

8-20-2014

# State v. Rodriguez Clerk's Record Dckt. 42219

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In the  
**SUPREME COURT**  
of the  
**STATE OF IDAHO**

STATE OF IDAHO,  
Plaintiff-Respondent,

v. CR2013-6184

JORGE ENRIQUE RODRIGUEZ,  
Defendant-Appellant.

**CLERK'S RECORD ON APPEAL**

Appealed from the District Court of the  
Second Judicial District of the State of Idaho,  
in and for the County of Nez Perce

The Honorable CARL B. KERRICK

Supreme Court No. 42219-2014

Lawrence G. Wasden  
Attorney for Respondent

Sara B. Thomas  
Attorney for Appellant

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent	)	
	)	
vs.	)	Supreme Court No. 42219
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant-Appellant.	)	

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Second Judicial District,  
in and for the County of Nez Perce

HONORABLE CARL B. KERRICK

SARA B. THOMAS, SAPD  
Attorney for Appellant  
BOISE, ID

LAWRENCE G. WASDEN, AG  
Attorney for Respondent  
BOISE, ID

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User		Judge
8/30/2013	NCRF	TRISH	New Case Filed-Felony	Jay P. Gaskill
	PROS	TRISH	Prosecutor Assigned April A Smith	Jay P. Gaskill
	AFPC	TRISH	Affidavit Of Probable Cause	Jay P. Gaskill
	IDPC	TRISH	Initial Determination Of Probable Cause	Jay P. Gaskill
	CRCO	TRISH	Criminal Complaint	Jay P. Gaskill
	ARRN	TRISH	Arraignment / First Appearance	Jay P. Gaskill
	NORF	TRISH	Notification Of Rights-felony	Jay P. Gaskill
	NTHR	TRISH	Notice Of Hearing	Jay P. Gaskill
		TRISH	Commitment, Held to Answer	Jay P. Gaskill
	HRSC	MEENA	Hearing Scheduled (Preliminary Hearing 09/11/2013 01:30 PM)	Jay P. Gaskill
	ORPD	MEENA	Defendant: Rodriguez, Jorge Enrique Order Appointing Public Defender Public defender Rick Cuddihy PD 2013	Jay P. Gaskill
	AFPD	MEENA	Affidavit of Financial Status and Order Appointing Public Defender	Jay P. Gaskill
	BSET	TRISH	Bond Set at 250000.00	Jay P. Gaskill
9/9/2013	MISC	JENNY	Access To Courts Request	Jay P. Gaskill
	MISC	JENNY	Access To Courts Request	Jay P. Gaskill
9/11/2013	BOUN	DONNA	Hearing result for Preliminary Hearing scheduled on 09/11/2013 01:30 PM: Bound Over (after Prelim)	Jay P. Gaskill
9/12/2013	CHJG	DONNA	Change Assigned Judge	Carl B. Kerrick
	HRSC	DONNA	Hearing Scheduled (Arraignment 09/19/2013 01:15 PM)	Carl B. Kerrick
		DONNA	Notice Of Hearing	Carl B. Kerrick
	MINE	DONNA	Minute Entry Hearing type: Preliminary Hearing Hearing date: 9/11/2013 Time: 3:23 pm Courtroom: Court reporter: None Minutes Clerk: Evans Tape Number: ctrm 3 Defense Attorney: Rick Cuddihy PD 2013 Prosecutor: Sandra Dickerson	Jay P. Gaskill
	INFO	TERESA	Information	Carl B. Kerrick
9/13/2013	ORBO	DONNA	Order Binding Over	Kent J. Merica
9/19/2013	CONT	TERESA	Continued (Arraignment 10/03/2013 01:15 PM)	Carl B. Kerrick
	DISH	TERESA	District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages	Carl B. Kerrick

REGISTER OF ACTIONS

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User	Judge
9/19/2013	MINE	TERESA	Minute Entry Hearing type: Arraignment Hearing date: 9/19/2013 Time: 1:33 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Rick Cuddihy PD 2013 Prosecutor: April Smith Carl B. Kerrick
9/23/2013	RQDD	TERESA	Request For Discovery-defendant Carl B. Kerrick
9/27/2013	TRAN	TERESA	Transcript Filed Carl B. Kerrick
10/3/2013	CONT	TERESA	Continued (Arraignment 10/17/2013 01:15 PM) Carl B. Kerrick
	DCHH	TERESA	District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Arraignment Hearing date: 10/3/2013 Time: 1:44 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Rick Cuddihy PD 2013 Prosecutor: April Smith Carl B. Kerrick
10/8/2013	RSDP	TERESA	Response To Request For Discovery-state Carl B. Kerrick
10/17/2013	CONT	TERESA	Continued (Arraignment 10/31/2013 01:15 PM) Carl B. Kerrick
	DCHH	TERESA	District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Arraignment Hearing date: 10/17/2013 Time: 1:17 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Rick Cuddihy PD 2013 Prosecutor: Justin Coleman Carl B. Kerrick
10/31/2013	DCHH	TERESA	Hearing result for Arraignment scheduled on 10/31/2013 01:15 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick

REGISTER OF ACTIONS

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User	Judge
10/31/2013	HRSC	TERESA	Hearing Scheduled (Jury Trial 01/13/2014 09:00 AM) Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Final Pretrial 12/19/2013 03:30 PM) Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Pretrial Motions 12/12/2013 02:30 PM) Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Arraignment Hearing date: 10/31/2013 Time: 1:46 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Rick Cuddihy PD 2013 Prosecutor: April Smith Carl B. Kerrick
11/4/2013	ORDR	TERESA	Order Setting Jury Trial & Scheduling Proceedings Carl B. Kerrick
11/6/2013	MISC	TERESA	2nd Request for Discovery--Defendant Carl B. Kerrick
	MOTN	TERESA	Motion for County to Pay for Expert Witness Expenses---Defendant Carl B. Kerrick
11/7/2013	MOTN	TERESA	Motion for County to Appoint and Pay for Expenses for Expert: Private Investigator---FILED BY DEFENDANT Carl B. Kerrick
	ORDR	TERESA	Order Granting Defendant's Motion for County to Pay for Expert Witness Expenses Carl B. Kerrick
11/12/2013	MOTN	TERESA	Motion for Expert Private Investigator that the County of Nez Perce Appoint and Pay for Expenses on Private Investigator and Subpoena Albertson Parking Lot Videos and Witness on 8-29-13---filed by Defendant Carl B. Kerrick
	MOTN	TERESA	Motion for Property Bond Bond Reduction---filed by Defendant Carl B. Kerrick
	MOTN	TERESA	Motion to Subpoena Co-Defendant's a copy of Travis E. Frazier Discovery---filed by Defendant Carl B. Kerrick
	MISC	TERESA	Response to Defendant's 2nd Request for Discovery---State Carl B. Kerrick
	MOTN	TERESA	Motion to Consolidate Cases---State Carl B. Kerrick
11/18/2013	MOTN	TERESA	Motion in Objection to Consolidation of Cases--Defendant Carl B. Kerrick
11/20/2013	MOTN	TERESA	Motion for Knowlton & Miles Mr. Cuddihy Attorneys at Law or Legal Assistants makes and give me all information available for my case no. CR13-6184 Trafficking in Methamphetamine I.C. 37-2732(a)(4)(A) Diminutive Control Case Law--filed by Defendant Carl B. Kerrick

REGISTER OF ACTIONS

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User	Judge
11/21/2013	MOTN	TERESA	Motion for Dismissal on Grounds Case Law Diminutive Control Withholding Evidence---filed by Defendant Carl B. Kerrick
	MOTN	TERESA	Motion for Bond Reduction/Property Bond---filed by Defendant Carl B. Kerrick
11/27/2013	MOTN	TERESA	Motion for Show and Clarification of Grounds to Pursuant with the Charge I.C. § 37-2732B(a)(4)(A) Trafficking in Methamphetamine---filed by defendant Carl B. Kerrick
	MOTN	TERESA	Motion to bring my case and me before the courts at earliest available date for a vote of confidence in current counsel request for new counsel---filed by defendant Carl B. Kerrick
		TERESA	Notice Of Hearing Carl B. Kerrick
	MOTN	TERESA	Motion asking for the address and phone for investigator that the Court granted on 11-7-13 by Judge Honorable Kerrick Investigator Howard Elliot and Interpreter---filed by defendant Carl B. Kerrick
12/12/2013	DENY	TERESA	Hearing result for Pretrial Motions scheduled on 12/12/2013 02:30 PM: Motion Denied Defendant's Request for New Counsel Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Pretrial Motions Hearing date: 12/12/2013 Time: 3:21 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Rick Cuddihy PD 2013 Prosecutor: Sandra Dickerson Carl B. Kerrick
12/17/2013	ORDR	TERESA	Order to Pay Expert Howard Elliot Carl B. Kerrick
12/18/2013	MISC	TERESA	Defendant's Second Request for Discovery--def Carl B. Kerrick
12/19/2013	DCHH	TERESA	Hearing result for Final Pretrial scheduled on 12/19/2013 03:30 PM: District Court Hearing Hek Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Final Pretrial 01/06/2014 01:30 PM) Carl B. Kerrick

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User		Judge
12/19/2013	MINE	TERESA	Minute Entry Hearing type: Final Pretrial Hearing date: 12/19/2013 Time: 3:35 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Rick Cuddihy PD 2013 Prosecutor: Sandra Dickerson	Carl B. Kerrick
12/27/2013	MISC	TERESA	Defendant's Supplemental Response to State's Request for Discovery	Carl B. Kerrick
	MISC	TERESA	4th Supplemental Request for Discovery--def	Carl B. Kerrick
12/30/2013	MOTN	TERESA	Motion to Dismiss Rick Cuddihy Ineffective Counsel and I would like to e there at Court on 1-6-14---filed by defendant	Carl B. Kerrick
1/6/2014	DCHH	TERESA	Hearing result for Final Pretrial scheduled on 01/06/2014 01:30 PM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages	Carl B. Kerrick
	HRVC	TERESA	Hearing result for Jury Trial scheduled on 01/13/2014 09:00 AM: Hearing Vacated	Carl B. Kerrick
	ORPD	TERESA	Order Appointing Public Defender	Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Status Conference 01/16/2014 10:45 AM)	Carl B. Kerrick
	MISC	TERESA	1st Supplemental Response to Request for Discovery---State	Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Final Pretrial Hearing date: 1/6/2014 Time: 2:04 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Richard Cuddihy Prosecutor: Sandra Dickerson	Carl B. Kerrick
1/8/2014	MOTN	TERESA	Motion for County to Pay for Expert Witness Expenses---def	Carl B. Kerrick
	ORDR	TERESA	Order to Pay Expert Howard Elliot	Carl B. Kerrick
1/16/2014	DCHH	TERESA	Hearing result for Status Conference scheduled on 01/16/2014 10:45 AM: District Court Hearing Held Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages	Carl B. Kerrick

REGISTER OF ACTIONS



State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User	Judge
1/16/2014	HRSC	TERESA	Hearing Scheduled (Jury Trial 03/03/2014 09:00 AM) Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Final Pretrial 02/20/2014 03:30 PM) Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Pretrial Motions 02/13/2014 02:30 PM) Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Status Conference Hearing date: 1/16/2014 Time: 10:53 am Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Nolta Law Office PD 2014 Prosecutor: April Smith Carl B. Kerrick
1/17/2014	ORDR	TERESA	Order Setting Jury Trial & Scheduling Proceedings Carl B. Kerrick
	RQDD	TERESA	Request For Discovery-defendant Carl B. Kerrick
1/23/2014	MISC	TERESA	2nd Supplemental Response to Request for Discovery--State Carl B. Kerrick
1/30/2014	ORDR	TERESA	Amended Order to Pay Expert Howard Elliot Carl B. Kerrick
2/7/2014	HRVC	TERESA	Hearing result for Pretrial Motions scheduled on 02/13/2014 02:30 PM: Hearing Vacated--NO MOTIONS FILED Carl B. Kerrick
	MOTN	TERESA	Motion to Suppress Evidence and Dismiss Case--def Carl B. Kerrick
	MISC	TERESA	Memorandum in Support of Motion to Suppress--def Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Pretrial Motions 02/13/2014 02:30 PM) Motion to Suppress Carl B. Kerrick
	MOTN	TERESA	Motion in Limine--def Carl B. Kerrick
	MISC	TERESA	Memorandum in Support of Motion in Limine--def Carl B. Kerrick
2/10/2014	MISC	TERESA	3rd Supplemental Response to Request for Discovery---State Carl B. Kerrick
2/13/2014	CONT	TERESA	Continued (Pretrial Motions 02/20/2014 02:30 PM) Motion to Suppress Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Pretrial Motions Hearing date: 2/13/2014 Time: 2:32 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Nolta Law Office PD 2014 Prosecutor: April Smith Carl B. Kerrick

REGISTER OF ACTIONS

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User	Judge
2/14/2014	MISC	TERESA	State's Response to Defendant's Motion to Suppress Carl B. Kerrick
2/19/2014	MISC	TERESA	Reply Memorandum of Defendant Carl B. Kerrick
2/20/2014	ADVS	TERESA	Hearing result for Pretrial Motions scheduled on 02/20/2014 02:30 PM: Case Taken Under Advisement Motion to Suppress Carl B. Kerrick
	DCHH	TERESA	Hearing result for Final Pretrial scheduled on 02/20/2014 03:30 PM: District Court Hearing Hek Court Reporter: Nancy Towler Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Hearing 02/28/2014 09:00 AM) JURY SELECTION Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: pretrial motions/final pretrial Hearing date: 2/20/2014 Time: 3:01 pm Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Nolta Law Office PD 2014 Prosecutor: Justin Coleman Carl B. Kerrick
	RQDP	TERESA	Request For Discovery-state Carl B. Kerrick
	MISC	TERESA	4th Supplemental Response to Request for Discovery---State Carl B. Kerrick
	MISC	TERESA	5th Supplemental Response to Request for Discovery---State Carl B. Kerrick
2/21/2014	OPOR	TERESA	Opinion & Order on Defendant's Motion to Suppress--DENIED Carl B. Kerrick
2/24/2014	MISC	TERESA	Discovery Complaine---Defendant Carl B. Kerrick
	MISC	JANET	State's Requested Jury Instructions Carl B. Kerrick
2/25/2014	HRVC	TERESA	Hearing result for Hearing scheduled on 02/28/2014 09:00 AM: Hearing Vacated JURY SELECTION Carl B. Kerrick
2/26/2014	MOTN	TERESA	2nd Motion to Dismiss Case (or Suppress Evidence)---def Carl B. Kerrick
	MISC	TERESA	Memorandum in Support of Second Motion to Dismiss--def Carl B. Kerrick
2/27/2014	HRSC	JANET	Hearing Scheduled (Motion to Dismiss 02/28/2014 11:00 AM) Carl B. Kerrick
	MISC	TERESA	6th Supplemental Response to Request for Discovery---State Carl B. Kerrick
	MISC	TERESA	State's Response to Defendant's Second Motion to Dismiss Case (or Suppress Evidence) Carl B. Kerrick

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User	Judge
2/28/2014	DENY	TERESA	Hearing result for Motion to Dismiss scheduled on 02/28/2014 11:00 AM: Motion Denied
	MINE	TERESA	Minute Entry Hearing type: def's 2nd motion dismiss/suppress Hearing date: 2/28/2014 Time: 11:02 am Courtroom: Court reporter: Nancy Towler Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Robert Van Idour Prosecutor: Sandra Dickerson
3/3/2014	CONT	JANET	Continued (Jury Trial 03/04/2014 09:00 AM)
	MINE	JANET	Minute Entry Hearing type: Jury Trial Hearing date: 3/3/2014 Time: 9:03 am Courtroom: Court reporter: Nancy Towler Minutes Clerk: JANET Tape Number: 1 Defense Attorney: Nolta Law Office PD 2014 Prosecutor: Sandra Dickerson
3/4/2014	CONT	JANET	Continued (Jury Trial 03/05/2014 09:00 AM)
3/5/2014	HRHD	JANET	Hearing result for Jury Trial scheduled on 03/05/2014 09:00 AM: Hearing Held
	HRSC	JANET	Hearing Scheduled (Sentencing 05/01/2014 02:30 PM)
	MISC	JANET	Verdict
	REDU	TERESA	Charge Reduced Or Amended
	FOGT	TERESA	Found Guilty After Trial---of lesser included offense Possession of a Controlled Substance with Intent to Deliver
	MISC	DEANNA	Jury Verdict Form
3/6/2014	PSSA1	JANET	Order for Presentence Investigation Report and Substance Abuse Assessment
	MISC	DEANNA	Instructions Submitted to the Jury
3/11/2014	ORDR	TERESA	Amended PSI Order----due 5-1-14 Document sealed
	CONT	TERESA	Continued (Sentencing 05/08/2014 02:30 PM)
3/14/2014	CHJG	SHELLIE	Change Assigned Judge (batch process)
3/17/2014	CHJG	TERESA	Change Assigned Judge
3/21/2014	CONT	TERESA	Continued (Sentencing 05/08/2014 11:00 AM)
		TERESA	Notice Of Hearing
3/27/2014	MOTN	TERESA	Motion for Furlough--def

REGISTER OF ACTIONS

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User	Judge
3/27/2014	ORDR	TERESA	Order Denying Motion for Furlough Carl B. Kerrick
5/1/2014	MISC	TERESA	PSI received--copies delivered by messenger to Prosecutor and Robert Van Idour Document sealed Carl B. Kerrick
5/7/2014	HRSC	JANET	Hearing Scheduled (Scheduling Conference 05/08/2014 11:00 AM) Carl B. Kerrick
	MOTN	TERESA	Motion to Continue Sentencing Hearing--def Carl B. Kerrick
	AFFD	TERESA	Affidavit in Support of Motion to Continue Sentencing Hearing--def Carl B. Kerrick
	CONT	TERESA	Hearing result for Sentencing scheduled on 05/08/2014 11:00 AM: Continued Carl B. Kerrick
	HRVC	TERESA	Hearing result for Scheduling Conference scheduled on 05/08/2014 11:00 AM: Hearing Vacated Carl B. Kerrick
5/8/2014	ORDR	TERESA	Order to Continue Sentencing Hearing Carl B. Kerrick
	HRSC	TERESA	Hearing Scheduled (Sentencing 06/05/2014 11:00 AM) Carl B. Kerrick
6/4/2014	MISC	TERESA	Corrections to Presentence Report--def Carl B. Kerrick
6/5/2014	DCHH	TERESA	Hearing result for Sentencing scheduled on 06/05/2014 11:00 AM: District Court Hearing Held Court Reporter: Linda Carlton Number of Transcript Pages for this hearing estimated: less than 100 pages Carl B. Kerrick
	MINE	TERESA	Minute Entry Hearing type: Sentencing Hearing date: 6/5/2014 Time: 10:59 am Courtroom: Court reporter: Linda Carlton Minutes Clerk: TERESA Tape Number: CRTRM 1 Defense Attorney: Robert Van Idour Prosecutor: Sandra Dickerson Carl B. Kerrick
	STAT	TERESA	Case Status Changed: closed pending clerk action Carl B. Kerrick
	SNIC	TERESA	Sentenced To Incarceration (I37-2732(a)(1)(A) {F} Controlled Substance-Manufacture or Deliver, or Possess with Intent to Manufacture or Deliver) Confinement terms: Penitentiary determinate: 3 years. Penitentiary indeterminate: 9 years. Carl B. Kerrick
	MISC	TERESA	Commitment Carl B. Kerrick
	MISC	TERESA	Judgment of Conviction Carl B. Kerrick
6/6/2014	APSC	DEANNA	Appealed To The Supreme Court Carl B. Kerrick
	REGISTRATION	DEANNA	Notice Of Appeal Carl B. Kerrick
	AFFD	DEANNA	Affidavit of Counsel Carl B. Kerrick

Date: 7/25/2014

**Second Judicial District Court - Nez Perce County**

User: DEANNA

Time: 12:59 PM

ROA Report

Page 10 of 10

Case: CR-2013-0006184 Current Judge: Carl B. Kerrick

Defendant: Rodriguez, Jorge Enrique

State of Idaho vs. Jorge Enrique Rodriguez

Date	Code	User		Judge
6/6/2014	MOTN	DEANNA	Motion to Appoint SAPD	Carl B. Kerrick
6/10/2014	NOTC	TERESA	Notice of Conviction	Carl B. Kerrick
6/13/2014	ORJT	TERESA	Order For Restitution And Judgment ISP DRUG & DRUNK DRIVING ACCT \$200.00	Carl B. Kerrick
6/20/2014	ORDR	DEANNA	Order Appointing State Appellate Public Defender	Carl B. Kerrick
6/25/2014	NTSV	DEANNA	Notice Of Service of Reporter's Transcript	Carl B. Kerrick

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 2923

**FILED**

**2013 AUG 30 AM 10 38**

PATTY O. WEEKS  
CLERK OF THE DIST. COURT

*Reynolds*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. **CR13-06184**

AFFIDAVIT FOR INITIAL  
DETERMINATION OF PROBABLE  
CAUSE PURSUANT TO ICR 5(C)

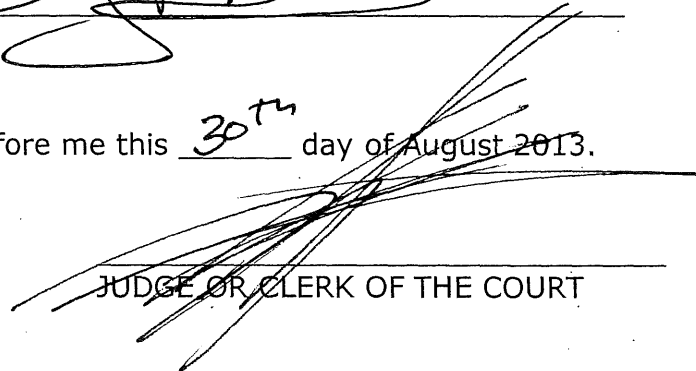
Comes now the undersigned peace officer who on oath deposes and says:

1. Affiant is a duly qualified peace officer serving with the Lewiston Police Department.
2. The above-referenced defendant has been arrested for the crime(s) of: **COUNT I - TRAFFICKING IN METHAMPHETAMINE, I.C. § 37-2732B(a)(4)(A), a felony;** without a warrant on August 29, 2013, and your affiant asks that a Magistrate, after your affiant lays a Complaint before him, determine whether there is probable cause to believe that said offense has been committed and that the defendant has committed it.

The basis for said arrest is contained within the attached accurate copies of documents on file with the above-referenced law enforcement agency, which said copies are incorporated herein by reference.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

SUBSCRIBED and SWORN to before me this 30<sup>th</sup> day of August 2013.

A handwritten signature in black ink, consisting of many overlapping, diagonal strokes, positioned above a horizontal line.

JUDGE OR CLERK OF THE COURT





the name of Travis Frazier. Travis was reported to be in a white Honda Accord in the Albertsons parking lot and was possibly involved in drug activity. Det. Dammon had the vehicle under surveillance at which point in time officers conducted a traffic stop at the intersection of 13th Avenue and 20th Street.

Frazier was identified as the driver and was placed under arrest for the misdemeanor warrant as well as Driving Without Privileges and Possession of Marijuana. The marijuana and the suspected methamphetamine were found in Travis's pocket. The passenger in the vehicle was identified as Jorge Rodriguez.

K9 Ofc. Reese deployed the narcotic detection K9 around the vehicle which resulted in an alert for the presence of narcotic odor. This deployment resulted in an alert for the presence of drug odor. This alert was on the trunk as well as the door handle of the vehicle. During a search of the vehicle, no evidentiary items were located; however, approximately 50 to 75 away, a plastic sandwich baggie was located on the ground in the 1300 block of 20th Street. Inside this bag was a large amount of a crystallized substance that appeared to be methamphetamine.

Upon review of Ofc. Reese's Watchguard video which documented the entire incident, it shows Jorge tossing the bag out the passenger window just prior to the vehicle coming to a stop. The methamphetamine in the bag weighed 86.8 grams TPW which meets the criteria for Trafficking in Methamphetamine.

Both Travis and Jorge were read their rights per Miranda. Under Miranda, Travis admitted that they came to the Lewis-Clark Valley to sell and distribute the methamphetamine for profit. Travis stated that the methamphetamines belonged to Jorge; however, he had knowledge of the methamphetamine being inside the vehicle that he was operating and stated that he was going to get either a portion of the methamphetamines or a portion of the money made from its profits for him driving Jorge to the LC Valley.

Jorge also was interviewed, however, he denied any knowledge of the methamphetamine being inside the vehicle or actions of criminal activity on his behalf.

Based upon the evidence and circumstances, K9 Ofc. Reese placed Travis and Jorge both under arrest for Trafficking a Schedule II Controlled Substance, to wit methamphetamine.

=====  
RECOMMENDATION: [ ] WARRANT  
                  [ ] SUMMONS  
=====

OFFICERS/INVESTIGATORS:  
1. K9 Ofc. Chris Reese  
2. Det. Brett Dammon  
3.  
=====

PROSECUTOR to POLICE:  
DATE:  
[ ] Charges filed  
[ ] Warrant  
[ ] Referred to Juvenile Services  
[ ] Prosecution delayed for further investigation  
[ ] Prosecution Declined  
[ ] Summons

Assigned Prosecutor:

=====

FURTHER INVESTIGATION REQUESTED:

- 1.
- 2.
- 3.

Police Follow-up due by:

=====

PROSECUTION DECLINED: (EXPLANATION)

=====

CASE DISPOSITION:

- Guilty plea as charged
- Guilty plea to other charge:
- Guilty verdict
- Not Guilty verdict
- Other:

08/30/2013  
04:36

Lewiston Police Department  
LAW Incident Table:

539  
Page: 1

Incident Number: 13-L13293 Attachment  
Nature: Wanted Person Case Number: Image:  
Addr= 13th Ave & 20th St Area: D3C N LEW, E OF 17  
City: Lewiston ST: ID Zip: 83501 Contact:  
Complainant& 11818  
Lst: REESE Fst: CHRISTOPHER Mid: ROBERT  
DOB: / / SSN: - - Adr= 1224 F ST  
Rac: W Sx: M Tel: (208)746-0171 Cty: Lewiston ST: ID Zip: 83501

Offense Codes: NARC Reported: WARR Observed: NARC  
Circumstances:  
Rspndg Officers: Reese Chris R Lucy Bloomsburg Cody &  
Rspnsbl Officer: Reese Chris R Agency: LPD1 CAD Call ID: 1047208  
Received By: Smith Jared Last RadLog: 23:56:13 08/29/2013 CMPLT  
How Received: O Officer Report Clearance: RPT Written Incident Repo  
When Reported: 22:51:14 08/29/2013 Disposition: CAP Disp Date: 08/29/2013  
Occurrd between: 22:51:14 08/29/2013 Judicial Sts:  
and: 22:51:14 08/29/2013 Misc Entry:

MO:  
Narrative: (See below)  
Supplement: (See below) (See below) &

=====

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
MI	1947	08/30/2013	Attachment	Attachment
JM	13-J3780	08/29/2013	Poss of Marijuana less 3 oz +	*Arrest/Offense
JM	13-J3781	08/29/2013	Trafficking Controlled Substan	*Arrest/Offense
NM	11818	08/29/2013	REESE, CHRISTOPHER ROBERT	*Complainant
NM	42118	08/29/2013	FRAZIER, TRAVIS EUGENE	Offender
NM	238082	08/29/2013	RODRIGUEZ, JORGE ENRIQUE	Offender
VH	164590	08/29/2013	WHI 2001 HOND ACCORD WA	Involved
CA	1047208	08/29/2013	22:51 08/29/2013 Wanted Person	*Initiating Call
PR	160654	08/30/2013	WATCHGUARD UNIT 139 \$0	Evidence
PR	160655	08/30/2013	WATCH GUARD \$0	Evidence
PR	160656	08/30/2013	WHI DRUG-METHAMPHET \$3,500	Evidence
PR	160657	08/30/2013	WHI DRUG-METHAMPHET \$0	Evidence
PR	160658	08/30/2013	GRN DRUG-MARIJUANA \$0	Evidence
PR	160659	08/30/2013	BLK TELEPHONE-CELL SANYO E4 \$0	Evidence
PR	160660	08/30/2013	BLK TELEPHONE-CELL MOTOROLA \$0	Evidence
PR	160653	08/29/2013	WATCHGUARD \$0	Evidence

LAW Incident Offenses Detail:

Seq Code	Offense Codes	Amount
1	NARC Narcotic Activity	0.00

LAW Incident Responders Detail  
 Responding Officers

Seq	Name	Unit
1	Reese Chris R	357
2	Lucy	357
3	Bloomsburg Cody	424
4	Woods Thomas	414

Main Radio Log Table:

Time/Date	Typ	Unit	Code	Zone	Agnc	Description
23:56:13	08/29/2013	1	414	CMPLT	D3C	LPD1 (MDC) Completed call incid#=13
23:56:12	08/29/2013	1	414	ARRVD	D3C	LPD1 (MDC) Arrived on scene incid#=#
23:54:25	08/29/2013	1	357	CMPLT	D3C	LPD1 (MDC) Completed call incid#=13
23:52:53	08/29/2013	1	357	LOCTN	D3C	LPD1 Unit Location: station
23:47:06	08/29/2013	1	414	LOCTN	D3C	LPD1 Unit Location: npcj
23:47:02	08/29/2013	1	414	17	D3C	LPD1 incid#=13-L13293 npcj call=119
23:44:04	08/29/2013	1	424	CMPLT	D3C	LPD1 (MDC) Completed call incid#=13
23:38:56	08/29/2013	1	414	LOCTN	D3C	LPD1 Unit Location: 13th ave & 20th
23:38:43	08/29/2013	1	414	17	D3C	LPD1 incid#=13-L13293 Enroute call=#
23:17:44	08/29/2013	1	414	LOCTN	D3C	LPD1 Unit Location: npcj
23:17:44	08/29/2013	1	424	LOCTN	D3C	LPD1 Unit Location: npcj
23:17:35	08/29/2013	1	357	23	D3C	LPD1 incid#=13-L13293 Arrived at Sc
23:17:35	08/29/2013	1	414	23	D3C	LPD1 incid#=13-L13293 Arrived at Sc
23:17:35	08/29/2013	1	424	23	D3C	LPD1 incid#=13-L13293 Arrived at Sc
23:17:08	08/29/2013	1			D3C	LPD1 Call type 1 reopened and assig
23:10:20	08/29/2013	1	357	24	D3C	LPD1 incid#=13-L13293 Assignment Co
22:55:49	08/29/2013	1	357	23	D3C	LPD1 incid#=13-L13293 Arrived at Sc
22:51:49	08/29/2013	1	357	ARRVD	D3C	LPD1 incid#=13-L13293 On-site call=#

Narrative:

Lewiston Police Department

13-L13292  
August 30, 2013  
K-9 Officer Reese

On 8.29.13 patrol officers were advised by Detective Dammon of wanted person by the name of Travis E Frazier. Travis had a misdemeanor warrant out of NPC and was reportedly in a white Honda Accord. Detective Dammon further advised that Travis was going to be in the Alberston's parking lot. It was further told that Travis was involved in recent narcotic activity in the LC valley and it was possible the vehicle contained controlled substances. The warrant was confirmed and we also found that he is currently suspended through WA.

At around 2235 hours, officers were staging in the area of Alberston's along with other detectives. At about this time, Detective Dammon informed us that Travis was travelling east on 12th Avenue from from 20th Street and he was driving a white Honda Accord. I caught up to the Travis, who was in a white 2001 Honda Accord with WA plate 221XYX at 12th Avenue and 21st Street. Travis turned south on 21st Street and then turned west onto 14th Avenue. I was momentarily delayed due to traffic but caught up to him at the intersection of 14th Avenue and 20th Street. I activated my emergency lights and illuminated the interior of the vehicle with my spotlight. I could see there were two occupants. Travis turned north onto 20th Street and continued to 13th Avenue where he pulled over. My spotlight was illuminating the inside of the vehicle this entire time.

Officers converged on the vehicle at gun point. I went to the passenger side and ordered the passenger, Jorge E Rodriguez to place his hands on the dash which he did. I saw other officers remove Travis from the drivers seat and place him on the ground, eventually detaining him in handcuffs. Cpl Roberts came over to the passenger side and removed Jorge, placed him on the ground, and also detained him in handcuffs. Officer searched both subjects and later placed them in the back seat of patrol cars.

I spoke to Travis and read him his rights per Miranda. I informed Travis that he was under arrest for a warrant. It was at this time that I was informed that officers had found a small amount of marijuana in his pockets during the arrest. I advised Travis my duties as a K-9 handler and asked him there were any more controlled substances inside the car. He stated there was not and added that the car belonged to his sister. I informed him of my intentions of deploying the K-9 around the exterior of the vehicle.

I also spoke to Jorge and read him his Miranda rights. I found that both subjects were from the Tri Cities WA area and were here to pick up a van that belonged to one of Travis's relatives. Both Jorge and Travis related that they have only known each other for a short period of time and had arrived in Lewiston just a few hours ago.

The K-9 deployment resulted in an alert for the presence of narcotic odor coming from within the vehicle. This alert was on the drivers door seam and trunk. These alerts are consistent with past alerts where drugs have been found or have been recently.

A search of the vehicle revealed no contraband. During the search, I was told that Travis not only had marijuana in his pocket, but also methamphetamine's. Sgt Rogers started to walk up 20th Street to see if any contraband was thrown from the vehicle. Approximately 50-75 feet south of the traffic stop, Sgt Rogers located a medium sized plastic zip lock bag on the east side of the road, next to a row of cars. Inside this bag there was a second plastic bag that contained a moderate amount of a crystallized substance believed to be methamphetamine's. I photographed the bag as it was on the ground in relation to the traffic stop.

Jorge was placed under arrest and taken to the NPC jail along with Travis. Detective Dammon drove the vehicle to the 16th Avenue Storage facility for an impound and possible seizure. The registered owner was Travi's sister who not able to be contacted at that time.

The large bag of methamphetamine's weighed out to be 86.8g TPW, just over 3 ounces, making this offense a trafficking violation. I reviewed my in car camera where it shows Jorge throwing out the bag of methamphetamine's with his right hand out the passenger side window right at the row of cars where it was located.

Detective Dammon and I went to the jail and interviewed both Travis and Jorge. I reminded Jorge of his miranda rights prior to speaking to him. Jorge denied any knowledge of the methamphetamine's. He stated that he did not see a bag get thrown from the vehicle and denied ever seeing methamphetamine's in the vehicle. I confronted him with video evidence to which he still denied discarding the bag. We tried for several minutes to gain Jorge's cooperation and honesty, but he adamantly denied his involvement in any drug or criminal activity. It was obvious that Jorge was not going to cooperate or divulge any information to us.

Travis was also reminded of his rights. Travis admitted that he came to Lewiston to sell and distribute the methamphetamine's for profit. He stated that the methamphetamine's belonged to Jorge, but admitted that he had knowledge they were in the vehicle he was driving. He stated that he was going to get a part of the methamphetamine's for transporting it or a portion of the money acquired once it was sold. Travis stated that they did not sell any of the methamphetamine's and there no other drugs in the car. He stated that if we were to finger print the bag, his prints would be on as well as Jorge's. Travis related that he has no job and was trying to make ends meet. He added that he does have a methamphetamine addiction and knew that he made a mistake by doing what he did. During my interview with Travis, I felt that he was being honest and remorseful for what he did.

Travis was booked in on the warrant, possession of marijuana less than three ounces, and driving without privileges by Officer Bloomsburg. I charged him with trafficking a schedule II controlled substance. Jorge was charged with the trafficking offense.

The smaller bag of methamphetamine's located in Travis's pocket weighed 1.4g TPW. This methamphetamine was in a plastic bag with a knot tied off at one end. The marijuana was in a zip lock bag and weighed 3.3g TPW. A small aluminum marijuana pipe was also found in his pocket. All these items were placed into evidence. I NIK tested some of the methamphetamine's found in the larger bag and received a positive reaction on a presumptive test for methamphetamine's. The bag was in poor condition and was starting to tear apart, therefore I did not request the bag be fumed for prints

Two cell phones, later determined to be Travis's and Jorge's were seized and placed into evidence with the possibility of search warrant's be applied for.

Two CAP sheets were completed as well as a K-9 deployment record. Several Watch Guard video's were retained as evidence including my own which shows Jorge throwing the methamphetamine's out the window.

Refer to other officer's report for more information.

End of Report

K-9 Officer Chris Reese #357

Law Supplemental Narrative:

Seq Name	Date	Supplemental Narratives	Narrative
2 Bloomsburg Cody	00:34:21 08/30/2013		Lewiston Police Supplemental Narrative

13-L13293  
08-29-2013  
Ofc Bloomsburg  
Typed by 416

On 08-29-2013, at approximately 2300 hours, I responded to the 1300 block of 20th Street to assist other officers with a narcotics investigation.

Once I arrived, other officers were approaching a white Honda Accord, bearing Washington plate 221XYY. Myself and other officers approached the vehicle with our weapons drawn, because we suspected the occupants of the vehicle to be involved in narcotics trafficking. I held the passenger at gun point through the rear window, while Officer Reese held him at gunpoint from the side of the car. Officer Roberts then moved up and removed the passenger from the vehicle. While this was going on, other officers had already removed a man, later identified as Travis E Frazier, from the drivers seat. Those officers were placing Frazier in handcuffs as myself and Officer Roberts proned out the passenger, later identified as Jorge E Rodriguez. Once Rodriguez was laying on his stomach on the ground, I placed him in handcuffs; checking them for tightness and double locking them. Myself and Officer Roberts then searched Rodriguez for weapons, and removed a cell phone, a wallet, a Leatherman Tool, and some change from his left front pocket. I also took a necklace from his neck along with a lanyard with pieces of eye glasses tied to it. All that property was placed in a paper bag and later placed in his property at the jail.

I escorted Rodriguez to Officer Woods' patrol vehicle. I readjusted his handcuffs after checking them for tightness and double locking them. I then placed him in the back seat securing his seat belt.

I returned to my patrol vehicle, where Frazier had been placed in the back seat in handcuffs. I saw Frazier already had his seat belt placed on him. I stood by with Frazier and was later informed through dispatch that he had an outstanding warrant for his arrest. I was also informed by other officers that Officer Woods had found less then three ounces of Marijuana in Frazier's possession. For more information about the marijuana, see Officer Woods' report.

I was asked to transport Frazier to the Nez Perce County Jail. Before I left the scene I was informed through dispatch that Frazier's driving privileges were suspended through that state of Washington.

I transported Frazier to the jail. Once there, I read Frazier his warrant, and filled out citation number 142344, charging Frazier with possession of a controlled substance (Marijuana less then 3 ounces), and driving without privileges. Frazier was booked into jail on both of these charges and the warrant. While I was at the jail, Officer Woods arrived with Rodriguez, and then spoke to other officers still on the scene investigating the narcotics offense. Officer Woods told me the investigation showed probable cause to charge Frazier with trafficking controlled substances.

I also booked Frazier in on that charge.

**AFFIDAVIT FOR INITIAL DETERMINATION**



I informed Frazier of the 2 misdemeanor charges and the Felony charge of drug trafficking. For more information see other officers' reports.

End of Report.

Ofc. Bloomsburg #424

Law Supplemental Narrative:

Seq Name	Date	Supplemental Narratives Narrative
5 Woods Thomas	02:50:17 08/30/2013	Lewiston Police Supplemental Narrative

13-L13293  
Ofc. Tom Woods #414  
August 30, 2013  
Typed by: #364

On 08/29/13 at 2251 hours, I responded to the area of 1300 20th Street as a cover officer. Upon arrival, officers had just made a traffic stop on a white Honda Accord. I pulled in front of the Honda Accord and came around the back side of the other police vehicles. I assisted Sgt. Hopple in handcuffing the male driver, who was identified as Travis Frazier. After handcuffing Frazier, Sgt. Hopple and I did a preemptive pat-down for weapons. After finding no weapons, we assisted Frazier to his feet and escorted him to the front of Sgt. Hopple's vehicle. In front of the vehicle, I searched Frazier's person. In his left front pocket, I found a small baggie of a white crystal substance suspected to be methamphetamine and a small baggie of a green leafy substance suspected to be marijuana. I then escorted Frazier to the rear passenger compartment of Ofc. Bloomsburg's patrol vehicle. I seatbelted Frazier in per department policy. Other officers had escorted Jorge Rodriguez, the male passenger, to the rear passenger compartment of my patrol vehicle. I responded to my patrol vehicle to monitor Rodriguez. Other officers on scene continued with the suspected drug trafficking investigation.

Sgt. Rogers advised me that Rodriguez was in custody and to transport him to the Nez Perce County Jail. I transported Rodriguez to the Nez Perce County Jail and turned him over to detention deputies. I booked Rodriguez on the felony charge of Drug Trafficking. This ended my contact with Rodriguez.

End of Report.

Ofc. Tom Woods #414

**LEWISTON POLICE DEPARTMENT**

1224 F Street  
Lewiston, Idaho 83501

2251

**VEHICLE IMPOUNDMENT SHEET**

Date 8/29/13

Incident # 13-L13293

Time 2300

Location Impounded From 13<sup>TH</sup> AVE + 20<sup>TH</sup> ST.

Year 1991 Make HONDA Model ACCORD Style 4DR Color WHITE Mileage 151046

VIN# [REDACTED] State WA

VIN agrees with registration - YES  NO  OTHER \_\_\_\_\_ NCIC CHECKED \_\_\_\_\_

Vehicle Operator TRAVIS E. FRAZIER Address 801 N. TWEED C102, KENNEWICK, WA 99403

Registered Owner JOEY FRAZIER Address 1405 MAHON AVE, RICHLAND, WA 99352

Legal Owner SAME Address \_\_\_\_\_

Lien Holder NONE Address \_\_\_\_\_

Registered Owner Notified No How \_\_\_\_\_ Date \_\_\_\_\_ By Who \_\_\_\_\_

Legal Owner Notified / How \_\_\_\_\_ Date \_\_\_\_\_ By Who \_\_\_\_\_

Lien Holder Notified \_\_\_\_\_ How \_\_\_\_\_ Date \_\_\_\_\_ By Who \_\_\_\_\_

**REASON FOR IMPOUNDMENT**

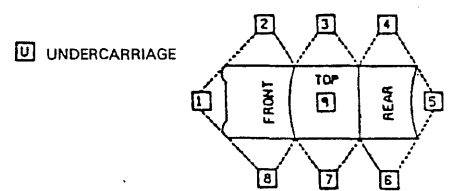
H & R ACCIDENT  STOLEN  ABANDONED  EVIDENCE

OTHER THAN ABOVE POSSIBLE CIVIL FORFEITURE

**INVENTORY AND CONDITION OF VEHICLE**

- CONDITION OF VEHICLE:
- 1. Excellent
  - 2. Good
  - 3. Fair
  - 4. Poor
  - 5. Totaled

CIRCLE DAMAGED AREAS



DESCRIBE PROPERTY IN VEHICLE:  
\_\_\_\_\_  
\_\_\_\_\_

Towed By N/A Wrecker Driver's Signature N/A Received Copy

Stored At LPD STORAGE

VEHICLE CAN BE RELEASED  
 DO NOT RELEASE VEHICLE UNTIL OFFICER DET. DAMMON IS CONTACTED.

**AFFIDAVIT FOR INITIAL DETERMINATION**

REPORTING OFFICER <u>Sari Alan Ryan</u> I.D.# <u>255</u>	APPROVED BY: <u>Sari</u> 26
--	-----------------------------------

CASE NUMBER  
**13-L13293**

08/30/2013  
04:36

Lewiston Police Department  
Main Names Table:

539  
Page: 1

Name Number: 238082 Confined  
Last: RODRIGUEZ Fst: JORGE Mid: ENRIQUE  
Addr: 115 N 7TH AVE Prev: 115 N 7TH AVE  
City: PASCO ST: WA Zip: 99301 PASCO & WA 99301  
Deceased: / / Alias For:

Personal Identification

Numbr: [REDACTED] Name Typ: INDIVN [REDACTED]  
State: [REDACTED] Image: PHO Local ID: [REDACTED]  
Home Tel: (509)440-3150 State ID:  
Work Tel: ( ) - FBI Number:

Physical Description

[REDACTED] 57 yrs Eyes: BRO Brown Cmplxn:  
Race: L Hispanic Lati Glasses: Speech:  
Sex: M Male Hair: BLK Black Teeth:  
Height: 5'10" 178 cm Hstyle: SHRT Short Build:  
Weight: 180lbs 82 kg Beard: M Moustache Ethnic:  
Traits SMT: TAT R ARM TAT &R &ARM &

MO:  
Alert Codes:  
Comments:  
Premis: Xtra: & Visited Inmates: Had Visitors: Merge:

=====

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
JM	13-J3781	08/29/2013	Trafficking Controlled Substan	*Confined
LW	13-L13293	08/29/2013	Wanted Person	Offender
PR	160660	08/30/2013	BLK TELEPHONE-CELL MOTOROLA \$0	*Owner

Name history:

Name/Address/Phone History								
Expired	Address	City	ST	Zip	Phone	Last Name	First	M
08/30/2013	115 N 7TH AVE	PASCO	WA	99301	(509)44	RODRIGUEZ	JORGE	ER

Image codes for names:

Seq Code	Image Codes
1 PHO	PHOTOGRAPH trafficking 8/30/2013

Scars/Marks/Tattoos Detail:

Scars, Marks, Tattoos, and Other Characteristics						
Seq	NCIC Code	Type	Pos	Part	Comments	
1	TAT R ARM	Arm, right	TAT	R	ARM	
2	TAT L ARM	Arm, left	TAT	L	ARM	
3	TAT CHEST	Chest	TAT		CHES	

Scars, Marks, Tattoos, and Other Characteristics

Seq	NCIC Code	Type	Pos	Part	Comments
4	TAT BACK				Back
5	TAT L LEG				Leg, left
6	TAT R LEG				Leg, right

Additional Name Information:

Name ID Number: 238082	First: JORGE	Mid: ENRIQU
Last: RODRIGUEZ	Phone: (509)440-3150	
Addr& 115 N 7TH AVE		
City: PASCO ST: WA Zip: 99301		
Birth City: el paso State: TX	Education: 0 years	
Citizenshp: US United States	Shoe Size:	
Birth Country: US United States	Cover Size:	
Religion:	Misc. Size:	
Marital: D Divorced	Commissary:	
School:		
Contact: Richard Rodriguez	Relationship: BR Brother	
Address:	Phone: (208)344-0634	
Employer: security	Employer Phone: ( ) -	
Address:		
Job Desc:	Job Phone: ( ) -	
Job Locatn:	Date Hired: / /	
Supervisor:	Super Work Phon: ( ) -	
	Super Home Phon: ( ) -	
Probation:	Prob Officer:	
Henry:	Attorney:	

NCIC Print:

FILED

2013 AUG 30 AM 10 38

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

PATTY O. WEEKS

CLERK OF THE DISTRICT COURT

DEPUTY

*Handwritten signature: P. Weeks*

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. **CR13-06184**

INITIAL DETERMINATION OF  
PROBABLE CAUSE

The undersigned Magistrate having examined the Affidavit submitted by *George Hill*, along with the attached documents, and the Complaint against the above defendant for the crime(s) of: **COUNT I - TRAFFICKING IN METHAMPHETAMINE, I.C. § 37-2732B(a)(4)(A), a felony;** having been laid before the undersigned Magistrate, it is hereby determined by the undersigned Magistrate that there is probable cause to believe that the said offense has been committed, and that the defendant has committed it.

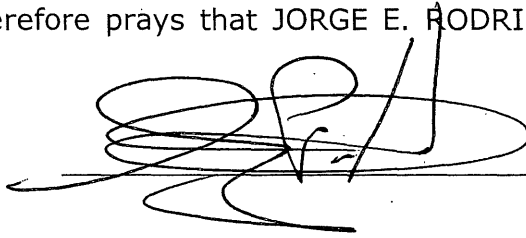
DATED this 30<sup>th</sup> day of August 2013.

*Handwritten signature*  
\_\_\_\_\_  
MAGISTRATE

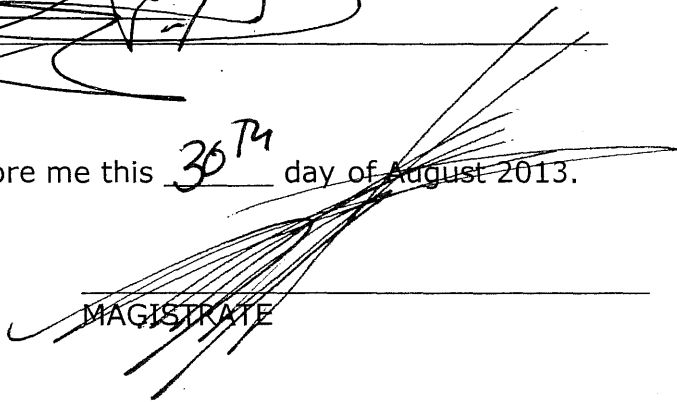


All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

Said Complainant therefore prays that JORGE E. RODRIGUEZ be dealt with according to law.



SUBSCRIBED and SWORN to before me this 30<sup>th</sup> day of August 2013.

  
MAGISTRATE



IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

CASE TITLE State v. Jorge E Rodriguez JUDGE GKK  
HEARING TYPE Initial Arraignment CLERK COLC  
PLF ATTORNEY \_\_\_\_\_ TAPE # ctm 2  
DEF ATTORNEY \_\_\_\_\_ CASE # CR13-06184  
OTHERS PRESENT \_\_\_\_\_ DATE 8.30.13  
013857 TIME 1:15 PM

BE IT KNOW THAT THE FOLLOWING PROCEEDINGS WERE HAD, TO WIT:

Def present with/without counsel

Court advises Def of rights and charges

Court sets Preliminary Hearing for 9/11/13 at 1:30 PM

Def requests court appointed counsel and signs Affidavit

Court Appoints Rick Cuddy to represent Def

Bond: \$250,000

Recess 014442





**Household Information**

Please list each of the following dependents which reside in your household and for whom you are financially responsible: I = 2 2008

NO Spouse  
NO Children. How many total? 8 Please list age of each child: 09  
Other. Please specify relationship: \_\_\_\_\_

**Debts**

Please list the following debts you pay per month:

Mortgage/Rent: 375 Food: 7 Fed Utilities: GAS  
Car: ✓ Medical: ✓ Credit Cards: VISA  
Loans: \_\_\_\_\_ Child Support: 35 Other: \_\_\_\_\_

**Assets**

Do you own your home? No ✓ Yes 11\* Equity: None

Do you rent your home? No ✓ Yes \_\_\_\_\_

Do you live with your parents? No NO Yes \_\_\_\_\_

Please list the approximate value of the following property you own: 8

Motor Vehicles: How many? 1 Total Value of All Vehicles: \$ 8

Make and Model of Each Vehicle: \_\_\_\_\_

Furniture/Appliances/Electronics: \$ yes

Sporting Equipment: \$ NO Guns: How many? NONE Value: \$ 2

Boats/Recreational Vehicles/Motorcycles/Snowmobiles: \$ NO

Money in savings/checking accounts: \$ \_\_\_\_\_ Name of Bank: US Bank

Cash on hand: \$ 15 Stocks/Bonds: \$ NO

Jewelry: \$ few

Other. Specify: \_\_\_\_\_ \$ \_\_\_\_\_

What is the last year you filed an income tax return? NO Amount of return: \$ NONE

Can you borrow money to pay an attorney? No ✓ Yes ✓ If yes, how much? \$ \_\_\_\_\_

**I HEREBY ACKNOWLEDGE THAT I MAY BE REQUIRED TO REIMBURSE NEZ PERCE COUNTY FOR THE SERVICES OF THE PUBLIC DEFENDER.**

**I HEREBY CERTIFY THAT ALL OF THE ANSWERS TO THE FOREGOING QUESTIONS ARE UNDER OATH AND SWEAR THAT THE SAME ARE TRUE AND CORRECT. IF I HAVE INTENTIONALLY ANSWERED ANY OF SAID QUESTIONS INCORRECTLY, I MAY BE PROSECUTED FOR PERJURY.**

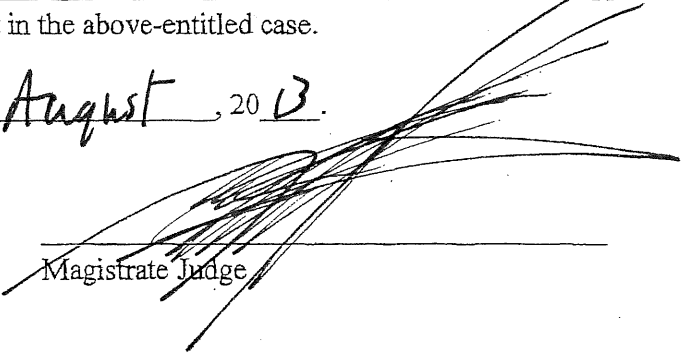
Dated this 8 day of 28, 2013.

[Signature]  
Defendant's Signature

ORDER

Based upon the information contained in the Court record and on the above-filed affidavit, the Court hereby  GRANTS  DENIES the defendant's application for public defender. Cuddihy is hereby appointed as counsel to represent the defendant in the above-entitled case.

Dated this 30<sup>th</sup> day of August, 2013.

  
\_\_\_\_\_  
Magistrate Judge

FILED

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

PATTY O. WEEKS  
CLERK OF THE DIST. COURT

*Drummond*  
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

Jorge E Rodriguez  
Defendant,

CASE NO. CR13-6184

- NOTICE OF PRELIMINARY CONFERENCE
- NOTICE OF PRELIMINARY HEARING
- NOTICE OF SENTENCING
- NOTICE OF HEARING ON \_\_\_\_\_

NOTICE IS HEREBY GIVEN TO the above-named Defendant that the following hearing has been set in your case at which you are to appear in the Courtroom of the Nez Perce County Courthouse, as indicated below:

- PRELIMINARY CONFERENCE to begin at \_\_\_\_\_, \_\_.m., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
- PRELIMINARY HEARING to begin at 1:30 p.m., on the 15th day of September, 20 13.
- SENTENCING to begin at \_\_\_\_\_, \_\_.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
- HEARING to begin at \_\_\_\_\_, \_\_.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

YOU ARE HEREBY NOTIFIED THAT IF YOU DO NOT APPEAR IN COURT AT SAID TIME AND PLACE, ANY BOND POSTED MAY BE FORFEITED BY THE COURT AND A WARRANT MAY BE ISSUED FOR YOUR ARREST WITHOUT FURTHER NOTICE.

DATED this 30th day of August, 20 13.

BY ORDER OF:

- Copy to Prosecuting Attorney
- Copy handed to Defendant *Scanned to jail*
- Copy mailed to Defendant
- Copy mailed/handed/placed in basket to Defendant's Attorney *NOTICE OF HEARING*  
Pick Coding

Kalbfeusch  
Judge

Cole  
Clerk

FILED

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

2013 AUG 30 PM 1 48

STATE OF IDAHO,

Plaintiff,

vs.

Jorge Enrique Rodriguez,

Defendant.

PATTY O. WEEKS )  
CLERK OF THE DIST. COURT

*Skynolds*  
DEPUTY )

Case No: CR-2013-0006184

**COMMITMENT, HELD TO ANSWER**

**THE STATE OF IDAHO TO THE SHERIFF OF NEZ PERCE COUNTY, GREETINGS:**

An Order having been made this day by me that Jorge Enrique Rodriguez be held to answer upon the charge of Drug-Trafficking in Methamphetamine or Amphetamine committed in said Nez Perce County on or about 8/29/2013, .

Now, YOU, the said sheriff, are commanded to receive the said Defendant into your custody and detain Jorge Enrique Rodriguez until legally discharged, and hereby order that the said Defendant be admitted to bail in the sum of \$ 250,000 .

Dated this 30<sup>th</sup> day of August, 2013.

*[Handwritten signature]*  
\_\_\_\_\_  
MAGISTRATE

Date Rec'd 9-10-13 Appt. Date 9-10-13 Ti 1:30 pm Record # corte

*vesesito  
I Terpete*

STATE OF IDAHO - BOARD OF CORRECTION  
IDAHO DEPARTMENT OF CORRECTIONS - Operations Division  
ACCESS TO COURTS REQUEST

Nombre: Jorge Rodriguez Numero de IDOC #: 9-7-13 Unidad: 9-35 Cama: E-106  
Housing & Cell Assignment  
Institution: 9-35

FILED

2013 SEP 10 9 AM

PATTY O. WEGG  
CLERK OF THE DISTRICT COURT  
DEPUTY

Tipo de Accion: Yo necesito  Formas  Hablar con el paralegal  
 Regulacion 35  Reclamo de Dano  Credito Para Tiempo Servido  
 Post Conviction  Poder  Notario  Mailing  Fotocopias  
Civil Rights  Habeas Corpus  Apealacion  
 Federal  Federal  Notice of Appeal  Appeal to 9th Circuit  
 Estado  Estado  Post Conviction  Probation Revocation  
 Rule 35

Libros - Please identify which books you want  
petpass Living  
Life

Fecha del dia del juicio o de ley de prescripcion: 9-10-13 alas 1:30 pm

Para darsele prioridad, necesita indicar la fecha y proque caduca en cada peticion. se requiere prueba de la fecha del dia del juicio o de ley de prescripcion.

Describe brevemente por que pide ayuda: Nesesito un I Terpete  
para que me ayude para mi corte  
Rick Cuddihy my Attorney  
 Tengo un abogado para este accion  No tengo abogado para este accion

Reconozco que el paralegal del Departamento de Correccion de Idaho de quien pido asistencia no es abogado. Los paralegales no pueden dar consejos legales sobre la intencion o efectos de documentos. Solamente abogados licenciados pueden dar consejos legales.

Firma del Preso: Jorge Rodriguez Fecha de Hoy: 9-7-13

DESAPROBADO  NOTES: Nesesito Interpreter  
Para La Corte y con mi Abogado  
Para Entender



Date Rec'd 9-8-2013 Appt. Date 9-10-13 Time 9:00 AM Record # \_\_\_\_\_

STATE OF IDAHO - BOARD OF CORRECTION  
IDAHO DEPARTMENT OF CORRECTIONS - Operations Division

ACCESS TO COURT REQUEST

Jorge Rodriguez

**FILED**

Nombre: \_\_\_\_\_ Numero de IDO: 1013 SEP 9 AM Unidad: 5 Cama: E 108  
Housing & Cell Assignment \_\_\_\_\_  
Institution: Nes peer County Jail

Tipo de Accion: Yo necesito Interprete Formas \_\_\_\_\_ Paquete \_\_\_\_\_ Hablar con el paralegal \_\_\_\_\_  
CLERK OF THE DIST. COURT

Regulacion 35 \_\_\_\_\_ Reclamo de Dano \_\_\_\_\_ Credito Para Tiempo Servido \_\_\_\_\_

Post Conviction \_\_\_\_\_ Poder \_\_\_\_\_ Notario \_\_\_\_\_ Mailing \_\_\_\_\_ Fotocopias \_\_\_\_\_

Civil Rights \_\_\_\_\_ Habeas Corpus \_\_\_\_\_ Apelacion \_\_\_\_\_  
Federal \_\_\_\_\_ Federal \_\_\_\_\_ Notice of Appeal \_\_\_\_\_ Appeal to 9<sup>th</sup> Circuit \_\_\_\_\_  
Estado \_\_\_\_\_ Estado \_\_\_\_\_ Post Conviction \_\_\_\_\_ Probation Revocation \_\_\_\_\_  
Rule 35 \_\_\_\_\_

Libros - Please identify which books you want  
\_\_\_\_\_  
\_\_\_\_\_

Fecha del dia del juicio o de ley de prescripcion: 130pm  
Septiembre 11-2013

**Para darsele prioridad, necesita indicar la fecha y proque caduca en cada peticion. se require prueba de la fecha del dia del juico o de ley de prescripcion.**

Describe brevemente por que pide ayuda: Necesito UN INTERPRETE,  
Para mi Corte y para con mi Abogado  
Abogado

\_\_\_\_\_  
Tengo un abogado para este accion \_\_\_\_\_ No tengo abogado para este accion

Reconozco que el paralegal del Departamento de Correccion de Idaho de quien pido asistencia no es abogado. Los paralegales no pueden dar consejos legales sobre la intencion o efectos de documentos. Solamente abogados licenciados pueden dar consejos legales.

Jorge Rodriguez 9-8-2013  
Firma del Preso \_\_\_\_\_ Fecha de Hoy \_\_\_\_\_

DESAPROBADO \_\_\_\_\_ NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## COURT MINUTES

**CR-2013-0006185**  
**State of Idaho vs. Travis Eugene Frazier**  
**Hearing type: Preliminary Hearing**  
**Hearing date: 9/11/2013**  
**Time: 3:23 pm**  
**Judge: Jay P. Gaskill**  
**Courtroom: 3**  
**Court reporter: None**  
**Minutes Clerk: Evans**  
**Tape Number: ctrm 3**  
**Defense Attorney: Greg Hurn**  
**Prosecutor: Sandra Dickerson**

**CR-2013-0006184**  
**Jorge Enrique Rodriguez**  
**Hearing type: Preliminary Hearing**  
**Hearing date: 9/11/2013**  
**Time: 3:23 pm**  
**Judge: Jay P. Gaskill**  
**Courtroom: 3**  
**Court reporter: None**  
**Minutes Clerk: Evans**  
**Tape Number: ctrm 3**  
**Defense Attorney: Rick Cuddihy**  
**Prosecutor: Sandra Dickerson**

- 
- 032344     Dickerson, Hurn, Frazier, Cuddihy and Rodriguez present  
            St has no preliminary matters  
            Def move exclude witnesses; Ct excuse witnesses
- 032419     St call Chris Reese; Sworn by clerk
- 032448     St - Direct Exam
- 030106     Wit identify Mr. Frasier
- 033124     Wit identify Mr. Rodriguez
- 033709     St move admit St Exb 3A - 3D; Cuddihy has no obj
- 033749     Hurn ask question in aid of obj - does not obj to exhibits; Ct  
            admit St Exb 3A - 3D
- 033854     Cuddihy obj - hearsay; St ad Ct; Ct overrule
- 034054     Cuddihy obj - hearsay as to Mr. Rodriguez; Ct sustain
- 034132     Cuddihy continues prior objection; Ct sustain
- 032020     Cuddihy obj - hearsay as to Mr. Rodriguez; Ct Sustain
- 034407     St move admit St Exb 1; Cuddihy obj - foundation (lab report  
            does not show proper LPD case number); St respond; Ct review  
            exb
- 034552     Cuddihy asks questions in aid of objection
- 034948     Cuddihy obj - foundation  
            Hurn address Ct; Ct overrule obj and admit St Exb 1
- 035015     St end direct exam
- 035018     Cuddihy - Cross exam of Officer Reese
- 040126     Cuddihy end cross exam
- 040128     Hurn - Cross exam of Officer Reese

040936 Hurn ends cross exam  
040945 Ct is off the record  
042205 Ct is back on the record  
042214 St no recross for Officer Reese and no additional witnesses;  
Cuddihy and Hurn submit  
Ct binds cases over to district court. Mr. Frazier is set for  
arraignment on 09-18-2013 at 9:00 a.m. in front of Judge Brudie.  
Mr. Rodriguez is set for Arraignment on 09-19-2013 at 1:15 in  
front of Judge Kerrick.  
042347 Cuddihy moves for bond reduction; St objects  
042445 Ct leaves issue of bond for district court judge  
042500 Recess

Second Judicial District Court, State of Idaho  
In and For the County of Nez Perce  
1230 Main St.  
Lewiston, Idaho 83501

FILED

2013 SEP 12 PM 1 25

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Donna Weeks*  
DEPUTY

STATE OF IDAHO, )  
 )  
Plaintiff, )  
vs. )  
Jorge Enrique Rodriguez, )  
 )  
Defendant. )

Case No: CR-2013-0006184

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Arraignment Thursday, 19 September, 2013 01:15 PM  
Judge: Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Thursday, 12 September, 2013.

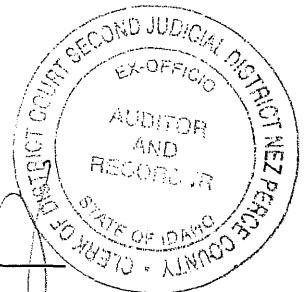
Defendant: Jorge Enrique Rodriguez  
115 N 7th Ave  
Pasco, WA 99301  
Mailed \_\_\_\_\_ Hand Delivered X (NPC Jail)

Private Counsel: Rick Cuddihy PD 2013  
P.O. Drawer 717  
Lewiston, ID 83501  
Mailed \_\_\_\_\_ Hand Delivered X

Prosecutor: April A Smith  
Mailed \_\_\_\_\_ Hand Delivered X

Dated: Thursday, 12 September, 2013  
Patty O. Weeks  
Clerk Of The District Court

By: *Donna Weeks*  
Deputy Clerk  
DOC22 7/96



DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

FILED

2013 SEP 12 AM 10 37

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Mullo Ave*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,  
D.O.B.: 09/24/1955,  
S.S.N.: XXX-XX-3475,

Defendant.

CASE NO. CR2013-0006184

INFORMATION

SANDRA K. DICKERSON, Deputy Prosecuting Attorney, in and for the County of Nez Perce, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into the District Court of the County of Nez Perce, and states that JORGE E. RODRIGUEZ is accused by this Information of the following crime(s):

**COUNT I**  
**TRAFFICKING IN METHAMPHETAMINE, I.C. § 37-2732B(a)(4)(A), a felony.**

That the Defendant, JORGE E. RODRIGUEZ, on or about the 29th day of August 2013, in the County of Nez Perce, State of Idaho, did knowingly possess and/or bring into this state twenty-eight (28) grams or more of Methamphetamine, a Schedule II controlled substance, or of any mixture or substance containing a detectable amount of Methamphetamine.

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

  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

FILED  
2013 SEP 13 AM 11 51

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,  
D.O.B.: 09-24-1955,  
S.S.N.: XXX-XX-X475,

Defendant.

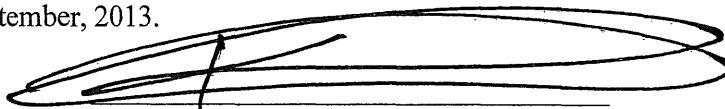
CR-2013-6184

ORDER BINDING OVER

The undersigned Magistrate having **HEARD** the Preliminary hearing in the above entitled matter on the 11<sup>th</sup> day of September, 2013, and it appearing to me that the offense set forth in the Complaint theretofore filed herein has been committed, and there is sufficient cause to believe the above named defendant guilty thereof.

**IT IS HEREBY ORDERED** that the said defendant be held to answer the same, and said defendant is hereby bound over to the District Court for trial on the charge(s) of: TRAFFICKING IN METHAMPHETAMINE, I.C. §37-2732(a)(4)(A), ONE FELONY COUNT.

DATED this 13<sup>th</sup> day of September, 2013.



MAGISTRATE

THIS CASE HAS BEEN ASSIGNED TO:

CARL KERRICK, DISTRICT JUDGE

ORDER BINDING OVER

1

Rick Cuddihy, ISB No. 7064  
KNOWLTON & MITCHELL, PLLC  
Post Office Drawer 717  
312 Seventeenth Street  
Lewiston, Idaho 83501  
Telephone: (208) 746-0103  
Fax: (208) 746-0118

Attorneys for Defendant

FILED

2013 SEP 23 PM 4 23

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Patty Weeks*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JORGE ENRIQUE RODRIGUEZ, )  
 )  
 Defendant, )  
 \_\_\_\_\_ )

Case No. CR13-6184

REQUEST FOR DISCOVERY

TO: PROSECUTING ATTORNEY FOR COUNTY OF NEZ PERCE, STATE OF  
IDAHO:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho  
Criminal Rules, requests discovery and inspection of the following information, evidence, and  
materials:

ONE: Disclose to defense any and all material of information within your possession or  
control or which may hereafter come into your possession or control which tends to negate the  
guilt of the accused as to the offense charged or which would tend to reduce the punishment  
therefore.

REQUEST FOR DISCOVERY

**CERTIFICATE OF DELIVERY**

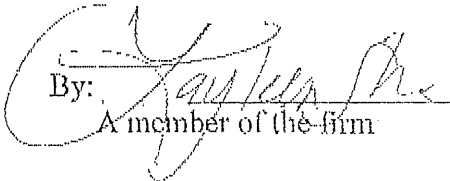
I HEREBY CERTIFY that on this 23<sup>rd</sup> day of September, 2013, I caused a true and correct copy of the foregoing Request for Discovery to be:

- hand delivered
- hand delivered by providing a copy to: Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

April Smith  
Prosecuting Attorney  
Nez Perce County  
Lewiston, ID 83501

KNOWLTON & MILES, PLLC

By:   
A member of the firm



COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Arraignment

Hearing date: 9/19/2013

Time: 1:33 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2013

Prosecutor: April Smith

- 13301 Defendant present, in custody, with counsel.
- 13339 Mr. Cuddihy addresses the Court and requests continuance, still working on trying to resolve this matter.
- 13413 Court addresses Defendant re: request for interpreter. Mr. Cuddihy responds.
- 13440 Defendant requests interpreter.
- 13518 Mr. Cuddihy addresses the Court.
- 13531 Court will arrange for an interpreter and will reset arraignment for 10-3-13 at 1:15 p.m.
- 13623 Court recess.

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Arraignment

Hearing date: 10/3/2013

Time: 1:44 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2013

Prosecutor: April Smith

- 14450 Defendant present with counsel.
- 14459 Ms. Smith addresses the Court and Defendant is requesting a continuance.
- 14728 Interpreter Diana Uppendahl present.
- 14804 Clerk administers oath of interpreter.
- State's Information previously filed for the crime of Trafficking in Methamphetamine.
- 14925 Defendant waives the reading of the Information.
- 14950 Mr. Cuddihy addresses the Court re: 2 week continuance and Defendant does not want to waive his right to speedy trial.
- 15059 Court continues arraignment until 10-17-13 at 1:15 p.m.
- 15132 Court recess.

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

FILED

2013 OCT 8 PM 4 16

PATTY O. WEEKS  
CLERK OF THE DISTRICT COURT  
*Patty O. Weeks*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR2013-0006184

RESPONSE TO REQUEST FOR  
DISCOVERY

TO THE ABOVE-NAMED DEFENDANT AND COUNSEL:

COMES NOW, the State in the above-entitled matter, and submits the following Response to Request for Discovery.

The State has complied with such request by providing the following:

1. Any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the State, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney, or the prosecuting attorney's agent have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

2. Any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney, have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

3. Defendant's prior criminal record, if any, has been disclosed, made available, or is attached hereto as set forth in Exhibit "B."

4. Any books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney and which are material to the preparation of the defense or intended for use by the prosecutor as evidence at trial or obtained from or belonging to the defendant have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

5. Any results or reports of physical or mental examinations, and of scientific tests or experiments, made in connection with the particular case, or copies thereof, within the possession, custody, or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

6. A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial is set forth in Exhibit "A." Any record of prior felony convictions of any such persons which is within the knowledge of the prosecuting attorney and all statements made by the prosecution witnesses or prospective prosecution

witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of the case have been disclosed, made available, or are attached hereto as set forth in Exhibit "A."

7. Any reports and memoranda in possession of the prosecuting attorney which were made by any police officer or investigator in connection with this investigation or prosecution of this case have been disclosed, made available, or are attached hereto as set forth in Exhibit "B."

8. All material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore have been disclosed, made available, or are attached hereto as set forth in Exhibit "B." In addition, with regard to material or information which may be exculpatory as used or interpreted, the State requests that the defendant inform the State, in writing, of the defense which will be asserted in this case, so counsel for the State can determine if any additional material or information may be material to the defense, and thus fulfill its duty under I.C.R. 16(a) and Brady v. Maryland, 373 U.S. 83 (1963).

9. Wherever this Response indicates that certain evidence or materials have been disclosed, made available, or are attached hereto as set forth in Exhibit "B," such indication should not be construed as confirmation that such evidence or materials exist, but simply as an indication that if such evidence or materials exist, they have been disclosed or made available to the defendant. Furthermore, any items which are listed in Exhibit "B" but are not specifically provided, or which are referred to in documents which are listed in Exhibit "B," are available for inspection upon appointment with the Prosecuting Attorney's Office.

10. The State reserves the right to supplement any and all sections of this response if and when more information becomes available.

11. The State objects to requests by the defendant for anything not addressed above on the grounds that such requests are outside the scope AND/OR are irrelevant under I.C.R. 16.

DATED this 8<sup>th</sup> day of October 2013.

  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY was

- (1) 4 hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy  
KNOWLTON & MILES, PLLC  
312 17th Street  
P.O. Drawer 717  
Lewiston, ID 83501

DATED this 8<sup>th</sup> day of October 2013.

  
ERIN D. LEAVITT  
Senior Legal Assistant

EXHIBIT "A"  
LIST OF WITNESSES

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

1. NAME: Jeremy T. Johnston (EXPERT WITNESS)  
ADDRESS: Idaho State Police Forensic Services  
615 West Wilbur, Suite B  
Coeur D'Alene, Idaho 83815  
PHONE: (208) 209-8700

**ANTICIPATED TESTIMONY:** Jeremy Johnston, is a Forensic Scientist with the Idaho State Police Forensic Services and will testify to his observations, findings and expert opinion as a result of performing the testing on the controlled substances in this case.

2. NAME: Brett J. Dammon  
ADDRESS: Lewiston Police Department  
1224 F Street  
Lewiston, Idaho 83501  
PHONE: (208) 746-0171

3. NAME: Glen Rogers  
ADDRESS: Lewiston Police Department  
1224 "F" Street  
Lewiston, Idaho 83501  
PHONE: (208) 746-0171

4. NAME: Chris Reese  
ADDRESS: Lewiston Police Department  
1224 "F" Street  
Lewiston, Idaho 83501  
PHONE: (208) 746-0171

5. NAME: Cody Bloomsburg  
ADDRESS: Lewiston Police Department  
1224 F Street  
Lewiston, Idaho 83501  
PHONE: (208) 746-0171

6. NAME: Travis E. Frazier  
ADDRESS: 801 N. Tweedt C102  
Kennewick, Washington 99336  
PHONE: (509) 205-8970



EXHIBIT "B"  
LIST OF REPORTS

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

1. A copy of any audio and/or video tapes and/or compact discs and/or floppy discs are available by providing a blank audio/video tape or compact disc or floppy disc to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.
2. Lewiston Police Department Cap Sheet and Case Disposition Sheet consisting of three (3) pages. (1-3)
3. Lewiston Police Department LAW Incident Table consisting of two (2) pages. (4-5)
4. Lewiston Police Department Narrative prepared by Chris Reese consisting of three (3) pages. (6-8)
5. Lewiston Police Department Supplemental Narrative prepared by Cody Bloomsburg consisting of two (2) pages. (9-10)
6. Lewiston Police Department Supplemental Narrative prepared by Tom Woods consisting of one (1) page. (11)
7. Lewiston Police Department Vehicle Impound Sheet consisting of one (1) page. (12)
8. Lewiston Police Department Main Names Table consisting of two (2) pages. (13-14)
9. Criminal History consisting of sixty-two (62) pages. (15-76)
10. Idaho State Police Forensic Services Criminalistic Analysis Report consisting of two (2) pages. (77-78)
11. Idaho State Police Forensic Services Evidence Submission/Receipt Form consisting of one (1) page. (79)
12. Two (2) DVDs containing the Watchguard videos from Cody Bloomsburg and Chris Reese's patrol vehicles and four (4) photographs.

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Arraignment

Hearing date: 10/17/2013

Time: 1:17 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2013

Prosecutor: Justin Coleman

11723 Defendant present, in custody, with counsel.

---

11841 Mr. Cuddihy addresses the Court re: 2 week continuance.

11858 Court resets arraignment for 10-31-13 at 1:15 p.m.

11911 Court recess.

*COB*

RECEIVED OCT 24 17 20

MR JORGE E. KOPPELQUEZ

CASE # 13L13293 OR

13L13292 ???

1150 WALL ST.  
LEWISTON ID

83501

State v. Rodriguez CR13-16184

YOUR HONORABLE JUDGE KERRICK,

10-22-13

I AM WRITING YOU THIS LETTER YOUR HONOR TO BE VERY HONEST WITH YOU. TO START, I WOULD LIKE TO STATE THAT I HAVE MADE SEVERAL ATTEMPTS TO WORK WITH MY ATTORNEY, FACE TO FACE, WHICH HE HAS NOT FOLLOWED THROUGH WITH ANY OF THESE REQUESTS. I AM NOT PUTTING HIS SMALL EFFORTS DOWN BUT THIS IS MY LIFE YOUR HONOR AND THIS CASE IS NOT BEING DELT WITH CORRECTLY. THERE ARE MANY INCONSISTANCIES IN THIS CASE AND EVERY CHANCE MR. CUDRINY HAS BEEN ABLE TO VIEW, HE HAS NOT DONE SO. I KNOW THAT IT IS NOT YOUR PLACE TO HEAR MY CONCERNS BEYOND THE COURTROOM, BUT I AM ASKING YOU TO CONSIDER HEARING THIS. I HAVE SEVERAL HEALTH ISSUES THAT IS COSTING YOUR COUNTY LARGE SUMS OF MONEY TO PROVIDE ME DOCTOR VISITS I WAS RESENTLY ATTACKED WHILE IN THE COUNTIES CUSTODY BY A MAN I DID NOT KNOW WHO CONFUSED ME WITH ANOTHER MAN. NOW I AM HAVING ISSUES WITH MEDICAL HERE TO FOLLOW UP WITH MY LOSS OF VISION FROM THE ATTACK SIR. I HAVE NOT BEEN HEARD ON AN OR RELEASE OR BAIL REDUCTION. I AM A VICTIM OF MISUNDERSTANDING YOUR HONOR. I CANNOT AFFORD A PRIVATE INVESTAGATOR BUT LIKE THE INTERPRATURE WHO AS YOU KNOW WAS NOT PRESENT AT MY LAST HEARING I AM REQUESTING TO HAVE A P.I ON MY CASE THIS MAN MR. FRAZIER WHO ADMITS TO BEING A METH ADDICT IN K-9 OFFICER REESE'S NARRITIVE UNDER CASE # 13-L13292 WHICH TO BEGIN WITH IS NOT THE RIGHT CASE # HAS MADE STATEMENTS TO INMATES IN HIS POD THAT HE PLANED TO TAKE ME ALONG TO BLAME THIS CRIME'S

MAY 10 1999

ON ME. I DID NOT KNOW OF ANY NARCOTIC ACTIVITY TAKING PLACE HAD I WOULD NOT HAVE GOTTEN IN THE CAR. MR. FRAZIER ADMITS TO POSSESSING, TRANSPORTING AND ATTEMPTING TO DISTRIBUTE THE NARCOTIC IN YOUR VALLEY AS WELL AS ADMITTING TO BEING INVOLVED IN PRIOR PRESENT NARCOTIC ACTIVITY IN YOUR VALLEY. HE STATES THAT THE REASON HE BROUGHT ME OTHER THEN FIXING HIS UNCLE'S VAN WAS THAT I WAS HISPANIC AND IT WOULD BE EASY TO PAWN HIS ACTIONS ON TO ME. THERE HAS BEEN SEVERAL CONVERSATIONS OVER THE SECURIS PHONE COMPANY THAT I WOULD LIKE TO BE SUPERNIZED ON MY BEHALF WHICH INCLUDE THREATS MADE TO HIS UNCLE AS WELL AS OTHERS, AS WELL AS THE VIDEOS AT ALBERTSONS PARKING LOT AS WELL AS THE OFFICERS VIDEOS THAT I HAVE NOT BEEN ABLE TO SEE. YOUR HONOR I GIVE CREDIT WHERE CREDIT IS DUE BUT I KNOW MR. CUDDEHY IS OVERWHELMED WITH EXTREME AMOUNTS OF CASES I AM REQUESTING TO HAVE AN ATTORNEY WHO HAS TIME TO WORK ON MY CASE, WHO WILL ALSO INVESTIGATE THE ATTACK ON ME WHILE IN THE CUSTODY OF NEZ PERCE COUNTY. I WOULD <sup>LIKE</sup> TO CONTINUE WITH MR. CUDDEHY BUT IF HE DOESN'T HAVE THE TIME TO GO OVER THE DISCOVERY EVIDENCE I WOULD LIKE FOR HIS P.I. TO SEE ME. OR FOR YOU TO PROVIDE ME WITH TIME TO REVIEW MY CASE AND NOTE THE INCONSISTANCYS WHICH SHOULD BE GROUNDS FOR DISMISAL. I WOULD LIKE TO GET ON WITH MY LIFE. THANK YOU FOR YOUR TIME YOUR HONOR.

George Rodriguez 1022-159

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Arraignment

Hearing date: 10/31/2013

Time: 1:46 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2013

Prosecutor: April Smith

- 14629 Defendant present, in custody, with counsel.
- 14858 Court and counsel meet at sidebar.
- 15041 Court addresses Defendant re: request for interpreter. Defendant has not waived his right to speedy trial.
- 15122 Defendant addresses the Court.
- 15140 Court sets jury trial for 1-13-14 at 9 a.m., pretrial motions along with supporting briefs due 11-7-13, responsive briefing due 11-21-13, pretrial motions will be heard 12-12-13 at 2:30 p.m. if no motions are filed there will not be a hearing and final pretrial conference set for 12-19-13 at 3:30 p.m.
- 15235 Mr. Cuddihy addresses the Court re: bond.
- 15344 Ms. Smith addresses the Court re: bond and requests it remain as set.
- 15408 Mr. Cuddihy responds.
- 15450 Court addresses Defendant and denies request. Bond remains set at \$250,000.00.
- 15549 Court recess.

FILED

2013 NOV 4 AM 11 07

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*P. O. Weeks*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	CASE NO. CR13-06184
	)	
vs.	)	ORDER SETTING JURY TRIAL
	)	AND SCHEDULING PROCEEDINGS
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	
	)	

The above-entitled case is hereby scheduled as follows:

JURY Trial shall commence on January 13, 2014 at the hour of 9:00 a.m.;

All pre-trial motions shall be filed on or before; November 7, 2013;

Supporting Briefs due: November 7, 2013;

Responding Briefs due: November 21, 2013;

All pre-trial motions shall be heard at the hour of 2:30 p.m. on Thursday, December 12, 2013, with the defendant personally present at said hearing. If no motions are filed, there will be no hearing on this date.

Final pre-trial conference and the date and time by which plea bargaining must be completed  
December 19, 2013 at 3:30 p.m.

Dated this 4<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
CARL B. KERRICK-District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing ORDER SETTING JURY TRIAL AND SCHEDULING PROCEEDINGS was:

hand delivered via court basket, or

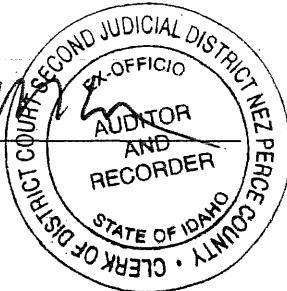
\_\_\_\_\_ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 4<sup>th</sup> day of November, 2013, to:

Rick Cuddihy  
P O Drawer 717  
Lewiston ID 83501

Sandra Dickerson  
P.O. Box 1267  
Lewiston, ID 83501

PATTY O. WEEKS, Clerk

By *Patty O. Weeks*  
Deputy



ORDER SETTING JURY TRIAL AND SCHEDULING PROCEEDINGS



RECEIVED NOV - 6 2013

# Knowlton & Miles, PLLC Attorneys at Law

Manderson L. Miles

Stephanie Roe  
Legal Assistant

Richard M. Cuddihy

Mackenzie J. Welch

Kayleen Shaw  
Legal Assistant

Owen L. Knowlton  
(1910 - 1992)

\*\*\*\*\*

## FAX COVER SHEET

\*\*\*\*\*

Date: Nov 6 2013

To: NPC CT NPC Pros

Fax No.: 799 3058 799 3080

From: Rick Cuddihy

Re: State v. Jorge Rodriguez

Total pages including cover sheet:

**ORIGINAL / COPY:**

- Will not be sent
- Will be delivered/mailed upon your request
- Will be sent via U.S. Mail Service
- Will be delivered
- Will be filed with the Court
- Other:

Notes: Second RFD  
Mtn for County to Pay for Expert Witness Expenses  
Proposed Order

**CONFIDENTIALITY NOTICE** - This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distributing or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, immediately notify us by telephone and arrange for return of the documents.

11-7-13  
 1st Pgs faxed back.

Rick Cuddihy, ISB No. 7064  
KNOWLTON & MILES, PLLC  
Post Office Drawer 717  
312 Seventeenth Street  
Lewiston, Idaho 83501  
Telephone: (208) 746-0103  
Fax: (208) 746-0118

**FILED**  
2013 NOV 6 PM 4 50

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*[Signature]*  
DEPUTY

Attorneys for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JORGE E. RODRIGUEZ, )  
 )  
 Defendant. )

Case No. CR13-6184

SECOND  
REQUEST FOR DISCOVERY

**TO: PROSECUTING ATTORNEY FOR COUNTY OF NEZ PERCE, STATE OF  
IDAHO:**

**PLEASE TAKE NOTICE** that the undersigned, pursuant to Rule 16 of the Idaho  
Criminal Rules, requests discovery and inspection of the following information, evidence, and  
materials:

**THIRTEEN:** Provide the defendant with video surveillance from Albertson's, which is  
located at 1024 21<sup>st</sup> Street Lewiston, Idaho 83501 from the date of the alleged incident, August  
29, 2013.

The undersigned further requests permission to inspect and copy said information,

SECOND  
REQUEST FOR DISCOVERY

evidence and materials not required to be furnished within fourteen (14) days from receipt of this notice, or at such other time as counsel may agree.

DATED this 6<sup>th</sup> day of November, 2013.

KNOWLTON & MILES, PLLC

By: *Richard M Cuddihy*  
Rick Cuddihy

**CERTIFICATE OF DELIVERY**

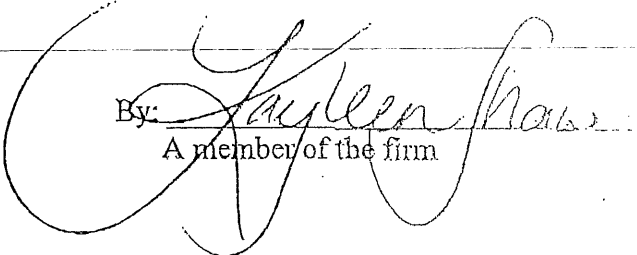
I **HEREBY CERTIFY** that on this 6th day of November, 2013, I caused a true and correct copy of the foregoing <sup>Person B</sup> Request for Discovery to be:

- hand delivered
- hand delivered by providing a copy to: Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

Prosecuting Attorney  
Nez Perce County  
Lewiston, ID 83501

KNOWLTON & MILES, PLLC

By:   
A member of the firm

**TWO:** Permission to the defendant to inspect and copy or photograph any relevant, written, or recorded statements made by the defendant or copies thereof within the possession, custody or control of the state.

**THREE:** The substance of any relevant, oral statement made by the defendant or copies thereof within the possession, custody or control of the state.

**FOUR:** Permission of the defendant to inspect and copy or photograph any written or recorded statements of a co-defendant and the substance of any relevant, oral statement made by a co-defendant, whether before or after arrest, in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.

**FIVE:** Furnish to the defendant a copy of the prior criminal record of the defendant, if any.

**SIX:** Permission of the defendant to inspect and copy or photograph books, papers, documents, specifically including the request for search warrant, reports, photographs, audio tapes, video tapes, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney and which are material to the preparation of the defense or intended for use by the prosecutor as evidence at trial or obtained from or belonging to the defendant.

**SEVEN:** Permit the defendant to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case or copies thereof within the possession, custody, or control of the prosecuting attorney.

**EIGHT:** Provide the defendant with copies of the polaroids taken as evidence.

**NINE:** Furnish to the defendant written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior felony convictions of any such person which is within the knowledge of the prosecuting attorney.

**TEN:** Furnish to the defendant statements made by the prosecution's witnesses or prosecuting attorney or agents or to any official involved in the investigatory process of the case.

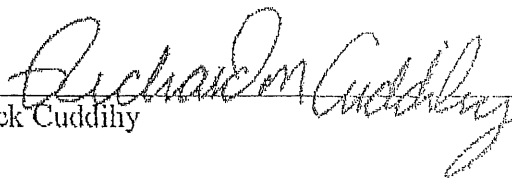
**ELEVEN:** Furnish to the defendant reports and memoranda made by any police officer or investigator in connection with the investigation or prosecution of the case.

**TWELVE:** Provide the defendant with the name of the person who called the Lewiston Police Department.

The undersigned further requests permission to inspect and copy said information, evidence and materials not required to be furnished within fourteen (14) days from receipt of this notice, or at such other time as counsel may agree.

**DATED** this 23<sup>rd</sup> day of September, 2013.

KNOWLTON & MILES, PLLC

By:   
Rick Cuddihy

FILED

2013 NOV 6 PM 4 50

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Patty Weeks*  
DEPUTY

Richard M. Cuddihy, ISB No. 7064  
KNOWLTON & MILES, PLLC  
312 Seventeenth Street  
Post Office Drawer 717  
Lewiston, Idaho 83501  
Telephone: (208) 746-0103  
Fax: (208) 746-0113

Attorneys for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. <sup>6184</sup> CR13- <del>3316</del>
	)	
Plaintiff,	)	MOTION FOR COUNTY TO PAY FOR
v.	)	EXPERT WITNESS EXPENSES
	)	
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	

COMES NOW the Defendant, Jorge Rodriguez, by and through his Court appointed attorney, Richard Cuddihy of the law firm of Knowlton & Miles, PLLC, and pursuant to I.C. § 19-851 and 19-852 moves the Court for an Order for Nez Perce County to pay expert witness fees for the indigent Defendant for the following purposes:


1. For funds to allow the defense to obtain the services of Howard Elliott, who is a private investigator and sole owner of HE Investigates. Said expert is requested to assist the defense by performing interviews, writing reports of observations and observing witness testimony. The defendant is requesting the Court order Nez Perce County pay the expert his hourly rate of \$55.00 per hour for any time spent plus a \$0.45 fee per mile traveled in

MOTION FOR COUNTY TO PAY FOR  
EXPERT WITNESS EXPENSES

this matter. A detailed accounting of these costs will be provided as incurred and upon receipt.

DATED this 6<sup>th</sup> day of November, 2013.

KNOWLTON & MILES, PLLC

  
Rick Cuddihy



**CERTIFICATE OF DELIVERY**

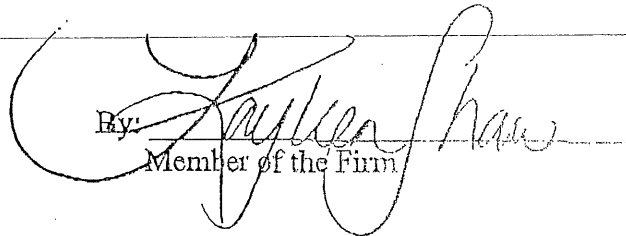
I HEREBY CERTIFY that on this 6th day of November, 2013, I caused a true and correct copy of the foregoing **Motion for County to Pay for Expert Witness Expenses** to be:

- hand delivered
- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

April Smith  
Nez Perce County Prosecuting Attorney  
211 F Street  
Lewiston, Idaho 83501

KNOWLTON & MILES, PLLC

By:   
Member of the Firm

Jorge Rodriguez  
November 4-2013

1: page of 3

Case: no CR-2013-0006184

Dismissal of Council  
Public defender  
Rick Cuddihy

17

Honorable Judge: Kerrick

2013 NOV 7 10 AM 10  
IN THE DISTRICT COURT OF THE SECOND JUDICIAL  
DISTRICT OF THE STATE IDAHO, IN AND FOR THE  
COUNTY OF NEZ PERCE  
CLERK OF DISTRICT COURT

*[Signature]*  
DEPUTY

STATE of IDAHO  
Plaintiff.  
VS

Jorge E. Rodriguez  
Defendant.

MOTION for Dismissal  
of Council Public defender  
Rick Cuddihy  
CASE No. CR2013-0006184 and  
motion For County to Appoint  
and Pay For EXPENSES For  
EXPERT: PRIVATE  
INVESTAGATOR

Comes now the Defendant *Jorge E Rodriguez* and  
pursuant to I.C. § 19-851 and 19-852 moves

The Court For and Order For Nez Perce County  
Court to appoint and Pay for the fees associated  
with the Private INVESTAGATOR as the

Defendant IS INDIEN T; AND as my  
Attorney has been Showing Predjudism and  
Conflict of Intrest IN MY Case. Its  
been shown that theres Padding Evidence  
in my Case Discovery and withholding  
Evidence in my case, Iud call my  
Attorneys Office and hes made fals  
Pramises also making aligation well  
as acusations towards me pertaining  
my case. Ive asked him to Superna  
different thing to prove my inccents

MOTION FOR COUNTY TO APPOINT AND PAY FOR  
EXPERT PRIVATE INVESTIGATOR

he convinces to ignore me. Attorney  
Rick Cuddihy wisperes in The Court -

Jorge Rodriguez

2: page of 3

Dismissal of Council  
Public Defender

November 4, 2013

Case No CR-2013-0006184 Rick Cuddihy

②

Room and makes Promises and False Statement that he doesn't keep. He continues to ignore my requests to Supreme The Albertsons Parking Lot Videos From the 29<sup>th</sup> of August and witnesses from the day of my Arrest and I have 12 more witnesses that I would like to bring forth.

I'm sorry that some of my words are misspelled but I have a friend helping me I hope you can read my spelling. We need to Supreme Items and Evidence that have not brought before the Courts Till this day Mr Cuddihy doesn't know that I have most of ~~my~~ my Family lives in Idaho. I have my Daughter going to The University of Idaho in Moscow. and my Family Live in Idaho since 1967 and The Courts and Prosecuting Attorneys have me as NO Ti to the community For a Bond Reduction OR a Property Bond We Own Boise Brick and Stone Masonry Contractors in Boise and I have lived in Idaho For 28 years I was in Prison in 2000 For 24 Months and was gold seal out of Prison Back in 2000 Mr Cuddihy never Talk to me since I've been in Jail NOW Mr Rick Cuddihy is my Co-Defendants Family Friend and have known Trevis Frazier From when he was littal That's why ~~it's been difficult~~ for me to get Cuddihy To help me and to Supreme what I Need

MOTION FOR COUNTY TO APPOINT AND PAY FOR  
EXPERT PRIVATE INVESTIGATOR

Jorge Rodriguez  
November 4-2013

③

3: pages of 3  
Case: no CR-2013-0006184

Dismissal of Council  
Public Defender  
Rick Cuddihy

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that this 4<sup>th</sup> day of NOVEMBER, 2013  
I caused a true and correct Copy of foregoing  
MOTION

For County to Appoint and Pay For a NEW  
Differant Council Attorney or Public Defender  
AND

For County to Appoint and pay For  
PRIVATE INVESTAGATOR  
EXPENSES

To Be:  
" mail postage prepaid "

second Judicial District Court state of Idaho  
to the Following NEZ PERCE County 1230 Main ST  
Honorable: Judge, Kerrick Lewiston, Idaho  
83501  
Case: no CR-2013-0006184

Thank You  
Honorable Judge Kerrick  
for your understanding

By Jorge E Rodriguez

“afformationd is to the best of my knowledge”

Jorge E Rodriguez  
11-4-2013

FILED

2013 NOV 7 AM 10 57

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Patty Weeks*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE.

STATE OF IDAHO,

Plaintiff,

v.

JORGE E. RODRIGUEZ,

Defendant.

Case No. CR13-6184

ORDER GRANTING DEFENDANT'S  
MOTION FOR COUNTY TO PAY FOR  
EXPERT WITNESS EXPENSES

THIS MATTER having come before the Court by the Defendant's Motion to Pay for Expert  
Witness Expenses; there being good cause therefore; the Court makes the findings that the defendant  
is indigent and without sufficient income or assets to pay for necessary expenses;

IT IS HEREBY ORDERED; Nez Perce County is responsible to pay the following necessary  
expenses in this matter:

1. For the Defendant to obtain the services of the investigator, Howard Elliott and owner  
of HE Investigator. The Defendant shall provide a detailed accounting of these costs with the

ORDER GRANTING DEFENDANT'S  
MOTION FOR COUNTY TO PAY FOR  
EXPERT WITNESS EXPENSES

agreement that the rate to be charged for Howard Elliott's work performed will be fifty-five dollars  
(\$55.00) per hour and a forty-five cent (\$0.45) fee per mile.

DATED this 7<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
JUDGE KERRICK

ORDER GRANTING DEFENDANT'S  
MOTION FOR COUNTY TO PAY FOR  
EXPERT WITNESS EXPENSES

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 7<sup>th</sup> day of November, 2013, I caused a true and correct copy of the foregoing Order Granting Defendant's Motion for County to Pay for Expert Witness Expenses to be:

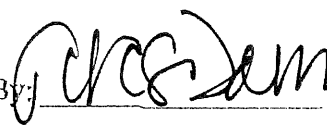
- hand delivered
- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

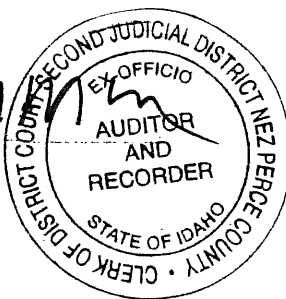
to the following:

Nez Perce County Prosecutor's Office  
PO Box 1267  
Lewiston, Idaho 83501

Rick Cuddihy  
Knowlton & Miles  
312 17<sup>th</sup> St.  
Lewiston, Id, 83501

Clerk of the Court

By: 



ORDER GRANTING DEFENDANT'S  
MOTION FOR COUNTY TO PAY FOR  
EXPERT WITNESS EXPENSES

Page 13 \*

IN The District Court of the Second Judicial District of The State of Idaho, in and For the County of Nez Perce

FILED

2013 NOV 12 AM 8 15

State of Idaho PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
vs. *(Signature)*  
DEPUTY

Case No: CR 2013-0006184  
L.P.D Case No: 13-L13293 or 13-L13292  
Motion For Expert Private  
Investagator that the County of  
Nez Perce Appoint and Pay For  
EXPENSES on Private INVESTAGATOR  
and Supena Albertson Parking Lot  
Videos and witnesses on August 29-2013

Jorge E. Rodriguez  
defendant

come now the defendant Jorge E. Rodriguez  
and Pursuant to I.C. § 19-851 and 19-852 moves  
the Court and Order For Nez Perce County to  
"Appoint and EXPERT PRIVATE INVESTAGATOR"  
AND THAT THE COUNTY PAYS FOR THE EXPENSES FEES  
ASSOCIATED WITH THE PRIVATE INVESTAGATORS WORK  
"AS THE DEFENDANT IS INDIGENT,"

(8:30 PM)

DATED this 6<sup>th</sup> day of November 2013

Mailed to Second Judicial District Court

state of Idaho: Nez perce County District Judge

Honorable CARL B. KERRICK - District Judge

1230 Main, St  
Lewiston, Idaho

Motion For County to  
Appint and Pay For  
Private. Investagator  
• EXPENSES

By <sup>comes</sup> Now *Jorge E. Rodriguez*  
*Jorge E. Rodriguez*

MOTION FOR EXPERT PRIVATE INVESTIGATOR THAT THE COUNTY OF  
NEZ PERCE APPOINT AND PAY FOR EXPENSES ON PRIVATE  
INVESTIGATOR AND SUBPOENA ALBERTSON PARKING LOT VIDEOS AND  
WITNESS  
Honorab... to make available to all who are involved in this  
matter Thank you sir: *Jorge Rodriguez* 11-6-2013 8:30 PM

page 1 of 3 pages

of for mentioned is to the Best of my Knowledge



Relief Requested:

I

a) The defendant here by requests this "Honorable" Court to Supena and make Available to all who are involved in this matter. A complete copy of "Travis E. Frazier Co DEFENDANT DISCOVERY".

II

Arguments:

The defendant has reason to believe that "Travis Frazier" Co DEFENDANTS: Discovery contains Evidence which has been withheld From the DEFENDANTS Discovery due to its damaning effects to the Prosecutions allegation Against Jorge E. Rodriguez

III

Supena The witness that I have here NAMES of people and The Jail phone call From Trevis he is "threding" his UNCAL That if he dont gets him out of Jail that hes going to Charge him with The Charge of Trafficking and that he is Blaiming me becous Im MEXICAN and That mexicans are bringin The Drugs

MOTION FOR EXPERT PRIVATE INVESTIGATOR THAT THE COUNTY OF NEZ PERCE APPOINT AND PAY FOR EXPENSES ON PRIVATE INVESTIGATOR AND SUBPOENA ALBERTSON PARKING LOT VIDEOS AND WITNESS

2 of 3 pages

8:30 PM

Jorge Rodriguez

DATED this 6th day of November 2013

Jorge Rodriguez

: Relief Requested to Supreme and  
make Available people and Videos and  
Evidence withheld and "officer involved"  
witnesss From Jail and Phone Calls From  
Trevis E. Frazier The "Watchguard Videos" From  
officer Cody Bloomsburg and Chis Reeses Patrol  
Vehicles (2) DVDs have not seen nothing yet  
allso heres The List of witnesss That  
We Need For The JURY TRIAL start with Richland, wa  
Preston Hernandez <sup>Same</sup> YVONNE ESTAVILLO JODY FRAZ  
Candy Pete Rickman The lady

that works at Albertson Dali on the day of August: 29th 2013  
The men working at The <sup>GAS</sup>sticker Station by Albertson  
parking lot on that day of August 29-2013 and that other  
store The Casher and The Boy <sup>cl</sup>ewing the store and lady  
moping the Floor and There is Two other men and Two  
other Laidys that can Testify about what Trevis is  
Doing and why he is blaming me There is a  
men NAME John Kao Piter he is a men that manshend  
that he is in Trevis Frazier Pot in Bipot and officer that  
Handcuff <sup>us</sup> witnesss John telling me this to.

MOTION FOR EXPERT PRIVATE INVESTIGATOR THAT THE COUNTY OF  
NEZ PERCE APPOINT AND PAY FOR EXPENSES ON PRIVATE  
INVESTIGATOR AND SUBPOENA ALBERTSON PARKING LOT VIDEOS AND  
Dated this 6th day of November 2013 at 8:30pm  
WITNESS Jorge E Rodriguez  
Jorge E Rodriguez  
11-6-13 8:30pm

Case No: CR 2013-0006184

Motion For Bond Reduction

Six

6<sup>th</sup> day of November

1 of 2 pages

Second Judicial District Court state of Idaho  
Honorable Judge KERRICK For County of Nez Perce

2013 NOV 12 AM 8 15

STATE OF IDAHO  
PLAINTIFF  
PATTY O. WEEKS  
CLERK OF THE DIST. COURT

CASE NO CR 2013-0006184

vs.

DEPUTY

PURSUMM

Motion For "Property Bond"

Jorge E. Rodriguez  
Defendant

Bond Reduction

comes now The Defendant: Jorge E Rodriguez  
and Pursuant The Court with the Order  
to Lower my Bail so where I can be able  
to afford: as I need medical Attention  
Ive been to St, Joseph Medical Center  
Twice and its cost Nez Perce County  
Close to \$5,000<sup>00</sup> Dollars Im having  
Heart, Liver and Kidney Problems and  
Need to be able to see my Private Physi-  
-cians so my Insurance will cover and  
Im on Social Security benefits So Please  
Grant me an affordable Bond a fair  
and obtainable Bond, I own my own  
home its paid For.

Dated this on the 6<sup>th</sup> of November - 2013

Motion For Bond  
Reduction

MOTION FOR PROPERTY BOND BOND REDUCTION

come  
now

Jorge E Rodriguez  
Jorge E Rodriguez

1 of 2 pages  
as affirmed is to the best of my knowledge

Six

Case no: CK 2013-0006184  
6<sup>th</sup> day of November

Motion For  
Bond Reduction

53

2 of 2 pages

CERTIFICATE of DELIVERY

I hereby CERTIFY that on this 6<sup>th</sup> day of  
November I caused a true and correct  
copy of the foregoing Motion For Bond  
Reduction WAS: Mailed postage Prepaid  
mailed to Honorable Judge CARL B. KERRICK  
Second Judicial District Court state  
of Idaho, County of Nez Perce  
1230 Main, street  
Lewiston, Idaho 83501

For Medical purposes I  
ask For Bond Reduction  
Thank you sir

Motion For  
Bond Reduction

By Jorge E Rodriguez  
Jorge E Rodriguez  
8:30 PM

6<sup>th</sup> day November: 2013

MOTION FOR PROPERTY BOND BOND REDUCTION

afformentioned is to the Best of my Knowledge

53

on 6<sup>th</sup> day of November 2013<sup>MY</sup>

STATE of Idaho  
in the District Court of the Second Judicial  
Nez Perce County Court

2013 NOV 12 AM 8:15

STATE of IDAHO vs. Patty O. Weeks  
Plaintiff  
CLERK OF THE DIST. COURT  
Jorge E. Rodriguez  
Defendant  
DEPUTY  
CO-DEFENDANTS A copy of  
Travis E. Frazier DISCOVERY  
Case no: CR 2013-0006184  
L.P.D. Case no: 13-L13293 or  
13-L13292  
Motion to Subpoena

I.) Identity of moving party:

a.) Comes now the Defendant Jorge E. Rodriguez hereby  
moves this honorable Court to grant the relief requested  
in section II of this document:

II Relief Requested:

a.) The defendant here by requests this "honorable"  
court to subpoena and make available to all who  
are involved in this matter. (in the defendant, plaintiff  
honorable Court and all representation involved.)  
A complete copy of Travis E. Frazier Co. DEFENDANTS:  
Discovery

Argument:

III The defendant has reason to believe that  
"Frazier" Discovery contains evidence which has  
been withheld from the Defendants discovery due to  
its damaging effects to the prosecutions allegation

MOTION TO SUBPOENA CO-DEFENDANTS  
against M. Rodriguez

have  
Hospital

I.)

Jorge E. Rodriguez  
11-6-13  
84  
2 pages

CONCLUSION:

Case No: CR 2013-0006184  
L.P.D. Case No: 13-L13293  
or: 13-L13292

IV

It is the moving parties belief that ~~sufficient~~<sup>sufficient</sup> evidence proving the defendants innocence has been provided to the courts and for all involved. It is that we ask now, all charges be dismissed and the defendant released from custody having all provided proving evidence, Innocence provided To The Court, I was given some names and Testimony of things that are to be in our discovery and these names and evidence are not in my discovery and I believe that there is more evidence that is withheld from my discovery. There was an officer present when it was mentioned and brought to my attention coming from Court on the 17th day of October going back to Jail with an other inmate and the Officer that ~~heard~~<sup>heard</sup> cuffled us was ~~witness~~<sup>WITNESS</sup> to what was mansherd.

give a copy to the Prosecutor office P.O. Box 1267 nez perce County prosecutors  
SANDRA K. DICKESON Lewiston Idaho or 211 F. Street Attorney  
83501 Lewiston Idaho 83501

Dated this 6th day of November 2013 was hand Delivered:  
K

I the defendant Jorge C Rodriguez hereby swear under penalty of Perjury that the afformentione

MOTION TO SUBPOENA CO-DEFENDANTS

is to the best of my knowledge true and correct. 85

Jorge C Rodriguez

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

FILED

2013 NOV 12 PM 4 03

PATTY OW WEEKS  
CLERK OF THE DIST. COURT  
*Patty Ow Weeks*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR2013-0006184

RESPONSE TO DEFENDANT'S  
SECOND REQUEST FOR DISCOVERY

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney, for Nez Perce County, Idaho, and pursuant to Defendant's Second Request for Discovery in the case herein, makes the following disclosure compliance pursuant to Idaho Criminal Rules, Rule 16.

REQUEST THIRTEEN: Provide the defendant with video surveillance from Albertson's, which is located at 1024 21<sup>st</sup> Street, Lewiston, Idaho 83501 from the date of the alleged incident, August 29, 2013.

RESPONSE: The State nor law enforcement have said video in their possession.

DATED this 12<sup>th</sup> day of November 2013.

*Sandra K. Dickerson*  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing RESPONSE TO DEFENDANT'S SECOND REQUEST FOR DISCOVERY was

- (1)   u   hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy  
KNOWLTON & MILES, PLLC  
312 17th Street  
P.O. Drawer 717  
Lewiston, ID 83501

DATED this   12<sup>th</sup>   day of November 2013.

  
ERIN D. LEAVITT  
Senior Legal Assistant



**ORIGINAL**

DANIEL L. SPICKLER  
Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Nez Perce County, Idaho  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone (208) 799-3073  
ISBN: 4968

**FILED**

2013 NOV 12 PM 4 02

PATTY O. WEEKS  
CLERK OF THE DIST. COURT




DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO,	)	CASE NO. CR2013-0006184 AND
	)	CASE NO. CR2013-0006185
	)	
Plaintiff,	)	MOTION TO CONSOLIDATE
	)	CASES
vs.	)	
	)	
JORGE E. RODRIGUEZ,	)	
TRAVIS E. FRAZIER,	)	
	)	
Defendants.	)	

Comes now SANDRA K. DICKERSON, Chief Deputy Prosecutor, pursuant to Idaho Criminal Rule(s) 8(b) and 13, and moves that Nez Perce County Case No. CR2013-0006184 be consolidated with Nez Perce County Case No. CR2013-0006185, for purposes of trial and all pretrial proceedings, based on the grounds and for the reason that all evidence and witnesses are the same in both cases.

DATED this 12<sup>th</sup> day of November, 2013.

  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing MOTION TO CONSOLIDATE was

- (1)   1   hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Gregory R. Hurn  
Kwate Law Office  
1502 "G" Street  
Lewiston Idaho 83501

Rick Cuddihy  
Knowlton & Miles  
PO Drawer 717  
Lewiston, ID 83501

DATED this   12<sup>th</sup>   day of November, 2013.

  
\_\_\_\_\_  
ERIN D. LEAVITT  
Senior Legal Assistant

Rick Cuddihy, ISB No. 7064  
KNOWLTON & MILES, PLLC  
Post Office Drawer 717  
312 Seventeenth Street  
Lewiston, Idaho 83501  
Telephone: (208) 746-0103  
Fax: (208) 746-0118

**FILED**

**2013 NOV 18 PM 3 51**

Attorneys for Defendant

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO, )  
Plaintiff, )  
vs. )  
JORGE E. RODRIGUEZ, )  
Defendant. )

Case No. CR-2013-0006184

MOTION IN OBJECTION  
TO CONSOLIDATION OF CASES

**COMES NOW** the above-named defendant, by and through his attorney of record, Rick Cuddihy and hereby files his Objection to Consolidation of Cases pursuant to I.C.R. 14, for the reason that Consolidation of both defendants at trial is prejudicial to the defendant.

DATED this 18<sup>th</sup> day of November, 2013.

KNOWLTON & MILES, PLLC

By: *[Signature]*  
Richard M. Cuddihy

**CERTIFICATE OF DELIVERY**

I CERTIFY that on this 18<sup>th</sup> day of November, 2013, I caused a true and correct copy of the foregoing **Objection to Consolidation** to be:

- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

NPC Prosecuting Attorney Office  
1109 F St.  
Lewiston, ID 83501

KNOWLTON & MILES, PLLC

By *Kayleen Shaw*  
A member of the Firm

To Mr Cuddihy  
312 Seventeenth Street  
P.O. Drawer 717  
Lewiston, Idaho  
83510

SECOND JUDICIAL DISTRICT of The  
State of Idaho IN and For The County  
of NEZ PERCE

Honorable Judge: Kerrick

FILED Motion For Knowlton 88 Miles, PLLC

STATE of IDAHO Plaintiff 2013 NOV 20 AM 7:02  
Cuddihy ATTORNEYS at LAW or  
Legal Assistants makes and give me

V.S.

Jorge E Rodriguez  
Defendant.

PATTY O. WEE  
CLERK OF THE DISTRICT COURT  
DEPUTY  
CR: 13-6184 TRAFFICKING in METHAMPHETAMINE  
I.C. § 37-2732(a)(4)(A)  
DIMINUTIVE CONTROL Case LAW

Come now The Defendant

Jorge E Rodriguez  
Jorge E Rodriguez

Pursent to I.C. § 19-851 and 19-852 moves  
to ask For <sup>all</sup> Information available For my Case no: CR 13-6184  
on Diminutive Control Case Law that will  
pertaining Foriler to my Case Chargeds of  
TRAFFICKING in METHAMPHETAMINE I.C. § 37-2732  
(a)(4)(A), : ONE FELONY COUNT, TRAFFICKING:  
and would like to ask you to please make  
a Motion For The Court to Grant me a  
: Property Bond Please :  
: as I have been asking Mr Cuddihy since this problem started:  
and nothing

DATED this 13 day of November 2013

IN The DISTRICT COURT of the second Judicial DISTRICT  
in the State of Idaho, IN and For the County of NEZ PERCE

Honorable Judge Kerrick

11-13-13

1230 Main, ST Thank you Sir  
Lewiston, IDAHO REQUESTING DIMINUTIVE CONTROL  
83501

Case no CR. 2013 - ~~80000000~~  
-0006184  
Jorge E Rodriguez  
Jorge E Rodriguez 92

11-13-13

Case no. CR-2013-0006184

2 of 2 pages

Jorge E Rodriguez  
Jorge E Rodriguez

CERTIFICATE OF DELIVERY

I here By Certify that on this 11-day of November 2013

I caused a True and Correct Copy of my foregoing  
Requesting Diminutive Control Case Laws on my

Case no: CR.13.0006184 Trafficking on  
Methamphetamine I.C. § 37-2732 (a)(4)(A),  
ONE Felony Count, Trafficking:

I would like to ask if there is some one  
that I can ask if there willing to help  
me to resersh for some Information on

"Fregueting Charges I think or we think  
that the way its speled, I have ask  
Mr. Cuddihy and ASK and ASK but I dont  
get any anusers if there is some one  
that can help it would be aprisheated

Thank you SER For EVRYthing

youd help with Thanks

to be: mail postage Prepaid

To Honorable Judge: Kerrick  
STATE of Idaho

Second Judicial, District Court  
IN County of NEZ Perce

1230 Main, Street

Lewiston, Idaho

83501

11-13-13

Case no: CR-2013-0006184

By Jorge E Rodriguez  
Jorge E Rodriguez

Dated this 13 day of November 2013

REQUESTING DIMINUTIVE CONTROL

93

afformation is to the Best of my Knowledge:

2 of 2 pages

RECEIVED  
NOV 20 2013

11-15-13

Jorge E Rodriguez  
1 of 4 pages

3/8

Honorable Judge Kerriek  
IN THE STATE of Idaho DISTRICT COURT, Second Judicial  
County of NEZ PERCE. page 1

DISMISSAL

The STATE of Idaho  
vs. plaintiff

Jorge E Rodriguez

TRAVIS E. FRAZIER

DEFENDANTS

SANDRA K. DICKERSON Prosecutor pursuant  
with DISMISSAL Case No: CR-2013-6184 ON

Grounds: Diminutive Control and Withholding Evidence  
Case LAW

CASE, No: CR 2013-0006184 and are not the  
CASE, No: CR 2013-0006185 SAME

evidence and witnesses are not same

SEE BACK of page 2 and 3<sup>rd</sup> motion and DISCOVERY

I: Comes now, Jorge E Rodriguez the defendant on  
Case No: CR-2013-0006184 Pursant The Court  
with the Order and Motion to Dismissal Case  
no Charges of TRAFICING IN METHAMPHETAMINE I.C. § 37-

II 2732 B(a)(4)(A), a Felony, on "Grounds" That  
Withholding Evidence Padding a Case is not  
good in The Court of LAW Diminutive Control  
Case LAW Prosecution withholds Evidence that  
will show my innocents and uses what makes

me look guilty: In Asking For the Videos From the  
night of the alleged incident, occurred the  
ALbertsons Parking Lot Videos or DVDs August 29,  
2013. ALbertson which is Located at 1024. 21<sup>st</sup>  
street, Lewiston, Idaho 83501, with those Videos and  
Videos From the other store so I can Prove my  
Innocence: AND I've been asking For those  
Videos, From when it was First mentioned in the  
Court Room way Back in September 11<sup>th</sup> and 17<sup>th</sup> 2013

MOTION FOR DISMISSAL ON GROUNDS  
DIMINUTIVE CONTROL 5 day of November 2013

Jorge E Rodriguez  
11-15-13

MOTION FOR VIDEOS  
Case No CR13-0006184 under  
Diminutive Control Case Law and  
Padding a Case withholding Evidence

... motion is to the best of my knowledge

MOTION FOR DISMISSAL ON GROUNDS  
DIMINUTIVE CONTROL Case Law  
withholding Evidence  
Case no: CR 13-6184

Page 2 of 4 Other Side

11-13-13  
Jorge Rodriguez  
2 of 4 pages

Nez Perce County  
Honorable Judge Kerrick  
For the STATE of Idaho Second  
Judicial DISTRICT Court Lewiston Id

Page 2

IN September the Prosecutor said there were going  
To Provide me the defendant with a copy of the Videos  
and DVDs NOW The State nor Law enforcement  
IV have no Finger Prints Videos nor DVDs what  
happed to them if the STATE cant provide it me  
The Defendant Jorge E Rodriguez Im Requesting this  
motion to be Granted and that the STATE of Idaho  
Honorable Judge Carl B. Kerrick For the County of  
Nez Perce Second Judicial District Court and For  
The STATE of Idaho Case no: CR 2013-0006184 Be  
V DISMISS with Prejudice under DIMINUTIVE CONTROL  
Case Law and Adding a Case withholding Evidence  
That will Show my Innocents, I was given  
names and Testimonys that are not in my  
Discovery as what is on Trevis E. FRAZERS  
Discovery Case no: CR 2013-0006185 ON October  
VI 17<sup>th</sup> going and Coming Back From Court I  
was given some names and Testimonys of  
things that Supposed to be in my Discovery  
that is not there is a NAME of DARREN,  
HODGE and that NAME is not to be Found  
IN My Discovery, there was the Officer that  
MOTION FOR DISMISSAL ON GROUNDS  
DIMINUTIVE CONTROL when Im mate John Klopiter

Dated 15 day of November 2013

Jorge Rodriguez



Honorable Judge Kerrick  
For The STATE of Idaho County of Nez Perce  
Second Judicial District Court

Page ③

The officer Present wrote the names on  
my legal paperwork there is more evidence  
withhold We Need to Clear my name of <sup>Jorge E Rodriguez</sup>  
this Charges as Travis E. Frazier Admits  
Bringing the Drugs and that he was involved  
in recent Narcotic Activities and that he had  
been Selling or Buying Drugs or that he was  
Under The Influence of methamphetamine  
That he have any methamphetamines in  
his possession his UNCLE Drove From Washington  
Bring us From Washinton Because neither one  
me or Travis can Drive were Both suspended  
when Travis was INTERVIEWED Like what he  
Said in The Discovery That we just met  
he is Lying his Mother to his Kid X Girl Friend  
Got me out of Jail She put her S.U.V and  
payed For My Bail Bond if we Just Met  
She is not going to get me out of  
Jail. She got me out of Jail For  
Driving with NO Privielages thats why  
Travis, FRAZIER is Angry with me and his  
X Girl Friend Look on this other side of

MOTION FOR DISMISSAL ON GROUNDS

DIMINUTIVE CONTROL of this page ③

DATED This 15 day of NOVEMBER 2013

Jorge E Rodriguez  
11-15-13

MOTION FOR DISMISSAL ON GROUNDS 4 of 4 page  
Diminutive Control Case Law and  
withholding Evidence Padding a Case

Jorge Rodriguez Esq  
Jorge Rodriguez  
11-15-13

Look on the Back of page ③

CASE NO CR-13-6184 Page ④

CERTIFICATE OF DELIVERY

I hereby Certify that this 15 day of November 2013

I Coured a true and correct ~~o~~ Copy of foregoing

MOTION  
For DISMISSAL ON GROUNDS  
DIMINUTIVE CONTROL Case LAW and  
Withholding Evidence Padding a Case  
COUNT 1

TRAFICKING IN METHAMPHETAMINE, I.C. §

37-2732 B(2)(4)(A), a INFORMATION Filed on <sup>September 12-</sup> -2013

To Be: mail postage prepaid

to mail to Honorable: Judge, Kerrick  
For The STATE of Idaho Nez Perce County,  
Second Judicial District Court  
1230 Main, ST  
Lewiston, Idaho 83501 and

SANDRA K, DICKERSON  
Chief Deputy Prosecutor  
Nez Perce County Prosecutor  
P.O. Box 1267  
Lewiston, Idaho  
83501

Case no: CR 2013-0006184

DATED this 15 day of November 2013

Thank you see  
Honorable Judge Kerrick  
for your Understanding  
By Jorge E Rodriguez  
Jorge E Rodriguez  
11-15-13

MOTION FOR DISMISSAL ON GROUNDS  
DIMINUTIVE CONTROL

afformantiond is to the best of my knowlege:

Honorable Judge Kerrick  
IN THE STATE OF IDAHO DISTRICT COURT,  
COUNTY OF NEZ PERCE

Jorge E. Rodriguez  
1 of 4 pages  
page ①

TH 2013 NOV 21 AM 11:00

VS  
PATTY O. WEEKS  
CLERK OF THE DIST COURT  
Jorge E. Rodriguez,  
DEPUTY  
TRAVIS E. FRAZIER  
DEFENDANTS.

SANDRA K. DICKERSON  
Chief Deputy Prosecutor Pursuant  
CASE No. CR 2013-0006184 and  
CASE No. CR 2013-0006185  
with Motion for DISMISSAL on Grounds  
Case Law DIMINUTIVE Central  
and  
Withholding Evidence

I Comes now, Jorge E Rodriguez The defendant on  
Case: no. CR 2013-0006184 Pursant the COURT  
with the Order and Motion to DISMISSAL  
ON CHARGES OF TRAFFICKING IN METHAMPHETAMINE  
I.C. § 37-2732B(a)(4)(A), a felony. ON "Grounds"  
Case LAW DIMINUTIVE Central And Withholding

II EVIDENCE. Padding the Evidence Padding a Case  
when the prosecution withholds Evidence that  
will show my innocents and uses what  
makes me look guilty: IM Asking For the  
Videos From Albertson's Parking Lot the night  
of the alleged incident, August 29-2013

III ALbertson's which is Located at 1024,  
21<sup>st</sup> street, Lewiston, Idaho 83501, With  
Those Videos and the Videos From the other  
Store I can Prove My Innocence: AND  
Ive been asking For THOSE, Videos  
From when it or WAS MENTIONED

MOTION for DISMISSAL  
Case No CR 13-0006184 under  
Case LAW DIMINUTIVE Central and  
padding a Case Withholding Evidence

MOTION FOR DISMISSAL ON GROUNDS DIMINUTIVE  
CONTROL AND WITHHOLDING EVIDENCE  
IN THE COURT ROOM WAY IN September: //

DATED this 15 day of November 2013

Jorge E. Rodriguez 98

afformanted is to the Best of my Knowledge: 11-15-13

Motion For DISMISSAL on Grounds for 2 of 4 other side 11-15-13  
 Case Law Diminutive Control  
 Withholding Evidence  
 Judge Rodriguez  
 Case No CR13-6184  
 Defendants Travis, Frazier  
 Case No CR13-6185  
 Nez Perce County  
 Honorable Judge, Kerrick Second Judicial  
 DISTRICT Court for The STATE of Idaho  
 Judge Rodriguez  
 2 of 4 pages  
 page (2)

When it WAS MENTIONED IN The Court Room  
 IN September That's when we or I ASK  
 For The Videos THEY said They would  
 Provide me the defendant with a copy  
 of The DVDs and Video; now The  
 State nor Law enforcement have NO  
 Fingerprints DVD NOR Videos what  
 Happend to them if The EVIDENCE is  
 NOT to be Provideit to me The Defendant  
 IM REQUESTING my Motion To be Granted  
 That The County of NEZ Perce in The  
 STATE of Idaho; Honorable Judge, Kerrick  
 For The SECOND Judicial DISTRICT COURT  
 AND For The STATE of Idaho Case no: CR  
 2013-0006184 Be DISMISS with Prejudice  
 Under Case Law DIMINUTIVE Control and

Padding The Evidence Padding a Case  
 Withholding Evidence That will Show  
 My INNOCENTS, I was given some  
 names and testimony that are not  
 The same ON my Discovery as what  
 IS ON Trevis E. FRAZIER's Discovery on

VI October 17th 2013 IN Court going  
 MOTION FOR DISMISSAL ON GROUNDS DIMINUTIVE  
 CONTROL AND WITHHOLDING EVIDENCE  
 DATED this 15 day of November 2013  
 Judge Rodriguez  
 11-15-13

Motion For Dismissal  
 Case No CR13-0006184 under  
 Case Law Diminutive Control and  
 Padding a Case with holding Evidence

Nez Perce County STATE of Idaho - 3 of 4 pages page (3)  
HONORABLE Judge Kerrick For The -  
SECOND JUDICIAL DISTRICT Courts

VI To Court and Coming From Court I was given some names and testimonys of thing that are supposed to be in my discovery that is not there is a man by the name of DARREN, HODGE and that name is not to be found in my Discovery There was an Officer Present when it was mentioned By an INMATE John Klofiter the officer Present wrote The names on my Legal papper worke There is more evidence withheld we

VII need to Clean my NAME on this Charges as Travis E. Frazier Admits Bringing the Drugs and That he was involved in recent narcotic Activitys and was Found with

VIII Drugs on his Possession his Uncle Drove From Washington and I did not Know Travis Frazier was bringing Drugs or buying Drugs. I Dont even think his UNCLE was aware of Travis E. FRAZIER, Activities he Admits he was Under the Influence. WE Did not Know He was

3

Page 3

Jorge E Rodriguez  
Case no CR 13-6184

Now one of the reasons Travis is angry with me is because me and the mother of his child were having an affair her name is Candice. She was coming to my house and even spent the night there with me, she had just got me out of jail and used her S.U.V. vehicle as collateral for my bail bond. He's angry with me because she would come and watch porn videos with me and stay nights at my house while my girlfriend was in jail and he found out. I gave him \$3500 to put on my girlfriend's books and he kept it. His ex-girlfriend told me he was angry at her for seeing me. On my discovery it says that Travis and I met a few hours ago... that is a lie, if we had just met why did his ex-girlfriend put up her S.U.V. to get me out of jail and why would I give him money to put on my girl's books. I've known Travis for years, I never thought he would be so driving, if this charge is not going to get dismissed or what I'm saying I will need the private investigator to come and see me so I can prove my innocence on the "alleged charges" and so I can bring forth witnesses to prove what I'm saying is true. How can I get in touch with my private investigator for I have no number to call.

MOTION For DISMISSAL on Grounds  
Case Law Diminutive Control  
Withholding Evidence padding a case

4 of 4 page  
4 of 4 page pg

Jorge C Rodriguez  
Jorge C Rodriguez  
11-15-13  
Page 4

Look in the Back of page 3

CASE NO CR-13-6184

CERTIFICATE OF DELIVERY

I hereby Certify that this 15 day of November 2013  
I caused a true and correct Copy of foregoing

<sup>motion</sup>  
For DISMISSAL on Grounds  
DIMINUTIVE Control Case LAW and  
Withholding Evidence padding a Case

<sup>CONTENT. I</sup>  
TRAFICKING IN METHAMPHETAMINE, I.C. § 37-2732B(a)(4)(A):

as I did not know or <sup>felony</sup> drive the drugs to the State of Idaho

INFORMATION Filed on September 12-2013

For the STATE of Idaho

to be "mail postage prepaid" to the following Honorable: Judge Kerrick  
second Judicial District Court

Case no: CR.2013-0006184 For NEZ PERCE County at  
1230 Main ST

Lewiston, Idaho 83501 and

SANDRA K. DICKERSON  
Chief Deputy Prosecutor

For Nez perce County Prosecutors Office

P.O. Box 1267  
Lewiston, Idaho  
83501

Thank You see

Honorable Judge Kerrick  
for your understanding

DATED this 15 day of November 2013

By Jorge E Rodriguez  
Jorge E Rodriguez  
11-15-13

MOTION FOR DISMISSAL ON GROUNDS DIMINUTIVE  
CONTROL AND WITHHOLDING EVIDENCE

Case: No. CR-2013-0006184

Jorge Rodriguez  
page 1

Honorable Judge: Kerrick

IN The DISTRICT COURT of The SECOND Judicial DISTRICT of IDAHO IN AND For The

2013 NOV 21 AM 7 02

PATTY G. WEEKS  
CLERK OF THE DIST. COURT  
Jorge Rodriguez

STATE of IDAHO  
Plaintiff,

vs.

Jorge E. Rodriguez,  
defendant.

Case No CR-2013-6184

Motion For  
Bond Reduction/  
Property Bond

COMES NOW The Defendant: Jorge E Rodriguez  
Pursuant to I.C. § 19-851 and 19-852 moves  
The Court For and Orders For NEZ Perce County  
to Reduce my Bail as In The Defendant IS  
Indigent; I collect Social Security benefits  
So Please grant me an affordable Bond:

I own my own home and my Family Lived in  
The STATE of Idaho since 1974 I have my  
Daughter going to the University of Idaho in  
Moscow. Weved Lived in Boise, Nampa My  
Brother is the owner of Boise Brick & Stone  
Masonry Contractors My X, wife and 8 of my  
Children still Live in Boise, NAMPA; I ask the nez  
Perce County and For The STATE of Idaho Honorable  
Judge to please grant me an affordable Bond  
a fair and obtainable Bond or Property Bond

Dated this 20th day of November 2013

Jorge E Rodriguez 103  
11-20-13

as affirmed and is to the best of my knowledge

Motion For Bond Reduction



Jose E. Rodriguez

Case No: CR 2013-0006184

Page 2

For The  
NEZ Perce County STATE of Idaho

Honorable Judge: Carl B. Kerrick

Motion For

Bond Reduction / Property Bond as From

Honorable Judge Kerrick: <sup>ORDER</sup> GRANTING DEFENDANTS MOTION

For County to pay For EXPERT WITNESS EXPENSES

To obtain services of The Investigator Howard Elliott

I Promise to Contact, obey and Follow all CONDITIONS

That the Court IMPOSE. Promise to make all

My Court Apperances and CONDITIONS, That

I believe I will be more helpful to the Investigator

Howard Elliott and the other Investigator Justin

F.B.I. 208-746-3440 I Promise to help and Follow

all CONDITIONS Honorable Judge Kerrick and

The STATE of Idaho, IMPOSE as I Pursuant the

Order For NEZ Perce County to Reduce my Ball

Bond fair and obtainable Bond: I've bee to St.

Joseph medical Center Twice its Cost NEZ

Perce County Close to \$5,000<sup>00</sup> Dollars, Im having

"Heart" Liver and Kidney Problems need to see my

Private Physicians so my ~~insurance~~ INSURANCE

Pay For Cost and Medical, IF The STATE of

Idaho would let me Work with Justin it

would help the people in the COMMUNITY

other Side of this Page: 2 Pleass

MOTION FOR BOND REDUCTION / PROPERTY BOND

DATED this 20<sup>th</sup> day of November 2013

Jose E. Rodriguez

sa Performance is to the Best of my Knowledge - 11-20-13

Motion For Bond Reduction

See me please NZ Perse Court call  
Yunge Rodningo

Just to help the world be better  
This side is not part of Method  
Thank you see

ITs hart For me to EXplAN your Honorable  
Judge becos of were I'm at but I hope  
you can under stand what I'm trying to  
say I would like to EXPLAIN about Justin  
but there is a lot of in mait's here  
and that can cous problems but his  
number is 208-~~746~~<sup>746</sup>-3440 he has  
come over to see me and want me  
to help in a few things and I Tald him  
that I would; I hope that can be  
Done; There is better Things and  
Children to help and lives. I hope  
you can understand my Speling if  
we Cood wake together we would make  
a Lot of Daffrents in a Lots of  
yunge people Lifes Pleas help you  
your Honorable Judge Kerrick put the  
Condition and I will Obey than I  
Promise I will call you every day  
or stay where ever you want

if you can Pleass set me a Court date or come  
Just EXPLAIN my sercome staves please

Just Let me help Save some of  
Thous yung Girls out there Pleass try to  
under stand what im trying to tell you in this  
letter, I'm not sending a copy of this to the  
PROMOTION FOR BOND REDUCTION/PROPERTY BOND  
Pleass Just make a copy for her of this page

Case No. CR 2013-0006184

Jorge E Rodriguez

CERTIFICATE OF DELIVERY

page 3

For The Nez Perce County

STATE of Idaho

Honorable Judge: Kerrick

I here By Certify that on this 20<sup>th</sup> day of November 2013 I Caused a true and correct Copy of The foregoing Motion For Bond Reduction/Property Bond

To Be Mailed postage prepaid State of Idaho

"Honorable: Judge, Kerrick" County of Nez Perce

Second Judicial District Court

Case no: CR-2013-0006184

1230 Main Street

Lewiston, Idaho 83501

can you please give a copy of the

Badel Page 2 to prosecuting office Dickerson. I'm not going to be able to give her a copy of page 2 back side. Thank you so

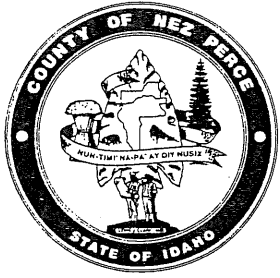
Jorge Rodriguez 11-20-13

Thank you so Honorable Judge Kerrick for your understanding

By Jorge E Rodriguez

as affirmed to the best of my knowledge

MOTION FOR BOND REDUCTION



# Nez Perce County

## OFFICE OF THE PROSECUTING ATTORNEY

1221 F Street, P.O. Box 1267, Lewiston, ID 83501-1267, Phone: (208) 799-3073, Fax: (208) 799-3080

RECEIVED NOV 21 2013

**Daniel L. Spickler**

Prosecutor

e-mail:

danspickler@co.nezperce.id.us

November 20, 2013

Richard M. Cuddihy

KNOWLTON & MILES, PLLC

312 17th Street

P.O. Drawer 717

Lewiston, Idaho 83501

**Sandra K. Dickerson**

Chief Deputy

**Nance Ceccarelli**

Civil Deputy

**Joyce G. Kaufman**

Victim/Witness Coordinator

Re: The State of Idaho v. Jorge E. Rodriguez  
Nez Perce County Case No. CR2013-0006184

COPY

Dear Rick:

Attached is a copy of a Motion sent to my office from your client. I have also attached a copy of the envelope it came in. Since you represent him, the State will NOT be responding to the Motion.

If you have any questions please feel free to contact our office.

Sincerely,

Sandra K. Dickerson  
Chief Deputy Prosecuting Attorney

SKD/edl

Enclosure

Cc: Judge Kerrick

Jorge E Rodriguez  
1150 Wall, Street  
Lewiston, Idaho  
83501

chief Deputy prosecutor

SANDRA K. DICKERSON

Prosecutors, Office For  
Nez Perce County

P.O. Box 1267

Lewiston Idaho

83501

*Legal Mail*

*Legal Mail*

*Legal Mail*

*Legal Mail*

RECEIVED  
NOV 20 2013

11-15-13

Jorge E Rodriguez  
1 of 4 pages

38

Honorable Judge Kerriek  
IN the STATE of Idaho DISTRICT COURT, SECOND  
COUNTY of NEZ PERCE Judicial Page 1

**DISMISSAL** ) SANDRA K. DICKERSON PROSECUTOR pursuant  
The STATE of Idaho ) with DISMISSAL Case No: CR-2013-6184 ON  
vs. ) Grounds: Diminutive Control and Withholding Evidence  
 ) CASE NO: CR 2013-0006184 and are NOT the  
Jorge E Rodriguez ) CASE NO: CR 2013-0006185 same  
 ) evidence and witnesses are not same  
TRAVIS E FRAZIER )  
DEPENDENTS. - - ) SEE BACK of page 2 and 3<sup>rd</sup> MOTION and DISCOVERY

I: Comes now, Jorge E Rodriguez the defendant on Case no: CR-2013-0006184 Pursant The Court with the Order and Motion to Dismissal Case no Charges of TRAFICING IN METHAMPHETAMINE I.C. § 37-2732 B(a)(4)(A), a Felony. on "Grounds" That Withholding Evidence Padding a Case is not good in The Court of LAW Diminutive Control Case Law Prosecution withholds Evidence that will show my innocents and uses what makes me look guilty: In Asking For the Videos From the night of the alleged incident, Occured the Albertsons Parking Lot Videos or DVDs August 29, 2013. Albertson which is Located at 1024. 21<sup>st</sup> street, Lewiston, Idaho 83501, with those Videos and Videos From the other store so I can Prove my Innocence: AND IVE been asking For those Videos, From when it was First mentioned in the Court Room way Back in September 11<sup>th</sup> and 17<sup>th</sup> 2013

MOTION FOR DISMISSAL  
Case No CR13-0006184 order  
Diminutive Control Case Law and  
padding a case withholding Evidence

DATED this 15 day of November 2013

Jorge E Rodriguez  
11-15-13  
110

as aforementioned is to the Best of my Knowledge.

motion for dismissal on grounds  
Diminutive Central Case Law  
withholding Evidence  
Case no: CR 13-6184

Page 2 of 4

Other Side

11-15-13  
Jorge Rodriguez  
2 of 4 pages

Nez Perce County  
Honorable Judge Kerrick  
For the STATE of Idaho Second  
Judicial DISTRICT Court Lewiston Id

Page ②

IN September the Prosecutor said there were going  
to provide me the defendant with a copy of the videos  
and DVDs NOW The State nor Law enforcement  
**IV** have no Finger Prints Videos NOR DVDs what  
happened to them if the STATE cant provide it me  
The Defendant Jorge E Rodriguez In Requesting this  
motion to be Granted and that the STATE of Idaho  
Honorable Judge Carl B. Kerrick For the County of  
Nez Perce Second Judicial District Court and For  
The STATE of Idaho Case no: CR 2013-0006184 Be  
**V** DISMISS with Prejudice under DIMINUTIVE Central  
Case Law and Adding a Case withholding Evidence  
That will Show my Innocents, I was given  
names and Testimonys that are not in my  
Discovery as what is on Trevis E. FRAZIER'S  
Discovery Case no: CR 2013-0006185 ON October  
**VI** 17<sup>th</sup> going and Coming Back From Court I  
was given some names and Testimonys of  
things that Supposed to be in my Discovery  
that is not there is a NAME of "DARREN,  
HODGE" and that NAME is not to be Found  
IN My Discovery, there was the Officer that  
was Present when Inmate John Klopiter

dated 15 day of November 2013

: afformentand is to the Best of my Knowledge :

Jorge Rodriguez  
11-15-13



Honorable Judge Kerrick  
For The STATE of Idaho County of Nez Perce  
Second Judicial District Court

Page ③

The officer Present wrote the names on  
my Legal paperwork there is more evidence  
withhold We Need to Clear <sup>Jorge E Rodriguez</sup> my name of  
this Charges as Travis E. Frazier Admits  
Bringing the Drugs and that he was involved  
in recent Narcotic Activities and that he had  
been Selling or Buying Drugs or that he was  
Under The Influence of methamphetamine  
That he have any methamphetamines in  
his possession his UNCLE Drove From Washington  
Bring us From Washinton Because nither one  
me or Travis can Drive were Both suspended  
whan Travis was INTERVIEWED Like what he  
Said in The Discovery That we just met  
he is Lying his Mother to his Kid X Girl Friend  
Got me out of Jail she put her S.U.V and  
payed For my Bail Bond if we Just met  
She is not going to get me out of  
Jail she got me out of Jail For  
Driving with NO Privielages thats why  
Travis, FRAZIER<sup>IS</sup> Angry with me and his  
X Girl Friend Look on this Other side of  
This Papper of this page ③

DATED This 15 day of November 2013

Jorge E Rodriguez  
11-15-13

: afformentand is to the Best of my Knowledge:

low one of the seasons Travis is angry with me is because me and the mother of his child were having an affair her name is Candice. She was coming to my house and we spent the Night ~~there~~ there with me. She had just get out of jail and used her S.U.V. vehicle as collateral for my bail bond. He's angry because she would come and watch my Videos with me and stay nights with me while my girlfriend was in jail and he found out. I gave him \$3500 dollars to put on my girlfriends books and he kept it. His x-girlfriend told me he was angry at her for seeing me. On my discovery it says that Travis and I met a few hours ago. That is a lie, if we had just met why did his x-girlfriend get up her S.U.V. to get me out of jail and why would I give him money to put on my girlfriends books. I've known Travis for years. I never thought he would be so coniving, if this charge is not going to get dismissed for what I'm saying I will need the private investigator to come and see me so I can prove my innocence on the "Alleged charges" and so I can bring forth witnesses to prove what I'm saying is true. How can I get in touch with my private investigator for I have no number to call.

MOTION For DISMISSAL on Grounds 4 of 4 page  
Diminutive Contral Case Law and  
withholding Evidence Padding a Case

Jorge Rodriguez  
Jorge Rodriguez  
11-15-13

Look on the Back of page ③

Case no CR-13-6184 Page ④

CERTIFICATE of DELIVERY

I hereby Certify that this 15 day of November 2013  
I Couced a true and correct @ Copy of foregoing

MOTION

For DISMISSAL on Grounds  
DIMINUTIVE Contral Case Law and  
withholding Evidence Padding a Case  
COUNT 1

TRAFICKING IN METHAMPHETAMINE, I.C. §

37-2732 B(2)(4)(A), a INFORMATION Filed on September 12-2013

To Be: mail postage prepaid

to mail to Honorable: Judge, Kerrick  
For The STATE of Idaho Nez Perce County,  
Second Judicial District Court  
1230 Main, ST  
Lewiston, Idaho  
83501 and

SANDRA K, DICKERSON  
Chief Deputy Prosecutor  
Nez Perce County Prosecutor

P.O. Box 1267  
Lewiston, Idaho  
83501

Case no: CR 2013-0006184

Thank you see

DATED this 15 day of November 2013

Honorable Judge Kerrick  
for your understanding  
By Jorge E Rodriguez  
Jorge E Rodriguez  
11-15-13

afformantiond is to the best of my knowlege?

page ①

For STATE of Idaho Page 1 of 2

Honorable Judge Kerrick

STATE of Idaho  
 Plaintiff  
**FILED**  
 2013 NOV 27 AM 7 22  
 VS  
 PATTY O. WEEKS  
 CLERK OF THE DISTRICT COURT  
 DEPUTY  
 JORGE E RODRIGUEZ  
 Defendant

Case no: CR-2013-0006184  
 L.P.D. Case No: 13-L13293  
 Motion For Show and  
 Clarification of Grounds to  
 Pursuant with the Charge  
 I.C. § 37-2732B (a)(4)(A)  
 TRAFFICKING IN Methamphetamine  
 Case no: CR-13-6184  
 L.P.D Case no: 13-L13293. Discovery

date this 22<sup>nd</sup> day of November 2013 *Jorge Rodriguez*

Come now the Defendant Jorge E Rodriguez For  
 "Requesting That" The STATE of Idaho: County  
 of Nez Perce Second Judicial District Court  
 to Order to Show an Clarification of  
 Grounds to the Reasons or Grounds  
 based Purpases to Pursuant, with  
 The Charge I.C. § 37-2732B (a)(4)(A), a  
 Felony: MY "DISCOVERY EXPLAINS  
 IT SELF" NO AVAILABLE SOLID EVIDENCE  
 or Grounds to have Me Charged,  
 with NONE of The Above: UNCREDEIBLE  
 WITNESSES with an Review of  
 my Discovery: evidence will Shows.  
"MY Prove of Inecents"

Hope you can read my settling Thank you ser *Jorge Rodriguez* 11-22-13  
 MOTION FOR SHOW AND CLARIFICATION

affirmation is to the best of my Knowledge

CERTIFICATE of Delivery

I here by Certify that this 22<sup>nd</sup> day of November 2013  
I Caused a true and Correct Copy <sup>of</sup> foregoing  
Motion to Show me

For NEZ Perce County Courts or STATE prosecuting  
ATTORNEY to Show Clarification and Grounds  
to the Reasons on my Discovery evidences that  
will Show SOLID EVIDENCE

Case No: CR2013-0006184  
Case No: L.P.D 13-L13293

"To Be: mail postage Prepaid" to Honorable, Judge: Kerrick

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501

For The STATE of Idaho  
second Judicial District Court  
NEZ Perce County Case No:  
CR-13-6184  
1230 Main Street  
Lewiston, Idaho  
83501

Rick Cuddihy  
Knowlton 8 Miles, PLLC  
312 Seventeenth Street  
P.O. Box 717  
Lewiston Idaho  
83501

I Thank you Sir  
for your Understanding  
Honorable, Judge: Kerrick  
Jorge E Rodriguez 11-22-2013  
BY Jorge E Rodriguez

MOTION FOR SHOW AND CLARIFICATION November 2013

11-22-13  
Jorge Rodriguez  
Sorry for my spelling hope you can  
Read my spelling!

Page 1

for  
STATE of Idaho

Honorable Judge Kerrick

FILED

STATE OF IDAHO  
2013 NOV 27 AM 10:22

Plaintiff  
PATTY WEEKS  
CLERK OF THE DIST COURT  
vs. W. Samm  
DEPUTY

Case No: CR 2013-000 6184

Motion to Bring my Case  
and Me before The Courts  
at earliest available Date  
For a vote of Confidence in  
Current Counsel Request  
For NEW Counsel

Jorge E Rodriguez  
Defendant

-----  
Date this 22<sup>nd</sup> day of November 2013

come now the Defendant Jorge E Rodriguez  
ORDERS Requesting That The County of  
NEZ Perce County Second Judicial District  
Court For and The STATE of Idaho,  
Your: Honorable, Judge Carl B, Kerrick  
to BRING My Case and me The defendant  
Jorge E Rodriguez Case No: CR 13-6184  
before The Courts at The Earliest  
Available, Date. MOTION For NEW  
Counsel NO Confidence in Current  
Counsel: Request for New Counsel:  
NO Contacts NO understanding Lack of Communication  
To much Confingens

Date 11-22-13 Thank you Sir  
Honorable Judge Kerrick  
for your understanding  
By Jorge E Rodriguez  
Jorge E Rodriguez  
11-22-13

\*affirmation is to the best of my knowledge\*

MOTION For NEW  
COUNSEL

For The Page 2 of 2  
STATE of Idaho

11-22-13  
Jorge Rodriguez

Page 2

Case no: CR-2013-0006184  
Honorale Judge: Kerrick

### CERTIFICATE of DELIVERY

I Here by Certify that this ~~22~~<sup>23</sup> day of November 2013  
I Caused a true and correct Copy of foregoing  
MOTION

For the Court of The NEZ Perce County to  
**GRANTE ME NEW COUNSEL** For  
Case no: CR-2013-0006184

TO Be:  
Mail postage prepaid  
to Rick Caddihy  
Knowlton & Miles, PLLC  
312 Seventeenth street  
P.O. Drawer 717  
Lewiston Idaho  
83501

To Honorable Judge: Kerrick  
For The STATE of Idaho  
second Judicial District Court  
NEZ Perce County Case no  
CR13-6184  
1230 MAIN ST  
Lewiston, Idaho  
83501

Thank You  
Honorale Judge Kerrick  
for your Understanding  
By Jorge E Rodriguez  
Jorge E Rodriguez

11-22-2013

affirmation is to the best of my Knowledge:  
MOTION FOR NEW PUBLIC COUNSEL

Second Judicial District Court, State of Idaho  
and For the County of Nez Perce  
1230 Main St.  
Lewiston, Idaho 83501

FILED

2013 NOV 27 PM 2:52

STATE OF IDAHO,

Plaintiff,

vs.

Jorge Enrique Rodriguez,

Defendant.

PATTY O. WEEKS  
CLERK OF THE DISTRICT COURT  
*[Signature]*  
DEPUTY

Case No: CR-2013-0006184

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Pretrial Motions & Defendant's Request for New Counsel

Thursday, December 12, 2013 02:30 PM

Judge: Carl B. Kerrick

Final Pretrial Thursday, December 19, 2013 03:30 PM

Judge: Carl B. Kerrick

Jury Trial Monday, January 13, 2014 09:00 AM

Judge: Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Wednesday, November 27, 2013.

Defendant: Jorge Enrique Rodriguez  
115 N 7th Ave  
Pasco, WA 99301

Mailed \_\_\_\_\_ *emailed* Hand-Delivered  *NPC jail*

Private Counsel: Rick Cuddihy PD 2013  
P.O. Drawer 717  
Lewiston, ID 83501

Mailed \_\_\_\_\_ *faxed* Hand-Delivered

Prosecutor: April A Smith

Mailed \_\_\_\_\_ *faxed* Hand-Delivered

Dated: Wednesday, November 27, 2013

Patty O. Weeks  
Clerk Of The District Court

By: *[Signature]*  
Deputy Clerk  
DOC22 7/96





For The STATE of Idaho  
HONORABLE, Judge: Kerrick

11-22-2013

Case no: CR13-6184

Jorge E Rodriguez

FILED

Case, No CR 2013-0006184

2013 NOV 27 PM 3 22

STATE of Idaho  
Plaintiff,

Motion asking For The

Address and Phone

PATTY O. WEEKS  
CLERK OF THE DIST. COURT

VS

Investigator That the

Jorge E Rodriguez  
Defendant,

Granted on 11-7-2013 By Judge

HONORABLE Kerrick Investigator

Howard Elliot and Interpreter

Come now the Defendant Jorge E Rodriguez  
on November 7<sup>th</sup> of 2013 Honorable, Judge:  
Kerrick GRANTING me the Defendant  
an INVESTIGATOR, IT WAS ORDERED  
That The County of NEZ Perce IN The  
STATE of IDAHO Pay for EXPENSES For  
INVESTIGATOR Howard Elliot, and my  
INTERPRETER, I dont know how to get  
INTouch with Nether of Than so I  
would ask That The Courts Pleass  
Provide The Defendent Jorge E. Rodriguez  
with That Informaiton Thank you Sir

DATE This 22<sup>nd</sup> day of November 2013

I need to talk with Than be for its  
to Layte, hope you understand My wrioting  
and spelling Honorable, Judge: Kerrick

MOTION ASKING FOR THE ADDRESS AND PHONE  
FOR INVESTIGATOR

By

Jorge E Rodriguez

Jorge E Rodriguez

11-22-13

420

affor mentioned is to the Best of my Knowledge

Case no: CR.13-6184

Jorge E Rodriguez  
11-22-2013

To  
Honorable, Judge: Kerrick  
For The  
STATE of Idaho

### CERTIFICATE OF DELIVERY

I hereby certify that a true copy of The motion  
For Address and Phone Number how I can  
get Intouch with my INTERPRETER and with  
my INVESTIGATOR Howard Elliot or is it  
a Defrent Investigator I dont know So pleas  
Let me know how to get Intouch with them.

DATE This 22<sup>nd</sup> day of November 2013

Was: Mail postage prepaid, To: NEZ Perce County  
second Judicial District Court  
For The STATE of IDAHO  
Honorable Judge Kerrick  
1230 Main, STREET  
Lewiston, Idaho  
83501

Thank you Honorable, Judge: Kerrick

By Jorge E Rodriguez  
Jorge E Rodriguez  
11-22-13

MOTION ASKING FOR THE ADDRESS AND PHONE  
FOR INVESTIGATOR

as aforementioned is to the Best of my Knowledge.

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Pretrial Motions

Hearing date: 12/12/2013

Time: 3:21 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2013

Prosecutor: Sandra Dickerson

32113 Defendant present, in custody, with counsel.  
32129 Court addresses Mr. Cuddihy.  
32206 Defendant addresses the Court re: motion for new attorney.  
33009 Mr. Cuddihy addresses the Court re: Defendant's motion for new attorney.  
33425 Court addresses Defendant.  
33626 Court denies motion for new attorney.  
33635 Defendant addresses the Court.  
33707 Court recess.

ATT:

RECEIVED DEC 17, 2013  
TD

Your Honorable: Judge, Kerrick

I AM WRITING you This Letter to Sencerly Apologize For My Behavior IN your COURT Room. ON The 12 day of December 2013, I Dont Know what was Going through my mind your HONOR I AM SORRY.

I WAS upset BECAUSE My ATTORNEY and I HAD A Few DIFFRENT CONFLICTS AND He Should Be MOTIONING to HAVE This Case Dismissed. YOUR HONOR

I DID NOT mean to DISRESPECT you IN ANY WAY. OR YOUR COURT. I WILL Be There ON December 19th 2013, YOUR HONOR. I SEND My Respect to you and I AM SORRY I DISRESPECTED you. SIR

I DO have MANY Responsibilities. I AM up there IN Age AND need to TAKE CARE of My Health AND My LITTLE DOGS AND RESPONSIBILITIES AT My House, To My Community youth THAT ARE getting POISON. I DONT Know How to EXPLAIN: Thank you Honorable: Kerrick

By Jorge E Rodriguez  
Jorge E Rodriguez  
12-14-2013

Sencerly Apologize SIR,

FILED

2013 DEC 17 PM 12 48

PATTY O. WEEKS  
CLERK OF THE DIST. COURT

*[Handwritten signature]*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

v.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR 2013-6184

ORDER TO PAY EXPERT  
HOWARD ELLIOT

THIS COURT in accordance with the Order Granting Defendant's Motion for County to Pay for Expert Witness Expenses entered on the 7<sup>th</sup> day of November, 2013;

IT IS HEREBY ORDERED that Nez Perce County make a check payable to Knowlton & Miles, PLLC in and for the amount of \$579.50 for the services provided by Howard Elliot for services provided November 22, 2013 through December 12, 2013.

DATED this 17<sup>th</sup> day of December, 2013.

*[Handwritten signature]*  
HONORABLE CARL B. KERRICK

ORDER TO PAY EXPERT  
HOWARD ELLIOT

**CERTIFICATE OF DELIVERY**

I CERTIFY that on this 18<sup>th</sup> day of December, 2013, I caused a true and correct copy of the foregoing **Order to Pay Expert Howard Elliot**:

- hand delivered
- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

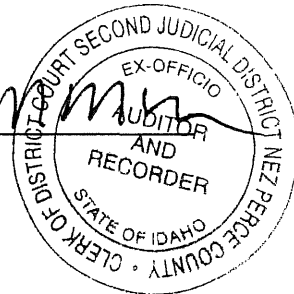
**Richard M. Cuddihy**  
**KNOWLTON & MILES, PLLC**  
312 17<sup>th</sup> Street  
Lewiston, ID 83501

**April Smith**  
NPC Prosecutor's Office  
1221 F Street  
Lewiston, ID 83501

**Patty Weeks**  
NPC Clerk/Auditor  
1230 Main Street  
Lewiston, ID 83501

**CLERK OF THE COURT**

By: [Signature]  
Deputy



**ORDER TO PAY EXPERT  
HOWARD ELLIOT**



✓

Rick Cuddihy, (ISB No. 7064)  
KNOWLTON & MILES, PLLC  
Post Office Drawer 717  
312 Seventeenth Street  
Lewiston, Idaho 83501  
Telephone: (208) 746-0103  
Fax: (208) 746-0118

**FILED**  
2013 DEC 18 PM 1 27  
PATTY O. WEEKS  
CLERK OF THE DISTRICT COURT  
*[Signature]*  
DEPUTY

Attorneys for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, )  
)  
Plaintiff, )  
)  
v. )  
)  
JORGE ENRIGUE RODRIGUEZ )  
)  
Defendant. )

Case No. CR13-0006184

DEFENDANT'S SECOND  
REQUEST FOR DISCOVERY

**TO: PROSECUTING ATTORNEY FOR COUNTY OF NEZ PERCE, STATE OF IDAHO:**

**PLEASE TAKE NOTICE** that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and inspection of the following information, evidence, and materials:

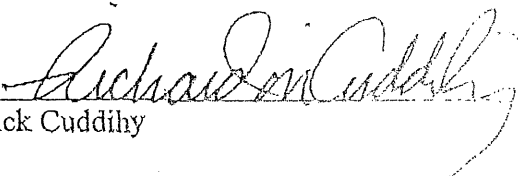
**ONE:** Please provide the Defendant with copies of recordings of the telephone calls Travis Frazier made while in custody at the Nez Perce County Jail after being arrested on August 30, 2013, in the above-entitled matter.

DEFENDANT'S SECOND  
REQUEST FOR DISCOVERY

The undersigned further requests permission to inspect and copy said information, evidence and materials not required to be furnished within fourteen (14) days from receipt of this notice, or at such other time as counsel may agree.

DATED this 18<sup>th</sup> day of December, 2013.

KNOWLTON & MILES, PLLC

By:   
Rick Cuddihy



**CERTIFICATE OF DELIVERY**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of December, 2013, I caused a true and correct copy of the foregoing **2nd Request for Discovery** to be:

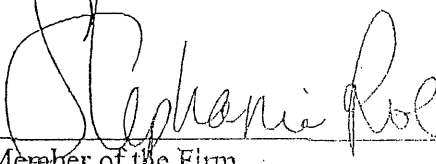
- hand delivered
- hand delivered by providing a copy to: Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

Nez Perce County Prosecuting Attorney  
Nez Perce County  
Lewiston, ID 83501

799-3080

KNOWLTON & MILES, PLLC

By:   
A Member of the Firm

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Final Pretrial

Hearing date: 12/19/2013

Time: 3:35 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Rick Cuddihy PD 2013

Prosecutor: Sandra Dickerson

33557 Defendant present, in custody, with counsel. Interpreter Diana Uppendahl present.

33905 Mr. Cuddihy addresses the Court and Defendant will not agree to waive his right to speedy trial.

33940 Court and counsel meet at sidebar.

34050 Court addresses Defendant. Jury trial remains set for 1-13-14. Court will hold another final pretrial in chambers on 1-6-14 at 1:30 p.m.

34145 Court recess.

**FILED**

**2013 DEC 27 PM 2 44**

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Patty Weeks*  
DEPUTY

**Richard M. Cuddihy, ISB No. 7064  
KNOWLTON & MILES, PLLC  
Post Office Drawer 717  
312 Seventeenth Street  
Lewiston, Idaho 83501  
Telephone: (208) 746-0103  
Fax: (208) 746-0118**

**Attorneys for Defendant**

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	
	)	Case No. CR 13-6184
Plaintiff,	)	
	)	DEFENDANT'S SUPPLEMENTAL
v.	)	RESPONSE TO STATE'S
	)	REQUEST FOR DISCOVERY
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	
	)	

COMES NOW the defendant in the above-entitled matter, by and through his attorney of record herein, and responds to the plaintiff's request for discovery as follows:

**I.**

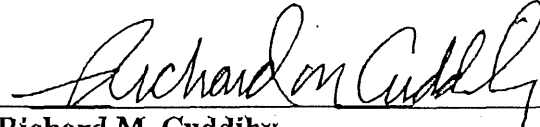
Furnish the Nez Perce County Prosecutor's office with a list of names and addresses of any witnesses he intends to call at trial.

**RESPONSE:** The defense may call any and all witnesses disclosed by the State as well as the following individuals; John Klopher, Travis Fraizer, Candice Fraizer, Pete Newhouse, Jonathan

Newhouse, Brett Dammon, Chris Reese, Paul McNish, and Howard Elliot.

DATED this 26<sup>th</sup> day of December, 2013.

KNOWLTON & MILES, PLLC

  
Richard M. Cuddihy

**CERTIFICATE OF DELIVERY**

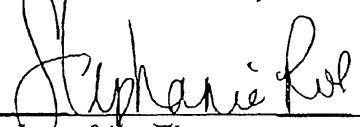
I HEREBY CERTIFY that on this 27<sup>th</sup> day of December, 2013, I caused a true and correct copy of the foregoing **Defendant's Supplemental Response to State's Request for Discovery** to be:

- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

*Nez Perce County Prosecutor's Office  
Lewiston, Idaho  
Fax# 208-790-3080*

KNOWLTON & MILES, PLLC

  
A member of the Firm

Richard M. Cuddihy, ISB No. 7064  
KNOWLTON & MILES, PLLC  
Post Office Drawer 717  
312 Seventeenth Street  
Lewiston, Idaho 83501  
Telephone: (208) 746-0103  
Fax: (208) 746-0118

Attorneys for Defendant

**FILED**  
2013 DEC 27 PM 2 44  
PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 vs. )  
 )  
 JORGE E. RODRIGUEZ, )  
 )  
 Defendant. )  
\_\_\_\_\_ )

Case No. CR 13-6184  
FOURTH SUPPLEMENTAL  
REQUEST FOR DISCOVERY

TO: PROSECUTING ATTORNEY FOR THE COUNTY OF NEZ PERCE, STATE OF  
IDAHO:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal  
Rules, requests discovery and inspection of the following information, evidence, and materials:

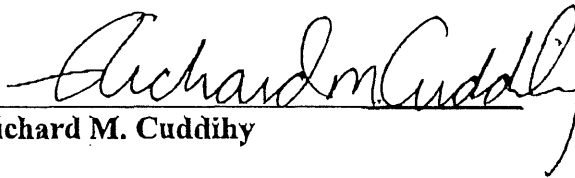
ONE: Please disclose the source of the information that the co-defendant, Travis Frazier was  
selling drugs in the LC Valley.

TWO: Please provide a copy of the phone log including all text and voice messages in  
Lewiston Police property numbers 160659 and 160660.

The undersigned further requests permission to inspect and copy said information, evidence and materials not required to be furnished within fourteen (14) days from receipt of this notice, or at such other time as counsel may agree.

DATED this 27<sup>th</sup> day of December, 2013.

**KNOWLTON & MILES, PLLC**

  
Richard M. Cuddihy

**CERTIFICATE OF DELIVERY**

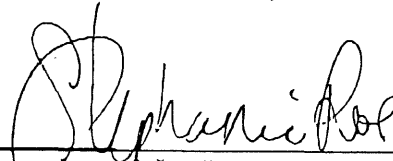
I CERTIFY that on this 27<sup>th</sup> day of December, 2013, I caused a true and correct copy of the foregoing **Request for Discovery** to be:

- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

*Nez Perce County Prosecutor's Office  
Lewiston, Idaho  
Fax# 208-790-3080*

**KNOWLTON & MILES, PLLC**

By   
A member of the firm

①

Honorable Judge, Kerick Page 1 of 3  
For The STATE of IDAHO in The  
District Court of The Second Judicial District  
For NEZ Perce County

2013 DEC 30 } AM 7 21 } Case no: CR13-6184

STATE OF IDAHO } PATTY O. WEEKS } Motion to DISMISS Rick Cuddihy  
PLACEMENT OF THE DISTRICT } DEPUTY } ~~Effective Council and I~~

VS

Jorge E Rodriguez  
Defendant

} would like to be there at  
} Court on <sup>Im sorry on January</sup> ~~DECEMBER~~ 6-2013  
} January-6-2013

Comes now the Defendant Jorge E. Rodriguez  
and Pursuant The Court For and Orders  
FOR NEZ Perce County Court to Appoint  
NEW Council and Pursuant to I.C. § 19-851  
and 19-852 and Pay for The fees associated  
with new Appointed Council as The  
Defendant is Indigent. And as my  
ATTORNEY has been "Showing Predjudism  
and "Conflict of Intrest." Also making  
ALigations and ACusation towards  
me, Pertaining my Case. Ive asked him  
To Supena witnesss and things Jail  
Phone Calls to Prove my Inecents he  
Continues to Ignore my Requests

Motion For County to Appoint  
NEW CoanSEL For  
ineffective Council and  
MOTION TO DISMISS RICK CUDDIHY  
AS Im Indigent.

Jorge E Rodriguez  
Jorge E Rodriguez

12-27-13

135

as aforementioned is to the best of my Knowledge.



②

We Need to bring, Superovas: for Items and People witness Evidence That shows Predjudism and Conflict of Intrest: ITs Been shown that there is padding<sup>ON</sup> my Case Evidence and withholding Evidence as

my Public defender and Private Investagator Rick Cuddihy and Howard Elliott

on DECEMBER the 6<sup>th</sup>-2013 They Came to see me at NEZ Peree County Jail and IT proves, That there is MORE things that can prove my "incent's", as my Discovery Shows. my Co. Defendent is been lying

have been proved! with my Discovery all aligation well as acusations can be prove fals and Liys. I ask The Courts to take Some Time to bring my Case befor Honorable Judge Kerrick to reveu my Discovery and Make and adjust IN my Case Evidence I Dont feel my 6<sup>th</sup> Amendment Right is Being fulfilled Adequately I have NO Confidence in Current Counsel ON The Visit in Jail with Counsel and Investagator. Cuddihy is a Private ATTORNEY ~~MOTION TO DISMISS RICK CUDDIHY~~ state only pays to

Do so much work, on Each Case Based 136  
other side Pleas →

ON THE MONEY HE MAKES SO THERE  
FOR HE DOES NOT PUT ADEQUATE  
ATTENTION IN MY CASE BECAUSE  
HE IS BURIED IN CASE LOADS AND  
I'M DOING THIS FOR MY INNOCENT WE  
NEED TO SUBPOENA

3

Case No: CR-13-6184

CERTIFICATE of Delivery

I Hereby Certify That this 27<sup>th</sup> day of Desember 2013  
 I Caused a True and Correct Copy of forgoing  
 Motion for NEZ Perce County  
 Court Honorable: Judge Kerrick for The  
 Second Judicial District Courts for and The  
 STATE of IDAHO: Motion to Pay and Appoint  
 NEW Council For The Defendant Jorge E.  
 Rodriguez CASE NO: CR-13-6184 13-L13293  
 Lewiston Police Department Case Number  
 Ineffective Council

To Be: Delivered by

To Honorable Judge Kerrick for Nez Perce County  
 Second Judicial District Court for The STATE of Idaho  
 1230 Main, Street  
 Lewiston, Idaho  
 83501

IM Sorry if some of my words are misspelled but I have  
 a Friend helping me. So pleas I hope you can read and  
 understand my spelling

Thank you Honorable Judge: By, Jorge E Rodriguez  
 Kerrick ~~for your understanding~~ ~~standing~~ Jorge E Rodriguez  
 MOTION TO DISMISS RICK CUDDIHU  
 Thank you Ser. 1227-2013

afformantiond is to the best of my knowleg: Thanks

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE  
MAGISTRATE DIVISION

THE STATE OF IDAHO,

Plaintiff,

NO. CR, 13-6184

vs.

Rodriguez E, Jorge

Defendant,

NOTIFICATION OF RIGHTS -  
FELONY

and  
FOR Ineffective Council

Jorge Rodriguez  
12-27-13

Honorable, Judge: KERRICK I would like to be there on

The purpose of the initial appearance is to advise you of your rights and the charge(s) against you. 12-27-2014

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

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

**Acknowledgement of Rights**

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

Date 12-27-13 Defendant's Signature Jorge E. Rodriguez  
MOTION TO DISMISS RICK CUDDIHY

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Final Pretrial

Hearing date: 1/6/2014

Time: 2:04 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Richard Cuddihy

Prosecutor: Sandra Dickerson

- 20413 Defendant present, in custody, with counsel.
- 20435 Court addresses Defendant re: in chambers meeting with counsel re: discovery and Defendant's 2<sup>nd</sup> motion to dismiss Mr. Cuddihy has attorney.
- 20612 Court grants Defendant's motion allowing Mr. Cuddihy to withdraw and appoints Paige Nolta. Court sets status conference for 1-16-14 at 10:45 a.m.
- 20809 Mr. Cuddihy addresses the Court.
- 21038 Ms. Dickerson addresses the Court re: discovery.
- 21108 Court recess.

A handwritten signature in black ink, appearing to be 'C. B. Kerrick', is written over the page number 140.

Second Judicial District Court, State of Idaho  
 in and For the County of Nez Perce  
 1230 Main St.  
 Lewiston, Idaho 83501

**FILED**

2014 JAN 6 PM 2 23

STATE OF IDAHO  
 Plaintiff,

vs.

Jorge Enrique Rodriguez  
 115 N 7th Ave  
 Pasco, WA 99301

Defendant.

DL or [Redacted]

PATTY S. WEEKS  
 CLERK OF THE DISTRICT COURT  
*[Signature]*

DEPUTY )  
 )  
 )  
 )  
 )  
 )

Citation No:  
 Case No: CR-2013-0006184

**ORDER APPOINTING PUBLIC DEFENDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Nolta Law Office PD 2014  
 1618 Idaho St., Suite 106  
 Lewiston, ID 83501  
 (208) 743-3035

Public Defender for the County of Nez Perce, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, Jorge Enrique Rodriguez, in all proceedings in the above entitled case.

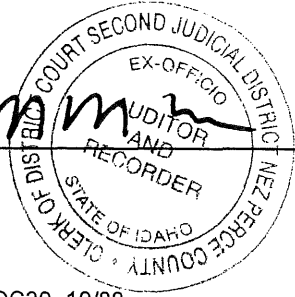
The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

Date: 1-6-2014

*[Signature]*  
 Judge

*Faxed*  
 Copies to:  
 Public Defender  
 Prosecutor

*[Signature]*  
 Deputy Clerk

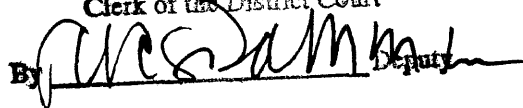


Order Appointing Public Defender

DOC30 10/88

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

**FILED**  
4:16 <sup>A.M.</sup> O'CLOCK <sup>P.M.</sup>  
1-6-2014  
Patsy O. Weeks  
Clerk of the District Court  
By  Deputy

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

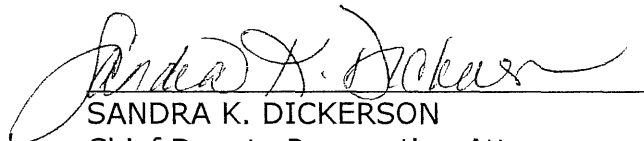
CASE NO. CR2013-0006184

**FIRST SUPPLEMENTAL RESPONSE  
TO REQUEST FOR DISCOVERY**

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney, for Nez Perce County, Idaho, and pursuant to Defendant's Request for Discovery in the case herein, makes the following first supplemental disclosure compliance pursuant to Idaho Criminal Rules, Rule 16.

1. That attached hereto is AMENDED EXHIBIT "B" which sets forth additional reports.

DATED this 6<sup>th</sup> day of January 2014.

  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY was

- (1)   4   hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy  
KNOWLTON & MILES, PLLC  
312 17th Street  
P.O. Drawer 717  
Lewiston, ID 83501

DATED this   6<sup>th</sup>   day of January 2014.

  
ERIN D. LEAVITT  
Senior Legal Assistant



**AMENDED EXHIBIT "B"**  
**AMENDED LIST OF REPORTS**

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

1. A copy of any audio and/or video tapes and/or compact discs and/or floppy discs are available by providing a blank audio/video tape or compact disc or floppy disc to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.
2. Lewiston Police Department Cap Sheet and Case Disposition Sheet consisting of three (3) pages. (1-3)
3. Lewiston Police Department LAW Incident Table consisting of two (2) pages. (4-5)
4. Lewiston Police Department Narrative prepared by Chris Reese consisting of three (3) pages. (6-8)
5. Lewiston Police Department Supplemental Narrative prepared by Cody Bloomsburg consisting of two (2) pages. (9-10)
6. Lewiston Police Department Supplemental Narrative prepared by Tom Woods consisting of one (1) page. (11)
7. Lewiston Police Department Vehicle Impound Sheet consisting of one (1) page. (12)
8. Lewiston Police Department Main Names Table consisting of two (2) pages. (13-14)
9. Criminal History consisting of sixty-two (62) pages. (15-76)
10. Idaho State Police Forensic Services Criminalistic Analysis Report consisting of two (2) pages. (77-78)
11. Idaho State Police Forensic Services Evidence Submission/Receipt Form consisting of one (1) page. (79)
12. Two (2) DVDs containing the Watchguard videos from Cody Bloomsburg and Chris Reese's patrol vehicles and four (4) photographs.
13. **One (1) DVD containing one hundred seventy-seven audio files. (41 recorded phone calls made by Jorge Rodriguez at the Nez Perce**

**County Jail and 136 recorded phone calls made by Travis Frazier at  
the Nez Perce County Jail)**

Richard M. Cuddihy, ISB No. 7064  
 KNOWLTON & MILES, PLLC  
 312 Seventeenth Street  
 Post Office Drawer 717  
 Lewiston, Idaho 83501  
 Telephone: (208) 746-0103  
 Fax: (208) 746-0113

**FILED**  
 2014 JAN 8 PM 12 00  
 PATTY O. WEEKS  
 CLERK OF THE DISTRICT COURT  
 DEPUTY

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

STATE OF IDAHO,	)	Case No. CR2013-6184
	)	
Plaintiff,	)	MOTION FOR COUNTY TO PAY FOR
v.	)	EXPERT WITNESS EXPENSES
	)	
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	

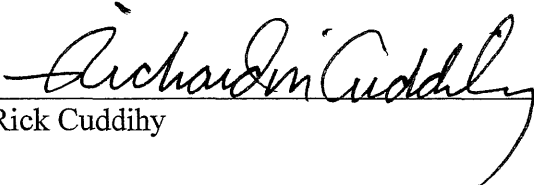
COMES NOW the Defendant, Jorge E. Rodriguez, by and through his Court appointed attorney, Richard Cuddihy of the law firm of Knowlton & Miles, PLLC, and pursuant to I.C. § 19-851 and 19-852 moves the Court for an Order for Nez Perce County to pay expert witnesses for the indigent Defendant for the following purposes:

1. For funds in the amount of Seven-Hundred dollars and twenty cents (\$710.20) to allow the defense to obtain the services of Private Examiner, Howard Elliot, per the Order Granting the Defendant's Motion for County to Pay Expert Witness Fee, dated November 6, 2013.
2. Attached is Howard Elliot's itemized billing.

MOTION FOR COUNTY TO PAY FOR  
 EXPERT WITNESS EXPENSES

DATED this 8<sup>th</sup> day of January, 2014.

KNOWLTON & MILES, PLLC

  
Rick Cuddihy

**CERTIFICATE OF DELIVERY**

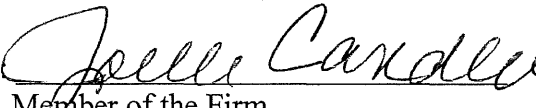
**I HEREBY CERTIFY** that on this 8<sup>th</sup> day of January, 2014 I caused a true and correct copy of the foregoing **Motion for County to Pay for Expert Witness Expenses** to be:

- hand delivered
- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

April Smith  
Nez Perce County Prosecuting Attorney  
211 F Street  
Lewiston, Idaho 83501

KNOWLTON & MILES, PLLC

By   
Member of the Firm

State of Idaho, Nez Perce Cou  
vs  
Jorge Rodriguez

DATE	Hours	Mileage
11/22/13	1.25	5
11/29/13	1.25	
12/5/13	1	10
12/6/13	4.5	10
12/11/13	1	5
12/12/13	1.25	5
	10.25	35
12/13/13	1	5
12/19/13	2	15
12/20/13	1.5	10
12/27/13	2	25

MOTION FOR COUNTY TO PAY FOR  
EXPERT WITNESS EXPENSES

1/2/14	2.5	10	T a n c n o
1/3/14	3	16	M R C
1/4/13	0.25		A t c l r
<b>Total</b>			
	12.25		\$55.00 per hour
		35	.45 cents per mile
	563.75	15.75	billed on 12-12-13 -- \$579.50
			<b>\$579.50</b>
	12.25	81	<b>New charges beginning 12-13-13</b>
	<b>673.75</b>	<b>36.45</b>	
			Total mileage and time
			12-13-13 through 1-6-14 \$710.20
			<b>\$710.20</b>

MOTION FOR COUNTY TO PAY FOR  
EXPERT WITNESS EXPENSES

January 6, 2014

Rick Cuddihy  
Attorney at Law  
312 17<sup>th</sup> Street  
Lewiston, Idaho 83501

RE: Jorge Rodriquez  
Nez Perce County  
CR 2013-0006184

Dear Mr. Cuddihy:

Thank you for contacting me regarding this criminal matter. I hope my involvement in this matter is/was helpful in your representation of Mr. Rodriguez. I have prepared reports for your office in this matter outlining the interviews and also have provided you with my Activity Report detailing hours and miles in this matter.

This billing is all work performed after 12-12-13, in which this office previously submitted billing for payment.

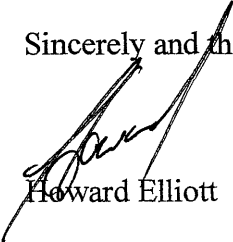
Should you have any questions, please do not hesitate to contact me.

HOURS @ \$55.00 per hour	12.25
Mileage @ \$0.45 per mile	81

**Total Due = \$ 710.20**

I look forward to working with you and your office again in the future!

Sincerely and thank you,



Howard Elliott

PO Box 193  
Lewiston, ID 83501

MOTION FOR COUNTY TO PAY FOR  
EXPERT WITNESS EXPENSES

FILED

2014 JAN 8 PM 3 11

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
DEPUTY  
*Patty O. Weeks*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

v.

JORGE E. RODRIGUEZ,

Defendant.

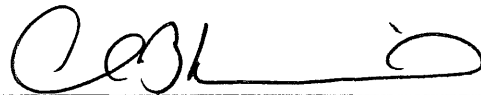
CASE NO. CR 2013-6184

ORDER TO PAY EXPERT  
HOWARD ELLIOT

**THIS COURT** in accordance with the Order Granting Defendant's Motion for County to Pay for Expert Witness Expenses entered on the 7<sup>th</sup> day of November, 2013;

**IT IS HEREBY ORDERED** that Nez Perce County make a check payable to Knowlton & Miles, PLLC in and for the amount of \$579.50 for the services provided by Howard Elliot for services provided November 22, 2013 through December 12, 2013.

DATED this 8<sup>th</sup> day of January, 2014.



HONORABLE CARL B. KERRICK

ORDER TO PAY EXPERT  
HOWARD ELLIOT



**CERTIFICATE OF DELIVERY**

I CERTIFY that on this 9<sup>th</sup> day of January, 2014, I caused a true and correct copy of the foregoing **Order to Pay Expert Howard Elliot**:

- hand delivered
- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

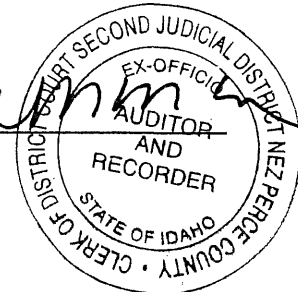
**Richard M. Cuddihy**  
**KNOWLTON & MILES, PLLC**  
**312 17<sup>th</sup> Street**  
**Lewiston, ID 83501**

**April Smith**  
**NPC Prosecutor's Office**  
**1221 F Street**  
**Lewiston, ID 83501**

**Patty Weeks**  
**NPC Clerk/Auditor**  
**1230 Main Street**  
**Lewiston, ID 83501**

**CLERK OF THE COURT**

By: [Signature]  
Deputy



**ORDER TO PAY EXPERT  
HOWARD ELLIOT**

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Status Conference

Hearing date: 1/16/2014

Time: 10:53 am

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Nolta Law Office PD 2014

Prosecutor: April Smith

- 105326 Defendant present, in custody, with counsel Mr. Van Idour.
- 105340 Court addresses counsel. Jury trial set for 3-3-14 at 9 a.m., final pretrial conference set for 2-20-14 at 3:30 p.m. and pretrial motions will be heard 2-13-14 at 2:30 p.m.
- 105427 Court recess.

FILED  
 2014 JAN 17 PM 1 48  
 PATTY O. WEEKS  
 CLERK OF DISTRICT COURT  
 DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	CASE NO. CR13-06184
	)	
vs.	)	ORDER SETTING JURY TRIAL
	)	AND SCHEDULING PROCEEDINGS
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	
	)	

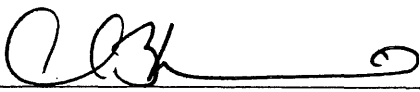
The above-entitled case is hereby scheduled as follows:

JURY Trial shall commence on March 3, 2014 at the hour of 9:00 a.m.;

All pre-trial motions shall be heard at the hour of 2:30 p.m. on Thursday, February 13, 2014, with the defendant personally present at said hearing. If no motions are filed, there will be no hearing on this date.

Final pre-trial conference and the date and time by which plea bargaining must be completed February 20, 2014 at 3:30 p.m.

Dated this 17<sup>th</sup> day of January 2014.

  
 \_\_\_\_\_  
 CARL B. KERRICK-District Judge

ORDER SETTING JURY TRIAL AND  
 SCHEDULING PROCEEDINGS

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing ORDER SETTING JURY TRIAL AND SCHEDULING PROCEEDINGS was:

hand delivered via court basket, or

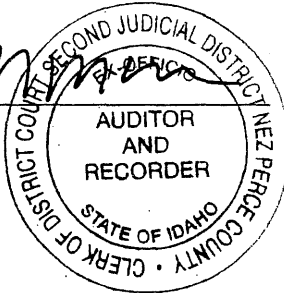
\_\_\_\_\_ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 17<sup>th</sup> day of January, 2014, to:

Nolta Law Office  
1618 Idaho St Ste 106  
Lewiston ID 83501

Sandra Dickerson  
P.O. Box 1267  
Lewiston, ID 83501

PATTY O. WEEKS, Clerk

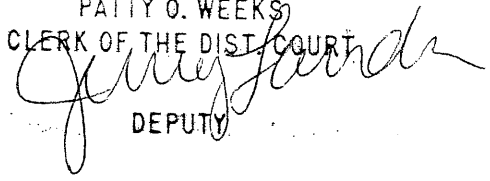
By *[Signature]*  
Deputy



FILED

2014 JAN 17 PM 4 14

PATTY O. WEEKS  
CLERK OF THE DIST COURT



DEPUTY

Paige M. Nolta, ISBN 8428  
**Nolta Law Office, PLLC**  
1618 Idaho Street, Suite 106  
Lewiston, Idaho 83501  
Telephone: (208) 743-3035  
Facsimile: (208) 743-1220

Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, )  
 )  
 )  
 Plaintiff, )

CASE NO. CR13-06184

vs. )

REQUEST FOR DISCOVERY

JORGE E. RODRIGUEZ, )  
 )  
 )  
 Defendant. )

TO: NEZ PERCE COUNTY PROSECUTING ATTORNEY, LEWISTON, NEZ PERCE  
COUNTY, STATE OF IDAHO:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho  
Criminal Rules, requests discovery and inspection of the following information,  
evidence, and materials:

ONE: Disclose to defense any and all material or information within your  
possession or control or which may hereafter come into your possession or control  
which tends to negate the guilt of the accused as to the offense charged or which would  
tend to reduce the punishment therefore.

REQUEST FOR DISCOVERY

TWO: Permission to the Defendant to inspect and copy or photograph any relevant written or recorded statement made by the Defendant, or any alleged victim(s), witnesses, persons interviewed, or persons providing information in regards to the above-captioned matter or copies thereof within the possession, custody or control of the state. **This should also include any audio/video, photos, written statements or interviews made by a confidential informant and any information regarding controlled buys of any illegal drug activity pertaining to the afore-mentioned case.**

THREE: The substance of any relevant, oral statement made by the defendant or copies thereof within the possession, custody or control of the state.

FOUR: Permission of the defendant to inspect and copy or photograph any written or recorded statements of a co-defendant and the substance of any relevant, oral statement made by a co-defendant, whether before or after arrest, in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney.

FIVE: Furnish to the defendant a copy of the prior criminal record of the defendant, if any.

SIX: Permission of the defendant to inspect and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney and which are material to the preparation of the defense or intended for use by the prosecutor as evidence at trial or obtained from or belonging to the defendant.

SEVEN: Permit the defendant to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case or copies thereof within the possession, custody, or control of the prosecuting attorney.

EIGHT: Furnish to the defendant written list of the names and addresses of all

REQUEST FOR DISCOVERY

persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior felony convictions of any such person which is within the knowledge of the prosecuting attorney.

NINE: Furnish to the defendant statements made by the prosecution's witnesses to prosecuting attorney or agents or to any official involved in the investigatory process of the case.

TEN: Disclose any expert witnesses and provide a written summary or report of any testimony that the state intends to introduce pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence at trial or hearing. The summary provided must describe the witness's opinions, the facts and data for those opinions, and the witness's qualifications. Disclosure of expert opinions regarding mental health shall also comply with the requirements of I.C. § 18-207.

ELEVEN: Disclose to the defendant any plea agreements, plea bargains, negotiations, sentencing recommendations, or discussions of same between any agent of the State and any witness or any witness' counsel.

TWELVE: Furnish to the defendant reports, memoranda, audio and video to include but not limited to the Intoxilyzer Room made by any police officer or investigator in connection with the investigation or prosecution of the case.

THIRTEEN: Defendant hereby requests pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and I.C.R. 16(a) that the State disclose to the defense any and all exculpatory material and/or exculpatory information in this case. Defendant specifically objects to and rejects any requirement or request that Defendant notify the State, in writing or otherwise, of the defenses that he or she is or may be asserting in this case as a condition of disclosure of such exculpatory information and/or exculpatory material to the defense. Any such precondition for disclosure of exculpatory material and/or exculpatory information violates the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Amendments to the United States Constitution, the ruling in Brady v. Maryland, 373 U.S. 83 (1963), I.C.R. 16(a) and (c),

REQUEST FOR DISCOVERY

attorney -client privilege and the work product doctrine. By this demand for disclosure the Defendant demands production of all material and information which the State does not disclose and Defendant demands notification of the State's determination to withhold material and information from Defendant so that Defendant can file a timely motion to compel the disclosure and production of the withheld material and/or information. Without waiving any objection to the State's request that Defendant notify the State of Defendant's planned defense(s) the State is further notified that a defense in this and every case in which this Request for Discovery is made includes, but is not limited to, the defense that material and/or information withheld by the State was and is exculpatory and if disclosed to Defendant would have resulted in Defendant's acquittal or dismissal of all charges.

The undersigned further requests permission to inspect and copy said information, evidence and materials not required to be furnished within fourteen (14) days from receipt of this notice, or at such other time as counsel may agree.

DATED this 17<sup>th</sup> day of January, 2014.

NOLTA LAW OFFICE, PLLC

By Paige M. Nolta

REQUEST FOR DISCOVERY



CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 17<sup>th</sup> day of January, 2014, I caused a true and correct copy of the foregoing instrument to be delivered to the Nez Perce County Prosecuting Attorney, 1221 F Street, Lewiston, Idaho 83501.

NOLTA LAW OFFICE, PLLC

By 

FILED

2014 JAN 23 PM 3 48

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Patty O. Weeks*  
DEPUTY

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,  
  
Plaintiff,  
  
vs.  
  
JORGE E. RODRIGUEZ,  
  
Defendant.

CASE NO. CR2013-0006184  
  
**SECOND SUPPLEMENTAL RESPONSE  
TO REQUEST FOR DISCOVERY**

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney,  
for Nez Perce County, Idaho, and pursuant to Defendant's Request for Discovery in  
the case herein, makes the following second supplemental disclosure compliance  
pursuant to Idaho Criminal Rules, Rule 16.

1. That attached hereto is AMENDED EXHIBIT "B" which sets forth additional  
reports.

DATED this 24<sup>th</sup> day of January 2014.

*Sandra K. Dickerson*  
\_\_\_\_\_  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing SECOND SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY was

- (1) \_\_\_\_\_ hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Richard M. Cuddihy  
KNOWLTON & MILES, PLLC  
312 17th Street  
P.O. Drawer 717  
Lewiston, ID 83501

DATED this \_\_\_\_\_ day of January 2014.

---

ERIN D. LEAVITT  
Senior Legal Assistant

**AMENDED EXHIBIT "B"**  
**AMENDED LIST OF REPORTS**

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

1. A copy of any audio and/or video tapes and/or compact discs and/or floppy discs are available by providing a blank audio/video tape or compact disc or floppy disc to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.
2. Lewiston Police Department Cap Sheet and Case Disposition Sheet consisting of three (3) pages. (1-3)
3. Lewiston Police Department LAW Incident Table consisting of two (2) pages. (4-5)
4. Lewiston Police Department Narrative prepared by Chris Reese consisting of three (3) pages. (6-8)
5. Lewiston Police Department Supplemental Narrative prepared by Cody Bloomsburg consisting of two (2) pages. (9-10)
6. Lewiston Police Department Supplemental Narrative prepared by Tom Woods consisting of one (1) page. (11)
7. Lewiston Police Department Vehicle Impound Sheet consisting of one (1) page. (12)
8. Lewiston Police Department Main Names Table consisting of two (2) pages. (13-14)
9. Criminal History consisting of sixty-two (62) pages. (15-76)
10. Idaho State Police Forensic Services Criminalistic Analysis Report consisting of two (2) pages. (77-78)
11. Idaho State Police Forensic Services Evidence Submission/Receipt Form consisting of one (1) page. (79)
12. Two (2) DVDs containing the Watchguard videos from Cody Bloomsburg and Chris Reese's patrol vehicles and four (4) photographs.
13. One (1) DVD containing one hundred seventy-seven audio files. (41 recorded phone calls made by Jorge Rodriguez at the Nez Perce County Jail and 136 recorded phone calls made by Travis Frazier at the Nez Perce County Jail)

14. **Letter written to Sandra Dickerson from Jorge Rodriguez consisting of three (3) pages. (80-82)**

FILED

2014 JAN 30 AM 10 06

PATTY O. WEEKS  
CLERK OF THE DIST. COURT



DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

v.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR 2013-6184

AMENDED  
ORDER TO PAY EXPERT  
HOWARD ELLIOT

THIS COURT in accordance with the Order Granting Defendant's Motion for County to Pay for Expert Witness Expenses entered on the 7<sup>th</sup> day of November, 2013;

IT IS HEREBY ORDERED that Nez Perce County make a check payable to Knowlton & Miles, PLLC in and for the amount of \$710.20 for the services provided by Howard Elliot for services provided November 22, 2013 through December 12, 2013.

DATED this 30<sup>th</sup> day of January, 2014.



HONORABLE CARL B. KERRICK

ORDER TO PAY EXPERT  
HOWARD ELLIOT

**CERTIFICATE OF DELIVERY**

I CERTIFY that on this 9<sup>th</sup> day of January, 2014, I caused a true and correct copy of the foregoing **Order to Pay Expert Howard Elliot**:

- hand delivered
- hand delivered by providing a copy to: Valley Messenger Service
- mailed postage prepaid
- certified mail
- faxed

to the following:

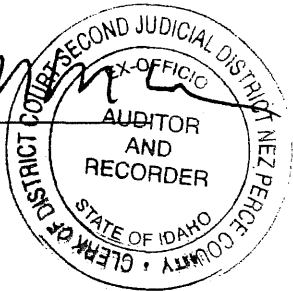
**Richard M. Cuddihy**  
**KNOWLTON & MILES, PLLC**  
312 17<sup>th</sup> Street  
Lewiston, ID 83501

~~April Smith  
NPC Prosecutor's Office  
1221 F Street  
Lewiston, ID 83501~~

**Patty Weeks**  
**NPC Clerk/Auditor**  
1230 Main Street  
Lewiston, ID 83501

**CLERK OF THE COURT**

By: [Signature]  
Deputy



**ORDER TO PAY EXPERT  
HOWARD ELLIOT**

FILED

2014 FEB 7 PM 12 16

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
DEPUTY

Robert J. Van Idour, ISBN 2644  
**ATTORNEY AT LAW**  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	MOTION TO SUPPRESS
	)	EVIDENCE and DISMISS CASE
v.	)	
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

Defendant, by and through his undersigned counsel of record, moves the Court to suppress the evidence and statements obtained from Defendant by the Lewiston Police Department and to dismiss this case. This Motion is based on the records and files of this case and the following grounds:

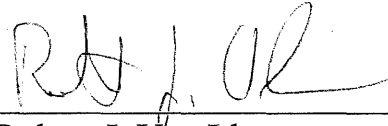
1. There arresting officer lacked probable cause to stop or detain the Defendant without a warrant, which is a violation of the Fourth Amendment to the United States Constitution and Article I, §17 of the Constitution of the State of Idaho.
2. The defendant has standing to file this motion based on his privacy interests in an involuntary search of his person or his belongings under the Fourth, Fifth, and Fourteenth Amendments to the United States

MOTION TO SUPPRESS EVIDENCE  
and DISMISS CASE



Constitution, and Article I, Section 17 of the Idaho Constitution

Dated: February 6, 2014



Robert J. Van Idour  
Defense Counsel

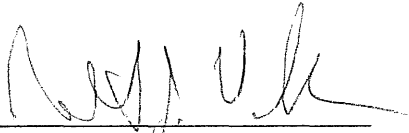
CERTIFICATE OF DELIVERY

I hereby certify that a true copy of this document hand delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on February 7<sup>th</sup>, 2014:

Hand delivered via Valley Messengers

Sent via facsimile to facsimile number 208-799-3080

Sent via postage prepaid U.S. Mail



Robert J. Van Idour

Robert J. Van Idour, ISBN 2644  
**ATTORNEY AT LAW**  
 1618 Idaho Street, Suite 105  
 Lewiston, ID 83501  
 Telephone: (208) 746-4090  
 Facsimile: (208) 743-1158

**FILED**  
 2014 FEB 7 PM 12 18  
 PATTY O. WEEKS  
 CLERK OF THE DIST. COURT

*[Handwritten signature]*  
 DEPUTY  
*[Handwritten initials]*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	MEMORANDUM IN SUPPORT
	)	OF MOTION TO SUPPRESS
v.	)	
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

**FACTS**

On August 29, 2013 Jorge Rodriquez and Travis Frazier left Clarkston, Washington to go to the Albertson's grocery store in Lewiston, Idaho. Mr. Frazier was the driver of the car, which was a vehicle Mr. Frazier had for his use. Mr. Rodriguez did not have any ownership interest in the vehicle, nor did he drive it. While at Albertson's Mr. Rodriguez bought a can of soda while Mr. Frazier waited in the car. After Mr. Rodriguez bought his soda he returned to the car. Mr. Frazier then left the Albertson's parking lot and went south on 21<sup>st</sup> Street.

Unbeknown to Mr. Rodriguez Mr. Frazier had a misdemeanor warrant out for his arrest. Officer Chris Reese, the Lewiston Police Department's K-9 officer, followed Mr. Frazier's vehicle at the instruction of Det. Brett Dammon, a Lewiston police detective. After a very brief pursuit and activation of the overhead lights on

Officer Dammon's vehicle Mr. Frazier stopped his vehicle. Although the warrant was for a misdemeanor, multiple officers and police cars were used to execute a felony stop of Mr. Frazier's vehicle. Both Mr. Frazier and Mr. Rodriguez were taken from the car, pushed to the ground and handcuffed. Bear in mind, there was no warrant for Mr. Rodriguez's arrest. However, Mr. Rodriguez was detained and handcuffed and placed in a police car. He was advised of his rights under *Miranda v. Arizona*, 384 U.S. 436 (1966) Prel. Hrg. Tr. p.15

After Mr. Rodriguez and Mr. Frazier were handcuffed and placed in patrol cars Officer Reece's drug dog Lucy was deployed around the Frazier vehicle. Lucy did alert on Mr. Frazier's car, but no contraband was found in the car. Prel. Hrg. Tr. p. 15

After the felony stop Sgt. Glen Rogers searched the area 50 to 75 feet away from the Frazier vehicle. He found a bag that he referred to as methamphetamine. He notified Officer Reese of that. Prel. Hrg. Tr. p. 16 It was only after that that Officer Reese reviewed the Watchguard video from his patrol vehicle and observed what he identified as a bag being thrown from the Frazier vehicle. Prel. Hrg. Tr. pp. 19-20. Mr. Rodriguez was subsequently charged with Trafficking in Methamphetamine. He is currently incarcerated the Nez Perce County Adult Detention Center.

## ARGUMENT

At issue in the Defendant's Motion to Suppress Evidence (and Dismiss Case) is the lack of probable cause for the warrantless stop and seizure of the Defendant in this case. Mr. Rodriguez was detained and arrested without a warrant when he was stopped as a passenger in Mr. Frazier's vehicle. This immediately triggered protection of the Defendant's rights under both the Idaho Constitution and the Constitution of the United States.

MEMORANDUM IN SUPPORT OF  
MOTION TO SUPPRESS

A warrantless search is per se unreasonable under the Fourth Amendment to the United States Constitution and the Idaho Constitution. *State v. Wigginton*, 142 Idaho 180, 182 (Idaho App. 2005) A traffic stop is a seizure for Fourth Amendment purposes. *Brendlin v. California*, 127 S.Ct 2400, 2406 (2007) Once a warrantless seizure has been undertaken it is the burden of the State to show a legal justification for that seizure. *State v. Haworth*, 106 Idaho 405,406 (1984)

In this case the officer stopped Mr. Frazier for arrest on a misdemeanor warrant. Mr. Rodriguez was not wanted for any criminal charge, nor did Officer Reese suspect that he was. Prel. Hrg. Tr. p.31. The arrest in this case was for a traffic warrant Mr. Frazier. At the time Mr. Frazier's car was stopped there was no reason to detain Mr. Rodriguez. However, he was handcuffed and detained at the scene. It was only after this illegal detention that Sgt. Rogers found a bag, which still has never been identified as the bag purportedly thrown from the car. The bag was only obtained after an illegal detention of Mr. Rodriguez. As such its admissibility is subject to suppression as fruit of the poisonous tree. Suppression of any evidence seized or statements made by Mr. Rodriguez as a result of the illegal search and detention of Mr. Rodriguez is required under the exclusionary rule, i.e. the "fruit of the poisonous tree" doctrine. Inculpatory evidence that is obtained as a result of an illegal seizure is inadmissible. *Wong Sun v. United States*, 371 U.S. 471, 487 (1963); *State v. Bordeaux*, 217 P.3d 6 (Idaho App. 2009)

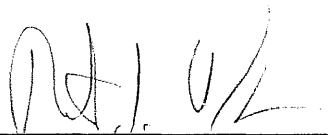
#### CONCLUSION

Mr. Rodriguez was detained illegally. As a result any evidence seized should be suppressed. The illegal detention of Mr. Rodriguez violated his rights under the Fourth Amendment to the United States Constitution and Article I, Section 17 of the Idaho Constitution. Any evidence garnered after Mr. Rodriguez was detained must be suppressed. This suppression would lead to a lack of evidence and require

MEMORANDUM IN SUPPORT OF  
MOTION TO SUPPRESS

dismissal of this case.

Dated: February 6, 2014

  
\_\_\_\_\_  
Robert J. Wan Idour  
Defense Counsel

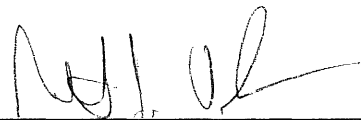
CERTIFICATE OF DELIVERY

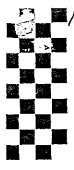
I hereby certify that a true copy of this document hand delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on February 7, 2014:

\_\_\_\_\_ Hand delivered via Valley Messengers

\_\_\_\_\_ Sent via facsimile to facsimile number 208-799-3080

\_\_\_\_\_ Sent via postage prepaid U.S. Mail

  
\_\_\_\_\_  
Robert J. Wan Idour



Robert J. Van Idour, ISBN 2644  
ATTORNEY AT LAW  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

FILED  
2014 FEB 7 PM 4 13  
PATRICIA WILKINS  
CLERK OF THE DISTRICT COURT,  
NEZ PERCE  
DEPUTY  
*Scil*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JORGE ENRIQUE RODRIGUEZ, )  
 )  
Defendant. )

Case No. CR2013-0006184  
MOTION IN LIMINE

To: The Prosecuting Attorney of the County of Nez Perce:

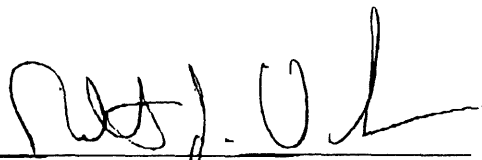
Defendant, by and through his undersigned counsel of record, moves the Court for an order in limine excluding the following evidence from admission:

Any testimony or reference to, or documentary evidence of, any prior criminal convictions as an adult or juvenile adjudications of the defendant under the Juvenile Corrections Act or criminal convictions as an adult, or to any reference to Defendant's criminal record.

Any testimony or reference to, or documentary evidence of, the reputation of Defendant's involvement in illegal drug use or sales or the suspicions of law enforcement as to Defendant's involvement in illegal drug use or sales.

This Motion is based on I.R.E. 401, 402, 403, 404(b) and the Memorandum in Support of Motion in Limine as well as the records and files of this case.

Dated: February 6, 2014




---

Robert J. Van Idour  
Defense Counsel

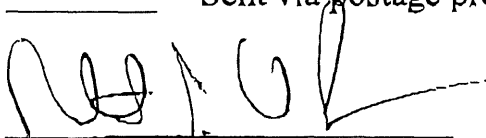
CERTIFICATE OF DELIVERY

I hereby certify that a true copy of this document hand delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on February 7<sup>th</sup>, 2014:

           Hand delivered via Valley Messengers

           Sent via facsimile to facsimile number 208-799-3080

           Sent via postage prepaid U.S. Mail




---

Robert J. Van Idour

Robert J. Van Idour, ISBN 2644  
ATTORNEY AT LAW  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

FILED  
2014 FEB 7 PM 4 13  
PATTY O. WEEKS  
CLERK OF THE DIST. COURT

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	MEMORANDUM IN SUPPORT OF
	)	MOTION IN LIMINE
v.	)	
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

Mr. Rodriguez is charged with the crime of Trafficking. He has filed a Motion in Limine to exclude reference to or testimony about various matters.

Mr. Rodriguez has a prior criminal record. As a young man he was involved in illegal substance abuse and received felony convictions while he was in that lifestyle. However, those convictions are not relevant to this charge. He is charged only with a single count of Trafficking. Any reference to his other convictions would be irrelevant and prejudicial. Under I.R.E. 401 and 402 only relevant evidence is admissible. Even if evidence is probative, it must be excluded if it is more prejudicial than probative under I.R.E. 403.

Under I.R.E. 402 only relevant evidence is admissible. In this case, any prior criminal record of the Defendant is not admissible since it is not relevant to this

MEMORANDUM IN SUPPORT  
OF MOTION IN LIMINE



case.

I.R.E. 403 provides a further condition even if evidence is relevant. Under that rule evidence that is unfairly prejudicial is not admissible. Unfair prejudice occurs when the nature of the evidence is such that its admission would tend to cause an unfair bias against the defendant that is not outweighed by the probative value of the evidence. Courts have excluded a wide variety of evidence under this rule. As an example, a videotaped statement was ruled inadmissible under this rule in *State v. Bingham*, 124 Idaho 699, 700, 864 P.2d 144 (1993) In that case the videotape contained statements that were unfairly prejudicial. The admission of the entire videotape and those statements was found to a ground for reversal of the conviction in that case.

In this case Mr. Rodriguez is charged with Trafficking (in methamphetamine). Any reference implying or stating that he has a prior criminal record, regardless of the offense, lends nothing to this case. It does however bear a bias against Mr. Rodriguez which is unfairly prejudicial by implying that since he has committed a criminal act before, he will do it again. The jury should not be placed in a position of having to overcome that bias. Exclusion of Mr. Rodriguez's prior record will eliminate this problem.

I.R.E. 404(b) is another rule that applies in this case. That rule addresses the admissibility of prior bad acts. The general tenor of that rule is the prior crimes are not admissible unless they are evidence of one of eight factors which are listed in the rule. I.R.E. 404(b) reads as follows:

**(b) Other crimes, wrongs, or acts.** Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation,

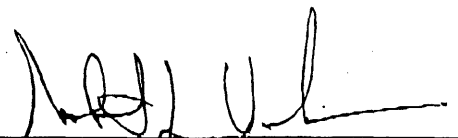
plan knowledge, identity, or absence of mistake or accident, provided that the prosecution in a criminal case shall file and serve notice reasonably in advance of trial, or during trial if the court excuses pretrial notice on good cause shown, of the general nature of any such evidence it intends to introduce at trial.

In this case Mr. Rodriguez's criminal record is not admissible under any of the I.R.E. 404(b) criteria.

CONCLUSION

The prior juvenile and criminal records in this case are unfairly prejudicial and irrelevant in this case. Based on the Idaho Rules of Evidence cited above, Mr. Rodriguez's prior record should be excluded.

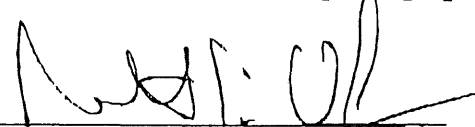
Dated: February 7, 2014

  
Robert J. Van Idour  
Defense Counsel

CERTIFICATE OF DELIVERY

I hereby certify that a true copy of this document hand delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on February 7<sup>th</sup>, 2014:

- Hand delivered via Valley Messengers
- Sent via facsimile to facsimile number 208-799-3080
- Sent via postage prepaid U.S. Mail

  
Robert J. Van Idour

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

**FILED**  
2014 FEB 10 PM 4 35

PAITY O. WEEKS  
CLERK OF THE DIST. COURT.  
*McCole*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR2013-0006184

**THIRD SUPPLEMENTAL RESPONSE  
TO REQUEST FOR DISCOVERY**

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney, for Nez Perce County, Idaho, and pursuant to Defendant's Request for Discovery in the case herein, makes the following third supplemental disclosure compliance pursuant to Idaho Criminal Rules, Rule 16.

1. That attached hereto is AMENDED EXHIBIT "B" which sets forth additional reports.

DATED this 10<sup>th</sup> day of February, 2014.

*Sandra K. Dickerson*  
\_\_\_\_\_  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**


I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing THIRD SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY was

- (1)   ✓   hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Paige M. Nolta  
Nolta Law Office, PLLC  
1618 Idaho Street, Suite 106  
Lewiston, ID 83501

DATED this   10<sup>th</sup>   day of February, 2014.

  
\_\_\_\_\_  
ERIN D. LEAVITT  
Senior Legal Assistant

**AMENDED EXHIBIT "B"**  
**AMENDED LIST OF REPORTS**

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

1. A copy of any audio and/or video tapes and/or compact discs and/or floppy discs are available by providing a blank audio/video tape or compact disc or floppy disc to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.
2. Lewiston Police Department Cap Sheet and Case Disposition Sheet consisting of three (3) pages. (1-3)
3. Lewiston Police Department LAW Incident Table consisting of two (2) pages. (4-5)
4. Lewiston Police Department Narrative prepared by Chris Reese consisting of three (3) pages. (6-8)
5. Lewiston Police Department Supplemental Narrative prepared by Cody Bloomsburg consisting of two (2) pages. (9-10)
6. Lewiston Police Department Supplemental Narrative prepared by Tom Woods consisting of one (1) page. (11)
7. Lewiston Police Department Vehicle Impound Sheet consisting of one (1) page. (12)
8. Lewiston Police Department Main Names Table consisting of two (2) pages. (13-14)
9. Criminal History consisting of sixty-two (62) pages. (15-76)
10. Idaho State Police Forensic Services Criminalistic Analysis Report consisting of two (2) pages. (77-78)
11. Idaho State Police Forensic Services Evidence Submission/Receipt Form consisting of one (1) page. (79)
12. Two (2) DVDs containing the Watchguard videos from Cody Bloomsburg and Chris Reese's patrol vehicles and four (4) photographs.
13. One (1) DVD containing one hundred seventy-seven audio files. (41 recorded phone calls made by Jorge Rodriguez at the Nez Perce County Jail and 136 recorded phone calls made by Travis Frazier at the Nez Perce County Jail)

14. Letter written to Sandra Dickerson from Jorge Rodriguez consisting of three (3) pages. (80-82)
15. **Lewiston Police Department Supplemental Narrative prepared by Brett Dammon, dated September 3, 2013, consisting of two (2) pages. (83-84)**
16. **Lewiston Police Department Supplemental Narrative prepared by Chris Reese, dated September 4, 2013, consisting of one (1) page. (85)**
17. **Lewiston Police Department Supplemental Narrative prepared by Brett Dammon, dated September 5, 2013, consisting of one (1) page. (86)**
18. **Lewiston Police Department Supplemental Narrative prepared by Brett Dammon, dated December 30, 2013, consisting of one (1) page. (87)**

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Pretrial Motions

Hearing date: 2/13/2014

Time: 2:32 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Nolta Law Office PD 2014

Prosecutor: April Smith

- 23245 Defendant present, in custody, with counsel. Interpreter present.
- 23307 Ms. Smith addresses the Court and requests 1 week continuance to respond to Defendant's motions.
- 23332 Mr. Van Idour has no objection.
- 23353 Court addresses counsel. Court continues pretrial motion hearing until 2-20-14 at 2:30 p.m.
- 23425 Court recess.

**ORIGINAL**

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

**FILED**  
2014 FEB 14 PM 4 20  
PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
DEPUTY  
*amb*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,  
  
Plaintiff,

vs.

JORGE E. RODRIGUEZ,  
  
Defendant.

CASE NO. CR2013-0006184

STATE'S RESPONSE TO  
DEFENDANT'S MOTION TO SUPPRESS

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney,  
for Nez Perce County, Idaho, and makes the following response to Defendant's  
Motion to Suppress.

**FACTS:**

On August 29, 2013, Officer Chris Reese of the Lewiston Police Department,  
received information that a white Honda Accord was being driven by an individual  
named Travis Frazier, whom had an outstanding warrant in Nez Perce County.  
Officer Reese also had information regarding recent narcotic activity within the  
Lewis Clark valley and there was reasonable articulable suspicion the vehicle driven  
by Mr. Frazier contained narcotics.



The vehicle was stopped and the two occupants, Travis Frazier and the defendant, Jorge Rodriguez, were ordered out of the vehicle. Mr. Frazier was arrested on the outstanding warrant, and searched incident to the arrest where a small bag of marijuana and a small baggie of what appeared to be methamphetamine was located on his person.

The K-9 was deployed and alerted on the vehicle. No contraband was found in the vehicle, but Sergeant Glen Rogers of the Lewiston Police department located a medium sized zip lock bag located 50 to 75 feet away from the traffic stop. (Prelim Trans. Pg 16- Ln 9-12(Attached as Exhibit 2)). When Officer Reese reviewed his Watchguard video (Exhibit 1) he saw "Mr. Rodriguez throwing the bag of methamphetamine outside the vehicle, and right at the location of where Mr.—or Sergeant Rogers found it" (Prelim Trans. Pg 20 - Ln 12-15). Mr. Frazier and the Defendant, Mr. Rodriguez were arrested.

### **ARGUMENT**

**There was reasonable articulable suspicion to stop the vehicle: outstanding warrant for the driver and information concerning recent narcotic activity in the Lewis Clark valley.**

The Fourth Amendment to the United States Constitution protects citizens against unreasonable search and seizure. Brief investigatory detentions must be reasonable under the Fourth Amendment, *Terry v. Ohio*, 392 U.S. 1 (1968); *State v. Bishop*, 146 Idaho 804 (2009). Based on the knowledge the driver of the vehicle had an outstanding warrant coupled with the information regarding recent narcotic activity, the officers had reasonable suspicion to stop the vehicle and conduct a reasonable investigation.

As the investigation proceeded, narcotics were located on the driver's person, the K-9 alerted to the odor of narcotics in the vehicle, and a baggie of suspected narcotics was located not far from the vehicle along the roadway. Upon review of the video within the police vehicle, the defendant (passenger) was seen throwing an object from the window where the baggie was located.

**CONCLUSION**

Based on the totality of the circumstances, defendant's motion to suppress should be denied.

RESPECTFULLY SUBMITTED this 14th day of February, 2014.



---

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing STATES RESPONSE TO DEFENDANT'S MOTION TO SUPPRESS was

- (1)   lf   hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Paige M. Nolta  
Nolta Law Office, PLLC  
1618 Idaho Street, Suite 106  
Lewiston, ID 83501

DATED this   14<sup>th</sup>   day of February, 2014.

  
\_\_\_\_\_  
ERIN D. LEAVITT  
Senior Legal Assistant

**FILED**

2013 SEP 27 AM 9 34

PATTY O. WEEKS  
CLERK OF THE DISTRICT COURT  
**TERESA DAMMON**  
DEPUTY

1 IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
2 OF THE STATE OF IDAHO,  
3 IN AND FOR THE COUNTY OF NEZPERCE  
4 STATE OF IDAHO, )  
5 Plaintiff, )  
6 vs. )  
7 JORGE ENRIQUE RODRIGUEZ, )  
8 Defendant. )  
9 \_\_\_\_\_ )

Case No. CR2013-0006184

**COPY**

TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 11, 2013

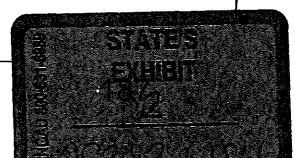
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THE HONORABLE JAY P. GASKILL, PRESIDING  
MAGISTRATE JUDGE

STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO SUPPRESS



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A P P E A R A N C E S

For the STATE: SANDRA K. DICKERSON, ESQ.  
Nez Perce County Prosecuting  
Attorney's Office  
1221 "F" Street  
Lewiston, Idaho 83501

For the DEFENDANT: RICHARD M. CUDDIHY, ESQ.  
Knowlton & Miles, PLLC  
312 17th Street  
Lewiston, Idaho 83501

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I N D E X

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CHRIS REESE	
Direct Examination by Ms. Dickerson	5
Cross-Examination by Mr. Cuddihy	30
Cross-Examination by Mr. Hurn	41

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Mark Rec'd

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STATE'S EXHIBIT NOS. 3A-3D	--	18

STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO SUPPRESS

1 WEDNESDAY, SEPTEMBER 11, 2013 3:23 P.M.

2  
3 PROCEEDINGS

4 THE COURT: We're on the record in State  
5 versus Rodriguez, CR2013-6184, and State versus Frazier,  
6 CR13-6185. Ms. Dickerson is present on behalf of the  
7 State. Both defendants are present with counsel,  
8 Mr. Cuddihy and Mr. Hurn.

9 Mr. Cuddihy and Mr. Hurn, it's my  
10 understanding you're stipulating to have these  
11 preliminary hearings combined; is that correct?

12 MR. CUDDIHY: That's correct, Your Honor.

13 MR. HURN: That's correct, Your Honor.

14 THE COURT: Is the State ready to proceed?

15 MS. DICKERSON: We are, Your Honor.

16 THE COURT: Any preliminary matters from the  
17 State?

18 MS. DICKERSON: No, Your Honor.

19 THE COURT: Are the defendants ready to  
20 proceed?

21 MR. CUDDIHY: Yes, Your Honor.

22 MR. HURN: Yes, Your Honor.

23 THE COURT: Any preliminary matters?

24 MR. CUDDIHY: Just to exclude witnesses.  
25

1 THE COURT: I'll grant the motion to exclude  
2 witnesses.

3 You can call your first witness,  
4 Ms. Dickerson.

5 MS. DICKERSON: The State would call Chris  
6 Reese.

7 THE COURT: You need to be re-sworn.

8 CHRIS REESE,

9 a witness of lawful age, having been first duly sworn to  
10 tell the truth, the whole truth and nothing but the  
11 truth, was thereupon called as a witness on behalf of  
12 the State and testified upon his oath as follows:

13 THE COURT: Have a seat.

14 THE WITNESS: Thanks.

15 DIRECT EXAMINATION

16 BY MS. DICKERSON:

17 Q. Sir, would you state your name, spelling your  
18 last for the record?

19 A. Chris Reese, R-E-E-S-E.

20 Q. Are you currently employed, Mr. Reese?

21 A. I am.

22 Q. How so?

23 A. City of Lewiston Police Department.

24 Q. And how long have you been with LPD?

25 A. Approximately ten years.

STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO SUPPRESS

1 Q. Prior to that, any law enforcement experience?

2 A. Three years with the Nez Perce County Sheriff's  
3 Department.

4 Q. So a total of 13 years in law enforcement?

5 A. Correct.

6 Q. And what level certification do you currently  
7 hold?

8 A. I hold an intermediate certification.

9 Q. What are your current responsibilities with LPD?

10 A. I am currently a K-9 handler, assigned to the  
11 Field Operations or Patrol Division.

12 Q. Could you tell us a little bit about what goes  
13 into being a K-9 handler? What type of specialized  
14 training do you have?

15 A. I'm currently assigned a narcotics detection K-9.  
16 And part of my duties is drug investigation, assisting  
17 with our own drug investigation section, as well as  
18 other agencies, as well as supplementing patrol on drug  
19 investigations.

20 Q. How does one become a K-9 handler?

21 A. It's a specialized position, so I had to apply  
22 and test for it. And then I had to receive training and  
23 also went through a continuous certification process.

24 Q. And how often do you and the K-9 have to be  
25 recertified?

1 A. We recertify every 14 months in the state of  
2 Idaho.

3 Q. And is there a testing procedure and a minimum  
4 level that you have to pass in order to be recertified?

5 A. There is a testing procedure, and there's not a  
6 minimum. It's pass or fail.

7 Q. So it is 100 percent --

8 A. It's --

9 Q. -- or nothing?

10 A. Correct. It's 100 percent or you don't pass.

11 Q. And what's your K-9's name?

12 A. Her name's Lucy.

13 Q. And have you been with Lucy since you became a  
14 K-9 officer?

15 A. Correct.

16 Q. And Lucy was trained where?

17 A. She was trained over by Seattle, Washington.

18 Q. And then you go and train with Lucy; is that  
19 correct?

20 A. Correct.

21 Q. When was the last time that you and Lucy were  
22 certified?

23 A. About 13 months ago.

24 Q. So you're coming up for certification soon?

25 A. We are, yes.

1 Q. I want to direct your attention to August 29th of  
 2 2013. Were you working that evening?  
 3 A. I was.  
 4 Q. And what were your responsibilities that evening?  
 5 A. I was assigned to work our Watch 2, which is our  
 6 swing shift, from 5:00 p.m. to 3:00 a.m. And I was  
 7 assigned as a patrol officer.  
 8 Q. Did you come into some information from Detective  
 9 Dammon regarding a wanted person?  
 10 A. I did.  
 11 Q. And did Detective Dammon provide you with a  
 12 description of the vehicle that the wanted person was  
 13 seen in?  
 14 A. Yes, he did.  
 15 Q. Were you eventually able to locate that vehicle?  
 16 A. Yes.  
 17 Q. And where did you locate the vehicle?  
 18 A. It was near the Albertsons grocery store on 11th  
 19 Avenue.  
 20 Q. And how did you proceed based upon the  
 21 information that you had from Detective Dammon?  
 22 A. Detective Dammon was actually following the  
 23 vehicle, and he proceeded to tell us where the vehicle  
 24 was heading to. And we were able to catch up to the  
 25 vehicle and conduct a traffic stop on the vehicle.

1 Q. Were you the officer directly behind the vehicle?  
 2 A. I was directly -- I was the first one, and then  
 3 there was, of course, other officers there with me.  
 4 But, yeah, I was directly behind it.  
 5 Q. About what time of night did this occur?  
 6 A. It was approximately -- sorry. My report's out  
 7 of order. I'm missing a page in my report. I think I  
 8 gave it to the bailiff, because I had my other report  
 9 mixed up in there. My apologies. Could I see that real  
 10 fast? Is that okay?  
 11 THE COURT: Sure.  
 12 THE WITNESS: Sorry. I'm sorry, it was  
 13 about 10:00 -- or 10:30 p.m.  
 14 BY MS. DICKERSON:  
 15 Q. And where did you first see the vehicle? I'm  
 16 sorry if I didn't catch that.  
 17 A. It was near Albertsons. It was on 12th Avenue.  
 18 Q. And that's here in Lewiston, state of Idaho?  
 19 A. Yes, it is.  
 20 Q. What type of vehicle was it?  
 21 A. It was a Honda Accord.  
 22 Q. Idaho license plate? Washington license plate?  
 23 A. It was a Washington license plate. It was a  
 24 white Honda Accord with Washington license plate.  
 25 Q. When you followed the vehicle, did you turn on

STATE'S RESPONSE TO DEFENDANT'S MOTION TO SUPPRESS

1 your lights?  
 2 A. I did.  
 3 Q. And did you illuminate the vehicle in any way?  
 4 A. I did. I illuminated it with my spotlight.  
 5 Q. Let's talk a little bit about the patrol vehicle  
 6 that you utilize in your work. Does it have a video,  
 7 in-car video system?  
 8 A. It does.  
 9 Q. And does that video system come on automatically  
 10 when you activate your lights?  
 11 A. It comes on automatically, but there's a -- it's  
 12 called a pre-event recording. I want to say it captures  
 13 a minute prior to when the video is actually activated.  
 14 So anything prior to a minute, it will record, up to  
 15 when the system is activated.  
 16 Q. And so did -- on this occasion, did your  
 17 WatchGuard video click in?  
 18 A. Yes, it did.  
 19 Q. And were you able at some point to review that  
 20 WatchGuard video?  
 21 A. I did.  
 22 Q. So you followed the -- the Honda Accord. Where  
 23 was the stop made?  
 24 A. It was made at the intersection of 20th Street  
 25 and 12th Avenue.

1 Q. That's still here in Lewiston, state of Idaho?  
 2 A. Correct.  
 3 Q. And how many individuals were in the vehicle?  
 4 A. There were two.  
 5 Q. Who was the driver of the vehicle?  
 6 A. The driver was a Mr. Travis Frazier.  
 7 Q. And was Mr. Frazier the wanted person?  
 8 A. He was.  
 9 Q. Who was the other individual?  
 10 A. The other individual was a Jorge Rodriguez, if  
 11 I'm pronouncing his name right.  
 12 Q. And where was Mr. Rodriguez seated in the  
 13 vehicle?  
 14 A. He was in the front passenger seat.  
 15 Q. And do you see Mr. Frazier in court today?  
 16 A. I do.  
 17 Q. And would you point him out and describe what  
 18 he's wearing, please, and where he's sitting?  
 19 A. He's sitting up against the wall on the bench,  
 20 and he's wearing a gray and black outfit.  
 21 MS. DICKERSON: May the record reflect he's  
 22 identified Mr. Frazier, the defendant?  
 23 THE COURT: It will so reflect.  
 24 BY MS. DICKERSON:  
 25 Q. And what about Mr. Rodriguez? Do you see



1 Mr. Rodriguez in court?  
 2 A. I do.  
 3 Q. And would you point him out and describe where  
 4 he's sitting and what he's wearing?  
 5 A. He is sitting at defendant's table with  
 6 Mr. Cuddihy, and he's also wearing a gray and faded  
 7 black outfit.  
 8 MS. DICKERSON: May the record reflect he's  
 9 identified Mr. Rodriguez as the defendant?  
 10 THE COURT: It will so reflect.  
 11 BY MS. DICKERSON:  
 12 Q. When you stopped the vehicle, how many officers  
 13 were involved in the stop?  
 14 A. There was quite a few. There was, I want to say,  
 15 four or five.  
 16 Q. And this was a felony stop; is that correct?  
 17 A. More or less, yes. It was --  
 18 Q. You handled it that way?  
 19 A. It -- we handled it as a felony stop, correct.  
 20 Q. And explain to the Court what that means.  
 21 A. A felony stop or high-risk stop is where we take  
 22 out the occupants at gunpoint.  
 23 Q. And this was based on information that you had  
 24 from Detective Dammon?  
 25 A. Correct.

1 to address. And I -- I was there as -- a role of K-9  
 2 handler, to run the dog around the vehicle. And I told  
 3 him that that was my intention, to run the dog around  
 4 the outside of his vehicle.  
 5 Q. At the time you spoke with Mr. Frazier, had  
 6 Mr. Frazier been searched prior to being put into the  
 7 patrol car, to your knowledge?  
 8 A. He was. Not by me, but yes, he was searched.  
 9 Q. And based upon that search, was anything located?  
 10 A. There was a small amount of marijuana that was  
 11 located that I knew about. And then later, I found out  
 12 that there was also a small amount of methamphetamine on  
 13 his person.  
 14 Q. And did you explain that to Mr. Frazier, that  
 15 he -- there were -- was some contraband found on his  
 16 person?  
 17 A. I -- yes, I talked to him about the marijuana.  
 18 Like I said, I wasn't aware about the methamphetamine  
 19 until sometime later.  
 20 Q. And what about Mr. Rodriguez? Did you speak with  
 21 him as well?  
 22 A. I did.  
 23 Q. And was Mr. Rodriguez also in custody?  
 24 A. He was.  
 25 Q. He was handcuffed?

1 Q. When you took out the individuals, Mr. Rodriguez  
 2 and Mr. Frazier, did you speak with either of these  
 3 individuals?  
 4 A. After a few moments, yes, I did.  
 5 Q. Who did you speak with first? Do you recall?  
 6 A. I believe I spoke to Mr. Frazier first. Yes,  
 7 Mr. Frazier.  
 8 Q. And at the time you spoke with Mr. Frazier -- and  
 9 Mr. Frazier was in custody; is that fair to say?  
 10 A. Yes. He was --  
 11 Q. He was handcuffed?  
 12 A. He was handcuffed in the back seat of a patrol  
 13 car.  
 14 Q. And did you read him his Miranda rights?  
 15 A. I did.  
 16 Q. And do you read those Miranda rights from a card,  
 17 or do you recite them from memory?  
 18 A. No. They're on a -- our notepad that we have.  
 19 Q. And did you read those from the notepad?  
 20 A. I did.  
 21 Q. And what, if anything, did you tell Mr. Frazier  
 22 at that point in time?  
 23 A. I told him that he had a warrant and he was under  
 24 arrest for the warrant. And I believe he had a  
 25 suspended driver's license, which the officer was going

1 A. He was handcuffed.  
 2 Q. Was he in the back of another patrol vehicle?  
 3 A. He was.  
 4 Q. And did you read him his Miranda rights?  
 5 A. Yes, I did.  
 6 Q. And what, if anything, did you speak with  
 7 Mr. Rodriguez about at that time?  
 8 A. Again, just my intent on deploying the dog around  
 9 the vehicle.  
 10 Q. Did he talk to you about why he was in Lewiston  
 11 at that point in time?  
 12 A. No, he didn't.  
 13 Q. And then you ran Lucy around?  
 14 A. I did.  
 15 Q. And what, if anything, did you notice as to  
 16 Lucy's behaviors?  
 17 A. Lucy alerted on the vehicle for the presence of  
 18 narcotic odor.  
 19 Q. Did you search the vehicle?  
 20 A. Yes.  
 21 Q. Did you find any contraband?  
 22 A. Not inside the vehicle, no.  
 23 Q. Is that unusual after Lucy has alerted that there  
 24 is an odor?  
 25 A. No, because she's -- she alerts to narcotic odor,

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1 not drugs. She alerts to the odors that emanate from  
2 drugs. So sometimes those drugs are removed from the  
3 vehicle or on someone's person and they exit the  
4 vehicle. So the odor remains there. So that's what  
5 she's alerting to.

6 Q. So after Lucy alerted and you searched the  
7 vehicle and were unable to locate any kind of  
8 contraband, what happened next?

9 A. I was contacted by Sergeant Rogers, who informed  
10 me that he had located a moderate amount of  
11 methamphetamine just about 50 or 75 feet away from the  
12 traffic stop that we believed was thrown from the  
13 vehicle.

14 Q. Now, Sergeant Rogers was on scene as well as the  
15 supervisor? Is that fair to say?

16 A. Yeah, he was -- he was the watch -- watch  
17 supervisor at that time.

18 Q. Did he, in fact, take you to where he had located  
19 the suspected controlled substance?

20 A. He -- once he located it, he stayed with it. He  
21 contacted me on the radio, and I approached him. So  
22 he -- he stayed with it the entire time.

23 MS. DICKERSON: If I could have the witness  
24 handed what has been marked as State's Exhibits 3A  
25 through 3D.

17

1 BY MS. DICKERSON:

2 Q. Officer Reese, I'm going to have you look at  
3 what's been marked as 3A through 3D and tell me if you  
4 recognize those photographs.

5 A. I do.

6 Q. And how do you recognize them?

7 A. I recognize those as the photographs that I took  
8 at the -- at the scene.

9 Q. And 3D, what is that a photograph of?

10 A. 3D?

11 Q. Yes.

12 A. 3D is the -- the methamphetamines that were  
13 located at the -- at the scene, and then the NIK test  
14 that I used to NIK test the substance.

15 Q. So the NIK test photograph in 3D was not taken at  
16 the scene; would that be fair to say?

17 A. That -- yeah, that was taken at the station,  
18 that's correct.

19 Q. The other photographs, 3A through 3B, 3C, were  
20 all taken at the scene?

21 A. At the scene, correct.

22 MS. DICKERSON: Your Honor, we'd move for  
23 the admission of State's 3A through 3D.

24 THE COURT: Mr. Cuddihy?

25 MR. CUDDIHY: I don't have any objection to  
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1 3 -- 3A through 3C. I guess I don't have any objection  
2 to the photograph, 3D, from the nature of it, other than  
3 what it depicts. If the State is using that to prove  
4 that's methamphetamine, I would have an objection to it.

5 THE COURT: No, there's been no testimony to  
6 that, so we're just to the authenticity of the photos.

7 MR. CUDDIHY: And I don't have any objection  
8 to that.

9 THE COURT: Mr. Hurn?

10 MR. HURN: If I could just have a question  
11 in aid of objection.

12 THE COURT: You may.

13 MR. HURN: It's possible I didn't hear you.  
14 Who took these photographs?

15 THE WITNESS: I did.

16 MR. HURN: I would have no objection, Your  
17 Honor.

18 THE COURT: 3A through 3D will be admitted.

19 EXHIBITS:

20 (State's Exhibit Nos. 3A-3D received into  
21 evidence.)

22 BY MS. DICKERSON:

23 Q. Officer Reese, after you had completed the search  
24 of the vehicle and Sergeant Rogers had located what was  
25 suspected to be methamphetamines, how did you proceed

19

1 with the investigation at that point in time?

2 A. Travis was -- or Mr. Frazier was taken to the Nez  
3 Perce County Jail, and he was arrested on a couple of  
4 misdemeanor charges, as well as trafficking  
5 methamphetamine based upon the amount that we located.  
6 And Mr. Rodriguez was also placed under arrest for  
7 trafficking methamphetamine.

8 Q. Now, prior to going to the jail to talk with  
9 Mr. Rodriguez and Mr. Frazier again, did you have  
10 occasion to review your WatchGuard video?

11 A. I did.

12 Q. And what, if anything, did you see on your video  
13 that pertained to Mr. Rodriguez' participation in this?

14 MR. CUDDIHY: Objection. Hearsay.

15 THE COURT: Ms. Dickerson?

16 MS. DICKERSON: Well, Your Honor, he's  
17 observed the video. He said he -- he looked at the  
18 video prior to going there. He already testified that  
19 he reviewed that WatchGuard video.

20 However, if the Court would like, we do have  
21 the video here, and we can admit it as evidence for  
22 counsel.

23 THE COURT: I'm going to overrule --

24 MS. DICKERSON: I don't have a computer.

25 THE COURT: I'm going to allow the

1 testimony.  
 2 BY MS. DICKERSON:  
 3 Q. Did you review the --  
 4 A. I did, yes.  
 5 Q. And what, if anything, did you notice on the  
 6 video that pertained to Mr. Rodriguez' involvement?  
 7 A. When I was still -- or during the course of the  
 8 traffic stop, I had my overhead emergency lights on. I  
 9 had illuminated the passenger compartment with the -- my  
 10 spotlight. And as they were coming to a stop, they  
 11 passed a row of cars that was on their right-hand side.  
 12 And the video clearly shows Mr. Rodriguez throwing the  
 13 bag of methamphetamine outside the vehicle, and right at  
 14 the location of where Mr. -- or Sergeant Rogers found  
 15 it.  
 16 Q. So in State's Exhibit 3C, I believe, it shows a  
 17 dark vehicle with a baggy on the ground. Is that what  
 18 you're speaking to, this row of cars?  
 19 A. Correct. Yeah, the video shows right at that  
 20 exact spot of where -- it shows his hand -- it's pretty  
 21 quick, but it -- it does show his hand, and it shows the  
 22 baggy flying out the window.  
 23 Q. When you responded to the Nez Perce County Jail,  
 24 did you speak, again, with Mr. Frazier?  
 25 A. I did.

1 Q. And what, if any -- Mr. Frazier, was he  
 2 re-Mirandized?  
 3 A. He wasn't re-Mirandized, but he was reminded of  
 4 his -- I admonished him that his Miranda rights still  
 5 were in effect, and he didn't have to talk to us.  
 6 Q. And did he agree to speak with you?  
 7 A. He did.  
 8 Q. And what, if anything, did he say regarding the  
 9 suspected methamphetamine?  
 10 A. He admitted --  
 11 MR. CUDDIHY: Objection. Hearsay as it  
 12 relates to my client.  
 13 THE COURT: Sustained as it relates to your  
 14 client.  
 15 Go ahead.  
 16 THE WITNESS: Oh, I'm sorry. I thought --  
 17 THE COURT: It's confusing because we've  
 18 combined.  
 19 THE WITNESS: I'm tired. Mr. Frazier  
 20 admitted that they were down here in the valley to sell  
 21 the methamphetamine.  
 22 BY MS. DICKERSON:  
 23 Q. "They," being he and Mr. Rodriguez?  
 24 A. Correct.  
 25 Q. And I understand Mr. Cuddihy's objection to the

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1 hearsay as a point -- as it applied to his client. Did  
 2 Mr. -- or did Mr. Frazier tell you whose methamphetamine  
 3 it was?  
 4 MR. CUDDIHY: Continuing objection, Your  
 5 Honor.  
 6 THE COURT: Sustained.  
 7 You can continue.  
 8 THE WITNESS: Yes. He told -- he told me  
 9 that it was Mr. Rodriguez' methamphetamine.  
 10 BY MS. DICKERSON:  
 11 Q. How was he going to be involved in the  
 12 distribution, Mr. Frazier?  
 13 A. Mr. Frazier's role was, he was going to get some  
 14 of the money and/or a little bit of the methamphetamine  
 15 as his role in providing the vehicle for coming down to  
 16 the valley.  
 17 Q. So in exchange for transportation to the valley,  
 18 he would receive a cut of the sales or some of the  
 19 product?  
 20 A. Yes.  
 21 Q. Did he indicate to you whether or not his  
 22 fingerprints, Mr. Frazier's fingerprints, would be on  
 23 the baggy?  
 24 A. He said they would be.  
 25 Q. Did he say anybody else's fingerprints would be

1 on the baggy as well?  
 2 MR. CUDDIHY: Objection. Hearsay as it  
 3 relates to my client.  
 4 THE COURT: Sustained.  
 5 You can answer.  
 6 THE WITNESS: I believe he said that, yes,  
 7 Mr. Rodriguez' fingerprints would be on there as well.  
 8 BY MS. DICKERSON:  
 9 Q. Did you also speak with Mr. Rodriguez at the  
 10 jail?  
 11 A. I did.  
 12 Q. And what, if anything, did Mr. Rodriguez tell  
 13 you?  
 14 A. Again, he was reminded of his Miranda rights. He  
 15 denied any involvement or knowledge of methamphetamine  
 16 being inside the vehicle or his role in bringing  
 17 methamphetamine down to the valley.  
 18 Q. Did you confront him with what you had observed  
 19 on your WatchGuard video of him throwing the baggy out  
 20 the --  
 21 A. I did.  
 22 Q. -- window? And what, if anything, did he respond  
 23 to that?  
 24 A. He just said no, no, no.  
 25 Q. When you returned to the police department, you

1 conducted a NIK test, correct?  
 2 A. I did.  
 3 Q. And that's just a presumptive test?  
 4 A. That is correct.  
 5 Q. It's not something that you rely on until after  
 6 you've been -- after it's been sent to the lab; is that  
 7 correct?  
 8 A. That is correct.  
 9 Q. Did you send it to the lab?  
 10 A. It was sent to the lab.  
 11 MS. DICKERSON: If I could have the witness  
 12 handed what's been marked as State's Exhibit 1.  
 13 BY MS. DICKERSON:  
 14 Q. Officer Reese, I'll have you look at what's been  
 15 marked as State's Exhibit 1. Tell me if you recognize  
 16 that.  
 17 A. I do.  
 18 Q. And how do you recognize it?  
 19 A. I recognize that as the State Forensics Lab  
 20 report that we received back.  
 21 Q. And is this something -- how do you know that it  
 22 pertains to this case specifically?  
 23 A. Because the case number is indicated on the form,  
 24 as well as the exhibit numbers.  
 25 Q. And those exhibit numbers were corresponding to

1 the exhibits that you put through there --  
 2 A. Correct, coincide --  
 3 Q. -- is that correct?  
 4 A. -- with the evidence that I logged in.  
 5 MS. DICKERSON: Your Honor, we'd move for  
 6 admission, for preliminary hearing purposes, of State's  
 7 Exhibit 1.  
 8 MR. CUDDIHY: Objection, Your Honor.  
 9 Foundation. The case number, agency case number, in the  
 10 upper right-hand corner does not match the case number  
 11 as in this case.  
 12 THE COURT: I don't have it, so I don't  
 13 know.  
 14 MR. CUDDIHY: I can certainly provide the  
 15 Court with a copy of the Lewiston Police Department case  
 16 number.  
 17 MS. DICKERSON: It matches here. L --  
 18 13-L13293?  
 19 MR. CUDDIHY: I have L13292.  
 20 MS. DICKERSON: On the face sheet?  
 21 MR. CUDDIHY: No. On his police reports.  
 22 MS. DICKERSON: (Inaudible).  
 23 MR. CUDDIHY: I still object in that it's  
 24 not the proper case number.

25 THE COURT: Can I see the proffered exhibit?  
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1 please?  
 2 Is your testimony that the agency case  
 3 number on this State's Exhibit 1 matches the agency case  
 4 number on the cases at prelim today?  
 5 THE WITNESS: That case number is the same  
 6 case number that's on my narrative report, yes, Your  
 7 Honor.  
 8 THE COURT: Do you have any questions in aid  
 9 of an objection?  
 10 MR. CUDDIHY: I -- I do, Your Honor.  
 11 THE COURT: Go ahead.  
 12 MR. CUDDIHY: The agency case number,  
 13 13-L13293, is that the case number assigned by your  
 14 agency via the computer dispatch?  
 15 THE WITNESS: Yes.  
 16 MR. CUDDIHY: And in submitting your report  
 17 in this case, does it match that case number of  
 18 13-13293?  
 19 THE WITNESS: I don't have 293. I don't  
 20 know what you're referring to, Mr. Cuddihy.  
 21 MR. CUDDIHY: Your case -- agency case  
 22 number.  
 23 THE WITNESS: My -- my case number that I  
 24 have is 13-L13293.  
 25 MR. CUDDIHY: And so what I'm asking you is,

1 you wrote a police report --  
 2 THE WITNESS: Under that case number,  
 3 correct.  
 4 MR. CUDDIHY: -- under that case number?  
 5 THE WITNESS: Correct.  
 6 MR. CUDDIHY: And would there be a police  
 7 report under more than that case number? Would there  
 8 also be a police report under case 13292?  
 9 If I might approach the witness, Your Honor?  
 10 THE WITNESS: Sure.  
 11 THE COURT: You may.  
 12 THE WITNESS: Oh, I'm sorry.  
 13 THE COURT: I agree --  
 14 THE WITNESS: See, I like to -- I like to  
 15 play this up, too.  
 16 THE COURT: I agree with Officer Reese. You  
 17 can approach.  
 18 THE WITNESS: You can step out. Yeah, this  
 19 is my case number. So what's the 292 about? 13-L13292.  
 20 MR. CUDDIHY: Is that your police report?  
 21 THE WITNESS: That is my police report, yes.  
 22 MR. CUDDIHY: And is that the police report  
 23 you wrote in this case?  
 24 THE WITNESS: Yes.  
 25 MR. CUDDIHY: So the actual police report

1 that was filed with your affidavit of probable cause in  
 2 support of this case is actually Case No. 13-L13292,  
 3 isn't it?  
 4 THE WITNESS: Yes.  
 5 MR. CUDDIHY: But the agency number assigned  
 6 to the lab result is 13-L13293; is that correct?  
 7 THE WITNESS: It's 13293. 13-L13293.  
 8 MR. CUDDIHY: So the police report, or your  
 9 narrative that you filed in this, that is your  
 10 affidavit, that supports your affidavit of probable  
 11 cause and is your basis and your report and  
 12 documentation of your actions in this case, does not  
 13 match the agency case number in this lab report, does  
 14 it?  
 15 THE WITNESS: Mr. Cuddihy, I'm looking at my  
 16 case number on the report that we both have --  
 17 MR. CUDDIHY: I'm looking at your narrative  
 18 report.  
 19 THE WITNESS: Correct.  
 20 MR. CUDDIHY: And your narrative report is  
 21 13-L13292.  
 22 THE WITNESS: Oh, I see what you're saying.  
 23 I gotcha. Okay.  
 24 MR. CUDDIHY: Is that correct?  
 25 THE WITNESS: Okay. The -- I see where

1 you're coming from now. The case number on this that I  
 2 typed was a typo on the narrative. The case number on  
 3 the face sheet is the actual case number which  
 4 corresponds with --  
 5 MR. CUDDIHY: So your testimony is that your  
 6 police report has a different case number than the lab  
 7 report?  
 8 THE WITNESS: It was a typo on --  
 9 MR. CUDDIHY: Somebody --  
 10 THE WITNESS: My mistake.  
 11 MR. CUDDIHY: But you didn't type this?  
 12 THE WITNESS: I actually did type this one,  
 13 so it is -- it is my error on that.  
 14 MR. CUDDIHY: I would object on foundation,  
 15 Your Honor.  
 16 THE COURT: Based on the explanation for the  
 17 purposes of prelim, I'm going to overrule the objection.  
 18 Mr. Hurn, do you have any additional  
 19 objection?  
 20 MR. HURN: Not in addition. We would have  
 21 had the same objection.  
 22 THE COURT: I'm going to overrule those  
 23 objections and admit State's Exhibit 1.  
 24 EXHIBITS:  
 25

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1 evidence.)  
 2 THE WITNESS: Sorry. I didn't know where  
 3 you were coming from, but now I understand.  
 4 MS. DICKERSON: I don't think I have  
 5 anything further at this time, Your Honor.  
 6 THE COURT: Cross-exam, Mr. Cuddihy?  
 7 MR. CUDDIHY: Thank you, Your Honor.  
 8 CROSS-EXAMINATION  
 9 BY MR. CUDDIHY:  
 10 Q. The information that you received from Detective  
 11 Dammon, did you receive that directly from him --  
 12 A. Yes.  
 13 Q. -- about the wanted person?  
 14 A. Yes.  
 15 Q. And he told you that Travis Frazier was wanted  
 16 for a misdemeanor warrant?  
 17 A. Correct.  
 18 Q. And I suspect, by the basis of your report, he  
 19 gave you some additional intelligence information?  
 20 A. He did.  
 21 Q. At the time he gave you that information, did he  
 22 specifically provide you a license plate of the vehicle?  
 23 A. Not at that time.  
 24 Q. Did he provide you with a vehicle type or model  
 25 number of that vehicle?

1 A. Not initially, no.  
 2 Q. Did he provide to you a physical description of  
 3 Mr. Frazier?  
 4 A. We were provided a photograph of Mr. Frazier.  
 5 Q. So you did have some sort of physical description  
 6 to go with?  
 7 A. That is correct, yes.  
 8 Q. There was nothing in your report indicating at  
 9 that time that you had any information about  
 10 Mr. Rodriguez; is that accurate?  
 11 A. That is accurate.  
 12 Q. So at the time of the vehicle stop, you didn't  
 13 know Mr. Rodriguez? You didn't suspect him of anything  
 14 involved in this case?  
 15 A. That is correct.  
 16 Q. Were you staged at Albertsons parking lot when  
 17 Detective Dammon called you?  
 18 A. Not in the parking lot, no. I was -- I think I  
 19 was near the -- not McSorley.  
 20 Q. Jenifer?  
 21 A. No. The other school, elementary school.  
 22 Q. Whitman school?  
 23 A. Whitman. Thank you.  
 24 Q. And when Detective Dammon called, he said he was  
 25 following the suspect vehicle?

1 A. Correct.  
 2 Q. And it was about 10:30 at night?  
 3 A. Correct.  
 4 Q. And it was on 12th Avenue?  
 5 A. Yes.  
 6 Q. And it would be fair to say that, other than the  
 7 corners, there aren't any street lights in that section?  
 8 Would that be fair to say?  
 9 A. Yes.  
 10 Q. When you got to the vehicle, you testified you  
 11 were the first car behind the vehicle. I presume, did  
 12 you pass Detective Dammon, or did he pull over? Or how  
 13 did that --  
 14 A. He pulled over.  
 15 Q. And then you began the pursuit?  
 16 A. Well --  
 17 Q. Or followed him?  
 18 A. Yes, followed him.  
 19 Q. And how long did you follow the car before you  
 20 put your overhead lights on?  
 21 A. Not very long. Within just a few moments.  
 22 Q. Did you see the driver at that time?  
 23 A. Yes. I could see the back of him.  
 24 Q. Did you know the driver was Travis Frazier at  
 25 that time?

1 A. No, other than the information that Detective  
 2 Dammon provided.  
 3 Q. He had given you a description, told you the  
 4 vehicle, potential vehicle; and then he called in and  
 5 said, I'm following a vehicle like that?  
 6 A. No. He said that he was following Mr. Frazier.  
 7 Q. Okay. Do you know if he was able to confirm  
 8 through a registration query -- you didn't hear that on  
 9 the radio?  
 10 A. No.  
 11 Q. So as soon as you got behind the vehicle, based  
 12 upon what Detective Dammon told you about there being a  
 13 warrant for Mr. Frazier and that this was Mr. Frazier's  
 14 vehicle, you stopped the vehicle?  
 15 A. Based upon Detective Dammon's observations, yes.  
 16 Q. And during that initial stop, you didn't notice  
 17 anything about anybody throwing anything out of the  
 18 vehicle or anything at that time?  
 19 A. No, I did not.  
 20 Q. And so you said it was a felony stop, or like a  
 21 felony stop?  
 22 A. Correct.  
 23 Q. So when you say that, did you -- did the officers  
 24 approach the vehicle, or did you call them out of the  
 25 vehicle?

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1 A. No, we -- we approached the vehicle.  
 2 Q. Okay. And so you took them all out at gunpoint?  
 3 A. Yes.  
 4 Q. And did you physically take them out, or did  
 5 they -- did you order them out? Do you remember?  
 6 A. I didn't physically take them out. I'm assuming  
 7 the other officers did.  
 8 Q. Okay. And then they were handcuffed?  
 9 A. Correct.  
 10 Q. And at some point, you -- you began a search?  
 11 A. Correct.  
 12 Q. Did -- that search, did you ask Mr. Rodriguez or  
 13 Mr. Frazier for consent to search or --  
 14 A. No.  
 15 Q. So what was the basis of your search?  
 16 A. The K-9 alert.  
 17 Q. Okay. And the K-9 -- the K-9 walk-around --  
 18 A. Correct.  
 19 Q. -- did you ask permission of either Mr. Rodriguez  
 20 or Mr. Frazier to do that?  
 21 A. No.  
 22 Q. You told them you were going to do that? And  
 23 what was your basis for that?  
 24 A. Detective Dammon had information that Mr. Frazier  
 25 was involved in drug activity here in the LC Valley.

1 Q. So he had a suspicion that Mr. Frazier was  
 2 selling drugs in the valley?  
 3 A. He was involved. I --  
 4 Q. Don't know what that was?  
 5 A. Correct.  
 6 Q. So you walked your dog around. How -- about how  
 7 long did you do that walk-around after these two  
 8 defendants were detained?  
 9 A. It was a bit longer. It was probably, I'm  
 10 guessing, between probably ten to 15 minutes, maybe.  
 11 Q. Okay. And how long did it take you to do your  
 12 walk-around?  
 13 A. Not very long.  
 14 Q. Now, you testified that there was an alert. How  
 15 did your dog alert?  
 16 A. She alerted on the driver's door seam, as well as  
 17 the trunk for the odors of narcotics.  
 18 Q. And when you say she alerted and it was  
 19 consistent with her other alerts, what -- help me --  
 20 A. What did she do?  
 21 Q. -- understand what she did.  
 22 A. The K-9 will aggressively bat -- bat. Bite --  
 23 I'm tired. Bite and/or scratch at the source of the  
 24 odor.  
 25 Q. Okay. And you observed that?

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- 1 A. Correct.
- 2 Q. And so based upon that, you then conduct a
- 3 search?
- 4 A. Correct.
- 5 Q. And who did the search?
- 6 A. It was myself and I believe another officer was
- 7 assisting, if not maybe two more. I believe Detective
- 8 Sparks was helping, if I recall.
- 9 Q. And you didn't locate anything on -- anything
- 10 inside the car?
- 11 A. Not inside the car, no.
- 12 Q. But in your search subsequent to the arrest of
- 13 Mr. Frazier, you located a small amount of marijuana
- 14 that you knew about at that time?
- 15 A. I knew that they had located, yeah, just a -- a
- 16 very small amount of marijuana on his person.
- 17 Q. So at some point, Sergeant Rogers contacts you
- 18 and says that he had found some -- what appeared to him
- 19 to be methamphetamine?
- 20 A. Correct.
- 21 Q. And he showed you where that was?
- 22 A. Yes.
- 23 Q. And that's depicted in our pictures that were
- 24 admitted into court, 3A, B and C?
- 25 A. Yes.

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- 1 Q. Is that the same state that you first observed
- 2 those? Was there any other packaging around, or was it
- 3 just that packaging?
- 4 A. No. It was just that.
- 5 Q. And as I reviewed your report, it said you didn't
- 6 request any fingerprints on this --
- 7 A. No, I did not.
- 8 Q. -- exhibit. So there isn't going to be any -- it
- 9 wasn't preserved for fingerprints?
- 10 A. No. The bags were in poor shape, to say the
- 11 least, for prints, in my opinion.
- 12 Q. So there won't be any fingerprints ever located
- 13 on these?
- 14 A. No.
- 15 Q. As far as -- do you plan to do any testing, DNA
- 16 testing or anything else; or do you believe the evidence
- 17 is too deteriorated to do any of that?
- 18 A. I -- no, I'm not going to do any DNA -- I'm not
- 19 going to request that.
- 20 Q. Okay. Now, your testimony was that it was
- 21 10:30 at night, relatively dark?
- 22 A. Approximately, yes.
- 23 Q. Okay. And it was dark at that hour?
- 24 A. Sure.
- 25 Q. Were there any lights inside the vehicle when

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- 1 the vehicle was going down the roadway?
- 2 A. No.
- 3 Q. And the only lights are at the corners in that
- 4 part of Lewiston --
- 5 A. Yes.
- 6 Q. -- is that accurate? And you testified when you
- 7 put on your emergency lights, you then would use your
- 8 spotlight to illuminate the inside of the car?
- 9 A. Correct.
- 10 Q. At that point in time, what could you see of the
- 11 passenger in the car at the time of the stop?
- 12 A. To be honest with you, I wasn't paying attention
- 13 to the passenger. I was paying attention to the driver.
- 14 So I really couldn't even tell you at that time that I
- 15 hit him with my spotlight that I could see a passenger,
- 16 because I was primarily focused on the driver.
- 17 Q. Okay. And as you're focused on the driver, you
- 18 said you could see the back of his head?
- 19 A. Correct.
- 20 Q. You could see a head. Could you see anything
- 21 else of the driver?
- 22 A. No.
- 23 Q. You couldn't see his hands?
- 24 A. I'm sorry?
- 25 Q. You couldn't see his hands or arms?

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- 1 A. No.
- 2 Q. And you testified that you later went back and
- 3 looked at a video?
- 4 A. Correct.
- 5 Q. And that in the video, you saw something come out
- 6 of the passenger side window?
- 7 A. Yes.
- 8 Q. And was that window rolled all the way down?
- 9 Partially down? Do you remember?
- 10 A. I couldn't tell.
- 11 Q. Don't remember when you did the search what state
- 12 that --
- 13 A. Oh, the search.
- 14 Q. -- window was in?
- 15 A. I -- I don't remember.
- 16 Q. Okay.
- 17 A. Sorry.
- 18 Q. And where that was in relation to where Sergeant
- 19 Rogers found this exhibit was consistent, you think,
- 20 along the line of when you were stopping the car?
- 21 A. Correct.
- 22 Q. When you said that you were sure that it was
- 23 Mr. Rodriguez that threw it out, did you see his right
- 24 arm come out of the window, or did you just see a bag
- 25 come out from that side of the car?

STATE'S RESPONSE TO DEFENDANT'S  
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1 A. No. You could actually see his right arm make a  
2 movement. I mean, it was -- it's super quick, but you  
3 could -- you could see it at that point in time, the  
4 bag --

5 Q. Well, I'm -- and I'm trying to understand how you  
6 would see his right arm if the seat would -- covered  
7 that. Because your testimony was that, of the driver,  
8 the only thing you could really see is the back of his  
9 head.

10 A. Correct.

11 Q. So is his right arm moving inside the vehicle?

12 A. Mr. Rodriguez'?

13 Q. Yes.

14 A. Yes.

15 Q. And that's what you say that you saw on the  
16 video?

17 A. Yes.

18 Q. You spoke to Mr. Rodriguez?

19 A. Yes.

20 Q. And he denied any involvement?

21 A. Correct.

22 MR. CUDDIHY: I don't have any other  
23 questions.

24 THE COURT: Mr. Hurn?

25 MR. HURN: Yes.

CROSS-EXAMINATION

2 BY MR. HURN:

3 Q. Officer Reese, you say you observed my client,  
4 Mr. Frazier, driving the vehicle that you were  
5 following?

6 A. He was the driver, yes.

7 Q. And if I'm understanding correctly, you said you  
8 identified him through a photograph. Was that provided  
9 to you before you were following him or subsequent to  
10 that?

11 A. The -- the photograph was -- was given to us  
12 prior to all this happening. I never identified  
13 Mr. Frazier. I was relying on Detective Dammon's  
14 information that he had identified Mr. Frazier.

15 Q. And you've also testified here today that my  
16 client, Mr. Frazier, was Mirandized at some point. Was  
17 that -- when was that?

18 A. That was at the traffic stop, and he was --

19 Q. After he was pulled out of the vehicle?

20 A. Correct.

21 Q. And was this -- was the Mirandize before or after  
22 the K-9, Lucy, had been deployed?

23 A. It was before.

24 Q. And you said that my client was searched, his  
25 personal -- his clothing and whatnot. Was that you that

STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO SUPPRESS

1 conducted the search?

2 A. No, it was not.

3 Q. What officer was that?

4 A. I don't know.

5 Q. And if I understand correctly, it's your  
6 testimony that Lucy alerted two times?

7 A. Yes.

8 Q. And where specifically on the vehicle were the  
9 alerts?

10 A. She alerted on the driver's door seam, as well as  
11 the trunk.

12 Q. After that alert, you conducted a search of the  
13 vehicle, correct?

14 A. Yes.

15 Q. Was anything -- or paraphernalia ever recovered  
16 in there?

17 A. No.

18 Q. Were there any controlled substances recovered in  
19 there?

20 A. No.

21 Q. Was there any sort of ledgers or paper documents  
22 that you might have thought would be pertinent to this  
23 case?

24 A. No.

25 Q. Was there any scale?

1 A. No.

2 Q. Any sort of packaging devices for controlled  
3 substances?

4 A. No.

5 Q. Now, with regards to what Mr. Cuddihy just asked  
6 you about, seeing something in the video being tossed  
7 out the window, did you see a hand outside the window as  
8 the bag was being tossed; or was it just the bag,  
9 itself, going out the window?

10 A. I saw the movement of the hand inside the car.

11 The hand never broke the plane of the door. It was  
12 just -- I mean, I -- I'm showing you how.

13 Q. I guess my --

14 A. That's the best way that I can -- that I can  
15 describe it to you. No, the hand never left the -- or  
16 broke the plane of the door. You just see the movement  
17 of -- of the hand, and simultaneously, you see the bag  
18 of methamphetamine coming out the window.

19 Q. Let me try to rephrase it. Well, let me ask you  
20 a question. There's a seat there that Mr. Rodriguez is  
21 sitting in, correct?

22 A. Correct.

23 Q. So you can't see through the seat and his person,  
24 correct?

25 A. Correct.



1 Q. So is there anything -- is there any sort of  
2 space between the door and window and the seat where you  
3 can see the hand?

4 A. Yes.

5 Q. Is that what your testimony is? You could see  
6 the hand at that point, but it just wasn't outside the  
7 car?

8 A. Yes. You could see the movement of the hand when  
9 he was seated. With the illumination of the spotlight,  
10 you could see the hand clearly make the throwing motion  
11 and the baggy going out the window.

12 Q. Now, when you were interviewing my client,  
13 Mr. Frazier, did he ever say or -- or own up to the  
14 methamphetamine that was allegedly recovered being his?

15 A. Not specifically his. He owned up to it being  
16 inside the vehicle and their intent of bringing it down  
17 to Lewiston and selling it. He knew what was going on.  
18 I mean --

19 Q. In other words, he knew what was in there, is  
20 what you're saying?

21 A. Exactly, yes. But, no, he -- he never owned up  
22 that the -- that he provided the methamphetamine.

23 Q. Now, your -- your vehicle has a WatchGuard camera  
24 and video recording system in it?

25 A. Correct.

1 Q. And was it operational that night?

2 A. Yes.

3 Q. Do you know if anybody else that was involved in  
4 this traffic stop had a -- a WatchGuard video that would  
5 have been operating?

6 A. I assume there was, yes. But I -- I can't --  
7 well, let's see, WatchGuard.

8 Q. Let me rephrase the question.

9 A. Okay.

10 Q. Were there other officers that activated their  
11 lights at the traffic stop?

12 A. Yes.

13 Q. How many cars would you say there were?

14 A. I want to say there was at least three cars  
15 there.

16 Q. And if all those cars had their lights activated,  
17 if it's operating correctly, would they have also had  
18 video?

19 A. Yes. If I can --

20 Q. Sure.

21 A. At least three cars. There was probably more,  
22 but there was -- I know of at least three.

23 Q. Okay. With regards to your training as a K-9  
24 handler, you said that there's a certification process  
25 and -- is that correct?

STATE'S RESPONSE TO DEFENDANT'S  
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1 A. Correct, yes.

2 Q. And that you're in the process of being  
3 recertified?

4 A. Yes.

5 Q. Who does the actual certifying or  
6 recertification? Is it your department?

7 A. No.

8 Q. Who -- what -- is there an agency that does it  
9 then?

10 A. There's different agencies. There's -- they're  
11 called POST evaluators, or dog evaluators. The closest  
12 one that we have is up in Kootenai County. So that's --  
13 that's the person that I usually go through, is Rich  
14 Lyons over in Kootenai County.

15 Q. Is there any sort of manual for standard  
16 operating procedures for K-9 handling that you have to  
17 follow?

18 A. Could you be more specific?

19 Q. Well, let me back up.

20 A. Okay.

21 Q. In training to be a K-9 handler --

22 A. Uh-huh.

23 Q. -- is there a manual that you were given to  
24 instruct you on how to do that?

25 A. Yeah. There's a manual that explains the

1 philosophies and how the dog operates and all that good  
2 stuff. But it's -- mainly, it's hands-on type of  
3 training.

4 Q. Is that -- the manual, is that issued by the  
5 State, or is that, I guess, with the -- the Puget Sound  
6 organization that --

7 A. It was issued through Puget Sound. But every --  
8 every K-9 team, if they go through an outside business  
9 or agency to get certified other than the State of  
10 Idaho, our POST coordinator for the K-9 program for the  
11 State of Idaho has to approve it. It has to fall under  
12 the Idaho guidelines.

13 Q. Do you have the exhibits over there?

14 A. No, I don't.

15 Q. Would you be able to look at Exhibit 3C for me,  
16 please?

17 A. Sure.

18 Q. And you may have answered this already. I didn't  
19 hear it. But in looking there at the picture, correct  
20 me if I'm wrong, there appears to be something white in  
21 the grass area; is that correct?

22 A. That is correct.

23 Q. Is that the bag that you -- that Officer Rogers  
24 said he found?

25 A. Yes.

1 Q. Is there something right next to it, maybe black  
2 or dark colored, or is that part of the bag?  
3 MR. HURN: If I could approach, Your Honor?  
4 THE COURT: You can.  
5 BY MR. HURN:  
6 Q. What I'm referring to, is that part of the bag?  
7 A. Oh, yeah. You have a color copy.  
8 Q. Yes.  
9 A. Sorry. Yeah.  
10 Q. Okay.  
11 A. That's -- that's the bag.  
12 Q. Thank you.  
13 A. Sorry.  
14 Q. That's all right. I couldn't tell.  
15 And then finally, as you interviewed  
16 Mr. Rodriguez and you confronted him with what you  
17 thought was the appearance of something being tossed  
18 out, there -- was there any explanation given for why  
19 that might appear that something was tossed out?  
20 A. With Mr. Rodriguez?  
21 Q. Yes.  
22 A. No. He just adamantly denied any knowledge of  
23 anything that was going on.  
24 MR. HURN: No further questions, Your Honor.  
25 THE COURT: We need to take a very short

1 break.  
2 MS. DICKERSON: Okay.  
3 THE WITNESS: Thank you.  
4 THE COURT: Five minutes.  
5 (COURT IN RECESS.)  
6 THE COURT: We're back on the record in  
7 CR13-6184 and CR13-6185.  
8 Redirect?  
9 MS. DICKERSON: No questions, Your Honor.  
10 THE COURT: You may step down. Thank you.  
11 THE WITNESS: You're welcome.  
12 THE COURT: Next witness?  
13 MS. DICKERSON: The State doesn't have any  
14 further witnesses, and we'd submit, Your Honor, for  
15 purposes of preliminary hearing that we've met our  
16 burden.  
17 THE COURT: Mr. Cuddihy?  
18 MR. CUDDIHY: We'll submit, Your Honor.  
19 THE COURT: Mr. Hum?  
20 MR. HURN: We will as well, Your Honor.  
21 THE COURT: Based on the testimony that's  
22 been presented, I do find that the State has met their  
23 burden for purposes of preliminary hearing for both  
24 cases, trafficking and also of the possession of the  
25 controlled substance.

STATE'S RESPONSE TO DEFENDANT'S  
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1 Based on that, I'll bind the matters over.  
2 I guess we have to bind them over separately to  
3 different judges.  
4 MS. DICKERSON: We'll make our motion to  
5 consolidate, Your Honor.  
6 THE COURT: So Mr. Rodriguez is bound over  
7 to appear in front of Judge Kerrick next Thursday at  
8 1:15. Mr. Frazier will be bound over to appear in front  
9 of Judge Brudie next Wednesday at 9:00 a.m.  
10 Before I forget, Ms. Dickerson, I need to  
11 see you afterwards on another case, if you would,  
12 please.  
13 MS. DICKERSON: Okay.  
14 THE COURT: Just for the record, if we could  
15 have held out two more minutes, we would have been done.  
16 MS. DICKERSON: Judge -- Judge Kerrick is  
17 the 19th, Your Honor?  
18 MR. CUDDIHY: The 19th.  
19 THE COURT: 19th, correct. Now that we're  
20 in 2013. And we'll be in recess.  
21 MR. CUDDIHY: Before you go on recess, Your  
22 Honor --  
23 THE COURT: Yes.  
24 MR. CUDDIHY: I -- I know that he's been  
25 bound over, and typically you would leave the bond issue

1 to the district court judge. It is \$250,000, which  
2 seems to be a -- an almost insurmountable amount of bond  
3 for my client to make.  
4 My client's a homeowner, has been a  
5 long-standing member of the community in -- over in the  
6 Tri-Cities. He has a residence, a lot to lose, a lot on  
7 the line, Your Honor. But \$250,000, it might as well be  
8 \$3 million at that amount, Your Honor. So we're just  
9 asking the Court to set a reasonable bond. Somewhere in  
10 the \$15,000 range would be a reasonable bond, Your  
11 Honor, under the circumstances.  
12 THE COURT: Ms. Dickerson?  
13 MS. DICKERSON: Well, Your Honor, we're  
14 asking that, at least until the arraignment in front of  
15 the district judges, the bond remains. As I recall,  
16 Mr. Rodriguez has quite a criminal history, several  
17 aliases, is not an area resident. So we would ask that  
18 the bond remain at this point, Your Honor.  
19 THE COURT: Based on the prior history and  
20 due to the fact that it is going over to the district  
21 judge within a week, I'm not going to alter the bond at  
22 this time.  
23 MR. CUDDIHY: Thank you, Your Honor.  
24 MS. DICKERSON: Thank you, Your Honor.  
25 THE COURT: Same for you, Mr. Hum.

1 MR. HURN: Thank you, Your Honor.  
2 THE COURT: We'll be in recess.  
3 (COURT IN RECESS.)

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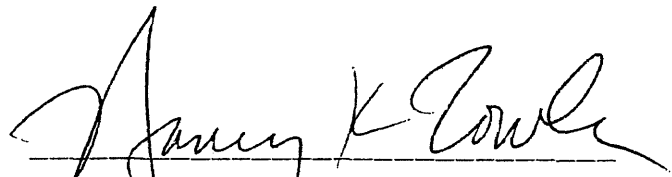
STATE'S RESPONSE TO DEFENDANT'S  
MOTION TO SUPPRESS

## CERTIFICATE

1  
2 I, Nancy K. Towler, C.S.R., certify that I  
3 transcribed into the foregoing record the proceedings  
4 in the above-entitled cause, and that the said  
5 transcript is a full, true and correct copy of the  
6 above-entitled cause to the best of my ability, held  
7 in Lewiston, Idaho, on September 11, 2013.

8 Dated this 27th day of September, 2013.

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NANCY K. FOWLER, C.S.R.  
Certified Shorthand Reporter  
Second Judicial District  
of the State of Idaho  
IDAHO C.S.R. NO. 623

1818 Idaho Street  
Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

**ROBERT J. VAN IDOUR  
ATTORNEY AT LAW**

# Fax

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**To:** Nez Perce County Court Clerk **From:** Robert J. Van Idour

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**Phone:** \_\_\_\_\_ **Date:** 2/19/2014

**Re:** CV2013-00012184 **cc:** \_\_\_\_\_  
State v Jorge Rodriguez

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Reply Memorandum of Defendant

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Robert J. Van Idour, ISBN 2644  
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FILED  
2014 FEB 19 PM 4 12  
PATTY O. WEEKS  
CLERK OF THE DIST. COURT

*Handwritten signature and initials*  
DEPUTY  
*AMH*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	REPLY MEMORANDUM
	)	OF DEFENDANT
v.	)	
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

Counsel for the State has filed the State's Response in this case. The defense is submitting this Memorandum to respond to issues raised in that Brief.

The State is attempting to frame this case as one based on the legitimacy of the arrest of Mr. Frazier, the driver of the vehicle involved in the traffic stop in this case. However, the actual issue brought forth by the defense is that of the lack of legal justification for the detention of the defendant Mr. Rodriguez.

In this case the State had no legal justification for detaining Mr. Rodriguez. The State impliedly submits that Mr. Rodriguez was detained because Officer Reese had information that Mr. Rodriguez was involved in the drug trade in the Lewis Clark valley. As stated in the State's Response "... Officer Reese also had information regarding recent narcotic activity within the Lewis Clark valley and

REPLY MEMORANDUM  
OF DEFENDANT

there was a reasonable articulable suspicion that the vehicle driven by Mr. Frazier contained narcotics.” State’s Response, p. 1 However, this statement is not supported by the record in this case. At the preliminary hearing in this case Officer Reese testified as follows:

Q: Did you come into some information from Detective Dammon regarding a wanted person?

A: I did.

Q: And did Detective Dammon provide you with a description of the vehicle that the wanted person was seen in?

A: Yes, he did.

Q: Were you eventually able to locate that vehicle?

A: Yes.

Prel. Hrg. Tr. p.8, lines 8-16

In response to questioning by Mr. Rodriguez’s prior defense counsel, Mr. Cuddihy, Officer Reese did not provide any information about drug activity. Specifically, Officer Reese testified as follows:

Q: There is nothing in your report indicating at that time that you had any information about Mr. Rodriguez; is that accurate?

A: That is correct.

Prel. Hrg. Tr. p.31, lines 12-15

Officer Reese went on to clarify the reason for the stop, articulating no information regarding drug selling activity. He testified as follows:

Q: So as soon as you got behind the vehicle, based upon what Detective Dammon told you about there

being a warrant for Mr. Frazier and that this was Mr. Frazier's vehicle, you stopped the vehicle?

A: Based upon Detective Dammon's observations, yes.

Q: And during that initial stop, you didn't notice anything about anybody throwing anything out of the vehicle or anything at that time?

A: No, I did not.

Prel. Hrg. Tr. p.33, lines 11-19

In the interest of candor, Officer Reese did note suspicions from Detective Dammon as part of his reason for using the K-9 dog on Mr. Frazier's vehicle. However, the stated reason, under oath, for the stop was the traffic warrant. Sgt. Rogers located a plastic bag he suspected to be methamphetamine over fifty feet from Mr. Frazier's vehicle. However, Mr. Rodriguez was handcuffed and detained well prior to the discovery of the baggie. It was only after Mr. Rodriguez had been detained and arrested that Officer Reese reviewed his dash camera video and saw what he believed to be a baggie being thrown from the Frazier vehicle. Mr. Rodriguez was detained and arrested before Officer Reese reviewed the video.

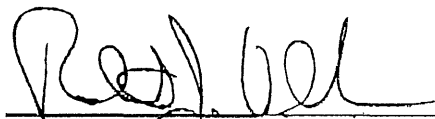
In order to legally detain a citizen the police must have, at a minimum, a reasonable, articulable suspicion that the citizen has committed a crime. An investigatory or *Terry* stop is justified under the Fourth Amendment if there is a reasonable and articulable suspicion that the person has committed or is about to commit a crime. *Florida v. Royer*, 460 U.S. 491, 103 S.Ct. 1319, 75 L.Ed.2d 229 (1983); *Adams v. Williams*, 407 U.S. 143, 146, 92 S.Ct. 1921, 1923, 32 L.Ed.2d 612, 617 (1972); *Simmons*, 120 Idaho at 676, 818 P.2d at 791. In this case, the police only knew that Mr. Frazier had an arrest warrant for a traffic law violation, i.e. driving while suspended. The search of Mr. Rodriguez's person yielded no

REPLY MEMORANDUM  
OF DEFENDANT



contraband or drugs. No warrant was issued for Mr. Rodriguez arrest. While Sgt. Rogers did find suspected drugs, they were not found on Mr. Rodriguez. The car did not belong to Mr. Rodriguez, nor was he driving. It was only after Mr. Rodriguez had been illegally detained that Sgt. Rogers found the suspected drugs and only after that illegal detention did Officer Reese review the video. Given the illegality of the detention the defense submits that any evidence obtained against Mr. Rodriguez after his illegal detention must be suppressed under the principle of fruit of the poisonous tree. *Wong Sun v. United States*, 371 U.S. 471, 487 (1963); *State v. Bordeaux*, 217 P.3d 6 (Idaho App. 2009)


Dated: February 19, 2014

  
 \_\_\_\_\_  
 Robert J. Van Idour  
 Defense Counsel

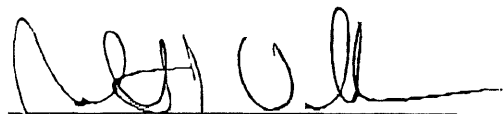
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I hereby certify that a true copy of this document hand delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on February 19, 2014:

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 Robert J. Van Idour

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: pretrial motions/final pretrial

Hearing date: 2/20/2014

Time: 3:01 pm

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Nolta Law Office PD 2014

Prosecutor: Justin Coleman

- 30129 Defendant present, in custody, with counsel.
- 30201 Court addresses counsel.
- 30235 Mr. Van Idour addresses the Court and submits on the memorandums filed.
- 30336 Ms. Dickerson addresses the Court and submits on the memorandums.
- 30351 Court addresses counsel and takes matter under advisement and will issue written decision.
- 30428 Court and counsel meet in chambers.
- 31842 Court addresses the parties re: jury selection on Friday February 28, 2014. Mr. Van Idour to let the Court know 2-24-14 by 1:30 p.m. or prior if there is a resolution otherwise the Court will be pulling a jury panel. Trial is expected to take 2 days with the exception of jury selection.
- 32107 Court recess.

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

**FILED**  
2014 FEB 20 AM 11 45

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*mw*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR2013-0006184

REQUEST FOR DISCOVERY

TO THE ABOVE-NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests discovery and inspection of the following information, evidence and materials:

1. Books, papers, documents, photographs, tangible objects or portions thereof, which are within the possession, custody, or control of the defendant, and which the defendant intends to introduce in evidence at trial;

2. All results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a

witness whom the defendant intends to call at the trial, when the results or reports relate to testimony of the witness;

3. A list of names and addresses of witnesses the defendant intends to call at trial.

4. Please provide the State with a written summary or report of any expert witness testimony that the Defendant intends to introduce pursuant to Idaho Criminal Rules 702, 703 and 705 at trial or hearing in the above-captioned matter. Said summary must describe the expert's opinions, the facts and data for those opinions and the expert's qualifications. This request shall also include any expert opinions regarding mental health pursuant to Idaho Code Section 18-207.

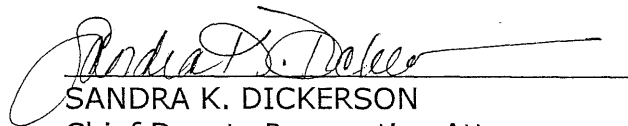
The undersigned further requests permission to inspect and copy said information, within 14 days from the date of this request at the Prosecuting Attorney's Office, Lewiston, Idaho.

REQUEST FOR NOTICE OF DEFENSE OF ALIBI

Pursuant to Idaho Code Section 19-519 and Idaho Criminal Rule 12.1, the Prosecuting Attorney requests that you serve upon his office within ten days of your receipts of this request a written notice of the intention of your client to offer a defense of alibi in the above-referenced matter.

Such notice must state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 20<sup>th</sup> day of February 2014.

  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing REQUEST FOR DISCOVERY was

- (1)   4   hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Paige M. Nolta  
Nolta Law Office  
1618 Idaho Street, Suite 106  
Lewiston, ID 83501

DATED this   20<sup>th</sup>   day of February 2014.

  
\_\_\_\_\_  
ERIN D. LEAVITT  
Senior Legal Assistant

FILED

2014 FEB 20 AM 11 45

PATTY O. WEEKS  
CLERK OF THE DIST. COURT

*M. Cole*  
DEPUTY

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
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I.S.B.N. 4968

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR2013-0006184

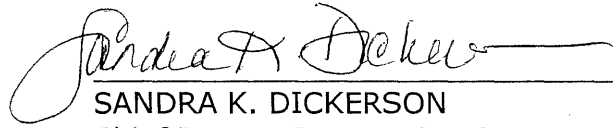
**FOURTH SUPPLEMENTAL RESPONSE  
TO REQUEST FOR DISCOVERY**

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney,  
for Nez Perce County, Idaho, and pursuant to Defendant's Request for Discovery in  
the case herein, makes the following fourth supplemental disclosure compliance  
pursuant to Idaho Criminal Rules, Rule 16.

1. That attached hereto is AMENDED EXHIBIT "A" which sets forth additional  
persons who may be called by the State as witnesses at a trial, none of whom are  
known by the undersigned to have any prior felony convictions, unless otherwise  
indicated. The State will continue to provide names of any witnesses as they  
become available.

2. That attached hereto is AMENDED EXHIBIT "B" which sets forth additional reports.

DATED this 17<sup>th</sup> day of February 2014.

  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**


I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing FOURTH SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY was

- (1) 4 hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Paige M. Nolta  
Nolta Law Office  
1618 Idaho Street, Suite 106  
Lewiston, ID 83501

DATED this 20<sup>th</sup> day of February 2014.

  
ERIN D. LEAVITT  
Senior Legal Assistant

**AMENDED EXHIBIT "A"**  
**AMENDED LIST OF WITNESSES**

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

1. NAME: JEREMY T. JOHNSTON (EXPERT WITNESS)  
ADDRESS: Idaho State Police Forensic Services  
615 West Wilbur, Suite B  
Coeur D'Alene, Idaho 83815  
PHONE: (208) 209-8700

**ANTICIPATED TESTIMONY:** Jeremy Johnston, is a Forensic Scientist with the Idaho State Police Forensic Services and will testify to his observations, findings and expert opinion as a result of performing the testing on the controlled substances in this case.

2. NAME: BRETT J. DAMMON  
ADDRESS: Lewiston Police Department  
1224 F Street  
Lewiston, Idaho 83501  
PHONE: (208) 746-0171

3. NAME: GLEN ROGERS  
ADDRESS: Lewiston Police Department  
1224 "F" Street  
Lewiston, Idaho 83501  
PHONE: (208) 746-0171

4. NAME: CHRIS REESE  
ADDRESS: Lewiston Police Department  
1224 "F" Street  
Lewiston, Idaho 83501  
PHONE: (208) 746-0171

5. NAME: GARY D. CUSHMAN (EXPERT WITNESS)  
ADDRESS: Idaho State Police Forensic Services  
700 South Stratford Drive, Suite 125  
Meridian, Idaho 83642-6202  
PHONE: (208) 884-7170

**ANTICIPATED TESTIMONY:** Gary Cushman, is a Forensic Scientist with the Idaho State Police Forensic Services and will testify to his observations, findings and expert opinion as a result of conducting the fingerprinting on the evidence in this case.



6. NAME: CODY BLOOMSBURG  
ADDRESS: Lewiston Police Department  
1224 F Street  
Lewiston, Idaho 83501  
PHONE: (208) 746-0171

7. NAME: TRAVIS E. FRAZIER  
ADDRESS: 801 N. Tweedt C102  
Kennewick, Washington 99336  
PHONE: (509) 205-8970

**AMENDED EXHIBIT "B"**  
**AMENDED LIST OF REPORTS**

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

1. A copy of any audio and/or video tapes and/or compact discs and/or floppy discs are available by providing a blank audio/video tape or compact disc or floppy disc to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.
2. Lewiston Police Department Cap Sheet and Case Disposition Sheet consisting of three (3) pages. (1-3)
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10. Idaho State Police Forensic Services Criminalistic Analysis Report consisting of two (2) pages. (77-78)
11. Idaho State Police Forensic Services Evidence Submission/Receipt Form consisting of one (1) page. (79)
12. Two (2) DVDs containing the Watchguard videos from Cody Bloomsburg and Chris Reese's patrol vehicles and four (4) photographs.
13. One (1) DVD containing one hundred seventy-seven audio files. (41 recorded phone calls made by Jorge Rodriguez at the Nez Perce County Jail and 136 recorded phone calls made by Travis Frazier at the Nez Perce County Jail)

14. Letter written to Sandra Dickerson from Jorge Rodriguez consisting of three (3) pages. (80-82)
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18. Lewiston Police Department Supplemental Narrative prepared by Brett Dammon, dated December 30, 2013, consisting of one (1) page. (87)
19. **Idaho State Police Forensic Services Forensic Latent Print Examination Report consisting of one (1) page. (88)**

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

**FILED**

2014 FEB 20 PM 4 01

PATTY O. WEEKS  
CLERK OF THE DIST. COURT



DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR2013-0006184

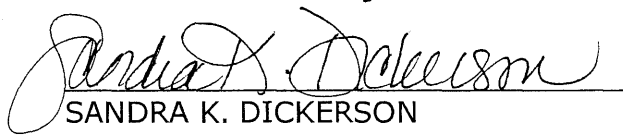
**FIFTH** SUPPLEMENTAL RESPONSE  
TO REQUEST FOR DISCOVERY

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney, for Nez Perce County, Idaho, and pursuant to Defendant's Request for Discovery in the case herein, makes the following fifth supplemental disclosure compliance pursuant to Idaho Criminal Rules, Rule 16.

1. That attached hereto is AMENDED EXHIBIT "A" which sets forth additional persons who may be called by the State as witnesses at a trial, none of whom are known by the undersigned to have any prior felony convictions, unless otherwise indicated. The State will continue to provide names of any witnesses as they become available.

2. That attached hereto is AMENDED EXHIBIT "B" which sets forth additional reports.

DATED this 20th day of February 2014.

  
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

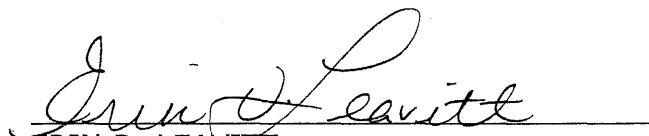
I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing FIFTH SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY was

- (1)  hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
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ADDRESSED TO THE FOLLOWING:

Paige M. Nolta  
Nolta Law Office  
1618 Idaho Street, Suite 106  
Lewiston, ID 83501

DATED this 20th day of February 2014.

  
ERIN D. LEAVITT  
Senior Legal Assistant

**AMENDED EXHIBIT "A"**  
**AMENDED LIST OF WITNESSES**

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

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Kennewick, Washington 99336  
PHONE: (509) 205-8970
8. NAME: **DARRIN HODGE**  
ADDRESS: **1287 Maple Street**  
**Clarkston, Washington 99403**  
PHONE: **(509) 780-2096**
9. NAME: **ERIC KJORNESS**  
ADDRESS: **Lewiston Police Department**  
**1224 F Street**  
**Lewiston, Idaho 83501**  
PHONE: **(208) 746-0171**

**AMENDED EXHIBIT "B"**  
**AMENDED LIST OF REPORTS**

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

1. A copy of any audio and/or video tapes and/or compact discs and/or floppy discs are available by providing a blank audio/video tape or compact disc or floppy disc to the Nez Perce County Prosecuting Attorney's Office and by making prior arrangements during normal working hours.
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19. Idaho State Police Forensic Services Forensic Latent Print Examination Report consisting of one (1) page. (88)
20. **Lewiston Police Department LAW Incident Table for Case Number 13-L13131 consisting of one (1) page. (89)**
21. **Lewiston Police Department Narrative prepared by Brett Dammon for Case Number 13-L13131 dated September 4, 2013, consisting of four (4) pages. (90-93)**
22. **One (1) CD containing the body wire and phone calls for Case Number 13-L13131.**

**FILED**

**2014 FEB 21 PM 2 24**

PATTY O. WEEKS  
CLERK OF THE DIST. COURT



DEPUTY

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

STATE OF IDAHO, )  
)  
Plaintiff, )  
)  
v. )  
)  
JORGE ENRIQUE RODRIGUEZ, )  
)  
Defendant. )  
\_\_\_\_\_ )

**CASE NO. CR 2013-006184**

**OPINION AND ORDER ON  
DEFENDANT'S MOTION TO  
SUPPRESS**

This matter came before the Court on the Defendant's Motion to Suppress. The State of Idaho was represented by Sandra Dickerson, Chief Deputy Prosecuting Attorney for Nez Perce County. The Defendant was represented by Robert Van Idour, attorney at law. Oral argument was presented to the Court on February 20, 2014. The Court, having heard the argument of counsel and being fully advised in the matter, hereby renders its decision.

**FACTS AND PROCEEDINGS**

On August 29, 2013, the Defendant was riding in a car driven by Travis Frazier. Unbeknownst to the Defendant, Frazier had an outstanding warrant in Nez Perce County. Officer Chris Reese, of the Lewiston Police Department, was given information by

Detective Brett Dammon, regarding Frazier as a wanted person and a description of the vehicle Frazier was driving. Tr. at 8. Officer Reese initiated a traffic stop of the vehicle. Tr. at 8-9. Based upon the information received from Detective Dammon, the officers on scene treated the stop as a felony or high-risk stop, where the occupants of the vehicle are taken out at gunpoint. Tr. at 12. As a result, the Defendant was immediately handcuffed and read his Miranda rights. Tr. at 14.

After the occupants were removed from the vehicle, Officer Reese deployed a drug dog, who alerted on the vehicle for the presence of narcotic odor. Tr. at 15. As a result, the vehicle was searched, but no narcotics were located in the search. Tr. at 16. Following the search, another officer on scene informed Officer Reese that a moderate amount of what looked to be methamphetamine had been thrown from the vehicle. The Defendant was placed under arrest for trafficking methamphetamine. Tr. at 19. After he was taken to the jail, Officer Reese reviewed the WatchGuard video from his patrol car and determined that the bag of methamphetamine was tossed from the car by the Defendant, from the passenger seat. Tr. at 19.

## ANALYSIS

### **1. The officers had reasonable suspicion to stop the vehicle.**

The Fourth Amendment to the United States Constitution protects citizens against unreasonable search and seizure. U.S. CONST. amend. IV. Evidence obtained in violation of this amendment generally may not be used as evidence against the victim of an illegal government action. *State v. Page*, 140 Idaho 841, 846, 103 P.3d 454, 459 (2004); *see also Wong Sun v. United States*, 371 U.S. 471, 485, 83 S.Ct. 407, 416, 9

L.Ed.2d 441, 453 (1963). “When a defendant moves to exclude evidence on the grounds that it was obtained in violation of the Fourth Amendment, the government carries the burden of proving that the search or seizure in question was reasonable.” *State v. Bishop*, 146 Idaho 804, 811, 203 P.3d 1203, 1210 (2009); citing *State v. Anderson*, 140 Idaho 484, 486, 95 P.3d 635, 637 (2004).

A traffic stop constitutes a seizure of the vehicle’s occupants and implicates the Fourth Amendment’s prohibition against unreasonable searches and seizures.

A traffic stop by an officer constitutes a seizure of the vehicle's occupants and implicates the Fourth Amendment's prohibition against unreasonable searches and seizures. *Delaware v. Prouse*, 440 U.S. 648, 653, 99 S.Ct. 1391, 1395, 59 L.Ed.2d 660, 667 (1979); *Atkinson*, 128 Idaho at 561, 916 P.2d at 1286. Under the Fourth Amendment, a traffic stop must be supported by reasonable and articulable suspicion that the vehicle is being driven contrary to the traffic laws or that either the vehicle or an occupant is subject to detention in connection with violation of other laws. *State v. Davis*, 139 Idaho 731, 734, 85 P.3d 1130, 1133 (Ct.App.2003). Whether the officer had the requisite reasonable suspicion to detain a citizen is determined on the basis of the totality of the circumstances, i.e., the collective knowledge of all those officers and dispatchers involved. *Wilson v. Idaho Transp. Dep't*, 136 Idaho 270, 276, 32 P.3d 164, 170 (Ct.App.2001). The reasonable suspicion standard requires less than probable cause but more than mere speculation or instinct on the part of the officer. *State v. Ferreira*, 133 Idaho 474, 483, 988 P.2d 700, 709 (Ct.App.1999).

*State v. Widner*, 2013 WL 6426319, at \*3-4 (Ct. App. 2013). In this case, the officers had collective knowledge which resulted in a reasonable basis to stop the vehicle.

Further, the officers were collectively aware of the fact that the car may contain narcotics, thus, the officers treated the stop as a felony, or high-risk stop, in which the occupants of the vehicle were removed at gunpoint. The officers’ decision to treat the stop as a high-risk stop was reasonable in light of the circumstances.

Based upon the totality of the circumstances, the officers had reasonable, articulable suspicion to detain the Defendant immediately when the vehicle was stopped. Brief investigatory detentions must be reasonable under the Fourth Amendment. *See Terry v. Ohio*, 392 U.S. 1, 19, 88 S.Ct. 1868, 1878, 20 L.Ed.2d 889, 904 (1968).

To determine whether such seizures are reasonable, courts first ask “whether the officer's action was justified at its inception.” The level of justification required depends on the intrusiveness of the seizure. Next, they consider whether the action “was reasonably related in scope to the circumstances which justified the interference in the first place.”

Typically, seizures must be based on probable cause to be reasonable. However, limited investigatory detentions, based on less than probable cause, are permissible when justified by an officer's reasonable articulable suspicion that a person has committed, or is about to commit, a crime. Reasonable suspicion must be based on specific, articulable facts and the rational inferences that can be drawn from those facts. The quantity and quality of information necessary to establish reasonable suspicion is less than that necessary to establish probable cause. Still, reasonable suspicion requires more than a mere hunch or “inchoate and unparticularized suspicion.” Whether an officer possessed reasonable suspicion is evaluated based on the totality of the circumstances known to the officer at or before the time of the stop.

*State v. Bishop*, 146 Idaho 804, 811, 203 P.3d 1203, 1210 (2009)(internal citations omitted).

The collective knowledge of the officers gave rise to a reasonable basis to detain the Defendant. Investigation occurred immediately, and the drug dog was deployed fairly quickly after the vehicle was stopped. The dog indicated that there was a presence of narcotic odor in the car. Meanwhile, another officer located a baggie of what appeared to be methamphetamine in an area which appeared to have been tossed from the passenger side of the car. Based upon the totality of the circumstances, the officers had reasonable suspicion to detain the Defendant. The continued investigation established probable cause for the arrest. Therefore, the Defendant's motion to suppress is denied.

### CONCLUSION

Based upon a totality of the circumstances, police officers had reasonable suspicion to stop the vehicle driven by Frazier and detain both Frazier and the Defendant. The investigation at the scene established there was probable cause to arrest the Defendant for trafficking in methamphetamine. Therefore, the Defendant's motion to suppress is denied.

### ORDER

The Defendant's Motion to Suppress is hereby DENIED.  
IT IS SO ORDERED.

DATED this 21<sup>st</sup> day of February 2014.

  
CARL B. KERRICK – District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing OPINION AND ORDER ON DEFENDANT'S MOTION TO SUPPRESS was:

<sup>faxed</sup> hand delivered via court basket, or

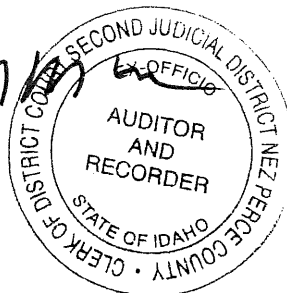
\_\_\_\_\_ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this day of February 2014, to:

Robert Van Idour  
1618 Idaho St, Suite 105  
Lewiston ID 83501

Sandra Dickerson  
P O Box 1267  
Lewiston ID 83501

PATTY O. WEEKS, CLERK

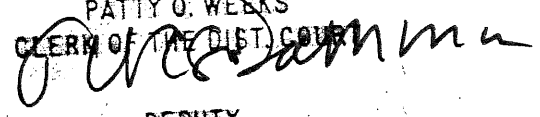
By   
Deputy



FILED

2014 FEB 24 AM 11 45

PATTY O. WEEKS  
CLERK OF THE DIST. COURT



DEPUTY

Paige M. Nolta, ISBN 8428  
Nolta Law Office, PLLC  
1618 Idaho Street, Suite 106  
Lewiston, Idaho 83501  
Telephone: (208) 743-3035  
Facsimile: (208) 743-1220

Attorney for Defendant

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	CASE NO. CR13-06184
	)	
Plaintiff,	)	
	)	
vs.	)	DISCOVERY COMPLIANCE
	)	
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	
_____	)	

The defense responds to the State's Request for Discovery as follows:

1. No books, papers, documents, photographs, tangible objects etc., are in the Defendant's possession that Defendant currently intends to produce at trial.
2. No scientific tests or examinations have been performed by the defense or at its request.
3. In addition to the witnesses whose names and addresses were provided to the defense in the State's Response to Discovery, the Defendant reserves the right to testify on Defendant's own behalf at the jury trial.
4. There are no additional witnesses at this time. If and when we do receive a list

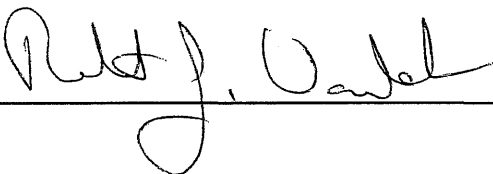
DISCOVERY COMPLIANCE



of additional witnesses, an amended discovery will be made. We also reserve the right to call any witnesses disclosed by the State.

DATED this 24<sup>th</sup> day of February, 2014.

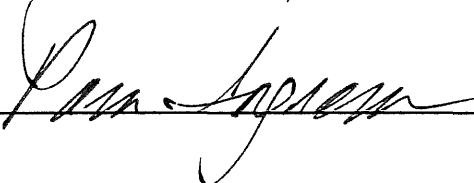
Robert J. Van Idour  
for NOLTA LAW OFFICE, PLLC

By 

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on this 24<sup>th</sup> day of February, 2014, I caused a true and correct copy of the foregoing instrument to be delivered to the Nez Perce County Prosecutor, 1221 F Street, Lewiston, Idaho 83501.

NOLTA LAW OFFICE, PLLC

By 

DISCOVERY COMPLIANCE

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

FILED

2014 FEB 24 PM 4 34

PATTY O. WEEKS  
CLERK OF THE DIST. COURT

  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
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Plaintiff,

vs.

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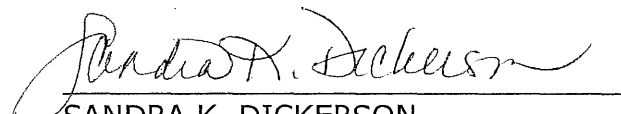
Defendant.

CASE NO. CR2013-0006184

STATES REQUESTED JURY  
INSTRUCTIONS

Herewith submitted are STATE'S REQUESTED INSTRUCTIONS numbered  
consecutively ONE through FOUR.

DATED this 24<sup>th</sup> day of February, 2014.

  
SANDRA K. DICKERSON  
Chief Deputy Prosecutor

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing STATE'S REQUESTED JURY INSTRUCTIONS was

- (1) 4 hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
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Paige M. Nolta  
Nolta Law Office  
1618 Idaho Street, Suite 106  
Lewiston, Idaho 83501

鼻

DATED this 24<sup>th</sup> day of February 2014.

  
ERIN D. LEAVITT  
Senior Legal Assistant

INSTRUCTION NO. 1

The defendant, JORGE E. RODRIGUEZ, is charged by Information with the crime(s) of **COUNT I – TRAFFICKING IN METHAMPHETAMINE, I.C. § 37-2732B(a)(4)(A), a felony**, alleged to have been committed in Nez Perce County, State of Idaho, the charging part of the Information being:

**COUNT I  
TRAFFICKING IN METHAMPHETAMINE, I.C. § 37-2732B(a)(4)(A), a  
felony.**

That the Defendant, JORGE E. RODRIGUEZ, on or about the 29th day of August 2013, in the County of Nez Perce, State of Idaho, did knowingly possess and/or bring into this state twenty-eight (28) grams or more of Methamphetamine, a Schedule II controlled substance, or of any mixture or substance containing a detectable amount of Methamphetamine.

To this information, the defendant pled "not guilty."

STATE'S REQUESTED INSTRUCTION NO. \_\_\_\_\_

\_\_\_\_\_ GIVEN

\_\_\_\_\_ REFUSED

\_\_\_\_\_ COVERED

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JUDGE

INSTRUCTION NO. 2

In order for the defendant to be guilty of Count I - Trafficking in Methamphetamine, the state must prove:

1. On or about August 29, 2013
2. in the state of Idaho
3. the defendant JORGE E. RODRIGUEZ possessed METHAMPHETAMINE,
4. the defendant knew it was METHAMPHETAMINE, and
5. possessed at least 28 grams of METHAMPHETAMINE or any mixture or substance with a detectable amount of METHAMPHETAMINE.

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

**ICJI 406D**

**Comment**

I.C. § 37-2732B(a)(4).

If the defendant is charged with "second offense" drug trafficking, IC § 37-2732B(a)(7), that issue should be presented in a bifurcated proceeding as provided in ICJI 1601.

It was error for the verdict form, in combination with jury instruction for manufacturing, to fail to require a finding by the jury that the manufacturing was done knowingly. *State v. Palmer*, 138 Idaho 931, 71 P.3d 439 (Ct. App. 2003).

STATE'S REQUESTED INSTRUCTION NO. \_\_\_\_\_

\_\_\_\_\_ GIVEN

\_\_\_\_\_ REFUSED

\_\_\_\_\_ COVERED

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JUDGE

INSTRUCTION NO. 3

A person has possession of something if the person knows of its presence and has physical control of it, or has the power and intention to control it. More than one person can be in possession of something if each knows of its presence and has the power and intention to control it.

**ICJI 421**

Comment

There is no need to attempt to distinguish further between actual and constructive possession and sole and joint possession. State v. Seitter, 127 Idaho 356, 900 P.2d 1367 (1995).

The first bracketed sentence is to be given only when a violation of the tax stamp law is charged. I.C. § 63-4202(3).

STATE'S REQUESTED INSTRUCTION NO. \_\_\_\_\_

\_\_\_\_\_ GIVEN

\_\_\_\_\_ REFUSED

\_\_\_\_\_ COVERED

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JUDGE

INSTRUCTION NO. 4

Under Idaho law, METHAMPHETAMINE is a controlled substance.

**ICJI 422**

Comment

I.C. §§ 37-2705 to 37-2713A.

The question whether a substance is designated in the Act as a controlled substance is a question of law for the court, not the jury. State v. Hobbs, 101 Idaho 262, 263, 611 P.2d 1047, 1048 (1980).

STATE'S REQUESTED INSTRUCTION NO. \_\_\_\_\_

\_\_\_\_\_ GIVEN

\_\_\_\_\_ REFUSED

\_\_\_\_\_ COVERED

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JUDGE

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO,            )  
                                  Plaintiff,    )  
                                  vs.                )  
JORGE E. RODRIGUEZ,         )  
                                  Defendant.    )

CASE NO. CR2013-0006184  
VERDICT

We, the jury, duly sworn and empaneled to try the issues in the above-entitled  
cause, find the defendant, JORGE E. RODRIGUEZ,

(Check One Only)

**COUNT I**

(MARK ONLY ONE OF THE FOLLOWING VERDICTS)

\_\_\_\_\_ NOT GUILTY of Count I

\_\_\_\_\_ GUILTY of TRAFFICKING IN METHAMPHETAMINE, I.C.  
§ 37-2732B(a)(4)(A), a felony

Please sign the verdict form and advise the bailiff.

\_\_\_\_\_  
Presiding Juror



1618 Idaho Street  
Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

**ROBERT J. VAN IDOUR  
ATTORNEY AT LAW**

# Fax

RECEIVED FEB 26 2014

**To:** Nez Perce County Court Clerk **From:** Robert J. Van Idour

**Fax:** 799-3058 **Pages:** 9 including cover sheet

**Phone:** CR2013-0006184 **Date:** 2 / 26 / 2014

**Re:** State of IDAHO v Rodriguez **cc:**

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MESSAGE:

*Second Motion to Dismiss Case (or Suppress Evidence)*  
*Memorandum in Support of Second Motion to Dismiss*

Please call (208) 746-4090 IMMEDIATELY if you received this fax in error or if all the pages have not been received. This information is strictly confidential and shall not be communicated to anyone other than the intended recipient.

Robert J. Van Idour, ISBN 2644  
ATTORNEY AT LAW  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

**FILED**  
2014 FEB 26 PM 4:41  
PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	SECOND MOTION TO DISMISS
	)	CASE (or SUPPRESS EVIDENCE)
v.	)	
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

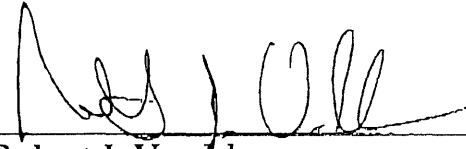
Defendant, by and through his undersigned counsel of record, moves the Court to dismiss this case, or in the alternative to suppress the evidence and statements obtained from Darrin Hodges, Officer Brett Dammon of the Lewiston Police Department and Officer Eric Kjorness of the Lewiston Police Department, as well as the audio recording of August 29<sup>th</sup>, 2013 disclosed by the State on February 20<sup>th</sup>, 2014. This Motion is based on the records and files of this case, the Memorandum in Support of this Motion, I.C.R. 16 and the following grounds:

1. The above noted evidence and witnesses were known to the State since August 29, 2013. The audio recording was in the possession of the State since August 29, 2013.
2. Defendant made timely and appropriate requests for all discoverable

SECOND MOTION TO DISMISS  
CASE or SUPPRESS EVIDENCE

information in the State's possession. The timing of the disclosures made in the State's Fifth Supplemental Discovery have placed Defendant in a position where it is not possible to adequately and fully prepare for trial and competently explore the issues raised in the disclosed material and remain in compliance with the Defendant's speedy trial rights and timelines.


Dated: February 26, 2014

  
Robert J. Van Idour  
Defense Counsel

CERTIFICATE OF DELIVERY

I hereby certify that a true copy of this document was delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on February 26, 2014:

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Robert J. Van Idour

Robert J. Van Idour, ISBN 2644  
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Facsimile: (208) 743-1158

**FILED**  
2004 FEB 26 PM 4:41  
PATTY O WELLS  
CLERK OF THE DIST. COURT  
*amels*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	MEMORANDUM IN SUPPORT
	)	OF SECOND MOTION TO
v.	)	DISMISS
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

**FACTS**

On August 29, 2013 Jorge Rodriquez and Travis Frazier left Clarkston, Washington to go to the Albertson's grocery store in Lewiston, Idaho. Mr. Frazier was the driver of the car, a white Honda Accord.

Mr. Frazier had arranged to meet Darrin Hodges. Unbeknownst to Mr. Frazier, at the time Mr. Hodges was working as a confidential informant in order to garner favorable treatment from the State in pending felonies with which Mr. Hodges was charged. It was in this capacity that Mr. Hodges was working on August 29<sup>th</sup> last year.

Mr. Hodges had the intent of arranging a drug buy at Albertson's in Lewiston, Idaho. In order to document Mr. Hodges' surreptitious dealings he was wearing a hidden recording device (i.e. "body wire"). He recorded his dealings

MEMORANDUM IN SUPPORT OF  
SECOND MOTION TO SUPPRESS

with the two persons in the Honda Accord driven by Mr. Frazier. While the recording certainly has highs and lows in quality much of the conversations in which Mr. Hodges engaged are audible, to one degree or another. This information was all known to the Lewiston Police Department on August 29<sup>th</sup>. On that date both Mr. Frazier and the defendant were arrested for methamphetamine trafficking.

Mr. Rodriguez had counsel appointed for him. Mr. Richard Cuddihy, a public defender in Nez Perce County, Idaho, was initially appointed to represent Mr. Rodriguez. Mr. Cuddihy filed a discovery request on September 23, 2013. Mr. Cuddihy also represented Mr. Rodriguez at the preliminary hearing in this case. The State served its Discovery Response on Mr. Cuddihy on October 8<sup>th</sup>, 2013. On December 27, 2013 Mr. Cuddihy filed a Fourth Discovery Request specifically requesting voice recordings. On January 6, 2014 the State filed its First Supplemental Response to Discovery. That response delivered tapes of phone conversations requested earlier, but did not provide the August 29<sup>th</sup> recordings or Officer Dammon's report, all of which were discoverable material and were covered by Mr. Cuddihy's Discovery Requests. None of the above noted information of August 29<sup>th</sup> was disclosed to Mr. Cuddihy during his tenure as defense counsel in this matter.

Paige M. Nolta was substituted as Mr. Rodriguez's defense counsel. On January 17<sup>th</sup> of this year Ms. Nolta filed a Discovery Request, also covering the August 29<sup>th</sup> evidence. It was not until February 20, 2014 that the August 29<sup>th</sup> evidence was disclosed by the State in its Fifth Supplemental Response. Trial is scheduled for March 3<sup>rd</sup> and has been for some months. Mr. Rodriguez has always maintained that he did not want to waive his speedy trial rights.

#### ARGUMENT

At issue in the Defendant's Second Motion to Dismiss Case (alternatively to  
MEMORANDUM IN SUPPORT OF  
SECOND MOTION TO SUPPRESS

suppress evidence) is the deliberate lack of timely disclosure of the August 29<sup>th</sup> recording and report of Officer Dammon in this case. Under I.R.C. 16 the State has a duty to timely disclose discoverable information. Specifically, under I.R.C. 16(b) certain materials are set out as discoverable material.

Those include statements of a defendant and a co-defendant. I.R.C. 16(b)(1) and (2) In this case a recording purporting to be of both Mr. Rodriguez and Mr. Frazier has been in the possession of the police since August 29<sup>th</sup>. A discovery request encompassing recordings was filed by the defense in September and again in January.

Another category of discoverable material is police reports. I.R.C. 16(b)(8). Officer Dammon's report is in this category but was withheld until February 20<sup>th</sup> of this year. While I.R.C. 16(f)(2) allows withholding a non-witness informant's identity, it does not shield his existence or the police reports addressing his activities. This information should have been disclosed to the defense in a timely manner, or at least in 2013. However, the information was withheld until February 20<sup>th</sup> of this year. This places the burden of analyzing and/or revising trial strategy and tactics on the defense and does so with only eleven (11) days left until trial on March 3<sup>rd</sup>. This is an unfair and prejudicial burden on the defense in that only the shortest amount of time remains for analysis and follow-up investigation of this information. This time crunch is solely brought about by the late disclosure of the August 29<sup>th</sup> evidence.

The standard for assessing appropriate sanctions for late discovery responses is set out in *State v. Hansen*, 108 Idaho 902, 702 P.2d 1362 (Ct. App. 1985). That standard is set forth as "Where the question is one of late disclosure rather than failure to disclose, the inquiry on appeal is whether the lateness of the disclosure so prejudiced the defendant's preparation or presentation of his defense that he was

MEMORANDUM IN SUPPORT OF  
SECOND MOTION TO SUPPRESS

prevented from receiving his constitutionally guaranteed fair trial. *State v. Smoot*, 99 Idaho 855, 590 P.2d 1001 (1978). The granting of a motion for a continuance is in the sound discretion of the trial court, and will not be disturbed unless there has been a clear abuse of discretion. *State v. Ward*, 98 Idaho 571, 569 P.2d 916 (1977). " *Hansen*, supra at 108 Idaho 904 The appellate courts have went on to re-visit the issue of discovery sanctions in other cases as well. In *State v. Thompson*, 119 Idaho 67, 803 P.2d 973 (Idaho 1990) the trial court imposed a monetary sanction against the State for failing to disclose key evidence in a drug case. The Court cited that case five years later in its ruling in *State v. Stradley*, 127 Idaho 203, 899 P.2d 416 (Idaho 1995) upholding a sanction for late disclosure by the defendant stating (regarding the sanction) "In fact, it will further the goals of discovery to stop intentional violations which have the effect of throwing the opposing party off-guard." *Stradley*, 127 Idaho at 213 These cases all lead us back to the inquiry on the effect of the late disclosure and the appropriate sanction.

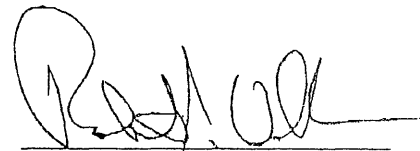
In this case, a monetary sanction is of little or no use. It would only serve to transfer funds from the prosecutor's budget to the public defender's budget. Put more directly, Nez Perce County would be ordered to pay a sanction to Nez Perce County. The effect would be as meaningless as it sounds and would not further protection of Mr. Rodriguez's rights or the goals of discovery.

A continuance would only serve to force Mr. Rodriguez into a coerced trade off between his right to a speedy trial and his right to compliance with the rules of discovery. A continuance would force Mr. Rodriguez to fund his discovery rights by paying for them with his constitutional and statutory right to a speedy trial. Either result is an unjust and prejudicial deprivation of his rights.

### CONCLUSION

The only logical solution is a dismissal of this case. Mr. Rodriguez did not make a decision to violate the rules of discovery and withhold discoverable material. That decision was exclusively within the control of the State and exclusively carried out by the State. Any other sanction rewards the State for its disregard of Mr. Rodriguez's rights. That decision was not the State's to make. By making that decision the State left the Court with no other effective sanction than dismissal. The defense has requested an alternative sanction of exclusion of the late disclosed evidence if the Court declines to dismiss this case, but the reality is that the most appropriate and just sanction is the dismissal of this case. The defense respectfully requests that the Court grant the Motion to Dismiss, or its alternative of exclusion of evidence.

Dated: February 26, 2014



Robert J. Van Idour  
Defense Counsel



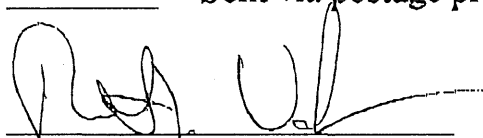
### CERTIFICATE OF DELIVERY

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Robert J. Van Idour

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 4968

**FILED**  
2014 FEB 27 PM 4 10

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*P. O. Weeks*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.


CASE NO. CR2013-0006184

**SIXTH SUPPLEMENTAL RESPONSE  
TO REQUEST FOR DISCOVERY**

COMES NOW, SANDRA K. DICKERSON, Chief Deputy Prosecuting Attorney, for Nez Perce County, Idaho, and pursuant to Defendant's Request for Discovery in the case herein, makes the following sixth supplemental disclosure compliance pursuant to Idaho Criminal Rules, Rule 16.

1. That attached hereto is EXHIBIT "C" which sets forth witnesses previously disclosed who have prior felony convictions.

DATED this 27th day of February 2014.

*for*   
SANDRA K. DICKERSON  
Chief Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing SIXTH SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY was

- (1)  hand delivered, or
- (2)  hand delivered via court basket, or
- (3)  sent via facsimile, or
- (4)  mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Paige M. Nolta  
Nolta Law Office  
1618 Idaho Street, Suite 106  
Lewiston, ID 83501

DATED this 27th day of February 2014.

  
\_\_\_\_\_  
ERIN D. LEAVITT  
Senior Legal Assistant

EXHIBIT "C"  
LIST OF WITNESSES WITH PRIOR FELONY CONVICTIONS

STATE OF IDAHO vs. JORGE E. RODRIGUEZ  
NEZ PERCE COUNTY CASE NO. CR2013-0006184

<u>Witness Name</u>	<u>Prior Felony Conviction(s)</u>
Darrin Hodge..... (08/10/2005)	Possession Controlled Substance
..... (09/05/2002)	Possession Without Prescription

**ORIGINAL**

DANIEL L. SPICKLER  
Nez Perce County Prosecuting Attorney

APRIL A. SMITH  
Deputy Prosecuting Attorney  
Post Office Box 1267  
Lewiston, Idaho 83501  
Telephone: (208) 799-3073  
I.S.B.N. 7009

**FILED**

2014 FEB 27 PM 4 10

PATTY O. WEEKS  
CLERK OF THE DIST. COURT



DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR2013-0006184

STATE'S RESPONSE TO  
DEFENDANT'S SECOND MOTION TO  
DISMISS CASE (OR SUPPRESS  
EVIDENCE)

COMES NOW, APRIL A. SMITH, Deputy Prosecuting Attorney, for Nez Perce County, State of Idaho, and requests the court deny the defendant's second motion to dismiss.

Defendant relies on Idaho Criminal Rule 16 as support for his proposition. However, defendant ignores ICR 16(g)(2) which states:

(2) Informants: Disclosure shall not be required of an informant's identity unless such informant is to be produced at a hearing or trial, subject to any protective order under Rule 16(k) or a disclosure order under Rule 16(b)(8).

On February 20, 2014 at 4:01 pm, the State filed its Fifth Supplemental Response to Request for Discovery. In this response, the State disclosed the name of the confidential informant. The State disclosed this information after

the Final Pretrial Conference in the case occurred and the State determined that this case was going forward to jury trial.

Contrary to the defendant's assertions, the State is not required to disclose this information unless State is calling the informant as a witness at trial. The Rule does not set forth a time requirement that the State is required to abide by. In addition, Idaho Rule of Evidence 509 also protects the identity of an informant. When informants are disclosed, their safety becomes a concern. Both the Idaho Criminal Rules and the Rules of Evidence are designed to protect informants.

The State disclosed the identity of the informant and complied with Idaho Criminal Rule 16. The defendant's second motion to dismiss is without merit. The State respectfully requests the Court deny the defendant's motion.

DATED this 27 day of February 2014.

  
\_\_\_\_\_  
APRIL A. SMITH  
Deputy Prosecuting Attorney

**AFFIDAVIT OF SERVICE**

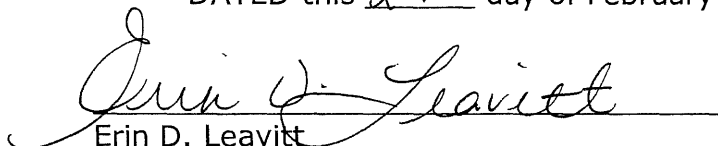
I declare under penalty of perjury that a full, true, complete and correct copy of the foregoing STATE'S RESPONSE TO DEFENDANT'S SECOND MOTION TO DISMISS was

- (1)   *h*   hand delivered, or
- (2) \_\_\_\_\_ hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or
- (4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States Mail.

ADDRESSED TO THE FOLLOWING:

Paige M. Nolta  
Nolta Law Office  
1618 Idaho Street, Suite 106  
Lewiston, ID 83501

DATED this   27<sup>th</sup>   day of February 2014.

  
Erin D. Leavitt  
Senior Legal Assistant

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: def's 2nd motion dismiss/suppress

Hearing date: 2/28/2014

Time: 11:02 am

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Robert Van Idour

Prosecutor: Sandra Dickerson

- 110236 Defendant present, in custody, with counsel. Interpreter Diana Uppendal present.
- 110315 Court addresses counsel.
- 110327 Mr. Van Idour addresses the Court re: Defendant's 2<sup>nd</sup> Motion to Dismiss/Suppress.
- 111008 Ms. Dickerson responds to Defendant's motion.
- 111230 Court addresses Ms. Dickerson.
- 111255 Ms. Dickerson responds.
- 111406 Mr. Van Idour responds.
- 111652 Court addresses Mr. Van Idour.
- 111700 Mr. Van Idour responds.
- 111844 Court addresses counsel.
- 112313 Court denies Defendant's motion.
- 112330 Court addresses Mr. Van Idour whether Defendant has street clothing to wear during the trial.



112400 Defendant responds through interpreter.

112406 Court addresses Defendant.

112427 Court recess.

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Jury Trial

Hearing date: 3/3/2014

Time: 9:03 am

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Nancy Towler

Minutes Clerk: JANET

Tape Number: 1

Defense Attorney: Nolta Law Office PD 2014

Prosecutor: Sandra Dickerson

90348 On record for a jury trial. Crt relays process will begin in 10 minutes to allow time for jury in route to get here.

90447 Recess

91618 Back on record. Crt addresses potential jurors. Counsel are ready to proceed.

91725 Roll call.

92349 State has no challenges to the panel.

Mr. Van Idour relays there are no Hispanic jurors on the panel.

Crt relays a random selection of Nez Perce population was pulled and notes his concern for the record.

Crt addresses potential jurors of questioning process.

92454 Potential jurors sworn in.

92500 Crt reads comments to the jury re the process.

92923 State introduces self and staff.

92852 Crt advises potential jurors of paddle system.

93026 Crt begins general questions.

93242 State introduces office attorneys and staff.

Crt q potential jurors of knowledge.

93512 State advises of potential witnesses.

Crt q potential jurors of knowledge.

93730 Crt excuses Levi Fray. Crt calls Randy Anderson.

Crt q Mr. Anderson.

93917 Crt introduces Diana Uppendahl as interpreter for Mr. Rodriguez.

94004 Defense introduces self and co-counsel.  
Crt q potential jurors of knowledge.

Defense introduces of office staff.  
Crt q potential jurors of knowledge.

94149 Defense introduces client, Jorge Rodriguez.  
Crt q potential jurors of knowledge.

94214 Crt reads Information. Mr. Rodriguez has plead not guilty to the charge.

94408 Crt begins general questions.

100103 Crt excuses Ethan Allen. Crt calls Carla Bell.  
Crt q Ms. Bell.

10655 Crt excuses Thomas Wolff. Crt calls Carla Borgen.  
Crt q Mr. Borgen.

101033 Crt excuses Pamela Dunlap. Crt calls Edward Pearson.  
Crt q Mr. Pearson.

101440 Crt excuses Jacqueline Taylor. Crt calls Alex Dubinin.  
Crt q Mr. Dubinin.

101648 State begins general questions.

102540 State requests Melissa Walton be excused for cause.  
Mr. Van Idour has no objections.  
Crt excuses Ms. Walson for cause. Crt calls Rodney Wiggins. Crt q Mr. Wiggins.

102718 State continues questions.

103551 Crt admonishes jury. Recess  
110108 Back on the record. All parties present.

110115 Mr. Van Idour begins general questions.

113449 State passes jury for cause.  
Mr. Van Idour passes jury for cause and reiterates no Hispanic jurors on panel.  
Crt notes for the record.  
Crt explains peremptory challenges process.

113629 PEREMPTORY CHALLENGES.

<u>State</u>	<u>Defense</u>
1. Lynette Walton	1. Carla Borgen
2. Jeremy Bierman	2. William Wicks
3. Pass	3. Serena Tschirgi
4. Pass	4. Vicki Cummings
5. Pass	5. Kristie Spence
6. Pass	6. Pass

115242 Crt moves jurors in order.

Jury panel consists of:

1. Karen McDowell	8. Amber Seipert-Larsen
2. Pamela Trees	9. Jack Leachman
3. Rhonda Taylor	10. Nichole Lewis
4. Jacqueline Forsmann	11. Lyle Reimers
5. Carla Bell	12. Rodney Wiggins
6. Randy Anderson	13. Lori Coons
7. Colleen Cosby	

115500 Jury panel sworn in  
Counsel accept jury panel.  
Crt excuses remainder of audience.

115908 Crt addresses jurors. Crt reviews schedule.  
Crt reads Opening Instruction.

120456 Recess until Tuesday, March 4, 2014 at 9:00 a.m.

TUESDAY, MARCH 4, 2014

90031 On record for jury trial. All parties present outside presence of jury.

90056 State relays parties have stipulated to admission of State's Exhibit #1, video of stop. Parties have agreed to play the video for the jury up to the stop. The entire video will be admitted to the jury. Also State's Exhibit #4, the body wire, they have stipulated to begin at 58 minutes in due to the length of the exhibit.

901499 Mr. Van Idour agrees to portion, due to length of exhibit.

90211 Crt accepts stipulation. Crt q counsel.  
Counsel ready for jury to return.

90303 Jury returns to courtroom. Crt reviews packets and contents.

90407 Crt advises of procedure today.

90440 Interpreter, Diana Uppendahl, sworn in.

90450 Crt reads Opening Instructions.

91453 State begins opening statement.

92033 Defense begins opening statement.

92606 State calls Det Brett Dammon to the stand. Witness sworn.

92651 State begins direct exam.

94008 Mr. Van Idour objects –hearsay.

Crt sustains.

State continues direct exam.

94510 Mr. Van Idour objects – foundation.

Crt overrules.

State requests State's Exhibit #2.

94539 Witness identifies exhibit.

94558 Mr. Van Idour objects – foundation.

Crt sustains.

State continues.

94659 State requests State's Exhibits #7A-#7C.

Witness identifies exhibits.

94807 State moves for admission of State's Exhibits #7A- #7C.

Mr. Van Idour questions in aid of objection.

95230 Mr. Van Idour objects –foundation, identification, and chain of custody.

95255 Crt comments. Crt overrules. Crt admits State's Exhibits #7A - #7C.

95304 State requests photos be published to the jury.

Crt grants request.

Jury views exhibits.

100105 State continues.

10026 Mr. Van Idour objects – foundation.

Crt overrules.

State continues.

10226 State requests State's Exhibit #4

Witness identifies exhibit.

100341 State moves for admission of State's Exhibit #4.

Mr. Van Idour q for clarification of exhibit.

Witness responds.

Mr. Van Idour no objections.

100417 Crt admits State's Exhibit #4.

100433 Mr. Van Idour begins cross exam.

102137 State begins redirect exam.

102210 Mr. Van Idour objects – hearsay.

Crt sustains.

State continues.

102231 Mr. Van Idour objects – hearsay and moves to strike.

Crt sustains.

State continues.

102330 State nothing further and requests to recall Det Dammon.

Mr. Van Idour nothing further.

Witness excused.

102412 Recess. Crt admonishes jurors.

104147 Back on the record outside the presence of the jury.

104156 State relays conversation at Side Bar, the video of the stop has hearsay after the stop and counsel have agreed to submit a redacted copy of the stop.

Mr. Van Idour no objections.

104307 Crt returns the jury. All parties present.

104340 State calls Darrin Hodges to the stand. Witness sworn.

104431 State begins direct exam.

104937 State q witness re previously admitted State's Exhibit #4.

Witness identifies exhibit.

State requests to play video, will start 58 min in. Jury will receive entire exhibit.

105603 Mr. Van Idour objects, calls for speculation and moves to strike.

Crt sustains.

State continues.

110834 Video stopped. State continues.

110925 Mr. Van Idour begins cross exam.

111421 State objects to relevance.

Mr. Van Idour makes statement.

Crt overrules.

Mr. Van Idour continues.

112453 Mr. Van Idour objects, withdrawn.

State continues.

112534 Mr. Van Idour nothing further.

112540 Side Bar.

112714 Crt addresses jury re scheduling.

112808 Recess. Crt admonishes jury.

114011 Back on the record. Counsel ready to proceed.

Crt returns the jury. All parties present.

114100 State calls Det Eric Kjorness to the stand. Witness sworn.

114133 State begins direct exam.

114609 State requests State's Exhibit #1.

Witness identifies exhibit.

114640 State moves for admission of State's Exhibit #1.

Mr. Van Idour no objections.

Crt admits State's Exhibit #1.

114656 State requests to play short video.

115131 Mr. Van Idour begins cross exam.

State has nothing further.

115159 Witness excused.

115216 Side Bar.

115241 Back on the record. Crt advises jurors of recess for lunch. Crt admonishes jury.

115328 Recess

11501 Back on the record outside presence of jury.

Counsel ready to proceed.

Crt returns jury. All present.

11612 State calls Off Chris Reece to the stand. Witness sworn.

11654 State begins direct exam.

12009 Mr. Van Idour objects - hearsay.

Crt overrules.

State continues.

12808 Mr. Van Idour objects - speculation.

Crt overrules. State continues.

12847 Mr. Van Idour objects - foundation.

Crt sustains.

State continues.

12934 Mr. Van Idour objects - foundation.  
Crt overrules.  
State continues.

13112 State requests State's Exhibits #5A - #5C.  
Witness identifies exhibits.

13156 State moves for admission of State's Exhibits #5A - #5C.  
Mr. Van Idour no objections.  
Crt admits State's Exhibits #5A - #5C.  
State continues.

13324 State requests exhibits be published to the jury.  
Crt grants request.  
Jury reviews photos.  
State continues.

14059 State requests State's Exhibit #6.  
Witness identifies.

14157 State moves for admission of State's Exhibit #6.  
Mr. Van Idour no objections.  
Crt admits State's Exhibit #6.  
State continues.

14427 State replays State's Exhibit #1, previously admitted.  
State q witness.  
State continues.

15603 State requests State's Exhibit #3.  
Witness identifies exhibit.

15725 State requests State's Exhibit #2.  
Witness identifies exhibit.

15932 Mr. Van Idour begins cross exam.

20618 Mr. Van Idour replays State's Exhibit # 1, previously admitted.  
Mr. Van Idour q witness.  
Mr. Van Idour continues.

21446 State begins redirect exam.

21540 Mr. Van Idour begins recross exam.

21554 Witness excused.



21605 State calls Sgt Glen Rogers to the stand. Witness sworn.

21736 State begins direct exam.

22907 Mr. Van Idour objects – speculation.  
Crt overrules.  
State continues.

22943 Mr. Van Idour nothing further.  
Witness excused.

22958 Recess. Crt admonishes jury.  
24538 Back on the record.  
Counsel ready to proceed.  
Crt returns the jury. All parties present.

24559 State calls Jeremy Johnston to the stand. Witness sworn.

24729 State begins direct exam.

25506 State requests State's Exhibits #2 and #3.  
Witness identifies exhibits.

25650 State moves for admission of State's Exhibits #2 and #3.  
Mr. Van Idour questions in aid of objections.'  
25756 Mr. Van Idour objects to lack of foundation.  
Crt overrules. Crt admits State's Exhibits #2 and #3.  
State continues.

25851 Mr. Van Idour has no cross.  
Witness excused.

25917 State rests.  
25924 Side Bar.

30016 Crt advises jury of conclusion of State's case.  
30047 Recess. Crt admonishes jury.

32135 Back on record outside presence of jury. Crt relays counsel and court held a conference at Side Bar regarding if Mr. Rodriguez intends to testify. Mr. Van Idour relays he is not going to testify.  
Crt q Mr. Rodriguez re obtaining advise from his attorney regarding this.  
Mr. Rodriguez has and does not want to testify.  
Crt advises of rights.  
Mr. Rodriguez understands.  
32324 Crt accepts decision not to testify. Crt reviews procedure he will follow in informing the jury of that decision.

32439 Crt returns the jury. All parties present.

32515 Crt q Mr. Van Idour if the defense is going to present evidence.  
Mr. Van Idour relays defense has none and defense rests case.

Crt advises jury that all evidence and documents have been submitted in this case now. Crt reviews schedule for tomorrow.  
32745 Crt admonishes jury.

32837 Recess until Wed, March 5, 2014, at 9:00 a.m.

WEDNESDAY, MARCH 5, 2014

92342 Back on the record outside the presence of the jury. Crt relays parties held jury instruction conference previously. Crt addresses Mr. Rodriguez re wanting to testify.  
Mr. Rodriguez does.  
Crt relays jury instructions will need to be changed some.

92449 Mr. Van Idour relays he does not join in his client's decision and has advised him not to testify.  
Counsel are ready to proceed.

92555 Crt returns the jury. All parties present. Crt addresses jury regarding each side resting previously and now the defense has requested to present evidence.

92642 Mr. Van Idour calls Jorge Rodriguez to the stand. Witness sworn.

92744 Mr. Van Idour begins direct exam.

93024 State objects.  
Crt sustains.  
Mr. Van Idour continues.

93037 State objects relevance.  
Crt sustains.  
Mr. Van Idour continues.

93720 State objects narrative.  
Crt sustains.  
Mr. Van Idour continues.

93747 State objects narrative.  
Crt sustains as non-responsive.  
Mr. Van Idour continues.

93814 State objects non-responsive.  
Crt sustains.  
Mr. Van Idour continues.

94203 State objects hearsay.  
Crt sustains.  
Mr. Van Idour continues.

94340 State objects non-responsive.  
Crt sustains.  
Mr. Van Idour continues.

94442 State objects non-responsive.  
Crt sustains.  
Mr. Van Idour continues.

94450 Ms. Uppendahl responds for Mr. Rodriguez.  
Mr. Van Idour continues.

94644 State objects narrative.  
Crt sustains.  
Mr. Van Idour continues.  
Crt relays he needs to ask a specific question that does not require any narrative.

94724 State begins cross exam.

94847 Mr. Van Idour relays the State is miss-stating the evidence.  
Crt overrules.  
State continues.

95100 State re-plays State's Exhibit #4, previously admitted and q Mr. Rodriguez.

100358 Mr. Van Idour objects, State is interpreting the recording.  
Crt overrules.  
State continues.

101059 Mr. Van Idour objects foundation.  
State continues.

101120 Mr. Van Idour objects foundation.  
Crt overrules.  
State continues.

101316 Mr. Van Idour begins redirect exam.

State nothing further.

101401 Witness excused.

101423 Crt q Mr. Van Idour re any further evidence.  
Mr. Van Idour requests a recess.  
101430 Recess. Crt admonishes jury.

102929 Back on the record outside presence of jury. Crt addresses Mr. Van Idour re resting.  
Mr. Van Idour agrees.  
Crt q State re rebuttal.  
State has no rebuttal evidence.  
Crt will inquire of counsel in front of the jury. Crt reviews schedule.

103032 Crt reviews jury instructions previously given to counsel. Crt relays they have been modified and the defendant not testifying instruction has been removed, that is the only modification.

103114 State objects to #16 regarding the lesser included offense of frequenting, there has been no evidence of that.  
Crt must have the old version his number is #17.  
103155 Mr. Van Idour has the modified version.  
103159 Crt takes short break to obtain the modified version.

103502 Back on the record outside the presence of the jury.  
Counsel ready to proceed.  
Crt returns the jury. All parties present.

103552 Crt q Mr. Van Idour of any further evidence.  
Mr. Van Idour has no further evidence and the defense rests case.  
103604 State has no rebuttal.

103657 Crt reads Jury Instructions.

110019 State begins closing argument.

111717 Crt recess. Crt admonishes jury.

112835 Back on the record outside the presence of the jury.  
Counsel are ready to proceed.  
Crt returns the jury. All parties present.

112925 Mr. Van Idour presents closing argument.

114325 State presents rebuttal argument.

114453 Alternate chosen, Carla Bell.

114553 Bailiff sworn.

114628 Crt addresses jury re lunch being delivered.  
Jury in deliberations.

30908 Back on the record outside the presence of the jury. Crt q Bailiff.  
Bailiff informs the court that a verdict has been reached.

Counsel ready to proceed.

30940 Crt returns the jury. All parties present.

31016 Crt addresses the Presiding Juror.  
Presiding Juror relays the jury has reached a verdict.  
Bailiff hands Verdict to Court.  
Court reviews Verdict.

91048 Clerk reads Verdict.

91201 Crt addresses Presiding Juror.  
Presiding Juror relays decision was unanimous.  
Crt relays each juror is to nod head if this is their Verdict.  
Jurors nod heads.

31230 Crt q counsel re polling.  
Counsel do not wish to poll the jury.

91250 Crt retires jury to jury room.

91314 Crt relays sentence is scheduled for 5/1/14 at 2:30 p.m. with a PSI Report due 4/24/14.

91510 Mr. Van Idour requests P&P submit both Spanish and English version for Def.  
Crt relays Def can request that when he meets with them.

31552 Mr. Van Idour requests bond be lowered or Def be released on OR, presents statement.

31641 State objects to lowering bond, presents statement.

31705 Crt presents comments. Crt relays bond is to remain as set at \$250,000.

31738 Crt recess.  
Side Bar held with counsel.

FILED 3/5/14  
3:20 O'CLOCK AM

Patty G. Weeks  
Clerk of the District Court

By Jane K. Kay Deputy

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JORGE E. RODRIGUEZ, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

CASE NO. CR 2013-006184

JURY VERDICT FORM

We, the Jury, duly empanelled and sworn to try the above-entitled action, for our verdict,  
unanimously answer the questions submitted to us as follows:

COUNT I

**QUESTION NO. 1:** Is the Defendant, JORGE E. RODRIGUEZ, guilty or not guilty of  
TRAFFICKING IN METHAMPHETAMINE?

X NOT GUILTY                      \_\_\_\_\_ GUILTY

If you unanimously answered Question No. 1 "Not Guilty", then you must answer  
Question No. 2. If you unanimously answered Question No. 1 "Guilty", then sign the verdict as  
directed and inform the bailiff.

**QUESTION NO. 2:** Is the Defendant, JORGE E. RODRIGUEZ, guilty or not guilty of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER?

\_\_\_\_\_ NOT GUILTY      X \_\_\_\_\_ GUILTY?

If you unanimously answered Question No. 2 "Not Guilty", then you must answer Question No. 3. If you unanimously answered Question No. 2 "Guilty", then sign the verdict as directed and inform the bailiff.

**QUESTION NO. 3:** Is the Defendant, JORGE E. RODRIGUEZ, guilty or not guilty of POSSESSION OF A CONTROLLED SUBSTANCE?

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY?

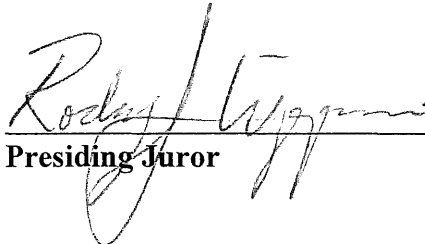
If you unanimously answered Question No. 3 "Not Guilty", then you must answer Question No. 4. If you unanimously answered Question No. 3 "Guilty", then sign the verdict as directed and inform the bailiff.

**QUESTION NO. 4:** Is the Defendant, JORGE E. RODRIGUEZ, guilty or not guilty of FREQUENTING?

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY?

Sign the verdict form as directed.

DATED this 5 day of March, 2014.

  
\_\_\_\_\_  
**Presiding Juror**

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO

FILED

2014 MAR 6 AM 10 21

PATTY O. WEEKS  
CLERK OF THE DIST. COURT

*[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JORGE E. RODRIGUEZ, )  
 )  
 Defendant. )

CASE NO. CR 13-6184  
INSTRUCTIONS SUBMITTED  
TO THE JURY

The attached Instructions No. 1 through No. 24 were given to the jury this 5<sup>th</sup> day of March 2014.

DATED this 6<sup>th</sup> day of March 2014.

*[Signature]*

Carl B. Kerrick- District Judge

INSTRUCTIONS SUBMITTED TO THE JURY



INSTRUCTION NO. 1

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

## INSTRUCTION NO. 2

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

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

During the trial I may have talked with the parties about the rules of law which should apply in this case. Sometimes we talked here at the bench. At other times I excused you from the courtroom so that you could be comfortable while we worked out any problems. You are not

to speculate about any such discussions. They were necessary from time to time to help the trial run more smoothly.

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

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

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

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

A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

### INSTRUCTION NO. 3

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

The evidence you are to consider consists of:

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

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

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

INSTRUCTION NO. 4

In every crime or public offense, there must exist a union, or joint operation, of act and intent.

INSTRUCTION NO. 5

YOU ARE INSTRUCTED THAT the Defendant, JORGE E. RODRIGUEZ, is charged with the crime of COUNT I—TRAFFICKING IN METHAMPHETAMINE, I.C. § 37-2732B(a)(4)(A), a felony, alleged to have been committed in Nez Perce County, State of Idaho, the charging part of the Information being:

COUNT I

TRAFFICKING IN METHAMPHETAMINE, I.C. § 37-2732B(a)(4)(A), a felony.

That the Defendant, JORGE E. RODRIGUEZ, on or about the 29th day of August 2013, in the County of Nez Perce, State of Idaho, did knowingly possess and/or bring into this state twenty-eight grams or more of Methamphetamine, a Schedule II controlled substance, or of any mixture or substance containing a detectable amount of Methamphetamine.

To these charges, the Defendant pled “not guilty.”

INSTRUCTION NO. 6

An Information is but a formal method of accusing a defendant of a crime. It is not evidence of any kind against the accused.

INSTRUCTION NO. 7

You will notice that the Information charges that the offense was committed “on or about” a certain date. If the jury finds that the crime charged was committed, it is not necessary that the proof show that it was committed on that precise date.

It is sufficient if the proof shows beyond a reasonable doubt that the crime charged was committed “on or about” the date alleged.



## INSTRUCTION NO. 8

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

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

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

INSTRUCTION NO. 9

In order for the defendant to be guilty of COUNT I – TRAFFICKING IN METHAMPHETAMINE, the state must prove each of the following:

1. On or about August 29, 2013
2. in the state of Idaho
3. the defendant JORGE E. RODRIGUEZ possessed METHAMPHETAMINE,
4. the defendant knew it was METHAMPHETAMINE, and
5. possessed at least 28 grams of METHAMPHETAMINE or any mixture or substance with a detectable amount of METHAMPHETAMINE.

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

INSTRUCTION NO. 10

A person has possession of something if the person knows of its presence and has physical control of it, or has the power and intention to control it. More than one person can be in possession of something if each knows of its presence and has the power and intention to control it.

INSTRUCTION NO. 11

Under Idaho law, METHAMPHETAMINE is a controlled substance.

INSTRUCTION NO. 12

I.C. § 37-2732B(a)(4) states:

“Any person who knowingly delivers, or brings into this state, or who is knowingly in actual or constructive possession of, twenty-eight (28) grams or more of methamphetamine or of any mixture or substance containing a detectable amount of methamphetamine is guilty of a felony, which felony shall be known as “trafficking in methamphetamine.”

### INSTRUCTION NO. 13

If your unanimous verdict is that the defendant is not guilty of TRAFFICKING IN METHAMPHETAMINE, you must acquit him of that charge. In that event, you must next consider the included offense of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER.

In order for the defendant to be guilty of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER, the state must prove each of the following:

1. On or about August 29, 2013
2. in the state of Idaho
3. the defendant JORGE E. RODRIGUEZ possessed any amount of METHAMPHETAMINE, and
4. the defendant either knew it was METHAMPHETAMINE or believed it was a controlled substance, and
5. the defendant intended to deliver that substance to another.

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

The possession of controlled substances is not sufficient by itself to prove an intent to deliver. The state must prove one or more additional circumstances from which you can infer that intent. The additional circumstances could include, but are not limited to, the possession of controlled substances in quantities greater than would be kept for personal use; or the existence of items customarily used to weigh, package, or process controlled substances; or the existence of money and/or records which indicate sales or deliveries of controlled substances.

You are not required to infer an intent to deliver from any such additional circumstances. Whether any such additional circumstances have been proven, whether an intent to deliver should be inferred from them, and the weight to be given such inference are for you to decide. You should consider all of the evidence when deciding whether the state has proven an intent to deliver beyond a reasonable doubt.

INSTRUCTION NO. 14

The term "deliver" means the transfer or attempted transfer, either directly or indirectly,  
from one person to another.



INSTRUCTION NO. 15

If your unanimous verdict is that the defendant is not guilty of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER, you must acquit him of that charge. In that event, you must next consider the included offense of POSSESSION OF A CONTROLLED SUBSTANCE.

In order for the defendant to be guilty of POSSESSION OF A CONTROLLED SUBSTANCE, the state must prove each of the following:

1. On or about August 29, 2013
2. in the state of Idaho
3. the defendant JORGE E. RODRIGUEZ possessed any amount of METHAMPHETAMINE, and
4. the defendant either knew it was METHAMPHETAMINE or believed it was a controlled substance.

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

INSTRUCTION NO. 16

If your unanimous verdict is that the defendant is not guilty of POSSESSION OF A CONTROLLED SUBSTANCE, you must acquit him of that charge. In that event, you must next consider the included offense of FREQUENTING A PREMISES WHERE ILLEGAL SUBSTANCES ARE BEING HELD FOR DISTRIBUTION, TRANSPORTATION, DELIVERY, ADMINISTRATION, USE, OR TO BE GIVEN AWAY.

In order for the defendant to be guilty of FREQUENTING, the State must prove each of the following:

1. On or about August 29, 2013
2. in the state of Idaho
3. the defendant JORGE E. RODRIGUEZ was present at or on premises of any place where he knew an illegal controlled substance was being held for distribution, transportation, delivery, administration, use, or to be given away.

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

INSTRUCTION NO. 17

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

### INSTRUCTION NO. 18

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

### INSTRUCTION NO. 19

In reaching your verdict in this action, you are to be guided and controlled only by the evidence adduced at this trial and the instructions now given to you by the Court. In case any of you have received information, or what purports to be information, from any other source other than the facts in this case, you are admonished and instructed to exclude such extraneous information or purported information from all consideration. Your verdict should be based exclusively upon the evidence offered at this trial, and should in no way be influenced by any rumor, feeling, or influence coming from any quarter either before or during this trial.

## INSTRUCTION NO. 20

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

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

The attitude and conduct of jurors at the beginning of your deliberations are important. It is rarely productive at the outset for you to make an emphatic expression of your opinion on the case or to state how you intend to vote. When you do that at the beginning, your sense of pride may be aroused, and you may hesitate to change your position even if shown that it is wrong. Remember that you are not partisans or advocates, but are judges. For you, as for me, there can be no triumph except in the ascertainment and declaration of the truth.

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

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

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

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

### INSTRUCTION NO. 21

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

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



## INSTRUCTION NO. 22

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

In this case, your verdict must be unanimous. When you all arrive at a verdict, the presiding juror will sign it and you will return it into open court.

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

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

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

### INSTRUCTION NO. 23

The State will now be given the opportunity to present summation to you. Following this, the defense will be afforded the opportunity to present summation. Then the State may present rebuttal argument.

Your verdict in this case must be agreed upon by all twelve of you. On retiring to the jury room, select one of your number to act as Presiding Juror to preside over your deliberations. A copy of these instructions, all exhibits admitted into evidence, and a suitable verdict form will be delivered to you in the jury room.

When you are deliberating you should first consider the crime charged. You should consider the included offenses in the order listed only in the event the State has failed to convince you beyond a reasonable doubt of the defendant's guilt with respect to the crime charged and each preceding included offense.

When you have agreed upon a verdict, your Presiding Juror will sign the verdict form and notify the Bailiff, and you will then be returned into court where your Presiding Juror will, at my direction, hand the verdict to the Bailiff, who will hand it to me. The Clerk, after recording the verdict, will read it aloud. Your Presiding Juror will be asked if this is your verdict, and that juror will give your answer to the Court.

It is for you, the jury, to determine from all the evidence in this case, applying the law as given in these instructions, whether the Defendant is guilty or not guilty of the offense charged or of any included offense.

You will return a verdict, consisting of several questions. Although the explanations on the verdict form are self-explanatory, they are part of my instructions to you. I will now read the verdict form to you. It states:

INSTRUCTIONS SUBMITTED TO THE JURY

“We, the Jury, duly empanelled and sworn to try the above-entitled action, for our verdict, unanimously answer the questions submitted to us as follows:

COUNT I

**QUESTION NO. 1:** Is the Defendant, JORGE E. RODRIGUEZ, guilty or not guilty of TRAFFICKING IN METHAMPHETAMINE?

\_\_\_\_\_ NOT GUILTY                      \_\_\_\_\_ GUILTY

If you unanimously answered Question No. 1 “Not Guilty”, then you must answer Question No. 2. If you unanimously answered Question No. 1 “Guilty”, then sign the verdict as directed and inform the bailiff.

**QUESTION NO. 2:** Is the Defendant, JORGE E. RODRIGUEZ, guilty or not guilty of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER?

\_\_\_\_\_ NOT GUILTY                      \_\_\_\_\_ GUILTY?

If you unanimously answered Question No. 2 “Not Guilty”, then you must answer Question No. 3. If you unanimously answered Question No. 2 “Guilty”, then sign the verdict as directed and inform the bailiff.

**QUESTION NO. 3:** Is the Defendant, JORGE E. RODRIGUEZ, guilty or not guilty of POSSESSION OF A CONTROLLED SUBSTANCE?

\_\_\_\_\_ NOT GUILTY                      \_\_\_\_\_ GUILTY?

If you unanimously answered Question No. 3 “Not Guilty”, then you must answer Question No. 4. If you unanimously answered Question No. 3 “Guilty”, then sign the verdict as directed and inform the bailiff.

**QUESTION NO. 4:** Is the Defendant, JORGE E. RODRIGUEZ, guilty or not guilty of  
FREQUENTING?

\_\_\_\_\_ NOT GUILTY

\_\_\_\_\_ GUILTY?

Sign the verdict form as directed.”

The verdict form has a place for it to be dated and signed. You should sign the verdict form as explained in another instruction

RESET (Clerk, check if applicable)

ORIGINAL OF THIS DOCUMENT TO IDOC

Assigned to: \_\_\_\_\_  
Assigned: \_\_\_\_\_

Second Judicial District Court, State of Idaho  
In and For the County of Nez Perce  
ORDER FOR PRESENTENCE REPORT AND EVALUATIONS

FILED  
2014 MAR 6 AM 10 21

Case No: CR-2013-0006184

STATE OF IDAHO  
Plaintiff,

vs.

Jorge Enrique Rodriguez  
115 N 7th Ave  
Pasco, WA 99301  
Defendant.

PATTY O. WEAS  
CLERK OF THE DIST. COURT

*[Handwritten signature]*

CHARGE(s):

137-2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine

POSSESSION WITH INTENT TO DELIVER

REQUIRED ROA CODES: (Enter the appropriate code)

PSIO1- Order for Presentence Investigation Report (only)

PSMH1- Order for Presentence Investigation Report and Mental Health Assessment

PSSA1- Order for Presentence Investigation Report and Substance Abuse Assessment

On this Wednesday, March 05, 2014, a **Pre-sentence Investigation Report** was ordered by the Honorable Carl B. Kerrick to be completed by April 24, 2014, for Court appearance on **Thursday, May 01, 2014 at: 02:30 PM at the above stated courthouse.**

Waiver under IC 19-2524 2(e) allowing assessment and treatment services by the same person or facility.

Behavioral Health Assessments waived by the Court (PSIO1 ROA Code)

Other non-§19-2524 evaluations/examinations ordered for use with the PSI:

Sex Offender  Domestic Violence  Other \_\_\_\_\_ Evaluator: \_\_\_\_\_

DEFENSE COUNSEL: Nolta Law Office PD 2014 *Bob VanS dour*

PROSECUTOR: April A Smith

THE DEFENDANT IS IN CUSTODY:  YES  NO If yes where: *NAC Jail*

PLEA AGREEMENT: State recommendation

WHJJOC  Probation  PD Reimb  Fine  ACJ  Restitution  Retained Jurisdiction

Other: \_\_\_\_\_

Date: *3-6-2014* Signature: *[Signature]*  
Judge

DEFENDANT'S INFORMATION: **PLEASE PRINT** DO YOU NEED AN INTERPRETER?  NO  YES

Name: \_\_\_\_\_  Male  Female RACE: \_\_\_\_\_ ETHNICITY: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Marital Status: \_\_\_\_\_

Veteran Status:  Active  Veteran  None E-mail: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_ Message Phone: \_\_\_\_\_

Employer: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Name & Phone Number of nearest relative: \_\_\_\_\_

**It is your responsibility to contact your assigned Pre-sentence Investigator. Please contact your assigned Investigator to schedule an interview using the above information. Please have your Pre-sentence Investigation Personal History Questionnaire filled out completely for interview.**

ORDER FOR PRESENTENCE REPORT AND EVALUATIONS

RESET (Clerk, check if applicable)

ORIGINAL OF THIS DOCUMENT TO IDOC

Assigned to: \_\_\_\_\_  
Assigned: \_\_\_\_\_

Second Judicial District Court, State of Idaho  
In and For the County of Nez Perce  
ORDER FOR PRESENTENCE REPORT AND EVALUATIONS

Case No: CR-2013-0006184

FILED

CHARGE(s):

2014 MAR 11 AM 12:01

2732B(a)(4) Drug-Trafficking in Methamphetamine or Amphetamine

STATE OF IDAHO  
Plaintiff,

vs.

Jorge Enrique Rodriguez  
115 N 7th Ave  
Pasco, WA 99301  
Defendant.

PATTY O. WEEB  
CLERK OF THE DIST. COURT  
DEPUTY

AMENDED

REQUIRED ROA CODES: (Enter the appropriate code)

- PSIO1- Order for Presentence Investigation Report (only)
- PSMH1- Order for Presentence Investigation Report and Mental Health Assessment
- PSSA1- Order for Presentence Investigation Report and Substance Abuse Assessment

On this Tuesday, March 11, 2014, a Pre-sentence Investigation Report was ordered by the Honorable Carl B. Kerrick to be completed by 5-1-14 for Court appearance on Thursday, May 08, 2014 at: 02:30 PM at the above stated courthouse.

Waiver under IC 19-2524 2(e) allowing assessment and treatment services by the same person or facility

Behavioral Health Assessments waived by the Court (PSIO1 ROA Code)

Other non-§19-2524 evaluations/examinations ordered for use with the PSI:

Sex Offender  Domestic Violence  Other \_\_\_\_\_ Evaluator: \_\_\_\_\_

DEFENSE COUNSEL: Nolta Law Office PD 2014 Bob Van Idonr

PROSECUTOR: April A Smith

THE DEFENDANT IS IN CUSTODY:  YES  NO If yes where: NPC Jail

PLEA AGREEMENT: State recommendation

WHJ/JOC  Probation  PD Reimb  Fine  ACJ  Restitution  Retained Jurisdiction

Other: \_\_\_\_\_

Date: 3-11-2014 Signature: [Signature]

Judge

DEFENDANT'S INFORMATION: PLEASE PRINT

DO YOU NEED AN INTERPRETER?  NO  YES

Name: \_\_\_\_\_  Male  Female RACE: \_\_\_\_\_ ETHNICITY: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Marital Status: \_\_\_\_\_

Veteran Status:  Active  Veteran  None E-mail: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_ Message Phone: \_\_\_\_\_

Employer: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Name & Phone Number of nearest relative: \_\_\_\_\_

It is your responsibility to contact your assigned Pre-sentence Investigator. Please contact your assigned Investigator to schedule an interview using the above information. Please have your Pre-sentence Investigation Personal History Questionnaire filled out completely for interview.

AMENDED ORDER FOR PRESENTENCE REPORT AND EVALUATIONS

Second Judicial District Court, State of Idaho  
and For the County of Nez Perce  
1230 Main St.  
Lewiston, Idaho 83501

FILED

2014 MAR 21 AM 10 35

STATE OF IDAHO,

Plaintiff,

vs:

Jorge Enrique Rodriguez,

Defendant.

PATTY O. WEEKS

CLERK OF THE DIST. COURT

DEPUTY

Case No: CR-2013-0006184

AMENDED  
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-entitled case is hereby set for:

Sentencing  
Judge:

Thursday, May 08, 2014 11:00 AM  
Carl B. Kerrick

at the Nez Perce County Courthouse in Lewiston, Idaho.

I hereby certify that the foregoing is a true and correct copy of this Notice of Hearing entered by the Court and on file in this office. I further certify that copies of this Notice were served as follows on this date Friday, March 21, 2014.

Defendant: Jorge Enrique Rodriguez  
115 N 7th Ave  
Pasco, WA 99301

Mailed \_\_\_\_\_ Hand Delivered X

*emailed*

*NPE jail*

Private Counsel: Nolta Law Office PD 2014  
1618 Idaho St., Suite 106  
Lewiston, ID 83501

Mailed \_\_\_\_\_ Hand Delivered X

*faxed*

Prosecutor: April A Smith

Mailed \_\_\_\_\_ Hand Delivered X

*faxed*

Dated: Friday, March 21, 2014

Patty O. Weeks  
Clerk Of The District Court

By:

Deputy Clerk  
DOC22 7/96

*[Signature]*

1618 Idaho Street  
Suite 105  
Lewiston, ID 83501  
Telephone (208) 746-4090  
Facsimile: (208) 743-1158



# Fax

To: Nez Perce County Courthouse From: Robert J. Van Idour

Fax: 799-3058 Pages: 3 Including cover sheet

Phone: \_\_\_\_\_ Date: 3/27/2014

Re: CR2013-0006184 cc: Prosecuting Attorney  
Rodriguez

- Urgent    For Review    Please Comment    Please Reply    Please Recycle

Original Documents will:

- ( ) Follow by U.S. Mail      ( ) Follow by Messenger  
 ( ) Follow by Express Mail    (  ) Not be Sent

MESSAGE:

Motion for Furlough

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Please call (208) 746-4090 IMMEDIATELY if you received this fax in error or if all the pages have not been received. This information is strictly confidential and shall not be communicated to anyone other than the intended recipient.



Robert J. Van Idour, ISBN 2644  
ATTORNEY AT LAW  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

FILED

2014 MAR 27 AM 10 54

PATTY O. WEEKS  
CLERK OF THE DIST. COURT.  
*[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	MOTION FOR FURLOUGH
	)	
v.	)	
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

Defendant, by and through his undersigned counsel of record, moves the Court to authorize a temporary furlough for the Defendant from the Nez Perce County Jail to allow Defendant to visit his severely ill father. Counsel is informed by Defendant that Defendant's father is severely ill and lives out of town. This Motion is based on the records and files of this case and the request of the Defendant as relayed to the undersigned defense counsel.

Dated: March 27, 2014

*[Signature]*  
Robert J. Van Idour  
Defense Counsel

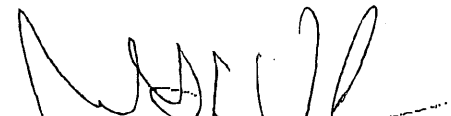
CERTIFICATE OF DELIVERY

I hereby certify that a true copy of this document hand delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on March 27, 2014:

\_\_\_\_\_ Hand delivered via Valley Messengers

       Sent via facsimile to facsimile number 208-799-3080

\_\_\_\_\_ Sent via postage prepaid U.S. Mail

  
\_\_\_\_\_  
Robert J. Van Idour

FILED

2014 MAR 27 PM 3 27

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*Patterson*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

CASE NO. CR13-06184

ORDER DENYING MOTION  
FOR FURLOUGH

Defendant filed his Motion for Furlough on March 27, 2014. The Court having reviewed and considered the motion hereby denies Defendant's Motion for Furlough.

Dated this 27<sup>th</sup> day of March, 2014.

*Carl B. Kerrick*  
\_\_\_\_\_  
CARL B. KERRICK-District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing ORDER DENYING MOTION FOR FURLOUGH was:

Faxed  
~~hand delivered via court basket, or~~

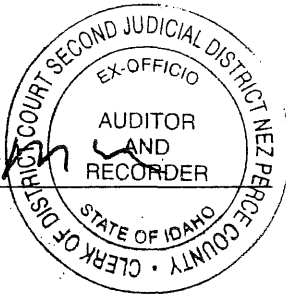
\_\_\_\_\_ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 27<sup>th</sup> day of March, 2014, to:

Robert Van Idour  
1618 Idaho Street, Suite 105  
Lewiston ID 83501

Sandra Dickerson  
P O Box 1267  
Lewiston ID 83501

PATTY O. WEEKS, Clerk

By [Signature]  
Deputy



1618 Idaho Street  
Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

**ROBERT J. VAN IDOUR**  
**ATTORNEY AT LAW**

RECEIVED MAY - 7 2014  
*WJ*

**Fax**

To: Nez Perce County Court Clerk From: Robert J. Van Idour

Fax: 799-3058 Pages: 7 Including cover sheet

Phone: \_\_\_\_\_ Date: 5 / 7 / 2014

CR 13-0006184

Re: Rodriguez cc: Prosecuting Attorney  
799-3000

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Original Documents will:

- ( ) Follow by U.S. Mail                      ( ) Follow by Messenger
- ( ) Follow by Express. Mail                (X) Not be Sent

MESSAGE:

① Affidavit in Support of Motion to Continue Sentencing Hearing

② Motion to Continue Sentence Hearing

③ Order to Continue Sentence Hearing

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Please call (208) 746-4090 IMMEDIATELY if you received this fax in error or if all the pages have not been received. This information is strictly confidential and shall not be communicated to anyone other than the intended recipient.

Robert J. Van Idour, ISBN 2644  
ATTORNEY AT LAW  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

FILED

2014 MAY 7 AM 4 47

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*P. O. Weeks*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	
	)	MOTION TO CONTINUE
v.	)	SENTENCE HEARING
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

To: The Prosecuting Attorney of the County of Nez Perce:

Defendant, by and through his undersigned counsel of record, moves the Court to continue the sentence hearing scheduled in this case on May 8, 2014 until a later date convenient to the Court. This Motion is based on the records and files of this case and the Affidavit of Counsel filed herewith. Counsel for the State does not oppose this Motion.

Dated: May 7, 2014


*Robert J. Van Idour*  
\_\_\_\_\_  
Robert J. Van Idour  
Defense Counsel

MOTION TO CONTINUE  
SENTENCE HEARING

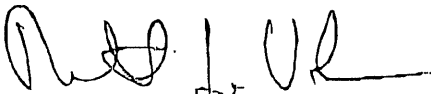
CERTIFICATE OF DELIVERY

I hereby certify that a true copy of this document hand delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on May 7, 2014:

\_\_\_\_\_ Hand delivered via Valley Messengers

 \_\_\_\_\_ Sent via facsimile to facsimile number 208-799-3080

\_\_\_\_\_ Sent via postage prepaid U.S. Mail

  
\_\_\_\_\_  
Robert J. Van Idour

Robert J. Van Idour, ISBN 2644  
ATTORNEY AT LAW  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

FILED

2014 MAY 7 PM 4 47

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
*P. O. Weeks*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	AFFIDAVIT IN SUPPORT OF
	)	MOTION TO CONTINUE
v.	)	SENTENCE HEARING
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

STATE OF IDAHO )  
 )  
COUNTY OF NEZ PERCE ) ss.

Robert J. Van Idour, after first being duly sworn on oath, says as follows:

I am the defense attorney in this case. On May 5, 2014 I received a copy of the Presentence Report in this case.

On May 6, 2014 I and the Spanish language interpreter in this case reviewed the Presentence Report in this case with the defendant, Mr. Rodriguez. During our review of the criminal record portion of the report it became clear that not all of the record was either accurate or complete.

I called Ms. Dickerson, the prosecutor assigned to this case, today and discussed the problems I was having in adequately preparing for the sentence

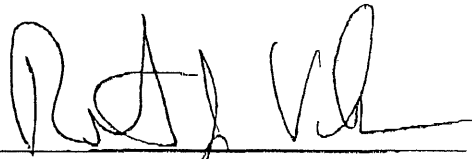
AFFIDAVIT IN SUPPORT  
OF MOTION TO CONTINUE



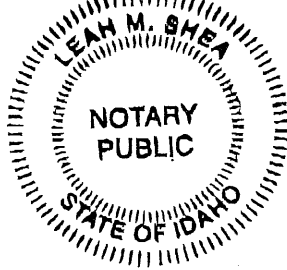
hearing on May 8<sup>th</sup> due to the problems with the Presentence Report record. She was courteous enough to agree to a continuance and allow me to review the criminal record information in her file so that I could ascertain the facts of Mr. Rodriguez criminal record. Ms. Dickerson had information that I did not have and that was not reflected in the presentence report.

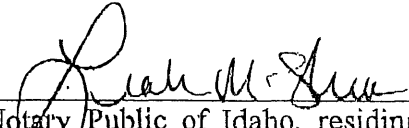
I am asking that the Court continue the May 8<sup>th</sup> sentence hearing in this matter to allow me to review the complete facts of Mr. Rodriguez's criminal record.

Dated: May 7, 2014

  
Robert J. Van Idour

SUBSCRIBED and SWORN to before me, a Notary Public of Idaho, on May 7, 2014.

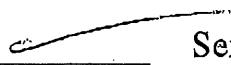


  
Notary Public of Idaho, residing at Lewiston, therein.  
My Commission expires on: 8-15-2014

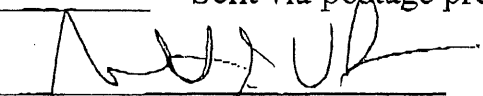
CERTIFICATE OF DELIVERY

I hereby certify that a true copy of this document was delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on May 7, 2014:

\_\_\_\_\_ Hand delivered via Valley Messengers

 Sent via facsimile to facsimile number 208-799-3080

\_\_\_\_\_ Sent via postage prepaid U.S. Mail

  
Robert J. Van Idour

AFFIDAVIT IN SUPPORT  
OF MOTION TO CONTINUE

Robert J. Van Idour, ISBN 2644  
ATTORNEY AT LAW  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

FILED  
2014 MAY 8 AM 9:16

PATTY O. WEEKS  
CLERK OF THE DISTRICT COURT  
*[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	ORDER TO CONTINUE
	)	SENTENCE HEARING
v.	)	
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

The Court having reviewed the Motion to Continue Sentence Hearing in this matter and being fully informed in the premises IT IS HEREBY ORDERED THAT the sentence hearing in this case shall be held on June 5, 2014 at the hour of 11:00 A.M.  
Dated: May 9<sup>th</sup>, 2014

*[Signature]*  
Senior Judge Carl B. Kerrick

CERTIFICATE OF DELIVERY


I hereby certify that on May 7<sup>th</sup>, 2014 a true copy of this document was delivered to the law office of the following counselthe via the below noted method on May 7, 2014:

Prosecuting Attorney  
1221 F Street  
Lewiston, ID 83501

- Hand delivered via Valley Messengers
- Sent via facsimile to facsimile number 208-799-3080
- Sent via postage prepaid U.S. Mail

Robert J. Van Idour  
Attorney at Law  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501

- Hand delivered via Valley Messengers
- Sent via facsimile to facsimile number 208-799-3080
- Sent via postage prepaid U.S. Mail

  
~~Robert J. Van Idour~~



*emailed to: NPC jail*

ORDER TO CONTINUE  
SENTENCE HEARING

Robert J. Van Idour, ISBN 2644  
**ATTORNEY AT LAW**  
 1618 Idaho Street, Suite 105  
 Lewiston, ID 83501  
 Telephone: (208) 746-4090  
 Facsimile: (208) 743-1158

**FILED**  
 2014 JUN 4 PM 12 68

PATTY O. WEEKS  
 CLERK OF THE DIST. COURT  
*P. O. Weeks*  
 DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-0006184
	)	
Plaintiff,	)	
	)	CORRECTIONS TO PRE-
v.	)	SENTENCE REPORT
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant.	)	

The defendant and his legal counsel have reviewed the Presentence Report in this case. There are corrections to be made to that Report. Those corrections are summarized as follows:

Page 1- The Report specifies that the defendant's IDOC number is 18085. According to the IDOC website that IDOC number reports back to a discharged inmate, not to the defendant.

Mr. Rodriguez's correct social security number is the one that is listed with his date of birth [REDACTED] on the first line under the category 'IDENTIFYING DATA'. The five (5) social security numbers listed under the category "ALIASES" at the bottom of page 2 of the Report are not Mr. Rodriguez's social security numbers, nor have any of those numbers ever been assigned to Mr. Rodriguez. As noted in the Report, Mr. Rodriguez was born in Texas. The first

three numbers of a social security number are designated as an "area number". Prior to 1972 the area number was a method of designating the geographical area where an individual's social security card was issued. This is relevant because Mr. Rodriguez was born in 1955. One area number, 458, represented a Texas area as would 453 and 456. However, 158 was the area number for New Jersey. 859 is an area number that is not currently in use.

Page 2- The confusion as to how many Jorge Rodriguezes are being brought into the report continues to compound. The State has listed numerous variations of the surname Rodriguez as well as the middle name Enrique. The only name Mr. Rodriguez, the defendant, has used is Jorge Enrique Rodriguez. He has not used any of the following names, nor are they his aliases:

Jorge Enrique Rodrigue; Jorge Rodreguez Enrique; Jorge Enrique Rodreguez; Jorge Enrique Rodriquez; Jorge Enrique Perez Rodriguez; Jorge Rodriguez Perez; Joege Perez Rodrgriquez; Jorge Rodreguez Enrique; Jorge Enrique Rodreguez; Jorge Enrigue Rodriguez; Jorge Perez Rodriguez; Louis Rodriguez; Turi Rodriguez; Jorge Enrique Rodriuez; Jorge Enrique Rodriquez; Jorge Rodriguez Enrique; Louis Rodriquez; Turi Rodriquez; Jorge Enrique Rodriquez; Jorge Perez Enrique; Jorge Rodriguez Enrique; Rodreguez Enrique; Jorge Perez Rodriguez; Jorge Rodriguez Perez; Louis Rodrgriguez; Jorge Rodgriguez; Enrique Rodreguez; Jorge Rodrigues; Jorge Perezrodriguez Rodriguez; Luis Rodriguez; Jorge Enirque Rodriquez; Jorge Perez Rodriquez; Perez Jorge Rodriquez; Jorge Enrique Rodriruez; George Enrique Rodriguez; Jorge Kiki Rodriguez.

Page 8- The charge of Manufacture a Controlled Substance on December 30, 1992 was reduced to a misdemeanor. This was noted in the Report. However it is listed as a felony at one point and the defendant does not want to

have any confusion on the actual nature of the final conviction, i.e. a misdemeanor and not a felony.

Page 9- The charge of Accident-Fail to Give Information on 09/13/1993 was not amended to a misdemeanor. It was originally charged as a misdemeanor and the conviction was for a misdemeanor.

#### RECORD AMBIGUITIES:

Something is amiss in the Idaho Department of Corrections records. Unfortunately the state of the records from two different sources within IDOC leave only further confusion.

According to the tracking history for Mr. Rodriguez, as provided to the PSIR investigator, Mr. Rodriguez was sentenced to prison in 1994. He was sent on a rider, but violated his probation and topped out his time, per the tracking history.

However, this is not consistent with the record as presented by the PSIR. No part of the PSIR history lists any Idaho felony conviction for Mr. Rodriguez prior to 2013.

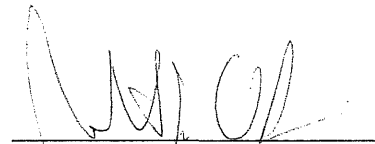
A related problem occurs when matching the IDOC Offender Search record from the IDOC website with the tracking history. Various discrepancies arise from the comparison. The PSIR lists two identifying numbers, other than the social security number for Mr. Rodriguez. The first is an offender number, 18085. That number is reflected on the tracking history. However, the IDOC offender search from the website lists no offender found for that number. A copy of the website search is attached. The PSIR lists Mr. Rodriguez's FBI number as 37227M11. However, the tracking history lists his FBI number as 3722M11 (leaving off one digit, i.e. 7). These are two different numbers.

A search of the IDOC website for the name "Jorge Rodriguez" lists four names, but only of which uses the middle name "Enrique". That person is listed as

currently being supervised in Caldwell, Idaho and having the IDOC number of 80088. This is not Mr. Rodriguez. The Jorge Rodriguez who is IDOC number 80088 was convicted in incidents arising on April 8, 2005 and April 13, 2005. That case arose in Canyon County and has the case number of CR-2005-0009801-C. At that time Mr. Rodriguez was in jail in Washington state on a DUI charge in Kennewick. This charge is documented on page 14 of the PSIR.

The concern as to the state of the record is not merely a case of scrivener's neurosis. The Court is using the record as part of the factors to be considered in sentencing Mr. Rodriguez. The confusion in the IDOC information detracts from the weight to which the record should be given. It is the obligation of the Defendant to bring these issues to the Court's attention. The defense asks that the Court consider the shortcomings in the IDOC records when sentencing Mr. Rodriguez.

Dated: June 4, 2014

  
Robert J. Van Idour  
Defense Counsel

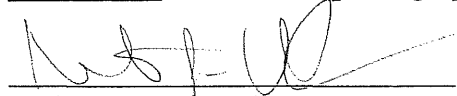
CERTIFICATE OF DELIVERY

I hereby certify that a true copy of this document hand delivered to the law office of the Prosecuting Attorney, 1221 F Street, Lewiston, ID 83501 via the below noted method on June 4<sup>th</sup>, 2014:

\_\_\_\_\_ Hand delivered via Valley Messengers

Sent via facsimile to facsimile number 208-799-3080

\_\_\_\_\_ Sent via postage prepaid U.S. Mail

  
Robert J. Van Idour

## Search results:

[\[ New Search \]](#)

72221	JORGE RODRIGUEZ	Discharged
80088	JORGE ENRIQUE RODRIGUEZ JR	Probation/Parole
35411	JORGE O. RODRIGUEZ	Discharged
97059	JORGE LUIS RODRIGUEZ-MUNOZ	Probation/Parole

An individual may have more than one offender number.

*The Idaho Department of Correction updates this information regularly, to ensure that it is complete and accurate; however, this information can change quickly. Therefore, the information on this site may not reflect the true content, location, status, scheduled termination date, or other information regarding an offender.*

## More Information:

This offender search service is designed to provide basic information about an offender. If you need additional basic offender record information, contact [inquire@idoc.idaho.gov](mailto:inquire@idoc.idaho.gov).

**Formal requests for copies of records should be mailed to:**

Records Bureau  
Idaho Department of Correction  
1299 N. Orchard Street, Suite 110  
Boise, ID 83706

If you want to learn more about parole procedures, or need specific information about a parole eligibility date, tentative parole date and/or hearing results, please contact the Idaho Commission of Pardons & Parole.

For information on Idaho Department of Correction visitation, please go to:  
[www.idoc.idaho.gov/content/prisons/visiting](http://www.idoc.idaho.gov/content/prisons/visiting)

For information on Idaho Department of Correction mail regulations, please go to:  
[www.idoc.idaho.gov/content/prisons/offender\\_services/mail\\_rules](http://www.idoc.idaho.gov/content/prisons/offender_services/mail_rules)



Welcome. This database provides information about offenders currently under Idaho Department of Correction jurisdiction: those incarcerated, on probation, or on parole. The database includes a listing of felonies for which an offender is serving time.

The search engine allows you to search by name and/or offender number. Please note that an individual may have more than one offender number.

Names of individuals who have served time and satisfied their sentence will appear - their convictions will not.

**Search criteria:**

No offenders found

Last name of offender: .....

First name of offender: .....

Offender number: 18085 .....

*The Idaho Department of Correction updates this information regularly, to ensure that it is complete and accurate; however, this information can change quickly. Therefore, the information on this site may not reflect the true content, location, status, scheduled termination date, or other information regarding an offender.*

**More Information:**

This offender search service is designed to provide basic information about an offender. If you need additional basic offender record information, contact [inquire@idoc.idaho.gov](mailto:inquire@idoc.idaho.gov).

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For information on Idaho Department of Correction mail regulations, please go to: [www.idoc.idaho.gov/content/prisons/offender\\_services/mail\\_rules](http://www.idoc.idaho.gov/content/prisons/offender_services/mail_rules)

- OFFENDER TRACK ===== OFFENDER PROFILE ===== 06/02/2014 = Page 1

Doc No: 18085 Name: RODRIGUEZ, JORGE ENRIQUE D2 LEWISTN DIST-02

FBI No.: 3722M11 SID No: ID059913 PrbPar Class: See CIS
Sex: MALE Ethnicity: HISPANIC Status Type: PSI/DRUG C
Height: 5'10 Complexion: MEDIUM Status Date: 03/10/2014
Weight: 180 Pre ID Incr: 2 Est Par Elig:
Eyes: BROWN Detain/Warr: NONE Est Inst Disch:
Hair: BLACK Nxt Par Hrg: Est Tent. Par. Date:
Birthplace: EL PASO TX Case Mgr/Par Off: UNASSIGNED
Alerts:

Table with columns: Crime, # Dis Cnty, Docket Number / Seq, Fac/Lvg, Pd T Cl Bk Date. Contains multiple rows of criminal history data including offenses like SUBST POSS, BURGLARY 1, and various institutional assignments.

IMSI/J-BLK	00	1	16	B	06/11/1998
IMSI/J-BLK	00	1	21	A	06/11/1998
ADA/JB					06/09/1998
RT AWT NOT	ADA/SH				06/01/1998
D3 CALDWLL	CCD	SPRVSN			03/29/1996
EMP OFFICE	CCD	SPRVSN			10/11/1995
D3 CALDWLL	CCD	SPRVSN			09/13/1995
D4 WARM SP	CCD	SPRVSN			05/22/1995
RJ to JD 4	ADA/SH				05/04/1995
NICI/UNIT2	00	2	22	B	03/28/1995
NICI/UNIT1	00	1	4	C	03/14/1995
NICI/UNIT1	00	1	4	L	02/22/1995
NICI/UNIT1	00	1	5	C	02/07/1995
NICI/UNIT1	00	1	2	H	01/31/1995
NICI/UNIT1	00	1	1	D	01/10/1995
NICI/UNIT3	00	3	20	C	01/04/1995
NICI/UNIT3	00	3	15	A	01/03/1995
NICI/UNIT3	00	3	8	A	12/27/1994
NICI/UNIT3	00	3	7	B	12/20/1994
IMSI/G-BLK	00	2	18	A	11/23/1994
HISTORY	ADMIN	DSCH			12/02/1986
CCD PROBTN	CCD	SPRVSN			04/02/1982
ISCI/UNT07	00				03/26/1982
NICI/UNKWN	00				12/23/1981
ISCI/UNT07	00				12/08/1981

Previous Numbers:

Superceded Numbers:

# Meaning of the Social Security Number\*

One of the most urgent tasks following passage of the Social Security Act in 1935 was to devise a method for uniquely identifying the earnings records for the millions of persons covered by the new law. Since entitlement to Social Security and the benefit amount were to be determined from a person's earnings over many years, a method was needed for maintaining permanent and accurate earnings records for each person working in employment covered by the Social Security program. The Social Security number was developed for this purpose.

The Social Security number (SSN) consists of nine digits divided into three parts, with each part usually separated by a hyphen:

XXX       -       XX       -       XXXX  
Area number    Group number    Serial number

This unique configuration, plus the fact that an SSN is used for many purposes besides employment (income tax returns, bank accounts, drivers' licenses, and so forth), makes the number easily recognizable. Although most people believe that each part of the number has a special significance, few know what that significance is.

Until 1972, the *area number* indicated the location (State, territory, or possession) of the Social Security office that issued the number. When the Social Security numbering system was developed, one or more area numbers were allocated to each State based on the anticipated number of issuances in the State (table 1). Because an individual could apply for an SSN at any Social Security office, the area code did not necessarily indicate where the person lived or worked. Since 1972, the Social Security Administration has been issuing SSN's centrally from its headquarters in Baltimore. The area code now indicates the person's State of residence as shown on the SSN application.

There are several exceptions to these rules. Before 1964, area numbers 700-728 were assigned by the Railroad Retirement Board to workers covered by the Railroad Retirement Act.<sup>1</sup> Area number 586 is divided among American Samoa, Guam, the Philippines, and Americans employed abroad by American employers and, from 1975 to 1979, it was also used for Indochinese refugees. Area number 580 is assigned to persons applying in Puerto Rico and the Virgin Islands.

\* By Erma Barron and Felix Bamberger, Division of OASDI Statistics, Office of Research and Statistics, Office of Policy, Social Security Administration.

<sup>1</sup> Virtually all railroad workers had been assigned SSN's by 1964; therefore there no longer was a need to have a separate numbering system. **CORRECTIONS TO PSIR**

**Table 1.—Assignment of area numbers by State**

State	Area number
Alabama	416-424
Alaska	574
American Samoa	586 (group numbers 20-28)
Arizona	526-527, <sup>1</sup> 600-601
Arkansas	429-432
California	545-573, <sup>1</sup> 602-626
Colorado	521-524
Connecticut	040-049
Delaware	221-222
District of Columbia	577-579
Florida	261-267, <sup>2</sup> 589-595
Georgia	252-260
Guam	586 (group numbers 01-18)
Hawaii	575-576
Idaho	518-519
Illinois	318-361
Indiana	303-317
Iowa	478-485
Kansas	509-515
Kentucky	400-407
Louisiana	433-439
Maine	004-007
Maryland	212-220
Massachusetts	010-034
Michigan	362-386
Minnesota	468-477
Mississippi	425-428, 587, <sup>1</sup> 588
Missouri	486-500
Montana	516-517
Nebraska	505-508
Nevada	530
New Hampshire	001-003
New Jersey	135-158
New Mexico	525 and 585
New York	050-134
North Carolina	237-246, <sup>232</sup> (group number 30)
North Dakota	501-502
Ohio	268-302
Oklahoma	440-448
Oregon	540-544
Pennsylvania	159-211
Puerto Rico	580 (group number 20), 581-584, <sup>1</sup> 596-599
Rhode Island	035-039
South Carolina	247-251
South Dakota	503-504
Tennessee	408-415
Texas	449-467
Utah	528-529
Vermont	008-009
Virginia	223-231
Virgin Islands	580 (group numbers 01-18)
Washington	531-539
West Virginia	232-236 (except group number 30)
Wisconsin	387-399
Wyoming	520
Railroad Retirement Board	700-728
Outside United States	586 (group numbers 30-58 and 60-78)

<sup>1</sup> Area number(s) assigned for future use. Arizona is expected to start using the new series in 1982, California in 1988, Mississippi in 2002, and Puerto Rico in 1983.

<sup>2</sup> In 1980, Florida used up its initial area allotments and a new series (589-595) was assigned.

<sup>3</sup> Refers to SSN's assigned to Americans residing abroad and employed by American employers.

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The *group number* has no special geographic or data significance. It is used to break the numbers into blocks of convenient size for SSA's processing operations and for controlling the assignments to the States.

The last four digits, the *serial number*, represent a numerical series from 0001 to 9999 within each group. The order in which the SSN's are issued is as follows: For each area number, the group number follows an odd and even sequence starting with odd numbers 01 to 09, even numbers 10 to 98, even numbers 02 to 08, and finally odd numbers 11 to 99. The serial number begins with 0001 and continues in sequence,<sup>2</sup> except every fifth

---

<sup>2</sup> For all practical purposes, the serial numbers are random. The use of numbers from the 2000 and 7000 series for every fifth issuance permits scientific sampling of workers and beneficiaries. For example, see Warren Buckler and Creston Smith, "The Continuous Work History Sample: Description and Contents," *Economic and Demographic Statistics: Selected Papers Given at the 1980 Annual Meeting of the American Statistical Association in Houston, Texas*, November 1980.

SSN is given a serial number from the series 2001-2999 and 7001-7999. The last three serial numbers issued are 9998, 9999, and 7999. Serial number 0000 is never used. Each State goes through all of its area numbers with group number 01 and serial numbers 0001-9999 and 7999 before using group number 03. Thus, 989,901 SSN's can be issued for each area number.

The 9-digit number provides the capacity for assigning nearly 1 billion SSN's. To date, approximately 277 million numbers have been issued, leaving about 75 percent still available. Only Florida has used up its original allotment. Several other States (Arizona, California, and Mississippi), and Puerto Rico are expected to exhaust their original allotment within the next 2 decades. Additional area numbers have been designated for these locations. About 5-7 million new numbers are issued each year, but even at this rate there will be sufficient numbers available for several generations to come.

## Search details:

[ New Search ] [ Result Summary ]

JORGE ENRIQUE RODRIGUEZ JR #80088

Status: Probation/Parole

Supervising District: DISTRICT 4 FAIRVIEW OFFICE

Phone Number: 208-327-7008

Supervising Officer: KIGHTLINGER, ROBERT

## IDOC Sentence Information

The sentence information shown is for active sentences under the jurisdiction, custody, and/or supervision of the Idaho Department of Correction only.

Offense	Sentencing County	Case No.	Sentence Satisfaction Date
DOMESTIC ASSAULT OR BATTERY	CANYON	CR05- 9801	12/19/2014

Last Parole Activity: 09/02/2013

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[www.idoc.idaho.gov/content/prisons/visiting](http://www.idoc.idaho.gov/content/prisons/visiting)

For information on Idaho Department of Correction mail regulations, please go to:  
[www.idoc.idaho.gov/content/prisons/offender\\_services/mail\\_rules](http://www.idoc.idaho.gov/content/prisons/offender_services/mail_rules)

COURT MINUTES

CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Hearing type: Sentencing

Hearing date: 6/5/2014

Time: 10:59 am

Judge: Carl B. Kerrick

Courtroom: 1

Court reporter: Linda Carlton

Minutes Clerk: TERESA

Tape Number: CRTRM 1

Defense Attorney: Robert Van Idour

Prosecutor: Sandra Dickerson

105926 Defendant present, in custody, with counsel. Jury returned their verdict on 3-5-14. Mr. Van Idour has filed written corrections to PSI and the Court received the Addendum to the PSI dated 6-2-14.

110111 Mr. Van Idour addresses the Court re: corrections to PSI.

110830 Mr. Van Idour makes statement in mitigation.

111408 Ms. Dickerson makes statement in aggravation.

111700 Defendant addresses the Court.

112129 Court addresses Defendant.

112631 Department of Correction 3-12 years with credit for time served toward the fixed portion of Defendant's sentence, court cost, reimburse NPC Public Defender fund \$500 and restitution in the amount of \$200.00.

112812 Mr. Van Idour addresses the Court re: restitution being joint and several.

112828 Court recess.



IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,

Plaintiff,

vs.

Jorge E. Rodriguez

Defendant.

FILED

2014 JUN 5 AM 11:27

CASE NO. CR13-06184

DATTY O. W.

CLERK OF THE COURT

DEPUTY

TO THE SHERIFF OF NEZ PERCE COUNTY, STATE OF IDAHO:

The above-named Defendant, appearing before this Court this day, being informed by the

Court of the nature of the charge against him/her, to wit:

Possession of a Controlled Substance w/ Intent to Deliver

committed on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in said county,

and having been duly arraigned before the Court and having been duly found to be guilty and

having stated that no legal cause existed why judgment should not be pronounced against him/her

and no sufficient cause appearing to the Court.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant is guilty of said crime and that he/she be punished as follows: Imprisonment in the Idaho State Board of Correction for a period of 3-12 years

NOW, THEREFORE, YOU, THE SAID SHERIFF OF NEZ PERCE COUNTY, STATE OF IDAHO, are hereby commanded to receive the said Defendant and detain him/her in the Idaho State Board of Correction, until this sentence is complied with.

DONE IN OPEN COURT this 5<sup>th</sup> day of June, 2014.

[Signature]  
District Judge

Credit for time served toward the fixed portion of Defendant's sentence.

COMMITMENT



FILED

2014 JUL 5 PM 1 01

PATTY O. ...  
CLERK OF THE DISTRICT COURT  
DEPUTY

*Patty O. ...*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

THE STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

[REDACTED]

Defendant.

)  
)  
)  
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)  
)  
)  
)  
)  
)

CASE NO. CR13-06184

JUDGMENT OF CONVICTION

This case having come on regularly for trial on March 3, 2014, before the Honorable Carl B. Kerrick, Sitting as Judge in the above-entitled case, with a jury duly and regularly empaneled, the defendant present in court and represented by Robert Van Idour and Sandra Dickerson present on behalf of the State of Idaho.

JUDGMENT OF CONVICTION

The defendant was charged by Information with the crime of TRAFFICKING IN METHAMPHETAMINE, Idaho Code § 37-2732B(a)(4)(A), a felony, committed on or about August 29, 2013; and, a verdict of guilty to the crime of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER, Idaho Code §18-37-2732(a)(1)(A), a felony, was rendered by the jury on March 5, 2014, and thereafter, a presentence investigation was submitted to the Court, and the Court having considered the same, and being fully advised in the premises;

On June 5, 2014, the Court asked the defendant if there existed any legal cause why judgment should not be pronounced, and Defendant replied that there was none, and no sufficient cause being shown or appearing to the Court, thereupon, the Court rendered its judgment as follows:

IT IS HEREBY, ORDERED, ADJUDGED AND DECREED that Defendant is guilty of the crime of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER, Idaho Code § 37-2732(a)(1)(A), a felony, and that defendant is SENTENCED to the custody of the IDAHO STATE BOARD OF CORRECTION, Boise, Idaho for a period of not less than THREE (3) years nor more than TWELVE (12) years, consisting of a minimum period of confinement of THREE (3) years during which the defendant shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct (except as provided by Section 20-101D, Idaho Code) and a subsequent indeterminate period of custody not exceeding NINE (9) years.

That Defendant shall receive credit for time already served toward the FIXED portion of Defendant's sentence; and,

That Defendant shall pay court costs in the amount of \$280.50 and reimburse the Nez Perce County Public Defender Fund in the amount of \$500.00, for a total of \$780.50. That payments shall be mailed to Clerk of the Court, P O Box 896, Lewiston, Idaho 83501; and,

That Defendant shall next make restitution to the victim(s), in the sum of \$200.00. That all restitution payments for victims, as set forth hereinabove MUST be paid in the form of a CASHIERS CHECK or MONEY ORDER, made payable to: NEZ PERCE COUNTY VICTIM'S FUND and mailed to the NEZ PERCE COUNTY DISTRICT COURT, Post Office Box 896, Lewiston, Idaho 83501. There will be NO exceptions to the above requirements; and,

**NOTICE OF RIGHT TO APPEAL**

YOU, **JORGE E. RODRIGUEZ**, ARE HEREBY NOTIFIED that you have a right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within the time provided by law.

DATED this 5<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
CARL B. KERRICK-District Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing JUDGMENT OF CONVICTION was:

hand delivered via court basket, or

\_\_\_\_\_ mailed, postage prepaid, by the undersigned at Lewiston, Idaho, this 5<sup>th</sup> day of June, 2014, to:

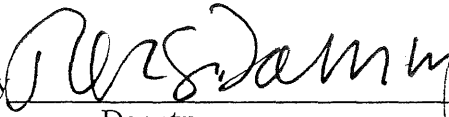
Robert Van Idour  
1618 Idaho Street  
Lewiston ID 83501

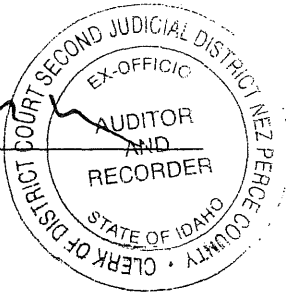
Sandra Dickerson  
P.O. Box 1267  
Lewiston ID 83501

Lewiston Police Department

EMAILED TO: [CCDSentencingD2@idoc.idaho.gov](mailto:CCDSentencingD2@idoc.idaho.gov); [centralrecords@idoc.idaho.gov](mailto:centralrecords@idoc.idaho.gov) and [gegabrie@idoc.idaho.gov](mailto:gegabrie@idoc.idaho.gov)

PATTY O. WEEKS, CLERK


By   
Deputy



ROBERT J. VAN IDOUR, ISBN 2644  
 Attorney at Law  
 1618 Idaho Street, Suite 105  
 Lewiston, Idaho 83501  
 Telephone: (208) 746-4090  
 Facsimile: (208) 743-1158

FILED

2014 JUN 6 PM 4:05

PATRY G. ST...  
 CLERK OF DISTRICT COURT  


IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-06184
	)	
Plaintiff,	)	NOTICE OF APPEAL
	)	
v.	)	
	)	
JORGE E. RODRIGUEZ,	)	
	)	
	)	
Defendant.	)	

TO THE ABOVE NAMED PLAINTIFF, STATE OF IDAHO, AND THE PARTY'S  
 ATTORNEY, DANIEL L. SPICKLER, P.O. Box 1267, LEWISTON, IDAHO 83501.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction entered on June 5, 2014 in the above-entitled action, Honorable Carl B. Kerrick presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments and orders described in paragraph 1, above are appealable orders under and pursuant to Rule 11(c)(1-10) IAR.
3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal is/are:

Did the trial court commit error by denying the Defendant's Motion to Suppress filed in this case?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the

Pre-Sentence Investigation Report (PSIR)

5. **Reporter's Transcript.** The appellant requests the preparation of the following portions of the reporter's transcript::

(a) Motion hearing held on December 12, 2013 (Court Reporter; Nancy Towler no estimation of pages was listed on the Register of Actions)

(b) Final Pretrial Conference Hearing held on December 19, 2013 (Court Reporter; Nancy Towler estimation of less than 100 pages);

(c) Final Pretrial Conference Hearing held on January 6, 2014 (Court Reporter; Nancy Towler no estimation of pages was listed on the Register of Actions);

(d) Status Conference Hearing held on January 16, 2014 (Court Reporter; Nancy Towler estimation of less than 100 pages);

(e) Pretrial Motion Hearing held on February 20, 2014 (Court Reporter; Nancy Towler estimation of less than 100 pages);

(f) Hearing on Motion to Dismiss held on February 28, 2014 (Court Reporter; Nancy Towler no estimation of pages was listed on Register of Actions);

(g) Jury Trial held on March 4<sup>th</sup> and March 5<sup>th</sup>, 2014, to include voir dire, opening statements, closing arguments, jury instruction conferences, any hearings regarding questions from the jury during deliberations, return of the verdict and any polling of jurors (Court Reporter Nancy Towler no estimation of pages was listed on the Register of Actions); and

(h) Sentencing Hearing held on June 5, 2014 (Court Reporter; Linda Carlton estimation of less than 100 pages)

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2) and I.A.R. 31. The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.R.A. 28(b)(2) and I.A.R. 31:

- (a) Affidavit of Probable Cause filed August 30, 2013
- (b) Initial Determination of Probable Cause filed August 30, 2013
- (c) Transcript filed September 27, 2013
- (d) Motion for County to Pay for Expert Witness Expenses filed November 6, 2013
- (e) Motion for County to Appoint and Pay for Expenses for Expert: Private Investigator

filed November 7, 2013

- (f) Order Granting Defendant's Motion for County to pay Expert Witness Expense filed on November 7, 2013
  - (g) Motion for Dismissal on Grounds Case Law Diminutive Control Withholding Evidence filed November 21, 2013
  - (h) Motion to Dismiss Rick Cuddihy Ineffective Counsel filed December 30, 2013
  - (i) Motion to Suppress Evidence and Dismiss Case filed February 7, 2014
  - (j) Memorandum in Support of Motion in Limine filed February 7, 2014
  - (k) State's Response to Defendant's Motion to Suppress filed February 14, 2014
  - (l) Reply Memorandum of Defendant filed February 19, 2014
  - (m) 2<sup>nd</sup> Motion to Dismiss Case (or Suppress Evidence) filed February 26, 2014
  - (n) State's Response to 2<sup>nd</sup> Motion to Dismiss Case filed February 27, 2014
  - (o) All proposed and given jury instructions including, but not limited to, the State's Requested Jury Instructions filed February 24, 2014 and Instructions submitted to the Jury on March 5, 2014
  - (p) Corrections to the Presentence Report filed on June 4, 2014
  - (q) Any exhibits, including but not limited to laboratory reports, audio recordings and video recordings
6. I hereby certify:
- (a) That a copy of this Notice of Appeal has been served on the Court Reporters Nancy and Linda Carlson
  - (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§31-3220, 31-3220A, I.A.R. 24(e));
  - (c) There is no appellate filing fee since this is an appeal in a criminal case. Idaho Code §§31-3220, 31-3220A, I.A.R. 23(a)(8));
  - (d) That arrangements have been made with Nez Perce County who will be responsible for paying for the reporter's transcript, as the client is indigent. Idaho Code §§31-3220, 31-3220A, I.A.R. 24(e); and

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

DATED this 6th day of June, 2014.

A handwritten signature in black ink, appearing to read 'R. J. Van Idour', written over a horizontal line.

Robert J. Van Idour  
Attorney for Appellant



CERTIFICATE OF DELIVERY

I hereby certify that on June 6, 2014, a true copy of this document was mailed via postage prepaid U.S. Mail, or hand delivered, to the following persons:

Nez Perce County Prosecutor  
1221 "F" Street  
Lewiston, ID 83501  
(Hand delivered)

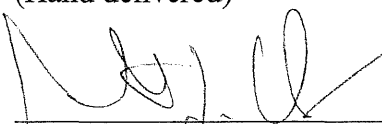
State Appellate Public Defender  
3650 Lake Harbor Lane, Suite 100  
Boise, ID 83703  
(Mailed)

Attorney General of Idaho  
P.O. Box 83720  
Boise, ID 83720-0010  
(Mailed)

Linda Carlton  
Court Reporter  
c/o Nez Perce County Courthouse  
PO Box 896  
Lewiston, ID 83501

Nancy towler  
Court Reporter  
c/o Nez Perce County Courthouse  
PO Box 896  
Lewiston, ID 83501

Mr. Jorge E. Rodriguez, #18085  
c/o Nez Perce County Adult Detention Center  
1150 Wall Street  
Lewiston, ID 83501  
(Hand delivered)

  
Robert J. Van Idour

Robert J. Van Idour, ISBN No. 2644  
**ATTORNEY AT LAW**  
 1618 Idaho Street, Suite 105  
 Lewiston, ID 83501  
 Telephone: (208) 746-4090  
 Facsimile: (208) 743-1158

**FILED**  
 2014 JUN 6 PM 4 07  
 PATTI B. ...  
 CLERK OF THE ...

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-06184
	)	
Plaintiff,	)	
	)	
v.	)	
	)	AFFIDAVIT OF COUNSEL
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	

STATE OF IDAHO )  
 ) ss.  
 COUNTY OF NEZ PERCE )

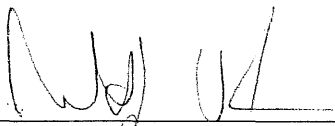
Robert J. Van Idour, after first being duly sworn on oath, says as follows:

I am an attorney assisting Paige M. Nolta, a public defender in Nez Perce County, Idaho. Ms. Nolta is the court appointed defense counsel in this case.

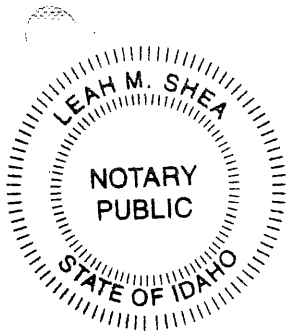
An appeal on behalf of the said defendant in this case has been filed from District Court from issues arising after September 1, 1998.

Affiant respectfully requests that the Court appoint the Office of the State Appellate Public Defender to represent the defendant in the pending appeal in this case.

Dated this 6<sup>th</sup> day of June, 2014

  
 \_\_\_\_\_  
 Robert J. Van Idour

SUBSCRIBED AND SWORN to before me, a Notary Public of Idaho, on June 6, 2014



Leah M. Shea  
Notary Public of Idaho, residing at  
Lewiston, therein.  
My Commission expires on:  
8-15-2014

CERTIFICATE OF DELIVERY

I hereby certify that on June 6, 2014 a true copy of this document was delivered via the below noted method to the following persons:

Nez Perce County Prosecutor  
1221 "F" Street  
Lewiston, ID 83501  
(Hand delivered by placement in court basket)

State Appellate Public Defender  
3650 Lake Harbor Lane, Suite 100  
Boise, ID 83703  
(Mailed)

Attorney General of Idaho  
P.O. Box 83720  
Boise, ID 83720-0010  
(Mailed)

Mr. Jorge E. Rodriguez, #18085  
c/o Nez Perce County Adult Detention Center  
1150 Wall Street  
Lewiston, ID 83501  
(Hand delivered)

Robert J. Van Idour  
Robert J. Van Idour

Robert J. Van Idour, ISBN No. 2644  
**ATTORNEY AT LAW**  
 1618 Idaho Street, Suite 105  
 Lewiston, ID 83501  
 Telephone: (208) 746-4090  
 Facsimile: (208) 743-1158

**FILED**  
 2014 JUN 6 PM 4:58  
 PATTY O. ...  
 CLERK OF THE ...  
 DEPT. ...

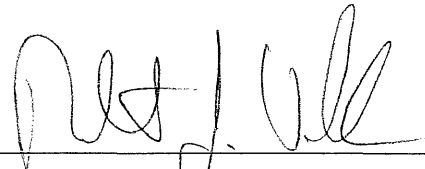
IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-06184
	)	
Plaintiff,	)	MOTION TO APPOINT STATE
	)	APPELLATE PUBLIC DEFENDER
v.	)	
	)	
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	

MOTION

Defendant, by and through his undersigned counsel, moves the Court to appoint the Office of the State Appellate Public Defender to represent the above named defendant in the pending appeal to the Idaho Supreme Court/Court of Appeals. This Motion is based on the records and files of this case and the supporting Affidavit herein.

Dated: June 6, 2014

  
 \_\_\_\_\_  
 Robert J. Van Idour  
 Attorney for Appellant

CERTIFICATE OF DELIVERY

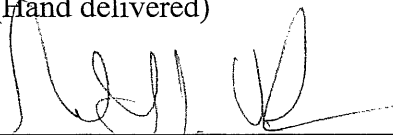
I hereby certify that on June 6, 2014, a true copy of this document was delivered via the below noted method to the following persons:

Nez Perce County Prosecutor  
1221 "F" Street  
Lewiston, ID 83501  
(Hand delivered by placement in court basket)

State Appellate Public Defender  
3650 Lake Harbor Lane, Suite 100  
Boise, ID 83703  
(Mailed)

Attorney General of Idaho  
P.O. Box 83720  
Boise, ID 83720-0010  
(Mailed)


Mr. Jorge E. Rodriguez, #18085  
c/o Nez Perce County Adult Detention Center  
1150 Wall Street  
Lewiston, ID 83501  
(Hand delivered)

  
\_\_\_\_\_  
Robert J. Van Idour



Pursuant to Idaho Code 20-237, you are further directed, as soon as possible, after receipt of this Notice to dispatch one or more guards, as may be necessary, to secure and convey the above-named defendant to the Idaho State Penitentiary.

DATED this 5<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
JOE RODRIGUEZ  
Nez Perce County Sheriff

FILED

2014 JUN 13 PM 12 22

PATTY O. WEEKS

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

JORGE E. RODRIGUEZ,

Defendant.

CASE NO. CR2013-0006184

ORDER FOR RESTITUTION AND JUDGMENT

IT IS HEREBY ORDERED that the above-named defendant shall make restitution to ISP DRUG AND DRUNK DRIVING ACCOUNT in the amount of \$200.00. Said amount being held jointly and severally liable with Travis Frazier [REDACTED]

This Order constitutes a civil judgment in favor of ISP DRUG AND DRUNK DRIVING ACCOUNT and against the above-named defendant and accrues interest at the statutory rate specified for civil judgments. After FORTY-TWO (42) days from the entry of the order of restitution or at the conclusion of a hearing to reconsider an order of restitution, whichever occurs later, an order of restitution may be recorded as a judgment and the victim may execute as provided by law for civil judgments.

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of June, 2014.

[Signature]  
JUDGE



**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the foregoing, Order for Restitution and Judgment,

- (1) \_\_\_\_\_ hand delivered, or
- (2)  hand delivered via court basket, or
- (3) \_\_\_\_\_ sent via facsimile, or

(4) \_\_\_\_\_ mailed, postage prepaid, by depositing the same in the United States mail, addressed to the following:

Paige M. Nolta  
Nolta Law Office  
1618 Idaho Street, Suite 106  
Lewiston Idaho 83501

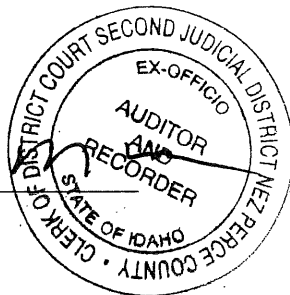
Prosecutor's Office  
P. O. Box 1267  
Lewiston, ID 83501

State of Idaho  
Department of Probation and Parole  
908 Idaho Street  
Lewiston, Idaho 83501

DATED this 13<sup>th</sup> day of June, 2014.

CLERK OF THE COURT

*[Signature]*  
Deputy



Robert J. Van Idour  
ATTORNEY AT LAW

1618 Idaho Street  
Suite 105  
Lewiston, ID 83501

office (208) 746-4090  
fax: (208) 743-1158

E-mailaddress-lcdefender@qwestoffice.net

June 17, 2014

Deputy Court Deanna Grimm  
Nez Perce County Courthouse  
PO Box 896  
Lewiston, ID 8301

Re: State v. Rodriguez  
Nez Perce County Case No. CV13-6184

Dear Deanna:

I have enclosed an Order Appointing State Appellate Public Defender in this case. I had filed the Motion and related documents earlier.

Please bring this Order to the Court's attention. Please return my copy with Valley Messengers.

Thank you for your assistance and courtesy in this matter.

Sincerely,



Robert J. Van Idour  
Enc. (Order)

TO: Clerk of the Court  
Idaho Supreme Court  
P.O. Box 83720  
Boise, ID 83720-0101  
Fax (208) 334-2616  
supremecourtdocuments@idcourts.net

FILED

2014 JUN 25 AM 10 07

PATTY O. WEEKS  
CLERK OF THE DIST. COURT

  
DEPUTY

RE: Docket No.. 42219  
State of Idaho V Jorge E. Rodriguez  
Nez Perce County District Court No. CR 13-6184

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on June 25, 2014, I lodged a transcript of 29 pages in length for the above-referenced appeal with the District Court Clerk of the County of Nez Perce in the Second Judicial District of the State of Idaho.

Included Hearings:

Sentencing 6-5-14

An electronic copy was sent to the Supreme Court at  
supremecourtdocuments@idcourts.net.

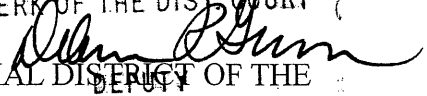
  
Linda L. Carlton, CSR #336

Robert J. Van Idour, ISBN No. 2644  
**ATTORNEY AT LAW**  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
Telephone: (208) 746-4090  
Facsimile: (208) 743-1158

**FILED**

2014 JUN 20 AM 11 07

PATTY O. WEEKS  
CLERK OF THE DIST. COURT



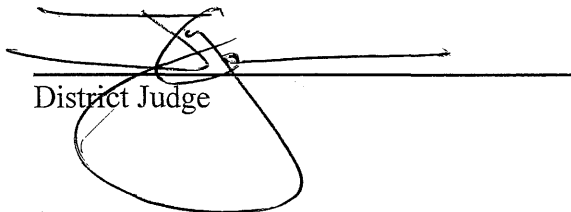
IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE

STATE OF IDAHO,	)	Case No. CR2013-06184
	)	
Plaintiff,	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
v.	)	
	)	
JORGE E. RODRIGUEZ,	)	
	)	
Defendant.	)	

---

It is hereby ordered that the Office of the State Appellate Public Defender is appointed to represent the above named defendant in the pending appeal to the Idaho Supreme Court/Court of Appeals. The law firm of Paige M. Nolta shall continue to represent the above named defendant in all other aspects of this case, subject to the further order of this court.

Dated: June 20, 2014



District Judge

ORDER APPOINTING STATE  
APPELLATE PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that on June 23, 2014, a true copy of this document was delivered via the below noted method to the following persons:

Robert J. Van Idour  
Attorney at Law  
1618 Idaho Street, Suite 105  
Lewiston, ID 83501  
✓ (Hand delivered via Valley Messengers)

Nez Perce County Prosecutor  
1221 "F" Street  
Lewiston, ID 83501  
✓ (Hand delivered by placement in court basket)

State Appellate Public Defender  
3650 Lake Harbor Lane, Suite 100  
Boise, ID 83703

✓ \_\_\_\_\_ Mailed via postage prepaid U.S. Mail

\_\_\_\_\_ Sent via facsimile to facsimile number 208-334-2985

Attorney General of Idaho  
P.O. Box 83720  
Boise, ID 83720-0010

✓ \_\_\_\_\_ Mailed via postage prepaid U.S. Mail

\_\_\_\_\_ Sent via facsimile to facsimile number 208-854-8074

  
Deputy Court Clerk



IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	
	)	
vs.	)	Supreme Court No. 42219
	)	
JORGE ENRIQUE RODRIGUEZ,	)	CERTIFICATE OF EXHIBITS
	)	
Defendant-Appellant.	)	

I, Patty O. Weeks, Clerk of the District Court of the Second Judicial District of the State of Idaho, in and for Nez Perce County, do hereby certify that the following list is a list of the exhibits offered or admitted and which have been lodged with the Supreme Court or retained as indicated:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of the Court this 28 day of July 2014.

PATTY O. WEEKS, Clerk



By *Alanna P. Gunn*  
Deputy

## Exhibit Summary

Case: CR-2013-0006184

State of Idaho vs. Jorge Enrique Rodriguez

Sorted by Exhibit Number

Number	Description	Result	Storage Location Property Item Number	Destroy Notification Date	Destroy or Return Date
1	State's Exhibit 1; ISP Forensic Services Criminalistic Analysis Report - Controlled Substance Analysis dated 09-09-2013; Admitted 09-11-13	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
2	State's Exhibit 3A; Photo of white substance in zip lock bag; Admitted 09-11-2013	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
3	State's Exhibit 3B; Photo of white substance in zip lock bag; Admitted 09-11-2013	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
4	State's Exhibit 3C; Photo of white substance in zip lock bag by side of car; Admitted 09-11-2013	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
5	State's Exhibit 3D; Photo of envelope, bag and substance test kit; Admitted 09-11-2013	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
6	State's Exhibit 1; thumb drive video; Admitted 3/4/14	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
7	State's Exhibit 2; Methamphetamine and Packaging; Admitted 3/4/14	Admitted	Drug Vault B 13-L13293 41140 Assigned to: Smith, April A		
8	Property # 13-L13293 41140 and 13-L13293 43087 State's Exhibit 3; lab report; Admitted 3/4/14	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
9	State's Exhibit 4; CD recording of body wire; Admitted 3/4/14	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
10	State's Exhibits 5A-5C; photos at scene; Admitted 3/4/14	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
11	State's Exhibit 6; photo of Methamphetamine with NIC Test; Admitted 3/4/14	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		
12	State's Exhibit 7A-7C; photos of Methamphetamine at LPD 3/4/14	Admitted	On Appeal to Deanna 7/ Assigned to: Smith, April A		

*photo in place  
of State Exh 2.*

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent	)	
	)	
vs.	)	Supreme Court No. 42219
	)	
	)	
JORGE ENRIQUE RODRIGUEZ,	)	CLERK'S CERTIFICATE
	)	
Defendant-Appellant.	)	

I, PATTY O. WEEKS, Clerk of the District Court of the Second Judicial District of the State of Idaho in and for the County of Nez Perce, do hereby certify, that the foregoing Clerk's Record in the above-entitled cause was compiled and bound by me and contains true and correct copies of all pleadings, documents, and papers designated to be included under Rule 28, Idaho Appellate Rules, the Notice of Appeal, any Notice of Cross-Appeal, and additional documents that were requested.

I further certify:

1. That the following will be submitted as CONFIDENTIAL EXHIBITS to this record on appeal.

Transcript of Proceedings filed September 27, 2013  
Presentence Report dated April 30, 2014 and Addendum to  
Presentence Report dated June 2, 2014

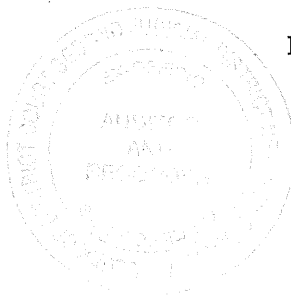
CLERK'S CERTIFICATE



IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said court this 28 day of July 2014.

PATTY O. WEEKS  
Clerk of the District Court

By *Debra P. Gunn*  
Deputy Clerk



CLERK'S CERTIFICATE

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent	)	
	)	
vs.	)	Supreme Court No. 42219
	)	
	)	CERTIFICATE OF SERVICE
	)	
JORGE ENRIQUE RODRIGUEZ,	)	
	)	
Defendant-Appellant.	)	

I, PATTY O. WEEKS, the undersigned authority, do hereby certify that I have personally served by US Mail or by electronic mailing one copy of the following:

- CLERK'S RECORD
- CONFIDENTIAL PRESENTENCE REPORT AND ADDENDUM
- REPORTER'S TRANSCRIPT

STATE APPELLATE PUBLIC DEFENDER  
nsandoval@sapd.state.id.us  
ATTORNEY FOR APPELLANT  
BOISE, ID

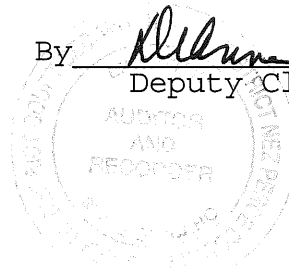
LAWRENCE G. WASDEN  
patricia.miller@ag.idaho.gov  
ATTORNEY FOR RESPONDENT  
BOISE, ID

CERTIFICATE OF SERVICE

PATTY O. WEEKS  
Clerk of the District Court

Date of Service August 20, 2014

By *William P. Brown*  
Deputy Clerk



CERTIFICATE OF SERVICE