

12-30-2009

State v. Mendoza Clerk's Record Dckt. 36865

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IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

STATE OF IDAHO

Plaintiff/Respondent and

VS.

JUDY ANN MENDAOZA

Defendant/Appellant

SEE AUGMENTATION RECORD and

Appealed from the District Court of the FIFTH
Judicial District for the State of Idaho, in and

for TWIN FALLS County

Hon. HANDY J. STOKER District Judge

MOLLEY HUSKY

Attorney for Appellant

X

LAWRENCE WARDEN

Attorney for Respondent

X

Filed this _____ day of _____, 20____

FILED - COPY
DEC 30 2009

Clerk

Deputy

Supreme Court
Entered on ATS by _____

36865

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	SUPREME COURT NO. 36865-2009
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 09-272
)	
vs.)	
)	
JUDY ANN MENDOZA,)	
)	
<u>Defendant/Appellant,</u>)	

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fifth Judicial District
of the State of Idaho, in and for the County of Twin Falls

HONORABLE RANDY J. STOKER
District Judge

MOLLY HUSKEY
State Appellate Public Defender
3647 Lake Harbor Lane
Boise, Idaho 83703

LAWRENCE WASDEN
Attorney General
Statehouse Mail Room 210
P.O. Box 83720
Boise, Idaho 83720-0010

ATTORNEY FOR APPELLANT

ATTORNEY FOR RESPONDENT

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State of Idaho vs. Judy Ann Mendoza

Date	Code	User		Judge
1/7/2009	NCRF	DENTON	New Case Filed-Felony	Thomas D. Kershaw Jr.
	PROS	DENTON	Prosecutor assigned Grant Loeb	Thomas D. Kershaw Jr.
	CRCO	DENTON	Criminal Complaint	Thomas D. Kershaw Jr.
	AFWT	DENTON	Affidavit In Support Of Complaint Or Warrant For Arrest	Thomas D. Kershaw Jr.
	TFJP	DENTON	Twin Falls County Jail Packett	Thomas D. Kershaw Jr.
	HRSC	DENTON	Hearing Scheduled (Preliminary 01/16/2009 08:15 AM)	Thomas D. Kershaw Jr.
		DENTON	Notice Of Hearing	Thomas D. Kershaw Jr.
	ARRN	DENTON	Arrest / First Appearance	Thomas D. Kershaw Jr.
	NORF	DENTON	Notification Of Rights Felony	Thomas D. Kershaw Jr.
	TFPA	DENTON	Twin Falls County Public Defender Application***Appointed***	Thomas D. Kershaw Jr.
	CMIN	DENTON	Court Minutes	Thomas D. Kershaw Jr.
	ORTA	DENTON	Order to Appear	Thomas D. Kershaw Jr.
	ORPD	DENTON	Order Appointing Public Defender	Thomas D. Kershaw Jr.
	BSET	DENTON	BOND SET: at 1000.00	Thomas D. Kershaw Jr.
1/8/2009	BNDS	BTHOMPSON	Bond Posted - Surety (Amount 1000.00)	Thomas D. Kershaw Jr.
		BTHOMPSON	Miscellaneous Payment: Sheriff Fees Paid by: Aladdin Bail Bonds Receipt number: 9000709 Dated: 1/8/2009 Amount: \$10.00 (Cash)	Thomas D. Kershaw Jr.
1/9/2009	PTAP	DENTON	Promise To Appear	Thomas D. Kershaw Jr.
	REQD	NIELSEN	Request For Discovery/defendant	Thomas D. Kershaw Jr.
	RESD	NIELSEN	Response To Request For Discovery/defendant	Thomas D. Kershaw Jr.
1/15/2009	REQP	NIELSEN	Request For Discovery/plaintiff	Thomas D. Kershaw Jr.
	RESP	NIELSEN	Response To Request For Discovery/plaintiff	Thomas D. Kershaw Jr.
1/16/2009	CMIN	DJONES	Court Minutes	Thomas D. Kershaw Jr.

State of Idaho vs. Judy Ann Mendoza

Date	Code	User		Judge
1/16/2009	WAVT	DJONES	Written Waiver of Time for Preliminary Hearing	Thomas D. Kershaw Jr.
	AMCO	DJONES	Amended Complaint Filed	Thomas D. Kershaw Jr.
	REDU	DJONES	Charge Reduced Or Amended (118-3601 Forgery)	Thomas D. Kershaw Jr.
	CONT	DJONES	Hearing result for Preliminary held on 01/16/2009 08:15 AM: Continued	Thomas D. Kershaw Jr.
	HRSC	DJONES	Hearing Scheduled (Preliminary 02/06/2009 08:15 AM)	Thomas D. Kershaw Jr.
		DJONES	Notice Of Hearing	Thomas D. Kershaw Jr.
1/26/2009	SUPR	NIELSEN	Supplemental Response To Request For Discovery	Thomas D. Kershaw Jr.
2/5/2009	HRVC	DJONES	Hearing result for Preliminary held on 02/06/2009 08:15 AM: Hearing Vacated per Judge Kershaw	Thomas D. Kershaw Jr.
	HRSC	DJONES	Hearing Scheduled (Preliminary 02/27/2009 08:15 AM)	Thomas D. Kershaw Jr.
		DJONES	Notice Of Hearing	Thomas D. Kershaw Jr.
2/27/2009	BOUN	BARTLETT	Hearing result for Preliminary held on 02/27/2009 08:15 AM: Bound Over (after Prelim)	Thomas D. Kershaw Jr.
	CMIN	BARTLETT	Court Minutes	Thomas D. Kershaw Jr.
	OADC	BARTLETT	Order Holding Defendant To Answer To District Court	Thomas D. Kershaw Jr.
	ORDR	BARTLETT	Order Returning Property to Investigating Law Enforcement Agency	Thomas D. Kershaw Jr.
	HRSC	MCMULLEN	Hearing Scheduled (Arraignment 03/09/2009 09:00 AM)	Randy J. Stoker
		MCMULLEN	Notice Of Hearing	Randy J. Stoker
	SUPR	NIELSEN	Supplemental Response To Request For Discovery	Randy J. Stoker
	MPTR	AGUIRRE	Motion for Preparation of Transcript at County Expense	Randy J. Stoker
3/2/2009	ORDR	MCMULLEN	Order for Preparation of Transcript at County Expense	Randy J. Stoker
3/4/2009	INFF	NIELSEN	Information For A Felony, Namely; Part I - Forgery Part II - Persistent Violator	Randy J. Stoker
3/6/2009	TRAN	MMILLER	Preliminary Transcript Filed	Randy J. Stoker
	AKSV	MMILLER	Acknowledgment Of Service for Prelim Transcript Filed	Randy J. Stoker
	SUPR	NIELSEN	Supplemental Response To Request For Discovery	Randy J. Stoker

State of Idaho vs. Judy Ann Mendoza

Date	Code	User	Judge
3/9/2009	DCHH	MCMULLEN	Hearing result for Arraignment held on 03/09/2009 09:00 AM: District Court Hearing Held Court Reporter: Newton Number of Transcript Pages for this hearing estimated:
	ARRN	MCMULLEN	Arraignment / First Appearance
	APNG	MCMULLEN	Appear & Plead Not Guilty
	CMIN	MCMULLEN	Court Minutes
3/11/2009	HRSC	MCMULLEN	Hearing Scheduled (Pretrial Conference 04/20/2009 04:00 PM)
	HRSC	MCMULLEN	Hearing Scheduled (Jury Trial 05/06/2009 09:00 AM)
		MCMULLEN	Notice Of Hearing
	ORDR	MCMULLEN	Scheduling Order
3/12/2009	MODQ	AGUIRRE	Motion To Disqualify Alternate Judge
3/16/2009	ORDR	MCMULLEN	Order to Disqualify Alternate Judge (Elgee)
3/17/2009	SUPR	NIELSEN	Supplemental Response To Request For Discovery and Witness List
		NIELSEN	State's Exhibit List
4/17/2009	SUPR	NIELSEN	Supplemental Response To Request For Discovery and Amended Witness List
4/20/2009	DCHH	MCMULLEN	Hearing result for Pretrial Conference held on 04/20/2009 04:00 PM: District Court Hearing Held Court Reporter: Torres Number of Transcript Pages for this hearing estimated:
	CMIN	MCMULLEN	Court Minutes
4/22/2009		NIELSEN	Plaintiff's Requested Jury Instructions
4/24/2009		NIELSEN	Defendant's Requested Jury Instructions
4/30/2009		NIELSEN	Plaintiff's Supplemental Requested Jury Instruction
5/4/2009	WITN	NIELSEN	Witness List
	SUBR	NIELSEN	Subpoena Returned Jerry Haman
5/5/2009		NIELSEN	Plaintiff's Supplemental Requested Jury Instruction
5/6/2009	DCHH	MCMULLEN	Hearing result for Jury Trial held on 05/06/2009 09:00 AM: District Court Hearing Held Court Reporter: Torres Number of Transcript Pages for this hearing estimated:
	JTST	MCMULLEN	Jury Trial Started
	MISC	MCMULLEN	Preliminary Jury Instructions
	JUIN	COOPE	Defendant's Supplemental Jury Instructions Filed

State of Idaho vs. Judy Ann Mendoza

Date	Code	User		Judge
5/7/2009	MISC	MCMULLEN	Final Jury Instructions	Randy J. Stoker
	CMIN	MCMULLEN	Court Minutes	Randy J. Stoker
	FOGT	MCMULLEN	Found Guilty After Trial	Randy J. Stoker
	VERD	MCMULLEN	Verdict	Randy J. Stoker
	MISC	MCMULLEN	Witness List	Randy J. Stoker
	MISC	MCMULLEN	Exhibit List	Randy J. Stoker
	MISC	MCMULLEN	Final Jury Instruction	Randy J. Stoker
	OPSI	MCMULLEN	Order For Presentence Report	Randy J. Stoker
5/11/2009	HRSC	MCMULLEN	Hearing Scheduled (Sentencing 07/13/2009 02:30 PM)	Randy J. Stoker
		MCMULLEN	Notice Of Hearing	Randy J. Stoker
6/22/2009	EXMN	NICHOLSON	Ex-parte Motion For Release Of Jury Tial Exhibits (DENIED)	Randy J. Stoker
6/25/2009	PSR	MCMULLEN	Presentence Report	Randy J. Stoker
	PSR	MCMULLEN	Addendum Presentence Report	Randy J. Stoker
7/8/2009	SUPR	NIELSEN	Supplemental Response To Request For Discovery	Randy J. Stoker
7/13/2009	ORDR	MCMULLEN	Order Directing Amendment of Presentence Report (in psi envelope)	Randy J. Stoker
	DCHH	MCMULLEN	Hearing result for Sentencing held on 07/13/2009 02:30 PM: District Court Hearing Held Court Reporter: Vasquez Number of Transcript Pages for this hearing estimated:	Randy J. Stoker
	SNIC	MCMULLEN	Sentenced To Incarceration (I18-3601 Forgery) Confinement terms: Penitentiary determinate: 2 years. Penitentiary indeterminate: 13 years.	Randy J. Stoker
	CMIN	MCMULLEN	Court Minutes	Randy J. Stoker
7/14/2009	ORDR	MCMULLEN	Judgment of Conviction Upon a Jury Verdict of Guilty to One Felony Count and Order of Commitment	Randy J. Stoker
7/15/2009	BNDE	MCMULLEN	Surety Bond Exonerated (Amount 1,000.00)	Randy J. Stoker
8/24/2009	NOTA	NIELSEN	NOTICE OF APPEAL	Randy J. Stoker
	APSC	COOPE	Appealed To The Supreme Court	Randy J. Stoker
8/25/2009	ORDR	MCMULLEN	Notice and Order Appointing State Appellate Public Defender in Direct Appeal	Randy J. Stoker
8/31/2009	CCOA	COOPE	Clerk's Certificate Of Appeal	Randy J. Stoker
9/1/2009	NOTA	NIELSEN	Amended NOTICE OF APPEAL	Randy J. Stoker
9/2/2009	CCOA	COOPE	Amended Clerk's Certificate Of Appeal	Randy J. Stoker
9/8/2009	SCDF	COOPE	Supreme Court Document Filed- Clerk's Certificate Filed	Randy J. Stoker
	SCDF	COOPE	Supreme Court Document Filed- Notice of Appeal Filed (T)	Randy J. Stoker

State of Idaho vs. Judy Ann Mendoza

Date	Code	User	Judge
9/11/2009		BARTLETT	Felony Affidavit and Notice of Failure to Pay - Step 1, Failure to Pay Fines and Fees - Charge # 1, Forgery Appearance date: 9/8/2009
9/16/2009	SCDF	COOPE	Supreme Court Document Filed- Amended Notice of Appeal
9/29/2009	CCOA	COOPE	Second Amended Clerk's Certificate Of Appeal
	NTOA	COOPE	Second Amended Notice Of Appeal
10/1/2009	LETT	YOCHAM	Letter from defendant
10/20/2009		YOCHAM	****Account in Collections**** - Step 2, Failure to Pay Fines and Fees - Charge # 1, Forgery Appearance date: 10/20/2009
10/27/2009	MOTN	SCHULZ	Motion For Correction Or Reduction Of Sentence, ICR 35
	MOTN	SCHULZ	Motion And Affidavit In Support For Appointment Of Counsel
	MOTN	SCHULZ	Motion And Affidavit For Permission To Proceed On Partial Payment Of Court Fees (Prisoner)
10/28/2009	SCDF	COOPE	Supreme Court Document Filed- Amended Notice of Appeal
	SCDF	COOPE	Supreme Court Document Filed- Clerk's Record and Transcript Due Date Reset
10/29/2009	OBJC	NIELSEN	Objection to Motion for Correction or Reduction of Sentence, ICR 35
	ORDR	MCMULLEN	Order Re: Partial Payment of Court Fees (none required)
	ORDR	MCMULLEN	Order Granting Motion for Appointment of Counsel
10/30/2009		MCMULLEN	Order Appointing Public Defender

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2009 JAN -7 AM 11:35

BY _____
CLERK
DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83301
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09- <u>272</u>
)	
Plaintiff,)	
)	
vs.	)	CRIMINAL COMPLAINT
)	
JUDY ANN MENDOZA,	)	DOB: [REDACTED]
	)	SSN: [REDACTED]
Defendant.)	
_____)	


Personally appears before me this 7 day of January 2009, Leah Clark-Thomas, Deputy Prosecuting Attorney, Twin Falls County, State of Idaho, and presents this complaint, pursuant to Idaho Criminal Rule 3 and based upon the attached sworn affidavit, that JUDY ANN MENDOZA, did commit the following:

AL

**MAKING, PASSING, UTTERING,
AND/OR PUBLISHING FICTITIOUS BILLS
Felony, I.C. 18-3606**

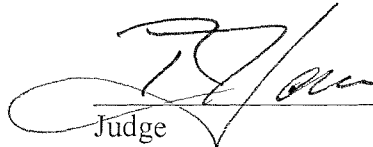
That the Defendant, JUDY ANN MENDOZA, on or about the 6th day of January, 2009, in the County of Twin Falls, State of Idaho, did, with the intent to defraud another, make, pass, utter, or publish and/or attempt to do same, a fictitious bill, at Swensen's Market, knowing the bill to be fictitious, in violation of Idaho Code Section 18-3606.

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



Leah Clark-Thomas
Deputy Prosecuting Attorney

Signed before me this 7 day of January 2009.



Judge

Prosecuting Attorney
for Twin Falls County
Twin Falls, Idaho 83303

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED
0900111
2009 JAN -7 AM 11:35

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE CLERK
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS DEPUTY
MAGISTRATE DIVISION

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 Mendoza, Judy Ann.)
)
 DOB: [REDACTED])
)
 SS: [REDACTED])
)
 Defendant.)
)

AFFIDAVIT IN SUPPORT OF
COMPLAINT

STATE OF IDAHO,)
) ss.
 County of Twin Falls)

I, Michelle Whitney Wyatt, being first duly sworn, state that my answers to the questions asked by the Court with reference to said Complaint are as follows:

1. Did you personally observe the act(s) being committed as alleged in the Complaint?

ANSWER: Yes.

2. Please state the information which gives you reason to believe the above-named defendant committed the crime(s) alleged in the Complaint.

ANSWER: On January 6, 2009 at 1631 hours I was dispatched to Swensen's Market, located at 115 Addison Ave., in the City and

- AFFIDAVIT

County of Twin Falls, State of Idaho, in reference to a male individual who was being detained for attempting to use a fake one hundred dollar bill. Upon arrival I made contact with Officer Solomon who was inside with a male individual identified as Jerry Manning Haman. I was advised that officers were outside with a female who was also possibly a suspect. I asked Haman if he knew that the money was counterfeit and he stated that he did not. Haman said that he asked the female that he was with, later identified as Judy Ann Mendoza, if he could borrow ten dollars. Haman said that Mendoza provided him with the bill and pulled into Swensens so he could run in and make change. When Haman attempted to do so the clerk checked the bill and determined that it was not real currency and called for the manager. As I spoke with Haman he was adamant that he did not know that the bill was counterfeit. I advised Haman that I was going to detain him until I figured out what was going on. I walked to Haman to the back of my patrol car and began speaking with Mendoza.

I asked Mendoza why she had taken Haman to the store to use a fraudulent bill. Mendoza said that she did not know the money was counterfeit. Officer Doerr provided me with another one hundred dollar bill that Mendoza had in her possession that had the same serial number as the one Haman had attempted to use inside the store. I asked Mendoza why she sent Haman into the store instead of doing it herself, and she stated that Haman volunteered to take the bill in. When I first asked Mendoza why Haman was doing this she denied the fact that she had told him that he could have ten dollars of the money, however later admitted that she had agreed to this. I asked Mendoza several times who had given her the money, and she refused to tell me. As I spoke with Mendoza she told me that she did not believe that Haman should be in trouble, because she had given him the money and that he did not know anything about it. I advised both Mendoza and Haman that they were under arrest. Both individuals were transported to the Twin

- AFFIDAVIT

Falls County Jail and booked in for Circulating Illegal Money. The counterfeit bills bearing serial number DB68341673A were entered into evidence at the police department.

3. What further information do you have giving you reasonable grounds to believe that the Defendant committed the crime(s) alleged?

ANSWER:

4. Do you believe a warrant should be issued?

ANSWER: No

5. Set out any information you have, and its source, as to why a warrant instead of a summons should be issued?

ANSWER: In Custody

See attached Warrant Information Page.

DATED this 6th day of January, 2009.

Michelle Wilgott
Affiant

Subscribed to and sworn before me this 6th day of January, 2009.

Steven A. Benrud
NOTARY PUBLIC

STEVEN A. BENRUD
NOTARY PUBLIC
STATE OF IDAHO

Residence at: Twin Falls
My commission expires: 3-14-09

- AFFIDAVIT

WARRANT INFORMATION

DEFENDANT(S) Judy Ann Mendoza

Factors to be considered in setting bond on Warrant.

1. The residence of the Defendant.

3708 N. 4200 E.
Hansen, ID 83334

2. The employment of the Defendant.

Unemployed

3. The family relationship of the Defendant in the Community.

Unknown

4. The past history of response of the Defendant to legal process.

See attached

5. The past criminal record of the Defendant.

See attached

6. The nature of the offense charged.

Circulating Illegal Money

7. Whether there is reasonable cause to believe that the Defendant will flee prosecution or will fail to respond to a Summons.

No

8. Any other information justifying a Warrant.

N/A

- AFFIDAVIT

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

2009 JAN 7 PM 2:03

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
Mendoza, Judy)
Defendant.)
_____)

BY _____ CLERK
CASE NO: CB-09-0272 JDO DEPUTY
NOTIFICATION OF RIGHTS--
FELONY

The purpose of this initial appearance is to advise you of your rights and charge(s) against you.

- You have the right to be represented by an attorney at all times.
- If you want an attorney, but cannot pay for one, the court will appoint one to help you. If you are found guilty or plead guilty, you may be ordered to reimburse Twin Falls County for the cost of your defense.
- You have the right to remain silent. Any statement you make could be used against you.
- You have the right to bail.
- You have the right to a preliminary hearing before a judge.
- The purpose of a preliminary hearing is to determine whether probable cause exists to believe you have committed the crime(s) charged. A preliminary hearing is not a trial to decide guilt or innocence.
- You can cross-examine all witnesses who testify against you.
- You can present evidence, testify yourself if you wish, and have witnesses ordered to testify by subpoena.
- If the court finds probable cause exists that you committed the crime(s) charged, or if you waive your preliminary hearing, you will be sent to the District Court for arraignment.

If you have any questions about the charge(s), about your rights or the court process, don't hesitate to speak up. It is important that you understand.

Acknowledgment of Rights

I have read this entire document and I understand these rights as set forth above.

1-7-09
Date

Judy Mendoza
Defendant's signature

NOTIFICATION OF RIGHTS--1

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

ARRAIGNMENT MINUTES

2009 JAN -7 PM 2: 04

Date 1/7/09 Time 1:00 PM Counter 1:30:10 Case No. CR-09-0222
Judge Kershaw Deputy Clerk T. Halstead Interpreter _____
CLERK # 4
DEPUTY

State of Idaho

Attorney Dean Clark Thomas

vs

Judy Mendoza

Attorney Ian Service

Offense: Forgery making or passing of fictitious Bills

Appeared in person Bond 1000 per warrant OR release OR to Court Compliance program
 Failed to appear Warrant issued Walk In Arraignment/Summons Bond previously posted

Complaint read Probation violation read Defendant waived reading of probation violation
 Rights and penalties given Rights form signed Rights and penalties understood

Defendant waived counsel Private counsel _____ to hire
 Public defender appointed Public defender denied Public defender confirmed/continued

Plead not guilty Pretrial _____
 Plead guilty Court trial _____
 Court accepted plea Sentencing _____
 Prelim 1/16/09 @ 8:15 AM
 Fugitive (identity) _____

PV - admit Admit/Deny set _____
 PV - deny Evidentiary set _____
 Status set _____

SENTENCE:
Jail _____ Days Suspended _____ Days Credit time served
Fine \$ _____ Suspended \$ _____ Court Cost \$ _____ To be paid by: _____
 Public Defender Reimbursement \$ _____
Driving Privileges Suspended _____ Days Beginning _____ 1ST _____ Days Absolute
 Probation _____ months Supervised _____ months

Conditions of bond/OR release/probation:
 Check in with public defender immediately upon release
 Check in with court compliance officer; Pay costs associated with court compliance
 Court entered no contact order
 Border patrol hold
 Do not enter country illegally.

DISTRICT COURT
TWIN FALLS CO. IDAHO

IN DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FILED
2009 JAN -7 PM 2: 04

State of Idaho,)
)
 Plaintiff,)
)
 vs.)
)
 Judy Ann Mendoza,)
 3708 N 4200 E)
 Hansen ID 83334)
)
 Defendant.)

BY _____
CLERK
DEPUTY
 Case No: CR-2009-0000272
 ORDER TO APPEAR

You, Judy Ann Mendoza, the above named Defendant are notified and ordered to comply as follows:

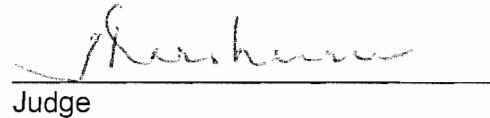
1. To personally appear at the Public Defender's Office, located at 231 4th Avenue North, Twin Falls, Idaho, on _____, 20____ at _____ a.m./p.m. Immediately Upon Release
2. To keep the Public Defender's Office notified of your residential address, mailing address, phone number and place of employment.
3. To personally appear at and to keep each appointment with your Public Defender and the Court.

FAILURE TO COMPLY WITH THIS ORDER will result in the forfeiture of any bail posted or the revocation of your recognizance release, a warrant for your arrest and may result in the filing of contempt charges.

GOOD CAUSE HAVING BEEN SHOWN, the Public Defender of Twin Falls County is hereby appointed to represent you. You may be ordered to reimburse Twin Falls County Idaho for all or part of the cost of legal representation.

Dated this 7th day of January, 2009.


 Defendant


 Judge

Copies to: Public Defender
 Prosecutor
 Defendant


 Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE FALLS
MAGISTRATE DIVISION

DISTRICT COURT
Blaine Falls
County of Teton, State of Idaho

JAN 16 2009

MINUTES FOR PRELIMINARY HEARING

By: _____
Clerk

JUDGE: Kepshaw
DEPUTY CLERK: D Jones
CASE # CR09-272

DATE: 1-16-09
TIME: 8:15 AM
TAPE: 8:54:54
COURTROOM: 4

THE STATE OF IDAHO,
Plaintiff,

ATTY: Stan Alloway

vs.

Judy Mendoza
Defendant.

ATTY: Robin Weeks

In Custody Not Present Failed to Appear

THE DEFENDANT IS CHARGED WITH:

Forgery

Amended Complaint filed

9:08

COURT REVIEWED THE FILE.
COURT READ THE COMPLAINT. _____ COUNSEL WAIVED READING.
X DEFENDANT WAIVED PRELIMINARY HEARING. X WRITTEN WAIVER FILED
DEFENDANT WAIVED **SPEEDY** PRELIMINARY HEARING. _____ WRITTEN WAIVER FILED
COURT GAVE THE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.
WRITTEN OFFER SIGNED BY DEFENDANT AND FILED WITH THE COURT.
COURT ACCEPTED WAIVER.
DEFENDANT WAS BOUND OVER TO DISTRICT COURT.
X STATE / DEFENSE REQUESTED A CONTINUANCE.
CONTINUED TO: 2-6-09

PRELIMINARY HEARING TO BE HELD _____ SEE PAGE 2
COUNSEL MOVED FOR THE EXCLUSION OF WITNESSES _____ COURT GRANTED.
DEFENDANT BOUND OVER AFTER PRELIM
CASE DISMISSED/REDUCED AFTER PRELIM

COUNSEL MOVED FOR BOND REDUCTION.
BOND WILL REMAIN THE SAME. _____ O.R. RELEASE
BOND RESET AT \$ _____ (BOND IS FOR THIS CASE ONLY, UNLESS OTHERWISE POSTED)
DEFENDANT TO ENROLL IN COURT COMPLIANCE UPON RELEASE/BOND
CONDITIONS OF BOND: _____

STATE DISMISSED THE CHARGE(S) _____

STATE REDUCED THE CHARGE(S) TO: _____
COURT GAVE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.
DEFENDANT ENTERED GUILTY PLEA TO THE REDUCED CHARGE.
COURT ACCEPTED PLEA. _____ SET FOR SENTENCING ON _____

COMMENTS: no contact with defendant - Ms Weeks
request continuance. No objection by
Mr Alloway

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho
9:05 AM
JAN 16 2009

By [Signature] Clerk
[Signature] Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE COURT

STATE OF IDAHO,

Plaintiff,

vs.

Judy Mendoza,

Defendant.

Case No. CR 09-272

TIME WAIVER FOR
PRELIMINARY HEARING

I understand that I have the right to have a preliminary hearing conducted within 14 days of my initial appearance if I am in custody, and within 21 days of my initial appearance if I have posted bail or have otherwise been released from custody. By executing this document, I preserve my right to have a preliminary hearing, but waive my right to have the preliminary hearing held within the above time constraints.

I further acknowledge that the preliminary hearing will be rescheduled at the court's convenience and that the preliminary hearing can be held beyond the times required by Idaho Criminal Rule 5.1. There have been no promises made to me in exchange for executing this waiver.

DATED this 16 day of January, 2009.

Judy Mendoza
Defendant

[Signature]
Defense Attorney

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho
8:54 17 100
JAN 16 2009

By _____ Clerk
_____ Deputy Clerk

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83301
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09-272
)	
Plaintiff,)	
)	
vs.	)	AMENDED CRIMINAL COMPLAINT
)	
JUDY ANN MENDOZA,	)	DOB: [REDACTED]
	)	SSN: [REDACTED]
Defendant.)	
_____)	

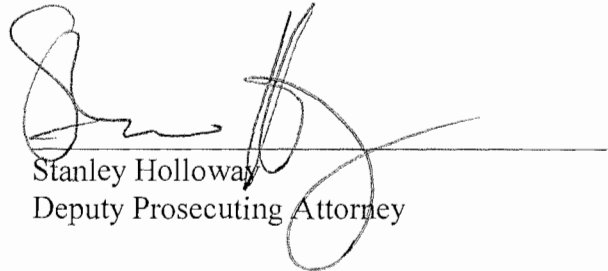
Personally appears before me this 16th day of January 2009, Stanley Holloway, Deputy Prosecuting Attorney, Twin Falls County, State of Idaho, and presents this Amended Complaint, pursuant to Idaho Criminal Rule 3 and based upon the sworn affidavit previously filed, that JUDY ANN MENDOZA, did commit the following:

ORIGINAL 24

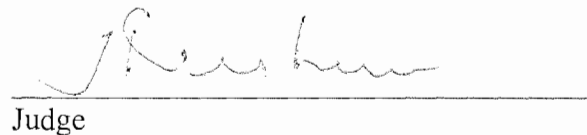
FORGERY
Felony, I.C. 18-3601

That the Defendant, JUDY ANN MENDOZA, on or about the 6th day of January, 2009, in the County of Twin Falls, State of Idaho, did falsely and with the intent to defraud another, pass, utter or publish, and/or attempt to pass, utter or publish, as true and genuine, a certain written instrument, to-wit: a One Hundred Dollar (\$100) Federal Reserve Note bearing serial number DB68341673A at Swensen's Market, knowing at the time of the passing, uttering and/or publishing of the said instrument that it was false, altered, forged or counterfeit, in violation of Idaho Code Section 18-3601.

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


Stanley Holloway
Deputy Prosecuting Attorney

Signed before me this 16th day of January 2009.


Judge

CERTIFICATE OF SERVICE

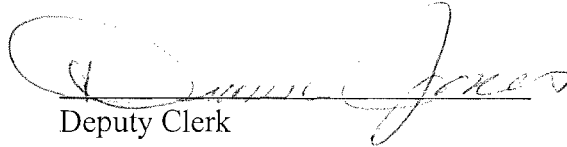
I hereby certify that on the 16 day of January, 2009, I served a copy of the foregoing
AMENDED CRIMINAL COMPLAINT thereof to the following:

**Stanley Holloway
Deputy Prosecuting Attorney**

[✓] **Court Folder**

**Office of the Public Defender
Attorney for Defendant**

[✓] **Court Folder**


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON FALLS
MAGISTRATE DIVISION

MINUTES FOR PRELIMINARY HEARING

JUDGE: Kershaw
DEPUTY CLERK: S Bartlett
CASE # CR 09-272

DATE: 2-27-09 SB
TIME: 8:15 am
TAPE: 9:49
COURTROOM: 6

THE STATE OF IDAHO,
Plaintiff,

ATTY: Stan Holloway

vs.

Judy Ann Mendoza
Defendant.

ATTY: Robin Weeks

In Custody Not Present Failed to Appear

THE DEFENDANT IS CHARGED WITH: _____

Forgery

COURT REVIEWED THE FILE.
COURT READ THE COMPLAINT. _____ COUNSEL WAIVED READING.
DEFENDANT WAIVED PRELIMINARY HEARING. _____ WRITTEN/WAIVER FILED
DEFENDANT WAIVED **SPEEDY** PRELIMINARY HEARING. _____ WRITTEN WAIVER FILED
COURT GAVE THE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.
WRITTEN OFFER SIGNED BY DEFENDANT AND FILED WITH THE COURT.
COURT ACCEPTED WAIVER.
DEFENDANT WAS BOUND OVER TO DISTRICT COURT.
STATE / DEFENSE REQUESTED A CONTINUANCE.
CONTINUED TO: _____

PRELIMINARY HEARING TO BE HELD _____ SEE PAGE 2
COUNSEL MOVED FOR THE EXCLUSION OF WITNESSES _____ COURT GRANTED.
DEFENDANT BOUND OVER AFTER PRELIM
CASE DISMISSED/REDUCED AFTER PRELIM

COUNSEL MOVED FOR BOND REDUCTION.
BOND WILL REMAIN THE SAME. _____ O.R. RELEASE
BOND RESET AT \$ _____ (BOND IS FOR THIS CASE ONLY, UNLESS OTHERWISE POSTED)
DEFENDANT TO ENROLL IN COURT COMPLIANCE UPON RELEASE/BOND
CONDITIONS OF BOND: _____

STATE DISMISSED THE CHARGE(S) _____

STATE REDUCED THE CHARGE(S) TO: _____
COURT GAVE DEFENDANT HIS/HER RIGHTS IN THIS MATTER.
DEFENDANT ENTERED GUILTY PLEA TO THE REDUCED CHARGE.
COURT ACCEPTED PLEA. _____ SET FOR SENTENCING ON _____

COMMENTS: _____

FEB 27 2009

By _____
Clerk
Deputy Clerk

Date: 2/27/2009
Time: 10:46 AM
Page 1 of 1

Fifth Judicial District Court - Twin Falls County

User: BARTLETT

Minutes Report

Case: CR-2009-0000272

Defendant: Mendoza, Judy Ann

Selected Items

Hearing type:	Preliminary	Minutes date:	02/27/2009
Assigned judge:	Thomas D. Kershaw Jr.	Start time:	10:13 AM
Court reporter:		End time:	10:13 AM
Minutes clerk:	Shelley Bartlett	Audio tape number:	
Prosecutor:	Grant Loeb		
Defense attorney:	Marilyn Paul		

PAGE 2

Tape Counter: 950 State's 1st witness, Maria Baum was called to the stand. Ms. Baum was duly sworn. Mr. Holloway asked for a brief recess.

Tape Counter: 954 Court is back in session and Ms. Baum was returned to the stand. Mr. Holloway examined the witness.

Tape Counter: 956 State's Exhibit 1, packet with bills, was marked and identified.

Tape Counter: 1004 Ms. Weeks cross examined.

Tape Counter: 1007 Mr. Holloway conducted re-direct.

Tape Counter: 1009 Witness is excused.

Tape Counter: 1009 State's 2nd witness, Michelle Wyatt was called to the stand. Officer Wyatt was duly sworn and examined by Mr. Holloway. 1014 Witness identified the defendant.

Tape Counter: 1017 Ms. Weeks cross-examined.

Tape Counter: 1020 Mr. Holloway conducted re-direct.

Tape Counter: 1022 Witness is excused.

Tape Counter: 1022 State's 3rd witness, Clint Doerr was called to the stand. Officer Doerr was duly sworn and examined by Mr. Holloway. 1026 Witness identified the defendant.

Tape Counter: 1031 State's Exhibit 1 was offered and admitted.

Tape Counter: 1036 Ms. Weeks cross-examined.

Tape Counter: 1040 Mr. Holloway conducted re-direct.

Tape Counter: 1040 Witness is excused. State rested. No defense witnesses/evidence.

Tape Counter: 1041 Mr. Holloway gave closing argument.

Tape Counter: 1043 Ms. Weeks gave closing argument.

Tape Counter: 1045 Court gave findings. Defendant is bound over to the District Court.

FEB 27 2009

By SM Clerk
L. J. O'Neil

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
MAGISTRATE DIVISION

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2009-0000272
)	
vs.	)	ORDER HOLDING
	)	DEFENDANT TO ANSWER TO
JUDY ANN MENDOZA,	)	DISTRICT COURT
)	
Defendant.)	
)	

Defendant having freely, knowingly and voluntarily waived a preliminary hearing, I order that defendant be held to answer to the charge(s) of:
118-3601 Forgery in the District Court.

From the evidence presented, I find that the offense(s) of:
118-3601 Forgery has/have been committed and there is sufficient cause to believe the defendant is guilty thereof. I order that defendant be held to answer in the District Court.

DATED 27 Feb 09.

CC: Grant Loeb
Marilyn Paul

[Signature]
Magistrate Judge

DISTRICT COURT
 Fifth District
 County of Idaho
 FEB 27 2009
 By _____ Clerk
 Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho,)	
	)	Case No. CR-2009-0000272
Plaintiff)	
	)	ORDER RETURNING
vs.	)	PROPERTY TO
	)	INVESTIGATING LAW
Judy Ann Mendoza	)	ENFORCEMENT AGENCY
)	
<u>Defendant(s).</u>)	

IT IS HEREBY ORDERED that the following exhibit(s) or items be returned to the investigating law enforcement agency in the above-entitled matter for safekeeping.

IT IS FURTHER ORDERED that the following exhibit(s) or items may be delivered to the Prosecuting Attorney pending delivery to the investigating law enforcement agency.

IT IS FURTHER ORDERED that the investigating law enforcement agency shall keep these items until the clerk gives the 10 day written Notice of Intent to Destroy Exhibits to all parties.

IT IS FURTHER ORDERED that if the defendant is sentenced to life imprisonment or death, the exhibits must be kept by the investigating law enforcement agency until further order of this court.

Exhibit #

Description

1

plastic sleeve with ²100.00 bills in it - allegedly
counterfeit

DATED this 27th day of February, 2009.

J. R. ...
JUDGE

Received by: Chet ...
Agency: Town Falls Police
Date: 2-27-09

- c: Prosecuting Attorney
- Defense Attorney
- Arresting Agency

OFFICE OF THE PUBLIC DEFENDER
 Attorneys at Law
 P. O. Box 126
 Twin Falls, Idaho 83303-0126
 (208)734-1155
 ISB # 6976

DISTRICT COURT
 TWIN FALLS, IDAHO
 ORIGINAL
 2009 FEB 27 AM 11:37
 BY: *[Signature]*
 CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 09-272
)	
v.)	
)	
JUDY MENDOZA,	)	MOTION FOR
	)	PREPARATION OF
	)	TRANSCRIPT AT
	)	COUNTY EXPENSE
Defendant.)	
_____)	

COMES NOW, the Defendant by and through her attorney, and hereby moves the Court pursuant to Rule 5.2 of the Idaho Rules of Criminal Practice and Procedure, for an order requiring the reporter or reporters of the Preliminary Hearing heretofore in the above-entitled case to prepare a transcript of the evidence educed at said hearing held on the 27th day of February, 2009, at the cost and expense of the County of Twin Falls.

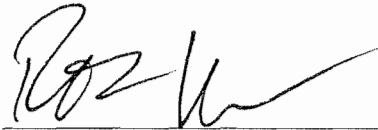
This motion is made and based upon the records, files and pleadings in the above-entitled action and for the following reasons:

1. That Defendant is entitled to said transcript pursuant to the above cited rule;
2. That Defendant is indigent by virtue of the Defendant's representation by the Public Defender;

3. That said transcript is necessary to aid Counsel in adequately preparing for this case.

DATED this 27th day of February, 2009.

OFFICE OF THE PUBLIC DEFENDER



Robin M.A. Weeks
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing Motion for Preparation of Transcript at County Expense, was delivered on the 27th day of February, 2009 to the following:

Grant Loeb
Twin Falls County Prosecutor



Legal Assistant

DISTRICT COURT
Fifth Judicial District
County of Twin Falls, Idaho
511
MAR - 2 2009
4:00 PM

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF _____ Clerk
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS _____ Deputy Clerk

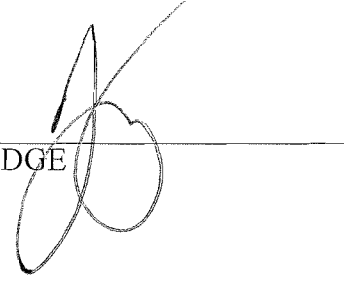
STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JUDY MENDOZA,)
)
 Defendant.)
 _____)

Case No. 09-272
ORDER FOR PREPARATION
OF TRANSCRIPT AT
COUNTY EXPENSE

PURSUANT TO the Motion for Preparation of Transcript at County Expense being filed
and, FOR GOOD CAUSE APPEARING THEREFORE,

IT IS HEREBY ORDERED AND THIS DOES ORDER, that a transcript of the
Defendant's Preliminary Hearing in the above entitled matter, held on February, 27th, 2009, be
prepared at county expense.

DATED this 2 day of March, 2009.

JUDGE _____


CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing ORDER was placed in the County Prosecutor's file in Magistrate Court on the 2 day of March, 2009.

OFFICE OF THE
PROSECUTING ATTORNEY
GRANT LOEBS

Hand Deliver
 Courthouse Mail

OFFICE OF THE
PUBLIC DEFENDER

Hand Deliver
 Courthouse Mail

RECORDS
COURT ~~REPORTER~~

Courthouse

Deborah McMullen
DEPUTY CLERK

CLERK OF DISTRICT COURT
TWIN FALLS CO., IDAHO
TWIN FALLS

2009 MAR -4 AM 11:13

BY _____
CLERK
OK

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, Idaho 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09-272
)	
Plaintiff,	)	INFORMATION FOR A FELONY, NAMELY:
	)	<u>Part I</u> - FORGERY
vs.	)	<u>Part II</u> - PERSISTENT VIOLATOR
)	
JUDY ANN MENDOZA,)	
)	
Defendant.	)	DOB [REDACTED]
_____	)	SSN [REDACTED]

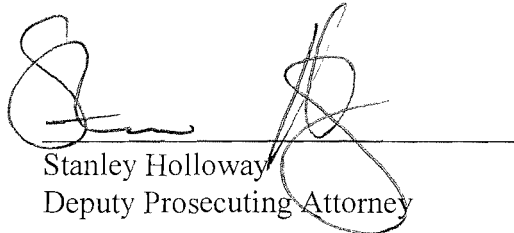
Stanley Holloway, Deputy Prosecuting Attorney for Twin Falls County, State of Idaho, who in the name and by the authority of said State, prosecutes in its behalf, in proper person, comes now into said District Court of the County of Twin Falls, State of Idaho, and gives the Court to understand and be informed that JUDY ANN MENDOZA, the above-named defendant, is accused by Part I of this Information of the crime of FORGERY, a Felony, and Part II PERSISTENT VIOLATOR, enhancement.

CLERK

FORGERY
Felony, I.C. 18-3601

That the Defendant, JUDY ANN MENDOZA, on or about the 6th day of January, 2009, in the County of Twin Falls, State of Idaho, did falsely and with the intent to defraud another, pass, utter or publish, and/or attempt to pass, utter or publish, as true and genuine, a certain written instrument, to-wit: a One Hundred Dollar (\$100) Federal Reserve Note bearing serial number DB68341673A at Swensen's Market, knowing at the time of the passing, uttering and/or publishing of the said instrument that it was false, altered, forged or counterfeit, in violation of Idaho Code Section 18-3601.

DATED this 3 day of March, 2009.


Stanley Holloway
Deputy Prosecuting Attorney

PART II
PERSISTENT VIOLATOR
Felony, I.C. 19-2514

That the Defendant, JUDY ANN MENDOZA, was previously convicted of two or more of the following felonies:

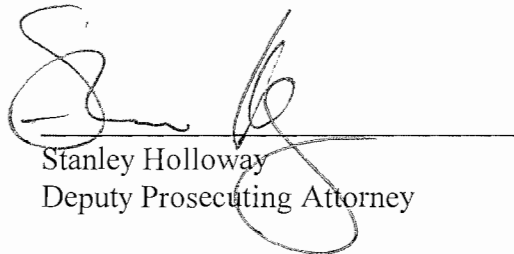
DELIVERY OF A CONTROLLED SUBSTANCE

On or about the 10th day of May, 1999, the Defendant was convicted of the felony of Delivery of a Controlled Substance, in the County of Twin Falls, State of Idaho, in case number CR 98-3626.

TRAFFICKING IN METHAMPHETAMINE OR AMPHETAMINE

On or about the 28th day of December, 2000, the Defendant was convicted of the felony of Trafficking in Methamphetamine or Amphetamine, in the County of Ada, State of Idaho, in case number H0000551.

DATED this 3 day of March, 2009.


Stanley Holloway
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 4 day of March, 2009, I served a copy of the foregoing **INFORMATION** thereof into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

for Michelle Phinney
Rachael Hunsaker
Case Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

Judge: Randy J. Stoker

Courtroom # 2

Clerk: Dorothy McMullen

Reporter: Sabrina Torres

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO
MAR - 5 2009

THE STATE OF IDAHO,)
)
Plaintiff.)
Vs)
Judy Ann Hernandez)
Defendant.)

Court Minutes

Case No. CR 09-272

DATE:
3-9-09

TIME:
9:00 AM.

State: *Holloway*

Other:

Defense: *Weeks*

Defendant ()

Custody Status (*OK*)

Hearing: *Arraignment*

Name verified () Public Defender Appointed/Confirmed () Rights given ()

(10:13) Not Guilty plea entered

5-6

10:00 AM

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,)	
	)	Case No. CR 09-272
Plaintiff.)	
Vs	)	SCHEDULING ORDER
)	
JUDY ANN MENDOZA,)	
)	
Defendant.)	

This matter came on for hearing before the Honorable Randy J. Stoker, District Judge. Appearing was the above-named defendant through counsel, Robin Weeks; Stan Holloway, appeared on behalf of the State of Idaho.

NOW THEREFORE, IT IS ORDERED that the following dates shall govern trial of this case:


1. Pretrial Motions must be filed within 28 days of arraignment and noticed for hearing on Law & Motion day within 14 days from filing. However, a motion pursuant to I.C.R. 22 must be filed within 20 days from the date of arraignment. The moving party shall also file a brief setting forth 1) the grounds for relief sought, 2) the factual basis supporting the motion, 3) the legal authority supporting the motion and 4) legal argument applying the law and facts.
2. Pretrial discovery is to be completed 35 days prior to the trial date. The Prosecuting Attorney must review the law enforcement agency's file prior to the pre-trial conference to make sure all reports or evidence are disclosed to defense counsel.

3. Expert testimony. All defense medical or expert testimony witnesses must be disclosed on or before the pre-trial date. If that expert prepares a written report, it must be given to opposing counsel prior to the pre-trial date.
4. Jury Instructions. Counsel must submit their proposed instructions to the Court ten days prior to the trial date.
5. Exhibit and Witness lists must be filed 20 days prior to the trial to be used in preliminary jury instructions and to limit trial issues.
6. Exhibits. Counsel will meet with the clerk to mark and/or to stipulate to exhibits at the pre-trial conference.

NOTICE OF TRIAL AND PRETRIAL IS ATTACHED

Time calculations are governed by Idaho Criminal Rules.

DATED this 11th day of March 2009.



RANDY J. STOKER
District Judge

Alternate Judges: Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Butler, Crabtree, Elgee, Higer, Hurlbutt, Meehl, Melanson and Wood.

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2009 MAR 17 AM 11:11

BY _____
CLERK
DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09-272
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
JUDY ANN MENDOZA,	)	AND WITNESS LIST
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloay, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

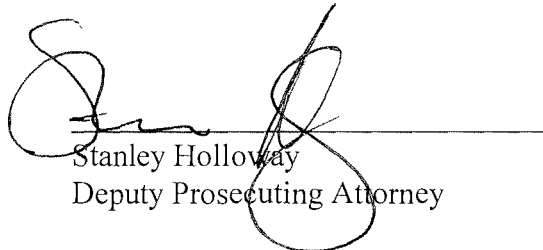
The State submits the following list of potential witnesses:

1. Maria Baum, Swensen's
115 Addison Ave
Twin Falls ID 83301

2. Michelle Wyatt, Twin Falls Police Department
356 3rd Avenue East
Twin Falls ID 83301
3. Clinton Doerr, Twin Falls County Sheriff's Office
425 Shoshone Street North
Twin Falls ID 83301
4. Jerry Haman
497 Wiseman
Hansen ID 83334
5. Ben Swensen, Swensen's
115 Addison Ave
Twin Falls ID 83301
6. Raymond Palomo
Address Unknown
7. David Frick, Twin Falls County Sheriff's Office
425 Shoshone Street North
Twin Falls ID 83301

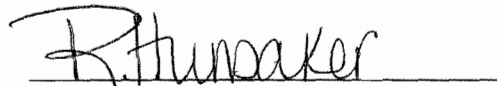
The State reserves the right to supplement discovery as information becomes available.

DATED this 16 day of March, 2009.


Stanley Holloway
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 2009, I served a copy of the foregoing **SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY AND WITNESS LIST** thereof into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Rachael Hunsaker
Felony Case Assistant

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2009 MAR 17 AM 11:11

BY _____
CLERK
_____ DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208)736-4020
Fax: (208)736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

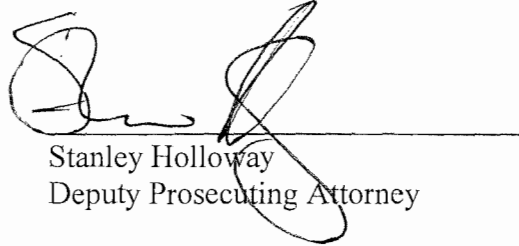
STATE OF IDAHO,) Case No. CR 09-272
)
Plaintiff,)
)
vs.) **STATE'S EXHIBIT LIST**
)
JUDY ANN MENDOZA,)
)
Defendant.)
_____)

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following list of potential exhibits in the above-entitled matter:

1. Twin Falls Police Department's Evidence Item No. 1: Counterfeit Money
2. Twin Falls Police Department Evidence Item No. 2: CD of Recordings - Audio/Visual: D. Solomon and C. Doerr

3. Any and all documents, tangible items, diagrams, photographs, etc. referred to or identified in discovery items provided to defense in the State's Response to Request for Discovery and all of the State's Supplemental Responses to Discovery.

DATED This 16 day of March, 2009.



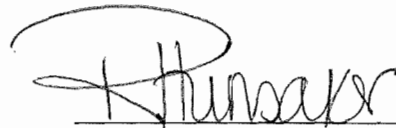
Stanley Holloway
Deputy Prosecuting Attorney

Evidence and Exhibit List

Ev. #	Item	ID #	Witness	Atty	Offered	Admitted	Comments
1	Counterfeit Money						
2	Recordings - Audio/Visual						

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 2009, I served a copy of the foregoing **STATE'S EXHIBIT LIST**, thereof into the mail slot for **THE OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Rachael Hunsaker
Case Assistant

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2009 APR 17 AM 11:05

BY _____ CLERK
W

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09-272
)	
Plaintiff,)	
)	
vs.	)	SUPPLEMENTAL RESPONSE TO
	)	REQUEST FOR DISCOVERY
JUDY ANN MENDOZA,	)	AND AMENDED WITNESS LIST
)	
Defendant.)	
_____)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloay, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:


The State submits the following list of potential witnesses:

1. Maria Baum, Swensen's
115 Addison Ave
Twin Falls ID 83301

2. Michelle Wyatt, Twin Falls Police Department
356 3rd Avenue East
Twin Falls ID 83301
3. Clinton Doerr, Twin Falls County Sheriff's Office
425 Shoshone Street North
Twin Falls ID 83301
4. Jerry Haman
497 Wiseman
Hansen ID 83334
5. Ben Swensen, Swensen's
115 Addison Ave
Twin Falls ID 83301
6. Raymond Palomo
Address Unknown
7. David Frick, Twin Falls County Sheriff's Office
425 Shoshone Street North
Twin Falls ID 83301
8. David Heidemann, Twin Falls County Sheriff's Office
425 Shoshone Street North
Twin Falls ID 83301

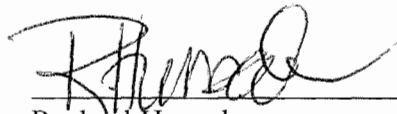
The State reserves the right to supplement discovery as information becomes available.

DATED this 14 day of April, 2009.


Stanley Holloway
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of April, 2009, I served a copy of the foregoing **SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY AND AMENDED WITNESS LIST** thereof into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Rachael Hunsaker
Felony Case Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 20 2009

Judge: Randy J. Stoker

Courtroom # 2

By _____
Clerk
Deputy Clerk

Clerk: Dorothy McMullen

Reporter: Sabrina Torres

THE STATE OF IDAHO,)
)
Plaintiff.)
Vs)
Judy Ann Mendoza)
Defendant.)

Court Minutes

Case No. CR 09-272

DATE: 4-20-09 TIME: 4:00 PM.

State: *Holloway*

Other:

Defense: *Weeks*

Defendant ()

Custody Status (*OC*)

Hearing: *Pretrial*

Name verified () Public Defender Appointed/Confirmed () Rights given ()

*(3.59) Ms. Weeks outlined the request to consolidate with
Heman case; Leave on trial calendar -*

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2009 APR 22 AM 11:14

BY _____ CLERK

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

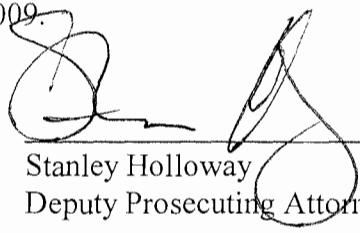
STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
JUDY ANN MENDOZA,)
)
Defendant.)
_____)

Case No. CR 09-272

**PLAINTIFF'S REQUESTED JURY
INSTRUCTIONS**

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and respectfully requests the Court to give the following Jury Instructions numbered 1 through 5 in the above-entitled action.

DATED this 21 day of April, 2009.



Stanley Holloway
Deputy Prosecuting Attorney

55
C. G. ...

INSTRUCTION NO. ____

A defendant in a criminal action is presumed to be innocent. This presumption places upon the state the burden of proving the defendant guilty beyond a reasonable doubt. Thus, a defendant, although accused, begins the trial with a clean slate with no evidence against the defendant. If, after considering all the evidence and my instructions on the law, you have a reasonable doubt as to the defendant's guilt, you must return a verdict of not guilty.

Reasonable doubt is defined as follows: It is not mere possible doubt, because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. It is the state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.

PLAINTIFF'S REQUESTED JURY INSTRUCTION NO. 1
GIVEN _____
MODIFIED _____
REFUSED _____
COVERED _____
OTHER _____

ICJI 106 PUNISHMENT NOT A CONCERN

INSTRUCTION NO. ____

Do not concern yourself with the subject of penalty or punishment. That subject must not in any way affect your verdict. If you find the defendant guilty, it will be my duty to determine the appropriate penalty or punishment.

PLAINTIFF'S REQUESTED JURY INSTRUCTION NO. 2

GIVEN _____

MODIFIED _____

REFUSED _____

COVERED _____

BY _____

ICJI 803 INTENT TO DEFRAUD DEFINED

INSTRUCTION NO. ____

An intent to defraud is an intent to deceive another person for the purpose of gaining some material advantage over that person or to induce that person to part with property or to alter that person's position to the injury or risk of the person, and to accomplish that purpose by some false statement, false representation of fact, wrongful concealment or suppression of truth, or by any other artifice or act designed to deceive.

PLAINTIFF'S REQUESTED JURY INSTRUCTION NO. 3
GIVEN _____
MODIFIED _____
REFUSED _____
COVERED _____
OTHER _____

INSTRUCTION NO. ____

In order for the defendant to be guilty of Forgery, the state must prove each of the following:

1. On or about January 6, 2009
2. in the state of Idaho
3. the defendant Judy Ann Mendoza
4. with the intent to defraud Swensen's Market
5. uttered, published, passed, or attempted to pass as true and genuine a false, altered, forged, or counterfeited writing knowing the same to be false, altered, forged, or counterfeited, with the intent to prejudice, damage, or defraud any person.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

ANTIFF'S REQUESTED JURY INSTRUCTION NO. 4
GIVEN _____
MODIFIED _____
REFUSED _____
COVERED _____
OTHER _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)
)
) Plaintiff,)
)
 vs.) **VERDICT**
)
) JUDY ANN MENDOZA,)
)
) Defendant.)
_____)

We, the Jury, unanimously find the defendant JUDY ANN MENDOZA:

(MARK ONLY ONE OF THE FOLLOWING VERDICTS)

_____ **NOT GUILTY** of Forgery.

_____ **GUILTY** of Forgery.

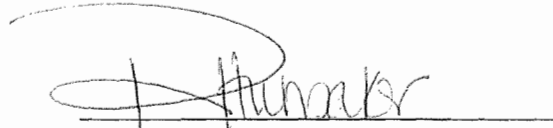
Dated this _____ day of _____, 2009.

Presiding Juror

PLAINTIFF'S REQUESTED JURY INSTRUCTION NO. 5
GIVEN _____
MODIFIED _____
REFUSED _____
COVERED _____
BY _____

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April, 2009, I served a copy of the foregoing **STATE'S REQUESTED JURY INSTRUCTIONS** thereof into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Rachael Hunsaker
Felony Case Assistant

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P. O. Box 126
Twin Falls, ID 83303
Telephone # (208) 734-1155
Fax # (208) 734-1161
ISB #6976

DISTRICT COURT
TWIN FALLS, CO., IDAHO
FILED

2009 APR 24 PM 3:14

BY _____
CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)
)
Plaintiff,)
)
v.)
)
JUDY MENDOZA,)
)
Defendant.)
_____)

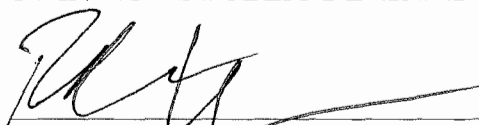
Case No. CR 09-272

DEFENDANT'S REQUESTED
JURY INSTRUCTIONS

The Defendant in the above-entitled action respectfully requests the Court to include in its instructions to the Jury the following requested Instructions.

DATED This 24th day of April, 2009.

TWIN FALLS PUBLIC DEFENDER



Robin M.A. Weeks
Deputy Public Defender

DEFENDANT'S REQUESTED JURY INSTRUCTIONS

ICJI 103A REASONABLE DOUBT (ALTERNATIVE)

PRESUMPTION OF INNOCENCE-REASONABLE DOUBT

INSTRUCTION NO. __

Under our law and system of justice, the defendant is presumed to be innocent. The presumption of innocence means two things.

First, the state has the burden of proving the defendant guilty. The state has that burden throughout the trial. The defendant is never required to prove her innocence, nor does the defendant ever have to produce any evidence at all.

Second, the state must prove the alleged crime beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It is the kind of doubt which would make an ordinary person hesitant to act in the most important affairs of his or her own life. If after considering all the evidence you have a reasonable doubt about the defendant's guilt, you must find the defendant not guilty.

Comment

The Due Process Clause of the Fourteenth Amendment requires that the jury be instructed on the presumption of innocence. *Taylor v. Kentucky*, 436 U.S. 478 (1977). Although technically not a "presumption", the presumption of innocence is a way of describing the prosecution's duty both to produce evidence of guilt and to convince the jury beyond a reasonable doubt. *Id.* Describing a reasonable doubt as the kind which would make an ordinary person hesitant to act in the most important affairs of his or her own life was approved by the Supreme Court in *Holland v. United States*, 348 U.S. 121, 75 S.Ct. 127, 99 L.Ed. 150 (1954) and by the Idaho Supreme Court in *State v. Taylor*, 76 Idaho 358, 362, 283 P.2d 582, 585 (1955).

This instruction was approved by the Court of Appeals in *State v. Gleason*, 130 Idaho 586, 944 P.2d 721 (Ct. App. 1997), but it has not been approved by the Idaho Supreme Court.

Defendant's Requested Jury Instruction No. _____
Given _____
Notified _____
Refused _____
Covered _____
Other _____ 63

ICJI 803 INTENT TO DEFRAUD DEFINED

INSTRUCTION NO. ___

An intent to defraud is an intent to deceive another person for the purpose of gaining some material advantage over that person or to induce that person to part with property or to alter that person's position to the injury or risk of the person, and to accomplish that purpose by some false statement, false representation of fact, wrongful concealment or suppression of truth, or by any other artifice or act designed to deceive.

Comment

See *State v. May*, 93 Idaho 343, 461 P.2d 126 (1969).

Defendant's Requested Jury Instruction No. _____
Given _____
Notified _____
Refused _____
Covered _____
Other _____

INSTRUCTION NO. __

In order for the defendant to be guilty of Forgery, the state must prove each of the following:

- 1. On or about January 6, 2009
- 2. in the state of Idaho
- 3. the defendant Judy Mendoza
- 4. with the intent to defraud Swensen's Market
- 5. uttered, published, passed, or attempted to pass as true and genuine a false, altered, forged, or counterfeited writing knowing the same to be false, altered, forged, or counterfeited, with the intent to prejudice, damage, or defraud any person.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Comment

I.C. 183601.

Defendant's Requested Jury Instruction No. _____
 Given _____
 Notified _____
 Refused _____
 Covered _____
 Other _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

STATE OF IDAHO,)
)
 Plaintiff,)
)
 v.)
)
 JUDY MENDOZA,)
)
 Defendant.)
 _____)

CASE NO. CR09-272

VERDICT FORM

We, the Jury, unanimously find the defendant Judy Mendoza:

___ Not Guilty of forgery.

___ Guilty of forgery.

Dated this ___ day of _____, 20__.

Presiding Officer

Defendant's Requested Jury Instruction No. _____

Given _____

Notified _____

Refused _____

Covered _____

Other _____

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing
DEFENDANT'S REQUESTED JURY INSTRUCTIONS was delivered to the Office of the Twin
Falls County Prosecutor on the 24 day of April, 2009.

Betsy Brown

FILED
TWIN FALLS COUNTY, IDAHO

2009 APR 30 AM 11:31

BY _____
OK

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

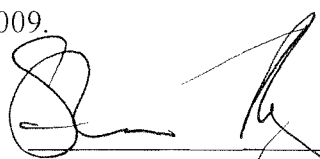
STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
JUDY ANN MENDOZA,)
)
Defendant.)
_____)

Case No. CR 09-272

**PLAINTIFF'S SUPPLEMENTAL
REQUESTED JURY INSTRUCTION**

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and respectfully requests the Court to give the following supplemented Jury Instruction numbered 16 in the above-entitled action.

DATED this 30 day of April, 2009.



Stanley Holloway
Deputy Prosecuting Attorney

INSTRUCTION NO. ____

The term "utter" means:

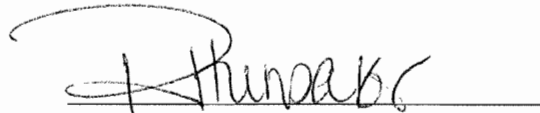
Utter, v. To utter and publish an instrument, as a counterfeit note, is to declare or assert, directly or indirectly, by words or actions, that it is good; uttering it is a declaration that it is good, with an intention or offer to pass it. To utter, as used in a statute against forgery and counterfeiting, means to offer, whether accepted or not, a forged instrument, with the representation, by words or actions, that the same is genuine.

Black's Law Dictionary
6th Edition

PLAINTIFF'S REQUESTED JURY INSTRUCTION NO. 1b
GIVEN _____
MODIFIED _____
REFUSED _____
COVERED _____
OTHER _____

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2009, I served a copy of the foregoing **STATE'S REQUESTED SUPPLEMENTAL JURY INSTRUCTIONS** thereof into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Rachael Hunsaker
Felony Case Assistant

OFFICE OF THE PUBLIC DEFENDER
Attorney at Law
P.O. Box 126
Twin Falls, ID 83303-0126
Telephone: (208) 734-1155
ISB# 6976

2009 MAY 14 AM 8:54
BY: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS


STATE OF IDAHO,)
)
) No. CR 09-272
Plaintiff.)
)
)
vs.) WITNESS LIST
)
)
JUDY MENDOZA,)
)
)
Defendant.)
_____)

COMES NOW The Defendant, by and through his attorney of record, Robin M.A. Weeks, Deputy Public Defender, and submits the following list of potential witnesses in the above-entitled matter:

1. Any and all witnesses disclosed in discovery by the State.

Defendant reserves the right to submit and call additional witnesses on behalf of the defense.

DATED this 4th day of May, 2009.



Robin M.A. Weeks
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of May, 2009, I served a copy of the foregoing ANTICIPATED WITNESSES thereof into the mail slot for THE OFFICE OF THE TWIN FALLS COUNTY PROSECUTOR located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Public Defender's Office.



Legal Secretary

DISTRICT COURT
TWIN FALLS, IDAHO
FILED

2009 MAY -5 PM 2:08

BY _____
FILED
AK

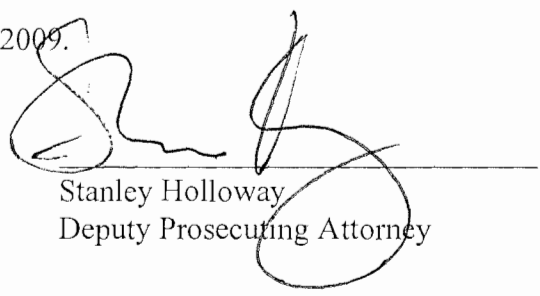
GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09-272
)	
Plaintiff,)	
)	
vs.	)	PLAINTIFF'S SUPPLEMENTAL
	)	REQUESTED JURY INSTRUCTION
JUDY ANN MENDOZA,)	
)	
Defendant.)	
_____)	

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and respectfully requests the Court to give the following supplemented Jury Instruction numbered 132 in the above-entitled action.

DATED this 5 day of May, 2009.



Stanley Holloway
Deputy Prosecuting Attorney

INSTRUCTION NO ___

Having found the defendant guilty of Forgery, you must next consider whether the defendant has been convicted on at least two prior occasions of felony offenses.

The state alleges the defendant has prior felony convictions as follows:

1. On or about the 10th day of May, 1999, under the name of Judy Ann Mendoza, the defendant was convicted of a felony, to-wit: Delivery of a Controlled Substance, in the county of Twin Falls, State of Idaho, in case No. CR 98-3626; and

2. On or about the 28th day of December, 2000, under the name of Judy Ann Mendoza, the defendant was convicted of a felony, to-wit: Trafficking in Methamphetamine or Amphetamine, in the County of Ada, State of Idaho, in case No. H0000551.

The existence of a prior conviction must be proved beyond a reasonable doubt and your decision must be unanimous.

PLANTIFF'S REQUESTED JURY INSTRUCTION NO. 1
GIVEN _____
MODIFIED _____
REFUSED _____
COVERED _____
OTHER _____

INSTRUCTION NO. _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09-272
)	
Plaintiff,)	
)	
vs.	)	VERDICT
)	
JUDY ANN MENDOZA,)	
)	
Defendant.)	
_____)	

We, the Jury, duly impaneled and sworn to try the above entitled action, unanimously answer the questions submitted to us in this verdict as follows:

QUESTION NO. 1: Was the Defendant convicted on or about the 10th day of May, 1999, under the name of Judy Ann Mendoza, of a felony, to-wit: Delivery of a Controlled Substance, in the county of Twin Falls, State of Idaho, in case No. CR 98-3626?

ANSWER: YES _____ NO _____

QUESTION NO. 2: Was the Defendant convicted on or about the 28th day of December, 2000, under the name of Judy Ann Mendoza, of a felony, to-wit: Trafficking in Methamphetamine or Amphetamine, in the County of Ada, State of Idaho, in case No. H0000551?

ANSWER: YES _____ NO _____

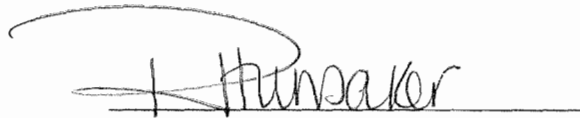
Dated this _____ day of May, 2009.

Presiding Juror

PLAINTIFF'S REQUESTED JURY INSTRUCTION NO. 2
 GIVEN _____
 MODIFIED _____
 REFUSED _____
 COVERED _____
 OTHER _____

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of May, 2009, I served a copy of the foregoing **STATE'S REQUESTED SUPPLEMENTAL JURY INSTRUCTIONS** thereof into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.

A handwritten signature in black ink, appearing to read "Rachael Hunsaker", written over a horizontal line. The signature is cursive and includes a large, sweeping flourish above the name.

Rachael Hunsaker
Felony Case Assistant

original

56

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 6 2009

By _____ *Grizom*
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	CASE NO. CR 09-0272
Plaintiff,)	
)	
v.	)	<u>PRELIMINARY JURY</u>
	)	<u>INSTRUCTIONS</u>
JUDY ANN MENDOZA,)	
)	
Defendant.)	
_____)	

MEMBERS OF THE JURY: I will now give you the Preliminary Instructions in this case. Individual copies of these Preliminary Instructions are being provided to each of you. These copies are yours to use, and you may highlight or make notes upon them as you wish. However, I do need these returned to the court at the end of the trial. Once the evidence is fully presented, I will give you the Final Instructions in this case. Those Final Instructions, together, with these Preliminary Jury Instructions will control your deliberations.

INSTRUCTION NO. 1

Now that you have been sworn as jurors to try this case, I want to go over with you what will be happening. I will describe how the trial will be conducted and what we will be doing. At the end of the trial, I will give you more detailed guidance on how you are to reach your decision.

Because the State has the burden of proof, it goes first. After the State's opening statement, the Defense may make an opening statement, or may wait until the State has presented its case.

The State will offer evidence that it says will support the charge(s) against the Defendant. The Defense may then present evidence, but is not required to do so. If the Defense does present evidence, the State may then present rebuttal evidence. This is evidence offered to answer the defense's evidence.

After you have heard all the evidence, I will give you additional instructions on the law. After you have heard the instructions, the State and the Defense will each be given time for closing arguments. In their closing arguments, they will summarize the evidence to help you understand how it relates to the law. Just as the opening statements are not evidence, neither are the closing arguments. After the closing arguments, you will leave the courtroom together to make your decision. During your deliberations, you will have with you my instructions, the exhibits admitted into evidence and any notes taken by you in court.

INSTRUCTION NO. 2

Your duties are to determine the facts, to apply the law set forth in my instructions to those facts, and in this way to decide the case. In so doing, you must follow my instructions regardless of your own opinion of what the law is or should be, or what either side may state the law to be. You must consider them as a whole, not picking out one and disregarding others. The order in which the instructions are given has no significance as to their relative importance. The law requires that your decision be made solely upon the evidence before you. Neither sympathy nor prejudice should influence you in your deliberations. Faithful performance by you of these duties is vital to the administration of justice.

In determining the facts, you may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts. The production of evidence in court is governed by rules of law. At times during the trial, an objection may be made to a question asked a witness, or to a witness' answer, or to an exhibit. This simply means that I am being asked to decide a particular rule of law. Arguments on the admissibility of evidence are designed to aid the Court and are not to be considered by you nor affect your deliberations. If I sustain an objection to a question or to an exhibit, the witness may not answer the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. Similarly, if I tell you not to consider a particular statement or exhibit you should put it out of your mind, and not refer to it or rely on it in your later deliberations.

During the trial I may have to talk with the parties about the rules of law which should apply in this case. Sometimes we will talk here at the bench. At other times I will excuse you from the courtroom so that you can be comfortable while we work out any problems. You are not to speculate about any such discussions. They are necessary from time to time and help the trial run more smoothly.

Some of you have probably heard the terms "circumstantial evidence," "direct evidence" and "hearsay evidence." Do not be concerned with these terms. You are to consider all the evidence admitted in this trial.

However, the law does not require you to believe all the evidence. As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it.

There is no magical formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves whom you believe, what you believe, and how much weight you attach to what you are told. The same considerations that you use in your everyday dealings in making these decisions are the considerations which you should apply in your deliberations.

In deciding what you believe, do not make your decision simply because more witnesses may have testified one way than the other. Your role is to think about the testimony of each witness you heard and decide how much you believe of what the witness had to say.

A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider

the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

INSTRUCTION NO. 3

If during the trial I may say or do anything which suggests to you that I am inclined to favor the claims or position of any party, you will not permit yourself to be influenced by any such suggestion. I will not express nor intend to express, nor will I intend to intimate, any opinion as to which witnesses are or are not worthy of belief; what facts are or are not established; or what inferences should be drawn from the evidence. If any expression of mine seems to indicate an opinion relating to any of these matters, I instruct you to disregard it.

INSTRUCTION NO. 4

A Defendant in a criminal action is presumed to be innocent. This presumption places upon the State the burden of proving the Defendant guilty beyond a reasonable doubt. Thus, a Defendant, although accused, begins the trial with a clean slate with no evidence against the Defendant. If, after considering all the evidence and my instructions on the law, you have a reasonable doubt as to the Defendant's guilt, you must return a verdict of not guilty.

Reasonable doubt is defined as follows: It is not mere possible doubt, because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. It is the State of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.

INSTRUCTION NO. 5

Do not concern yourself with the subject of penalty or punishment. That subject must not in any way affect your verdict. If you find the Defendant guilty, it will be my duty to determine the appropriate penalty or punishment.

INSTRUCTION NO. 6

If you wish, you may take notes to help you remember what witnesses said. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. You should not let note-taking distract you so that you do not hear other answers by witnesses. When you leave at night, please leave your notes in the jury room.

If you do not take notes, you should rely on your own memory of what was said and not be overly influenced by the notes of other jurors. In addition, you cannot assign to one person the duty of taking notes for all of you.

If you wish to take notes, and you have not yet been provided with a notebook and pencil, please advise the bailiff.

INSTRUCTION NO. 7

It is important that as jurors and officers of this court you obey the following instructions at any time you leave the jury box, whether it be for recesses of the court during the day or when you leave the courtroom to go home at night.

First, do not talk about this case either among yourselves or with anyone else during the course of the trial. You should keep an open mind throughout the trial and not form or express an opinion about the case. You should only reach your decision after you have heard all the evidence, after you have heard my final instruction and after the final arguments. You may discuss this case with the other members of the jury only after it is submitted to you for your decision. All such discussion should take place in the jury room.

Second, do not let any person talk about this case in your presence. If anyone does talk about it, tell them you are a juror on the case. If they won't stop talking, report that to the bailiff as soon as you are able to do so. You should not tell any of your fellow jurors about what has happened.

Third, during this trial do not talk with any of the parties, their lawyers or any witnesses. By this, I mean not only do not talk about the case, but do not talk at all, even to pass the time of day. In no other way can all parties be assured of the fairness they are entitled to expect from you as jurors.

Fourth, during this trial do not make any investigation of this case or inquiry outside of the courtroom on your own. Do not go any place mentioned in the testimony without an explicit order from me to do so. You must not consult any books, dictionaries,

encyclopedias or any other source of information unless I specifically authorize you to do so.

Fifth, do not read about the case in the newspapers. Do not listen to radio or television broadcasts about the trial. You must base your verdict solely on what is presented in court and not upon any newspaper, radio, television or other account of what may have happened.

INSTRUCTION NO. 7A

You have been instructed to not make any investigation of this case or inquiry outside of the courtroom on your own. Because of the nature of this case, I further instruct you to refrain from making any independent comparisons between items which are entered into evidence and similar items which you may have access to. Specifically, outside of this courtroom, you must not examine, research, compare, or investigate the difference between U.S. currency in circulation and the currency at issue in this trial.

INSTRUCTION NO. 8

It is highly probable that during the course of this trial, it will be necessary for me to excuse you and ask that you wait in the jury room while counsel for the parties and I discuss and try to resolve disputes over the admissibility of evidence, the propriety of proposed jury instructions, or other important legal issues that may affect the trial. On occasion, I may declare an early recess, or have you come in later than normal in order not to keep you waiting while we do this.

Let me assure you that while you are waiting, we are working. Let me also assure you that both the attorneys and I know that your time is valuable, and understand that delays which keep you waiting can be frustrating. Both they and I will do everything reasonably possible to expedite the presentation of evidence so that you can complete your duties and return to your normal lives as soon as possible. I know that you understand that these proceedings are extremely important to the parties, and your patience will help ensure that the final outcome is just and legally correct.

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P. O. Box 126
Twin Falls, ID 83303
Telephone # (208) 734-1155
Fax # (208) 734-1161
ISB #6976

ORIGINAL
DISTRICT COURT
Fifth Judicial District
County of Twin Falls, Idaho
MAY 6 2009
By _____ Clerk
_____ Deputy Clerk

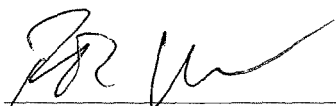
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR 09-272
)	
v.	)	DEFENDANT'S SUPPLEMENTAL
	)	JURY INSTRUCTIONS
JUDY MENDOZA,)	
)	
Defendant.)	
_____)	

The Defendant in the above-entitled action respectfully requests the Court to include in its instructions to the Jury the following supplemental instructions.

DATED This 6th day of May, 2009.

TWIN FALLS PUBLIC DEFENDER



Robin M.A. Weeks
Deputy Public Defender

Jury Instruction No. _____

You have been instructed to not make any investigation of this case or inquiry outside of the courtroom on your own. Because of the nature of this case, I further instruct you to refrain from making any independent comparisons between items which are entered into evidence and similar items which you may have access to. Specifically, outside of this courtroom, you must not examine, research, compare, or investigate the difference between U.S. currency in circulation and the currency at issue in this trial.

[Handwritten signature]
5/6/05

Defendant's Requested Jury Instruction No. _____
Given _____
Notified _____
Refused _____
Covered _____
Other _____

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing
DEFENDANT'S REQUESTED JURY INSTRUCTIONS was delivered to the Office of the Twin
Falls County Prosecutor on the 6 day of May, 2009.

Betsy Brown

original

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 7 2009

By _____ 9:03 AM
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)

Plaintiff,)

v.)

JUDY ANN MENDOZA,)

Defendant.)

CASE NO. CR 09-0272

FINAL JURY INSTRUCTIONS

MEMBERS OF THE JURY: I will now give you the final jury instructions in this case. These Final Jury Instructions, along with the Preliminary Jury Instructions which were given to you earlier in the trial, will control your deliberations. A copy of these instructions is being provided to each of you for your use during your deliberations, and you may highlight or write on them as you see fit. After I have given you these instructions, counsel for the parties will deliver their closing arguments.



INSTRUCTION NO. 9

You have now heard all the evidence in the case. My duty is to instruct you as to the law.

You must follow all the rules as I explain them to you. You may not follow some and ignore others. Even if you disagree or don't understand the reasons for some of the rules, you are bound to follow them. If anyone states a rule of law different from any I tell you, it is my instruction that you must follow.



INSTRUCTION NO. 10

The original instructions and the exhibits will be with you in the jury room. They are part of the official court record. For this reason please do not alter them or mark on them in any way

You have each received a duplicate copy of these instructions and the verdict form. You are free to highlight or write on your copies of the instructions.

The instructions are numbered for convenience in referring to specific instructions. There may or may not be a gap in the numbering of the instructions. If there is, you should not concern yourselves about such gap.

INSTRUCTION NO. 11

As members of the jury it is your duty to decide what the facts are and to apply those facts to the law that I have given you. You are to decide the facts from all the evidence presented in the case.

The evidence you are to consider consists of:

1. sworn testimony of witnesses;
2. exhibits which have been admitted into evidence; and
3. any facts to which the parties have stipulated.

Certain things you have heard or seen are not evidence, including:

1. arguments and statements by lawyers. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is included to help you interpret the evidence, but is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, follow your memory;
2. testimony that has been excluded or stricken, or which you have been instructed to disregard;
3. anything you may have seen or heard when the court was not in session.

INSTRUCTION NO. 12

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account:

1. the opportunity and ability of the witness to see or hear or know the things testified to;
2. the witness's memory;
3. the witness's manner while testifying;
4. the witness's interest in the outcome of the case and any bias or prejudice;
5. whether other evidence contradicted the witness's testimony;
6. the reasonableness of the witness's testimony in light of all the evidence; and
7. any other factors that bear on believability.

The weight of the evidence as to a fact does not necessarily depend on the number of witnesses who testify.

INSTRUCTION NO. 13

The instructions on reasonable doubt and the burden of proof to be carried by the State of Idaho do not require the State to prove every fact and every circumstance put in evidence beyond a reasonable doubt. The burden of proof extends only to the material elements of the offense. These material elements are set forth in the following instruction.

INSTRUCTION NO. 13A

In order for the defendant to be guilty of Forgery, the state must prove each of the following:

1. On or about January 6, 2009
2. in the state of Idaho
3. the defendant Judy Ann Mendoza
4. with the intent to defraud Swensen's Market
5. uttered, published, passed, or attempted to pass as true and genuine a false altered, forged, or counterfeited writing knowing the same to be false, altered, forged, or counterfeited, with the intent to prejudice, damage, or defraud any person.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

INSTRUCTION NO. 13 B

An intent to defraud is an intent to deceive another person for the purpose of gaining some material advantage over that person or to induce that person to part with property or to alter that person's position to the injury or risk of the person, and to accomplish that purpose by some false statement, false representation of fact, wrongful concealment or suppression of truth, or any other artifice or act designed to deceive.



INSTRUCTION NO. 13C

To utter and publish an instrument, as a counterfeit note, is to declare or assert, directly or indirectly, by words or actions, that it is good; uttering it is a declaration that it is good, with an intention or offer to pass it. To utter, as used in a statute against forgery and counterfeiting, means to offer, whether accepted or not, a forged instrument, with the representation, by words or actions, that the same is genuine.

INSTRUCTION NO. 14


I have outlined for you the rules of law applicable to this case and have told you of some of the matters which you may consider in weighing the evidence to determine the facts. In a few minutes counsel will present their closing remarks to you, and then you will retire to the jury room for your deliberations.

The arguments and statements of the attorneys are not evidence. If you remember the facts differently from the way the attorneys have stated them, you should base your decision on what you remember.

The attitude and conduct of jurors at the beginning of your deliberations are important. It is rarely productive at the outset for you to make an emphatic expression of your opinion on the case or to state how you intend to vote. When you do that at the beginning, your sense of pride may be aroused, and you may hesitate to change your position even if shown that it is wrong. Remember that you are not partisans or advocates, but are judges.

As jurors you have a duty to consult with one another and to deliberate before making your individual decisions. You may fully and fairly discuss among yourselves all of the evidence you have seen and heard in this courtroom about this case, together with the law that relates to this case as contained in these instructions.

During your deliberations, you each have a right to re-examine your own views and change your opinion. You should only do so if you are convinced by fair and honest discussion that your original opinion was incorrect based upon the evidence the jury saw and heard during the trial and the law as given you in these instructions.



Consult with one another. Consider each other's views, and deliberate with the objective of reaching an agreement, if you can do so without disturbing your individual judgment. Each of you must decide this case for yourself; but you should do so only after a discussion and consideration of the case with your fellow jurors.

However, none of you should surrender your honest opinion as to the weight or effect of evidence or as to the innocence or guilt of the defendant because the majority of the jury feels otherwise or for the purpose of returning a unanimous verdict.

INSTRUCTION NO. 15

Upon retiring to the jury room, select one of your members as a presiding juror, who will preside over your deliberations. It will be that person's duty to see that discussion is orderly; that the issues submitted for your decision are fully and fairly discussed; and that each juror has a chance to express himself or herself upon each question.

In this case, your verdict must be unanimous. When all of you have arrived at a verdict, the presiding juror will fill out and sign the original Verdict, and advise the bailiff that you have completed your deliberations. The bailiff will then return you into open court. The person selected as presiding juror will serve as your spokesperson for purposes of announcing your verdict.

Your verdict in this case cannot be arrived at by chance, by lot, or by compromise.

If, after considering all of the instructions in their entirety, and after having fully discussed the evidence before you, the jury determines that it is necessary to communicate with me, you may send a note by the bailiff. You are not to reveal to me or anyone else how the jury stands until you have reached a verdict or unless you are instructed by me to do so.

A Verdict form suitable to any conclusion you may reach will be submitted to you with these instructions.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

Judge: Randy J. Stoker

Courtroom #2

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

Clerk: Dorothy McMullen

MAY - 7 2009

Reporter: Sabrina Torres

By _____ 12:00 PM
Clerk
Deputy Clerk

THE STATE OF IDAHO,)

Plaintiff.)

Vs)

JUDY MENDOZA,)

Defendant.)

Court Minutes

Case No. CR 09-272

DATE: 5-6-09 TIME: 9:00 AM

(9:05) Court convened. The Court made introductions and advised the Court regarding the charges against the defendant. (9:15) The prospective jurors were sworn and the Court began voir dire. James Van Zante was excused. The court continued voir dire. (9:28) Juror #25 came in late and was sworn. The Court advised the late juror of the charges. The Court continued voir dire. (9:40) Rebecca Duke was excused. (9:54) Chase Hornaday was excused. (10:00) Donna Anderson was excused. The Court continued voir dire. (10:02) Court recessed.

(10:00) Court reconvened. Mr. Holloway began voir dire. (10:38) Mr. Holloway passed the panel for cause and Ms. Weeks began voir dire. (11:00) Ms. Weeks passed the panel for cause and peremptory challenges were held. (11:18) The jury panel was sworn and was admonished and excused. The court discussed the proposed instructions with counsel. court recessed.

(11:33) Court reconvened. Counsel stipulated that all parties were present and in their proper places. The Court read the preliminary instructions to the jury. (11:47) Mr. Holloway presented opening argument. (11:56) Ms. Weeks presented opening statement to the jury. (12:03) The jury was admonished and court recessed.

(1:20) Court reconvened. The State called Maria Baum and she was sworn. Mr. Holloway examined the witness. State's exhibit 1b (bill) was marked for identification. (1:30) Ms. Weeks cross-examined the witness. (1:33) The State called Ben Swensen and he was sworn. Mr. Holloway examined the witness. (1:43) Ms. Weeks cross-examined the witness. (1:50) Mr. Holloway examined the witness on re-direct examination. (1:50) The state called Officer Michelle Wyatt and she was sworn. Mr. Holloway examined the witness. State's exhibit 1a (bill) was marked for identification. Exhibit 1a & 1b were

admitted and were published to the jury. (2:09) Ms. Weeks cross-examined the witness. (2:12) Mr. Holloway questioned the witness on re-direct examination. (2:14) The State called Officer Clinton Doerr and he was sworn. Mr. Hollolway questioned the witness. (2:24) Ms. Weeks cross-examined the witness. (2:29) Mr. Holloway questioned the witness on re-direct examination. (2:32) The State called David Heidemann and he was sworn. Mr. Holloway examined the witness. (2:43) Ms. Weeks cross-examined the witness. State rested. The jury was admonished and court recessed.

(3:08) Court reconvened. Ms. Weeks moved for dismissal. Mr. Holloway responded. The Court denied the motion at this time. (3:13) The jury was returned to the courtroom and counsel stipulated that all parties were present and in their proper places. (3:13) Ms. Weeks called Jerry Haman and he was sworn. Ms. Weeks examined the witness. (3:19) Mr. Hollloway cross-examined the witness. (3:30) Ms. Weeks examined the witness on re-direct examination. (3:33) The defense called Judy Mendoza and she was sworn. Ms. Weeks examined the witness. (3:57) Mr. Holloway cross-examined the witness. (4:12) Ms. Weeks questioned the witness on re-direct examination. (4:23) Mr. Holloway questioned the witness on re-cross examination. The defense rested. (4:25) The jury was admonished and court recessed. Court and counsel discussed the jury instructions. Court recessed.

(4:42) Court reconvened without the presence of the defendant. Mr. Holloway had no objections to the proposed final jury instructions. There was no objection to the instruction by Ms. Weeks. (4:44) Court recessed.

(9:01) Ms. Weeks renewed the defense motion to dismiss. Mr. Holloway responded. The Court again denied the motion. (9:03) The jury was brought in and counsel stipulated that all parties were present and in their proper places. The Court read the instructions to the jury. (9:14) Mr. Holloway presented closing argument. (9:30) Ms. Weeks presented closing argument. (9:56) Mr. Holloway presented final argument. (10:01) The bailiff was sworn and the alternate juror, Jason Egbert, was selected and excused until and unless needed. (10:04) The jury was retired for deliberation.

(11:36) Court reconvened. Counsel stipulated that all parties were present and in their proper places. The verdict was read finding the defendant guilty of the charge of Forgery. The defense requested that the jury be polled and this was done. The jury was removed. The Court questioned the defendant and she admitted the prior felonies listed on the enhancement charge. The court accepted the admission. (11:42) The jury was returned to the courtroom and the court explained the persistent violator enhancement. The Court read the final instruction to the jury and they were excused. (11:46) The Court ordered a presentence investigation and sentencing will be set for July 13, 2009 2:30 PM. Court recessed.

Original
DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 7 2009

By _____ *12:00 PM*
Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)
)
Plaintiff,)
)
v.) **VERDICT**
)
JUDY ANN MENDOZA,)
)
Defendant.)
_____)

We, the Jury, unanimously find the defendant Judy Ann Mendoza,

Not Guilty

Guilty

of the crime of forgery.

Dated this 7th day of May, 2009.

William F. Morgan
Presiding Juror

MAY - 7 2009

By _____ 12:00 PM
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN
AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)
)
 Plaintiff.)
 Vs) Case CR 09-272
)
 JUDY MENDOZA,) WITNESS LIST
)
 Defendant.)

State's Witnesses:

Maria Baum
Ben Swensen
Officer Michelle Wyatt
Officer Clinton Doerr
Detective David Heidemann

Defense Witnesses:

Jerry Haman
Judy Mendoza

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY - 7 2009

By _____ *12:00 PM*
Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN
AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)
)
Plaintiff.)
Vs) Case CR 09-272
)
JUDY MENDOZA,) Exhibit List
)
Defendant.)

State's Exhibits:

- Exhibit 1a (counterfeit bill)
- Exhibit 1b (counterfeit bill)

MAY - 7 2009

12 PM

By _____ Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff

vs.

Judy Ann Mendoza

Defendant

CASE NO. CR 09-272

NOTICE OF SENTENCING HEARING AND
ORDER REGARDING PREPARATION FOR
SENTENCING HEARING

D.O.B.: 5-20-52

S.S.N.: _____

CUSTODY STATUS: OUT OF CUSTODY

CHARGE: Foreign / Persistent Violator

Based upon the above-named defendant having been found guilty; pled guilty, notice is hereby given that the above-entitled matter is scheduled for a Sentencing hearing before the Honorable Randy Stokes District Judge, at the Theron Ward Judicial Building, Twin Falls, Idaho, to begin at 2:30 P.m. on the 13 day of July, 2009.

IT IS HEREBY ORDERED that the Defendant must complete the following requirements marked with an X below:

- Meet with the court pre-sentence investigative reporter and aid in the preparation of a pre-sentence investigative report.
- Alcohol Evaluation.
- Controlled Substance Evaluation.
- Psychological Evaluation.
- Psychosexual Evaluation.
- Other: _____

Appointments with the evaluators must be made immediately upon leaving the courtroom today. The final report(s) must be delivered to the Court and opposing counsel at least one (1) working day before sentencing. These evaluations must be performed by persons approved by the Court or who meet the requirements as set forth in the Idaho Code or applicable court rules.

IT IS SO ORDERED THIS 7 day of July, _____.

District Judge

Hand delivered: Prosecutor--yellow Defense counsel--pink P&P--gold

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2009 JUN 22 PM 3:19

BY _____ CLERK

AW _____ DEPUTY

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

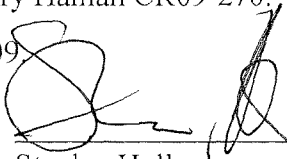
STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
JUDY MENDOZA,)
)
Defendant.)
_____)

Case No. CR09-272

**EX PARTE MOTION FOR RELEASE OF
JURY TRIAL EXHIBITS**

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and moves the above-entitled Court for an order allowing the release of the Jury Trial exhibits, to be returned to the Twin Falls Police Department, in the above-entitled action. The State intends to use these exhibits in the Trial of the co-defendant, Jerry Haman CR09-270.


DATED this 22 day of June, 2009



Stanley Holloway
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of June 2009, I served a copy of the foregoing **EX PARTE MOTION FOR RELEASE OF JURY TRIAL HEARING EXHIBITS** thereof into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Rachael Hunsaker
Case Assistant

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83303
Phone: (208) 736-4020
Fax: (208) 736-4120

Denied -
The Court Exhibit
must stay in the file and
be control of the Clerk.
If St. v. Haman is tried,
Arrangements will be made
for use of these exhibits.
6/23/09

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09-272
)	
Plaintiff,)	
)	
vs.	)	EX PARTE ORDER FOR RELEASE OF
	)	JURY TRIAL EXHIBITS
JUDY MENDOZA,)	
)	
Defendant.)	
_____)	

Based upon the *State's Ex Parte Motion for Release of Jury Trial Exhibits*,

IT IS HEREBY ORDERED that the exhibits from the Jury Trial held in the above-entitled case be released to the Twin Falls Police Department.

DATED this _____ day of June, 2009.

Randy J. Stoker
District Judge

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 13 2009

By _____ 3:00 PM
Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho,)
)
 Plaintiff,)
)
 vs.)
 Judy Mendoza)
 Defendant.)

CASE NO. CR- *09-0272*

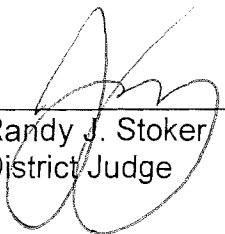
ORDER DIRECTING
AMENDMENT OF PRESENTENCE
REPORT

This Court has imposed sentence in this case. Prior to the imposition of sentence certain corrections, additions or modifications were made to the report in open court. The Court has determined that the presentence report prepared by the Department of Corrections should be modified to include this information.

Accordingly, It is Hereby Ordered that the presentence report shall be modified as follows:

- To **substitute** the original page(s) of the report with those copies submitted with this order. *p.3, p.8, p.9*
- To **supplement** the original report with that information submitted with this order.

Dated this 13 day of July, 2009.


Randy J. Stoker
District Judge

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

Judge: Randy J. Stoker

Courtroom # 2

Clerk: Dorothy McMullen

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

Reporter: Sabrina Torres

JUL 13 2009

THE STATE OF IDAHO,)

By _____ Clerk

Plaintiff.)

Court Minutes

Vs)

Judy Ann Mendoza

Case No. CR 09-272

Defendant.)

DATE: 7-13-09 TIME: 2:30 PM.

State: *Sueasy Holloway*

Other:

Defense: *Weeks*

Defendant (✓)

Custody Status (*OK*)

Hearing: *Sentencing*

Name verified () Public Defender Appointed/Confirmed () Rights given ()

(2.51) State called Sari Jayo & she was sworn; Mr. Holloway examined the witness; Mr. Weeks examined the witness; Cross-exam Re-direct by Mr. Holloway - Re-cross by Mr. Weeks; Argument by Mr. Holloway; Argument by Mr. Weeks; Argument by Mr. Weeks; Comments by defendant;

*15 years prison; 2 years determinate; 13 indeterminate;
1) costs*

MAX

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS.

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

State of Idaho,

Plaintiff,

vs.

Judy Ann Mendoza
SSN [REDACTED]
DOB [REDACTED]

Defendant.

JUL 14 2009
By _____ 4:00 PM
Clerk
Deputy Clerk

Case No. CR-09-0272

JUDGMENT OF CONVICTION UPON A JURY VERDICT OF GUILTY TO ONE
FELONY COUNT, AND ORDER OF COMMITMENT.

I. APPEARANCES.

1. The date of sentencing was 07/13/09, (hereinafter called sentencing date).
2. The State of Idaho was represented by counsel, Stan Holloway, of the Twin Falls County Prosecutor's office.
3. The defendant, Judy Ann Mendoza, appeared personally. I.C. § 19-2503.
4. The defendant was represented by counsel, Robin Weeks.
5. Randy J. Stoker, District Judge, presiding.

II. ARRAIGNMENT FOR SENTENCING; I.C. § 19-2510, I.C.R. 33.

1. **Arraignment:** The defendant, Judy Ann Mendoza, was informed by the Court at the time of the sentencing of the nature of charge which in this case was:

Crime of: Forgery, a felony.

Maximum Penalty: Imprisonment in the state penitentiary for 14 years and a fine of up to \$50,000.

Persistent Violator Enhancement: Life in the Idaho state penitentiary

Idaho Code Section(s): 18-3601; 18-3604.

Guilty by Jury Verdict -- date of: 05/06/09.

2. **Grounds for Not Entering Judgment (I.C. §§ 19-2510, 19-2511):** The Court inquired whether the defendant had any legal cause why judgment should not be pronounced against the defendant, and the defendant, through counsel, responded "No."

III. SENTENCING DATE PROCEEDINGS.

At sentencing, the Court proceeded as follows:

1. Determined that more than two (2) days had elapsed from the plea to the date of sentencing. I.C. § 19-2501, I.C.R. 33(a)(1).
2. Discussed the presentence report and relevant matters with the parties pursuant to I.C. § 20-220 and I.C.R. Rule 32.
3. Determined victim's rights and restitution issues pursuant to I.C. § 19-5301 and Article 1, § 22 of the Idaho Constitution.
4. Offered an aggravation and/or mitigation hearing to both parties, including the right to present evidence pursuant to I.C.R. 33(a)(1).
5. Heard comments and sentencing recommendations of both counsel and asked the defendant personally if the defendant wished to make a statement and/or to present any information in mitigation of punishment. I.C.R. 33(a)(1).
6. The Court made its comments pursuant to I.C. § 19-2512, and discussed one or more of the criteria set forth in I.C. § 19-2521.

IV. THE SENTENCE.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as follows:

1. **Court Costs:** The defendant shall pay court costs in the sum of \$60.50.
2. **Victims' Crime Fund:** The defendant is ordered to pay \$50 to the Victims' Crime Fund.
3. **Penitentiary:** The defendant, Judy Ann Mendoza, shall be committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of **15 years**; which unified sentence is comprised of a minimum (fixed) period of confinement of **2 years**, followed by an indeterminate period of custody of **13 years**, with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to exceed 15 years.

4. **Credit for Time Served**: The defendant is given credit for time previously served, if any, locally and with the Idaho Department of Corrections in connection with this case. I.C. § 18-309.

V. SURETY BOND.

The conditions of bail given in this case having been satisfied, the bail is ordered exonerated. I.C.R. 46(g).

VI. ORDER ON PRESENTENCE INVESTIGATION REPORTS.

The parties are hereby ordered to return their respective copies of the presentence investigative reports to the deputy clerk of the court's custody and use of said report shall thereafter be governed by I.C.R. 32(h)(1), (2), and (3).

VII. ORDER OF COMMITMENT.

It is ADJUDGED and ORDERED that the defendant be committed to the custody of the Sheriff of Twin Falls County, Idaho, for delivery forthwith to the Director of the Idaho State Board of Correction at the Idaho State Penitentiary, or other facility within the State designated by the State Board of Correction. I.C. § 20-237.

VIII. ENTRY OF JUDGMENT – INCARCERATION - RECORD BY CLERK.

The Court orders the Judgment and record be entered upon the minutes and that the record be assembled, prepared and filed by the Clerk of the Court in accordance with I.C. § 19-2519(a). In addition, and in accordance with I.C. § 19-2519(b), as soon as possible upon the entry of Judgment of Conviction the Clerk shall deliver to the Sheriff of Twin Falls County, a certified copy of the Judgment for delivery to the Director of Correction pursuant to I.C. § 20-237.

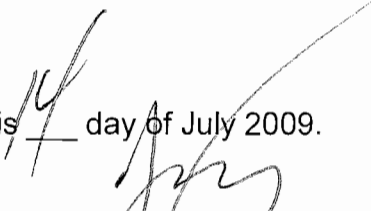
IX. RIGHT TO APPEAL/LEAVE TO APPEAL IN FORMA PAUPERIS.

The Right: The Court advised the defendant, of the right to appeal this judgment within forty two (42) days of the date it is file stamped by the clerk of the court. I.C.R. 33(a)(3), I.A.R. 14(a).

In Forma Pauperis: The Court further advised the defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal in forma pauperis, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3), I.C. § 19-852(a)(1) and (b)(2).

IT IS SO ORDERED.

Dated this 14 day of July 2009.



Randy J. Stoker
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of July 2009, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Stan Holloway
Twin Falls County Prosecuting Attorney
P.O. Box 126
Twin Falls, ID 83303

- U.S. Mail
- Hand delivered
- Faxed
- Court Folder

Robin Weeks
Twin Falls County Public Defender
P.O. Box 126
Twin Falls, ID 83303

- U.S. Mail
- Hand delivered
- Faxed
- Court Folder

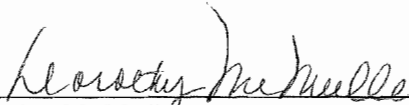
Idaho Department of Corrections
Central Records
1299 N. Orchard Ste 110
Boise, Idaho 83706

- U.S. Mail
- Hand delivered
- Faxed

Twin Falls County Jail

- Court Folder

cclep



Dorothy McMullen
Deputy Clerk

OFFICE OF THE PUBLIC DEFENDER
 Attorneys at Law
 P.O. Box 126
 Twin Falls, ID 83303
 Telephone: (208) 734-1155
 Fax #: (208) 734-1161
 Idaho State Bar # 6976

DISTRICT COURT
 TWIN FALLS CO., IDAHO
 FILED
 2009 AUG 24 PM 4:41
 BY _____ CLERK
 DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	No. CR 09-0272
Plaintiff/Respondent.)	
)	
vs.)	
	)	NOTICE OF APPEAL
JUDY ANN MENDOZA,)	
)	
Defendant/Appellant.)	
_____)	

TO: THE ABOVE NAMED PROSECUTOR, GRANT LOEBS, AND THE CLERK OF THE
 ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, Judy Ann Mendoza, appeals against the above-named respondent, the State of Idaho, to the Idaho Supreme Court from the JUDGMENT OF CONVICTION UPON A JURY VERDICT OF GUILTY TO ONE FELONY COUNT, AND ORDER OF COMMITMENT entered on July 13, 2009, in the Twin Falls County District Court, the Honorable Randy J. Stoker, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgment or order described in paragraph 1 is an appealable order under and pursuant to I.A.R. 11(c)(1).

3. The appellant intends to raise the following issues on appeal, provided that this list of issues on appeal is not exhaustive, and shall not prevent the appellant from asserting other issues on appeal.

- (a) Judgment of Conviction Upon a Jury Verdict of Guilty to One Felony Count, and Order of Commitment entered July 13, 2009.
- (b) That the testimony of the pre-sentence investigative reporter as sentencing constituted unreliable hearsay and that the court's consideration of this testimony constituted an abuse of discretion.
- (c) That the court at sentencing accorded undue weight to the testimony of the pre-sentence investigation reporter, and this constituted an abuse of discretion.
- (d) That the court at the time of sentencing did not conduct a proper weighing of mitigation factors in favor of probation and that the sentencing failed to comport with I.C. § 19-2601, which constituted an abuse of discretion.

4. Appellant requests the preparation of the entire standard clerk's record as defined in I.A.R. 25(a). The appellant also requests the preparation of the following portions of the reporter's transcript:

- (a) Entire Jury Trial including Voir Dire, Opening and Closing Arguments, Mid-Trial Motions, etc. for Trial held May 6 through 7, 2009.
- (b) Reporter's Transcript of the Sentencing hearing held on July 13, 2009.

5. The appellant requests the normal clerk's record pursuant to I.A.R. 28(b)(2).

The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

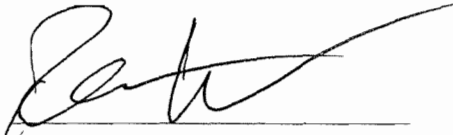
- (a) Judgment of Conviction Upon A Jury Verdict of Guilty to One Felony Count, and Order of Commitment.
- (b) Pre-Sentence Investigation Report, including any exhibits, attachments or addendums thereto;
- (c) The Addendum Pre-sentence Report, including any and all exhibits.

6. I certify:

- (a) That a copy of this notice of appeal is being served on the reporter.
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code 31-3220, 31-3220A, I.A.R. 27(e);
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code 31-3220, 31-3220A, I.A.R. 23(a)(8);
- (d) That arrangements have been made with Twin Falls County who will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code 31-3220, 31-3220A, I.A.R. 24(e);

- (e) That service is being made upon all parties required to be served pursuant to I.A.R. 20.

DATED This 24th day of August, 2009.



Robin M. Weeks
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that on the 21 day of August, 2009, NOTICE OF APPEAL was served as follows:

By delivering a true and correct copy of the foregoing to the following by placing said copy in the appropriately-marked mailbox/folder located in the Court Services Department of the Twin Falls County Courthouse:

GRANT LOEBS
PROSECUTING ATTORNEY
TWIN FALLS COUNTY

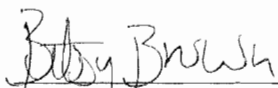
Court Reporter
P.O. Box 126
Twin Falls, ID 83303-0126

By U.S. Mail, with postage prepaid, in an envelope addressed to the following:

Clerk of the Idaho Supreme Court
P.O. Box 83720
Boise, ID 83720

Attorney General's Office
P.O. Box 83720 Room, 210
Boise, ID 83720

Office of the State Appellate Public Defender
3647 Lake Harbor Lane
Boise, ID 83706



Legal Secretary

OFFICE OF THE PUBLIC DEFENDER
 Attorneys at Law
 P.O. Box 126
 Twin Falls, ID 83303
 Telephone: (208)734-1155
 Fax #: (208) 734-1161
 Idaho State Bar # 6976

FILED IN
 DISTRICT COURT
 Fifth Judicial District
 County of Twin Falls, State of Idaho

AUG 25 2009

By _____ 11:00 AM
 Clerk

 Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NO. CR 09-0272
)	
)	
vs.	)	NOTICE AND ORDER
	)	APPOINTING STATE APPELLATE
JUDY ANN MENDOZA,	)	PUBLIC DEFENDER IN DIRECT
	)	APPEAL
Defendant.)	
_____)	

TO: The Office of the Idaho State Appellate Public Defender:

The above named petitioner/appellant has filed an notice of appeal on August 24, 2009, (copy attached) and/or has moved the Court for appointment of an appellate public defender in direct appeal of the Judgment of Conviction Upon a Jury Verdict of Guilty to One Felony Count, and Order of Commitment entered on July 13, 2009, by Honorable Randy J. Stoker, District Judge, Twin Falls County.

This Court being satisfied that said defendant-appellant is a needy person entitled to the

ORDER

services of the State Appellate Public Defender per §19-863A, Idaho Code,

IT IS HEREBY ORDERED, per §19-870, Idaho Code, that you are appointed to represent the defendant-appellant in all matters as indicated herein, or until relieved by further order of the court.

IT IS HEREBY ORDERED, pursuant to I.A.R. Rule 1, the parties, the Clerk of the court and the Court Reporter, shall follow the established Idaho Appellate Rules in the preparation of this appeal record.

IT IS FURTHER ORDERED that the State Appellate Public Defender's Office is provided the following information by the Court:

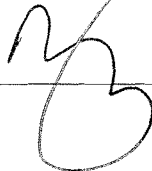
- 1) Judgment of Conviction Upon a Jury Verdict of Guilty to One Felony Count, and Order of Commitment entered July 13, 2009.
- 2) A copy of the Notice of Appeal or Application.
- 3) A copy of the Register of Actions in this matter.
- 4) A copy of the Pre-Sentence Investigation Report.

IT IS SO ORDERED.

Dated: _____

8/25/09

Signed: _____



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 25 day of Aug, 2009, served a true and correct copy of the attached NOTICE AND ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER IN DIRECT APPEAL by placing a copy in the United States mail, postage prepaid, addressed to:

State Appellate Public Defender
3647 Lake Harbor Lane
Boise, Idaho 83706

GRANT P. LOEBS
Twin Falls County Prosecuting Attorney
P.O. Box 126
Twin Falls, ID 83303-0126

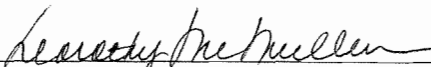
TWIN FALLS COUNTY
PUBLIC DEFENDER
P.O. Box 126
Twin Falls, ID 83303-0126

Court Reporter

OFFICE OF THE ATTORNEY GENERAL
Statehouse, Room 210
P.O. Box 83720
Boise, ID 83720

Clerk of the Supreme Court
P.O. Box 83720
Boise, ID 83720

HEATHER A. GLASCOCK


Clerk of the Court.

OFFICE OF THE PUBLIC DEFENDER
Attorneys at Law
P.O. Box 126
Twin Falls, ID 83303
Telephone: (208) 734-1155
Fax #: (208) 734-1161
Idaho State Bar # 6976

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED
2009 SEP -1 AM 11:34
BY _____
CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	No. CR 09-0272
Plaintiff/Respondent.)	
)	
vs.	)	AMENDED
	)	NOTICE OF APPEAL
JUDY ANN MENDOZA,)	
)	
Defendant/Appellant.)	
_____)	

TO: THE ABOVE NAMED PROSECUTOR, GRANT LOEBS, AND THE CLERK OF THE
ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, Judy Ann Mendoza, appeals against the above-named respondent, the State of Idaho, to the Idaho Supreme Court from the JUDGMENT OF CONVICTION UPON A JURY VERDICT OF GUILTY TO ONE FELONY COUNT, AND ORDER OF COMMITMENT entered on July 13, 2009, in the Twin Falls County District Court, the Honorable Randy J. Stoker, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgment or order described in paragraph 1 is an appealable order under and pursuant to I.A.R. 11(c)(1).

3. The appellant intends to raise the following issues on appeal, provided that this list of issues on appeal is not exhaustive, and shall not prevent the appellant from asserting other issues on appeal.

(a) Judgment of Conviction Upon a Jury Verdict of Guilty to One Felony Count, and Order of Commitment entered July 13, 2009.

(b) That the testimony of the pre-sentence investigative reporter at sentencing appeared to have indicia of unreliability and that the court's consideration of this testimony appeared to possibly have constituted an abuse of discretion.

(c) That the court at sentencing accorded undue weight to the testimony of the pre-sentence investigation reporter, and this constituted an abuse of discretion.

(d) That the court at the time of sentencing did not conduct a proper weighing of mitigation factors in favor of probation and that the sentencing failed to comport with I.C. § 19-2601, which constituted an abuse of discretion.

4. Appellant requests the preparation of the entire standard clerk's record as defined in I.A.R. 25(a). The appellant also requests the preparation of the following portions of the reporter's transcript:

- (a) Entire Jury Trial including Voir Dire, Opening and Closing Arguments, Mid-Trial Motions, etc. for Trial held May 6 through 7, 2009.
- (b) Reporter's Transcript of the Sentencing hearing held on July 13, 2009.

5. The appellant requests the normal clerk's record pursuant to I.A.R. 28(b)(2).

The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

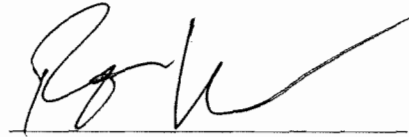
- (a) Judgment of Conviction Upon A Jury Verdict of Guilty to One Felony Count, and Order of Commitment.
- (b) Pre-Sentence Investigation Report, including any exhibits, attachments or addendums thereto;
- (c) The Addendum Pre-sentence Report, including any and all exhibits.

6. I certify:

- (a) That a copy of this notice of appeal is being served on the reporter.
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code 31-3220, 31-3220A, I.A.R. 27(e);
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code 31-3220, 31-3220A, I.A.R. 23(a)(8);
- (d) That arrangements have been made with Twin Falls County who will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code 31-3220, 31-3220A, I.A.R. 24(e);

- (e) That service is being made upon all parties required to be served pursuant to I.A.R. 20.

DATED This 1st day of September, 2009.



Robin M. Weeks
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that on the 1 day of September, 2009, NOTICE OF APPEAL was served as follows:

By delivering a true and correct copy of the foregoing to the following by placing said copy in the appropriately-marked mailbox/folder located in the Court Services Department of the Twin Falls County Courthouse:

GRANT LOEBS
PROSECUTING ATTORNEY
TWIN FALLS COUNTY

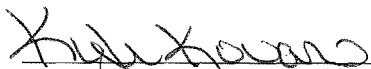
Court Reporter
P.O. Box 126
Twin Falls, ID 83303-0126

By U.S. Mail, with postage prepaid, in an envelope addressed to the following:

Clerk of the Idaho Supreme Court
P.O. Box 83720
Boise, ID 83720

Attorney General's Office
P.O. Box 83720 Room, 210
Boise, ID 83720

Office of the State Appellate Public Defender
3647 Lake Harbor Lane
Boise, ID 83706



Legal Secretary

MOLLY J. HUSKEY
State Appellate Public Defender
State of Idaho
I.S.B. # 4843

SARA B. THOMAS
Chief, Appellate Unit
I.S.B. # 5867
3647 Lake Harbor Lane
Boise, Idaho 83703
(208) 334-2712

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED
2009 SEP 29 AM 8:13
BY _____ CLERK
De DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
JUDY ANN MENDOZA,)
)
Defendant-Appellant.)

CASE NO. CR 2009-272
S.C. DOCKET NO. 36865
SECOND AMENDED
NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE PARTY'S ATTORNEYS, GRANT LOEBS, TWIN FALLS COUNTY PROSECUTOR, P.O. BOX 126, 425 SHOSHONE ST, 4TH FLOOR, TWIN FALLS, ID, 83303-0126, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction Upon a Jury Verdict of Guilty to One Felony Count, and Order of Commitment entered in the above-entitled action on the 14th day of July, 2009, the Honorable Randy J. Stoker, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

- (a) Was the testimony of the pre-sentence investigative reporter at sentencing unreliable and did the district court's consideration of this testimony constitute an abuse of discretion?
- (b) Did the district court accord undue weight to the testimony of the pre-sentence investigative reporter's testimony and did this constitute an abuse of discretion?
- (c) Did the district court fail to conduct a proper weighing of mitigation factors in favor of probation and that sentencing failed to comport with I.C. § 19-2601 constituting an abuse of discretion?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:

- (a) Pretrial Conference held April 20, 2009 (Court Reporter: Sabrina Vasquez, no estimation of pages was listed);

- (b) Jury Trial held May 6-7, to include the voir dire, opening statements, closing arguments, jury instruction conferences, reading of the jury instructions, any hearings regarding questions from the jury during deliberations, return of the verdict, and any polling of the jurors (Court Reporter: Sabrina Vasquez, no estimation of pages was listed on the Register of Actions); and
- (b) Sentencing Hearing held on July 13, 2009 (Court Reporter: Sabrina Vasquez, no estimation of pages was listed on the Register of Actions).

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

- (a) Affidavit in Support of Complaint or Warrant for Arrest filed January 7, 2009;
- (b) Preliminary Hearing Transcript filed March 6, 2009;
- (c) State's Exhibit List filed March 17, 2009;
- (d) All proposed and given jury instructions including, but not limited to, the Plaintiff's requested Jury Instructions filed April 22, 2009, Defendant's Requested jury Instructions filed April 24, 2009, Plaintiff's Supplemental Requested Jury Instruction filed April 30, 2009, Plaintiff's Supplemental Requested Jury Instruction filed May 5, 2009, Preliminary Jury Instructions filed May 6, 2009, Final

Jury Instructions filed May 7, 2009, and Final Jury Instruction filed

June 7, 2009;

- (e) Witness filed May 7, 2009;
- (f) Exhibit filed May 7, 2009;
- (g) Witness List filed May 4, 2009;
- (h) Any exhibits, including but not limited to letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing including, but not limited to, Addendum to PSI filed June 25, 2009.

7. I certify:

- (a) That a copy of this Second Amended Notice of Appeal has been served on the Court Reporter, Sabrina Vasquez;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) That arrangements have been made with twin falls County who will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e); and

(e) That service has been made upon all parties required to be served pursuant to I.A.R 20.

DATED this 29th day of September, 2009.


MOLLY J. HUSKEY
State Appellate Public Defender

CERTIFICATE OF MAILING

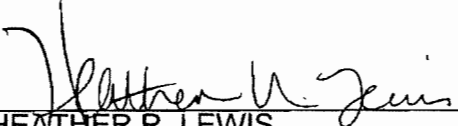
I HEREBY CERTIFY that I have this 29th day of September, 2009, caused a true and correct copy of the attached SECOND AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

ROBIN M WEEKS
TWIN FALLS COUNTY PUBLIC DEFENDER
231 4TH AVE N
PO BOX 126
TWIN FALLS ID 83303 0126

SABRINA VASQUEZ
COURT REPORTER
PO BOX 126
TWIN FALLS ID 83303 0126

GRANT LOEBS
TWIN FALLS COUNTY PROSECUTORS OFFICE
PO BOX 126
425 SHOSHONE ST 4TH FLOOR
TWIN FALLS ID 83303 0126

KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
PO BOX 83720
BOISE ID 83720 0010
Hand delivered to Attorney General's mailbox at Supreme Court


HEATHER R. LEWIS
Administrative Assistant

MJH/TMF/SBT/hrl

Inmate name J. Mendoza
IDOC No. 57473
Address ~~13200 Pleasant~~ 13200 Pleasant Wadsworth Pr.
~~Boise, Id. 83724~~ Kuna ID. 83634

Defendant PS

IN THE DISTRICT COURT OF THE Fifth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Twin Falls

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
Judy A. Mendoza,)
)
Defendant.)

CR09-272
Case No. ~~30865~~
**MOTION FOR
CORRECTION OR
REDUCTION OF
SENTENCE, ICR 35**

COMES NOW, Judy A. Mendoza, Defendant in the instant action, and pursuant to Idaho Criminal Rule 35, moves this Honorable Court for its Order:

- Correcting the Defendant's illegal sentence, or
- Reducing Defendant's sentence for the reasons stated on page two of this motion:

1. The Defendant was convicted of Forgery before the Honorable Judge Stoken and sentenced to a term of imprisonment in the custody of the Idaho Department of Correction for:

- a unified term of 15 years including 2 years fixed followed by 13 years indeterminate,
- a fixed term of _____ years.

2. The Defendant has been incarcerated since July 13, 2009 and has served 3 months (months/years) of the sentence.

I feel that important facts of my life ~~and~~ that are pertinent to my case, were not acknowledged in my PSI.

For example, when I went to P&P for my initial appointment, the intake lady told me that I didn't necessarily have to have a salary job and that sometimes taking care of your family is more important" - which is what I did. In support of this, I had numerous support letters - verifying my character and exactly what I was doing.

Verified (my husband's cousin), verified that I was taking care of his three children - because their mother was out of the home. I was transporting the children to and from school, to all their extra curricular activities, medical appointments, helping with homework - and all the duties of raising three girls.

Also, none of my certificates or acknowledgments were recognized or taken into consideration - or the fact that I occasionally completed parole before - without violation. I have also only had four minor traffic violations.

And also, part of my testimony to her, (the PO), was twisted and the facts were replaced with her words, not mine.

I am asking that the court review my PSI and

my case and grant leniency in reducing or
modifying my sentence - with the consideration
of releasing me to probation.

Defendant additionally submits the following documentation for consideration:

My request is for the Court to review, acknowledge
and consider my letters of support, & certificates.

WHEREFORE, the Defendant, _____, respectfully prays

this Honorable Court to reduce or correct the sentence as follows:

that my sentence be reduced and/or that I be
placed on probation,

_____ or grant such
other and further relief, as the Court deems appropriate.

Respectfully submitted this 23 day of October, 2009.

Judy Mendez
Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 23 day of October, 2009, I
delivered to prison authorities for the purpose of mailing a true and correct copy of the MOTION
FOR REDUCTION OF CORRECTION OF SENTENCE, ICR 35 via prison mail system for
processing to the U.S. mail system to:

Juin Falls County Prosecuting Attorney

P.O. Box 126

Juin Falls ID. 83303

Judy Mendez
Defendant

Inmate name Judy Mendoza
IDOC No. 57473
Address 13200 Pleasant Valley Rd.
Keena ID. 83639

2013 OCT 20 AM 9:31
BY _____
PS

Defendant

IN THE DISTRICT COURT OF THE Fifth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Lucin Falls

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
Judy Mendoza,)
)
Defendant.)

Case No. CR09-272

**MOTION AND AFFIDAVIT IN
SUPPORT FOR
APPOINTMENT OF
COUNSEL**

COMES NOW, Judy Mendoza, Defendant, in the above
entitled matter and moves this Honorable Court to grant Defendant's Motion for Appointment of
Counsel for the reasons more fully set forth herein and in the Affidavit in Support of Motion for
Appointment of Counsel.

1. Defendant is currently incarcerated within the Idaho Department of Corrections
under the direct care, custody and control of Warden Z. Mueda
of the South Boise Womens Correctional Center
2. The issues to be presented in this case may become to complex for the Defendant
to properly pursue. Defendant lacks the knowledge and skill needed to represent
him/herself.

3. Defendant required assistance completing these pleadings, as he/she was unable to do it him/herself.

4. Other: _____.

DATED this 23 day of October, 2009.

Judy Mendoza
Defendant

AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL

STATE OF IDAHO)
) ss
County of Ada)

Judy Mendoza, after first being duly sworn upon his/her oath, deposes and says as follows:

1. I am the Affiant in the above-entitled case;
2. I am currently residing at the SBWCC under the care, custody and control of Warden Zumeda;
3. I am indigent and do not have any funds to hire private counsel;
4. I am without bank accounts, stocks, bonds, real estate or any other form of real property;
5. I am unable to provide any other form of security;
6. I am untrained in the law;
7. If I am forced to proceed without counsel being appointed I will be unfairly handicapped in competing with trained and competent counsel of the State;

Further your affiant sayeth naught.

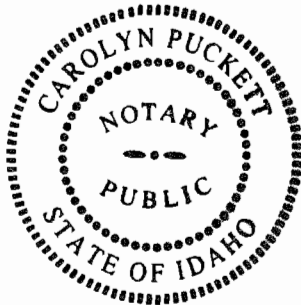
WHEREFORE, Defendant respectfully prays that this Honorable Court issue its Order granting Defendant's Motion for Appointment of Counsel to represent his/her interest, or in the alternative grant any such relief to which it may appear the Defendant is entitled to.

DATED This 23 day of October, 2009.

Judy Mendez
Defendant

SUBSCRIBED AND SWORN AND AFFIRMED to before me this 3 day
of October, 2009.

(SEAL)



[Signature]
Notary Public for Idaho
Commission expires: 2-17-15

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 23 day of October, 2009, I mailed a copy of this MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL for the purposes of filing with the court and of mailing a true and correct copy via prison mail system for processing to the U.S. mail system to:

Twin Falls County Prosecuting Attorney
P.O. Box 126
Twin Falls ID. 83303

Judy Mendez
Defendant

2009 OCT 28 AM 9:31

BY _____

PS

Judy A. Mendoza
Full Name of Party Filing This Document
13200 Pleasant Valley Rd.
Mailing Address (Street or Post Office Box)
Kerna ID. 83634
City, State and Zip Code

Telephone Number _____

IN THE DISTRICT COURT OF THE Fifth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Twin Falls

State of Idaho
Plaintiff,

vs.

Judy Mendoza
Defendant.

Case No.: CR09-272

MOTION AND AFFIDAVIT FOR
PERMISSION TO PROCEED ON PARTIAL
PAYMENT OF COURT FEES (PRISONER)

IMPORTANT NOTICE: Idaho Code § 31-3220A requires that you serve upon counsel for the county sheriff, the department of correction or the private correctional facility, whichever may apply, a copy of this motion and affidavit and any other documents filed in connection with this request. You must file proof of such service with the court when you file this document.

STATE OF IDAHO)
County of Ada) ss.

[] Plaintiff [] Defendant asks to start or defend this case on partial payment of court fees, and swears under oath

1. This is an action for (type of case) rule 35. I believe I'm entitled to get what I am asking for.

2. I have not previously brought this claim against the same party or a claim based on the same operative facts in any state or federal court. I have filed this claim against the same party or a claim based on the same operative facts in a state or federal court.

3. I am unable to pay all the court costs now. I have attached to this affidavit a current statement of my inmate account, certified by a custodian of inmate accounts, that reflects the activity of the account over my period of incarceration or for the last twelve (12) months, whichever is less.

4. I understand I will be required to pay an initial partial filing fee in the amount of 20% of the greater of: (a) the average monthly deposits to my inmate account or (b) the average monthly balance in my inmate account for the last six (6) months. I also understand that I must pay the remainder of the filing fee by making monthly payments of 20% of the preceding month's income in my inmate account until the fee is paid in full.

5. I verify that the statements made in this affidavit are true. I understand that a false statement in this affidavit is perjury and I could be sent to prison for an additional fourteen (14) years.

Do not leave any items blank. If any item does not apply, write "N/A". Attach additional pages if more space is needed for any response.

IDENTIFICATION AND RESIDENCE:

Name: Judy Mendez Other name(s) I have used: Judy DeLeon

Address: 13200 Pleasant Valley Rd. Kama ID.

How long at that address? 1 week Phone: _____

Date and place of birth: Worland, Wyo.

DEPENDENTS:

I am single married. If married, you must provide the following information:

Name of spouse: _____

My other dependents (including minor children) are: 0

INCOME:

Amount of my income: \$ 0 per [] week [] month

Other than my inmate account I have outside money from: _____

My spouse's income: \$ 0 per [] week [] month.

ASSETS:

List all real property (land and buildings) owned or being purchased by you.

Your Address	City	State	Legal Description	Value	Equity
<u>0</u>					
<u>0</u>					

List all other property owned by you and state its value.

Description (provide description for each item)	Value
Cash	<u>0</u>
Notes and Receivables	<u>0</u>
Vehicles:	<u>2000</u>
Bank/Credit Union/Savings/Checking Accounts	<u>0</u>
Stocks/Bonds/Investments/Certificates of Deposit	<u>0</u>
Trust Funds	<u>0</u>
Retirement Accounts/IRAs/401(k)s	<u>0</u>
Cash Value Insurance	<u>0</u>
Motorcycles/Boats/RVs/Snowmobiles:	<u>0</u>
Furniture/Appliances	<u>0</u>
Jewelry/Antiques/Collectibles	<u>0</u>

Description (provide description for each item)

Value

TVs/Stereos/Computers/Electronics

0

Tools/Equipment

0

Sporting Goods/Guns

0

Horses/Livestock/Tack

0

Other (describe)

0

EXPENSES: List all of your monthly expenses.

Expense

**Average
Monthly Payment**

Rent/House Payment

0

Vehicle Payment(s)

0

Credit Cards: (list each account number)

0

0

Loans: (name of lender and reason for loan)

Electricity/Natural Gas

0

Water/Sewer/Trash

0

Phone

0

Groceries

0

Clothing

0

Auto Fuel

0

Auto Maintenance

0

Cosmetics/Haircuts/Salons

0

Entertainment/Books/Magazines

0

Home Insurance

0

Expense	Average Monthly Payment
Auto Insurance	0
Life Insurance	0
Medical Insurance	0
Medical Expense	0
Other	0

MISCELLANEOUS:

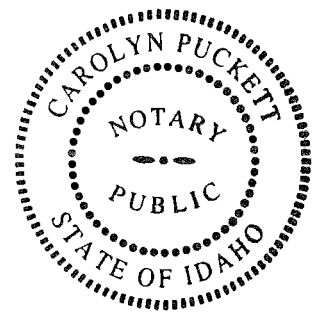
How much can you borrow? \$ 0 From whom? 0
 When did you file your last income tax return? 00 Amount of refund: \$ 3800

PERSONAL REFERENCES: (These persons must be able to verify information provided)

Name	Address	Phone	Years Known
<u>NA</u>			
<u>NA</u>			

Judy Mendoza
 Signature
Judy Mendoza
 Typed or Printed Name

SUBSCRIBED AND SWORN TO before me this 23 day of October, 2009.



[Signature]
 Notary Public for Idaho
 Residing at Boise
 My Commission expires 6-17-15

= IDOC TRUST ===== OFFENDER BANK BALANCES ===== 10/23/2009 =

Doc No: 57473 Name: MENDOZA, JUDY ANN
 Account: CHK Status: ACTIVE

SBWCC/UNT2 PRES FACIL
 TIER-2 CELL-20

Transaction Dates: 10/01/2008-10/23/2009

Beginning Balance		Total Charges	Total Payments	Current Balance	
0.00		347.90	358.59	10.69	
===== TRANSACTIONS =====					
Date	Batch	Description	Ref Doc	Amount	Balance
08/24/2009	HQ0469488-001	950-REACTIVATE/OFF	IBSUSPCHK	0.00	0.00
08/24/2009	HQ0469516-009	011-RCPT MO/CC		18.00	18.00
08/26/2009	HQ0469763-003	011-RCPT MO/CC		50.00	68.00
09/01/2009	PW0470334-035	099-COMM SPL		8.71DB	59.29
09/01/2009	PW0470334-036	099-COMM SPL		50.00DB	9.29
09/03/2009	PW0470632-003	071-MED CO-PAY	310200	5.00DB	4.29
09/09/2009	PW0471394-041	099-COMM SPL		4.17DB	0.12
09/09/2009	HQ0471419-011	011-RCPT MO/CC		130.00	130.12
09/15/2009	PW0472110-037	099-COMM SPL		47.30DB	82.82
09/15/2009	PW0472110-038	099-COMM SPL		52.25DB	30.57
09/22/2009	PW0472829-044	099-COMM SPL		30.38DB	0.19
09/23/2009	HQ0473040-004	011-RCPT MO/CC		50.00	50.19
09/28/2009	PW0473366-015	071-MED CO-PAY	315825	5.00DB	45.19
09/29/2009	PW0473513-033	099-COMM SPL		22.68DB	22.51
10/01/2009	HQ0473904-003	061-CK INMATE	51843	6.98DB	15.53
10/02/2009	HQ0474029-006	011-RCPT MO/CC		0.29	15.82
10/05/2009	PW0474148-006	071-MED CO-PAY	315874	5.00DB	10.82
10/06/2009	HQ0474442-008	011-RCPT MO/CC		50.00	60.82
10/06/2009	HQ0474442-009	011-RCPT MO/CC		50.00	110.82
10/07/2009	PW0474612-038	099-COMM SPL		22.04DB	88.78
10/07/2009	PW0474612-039	099-COMM SPL		49.12DB	39.66
10/08/2009	PW0474976-018	211-FOOD SVC	SEPT PAY	10.30	49.96
10/21/2009	SW0476114-036	099-COMM SPL		13.44DB	36.52
10/21/2009	SW0476114-037	099-COMM SPL		25.83DB	10.69

I hereby certify that these records are true and correct copies of official records or reports or entries thereof of the Idaho Department of Correction

Dated: 10-23-09

Signature: 

GRANT P. LOEBS
Prosecuting Attorney
for Twin Falls County
P.O. Box 126
Twin Falls, ID 83301
Phone: (208) 736-4020
Fax: (208) 736-4120

2009 OCT 03 PM 03:14

[Handwritten signature]

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 09-272
)	
Plaintiff,)	
)	
vs.	)	OBJECTION TO MOTION FOR
	)	CORRECTION OR REDUCTION
JUDY MENDOZA,	)	OF SENTENCE, ICR 35
)	
Defendant.)	
_____)	

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and hereby objects to Defendant's Rule 35 Motion for the following reasons:

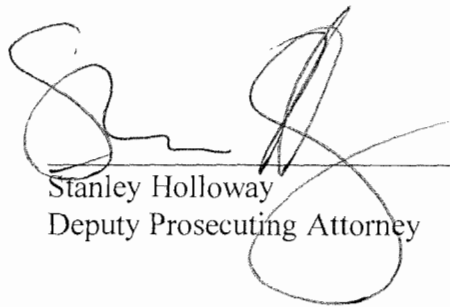
1. The sentence imposed in the case set forth herein was a duly imposed legal sentence.
2. The sentence imposed was within the maximum allowed for the crime committed by the Defendant pursuant to Idaho Code §§ 18-3601, 18-3604 for the penalty on the underlying crime of forgery and 19-2514 for the enhancement as a persistent violator.

OBJECTION TO MOTION FOR
CORRECTION OR REDUCTION OF
SENTENCE, ICR 35 - PAGE 1

3. The Defendant's motion sets forth no indications that there is new evidence or matters which were not presented for consideration at the time of the original sentencing date which would warrant a different result in this case, and in fact the statements in the defendant's motion indicate that the reasons upon which defendant wants this Court to grant her relief were discussed and/or were available at the time of the sentencing.

The State requests that this motion be decided without hearing and upon the record as established in this matter.

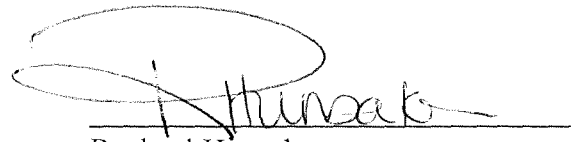
DATED this 29 day of October, 2009.



Stanley Holloway
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 2009, I served a copy of the foregoing **OBJECTION TO MOTION FOR CORRECTION OR REDUCTION OF SENTENCE, ICR 35** by placing a copy of same into the mail slot for **OFFICE OF THE PUBLIC DEFENDER** located at the District Court Services Office and for delivery on the regular delivery route made every morning and afternoon to all Courthouse offices receiving mail from the Prosecutor's Office.



Rachael Hunsaker
Case Assistant

OCT 29 2009

by _____ 4:00 pm
CLERK OF DISTRICT COURT

Judy Amendoza
Full Name of Party Submitting This Document
13200 Pleasant Valley Rd.
Mailing Address (Street or Post Office Box)
Keena ID. 83634
City, State and Zip Code

Telephone Number _____

No fees
[Signature]
9/25/09

IN THE DISTRICT COURT OF THE Fifth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Twin Falls

State of Idaho
Plaintiff,

Case No.: CR09-272

vs.

Judy Mendoza
Defendant.

ORDER RE: PARTIAL PAYMENT OF
COURT FEES (PRISONER)

Having reviewed the [] Plaintiff's [] Defendant's Motion and Affidavit for Partial Payment of Court Fees,

THIS COURT FINDS AND ORDERS:

[] The average monthly deposits in the prisoner's inmate account total \$_____, the average monthly balance in the prisoner's inmate account during the last six months has been \$_____; 20% of the greater of these amounts is \$_____ and must be paid as a partial initial fee at the time of filing. The prisoner shall make monthly payments of not less than 20% of the preceding month's income credited to the prisoner's inmate account until the remainder of the court filing fees in the amount of \$_____ are paid in full. The agency or entity having custody of the prisoner shall forward payments from the prisoner's inmate account to the clerk of the court each time the amount in the prisoner's inmate account exceeds ten dollars (\$10.00) until the full amount is paid

or [] The prisoner has no assets and need not pay any fee at this time. The prisoner shall make monthly payments of not less than 20% of the preceding month's income credited to the prisoner's inmate account until the court filing fees in the amount of \$_____ are paid in

full. The agency or entity having custody of the prisoner shall forward payments from the prisoner's inmate account to the clerk of the court each time the amount in the prisoner's inmate account exceeds ten dollars (\$10.00) until the full amount is paid.

or THIS COURT DENIES the motion because

the prisoner did not comply with all the requirements of Idaho Code §31-3220A, or

the Court finds the prisoner has the ability to pay the full filing fee at this time.

Date: _____
Judge

CLERK'S CERTIFICATE OF SERVICE

I certify that a copy was served:

To Prisoner:

Name: _____ Hand-delivery
Address: _____ Mailing
City, State, Zip: _____ Fax to (number) _____

To counsel for the county sheriff the department of correction or the private correctional facility:

Name: _____ Hand-delivery
Address: _____ Mailing
City, State, Zip: _____ Fax to (number) _____

Date: _____
Deputy Clerk

Inmate name Judy Mendez
IDOC No. 574731
Address 13200 Pleasant Valley Rd.
Kuna ID. 83634

DISTRICT COURT
FIDELITY & SECURITY
COUNCIL OF IDAHO

OCT 19 2005

By _____
Deputy Clerk

IN THE DISTRICT COURT OF THE Fifth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
Judy Mendez)
Defendant.)

Case No. CR09-272

**ORDER GRANTING
MOTION FOR
APPOINTMENT
OF COUNSEL**

IT IS HEARBY ORDERED that the Defendant's Motion for Appointment of Counsel is granted and Twiss Falls Public Def. (attorney's name), a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant in all proceedings involving the Idaho Criminal Rule 35 motion.

DATED this 16 day of Oct, 2005.

District Judge

Judicial District Court, State of Idaho
For the County of Twin Falls

DISTRICT COURT
Fifth Judicial District
County of Twin Falls, Idaho

STATE OF IDAHO
Plaintiff,

vs.

Judy Ann Mendoza
3708 N 4200 E
Hansen, ID 83334

Defendant.

DOB: [REDACTED]
DL: [REDACTED]

001 30 2 13

By _____ *d* 10:30 AM
Deputy Clerk

Case No: CR-2009-0000272

ORDER APPOINTING PUBLIC DEFENDER

The Court being fully advised as to the application of Judy Ann Mendoza, and it appearing to be a proper case,

NOW, THEREFORE, IT IS ORDERED that an attorney be appointed through the:

Public Defender's Office
231 4th Avenue North
P.O. Box 126
Twin Falls, Id 83303-0126

for Rule 35 purpose

Public Defender for the County of Twin Falls, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Judy Ann Mendoza, in all proceedings in the above entitled case.

The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

Date: 10-30-09

Stoker
Judge

Copies to:

Public Defender

Prosecutor

Heatherly McNeill
Deputy Clerk

TO: Clerk of the Court
Idaho Supreme Court
Court of Appeals
P.O. Box 83720
Boise, ID 83720-0101

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

2009 NOV 24 PM 3:42

BY _____ CLERK

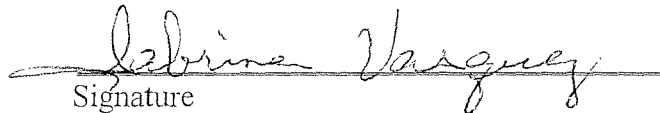
DEPUTY

DOCKET NO. 36865

State of Idaho
vs.
Judy Ann Mendoza

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on November 24th, 2009, I lodged a transcript
267 pages in length for the above-referenced appeal with the District Court Clerk of the County
of Twin Falls in the Fifth Judicial District. The transcript includes: Pretrial, 4/20/09; Jury Trial,
5/6-7/09; and the Sentencing, 7/13/09.


Signature

Sabrina Vasquez _____

11/24/09
Date _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

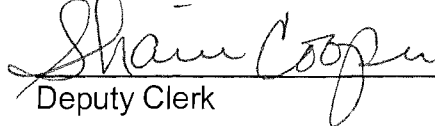
STATE OF IDAHO,)	
	)	SUPREME COURT NO. 36865-2009
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 09-272
)	
vs.	)	CLERK'S CERTIFICATE
)	
JUDY ANN MENDOZA,)	
)	
<u>Defendant/Appellant,</u>)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that the foregoing CLERK'S RECORD on Appeal in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents requested by Appellate Rule 28.

I do further certify that all exhibits, offered or admitted in the above-entitled cause, will be duly lodged with the Clerk of the Supreme Court.

WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 30th day of November, 2009.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	SUPREME COURT NO. 36865-2009
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 09-272
)	
vs.	)	CERTIFICATE OF EXHIBITS
)	
JUDY ANN MENDOZA,)	
)	
<u>Defendant/Appellant,</u>)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify:

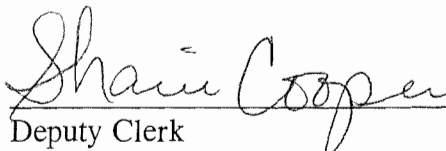
That the following is a list of exhibits to the record that have been filed during the course of this case.

Pre Sentence Investigation Report (Confidential), Filed June 25, 2009
Addendum Presentence Report, June 25, 2009 (Confidential), Filed June 25, 2009
Letter from Tina DeLeon, Dated June 13, 2009

Preliminary Transcript, Filed March 6, 2009
State's Exhibit 1A, Counterfeit 100 dollar bill
State's Exhibit 1B, Counterfeit 100 dollar bill

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 30th day of November, 2009.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,)	
	)	SUPREME COURT NO. 36865-2009
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 09-272
)	
vs.	)	CERTIFICATE OF SERVICE
)	
JUDY ANN MENDOZA,)	
)	
<u>Defendant/Appellant,</u>)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that I have personally served or mailed, by United States Mail, one copy of the CLERK'S RECORD and REPORTER'S TRANSCRIPT to each of the Attorneys of Record in this cause as follows:

MOLLY HUSKEY
State Public Defender
3647 Lake Harbor Lane
Boise, Idaho 83703

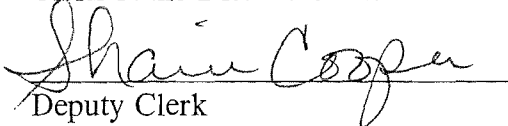
LAWRENCE WASDEN
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P.O. Box 83720
Boise, Idaho 83720-0010

ATTORNEY FOR APPELLANT

ATTORNEY FOR RESPONDENT

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said this 30th day of November, 2009.

KRISTINA GLASCOCK
Clerk of the District Court


Deputy Clerk