, State of Idaho, did intentionally, unlawfully, and with apparent ability, threaten by word or act to commit a violent injury upon the person of Corporal Lawrence Henrie, with a deadly weapon or instrument, to-wit: by driving a vehicle directly at Corporal Lawrence Henrie, creating a well-founded fear in Corporal Lawrence Henrie that such violence was imminent and while the Defendant knew or had reason to know of Corporal Lawrence Henrie's status as a peace officer.**

**COUNT II**

**That the Defendant, Marcus Kurt Yupe, on or about May 8, 2021, in the County of Bingham, State of Idaho, did intentionally, unlawfully, and with apparent ability, threaten by word or act to commit a violent injury upon the person of Deputy Brook Ferro, with a deadly weapon or instrument, to-wit: by driving a vehicle towards Deputy Brook Ferro, creating a well-founded fear in Deputy Brook Ferro that such violence was imminent and while the Defendant knew or had reason to know of Deputy Brook Ferro's status as a peace officer.**

**COUNT III**


**That Marcus Kurt Yupe, on or about May 8, 2021, in the County of Bingham, State of Idaho, did unlawfully possess a controlled substance, to-wit: Fentanyl, a Schedule II controlled substance.**

**COUNT IV**

**That the Defendant, Marcus Kurt Yupe, on or about May 8, 2021, in the County of Bingham, State of Idaho, did operate a motor vehicle, to-wit: a 1991 Chevrolet truck at or about Shilling St and willfully fled; attempted to flee; eluded and/or attempted to elude a pursuing police vehicle after being given an audible signal and/or visual signal to stop, and in so doing drove his vehicle in a manner as to endanger or be likely to endanger the property of another or the person of another and/or and traveled in excess of thirty (30) miles per hour above the posted speed limit, to-wit: 70 mph in a posted 30 mph zone.**

All of which is contrary to the form, force and effect of the statutes above-cited, and against the peace and dignity of the People of the State of Idaho.

DATED this 12<sup>th</sup> of January, 2022.

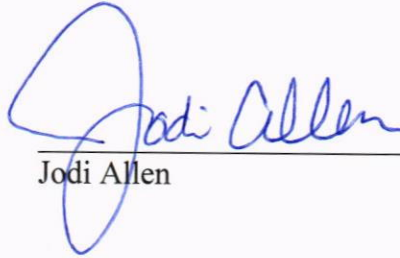
  
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Janet Franklin  
Deputy Prosecuting Attorney

Certificate of Service

I certify that on the 12 day of January, 2022, I served a true and correct copy of the foregoing upon the following person(s) in the manner(s) indicated:

- Mail
- Email:  
kmallard@co.bonneville.id.us
- Hand Delivered
- Designated Courthouse Box

Kelly D. Mallard  
Attorney at Law  
P.O. Box 50396  
Idaho Falls, ID 83405



Jodi Allen