

3-12-2014

State v. Lopez-Orozco Clerk's Record v. 1 Dckt. 40859

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LAW CLERK

9

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

S.C. #40859

STATE OF IDAHO

Plaintiff / Respondent

vs.

JORGE ALBERTO LOPEZ-OROZCO

Defendant / Appellant

CLERK'S RECORD ON APPEAL

*Appealed from the District Court of the Fourth Judicial District
of the State of Idaho, in and for the County of Elmore.*

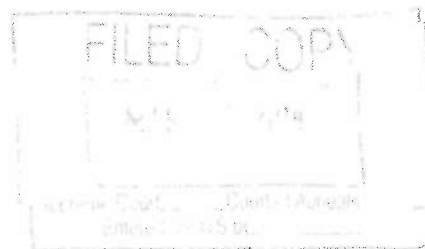
VOLUME I

Lawrence G. Wasden,
Attorney General

Attorney for Respondent

Sara Thomas,
State Appellate Public Defender

Attorney for Appellant



40859

IN THE SUPREME COURT OF THE
STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

v.

JORGE ALBERTO LOPEZ-OROZCO,

Defendant-Appellant.

VOLUME I

Appeal from the from the Fourth Judicial District,
Elmore County, Idaho

HONORABLE TIMOTHY HANSEN, presiding,

Sara Thomas, State Appellate Public Defender, 3050
N. Lake Harbor Drive, Suite 300, Boise, Idaho 83703

Honorable Lawrence G. Wasden, Attorney General,
PO Box 83720, Boise, Idaho 83720-0010

COPY

IN THE SUPREME COURT OF THE
STATE OF IDAHO

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant-Appellant.)
 _____)

SUPREME COURT NO. 40859

VOLUME I

Appeal from the fourth Judicial District, Elmore County, Idaho

HONORABLE TIMOTHY HANSEN, presiding,

Sara Thomas, State Appellate Public Defender, 3050 N. Lake Harbor Drive, Boise, Idaho 83703

Honorable Lawrence G. Wasden, Attorney General, PO Box 83720, Boise, Idaho 83720-0010

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State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
8/16/2002	NEWC	TRECIA	New Case Filed
	WARI	TRECIA	Warrant Issued - Arrest
10/11/2002	MOTN	TRECIA	Motion To Appoint Public Defender
	NOTS	TRECIA	Notice Of Service
	NOTS	TRECIA	Notice Of Service
10/16/2002	NOTH	DAWN	Notice Of Hearing
	HRSC	DAWN	Hearing Scheduled - (10/17/2002) David C. Epis
10/17/2002	DENY	TRECIA	Motion Denied
10/24/2002	NOTC	DAWN	Notice Of Deposition
10/25/2002	NOTC	DAWN	Notice Of Deposition
5/8/2007	AFFD	KRISANN	Affidavit - L Pedroza
3/4/2011	HRSC	DANETTE	Hearing Scheduled (Arraignment-Interpreter Needed 03/04/2011 01:00 PM)
	ARRN	KRISANN	Hearing result for Arraignment-Interpreter Needed held on 03/04/2011 01:00 PM: Arraignment / First Appearance
	HRSC	KRISANN	Hearing Scheduled (Attorney Appearance 03/08/2011 11:00 AM)
	CHJG	KRISANN	Change Assigned Judge
	ORPD	KRISANN	Defendant: Lopez-Orozco, Jorge Alberto Order Appointing Public Defender Public defender Elmore County Public Defender
	REQU	KRISANN	Request to Obtain Approval to Video/Audio Record, Broadcast or Photograph a Court Proceeding
	ORDR	KRISANN	Order to Video/Audio Record Broadcast, or Photograph a Court Proceeding
	REQU	KRISANN	Request to Obtain Approval to Video/Audio Record, Broadcast or Photograph a Court Proceeding
	ORDR	KRISANN	Order to Video/Audio Record Broadcast, or Photograph a Court Proceeding
	RGHT	KRISANN	Rights (derechos)
	AON	KRISANN	Acknowledgment Of Notification
	AFFD	KRISANN	Application For Public Defender/financial Statement
	ORPD	KRISANN	Order Appointing Public Defender
	OFR	KRISANN	Order For Release
	NOTH	KRISANN	Notice Of Hearing
3/7/2011	MOTN	DONNA	Motion To Disqualify Judge Pursuant To I.C.R. Rule 25

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
3/7/2011	WART	DONNA	Warrant Returned Defendant: Lopez-Orozco, Jorge Alberto
	STAT	DONNA	STATUS CHANGED: Pending
	SHRT	DONNA	Sheriff's Return
	NOTS	DONNA	Notice Of Service
	WSPE	MELISSA	Waiver Of Speedy Preliminary Examination
3/8/2011	HRST	ROBIN	Hearing result for Attorney Appearance-Interpreter Needed held on 03/08/2011 11:00 AM: Hearing Re-set
	CHJG	ROBIN	Change Assigned Judge
	HRSC	ROBIN	Hearing Scheduled (Attorney Appearance 03/08/2011 01:00 PM)
	ORDR	ROBIN	Order for disqualification pursuant to rule 25
	DIRR	ROBIN	Directive Reassigning Magistrate
	HRHD	MELISSA	Hearing result for Attorney Appearance held on 03/08/2011 01:00 PM: Hearing Held
	NOTH	MELISSA	Notice Of Hearing
3/9/2011	HRSC	MELISSA	Hearing Scheduled (Preliminary - **INTERPRETER NEEDED** 04/29/2011 01:00 PM)
	HRSC	MELISSA	Hearing Scheduled (Status 03/23/2011 01:45 PM)
3/11/2011	NOTS	DONNA	Notice Of Service
	NOTS	DONNA	Notice Of Service
3/16/2011	EXPR	DONNA	EX PARTE Motion For Transcript
3/17/2011	ORDR	ROBIN	Order for transcript
3/23/2011	HRHD	MELISSA	Hearing result for Status held on 03/23/2011 01:45 PM: Hearing Held
	HRVC	MELISSA	Hearing result for Preliminary - **INTERPRETER NEEDED** held on 04/29/2011 01:00 PM: Hearing Vacated
	HRSC	MELISSA	Hearing Scheduled (Status 05/13/2011 10:30 AM) **Attorneys Only**
	HRSC	MELISSA	Hearing Scheduled (Motion 04/06/2011 10:45 AM)
	HRSC	MELISSA	Hearing Scheduled (Preliminary - **INTERPRETER NEEDED** 06/15/2011 09:00 AM) **3 days**
	NOTH	MELISSA	Notice Of Hearing
3/29/2011	NOTS	DONNA	Notice Of Service
4/1/2011	MOTN	ROBIN	Motion for Court appointed interpreter at county expense

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User		Judge
4/6/2011	CONT	MELISSA	Hearing result for Motion held on 04/06/2011 10:45 AM: Continued	David C. Epis
	HRSC	MELISSA	Hearing Scheduled (Motion 04/13/2011 02:45 PM)	David C. Epis
	NOTH	MELISSA	Notice Of Hearing	David C. Epis
4/8/2011	TRAN	HEATHER	Transcript Filed	David C. Epis
	AKOS	HEATHER	Acknowledgment Of Service of Completed Clerk's Transcript	David C. Epis
	NOTS	DONNA	Notice Of Service	David C. Epis
4/13/2011	MNTG	ROBIN	Hearing result for Motion held on 04/13/2011 02:45 PM: Motion Granted **INTERPRETER NEEDED**	David C. Epis
4/19/2011	ORDR	MELISSA	Order for Court Appointed Interpreter at County Expense	David C. Epis
4/20/2011	MOTN	DONNA	Motion For Court Appointed Investigator At County Expense	David C. Epis
	AKOS	HEATHER	Acknowledgment Of Service of Completed Clerks Transcript	David C. Epis
4/21/2011	NOTH	DONNA	Notice Of Hearing RE: Motion For Appointment Of Investigator At County Expense	David C. Epis
	HRSC	DONNA	Hearing Scheduled (Motion 05/13/2011 02:00 PM)	David C. Epis
5/13/2011	MNTG	ROBIN	Hearing result for Motion held on 05/13/2011 02:00 PM: Motion Granted	David C. Epis
	HRHD	ROBIN	Hearing result for Status held on 05/13/2011 10:30 AM: Hearing Held **Attorneys Only**	David C. Epis
5/17/2011	NOTS	DONNA	Notice Of Service	David C. Epis
5/18/2011	NOTS	DONNA	Notice Of Service	David C. Epis
5/31/2011	MISC	DONNA	Order For Court Appointed Invesigator At County Expense	David C. Epis
	NOTS	DONNA	Notice Of Service	David C. Epis
6/2/2011	NOTS	DONNA	Notice Of Service	David C. Epis
6/8/2011	NOTS	DONNA	Notice Of Service	David C. Epis
	EXPR	DONNA	EX PARTE Motion For Transport Order	David C. Epis
6/9/2011	OTT	MELISSA	Order To Transport	David C. Epis
	NOTS	DONNA	Notice Of Service	David C. Epis
6/14/2011	ROBR	ROBIN	Request To Obtain Approval To Broadcast And Or Photograph A Court Proceeding-denied	David C. Epis
6/15/2011	NOTS	HEATHER	Notice Of Service - 8th Supplemental	David C. Epis
	ROBR	ROBIN	Request To Obtain Approval To Broadcast And Or Photograph A Court Proceeding-denied	David C. Epis

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
6/16/2011	HRHD	ROBIN	Hearing result for Preliminary - **INTERPRETER NEEDED** held on 06/15/2011 09:00 AM: Hearing Held **3 days**
6/21/2011	HRSC	ROBIN	Hearing Scheduled (Preliminary - **INTERPRETER NEEDED** 08/03/2011 02:00 PM) Continued
	NOTH	ROBIN	Notice Of Hearing
7/8/2011	ORDR	MELISSA	Order for Translation and Transcription Services
7/25/2011	NOTS	DONNA	Notice Of Service
8/2/2011	CONT	MELISSA	Continued (Preliminary - **INTERPRETER NEEDED** 08/15/2011 03:30 PM) Continued
	NOTH	MELISSA	Notice Of Hearing
8/15/2011	BOUN	ROBIN	Hearing result for Preliminary - **INTERPRETER NEEDED** scheduled on 08/15/2011 03:30 PM: Bound Over (after Prelim) Continued
8/16/2011	HRSC	ROBIN	Hearing Scheduled (Arraignment-Interpreter Needed 08/22/2011 01:30 PM)
8/17/2011	OHDA	MELISSA	Order Holding Defendant To Answer
	INFO	MELISSA	Information
8/18/2011	REQU	HEATHER	Request to Obtain Approval to Broadcast and/or Photograph a Court Proceeding
8/22/2011	PLEA	HEATHER	A Plea is Entered for Charge - NG (I18-4001-I Murder I)
	PLEA	HEATHER	A Plea is Entered for Charge - NG (I18-4001-I Murder I)
	PLEA	HEATHER	A Plea is Entered for Charge - NG (I18-4001-I Murder I)
	DCHH	HEATHER	Hearing result for Felony Arraignment scheduled on 08/22/2011 01:30 PM: District Court Hearing Held Court Reporter: M. Martorelli Number of Transcript Pages for this Hearing estimated: 9 **INTERPRETER NEEDED**
	HRSC	HEATHER	Hearing Scheduled (Pretrial Conference - Interpreter Needed 01/20/2012 08:30 AM)
	HRSC	HEATHER	Hearing Scheduled (Status 01/03/2012 08:30 AM) *Interpreter Needed*
8/24/2011	HRSC	HEATHER	Hearing Scheduled (Jury Trial 02/06/2012 09:00 AM) *Four weeks*
8/26/2011	MOTN	HEATHER	Motion to Disqualify Pursuant to I.C.R. 25
	SCHE	HEATHER	Scheduling Order
	ORDR	HEATHER	Order for Preparation of Preliminary Hearings Transcript at County Expense
	ORDR	HEATHER	Order for Disqualification Pursuant to I.C.R. 25

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
9/1/2011	NOTC	HEATHER	Notice of Assignment Barry Wood
	CHJG	HEATHER	Change Assigned Judge Thomas F. Neville
9/2/2011	MOTN	HEATHER	Motion to Disqualify Judge Pursuant to I.C.R. Rule 25 Thomas F. Neville
	ORDR	DONNA	Order for Disqualification Pursuant to Rule 25 Without Cause Thomas F. Neville
9/7/2011	CHJG	HEATHER	Change Assigned Judge Timothy L Hansen
10/5/2011	NOTS	DONNA	Notice Of Service Thomas F. Neville
	CHJG	HEATHER	Change Assigned Judge Timothy L Hansen
10/12/2011	TRAN	HEATHER	Transcript Filed Timothy L Hansen
10/19/2011	TRAN	HEATHER	Transcript Filed Timothy L Hansen
11/17/2011	HRSC	HEATHER	Hearing Scheduled (Status 11/21/2011 04:30 PM) *Judge via telephone* Timothy L Hansen
	NOTH	HEATHER	Notice Of Hearing Timothy L Hansen
11/21/2011	DCHH	HEATHER	Hearing result for Status scheduled on 11/21/2011 04:30 PM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 22 *Judge via telephone* Timothy L Hansen
	HRSC	HEATHER	Hearing Scheduled (Trial Setting 12/23/2011 01:30 PM) *Interpreter needed* Timothy L Hansen
12/23/2011	HRST	HEATHER	Hearing result for Jury Trial - Interpreter Needed scheduled on 02/06/2012 09:00 AM: Hearing Re-set *Four weeks* Timothy L Hansen
	DCHH	HEATHER	Hearing result for Trial Setting scheduled on 12/23/2011 01:30 PM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 20 *Interpreter needed* Timothy L Hansen
	HRSC	HEATHER	Hearing Scheduled (Jury Trial 05/21/2012 09:00 AM) *6 weeks* Timothy L Hansen
	HRSC	HEATHER	Hearing Scheduled (Pretrial Conference - Interpreter Needed 04/23/2012 03:00 PM) Timothy L Hansen
12/29/2011	HRVC	HEATHER	Hearing result for Status scheduled on 01/03/2012 08:30 AM: Hearing Vacated *Interpreter Needed* Timothy L Hansen
1/5/2012	ORDR	HEATHER	Order Setting Pretrial Conference and Jury Trial Timothy L Hansen
1/13/2012	NOTS	DONNA	Notice Of Service Timothy L Hansen
1/20/2012	HRSC	HEATHER	Hearing Scheduled (Status 02/27/2012 03:00 PM) Timothy L Hansen

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
1/20/2012	DCHH	HEATHER	Hearing result for Status scheduled on 01/20/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 12*Judge via telephone - interpreter needed*
	HRSC	HEATHER	Hearing Scheduled (Status 02/27/2012 03:00 PM)
1/23/2012	MOTN	DONNA	Motion For Court Appointed DNA Expert at County Expense
2/14/2012	NOTS	HEATHER	Notice Of Service - 10th Supplemental
2/16/2012	HRSC	HEATHER	Hearing Scheduled (Motion 02/27/2012 03:00 PM) * Motion for Court Appointed DNA Expert at County Expense&
	CONT	HEATHER	Continued (Pretrial Conference - Interpreter Needed 04/30/2012 03:30 PM)
	NOTH	HEATHER	Notice Of Hearing
2/27/2012	DCHH	HEATHER	Hearing result for Status scheduled on 02/27/2012 03:00 PM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 26 *Interpreter needed; Judge via telephone*
	DCHH	HEATHER	Hearing result for Motion scheduled on 02/27/2012 03:00 PM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 26 * Motion for Court Appointed DNA Expert at County Expense*
	HRVC	HEATHER	Hearing result for Jury Trial - Interpreter Needed scheduled on 05/21/2012 09:00 AM: Hearing Vacated *6 weeks*
	HRVC	HEATHER	Hearing result for Pretrial Conference - Interpreter Needed scheduled on 04/30/2012 03:30 PM: Hearing Vacated
2/28/2012	HRSC	HEATHER	Hearing Scheduled (Status 03/09/2012 08:30 AM)
3/9/2012	DCHH	HEATHER	Hearing result for Status scheduled on 03/09/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 9
	HRSC	HEATHER	Hearing Scheduled (Jury Trial 10/15/2012 09:00 AM) *6 weeks*
	HRSC	HEATHER	Hearing Scheduled (Pretrial Conference - Interpreter Needed 09/14/2012 08:30 AM)
	HRSC	HEATHER	Hearing Scheduled (Status 04/05/2012 08:30 AM) *Interpreter needed*

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
3/15/2012	ORDR	HEATHER	Order Setting Pretrial Conference and Jury Trial Timothy L Hansen
4/5/2012	DCHH	HEATHER	Hearing result for Status scheduled on 04/05/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 6*Interpreter needed* Timothy L Hansen
	HRSC	HEATHER	Hearing Scheduled (Status 05/10/2012 08:30 AM) *Interpreter Needed* Timothy L Hansen
4/6/2012	HRSC	ROBIN	Hearing Scheduled (Further Proceedings 04/16/2012 09:45 AM) Timothy L Hansen
4/9/2012	SHRT	DONNA	Sheriff's Return Timothy L Hansen
4/11/2012	CONT	HEATHER	Continued (Further Proceedings 04/13/2012 08:30 AM) Timothy L Hansen
	AMEN	HEATHER	Amended Notice of Hearing on Warrant for Material Witness; Jesus Mauricio Zavala Garcia Timothy L Hansen
4/13/2012	DCHH	HEATHER	Hearing result for Further Proceedings scheduled on 04/13/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 14*Jesus Mauricio Zavala Garcia* Timothy L Hansen
	HRSC	HEATHER	Hearing Scheduled (Further Proceedings 05/10/2012 08:30 AM) *Jesus Mauricio Zavala Garcia* Timothy L Hansen
4/24/2012	NOTS	DONNA	Notice Of Service Timothy L Hansen
4/26/2012	NOTS	DONNA	Notice Of Service Timothy L Hansen
5/8/2012	ORDR	HEATHER	Order Appointing Conflict Public Defender Timothy L Hansen
5/10/2012	HRSC	HEATHER	Hearing Scheduled (Status 05/14/2012 08:30 AM) *Jesus Zavala-Garcia* Timothy L Hansen
	DCHH	HEATHER	Hearing result for Further Proceedings scheduled on 05/10/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 7*Jesus Mauricio Zavala Garcia* Timothy L Hansen
	DCHH	HEATHER	Hearing result for Status scheduled on 05/10/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 10 *Interpreter Needed* Timothy L Hansen
	HRSC	HEATHER	Hearing Scheduled (Status 06/07/2012 08:30 AM) Timothy L Hansen
5/14/2012	NOAP	HEATHER	Notice Of Appearance as Conflict Public Defender for Material Witness - Jesus Zavala-Garcia Timothy L Hansen

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
5/14/2012	DCHH	HEATHER	Hearing result for Status scheduled on 05/14/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 7 *Jesus Zavala-Garcia*
6/7/2012	ORDR	HEATHER	Order for Court Appointed DNA Expert at County Expense
	DCHH	HEATHER	Hearing result for Status scheduled on 06/07/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 15 *Interpreter Needed*
	HRSC	HEATHER	Hearing Scheduled (Status 06/21/2012 09:30 AM)
6/13/2012	MOTC	DONNA	Motion To Compel
6/18/2012	MOTN	HEATHER	Motion to Release Material Witness on his Own Recognizance and Request for Hearing
	HRSC	HEATHER	Hearing Scheduled (Motion 07/10/2012 04:00 PM) *Motion to Release Material Witness on Own Recognizance*
6/20/2012	NOTH	HEATHER	Notice Of Hearing
6/21/2012	CONT	HEATHER	Continued (Motion 07/24/2012 09:30 AM) *Motion to Release Material Witness on Own Recognizance - Jesus Zavala-Garcia*
	HRSC	HEATHER	Hearing Scheduled (Status 07/24/2012 09:30 AM)
	NOTH	HEATHER	Notice Of Hearing
	NOTH	HEATHER	Notice Of Hearing
	DCHH	HEATHER	Hearing result for Status scheduled on 06/21/2012 09:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 23 *Interpreter needed*
6/22/2012	NOTS	HEATHER	Notice Of Service - 13th Supplemental
6/27/2012	AKOS	HEATHER	Acknowledgment Of Discovery
7/18/2012	MOTN	DONNA	Motion To Transport Defendant For Hearing
7/20/2012	NOTC	HEATHER	Notice of State's Proposed Juror Questionnaire
7/24/2012	DCHH	HEATHER	Hearing result for Motion scheduled on 07/24/2012 09:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 19 *Motion to Release Material Witness on Own Recognizance - Jesus Zavala-Garcia*

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
7/24/2012	DCHH	HEATHER	Hearing result for Status scheduled on 07/24/2012 09:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 26 *Interpreter needed*
	HRSC	HEATHER	Hearing Scheduled (Status 08/07/2012 09:30 AM) *Interpreter Needed*
8/7/2012	HRSC	HEATHER	Hearing Scheduled (Jury Selection 08/27/2012 09:00 AM) *Elks Lodge*
	HRSC	HEATHER	Hearing Scheduled (Status 08/23/2012 09:30 AM) *Interpreter Needed*
	DCHH	HEATHER	Hearing result for Status scheduled on 08/07/2012 09:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 35 *Interpreter Needed*
8/10/2012	NOTS	DONNA	Notice Of Service
8/16/2012	NOTS	DONNA	Notice Of Service
8/17/2012	NOTS	DONNA	Notice Of Service
	NOTS	DONNA	Notice Of Service
8/20/2012	ORDR	HEATHER	Order for Disclosure of Juror Information
8/22/2012	RSPN	DONNA	Response To States Request For Discovery Disclosure and Alibi Demand
8/23/2012	EXPR	HEATHER	EX PARTE Motion to Compel the Attendance of Out of State Witness
	AFFD	HEATHER	Affidavit of Kristina M. Schindele in Support of Certificate of Rendition
	CONT	HEATHER	Continued (Pretrial Conference - Interpreter Needed 09/12/2012 08:30 AM)
	NOTH	HEATHER	Notice Of Hearing
	MISC	HEATHER	Certificate for Rendition to Secure Presence in Criminal Proceeding of Witness Incarcerated in Another State; Order Relating to Witness Treatment While in The Custody of Agents of The State of Idaho
	DCHH	HEATHER	Hearing result for Status scheduled on 08/23/2012 09:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 40*Interpreter Needed*
8/27/2012	DCHH	HEATHER	Hearing result for Jury Selection scheduled on 08/27/2012 09:00 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: *Interpreter need - Elks Lodge*
8/29/2012	EXPR	HEATHER	EX PARTE MOtion for Transport Order

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User		Judge
8/30/2012	NOTS	DONNA	Notice Of Service	Timothy L Hansen
	NOTS	DONNA	Notice Of Service	Timothy L Hansen
9/5/2012	OTT	HEATHER	Order To Transport	Timothy L Hansen
	NOTS	DONNA	Notice Of Service	Timothy L Hansen
	HRSC	HEATHER	Hearing Scheduled (Status 09/06/2012 03:30 PM) *Judge via telephone*	Timothy L Hansen
	EXPR	HEATHER	EX PARTE Motion to Compel the Attendance of Out of State Witness	Timothy L Hansen
	AFFD	HEATHER	Affidavit in Support of Certificate Requesting Attendance of Out of State Witness	Timothy L Hansen
	NOTS	DONNA	Notice Of Service	Timothy L Hansen
	NOTH	HEATHER	Notice Of Hearing	Timothy L Hansen
	EXPR	HEATHER	EX PARTE Motion to Compel the Attendance of Out of State Witness	Timothy L Hansen
	AFFD	HEATHER	Affidavit in Support of Certificate Requesting Attendance of Out of State Witness	Timothy L Hansen
9/6/2012	DCHH	HEATHER	Hearing result for Status scheduled on 09/06/2012 03:30 PM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 17*Judge via telephone*	Timothy L Hansen
9/11/2012	NOTS	DONNA	Notice Of Service	Timothy L Hansen
9/12/2012	DCHH	HEATHER	Hearing result for Pretrial Conference - Interpreter Needed scheduled on 09/12/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 77	Timothy L Hansen
	MISC	HEATHER	Certificate of Judge Requesting Attendance of Out of State Witness	Timothy L Hansen
	MISC	HEATHER	Certificate of Clerk Regarding Application Requesting Attendance of Out of State Witness	Timothy L Hansen
	MISC	HEATHER	Certificate of Judge Requesting Attendance of Out of State Witness	Timothy L Hansen
	MISC	HEATHER	Certificate of Clerk Regarding Application Requesting Attendance of Out of State Witness	Timothy L Hansen
9/13/2012	NOTS	DONNA	Notice Of Service	Timothy L Hansen
9/17/2012	HRSC	HEATHER	Hearing Scheduled (Pretrial Conference - Interpreter Needed 09/20/2012 09:00 AM)	Timothy L Hansen
	NOTC	DONNA	Notice Of Intent To Use Other Bad Act Evidence and Memorandum in Support	Timothy L Hansen
	NOTC	DONNA	Notice Regarding Evidence of Pregnancy of Rebecca Ramirez	Timothy L Hansen
	NOTH	HEATHER	Notice Of Hearing	Timothy L Hansen

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
9/17/2012	NOTS	DONNA	Notice Of Service 24th Supplemental Timothy L Hansen
9/19/2012	NOTS	DONNA	Notice Of Service - 25th Supplemental Timothy L Hansen
9/20/2012	HRSC	HEATHER	Hearing Scheduled (Status 10/10/2012 08:30 AM) Timothy L Hansen
	DCHH	HEATHER	Hearing result for Pretrial Conference - Interpreter Needed scheduled on 09/20/2012 09:00 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: Timothy L Hansen
	NOTH	HEATHER	Notice Of Hearing Timothy L Hansen
9/27/2012	NOTS	HEATHER	Notice Of Service - 26th Supplemental Timothy L Hansen
10/1/2012	NOTS	VICKY	Notice Of Service- 27th Supplemental Timothy L Hansen
	MOTN	HEATHER	Motion to Allow State Witness to Appear in Civilian Clothing - Maria Guadalupe S. Almaraz Timothy L Hansen
	MOTN	HEATHER	Motion to Allow State Witness to Appear in Civilian Clothing - Crystal Almaraz Timothy L Hansen
	MOTN	HEATHER	Motion to Allow State Witness to Appear in Civilian Clothing - Jesus Mauricio Zavala Timothy L Hansen
10/5/2012	AMEN	HEATHER	Amended Notice of Intent to Use Other Bad Act Evidence and Memorandum in Support Timothy L Hansen
10/9/2012	NOTS	DONNA	Notice Of Service Timothy L Hansen
	WITN	HEATHER	Witness List and Jury Instructions Timothy L Hansen
10/10/2012	ORDR	HEATHER	Order Allowing State Witness to Appear in Civilian Clothing Timothy L Hansen
	ORDR	HEATHER	Order Allowing State Witness to Appear in Civilian Clothing Timothy L Hansen
	ORDR	HEATHER	Order Allowing State Witness to Appear in Civilian Clothing Timothy L Hansen
	DCHH	HEATHER	Hearing result for Status scheduled on 10/10/2012 08:30 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 66 Timothy L Hansen
10/11/2012	NOTS	DONNA	Notice Of Service Timothy L Hansen
	NOTS	HEATHER	Notice Of Service - 29th Supplemental Timothy L Hansen
10/12/2012	OBJC	DONNA	Objection To Proffered 404(b) Evidence Timothy L Hansen
10/15/2012	DCHH	HEATHER	Hearing result for Motion scheduled on 10/15/2012 09:00 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 81 Timothy L Hansen
	NOTS	DONNA	Notice Of Service Timothy L Hansen

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
10/16/2012	DCHH	HEATHER	Hearing result for Jury Selection scheduled on 10/16/2012 09:00 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated:
10/17/2012	NOTS	DONNA	Notice Of Service
10/18/2012	MISC	DONNA	Second Amended Witness List
10/19/2012	OTT	HEATHER	Order To Transport
10/22/2012		VICKY	Miscellaneous Payment: Copy Of Tape Paid by: Gary Salzman Receipt number: 0010850 Dated: 10/22/2012 Amount: \$20.00 (Credit card)
		VICKY	Miscellaneous Payment: Technology Cost - CC Paid by: Gary Salzman Receipt number: 0010850 Dated: 10/22/2012 Amount: \$3.00 (Credit card)
	NOTS	DONNA	Notice Of Service
10/24/2012	REQU	HEATHER	Request to Obtain Approval to Video Record, Broadcast or Photograph a Court Proceeding
10/25/2012	OTT	HEATHER	Order To Transport
	OTT	HEATHER	Order To Transport
10/26/2012	NOTS	HEATHER	Notice Of Service - 33rd. Supplemental
10/30/2012	ORDR	HEATHER	Order Quashing Material Witness Warrant and Releasing Jesus Mauricio Zavala-Garcia
11/8/2012	CAGP	HEATHER	Court Accepts Guilty Plea (118-4001-I Murder I)
	CAGP	HEATHER	Court Accepts Guilty Plea (118-4001-I Murder I)
	CAGP	HEATHER	Court Accepts Guilty Plea (118-4001-I Murder I)
	DCHH	HEATHER	Hearing result for Jury Trial - Interpreter Needed scheduled on 10/22/2012 09:00 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: Oct 22 - Nov. 8, 2012
	HRSC	HEATHER	Hearing Scheduled (Sentencing-Interpreter Needed 01/14/2013 09:00 AM)
	STAT	HEATHER	STATUS CHANGED: Reopened
	JUIN	HEATHER	Jury Instructions Filed
	VERD	HEATHER	Verdict Form
	PSIO1	HEATHER	Pre-Sentence Investigation Evaluation Ordered
1/10/2013	MOTN	HEATHER	Motion to Reset Sentencing
1/14/2013	HRSC	HEATHER	Hearing Scheduled (Sentencing-Interpreter Needed 03/11/2013 09:00 AM)

State of Idaho vs. Jorge Alberto Lopez-Orozco

Date	Code	User	Judge
1/14/2013	DCHH	HEATHER	Hearing result for Sentencing-Interpreter Needed scheduled on 01/14/2013 09:00 AM: District Court Hearing Held Court Reporter: P. Tardiff Number of Transcript Pages for this Hearing estimated: 8
3/7/2013	MISC	HEATHER	Request to Obtain Approval to Video Record, Broadcast or Photograph a Court Proceeding
3/11/2013	SNIC	HEATHER	Sentenced To Incarceration (I18-4001-I Murder I) Confinement terms:
	SNIC	HEATHER	Sentenced To Incarceration (I18-4001-I Murder I) Confinement terms:
	SNIC	HEATHER	Sentenced To Incarceration (I18-4001-I Murder I) Confinement terms:
	DCHH	HEATHER	Hearing result for Sentencing-Interpreter Needed scheduled on 03/11/2013 09:00 AM: District Court Hearing Held Court Reporter: V. Gosney Number of Transcript Pages for this Hearing estimated: 35
3/13/2013	JDMT	HEATHER	Judgment and Commitment
3/26/2013	NTOA	HEATHER	Notice Of Appeal
	APSC	HEATHER	Appealed To The Supreme Court
	MOTN	HEATHER	Motion for Appointment of State Appellate Public Defender
3/28/2013	ORDR	DAWN	Order for Appointment of State Appellate Public Defender
4/11/2013	NOTC	HEATHER	Notice of Cross Appeal

MEMORANDA

	DATE				RECORDED	
	Month	Day	Year		Book	Page
1	8	16	02	Complaint		
2	10	11	02	Motion to Appoint Public Defender		
3	10	11	02	Notice of Service		
4	10	11	02	Notice of Service		
5	10	16	02	Notice of Hearing 10-17-02		
6	10	24	02	Notice of Deposition		
7	10	25	02	Notice of Deposition		
8	5	30	07	AFFIDAVIT - Liliana Pedraza		
9	3	4	11	REQUEST TO VIDEO/AUDIO RECORD BROADCAST OR BROADCAST		
10				ORDER TO VIDEO/AUDIO RECORD, BROADCAST OR BROADCAST		
11				REQUEST TO AUDIO/VIDEO RECORD BROADCAST, PHOTOCOPY, TRANSCRIPT		
12				ORDER TO VIDEO/AUDIO RECORD, BROADCAST, PHOTOCOPY, TRANSCRIPT		
13				RIGHTS		
14				ACKNOWLEDGEMENT OF NOTIFICATION		
15				Application For Public Defender		
16				ORDER APPOINTING PUBLIC DEFENDER		
17				COMMITMENT - HTA		
18				NOTICE OF HEARING		
19	3	7	11	Motion To Disqualify Judge Pursuant To TC's Rule 25		
20	7	7	11	Sheriff's Return		
21	3	7	11	Notice of Service		
22	3	8	11	ORDER FOR AUDIO/VIDEO RECORD		
23	3	8	11	DIRECTING REASSIGNMENT MAXIMIZATION		
24	3	8	11	INTERVIEW OF SUBJECT PRELIMINARY		
25	3	9	11	NOTICE OF HEARING		
26	3	11	11	Notice of Service		
27	3	11	11	Notice of Service		
28	3	16	11	Ex parte Motion For Transcript		
29	3	17	11	ORDER FOR TRANSCRIPT		
30	3	23	11	NOTICE OF HEARING		
31	3	29	11	Notice of Service		
32	4	1	11	Motion to Court Appointed Interpreter of Court Proceedings		
33	4	6	11	NOTICE OF HEARING		
34	4	8	11	TRANSCRIPT		
35	4	8	11	Acknowledgment of Service of Completed Clerk's Transcript		
36	4	8	11	Notice of Service		
37	4	19	11	ORDER FOR COURT APPOINTED INTERPRETER AT City Ex		
38	4	20	11	Motion For Court Appointed Investigator @ Santa Clara		
39	4	20	11	Acknowledgment of Service of Completed Clerk's Transcript		
40	4	21	11	Notice of Hearing - Re: Motion for Appointment of Investigator		
41	5	17	11	Notice of Service		
42	5	18	11	Notice of Service		

	Date	Memoranda
43	5 31 11	Order - John Crane Corp. Investigate at Co. Off.
44	5 31 11	Notice of Seizure
45	6 7 11	Notice of Seizure
46	6 8 11	Notice of Seizure
47	6 8 11	Ex Parte Motion For Transcript Order
48	6 9 11	Notice of Seizure
49	6 14 11	Request to Obtain ADI for Discovery - Denied
50	6 15 11	Notice of Service
51	6 15 11	Request to Obtain ADI for Discovery - Denied
52	6 21 11	Notice of Hearing
53	7 8 11	ORDER FOR TRANSLATION & TRANSCRIPTION SERVICES
54	7 25 11	Notice of Seizure
55	8 2 11	NOTICE OF HEARING
56	8 17 11	ORDER HOLDING DEFENDANT TO ANSWER
57	8 17 11	INFORMATION
58	8 18 11	Request to Obtain Approval to Broadcast order
59	8 26 11	Motion to Disqualify Pursuant to I.C.R. 25
60	8 26 11	Order for Disqualification Pursuant to I.C.R. 25
61	8 26 11	Scheduling Order
62	8 26 11	Order for Annulment of Preliminary Hearings, Notice
63	9 1 11	Notice of Appointment
64	9 2 11	Motion to Disqualify Judge Pursuant to I.C.R. 25
65	9 2 11	Order for Disqualification Pursuant to Rule 25
66	9 7 11	Notice of Assignment
67	10 5 11	Notice of Service - 9th Supplemental
68	10 11 11	Transcript Filed
69	10 13 11	Motion for a Material Witness Warrant
70	10 13 11	Affidavit by Kristina M. Schuddeh
71	10 19 11	Transcript Filed
72	11 17 11	Notice of Hearing
73	12 6 11	Waiver of Speedy Trial
74	1 5 12	Order Setting Pretrial Conf. & Jury Trial
75	1 13 12	Notice of Service
76	1 23 12	Motion to Court Appointed N/A Expert of Court
77	2 13 12	Notice of Service - 11th Supplemental
78	2 16 12	Notice of Hearing
79	3 15 12	Order Setting Pretrial Conf. and Jury Trial
80	4 10 12	Commitment Writ - Notice - 11th Supplemental
81	4 16 12	Notice of Hearing - 2nd - 11th Supplemental
82	4 19 12	Summons Returned
83	4 11 12	Amended Notice of Hearing - Jesus Munoz
84	4 25 12	Notice of Seizure
85	4 26 12	Notice of Service
86	5 8 12	Order Appointing Conflict Public Defender
87	5 14 12	Notice of Appearance - Conflict Public Defender

NO	DATE	MEMORANDA
88	6-2-12	Order for Court Appointed DNA Expert at County
89	6-13-12	motion to Compel
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DO NOT DETACH PAPERS FROM THIS FOLDER

MEMORANDA

	DATE			
	Month	Day	Year	
90	6	18	12	Motion to Release Material Witness on his Own Recognizance
91	6	20	12	Notice of Hearing
92	6	21	12	Notice of Hearing
93	6	21	12	Notice of Hearing
94	6	22	12	Notice of Service - 13th Supplemental
95	6	20	12	Acknowledgment of Discovery
96	7	18	12	Motion to Transport Defendant for Hearing
97	7	19	12	Order to Transport for Hearing
98	7	20	12	Notice of State's Proposed Jury Questionnaire
99	8	7	12	Notice of Hearing
100	8	10	12	Notice of Service
101	8	16	12	Notice of Service
102	8	17	12	Notice of Service
103	8	17	12	Notice of Service - 17th Supplemental
104	8	20	12	Order for Disclosure of Jury Information
105	8	22	12	Response to State's Request for Discovery Disclosure of Defendant's
106	8	23	12	Ex Parte Motion to Compel the Attendance of Out of State
107	8	23	12	Affidavit of Kristina M. Schindler in Support of
108	8	23	12	Notice of Hearing
109	8	23	12	Certificate of Condition to Secure Presence in Criminal
110	8	29	12	Ex Parte Motion for Transport Order
111	8	30	12	Notice of Service - 18th Supplemental
112	8	30	12	Notice of Service - 19th Supplemental
113	9	5	12	Order to Transport
114	9	5	12	Notice of Service - 20th Supplemental
115	9	5	12	Notice of Hearing
116	9	5	12	Notice of Service - 21st Supplemental
117	9	5	12	Ex Parte Motion to Compel the Attendance of Out of State
118	9	5	12	Aff. in Support of Certificate Requesting Attendance of Out of State
119	9	5	12	Ex Parte Motion to Compel the Attendance of Out of State
120	9	5	12	Aff. in Support of Certificate Requesting Attendance of Out of State
121	9	11	12	Notice of Service
122	9	12	12	Certificate of Judge Requesting Attendance of Out of State
123	9	12	12	Cert. of Clerk Regarding Appl. Requesting Attendance of Out of State
124	9	12	12	Cert. of Judge Requesting Attendance of Out of State
125	9	12	12	Certs. of Clerk Regarding Appl. Requesting Attendance of Out of State
126	9	15	12	Notice of Service
127	9	17	12	Notice of Intent to Use Other Bad Act Evidences
128	9	17	12	Notice Regarding Evidence of Pregnancy of Rebecca
129	9	17	12	Notice of Hearing
130	9	17	12	Notice of Service
131	9	19	12	Notice of Service

	Date		Memoranda	File #
132	10	20	12	Notice of Hearings
133	9	27	12	Notice of Service - 26th Supplemental
134	10	1	12	Notice of Service - 27th Supplemental
135	10	1	12	Motion to Allow State Witness to Appear
136	10	1	12	Motion to Allow State Witness to Appear in Civilian
137	10	1	12	Motion to Allow State Witness to Appear in Civilian
138	10	5	12	Amended Notice of Intent to Use Other Bad Act
139	10	9	12	Notice of Service
140	10	9	12	Witness List & Jury Instructions
141	10	10	12	Order Allowing State Witness to Appear in Civilian
142	10	10	12	Order Allowing State Witness to Appear in Civilian
143	10	10	12	Order Allowing State Witness to Appear in Civilian
144	10	11	12	Notice of Service - 29th Supplemental
145	10	12	12	Objection to Proffered 404(b) Evidence
146	10	15	12	Notice of Service - 30th Supplemental
147	10	17	12	Notice of Service
148	10	18	12	2nd Amended Witness List
149	10	19	12	Order to Transport
150	10	22	12	Third Amended Witness List
151	10	22	12	Notice of Service - 32nd Supplemental
152	10	22	12	Request to Obtain Approval to Video Record, Records
153	10	25	12	Order to Transport - Crystal Almanez
154	10	25	12	Order to Transport - Quana M. Zamla
155	10	26	12	Notice of Service - 33rd Supplemental
156	10	30	12	Order Quashing Material Witness Warrant and
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See File # 151

	Date			Memoranda
153	11	8	12	Jury Instructions
158	11	8	12	Verdict
159	11	8	12	Order for Presentence Report + Evaluations
160	1	10	13	Motion to Reset Sentencing
161	3	7	13	Request to Obtain Approval to Video Record, Broadcast
162	3	8	13	Request to Obtain Approval to Video Record, Broadcast
163	3	13	13	Judgment + Commitment
164	3	26	13	Notice of Appeal
165	3	26	13	Motion for Appointment of State Appellate Public Defender
166	3	28	13	Order for Appointment of State Appellate Public Defender
167	4	11	13	Notice of Cross-Motion
168	5	14	13	Amended Notice of Appeal
169	5	21	13	Order Granting Repeal Motion for Extension
170	7	25	13	Motion for Correction or Reduction of Sentence ICR 35
171	7	25	13	Motion + Affidavit in Support for Appointment of Counsel
172	7	25	13	Motion + Affidavit for Permission to Proceed on Post-Conviction
173	7	30	13	Objection to Defendant's Motion to Correct an Alleged
174	8	16	13	Memorandum, Decision and Order
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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Application for Warrant of
Arrest

Docket No. _____

PAGE ONE

JUDGE Epis DATE 08-16-2002 TIME 1:05 am

CLERK T. McCain TYPE OF ACTION Probable Cause Hearing

TAPE NO. A-236 -02

Counsel for <u>Plaintiff</u>	NO. <u>3</u>	Counsel for _____	NO. <u>6</u>
Counsel for <u>Defendant</u>	NO. <u>4</u>	Counsel for _____	NO. <u>7</u>
Counsel for _____	NO. <u>5</u>	Counsel for _____	NO. <u>8</u>

Index No's.	Phase of Case
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1109	1. begin
1175	Officer Bendley sworn & gives testimony in response to Mr. Bazzell's questions
1550	Officer Hudcins sworn & gives testimony in response to P.A. questions
1716	Officer Bendley testifies again
1852	Officer Ancharo sworn & gives testimony in response to P.A. questions
2136	Officer Bendley testifies again
2411	Off record
2412	back on record - Bendley resumes testimony
2440	Officer Ancharo testifies again
2905	Bendley testifies again
3248	Off record
3249	back on record - Bendley resumes testimony
3450	Ancharo testifies again
3522	Shiriff Sawyer testifies in response to Mr. Bazzell's questions

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Application for Warrant of
Arrest

Docket No. _____

PAGE TWO

JUDGE Epis DATE 08-16-2002 TIME _____

CLERK T. McCain TYPE OF ACTION P.C. hearing

TAPE NO. A-236-02 & A-237-02

NO. 3	NO. 6
Counsel for Plaintiff	Counsel for _____
NO. 4	NO. 7
Counsel for Defendant	Counsel for _____
NO. 5	NO. 8
Counsel for _____	Counsel for _____

Index No's. Phase of Case

7-237-02 at 39	1. off record
40	back on record - Lauffer resumes testimony
81	Officer Hudgins resumes testimony
157	off record
152	Back on record - Sheriff Lauffer testifies
198	off record
199	Back on record - Mr. Bongoli summarizes
315	off record
369	Ct. determination - finds probable cause for all 3 counts
447	additional testimony from Officer Hudgins Ct will issue warrant - bail set in the amount of \$1,000,000.00
496	end - 2:40 a.m.

AARON BAZZOLI
ELMORE COUNTY PROSECUTING ATTORNEY
 190 South 4th East
 Post Office Box 607
 Mountain Home, Idaho 83647
 TELEPHONE: (208) 587-2144 (EXT 503)
 FACSIMILE: (208) 587-2147
 I.S.B. No. 5512

FILED
 02 AUG 16 AM 8:18

GAIL BEST
 CLERK OF THE COURT
J. McCann

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

THE STATE OF IDAHO,)	
	)	Case No. CR-FE-02-00112
Plaintiff,)	
vs.	)	COMPLAINT - CRIMINAL
)	
JORGE ALBERTO LOPEZ-OROZCO)	
aka RAUL SOLORIO)	
SSN:)	
DOB: [REDACTED])	
Defendant.)	

PERSONALLY APPEARED Before me this 14th day of August 2002, AARON BAZZOLI, Prosecuting Attorney in and for the County of Elmore, State of Idaho, who, being first duly sworn, complains and says: JORGE ALBERTO LOPEZ-OROZCO, on or between the 30th day of July and the 1st day of August, in the County of Elmore, State of Idaho, then and there being, did then and there commit the crimes of MURDER IN THE FIRST DEGREE, COUNTS I, II AND III, felonies, said crime being committed as follows, to-wit:

COUNT I
MURDER IN THE FIRST DEGREE
I.C. §18-4001, 4002, and 4003


That the Defendant, JORGE ALBERTO LOPEZ-OROZCO, on or between the 30th day of July and the 1st day of August 2002, in the County of Elmore, State of Idaho, did wilfully, unlawfully, deliberately, with the premeditation, and with malice aforethought, kill and murder Rebecca Ramirez., a human being, by shooting Rebecca Ramirez. in the back of the head inflicting a fatal wound from which she died, in violation of Idaho Code Section I.C. §18-4001, 4002, and 4003.

COUNT II
MURDER IN THE FIRST DEGREE
I.C. §18-4001, 4002, and 4003

That the Defendant, JORGE ALBERTO LOPEZ-OROZCO, on or between the 30th day of July and the 1st day of August 2002, in the County of Elmore, State of Idaho, did wilfully, unlawfully, deliberately, with the premeditation, and with malice aforethought, kill and murder Ricardo Ramirez, a human being, by ~~shooting~~ Ricardo Ramirez. inflicting a fatal wound from which he died, and/or burning Ricardo Ramirez in a vehicle in violation of Idaho Code Section I.C. §18-4001, 4002, and 4003.


causing undetermined violence to

COUNT III
MURDER IN THE FIRST DEGREE
I.C. §18-4001, 4002, and 4003

amended 8/15/11 

That the Defendant, JORGE ALBERTO LOPEZ-OROZCO, on or between the 30th day of July and the 1st day of August 2002, in the County of Elmore, State of Idaho, did wilfully, unlawfully, deliberately, with the premeditation, and with malice aforethought, kill and murder Miguel Hernandez, a human being, by shooting Miguel Ramirez, inflicting a fatal wound from which he died, and/or burning Miguel Ramirez in a vehicle in violation of Idaho Code Section I.C. §18-4001, 4002, and 4003.

Hernandez

amended 8/15/11 

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

Said Complainant therefore prays that said Defendant, JORGE ALBERTO LOPEZ-OROZCO, be brought into Court so that he may be dealt with according to law.

DATED This 16 day of August 2002.

AARON BAZZOLI

ELMORE COUNTY PROSECUTING ATTORNEY

BY: Aaron Bazzoli

AARON BAZZOLI

SUBSCRIBED AND SWORN To before me this 16 day of AUGUST 2002.

[Signature]

JUDGE PRESIDING

AARON BAZZOLI
ELMORE COUNTY PROSECUTING ATTORNEY
 190 South 4th East
 Post Office Box 607
 Mountain Home, Idaho 83647
 TELEPHONE: (208) 587-2144
 FAX: (208) 587-2147
 ISB#5512

FILED
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GAIL BEST
 CLERK OF THE COURT
G. Best

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

STATE OF IDAHO)	
	)	Case No. CR-FE-02-00112
Plaintiff,)	
)	
vs.	)	MOTION TO APPOINT PUBLIC
	)	DEFENDER
JORGE ALBERTO LOPEZ-OROZCO)	
)	
Defendant.)	

COMES NOW, The State of Idaho, by and through the Elmore County Prosecuting Attorney Aaron Bazzoli and hereby moves this Court to appoint the public defender to represent the Jorge Alberto Lopez-Orozco in the above encaptioned case. Under Idaho Code 19-853, if a person who is being detained by a law enforcement officer, or who is under formal charge of having committed a serious crime, is not represented by an attorney under conditions in which a person having his own counsel would be entitled to be so represented, the court, upon formal charge or hearing, shall appoint counsel if the person is indigent. "If the person detained or charged does not have an attorney, [the court shall] notify the public defender or trial court concerned, as the case may be, that he is not so represented." I.C. 19-852(2)(a).

ORIGINAL

Idaho Code 19-853(2)(c) states that, "If a court determines that the person is entitled to be represented by an attorney at public expense, it shall promptly notify the public defender or assign an attorney, as the case may be."

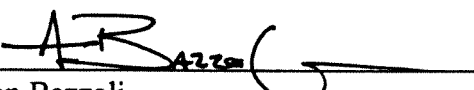
Defendant in this case is charged with three counts of first degree murder from a complaint filed on August 16, 2002 by the State. An arrest warrant has been issued in the amount of one million dollars.

Under Idaho Code 19-853, a person charged with a serious crime may be appointed an attorney by the court. The State has two persons charged as accessories to the crimes alleged in this case in custody and the two persons will be providing depositions pursuant to plea negotiations with the State. The State will be providing counsel with notice of the depositions, discovery pursuant to his case, and the opportunity to cross examine during the depositions.

WHEREFORE: The State moves for the appointment of the public defender in this case.

DATED This 11 day of October, 2002.

AARON BAZZOLI
ELMORE COUNTY PROSECUTING ATTORNEY

BY: 
Aaron Bazzoli

CERTIFICATE OF SERVICE


I hereby certify that on this 11 day of October 2002, I served a copy of the attached document to the following parties by the following means:

E.R. Frachisuer
ATTORNEY AT LAW
158 N. 3rd E.
Mountain Home, ID 83647

<input checked="" type="checkbox"/>	Hand Delivered
<input type="checkbox"/>	U.S. Mail
<input type="checkbox"/>	Certified Mail
<input type="checkbox"/>	Next Day Delivery
<input type="checkbox"/>	Facsimile

DATED this 11 day of October, 2002.

AARON BAZZOLI
ELMORE COUNTY PROSECUTING ATTORNEY

BY: 
Aaron Bazzoli

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Jorge Alberto Lopez-Duroco

Docket No. CR-FE-02-00112

JUDGE Epis DATE 10-17-2002 TIME 11:30 AM
CLERK T. McCain TYPE OF ACTION Motion to Appt P.D.
TAPE NO. A305 -02

AAAO Bazzoli	NO. 3	NO. 6
Counsel for Plaintiff		
Ed Mackisew	NO. 4	NO. 7
Counsel for Defendant		
	NO. 5	NO. 8
Counsel for		

Index No's.	Phase of Case
-------------	---------------

97 1. Time Out for Motion to Appt P.D.
Prosecutor not present @ 11:35 AM
will not consider at this time

132 Clerk's Note:
Mr. Bazzoli appeared at 11:30 AM
Mr. Mackisew not present
Advised Court that he had told
P.D. office they did not need to appear -
did not need to 1:30 today

1455 Back on record at 1:35 PM
Both Counsel are now present
3. Argument on motion
4. Response

8

FILED

2007 MAY 30 AM 11: 08

THE STATE OF IDAHO,
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO)
 AKA JORGE LOPEZ-OROZCO)
 AKA RAUL SOLORIO)
 AKA RAUL SOLARIO)
 AKA "PEPE")
 Defendant)

Case No. CR-FE-02-00112
 CLERK OF THE COURT
 COMPLAINT-CRIMINAL

AFFIDAVIT

I, Liliana Pedroza, being duly sworn, depose and state:

1. I am a citizen of the United States, residing in Elmore County, Idaho.

2. On August 16, 2002, I contacted the Elmore County Sheriff's Office concerning a murder case I heard about on the news. I asked to speak to a detective because I believed I knew something about the case.

3. On August 17, 2002, I spoke to Captain Mike Barclay (hereafter "Barclay") and told him what I knew. The rest of this affidavit explains what I told Barclay about the case and what I personally saw and heard on July 30, 2002.

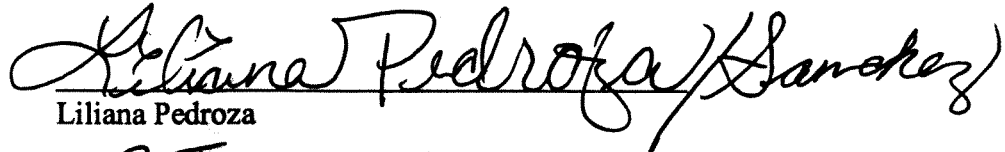
4. On July 30, 2002, I was in Elmore County, Idaho, with Luis Alberto Ortiz (hereafter "Ortiz"), who is also known as "Beto." Ortiz received a call from Jorge Alberto Lopez-Orozco (hereafter "LOPEZ-OROZCO"), who is also known as "Pepe." Ortiz told me that he needed to take gas to LOPEZ-OROZCO and that we should go together to deliver the gas. Ortiz gave me directions on where to drive to meet LOPEZ-OROZCO. Ortiz told me to drive out past the Country Corner Market and over the overpass until we saw LOPEZ-OROZCO.

Ortiz and I drove to the Canyon Creek Bridge on Canyon Creek Road, where I saw LOPEZ-OROZCO and his white car.


5. I then watched Ortiz and LOPEZ-OROZCO transfer the gas from the gas can to plastic jugs instead of directly into the gas tank of LOPEZ-OROZCO'S vehicle. I had to use the restroom, so I got out of my car and walked towards LOPEZ-OROZCO and Ortiz. When I walked towards the white car, LOPEZ-OROZCO was attempting to block my view of the interior of his car. I saw a person lying in the passenger seat with a cowboy hat over their head. I also saw that there was a lot of clothing and blankets in the back seat of the car. I felt that LOPEZ-OROZCO was trying to keep me from seeing what was inside the car. After that I went back to my car.

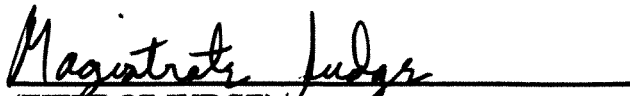
6. On August 17, 2002, I took Barclay and Sheriff Rick Layher to Canyon Creek Bridge and showed them where I drove Ortiz to meet LOPEZ-OROZCO with the gas.

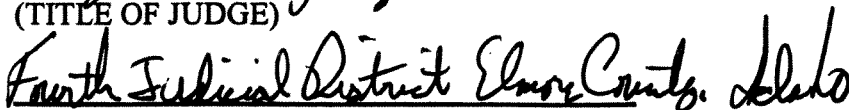
7. Attachment 1 to my affidavit is a photograph of Jorge Alberto LOPEZ-OROZCO, who is also known as "Pepe," the man to whom Ortiz took the gas on July 30, 2002.


Liliana Pedroza

Subscribed and sworn to before me this 30th day of May, 2007.


(JUDGE)


(TITLE OF JUDGE)


(JURISDICTION OF COURT)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF ELMORE

Docket No. CR-2002-112

JORGE A. LOPEZ-OROZCO

JUDGE George G Hicks DATE MARCH 4, 2011 TIME 1:00 PM

CLERK V. Trevathan TYPE OF ACTION ARRAIGNMENT - In Custody

CD NO. A

KRISTINA SCHINDLER NO. 3 NO. 5
Counsel for Plaintiff / Prosecutor MH/EC. Counsel for _____

NO. 4 NO. 6
Counsel for Defendant Counsel for _____

Index No's.

Phase of Case

2:34

1. Case Called INTERPRETER PRESENT - SANDRA BARRAS

4. Understands Request PD () Will Hire Own () Request Continuance () Waives Attorney

Enters Plea of: () Not Guilty () Guilty

3. No Objection to P.D. () Objects to P.D. () Recommendations

1. P.D. Appointed Subject to Reimbursement () P.D. Denied () Plea Accepted () Not Accepted

3. () Recommendations () No Objection to OR release () Comments on Bond

1. () Judgment () OR Release Remanded, Bond set at \$ 1,000,000.00 Cash or Surety

ATTORNEY APPEARANCE SET FOR
MARCH 8, 2011 @ 11:00 AM

Fourth Judicial District Court, State of Idaho
In and For the County of Elmore
150 South 4th East, Suite #5
Mountain Home, Idaho 83647

14

FILED

MAR -4 PM 3:44

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

Case No: CR-2002-0000112

ORDER APPOINTING PUBLIC DEFENDER

STATE OF IDAHO
Plaintiff,

vs.

Jorge Alberto Lopez-Orozco
876 K Koa
Mountain Home, ID 83647

Defendant.

DL:



The Court being fully advised as to the application of Jorge Alberto Lopez-Orozco, and it appearing to be a proper case,
NOW, THEREFORE, IT IS ORDERED that an attorney be appointed through the:

Public Defender's Office
Elmore County Public Defender
290 South 2nd East
Mountain Home ID 83647

Public Defender for the County of Elmore, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Jorge Alberto Lopez-Orozco, 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.

DATED This 4th day of March, 2011.

Judge

Copies to:

Public Defender

Prosecutor

Deputy Clerk

17

Fourth Judicial District Court, State of Idaho

In and For the County of Elmore

FILED

2011 MAR -4 PM 3:44

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

STATE OF IDAHO)
 Plaintiff,)
 vs.)
 Jorge Alberto Lopez-Orozco)
 Defendant.)
)
)
)
)
)
)
)
)

Case No: CR-2002-0000112

COMMITMENT - HTA

DOB: [REDACTED]

THE STATE OF IDAHO TO ELMORE COUNTY SHERIFF DEPARTMENT:

An Order having been made this day by me that Jorge Alberto Lopez-Orozco, be held to answer upon a charge of Murder I, a Felony Murder I, a Felony Murder I, a Felony , committed as set forth in the Complaint on file in the above-entitled action, said crime alleged to have been committed in Elmore County, State of Idaho.

YOU, THE SAID Elmore County Sheriff's Department, are commanded to receive him, the said defendant, into your custody, and detain him/her until legally discharged.

The defendant is to be admitted to bail in the sum of \$ 1,000,000.00

Next hearing is scheduled for:

Attorney Appearance-Interpreter Needed on Tuesday, March 08, 2011 at 11:00 AM
Judge: George G. Hicks

DATED This 4th day of March, 2011.

MAGISTRATE JUDGE

Elmore County Detention Faxed Hand Delivered

Copy to: Defendant's Attorney

FAXED

19

FILED

2011 MAR -7 AM 8:41

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

TERRY S. RATLIFF, ISB No. 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East Street
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorney for Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)

Case No. CR-2002-0112

MOTION TO DISQUALIFY JUDGE
PURSUANT TO I.C.R. RULE 25

COMES NOW the Defendant, JORGE ALBERTO LOPEZ-OROZCO, and by and through his attorney of record TERRY S. RATLIFF, of RATLIFF LAW OFFICES, CHTD., and moves this Court to disqualify Honorable George G. Hicks as Magistrate Judge in the above captioned matter pursuant to Idaho Criminal Rule 25.

DATED this 7th day of March, 2011.

RATLIFF LAW OFFICES, CHTD.


By 
Terry S. Ratliff
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 7th day of March, 2011, served a copy of the within and foregoing **MOTION TO DISQUALIFY PURSUANT TO RULE 25, L.C.R.** to:

Kristina Schindele
Elmore County Prosecutor
190 South 4th East
Mountain Home ID 83647

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Interdepartmental Mail
- Facsimile (208) 587-2147



 ANDEE RODRIGUES
 Legal Assistant

FILED 22

2011 MAR -8 AM 8:20

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

Emorton

TERRY S. RATLIFF, ISB No. 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East Street
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorney for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)
)
)

Case No. CR-2002-0112

**ORDER FOR DISQUALIFICATION
PURSUANT TO RULE 25**

IT IS HEREBY ORDERED AND THIS DOES ORDER that the Honorable GEORGE G. HICKS is disqualified as Judge in the above captioned matter pursuant to Rule 25, Idaho Criminal Rules.

DATED this 8th day of March, 2011.

George G. Hicks

GEORGE G. HICKS
Magistrate Judge

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 8 day of March, 2011, served a copy of the within and foregoing **ORDER FOR DISQUALIFICATION PURSUANT TO RULE 25** to:

Kristina Schindele
Elmore County Prosecutor
190 South 4th East
Mountain Home ID 83647

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Interdepartmental Mail
- Facsimile (208) 587-2147

Terry S. Ratliff
Ratliff Law Offices, Chtd.
290 South 2nd East
Mountain Home ID 83647

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Interdepartmental Mail
- Facsimile (208) 587-6940



CLERK OF COURT

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

FILED 23

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE AM 9:40

STATE OF IDAHO,
Plaintiff,

vs.

JORGE ALBERTO LOPEZ-OROZCO,
Defendant.

* * *

)
)
)
)
)
)
)

ELMORE COUNTY
CASE NO. CR-2002-0112

DIRECTIVE REASSIGNING
MAGISTRATE

BARBARA STEELE
CLERK OF THE COURT

DEPUTY
Morton

Judge George G. Hicks, being disqualified from proceeding further in the above entitled action.

IT IS HEREBY DIRECTED that David C. Epis, Magistrate Judge of the Fourth Judicial District of the State of Idaho, is hereby assigned to take jurisdiction of the above entitled action for all further proceeding therein.

Dated this 8th day of March, 2011.

L D Reiner

Larry D. Reiner
Trial Court Administrator

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 8 day of March 2011, I caused a true and correct copy of the above and foregoing instrument to:

Hon. David C. Epis
INTERDEPARTMENTAL MAIL

Barbara Steele, CLERK OF THE DISTRICT COURT

By: *Morton*

(Deputy Clerk)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Docket No. CR-2002-112

George Alberto Lopez-Bronco

JUDGE David C Epis DATE March 8, 2011 TIME 1:00

CLERK R Morton TYPE OF ACTION Attorney Appearance

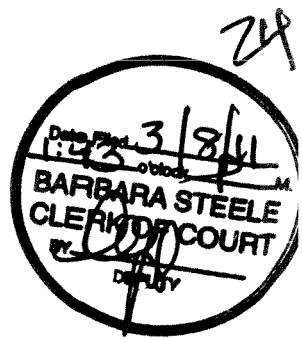
COURTROOM# A

Lee Fisher NO. 3 NO. 5
 Counsel for Plaintiff/Prosecutor MH/EC Counsel for _____

Meagan Lumanis PD NO. 4 NO. 6
 Counsel for Defendant Counsel for _____

Index No's.	Phase of Case
1:26	1. Case Called Defendant in custody Counsel present, Interp Sandra Barrios
1:27	4. Request Preliminary hearing, Waive Reporter today Well waive speedy Preliminary
1:31	1. Advised 4A understands, Agrees to waiver of speedy 1. Preliminary hearing set for April 29, 2011 @ 1:00 Clerk to contact Counsel for scheduling March 23, 2011 @ 1:45
1:31	

Fourth Judicial District Court, State of Idaho
In and For the County of Elmore



STATE OF IDAHO,)
Plaintiff,)
vs.)
Jorge Alberto Lopez-Orozco)
Defendant,)
_____)

Case No: CR-2002-0000112


WAIVER OF SPEEDY
PRELIMINARY EXAMINATION

I, Jorge Alberto Lopez-Orozco, hereby waive my right to a preliminary hearing within 14 days of my initial appearance, if I am in custody, or within 21 days if I am not in custody. By signing this document I am not waiving my right to the actual preliminary hearing or any other rights that I am entitled to under the United States Constitution or the Idaho Constitution.

DATED This 8th day of March, 2011, at 1330 o'clock P.m.

J.A.L.O
Defendant

WITNESSED:


Magistrate


Witness

WAIVER OF SPEEDY PRELIMINARY EXAMINATION

28

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
TELEPHONE: (208) 587-2144
FAX: (208) 587-2147
I.S.B. No. 6090

FILED

2011 MAR 16 PM 4:51

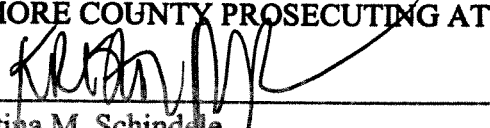
BARBARA STEELE
CLERK OF THE COURT
DERBY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE**

THE STATE OF IDAHO,)	
	)	Case No. CR-2002-0000112
Plaintiff,)	
)	
vs.	)	EX PARTE MOTION FOR TRANSCRIPT
)	
JORGE ALBERTO LOPEZ-OROZCO,)	
Defendant.)	
_____)	

COMES NOW, The State of Idaho by and through Kristina M. Schindele, Prosecuting Attorney in and for the County of Elmore, State of Idaho, and moves this Honorable Court for the preparation of a transcript of the Preliminary Hearing held in State of Idaho vs. Maria Garcia, on November 16, 2006, case no. CR-2002-0000117. The cost will be paid by the Plaintiff.

DATED This 16th day of March 2011.

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
BY: 
Kristina M. Schindele

EX PARTE MOTION FOR TRANSCRIPT

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the ____ day of March 2011, I caused a true and correct copy of the foregoing document(s) to be delivered to:

Terry Ratliff
290 South 2nd East
Mountain Home, Id. 83647
587-6940

Hand Delivered
 First Class Mail
 Facsimile

By: Cecil Bay For:
Kristina M. Schindele

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
Telephone: (208) 587-2144
Facsimile: (208) 587-2147
I.S.B. No. 6090

FILED ²⁹
MAY 17 AM 11:16
BARBARA STEELE
CLERK OF THE COURT
DEPUTY
Barbara Steele

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

THE STATE OF IDAHO,)
)
Plaintiff,) Case No. CR-2002-0000112
)
vs.) ORDER FOR TRANSCRIPT
JORGE ALBERTO LOPEZ-OROZCO,)
)
Defendant.)
_____)

THE COURT, Having read and considered the State's Motion for Transcript, and good cause appearing; NOW, THEREFORE, IT IS HEREBY ORDERED That a Deputy Clerk of the Elmore County Court prepare a transcript of the Preliminary Hearing held in State of Idaho vs. Maria Garcia, on November 16, 2006, case no. CR-2002-0000117.

IT IS FURTHERED ORDERED that the transcript shall be prepared at State's expense.

DATED This 17th day of March

2011

[Signature]

JUDGE PRESIDING

ORDER FOR TRANSCRIPT

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 17 day of March 2011, I caused a true and correct copy of the foregoing document(s) to be delivered to:

Terry Ratliff
290 South 2nd East
Mountain Home, Id. 83647
587-6940

Hand Delivered
 First Class Mail
 Facsimile

Kristina M. Schindele
Elmore County Prosecuting Attorney
190 South 4th East
Post Office Box 607
Mountain Home, Id. 83647

Hand Delivered
 First Class Mail
 Facsimile


Deputy Clerk

FILED 32

2011 APR -1 PM 5:03

CLERK OF DISTRICT COURT
DEPUTY
[Signature]

TERRY S. RATLIFF, ISB 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,)	
	)	Case No. CR-2002-0112
Plaintiff,)	
	)	MOTION FOR COURT
-vs-	)	APPOINTED INTERPRETER
	)	AT COUNTY EXPENSE
JORGE ALBERTO LOPEZ-OROZCO,)	
)	
Defendant.)	
)	

COMES NOW the Defendant, by and through his attorney of record, Terry S. Ratliff of Ratliff Law Offices, Chtd., and pursuant to the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution, and the Sixth Amendment to the United States Constitution, Article I §13 of the Idaho Constitution, Idaho Code §§19-851(b) & (c), 852, and 861(e), and Idaho Rule of Criminal Procedure 28, moves this Court to appoint, at county expense, an Interpreter to assist the Defendant and his counsel in preparing for trial in this matter.

Specifically, the Defendant neither speaks, nor writes, nor reads the English language, he is of Mexican descent, and has little, if any, education, even from being raised in Mexico. In addition, counsel herein does not yet read, write or speak the Spanish language, either of Latin

American or European dialect. As such, there is absolutely no present ability for the Defendant to assist his counsel in preparing his defense, and likewise, no way for Counsel to assist the Defendant without having access to an interpreter on a regular and timely basis.

A court's decision regarding appointment of an interpreter is generally discretionary, *State v. Alsanea*, 138 Idaho 733, 741, 69 P.3d 153, 161 (Ct.App.2003), but a question as to whether a trial court's decision met minimum statutory or constitutional requirements is an issue of law subject to free review. *Anderson*, 144 Idaho at 746, 170 P.3d at 889; *State v. Bowman*, 124 Idaho 936, 940, 866 P.2d 193, 197 (Ct.App.1993). The interpretation of statutes and judicial rules is also a matter of free review. *State v. Reyes*, 139 Idaho 502, 505, 80 P.3d 1103, 1106 (Ct.App.2003). *State v. Slater*, 133 Idaho 882, 888, 994 P.2d 625, 631 (Ct.App.1999). Where the language is plain and unambiguous, we give effect to a statute as written and may not add to nor subtract from the statute by judicial construction. *Parsons v. Mutual of Enumclaw Ins. Co.*, 143 Idaho 743, 746, 152 P.3d 614, 617 (2007); *State v. Rhode*, 133 Idaho 459, 462, 988 P.2d 685, 688 (1999); *State v. Burnight*, 132 Idaho 654, 659, 978 P.2d 214, 219 (1999); *State v. Escobar*, 134 Idaho 387, 389, 3 P.3d 65, 67 (Ct.App.2000). When interpreting a statute, we give the statutory language its plain, obvious, and rational meaning. *Burnight*, 132 Idaho at 659, 978 P.2d at 219.

State v. Herrera, 149 Idaho 216, 233
P.3d 147, 153 (Idaho App. 2009)

To meet the Sixth Amendment strictures of providing the Defendant effective assistance of counsel, it is incumbent upon both Counsel and the Defendant to communicate, as a man without a voice and the means to express his defense; is a man that has no defense at all.

In any criminal action in which any witness or a party does not understand or speak the English language, or who has a physical handicap which prevents the witness or party from fully hearing or speaking the English language, then the court shall appoint a qualified interpreter to interpret the proceedings and the testimony of such witness or party.

Idaho Rule Criminal Procedure 28.

It is understood that the Rule applies to the application and use of an interpreter in the official 'hearing' or 'court proceeding,' however, the Court can and must consider the minimum Due Process that should be observed in this case, and there is additional statutory basis for this request:

(a) **A needy person who is being detained by a law enforcement officer, who is confined or is the subject of hospitalization proceedings pursuant to sections 18-212, 18-214, 66-322, 66-326, 66-329 or 66-409, Idaho Code, or who is under formal charge of having committed, or is being detained under a conviction of, a serious crime, is entitled:**

(1) to be represented by an attorney to the same extent as a person having his own counsel is so entitled; and

(2) to be provided with the necessary services and facilities of representation (including investigation and other preparation). The attorney, services, and facilities and the court costs shall be provided at public expense to the extent that the person is, at the time the court determines need, unable to provide for their payment.

Idaho Code §19-852
(emphasis added).

Thus, not only is Jorge entitled to counsel, he is entitled to the "necessary services and facilities of representation (including investigation and other preparation)," which would include an interpreter to assist him in the preparation of his case.

This office currently holds the Contract to Provide Public Defender Services, and upon this basis, Counsel was appointed to represent Jorge. That contract does not provide for a line item for interpreter services, and as a result, in all other out of court matters, the office has paid for interpreter fees from the gross funds of the contract. However, in this case, the amount of time that is going to be required to be spent with Jorge, and the frequency of contact that is going to have to be made with him, through an interpreter, will cause the currently budgeted contract with the county to be detrimentally impacted, to such an extent, that appropriate representation would most likely be prejudiced due to the cost.¹

¹ I will represent to the Court that the current contract does not provide the sole basis for the operation of this firm. For that reason, the Contract allows this Counsel, and the other members of the firm, to have a private practice. Without this private practice, the firm would have to close its doors. In addition, since this case is going to consume an inordinate amount of this Counsel's time, I am winding down my private

The statute recognizes that there are cases where a criminal defendant's right to a fair trial may be jeopardized unless there is access not only to an attorney, but also to certain specialized aid in the preparation of a defense. *State v. Powers*, 96 Idaho 833, 838, 537 P.2d 1369, 1374 (1975). Included within the scope of I.C. § 19-852(a) are the fourteenth amendment requirements of due process and equal protection as they apply to indigent defendants. In *Britt v. North Carolina*, 404 U.S. 226, 227, 92 S.Ct. 431, 433, 30 L.Ed.2d 400 (1971), the United States Supreme Court made it clear that "state(s) must, as a matter of equal protection, provide indigent prisoners with the basic tools of an adequate defense or appeal, when those tools are available for a price to other prisoners." It is equally evident that if a defendant is denied access to the basic tools of an adequate defense, then he has also been denied his due process right of a fair trial. See *Griffin v. Illinois*, 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891 (1956).


State v. Olin, 103 Idaho 391, 394,
648 P.2d 203, 206 (Idaho 1982)
(emphasis added).

I have therefore requested the assistance of Ms. Heather Hagan, a certified interpreter according to Idaho Court Administrative Rule 52(b)(3), to work on behalf of Jorge during the course and scope of this case. She has graciously accepted, and her normal, customary and hourly billable rate is for Twenty (\$20.00) Dollars per hour. She has been used by the courts of Elmore County on a regular basis, and she is the interpreter that my office has used on a regular basis for the other cases assigned to this office.

Oral argument is requested.

DATED this 5th day of April, 2011.

RATLIFF LAW OFFICES, CHTD.

By: 
TERRY S. RATLIFF, of the firm
Attorney for Defendant

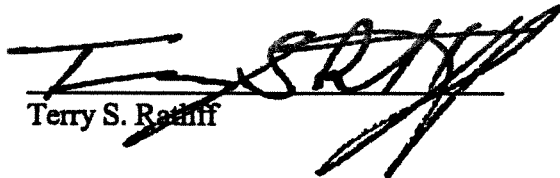
practice for the duration of this case, which prevents the firm from benefitting from my necessary private practice and the funds that practice generates.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on this 1ST day of April, 2011, served a copy of the within and foregoing **MOTION FOR COURT APPOINTED INTERPRETER AT COUNTY EXPENSE** to:

Kristina Schindele
Elmore County
Prosecuting Attorney
190 South 4th East
P.O. Box 607
Mountain Home, Idaho 83647
Fax No. (208) 587-2147

By: _____ Hand Delivery
_____ Federal Express
_____ Certified Mail
_____ U.S. Mail
 _____ Facsimile Transmission



Terry S. Ratliff

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Docket No. CR-2002-112

George A Lopez-Orozco

JUDGE David C Epis DATE April 6, 2011 TIME 10:45

CLERK R Morton TYPE OF ACTION Motion

COURTROOM# C (4-6-11)

Nathan Denkes NO. 3 NO. 5
 Counsel for Plaintiff/Prosecutor MH/EC Counsel for _____

Serry Pattif ~~APD~~ NO. 4 NO. 6
 Counsel for Defendant Counsel for _____

Index No's. Phase of Case

1:11 1. Case Called, Interpreter: Sandra Barrera
 Defendant in custody, present with counsel

3. Spoke with Mrs. Schindell did not receive copy to review motion. Mrs. Schindell may want to respond

4. Request motion be granted, can not communicate with defendant

1. Can not grant today, state has not had chance to respond

Continue to April 13, 2011 @ 2:45

1:17 If agreement reached may vacate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Docket No. CR-2002-112

George A. Lopez-Drozco

JUDGE David C. Epis DATE April 13, 2011 TIME 2:45

CLERK R. Morton TYPE OF ACTION Motion

COURTROOM # A

Tina Schindler NO. 3 NO. 5
 Counsel for Plaintiff/Prosecutor MH/EC Counsel for _____

Terry Ratliff NO. 4 NO. 6
 Counsel for Defendant Counsel for _____

Index No's. | Phase of Case

2581. Case Called, Interp: Vanessa Bell
 Defendant present, with counsel
 3. Reviewed motion and case law
 Rule 52G. not very clear, objecting
 should we paid out of District Court budget
 Payment should we paid by District Court
 4. Nothing further
 1. Entitled to services while preparing case
 must provide answer, not clear, budget cycle
 some funds remain. Budget being re-opened
 Motion granted at County (District Court) expense
 Direct payment come from District Court fund

CONTINUATION SHEET

DATE April 13, 2011 COURTROOM NO. #A PAGE 2

JUDGE D. Epis CLERK R. Morton CASE NAME Drozco

CR2002-112

|||||

Index
No's.

Phase of Case

3:05	Same type of Service, professional Services
	4. Deather Bagan has agreed at 25 per hour
	1. SO ordered at this time
	Criminal rules cited

3:07
COURT
MINUTES

FILED 37

2011 APR 19 AM 11:22

BARBARA J. ...
CLERK OF THE COURT
DEPUTY

TERRY S. RATLIFF, ISB 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs-)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)
)
 _____)

Case No. CR-2002-0112

**ORDER FOR COURT
APPOINTED INTERPRETER
AT COUNTY EXPENSE**

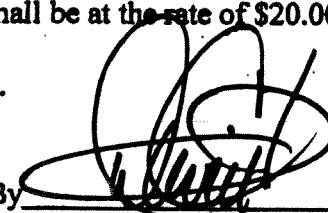
The Defendant, having moved for the appointment of an interpreter to assist him in the defense of his case, and communication with counsel being an essential function for the preparation of his case, and good cause appearing therefrom,

IT IS HEREBY ORDERED that the Defendant is entitled to a Spanish Language Interpreter to assist him in his defense; and

IT IS HEREBY FURTHER ORDERED that the costs of said Interpreter shall be at County expense, through the District Court Fund, until further review and order of the District

Court. Said costs for said Interpreter shall be at the rate of \$20.00 per hour.

DATED this 18th day of April, 2011.

By 
DAVID C. EPIS
Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on this 19th day of April, 2011, served a copy of the within and foregoing **ORDER FOR COURT APPOINTED INTERPRETER AT COUNTY EXPENSE** to:

Terry S. Ratliff
RATLIFF LAW OFFICES, CHTD.
290 South 2nd East
Mountain Home, ID 83647
Fax No. (208) 587-6940

By: Hand Delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile Transmission

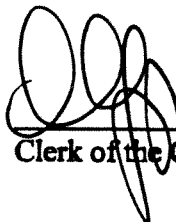
Kristina Schindele
Elmore County
Prosecuting Attorney
190 South 4th East
P.O. Box 607
Mountain Home, Idaho 83647
Fax No. (208) 587-2147

By: Hand Delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile Transmission

Barbara Steele
C/O Elmore County Courthouse
Mountain Home, ID 83647

By: Hand delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile

BARBARA STEELE


Clerk of the Court

38

FILED

2011 APR 20 AM 11:00

BARBARA S. HALL
CLERK OF THE COURT
DEPUTY

TERRY S. RATLIFF, ISB 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs-)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)

Case No. CR-2002-0112

**MOTION FOR COURT
APPOINTED INVESTIGATOR
AT COUNTY EXPENSE**

COMES NOW the Defendant, by and through his attorney of record, Terry S. Ratliff of Ratliff Law Offices, Chtd., and pursuant to the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution, and the Sixth Amendment to the United States Constitution, Article I §13 of the Idaho Constitution, Idaho Code §§19-851(b) & (c), 852, and 861(c), and Idaho Rule of Criminal Procedure 28, moves this Court to appoint, at ~~county expense, an Investigator for use in the investigation and preparation of the defense in this~~ matter.

Specifically, in the first Response to Request for discovery, the State has produced a list of sixty one (61) potential witnesses, and one hundred two (102) separate documents, which consists of approximately 800 pages. Additionally, in the 1st Supplemental Response to Request

for Discovery, the State has disclosed an additional forty three (43) documents to review, which consists of approximately 500 pages. Finally, in the 2nd Supplemental Response to Request for Discovery, the State has provided a list of another 34 documents to review and investigate, and that response consists of approximately 700 pages. The information contained in these documents needs to be verified, compared and contrasted, and is going to involve a large mass of time and effort.

Additionally, as of today's date, the State has disclosed that it has had at least twenty (20) investigators, detectives, agents and deputies working on this case, plus additional support staff for each of those actors. As a result, in order to prepare for the Preliminary Hearing, and any subsequent trial, the Court can and must consider the minimum Due Process that should be observed in this case, and that there is a statutory basis for this request:

(a) A needy person who is being detained by a law enforcement officer, who is confined or is the subject of hospitalization proceedings pursuant to sections 18-212, 18-214, 66-322, 66-326, 66-329 or 66-409, Idaho Code, or who is under formal charge of having committed, or is being detained under a conviction of, a serious crime, is entitled:

(1) to be represented by an attorney to the same extent as a person having his own counsel is so entitled; and

(2) to be provided with the necessary services and facilities of representation (including investigation and other preparation). The attorney, services, and facilities and the court costs shall be provided at public expense to the extent that the person is, at the time the court determines need, unable to provide for their payment.

Idaho Code §19-852
(emphasis added).

Thus, not only is Jorge entitled to counsel, he is entitled to the "necessary services and facilities of representation (including investigation and other preparation)," which would include an investigator to assist him in the preparation of his case.

This office currently holds the Contract to Provide Public Defender Services, and upon this basis, Counsel was appointed to represent Jorge. That contract does not provide for a line item for investigator services, and as a result, in all other out of court matters, the office has paid for investigator fees from the gross funds of the contract. The contract **does permit** the contractor to have necessary support staff to be appointed, at county expense, upon approval and Order from the presiding judge.

In this case, the amount of time that is going to be required to interview witnesses, review over 2000 pages of documents, (with more to come), prepare a defense, and do the legal work, is going to be prohibitive without the appointment of an independent investigator to assist counsel.

The statute recognizes that there are cases where a criminal defendant's right to a fair trial may be jeopardized unless there is access not only to an attorney, **but also to certain specialized aid in the preparation of a defense.** *State v. Powers*, 96 Idaho 833, 838, 537 P.2d 1369, 1374 (1975). Included within the scope of I.C. § 19-852(a) are the fourteenth amendment requirements of due process and equal protection as they apply to indigent defendants. In *Britt v. North Carolina*, 404 U.S. 226, 227, 92 S.Ct. 431, 433, 30 L.Ed.2d 400 (1971), the United States Supreme Court made it clear that "state(s) must, as a matter of equal protection, provide indigent prisoners with the basic tools of an adequate defense or appeal, when those tools are available for a price to other prisoners." It is equally evident that if a defendant is denied access to the basic tools of an adequate defense, then he has also been denied his due process right of a fair trial. See *Griffin v. Illinois*, 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891 (1956).

State v. Olin, 103 Idaho 391, 394,
648 P.2d 203, 206 (Idaho 1982)
(emphasis added).

Without an investigator to assist counsel, it will cause the currently budgeted contract with the county to be detrimentally impacted, to such an extent, that appropriate representation would most likely be prejudiced due to the cost.¹

¹ See the information previously provided with regard to office operations, as set out in our Motion for Court Appointed Interpreter at County Expense.

The constitution does not require a state to provide expert or investigative assistance merely because a defendant requests it. *United States ex rel. Smith v. Baldi*, 344 U.S. 561, 568, 73 S.Ct. 391, 394, 97 L.Ed. 549 (1953); *Watson v. Patterson*, 358 F.2d 297, 298 (10th Cir. 1966), *cert. denied* 385 U.S. 876, 87 S.Ct. 153, 17 L.Ed.2d 103 (1966). Rather, a defendant's request for expert or investigative services should be reviewed in light of all the circumstances and be measured against the standard of "fundamental fairness" embodied in the due process clause. *Watson v. Patterson, supra*; *State v. Lee*, 221 Kan. 109, 558 P.2d 1096, 1101 (1976).

[*395] [**207] In accord with these principles, we have stated in applying I.C. § 19-852(a) to expert and investigative services that "[financial] assistance [***8] is not automatically mandatory, but rather depends upon [the] needs of the defendant as revealed by the facts and circumstances of each case. Before authorizing the expenditure of public funds for a particular purpose in an indigent's defense, the trial court must determine whether the funds are necessary in the interest of justice." *State v. Powers*, 96 Idaho at 838, 537 P.2d at 1374. *See Mason v. Arizona*, 504 F.2d 1345, 1352 (9th Cir. 1974) *cert. denied* 420 U.S. 936, 95 S.Ct. 1145, 43 L.Ed.2d 412 (1975). It is thus incumbent upon the trial court to inquire into the needs of the defendant and the circumstances of the case, and then make a determination of whether an adequate defense will be available to the defendant without the requested expert or investigative aid. If the answer is in the negative, then the services are necessary and must be provided by the state. Such a review necessarily involves the exercise of the sound discretion of the trial court. *Griffin v. State*, 415 N.E.2d 60 (Ind.1981); *State v. Burnett*, 222 Kan. 162, 563 P.2d 451, 454 (1977); *see* Annot., 34 A.L.R.3d 1256, 1269-72 (1970); *cf.* [***9] *State v. Kerrigan*, 98 Idaho 701, 571 P.2d 762 (1977) (preliminary matter of application for bail addressed to the sound discretion of the court).

Olin, Id. at 394-395. (emphasis added)

The test, therefore, are the needs of the defendant, and the circumstances of the case, with an enquiry as to whether or not we can mount an adequate defense without the assistance of an investigator:

It is thus incumbent upon the trial court to inquire into the needs of the defendant and the circumstances of the case, and then make a determination of whether an adequate defense will be available to the defendant without the requested expert or investigative aid. If the answer is in the negative, then the services are necessary and must be provided by the state.

Olin, Id.

At this juncture, the needs of the defendant are evident, in that he does not speak, read or write the English language, nor has he had an education. The case is nine years old, and involves the allegation that the defendant killed three victims. In addition, the witnesses are mostly Mexican, and are located both in this state, and in California, and perhaps Mexico. To this counsel's knowledge, a majority of the interviews performed by the State required the use of bi-lingual detectives or interpreters, and as such, both the investigator and the interpreter will need to review their statements with them, to make sure that the state's actor's have it right, and whether or not the statements have changed over the years.

It is readily apparent that without the aid of an investigator, Counsel is going to have a difficult if not impossible task of being prepared for the preliminary hearing and or the trial! In addition, since the case is about to go before the Court at the preliminary hearing, it is necessary to have the appointment prior to that hearing, as the finding of probable cause is a critical stage of the proceedings and what transpires at the preliminary hearing will have a direct impact on further legal and trial preparation.

In case the Court or the State are enquiring, I have extensive experience with the Investigator that is proposed herein, and I am not aware of any legitimate reasons as to why the requested Investigator should not be utilized as part of the defense team on this case. I have therefore requested the assistance of Mr. Bruce Whitman, an investigator that I have worked with over the past five (5) years in the death penalty case of *State v. Jauhola*. A copy of Mr.

Whitman's resume' is attached, and incorporated herein. Mr. Whitman has agreed to this appointment, and his normal, customary and hourly billable rate is for Seventy-Five (\$75.00) Dollars per hour plus costs. I have worked with Mr. Whitman on a lengthy basis, we both know each other to be efficient, not wasteful, and thorough in our use of the resources available to us.


Bruce has also worked extensively with my staff over the past five (5) years, and in particular, worked with Ms. Rodrigues on a regular basis, so we all know our respective obligations and role in the collection and review of evidence, interviews, compilation and summaries, as the case may be.

In addition, Bruce has also worked on several cases with Mr. Robert Chastain, Esq., from Boise, and is currently working as a court appointed investigator, through the Ada County Public Defender's Office, on a recent case involving the allegation of First Degree Murder in the shooting of a local attorney. There are no known investigators in this area, to this Counsel, that have the efficiency of operations, and the skill set that Bruce possesses, given his five years of working with this Counsel, office and staff.

Oral argument is requested.

DATED this 20th day of April, 2011.

RATLIFF LAW OFFICES, CHTD.

By 
TERRY S. RATLIFF, of the firm
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on this 20th day of April, 2011, served a copy of the within and foregoing **MOTION FOR COURT APPOINTED INVESTIGATOR AT COUNTY EXPENSE** to:

Kristina Schindele
Elmore County
Prosecuting Attorney
190 South 4th East
P.O. Box 607
Mountain Home, Idaho 83647
Fax No. (208) 587-2147

By: _____ Hand Delivery
_____ Federal Express
_____ Certified Mail
_____ U.S. Mail
 _____ Facsimile Transmission



Terry S. Ratliff

R. BRUCE WHITMAN CO., INC
Capital case assistance

4920 S. Sugarberry Lane
Gilbert, AZ 85298
(480) 993-5039

R. Bruce Whitman Principal
Employee Identification Number 46-0520110
raymond.whitman@gmail.com

PERSONAL:

10 years Deputy Sheriff, Snohomish County Sheriff's Office
Everett, WA

- 7 years Homicide Division
- Primary investigator -72 homicides
- Extensive court appearances as a witness in jury trials

17 years capital case assistance, private and court appointed mitigation investigation experience in Arizona, California, Georgia, Idaho, Mexico, Montana, Texas and Utah in multi cultural settings including Hispanic, African American and Native American. Available services include:

- Investigate and develop evidence for presentation at the guilt or penalty phase of capital trials
- Identify, locate and interview witnesses
- Assist in identifying the need for and finding expert witnesses
- Victim family impact interviews
- Assist in overall case preparation and review

EDUCATION:

1965	Roosevelt High School, Seattle, Washington
1970-1972	Everett Community College-Major Criminal Justice
1972-1979	FBI Academy Quantico, VA, Crime Scene Investigation; FBI Seattle, Washington, Homicide Investigation; FBI Seattle, Washington, Crime Scene Photography FBI Seattle, Wahington
1994	Puget Sound Special Investigators-insurance fraud training seminar Northwest Women's Law Center-investigation of sexual harassment claims
1998	Washington Legal Investigators Professional Development Seminar
1999	California Attorneys for Criminal Justice and California Public Defenders Association Capital Case Defense Seminar
1999	National Association of Criminal Defense Lawyers Making a Case for Life III-Mitigation Investigation in Capital Cases
2000	Federal Defenders Annual Death Penalty

Conference-Boise, Idaho

- 2001 National Legal Aid & Defender Association Life in the Balance 2001 Defending Death Penalty Cases
- 2002 California Attorneys for Criminal Justice and California Public Defenders Association Capital Case Defense Seminar
- 2003 California Attorneys for Criminal Justice and California Public Defenders Association Capital Case Defense Seminar
- 2005 Mexican Capital Legal Assistance Program Representing Mexican Nationals in Capital Cases
- 2008 Mexican Capital Legal Assistance Program Representing Mexican Nationals in Capital Cases
- 2009 California Attorneys for Criminal Justice and National Association of Criminal Defense Lawyers 2nd Annual Forensic Science and Technology Seminar

PROFESSIONAL AFFILIATIONS:

National Association of Criminal Defense Lawyers

REFERENCES:

- Robert R. Chastain, Attorney at Law 300 Main Suite 158 Boise, ID 345-3110 208-345-3110
- Allen Trimming, Attorney at Law, Ada County Public Defender Boise, ID (208) 287-7400
- Gary T. Lowenthal, Professor of Law Arizona State University 602-414-7771
- Thomas Means and Richard Gale, Attorneys at Law, Utah County Public Defenders Association, Provo, UT (801) 852-1070
- James S. Liebman, Professor of Law, Columbia Law School New York, NY (917) 447-6258

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Docket No. CR-2002-112

George A. Lopez-Orozco

JUDGE David C. Epis DATE May 13, 2011 TIME 10:30

CLERK R. Morton TYPE OF ACTION Status

COURTROOM# * Attys only *

Jim Schundele NO. 3 NO. 5
Counsel for Plaintiff/Prosecutor MH/EC Counsel for _____

Harry Galiff * PD NO. 4 NO. 6
Counsel for Defendant Counsel for _____

Index No's.	Phase of Case
	Conference held in chambers
	The motion that set for 2:00 was also discussed, hearing will be
	Discovery issues discussed, some of the evidence has to be converted from VH to CD format. Will go on record
	10541. (4) Called
	Counsel Present
	Chambers Conference
	Agreed to hearing

CONTINUATION SHEET

DATE May 13, 2011 COURTROOM NO. #A PAGE 2
JUDGE D. Epis CLERK R. Morton CASE NAME Lopez-Orozco

CR 2009-112

Index No's. Phase of Case

10:55 3. Defense has contacted investigator
 1. No objection to court's expense, but that
 all billing be submitted to court before
 submitted to commissioners for payment
 and the travel costs be subject to further
 review

4. Have worked with Mr. Whilman
 previously

1. Will grant motion, 75 per hour. Monthly
 billing statements to be submitted.
 Travel expenses to be reviewed

Have a hearing scheduled at 2:00 today
 will no longer be needed at this time
 vacate

4. Waive last Amendment, non-essential
 hearing

11:00
COURT
MINUTES

FILED 43
2011 MAY 31 AM 8:08
BARBARA D. STEELE
CLERK OF THE COURT
DEPUTY
Barbara Steele

TERRY S. RATLIFF, ISB 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs-)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)
 _____)

Case No. CR-2002-0112

**ORDER FOR COURT
APPOINTED INVESTIGATOR
AT COUNTY EXPENSE**

The Defendant, having moved for the appointment of an investigator to assist him in the defense of his case, and good cause appearing therefrom,

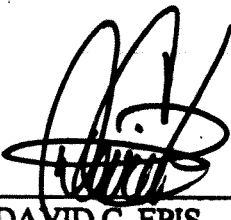
IT IS HEREBY ORDERED that the Defendant is entitled to an independent Investigator to assist him in his defense; and

~~**IT IS HEREBY FURTHER ORDERED** that the costs of said Investigator shall be at~~
County expense, at the rate of \$75.00 per hour, plus expenses; and

IT IS HEREBY FURTHER ORDERED that the Voucher for said costs and expenses will be submitted monthly, with the same being first submitted to the Court for its review, and

then to the Elmore County Commissioners for payment, unless the Court deems otherwise as to the payment of an itemized amount.

DATED this 27~~th~~ day of May, 2011.

By 
DAVID C. EPIS
Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on this 31 day of May, 2011, served a copy of the within and foregoing **ORDER FOR COURT APPOINTED INVESTIGATOR AT COUNTY EXPENSE** to:

Terry S. Ratliff
RATLIFF LAW OFFICES, CHTD.
290 South 2nd East
Mountain Home, ID 83647
Fax No. (208) 587-6940

By: Hand Delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile Transmission

Kristina Schindele
Elmore County
Prosecuting Attorney
190 South 4th East
P.O. Box 607
Mountain Home, Idaho 83647
Fax No. (208) 587-2147

By: Hand Delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile Transmission

Barbara Steele
C/O Elmore County Courthouse
Mountain Home, ID 83647

By: Hand delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile


Clerk of the Court

45

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
Telephone: (208) 587-2144 ext. 503
Facsimile: (208) 587-2147
ISB No. 6090

FILED

2011 JUN -8 PM 1:25

BARBARA STEELE
CLERK OF THE COURT
DEPUTY



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

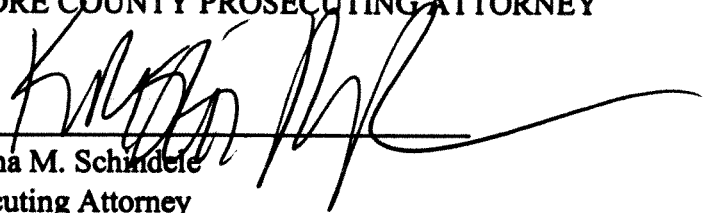
STATE OF IDAHO,)	
	)	Case No. CR-2002-0000112
Plaintiff,)	
)	
vs.	)	EX PARTE MOTION FOR
	)	TRANSPORT ORDER
JORGE ALBERTO LOPEZ-OROZCO,)	
)	
Defendant.)	
_____)	

COMES NOW, The State of Idaho, by and through Kristina M. Schindele, Elmore County Aaron and hereby moves this Court ex parte to issue a transport order. Guadalupe Almarez is an inmate in the custody of the Idaho Department of Correction. She is currently housed at South Boise Women's Correctional Center, 1320 South Pleasant Valley Road, Kuna, Idaho. Ms. Almarez is a material and necessary witness for the preliminary hearing set in the above-entitled matter.

The State is requesting an order authorizing the Elmore County Sheriff's Office to take Ms. Almarez into custody on June 15, 2011, keep her in its custody during the pendency of the preliminary hearing set herein, and return her to the custody of the Idaho Department of Correction following her testimony.

DATED This 8th day of June 2011.


KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY

BY: 
Kristina M. Schindele
Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that on today's date, I served a copy of the attached document to the following parties by the following means:

Terry S. Ratliff
ATTORNEY AT LAW
290 South 2nd East
Mountain Home, ID 83647


_____ facsimile

DATED this 8th day of June 2011.

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY

BY: 
Kristina M. Schindele

48

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East Facsimile: (208) 587-2147
Mountain Home, Idaho 83647
Telephone: (208) 587-2144 ext. 503
I.S.B. No. 6090

FILED

2011 JUN -9 AM 10: 58

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE**

THE STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO)
)
 Defendant.)

Case No. CR-2002-0000112

ORDER TO TRANSPORT

IT APPEARING That GUADALUPE ALMAREZ is in the custody of the Idaho Department of Correction and currently placed at the South Boise Women's Correctional Center (SBWCC), 1320 S. Pleasant Valley Road, Kuna, Idaho, and that it is necessary that said Inmate be brought before this Court as a witness at the preliminary hearing scheduled in the above-entitled matter for June 15 through June 17, 2011;

IT IS THEREFORE ORDERED, That the Sheriff of Elmore County, or his designated representative(s), transport the said Witness to the Elmore County Courthouse, Mountain Home, County of Elmore, State of Idaho, on the 15th day of June 2011, at the hour of 9:00AM;

IT IS THEREFORE ORDERED, That the said witness be held in the Elmore County Jail for the dates of June 15 through June 17, 2011, or until the completion of her testimony in the above-named case;

IT IS FURTHER ORDERED That the Idaho Department of Correction/SBWCC shall release the said witness to the Sheriff of Elmore County, or his designated representative(s), for the purpose of the above-mentioned preliminary hearing;

IT IS FURTHER ORDERED that upon completion of the said witness testimony at the above mentioned preliminary hearing, the Sheriff of Elmore County, or his designated representative(s), shall forthwith return and release the said Defendant to the custody of the Idaho Department of Correction/SBWCC.

DATED This 9th day of June 2011.

David C. Epis, Presiding Judge

ORDER TO TRANSPORT

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 9th day of June 2011, I caused a true and correct copy of the Order to Transport, to be served upon the following people by the following methods.

Elmore County Prosecuting Attorney
190 South 4th East
Mountain Home, ID 83647

First Class Mail
 Hand Delivery
 Facsimile

Terry Ratliff
Ratliff Law Office
290 South 2nd East
Mountain Home, ID 83647

First Class Mail
 Hand Delivery
 Facsimile

Elmore County Sheriff's Department
ATTN: Transport Officer
Mountain Home, ID 83647
Facsimile: 587-3438


First Class Mail
 Hand Delivery
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Idaho Department of Correction
SBWCC
1320 S. Pleasant Valley Road
Kuna, ID 83634
Facsimile:(208)-334-2251

First Class Mail
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Dated this 9th day of June 2011.

BARBARA STEELE, Elmore County Clerk



Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Docket No. CR-2002-112

George A Lopez Orozco

JUDGE David C Epis DATE June 15, 2011 TIME 9:00

CLERK R. Morton TYPE OF ACTION Preliminary

COURTROOM #

////////////////////////////////////

Ina Schudde NO. 3A NO. 5

Counsel for Plaintiff/Prosecutor MJA/EC Counsel for _____

Terry Kallif *SPD NO. 4 NO. 6

Counsel for Defendant Counsel for _____

////////////////////////////////////

Index Phase of Case

No's. |

1. 2. 3. 1. Case Called

Defendant present with counsel

Court Report present Roxanne Fatchell

Interpreter: Sandra Barroso

4. 9. Motion to include Witnesses

3. Request Victim's daughter be allowed

1. 7. Witnesses include

9. 25. D3. Naomi Ramirez - sworn

Witnesses identified Defendant as Pepe

Last saw Mother Rebecca around end of

July 2002.

Last saw mother and two little brothers

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 2
JUDGE D. Epis CLERK R. Morton CASE NAME Jorge A. Lopez-Diego

Index No's. Phase of Case

in car with the "Pepe". Never saw them again.

Incident in Motel 2002. Mother found gun in room.

9:34 X4. Normi Ramirez - Continued
Pepe was staying in room for a couple days. About a year before mother disappeared
4 Exhibit #A, marked will retain

9:42 R13. Normi Ramirez - Continued
Pepe wasn't visiting grandfathers
just picked up mother

9:43 Rx4. Normi Ramirez
1. Witness excused

9:45 D3. Bryan Paul McGrath - Sworn
Had seen vehicle in desert. Had seen news report. Contacted law enforcement
Drove by car that was badly burned
3. State exhibit #1, marked

9:52 X4. Bryan Paul McGrath - Continued

9:54 R13.0 ✓

9:55 Rx4. ✓

9:56 1. Witness excused

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 3
JUDGE D. Epis CLERK R. Morton CASE NAME Jorge A Lopez-Orozco

Index No's. | Phase of Case

9:57 3. Call next witness

9:58 D3 Luliana Padroza Ramirez - sworn
Pepe was neighbor in 1999.
Witness identified defendant. Only knew as "Pepe". Now aware of full name.
Friend Ben got a call to bring friend gas. Went to Chevron. Was told were going to Canyon Creek.
Pepe met, was in 4dr. white car.
Poured gas from can into milk jugs.
Saw report on news, contacted law enforcement. Had handled milk jugs.

10:14 11. Recess

10:27 Back on record
Parties Present

X4 Luliana Padroza Ramirez - continued
Don't recall what size gas can, cost about 5 dollars, had taken 2 one gallon milk jugs.

4. Witnesses will need to draw diagram

X4 Continued cross
Gaggy was driving Alisha's car.

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 4
 JUDGE D. Epis CLERK R. Morton CASE NAME George A. Lopez-Orozco

Index No's. | Phase of Case

10:37 RD3 Julian Pedraza-Gamirez
 Don't remember Pop saying anything about gas.
 1. Witness excused

10:39 D3 Michael R Barclay - sworn
 Became involved August 2, 2002
 Responded to call on Gravel Pit road also known as Nelson Road. Observed burned out car. Bullet holes and human remains. Set-up crime scene. GPS reading baseline. Documented items found. Used number system. Grid search done. Photos were taken
 3. States exhibits #2, #3, #4, marked

10:48 D3 Michael
 3.4 move to admit #1-#4
 4. Objection
 1. Exhibits #1-#4 ADMITTED

10:49 D3 Michael Barclay - continue
 3. States #5 & #6, marked
 Request to go off record for copies to be made
 1. Off record

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 5
 JUDGE D. Epis CLERK R. Morton CASE NAME Jorge A Lopez Orozco

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10:53 1. Back on record
 D3. Michael Barclay - continued
 3. move to admit #5 & #6
 4. 490 objection
 1. Exhibits #5 & #6 **ADMITTED**

10:54 D3. Michael Barclay - continued
 Casings found in deck area of vehicle
 3 remains found, one in passenger seat
 two found in back seat area.
 Contacted Idaho State Police

11:01 1. (Recess)

11:14 Back on record
 D3. Michael Barclay - continued
 Forensic team arrived. Elmore County
 transported remains to Ada County
 Observation of remains. Skull of one set
 of remains broke apart during transport
 Possible suspect Jorge Alberto Lopez-Orozco
 Met with Leland Pedraza. Took to area
 known as Canyon Creek Bridge.
 Suspect was found in Mexico. Flew to
 Salt Lake City, Utah, to retrieve suspect

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 6
JUDGE D. Epis CLERK R. Morton CASE NAME George A Lopez Orozco

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11:23 Actually working since August 2002
Witness identified defendant.
No one had advised of rights prior to meeting.

FBI, State police, self transported.
Discussions with defendant was recorded

3. Request witnesses drawing in
Marked and admitted as States #8

4. No objection
1. States #8 **ADMITTED**

D3. Michael Barclay - continued
Locations mentioned are in Emore
County, Idaho.

Direct route from Canyon Creek and
Shovel Pit road

Recording continued to run after
interview. No one else did questioning

11:39 X4. Michael Barclay - continued

Not sure if FBI translated form word
for word. Defendant did not know recording
device in use. Not aware if defendant
was advise of rights by FBI

COURT
MINUTES

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DATE June 15, 2011 COURTROOM NO. #A PAGE 7
 JUDGE D. Epis CLERK R. Morton CASE NAME George A. Lopez-Drozco

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11:44 Law Complete copy of file to Prosecutors
 Did give defendant mis information regarding father, can not re

11:50 R13 Michael Barclay - continued
 Identified missing persons.

11:59 1. Witnesses may stop down
 Instruct defendant if any problems with interpreter electronically.

12:00 Recess for lunch

2:13 Jacob record
 Parties present

2:14 R13 Craig Randall - sworn
 Speciality Spanish Language. Qualification provide services to FBI.

This was treated as a "Walk-in"
 Difference between types of translation follows. Do not provide verbatim translation. (Direct differences).

Called in to assist on March 3, 2011 for transport of prisoner.

Witness identified defendant.

Roll during transport

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 8
JUDGE D. Epis CLERK R. Morton CASE NAME Jorge Lopez Orozco

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2:23 Transport started after dinner was obtained, review Notification of Rights form. Read, then defendant signed. 3:10 move to admit Exhibit #7
4:40 objection
1. Exhibit #7 **ADMITTED**

2:25 RD3. Craig Randall - Continued
stated he would agree to talk, wanted to talk to lawyer, but had no reservation about talking with detective. Was given case reports.
Some points in audio did have some difficulty. Dialect problems

2:31 X4. Craig Randall - Continue
Consecutive translating is what was done. Did read document to defendant.

2:38 RD3. Craig Randall - Continued
Was willing to talk freely.
Rx4 ✓

2:40 3B Rachel Cutler - Sworn
Education training

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011

COURTROOM NO. #A

PAGE 9

JUDGE D. Epis

CLERK R. Morton

CASE NAME George A. Lopez Orozco



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- 2:42 board Certified annually testing
full year testing.
Called out to scene on August 12, 2002
Travel Pit road, Emory County, part of
Team.
3B Exhibit # 9 & #10 Marked
- 2:49 D3B Rachel Cutler - continued
Remains from Crime scene.
Diagrams, Conditions
3B Move to admit # 9 & #10
4:70
1. Exhibits # 9 & #10 ADMITTED
- 2:52 D3B Rachel Cutler - continued
evidence collected, placed in containers
3B Exhibit #12, Marked
D3B ✓
sent to BDFE Tech. Evidence sent UPS
- 3:02 3B Move to admit #12
4:70 Objections
1. Exhibit # 12 ADMITTED
- 3:03 X4 Rachel Cutler - continued
- 3:05 RA3B. ✓

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 10
 JUDGE D. Epis CLERK R. Morton CASE NAME George A Lopez Orozco

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3:06 Rx4
 1 (Recess)

3:22 Back on record
 Parties present
 RD 3B Rachel Cutler - continued
 Policy at that time was not to write report. Do not recall who collected bodies from scene
 Rx4 Rachel Cutler - continued
 Remains were placed separately recall 7 people being on scene

3:28 RD 3B Rachel Cutler
 DNA testing - maternal

3:29 Rx4. ✓
 1 Witness Steps down

3:30 D3B Micki Dall - sworn
 Forensic Specialist, signature on Chain of Custody, refer to notes
 3B. States # 13, #14 & #15, Marked
 D3B Micki Dall - continued
 Evidence was sealed sent BODE
 Error on exhibits marked 16 & 17

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 11
 JUDGE D. Epis CLERK R. Morton CASE NAME George Lopez Orozco

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3:30 Received back by Fed-Ex
 Wrote UPS in error. Tracking number
 3B. Move to admit #13-#17
 Request go off record to obtain copies
 3:40 recess
 Back on record
 3B. Exhibit #18, marked offered
 49 no objection
 1. Exhibits #
 3:54 49 no cross
 1. Mrs. Hall & Mrs. Cutler excused
 3:55 13B. Rick Lahyer - sworn
 Sheriff of Moore County
 Training: Qualifications
 Met with Supo Alvarez. Blood sample
 given August 15 2002. Was present
 did assist Mrs. Alvarez in getting to
 clinic in Glenns Ferry. 2 vials drawn.
 August 19, 2002 was transferred to Steve
 Perkins Idaho State Police.
 49 no cross
 3A. 90 further witnesses today

COURT MINUTES

CONTINUATION SHEET

DATE June 15, 2011 COURTROOM NO. #A PAGE 12
JUDGE D. Epis CLERK R. Morton CASE NAME George A. Lopez-Orozco

Index No's. Phase of Case

4:01 Recess for today, until 9:00 A.M
tomorrow

4:01
COURT
MINUTES

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Docket No. CR-2002-112

George A. Lopez-Orozco

JUDGE David C. Epis DATE June 16, 2011 TIME 9:00

CLERK R. Morton TYPE OF ACTION Continued Preliminary

COURTROOM # A

Yvonne Schindler 3A

Lee Fisher NO. 3B NO. 5

Counsel for Plaintiff/Prosecutor MH/EC. Counsel for _____

Terry Ratliff PD NO. 4. NO. 6

Counsel for Defendant Counsel for _____

Index No's. Phase of Case

1:11 Case Called back on record
 Defendant present with Counsel
 Interpreter present:
 Court Reporter: Roxanne Patchell
 Ready to continue

9:12 D3A Maria & Larica (with Interpreter) sworn
 Witness identified Defendant
 Call from Simon was told to go to
 Chevron with truck & money
 Gas station in Mountain Home, but
 closest to Boise. Handed Simon truck keys
 and money

CONTINUATION SHEET

DATE June 16, 2011 COURTROOM NO. #A PAGE 2
 JUDGE D. Epis CLERK R. Morton CASE NAME Jose A Lopez-Orozco
CR 2002-112

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Phase of Case

9:25 He just said he had to go to San Jose
and to catch-up. Alberto was also there
he was changing shirt did go closer.

9:45 3A Request to be treated as hostile
4.9 Objection
1. Will allow to be treated as hostile

9:46 13A Maria Garcia-Continued
4. Objection
3A Argument
4. Further Argument

9:49 1. Recess

10:02 Back on record
Reviewed State vs Martinez 12-445
ruling by Judge Trout
Objection Overruled

10:06 13A Maria Garcia-Continued
Witness said "he was dead"
Left San Jose in 2002 with Simon
Went to San Jose in 2002. Drove self
Maurice took on car.
Took granddaughter to daughter's house
Simon was in parking lot

COURT
MINUTES

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10:11	Simon did not know I was arriving. He was alone. Did not see Jorge in San Jose. Saw him Mexico for a little bit between 2002 and 2006. Did not talk about had happened in Idaho.
	4. Objection
10:20	13 Maria Garcia - Continued
10:21	X4 ✓
	1. Witness excused
10:22	Off the record for State to get witness
10:33	Back on record
	13 Jose A Lopez Orozco - sworn
	Defendant is brother
	Witness identified Defendant
	3. Request Court Order witness to answer.
	4. Objection
	1. Will to allow order to review statement.
	4. Witness may have right to counsel
10:43	1. Cross to meet in chambers

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 JUDGE D. Epis CLERK R. Morton CASE NAME Jorge A. Lopez Orozco
CR 2002-112

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11:08 1 Back on record
 Witness still on stand. written
 state
 M. Orozco state has supplied to
 witness. Advised of obligation to
 testify. Advised of failure can be
 Contempt with penalties

11:11 Jose Lopez-Orozco: Just take me to jail
 Order to review
 J.L.O.: 90
 Bail Contempt
 Exhibit #14. Marked
 1. Find in Contempt
 J.L.O. - Nothing
 1. Given chance under Rule 42B
 Impose 5 days jail, 1,000 fine
 forthwith

11:14 3A Valina Lopez - sworn
 Witness identified Defendant
 sister of Defendant and Simon
 Delectue Garcia kept pressuring
 3A Witness handed copy of statement

COURT
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CONTINUATION SHEET

DATE June 16, 2011

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JUDGE D. Epis CLERK R. Morton CASE NAME Jorge A Lopez-Orozco CR 2002-112

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11:28 130 Valina Lopez - Continued
 just told him what he wanted to hear.
 3A Move to admit #20
 4. Waiver in Aid of Objection
 Objection
 3A Argument is in English
 Original was sent to Mexico for extradition hearing. Would be with Justice Department
 1 Exhibit #20 - will be viewed
 Statement was signed
 4. Further Argument
 3A. v. rule 804B-10
 4. Further Argument
 1. Exhibit #20 ADMITTED

11:52 3A Request permission to treat hostile
 4 Objection

11:53 130 Valina Lopez - Continued
 told Detach about the "Crash".
 Spoke to Jorge about police car and the lady.
 Didn't tell about gun.

COURT MINUTES

CONTINUATION SHEET

DATE June 16, 2011 COURTROOM NO. #A PAGE 40
JUDGE D. Epis CLERK R. Morton CASE NAME Jorge Alvarez Orozco
CR 2002

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Phase of Case

12:00	4.970 cross
	1.9 witness excuse
	(Process until 1:15)
1:21	Back on record
	All present
1:22	RD3A Michael Barclay - previously sworn
	(Persons present during collection of
	remains).
	(Procedures)
1:28	Rx4. ✓
	RD3A ✓
1:31	D3A Slen Grobin - sworn
	(Training and experience, medical examiner)
	Broad certified
	3A move to admit States Exhibits #21- #24
	4.970 objection
	1. States #21- #24 ADMITTED
	D3A Slen Grobin - continued
	3A move to admit #25- #29
	4.970 objection
	1. States #25- #29 ADMITTED
	D3A ✓

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DATE June 16, 2011 COURTROOM NO. #A PAGE 7
JUDGE D. Epis CLERK R. Morton CASE NAME Drozco

CR 2002-112

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Phase of Case

1:47 3A move to admit #30

4 4 no objection

1. States #30 ADMITTED

1:49 13A Ellen Erbin - continued

1:59 X4 ✓

1. 4 Witness excused

2:02 13A Marla Spence - sworn

Deputy Coroner in Elmore County

2:05 16 Rec'd for battery charge for luster had device

2:12 Back on record

13A Marla Spence - continued

Cause of death

3A move to admit #31, #32, #33

4 4 no objection

1. States exhibits #31, #32, #33 ADMITTED

13A ✓

2:16 X4 Marla Spence - continued

1. 4 Witness excused

2:18 13B Guadalupe Alvarez - sworn Interpreter

Victim was daughter, and grandsons

Last seen in 2002

Called Dept of Health & Welfare

COURT
MINUTES

CONTINUATION SHEET

DATE June 16, 2011 COURTROOM NO. #A PAGE 8
JUDGE D. Epis CLERK R. Morton CASE NAME Ortizco

CR 2002-112

Index No's. | Phase of Case

2:24 Then Called Sheriff for witness check
all the children were being with her
Witness identified Defendant
1. Witness held up hands to indicate
length of gun (approx foot).

2:38 D3B ✓

2:39 X4. No cross

1. Witness excused

2:40 D3A. Mauricio Zavala - sworn

decline use of interpreter

Witness identified Defendant

2:53 X4. Mauricio Zavala - continued

1. Witness excused

2:54 Recess

3:14 Back on record

3:15 D3B. Julie Fink - sworn

Formerly known as Helm

Medical assistance, quotes

Training, Certified to draw blood

4. Stipulation to #35

1. Exhibit #35 ADMITTED

3:18 D3B Julie Fink - continued

COURT MINUTES

CONTINUATION SHEET

DATE June 20, 2011 COURTROOM NO. #A PAGE 9

JUDGE D. Epis CLERK R. Morton CASE NAME Orozco

CR 2002-112

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3:18 X4 (Julie Fine)
 1. Witness excused
 3B. Rick Layher - previously sworn
 1. Witness excused
 3A. Offer exhibit #11
 4. No objection to stipulation
 3A. States Exhibit #34
 4. Stipulate
 1. Exhibit #34 ADMITTED
 Mr. Jose A. Orozco has been returned
 to Court
 Recalled to stand with Interpreter
 Time to reconsider
 Mr. Orozco: Will still not testify nor review
 statement, just tired of it
 1. Further Advised
 Mr. Orozco: Will cooperate.
 3:25 DB. Jose A. Lopez Orozco - previously sworn
 I have reviewed exhibit (statement)
 When signed was not true. Didn't swear
 they write that after signed
 told detectives tired of whole thing

COURT
MINUTES

CONTINUATION SHEET

DATE June 16, 2011 COURTROOM NO. #A PAGE 10

JUDGE D. Epis CLERK R. Morton CASE NAME Orozco

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3:31 I wasn't in Idaho when this happened
Brother did not talk. Spoke to sister
Valuina. Overheard conversation
between them. Don't remember very well.
Told her about being in car with
Becky. Dicked her up in Oregon.
Do not remember what Jorge said about
what happened to Becky?

3A. Now to admit #19
4. Objection argument
3A. Argument

1. With same issue of previous arguments
803-5, 804-5, exhibit #19 ADMITTED
Exhibit will be included with #7
to be translated into English
I will not condition them

3:48 13. Jose A. Lopez-Orozco - continued
When left apartment was alone. Then
Guana - children stayed

3:49 14. Jose A. Lopez-Orozco - continued
About to drop in apartment during
conversation. Was not drinking. Spanish

COURT
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CONTINUATION SHEET

DATE June 16, 2011 COURTROOM NO. #A PAGE 11
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3:53 1. Know that this is difficult urged
 commute balance of contempt.
 Released from custody at this time
 3A. According to stipulation for transcription
 of exhibits #7, #9, & #11.
 1. Submit Documents by July 20, 2011
 Continue to
 August 3, 2011 @ 2:00
 In recess at this time

3:59
COURT
MINUTES

53

FILED

2011 JUL -8 AM 9:47

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
Telephone: (208) 587-2144 ext. 503
Facsimile: (208) 587-2147
I.S.B. No. 6090

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

STATE OF IDAHO,)	
	)	Case No. CR-2002-0000112
Plaintiff,)	
)	
vs.	)	ORDER FOR TRANSLATION AND
	)	TRANSCRIPTION SERVICES
JORGE ALBERTO LOPEZ-OROZCO,)	
)	
Defendant.)	
)	

BASED UPON stipulation of the parties, and good cause appearing therefor,

IT IS HEREBY ORDERED THAT the following exhibits, admitted at the preliminary hearing held herein on June 15 and June 16, 2011, shall be translated and transcribed as follows:

- A. Exhibit 7, notification of rights form;
- B. Exhibit 11, an interview CD; and
- C. Exhibit 19, a statement by Jose Aurelio Lopez Orozco.

IT IS FURTHER ORDERED THAT the cost for such translation and transcription service shall

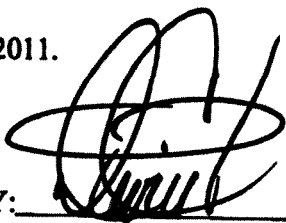
be paid as follows: one-half shall be paid by the Elmore County Prosecuting Attorney's Office and one-half shall be paid by the District Court.

ORIGINAL

IT IS FURTHER ORDERED THAT Diana Arbiser, 2633 East Hancock Court, Boise, Idaho 83706, shall be appointed to complete the translation and transcription services. The transcripts shall be delivered to the Court in triplicate no later than July ~~30~~ **22** 2011, before 5:00 p.m. The Court shall distribute copies to both counsel.


IT IS FURTHER ORDERED THAT the preliminary hearing in this matter shall be continued to August 3, 2011, at 2:00 p.m. for further proceedings.

DATED This 6th day of ~~June~~ **July** 2011.

BY: 
 David C. Epis, Presiding Judge

June 29th, 2011:

APPROVED AS TO FORM AND CONTENT


 Terry Ratliff, Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on today's date, I served a copy of the attached document to the following parties by the following means:

Elmore County Prosecuting Attorney
190 S. 4th East
Mountain Home, Idaho 83647

Hand Delivered
 U.S. Mail
 Facsimile

Terry S. Ratliff
ATTORNEY AT LAW
290 South 2nd East
Mountain Home, Idaho 83647

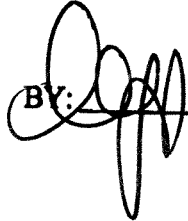
Hand Delivered
 U.S. Mail
 Facsimile

Diana Arbiser
2633 East Hancock Court
Boise, Idaho 83706

Hand Delivered
 U.S. Mail
 Facsimile

DATED this 8th day of July 2011.

BARBARA STEELE, Clerk of the District Court

BY:  _____
Deputy Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

JORGE ALBERTO LOPEZ-DROZCO

Docket No. CR-2002-112

JUDGE David C Epis DATE August 1, 2011 TIME

CLERK M. Paradis TYPE OF ACTION

CD NO.

NO. 3 Counsel for Plaintiff/Prosecutor MH/EC. NO. 5 Counsel for

NO. 4 Counsel for Defendant NO. 6 Counsel for

Index No's. Phase of Case

CONFERENCE HELD IN CHAMBERS BOTH ATTORNEYS NEED MORE TIME TO REVIEW TRANSCRIPT PREPARED.

VACATE PRELIMINARY HEARING RESET TO AUGUST 15, 2011 AT 3:30 PM

O10200 - minute Embry - both attys need more time to review transcript - vacate P.H., reset to 8/15 @ 3:30. @ notice for that date

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

Docket No. CR-2002-112

George A. Lopez Orozco

JUDGE David C. Epis DATE August 15, 2011 TIME 3:30

CLERK R. Morton TYPE OF ACTION Cont. Preliminary

COURTROOM # A

Tina Schindler NO. 3 NO. 5
 Counsel for Plaintiff/Prosecutor M3H/EC Counsel for _____

Jerry Kattiff PD NO. 4 NO. 6
 Counsel for Defendant Counsel for _____

Index No's.	Phase of Case
-------------	---------------

3:50	Case Called, Interpreter: Sandra Barrios Defendant present with counsel Court reporter present: Nia Martorelli Transcript has been reviewed (274 pages) 3. Reviewed along with #7 & #9 4. Reviewed ✓ 3. No further evidence, Amend the Court II, victims last name is Hernandez 4. No objection 1. Amended 3. Court II - as by "causing undetermined"
------	--

CONTINUATION SHEET

DATE August 15, 2011 COURTROOM NO. #A PAGE 3

JUDGE D. Epis CLERK R. Morton CASE NAME Orosco

OCR-2002-112

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4:12 1. Court did review transcript beginning was about defendant's family + life. Information given by defendant, places him in the area + times of incident

3. Summary of testimony and evidence that has been presented in court

4:18 4. Argument against finding Probable Cause to bind over

3. Further summary.

1. Exhibits of translations will be marked as 7A - 19A.

Court can find that 3 separate murders did happen

Find probable cause on Court II as to cause.

Probable Cause found

Bound Over to District Court

Order: August 22, 2011 @ 1:30

4:26 COURT MINUTES

CONTINUATION SHEET

DATE August 15, 2011 COURTROOM NO. #A PAGE 2
JUDGE D. Epis CLERK R. Morton CASE NAME Orzoco

CR 2002-112

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400 Violence
3. State rests
4. Request the Court extend the preliminary second interview by Detective Barclay. Under stand better recording.
3. Did find another recording. No discovery deadline. This is a preliminary not the trial.
4. It contains additional information
1. Is it a recording that is different from the original
4. Transcript should be marked as 11A
1. Marked as 11A ADMITTED
Would have been better if both recordings were transcribed. Have already taken a lot of time & expense. Call has been pending for a long time. Record of same conversations so request to continue at this time
4. Submit on record

COURT MINUTES

5b

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
Telephone: (208) 587-2144 ext. 503
Facsimile: (208) 587-2147
I.S.B. No 6090

FILED

2011 AUG 17 PM 3:49

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

THE STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
 SSN: [REDACTED])
 DOB: [REDACTED])
 Defendant.)
 _____)

Case No. CR-2002-0000112

ORDER HOLDING DEFENDANT
TO ANSWER

ON THE 15th and 16th days of June commencing at 9:00 a.m. and the 15th day of August 2011, commencing at 3:30 p.m., the Defendant appeared before the undersigned Magistrate with Terry S. Ratliff, Attorney at Law, his attorney of record, this being the time and place set for the preliminary examination herein. The State of Idaho was represented by Kristina M. Schindele, Prosecuting Attorney in and for the County of Elmore, State of Idaho. The Defendant waived the reading of the Complaint on file herein. The Defendant was advised of the right to a preliminary examination, the nature of which was explained to the Defendant. The Defendant thereupon had his preliminary examination.

The Court, being fully advised in the premises, finds that the crimes of: MURDER IN THE FIRST DEGREE, Counts I through III, felonies, as set forth in the Information on file herein, have been committed in Elmore County, State of Idaho, and that there is sufficient cause to believe that the Defendant committed

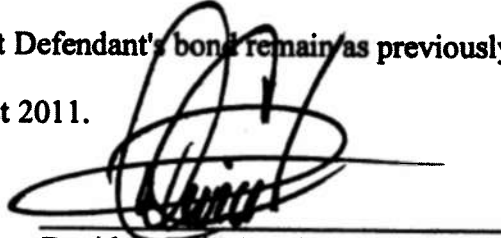
ORIGINAL

said crimes.

IT IS THEREFORE ORDERED That the Defendant be and hereby is held to answer to the charges as set forth in the Information on file herein, before a District Judge in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Elmore.

IT IS FURTHER ORDERED That Defendant's bond remain as previously set.

DATED This 17th day of August 2011.



David C. Epis, Magistrate Judge

57

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
Telephone: (208) 587-2144 ext. 503
Facsimile: (208) 587-2147
I.S.B. No. 6090

FILED

2011 AUG 17 PM 3:50

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

THE STATE OF IDAHO,)	
	)	Case No. CR-2002-0000112
Plaintiff,)	
)	
vs.	)	INFORMATION
)	
JORGE ALBERTO LOPEZ-OROZCO,)	
SSN: [REDACTED])	
DOB: [REDACTED])	
Defendant.)	

Kristina M. Schindele, Prosecuting Attorney in and for the County of Elmore, State of Idaho, who, in the name of and by the authority of said State, prosecutes in its behalf, in proper person, comes now before the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Elmore, and gives the Court to understand and be informed that the Defendant is accused by this Information of the crimes of: MURDER IN THE FIRST DEGREE, Counts I through III, felonies, upon which charges the said Defendant, having duly appeared before a Magistrate on the 15th and 16th days of June and the 15th day of August 2011, and then and there having had his preliminary examination upon said charges, was, by said Magistrate, thereupon held to answer before the District Judge of the Fourth Judicial District of the State of Idaho, in and for the County of Elmore, to said charges, which crimes were

INFORMATION - Page 1

ORIGINAL

committed as follows:

COUNT I
MURDER IN THE FIRST DEGREE
Felony, I.C. §§ 18-4001; 18-4002; 18-4003

That the Defendant, JORGE ALBERTO LOPEZ-OROZCO, on or about the 30th day of July and 1st day of August 2002, in the County of Elmore, State of Idaho, did wilfully, unlawfully, deliberately, with premeditation, and with malice aforethought, kill and murder Rebecca Ramirez, a human being, by shooting Rebecca Ramirez in the back of the head, inflicting a fatal wound from which she died, in violation of I.C. §§ 18-4001, 18-4002 and 18-4003.

COUNT II
MURDER IN THE FIRST DEGREE
Felony, I.C. §§ 18-4001; 18-4002; 18-4003

That the Defendant, JORGE ALBERTO LOPEZ-OROZCO, on or about the 30th day of July and 1st day of August 2002, in the County of Elmore, State of Idaho, did wilfully, unlawfully, deliberately, with premeditation, and with malice aforethought, kill and murder Ricardo Ramirez, a human being, by causing undetermined violence to inflict a fatal wound on Ricardo Ramirez from which he died and/or burning Ricardo Ramirez in a vehicle, in violation of I.C. §§ 18-4001, 18-4002 and 18-4003.

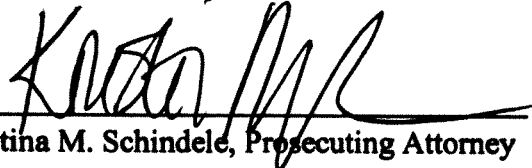
COUNT III
MURDER IN THE FIRST DEGREE
Felony, I.C. §§ 18-4001; 18-4002; 18-4003

That the Defendant, JORGE ALBERTO LOPEZ-OROZCO, on or about the 30th day of July and 1st day of August 2002, in the County of Elmore, State of Idaho, did wilfully, unlawfully, deliberately, with premeditation, and with malice aforethought, kill and murder Miguel Hernandez, a human being, by shooting Miguel Hernandez, inflicting a fatal wound from which he died and/or burning Miguel Hernandez in a vehicle, in violation of I.C. §§ 18-4001, 18-4002 and 18-4003.

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

DATED This 16th day of August 2011.

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY

BY: 
Kristina M. Schindele, Prosecuting Attorney

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Drozco

Hearing type: Arraignment

Hearing date: 8/22/2011

Time: 1:34 p.m.

Judge: Barry Wood

Courtroom: Main

Court reporter: Mia Martorelli

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindele, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE
District Court Criminal Minute Entry - Arraignment**

Court calls case at time noted above, confirms the true and correct name of defendant, who is also present personally. (Incarcerated) Sandra Barrios, Court Interpreter (previously sworn)

The Court reviews the nature of the charges, maximum penalties and plea options.

Charged with three Counts of Murder in the First Degree:

Defendant and Counsel have received a copy of the Information filed by the State and have reviewed the charges contained therein. A formal reading of the information is waived by the defendant at this time.

The Defendant enters a plea of not guilty to all charges.

Four weeks will be needed for trial;

The Court schedules the following:

Jury Trial -9:00 a.m. in Elmore County on: February 6, 2012 at 9:00 a.m.

Judge spoke to Judge Wetherell and he said to set in front of Judge Norton. He will speak to Judge Norton and if that is a problem, he will let us know.

Status hearing - January 3, 2012 at 8:30 a.m.

Pre-trial conference - January 20, 2012 at 8:30 a.m.:

1:43 p.m. End Minute Entry.

Attest:



Heather Furst

Deputy Clerk

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
Telephone: (208) 587-2144 ext. 503
Facsimile: (208) 587-2147
I.S.B. # 6090

52
FILED
2011 AUG 26 PM 1:21
BARBARA STEELE
CLERK OF THE COURT
DEPUTY *J*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

THE STATE OF IDAHO,)	
	)	Case No. CR-2002-0000112
Plaintiff,)	
vs.	)	MOTION TO DISQUALIFY
	)	PURSUANT TO I.C.R. 25
JORGE ALBERTO LOPEZ-OROZCO,)	
)	
Defendant.)	
_____)	

COMES NOW the State of Idaho, by and through Kristina M. Schindele, Elmore County Prosecuting Attorney, and moves this Court to disqualify the Honorable Lynn Norton as District Judge in the above-captioned matter without cause pursuant to I.C.R. 25.

DATED this 27th day of August 2011.

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
Kristina M. Schindele

Kristina M. Schindele, Prosecuting Attorney

ORIGINAL

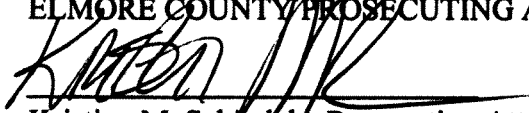
CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 27th day of August 2011, I caused a true and correct copy of the foregoing document to be delivered to the following persons by the following methods:

Terry Ratliff, Attorney for Defendant
290 South Second East
Mountain Home, Idaho 83647

First Class Mail
 Hand Delivery (Interoffice Mail)
 Facsimile

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY



Kristina M. Schindele, Prosecuting Attorney

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
Telephone: (208) 587-2144 ext. 503
Facsimile: (208) 587-2147
I.S.B. # 6090

6c
FILED
2011 AUG 26 PM 3:01
BARBARA STEELE
CLERK OF THE COURT
DEPUTY
AS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

THE STATE OF IDAHO,)
)
) Case No. CR-2002-0000112
) Plaintiff,)
)
 vs.) ORDER FOR DISQUALIFICATION
) PURSUANT TO I.C.R. 25
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
)
) Defendant.)
)
 _____)

BASED on the Motion filed by the State,
IT IS HEREBY ORDERED that the Honorable Lynn Norton is disqualified as District Judge
in the above-captioned matter without cause pursuant to I.C.R. 25.

DATED this 26 day of August 2011.

B Wood
Judge

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 20 day of August 2011, I caused a true and correct copy of the foregoing document to be delivered to the following persons by the following methods:

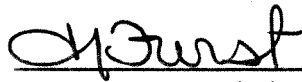
Elmore County Prosecuting Attorney
190 South 4th East
Mountain Home, Idaho 83647

 First Class Mail
 Hand Delivery

Terry Ratliff, Attorney for Defendant
290 South Second East
Mountain Home, Idaho 83647

 First Class Mail
 Hand Delivery (Interoffice Mail)
 Facsimile

BARBARA STEELE, Clerk of the District Court



Deputy Clerk

FILED

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO AUG 26 PM 2:48

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE BARBARA STEELE
CLERK OF THE COURT
DEPUTY

STATE OF IDAHO,
Plaintiff,

Case No. CR-2002-112

v.

SCHEDULING ORDER

JORGE ALBERTO LOPEZ-OROZCO,
Defendant.

This matter came before the court on August 22, 2011 at 1:34 p.m. for an Arraignment of the above named Defendant. The attorneys present were:

For the State: Kristina Schindele

For the Defendant: Terry Ratliff

The Defendant entered a plea of not guilty and requested a jury trial. The court instructed the clerk to enter the plea of not guilty into the court minutes.

Pursuant to ICR 12 and ICR 18 the court hereby orders that the attorneys and Defendant shall comply with the following scheduling order:

- 1) **JURY TRIAL DATE:** The four (4) week jury trial of this action shall commence before this court on **February 6, 2012 at 9:00 a.m.**
- 2) Notice is hereby given, that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. Phillip M. Becker
 Hon. G.D. Carey
 Hon. Dennis Goff
 Hon. George R. Reinhart, III
 Hon. Nathan Higer
 Hon. Daniel C. Hurlbutt, Jr.
 Hon. Linda Copple-Trout

Hon. James Judd
 Hon. Duff McKee
 Hon. Daniel Meehl
 Hon. Barry Wood
 Hon. W. H. Woodland
 Hon. Ronald Schilling
 Hon. Kathryn A. Sticklen
 Any Fourth District Judge

Unless a party has previously exercised their right to disqualification without cause under Rule 25(a)(1), each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later

than fourteen (14) days after service of this written notice listing the alternate judge.

- 3) **PRE-TRIAL CONFERENCE:** Counsel for the parties and the Defendant shall appear before this court on **January 20, 2012 at 8:30 a.m.** for the pre-trial conference. Counsel shall be prepared to discuss settlement possibilities pursuant to ICR 18. Failure of the Defendant to appear at this pre-trial conference will result in a forfeiture of bail and a bench warrant shall be issued by the court.

Each party shall be required to serve on all other parties and file with the Court a complete list of exhibits and witnesses in accordance with I.R.C.P. 16(h).

- 4) **JURY INSTRUCTIONS:** The parties shall submit all proposed jury instructions to the court on or before the pre-trial conference. It is sufficient for the parties to identify unmodified pattern instructions by number.
- 5) **SANCTIONS:** Failure to comply with this order will subject a party or its attorney to appropriate sanctions, including but not limited to, costs, and reasonable attorney fees and jury costs. A party may be excused from strict compliance with any provisions of this Order only upon showing good cause.
- 6) **CONTINUANCES:** The court will not grant continuances unless good cause exists and all the parties waive their right to speedy trial.

DATED this 26 day of August, 2011.



BARRY WOOD
Senior District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 20th day of August, 2011 I mailed (served) a

true and correct copy of the within instrument to:

ELMORE COUNTY PROSECUTING ATTORNEY
INTERDEPARTMENTAL MAIL

ELMORE COUNTY PUBLIC DEFENDER'S OFFICE
INTERDEPARTMENTAL MAIL

ELMORE COUNTY JURY CLERK
HAND DELIVERY

BARBARA STEELE
Clerk of the District Court


By *M. J. Furst*
Deputy Court Clerk

TERRY S. RATLIFF, ISB No. 3598
RATLIFF LAW OFFICES, Chtd.
290 South Second East
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorneys for Defendant

6c
FILED

2011 AUG 26 PM 3:13

BARBARA STEELE
CLERK OF THE COURT
DEPUTY 

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,

Plaintiff,

-vs-

JORGE ALBERTO LOPEZ-OROZCO,

Defendant.

Case No. CR 2002-0112

**ORDER FOR PREPARATION OF
PRELIMINARY HEARINGS
TRANSCRIPTS AT COUNTY EXPENSE**

THE COURT having enquired of counsel for the Defendant as to the need for a Preliminary Hearings Transcripts, and defense counsel having made an oral Motion for Preparation of Preliminary Hearings Transcripts at County Expense, and good cause appearing therefrom,

IT IS HEREBY ORDERED that a transcript from the Preliminary Hearings held in this matter on June 15-17, 2011, and August 15, 2011, shall be prepared at County expense.

Dated this 26 day of August, 2011.


DISTRICT JUDGE

**ORDER FOR PREPARATION OF PRELIMINARY HEARING TRANSCRIPT AT
COUNTY EXPENSE- 1**

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 20th day of August, 2011, served a copy of the within and foregoing **ORDER FOR PREPARATION OF PRELIMINARY HEARING TRANSCRIPT AT COUNTY EXPENSE** to:

Kristina Schindele
Elmore County Prosecuting Attorney
190 South 4th East
Mountain Home, ID 83647
Fax No. (208) 385-2147

By: Hand delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile

Barbara Steele
C/O Elmore County Courthouse
Mountain Home, ID 83647

By: Hand delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile

Terry S. Ratliff
RATLIFF LAW OFFICES, CHTD.
290 South 2nd East
Mountain Home, ID 83647
Fax No. (208) 587-6940

By: Hand Delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile

BARBARA STEELE
Clerk of Court

[Signature]
CLERK OF COURT, Deputy
 U.S. Mail

Roxanne Patchell
Court Reporter
Tucker & Associates
605 W. Fort St.
Boise, ID 83701

Mia Martorelli
Court Reporter
Ada County Courthouse
200 W. Front Street
Boise, ID 83702

U.S. Mail

ORDER FOR PREPARATION OF PRELIMINARY HEARING TRANSCRIPT AT COUNTY EXPENSE- 2


CERTIFICATE OF MAILING

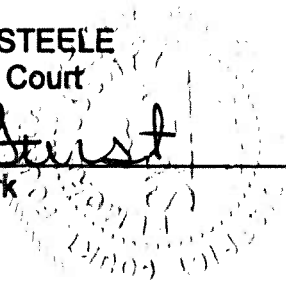
I hereby certify that on Thursday, September 01, 2011, I have delivered a true and accurate copy of the foregoing document to the following parties in the method indicated below:

Elmore County Prosecutor's Office
Interoffice Mail

Elmore County Public Defender's Office
Interoffice Mail

BARBARA STEELE
Clerk of the Court

BY: 
Deputy Clerk



6

FILED

2011 SEP -2 PM 2:14

TERRY S. RATLIFF, ISB No. 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East Street
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)
)

Case No. CR-2002-0112

MOTION TO DISQUALIFY JUDGE
PURSUANT TO I.C.R. RULE 25

COMES NOW the Defendant, JORGE ALBERTO LOPEZ-OROZCO, and by and through his attorney of record TERRY S. RATLIFF, of RATLIFF LAW OFFICES, CHTD., and moves this Court to disqualify Honorable THOMAS NEVILLE as District Judge in the above captioned matter pursuant to Idaho Criminal Rule 25.

DATED this 2^d day of September, 2011.

RATLIFF LAW OFFICES, CHTD.

By
Terry S. Ratliff
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 2nd day of September, 2011, served a copy of the within and foregoing **MOTION TO DISQUALIFY PURSUANT TO RULE 25, I.C.R.** to:

Kristina Schindele
Elmore County Prosecutor
190 South 4th East
Mountain Home ID 83647

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Interdepartmental Mail
- Facsimile (208) 587-2147



ANDEE RODRIGUES
Legal Assistant

FILED

2011 SEP -2 PM 4:21

BARBARA J. ...
CLERK OF THE COURT
DEPUTY

[Handwritten initials]

TERRY S. RATLIFF, ISB No: 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East Street
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorney for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)

Case No. CR-2002-0112

**ORDER FOR DISQUALIFICATION
PURSUANT TO RULE 25 WITHOUT CAUSE** *Jm*

IT IS HEREBY ORDERED AND THIS DOES ORDER that the Honorable THOMAS
NEVILLE is disqualified ^{*without cause*} as Judge in the above captioned matter pursuant to Rule 25, Idaho
Criminal Rules. *Jm*

DATED this 2nd day of September, 2011.

Thomas Neville

THOMAS NEVILLE
District Judge

ORIGINAL

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 2nd day of September, 2011, served a copy of the within and foregoing **ORDER FOR DISQUALIFICATION PURSUANT TO RULE 25** to:

Kristina Schindele
Elmore County Prosecutor
190 South 4th East
Mountain Home ID 83647

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Interdepartmental Mail
- Facsimile (208) 587-2147

Terry S. Ratliff
Ratliff Law Offices, Chtd.
290 South 2nd East
Mountain Home ID 83647

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Interdepartmental Mail
- Facsimile (208) 587-6940

BARBARA STEELE
Barbara Steele
 Clerk of Court
 CLERK OF COURT, Deputy

6x

FILED

2011 SEP -7 PM 2:57

BARBARA STEELE
CLERK OF THE COURT
DEPT. *MS*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO	)	CASE NO. CR-2002-0112
Plaintiff,)	
VS.	)	NOTICE OF ASSIGNMENT
)	
JORGE ALBERTO LOPEZ-OROZCO,)	
Defendant.)	

NOTICE IS HEREBY GIVEN that the above-entitled case has been reassigned to the Honorable Timothy Hansen.

Dated this 7th day of September, 2011.

BARBARA STEELE
Clerk of the District Court

By: *Abner*
Deputy Clerk

**ANY OTHER HEARINGS CURRENTLY SET WILL HAVE TO BE RESET WITH THE
NEWLY ASSIGNED JUDGE!**

CERTIFICATE OF MAILING

I hereby certify that on September 7, 2011, I have delivered a true and accurate copy of the foregoing document to the following parties in the method indicated below:

ELMORE COUNTY PROSECUTOR'S OFFICE
Interoffice Mail

ELMORE COUNTY PUBLIC DEFENDER'S OFFICE
Interoffice Mail

HONORABLE TIMOTHY HANSEN
Ada County Courthouse
200 W. Front Street
Boise, ID 83702-7300
U.S. MAIL

BARBARA STEELE
Clerk of the Court

BY: 
Deputy Clerk

KRISTINA SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY
190 South 4th East
Mountain Home, Idaho 83647
Telephone: (208) 587-2144, ext 503
Facsimile: (208) 587-2147
I.S.B. No. 6090

FILED
2011 OCT 13 AM 9:44
BARBARA STABLE
CLERK OF THE COURT
DEPUTY *BS*

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE**

THE STATE OF IDAHO)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)
 _____)

CASE NO. CR- 2002-0000112
**MOTION FOR A MATERIAL
WITNESS WARRANT**

COMES NOW, Kristina M. Schindele, Prosecuting Attorney for the County of Elmore, State of Idaho, and hereby moves this Honorable court for entry of an Order for a material witness warrant pursuant to Idaho Criminal Rule 46.1 for the reasons that:

1. Jesus Mauricio Zavala-Garcia is a material witness in the above entitled matter.
2. Jesus Mauricio Zavala-Garcia is an illegal alien and currently has a pending removal and/or deportation proceeding initiated by Immigration and Customs Enforcement, Department of Homeland Security. ~~Zavala-Garcia has been~~ released on his own recognizance in the deportation proceedings, subject to monitoring by ICE and the Elmore County Sheriff's Office. Zavala-Garcia

**MOTION FOR A MATERIAL
WITNESS WARRANT**

ORIGINAL

has failed to comply with the terms and conditions of his ROR in the deportation proceedings. ICE has advised the Elmore County Prosecuting Attorney's Office and the Elmore County Sheriff's Office of its intention to revoke the ROR release granted to Zavala-Garcia. Zavala-Garcia will be deported once he is no longer in the custody of local authorities.

3. It will be impracticable, if not impossible to secure Jesus Mauricio Zavala-Garcia's presence at the jury trial in the above-entitled matter by a subpoena.

DATED This 13th day of October 2011.


Kristina M. Schinzele
Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify I served a copy of the foregoing on counsel for defendant as follows:

Terry Ratliff Facsimile to (208) 587-6940
Ratliff Law Office, Chtd.
290 South 2nd East
Mountain Home, Idaho 83647

on this 13th day of October 2011.

KRISTINA M. SCHINDELE
ELMORE COUNTY PROSECUTING ATTORNEY



Kristina M. Schindele

CR-2002-000012

State of Idaho vs. Jorge Alberto Lopez-Drozco

Hearing type: Status Conference

Hearing date: 11/21/2011

Time: 4:33 p.m.

Judge: Timothy L Hansen - VIA TELEPHONE - 287-7544

Courtroom: Main

Court reporter: None

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindele, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE
District Court Criminal Minute Entry**

Court calls case at time noted above, confirms the true and correct name of defendant, who is not present personally.

Court reporter with Judge in Ada County.

Mr. Ratliff stated that the defendant was not present since this was just a status conference.

Court noted that it wanted to address a couple of issues.

First item is the current trial date

- Ms. Schindele stated that the February date will need to be continued
- Set over to May be appropriate
- Mr. Ratliff has not discussed waiving his speedy trial rights since the defendant was missing for several years;
- Mr. Ratliff stated he will not be ready in February for trial;
- Ms. Schindele is working on finishing up discovery;
- Ms. Schindele stated there is some testing that is still being done;

Court would like defendant to be present to reset trial date.

Court set a date for resetting trial date: December 23, 2011 at 1:30 P.M. for Trial Setting (Interpreter needed).

Another issue was invoices for the Court appointed investigator at County Expense. Court noted that he wanted to make sure that counsel was o.k. with this. Usually an amount is set and anything above that is then approved by the Court.

Ms. Schindele stated that in the past they have gone with a set amount but in this case they chose to use the second option and use Court for approval. Mr. Ratliff does not have a budget for investigator's. The only main

concern that Ms. Schindele had was making sure the investigator is not charging for travel expenses since the defense chose to go with an investigator who resides out of state.

Mr. Ratliff responded – he is splitting the costs of travel between this case and an Ada County case that Mr. Chastain is involved in.

Court appreciates the input. Court noted that the expenses he has in front of him do not include travel. Court will forward to commissioners. Will note on the cover letter that Court has reviewed and approved expenses so far. Then Court will fax to the Elmore County commissioners for payment.

Mr. Ratliff noted that he would like to discuss courtroom security at some point in time. There will also be a couple of motions that will be filed. Ms. Schindele stated that she has no current pending motions.

4:55 p.m. End.

Attest: 
Heather Furst
Deputy Clerk

FOURTH JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF ELMORE

FILED

2011 DEC 23 PM 2:10

STATE OF IDAHO,)
Plaintiff,)
vs.)
JORGE LOPEZ-CROZCO)
Defendant,)
_____)

Case No: CR-2002-0012)
BARBARA STEELE)
CLERK OF THE COURT)
WAIVER OF SPEEDY)
TRIAL)

I understand that I am entitled to a trial in the above entitled matter within 180 days of the date of my not guilty plea. By signing this document I am hereby waiving my right to a speedy trial under the United States Constitution and/or the Idaho Constitutions and understand my trial may be set to a date after said 180 days.

DATED This 23^d day of DECEMBER, 2011,
at 1:43 o'clock P.m.

J. A. L. O.
Defendant

WITNESSED:

Magistrate

[Signature]
Witness

WAIVER OF SPEEDY TRIAL

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Drozco

Hearing type: Status Conference

Hearing date: 12/23/2011

Time: 1:37 p.m.

Judge: Timothy L Hansen - VIA TELEPHONE - 287-7544

Courtroom: Main

Court reporter: In chambers with the Judge

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindele, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE
District Court Criminal Minute Entry**

Court calls case at time noted above, confirms the true and correct name of defendant, who is present personally (incarcerated)

Sandra Barrios - Interpreter

Court reporter with Judge in Ada County.

Status Conference being held telephonically.

Court noted that parties were not going to be ready for trial in Feb.

Ms. Schindele stated defendant wants to waive his speedy trial rights. Request that court vacate February setting and reset the matter.

Mr. Ratliff concurred. Written Waiver of Speedy Trial has been reviewed and the defendant will sign. Defendant signed his waiver. Mr. Ratliff handed waiver to bailiff to give to Court clerk.

Ms. Schindele requested the Court inquire of defendant to ensure he understood his rights.

Mr. Ratliff noted that he and Heather Hagen met with defendant for 30 - 45 minutes at the Elmore County jail to ensure he understood the waiver of speedy trial rights.

Court inquired of defendant. Defendant indicated he understood the rights he was waiving. Court noted the waiver of rights of the defendant were knowingly and voluntarily made. Court accepted waiver.

Counsel would like to set matter for pre-trial, jury trial and then a status in late January.

Ms. Schindele requested the court vacate 1/3; convert the previously set pre-trial conference to a status conference with Judge via telephone on 01/20/12 at 8:30 a.m. Mr. Ratliff agreed.

Court set 1/20/12 at 8:30 a.m. for Status Conference - Judge via telephone.

Counsel indicated that 4 weeks would be needed for trial (1 week of voir dire and 3 weeks for trial).

Court set May 21, 2011 at 9:00 a.m. for JURY TRIAL.

9:00 a.m. to 5:00 p.m. for trial schedule.

Friday's are criminal trial days in Ada County but depending on what happens on January 20, 2012 and based upon Judge Norton's schedule the Court will decide what days will be used for trial.

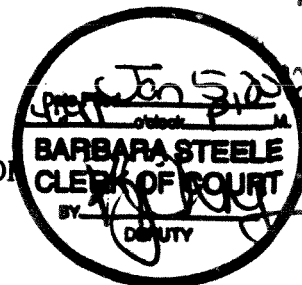
Mr. Ratliff requested that due to this that we schedule 6 weeks for trial.

PRE-TRIAL CONFERENCE on April 23, 2012 at 3:00 p.m.

No further issues to take up.

1:57 p.m. End Minute Entry.

Attest: 
Heather Furst
Deputy Clerk



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

THE STATE OF IDAHO,

Plaintiff,

vs.

JORGE ALBERTO LOPEZ-OROZCO,

Defendant.

Case No. CR-2002-112

ORDER SETTING PRETRIAL
CONFERENCE & JURY TRIAL

A jury trial will be held on **May 21, 2012 at 9:00 a.m.**

A pretrial conference will be held on **April 23, 2012 at 3:00 pm.** The defendant must be personally present in court. At this conference, counsel for each party shall deliver a written list of prospective witnesses and proposed exhibits to the court and counsel for all parties.

Alternate judges. Notice is hereby given, pursuant to Rule 25(a)(6), I.C.R. that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

Hon. Peter McDermott
Hon. Dennis Goff
Hon. Daniel C. Hurlbutt Jr.
Hon. Duff McKee
Hon. George R. Reinhardt, III
Hon. W.H. Woodland
Hon. Kathryn Sticklen
Any sitting Fourth District Judge

Hon. G.D. Carey
Hon. Gerald Schroeder
Hon. James Judd
Hon. Daniel Meehl
Hon. Linda Trout
Hon. Barry Wood

IT IS SO ORDERED this 5th day of January, 2012.


TIMOTHY HANSEN
District Judge

cc: ELMORE COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ELMORE COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Drozco

Hearing type: Status

Hearing date: 1/20/2012

Time: 8:32 a.m.

Judge: Timothy L. Hansen - via telephone

Courtroom: Main

Court reporter: Valerie Gosney - at Ada County courthouse with Judge

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindele, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE
District Court Criminal Minute Entry**

Court calls case at time noted above, confirms the true and correct name of defendant, who is also present personally. (Incarcerated)

Vanessa Bell, Court Interpreter (previously sworn)

Court noted that the matter has already been reset for trial. It was decided to conduct a further status to ensure the dates are still o.k.

Parties prepared to proceed.

Ms. Schindele has no issues to address at this time. The defense is speaking with investigator who is working with Mr. Ratliff's investigator (arson expert or ballistics) discussing to find an expert on that. Can meet deadline of March 1. Ms. Schindele asked if the Court had an opportunity to speak with Judge Norton regarding scheduling issues?

Court did speak to Judge Norton, can work this issue out - may be a bigger issue with Magistrate Judges. Will continue to speak with Judge Norton. Dates are viable. Try the case as anticipated 9 a.m. - 5 p.m. Court plans on having criminal calendar on Fridays in Ada County. Monday thru Thursday for trial.

TR - On March 1st deadline may have an issue. Speaking with DNA expert and when he can finish items up. May have to extend deadline.

Court stated that if deadline needs to be extended, can revisit as appropriate. With regard to expert contact, testimony or input, Court would be inclined to extend if parties are in agreement. In light of that, do parties see a need for a further Status Hearing prior to March 1 deadline? Mr. Ratliff has been working on jury questionnaires and will get submitted asap and have a status on the questionnaires. Can submit to state by Feb. 17th and then we will need to give Ms. Schindele time to respond. Then have Status around the 28th or 29th of Feb.

Court set Feb. 27th, 2012 at 3:00 p.m. for further status to discuss jury questionnaires and any discovery deadline issues. Judge via telephone.

Mr. Ratliff noted that in the past when we did the preliminary hearing on this issue we had several armed deputies. May need to speak to security about having deputies in plain clothes and side arms under sports coat. Could take up on Feb. 27th and have security involved. Ms. Schindele will advise sheriff and head of security and ask that they be present at the hearing. Hope to work out the issue in advance so the plan can be done then.

8:44 a.m. End Minute Entry.

Attest 
Heather Furst
Deputy Clerk

TERRY S. RATLIFF, ISB 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorneys for Defendant

FILED

2012 JAN 23 PM 4:46

BARBARA STABLE
CLERK OF THE COURT
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE

STATE OF IDAHO,

Plaintiff,

-vs-

JORGE ALBERTO LOPEZ-OROZCO,

Defendant.

Case No. CR-2002-0112

MOTION FOR COURT
APPOINTED DNA EXPERT
AT COUNTY EXPENSE

ORIGINAL

COMES NOW the Defendant, by and through his attorney of record, Terry S. Ratliff of Ratliff Law Offices, Chtd., and pursuant to the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution, and the Sixth Amendment to the United States Constitution, Article I §13 of the Idaho Constitution, Idaho Code §§19-851(b) & (c), 852, and 861(c), and Idaho Rule of Criminal Procedure 28, moves this Court to appoint, at county expense, a DNA Expert for use in the investigation and preparation of the defense in this matter.

Specifically, in a Response to Request for Discovery, the State has produced a compilation of over 600 pages of DNA testing results from Bode Technologies that deal with the issue of Mitochondrial DNA Testing. Additionally, in the 10th Supplemental Response to

Request for Discovery, the State has disclosed an additional forty five (45) documents to review, regarding just the chain of custody with regards to the evidence that was DNA tested.

This evidence, if admitted, goes to the question of who the alleged victims actually are, using a testing process that attempts to match 'maternal' DNA of the tested materials with the known DNA of a maternal kin. Suggestions at the preliminary hearing are that the results from the Bode Technology analysis indicate that the remains found in the automobile were that of the victims alleged in the Information. However, Counsel herein has taken and passed the course of "Forensic DNA for Officers of the Court" that was created by the President's DNA Initiative, but this Counsel is not a qualified expert on the matter, and needs the assistance of a DNA expert and lab to review the materials, and make a determination, after said review, if an independent analysis on behalf of the Defendant needs to be made, and to help identify what issues, if any, need to be raised for cross-examination purposes at trial.

As a result, in order to prepare for the Jury Trial, the Court can and must consider the minimum Due Process that Jorge is entitled to, that should be observed in this case, and also that there is a statutory basis for this request:

(a) A needy person who is being detained by a law enforcement officer, who is confined or is the subject of hospitalization proceedings pursuant to sections 18-212, 18-214, 66-322, 66-326, 66-329 or 66-409, Idaho Code, or who is under formal charge of having committed, or is being detained under a conviction of, a serious crime, is entitled:

(1) to be represented by an attorney to the same extent as a person having his own counsel is so entitled; and

(2) to be provided with the necessary services and facilities of representation (including investigation and other preparation). The attorney, services, and facilities and the court costs shall be provided at public expense to the extent that the person is, at the time the court determines need, unable to provide for their payment.

Idaho Code §19-852 (emphasis added).

Thus, not only is Jorge entitled to counsel, he is entitled to the "necessary services and facilities of representation (including experts and other preparation)," which would include a DNA Expert to assist him in the preparation of his case.

This office currently holds the Contract to Provide Public Defender Services, and upon this basis, Counsel was appointed to represent Jorge. That contract does not provide for a budgetary line item for expert services. The contract does permit the contractor to have necessary support staff to be appointed, experts and the like, at county expense, upon approval and Order from the presiding Judge.

In this case, the type of analysis that needs to be done, of the documentation and processes by Bode Technology, is simply without the capabilities of Counsel, and as such, an independent expert is needed.

The statute recognizes that there are cases where a criminal defendant's right to a fair trial may be jeopardized unless there is access not only to an attorney, but also to **certain specialized aid in the preparation of a defense.** *State v. Powers*, 96 Idaho 833, 838, 537 P.2d 1369, 1374 (1975). Included within the scope of I.C. § 19-852(a) are the fourteenth amendment requirements of due process and equal protection as they apply to indigent defendants. In *Britt v. North Carolina*, 404 U.S. 226, 227, 92 S.Ct. 431, 433, 30 L.Ed.2d 400 (1971), the United States Supreme Court made it clear that "state(s) must, as a matter of equal protection, provide indigent prisoners with the basic tools of an adequate defense or appeal, when those tools are available for a price to other prisoners." It is equally evident that if a defendant is denied access to the basic tools of an adequate defense, then he has also been denied his due process right of a fair trial. See *Griffin v. Illinois*, 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891 (1956).

State v. Olin, 103 Idaho 391, 394, 648 P.2d 203, 206 (Idaho 1982) (emphasis added).

Without an expert to assist counsel on this DNA Evidence done as an independent expense, as authorized and budgeted by the Elmore County Commissioners¹, it will cause the currently budgeted contract with the county to be detrimentally impacted, to such an extent, that appropriate representation would most likely be prejudiced due to the cost.

The constitution does not require a state to provide expert or investigative assistance merely because a defendant requests it. *United States ex rel. Smith v. Baldi*, 344 U.S. 561, 568, 73 S.Ct. 391, 394, 97 L.Ed. 549 (1953); *Watson v. Patterson*, 358 F.2d 297, 298 (10th Cir. 1966), *cert. denied* 385 U.S. 876, 87 S.Ct. 153, 17 L.Ed.2d 103 (1966). Rather, a defendant's request for expert or investigative services should be reviewed in light of all the circumstances and be measured against the standard of "fundamental fairness" embodied in the due process clause. *Watson v. Patterson, supra*; *State v. Lee*, 221 Kan. 109, 558 P.2d 1096, 1101 (1976).

[*395] [****207**] In accord with these principles, we have stated in applying I.C. § 19-852(a) to expert and investigative services that "[financial] assistance [*****8**] is not automatically mandatory, but rather depends upon [the] needs of the defendant as revealed by the facts and circumstances of each case. Before authorizing the expenditure of public funds for a particular purpose in an indigent's defense, the trial court must determine whether the funds are necessary in the interest of justice." *State v. Powers*, 96 Idaho at 838, 537 P.2d at 1374. *See Mason v. Arizona*, 504 F.2d 1345, 1352 (9th Cir. 1974) *cert. denied* 420 U.S. 936, 95 S.Ct. 1145, 43 L.Ed.2d 412 (1975). **It is thus incumbent upon the trial court to inquire into the needs of the defendant and the circumstances of the case, and then make a determination of whether an adequate defense will be available to the defendant without the requested expert or investigative aid. If the answer is in the negative, then the services are necessary and must be provided by the state.** Such a review necessarily involves the exercise of the sound discretion of the trial court. *Griffin v. State*, 415 N.E.2d 60 (Ind.1981); *State v. Burnett*, 222 Kan. 162, 563 P.2d 451, 454 (1977); *see* Annot., 34 A.L.R.3d 1256, 1269-72 (1970); *cf. [***9] State v. Kerrigan*, 98 Idaho 701, 571 P.2d 762 (1977) (preliminary matter of application for bail addressed to the sound discretion of the court).

Olin, Id. at 394-395. (emphasis added)

The test, therefore, are the needs of the defendant, and the circumstances of the case, with an enquiry as to whether or not we can mount an adequate defense without the assistance of a DNA expert:

¹ The County Commissioners have previously set an initial budget of \$200,000.00 for the defense costs in

It is thus incumbent upon the trial court to inquire into the needs of the defendant and the circumstances of the case, and then make a determination of whether an adequate defense will be available to the defendant without the requested expert or investigative aid. If the answer is in the negative, then the services are necessary and must be provided by the state.

Olin, Id.

As has been set out above, the DNA evidence that has been submitted by the State needs to be reviewed and assessed, a paper review first, by an expert, to determine if an independent examination of the alleged remains need be done. Fortunately, we have a local expert at Boise State University, Dr. Greg Hampikian, who, as set forth in Exhibit 'A' has agreed to review the case at the costs set out therein. His CV is attached hereto as Exhibit 'B.'

Oral argument is requested.

DATED this 23rd day of January, 2012.

RATLIFF LAW OFFICES, CHTD.

By 
TERRY S. RATLIFF of the firm
Attorney for Defendant

this case, subject to further increases as needed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That I have on this 23rd day of January, 2012, served a copy of the within and foregoing **MOTION FOR COURT APPOINTED DNA EXPERT AT COUNTY EXPENSE** to:

Kristina Schindele
Elmore County
Prosecuting Attorney
190 South 4th East
P.O. Box 607
Mountain Home, Idaho 83647
Fax No. (208) 587-2147

By: X Hand Delivery
_____ Federal Express
_____ Certified Mail
_____ U.S. Mail
_____ Facsimile Transmission



Terry S. Ratliff

Re: Jorge Orozco

From: Greg Hampikian

<greghampikian@boisestate.edu>

To: Andee Rodrigues <andee@ratliffawoffice.com>

3 files (225 KB)

2011-06-27 15:02:03

Andee

I would be happy to help. Just finished the Ehrlick case today (my testimony), so I have some time. Please complete and return the Case Information Form. We will need all need DNA records, and I have a standard discovery order (attached). My CV is attached. Once we get the lab data (extraction notes, quantification, PCR, Injection log, electropherograms, lab notes, work instructions, protocols, etc.) the initial review will be \$2,000. Work after that is \$200/hour. A typical case can require 5-10 hours work (research, consultations, trial preparation) after the initial review. If testimony or other travel is required, billing is capped at \$2,000/day maximum, plus travel costs. I have a tutorial powerpoint that I will go over with everyone to help in trial preparation, presentation and cross. I have done a significant amount of work in Idaho and testified here and across the country. Let me know if you need anything else.

Please mail any items to my home:

Greg Hampikian/CompGenomics

3041 West Dewey Street

Boise, Idaho

83703-5865



Greg Hampikian
E-mail: greghampikian@boisestate.edu
208-781-0438

Education

Ph.D. Genetics, The University of Connecticut, 1990
M.S. Genetics, The University of Connecticut, 1986
B.S. Biological Sciences, The University of Connecticut, 1982

Experience

2006-present

Professor of Biology, with a joint appointment in Criminal Justice, Boise State University (BSU), (Associate Professor, August 2004-2006).

Graduate and undergraduate courses: Forensic Biology, DNA Evidence in Cold Cases, Advanced DNA Analysis, Biotechnology, Cell Biology, Genetics.

2006-present

Founder and Director of the Idaho Innocence Project at Boise State University. Volunteer position. Raised more than \$300,000 through grants and donations, organized a Legal Advisory Board with leading lawyers, supervise staff: a full time lawyer, six volunteers, and student interns. Currently working on 10 Idaho cases.

2002-present

DNA Expert for the Georgia Innocence Project

Analyze forensic evidence, assist in legal proceedings, testify, work with and train students. Involved in four exonerations, two of which resulted in the arrests of new suspects more than 20 years after the crime.

1993-2004

Professor, Biology, Clayton State University (CSU)

(Assistant Professor 1993-97, Associate Professor, 1997-2003)

Coordinated the Forensic Science Track for biology major. Courses: Biotechnology, Biotechnology Lab, Genetics, Human Genetics (on-line), Recombinant DNA Laboratory, Bioregulatory Affairs, Microbiology, Microbiology Lab, Anatomy and Physiology (A&P) sequence, A&P Labs, Sex and Reproduction, Introductory Biology (majors and non-majors sequence), Introductory Biology Labs, Biotechnology for teacher education students.

2004

Chair of the Georgia Academic Advisory Committee for Biological Sciences

The Committee included department heads of all Georgia public colleges and universities; coordinated curriculum review, organized corporate partnerships, and responded to the "evolution challenge" in public schools.



2003-2004

Grants Coordinator for the School of Arts and Sciences, CSU

Organized a consortium of six area school systems, wrote two multimillion dollar NSF Math/Science Partnerships proposals.

2001-2002

Biology Coordinator, Natural Science Department, CSU

Wrote a successful degree proposal for new Bachelor of Science in Biology, which includes tracks in Forensic Science, Biotechnology/Biocomputing, Bioregulatory Affairs/Science Management. Hired five new faculty members.

2000

First Presidential Faculty Fellow, CSU

Helped coordinate new majors proposals; acted as faculty liaison to campus departments.

1997- 1998

National Science Foundation Research Opportunity Award, Georgia Tech, Biochemistry Dept., Research Faculty Member

Enzymatic nucleotides, and chromatin structural changes caused by anti-cancer drugs, with Loren Williams.

1994-1995

Visiting Scientist, Emory University and The Centers for Disease Control and Prevention (CDC), Atlanta

Sex-determination in malarial mosquitoes with John Lucchesi, Biology Department Chair, Emory University; and Frank Collins of the CDC.

1992

Worcester Foundation for Experimental Biology, Postdoctoral Associate with William Crain

Gene expression in mouse embryogenesis, toxicity of antisense therapies on pregnant mice.

1990-1991

U.S. National Science Foundation, Postdoctoral Fellow with Jennifer Graves, La Trobe University, Australia

The sequence and expression of mammalian sex-determining genes.

1986-1990

Ph.D. thesis with Linda Strausbaugh, The University of Connecticut

Transcriptional regulation of tagged histone genes in relation to the cell cycle in synchronized culture cells. Instructor in the Summer Institute of Molecular

Biology, secured all funding for course from corporate sponsors.

1985-1986

Master's research with Paul Goetinck, University of Connecticut.
Cartilage Link protein c-DNA.

1983-1984

Yale University, School of Medicine, New Haven, Conn.

Research assistant, human keratins and drug response, psoriasis research with Joseph McGuire, Head of Pediatric Dermatology.

Publications

Hampikian, G, West, E., Askelrod, O. "The Innocence Network: Analysis of 194 American DNA Exonerations," *Annual Review of Genomics and Human Genetics* 12 (in press, publication date 2012).

Bourland, W., Vdacny, P, Davis, M., and Hampikian, G., Morphology, Morphometrics and Molecular Characterization of *Bryophrya gemmea* n. sp. (Ciliophora, Colpodea): Implications for the Phylogeny and Evolutionary Scenario for the Formation of Oral Ciliature in Order Colpodida, *Journal of Eukaryotic Microbiology* (in press, 2011).

Davis, M., Novak, S., Hampikian, G., Mitochondrial DNA analysis of an immigrant Basque population: loss of diversity due to founder effects, *American Journal of Physical Anthropology* (2011, in press).

Karalova, E. M., Sargsyan, Kh.V., Hampikian G.K., Voskanyan, H. E., Abroyan L. O., Avetisyan A. S., Hakobyan, & L. A, Arzumanyan, H.H., Zakaryan H. S., Karalyan, Zaven A., Phenotypic and cytologic studies of lymphoid cells and monocytes in primary culture of porcine bone marrow during infection of African swine fever virus, *In Vitro Cell. Dev. Biol.—Animal*, published online December 24, 2010, (in press, 2011).

Bullock, C., Jacob, R., McDougal, O., Hampikian, G., Andersen, T. DockoMatic - Automated Ligand Creation and Docking, *BMC Research Notes* 2010, 3:289.

Abu B. Kanu, Greg Hampikian, Simon D. Brandt, Herbert H. Hill Jr.,
Ribonucleotide and ribonucleoside determination by ambient pressure ion mobility spectrometry, *Analytica Chimica Acta* 658 (2010) 91–97.

D. E. Krane, et al. (39 authors) "Time for DNA Disclosure", *Science*, Vol. 326. no. 5960, pp. 1631 – 1632, 18 December, 2009.

Lucian A. Lucia, Lambrini Adamopoulos, Jason Montegna, Greg Hampikian, Dimitris S. Argyropoulos, John Heitmann (2007), "A Simple Method to Tune the Gross Antibacterial Activity of Cellulosic Biomaterials, Carbohydrate Polymers 69"; 805–810.

Greg Hampikian and Tim Andersen (2007), "Absent Sequences: Nullomers and Primes," Pacific Symposium on Biocomputing, 12:355-366.

K. Moeller, J. Besecker, G. Hampikian, A. Moll, D. Plumlee, J. Youngsman and J.M. Hampikian, (2007), "A Prototype Continuous Flow Polymerase Chain Reaction LTCC Device," Materials Science Forum Vols. 539-543 pp. 523-528.

G. Hampikian, (2005), "The Future of Forensic DNA," The Canadian Journal of Police and Security Services, (Spring, 2005).

M. Crayton, C. Ladd, M. Sommer, G. Hampikian, L. Strausbaugh, (2004), "An organizational model of transcription factor binding sites for a histone promoter in *D. melanogaster*," In Silico Biology 4, 40-45 (October, 2004).

"Exit to Freedom," Johnson and Hampikian (University of Georgia Press, 2003): Calvin C. Johnson, Jr.'s autobiography (written by Hampikian). The true story of a man who served 16 years in Georgia prisons for a rape he did not commit until DNA evidence freed him. Afterward by Barry Scheck. Awarded the 2004 Silver Medal in biography, (ForeWord Magazine's Book of the Year Awards).

- Nominated for the 2004 Robert F. Kennedy Book Award.
- Nominated for the 2004 African American Literary Awards.

P. Henderson, D. Jones, G. Hampikian, Y. Kan, and G. Schuster (1999), "Long-distance charge transport in duplex DNA: The polaron-like hopping mechanism," Proceedings of the National Academy of Sciences, USA, Vol. 96, Issue 15, 8353-8358, July 20, 1999.

G. Hampikian, J. Graves, D. Cooper, (1994), "Sex- determination in the marsupial" in Molecular Genetics of Sex Determination, (Ed. S. Wachtel), Academic Press.

M. Gaudette, G. Hampikian, V. Meteleev, S. Agrawal and W. Crain, (1993), "Effect on embryos of phosphorothioate modified oligos. into pregnant mice," Antisense Res. & Dev., 3:391-397.

J. Graves, J. Foster, G. Hampikian, F. Brennan, (1993), "Sex- determination in marsupial mammals," in Sex Chromosomes and Sex Determining Genes, (Editors, K. Reed and J. Graves) Gordon and Breach, Melbourne.

J. Foster, F. Brennan, G. Hampikian, P.N. Goodfellow, A. Sinclair, R. Lovell-Badge, L. Selwood, M. Renfree, D. Cooper and J. Graves, (1992), "Evolution of sex determination and the Y chromosome: SRY- related sequences in marsupials," Nature: 359:531-533.

F. Deak, Y. Kiss, K. Sparks, S. Argraves, G. Hampikian and P. Goetinck (1986), "Amino acid sequence of chicken cartilage link protein from c-DNA clones," Proc. National Academy of Science, U.S.A.: 83:3766- 3770.

Patent Applications

US Patent application: Magnetomechanical Transducer, and Apparatus and Methods for Harvesting Energy, Hampikian and Mullner inventors, filed by Boise State University, 2006.

US Patent application: a DNA marker to be added to samples as a safeguard. The oligomers are based on sequences not found in GenBank, and can be coded to contain a wide variety of information, Hampikian inventor, Dec. 23, 2003.

Professional Memberships

- American Academy of Forensic Sciences, workshop leader.
- International Society for Forensic Genetics, presenter.
- International Society for Computational Biology.
- American Society of Microbiologists: Editor for education Newsletter (1999-2002), Editor for image archives (1999-2003); Moderator of the Molecular Biology and Biotechnology Education Listserve (1999-2003).
- American Society for Cell Biology, presenter, education committee member, pre-doctoral grants reviewer.

Recent Professional Education

Tutorial Workshops, 2011 Pacific Symposium on Biocomputing, Hawaii: "Mining the Pharmacogenetics Literature," and, "Identification of Aberrant Pathway and Network Activity from High Throughput Data", Hawaii, January 3-7, 2011

Familial Search Workshop, International Symposium on Human Identification, San Antonio Texas, October 14, 2010

Low Copy Number Analysis Workshop, Ethics and Forensic Science, International Symposium on Human Identification, San Antonio Texas, October 11, 2010

SNP analysis of physical characteristics (ie., eye color) as well as ancestry.

HITA/AABB Workshop, International Symposium on Human Identification, San Antonio Texas, October 10, 2010

Ethics and Forensic Science, International Symposium on Human Identification, Las Vegas, October 15, 2009.

Post-conviction DNA Case Management Symposium, US Department of Justice, Office of Justice Programs, National Institute of Justice, invited participant, Tampa, Fla., January 23-24, 2009.

Tutorial Workshops, 2009 Pacific Symposium on Biocomputing, Hawaii: "Open Science: Tools, Approaches and Implications", "Post-Transcriptional Gene Regulation: RNA-Protein Interactions", "RNA Processing" and "mRNA Stability and Localization," 2009.

Applied Biosystems Gene Mapper & ID-X Software Training, Boise State University, May 26-29, 2009.

DNA Mixture Interpretation: Principles and Practice in Component Deconvolution and Statistical Analysis, American Academy of Forensic Sciences workshop, Washington, D.C., Feb. 19, 2008.

Mixture Interpretation Workshop, taught by Gary Schutler, Ph.D., Northwest Association of Forensic Science, Boise, Idaho, 2008.

Forensic Population Genetics Workshop, 19th International Symposium on Human Identification, Hollywood, CA, 2008.

**2008 Pacific Symposium on Biocomputing, Hawaii, 2008
Tutorial Workshops: "Multiscale Modeling and Simulation", "Computational Tools for Next-Generation Sequencing."**

Applied Statistics Workshop, 18th International Symposium on Human Identification, (covered DNA Mixtures, Statistics, Parentage and Kinship, Pedigree Analysis), Hollywood, CA, 2007.

Pacific Symposium on Biocomputing, Hawaii, 2007: "Computational Proteomics."

DNA Statistics, 17th International Symposium on Human Identification, Workshop, Nashville, TN, 2006.

Advanced Topics in STR DNA Analysis, American Academy of Forensic Sciences, workshop, Seattle, WA, Feb. 20, 2006.

Li-Cor DNA sequencing training for the Li-Cor 4300, Boise State University, 2005.

On-site evaluator training Forensic Science Education Programs Accreditation Commission (FEPAC), American Academy of Forensic Sciences workshop, New Orleans, 2005.

"Symposium: Emerging and Enabling Technologies for Biological and Chemical Detection" and "Federal Bio-Chem Detection R&D Opportunities," 15.5 hours, Information Forecast, Washington, DC, 2005.

Forensic Human Mitochondrial DNA Analysis, American Academy of Forensic Sciences workshop, Dallas, Texas, 2004.

Forensic Science for Medicolegal Professionals Course (co-organizer), Atlanta, 2004.

Mass Fatalities Incident Response Planning Course, (Local coordinator), Atlanta, 2004.

Science in the Courtroom for the 21st Century: Issues in Forensic DNA, Chicago, 2004.

Legal Communication in the 21st Century, 3-hour course, Clayton State University, 2003.

Grants, Contracts and Awards

Department of Justice, PI, Wrongful Prosecution Review Program, \$195,705 2010-2012.

Department of Defense, PI, DNA Safeguard, DNA barcodes to protect forensic samples, new anticancer compounds, \$1,100,000, 2010-2011.

Angora Ridge Foundation, PI, Idaho Innocence Project, \$70,000, 2008-2009.

Department of Defense, PI, DNA Safeguard, DNA barcodes to protect forensic samples, new anticancer compounds, \$1,200,000, 2009.

IOLTA Grant, PI, Idaho Innocence Project, \$25,000, 2008.

Department of Defense, PI, DNA Safeguard, DNA barcodes to protect forensic samples, \$1,000,000, 2006-2008.

Environmental Protection Agency, Co-PI, "Developing and demonstrating multi-purpose sensor to detect and analyze contaminants," Biosensors and LTCC Devices to Detect Biowarfare and Biosafety agents, Co-PI responsible for \$150,000 of a \$1,590,000 grant, 2005.

National Science Foundation, Co-PI, NSF-Idaho EPSCoR Instrumentation Acquisition Program, \$30,000 for ABI 310 Capillary Electrophoresis, Ferris and Hampikian, 2005.

Environmental Protection Agency, PI, seed grant, Biosensors, PCR Detection of Biowarfare and Biosafety Agents using Novel Materials, \$22,000, 2004.

LI-Cor Education Award Program, PI, \$50,000 match for new sequencer, (matched by departments of Biology, Chemistry, and Materials Science), 2004-2005.

Improving Teacher Education, PI, the Biotechnology and Forensic Science Curriculum, program included funding for 22 teachers and 300 student participants. Teachers spent 50 hours in an intensive laboratory experience over the summer, and the students spent a full day at the University preparing DNA fingerprints, \$35,000, 2004-2005.

National Science Foundation, Education Specialist, Loblolly Pine Genome sequencing project. Coordinated the education portion of this successful \$1.2 million grant. Students and faculty from CSU, as well as teachers and high school students participated with faculty from the Institute of Paper Science and Technology, PI John Cairney, 2003.

Improving Teacher Education, PI, the Biotechnology and Forensic Science Curriculum, \$35,000, 2003-2004.

Eisenhower Award, Forensic Science with Molecular Botany, PI for High and Middle School teachers, 22 teachers participated, 250 students worked in campus laboratories to develop DNA fingerprints, \$26,000, 2002-2003.

Eisenhower Award, PI of Forensic Science Curriculum and DNA fingerprinting for High School teachers, \$23,000, 2001-2002.

National Science Foundation, Research Opportunity Award, to work with Dr. Loren Williams of Georgia Tech on enzymatic nucleic acids and intercalating agents, \$19,000, 1998.

Georgia Board of Regents Model Technology Grant, PI
Computer Modules for Biotechnology, \$20,000, 1998.

Faculty Development Grant (CSU), PI, to develop Computer Activities for Microbiology Lab, \$2,250, 1998.

Georgia Board of Regents Model Technology Grant, PI, to develop videos for on-line Human Genetics course, \$18,000, 1998.

Eisenhower Award, Co-PI, Strengthening Elementary Teachers Knowledge of Math, Science and Technology, \$32,000, 1997-98.

Faculty Development Grant (CSU), PI, to develop Web-Based Activities Bridging College and Pre-College Science, \$2,600, 1997.

Eisenhower Award, PI, the Molecular Biology Laboratory for Educators, summer course for teachers, \$17,000, 1996-97.

National Science Foundation USA, Instrument and Laboratory Improvement, PI, The Cooperative Laboratory in Biotechnology, Clayton State College, matched by: **Board of Regents Technology Grant**, \$60,000, 1994-97.

Eisenhower Program Summer Institute in Math and Science Excellence, co-authored proposal, recruited faculty participants who were funded for \$70,000, 1995.

National Science Foundation U.S.A., Postdoctoral Fellowship Centers of Foreign Excellence, twenty-five awarded nationally. Sex-determination research, La Trobe University, \$45,000, 1991-92.

Howard Hughes Medical Institute, scholarship to attend the Cold Spring Harbor Laboratory course, Large DNA Molecules, \$1,500, 1990.

Corporate Support and Partnerships

New England Biolabs Honorarium and travel for Idaho Innocence Project, \$2000, 2009.

Bio-Rad Forensic Biology for Teachers, Atlanta Georgia, Two Day Laboratory, \$12,000, 2009.

TTDC Co-development of novel therapeutics: delivery of insulin and small peptide drugs, 2009.

Bio-Rad Child ID Clinic, DNA fingerprints for parents and children, \$2,000, 2006.

Qiagen Travel grant for participation at the AAFS 2006 meeting, \$2,000, 2006.

Bio-Rad Stipends and molecular biology kits for Forensic DNA Education, \$25,000, 2005.

Qiagen EZ-1 robot for processing DNA from human remains, graduate student support, materials, \$25,000, 2005.

Kodak DC210 system in DNA analysis, \$7,000, 1998.

New England Biolabs Molecular biology education, \$6,500, 1998.

Kodak EDS digital analysis of DNA for beta test, \$6,000, 1996.

New England Biolabs Molecular biology education, \$3,000, 1996.

Fisher Scientific Support for biotechnology at CSU, \$4,000, 1996.

Stratagene, Clontech, New England Biolabs, Biorad, and Pharmacia Summer Institute in Molecular Biology, \$27,000, 1987-90.

Meetings organized, professional workshops and courses offered

Wyoming Public Defenders, "Forensic DNA Analysis," October 3, 2008.

Alaska Innocence Project, "DNA in Post Conviction Testing," September 12, 2008.

Ada County Sheriff's Office, 3-hour DNA workshop for crime lab personnel, March 21, 2008.

Nampa Crime Lab, 3-hour DNA workshop for crime lab personnel, February 14, 2008.

National Bar Association, Atlanta, GA "DNA in Cold Cases, and Postconviction," panel discussion with Atlanta Police cold case squad, August 7, 2007.

Georgia Innocence Project, "DNA Evidence: Intern Training Workshop," Atlanta, Georgia, July 10, 2007.

Boise Association of Legal Professionals, "DNA for the legal professional," April 27, 2007.

Innocence Network Conference 2007, Harvard University, "Advanced DNA: What You Need to Know About Y-STR and Mitochondrial DNA Testing,"

Panelists: Greg Hampikian (Idaho Innocence Project, Georgia Innocence Project), Cassie Johnson (Orchid Cellmark Laboratory), Nina Morrison (Innocence Project), March 25, 2007.

American Academy of Forensic Scientists: "DNA 101," Greg Hampikian, Carl Ladd and Eric Carita (Connecticut State Police Forensic Lab), American Academy of Forensic Sciences, 59th Annual meeting, San Antonio, 3.75 CE Units, February 20, 2007.

Boise State University, "Hands-on Forensic Biology and DNA Fingerprinting." This course was approved by the Idaho State Bar, Idaho Nurses Association, and the State of Idaho Peace Officer Standards and Training for Continuing Education Credits, 8.5 hour lab course, 10 participants including coroners, police officers, lawyers, October 20, 2006.

American Academy of Forensic Scientists, "DNA for the Non-scientist," 2-hour workshop offered with Anjali Swinton, February 21, 2006.

The University of Connecticut, Director and Instructor of "Forensic Science for Educators," graduate course, Molecular and Cell Biology 396-40, Variable Credits (2-3). Course for 16 teachers funded by Bio-Rad, with Professor Linda Strausbaugh, July 7-9, 2005.

Continuing Legal Education (CLE) workshop, Atlanta, GA, "Forensic DNA for Lawyers," June 7, 2005.

Renaissance Institute, "Solving Crimes with DNA: How Science Convicts and Exonerates," invited presentation, Boise, ID, Sept. 28, 2005.

Sun Valley, ID CLE workshop: "DNA evidence interpretation," for the Idaho Criminal Defense Lawyers, Annual Meeting. Two workshops given, 2-hours, 60 participants, March 11, 2005.

Federal Defenders of Eastern Washington and Idaho, CLE workshop: "DNA evidence: cases in point," 1 hour (CLE), 24 participants, Boise, ID, August 18, 2004.

Forensic Science Program for Medicolegal Professionals, Atlanta, GA, Co-organizer and presenter. The program addressed: Forensic Pathology, Forensic Anthropology, Death Scene Processing, Forensic Photography, DNA Analysis, Blood Spatter Analysis, Child Abuse & Neglect, Gunfire Related Deaths, Weapons of Mass Destruction, Court Room Presentation of Evidence, Atlanta, May 3-7, 2004.

CSU Laboratory Workshop, Atlanta, GA, "Forensic DNA," 2004.

NSTA Annual Convention, laboratory course: "Forensic Biotechnology Laboratory for Teachers," Hampikian and Burke, Atlanta, April, 2004.

GA Indigent Defense Council, Atlanta, GA (Sci-Trek), "DNA Basics," Continuing Legal Education (CLE for lawyers), September, 2003.

Georgia Indigent Defense Council, Atlanta, GA, "DNA evidence: emerging technologies for legal professionals," continuing legal education (CLE) course for lawyers, 2003.

GA Indigent Defense Council, Thomaston, GA, CLE workshop: "DNA: The Law & The Science," (CLE for lawyers), 2003.

Amer. Soc. for Microbiology, (Pomona, CA), Education Division meeting, Computer workshop: "Technology seminar for microbiology teaching academics," invited presentation, workshop for members, 2000.

Presentations, panels and posters

Federation of European Biochemical Societies, Yerevan, Armenia, February 16-20, 2011, Genomic Instability advanced lecture course, invited speaker, panel moderator.

Griffith College of Law, Dublin, Ireland, Cold Case and Postconviction DNA Testing, March 2-5, 2010.

XIII International Congress of Protistology, Búzios, Rio de Janeiro State, Brazil, Bourland, W.A., Davis, M., Hampikian, G. 2009. Caudal cirri are present in *Pleurotricha lanceolata* (Ehrenberg, 1835) Stein, 1859 (Ciliophora, Spirotrichea).. Abstract BC-02, Journal of Eukaryotic Microbiology supplement.

College of Idaho, "Writing Biography," Prison Experience course, January 27, 2010.

Pacific Symposium on Biocomputing, Hawaii 2009, Keynote presentation: ~~"DNA Don't Lie": How Bioinformatics freed some of my best friends, and sent the guilty to prison."~~

College of Idaho, "DNA as Narrative," Prison Experience course, Feb. 2, 2009.

American College of Trial Lawyers (ACTL), Idaho, "New Uses of DNA

Evidence," Arid Club, ACTL Fellows and their guests, June 28, 2008.

International Society for Environmental Epidemiology (ISEE), Central & Eastern Europe Conference on Health and the Environment, "New sensor developments at the Boise State University Center for Environmental Sensing," Gribb, M.M., G. Hampikian, W. Kuang, D. Plumlee, and D. Russell, poster presentation by Gribb, Cluj-Napoca, Romania, October 19-22, 2008.

DNA in Forensics: BI-annual meeting of the International Society for Forensic Genetics (ISFG), Greg Hampikian and Michael Davis, "Basque DNA in Idaho: the Origin and Frequency of Mitochondrial Haplotypes in Immigrants to a Northwestern American State," Ancona, Italy, oral presentation by G. Hampikian, May 29, 2008.

University of Washington Law School, panel discussion with "Hurricane" Ruben Carter on the Burns Rafay case, March 4, 2008.

NCBI, National Institutes of Health: "Novel Applications in Forensic DNA: Nullomers, Primes," research seminar, Bethesda Maryland, February 20, 2008.

College of Idaho, "Forensic non-fiction," invited talk, Feb. 13, 2008.

18th International Symposium on Human Identification, "STR Variation in the Immigrant Basque Population of Southwest Idaho," Micheal Davis, Jayita Goswami and Greg Hampikian, poster presentation, Hollywood, CA, 2007.

American Academy of Forensic Sciences, Annual Meeting, Michael Davis and Greg Hampikian, "Median Network Analysis of mtDNA Haplotypes in the Basques of Southern Idaho," poster, San Antonio, Texas, 2007.

American Society of Microbiology 107th General Meeting, Jason R. Besecker, Corey Moeller, Ken Cornell, and Greg Hampikian, "Development of a Bioterrorism Agent Multiplex PCR for Use in a Novel Ceramic Biodetector," Toronto, Canada, May 21-25, 2007.

American University in Paris, "DNA and Justice," College Lecture, and 2 laboratory presentations, October 23, 24, 2007.

Centre Technique De La Gendarmerie Nationale. Institut de recherche criminelle de la gendarmerie Nationale, Cergy Pontoise, France, research presentation, October 21, 2007.

American Society of Microbiology 107th General, Toronto, Canada, poster Jason R. Besecker, Corey Moeller, Ken Cornell, and Greg Hampikian, "Development of a Bioterrorism Agent Multiplex PCR for Use in a Novel Ceramic

Biodetector," May 21-25, 2007.

Proceedings of the International Conference on Ceramic Interconnect and Ceramic Microsystems Technologies, Denver, CO, poster, K. Moeller, J. Besecker, J.M. Hampikian, A. Moll, D. Plumlee, J. Youngsman, G. Hampikian, "A Prototype Continuous Flow Polymerase Chain Reaction LTCC Device," April 25-27, 2006.

New Horizons in Forensic Science, 2005 International Forensic Science Symposium, Taipei, Taiwan, "DNA Freeing the Innocent: Two Exonerations after 17 Years in Prison," invited presentation, November 8, 2005.

Blomedical Research Infrastructure Network (BRIN) Workshop, "DNA analysis in the application of justice", Boise State University, July 23, 2005.

The Center for Advanced Genetics Technologies at the University of Connecticut, "Ethics in the genetics class: But why is it wrong?," Invited seminar for "Forensic Science for College Educators," Storrs, CT, July 12, 2005.

NAACP Legal Defense Fund, Airlie, Virginia, "DNA and the Death Penalty," July 23, 2005.

Court TV, "Idaho and Georgia Innocence Projects," invited presentation for producers and reporters, Manhattan, July 11, 2005.

Innocence Project at the Benjamin N. Cardozo School of Law, New York, "Forensic DNA: questions and answers on current Innocence Project cases," July 11, 2005.

Bioinformatics Workshop, Idaho State University "Forensic DNA databases: Opportunities and limits," Invited talk, Pocatello, ID, June 21-22, 2005.

Georgia Innocence Project, "DNA evaluation in post-conviction cases," seminar for law interns, Atlanta, June 8, 2005.

University of Connecticut, "DNA fingerprints and civil rights," invited Talk for the, DNA and Civil Liberties course, in conjunction with the dedication of the new Center for Applied Genetics Technology forensic laboratory, April 29, 2005.

105th General Meeting of the American Society for Microbiology, Atlanta, GA, "Aromatic Inhibition of Bacterial Growth by Volatiles from Extracts of Ginger, Wintergreen, Cinnamon, Patchouli, Eucalyptus, Geranium, and other Plant Sources, Alone and in Combination," G. Hampikian, N. DeWane, A. Brooks, and J. Strong, poster, 2005.

BSU College of Engineering "Cell Biology for Engineers," guest lecture for Biocompatibility and Environmental Degradation, MSE 497/597, January 19, 2005.

BSU Department of Chemistry, "DNA: Molecular truth Serum, Seminar, January, 28, 2005.

BSU College of Business, "Forensic Technology," guest lecture for Emerging Technology Entrepreneurship, MBA 585, January 24, 2005, (appointed to the MBA 585 Scientific Advisory Board, spring 2005).

Faculty of University of Paris, Departement des Menaces Criminelles Contemporaines "DNA, Justice and Science," December 10, 2004.

Bioinformatics Seminar, BSU, "Nullomers and Primes," November, 2004.

Federal Defenders of Eastern Washington and Idaho, "DNA evidence: cases in point," August 18, 2004.

Biomedical Research Infrastructure Network (BRIN) Workshop, "Applications of molecular biology in Forensic Science," BSU, August, 2004.

MARTECH (Materials Research and Technology), Florida State University, "Natural Born Killers: Bioactive Surfaces," Lucia, L.A., Montegna, J., Hampikian, G.; Presented by L. Lucia, Tallahassee, FL, June 2004.

Boise State University, "DNA in the Courtroom," invited talk, April 2004.

Science in the Courtroom CLE Course, Atlanta, GA "DNA evidence and exonerations," April 22, 2004.

Georgia State University, "DNA and the first test of the new Georgia preservation law," Biology Department Seminar, February 20, 2004.

Harvard University, "Forensic DNA: freeing the innocent and rewriting history," June 2003.

University of Connecticut, Forensic Science Seminar Series, "Biotechnology and the Innocence Movement," 2003.

Georgia Innocence Project, "Evaluating DNA fingerprints for appeals," May 2003.

Georgia State University, "Using DNA to solve crimes and free the innocent," Biology Seminar, April 25, 2003.

Georgia State University, "DNA in the courtroom: the evidence of presence," Guest lecture for Introduction to Law 3020 class at the J. Mack Robinson College of Business, April 17, 2003.

Mercer University, "Arts and Sciences, writing in a bicameral mind," Senior University Program, Atlanta, GA, April 2, 2003.

The Materials Information Society ASM, Georgia chapter, Georgia Tech, "DNA, the ultimate memory material," December 12, 2002.

American Society for Cell Biology (ASCB), San Francisco, "Using forensic science to introduce biotechnology in the High School curriculum," invited presentation, ASCB General Meeting, 2002.

The Pacific Symposium on Biocomputing, Honolulu, Hawaii, "Engineering stability in t-RNA," supported by PE Biosystems travel award, 2000.

Georgia Association of Science Teachers "Forensic science curriculum, on the Web," presentation by Penland and Hampikian, 2000.

American Society for Microbiology, Los Angeles, "Biotechnology reports: electronic reports contrasting popular press and peer-reviewed research," presentation, 2000.

American Society for Microbiology (99th general meeting, Chicago), "Virtual tools for the microbiology laboratory," Hampikian and McClain, computer presentation, 1999.

Gordon Conference on Microbiology Education, "Maximizing digital interdependence in the microbiology class and laboratory," New London, CT, poster, 1999.

American Society for Microbiology (5th Undergraduate Education Conference, Atlanta), "Web-based student-generated microbiology curriculum," Hampikian and McClain, 1998.

Collaborative Approach in Improving Science Education and Research (CAISER) consortium, Emory University, "Collaborative Microbiology and the Web," Hampikian and McClain, Atlanta, GA, 1998.

Georgia Association of Teacher Educators, "A cooperative curriculum for elementary science, Clayton State (science and math), The GA Environmental

Protection Div., and North Fayette Elementary," 1998.

College of Charleston Biology Seminar Series, "Variety is the rule: lessons in sex-determination from marsupials to mosquitoes," 1997.

Kodak Digital Research Center, "Use of Biomax software in molecular biology teaching laboratories," New Haven, CT, 1997.

Georgia Institute of Technology, Biochemistry Department, "Trapping enzymatic nucleotides using PCR," 1997.

6th International Congress on Cell Biology (ASCB), "Digital electrophoresis analysis, educational applications," Hampikian and Zarzaka, poster, 1996.

Georgia Conference on College and University Teaching, "Mastering technology through student interdependence," computer video presentation, 1996.

The American Institute of Biological Sciences, "The Cooperative Laboratory in Biotechnology," San Diego, invited speaker, 1995.

Emory University "Experiments on sex-determination in the mosquito," research talk, Biology Department, 1995.

Centers for Disease Control and Prevention (CDC), "Sex-determination and the prevention of malaria: reproducing the work of Bridges in the mosquito," hosted by Dr. Nora Berzansky and Dr. Frank Collins, 1995.

Georgia Conference on College and University Teaching, "Active learning approaches in critical thinking," computer video presentation, 1995.

Piedmont College Graduate Education Program, "2,000 years of biology in 4 hours," invited talk, 1995.

Emory University "Sex-determination mechanisms, a molecular view," invited talk, 1993.

Boden Conference on Mammalian Sex Chromosomes and Sex Determining Genes, "c-DNA cloning of the marsupial testis-determining gene," Threadbaw, Australia, seminar, 1992.

Imperial Cancer Research Fund, London, "Comparing the sex-determining genes of mammals," invited talk, 1992.

Institut Pasteur, Paris, "Sequence analysis of the testis-determining region," invited talk, 1992.

MRC Human Genetics Unit, Edinburgh, Scotland, "Possible roles of SRY deduced from DNA motifs," invited talk, 1992.

Massachusetts General Hospital, Harvard University, "Lessons from the marsupial Y chromosome," Cambridge, invited talk, 1992.

American Cyanamid, "Editing SRY, analysis of c-DNA and genomic clones," NY, invited talk, 1992.

USDA, Bethesda, MD, "Controlling gender, the prospects for transgenic regulation," invited talk, 1992.

Worcester Foundation for Experimental Biology, "Cloning and analysis of the marsupial SRY," invited talk, MA, 1992.

The Genome Conference, Lorne, Australia, "Cell-cycle expression of *D. melanogaster* histone genes," G. Hampikian, C. Ladd, L. Strausbaugh, poster, 1991.

La Trobe University Seminar Series, "Insect sex-determination," presentation, Australia, 1991.

30th Annual Drosophila Conference, "Histone expression in transformed culture cells," New Orleans, poster, 1989.

Undergraduate Research Presentations:

BSU undergraduate research conference, "Finding the needle not in the haystack: 'nullomers' and 'primes,' short sequences absent from species and groups of species," Ben Noland (undergraduate, computer sciences), Tim Anderson, Amit Jain, and Greg Hampikian, BSU, poster, 2005.

BSU undergraduate research conference, "Analysis of the forensic science outreach program," Chuck Cato, Becky Munoz, (undergraduates), Holli Shultz (graduate student in biology) and Greg Hampikian, poster, 2005.

American Society for Microbiology, general meeting, Orlando, Florida, "Inhibition of bacterial growth by spice vapors," Hampikian, Kicklighter and Powell, poster and press conference panel, 2001.

American Society for Microbiology, 5th Undergraduate Education Conference, Atlanta, GA, "Comparison of digital gel analysis systems,"

Hampikian and Hardwick (undergraduate presenter), 1998.

Examples of School Outreach

National educational outreach directed by Greg Hampikian

- **Georgia Science Teachers, Forensic DNA and Biotechnology Workshop**, Sept. 15 and 16, 2008, Georgia State University, 20 teachers from Georgia Schools, *Sponsoring Institutions*: Georgia State University's Bio-Bus Program; Boise State University Outreach; Bio-Rad; Howard Hughes Medical Institute's Undergraduate Science Education Division. The High School Curriculum in Forensic Science has received national recognition from *Good Morning America*, *The Wall Street Journal*, *Fox news* and others.
 - **Atlanta Area Science Teachers, Forensic DNA and Biotechnology Workshop**, Sept. 17 and 18, 2007, Georgia State University, 27 teachers from Georgia Schools, *Sponsoring Institutions*: Georgia State University's Bio-Bus Program; Boise State University Outreach; Bio-Rad; Howard Hughes Medical Institute's Undergraduate Science Education Division.
 - **AAAS American Association for the Advancement of Science, 88th Pacific Northwest Annual Meeting, Molecular Biology for High School Teachers, 2 Day workshop with Bio-Rad**, June 20 and 21, 2007 teachers from around the Northwest.
 - **Atlanta Forensic Science Day**, in conjunction with the US Army Criminal Investigation Laboratory, 500 Students, 26 teachers, participated in the first Forensic Science Day, May 25, 2005, (program repeated in 2006). The Forensic Science Day follows 50 hours of laboratory activities for teachers, and is followed by sustained contact between teachers and university and forensic experts. With support from BIO-RAD.
 - **Connecticut, Forensic Science and Biotechnology for Teachers in Conjunction with Center for Applied Genetics Technology**, sponsored by BIO-RAD, University of Connecticut, 30-hour intensive lab course, 22 teachers, July 7-10, 2005.
 - **Confratute, teachers conference, "Forensic activities," workshop for teachers of gifted children**, Storrs, CT, 48 teachers, July 12, 2005.
-
- **University of Connecticut, "Undergraduate educators workshop in forensic science," laboratory course**, Department of Molecular and Cell Biology, 12 undergraduate professors, July 12-14.

- **NSTA Short course: "Forensic Biotechnology Laboratory for Teachers," National Science Teachers Association Annual Convention, laboratory course, Hampikian and Burke, Atlanta, April, 2004, 6 hours, 23 teachers from around the country.**

Idaho Science Teachers Workshops/Presentations

- Idaho Science Teachers, annual meeting keynote, 160 teachers, Oct. 6, 2006.
- Treasure Valley Science Teachers Workshop, Vallivue High School, Caldwell, 20 teachers, Oct. 18, 2005.
- Forensic Science and Evolution in the High School Classroom, October 6 and 7, 2005 at Boise State, sponsored by a grant from Bio-Rad, 7 teachers.
- "DNA Evidence: Molecules of Truth," for "Biology Labs Workshop for AP High School Teachers," 8 teachers, May 20, 2005.

Examples of over 40 Workshops for Idaho Partnership Schools can be seen at <http://biology.boisestate.edu/hampikian>

Student Development

Forensic Science Club: BSU (Faculty Sponsor), founded 2005. Served as faculty advisor, 2005-2006.

Clayton State Science Association: first faculty sponsor of this popular campus group, 1996-2002, 35 regular members.

Clayton State Biology Research Scholars: initiated program, sponsored student researchers at the CDC, 1994-1996.

Frontiers in Science Seminar Series: developed and secured funding to invite visiting scientists to the CSU campus, secured grants totaling over \$10,000 to support this program. Invited 20-30 speakers each year (1996-2004). Format: students interview speakers, read papers in preparation, perform introductions, and follow-up with visits to the speaker's lab and a written report. Many students have gone on to fellowships, jobs, or graduate school with their guests, 1996-2004.

Conflict and Consensus Program: an "anti-debate" format developed at CSU in which opposing parties of local and national renown are brought to common ground, mediated by student teams. The program has been incorporated into the critical thinking curriculum. Participants have included presidential candidate Allen Keyes, and Pulitzer-Prize winner Cynthia Tucker (Atlanta Journal, PBS). Secured grants of more than \$11,000 to support this program.

Curriculum Development

Forensic Evidence in Cold Cases: Criminal Justice course with graduate and undergraduate sections (2008-), service learning component added in 2009.

Biotechnology: graduate seminar course covering breaking developments in applied biotechnology, 2008.

Advanced DNA Analysis: course with graduate and undergraduate sections focusing on new applications of DNA analysis, 2005.

Forensic Science Training: produced DVD series with JPM productions, 2005.

Forensic Biology: course with graduate and undergraduate sections, also crosslisted in Criminal Justice, 2004.

Forensic Science for Teachers: course for teachers organized in conjunction with the US Army Criminal Investigation Laboratory at Fort Gillem, Eisenhower funded, 2001.

Bioregulatory Affairs: a unique university course developed for Applied Biology major, Fall, 2001.

Applied Biology Major: proposal author for new University BS program, approved 2000.

Sex and Gender: undergraduate course, 1999-2001.

Human Genetics: Web-based course, 1998-2004.

Forensic DNA Science for High School Students: host 50-80 high school students each year for a full day of DNA fingerprinting, and molecular biology laboratories, 1997-2004.

Science internship program: developed and coordinate program, supervised students each semester, oversaw outplacement of all biology interns, 1997-2004.

The Cooperative Laboratory in Biotechnology: course for teacher education students covering basic cloning and gene analysis, 1994-2004.

Forensic DNA Teaching Curriculum: high school curriculum developed with Dr. Henry Lee and area high school teachers, 1994.

Current Committee Work

Chair, Concordia Law School in Boise, Chair of Committee on Relationships with Government, Other Educational Institutions and the Community.

Member, Graduate Studies Committee, Biology Department, Boise State University.

Member, BSU College of Arts and Sciences Outreach Committee.

Grant reviewer, BSU College of Arts and Sciences, for faculty grants Biology

Member, Biology Undergraduate Committee, scholarship committee: rewrote scholarship application.

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Orozco

Hearing type: Status

Hearing date: 2/27/2012

Time: 3:12 PM

Judge: Timothy L Hansen via telephone

Courtroom: Basement

Court reporter: Valerie Gosney – In Ada County with Judge

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindele, Elmore Prosecuting Atty

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND
FOR THE COUNTY OF ELMORE
Criminal Minute Entry

Court calls case at time noted above, confirms defendant's true and correct name.

Defendant is present personally. (Incarcerated)

Court Interpreter Vanessa Bell (Oath On File)

Matters before the Court: Status and Motion for Court Appointed DNA Expert at County Expense

Court would like to discuss the following issues:

Upcoming discovery deadline of March 1st 2012;

Jury questionnaires;

Security concerns;

Review payment claim voucher.

First matter is payment claim voucher. Court received a payment claim voucher and asked if there was any objection. Ms. Schindele responded that she does not receive copies of voucher's. However, she does not have any objection to them. Mr. Ratliff stated that when he receives billing from investigator, he reviews to ensure in order and submits to court.

Court stated that he has received the voucher, reviewed it, everything appears to be in order. Court signed and dated payment claim voucher today.

Court has reviewed the Motion for Court Appointed DNA Expert.

Ms. Schindele stated that she contacted defense counsel and did not have any objection to the DNA Expert. Court stated it did not have an Order. Mr. Ratliff stated that he will prepare one, submit to Ms. Schindele for review and send to the Court for signature. Counsel want to ensure the expert submits a fee schedule to include in the order. Anything beyond fee schedule will need to be reviewed by the Court. Ms. Schindele requested a cap amount.

Court inquired about pending discovery deadline of March 1st

Ms. Schindele responded that counsel has discussed this and there are outstanding joint issue and request that the case be set over to sometime in late July or early August. Mr. Ratliff concurs with representation. Mr. Ratliff has spoken to defendant and he has no objection to the matter being set over. Court noted that the defendant has previously waived his speedy trial rights. Court will inquire of defendant about continuance of trial. Court noted that his clerk is not present today and would like to see about setting this matter over to later this week or next week to check his schedule regarding new trial setting. Mr. Ratliff has no objection to this as long as Court understands that they are waiving the discover deadline.

Court set matter over to March 9, 2012 at 8:30 for new trial setting.

Court vacated current discovery deadline.

Court inquired of defendant regarding continuance of the trial. Court finds that defendant freely, knowingly and voluntarily waives his rights to speedy trial rights and understands the continuance of trial

Court vacated current Jury Trial and Pre-Trial Conference.


Court would like to take up the matter of the jury questionnaires. Mr. Ratliff stated that he is still working on them and hopes to complete within the next week or so.

Court would like to address the security issues on March 9, 2012 or a later date if agreeable with counsel. Counsel concurred.

No other issues to address at this time.

Court will appear telephonically on March 9, 2012.

3:38 p.m. End Minute Entry.

Attest: 
Heather Furst
Deputy Clerk

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Orozco

Hearing type: Status

Hearing date: 3/9/2012

Time: 8:37 a.m.

Judge: Timothy L Hansen - via telephone (287-7544)

Courtroom: Main

Court reporter: V. Gosney - Ada County chambers with judge

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindale, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE
District Court Criminal Minute Entry**

Court calls case at time noted above, confirms the true and correct name of defendant, who is also present personally. (Incarcerated)

Vanessa Bell, Court Interpreter (previously sworn)

Court noted we are here for trial setting. Previous trial was vacated.

Issues to discuss:

New Trial Dates

Jury Questionnaires

Rescheduling of trial - Parties are prepared to reset trial. Six weeks are necessary for trial (4-day work week of trial). Court is looking at October. **October 15, 2012 for JURY TRIAL.**

Pre-trial Conference September 14, 2012 at 8:30 a.m.

April 5, 2012 at 8:30 a.m. for STATUS Conference.

New scheduling order to be done for the new hearing dates.

Mr. Ratliff is not prepared to discuss jury questionnaires.

Court is trying to get his criminal day moved to Thursday. In the meantime plan on Monday through Thursday and Friday's being Elmore law and motion days.

Court advised defendant of his new hearing dates.

8:46 a.m. End Minute Entry.

Attest: 

Heather Furst

Deputy Clerk

FILED

2012 MAR 15 AM 9:21

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

THE STATE OF IDAHO,

Plaintiff,

vs.

JORGE ALBERTO LOPEZ-OROZCO,

Defendant.

Case No. CR-2002-112

ORDER SETTING PRETRIAL
CONFERENCE & JURY TRIAL

A jury trial will be held on October 15, 2012 at 9:00 a.m.

A pretrial conference will be held on September 14, 2012 at 8:30 a.m. The defendant must be personally present in court. At this conference, counsel for each party shall deliver a written list of prospective witnesses and proposed exhibits to the court and counsel for all parties.

Alternate judges: Notice is hereby given, pursuant to Rule 25(a)(6), I.C.R. that an alternate judge may be assigned to preside over the trial of this case. The following is a list of potential alternate judges:

- Hon. Peter McDermott
- Hon. Dennis Goff
- Hon. Daniel C. Hurlbutt Jr.
- Hon. Duff McKee
- Hon. George R. Reinhardt, III
- Hon. W.H. Woodland
- Hon. Kathryn Sticklen
- Any sitting Fourth District Judge

- Hon. G.D. Carey
- Hon. Gerald Schroeder
- Hon. James Ludd
- Hon. Daniel Meehl
- Hon. Linda Trout
- Hon. Barry Wood

IT IS SO ORDERED this 12th day of March, 2012.


TIMOTHY HANSEN
District Judge

cc: ELMORE COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ELMORE COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Drozco

Hearing type: Status - VIA TELEPHONE 287-7544

Hearing date: 4/02/2012

Time: 8:34 a.m.

Judge: Timothy L Hansen

Courtroom: Main

Court reporter: Vanessa Gosney, in chambers with Judge

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Lee Fisher for Kristina Schindale, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE
District Court Criminal Minute Entry**

Court calls case at time noted above, confirms the true and correct name of defendant, who is also present personally. (Incarcerated)

Interpreter - Sandra Barrios

Court noted we are having periodic status hearings on this case. Any other pending issues?

Mr. Ratliff advised that he is working on the draft of DNA order. Hope to have it done by next week.

Mr. Fisher noted that there are no issues that he is aware of. Has received new reports from law enforcement that will be disclosed to the defense.

Court would like to set another STATUS hearing in a month. Need to find a location for voir dire as trial approaches. Work on jury questionnaires. Court set STATUS for 8:30 a.m. on Thursday, May 10, 2012 via telephone.

8:40 a.m. End Minute Entry.

Attest:



Heather Furst

Deputy Clerk

Fourth Judicial District Court, State of Idaho

FILED

80

In and For the County of Elmore

2012 APR -6 PM 1:59

STATE OF IDAHO
Plaintiff,
vs.
Jorge Alberto Lopez-Orozco
Defendant.

DOB: [REDACTED]

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

Mortre

Case No: CR-2002-0000112

COMMITMENT - HTA
For Jesus Mauricio Zavala Garcia
Material Witness Warrant

THE STATE OF IDAHO TO ELMORE COUNTY SHERIFF DEPARTMENT:

An Order having been made this day by me that the Material Witness, be held to answer upon a Material Witness Warrant in the file in the above-entitled action.

YOU, THE SAID Elmore County Sheriff's Department, are commanded to receive him, the said witness, into your custody, and detain him/her until legally discharged.

The witness is to be admitted to bail in the sum of \$ 500,000.00

Next hearing is scheduled for:

Further Proceedings on Monday, April 16, 2012 at 09:45 AM
Judge: Timothy L Hansen

DATED This 6th day of April, 2012.

MAGISTRATE JUDGE

Elmore County Detention

Faxed

Hand Delivered

Copy to: Defendant

Defendant's Attorney

Prosecutor

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF UTAH, IN AND FOR THE COUNTY OF ELMORE

Jesus Muanico Zaval-Garcia
re: Case of State vs

Docket No. CR-2002-112

George A. Lopez Orozco

JUDGE David C Epis DATE April 16, 2012 TIME 11:00

CLERK R Morton TYPE OF ACTION Warrant Material Witness

COURTROOM # A (B) C

Ina Scindels NO. 3 Counsel for Plaintiff/Prosecutor MH/EC NO. 5 Counsel for

() PD NO. 4 Counsel for Defendant NO. 6 Counsel for

Index No's. Phase of Case () Interpreter Present;

11:39 1. Case Called
"Witness present
Advised
4. Understands
1. Remanded
Bond 500,000
Hearing in District Court
April 16, 2012 09:45

11:42

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Orozco

Hearing type: Further Proceedings

Hearing date: 4/13/2012

Time: 8:48 a.m.

Judge: Timothy L Hansen via telephone 287-7544

Courtroom: Main

Court reporter: Vanessa Gosney in Ada County chambers with Judge

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Lee Fisher/Kristina Schindale, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE**

**District Court Criminal Minute Entry - WARRANT FOR MATERIAL WITNESS - JESUS MAURICIO ZAVALA
GARCIA**

Court calls case at time noted above, confirms the true and correct name of defendant, who is not present personally (not necessary for the defendant to be here). Jesus Mauricio Garcia - the material witness for this case is present (Incarcerated)

8:50 All parties present.

Court advised that the matter was set for a witness bond that was issued for Jesus Mauricio Zavala Garcia. Court confirmed that Mr. Garcia is in custody right now.

Mr. Fisher advised the Court that there is not an interpreter present. Court inquired if an interpreter is needed? Mr. Garcia stated that he did not require an interpreter.

Court inquired of witness. He does not know how to read or write English. No difficulty in understanding spoken English. No trouble understanding discussion today. Court advised him that we would be speaking only and will proceed. In the future if there is anything that requires written document or anything such as that, an interpreter would be needed.

Mr. Ratliff concurred with the Court that the defendant's presence would not be needed today. Mr. Ratliff noted that the Public Defender's Office has not been appointed to represent Mr. Garcia at this time. Mr. Fisher concurred that the defendant's presence was not required either.

Court asked what the status of the matter is today. Ms. Schindale stated that this is the opportunity for Mr. Garcia's opportunity to get counsel appointed. Then counsel can advise him of his rights as a material witness. The state is asking the Court to maintain the material witness warrant for the reasons that were set forth in the Motion and supporting Affidavit.

Court noted Rule 46.1 of the Criminal Rules provides guidance in terms of bail for witnesses. The Court's position is that there are certain due process rights that a witness who has been taken into custody pursuant to a bond does have and the Court does agree that one of those would be the right to counsel and counsel at the State's expense if in fact he or she cannot afford one. Court informed the witness that the State had asked that a warrant or bond be set for him. The State is concerned that if a bond is not issued then he would not be held or a risk that he would not be available for trial in this case. Court did grant this request and issue a Material Witness warrant of Arrest and set bond in the amount of \$500,000.00. Defendant understood this.

Court advised the witness of his rights. Mr. Garcia understood his rights. Mr. Garcia asked that an attorney be appointed to represent him in this issue. Court inquired of the witness. Court finds good cause that the witness meets the criteria for appointment of the public defender. Court noted that Mr. Ratliff is present but is not in a position to represent Mr. Garcia at this time. Need to consider a conflict counsel.

Mr. Ratliff noted that he has Robert Chastain or John Kormanik or Joseph Miller. He has calls into each of them to see if they would be willing to take on this representation. Mr. Ratliff will submit an order with whoever's name when they decide they will take on this case.

Court stated he would sign an order upon receipt. There is nothing more to do on this case until conflict counsel can visit with Mr. Garcia and see how to proceed from there. Court asked the State how far out we should set Status or Review Hearing in this matter? Ms. Schindele stated that May 10, 2012 is next court date (Drozco's case). Mr. Ratliff stated May 10th is fine, if they conflict counsel want's to notice it up sooner, they can contact the Elmore clerk. Court stated this is fine. The State is fine with that as well.

Court set matter for FURTHER PROCEEDINGS on Mr. Jesus Mauricio Zavala Garcia on May 10, 2012 at 8:30 a.m. via telephone.

No other issues on this matter.

9:02 a.m. End Minute Entry.

Attest 
Heather Furst
Deputy Clerk

TERRY S. RATLIFF, ISB No. 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorneys for Defendant

FILED
2012 MAY -03 AM 8:44
B. J. BAWA, CLERK OF THE COURT
DEPUTY

86

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

THE STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant,)

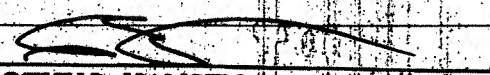
Case No. CR-2002-0112

**ORDER APPOINTING
CONFLICT PUBLIC DEFENDER**

THE COURT having heard and considered counsel for Defendant's Motion for Appointment of Conflict Public Defender made in open Court by Terry S. Ratliff of the firm of Ratliff Law Offices, Chtd., and good cause being shown;

NOW, THEREFORE, IT IS HEREBY ORDERED that ROBERT CHASTAIN is appointed as Conflict Public Defender to represent JESUS ZAVALA-GARCIA, a material witness in this matter, in the above entitled matter, at county expense, at the hourly rate of \$ 65.00.

DATED this 26 day of May, 2012.


TIMOTHY L. HANSEN
MAGISTRATE JUDGE
4th DISTRICT

ORDER APPOINTING CONFLICT PUBLIC DEFENDER - 1

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 8th day of May, 2012, served a copy of the within and foregoing documents to:

Kristina Schindele
Elmore County Prosecutor
190 South 4th East
P.O. Box 607
Mountain Home, ID 83647
Fax: (208)587-2147

By: Hand Delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile Transmission

Terry S. Ratliff
RATLIFF LAW OFFICES, CHFD.
290 South 2nd East Street
Mountain Home, ID 83647
Fax No. (208)587-6940

By: Hand Delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile Transmission

Barbara Steele
C/O Elmore County Courthouse
Mountain Home, ID 83647

By: Hand delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile

Robert Chastain
300 Main, Ste. 158
Boise ID 83702-7728
Fax No. (208) 345-1836

By: Hand delivery
 Federal Express
 Certified Mail
 U.S. Mail
 Facsimile

BARBARA STEELE
Clerk of Court
Barbara Steele
Deputy Clerk

ORDER APPOINTING CONFLICT PUBLIC DEFENDER - 2

CR-2002-000012

State of Idaho vs. Jorge Alberto Lopez-Drozco

Hearing type: Status - Jesus Mauricio Zavala - Garcia

Hearing date: 5/10/2012

Time: 9:16 a.m.

Judge: Timothy L Hansen - via telephone Ada County chambers

Courtroom: Baby Courtroom - C5-10-12

Court reporter: Vanessa Gosney

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindela, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE
District Court Criminal Minute Entry**

Court calls case at time noted above.

The material witness is present personally (incarcerated)

Interpreter is not necessary.

Court has appointed the public defender to represent Mr. Zavala-Garcia. Mr. Ratliff indicated that a Conflict Public Defender would be necessary. Court will sign the Order Appointing Robert Chastain since he has accepted the appointment.

Court advised Mr. Zavala-Garcia that it wishes to wait to proceed until counsel can be present with him.

Court set the matter over for STATUS on May 14, 2012 at 8:30 a.m.

Mr. Zavala-Garcia has his rights explained to him and understands.

9:23 a.m. End Minute Entry

Attest: 
Heather Furst

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Drozco

Hearing type: Status

Hearing date: 5/10/2012

Time: 9:00 a.m.

Judge: Timothy L. Hansen - via telephone

Courtroom: Baby Courtroom C5-10-12

Court reporter: Vanessa Gosney

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindele, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF ELMORE
District Court Criminal Minute Entry**

Court calls case at time noted above.

Interpreter - Sandra Barrios

The defendant is present personally (Incarcerated)

Court noted that Mr. Chastain has been appointed to represent the material witness, but Mr. Chastain is not present in the courtroom.

Ms. Schindele stated she has obtained and disclosed the FBI records. She hopes to have an arson expert by next Status hearing.

Mr. Ratliff noted that he is working on jury questionnaires and hopes to have them completed by next Status Hearing.

Court set a STATUS for June 7, 2012 at 8:30 a.m. At this time we can address the jury questionnaires. Judge will be present in the courtroom for this hearing.

9:10 a.m. End Minute Entry

Attest:


Heather Furst

8-

ROBERT R. CHASTAIN
ATTORNEY AT LAW
300 Main, Suite 158
Boise, ID 83702-7728
Telephone: (208) 345-3110
Idaho State Bar #2765

FILED

2012 MAY 14 AM 8:10

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

Attorney for Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

STATE OF IDAHO,)
)
 Plaintiff,)
 vs.)
)
 JESUS ZAVALA-GARCIA,)
)
 Defendant.)
 _____)

Case CR 2002-0112

NOTICE OF APPEARANCE
AS CONFLICT PUBLIC
DEFENDER FOR MATERIAL
WITNESS

COMES NOW Robert R. Chastain, Attorney at Law, and enters his formal appearance as conflict Elmore County Public Defender for the material witness, Jesus Zavala-Garcia. Counsel requests a copy of all further pleadings or papers filed herein be sent to him as attorney of record for Defendant.

DATED this 10 day of May, 2012.



ROBERT R. CHASTAIN
Attorney for Defendant

NOTICE OF APPEARANCE AS CONFLICT PUBLIC DEFENDER,

Page -1

CERTIFICATE OF SERVICE

I hereby certify on the 10th day of May, 2012, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

- By depositing copies of the same in the United States Mail, postage prepaid, first class.
- By hand delivering copies of the same to the office(s) of the attorney(s) indicated below.
- By faxing copies of the same to said attorney(s) at the facsimile number: 208-587-2147
- By faxing copies of the same to said attorney(s) at the facsimile number: 208-587-6940

- Elmore County Prosecutor, P.O. Box 607, Mountain Home, ID 83647
- Terry Ratliff Law Offices, 290 South Second East, Mt. Home, ID 83647



Robert R. Chastain

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Orozco

Hearing type: Status – Jesus Mauricio Zavala-Garcia

Hearing date: 5/14/2012

Time: 8:35 a.m.

Judge: Timothy L Hansen

Courtroom: Main

Court reporter: Vanessa Gosney, in chambers with Judge Hansen

Minutes Clerk: Heather Furst

Defense Attorney: Robert Chastain, Conflict Public Defender

Prosecutor: Kristina Schindele, Elmore Prosecuting Atty

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE
Criminal Minute Entry**

Court calls case at time noted above. Judge Hansen in chambers in Ada County – via telephone
The defendant is present personally. (Incarcerated)

Court reviewed previous hearing. Mr. Chastain who is conflict public defender is appearing in Ada County chambers.

Court had issued a bond as a material witness. Mr. Chastain has been appointed to represent Mr. Garcia.

Mr. Chastain has not had a chance to meet with Mr. Garcia. Does intend to meet with him this week and file necessary the motions. Has discussed some of the matter with Ms. Schindele.

Mr. Chastain prefers to meet with his client and then set up a video deposition of Mr. Garcia if parties agree. Counsel agreed to not setting any formal hearings for this individual. Wait to hear from counsel and if nothing heard within a few weeks the Court will address.

ICE has revoked the witness's release.

Mr. Chastain would like a copy of preliminary hearing as it relates to his client. Ms. Schindele will make a copy today and send to Mr. Chastain.

If Court has not heard anything within a few weeks the judge's clerk will contact counsel.

8:42 a.m. End Minute Entry.

Attest: 
Heather Furst

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FILED

2012 JUN -7 PM 12:00

BARBARA STEELE
CLERK OF THE COURT
DEPUTY

TERRY S. RATLIFF, ISB No. 3598
RATLIFF LAW OFFICES, CHTD.
290 South Second East Street
Mountain Home, ID 83647
Telephone: (208) 587-0900
Facsimile: (208) 587-6940

Attorney for Defendant

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF ELMORE**

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JORGE ALBERTO LOPEZ-OROZCO,)
)
 Defendant.)

Case No. CR-2002-0112
**ORDER FOR COURT
APPOINTED DNA EXPERT
AT COUNTY EXPENSE**

THIS MATTER having come before the court upon the Stipulation of the parties and good cause appearing therefore,

IT IS HEREBY ORDERED that Dr. Greg Hampikian, a DNA Expert, is appointed at county expense for use in the investigation and preparation of the defense in this matter.


IT IS HEREBY FURTHER ORDERED that the initial review will be performed for Two Thousand (\$2,000.00) dollars, and that said work on the case thereafter, shall be billed at the rate of Two Hundred (\$200.00) dollars per hour, which may require five (5) to ten (10) hours of work after the initial review.

Fees for the initial will be capped at \$5,000.00.

**ORDER FOR COURT APPOINTED DNA EXPERT
AT COUNTY EXPENSE - Page 1**

IT IS HEREBY FURTHER ORDERED that in the event that Dr. Hampikian is required to testify or do other traveling, that his fees will be capped at \$2,000.00 per day, maximum, plus travel costs.

DATED this 21st day of May, 2012.


TIMOTHY HANSEN
District Judge

CLERK'S CERTIFICATE OF SERVICE


I HEREBY CERTIFY that I have on this 21st day of May, 2012, served a copy of the within and foregoing ORDER to:

Kristina Schindele
Elmore County Prosecutor
190 South 4th East
Mountain Home ID 83647

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Interdepartmental Mail
- Facsimile (208) 587-2147

Terry S. Ratliff
Ratliff Law Offices, Chtd.
290 South 2nd East
Mountain Home ID 83647

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Interdepartmental Mail
- Facsimile (208) 587-6940


CLERK OF COURT, BARBARA STEELE
Deputy Clerk

CR-2002-0000112

State of Idaho vs. Jorge Alberto Lopez-Orozco

Hearing type: Status

Hearing date: 6/7/2012

Time: 9:16 a.m.

Judge: Timothy L Hansen – via telephone 287-7544

Courtroom: Basement Courtroom

Court reporter: Vanessa Gosney – Ada County chambers with Judge

Minutes Clerk: Heather Furst

Defense Attorney: Terry Ratliff, Elmore Public Defender

Prosecutor: Kristina Schindele, Elmore Prosecuting Atty

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND
FOR THE COUNTY OF ELMORE
Criminal Minute Entry – Status

Court calls case at time noted above, confirms defendant's true and correct name.
Defendant is present personally. (Incarcerated)

Vanessa Bell, Court Interpreter (Oath on file)

Court explained that he had planned on being via telephone

Defense requested to appoint DNA Expert. Ms. Schindele stated that it was initially addressed on 2/27 and state has no objection to appointment. Has reviewed order 2000.00 for initial and 200 per hour. State asked for cap at 5000.00 then readdress at that time. Mr. Ratliff stated this was agreed to – will advise court if reaches cap amount.

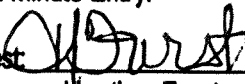
2nd page of order for 2000.00 per day for trial; Ms. Schindele is requesting a cap of 5000.00. Unknown how much work he was going to do – didn't want a blank check for county. Mr. Ratliff stated there is already a cap of \$4000.00 based on wording of orders. Ms. Schindele stated she is concerned that he may be working and no one aware until we get a bill. Court will set cap at 5000.00 as part of the order. Counsel is fine with Court amending via interlineation. Court noted the amended order via interlineation indicating fees for the initial review will be capped at \$5000.00. With this change counsel is accepting the order. Court signed the order.

Court wants to review Elks facility for jury selection. Court asked if it is time for the Court to come down to meet and discuss facilities. Mr. Ratliff has four separate drafts of jury questionnaire.

Currently jury pool is 50%. 650 – 700 prospective juror's. 300 are required for this particular trial. Court agreed with 650 – 700 juror's. Christine advised her pull is set for July 2nd. She can amend that date for an earlier date through the administrative judge. Mr. Ratliff stated the questionnaires would need to be done by Tuesday the 13th. Ms. Schindele will have Mr. Fisher begin reviewing. She will be out of the office that week.

June 21, 2012 to have judge come over, review the Elks facility and meet on other matters. Court set matter for June 21, 2012 at 9:30 a.m. Jury commissioner will arrange Elks at 11:00. Court set STATUS for 9:30 a.m. on June 21, 2012. Will review questionnaires at this time.

End Minute Entry.

Attest: 

Heather Furst
Deputy Clerk