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State v. Woods Clerk's Record Dckt. 45094

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IN THE SUPREME COURT OF THE
STATE OF IDAHO

STATE OF IDAHO,)
)
 Plaintiff-)
 Respondent,)
)
 -vs-)
)
 JAYSON L. WOODS,)
)
 Defendant-)
 Appellant.)

Supreme Court No. 45094-2017

Appeal from the Third Judicial District, Canyon County, Idaho.

HONORABLE GEORGE A. SOUTHWORTH, Presiding

Eric D. Fredericksen, State Appellate Public Defender,
322 East Front Street, Boise, Idaho 83702

Attorney for Appellant

Lawrence G. Wasden, Attorney General, Statehouse, Boise, Idaho 83720

Attorney for Respondent

Felony

Date		Judge
5/2/2016	New Case Filed-Felony	George A. Southworth
	Affidavit Of Probable Cause	Gary D. DeMeyer
	Criminal Complaint	Gary D. DeMeyer
	Hearing Scheduled (Arrestment (In Custody) 05/02/2016 01:32 PM)	Gary D. DeMeyer
	KTVB Request to Obtain Approval to Video Record, Broadcast or Photograph a Court Proceeding	Court Clerks Magistrate (999)
	Order GRANTING Request to Obtain Approval to Video Record - Pool with all news organizations	Gary D. DeMeyer
	KIVI- Request to Obtain Approval to Video Record, Broadcast or Photograph a Court Proceeding	Court Clerks Magistrate (999)
	Order GRANTING Request to Obtain Approval to Video Record - Pool with all news organizations	Gary D. DeMeyer
	Hearing result for Arrestment (In Custody) scheduled on 05/02/2016 01:32 PM: Arrestment / First Appearance	Gary D. DeMeyer
	Hearing result for Arrestment (In Custody) scheduled on 05/02/2016 01:32 PM: Constitutional Rights Warning	Gary D. DeMeyer
	Hearing result for Arrestment (In Custody) scheduled on 05/02/2016 01:32 PM: Order Appointing Public Defender	Gary D. DeMeyer
	Hearing result for Arrestment (In Custody) scheduled on 05/02/2016 01:32 PM: No Contact Order	Gary D. DeMeyer
	Hearing result for Arrestment (In Custody) scheduled on 05/02/2016 01:32 PM: Commitment On Bond/zero bond	Gary D. DeMeyer
	Hearing Scheduled (Preliminary Hearing 05/13/2016 08:30 AM) Bond Reduction	Thomas A. Sullivan
5/4/2016	Notice of Conflict of Interest and Assignment of Conflict Counsel / Lary Sisson	Thomas A. Sullivan
5/5/2016	Request For Discovery	Thomas A. Sullivan
5/12/2016	Demand For Notice Of Defense Of Alibi	Thomas A. Sullivan
	Request For Discovery	Thomas A. Sullivan
	PA's Response and Objection to Request For Discovery	Thomas A. Sullivan
	Request/Order To Obtain Approval To Video/Audio/Record, Broadcast Or Photograph a court Proceeding/APPROVED ONLY STILL PHOTOGRAPHS OF DEFENDANT AND COUNSEL ONLY-KIVI-TV	Thomas A. Sullivan
5/13/2016	Hearing result for Preliminary Hearing scheduled on 05/13/2016 08:30 AM: Continued Bond Reduction	Thomas A. Sullivan
	Hearing result for Preliminary Hearing scheduled on 05/13/2016 08:30 AM: Waiver of Time Limit for Preliminary Hearing	Thomas A. Sullivan
	Hearing Scheduled (Preliminary Hearing 05/27/2016 10:00 AM) Mo Bond Redu	Gary D. DeMeyer
	Hearing result for Preliminary Hearing scheduled on 05/27/2016 10:00 AM: Continued Mo Bond Redu	Gary D. DeMeyer
	Hearing Scheduled (Preliminary Hearing 05/27/2016 10:00 AM) Mo Bond REdu	Gary D. DeMeyer

State of Idaho vs. Jayson Lee Woods

Felony

Date		Judge
5/19/2016	Response to Request For Discovery Defendant's Specific Request For Discovery Notice of Defense of Alibi Superseding Indictment Hearing result for Preliminary Hearing scheduled on 05/27/2016 10:00 AM: Hearing Vacated Mo Bond REdu Warrant Issued - Arrest Bond amount: .00 Defendant: Woods, Jayson Lee Case Sealed Case Status Changed: Inactive	Gary D. DeMeyer Gary D. DeMeyer Gary D. DeMeyer Davis F. VanderVelde Gary D. DeMeyer Davis F. VanderVelde Davis F. VanderVelde
5/20/2016	Warrant Returned Defendant: Woods, Jayson Lee/ Served In Ada County Case Un-sealed Case Status Changed: Pending Case Status Changed: inactive Defendant's Second Specific Request For Discovery Motion for Order to Produce Record from Grand Jury Proceedings (w/order)	Davis F. VanderVelde Davis F. VanderVelde Davis F. VanderVelde George A. Southworth George A. Southworth George A. Southworth
5/23/2016	Hearing Scheduled (Arraignment (In Custody) 05/23/2016 01:30 PM) Hearing result for Arraignment (In Custody) scheduled on 05/23/2016 01:30 PM: Arraignment / First Appearance Hearing result for Arraignment (In Custody) scheduled on 05/23/2016 01:30 PM: Constitutional Rights Warning Hearing Scheduled (Arrn. - District Court 06/03/2016 09:00 AM)	Robert L Jackson Robert L Jackson Robert L Jackson Davis F. VanderVelde
5/24/2016	Motion to Set Bail and Notice of Hearing	George A. Southworth
5/25/2016	PA's Response to Specific Request For Discovery	George A. Southworth
5/26/2016	Defendant's Motion to Compel Discovery and Notice of Hearing Hearing Scheduled (Motion Hearing 06/21/2016 10:30 AM) Mtn to Compel	George A. Southworth George A. Southworth
5/27/2016	PA First Supplemental Response to Request for Discovery PA's Second Supplemental Response to Request for Discovery	George A. Southworth George A. Southworth
5/31/2016	PA's Third Supplemental Response to Request for Discovery	George A. Southworth
6/1/2016	Order to Produce Record from Grand Jury Proceedings	George A. Southworth
6/3/2016	Hearing result for Arrn. - District Court scheduled on 06/03/2016 09:04 AM: Hearing Held Hearing result for Arrn. - District Court scheduled on 06/03/2016 09:04 AM: Arraignment / First Appearance Hearing result for Arrn. - District Court scheduled on 06/03/2016 09:04 AM: Appear & Plead Not Guilty Hearing result for Arrn. - District Court scheduled on 06/03/2016 09:04 AM: Motion to set a bond in this matter Held	Gregory M Culet Gregory M Culet Gregory M Culet

Felony

Date		Judge
6/3/2016	Hearing result for Arrn. - District Court scheduled on 06/03/2016 09:04 AM: Motion Granted: Bond set in the amount of \$1,000,000.00	Gregory M Culet
	Hearing result for Arrn. - District Court scheduled on 06/03/2016 09:04 AM: Commitment On Bond \$1,000,000.00	Gregory M Culet
	Hearing result for Arrn. - District Court scheduled on 06/03/2016 09:00 AM: District Court Hearing Held Court Reporter: Christine Rhodes Number of Transcript Pages for this hearing estimated: Less than 100 pages	Gregory M Culet
	Hearing Scheduled (Pre Trial 08/02/2016 03:00 PM)	George A. Southworth
	Hearing Scheduled (Jury Trial 09/06/2016 09:00 AM) STNW	George A. Southworth
	Notice of Hearing	George A. Southworth
	PA's Fourth Supplemental Response to Request for Discovery	George A. Southworth
	PA's Response to Second Specific Request For Discovery	George A. Southworth
6/10/2016	Ex Parte Motion for Payment of Investigation Services (W/order)	George A. Southworth
6/17/2016	Request to Withdraw Motion to Compel (w/order)	George A. Southworth
	Motion to Shorten Time for Hearing and Notice of Hearing (w/order)	George A. Southworth
	Motion for Extension of Time to File Pre-Trial Motions and Notice of Hearing (w/order)	George A. Southworth
6/20/2016	Order Withdrawing Motion to COmpel and Vacating Hearing	George A. Southworth
	Order Shortening Time for Hearing	George A. Southworth
6/21/2016	Hearing result for Motion Hearing scheduled on 06/21/2016 10:30 AM: Hearing Held Mtn to Compel, Mtn to Shorten Time & Mtn for Extension of Time to File Pre-Trial Motions	George A. Southworth
	Hearing result for Motion Hearing scheduled on 06/21/2016 10:30 AM: District Court Hearing Held Court Reporter: PATricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages	George A. Southworth
	Hearing result for Motion Hearing scheduled on 06/21/2016 10:30 AM: Motion Held Mtn to Compel, Mtn to Shorten Time & Mtn for Extension of Time to File Pre-Trial Motions	George A. Southworth
	Hearing result for Motion Hearing scheduled on 06/21/2016 10:30 AM: Motion Granted Mtn to Shorten Time & Mtn for Extension of Time to File Pre-Trial Motions	George A. Southworth
	Order Extending Time to File Pretrial Motions	George A. Southworth
6/23/2016	Pa's Fifth Supplemental Response to Request for Discovery	George A. Southworth
6/29/2016	PA's Sixth Supplemental Response to Request for Discovery Transcript Filed (Grand Jury 5-18-16)	George A. Southworth
	Document sealed	
6/30/2016	Hearing Scheduled (Mediation - DC 08/15/2016 09:00 AM)	Gregory M Culet
7/1/2016	Hearing result for Jury Trial scheduled on 09/06/2016 09:00 AM: Hearing Vacated STNW	George A. Southworth

State of Idaho vs. Jayson Lee Woods

Felony

Date		Judge
7/1/2016	Hearing result for Pre Trial scheduled on 08/02/2016 03:00 PM: Hearing Vacated	George A. Southworth
	Hearing Scheduled (Pre Trial 08/23/2016 03:00 PM)	George A. Southworth
	Hearing Scheduled (Jury Trial 10/03/2016 09:00 AM) 4 WEEKS	George A. Southworth
	Mediation Order	George A. Southworth
	Amended Notice of Hearing	George A. Southworth
7/6/2016	Ex Parte Order for Payment of Investigative Services	George A. Southworth
7/20/2016	PA's Seventh Supplemental Response to Request for Discovery	George A. Southworth
7/28/2016	PA Eighth Supplemental Response to Request for Discovery	George A. Southworth
8/1/2016	Motion To Suppress And Notice of Hearing	George A. Southworth
	Affidavit of Defendant In Support of Motion To Suppress	George A. Southworth
	Motion to Dismiss Counts I Through III of Superceding Indictment and Notice of Hearing	George A. Southworth
8/2/2016	PA's Ninth Supplemental Response to Request for Discovery	George A. Southworth
8/5/2016	Brief in Support of Motion to Dismiss Counts 1 through 3 of Superseding Indictment	George A. Southworth
8/10/2016	Brief in Support of Motion to Suppress	George A. Southworth
8/11/2016	PA's Ninth-A*Supplemental Response to Request for Discovery	George A. Southworth
8/15/2016	PA Tenth Supplemental Response to Request for Discovery	George A. Southworth
	Hearing result for Mediation - DC scheduled on 08/15/2016 09:00 AM: District Court Hearing Held	Gregory M Culet
	Court Reporter: n/a	
	Number of Transcript Pages for this hearing estimated:	
	Hearing result for Mediation - DC scheduled on 08/15/2016 09:00 AM: Hearing Held	Gregory M Culet
8/23/2016	PA's Eleventh Supplemental Response to Request for Discovery	George A. Southworth
	Hearing result for Pre Trial scheduled on 08/23/2016 03:00 PM: Continued mtn to suppress	George A. Southworth
	Motion to Dismiss Counts I through III	
	Murder I	
	Robbery	
	Conspiracy to Commit Robbery	
	Prostitution Accept Earnings	
	NCO entered 5/2/16	
	Hearing result for Pre Trial scheduled on 08/23/2016 03:00 PM: District Court Hearing Held	George A. Southworth
	Court Reporter: Patricia Terry	
	Number of Transcript Pages for this hearing estimated: less than 100 pages	
	Hearing Scheduled (Pre Trial 08/30/2016 01:30 PM) mtn to suppress	George A. Southworth
8/24/2016	Motion to Transport Defendant (w/order)	George A. Southworth
8/26/2016	Order to Transport for Hearing	Bradly S Ford

State of Idaho vs. Jayson Lee Woods

Felony

Date		Judge
8/30/2016	Hearing result for Pre Trial scheduled on 08/30/2016 01:30 PM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages Motion Denied - motion to dismiss and motion to suppress	George A. Southworth George A. Southworth
	Hearing result for Pre Trial scheduled on 08/30/2016 01:30 PM: Hearing Held mtn to suppress	George A. Southworth
	Objection to Motion to Defendant's Motion to Dismiss Counts 1 through 3 of the Superseding Indictment	George A. Southworth
8/31/2016	Defendant's Third Specific Request For Discovery Order Denying Defendant's Motion to Suppress Order Denying Motion to Dismiss Counts I Through III of Superceding Indictment	George A. Southworth George A. Southworth George A. Southworth
9/2/2016	PA Response to Third Specific Request For Discovery PA Twelfth Supplemental Response to Request for Discovery	George A. Southworth George A. Southworth
9/12/2016	Hearing Scheduled (Conference - Status 09/14/2016 11:00 AM)	George A. Southworth
9/13/2016	Notice Of Hearing Motion to Transport Defendant (w/order) Order to Transport for Hearing	George A. Southworth George A. Southworth George A. Southworth
9/14/2016	Hearing result for Conference - Status scheduled on 09/14/2016 11:00 AM: Hearing Held Hearing result for Conference - Status scheduled on 09/14/2016 11:00 AM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages	George A. Southworth
	Hearing result for Jury Trial scheduled on 10/03/2016 09:00 AM: Hearing Vacated 4 WEEKS	George A. Southworth
	Hearing Scheduled (Jury Trial 01/23/2017 09:00 AM)	George A. Southworth
	Hearing Scheduled (Pre Trial 12/13/2016 09:00 AM) BLOCK ENTIRE MORNING . .PTC & any motions & will be treated as a status conf	George A. Southworth
	Notice of Hearing	George A. Southworth
9/27/2016	PA's Thirteenth Supplemental Response to Request for Discovery	George A. Southworth
10/26/2016	PA's Fourteenth Supplemental Response to Request for Discovery	George A. Southworth
11/8/2016	Defendant's Fourth Specific Request For Discovery	George A. Southworth
11/14/2016	PA's Response to Fourth Specific Request For Discovery	George A. Southworth
12/9/2016	Defendant's First Motion In Limine Defendant's Second Motion In Limine Defendant's Motion to Change Venue	George A. Southworth George A. Southworth George A. Southworth
12/13/2016	Hearing result for Pre Trial scheduled on 12/13/2016 08:30 AM: Continued BLOCK ENTIRE MORNING PTC & any motions & will be treated as a status conf	George A. Southworth

State of Idaho vs. Jayson Lee Woods

Felony

Date		Judge
12/13/2016	Hearing result for Pre Trial scheduled on 12/13/2016 08:30 AM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages	George A. Southworth
	Hearing Scheduled (Pre Trial 12/29/2016 09:00 AM) All motions to be heard at this time **BLOCK HALF DAY**	George A. Southworth
12/14/2016	Defendant's Proposed Supplemental Jury Questionnaire	George A. Southworth
12/15/2016	Disclosure of Expert Witness Pursuant to I.C.R. 16(b)(7) and IRE 702, 703, 705	George A. Southworth
	Motion to Continue Jury Trial and Notice of Hearing (w/order)	George A. Southworth
	Hearing Scheduled (Motion Hearing 12/21/2016 10:30 AM) Motion to Continue Jury Trial	George A. Southworth
12/21/2016	Hearing result for Motion Hearing scheduled on 12/21/2016 10:30 AM: Hearing Held Motion to Continue Jury Trial	George A. Southworth
	Hearing result for Motion Hearing scheduled on 12/21/2016 10:30 AM: District Court Hearing Held Court Reporter: Kathy Klemetson Number of Transcript Pages for this hearing estimated: less than 100 pages	George A. Southworth
	Hearing result for Motion Hearing scheduled on 12/21/2016 10:30 AM: Motion Denied Motion to Continue Jury Trial	George A. Southworth
12/22/2016	Brief in Support of Motion to Change Venue	George A. Southworth
12/28/2016	Objection to Motion for Change of Venue	George A. Southworth
	Objection and Memorandum in Response to Defendant's First Motion in Limine	George A. Southworth
	Objection to Defendant's Second Motion In Limine and Memorandum In Support of Admission of 404 (b) Evidence	George A. Southworth
12/29/2016	Hearing result for Pre Trial scheduled on 12/29/2016 09:00 AM: Hearing Held - motion re: victim statements, under advisement	George A. Southworth
	Hearing result for Pre Trial scheduled on 12/29/2016 09:00 AM: Motion Denied - motion to change venue, motion re: Hinkley & Tracey	George A. Southworth
	Hearing result for Pre Trial scheduled on 12/29/2016 09:00 AM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages	George A. Southworth
	Hearing Scheduled (Conference - Status 01/17/2017 02:00 PM)	George A. Southworth
12/30/2016	Order Denying Defendant's Motion to Change Venue	George A. Southworth
	Order Denying Defendant's Second Motion In Limine	George A. Southworth
1/3/2017	Disclosure of Expert Witness Pursuant to I.C.R. 16(b)(7) and IRE 702,703,705	George A. Southworth
	Disclosure of Expert Witness Pursuant to I.C.R. 16(b)(7) and IRE 702,703,705	George A. Southworth
	State's Proposed Jury Instructions	George A. Southworth

State of Idaho vs. Jayson Lee Woods

Felony

Date		Judge
1/4/2017	Pa's Fifteenth Supplemental Response to Request for Discovery Notice of Intent To Use IRE 609 Evidence Notice Of Hearing On Redactions Motion In Limine And Notice of Hearing Hearing Scheduled (Motion Hearing 01/12/2017 01:30 PM) Motion in Limine, redactions Notice Of Intent Rule 404(b), IRE Evidence Supplement To State's Proposed Jury Instructions	George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth
1/5/2017	State's Second Notice of Intent Rule 404(b), I.R.E. Evidence Motion to Transport Defendant (w/ order) Notice of Intent to Use Redacted Video PA Sixteenth Supplemental Response to Request for Discovery	George A. Southworth George A. Southworth George A. Southworth George A. Southworth
1/6/2017	Memorandum Decision and Order on Defendant's First Motion In Limine / GRANTED IN PART, DENIED IN PART PA Seventeenth Supplemental Response to Request for Discovery	George A. Southworth George A. Southworth
1/9/2017	Order to Transport For Hearing Disclosure of Expert Witness Pursuant to I.C.R 16(b)(7) and IRE 702, 703, 705 Disclosure of Expert Witness Pursuant to I.C.R 16(b)(7) and IRE 702, 703, 705	George A. Southworth George A. Southworth George A. Southworth
1/11/2017	Disclosure Of Expert Witness Pursuant To I.C.R 16(b)(7) and IRE 702, 703, 705 Second Notice of Intent To Use Redacted Video	George A. Southworth George A. Southworth
1/12/2017	Hearing result for Motion Hearing scheduled on 01/12/2017 01:30 PM: Hearing Held Motion in Limine, redactions Hearing result for Motion Hearing scheduled on 01/12/2017 01:30 PM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages Order Appointing Public Defender FOR ABAGAIL WILLIAMIS ONLY (WITNESS)	George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth
1/13/2017	PA's Eighteenth Supplemental Response to Request for Discovery Notice of Conflict of Interest and Assignment of Conflict Counsel - Jolene Maloney for witness Abigail Williams	George A. Southworth George A. Southworth
1/17/2017	PA Twentieth Supplemental Response to Request for Discovery PA's Nineteenth Supplemental Response to Request for Discovery Hearing result for Conference - Status scheduled on 01/17/2017 02:00 PM: Hearing Held	George A. Southworth George A. Southworth George A. Southworth

Felony

Date		Judge
1/17/2017	Hearing result for Conference - Status scheduled on 01/17/2017 02:00 PM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages	George A. Southworth
1/18/2017	PA Twenty-First Supplemental Response to Request for Discovery Subpoena Returned Subpoena Returned Subpoena Returned Subpoena Returned Subpoena Returned Subpoena Returned Subpoena Returned Exhibit List	George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth
1/19/2017	Order Excusing Jurors for Cause Hearing result for Jury Trial scheduled on 01/19/2017 09:00 AM: Jury Trial Started Hearing result for Jury Trial scheduled on 01/19/2017 09:00 AM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: more than 500 pages for all 11 days	George A. Southworth George A. Southworth George A. Southworth
1/20/2017	Defendant's Objection to Specific Exhibits	George A. Southworth
1/23/2017	PA's Twenty-Second Supplemental Response to Request for Discovery Jury Questionnaire	George A. Southworth George A. Southworth
1/25/2017	PA's Twenty-Third Supplemental Response to Request for Discovery Order on Request to Obtain Approval to Video/Audio Record, Broadcast, or Photograph A Court Proceeding - GRANTED	George A. Southworth George A. Southworth
1/27/2017	PA Twenty-Fifth Supplemental Response to Request for Discovery	George A. Southworth
1/31/2017	Defendants Proposed Jury Instructions	George A. Southworth
2/2/2017	Found Guilty After Trial Jury Instructions Filed Verdict Filed Pre-Sentence Investigation Evaluation Ordered PSI Face Sheet Transmitted Hearing Scheduled (Sentencing 04/06/2017 09:00 AM) BLOCK HALF DAY Estimated costs on appeal \$6,825.00	George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth
2/6/2017	PA's Twenty-Sixth Supplemental Response to Request for Discovery	George A. Southworth
2/7/2017	Order on Request to Obtain Approval to Video/Audio Record, Broadcast - GRANTED	George A. Southworth
2/10/2017	Pre-Proof Jury Instructions	George A. Southworth

State of Idaho vs. Jayson Lee Woods

Felony

Date		Judge
2/10/2017	Jury Instructions	George A. Southworth
2/16/2017	Motion for Judge of Acquittal and Notice of Hearing	George A. Southworth
	Hearing Scheduled (Motion Hearing 03/08/2017 02:00 PM) Motion for Judge of Acquittal	George A. Southworth
2/27/2017	Hearing Scheduled (Sentencing 04/11/2017 09:00 AM) BLOCK HALF DAY	George A. Southworth
2/28/2017	Order on Request to Obtain Approval to Video / Audio Record, Broadcast or Photograph a Court Proceeding - GRANTED	George A. Southworth
	Amended Notice of Sentencing Hearing	George A. Southworth
3/3/2017	Objection to Motion for Judgment of Acquittal	George A. Southworth
3/8/2017	Hearing result for Motion Hearing scheduled on 03/08/2017 02:00 PM: Hearing Held Motion for Judge of Acquittal	George A. Southworth
	Hearing result for Motion Hearing scheduled on 03/08/2017 02:00 PM: Motion Denied Motion for Judge of Acquittal	George A. Southworth
	Hearing result for Motion Hearing scheduled on 03/08/2017 02:00 PM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages	George A. Southworth
3/9/2017	Order Denying Defendant's Motion for Judgment of Acquittal	George A. Southworth
4/10/2017	Request to Obtain Approval to Video Record, Broadcast or Photograph a Court Proceeding - GRANTED / KTVB	George A. Southworth
	Notice of Corrections To Presentence Investigation Report	George A. Southworth
4/11/2017	Hearing result for Sentencing scheduled on 04/11/2017 09:00 AM: Hearing Held BLOCK HALF DAY	George A. Southworth
	Hearing result for Sentencing scheduled on 04/11/2017 09:00 AM: District Court Hearing Held Court Reporter: Patricia Terry Number of Transcript Pages for this hearing estimated: less than 100 pages	George A. Southworth
	Hearing result for Sentencing scheduled on 04/11/2017 09:00 AM: Final Judgement, Order Or Decree Entered BLOCK HALF DAY	George A. Southworth
	Sentenced To Incarceration (I18-4001-I Murder I) Confinement terms: Penitentiary determinate: 23 years. Penitentiary indeterminate: 99 years.	George A. Southworth
	Sentenced To Pay Fine 245.50 charge: I18-4001-I Murder I	George A. Southworth
	Sentenced To Incarceration (I18-6501 {CY} Robbery (Conspiracy)) Confinement terms: Penitentiary determinate: 10 years. Penitentiary indeterminate: 99 years.	George A. Southworth
	Sentenced To Pay Fine 245.50 charge: I18-6501 {CY} Robbery (Conspiracy)	George A. Southworth
	Sentenced To Incarceration (I18-5606 Prostitution-Accepting Earnings, Proceeds or Items of Value from a Prostitute as a Joint Venture) Confinement terms: Penitentiary determinate: 5 years. Penitentiary indeterminate: 10 years.	George A. Southworth

State of Idaho vs. Jayson Lee Woods

Felony

Date		Judge
4/11/2017	Sentenced To Pay Fine 245.50 charge: I18-5606 Prostitution-Accepting Earnings, Proceeds or Items of Value from a Prostitute as a Joint Venture Commitment - Held To Answer Order for DNA Sample Notice of Post Judgment Rights Case Status Changed: closed pending clerk action	George A. Southworth George A. Southworth George A. Southworth George A. Southworth George A. Southworth
4/18/2017	Judgment and Commitment	George A. Southworth
5/2/2017	Notice of Appeal Appealed To The Supreme Court Motion for Appointment of State Appellate Public Defender (w/ order)	George A. Southworth George A. Southworth George A. Southworth
5/9/2017	Order Appointing State Appellate Public Defender	George A. Southworth
5/17/2017	Restitution Ordered And Judgement Restitution Ordered 7374.42 victim # 1	George A. Southworth George A. Southworth
5/18/2017	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Denise Bennett / U of I Receipt number: 0028704 Dated: 5/18/2017 Amount: \$55.00 (Credit card) Miscellaneous Payment: CD Copies Paid by: Denise Bennett / U of I Receipt number: 0028704 Dated: 5/18/2017 Amount: \$30.00 (Credit card) Miscellaneous Payment: Technology Cost - CC Paid by: Denise Bennett / U of I Receipt number: 0028704 Dated: 5/18/2017 Amount: \$3.00 (Credit card)	George A. Southworth George A. Southworth George A. Southworth
7/11/2017	S C - Order Granting Court Reporter's Motion for Time to File Transcripts Estimated to be Over 500 pages for Appeal	George A. Southworth

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
 MAGISTRATES DIVISION

STATE OF IDAHO,)
)
 Plaintiff,)
)
 -vs-)
)
Jayson L. Woods,)
 Defendant.)


Case No. CR-2016-7911-C
 IN CUSTODY
 PROBABLE CAUSE MINUTES
 (Telephonic)
 Date 5/1/2016
 Time 8:45 A.m

Presiding: Honorable SULLIVAN
 Person contacted: CCSO

Based upon affidavit(s) of: Det B. Wilson,
 the Court finds that the following crime or crimes were committed
 and probable cause that the defendant committed them as indicated
 below:

Charge(s)	Probable Cause Found
<u>A & A Murder 1</u>	<input checked="" type="checkbox"/> Yes [] No
<u>A & A Robbery</u>	<input checked="" type="checkbox"/> Yes [] No
<u>Prostitution 18-5606</u>	<input checked="" type="checkbox"/> Yes [] No
<u>Accepting Bribe</u>	[] Yes [] No
_____	[] Yes [] No

CCSO, notified by telephone of these findings.
 (law enforcement agency)

Signed: 
 Magistrate Judge

IN CUSTODY TELEPHONIC PROBABLE CAUSE MINUTES

16-4208
IN THE DISTRICT COURT OF THE 3RD JUDICIAL DISTRICT OF IDAHO
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
MAGISTRATE DIVISION
FILED
MAY 02 2016
P.M.

STATE OF IDAHO
Plaintiff

vs.

Jayson Lee Woods

Defendant.

[REDACTED]
[REDACTED]
[REDACTED]

State: Idaho

CANYON COUNTY CLERK
M. NYE, DEPUTY
AFFIDAVIT OF PROBABLE CAUSE

Case No. CR16-07911

Agency Case No. C16-08720

I, Detective Bailey Wilson of the Canyon County Sheriff's Office

declare and state that the following is true and accurate.

The following acts occurred at: 12401 Midway Road; Gott's Point, Canyon County, State of Idaho

Time Occurred At: 0546 on the date of 4/29/16

Crime(s) alleged to have been committed: Murder 1 18-4001, 18-4003(d), Aid and Abet 18-204
Robbery 18-6501, Aid and Abet 18-204
Prostitution Accepting Earnings 18-5606

1. Synopsis of Case:

On 4/29/16 at approximately 0500 hours, Steven Nelson stated he met an unknown male he had met on the "male escort" section of the website "Backpage" at the Walmart at Roosevelt and Middleton Road. Steven said he picked up the male, who was caucasian, approximately 5'11" tall, with blonde hair, a short blonde beard, and lots of tattoos. Steven said he drove the male to Gott's Point, where Steven requested sex from the male in exchange for money. Steven said another male, who was approximately 6' tall and heavy-set wearing a hat, arrived and had what appeared to be a rifle. Steven said the two males attacked him, choked him, forced him to the ground, kicked him, and stripped him of his clothes. Steven said the two males then took his car keys from him and drove away in Steven's car. Steven's wallet, credit cards, and clothing were inside his vehicle. Steven walked naked to a local residence and asked someone to call 911. Steven was transported to the hospital with suspected broken ribs and bleeding from the ear. Steven died a few hours later, the Ada County Coroner cited cause of death as homicide by cardiac arrest.

Steven had described the "backpage" ad as showing a male with a covered face in the back seat of a vehicle with lots of tattoos. The "backpage" ad was located. Probation Officer Dan Geisel confirmed that the male in the photo was Kelly Bryan Schnieder (8/2/93) by his unique tattoos. Kelly was located and taken into custody. His right hand was bandaged.

Video surveillance from the Walmart located at Roosevelt and Middleton Road showed a male being dropped off by a Chevy HHR at approximately 0456 hours. On 4/29/16 Abigail Williams (8/10/88) called the Sheriff's Office to report that her Chevy HHR had been used during the commission of a crime. Abigail said she had been in the back seat of the vehicle when her ex-boyfriend, Jayson Woods (8/21/87), had driven her around and forced her to perform sex acts with random men for money. Abigail said that morning she, Jayson, Kevin Tracy (3/4/95), and Daniel Hankle (4/2/93), had met up with Kelly at a gas station. Abigail said Kelly planned to take money from a guy he had already stolen \$40 from earlier that day. Abigail admitted Jayson was driving her vehicle and they dropped Kelly off at Walmart to meet up with Steven. Abigail said she and Jayson picked Kelly up later and Kelly admitted he beat Steven up.

Jayson admitted he sets people up for sexual acts, then takes all the money that is "donated" to them, then divides the money at the end of the night. Jayson admitted he knew that Kelly planned to rob Steven. Jayson said before they left the gas station, Kelly broke off two pieces of pipe from the building and gave them to Daniel Henkle (4/2/93), who fashioned them into some sort of weapon. Jayson admitted he dropped Kevin Tracy (3/4/95) and Daniel off at Gott's Point, then dropped Kelly off at Walmart to meet up with Steven. Jayson told Kelly before he left "Don't forget the money." Jayson said he and Abigail met back up with Kelly and Kelly said he and Steven got in a fight, Kelly took Steven's clothes off and took his car. Jayson said after the robbery, he saw Kelly give Kevin \$25, Kelly gave Jayson \$40. Jayson said he then gave \$44 to Abigail.

ORIGINAL

Kevin Tracy also admitted he knew Kelly was going to rob Steven. Kevin said he waited at Gott's Point for Steven and Kelly to make sure that "nothing bad happened." Kevin said he saw Kelly and Steven get out of Steven's car and saw Kelly hit Steven in the face. Kevin said Kelly called for Kevin and Daniel to come help him. Kevin said he watched Kelly kick Steven with steel-toed boots approximately 30 times while he was on the ground. Kevin said Steven begged Kelly not to kill him, and offered Kelly his credit cards and PIN number if they would let him go. Kevin was shown a picture of subjects using Steven's debit card at an ATM to withdraw money (in the amount of \$123) at the Albertson's located at 12th Avenue and Greenhurst Road. Kevin identified the subjects as Daniel and Kelly.

Daniel Henkle also admitted he knew about Kelly's plan to rob Steven. Daniel admitted that he waited for Kelly and Steven at Gott's Point, and that he was holding a metal pipe. Daniel said he got scared when he saw Kelly beating Steven, so he walked away. Daniel said Kelly and Kevin later picked him up in Steven's car.

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

In Custody.

For additional information, see report narrative.

"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 this 29 day of April 2016.

Bailey Wilson 5219
Signature of Officer

16-4208

FILED
1059 A.M. P.M.

MAY 02 2016

cb/cb

CANYON COUNTY CLERK
M. NYE, DEPUTY

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS
[REDACTED]

Defendant.

CASE NO. CR 2016-

7911-C

CRIMINAL COMPLAINT

COUNT I - MURDER I

Felony, I.C. §18-4001; 18-4003(d), 18-204

COUNT II - ROBBERY

Felony, I.C. §18-6501, 18-204

**COUNT III - ACCEPTING EARNINGS OF
A PROSTITUTE**

Felony, I.C. §18-5606, 18-5613

STATE OF IDAHO)

ss

County of Canyon)

PERSONALLY APPEARED before me this 2nd day of May, 2016,

Gerald L. Wolff

, of the Canyon County Prosecuting Attorney's Office,

who being duly sworn, complains and says:

ORIGINAL

COUNT I

That the Defendant, Jayson L. Woods, on or about the 29th day of April, 2016, in the County of Canyon, State of Idaho, did aid, abet, assist, facilitate and/or encourage Kelly Schneider in the perpetration of a robbery, wherein Kelly Schneider did kill and murder Steven Nelson.

All of which is contrary to **Idaho Code**, Section 18-4001; 18-4003(d), 18-204 and against the power, peace and dignity of the State of Idaho.

COUNT II

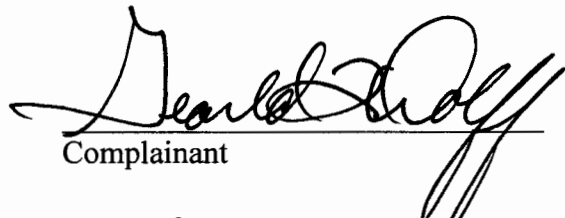
That the Defendant, Jayson L. Woods, on or about the 29th day of April, 2016, in the County of Canyon, State of Idaho, did aid, abet, assist, facilitate and/or encourage Kelly Schneider to feloniously, intentionally and by means of force or fear take from the person and/or immediate presence of Steven Nelson certain personal property, to-wit: cash money and/or clothing and/or a wallet with credit cards inside and/or car keys and/or a car, the property of Steven Nelson, which was accomplished against the will of Steven Nelson, in that the Kelly Schneider choked and/or forced to the ground and/or kicked Steven Nelson and demanded and/or forcibly took Steven Nelson's personal property.

All of which is contrary to **Idaho Code**, Section 18-6501, 18-204 and against the power, peace and dignity of the State of Idaho.

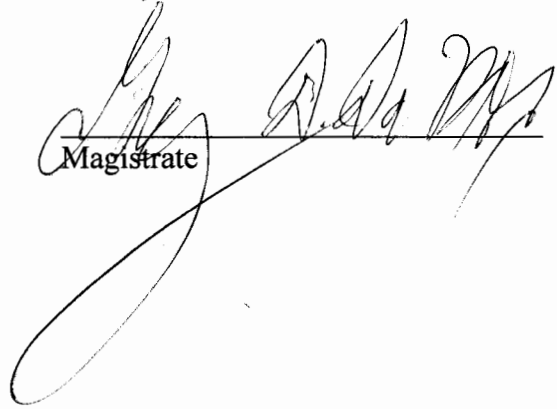
COUNT III

That the Defendant, Jayson L. Woods, on or about the 29th day of April, 2016, in the County of Canyon, State of Idaho, did knowingly, in a joint venture, accept and/or appropriate money or some item of value from the proceeds or earnings of a prostitute, in the form of cash money.

All of which is contrary to **Idaho Code**, Section 18-5606, 18-5613 and against the power, peace and dignity of the State of Idaho.


Complainant

SUBSCRIBED AND SWORN to before me this 2 day of May, 2016.


Magistrate

MAY 02 2016

CANYON COUNTY CLERK
B DOMINGUEZ, DEPUTY

ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **video record** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

Pool with all news organizations

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **broadcast** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

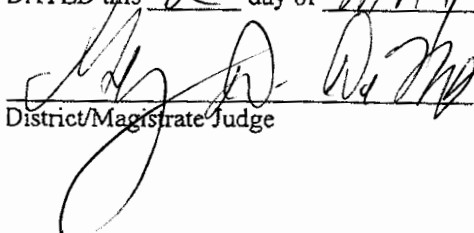
DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **photograph** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

DATED this 2 day of MAY, 2016



District/Magistrate Judge

Please fax back to 375-7770

RECEIVED
5/2/16

IN THE DISTRICT COURT OF THE 3rd JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Canyon

State)
PLAINTIFF(S))
)
V.)
Jayson Woods)
DEFENDANT(S))

REQUEST TO OBTAIN
APPROVAL TO VIDEO
RECORD, BROADCAST OR
PHOTOGRAPH A COURT
PROCEEDING

I hereby request approval to:

video record [] broadcast [] photograph the following court proceeding:

Case No.: ?
Date: 5/2/16
Time: 1:30 p.m.
Location: Canyon County Court
Presiding Judge: Hon. DeMeyer

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

Gary Salzman
Print Name

[Signature]
Signature

KTVB 321-5764
News Organization Represented Phone Number

5/2/16 Please fax back to 375-7770
Date

MAY 02 2016

CANYON COUNTY CLERK
B DOMINGUEZ, DEPUTY

ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **video record** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

Pool with all news organizations

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **broadcast** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

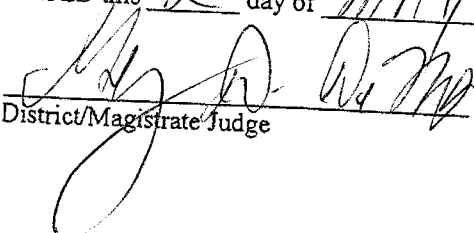
DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **photograph** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

DATED this 2 day of MAY, 2016


District/Magistrate Judge

RECEIVED
5/2/16 39

Request for Approval/Judge's Proposed Order

Directions: Fill out the form below, and present both the signed Request for Approval and proposed Order to the presiding judge's office.

IN THE DISTRICT COURT OF THE 3RD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO

PLAINTIFF(S)

v. JAYSON WOODS

DEFENDANT(S)

)
) REQUEST TO OBTAIN APPROVAL TO
) VIDEO/AUDIO RECORD, BROADCAST OR
) PHOTOGRAPH A COURT PROCEEDING
)

I hereby request approval to:

video/audio record broadcast photograph the following court proceeding:

Case No.: _____

Date: 5-2-16

Time: 1:30PM

Location: CANYON COUNTY COURTHOUSE

Presiding Judge: _____

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

STEVE BERTEL

Print Name

Steve Bertel

Signature

KIVI-TV

News Organization Represented

381-6660 (FAX: 381-6681)

Phone Number

5-2-16

Date

THIRD JUDICIAL DISTRICT, STATE OF IDAHO
COUNTY OF CANYON

ARRAIGNMENT **IN-CUSTODY**

STATE OF IDAHO,	)	Case No. CR2016-7911*C
	)	Date: MAY 2, 2016
-vs-	)	Judge: DEMEYHER
JAYSON WOODS,	)	Recording: MAG7 (143 - 150)
)	
<input type="checkbox"/> True Name)	
Corrected Name:)	

APPEARANCES:

<input checked="" type="checkbox"/> Defendant	<input checked="" type="checkbox"/> Prosecutor Mr. Chris Boyd
<input checked="" type="checkbox"/> Defendant's Attorney Ms. Tera Harden	<input type="checkbox"/> Interpreter

ADVISEMENT OF RIGHTS: Defendant

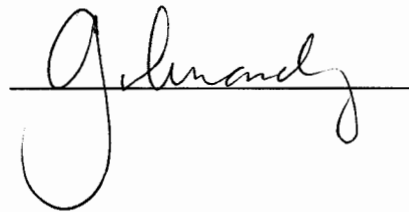
<input checked="" type="checkbox"/> was informed of the charges against him/her and all legal rights, including the right to be represented by counsel.	<input type="checkbox"/> waived right to counsel.
<input checked="" type="checkbox"/> requested court appointed counsel.	<input type="checkbox"/> Court denied court-appointed counsel.
<input checked="" type="checkbox"/> Indigency hearing held.	
<input checked="" type="checkbox"/> Court appointed public defender.	

PRELIMINARY HEARING: Statutory time waived: Yes No Preliminary Hearing Waived
 Preliminary Hearing set **May 13, 2016 at 8:30 a.m.** **before Judge T. Sullivan**

BAIL: State recommends zero bond

<input type="checkbox"/> Released on written citation promise to appear	<input type="checkbox"/> Released on bond previously posted.
<input type="checkbox"/> Released on own recognizance (O.R.)	<input checked="" type="checkbox"/> Remanded to the custody of the sheriff.
<input type="checkbox"/> Released to pre-trial release officer.	<input checked="" type="checkbox"/> Bail set at \$0/zero
<input checked="" type="checkbox"/> No Contact Order <input checked="" type="checkbox"/> entered <input type="checkbox"/> continued	<input type="checkbox"/> Cases consolidated
<input type="checkbox"/> Address Verified	<input type="checkbox"/> Defendant to Report to Pretrial Release Services upon posting bond.
<input type="checkbox"/> Corrected Address: _____	

OTHER: Ms. Harden requested that a reasonable bond be set. Ms. Harden advised the Court that they would address bond reduction at the Preliminary Hearing.

 Deputy Clerk

THIRD JUDICIAL DISTRICT
STATE OF IDAHO
COUNTY OF CANYON

FILED 05/02/14 AT 150 p.m.
CLERK OF THE DISTRICT COURT
BY Gilemardy, Deputy

THE STATE OF IDAHO/or
Jayson Woods

Case No. CR14-7911XC

**ORDER APPOINTING PUBLIC
DEFENDER**

The Court being fully advised as to the application of the above-named applicant and it appearing to be a proper case,

IT IS HEREBY ORDERED that the Canyon County Public Defender be, and hereby is, appointed for

THE MATTER IS SET FOR Preliminary Hearing
05/13/14 @ 8:30 before Judge T. Sullivan
 THE MATTER SHALL BE SET FOR _____
before Judge _____

Dated: 05/02/14 Signed: [Signature]
Judge

In Custody -- Bond \$ 0
 Released: O.R.
 on bond previously posted
 to PreTrial Release

Juvenile: In Custody
 Released to _____

- No Contact Order entered.
- Cases consolidated.
- Discovery provided by State.
- Interpreter required.
- Additional charge of FTA.

Southworth

Original--Court File Yellow--Public Defender Pink--Prosecuting Attorney

**ORDER APPOINTING PUBLIC
DEFENDER**

THIRD JUDICIAL DISTRICT
STATE OF IDAHO
COUNTY OF CANYON

FILED 05/02/16 AT 150 P.M.
CLERK OF THE DISTRICT COURT
BY J. L. Woods, Deputy

THE STATE OF IDAHO,)
)
Plaintiff,)
-vs-)
Jayson L. Woods)
Defendant.)

Citation / Case No. CR16-7911XC

Arresting Agency _____

NO CONTACT ORDER - Detention

Defendant has been charged with violating Idaho Code section(s):

- 18-918 Domestic Assault or Domestic Battery
- 18-7905 Stalking (Felony)
- 18-903 Battery
- Other Murder; Robbery
- 39-6312 Violation of a Protection Order
- 18-7906 Stalking (Misdemeanor)
- 18-905 Aggravated Assault
- 18-901 Assault
- 18-907 Aggravated Battery

Alleged Victim's Name Kelly Schneider DOB: 08/02/1993; Kwan Tracy DOB: 03/04/1995; Sami Henkel DOB: 01/02/1993

YOU, THE DEFENDANT, ARE HEREBY ORDERED TO HAVE NO CONTACT DIRECTLY OR INDIRECTLY WITH THE ALLEGED VICTIM. You shall not harass, follow, contact, attempt to contact, communicate with in any form, or knowingly remain within 300 feet of the alleged victim or his/her property, residence, work, or school.

You are further ordered to vacate the premises where the alleged victim resides. You must contact a law enforcement officer who will make arrangements to accompany you to the residence to remove items and tools necessary for employment and personal belongings. The officer will determine what constitutes necessary personal belongings.

VIOLATION OF THIS ORDER IS A SEPARATE CRIME under Idaho Code section 18-920 for which no bail will be set until you appear before a judge and is subject to a penalty of up to one (1) year in jail and up to a one thousand dollar (\$1,000) fine. Any person who pleads guilty to or is found guilty of a violation of this section who previously has pled guilty to or been found guilty of two (2) violations of this section, or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the judgment or withheld judgment, within five (5) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$5,000), or by both fine and imprisonment.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WILL REMAIN IN EFFECT UNTIL 11:59 P.M. ON 05/21/17 OR DISMISSAL OF THIS CASE.

When more than one (1) DOMESTIC VIOLENCE PROTECTION ORDER IS IN PLACE PURSUANT TO IDAHO'S DOMESTIC VIOLENCE CRIME PREVENTION ACT (Title 39, Chapter 63 of the Idaho Code), the most restrictive provision will control any conflicting terms of any other civil or criminal protection order; however, entry or dismissal of a civil protection order shall not result in dismissal of this Order.

The Clerk of the Court shall give written notification to the Sheriff's Department in the county in which this Order is issued immediately and THE INFORMATION ON THIS ORDER SHALL BE ENTERED INTO THE IDAHO LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM.

Dated: 05/02/16 Signed: [Signature] Judge

Copy handed to Defendant by gab-jail, Deputy Clerk on 05/02/16

COPY SERVED ON DEFENDANT BY _____ DEPUTY SHERIFF(_____) on date _____ at _____ am/pm
Badge # _____

- White Court
- Green Jail
- Yellow Dispatch
- Pink Defendant
- Orange PA (Nampa, Caldwell, County)

Gloria Hernandez

From: Irma Shoff
Sent: Monday, May 02, 2016 04:18 PM
To: Gloria Hernandez; CCSO Warrants
Subject: RE: Scanned from a Xerox multifunction device

Thank you.

Irma Shoff
CCSO Warrants
(208) 454-7273

-----Original Message-----

From: Gloria Hernandez
Sent: Monday, May 02, 2016 4:17 PM
To: CCSO Warrants
Subject: FW: Scanned from a Xerox multifunction device

Jack E. Casselman - CR2016-7925*C - No Contact Order

Jayson L. Woods - CR2016-7911*C - No Contact Order

Kelly Schneider - CR2016-7913*C - No Contact Order

Jacob Pline - CR2016-7929*C - No Contact Order

THIRD JUDICIAL DISTRICT
STATE OF IDAHO
COUNTY OF CANYON

FILED 05/02/14 AT 1:50 P.M.
CLERK OF THE DISTRICT COURT
BY [Signature], DEPUTY

STATE OF IDAHO,
Plaintiff,
-vs-

[Signature: Jackson Woods]
Defendant,

Case No. CR14-7911 * C

ORDER FOR

- Conditional Release/Pretrial Services
- Release on Own Recognizance
- Commitment on Bond

IT IS HEREBY ORDERED the defendant abide by the following conditions of release:

- Defendant is Ordered released
 - On own recognizance
 - Placed on probation
 - Case Dismissed
 - Bond having been set in the sum of \$ 0 Total Bond
 - Bond having been increased reduced to the sum of \$ _____ Total Bond
 - Upon posting bond, defendant must report to the Canyon County Pretrial Services office as stated below:
 - Defendant shall report to the Canyon County Pretrial Services Office and follow the standard reporting conditions:
 - Comply with a curfew designated by the Court or standard curfew set by Pretrial Services _____.
 - Not consume or possess alcoholic beverages or mood altering substances without a valid prescription.
 - Submit to evidentiary testing for alcohol and/or drugs as requested by Pretrial Services at defendant's expense.
 - Not operate or be in the driver's position of any motor vehicle.
 - Abide by any No Contact Order and its conditions.
 - Submit to GPS Alcohol monitoring as directed by Pretrial Services.
- Defendants Ordered to submit to GPS or alcohol monitoring shall make arrangements with a provider approved by Pretrial Services, prior to release.**

OTHER: _____

Failure by defendant to comply with the rules and/or reporting conditions and/or requirements of release as Ordered by the Court may result in the revocation of release and return to the custody of the Sheriff.

Dated: 05/02/14 Signed: [Signature] Judge

White - Court Yellow - Jail/Pretrial Services Pink - Defendant 10/11

FILED
A.M. 3:14 P.M.
MAY 12 2016

Request for Approval/Judge's Proposed Order

CANYON COUNTY CLERK
B. HATFIELD, DEPUTY

Directions: Fill out the form below, and present both the signed Request for Approval and proposed Order to the presiding judge's office.

IN THE DISTRICT COURT OF THE 3RD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO

PLAINTIFF(S)

CR 2014-7911-C

) REQUEST TO OBTAIN APPROVAL TO
) VIDEO/AUDIO RECORD, BROADCAST OR
) PHOTOGRAPH A COURT PROCEEDING
)

v. JAYSON WOODS

DEFENDANT(S)

I hereby request approval to:

video/audio record broadcast photograph the following court proceeding:

Case No.: CR-2016-0007911-C
Date: 5-13-2016
Time: 8:30 AM
Location: CANYON COUNTY COURTHOUSE
Presiding Judge: _____

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

STEVE BERTEL

Print Name

Steve Bertel

Signature

KIVI-TV

News Organization Represented

381-6660 (FAX: 381-6681)

Phone Number

5-12-2016

Date

ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to video/audio record the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to broadcast the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

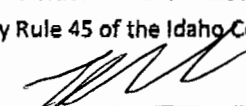
THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to photograph the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

Still photographs of defendant and counsel only

DENIED.

All images and audio recordings captured in the courtroom, whether before, during or after the actual court proceedings, by any pool photographer or video and broadcast camera operator shall be shared with other media organizations as required by Rule 45 of the Idaho Court Administrative Rules.

DATED this 12th day of May, 
Justice/Judge

THIRD JUDICIAL DISTRICT, STATE OF IDAHO
COUNTY OF CANYON
PRELIMINARY HEARING

STATE OF IDAHO)
) Plaintiff) Case No. CR-2016-7911-C
-vs-) Date: 5/13/16
Jayson Lee Woods)
) Defendant.) Judge: T. Sullivan
) Recording: Mag 5 (843-845)
 True Name)
Corrected Name:)

APPEARANCES:

- Defendant Defendant's Attorney Lary Sisson
 Prosecutor Chris Boyd Interpreter

PROCEEDINGS:

- Preliminary hearing continued to **May 27, 2016** at **10:00 a.m.** before Judge **DeMeyer**.

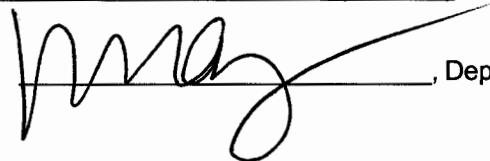
COURT'S RULING:

- Motion for bond reduction continued until the time of Preliminary Hearing.

BAIL: The Defendant was

- Released on written citation promise to appear Released on bond previously posted.
 Released on own recognizance (O.R.) Remanded to the custody of the sheriff.
 Released to pre-trial release officer. Bail set at \$NO BOND SET remains
 Defendant to Report to Pretrial Release Services upon posting bond.

OTHER: Mr. Sisson requested a continuance since discovery had just been received yesterday. Further, Mr. Sisson provided the Court with Waiver of Time Limit for Preliminary Hearing. In response to the Courts inquiry, Mr. Boyd had no objection to a continuance. The court noted for the record that the defendant waived statutory time for Preliminary Hearing

 Deputy Clerk

CT

MAY 13 2016

CANYON COUNTY CLERK
M MARTINEZ, DEPUTY

LARY G. SISSON
Attorney At Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 800-9627
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON LEE WOODS,

Defendant.

Case Nos. CR-2016-7911-C

**WAIVER OF TIME LIMIT FOR
PRELIMINARY HEARING**

COMES NOW Defendant, Jayson Lee Woods, and his attorney of record, Lary G. Sisson, and hereby waives Defendant's right to the fourteen (14) day time limit for having a Preliminary Hearing in the above-listed case.

Defendant and his attorney have had an opportunity to discuss Rule 5.1 of the Idaho Criminal Rules and hereby acknowledge that:

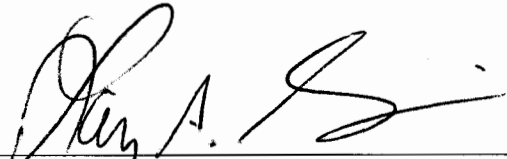
1. Defendant understands what his right is as to having a Preliminary Hearing;
2. Defendant understands the nature and purpose of a Preliminary Hearing;
3. Defendant understands that because he is in custody, he has a right to have a Preliminary Hearing within fourteen (14) days following Defendant's initial appearance;

4. Defendant knowingly, intelligently and voluntarily waives the fourteen (14) day time limit following Defendant's initial appearance for having a Preliminary Hearing in the above-listed case;
5. However, Defendant does not waive his right to a Preliminary Hearing and requests that it occur on or between May 16, 2016 and May 27, 2016.

DATED this 12th day of May, 2016.



JAYSON LEE WOODS
Defendant



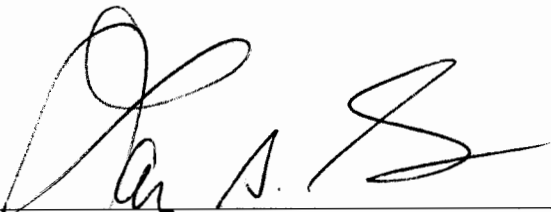
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2016, I served a true and correct copy of the within and foregoing *Waiver of Time Limit for Preliminary Hearing* upon the individual(s) named below in the manner noted:

- ✓ By delivering copies of the same to the designated courthouse box(es) of the office(s) indicated below.

Bryan F. Taylor
Canyon County Prosecuting Attorney
Canyon County Courthouse
Caldwell, Idaho 83605



LARRY G. SISSON
Attorney for Defendant

cb

FILED
A.M. P.M.
MAY 19 2016

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

**CANYON COUNTY CLERK
B HATFIELD, DEPUTY**

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

SUPERSEDING INDICTMENT

for the crime of:

COUNT I: MURDER I

Felony, I.C. §18-4001; 18-4003(d); 18-204

COUNT II: ROBBERY

Felony I.C. §18-6501; 18-204

**COUNT III: CONSPIRACY TO COMMIT
ROBBERY**

Felony, I.C. §18-6501; 18-1701

**COUNT IV: ACCEPTING EARNINGS
OF A PROSTITUTE**

Felony, I.C. §18-5606; 18-5613

COUNT I

JAYSON L. WOODS is accused by the Grand Jury of Canyon County of the crime of
COUNT I: MURDER I, a felony, Idaho Code Section §18-4001; 18-4003(d); 18-204, committed
as follows:

That the Defendant, Jayson L. Woods, on or about the 29th day of April, 2016, in the
County of Canyon, State of Idaho, did aid, abet, assist, facilitate and/or encourage Kelly
Schneider to perpetrate a robbery of Steven Nelson, during which Kelly Schneider did kill and
murder Steven Nelson.

All of which is contrary to **Idaho Code**, Section 18-4001; 18-4003(d), 18-204 and against the power, peace and dignity of the State of Idaho.

COUNT II

JAYSON L. WOODS is accused by the Grand Jury of Canyon County of the crime of COUNT II: ROBBERY, a felony, Idaho Code Section §18-6501; 18-204, committed as follows:

That the Defendant, Jayson L. Woods, on or about the 29th day of April, 2016, in the County of Canyon, State of Idaho, did aid, abet, assist, facilitate and/or encourage Kelly Schneider to feloniously, intentionally and by means of force or fear take from the person and/or immediate presence of Steven Nelson certain personal property, to-wit: cash money and/or clothing and/or a wallet with credit cards inside and/or car keys and/or a car, the property of Steven Nelson, which was accomplished against the will of Steven Nelson, in that the Kelly Schneider choked Steven Nelson and/or forced Steven Nelson to the ground and/or kicked Steven Nelson and demanded and/or forcibly took Steven Nelson's personal property.

All of which is contrary to **Idaho Code**, Section 18-6501; 18-204 and against the power, peace and dignity of the State of Idaho.

COUNT III

JAYSON L. WOODS is accused by the Grand Jury of Canyon County of the crime of COUNT III: CONSPIRACY TO COMMIT ROBBERY, a felony, Idaho Code Section §18-6501; 18-1701, committed as follows:

That the Defendant, Jayson L. Woods, on or about April 28th, 2016, through April 29th, 2016, within Canyon County, State of Idaho, and elsewhere, the Defendant, Jayson L. Woods, did willfully and knowingly combine or conspire with Kelly Schneider and/or Daniel Henkel and/or Kevin Tracy and/or any other person to commit the crime of robbery upon Steven Nelson,

and that in furtherance of the conspiracy and to effect the objects thereof, one or more of the conspirators did the following overt acts within Canyon County, Idaho:

1. On or about April 29th 2016, Jayson Woods drove Kelly Schneider or Daniel Henkel in a Chevy HHR to meet Steven Nelson at a Walmart in Nampa, Idaho.
2. On or about April 29th 2016, Jayson Woods drove Daniel Henkel and Kevin Tracy in a Chevy HHR to Gott's Point to wait for Kelly Schneider to rob Steven Nelson at that location.
3. On or about April 29th 2016, Daniel Henkel, armed with a pipe, waited for the arrival of Kelly Schneider with Steven Nelson at Gott's Point.
4. On or about April 29th 2016, Kevin Tracy also waited for the arrival of Kelly Schneider with Steven Nelson at Gott's Point.
5. On or about April 29th 2016, Jayson Woods returned with Kelly Schneider to a Walmart in Nampa Idaho to meet with Steven Nelson.
6. On or about April 29th 2016 Kelly Schneider met Steven Nelson at a Walmart in Nampa Idaho.
7. On or about April 29th 2016 Kelly Schneider rode with Steven Nelson to the prearranged location at Gott's Point in Canyon County Idaho.
8. On or about April 29th 2016, Kelly Schneider robbed Steven Nelson at Gott's Point.
9. On or about April 29th 2016, Kelly Schneider drove away from Gott's Point in Steven Nelson's car with Kevin Tracy and Daniel Henkel.
10. On or about April 29th 2016, Kelly Schneider, Kevin Tracy, and Daniel Henkel met back in the Chevy HHR to divide the proceeds of the robbery.
11. On or about April 29th 2016, Kelly Schneider gave Kevin Tracy twenty-five dollars from the proceeds of the robbery.
12. On or about April 29th 2016, Kelly Schneider gave Jayson Woods forty dollars from the proceeds of the robbery.

All of which is contrary to **Idaho Code**, Section 18-6501; 18-1701 and against the power, peace and dignity of the State of Idaho.

COUNT IV

JAYSON L. WOODS is accused by the Grand Jury of Canyon County of the crime of COUNT IV: ACCEPTING EARNINGS OF A PROSTITUTE, a felony, Idaho Code Section §18-5606; 18-5613, committed as follows:

That the Defendant, Jayson L. Woods, on or between the 1st day of February, 2016, and 29th day of April, 2016, in the County of Canyon, State of Idaho, did knowingly, in a joint venture, accept and/or appropriate money or some item of value from the proceeds or earnings of a prostitute, in the form of cash money.

All of which is contrary to **Idaho Code**, Section 18-5606; 18-5613 and against the power, peace and dignity of the State of Idaho.

A TRUE BILL

Presented in Open Court this 18 day of MAY, 2016.



Foreman of the Grand Jury of
Canyon County, State of Idaho

NAMES OF WITNESSES EXAMINED BEFORE THE GRAND JURY

Christopher Odenborg
Dr. Charles Garrison
Abigail Williams
Danny Martineau
Paul Maund
Steven Petersen
Chuck Gentry

CT

FILED
A.M. P.M.

MAY 19 2016

**CANYON COUNTY CLERK
M. NYE, DEPUTY**

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, ID 83605
Telephone: (208) 800-9627
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CANYON**

THE STATE OF IDAHO

Plaintiff,

v.

JAYSON WOODS,

Defendant.

CASE NO. CR-2016-7911-C

NOTICE OF DEFENSE OF ALIBI

COMES NOW Defendant, JAYSON WOODS, by and through her attorney of record, Lary G. Sisson, and hereby notifies this Court and counsel that pursuant to Idaho Code §19-519 Defendant intends to call the following persons as an alibi witness in this matter:

1. Abigail Williams (current address and telephone number unknown at this time).
2. Records Custodian for the Maverik Convenience Store, 2516 W. Karcher Rd, Nampa, Idaho 83651, telephone (208) 468-7805).
3. Record Custodian for the St. Alphonsus Urgent Care, 11035 W. Karcher Rd, Nampa, ID 83651, telephone (208) 302-6650.

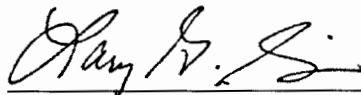
Abigail Williams will testify that she was with Defendant from approximately 4:56 a.m. to approximately 7:30 a.m. on April 29, 2016. She will also testify that Defendant was not present when the victim was attacked and/or beaten at Gott's Point. Additionally, Abigail Williams will

testify that Defendant did not have any personal or physical contact with the victim from 4:56 a.m. to 7:30 a.m. on April 29, 2016.

The record custodian for the Maverik Convenience Store will testify, after reviewing the store's surveillance video, that Defendant and Abigail Williams were at the convenience store for at least one-half hour starting at approximately 5:00 a.m. on April 29, 2016.

The record custodian for the St. Alphonsus Urgent Care will testify, after reviewing the facility's surveillance video, that the vehicle in which Defendant and Abigail Williams were located on April 29, 2016 was parked outside the St. Alphonsus Urgent Care from approximately 5:30 a.m. to 6:00 a.m. on April 29, 2016.

DATED this 19th day of May 2016.



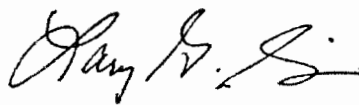
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May 2016, I served a true and correct copy of the *NOTICE OF DEFENSE OF ALIBI* upon the individual(s) named below in the manner noted:

- ✓ By placing a copy of the same in the attorney's basket at the Canyon County Courthouse

Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, ID 83605



LARRY G. SISSON
Attorney for Defendant

FILED
A.M. P.M.

MAY 20 2016

CANYON COUNTY CLERK
T EDWARDS, DEPUTY

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO,

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

WARRANT OF ARREST

TO ANY SHERIFF, CONSTABLE, MARSHAL, OR POLICEMAN
IN THE STATE OF IDAHO:

A SUPERSEDING INDICTMENT having been found on the 18th day of May, 2016, in the District Court of the Third Judicial District, in and for the County of Canyon, State of Idaho, charging JAYSON L. WOODS with the crime of COUNT I: MURDER I, a felony, Idaho Code Section §18-4001; 18-4003(d); 18-204, COUNT II: ROBBERY, a felony, Idaho Code Section §18-6501; 18-204, COUNT III: CONSPIRACY TO COMMIT ROBBERY, a felony, Idaho Code Section §18-6501; 18-1701, COUNT IV: ACCEPTING EARNINGS OF A PROSTITUTE, a felony, Idaho Code Section §18-5606; 18-5613;

DOCKETED

5-19-16
Ada County
WARRANT OF ARREST

YOU ARE THEREFORE COMMANDED to immediately arrest the Defendant above named and to bring him before the District Court in the County of Canyon, or in case of my absence or inability to act before the nearest or most accessible District Judge in Canyon County.

May be served:

_____ Daytime only

X Daytime or night time - may be served statewide.

Bond: \$ without bail.

NO CONTACT ORDER

If checked, Defendant is not to be released on bond until the following No Contact Order is served on, or signed by, the Defendant:

As a condition of Bond, YOU, THE DEFENDANT IN THE ABOVE CAPTIONED CASE, ARE HEREBY ORDERED TO HAVE NO CONTACT DIRECTLY OR INDIRECTLY WITH THE ALLEGED VICTIM(S):

You shall not harass, follow, contact, attempt to contact, communicate with in any form, or knowingly remain within 300 feet of the alleged victim(s) or his/her property, residence, work or school.

THIS ORDER WILL EXPIRE AT 11:59 ON THE _____ DAY OF _____, 20____, OR UPON DISMISSAL OF THE CASE.

VIOLATION OF THIS ORDER MAY BE PROSECUTED AS A SEPARATE CRIME UNDER Idaho Code section 18-920 for which no bail will be set until you appear before a judge and is subject to a penalty of up to one (1) year in jail or up to a one thousand dollar (\$1,000) fine, or both.

THIS ORDER CAN BE MODIFIED ONLY BY A JUDGE AND WHEN MORE THAN ONE DOMESTIC VIOLENCE PROTECTION ORDER (Title 39, Chapter 62 of Idaho Code) IS IN PLACE THE MOST RESTRICTIVE PROVISION WILL CONTROL ANY CONFLICTING TERMS OF ANY OTHER CIVIL OR CRIMINAL PROTECTION ORDER.

The clerk shall immediately give written notification to the records department of the Canyon County Sheriff's Office of the issuance of this order. THIS INFORMATION ON THIS ORDER SHALL BE ENTERED INTO THE IDAHO LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM. This order is entered pursuant to Idaho Code section 18-920, and Idaho Criminal Rule 46.2 (for felonies) or Idaho Misdemeanor Criminal Rule 13 (for misdemeanors).

DATED this 18 day of May, 20 16.


DISTRICT JUDGE

RACE:	HAIR: Brown	EYES: Blue
HEIGHT: 6'00"	WEIGHT: 430	
	CR#: CR2016-07911	AGENCY: CCSO
Officer: Bailey Wilson	Badge #: 5219	

Last Known address: 15560 N Kodee Way Nampa, ID 83651

Other: In Custody

NCIC ENTRY: (Additional Levels Inclusive)
 Local
 Statewide
 Surrounding States
 Western United States
 Nationwide

By: _____
Dated: _____

RETURN OF SERVICE

I CERTIFY that I served the foregoing Warrant by arresting the above named Defendant and bringing into Court his _____ day of _____, 20 ____.

Deputy Sheriff/City Policeman/
State Policeman

MAY 20 2016

CANYON COUNTY CLERK
R DOMINGUEZ, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 800-9627
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

THE STATE OF IDAHO,

Plaintiff,

vs.

JAYSON WOODS,

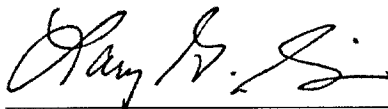
Defendant.

CASE NO. CR-2016-7911-C

**MOTION FOR ORDER TO PRODUCE
RECORD FROM GRAND JURY
PROCEEDINGS**

COMES NOW the above named defendant, Jayson Woods, by and through his attorney of record, Lary G. Sisson, and hereby moves this honorable Court for an Order to produce the record of the Grand Jury Proceedings, including a transcript of all testimony, a transcript of all statements and arguments made by the Prosecuting Attorney, and all exhibits presented to the Grand Jury, leading to the issuance on May 18, 2016 of a Superceding Indictment for the defendant in this matter. This Motion is made pursuant to Rule 6.3(c) of the Idaho Rules of Criminal Procedure.

DATED this 20th day of May, 2016.



LARY G. SISSON
Attorney for Defendant

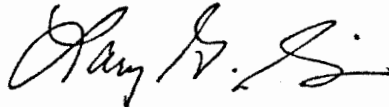
CERTIFICATE OF SERVICE

I hereby certify that, on the 20th day of May, 2016. I served a true and correct copy of the within and foregoing document upon the following:

◆ By delivering copies of the same to the designated courthouse boxes of the office(s) indicated below.

Canyon Country Prosecuting Attorney
1115 Albany Street
Caldwell, Idaho 83605

Transcript Clerk
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605



LARRY G. SISSON
Attorney for Defendant

THIRD JUDICIAL DISTRICT, STATE OF IDAHO
COUNTY OF CANYON

ARRAIGNMENT IN-CUSTODY

STATE OF IDAHO, _____) Case No. CR2016-7911*C
Plaintiff)
-vs-) Date: MAY 23, 2016
JAYSON LEE WOODS, _____)
Defendant.) Judge: JACKSON
 True Name)
Corrected Name:) Recording: MAG7 (155 - 158)
_____)

APPEARANCES:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Defendant | <input checked="" type="checkbox"/> Prosecutor Mr. Patrick Denton |
| <input checked="" type="checkbox"/> Defendant's Attorney Mr. Lary Sisson | <input type="checkbox"/> Interpreter |

ADVISEMENT OF RIGHTS: Defendant

was informed of the charges against him/her and all legal rights, including the right to be represented by counsel.

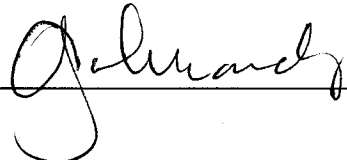
DISTRICT COURT ARRN: June 3, 2016 at 9:00 a.m. before Judge Vandervelde

BAIL: State recommends

- | | |
|---|--|
| <input type="checkbox"/> Released on written citation promise to appear | <input type="checkbox"/> Released on bond previously posted. |
| <input type="checkbox"/> Released on own recognizance (O.R.) | <input checked="" type="checkbox"/> Remanded to the custody of the sheriff. |
| <input type="checkbox"/> Released to pre-trial release officer. | <input checked="" type="checkbox"/> Bail set at \$ZERO (0)/CONTD |
| <input type="checkbox"/> No Contact Order <input type="checkbox"/> entered <input type="checkbox"/> continued | <input type="checkbox"/> Cases consolidated |
| <input type="checkbox"/> Address Verified | <input type="checkbox"/> Defendant to Report to Pretrial Release Services upon posting bond. |
| <input type="checkbox"/> Corrected Address: _____ | |

OTHER: The Court arraigned the defendant on the Superceding Indictment.

In response to Mr. Sission's inquiry, the Court advised Mr. Sission that he would not address bond at this time but could be addressed in District Court.

 _____, Deputy Clerk

CF
FILED
A.M. 1:00 P.M.

MAY 24 2016

CANYON COUNTY CLERK
M. NYE, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 800-9627
Facsimile: (877) 866-4488

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

Case No. CR-2016-7911-C

**MOTION TO SET BAIL AND
NOTICE OF HEARING**

COMES NOW, the Defendant, by and through Defendant's attorneys of record, Lary G. Sisson, and hereby moves this Honorable Court for entry of its Order setting a bail amount in this matter.

THIS MOTION is made on the grounds that:

1. Defendant has been charged by a Grand Jury with First Degree Murder, Robbery, Conspiracy to Commit Robbery, and Receiving Pay for Procurement of a Prostitute in this matter;
2. A no bail Arrest Warrant was issued in this matter on or about May 18, 2016;
3. Rule 46(b) of the Idaho Criminal Rules allows that a person arrested for an offense punishable by death may be admitted to bail in the exercise of discretion by any magistrate or district court authorized by law to set bail.

4. The other offenses with which Defendant is charged are bail able offenses;
and
5. Based on the factors of Rule 46(c) setting bail in this matters is appropriate.

THIS MOTION is based on the pleadings, papers, records and files in the above entitled action. In addition, Defendant desires to provide supplemental information and/or documents to the Court during a hearing on this motion.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that attorney for Defendant will bring up for hearing the above Motion at the Canyon County District Courthouse, 1115 Albany Street, Caldwell, Idaho, on the 3rd day of June, 2016, at the hour of 9:00 a.m. or as soon thereafter as can be heard before the Honorable Davis F. Vandervelde.

DATED this 24th day of May, 2016.



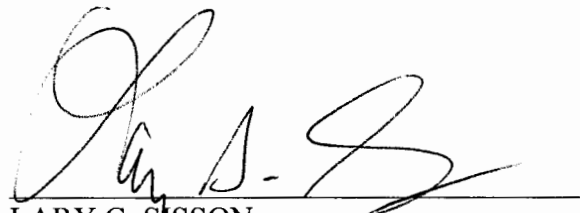
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE:

I hereby certify that on the 24th day of May, 2016, I served a true and correct copy of the within Motion for Bond Reduction or Release on Own Recognizance and Notice of Hearing upon the individual(s) names below in the manner noted:

- ✓ By depositing copies of the same in the designated courthouse box.

Canyon County Prosecuting Attorney
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83065



LARRY G. SISSON
Attorney for Defendant

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 800-9627
Facsimile: (877) 866-448
Idaho State Bar No. 6072

Attorney for Defendant

FILED
A.M. P.M.

JUN 01 2016

CANYON COUNTY CLERK
A YOUNG, DEPUTY

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

THE STATE OF IDAHO,

Plaintiff,

vs.

JAYSON WOODS,

Defendant.

CASE NO. CR-2016-7911-C

**ORDER TO PRODUCE RECORD
FROM GRAND JURY PROCEEDINGS**

The above named defendant having filed a Motion for an Order to Produce Record from the Grand Jury Proceedings leading to the Superceding Indictment of the above named defendant which was held on May 18, 2016, and good cause appearing therefore;

IT IS ORDERED AND THIS DOES ORDER that the following shall be prepared from the Grand Jury proceedings held on May 18, 2016:

1. A transcript of all testimony,
2. A transcript of all statements and arguments made by the Prosecuting Attorney,
3. A copy of all instructions given to the Grand Jury, and
4. A copy of all exhibits presented to the Grand Jury

The record of the Grand Jury Proceedings shall be prepared within ~~15~~³⁰ ^{G.S.} days of the date of this order. Patty Terry, a certified court reporter, shall prepare the transcript.

IT IS FURTHER ORDERED, that:

1. Upon receipt of the transcripts, the Court Clerk will lodge and certify delivery of one copy to the Prosecuting Attorney. The Prosecuting Attorney shall have five (5) working days to review the transcript and file any objection. The Court will review the transcript in Camera and make any necessary deletions. Such record will be sealed for review by an appellate court.
2. In the absence of an objection by the Prosecuting Attorney to the completed transcript within the five (5) working days, the Court Clerk is to file a copy with the Court and certify delivery of a copy of the transcript to the defendant's attorney.
3. The transcript shall be furnished to defendant's attorney as soon as possible, but it shall be furnished no later than ten (10) days before trial.
4. The above named defendant is represented by the Lary G. Sisson as a conflict public defender and thus said transcript is to be provided at the expense of the County.
5. All copies of the Grand Jury Transcript are to be returned to the Clerk for sealing.

IT IS ALSO ORDERED, that all such transcripts of Grand Jury testimony are to be used exclusively by the said attorneys in preparation for the defense of said case. None of the material may be copied or disclosed to any person other than the attorneys, their deputies, assistants, associates or witnesses, without specific authorization by the Court. Counsel may discuss the contents of the transcript with their client or witnesses, but may not release the transcripts themselves.

DATED this 26 day of May, 2016.



GEORGE A. SOUTHWORTH
District Judge

CERTIFICATE OF SERVICE

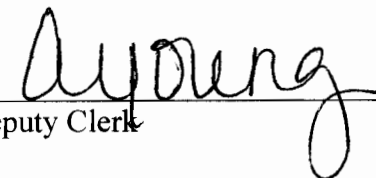
I hereby certify that on the 1 day of ~~May~~ ^{June}, 2016, I served a true and correct copy of the within and foregoing document upon the following: by hand delivering copies of the same to the designated courthouse boxes of the office(s) indicated below.

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, Idaho 83605

Lary G. Sisson
815 Fillmore Street
Caldwell, Idaho 83605

Transcript Clerk
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605

CHRIS YAMAMOTO
Clerk of the District Court

By: 

Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GREGORY M. CULET** DATE: JUNE 03, 2016

THE STATE OF IDAHO,	)	COURT MINUTES
)	
Plaintiff,	)	CASE NO: CR-2016-0007911-C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Christine Rhodes
)	
Defendant.	)	DCRT 5 (1026-1038)
_____)	

This having been the time heretofore set for **arraignment** in the above entitled matter, the State was represented by Ms. Madison Hamby, Deputy Prosecuting Attorney for Canyon County; and the defendant was present in court with counsel, Mr. Lary Sisson.

The Court determined the defendant received and reviewed a copy of the Supersceding Indictment, and his true name was charged.

The Court inquired of Ms. Hamby as to whether the State would pursue the death penalty in this matter.

Ms. Hamby advised the Court that the State would not seek the death penalty.

The Court advised the defendant of the charges and the possible penalties for the same.

The Court further advised the defendant the charges could be ordered to run consecutively and if he was not a citizen of the United States and pled guilty, or was found guilty of any criminal offense, it could have immigration consequences to include, deportation from the United States, inability to obtain legal status in the United States, or denial of an application for United States citizenship.

In answer to the Courts inquiry, the defendant indicated he understood the charge and possible penalties provided by law upon a conviction.

Mr. Sisson indicated the defendant waived formal reading of the Information; would enter a plea of **not guilty** at this time, and **demand** speedy trial.

The Court set this matter for **pretrial conference the 2nd day of August, 2016 at 9:00 a.m., before the Honorable George A. Southworth** and a **four (4) day jury trial to commence the 6th day of September, 2016 at 9:00 a.m., before the Honorable George A. Southworth.**

The Court noted the defendant's motion for bond reduction and instructed counsel to proceed with argument.

Based upon the Court's inquiry, there was no bond currently set in this matter.

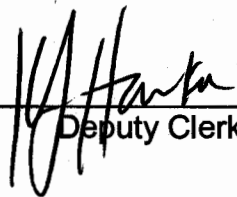
Mr. Sisson presented argument in support of a bond being set in this matter in the amount of \$150,000.00 Further, Mr. Sisson advised the Court of the defendant's residence status, family situation and employment status.

Ms. Hamby presented argument in opposition to the motion and requested the Court set a bond amount of \$3,000,000.00. Further, Ms. Hamby advised the Court of the defendant's prior criminal record as well as reviewed the charges in this matter.

Mr. Sisson reviewed with the Court the current pending charges in this matter.

The expressed legal opinions and **granted** the motion to set a bond in this matter. The Court set bond in the amount of \$1,000,000.00.

The defendant was remanded to the custody of the Canyon County Sheriff pending further proceedings or posting of bond.


Deputy Clerk

THIRD JUDICIAL DISTRICT
STATE OF IDAHO
COUNTY OF CANYON

FILED 6-3-16 AT 10 A. M.
CLERK OF THE DISTRICT COURT
BY Krum, DEPUTY

STATE OF IDAHO,
Plaintiff,
-vs-

JAYSON WOODS
Defendant,

Case No. CR-2016-0007911-C

ORDER FOR

- Conditional Release/Pretrial Services
- Release on Own Recognizance
- Commitment on Bond

IT IS HEREBY ORDERED the defendant abide by the following conditions of release:

- Defendant is Ordered released
 - On own recognizance
 - Placed on probation
 - Case Dismissed
 - Bond having been set in the sum of \$ 1,000,000.00 Total Bond
 - Bond having been increased reduced to the sum of \$ _____ Total Bond
 - Upon posting bond, defendant must report to the Canyon County Pretrial Services office as stated below:
 - Defendant shall report to the Canyon County Pretrial Services Office and follow the standard reporting conditions:
 - Comply with a curfew designated by the Court or standard curfew set by Pretrial Services _____.
 - Not consume or possess alcoholic beverages or mood altering substances without a valid prescription.
 - Submit to evidentiary testing for alcohol and/or drugs as requested by Pretrial Services at defendant's expense.
 - Not operate or be in the driver's position of any motor vehicle.
 - Abide by any No Contact Order and its conditions.
 - Submit to GPS Alcohol monitoring as directed by Pretrial Services.
- Defendants Ordered to submit to GPS or alcohol monitoring shall make arrangements with a provider approved by Pretrial Services, prior to release.**

OTHER: _____

Failure by defendant to comply with the rules and/or reporting conditions and/or requirements of release as Ordered by the Court may result in the revocation of release and return to the custody of the Sheriff.

Dated: 6/3/2016 Signed: _____ Judge

White - Court Yellow - Jail/Pretrial Services Pink - Defendant

CT

FILED
11:50 A.M. JUN 10 2016 P.M.

JUN 10 2016

CANYON COUNTY CLERK
S ALSUP, DEPUTY

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Idaho State Bar No. 6072

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON WOODS,

Defendant.

CASE NO. CR-2016-7911-C

**EX-PARTE MOTION FOR
PAYMENT OF INVESTIGATION
SERVICES**

COMES NOW Defendant, by and through his attorney of record, Lary G. Sisson, and hereby moves this Court for an Order authorizing the defense to engage an investigator and for payment of the cost of investigative services in this matter from the District Court Fund. This Motion is based on Rule 12.2 of the Idaho Criminal Rules and the following:

1. On or about May 2, 2016, Defendant was found to be indigent and the Canyon County Public Defender was appointed to represent him in this matter.
2. Because the Canyon County Public Defender has been appointed to represent a co-defendant of Mr. Woods, this matter was assigned to Lary G. Sisson as a conflict public defender on or about May 4, 2016.
3. Defendant is in the Ada County Jail and bail has been set at \$1,000,000.00.

Defendant will not be able to post bail.

4. Consequently, Defendant is indigent and unable to pay for investigator in this matter.
5. This is a case in which the decedent was attacked by at least one – a possibly up to three men, who then stole the decedent’s wallet, clothes and car. The decedent was able to make it to a residence and report what happened to the police. The decedent was taken to the hospital where he later died of a heart attack.
Defendant is alleged to have facilitated the meeting with the decedent, assisted other co-defendants in being at the crime scene location, and possibly participating in the attack on the decedent. The primary witnesses against Defendant are his co-defendants and a women named Abigail Williams. There has been significant news media coverage of this incident.
6. To date, the State has disclosed at least fifteen (15) potential witnesses. Two (2) of those witnesses (co-defendant Kelly Schneider and Abigail Williams) were present with Defendant at or near the time that the crimes for which Defendant has been charged were committed. Defendant anticipates additional lay witnesses will be disclosed in this case because the decedent undoubtedly made statements to the person who he asked to call 911 as well as medical personnel who were assessing and treating the decedent’s injuries.
7. The scope and details of the services requested are:
 - A. Co-defendants need to be interviewed – if they are willing to do so;
 - B. Lay witnesses need to be interviewed;
 - C. Potential character witnesses for and against the co-defendants and Abigail Williams need to be located and interviewed;

- D. Subpoenas for potential witnesses and evidence need to be served; and
 - E. Phone records and messages from multiple cell phones as well as surveillance videos from at least three (3) businesses need to be reviewed.
8. The reasons the requested services are relevant and necessary to the defense based upon the specific facts of the case are as follows:
- A. The defense needs to establish that Defendant did not know that Kelly Schneider, or any other co-defendant, were going to rob and attack the decedent;
 - B. The defense also must establish that Defendant was not actually present when the attack on the decedent occurred;
 - C. The defense will have to prove that the statements by co-defendants and Abigail Williams which implicate Defendant in these crimes are false; and
 - D. Therefore, the scope and details of the services requested above are necessary for Defendant's defense in this matter.
9. The names and locations of the proposed providers of the investigative services are:
- A. Robert Collins – 16573 Maravilla Place Caldwell, ID 83607;
 - B. Peter M. Smith & Associates - 13601 W McMillan Rd, Suite 102-232, Meridian, ID 83646; and
 - C. Stuart M. Robinson = SRInvestigations, P.O. Box 5666, Twin Falls, Idaho 83303.
10. The qualifications of the proposed providers of the investigative services and the rates or other charges of the providers of the investigative services, are attached as

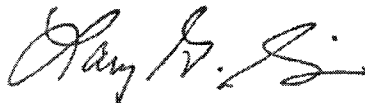
Exhibits A, B, and C respectively and incorporated in this Motion.

11. An estimate of the total cost of the services being requested is no more than three thousand dollars (\$3,000).

Therefore, it is requested that the District Court issue an Order which:

- A. Selects one of the three proposed investigators to provide investigative services on behalf of Defendant.
- B. Authorizes that no more than three thousand dollars (\$3,000) may be spent on behalf of Defendant for investigative services.
- C. Any expenditure above the authorized three thousand dollars (\$3,000) will not be approved for payment unless additional authorization is sought from the court, under the procedures set forth in I.C.R. 12.2 and prior to the added charge being occurred.
- D. Payment for services provided under the provisions of I.C.R. 12.2 shall be made only upon the submission of a detailed billing setting forth each of the services provided and the cost of such services.

DATED this 10th day of June, 2016.



LARRY G. SISSON
Attorney for Defendant

Robert W. Collins

16573 Maravilla Place
Caldwell, ID 83607
208 850-6623

Education

Associate of Arts Degree, Liberal Arts, University of Alaska, 1990
Bachelor of Arts Degree, Business Administration, Northwest Nazarene University, 2011

Law Enforcement Training

US Army Criminal Investigation Course, 1991

POST Academy 1997

POST Basic Certificate 1998

POST Intermediate Certificate 2000

POST Advanced Certificate 2003

Over 2400 hours of POST Training (variety of fields)

Crime scene processing, death investigations, counter terrorism, child abuse investigation, rape investigation, interview and interrogation, DUI investigation, elder abuse investigation, DUI instructor, car seat technician instructor, hazardous material training, field training officer, drug interdiction, hostage negotiator, seat belt enforcement, suicide management, school safety and security, domestic violence, CPR/first aid, blood borne pathogens, sex, terrorism and the internet, RADAR/LIDAR training, risk management, arson investigation, and nonverbal communications

Instructor Development 1998

Certified Standardized Field Sobriety Instructor 1999

Certified Car Seat Technician Instructor 1999

Polygraph Training Course 2006

Polygraph Sex Offender Training Course 2006

Experience

Special Agent, US Army Criminal Investigation Division (CID) 1989 - 1994.

Fraud Team 1989-1990

General Crimes Team 1991-1993

Drug Suppression Team 1993-1994

Additional Duties: Evidence Custodian, member of the Major Crimes Team

Law Enforcement, Caldwell Police, 1996 - 2009

Patrol Officer 1996 – 1998

Traffic Enforcement Officer 1998 – 2000

Detective 2000 – 2009

Additional Duties: Member of the officer involved investigations, internal investigations team, new officer mentor training member, senior hostage negotiator, and polygraph examiner.

Investigator, Canyon County Public Defender's Office, 2013 – 2014

Case Review

Polygraph Examinations

Case/investigation follow-up

EXHIBIT A

Stuart M. Robinson
P.O. Box 5666
Twin Falls, Idaho 83303
(208) 420-8930
srinvestigations@cableone.net

Education History

- 2001 Boise State University Law Enforcement Management.
- 2000 College of Southern Idaho/Boise State University Criminal Justice.
- 2000 College of Southern Idaho Management and Supervision of Personnel.
- Hundreds of hours of specialized training in the investigation of homicides, crime scene re-construction and blood spatter.
- Extensive training hours in interviewing of suspects and witnesses.
- Specialized training in the investigation of officer involved shootings and police misconduct.
- 2014 Searching the internet/skip tracing.
- 2014 Computer crimes and the retrieval of evidence.
- 2014 NDIA Conference. Topics included updates on crime scene investigations, working defense cases, and analyzing and organization of records, and the defending of high profile clients.

Employment History

2005-present, Owner/Investigator of S. Robinson & Associates Investigative Services.

- 2006 to the present. I have been a court appointed investigator numerous times for the Public Defenders in Twin Falls County, Cassia County, Minidoka County, Blaine County, Bingham County, Elmore County and Gooding County.
- 2006 assigned to assist the Twin Falls Public Defender and their full time investigator in the case CR2006-1461 State of Idaho vs. John Horonzy. This was due to the complexity murder case involving forensic evidence and the case being over ten years old.
- Appointed as a defense investigator in several Federal Court Cases Pocatello, Idaho.
- Provide investigative services and legal assistance to attorneys, businesses, and private individuals.
- Review and analyze law enforcement cases, evidence and crime scenes.
- Covert surveillance, witness locating, interviewing, and statement analysis.

EXHIBIT B

- Locate assets, court record searches, due diligence investigations, skip tracing.

2000-2010, I was a certified instructor for the Idaho Post Academy in the areas of the collection of evidence, crime scene investigations, surveillance and fingerprinting. I did not renew my POST certifications in 2010.

1986-2005 Investigator with the Idaho Department of Law Enforcement (Later to become the Idaho State Police).

- Started in 1986 as a Narcotic Investigator, during which time I was involved in several major narcotic cases many of which were tried in the United States 9th Circuit Federal Court System. One case "Salinas vs. United States", Mr. Salinas received the first fixed life sentence under the federal guidelines. The sentence was later reduced as it was found to be too harsh for a drug sentence. In 1999, due to my past homicide training and experience I was sent to the State of California where I received extensive specialized training from Forensic Scientist Joseph M. Rynearson and William J. Chisum in the collection of forensic evidence, and crime scene re-construction. From 2000 to 2004 I attended numerous advanced homicide investigative seminars, I have had training on the Analytical Approaches to a Homicide Investigation by Dr. Henry Lee. I attended several seminars taught by forensic blood spatter expert Rod Englert. From 1996 until my departure from the Idaho State Police I was involved as the lead investigator in numerous high profile crimes. Two of these cases I worked personally with Rod Englert using blood evidence. All of the cases I was assigned had no witness and little or no evidence. I left with a one hundred percent solve rate of convictions of all the cases I was involved in. I have been qualified as an expert in narcotic trafficking, drug identification and investigations, methamphetamine labs, crime scenes, collection of evidence, and analyzing crime scenes in the Idaho Fifth Judicial District Courts. During this time the State of Idaho also sent me to specialize training in officer involved shootings. After which I was assigned several shooting investigations involving officers from outside agencies.

Retired Law Enforcement with the following Police Certifications

- Masters Certificate
- Supervisor Certificate
- Advance Certificate

Awards

- Distinguished Achievement Award
- Meritorious Service Award
- Sons of the American Revolution Law Enforcement Commendation Medal
- Outstanding Protective Service Award (this was given twice 1999+2001)

EXHIBIT B

- Public Service Award from the United States Attorney and the Organized Crime Drug Enforcement Task Force
- Idaho Narcotics Officer of the year
- Idaho Department of Law Enforcement Officer of the year.

Personal Accomplishments:

- I have been a consultant and advisor on the television shows Nancy Grace and Geraldo Rivera.
- I have worked with 48 hours, 20/20, Prime Time, Court TV, and Discovery TV, to reenact high profile murder cases in which I was the lead investigator.
- While the TV show, "Body of Evidence" was filming, a complex murder case I had solved, I worked personally with the renowned criminal profiler and crime scene analyst Dayle Hinman. This was one of the first cases in Idaho that used DNA evidence to solve the case. This was a unique case as the Idaho State Laboratory repeatedly refused to test a piece of evidence I believed to be critical. This item as it turned out after it was finally tested became the most crucial piece of evidence having the suspects DNA on it.

Professional Memberships

- National Council of Investigation and Security Services
- Idaho Professional Investigators Association
- Member National Association of Defense Investigators
- Member of Idaho Association Criminal Defense Lawyers

Professional licenses

- Licensed as a Private Investigator in the Idaho Cities of Pocatello and Nampa.

PUBLICATIONS:

- 2013 Working with Blood Spatter Evidence, IdaDCL news letter.

From: **Stuart Robinson** (srinvestigations@cableone.net)
Sent: Wed 4/01/15 7:11 PM
To: 'Lary Sisson' (larysisson@msn.com)
1 attachment
New CV.docx (21.0 KB)

Lary:

Thank you for considering me. It seems the need for an investigator has become increasingly necessary lately.

I believe one the benefits I come with is the fact that for over 10 years I was a certified instructor with the Idaho Post Academy in Crime Scene Investigations, and the Collection of Evidence. And as you will see in my attached CV. I worked many murder cases in the State of Idaho as the lead investigator when I was with the Idaho Department of Law Enforcement. While a LE officer I was classified as an expert witness in homicide cases in the 5th Judicial District.

I just recently attended a seminar through the National Defenders Association dealing with blood spatter and death investigation. I believe in keeping up to date with methods and training.

I have used my experience, training, and resources in past investigations to have several clients charges dropped or reduced.

I have also obtained my Private Investigator's License in Nampa if your investigation would take me there so as not to cause any problems with the case.

Currently I am finishing up a murder case assisting the Roark Law Firm. I will be in the Boise area sometime next week in hopes to interview a witness. If you would like I could meet with you

personally at that time.

My rates for this type of case (my rates are based on the seriousness of the case) are as follows:

\$75.00 an hour plus 55 cents a mile. I charge for my travel time and any productive work.

All expenses including copies, parking, motels, internet search sites, and travel expenses (public transportation/air fare/rental car), and admission fees.

Please contact me with any questions

Stuart M. Robinson

S. Robinson & Associates Investigative Services

EXHIBIT B

resume

**peter m.smith, licensed private detective
since 1990**

areas of investigation successfully worked:...insurance fraud...civil and criminal defense...personal injury, plaintiff and defense...divorce [hidden assets, custody issues, cheating spouses]...problem solving where the police and the attorneys cannot help... electronic counter surveillance...asset recovery...missing persons...document searches... under cover in corporate fraud detection...find the missing person or property...wills.

education...bachelor's degree in social psychology...two year internship in rogerian psychotherapy...three years of study in buddhist psychology in a monastic environment...numerous seminars in all areas of professional investigation...23 years in the school of hard knocks with high marks in client satisfaction.

other professional experience:...six years in the medical imaging business [product management, international sales and marketing management]...seven years working a successful private practice in psychotherapy.

professional philosophy...act first as an investigative consultant, then serve the client's best interests in such a lawful and ethical manner that the truth comes to light in a cost effective manner...treat each case as the unique situation it is and approach the problem in a creative and effective manner.

code of ethics...act within the ethical boundaries of the client, while breaking no laws and causing no harm...discover the truth and report it accurately.

best techniques...get them talking and keep them talking...tape record it all...keep it all very friendly...pretext accordingly...patience always...never argue

attitude that works...persevere, the truth is there and someone will want to tell it.

best professional advice ever given to me:...“serve the clients and they will serve you.”

professional affiliation...professional private investigators association of idaho

professional references:

layne davis 208-429-1200
joe ellsworth 208-336-4664
david hammerquist 208-342-4591

j. scott dowdy 208-922-9919
david leroy 208-342-0000
john defranco 208-336-4664

e-mail...petersmith119@gmail.com

cell...208-866-4176

EXHIBIT C

some favorite case summaries to sample my investigation work over the years:

my first job...ninety minutes after I picked up my license I went to lunch at my favorite greasy spoon...show my friend the owner my license...agree on a fee for my searching for her grandson, missing with his mother for five months [five hundred dollars and free meals for one year, plus expenses]...search everywhere locally and find no leads...find nothing on a national data base...go to creative mode...develop a story about the boy's father dying...have the family tell the maternal grandmother in England about a life insurance policy and the number the mother should call to collect...set up trap line with a Mr. Schwartz's secretary answering at the other end...Mr. Schwartz is out until two days after the mother calls and only in for a few hours on that day before going on vacation...by the time the mother called back to Mr. Schwartz we were in place, with all papers in order, and the sheriff scooped the boy...it was a start and I ate free for a year.

personal favorite...dad calls regarding his sixteen year-old daughter's 'boyfriend from hell'...get his background...get him arrested if illegal...get him tested for H.I.V....court records check turns up a questionable paternity suit years before...my T.V. producer alter-ego shows up at his door wanting to interview the boy for a piece we're doing on bogus paternity suits...the tape tells the client everything he wants to know and much he doesn't [doing and selling drugs, having unprotected sex with the daughter, gang activity, etc.]...the boyfriend looks 'so cool' that we ask him to try out for a national T.V. ad' campaign called: 'H.I.V.—know for sure, get the test'...we structure the story line to include home video footage of interviews before and after the blood is drawn and results are disclosed...the test comes back negative and he flunks the audition...dad and mom are sleeping again and working on healing their family.

favorite insurance fraud case...a man in a wheel chair for three years claims it's a life sentence...he shows up for a deposition with too nice a tan and suspicions arise...his backyard is fenced on both sides...neighbors feel sorry for him and believe him...the man in the house behind the target has indicated strong feelings against crime and insurance fraud in a phone survey by a 'research company'...I offer him one-hundred dollars a day to rent us the back end of his driveway to park a camper for up to a week...clear a path through his dead corn patch so we can videotape straight into the target's backyard...several days later we have ninety minutes of video of the target gardening and doing all the things he denied being able to do...settlement was quick.

best problem solved when cops and attorneys could not:...gay gigolo extorting money from closeted trust fund baby...gigolo gets cops on his side by getting a domestic violence protection order...attorney refers client to me...many hours with client to get to know gigolo...note slanderous claims he has made of 'his famous family'...fly to a distant city to discover the truth which is not in gigolo's favor...get famous family to cooperate in outrage...get affidavits from all locals regarding gigolo's vicious lies about 'his famous family'...affidavits to family's attorneys...notice to cease and desist from the attorneys to gigolo...co-op the wife of another victim [the wrong lady to mess with] and

EXHIBIT C

gigolo wisely decides to leave town., never to be heard from again...client is still getting his monthly check..

most amazing moment...[I have been told that everyone wants to tell me everything but this is too much]...five boys go for a walk in the woods and four come back...the four are charged with felony murder...my guy is a shocked observer only...the shooter is delivered to me in the jail by mistake...I get the whole confession on tape...the tape was handed over to the shooter's attorney and never mentioned again...most disappointing moment.

best day ever in the business:...a spring day off to test drive a car in sun valley...a cell call on the way home...an old lady cries out her problem...the boyfriend has absconded with her seventy-thousand dollar motorhome and word is he is Mexico bound...by supper time I am picking the whole family's brains around her kitchen table...a hunch gets me up and going to the boyfriend's best pal's house—voila!...the boyfriend's jeep is there... I sit on him a few minutes...follow him a few miles...there it is behind a local motel in the parking lot...call for police help...her son drives the motorhome back to mom's place...I go home with a very fat check and a smile on my face....a good day off.

best undercover job...two children have been kept from their mother for months and the father is in jail for contempt...get into his girlfriend's mind playing movie producer in search of a filming site...she needs money and I know it and she falls for it...keep her talking and talking and talking...hear her whole sad story and all about the kids and the hideout...find the hide-out and find the kids...kids go home to mom.

another personal favorite...the client is referred by his attorney...his old girlfriend took off with his expensive horse trailer last year and is now rumored to be back in the area... find her and play T.V. producer doing a piece on horse women...I see the trailer in my first interview of her...we set up a shoot of her on her horse in a location where she must bring the trailer...while I am shooting some footage of her galloping across the plain my client is hooking up to his trailer and on his way home...the ex' had a nice ride home on her horse while I followed for safety...the ex' beau had hidden her keys.

best use of internet...professional golf bum cons an old widow out of her expensive motorhome...he disappears after making a few payments...she gets a court judgement... and 'hires' me...I analyze him and craft a bulletin alerting the professional golf world... send out hundreds of e-mails to the pro' golf world...get a call from one of the bum's critics...he hears the whole story... a month later he calls us with the bum's location... keys cut and papers in order and fly to the golf bum's home base after confirming the motorhome is there...I confirm the bum is gone, clean out the motorhome, and drive it back home to a very happy eighty-four year old widow—my mom.

best hunch followed...no one was interested in the unnamed girl who was with the 'rape victim' just before she disclosed to her mother...attorney has spent his budget for investigation...attorney agrees to pay me if my hunch bares good fruit...track down the little girl...she makes sense of the story of the complaining witness...the nine-year-old

EXHIBIT C

'rape victim' was just trying to impress her older friend and had to follow through when challenged with: "if that was true, you'd tell your mom"...true verdict--'not guilty'.

lying state witnesses/perpetrators of child abuse...baby pukes up blood...mom calls 911...ambulance takes them to hospital...x-rays show two corner fractures of femurs & several broken and fractured ribs...authorities swoop in...both kids taken from young parents of course...mom gives up names of the house guests who disappeared the next day...police fly to where they find the house guests...detective spoon feeds the boy her wish that he state that they arrived to their friends' place as late in the month as possible...boy picks up on what's happening and claims to have been at the parents' house just a few days before the baby throws up blood...detective explains the medical reality that the time of the injuries can be pin-pointed from 10 to 14 days before the x-rays so the house guests are now conveniently eliminated as suspects...*[lets not confuse this case with more possible suspects, keep it simple]*...both house guests testify before a grand jury and slam both parents with their lies...indictment comes and parents are charged with two felony child abuse, arrested and jailed...I go to work looking for proof of any lie told by the house guests...the pregnant girlfriend is 14, not 16 as claimed under oath at the grand jury...they arrived for their visit first week of the month putting them at the house when the damage took place...a reliable witness saw them right after halloween...the boy told the cops an embellishment of his story...I subpoena phone records and find that the phone calls he claimed dad was making to create a cover story never happened *[keep your lies simple stupid]*...phone records also show the guests from hell arriving very early in the month...dad can't go to trial because he is such a bad defendant so he takes a deal which involves probation and admission to failing to call 911 in a timely manner after giving his baby CPR when he stopped breathing...mom tells the prosecution to go pound sand on anything felony...her attorney shows the prosecutor how many lies her key witnesses have been caught in...after six months without her kids, and four months in jail, mom pleads to two misdemeanors and the system throws her to the sharks...four years probation, major case plan to complete, pee in a cup twice a week, once a month for probation...now go ahead and see if you can swim with sharks...no family, no money, no job, no transportation...lucky for mom a concerned observer stepped in and helped her out...she's doing well so far...and the baby is healed completely...mom fought hard to get her kids back.....and succeeded.

two dead outside a bar, must be over pouring...so let's strip the bar owner of her liquor license...never mind the details of how three bar patrons got into it and one shot the other two to death...and never went to jail for even a minute...my job was to save the bar owner her license...the authorities assumed over pouring and that's why the two dead guys were raising hell outside and died...what to do?...I assumed my alter ego which is a T.V. producer...I developed my story which was based on the fact that the shooter was never charged and I was doing a piece on the shooting...I read police reports and got the names of friends of the two dead guys...I went to interview several of those friends and recorded their every word...all their pals told me they could drink all day without showing any ill-effects...they could 'drink like a fish'...they did not show any signs of drunkenness at the bar shortly before they were killed...those recordings were given to the attorney for the bar owner and he played them at the ABC hearing...license saved.

EXHIBIT C

custody order from hell...the custody order read a simple fifty/fifty, no time frames were articulated...so the mother-from-hell decided to keep the daughter for as long as she wanted...and accuse dad of sexually abusing the girl...gramma hired me to get the girl from mom...*no kidnapping allowed*...so I stumble around finding out whatever I can about the mom...we get lucky and dad's best pal sees the little girl at a park wearing a t-shirt with the name of her daycare on it...he tells dad...I play a grandfather arranging for our grandkids to come to the daycare this summer when they are spending time with us...I get showed around the place and I am given a complete summer schedule of every day...dad finds out somehow that his little girl is going to be at daycare that day and calls me at six in the a.m....I jump to it and head down to the daycare...I see the uncle drive up in his unmistakable junker and the little girl gets out...*bingo*...I call as grandpa to see what's going on that day because we may want to dump our kids on them...picnic at the zoo for lunch...dad and his two best pals are all set to go and I hire a lawyer to help with 'damage control'...the girl doesn't show up...*oh no!...what to do?*...I call the daycare to see if we are too late for lunch at the zoo... if we hurry we can make it for the second shift at the picnic...*saved by the bell*...so we wait and there they are arriving for the second shift and little girl is there...we wait till they are into their picnic...dad and 'uncles' walk up on the picnic nonchalantly...little girl sees dad for the first time in months...she jumps into daddy's arms and they keep on walking...the lawyer steps in and hands the daycare workers the original court order and says: "*It's o.k. ma'am, that's a court order*" and he walks away...*I video-taped it all from a distance...dad took his little girl straight to grandma's and she took her to a medical/psychological examine...* little girl was declared medically fine and she denied ever being touched by dad...a successful day all around.

a call from Texas...rescue my granddaughter...a father has absconded with his 8 year old daughter and disappeared, leaving tracks that lead to Florida...or Idaho...clients meet with me and lay it out for me...I finagle the current address of the father...drive out there and get lucky...the house next door is only skinned in...I set up to watch from that house I spot a gerbil cage on the back deck and a little girl's shoes...call clients who confirm the little one has a gerbil and the cage is black, green, red...*bingo—we got him*... loose surveillance by playing the ruse of potential house buyer...no movement...daughter and I play golf on the green behind the target house...still playing potential buyer...leave in frustration with daughter...rethink it all...daughter has an idea...check it out with client and he thinks it'll work...go to our regular coffee shop and find someone old enough to serve papers legally...Heidi the play write is gung-ho to do it...back to target house... work through the plan...lights, camera, action...Heidi and daughter have papers in Heidi's big purse and they're skipping down the sidewalk merrily...daughter's knee goes out and she's screaming in pain as she writhes around on the front lawn of the target house...Heidi puts on a show of tending to her hurt friend...runs to the front door yelling 'ma'am, ma'am, help'...bangs on front door in a panic...target opens the door to help the damsel in distress...*bang, you're served*...I am waiting next door in my car behind a huge bush praying that I see the girls running to my car, not limping off

EXHIBIT C

to maintain the ruse...first sight I get is my daughter's huge blonde hair bouncing in the wind as she jumps past the bush with Heidi in tow...report to client...maintain surveillance until next day when I go to the house with the police and a writ from the court...six police knock on the door and quietly have the girl turned over to them....half a mile away we deliver little one to her grandparents...never seen such confused joy in a little girl's face before...even though it was all quite legal grandpa wants to know the shortest way out of the state...gramma mouths the warmest 'thank you' to me and they head west with their sweet grand-child.

first criminal defense case...sad deal...little girl discloses that her step-father has been messin' with her for the last five years...she is' *madder than hell and she's not going to take it anymore*'...first rule of defense is find out who is doing the accusing...so off I go to find out...I spoke with everyone in her life...I played a ruse with her school over the phone [playing dad] and find out her grades have been consistently good...trial comes and goes and we beat two felonies and we get a mistrial on the misdemeanor...the girl takes a pass on the retrial because she doesn't me in her life anymore...her family hated me and dad even wanted to duke it out in the courthouse after the verdict...common sense prevailed, even though the hatred was huge...twice I saw the girl behind me in her car and giving me the finger...don't blame her...*I knew too much*... about a year later I go to a civic meeting...I think I see her and her brother sitting in the auditorium...walk out for a drink of water and confirm...I turn around from the fountain and she's in a boiling rage up in my face...my heart broke for her and I found a space in my heart for her...I quietly absorbed her rage and asked her to join me down the hall...we sat on the floor and I explained a few facts of the criminal justice system to her...*like who is the accuser?...is she known as a liar or truth tell? reputation?*. I got to tell her that I spoke with everyone in her life in the past few years and they all described her as a most wonderful kid...*honest...polite...kind...courteous...respectful...considerate...well liked by all*... she cried a lot of healing tear as she heard me tell her how much people loved her...I apologized for a system that left her so dazed and confused and hurt after it had used her as a pawn and then dumped her when she wouldn't cooperate for the retrial...she got to understand what she'd been through for the first time...we hugged goodbye with tearful eyes and I knew how much healing had occurred that night.... the next week I rounded the corner at the supermarket and bumped carts with her stepmother, who hated me with a passion...she looked up at me and I calmed myself for a real storm....she came around her cart and gave me the biggest, warmest hug and thanked me what I had done for her daughter...*phewww... ..a great moment!*

From: [PETER M. SMITH](#)
To: larysisson@outlook.com
Subject: RESUME AND RATES
Date: Thursday, April 2, 2015 10:54:55 AM
Attachments: [RESUME-BOLD HEADINGS.rtf](#)
[KIRK MURDERS LETTER.rtf](#)

Thanks for the call this morning. It was fun to hear that Bill Wellman referred you to me.

My rates for county work are as follows: \$ 50.00 per hour, county rate for mileage, plus expenses. I would like to submit a monthly bill and be paid accordingly.

You mentioned that you were thinking in the range of 3—5000 dollars, and I concur that is a reasonable ball park.

The way these things unfold is sometimes such that the case opens up and suddenly there are more witnesses to track down and interview.

I would like to think that we can start by you and I conferring on the case so I get on the same page as you.

Then I want to read all discovery and make my notes and raise questions, then meet again so we can keep thinking together.

Please rest assured that I will confer often with you and stay within whatever ethical guidelines you wish.

The letter you see attached is to Kirk Anderson in 2009, when he brought me in on a murder case.

Thank you,

Peter M. Smith
208-866-4176

PS: please return this to me so I know you received it, I have little faith in cyber-space.

EXHIBIT C

Cat

FILED
A.M. 2 P.M.
JUN 17 2016
CANYON COUNTY CLERK
E BULLON, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 866-4488
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON LEE WOODS,

Defendant.

Case No. CR-2016-7911

**REQUEST TO WITHDRAW
MOTION TO COMPEL**

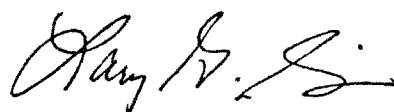
COMES NOW Defendant, by and through his attorney of record, Lary G. Sisson, and hereby requests that the Court allow Defendant to withdraw his Motion to Compel, which was filed on May 26, 2016 in this matter. The bases for this request are as follows:

1. Plaintiff's attorney has represented that defense counsel is in possession of all audio and video recordings of statements made by the decedent, Steven Nelson, in regards to this matter;
2. Plaintiff's attorney has represented that defense counsel is in possession of all audio and video recordings of statements made by the defendant, Jayson Lee Woods, in regards to this matter;
3. Therefore, the defense Motion to Compel is not moot.

Consequently, Defendant requests that the Court issue an Order that:

- A. Allows Defendant to withdraw his Motion to Compel; and
- B. Vacates the current hearing date for the Motion To Compel.

DATED this 17th day of June, 2016.



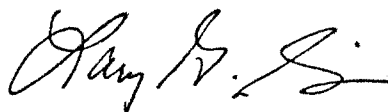
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

- ✓ By delivering copies of the same to the office(s) of the attorney(s) indicated below.

Canyon County Prosecutor's Office
1115 Albany Street
Caldwell, Idaho 83605



LARRY G. SISSON
Attorney for Defendant

CL
LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

FILED
A.M. 2 P.M.
JUN 17 2016
CANYON COUNTY CLERK
E BULLON, DEPUTY

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

THE STATE OF IDAHO,

Plaintiff,

v.

JAYSON LEE WOODS,

Defendant.

CASE NO.: CR-2016-7911-C

**MOTION TO SHORTEN TIME
FOR HEARING AND NOTICE OF
HEARING**

COMES NOW Lary G. Sisson, Defendant's attorney of record, and hereby moves this Honorable Court, pursuant I.C.R. 45(c), for entry of an Order to shorten the time requirement for notice of the hearing on Defendant's Motion to Extend Time to File Pre-trial Motions Conferences and Jury Trial.

The time frame for providing sufficient Notice of Defendant's Motion was not met because:

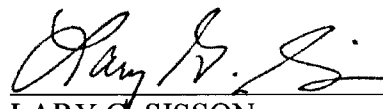
1. On May 26, 2016 Defendant's attorney filed a Motion to Compel and Notice of Hearing in this matter. The Hearing on the Motion to Compel was scheduled for June 21, 2016.

2. Between May 27 and June 3, 2016, the State filed 4 supplemental responses to discovery. Those responses included 578 additional pages of Discovery, 10 additional CDs and 4 additional DVDs.
3. Defendant was arraigned in this matter on the Superseding Indictment in the District Court on June 3, 2016.
4. Defendant's attorney realized this week that it will be impossible for him to review all of the Discovery and the Grand Jury proceeding materials before the current deadline of July 1, 2016 for filing Rule 12 pre-trial motions.
5. Since the Motion to Compel Hearing in this matter had been already been scheduled for June 21, 2016, and the Motion to Extend Time is the type of Hearing that would require extension preparation by the Court or either party, then it seems that in the interest of judicial economy allowing Defendant a shortened amount of time to give notice for his Motion to Extend Time, and then to subsequently argue the Motion, is appropriate.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that Defendant will call up said Motion to Shorten Time for hearing on the 21st day of June, 2016, at the hour of 10:30 a.m., or as soon thereafter as can be heard, before District George A. Southworth at the Canyon County Courthouse, 1115 Albany Street, Caldwell, Idaho.

DATED this 17th day of June, 2016.



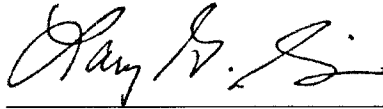
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

✓ By depositing copies of the same in the appropriate courthouse box for:

Canyon County Prosecutor's Office
1115 Albany St
Caldwell, ID 83605



LARRY G. SISSON
Attorney for Defendant

Cf

FILED
A.M. 1:59 P.M.
JUN 17 2016
CANYON COUNTY CLERK
E BULLON, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON LEE WOODS,

Defendant.

CASE NO. CR-2016-7911

**MOTION FOR EXTENSION OF
TIME TO FILE PRE-TRIAL
MOTIONS AND NOTICE OF
HEARING**

COMES NOW Defendant, Jayson Lee Woods, by and through his attorney of record, Lary G. Sisson, and hereby moves this honorable Court for an Order allowing additional time for filing pre-trial motions in this matter based on Rule 12(b) of the Idaho Criminal Rules.

THIS MOTION is made upon the following grounds and for the reasons:

1. On May 18, 2016, a Grand Jury was convened in this matter and said Grand Jury issued a Superseding Indictment against Defendant.
2. On May 20, 2016, Defendant's attorney filed a Motion to Produce Record from Grand Jury Proceedings in this matter.

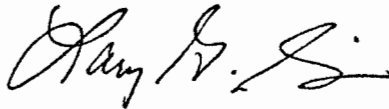
3. On June 1, 2016 an Order to Produce Record from Grand Jury Proceedings was issued. The Order stated that a transcript of the Grand Jury Proceedings was to be prepared within 30 days of the date of the Order.
4. Defendant was arraigned on the Superseding Indictment in the District Court on June 3, 2016.
5. To date, defense counsel has not received a copy of the Grand Jury transcript, any instructions given to the Grand Jury, nor any exhibits presented to the Grand Jury. Without those items, it is impossible to know whether there are grounds to file pre-trial motions in this case.
6. It is highly unlikely that transcript, and the other corresponding Grand Jury items will be complete and made available to defense counsel by July 1, 2016. Even if they are available by that date, it will be impossible for defense counsel to thoroughly review the documents and prepare any pre-trial motions – if that becomes necessary.
7. Furthermore, on May 12, 2016 the State filed its Response to Request for Discovery. That response included 36 pages of discovery, 11 CDs, and 9 DVDs.
8. Between May 27 and June 3, 2016, the State filed 4 supplemental responses to discovery. Those responses included 578 additional pages of Discovery, 10 additional CDs and 4 additional DVDs.
9. Defense counsel does not feel like he can adequately review all these Discovery items and prepare any pre-trial motions pursuant to Rule 12 of the I.C.R. before the current time limits for filing such motions has passed.

10. Consequently, defense counsel is asking that the deadline for filing pre-trial motions pursuant to Rule 12(b) of the I.C.R. be extended until August 1, 2016 at 5:00 p.m. – the day before the Pre-Trial Conference in this matter.

NOTICE OF HEARING

YOU ARE ADVISED that defense counsel will bring up for hearing the defense Motion for Extension of Time to File Pre-Trial Motions on the 21st day of June, 2016, at 10:30 a.m., or as soon thereafter as can be heard, in front of the Honorable District Judge George A. Southworth at the Canyon County Courthouse, 1115 Albany Street, Caldwell, Idaho. Defense counsel does not request a hearing on this motion unless the Court is not inclined to grant the defense request.

DATED this 17th day of June, 2016.



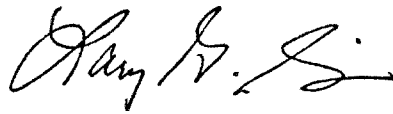
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

- ✓ By depositing copies of the same in the designated courthouse box of:

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, Idaho 83605



LARY G. SISSON
Attorney for Defendant

CF

FILED
A.M. P.M.

JUN 20 2016

**CANYON COUNTY CLERK
C ROBINSON, DEPUTY**

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 64-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON LEE WOODS,

Defendant.

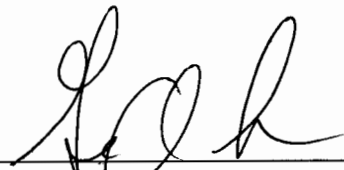
Case No. CR-2016-7911

**ORDER WITHDRAWING MOTION
TO COMPEL AND VACATING
HEARING**

THIS MATTER came before the Court upon Defendant's Request to Withdraw Motion to Compel in the above matter and for good cause appearing;

THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Compel is withdrawn and the hearing set for the Motion on June 21, 2016, is hereby vacated.

DATED this 20 day of June, 2016.



GEORGE A. SOUTHWORTH
District Judge

CLERK'S CERTIFICATE OF SERVICE

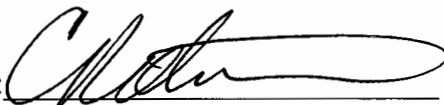
I hereby certify that on the 20 day of June, 2016, I served a true and correct copy of the foregoing upon the following individual(s) named below in the manner noted:

- ✓ By placing copies of the same in the designated courthouse boxes of the office(s) indicated below.

Bryan F. Taylor
Canyon County Prosecuting Attorney
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605

Lary G. Sisson
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605

CHRIS YAMAMOTO
Clerk of the Court

By: 
Deputy Clerk

JUN 20 2016

CANYON COUNTY CLERK
C ROBINSON, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for the Juvenile

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON LEE WOODS,

Defendant.

CASE NO. CR-2016-7911

**ORDER SHORTENING TIME
FOR HEARING**

THIS MATTER having come before this Honorable Court and good cause appearing;
therefore,

IT IS HEREBY ORDERED that the time for providing a notice of a hearing on
Defendant's Motion to Extend Time to File Pre-Trial Motions is hereby shortened and a hearing
on the Motion shall be held on the 21st day of June, 2016 at 10:30 o'clock a.m., or as soon
thereafter as can it can be heard, at the Canyon County Courthouse, 1115 Albany Street,
Caldwell, Idaho, in front of the Honorable District Judge George A. Southworth.

DATED this 20 day of June, 2016.



GEORGE A. SOUTHWORTH
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of June, 2016, I served a true and correct copy of the *Order to Shorten Time for Hearing* upon the individual(s) named below in the manner noted:

By depositing copies of the same in the designated courthouse box of the office listed below.

Bryan F. Taylor
Canyon County Prosecuting Attorney

By depositing copies of the same in the designated courthouse box of the office listed below.

Lary G. Sisson
Attorney at Law

CHRIS YAMAMOTO
Clerk of the Court

By: 
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: June 21, 2016

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 10:30 A.M.
)	
JAYSON L WOODS,	)	REPORTED BY:
	)	Patricia Terry
Defendant.)	
_____	)	DCRT1 (1150-1200)

This having been the time heretofore set for **motion to compel, motion to shorten time and motion for extension of time to file pretrial motions** in the above entitled matter, the State was Ms. Madison Hamby, Deputy Prosecuting Attorney for Canyon County, and the defendant was personally present in court, and was represented by counsel, Mr. Lary Sisson.

The Court called the case and noted Mr. Sisson withdrew the motion to compel. Additionally, the Court noted Mr. Sisson filed a motion to extend time for pretrial motions, the Court felt it was appropriate and granted the motion

In answer to the Court's inquiry, Mr. Sisson advised the Court it depended upon the Grand Jury transcripts, the last First Degree Murder trial he was on, he received lab results six (6) months after the original complaint was filed. Additionally, Mr. Sisson

advised the Court the defendant would not waive speedy trial and would request the Court extend pretrial motions until August 1, 2016 by 5:00 p.m.

The Court granted the motion and extended pretrial motions until 5:00 p.m. on August 1, 2016.

The Court advised counsel there was ex-parte motion for Payment of Investigator Services, given the charges the defendant would need an investigator, and it would be paid out of the Public Defender's budget and instructed Mr. Sisson to prepare the appropriate order for up to \$3,000.

The Court indicated at some point there could be an appointment of a money judge.

Ms. Hamby advised the Court this was set for a three (3) days jury trial and the State anticipated it could take up to four (4) weeks.

The Court noted it did not have four (4) weeks cleared and would talk to the Trail Court Administrator for Senior Judge coverage for here and Gem County.

Ms. Hamby advised the Court this case may be an appropriate mediation case.

The Court noted mediation would not be appropriate until discovery was completed.

Ms. Hamby advised the Court the co-defendant's mediation was set for early August in front of Judge Culet.

The Court noted this case may be appropriate mediation case and would contact Court's secretary for availability

Mr. Sisson advised the Court the defendant had no objection to mediation.

The Court noted the Indictment was filed on May 19, 2016.

Mr. Sisson advised the Court the defendant was arraigned on June 3, 2016

The Court noted the jury trial would need to be before December 3, 2016.

The defendant was remanded into the custody of Canyon County Sheriff pending further proceedings or posting of bond.

A handwritten signature in black ink, appearing to read "C. Sisson", written over a horizontal line. The signature is cursive and extends to the right.

Deputy Clerk

FACT

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

FILED
A.M. P.M.
JUN 21 2016
CANYON COUNTY CLERK
C ROBINSON, DEPUTY

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON LEE WOODS,

Defendant.

CASE NO. CR-2016-7911-C

**ORDER EXTENDING TIME TO
FILE PRE-TRIAL MOTIONS**

THIS MATTER having come before the Court upon Defendant's Motion for Extension of Time to File Pre-Trial Motions, and after considering the previous proceedings in this matter, and the Idaho Criminal Rules, and for good cause appearing;

THEREFORE IT IS HEREBY ORDERED that the time for Defendant's counsel to file pre-trial motions in this matter shall be extended to 1 day of August, 2016 by 5:00 p.m.

DATED this 21 day of June, 2016.



GEORGE A. SOUTHWORTH
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of June, 2016, I served a true and correct copy of the *Order Extending Time to File Pre-Trial Motions* upon the individual(s) named below in the manner noted:

By depositing copies of the same in the designated courthouse box of:

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, Idaho

By depositing copies of the same in the designated courthouse box of:

Lary G. Sisson
Attorney at Law
815 Fillmore Street
Caldwell, ID 83605

CHRIS YAMAMOTO
Clerk of the Court

By: 
Deputy Clerk

JUL 01 2016

CANYON COUNTY CLERK
M. NYE, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

_____)	
STATE OF IDAHO,	)	CASE NO. CR 2016-7911*C
)	
)	
Plaintiff,	)	MEDIATION ORDER
)	
-vs-)	
)	
JAYSON LEE WOODS,)	
)	
Defendant.)	
_____)	

The Court, having reviewed the above entitled matter, determines that this case is appropriate for mediation;

The Court hereby appoints Gregory M. Culet, Senior Judge, to serve as mediator in this matter. The parties who are fully authorized to resolve the dispute shall attend.

The mediation is scheduled for **August 15, 2016, at 9:00 A.M.** at the **Canyon County Courthouse, Caldwell, Idaho.**

Doug Tyler, Trial Court Administrator, has authorized the use of a Senior Judge for the mediation, and has authorized the use and arrangement of the appropriate facilities for the mediation.

All named parties and any unnamed party claiming an interest in the case, or their agents with full authority to settle, together with the attorneys responsible for handling

the trial in this case are ordered to be present for the entire mediation conference pursuant to Idaho Criminal Rule 18.1 unless otherwise excused by mediator or the Court upon a showing of good cause.

The defendant and an attorney from each side shall sign the Agreement to Participate in Criminal Mediation and submit said Agreement to the Mediator prior to the date of mediation.

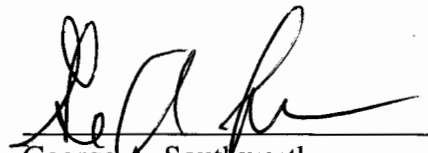
Each party shall submit to the mediator **no later than ten (10) days prior to mediation by 12:00 P.M.** (without copy to the other parties):

1. A statement of the case.
2. An analysis of any strengths and weakness the case may have.
3. A statement outlining questions of law left to be decided.
4. An evaluation of the case, and any offers that have been made thus far.

A courtesy copy of the mediation statements shall be emailed to both the mediator at jdggmc@canyonco.org and the secretary at secsm@canyonco.org.

PURSUANT TO IDAHO CRIMINAL RULE 18.1, MEDIATION PROCEEDINGS SHALL IN ALL RESPECTS BE CONFIDENTIAL AND NOT REPORTED OR RECORDED.

DATED this 30 day of June, 2016.


George A. Southworth
District Judge

CERTIFICATE OF SERVICE

STATE OF IDAHO,)
) ss
COUNTY OF CANYON)

I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER was forwarded to the following:

Hon. Gregory M. Culet
Senior Judge
1115 Albany St.
Caldwell, ID 83605

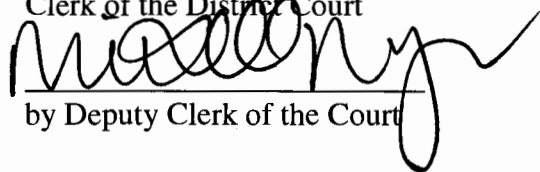
Doug Tyler
Trial Court Administrator

Madison Hamby
Canyon County Prosecutor's Office
1115 Albany Street
Caldwell, ID 83605

Lary Sisson
Attorney at Law
815 Fillmore Street
Caldwell, ID 83605

Either by depositing the same in the U.S. mail, first class postage prepaid, or by personal service.

DATED this 1 day of ~~June~~ ^{July}, 2016.

Chris Yamamoto
Clerk of the District Court

by Deputy Clerk of the Court

FILED
AUG 01 2016
P.M.

CANYON COUNTY CLERK
C JIMENEZ, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON L. WOODS,

Defendant.

CASE NO.: CR-2016-07911-C

**MOTION TO SUPPRESS AND
NOTICE OF HEARING**

COMES NOW Defendant, by and through his attorney of record, Lary G. Sisson, and hereby moves this Honorable Court for an order suppressing all statements made by Defendant which were obtained by the State as a result of an unlawful interrogation of Defendant which occurred on or about April 29, 2016.

In support of this Motion Defendant makes the following allegations and requests the following potential evidence be suppressed.

ALLEGATIONS

Defendant alleges the following:

1. Sometime during the late afternoon or early evening of April 29, 2016, Defendant was interrogated by at least one law enforcement officers from

the Canyon County Sheriff's Office. The investigator is believed to have been Deputy Gentry of the Canyon County Sheriff's Office.

2. Prior to that interrogation, Defendant had not slept for five (5) straight days. Because Defendant had been consuming large amounts of methamphetamine, during that time period. The method of consumption was intravenous because it was effective in distributing the methamphetamine throughout Defendant's body and also significantly amplifying the drug's effects.
3. After Defendant was interrogated for over three (3) hours he was arrested and transported to the Ada County Jail. Because of the lack of sleep and the effects of the methamphetamine, Defendant does not actually remembering being transported and has very little recollection of the booking process at the Ada County Jail.
4. Over the next three (3) days Defendant stayed in the infirmary section of the Ada County Jail. The effects of the methamphetamine and lack of sleep were so severe, that the only times Defendant woke up were when the medical staff checked on my medical condition. These checks were for brief periods of time.
5. Because Defendant was so intoxicated by methamphetamine, and was suffering from severe sleep deprivation, he could not fully understand and appreciate not only what his Miranda rights were but also the ramifications of waiving those rights and speaking with the police before he was sober, mentally aware and had a chance to speak with an attorney.

6. Additionally, during the interrogation process, the officer allowed Defendant to go outside to smoke a cigarette. While outside the officer was noticeably unhappy and dissatisfied with the information that Defendant was providing him. Consequently, he clearly and unequivocally said to Defendant: "You had better start talking about the robbery. Or, the next needle that goes into your arm will be the one that kills you."
7. In the context of their interaction, it was clear Officer Gentry was intimidating Defendant by suggesting that if Defendant did not say what he wanted to hear, then Defendant would receive the death penalty and Defendant would die by lethal injection.
8. In order to carry this intimidation further, when Gentry and Woods went back inside Gentry immediately arrested Woods by placing him in handcuffs and informed Wood that he was being charged with first degree murder. Gentry then immediately walked Woods to the intake room for the Canyon County Detention Center. The officers there began the booking process.
9. At that point Defendant was so scared that he literally begged for an opportunity to speak with Gentry again. Defendant told whoever was there that he had allot more information to give to the officer.
10. Woods was eventually taken back to the interrogation room and met with Gentry again. Woods began giving him information that he had not previously disclosed. Those statements could be used against Woods during a jury trial.

11. Defendant did not give this information freely and voluntarily. He only gave the information to Gentry because Woods truly believed that if he did not, he would be charged with murder and the police would seek the death penalty against him. Additionally, being high on methamphetamine and sleep deprived only heightened Woods' fears.
12. Consequently, any and all the statements Defendant made to the police on April 29, 2016 were not freely, voluntarily, knowingly and intelligently made. Additionally, Defendant did not freely, voluntarily, knowingly and intelligently waive his Miranda rights.

POTENTIAL EVIDENCE TO BE SUPPRESSED

Defendant requests that the following items be suppressed:

1. Any and all statements made by Defendant during any interview with any law enforcement officer.
2. Any and all evidence seized and searched by law enforcement officers as a result of statements made by Defendant during.
3. Any photographs, audio recordings, and/ or video recordings of the above-listed items

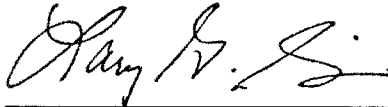
CONCLUSION

In support of this motion, Defendant has filed an affidavit stating why he believes he did not freely, voluntarily, knowingly and intelligently waive his Miranda rights. Defendant reserves the right to supplement this Motion with an Amended Motion to Suppress, a Brief and other evidence to support this Motion. Defendant requests a hearing and oral argument on the matter.

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that Defendant will call up for a hearing this Motion to Suppress on the 23rd day of August, 2016 at 3:00 o'clock p.m., or as soon as thereafter as can be heard, at the Canyon County Courthouse, 1115 Albany Street, Caldwell, Idaho in front of District Judge George A. Southworth.

DATED this 1st day of August, 2016.



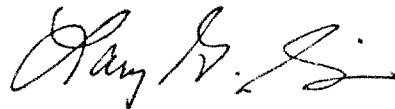
LARY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of August, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

✓ By delivering copies of the same to the courthouse box of the attorney(s) indicated below.

Canyon County Prosecutor's Office
1115 Albany Street
Caldwell, Idaho 83605



LARY G. SISSON
Attorney for Defendant

G

FILED
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**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON L. WOODS,

Defendant.

CASE NO.: CR-2016-07911

**AFFIDAVIT OF DEFENDANT IN
SUPPORT OF MOTION TO
SUPPRESS**

STATE OF IDAHO)
 ss.
County of Canyon)

I, JAYSON L. WOODS, hereby swear, declare, verify, affirm and say:

1. I am making this affidavit based upon my personal knowledge, memory and/or belief.
2. I am the defendant in this matter.
3. Sometime during the late afternoon or early evening of April 29, 2016, I was interrogated by at least one law enforcement officers from the Canyon County Sheriff's Office. I do not independently remember his name.

**AFFIDAVIT OF DEFENDANT IN
SUPPORT OF MOTION TO SUPPRESS**

4. Prior to that interrogation, I had not slept for five (5) straight days. Because I had been consuming large amounts of methamphetamine, I had not slept for those five (5) straight days. I was consuming the methamphetamine by injecting it into my veins. This process had the effect of not only more effectively distributing the methamphetamine throughout my body but also significantly amplifying the drug's effects.
5. After a very long interrogation, I was arrested and transported to the Ada County Jail. Because of the lack of sleep and the effects of the methamphetamine, I do not actually remembering being transported. I just remember waking up briefly at the Ada County Jail as they processed me into the facility.
6. Over the next three (3) days I stayed in the infirmary section of the Ada County Jail. The effects of the methamphetamine and lack of sleep were so severe, that the only times I woke up were when the medical staff checked on my medical condition. These checks were for brief periods of time.
7. Because I was so intoxicated by methamphetamine, and was suffering from severe sleep deprivation, I could not fully understand and appreciate not only what my Miranda rights were but also the ramifications of waiving those rights and speaking with the police before I was sober, mentally aware and had a chance to speak with an attorney.
8. Additionally, during the interrogation process, the officer allowed me to go outside to smoke a cigarette. While outside the officer was noticeably unhappy and dissatisfied with the information that I was providing him. Consequently, he clearly

and unequivocally said to me: "You had better start talking about the robbery. Or, the next needle that goes into your arm will be the one that kills you."

9. In the context of our interaction, it was clear he was intimidating me by suggesting that if I did not say what he wanted to hear, then I would receive the death penalty and I would die by lethal injection.
10. In order to carry this intimidation further, when we went back inside the officer immediately arrested me by placing me in handcuffs and informed me that I was being charged with first degree murder. He then immediately walked me to what I am told was the intake room for the Canyon County Detention Center. The officers there began the booking process.
11. At that point I was so scared that I literally begged for an opportunity to speak with the officer again. I told whoever was there that I had allot more information to give to the officer.
12. I was eventually taken back to the interrogation room and met with the same officer again. I began giving him information that I had not previously disclosed. That could be used against me during a jury trial.
13. I did not give this information freely and voluntarily. I only gave the information to the police officer because I truly believed that if I did not, I would be charged with murder and the police would seek the death penalty against me. Additionally, being high on methamphetamine and sleep deprived only heightened my fears.
14. Consequently, any and all the statements I made to the police on April 29, 2016 were not freely, voluntarily, knowingly and intelligently made. Additionally, I did not freely, voluntarily, knowingly and intelligently waive my Miranda rights.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

I certify or declare under penalty of perjury pursuant to pursuant to Idaho Code, Section 9-1406 and the laws of the State of Idaho that the foregoing is true and correct.

DATED: 7-29-16

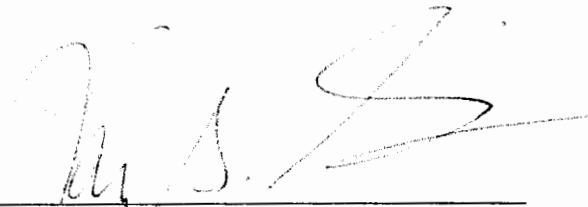
Jayson Woods
JAYSON L. WOODS

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of August, 2016, I served a true and correct copy of the within and foregoing document upon the individual(s) named below in the manner noted:

✓ By delivering copies of the same to the courthouse box of the attorney(s) indicated below.

Canyon County Prosecutor's Office
1115 Albany Street
Caldwell, Idaho 83605



LARY G. SISSON
Attorney for Defendant

AUG 01 2016

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**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR-2016-07911-C

**MOTION TO DISMISS COUNTS 1
THROUGH III OF SUPERCEDING
INDICTMENT AND NOTICE OF
HEARING**

COMES NOW, Defendant, by and through his attorney of record, Lary G. Sisson, and hereby moves this Court for an order dismissing Counts I through III of the Superseding Indictment in this matter on the grounds that there was insufficient evidence to support a finding of probable cause for those three counts under Idaho Code, Section 19-1107. An indictment will be sustained as long as the grand jury has received legally sufficient evidence which in and of itself supports a finding of probable cause. State v. Edmonson, 113 Idaho 230, 236-37, 743 P.2d 459, 465-66 (1987).

The facts supporting this Motion are as follows:

1. In Count I in the Superseding Indictment, Defendant is charged with 1st Degree Murder by violating I.C. §§18-4001, 18-4003(d), and 18-204. More specifically it is alleged that

the defendant, on or about the 29th day of April, 2016, in the County of Canyon, State of Idaho, did aid, abet, assist, facilitate and/or encourage Kelly Schneider to perpetrate a robbery of Steven Nelson, during which Kelly Schneider did kill and murder Steven Nelson.

2. In Count II of the Superseding Indictment, Defendant is charged with Robbery by violating I.C. §§18-6501 and 18-204. More specifically it is alleged that the defendant, on or about the 29th day of April, 2016, in the County of Canyon, State of Idaho, did aid, abet, assist, facilitate and/or encourage Kelly Schneider to feloniously, intentionally and by means of force or fear take from the person and/or immediate presence of Steven Nelson certain personal property, to-wit: cash money and/or clothing and/or a wallet with credit cards inside and/or car keys and/or a car, the property of Steven Nelson, which was accomplished against the will of Steven Nelson, in that the Kelly Schneider choked Steven Nelson and/or forced Steven Nelson to the ground and/or kicked Steven Nelson and demanded and/or forcibly took Steven Nelson's personal property.

3. The jury instruction (number 13) given to the Grand Jury as it relates to First Degree Murder states:

“In order for the defendant to be guilty of First Degree Murder in the perpetration of, or attempt to perpetrate, a felony, the state must prove each of the following:

“1. On or about April 29,2016

“2. in the state of Idaho

“3. Steven Nelson was killed and murdered

“4. the killing and murder was committed in the perpetration of, or attempt to perpetrate, a Robbery and/or an aggravated battery on a child under twelve (12) years of age and/or arson and/or rape and/or burglary and/or kidnapping and/or mayhem and/or an act of terrorism and/ or use of a weapon of mass destruction or biological weapon or chemical weapon.

“The state does not have to prove that the defendant intended to kill Steven Nelson, but the state must prove that during the perpetration or attempt to perpetrate the Robbery, the defendant, or another person who was acting in

concert with the defendant in furtherance of a common plan or scheme to commit the Robbery, killed Steven Nelson.”

4. The jury instruction (number 14) given to the Grand Jury as it relates to Robbery states:

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

“1. On or about April 29, 2016

“2. in the state of Idaho

“3. Steven Nelson had possession of personal property,

“4. which the defendant took from Steven Nelson's person or from Steven Nelson's immediate presence,

“5. against the will of Steven Nelson

“6. by the intentional use of force or fear to overcome the will of Steven Nelson, and

“7. with the intent permanently to deprive Steven Nelson of the property.

5. In order to find probable cause that Jayson L. Woods is guilty of First Degree Murder and Robbery, that State provide sufficient evidence that a robbery occurred or, in the case of First Degree Murder, a robbery or an attempted robbery occurred. As to Defendant, Jayson L. Woods, the State failed to provide such evidence.

6. All statements made by Daniel Henkel in regards to a robbery or attempted robbery by Kelly Schneider, and presented to the Grand Jury via the testimony of law enforcement officers, are hearsay and are not admissible against Jayson L. Woods.

7. All statements made by Kevin Tracy in regards to a robbery or attempted robbery by Kelly Schneider, and presented to the Grand Jury via the testimony of law enforcement officers, are hearsay and are not admissible against Jayson L. Woods.

8. Kelly Schneider did not make any statements to police which could be considered as an admission to committing a robbery or attempted robbery. However, even if Kelly Schneider had made such admissions, all statements made by Kelly Schneider in regards to a

robbery or attempted robbery of Steven Nelson, and presented to the Grand Jury via the testimony of law enforcement officers, are hearsay and are not admissible against Jayson L. Woods.

9. Abigail Williams testified that she was not present when any alleged robbery, or attempted robbery, took place. Consequently, all statements made by Abigail Williams in regards to a robbery or attempted robbery by Kelly Schneider, and presented to the Grand Jury are based on hearsay and are not admissible against Jayson L. Woods.

10. Abigail Williams also testified that Jayson L. Woods was with her when any alleged robbery, or attempted robbery, took place. Consequently, all statements made by Jayson L. Woods in regards to a robbery or attempted robbery by Kelly Schneider, and presented to the Grand Jury via the testimony of law enforcement officers, are hearsay and are not admissible against Jayson L. Woods.

11. On pages 34 through 36 of the Grand Jury transcript, the Prosecutor solicits testimony from Deputy Odenberg of the Canyon County Sherriff's Office. The testimony includes statements made by Steven Nelson in regards to what happened to him on April 29, 2016. The Prosecutor says the following to the Grand Jury on page 34, lines 3 through 12 of the Grand Jury transcript:

3 To be clear for the record I need to make a
4 few legal notes here. The next portion of testimony
5 that I'm going to elicit from Deputy Odenberg is
6 admissible and considerable by you as an exception to
7 hearsay. It's pursuant to Idaho Rule of Evidence
8 804(b)(3), which is a statement against interest.
9 This individual is unavailable to testify,
10 and he testified to a statement that would be against
11 his legal interest, in terms of he said some things
12 that would be incriminating to him personally.

12. However, from page 34, line 24 through page 36, line 20, a majority of Deputy Odenborg's testimony is **not** about Mr. Nelson attempting to purchase prostitution services – which would be statements against interest. Nearly all of it is background to a robbery or actually describing the robbery that may have taken place against Mr. Nelson. All the statements concerning a potential robbery are hearsay. Thus, they are not admissible against Jayson L. Woods.

13. In summary, the State failed to present any admissible evidence as to element number 4 of the First Degree Murder jury instruction, namely, “the killing and murder was committed in the perpetration of, or attempt to perpetrate, a Robbery.” The State also failed to present any admissible evidence as to element numbers 3 through 7 of the Robbery jury instruction because all testimony presented in regards to a robbery was inadmissible as to Jayson L. Woods. Therefore, Counts I and II must be dismissed from the Superseding Indictment.

14. Even if there was admissible evidence presented to the Grand Jury in regards to Jayson L. Woods' involvement in a Robbery, the Grand Jury could not have found probable cause as to Jayson L. Woods based on the jury instructions given to them.

15. As stated earlier, it is undisputed that Jayson L. Woods was not actually present when whatever occurred between Kelly Schneider and Steven Nelson. However, the Robbery jury instruction charged Jayson L. Woods as a principal to a crime that he was physically not present to commit.

16. There is a jury instruction (number 5) which defines aiders and abettors as well as principals. That jury instruction is based on Instruction 311 of the Idaho Criminal Jury Instructions. The first comment in Instruction 311 of the Idaho Criminal Jury Instructions states: “See I.C. s 18-204. Modify elements instruction appropriately and select the appropriate terms to

describe the type of action charged (aided, assisted, facilitated, etc.)” The State ignored this comment and simply charged Jayson L. Woods as a principal, which is impossible for him to have been.

17. It could be argued that the Superseding Indictment charged Jayson L. Woods as an aider and abettor to Robbery in Count II. However, as stated in Instruction 102 of the Idaho Criminal Jury Instructions, charging documents are not evidence. Additionally, Grand Jury Instruction number 9, which is based on Idaho Criminal Jury Instruction number 202, makes it clear to the jurors that only the sworn testimony of witnesses and exhibits admitted into evidence can be considered by them as they make their charging decisions.

18. Ultimately, because the Grand Jury was only given a jury instruction of Robbery where Jayson L. Woods was alleged to been a principal to Robbery, and Jayson L. Woods could not have carried out the Robbery himself, there was not probable cause to support an indictment of Jayson L. Woods as to Count II of the Superseding Indictment in this matter.

19. As to Count III of the Superseding Indictment, Jayson L. Woods is charged with Conspiracy to Commit Robbery. The primary testimony against Defendant is his statements to Deputy Gentry. However, those statements are incomplete and tainted by Deputy Gentry’s own bias.

20. The bias is shown on page 116, lines 12 through 21 of the Grand Jury Transcript. This is the beginning of the examination of Deputy Gentry. The Prosecutor and Deputy Gentry say:

12 A. I basically just advised Mr. Woods of his
13 rights and then asked him what happened the night or
14 the day prior to him having contact with us as law
15 enforcement.
16 Q. Did he tell you what had happened?
17 A. He did. Like 1 said, it was quite an

18 extensive interview, and it went kind of with him
19 minimizing his involvement at first, and then he opened
20 up and told more truthful statements about his
21 involvement in this.

These types of comments by an investigator about the veracity of a suspect's statements would never be allowed during a jury trial.

21. Another example was on page 118, lines 7 through 9 of the Grand Jury Transcript.

It says:

6 Q. And in this business did he tell you what
7 his role would be?
8 A. Like I said, at first he minimized his role.

22. When asked about a plan to rob Steven Nelson, the following was presented to the

Grand Jury:

4 Q. So he told you that they knew they were
5 going to rob him before this all happened?
6 A. Yes. Like I said, this was a little bit
7 later on in our conversation. But, yes, he told me
8 that they had formulated a plan that they were going to
9 rob the guy.
10 Q. Did he always stick with that - so you're
11 telling me this is what he said. Did he always stick
12 with that version of events?
13 A. No. No. It went round and round several
14 times.
15 Q. What do you mean by that?
16 A. **Well, he minimized his involvement**
17 **throughout the course of the interview, but then he**
18 **would tell me exactly what happened, and then he would**
19 **go back to minimizing it.** (emphasis added)

Once again, a witness would never be allowed to express an opinion as to whether statements made by a suspect to a crime were true or false.

23. It should be noted also that during his interview with Deputy Gentry, Jayson L.

Woods repeatedly stated over-and-over again to Kelly Schneider that if he was uncomfortable

with being with Steven Nelson, then Kelly Schneider should walk away. Walking away is the anti-thesis of committing a robbery. However, because of Deputy Gentry's biases, prejudices, and skewed testimony, the jury never heard this information.

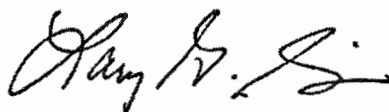
24. Had the jury been allowed to hear all of Jayson L. Woods' statements to Deputy Gentry, then they would have not found probable cause to believe that Mr. Woods committed Conspiracy to Commit Robbery. Therefore, Count III of the Superseding Indictment should be dismissed.

Consequently, for the foregoing reasons, Defendant prays that the Court issue an Order dismissing Counts I through III of the Superseding Indictment in this matter. Defendant's attorney reserves the right to supplement this Motion with additional evidence, testimony, briefs and/or legal and factual arguments.

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that Defendant will bring forth argument and/or testimony in support of his Motion to Dismiss Counts I through III of the Superseding Indictment in this matter on the 23rd day of August, 2016 at 3:00 p.m. or as soon thereafter as counsel may be heard before the Honorable Judge George A. Southworth at the Canyon County Courthouse, located at 1115 Albany Street in Caldwell, Idaho.

DATED this 1st day of August, 2016.

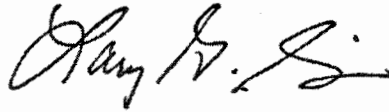


LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of August, 2016 served a true and correct copy of the within and foregoing document upon the following: by delivering copies of the same to the designated courthouse box(es) of the office(s) indicated below.

Bryan F. Taylor
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**CANYON COUNTY CLERK
B DOMINGUEZ, DEPUTY**

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR-2016-07911-C

**BRIEF IN SUPPORT OF MOTION TO
DISMISS COUNTS 1 THROUGH 3 OF
SUPERSEDING INDICTMENT**

COMES NOW Defendant, by and through his attorney of record, Lary G. Sisson, and hereby provides the following legal and factual support and argument in support of its Motion to Dismiss Counts I through III of the Superseding Indictment in this matter

THIS MOTION is based on the pleadings, papers, records and files in the above entitled action including the transcript and jury instructions from the Grand Jury Proceedings.

FACTUAL AND PROCEDURAL HISTORY

On April 29, 2016 at approximately 5:45 a.m. the Canyon County Sheriff's Office received two phone calls from person living on Greenhurst Street near Lake Lowell. The callers both reported that there was a naked man knocking on the front doors of homes asking for help.

A short time later Deputy Odenborg of the Canyon County Sheriff's Office arrived on scene. The naked man identified himself as Steven Nelson. Nelson stated that through the "male

escort" section of the website called "Backpage" he had actually met an unknown male at the Walmart located at Roosevelt and Middleton Road in Nampa, Idaho. Nelson said he picked up the male, who was caucasian, approximately 5'11" tall, with blonde hair, a short blonde beard, and with lots of tattoos. Nelson said he drove the male to Gott's Point, where Nelson requested sex from the male in exchange for money. Nelson said another male, who very tall and wearing a hat, arrived and had what appeared to be a rifle. Nelson said the two males attacked him, choked him, forced him to the ground, kicked him, and stripped him of his clothes. Nelson said the two males then took his car keys from him and drove away in Nelson's car.

Nelson's wallet, credit cards, and clothing were inside his vehicle. Nelson walked naked to a local residence and asked someone to call 911. Nelson was transported to the hospital with suspected broken ribs and bleeding from the ear. Nelson died a few hours later. The Ada County Coroner cited cause of death as cardiac arrest induced by the trauma of the attack on Nelson.

The "backpage" ad was located. Probation Officer Dan Geisel confirmed that the male in the photo was Kelly Bryan Schnieder [REDACTED] by his unique tattoos. Schneider was located and taken into custody. His right hand was bandaged.

Video surveillance from the Walmart located at Roosevelt and Middleton Road showed a male being (believed to be Schneider) dropped off by a Chevy HHR at approximately 0456 hours. On April 29, Abigail Williams [REDACTED] called the Sheriff's Office to report that her Chevy HHR had been used during the commission of a crime. Williams said she had been in the back seat of the vehicle when her ex-boyfriend, Jayson Woods [REDACTED], had driven her around and forced her to perform sex acts with random men for money. Williams said that morning she, Woods, Kevin Tracy [REDACTED], and Daniel Henkle [REDACTED], had met up

with Schneider at a gas station. Williams admitted Woods was driving her vehicle throughout the morning of April 29, 2016. She also stated that between 4:30 a.m. and 5:00 a.m. they had gone to Gott's Point and dropped off Tracy and Henkle. They next went to the Walmart located at Roosevelt and Middleton Road so that Schneider could meet up with Nelson. Woods and Williams then left the area and over approximately 30 minutes stayed at the intersection of Middleton Road and Karcher Road in Nampa, Idaho. Woods and Williams later picked up Schneider, Tracy, and Henkle in the area of the Kmart in Nampa, Idaho. Schneider supposedly told them, after he was picked up, that he had beaten Nelson up.

Woods was interrogated by Detective Gentry of the Canyon County Sheriff's Office on the evening of April 29, 2016. The interrogation was in two parts -- with a short break in between. During the first part of the interrogation, Woods admitted to Gentry that he had been using large amounts of methamphetamine recently. Woods even showed him track marks and places on his forearms where methamphetamine was embedded under Woods' skin.

During the interrogation admitted that he facilitates meetings between people who are looking for escorts with men and women who are willing to act as escorts. This business advertises on websites such as " backpage." The ad states that clients can spend time with these escorts and that what they do -- or how they spend their time -- is up to the parties. However, this escort services asks for donations by clients in order to recompense the escorts for their time. Woods admitted that he would eventually receive the money from the escort sessions and later distribute the money back to the escorts while keeping some of the proceeds. Woods also conceded during the interrogation that sometimes these encounters between the clients and the escorts included performance of sexual acts.

Also during the interview, Woods confirmed that Schneider had met up with Nelson at around midnight on April 28, 2016 at the Walmart located at 12th Avenue and Greenhurst in Nampa. Furthermore, Nelson and Schneider were together for a short period of time. Schneider eventually returned to the vehicle with money, which Schneider and Woods divided up between them.

While still in the first part of the interrogation, Woods also told Gentry that Nelson had contacted Schneider during the early morning hours of April 29, 2016 seeking another meeting. It was Woods' understanding that Nelson had been seeking a sexual encounter with Schneider when they had first met at the Walmart. However, Schneider obtained the money from Nelson (but not through the use of force, violence or fear) without performing any sexual acts. Woods encouraged Schneider to meet with Nelson again in order to make good on the implied agreement to have a sexual encounter.

It should be noted that over-and-over during this initial interrogation, Woods stated that he did not want Schneider to be violent with Nelson. As per Woods' standard operating procedures with all of his escorts, Woods told Schneider that money should be obtained at the outset of any meeting with a client. This was done in order to avoid an escort performing services and then not getting paid for said services. Woods also told Schneider that once he received the money, then if Schneider did not feel comfortable with the situation he should simply "walk away." Schneider was then supposed to call Woods who would then pick him up. Woods made this information abundantly clear to Gentry.

Approximately half way through the interrogation, Gentry offered Woods the opportunity to smoke a cigarette. The both of them went outside. Their conversation was not recorded. During this time Gentry said to Woods something to the effect of: "You had better start talking

about the robbery. Or, the next needle that goes into your arm will be the one that kills you.” In the context of our interaction, it was clear to Woods that Gentry was intimidating him by suggesting that if Woods did not say what Gentry wanted to hear, then Woods would receive the death penalty and he would die by lethal injection.

In order to carry this intimidation further, when they went back inside Gentry immediately arrested Woods by placing him in handcuffs. He informed Woods that he was being charged with first degree murder. He then immediately walked Woods to the intake room for the Canyon County Detention Center. The officers there began the booking process. At that point Woods was so scared that he literally begged for an opportunity to speak with Gentry again.

Woods was eventually taken back to the interrogation room and met with Gentry again. During part two of the interrogation, Gentry suggested that Woods knew Schneider was going to rob Nelson. Finally, Woods, in an effort to please Gentry and to potentially avoid the death penalty, conceded that he “suspected” that Schneider might rob Nelson. However, Woods also made it clear that he was trying to persuade Schneider to not act violently with Nelson.

Throughout both parts of the interview Woods corroborated Williams statements in regards to: a) dropping off Tracy and Henkle at Lake Lowell prior to meeting with Nelson the second time, b) where they were while Schneider, Nelson, Tracy and Henkle were at Gott’s Point, and c) as well as picking them up later that morning. Woods told Gentry that Tracy and Henkle were dropped off at Gott’s Point in the event that Nelson became violent with Schneider in retaliation for Schneider taking Nelson’s money earlier in the evening without performing services.

Woods also told Gentry that Schneider said to Woods that he and Nelson got in a fight, Schneider took Nelson's clothes off and took his car. Woods also said money was divided up between Schneider, Woods, Tracy and Williams.

Kevin Tracy was also interrogated on April 29, 2016. Tracy admitted he knew Schneider was going to rob Nelson. Tracy said he waited at Gott's Point for Nelson and Schneider to make sure "nothing bad happened." Tracy told the police that he saw Schneider and Nelson get out of Nelson's car and saw Schneider hit Nelson in the face. Schneider called for Tracy and Henkle to come help him. Tracy said he watched Schneider kick Nelson with steel-toed boots approximately 30 times while he was on the ground. Tracy said Nelson begged Schneider not to kill him, and offered Schneider his credit cards and PIN numbers if they would let him go. Tracy was shown a picture of subjects using Nelson's debit card at an ATM to withdraw money (in the amount of \$123) at the Albertson's located at 12th Avenue and Greenhurst Road. Tracy identified the subjects as Henkle and Schneider.

Daniel Henkle was also interrogated on April 29, 2016. He also admitted he knew about Schneider's plan to rob Nelson. Henkle admitted that he waited for Schneider and Nelson at Gott's Point, and that he was holding a metal pipe. Henkle said he got scared when he saw Schneider beating Nelson, so he walked away. Henkle said Schneider and Kevin later picked him up in Nelson's car.

Consequently, on April 30, 2016, Schneider, Woods, Tracy and Henkle were charged with First Degree Murder, Robbery, and Conspiracy to Commit Robbery. Schneider was additionally charged with Grand Theft. Woods was additionally charged with Receiving the Proceeds from Prostitution.

The co-defendants made their first appearance on May 2, 2016. Because all four co-defendants were determined to be indigent, they were all assigned as clients of the Canyon County Public Defender's Office. However, because of the obvious actual and potential conflicts, Woods, Tracy and Henkle were assigned conflict public defenders. They were also given a Preliminary Hearing date of May 13, 2016.

Because Woods' attorney had not received any meaningful Discovery prior to the Preliminary Hearing, Woods waived his right to a timely Preliminary Hearing and agreed to have it reset to May 27, 2016. During the interim, a Superseding Indictment from a Grand Jury was obtained against the four co-defendants on May 18, 2016. Woods was charged with the same crimes as listed in the original Criminal Complaint. Additionally, Woods' attorney filed on May 26, 2016 a Motion to Compel Discovery and a Notice of Hearing for June, 21, 2016.

Woods appeared in the District Court on June 3, 2016, and entered not guilty pleas to all charges. Woods' Pre-Trial Conference was originally scheduled for August 1, 2016 and his Jury Trial for September 6, 2016. Bail was also set in the amount of \$1,000,000.

On June 17, 2016, Defendant's attorney filed the following: 1) a request to Withdraw the Motion to Compel, 2) a Motion for Payment of Investigative Services, and 3) a Motion for an Extension of Time to File Pre-Trial Motions. At a hearing on June 21, 2016, the three Motions were granted. The defense was given until 5:00 p.m. on August 1, to file any pre-trial motions. Additionally, both parties agreed that they would like to participate in mediation. The parties also agreed that the Jury Trial in this matter would take longer than two days.

Subsequently, on July 1, 2016 the Court issued two Orders. The first was a Mediation Order with a date for mediation of August 15, 2016. The Court also Ordered the Pre-Trial

Conference to be reset for August 23, 2016 and the Jury Trial for October 3, 2016. The Jury Trial has been scheduled to last a month.

On August 1, 2016, Defense counsel filed a Motion to Suppress, an Affidavit of Defendant in Support of Motion to Suppress, and a Motion to Dismiss County I through III of the Superseding Indictment. Hearing on those Motions have been scheduled for August 23, 2016 along with the Pre-Trial Conference.

Defense counsel is now submitting this Brief in Support of the Motion to Dismiss Counts I through III of the Superseding Indictment.

ARGUMENT

Idaho Code, Section 19-1101 defines the general powers and duties of a Grand Jury. It says that, "The grand jury must inquire into all public offenses committed or triable within the county, and present them to the court, either by presentment or by indictment."

In determining whether there is sufficient evidence to warrant an indictment, we can first look to Idaho Code, Section 19-1107. It states:

"SUFFICIENCY OF EVIDENCE TO WARRANT INDICTMENT. The grand jury ought to find an indictment when all the evidence before them, taken together, if unexplained or uncontradicted, would, in their judgment, warrant a conviction by a trial jury."

An indictment will be sustained as long as the grand jury has received legally sufficient evidence which in and of itself supports a finding of probable cause. *State v. Edmonson*, 113 Idaho 230, 236-37, 743 P.2d 459, 465-66 (1987).

Idaho Code, Section 19-1105 gives guidance as to what "evidence" may be presented to a Grand Jury. It says:

19-1105. EVIDENCE RECEIVABLE BY GRAND JURY. In the investigation of a charge for the purpose of either presentment or indictment, the grand jury can receive any evidence that is given by witnesses produced and sworn before them

except as hereinafter provided, furnished by legal documentary evidence, the deposition of a witness in the cases provided by this code or legally admissible hearsay. No witness whose testimony has been taken and reduced to writing on a preliminary examination must be subpoenaed or required to appear before the grand jury, until such testimony has been first submitted to and considered by the grand jury, but if such testimony has been lost or cannot be found, or if the grand jury after considering the same still desires the presence of any such witnesses, they may be subpoenaed.”

It should be noted that “legally admissible hearsay” may be presented to a Grand Jury for their consideration. That means that hearsay that is not legally admissible should – and cannot – be presented to a Grand Jury.

The Idaho Criminal Rules lists the grounds upon which an Indictment may be dismissed. Particularly applicable to this case is Rule 6.7(d) which states a basis for dismissal is, “That the indictment was not properly found, endorsed, and presented as required by these rules or by the statutes of the state of Idaho.”

In order to decide whether evidence was properly presented to the grand jury, we must turn to the Idaho Rules of Evidence. Rule 101(b) of the Idaho Rules of Evidence states that, “These rules govern all actions, cases and proceedings in the courts of the State of Idaho and all actions, cases and proceedings to which rules of evidence are applicable, except as hereinafter provided.” The Idaho Rules of Evidence do not state that Grand Jury proceedings are exempt from the Idaho Rules of Evidence. Therefore, the Idaho Rules of Evidence must apply.

The Idaho Rules of Evidence are filled with rules describing what may – or may not – be used as evidence in any judicial proceedings. Generally, hearsay is not permissible as testimony except for a few, well-defined exceptions (see Rules 801 through 805 of the Idaho Rules of Evidence).

COUNT I

In this particular matter, in order for a grand jury to properly issue Superseding Indictment

against the defendant for Count I, they had to have probable cause to believe the following:

“In order for the defendant to be guilty of First Degree Murder in the perpetration of, or attempt to perpetrate, a felony, the state must prove each of the following:

“1. On or about April 29,2016

“2. in the state of Idaho

“3. Steven Nelson was killed and murdered

“4. the killing and murder was committed in the perpetration of, or attempt to perpetrate, a Robbery and/or an aggravated battery on a child under twelve (12) years of age and/or arson and/or rape and/or burglary and/or kidnapping and/or mayhem and/or an act of terrorism and/or use of a weapon of mass destruction or biological weapon or chemical weapon.

“The state does not have to prove that the defendant intended to kill Steven Nelson, but the state must prove that during the perpetration or attempt to perpetrate the Robbery, the defendant, or another person who was acting in concert with the defendant in furtherance of a common plan or scheme to commit the Robbery, killed Steven Nelson.” (Grand Jury Instruction No. 13)

This jury instruction, which was given to the Grand Jury in this matter, was based upon Idaho Criminal Jury Instruction 704C. That instruction is applicable when someone is charged with a murder during the commission of certain felonies.

Count I of the Superseding Indictment charges Defendant as follows: “That the Defendant, Jayson L. Woods, on or about the 29th day of April, 2016, in the County of Canyon, State of Idaho, did aid, abet, assist, facilitate and/or encourage Kelly Schneider to perpetrate a robbery of Steven Nelson, during which Kelly Schneider did kill and murder Steven Nelson.” The premise is that Woods aided Schneider in committing a robbery against Nelson, and this robbery eventually led to Nelson’s death.

However, a close look at the testimony presented to the Grand Jury shows that the prosecutors did not present to any legally admissible evidence at all as to Woods and Schneider that Schneider committed a robbery against Nelson. In regards to an actual – or attempted - robbery of Nelson, the prosecutors presented to the Grand Jury the statements of Henkel and

Tracy through two different officers (Maund and Hart respectively). These statements were made during police interrogations of Henkel and Tracy. In short, based on Henkel's and Tracy's statements, a Grand Jury could have concluded that Schneider robbed Nelson.

However, the hearsay statements of Henkel and Tracy about any robbery are only admissible as themselves respectively. The applicable Rule of Evidence is 804(b)(3), which is a statement against interest. However, those statements would not be admissible as to Woods or Schneider because they are hearsay and there is no applicable exception.

It can also be surmised that the prosecutors understood this. Hence, they obtained indictments against Schneider and Woods before presenting to the Grand Jury the statements of Henkel and Tracy. Additionally, the prosecutors were specific in telling the jurors who's testimony they could consider against each co-defendant respectively.

As to testimony or evidence of a robbery, the prosecution presented the testimony of Abigail Williams. Williams admitted being in a vehicle with the four co-defendants. She was present when Henkel, Tracy, and Schneider were dropped off by Woods as their respective locations. She also stated that she was present when the Henkel, Tracy, and Schneider were picked up again by Woods.

However, Williams also testified clearly that her and Woods were not present at Gott's Point when whatever incident happened between Schneider and Nelson. Consequently, she does not have first-hand, eye witness knowledge that Nelson was robbed by Schneider. Therefore, any statements she made about Schneider committing a robbery are inadmissible hearsay as to both Woods and Schneider.

Detective Gentry also testified before the Grand Jury about his police interrogation of Jayson Woods. Woods' statements during the interview confirm Williams' testimony that they

were both not present during the alleged robbery by Schneider of Nelson. Consequently, any statements made by Woods about what happened at Gott's Point are inadmissible hearsay because they are based on the statements of three co-defendants – and not on personal knowledge.

Other witnesses that testified about a potential robbery were Deputy Odenborg and Dr. Garrison.¹ Deputy Odenborg's testified about what Steven Nelson told him after the alleged robbery but before Nelson passed away. The prosecutor informed the jury that this hearsay testimony was being presented to the Grand Jury because it was an exception the hearsay rule. Specifically, Rule 804(b)(3) of the Idaho Rules of Evidence allows the hearsay statements of persons who make statements against their own interest. The Rule states:

“(b) Hearsay exceptions. The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

“(3) Statement against interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject declarant to civil or criminal liability, or to render invalid a claim by declarant against another, that a reasonable man in declarant's position would not have made the statement unless declarant believed it to be true. A statement tending to expose the declarant to criminal liability and offered in a criminal case is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.”

However, the reality was that the testimony offered by Odenborg about Nelson's statements the morning of April 29, 2016 were largely not statements against interest. They were statements intended to report a crime. Starting on page 34, line 20 of the Grand Jury Transcript and going to page 37, line 2, is the recorded testimony of Odenborg as to statements made to him by Nelson. As one can see, very little of Nelson's statements presented to the

¹ Any testimony by Dr. Garrison about a robbery were derived from police reports and/or information provided by police. Once again, these statements are inadmissible hearsay.

Grand Jury had to do with attempting to procure prostitution services.² Most of the statements had to do with Nelson describing a robbery and the circumstances around said robbery.

The statements by Nelson regarding details of a robbery purportedly committed by Schneider are inadmissible hearsay. Furthermore, there are no other exceptions to hearsay that would allow the statements to be presented to the Grand Jury.

In *State v. Marsalis*, 264 P.3d 979, 151 Idaho 872 (Idaho App. 2011), the Idaho Court of Appeals issued the standards for a trial court when faced with a motion to dismiss an indictment.

It said:

“When conducting a review of the propriety of the grand jury proceeding, our inquiry is two-fold. *State v. Martinez*, 125 Idaho 445, 448, 872 P.2d 708, 711 (1994). First, we must determine whether, independent of any inadmissible evidence, the grand jury received legally sufficient evidence to support a finding of probable cause. *Id.*; *State v. Jones*, 125 Idaho 477, 483, 873 P.2d 122, 128 (1994); *State v. Edmonson*, 113 Idaho 230, 236, 743 P.2d 459, 465 (1987). In making this determination, every legitimate inference that may be drawn from the evidence must be drawn in favor of the indictment. *State v. Brandstetter*, 127 Idaho 885, 887, 908 P.2d 578, 580 (Ct.App.1995).

In this particular situation, even with drawing every legitimate inference in favor of the indictment, the State did not provide any legally admissible evidence that an actual robbery – or an attempted robbery, was perpetrated upon Steven Nelson by Kelly Schneider. There must be some evidence of the robbery or the whole charge of murder in the first degree is unsupported. Consequently, due to the lack of evidence, Count I of the Superseding Indictment against Jayson Woods must be dismissed.

COUNT II

In this particular matter, in order for a grand jury to properly issue Superseding Indictment against the defendant for Count II, they had to have probable cause to believe the following:

² I.C. 18-5614

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

- “1. On or about April 29, 2016
- “2. in the state of Idaho
- “3. Steven Nelson had possession of personal property,
- “4. which the defendant took from Steven Nelson's person or from Steven Nelson's immediate presence,
- “5. against the will of Steven Nelson
- “6. by the intentional use of force or fear to overcome the will of Steven Nelson, and
- “7. with the intent permanently to deprive Steven Nelson of the property.”(Grand Jury Instruction 14)

Count II of the Superseding Indictment charges Defendant as follows:

“That the Defendant, Jayson L. Woods, on or about the 29th day of April, 2016, in the County of Canyon, State of Idaho, did aid, abet, assist, facilitate and/or encourage Kelly Schneider to feloniously, intentionally and by means of force or fear take from the person and/or immediate presence of Steven Nelson certain personal property, to-wit: cash money and/or clothing and/or a wallet with credit cards inside and/or car keys and/or a car, the property of Steven Nelson, which was accomplished against the will of Steven Nelson, in that the Kelly Schneider choked Steven Nelson and/or forced Steven Nelson to the ground and/or kicked Steven Nelson and demanded and/or forcibly took Steven Nelson's personal property.”

The analysis for Count II is similar to Count I of the Superseding Indictment. Simply put, the prosecution failed to provide any legally admissible evidence as to a robbery committed by Kelly Schneider upon Steven Nelson. Because of that failure, Count II of the Superseding Indictment must be dismissed.

There is also a defect in the jury instructions given to the Grand Jury which justifies dismissal of Count II of the Indictment. The Superseding Indictment, which is not evidence and cannot be considered as such (see Grand Jury Instruction 9), charges Woods as an aider and abettor to Schneider who allegedly committed a robbery against Nelson. However, the language of the Grand Jury Instruction 14 states that Woods acted as a principal – not an aider and/or abettor.

With the Grand Jury given that jury instruction for robbery, and even if Nelson's statements to Odenborg were admissible, no evidence was presented that Woods actually committed a robbery against Nelson. In fact, the testimony of Williams puts Woods at a completely different location when Nelson was supposedly robbed.

It could be argued that because the Grand Jury was given Instruction 5, which is ICJI 311 defining aiders, abettors, and principals, the Grand Jury was sufficiently instructed that they could indict Woods as to Count II even though Instruction 14 was wrong. That argument goes against what is contained in the Idaho Criminal Jury Instructions (ICJI).

The first comment in Instruction 311 of the Idaho Criminal Jury Instructions states: "*See* I.C. s 18-204. Modify elements instruction appropriately and select the appropriate terms to describe the type of action charged (aided, assisted, facilitated, etc.)" This comment cannot be more clear and unambiguous. If a defendant is accused of aiding, assisting, facilitating, etc. a crime, then the elements instruction for the crime charged must be modified to indicate defendant was an aider and abettor and not a principal to the crime.

In the event that a defendant could be considered a principal as well as an aider and abettor to a crime such as robbery, then the appropriate language in the jury instruction would have been something like: "... took from [victim's name] person or from [victim's name] immediate presence, or did aid, abet, assist, facilitate and/or encourage another to take from [victim's name] person or from [victim's name] immediate presence,...."

In summary, the Grand Jury was given an instruction alleging Woods, acting as a principal, committed a robbery as to Nelson. The testimony the Grand Jury received made it impossible to be a principal to robbery against Nelson. The instructions given to the jury were

not sufficient for them to make a probable cause finding as to County II of the Superseding Indictment. So, Count II must be dismissed by the court.

COUNT III

For the sake of brevity, Grand Jury Instruction, which was the elements instruction for Conspiracy to Commit Robbery, will not be quoted. When initially reading the Grand Jury Transcript of Deputy Gentry's testimony, it appears that there is probable cause for a Grand Jury to find that Woods participated in the alleged conspiracy.

However, Deputy Gentry did not present an unbiased recitation of Woods statements to the Grand Jury. One example of Gentry's bias is shown on page 116, lines 12 through 21 of the Grand Jury Transcript. This is the beginning of the examination of Deputy Gentry. The Prosecutor and Deputy Gentry say:

12 A. I basically just advised Mr. Woods of his
13 rights and then asked him what happened the night or
14 the day prior to him having contact with us as law
15 enforcement.
16 Q. Did he tell you what had happened?
17 A. He did. Like I said, it was quite an
18 extensive interview, **and it went kind of with him**
19 **minimizing his involvement at first, and then he opened**
20 **up and told more truthful statements about his**
21 **involvement in this.** (emphasis added)

These types of comments by an investigator about the veracity of a suspect's statements would never be allowed during a jury trial.

Another example was on page 118, lines 7 through 9 of the Grand Jury Transcript. It says:

6 Q. And in this business did he tell you what
7 his role would be?
8 A. Like I said, at first he minimized his role.

When asked about a plan to rob Steven Nelson, the following was presented to the Grand

Jury:

4 Q. So he told you that they knew they were
5 going to rob him before this all happened?

6 A. Yes. Like I said, this was a little bit
7 later on in our conversation. But, yes, he told me
8 that they had formulated a plan that they were going to
9 rob the guy.

10 Q. Did he always stick with that - so you're
11 telling me this is what he said. Did he always stick
12 with that version of events?

13 A. No. No. It went round and round several
14 times.

15 Q. What do you mean by that?

**16 A. Well, he minimized his involvement
17 throughout the course of the interview, but then he
18 would tell me exactly what happened, and then he would
19 go back to minimizing it. (emphasis added)**

Once again, a witness would never be allowed to express an opinion as to whether statements made by a suspect to a crime were true or false.

It should be noted also that during his interview with Deputy Gentry, Jayson L. Woods repeatedly stated over-and-over again to Kelly Schneider that if he was uncomfortable with being with Steven Nelson, then Kelly Schneider should walk away. Walking away is the anti-thesis of committing a robbery. However, because of Deputy Gentry's biases, prejudices, and skewed testimony, the jury never heard this information. The defense intends to submit to the court as evidence the relevant portions of Wood's interrogation so it can determine what was said by Woods in regards whether Woods agreed "...to commit the crime of Robbery...." (Grand Jury Instruction 18)

Rule 6.2(a) of the Idaho Criminal Rules spells out an important duty and responsibility for prosecutors as they relate to a Grand Jury. The rule says:

"Idaho Court Rule 6.2. Prosecuting Attorney.

**BRIEF IN SUPPORT OF MOTION
TO DISMISS COUNTS I THROUGH III
OF SUPERSEDING INDICTMENT**

17

“Powers and Duties. The prosecuting attorney of the county wherein the grand jury is sitting, or one or more deputies, or a special prosecuting attorney may attend all sessions of the grand jury, except during the deliberations of the grand jury after the presentation of evidence. The prosecuting attorney shall have the power and duty to:

“(a) Present to the grand jury evidence of any public offense, however, when a prosecutor conducting a grand jury inquiry is personally aware of substantial evidence which directly negates the guilt of the subject of the investigation the prosecutor must present or otherwise disclose such evidence to the grand jury.”

The prosecutors in this particular matter, should have been aware of the statements made to Gentry during his interrogation. The interrogation occurred on April 29, 2016. The Grand Jury hearing was held on May 18, 2016. That means the prosecutors had three full weeks to listen to the interrogation of Woods and discover that Woods did not necessarily share his three co-defendants the goal of robbing Nelson. Consequently, pursuant to their duty as stated in Rule 6.2(a) of the Idaho Criminal Rules they should have presented a complete recounting of Woods’ statements to Gentry.

Additionally, had the jury been allowed to hear all of Jayson L. Woods’ statements to Gentry, then they would have not found probable cause to believe that Mr. Woods committed Conspiracy to Commit Robbery. Therefore, Count III of the Superseding Indictment should be dismissed.

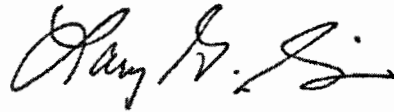
CONCLUSION

In summary, during the grand jury proceedings in this matter no legally admissible evidence was produced in regards to Kelly Schneider and/or Jayson Woods committing a robbery against Steven Nelson. Since robbery is an essential element of Count I, 1st Degree Murder, and Count II, Robbery, then the appropriate remedy is to dismiss Counts I and II of the Superseding Indictment in this matter. Additionally, the testimony of Deputy Gentry before the Grand Jury as

to Jayson Woods and Count III, Conspiracy to Commit Robbery, was extremely tainted because of his personal bias and his intentional avoidance of presenting substantial evidence which would have directly negated the guilt of Jayson Woods. Consequently, the appropriate remedy is to dismiss Count III of the Superseding Indictment.

Therefore, Defendant respectfully requests that the Court find its favor and issue an Order Dismissing Counts I through III of the Grand Jury Superseding Indictment in this matter.

DATED this 5th day of August, 2016.



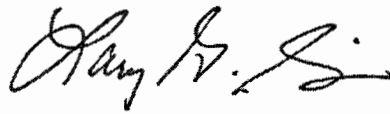
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August, 2016, I served a true and correct copy of the within Brief upon the individual(s) names below in the manner noted:

- ✓ By delivering copies of the same to the designated courthouse box of the office(s) of the attorney(s) indicated below.

Bryan F. Taylor
Canyon County Prosecutors Office
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LARRY G. SISSON
Attorney for Defendant

CT

FILED
A.M. 305 P.M.

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AUG 10 2016
CANYON COUNTY CLERK
B DOMINGUEZ, DEPUTY

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR-2016-07911-C

**BRIEF IN SUPPORT OF MOTION TO
SUPPRESS**

COMES NOW Defendant, by and through his attorney of record, Lary G. Sisson, and hereby provides the following legal and factual support and argument in support of its Motion to Suppress in this matter

THIS MOTION is based on the pleadings, papers, records and files in the above entitled action including the transcript and jury instructions from the Grand Jury Proceedings.

FACTUAL AND PROCEDURAL HISTORY

On April 29, 2016 at approximately 5:45 a.m. the Canyon County Sheriff's Office received two phone calls from person living on Greenhurst Street near Lake Lowell. The callers both reported that there was a naked man knocking on the front doors of homes asking for help.

A short time later Deputy Odenborg of the Canyon County Sheriff's Office arrived on scene. The naked man identified himself as Steven Nelson. Nelson stated that through the "male

escort" section of the website called "Backpage" he had actually met an unknown male at the Walmart located at Roosevelt and Middleton Road in Nampa, Idaho. Nelson said he picked up the male, who was caucasian, approximately 5'11" tall, with blonde hair, a short blonde beard, and with lots of tattoos. Nelson said he drove the male to Gott's Point, where Nelson requested sex from the male in exchange for money. Nelson said another male, who very tall and wearing a hat, arrived and had what appeared to be a rifle. Nelson said the two males attacked him, choked him, forced him to the ground, kicked him, and stripped him of his clothes. Nelson said the two males then took his car keys from him and drove away in Nelson's car.

Nelson's wallet, credit cards, and clothing were inside his vehicle. Nelson walked naked to a local residence and asked someone to call 911. Nelson was transported to the hospital with suspected broken ribs and bleeding from the ear. Nelson died a few hours later. The Ada County Coroner cited cause of death as cardiac arrest induced by the trauma of the attack on Nelson.

The "backpage" ad was located. Probation Officer Dan Geisel confirmed that the male in the photo was Kelly Bryan Schnieder [REDACTED] by his unique tattoos. Schneider was located and taken into custody. His right hand was bandaged.

Video surveillance from the Walmart located at Roosevelt and Middleton Road showed a male being (believed to be Schneider) dropped off by a Chevy HHR at approximately 0456 hours. On April 29, Abigail Williams [REDACTED] called the Sheriff's Office to report that her Chevy HHR had been used during the commission of a crime. Williams said she had been in the back seat of the vehicle when her ex-boyfriend, Jayson Woods [REDACTED], had driven her around and forced her to perform sex acts with random men for money. Williams said that morning she, Woods, Kevin Tracy [REDACTED], and Daniel Henkel [REDACTED], had met up

with Schneider at a gas station. Williams admitted Woods was driving her vehicle throughout the morning of April 29, 2016. She also stated that between 4:30 a.m. and 5:00 a.m. they had gone to Gott's Point and dropped off Tracy and Henkel. They next went to the Walmart located at Roosevelt and Middleton Road so that Schneider could meet up with Nelson. Woods and Williams then left the area and over approximately 30 minutes stayed at the intersection of Middleton Road and Karcher Road in Nampa, Idaho. Woods and Williams later picked up Schneider, Tracy, and Henkel in the area of the Kmart in Nampa, Idaho. Schneider supposedly told them, after he was picked up, that he had beaten Nelson up.

Woods was interrogated by Detective Gentry of the Canyon County Sheriff's Office on the evening of April 29, 2016. The interrogation was in two parts – with a short break in between. During the first part of the interrogation, Woods admitted to Gentry that he had been using large amounts of methamphetamine recently. Woods even showed him track marks and places on his forearms where methamphetamine was embedded under Woods' skin.

During the interrogation admitted that he facilitates meetings between people who are looking for escorts with men and women who are willing to act as escorts. This business advertises on websites such as "backpage." The ad states that clients can spend time with these escorts and that what they do – or how they spend their time – is up to the parties. However, this escort services asks for donations by clients in order to recompense the escorts for their time. Woods admitted that he would eventually receive the money from the escort sessions and later distribute the money back to the escorts while keeping some of the proceeds. Woods also conceded during the interrogation that sometimes these encounters between the clients and the escorts included performance of sexual acts.

Also during the interview, Woods confirmed that Schneider had met up with Nelson at around midnight on April 28, 2016 at the Walmart located at 12th Avenue and Greenhurst in Nampa. Furthermore, Nelson and Schneider were together for a short period of time. Schneider eventually returned to the vehicle with money, which Schneider and Woods divided up between them.

While still in the first part of the interrogation, Woods also told Gentry that Nelson had contacted Schneider during the early morning hours of April 29, 2016 seeking another meeting. It was Woods' understanding that Nelson had been seeking a sexual encounter with Schneider when they had first met at the Walmart. However, Schneider obtained the money from Nelson (but not through the use of force, violence or fear) without performing any sexual acts. Woods encouraged Schneider to meet with Nelson again in order to make good on the implied agreement to have a sexual encounter.

It should be noted that over-and-over during this initial interrogation, Woods stated that he did not want Schneider to be violent with Nelson. As per Woods' standard operating procedures with all of his escorts, Woods told Schneider that money should be obtained at the outset of any meeting with a client. This was done in order to avoid an escort performing services and then not getting paid for said services. Woods also told Schneider that once he received the money, then if Schneider did not feel comfortable with the situation he should simply "walk away." Schneider was then supposed to call Woods who would then pick him up. Woods made this information abundantly clear to Gentry.

Approximately half way through the interrogation, Gentry offered Woods the opportunity to smoke a cigarette. The both of them went outside. Their conversation was not recorded. During this time Gentry said to Woods something to the effect of: ""You had better start talking

about the robbery. Or, the next needle that goes into your arm will be the one that kills you.” In the context of our interaction, it was clear to Woods that Gentry was intimidating him by suggesting that if Woods did not say what Gentry wanted to hear, then Woods would receive the death penalty and he would die by lethal injection.

In order to carry this intimidation further, when they went back inside Gentry immediately arrested Woods by placing him in handcuffs. He informed Woods that he was being charged with first degree murder. He then immediately walked Woods to the intake room for the Canyon County Detention Center. The officers there began the booking process. At that point Woods was so scared that he literally begged for an opportunity to speak with Gentry again.

Woods was eventually taken back to the interrogation room and met with Gentry again. During part two of the interrogation, Gentry suggested that Woods knew Schneider was going to rob Nelson. Finally, Woods, in an effort to please Gentry and to potentially avoid the death penalty, conceded that he “suspected” that Schneider might rob Nelson. However, Woods also made it clear that he was trying to persuade Schneider to not act violently with Nelson.

Throughout both parts of the interview Woods corroborated Williams statements in regards to: a) dropping off Tracy and Henkel at Lake Lowell prior to meeting with Nelson the second time, b) where they were while Schneider, Nelson, Tracy and Henkel were at Gott’s Point, and c) as well as picking them up later that morning. Woods told Gentry that Tracy and Henkel were dropped off at Gott’s Point in the event that Nelson became violent with Schneider in retaliation for Schneider taking Nelson’s money earlier in the evening without performing services.

Woods also told Gentry that Schneider said to Woods that he and Nelson got in a fight, Schneider took Nelson's clothes off and took his car. Woods also said money was divided up between Schneider, Woods, Tracy and Williams.

Kevin Tracy was also interrogated on April 29, 2016. Tracy admitted he knew Schneider was going to rob Nelson. Tracy said he waited at Gott's Point for Nelson and Schneider to make sure "nothing bad happened." Tracy told the police that he saw Schneider and Nelson get out of Nelson's car and saw Schneider hit Nelson in the face. Schneider called for Tracy and Henkel to come help him. Tracy said he watched Schneider kick Nelson with steel-toed boots approximately 30 times while he was on the ground. Tracy said Nelson begged Schneider not to kill him, and offered Schneider his credit cards and PIN numbers if they would let him go. Tracy was shown a picture of subjects using Nelson's debit card at an ATM to withdraw money (in the amount of \$123) at the Albertson's located at 12th Avenue and Greenhurst Road. Tracy identified the subjects as Henkel and Schneider.

Daniel Henkel was also interrogated on April 29, 2016. He also admitted he knew about Schneider's plan to rob Nelson. Henkel admitted that he waited for Schneider and Nelson at Gott's Point, and that he was holding a metal pipe. Henkel said he got scared when he saw Schneider beating Nelson, so he walked away. Henkel said Schneider and Kevin later picked him up in Nelson's car.

Consequently, on April 30, 2016, Schneider, Woods, Tracy and Henkel were charged with First Degree Murder, Robbery, and Conspiracy to Commit Robbery. Schneider was additionally charged with Grand Theft. Woods was additionally charged with Receiving the Proceeds from Prostitution.

The co-defendants made their first appearance on May 2, 2016. Because all four co-defendants were determined to be indigent, they were all assigned as clients of the Canyon County Public Defender's Office. However, because of the obvious actual and potential conflicts, Woods, Tracy and Henkel were assigned conflict public defenders. They were also given a Preliminary Hearing date of May 13, 2016.

Because Woods' attorney had not received any meaningful Discovery prior to the Preliminary Hearing, Woods waived his right to a timely Preliminary Hearing and agreed to have it reset to May 27, 2016. During the interim, a Superseding Indictment from a Grand Jury was obtained against the four co-defendants on May 18, 2016. Woods was charged with the same crimes as listed in the original Criminal Complaint. Additionally, Woods' attorney filed on May 26, 2016 a Motion to Compel Discovery and a Notice of Hearing for June, 21, 2016.

Woods appeared in the District Court on June 3, 2016, and entered not guilty pleas to all charges. Woods' Pre-Trial Conference was originally scheduled for August 1, 2016 and his Jury Trial for September 6, 2016. Bail was also set in the amount of \$1,000,000.

On June 17, 2016, Defendant's attorney filed the following: 1) a request to Withdraw the Motion to Compel, 2) a Motion for Payment of Investigative Services, and 3) a Motion for an Extension of Time to File Pre-Trial Motions. At a hearing on June 21, 2016, the three Motions were granted. The defense was given until 5:00 p.m. on August 1, to file any pre-trial motions. Additionally, both parties agreed that they would like to participate in mediation. The parties also agreed that the Jury Trial in this matter would take longer than two days.

Subsequently, on July 1, 2016 the Court issued two Orders. The first was a Mediation Order with a date for mediation of August 15, 2016. The Court also Ordered the Pre-Trial

Conference to be reset for August 23, 2016 and the Jury Trial for October 3, 2016. The Jury Trial has been scheduled to last a month.

On August 1, 2016, Defense counsel filed a Motion to Suppress, an Affidavit of Defendant in Support of Motion to Suppress, and a Motion to Dismiss Count I through III of the Superseding Indictment. On August 5, 2016, defense counsel also filed a Brief in Support of Motion to Dismiss Counts I through III of the Superseding Indictment. Hearings on those Motions have been scheduled for August 23, 2016 along with the Pre-Trial Conference.

Defense counsel is now submitting this Brief in Support of the Motion to Suppress Defendant's statements made to law enforcement.

ARGUMENT

In *United States v. Hughes*, 640 F.3d 428 (Cir. 2011), the United States 1st Circuit District Court provided a nice overview of the inquiry that a federal court must do when it is alleged that a confession is not voluntary. The Court wrote:

“When charged with determining whether a confession was voluntary, an inquiring court must sift through the totality of the circumstances, including both the nature of the police activity and the defendant's situation. *See Arizona v. Fulminante*, 499 U.S. 279, 285, 111 S.Ct. 1246, 113 L.Ed.2d 302 (1991); *United States v. Kimball*, 25 F.3d 1, 8 (1st Cir.1994). Relevant considerations may include the length and nature of the questioning, any promises or threats made, and any deprivation of essentials (e.g., food, water, sleep, bathroom facilities) imposed upon the suspect. *See Culombe v. Connecticut*, 367 U.S. 568, 602, 81 S.Ct. 1860, 6 L.Ed.2d 1037 (1961). They also may include an appraisal of the defendant's attributes, such as his age, education, intelligence, and mental state. *Fulminante*, 499 U.S. at 286 n. 2, 111 S.Ct. 1246; *Reck v. Pate*, 367 U.S. 433, 441-42, 81 S.Ct. 1541, 6 L.Ed.2d 948 (1961). In short, an inquiring court must conduct the juridical equivalent of an archeological dig into the whole of the circumstances. In doing so, we defer to the district court's factual findings, see *Fulminante*, 499 U.S. at 287, 111 S.Ct. 1246, and review its ultimate conclusion on voluntariness de novo. *Id.*”

The United States Supreme Court has determined that " a defendant's mental condition, by itself and apart from its relation to official coercion," can never serve as a sufficient basis for

a finding of involuntariness. *Colorado v. Connelly*, 479 U.S. 157, 164, 107 S.Ct. 515, 93 L.Ed.2d 473 (1986).

A June 2016 Court of Appeals case, *State v. Brown*, 42095 provides a summary of how allegations of involuntary confessions should be handled in Idaho. The Court of Appeals wrote:

“To determine whether a confession is voluntary, a court must examine the totality of the circumstances and ask whether the defendant's will was overborne by police conduct. *Arizona v. Fulminante*, 499 U.S. 279, 287-88 (1991); *State v. Troy*, 124 Idaho 211, 214, 858 P.2d 750, 753 (1993); *State v. Valero*, 153 Idaho 910, 912, 285 P.3d 1014, 1016 (Ct. App. 2012). In determining the voluntariness of a confession, a court should consider the characteristics of the accused and the details of the interrogation, including whether Miranda warnings were given, the youth of the accused, the accused's level of education or low intelligence, the length of the detention, the repeated and prolonged nature of the questioning, and deprivation of food or sleep. *Schneckloth v. Bustamonte*, 412 U.S. 218, 226 (1973); *Troy*, 124 Idaho at 214, 858 P.2d at 753; *Valero*, 153 Idaho at 912, 285 P.3d at 1016. The presence or absence of Miranda warnings is a particularly significant factor. *Missouri v. Seibert*, 542 U.S. 600, 608-09 (2004) (“[M]aintaining that a statement is involuntary even though given after warnings and voluntary waiver of rights requires unusual stamina, and litigation over voluntariness tends to end with the finding of a valid waiver.”); *Berkemer v. McCarty*, 468 U.S. 420, 433 n.20 (1984) (“[C]ases in which a defendant can make a colorable argument that a self-incriminating statement was 'compelled' despite the fact that the law enforcement authorities adhered to the dictates of Miranda are rare.”). If, under the totality of the circumstances, the defendant's free will was overborne by threats, through direct or implied promises or other forms of coercion, then the statement is not voluntary and is inadmissible. *Fulminante*, 499 U.S. at 285-87; *Troy*, 124 Idaho at 214, 858 P.2d at 753; *Valero*, 153 Idaho at 912, 285 P.3d at 1016. When a defendant alleges an interrogation to be coercive, the State bears the burden of proving voluntariness of the defendant's confession by a preponderance of the evidence. *Lego v. Twomey*, 404 U.S. 477, 489 (1972); *State v. Yager*, 139 Idaho 680, 685, 85 P.3d 656, 661 (2004); *State v. Johns*, 112 Idaho 873, 878, 736 P.2d 1327, 1332 (1987).

Various other Idaho cases give additional insight in regards to coerced confessions. The state has a heavy burden in overcoming a presumption against the waiver of constitutional rights. *State v. Mitchell*, 104 Idaho 493, 660 P.2d 1336 (1983), cert. den. 461 U.S. 934, 103 S.Ct. 2101, 77 L.Ed.2d 308. The burden is upon the state to show, by a preponderance of the evidence, that a defendant's confession was voluntary. *State v. Carey*, 122 Idaho 382, 385, 834 P.2d 899, 902

(Ct.App.1992); *State v. Aitken*, 121 Idaho 783, 784, 828 P.2d 346, 347 (Ct.App.1992). The voluntariness of a confession must be measured by a "totality of the circumstances" test. *State v. Johns*, 112 Idaho 873, 879, 736 P.2d 1327, 1333 (1987). For a defendant's statement to be involuntary, the defendant's will has to have been overcome by police conduct at the time he confessed. *State v. Davila*, 127 Idaho 888, 892, 908 P.2d 581, 585 (Ct.App.1995); *State v. Wilson*, 126 Idaho 926, 928, 894 P.2d 159, 161 (Ct.App.1995); *State v. McLean*, 123 Idaho 108, 111, 844 P.2d 1358, 1361 (Ct.App.1992). If the defendant's free will is undermined by threats or through direct or implied promises that are not honored, then a statement cannot be considered voluntary, and is inadmissible. *State v. Wilson*, 126 Idaho 926, 929, 894 P.2d 159, 162 (Ct.App.1995).

In this particular case, there is both a reduced mental condition on the part of the defendant as well as coercive tactics by Deputy Gentry. First, we shall begin with the reduced mental capacity of the defendant.

In Defendant's *Affidavit in Support of Motion to Suppress*, Woods states: "Prior to that interrogation [the interrogation by Gentry], I had not slept for five (5) straight days. Because I had been consuming large amounts of methamphetamine, I had not slept for those five (5) straight days. I was consuming the methamphetamine by injecting it into my veins. This process had the effect of not only more effectively distributing the methamphetamine throughout my body but also significantly amplifying the drug's effects." If the Court believes this statement, then the only conclusion that is reasonable is that Defendant's mental state was compromised.

One of life's experiences that is common to nearly all adults is dealing with the lack of sleep, or receiving very little sleep, over a period of time. Such situations occur when a college student is "cramming" for a final exam, or a parent is awakened repeatedly throughout the night by

a crying infant, or the anxiety of life which causes insomnia. Everyone who has experienced this will also know – similar to being intoxicated – that a person’s decision-making and reasoning skills are diminished. Moreover, the greater the sleep deprivation, the greater the impairment to the person (just like intoxication).¹

It should be noted that during Gentry’s interrogation of Woods, that Woods informed Gentry that Woods was a drug addict. In video clip 3 of Defendant’s Exhibit A, which is attached to this brief and incorporated herein², Woods clearly tells Gentry about his addiction problem. Gentry subsequently asks one question about Woods’ addiction, and then ignores the issue for the rest of the interrogation.

The second part of the process in determining whether a confession is coerced, is to examine whether the police overcame Defendant’s free will by police conduct. Once again, we turn to Defendant’s Affidavit, which states:

“8. Additionally, during the interrogation process, the officer allowed me to go outside to smoke a cigarette. While outside the officer was noticeably unhappy and dissatisfied with the information that I was providing him. Consequently, he clearly and unequivocally said to me: “You had better start talking about the robbery. Or, the next needle that goes into your arm will be the one that kills you.”

“9. In the context of our interaction, it was clear he was intimidating me by suggesting that if I did not say what he wanted to hear, then I would receive the death penalty and I would die by lethal injection.

“10. In order to carry this intimidation further, when we went back inside the officer immediately arrested me by placing me in handcuffs and informed me that I was being charged with first degree murder. He then immediately walked me to what I am told was the intake room for the Canyon County Detention Center. The officers there began the booking process.

“11. At that point I was so scared that I literally begged for an opportunity to speak with the officer again. I told whoever was there that I had allot more

¹ Defendant’s attorney intends to submit to the Court at a later time medical studies that explain the effects of long-term sleep deprivation on the cognitive and reasoning skills of an adult.

² Exhibit A contains five (5) video excerpts from the approximately 3.5 hours of interrogation footage provided by the State. For the sake of brevity, and to corroborate defendant’s claims, the Defense has provided these clips. However, if the Court wants to see the entire video footage, then arrangements can be made to provide it.

information to give to the officer.

“12. I was eventually taken back to the interrogation room and met with the same officer again. I began giving him information that I had not previously disclosed. That could be used against me during a jury trial.

“13. I did not give this information freely and voluntarily. I only gave the information to the police officer because I truly believed that if I did not, I would be charged with murder and the police would seek the death penalty against me. Additionally, being high on methamphetamine and sleep deprived only heightened my fears.”

As one might expect, the portion of Defendant’s affidavit concerning the coercion by Gentry is not independently recorded. However, a review of the video clips provided in Exhibit A corroborate a large portion of Defendant’s allegations.

For example, clip 1 begins after Gentry has been interviewing Woods for approximately 45 minutes. The tone of the statements made by Woods, and the substance of the information he was giving Gentry is fairly representative of their discourse up to that point. However, at approximately 3:15 into the clip, Gentry expresses his frustration because just when he believes Woods is starting to tell the truth, then Woods backs away and start lying to Gentry. It is clear Gentry has predetermined that Woods was intimately involved in the death and robbery of Steven Nelson. Consequently, anything that Woods said to him that does not corroborate his bias, Gentry has determined is a lie.

Because Gentry had a bias and already thought that Woods was criminally culpable for what happened to Steven Nelson does not mean by itself that Woods’ confession was coerced. However, his bias and obvious frustration lends itself to support Woods’ assertion that Gentry threatened Woods in order to obtain Woods’ confession.

Video clip 2 illustrates how the interrogation of Woods was progressing just before Woods was provided an opportunity to smoke a cigarette. It is notable that Gentry is walking Woods through what appears to be Woods’ attempt to run an escort service. However, towards

the end of the video, when Gentry tries to connect Woods to the actions of Schneider, Woods clearly distances himself from Schneider and any complicity Woods had with Schneider's actions towards Nelson. Once again, this video illustrates how Gentry was not receiving the desired responses from Woods. It also shows that there was a discussion about having a cigarette break.

According to the video recordings of Woods' interrogation, a short time after video clip 2, both Gentry and Woods leave for the cigarette break. They are gone approximately 10 minutes before Woods reenters the interrogation room. Nearly 4 minutes later, Gentry reenters and continues with the interrogation.

As stated above, it is during the "smoke break", that Gentry threatens the defendant with the death penalty unless Woods starts confessing. When the interrogation resumes there is very little outward signs that Woods has been affected by Gentry's threat. In clip 3 it shows Woods continued distancing himself from Schneider. Woods also throws in the issue that everyone – except Tracy – was heavily using drugs. It seems clear that Woods has concluded that he will be charged with a crime. But, Woods insists that he did not want to hurt Nelson and was not a part of anyone else's plan to hurt him.

Gentry leaves the interrogation room and Woods is left to ponder two things: 1) what is he going to be charged with, and 2) will he really receive the death penalty. For approximately 20 minutes Woods is left to ponder this information before he knocks on the interrogation room door at the beginning of video clip. Moreover, the first thing out of his mouth is that he wants to tell Gentry, or the officer at the door, more information. And, even though the officer says Gentry will be back "in a minute", Woods can't wait to tell information that he did not tell Gentry before.

This behavior once again corroborates Woods' assertion that a threat was made to him. If a threat had not been made, then why would Woods want to give more incriminating information to Gentry? Why would he not be willing to "wait a minute" until Gentry was going to back into the room? The answer to these questions are contained in Defendant's affidavit. He was scared and intimidated and the long wait to know what he was going to be charged with only played on those fears.

As the Court will see with video clip 4, Woods is allowed to leave the interrogation room so he presumably could use the restroom. No one reenters the room during the clip. However, if one listens closely, there are voice speaking off camera. Then, beginning at approximately 4:55 into the video one can hear Gentry talking to Woods, placing him under arrest, and charging him with first degree murder and robbery. You can tell by Woods' comments that he is stunned to be charged with murder. Gentry replies were statements such as: "The wrong place at the wrong time, I guess" and "You were there."

As stated in Woods' affidavit, he taken to the jail for booking. During that time Woods was so frightened that he practically begged to talk to Gentry again in an effort to avoid a first degree murder charge.

Video clip 5 shows that Woods was brought back into the interrogation room approximately 20 minutes after he was arrested.³ The video clip illustrates that Woods' body language and demeanor have changed radically. For example, Woods is slumped down in his chair with his head hanging down. This shows that he appears "defeated" and submissive. When initially asked questions by Gentry about his Miranda rights, Woods does not speak. He simply nods his head. Once again, this shows that he has been so broken by Gentry's coercive

³ The ending time stamp on video clip 4 is 21:55:57. The beginning time stamp on video clip 5 is 22:15:16.

statement and tactics that speaking has become difficult for Woods.

Then, towards the end of the clip Woods asks, "Can I tell you everything? Absolutely everything?" Gentry responds in a gleeful manner, "Sure!" because his subterfuge has worked. By telling Woods during a non-recorded period where the two of them are alone that Woods is going to be put to death for a murder, and then arresting Woods for "murder one" and marching him down to the jail, Gentry has created enough anxiety in Woods so that Woods will tell him everything Gentry wants to hear.

It is important also to talk about the Miranda warning given during video clip 5. Woods had previously been Mirandized. At no time prior to reentering the interrogation room for the last time had Woods invoked any of his Miranda rights. So, going over those rights was unnecessary by Gentry.

However, Gentry is experienced enough – and savy enough – to know that by giving Woods those rights again (even though Woods was already broken by that point), he could insulate himself and protect himself from allegations of wrongdoing – just as Woods has asserted through his Motion to Suppress. The argument would be: "See, I went the extra mile in protecting Mr. Woods' rights even though I was not legally required to do so." Proclamations of protecting the rights of individuals ring hollow when their rights have already been violated.

CONCLUSION

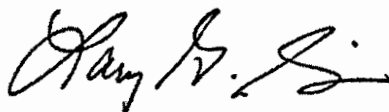
In summary, as shown by his own affidavit, Defendant had been heavily consuming methamphetamine for at least five (5) days prior to be interrogated by law enforcement. He had not slept through that time period as well. Not only did such sleep deprivation have an adverse effect upon Defendant's ability to reason and make sound decisions, but it must be considered by a court when determine whether Defendant's statements to law enforcement were knowingly and

voluntarily, freely and willingly made.

Furthermore, after being interrogated for about one hour, Woods was all alone with Gentry where no one – or any recording device – could hear Gentry threaten Woods with death if he did not start cooperating with Gentry’s investigation. That threat, along with marching Woods down the Canyon County Jail, overcame Woods’ free will and led him to make an involuntary confession to the Gentry. Involuntary confessions are not admissible against a defendant during a jury trial.

Therefore, Defendant respectfully requests that the Court issue an Order suppressing all of Defendant’s interrogation by law enforcement on April 29, 2016.

DATED this 10th day of August, 2016.



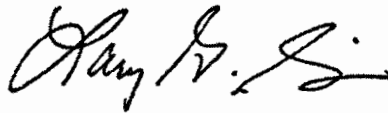
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of August, 2016, I served a true and correct copy of the within Brief upon the individual(s) names below in the manner noted:

- ✓ By delivering copies of the same to the designated courthouse box of the office(s) of the attorney(s) indicated below.

Bryan F. Taylor
Canyon County Prosecutors Office
1115 Albany St.
Caldwell, ID 83605



LARY G. SISSON
Attorney for Defendant

DVD

(see Certificate of Exhibits)

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: August 23, 2016

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 3:00 P.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY:
	)	Patricia Terry
Defendant.)	
_____	)	DCRT1 (337-342)

This having been the time heretofore set for **pretrial conference/motion to suppress/motion to dismiss Counts I through Counts III** in the above entitled matter, the State was represented by Mr. Chris Boyd and Ms. Madison Hamby, Deputy Prosecuting Attorney for Canyon County, and the defendant was not personally present in court, his counsel was present, Mr. Lary Sisson.

The Court called the case.

Mr. Sisson advised the Court the defendant was not transported; he was on a Canyon County hold and housed somewhere else.

Mr. Boyd advised the Court the State would be proceeding on both motions.

The Court noted it would probably not hear additional evidence on the motion to dismiss the Indictment, the Court was ready to rule on the motion pursuant to the briefing and the Court's reading the Grand Jury transcript.

Ms. Hamby advised the Court she prepared a brief and would be submitting it to the Court for it's reviewed.

Mr. Boyd advised the Court there was approximately four (4) hours of video the State planned to submit and of that there was two and one-half (2 ½) hours of substances evidence.

In answer to the Court's inquiry, Mr. Sisson advised the Court it was not the same video he submitted.

The Court noted it would review the State's video prior to the next hearing and instructed Mr. Boyd to give the Court a copy of the video for viewing.

Mr. Boyd advised the Court the videos would be marked State's exhibit #1, #2, #3 and #4.

The Court noted it reviewed Mr. Sisson's video.

The Court continued **the pretrial conference and motion to suppress until August 30, 2016 at 1:30 p.m. before Judge Southworth.** Additionally, the Court noted there would be no addition argument on the motion to dismiss the Indictment.

Mr. Boyd inquired if there would be further testimony as far as the Affidavit presented by the defendant when to comes to the motion to suppress.

Mr. Sisson advised the Court there could be a short Supplemental Affidavit.


Deputy Clerk

FILED
A.M. 3:30 P.M.

AUG 24 2016

CANYON COUNTY CLERK
B DOMINGUEZ, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, ID 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON WOODS,

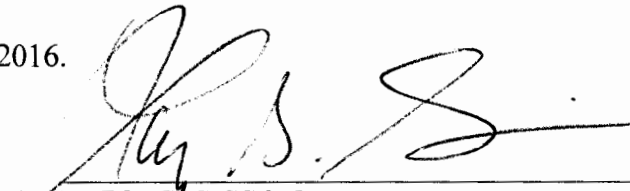
Defendant.

CASE NO. CR-2016-0007911-C

**MOTION TO TRANSPORT
DEFENDANT**

COMES NOW, LARY G. SISSON, the Attorney for Defendant, and hereby moves the Court for an Order to Transport the defendant, Jayson Woods from the Ada County Jail, where the defendant is currently incarcerated, to the Canyon County Courthouse for a Pre-Trial Conference in this matter on 30th day of August 2016 at 1:30 o'clock p.m. or as soon thereafter as can be heard, in front of the Honorable Judge George A. Southworth

DATED this 24th day of August, 2016.




LARY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of August, 2016, I served a true and correct copy of the within and foregoing Motion upon the following individual(s) named below in the manner noted:

- ✓ By placing copies of the same in the courthouse box of the attorney(s) indicated below.

Bryan. F. Taylor
Canyon County Prosecuting Attorney's Office
1115 Albany Street
Caldwell, ID 83605



LARY G. SISSON
Attorney for Defendant

F I L E D
A.M. 2:54 P.M.

AUG 26 2016

**CANYON COUNTY CLERK
M. NYE, DEPUTY**

LARY G. SISSON
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815 Fillmore Street
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Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON WOODS,

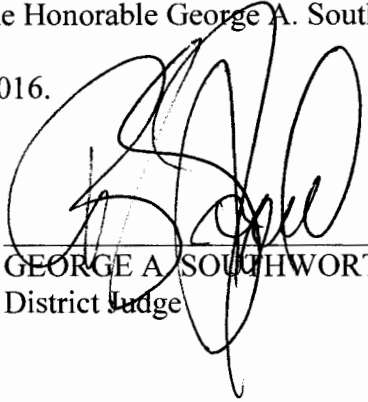
Defendant.

Case No. CR-2016-0007911-C

**ORDER TO TRANSPORT FOR
HEARING**

This matter, having come before this Honorable Court upon Defendant's motion, and good cause appearing therefore, IT IS HEREBY ORDERED that the Canyon County Sheriff's Office shall transport, and that the Ada County Sherriff Department shall release to the Canyon County Sheriff's Office for transport, the Defendant JAYSON WOODS to appear before this Court for a Pre-Trial Conference in the above-entitled matter on the 30th day of August, 2016, at 1:30 p.m., or as soon thereafter can be heard, in front of the Honorable George A. Southworth

DATED this 25th day of August, 2016.

fa


GEORGE A. SOUTHWORTH
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of August, 2016, I served a true and correct copy of the *Order to Transport for Hearing* upon the individual(s) named below in the manner noted:

By depositing copies of the same in the designated courthouse basket.

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, Idaho 83605

By depositing copies of the same in the designated courthouse basket.

Lary G. Sisson
815 Fillmore Street
Caldwell, Idaho 83605

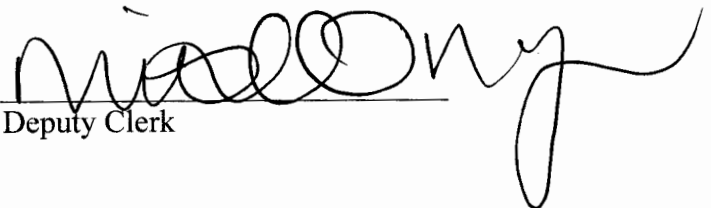
By depositing copies of the same in the designated courthouse basket.

Canyon County Sheriff's Office
1115 Albany Street,
Caldwell, Idaho 83605

By faxing copies of the same to the following:

Ada County Jail
7210 Barrister Dr., Boise, ID 83704
Fax: (208) 577-3009

CHRIS YAMAMOTO
Clerk of the Court

By: 
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GEORGE A. SOUTHWORTH** DATE: August 30, 2016

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 1:30 P.M.
)	
JAYSON L. WOODS,	)	REPORTED BY:
	)	Patricia Terry
Defendant.)	
_____	)	DCRT2 (1:41-3:13)

This having been the time heretofore set for **motion to suppress and motion to dismiss** in the above entitled matter, the State was represented by Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County, and the defendant was personally present in court, with counsel, Mr. Lary Sisson.

The Court reviewed prior proceedings held and noted this was the time set for hearing on the defendant's motion to dismiss the Indictment, and the defendant's motion to suppress statements.

The Court instructed counsel to first proceed with the motion to dismiss and noted the Court had reviewed all briefing provided.

Mr. Sisson presented argument to the Court in support of the motion to dismiss.

Ms. Hamby responded with argument in opposition to the motion and provided the Court with the State's Objection to Motion to Defendant's Motion to Dismiss Counts 1 through 3 of the Superseding Indictment.

Mr. Sisson responded with additional argument in support of the motion.

The Court advised counsel it would announce its decision on the motion to dismiss at the conclusion of the hearing.

The Court inquired if Mr. Sisson had evidence to present with regards to the motion to suppress.

Mr. Sisson advised the Court that he had provided the Court with an Affidavit of his client and it was his understanding that shifted the burden of proof to the State.

The Court indicated that was its understanding as well.

Mr. Boyd noted the State had previously provided the Court with four (4) exhibits.

The Court advised counsel it had listened to each of those four (4) DVD's (State's exhibits #1 through #4) in their entirety prior to the hearing this date and read all briefing. Additionally, for purposes of the motion to dismiss the Indictment, the Court was required to read the Grand Jury Transcript.

The State's first witness, **CHARLES GENTRY**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibit #5 was presented to the witness and identified as a Miranda Form, was offered and there being no objection, was Ordered admitted.

For the record, the Court Ordered State's exhibits #1 through #4 admitted into evidence.

Direct-examination of the witness continued and upon request of Mr. Boyd, the portion of State's exhibit #2 time stamped as 12:01 was published. Direct-examination continued. The witness was cross-examined and re-direct examined. Mr. Boyd advised the Court that the State had one (1) additional exhibit to present to the Court, exhibit #6 was the defendant's medical records from the Ada County Jail, was offered and there being no objection, was Ordered admitted.

In answer to the Court's inquiry, Mr. Sisson indicated the defense had no rebuttal evidence to present. The Court indicated it would hear arguments of counsel.

Mr. Sisson presented argument in support of the motion and requested the Court suppress all statements made by the defendant during his interview with Detective Gentry.

The Court inquired if the defense wanted to exclude the entire interview, or only the portion after the smoke break.

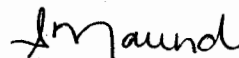
Mr. Sisson indicated the defense would like the entire interview suppressed, but at the very least what happened after the smoke break.

Mr. Boyd responded with argument in opposition to the motion.

The Court announced findings of fact and conclusions of law and denied the motion to suppress. The Court noted that since it denied the motion to suppress, it could consider Detective Gentry's statements before the Grand Jury regarding what the defendant told him in the interview. The Court announced additional findings of fact and conclusions of law and denied the motion to dismiss.

The Court advised counsel it would prepare a written order with regards to each motion.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings or posting of bond.



Deputy Clerk

court

FILED
A.M. 3:50 P.M.

mh

✓ AUG 30 2016

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

CANYON COUNTY CLERK
S MAUND, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**OBJECTION TO MOTION TO
DEFENDANT'S MOTION TO DISMISS
COUNTS 1 THROUGH 3 OF THE
SUPERSEDING INDICTMENT**

COMES NOW MADISON HAMBY, Deputy Prosecuting Attorney of the Canyon
County Prosecuting Attorney's Office, on behalf of the State of Idaho, who objects to the Motion
to Dismiss Counts 1 Through 3 of Superseding Indictment filed by the Defendant Jayson L.
Woods.

OBJECTION TO DEFENDANT'S
MOTION TO DISMISS COUNTS I
THROUGH III OF SUPERSEDEING
INDICTMENT

STANDARD OF REVIEW

The trial court's decision is left to its sound discretion, and the decisions before it are whether sufficient legal evidence supports finding of probable cause. *State v. Curtiss*, 138 Idaho 466, 65 P.3d 207 (Ct. App., 2002).¹

ISSUE PRESENTED BY DEFENDANT'S MOTION

The Defendant raises two broad arguments in his Motion to Dismiss: (a) Lack of evidence of probable cause and (b) Inadmissible evidence presented to the Grand Jury. In his motion, the Defendant identifies a number of issues that fall under one of those two arguments. The State would rephrase the issue raised as follows:

1. Did the grand jury receive legally sufficient evidence supporting its finding of probable cause?

ARGUMENT

A grand jury is a body of qualified persons selected and organized for the purpose of inquiring into the commission of crimes within the county from which its members are drawn, determining the probability of a particular person's guilt, and finding indictments against

¹ If raised upon appeal, the appellate court would review the issue in the following manner. When hearing a motion to dismiss an indictment, the standard of review an appellate court should apply is the "abuse of discretion" standard. *State v. Bujanda-Velazquez*, 129 Idaho 726, 728, 932 P.2d 354, 356 (1997); see also *State v. McDonald*, 872 P.2d 627, 638 (Alaska.Ct.App.1994); *State v. Sulgrove*, 19 Wash. App. 860, 578 P.2d 74, 76 (1978).

An appellate court when handling a motion to dismiss a grand jury indictment must conduct a multi-tiered inquiry. *State v. Hedger*, 115 Idaho 598, 600, 768 P.2d 1331, 1333 (1989). First, the court must perceive the issue as one of discretion; and second, the court acted within the boundaries of such discretion and consistent with the legal standards applicable to specific choices; and third, the court reached its decision by an exercise of reason. *Bujanda-Velazquez*, 129 Idaho at 728, 932 P.2d at 356; see also *Hedger*, 115 Idaho at 600, 768 P.2d at 1333.

OBJECTION TO DEFENDANT'S
MOTION TO DISMISS COUNTS I
THROUGH III OF SUPERSEDEING
INDICTMENT

supposed offenders. U.S. v. Washington, 431 U.S. 181, 97 S. Ct. 1814 (1977); Beavers v. Henkel, 194 U.S. 73, 24 S. Ct. 605 (1904).

A grand jury is not the final arbiter of guilt or innocence. The grand jury rather is an accusing body and not a trial court State v. Edmonson, 113 Idaho 230, 234, 743 P.2d 459, 463 (1987).

Its functions are investigative and charging. *The purpose of both a grand jury proceeding and a preliminary hearing is to determine probable cause. Any advantage that a preliminary hearing affords a defendant is purely incidental to that purpose. The independent grand jury's function would be duplicated by requiring a subsequent preliminary hearing. (emphasis added), Edmonson*, 113 Idaho at 234, 743 P.2d at 463.

Prosecutors in the State of Idaho have the ability to charge certain crimes through presentation to a grand jury rather than through a preliminary hearing procedure. The seminal decision regarding the usage of grand juries in the State of Idaho is State v. Edmonson, 113 Idaho 230, 743 P.2d 459 (1987).

The grand jury received legally sufficient evidence supporting its finding of probable cause

Currently, a motion to dismiss a Grand Jury indictment may be granted upon several grounds; however, the only ground applicable to the Defendant's Motion as it relates to evidentiary issues would be, "[t]hat the indictment was not properly found, indorsed and presented as required by these rules or by the statutes of the state of Idaho." I.C.R. 6.7(d) (Michie 2008). When the Grand Jury makes a probable cause determination to find an indictment, the standard is as follows: "[p]robable cause exists when the grand jury has before it such evidence as would lead a reasonable person to believe an offense has been committed and that the accused party has probably committed the offense." I.C.R. 6.6(a) (Michie 2008).

OBJECTION TO DEFENDANT'S
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In considering motion to dismiss indictment for lack of sufficient evidence, district court sits as reviewing court, and it is grand jury that is factfinder. I.C. § 19-1107; *State v. Brandstetter*, 127 Idaho 885, 908 P.2d 578 (Idaho 1995). The Court must determine whether the grand jury received legally sufficient evidence to support the probable cause finding made by the grand jury. See, *State v. Jones*, 125 Idaho 477, 873 P.2d 122 (Idaho 1994). In reviewing a grand jury proceeding, the district court may set aside the indictment only if, given all the evidence before the grand jury, the court concludes that the evidence of probable cause is insufficient to lead a reasonable person to believe that the accused committed the crime or crimes alleged. *State v. Brandstetter*, 127 Idaho 885, 908 P.2d 578 (Idaho 1995). The record of the grand jury proceedings must be examined to determine whether under the totality of the circumstances probable cause existed for the charges, See, *State v. Jones*, 125 Idaho 477, 873 P.2d 122 (Idaho 1994)

In the present case, the Defendant is charged with Murder I, Robbery, Conspiracy to Commit Robbery and Accepting the Earnings of a Prostitute. Only counts I through III are being challenged in the defense's motion.

Count I – Murder I

Murder is defined by Idaho Code Section 18-4001:

Murder is the unlawful killing of a human being including, but not limited to, a human embryo or fetus, with malice, aforethought or the intentional application of torture to a human being, which results in the death of a human being.

The defendant is charged under subsection (d), also known as the felony murder rule, of 18-4003:

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Any murder committed in the perpetration of, or attempt to perpetrate, aggravated battery on a child under 12 years of age, arson, rape, robbery, burglary, kidnapping, or mayhem, or an act of terrorism, as defined in 18-8102, Idaho Code, or the use of a weapon of mass destruction, biological weapon, or chemical weapon, is guilty of Murder in the First Degree.

The proof of a murder in the first degree is established in all of its elements by proving (a) the unlawful killing of a human being (b) in the course of a robbery. The requirement of "malice aforethought" is satisfied by the fact the killing was committed in the perpetration of a robbery. *State v. Lankford*, 116 Idaho 860, 781 P.2d 197, 1989 Ida. LEXIS 117 (Idaho 1989). The felony murder rule, does not include any element of intent. Under that section, a defendant who participates in a felony can be held liable for the death of any person killed during the commission of the felony, regardless of the individual defendant's intent that a death occur. *State v. Paradis*, 106 Idaho 117, 125, 676 P.2d 31, 39 (1984). *State v. Windsor*, 110 Idaho 410, 716 P.2d 1182, 1985 Ida. LEXIS 558 (Idaho 1985).

The state presented ample evidence to support a probable cause finding that an unlawful killing of a human being occurred. Dr. Garrison, a board certified pathologist employed by the Ada County Coroner's Office, testified that on April 29, 2016, he performed an autopsy on Steven Nelson (Grand Jury Transcript p. 40 lines 4-13). He testified that to the external injuries that were found on Mr. Nelson (GJ p. 40 lines 14-25 p.41 lines 1-5). He testified to the internal injuries that were found inside Mr. Nelson. (GJ p. 41 lines 6-25 p. 42 lines 1-4). He testified that Mr. Nelson's cause of death was acute myocardial ischemia (GJ p. 42 lines 17-25 p. 43 lines 1-2). Dr. Garrison further testified that this death did not occur naturally, and was the result of the

OBJECTION TO DEFENDANT'S
MOTION TO DISMISS COUNTS I
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trauma to the body, trauma to the chest, and would not have occurred but for that trauma (GJ p. 44 lines 6-15 p. 45 lines 9-25 p. 46 lines 1-3).

Count II – Robbery

The State has provided evidence to support the first element of the felony murder rule, and therefore will address next whether or not the unlawful killing happened in the course of a robbery. Robbery is defined by Idaho Code Section 18-6501:

Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.

Fear which constitutes robbery is defined by Idaho Code Section 18-6502 and may be either:

1. The fear of an unlawful injury to the person or property of the person robbed, or of any relative of his, or member of his family; or
2. The fear of an immediate and unlawful injury to the person or property of any one in the company of the person robbed at the time of the robbery.

Persons liable, principals and accessories are defined by Idaho Code Section 18-204:

All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense or aid and abet in its commission, or, not being present, have advised and encouraged its commission, or who, by fraud, contrivance, or force, occasion the intoxication of another for the purpose of causing him to commit any crime, or who, by threats, menaces, command or coercion, compel another to commit any crime, are principals in any crime so committed.

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The common law distinction between classes of parties to criminal offenses has been abolished. All persons concerned in the commission of a crime are principals, and one who aids and abets another in the commission of a crime is a principal. No reference to accused as an accessory is necessary. Nor is it necessary that facts be set out showing whether the accused was an accessory or a principal. An accessory to a crime, or a participant therein may be charged as a principal, and the information need not allege facts different from those required to be alleged against the principal. *State v. Adamcik*, 152 Idaho 445, 272 P.3d 417, 2012 Ida. LEXIS 32 (Idaho 2012). In Idaho there is no distinction between principals and aiders and abettors, and it is unnecessary that the charging document allege any facts other than what is necessary to convict a principal. *State v. Johnson*, 145 Idaho 970, 976, 188 P.3d 912, 918 (2008). *State v. Adamcik*, 152 Idaho 445, 272 P.3d 417, 2012 Ida. LEXIS 32 (Idaho 2012).

It is unnecessary to instruct the jury that it must be unanimous as to the theoretical basis for committing the offense (aider and abettor or principal) because aiding and abetting is not a separate offense from the substantive crime. *State v. Johnson*, 145 Idaho at 978, 188 P.3d at 920. Because both principal and accomplice theories are just different means of proving the underlying charge—e.g., murder—there are no additional elements the State must prove and it is unnecessary to provide a unanimity instruction. *State v. Adamcik*, 152 Idaho 445, 272 P.3d 417, 2012 Ida. LEXIS 32 (Idaho 2012).

Aiding and abetting requires some proof that the accused either participated in or assisted, encouraged, solicited, or counseled the crime. Mere knowledge of a crime and assent to or acquiescence in its commission does not give rise to accomplice liability. *State v. Randles*, 117 Idaho 344, 347, 787 P.2d 1152, 1155 (1990) overruled on other grounds by *State v.*

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Humpherys, 134 Idaho 657, 660-62, 8 P.3d 652, 655-57. *State v. Adamcik*, 152 Idaho 445, 272 P.3d 417, 2012 Ida. LEXIS 32 (Idaho 2012).

The State provided evidence to support to a probable cause finding that the defendant aided and abetted Kelly Schneider in the crime of robbery to the grand jury. Abigail Williams testified for the State at the grand jury proceeding. She identified the Defendant, Jayson Woods, and the co-Defendant, Kelly Schneider through photographs (GJ p. 49 lines 4-22). She testified that she had met Jayson about six months prior on an online dating site, and that they had started an escort service through backpage.com. Jayson and Abigail would set up advertisements on this website using fakes names and fake numbers, offering sexual services (GJ p. 50 lines 19-25 p. 51 lines 1-25 p. 52 1-17). Abigail testified that Jayson insisted that “work” during her menstrual cycle, so they decided to do what they referred to as a “grab and go” instead of Abigail performing the sexual service. She would take the money and make up an excuse to go out to her car, where the Defendant Jayson Woods was waiting, and they would leave (GJ p. 53 lines 19-25 p. 54 lines 1-2).

Abigail testified that on the night of April 28th, she was with the Defendant Jayson Woods, and co-defendants Kelly Schneider, Daniel Henkel, and Kevin Tracy. She said that everyone but Jayson Woods had an ad on backpage.com offering sexual services. (GJ p. 54 lines 16-25). These ads were posted from Jayson and Abigail’s individual cell phones. (GJ p. 55 lines 8-10).

This group was together from around 5:00PM on April 28th to sometime after it was light outside the morning of April 29th (GJ p. 55 line 5, p. 71 lines 24-25). Abigail testified that they drove around all night, and Jayson was always driving the car, and Kelly was in the front passenger seat. (GJ p. 55 lines 11-23). Daniel’s advertisement on backpage was answered by the

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victim, Steven Nelson, and they met him at the Walmart and did a “grab and go”, taking \$40 from him (GJ p. 56 lines 9-25 p. 57 line 1). The victim then followed them to a nearby gas station and began texting Jayson’s phone, offering to pay more if they’d actually go through with it (GJ p. 57-59). Jayson set up another meeting between Kelly and the victim, and Kelly was not happy about it because he was straight and homophobic, so he would not go through with the sexual acts and only do “grab and goes” with men (GJ p. 60 lines 11-25 p. 61).

Abigail further testified that Jayson, Kelly, Daniel and Kevin made a plan for this to be a car date at Gott’s Point. Jayson dropped Kevin and Daniel off, to act as backup or the “muscle”. Daniel had a metal rod to use as a weapon (GJ p. 62-63). On the way to meet the victim, Jayson and Kelly had a discussion about “doing what needed to be done” (GJ p. 64 lines 4-8). At this point, Abigail and Jayson drove to a gas station and waited for a call updating them on the situation. They received a call from Kelly, stating that he had stolen the victim’s car and they had just dropped it off and were walking and needed to be picked up. Jayson became upset saying “they’ve cut me out of this”, “they’ve taken my cut”, “they just don’t want to give me my cut” (GJ p. 65-66). When they picked them up, Jayson asked Kelly “Is he dead?” (GJ p. 67 lines 24-25). Abigail testified that she saw money being handed to Jayson (pg 71 lines 5-6).

Detective Chuck Gentry, who is employed by the Canyon County Sheriff’s Office also testified for before the Grand Jury. Detective Gentry interviewed the defendant at the Canyon County Sherriff’s Office. He identified Jayson Woods by a photograph (GJ p.115 lines 3-8). Jayson admitted that he was trying to start a companion business with Kelly, Kevin, Daniel and Abigail, and on the night of April 28th, morning of April 29th, he had agreed to drop Kelly off at the Walmart to meet with a guy (p. 118 lines 1-5). When questioned about why Daniel and Kevin were dropped off at the lake, Jayson says “Okay, look. We were going to rob the guy”.

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Detective Gentry testified that Jayson told him that they had formulated a plan and they were going to rob the guy (GJ p. 120 lines 2-9).

Jayson tells detective Gentry that they used backpage to set all of this up, that they had stolen money from the victim earlier in the night, and that the victim has made contact wanting to make it right. According to Jayson Woods, this is when they started to formulate a new a plan to take more of his money (GJ p 123-124). According to Jayson, the plan was to rob the guy and take his car (GJ p. 128-129). Jayson admitted to receiving \$70 from the theft (GJ p. 128 line 15).

Count III – Conspiracy to Commit Robbery

Criminal conspiracy is defined by Idaho Code Section 18-1701:

If two (2) or more persons combine or conspire to commit any crime or offense prescribed by the laws of the state of Idaho, and one (1) or more of such persons does any act to effect the object of the combination or conspiracy, each shall be punishable upon conviction in the same manner and to the same extent as is provided under the laws of the state of Idaho for the punishment of the crime or offenses that each combined to commit.

Where two or more parties are concerned in commission of a crime, or are working with common purpose, each is liable for acts and representations of his associates or participants in crime, and where two or more persons so associated conspire to commit a crime, both are criminally liable, and the act of one is the act of both. *State v. So*, 71 Idaho 324, 231 P.2d 734(1951). An agreement that is the foundation of a conspiracy charge need not be formal or express, and the evidence of the agreement need not be direct; rather, the agreement may be inferred from the circumstances and proven by circumstantial evidence. *State v. Lopez*, 140 Idaho 197, 90 P.3d 1279 (Idaho 2004). The agreement underlying the conspiracy need not be

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proved directly; it may be inferred from circumstantial evidence. *State v. Martin*, 113 Idaho 461, 745 P.2d 1082(Idaho 1987).

The essential elements of conspiracy are the existence of an agreement to accomplish an illegal objective, coupled with one or more overt acts in furtherance of the illegal purpose, and the requisite intent necessary to commit the underlying substantive offense. *State v. Munhall*, 118 Idaho 602, 798 P.2d 61(Idaho 1990). See also, *State v. Martin*, 113 Idaho 461, 745 P.2d 1082 (Idaho 1987) and *State v. Lopez*, 140 Idaho 197, 90 P.3d 1279. To convict a defendant of a conspiracy charge, the state must prove, among other things, the intent necessary to commit the underlying substantive crime. *State v. Warburton*, 145 Idaho 760, 185 P.3d 272(Idaho 2008).

The overt act in furtherance of the conspiracy need not itself be criminal. *State v. Brown*, 113 Idaho 480, 745 P.2d 1101(Id.Ct.App. 1987)(review denied 116 Idaho 467, 776 P.2d 829). Furthermore, the overt act in furtherance of the conspiracy need be committed by only one member of the conspiracy, it is then imputed to all other conspirators. See, *State v. Brown*, 113 Idaho 480, 745 P.2d 1101. When a conspiracy is proved, all acts and declarations in furtherance thereof, by any of the conspirators, to advance the common cause, are evidence against all, though not done or made in the presence of each other. *State v. Myers*, 36 Idaho 396, 211 P. 440 (Idaho 1922). The agreement to conspire, or aspects of it, cannot satisfy overt act requirement. *Id.* Once the conspiracy is shown to exist, there must be evidence linking the defendant with it. *State v. Martin*, 113 Idaho 461, 745 P.2d 1082(Idaho 1987).

The State has previously addressed in this brief the elements of Robbery, and the evidence presented to show probable cause that such crime was committed by the Defendant, which would satisfy the two elements of the conspiracy: one or more overt acts in furtherance of the illegal purpose, and the requisite intent necessary to commit the underlying substantive

OBJECTION TO DEFENDANT'S
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INDICTMENT

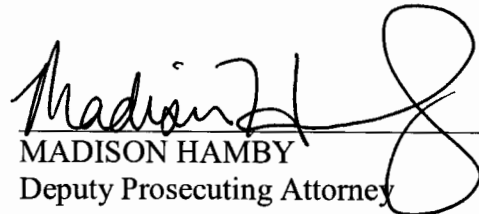
offense. Therefore, the only element left to address is the existence of an agreement to accomplish an illegal objective.

The evidence presented by the State to the Grand Jury from Abigail Williams, and the Statements from the Defendant, provided through the testimony of Detective Gentry, show probable cause that the Defendant committed this crime. The Defendant made a statement that this was a plan between him, Kelly, Kevin and Daniel to rob the victim, take his money and his car (GJ p. 128-129). This plan began to be formulated when the victim contacted that them after they had met with him previously and stolen money from him (GJ p. 123-124). Abigail testified to this as well (GJ p. 57-59). Further, Abigail testified that Jayson, Kelly, Daniel and Kevin made a plan for this to be a car date at Gott's Point. Jayson dropped Kevin and Daniel off, to act as backup or the "muscle". Daniel had a metal rod to use as a weapon (GJ p. 62-63). On the way to meet the victim, Jayson and Kelly had a discussion about "doing what needed to be done" (GJ p. 64 lines 4-8).

In conclusion, the State presented more than enough evidence to support a probable cause finding and indictment of the Defendant, Jayson Woods, by the Grand Jury for the counts disputed in the motion by the defense. The State does not agree with the defense's argument that some of the evidence presented to the Grand Jury was inadmissible. However, the State has left that information out for purposes of this brief and still believes that substantial evidence was presented to show probable case in this case.

The State respectfully requests that the Defendant's Motion to Dismiss Counts I Through III of the Superseding Indictment be denied.

DATED this 23 day of August, 2016.

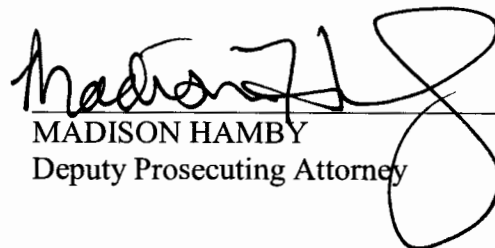

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 23 day of August, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney

OBJECTION TO DEFENDANT'S
MOTION TO DISMISS COUNTS I
THROUGH III OF SUPERSEDEING
INDICTMENT

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of August, 2016, I caused to be served a true and correct copy of the foregoing ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS by the method indicated below, and addressed to the following persons:


CANYON COUNTY PROSECUTOR'S OFFICE
1115 Albany St
Caldwell, ID 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

Lary G. Sisson
Attorney at Law
1002 Blaine St, Ste 203
Caldwell, ID 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

CLERK OF THE DISTRICT COURT

By:  _____
Deputy Clerk

AUG 31 2016

CANYON COUNTY CLERK
SALSUP DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO,

Plaintiff,

vs.

JAYSON LEE WOODS,

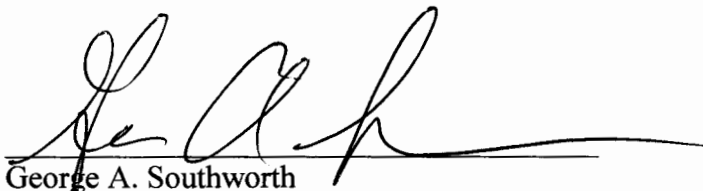
Defendant.

)
) **CASE NO. CR-2016-7911-C**
)
)

) **ORDER DENYING MOTION TO**
) **DISMISS COUNTS I THROUGH III OF**
) **SUPERCEDING INDICTMENT**
)
)
)
)

Defendant's Motion to Dismiss Counts I Through III of Superceding Indictment is
DENIED.

Dated: August 27, 2016.


George A. Southworth
District Judge

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of August, 2016, I caused to be served a true and correct copy of the foregoing ORDER DENYING MOTION TO DISMISS COUNTS I THROUGH III OF SUPERCEDING INDICTMENT by the method indicated below, and addressed to the following persons:


CANYON COUNTY PROSECUTOR'S OFFICE
1115 Albany St
Caldwell, ID 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

Lary G. Sisson
Attorney at Law
1002 Blaine St, Ste 203
Caldwell, ID 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

CLERK OF THE DISTRICT COURT

By:  _____
Deputy Clerk

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, ID 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

~~FILED~~
HSSY A.M. P.M.
SEP 13 2016
CANYON COUNTY CLERK
E BULLON, DEPUTY

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON WOODS,


Defendant.

CASE NO. CR-2016-0007911-C

**MOTION TO TRANSPORT
DEFENDANT**

COMES NOW, LARY G. SISSON, the Attorney for Defendant, and hereby moves the Court for an Order to Transport the defendant, Jayson Woods, from the Ada County Jail, where the defendant is currently incarcerated, to the Canyon County Courthouse for Status Conference in this matter on 14th day of September, 2016 at 11:00 o'clock a.m. or as soon thereafter as can be heard, in front of the Honorable District Judge George A. Southworth

DATED this 13th day of September, 2016.

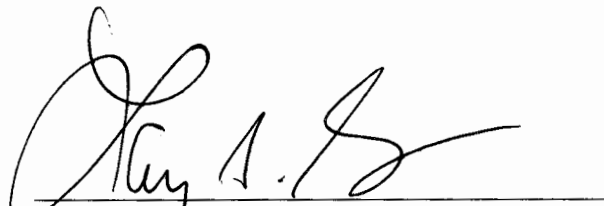

LARY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September, 2016, I served a true and correct copy of the within and foregoing Motion upon the following individual(s) named below in the manner noted:

- ✓ By placing copies of the same in the courthouse box of the attorney(s) indicated below.

Bryan. F. Taylor
Canyon County Prosecuting Attorney's Office
1115 Albany Street
Caldwell, ID 83605



LARRY G. SISSON
Attorney for Defendant

F I L E D
A.M. P.M.

SEP 13 2016

CANYON COUNTY CLERK
SALSUP, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, ID 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON WOODS,

Defendant.

Case No. CR-2016-0007911-C

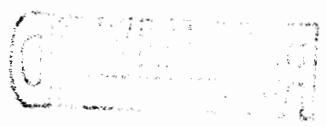
**ORDER TO TRANSPORT FOR
HEARING**

This matter, having come before this Honorable Court upon Defendant's motion, and good cause appearing therefore, IT IS HEREBY ORDERED that the Canyon County Sheriff's Office shall transport, and that the Ada County Sherriff Department shall release to the Canyon County Sheriff's Office for transport, the Defendant JAYSON WOODS to appear before this Court for a Status Conference in the above-entitled matter on the 14th day of September, 2016 at 11:00 o'clock a.m., or as soon thereafter can be heard, in front of the Honorable George A. Southworth

DATED this 13 day of September, 2016.



GEORGE A. SOUTHWORTH
District Judge



CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of September, 2016, I served a true and correct copy of the *Order to Transport for Hearing* upon the individual(s) named below in the manner noted:

- By depositing copies of the same in the designated courthouse basket.

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, Idaho 83605

- By depositing copies of the same in the designated courthouse basket.

Lary G. Sisson
815 Fillmore Street
Caldwell, Idaho 83605

- By depositing copies of the same in the designated courthouse basket.

Canyon County Sheriff's Office
1115 Albany Street,
Caldwell, Idaho 83605

- By faxing copies of the same to the following:

Ada County Jail
7210 Barrister Dr., Boise, ID 83704
Fax: (208) 577-3009

CHRIS YAMAMOTO
Clerk of the Court

By:  _____
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: September 14, 2016

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 11:00 A.M.
)	
JAYSON L. WOODS,	)	REPORTED BY:
	)	Patricia Terry
Defendant.)	
_____	)	DCRT2 (11:20-11:28)

This having been the time heretofore set for **status conference** in the above entitled matter, the State was represented by Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County, and the defendant was personally present in court, with counsel, Mr. Lary Sisson.

The Court noted this matter was put on the calendar by the Court for status conference this date, the Court spoke with counsel in chambers prior to convening; Mr. Sisson indicated he had a voluminous amount of discovery to go through and he was having trouble getting somebody to pay his investigator, and because of that, the defendant was willing to waive speedy trial and have this matter reset.

Mr. Sisson concurred and advised the Court that prior to this hearing he let the State know he was strongly considering asking for a continuance so they were not blindsided. Additionally, he discussed with his client prior to court this date the potential for a continuance,

he informed him of the potential new trial dates and discussed with him what it meant to waive his right to a speedy trial, and the defendant was agreeable in doing that in order to be better prepared for a trial in the event that occurred.

The Court advised the defendant he had the right to have this matter tried within six (6) months from his District Court Arraignment, but he could waive that right and **in answer to the Court's inquiry, the defendant waived his right to speedy trial.**

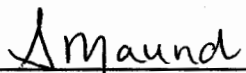
The Court vacated the current trial setting and **reset this matter for jury trial January 23, 2017 through February 17, 2017.** Additionally, the Court set this matter for **hearing on any pretrial motions/status conference on December 13, 2016 at 9:00 a.m. and the entire morning would be blocked out.**

The Court advised counsel that it anticipated this matter would take a significant number of jurors, so the Court would order that approximately one hundred twenty five (125) jurors be brought in.

Mr. Sisson suggested the Court consider doing some kind of survey or questionnaire for the jury in order to help expedite the process.

The Court agreed that may be helpful in jury selection and if counsel could stipulate to a questionnaire to send out to potential jurors, the Court would see to it that the jury commissioner got that done, and that was something that should go out at least on the date of status conference if not before.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings or posting of bond.



Deputy Clerk

F I L E D
A.M. 3:12 P.M.

DEC 09 2016

**CANYON COUNTY CLERK
S ALSUP, DEPUTY**

LARY G. SISSON
Attorney At Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON WOODS,

Defendant.

CASE NO.: CR-2016-7911-C

**DEFENDANT'S FIRST MOTION IN
LIMINE**

COMES NOW Defendant, by and through his attorney, Lary G. Sisson, and hereby moves this Court for an Order in Limine before trial and selection of a jury prohibiting the admission and presentation to the jury of Steven Nelson's statements to Canyon County Sheriff's Deputy Odenborg on April 29, 2016.

This Motion is based on the Idaho Rules of Evidence (I.R.E.), Rules 801, 802, 803, and/or 804 as well as the 6th Amendment of the Constitution of the United States and the following:

1. On April 29, 2016, the decedent, Steven E. Nelson, was interviewed by Deputy Odenborg of the Canyon County Sheriff's Office, in regards to possible crimes

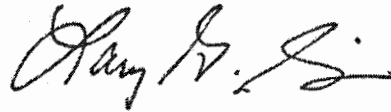
- committed against Nelson. Steven E. Nelson passed away that same day.
2. Consequently, all the statements made by Steven E. Nelson during that police interview will be hearsay, as defined by I.R.E. 801, if they are presented during the jury trial in this matter.
 3. Rule 802 of the I.R.E. generally prohibits the admission of hearsay statements during a jury trial. On the other hand, Rule 803 of the I.R.E. lists a number of hearsay exceptions which allow hearsay statements to be presented during a jury trial.
 4. However, the statements made by Steven E. Nelson to Deputy Odenborg do not fall under any of the hearsay exceptions in Rule 803. Therefore, the statements should not be permitted to be presented to the jury in this matter.
 5. Additionally, Rule 804 of the I.R.E. allows, under certain circumstances, hearsay statements of unavailable witnesses to be presented during a trial. Steven E. Nelson is certainly an unavailable witness. However, Nelson's statements do not meet the criteria for any of the six (6) exceptions to the hearsay rule under Rule 804. Therefore, Steven E. Nelson's statements to Deputy Odenborg should not be permitted to be presented to the jury in this matter.
 6. Even if Nelson's statements could be presented to a jury by virtue of either Rule 803 or 804, they should still be prohibited by the Confrontation Clause of Sixth Amendment to the U.S. Constitution.
 7. In considering the Confrontation Clause, the threshold question is whether the challenged out-of-court statements are testimonial. *State v. Hooper*, 145 Idaho 139, 140, 176 P.3d 911, 915. (2007). Testimonial statements of witnesses absent from trial

are admissible only when the declarant is unavailable and when the defendant had a prior opportunity to cross-examine the witness. *Crawford v. Washington*, 541 U.S. 36, 59, 124 S.Ct. 1354, 1368, 158 L.Ed.2d 177, 197 (2004); *Hooper*, 145 Idaho at 142, 176 P.3d at 914.

8. The determination as to whether a statement is testimonial must be made under the totality of the circumstances with particular focus on the principal evil sought to be remedied by the Sixth Amendment's Confrontation Clause-the use of ex parte examinations as evidence against an accused. *Hooper*, 145 Idaho at 145, 176 P.3d at 917.
9. A statement is testimonial when circumstances objectively indicate that the primary purpose of an interrogation is to establish or prove past events potentially relevant to later criminal prosecution, unless the primary purpose of the interrogation is to enable police to assist in an ongoing emergency. *Davis v. Washington*, 547 U.S. 813, 822, 126 S.Ct. 2266, 2273, 165 L.Ed.2d 224, 237 (2006); *Hooper*, 145 Idaho at 143-44, 176 P.3d at 915-16. Interrogations by law enforcement officers, directed at establishing the facts of a past crime in order to identify the perpetrator fall "squarely within the class" of testimonial hearsay. *Davis*, 547 U.S. at 826, 126 S.Ct. at 2276, 165 L.Ed.2d at __.
10. Based on the U.S. Supreme Court's interpretation of the Confrontation Clause as it relates to testimonial statements and hearsay, the statements of Steven E. Nelson to Deputy Odenborg are clearly testimonial. Consequently, because Steven E. Nelson will not be available to confront, his hearsay statements to Deputy Odenborg must not

be allowed to be presented to the jury in this matter.

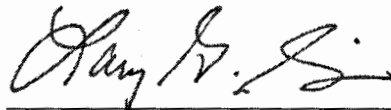
DATED this 9th day of December, 2016.



LARY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That a true and correct copy of the foregoing *Defendant's First Motion in Limine* was delivered to the attorney for the Plaintiff by placing said copy in the Prosecuting Attorney's basket located at the Clerk's Office, Canyon County Courthouse, on or about this 9th day of December, 2016.



LARY G. SISSON
Attorney for Defendant

LARY G. SISSON
Attorney At Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
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Email: larysisson@outlook.com
Idaho State Bar No. 6072

FILED
A.M. ~~7:12~~ P.M.
DEC 09 2016
CANYON COUNTY CLERK
S ALSUP, DEPUTY

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON WOODS,

Defendant.

CASE NO.: CR-2016-7911-C

**DEFENDANT'S SECOND MOTION IN
LIMINE**

COMES NOW Defendant, by and through his attorney, Lary G. Sisson, and hereby moves this Court for an Order in Limine before trial and selection of a jury prohibiting the admission and presentation to the jury of evidence and/or testimony of a discussed robbery on April 28, 2016 of an unknown drug dealer by the co-defendants in this matter.

This Motion is based on the Idaho Rules of Evidence (I.R.E.), Rules 401, 402, 403, and/or 404 as well as the following:

1. Kevin Tracy and Daniel Henkel are co-defendants to Defendant and Kelly Schneider in regards to alleged robbery and death of Steven E. Nelson.
2. Both Tracy and Henkel have each been interrogated at least twice by law enforcement

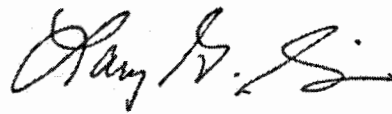
DEFENDANT'S SECOND MOTION IN LIMINE 1

- officials in regards to the aforementioned robbery and death.
3. During those interrogations, both Tracy and Henkel have made statements that could be interpreted to mean that Kelly Schneider had developed a plan to rob an unknown dealer of illegal narcotics on April 28, 2016 – approximately twelve (12) hours before Steven Nelson’s death.
 4. Assuming these statements are true, they do not meet the definition of relevant evidence as defined by Rule 401 of the I.R.E. Pursuant to Rule 402 of the I.R.E., evidence that is not relevant is not admissible during a trial.
 5. Even if the aforementioned statements are deemed to be relevant, they should still be excluded from Defendant’s jury trial pursuant to Rule 403 of the I.R.E. The probative value of such statements is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.
 6. During Defendant’s trial the primary issue that will be before the jury will be whether Defendant conspired and/or aided and abetted Kelly Schneider in robbing Steven Nelson. Allegations of a discussed and/or planned robbery of an unknown drug dealer provide no information that would resolve the primary issue. In fact, because the statements of Tracy and Henkel are so ambiguous, they will unfairly prejudice and/or mislead the jury as well as confuse the issues presented to the jury. Therefore, the statements must be excluded.
 7. Even if the aforementioned statements are relevant and not unfairly prejudicial, they must still be excluded from the jury trial because their only real purpose is to show Defendant had a propensity for robbery.

8. Rule 404 of the I.R.E. prohibits the admission of character evidence that attempts to prove a person acted in conformity to that character evidence on a particular occasion. In this particular case, the State may try to use the statements of Tracy and Henkel about Schneider planning to rob a drug dealer to somehow show that either:
 - A. Schneider had a propensity for robbery and Defendant knew about Schneider's propensity for robbery, and/or
 - B. Defendant had a propensity for robbery,
9. The ultimate goal of the Plaintiff will be trying to prove that Schneider's and/or Defendant's propensities prove Defendant participated in a conspiracy to rob Steven Nelson as well as aided and abetted in that robbery.
10. However, this type of evidence is banned by Rule 404 and must not be allowed to presented to the jury.

Therefore, Defendant prays that the Court will issue an Order in Limine prohibiting the aforementioned statements by Kevin Tracy and Daniel Henkel.

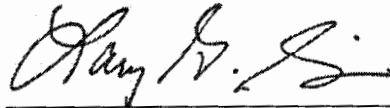
DATED this 9th day of December, 2016.



LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That a true and correct copy of the foregoing *Defendant's Second Motion in Limine* was delivered to the attorney for the Plaintiff by placing said copy in the Prosecuting Attorney's basket located at the Clerk's Office, Canyon County Courthouse, on or about this 9th day of December, 2016.



LARRY G. SISSON
Attorney for Defendant

FILED
A.M. 7:12 P.M.

DEC 09 2016

CANYON COUNTY CLERK
S ALSUP, DEPUTY

LARY G. SISSON
Attorney At Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON WOODS,

Defendant.

CASE NO.: CR-2016-7911-C

**DEFENDANT'S MOTION TO
CHANGE VENUE**

COMES NOW Defendant, by and through his attorney, Lary G. Sisson, and hereby moves this Court for an Order changing the venue of Defendant's jury trial from Canyon County to Gem County.

This Motion is based on Rule 21 of the Idaho Criminal Rules (I.C.R.), the Sixth and Fourteenth Amendments to the United States Constitution, Article I, Sections 6 and 13 of the Idaho Constitution, and the following.

1. Since April 30, 2016, the media that provides news coverage to Canyon County, have printed and/or broadcasted information about the alleged robbery and murder of Steven E. Nelson.

DEFENDANT'S MOTION TO CHANGE VENUE 1

2. These news media providers include: the Idaho Statesman newspaper, the Idaho Press-Tribune newspaper, KTVB (local television channel 7), KBOI (local television channel 2), KIVI (local television channel 6), and KNIN (local television channel 9).
3. These news media outlets have so far produced the following number of stories related to the death of Steven Nelson. These news stories include the criminal proceedings involving the defendant and one of his co-defendants, Kelly Schneider.
 - A. Idaho Press Tribune – 19 newspaper articles
 - B. Idaho Statesman – 8 newspaper articles
 - C. KTVB – 8 news stories
 - D. KBOI – 8 news stories
 - E. KIVI – 9 news stories
 - F. KNIN – unknown number at this time
4. The subject matter of this criminal case involves the death of an openly gay person who may have been killed by Kelly Schneider as the result of a hate crime. This aspect of the trial will make it more difficult to find fair, impartial jurors who do not have a bias or agenda against person potentially involved in a hate crime.
5. Idaho Criminal Rule 21(a) states: “For prejudice. The court upon motion of either party shall transfer the proceeding to another county if the court is satisfied that a fair and impartial trial cannot be had in the county where the case is pending. “
6. Consequently, because of previous news media coverage in regards to the matter, because of future news media coverage as the jury trial approaches, and because of the controversial nature of hate crimes in Idaho, Defendant will not be able to receive

a fair and impartial trial in Canyon County.

7. Therefore, the defense proposes that the venue for the jury trial be moved to Gem County. The reasons for moving the trial to Gem County are as follows.

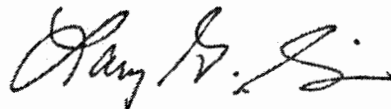
A. Gem County is in the same judicial district as Canyon County.

B. The presiding judge in this matter is also assigned to preside over criminal and civil cases in Gem County. Thus, there will be no need to assign a new judge to this matter.

C. The distance to the Gem County courthouse is much closer to Canyon County than the courthouses in Adams County (approximately 100 miles), Washington County (approximately 65 miles), and Owyhee County (approximately 45 miles).

Therefore, Defendant prays for an Order changing venue for the jury trial in this matter to Gem County.

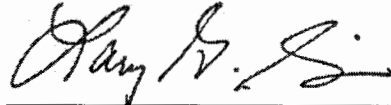
DATED this 9th day of December, 2016.



LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That a true and correct copy of the foregoing *Defendant's Motion to Change Venue* was delivered to the attorney for the Plaintiff by placing said copy in the Prosecuting Attorney's basket located at the Clerk's Office, Canyon County Courthouse, on or about this 9th day of December, 2016.



LARRY G. SISSON
Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GEORGE A. SOUTHWORTH** DATE: December 13, 2016

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 8:30 A.M.
)	
JAYSON L. WOODS,	)	REPORTED BY:
	)	Patricia Terry
Defendant.)	
_____	)	DCRT2 (8:43-8:53)

This having been the time heretofore set for **pretrial motions** in the above entitled matter, the State was represented by Ms. Madison Hamby, Deputy Prosecuting Attorney for Canyon County, and the defendant was personally present in court, with counsel, Mr. Lary Sisson.

The Court noted this was the time set for hearing any pretrial motions, but the Court understood none had been filed.

Mr. Sisson advised the Court he filed three (3) separate motions, two (2) motions in limine and a motion for change of venue, however he did not give the State leeway time to prepare for those motions. Additionally, Mr. Sisson advised that it was his understanding the State may have a couple of motions to file.

The Court **set this matter for hearing on any motions December 29, 2016 at 9:00 and the Court would block half a day.** The Court suspected the State had some 404b

motions as well and Ms. Hamby concurred. The Court instructed counsel to have all audio and video tapes exchanged, reviewed and redacted to the extent they could redact them by that date.

The Court noted with regards to the change of venue, that motion seemed a bit late, the Court did not know where venue would be changed to as this case received a lot of publicity throughout the Treasure Valley, but they could address that issue.

The Court anticipated jury selection in this case would take a minimum of two (2) days.

Ms. Hamby concurred and suggested beginning jury selection the week prior to trial around the 12th or 13th.

The Court advised counsel the Court had criminal jury trials set that entire week, there was a possibility of starting jury selection the 12th and 13th if the Court was able to get a Senior Judge to come in and handle the Court's jury trials.

Ms. Hamby advised the Court that the State would be proposing a questionnaire to go out to potential jurors.

The Court agreed that would be beneficial in this case.

Mr. Sisson noted the Court and counsel had previously discussed bringing in around one hundred twenty five (125) jurors and suggested using the large courtroom on the 1st floor for jury selection.

The Court advised counsel it did not think that courtroom would hold that many jurors and the Court may have to check into using a room at the College of Idaho, or finding a gymnasium someplace.

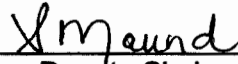
Mr. Sisson advised the Court that logistically, one of the courtrooms on the first floor may be better to hold the actual trial in because it would be easier to present the information given the updated technology.

The Court advised counsel it would look into that.

In answer to the Court's inquiry, Ms. Hamby advised that the State made a final offer to the defendant, and that offer was rejected.

The Court so noted.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings or posting of bond.



Deputy Clerk

LARY G. SISSON
Attorney At Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

FILED
A.M. 4:17 P.M.

DEC 14 2016

CANYON COUNTY CLERK
S ALSUP, DEPUTY

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON L. WOODS,

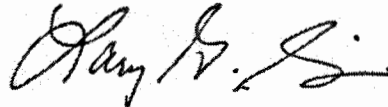
Defendant.

Case No. CR-10-7411C

**DEFENDANT'S PROPOSED
SUPPLEMENTAL JURY
QUESTIONNAIRE**

COMES NOW Defendant, by and through his attorney of record, Lary G. Sisson, and hereby lodges with the Court the Defendant's proposed questions to supplement the standard jury questionnaire that is given to all juries in Canyon County. The proposed questions are attached.

DATED this 14th day of December, 2016.



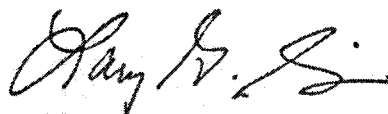
LARY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2016, I served a true and correct copy of the within Defendant's Proposed Supplemental Jury Questionnaire upon the Canyon County Prosecuting Attorney's Office in the manner noted:

- ✓ By delivering copies of the same to the designated courthouse box of the following:

Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, ID 83605



LARRY G. SISSON
Attorney for Defendant

SUPPLEMENTAL JURY QUESTIONNAIRE

State of Idaho v. Jayson L. Woods

Case No. CR-2016-7911-C

1a. This trial involves the physical attack – and eventual death - of Steven E. Nelson on April 29, 2016 at Gott’s Point, near Lake Lowell, in Nampa, Idaho. Please write everything you have heard about this case from any source. (If you need more room to write, please use the back of the pages in this questionnaire). _____

1b. How did you hear about this case? (Examples: newspaper, local news station, social media, a friend of Steven E. Nelson, a law enforcement officer, etc.) _____

2. Are you personally lesbian, gay, bisexual, or transgender (circle one answer)? Yes No

3a. Do you have a close family member or friend who is lesbian, gay, bisexual, or transgender (circle one answer)? Yes No

3b. If your answer is “yes” to question 3a, then please state the nature of the relationship you have with that person (example: brother, best friend, co-worker). If you have more than one close family member or friend who is lesbian, gay, bisexual, or transgender, then list the nature of your relationship with each person. _____

4a. Are affiliated with and/or support any lesbian, gay, bisexual, or transgender organizations or groups (circle one answer)? Yes No

4b. If your answer is “yes” to question 4a, then please state the name of the organization or group and the nature of your affiliation and/or support (example: Youth Alliance for Diversity - financial donor only). _____

5a. Do you have any strong feelings – either positive or negative – towards people who are lesbian, gay, bisexual or transgender (circle one answer)? Yes No

5b. If your answer is “yes” to question 5a, then please write what those strong feelings are.

6a. Do you belong to any religious or social organizations that have a strong position against homosexuality (circle one answer)? Yes No

6b. If your answer is “yes” to question 6a, then please write the name of organization. If you belong to more than one organization, then list each organization that has strong position against homosexuality. _____

CANYON COUNTY CLERK
E BULLON, DEPUTY

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705**

COMES NOW, The Plaintiff, the State of Idaho, and submits the following Disclosure of Expert Witness pursuant to I.C.R 16 and IRE 702, 703 and 705.

That the Plaintiff, the State of Idaho, has complied with ICR 16(b)(7) and IRE 702, 703 and 705 by submitting the following information, evidence and materials.

1) Dr. Charles Garrison:

(a) The State discloses Charles Garrison, Forensic Pathologist, as an expert witness on Pathology.

(b) See the Curriculum Vitae attached for Charles Garrison's qualifications.

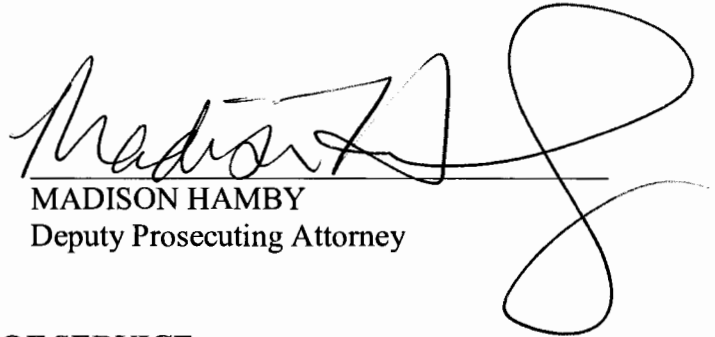
DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705

ORIGINAL

2) Witness Opinions:

- (a) A summary of findings and opinions was disclosed in the Ada County Coroner's Office Autopsy Report on or about August 02, 2016, and Ada County Coroner's Office Case Report or will be disclosed upon receipt of August 15, 2016.

DATED this 15th day of December, 2016.

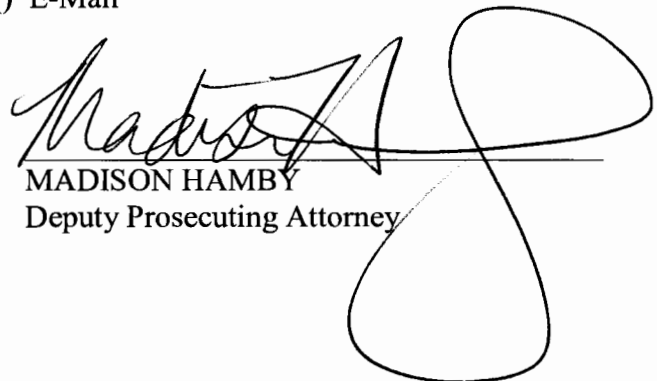

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 15th day of December, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
 Hand Delivered
 Placed in Court Basket
 Overnight Mail
 Facsimile
 E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney

Dr. Charles O. Garrison

P.O. Box 4226
Pocatello, ID 83205
(208)287-5556

PERSONAL INFORMATION:

- [REDACTED]
- Birthplace: Nampa, Idaho
- Military Service: U.S. Air Force, 1955-1959

EDUCATION:

- Maryknoll College, Glen Ellyn, Illinois (1953-1955), BS
- Idaho State College, Pocatello, Idaho (1959-1962), MD
- Washington University School of Medicine, St. Louis, Missouri (1962-1966)

INTERNSHIP:

- Kansas University Medical Center, Kansas City, Kansas (1966-1967)
 - Mixed - Internal Medicine, 10 months; Pathology, 2 months

POSTGRADUATE:

- Residency, Internal Medicine, Mayo Clinic, Rochester, Minnesota (1967-1968)
- Residency, Anatomic and Clinical Pathology, Mayo Clinic, Rochester, Minnesota (1967-1968)
- Forensic Pathology, Office of the Medical Investigator, University of New Mexico School of Medicine, Albuquerque, New Mexico (1978-1987)

SCHOLASTIC:

- High Honors, Idaho State College (1962)

LICENSURE:

- Missouri (1966)
- Minnesota (1967)
- Colorado (1972)
- Idaho (1976)

PROFESSIONAL & ACADEMIC:

- Chief Resident Associate, Surgical Pathology, Mayo Clinic, Rochester, Minnesota (1972)
- Associate Consultant, Surgical Pathology, Mayo Clinic, Rochester, Minnesota (1972)
- Pathologist, Southwest Memorial Hospital, Cortez, Colorado (1973-1974)
- Pathologist, Project HOPE, Washington, D.C. (1974-1975)

- Chief Pathologist, Cornwall Regional Hospital, Montego Bay, Jamaica (1974)
 - With the institution, but also under the auspices of Project HOPE.
- Senior Lecturer, University of Ife, Ile-Ife, Nigeria (Pathology-1975)
 - With the institution, but also under the auspices of Project HOPE.
- Co-Director, Bannock Regional Medical Center Pathology, Pocatello, Idaho
- Co-Director, Pocatello Regional Medical Center Pathology, Pocatello, Idaho
- Co-Director, Eastern Idaho Clinical Pathology Laboratory, Pocatello, Idaho
- Co-Director, Western Pathology Associates, Pocatello, Idaho
- Consultant, locum tenens, Southland Hospital, Invercargill, New Zealand (November 2000-March 2001)
- Consultant, locum tenens, IDX Pathology, Boise, Idaho (2001)
- Consultant, locum tenens, Snake River Pathology, Burley, Idaho (2001-2002)
- Wound Care Specialist, Idaho Wound Care & Hyperbarics Center, Pocatello, Idaho (2003 – present)
- Forensic Pathologist, Ada County Coroner's Office, Ada County, Boise, Idaho (2007 – present, and as consultant 1978 – 2007)

BOARDS:

- American Board of Pathology: Anatomic and Clinical Pathology (May 1973)
- American Board of Pathology: Forensic Pathology (May 1988)

PROFESSIONAL ORGANIZATIONS:

- College of American Pathologists
- American Society of clinical Pathologists
- American Academy of Forensic Sciences
- National Association of Medical Examiners
- Idaho Medical Society
- Southeast Idaho District Medical Society
- Bannock County Peace Officers Association
- Idaho Peace Officers Association

CONTINUING MEDICAL EDUCATION:

- Montelores County Medical Meeting 97 Postgraduate Seminars, Stoner, Colorado, January, 1973
- University of Chicago 97 Seminar for Vaginal and Cervical Cytology, April, 1973
- Montelores County Medical Meeting 97 Postgraduate Seminars, Stoner, Colorado, January, 1974
- American Society of Clinical Pathologists 97 Winter Meeting 97 Postgraduate Seminars, February, 1974

- Medicolegal Investigation of Death: Idaho Peace Officers Training Academy, April, 1977
- Investigation of Sex Crimes 97 Idaho Peace Officers Training Academy, June, 1977
- Tutorial on Neoplastic Hematopathology: The University of Chicago and the City of Hope National Medical Center, October, 1977
- Tutorial on Immunology 97 San Antonio, Texas July, 1977, University of Texas Health Science Center
- Current Concepts on the Classification and Morphology of Leukemia 97 Mayo Clinic, Rochester, Minnesota, April, 1978
- Tutorial on Pathology: Idaho Pathology Society 97 February, 1978
- Seminar on Medical Investigation of Death: Office of The Medical Investigator, School of Medicine, Albuquerque, New Mexico, August, 1978, and August, 1982
- Tutorial on Pathology: Idaho Pathology Society, February 1978 and 1979
- Idaho POST Academy (Peace Officer's Standards and Training), February, 1980, Idaho State University, Pocatello, Idaho
- Office of Medical Investigator, University of New Mexico under James T. Weston, M.D.
- Office of Medical Investigator, University of New Mexico under John Smialek M.D. and Patricia McFeeley, M.D.
- Annual Cytology Case Study Program; Colorado Association for Continuing Medical Laboratory Education, 1988, 1989, 1990, 1991
- CAP/LAP Inspector Training Program; Boise, Idaho, 1989
- Evaluating Suspicious Child Death; Ada County Medical Education Consortium, 1989
- Neoplasms and Diseases of the Head and Neck; College of American Pathologists 97 Arizona Society of Pathology, 1989
- Myelodysplastic Syndromes; Mayo Foundation, 1990
- Obstetrical Pathology; Placentas and Perinatal Disorders; College of American Pathology, Arizona Society of Pathology, 1990
- Children's Hospital, San Diego, CA, Center for Child Protection. Evaluating the sexually abused child. July 1991
- Webcast: New Technology to Address the Ever-Changing Wound Microenvironment. June, 2005
- Webcast: Monochromatic Infrared Photo Energy Clinical Outcomes in the Treatment of Diabetic Neuropathy. July, 2005
- SAWC 2005, San Diego California
- 6th Annual Wound Care & Health Conference, Virgin Islands, December 2005
- HBO and Wound Care Symposium, Vail, Colorado, January, 2007
- Great Eight Teleconference Pressure Ulcers: March, 2007
- SAWC-WHS, San Diego, Ca., April, 2008

AFFILIATIONS:

- People to People Health Foundation, Inc., (Project HOPE): Pathologist, July 1974, December 1975.

COMMITTEES:

- Co-Chairman: Committee on Child Abuse, Bannock County, Idaho
- Chairman: Infection Control Committee, Bannock Regional Medical Center and Pocatello Regional Medical Center, Pocatello, Idaho
- Medical Investigator and Coordinator with Law Enforcement and Child Protection of Health and Welfare regarding Child Abuse
- Medicolegal Investigator for Pocatello Police Department, Idaho State Police, Sheriff's Offices in Bannock, Bingham, Power, Bear Lake, Caribou, Cassia, Custer, Minidoka, Fremont, Blaine, Jerome and Twin Falls Counties and their respective City Police Departments
- Consultant, National Governor's Conference, State of Idaho 1985
- Interagency Task Force on Child Abuse; Bannock County, Idaho

PRESENTATIONS:

- Seminar on Basic Hematology 97 Sponsored by Idaho Department of Health and Welfare (one week) April, 1978
- Seminar on Medical Aspects of Child Abuse to Juvenile Judges of Idaho, Idaho State Supreme Court, February, 1978
- Seminar on Hematology and Hematologic Photomicroscopy for Zeiss Optics in Seattle, Washington, August, 1979
- Instructor in Medicolegal Investigation of Death, Idaho Peace Officer's Training Academy
- Seminar on Rape Investigation, Medical and Legal, to Law Enforcement Agencies throughout State of Idaho, Sponsored by Idaho POST Academy
- Instructor in Medicolegal Investigation of Death and Investigation of Sex Crimes with F.B.I. Presentations annually in Idaho
- Presentation on Child Abuse at Eastern Montana College for Western Canada, Idaho, Montana, and Wyoming. Sponsored by F.B.I. and Eastern Montana College, June, 1985
- Presentation on Child Abuse and Sex Crimes, Idaho State University, Pocatello, Idaho. Sponsored by F.B.I. and Idaho POST Academy, June, 1986, 1987, 1988, 1989
- Instructor, Accident Investigation, Idaho State Police
- Instructor, Death and Accident Investigation, Montana Law Enforcement Academy, 1987
- Instructor, Federal Bureau of Investigation, Bureau of Indian Affairs; Physical and Sexual Abuse of Children, Billings, Montana, 1988
- Numerous presentations of Physical and Sexual Abuse of Children to CASA Trainees; Law Enforcement Agencies; Public School Teachers; High School Students (to include classroom presentations as well as junior Civitan)

- Guest Lecturer - Idaho State University course on Sexual Abuse, 1991
- Guest Lecturer – Medical Technology Conference, Queenstown, New Zealand, 2002
- Guest Lecturer – Conference on Child Abuse – Invercargill, Christ Church, and Nelson, New Zealand, 2003

PUBLICATIONS:

- Participant, CPA, American Journal of Medicine, 41:30097308, August, 1966
- Garrison, C.O., Dines, D.E., Harrison, E.G., Jr., Douglas, W.W., and Miller, W.E., The Alveolar Pattern of Pulmonary Lymphoma. Mayo Clinic Proc., 44:26097271, April, 1969
- Garrison, C.O., Dines, D.E., Harrison, E.G., Jr., Douglas, W.W., and Miller, W.E., Unusual X-ray Findings in Pulmonary Lymphoma. (Clinifoto Department) Geriatrics, 25:889791, June, 1970
- Ludwig, J., Garrison, C.O., and Baggenstoss, A.H., Latent Hepatic Cirrhosis: A Study of 92 Cases. Am. J. Digest Dis., 15: January, 1970
- Rodarte, J.R., Garrison, C.O., Holley, K.E., and Fontana, R.S., Whipple's Disease Simulating Sarcoidosis. Arch. Intern. Med., 129: March, 1972
- Garrison, C.O., Kazier, F.J., Bowie, E.J.W., Owen, C.A., Jr., Protamine Sulfate and Ethanol Gel: A Laboratory and Clinical Evaluation for Determination of Disseminated Intravascular Coagulation. (Study completed, Manuscript in preparation.)

FILED
A.M. *[Signature]* P.M.
DEC 15 2016
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E BULLON, DEPUTY

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Canyon County Courthouse
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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

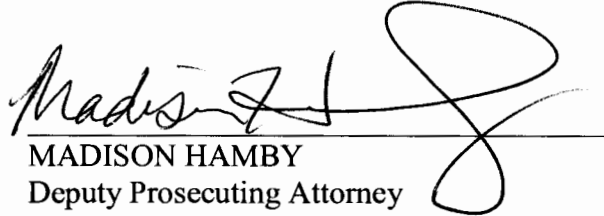
**MOTION TO CONTINUE
JURY TRIAL AND
NOTICE OF HEARING**

COMES NOW, MADISON HAMBY, Deputy Prosecuting Attorney of the Canyon
County Prosecuting Attorney's Office and hereby moves this Court for an Order vacating the
Jury Trial herein and resetting the same.

NOTICE OF HEARING

Notice is hereby given that a hearing on the Motion filed in the above entitled matter is scheduled for the 21st day of December, 2016 at the hour of 10:30 am before the Honorable George A. Southworth.

DATED this 15th day of December, 2016.

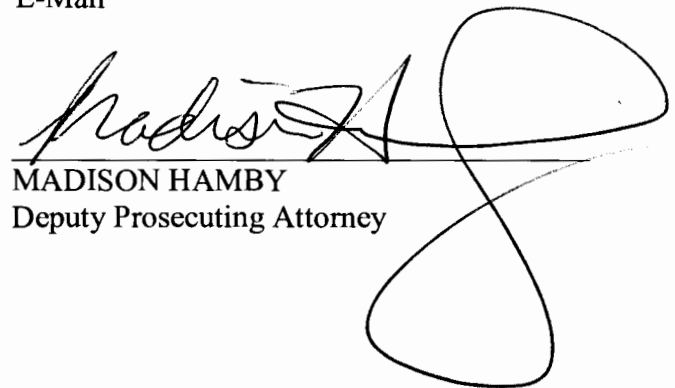

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 15th day of December, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: December 21, 2016

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 10:30 A.M.
)	
JAYSON L. WOODS,	)	REPORTED BY:
	)	Patricia Terry
Defendant.)	
<hr/>		DCRT2 (10:31-10:52)

This having been the time heretofore set for **motion to continue** in the above entitled matter, the State was represented by Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County, and the defendant was personally present in court, with counsel, Mr. Lary Sisson.

The Court noted this was the time set for hearing on the State's motion to continue the jury trial and indicated the Court was prepared to hear argument.

Ms. Hamby presented argument in support of the motion and requested the Court set the trial out into late March or early April.

The Court advised counsel that created a problem with the Court's schedule and if the trial were continued it would be set out into May.

Mr. Sisson advised the Court he received the Motion to Continue Jury Trial, the motion did not give a reason for the request to continue the trial and it was hard for him to prepare

when he didn't know the basis for the motion. Mr. Sisson objected to the motion and presented argument in opposition to the motion.

Ms. Hamby responded with additional argument in support of the motion.

The Court expressed opinions and **denied the motion to continue the jury trial.**

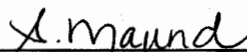
The Court discussed jury selection issues with counsel and advised them that the Court was considering a three (3) day jury selection process where the Court would call in sixty (60) to seventy (70) jurors on day one (1) and again on day (2), hopefully they could pass at least half of the jurors for cause each day, and on day three (3) counsel could exercise peremptory challenges. Additionally, the Court would seat at least two (2) alternate jurors and may seat up to four (4) alternate jurors and the Court anticipated having to do individual voir dire.

Mr. Sisson agreed that process of jury selectin made sense. Additionally, Mr. Sisson advised the Court that he discussed with the State the idea of having a court trial without a jury being involved, it was his understanding that could not be considered unless the State agreed to a court trial and he did not know if the State made a decision on that issue.

Ms. Hamby advised the Court the State was not willing to agree to a court trial at this time.

The Court indicated it would allow the parties to consider the Court's proposal regarding jury selection and noted this matter was set for hearing on some pretrial motions on December 29, 2016.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings or posting of bond.



Deputy Clerk

CT

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A.M. P.M.

DEC 22 2016

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M. GERROS, DEPUTY

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Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR-2016-07911-C

**BRIEF IN SUPPORT OF MOTION
CHANGE VENUE**

COMES NOW Defendant, by and through his attorney of record, Lary G. Sisson, and hereby provides the following legal and factual support and argument in support of the Motion to Change Venue in this matter

THIS MOTION is based on the pleadings, papers, records and files in the above entitled action including additional exhibits which have been attached to this brief and are incorporated herein.

RELEVANT FACTUAL AND PROCEDURAL HISTORY

On April 29, 2016 at approximately 5:45 a.m. the Canyon County Sheriff's Office received two phone calls from person living on Greenhurst Street near Lake Lowell. The callers both reported that there was a naked man knocking on the front doors of homes asking for help.

A short time later Deputy Odenborg of the Canyon County Sheriff's Office arrived on scene. The naked man identified himself as Steven Nelson. Nelson stated that through the "male escort" section of the website called "Backpage" he had actually met an unknown male at the Walmart located at Roosevelt and Middleton Road in Nampa, Idaho. Nelson said he picked up the male, who was caucasian, approximately 5'11" tall, with blonde hair, a short blonde beard, and with lots of tattoos. Nelson said he drove the male to Gott's Point, where Nelson requested sex from the male in exchange for money. Nelson said another male, who very tall and wearing a hat, arrived and had what appeared to be a rifle. Nelson said the two males attacked him, choked him, forced him to the ground, kicked him, and stripped him of his clothes. Nelson said the two males then took his car keys from him and drove away in Nelson's car.

Nelson's wallet, credit cards, and clothing were inside his vehicle. Nelson walked naked to a local residence and asked someone to call 911. Nelson was transported to the hospital with suspected broken ribs and bleeding from the ear. Nelson died a few hours later. The Ada County Coroner cited cause of death as cardiac arrest induced by the trauma of the attack on Nelson.

The "backpage" ad was located. Probation Officer Dan Geisel confirmed that the male in the photo was Kelly Bryan Schnieder [REDACTED] by his unique tattoos. Schneider was located and taken into custody. His right hand was bandaged.

Video surveillance from the Walmart located at Roosevelt and Middleton Road showed a male being (believed to be Schneider) dropped off by a Chevy HHR at approximately 0456 hours. On April 29, Abigail Williams [REDACTED] called the Sheriff's Office to report that her Chevy HHR had been used during the commission of a crime. Williams said she had been in the back seat of the vehicle when her ex-boyfriend, Jayson Woods [REDACTED], had driven

her around and forced her to perform sex acts with random men for money. Williams said that morning she, Woods, Kevin Tracy [REDACTED], and Daniel Henkel [REDACTED], had met up with Schneider at a gas station. Williams admitted Woods was driving her vehicle throughout the morning of April 29, 2016. She also stated that between 4:30 a.m. and 5:00 a.m. they had gone to Gott's Point and dropped off Tracy and Henkel. They next went to the Walmart located at Roosevelt and Middleton Road so that Schneider could meet up with Nelson. Woods and Williams then left the area and over approximately 30 minutes stayed at the intersection of Middleton Road and Karcher Road in Nampa, Idaho. Woods and Williams later picked up Schneider, Tracy, and Henkel in the area of the Kmart in Nampa, Idaho. Schneider supposedly told them, after he was picked up, that he had beaten Nelson up.

Woods was interrogated by Detective Gentry of the Canyon County Sheriff's Office on the evening of April 29, 2016. The interrogation was in two parts – with a short break in between. During the first part of the interrogation, Woods admitted to Gentry that he had been using large amounts of methamphetamine recently. Woods even showed him track marks and places on his forearms where methamphetamine was embedded under Woods' skin.

During the interrogation admitted that he facilitates meetings between people who are looking for escorts with men and women who are willing to act as escorts. This business advertises on websites such as "backpage." The ad states that clients can spend time with these escorts and that what they do – or how they spend their time – is up to the parties. However, this escort services asks for donations by clients in order to recompense the escorts for their time. Woods admitted that he would eventually receive the money from the escort sessions and later distribute the money back to the escorts while keeping some of the proceeds. Woods also

conceded during the interrogation that sometimes these encounters between the clients and the escorts included performance of sexual acts.

Also during the interview, Woods confirmed that Schneider had met up with Nelson at around midnight on April 28, 2016 at the Walmart located at 12th Avenue and Greenhurst in Nampa. Furthermore, Nelson and Schneider were together for a short period of time. Schneider eventually returned to the vehicle with money, which Schneider and Woods divided up between them.

While still in the first part of the interrogation, Woods also told Gentry that Nelson had contacted Schneider during the early morning hours of April 29, 2016 seeking another meeting. It was Woods' understanding that Nelson had been seeking a sexual encounter with Schneider when they had first met at the Walmart. However, Schneider obtained the money from Nelson (but not through the use of force, violence or fear) without performing any sexual acts. Woods encouraged Schneider to meet with Nelson again in order to make good on the implied agreement to have a sexual encounter.

It should be noted that over-and-over during this initial interrogation, Woods stated that he did not want Schneider to be violent with Nelson. As per Woods' standard operating procedures with all of his escorts, Woods told Schneider that money should be obtained at the outset of any meeting with a client. This was done in order to avoid an escort performing services and then not getting paid for said services. Woods also told Schneider that once he received the money, then if Schneider did not feel comfortable with the situation he should simply "walk away." Schneider was then supposed to call Woods who would then pick him up. Woods made this information abundantly clear to Gentry.

Approximately half way through the interrogation, Gentry offered Woods the opportunity to smoke a cigarette. The both of them went outside. Their conversation was not recorded. During this time Gentry said to Woods something to the effect of: ““You had better start talking about the robbery. Or, the next needle that goes into your arm will be the one that kills you.” In the context of our interaction, it was clear to Woods that Gentry was intimidating him by suggesting that if Woods did not say what Gentry wanted to hear, then Woods would receive the death penalty and he would die by lethal injection.

In order to carry this intimidation further, when they went back inside Gentry immediately arrested Woods by placing him in handcuffs. He informed Woods that he was being charged with first degree murder. He then immediately walked Woods to the intake room for the Canyon County Detention Center. The officers there began the booking process. At that point Woods was so scared that he literally begged for an opportunity to speak with Gentry again.

Woods was eventually taken back to the interrogation room and met with Gentry again. During part two of the interrogation, Gentry suggested that Woods knew Schneider was going to rob Nelson. Finally, Woods, in an effort to please Gentry and to potentially avoid the death penalty, conceded that he “suspected” that Schneider might rob Nelson. However, Woods also made it clear that he was trying to persuade Schneider to not act violently with Nelson.

Throughout both parts of the interview Woods corroborated Williams statements in regards to: a) dropping off Tracy and Henkel at Lake Lowell prior to meeting with Nelson the second time, b) where they were while Schneider, Nelson, Tracy and Henkel were at Gott’s Point, and c) as well as picking them up later that morning. Woods told Gentry that Tracy and Henkel were dropped off at Gott’s Point in the event that Nelson became violent with Schneider

in retaliation for Schneider taking Nelson's money earlier in the evening without performing services.

Woods also told Gentry that Schneider said to Woods that he and Nelson got in a fight, Schneider took Nelson's clothes off and took his car. Woods also said money was divided up between Schneider, Woods, Tracy and Williams.

Kevin Tracy was also interrogated on April 29, 2016. Tracy admitted he knew Schneider was going to rob Nelson. Tracy said he waited at Gott's Point for Nelson and Schneider to make sure "nothing bad happened." Tracy told the police that he saw Schneider and Nelson get out of Nelson's car and saw Schneider hit Nelson in the face. Schneider called for Tracy and Henkel to come help him. Tracy said he watched Schneider kick Nelson with steel-toed boots approximately 30 times while he was on the ground. Tracy said Nelson begged Schneider not to kill him, and offered Schneider his credit cards and PIN numbers if they would let him go. Tracy was shown a picture of subjects using Nelson's debit card at an ATM to withdraw money (in the amount of \$123) at the Albertson's located at 12th Avenue and Greenhurst Road. Tracy identified the subjects as Henkel and Schneider.

Daniel Henkel was also interrogated on April 29, 2016. He also admitted he knew about Schneider's plan to rob Nelson. Henkel admitted that he waited for Schneider and Nelson at Gott's Point, and that he was holding a metal pipe. Henkel said he got scared when he saw Schneider beating Nelson, so he walked away. Henkel said Schneider and Kevin later picked him up in Nelson's car.

Consequently, on April 30, 2016, Schneider, Woods, Tracy and Henkel were charged with First Degree Murder, Robbery, and Conspiracy to Commit Robbery. Schneider was

additionally charged with Grand Theft. Woods was additionally charged with Receiving the Proceeds from Prostitution.

The co-defendants made their first appearance on May 2, 2016. Because all four co-defendants were determined to be indigent, they were all assigned as clients of the Canyon County Public Defender's Office. However, because of the obvious actual and potential conflicts, Woods, Tracy and Henkel were assigned conflict public defenders. They were also given a Preliminary Hearing date of May 13, 2016.

Because Woods' attorney had not received any meaningful Discovery prior to the Preliminary Hearing, Woods waived his right to a timely Preliminary Hearing and agreed to have it reset to May 27, 2016. During the interim, a Superseding Indictment from a Grand Jury was obtained against the four co-defendants on May 18, 2016. Woods was charged with the same crimes as listed in the original Criminal Complaint.

Woods appeared in the District Court on June 3, 2016, and entered not guilty pleas to all charges. Woods' Pre-Trial Conference was originally scheduled for August 1, 2016 and his Jury Trial for September 6, 2016. Bail was also set in the amount of \$1,000,000.

From June 3, 2016 to September 14, 2016 several important pleadings and procedural matters occurred. This included resetting the Jury Trial from September 6, 2016 to October 3, 2016. Additionally, Defendant's attorney filed a Motion to Suppress and a Motion for Dismissal of certain portions of the Superseding Indictment. After holding hearings on the Motions, the Motions were denied. Additionally, on September 14, 2014, Defendant waived his right to a speedy trial and the jury trial was once again reset. The new dates were January 23, 2017 through February 17, 2017.

On December 9, 2016, Defendant's attorney filed a Motion to Change Venue pursuant to Idaho Criminal Rule 21. On December 13, 2016, during a Status Conference/Motion Hearing, the court set a hearing date for the Motion to Change Venue for December 29, 2016.

Defendant's attorney now files this brief, and the attached exhibits, in support of the Motion.

MEDIA HISTORY

Canyon County is served by two primary newspapers – The Idaho Statesman and the Idaho Press-Tribune. Each newspaper began printing articles related to this matter starting on April 30, 2016. To date, and to the best of the defense's knowledge, the Idaho Statesman has published at least eight articles related to this matter and the Idaho Press-Tribune has published at least nineteen articles. These articles not only include what the newspapers believe are the facts of this matter, but also include articles that tread on social and/or political topics such as the rights of persons who are gay, lesbian, bisexual, or transsexual and hate crimes. These social and politically leaning articles have prominently linked this case to these topics.

Additionally, Canyon County is also served by four major television news media organizations. They are KBOI, which is channel 2 for most television watchers, KIVI channel 6 for most television watchers, KTVB channel 7 for most television watchers, and KNIN channel 11 for most television watchers. It is difficult to quantify the exact number of times these four combined news stations have broadcasted news stories about this case. This is due to the fact that each station does not necessarily archive on its website all of the videos it presents each day.

However, a by searching the KTVB website using the search terms "Steven Nelson" the results show that its website currently has 8 videos and 3 additional articles related to Mr.

Nelson, Defendant, and the co-defendants in this matter. A print out of the webpage showing the search results are found on Exhibit A, which is attached to this Brief and incorporated herein.¹

Running the same search on KBOI2's website one will find 7 stories and 1 video relating to Mr. Nelson. A print out of the webpage showing the search results are found on Exhibit A, which is attached to this Brief and incorporated herein. A copy of the video is also downloaded to Exhibit A.

Moving to the KIVI TV website, the same search yielded 7 videos and 1 story in regards to Mr. Nelson, Defendant, and/or the other co-defendants. One of the videos is duplicative of another video on the list. However, a print out of the search results are found on Exhibit A, which is attached to this Brief and incorporated herein. The six videos have been downloaded to Exhibit A and should be accessible for playing on any computer.

The website for KNIN appears to be down for maintenance. Therefore, there are not results for KNIN website.

ARGUMENT

The Sixth and Fourteenth Amendments of the United States Constitution and Article I, § 7 and § 13 of the Idaho Constitution guarantee the right to an impartial jury. A defendant's case must be decided "only by evidence and argument in open court, and not by any outside influence, whether [it be] private talk or public print" *Estes v Texas*, 381 U.S. 532, 551 (1965) (quoting *Patterson v Colorado ex rel. Attorney General*, 205 U.S. 454 462 (1907)). In high profile cases like this one, the United State Supreme Court has held that "legal trials are not like elections, to be won through the use of the meeting-hall, the radio,

¹ The defense cannot download the video recordings and place them on Exhibit A. However, the defense urges the Court to take the time to review each item.

and the newspaper." *Sheppard v Maxwell*, 384 U.S. 333, 363 (1966). Courts are obligated to take steps to "protect their processes from prejudicial outside interference." *Id.* When there is a "reasonable likelihood" that publicity or other outside influences will prevent a fair trial in the community, a change of venue is required. *Id.*

Accordingly, Idaho trial courts have the authority and discretion to transfer venue under Idaho Criminal Rule 21 when there is prejudice to either party. ICR 21(a) states that "[t]he court upon motion of either party shall transfer the proceeding to another county if the court is satisfied that a fair and impartial trial cannot be had in the county where the case is pending." In *State v. Hall*, the Idaho Court of Appeals explained that a motion to change venue should be granted if there is "reasonable likelihood" that pretrial publicity has affected prospective jurors' impartiality when it stated:

"A defendant's inability to make a detailed and conclusive showing of prejudice is not a proper ground for refusing to change venue. Prejudice seldom can be established or disproved with certainty. ***Rather, it is sufficient for the accused to show 'a reasonable likelihood that prejudicial news [coverage] prior to trial will prevent a fair trial'*** ... Consequently, the question posed by a motion to change venue is whether a 'reasonable likelihood' exists that pretrial publicity has affected the impartiality of prospective jurors."

Hall, 111 Idaho at 829 (quoting *Sheppard v. Maxwell*, 384 U.S. 333, 363, (1966) (emphasis added). "There can be no fair trial unless the issue of guilt is decided by impartial finders of fact." *Id.* (citing *Murphy v. Florida*, 421 U.S. 794 (1975); *Irvin v. Dowd*, 366 U.S. 717 (1961). The content of news stories and editorials that are inflammatory, inaccurate or beyond the scope of admissible evidence affects prospective jurors' potential impartiality. *E.g.*, *State v. Beason*, 95 Idaho 267 (1973). Similarly, the amount of stories and their potential impact also must be recognized as prospective jurors may become subtly conditioned to accept a certain version of facts at trial. This may diminish the jurors' ability to separate what they

knew before trial from what is presented during trial. *State v. Brooks*, 103 Idaho 892 (Ct.App.1982) (concurring opinion). *See also, Sheppard v. Maxwell*, 384 U.S. 333 (1966); *Estes v. Texas*, 381 U. S. 532 (1965); *Rideau v. Louisiana*, 373 U.S. 723 (1963).

In this particular case, there has been a great deal press coverage and this is especially true given the facts that: a) homicides in relatively small towns tend to receive more press attention, b) the victim was openly gay, c) that a hate crimes investigation has been announced by the U.S. Attorney General's Office, and d) the general salaciousness of the facts in this case.

This situation has been exacerbated by the inflammatory statements and false information provided to the press and public by Canyon County Sheriff Kieran Donahue. For example, in watching just one video recording of only a small portion of the press conference he held on May 2, 2016, Sheriff Donahue made the following statements:

1. "To take advantage of this man, and do what they do, is unspeakable."
2. "This was not their first time. This was not even their second time."
3. "They took a man's life for greed."
4. "A very senseless crime."
5. "If you want to be a bad guy in this valley, we will come after you with everything we've got. Period."

Additionally, some of the misinformation that has been released to the public and the media is:

1. The victim died of his injuries. (In fact, Nelson died of a heart attack. The injuries he sustained were not actually life threatening.)
2. Four men jumped and beat the victim, (In fact, it cannot be disputed that Woods was not actually present when any beating took place. Additionally, if the court chooses to believe the statements of Tracy and Henkel, they did not participate in any beating as well.)
3. That this crime was part of a conspiracy by all four men. (That allegation is certainly debatable – especially since Woods, Tracy, and Henkel have all denied being part of conspiracy to commit a robbery against Nelson. Schneider has never stated whether or not there was a conspiracy.)

4. There are many other victims of robberies committed by these four co-defendants. (The State has yet to produce during the Discovery process of anyone else was beaten and robbed by all, by some, or by just one of the co-defendants.)

The defense also wishes the Court to consider that although Mr. Nelson is deceased, some of his statements to the police before he passed away have been also provided to the media and the public. In regards to Defendant, the defense believes that Nelson's statements are not admissible in court. Therefore, the situation with too much information being provided to the public, has been made worse by providing the public with statements that would likely never be heard by a jury during a jury trial.

As noted above, the content of news stories and editorials that are *inflammatory*, *inaccurate* or *beyond the scope of admissible evidence* affects prospective jurors' potential impartiality. *E.g., State v. Beason*, 95 Idaho 267 (1973) (emphasis added). In regards to this particular case, there are examples of all three.

The aforementioned statements, misinformation, and inadmissible statements, which has been circulated through the local media, have irreparably affected the impartiality of prospective jurors. When a trial judge finds a reasonable likelihood that qualitative or quantitative elements of pretrial publicity have affected the impartiality of prospective jurors, the constitutional balance swings in favor of assuring a fair trial. *Hall*, 111 Idaho at 829-30. "[T]he trial courts must take strong measures to ensure that the balance is never weighed against the accused." *Maxwell*, 384 U.S. at 362. The question that should be asked is: "How can any potential jurors, who are presumptively biased against the defendant, look past what they know through the media and to act impartially?" The short answer is they cannot. It is not reasonable to believe that this knowledge can be wiped from the minds of the potential jurors. Therefore this requires the court to act accordingly.

The defense further argues that the United States Supreme Court has held that there was a presumption of prejudice in cases where the pre-trial publicity was rampant and prejudicial. *Sheppard v. Maxwell*, 384 U. S. 333 (1966); *Estes v. Texas*, 381 U.S. 532 (1965); *Rideau v. Louisiana*, 373 U.S. 723 (1963). In *Rideau*, the Court held that venue should have been changed and did so, "without pausing to examine a particularized transcript of the *voir dire*." *Rideau*, 373 U.S. at 726-727.

The size of the jury pool may affect a court's decision to raise a presumption of prejudice. In *Skilling v. United States*, Slip Opinion No., 08-1394, p. 16, U.S. ___, 130 S. Ct. 2896 (2010), for example, the U.S. Supreme Court refused to apply the presumption of prejudice to benefit former Enron CEO Jeffrey Skilling. The *Skilling* Court observed that "[i]n *Rideau*, for example we noted that the murder was committed in a parish of only 150,000 residents. Houston, in contrast, is the fourth most populous city in the Nation." *Skilling*, at p. 16. In fact, at the time of Skilling's trial "more than 4.5 million individuals eligible for jury duty resided in the Houston area." *Id.* According to the U.S. Census Bureau, the estimated population of Canyon County on July 1, 2016 was 207,478.²

Moreover, if a large majority of the population is prejudiced against Woods, the defense does not have the same opportunity as the prosecution to choose potentially favorable jurors. "The impaneled jurors may not be actually biased, but after exercising its peremptory strikes, the defense may have to settle for twelve 'D-rated' jurors rather than twelve 'F-rated' jurors. The prosecution, on the other hand, may have all 'A-rated' jurors. The result would not be a fair trial". Christina Collins, COMMENT. STUCK IN THE 1960s: SUPREME COURT MISSES AN OPPORTUNITY IN SKILLING V. UNITED STATES TO BRING VENUE JURISPRUDENCE

² See <http://www.census.gov/quickfacts/table/PST045215/16027>

INTO THE TWENTY-FIRST CENTURY, 44 Tex. Tech L. Rev. 391 Winter, 2012.

While trial courts in Idaho are encouraged to question the jurors regarding bias, this does not help to ensure Woods a fair trial because there is no way, absent a juror coming right out and saying so, to discern whether a juror made their decisions on the evidence presented in the courtroom alone rather than on outside influence. "Despite trial courts' widespread willingness to accept a juror's statement that he or she will be fair notwithstanding exposure to extraneous prejudicial information, such self-assessments are highly unreliable." Christina A. Studebaker & Steven D. Penrod, PRETRIAL PUBLICITY: THE MEDIA, THE LAW, AND COMMON SENSE, 3 PSYCHOL. PUB. POLICY & L. 428, 433-38 (1997) (describing the propensity of self-assessed impartial jurors to return guilty verdicts).

As one scholar put it, the most effect remedy of eliminating jury bias is the one used the least, selecting a new venue:

"According to social science, the least effective means of eliminating jury bias is through deliberations and instructions to the jury. And the single most effective remedy, according to social science, is the one the law employs with the least frequency - selecting a jury from outside the community by either changing venue or changing the venire."

Geoffrey P. Kramer *et. al.*, PRETRIAL PUBLICITY, JUDICIAL REMEDIES, AND JURY BIAS, 14 Law & Human Behave. 409, 411-14 (1990) (explaining how jurors exposed to "emotional" pretrial publicity (i.e., "graphic or lurid depictions" of a victim's injuries) as opposed to strictly "factual" publicity will be more likely to convict and be more passionate about their stance).

CONCLUSION

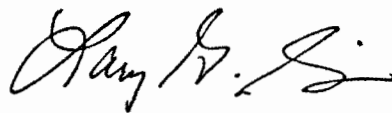
In summary, there has been extensive media coverage in regards to the death of Steven Nelson. The media has reported to the public inflammatory statements and misinformation provided by Canyon County Sheriff Kiernan Donahue as well as statements made by Steven

Nelson that will likely not be presented during the jury trial in this matter. The actual result is now the jury pool in Canyon County is irreparably tainted. The fair and appropriate step to take is to change the venue of the trial. The most efficient and logical place to then hold the trial is in Gem County. That county is best suited to hold the trial because:

- A. Its courthouse is the closest to the Canyon County Courthouse while remaining in the Third Judicial District.
- B. The presiding judge in this matter, Judge George A. Southworth, regularly holds court in Gem County.
- C. The county's population is large enough to identify a sufficient number of fair and impartial jurors to hear this case.
- D. At the same time, the county is small enough that holding a trial for 3 weeks straight will not significantly alter, impact or burden the county's regular court hearing schedule.
- E. The geographic location of the Gem County will make it much easier to find potential jurors who have not been tainted by the inflammatory statements, misinformation, and statements of the decedent which have provided to and broadcasted by the media.

Therefore, Defendant respectfully requests that the Court issue an Order changing the venu of Defendant's trial from Canyon County to Gem County.

DATED this 22nd day of December, 2016.



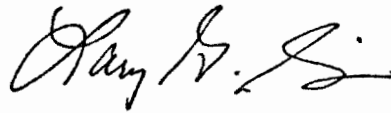
LARY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of December 2016, I served a true and correct copy of the within Brief upon the individual(s) names below in the manner noted:

- ✓ By delivering copies of the same to the designated courthouse box of the office(s) of the attorney(s) indicated below.

Bryan F. Taylor
Canyon County Prosecutors Office
1115 Albany St.
Caldwell, ID 83605



LARRY G. SISSON
Attorney for Defendant

CD

(see Certificate of Exhibits)

FILED
A.M. 12:18 P.M.
DEC 28 2016
CANYON COUNTY CLERK
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mh

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**OBJECTION TO MOTION FOR
CHANGE OF VENUE**

COMES NOW MADISON HAMBY, Deputy Prosecuting Attorney of the Canyon County Prosecuting Attorney's Office, on behalf of the State of Idaho, who objects to the Motion for Change of Venue filed by the Defendant, Jayson Woods on the following grounds.

The decision as to whether or not to grant a motion for a change of venue lies within the discretion of the trial court. *State v. Thomas*, 94 Idaho 430 at 432 (1971). In determining whether a criminal defendant received a fair trial, the Idaho Supreme Court has considered

“affidavits indicating prejudice or an absence of prejudice in the community where the defendant was tried, testimony of the jurors at voir dire as to whether they had formed an opinion of the defendant's guilt or innocence based upon adverse pretrial

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publicity, whether the defendant challenged for cause any of the jurors finally selected, the nature and content of the pretrial publicity, and the amount of time elapsed from the time of the pretrial publicity to the trial itself.”

State v. Bainbridge, 108 Idaho 273 (1985).

Error cannot be predicated on the mere existence of pre-trial publicity concerning a criminal case; rather, a defendant has the burden to show that the setting of the trial was inherently prejudicial or that actual prejudice can be inferred from the jury-selection process.

State v. Yager, 139 Idaho 687 at 687 (2004).

The Idaho Supreme Court has found that publicity by itself does not require a change of venue. *Yager*, 139 Idaho 680, 687 (2004); *State v. Bitz*, 93 Idaho 239 at 243 (1969). The Court concerns itself with

“the accuracy of the pretrial publicity, the extent to which the articles are inflammatory, inaccurate, or beyond the scope of admissible evidence, the number of articles, and whether the jurors were so incessantly exposed to such articles that they had subtly become conditioned to accept a particular version of the facts at trial.

State v. Sheahan, 139 Idaho 267, 278 (2003).

The U.S. Fifth Circuit court noted that “pretrial publicity—even pervasive, adverse publicity—does not inevitably lead to an unfair trial.” citing *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 554, (1976). And Idaho courts have addressed this issue on many occasions, as well, where it has established that “[p]rejudice seldom can be established or disproved with certainty.”

State v. Hall, 111 Idaho 827 at 829 (1986).

In *State v. Hadden*, the Idaho State Supreme Court found no evidence at the pre-trial stage of proceedings that the “community had formed any opinions of any kind as to the defendant’s guilt or innocence to the pending charge.” *State v Hadden*, 152 Idaho 371, 378 (2012). The court also cited a “lack of affidavits indicating prejudice or an absence of prejudice in the community other than the conclusory opinions of the defendant and her counsel” when it affirmed the lower court ruling denying a change of venue. *Id.*

Rather the court reasoned that it “w[ould] only be at the commencement of voir dire that the court and the parties will be able to determine if any of the prospective jurors have formed an opinion based upon adverse pretrial publicity.” *Id.* It is at the voir dire stage, the Court advised, that “the defendant will have the opportunity to challenge for cause any of the prospective jurors.” *Id.* Additionally, the Court provided that the accused needs to prove the prejudicial news [coverage] prior to trial will prevent a fair trial. *Id.* (citing *State v. Hall*, 111 Idaho 827).

In *Hall*, the details of the events surrounding a first degree murder trial and aggravated battery trial were “extensively publicized” by the local news media in Rexburg, Idaho but the district court in Madison County denied defendant’s motion for a change of venue. *Id.* at 381.

The district court in *Sheahan*, also denied the defendant’s motion for change of venue. The defendant was charged with killing a bail bondsman in Pinehurst, Shoshone County and argued that he was denied a fair and impartial jury due to the extent of pre-trial publicity. The defendant, produced “several newspaper articles from Pinehurst and neighboring areas which contained some information that may have been incorrect and information ultimately excluded at trial.” However, the district court found that any tainting of the jury pool could be addressed and resolved through jury selections. *Sheahan*, 139 Idaho at 278.

In *Yager*, the defendant, who was charged with murder after shooting a state trooper multiple times in Coeur d'Alene, supported his motion to change venue, by

“Submit[ing] a binder containing collected publicity regarding the case, consisting of coverage of the shooting; the funeral of the state trooper; the impact of her death on the trooper’s family; information about *Yager*’s history and speculation as to his motive for the shooting; quotes from then Governor Batt commenting on the murder; and the prosecutor, and various letters to the editor, calling for *Yager* to explain himself and calling for proper punishment.”

Yager, 139 Idaho at 683. However, the district court denied his motion to change venue. The Idaho Supreme Court affirmed the district court’s ruling, claiming that *Yager* “failed to show the setting of the trial was ‘inherently prejudicial’ or that actual prejudice could be inferred from the jury selection process of which he complained . . .” *Id.* at 688.

In *State v. Needs*, the defendant claimed that “extensive” pre-trial publicity reporting the discovery of a partially burned torso, without head and arms, in Ada, County would not allow her to receive a fair trial in the county. *State v. Needs*, 99 Idaho 883, 885 (1979). The defendant was charged with the murder of her husband, in this case, and moved the court to grant her a change of venue before her trial and at the closing of voir dire. The district court denied both motions. The Idaho State Supreme court affirmed the district court decision saying the court “made every effort to ensure the empaneling of an impartial jury.” *Id.* 891. The court reasoned that there was “no indication of the actual existence in any one juror’s mind of an opinion which would raise a presumption of partiality.” *Id.*

The court in *Hadden* also acknowledged the relatively small population of Lincoln County where it sits, and referenced the “relatively rural nature of many of Idaho’s counties” when it noted that this fact alone “does not require the presumption of prejudice, nor would such


a rule be practicable given the relatively rural nature of many of Idaho's counties. *Id.* at 379. At the time, Lincoln County noted approximately 2700 qualified jurors, a number significantly smaller than qualified jurors in Canyon County. *Id.* (See e.g., *Sheahan*, 139 Idaho at 278).

Idaho courts have consistently affirmed that the voir dire stage of proceedings serves a necessary and important function in pre-trial proceedings. It serves to fortify the trial process and must be completed before a determination of prejudice can be settled.

Until a jury pool is empaneled and questioned, the Defendant's Motion is premature. Idaho case law regarding change of venue motions focuses the analysis on the questions posed to jurors after the District Court after the denial of motions for change of venue in determining whether or not there was error. Until jurors have been questioned on their exposure to the pre-trial publicity, the parties would simply be speculating on whether or not the Defendant could receive a fair trial.

Furthermore, if this court determines that the jury pool in Canyon County has been substantially prejudiced by pre-trial publicity, the State would request that a jury be brought in from another county, such as Washington County, in lieu of transferring venue to another county for trial. Prospective jurors from Washington County are less likely to have been exposed to the pre-trial publicity associated with this case.

DATED this 28th day of December, 2016.

 FOR

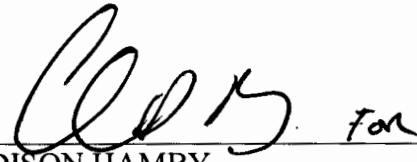
MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 28th day of December, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

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- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



MADISON HAMBY
Deputy Prosecuting Attorney

FILED
A.M. 12/28/16 P.M.

DEC 28 2016

CANYON COUNTY CLERK
E BULLON, DEPUTY

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
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Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,	)	CASE NO. CR2016-07911
)	
Plaintiff,)	
	)	OBJECTION AND MEMORANDUM
vs.	)	IN RESPONSE TO DEFENDANT'S
	)	FIRST MOTION IN LIMINE
JAYSON L. WOODS)	
)	
Defendant.)	
_____)	

COMES NOW, Christopher Boyd, Deputy Prosecuting Attorney of the Canyon County Prosecuting Attorney's Office, and submits this objection to Defendant's First Motion in Limine. Attached for the court's convenience is an informal transcript of the conversation at issue as Addendum A and a copy of the video of the same conversation as State's exhibit 1.

FACTS

On April 29, 2016, at about 6:00 AM, police responded to a home near Gott's Point in Canyon County, Idaho, in regards to a 911 call about a naked man on a doorstep. Deputy Odenborg was the first responder to arrive. When Deputy Odenborg arrived, he found a naked man, Steven Nelson, still outside and shivering with cold. As he approached Nelson he asked what was going on, and Nelson responded that "they" stole his car and took his clothes. Nelson

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IN REPOSE TO DEFENDANT'S
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immediately requested a blanket and said that he was freezing. Deputy Odenborg then gave Nelson a blanket and placed him in his car to get warm. Nelson had a bloody nose and complained of broken ribs, but was on his feet and talking calmly.

For the next 20 minutes the two waited in Odenborg's patrol car for an ambulance to arrive. During that time, Nelson relayed a detailed account of being beaten and robbed by a blonde 5'11" man. Nelson told Odenborg that he had agreed to pay money to the man in exchange for sex. He described the male attacker as well as an accomplice present for the crime with a long item he thought might be a rifle in his hand. Nelson told Deputy Odenborg that he had met his attacker online by responding to a backpage.com ad for a male escort. He described the ad as containing a photograph of the man with his shirt pulled up revealing extensive tattooing on his bare torso.

Police investigators later discovered that the Defendant, Jayson Woods, had planned and acted with others, including Kelly Schneider, to rob Steven Nelson. Nelson died from his injuries later that morning, and Woods was indicted for first degree felony murder as well as robbery, conspiracy, and accepting the earnings of a prostitute. He has filed a motion in limine attempting to exclude all evidence of Nelson's statements to Deputy Odenborg just before he died.

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IN REPOSE TO DEFENDANT'S
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QUESTIONS PRESENTED

1. Were Nelson's statements to Odenborg, which included details of how he had agreed to pay someone for sexual acts, hearsay without a recognized exception under the Idaho Rules of Evidence?
2. Would the introduction of evidence of a murder victim's statements to a police officer just before he died violate the Confrontation Clause of the United States Constitution where the victim was still naked after being stripped in the attack, the attacker remained at large, and there was no objective indicia that he was dying and would be unable to testify at a later date?

SHORT ANSWERS

1. No. Nelson's statements to Odenborg fall within the "statement against interest" exception to the hearsay rule because they implicated Nelson himself in the criminal act of soliciting prostitution.
2. No. Under the "primary purpose" test, the Confrontation Clause is not violated in this circumstance. Because the victim making the statements was still naked after the attack where his attacker was still at large, was waiting for medical care, and did not then appear to be dying, the "primary purpose" of the conversation was to provide emergency care and respond to a potential public threat rather than to create an out-of-court substitute for trial testimony.

ARGUMENT

- I. BECAUSE NELSON IS DECEASED AND HIS STATEMENTS TENDED TO SUBJECT HIM TO CRIMINAL LIABILITY FOR SOLICITING PROSTITUTION, THE STATEMENTS FALL WITHIN A RECOGNIZED HEARSAY EXCEPTION.

Idaho Rule of Evidence 804 (b) lists hearsay exceptions for unavailable witnesses.

Subsection (b)(3) reads:

Statement against interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far **tended to subject declarant to civil or criminal liability**, or to render invalid a claim by declarant against another, that a **reasonable man in declarant's position would not have made the statement unless declarant believed it to be true**. A statement tending to expose the declarant to criminal liability and offered in a criminal case is not admissible unless **corroborating circumstances** clearly indicate the trustworthiness of the statement. (emphasis added).

Here, Steven Nelson is unavailable for trial since he is deceased. During his brief conversation with Deputy Odenborg, Nelson explained that he had contacted a man in relation to a backpage.com male "escort" ad. Nelson admitted he had agreed to pay the escort for sex. Paying an escort for sex is a criminal act. The facts here fit well with the purpose of the hearsay exception; when someone implicates oneself in a criminal act, as Nelson did here, they are less likely to be lying about it.

As a statement tending to expose the declarant to criminal liability, the rule requires corroborating circumstances. Here, Nelson was naked, which corroborates the account of how he was beaten and stripped. Additionally, the state anticipates presenting evidence of the online ad, appearing exactly how and where Nelson described it. Finally, the Defendant's own statements

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to police about how the very ad was placed and how the conspiracy to rob Nelson developed served to further corroborate the veracity of the statement.

Because Nelson acted against his own interest in making incriminating statements while speaking with Deputy Odenborg, the statements fall within a recognized exception to the hearsay rule.

II. BECAUSE THERE WAS NO OBJECTIVE INDICIA THAT NELSON WOULD NOT BE AVAILABLE FOR LATER TESTIMONY, HIS ATTACKER REMAINED AT LARGE, AND THE QUESTIONING WAS INFORMAL WITH NELSON REMAINING IN A STATE OF UNDRESS AS HE WAITED FOR MEDICAL CARE, HIS STATEMENTS ARE NOT TESTIMONIAL UNDER THE PRIMARY PURPOSE TEST.

In criminal prosecutions a Defendant enjoys the right “to be confronted with the witnesses against him.” (US Const. amend. VI). That right was long interpreted as permitting out-of-court statements by unavailable witnesses if the statements fell into a “firmly rooted hearsay exception and had “particularized guarantees of trustworthiness.” *Ohio v. Roberts*, 448 U.S. 56, 66, 100 S. Ct. 2531, 65 L. Ed. 2d 597 (1980). *Crawford v. Washington* created a new approach to the Confrontation Clause, essentially barring “testimonial” statements by a non-testifying witness. 541 U.S. 36, 54, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004).

However, the definition of “testimonial” has since been clarified and limited by the “primary purpose” test; a statement is only testimonial if the “**primary purpose**” of the **conversation was to create an out-of-court substitute for trial testimony.**” *Michigan v. Bryant*, 562 U.S. 344, 358, 131 S. Ct. 1143, 179 L. Ed. 2d 93 (2011); *Ohio v. Clark*, 135 S. Ct. 2173, 2180 (2015)(emphasis added). The totality of the circumstances surrounding the statement

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should be considered in determining whether a statement's primary purpose is to create an out-of-court substitute for trial testimony. *Bryant*, 562 U.S. 344 at 369.

A statement occurring in the context of an ongoing emergency is not testimonial. *Clark*, 135 S. Ct. 2173. Even where a statement is not made to deal with an ongoing emergency, it is not testimonial unless its primary purpose was to create an out-of-court substitute for trial testimony. *Id.*

Furthermore, in determining whether a statement is testimonial, courts consider a multitude of other factors beyond whether there is an ongoing emergency. *Bryant*, 562 U.S. at 358. One factor is the formality or informality of the situation and interrogation; formal interrogations at police stations (such as the one in *Crawford*) are more likely to be testimonial while informal questions in public and before emergency medical services arrive are less likely to be testimonial. *Id.* at 346.

Another factor is whether the statement is made to law enforcement, however, the mere fact that a statement was made to law enforcement does not make it testimonial. *Id.* at 344. In *Bryant*, a dying victim spoke to police about the identifying characteristics of his assailant. The victim was not far from where he had been attacked as he spoke, and his assailant was still at large, implicating, as the Court noted, a public safety issue. *Id.* at 346. The Court held the victim's statements were non-testimonial, reasoning that the conversation was more aimed at quelling an ongoing emergency rather than creating an out-of-court substitute for trial testimony. *Id.*

In the present case, Steven Nelson's conversation with Deputy Odenborg was not testimonial because the primary purpose of the conversation was not to create an out-of-court substitute for trial testimony. It is important to note that upon review of Deputy Odenborg's video, there is no objective indicia that Nelson was dying in an immediate sense. Neither Odenborg nor Nelson would have had a reason to think that the conversation would be used to supplant or substitute for actual trial testimony. Under the *Bryant-Clark* definition, the conversation would only be testimonial if spoken with the primary purpose of creating a **substitute for trial testimony**, and none of the surrounding circumstances tend to show this.

Deputy Odenborg was the first responder on the scene. He responded to a house about a half mile from the remote area where Nelson had been beaten. Like the officer speaking to the victim in *Bryant*, when Odenborg asked Nelson what happened he was still out in a public area not far from the location of the crime. The location of the questioning here cuts in favor of finding that the conversation was non-testimonial.

Nelson was naked and cold as Deputy Odenborg spoke with him. He was bleeding from the nose, and Odenborg spoke with him as the two waited for an ambulance to arrive. The fact that the conversation was had before EMS could arrive also cuts in favor of finding the conversation non-testimonial.

The informality of the questioning here, as it did not occur in a station like in *Crawford*, further cuts in favor of a non-testimonial finding. While the statements here were made to an officer, the *Bryant* Court made it clear that the mere fact of speaking to law enforcement does not mean that a statement is testimonial, and that the real question is whether the statement had the primary purpose at that time for substitution of trial testimony.

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IN REPOSE TO DEFENDANT'S
FIRST MOTION IN LIMINE

When the ultimate question is considered, there is little to no reason to conclude that the reason for the conversation at issue was to substitute it for trial testimony. Thus, under the primary purpose test, the conversation is not testimonial and not barred by the Confrontation Clause.

Accordingly, the state hereby respectfully request this Court deny the Defendant's First Motion in Limine.

DATED this 28th day of December, 2016.

BRYAN F. TAYLOR
Prosecuting Attorney
Canyon County, Idaho



CHRISTOPHER BOYD
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 28th day of December, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St
Caldwell, ID 83605-4126

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



CHRISTOPHER BOYD
Deputy Prosecuting Attorney

OBJECTION AND MEMORANDUM
IN REPOSE TO DEFENDANT'S
FIRST MOTION IN LIMINE

Addendum A, Informal Transcript

Deputy Odenborg (D): Hello Sir, what's going on?

Victim Steven Nelson (V): They stole my car and they took my clothes – do you have a blanket or something? I am freezing.

D: Yeah is that someone's doormat?

V: Yeah its theirs

D: I'll get a blanket just a second. Where do you live at?

V: I live up on Greenhurst.

D: Were you in your house?

V: No, no, I was out, it was ---

D: Okay hold on... Here you go sir.

V: Can we sit in the car?

D: Yup, we are going to be able to do that in just a second. You want to set that doormat down we will get that back to them? What's you name man?

V: Steven Nelson. Yes, N-E-L-S-O-N

D: N-E-L-S-O-N?

V: Yeah.

D: All right.

V: [REDACTED]

...

D Okay lets go sit in the car so you can stay warm okay?

V (something about talking to these guys about taking doormat)

D All right Steven, over here.

D: How much have you had to drink Steven?

V Nothing.

D Nothing at all? – Okay, is that a little more warm?

V Oh God yes.

D Okay, now tell me what happened one more time.

V It was a backpage.com ad. I met this guy, he was really sweet to me. Sigh. Drove out here, he stole my money, he beat me up. He took my clothes. He took my car. He had someone waiting out by the lake.

D Where were you supposed to meet him at?

V Well I met him at the Walmart on Middleton and I picked him up and we drove out to the lake. Really stupid bad judgement because I am fairly certain I am dying.

D Why do you think you are dying?

V I have hep C and the liver biopsy came back and I have sorrosis

D Mmm K.

V And I used really bad judgement and

D Canyon 5248... Its gonna be okay man just... don't mess with stuff in the car it looks like you are reaching for the rifle there

V Oh I'm sorry. I was just putting my hand up I..

D (on radio) can you have medics on route to check this male out, non code, he is conscious breathing talking to me, he's got a bloody nose he thinks he has broken ribs

V I do have hepatitis C so if there is any blood please be careful

D Okay I appreciate knowing that, I will let the medics know when they get here.

D Okay so you met this guy on backpage you say?

V Yeah

D And you picked him up at Walmart the one on Middleton and Roosevelt I am guessing that one there?

V Yes.

D Kay. And you guys drove out to the lake, where'd you go out by the lake, which access?

V All the way down I don't know the exact area, pretty much right before the gate we got out, were smoking, talking,

D Okay, what was the arrangement? I mean, I know it might be embarrassing, but I need to know so I can investigate.

V I, I know, it was... I was flirting with him trying to convince him that he should jump the fence and let me suck his dick, and I was trying to tempt him with money, but as silly as it may seem, it's really about the conversation and the argument, I never really expected anything to happen, although I did expect to give him the money, I didn't actually expect... umm, bad judgement on my part.

D How much money did he take?

V 40 dollars

D Mmm Kay, how much were you planning to give him?

V 140 or so.

D Okay, alright, and he took your car too?

V Yeah

D What's your car?

V It's a chevy impala, white, elmore county plates, oh, five?

D Okay sit tight for a second okay (goes to computer in car)

(talking about where lives, looking up in computer)

(D reports car as stolen, puts out ATL)

D Kay, so walk me through again... phone rings, hey I'm doing the interview now

V We got out at the gate, he said something like do you really have money, and I said, yeah let me show you the money and then he came behind me and started to choke me I dropped the money said take it, take whatever. He then proceeded to pretty much kick the shit out of me. Then someone else came up who (walked or whacked) with him and I believe he had a gun but I am not certain he had something long like a rifle umm but I could not see very well and I was trying to keep my head down

D Kay. What did the guy say his name was? When you met him?

V I don't know.

D You never knew his name?

V No.

D They don't put names on the backpage thing?

V I can, I can show you his ad. Umm obviously if its still up

D Okay. Did he take your phone and everything too?

V Yeah, everything.

D Okay.

V I was never so happy to see a house... because I wasn't sure how far it was.

D I see.

V And it was a COLD walk!

D How long ago did it happen?

V Uhh, 5:15 maybe?

D Oh so it was after 5 o'clock?

V Yeah like I believe it was.

D Okay.

D Did you answer an ad or did you put an ad up?

V I answered the ad... Just being a smartass.

D [typing] ... You said he choked you did he punch you kick you, what?

V He choked me, forced me to the ground, he took my wallet, then he started kicking me, umm, then couldn't find my keys which I dropped so he kicked me some more and then he stripped my clothes and then he found the keys.

D Did he take your clothes with him?

V Yes, I think he threw them in the car. Yeah he threw them in the car or I would have put them back on.

V Hopefully he just abandoned the car and we'll get it back.

D Yeah.[talking to dispatch]

D Can you give a description of the males at all?

V Blonde, lots of tat work

D Both of them, or..?

V Or I didn't see... The other one was heavy, dark hair, I didn't really see him though. But the one, he had a short blonde beard.

D About how tall do you think or?

V Ahh probably 5' 11'' to 6 foot. Umm I never actually saw the tats except for his picture.

D Okay, did he match his picture?

V I don't know his face wasn't visible in his picture online, it was just a body shot.

D He was blonde, do you know what color eyes he had?

V It was too dark.

D Do you know if he had any facial hair?

V Yes, he had a short blonde beard.

D The full beard, but short?

V Yeah, full beard but short.

D What kind of clothes?

V He signed his texts "flightrisk"

D One word or two?

V One word.

D And what did the other one look like?

V Uhh, he was bigger, kind of heavyset.

D The first one wasn't heavyset?

V No. Um and dark hair I think. I think he may have been wearing a hat I didn't get a good look at him. He was taller, he was just definitely creeping me out.

D He was taller too?

V Yeah.

D How tall do you think?

V Oh 6'2" probably but I was laying on the ground when I saw him so its hard to judge.

D Right. Do you remember a clothing description for either of them?

V I think he was wearing a hoodie, just the one that I met

D The first one you met?

V Yeah

D Okay Do you know what kind of pants

V Uhh jeans or something?

V Uhh, when we were talking, we talked about drugs, I talked about the fact that I did drugs in the past, I am fairly certain he was high on methamphetamines. I have not done drugs in over ten years.

D Kay.

V I am not a fucking idiot, excuse my language, umm, he did pull something out of his pocket and say Oh yeah I am high all the time. But I didn't really see what it was but it was a baggie so I assume... But I have been clean and sober for over 15 years and I do this stupid shit. I got my life turned around, college degree, [sigh] I'm feeling like an idiot right now, sorry.

D Its okay, I understand. I've got medics on the way to come check you out.

D M Kay, is there anything else you can think of? Cause I am going to do the report on the robbery and paramedics are getting here now. Where the firetruck is they are usually right behind

them. Is there anything else you can think of? Do you remember what the ad was called? Do they have titles?

V They have titles. Umm, something [gentleman?] If you went to backpage.com and went to male escort, he'd be like the second one down. And his picture, he's in the back of the car but he has his shirt over his head, so his torso is bare.

D Okay, Okay.

V [something about the paramedics are coming]

D [typing]

CD

(see Certificate of Exhibits)

FILED
A.M. 11 P.M.

DEC 28 2016

CANYON COUNTY CLERK
S ALSUP, DEPUTY

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
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Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS

Defendant.

CASE NO. CR2016-07911

**OBJECTION TO DEFENDANT'S
SECOND MOTION IN LIMINE AND
MEMORANDUM IN SUPPORT
OF ADMISSION OF 404(b) EVIDENCE**

COMES NOW, Christopher Boyd, Deputy Prosecuting Attorney for the County of Canyon, State of Idaho, and hereby submits this Memorandum in Support of Admission of 404(b) Evidence.

I. EVIDENCE OF THE PRIOR ROBBERY PLAN IS RELEVANT 404(B) EVIDENCE TO SHOW WOOD'S PLAN AND INTENT TO ROB STEVEN NELSON.

Idaho Rule of Evidence 404(b) permits the introduction of evidence of another crime, wrong, or act unless the sole purpose for the offer is to establish the defendant's propensity for crime. I.R.E. 404(b); George M. Bell, *Handbook of Evidence for the Idaho Lawyer* 204 (3rd

OBJECTION TO DEFENDANT'S
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ORIGINAL

ed. 1987). *State v. Dragoman*, 130 Idaho 537,544 (Ct.App. 1997); *State v. Atkinson*, 124 Idaho 816, 818 (Ct.App. 1993), cert. denied, 511 U.S. 1076,114 S.Ct. 1659,128 L.Ed.2d 376 (1994); *State v. Sheahan*, 139 Idaho 267, 275, 77 P.3d 956, 964 (2003).

The list of permissible uses of other conduct of the defendant is not an exception to the prohibition of propensity evidence. "The second provision of subsection (b) recognizes that evidence of specific conduct is traditionally admissible for purposes other than to prove conforming conduct even though it may reflect on a person's character and makes clear that such evidence remains admissible. It provides examples of the purposes for which such evidence may be admitted. The examples are not exclusive." George M. Bell, *Handbook of Evidence for the Idaho Lawyer* 204 (3rd ed. 1987).

A two-tiered analysis is used to determine the admissibility of evidence concerning other crimes, wrongs or acts. *Cook v. State*, 157 Idaho 775, 339 P.3d 1179, 1183 (Ct. App. 2014), *review denied* (Jan. 9, 2015). First, the trial court must determine the evidence is relevant. *Id.* Relevance includes examining whether or not there is sufficient evidence to establish the prior acts as fact. *State v. Peppcorn*, 152 Idaho 678, 688, 273 P.3d 1271, 1281 (2012). Second, if the trial court finds the evidence is relevant, it must determine whether the probative value of the evidence is substantially outweighed by the danger of unfair prejudice. *Id.*

A. Evidence of other crimes, wrongs, and acts are admissible if relevant.

Specific acts of misconduct may be admitted if they have probative force -any tendency in logic -toward making some fact of consequence other than character more or less probable than it would be without the evidence. *Dragoman*, 130 Idaho at 544; *State v. Nichols*, 124 Idaho 651,654 (Ct.App. 1993).

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All relevant evidence is admissible. *I.R.E. 402*. Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." *I.R.E.401*.

There are two components to relevance:

1. Materiality (a fact of consequence to the action), and
2. Probative force (making the existence of a fact of consequence more or less probable than it would be without the evidence).

"Whether the evidence tends to prove a fact that is 'of consequence to the determination of the action' should not be narrowly construed to mean only evidence that directly tends to prove a fact bearing on the issues as framed by the pleadings. The Idaho Committee agrees with the broad interpretation of the rule by the federal courts. Evidence may be indirectly consequential when offered to attack or support the credibility of a witness, to explain or aid the factfinder in understanding other consequential evidence, or to lay foundation for testimony or for the admission of other consequential evidence." George M. Bell, *Handbook of Evidence for the Idaho Lawyer* 195-96 (3rd ed. 1987).

1. Common Plan or Scheme

A plan involving similar events and victims is relevant 404(b) evidence. *State v. Sheahan*, 139 Idaho 267, 275, 77 P.3d 956, 964 (2003). In *Sheahan*, the Defendant, then on trial for the murder of a police officer who had come to serve a warrant, had murdered another officer some five weeks earlier who had also tried to serve a warrant on him. In both instances, Sheahan had pointed a gun in the direction of the officer who came to his house and fired. Noting the similarities in firing on an "authority figure" coming to his residence for similar purposes, the Idaho Supreme Court upheld the trial court's decision to admit testimony on the prior incident.

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2. *Proof of Motive*

Evidence of other conduct is relevant to show proof of motive, or “that which leads or tempts the mind to indulge in a particular act.” *State v. Stevens*, 93 Idaho 48, 53, 454 P.2d 945, 950 (1969), *State v. Pepcorn*, 152 Idaho 678, 689, 273 P.3d 1271, 1282 (2012). In *Pepcorn*, the Defendant was convicted of sexual abuse of two children from his wife’s family. *Id.* At trial, the court allowed the admission of prior statements by Defendant about the desires of his “wife’s whole family” to be touched. *Id.* The Idaho Supreme Court held that Pepcorn’s prior statements demonstrated his motive to select a specified group upon which to commit the crime. *Id.* Because those statements demonstrated his motive, the Court held that the statements were properly admitted 404(b) evidence. *Id.*

3. *Intent*

Intent evidence is relevant under I.R.E. 404(b) when intent is an issue and the Defendant has implicitly or explicitly denied intent to commit a specific intent crime. *State v. Gauna*, 117 Idaho 83, 87, 785 P.2d 647, 651 (Ct. App. 1989); *State v. Roach*, 109 Idaho 973, 975, 712 P.2d 674, 676 (Ct. App. 1985). In contrast, where intent is easily inferred from the act itself, evidence of other acts to prove such intent is inappropriate. *State v. Ortega*, 157 Idaho 782, 787, 339 P.3d 1186, 1191 (Ct. App. 2014), *review denied* (Jan. 9, 2015).

In *Guana*, the defendant was convicted of delivery of marijuana, a specific intent crime. *Gauna*, 117 at 84. The trial court allowed 404(b) testimony concerning a separate, prior sale of 20 pounds of marijuana to the same defendant. *Gauna*, 117 at 87. Guana asserted a defense that the marijuana for which he had been charged belonged to someone else. *Id.* The Idaho Court of Appeals noted that Defendant had implicitly denied a specific intent to deliver. Accordingly, the Court held that evidence of the prior sale was admissible intent evidence. *Id.*

OBJECTION TO DEFENDANT’S
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MEMORANDUM IN SUPPORT OF
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B. Evidence of other crimes, wrongs or acts is implicitly prejudicial.

Even when relevant, specific acts of misconduct also generally have probative force toward proving character and thereby a propensity to commit crime. *State v. Bingham*, 124 Idaho 698,701 (Ct.App. 1993).

Although relevant, evidence may be excluded if its probative value is **substantially outweighed** by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. I.R.E. 403 (emphasis added).

In order for the Court to conduct the balancing test set forth in I.R.E. 403, evidence relevant to prove an admissible fact must also have logical probative force toward demonstrating a fact that is legally inadmissible. In other words, the evidence must be susceptible to multiple logical inferences, one of which is not permitted under the law, and that impermissible inference must substantially outweigh the logical force of the permissible fact. "[Idaho Rule of Evidence] 403 does not offer protection against evidence that is merely prejudicial in the sense of being detrimental to the party's case. The rule protects against evidence that is unfairly prejudicial, that is, if it tends to suggest decision on an improper basis." *State v. Floyd*, 125 Idaho 651,654 (Ct.App. 1994) (citing *Wade v. Havnes*, 663 F.2d 778,783 (8th Cir. 1981)).

The Idaho Supreme Court explained the balancing process accompanying I.R.E. 403 a follows:

"The rule creates a balancing test. On one hand, the trial judge must measure the probative worth of the proffered evidence. The trial judge, in determining probative worth, focuses upon the degree of relevance and materiality of the evidence and the need for it on the issue on which it is introduced. At the other end of the equation, the trial judge must consider whether the evidence amounts to unfair prejudice. Here, the concern is whether the evidence will be given undue weight, or where its use results in an inequity, or as several commentators have suggested, , illegitimate persuasion. ' Only after using this balancing test, may a trial judge use his discretion to properly admit or exclude the proffered evidence.'"

State v. Rhoades, 119 Idaho 594,603-04 (1991) (quoting *Davidson v. Beco Corp*, 114 Idaho 107,110 (1987) (citations omitted)).

C. Limiting instructions cure implicit prejudice.

The fact that evidence is susceptible of multiple inferences, one of which is impermissible, does not automatically cause exclusion of the evidence. "Idaho Rule of Evidence 105 must be read in conjunction with I.R.E. 403 ..." George M. Bell. *Handbook of Evidence for the Idaho Lawyer* 51 (3rd ed. 1987). Relevant evidence admissible for one purpose, despite being inadmissible for another purpose, can be admitted with a limiting instruction from the court restricting the evidence to its proper scope. I.R.E. 105. "The rule [I.R.E. 403] suggests a strong preference for admissibility of relevant evidence." *State v. Martin*, 118 Idaho 334,340, n.3 (1990). However, where the inadmissible inference substantially outweighs the permissible inference, the evidence, even though relevant, may be excluded. I.R.E. 403; George M. Bell, *Handbook of Evidence for the Idaho Lawyer* 51 (3rd ed. 1987) (citing *Bruton v. United States*, 391 U.S. 123,88 S.Ct. 1620,20 L.Ed.2d 476 (1968)).

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The Idaho Supreme Court has upheld a district court's decision to admit 404(b) evidence pursuant to a limiting instruction. In *State v. Martin*, 118 Idaho 334 (1990), the district court admitted evidence of two (2) prior sex offenses committed by the defendant as proof of identity. *Martin*, 118 Idaho at 336. Pursuant to the admission of such evidence, the district court gave a limiting instruction advising the jury that the testimony be considered only as to identity, and not as to any other purpose. *Martin*, 118 Idaho at 340. The Idaho Supreme Court found this to be an appropriate exercise of discretion. *Id.*

D. Evidence of the group's plan to rob another only hours apart from the instant robbery is relevant to show a common plan and scheme, motive, and intent.

1. The group's plan for a prior robbery are relevant to demonstrate a common plan.

Here, Kelly Schneider and Woods were actively developing plans to rob others during the hours leading up to the robbery and murder of Steven Nelson. At primary issue in this case, as noted by the Defendant, will be the Defendant's conspiracy. The state must necessarily show a meeting of the minds between Woods and his co-conspirators.

That meeting of the minds is demonstrated most palpably by the statements of Tracy and Henkel. Their statements essentially show that the group planned several robberies in the same vein as Nelson's, all in the same drug-fueled period of time without real breaks. The robberies were a common plan formatted primarily by Woods; Tracy and Henkel would act as back-up, Schneider would do the actual robbery, and Woods would coordinate and drive the getaway car.

The plan to rob the unnamed drug dealer only hours previously demonstrate a similar events and circumstances; each person of the conspiracy took mirror roles for the Nelson robbery just hours later. Like the similar events in *Sheahan*, where a murder of another officer was deemed a relevant common plan, the murder of persons who owe the Defendant drug money is also a relevant common plan.

2. The group's plan for the prior robbery are relevant to demonstrate motive.

Furthermore, the Defendant's motive for conspiring to rob Steven Nelson is laid bare by the facts of the prior robbery; he selected targets of opportunity for the motive of greed. That motive of greed is demonstrated by the prior plan to rob another.

As in *Pepcorn*, where evidence of how the Defendant selected his victims in a sex abuse case was relevant 404(b) evidence of motive, evidence of how victims were selected and how the plans to rob them were developed are also relevant evidence of motive.

3. The group's plan for the prior robbery are relevant to demonstrate intent.

Additionally, the group's plan for the prior robbery demonstrates Woods's intent to rob Nelson. Intent is a necessary element of the charges here. The fact that Woods was coordinating and planning robberies with no breaks for sleep in between them, and particularly that he approved of force being used the robberies, is highly relevant to the primary issue of the case.

E. The probative value of the proffered evidence is not substantially outweighed by its prejudicial impact.

Because the group's plan for the prior robbery show not only a common plan, but motive, and intent, the probative value of the calls is high. The prejudicial impact, while present, does not amount to an unfair prejudice and may be lessened by a limiting instruction.

OBJECTION TO DEFENDANT'S
SECOND MOTION IN LIMINE AND
MEMORANDUM IN SUPPORT OF
ADMISSION OF 404(b) EVIDENCE

CONCLUSION

Because the group's plan for the prior robbery show Wood's plans to rob targets of opportunity in a common scheme and demonstrate motive and intent for the conspiracy, the evidence is not merely propensity evidence and any of the negligible prejudice may be lessened by limiting instruction without hamstringing the state's evidence of intent. Accordingly, the state respectfully requests this Court deny Defendant Second Motion in Limine.

DATED this 28th day of December, 2016.



CHRISTOPHER BOYD
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 28th day of December, 2016, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



CHRISTOPHER BOYD
Deputy Prosecuting Attorney

OBJECTION TO DEFENDANT'S
SECOND MOTION IN LIMINE AND
MEMORANDUM IN SUPPORT OF
ADMISSION OF 404(b) EVIDENCE

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: **DECEMBER 29, 2016**

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-07911-C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	DCRT2 (901-1027)
)	
Defendant.	)	REPORTED BY: Patricia Terry
<hr/>		

This having been the time heretofore set for **pre-trial** in the above-entitled matter, the State was represented by Ms. Madison Hamby and Mr. Chris Boyd, Deputy Prosecuting Attorneys for Canyon County, Idaho; and the defendant was present in court and represented by Mr. Lary Sisson.

The Court called the case and noted this matter was set for hearing on the defense's motion for change of venue and several motions in limine.

The Court requested the motion to change venue be addressed first and indicated it had reviewed the motion, the accompanying disk containing the news coverage of the case, and the memorandums submitted by both parties.

Mr. Sisson rested upon his motion.

The Court indicated it had reviewed the motion, presented findings of facts and conclusions of law and **DENIED** the motion. During the process of seating a jury, if it

became clear they would not be able to seat a fair and impartial jury, the Court was willing to reconsider the motion.

The Court requested Mr. Sisson address his motion in limine to prevent the State from introducing statements from Mr. Henkel and Mr. Tracy after they were arrested and were being interviewed by police.

Mr. Sisson presented argument in support of the motion.

Mr. Boyd objected and presented argument.

Mr. Sisson presented further argument.

The Court presented findings of facts and conclusions of law and **DENIED** the motion. If at trial Mr. Tracy's and Mr. Henkel's testimony did not implicate the defendant, the Court would be able to strike that evidence and so instruct the jury.

The Court requested the parties address the motion regarding statements of the victim to the police.

Mr. Sisson argued in support of the motion.

Mr. Boyd objected and presented argument.

Mr. Sisson presented additional argument.

The Court took this matter under advisement, reviewed the facts of the case, noted the relevant case law, and indicated it needed to further review those cases to see how those rulings applied to this case. The Court hoped to have a ruling issue within the week.

Mr. Sisson inquired as to whether a status conference had been set.

The Court indicated it had not. It was aware there would probably be additional evidentiary issues to be decided prior to trial. The Court did not know whether the State had any other 404(b) issues to address and noted none had been filed to date. However, the rule might have been complied with via the proceedings today.

Mr. Sisson presented argument in support of setting a status conference.

The Court noted the jury would be brought in on the 17th to fill out the questionnaire, half in the morning and half in the afternoon, and presented copies of its proposed questionnaire to counsel. The 18th would be available for the parties to review those questionnaires with jury selection to begin on the 19th.

After discussions with counsel, the Court indicated the trial would be held on a 9 to 2 schedule.

The Court set this matter for a status conference on the 17th day of January, 2017 at 2:00 p.m. before this Court.

In answer to the Court's inquiry, Mr. Boyd indicated there were not any ongoing settlement talks between the parties.

The Court advised the parties it did not want too many questions as to the facts and legal theories of this case during voir dire.

The Court requested the parties provide it with a list of potential witnesses to be included in the jury questionnaire. The Court instructed the parties submit those lists along with any changes they believed should be made to the questionnaire next week.

Neither counsel had anything further for the Court to address.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings or posting of bond.



Deputy Clerk

F I L E D
A.M. 1206 P.M.
DEC 30 2016
CANYON COUNTY CLERK
S ALSUP, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON


STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JAYSON L. WOODS)
)
 Defendant.)
 _____)

CASE NO. CR-2016-07911

**ORDER DENYING DEFENDANT'S
MOTION TO CHANGE VENUE**

Having considered the briefing, argument, and relevant legal authority presented by the parties on Defendant's motion to change venue, IT IS ORDERED that the motion be DENIED.

Dated this 29 day of December, 2016.



George A. Southworth
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of December, 2016, I caused to be served a true and correct copy of the foregoing ORDER by the method indicated below, and addressed to the following persons:


Lary G. Sisson
815 Fillmore Street
Caldwell, ID 83605-4126
Fax: 887-866-4488

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail

Christopher Boyd
Madison Hamby
Canyon County Prosecutor's Office
1115 Albany St.
Caldwell, ID, 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail

CLERK OF THE DISTRICT COURT

By:  _____
Deputy Clerk

FILED
A.M. 12:00 P.M.
DEC 30 2016

CANYON COUNTY CLERK
S ALSUP, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON


STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JAYSON L. WOODS)
)
 Defendant.)
 _____)

CASE NO. CR-2016-07911

**ORDER DENYING DEFENDANT'S
SECOND MOTION IN LIMINE**

Having considered the briefing, argument, and relevant legal authority presented by the parties on Defendant's second motion in limine, IT IS ORDERED that the motion be DENIED.

Dated this 29 day of December, 2016.



George A. Southworth
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of December, 2016, I caused to be served a true and correct copy of the foregoing ORDER by the method indicated below, and addressed to the following persons:

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Madison Hamby
Canyon County Prosecutor's Office
1115 Albany St.
Caldwell, ID, 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail

CLERK OF THE DISTRICT COURT

By: 

Deputy Clerk

CANYON COUNTY CLERK
S ALSUP, DEPUTY

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705**

COMES NOW, The Plaintiff, the State of Idaho, and submits the following Disclosure of Expert Witness pursuant to I.C.R 16 and IRE 702, 703 and 705.

That the Plaintiff, the State of Idaho, has complied with ICR 16(b)(7) and IRE 702, 703 and 705 by submitting the following information, evidence and materials.

1) Rylene Nowlin:

- (a) The State discloses Rylene Nowlin, Forensic Scientist, as an expert witness on Forensic DNA Analysis.
- (b) See the Curriculum Vitae attached for Rylene Nowlin's qualifications.

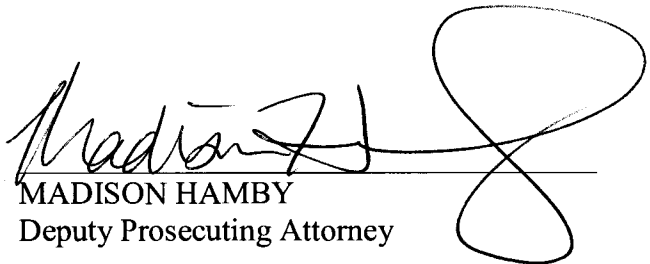
DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705

ORIGINAL

2) Witness Opinions:

- (a) A summary of findings and opinions was disclosed in the Idaho State Police Forensic Services Forensic DNA report on or about or will be disclosed upon receipt of August 23, 2016.

DATED this 3rd day of January, 2017.

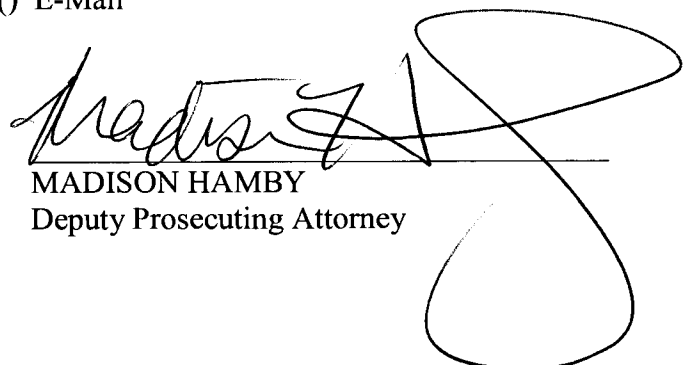

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 3rd day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
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FAX: (887) 866-4488
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 E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney



Idaho State Police

Service Since 1939



Colonel Ralph W. Powell
Director

C.L. "Butch" Otter
Governor

RYLENE L. NOWLIN

Laboratory Manager
Idaho State Police Forensic Services
700 S. Stratford Drive, Ste. 125, Meridian, ID 83642-6202
Phone – (208) 884-7170

EDUCATION:

1996 The College of Idaho
Bachelor of Science - Biology and History

EXPERIENCE:

Sept. 2014- Present Idaho State Police Forensic Services Laboratory
Laboratory Manager

Jun. 2003- Sept. 2014 Idaho State Police Forensic Services Laboratory
Forensic Scientist II
Biology/DNA

Nov. 2002- Jun. 2003 Idaho State Police Forensic Services Laboratory
Forensic Scientist I
Biology/DNA

CERTIFICATIONS:

Aug. 2007- Present American Board of Criminalistics; Molecular Biology Fellow

PROFESSIONAL ORGANIZATIONS; COMMITTEES; WORKING GROUPS:

Feb. 2011- Present American Academy of Forensic Sciences

Jan. 2005- Present Northwest Association of Forensic Scientists

TESTIMONY:

State Courts	Ada County	Latah County
	Bannock County	Kootenai County
	Bingham County	Nez Perce County
	Blaine County	Payette County
	Bonner County	Shoshone County
	Canyon County	Twin Falls County
	Jefferson County	

700 South Stratford Drive • Meridian, Idaho 83642-6251

EQUAL OPPORTUNITY EMPLOYER

Revised 9/10/14

Rylene L. Nowlin

CONTINUING EDUCATION; ASSOCIATION MEETINGS; CONFERENCES:

- 2014 Webinar: Validation Concepts and Resources (NIST)
Professional Meeting: DNA (Promega)
- 2013 Professional Meeting: DNA (BODE-West)
Webcast: DNA Mixture Interpretation (NIST)
- 2012 Professional Meeting: DNA (Green Mountain DNA Conference)
- 2011 Professional Meeting: DNA, Mixture Interpretation (Promega)
- 2010 Ethics in Forensic Science (WVU)
Professional Meeting: DNA (FBI/CODIS)
- 2009 Professional Meeting: DNA (AAFS)
DNA-View, Casework Analysis and Forensic Mathematics Training
(Dr. Charles Brenner)
Workshop: DNA Analysis (NWAFS)
Digital Photography Crime Scene Training (FBI)
- 2008 Combined DNA Index System (CODIS) Training (SAIC)
Basic Driftcon use and Application Training (BPCTi)
Professional Meeting: DNA, Troubleshooting Common Laboratory
Problems (Promega)
Automation Training Course (MU-FSC)
- 2007 Professional Meeting: DNA (AAFS)
Advanced DNA Training Course (MU-FSC)
NIJ Expert Systems Testbed Project Expert Systems Demonstrations
(MU-FSC)
FSS-i3 Expert Systems Software Training (Promega)
Professional Meeting: National CODIS Conference
DNA Auditor Training (FBI)
- 2006 Hair Examination for DNA analysts (WVU)
Professional Meeting: DNA (Promega)
- 2005 Working Group Meeting: DNA (Promega)
In-Service Training: DNA Analysis of Casework and
Convicted Offender Samples (ISP)
- 2004 In-Service Training: ABI Prism 7000 (ABI)
PopStats (UNT)
Seminar: Future Trends in Forensic DNA Technology (ABI)
Professional Meeting: DNA, Molecular Biology (Promega)
Genetic Typing Methods in Forensic Science (CCI)

Rylene L. Nowlin

- 2003 In-Service Training: Biology Screening (ISP)
Bloodstain Pattern Analysis (FBI)
Forensic Digital Imaging (David "Ski" Witzke)
Courtroom Presentation of Evidence (Raymond Davis)
Crime Scene Survey, Documentation and Diagramming (FBI)
Professional Meeting: DNA, Y-STRs, Statistics (Promega)

VALIDATIONS COMPLETED:

Participation in validations included conducting experiments as assigned by the DNA technical lead, analyzing and organizing data and completing the validation summary.

- 2014 FSS-i³™ Expert Systems Software
- 2012 ABI Prism® 3130xl Genetic Analyzer
PowerPlex® System Control DNA 2800M for DNA Database
Promega PowerPlex® 16 HS System for DNA Casework
Promega Plexor® HY System for DNA Casework
- 2011 Promega Plexor® HY System for DNA Database
Promega Identity Automation™ Methods of the Biomek® 3000
Biomek® 3000 Laboratory Automation Workstation
PowerPlex® System Control DNA 2800M for DNA Casework
Driftcon® FFC Temperature Verification System and Fixture Upgrade
- 2010 ABI Prism® 3130xl Genetic Analyzer Upgrade
- 2009 BSD600-Duet Semi-Automated Dried Sample Punch Instrument
Biomek® 3000 Laboratory Automation Workstation
Promega DNA IQ™
Promega PowerPlex® 16 HS System for DNA Database
Applied Biosystems® 7500
ABI Geneamp® 9700 Thermal Cycler
ABI Prism® 3130 Genetic Analyzer
Driftcon® FFC Temperature Verification System
- 2008 Qiagen BioRobot® EZ1
Qiagen® EZ1 Investigator Extraction Kit and Card
ABI Prism® 3130 Genetic Analyzer
ABI Geneamp® 9700 Thermal Cycler
GeneMapper ID® Version 3.2.1
Applied Biosystems® 7500
- 2006 Qiagen BioRobot® EZ1
Qiagen® Tissue Extraction Kit
- 2005 ABI Prism® 7000

Rylene L. Nowlin

TEACHING; PRESENTATIONS:

- 2003-
Present Presentations to law enforcement and medical personnel on: forensic science, collection of biology/DNA evidence, biology screening testing methods, DNA testing methods and CODIS
- 2003-2006 Crime Scene Processing/Biological Evidence Collection and Packaging, 2 hour classroom and 3 hour crime scene practical (Idaho State Police Basic POST Academy)

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BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
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FILED
A.M. 2:27 P.M.
JAN 03 2017
CANYON COUNTY CLERK
S ALSUP, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705**

COMES NOW, The Plaintiff, the State of Idaho, and submits the following Disclosure of Expert Witness pursuant to I.C.R 16 and IRE 702, 703 and 705.

That the Plaintiff, the State of Idaho, has complied with ICR 16(b)(7) and IRE 702, 703 and 705 by submitting the following information, evidence and materials.

1) Dr. John Mayberry:

(a) The State discloses John Mayberry, MD, as an expert witness on trauma and acute care.

(b) See the Curriculum Vitae attached for John Mayberry's qualifications.

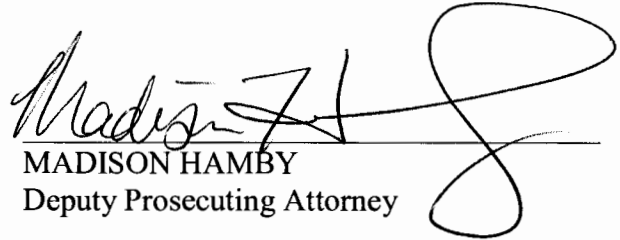
DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705

ORIGINAL

2) Witness Opinions:

- (a) A summary of findings and opinions was disclosed in the Saint Alphonsus Medical Center Medical Records Report on patient Steven Neslon or about May 27, 2016

DATED this 3rd day of January, 2017.

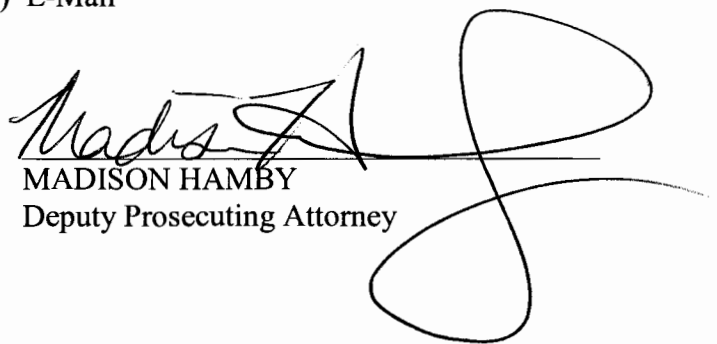

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 3rd day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney

CURRICULUM VITAE

John C. Mayberry, MD, FACS
Trauma & Acute Care Surgeon

Address
Trauma Service
Saint Alphonsus Regional Medical Center
999 N Curtis Rd
Boise, ID 83706

Telephone/Fax (208)367-3674/(208)367-6849
Email john.mayberry@saintalphonsus.org

Education

1975-1978 Great Falls High School
Great Falls, Montana

1978-1982 University of Pennsylvania
Philadelphia, Pennsylvania
B.A., Cum Laude

1982-1986 Oregon Health & Science University
School of Medicine

Training and Research Experience

1981-1982 Research Assistant, Hematology
Toshio Asakura, M.D., Ph.D.
Children's Hospital of Philadelphia

1986-1991 Internship & Residency, General Surgery
Oregon Health & Science University

1989-1990 Vascular Surgery Research
John M. Porter, M.D.
Oregon Health & Science University

1991-1992 Chief Resident, General Surgery
Oregon Health & Science University

1995-1996 Trauma/Critical Care Fellow
Oregon Health & Science University

Military Service

1992-1995 Major, US Air Force Medical Service

Teaching Appointments

1993-1995	Clinical Asst. Professor of Surgery University of North Dakota School of Medicine
1996-2001	Assistant Professor of Surgery Oregon Health & Science University (OHSU)
2001-2009	Associate Professor of Surgery (OHSU)
2009-2013	Professor of Surgery (OHSU)
2014 -	Adjunct Clinical Professor/Clinical Medicine Pacific Northwest University of Health Sciences College of Osteopathic Medicine
2016 -	Clinical Professor of Surgery University of Washington School of Medicine

Clinical Leadership Appointments

April - June, 1993	Chief of Surgery, Chief Medical Officer 5th Air Transportable Hospital (Operation Restore Hope) Cairo West AFB, Egypt
1993-1994	Medical Director, Intensive Care Unit Minot AFB Regional Hospital
1994-1995	Chief of Surgery Minot AFB Regional Hospital
March – Oct, 2003	Interim Chief, Trauma/Critical Care Section
2005 – 2006	Director, Emergency General Surgery Service
May – Aug, 2010	Interim Chief, Trauma/Critical Care/Acute Care Surgery

Honors & Awards

Presidential Scholar - Commission on Presidential Scholars, Washington, D.C.-1978
Benjamin Franklin Scholar - University of Pennsylvania, Philadelphia - 1978-1982
Surgical Resident of the Year - St. Vincent Hospital & Medical Center - 1990-91
Surgical Resident of the Year - University Hospital Operating Room Nurses - 1991
OHSU Department of Surgery Teaching Award - 1996, 1997, 1998, 1999, 2000
Honorary Fellow, Philippine Society for the Surgery of Trauma - 2008

Licensure & Certification

National Board of Medical Examiners (USA) - 1987
Oregon Board of Medical Examiners – 1987 to present
Surgery (American Board of Surgery) – 1993, 2003, 2013
Surgical Critical Care (American Board of Surgery) – 1997, 2007
Idaho Board of Medicine - 2013 to present
WA State Department of Health – 2016 to present

Special Certification

Advanced Trauma Life Support Provider - since 1990
Combat Casualty Care Course, Camp Bullis, TX - 1993
Advanced Trauma Life Support Instructor - since 1995

Professional Societies

American Association for the Surgery of Trauma
American College of Surgeons
Association for Academic Surgery
Association of Military Surgeons of the United States
Eastern Association for the Surgery of Trauma
Equestrian Medical Safety Association
North Pacific Surgical Association
Oregon Chapter, American College of Surgeons
Pacific Coast Surgical Association
Society of American Gastrointestinal Endoscopic Surgeons (SAGES)
Society of Critical Care Medicine

Professional Society Appointments

Oregon Chapter, American College of Surgeons

Secretary-Treasurer	2002-2008
President-Elect	2008-2009
President	2009-2011

Eastern Association for the Surgery of Trauma (EAST)

Program Committee	2009-2012
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North Pacific Surgical Association

Recorder/Program Committee	2011-2016
Vice President	2016-

American College of Surgeons

Health Policy and Advocacy Council, Region Ten Chief	2012-2014
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Editorial Board Appointments

Journal of Orthopaedic Trauma – General Surgery Section Editor
American Journal of Surgery – Guest Editor, North Pacific Surgical Association

Journal Peer Review – Ad Hoc Regular Reviewer

Annals of Thoracic Surgery
Critical Care Medicine
Journal of Trauma and Acute Care Surgery
Journal of Surgical Research
Military Medicine
World Journal of Surgery

Hospital Committees

Minot AFB Regional Hospital

Surgery Quality Working Improvement Group Chair 1994-1995	1992-1995
Pharmacy and Therapeutics Committee	1993-1995
Acute Care Committee Chair 1993-1994	1993-1995
Disaster Preparedness Team Training Chief	1994-1995
Executive Committee of the Medical Staff	1994-1995

Oregon Health & Science University

Trauma Committee	1995-2013
Organ Donation Protocol Development	1996-1998
Faculty Council	1999-2003
Board of Directors, OHSU Medical Group	2001-2007
Clinical Resource Management Committee	2003-2007
Orthopedic Department Chair Search Committee	2003-2004
Surgery Best Practice Committee	2004-2007
Clinical Research Administration Task Force	2005-2006
Radiology Services Review Task Force	2006
IRB Chair's Advisory Council	2006-2013
Patient Preparedness & Timely Discharge Performance Improvement Team	2006
Research Committee	2009-2013

St. Alphonsus Regional Medical Center

Trauma Program PIPS/TPOPC	2013-
Institutional Review Board (Chair 2014-2016)	2013-2016

OHSU Department of Surgery

Finance Advisory Group	2003-2005
Compensation Committee	2006
Grand Rounds Coordinator	2009-2013

International Relief Work

Hospital Bernard Mevs/Project Medishare, Port au Prince, Haiti

Sept 2010
April 2012

Idaho Time Sensitive Emergency (TSE) System

Chair, Southwest Region TSE Committee	2015-
State TSE Council Member	2015-

Funded Clinical Trials & Research Projects

1. Efficacy of rHuEPO in the Critically Ill Patient: A Randomized, Double-Blind, Placebo-Controlled Trial, OHSU PI, Ortho-Biotech, Inc., Raritan, NJ. 1999-2001.
2. An evaluation of the anti-microbial properties of the Vantex central venous catheter with Oligon material, OHSU PI, Edwards Lifesciences, Irvine, CA. 2000-1.
3. A Randomized, Double-Blind, Multi-Center, Comparative Study of Intravenous BSS-284756 Followed by Oral BMS-284756 Versus Piperacillin/Tazobactam Followed by Oral Amoxicillin/Clavulanate in the Treatment of Complicated Intra-abdominal Infections. OHSU PI, Bristol-Myers Squibb Pharmaceutical Research Institute. 2001-2.
4. A Phase II, Randomized, Double-Blind, Placebo-Controlled, Parallel-Group, Dose-Ranging Evaluation of the Safety and Efficacy of α -hANP Infusion in Patients with ARDS, OHSU PI, Suntory Pharmaceuticals, 2001-2.
5. Linezolid vs. Vancomycin for the treatment of complicated skin and soft tissue infections suspected of being or proven to be due to a methicillin resistant gram-positive bacterial pathogen, OHSU PI, Pharmacia Corporation, 2001-3.
6. A comparison of temperature measurements between the Multi-Med central venous catheter with a thermistor and existing clinical methods, OHSU PI, Edwards Lifesciences, 2002.
7. Bacteriology of Absorbable Polylactide Plates, Medtronic, Inc., 2003-4.
8. Biomechanical Testing of a Novel, Minimally Invasive Rib Fracture Plating System, Acumed, Inc., 2004-5.

Funded Clinical Trials & Research Projects (cont.)

9. A Randomized, Double-Blind, Placebo-Controlled Study to Determine the Efficacy and Safety of Epoetin Alfa in Critically Ill Subjects, OHSU PI, Johnson & Johnson Pharmaceutical, 2004-6.
10. Prediction of Prolonged Pain & Disability Following Rib Fractures, PI, Medical Research Foundation of Oregon, 2005-8.
11. Clinical Efficacy of the U-plate Rib Fracture Repair System, PI, Acute Innovations, LLC, 2007-8.
12. Surgical Management of Rib Fracture Non-Union, PI, Acute Innovations, LLC, 2008 – 2012.

Peer-Reviewed Articles

1. Asakura T, **Mayberry J**: Relationship between morphologic characteristics of sickle cells and method of deoxygenation. *Journal of Laboratory and Clinical Medicine* 1984;104:987-94.
2. Mukherjee D, **Mayberry JC**, Inahara T, Greig JD: The relationship between the tortuous internal carotid artery and the abdominal aortic aneurysm. Is there one? *Archives of Surgery* 1989;124:955-56.
3. **Mayberry JC**, Moneta GL, Taylor LM, Porter JM: Fifteen year results of nonoperative therapy for chronic venous ulcer: the control series. *Surgery* 1991;109:575-81.
4. **Mayberry JC**, Moneta GL, DeFrang RD, Porter JM: The influence of elastic compression stockings on deep venous hemodynamics. *Journal of Vascular Surgery* 1991;13:91-100.
5. Israel RS, **Mayberry JC**, Primack SL: Diaphragmatic rupture: Use of helical CT scanning with multiplanar reformations. *Am J Roentgenology* 1996;167:1201-3.
6. **Mayberry JC**, Mullins RJ, Crass RA, Trunkey DD: Prevention of abdominal compartment syndrome by absorbable mesh prosthesis closure. *Archives of Surgery* 1997;132:957-62.
7. Eshraghi N, Mullins RJ, **Mayberry JC**, Brand DM, Crass RA, Trunkey DD: Surveyed opinion of American trauma surgeons in management of colon injuries. *Journal of Trauma* 1998;44:93-7.
8. **Mayberry JC**, Sheppard BC, Mullins RJ: Laparoscopic management of an enlarging subcapsular splenic hematoma: Case report. *Journal of Trauma* 1998; 44:565-7.
9. **Mayberry JC**, Goldman RK, Mullins RJ, Brand DM, Crass RC, Trunkey DD: Surveyed opinion of American trauma surgeons on the prevention of the abdominal compartment syndrome. *Journal of Trauma* 1999;47:509-14.
10. Resurrection RF, Macalino JU, **Mayberry JC**: Abdominal Compartment Syndrome: A Review. *Philippine Journal of Trauma* 1999;3:8-17.

Peer-Reviewed Articles (cont)

11. **Mayberry JC**, Goldman RK, Rehm CG: Percutaneous tracheostomy in the severely injured patient: Transition from the operating room to the intensive care unit. *Asian Journal of Surgery* 1999;22:392-97.
12. Sharma S, **Mayberry JC**, DeLoughery TG, Mullins RJ: Fatal cerebroembolism from nonbacterial thrombotic endocarditis in a trauma patient: Case report and review. *Military Medicine* 2000;165:83-85.
13. Hart RA, **Mayberry JC**, Herzberg AM. Acute cervical spinal cord injury secondary to air bag deployment without proper use of lap or shoulder harnesses. *Journal of Spinal Disorders* 2000;13:36-38.
14. **Mayberry JC**, Wu IC, Goldman RK, Chesnut RM: Cervical spine clearance and neck extension during percutaneous tracheostomy in trauma patients. *Critical Care Medicine* 2000;28:3436-3440.
15. deBoisblanc MW, Goldman RK, **Mayberry JC**, Brand DM, Pangburn PD, Soifer BE, Mullins RJ. Weaning injured patients with prolonged pulmonary failure from mechanical ventilation in a non-intensive care unit setting. *Journal of Trauma* 2000;49:224-31.
16. Prince RA, Mullins RJ, **Mayberry JC**. Planimetric Assessment of Isolated Brain Injury Predicts Coagulopathy in Blunt Trauma. *Surgical Forum* 2000;LI:450-52.
17. Slater MS, **Mayberry JC**, Trunkey DD. Operative stabilization of a flail chest six years after injury. *Annals of Thoracic Surgery* 2001;72:600-1.
18. Macalino JU, Resurrection R, **Mayberry JC**. Ketoconazole as Prophylaxis for Acute Respiratory Distress Syndrome. *Philippine Journal of Trauma* 2001;5:1-4.
19. Bartels S, **Mayberry JC**, Askew JA, Wax MK. Tracheal stenosis after percutaneous dilational tracheostomy. *Otolaryngol Head Neck Surg* 2002;126:58-62.
20. Macalino JU, Goldman RK, **Mayberry JC**. Medical Management of Abdominal Compartment Syndrome: Case Report and a Caution. *Asian Journal of Surgery* 2002;25(3):111-3.
21. **Mayberry JC**: Residency Reform Halsted-Style. *Journal of the American College of Surgeons* 2003;197(3):433-435.
22. Goldman R, Zilkoski M, Mullins R, **Mayberry J**, Deveney C, Trunkey D. Delayed Celiotomy for the Treatment of Bile Leak, Compartment Syndrome, and Other Hazards of Non-operative Management of Blunt Liver Injury. *American Journal of Surgery* 2003;185:492-97.
23. Sibell DM, Murphy M, **Mayberry J**. Thoracic Epidural Infusion Complicated by Epidural Compartment Syndrome. *Anesthesiology* 2003;98(3):788-90.
24. Kerr-Valentic MA, Arthur M, Mullins RJ, Pearson TE, **Mayberry JC**. Rib Fracture Pain and Disability: Can We Do Better? *Journal of Trauma* 2003;54:1058-64.

Peer-Reviewed Articles (cont)

25. **Mayberry JC**, Welker KJ, Goldman RK, Mullins RJ. Mechanism of Acute Ascites Formation After Trauma Resuscitation. *Archives of Surgery* 2003;138:773-6.
26. **Mayberry JC**, Terhes JM, Ellis TJ, Wanek S, Mullins RJ. Absorbable Plates for Rib Fracture Repair: Preliminary Experience. *Journal of Trauma* 2003;55:835-9.
27. **Mayberry JC**, Brown C, Mullins RJ, Velmahos GC. Blunt Carotid Artery Injury: The Futility of Aggressive Screening and Diagnosis. *Archives of Surgery* 2004;139:609-13.
28. **Mayberry JC**, Burgess EA, Goldman RK, Pearson TE, Brand D, Mullins RJ. Enterocutaneous Fistula and Ventral Hernia Following Absorbable Mesh Prosthesis Closure for Trauma: The Plain Truth. *Journal of Trauma* 2004;57:157-63.
29. O'Keefe T, Goldman RK, **Mayberry JC**, Rehm CG, Hart RA. Tracheostomy After Anterior Cervical Spine Fixation. *Journal of Trauma* 2004;57:855-60.
30. Prince RA, Hoffmann CJ, Scanlan RM, **Mayberry JC**. The Distinct and Secondary Harmful Effect of Pelvic and Extremity Injury on the Outcome of Laparotomy for Trauma. *Journal of Surgical Research* 2005;124:3-8.
31. **Mayberry JC**, Pearson TE, Wiger KJ, Diggs BS, Mullins RJ. Equestrian Injury Prevention Efforts Need More Attention to Novice Riders. *Journal of Trauma* 2007;62:735-39.
32. Swee T, Sheppard B, Mullins R, Schreiber M, **Mayberry J**. The Diagnosis and Management of Blunt Pancreatic Ductal Injury in the Era of High Resolution CT. *American Journal of Surgery* 2007;193:641-3.
33. Sales JR, Ellis TJ, Gillard J, Liu Q, Chen JC, Ham B, **Mayberry J**. Biomechanical Testing of a Novel, Minimally Invasive Rib Fracture Plating System. *Journal of Trauma* 2008;64:1270-4.
34. Diaz J, Bokhari F, Mowery N, Acosta J, Block E, Bromberg W, Collier B, Cullinane D, Dwyer K, Griffen M, **Mayberry J**, Jerome R. Guidelines for Management of Small Bowel Obstruction. *Journal of Trauma* 2008;64:1651-64.
35. Tieu BH, Cho D, Luem N, Riha G, **Mayberry J**, Schreiber MA. The Use of the Wittman Patch Facilitates a High Rate of Fascial Closure in Severely Injured Trauma Patients and Critically Ill Emergency Surgery Patients. *Journal of Trauma* 2008;65:865-70.
36. Freel AC, Shiloach M, Weigelt JA, Beilman GJ, **Mayberry JC**, Nirula R, Stafford RE, Tominaga GT, Ko CY. The American College of Surgeons Guidelines Program: A Process For Using Existing Guidelines To Generate Best Practice Recommendations For Central Venous Access, *JACS* 2008;207:676-82.
37. Nirula R, Diaz J, Trunkey D, **Mayberry J**. Rib Fracture Repair: Current Indications, Technique, and Future Directions. *World Journal of Surgery* 2009;33:14 – 22.
38. **Mayberry JC**, Ham LB, Schipper P, Ellis T, Mullins RJ. Surveyed Opinion of American Trauma, Orthopedic, and Thoracic Surgeons on Rib and Sternal Fracture Repair. *Journal of Trauma* 2009;66:875-9.

Peer-Reviewed Articles (cont)

39. **Mayberry JC**, Kroeker AD, Ham LB, Mullins RJ, Trunkey DD. Long-Term Morbidity, Pain, and Disability after Repair of Severe Chest Wall Injuries. *American Surgeon* 2009;75:389-94.
40. Hoffman MR, Lambert WE, Peck EG, **Mayberry JC**. Bicycle Commuter Injury Prevention: It's Time to Focus on the Environment. *Journal of Trauma* 2010;69:1112-9.
41. Zink K, **Mayberry J**, Peck E, Schreiber M. Lidocaine Patches Reduce Pain in Trauma Patients with Rib Fractures. *American Surgeon* 2011;77:438-42.
42. **Mayberry J**, Fabricant L, Anton A, Ham B, Schreiber M, Mullins R. Management of Full-Thickness Duodenal Laceration in the Damage Control Era: Evolution to Primary Repair Without Diversion or Decompression. *American Surgeon* 2011;77:681-5.
43. Mowery N, Gunter O, Collier B, Diaz J, Haut E, Hildreth A, Holevar M, **Mayberry J**, Streib E. Practice Management Guidelines for Management of Hemothorax and Occult Pneumothorax. *Journal of Trauma* 2011;70:510-18.
44. Bhatnagar A, **Mayberry J**, Nirula R. Rib Fracture Fixation for Flail Chest: What is the Benefit? *JACS* 2012;215:201-5.
45. Guyton K, Houchen-Wise E, Peck E, **Mayberry J**. Equestrian Injury is Costly, Disabling, and Frequently Preventable: The Imperative for Improved Safety Awareness. *American Surgeon* 2013;79:76-83.
46. Fabricant L, Ham B, Mullins R, **Mayberry J**. Prolonged Pain and Disability are Common Following Rib Fractures. *American Journal of Surgery* 2013;205:511-16.
47. Gordy S, Fabricant L, Ham B, Mullins R, **Mayberry J**. The Contribution of Rib Fractures to Chronic Pain and Disability. *American Journal of Surgery* 2014;207:659-63.
48. Fabricant L, Ham B, Mullins R, **Mayberry J**. Prospective Clinical Trial of Surgical Intervention for Painful Rib Fracture Nonunion. *American Surgeon* 2014;80:580-6.

Chapters/Invited Reviews

1. **Mayberry JC**, Taylor LM, Porter JM: The epidemiology and natural history of chronic lower extremity ischemia. In: Wells SA, ed. *Current Problems in Surgery* 1991;28:13-28.
2. **Mayberry JC**, Moneta GL, Taylor LM, Porter JM: Non-operative treatment of venous stasis ulcer. In: Bergan JJ, Yao JST, eds. *Venous Disorders*. WB Saunders, Philadelphia 1991:381-95.
3. Inahara T, **Mayberry JC**, Mukherjee: A technique of carotid endarterectomy and carotid shunting. In: Braverman MH, Tawes RL, eds. *Surgical Technology International*. Century Press, London 1991:168-70.
4. **Mayberry JC**, Moneta GL, Taylor LM, Porter JM: Non-operative treatment of venous stasis ulcer. In: Bergan JJ, Kistner RL, eds. *Atlas of Venous Surgery*. WB Saunders, Philadelphia 1992:81-94.

Chapters/Invited Reviews (cont)

5. **Mayberry JC**, Moneta GL, Porter JM: The conservative management of chronic lower extremity venous insufficiency. In: Raju S, ed. Surgical Management of Venous Disease. William and Wilkins, Baltimore 1997:247-65.
6. **Mayberry JC & Trunkey DD**: Trauma to the chest wall - The fractured rib. In: Mansour KA, ed. Chest Surgery Clinics of North America. WB Saunders, Philadelphia 1997;7:239-61.
7. Trunkey D and **Mayberry J**: Tracheostomy. In: Condon RE, ed. Current Techniques in General Surgery 1997;6(2):1-8.
8. **Mayberry JC**: Benefits of tracheostomy including percutaneous tracheostomy in the intensive care unit. Current Surgery 1997;54:229-33.
9. **Mayberry JC**: Wound Ballistics. In: Trunkey DD & Lewis FR, eds. Current Therapy of Trauma, 4th edition. Mosby, St. Louis 1999:45-49.
10. **Mayberry JC**: Blunt Injury Mechanisms. In: Trunkey DD & Lewis FR, eds. Current Therapy of Trauma, 4th edition. Mosby, St. Louis 1999:50-53.
11. **Mayberry JC**, Mullins RJ, Trunkey DD: Absorbable Mesh Prosthesis Closure for Abdominal Trauma and Other Catastrophes. In: Cameron JL, ed. Advances in Surgery 1999;33:217-41.
12. **Mayberry JC**: Prevention of the Abdominal Compartment Syndrome. Lancet 1999;354:1749-50.
13. **Mayberry JC**: Bedside Open Abdominal Surgery: Utility and Wound Management. Critical Care Clinics 2000;16:151-72.
14. **Mayberry JC**: Imaging in Thoracic Trauma: The Trauma Surgeons Perspective. Journal of Thoracic Imaging 2000;15:76-86.
15. Mullins RJ & **Mayberry JC**: Damage Control Operations. In: Demetriades D & Asensio J, eds. Trauma Management, Landesbioscience, 2000.
16. **Mayberry JC**: Inguinal Hernia: Evidence-based practice guidelines. www.ebmsolutions.com, 2001, updated 2002.
17. Wanek SM, **Mayberry JC**, Trunkey DD: Flail Chest and Pulmonary Contusion. In: Yang SC & Cameron DE, eds. Current Therapy in Thoracic and Cardiovascular Surgery, Mosby, 2004;50-52.
18. Richards CF, **Mayberry JC**: Initial Management of the Trauma Patient. Critical Care Clinics 2004;20;1;1-12.
19. Wanek SM, **Mayberry JC**: Blunt Thoracic Trauma: Flail Chest, Pulmonary Contusion, and Blast Injury. Critical Care Clinics 2004;20;171-82.
20. **Mayberry JC**: Prevention of Abdominal Compartment Syndrome. In: Ivatury R, Cheatham M, Malbrain M, Sugrue M, eds. Abdominal Compartment Syndrome, Landes Bioscience, 2006:223-31.

Chapters/Invited Reviews (cont)

21. **Mayberry JC**, Trunkey DD: Chest Wall. In: Britt LD, Trunkey DD, Organ C, Feliciano DV, eds. Acute Care Surgery, Springer Science + Business Media, New York, 2007:348-61.
22. **Mayberry JC**, Trunkey DD: Wound Ballistics – What Every Trauma Surgeon Should Know. In: Asensio & Trunkey, Current Therapy in Trauma, Elsevier Global Medicine, 2008:82-7.
23. Schipper P, Sukumar M, **Mayberry J**: Pertinent Surgical Anatomy of the Thorax and Mediastinum. In: Asensio & Trunkey, Current Therapy in Trauma, Elsevier Global Medicine, 2008:227-51.
24. **Mayberry JC**. Invited Editorial on “Treatment of Chest Wall Implosion Injuries without Thoracotomy: Technique and Clinical Outcomes” Journal of Trauma 2009;67:13.
25. Nirula R, **Mayberry JC**. Rib Fracture Fixation: Controversies and Technical Challenges. American Surgeon 2010;76:793-802.
26. **Mayberry J**: Loss of the Chest Wall. In: Velmahos, Degiannis, & Doll, eds. Penetrating Trauma – A Practical Guide on Operative Technique and Peri-Operative Management. Springer, 2011:293-8.
27. **Mayberry J** & Trunkey D. Chest Wall Stabilization. In: Vincent & Hall, eds. Encyclopedia of Intensive Care Medicine, Springer-Verlag, 2012:Part 3, 549-51.
28. **Mayberry J** & Schipper P. Traumatic Rib Fracture: Conservative Therapy or Surgical Fixation? In: Ferguson, ed. Difficult Decisions in Thoracic Surgery, 2nd edition, Springer 2011:489-93.
29. **Mayberry J**. Invited Commentary on “Early Stabilization of Flail Chest with Locked Plate Fixation” Journal of Orthopaedic Trauma 2011;25:648.
30. **Mayberry J**. Invited Commentary on “Stress-Induced Hyperglycemia as a Risk Factor for Surgical Site Infection in Non-diabetic Orthopaedic Trauma Patients Admitted to the Intensive Care Unit” Journal of Orthopaedic Trauma 2013;27:21.
31. Guyton K, **Mayberry J**. Equestrian Injury Prevention: The Next Twenty Years. Equestrian Medical Safety Association Prescription for Equestrian Safety 2013;XXVI:4-6.
32. **Mayberry J**. Invited Commentary on “Are Bilateral Femoral Fractures No Longer a Marker for Death?” Journal of Orthopaedic Trauma 2014;28:81-2.
33. **Mayberry J**. Invited Commentary on “Factors Associated with Pelvic Fracture-Related Arterial Bleeding During Trauma Resuscitation: A Prospective Clinical Study” Journal of Orthopaedic Trauma 2014;28:495-6.
34. **Mayberry JC**. Invited Commentary on “Primary and Prosthetic Repair of Acquired Chest Wall Hernias: A 20-Year Experience” Annals of Thoracic Surgery 2014;98:489.

Chapters/Invited Reviews (cont)

35. Pharaon KS, Marasco S, **Mayberry J**. Rib Fractures, Flail Chest, and Pulmonary Contusion. *Current Trauma Reports* 2015;4:237-42.
36. **Mayberry J**. Invited Commentary on " Venous Thromboembolism Prophylaxis in Orthopaedic Trauma Patients: A Survey of OTA Member Practice Patterns and OTA Expert Panel Recommendations" *Journal of Orthopaedic Trauma* 2015;29:e363.
37. **Mayberry J**. Surgical stabilization of severe rib fractures: Several caveats. *J Trauma Acute Care Surg* 2015;79:515
38. Tieu B, Schipper P, Sukumar M, **Mayberry J**: Pertinent Surgical Anatomy of the Thorax and Mediastinum. In: Asensio & Trunkey, *Current Therapy in Trauma*, Elsevier Global Medicine, 2nd edition, 2016 in press.
39. Kiraly L, **Mayberry JC**, Trunkey DD: Wound Ballistics – What Every Trauma Surgeon Should Know. In: Asensio & Trunkey, *Current Therapy in Trauma*, Elsevier Global Medicine, 2nd edition, 2016 in press.
40. **Mayberry JC**. : Loss of the Chest Wall. In: Velmahos, Degiannis, & Doll, eds. *Penetrating Trauma – A Practical Guide on Operative Technique and Peri-Operative Management*, 2nd Edition, Springer, in press.
41. Luchette F, **Mayberry J**, Vana G. Rib Fractures in the Elderly. *Current Geriatric Reports* 2016 in press.

Books

1. Trauma. **Mayberry JC**, Schreiber MA, editors. *Critical Care Clinics*, Volume 20, WB Saunders, Philadelphia, January 2004.

Movies

1. **Mayberry JC**, Ham B, Ellis T: Thorascopic Assisted Rib Fracture Repair. *Trauma Surgery Video Session*, 92nd Annual Clinical Congress, American College of Surgeons, Chicago, Oct 11, 2006.

Abstracts

1. Pacific Northwest Vascular Society, "The relationship between the tortuous internal carotid artery and the abdominal aortic aneurysm: Is there one?" (podium), Vancouver, B.C., Nov 11, 1987.
2. The American Venous Forum, "Fifteen year results of non-operative therapy chronic venous ulcer: The control series" (podium), Coronado, CA, Feb 23, 1990.
3. The Society for Vascular Surgery, "The influence of elastic compression stockings deep venous hemodynamics" (podium), Los Angeles, CA, June 4, 1990.
4. Pacific Coast Surgical Association, "Prevention of Abdominal Compartment Syndrome by Absorbable Mesh Prosthesis Closure" (podium), Napa Valley, CA, Feb 17, 1997.
5. The Association for Academic Surgery, "Retrospective validation of the abdominal pelvic trauma score: a simple, bedside predictor of outcome" (poster), Seattle, WA, Nov 19 - 21, 1998.
6. Society of Critical Care Medicine, "Cervical spine status and neck extension during percutaneous tracheostomy in trauma patients" (poster), San Francisco, CA, Jan 23 - 27, 1999 (Critical Care Medicine 1999;27(Suppl):A71).
7. Pacific Coast Surgical Association, "Percutaneous CT-guided drainage of postoperative gastrointestinal anastomotic abscesses" (poster, senior author), San Jose del Cabo, Mexico, Feb 12 - 16, 1999.
8. Portland Surgical Society, "Which patients will benefit from the open abdominal technique?" (podium), Portland, OR, June 11, 1999.
9. International College of Surgeons, North American Congress, "Post-traumatic ascites associated with abdominal compartment syndrome: case series" (podium), Cancun, Mexico, June 23, 1999.
10. Pacific Coast Surgical Association, "Soft tissue coverage of the open abdomen following absorbable mesh prosthesis closure for trauma" (poster, senior author), San Francisco, CA, Feb 19 -21, 2000.
11. American College of Surgeons, Oregon Chapter, "Damage control surgery for duodenal trauma" (co-author), Newport, OR, Sept 22, 2000.
12. American Association for the Surgery of Trauma, "Influence on survival and processes of care of high volume and low volume trauma surgeons" (co-author), San Antonio, TX, Oct 12,13, 2000.
13. Owen H. Wangenstein Surgical Forum, "Planimetric assessment of isolated brain injury predicts coagulopathy in blunt trauma" (senior author), Chicago, IL, Oct 24, 2000.
14. Triological Society, Western Section, "Tracheal stenosis following percutaneous dilatational tracheostomy" (co-author), Carlsbad, CA, Jan 4-7, 2001.
15. Society of Critical Care Medicine, "Visceral edema and ascites complicating resuscitation from post-traumatic shock: A hypothesis" (poster), San Francisco, CA, Feb 11, 2001(Critical Care Medicine 2000;28suppl:A143).

Abstracts (cont)

16. Society of Critical Care Medicine, "Post-traumatic stroke: A ten year perspective", (poster, senior author), San Francisco, CA, Feb 12, 2001 (Critical Care Medicine 2000;28 suppl:A207).
17. American College of Surgeons, Oregon Chapter, "Delayed laparotomy in the management of complications from blunt liver injury" (co-author), Sunriver, OR, Sept 21, 2001.
18. American College of Surgeons, Oregon Chapter, "Initial experience with rib fracture surgery: Outcomes, complications, and recommendations" (senior author), Sunriver, OR, Sept 21, 2001.
19. American College of Surgeons, Oregon Chapter, "Tracheostomy following anterior C-spine fixation: A new role for the percutaneous technique?" (co-author), Sunriver, OR, Sept 21, 2001.
20. American Federation for Medical Research, "The contribution of rib fractures to acute pain and disability following blunt thoracic trauma" (senior author), Carmel, CA, Feb 9, 2002 (Journal of Investigative Medicine 2002;50,153).
21. Pacific Coast Surgical Association, "Tracheostomy and cervical spinal cord injury: the dilemma in patients with prior anterior cervical spine fixation" (poster, co-author), Las Vegas, NV, Feb 17, 2002.
22. Pacific Coast Surgical Association, "Initial experience with rib fracture surgery: outcomes, complications, and recommendations" (poster, senior author), Las Vegas, NV, Feb 17, 2002.
23. American Association for the Surgery of Trauma, "Pain and disability in rib fractures: Can we do better?" (podium), Orlando, FL, Sept 27, 2002.
24. American Association for the Surgery of Trauma, "The Distinct and Secondary Harmful Effect of Extremity and Pelvic Injury on the Outcome of Abdominal Injury" (poster, senior author), Orlando, FL, Sept 27, 2002.
25. North Pacific Surgical Association, "Delayed Celiotomy for the Treatment of Bile Leak, Compartment Syndrome and Other Hazards of Non-Operative Management of Blunt Liver Injury" (co-author), Seattle, WA, Nov 9, 2002.
26. Pacific Coast Surgical Association, "Enterocutaneous Fistula And Ventral Hernia Following Absorbable Mesh Prosthesis Closure For Trauma: The Plain Truth." (poster, senior author), Monterey, CA, Feb 17, 2003.
27. Western Trauma Association, "Absorbable Plates for Rib Fracture Repair: Preliminary Experience." (podium), Snowbird, UT, Feb 27, 2003.
28. Owen H. Wangenstein Surgical Forum, "Absorbable Polylactide Fracture Repair Prostheses May Inhibit Adherence and Growth of Staphylococcus Epidermidis" (senior author) (Journal of the American College of Surgeons, 2003;197:S45).

Abstracts (cont)

29. Oregon Chapter of the American College of Surgeons, "Horseback Riding, Motor Vehicles, and Bicycles: Equal Concern for Injury is Warranted" (senior author), Sunriver, OR, Sept 17, 2004.
30. Oregon Chapter of the American College of Surgeons, "Horse-Related Injury is Inevitable But Serious Injury is Rare: Results of the Pacific Northwest Horse Enthusiast Survey" (senior author), Sunriver, OR, July 1, 2005.
31. Owen H. Wangenstein Surgical Forum, "Biomechanical testing of a novel, minimally invasive rib fracture plating system" (senior author), San Francisco, CA, Oct 18, 2005. (Journal of the American College of Surgeons, 2005;201:S50).
32. American Association for the Surgery of Trauma, "Equestrian Injury Prevention Efforts Need More Attention to Novice Riders" (poster), New Orleans, LA, Sept 28, 2006.
33. North Pacific Surgical Association, "Distal Pancreatic Resection for Pancreatic Ductal Injury: The Non-ERCP Series" (senior author), Spokane, WA, Nov 12, 2006.
34. Western Trauma Association, "The Use of the Wittmann Patch Facilitates a High Rate of Fascial Closure in Severely Injured Trauma Patients and Critically Ill Emergency Surgery Patients" (co-author), Steamboat Springs, CO, Feb 26, 2007.
35. Western Trauma Association, "Rib Fracture Non-union with Intercostal Nerve Entrapment Treated by Thoroscopic-Assisted Reduction and Repair" (podium), Steamboat Springs, CO, March 2, 2007.
36. Western Student and Resident Medical Research Forum, "Long-Term Morbidity, Pain and Disability Following Repair of Severe Chest Wall Injury" (senior author), Monterey, CA, Feb 1, 2008.
37. American Association for the Surgery of Trauma, "A Phase IV Clinical Trial of the RibLoc® Rib Fracture Repair System" (poster), Pittsburgh, PA, Oct 1, 2009.
38. Eastern Association for the Surgery of Trauma, "Bicycle commuter injury prevention: it's time to focus on the environment" (senior author), **Templeton Injury Prevention Prize**, Scottsdale, AZ, Jan, 2010.
39. European Society of Trauma and Emergency Surgery, "Management of Full-Thickness Duodenal Laceration in the Damage Control Era: Evolution to Primary Repair Without Diversion or Decompression" (eposter), (Eur J Trauma Emerg Surg 2010;36:220, Suppl 1) Brussels, Belgium May 18, 2010.
40. OR/WA Chapter ACS, "Equestrian Injuries are Costly, Disabling, and Frequently Preventable" (senior author), Lake Chelan, WA, June 17, 2011.
41. North Pacific Surgical Association, "Prolonged Pain and Disability are Common After Rib Fractures" (senior author), Spokane, WA, Nov 9, 2012.

Abstracts (cont)

42. Pacific Coast Surgical Association, "Prospective Clinical Trial of Surgical Intervention for Painful Rib Fracture Nonunion" (eposter), Kauai, HI, Feb 16, 2013.
43. North Pacific Surgical Association, "The Contribution of Rib Fractures to Chronic Pain and Disability" (senior author), Victoria, BC, Nov 8, 2013.
44. North Pacific Surgical Association, "Farming & Ranching Related Injuries in Southern Idaho" (senior author), Tacoma, WA, Nov 11, 2016.

Invited Presentations

1. Hospital San Juan de Dios & Hospital Mexico, "Chest Wall Trauma: Biomechanics and Pathophysiology", San Jose, Costa Rica, July 18 & 19, 1996.
2. Oregon Critical Care Symposium, "Percutaneous Tracheostomy in the ICU: Indications and Outcome", Portland, OR, Nov 15, 1996.
3. Northwest States Trauma Conference, "Percutaneous Tracheostomy in the ICU", Sunriver, OR, April 24, 1997.
4. Northwest States Trauma Conference, "Splenic Injury Management" & "Organ Donation Requesting Guidelines", Glendon Beach, OR, April 30, 1998.
5. Oregon Osteopathic Convention & Scientific Seminar, "Overview of Trauma", Florence, OR, June 20, 1998.
6. Philippine Centennial International Trauma Forum, "Abdominal Compartment Syndrome" & "Percutaneous Tracheostomy", Manila, Philippines, Nov 13 - 15, 1998.
7. Al Azhar University Faculty of Medicine, VIth International Medical Congress, "Prevention of the Abdominal Compartment Syndrome", Cairo, Egypt, March 10, 1999.
8. 7th Annual National Acute Care Nurse Practitioner Conference, "Evaluation of the Acute Abdomen", Portland, OR, April 24, 1999.
9. Oregon Osteopathic Convention & Scientific Seminar, "What's New in Trauma - 1999", Portland, OR, Sept 18, 1999.
10. Northwest States Trauma Conference, "Reliability and Validity of Critical Care Measurements", Sunriver, OR, May 11, 2000.
11. OHSU Surgery Grand Rounds, "Surgical Management of Flail Chest", May 15, 2000.
12. OHSU Surgery Grand Rounds, "Percutaneous Tracheostomy", Dec 4, 2000.
13. Providence St. Vincent's Hospital and Medical Center, Surgery Grand Rounds, "Percutaneous Tracheostomy", Portland, OR, Dec 7, 2000.

Invited Presentations (cont)

14. Salem Memorial Hospital and Medical Center, Grand Rounds, "Rib Fractures: An Underappreciated Source of Morbidity", Salem, OR, March 16, 2001.
15. Oregon Coast Horse Association, "Injuries with Horses: What's the Risk?", Florence, OR, May 25, 2001.
16. OHSU Surgery Grand Rounds, "Medical Malpractice", April 15, 2002.
17. American College of Surgeons Post-Graduate Course, "Prosthesis Closure: When, How or Never?" San Francisco, CA, Oct 7, 2002.
18. Northwest States Trauma Conference, "Rib Fractures: To Plate or Not to Plate" & "Blood Transfusion – More Harm Than Good?" Sunriver, OR, April 7-8, 2003.
19. Washington Hospital Center Surgery Grand Rounds, "Rib Fractures: To Plate or Not to Plate", Washington, D.C., March 23, 2004.
20. Salem Memorial Hospital and Medical Center, Trauma Conference, "Blood Transfusion: More Harm Than Good?", Salem, OR, Jan 18, 2005.
21. Northwest States Trauma Conference, "Rib Fracture Plating: Pros & Cons" & "Percutaneous Tracheostomy: Tricks & Traps", Sunriver, OR, May 5,6 2005.
22. St. Charles Medical Center, Grand Rounds, "Horse-Related Trauma: Is Injury Inevitable?", Bend, OR, May 13, 2005
23. Pulmonary/Critical Care Research Conference, "Rib Fracture Repair: Indications and Future Directions", PVAMC, May 17, 2006.
24. Detroit Trauma Symposium, "Rib Fracture Pain & Disability: Can We Do Better?" & "Flail Chest and Chest Wall Defect Repair: Indications and Technique", Dearborn, MI, Nov 8, 2006.
25. University of Southern Alabama Medical Center, Surgery Grand Rounds, "Rib Fracture Pain & Disability: Can We Do Better?", Mobile, AL, Jan 21, 2007.
26. Penn State College of Medicine, Surgery Grand Rounds, "Minimally-Invasive Rib Fracture Repair: Is the Future Now?", Hershey, PA, Mar 22, 2007.
27. University of Texas – Houston, Surgery Grand Rounds, "Rib Fracture Pain & Disability: Can We Do Better?", Houston, TX, Apr 12, 2007.
28. Oregon Health & Science University, Surgery Grand Rounds, "Rib Fracture Pain & Disability: Can We Do Better?", June 4, 2007.
29. Harborview Medical Center, Trauma Conference, "Rib Fracture Pain & Disability: Can We Do Better?", Seattle, WA, June 18, 2007.
30. OHSU Department of Orthopedics Grand Rounds, "Blood Transfusion: More Harm Than Good?", Dec 3, 2007.
31. Detroit Medical Center, Surgery Grand Rounds, "Surgical Management of Blunt Chest Trauma", Detroit, MI, Dec 5, 2007.

Invited Presentations (cont)

32. USC – LA County Medical Center, Trauma Conference, “Indications & Technique for Rib Fracture Repair”, Los Angeles, CA, Jan 9, 2008.
33. Third International Trauma Forum, “Abdominal Compartment Syndrome: An Update” & “Chest Wall Fracture Repair: Indications & Technique” & “Damage Control for Duodenal Injuries”, Quezon City, Philippines, June 12, 13, 2008.
34. NW States Trauma Conference, “30 Years of Damage Control & The Open Abdomen: Where Are We Now?” & “Equestrian Injury: Preventable or Inevitable?”, Sunriver, OR, April 22, 23, 2010.
35. Ski & Mountain Conference, “Equestrian Injury: Preventable or Inevitable?”, Sun Valley, ID, Nov 2, 2010.
36. Mid-Columbia Medical Center Trauma Conference, “Equestrian Injury: Preventable or Inevitable?” The Dalles, OR, Feb 15, 2012.
37. NW States Trauma Conference, “Commuting by Bike: Healthy Endeavor or Risky Business?” & “Hide & Seek: Missed Injuries”, Sunriver, OR, May 11,12, 2012
38. Spring Fever Trauma Conference, “Surgical Management of Chest Wall Injuries” & “Hide & Seek: Missed Injuries”, Missoula, MT, April 13, 2013.
39. ACS Clinical Congress, “Managing Thoracic Trauma: The Debate Continues” Co-Moderator & Speaker, “Technical Challenges of Rib Fracture Repair” & “Case Presentations” Washington, DC, Oct 8, 2013.
40. AAST Grand Rounds, “Surgical Stabilization of Chest Injuries: Who, When, & How?”, Nov 2013.
41. Orthopaedic Trauma Association, “Rib Fracture Fixation: State of the Art” Tampa, FL, Oct 12, 2014.
42. ACS Clinical Congress, Surgical Skills Course Director, “Rib Plating” Chicago, IL, Oct 4, 2015.
43. ACS Clinical Congress, Surgical Skills Course Co-Director, “Rib Plating, Wash, DC, Oct 19, 2016.
44. ACS Clinical Congress, Rib Fracture Repair Indications Debate, Wash, DC, Oct 17, 2016.
45. ACS Clinical Congress, Thoracic Trauma Session, Co-Moderator, Wash, DC, Oct 18,2016.

Selected Teaching Experience

1. Family Practice Resident Surgical Rotation Faculty, (University of North Dakota School of Medicine), Minot AFB Regional Hospital, Minot AFB, ND, 1993-1995.
2. "Sound Bites" - Medical Student Conference, Originator/Leader, OHSU, 1995-2004.
3. "ICU Bedside Rounds"-Resident Conference, Originator/Leader, OHSU, 1995 - 2003.
4. Third Year Medical Student Advisor, OHSU, 1995 - 2013.
5. Gross Anatomy Faculty, OHSU, 1995 - 2000.
6. Principles of Clinical Medicine Faculty, OHSU, 1996 - 2013.
7. Advanced Trauma Life Support (ATLS) Instructor, 1995 - present.
8. Percutaneous Tracheostomy Course Director, OHSU, Sept 20, 1997.
9. International Continuing Medical Education Conference, Trauma Faculty, Limuru, Kenya, Feb. 3 - 6, 1998.
10. Percutaneous Tracheostomy Course Director, OHSU, June 6, 1998.
11. Percutaneous Tracheostomy Course Director, Mercy Medical Center, Sacramento, CA, Oct. 13, 1999.
12. ATLS Reverification Course Director, OHSU, Nov 1999, June 2011, June 2012
13. Percutaneous Tracheostomy Course Director, LDS Hospital, Salt Lake City, UT, June 22, 2000.
14. ATLS Course Director, OHSU, Aug 2000, July 2001, Aug 2002, August 2003, March 2005, August 2005, April 2007, March 2010, Sept 2012
15. Eastern Association for the Surgery of Trauma (EAST) Flail Chest Repair Workshop Faculty, Jan 2010, Jan 2011, Jan 2012, Jan 2013
16. Queen Mary University of London, Masters Course in Trauma Sciences Online Faculty, "Rib Fractures", 2012.
17. Rural Trauma Team Development Course (ACS), Course Director, Cascade, ID, Aug 2016.

cb

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FILED
A.M. *2:23* P.M.
JAN 03 2017
CANYON COUNTY CLERK
S ALSUP, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

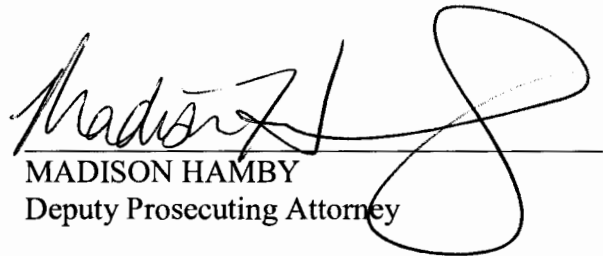
Defendant.

CASE NO. CR2016-07911

**STATE'S PROPOSED
JURY INSTRUCTIONS**

COMES NOW, Madison Hamby, Deputy Prosecuting Attorney, and submits the following jury instructions in the above referenced case.

DATED This 3rd day of January, 2017.


MADISON HAMBY
Deputy Prosecuting Attorney

STATE'S PROPOSED
JURY INSTRUCTIONS

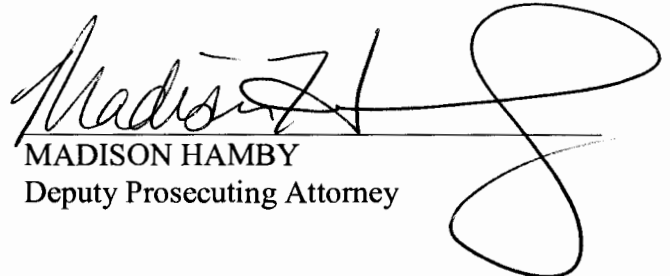
ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 3rd day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



MADISON HAMBY
Deputy Prosecuting Attorney

ICJI 103 REASONABLE DOUBT

PRESUMPTION OF INNOCENCE-REASONABLE DOUBT

INSTRUCTION NO. _____

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

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

Second, the state must prove the alleged crime beyond a reasonable doubt. A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If after considering all the evidence you have a reasonable doubt about the defendant's guilt, you must find the defendant not guilty.

Comment

The Due Process Clause of the Fourteenth Amendment requires that the jury be instructed on the presumption of innocence. *Taylor v. Kentucky*, 436 U.S. 478 (1977). Although technically not a "presumption", the presumption of innocence is a way of describing the prosecution's duty both to produce evidence of guilt and to convince the jury beyond a reasonable doubt. *Id.*

"The beyond a reasonable doubt standard is a requirement of due process, but the Constitution neither prohibits trial courts from defining reasonable doubt nor requires them to do so as a matter of course. Indeed, so long as the court instructs the jury on the necessity that the defendant's guilt be proved beyond a reasonable doubt, the Constitution does not require that any particular form of words be used in advising the jury of the government's burden of proof. Rather, 'taken as a whole, the instructions [must] correctly convey the concept of reasonable doubt to the jury.'" *Victor v. Nebraska*, 511 U.S. 1, 5 (1994) (citations omitted).

The above instruction reflects the view that it is preferable to instruct the jury on the meaning of proof beyond a reasonable doubt. This instruction defines that term concisely while avoiding the pitfalls arising from some other attempts to define this concept.

ICJI 106 PUNISHMENT NOT A CONCERN

INSTRUCTION NO. _____

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

ICJI 110 CONSIDER EACH COUNT SEPARATELY

INSTRUCTION NO. _____

Each count charges a separate and distinct offense. You must decide each count separately on the evidence and the law that applies to it, uninfluenced by your decision as to any other count. The defendant may be found guilty or not guilty on either or both of the offenses charged.

ICJI 208 "ON OR ABOUT"-EXPLAINED

INSTRUCTION NO. _____

It is alleged that the crime charged was committed ["on or about"] [on] a certain date. If you find the crime was committed, the proof need not show that it was committed on that precise date.

[It need only show that the crime was committed on or after [statute of limitation bar date].]

Comment

I.C. s 19-1414; *State v. Mundell*, 66 Idaho 297, 158 P.2d 818 (1945). The last bracketed portion should be given if the statute of limitation is raised as a defense.

ICJI 303 EVIDENCE OF OTHER CRIMES

INSTRUCTION NO. _____

Evidence has been introduced for the purpose of showing that the defendant committed [crimes] [wrongs] [acts] other than that for which the defendant is on trial.

Such evidence, if believed, is not to be considered by you to prove the defendant's character or that the defendant has a disposition to commit crimes.

Such evidence may be considered by you only for the limited purpose of proving the [defendant's [motive] [opportunity] [intent] [preparation] [plan] [knowledge] [identity] or [absence of mistake or accident].

Comment

State v. Eubanks, 86 Idaho 32, 383 P.2d 342 (1963); *State v. Thompson*, 107 Idaho 666, 691 P.2d 1281 (Ct. App. 1984).

This instruction is not applicable to proof of prior convictions admitted on the issue of credibility or submitted to establish the defendant's status where the defendant is charged as a persistent violator under IC s 19-2514.

ICJI 305 UNION OF ACT AND INTENT

INSTRUCTION NO. _____

In every crime or public offense there must exist a union or joint operation of act and [intent] [or] [criminal negligence].

Comment

I.C. s 18-114. The word "intent" does not mean an intent to commit a crime but merely the intent to knowingly perform the interdicted act, or by criminal negligence the failure to perform the required act. *State v. Parish*, 79 Idaho 75, 310 P.2d 1082 (1957); *State v. Booton*, 85 Idaho 51, 375 P.2d 536 (1962). The term "criminal negligence", means gross negligence, such as amounts to reckless disregard of consequences and the rights of others. *State v. McMahan*, 57 Idaho 240, 65 P.2d 156 (1937) (construing former I.C. s 17-114 which was identical to s 18-114).

This instruction is unnecessary when the crime charged requires a specific mental element and the jury is properly instructed regarding that mental element. *State v. Hoffman*, 137 Idaho 897, 55 P.3d 890 (Ct. App. 2002).

ICJI 311 AIDERS AND ABETTERS/PRINCIPALS DEFINED

INSTRUCTION NO. _____

The law makes no distinction between a person who directly participates in the acts constituting a crime and a person who, either before or during its commission, intentionally aids, assists, facilitates, promotes, encourages, counsels, solicits, invites, helps or hires another to commit a crime with intent to promote or assist in its commission. Both can be found guilty of the crime. Mere presence at, acquiescence in, or silent consent to, the planning or commission of a crime is not [in the absence of a duty to act] sufficient to make one an accomplice.

Comment

See I.C. s 18-204. Modify elements instruction appropriately and select the appropriate terms to describe the type of action charged (aided, assisted, facilitated, etc.).

The legislature has abolished the distinction between accessories and principals. *State v. Kleier*, 69 Idaho 278, 206 P.2d 513 (1949). Mere knowledge of a crime and assent to or acquiescence in its commission does not give rise to accomplice liability, and the failure to disclose the occurrence of a crime to authorities is not sufficient to constitute aiding and abetting. *State v. Randles*, 117 Idaho 344, 787 P.2d 1152 (1990), overruled on other grounds, *State v. Humphreys*, 134 Idaho 657, 8 p.3d 652 (2000).

A charging document alleging that the defendant committed a particular crime is sufficient to put the defendant on notice that he or she is also being charged with aiding and abetting the commission of that crime. *State v. Ayres*, 70 Idaho 18, 211 P.2d 142 (1949); *State v. Chapa*, 127 Idaho 786, 906 P.2d 636 (Ct. App. 1995). If two or more crimes were committed, a charging document alleging that the defendant committed one of the crimes is not sufficient to provide notice that he or she is alleged to have aided and abetted the commission of another crime. *State v. Chapa*, 127 Idaho 786, 906 P.2d 636 (Ct. App. 1995) (where victim testified that both the defendant and another raped her, information charging the defendant with committing a rape as a principal did not notify him of allegation that he also aided and abetted the other man in committing a rape.)

ICJI 312 AIDING AND ABETTING

INSTRUCTION NO. _____

All persons who participate in a crime either before or during its commission, by intentionally [aiding, abetting, advising, hiring, counseling, procuring] another to commit the crime with intent to promote or assist in its commission are guilty of the crime. All such participants are considered principals in the commission of the crime. The participation of each defendant in the crime must be proved beyond a reasonable doubt.

Comment

The definition should be incorporated into the instruction stating the elements of the crime and the alleged participation of the defendant must be proved beyond a reasonable doubt.

An individual who participates in or assists the commission of an offense is guilty of aiding and abetting the crime. *State v. Gonzalez*, 134 Idaho 907, 12 P.3d 382 (Ct.App. 2000). The mental state required is generally the same as that required for the underlying offense-the aider and abettor must share the criminal intent of the principal and there must a community of purpose in the unlawful undertaking. *State v. Scroggins*, 110 Idaho 380, 716 P.2d 1152 (1985).

A charging document alleging that the defendant committed a particular crime is sufficient to put the defendant on notice that he or she is also being charged with aiding and abetting the commission of that crime. *State v. Ayres*, 70 Idaho 18, 211 P.2d 142 (1949); *State v. Chapa*, 127 Idaho 786, 906 P.2d 636 (Ct. App. 1995). If two or more crimes were committed, a charging document alleging that the defendant committed one of the crimes is not sufficient to provide notice that he or she is alleged to have aided and abetted the commission of another crime. *State v. Chapa*, 127 Idaho 786, 906 P.2d 636 (Ct. App. 1995) (where victim testified that both the defendant and another raped her, information charging the defendant with committing a rape as a principal did not notify him of allegation that he also aided and abetted the other man in committing a rape.)

ICJI 313 CORROBORATION OF ACCOMPLICE

INSTRUCTION NO. _____

A person may not be found guilty based solely on the testimony of accomplice[s].

1. Kelly Schneider, Daniel Henkel, Kevin Tracy and Abigail Williams are accomplices.

There must be evidence, other than testimony of accomplice(s), that tends to connect the defendant with the commission of the crime. Such other evidence may be slight and need not be sufficient in and of itself to establish the defendant's guilt. It is not sufficient, however, if it merely shows that the crime was committed, and it must not come from the testimony of [an]other accomplice[s].

Statements of the defendant other than as testified to by the accomplice are capable of providing corroboration.

Comment

Use last bracketed paragraph where supported by the evidence.

I.C. ss 19-2117 & 19-1430.

A victim is not an accomplice. *State v. Madrid*, 74 Idaho 200, 259 P.2d 1044 91953); *State v. Rose*, 75 Idaho 59, 267 P.2d 109 (1954). An accessory after the fact is not an accomplice because he does not become connected with the crime until after its completion. *State v. Grimmett*, 33 Idaho 203, 193 P. 380 (1920).

A defendant's admissions may provide corroboration of the accomplice's testimony. *State v. Garcia*, 102 Idaho 378, 630 P.2d 665 (1981).

It is not necessary that the accomplice be corroborated in every detail. The law contemplates that some weight should be given testimony of an accomplice. *State v. Smith*, 30 Idaho 337, 164 P. 519 (1917). Corroborating testimony need only connect the accused with the crime, it may be slight and need only go to one material fact, it may be entirely circumstantial, and it need not be sufficient in and of itself to convict the defendant. *State v. Aragon*, 107 Idaho 358, 690 P.2d 293 (1984); *State v. Orr*, 53 Idaho 452, 24 P.2d 679 (1933).

I.C. s 19-2117 does not prohibit an accomplice from providing the necessary foundation testimony for the admission of an item of physical evidence. *State v. Crawford*, 99 Idaho 87, 577 P.2d 1135 (1978).

ICJI 314 CORROBORATION DEFINED

INSTRUCTION NO. _____

Corroborative evidence is evidence of some act or fact related to the offense which, if believed, by itself and without any aid, interpretation or direction from the testimony of the accomplice tends to connect the defendant with the commission of the offense charged.

However, it is not necessary that the corroborative evidence be sufficient in itself to establish every element of the offense charged, or that it corroborate every fact to which the accomplice testifies.

In determining whether an accomplice has been corroborated, you must first assume the testimony of the accomplice has been removed from the case. You must then determine whether there is any remaining evidence which tends to connect the defendant with the commission of the offense.

If there is not such independent evidence which tends to connect defendant with the commission of the offense, the testimony of the accomplice is not corroborated.

If there is such independent evidence which you believe, then the testimony of the accomplice is corroborated.

ICJI 318 IMPEACHMENT-PRIOR INCONSISTENT STATEMENT WITHOUT OATH

INSTRUCTION NO. _____

You have heard the testimony of _____ concerning a statement made by _____ before this trial. The believability of a witness may be challenged by evidence that on some former occasion the witness made a statement that was not consistent with the witness' testimony in this case. Evidence of this kind may be considered by you only for the purpose of deciding [whether you believe _____'s testimony.] [the weight to be given the testimony that you heard from the witness in this courtroom.] This evidence of an earlier statement has been admitted to help you decide if you believe _____'s testimony. You cannot use these earlier statements as evidence in this case.

Comment

The committee recommends that this instruction be given immediately following the witness' testimony upon request made by the party opposing the impeachment. If this instruction is not requested prior to or immediately after the testimony, the trial court does not err in failing to give it. *State v. Vaughn*, 124 Idaho 576, 861 P.2d 1241 (Ct. App. 1993).

ICJI 320 USE OF WITNESS' PRIOR CONSISTENT STATEMENTS

INSTRUCTION NO. _____

testified in the (state's) (defense) case during the trial. You will recall that it was brought out that before this trial this witness made statements which were the same as, or similar to, what the witness said here in the courtroom. These earlier statements were brought to your attention to help you decide whether you believe _____'s testimony.

Comment

The committee recommends that this instruction be given immediately following the witness' testimony upon request made by the party opposing the impeachment. Without such a request, it may be given at the close of the evidence.

ICJI 323 OUT-OF-COURT STATEMENTS BY THE DEFENDANT

INSTRUCTION NO. _____

You heard testimony that the defendant [name, if more than one defendant] made a statement to [e.g., the police] concerning [the] [a] crime charged in this case. You must decide what, if any, statements were made and give them the weight you believe is appropriate, just as you would any other evidence or statements in the case.

Comment

If evidence is offered regarding out-of-court statements of the defendant, the trial court must decide by a preponderance of the evidence whether they are admissible. If they are admitted, then evidence may be offered at trial regarding the circumstances surrounding the statements, including the manner in which they were obtained, and the trial court is to instruct the jury that they may give such weight and credence to them as they see fit. *State v. Dillon*, 93 Idaho 698, 471 P.2d 553 (1970).

ICJI 345 EXPERT WITNESS TESTIMONY

INSTRUCTION NO. _____

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.

Comment

This is the last paragraph of ICJI 104.

ICJI 701 MURDER DEFINED

INSTRUCTION NO. _____

Murder is the killing of a human being [without legal justification or excuse and] [with malice aforethought]

[or]

[by the intentional application of torture]

[or]

[in the perpetration of, or attempt to perpetrate, [an aggravated battery on a child under twelve (12) years of age] [arson] [rape] [robbery] [burglary] [kidnapping] [mayhem] [an act of terrorism] [use of a [weapon of mass destruction] [or] [biological weapon] [or] [chemical weapon]]].

[A "human being" includes a human embryo or fetus.]

[The killing of a human being is legally [justified] [or] [excused] when (describe the particular justification or excuse, such as "done in self-defense"). You will be instructed later on the elements of legal [justification] [and] [excuse.]

Comment

For legal justification see I.C. § 18-4009. For further instruction on legal justification see ICJI 1514 and ICJI 1515. Excusable homicide is defined in I.C. § 18-4012. For instructions on excusable homicide and self-defense see ICJI 1516 to ICJI 1521.

The elements of murder by torture are discussed in *State v. Tribe*, 123 Idaho 721, 852 P.2d 87 (1993).

ICJI 704C FIRST DEGREE MURDER – MURDER IN PERPETRATING OR ATTEMPTING TO PERPETRATE A FELONY

INSTRUCTION NO. _____

In order for the defendant to be guilty of First Degree Murder in the perpetration of, or attempt to perpetrate, a felony, the state must prove each of the following:

1. On or about [date]
2. in the state of Idaho
3. the murder was committed in the perpetration of, or attempt to perpetrate, [an aggravated battery on a child under twelve (12) years of age] [arson] [rape] [robbery] [burglary] [kidnapping] [mayhem] [an act of terrorism] [use of a [weapon of mass destruction] [or] [biological weapon] [or] [chemical weapon]].

To prove [name of defendant] guilty of first degree murder in this way, the state does not have to prove that the defendant intended to kill [name of decedent], but the state must prove that during the perpetration or attempt to perpetrate [name of crime], the defendant [,or another person who was acting in concert with the defendant in furtherance of a common plan or scheme to commit [name of crime],] killed [name of decedent].

If you find that the state has failed to prove any of the above, you must find the defendant not guilty of first degree murder. If you find that all of the above have been proven beyond a reasonable doubt, then you must find the defendant guilty of first degree murder.]

Comment

Idaho Code §§ 18-4001, 18-4003.

If the court is going to instruct on the included offense of Voluntary Manslaughter, the transition instruction 225, and then the Voluntary Manslaughter instruction 708, should be given.

FELONY MURDER DEFINED BY STATUTE

IC § 18–4003: Any *murder* committed in the perpetration of, or attempt to perpetrate, aggravated battery on a child under 12 years of age, arson, rape, robbery, burglary, kidnapping, mayhem, terrorism, or the use of a weapon of mass destruction, biological weapon or chemical weapon, is murder of the first degree.

MURDER IS A COMMON LAW CRIME

"Murder is a common law crime whose complete development required several centuries. Though murder is frequently defined as the unlawful killing of another 'living human being' with 'malice aforethought,' in modern times the latter phrase does not even approximate its literal meaning. Hence it is preferable not to rely upon that misleading expression for an understanding of murder but rather to consider the various types of murder ... which the common law came to recognize and which exist in most jurisdictions:

STATE'S PROPOSED
JURY INSTRUCTIONS

18

- (1) intent to kill murder;
- (2) intent to do serious bodily injury murder;
- (3) depraved heart murder; and
- (4) felony murder."

State v. Lankford, 116 Idaho 860, 866, 781 P.2d 197, 203 (1989).

COMMON LAW DEFINES ELEMENTS

General Rule: "Common law terminology will be given its common law meaning, unless a contrary legislative intent appears.... Where congress borrows terms of art in which are accumulated the legal traditions and meaning of centuries of practice, it presumably knows and adopts the cluster of ideas that were attached to each borrowed work in the body of learning from which it was taken and the meaning its use will convey to the judicial mind unless otherwise instructed." *State v. Olin*, 111 Idaho 516, 519, 725 P.2d 801, 840 (Ct. App. 1986).

JUDICIAL CONSTRUCTION OF FELONY MURDER ELEMENTS

A. *It is not necessary to prove murder as a prerequisite to felony murder.*

Although IC § 18-4003(d) states that all "murder" committed in the perpetration or attempted perpetration of the specified felonies is murder in the first degree; and, although murder is defined as an *intentional* killing with malice aforethought, Idaho case law is clear that the state need not prove an intentional killing as a prerequisite to felony murder.

In *State v. Windsor*, 110 Idaho 410, 716 P.2d 1182 (1986), the Supreme Court noted that "Windsor is correct in her assertion that IC § 18-4003(d), the felony murder rule, does not include any element of intent. Under that section, a defendant who participates in a felony can be held liable for the death of any person killed during the commission of the felony, regardless of the individual defendant's intent that a death occur. 110 Idaho at 419. See also *State v. Paradis*, 106 Idaho 117, 676 P.2d 31 (1984).

A further example was given in *State v. Lankford*:

"... when the defendant *unintentionally* killed another person in the commission of a felony—as where A set fire to B's house (arson) and accidentally B or a member of his family was burned to death—the judges held this to be murder (felony murder), though the defendant *did not intend to kill* at all and a fortiori did not premeditate a killing." (Emphasis added.)

In *State v. Pizzuto*, 119 Idaho 742, 810 P.2d 680 (1991), the Supreme Court reaffirmed the rule that proof of the underlying felony supplants the need to prove intent to kill. In discussion whether a robbery charge is an included offense of felony murder, and comparing *Pizzuto* with *Sivak v. State*, 112 Idaho 197, 731 P.2d 192 (1987), the Supreme Court stated: "In *Sivak*, the robbery conviction was held to violate the defendant's constitutional rights prohibiting double jeopardy because had the robbery not been committed, the State would have received only a

second degree murder conviction ... In *Sivak*, the murder occurred in the course of a robbery, however it was held there was *no specific intent* to commit murder. Hence without the robbery, Sivak could not have been convicted of first degree murder." 119 Idaho at 757, 810 P.2d at 695. (Emphasis added.)

B. *Proof of killing in the commission of a felony eliminates the need to prove malice.*

Another concurrent theme which runs through the cases is that proof of a killing in the perpetration of one of the specified felonies eliminates the need to prove malice. This would seem self-evident, because all of the enumerated felonies arguably involve conduct dangerous to human life.

As stated in *Lankford*, "[u]nder the facts of [this] case, according to Idaho law, the robbery not only supplies the malice element of the murder charge, but also it makes that murder a murder in the first degree, as defined in IC § 18-4003(d)." 116 Idaho at 867, 781 P.2d at 204.

"Thus, the proof of a murder in the first degree is established in all of its elements by proving (a) the unlawful killing of a human being (b) in the course of a robbery. The requirement of 'malice aforethought' is satisfied by the fact the killing was committed in the perpetration of a robbery." *State v. Lankford*, 116 Idaho at 866, 781 P.2d at 197 (1989).

FELONY MURDER ARISING FROM A KILLING COMMITTED BY AN ACCOMPLICE

In *State v. Pina*, 2010 WL 963485 (Idaho March 18, 2010), the Court addressed the question of when a defendant who did not do the actual killing could be found guilty of felony murder. The Court weighed which of two theories of liability should be adopted, the agency theory or the proximate cause theory:

In the United States, there are two theories of how the felony-murder rule applies to parties that did not actually kill the victim, including agency and proximate cause. Under the agency theory, the felony-murder rule is only applied to actors who are acting in concert in furtherance of a common plan or scheme to commit the underlying felony and one of them causes the death during the perpetration of the felony, regardless of who actually fired the fatal shot. Under the proximate-cause theory, each actor is held responsible for the death of a person caused during the perpetration of a felony if it was reasonably foreseeable that the acts committed might reasonably be expected to result in death. Under some interpretations of the proximate-cause theory, a person involved in the perpetration of a felony can be held liable for a death even though the death was actually caused by a third person having nothing to do with the perpetration of the felony.

State v. Pina, supra. (Citations omitted.)

The Court concluded that Idaho statutes and case law, as well as the English common law incorporated in Idaho law, supported the agency theory. Consequently, a defendant who has not done the actual killing may be convicted of first degree murder under the felony murder rule only if the killing was done by another person who was acting in concert with the defendant in furtherance of a common plan or scheme to commit the underlying felony, and in the commission or attempted commission of the underlying felony.

DEATH DURING THE "STREAM OF EVENTS"

The statute specifies that the murder be committed during the commission or attempted commission of the enumerated felonies. Case law extends this time frame to a death occurring "during the stream of events" constituting the crime. In *State v. Fetterly*, 109 Idaho 766, 710 P.2d 1202 (1985), the defendant who was charged with felony murder during the commission of a burglary argued that the burglary was completed at the time the murder occurred. The defendant, along with another (Windsor) entered the victim's home with the intent to steal personal belongings on the evening of September 6, 1983, and then remained in the victim's home until the victim returned the next morning, at which time he was killed. The defendant was charged and the jury convicted him of felony murder. Against the claim that the burglary was complete at the time the victim was killed, the court stated: "Grammer's death was part of stream of events which began the evening Fetterly and Windsor entered Grammer's home and ended the following day when Grammer's possessions were removed from the home." 109 Idaho at 771-72, 710 P.2d at 1207-08.

In *State v. Hokenson*, 96 Idaho 283, 527 P.2d 487 (1974), the defendant carried a bomb into a drugstore in order to commit a robbery. The robbery was thwarted by the victim and the bomb was cast aside. The police arrived and arrested the defendant. As the police officer was picking up the bomb package apparently to disarm it, it exploded killing the police officer. The defendant was convicted of felony murder. The Court noted that "homicide is committed in perpetration of the felony if the killing and the felony are parts of one continuous transaction ..." The Court also noted that "liability would be imposed where the conduct causing the death was done in furtherance of the design to commit the felony.... A person is criminally liable for the natural and probable consequences of his unlawful acts as well as unlawful forces set in motion during the commission of an unlawful act. The appellant voluntarily set in motion an instrumentality which carried a very real probability of causing great bodily harm. Death ensued, and the fact the appellant was under arrest does not erase criminal liability." 96 Idaho at 288, 527 P.2d at 492.

DEFENDANT PREVIOUSLY CONVICTED OF MURDER

In order to avoid possible prejudicial effect from the introduction of evidence in the case in chief that the defendant has once been convicted of murder, the court may want to consider bifurcated proceedings where the crime is to be enhanced to first degree murder while under a sentence for murder, or on probation or parole for murder. If such a procedure is to be followed, the committee recommends that the jury deliberate first on the elements of murder, plus any other related enhancements to first degree murder, then, depending on the outcome of that deliberation, ICJI 706 be given.

ICJI 501 ROBBERY

INSTRUCTION NO. _____

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

1. On or about [date]
2. in the state of Idaho
3. [name of victim] had possession of personal property,
4. which the defendant [name] took from [name of victim]'s person or from [name of victim]'s immediate presence,
5. against the will of [name of victim]
6. by the intentional use of force or fear to overcome the will of [name of victim], and
7. with the intent permanently to deprive [name of victim] of the property.

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

Comment

I.C. §§ 18-6501 & 18-6502.

State v. Olin, 112 Idaho 673, 675, 735 P.2d 984, 986 (1987); *State v. Oldham*, 92 Idaho 124, 438 P.2d 275 (1968).

It is immaterial whether the defendant harbored an intent to steal when the violence or intimidation occurred if, when taking the victim's possessions, the defendant knows that his violence or threats motivated the victim's surrender of the property. *State v. Belue*, 127 Idaho 464, 902 P.2d 489 (Ct. App. 1995).

ICJI 502 ROBBERY-FEAR DEFINED

INSTRUCTION NO. _____

The fear required for the crime of robbery must be [the fear of an unlawful injury to the person or property of (name of victim)] [or] [the fear of an unlawful injury to the person or property of any relative or family member of (name of victim)] [or] [the fear of an immediate and unlawful injury to the person or property of any person who was in the company of (name of victim) at the time].

The fear must have been such as would have overcome the will of a reasonable person, under similar circumstances.

Comment

I.C. § 18-6502.

State v. Knee, 101 Idaho 484, 487, 616 P.2d 263, 266 (1980).

ICJI 1101 CONSPIRACY

INSTRUCTION NO. _____

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

1. On or about April 29, 2016
2. in the state of Idaho
3. the defendant Jayson Woods, and Kelly Schneider, Daniel Henkle, Kevin Tracy agreed
4. to commit the crime of Robbery;
5. the defendant intended that the crime would be committed;
6. one of the parties to the agreement performed at least one of the following acts:
 - a. On or about April 29th 2016, Jayson Woods drove Kelly Schneider and/or Daniel Henkel in a Chevy HHR to meet Steven Nelson at a Walmart in Nampa, Idaho.
 - b. On or about April 29th 2016, Jayson Woods drove Daniel Henkel and Kevin Tracy in a Chevy HHR to Gott's Point to wait for Kelly Schneider to rob Steven Nelson at that location.
 - c. On or about April 29th 2016, Daniel Henkel, armed with a pipe, waited for the arrival of Kelly Schneider with Steven Nelson at Gott's Point.
 - d. On or about April 29th 2016, Kevin Tracy also waited for the arrival of Kelly Schneider with Steven Nelson at Gott's Point.
 - e. On or about April 29th 2016, Jayson Woods returned with Kelly Schneider went with to the Walmart at Roosevelt and Middleton Road in Nampa Idaho to meet with Steven Nelson.
 - f. On or about April 29th 2016 Kelly Schneider met for a second time that day with Steven Nelson at the Walmart at Roosevelt and Middleton Road in Nampa Idaho.
 - g. On or about April 29th 2016 Kelly Schneider rode with Steven Nelson to the prearranged location at Gott's Point in Canyon County Idaho.
 - h. On or about April 29th 2016, Kelly Schneider robbed Steven Nelson at Gott's Point.
 - i. On or about April 29th 2016, Kelly Schneider drove away from Gott's Point in Steven Nelson's car with Kevin Tracy and Daniel Henkel.
 - j. On or about April 29th 2016, Kelly Schneider, Kevin Tracy, and Daniel Henkel met back in the Chevy HHR to divide the proceeds of the robbery.
 - k. On or about April 29th 2016, Kelly Schneider gave Kevin Tracy twenty-five dollars from the proceeds of the robbery.
 - l. On or about April 29th 2016, Kelly Schneider gave Jayson Woods forty dollars from the proceeds of the robbery.

7. and such act was done for the purpose of carrying out the agreement.

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

Comment

I.C. ss 18-1701 & 19-2111.

ICJI 1103 NATURE OF CONSPIRATORIAL AGREEMENT DEFINED

INSTRUCTION NO. _____

The crime of Conspiracy involves an agreement by two or more persons to commit a crime. They need not agree upon every detail. The agreement may be established in any manner sufficient to show an understanding of the parties to the agreement. It may be shown by evidence of an oral or written agreement, or may be implied from the conduct of the parties.

[It does not matter whether the crime agreed upon was actually committed.]

Comment

State v. Gallatin, 106 Idaho 564, 682 P.2d 105 (Ct. App. 1984).

Use bracketed portion only if the crime that was the object of the conspiracy was not accomplished.

ICJI 1104 CONSPIRACY (SUBSEQUENT ENTRY)

INSTRUCTION NO. _____

All of the parties to a conspiracy need not enter into the agreement at the same time. A person who later joins an already formed conspiracy with knowledge of its unlawful purpose is a party to the conspiracy.

I.C. 18-5606 ACCEPTING THE EARNINGS OF A PROSTITUTE

INSTRUCTION NO. _____

In order for the defendant to be guilty of Accepting the Earning of a Prostitute, the state must prove each of the following:

1. On or between the 1st day of February and the 29th day of April, 2016
2. in the state of Idaho
3. the defendant Jayson Woods and on or more other persons
4. entered into an agreement to carry out a joint venture,
5. and the joint venture involved prostitution,
6. and the defendant knew that the joint venture involved prostitution
7. and the defendant knowingly accepted and/or appropriated money and/or an item of value from such joint venture.

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

I.C. 18-5606(2) JOINT VENTURE DEFINED

INSTRUCTION NO. _____

“Joint Venture” is defined as an undertaking by two (2) or more persons jointly to carry out a single business enterprise involving one or more transactions for profit. Such joint venture can be created by oral agreement or may be inferred from acts or conduct.

I.C. 18-5613 DEFINITION OF PROSTITUTION

INSTRUCTION NO. _____

“Prostitution” is defined as a person who engages in and/or offers and/or agrees to engage in sexual conduct, and/or sexual contact with another person in return for a fee.

I.C. 18-5613 DEFINITION OF SEXUAL CONDUCT

INSTRUCTION NO. _____

“Sexual Conduct” is defined as sexual intercourse or deviate sexual intercourse.

I.C. 18-5613 DEFINITION OF SEXUAL CONTACT

INSTRUCTION NO. _____

“Sexual Contact” means any touching of the sexual organs or other intimate parts of a person not married to the actor for the purpose of arousing or gratifying the sexual desire of another party.

ICJI 1105 DEFENSE: WITHDRAWAL FROM CONSPIRACY

INSTRUCTION NO. _____

The defendant is not guilty of Conspiracy if the defendant in good faith withdrew by informing another party to the conspiracy of the defendant's withdrawal before any party performed an act for the purpose of carrying out the agreement.

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

FILED
A.M. P.M.

JAN 04 2017

**CANYON COUNTY CLERK
B HATFIELD, DEPUTY**

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**NOTICE OF INTENT TO USE IRE 609
EVIDENCE**

COMES NOW, State of Idaho, by and through the Canyon County Prosecuting Attorney's Office and hereby provides Lary G. Sisson with its Notice of Intent to use the Defendant's prior convictions to impeach his credibility should he take the stand.

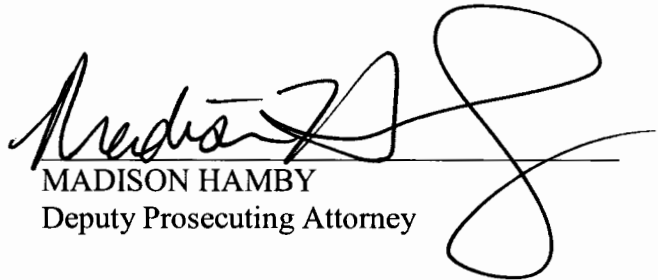
These convictions include:

On or about the 24th day of October, 2007, under the name Jayson Lee Woods, the Defendant was convicted of the felony of Voter Registration/False Information, in the King County Superior Court, State of Washington, in case number 071000060517.

(see attached criminal history printout)

The fact of the prior conviction(s) and the nature of the prior conviction(s) are relevant to the credibility of the Defendant and the probative value of admitting this evidence outweighs its prejudicial effect to the defense.

DATED this 4th day of January, 2017.



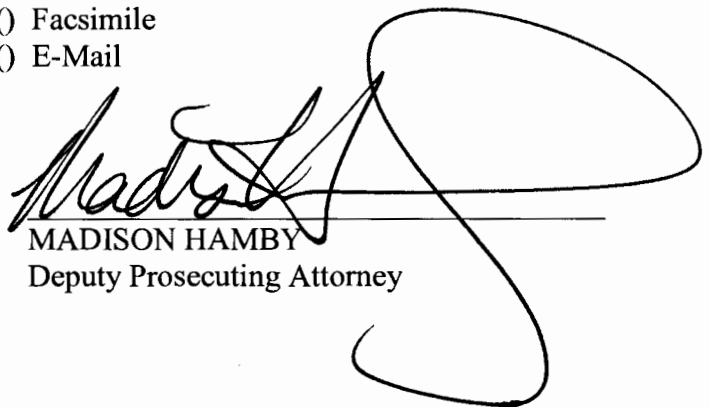
MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 4th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



MADISON HAMBY
Deputy Prosecuting Attorney



USER: DR - NAM: WOODS, JAYSON

CLSD

ISS/20150921

NAM/WOODS, JAYSON LEE

HGT/6'-00"

WGT/430

EYE/BLU

HAI/BRO

SEX/

ADR/APT 102 15560 N KODEE WAY NAMPA ID 83651-5181

IMR/

SIG/

CDT/20150921

NAM/WOODS, JAYSON LEE. .SEX/M



MAY BE THE SAME AS: PAGE 01 FOR OFFICIAL INVESTIGATION PURPOSES ONLY
PRIVACY FLAG.

NAM/WOODS, JAYSON LEE.

** OPR STATUS/SUSPENDED.

RES/APT 102

** CDL STATUS/NOT LICENSED.

15560 N KODEE WAY

CLASS/D. ** EXP/ 08-21-2019 .

NAMPA

ID 83651-5181.

OLT/DRIVER LICENSE.

ELIGIBLE FOR TRAFFIC SAFETY COURSE.

** REST/LENSES.

SEX/M. HAI/ BRO . EYE/ BLU . . ORGAN DONOR

HGT/ 600 . WGT/ 430 . ISS/09-21-2015. REC/140152640043. CNTY/CANY.

AKA .

AKA OLS/CO.

CITN/02-22-2016C. 01-29-2016A.FOLLOW CLOSE.

CTY.NAMPA.

ORD DEGREE/INFR.

SUSP/03-28-2016.UNTL/06-26-2016. INFRACTIONS.

OP

END OF RECORD

END OF MESSAGE...

INQ/

MRI 2204295 IN: IDMV 1903 AT 2016-05-02 11:03:29

OUT: SCANCAD 1289 AT 2016-05-02 11:03:30

Search More

NCIC: QH - NAM: WOODS, JAYSON

7L0104YR, MRI2204382
ID014013A

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON NAM/WOODS, JAYSON LEE SEX/M RAC/U [REDACTED] PUR/C
ATN/C WALKER

NAME	FBI NO.	INQUIRY DATE
<u>WOODS, JAYSON LEE</u>	<u>673887AC2</u>	2016/05/02

SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	W	508	284	BLU	BRO	Y

BIRTH PLACE
WASHINGTON

FINGERPRINT CLASS PATTERN CLASS

ALIAS NAMES
WOODS, JAYSON

[REDACTED]

IDENTIFICATION DATA UPDATED 2016/04/30

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:

- WASHINGTON - STATE ID/WA24139328
- IDAHO - STATE ID/ID11025399
- FBI - FBI/673887AC2

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

MRI 2204384 IN: NCIC 7126 AT 2016-05-02 11:04:07
OUT: SCANCAD 1303 AT 2016-05-02 11:04:07

NCIC: QH - NAM: WOODS, JAYSON

7L0104YR, MRI2204382
ID014013A

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
INQUIRY ON NAM/WOODS, JAYSON LEE SEX/M RAC/U [REDACTED] PUR/C
ATN/C WALKER

NAME	FBI NO.	INQUIRY DATE
<u>WOODS, JAYSON LEE</u>	<u>673887AC2</u>	2016/05/02

SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	W	508	284	BLU	BRO	Y

BIRTH PLACE
WASHINGTON

FINGERPRINT CLASS PATTERN CLASS

ALIAS NAMES
WOODS, JAYSON

[REDACTED]

IDENTIFICATION DATA UPDATED 2016/04/30

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE
FOLLOWING:

WASHINGTON	- STATE ID/ <u>WA24139328</u>
IDAHO	- STATE ID/ <u>ID11025399</u>
FBI	- FBI/ <u>673887AC2</u>

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION
INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END

MRI 2204384 IN: NCIC 7126 AT 2016-05-02 11:04:07
OUT: SCANCAD 1303 AT 2016-05-02 11:04:07

NLET: CR - NAM: WOODS, JAYSON

CR.WAIII0000

10:04 05/02/2016 13764

10:04 05/02/2016 07845 ID014013A

TXT

HDR/2L0104YR, MRI2204466

ATN/C WALKER

PAGE 1

\$.A.CHR.HDR/2L0104YR, MRI2204466.TME/1304.TMZ/EDT.DTE/20160502.ORI/ID014013A.

[REDACTED].FBI/673887AC2.NAM/WOODS, JAYSON LEE.PUR/C.TOS/BASED ON FBI
NUMBER ONLY.ORT/PROSECUTING ATTORNEYS OFFICE CALDWELL.ATN/C WALKER.

CRIMINAL HISTORY REQUESTED

ATN/C WALKER

WASHINGTON STATE CRIMINAL HISTORY RECORD FOR [REDACTED]

MULTI STATE OFFENDER

WASHINGTON STATE PATROL
IDENTIFICATION AND CRIMINAL HISTORY SECTION
P.O. BOX 42633
OLYMPIA, WASHINGTON 98504-2633

CRIMINAL HISTORY INFORMATION AS OF 05/02/2016

NOTICE

THE FOLLOWING TRANSCRIPT OF RECORD IS FURNISHED FOR OFFICIAL USE ONLY.
SECONDARY DISSEMINATION OF THIS CRIMINAL HISTORY RECORD INFORMATION IS
PROHIBITED UNLESS IN COMPLIANCE WITH THE WASHINGTON STATE CRIMINAL RECORDS
PRIVACY ACT, CHAPTER 10.97 RCW.

POSITIVE IDENTIFICATION CAN ONLY BE BASED UPON FINGERPRINT COMPARISON. BECAUSE
ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED
FOR SUBSEQUENT USE. WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED,
COMMUNICATE DIRECTLY WITH THE AGENCY THAT SUPPLIED THE INFORMATION TO THE
WASHINGTON STATE PATROL.

MASTER INFORMATION

NAME: WOODS, JAYSON LEE [REDACTED]

FBI NUMBER: 673887AC2

DOC NUMBER:

PERSON INFORMATION

SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	PLACE OF BIRTH	CITIZENSHIP
M	W	600	499	BLU	BRO	WA	US
OTHER NAMES USED				OTHER DATES OF BIRTH USED		[REDACTED]	MISC NUMBER

DNA TAKEN: Y DNA TYPED: Y

DLO: WSP CRIME LABORATORY-SEATTLE, CODIS UNIT (206) 262-6020, STR,107-030417

NO KNOWN SCARS, MARKS, TATTOOS, AND AMPUTATIONS

CONVICTION AND/OR ADVERSE FINDING SUMMARY

8 FELONY(S) DISPOSITION DATE
VOTER REG-FALSE INFORMATION CLASS C FELONY 10/24/2007
0 GROSS MISDEMEANOR(S)
0 MISDEMEANOR(S)
0 CLASSIFICATION(S) UNKNOWN

**** NO KNOWN DOC SUMMARY INFORMATION ****

CRIMINAL HISTORY INFORMATION

THE ARRESTS LISTED MAY HAVE BEEN BASED ON PROBABLE CAUSE AT THE TIME OF ARREST OR ON A WARRANT. PROBABLE CAUSE ARRESTS MAY OR MAY NOT RESULT IN THE FILING OF CHARGES. CONTACT THE ARRESTING AGENCY FOR INFORMATION ON THE FORMAL CHARGES AND/OR DISPOSITIONS.

ARREST 3 DATE OF ARREST: 04/14/2013

NAME USED: WOODS, JAYSON LEE
CONTRIBUTING AGENCY: WA0180000 KITSAP COUNTY SHERIFF
LOCAL ID: 40482675 PCN: 737690725 TCN: WA1800000100559118

ARREST OFFENSES	DISPOSITION
0113400 ASSAULT-4	CONTRIBUTOR OR RESPONSIBLE AGENCY:
RCW: 9A.36.041(2)	WA018021J PORT ORCHARD MUNICIPAL
GROSS MISDEMEANOR	COURT
ORIGINATING AGENCY: WA0180400	COURT CASE NO: 21342701
PORT ORCHARD POLICE DEPARTMENT	
DISPO RESPONSIBILITY: WA018021J	STATUS: DISMISSED
DATE OF OFFENSE: 04/14/2013	0113400 ASSAULT-4
COMMENT: ASLT 4 DV	RCW: 9A.36.041(2)
	DOMESTIC VIOLENCE
	GROSS MISDEMEANOR
	STATUS DATE: 07/22/2013
	COUNTS: 1

ARREST 2 DATE OF ARREST: 11/21/2007

NAME USED: WOODS, JAYSON LEE
CONTRIBUTING AGENCY: WAKCS0000 KING COUNTY SHERIFFS OFFICE
LOCAL ID: A823868 PCN: 207543934 TCN: WA1700000200589631

ARREST OFFENSES	DISPOSITION
0825090 VOTER REG-FALSE INFORMATION	CONTRIBUTOR OR RESPONSIBLE AGENCY:
RCW: 29A.84.130	WA017015J KING COUNTY SUPERIOR

CLASS C FELONY
ORIGINATING AGENCY: WAKCS0000
KING COUNTY SHERIFFS OFFICE
OIN: 070120588
DISPO RESPONSIBILITY: WA017015J
COURT CASE NO: 07C060517
DATE OF OFFENSE: 11/21/2007
COMMENT: WRNT/RCW.29A.84.130/VOTER REG-
FALSE INFORMATION

COURT
COURT CASE NO: 07100060517
REFER TO 09/19/2007

ARREST 1

DATE OF ARREST: 09/19/2007

NAME USED: WOODS, JAYSON LEE
CONTRIBUTING AGENCY: WAKCS0000 KING COUNTY SHERIFFS OFFICE
LOCAL ID: A823868 PCN: 207519570 TCN: WA1700000200565274

ARREST OFFENSES
0825090 VOTER REG-FALSE INFORMATION
RCW: 29A.84.130
CLASS C FELONY
ORIGINATING AGENCY: WAKCS0000
KING COUNTY SHERIFFS OFFICE
OIN: 070120588
DISPO RESPONSIBILITY: WA017015J
COURT CASE NO: 07C060517
DATE OF OFFENSE: 09/19/2007
COMMENT: WRNT/FALSE INFO ON VOTER REG/
8 CTS

DISPOSITION
CONTRIBUTOR OR RESPONSIBLE AGENCY:
WA017015J KING COUNTY SUPERIOR
COURT
COURT CASE NO: 07100060517
STATUS: GUILTY
0825090 VOTER REG-FALSE INFORMATION
RCW: 29A.84.130
CLASS C FELONY
STATUS DATE: 10/24/2007
COUNTS: 8

SENTENCE: SENT. DESC.:
96D JAIL EACH CT 11-18
CONC. 16D CONV TO 128H
COMM SVC.

STATE DEPARTMENT OF CORRECTIONS

NO KNOWN CUSTODY HISTORY INFORMATION

NO KNOWN CUSTODY STATUS INFORMATION

NO KNOWN SEX/ KIDNAPPING OFFENDER REGISTRATIONS

NO KNOWN APPLICANT DETAILS

NO KNOWN MONITORED POPULATION REGISTRATION TRACKING INFORMATION

GLOSSARY OF TERMS IS AVAILABLE IN THE CRIMINAL JUSTICE TRAINING MANUAL (CJTM)
LOCATED AT [HTTP://WWW.WSP.WA.GOV/_SECURED/IDENT/RESOURCE.HTM](http://www.wsp.wa.gov/_secured/ident/resource.htm)

RESOURCES

ADMINISTRATIVE OFFICE OF

THE COURTS (AOC)-----[WWW.COURTS.WA.GOV](http://www.courts.wa.gov)

WSP CHRU-----CRIMHIS@WSP.WA.GOV OR (360) 534-2000

WSP CRIMINAL HISTORY &

FINGERPRINT TRAINING-----[HTTP://WWW.WSP.WA.GOV/_SECURED/IDENT/RESOURCE.HTM](http://www.wsp.wa.gov/_secured/ident/resource.htm)

DEPARTMENT OF CORRECTIONS (DOC)--[WWW.DOC.WA.GOV](http://www.doc.wa.gov)

WSP SOR UNIT----- (360) 534-2000

WSP CRIME LAB CODIS----- (206) 262-6020

RCW-----[HTTP://APPS.LEG.WA.GOV/RCW/](http://apps.leg.wa.gov/rcw/)

LEGISLATION-----[HTTP://APPS.LEG.WA.GOV](http://apps.leg.wa.gov)

END OF RECORD

* * * END OF RECORD * * *

MRI 2204482 IN: NLI1 8397 AT 2016-05-02 11:04:33

OUT: SCANCAD 1320 AT 2016-05-02 11:04:38

HFS: FR

THIS RESPONSE IS BASED ON YOUR INQUIRY OF
[REDACTED] PUR/C ATN/C WALKER

THIS RECORD MAY BE USED ONLY FOR CRIMINAL JUSTICE PURPOSES AS DEFINED BY THE
FEDERAL BUREAU OF INVESTIGATION, IDAHO CODE CHAPTER 67, TITLE 30 AND IDAHO
CODE CHAPTER 52, TITLE 19.

AN ARREST WITHOUT DISPOSITION IS NOT AN INDICATION OF GUILT.

* * IDAHO CRIMINAL HISTORY * *

=====

IDENTIFICATION

[REDACTED] FBI NUMBER [REDACTED]
673887AC2

NAME: WOODS, JAYSON LEE

[REDACTED]
[REDACTED]

SEX RACE HEIGHT WEIGHT EYE HAIR SKIN
M W 600 400 BLU BRO

COB POB III STATUS
WA MULTI-STATE OFFENDER

SCARS, MARKS, TATOOS:
PRCD L EAR
PRCD R EAR
TAT RF ARM
TAT LF ARM
TAT UR ARM
TAT UL ARM

=====

CRIMINAL HISTORY

===== CYCLE 1 =====

----- ARREST -----

DATE OF ARREST: 04-29-2016
ARREST AGENCY: ID0140000 CANYON COUNTY SHERIFF'S OFFICE
PRINT ID#: ID1400115429
CHARGE: 1
OFFENSE LITERAL: Murder Aid Abet

STATUTE: 18-4001[AB]
SEVERITY: FELONY
COUNTS:
ARRESTING CASE NUMBER:
CHARGE: 2
OFFENSE LITERAL: Robbery Aid Abet
STATUTE: 18-6501 [AB]
SEVERITY: FELONY
COUNTS:
ARRESTING CASE NUMBER:
CHARGE: 3
OFFENSE LITERAL: Accept Earnings Prostitute
STATUTE: I18-5606
SEVERITY: FELONY
COUNTS:
ARRESTING CASE NUMBER:

END OF RECORD

MRI 2204613 IN: CCHQ 1375 AT 2016-05-02 11:05:54
OUT: SCANCAD 1331 AT 2016-05-02 11:05:55

FILED
A.M. P.M.
JAN 04 2017
CANYON COUNTY CLERK
B HATFIELD, DEPUTY

mh/cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS

Defendant.

CASE NO. CR2016-07911

**MOTION IN LIMINE
AND NOTICE OF HEARING**

COMES NOW, Madison Hamby, Deputy Prosecuting Attorney for Canyon County, on behalf of the State of Idaho, and hereby moves this Court for an Order in Limine, before trial and selection of a jury, instructing the State, defendant and his counsel as set forth below. This motion is brought pursuant to I.R.E. 404(b), 401 and 403.

1. An order stating the two 911 calls disclosed in discovery are admissible pursuant to hearsay exception(s) 803(1), 803(2), and 803(3).

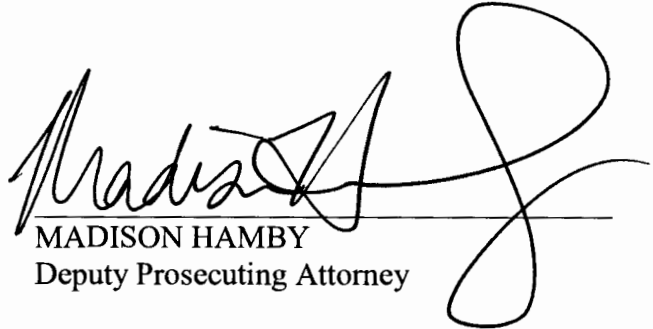
MOTION IN LIMINE
AND NOTICE OF HEARING

ORIGINAL

NOTICE OF HEARING

Notice is hereby given that a hearing on the Motion filed in the above entitled matter is scheduled for the 12th day of January, 2017, at the hour of 1:30 p.m., before the Honorable George A. Southworth.

DATED this 4th day of January, 2017.

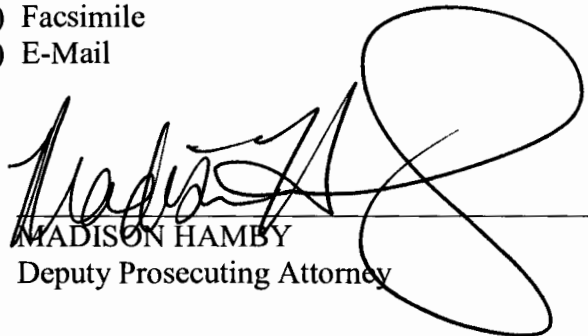

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 4th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney

CD

(see Certificate of Exhibits)

FILED
A.M. / P.M.
JAN 04 2017
CANYON COUNTY CLERK
B HATFIELD, DEPUTY

mh

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS

Defendant.

CASE NO. CR2016-07911

**NOTICE OF INTENT
RULE 404(b), I.R.E.
EVIDENCE**

TO: Jayson L. Woods, the above named Defendant; and Lary G. Sisson, attorney for Defendant; and Defendant's agents:

COMES NOW MADISON HAMBY, Deputy Prosecuting Attorney for the County of Canyon, State of Idaho, pursuant to Rule 404(b), I.R.E. and notifies the Defendant in the above-entitled action of the State's intent to use other crimes, wrongs or acts.

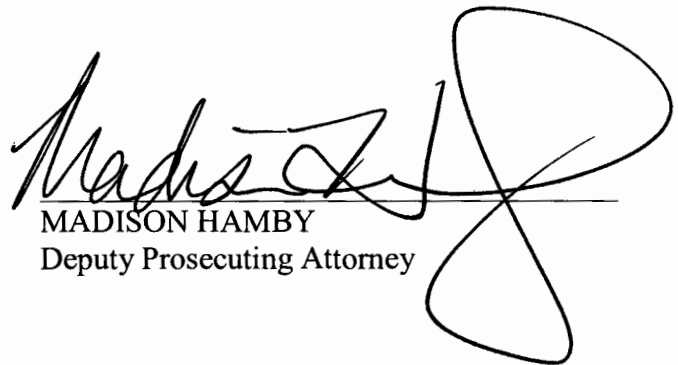
The particulars are contained in the previous Response to Request for Discovery and are set out in general form as follows:

NOTICE OF INTENT
RULE 404(b), I.R.E.
EVIDENCE

ORIGINAL

1. All acts and/or statements promoting, encouraging, influencing, aiding, abetting the act of prostitution disclosed in discovery.
2. All acts and/or statements accepting and/or appropriating the earnings of a prostitute disclosed in discovery.
3. All acts and/or statements promoting, encouraging, influencing, aiding, abetting the theft from those attempting to solicit prostitution from the Defendant and/or any prostitute involved in a joint venture with the Defendant disclosed in discovery.
4. All acts and/or statements regarding the use, consumption, transfer, taking, and/or accepting of any and all illegal drugs by the defendant disclosed in discovery, specifically before and during the conspiracy.

DATED This 4th day of January, 2017.



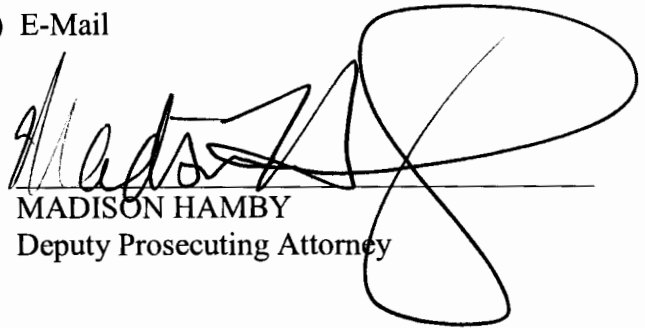
MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 4th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



MADISON HAMBY
Deputy Prosecuting Attorney

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

FILED
A.M. P.M.
JAN 04 2017
CANYON COUNTY CLERK
B HATFIELD, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

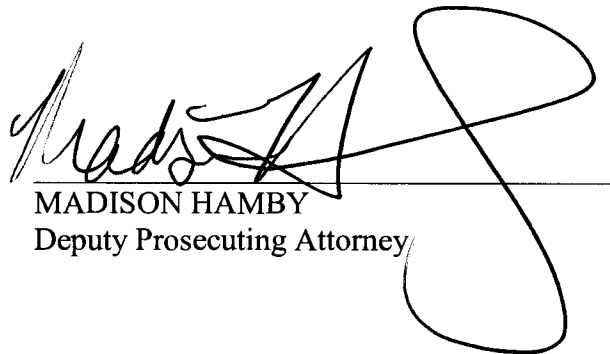
Defendant.

CASE NO. CR2016-07911

**SUPPLEMENT TO STATE'S
PROPOSED JURY INSTRUCTIONS**

COMES NOW, Madison Hamby, Deputy Prosecuting Attorney, and submits the following jury instructions in the above referenced case.

DATED This 4th day of January, 2017.


MADISON HAMBY
Deputy Prosecuting Attorney

SUPPLEMENT TO STATE'S
PROPOSED JURY INSTRUCTIONS

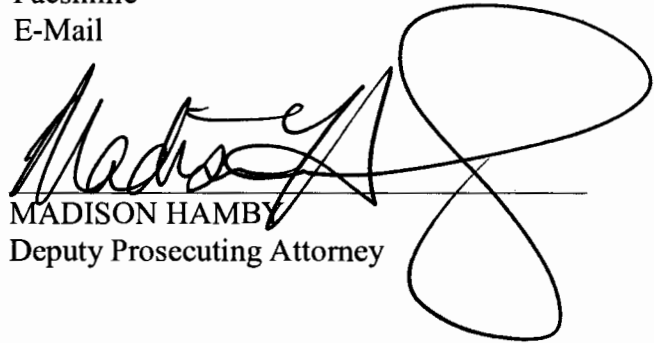
ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 4th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



MADISON HAMBY
Deputy Prosecuting Attorney

ICJI 340 WILFUL DEFINED

INSTRUCTION NO. _____

[An act] [or] [A failure to act] is "wilful" or done "wilfully" when done on purpose. One can act wilfully without intending to violate the law, to injure another, or to acquire any advantage.

Comment

IC s 18-101(1). The word "wilfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or injure another, or to acquire any advantage.

FILED
1039 A.M. P.M.
JAN 05 2017
CANYON COUNTY CLERK
E BULLON, DEPUTY

mh/cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
anyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS

Defendant.

CASE NO. CR2016-07911

**STATE'S SECOND
NOTICE OF INTENT
RULE 404(b), I.R.E.
EVIDENCE**

TO: Jayson L. Woods, the above named Defendant; and Lary G. Sisson, attorney for Defendant; and Defendant's agents:

COMES NOW MADISON HAMBY, Deputy Prosecuting Attorney for the County of Canyon, State of Idaho, pursuant to Rule 404(b), I.R.E. and notifies the Defendant in the above-entitled action of the State's intent to use other crimes, wrongs or acts.

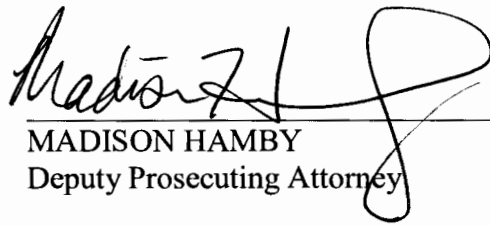
The particulars are contained in the previous Response to Request for Discovery and are set out in general form as follows:

NOTICE OF INTENT
RULE 404(b), I.R.E.
EVIDENCE

ORIGINAL

1. Defendant's statements during his second interview with law enforcement in regard to a prior attempted robbery and/or attack involving Kelly Schneider, Daniel Henkel and Kevin Tracy. These statements are found beginning around timestamp 22:19:00 on CD14 of the state's discovery and corroborated by attached exhibit.

DATED This 5th day of January, 2017.



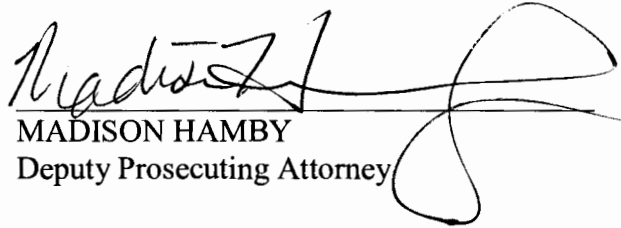
MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 5th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney

SMS Messages (96)

#	Party	Date	Time	Message
1	From: 2089195299 Slim	4/27/2016	4/27/2016 11:58 AM(UTC-6)	White truck he's gonna back in
2	From: 2089195299 Slim	4/27/2016	4/27/2016 11:58 AM(UTC-6)	he's close
3	To: 2089195299 Slim	4/27/2016	4/27/2016 12:01 PM(UTC-6)	Make him get out of the truck
4	From: 2089195299 Slim	4/27/2016	4/27/2016 12:02 PM(UTC-6)	OK fuck he can from the wrong side
5	To: 2089195299 Slim	4/27/2016	4/27/2016 12:03 PM(UTC-6)	K we just need him to get out i'll take too long
6	From: 2089195299 Slim	4/27/2016	4/27/2016 12:05 PM(UTC-6)	I think he bailed
7	To: 2089195299 Slim	4/27/2016	4/27/2016 12:06 PM(UTC-6)	Is he behind you
8	From: 2089195299 Slim	4/27/2016	4/27/2016 12:06 PM(UTC-6)	yes he turned around
9	To: 2089195299 Slim	4/27/2016	4/27/2016 12:09 PM(UTC-6)	He passed us to the next lot
10	From: 2089195299 Slim	4/27/2016	4/27/2016 12:10 PM(UTC-6)	Is he in the right one
11	To: 2089195299 Slim	4/27/2016	4/27/2016 12:11 PM(UTC-6)	He went to the one next to us and left
12	From: 2089195299 Slim	4/27/2016	4/27/2016 12:11 PM(UTC-6)	He's at the other one I'm going to get him out of
13	To: 2089195299 Slim	4/27/2016	4/27/2016 12:13 PM(UTC-6)	K
14	From: 2089195299 Slim	4/27/2016	4/27/2016 12:13 PM(UTC-6)	Go to that one he should be out of his truck
15	From: 2089195299 Slim	4/27/2016	4/27/2016 12:17 PM(UTC-6)	Now
16	From: 2089195299 Slim	4/27/2016	4/27/2016 12:17 PM(UTC-6)	he's out
17	From: 2089195299 Slim	4/27/2016	4/27/2016 12:17 PM(UTC-6)	Of his truck
18	From: 2089195299 Slim	4/27/2016	4/27/2016 12:20 PM(UTC-6)	Go now!!!!!!
19	To: 2089195299 Slim	4/27/2016	4/27/2016 12:20 PM(UTC-6)	He got in the truck
20	To: 2084941303 Slim Text	4/27/2016	4/27/2016 10:37 PM(UTC-6)	Hey bro, it's Kelly when s*** clears up and you guy

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, ID 83605
Telephone: (208)-649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

FILED
A.M. *2:24* P.M.
JAN 05 2017
CANYON COUNTY CLERK
M. CERROS, DEPUTY

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON WOODS ,

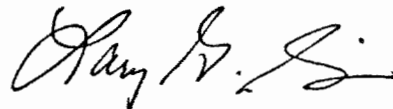
Defendant.

CASE NO. CR-2016-7911-C

**MOTION TO TRANSPORT
DEFENDANT**

COMES NOW, LARY G. SISSON, Attorney for Defendant, and hereby moves the Court for an Order to Transport the defendant from the Ada County jail, where the defendant is currently incarcerated, to the Canyon County Courthouse for a Motion Hearing in this matter on 12th day of January, 2017 at 1:30 o'clock p.m. or as soon thereafter as can be heard, in front of the Honorable District Judge George A. Southworth.

DATED this 5th day of January, 2017.



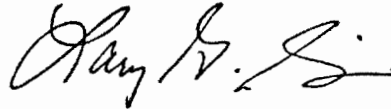
LARY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2017, I served a true and correct copy of the within and foregoing Motion upon the following individual(s) named below in the manner noted:

- ✓ By placing copies of the same in the courthouse box of the attorney(s) indicated below.

Brian. F. Taylor
Canyon County Prosecuting Attorney's Office
1115 Albany Street
Caldwell, ID 83605



LARRY G. SISSON
Attorney for Defendant

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

FILED
A.M. 11:12 P.M.
JAN 05 2017
CANYON COUNTY CLERK
S ALSUP, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS

Defendant.

CASE NO. CR2016-07911

**NOTICE OF INTENT TO
USE REDACTED VIDEO**

COMES NOW MADISON HAMBY, Deputy Prosecuting Attorney for the County of Canyon, State of Idaho, and does notify the Defendant, by and through counsel, of the State's intent to use redacted media in the Jury Trial scheduled for January 23, 2017 at 9:00 a.m.

#1 Woods interview video from CD 12
Redacted from start - 19:54

#2 Woods interview video from CD 13
Redacted from 21:00:02 - 21:14:44
Redacted from 21:19:28 - 21:19:48
Redacted from 21:30:10 - end of video

NOTICE OF INTENT TO
USE REDACTED VIDEO

ORIGINAL

#3 Woods Interview from CD 14
Redacted from start - 22:16:06

#4 Woods Interview from CD 15
Redacted 22:48:29 - 22:54:14
Redacted 23:01:54 - 23:02:32
Redacted 23:20:37 - 23:22:27

DATED this 5th day of January, 2017.



MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 5th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



MADISON HAMBY
Deputy Prosecuting Attorney

DVD

(see Certificate of Exhibits)

FILED
10:23 A.M. P.M.

JAN 06 2017

CANYON COUNTY CLERK
S ALSUP, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,	)	CASE NO. CR-2016-07911
)	
Plaintiff,)	
)	
vs.	)	MEMORANDUM DECISION AND
	)	ORDER ON DEFENDANT'S FIRST
JAYSON L. WOODS	)	MOTION IN LIMINE
)	
Defendant.)	
_____)	

Defendant Jayson L. Woods is charged with First Degree Murder, Conspiracy to Commit Robbery, Robbery, and Accepting the Earnings of a Prostitute. Woods has moved in limine to exclude certain statements made by victim Steven Nelson to law enforcement. For the following reasons, the Court will exclude some, but not all, of the statements at issue.

BACKGROUND

There is a voluminous factual and procedural history in this case; only the portions relevant to this motion are set forth here. The following facts are derived from the parties' briefing on this motion and video footage of the encounter between Nelson and law enforcement.

Shortly before dawn on April 29, 2016, police responded to a 911 call in Canyon County, Idaho. The caller reported that a naked man was standing on a doorstep. When responding

officer Deputy Odenborg arrived he found Nelson standing outside in the dark—naked, shivering and holding a doormat. As Deputy Odenborg approached Nelson, he asked Nelson what was going on. Nelson responded, “They stole my car and they took my clothes. Do you have a blanket or something? I am freezing.”

Deputy Odenborg instructed Nelson to put down the doormat that Nelson was holding, and asked Nelson for his full name, date of birth, and other identifying information. Deputy Odenborg then gave Nelson a blanket and allowed Nelson sit in the backseat of his patrol car to get warm. He asked Nelson if he had been drinking, and Nelson responded that he had not. He asked Nelson if he was getting warmed up, and Nelson responded that he was.

After Nelson was seated in the patrol car with the blanket, Deputy Odenborg said, “Okay, tell me what happened one more time.”

Nelson responded, “It was a backpage.com ad. I met this guy, it was really stupid. Drove out here, he stole my money, beat me up. He took my clothes. He took my car. He had someone waiting out by the lake to [unintelligible].”

“Where were you supposed to meet him at?” Deputy Odenborg asked.

Nelson replied, “Well I met him at the Walmart on Middleton and I picked him up and we drove to the lake. Really stupid bad judgement because I am fairly certain I am dying.”

“Why do you think you are dying?” asked Deputy Odenborg.

“I have hep C and the liver biopsy came back and I have cirrhosis . . . and I used really bad judgment and—” The video shows that at this point, Nelson trailed off and sounded almost tearful.

Deputy Odenborg radioed in to dispatch requesting “medics on route to check this male out, non-code, he is conscious, breathing, talking to me, he’s got a bloody nose.” Nelson added

that he had “broken ribs I’m fairly certain.” Deputy Odenborg told dispatch that Nelson thought he had broken ribs.

After Deputy Odenborg ended the conversation with dispatch, Nelson informed him that he was positive for hepatitis C and warned Deputy Odenborg to be careful. Deputy Odenborg thanked Nelson for the warning and asked, “Okay so you met this guy on backpage you say?”

“Yeah,” Nelson replied.

“And you picked him up at Walmart, the one on Middleton and Roosevelt I am guessing, that one there?” asked Deputy Odenborg.

“Yes,” said Nelson.

“Kay. And you guys drove out to the lake, where’d you go out by the lake, which access?”

“All the way down I don’t know the exact area, pretty much right before the gate we got out, were smoking, talking.”

At this point, Deputy Odenborg asked Nelson to tell him about the “arrangement.” Deputy Odenborg told Nelson that “I know it might be embarrassing, but I need to know so I can investigate.”

Nelson replied that he understood that Deputy Odenborg needed to investigate. Nelson began to provide a narrative account of what had happened. Deputy Odenborg asked follow up questions, such as “how much money did he take?” and “how much were you planning to give him?” Deputy Odenborg also asked about the stolen car. Around this time, Deputy Odenborg went to the front seat, and used his computer to report that Nelson’s car had been stolen. After reporting the car as stolen, Deputy Odenborg said to Nelson, “kay, walk me through again—” but was interrupted when his cell phone rang. He answered his phone, told the caller that he was

“doing the interview now,” and hung up. After Deputy Odenborg ended the call, Nelson again began to provide a narrative account of what happened.

Having reported the car as stolen, Deputy Odenborg began using his computer to take notes of Nelson’s answers to his questions. Deputy Odenborg asked the perpetrator’s name, asked about the backpage ad, asked which of Nelson’s belongings had been taken, and asked what time the incident had occurred. Deputy Odenborg also asked several questions aimed at getting a visual description of the individual who had physically attacked Nelson, as well as the other individuals involved. Nelson provided detailed responses, and directed Deputy Odenborg to where he could find the backpage ad.

The conversation ended when medics arrived. Deputy Odenborg told medical personnel what Nelson had conveyed to him about his injuries. Deputy Odenborg also directed another on-scene officer to the location where Nelson had said the attack occurred. Nelson was placed on a stretcher in the ambulance. No photographs of Nelson’s injuries were submitted on this motion, but during an extremely brief moment where the camera showed part of Nelson’s face in the well-lit ambulance, it is immediately apparent that he was bleeding on and from the nose, and had been injured on the forehead. Hours later, Nelson died. The cause of Nelson’s death was reported to be cardiac arrest.

Woods, one of three co-defendants charged in this case, filed this motion in limine on December 9, 2016. The State filed its objection on December 28, 2016. At a hearing held on December 29, 2016, the parties presented argument, at which time the Court took this matter under advisement. The primary issue on this motion is whether Nelson’s statements to law enforcement run afoul of the Confrontation Clause of the United States Constitution. Also at

issue on this motion is whether Nelson's statements to law are admissible under an exception to the rule against hearsay.

ANALYSIS

A. Nelson's Statements to Law Enforcement Were Statements Against His Penal Interest

The State has argued that in the context of the conversation between Nelson and Deputy Odenborg, all of Nelson's statements are admissible as statements against interest. The Idaho Rules of Evidence define a statement against interest as follows:

Statement against interest. A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject declarant to civil or criminal liability, or to render invalid a claim by declarant against another, that a reasonable man in declarant's position would not have made the statement unless declarant believed it to be true. A statement tending to expose the declarant to criminal liability and offered in a criminal case is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

I.R.E. 804(b)(3). This exception to the rule against hearsay applies only when a declarant is unavailable for trial. Nelson's death, of course, renders him unavailable to testify at trial.

Nelson's conversation with Deputy Odenborg consisted of Nelson explaining how was attacked after he had attempted to procure a male prostitute. It is well known that prostitution—or paying an escort for sex—is a crime; thus, Nelson's statements in this case implicated him in a crime and are statements against his penal interest.

Because Nelson's statements tended to expose him to criminal liability and are being offered in a criminal case, there must also be corroborating circumstances indicating the trustworthiness of the statements. In this case, there are. Nelson was naked and bleeding, which corroborates his account of being stripped and beaten. Nelson was without his car or any personal items at a stranger's home in the dark, which corroborates his account that his belongings—including his car—were taken. And Woods' statements during his interrogation

explaining the escort business, the ad placed on backpage, and the frequent taking of would-be clients' money in "grab and go" thefts also corroborate Nelson's statements. Because Nelson's conversation with Deputy Odenborg consisted of Nelson recounting his own involvement in criminal activity, and because his statements are also corroborated by the circumstances set forth above, this Court finds that Nelson's statements are statements against interest. The Court notes that many of Nelson's statements to law enforcement appear to fall under the present sense impression exception and additionally, the excited utterance exception. However, having determined that Nelson's statements are statements against interest, the Court will not provide detailed analysis on these alternative hearsay exceptions.

B. The Conversation Between Deputy Odenborg and Nelson is Testimonial in Part, and Nontestimonial in Part; The Testimonial Portions Will Be Excluded

The primary issue on this motion is whether or not Nelson's statements to law enforcement run afoul of the Confrontation Clause. The Court has determined that while Nelson's conversation with Deputy Odenborg began as an effort to address an ongoing emergency, it evolved into an effort to conduct an investigation. Thus, only portions of the conversation will be admitted, and the rest will be excluded.

The Sixth Amendment of the United States Constitution provides: "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him." See *Davis v. Washington*, 547 U.S. 813, 821, 126 S.Ct. 2266, 2273 (2006). Only those statements deemed testimonial cause a declarant to be a "witness" within the meaning of the Confrontation Clause. *Id.* Because the Idaho state constitution does not contain a confrontation clause analogous to the Confrontation Clause found in the U.S. Constitution, statements which

implicate the Clause are analyzed under the United States Constitution. *See State v. Stanfield*, 158 Idaho 327, 347 P.3d 175 (2015).

In *Crawford v. Washington*, the Supreme Court held that the Confrontation Clause bars “admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify, and the defendant had had a prior opportunity for cross-examination.” *Davis v. Washington*, 547 U.S. at 821, 126 S.Ct. at 2274 (citing *Crawford v. Washington*, 541 U.S. 36, 53-54 (2004)). In *Davis*, the Supreme Court explained how the Confrontation Clause operates with respect to statements made in a police interrogation, drawing a distinction between those statements that are testimonial, and those that are not:

Statements are nontestimonial when made in the course of police interrogation under circumstances objectively indicating that the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency. They are testimonial when the circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution.

Id. A conversation with law enforcement may begin with non-testimonial statements, but may evolve into an investigation eliciting testimonial statements. *Id.* In *Michigan v. Bryant*, the Supreme Court elaborated on the primary purpose test, explaining that a statement is testimonial when it is made for “the primary purpose of creating an out-of-court substitute for trial testimony.” 562 U.S. 344, 358, 131 S.Ct. 1143, 1155 (2011). The *Bryant* Court made clear that this new test to determine whether statements are testimonial is an objective test. *Id.* at 370, 131 S.Ct. at 1162. In determining whether or not statements are testimonial, Courts are to look at both the declarant’s understanding and the officer’s understanding of the purpose of the interrogation. *Id.* The inquiry into whether or not a statement is testimonial must also consider “all relevant circumstances.” *Id.* These circumstances include whether or not the statements were made in response to an ongoing emergency, as well as the informality of the situation in which

the statements were made. *Id.*, 562 U.S. at 377, 131 S.Ct. at 1166. The Supreme Court applied these principals in *Bryant*, holding that statements made by a dying gunshot victim were nontestimonial because the statements were made to quell an ongoing emergency rather than to establish evidence for the prosecution. *Id.* In that case, a victim of a fatal abdominal gunshot wound lay dying on the ground in a gas station parking lot. *Id.* When questioned by responding officers, his answers “were punctuated with questions about when emergency medical services would arrive.” *Id.* at 375, 131 S.Ct. at 1165. His level of injury and pain made it difficult for him to speak and even to breathe. *Id.* The *Bryant* Court noted that when police officers responded to the call, they did not know who had shot the victim or where the shooting occurred. *Id.* at 375-76, 131 S.Ct. at 1165. The questions officers asked, the Court found, were the “exact type of questions” needed to allow officers to “assess the situation, the threat to their own safety, and possible danger to the potential victim” and to the public. *Id.*, at 376, 131 S.Ct. 1166 (internal citations omitted).

Importantly, the *Bryant* Court also took into account the informality of the situation, including the fact that the *Bryant* victim would not have been alerted to or focused on potential prosecutorial use of his answers to the officers’ questions:

Finally, we consider the informality of the situation and the interrogation. . . . As the officers’ trial testimony reflects, the situation was fluid and somewhat confused: the officers arrived at different times; apparently each, upon arrival, asked Covington “what happened?”. . . . [T]hey did not conduct a structured interrogation. . . . The informality suggests that the interrogators’ primary purpose was simply to address what they perceived to be an ongoing emergency, and the circumstances lacked any formality that would have alerted Covington to or focused him on the possible future prosecutorial use of his statements.

Id.

This case is somewhat analogous to *Bryant*—a wounded victim, an interview that occurred shortly after a physical attack, and the perpetrators still at large. Yet there are key

differences, as well. Unlike the *Bryant* victim who lay dying on the ground bleeding from a fatal gunshot wound, Nelson did not appear to be mortally wounded. Nelson did have cuts to his face and blood on his face. His voice sounded as though it was trembling because he was shivering in the cold air, and also potentially because he was still shaken from the attack. That said, when Deputy Odenborg requested medical attention from dispatch, he simply described Nelson's injuries as non-code and a bloody nose. After being prompted by Nelson, he added that Nelson thought he had broken ribs. Deputy Odenborg did not indicate that Nelson needed imminent emergency attention, but instead asked that medics "check" Nelson "out." At one point, Nelson did state that he was pretty sure he was dying, but when asked why, he cited a diagnosis of hepatitis C and cirrhosis of the liver—not the injuries he had sustained in the attack. Although shivering with cold and understandably upset, Nelson sounded lucid throughout his conversation with Deputy Odenborg. Unlike the *Bryant* victim, Nelson did not appear to be in great pain, and he did not inquire as to when emergency medical services would arrive.

Perhaps the most pertinent distinction between this case and *Bryant*, though, is the fact that the circumstances in *Bryant* "lacked any formality that would have alerted [the victim] to or focused him on the possible future prosecutorial use of his statements." Here, after establishing Nelson's identity and calling a medic to "check this male out," Deputy Odenborg stated that he needed Nelson to tell him what had happened "so I can investigate." In other words, Deputy Odenborg requested information from Nelson for the express purpose of conducting an investigation. Nelson's response was a partial narrative account about what happened. Unlike that *Bryant* victim who did not appear to have been alerted to the fact that his statements could be used in a subsequent prosecution, Nelson indicated that he understood that Deputy Odenborg

needed to investigate, and he provided Deputy Odenborg with narrative responses and detailed physical descriptions of the perpetrators.

All of that said, however, the Court cannot conclude that the entire conversation falls under the purview of the Confrontation Clause. It is plain to the Court that when a 911 caller alerted officers to a nude man standing at the caller's doorstep, an ongoing emergency existed, and it was up to Deputy Odenborg to address it. At the time when Deputy Odenborg approached Nelson, he did not know if a crime had been committed at all. All he knew was that a cold, naked man with a bloody face had been standing at a stranger's doorstep in the dark. Thus, it is reasonable that Deputy Odenborg would ask initial questions about Nelson's identity and the events leading up to his nakedness and injuries.

Reviewing the video provided by the State, it is likewise plain to the Court that Deputy Odenborg's initial questions were not asked to facilitate a criminal investigation, but instead, to resolve an ongoing emergency. Although Nelson told Deputy Odenborg at the beginning of the encounter that "they" had robbed him, Odenborg did not immediately follow up with questions as to who "they" were. Instead, his initial questions were geared toward getting Nelson warm, determining Nelson's identity, and ascertaining the need for medical care.

By the end of the conversation, however, Deputy Odenborg was asking detailed questions about the perpetrators and Nelson providing detailed responses. Nelson provided a narrative account of the attack, and even directed Deputy Odenborg to the backpage listing that the alleged attackers had set up. All the while, Deputy Odenborg took notes in his computer. The latter part of Nelson's conversation with Deputy Odenborg, then, was plainly geared toward apprehending the perpetrators and creating a factual record of what happened—a factual record that could be used in a criminal prosecution.

Thus, the question is when the interaction between Nelson and Deputy Odenborg ceased being a conversation aimed at resolving an ongoing emergency and became an investigation of a crime. Looking objectively at both Deputy Odenborg's and Nelson's respective vantage points in asking and answering questions—as instructed by the U.S. Supreme Court in *Bryant*—this Court concludes that that moment occurred when Deputy Odenborg informed Nelson that he needed to “investigate.” Once Deputy Odenborg told Nelson he would investigate, he was no longer asking questions aimed at figuring out who Nelson was and how he had been injured. Instead, his attention had shifting to finding the perpetrators. After this point, Deputy Odenborg began asking questions that would lead to the capture and prosecution of the defendants in this case—what did they look like? How might they be identified? What were they wearing? Such questions are plainly aimed at creating an evidentiary record as to past facts—a record that could be used in investigating the perpetrators and ultimately, at trial. For these reasons, the Court believes that everything said after Deputy Odenborg told Nelson that he needed to “investigate” is testimonial and therefore, cannot be admitted without running afoul of the Confrontation Clause.¹

CONCLUSION

For the reasons set forth above, IT IS ORDERED that Defendant's first motion in limine be GRANTED in part, and DENIED in part.

Dated this 4 day of January, 2016.



George A. Southworth

District Judge

¹ Deputy Odenborg's statement that he needed to “investigate” occurs at approximately 5:45-5:50 on the video submitted by the State on this motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6 day of January, 2017, I caused to be served a true and correct copy of the foregoing ORDER by the method indicated below, and addressed to the following persons:

Lary G. Sisson
815 Fillmore Street
Caldwell, ID 83605-4126
Fax: 887-866-4488

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail

Christopher Boyd
Madison Hamby
Canyon County Prosecutor's Office
1115 Albany St.
Caldwell, ID, 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail

CLERK OF THE DISTRICT COURT

By:  _____
Deputy Clerk

JAN 09 2017

CANYON COUNTY CLERK
B HATFIELD, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, ID 83605
Telephone: (208)-649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON WOODS,

Defendant.


Case Nos. CR-2016-7911-C

**ORDER TO TRANSPORT FOR
HEARING**

This matter, having come before this Honorable Court upon Defendant's motion, and good cause appearing therefore, IT IS HEREBY ORDERED that the Canyon County Sheriff's Office shall transport, and that the Ada County Sheriff's Office shall release to the Canyon County Sheriff's Office for transport, the Defendant, JAYSON L. WOODS (JID# 1067817) to appear before this Court for a Motion Hearing in the above-entitled matter on the 12th day of January 2017, at 1:30 p.m., or as soon thereafter can be heard, in front of the Honorable District Judge George A. Southworth.

The Canyon County Sheriff's Office is further ORDERED to immediately return said Defendant, JAYSON L. WOODS , to the custody of the Ada County Sheriff's Office upon the completion of said hearing.

DATED this 6 day of January, 2017.


~~CHRISTOPHER S. NYE~~ George A. Southworth
District Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the 9 day of January 2017, I served a true and correct copy of the *Order to Transport for Hearing* upon the individual(s) named below in the manner noted:

By depositing copies of the same in the designated courthouse basket.

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street, Caldwell, Idaho 83605

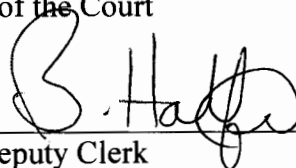
Lary G. Sisson
815 Fillmore Street
Caldwell, ID 83605

Canyon County Sheriff's Office
1115 Albany Street,
Caldwell, Idaho 83605

By mailing copies of the same via the U.S Postal Service, postage prepaid to:

Ada County Sheriff's Office
7210 Barrister Dr.,
Boise, ID 83704.

CHRIS YAMAMOTO
Clerk of the Court

By: 
Deputy Clerk

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

FILED
1041 A.M. P.M.
JAN 09 2017
CANYON COUNTY CLERK
M. CERROS, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705**

COMES NOW, The Plaintiff, the State of Idaho, and submits the following Disclosure of Expert Witness pursuant to I.C.R 16 and IRE 702, 703 and 705.

That the Plaintiff, the State of Idaho, has complied with ICR 16(b)(7) and IRE 702, 703 and 705 by submitting the following information, evidence and materials.

1) Dr Carl Kapadia:

- (a) The State discloses Carl Kapadia, MD, as an expert witness on cardiology.
- (b) See the Curriculum Vitae attached for Carl Kapadia's qualifications.


DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705

ORIGINAL

2) Witness Opinions:

- (a) A summary of findings and opinions was disclosed in the Saint Alphonsus Medical Center Medical Records Report on patient Steven Neslon or about May 27, 2016

DATED this 9th day of January, 2017.

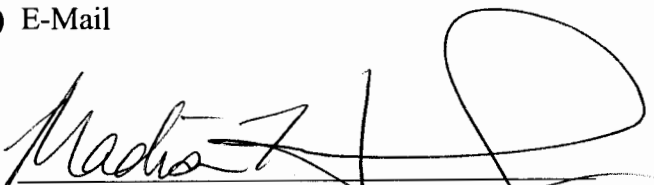

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 9th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney

Carl Behram Kapadia, MD, MSc, FACC

Office Address: Saint Alphonsus Heart Institute
6140 West Curtisian Avenue, Suite 200
Boise, ID 83704

E-mail Address: Carl.Kapadia@saintalphonsus.org

Education:

09/1998-08/2001 **Bachelor of Science**, Human Biology
University of Toronto – Toronto, ON

09/2001-11/2003 **Master of Science**, Laboratory Medicine and Pathobiology
University of Toronto/Mount Sinai Hospital – Toronto, ON

Dissertation: Human Kallikrein 13: Development of a Sensitive and Specific Immunofluorometric Assay and Identification of its Binding Proteins

08/2004-05/2008 **Doctor of Medicine**
University of Vermont College of Medicine – Burlington, VT

Postgraduate Training:

06/2008-06/2009 **Intern in Medicine**
Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO

06/2009-06/2011 **Resident in Medicine**
Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO

07/2011-06/2014 **Fellow in Cardiology**
Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO

07/2014-06/2015 **Fellow in Interventional Cardiology**
Mayo Clinic – Rochester, MN

Clinical Appointment:

09/2015-present **Attending Physician, Interventional Cardiology**
Saint Alphonsus Regional Medical Center – Boise, ID

Licensure and Certification:

2007 Basic and Advanced Cardiac Life Support
2008 National Provider Identifier
2010 Diplomate, National Board of Medical Education
2011 Diplomate in Internal Medicine, American Board of Internal Medicine
2012 State of Missouri Medical License
2012 Federal Drug Enforcement Agency
2013 Diplomate in Adult Echocardiography, National Board of Echocardiography
2014 State of Minnesota Medical License
2015 Diplomate in Cardiovascular Disease, American Board of Internal Medicine
2015 State of Idaho Medical License
2015 State of Oregon Medical License
2015 Diplomate in Interventional Cardiology, American Board of Internal Medicine

Major Committee Assignments:

- 2014 – 2015 Appointed Fellow Representative on the Mayo Clinic Cardiology Fellowship Education Committee
2014 – 2015 Coordinator of the Mayo Clinic Interventional Cardiology Journal Club

Professional Societies Membership:

- 2004-2008 American Medical Student Association
2004-2008 Global Health Council
2004-2011 American College of Physicians
2004-2011 American Medical Association
2007-present Alpha Omega Alpha Honor Medical Society
2010-present American College of Cardiology
2010-present American Heart Association
2014-present Society of Cardiovascular Angiography and Interventions

Awards and Honors:

- 1998, 1999, 2000 **Faculty of Arts and Science Dean's List**
University of Toronto – Toronto, ON
- 1999, 2000 **Certificate of Appreciation Award for Volunteer Work**
Toronto Western Hospital – Toronto, ON
- 2001 **Golden Key International Honor Society Inductee**
University of Toronto – Toronto, ON
- 2001, 2002, 2003 **Graduate Research Fellowship**
University of Toronto/Mount Sinai Hospital – Toronto, ON
- 2001, 2002, 2003 **Graduate Research Travel Award**
University of Toronto/Mount Sinai Hospital – Toronto, ON
- 2002 **Volunteer Recognition Award for Outstanding Commitment**
University of Toronto/Toronto Western Hospital – Toronto, ON
- 2004, 2006 **Medical Alumni Association Scholarship**
University of Vermont College of Medicine – Burlington, VT
- 2005 **Summer Research Fellowship**
University of Vermont College of Medicine – Burlington, VT
- 2005, 2006 **Murnane Medical Scholarship**
University of Vermont College of Medicine – Burlington, VT
- 2005, 2007 **Austin W. Lane and Janet C. Lane Scholarship**
University of Vermont College of Medicine – Burlington, VT
- 2007 **Alpha Omega Alpha Honor Medical Society**
University of Vermont College of Medicine – Burlington, VT
- 2007 **American Association of Advancement of Science Nominee**
University of Vermont College of Medicine – Burlington, VT
- 2007 **Moynihan Medical Scholarship**
University of Vermont College of Medicine – Burlington, VT

2008 **Mentors in Medicine Research Grant**
Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO

2014 **American College of Cardiology 2014 Annual Scientific Scholarship**
American College of Cardiology – Washington, DC

Research Experience:

1999 **Research Assistant**
Mentor: Saeed Ziaee, Ph.D.
Intelligent Engineering Solutions – Toronto, ON
Research Project: FDA Testing of "anti-choke" Device

I was an assistant to a group of scientists testing an "anti-choke" device for Food and Drug Administration approval. I applied this device on volunteers and used a dedicated software program to calculate the approximate pressure exerted on the internal organs.

2001 - 2003 **Master of Science**
Mentor: Eleftherios P. Diamandis, M.D., Ph.D.
University of Toronto/Mount Sinai Hospital – Toronto, ON
Department of Laboratory Medicine and Pathobiology
Research Project: Human Kallikrein 13: Development of a Sensitive and Specific Immunofluorometric Assay and Identification of its Binding Proteins

The human kallikrein family is a group of 15 serine protease genes, many of which are differentially expressed in cancer. Human kallikrein gene 13 is a member of this family and codes for a trypsin-like, secreted serine protease (hK13). Recombinant hK13 was developed using a yeast expression system and purified using cation exchange and reverse-phase chromatography. hK13 was then used to generate mouse monoclonal antibodies to generate an ELISA. hK13 was found to be over-expressed in ovarian cancer patients identifying it as a potential cancer biomarker. Its enzymatic activity was then characterized allowing identification of its protease inhibitors. hK13 may play a role in tumor invasion and metastasis making it a potential target for therapeutic applications in patients with ovarian cancer.

2005 **Summer Research Fellow**
Mentor: Stephen J. Incavo, M.D.
University of Vermont College of Medicine – Burlington, VT
Department of Orthopaedic Surgery
Research Project: Use of an Intramedullary Nail for Correction of Femoral Deformities Combined with Total Knee Arthroplasty

Restoration of the limb and component alignment during total knee arthroplasty (TKA) normalizes the distribution of forces across the implant and enhances implant survival and performance. However, in the presence of significant extra-articular deformity, complex imbalance of the collateral ligaments may result when the deformity is solely addressed with modified intra-articular bone resection and soft tissue release. We presented a novel approach where the femoral deformity was corrected with an adaptation of intramedullary femoral nailing prior to TKA.

2005 – 2006

Clinical Research

Mentor: Ann Witpenn, M.D.

University of Vermont College of Medicine and Vermont State Department of Health – Burlington, VT

Research Project: Vaccinate your Children and PREVENT Harmful Diseases

We developed a survey to determine why some parents choose not to vaccinate their children, and mailed the survey to all pediatric clinics in Vermont. Survey findings were used to develop a brochure that addressed common vaccination misconceptions with the goal of increasing immunization rates. The resulting brochure was distributed to all pediatric clinics across Vermont. This project was done in collaboration with the Vermont State Department of Health.

2007 – 2009

Clinical Research

Mentor: Harold L. Dauerman, M.D.

University of Vermont College of Medicine – Burlington, VT

Division of Cardiology, Department of Medicine

Research Project: Frequency and Safety of Switching Antithrombin Therapy in Patients with Acute Coronary Syndromes at a Regional PCI Center

The impact of switching antithrombin therapy in patients presenting with acute coronary syndromes (ACS) and undergoing percutaneous coronary intervention (PCI) has varied in clinical trials. We conducted a retrospective analysis to assess the incidence and safety of switching antithrombin therapy in ACS patients undergoing PCI from 2005 to 2007. Primary endpoints were major adverse cardiovascular events (MACE), major bleeding and net adverse clinical outcome (MACE or major bleeding). The study revealed that in a regional practice of patients presenting with ACS and undergoing PCI, switching of antithrombin therapy to bivalirudin is a common practice and patients who are switched have similar outcomes compared to patients who receive consistent therapy.

2009 - 2010

Clinical Research

Mentor: Ravi Rasalingam, M.D.

Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO

Division of Cardiology, Department of Medicine

Research Project: Evaluation of Right Ventricular Performance in Patients Receiving Continuous Flow Left Ventricular Assist Device Therapy

The impact of continuous flow left ventricular assist device therapy (LVAD) on the right ventricle (RV) is controversial. RV structure and function as well as pulmonary vascular hemodynamics before and after LVAD implantation were retrospectively evaluated using echocardiography studies of patients implanted with continuous flow LVADs from 2007 to 2009. The study showed a significant improvement in RV myocardial performance index and reduction in pulmonary pressures and vascular resistance which correlated with an improvement in NYHA classification after LVAD implantation.

2009 - 2012

Clinical Research

Mentors: Ravi Rasalingam, M.D. and Michael W. Rich, M.D.

Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO

Division of Cardiology, Department of Medicine

Research Project: Utility of Stress Echocardiography in Patients with Left Bundle Branch Block

The American College of Cardiology advocates the use of Stress echocardiography (SE) to evaluate significant coronary artery disease in patients with underlying left bundle branch block (LBBB). However, the utility of SE in this population has not been tested. The utility of SE in patients with LBBB was retrospectively evaluated by chart reviews of all patients with LBBB that presented to Barnes Jewish Hospital from 2003 to 2005 for a SE. Records from outside hospitals were obtained for patients not followed at the medical center. The primary outcomes measured were cardiovascular death, nonfatal myocardial infarction and coronary revascularization (MACE). The study showed that SE was not useful in predicting MACE in patients with LBBB.

2012 – 2014

Clinical Research

Mentors: Michael W. Rich, M.D. and Amit Amin, M.D., M.Sc.

Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO
Division of Cardiology, Department of Medicine

Research Project: Efficacy of Short-Term, High Dose Statins for Preventing Contrast-Induced Acute Kidney Injury in Patients Undergoing Coronary Angiography and/or Percutaneous Coronary Intervention: A Meta-Analysis of Randomized Controlled Trials

Contrast-induced acute kidney injury (CI-AKI) after coronary angiography (CAG) and/or percutaneous coronary intervention (PCI) is associated with increased hospital stay, healthcare costs, morbidity and mortality. Studies evaluating short term, high dose statins in the prevention of CI-AKI have yielded inconsistent results. We conducted a meta-analysis to determine if statins prior to CAG and/or PCI reduce the risk of CI-AKI. We found that the use of short term high dose statins prior to CAG and/or PCI was associated with a 50 % reduction in the risk of CI-AKI. Routine use of high dose statins prior to CAG and/or PCI could reduce CI-AKI, shorten hospital stay, and lower healthcare costs.

2014 – 2015

Clinical Research

Mentor: Joerg Herrmann, M.D.

Mayo Clinic – Rochester, MN

Division of Cardiology, Department of Medicine

Research Project: Impact of an Appropriate Use Criteria Decision Support Tool on the Proportion of PCI that are Appropriate in a Tertiary Academic Medical Center

To promote the appropriate and judicious use of percutaneous coronary intervention (PCI), the American College of Cardiology and several other societies published appropriateness use criteria (AUC) for PCI. The CathPCI Registry data has demonstrated that a large proportion of PCI are either of uncertain appropriateness or inappropriate. Our aim is to determine if going through the AUC criteria for PCI in the cardiac catheterization laboratory prior to coronary angiography and/or PCI will lead to a decrease in the proportion of PCI that are of uncertain appropriateness or inappropriate in a tertiary academic medical center.

Teaching Experience:

1998- 2003

Tutor

Physics, General Chemistry, Organic Chemistry, Inorganic Chemistry, Biochemistry, Cell and Molecular Biology
University of Toronto – Toronto, ON

2006-2008

Big-Sib Program Tutor

Tutored 1st and 2nd year medical students

University of Vermont College of Medicine – Burlington, VT

2012-2015

Question Writer

Write Cardiology board review questions

Board Vitals – St. Louis, MO

Report of Clinical Teaching:

Local Contributions

May 2003

Lecturer, "Characterization of Human Kallikrein 13 expression, substrate specificity and serine protease inhibitors," Department of Laboratory Medicine and Pathophysiology, University of Toronto School of Graduate Studies – Toronto, ON.

September 2008

Lecturer, "Lumbar canal stenosis," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

October 2008

Lecturer, "Evidence Based Medicine: ACC/AHA 2007 guidelines for the management of patients with unstable angina/Non-ST-Elevation Myocardial Infarction," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

November 2008

Lecturer, "Management of asymptomatic hyperparathyroidism," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

January 2009

Lecturer, "What is myocardial bridging and how is it managed?" Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

May 2009

Lecturer, "Evidence Based Medicine: Treatment of hypertension in patients 80 years of age or older," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

May 2009

Lecturer, "Evidence Based Medicine: Paclitaxel-eluting stents versus bare-metal stents in acute myocardial infarction," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

July 2009

Lecturer, "Presentation, diagnosis and treatment of sarcomas," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

November 2009

Lecturer, "Evidence Based Medicine: Cardiac-resynchronization therapy for the prevention of heart-failure events," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

March 2010

Lecturer, "Diagnosis and management of heparin induced thrombocytopenia," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

April 2010

Lecturer, "43-Year-old female with chest pain," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

June 2010 Lecturer, "Evidence Based Medicine: Low diastolic ambulatory blood pressure is associated with greater all-cause mortality in older patients with hypertension," Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

November 2011 Lecturer, "Interesting Echocardiography Case: Carcinoid heart disease," Division of Cardiology, Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

April 2012 Lecturer, "Interesting Echocardiography Case: Transthoracic echocardiography in diagnosing pulmonary embolism," Division of Cardiology, Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

May 2012 Lecturer, "Electrophysiology Patient Management Conference: I need an EP consult for this funny rhythm.....," Division of Cardiology, Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

June 2012 Lecturer, "Combined cardiac CT and MRI follow-up conference," Division of Cardiology, Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

July 2012 Lecturer, "Acute PE leading to RV failure seen on echocardiography," Division of Cardiology, Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

November 2012 Lecturer, "Cardiology Grand Rounds: Patient Management Conference," Division of Cardiology, Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

August 2014 Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

September 2014 Lecturer, "I've treated the STEMI culprit, now what about the bystander(s)?" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

September 2014 Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

October 2014 Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

November 2014 Lecturer, "Radial access in primary PCI; what's all the hype?" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

November 2014 Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

December 2014 Journal Club, "Twelve or 30 months of dual antiplatelet therapy after drug-eluting stents" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

December 2014 Lecturer, "FFR in the cathlab; what's all the hype?" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

December 2014	Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
January 2015	Lecturer, "Choosing treatment options for severe aortic stenosis" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
January 2015	Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
February 2015	Lecturer, "Bailing ourselves out of trouble: case-based approach to complications in the cath lab" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
February 2015	Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
March 2015	Lecturer, "Left main revascularization: a case-based approach" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
March 2015	Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
April 2015	Journal Club, "Radial versus femoral access in patients with acute coronary syndromes undergoing invasive management: a randomized multicenter trial" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
April 2015	Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
May 2015	Lecturer, "Radial access in patients presenting with ACS" Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.
May 2015	Lecturer, "Interventional cardiology case conference", Division of Cardiology, Department of Medicine, Mayo Clinic – Rochester, MN.

Invited Presentations

March 2003	Lecturer, "Human Kallikrein 13, a Potential Ovarian Cancer Marker, Binds Alpha-1-antichymotrypsin, Alpha-2-macroglobulin and Alpha-2-antiplasmin," American Association of Clinical Chemistry Annual Meeting 2003 – Verona, NY.
June 2014	Lecturer, "Medical Grand Rounds: Efficacy of Short-Term, High Dose Statins for Preventing Contrast-Induced Acute Kidney Injury in Patients Undergoing Coronary Angiography and/or Percutaneous Coronary Intervention: A Meta-Analysis of Randomized Controlled Trials," Division of Cardiology, Department of Medicine, Washington University in St. Louis/Barnes Jewish Hospital – St. Louis, MO.

Bibliography:

Original Articles

1. **Kapadia C**, Chang A, Sotiropoulou G, Yousef GM, Grass L, Soosaipillai A, Xing X, Howarth DH, Diamandis EP. Human kallikrein 13: Production and purification of recombinant protein and monoclonal and polyclonal antibodies, and development of a sensitive and specific immunofluorometric assay. *Clin Chem.* 2003; 49(1):77-86.

2. Yousef GM, **Kapadia C**, Polymeris ME, Borgono C, Hutchinson S, Wasney GA, Soosaipillai A, Diamandis EP. The human kallikrein protein 5 (hK5) is enzymatically active, glycosylated and forms complexes with two protease inhibitors in ovarian cancer fluids. *Biochimica Biophysica Acta*. 2003; 1628(2):88-96.
3. **Kapadia C**, Yousef GM, Mellati AA, Magklara A, Wasney GA, Diamandis EP. Complex formation between human kallikrein 13 and serum protease inhibitors. *Clinica Chimica Acta*. 2004; 339(1-2):157-167.
4. **Kapadia C**, Ghosh MC, Grass L, Diamandis EP. Human kallikrein 13 involvement in extracellular matrix degradation. *Biochem Biophys Res Commun*. 2004; 323(3):1084-1090.
5. Yousef GM, Obiezu CV, Luo LY, Magklara A, Borgono CA, Kishi T, Memari N, Michael P, Sidiropoulos M, Kurlender L, Economopolou K, **Kapadia C**, Komatsu N, Petraki C, Elliott M, Scorilas A, Katsaros D, Levesque MA, Diamandis EP. Human tissue kallikreins: from gene structure to function and clinical applications. *Adv Clin Chem*. 2005; 39:11-79.
6. Incavo SJ, **Kapadia C**, Torney R. Use of an intramedullary nail for correction of femoral deformities combined with total knee arthroplasty: a technical tip. *Arthroplasty*. 2007; 22(1):133-135.
7. Ahmed B, Thomas C, **Kapadia C**, Sandhu F, Mills S, Straight F, Schneider D, Dauerman, H. Frequency and safety of switching antithrombin therapy at a regional PCI center. *J Thromb Thrombolysis*. 2010; 29(3):282-288.
8. **Kapadia C**, Yockelson S, Novak E, Rasalingam R, Rich R. Utility of stress echocardiography in patients with a left bundle branch block. (Planned submission)
9. **Kapadia C**, Rich M, Chavoshi N, Novak E, Salisbury A, Maddox T, Kosiborod M, Brown J, Amin A. Efficacy of Short-Term, High Dose Statins for Preventing Contrast-Induced Acute Kidney Injury in Patients Undergoing Coronary Angiography and/or Percutaneous Coronary Intervention: A Meta-Analysis of Randomized Controlled Trials. (Planned submission)
10. **Kapadia C**, Maniar H, Zajarias A. Use of Trans-catheter Aortic Valve Replacement for Treatment of Aortic Stenosis in Patient with Existing Ventricular Septal Defect. (Planned Submission)

National and International Poster Presentations

1. **Kapadia C**, Yu K. Impact of genetically modified foods. *Annual Undergraduate Research Symposium*. Toronto, ON. March 2000.
2. Chang A, Yousef GM, **Kapadia C**, Scorilas A, Ponzone R, Diamandis EP. Favorable prognostic value of KLK13 gene expression in breast cancer. *93rd Annual Meeting of the American Association for Cancer Research*. San Francisco, CA. April 2002.
3. **Kapadia C**, Diamandis EP. Complex formation between human kallikrein 13 and serum protease inhibitors. *6th Annual Graduate Student Research Symposium*. Toronto, ON. March 2003.
4. **Kapadia C**, Chang A, Sotiropoulou G, Yousef GM, Grass L, Soosaipillai A, Diamandis EP. Development of a sensitive and specific immunofluorometric assay to measure human kallikrein 13 which is over expressed in ovarian cancer. *94th Annual Meeting of the American Association for Cancer Research*. Washington DC. July 2003.
5. **Kapadia C**, Grass L, Wasney G, Obiezu C, Yousef GM, Diamandis EP. Human kallikrein 13, a potential ovarian cancer marker, binds to alpha-1-antichymotrypsin, alpha-2-macroglobulin, and alpha-2-antiplasmin. *94th Annual Meeting of the American Association for Cancer Research*. Washington DC. July 2003.

6. Borgono CA, Ghosh MC, Michael IP, Stoop A, Craik CS, Choe Y, **Kapadia C**, Diamandis EP. Enzymatic action, substrate specificity, and regulation of human kallikrein 14 (hK14). *95th Annual Meeting of the American Association for Cancer Research*. Orlando, FL. March 2004.
7. **Kapadia C**, Ghosh MC, Stoop A, Craik CS, Choe Y, Borgono C, Diamandis EP. Human kallikrein 13: evaluation of its role in the degradation of extracellular matrix proteins and characterization of its substrate specificity. *95th Annual Meeting of the American Association for Cancer Research*. Orlando, FL. March 2004.
8. Ahmed B, Thomas C, **Kapadia C**, Sandhu F, Mills S, Straight F, Schneider D, Dauerman, H. Frequency and safety of switching antithrombin therapy at a regional PCI center. *The Society of Cardiovascular Angiography and Interventions 2009*. Las Vegas, NV. May 2009.
9. **Kapadia C**, Rasalingam R. 43-year-old woman with a large pericardial effusion attributable to minoxidil. *American College of Physicians Poster Competition 2009*. Osage Beach, MO. September 2009.
10. Rasalingam R, Bilhorn KR, Johnson SN, **Kapadia C**, Makan M, Moazami N, Perez JE. Continuous axial flow left ventricular assist devices improve pulmonary hemodynamics in patients with severe congestive heart failure. *American College of Cardiology 59th Annual Scientific Session 2010*. Atlanta, GA. March 2010.
11. Rasalingam R, Bilhorn KR, Johnson SN, **Kapadia C**, Makan M, Moazami N, Perez JE. Improved right ventricular myocardial performance despite reduced longitudinal deformation after left ventricular assist device implantation in patients with severe heart failure. *American College of Cardiology 59th Annual Scientific Session 2010*. Atlanta, GA. March 2010.
12. Rasalingam R, Bilhorn KR, Johnson SN, **Kapadia C**, Makan M, Pérez JE, Moazami N. Improved right heart function secondary to favorable loading conditions after axial flow left ventricular assist device implantation. *International Society of Heart and Lung Transplantation 30th Annual Meeting and Scientific Sessions 2010*. Chicago, IL. April 2010.
13. **Kapadia C**, Yockelson S, Novak E, Rasalingam R, Rich M. Utility of stress echocardiography in patients with left bundle branch block. *Mentors in Medicine Poster Symposium 2012*. St Louis, MO. May 2012.
14. **Kapadia C**, Rich M, Chavoshi N, Novak E, Salisbury A, Maddox T, Kosiborod M, Brown J, Amin A. Efficacy of Short-Term, High Dose Statins for Preventing Contrast-Induced Acute Kidney Injury in Patients Undergoing Coronary Angiography and/or Percutaneous Coronary Intervention: A Meta-Analysis of Randomized Controlled Trials. *American College of Cardiology 2014 Annual Scientific Session*. Washington, DC. March 2014.

FILED
A.M. 9:12 P.M.
JAN 09 2017
CANYON COUNTY CLERK
M. CERROS, DEPUTY

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705**

COMES NOW, The Plaintiff, the State of Idaho, and submits the following Disclosure of Expert Witness pursuant to I.C.R 16 and IRE 702, 703 and 705.

That the Plaintiff, the State of Idaho, has complied with ICR 16(b)(7) and IRE 702, 703 and 705 by submitting the following information, evidence and materials.

1) Dr Jonathan Calder:

- (a) The State discloses Jonathan Calder, MD, as an expert witness on trauma and acute care.
- (b) See the Curriculum Vitae attached for Jonathan Calder's qualifications.

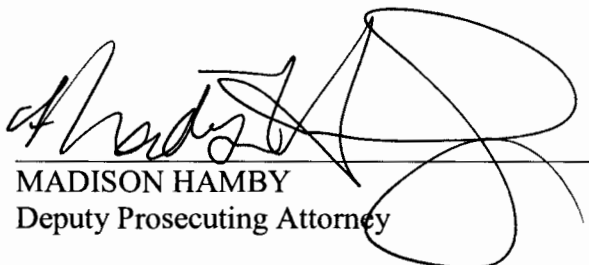
DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705

ORIGINAL

2) Witness Opinions:

- (a) A summary of findings and opinions was disclosed in the Saint Alphonsus Medical Center Medical Records Report on patient Steven Neslon or about May 27, 2016

DATED this 9th day of January, 2017.

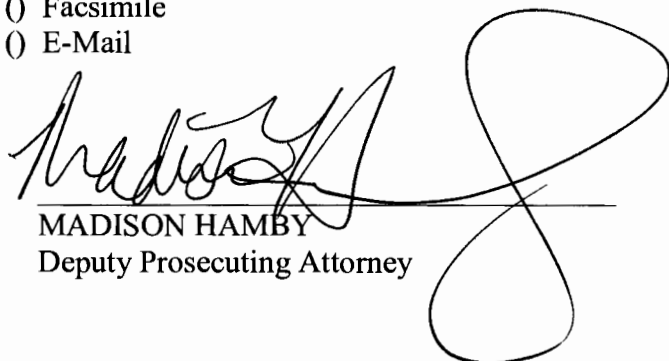

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 9th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail


MADISON HAMBY
Deputy Prosecuting Attorney

Jonathan Edward Calder
1414 N. 26th St.
Boise, ID 83702
505-629-7003
jon_calder@hotmail.com

Post Graduate Training

University of New Mexico, Albuquerque, NM
Department of Emergency Medicine
06/2011-7/2014

University of New Mexico, Albuquerque, NM
Department of Family and Community Medicine
06/1999-06/2002

Medical Education

University of Wisconsin, Madison, WI
08/1995-05/1999
MD

Undergraduate Education

University of California at Davis, Davis, CA
09/1989-06/1994
B.A. History, Minor Native American Studies

Membership and Professional Societies

ACEP
AAFP
EMRA

Certification/Licensure

ACLS, Exp. Date 06/2016
PALS, Exp. Date 06/2016

Board Certification

American Board of Family Medicine
Recertified 07/2009, expected recertification 07/2019

American Board of Emergency Medicine
Certified 6/2015. Expected recertification 2025

State Licenses

New Mexico, Full, Number: NM 2001-146, Exp. Date: 07/2017
California, Full, Number: C53578, Exp. Date: 12/2016
Idaho, Full, Number: M-12484, Exp. 6/30/2017

Work Experience

08/2014-current
Idaho Emergency Physicians

Emergency Medicine Physician

06/2011-07/2014

University of New Mexico, Albuquerque, NM
Department of Emergency Medicine
Resident Physician, Emergency Medicine
Level I Trauma Center, 90,000 + visits per year.

09/2010-06/2011

Crownpoint Comprehensive Health Care Facility-IHS, Crownpoint, NM
Independent Contractor
Emergency Department

05/2009-07/2010

Redwood Memorial Hospital, Fortuna, CA
North Coast Emergency Physicians
Independent Contractor
Emergency Department

09/2008-09/2009

Crownpoint Comprehensive Health Care Facility-IHS, Crownpoint, New Mexico
Independent Contractor
Emergency Department

11/2006-08/2007, 7/2012-7/2014

University of New Mexico Locum Tenens, Albuquerque, New Mexico
Staff Physician
Full spectrum Family Medicine at various sites in rural New Mexico, primarily at Crownpoint IHS

09/2002-11/2006

Crownpoint Comprehensive Health Care Facility-IHS, Crownpoint, New Mexico
Staff Physician
Full spectrum Family Medicine. Administrative positions: Physician Recruiter, Director of EMS/ED, Chief of Staff

Language Fluency

Functional Spanish
Rudimentary Navajo

Gaps in Work

8/2007-8/2008

Traveled around the world as a realization of a lifelong dream

References

Available upon request

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

FILED
A.M. 315 P.M.
JAN 11 2017
CANYON COUNTY CLERK
K TAYLOR, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705**

COMES NOW, The Plaintiff, the State of Idaho, and submits the following Disclosure of Expert Witness pursuant to I.C.R 16 and IRE 702, 703 and 705.

That the Plaintiff, the State of Idaho, has complied with ICR 16(b)(7) and IRE 702, 703 and 705 by submitting the following information, evidence and materials.

1) Dr. Joshua Holweger

(a) The State discloses Joshua Holweger, MD, as an expert witness on critical care medicine.

(b) See the Curriculum Vitae attached for Joshua Holweger's qualifications.

DISCLOSURE OF EXPERT WITNESS
PURSUANT TO I.C.R. 16(b)(7) AND IRE
702, 703, 705

ORIGINAL

2) Witness Opinions:

- (a) A summary of findings and opinions was disclosed in the Saint Alphonsus Medical Center Medical Records Report on patient Steven Neslon or about May 27, 2016

DATED this 11th day of January, 2017.



MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 11th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488
EMAIL:

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



MADISON HAMBY
Deputy Prosecuting Attorney

CURRICULUM VITAE

Joshua David Holweger, MD

PROFESSIONAL ADDRESS

SAMG Pulmonary and Sleep
1075 North Curtis Rd, Ste. 200
Boise, ID 83706
(208) 302-2000
joshua.holweger@saintalphonsus.org

Education

Degree	Institution	Date Degree Granted
B.S.	Union College, Lincoln, NE Biology	December 2001
M.D.	Loma Lina University, Loma Linda, CA Medicine	June 8, 2007
Residency	Creighton University, Omaha, NE Internal Medicine	July 1 2008 - June 31, 2011
Fellowship	University of Minnesota Pulmonary and Critical Care Medicine	July 1 2011 - June 31,2014

Work History

Employed Physician, SAMG and SARMC, in the areas of pulmonary and critical care medicine,
August 1, 2014 to Present

Medical Director for Respiratory Therapy and Pulmonary Rehabilitation,
June 2016 to Present

Certifications, Licenses

American Board of Internal Medicine, Internal Medicine, Certified 2011
American Board of Internal Medicine, Pulmonary Medicine, Certified 2015
American Board of Internal Medicine, Critical Care Medicine, Certified 2016

USMLE Step 3, passed 2009
USMLE Step 2 CS, passed 2007
USMLE Step 2 CK, passed 2006
USMLE Step 1, passed 2005

State of Idaho Medical License M-12488
State of Oregon Medical License MD166570

State of Minnesota Medical License 56067

DEA FH4652221 (expires 10/31/2019)

ACLS 6/2015-6/2017

BLS 6/2015-6/2017

Current Membership and Offices in Professional Organizations

American Thoracic Society

American College of Chest Physicians

RESEARCH AND SCHOLARSHIP

Peer-Reviewed Publications

Dincer HE, **Holweger JD**. Mounier-Kuhn syndrome and bilateral vocal cord paralysis. *J Bronchology Interv Pulmonol*. 2012 Jul;19(3):255-7. (*data acquisition, manuscript editing*)

Gheorghe CP, Goyal R, **Holweger JD**, Longo LD. Placental gene expression responses to maternal protein restriction in the mouse. *Placenta* 2009 May; 30(5): 411-7. (*conducted experimental studies, data acquisition, manuscript preparation, manuscript editing*)

Presentations

Peer-reviewed Oral Presentations at Professional Meetings, Conferences, etc.

Morrow LE, Deutz C, Desai K, **Holweger J**, Moore D, Malesker M. Changes in the Clinical Pulmonary Infection Score Are Associated With the Clinical Outcomes in Health-Care-Associated Pneumonia. *Chest* October 2011 140:4 Meeting Abstracts 899A; doi:10.1378/chest.1119588

Holweger JD, Morrow LE, Bierman KW, Ratelle JT, Malesker MA. Is Health-care-Associated Pneumonia a Good Predictor of Infection With Antibiotic-Resistant Pathogens? *Chest* October 2010 138:4 Meeting Abstracts 929A; doi:10.1378/chest.10985

Bierman KW, Morrow LE, **Holweger JD**, Ratelle JT, Malesker MA. Compliance With ATS-IDSA Guideline Recommendations for Empiric Antibiotic Therapy in Pneumonia. *Chest* October 2010 138:4 Meeting Abstracts 856A; doi:10.1378/chest.10966

Morrow LE, Bierman KW, **Holweger JD**, Ratelle JT, Malesker MA. Is Health-care-Associated Pneumonia More Similar to Community-Acquired Pneumonia Than We Think? *Chest* October 2010 138:4 Meeting Abstracts 855A; doi:10.1378/chest.10913

Poster Abstract Presentations at Professional Meetings, Conferences, etc.

Holweger JD, Zhang W, Williams B, Peterson E, Arndt P. PRAM1 And ADAP In Neutrophil Recruitment, Bacterial Clearance, And Immunological Response In A Pseudomonas Pneumonia

Model Of Lung Injury. American Thoracic Society Meeting May 2014. Am J Respir Crit Care Med 189;2014:A6632.

Holweger JD, Zhang W, Williams B, Peterson E, Arndt P. Role Of PRAM1 And ADAP In Neutrophil Recruitment, Bacterial Clearance, And Inflammation In A Pseudomonas Pneumonia Model. American Thoracic Society Meeting May 2013 DOI: 10.1164/ajrccm.conference.2013.187.1_MeetingAbstracts.A5484

Holweger J, DeNazareth A, Neeman K, Houghton B. Recurrent Severe Shoulder Pain – It's Not Always Osteoarthritis. Presented at: Society for General Internal Medicine – Midwest Regional Meeting; Chicago, IL. Sept 2008

Gheoghe C, **Holweger J**, Longo L. Maternal Protein Restriction: p53 Pathway Gene Expression and Intrauterine Growth Restriction. Presented at: Society for Gynecological Investigation; San Diego, CA. March 2008

Gheoghe C, **Holweger J**, Poston L, Samuelsson A, Longo L, Maternal Caloric Excess: Placental TFG Beta and DNA Methylation Pathway Gene Expression Changes and Epigenesis. Presented at: Society for Gynecological Investigation; San Diego, CA. March 2008

Holweger JD, Roth ED, Ahmad I, Chacko DM, Combination Therapy Using Verteporfin (PDT) and Pegaptanib Injections for Treatment of Exudative AMD. Presented at: The Association for Research in Vision and Ophthalmology; Ft. Lauderdale, FL. May 2007

Wong BY, **Holweger J**, Rexinger N, Wong HL, Inhibition of Aflatoxin B1 and Benzo[a]pyrene-induced mutagenesis in Salmonella typhimurium TA98 and TA100 by aqueous extract of the deser plant Chapparal (*Larrea divaricata*). Presented at: Proceedings of the American Society for Microbiology; Salt Lake City, UT. May 2002.

FILED
A.M. 5:20 P.M.
JAN 11 2017

CANYON COUNTY CLERK
C JIMENEZ, DEPUTY

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

Jayson L. Woods

Defendant.

CASE NO. CR2016-07911

**SECOND NOTICE OF INTENT
TO USE REDACTED VIDEO**

COMES NOW MADISON HAMBY, Deputy Prosecuting Attorney for the County of Canyon, State of Idaho, and does notify the Defendant, by and through counsel, that pursuant to the Court's Order on Defendant's First Motion in Limine, the State hereby submits proposed redactions for Deputy Odenborg's video to use in the Jury Trial scheduled for January 23, 2017 at 9:00 a.m.

- 1. Redact all after timestamp 05:08:09

DATED this 11th day of January, 2017.



MADISON HAMBY
Deputy Prosecuting Attorney

SECOND NOTICE OF INTENT
TO USE REDACTED VIDEO

ORIGINAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 11th day of January, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail
- Facsimile
- E-Mail



MADISON HAMBY
Deputy Prosecuting Attorney

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 12, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 1:30 P.M.
)	
JAYSON L. WOODS,	)	REPORTED BY:
	)	Patricia Terry
Defendant.)	
<hr/>		DCRT2 (1:42-2:41)

This having been the time heretofore set for **various motions** in the above entitled matter, the State was represented by Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County, and the defendant was personally present in court, with counsel, Mr. Lary Sisson.

The Court reviewed prior proceedings held and noted this was the time set for hearing on several motions, the State filed various motions to present 404(b) evidence at trial, and a notice of intent, in the event the defendant testified at trial, to attempt to impeach with prior a prior felony conviction involving Voting Fraud in the State of Washington.

Ms. Hamby requested the Court address the issue regarding appointing counsel to represent one of the State's witnesses.

The Court noted it met with counsel in chambers prior to this hearing, they Court was advised there was an uncharged co-conspirator that was testifying at trial, because she was

uncharged she had no attorney and it was probably appropriate to appoint an attorney prior to testifying.

Abigail Williams was sworn by the clerk and examined by the Court.

The Court determined it was appropriate for Abigail Williams to consult with an attorney regarding her testimony and whether she should exercise her right to remain silent. The examined the defendant regarding her financial status and Ordered the Public Defender appointed to represent Abigail Williams as a witness.

The Court instructed the State to address the 404(b) motion.

Ms. Hamby presented argument in support of the original 404(b) notice filed by the State on January 4, 2017 and the second 404(b) notice filed January 5, 2017, and presented argument in support of each motion. Additionally, as discussed in chambers, the State indicated it would introduce an informal notice of 404(b) this afternoon that was provided to defense counsel, and yesterday they were able to listen to voice recordings between the defendant and co-defendant Kevin Tracy. Ms. Hamby requested the State be permitted to play the recording for the Court.

In answer to the Court's inquiry, the parties stipulated that the Court Reporter would not be required to report the recording.

Mr. Boyd represented to the Court that the recording was a Facebook Messenger audio file dated April 23, 2016 which contained messages from the defendant to the co-defendant, Kevin Tracy, that were taken from Kevin Tracy's cell phone.

The voice recording was played for the Court's consideration.

The Court advised counsel that before it would allow those statements in, the Court wanted to know the context of the statements and why they may or may not have been made.

Ms. Hamby advised that there was a second voice recording from the defendant that may put into context what they were referring to.

The second audio was played for the Court's consideration.

Ms. Hamby presented further argument in support of the 404(b) motion.

In answer to the Court's inquiry, Ms. Hamby indicated that was the last of the State's 404(b) motions.

Mr. Sisson advised the Court that with regards to the original 404(b) motion, items #1, #2 and #3, this was not unexpected and the defense did not have really a basis to object to those items. With regards to item #4, generally speaking the defense was not opposed to that with the exception of the word "taking" and presented argument in opposition to the motion with regards to that language.

The Court indicated it could not interpret what the word "taking" meant in this instance, if it was a way of describing drug use that would be appropriate and Sisson appeared to agree, however, if it involved acts of the theft of drugs from somebody the Court would not allow that kind of evidence

Mr. Sisson presented argument in opposition to the State's second 404(b) motion.

The Court discussed the matter with Mr. Sisson and advised counsel of the Court's concerns.

Mr. Sisson presented argument in opposition to the last motion with regards to the voice recordings.

Ms. Hamby responded with further argument in support of each of the 404(b) motions.

The Court expressed opinions. With regards to the original 404(b) motion, items #1, #2 and #3, Accepting Earnings of a Prostitute, any of those acts that occurred during the time charged were relevant to the actual charge in this case and were admissible, if there were acts

that fell outside that time frame, it may still be admissible to show intent, common scheme and plan so those likely would come in, but the Court reserved the right to address the acts that fall outside that time frame. With regards to drug use, Mr. Sisson didn't appear to have an objection, it was very relevant to show motive, intent, and although it was likely to come in, the Court reserved the right to make a determination of each instance in its own context. With regards to the prior attempted robbery, it was likely to come in under common scheme or plan, to show motive or intent, it was highly relevant, however, the Court needed the context of that laid out before making a determination if the bad act occurred. With regards to the voice recordings, the Court expressed opinions, the Court did not feel it could make a definitive determination at this point and reserved ruling on that issue.

With regards to the 609 motion, it was the Court's understanding the defendant was convicted a little over nine (9) years ago of felony Voter Fraud in the State of Washington, that was governed by Rule 609 which allowed convictions within the past 10 years that reflected upon a witnesses character for truthfulness, so it would be admissible only if the defendant chose to testify. With regards to the Rule 609 motion and all of the 404(b) motions, if allowed a limiting instruction would be given to the jury with respect to what purposes they could consider that evidence for.

Ms. Hamby presented argument in support of the Rule 609 motion.

Mr. Sisson advised the Court that this only became important if the defendant chose to testify and reserved any argument until that decision was made. Until that time, any attempt to bring this in before the defendant testified was inappropriate.

The Court agreed it would not be allowed unless the defendant testified. The Court expressed opinions, advised that it was likely the Court would make a determination that probative value to his truthfulness outweighed any prejudicial effect, especially with a limiting

instruction that the jury could only use it for that allowed purpose, but the Court would address that at the appropriate time if necessary.

Ms. Hamby advised the Court that the State filed a motion in limine to allow the 911 audios to come in as evidence and presented argument in support of the motion.

Mr. Sisson responded with argument in opposition to the motion. In the event the 911 audios were allowed to come in, Mr. Sisson requested a limiting instruction to the jury that they were to consider the evidence only to show what the 911 caller's present sense impression was.

Ms. Hamby responded with additional argument in support of the motion.

The Court expressed opinions, determined the 911 calls were admissible and granted the motion.

Ms. Hamby advised the Court that the State had some proposed redactions but had not had an opportunity to speak with Mr. Sisson regarding whether he had any objections to those redactions.

The Court inquired what the State was requesting to be redacted.

Mr. Boyd advised that there were four (4) video CD's of the interview of the defendant, as well as Officer Odenborg's video that was redacted pursuant to the Court's Order.

The Court noted it appeared Officer Odenborg's video had been redacted so that video could come in as described in the Court's Order.

Ms. Hamby advised that the State wanted to make sure the video was redacted pursuant to the Court's Order.

Mr. Sisson strongly disagreed with the Court's decision and objected to the Odenborg video.

The Court noted Mr. Sisson's objection and advised counsel that the Court had made its decision.

Mr. Sisson requested a limiting instruction that the jury could only consider the statements of Mr. Nelson to Officer Odenborg for purposes of determining whether Mr. Nelson solicited Kelly Schneider for sex.

The Court advised counsel that it found they were admissible under hearsay exceptions. If they fell within exceptions to the hearsay rule, they were admissible for the truthfulness of the contents.

Mr. Sisson advised the Court that he had some thoughts and opinions regarding the redactions of the defendant's interview.

The Court advised counsel it would not rule on the redactions at this time and suggested counsel go over the redactions together to see if they could agree, if they could not agree the Court would find time to hear arguments and make a decision.

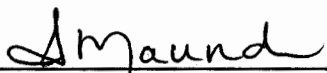
In answer to the Court's inquiry, each of counsel indicated they had no further issues to address.

The Court advised counsel that with regards to the Super Courtroom, the Court did not think it was necessary to hold the trial in that courtroom, the Court's regular courtroom was more convenient and was adequate for purposes of trial.

The Court advised counsel it would have seventy (70) jurors come in next Monday and next Tuesday, the Court would seat twenty (20) jurors that were passed for cause on January 19th and an additional nineteen (19) jurors that were passed for cause on January 20th, then those thirty nine (39) jurors would come back on January 23rd and the clerk would randomly draw those jurors for assigned seats and counsel could then conduct peremptory challenges.

The Court indicated because they were doing individual voir dire, the Court wanted counsel to try to limit jury questions to no longer than thirty (30) to forty (40) minutes and they could then take the time necessary for individual voir dire.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings or posting of bond.



Deputy Clerk

THIRD JUDICIAL DISTRICT
STATE OF IDAHO
COUNTY OF CANYON

FILED 1/12/17 AT 1:53 P.M.
CLERK OF THE DISTRICT COURT
BY Smund, Deputy

THE STATE OF IDAHO/or VS.
Jayson Lee Woods, P.D. 15
Appointed
for Abigail Williams

Case No. CR2016-7911AC

ORDER APPOINTING PUBLIC
DEFENDER

The Court being fully advised as to the application of the above-named applicant and it appearing to be a proper case,

IT IS HEREBY ORDERED that the Canyon County Public Defender be, and hereby is, appointed for to advise potential co-conspirator in State v. Woods prior to trial testimony.

THE MATTER IS SET FOR Jury trial January 23, 2017
before Judge Southworth.

THE MATTER SHALL BE SET FOR _____
before Judge _____

Dated: 1-12-2017

Signed: [Signature]
Judge

- In Custody -- Bond \$ _____
- Released: O.R.
- on bond previously posted
- to PreTrial Release

Juvenile: In Custody
 Released to _____

- No Contact Order entered.
- Cases consolidated.
- Discovery provided by State.
- Interpreter required.
- Additional charge of FTA.

** Abigail Williams is not *
in custody*

Original--Court File

Yellow--Public Defender

Pink--Prosecuting Attorney

ORDER APPOINTING PUBLIC
DEFENDER

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 17, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 2:00 P.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY:
	)	Patricia Terry
Defendant.)	
_____	)	DCRT2 (218-227)

This having been the time heretofore set for **status conference** in the above entitled matter, the State was represented by Mr. Christopher Boyd and Ms. Madison Hamby, Deputy Prosecuting Attorney for Canyon County, and the defendant was personally present in court, represented by counsel, Mr. Lary Sisson. Ms. Jolene Maloney was personally present in court.

The Court called the case and inquired of the status of the case.

Mr. Sisson advised the Court this matter would remain set for trial.

In answer to the Court's inquiry, both counsel advised the Court the entire video can be played for the jury it would be un-redacted.

The Court and counsel discussed trial issues, jury questionnaire, and jury selection procedure to be used in this matter.

The Court noted if there were any other matters that were not resolved submit those matters by tomorrow afternoon.

Ms. Maloney advised the Court she was unavailable on January 27, 2017.

The defendant was remanded into the custody of Canyon County Sheriff pending further proceedings or posting of bond.


Deputy Clerk

FILED
 A.M. 4:57 P.M.
 JAN 18 2017
 CANYON COUNTY CLERK
 C JIMENEZ, DEPUTY

cb

BRYAN F. TAYLOR
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 1115 Albany Street
 Caldwell, Idaho 83605
 Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

 Plaintiff,

 vs.

 JAYSON L. WOODS,

 Defendant.

CASE NO. CR2016-07911

EXHIBIT LIST

COMES NOW, MADISON HAMBY, Deputy Prosecuting Attorney, Canyon County,
 State of Idaho and submits the following list of exhibits the State intends to use at jury trial.

EXHIBIT LIST

No.	Description	Offered	Admitted	Denied	With- drawn	Orig. Sub
1	Map #1					
2	Map #2					
3	911 Audio #1					
4	911 Audio #2					
5	Interview Video of Jayson Woods #1					
6	Interview Video of Jayson Woods #2					
7	Interview Video of Jayson Woods #3					
8	Interview Video of Jayson Woods #4					
9	Certified Transcript of Jayson Woods Interview					

ORIGINAL

10	Video playing voice texts from Jayson Woods to Kevin Tracy on Kevin Tracy's phone					
11	Screenshot of the Facebook messenger texts from Jayson Woods to Kevin Tracy on Kevin Tracy's phone					
12	Screenshot of the Facebook messenger texts from Jayson Woods to Kevin Tracy on Kevin Tracy's phone #2					
13	Photograph of Kelly Schneider – Backpage Ad					
14	Photograph of Kelly Schneider – Headshot					
15	Photograph of Daniel Henkel – Headshot					
16	Photograph of Kevin Tracy – Headshot					
17	Photograph of Abigail Williams – Headshot					
18	Photograph of Jayson Woods – Headshot					
19	CD 9 Clip 1 Video-Steven Nelson-Walmart					
20	CD 9 Clip 1 Screenshot-Steve Nelson-Walmart					
21	Odenborg Video Interview Steven Nelson					
22	Autopsy Report					
23	Ambulance Photo					
24	Hospital Photo #1-St Als Nampa					
25	Hospital Photo #2-St Als Boise					
26	Hospital Photo #3-St Als Boise					
27	Hospital Photo #4-St Als Boise					
28	Hospital Photo #5-St Als Boise					
29	Hospital Photo #6					
30	Hospital Photo #7					
31	Hospital Photo #8					
32	Hospital Photo #9					
33	Hospital Photo #10					
34	Hospital Photo #11					
35	Autopsy Photo #1					
36	Autopsy Photo #2					
37	Autopsy Photo #3					
38	Autopsy Photo #4					
39	Autopsy Photo #5					
40	Autopsy Photo #6					
41	Autopsy Photo #7					
42	Autopsy Photo #8					
43	Autopsy Photo #9					
44	Autopsy Photo #10					

45	Autopsy Photo #11					
46	Autopsy Photo #12					
47	Autopsy Photo #13					
48	Autopsy Photo #14					
49	Autopsy Photo #15					
50	Autopsy Photo #16					
51	Autopsy Photo #17					
52	Autopsy Photo #18					
53	Autopsy Photo #19					
54	Autopsy Photo #20					
55	Autopsy Photo #21					
56	Autopsy Photo #22					
57	Autopsy Photo #23					
58	Autopsy Photo #24					
59	Autopsy Photo #25					
60	Photo of Exterior of Kelly Schneider's House #1					
61	Photo of Exterior of Kelly Schneider's House #2					
62	Photo of Exterior of Kelly Schneider's House #3					
63	Photo of Exterior of Kelly Schneider's House #4					
64	Photo of Exterior of Kelly Schneider's House #5					
65	Photo of Interior of Kelly Schneider's House #1- Proof of Residence					
66	Photo of Interior of Kelly Schneider's House #2					
67	Photo of Interior of Kelly Schneider's House #3					
68	Photo of HHR #1					
68A	Photo of HHR #1A					
69	Photo of HHR #2					
70	Photo of HHR #3					
71	Photo of HHR #4					
72	Photo of HHR #5					
73	Photo of HHR #6					
74	Photo of HHR #7					
75	Photo of HHR #8					
76	Photo of HHR #9					
77	Photo of HHR #10					
78	Photo of HHR #11					
79	Photo of HHR #12					
80	Photo of HHR #13					
81	Photo of Pontiac #1					

82	Photo of Pontiac #2					
83	Photo of Pontiac #3					
84	Photo of Pontiac #4					
85	Photo of Pontiac #5					
85	Photo of Pontiac #6					
86	Photo of Pontiac #7					
87	Photo of Pontiac #8					
88	Photo of Pontiac #9					
89	Photo of Pontiac #10					
90	Photo of Pontiac #11					
91	Photo of Pontiac #12					
92	Photo of Pontiac #13					
93	Photo of Impala #1					
94	Photo of Impala #2					
95	Photo of Impala #3 – Proof of Ownership and Insurance					
96	Photo of Impala #4					
97	Photo of Impala #5					
98	Photo of Impala #6					
99	Photo of Impala #7					
100	Photo of Impala #8					
101	Photo of Impala #9					
102	Photo of Impala #10					
103	Kelly Schneider's Backpage Ad					
104	Backpage Ad Disclaimers					
105	Kevin Tracy's Backpage Ad					
106	Daniel Henkel's Backpage Ads					
107	Abigail William's Backpage Ads					
108	Unknown Female Backpage Ad					
109	Steven Nelson- US Bank Photo					
110	Walmart Video Screenshot #1					
111	Walmart Video Screenshot #2					
112	Walmart Video Screenshot #3					
113	Walmart Video Screenshot #4					
114	Walmart Video Screenshot #5					
115	Walmart Video Screenshot #6					
116	Walmart Video Screenshot #7					
117	Walmart Video Screenshot #8					
118	Walmart Video Screenshot #9					

119	Walmart Video Screenshot #10					
120	Walmart Video Screenshot #11					
121	Walmart Video Screenshot #12					
122	Walmart Video Screenshot #13					
123	Walmart Video Screenshot #14					
124	Walmart Video Screenshot #15					
125	Walmart Video Screenshot #16					
126	Walmart Video Screenshot #17					
127	Walmart Video Screenshot #18					
128	Walmart Video Screenshot #19					
129	Walmart Video Screenshot #20					
130	Walmart Video Screenshot #21					
131	Walmart Video Screenshot #22					
132	Walmart Video Screenshot #23					
133	Walmart Video - Exterior Side Building 01					
134	Walmart Video - Customer Entrance Exterior					
135	Walmart Video - Exterior Front Drive Aisle 1					
136	Walmart Video - Exterior Front Drive Aisle 5					
137	Walmart Video - Exterior Front Drive Aisle 3					
138	Walmart Video - Customer Entrance 01					
139	Steven Nelson's Phone					
140	Steven Nelson's Phone					
141	Jayson Wood's Phone					
142	Jayson Wood's Phone					
143	Kevin Tracy's Phone					
144	Abigail William's Phone					
145	Daniel Henkel's Phone					
146	Kelly Schneider's ZTE Phone					
147	Kelly Schneider's Samsung Galaxy Core Phone					
148	Steven Nelson's text message log regarding Kelly Schneider					
149	Kelly Schneider text message log					
150	Email from Jayson Woods found on Daniel Henkel's Phone					
151	Steven Nelson's text message log regarding Daniel Henkel					
152	Kelly Schneider's text message log with Jayson Woods					
153	Gotts Point Photo #1					
154	Gotts Point Photo #2					

155	Gotts Point Photo #3					
156	Gotts Point Photo #4					
157	Gotts Point Photo #5					
158	Gotts Point Photo #6					
159	Gotts Point Photo #7					
160	Gotts Point Photo #8					
161	Gotts Point Photo #9					
162	Gotts Point Photo #10					
163	Gotts Point Photo #11					
164	Gotts Point Photo #12					
165	Gotts Point Photo #13					
166	Gotts Point Photo #14					
167	Gotts Point Photo #15					
168	Gotts Point Photo #16					
169	Gotts Point Photo #17					
170	Gotts Point Photo #18					
171	Gotts Point Photo #19					
172	Gotts Point Photo #20					
173	Jayson Wood's Miranda Waiver					
174	Alexis Tighe Backpage Ad					
175	Maverick still frame photograph					
176	Maverick still frame photograph					
177	Maverick still frame photograph					
178	Maverick still frame photograph					
179	Gott's point overhead view					
180	Gott's point overhead view					
181	Gott's point overhead view					
182	Gott's point overhead view					
183	Gott's point overhead view					
184	Gott's point overhead view					
185	Gott's point overhead view					
186	Gott's point overhead view					
187	Email from Woods to Henkel re: "Hitting licks"					
188	Timeline Woods Phone HTC Desire					
189	Brass rod or pipe (three attachable pieces)					
190	Pants and Belt of Steven Nelson					
191	Shirt Steven Nelson					
192	Shoes Steven Nelson					
193	Socks Steven Nelson					
194	Wallet of Kelly Schneider					
195	Walmart Receipt for Blueberry Pie and 60\$ cash back 4/29/2016 at 2:45 AM (page 592)					

JAN 19 2017

CANYON COUNTY CLERK
M. NYE, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,)	
)	
)	
Plaintiff,	)	CASE NO. CR-2016-7911-C
)	
vs.	)	ORDER EXCUSING JURORS FOR
	)	CAUSE
JAYSON WOODS,)	
)	
Defendant.)	
)	

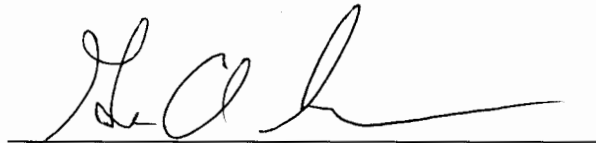
Having reviewed the juror questionnaires submitted to the Court, the Court will excuse the following jurors for cause:

- | | |
|-----------|---|
| Juror 104 | Excused for health/family hardship |
| Juror 105 | Excused for employment hardship |
| Juror 120 | Excused because juror feels he/she cannot be fair and impartial |
| Juror 135 | Excused for religious reasons |
| Juror 146 | Excused for religious reasons |
| Juror 151 | Excused for health hardship |

Juror 156	Excused for employment hardship
Juror 162	Excused due to non-refundable trip during trial
Juror 171	Excused for employment hardship
Juror 194	Excused because juror feels he/she cannot be fair and impartial
Juror 203	Excused because juror feels he/she cannot be fair and impartial
Juror 206	Excused for employment hardship
Juror 215	Excused because juror feels he/she cannot be fair and impartial
Juror 234	Excused for employment hardship
Juror 240	Excused because juror feels he/she cannot be fair and impartial
Juror 247	Excused for employment hardship
Juror 263	Excused for childcare hardship
Juror 279	Excused for work hardship
Juror 287	Excused due to non-refundable trip during trial
Juror 289	Excused because juror feels he/she cannot be fair and impartial
Juror 302	Excused because juror feels he/she may not be fair and impartial
Juror 303	Excused for childcare hardship
Juror 331	Excused because juror feels he/she may not be fair and impartial
Juror 332	Excused because juror feels he/she may not be fair and impartial
Juror 340	Excused because juror feels he/she may not be fair and impartial
Juror 345	Excused for health/family hardship
Juror 350	Excused for religious reasons
Juror 358	Excused for childcare hardship
Juror 363	Excused for religious reasons

Juror 373 Excused for being under subpoena in other matters during trial
 Juror 402 Excused because juror feels he/she may not be fair and impartial
 Juror 419 Excused for childcare hardship
 Juror 423 Excused for health/family hardship
 Juror 427 Excused for religious reasons

Dated: January 18, 2017.



 George A. Southworth
 District Judge

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19 day of January, 2017, I caused to be served a true and correct copy of the foregoing ORDER by the method indicated below, and addressed to the following persons:

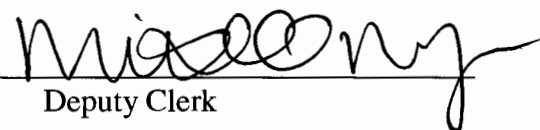
Madison Hamby
 Christopher Boyd
 Canyon County Prosecutor
 1115 Albany St
 Caldwell, ID 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

Lary G Sisson
 815 Fillmore St
 Caldwell, ID 83605-4126

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

CLERK OF THE DISTRICT COURT

By: 
 Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 19, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	2CCRT140 (9:29-4:50)
_____)	

This having been the time heretofore set for **trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:29 a.m. with all parties present. The proposed jury panel was present in the charge of the Bailiff, Mr. Wes Musser.

In answer to the Court's inquiry, each side indicated they were prepared to proceed to trial.

Upon instruction of the Court, the roll of the jury was called by the clerk, with all being present except those previously excused by the Jury Commissioner.

The Court introduced Court staff to the proposed jurors.

The Court advised the jury with regards to fulfilling their civic obligation to be a part of

the judicial process and of their duties as jurors.

The Court introduced Mr. Boyd, Ms. Hamby, Mr. Sisson and the defendant to the prospective jurors.

Under the direction of the Court, the clerk read the Superseding Indictment to the jury and stated the defendant's plea of not guilty.

The Court advised the prospective jury that the defendant was presumed innocent, the State had the burden of proving the defendant guilty beyond a reasonable doubt and the defendant was not required to prove his innocence, or present any evidence. Additionally the Court advised the jury that it was the Courts duty to instruct them as to the law that applied in this case, it was their duty to determine the facts, apply the law set forth in the instructions to those facts to decide the case and that they must follow the instructions regardless of their opinions of what the law was, or what the law should be.

The Court instructed the jury that during the course of the trial, they could not discuss this case among themselves, or with anyone else, and they were not to form any opinions as to the merits of the case until after the case had been submitted to them for their determination.

The clerk drew twenty (20) juror numbers, one at a time, and the following prospective jurors were seated:

#101	#147	#78	#224
#93	#75	#125	#143
#237	#181	#232	#92
#161	#166	#199	#170
#190	#93	#164	#242

The Court advised the prospective jurors of the process involved in picking a jury.

The prospective jury panel was sworn voir dire by the clerk.

The Court examined the prospective jurors as a whole. Juror #242 was examined by the Court and excused by the Court for cause. Juror #173 was called and examined by the Court.

Ms. Hamby examined the prospective jurors voir dire as a whole and individually.

Mr. Sisson examined the prospective jurors voir dire as a whole and individually.

The Court admonished the jury regarding their conduct and recessed at 11:02 a.m.

The Court reconvened at 11:20 a.m. with all parties present. The jury panel was not present.

Juror #101 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #101 was removed from the courtroom.

Juror #121 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #121 was removed from the courtroom.

Juror #237 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #237 was removed from the courtroom.

Juror #161 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #161 was removed from the courtroom.

Juror #190 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #190 was removed from the courtroom

Juror #147 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause.

The entire panel of prospective jurors was brought into the courtroom at 12:17 p.m.

The Court admonished the jury regarding their conduct and recessed for the lunch hour

at 12:19 p.m.

The Court reconvened at 1:34 p.m. with all parties present. The jury panel was not present.

Juror #75 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #75 was removed from the courtroom.

Juror #181 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby, was passed for cause by the State, was examined by Mr. Sisson and was challenged for cause. Juror #181 was examined further by the Court and by Ms. Hamby, and was excused by the Court for cause. Juror #239 was called.

Juror #239 was brought into the courtroom, was examined by the Court, examined by Mr. Hamby and Mr. Sisson and was passed for cause. Juror #239 was removed from the courtroom.

Juror #166 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #166 was removed from the courtroom.

Juror #93 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #93 was removed from the courtroom.

Juror #78 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #78 was removed from the courtroom.

Juror #125 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #125 was removed from the courtroom.

Juror #232 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #232 was removed from the

courtroom.

Juror #199 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #199 was removed from the courtroom.

The Court admonished the jury regarding their conduct and recessed at 2:58 p.m.

The Court reconvened at 3:12 p.m. The jury panel was not present.

Juror #164 was brought into the courtroom, was examined by the Court and excused by the Court for cause. Juror #201 was called.

Juror #201 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #201 was removed from the courtroom.

Juror #224 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #224 was removed from the courtroom.

Juror #143 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #208 was called.

Juror #208 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #208 was removed from the courtroom.

Juror #92 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #92 was removed from the courtroom.

Juror #170 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #219 was called.

Juror #219 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #219 was removed from the courtroom.

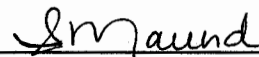
Juror #173 was brought into the courtroom, was examined by the Court, was examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #173 was removed from the courtroom.

The prospective jury panel was returned into the courtroom at 4:42 p.m.

The Court instructed the following perspective jurors to return Monday morning, January 23, 2017 at 8:30 a.m.: #101, #121, #237, #161, #190, #147, #75, #239, #166, #93, #78, #125, #232, #199, #201, #224, #208, #92, #219 and #173.

The Court admonished the jury regarding their conduct and recessed for the day at 4:50 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.


Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 20, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	2CCRT140 (9:21-4:50)

This having been the time heretofore set for **the second day of a trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:21 a.m. with all parties present. The proposed jury panel was present in the charge of the Bailiff, Mr. Wes Musser.

The Court introduced Court staff to the proposed jurors.

The Court advised the jury with regards to fulfilling their civic obligation to be a part of the judicial process and of their duties as jurors.

The Court introduced Mr. Boyd, Ms. Hamby, Mr. Sisson and the defendant to the proposed jurors.

Under the direction of the Court, the clerk read the Superseding Indictment to the jury

and stated the defendant's plea of not guilty.

The Court advised the prospective jury that the defendant was presumed innocent, the State had the burden of proving the defendant guilty beyond a reasonable doubt and the defendant was not required to prove his innocence, or present any evidence. Additionally the Court advised the jury that it was the Courts duty to instruct them as to the law that applied in this case, it was their duty to determine the facts, apply the law set forth in the instructions to those facts to decide the case and that they must follow the instructions regardless of their opinions of what the law was, or what the law should be.

The Court instructed the jury that during the course of the trial, they could not discuss this case among themselves, or with anyone else, and they were not to form any opinions as to the merits of the case until after the case had been submitted to them for their determination.

The clerk drew twenty (20) juror numbers, one at a time, and the following prospective jurors were seated:

#351	#217	#325	#356
#349	#210	#394	#118
#381	#412	#366	#322
#273	#347	#411	#312
#299	#195	#304	#389

The Court advised the prospective jurors of the process involved in picking a jury.

The prospective jury panel was sworn voir dire by the clerk.

The Court examined the prospective jurors as a whole. Juror #356 was examined by the Court and there being no objection, was excused by the Court for cause. Juror #372 was called and examined by the Court. Juror #217 was examined by the Court and the being no objection, was excused by the Court for cause. Juror #359 was called. Juror #349 was examined by the

Court and there being no objection, was excused by the Court for cause. Juror #416 was called and examined by the Court.

Ms. Hamby examined the prospective jurors voir dire as a whole and individually.

Mr. Sisson examined the prospective jurors voir dire as a whole and individually.

The Court admonished the jury regarding their conduct and recessed at 10:54 a.m.

The Court reconvened at 11:13 a.m. with all parties present. The jury panel was not present.

Juror #351 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #351 was removed from the courtroom.

Juror #416 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #416 was removed from the courtroom.

Juror #381 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #184 was called.

Juror #184 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #184 was removed from the courtroom.

Juror #273 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd, Ms. Hamby and Mr. Sisson, and was passed for cause. Juror #273 was removed from the courtroom.

Juror #299 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson, and was passed for cause.

The entire panel of prospective jurors was brought into the courtroom at 12:23 p.m.

The Court admonished the jury regarding their conduct and recessed for the afternoon at 12:19 p.m.

The Court reconvened at 1:35 p.m. with all parties present. The jury panel was not present.

Juror #359 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #359 was removed from the courtroom.

Juror #210 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #283 was called.

Juror #283 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #283 was removed from the courtroom.

Juror #412 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson, and was passed for cause. Juror #412 was removed from the courtroom.

Juror #347 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #418 was called.

Juror #418 was brought into the courtroom, was examined by the Court and was examined by Ms. Hamby and Mr. Sisson. Mr. Sisson moved to strike the juror for cause, the juror was examined by the Court further and juror #418 was excused by the Court for cause. Juror #385 was called.

Juror #385 was brought into the courtroom, was examined by the Court, was examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #385 was removed from the

courtroom.

Juror #195 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #195 was removed from the courtroom.

Juror #325 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #404 was called.

Juror #404 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #278 was called.

Juror #278 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #278 was removed from the courtroom.

The Court recessed at 3:24 p.m.

The Court reconvened at 3:41 p.m. The jury panel was not present.

Juror #394 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #394 was removed from the courtroom.

Juror #366 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #366 was removed from the courtroom.

Juror #411 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #411 was removed from the courtroom.

Juror #304 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #304 was removed from the courtroom.

Juror #372 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #372 was removed from the courtroom.

Juror #118 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause. Juror #118 was removed from the courtroom.

Juror #322 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #378 was called.

Juror #378 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd and Mr. Sisson and was passed for cause. Juror #378 was removed from the courtroom.

Juror #312 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #410 was called.

Juror #410 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #324 was called.

Juror #324 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #401 was called.

Juror #401 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #388 was called.

Juror #388 was brought into the courtroom, was examined by the Court and there being no objection, was excused by the Court for cause. Juror #329 was called.

Juror #329 was brought into the courtroom, was examined by the Court, examined by Mr. Boyd, Ms. Hamby and Mr. Sisson and was passed for cause. Juror #329 was removed from the courtroom

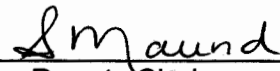
Juror #389 was brought into the courtroom, was examined by the Court, examined by Ms. Hamby and Mr. Sisson and was passed for cause.

The prospective jury panel was returned into the courtroom at 5:31 p.m.

The Court instructed the following perspective jurors to return Monday morning, January 23, 2017 at 8:30 a.m.: #351, #416, #184, #273, #299, #359, #283 #412, #385, #195, #278, #394, #366, #411, #304, #372, #118, #378, #329 and #389.

The Court admonished the jury regarding their conduct and recessed for the day at 4:50 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.


Deputy Clerk

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Idaho State Bar No. 6072

Attorney for Defendant

FILED
A.M. P.M.
JAN 20 2017
CANYON COUNTY CLERK
M. CERROS, DEPUTY

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON WOODS,

Defendant.

CASE NO.: CR-2016-7911-C

**DEFENDANT'S OBJECTION TO
SPECIFIC EXHIBITS**

COMES NOW Defendant, by and through his attorney, Lary G. Sisson, and hereby Objects to Specific Exhibits listed in the State's Exhibit List, which was filed on January 18, 2017. The exhibits that are being objected to, and the reason for the objections, are as follows:

1. Exhibit 9 – Exhibit 9 contains information and statements that are prior bad acts that have not been approved so far to be presented to the jury. Additionally, the transcript will become de facto notes for the jury. The Idaho Criminal Jury Instructions specifically forbid notetaking by others on behalf a juror or jurors.

2. Exhibits 10, 11, and 12 – The Court has so far not granted the State's Motion in Limine in regards to these exhibits and therefore they are not admissible under the Idaho rules of

DEFENDANT'S OBJECTIONS TO
SPECIFIC EXHIBITS

1

Evidence.

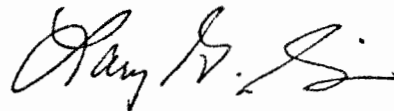
3. Exhibit 18 – Mr. Woods has been present, and will be present, throughout the trial. He will not be asserting a defense of misidentification. Therefore, the photographs of only purpose of presenting a photo of the defendant is to inflame and bias the jury.

4. Exhibits 141 and 142 – As far as the defense knows, the State has not obtained any information or evidence from Defendant's cell phones. Therefore, Defendant's cell phones have no relevance in this trial.

5. Exhibit 188 - As far as the defense knows, the State has not obtained any information or evidence from Defendant's cell phones. Until the State either discloses information from Defendant's cell phone, or discloses how they were able to put together a timeline from Defendant's cell phone, then the defense objects on the grounds of foundation and relevance.

By filing these written objections, the State is not waiving any other objections it may make to the aforementioned exhibits and is not waiving any potential objections the defense may have to any of the State's exhibits. The defense is making these written objections because the aforementioned exhibits are clearly inadmissible during the jury trial.

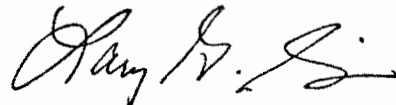
DATED this 20th day of January, 2017.



LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That a true and correct copy of the foregoing *Defendant's Objections to Specific Exhibits* was delivered to the attorney for the Plaintiff by placing said copy in the Prosecuting Attorney's basket located at the Clerk's Office, Canyon County Courthouse, on or about this 20th day of January, 2017.



LARRY G. SISSON
Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 23, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:19-2:04)
_____)		

This having been the time heretofore set for **third day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:19 a.m. with all parties present. The proposed jury panel was present in the charge of the Bailiff, Mr. Wes Musser.

Upon instruction of the Court, the clerk drew each juror number and seated them in the following order: #239, #75, #359, #161, #184, #304, #147, #195, #118, #412, #351, #329, #219, #173, #93, #299, #416, #411, #366, #190, #201, #78, #389, #283, #237, #125, #101, #394, #208, #378, #224, #199, #372, #278, #166, #385, #232, #92 and #121.

Upon instruction of the Court, each side exercised their peremptory challenges.

The Court instructed the following jurors who were chosen to try this case to take

the appropriate seat in the jury box: #239, #166, #372, #224, #184, #378, #394, #237, #78, #366, #351, #299, #219, #173 and #93.

In answer to the Court's inquiry, each of counsel accepted the jury as seated.

The jury was sworn by the clerk to well and truly try the matter at issue at 9:53 a.m.

The jury was removed from the courtroom at 9:54 a.m.

The Court thanked the remaining jurors and excused them from these proceedings.

In answer to the Court's inquiry, both sides indicated they had no objection to the Court's preliminary instructions.

Mr. Boyd advised the Court that the State intended to use a power point presentation for its opening statement and a copy of that CD marked as State's exhibit #300 had been provided to the clerk to be kept for purposes of the record.

The Court so noted.

Ms. Hamby requested the State be permitted to have a representative from law enforcement sit at counsel table pursuant to Rule 615 and advised that representative would be Chuck Gentry.

The Court granted the request.

Mr. Sisson moved to exclude witnesses during the taking of testimony.

The Court so Ordered and instructed both sides to admonish their witnesses not to discuss their testimony with anyone.

The Court recessed at 9:56 a.m.

The Court reconvened at 10:16 a.m. with all parties present. The jury was present and properly seated.

The Court read opening instructions to the jury.

Mr. Boyd presented an opening statement to the jury.

Mr. Sisson presented an opening statement to the jury.

The jury was removed from the courtroom at 11:11 a.m.

Ms. Hamby advised the Court that the State's first witness would need to be advised of his Fifth Amendment rights.

The Court so noted.

The Court recessed at 11:12 a.m.

The Court reconvened at 11:25 a.m. with all parties present.

Outside the presence of the jury, **Kevin Tracy**, was called and sworn by the clerk.

The Court advised the witness that he had the right to remain silent and if he waived that right anything he said could be used against him in his case. In answer to the Court's inquiry, the witness indicated he consulted with his attorney, Aaron Bazzoli, with regards to his decision to testify in this case.

In answer to the Court's inquiry, Mr. Bazzoli indicated he went over with his client his Fifth Amendment right, the witness understood that right and was prepared to waive that right.

The Court advised the witness that if they got into an area he was uncomfortable with he could ask to speak with his attorney.

The jury was returned into the courtroom at 11:30 a.m. The jury was present and seated.

The State's first witness, **KEVIN TRACY**, was called and sworn by the clerk.

The Court advised the jury that this witness had pending charges with regards to this incident, and because of that his attorney was present to consult him if necessary.

The witness was direct-examined by Mr. Boyd. State's exhibits #68 and #68a were identified as each being photographs of the Chevrolet HHR. State's exhibits #110 and #111 were identified as video screenshots of the Chevrolet HHR. State's exhibit #13 was identified as a photograph of Kelly Schneider, was offered and there being no objection, was Ordered admitted. State's exhibit #14 was identified as a photograph of Kelly Schneider, was offered and there being no objection, was Ordered admitted. State's exhibit #15 was identified as a photograph of Daniel Henkel, was offered and there being no objection, was Ordered admitted. State's exhibit #16 was identified as a photograph of Kevin Tracy, was offered and there being no objection, was Ordered admitted. State's exhibit #17 was identified as a photograph of Abigail Williams, was offered and there being no objection, was Ordered admitted. State's exhibit #18 was identified as a photograph of Jayson Woods, was offered and there being no objection, was Ordered admitted. State's exhibit #78 was identified as the back of the Chevrolet HHR, was offered and there being no objection, was Ordered admitted. State's exhibit

#189 was identified as a pipe. State's exhibit #179 was identified as an aerial photograph of Gott's Point, was offered and there being no objection, was Ordered admitted. Mr. Boyd moved for admission of State's exhibit #189 and there being no objection, was Ordered admitted. State's exhibit #96 was identified as a photograph of the victim's clothes in the back seat of the Chevrolet Impala, was offered and there being no objection, was Ordered admitted. State's exhibits #60 through #64 were identified as photographs of the exterior of Kelly Schneider's house.

The Court recessed at 1:10 p.m.

The Court reconvened 1:24 p.m. with all parties present. The jury was present and properly seated.

Direct-examination of the witness continued. Mr. Boyd moved for admission of State's exhibits #60 through #64 and there being no objection, were Ordered admitted. State's exhibit #143 was identified as Kevin Tracy's cell phone, was offered and there being no objection, was Ordered admitted. State's exhibit #12 was identified as a screenshot of Facebook Messenger texts from Jayson Woods to Kevin Tracy on Kevin Tracy's cell phone, was offered and there being no objection, was Ordered admitted. State's exhibit #105 was identified as Kevin Tracy's Backpage ad, was offered and there being no objection, was Ordered admitted. State's exhibit #23 was identified as a photograph of Steven Nelson in the ambulance, was offered and there being no objection, was Ordered admitted. State's exhibits #93 and #94 were identified as photographs of a white Chevrolet Impala, were offered and there being no objection,

were Ordered admitted. State's exhibit #10 was identified as a CD containing voice texts from Jayson Woods to Kevin Tracy on Kevin Tracy's phone, and State's exhibit #11 was identified as being a screenshot of Facebook Messenger texts from Jayson Woods to Kevin Tracy on Kevin Tracy's phone, were offered and Mr. Sisson objected.

The Court admonished the jury regarding their conduct and excused the jury for the day at 1:54 p.m.

Outside the presence of the jury, the Court noted it had previously had a hearing in which the Court heard these messages and indicated it would hear the defendant's objection regarding exhibits #10 and #11.

Mr. Sisson presented argument in opposition to the admission of the exhibits.

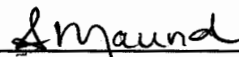
Mr. Boyd responded with argument in support of admission of the exhibits.

Mr. Sisson responded with additional argument.

The Court expressed opinions and sustained the defendant's objection to admission of State's exhibits #10 and #11.

The Court recessed for the day at 2:04 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.


Deputy Clerk

State of Idaho v. Jayson Woods

Juror Questionnaire

Name _____

Juror No. _____

F I L E D
A.M. 270 P.M.

JAN 23 2017

CANYON COUNTY CLERK
S MAUND, DEPUTY

Instructions

You have been selected as a possible juror in the case of **State of Idaho v. Jayson Woods**. Please complete the following questionnaire to assist the Court and counsel in selecting a jury to serve in this case. The purpose of these questions is not to ask unnecessarily about personal matters. Rather, it is simply to determine whether you, as a prospective juror, can decide the case fairly and impartially. **This questionnaire—and the answers contained in this questionnaire—are confidential and will not be made public.**

It is important that your answers to the questions contained in this questionnaire be yours and yours alone. Thus, please do not discuss the questionnaire or your answers with anyone. **You are sworn to give true and complete answers to all questions.** Please print your answers and use black or dark blue ink to ensure legibility. Please write your name and assigned juror number on the first page and your juror number on the bottom of every page in this questionnaire.

Please note that regardless of your answers to any of the following questions you must report in person to jury duty as instructed by the jury commissioner.

JUROR NO. _____

1

JUROR QUESTIONNAIRE

1. In order to serve as a juror in this case, you must be a current resident of Canyon County, Idaho. Please state your current city and county of residence.

a. City_____

b. County_____

2. Do you have any difficulty reading or understanding the English language?

YES_____ NO_____

If yes, please explain

3. Physical Infirmities or Conditions

a. Do you have any physical conditions (for example, a vision or hearing impairment; a chronic illness; late-stage pregnancy; or ongoing medical treatment such as chemotherapy) that would interfere with your ability to serve in a 3-4 week trial?

YES_____ NO_____

b. If yes, please describe:

JUROR NO. _____

4. Medication

a. Are you regularly taking any medication that could affect your ability to serve?

YES _____ NO _____

If yes, please describe:

5. Do you have any religious convictions or beliefs that absolutely prevent you from sitting in judgment of another person?

YES _____ NO _____

If yes, please explain:

6. Are you: (Check any and all that apply)

Self-employed? _____

Employed full-time? _____

Employed part-time? _____

Working in the home? _____

JUROR NO. _____

3

Unemployed/laid off? _____

Retired? _____

Student? _____

Disabled and unable to work? _____

7. Employment:

- a. If you are employed, what type of work do you do? (If retired or unemployed, what type of work did you last perform?)

- b. If currently employed, do you supervise employees in your work?

YES _____ NO _____

If yes, how many? _____

If yes, are you paid at an hourly rate or are you paid a salary?

8. Students: if you are a student currently enrolled in classes, please briefly describe your area of study and current course load:

9. Are you currently breastfeeding an infant?

YES _____ NO _____

JUROR NO. _____

4

10. Are you a sole caregiver for children in the home?

YES _____ NO _____

If yes, explain. Please include the child(ren)'s age(s) and school enrollment status, if applicable:

11. The Court and counsel estimate that after a jury is selected in this case, the trial may last as long as 3-4 weeks. Jury service is one of the highest duties and privileges of a citizen of the United States. Mere inconvenience or the usual financial hardships of jury service will be insufficient to excuse a prospective juror. However, in some cases, a Court may excuse a potential juror where service could pose a serious hardship. If you have a life circumstance that you believe presents a hardship that is so serious that you would like to be excused from jury duty, please explain the hardship:

JUROR NO. _____

5

12. Law Enforcement

- a. Have you, or any family member or close friend, ever applied to work or actually worked in any area of law enforcement? (e.g., any police department or sheriff's office, prosecutor's office, probation office, correctional facilities, etc.)

YES _____ NO _____

If yes, please explain:

- b. Are you actively training for or pursuing a future career in law enforcement?

YES _____ NO _____

If yes, please explain:

13. This case involves a victim who was gay. Do you have strong feelings on gay or lesbian issues (either for or against) that would make it difficult for you to be fair and impartial?

YES _____ NO _____

If yes, please explain:

14. Have you, or any family member, been a member of any advocacy groups that take public positions and/or lobby regarding crime victim's rights; lesbian, gay, bisexual, or transgender (LGBT) rights?

YES _____ NO _____

If yes, please explain:

15. Have you, or any family member, been a member of any advocacy groups that lobby or take public positions on law enforcement issues?

YES _____ NO _____

If yes, please explain:

16. Have you, or has a family member or close friend, ever been the victim of a violent crime?

YES _____ NO _____

If yes, please explain:

17. Do you personally know anyone who was the victim of a homicide?

YES _____ NO _____

If yes, please explain:

18. Will the fact that this case involves a charge of murder affect your ability to serve fairly and impartially?

YES _____ NO _____

If yes, please explain:

JUROR NO. _____

19. Will the fact that this case involves a charge of robbery affect your ability to serve fairly and impartially?

YES _____ NO _____

If yes, please explain:

20. Will the fact that this case involves a charge of accepting earnings of a prostitute as a joint venture affect your ability to serve fairly and impartially?

YES _____ NO _____

If yes, please explain:

21. Media Coverage

a. This case received a substantial amount of media coverage when it occurred.

It involves an alleged robbery by four men, including Jayson Woods, the

Defendant in this case. The alleged robbery took place near Lake Lowell, and

JUROR NO. _____

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the victim was Steven Nelson, who was allegedly beaten and ultimately died.

Do these facts call to mind any news coverage you may have seen, heard, or read about this case?

YES _____ NO _____

If yes, please explain:

b. You must decide the issues in this case solely on evidence produced at trial.

Can you put aside anything you may have seen or heard prior to trial in order to give Mr. Woods and the State a fair and impartial trial?

YES _____ NO _____

If no, please explain:

JUROR NO. _____

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22. The Defendant in this case is Jayson Lee Woods. The victim in this case is Steven Nelson. The attorneys are Madison Hamby and Christopher Boyd, who represent the State of Idaho, and Lary Sisson, who represents Mr. Woods. Do you know any of these individuals?

YES _____ NO _____

If you answered yes, please list the name(s) of the person(s) whom you know and explain how you know him or her:

23. The following persons may be called as witnesses in this trial. **Be sure to carefully read each name.** For each witness, indicate YES if you know the person, and NO if you do not. (If you know one or more of these witnesses, you will be prompted to use the space provided below to explain how you know them, how long you have known them, and the nature of your relationship with the possible witnesses).

<u>WITNESS NAME</u>	<u>YES/NO</u>	
Officer Douglas Daniels	YES _____	NO _____
Officer Gregory Foulk	YES _____	NO _____
Officer Cody Frailey	YES _____	NO _____
Officer Douglas Gately	YES _____	NO _____
Officer Chuck Gentry	YES _____	NO _____
Officer Danny Martineau	YES _____	NO _____
Officer Paul Maund	YES _____	NO _____
Officer Shawn Naccarato	YES _____	NO _____
Officer Steven Petersen	YES _____	NO _____
Officer Roy Walthall	YES _____	NO _____
Officer Kenneth Nicodemus	YES _____	NO _____
Officer Justin Wright	YES _____	NO _____

JUROR NO. _____

12

Officer Doug Hart	YES_____	NO_____
Officer Christopher Odenborg	YES_____	NO_____
Officer Jennifer Haynes	YES_____	NO_____
Officer Patsy Rabdau	YES_____	NO_____
Officer Bailey Wilson	YES_____	NO_____
Officer Samuel Suyehira	YES_____	NO_____
Officer Chad Bingham	YES_____	NO_____
Officer Jamie Femreite	YES_____	NO_____
Officer Shawn Parker	YES_____	NO_____
Officer Scott Smith FBI Metro	YES_____	NO_____
Tracy Lynn Marshall	YES_____	NO_____
Robert Andrew Wade	YES_____	NO_____
Windi Nicole Wilkerson	YES_____	NO_____
Rhiannon Anne Marie Sampson	YES_____	NO_____
Dr. Charles Garrison	YES_____	NO_____
Brian Thomas Reynolds Dr.	YES_____	NO_____
Whitney N. Runyan	YES_____	NO_____

JUROR NO. _____

Kelsey R Payton	YES _____	NO _____
Marie Thomas (Manager Maverik)	YES _____	NO _____
Douglas Clyde Carlson	YES _____	NO _____
Jodi Zufelt	YES _____	NO _____
Aaron Schaffer	YES _____	NO _____
John Mayberry Dr.	YES _____	NO _____
Bailey Grace Stevens	YES _____	NO _____
Alexis M Tighe	YES _____	NO _____
Abigail M Williams	YES _____	NO _____
Dotti Owens	YES _____	NO _____
Laura Larson	YES _____	NO _____
Bill Brocklesby	YES _____	NO _____
David Cameron	YES _____	NO _____
Jacob W. Corder	YES _____	NO _____
Rebecca L. Wilkerson	YES _____	NO _____
Tasia Wicker (USBank)	YES _____	NO _____
Jonathan Jenkins (Walmart)	YES _____	NO _____

JUROR NO. _____

Kevin E Larson	YES_____	NO_____
Brad Rhodes	YES_____	NO_____
Johnny M. Ruiz	YES_____	NO_____
Nicole Mandley	YES_____	NO_____
Joseph Bradley Maverik	YES_____	NO_____
Joshua Holweger Dr.	YES_____	NO_____
Carl Kapadia Dr.	YES_____	NO_____
Alex Johnson Dr.	YES_____	NO_____
Eric Lowery R.N.	YES_____	NO_____
Rylea Rose CAN	YES_____	NO_____
Kay Anderson RN	YES_____	NO_____
Sarah Belensky Dr.	YES_____	NO_____
Cyle Goodman Dr.	YES_____	NO_____
Lynn Bunch RN	YES_____	NO_____
Stephanie Owens RN	YES_____	NO_____
Russell Simmons	YES_____	NO_____
Cynthia George	YES_____	NO_____

JUROR NO. _____

24. Is there any matter that you believe you should call to the Court's attention that may bear on your qualifications to serve as a juror, or that may affect your ability to render an impartial verdict based solely on the evidence or lack thereof and the Court's instructions on the law?

YES _____ NO _____

If yes, please explain:

THIS IS THE END OF THE QUESTIONNAIRE. PLEASE READ CAREFULLY
THE INSTRUCTIONS ON THE FOLLOWING PAGE.

JUROR NO. _____

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IMPORTANT:

Please note that regardless of any answers provided above, you must report in person to jury duty as instructed by the jury commissioner.

Do not discuss this case with anyone, including any of the attorneys, parties, witnesses, your friends, or members of your family.

Do not email, text message, tweet, blog, post to electronic bulletin boards (such as Facebook, Twitter, Instagram, LinkedIn, or any other social media website) anything about this case.

Do not conduct your own research on this case. This case received substantial media attention at the time of the alleged crime. Some of the coverage may have been inaccurate. If you are selected as a member of the jury, you must decide the issues based *only* on the evidence presented at trial. In order to ensure that both sides receive a fair trial, it is critical that all of the jurors go into the trial with an open mind.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 24, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:08-1:16)
_____)	

This having been the time heretofore set for **fourth day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:09 a.m. with all parties present. The jury panel was present in the charge of the Bailiff, Mr. Wes Musser.

KEVIN TRACY resumed the witness stand, was admonished by the Court that he was still under oath and direct-examination by Mr. Boyd continued. State's exhibit #190 was identified as a bag containing Steven Nelson's pants and belt, was offered, Mr. Sisson examined the witness in aid of objection and entered an objection. The Court advised that foundation had not been laid and sustained the objection. State's exhibit #191 was identified as Steven Nelson's shirt. State's exhibit #198 was identified as Steven Nelson's jacket. The

witness was cross-examined and re-direct examined. Mr. Sisson examined the witness in aid of objection and entered an objection. Mr. Boyd indicated the State would withdraw the question. Re-direct examination continued. The witness was re-cross examined and re-direct examined.

The State's second witness, **ANDREW HOLMES**, was called, sworn by the clerk and direct-examined by Ms. Hamby.

The Court admonished the jury regarding their conduct and recessed at 10:23 a.m.

The State's third witness, **CYNTHIA GEORGE**, was called, sworn by the clerk and direct-examined by Ms. Hamby. State's exhibit #3 was identified as a CD of a 911 call, was offered and there being no objection was Ordered admitted. Upon request of Ms. Hamby, exhibit #3 was published to the jury. (Counsel stipulated exhibit #3 did not need to be reported by the Court Reporter.)

The State's fourth witness, **CHRISTOPHER ODENBORG**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibit #21 was identified as a CD of Officer Odenborg's body cam recording, was offered and there being no objection, was Ordered admitted. Upon request of Mr. Boyd, exhibit #21 was published to the jury. The witness was cross-examined.

The State's fifth witness, **KYLE A. SUMMERS**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibit #4 was identified as a CD of a 911 call, was offered and there being no objection, was Ordered admitted. Upon request of Mr. Boyd, exhibit #4 was published to the jury.

The State's sixth witness, **RUSSELL SIMMONS**, was called, sworn by the clerk,

direct-examined by Mr. Boyd and cross-examined.

The Court admonished the jury regarding their conduct and recessed at 12:05 p.m.

The Court reconvened at 12:43 p.m. with all parties present. The jury was present and properly seated.

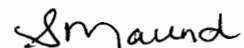
The State's seventh witness, **DAWN MASON-DUNKLE**, was called, sworn by the clerk and direct-examined by Ms. Hamby. State's exhibit #29 was identified by the witness as a photograph of the emergency room, was offered and there being no objection was Ordered admitted. The witness was cross-examined.

The State's eighth witness, **JODI ZUFELT**, was called, sworn by the clerk, direct-examined by Mr. Boyd and cross-examined.

The Court advised the jury it had been advised that the State's next witness was a medical doctor who was scheduled to testify tomorrow morning, therefore the Court would recess for day.

The Court admonished the jury regarding their conduct and recessed for that day at 1:16 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.



Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 25, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:09-2:06)
<hr/>		

This having been the time heretofore set for **fifth day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:09 a.m. with all parties present. The jury panel was present in the charge of the Bailiff, Mr. Wes Musser.

The State's ninth witness, **JOSHUA HOLWEGER**, was called, sworn by the clerk and direct-examined by Ms. Hamby. State's exhibit #25 was identified as a photograph of Steven Nelson in the hospital, State's exhibit #30 was identified as a photograph of a head laceration, State's exhibit #31 was identified as a photograph of bruising on the head, State's exhibit #32 was identified as a photograph of a nose abrasion and State's exhibit #33 was identified as a close up of the nose abrasion. Ms. Hamby moved for admission of State's

exhibits #25, and #30 through #33 and there being no objection, were Ordered admitted. The witness was cross-examined.

The State's tenth witness, **CHARLES O. GARRISON**, was called, sworn by the clerk and direct-examined by Ms. Hamby. State's exhibits #36 through #59 were identified as autopsy photographs of the victim depicting external injuries and were offered by Ms. Hamby. Mr. Sisson objected to the photographs that were duplicative, other than that the defendant had no objection. The Court overruled the objection and exhibits #36 through #59 were Ordered admitted. State's exhibit #22 was identified as an Autopsy Report, was offered and there being no objection, was Ordered admitted.

The Court admonished the jury regarding their conduct and recessed at 10:20 a.m.

The Court recessed at 10:40 a.m. with all parties present. The jury was present and properly seated.

The witness resumed the witness stand, was cross-examined and re-direct examined.

The State's eleventh witness, **PAUL MAUND**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibit #65 was identified as a photograph of a letter from Canyon County Paramedic Ambulance District to Kelly Schneider, was offered and there being no objection, was Ordered admitted. State's exhibit #66 was identified as a photograph of a garbage can, was offered and there being no objection, was Ordered admitted. States exhibit #67 was identified as a photograph of a garbage can, was offered and there being no objection, was Ordered admitted. The witness was cross-examined.

The Court admonished the jury regarding their conduct and recessed at 12:04 p.m.

The Court reconvened at 12:39 p.m. with all parties present. The jury was present and properly seated.

The State's twelfth witness, **DANNY MARTINEAU**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibit #103 was identified as an ad from Backpage.com. The witness was cross-examined and re-direct examined. Mr. Boyd moved for admission of State's exhibit #103 and there being no objection, was Ordered admitted.

The State's thirteenth witness, **JOHNATHAN JENKINS**, was called, sworn by the clerk and direct-examined by Mr. Boyd. States exhibits #110 and #111 were identified as Walmart video screenshots, were offered and there being no objection, were Ordered admitted. State's exhibits #112 through #115 were identified as Walmart video screenshots, were offered and there being no objection, were Ordered admitted. State's exhibits #116 and #117 were identified as Walmart video screenshots, were offered and there being no objection, were Ordered admitted. State's exhibits #121 through #123 were identified as Walmart video screenshots, were offered and there being no objection, were Ordered admitted. State's exhibits #118, #119 and #120 were identified as Walmart video screenshots, were offered and there being no objection, were Ordered admitted. State's exhibits #124 through #132 were identified as Walmart video screenshots, were offered and there being no objection, were Ordered admitted. State's exhibits #133 through #138 were identified Walmart video, were offered and there being no objection, were Ordered admitted. The witness was cross-examined.

The State's fourteenth witness, **AARON SCHAFFER**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibit #19 was identified as a CD containing video and State's exhibit #20 was identified as a screenshot from exhibit #19, each were offered and there being no objection, were Ordered admitted. The witness was cross-examined and re-direct examined.

The State's fifteenth witness, **KATHY RICHARDSON**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibits #175 through #178 were identified as still frame photographs from Maverick, were offered and there being no objection, were Ordered admitted. The witness was cross-examined.

The State's sixteenth witness, **BAILEY WILSON**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibits #139 and #140 were identified as photographs of Steven Nelson's cell phones. State's exhibits #141 and #142 were identified as photographs of Jayson Woods cell phone. State's exhibit #143 was identified as Kevin Tracy's cell phone. State's exhibit #145 was identified as Daniel Hankel's cell phone. State's exhibit #146 was identified as a photograph of a ZTE phone. State's exhibit #147 was identified as a photograph of Kelly Schneider's Samsung cell phone. State's exhibit #81 was identified as a photograph of a Pontiac, was offered and there being no objection, was Ordered admitted. State's exhibits #82 through #92 were identified as photographs of the interior of a Pontiac, were offered and there being no objection, were Ordered admitted.

The Court admonished the jury regarding their conduct and excused them for the day at 2:06 p.m. with the exception of juror #378, who the Court asked to remain in the courtroom.

The Court noted it received information this morning that juror #378 went through the Security entrance of the Courthouse just behind Mr. Sisson. Mr. Sisson had indicated he overheard the security officers making statements regarding this case.

In answer to the Court's inquiry, juror #378 indicated he heard very little if anything, and advised what he did hear.

The Court advised juror #378 that he could not consider any statements he heard outside the courtroom, and any decision should be made solely on the evidence presented during the

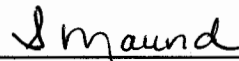
trial in the courtroom. Additionally, he was not to communicate any of the statements he overheard to the other jurors.

Juror #378 was removed from the courtroom at 2:05 p.m.

The Court advised counsel it discussed this situation with the Administrative District Judge and he indicated he would make sure the security officers were admonished by either the Trial Court Administrator or himself regarding making statements while jurors were coming and going from the Courthouse.

The Court recessed for the day at 2:06 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.



Deputy Clerk

JAN 25 2017

Request for Approval/Judge's Proposed Order

Directions: Fill out the form below, and present both the signed Request for Approval and proposed order to the presiding judge's office. CANYON COUNTY CLERK
M. NYE, DEPUTY

IN THE DISTRICT COURT OF THE 3rd JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

State of Idaho

PLAINTIFF(S)

) REQUEST TO OBTAIN APPROVAL TO
) VIDEO/AUDIO RECORD, BROADCAST OR
) PHOTOGRAPH A COURT PROCEEDING

V.

Jayson Lee Woods

)

DEFENDANT(S)

I hereby request approval to:

video/audio record broadcast photograph the following court proceeding:

Case No.: CR-2016-0007911-C

Date: 02/6/2017

Time: 8:00 a.m.

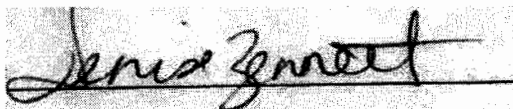
Location: Canyon County

Presiding Judge: George A Southworth

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

Denise Bennett

Print Name



Signature

University of Idaho Professor Making Independent Documentary Film

News Organization Represented

Phone Number: (208) 310-0334 Email: deniseb@uidaho.edu

*If possible I would like permission to assign an additional photographer permission in case I am not able to attend myself because of work conflicts.

01/24/2017

Date

ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to video/audio record the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

Set up prior to court hearing starting. No photo graphs or videotaping of jurors. No moving of cameras during court hearing. Set up cameras as directed by Court Marshall

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to broadcast the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

See above restrictions

DENIED.

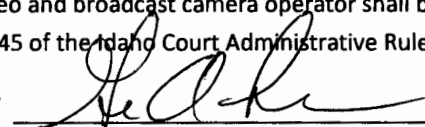
THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to photograph the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

See above restrictions

DENIED.

All images and audio recordings captured in the courtroom, whether before, during or after the actual court proceedings, by any pool photographer or video and broadcast camera operator shall be shared with other media organizations as required by Rule 45 of the Idaho Court Administrative Rules.

DATED this 25 day of Jan., 2017 
Justice/Judge

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 26, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:09-2:06)

This having been the time heretofore set for **sixth day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:09 a.m. with all parties present. The jury was present in the charge of the Bailiff, Mr. Wes Musser.

The State's seventeenth witness, **CARL KAPADIA**, was called, sworn by the clerk, direct-examined by Ms. Hamby, cross-examined and re-direct examined.

The Court advised the jury it had a matter to address outside their presence.

The Court admonished the jury regarding their conduct and recessed at 9:37 a.m.

The Court reconvened at 9:51 a.m. with all parties present.

Outside the presence of the jury, **Daniel Henkel** was

Called by the State and sworn by the clerk.

The Court advised the witness that he had the right to remain silent and if he waived that right anything he said could be used against him in his case. In answer to the Court's inquiry, the witness indicated he consulted with his attorney, Chad Gulstrom, with regards to his decision to testify in this case.

In answer to the Court's inquiry, Mr. Gulstrom indicated he agreed with the witnesses' decision to testify.

The Court advised the witness that if they got into an area he was uncomfortable with he could ask to consult with his attorney.

Ms. Hamby advised the Court that Mr. Henkel had a prior conviction for felony Possession of a Controlled Substance and requested the Court exclude that conviction as it was irrelevant.

Mr. Sisson requested he be permitted to ask Mr. Hankel if he had a prior conviction, but he would not get into what that conviction was for.

The Court expressed opinions and granted the motion to exclude.

The jury was returned into the courtroom at 9:56 p.m.

The Court advised the jury that the State's next witness was one of the co-defendants and he was represented by an attorney, Chad Gulstrom, who was present in the courtroom.

The State's eighteenth witness, **DANIEL HENKEL**, was called, sworn by the clerk and direct-examined by Ms. Hamby. State's exhibit #106 was identified as Daniel Henkel's Backpage ad, was offered and there being no objection, was Ordered admitted. State's

exhibit #145 was identified as Daniel Henkel's cell phone, was offered and there being no objection, was Ordered admitted. Direct-examination continued. The witness was cross-examined and re-direct examined.

The Court admonished the jury regarding their conduct and recessed at 11:38 a.m.

The Court recessed at 12:27 p.m. with all parties present. The jury was present and properly seated.

The State's nineteenth witness, **TRACY HOPWOOD**, was called, sworn by the clerk, direct-examined by Ms. Hamby, cross-examined and re-direct examined.

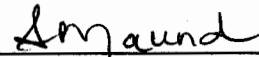
The State's twentieth witness, **SHAWN NACCARATO**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibits #68 and #68A were each identified as photographs of a Chevrolet HHR, were offered and there being no objection, were Ordered admitted. State's exhibit #69 was identified as a photograph of the front right tire of the Chevrolet HHR, was offered and there being no objection, was Ordered admitted. State's exhibits #70 through #80 were identified each as being photographs of the interior of a Chevrolet HHR, were offered and there being no objection, exhibits #69 through #80 were Ordered admitted. State's exhibit #198 was identified as Steven Nelson's jacket, was offered and there being no objection, was ordered admitted. State's exhibit #190 was identified as Steven Nelson's pants, was offered and there being no objection, was Ordered admitted. State's exhibit #191 was identified as Steven Nelson's shirt, was offered and there being no objection, was Ordered admitted. State's exhibits #97 through #102 were identified each as being photographs of the interior of an Impala, were offered and there being no objection, were Ordered admitted. State's exhibit #139 was identified as Steven

Nelson's cell phone. The witness was cross-examined and re-direct examined.

The State's twenty first witness, **BAILEY WILSON**, was called, admonished by the Court that she was still under oath and direct-examined by Mr. Boyd. State's exhibit #148 was identified as Steven Nelson's text message log with regards to Kelly Schneider, was offered and there being no objection, was Ordered admitted.

The Court admonished the jury regarding their conduct and recessed for the day at 2:06 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.



Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 27, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:09-1:53)
_____)	

This having been the time heretofore set for **seventh day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:09 a.m. with all parties present. The jury was present in the charge of the Bailiff, Mr. Wes Musser.

BAILEY WILSON resumed the witness stand, was admonished by the Court that she was still under oath and direct-examination by Mr. Boyd continued. State's exhibit #147 was identified as a Samsung Galaxy Core phone. State's exhibit #152 was identified as Kelly Schneider's text message log with regards to Jayson Woods, was offered and there being no objection, was Ordered admitted. Direct-examination continued. The witness was cross-examined. Defendant's exhibits J and K were identified as Extraction Reports, were offered and

there being no objection, were Ordered admitted. Defendant's exhibit I was marked, identified as an Extraction Report and was offered. Mr. Boyd examined the witness in aid of objection and advised that the State stipulated to admission of exhibit I. Defendant's exhibit I was Ordered admitted. Defendant's exhibit H was identified as an Extraction Report, was offered and there being no objection, was Ordered admitted. The witness was re-direct examined.

The Court admonished the jury regarding their conduct and recessed at 10:22 a.m.

The Court reconvened at 10:49 a.m. with all parties present. The jury was present and properly seated.

The witness resumed the witness stand and re-direct examination continued. State's exhibit #149 was identified as text message log from Kelly Schneider's phone from April 27, 2016 until April 29, 2016, was offered and there being no objection, was Ordered admitted. The witness was re-cross examined.

The State's twenty second witness, **MARK SAARI**, was called, sworn by the clerk and direct-examined by Ms. Hamby.

The State's twenty third witness, **KENNETH NICODEMUS**, was called, sworn by the clerk and direct-examined by Ms. Hamby.

The State's twenty fourth witness, **ROY WALTHALL**, was called, sworn by the clerk and direct-examined by Ms. Hamby.

The State's twenty fifth witness, **DANNY MARTINEAU**, was called, admonished by the Court that he was still under oath and was direct-examined by Ms. Hamby. State's exhibit #301

was identified as a photograph of two (2) cell phones belonging to Jayson Woods. State's exhibit #141 was identified as Jayson Woods's cell phone.

The State's twenty sixth witness, **RYLENE NOWLIN**, was called, sworn by the clerk, direct-examined by Mr. Boyd and cross-examined.

The State's twenty seventh witness, **DON LUKASIK**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibit #147, #139, #141 and #144 were each identified as cell phones. The witness was cross-examined and re-direct examined.

The Court admonished the jury regarding their conduct and recessed at 12:19 a.m.

The Court reconvened at 12:54 p.m. with all parties present.

Outside the presence of the jury, the Court understood Mr. Sisson wished to take up a matter.

Mr. Sisson advised the Court it was his understanding the State would call Alexis Tighe today, he understood she would be incriminating herself and she was not currently represented by an attorney.

Ms. Hamby advised the Court that Alexis Tighe would be admitting to misdemeanor conduct during her testimony, the State did not intend to charge her, but she would in fact be testifying this date.

The Court instructed the State to bring the witness in and the Court would address the issue.

ALEXIS TIGHE was called by the State and sworn by the clerk. The Court advised the witness that if she decided to testify, she would be subject to cross examination, she would be giving up her right to remain silent and anything she said could be used against her later. The

Court further advised that she had the right to be represented by an attorney and if she could not afford to hire an attorney the Court could appoint the Public Defender to represent her. In answer to the Court's inquiry, the witness waived her right to representation and wished to proceed with testimony, knowing anything she said could be used against her at a later date. The Court examined the witness and determined her decision to testify was being made knowingly and voluntarily.

The witness was excused from the courtroom.

The jury was returned into the courtroom at 1:02 p.m.

The State's twenty eighth witness, **BRYCE SMITH**, was called, sworn by the clerk and direct-examined by Mr. Boyd. State's exhibit #170 was identified as a photograph of the recreation area at Gotts Point, State's exhibit #171 was identified as a photograph of footprints in the dirt, and State's exhibit #172 was identified as a photograph of a footprint in the dirt.

The State's twenty ninth witness, **ALEXIS TIGHE**, was called, sworn by the clerk and direct-examined by Ms. Hamby. State's exhibit #199 was identified as an audio CD of a message from Jayson Woods and was offered. Mr. Sisson examined the witness in aid of objection, advised he had no objection and exhibit #199 was Ordered admitted. Upon request of Ms. Hamby, exhibit #199 was published. State's exhibit #174 was identified as Alexis Tighe's Backpage ad, was offered and there being no objection, was Ordered admitted. After a brief bench discussion, direct-examination continued. The witness was cross-examined, re-direct examined and re-cross examined.

Ms. Hamby advised the Court that the State had no further witnesses scheduled for this date.

The Court admonished the jury regarding their conduct and excused them for the day at

1:46 p.m.

Outside the presence of the jury, the Court noted it previously spoke with each of counsel in chambers and was advised that with regards to the cell phone that was allegedly collected from the defendant and sent off to the FBI office in Quantico, Virginia, the State requested it be allowed to establish foundation through Skype rather than having that witness be forced to come here testify because availability may not be there.

Ms. Hamby concurred, advised the Court it was the ZTE phone that they sent to the FBI, it was the basis for their request for the continuance that was previously heard, this was a necessity and the data recovered from that phone was just sent to the State last week. Ms. Hamby presented argument in support of the request to allow the witness to testify through Skype.

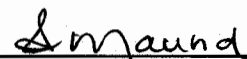
Mr. Sisson responded with argument in opposition to the request that the witnesses be permitted to testify via Skype.

Ms. Hamby responded with additional argument in support of the request.

The Court expressed opinions and indicated the State would be allowed to call the witness from Quantico, Virginia via Skype for foundational purposes only.

The Court recessed for the day at 1:53 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.


Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 30, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:06-2:01)

This having been the time heretofore set for **eighth day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:06 a.m. with all parties present. The jury was present in the charge of the Bailiff, Mr. Wes Musser.

The State's thirtieth witness, **STEVE BERRIOS**, was called via Skype, sworn by the clerk, direct-examined by Mr. Boyd and cross-examined.

BAILEY WILSON, was recalled by the State, admonished by the Court that she was still under oath and direct-examined by Mr. Boyd. State's exhibit #200 was identified as an Extraction Report for #208-571-1410, was offered, Mr. Sisson examined the witness in aid of objection, and there being no objection, was Ordered admitted. State's exhibit #201

was identified as an Extraction Report for #208-422-4909, was offered and there being no objection, was Ordered admitted. State's exhibit #208 was identified as an Extraction Report ZTE timeline, was offered and there being no objection, was Ordered admitted. State's exhibit #215 was identified as Textnow Chat for #208-590-1502, was offered and there being no objection, was Ordered admitted. State's exhibit #206 was identified as an Extraction Report log for messages between Kelly Schneider and Jayson Woods, was offered and after a brief bench discussion, the jury was removed from the courtroom at 9:39 a.m.

Mr. Sisson objected specifically to items #14 through #41 contained in exhibit #206 and presented argument in support of the objection. Mr. Sisson advised if the State redacted those items out, the defense would have no objection to the balance of the exhibit coming in.

Mr. Boyd responded with argument in support of exhibit #206 being admitted in its entirety.

Mr. Sisson responded with additional argument in objection to exhibit #206.

The Court expressed opinions and sustained the objection with regards items #14 through #41 in exhibit #206, but would allow the remainder of the items in exhibit #206 if the State wanted those in.

Ms. Hamby advised the Court that the State's next witness was Abigail Williams, so a break would be needed to advise her of her Fifth Amendment right.

The Court recessed at 10:02 a.m.

The Court reconvened at 10:18 a.m. with all parties present

Outside the presence of the jury, **Abigail Williams**, was called and sworn by the clerk.

The Court advised the witness that she had the right to remain silent and if she waived that right anything she said could be used against her in his case. In answer to the Court's inquiry, the witness indicated she consulted with her attorney, Jolene Maloney, with regards to her decision to testify in this case.

In answer to the Court's inquiry, Ms. Maloney indicated she went over with her client her Fifth Amendment right, the witness understood that right and was prepared to waive that right.

The Court advised the witness that if they got into an area she was uncomfortable with she could ask to consult with her attorney.

The jury was returned into the courtroom at 10:23 a.m.

Bailey Wilson resumed the witness stand and direct-examination continued. State's exhibit #206A was identified as a redacted copy of State's exhibit #206 was offered and there being no objection, was Ordered admitted. State's exhibit #202 was identified as an Extraction Report – MMS messages from ZTE, was offered and there being no objection, was Ordered admitted. State's exhibit #209 was identified as SMS messages on Jayson Wood's ZTE, was offered and there being no objection, was Ordered admitted. State's exhibit #211 was identified as a log of text messages between Abigail Williams and Daniel Henkel. State's exhibit #212 was identified as a log of text messages between Abigail Williams and Kelly Schneider. State's exhibit #213 was identified as a time line between April 28th and 29th of all contacts on Abigail Williams cell phone. The witness was cross-examined and re-direct examined.

The State's thirty first witness, **ABIGAIL M. WILLIAMS**, was called and sworn by the clerk and direct-examined by Ms. Hamby. State's exhibit #104 was identified as Backpage ad disclaimers, was offered and there being no objection, was Ordered admitted. State's exhibit #107 was identified as Abigail Williams Backpage ads, was offered and there being no objection, was Ordered admitted. State's exhibit #107A was identified as Abigail Williams Backpage ads, was offered and there being no objection, was Ordered admitted. State's exhibit #216 was identified as a photograph of Alexis Tighe, was offered and there being no objection, was Ordered admitted.

Ms. Hamby requested to address an issue outside the presence of the jury.

The jury was removed from the courtroom at 11:31 a.m.

Outside the presence of the jury, Ms. Hamby advised the Court that the testimony the State was going to elicit next was potential 404b information and the State would like to make an offer of proof. The Court indicated the State could proceed.

The witness was examined by Ms. Hamby and Mr. Sisson.

Ms. Hamby presented argument in support of the testimony being allowed.

Mr. Sisson responded with argument in opposition to the testimony being allowed.

The Court indicated the State had to give notice of 404b evidence unless the Court excused the State from doing that and the Court did not remember a notice about an incident at Table Rock.

Ms. Hamby presented further argument in support.

The Court reviewed the State's 404b notice.

The Court discussed this matter with each of counsel, expressed opinions and indicated it would leave the testimony as is at this point and would not allow anything additional with regards to Table Rock.

The Court recessed at 11:43 a.m.

The Court reconvened at 12:21 p.m. with all parties present. The jury was present and properly seated.

Abigail Williams resumed the witness stand, was admonished by the Court that she was still under oath and direct-examination by Ms. Hamby continued. State's exhibit #144 was identified as Abigail Williams cell phone, was offered and there being no objection, was Ordered admitted. State's exhibit #211 was identified as a log of text messages between Abigail Williams and Daniel Henkel, was offered and there being no objection, was Ordered admitted. State's exhibit #212 was identified as a log of text messages between Abigail Williams and Kelly Schneider, was offered and there being no objection, was Ordered admitted. State's exhibit #213 was identified as a time line between April 28th and 29th of all Abigail Williams contacts on her cell phone, was offered and there being no objection, was Ordered admitted. The witness was cross-examined.

The Court recessed at 1:32 p.m.

The Court reconvened at 1:47 p.m. with all parties present. The jury was present and properly seated.

The witness resumed the witness stand, was re-direct examined and re-cross examined.

The Court admonished the jury regarding their conduct and excused them for the day at 1:59 p.m.

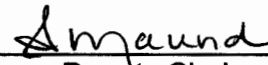
The Court instructed counsel to appear at 8:30 a.m. to go over redactions and put arguments on the record.

Mr. Sisson advised the Court he had no objections to the redactions.

The Court so noted.

The Court recessed for the day at 2:01 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.



Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
PRESIDING: **GEORGE A. SOUTHWORTH** DATE: January 31, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:18-2:10)
_____)	

This having been the time heretofore set for **ninth day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:18 a.m. with all parties present. The jury was present in the charge of the Bailiff, Mr. Wes Musser.

The State's thirty first witness, **CHUCK GENTRY**, was called, sworn by the clerk and direct-examined by Ms. Hamby. State's exhibits #5, #6, #7 and #8 were identified as CD's of audio/video interview with Jayson Woods, was offered and there being no objection, was Ordered admitted. Direct-examination continued. Ms. Hamby requested State's exhibits #5 and #6 be published.

The Court advised the jury that exhibits #5 and #6 had been redacted and they were

not to speculate what the redactions were and were not to give any consideration to the fact that parts had been removed.

State's exhibits #5 and #6 were published.

The Court admonished the jury regarding their conduct and recessed at 10:50 a.m.

The Court reconvened at 11:15 a.m. with all parties present. The jury was present and properly seated.

Publication of State's exhibits #5 and #6 continued.

Direct examination of the witness continued. State's exhibit #173 was identified as a Miranda Warning, was offered and there being no objection, was Ordered admitted. Ms. Hamby requested State's exhibits #7 and #8 be published.

The Court advised the jury that exhibits #7 and #8 had been redacted and they were not to speculate what the redactions were and were not to give any consideration to the fact that parts had been removed.

State's exhibits #7 and #8 were published.

The Court admonished the jury regarding their conduct and recessed at 12:41 p.m.

The Court recessed at 1:02 p.m.

Publication of State's exhibits #7 and #8 continued.

Direct-examination of the witness continued. State's exhibits #1 and #2 were identified as diagram maps, were offered for illustrative purposes and there being no objection, were Ordered admitted. The witness was cross-examined and re-direct examined.

The Court admonished the jury regarding their conduct and recessed for the day at 2:06 p.m.

Outside the presence of the jury, Ms. Hamby advised the Court that the State anticipated resting sometime tomorrow morning.

Mr. Sisson advised the Court the defense had one impeachment witness and there was a possibility his client would testify, but they would make that decision later today.

The Court advised Mr. Sisson that if the defendant decided to testify it would want to go over his rights outside the presence of the jury.

The Court advised counsel it would try to get a draft of proposed jury instructions done this evening and noted there had been no requests for lesser included offenses so Courts proposal would not have any of those. If the defendant intended to request a lesser included offense, the Court needed some proposed instructions submitted.

Mr. Boyd advised the Court that with regards to the 404b notice issue, the State wanted to put a correction on the record with regards to whether there was notice previously given about the Table Rock incident. The State had previously given notice in the second written notice; it mentioned a point in CD 14 which had been submitted to the defense.

The Court's indicated its recollection was that there was no specific argument of that at the 404b hearing. The Court noted there had been some mention of other prior acts that were contained in the exhibits, and instructed counsel that they could argue those only to the extent of what was contained in the exhibits, the testimony that was admitted and not objected to.

The Court recessed for the day at 2:10 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.


Deputy Clerk

JAN 31 2017

CANYON COUNTY CLERK
E BULLON, DEPUTY

LARY G. SISSON
Attorney at Law
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Caldwell, Idaho 83605
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Email: larysisson@outlook.com
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON LEE WOODS,

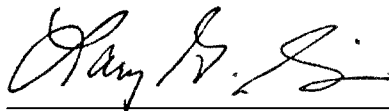
Defendant.

CASE NO: CR-2016-07911-C

**DEFENDANT'S PROPOSED JURY
INSTRUCTIONS**

COMES NOW Defendant, by and through his attorney of record, LARY G. SISSON,
and hereby lodges with the Court the Defendant's Proposed Jury Instructions.

DATED this 31st day of January, 2017.



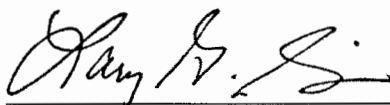
LARY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 2017, I served a true and correct copy of the within Defendant's Proposed Jury Instructions upon the Canyon County Prosecuting Attorney's Office in the manner noted:

✓ By hand delivering copies of the same to the following:

Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, ID 83605



LARRY G. SISSON
Attorney for Defendant

ICJI 544 THEFT BY FALSE PROMISE

INSTRUCTION NO. _____

In order for the defendant to be guilty of Theft by False Promise, the state must prove each of the following:

1. On or about April 29, 2016
2. in the state of Idaho
3. the defendant Jayson Lee Wood did aid and abet Kelly Schneider in obtaining \$60.00,
4. another person was the owner of such property,
5. Kelly Schneider did so pursuant to a scheme to defraud by representing that Kelly Schneider would in the future engage in particular conduct,
6. when making the representation Kelly Schneider did not intend to engage in such conduct, and
7. when obtaining the property Kelly Schneider had the specific intent to deprive the owner of such property, or to appropriate it to the defendant or to some person other than the owner.

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 fact that the promised conduct was not performed is not enough by itself to support a finding of guilt.

Comment

I.C. § 18-2403(2)(d).

In an appropriate case the term "representation" may need to be defined. The committee believes the term is of current usage and has not provided a defining instruction.

ICJI 544 THEFT BY FALSE PROMISE

INSTRUCTION NO. _____

In order for the defendant to be guilty of Theft by False Promise, the state must prove each of the following:

1. On or about April 29, 2016
2. in the state of Idaho
3. the defendant Jayson Lee Wood did aid and abet Kelly Schneider in obtaining \$140.00,
4. another person was the owner of such property,
5. Kelly Schneider did so pursuant to a scheme to defraud by representing that Kelly Schneider would in the future engage in particular conduct,
6. when making the representation Kelly Schneider did not intend to engage in such conduct, and
7. when obtaining the property Kelly Schneider had the specific intent to deprive the owner of such property, or to appropriate it to the defendant or to some person other than the owner.

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 fact that the promised conduct was not performed is not enough by itself to support a finding of guilt.

Comment

I.C. § 18-2403(2)(d).

In an appropriate case the term "representation" may need to be defined. The committee believes the term is of current usage and has not provided a defining instruction.

ICJI 311 AIDERS AND ABETTERS/PRINCIPALS DEFINED

INSTRUCTION NO. _____

The law makes no distinction between a person who directly participates in the acts constituting a crime and a person who, either before or during its commission, intentionally aids, assists, facilitates, promotes, encourages, counsels, solicits, invites, helps or hires another to commit a crime with intent to promote or assist in its commission. Both can be found guilty of the crime. Mere presence at, acquiescence in, or silent consent to, the planning or commission of a crime is not [in the absence of a duty to act] sufficient to make one an accomplice.

Comment

See I.C. s 18-204. Modify elements instruction appropriately and select the appropriate terms to describe the type of action charged (aided, assisted, facilitated, etc.).

The legislature has abolished the distinction between accessories and principals. *State v. Kleier*, 69 Idaho 278, 206 P.2d 513 (1949). Mere knowledge of a crime and assent to or acquiescence in its commission does not give rise to accomplice liability, and the failure to disclose the occurrence of a crime to authorities is not sufficient to constitute aiding and abetting. *State v. Randles*, 117 Idaho 344, 787 P.2d 1152 (1990), overruled on other grounds, *State v. Humphreys*, 134 Idaho 657, 8 p.3d 652 (2000).

A charging document alleging that the defendant committed a particular crime is sufficient to put the defendant on notice that he or she is also being charged with aiding and abetting the commission of that crime. *State v. Ayres*, 70 Idaho 18, 211 P.2d 142 (1949); *State v. Chapa*, 127 Idaho 786, 906 P.2d 636 (Ct. App. 1995). If two or more crimes were committed, a charging document alleging that the defendant committed one of the crimes is not sufficient to provide notice that he or she is alleged to have aided and abetted the commission of another crime. *State v. Chapa*, 127 Idaho 786, 906 P.2d 636 (Ct. App. 1995) (where victim testified that both the defendant and another raped her, information charging the defendant with committing a rape as a principal did not notify him of allegation that he also aided and abetted the other man in committing a rape.)

ICJI 312 AIDING AND ABETTING

INSTRUCTION NO. ____

All persons who participate in a crime either before or during its commission, by intentionally aiding, abetting, advising, hiring, counseling, procuring another to commit the crime with intent to promote or assist in its commission are guilty of the crime. All such participants are considered principals in the commission of the crime. The participation of each defendant in the crime must be proved beyond a reasonable doubt.

Comment

The definition should be incorporated into the instruction stating the elements of the crime and the alleged participation of the defendant must be proved beyond a reasonable doubt.

An individual who participates in or assists the commission of an offense is guilty of aiding and abetting the crime. *State v. Gonzalez*, 134 Idaho 907, 12 P.3d 382 (Ct.App. 2000). The mental state required is generally the same as that required for the underlying offense-the aider and abettor must share the criminal intent of the principal and there must be a community of purpose in the unlawful undertaking. *State v. Scroggins*, 110 Idaho 380, 716 P.2d 1152 (1985).

A charging document alleging that the defendant committed a particular crime is sufficient to put the defendant on notice that he or she is also being charged with aiding and abetting the commission of that crime. *State v. Ayres*, 70 Idaho 18, 211 P.2d 142 (1949); *State v. Chapa*, 127 Idaho 786, 906 P.2d 636 (Ct. App. 1995). If two or more crimes were committed, a charging document alleging that the defendant committed one of the crimes is not sufficient to provide notice that he or she is alleged to have aided and abetted the commission of another crime. *State v. Chapa*, 127 Idaho 786, 906 P.2d 636 (Ct. App. 1995) (where victim testified that both the defendant and another raped her, information charging the defendant with committing a rape as a principal did not notify him of allegation that he also aided and abetted the other man in committing a rape.)

ICJI 574 THEFT—DEFINED

INSTRUCTION NO. _____

A person steals property and commits theft when, with intent to deprive another of property or appropriate the same to the person or to a third party, such person wrongfully takes, obtains, or withholds such property from an owner thereof.

Comment

I.C. § 18-2403(1).

This instruction should be used in conjunction with an appropriate Burglary instruction only when Theft is not charged as a separate count. If an instruction defining "intent to deprive" is to be used also, see ICJI 562.

ICJI 562 INTENT TO APPROPRIATE OR DEPRIVE DEFINED

INSTRUCTION NO.

The phrase "intent to deprive" means:

a. The intent to withhold property or cause it to be withheld from an owner permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to such owner; or

b. The intent to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.

The phrase "intent to appropriate" means:

a. The intent to exercise control over property, or to aid someone other than the owner to exercise control over it, permanently or for so extended a period of time or under such circumstances as to acquire the major portion of its economic value or benefit; or

b. The intent to dispose of the property for the benefit of oneself or someone other than the owner.

Comment

I.C. § 18-2402(1) & (3).

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: February 1, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:06-2:06)
_____)	

This having been the time heretofore set for **tenth day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 9:06 a.m. with all parties present.

The Court noted it met with counsel in chambers at which time the State presented an Amended Information seeking to include the underlying offense of Burglary in the felony Murder charge. The Court indicated it would hear argument on that issue.

Ms. Hamby presented argument in support of the motion to file the Amended Information.

Mr. Sisson responded with argument in opposition to the motion.

Ms. Hamby responded with additional argument in support.

The Court expressed opinions and denied the motion to amend. The Court

indicated it would have the proposed Amended Information lodged in the Court file as denied for the record.

Mr. Sisson advised the Court he had an issue to address. He explained to the defendant that if he testified it was possible the State could inquire about his prior felony conviction out of Washington. The defendant mentioned that conviction in his interview with police, but that was redacted out of the interview presented to the jury. In order to use that prior conviction, the State had to prove there was a felony conviction, the only evidence the State produced so far was an NCIC report listing the felony conviction, that was not sufficient to prove he had a prior felony conviction and presented argument in support of the State not being allowed to question the defendant regarding that conviction during cross-examination of the defendant.

Ms. Hamby responded with argument in opposition to the motion.

Mr. Sisson responded with additional argument in support.

The Court announced Findings of Fact and Conclusions of Law and indicated it would allow the defendant to be questioned regarding if he had a felony conviction, the nature of that conviction and nothing further.

Mr. Sisson advised the Court it was the defendant's intent to testify.

JAYSON WOODS, was placed under oath for examination by the Court.

The Court advised the defendant he had the right to remain silent and by testifying he would give up that right, the State would have the opportunity to cross examine him and anything he said could be used against him. The Court examined the defendant and determined he discussed the risk to testify with his attorney and it was his desire to waive his right to remain silent and testify.

The Court advised the parties that once the evidence was completed today it was the Court's intent to excuse the jury for the day so the Court and counsel could go through jury instructions.

The jury was returned into the courtroom at 9:36 a.m. in the charge of the Marshall, Wes Musser.

Ms. Hamby advised the Court that the State rested.

The defendant's first witness, **PAUL MAUND**, was called, sworn by the clerk and direct-examined.

The defendant's second witness, **JAYSON WOODS**, was called, sworn by the clerk and direct-examined.

The Court admonished the jury regarding their conduct and recessed at 11:14 a.m.

The Court reconvened at 11:48 a.m. with all parties present. The jury was present and properly seated.

The witness was cross-examined by Mr. Boyd. State's exhibit #108 was identified as an unknown female Backpage ad. Cross-examination continued.

The Court admonished the jury regarding their conduct and excused the jury from these proceedings at 12:47 p.m.

Outside the presence of the jury, the Court noted that with regards to some of the prior acts brought up by the State during cross-examination, by the previous motion in limine the Court had excluded them, however, during direct examination the defendant testified at least three (3) times that he did not hurt people. Those prior acts were allowed for impeachment purposes and the Court would give an instruction to the jury that the testimony was allowed to impeach the testimony of the witness and it could only be used for that purpose.

Mr. Boyd advised the Court he did not bring up the prior acts during his questioning, the witness did and he only asked if the witness ever threatened anyone.

The Court indicated it would have the Court Reporter to go over the testimony during the recess to see how that evidence was brought into the record.

The Court recessed at 12:51 p.m.

The Court reconvened at 1:10 p.m. with all parties present.

Outside the presence of the jury the Court noted the record was reviewed by the Court Reporter and it appeared the defendant brought up the prior act, the question by the State regarding the use of force or coercion was appropriate, so the Court would not give a limiting instruction.

The jury was returned into the courtroom at 1:12 p.m.

Cross-examination of the witness continued by Mr. Boyd. State's exhibit #108 was identified as an unidentified Backpage ad, was offered, Mr. Sisson objected, the objection was overruled and exhibit #108 was Ordered admitted. Mr. Boyd moved for admission of State's exhibit #206 (previously rejected), Mr. Sisson objected however with no basis, the Court overruled the objection and exhibit #206 was Ordered admitted. The witness was re-direct examined and re-cross examined.

The Court admonished the jury regarding their conduct and excused the jury at 2:03 p.m.

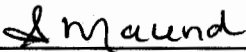
Outside the presence of the jury, the Court noted it had just received the defendant's request for a proposed lesser included, but the Court had not had an opportunity to review the case law. The Court instructed counsel to return in the morning at 8:30 a.m. to go over instructions and specifically the request for a lesser included.

Ms. Hamby furnished the Court with a requested instruction that intoxication was not a

defense.

The Court recessed for the day at 2:06 p.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or the posting of bond.



Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: February 2, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 8:30 A.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (8:48-4:48)

This having been the time heretofore set for **eleventh day of trial to a jury** in the above entitled matter, the State was represented by counsel, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County and the defendant appeared in court with counsel, Mr. Lary Sisson.

The Court convened at 8:48 a.m. with all parties present.

Outside the presence of the jury, the Court noted the State had a motion prior to determining whether they were going to need a rebuttal witness and the Court would address that now.

Mr. Boyd moved to admit State's exhibit #10 which had previously been denied and presented argument in support of the motion.

Mr. Sisson responded with argument in opposition to the motion.

Mr. Boyd responded with additional argument in support.

The Court expressed opinions and denied the motion. Exhibit #10 would not be admitted.

The Court noted it had caused to be delivered to each of counsel proposed final jury instructions, the Court met with counsel in chambers and they each agreed to two (2) additional jury instructions that would be added to those proposed instructions, and in answer to the Court's inquiry, Ms. Hamby indicated the State had no objections to the Courts proposed final instructions and no objection on the Courts failure to instruct on any issue of law.

In answer to the Court's inquiry, Mr. Sisson entered an objection with regards to instruction #18 and presented argument. Mr. Boyd agreed with the objection and the Court indicated it would make the appropriate changes. Additionally, Mr. Sisson objected to what he classified as a couple of typographical errors, advised the Court of the same and the Court indicated it would make the necessary corrections.

The Court inquired if the defense had any objections on the Court's failure to instruct on any issue of law.

Mr. Sisson advised that he submitted some lesser included charges as jury instructions, specifically Theft by False Promise or Petit Theft as a lesser included offense to the charge of Robbery, and presented argument in support of the request.

Mr. Boyd responded with argument in opposition to the defendant's request for a lesser included offense.

Mr. Sisson responded with additional argument in support of the request.

The Court expressed opinions and discussed the matter with each of counsel Ms. Hamby responded with argument in opposition to the request.

The Court expressed additional opinions and denied the request for a lesser included offense instruction.

The Court advised counsel it made a determination that this was an appropriate case to give each juror a copy of the jury instructions and in answer to the Court's inquiry, each of counsel indicated they had no objection.

In answer to the Court's inquiry, Mr. Sisson indicated he had no further objections on the Court's failure to instruct on any issue of law.

The Court recessed at 9:22 a.m.

The Court reconvened at 9:38 a.m. with all parties present.

Outside the presence of the jury, the Court understood the State was requesting another jury instruction.

Mr. Boyd concurred and requested an instruction that ignorance of the law was not a defense and presented argument in support.

Mr. Sisson responded with argument in opposition to the request.

Mr. Boyd responded with further argument in support of the request.

The Court indicated it was inclined to grant the request, but would review case law before making a final decision.

The Court recessed at 9:44 a.m.

The Court reconvened at 10:04 a.m. with all parties present. The jury was present

and properly seated.

The Court indicated the defense could call its next witness.

Mr. Sisson advised the Court the defendant rested.

In answer to the Court's inquiry, Mr. Boyd indicated the State had no rebuttal evidence.

The Court advised the jury of the law applicable in this case.

Ms. Hamby presented closing argument on behalf of the State.

Mr. Sisson presented closing argument on behalf of the defendant.

The Court admonished the jury regarding their conduct and recessed at 12:06 p.m.

The Court reconvened at 12:26 p.m. with all parties present. The jury was present and properly seated

Ms. Hamby presented final closing argument.

Upon instruction of the Court, juror #219, #184 and #166 were randomly drawn by the clerk to act as alternate jurors. The Court admonished the alternate jurors regarding their conduct until a verdict had been returned in this case.

Oath to the Bailiff was administered by the clerk at 12:45: p.m. and the jury retired to deliberate its verdict in the charge of the Bailiff.

The Court reconvened at 4:44 p.m. with all parties present. The jury was present and properly seated.

The Court inquired of the jury if they had reached a verdict and the following verdict was delivered to the Court by the Bailiff and read by the clerk:

Title of court and cause

VERDICT FORM

COUNT IV: ACCEPTING EARNINGS OF A PROSTITUTE

We, the Jury, unanimously find the defendant Jayson L. Woods,

Guilty

COUNT III: CONSPIRACY TO COMMIT ROBBERY

We, the Jury, unanimously find the defendant Jayson L. Woods,

Guilty

COUNT II: ROBBERY

We, the Jury, unanimously find the defendant Jayson L. Woods,

Guilty

COUNT I: MURDER I

We, the Jury, unanimously find the defendant Jayson L. Woods,

Guilty

Dated this 2nd day of February, 2017

#237 Gregory Miller

Presiding Juror

In answer to the Court's inquiry, Mr. Sisson indicated the defense did not wish to have the jury polled.

The Court read an exiting instruction and the jury was excused from these proceedings at 4:47 p.m.

Based upon the verdict of the jury, the Court Ordered a **Presentence Investigation**

Report and set this matter for sentencing April 6, 2017 at 9:00 a.m.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or posting of bond.

S Maund
Deputy Clerk

FILED
A.M. 4:07 P.M.

JAN 18 2017

CANYON COUNTY CLERK
C JIMENEZ, DEPUTY

cb

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

EXHIBIT LIST

COMES NOW, MADISON HAMBY, Deputy Prosecuting Attorney, Canyon County,
State of Idaho and submits the following list of exhibits the State intends to use at jury trial.

EXHIBIT LIST

No.	Description	Offered	Admitted	Denied	With- drawn	Orig. Sub
1	Map #1	✓	✓			
2	Map #2	✓	✓			
3	911 Audio #1	✓	✓			
4	911 Audio #2	✓	✓			
5	Interview Video of Jayson Woods #1	✓	✓			
6	Interview Video of Jayson Woods #2	✓	✓			
7	Interview Video of Jayson Woods #3	✓	✓			
8	Interview Video of Jayson Woods #4	✓	✓			
9	Certified Transcript of Jayson Woods Interview					

ORIGINAL

10	Video playing voice texts from Jayson Woods to Kevin Tracy on Kevin Tracy's phone	✓		✓		
11	Screenshot of the Facebook messenger texts from Jayson Woods to Kevin Tracy on Kevin Tracy's phone	✓		✓		
12	Screenshot of the Facebook messenger texts from Jayson Woods to Kevin Tracy on Kevin Tracy's phone #2	✓	✓			
13	Photograph of Kelly Schneider - Backpage Ad	✓	✓			
14	Photograph of Kelly Schneider - Headshot	✓	✓			
15	Photograph of Daniel Henkel - Headshot	✓	✓			
16	Photograph of Kevin Tracy - Headshot	✓	✓			
17	Photograph of Abigail Williams - Headshot	✓	✓			
18	Photograph of Jayson Woods - Headshot	✓	✓			
19	CD 9 Clip 1 Video-Steven Nelson-Walmart	✓	✓			
20	CD 9 Clip 1 Screenshot-Steve Nelson-Walmart	✓	✓			
21	Odenborg Video Interview Steven Nelson	✓	✓			
22	Autopsy Report	✓	✓			
23	Ambulance Photo - Steven Nelson	✓	✓			
24	Hospital Photo #1-St Als Nampa					
25	Hospital Photo #2-St Als Boise - Steve Nelson	✓	✓			
26	Hospital Photo #3-St Als Boise					
27	Hospital Photo #4-St Als Boise					
28	Hospital Photo #5-St Als Boise					
29	Hospital Photo #6 ER Room	✓	✓			
30	Hospital Photo #7 - head laceration	✓	✓			
31	Hospital Photo #8 - bruising on head	✓	✓			
32	Hospital Photo #9 - nose abrasion	✓	✓			
33	Hospital Photo #10 - close up of nose	✓	✓			
34	Hospital Photo #11					
35	Autopsy Photo #1					
36	Autopsy Photo #2 - left hand - top	✓	✓			
37	Autopsy Photo #3 - left hand - palm	✓	✓			
38	Autopsy Photo #4 - wrist abrasion	✓	✓			
39	Autopsy Photo #5 - left ear & side of head	✓	✓			
40	Autopsy Photo #6 - left ear	✓	✓			
41	Autopsy Photo #7 - left ear	✓	✓			
42	Autopsy Photo #8 - nose abrasion	✓	✓			
43	Autopsy Photo #9 - inside top lip	✓	✓			
44	Autopsy Photo #10 - inside top lip	✓	✓			

45	Autopsy Photo #11 - right hand - top	✓	✓			
46	Autopsy Photo #12 - right hand - palm	✓	✓			
47	Autopsy Photo #13 - right knee	✓	✓			
48	Autopsy Photo #14 - left knee	✓	✓			
49	Autopsy Photo #15 - left ear	✓	✓			
50	Autopsy Photo #16 - face	✓	✓			
51	Autopsy Photo #17 - forehead	✓	✓			
52	Autopsy Photo #18 - forehead	✓	✓			
53	Autopsy Photo #19 - right side nose & cheek	✓	✓			
54	Autopsy Photo #20 - right ear	✓	✓			
55	Autopsy Photo #21 - right cheek	✓	✓			
56	Autopsy Photo #22 - knee	✓	✓			
57	Autopsy Photo #23 - right side of neck	✓	✓			
58	Autopsy Photo #24 - left chest	✓	✓			
59	Autopsy Photo #25 - left ear	✓	✓			
60	Photo of Exterior of Kelly Schneider's House #1	✓	✓			
61	Photo of Exterior of Kelly Schneider's House #2	✓	✓			
62	Photo of Exterior of Kelly Schneider's House #3	✓	✓			
63	Photo of Exterior of Kelly Schneider's House #4	✓	✓			
64	Photo of Exterior of Kelly Schneider's House #5	✓	✓			
65	Photo of Interior of Kelly Schneider's House #1 - Proof of Residence Canyon County Paramedic Ambulance District letter to Kelly Schneider	✓	✓			
66	Photo of Interior of Kelly Schneider's House #2 ^{garbage} can	✓	✓			
67	Photo of Interior of Kelly Schneider's House #3 ^{garbage} can	✓	✓			
68	Photo of HHR #1	✓	✓			
68A	Photo of HHR #1A	✓	✓			
69	Photo of HHR #2 - Tire	✓	✓			
70	Photo of HHR #3 - driver side front door	✓	✓			
71	Photo of HHR #4 center console	✓	✓			
72	Photo of HHR #5 - drivers side rear seat	✓	✓			
73	Photo of HHR #6 - Rear seat	✓	✓			
74	Photo of HHR #7 - front passenger seat	✓	✓			
75	Photo of HHR #8 - close up of #74	✓	✓			
76	Photo of HHR #9 - driver side seats	✓	✓			
77	Photo of HHR #10 - inside from front	✓	✓			
78	Photo of HHR #11	✓	✓			
79	Photo of HHR #12 - metal rod	✓	✓			
80	Photo of HHR #13 - metal rod.	✓	✓			
81	Photo of Pontiac #1	✓	✓			

82	Photo of Pontiac #2	✓	✓			
83	Photo of Pontiac #3	✓	✓			
84	Photo of Pontiac #4	✓	✓			
85	Photo of Pontiac #5	✓	✓			
85	Photo of Pontiac #6	✓	✓			
86	Photo of Pontiac #7	✓	✓			
87	Photo of Pontiac #8	✓	✓			
88	Photo of Pontiac #9	✓	✓			
89	Photo of Pontiac #10	✓	✓			
90	Photo of Pontiac #11	✓	✓			
91	Photo of Pontiac #12	✓	✓			
92	Photo of Pontiac #13	✓	✓			
93	Photo of Impala #1	✓	✓			
94	Photo of Impala #2	✓	✓			
95	Photo of Impala #3 – Proof of Ownership and Insurance					
96	Photo of Impala #4 <i>victims clothes</i>	✓	✓			
97	Photo of Impala #5 - <i>rear passenger seat</i>	✓	✓			
98	Photo of Impala #6 - <i>back seat</i>	✓	✓			
99	Photo of Impala #7 - <i>center console</i>	✓	✓			
100	Photo of Impala #8 - <i>back seat</i>	✓	✓			
101	Photo of Impala #9 - <i>back seat</i>	✓	✓			
102	Photo of Impala #10 -	✓	✓			
103	Kelly Schneider's Backpage Ad	✓	✓			
104	Backpage Ad Disclaimers	✓	✓			
105	Kevin Tracy's Backpage Ad	✓	✓			
106	Daniel Henkel's Backpage Ads	✓	✓			
*107	Abigail William's Backpage Ads	✓	✓			
108	Unknown Female Backpage Ad	✓	✓			
109	Steven Nelson- US Bank Photo					
110	Walmart Video Screenshot #1	✓	✓			
111	Walmart Video Screenshot #2	✓	✓			
112	Walmart Video Screenshot #3	✓	✓			
113	Walmart Video Screenshot #4	✓	✓			
114	Walmart Video Screenshot #5	✓	✓			
115	Walmart Video Screenshot #6	✓	✓			
116	Walmart Video Screenshot #7	✓	✓			
117	Walmart Video Screenshot #8	✓	✓			
118	Walmart Video Screenshot #9	✓	✓			

*107A Abigail Williams Backpage Ads

WITNESS LIST – EXHIBIT LIST

119	Walmart Video Screenshot #10	✓	✓			
120	Walmart Video Screenshot #11	✓	✓			
121	Walmart Video Screenshot #12	✓	✓			
122	Walmart Video Screenshot #13	✓	✓			
123	Walmart Video Screenshot #14	✓	✓			
124	Walmart Video Screenshot #15	✓	✓			
125	Walmart Video Screenshot #16	✓	✓			
126	Walmart Video Screenshot #17	✓	✓			
127	Walmart Video Screenshot #18	✓	✓			
128	Walmart Video Screenshot #19	✓	✓			
129	Walmart Video Screenshot #20	✓	✓			
130	Walmart Video Screenshot #21	✓	✓			
131	Walmart Video Screenshot #22	✓	✓			
132	Walmart Video Screenshot #23	✓	✓			
133	Walmart Video - Exterior Side Building 01	✓	✓			
134	Walmart Video - Customer Entrance Exterior	✓	✓			
135	Walmart Video - Exterior Front Drive Aisle 1	✓	✓			
136	Walmart Video - Exterior Front Drive Aisle 5	✓	✓			
137	Walmart Video - Exterior Front Drive Aisle 3	✓	✓			
138	Walmart Video - Customer Entrance 01	✓	✓			
139	Steven Nelson's Phone - photo					
140	Steven Nelson's Phone - photo					
141	Jayson Wood's Phone photo					
142	Jayson Wood's Phone - photo					
143	Kevin Tracy's Phone	✓	✓			
144	Abigail William's Phone	✓	✓			
145	Daniel Henkel's Phone	✓	✓			
146	Kelly Schneider's ZTE Phone - photo					
147	Kelly Schneider's Samsung Galaxy Core Phone					
148	Steven Nelson's text message log regarding Kelly Schneider	✓	✓			
149	Kelly Schneider text message log	✓	✓			
150	Email from Jayson Woods found on Daniel Henkel's Phone					
151	Steven Nelson's text message log regarding Daniel Henkel					
152	Kelly Schneider's text message log with Jayson Woods	✓	✓			
153	Gotts Point Photo #1					
154	Gotts Point Photo #2					

155	Gotts Point Photo #3					
156	Gotts Point Photo #4					
157	Gotts Point Photo #5					
158	Gotts Point Photo #6					
159	Gotts Point Photo #7					
160	Gotts Point Photo #8					
161	Gotts Point Photo #9					
162	Gotts Point Photo #10					
163	Gotts Point Photo #11					
164	Gotts Point Photo #12					
165	Gotts Point Photo #13					
166	Gotts Point Photo #14					
167	Gotts Point Photo #15					
168	Gotts Point Photo #16					
169	Gotts Point Photo #17					
170	Gotts Point Photo #18 - Recreation area	✓	✓			
171	Gotts Point Photo #19 - Footprints	✓	✓			
172	Gotts Point Photo #20 Footprint	✓	✓			
173	Jayson Wood's Miranda Waiver	✓	✓			
174	Alexis Tighe Backpage Ad	✓	✓			
175	Maverick still frame photograph	✓	✓			
176	Maverick still frame photograph	✓	✓			
177	Maverick still frame photograph	✓	✓			
178	Maverick still frame photograph	✓	✓			
179	Gott's point overhead view	✓	✓			
180	Gott's point overhead view					
181	Gott's point overhead view					
182	Gott's point overhead view					
183	Gott's point overhead view					
184	Gott's point overhead view					
185	Gott's point overhead view					
186	Gott's point overhead view					
187	Email from Woods to Henkel re: "Hitting licks"					
188	Timeline Woods Phone HTC Desire					
189	Brass rod or pipe (three attachable pieces)	✓	✓			
190	Pants and Belt of Steven Nelson	✓	✓			
191	Shirt Steven Nelson	✓	✓			
192	Shoes Steven Nelson					
193	Socks Steven Nelson					
194	Wallet of Kelly Schneider					
195	Walmart Receipt for Blueberry Pie and 60\$ cash back 4/29/2016 at 2:45 AM (page 592					

Case Title

State of Idaho
vs
Jayson Woods

Date: Jan 23 - Feb 2, 2017

PH ()
CT ()
JT (4)
OSC ()

Plaintiff's Attorney

Defendant's Attorney

Chris Boyd / Madison Hamby

Gary Sisson

EXHIBIT INFORMATION

No.	Description	Offered	Admitted	Denied	With- drawn	Orig. Sub.
A						
B						
C						
D						
E						
F						
G						
H	Extraction Report - K. Schneider	✓	✓			
I	Extraction Report - S. Nelson	✓	✓			
J	Extraction Report - S. Nelson	✓	✓			
K	Extraction Report - S. Nelson	✓	✓			

The Court ordered all exhibits returned to the custody of the State, and the clerk delivered the exhibits to: _____
on _____.
Exhibits received by: _____ Date: _____.

Deputy Clerk _____

F I L E D
A.M. 5:00 P.M.

FEB 02 2017

CANYON COUNTY CLERK
S MAUND, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

_____)	
STATE OF IDAHO,)	
)	
Plaintiff,)	
)	CASE NO. CR-2016-0007911
-vs-)	
)	
JAYSON L. WOODS,)	VERDICT FORM
)	
Defendant.)	
_____)	

COUNT IV: ACCEPTING EARNINGS OF A PROSTITUTE

We, the Jury, unanimously find the defendant Jayson L. Woods,

Not Guilty _____ Guilty ✓

COUNT III: CONSPIRACY TO COMMIT ROBBERY

We, the Jury, unanimously find the defendant Jayson L. Woods,

Not Guilty _____ Guilty ✓

COUNT II: ROBBERY

We, the Jury, unanimously find the defendant Jayson L. Woods,

Not Guilty _____ Guilty _____

COUNT I: MURDER I

We, the Jury, unanimously find the defendant Jayson L. Woods,

Not Guilty _____ Guilty _____

Dated this 2 day of Feb, 20 17.

Greg G. Miller
Presiding Officer

ORIGINAL OF THIS DOCUMENT TO IDOC

Assigned to: _____
Assigned: _____

BY S. Maund, DEPUTY

**Third Judicial District Court, State of Idaho
In and For the County of Canyon
ORDER FOR PRESENTENCE REPORT AND EVALUATIONS**

STATE OF IDAHO
Plaintiff,
vs.

Case No: CR-2016-0007911-C

Jayson Lee Woods
15560 N Kodee Way Apt 102
Nampa, ID 8365151810

**ORDER FOR PRE – SENTENCE INVESTIGATION
REPORT**

CHARGE(s):

- I18-4001-I Murder I
- I18-6501 Robbery
- I18-6501 CY Robbery (Conspiracy)
- I18-5606 Prostitution-Accepting Earnings, Proceeds or Items of Value from a Prostitute as a Joint Venture

ROA : PSIO1- Order for Presentence Investigation Report

On this Friday, February 3, 2017, a **Pre-sentence Investigation Report** was ordered by the Honorable George A. Southworth to be completed for Court appearance on:

Sentencing Thursday, April 6, 2017 at 09:00 AM at the above stated courthouse before the Honorable George A. Southworth

- Behavioral Health Assessments waived by the Court
- Waiver under IC 19-2524 2 (e) allowing assessment and treatment services by the same person or facility

Other non- §19-2524 evaluations/examinations ordered for use with the PSI:
 Sex Offender Domestic Violence Other _____ Evaluator: _____

PLEA AGREEMENT: State recommendation
 WHJ/JOC Probation PD Reimb Fine ACJ Restitution Other: _____

DEFENSE COUNSEL: Lary Sisson
 PROSECUTOR: Canyon County Prosecutor Madison Hamby & Chris Boyd

THE DEFENDANT IS IN CUSTODY: NO YES If yes where: Canyon County Jail
 DO YOU NEED AN INTERPRETER? NO YES if yes, what is the language? _____

Date: 2/3/17 Signature: 
 District Judge

Sue Maund

From: Bacon, Randall <rabacon@idoc.idaho.gov>
Sent: Friday, February 3, 2017 08:42 AM
To: Sue Maund
Subject: RE: Scanned from a Xerox Multifunction Printer RE: JAYSON WOODS CR2016-7911*C

Received.

-----Original Message-----

From: Sue Maund [<mailto:SMaund@canyonco.org>]
Sent: Friday, February 03, 2017 8:21 AM
To: Department of Health & Welfare; Bacon, Randall
Subject: FW: Scanned from a Xerox Multifunction Printer RE: JAYSON WOODS CR2016-7911*C

-----Original Message-----

From: scanner@boenetworkservices.com [<mailto:scanner@boenetworkservices.com>]
Sent: Friday, February 3, 2017 8:08 AM
To: Sue Maund
Subject: Scanned from a Xerox Multifunction Printer

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location:
Device Name: Distcourtclerkx78

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

FEB 07 2017

Request for Approval/Judge's Proposed Order

Directions: Fill out the form below, and present both the signed Request for Approval and proposed Order to the presiding judge's office.

CANYON COUNTY CLERK
M. NYE, DEPUTY

IN THE DISTRICT COURT OF THE 3rd JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

State of Idaho

PLAINTIFF(S)

) REQUEST TO OBTAIN APPROVAL TO
) VIDEO/AUDIO RECORD, BROADCAST OR

V.

Jayson Lee Woods

DEFENDANT(S)

I hereby request approval to:

video/audio record broadcast photograph the following court proceeding:

Case No.: CR-2016-0007911-C

Date: 04/6/2017

Time: 8:00 a.m.

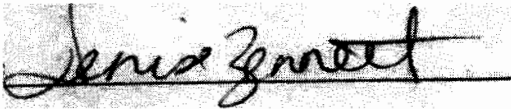
Location: Canyon County

Presiding Judge: George A Southworth

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

Denise Bennett

Print Name



Signature

University of Idaho Professor Making Independent Documentary Film

News Organization Represented

Phone Number: (208) 310-0334 Email: deniseb@uidaho.edu

*If possible I would like permission to assign an additional photographer permission in case I am not able to attend myself because of work conflicts.

02/02/2017

Date

ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to video/audio record the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

*Must set up prior to hearing while court is not in session
Equipment must remain in courtroom until next recess of court.*

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to broadcast the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to photograph the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

All images and audio recordings captured in the courtroom, whether before, during or after the actual court proceedings, by any pool photographer or video and broadcast camera operator shall be shared with other media organizations as required by Rule 45 of the Idaho Court Administrative Rules.

DATED this 6 day of Feb., 2017 [Signature]
Justice/Judge

FEB 10 2017

CANYON COUNTY CLERK
S MAUND, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,)
)
)
 Plaintiff,)
)
 -vs-)
)
)
 JAYSON L. WOODS,)
)
)
 Defendant.)
)

CASE NO. CR-2016-7911

PRE-PROOF JURY
INSTRUCTIONS

INSTRUCTION NO. 1

Now that you have been sworn as jurors to try this case, I want to go over with you what will be happening. I will describe how the trial will be conducted and what we will be doing. At the end of the trial, I will give you more detailed guidance on how you are to reach your decision. Because the state has the burden of proof, it goes first. After the state's opening statement, the defense may make an opening statement, or may wait until the state has presented its case. The state will offer evidence that it says will support the charge(s) against the defendant. The defense may then present evidence, but is not required to do so. If the defense does present evidence, the state may then present rebuttal evidence. This is evidence offered to answer the defense's evidence.

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

INSTRUCTION NO. 2

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 may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. 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. 3

Your duties are to determine the facts, to apply the law set forth in my instructions to those facts, and in this way to decide the case. In so doing, you must follow my instructions regardless of your own opinion of what the law is or should be, or what either side may state the law to be. You must consider them as a whole, not picking out one and disregarding others.

The order in which the instructions are given has no significance as to their relative importance. The law requires that your decision be made solely upon the evidence before you. Neither sympathy nor prejudice should influence you in your deliberations. Faithful performance by you of these duties is vital to the administration of justice. In determining the facts, you may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits offered and received, and any stipulated or admitted facts. The production of evidence in court is governed by rules of law. At times during the trial, an objection may be made to a question asked a witness, or to a witness' answer, or to an exhibit. This simply means that I am being asked to decide a particular rule of law. Arguments on the admissibility of evidence are designed to aid the Court and are not to be considered by you nor affect your deliberations. If I sustain an objection to a question or to an exhibit, the witness may not answer the question or the exhibit may not be considered. Do not attempt to guess what the answer might have been or what the exhibit might have shown. Similarly, if I tell you not to consider a particular statement or exhibit you should put it out of your mind, and not refer to it or rely on it in your later deliberations. During the trial I may have to talk with the parties about the rules of law which should apply in this case. Sometimes we will talk here at the bench. At other times I will excuse you from the courtroom so that you can be comfortable while we work out any problems. You are not to speculate about any such discussions. They are necessary from time to

time and help the trial run more smoothly. Some of you have probably heard the terms "circumstantial evidence," "direct evidence" and "hearsay evidence." Do not be concerned with these terms. You are to consider all the evidence admitted in this trial. However, the law does not require you to believe all the evidence.

As the sole judges of the facts, you must determine what evidence you believe and what weight you attach to it. There is no magical formula by which one may evaluate testimony. You bring with you to this courtroom all of the experience and background of your lives. In your everyday affairs you determine for yourselves whom you believe, what you believe, and how much weight you attach to what you are told. The same considerations that you use in your everyday dealings in making these decisions are the considerations which you should apply in your deliberations. In deciding what you believe, do not make your decision simply because more witnesses may have testified one way than the other. Your role is to think about the testimony of each witness you heard and decide how much you believe of what the witness had to say. A witness who has special knowledge in a particular matter may give an opinion on that matter. In determining the weight to be given such opinion, you should consider the qualifications and credibility of the witness and the reasons given for the opinion. You are not bound by such opinion. Give it the weight, if any, to which you deem it entitled.

INSTRUCTION NO. 4

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

INSTRUCTION NO. 5

If you wish, you may take notes to help you remember what witnesses said. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. You should not let note-taking distract you so that you do not hear other answers by witnesses. When you leave at night, please leave your notes in the jury room. If you do not take notes, you should rely on your own memory of what was said and not be overly influenced by the notes of other jurors. In addition, you cannot assign to one person the duty of taking notes for all of you.

INSTRUCTION NO. 6

It is important that as jurors and officers of this court you obey the following instructions at any time you leave the jury box, whether it be for recesses of the court during the day or when you leave the courtroom to go home at night. Do not discuss this case during the trial with anyone, including any of the attorneys, parties, witnesses, your friends, or members of your family. "No discussion" also means no emailing, text messaging, tweeting, blogging, posting to electronic bulletin boards, and any other form of communication, electronic or otherwise.

Do not discuss this case with other jurors until you begin your deliberations at the end of the trial. Do not attempt to decide the case until you begin your deliberations. I will give you some form of this instruction every time we take a break. I do that not to insult you or because I don't think you are paying attention, but because experience has shown this is one of the hardest instructions for jurors to follow. I know of no other situation in our culture where we ask strangers to sit together watching and listening to something, then go into a little room together and not talk about the one thing they have in common: what they just watched together. There are at least two reasons for this rule. The first is to help you keep an open mind. When you talk about things, you start to make decisions about them and it is extremely important that you not make any decisions about this case until you have heard all the evidence and all the rules for making your decisions, and you won't have that until the very end of the trial. The second reason for the rule is that we want all of you working together on this decision when you deliberate. If you have conversations in groups of two or three during the trial, you won't remember to repeat all of your thoughts and observations for the rest of your fellow jurors when you deliberate at the end of the trial. Ignore any attempted improper communication. If any person tries to talk to you about this case, tell that person that you cannot discuss the case because you are a juror. If that

person persists, simply walk away and report the incident to the bailiff.

Do not make any independent personal investigations into any facts or locations connected with this case. Do not look up any information from any source, including the Internet. Do not communicate any private or special knowledge about any of the facts of this case to your fellow jurors. Do not read or listen to any news reports about this case or about anyone involved in this case, whether those reports are in newspapers or the Internet, or on radio or television. In our daily lives we may be used to looking for information on-line and to "Google" something as a matter of routine. Also, in a trial it can be very tempting for jurors to do their own research to make sure they are making the correct decision. You must resist that temptation for our system of justice to work as it should. I specifically instruct that you must decide the case only on the evidence received here in court. If you communicate with anyone about the case or do outside research during the trial it could cause us to have to start the trial over with new jurors and you could be held in contempt of court.

While you are actually deliberating in the jury room, the bailiff will confiscate all cell phones and other means of electronic communications. Should you need to communicate with me or anyone else during the deliberations, please notify the bailiff.

INSTRUCTION NO. 7

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.

F I L E D
A.M. 500 P.M.

FEB 10 2017

CANYON COUNTY CLERK
S MAUND, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,)
)
)
 Plaintiff,)
)
 -vs-)
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)
 JAYSON L. WOODS)
)
 Defendant.)

CASE NO. CR-2016-7911

JURY INSTRUCTIONS

INSTRUCTION NO. 1

Now that you have been sworn as jurors to try this case, I want to go over with you what will be happening. I will describe how the trial will be conducted and what we will be doing. At the end of the trial, I will give you more detailed guidance on how you are to reach your decision. Because the state has the burden of proof, it goes first. After the state's opening statement, the defense may make an opening statement, or may wait until the state has presented its case. The state will offer evidence that it says will support the charge(s) against the defendant. The defense may then present evidence, but is not required to do so. If the defense does present evidence, the state may then present rebuttal evidence. This is evidence offered to answer the defense's evidence.

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

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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 may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. 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. 3

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.

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problems. You are not to speculate about any such discussions. They are necessary from time to time and help the trial run more smoothly. Some of you have probably heard the terms "circumstantial evidence," "direct evidence" and "hearsay evidence." Do not be concerned with these terms. You are to consider all the evidence admitted in this trial. However, the law does not require you to believe all the evidence.

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

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INSTRUCTION NO. 6

It is important that as jurors and officers of this court you obey the following instructions at any time you leave the jury box, whether it be for recesses of the court during the day or when you leave the courtroom to go home at night. Do not discuss this case during the trial with anyone, including any of the attorneys, parties, witnesses, your friends, or members of your family. "No discussion" also means no emailing, text messaging, tweeting, blogging, posting to electronic bulletin boards, and any other form of communication, electronic or otherwise.

Do not discuss this case with other jurors until you begin your deliberations at the end of the trial. Do not attempt to decide the case until you begin your deliberations. I will give you some form of this instruction every time we take a break. I do that not to insult you or because I don't think you are paying attention, but because experience has shown this is one of the hardest instructions for jurors to follow. I know of no other situation in our culture where we ask strangers to sit together watching and listening to something, then go into a little room together and not talk about the one thing they have in common: what they just watched together. There are at least two reasons for this rule. The first is to help you keep an open mind. When you talk about things, you start to make decisions about them and it is extremely important that you not make any decisions about this case until you have heard all the evidence and all the rules for making your decisions, and you won't have that until the very end of the trial. The second reason for the rule is that we want all of you working together on this decision when you deliberate. If you have conversations in groups of two or three during the trial, you won't remember to repeat all of your thoughts and observations for the rest of your fellow jurors when you deliberate at the end of the trial. Ignore any attempted improper communication. If any person tries to talk to you

about this case, tell that person that you cannot discuss the case because you are a juror. If that person persists, simply walk away and report the incident to the bailiff.

Do not make any independent personal investigations into any facts or locations connected with this case. Do not look up any information from any source, including the Internet. Do not communicate any private or special knowledge about any of the facts of this case to your fellow jurors. Do not read or listen to any news reports about this case or about anyone involved in this case, whether those reports are in newspapers or the Internet, or on radio or television. In our daily lives we may be used to looking for information on-line and to "Google" something as a matter of routine. Also, in a trial it can be very tempting for jurors to do their own research to make sure they are making the correct decision. You must resist that temptation for our system of justice to work as it should. I specifically instruct that you must decide the case only on the evidence received here in court. If you communicate with anyone about the case or do outside research during the trial it could cause us to have to start the trial over with new jurors and you could be held in contempt of court.

While you are actually deliberating in the jury room, the bailiff will confiscate all cell phones and other means of electronic communications. Should you need to communicate with me or anyone else during the deliberations, please notify the bailiff.

INSTRUCTION NO. 7

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. 8

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. 9

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. 10

In order for the defendant to be guilty of Accepting Earnings of a Prostitute, the State must prove each of the following:

1. On or between February 1, 2016, and April 29, 2016
2. in the state of Idaho
3. the defendant Jayson Woods and one or more other persons entered into an agreement to carry out a single business enterprise involving one or more transactions for profit,
4. the business enterprise involved prostitution,
5. the defendant knew that the business enterprise involved prostitution, and
6. the defendant knowingly accepted, or appropriated money or item of value from such business enterprise.

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

INSTRUCTION NO. 11

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

1. On or about April 28 and April 29, 2016;
2. in the state of Idaho;
3. the defendant Jayson Woods and/or Kelly Schneider and/or Daniel Henkel and/or Kevin Tracy and/or any person agreed;
4. to commit the crime of Robbery;
5. Jayson Woods intended that the crime would be committed;
6. and that in furtherance of that agreement, one of the parties to the agreement performed at least one of the following acts:
 - i. On or about April 29, 2016, Jayson Woods drove Kelly Schneider or Daniel Henkel in a Chevy HHR to meet Steven Nelson at a Walmart in Nampa, Idaho.
 - ii. On or about April 29, 2016, Jayson Woods drove Daniel Henkel and Kevin Tracy in a Chevy HHR to Gott's Point to wait for Kelly Schneider to rob Steven Nelson at that location.
 - iii. On or about April 29, 2016, Daniel Henkel, armed with a pipe, waited for the arrival of Kelly Schneider with Steven Nelson at Gott's Point.
 - iv. On or about April 29, 2016, Kevin Tracy also waited for the arrival of Kelly Schneider with Steven Nelson at Gott's Point.
 - v. On or about April 29, 2016, Jayson Woods returned with Kelly Schneider to a Walmart in Nampa Idaho to meet with Steven Nelson.
 - vi. On or about April 29, 2016, Kelly Schneider met Steven Nelson at a Walmart in Nampa Idaho.
 - vii. On or about April 29, 2016, Kelly Schneider rode with Steven Nelson to the prearranged location at Gott's Point in Canyon County Idaho.
 - viii. On or about April 29, 2016, Kelly Schneider robbed Steven Nelson at Gott's Point.
 - ix. On or about April 29, 2016, Kelly Schneider drove away from Gott's Point in Steven Nelson's car with Kevin Tracy and Daniel Henkel.
 - x. On or about April 29, 2016, Kelly Schneider, Kevin Tracy, and Daniel Henkel met back in the Chevy HHR to divide the proceeds of the robbery.
 - xi. On or about April 29, 2016, Kelly Schneider gave Kevin Tracy twenty-five dollars from the proceeds of the robbery.
 - xii. On or about April 29, 2016, Kelly Schneider gave Jayson Woods forty

dollars from the proceeds of the robbery.

7. and such act was done for the purpose of carrying out the agreement.

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

INSTRUCTION NO. 12

The crime of Conspiracy involves an agreement by two or more persons to commit a crime. They need not agree upon every detail. The agreement may be established in any manner sufficient to show an understanding of the parties to the agreement. It may be shown by evidence of an oral or written agreement, or may be implied from the conduct of the parties. It does not matter whether the crime agreed upon was actually committed.

INSTRUCTION NO. 13

All of the parties to a conspiracy need not enter into the agreement at the same time. A person who later joins an already formed conspiracy with knowledge of its unlawful purpose is a party to the conspiracy.

INSTRUCTION NO. 14

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

1. On or about April 29, 2016
2. in the state of Idaho
3. Steven Nelson had possession of personal property,
4. and the defendant Jayson Woods aided, assisted, facilitated or encouraged Kelley Schneider to take such property from Steven Nelson's person or from Steven Nelson's immediate presence,
5. against the will of Steven Nelson
6. by the intentional use of force or fear to overcome the will of Steven Nelson, and
7. with the intent permanently to deprive Steven Nelson of the property.

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

INSTRUCTION NO. 15

The fear required for the crime of robbery must be the fear of an unlawful injury to the person or property of Steven Nelson.

The fear must have been such as would have overcome the will of a reasonable person, under similar circumstances.

INSTRUCTION NO. 16

All persons who participate in a crime either before or during its commission, by intentionally aiding, abetting, advising, hiring, counseling, or procuring another to commit the crime with intent to promote or assist in its commission are guilty of the crime. All such participants are considered principals in the commission of the crime. The participation of each defendant in the crime must be proved beyond a reasonable doubt.

INSTRUCTION NO. 16(a)

Corroborative evidence is evidence of some act or fact related to the offense which, if believed, by itself and without any aid, interpretation or direction from the testimony of the accomplice tends to connect the defendant with the commission of the offense charged.

However, it is not necessary that the corroborative evidence be sufficient in itself to establish every element of the offense charged, or that it corroborate every fact to which the accomplice testifies.

In determining whether an accomplice has been corroborated, you must first assume the testimony of the accomplice has been removed from the case. You must then determine whether there is any remaining evidence which tends to connect the defendant with the commission of the offense.

If there is not such independent evidence which tends to connect defendant with the commission of the offense, the testimony of the accomplice is not corroborated.

If there is such independent evidence which you believe, then the testimony of the accomplice is corroborated.

INSTRUCTION NO. 16(b)

A person may not be found guilty based solely on the testimony of accomplice[s].

Kelly Schneider, Daniel Henkel, Kevin Tracy, and Abigail Williams are accomplices.

There must be evidence, other than testimony of accomplice(s), that tends to connect the defendant with the commission of the crime. Such other evidence may be slight and need not be sufficient in and of itself to establish the defendant's guilt. It is not sufficient, however, if it merely shows that the crime was committed, and it must not come from the testimony of other accomplice[s].

Statements of the defendant other than as testified to by the accomplice are capable of providing corroboration.

INSTRUCTION NO. 17

In order for the defendant to be guilty of First Degree Murder in the perpetration of, or attempt to perpetrate, a felony, the state must prove each of the following:

1. On or about April 29, 2016
2. in the state of Idaho
3. the defendant, Jayson Woods
4. did aid, abet, assist, facilitate and/or encourage Kelly Schneider to perpetrate a robbery of Steven Nelson and
5. the murder of Steven Nelson was committed in the perpetration of, or attempt to perpetrate a robbery.

To prove Jayson Woods guilty of first degree murder in this way, the state does not have to prove that Jayson Woods intended to kill Steven Nelson, but the State must prove that during the perpetration or attempt to perpetrate Robbery, the defendant, or another person who was acting in concert with the defendant in furtherance of a common plan or scheme to commit robbery, killed Steven Nelson.

If you find that the state has failed to prove any of the above, you must find the defendant not guilty of first degree murder. If you find that all of the above have been proven beyond a reasonable doubt, then you must find the defendant guilty of first degree murder.

INSTRUCTION NO. 18

Murder is the killing of a human being, without legal justification, in the perpetration of or attempt to perpetrate robbery.

INSTRUCTION NO. 19

The law makes no distinction between a person who directly participates in the acts constituting a crime and a person who, either before or during its commission, intentionally aids, assists, facilitates, promotes, encourages, counsels, solicits, invites, helps or hires another to commit a crime with intent to promote or assist in its commission. Both can be found guilty of the crime.

Mere presence at, acquiescence in, or silent consent to, the planning or commission of a crime is not sufficient to make one an accomplice.

INSTRUCTION NO. 20

It is alleged that the crimes were committed "on or about" a certain date. If you find that the crimes were committed, the proof need not show that it was committed on that precise date.

INSTRUCTION NO. 21

Our law provides that "no act committed by a person while in a state of voluntary intoxication is less criminal by reason of Jayson Woods having been in such condition." This means that voluntary intoxication, if the evidence shows that the defendant was in such a condition when the defendant allegedly committed the crime charged, is not a defense in this case.

INSTRUCTION NO. 22

In every crime or public offense there must exist a union or joint operation of act and intent.

INSTRUCTION NO. 22(a)

When the evidence shows that a person voluntarily did that which the law declares to be a crime, it is no defense that the person did not know that the act was unlawful or that the person believed it to be lawful.

INSTRUCTION NO. 23

Evidence has been introduced for the purpose of showing that the defendant committed a prior crime other than that for which the defendant is on trial.

Such evidence, if believed, is not to be considered by you to prove the defendant's character or that the defendant has a disposition to commit crimes.

Such evidence may be considered by you only for the limited purpose of assessing the defendant's credibility.

INSTRUCTION NO. 24

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. 25

You have been instructed as to all the rules of law that may be necessary for you to reach a verdict. Whether some of the instructions will apply will depend upon your determination of the facts. You will disregard any instruction which applies to a state of facts which you determine does not exist. You must not conclude from the fact that an instruction has been given that the Court is expressing any opinion as to the facts.

INSTRUCTION NO. 26

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 write or mark on them in any way. Some of the exhibits have been sealed in bags or containers that allow you to view them. Do not open or remove the contents of these exhibits. If you have any questions about the handling or use of the exhibits, submit those questions in writing to me through the bailiff.

Some of the exhibits with you in the jury room have been redacted, which means that certain portions of the exhibits have been excluded from the evidence in this case. You should not concern yourself about the content of the redacted portions, or speculate as to why the exhibit has been redacted.

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. 27

Upon retiring to the jury room, select one of you as a presiding officer, 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 officer 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.

CT

~~FILED~~ A.M. P.M.

FEB 16 2017

CANYON COUNTY CLERK
M. NYE, DEPUTY

LARY G. SISSON
Attorney at Law
815 Fillmore Street
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

Attorney for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

v.

JAYSON LEE WOODS

Defendant.

CASE NO. CR-2016-7911

**MOTION FOR JUDGE OF
ACQUITTAL AND NOTICE OF
HEARING**

COMES NOW Defendant, by and through his attorney of record, Lary G. Sisson, and hereby moves this Honorable Court for Judgment of Acquittal notwithstanding the jury's verdict in these matters. This motion is based on Idaho Criminal Rule 29(c) and the following:

1. On February 2, 2017, a jury returned a guilty verdict in the above-listed matter to one count of First Degree Murder, one count of Robbery, one count of Conspiracy to Commit Robbery, and one count of Accepting Earnings of a Prostitute.
2. Insufficient evidence was presented during the trial so that a reasonable jury could find, beyond a reasonable doubt, that Defendant conspired with any other person to commit the crime of robbery.

3. Insufficient evidence was presented during the trial so that a reasonable jury could find, beyond a reasonable doubt, that Defendant knowingly aided and abetted in a robbery,
4. Insufficient evidence was presented during the trial so that a reasonable jury could find, beyond a reasonable doubt, that Defendant aided and abetted in robbery in furtherance of a common plan or scheme to commit robbery, which robbery resulted in the death of another person.

THEREFORE, Defendant respectfully asks this Court to issue a Judgment of Acquittal on Counts I through III in this matter. Defense counsel reserves the right to amend and/or supplement this Motion as new information becomes available.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that attorney for Defendant will bring up for hearing the above Motion at the Canyon County District Courthouse, 1115 Albany Street, Caldwell, Idaho, on the 8th day of March, 2017, at the hour of 2:00 p.m. or as soon thereafter as can be heard before the Honorable George A. Southworth.

DATED this 15th day of February, 2017.



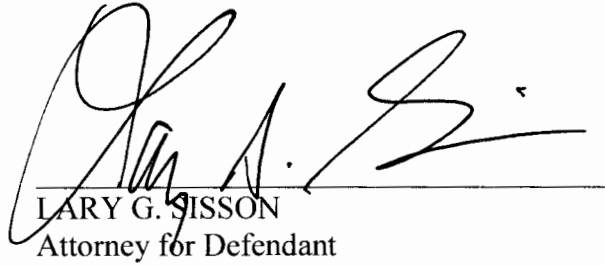
LARRY G. SISSON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2017, I served a true and correct copy of the within Motion for Judgment of Acquittal upon the individual(s) names below in the manner noted:

- ✓ By depositing copies of the same in the designated courthouse box of the office listed below.

Canyon County Prosecuting Attorney's Office
1115 Albany Street
Caldwell, ID 83605



LARRY G. SISSON
Attorney for Defendant

FEB 28 2017

Request for Approval/Judge's Proposed Order

CANYON COUNTY CLERK
M. NYE, DEPUTY

Directions: Fill out the form below, and present both the signed Request for Approval and proposed Order to the presiding judge's office.

IN THE DISTRICT COURT OF THE 3rd JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

State of Idaho

PLAINTIFF(S)

) REQUEST TO OBTAIN APPROVAL TO
) VIDEO/AUDIO RECORD, BROADCAST OR
) PHOTOGRAPH A COURT PROCEEDING

V.

Jayson Woods

)

DEFENDANT(S)

I hereby request approval to:

video/audio record broadcast photograph the following court proceeding:

Case No.: CR-2016-0007911-C

Date: 04/11/2017

Time: 9:00 a.m.

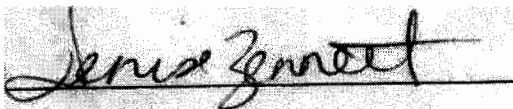
Location: Canyon County

Presiding Judge: George A. Southworth

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

Denise Bennett

Print Name



Signature

University of Idaho Professor Making Independent Documentary Film

News Organization Represented

Phone Number: (208) 310-0334 Email: deniseb@uidaho.edu

*If possible I would like permission to assign an additional photographer permission in case I am not able to attend myself because of work conflicts.

02/26/2017

Date

ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to video/audio record the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to broadcast the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to photograph the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

All images and audio recordings captured in the courtroom, whether before, during or after the actual court proceedings, by any pool photographer or video and broadcast camera operator shall be shared with other media organizations as required by Rule 45 of the Idaho Court Administrative Rules.

DATED this

27 day of Feb 2017


Justice/Judge

F I L E D
A.M. 2:10 P.M.
MAR 03 2017

mh

BRYAN F. TAYLOR
CANYON COUNTY PROSECUTING ATTORNEY
Canyon County Courthouse
1115 Albany Street
Caldwell, Idaho 83605
Telephone: (208) 454-7391

CANYON COUNTY CLERK
S ALSUP, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO

Plaintiff,

vs.

JAYSON L. WOODS,

Defendant.

CASE NO. CR2016-07911

**OBJECTION TO MOTION FOR
JUDGEMENT OF ACQUITTAL**

COMES NOW MADISON HAMBY, Deputy Prosecuting Attorney of the Canyon County Prosecuting Attorney's Office, on behalf of the State of Idaho, who objects to the Motion for Judgement of Acquittal filed by the Defendant herein.

FACTS

Defendant, Jayson L. Woods, stands convicted by jury verdict on the charges of Aiding and Abetting Murder I, Aiding and Abetting Robbery, Conspiracy to Commit Robbery, and Accepting the Earnings of a Prostitute. The Jury returned its verdict on February 2nd, 2017, after hearing testimony over the preceding weeks. The Defendant has subsequently filed a Motion for Judgement of Acquittal.

OBJECTION TO MOTION TO SET
ASIDE PLEA AND DISMISS CHARGE

1

ORIGINAL

566

ARGUMENT

The Defendant has filed a post verdict Motion for Acquittal after the trial jury found him guilty beyond a reasonable doubt on all four counts charged against him. This Rule provides that such a motion shall be granted “if the evidence is insufficient to sustain a conviction” on the offense or offenses charged. I.C.R. 29; State v. Matthews, 124 Idaho 806, 864 P.2d 644(Id. Ct. App. 1993); State v. Hoffman, 116 Idaho 480, 776 P.2d 1199(Id.Ct.App.1989); State v. Hughes, 130 Idaho 698, 946 P.2d 1338(Id.Ct.App.1997); and State v. Merwin, 131 Idaho 642, 962 P.2d 1026 (Idaho 1998).

In ruling upon the Motion, the Court must review the evidence in the light most favorable to the state, recognizing that full consideration must be given to the right of the jury to determine the credibility of the witnesses, the weight to be afforded the evidence, as well as the right to draw all justifiable inferences from the evidence. See, State v. Huggins, 103 Idaho 422, 648 P.2d 1135(Id. Ct. App. 1982); Hoffman, supra, Hughes, supra; Matthews, supra; State v. Printz, 115 Idaho 566, 768 P.2d 829 (Ct.App.1989); and State v. Mata, 107 Idaho 863, 693 P.2d 1065 (Ct.App.1984). “Where there is competent although conflicting evidence to sustain the verdict, this court cannot reweigh that evidence or disturb the verdict. State v. Cotton, 100 Idaho 573, 575, 602 P.2d 71, 73 (1979) (citations omitted).” Merwin, 131 Idaho at 644-45. As stated by the Idaho Court of Appeals in State v. Kay, 129 Idaho 507, 927 P.2d 897 Id. Ct. App. 1996):

“A motion for acquittal is properly denied if there is substantial evidence upon which a rational trier of fact could conclude that the defendant's guilt as to each material element of the offense has been proved beyond a reasonable doubt. State v. Erwin, 98 Idaho 736, 740, 572 P.2d 170, 174 (1977); State v. Matthews, 124 Idaho at 813, 864 P. 2d at 651. In making this determination, the trial judge is to weigh the evidence in the light most favorable to the State, recognizing that full consideration must be given to the right of the jury to determine the credibility of witnesses, the weight to be afforded evidence, and the inferences to be drawn from the evidence. Erwin, 98 Idaho at 740, 572 P.2d at 174; State v. Huggins, 103 Idaho 422, 427, 648 P.2d 1135, 1140 (Ct.App.1982). On review of the denial

of a motion for a judgment of acquittal, the appellate court freely reviews the record, drawing all inferences in favor of the State, to determine whether there was substantial evidence to support the challenged conviction. Matthews, 124 Idaho at 813-14, 864 P. 2d at 651-52.”

Substantial evidence does not mean that the evidence need be uncontradicted. All that is required is that the evidence be of sufficient quantity and probative value that reasonable minds could conclude that the verdict of the jury was proper. It is not necessary that the evidence be of such quantity or quality that reasonable minds must conclude, only that they could conclude. See, State v. Herrera, 149 Idaho 216, 233 P.3d 147 (Id.Ct.App.2009). See also, Matthews, supra.

The Defendant is challenging the jury finding that he knowingly conspired and aided and abetting in the commission of a Robbery, in his Motion. A person's intent may be proved by his acts and conduct, and that is the usual and customary mode of proving intent. I.C. § 18-115; Ex parte Seyfried, 74 Idaho 467, 470, 264 P.2d 685, 687 (1953); State v. Bronson, 112 Idaho 367, 369, 732 P.2d 336, 338 (Ct.App.1987). See also, State v. Kay, 129 Idaho 507, 927 P.2d 897 Id. Ct. App. 1996).

As stated in State v. Matthews, 124 Idaho 806, 864 P.2d 644(Id. Ct. App. 1993),

“Whether the accused possessed the necessary intent to commit the offense is a question for the finder of fact. State v. Bronson, 112 Idaho 367, 732 P.2d 336 (Ct.App.1987). Where specific intent is an essential element of a crime, it is sufficient for the state to prove that intent by circumstantial evidence. Id., 112 Idaho at 369, 732 P.2d at 338. “One's intent may be proved by his acts and conduct, and such is the usual and customary mode of proving intent.” Id., 112 Idaho at 369, 732 P.2d at 338, quoting Ex parte Seyfried, 74 Idaho 467, 470, 264 P.2d 685, 687 (1953)”.

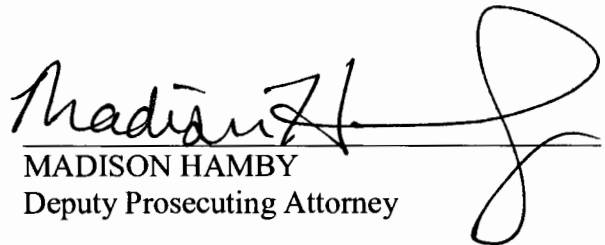
See, Matthews, 124 Idaho at 814. The jury herein found that the Defendant acted with the intent to aid and abet in the commission of a Robbery which ultimately resulted in the death of Steven Nelson, through the finding of guilt on the charge of Murder in the First Degree and Robbery. Further, the jury herein found that Defendant conspired with others to commit said Robbery,

through the finding of guilt on the charge of Conspiracy to Commit Robbery. That finding is supported by the evidence before the jury, and the reasonable and justifiable inferences which can be drawn from that evidence. The jury determination should not be overturned. There is sufficient evidence from which the jury made its finding.

CONCLUSION

The jury has rendered its guilty verdicts after the presentation of evidence against the Defendant showing his participation in the crimes with which he was charged. The jury as the finder of fact determined that the Defendant was guilty of all charges beyond a reasonable doubt. The Defendant's Motion for Acquittal should be denied.

DATED this 3rd day of March, 2017.

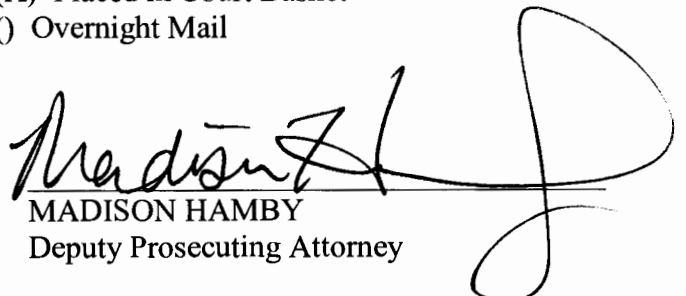

MADISON HAMBY
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about this 3rd day of March, 2017, I caused a true and correct copy of the foregoing instrument to be served upon the attorney for the Defendant by the method indicated below and addressed to the following:

Lary G. Sisson
815 Fillmore St.
Caldwell, ID 83605-4126
FAX: (887) 866-4488

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Placed in Court Basket
- Overnight Mail


MADISON HAMBY
Deputy Prosecuting Attorney

OBJECTION TO MOTION TO SET
ASIDE PLEA AND DISMISS CHARGE

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: March 8, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 1:30 P.M.
)	
JAYSON LEE WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (2:08-2:47)
_____)	

This having been the time heretofore set for **motion for judgment of acquittal** in the above entitled matter, the State was represented by Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorney for Canyon County, and the defendant was personally present with counsel, Mr. Lary Sisson.

The Court reviewed prior proceedings held and noted this was the time set for hearing the defendant's motion for judgment of acquittal and instructed counsel to proceed.

Mr. Sisson presented argument in support of the motion.

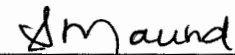
Ms. Hamby responded with argument in opposition to the motion.

Mr. Sisson responded with further argument in support of the motion.

The Court announced findings of fact and conclusions of law and denied the motion for judgment of acquittal.

The defendant was remanded into the custody of the Canyon County Sheriff pending further proceedings, or posting of bond.

.-----



Deputy Clerk

FILED
A.M. *12* P.M.
MAR 09 2017
CANYON COUNTY CLERK
E BULLON, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO,

Plaintiff,

vs.


JAYSON LEE WOODS,

Defendant.

)
) **CASE NO. CR-2016-7911-C**
)
)
) ORDER DENYING DEFENDANT'S
) MOTION FOR JUDGMENT OF
) ACQUITTAL
)
)
)
)
)

Defendant's Rule 29(c) Motion for Judgment of Acquittal is DENIED.

Dated: March 8, 2017.



George A. Southworth
District Judge

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9 day of March, 2017, I caused to be served a true and correct copy of the foregoing ORDER DENYING DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL by the method indicated below, and addressed to the following persons:

CANYON COUNTY PROSECUTOR'S OFFICE
1115 Albany St
Caldwell, ID 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

Lary G. Sisson
Attorney at Law
1002 Blaine St, Ste 203
Caldwell, ID 83605

- U.S. Mail
- Hand Delivered
- Facsimile
- Overnight Mail
- E-Mail

CLERK OF THE DISTRICT COURT

By: *AP Miller*
Deputy Clerk

Please fax back to 375-7770

IN THE DISTRICT COURT OF THE 3rd JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF Canyon

State)
PLAINTIFF(S))
)
)
)
V.)
)
Jayson Lee Woods)
DEFENDANT(S))

FILED A.M. P.M.

REQUEST TO OBTAIN
APPROVAL TO VIDEO
RECORD, BROADCAST OR
PHOTOGRAPH A COURT
PROCEEDING
APR 10 2017
CANYON COUNTY CLERK
M. CERROS, DEPUTY

I hereby request approval to:

video record [] broadcast [] photograph the following court proceeding:

Case No.: CR-2016-7911-C
Date: 4/11/17
Time: 9:00 a.m.
Location: Canyon Co. Court
Presiding Judge: Hon. George Southworth

I have read Rule 45 of the Idaho Court Administrative Rules permitting cameras in the courtroom, and will comply in all respects with the provisions of that rule, and will also make certain that all other persons from my organization participating in video or audio recording or broadcasting or photographing of the court proceedings have read Rule 45 of the Idaho Court Administrative Rules and will comply in all respects with the provisions of that rule.

Gary Salzman
Print Name

[Signature]
Signature

KTVB 321-5614
News Organization Represented Phone Number

4/7/17 Please fax back to 375-7770
Date

ORDER

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **video record** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

one media "pool" camera

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **broadcast** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

THE COURT, having considered the above Request for Approval under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to **photograph** the above hearing is:

GRANTED under the following restrictions in addition to those set forth in Rule 45 of the Idaho Court Administrative Rules:

DENIED.

DATED this 7 day of April, 2017.

[Signature]
District/Magistrate Judge

FILED
A.M. P.M.
APR 10 2017
CANYON COUNTY CLERK
C JIMENEZ, DEPUTY

LARY G. SISSON
Attorney At Law
1016 E. Chicago St., Suite 105
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Idaho State Bar No. 6072

Attorneys for Defendant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff,

vs.

JAYSON LEE WOODS,

Defendant.

Case No. CR-2016-7911-C

**NOTICE OF CORRECTIONS TO
PRESENTENCE INVESTIGATION
REPORT**

TO: THE HONORABLE COURT AND THE CANYON COUNTY PROSECUTING
ATTORNEY'S OFFICE:

COMES NOW Defendant, by and through his attorney of record, the Lary G. Sisson, and hereby notifies the Honorable Court and Plaintiff of Defendant's proposed correction and/or clarifications to the Presentence Investigation Report and supporting documents prepared in this matter. The proposed corrections/clarifications are as follows:

Presentence Investigation Report

1. Page 21, third full paragraph, last sentence, which says: She [Mrs. White] believes her son was abusive towards Brenda and said that it what he was taught by his father." Mr. Woods was not abusive towards Brenda and was not taught to be abusive to others by his father.
2. Pages 21, fourth full paragraph, last sentence, which says: Mrs. White said her son and Abigail Williams were committing "snatch and grab" robberies in Ontario,

Oregon and at various places from Washington down to California to finance his search for Wendy.” That entire statement is completely and utterly untrue.

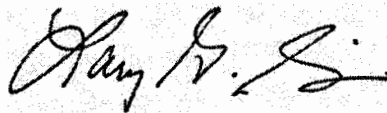
3. Page 23, first full paragraph. According to Wendy Wilkerson, she did not call the Canyon County Sheriff’s Office and thus did not make the statements attributed to her. The State and the Court may verify this information Ms. Wilkerson’s denial by listening to Defendant’s jail telephone calls with her.
4. Throughout the PSI: The city is Salina, Kansas – not Saline, Kansas.

Idaho Standard Mental Health Assessment

5. Page 6, the last full paragraph under the section entitled “Clinical Formulation” with the sentence that states: “Patient presented with little remorse for his past actions and appeared to frequently externalize blame for various predicaments in his life.” These two assertions are inaccurate because:
 - A. During a 30 to 40-minute meeting with a complete stranger who was conducting a psychological assessment it was impossible for Defendant to adequately express his remorse for his past actions; and
 - B. During the 30 to 40-minute meeting Defendant did not – at any time – externalize blame for the various predicaments Defendant has experienced.

Defendant reserves the right to provide further corrections, clarifications or explanations to the Presentence Investigation Report at his Sentencing Hearing in this matter.

DATED this 10th day of April, 2017.



LARRY G. SISSON
Attorney for Defendant

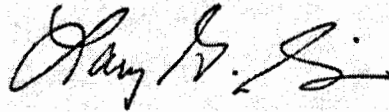
CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of April, 2017, I served a true and correct copy of this

Notice of Corrections upon the individual(s) named below in the manner noted:

- ✓ By depositing copies of the same in the individual(s) designated courthouse box and by sending a copy via email.

Bryan Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, Idaho 83605



LARY G. SISSON
Attorney for Defendant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

PRESIDING: **GEORGE A. SOUTHWORTH** DATE: April 11, 2017

THE STATE OF IDAHO,	)	COURT MINUTE
)	
Plaintiff,	)	CASE NO: CR2016-7911*C
)	
vs.	)	TIME: 9:00 A.M.
)	
JAYSON L. WOODS,	)	REPORTED BY: Patricia Terry
)	
Defendant.	)	DCRT2 (9:04-increments)
_____)	

This having been the time heretofore set for **sentencing** in the above entitled matter, the State was represented by, Ms. Madison Hamby and Mr. Christopher Boyd, Deputy Prosecuting Attorneys for Canyon County, and the defendant was personally present with counsel, Mr. Lary Sisson.

The Court reviewed prior proceedings held in this matter and noted it had received and reviewed the Presentence Investigation Report with numerous attachments as well as the 19-2524 Mental Health evaluation. Additionally, on April 5, 2017 the Court received an addendum to the Presentence Investigation that consisted of additional letters from people that knew the victim. The Court determined each of counsel and the defendant had reviewed the Presentence Report and Mr. Sisson

advised that he filed with the Court three (3) or four (4) corrections to the Presentence Report.

After reviewing the file the Court determined it had not received the corrections and indicated Mr. Sisson could advise the Court of those if he wished.

Mr. Sisson advised the Court that the corrections were not incredibly significant so he would not go through those.

In answer to the Court's inquiry, Mr. Boyd indicated the State had victims that wished to address the Court.

EDGAR NELSON made a victim impact statement.

DENNIS NELSON made a victim impact statement.

CONNIE NELSON-CLEVERLY made a victim impact statement.

DONALD EDGAR NELSON made a victim impact statement.

ERIC NELSON made a victim impact statement.

Mr. Boyd made statements regarding the defendant, recommended a life sentence with thirty five (35) years fixed with regards to the charge of Murder I, a concurrent sentence with regards to Conspiracy to Commit Robbery, and the State believed the Robbery charge should be merged with the Murder I charge. With regards to Accepting Earnings of a Prostitute, Mr. Boyd recommended a concurrent sentence of ten (10) years. Additionally, Mr. Boyd requested a \$5,000.00 civil fine with regards to the Murder I charge and that the Court reserve restitution for one hundred twenty (120) days.

The Court recessed at 10:19 a.m.

The Court reconvened at 10:40 p.m.

Mr. Sisson made statements on behalf of the defendant and recommended the following. With regards to Accepting Earnings of a Prostitute, two (2) years fixed, no indeterminate time and a \$1,000.00 fine. With regards to Conspiracy to Commit Robbery, ten (10) years fixed, and no indeterminate time to be imposed. With regards to Robbery, ten (10) years fixed and no indeterminate time to be imposed. With regards to Murder I, ten (10) years fixed and life indeterminate. Mr. Sisson requested the sentences be ordered to run concurrent.

The defendant made a statement to the Court on his own behalf.

Mr. Boyd made additional statements in response to the defense statements and advised the Court it was the State's position the Robbery sentence should be merged and three should be no sentenced on that charge.

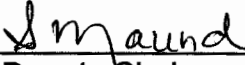
The Court entered a conviction for the felony offenses of **Murder I, Conspiracy To Commit Robbery** and **Accepting Earnings of a Prostitute** and imposed a sentence as set forth in the Judgment and Commitment.

The Court agreed to Robbery charge should be merged and that there should be no sentence on that charge.

The Court reserved the issue of restitution for one hundred twenty (120) days.

The Court advised the defendant of his post judgment rights and furnished him with a Notice to Defendant Upon Sentencing which the defendant signed and returned to the clerk.

The defendant was remanded into the custody of the Canyon County Sheriff pending transport to the Idaho State Board of Correction.



Deputy Clerk

THIRD JUDICIAL DISTRICT
STATE OF IDAHO
COUNTY OF CANYON

FILED 4/11/17 AT 1133 .M.
CLERK OF THE DISTRICT COURT
BY Smaund, Deputy

THE STATE OF IDAHO, or)
_____)
Plaintiff,)
-vs-)
Jayson Lee Woods)
Defendant.)
_____)

Case No. CR2016-79114e

COMMITMENT

Charge: Murder 1; Robbery
Conspiracy to Commit Robbery;
Accepting Earnings of A Prostitute

IT IS HEREBY ORDERED that the above-named Defendant, having been found guilty as charged, be committed to the custody of the Sheriff of Canyon County, Idaho and that this Order of Commitment shall serve as authority for continued custody.

IT IS FURTHER ORDERED that the above-named Defendant shall serve:

- _____ day(s). _____ month(s). _____ year(s).
- as previously Ordered on the Judgment dated _____.
- credit for _____ day(s) served.
- determinate 23 years. indeterminate life. retained jurisdiction.
- work search/work-out privileges granted from _____ to _____.
- upon written verification. as authorized by the Sheriff of Canyon County.
- Sheriff's Work Detail: _____ days in lieu of _____ days jail to be completed by _____.

Murder 1
no sentence on Robbery charge it is expunged by Robbery charge

If the Defendant fails to report to the jail as ordered or at a time agreed upon with the jail, or fails to satisfactorily perform the Defendant's obligations with the Sheriff Inmate Labor Detail, then the Sheriff is ordered and directed to place the Defendant in custody to serve the Defendant's jail time that has not been suspended.

Other: Conspiracy to Commit Robbery - 10 years fixed 3 life indeterminate
Accepting Earnings of Prostitution - 5 years fixed 3 5 years indeterminate

concurrent
consecutive

IT IS FURTHER ORDERED that the above-named Defendant shall report to the Canyon County Sheriff on or before _____.

Dated: 4/11/17


Signed: [Signature]
Judge

Jail Defendant

COMMITMENT

FILED 4/11/17 AT _____ M.
CLERK OF THE DISTRICT COURT
BY Maund, Deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO, Plaintiff,	CASE NO. CR <u>2016-7911</u> *C
vs. <u>Jayson Lee Woods</u>	ORDER FOR DNA SAMPLE AND RIGHT THUMBPRINT
 Defendant.	

THIS IS A CRIMINAL MATTER. The defendant is guilty of felony,

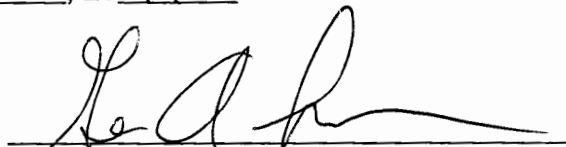
Murder 1; Robbery; Conspiracy to Commit Robbery
Accepting earrings of A Prostitute

Accordingly, THE IDAHO DNA DATABASE ACT of 1996 (Idaho Code § 19-5501, et seq.) requires defendant to provide a deoxyribonucleic acid (DNA) sample and right thumbprint impression to the Idaho State Police.

THEREFORE, THIS ORDERS THAT:

1. The defendant shall report to the Idaho Department of Corrections **within ten (10) days** of the date of this order to provide a DNA sample and right thumbprint impression.
2. The defendant is on notice that a failure to provide the DNA sample and thumbprint ordered above is a separate felony offense and can result in a violation of probation or parole, regardless of whether a new charge is filed based upon a violation of the Act.
3. Duly authorized law enforcement and correction personnel shall employ reasonable force to collect the DNA sample and/or right thumbprint should the defendant be incarcerated and refuse or resist providing the same.

DATED this 11th day of April, 2017.


District Judge

Copies: (✓) Defendant

APR 18 2017

CANYON COUNTY CLERK
S MAUND, DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON

THE STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 JAYSON L. WOODS,)
 [REDACTED])
)
 Defendant.)
 _____)

JUDGMENT AND COMMITMENT
CASE NO. CR2016-7911*C

On this 11th day of April, 2017, personally appeared Madison Hamby and Christopher Boyd, Deputy Prosecuting Attorneys for the County of Canyon, State of Idaho, and the defendant, Jayson L. Woods, and the defendant's attorney Lary Sisson, this being the time heretofore fixed for pronouncing judgment.

IT IS ADJUDGED that the defendant has been convicted upon the verdict of the jury finding the defendant guilty to the offense of **Murder I**, a felony, as charged in Count I of the Superseding Indictment, in violation of **Idaho Code Sections 18-4004; 18-4003(d); 18-204**, being committed on or about the 29th day of April, 2016;

IT IS ADJUDGED that the defendant has been convicted upon the verdict of the jury finding the defendant guilty to the offense of **Robbery**, a felony, as charged in Count II of the Superseding Indictment, in violation of **Idaho Code Sections 18-6501; 18-204**, being committed on or about the 29th day of April, 2016;

IT IS ADJUDGED that the defendant has been convicted upon the verdict of the jury finding the defendant guilty to the offense of **Conspiracy to Commit Robbery**, a felony, as charged in Count III of the Superseding Indictment, in violation of **Idaho Code Sections 18-6501; 18-1701**, being committed on or about the 28th day of April, 2016 through the 29th day of April, 2016;

IT IS ADJUDGED that the defendant has been convicted upon the verdict of the jury finding the defendant guilty to the offense of **Accepting Earnings of a Prostitute**, a felony, as charged in Count IV the Superseding Indictment, in violation of **Idaho Code Section 18-5606; 18-5613**, being committed on or between the 1st day of February, 2016 and the 29th day of April, 2016;

IT IS ADJUDGED that the defendant is guilty of each of the above offenses and is sentenced as follows:

Count I **Murder I**, the defendant is sentenced to the custody of the Idaho State Board of Correction for a minimum period of confinement of twenty three (23) years and a subsequent indeterminate period of confinement not to exceed life, for a total aggregate term life. The defendant is Ordered to pay all court costs associated with a felony conviction totaling \$245.50, restitution in an amount to be determined within one hundred twenty (120) days and he shall pay a civil fine which shall operate as a civil judgment against the defendant and in favor of the victim pursuant to I.C. § 19-5307 in the amount of \$5,000.00. Public Defender reimbursement is waived.

Count II **Robbery**. Under Idaho Law, this charge has been consolidated with the Murder I charge in Count I.

Count III **Conspiracy to Commit Robbery**, the defendant is sentenced to the custody of the Idaho State Board of Correction for a minimum period of confinement of ten (10) years and a subsequent indeterminate period of confinement not to exceed life, for a total aggregate term of life. Said sentence shall run concurrent with the sentence in Count I. The defendant is Ordered to pay all court costs associated with a felony conviction totaling \$245.50. Public Defender reimbursement is waived.

Count IV **Accepting Earnings of a Prostitute**, the defendant is sentenced to the custody of the Idaho State Board of Correction for a minimum period of confinement of five (5) years and a subsequent indeterminate period of confinement not to exceed ten (10) years, for a total aggregate term of fifteen (15) years. Said sentence shall run consecutive to the sentence in Counts I and III. The defendant is Ordered to pay all court costs associated with a felony conviction totaling \$245.50. Public Defender reimbursement is waived.

IT IS FURTHER ORDERED that the defendant shall submit a DNA sample and right thumbprint impression to the Idaho State Police through its designated agent, the Idaho Department of Corrections, pursuant to Idaho Code Section 19-5506.

IT IS FURTHER ORDERED that the defendant be given credit for three hundred forty five (345) jail days of incarceration prior to the entry of judgment for this offense (or included offense) pursuant to Idaho Code Section 18-309.

IT IS ADJUDGED that the defendant be committed to the custody of the Sheriff of Canyon County, Idaho, for delivery forthwith to the Director of the Idaho State Board of Corrections at the Idaho State Penitentiary or other facility within the State designated by the State Board of Corrections.

IT IS ORDERED that the clerk deliver a copy of this Judgment and Commitment to the Director of the Idaho State Board of Correction or other qualified officer and that the copy serve as the commitment of the defendant.

DATED this 17 day of April, 2017.


George A. Southworth
District Judge

FILED 1237
A.M. P.M.

MAY 02 2017

CANYON COUNTY CLERK
M. CERROS, DEPUTY

SISSON LAW, PLLC
LARY G. SISSON
1016 E. Chicago St., Suite 105
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

Attorney for Defendant/Appellant

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff/Respondent,

v.

JAYSON LEE WOODS,

Defendant/Appellant.

CASE NO.: CR-2016-7911

NOTICE OF APPEAL

TO: THE ABOVE NAMED RESPONDENT, THE STATE OF IDAHO, AND THE CLERK OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Appellant, JAYSON LEE WOODS, appeals against the above-named Respondent to the Idaho Supreme Court from the Judgment of Conviction and Commitment that was entered in the above-entitled action on or about April 18, 2017.

2. This matter was heard by George A. Southworth, a District Court Judge in the Third Judicial District, in and for the County of Canyon..

3. A preliminary statement of the issues on appeal which the appellant 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 or amending issues listed below.

A. Whether the District Court erred in denying Defendant's Motion to Suppress in this matter?

B. Whether the District Court erred in denying Defendant's Motion to Dismiss Counts I through III of the Superseding Indictment in this matter?

C. Whether the District Court erred in denying Defendant's Motion to Change Venue in this matter?

D. Whether the District Court erred in denying Defendant's Second Motion in Limine in this matter?

E. Whether the District Court erred in allowing testimony pursuant to I.C.R. 404(b) to be offered in this matter when the testimonies' probative value was substantially outweighed by its prejudicial effect?

F. Whether the District Court erred when it refused to give jury instructions for the included charges of petit theft by false promise?

G. Whether the District Court erred when it denied Defendant's Motion for Judgment of Acquittal?

H. Whether the defendant's sentences were excessive based on the facts and circumstances of this particular case?

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

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

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

A. The Jury Trial, which was held on January 19 and 20, January 23 through 27, and January 30 through February 2, 2017, to include the jury selection pre-draw, voir dire, opening statements, closing arguments, jury instruction conferences, and return of the verdicts, (Court Reporter: Patricia Terry. estimation of more than 500 pages);

B. Sentencing Hearing held on February 11, 2017 (Court Reporter: Patricia Terry, estimation of less than 100 pages);

C. Motion to Suppress and Motion to Dismiss Hearings both held on August 30, 2016 (Court Reporter: Patricia Terry. estimation of less than 100 pages);

D. Hearings on Defendant's Motion to Change Venue and Second Motion in Limine, both held on December 30, 2016, (Court Reporter: Patricia Terry, estimation of less than 100 pages); and

E. Hearing on Defendant's Motion for Judgment of Acquittal held on March 8, 2017 (Court Reporter: Patricia Terry, estimation of less than 100 pages).

7. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2) and all exhibits, recordings, and documents per 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.A.R. 28(b)(2) and I.A.R. 31:

A. The Grand Jury transcript filed on June 29, 2016;

B. All proposed and given jury instructions;

C. Any exhibits, including but not limited to letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing; and

D. Defendant's Notice of Corrections to Pre-Sentence Investigation Report filed on April 10 2017.

8. I certify:

A. That a copy of this notice of appeal has been served on each Reporter of whom a transcript has been requested as named below and at the address set out below:

Patricia Terry
c/o Canyon County
Courthouse
1115 Albany Street,
Caldwell, ID 83605

B. That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));

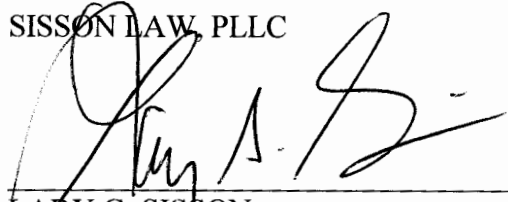
C. That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));

D. That arrangements have been made with Canyon County as to who will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e); and.

E. That service has been made upon all parties required to be served pursuant to I.A.R. Rule 20 and the attorney general of Idaho pursuant to Section 67-1401(1), Idaho Code.

DATED this 2nd day of May, 2017.

SISSON LAW, PLLC


LARRY G. SISSON
Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on 2nd day of May, 2017, I served a true and correct copy of the within and foregoing *Notice of Appeal* upon the individual(s) named below in the manner noted:

- ✓ By placing copies of the same in the designated courthouse box of the person(s) indicated below.

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, ID 83605

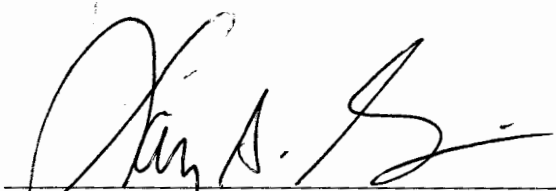
Patricia Terry
c/o Canyon County Courthouse
1115 Albany Street
Caldwell, ID 83605

- ✓ By depositing copies of the same in the United States Mail, postage prepaid, first class, to the addresses of the person(s) indicated below.

Lawrence Wasden
Idaho Attorney General
700 W. State Street
P.O. Box 83720
Boise, ID 83720-0010

Idaho State Correctional Institution
Jayson Lee Woods - #122952
Housing Unit - 08
P.O. Box 14
Boise, ID 83707

State Appellate Public Defender
322 East Front Street, Suite 570
Boise, ID 83702


LARRY G. SISSON
Attorney for Defendant/Appellant

FILED
A.M. 12:30 P.M.

MAY 02 2017

CANYON COUNTY CLERK
M. CERROS, DEPUTY

SISSON LAW, PLLC
LARY G. SISSON
1016 E. Chicago St., Suite 105
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

Attorney for Defendant/Appellant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,

Plaintiff/Respondent,

vs.

JAYSON LEE WOODS,

Defendant/Appellant.

CASE NO.: CR-2016-7911

**MOTION FOR APPOINTMENT OF
STATE APPELLATE PUBLIC
DEFENDER**

COMES NOW JAYSON LEE WOODS, by and through the his attorney of record, Lary G. Sisson, and hereby moves this Court for its order, pursuant to Idaho Code §19-867 et. seq., appointing the State Appellate Public Defender's Office to represent the appellant in all further appellate proceedings and allowing current counsel for the defendant to withdraw as counsel of record for the purpose of appellate proceedings. This Motion is brought on the grounds and for the reasons that:

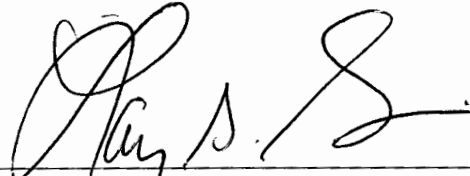
1. The Appellant is currently represented by Lary G. Sisson, who is a conflict public defender for Canyon County, Idaho;
2. The State Appellate Public Defender is authorized by statute to represent the defendant in all felony appellate proceedings;

3. Defendant is indigent and cannot afford to privately retain the services of his attorney.

3. It is in the interest of justice for them to do so in this case since the defendant is indigent and any further proceedings on this case will be an appellate issue.

DATED this 2nd day of May, 2017.

SISSON LAW, PLLC

A handwritten signature in black ink, appearing to read 'Larry G. Sisson', written over a horizontal line.

LARRY G. SISSON

Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of May, 2017, I served a true and correct copy of the above and foregoing *Motion for Appointment of State Appellate Public Defender* upon the individual(s) named below in the manner noted:

- ✓ By placing copies of the same in the designated courthouse box of the person(s) indicated below.

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, ID 83605

Patricia Terry
Court Reporter
c/o Canyon County Courthouse
1115 Albany Street, Room 202
Caldwell, ID 83605

- ✓ By depositing copies of the same in the United States Mail, postage prepaid, first class, to the addresses of the person(s) indicated below.

Lawrence Wasden
Idaho Attorney General
700 W. State Street
P.O. Box 83720
Boise, ID 83720-0010

Idaho State Correctional Institution
Jayson Lee Woods - #122952
Housing Unit - 08
P.O. Box 14
Boise, ID 83707

State Appellate Public Defender
322 East Front Street, Suite 570
Boise, ID 83702



LARRY G. SISSON
Attorney for Defendant/Appellant

MAY 09 2017

CANYON COUNTY CLERK
S MEHIEL, DEPUTY

SISSON LAW, PLLC
LARY G. SISSON
1016 E. Chicago St., Suite 105
Caldwell, Idaho 83605
Telephone: (208) 649-5588
Facsimile: (877) 866-4488
Email: larysisson@outlook.com
Idaho State Bar No. 6072

Attorney for Defendant/Appellant

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,

Plaintiff/Respondent,

vs.

JAYSON LEE WOODS,

Defendant/Appellant.

CASE NO.: CR-2016-7911

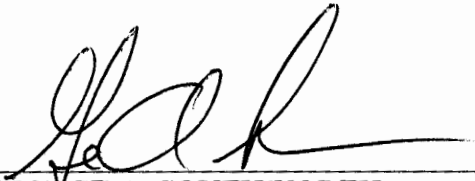
**ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER**

THIS MATTER having come before the Court pursuant to Defendant/Appellant's Motion for Appointment of State Appellate Public Defender; the Court having reviewed the pleadings on file and the motion, the Court being fully apprised in the matter and good cause appearing;

IT IS HEREBY ORDERED that the Lary G. Sisson is withdrawn as counsel of record for the Defendant-Appellant and the State Appellate Public Defender is hereby appointed to represent the Defendant-Appellant, JAYSON LEE WOODS, in the above entitled matters for appellate purposes.

The appointment of the State Appellate Public Defender is for purposes of the appeal only.

DATED this 8 day May, 2017.



GEORGE A. SOUTHWORTH
District Court Judge

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of May, 2017, I served a true and correct copy of the foregoing upon the individual(s) named below in the manner noted:

- By delivering copies of the same to the designated courthouse boxes of the person(s) or entities indicated below.

Bryan F. Taylor
Canyon County Prosecuting Attorney
1115 Albany Street
Caldwell, ID 83605

Lary G. Sisson
SISSON LAW, PLLC
1016 E. Chicago St., Suite 105
Caldwell, ID 83605

Patricia Terry
Court Reporter
c/o Canyon County Courthouse
1115 Albany Street
Caldwell, ID 83605

- By depositing copies of the same in the United States Mail, postage prepaid, first class, to the following indicated below.

Lawrence Wasden
Idaho Attorney General
700 W. State Street
P.O. Box 83720
Boise, ID 83720-0010

Idaho State Correctional Institution
Jayson Lee Woods - #122952
Housing Unit – 08
P.O. Box 14
Boise, ID 83707

State Appellate Public Defender
322 East Front Street, Suite 570
Boise, ID 83702

CHRIS YAMAMOTO
Clerk of the Court

By: _____
Deputy Clerk

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,)	
)	
Plaintiff-)	
Respondent,	)	Case No. CR-16-07911*C
)	
-vs-)	
	)	CERTIFICATE OF EXHIBITS
JAYSON L. WOODS,)	
)	
Defendant-)	
Appellant.)	

I, CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, do hereby certify the following exhibits were used at the Motion to Suppress hearing:

State's Exhibits:

1 - 4	Audio	Admitted	Sent
5	Miranda Form	Admitted	Sent
6	Medical Records (Ada Co.)	Admitted	Sent

The following exhibits were used at the Jury Trial:

State's Exhibits:

1 - 2	Map (oversize)	Admitted	Retained
3 - 8	Audio	Admitted	Sent
10	Audio	Denied	Sent
11	Screenshot	Denied	Sent

CERTIFICATE OF EXHIBITS

State's Exhibits:

12	Screenshot	Admitted	Sent
13 – 18	Photograph	Admitted	Sent
19	Audio (couldn't copy)	Admitted	Retained
20	Screenshot	Admitted	Sent
21	Audio	Admitted	Sent
22	Autopsy Report	Admitted	Sent
23	Photograph	Admitted	Sent
25	Photograph	Admitted	Sent
29 – 33	Photograph	Admitted	Sent
36 – 94	Photograph	Admitted	Sent
96 – 108	Photograph	Admitted	Sent
110 – 132	Photograph	Admitted	Sent
133 – 138	Audio (couldn't copy)	Admitted	Retained
143 – 145	Phone	Admitted	Retained
148 – 149	Text Message Log	Admitted	Sent
152	Text Message Log	Admitted	Sent
170 – 172	Photograph	Admitted	Sent
173	Miranda Waiver	Admitted	Sent
174	Backpage Ad	Admitted	Sent
175 – 179	Photograph	Admitted	Sent
189	Brass Rod	Admitted	Retained
190	Pants & Belt	Admitted	Retained

State's Exhibit:

191	Shirt	Admitted	Retained
198	Jacket	Admitted	Retained
199	Audio	Admitted	Sent
199 – 202	Report	Admitted	Sent
206–206A	Report	Admitted	Sent
208	Report	Admitted	Sent
209	SMS Messages	Admitted	Sent
211 – 213	Photograph	Admitted	Sent
215	Report	Admitted	Sent
216	Photograph	Admitted	Sent

Defendant's Exhibits:

H - K	Report	Admitted	Sent
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The following are being sent as exhibits:

DVD (attached to Brief in Support of Motion to Suppress) (page 147)

CD (attached to Brief in Support of Motion to Change of Venue)(page 226)

CD (attached to Response to Defendant's 1st Motion in Limine)(page 247)

CD (attached to Motion in Limine)(page 338)

DVD (attached to Notice of Intent to use Redacted Video (page 353)

The following are being sent as confidential exhibits:

Presentence Investigation Report

Addendum to PSI

CERTIFICATE OF EXHIBITS

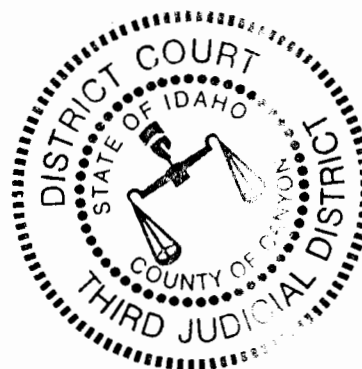
The following is being sent as an confidential exhibits as requested in the Notice of Appeal:

Grand Jury Transcript

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of
the said Court at Caldwell, Idaho this 31st day of August, 2017.

CHRIS YAMAMOTO, Clerk of the District
Court of the Third Judicial
District of the State of Idaho,
in and for the County of Canyon.

By: *K Waldemer* Deputy



CERTIFICATE OF EXHIBITS

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

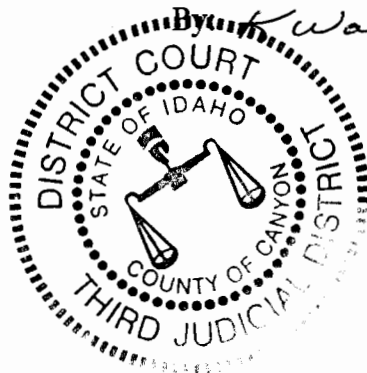
STATE OF IDAHO,)	
	)	Case No. CR-16-07911*C
Plaintiff-)	
Respondent,)	
)	
-vs-	)	CERTIFICATE OF CLERK
)	
JAYSON L. WOODS,)	
)	
Defendant-)	
Appellant.)	

I, CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, do hereby certify that the above and foregoing Record in the above entitled case was compiled and bound under my direction as, and is a true, full correct Record of the pleadings and documents under Rule 28 of the Idaho Appellate Rules, including all documents lodged or filed as requested in the Notice of Appeal.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 31st day of August, 2017.

CHRIS YAMAMOTO, Clerk of the District
Court of the Third Judicial
District of the State of Idaho,
in and for the County of Canyon.
By: *Waldemar* Deputy

CERTIFICATE OF CLERK



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

STATE OF IDAHO,)	
)	
Plaintiff-	)	Supreme Court No. 45094-2017
Respondent,)	
	)	CERTIFICATE OF SERVICE
-vs-)	
)	
JAYSON L. WOODS,)	
)	
Defendant-)	
Appellant.)	

I, CHRIS YAMAMOTO, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the County of Canyon, do hereby certify that I have personally served or had delivered by United State’s Mail, postage prepaid, one copy of the Clerk's Record and one copy of the Reporter’s Transcripts to the attorney of record to each party as follows:

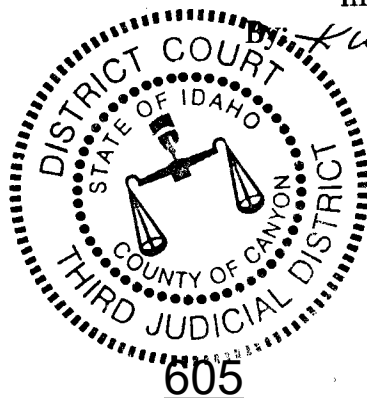
Eric D. Fredericksen, State Appellate Public Defender’s Office,
322 East Front Street, Boise, Idaho 83702

Lawrence G. Wasden, Attorney General, Statehouse, Boise, Idaho 83720

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court at Caldwell, Idaho this 31st day of August, 2017.

CHRIS YAMAMOTO, Clerk of the District
Court of the Third Judicial
District of the State of Idaho
in and for the County of Canyon.
By: Waldemer Deputy

CERTIFICATE OF SERVICE



TO: Clerk of the Court
Idaho Supreme Court
451 West State Street
Boise, Idaho 83720

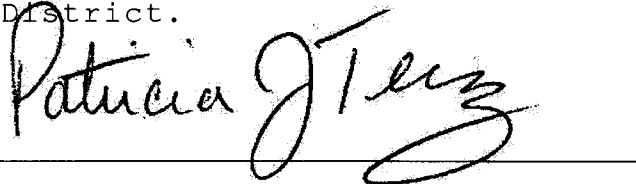
Fax: 334-2616

Docket No. 45094-2017

(Res) State of Idaho vs.
(App) Jayson Lee Woods

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on August 30, 2017,
I lodged 0 & 3 transcripts of the Vol. I, Jury Trial
1-19-17 through 2-2-17 of 2,006 pages, and Vol. II,
Motion to Suppress and Motion to Dismiss dated 8-30-16,
Motion to Change Venue and Second Motion in Limine dated
12-29-16, Motion for Judgment of Acquittal dated 3-8-17,
and Sentencing Hearing dated 4-1-17 of 239 pages in
length for the above-referenced appeal with the District
Court Clerk of the County of Canyon in the Third Judicial
District.



Patricia J. Terry,
Court Reporter, CSR No. 653
Registered Diplomate Reporter
Certified Realtime Reporter

August 30, 2017
Date

OCT 02 2017

**CANYON COUNTY CLERK
J URRESTI, DEPUTY CLERK**

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON**

STATE OF IDAHO,

Plaintiff-Respondent,

v.

JAYSON L. WOODS,

Defendant-Appellant.

CASE NO. CR 2016-7911
SUPREME COURT NO. 45094

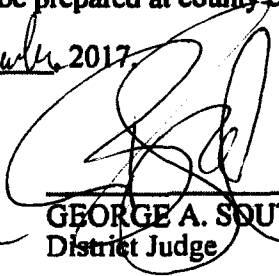
**ORDER GRANTING
OBJECTION TO THE RECORD**

Upon reviewing the attached (stipulation or objection) and finding good cause, IT IS
HEREBY ORDERED the Record on Appeal in the above mentioned case shall include the
following:

- 1) Transcript of the hearing on the State's pretrial motions, held on January 12, 2017
(Patricia Terry, court reporter, estimated number of pages under 100).

The above items shall be prepared and lodged with the Clerk of the Idaho Supreme Court,
and copies served on the State Appellate Public Defender's Office and the Idaho Attorney
General's Office. The above items shall be prepared at county expense.

DATED this 29 day September 2017

for 

GEORGE A. SOUTHWORTH
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 2 day of Oct, 2017, served a true and correct copy of the attached ORDER by placing a copy in the United States mail, postage prepaid, addressed to:

BRYAN TAYLOR
CANYON COUNTY PROSECUTOR
1115 ALBANY STREET
CALDWELL ID 83605

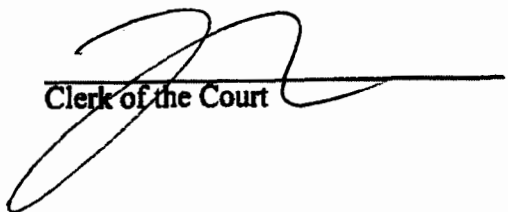
LARY G SISSON
ATTORNEY AT LAW
1002 BLAINE STREET SUITE 203
CALDWELL ID 83605

PATRICIA TERRY
COURT REPORTER
1115 ALBANY STREET
CALDWELL ID 83605

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DEPUTY ATTORNEY GENERAL
PO BOX 83720
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Hand delivered to Attorney General's mailbox at Supreme Court

ERIC D FREDERICKSEN
STATE APPELLATE PUBLIC DEFENDER
322 E FRONT STREET SUITE 570
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E-mail: documents@sapd.state.id.us

KAREL LEHRMAN
CLERK OF THE SUPREME COURT
PO BOX 83720
BOISE ID 83720-0101


Clerk of the Court