

2-22-2017

State v. Castrejon Clerk's Record Dckt. 44783

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO)	
Plaintiff/Appelant,)	
	)	Supreme Court No. 44783
vs.)	
	)	CLERKS RECORD ON APPEAL
Cesar Gabriel Castrjon,)	
)	
Defendant/Respondent.)	

Appeal from the District Court of the 5th Judicial District of the State of
Idaho, in and for the County of Gooding

HONORABLE JOHN K BUTLER DISTRICT JUDGE

Ken Jorgensen
Deputy Attorney General, Appeals Division
Statehouse Mail, Box 83720
Boise, ID 83720-0101

Eric D. Fredericksen,
State Appellate Public Defender
322 East Front Street, Suite 570
Boise, ID 83702

Date: 2/22/2017

Fifth Judicial District Court - Gooding County

User: RUTHP

Time: 10:04 AM

ROA Report

Page 1 of 4

Case: CR-2016-0001473 Current Judge: Casey Robinson

Defendant: Castrejon, Cesar Gabriel

State of Idaho vs. Cesar Gabriel Castrejon

Felony

Date		Judge
8/31/2016	New Case Filed - Felony	Casey Robinson
	Prosecutor assigned Luverne E. Shull	Casey Robinson
	Criminal Complaint	Casey Robinson
	Affidavit In Support Of Complaint Or Warrant For Arrest	Casey Robinson
	Hearing Scheduled (Arraignment 08/31/2016 01:00 PM)	Casey Robinson
	Hearing result for Arraignment scheduled on 08/31/2016 01:00 PM: Arraignment / First Appearance	Casey Robinson
	Court Minutes	Casey Robinson
	Statement Of Defendant's Rights Form	Casey Robinson
	Application For Appointment Of Attorney	Casey Robinson
	Order Appointing Public Defender	Casey Robinson
	Defendant: Castrejon, Cesar Gabriel Appearance Philip A. Brown	Casey Robinson
	BOND SET: \$75,000 C/S	Casey Robinson
	Hearing Scheduled (Preliminary 09/01/2016 08:30 AM)	Casey Robinson
	Notice Of Hearing	Casey Robinson
	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: KMVT Receipt number: 0002872 Dated: 8/31/2016 Amount: \$5.00 (Credit card)	Casey Robinson
	Miscellaneous Payment: Technology Cost - CC Paid by: KMVT Receipt number: 0002872 Dated: 8/31/2016 Amount: \$3.00 (Credit card)	Casey Robinson
	Court Minutes	Casey Robinson
	Hearing type: Preliminary	
	Hearing date: 9/01/2016	
	Time: 8:33 am	
	Courtroom:	
	Court reporter:	
	Minutes Clerk: Erica Loden	
	Tape Number:	
	Defense Attorney: Philip Brown	
	Prosecutor: Luverne Shull	
9/1/2016	State's Reqt For Discovery/REQUEST For Alibi	Casey Robinson
	State's Response To Request For Discovery	Casey Robinson
	Hearing result for Preliminary scheduled on 09/01/2016 08:30 AM: Continued	Casey Robinson
	Hearing Scheduled (Preliminary 09/15/2016 08:30 AM)	Casey Robinson
	Notice Of Hearing	Casey Robinson
	Request For Discovery	Casey Robinson
9/8/2016	State's 1st Supplemental Response To Request For Discovery	Casey Robinson

Felony

Date		Judge
9/15/2016	Court Minutes Hearing type: Preliminary Hearing date: 9/15/2016 Time: 11:21 am Courtroom: Courtroom 2 Court reporter: Minutes Clerk: Angie Fager Tape Number: Defense Attorney: Philip Brown Prosecutor: Kathleen Arnold Order Holding Defendant To Answer To District Court Hearing result for Preliminary scheduled on 09/15/2016 08:30 AM: Bound Over (after Prelim) Change Assigned Judge Hearing Scheduled (Arraignment 10/11/2016 09:00 AM) Notice of Hearing	Casey Robinson Casey Robinson Casey Robinson John Butler John Butler John Butler
9/20/2016	State's 2nd Supplemental Response To Request For Discovery State's 3rd Supplemental Response to Request for Discovery Motion for Preliminary Hearing Transcript	John Butler John Butler John Butler
9/21/2016	Order for Preparation of Transcript	John Butler
9/28/2016	Information	John Butler
10/11/2016	Court Minutes Hearing type: Arraignment Hearing date: 10/11/2016 Time: 9:34 am Courtroom: Courtroom 1 Court reporter: Denise Schloder Minutes Clerk: Ruth Petruzzelli Tape Number: Defense Attorney: Philip Brown Prosecutor: Luverne Shull Hearing result for Arraignment scheduled on 10/11/2016 09:00 AM: Arraignment / First Appearance Preliminary Hearing Transcript	John Butler John Butler John Butler
10/12/2016	Hearing Scheduled (Jury Trial 01/11/2017 09:00 AM) Hearing Scheduled (Pretrial Conference 12/13/2016 09:00 AM) Hearing Scheduled (Status 11/01/2016 10:30 AM) Notice Of Hearing Notice of (1) Jury Trial;(2) Pre-Trial Conference;(3) Status Conference; (4) Scheduling Order; and (5) Defendant's Requests for Financial Assistance, I.C. -§19-852(a)(2) A Plea is Entered for Charge - NG (I18-915(3) {F} Battery-Unlawfully Touching or Striking of a Law Enforcement Officer)	John Butler John Butler John Butler John Butler John Butler John Butler

Date: 2/22/2017

Time: 10:04 AM

Page 3 of 4

Fifth Judicial District Court - Gooding County

ROA Report

Case: CR-2016-0001473 Current Judge: Casey Robinson

Defendant: Castrejon, Cesar Gabriel

User: RUTHP

State of Idaho vs. Cesar Gabriel Castrejon

Felony

Date		Judge
10/12/2016	A Plea is Entered for Charge - NG (118-915(3) {F} Battery-Unlawfully Touching or Striking of a Law Enforcement Officer)	John Butler
11/1/2016	Court Minutes Hearing type: Status Hearing date: 11/1/2016 Time: 10:48 am Courtroom: Courtroom 1 Court reporter: Denise Schloder Minutes Clerk: Ruth Petruzzelli Tape Number: Defense Attorney: Philip Brown Prosecutor: Luverne Shull Hearing result for Status scheduled on 11/01/2016 10:30 AM: Hearing Held	John Butler John Butler
12/13/2016	Prosecutor assigned Matt Pember Court Minutes Hearing type: Pretrial Conference Hearing date: 12/13/2016 Time: 9:27 am Courtroom: Courtroom 1 Court reporter: Denise Schloder Minutes Clerk: Ruth Petruzzelli Tape Number: Defense Attorney: Philip Brown Prosecutor: Matt Pember Hearing result for Pretrial Conference scheduled on 12/13/2016 09:00 AM: Hearing Held	John Butler John Butler
12/14/2016	Hearing Scheduled (Final Status 01/10/2017 09:00 AM) Notice of Hearing	John Butler John Butler
1/4/2017	State's Jury Instructions, Witness List and Exhibit List Order to Transport State's Jury Instructions, Witness List and Exhibit List	John Butler John Butler John Butler
1/10/2017	Preliminary Instructions to the Jury Initial Instructions to the Jury Court Minutes Hearing type: Final Status Hearing date: 1/10/2017 Time: 9:03 am Courtroom: Courtroom 1 Court reporter: Denise Schloder Minutes Clerk: Ruth Petruzzelli Tape Number: Defense Attorney: Philip Brown Prosecutor: Matt Pember Hearing result for Final Status scheduled on 01/10/2017 09:00 AM: Hearing Held Continued (Jury Trial 01/18/2017 09:00 AM)	John Butler John Butler John Butler John Butler John Butler

Date: 2/22/2017

Fifth Judicial District Court - Gooding County

User: RUTHP

Time: 10:04 AM

ROA Report

Page 4 of 4

Case: CR-2016-0001473 Current Judge: Casey Robinson

Defendant: Castrejon, Cesar Gabriel

State of Idaho vs. Cesar Gabriel Castrejon

Felony

Date		Judge
1/11/2017	Notice of Hearing	John Butler
1/13/2017	Hearing Scheduled (Change of Plea 01/17/2017 01:30 PM)	John Butler
	Notice of Hearing	John Butler
1/17/2017	Plea Agreement	John Butler
	Hearing result for Jury Trial scheduled on 01/18/2017 09:00 AM: Hearing Vacated	John Butler
	Court Minutes	John Butler
	Hearing type: Change of Plea	
	Hearing date: 1/17/2017	
	Time: 3:37 pm	
	Courtroom: Courtroom 1	
	Court reporter: Denise Schloder	
	Minutes Clerk: Angie Fager	
	Tape Number:	
	Defense Attorney: Philip Brown	
	Prosecutor: Brendan Ash	
	Order For Remand	John Butler
	Hearing result for Change of Plea scheduled on 01/17/2017 01:30 PM: Hearing Held	John Butler
	Remanded From District Court	John Butler
	Remanded	John Butler
1/18/2017	Hearing Scheduled (Status 01/19/2017 08:30 AM)	Casey Robinson
	Notice of Hearing	Casey Robinson
	Change Assigned Judge	Casey Robinson
	NOTICE OF APPEAL	Casey Robinson
	Appealed To The Supreme Court	Casey Robinson
	STATUS CHANGED: Inactive	Casey Robinson
1/19/2017	Hearing result for Status scheduled on 01/19/2017 08:30 AM: Hearing Held	Casey Robinson
	Court Minutes	Casey Robinson
	Hearing Scheduled (Status 02/16/2017 08:30 AM)	Casey Robinson
	Notice of Hearing	Casey Robinson
1/27/2017	Motion for Apooointment of State Appellate Public Defender	Casey Robinson
1/30/2017	Order Appointing State Appellate Public Defender	Casey Robinson
2/16/2017	Hearing result for Status scheduled on 02/16/2017 08:30 AM: Hearing Waived Status on Appeal	Casey Robinson
2/22/2017	Notice of Transcript Lodged	Casey Robinson
	Transcript on Appeal	Casey Robinson

DISTRICT COURT
GOODING CO. IDAHO
FILED

2016 AUG 31 AM 10:26

CLERK OF DISTRICT COURT
Erica Loden

BY: _____

LUVERNE E. SHULL, Prosecuting Attorney ISBN 5477
Trevor S. Misseldine, Chief Deputy ISBN 8109
Kathleen R. Arnold, Deputy ISBN 8716
P. O. Box 86
624 Main Street
Gooding, Idaho 83330
Telephone (208) 934-4493
Facsimile (208) 934-4494

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

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No.: CR-2015- <u>1473</u>
v.)	
)	
	)	COMPLAINT
CESAR GABRIEL CASTREJON,)	
DOB [REDACTED])	
SSN/OLN [REDACTED])	
)	
Defendant.)	

PERSONALLY APPEARED before me on the 31st day of August, 2016, in the County of Gooding, State of Idaho, Kathleen R. Arnold, Deputy Prosecuting Attorney, who complains and says: that the above-named Defendant on or about the 31st day of August, 2016, in the County of Gooding, State of Idaho, then and there being, did then and there commit the crimes of Battery on a Police/Peace Officer, or Sheriff, two counts, felonies, said crimes being committed as follows, to-wit:

COMPLAINT

-1-

ORIGINAL

COUNT I
BATTERY ON A POLICE/PEACE OFFICER, OR SHERIFF
Felony, Idaho Code §§ 18-915(3) and 18-903

That the Defendant, CESAR GABRIEL CASTREJON, on or about the 31st day of August, 2016, in the County of Gooding, State of Idaho, did actually, intentionally, and unlawfully, touch and/or strike the person of Officer Chris Knott, against his will by striking him in the face, where the Defendant knew or had reason to know that Officer Chris Knott, Gooding Police Department, was a former or present peace officer, sheriff, or police officer and did commit said battery while Officer Chris Knott was engaged in the performance of his duties in violation of Idaho Code §§ 18-915(3) and 18-903.

COUNT II
BATTERY ON A POLICE/PEACE OFFICER, OR SHERIFF
Felony, Idaho Code §§ 18-915(3) and 18-903

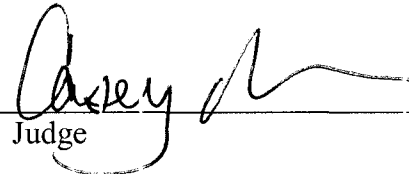
That the Defendant, CESAR GABRIEL CASTREJON, on or about the 31st day of August, 2016, in the County of Gooding, State of Idaho, did actually, intentionally, and unlawfully, touch and/or strike the person of Deputy Sabrina Becker against her will by kicking her multiple times in her knee, where the Defendant knew or had reason to know that Deputy Sabrina Becker, Gooding County Sheriff's Office, was a former or present peace officer, sheriff, or police officer and did commit said battery while Deputy Sabrina Becker was engaged in the performance of her duties in violation of Idaho Code §§ 18-915(3) and 18-903.

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

Said complaint therefore prays that the Defendant be dealt with according to law.


Kathleen R. Arnold

SUBSCRIBED before me on this 31 day of August, 2016


Judge

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE ID
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING
MAGISTRATE DIVISION

* * * * *

2016 AUG 31 AM 10:26

STATE OF IDAHO
Plaintiff,

AFFIDAVIT IN SUPPORT OF
COMPLAINT OR WARRANT
FOR ARREST

BY: Erica Loden

VS.

Castrejon, Ceasar G.
Defendant
DOB: [REDACTED]
OLN: ID- SK330534A

Case Number: CR-16-1473

STATE OF IDAHO
COUNTY OF GOODING

* * * * *

I, Deputy Michael Mulliner, of the Gooding County Sheriff's Office, being first duly sworn, state that I am the same person whose name is subscribed to the attached Criminal Complaint/Citation, and that my answers to the questions asked by the Court with reference to said Complaint/Citation are as follows:

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

Answer: YES

2. If so, please state what you observed which gave you reason to believe the individual(s) charged committed the crime(s).

Answer: On August 31, 2016 I, Deputy Michael Mulliner of the Gooding County Sheriffs Office was dispatched to a disturbance call at 1735 Gillette Rd Gooding, Idaho 83330. As I was responding from the Bliss area Officer Chris Knott with the Gooding City Police Department also started responding. While both units were responding the reporting party notified dispatch that the unknown male had left in a vehicle headed towards the city of Gooding on Highway 26. After we were notified that the vehicle had left the area Officer Knott checked out with a male subject running towards his patrol vehicle in the roadway at 1850 E Hwy 26.

Upon my arrival Officer Knott had the male who identified himself as Ceasar detained in hand cuffs. Another male subject who identified himself as Ricardo was also on location speaking with Ceasar. Ricardo stated that Ceasar had admitted to using LSD and was taking him to the hospital and that is why they had left Ricardo's home on Gillette Road.

After seeing the condition and mannerisms that Ceasar was displaying, I requested med units come to our location. While we were waiting for meds to arrive, Deputy Sabrina Becker of the Gooding County Sheriff's Office arrived on scene. During this time I was speaking with Ceasar trying to keep him calm. I was also attempting to talk him into getting into the back of my patrol car so that I could drive him to North Canyon Medical Center (NCMC). After the ambulance arrived they started trying to asses Caesar's blood pressure and heart rate. Ceasar kept tensing up every time they would attempt to build pressure in the blood pressure cuff. John from the Gooding County EMS notified me that they were going to be unable to perform evaluations.

Through out my contact with Ceasar he kept asking for a phone to call 911 and stating that he wanted to go to the hospital. As I was introducing the first responders on scene and trying to convince him to get in my car so I could take him to the hospital for medical attention he seemed relax.

After what appeared to be Ceasar relaxing he used his head to strike Officer Knott in the face. After striking Officer Knott in the face he stated, "who the fuck are you bitch."

After Officer Knott was struck in the face I grabbed ahold of Ceasar in a bear hug attempting to prevent him from hurting any other first responders. As Ceasar continued to fight we went to the ground on the passenger side of my patrol vehicle. During the struggle Ceasar stated trying to slip his cuffed hands from behind his back to the front of his body. Deputy Becker, Officer Knott and I were able to prevent him from getting both of his hands to the front of his body leaving his right arm in front of his body and his left arm behind his back. While we were trying to prevent Ceasar from bringing his hands to the front of his body we were also attempting to stand him up against the front of my patrol vehicle. As we were attempting to stand Ceasar up he kicked Deputy Becker multiple times in her knee causing an injury.

Once we had Ceasar held against the front of my car I requested the medical units to get a set of zip cuffs from the trunk of my patrol vehicle. After they retrieved the zip cuffs Deputy Becker placed the zip cuffs around Caesars' ankles preventing him from being able to get his left arm to the front of his body. After we had Ceasar secured we placed him in the back of my patrol vehicle.

Officer Knott appeared to be unable to drive his patrol car due to him being in a great deal of pain. I requested that he ride with the ambulance to NCMC. I then transported Ceasar to NCMC and notified dispatch that I had one adult male in custody.

While at the hospital I was able to ascertain that Caesar's full name is Ceasar Gabriel Castrejon DOB [REDACTED] after running Ceasar through DATA I was also notified that he had warrants out

of Cassia County.

Due to the apparent and possible injuries that Officer Knott and Deputy Becker sustained during the incident I am requesting that he be charged with I.C. 18-915 Battery on Certain Personnel, Felony

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

Answer: N/A

4. Do you believe a warrant should be issued?

Answer: NO, Suspect is in custody

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

Answer: N/A

6. List the charges set forth in this document.

1. I.C. 18-915 Battery on Certain Personnel (x2)
- 2.
- 3.
- 4.
- 5.
- 6.

I certify that there is the following pertaining to this case:

XXXXXX VuVault/Digital Ally

XXXXXX Taser Video

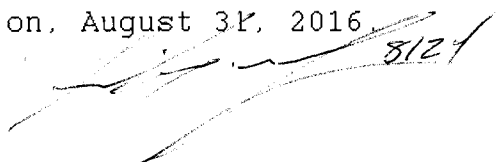
_____ DVR Audio/Video

_____ Photographs

_____ None of the Above

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

Dated on, August 31, 2016



FIFTH JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF GOODING
MISDEMEANOR MINUTE ENTRY/JUDGMENT

STATE v. Cesar Gabriel Castrejon D.L.#: _____
ADDRESS: 1745 Gillette Gooding ID 83330

DOB: 6/4/1995 CASE NO.: CR-2016-0001473

Clerk: Erica Loden

JUDGE: Casey Robinson

2016 AUG 31 PM 2: 06

DATE: 8/31/2016

Interpreter: _____

Defense Attorney: _____

DEFENDANT having been charged with the following:

COUNT 1: Battery-Unlawfully Touching or Striking of a Law Enforcement Officer

AMENDED: _____

DISMISSED: _____

COUNT 2: Battery-Unlawfully Touching or Striking of a Law Enforcement Officer

AMENDED: _____

DISMISSED: _____

DEFENDANT: XX Appeared Failed to appear Send notice Warrant/Bond Forfeiture Ordered

Bond: \$ 75,000

1:01.12 XX Advised of rights, penalties, & charges Waived reading of Complaint Read Complaint

CASH or SURETY

1:03.36 XX Requested P.D. XX Granted Denied Will retain counsel

Waived counsel Waived jury trial No Contact with Victim(s)

PLEA: PLEAD GUILTY Accepted by Court NOT GUILTY

JURY TRIAL REQUESTED

ORDERED RELEASED O.R.

ORDERED TO APPEAR FOR:

XX Preliminary Hearing on 09/01/2016 @ 8:30am Court Trial on

PLEA CHANGED: GUILTY to Counts

DATE _____

JUDGMENT: WITHHELD JUDGMENT GRANTED

ORDERED ALCOHOL/DRUG EVALUATION

ORDERED DOMESTIC VIOLENCE EVALUATION SENTENCING DATE

No contact with Victim(s)

LICENSE(S): ORDERED DEFENDANT'S DRIVER'S LICENSE SUSPENDED

Hunting

Fishing

Temporary

Days

Absolute

Consecutive to Existing Suspension

Begins on

FINES: ORDERED DEFENDANT PAY TO THE CLERK:

Count 1: \$ _____ Court Costs \$ _____ Suspends _____

Pay By _____

Count 2: \$ _____ Court Costs \$ _____ Suspends _____

Count 3: \$ _____ Court Costs \$ _____ Suspends _____

Count 4: \$ _____ Court Costs \$ _____ Suspends _____

Pay By Bond _____

Reimburse \$ for costs of Public Defender

Pay restitution \$ through Gooding County Magistrate Court

JAIL: ORDERED DEFENDANT TO BE INCARCERATED:

Count 1: _____ days Suspends _____ days DOC _____ days SERVE _____ days

Count 2: _____ days Suspends _____ days DOC _____ days SERVE _____ days

Count 3: _____ days Suspends _____ days DOC _____ days SERVE _____ days

Count 4: _____ days Suspends _____ days DOC _____ days SERVE _____ days

Credit for time served days Consecutive Concurrent Report to jail not later than:

WORK RELEASE

Hours Community Service Complete By

PROBATION: ORDERED Months on the following conditions:

First months probation supervised; then supervised in discretion of probation officer.

Reimburse this county \$40.00 per month in advance for the cost of probation services.

Violate no federal, state, or local laws, except traffic infractions.

Maintain liability insurance on any vehicle that you drive.

Do not operate a motor vehicle with any alcohol in your blood.

Do not consume alcoholic beverages; illegal substances; have them in your possession or be where they are present.

Submit to alcohol/drug test requested of you by a peace officer, probation officer, or drug/alcohol counselor.

Successfully attend court alcohol school at your expense on the next date it is available.

Complete programs as required by probation office.

Notify the court in writing, of any change of address within 10 days of the change.

Pay all fines, costs, restitution and reimbursements.

Comply with standard conditions of probation.

COURT ADDRESSES NEW CHARGES AND WARRANTS FROM OTHER COUNTIES

STATE RECOMMENDATIONS

Court informing 75000 CLS and no alcohol

on drugs if bond out

42 Days to Appeal

DISTRICT COURT
GOODING CO. IDAHO

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

FILED
2016 AUG 31 PM 1:39

GOODING COUNTY CLERK

BY: Erica Loden
DEPUTY

STATEMENT OF RIGHTS AND IMMIGRATION STATUS

If you are not a citizen of the United States and you plead guilty or are found guilty of any criminal offense, this could have immigration consequences to include your deportation from the United States, your inability to obtain legal status in the United States, or denial of an application for United States citizenship.

I acknowledge that I have read this statement of rights and fully understand its content.

Date: _____

Signed: _____

Defendant

2016 AUG 31 PM 1:39

GOODING COUNTY CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, Loden
GOODING COUNTY, MAGISTRATE DIVISION

STATE OF IDAHO,

VS.

Cesar A. Lopez
Defendant.

CASE NO. _____

**STATEMENT OF DEFENDANT'S RIGHTS IN FELONY CASES: INITIAL OR CHECK EACH
PARAGRAPH BELOW.**

- CC 1. You have the right to remain silent; any statement you make can be used against you. You cannot be compelled to incriminate yourself.
- CC 2. You have the right to bail. The amount and type of bail or release on your own recognizance is determined by the Judge after considering factors provided by law.
- CC 3. You have the right to have an attorney represent you at all stages of these proceedings; if you are poor and unable to afford counsel, you may apply to the Court for the appointment of an attorney to represent you at public expense.
- CC 4. You have the right to a preliminary hearing within fourteen (14) days of this date if you are being held in custody or within twenty-one (21) days if you are not being held in custody. A preliminary examination is a hearing to determine if an offense has been committed and if there is probable cause to believe that you committed the offense. If you waive your right to a preliminary hearing, you will be ordered to appear in the District Court and answer the charge(s) pending against you.
- CC 5. You cannot enter a plea to the charge(s) at your appearance in Magistrate Court but you may enter a plea of guilty or not guilty at the time you are arraigned in District Court.
- CC 6. If you plead NOT GUILTY at your District Court arraignment, the Court will set a trial date and you or your attorney will be notified of that date.
- CC 7. You have the right to a jury trial, or you may waive the jury and have the matter tried before the Court. At the trial the prosecution has to prove you guilty beyond a reasonable doubt. Any guilty verdict by a jury must be unanimous.
- CC 8. You have the right to confront or ask questions of any witness who testifies against you, and to compel the attendance of witnesses to testify on your behalf at no expense to yourself.
- CC 9. If you plead GUILTY in District Court, you waive or give up all of the above rights and you waive or give up any defenses you may have to the complaint filed against you.
- CC 10. If you plead GUILTY in District Court, the Court will set a date for sentencing at which time you will be given an opportunity to make a statement by way of explanation or mitigation.
- CC 11. In addition to any fine imposed by the Court upon a conviction, there are court costs.
- CC 12. You have the right to appeal any conviction or sentence of the District Court to the Idaho Supreme Court. The appeal must be filed within forty-two (42) days after the judgment of conviction is entered.

I acknowledge that I have read this statement, or had it read to me, and fully understand its contents.

Dated this _____ day of _____ 20____.

Cesar A. Lopez
Defendant.

Revised 01-22-01

DISTRICT COURT
GOODING, CALIFORNIA
FILED

ORDER APPOINTING PUBLIC DEFENDER

Erica Loden
Deputy Clerk

DISTRICT COURT
GOODING CO. IDAHO
FILED

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

2016 SEP -1 AM 10:31

GOODING COUNTY CLERK

BY: Erica Loden

DEPUTY

CASE# CR-2016-1473
JUDGE: Casey Robinson presiding

DATE: 09/01/16
CLERK: Erica

Mag2016
Preliminary Hearing

State of Idaho
vs
Cesar Gabriel Castrejon

Chief Deputy Prosecuting attorney: Trevor Misseldine
Defense attorney: Phillip Brown

8:33.27 Court calls case at time noted

8:33.32 defense counsel Phil Brown informs the Court that he has just been appointed to his Client yesterday and has not had a chance to review all the Discovery, request to have this matter continued.

8:34.20 The Court addresses the defendant about waiving speed trial

8:34.27 Defendant states yes

The Court will reset this matter for a Preliminary Hearing on Thursday September 15, 2016 at 8:30 am

8:34.42 End of Minutes

Attest: *Erica Loden*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

2016 SEP 15 PM 12:44

GOODING COUNTY CLERK

MAGISTRATE DIVISION

BY: ANGIE FAGER
DEPUTY

CR-2016-0001473

State of Idaho vs. Cesar Gabriel Castrejon

Hearing type: Preliminary
Time: 11:21 AM
Courtroom: District
Defense Attorney: Philip Brown

Hearing date: 9/15/2016
Judge: Casey Robinson
Minutes Clerk: Angie Fager
Prosecutor: Kathleen Arnold

- 11:21 Court calls case at time noted
- 11:21 defense counsel Motions for the exclusion of any witnesses
The Court grants Motions and Orders for all witness to exit the Courtroom and not discuss this matter
- 11:21 State calls Officer Chris Knott to the stand
11:22 Officer Chris Knott is sworn in by the Clerk
- 11:22 DIRECT EXAMINATION BY THE STATE to Officer Chris Knott
11:25 State asks the record reflect witness has identified defendant. Record so reflects.
11:31 Objection – relevance. State addresses reason for question. Court doesn't see relevance. Move on to next question.
- 11:33 CROSS EXAMINATION BY DEFENSE COUNSEL Phil Brown to Officer Chris Knott
- 11:34 no further questions by either party, Officer Chris Knott steps down
- 11:34 State calls Deputy Sabrina Becker to the stand
11:35 Deputy Sabrina Becker is sworn in by the Clerk
- 11:35 DIRECT EXAMINATION BY THE STATE to Deputy Sabrina Becker
11:38 State asks the record reflect witness has identified defendant. Record so reflects.
11:38 Objection – hearsay. Court will allow.
- 11:42 CROSS EXAMINATION BY DEFENSE COUNSEL Phil Brown to Deputy Sabrina Becker
- 11:45 no further questions by either party, Deputy Sabrina Becker step down
- 11:46 State rest
11:46 No witnesses from the defense

11:46 State submits with closing arguments

11:46 Arguments by defense counsel Phil Brown

11:48 based upon the testimony present today , the Court finds that the State has met their burden approve, binds Mr. Castrejon over to District court on count # 1,{F} Battery-unlawful touching or striking an officer and count #2 ,{F} Battery-unlawful touching or striking an officer , **Arraignment is set in District Court on Tuesday October 11 , 2016 at 9:00am**

11:48 Court calls recess – End of minutes

Attest: *Angie Fager*
Angie Fager – Deputy Court Clerk

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

2016 SEP 15 PM 12:43

GOODING COUNTY CLERK

BY: ANGIE FAGER
DEPUTY

STATE OF IDAHO

Plaintiff

vs

CESAR GABRIEL CASTREJON

Defendant

Case No. CR-2016-0001473

ORDER HOLDING DEFENDANT TO
ANSWER TO DISTRICT COURT

☐ Defendant having freely, knowingly and voluntarily waived a preliminary hearing and said waiver is under the advice of legal counsel; I order that the defendant be held to answer to the charge(s) of _____

_____ in the District Court.

☒ From the evidence presented, I find that the public offense(s) of _____

CH I Battery on a Police Officer / Sheriff

CH II Battery on a Police Officer / Sheriff

has/have been committed and there is probable or sufficient cause to believe the defendant is guilty thereof. I order that the defendant be held to answer to the charge(S) in the District court

☐ Bail set at _____

☐ Defendant is released on his/her own recognizance

Date Sept 15-16


Magistrate Judge

DISTRICT COURT
GOODING COUNTY, IDAHO
FILED

JOSEPH F. JAMES
Gooding County Public Defender
I.S.B. No. 5771
PHILIP A. BROWN
Gooding County Deputy Public Defender
I.S.B. No. 3844
130 Fourth Avenue West
Gooding, Idaho 83330
Telephone: (208) 934-8185
Facsimile: (208) 934-4101

2016 SEP 20 PM 3:33

BY: ANGIE FAGER


Attorneys for Defendant

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

STATE OF IDAHO,)	
	)	Case No. CR2016-1473
Plaintiff,)	
	)	MOTION FOR PRELIMINARY HEARING
vs.	)	TRANSCRIPT
)	
CESAR CASTREJON,)	
)	
Defendant.)	
_____)	

COMES NOW, Cesar Castrejon, by and through Philip A. Brown, his attorney of record, of Brown & James, and moves this Court for its Order for the preparation and production of a written transcript of the preliminary hearing held on the 15th day of September, 2016, before the Honorable Judge Casey Robinson. It is requested that said transcript be prepared and produced at County expense, and that the time for filing Rule 12(b) motions shall begin upon the lodging of the preliminary hearing transcripts.

DATED this 20th day of September, 2016.

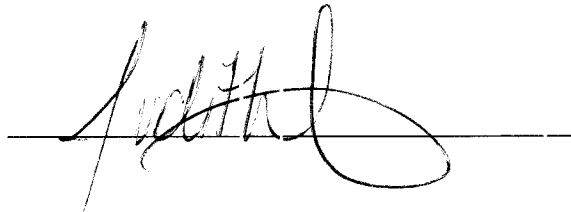

Philip A. Brown
Gooding County Deputy Public Defender

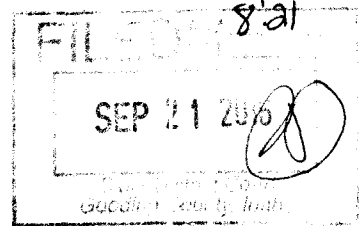
CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 2016, I served a true and correct copy of the foregoing document upon the following persons in the manner indicated:

Luverne Shull
Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

<input type="checkbox"/>	United States Mail, Postage Prepaid
<input type="checkbox"/>	Express overnight delivery
<input checked="" type="checkbox"/>	Hand delivered
<input type="checkbox"/>	Via facsimile transmission

A handwritten signature in dark ink, appearing to read 'Luverne Shull', is written over a horizontal line.



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

STATE OF IDAHO,

Plaintiff,

vs.

CESAR CASTREJON,

Defendant.

Case No. CR2016-1473

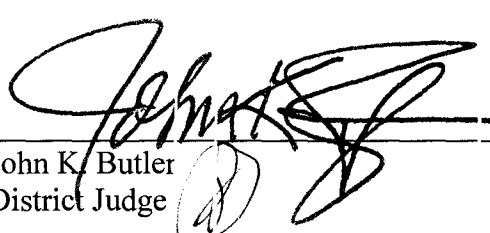
ORDER FOR PREPARATION OF
TRANSCRIPT

The Defendant's motion for preliminary hearing transcript having come before the Court,
being fully advised in the premises, and finding good cause therefore;

IT IS HEREBY ORDERED, that a transcript of the preliminary hearing on the 15th day of
September, 2016, be prepared and produced at County expense.

IT IS FURTHER ORDERED, that the time for filing Rule 12(b) motions shall begin upon
the lodging of the preliminary hearing transcripts.

DATED this 21st day of September, 2016.


John K. Butler
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of September, 2016, I served a true and correct copy of the foregoing document upon the following persons in the manner indicated:

Luverne Shull
Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

____ United States Mail, Postage Prepaid
____ Express overnight delivery
____ X Hand delivered
____ Via facsimile transmission

Philip A. Brown
Brown & James
130 Fourth Ave. West
Gooding, ID 83330

____ United States Mail, Postage Prepaid
____ Express overnight delivery
____ X Hand delivered
____ Via facsimile transmission



Deputy Clerk

Ruth Petruzzelli

From: Judge Butler <jbutler@co.jerome.id.us>
Sent: Wednesday, September 21, 2016 08:19 AM
To: Ruth Petruzzelli
Subject: RE: Motion and order for preliminary hearing transcript-CR 2016-1473

Ok to use my stamp to sign the prelim transcript order. Print email to file. Judge B.

From: Ruth Petruzzelli [<mailto:rpetruzzelli@co.gooding.id.us>]
Sent: Tuesday, September 20, 2016 4:02 PM
To: Judge Butler
Subject: Motion and order for preliminary hearing transcript-CR 2016-1473

Ruth Petruzzelli, Deputy Clerk
Gooding County District Court
Fifth Judicial District-State of Idaho
rpetruzzelli@co.gooding.id.us
(208)934-4861
(208-934-4408 Fax

LUVERNE E. SHULL, Prosecuting Attorney ISBN 5477
Kathleen R. Arnold, Deputy ISBN 8716
Brendan L. Ash, Chief Deputy ISBN 9498
P. O. Box 86/624 Main Street
Gooding, Idaho 83330
Telephone (208) 934-4493
Facsimile (208) 934-4494

DISTRICT COURT
GOODING CO IDAHO
FILED

2016 SEP 28 PM 12:25

GOODING COUNTY CLERK

BY: ROSA COTA
DEPUTY

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

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. : CR-2016-1473
)	
v.	)	INFORMATION
)	
CESAR GABRIEL CASTREJON,)	
DOB: [REDACTED])	
SSN/OLN: [REDACTED])	
Defendant.)	

COMES NOW, Brendan L. Ash, Gooding County Deputy Prosecutor, in and for the County of Gooding, State of Idaho, who in the name and by the authority of said State prosecutes in its behalf, comes now into District Court of the County of Gooding, and states that the above-named defendant is accused by this Information of the crimes of Battery on a Police/Peace Officer, or Sheriff, two counts, felonies,, said crimes being committed as follows:

INFORMATION

-1-

ORIGINAL
24

COUNT I
BATTERY ON A POLICE/PEACE OFFICER, OR SHERIFF
Felony, Idaho Code §§ 18-915(3) and 18-903

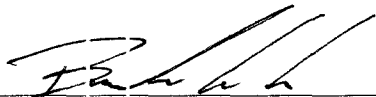
That the Defendant, CESAR GABRIEL CASTREJON, on or about the 31st day of August, 2016, in the County of Gooding, State of Idaho, did actually, intentionally, and unlawfully, touch and/or strike the person of Officer Chris Knott, against his will by striking him in the face, where the Defendant knew or had reason to know that Officer Chris Knott, Gooding Police Department, was a former or present peace officer, sheriff, or police officer and did commit said battery while Officer Chris Knott was engaged in the performance of his duties in violation of Idaho Code §§ 18-915(3) and 18-903.

COUNT II
BATTERY ON A POLICE/PEACE OFFICER, OR SHERIFF
Felony, Idaho Code §§ 18-915(3) and 18-903

That the Defendant, CESAR GABRIEL CASTREJON, on or about the 31st day of August, 2016, in the County of Gooding, State of Idaho, did actually, intentionally, and unlawfully, touch and/or strike the person of Deputy Sabrina Becker against her will by kicking her multiple times in her knee, where the Defendant knew or had reason to know that Deputy Sabrina Becker, Gooding County Sheriff's Office, was a former or present peace officer, sheriff, or police officer and did commit said battery while Deputy Sabrina Becker was engaged in the performance of her duties in violation of Idaho Code §§ 18-915(3) and 18-903.

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.

Dated this 28 day of September, 2016.



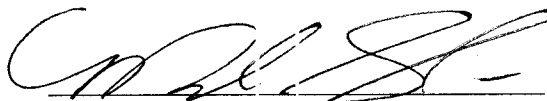
Brendar L. Ash
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

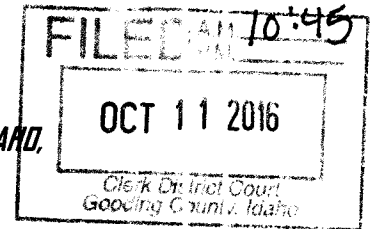
I HEREBY CERTIFY that on the 28 day of September, 2016, I served a true and correct copy of the foregoing Information by the method indicated below, and addressed to the following:

Philip A. Brown
Attorney at Law
130 Fourth Avenue West
Gooding, Idaho 83330

☐ U.S. Mail
☒ Hand Delivered
☐ Overnight Mail
☐ Telecopy (FAX)



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



CR-2016-0001473

State of Idaho vs. Cesar Gabriel Castrejon

Hearing type: Arraignment

Hearing date: 10/11/2016

Time: 9:34 am

Judge: John Butler

Courtroom: Courtroom 1

Court reporter: Denise Schloder

Minutes Clerk: Ruth Petruzzelli

Tape Number: District Court

Defense Attorney: Philip Brown

Prosecutor: Luverne Shull

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

Mr. Ash is present on behalf of the State.

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

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

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

The Court schedules the following:

Jury Trial - 9:00 a.m. in Gooding County on Wednesday: January 11, 2017


Pretrial conference - 9:00 a.m. on Tuesday: December 13, 2016

Additional status conference scheduled for 10:30 a.m. Tuesday: November 1, 2016

The Court executes the Criminal pretrial order and copies will be delivered to counsel by the Clerk.

937-End Minute Entry.

Attest:


Ruth Petruzzelli
Deputy Clerk

8:21
OCT 12 2016
CLERK OF DISTRICT COURT
GOODING, IDAHO

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

STATE OF IDAHO,)
Plaintiff,)
vs.)
Cesar Gabriel Castrejon) Case No. CR-2016-1473
Defendant.)
)
)
)
)

**NOTICE OF (1) JURY TRIAL; (2) PRE-TRIAL CONFERENCE; (3) STATUS
CONFERENCE; (4) SCHEDULING ORDER; AND (5) DEFENDANT'S REQUESTS
FOR FINANCIAL ASSISTANCE, I.C. § 19-852(a)(2)**

PLEASE TAKE NOTICE that the above-entitled case is hereby set for a **JURY TRIAL**
to commence on the 1st day of January 2017 at 9:00 a.m. The trial shall be conducted at the
Gooding County Courthouse in Gooding, Idaho from 9:00 a.m. to 3:00 P.M. with two twenty
(20) minute breaks.

IT IS HEREBY ORDERED:

1. Discovery shall be expeditiously conducted by the parties in accordance with the
provisions of Idaho Criminal Rule (I.C.R.) 16. The court anticipates and expects that the parties
will timely disclose any and all actual or potential witnesses and/or exhibits at the earliest
opportunity in response to any Rule 16 discovery request.

2. All pretrial motions listed in I.C.R. 12 must be filed and heard in accordance with
the provisions and time requirements of I.C.R. 12. The preparation of any Preliminary Hearing
Transcript (Transcript) shall not be the reason for the failure to comply with the I.C.R.12
deadlines absent a factual or legal showing as to why the Transcript is necessary for the court's
consideration of the defendant's I.C.R. 12 motion. Any such motion filed shall set forth the

issues to be decided by the court and there shall be filed with the motion a memorandum/brief in support setting forth the legal basis/authority.

3. The court hereby sets a **STATUS CONFERENCE** for the 1st day of November 2016 at 10:30 a.m. Prior to the Status Conference the parties shall have confirmed with their respective witnesses the Jury Trial date and their availability for trial. In the event that a witness is unavailable for trial counsel shall advise the court as to the reason for the unavailability and how the witness's testimony is material for the trial. If a witness, is determined by a party to be unavailable for the scheduled trial date, [i.e. a lab technician, etc.] the parties shall be prepared to conduct a deposition of such witness in accordance with I.C.R. 15 in order to preserve the testimony of such witness for trial absent a showing of good cause as to why the personal attendance of the witness is necessary to preserve the substantial rights of the parties. The parties shall also be prepared to discuss the status of plea negotiations and any outstanding discovery or evidentiary issues.

4. Pursuant to I.C.R. 18, a formal **PRETRIAL CONFERENCE**, shall be held on the 13th day of December 2016 at 9:00 a.m.

a. The parties shall submit all proposed jury instructions, which include the elements, affirmative defenses, lesser included offenses and special verdict, together with the Exhibit List and Witness List, except exhibits or witnesses solely offered for the purpose of impeachment. Counsel shall retain the original of their respective exhibits. Any jury instruction submitted that is not a standard Idaho Criminal Jury Instruction (ICJI) shall be submitted with supporting legal authority.

b. If either party intends to introduce evidence covered by Idaho Rules of Evidence (I.R.E.) 404, 405, 406, 410, 412, 608, or 609, that party must disclose such evidence and file a Notice of Intent to offer such evidence at the earliest opportunity but not later than 14 days prior to the pretrial conference.

c. The parties at the time of the pretrial conference shall exchange with each other their exhibit and witness lists, except those exhibits and witnesses offered solely for the purpose of impeachment. The plaintiff shall pre-mark its exhibits beginning with Exhibit #101 and the defendant shall pre-mark his/her exhibits with Exhibit #201. Each party shall provide to the court copies of the pre-marked exhibits at the time of the pre-trial conference.

d. Prior to the pretrial conference the parties shall meet and confer to discuss the admissibility of exhibits proposed to be offered by the parties and each party shall stipulate to those exhibits that may be admitted without objection and any such exhibits so stipulated to shall be marked as admitted by the clerk of the court at the time of the pretrial conference.

e. No witness shall be permitted to testify at trial other than those disclosed at the pretrial conference except as to those who are determined to be impeachment witnesses.

f. No exhibits will be admitted into evidence at trial other than those disclosed, listed, and marked in accordance with this Order, except when offered for impeachment purposes.

g. Notices to prospective jurors will be mailed seven (7) days prior to the commencement of the trial. Any change of plea or dismissal entered after notification to the prospective jurors may result in either or both parties and/or their respective counsel being assessed the cost of postage, copies, and other court administrative expenses in sending the juror notices.

h. This Order shall control the subsequent course of action unless modified for good cause shown to prevent manifest injustice.

i. The Court may impose appropriate sanctions for any violation of this Order.

j. The Court will not grant continuances unless extraordinary circumstances exist and all parties waive their right to speedy trial.

5. In the event that the defendant seeks to apply to the court for the employment of an expert witness or investigator pursuant to I.C. § 19-852(a)(2), the defendant or his attorney, if he is represented, must file the following documents UNDER SEAL (I.A.R. RULE 32(i)) in support of any request for the expenditure of public funds:

a. A Motion which contains the following specifics:

A. The need for the expenditure of such funds;

B. The expert/investigator credentials, and IF the expert/investigator is not from Idaho, then why the specific out-of-state expert/investigator is necessary;

C. How travel and other expenses are to be billed/measured; and

D. A certification that the expenditure of public funds is appropriate to make available "necessary services and facilities of representation" in keeping with I.C. § 19-852(a)(2);

b. An accompanying Affidavit of the defendant or counsel, if the defendant is represented, which contains the following:

A. A specific estimate of the amount of public funds to be expended in terms of hours and the work to be performed, including estimated expenses, rather than a request "not to exceed" a certain amount;

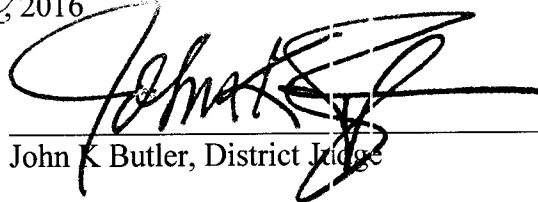
B. A certification that counsel has pursued the available market for experts/investigators and that the requested expert/investigator provides the most economical service available in his/her field; and

C. A certification that the expert/investigator will provide bills on a monthly basis for approval, with an affidavit or certification from the expert/investigator that specifies the work performed by the expert for that particular month.

c. The moving party shall present the judge with conformed copies of the motion and affidavit together with a proposed order. The original motion, affidavit and proposed order may be filed/served ex parte with the court and shall be filed UNDER SEAL with the court.

IT IS SO ORDERED.

DATED this 12 day of October, 2016



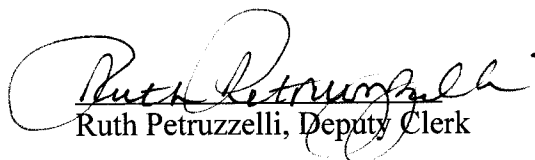
John K. Butler, District Judge

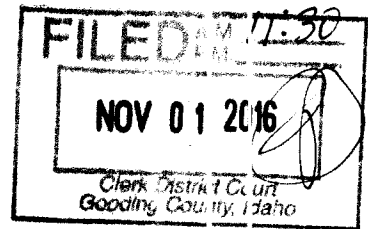
CERTIFICATE OF MAILING/DELIVERY

I, undersigned, hereby certify that on the 12 day of October, 2016, a true and correct copy of the foregoing NOTICE OF (1) JURY TRIAL; (2) PRE-TRIAL CONFERENCE; (3) STATUS CONFERENCE; (4) SCHEDULING ORDER; AND (5) DEFENDANT'S REQUESTS FOR FINANCIAL ASSISTANCE, I.C. § 19-852(a)(2) was mailed, postage paid, and/or hand-delivered to the following persons:

Luverne Shull
Gooding County Prosecuting Attorney
Court box

Philip Brown
Attorney at Law
Court box


Ruth Petruzzelli, Deputy Clerk



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

CR-2016-0001473
State of Idaho vs. Cesar Gabriel Castrejon
Hearing type: Status
Hearing date: 11/1/2016
Time: 10:48 am
Judge: John Butler
Courtroom: 1
Court reporter: Denise Schloder
Minutes Clerk: Ruth Petruzzelli
Tape Number: District Court
Defense Attorney: Philip Brown
Prosecutor: Luverne Shull

Court calls case at time noted above, confirms the true and correct name of the defendant, who is also present personally (Incarcerated), with counsel, Mr. Brown.
Mr. Ash is present on behalf of the State.

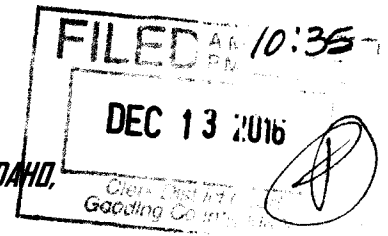
At this time trial is proceeding. There aren't any evidentiary or witness issues.

10:51-End Minute Entry.

Attest:


Ruth Petruzzelli

*IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF GOODING
District Court Criminal Minute Entry
Pretrial Conference*

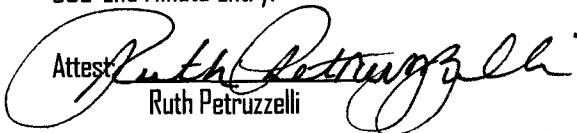


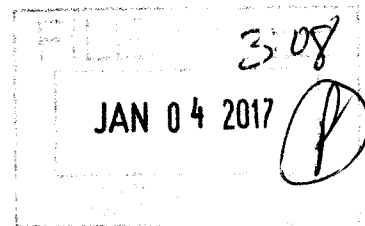
CR-2016-0001473
State of Idaho vs. Cesar Gabriel Castrejon
Hearing type: Pretrial Conference
Hearing date: 12/13/2016
Time: 9:27 am
Judge: John Butler
Courtroom: Courtroom 1
Court reporter: Denise Schloder
Minutes Clerk: Ruth Petruzzelli
Tape Number: District Court
Defense Attorney: Philip Brown
Prosecutor: Matt Pember

Court calls case at time noted above, confirms the true and correct name of the defendant, who is also present personally (Incarcerated), with Counsel, Mr. Brown.
Mr. Ash is present on behalf of the State.
Parties don't feel that they will be reaching a resolution.

Clerk to summons 65 jurors, there will be 7 peremptories a side, Voir dire 30 minutes a side.
Jury instructions due to the Court by: January 5, 2017
State will mark their exhibits beginning with 101
Defense will mark their exhibits beginning with 201
Final Status- January 10 @ 9:00 a.m.

930-End Minute Entry.

Attest: 
Ruth Petruzzelli



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

THE STATE OF IDAHO,

Plaintiff,

vs.

CESAR CASTREJON,

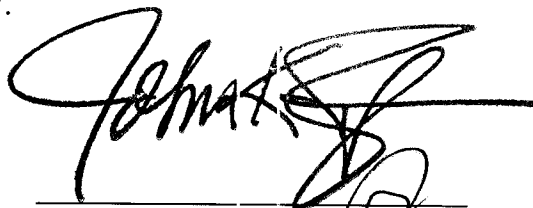
Defendant.

Case No. CR 2016-1473

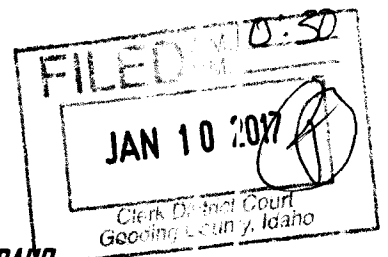
ORDER TO TRANSPORT

IT IS HEREBY ORDERED, that the above-named Defendant, Cesar Castrejon, be transported by the Sheriff of Gooding County from the Mini-Cassia County Jail, in Burley, Idaho, to the Gooding County Jail in Gooding, Idaho, by Friday, January 6, 2017 and to be returned after the completion of his jury trial.

DATED this 4 day of January, 2017.



John K. Butler
District Judge



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

CR-2016-0001473
State of Idaho vs. Cesar Gabriel Castrejon
Hearing type: Final Status
Hearing date: 1/10/2017
Time: 9:03 am
Judge: John Butler
Courtroom: Courtroom 1
Court reporter: Denise Schloder
Minutes Clerk: Ruth Petruzzelli
Tape Number: District Court
Defense Attorney: Philip Brown
Prosecutor: Matt Pember

Court calls case at time noted above, confirms the true and correct name of the defendant, who is also present personally (Incarcerated), with Counsel Mr. Brown
Mr. Ash present on behalf of the State.

904-Mr. Brown explains issues. The defendant wasn't transported Friday as he requested and wasn't able to view the visual recording of the stop. Mr. Brown requests continuance.
Recording was provided to Mr. Brown September 22.
Court denies request to continue.

907-After further discussion Court vacates trial for January 11th and moves to January 18th.

907-End Minute Entry.

Attest:


Ruth Petruzzelli

JOSEPH F. JAMES
Gooding County Public Defender
I.S.B. No. 5771
PHILIP A. BROWN
Gooding County Deputy Public Defender
I.S.B. No. 3844
130 Fourth Avenue West
Gooding, Idaho 83330
Telephone: (208) 934-8185
Facsimile: (208) 934-4101

JAN 17 2017

Bayer

Attorneys for Defendant

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

STATE OF IDAHO,)	
)	
	)	Case No. CR2016-1473
Plaintiff,)	
	)	PLEA AGREEMENT
vs.	)	(I.C.R. RULE 11(f)(1)(C),(D))
)	
CESAR CASTREJON,)	
)	
)	
Defendant.)	

COMES NOW, the above named Defendant, Cesar Gabriel Castrejon, Defendant's attorney of record, Philip A. Brown, and Brendan L. Ash, Gooding County Deputy Prosecuting attorney, and hereby make and entering in to the following plea agreement pursuant to Rule 11 of the Idaho Criminal Rules:

1. The parties have negotiated a plea agreement regarding the disposition of the case now pending against the Defendant and this agreement is stated in its entirety in this agreement and there exists no other agreement between the parties.

2. The Defendant has been informed by his attorney and in open Court of his constitutional rights in the above entitled case.

3. The Defendant has received and read a copy of the Information and understands the nature of the charges made against him. The Defendant has told his attorney all he knows about the matter referred to in the Information.

4. The Defendant's attorney has explained to Defendant the nature of the charges against him, his constitutional rights, and the maximum punishment that could be imposed by the Court upon Defendant's plea of guilty. A conviction under Count I, Battery-Unlawful Touching or Striking of a Law Enforcement Officer, I.C. §18-903 and 18-915(3) is a felony. The Defendant has been informed that the Court can impose a punishment of imprisonment in the state prison not to exceed five (5) years or by a fine not to exceed fifty thousand dollars (\$50,000) or both such fine and imprisonment.

5. The Defendant's decision to plead guilty is freely and voluntarily made. The Defendant is entering his plea pursuant to North Carolina vs. Alford, 40 US 25(1970), and the plea offer pursuant to I.C.R. Rule 11. It is expressly and particularly understood and agreed by and between the parties that the Defendant is entering this plea in order to take advantage of a favorable plea agreement. The Defendant acknowledges that a jury could return a verdict of guilty upon the evidence presented at trial and it would be to his advantage to accept the sentencing plea agreement offered by the State. The Defendant wishes to avail himself of the agreement and allow him to plead guilty to Count I of the Information and that the State will dismiss the remaining charges and a new case involving Injury to Jail filed in Gooding County. The Defendant has not been induced to plead guilty by any force or coercion, pressure, and fear or promised anything in exchange for the plea other than what is contained in this written agreement.


6. The Defendant's plea of guilty is made in part pursuant to Idaho Criminal Rule 11(f)(1)(C) and (D). More specifically, the State has agreed to recommend a sentence for Count I Battery-Unlawful Touching or Striking a Law Enforcement Officer of two (2) years fixed and three (3) years indeterminate for a maximum sentence of five (5) years if the pre-sentence investigation recommends probation the State will have no objection to the Defendant being placed on probation. Otherwise the State will limit its recommendation to a retained jurisdiction recommendation and with the Defendant successfully completes the retained jurisdiction to a recommendation of three (3) years' probation. The Defendant will be responsible for payment of restitution to the victim pursuant to I.C. §19-5304 for all counts contained in the Information. The Defendant will also obtain a substance abuse evaluation and follow the recommendations

of said evaluation. The Defendant also stipulates to the admission of blood, urine, or breath test results at any probation hearing in lieu of live testimony. The Court may accept or reject this part of the plea agreement and may defer its decision to accept or reject this agreement pending consideration of the pre-sentence report.


7. Defendant understands that if the Court accepts that portion of this plea agreement made pursuant to Idaho Criminal Rule 11(f)(1)(C) and 11(f)(1)(C) and (D), it will implement the disposition provided for in the plea agreement. If the Court rejects the plea agreement, it shall advise the Defendant personally in open Court that the Court cannot follow the plea agreement and afford the Defendant the opportunity to then withdraw his guilty plea if previously entered.

8. The Defendant has read and understands the contents of this plea agreement. The Defendant is not under the influence of any substance, such as a narcotic, alcohol, or prescription medication that would affect his ability to understand the nature and consequences of his actions in entering into this plea agreement.

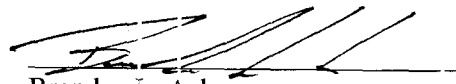
Dated this 17th day of January, 2017.


Cesar Castrejon
Defendant

Dated this 17th day of January, 2017.


Philip A. Brown
Attorney for the Defendant

Dated this 17 day of January, 2017.


Brendan L. Ash
Deputy Prosecuting Attorney

DISTRICT COURT OFFER-PLEA AGREEMENT

Defendant: Cesar Gabriel Castrejon Case No. CR-2016-1473

Defense Attorney: Phil Brown Offer Expires: 1/13/2017

Filed Charges: Count I: Battery-Unlawfully Touching or Striking of a Law Enforcement Officer
Count II: Battery-Unlawfully Touching or Striking of a Law Enforcement Officer

The State makes the following offer and the Defendant agrees to the following terms:

Amend: _____

x Plead to: Count I

x Dismiss(**): Count II

x Jail/Prison terms(*): 2 years fixed and 3 years indeterminate, retained jurisdiction

x Fine: Court's discretion

x Terms of Probation: 3 years

Community Service: _____

Driver's License Suspension: _____

x Restitution for crime victims pursuant to I.C. 19-5304: all counts including dismissed

Restitution to "law enforcement agencies" as outlined in I.C. 37-2732 (k)

x Defendant to obtain substance abuse evaluation and follow the recommendations

x Defendant stipulates to the admission of blood, urine, or breath test results at any probation hearing in lieu of live testimony.

No Contact Order with: _____

Defendant to testify truthfully at trial of: _____

x Special Terms: If PSI recommends probation, state will not object to PSI recommendation.

(*) On this term, the Defense may argue for whatever it feels is appropriate.

(**) The parties agree that the State is free to argue, and the Court is free to consider any dismissed and/or unfilled charge(s) in aggravation at sentencing.

Terms of Offer:

- This offer is contingent upon the Defendant waiving preliminary hearing on all filed charges.
- The State may alter the above sentencing recommendation after this offer is accepted if:
 1. There are new criminal charges or probation/parole violations filed against this Defendant.
 2. The Defendant has additional juvenile or adult convictions beyond those provided in discovery.
 3. The Defendant fails to appear for any scheduled court hearing in this case, or any other criminal case pending against the Defendant, or fails to comply with any court order.
 4. The Defendant, after entering a guilty plea, moves to withdraw the guilty plea.
- Pursuant to Idaho law, the parties stipulate that it is not "double jeopardy" for the court to consider prior convictions in aggravation at sentencing.
- This offer constitutes the entire agreement between the State and the Defendant concerning the disposition of the above criminal charge(s), and can only be modified in writing, signed by the State and the Defendant. This offer is not a resolution of any offense outside the boundaries of Gooding County, Idaho.

Brendan L. Ash, Deputy Prosecuting Attorney

1/12/2017
Date

I have read the offer, I understand it, and I accept the offer on the above-stated terms.

Defendant

Date

DISTRICT COURT
GOODING CO. IDAHO
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF GOODING
District Court Criminal Minute Entry
Change of Plea**

2017 JAN 17 PM 3:40

GOODING COUNTY CLERK

BY: ANGIE FAGER
DEPUTY

CR-2016-0001473

State of Idaho vs. Cesar Gabriel Castrejon

Hearing type: Change of Plea
Time: 11:09 AM
Courtroom: District
Minutes Clerk: Angie Fager
Prosecutor: Brendan Ash

Hearing date: 1/17/2017
Judge: John Butler
Court reporter: Denise Schloder
Defense Attorney: Philip Brown

11:09:19 Court calls case at time noted above, confirms the true and correct name of the defendant, who is also present personally (Incarcerated)

Change of Plea: 01/17/2017

11:09:25 Court has reviewed Rule 11 Agreement. Before proceeding, Court questions both Counsel.

11:10:29 State answers Court's concern.

11:11:12 Mr. Brown addresses conversation had with Mr. Pember.
Discussion over rule.

11:14:56 Court advises Counsel of concern as to whether it is in District's Jurisdiction.

11:15:47 There is no motion presented to the Court but, Per the way the Counts 1 & 2 as unlawful touching and/or striking -- feels does not have jurisdiction over these charges. Court will remand back to Magistrate Court for further proceedings.
Court to prepare the Order

11:17:31 Mr. Brown questions the transport order. Discussion over a summons issued for Monday Morning.

11:17 End Minute Entry.

Attest:


Angie Fager

2017 JAN 17 AM 11: 59


BY: ANGIE FAGER
DEPUTY

Defendant.

)
)
)
)
)
)
)
)
)

Case No. CR-2016-1473

DATED this 17 day of Jan., 2017.

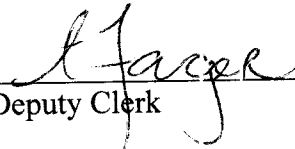

John K. Butler, District Judge

CERTIFICATE OF MAILING/DELIVERY

I, undersigned, hereby certify that on the 17 day of January 2017, a true and correct copy of the foregoing ORDER FOR REMAND was mailed, postage paid, and/or hand-delivered to the following persons:

GOODING COUNTY PROSECUTOR

PHILIP BROWN


Deputy Clerk

CLERK OF DISTRICT COURT
 GOODING COUNTY, IDAHO
 FILED

LAWRENCE G. WASDEN
 Attorney General
 State of Idaho

2017 JAN 18 PM 4:45

GOODING COUNTY CLERK

PAUL R. PANTHER
 Deputy Attorney General
 Chief, Criminal Law Division

BY: ANGIE FAGER
 DEPUTY

KENNETH K. JORGENSEN
 Idaho State Bar #4051
 Deputy Attorney General
 P. O. Box 83720
 Boise, Idaho 83720-0010
 (208) 334-4534
 Email: ecf@ag.idaho.gov

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

STATE OF IDAHO,	)	District Court No. CR-2016-1473
)	
Plaintiff-Appellant,	)	Supreme Court No.
)	
vs.	)	NOTICE OF APPEAL
)	
CESAR GABRIEL CASTREJON,)	
)	
Defendant-Respondent.)	
)	

TO: CESAR GABRIEL CASTREJON, THE ABOVE-NAMED
 RESPONDENT, PHILIP ALAN BROWN, BROWN & JAMES LAW OFFICE, 130
 4th AVENUE WEST, GOODING, IDAHO 83330 AND THE CLERK OF THE
 ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, State of Idaho, appeals against the
 above-named respondent to the Idaho Supreme Court from the ORDER FOR
 REMAND, entered in the above-entitled action on the 17th day of January, 2017,

the Honorable John K. Butler presiding. A copy of the judgment or order being appealed is attached to this notice.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11(c)(5), I.A.R.

3. Preliminary statement of the issue on appeal: Whether the district court erred by concluding that the Information filed in this case charged a misdemeanor.

4. To undersigned's knowledge, no part of the record has been sealed.

5. The appellant requests the preparation of the following portions of the reporter's transcript:

Change of Plea Hearing held 1/17/17 (Denise Schلودer, court reporter; estimate of pages unknown).

6. Appellant requests the normal clerk's record pursuant to Rule 28, I.A.R.

7. I certify:

(a) That a copy of this notice of appeal is being served on each reporter of whom a transcript has been requested as named below at the address set out below:

DENISE SCHLODER
Jerome County District Court
233 W. Main
Jerome, ID 83338

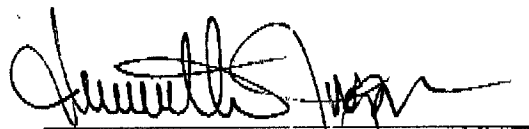
(b) That arrangements have been made with the Gooding County Prosecuting Attorney who will be responsible for paying for the reporter's transcript;

(c) That the appellant is exempt from paying the estimated fee for the preparation of the record because the State of Idaho is the appellant (Idaho Code § 31-3212);

(d) That there is no appellate filing fee since this is an appeal in a criminal case (I.A.R. 23(a)(8));

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

DATED this 18th day of January, 2017.


KENNETH K. JORGENSEN
Deputy Attorney General
Attorney for the Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 18th day of January, 2017, caused a true and correct copy of the foregoing NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

THE HONORABLE JOHN K. BUTLER
Jerome County District Court
233 W. Main
Jerome, ID 83338

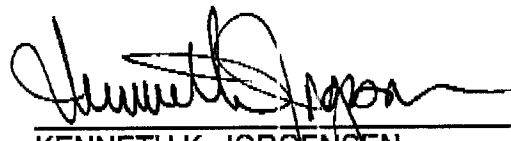
MATT PEMBER
Gooding County Prosecuting Attorney
PO Box 86
Gooding, Idaho 83330

PHILIP ALAN BROWN
Brown & James Law Office
130 4th Avenue West
Gooding, ID 83330

DENISE SCHLODER
Jerome County District Court
233 W. Main
Jerome, ID 83338

HAND DELIVERY

STEPHEN W. KENYON
CLERK OF THE COURT
IDAHO SUPREME COURT
P. O. Box 83720
Boise, ID 83720-0101


KENNETH K. JORGENSEN
Deputy Attorney General

KKJ/dd

DISTRICT COURT
GOODING CO. IDAHO
FILED

2017 JAN 17 AM 11:59

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

BY: ANGIE FAGER
DEPUTY

STATE OF IDAHO,

Plaintiff,

vs.

CESAR GABRIEL CASTREJON,

Defendant.


Case No. CR-2016-1473

ORDER FOR REMAND

The Court, on its own motion, hereby remands the above entitled matter back to magistrate court for lack of jurisdiction. The offenses, as charged, are misdemeanor offenses.

IT IS SO ORDERED.

DATED this 17 day of Jan, 2017.


John K. Butler, District Judge

CERTIFICATE OF MAILING/DELIVERY

I, undersigned, hereby certify that on the 17 day of January, 2017, a true and correct copy of the foregoing ORDER FOR REMAND was mailed, postage paid, and/or hand-delivered to the following persons:

GOODING COUNTY PROSECUTOR

PHILIP BROWN

A. J. [Signature]
Deputy Clerk

STATE OF IDAHO
Office of the Attorney General
Criminal Division
P.O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534
FAX Number: (208) 854-8074

Transmittal Cover

DATE: 1/18/17

GOODING County Clerk
FAX: (208) 934-4408

FROM: Victoria Rutledge, Paralegal
Kenneth K. Jorgensen, Deputy Attorney General
Attorney General's Office, Criminal Division
(208) 332-3545

RE: Notice of Appeal
State v. Cesar Gabriel Castrejon
District Court # CR-2016-1473
Supreme Court #

Total Number of Pages (Including This Page): 7

****Please fax a conformed copy of this document to my attention as soon as possible so that I can have it for my records.****

Thank you!
Victoria

FAX Number: (208) 854-8074

Please advise of any deficiency in this transmission - (208) 332-3545

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

2017 JAN 19 AM 9:06

MAGISTRATE DIVISION

GOODING COUNTY CLERK

CASE # CR-17-35
CR-16-1473
JUDGE: Robinson

DATE: 1/19/17
CLERK: A. Fager

ANGIE FAGER
TIME: 8:40:53
DEPUTY
8:44:20

STATE OF IDAHO

Attorney: Shull / Arnold / Ash

Vs.

Cesar Gabriel Castrejon Attorney: Opte James

Offense: Injuring Jail - CR-17-35 Interpreter: _____

X Battery x2 CR-16-1473
X Appeared in Person Bond Set \$ _____ OR Release

_____ Failed to Appear _____ Warrant Issued _____ Bond Forfeited

X Rights Given _____ Rights Form signed X Rights Understood

X Penalties Given X Penalties Understood

Counsel: _____ Waived X PD Appointed _____ May Reimburse _____ PD Denied _____ Hire Own

_____ Plead Guilty _____ Accepted by Court _____ Sentencing Set _____

_____ Plead Not Guilty _____ Waive Jury Trial _____ Pre-Trial Conference

CR-17-35 X Preliminary Hearing Set 2/16 8:30 Court / Jury Trial Set _____

_____ Sentenced: _____ Days Jail _____ Suspended Credit _____ Days Time Served

_____ Fine \$ _____ + Costs _____ Suspended \$ _____ Pay by _____

_____ Driver's License Suspended _____ Days _____ Absolute _____ Begins _____

_____ Supervised Probation at Discretion of Probation Office

_____ Unsupervised Probation _____

Probation Terms: _____ Violate no Laws, _____ Maintain Liability Insurance, _____ No Alcohol

_____ No Drinking and driving, _____ Random BBU, _____ Submit to Requested Tests,

_____ Attend Alc School, _____ COA/10 days _____ Reimburse County/Probation Service

_____ Pay All Fines, Costs, Restitution

_____ Other terms set by probation _____ Comply w/ Eval _____ Hrs. Community Service

_____ Other _____

16-1473 - note of appeal. State addresses this is based on the remand. Court reads appeal. Stamp. Set Status
42 Days to Appeal _____ Seal Evaluation in File for Feb 16 8:30
CR-17-35 - State represents

PHILIP A. BROWN
BROWN & JAMES
130 Fourth Avenue West
Gooding, Idaho 83330
Telephone (208) 934-8185
Facsimile (208) 934-4101
Idaho State Bar No. 3844

2017 JAN 27 PM 2:31

GOODING COUNTY CLERK

BY: ANGIE FAGER
CLERK

Attorneys for Defendant/Respondent.

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

THE STATE OF IDAHO,)	
	)	Case No. CR-2016-1473
Plaintiff/Appellant,)	
	)	MOTION FOR APPOINTMENT OF
vs.	)	STATE APPELLATE PUBLIC
	)	DEFENDER
CESAR GABRIEL CASTREJON,)	
)	
Defendant/Respondent.)	
_____)	

COMES NOW, Defendant/Respondent, Cesar Gabriel Castrejon, by and through his attorney, Philip A. Brown, and hereby moves this Court for its order pursuant to Idaho Code § 19-867, et seq., for its order appointing the State Appellate Public Defender's Office to represent the Defendant/Respondent in all appellate proceedings.

This motion is brought on the grounds and for the reasons that this motion is based on the Defendant/Respondent having previously been appointed legal counsel upon a finding that he was indigent; there has been no change in the Defendant/Respondent's financial condition, he is indigent, and he is unable to pay said fees; the State Appellate Defender is authorized by statute to

represent the Defendant/Respondent in all felony appellate proceedings; and it is in the interest of justice for them to do so in this case because the Defendant/Respondent is indigent.

DATED this 27th day of January, 2017.

BROWN & JAMES

By: Philip A. Brown
Philip A. Brown

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January, 2017, I served a true and correct copy of the foregoing document(s) on the person(s) listed below, in the manner indicated:

Lawrence Wasden
Attorney General, State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0010

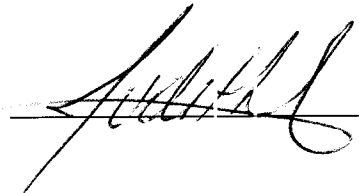
☒ United States Mail, Postage Prepaid
☐ Express overnight delivery
☐ Hand delivered
☐ Via facsimile transmission

Matt Pember
Gooding County Prosecutor
P.O. Box 86
Gooding, ID 83330

☐ United States Mail, Postage Prepaid
☐ Express overnight delivery
☒ Hand delivered
☐ Via facsimile transmission

Sara Thomas
State Appellate Public Defender
P.O. Box 83720
Boise, Idaho 83720-0055

☒ United States Mail, Postage Prepaid
☐ Express overnight delivery
☐ Hand delivered
☐ Via facsimile transmission



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

3:00
JAN 27 2017

THE STATE OF IDAHO,

Plaintiff/Appellant,

vs.

CESAR GABRIEL CASTREJON,

Defendant/Respondent.

Case No. CR-2016-1473

ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER

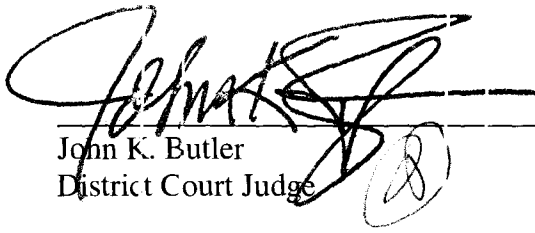
THE COURT having reviewed the Notice of Appeal and the Motion of Defendant/Respondent and the file herein, makes the following findings:

1. That the Defendant/Respondent was previously determined to be indigent and entitled to Court appointed legal counsel.
2. That the Defendant/Respondent has no independent source of income.
3. There is no evidence which establishes the Defendant/Respondent's financial situation has improved.
4. That appointment of the State Appellate Public Defender is in the interest of justice in that Defendant/Respondent is indigent.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That the State Appellate Public Defender is hereby appointed to represent Defendant/Respondent, Cesar Gabriel Castrejon, in all appellate proceedings in the above-entitled matter.

DATED this 27 day of January, 2017.


John K. Butler
District Court Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 30 day of January, 2017, I served a true and correct copy of the foregoing document(s) on the person(s) listed below, in the manner indicated:

Lawrence Wasden
Attorney General, State of Idaho
P.O. Box 83720
Boise, Idaho 83720-0010

☒ United States Mail, Postage Prepaid
☐ Express overnight delivery
☐ Hand delivered
☐ Via facsimile transmission

Matt Pember
Gooding County Prosecuting Attorney
P.O. Box 86
Gooding, ID 83330

☐ United States Mail, Postage Prepaid
☐ Express overnight delivery
☒ Hand delivered
☐ Via facsimile transmission

Sara Thomas
State Appellate Public Defender
322 E. Front St., Suite 570
Boise, Idaho 83702

☒ United States Mail, Postage Prepaid
☐ Express overnight delivery
☐ Hand delivered
☐ Via facsimile transmission

Philip A. Brown
Brown & James
130 Fourth Ave. West
Gooding, ID 83330

☐ United States Mail, Postage Prepaid
☐ Express overnight delivery
☒ Hand delivered
☐ Via facsimile transmission

Idaho Supreme Court
P.O. Box 83720
Boise, Id 83720-0055


Deputy Clerk

Ruth Petruzzelli

From: Judge Butler <jbutler@co.jerome.id.us>
Sent: Friday, January 27, 2017 02:53 PM
To: Ruth Petruzzelli
Subject: RE: Motion and order for State Appellate Public Defender

OK TO USE MY STAMP TO SIGN PRINT EMAIL TO FILE. Judge B.

From: Ruth Petruzzelli [mailto:rpetruzzelli@co.gooding.id.us]
Sent: Friday, January 27, 2017 2:38 PM
To: Judge Butler
Subject: Motion and order for State Appellate Public Defender

Or should Casey sign this?

Ruth Petruzzelli, Deputy Clerk
Gooding County District Court
Fifth Judicial District-State of Idaho
P.O. Box 27
Gooding, Idaho 83330
rpetruzzelli@co.gooding.id.us
(208)934-4861
(208-934-4408 Fax

**FIFTH JUDICIAL DISTRICT COURT, STATE OF IDAHO
IN AND FOR THE COUNTY OF GOODING**

STATE OF IDAHO ,)	
)	
Plaintiff/ Respondent,	)	Certificate of Exhibit's
)	
vs.	)	Supreme Court Docket No. 44783
	)	Gooding County case Number CR-2016-1473
Cesar Castrejon)	
)	
Defendant/Appellant.)	
)	

I, Ruth Petruzzelli, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Gooding, do hereby certify that the following is a list of exhibits that have been lodged with the Supreme Court.

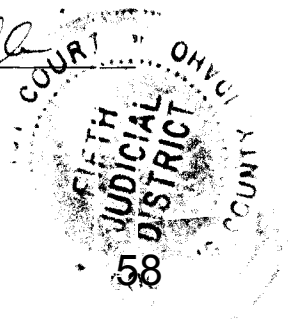
EXHIBIT NO.	DESCRIPTION	DATE FILED
	NONE	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of Said Court on the 4th Day of April 2017P.

Denise Gill
CLERK OF THE DISTRICT COURT

By: Ruth Petruzzelli
Ruth Petruzzelli, Deputy Clerk

CERTIFICATE OF EXHIBIT'S



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING**

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	Certificate of Clerk
)	
vs.	)	Supreme Court Docket No. 44783
	)	Gooding County District Court No.
Cesar Castrejon	)	CR-2016-1473
)	
Defendant-Appellant.)	
)	

I, Ruth Petruzzelli, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Idaho do hereby certify that the above and foregoing Record in the above-entitled cause was compiled and bound under my direction and is a true, full and correct Record of, the pleadings and documents under ● Rule 28 of the Idaho Appellate Rules^{km}.

I do further certify that all documents, x-rays, charts and pictures offered or admitted in the above-entitled cause will be duly lodged with the Clerk of the Supreme Court along with the Court Reporter's Transcript and Clerk's Record retained in the possession of the undersigned), as required by ● Rule 31 of the Idaho Appellate Rules. (See Clerk's Certificate of Exhibits if there are exhibits and no Reporter's Transcript or not listed in the Reporter's Transcript.)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court
this 6 day of April, 2017.

Denise Gill
Clerk of the District Court

By Ruth Petruzzelli
Ruth Petruzzelli



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

STATE OF IDAHO)	
)	
Plaintiff/Appellant,	)	Supreme Court No. 44783
)	
vs)	
	)	CERTIFICATE OF SERVICE
Cesar Gabriel Castrejon)	
)	
Defendant/Respondent.)	
)	

I, Ruth Petruzzelli, Deputy Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Gooding, do hereby certify that I have personally served or mailed, by United States mail, one copy of the Clerk's Record and the Court Reporter's Transcript, along with a copy of (the Pre-sentence Investigation or other evidentiary documents) and any Exhibits offered or admitted to each of the Attorneys of Record in this case as follows:

Eric D. Fredericksen
State Appellate Public Defender
322 East Front St., Suite 570
BOISE, ID 83702

Ken Jorgensen
Deputy Attorney General
Boise, Idaho 83720
BOISE, IDAHO 83720-0101

IN WITNESS WHEREOF, I have hereunto **set my hand and affixed the seal** of said Court this 30 day of March, 2017.

CLERK OF THE DISTRICT COURT

By: Ruth Petruzzelli

