

# Exposing Judicial & Prosecutorial Misconduct in Placer County, California



Submitted by

The Help Free Shawn Rodriguez Campaign

[www.helpfreeshawn.com](http://www.helpfreeshawn.com)

October 2024

# Objectives & Audience

- **Objective:** To report and hold accountable the misconduct of the Placer County courts and officials involved in Shawn Rodriguez's wrongful conviction and excessive sentencing, and their negligence in providing relief despite repeated requests to enact justice based on current laws. When someone is factually innocent of crimes for which they were previously convicted, they should be exonerated and provided relief once this comes to light. Placer County has failed to do so, repeatedly, over many years.
- **Organizations this packet is being sent to:**
  - CA Commission on Judicial Performance
  - CA Attorney General's Office
  - CA State Bar
  - US DOJ Civil Rights Division
  - Federal Bureau of Investigation
  - Board of Supervisors for Placer County
  - Judicial Council of CA
  - Governor of California
  - California Office of the Inspector General (OIG)
  - State and Federal Legislators
  - California Innocence Project
  - The California Judicial Council's Criminal Law Advisory Committee
  - Civil Rights Advocacy Groups (ACLU, NAACP Legal Defense Fund)
  - Media & Public Advocacy (e.g., The New York Times, Los Angeles Times, Mother Jones)



# What Happened: Who, When, Where, and the Relationships

---

**TIME AND PLACE:** March 2003, Auburn, California. Forty-hour experience.

**MAIN CHARACTERS:**

- 19-year-old Anna Rugg
- 39-year-old Nick Hamman
- 19-year-old Shawn Rodriguez
- 30-year-old Erin Hughes

■ **RELATIONSHIPS:**

- Nick (39) had already been convicted as a pedophile by that time. Anna (19) was presenting as a male (and has since become a trans man). Were in a “romantic” relationship.
- Shawn had met Anna three weeks prior; they were in a similar position, surviving homelessness together as teenagers on the streets.
- Erin and Shawn were dating at the time.

# Case Overview & Background

- **Shawn Rodriguez's Conviction**
  - **Correct Convictions:** Shawn did participate in a robbery/stealing/theft.
  - **Wrongful Convictions:** Convicted of conspiracy to commit murder and kidnapping for extortion in 2003 due to the actions of co-defendant Anna Rugg, despite having no intent to kill or foreknowledge of a kidnapping. Shawn did nothing which could have actually physically harmed Hamman either and repeatedly acted to prevent Anna from murdering her boyfriend.
  - Sentenced to 25 to life for a murder that did not occur, mostly because Shawn repeatedly acted to prevent it, and 7 to life for a kidnapping he was not present for when the entrapment occurred. Shawn is Factually Innocent of the kidnapping and conspiracy to commit murder as juror statements attest to.
- **Key Issues at Stake**
  - **No Murder or Physical Harm:** No physical harm or murder occurred, yet Shawn was sentenced as if a murder had taken place. Because he did participate in a robbery, jurors were told by the Prosecutor and Judge that they HAD to vote Shawn guilty for all of Anna Rugg's crimes, even if Shawn did not do them, because he had agreed to do robbery with her. Placer County wrongfully convicted Shawn of crimes for which he is factually innocent.
  - **False Testimony by Nicholas Hamman:** The only victim, Nicholas Hamman, repeatedly admitted to perjury after the trial, including in multiple letters and a verbal testimony in recent years where he affirmed that *"Anna was the mastermind."*
  - **Excessive Sentencing:** Shawn was punished more harshly than Anna, the real perpetrator, receiving over three times her sentence despite her leadership in the crimes and Shawn's repeated acts to undo the kidnapping and prevent a murder.





# Jury Instructions

## Shawn Was Made Culpable for Anna's Intent and Actions (which is now illegal)

RT 674, line 7-10: "It is not necessary to the guilt of any particular defendant that he personally committed an overt act, if he was one of the conspirators when the alleged overt act was committed."

RT 674 Line 26-28: "A member of conspiracy is not only guilty of a particular crime that to his knowledge his confederates agreed to and did commit, but is also liable for the natural and (RT 675 Line 1-5) probable consequence of any crime or act of a co-conspirator to further the object of the conspiracy, even though that crime or act was not intended as a part of the agreed upon objective and even though he was not present at the commission of that crime or act."

It is not necessary to the guilt of any particular defendant that he personally committed an overt act, if he was one of the conspirators when the alleged overt act was committed.

A member of a conspiracy is not only guilty of a particular crime that to his knowledge his confederates agreed to and did commit, but is also liable for the natural and probable consequence of any crime or act of a co-conspirator to further the object of the conspiracy, even though that crime or act was not intended as a part of the agreed upon objective and even though he was not present at the commission of that crime or act.

674

# Evidence of the Jury Instructions (continued)

## Shawn Was Made Culpable for Anna's Intent and Actions (which is now illegal)

RT 676 Line 7-11 "If a member of a conspiracy has effectively withdrawn from the conspiracy, he is not thereafter liable for any act by the co-conspirators committed after his withdrawal from the conspiracy, but he is not relieved of responsibility for the acts of his co-conspirators committed while he was a member."

If a member of a conspiracy has effectively withdrawn from the conspiracy, he is not thereafter liable for any act by the co-conspirators committed after his withdrawal from the conspiracy, but he is not relieved of responsibility for the acts of his co-conspirators committed while he was a member.

# Evidence of the Jury Instructions (continued)

## Shawn Was Made Culpable for Anna's Intent and Actions (which is now illegal)

Marchi's closing arguments, of RT 690 Line 16-19, "Court read to you the instructions about principal and aider and abettor and when there's two People involved in crimes often each does the crime if they know what the purpose is and help in any way, they're just as guilty."

RT 690 Line 24-26 "Each principal, regardless of the extent or manner of participation, is equally guilty."

Court read to you the instructions about principal and aider and abettor and when there's two People involved in crimes often each does the crime if they know what the purpose is and help in any way, they're just as guilty.

Each principal, regardless of the extent or manner of participation, is equally guilty.

# Evidence of the Jury Instructions (continued)

## Shawn Was Made Culpable for Anna's Intent and Actions (which is now illegal)

RT 691 Line 11:-12 "you help them in any way, you're just as guilty"

RT 691 Line 16-17 "They're both principals, and they're both equally guilty"

you help them  
in any way, you're just as guilty.

They're  
both principals, and they're both equally guilty.

# Evidence of the Jury Instructions (continued)

## Jury Instructions Required Jurors to Use the Now Illegal Natural & Probable Consequences Doctrine

Clerk's Transcript, Page 255:  
CALJIC 300 – “Each principal,  
regardless of the extent or  
manner of participation is equally  
guilty.”

Clerk's Transcript Page 257: “One  
who aids and abets another in the  
commission of a crime or crimes  
is not only guilty of those crimes,  
but is also guilty of ANY OTHER  
CRIME committed by a principal  
which is a NATURAL AND  
PROBABLE CONSEQUENCE of  
the crimes originally aided and  
abetted.”

Each principal, regardless of the extent or  
manner of participation is equally guilty.

One who aids and abets another in the commission of a crime or crimes is not  
only guilty of those crimes, but is also guilty of any other crime committed by a  
principal which is a natural and probable consequence of the crimes originally  
aided and abetted.



# Evidence of the Jury Instructions (continued)

## Jury Instructions Required Jurors to Use the Now Illegal Natural & Probable Consequences Doctrine

Clerk's Transcripts page 280: "A member of a conspiracy is not only guilty of the particular crime that to his knowledge his confederates agreed to and did commit, but is also liable for the natural and probable consequences of any crime or act of a co-conspirator to further the object of the conspiracy, even though that crime or act was not intended as part of the agreed upon objective and even though he was not present at the time of the commission of that crime or act."

A member of a conspiracy is not only guilty of the particular crime that to his knowledge his confederates agreed to and did commit, but is also liable for the natural and probable consequences of any crime or act of a co-conspirator to further the object of the conspiracy, even though that crime or act was not intended as a part of the agreed upon objective and even though he was not present at the time of the commission of that crime or act.

# What Do These Jury Instructions Make Clear?

The Jury was repeatedly told to give Shawn culpability for Anna's crimes of Kidnapping and Conspiracy to Commit Murder, even if he himself was not the doer of those crimes.

This practice was based on the now illegal Natural and Probable Consequences Doctrine.

In other words, because Shawn agreed to and participated in a robbery, jurors were told to find Shawn guilty of Anna's crimes of kidnapping and conspiracy to commit murder.

This doctrine is no longer a valid legal mechanism in the state of California and if Shawn were tried today, he could not have been convicted of kidnapping or conspiracy to commit murder. Those were crimes Anna did, which Shawn did not meet the criteria for.

Just because Shawn agreed to participate in a robbery does not make him liable for Anna's crimes of kidnapping or conspiracy to commit murder—based on current law.

Shawn deserved consequences for crimes he himself committed, not the crimes of someone else.



# What is a “Wrongful Conviction” exactly?

- Wrongful Conviction: Defined as a conviction of a person who is factually innocent of the charges.
- Wrongful conviction occurs when an individual is found guilty and sentenced for a crime they did not commit. This is typically due to errors in the legal process such as mistaken identity, false or misleading evidence, prosecutorial misconduct, ineffective legal defense, or procedural issues.
- Written post-trial juror statements make it clear that Shawn is factually innocent of kidnapping and conspiracy to commit murder; he did not commit those crimes, as jurors repeatedly attested to. However, jurors were told that the law required them to vote Shawn guilty for Anna crimes Anna Rugg committed, since he was, in fact, guilty of the robbery.
- Jurors were told to wrongfully convict Shawn, and they did. They believed the law required them to hold Shawn responsible for the actions of another even if he sabotaged her crimes and tried to undo them because that is what the Prosecuting Attorney, William Marchi, and Judge Frances Kearney, told the jurors: vote Shawn guilty of Anna’s crimes even if Shawn didn’t do them.
- Shawn is guilty of some more minor crimes, but not kidnapping nor conspiracy to commit murder.





# Prosecutorial Misconduct: William Marchi

- **Brought Charges Which He Knew Were Overblown:** Marchi prosecuted Shawn for the crime of kidnapping while he likely knew Shawn was not even around during that crime (which is why he withheld Erin's interview transcript).
- **Coaching of A Key Witness:**
  - Marchi likely coached Hamman on what to say in court, influencing his testimony to ensure a conviction, despite the truth. This manipulation became clear when Marchi screamed at Hamman to "*SHUT UP!*" during the trial when Hamman began to veer off-script.
- **Suppression of Evidence:**
  - Marchi withheld crucial evidence, including Erin's interview with Detective Daniel Coe, which corroborated Shawn's innocence regarding the kidnapping charge.
- **Used Intimidation Tactics to Silence a Key Eyewitness:**
  - Marchi threatened to charge Erin, who was an eyewitness, with crimes (though she did not do any crimes herself) if she testified.



# Deputy District Attorney Marchi Coached Nick Hamman What to Say—Even if it Meant Lying

It appears that Marchi visited Hamman in order to coach him on what to say, in preparation for Nick's courtroom testimony. This may have been part of why Nick perjured himself, which he admitted to years later repeatedly in writing as well as verbally.

"A couple weeks ago when they came to see me..."

1 A. I don't know if I described it in as great as detail as I  
2 did now.  
3 Q. Did you tell them what angle you were coming into the room  
4 from?  
5 A. I don't remember.  
6 Q. Did you discuss the pathway that you took, the pathway  
7 that you just told us about, have you discussed that with any  
8 detectives or the district attorney in the last few weeks?  
9 A. Yes.  
10 Q. When did you do that?  
11 A. Couple weeks ago when they came to see me.  
12 Q. And how did you discuss it? Did they show you a diagram?  
13 A. Yes.  
14 Q. Was it the same diagram you're looking at today?  
15 A. Yes.  
16 Q. Shawn, could you click on number 24 for me? This, we've  
17 mentioned several times. This is the actual door that you went  
18 inside; correct?  
19 A. Yes.  
20 Q. As you approached that door, you come into the room; do  
21 you see Shawn anywhere?  
22 A. No.  
23 Q. And then, in fact, you get about a foot into the doorway,  
24 you said?  
25 A. Foot or two.  
26 Q. And then Anna began to close the door?  
27 A. Yes.  
28 Q. And that must have taken a split second at the most;

282

2 MR. SERAFIN: No offense, the answers have changed.  
 3 MR. MARCHI: Shut up.  
 4 THE COURT: Overruled. You may ask the question.  
 5 MR. SERAFIN: I heard a shut up.  
 6 MR. MARCHI: I don't appreciate a speaking objection.  
 7 THE COURT: Counsel, Counsel. The court reporter will  
 8 read back the question.  
 9 MR. MARCHI: Thank you.  
 10 (Requested portion read back.)  
 11 THE WITNESS: It took them a matter of time for them to  
 12 put the towels down. As they were putting them down, I was able  
 13 to get two of them away. They were continuing to stick more  
 14 towels until they stuck the crate against the door, and I  
 15 couldn't get anymore.  
 16 Q. BY MR. SERAFIN: How long has it been that you have been  
 17 taking your psych meds?  
 18 A. Nine months.  
 19 Q. So you haven't taken them pretty much all this year?  
 20 A. Yes.  
 21 Q. And you weren't taking them back in March, clearly;  
 22 correct?  
 23 A. Nope.  
 24 Q. What impact does the drug use have on your psychiatric  
 25 issues?  
 26 A. Sometimes they help. Sometimes they don't.  
 27 Q. I believe you told me that in many instances because you  
 28 had trouble getting medication that you would sort of

307

PAMELA R. KATROS, CSR 9383

## Suppressing Testimony: The Truth Does Not Matter

While Nick Hamman was testifying, Deputy District Attorney William Marchi screamed loudly to Hamman from across the courtroom, **"Shut up!"** to stop Hamman from speaking the truth.

This is on page 307 of the Reporter's Transcript, Line 3, shown to the left.

Deputy District Attorney Marchi did not want Hamman answering the question honestly, because Marchi had a narrative to spin, and untrue impressions he wanted to leave jurors with rather than just simply focusing on the truth.

Who tells their client to "Shut up!" unless there's something to hide? If justice matters, why should the truth be hidden? What does Marchi's courtroom behavior say about him as a Deputy District Attorney? And will Placer County government in current day stand behind all these lies? Marchi suborned perjury—when will Placer County make this right—or does Placer County believe this sort of unprofessional behavior is acceptable?

# Prosecutorial Misconduct: William Marchi

- **Suborning Perjury:**
  - Prosecutor William Marchi knowingly used false testimony from Nicholas Hamman, who lied about critical facts such as the depth of water in the cell and the threat to his life. Hamman also claimed Shawn was there and shoved him in the cell, when the other three people (Erin, Anna, and Shawn) all said Shawn and Erin were elsewhere when the entrapment occurred by Anna alone.
- **Witness Intimidation:**
  - Erin Hughes, a key eyewitness, was threatened with charges by Marchi if she testified in Shawn's defense, leading her to plead the Fifth Amendment throughout the trial and her testimony being withheld from jurors.
- **Manipulated the Jury:**
  - Marchi made clever use of charges to trick the jury into finding Shawn guilty of a 7-life crime (kidnapping) instead of a 6-month to one year misdemeanor ("false imprisonment"). While false imprisonment would have had less than a year punishment, the kidnapping charge got Shawn punished with 7 years to life sentence. Marchi trick the jurors into the 7 to life punishment instead of a year or less due to Shawn's lack of violence. ***How does it make sense to punish someone more harshly for their lack of violence? Marchi convinced jurors that was the right thing to do.***



# Prosecutorial Misconduct: William Marchi

- **Tampered With or Used Knowingly Tampered/Damaged Evidence**
  - Marchi either tampered with or knowingly made use of tampered evidence, by playing the jury a recorded interview of Shawn that had been cut/erased more than 90 times in an hour to erase or omit whatever did not fit the theory being used to prosecute Shawn.
- **Ignored Hamman's Repeated Confessions of Courtroom Perjury**
  - The first 2 letters the victim sent admitting that he committed perjury to send Shawn to prison for life, Marchi only admitted he received them after the victim wrote letters the California Attorney General saying the same thing and it became clear Shawn would put up a fight. Otherwise, he was fine to hide/minimize Hamman's recantation letters from Shawn and all other stakeholders, attempting to obfuscate the truth and let the injustices continue.



## The Video Tape of Shawn's Interview Was Tampered With and Edited To Mislead Jurors

Jesse Serafin: "We obviously all noticed when reviewing the videotape of Shawn's testimony there was a lot of cut out scratches, some as long as 12 to 14 seconds. We can't know what was said in those scratch outs exactly; is that fair to say?"

Detective Daniel Coe: That's fair to say.

Jesse Serafin: And we can get a context based on the question we can hear before and the question after it, but as far as the details inside, we don't know?

Detective Daniel Coe: That's correct.

Jesse Serafin: And it was your testimony before we started that you remember that there was nothing material missing in those various scratch outs; is that stated in your testimony accurately?

Detective Daniel Coe: I don't think I said there was anything nonmaterial in them. I don't know what was said during those segments.

Jesse Serafin: I believe counsel asked you was there anything material that was blocked out in those passages, and I believe your answer was no. Is that inaccurate?

Detective Daniel Coe: Looking at the tape and the flow of how the interview was going, it would be my best educated guess that there was nothing of great significance in those scratches."

23 Q. Now, I know when -- we obviously all noticed when  
24 reviewing the videotape of Shawn's testimony there was a lot of  
25 cut out scratches, some as long as 12 to 14 seconds. We can't  
26 know what was said in those scratchouts exactly; is that fair to  
27 say?  
28 A. That's fair to say.

447

PAMELA R. KATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

1 Q. And we can get a context based on the question we can hear  
2 before and the question after it, but as far as the details  
3 inside, we don't know?  
4 A. That's correct.  
5 Q. And it was your testimony before we started that you  
6 remember that there was nothing material missing in those  
7 various scratchouts; is that stated in your testimony  
8 accurately?  
9 A. I don't think I said there was anything nonmaterial in  
10 them. I don't know what was said during the those segments.  
11 Q. I believe counsel asked you was there anything material  
12 that was blocked out in those passages, and I believe your  
13 answer was no. Is that inaccurate?  
14 A. Looking at the tape and the flow of how the interview was  
15 going, it would be my best educated guess that there was nothing  
16 of great significance in those scratches.  
17 Q. Okay. And that is based upon your memory of the specific

# Relevance of Edited Video Interview Footage of Shawn

---

It appears someone at Placer County edited Shawn's interview tape repeatedly, to lead jurors to have an impression that was inaccurate.

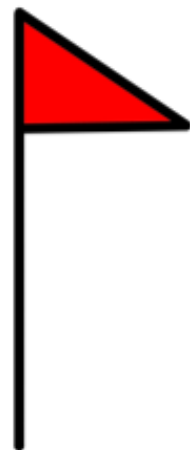
In other words, evidence was tampered with—likely by a County employee. Maybe it was William Marchi or Dale Hutchins?

This tampered evidence was used at trial. Jurors were not given the full truth of Shawn's interview, but rather were given a modified, edited, slanted version of his testimony, which was used to prosecute him.

Why did this happen? Why would a Placer County employee edit an interview tape repeatedly? Is this a best practice? Is this even legal?

Detective Daniel Coe assured jurors there was nothing relevant in the more than 90 bits of tape that were edited out, to alter Shawn's deposition. There seems to have been something being covered up.

Placer County claimed there were radios that caused this damage to the tape, though this is impossible.





# Juror Feedback on William Marchi's Performance as Deputy District Attorney for Placer County

- One juror wrote in their post-trial statement, "I felt tricked into the decisions by the prosecution."
- Another juror wrote in their post-trial statement, "I just don't feel that this "go for the throat" attitude on the part of the district attorney was appropriate in this case."

**Note:** Marchi is no longer employed by Placer County; a request for his personnel records was denied by the county's Human Resources Department, but we are pretty sure he was fired or forced to resign for other misconduct he engaged in years after the misconduct he displayed in Shawn's 2003 trial, and the suppression of Hamman's recantations in 2015.





# Marchi Silenced Any of Erin's Testimony from Reaching Jurors and Threatened to Charge Her With Crimes

Marchi: "Your Honor, at this point I would move that this witness's testimony be excluded. She is asserting the Fifth Amendment right on some very critical areas...and if she's going to assert the privilege in this area, I submit that she's not available under 940 of the Evidence Code and she could actually be liable for certain crimes perhaps 10851 or 496, also for lying to a police officer, you know, if she came in later and there's another story she told and other things. I don't know how much the Court wants to hear of this."

18 (Attorney-client conference.)  
19 A. I refuse to testify on my Fifth Amendment privilege.  
20 Q. And then, in fact, you later on rode in Mr. Hamman's  
21 vehicle; didn't you?  
22 A. I refuse --  
23 (Attorney-client conference.)  
24 A. I refuse to testify on my Fifth Amendment privilege.  
25 MR. MARCHI: Your Honor, at this point I would move that  
26 this witness's testimony be excluded. She is asserting the  
27 Fifth Amendment right on some very critical areas. These are  
28 previous statements she made to the detective. I have a right  
533

PAMELA R. KATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

1 to fully confront and cross-examine any witnesses, her being one  
2 of them, and if she's going to assert the privilege in this  
3 area, I submit that she's not available under 940 of the  
4 Evidence Code and she could actually be liable for certain  
5 crimes perhaps as 10851 or 496, also for lying to a police  
6 officer, you know, if she came in later and there's another  
7 story she told and other things. I don't know how much more the  
8 Court wants to hear of this.  
9 THE COURT: Counsel?  
10 MR. SERAFIN: Well, I would like to focus -- the only  
11 issues I was focusing on were issues that were nonrelated to  
12 actually knowing about any plans or any crimes that were

# Marchi Wanted to Keep Certain Facts Away from the Jury

Deputy District Attorney Marchi: "I want to apologize for asking you to shut up; however, you were making a speaking objection on some things that I didn't think it was proper for the jury to hear. I am sorry."

Public Defender Serafin: It is clearly unprofessional..."

Reporter's Transcript, page 323, lines 14 - 18

1 if, in fact, he was suffering from dreams on that occasion or if  
2 subsequently he has suffered from dreams in which he is now  
3 having difficulty distinguishing between what may have really  
4 happened and what he may have dreamt that would be relevant so I  
5 did allow that questioning.

6 In addition, I ruled that if he has a history of that,  
7 that would obviously be relevant as well in helping us to  
8 determine whether or not on this occasion he did or did not  
9 suffer from an inability to recall or to distinguish between a  
10 dream and an actual event.

11 MR. MARCHI: I think I can probably help here. My  
12 objection at the time was the open-ended question he asked here  
13 in open court. I had no problem with his line of questioning  
14 after he narrowed the issues. I want to apologize for asking  
15 you to shut up; however, you were making a speaking objection on  
16 some things that I didn't think it was proper for the jury to  
17 hear. I am sorry.

18 MR. SERAFIN: It is clearly unprofessional, but I do tend  
19 invoke that reaction.

20 MR. MARCHI: I don't like to object, but when we're start  
21 to put facts behind --

22 THE COURT: I wasn't quite sure that I really heard that.

23 MR. MARCHI: I surprised myself, quite frankly, but I did  
24 shut you up.

25 THE COURT: Anything else before we release?

26 MR. MARCHI: No, your Honor.

27 MR. SERAFIN: No.

28 THE COURT: We're in recess.

# Marchi Basically Said He Would Prosecute Erin if She Testified

"A witness cannot be partially available. They have to be available for all the events that they would be a percipient witness to. I told Mr. Bolton I am not in a position to offer her immunity."

1 getting in the car and heading towards the juvenile hall, then  
2 all of those things occurred prior to that event.

3 It seems to be, it is her position she's going to assert  
4 her privilege on any questions as to anything that may or may  
5 not have happened after that. Are you saying that because she  
6 is asserting the privilege as to that time period that the Court  
7 should not allow her to testify as to anything that may have  
8 happened the day before?

9 MR. MARCHI: Yes. I believe the Court will find under 940  
10 of the Evidence Code that basically she becomes unavailable.  
11 I'm entitled to fully confront and cross-examine her. It was  
12 the same situation really in Rugg when Rugg was the codefendant.  
13 And unless I could excise certain things successfully, you know  
14 I could not have a joint trial. But, on the other hand,  
15 Mr. Cohen had a right to fully confront and cross-examine and  
16 bring in things in that statement that impeached Mr. Rodriguez,  
17 and it is the same thing here. A witness cannot be partially  
18 available. They have to be available for all the events that  
19 they would be a percipient witness to, which I submit, starts on  
20 Friday, continues into Saturday evening and parts of Sunday at  
21 Mr. Romines's residence.

22 So I think, you know, otherwise to have her assert the  
23 Fifth in front of the jury, I'm going to go into these areas.  
24 I'm entitled to fully confront and cross-examine her and she's  
25 basically unavailable if she's not going to completely testify.  
26 I told Mr. Bolton I am not in a position to offer her immunity  
27 because I feel that based on her initial statement and now based  
28 on her most recent statement, there's a major inconsistency and

536

# Judicial Misconduct: Judge Francis Kearney

- **Blocking Critical Evidence:**
  - Judge Kearney refused to admit critical evidence showing that Anna Rugg had previously framed Shawn for another crime, as well as her history of framing other young men for her own criminal acts. This would have shown that Shawn was Anna's second victim in the instant case.
- **Ignoring Juror Misconduct:**
  - Bob Stefun, Jury Foreman, concealed a critical conflict of interest (his father was a prison warden) until after the trial when he was interviewed by Gold Country Media and shared this insightful fact. Kearney refused to offer a retrial even with such blatant juror misconduct.



# Presiding Judge Frances Kearney

---

Judge Frances Kearney did not allow in critical information that Anna had framed Shawn for the church robbery shortly before the Hamman incident, and also that Anna had a well documented history of many boys/men coming forward saying she had tried to attach them to her crimes as well – clearly, to have a scapegoat; if they did not say yes, she would frame them and in one case, attempt to kill him for not going along with her demands.

Jurors did not get to hear this critical information because the judge did not allow it.

If Judge Kearney would have allowed in this critical information, it could have affected the jury's perception of the case in ways which would have helped Shawn.

Instead, she chose to keep these very relevant and material truths hidden from jurors, stating it was irrelevant; actually, this information is incredibly relevant.

She also did not take seriously juror misconduct by the Jury Foreman (more on this later).



# Anna's Modus Operandi: Framing Young Men for Her Crimes

- A question that has long been discussed in various forms of academic literature is why there seems to be a difference in how genders are treated during the sentencing phase of trials. Within the United States the male population in prisons massively outnumber the female population. This may suggest a difference in how genders are treated at some stage during the criminal justice process in the United States.
- **Anna wanted to take advantage of this fact, by using her female-ness to her advantage.**
- Then next series of slides are many examples of men she tried to victimize; Shawn is one of many of her victims.



# Anna Pressured Shawn to Frame Others With Her for her Prior Crimes

1 first met Anna, it was because I got stuck in Auburn and didn't  
2 have a place to stay. She said, you know, you can stay at the  
3 church with me. The next morning she told me about how she had  
4 robbed the church with two other kids and took some stuff, and  
5 she said she wanted me to say I was there and said she didn't  
6 break in to rob the church. It was the other two kids.  
7 Q. To your knowledge, had she been blamed for robbing the  
8 church?  
9 A. Yeah. The pastor in the church that allowed her to stay  
10 there confronted on her details.  
11 Q. She turned on the other two kids?  
12 A. Yes.  
13 Q. Asked you to say what?  
14 A. That I had been there that night, and they were the ones  
15 that had broken in.  
16 Q. How does that experience with Anna relate to you being  
17 afraid to just walk?  
18 A. I didn't wanted her to throw it on me, among other things.  
19 Q. When you say "throw it on me," for those us who aren't  
20 very good at following slang, what did you mean about that?  
21 A. Put it all off on me. Tell the police that I did it.  
22 Q. Okay. So you're following the plan in hopes that she'll  
23 think you're on board?  
24 A. Yes.  
25 Q. Is there any other -- is there anything about her comments  
26 as the day goes on on Sunday that make you begin to fear her?  
27 A. I didn't especially fear Anna, but I didn't want -- I  
28 didn't want to go against Anna, not just Sunday or Saturday but

591

PAMELA R. KATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

Shawn: "She said, you know, you can stay at the church with me. The next morning she told me about how she had robbed the church with two other kids and took some stuff, and she said she wanted me to say I was there and she said she didn't break in to rob the church. It was the other two kids...I didn't wanted her to throw it on me, among other things...put it all off on me. Tell the police that I did it.

Jesse Serafin: Okay. So you're following the plan in hopes that she'll think you're on board?"

Shawn: Yes...I didn't want not go against Anna."



# Shawn Was Afraid of Anna

Shawn: "She's not nice, like I said. They—people think she's a guy sometimes...There were a lot of different things in my mind that Anna could have done to hurt me in the future, maybe not just physically but among other things. She could call the police and say it was all me. She could go in there and walk in there and tell Nick that I made her do it...Erin pulled me aside and told me they went and picked up a knife, and she was afraid Anna was going to stab somebody with it."

1 before that. She's not nice, like I said. They -- people think  
2 she's a guy sometimes.

3 Q. Well, what does that have to do with not wanting to follow  
4 her plan or wanting to follow her plans?

5 A. There were a lot of different things in my mind that Anna  
6 could have done to hurt me in the future, maybe not just  
7 physically but among other things.

8 Q. Like what?

9 A. Like what do you mean when you say that?

10 Q. Well, you said that you were afraid she may hurt you in  
11 some way in the future. What was going through your mind that  
12 day? What did you think she may do in the future?

13 A. One, she could call the police and say it was all me. She  
14 could go in there and walk in there and tell Nick that I made  
15 her do it. She didn't want to and all of a sudden, it would be  
16 all me.

17 Erin had pulled me aside because when we got in the hotel  
18 room later that night, her and Anna had left for a period of  
19 time. When they came back, Erin pulled me aside and told me  
20 they went and picked up a knife, and she was afraid Anna was  
21 going to stab somebody with it.

22 Q. Now, you had said earlier, for instance, on Friday night  
23 when she talked about wanting to rob her boyfriend, throw him  
24 off the bridge and some of the discussions on Saturday, that you  
25 didn't really think she was going to go through with it, that  
26 you didn't really take her seriously; right?

27 A. No.

28 Q. By Sunday evening had that changed in your mind?

592



## Shawn Was Afraid of Anna

Shawn: "She told me about how she had robbed the church with two other kids and took some stuff, and she said she wanted me to say I was there and said she didn't break in to rob the church. It was the other two kids."

Jesse Serafin: "She turned on the other two kids?"

Shawn: "Yes."

Jesse Serafin: "Asked you to say what?"

Shawn: That I had been there that night, and they were the ones that had broken in."

Jesse Serafin: "How does that experience with Anna relate to you being afraid to just walk?"

Shawn: "I didn't wanted her to throw it on me, among other things."

Jesse Serafin: "When you say 'throw it on me,' for those of us who aren't very good at following slang, what did you mean about that?"

Shawn: "Put it all off on me. Tell the police that I did it."

Jesse Serafin: "Okay, so you're following the plan in hopes that she'll think you're on board?"

Shawn: "Yes."

1 first met Anna, it was because I got stuck in Auburn and didn't  
2 have a place to stay. She said, you know, you can stay at the  
3 church with me. The next morning she told me about how she had  
4 robbed the church with two other kids and took some stuff, and  
5 she said she wanted me to say I was there and said she didn't  
6 break in to rob the church. It was the other two kids.  
7 Q. To your knowledge, had she been blamed for robbing the  
8 church?  
9 A. Yeah. The pastor in the church that allowed her to stay  
10 there confronted on her details.  
11 Q. She turned on the other two kids?  
12 A. Yes.  
13 Q. Asked you to say what?  
14 A. That I had been there that night, and they were the ones  
15 that had broken in.  
16 Q. How does that experience with Anna relate to you being  
17 afraid to just walk?  
18 A. I didn't wanted her to throw it on me, among other things.  
19 Q. When you say "throw it on me," for those us who aren't  
20 very good at following slang, what did you mean about that?  
21 A. Put it all off on me. Tell the police that I did it.  
22 Q. Okay. So you're following the plan in hopes that she'll  
23 think you're on board?  
24 A. Yes.  
25 Q. Is there any other -- is there anything about her comments  
26 as the day goes on on Sunday that make you begin to fear her?  
27 A. I didn't especially fear Anna, but I didn't want -- I  
28 didn't want to go against Anna, not just Sunday or Saturday but

591

## Shawn Was Afraid of Anna

Shawn: "She told me about how she had robbed the church with two other kids and took some stuff, and she said she wanted me to say I was there and said she didn't break in to rob the church. It was the other two kids."

Jesse Serafin: "She turned on the other two kids?"

Shawn: "Yes."

Jesse Serafin: "Asked you to say what?"

Shawn: That I had been there that night, and they were the ones that had broken in."

Jesse Serafin: "How does that experience with Anna relate to you being afraid to just walk?"

Shawn: "I didn't wanted her to throw it on me, among other things."

Jesse Serafin: "When you say 'throw it on me,' for those of us who aren't very good at following slang, what did you mean about that?"

Shawn: "Put it all off on me. Tell the police that I did it."

Jesse Serafin: "Okay, so you're following the plan in hopes that she'll think you're on board?"

Shawn: "Yes."

1 first met Anna, it was because I got stuck in Auburn and didn't  
2 have a place to stay. She said, you know, you can stay at the  
3 church with me. The next morning she told me about how she had  
4 robbed the church with two other kids and took some stuff, and  
5 she said she wanted me to say I was there and said she didn't  
6 break in to rob the church. It was the other two kids.  
7 Q. To your knowledge, had she been blamed for robbing the  
8 church?  
9 A. Yeah. The pastor in the church that allowed her to stay  
10 there confronted on her details.  
11 Q. She turned on the other two kids?  
12 A. Yes.  
13 Q. Asked you to say what?  
14 A. That I had been there that night, and they were the ones  
15 that had broken in.  
16 Q. How does that experience with Anna relate to you being  
17 afraid to just walk?  
18 A. I didn't wanted her to throw it on me, among other things.  
19 Q. When you say "throw it on me," for those us who aren't  
20 very good at following slang, what did you mean about that?  
21 A. Put it all off on me. Tell the police that I did it.  
22 Q. Okay. So you're following the plan in hopes that she'll  
23 think you're on board?  
24 A. Yes.  
25 Q. Is there any other -- is there anything about her comments  
26 as the day goes on on Sunday that make you begin to fear her?  
27 A. I didn't especially fear Anna, but I didn't want -- I  
28 didn't want to go against Anna, not just Sunday or Saturday but

591

# Anna Framed Shawn Previously: Testimony of Travis Welty

Travis was at the church with his friend Ian and Anna. While there, Ms. Rugg took pictures of both juvenile boys. She then asked them to remove property from the church. Travis refused and left the scene. Rugg then apparently stole the items herself because she asked Travis and Ian to pawn the various items the next day. **When the theft was eventually traced to Anna Rugg she named Travis as helping her. Travis was subsequently arrested. Both Travis and Ian explained that the police also mentioned Shawn Rodriguez as a suspect – information they received from Anna Rugg.** (See next page)

Clerks Transcripts, page 174, lines 17 - 24

Placer County  
Public Defender  
11014 Harbor Avenue  
Auburn, CA 95602  
(530) 885-2422  
(530) 885-7433

1 victims were strangled, received a cluster of stab wounds to the upper torso, somewhat resembled each  
2 other, and the defendant admitted the killing, but supplied an explanation. Steele, 27 Cal.4th at 1244.  
3 In holding that the two killings were "similar enough" to make the earlier one relevant, the Court stated  
4 that the "least degree of similarity between crimes is needed to prove intent" (citing People v. Ewoldt  
5 (1994) 7 Cal.4th 380, 402), and that "the doctrine of chances teaches that the more often one does  
6 something, the more likely that something was intended . . ." Steele, 27 Cal.4th at 1244.

## 1101(B) EVIDENCE OFFERED IN THE CURRENT CASE

### 1. Direct evidence through the testimony of Ian Grimes

7 Ian is a juvenile who knows Anna from the streets. She has spent a lot of time around him and his  
8 friends as she is usually homeless. One week before our case, Anna broke into a local church. She  
9 stayed the night there and asked Ian and his friend Travis to help her steal some of the church  
10 belongings. Ian refused and left the scene. Anna was later arrested for the church theft. At that time  
11 she told the police that Ian Grimes knows the location of the missing items. The police then confronted  
12 Ian who explained to them that he had nothing to do with it.

### 2. Testimony of Travis Welty

13 Travis was at the church with his friend Ian and Anna. While there, Ms. Rugg took pictures of both  
14 juvenile boys. She then asked them to remove property from the church. Travis refused and left the  
15 scene. Rugg then apparently stole the items herself because she asked Travis and Ian to pawn the  
16 various items the next day. When the theft was eventually traced to Anna Rugg she named Travis as  
17 helping her. Travis was subsequently arrested. Both Travis and Ian explained that the police also  
18 mentioned Shawn Rodriguez as a suspect – information they received from Anna Rugg. Both  
19  
20  
21  
22  
23  
24  
25  
26

# Anna Framed Shawn Previously for Her Crimes (Continued)

Testimony of Travis Welty (continued)

Both Juveniles said that Rodriguez was never present at the church.

Clerks Transcripts, page 175 line 24 and  
176 line 1.

Pleasant County  
Public Defender  
11824 East Street  
Anchorage, AK 99503  
(907) 586-2432  
(907) 586-2433

21 various items the next day. When the theft was eventually traced to Anna Rugg she named Travis as  
22 helping her. Travis was subsequently arrested. Both Travis and Ian explained that the police also  
23 mentioned Shawn Rodriguez as a suspect - information they received from Anna Rugg. Both  
24  
25  
26  
27 8  
28 000175

1 juveniles said that Rodriguez was never present at the church.

# Anna Framed Shawn Previously for Her Crimes (Continued)

Testimony of Travis Welty (continued)

**Both Juveniles said that Rodriguez was never present at the church.**

Clerks Transcripts, page 175 line 24 and  
176 line 1.

Placer County  
Public Defender  
12834 Eureka Avenue  
Auburn, CA 95601  
(530) 885-2432  
(530) 885-2432

21  
22  
23  
24  
25  
26  
27  
28

21 Anna Rugg was apparently given the money to purchase the items from the store  
22 various items the next day. When the theft was eventually traced to Anna Rugg she named Travis as  
23 helping her. Travis was subsequently arrested. Both Travis and Ian explained that the police also  
24 mentioned Shawn Rodriguez as a suspect - information they received from Anna Rugg. Both

8

000175

1

juveniles said that Rodriguez was never present at the church.

# Another of Anna's Victims: Ian Grimes

Ian is a juvenile who knows Anna from the streets. She has spent a lot of time around him and his friends as she is usually homeless. **One week before our case, Anna broke into a local church. She stayed the night there and asked Ian and his friend Travis to help her steal some of the church belongings. Ian refused and left the scene. Anna was later arrested for the church theft. At that time she told police that Ian Grimes knows the location of the missing items. The police then confronted Ian who explained to them that he had nothing to do with it.**

Clerk's transcript page 174, lines 9 - 16

1 victims were strangled, received a cluster of stab wounds to the upper torso, somewhat resembled each  
2 other, and the defendant admitted the killing, but supplied an explanation. Steele, 27 Cal.4th at 1244.  
3 In holding that the two killings were "similar enough" to make the earlier one relevant, the Court stated  
4 that the "least degree of similarity between crimes is needed to prove intent" (citing People v. Ewoldt  
5 (1994) 7 Cal.4th 380, 402), and that "the doctrine of chances teaches that the more often one does  
6 something, the more likely that something was intended . . ." Steele, 27 Cal.4th at 1244.

## 7 1101(B) EVIDENCE OFFERED IN THE CURRENT CASE

### 8 1. Direct evidence through the testimony of Ian Grimes

9 Ian is a juvenile who knows Anna from the streets. She has spent a lot of time around him and his  
10 friends as she is usually homeless. One week before our case, Anna broke into a local church. She  
11 stayed the night there and asked Ian and his friend Travis to help her steal some of the church  
12 belongings. Ian refused and left the scene. Anna was later arrested for the church theft. At that time  
13 she told the police that Ian Grimes knows the location of the missing items. The police then confronted  
14 Ian who explained to them that he had nothing to do with it.

### 15 2. Testimony of Travis Welty

16 Travis was at the church with his friend Ian and Anna. While there, Ms. Rugg took pictures of both  
17 juvenile boys. She then asked them to remove property from the church. Travis refused and left the  
18 scene. Rugg then apparently stole the items herself because she asked Travis and Ian to pawn the  
19 various items the next day. When the theft was eventually traced to Anna Rugg she named Travis as  
20 helping her. Travis was subsequently arrested. Both Travis and Ian explained that the police also  
21 mentioned Shawn Rodriguez as a suspect - information they received from Anna Rugg. Both  
22  
23  
24  
25  
26



# Testimony of Mitch Cypert, Who Anna Tried to Get to Commit Crimes with Her

Mitch is another young male who will testify to knowing Anna off and on for the last year. He has heard through mutual acquaintances of numerous instances of violence and theft involving Anna, so he was not shocked when she came to him asking for help. Anna was angry with her stepfather and wanted help robbing him. She suggested that Mitch and his friend Brian could hit him over the head with a shovel or some type of stick and she would split the money with them. She took them to Sacramento to carry out the crime. As the act grew nearer, Mitch backed out, and Anna stated he would regret it if he ever mentioned the incident.

Clerks Transcript, page 176, lines 2 - 10

## 3. Testimony of Mitch Cypert

Mitch is another young male who will testify to knowing Anna off and on for the last year. He has heard through mutual acquaintances of numerous instances of violence and theft involving Anna, so he was not shocked when she came to him asking for help. Anna was angry with her stepfather and wanted help robbing him. She suggested that Mitch and his friend Brian could hit him over the head with a shovel or some type of stick and she would split the money with them. She took them to Sacramento to carry out the crime. As the act grew nearer, Mitch backed out, and Anna stated he would regret it if he ever mentioned the incident.

## 4. Testimony from Austin Hands

Austin knew Anna from his friend Eric Werve and some of the other juvenile's already mentioned. He explained a desire to have nothing to do with Anna Rugg. When asked why he and others still spent any time with her, he explained that she was always around, was manipulative, and people were scared of her. He describes her as very unstable. Prior to the instant case, Rugg asked Austin to help her rob Nick Hamman. She said it would be "quick and easy", but Hands refused. On another occasion, Anna was driving a stolen Uhaul. She asked Austin and Eric to go with her to rob the local radio shack. On a third occasion, Anna asked suggested to Austin the idea of robbing Cindy. Cindy was the trailer park manager where Austin and Eric lived. Cindy was very involved in drugs, and Anna suggested they could make a big score and then burn the trailer down. In September of last year, after many of these requests were denied, Anna offered Austin crank. Austin took the crank, but recognized something wrong with it. He recognized the substance as powdered draino, and later that night while searching

## Testimony from Austin Hands, Who She Tried to Kill for Not Committing Crimes with Her

Austin knew Anna from his friend Eric Werve and some of the other juvenile's already mentioned. He explained a desire to have nothing to do with Anna Rugg. **When asked why he and others still spent any time with her, he explained that she was always around, was manipulative, and people were scared of her. He describes her as very unstable.** Prior to the instant case, Rugg asked Austin to help her rob Nick Hamman. She said it would be "quick and easy," but Hands refused. On another occasion, Anna was driving a stolen Uhaul. She asked Austin and Erin to go with her to rob the local radio shack. On a third occasion, Anna asked suggested to Austin the idea of robbing Cindy. Cindy was the trailer park manager where Austin and Eric lived. Cindy was very involved in drugs, and Anna suggested they could make a big score and then burn the trailer down. In September of last year, after many of these requests were denied, **Anna offered Austin crank. Austin took the crank, but recognized something wrong with it. He recognized the substance as powdered draino, and later that night while searching Anna's car, he found draino in the backseat. Hands has seen people killed on the streets in a similar manner.**

Clerk's Transcripts, page 176, lines 11 - 24 and page 177, lines 1

### 4. Testimony from Austin Hands

Austin knew Anna from his friend Eric Werve and some of the other juvenile's already mentioned. He explained a desire to have nothing to do with Anna Rugg. When asked why he and others still spent any time with her, he explained that she was always around, was manipulative, and people were scared of her. He describes her as very unstable. Prior to the instant case, Rugg asked Austin to help her rob Nick Hamman. She said it would be "quick and easy", but Hands refused. On another occasion, Anna was driving a stolen Uhaul. She asked Austin and Eric to go with her to rob the local radio shack. On a third occasion, Anna asked suggested to Austin the idea of robbing Cindy. Cindy was the trailer park manager where Austin and Eric lived. Cindy was very involved in drugs, and Anna suggested they could make a big score and then burn the trailer down. In September of last year, after many of these requests were denied, Anna offered Austin crank. Austin took the crank, but recognized something wrong with it. He recognized the substance as powdered draino, and later that night while searching

Placer County  
Public Defender  
13834 Eastway Avenue  
Reno, CA 95602  
(530) 885-2422  
(530) 885-2422

9

000176

Anna's car, he found draino in the backseat. Hands has seen people killed on the streets in a similar manner.



# Anna Had a Modus Operandi: Frame Others for Her Crimes

Shawn Rodriguez is being prosecuted for life based on his own "admissions." When taken in their full context, these admissions involve his explanation that **Anna Rugg came up with the idea to rob Nicholas Hamman. She had the only motive to do so just as she did in the prior instances. She then initiated the help of a young man to carry out her plan like the prior incidents. When her intent then went too far for Shawn (i.e., murder), he said no, and she began scheming a way to blame everything on him. This is why she made up the story of being kidnapped and dropped the note. This is a key point not only in her own defense, but also in the prosecution of Shawn Rodriguez.** The fact that Anna has turned on others in a similar pattern once she was in trouble is certainly relevant in her intent and plan in the instant case.

Clerk's Transcript, page 177, line 23 - 25 and page 178, lines 1 - 9.

6. Testimony from Oscar Mejia

THIS PRIOR CONDUCT SUGGESTS A SIMILAR INTENT AND PLAN TO THAT IN THE INSTANT CASE AND ARE THEREFORE ADMISSIBLE UNDER 1101(b)

Shawn Rodriguez is being prosecuted for life based on his own "admissions." When taken in

10 000177

their full context, these admissions involve his explanation that Anna Rugg came up with the idea to rob Nicholas Hamman. She had the only motive to do so just as she did in these prior instances. She then initiated the help of a young male to carry out her plan like the prior incidents. When her intent then went too far for Shawn (i.e. murder), he said no, and she began scheming a way to blame everything on him. This is why she made up the story of being kidnapped and dropped the note. This is a key point not only in her own defense, but also in the prosecution of Shawn Rodriguez. The fact that Anna has turned on others in a similar pattern once she was in trouble is certainly relevant to her intent and plan in the instant case.

THE SIMILARITY IN INTENT AND PLAN IN THESE PAST INSTANCES SUPPORTS THE TRUTH OF SEVERAL MATERIAL FACTS OFFERED BY SHAWN RODRIGUEZ.

Once the prior conduct is proven to show the necessary similarity to satisfy 1101(b), case law requires the offering party to show that this evidence is material to certain facts in our case. This was addressed in the first part of the brief. In essence, any conduct pertaining to Ms. Rugg's active intent is directly relevant to Mr. Rodriguez' lack of intent. Next, we must show that the prior acts have some tendency to prove these relevant facts.

Taken at face value, it is hard to imagine that Shawn would go as far as he did because he was afraid of his female cohort in any way. It's even harder to imagine that a random female could create such a diabolical plan and then go this far to blame another for it. The fact that Anna Rugg has schemed similar crimes in the past with at least six other males certainly lends some credibility to Mr. Rodriguez' explanation that this was her idea.

## Anna's Continued Pattern of Framing Others for Her Crimes

Just weeks before our case, Anna was arrested and charged with first-degree burglary and vehicle theft in Yolo County. A Sacramento Probation Officer was housing Anna at the time. The probation officer was on vacation for one week. Anna and a male friend of hers entered the house, stole money, property, and the probation officer's car keys. **When contacted by police, she explained that a kid named Eric Werve and his brother Justin made her commit the burglary against her will.** Eric had supposedly come to Anna's brother's house while she was there, put a knife to her brother's neck, and demanded she take him to burglarize the probation officer's home. Anna further explained that Eric then drove off with the car and kept it for weeks.

**Subsequent investigation by officers revealed several witnesses to the fact that Anna had the car and Eric had nothing to do with it. After being found with the car, Anna then confessed her earlier lie. In the meantime, an arrest warrant went out for Eric Werve—an individual who never set foot at the crime scene.**

Eric will further substantiate the testimony of incidents described by Mitch Cypert and Austin Hands.

3 5. Testimony from Yolo County police officers and Eric Werve  
4 Just weeks before our case, Anna was arrested and charged with first-degree burglary and vehicle theft  
5 in Yolo County. A Sacramento Probation Officer was housing Anna at the time. The probation officer  
6 was on vacation for one week. Anna and a male friend of hers entered the house, stole money,  
7 property, and the probation officer's car keys. When contacted by police, she explained that a kid  
8 named Eric Werve and his brother Justin made her commit the burglary against her will. Eric had  
9 supposedly come to Anna's brother's house while she was there, put a knife to her brother's neck, and  
10 demanded she take him to burglarize the probation officer's home. Anna further explained that Eric  
11 then drove off with the car and kept it for weeks.  
12

13 Subsequent investigation by the officers revealed several witnesses to the fact that Anna had  
14 the car and Eric had nothing to do with it. After being found with the car, Anna then confessed her  
15 earlier lie. In the meantime, an arrest warrant went out for Eric Werve—an individual who never set  
16 foot at the crime scene.  
17

18 Eric will further substantiate the testimony of incidents described by Mitch Cypert and Austin  
19 Hands.  
20

21 6. Testimony from Oscar Mejia  
22

23 **THIS PRIOR CONDUCT SUGGESTS A SIMILAR INTENT AND PLAN TO THAT IN THE**  
24 **INSTANT CASE AND ARE THEREFORE ADMISSABLE UNDER 1101(B)**  
25

26 Shawn Rodriguez is being prosecuted for life based on his own "admissions." When taken in  
27  
28

# Anna Lied, Claiming Shawn Kidnapped Her

Anna claimed Shawn had kidnapped her; law enforcement knew this was a lie which is why Placer County never charged Shawn with kidnapping Anna. From the Reporter's Transcript:

Jesse Serafin: "You're obviously familiar with the note that was left at the gas station; correct?"

Detective Daniel Coe: "Yes."

Jesse Serafin : "Do you know what the note said?"

Detective Daniel Coe: "For the most part."

Jesse Serafin: "And if you need to refresh your report or to refresh your recollection, could you tell the jury exactly what was said?"

Detective Daniel Coe : "I have to see the note to be exact, but it said something similar to: We're driving his red Beretta. Nick Hamman is locked in the cell at juvenile hall drowning. Shawn Rodriguez kidnapped me."

Jesse Serafin : "And that note was reportedly left by Anna Rugg; correct?"

Detective Daniel Coe : "Yes."

16 Q. You're obviously familiar with the note that was left at  
17 the gas station; correct?

18 A. Yes.

19 Q. Do you know what the note said?

20 A. For the most part.

21 Q. And if you need to refresh your report or to refresh your  
22 recollection, could you tell the jury exactly what was said?

23 A. I have to see the note to be exact, but it said something  
24 similar to: We're driving his red Beretta. Nick Hamman is  
25 locked in the cell at juvenile hall drowning. Shawn Rodriguez  
26 kidnapped me.

27 Q. And that note was reportedly left by Anna Rugg; correct?

28 A. Correct.

446

PAMELA R. KATROS, CSR 9383

# Detective Daniel Coe Concluded Anna Lied about Shawn Kidnapping Her

Jesse Serafin: So in that case if Anna Rugg made the note that said Shawn Rodriguez kidnapped me, she was lying?

Detective Daniel Coe: Throughout the interviews I did in this case, I found nothing to substantiate the fact that she was kidnapped.

Jesse Serafin: So that would be a lie?

Detective Daniel Coe: Correct.

Reporters Transcript page 447, lines 19 - 22

1 Q. Saying, among other things, Nicholas Hamman is drowning  
2 and Shawn Rodriguez has kidnapped her; correct?  
3 A. Correct.  
4 Q. You obviously conducted a lot of interviews on this case,  
5 done a lot of follow-up because it is an attempted murder case.  
6 Have you come to a conclusion as to whether or not Anna Rugg was  
7 kidnapped by Shawn Rodriguez?  
8 A. No, she wasn't.  
9 Q. So if she indeed wrote that note, it is your conclusion  
10 that she was lying as far as the part about Shawn Rodriguez  
11 kidnapping her?  
12 MR. MARCHI: Well, I'm going to object, your Honor. This  
13 is really calling for speculation, hearsay, and clearly  
14 inadmissible.  
15 MR. SERAFIN: He just said --  
16 THE COURT: Overruled.  
17 Q. BY MR. SERAFIN: So in that case if Anna Rugg made the  
18 note that said Shawn Rodriguez kidnapped me, she was lying?  
19 A. Throughout the interviews I did in this case, I found  
20 nothing to substantiate the fact that she was kidnapped.  
21 Q. So that would be a lie?  
22 A. Correct.  
23 Q. Now, I know when -- we obviously all noticed when  
24 reviewing the videotape of Shawn's testimony there was a lot of  
25 cut out scratches, some as long as 12 to 14 seconds. We can't  
26 know what was said in those scratchouts exactly; is that fair to  
27 say?  
28 A. That's fair to say.

447

# Anna Threatened to Kill Erin if She Told Anyone What She Had Done to Nick

Serafin: "What was that threat?"

Erin: Then to say she was going to kill me if I said anything to anybody.

Serafin: About what?

Erin: About what she wanted to do to Nick or what she, you know, did to Nick.

Serafin: And when was this threat given?

Erin: Many times."

1 Q. What was that threat?  
2 A. Then to say she was going to kill me if I said anything to  
3 anybody.  
4 Q. About what?  
5 A. About what she wanted to do to Nick or what she, you know,  
6 did to Nick.  
7 Q. And when was this threat given?  
8 A. Many times.  
9 Q. Can you?  
10 MR. BOLTON: Excuse me, Counsel.  
11 (Attorney-client conference.)  
12 MR. BOLTON: Okay.  
13 Q. BY MR. SERAFIN: Can you remember any specific time where  
14 you were threatened before you ended up going to the juvenile  
15 hall?  
16 A. On the bus going to Roseville.  
17 Q. And roughly, and I know it was a long time ago, roughly  
18 how many days prior to the juvenile hall incident was this  
19 threat?  
20 A. The day after.  
21 Q. The day after what?  
22 A. The day after the incident happened.  
23 Q. Okay. Let's clarify that then and we'll see if we can  
24 proceed. Saturday morning was the morning that the four of you  
25 went to the juvenile hall; is that right?  
26 A. Yes.  
27 Q. And sometime that morning Nick got locked in the cell;  
28 right?

522

# Detective Daniel Coe Concluded Anna Lied about Shawn Kidnapping Her

Jesse Serafin: So in that case if Anna Rugg made the note that said Shawn Rodriguez kidnapped me, she was lying?

Detective Daniel Coe: Throughout the interviews I did in this case, I found nothing to substantiate the fact that she was kidnapped.

Jesse Serafin: So that would be a lie?

Detective Daniel Coe: Correct.

Reporters Transcript page 447, lines 19 - 22

1 Q. Saying, among other things, Nicholas Hamman is drowning  
2 and Shawn Rodriguez has kidnapped her; correct?  
3 A. Correct.  
4 Q. You obviously conducted a lot of interviews on this case,  
5 done a lot of follow-up because it is an attempted murder case.  
6 Have you come to a conclusion as to whether or not Anna Rugg was  
7 kidnapped by Shawn Rodriguez?  
8 A. No, she wasn't.  
9 Q. So if she indeed wrote that note, it is your conclusion  
10 that she was lying as far as the part about Shawn Rodriguez  
11 kidnapping her?  
12 MR. MARCHI: Well, I'm going to object, your Honor. This  
13 is really calling for speculation, hearsay, and clearly  
14 inadmissible.  
15 MR. SERAFIN: He just said --  
16 THE COURT: Overruled.  
17 Q. BY MR. SERAFIN: So in that case if Anna Rugg made the  
18 note that said Shawn Rodriguez kidnapped me, she was lying?  
19 A. Throughout the interviews I did in this case, I found  
20 nothing to substantiate the fact that she was kidnapped.  
21 Q. So that would be a lie?  
22 A. Correct.  
23 Q. Now, I know when -- we obviously all noticed when  
24 reviewing the videotape of Shawn's testimony there was a lot of  
25 cut out scratches, some as long as 12 to 14 seconds. We can't  
26 know what was said in those scratchouts exactly; is that fair to  
27 say?  
28 A. That's fair to say.

447



# This Information Was Hidden From Jurors

- Due to Judge Kearney's decision not to allow in this critical evidence, jurors never got to hear how Anna had a well documented history of framing young men for her crimes—as she had done to Shawn with the church robbery, and she attempted to frame Shawn Rodriguez again in the instant case with the gas station note she left claiming Shawn had kidnapped her.
- Authorities knew she lied in order to shift blame to others for crimes she had done herself.
- Jurors didn't get to hear information which would have shown that Shawn was being victimized by Anna because Kearney didn't allow these facts into trial. Suppressing relevant evidence due to one's own bias could be considered a form of judicial misconduct. presumed Shawn's guilt, rather than allowing him to be innocent until proven guilty.
- At a minimum, she engaged in judicial error, if not flat-out misconduct, for suppressing evidence which was clearly relevant and material and would have provided insight into why Shawn feigned to "help" Anna while secretly sabotaging her and protecting Nicholas Hamman.
- Kearney no longer works at Placer County, but her misconduct cannot be ignored. 43 She



# Concerns Over Juror Misconduct

“Kearney...**denied** a motion by defense attorney Jesse Serafin for a new trial based upon issues including alleged juror misconduct. Serafin said a juror failed to disclose his father had been a prison warden.”

-Gold Country Media newspaper article,  
December 7, 2003

📄 25-years-to-life sentence handed down in kidnap case | Gold Country Media

<https://goldcountrymedia.com/news/122304/25-years-to-life-sentence-handed-down-in-kidnap-case/>

## Gold Country Media

NEWS SPORTS LIFESTYLE OPINION MULTIMEDIA OBITUARIES CLASSIFIEDS PUBLICATIONS CONTACT US

### 25-years-to-life sentence handed down in kidnap case



Ryan McCarthy | Journal Staff Writer Dec 07, 2003 11:00 AM

Shawn Michael Rodriguez, 20, convicted in the March kidnapping of an Ophir man held captive at the since-raided county juvenile hall in Auburn, was sentenced Friday to 25 years to life in state prison.

Placer County Superior Court Judge Frances Kearney before the sentencing denied a motion by defense attorney Jesse Serafin for a new trial based upon issues including alleged juror misconduct.

Serafin said a juror failed to disclose his father had been a prison warden.

But Kearney said the father of the retired juror would have served as a prison warden decades ago and it's not clear that a warden is a law enforcement officer. Moreover, the juror wasn't directly asked about whether he had family members in law enforcement, Kearney said.

William Marchi, the deputy district attorney who prosecuted the case, said in court Friday that the juror seemed to be fair.

Judge Kearney also disputed that the 25-years-to-life sentence for Rodriguez represents cruel and unusual punishment.

# Jury Misconduct: Jury Foreman Bob Stefun

- **Foreman's Omission:**
  - Jury foreman Bob Steffen did not disclose his familial connection to law enforcement, specifically his father being a federal prison warden, a significant bias that should have disqualified him from the jury. It is only due to a media interview after the trial was completed that we know about the jury foreman's severe conflict of interest by serving on a jury when he is the son of a former prison warden.
- **Juror Regret:**
  - Several jurors expressed regret post-trial, including Louise Daggett, who confirmed in recent years that had she known about Hamman's perjury, she would have changed her vote. Other jurors were shocked by the severe punishment and felt misled by the prosecution's tactics.
- **Unjust Influence:**
  - The jury was unduly pressured by Stefun and led to believe that they had to convict Shawn of all charges, even when they felt the evidence didn't support such decisions.



## Jury Foreman Lied by Omission about Conflicts of Interest Serving on a Jury

"Stefun said his father was a federal prison warden. 'Some people make the right choice and avoid crimes and others don't,' Stefun said."

-Gold Country Media newspaper article from October 6, 2003

<https://goldcountrymedia.com/news/121401/rodriguez-found-guilty-sentencing-set-for-oct-23/>

### Gold Country Media

NEWS SPORTS LIFESTYLE OPINION MULTIMEDIA OBITUARIES CLASSIFIEDS PUBLICATIONS CONTACT US

The foreman said jurors weren't swayed by arguments that Rodriguez, who stayed at the Elmwood Motel in Auburn the day before the 40-hour confinement of the victim began, was looking for a place for his pregnant girlfriend to stay and went along with Rugg because he had little choice.

"It didn't seem to sway the jury," Stefun said.

Stefun said his father was a federal prison warden. Some people make the right choice and avoid crimes and others don't, Stefun said.

The 9-2 deadlock for acquittal on attempted murder stemmed from the jury not being convinced Rodriguez intended to kill Hamman.

"Did they plan it? Yes. They conspired," the foreman said. But, "We didn't see the next step that they really intended to do anything."

Juror Parsons said, "There was no demonstration of intent."

The attempted murder charge took up about three of the five days of deliberations, said juror Sharon Fields, a Placer High School teacher. "We spent a significant amount of time on the attempted murder," Fields said.

Juror Louise Daggett, 56, of Loomis, said the panel agreed that Rodriguez sought to get along with Rugg during the March 15-17 events at the juvenile hall.

"He was kind of appeasing her," Daggett said. "We all felt that."

Victim Hamman's try to alert officials to his plight by striking a cigarette lighter next to the sprinkler system left him soaked and was followed by attempts by Rodriguez to seal and flood the cell in order to extort Hamman's ATM card and access code, the prosecution said.

Rodriguez later participated in an effort to gas Hamman by connecting a garden hose from the exhaust pipe of a car to the cell where he was held, according to the prosecution. The District Attorney's Office said the defendant lured Hamman to the hall with a story of a friend being in trouble there.

# Juror Feedback

(Should spend no more than a year in confinement)  
THERE WERE 2 JURORS ON OUR JURY WHOM I FELT  
WOULD NOT LISTEN TO REASON, THEY WANTED GUILTY  
VERDICTS ON EVERYTHING, WITHOUT FURTHER DISCUSSION  
MOST OF THE OTHER JURY MEMBERS WERE GOING TO  
VOTE FOR FALSE IMPRISONMENT "THE LESSER CHARGE"  
AFTER CLARIFICATION FROM THE JUDGE ON WHAT  
WE THOUGHT "EXTORTION AFTER YOU HAVE THE  
INDIVIDUAL CONFINED" WE HAD TO GO WITH THE  
THE MORE SERIOUS OFFENSE, BECAUSE WE THOUGHT  
THAT IT WAS THE WAY THE LAW & INSTRUCTIONS  
WERE WRITTEN.

I MUST ADD THAT ATTORNEY JESSE SERAFIN,  
IN MY OPINION DID A GREAT JOB REPRESENTING  
MR. RODRIGUEZ, AND PRIOR TO DELIBERATING  
OUR VERDICTS, I PERSONALLY THOUGHT  
MR. RODRIGUEZ WAS GUILTY OF, FALSE IMPRISONMENT,  
ROBBERY AND AUTO THEFT ONLY AND INCOMPETENT  
ON ALL OTHER CHARGES

IT WAS OUR INSTRUCTIONS & DEFINITIONS &  
THE TAPED CONFESSION WHICH CHANGED THINGS

Sincerely,  
Leo Sewer  
JUROR

372 B

- "There were 2 jurors on our jury whom I felt would not listen to reason, that wanted guilty verdicts on everything, without further discussion."

# Nicholas Hamman's Perjury

- **Multiple Recantations:**
  - Nicholas Hamman, the victim, admitted in multiple letters sent to Placer County authorities that he lied on the stand about critical details, such as the threat of drowning. In his words: *"I lied about how deep the water got; it only reached my thighs."*
- **Dismissal of Recantations by Placer County:**
  - Despite Hamman's multiple written confessions and a verbal testimony to an attorney affirming that *"Anna was the mastermind,"* Placer County refused to grant Shawn any relief, consistently dismissing Hamman's recantations. At a minimum, Shawn should have been given a retrial so that perjured testimony would not be a part of the new trial.
- **Denial of Relief:**
  - When Shawn attempted to get relief after Hamman's confessions, Placer County courts denied his request, claiming that Hamman's perjury was *not material* in nature. The court made no effort to investigate whether jurors would have changed their votes based on the perjury confession, and they refused to offer a retrial. Despite Shawn facing life imprisonment, the court allowed perjured testimony to stand unchallenged.





# Placer County Judge Refused to Provide Relief, Resentencing, or a Retrial Despite Known Perjury at Trial

5 If the chief evidence of the Petitioner's guilt at trial was largely dependent upon  
6 Hamman's credibility, the Petitioner's argument for a new trial could have greater merit.  
7 However, in this case, given the strength of the Prosecution's case based mainly upon the  
8 admissions made by the Petitioner, both in his statements to police and during trial testimony, the  
9 credibility of Hamman is much less important. As discussed, it was uncontested that Hamman  
10 was locked in a cell against his will for nearly 40 hours. The Petitioner admitted most of the acts  
11 the Prosecution pointed to as evidence of robbery, extortion, and a conspiracy to commit murder,  
12 i.e., placing rags under the cell door to raise the water level to scare Hamman; taking Hamman's  
13 property; purchasing duct tape; putting the hose in the vent and sealing the cell with duct tape.  
14 As such, the Prosecution had a very strong case. Even without Hamman's testimony concerning  
15 the Petitioner's threats or kicking him in the thigh, the Court finds there was overwhelming  
16 evidence the Petitioner committed robbery and actively participated with Anna in a plan to kill  
17 Hamman. Therefore, the Court finds that Hamman's lie about the depth of the water does not  
18 contradict sufficiently the Prosecution's strongest evidence to warrant a new trial. The Court  
19 finds that Petitioner's admissions were so damning that there is no reasonable probability that a  
20 different result would occur upon retrial. There is no reasonable probability that even one juror  
21 would render a contrary verdict upon a retrial. (*Soojian*, supra.) Accordingly, the petition for  
22 writ if habeas corpus is denied.

23 The Sheriff is directed to return the Petitioner forthwith to the CDCR.

24  
25  
26  
27 MARK S. CURRY  
JUDGE OF THE SUPERIOR COURT  
COUNTY OF PLACER  
28

September 9, 2016

"There is no reasonable probability that even one juror would render a contrary verdict upon a retrial. Accordingly, the petition for writ of habeas corpus is denied."

Mark S. Curry  
Judge of the Superior Court  
County of Placer

September 9, 2016

# The Victim from this Case: Nicholas Hamman

---



# Middle-Aged Nick Made Unwanted Sexual Advances Towards Teen Anna

Jesse Serafin: Did you notice any physical interactions between them that night?

Shawn: A little bit, but Anna didn't let it get far.

Jesse Serafin: Explain that. What physical interaction did she allow and at what point did she not let it go any further?

Shawn: I remember that Anna was laying on the bed, and Nick had his butt on the bed but feet on the floor. He had his arm draped across her, but he kept trying to feel her up. I guess she wasn't having it.

Jesse Serafin: You say you guess, did you see it happen from time to time or did you hear it?

Shawn: I would hear it. I was watching TV. I wasn't watching them.

Jesse Serafin: What would Anna say if he supposedly went too far?

Shawn: Exactly that. "You're going too far. Quit."

Reporters transcript, page 562, lines 9 - 23

5 Q. Where were, if you can remember, Anna and Nick?  
6 A. At the foot of the bed.  
7 Q. Were they both on the bed?  
8 A. Anna was on the bed. Nick was partially on the bed.  
9 Q. Were -- did you notice any physical interaction between  
10 them that night?  
11 A. A little bit, but Anna didn't let it get far.  
12 Q. Explain that. What physical interaction did she allow and  
13 at what point did she not let it go any further?  
14 A. I remember that Anna was laying on the bed, and Nick had  
15 his butt on the bed but feet on the floor. He had his arm  
16 draped across her, but he kept trying to feel her up. I guess  
17 she wasn't having it.  
18 Q. You say you guess, did you see it happen from time to time  
19 or did you hear it?  
20 A. I would hear it. I was watching TV. I wasn't watching  
21 them.  
22 Q. What would Anna say if he supposedly went too far?  
23 A. Exactly that, "You're going too far. Quit."  
24 Q. Did they seem to argue about it?  
25 A. A little bit but very briefly.  
26 Q. But it wasn't a hostile situation?  
27 A. No.  
28 Q. Did you know anything -- let me ask you this. Had you

562

# Nick Claimed He Was At Risk of Drowning When Water Was only Knee Height

Nick, summarizing what he told police once they arrived on scene:

“Get me the heck out of here. They’re trying to drown me...Shawn Rodriguez and Anna Rugg.”

Reporter’s transcript, page 249,

1 A. Yeah, trying to kill me.  
2 Q. What was the full statement you made to the police, sir,  
3 if you remember?  
4 A. Something like, Get me the heck out of here. They’re  
5 trying to drown me.  
6 Q. And later on they were able to get you out of the cell;  
7 correct?  
8 A. Yes, sir.  
9 Q. Later on did you name who was trying to drown you?  
10 A. Yes, sir.  
11 Q. Who did you name?  
12 A. Shawn Rodriguez and Anna Rugg.  
13 Q. And you did not mention Erin Hughes?  
14 A. No.  
15 Q. Why is that?  
16 A. I didn’t think she was involved in it.  
17 Q. You never saw her reappear again after the water was  
18 going?  
19 A. No, sir.  
20 Q. Now, when the officers first arrived, were you pretty  
21 excited at that point?  
22 A. Yes, sir.  
23 Q. And did they get you out right away or did it take a  
24 while?  
25 A. It took a few minutes. They thought they had to cut the  
26 door at first.  
27 Q. All right. And ultimately how were they able to get you  
28 out, if you know?

# Nick Hamman's Confession of Perjury During the Trial

"Let me come right to the point. I perjured myself in a trial against two different defendants, back in 2003; but I'm a Christian now in your county...I lied about how deep the water in the cell got. It didn't get up to my neck it only got up to my lower part of my thighs."

W=WITH  
Whole 2-15-2015  
mailed 2-17-2015  
62-81543

Mrs. D. A. 3A-03469  
Phenochio

Let me come right to the point.  
I PerJured myself in A TRIal against TWO  
DIFFERent Defendants, Back IN 2003; But I'm  
a Christian Now IN your county.  
It was IN Two Separate TRIals involving me as A  
VICTIM + ANNA Rugg #X02316 D.O.B. 10-2-1982  
Sentenced To 15 to Life ON 12-3-2003 CURRENTLY  
Housed at C.I. W. LA. The other one was SHAWN  
M. RODRIGUEZ #V16387 D.O.B. 8-30-1983 Senten-  
ced To 25 to Life ON 12-8-2003 CURRENTLY housed  
at P.B. S.P.  
I Lied about how deep the water in the cell got it did not  
get up to my neck, it only got up to my lower  
part of my thighs + then, I was able to move there  
they had stuffed under the door + it went down,  
the water that is.  
SWORN To Be TRUE under PenaltY of PerJURY.  
signature: Mrs. Nicholas W. Hamman #178016  
PRINT NAME: MR. NICHOLAS W. HAMMAN #178016  
RECEIVED  
FEB 23 2015  
A-4 - 289  
Housing and Cell  
Superior Court of California  
County of Placer

EXHIBIT



## Another of Nick Hamman's Letters Confessing to Perjury

"Mabey you did'nt understand but I perjured myself in the Anna Rugg and Shawn Rodriguez cases...I'm also the victim in the case."

1 Mr Hamman  
2  
3 Mame Mabey you did'nt understand;  
4  
5 But I Perjured myself in The ANNA RUGG  
6 and Shawn Rodriguez cases.  
7 Shawn Rodriguez case # C045882  
8 ANNA RUGG case # C047245  
9 In There ORIGINAL TRIAL I Perjured myself  
10 2 Times once in ANNA'S TRIAL and once  
11 in Shawn's TRIAL  
12 That's why I Need The Names of The ~~to~~ ADDRESSE  
13 of The Judge and The Prosecutor so I can  
14 Let them know.  
15 Also I'm the Victim in The case  
16  
17 SWORN TO BE TRUE UNDER PENALTY OF PERJURY.  
18  
19 Signed: Mr. Nicholas W. Hamman #  
20  
21 Printed: MR. NICHOLAS W. HAMMAN # J98016  
22 A-4 ~ 209  
23 HOUSING + Cell  
24 Also me and some of the guys are going on a  
25



# Another Letter from Hamman Recanting his Testimony

"If you want to know what exactly I perjured myself about I suggest you have your lawyer come see me. I saw the Placer County DA's investigator on Friday 4-24-2015 and I told him what I lied about and he said nothing would come of it cause their appeals are all over. I'm not saying anymore in a letter. So I suggest you have your lawyer come see me..."

Mailed 4-30-2015

Dear Sir

If you want to know what exactly I  
Perjured myself about. I suggest you  
have your lawyer come see me.  
I saw the Placer County DA's investigator on  
Friday 4-24-2015 + I told him what I  
Lied about + he said nothing would come  
of it cause ~~the~~ their appeals are all  
over

I'm not saying anymore in a letter.  
So I suggest you have your lawyer come see me.  
the form you sent has to much on it + you talk  
about a ~~conspiracy~~ conspiracy + there is none  
in the one who lied

yours truly  
in Jesus Christ  
Lowee Nicholas

# Are Hamman's Confessions Grounds for A Retrial/Resentencing?

---

# YES

**HAMMAN THINKS SO:** Nick Hamman himself knows his confessions of perjury are over material details—significant information which he lied about during the trial. Because he knows how important what he lied about is, he has gone out of his way repeatedly to confess to his crime of perjury, risking his own imprisonment to come clean and recant his untruthful testimony from the 2003 trial. If this information was not material—not relevant—then why would Hamman risk his own freedom to get the truth known? Obviously, stating he was in neck-height water implies he could have easily drowned if he fell asleep or let his guard down through fatigue. If that wasn't true, it's incredibly relevant to Shawn's conviction of conspiracy to commit murder.

**AT LEAST ONE JUROR THINKS SO:** Would any jurors change their votes from guilty to not guilty had they known the only victim was lying while under oath? In 2022, Juror Louise Daggett confirmed “yes” she would change her votes knowing Hamman was lying. (More on this later.)

# A message from Juror Louise Daggett

November 13, 2022



"It grieves our hearts today as it did 20 years ago when Shawn was given an **unjust life sentence**. As one of the 12 jurors, we were all **shocked** and very **disappointed** that the instructions we were given by the court on how we **had** to make our verdict would have such a **horrible, tragic, unjust** consequence for Shawn. **We could not imagine such an unfair justice**. I'm sure all the other jurors feel the same way. In light of Nick's **perjury confession**, my sincere hope and prayer is that this **terrible unjust wrong** to Shawn will finally have some mercy towards his new, free life which **he more than deserves in my strong opinion**. I gave my deposition [statement to a private investigator]. I hope it matters as well as the depositions of **all the other jurors who I'm sure feel the same way.**"

Louise may be reached at (916) 390-9634.

# Testimony by the Medical Doctor who Examined Nick Who Was Physically Fine

"His temperature was basically normal when he arrived. We gave him some nausea medication because he complained of being—feeling a little nauseated. He hadn't eaten in several days. We fed him. We gave him intravenous fluid and gave him routine blood work to make sure there was nothing else going on."

Reporters Transcript page 128, line 14:

1 By the time you saw him, it would have been about 40 minutes  
2 later. Can your body warm up a few degrees over that period of  
3 time?  
4 A. Certainly.  
5 Q. And now how long was Mr. Hamman in the hospital?  
6 A. He checked in, like I noted before, the nurse checked him  
7 in at 2:40 and let's see, I don't have the full nursing notes  
8 that includes the -- oh, here it looks like he signed out at  
9 5:30. In the morning, from the discharge paperwork where he  
10 signs when he leaves, it notes 5:30 a.m. so that was about two  
11 and a half hours.  
12 Q. And what did you do to get him back to where his  
13 temperature was normal and he was otherwise feeling better?  
14 A. Well, as noted, his temperature was basically normal when  
15 he arrived. We gave him some nausea medication because he  
16 complained of being -- feeling a little nauseated. He hadn't  
17 eaten in several days. We fed him. We gave him intravenous  
18 fluid and gave him routine blood work to make sure there was  
19 nothing else going on.  
20 Q. Did you have any dehydration at all?  
21 A. There was some mild dehydration noted on his blood work.  
22 Q. That's why you gave him the liquids?  
23 A. Yes.  
24 Q. Now, ma'am, if one is left long enough in such an  
25 environment where water is dripping on your head and your feet  
26 are getting cold, can you -- and this would be in the middle of  
27 March in the winter of 2003, can you die if those conditions --  
28 if you're left in there long enough?

128

# Testimony by the Medical Doctor who Examined Nick Who Was Physically Fine

“Well, certainly becoming dehydrated and not having fluids would contribute to the hypothermia, but one can go without solid food or long periods of time without significant suffering. He was surrounded by water so I would assume he could drink water if he needed to.”

Reporters Transcript page 129, lines 11 – 15:

1 A. I think there's a lot of variables, you know, how long  
2 you're in those conditions, how cold it is, and how much of your  
3 body is exposed.  
4 Q. And again if you're left in there with no food, does that  
5 weaken your body also?  
6 A. Yes.  
7 Q. Without food -- well does the digestion of food warm up  
8 your body a little bit too?  
9 A. Not --  
10 Q. As far as fighting hypothermia?  
11 A. Well, certainly becoming dehydrated and not having fluids  
12 would contribute to the hypothermia, but one can go without  
13 solid food for long periods of time without significant  
14 suffering. He was surrounded by water so I would assume he  
15 could drink water if he needed to.  
16 Q. And, of course, if you were not found, you could die of  
17 starvation; correct?  
18 A. Yes.  
19 Q. Let me ask you one other thing. Are you familiar in the  
20 course of your study as a doctor of carbon monoxide poisoning?  
21 A. Yes.  
22 Q. What is that exactly?  
23 A. Well, that's -- traditionally you hear when people try to  
24 kill themselves by breathing in their exhaust fumes from their  
25 car, basically carbon monoxide can come from a number of sources  
26 and it displaces the oxygen in our blood and basically you again  
27 go through several phases. The most mildest form consists of  
28 headaches, some nausea, and vomiting, all the way to coma and

129



# Medical Examination That Nick Was Fine

"From my assessment of the patient in the period of time that I saw him, he was not having any significant hypothermia."

19 Q. The rectal temperature in this case was 97?  
20 A. 97 and 97.1. I took it on two occasions.  
21 Q. And general hypothermia range you would have to get down  
22 anywhere from a level of 86 to 92 degrees; is that correct?  
23 A. From my most recent reading, 95 degrees is considered the  
24 onset of mild hypothermia.  
25 Q. And severe hypothermia. You would be down in the mid-80s;  
26 is that correct?  
27 A. Yes.  
28 Q. And in this case I believe your final conclusion in

135

PAMELA R. KATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTER (916) 262-2222

1 letting Mr. Hamman out was, I do not think that the patient has  
2 suffered any significant hypothermia or cold injury; is that  
3 correct? ✓  
4 A. Yes.  
5 Q. And you said he hadn't sustained any significant  
6 hypothermia, meaning he had not sustained it, not only the  
7 period when you evaluated him on but in the two days previous;  
8 is that fair to say?  
9 A. From my assessment of the patient in the period of time  
10 that I saw him, he was not having any significant hypothermia.  
11 I can't be specific for what his temperature was two days prior  
12 to that or really even prior to me assessing him, but he did not  
13 seem to have any long-term effects of that or serious effects  
14 such as cardiac effects, neurological effects, loss of



# Medical Examination Showing Nick Was Physically Fine

Jesse Serafin: "He didn't require any medication when he was released from the hospital?"

Doctor: "Correct."

Jesse: "He was told to return in a couple of days if he had any problems with his feet, correct?"

Doctor: "Correct."

Jesse: "He didn't return?"

Doctor: "Not that I'm aware of."

) 1 removing his wet clothes and warming him within a warm blanket.  
2 The temperature can increase in a --  
3 Q. But at 2:40 there was no injury he needed to -- required  
4 to stay in the hospital for any length of time?  
5 A. Correct.  
6 Q. He didn't require any medication when he was released from  
7 the hospital?  
8 A. Correct.  
9 Q. He was told to return in a couple days if he had any  
10 problems with his feet; correct?  
11 A. Correct.  
12 Q. He didn't return?  
13 A. Not that I'm aware of.  
) 14 Q. For that issue, I should say?  
15 A. Right.  
16 MR. SERAFIN: No further questions?  
17 THE COURT: Redirect.  
18 REDIRECT EXAMINATION  
19 Q. BY MR. MARCHI: Ma'am what is angina?  
20 A. Angina is pain in the chest related to blockage of the  
21 coronary artery disease, particularly what precedes a heart  
22 attack.  
23 Q. If someone does have a condition of angina, if you put  
24

# Anna Rugg's Role

- **Pattern of Framing Others:**
  - Anna had a well-documented history of manipulating and framing others, including Shawn, for her own criminal actions. Prior to the kidnapping incident, Anna had already framed Shawn for a church robbery, which police later determined was committed by her alone.
- **Threats and Violence:**
  - Anna threatened to harm Shawn and others if they didn't cooperate with her plans. She coerced Shawn into staying near her by threatening violence, and jurors later confirmed that Shawn acted to protect Hamman from her attempts to kill him.



# Shawn Was Afraid of Anna

Shawn: "She's not nice, like I said. They—people think she's a guy sometimes...There were a lot of different things in my mind that Anna could have done to hurt me in the future, maybe not just physically but among other things. She could call the police and say it was all me. She could go in there and walk in there and tell Nick that I made her do it...Erin pulled me aside and told me they went and picked up a knife, and she was afraid Anna was going to stab somebody with it."

1 before that. She's not nice, like I said. They -- people think  
2 she's a guy sometimes.

3 Q. Well, what does that have to do with not wanting to follow  
4 her plan or wanting to follow her plans?

5 A. There were a lot of different things in my mind that Anna  
6 could have done to hurt me in the future, maybe not just  
7 physically but among other things.

8 Q. Like what?

9 A. Like what do you mean when you say that?

10 Q. Well, you said that you were afraid she may hurt you in  
11 some way in the future. What was going through your mind that  
12 day? What did you think she may do in the future?

13 A. One, she could call the police and say it was all me. She  
14 could go in there and walk in there and tell Nick that I made  
15 her do it. She didn't want to and all of a sudden, it would be  
16 all me.

17 Erin had pulled me aside because when we got in the hotel  
18 room later that night, her and Anna had left for a period of  
19 time. When they came back, Erin pulled me aside and told me  
20 they went and picked up a knife, and she was afraid Anna was  
21 going to stab somebody with it.

22 Q. Now, you had said earlier, for instance, on Friday night  
23 when she talked about wanting to rob her boyfriend, throw him  
24 off the bridge and some of the discussions on Saturday, that you  
25 didn't really think she was going to go through with it, that  
26 you didn't really take her seriously; right?

27 A. No.

28 Q. By Sunday evening had that changed in your mind?

592

## Shawn Was Afraid of Anna

Shawn: "She told me about how she had robbed the church with two other kids and took some stuff, and she said she wanted me to say I was there and said she didn't break in to rob the church. It was the other two kids."

Jesse Serafin: "She turned on the other two kids?"

Shawn: "Yes."

Jesse Serafin: "Asked you to say what?"

Shawn: That I had been there that night, and they were the ones that had broken in."

Jesse Serafin: "How does that experience with Anna relate to you being afraid to just walk?"

Shawn: "I didn't wanted her to throw it on me, among other things."

Jesse Serafin: "When you say 'throw it on me,' for those of us who aren't very good at following slang, what did you mean about that?"

Shawn: "Put it all off on me. Tell the police that I did it."

Jesse Serafin: "Okay, so you're following the plan in hopes that she'll think you're on board?"

Shawn: "Yes."

1 first met Anna, it was because I got stuck in Auburn and didn't  
2 have a place to stay. She said, you know, you can stay at the  
3 church with me. The next morning she told me about how she had  
4 robbed the church with two other kids and took some stuff, and  
5 she said she wanted me to say I was there and said she didn't  
6 break in to rob the church. It was the other two kids.  
7 Q. To your knowledge, had she been blamed for robbing the  
8 church?  
9 A. Yeah. The pastor in the church that allowed her to stay  
10 there confronted on her details.  
11 Q. She turned on the other two kids?  
12 A. Yes.  
13 Q. Asked you to say what?  
14 A. That I had been there that night, and they were the ones  
15 that had broken in.  
16 Q. How does that experience with Anna relate to you being  
17 afraid to just walk?  
18 A. I didn't wanted her to throw it on me, among other things.  
19 Q. When you say "throw it on me," for those us who aren't  
20 very good at following slang, what did you mean about that?  
21 A. Put it all off on me. Tell the police that I did it.  
22 Q. Okay. So you're following the plan in hopes that she'll  
23 think you're on board?  
24 A. Yes.  
25 Q. Is there any other -- is there anything about her comments  
26 as the day goes on on Sunday that make you begin to fear her?  
27 A. I didn't especially fear Anna, but I didn't want -- I  
28 didn't want to go against Anna, not just Sunday or Saturday but

591

# Anna Threatened to Kill Erin if She Told Anyone What She Had Done to Nick

Serafin: "What was that threat?"

Erin: Then to say she was going to kill me if I said anything to anybody.

Serafin: About what?

Erin: About what she wanted to do to Nick or what she, you know, did to Nick.

Serafin: And when was this threat given?

Erin: Many times."

1 Q. What was that threat?  
2 A. Then to say she was going to kill me if I said anything to  
3 anybody.  
4 Q. About what?  
5 A. About what she wanted to do to Nick or what she, you know,  
6 did to Nick.  
7 Q. And when was this threat given?  
8 A. Many times.  
9 Q. Can you?  
10 MR. BOLTON: Excuse me, Counsel.  
11 (Attorney-client conference.)  
12 MR. BOLTON: Okay.  
13 Q. BY MR. SERAFIN: Can you remember any specific time where  
14 you were threatened before you ended up going to the juvenile  
15 hall?  
16 A. On the bus going to Roseville.  
17 Q. And roughly, and I know it was a long time ago, roughly  
18 how many days prior to the juvenile hall incident was this  
19 threat?  
20 A. The day after.  
21 Q. The day after what?  
22 A. The day after the incident happened.  
23 Q. Okay. Let's clarify that then and we'll see if we can  
24 proceed. Saturday morning was the morning that the four of you  
25 went to the juvenile hall; is that right?  
26 A. Yes.  
27 Q. And sometime that morning Nick got locked in the cell;  
28 right?

522



# Shawn Rodriguez

- ❖ He agreed to participate in a robbery—to survive.
- ❖ Prior to participating in the robbery, Shawn had been raised by the State. He was not prepared to be financially independent, to have a home, a job, or anything else which would have helped prevent his participation in a robbery. At 18, he was released by the State directly into homelessness. (Now the State does not do this anymore; they offer continued support to wards who age out of the foster care system.)
- ❖ He never agreed to participate in a kidnapping or any murder-related crime.
- ❖ Shawn did his best to protect Nick as well as Shawn's girlfriend, Erin, and himself, against Anna's desire to kill. Anna was armed with a deadly weapon (a large knife) and had framed Shawn for her crimes in the past already. Shawn had to navigate this carefully so as not to upset her too much, while also sabotaging her efforts to injure or kill Hamman to keep him alive.
- ❖ **Shawn was sent to prison for 25 to life for intent to kill that he didn't have to murder someone who wasn't even physically injured and later repeatedly confessed to lying at trial, and whom Shawn acted repeatedly to protect from Anna.**
- ❖ Shawn was given over triple the prison sentence as Anna Rugg, who was the main perpetrator of the crime, while Shawn was only convicted as her "aider and abettor" but received a harsher punishment despite that fact. Anna has been eligible for parole since 2011; Shawn is not eligible until 2025 and depending upon the parole board, Shawn could never get out of prison.
- ❖ Shawn has earned countless certificates, participated in many different prison programs, and engaged in many rehabilitative efforts while incarcerated the last 20+ years
- ❖ Proudly drug and gang free for his entire prison term
- ❖ Has read more than 1,000 books while in prison.
- ❖ Certified as an electronic systems technician and ready to work.
- ❖ Has family to go home to now.





## Shawn's Actions to Protect Nick Against Anna's Desire to Kidnap and Murder

---

Anna tried to convince Shawn that they should push Nick off the Forresthill Bridge; Shawn talked her out of it.

---

Anna tried to convince Shawn that they should beat him to death with a pole wrapped in barbed wire; Shawn talked her out of it.

---

Shawn obtained a tool to try to turn off the water in the building where Nick had set off the fire sprinklers on himself.

---

Shawn tried to break the plexiglass in the room where Nick was, though he did not succeed in this effort.

---

Shawn tried to remove the plexiglass window by trying to unscrew it, though he did not succeed in this effort. The Crime Scene photos showed screws were missing.

# Shawn Did Not Participate in Any of Anna's Plans to Murder Nick

Shawn: "She [Anna] said something about throwing him [Nick] off the Forresthill Bridge and climbing down, get his stuff from himself, get his keys and stabbing him and shooting him and all kinds of stuff."

1 Q. Did she mention it that night?  
2 A. Yes.  
3 Q. Did you know what she was talking about, the old juvenile  
4 hall?  
5 A. No. I didn't where know where it was, exactly what she  
6 was talking about. She'd thrown out numerous plans that night.  
7 Q. Do you remember any of the other plans she threw out?  
8 A. She said something about throwing him off the Forresthill  
9 Bridge and climbing down, get his stuff from himself, get his  
10 keys and stabbing him and shooting him and all kinds of stuff.  
11 Q. Shawn, did that alarm you?  
12 A. Not really. I didn't take her seriously.  
13 Q. This is a person you've been spending a couple weeks with.  
14 Now, she's talking about shooting or stabbing her boyfriend,  
15 that didn't alarm you?  
16 A. After the instance of the night, no. I figured it will  
17 blow over. She'll get over it.  
18 Q. When you woke up the next morning, did you have any plans  
19 to contact Nick Hamman?  
20 A. No, I did not.  
21 Q. What was your plan, your general plan, for Saturday?  
22 A. Well, Erin recently got kicked out of her halfway house.  
23 She came up pregnant and she needed to find a place. I had an  
24 old friend of mine that lives down in Sacramento that ran, I  
25 guess it is, a drug rehab program called Amigos, and I was going  
26 take her down there and see if there were any places to get her  
27 into.  
28 Q. How were you going to get her down there?

565

# Shawn Told Anna He Would Not Help Her Beat/Murder Nick

"She said something about beating him with barb wire poles, and I said 'No, we're going to get the water off now. Go over there and tell me if the water turns off.' I started flipping switches again. It didn't happen, and I went and pulled the hoses back out all the way of the window and put them in the trunk. And I said, 'Come on. We're going to get the hacksaw so we can get the water off.' I figured it was the top valves and she said, 'Let's go get the barb wire poles and beat him to death.'"

Jesse Serafin: At that point are there barb wire poles around?

Shawn: Yeah, out back.

Jesse: You didn't agree with that plan?

Shawn: No.

Jesse: Did she then agree willingly to go with you to Sacramento?

Shawn: No. She kept telling me she wanted to get the barb wire poles and beat that dude to death. I told her, 'If you want to...'

1 A. Yes.  
2 Q. And what made it change?  
3 A. Well, from the beginning I didn't think she had the balls  
4 to even lock the door, but then she did and now she's talking  
5 about killing this dude, so she even went and picked up the  
6 hoses and sent me to get duct tape.  
7 Q. So at this point you're now starting to begin to think  
8 that she could be serious about some of the stuff?  
9 A. Yes.  
10 Q. After -- after she finds that he's still alive, what's the  
11 next step, what's the next thing you guys talk about doing?  
12 A. She went out. I wasn't sure what to do at that point.  
13 Actually I was kind of struggling at that point. She said  
14 something about beating him with barb wire poles, and I said,  
15 "No, we're going to get the water off now. Go over there and  
16 tell me if the water turns off." I start flipping switches  
17 again. It didn't happen, and I went and pulled the hoses back  
18 out all the way out of the window and put them in the trunk.  
19 And I said, "Come on. We're going to get the hacksaw so we can  
20 get the water off." I figured it was the two top valves and she  
21 said, "Let's get the barb wire poles and beat him to death."  
22 Q. At that point are there barb wire poles around?  
23 A. Yeah, out back.  
24 Q. You didn't agree with that plan?  
25 A. No.  
26 Q. Did she then agree willingly to go with you to Sacramento?  
27 A. No. She kept telling me she wanted to get the barb wire  
28 poles and beat that dude to death. I told her, "If you want to  
593

# Shawn Tried To Turn off the Water that Nick Set Off on Himself

Q: "You were asked some questions about whether that should be put in your report because it might be exonerating evidence; correct?"

A. Correct

Q: Did you put that in your report?

Just about the hacksaw, wanting to turn off the water that way.

Reporters transcript page 496 lines 15 – 18, and 27 – 28; page 497, line 1

15 Q. All right. You were asked some questions about whether  
16 that should be put in your report because it might be  
17 exonerating evidence; correct?  
18 A. Correct.  
19 Q. Did you put in your report on page 15 about the middle of  
20 the page where Mr. Rodriguez indicates: "We're gonna get the  
21 hacksaw. I'm gonna turn this "f-ing" water off. We're gonna  
22 hope the guy doesn't "f-ing" die or somebody finds him. End of  
23 story. If I need to "f-ing" bounce and lay low for a couple of  
24 days, that's what I'm gonna do. But I'm not gonna -- no and  
25 "f-ing" we bounce down to the Shell. We're coming out of the  
26 Shell. She's acting really funny."  
27 Did you put that in your report?  
28 A. Just about the hacksaw, wanting to turn off the water that

496

PAMELA R. KATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

1 way.

70

# Shawn Told Anna He Would Not Help Her Beat or Murder Nick

"She said something about beating him with barb wire poles, and I said 'No, we're going to get the water off now. Go over there and tell me if the water turns off.' I started flipping switches again. It didn't happen, and I went and pulled the hoses back out all the way of the window and put them in the trunk. And I said, 'Come on. We're going to get the hacksaw so we can get the water off.' I figured it was the top valves and she said, 'Let's go get the barb wire poles and beat him to death.'"

Jesse Serafin: At that point are there barb wire poles around?

Shawn: Yeah, out back.

Jesse: You didn't agree with that plan?

Shawn: No.

Jesse: Did she then agree willingly to go with you to Sacramento?

Shawn: No. She kept telling me she wanted to get the barb wire poles and beat that dude to death. I told her, 'If you want to...'

1 A. Yes.  
2 Q. And what made it change?  
3 A. Well, from the beginning I didn't think she had the balls  
4 to even lock the door, but then she did and now she's talking  
5 about killing this dude, so she even went and picked up the  
6 hoses and sent me to get duct tape.  
7 Q. So at this point you're now starting to begin to think  
8 that she could be serious about some of the stuff?  
9 A. Yes.  
10 Q. After -- after she finds that he's still alive, what's the  
11 next step, what's the next thing you guys talk about doing?  
12 A. She went out. I wasn't sure what to do at that point.  
13 Actually I was kind of struggling at that point. She said  
14 something about beating him with barb wire poles, and I said,  
15 "No, we're going to get the water off now. Go over there and  
16 tell me if the water turns off." I start flipping switches  
17 again. It didn't happen, and I went and pulled the hoses back  
18 out all the way out of the window and put them in the trunk.  
19 And I said, "Come on. We're going to get the hacksaw so we can  
20 get the water off." I figured it was the two top valves and she  
21 said, "Let's get the barb wire poles and beat him to death."  
22 Q. At that point are there barb wire poles around?  
23 A. Yeah, out back.  
24 Q. You didn't agree with that plan?  
25 A. No.  
26 Q. Did she then agree willingly to go with you to Sacramento?  
27 A. No. She kept telling me she wanted to get the barb wire  
28 poles and beat that dude to death. I told her, "If you want to  
593

# Shawn Did Not Agree to Physically Harm Nick and Acted to Help Nick

Shawn (continued):

"...beat him so bad, you go in and do it yourself. I told you I didn't want to kill that dude. I didn't want to beat that dude."

1 beat him so bad, you go in and do it yourself. I told you I  
2 didn't want to kill that dude. I didn't want to beat that  
3 dude."  
4 Q. But --  
5 A. You can't fake that, so I got in the car and started to  
6 leave. She got in.  
7 Q. She eventually did get in?  
8 A. Yes, she did.  
9 Q. Did you go straight from there to Sacramento?  
10 A. No. She said, "We need gas and I need to use the  
11 bathroom," so we stopped at the gas station.  
12 Q. That's where she left that note?  
13 A. From what I hear.  
14 Q. And from the gas station did you go straight to  
15 Sacramento?  
16 A. Yes.  
17 Q. And did you go to your brother's, Rick?  
18 A. Yes.  
19 Q. What did you do there?  
20 A. I told him, "I don't have time for questions. Give me the  
21 saw. Let's go."  
22 Q. Where from there?  
23 A. Back up.  
24 Q. Back up back to the juvenile hall?  
25 A. Yes.  
26 Q. And at that point you were stopped by the police?  
27 A. No. We were -- I was going to get off at Elm and go  
28 straight down Auburn Ravine. She told me, "Go down 49 and see

594



# Shawn Tried to Break the Glass to Release Nick

Nick (about Shawn): "He attempted to break the window."

Reporter's Transcript,  
page 260, lines 19 - 20

1 he said?  
2 A. He said he had a gun.  
3 Q. You didn't mention that today when you testified; did you?  
4 A. Wasn't asked.  
5 Q. You were asked if any threats were made at the outset when  
6 you were first locked in the hall and you said no?  
7 A. He made that threat after the ATM card. I forgot to  
8 mention it.  
9 Q. You forgot to mention it because you -- it wasn't listed  
10 in the police report from March 17th that you went over with the  
11 district attorney; was it?  
12 A. Yes, it was.  
13 Q. Oh, it was in that police report?  
14 A. As far as I remember, yes.  
15 Q. So you remember seeing it in that police report. As you  
16 reviewed that police report, you remember seeing a statement  
17 about Shawn Rodriguez saying he had a gun?  
18 A. I remember him telling Detective Coe that he threatened to  
19 shoot me. That was after he broke the window, after he  
20 attempted to break the window.  
21 Q. You remembered Shawn telling Detective Coe that?  
22 A. Shawn Rodriguez said, quote-unquote, after he broke the  
23 window, "I'll shoot you if you try to do anything once you get  
24 out."  
25 Q. He said that to you?  
26 A. To me.  
27 Q. And yet you did not mention that today on direct  
28 examination; did you?

260

# Shawn Tried to Turn Off the Water and Get Nick Out

Shawn during the 2003 trial:

“My first thought was to get the water off and get him out.”

“That day we went up there, and I tried turn the water off...there were some valves outside the juvenile hall against the street, Epperle, behind Gottschalks...I'd done plumbing.”

17 A. My first thought was to get the water off and get him out.  
18 Q. Why not just call the police?  
19 A. I think if I called the police and I was still in the  
20 state, it would not have been a violation. It would have been a  
21 super violation of my probation.  
22 Q. At that point you were on probation?  
23 A. Yes, I was.  
24 Q. Was that for the vehicle theft?  
25 A. Yes, it was.  
26 Q. Did you have any other pending charges?  
27 A. At that point, yes.  
28 Q. What was that?

PAMELA R. KATROS, CSR 938  
PLACER COUNTY OFFICIAL COURT REPORTERS

1 A. We had just got out of the county jail for -- I don't know  
2 what hers was. Mine was a petty theft, stolen property from  
3 last year. They didn't tell me what it was.  
4 Q. When was your next court date for the petty theft?  
5 A. It was Monday morning.  
6 Q. The next day?  
7 A. Yes.  
8 Q. At what time?  
9 A. Eight o'clock a.m.  
10 Q. On Sunday, did you and Anna have a discussion, a further  
11 discussion, about what to do with this guy who is in the  
12 juvenile hall?  
13 A. No.  
14 Q. There was mention --  
15 A. She didn't seem worried about it at all.  
16 Q. But you were worried?  
17 A. Yeah.  
18 Q. But you didn't actually do anything to get him out that  
19 day?  
20 A. Not until later that night, no.  
21 Q. Did you have a plan during that day?  
22 A. That day we went up there, and I tried turn the water off.  
23 Q. How did you do that?  
24 A. There was some valves outside the juvenile hall and  
25 against the street, Epperle, behind Gottschalks.  
26 Q. What made you think those valves had anything to do with  
27 the water, just a guess?  
28 A. I'd done plumbing.

580

PAMELA R. KATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

## Shawn Tried to Unscrew the Glass to Release Nick

When Shawn could not break the plexiglass window, he tried to unscrew the glass to get Nick out of the room where Anna had entrapped Nick.

These crime scene photos showing the loose screws as well as evidence of Shawn's finger prints on the plexiglass window where the screws were should be in Placer County Records.



# Shawn's Courageous Attempt to Protect Nick and Deceive a Dangerous Aggressor

- Shawn was terrified of Anna. She was larger, aggressive, emotionally unstable, and armed with a large knife. Anna had previously framed him for a church robbery, and for a time, Shawn didn't even know her real name or gender. Anna was clearly prepared to kill, and Shawn's pregnant girlfriend was nearby, driving him to repeatedly deescalate the situation to avoid violence.
- Shawn did not want Nick Hamman dead. If he had, he could have easily made it happen, but instead, Shawn's goal was to protect Nick from Anna. Shawn pretended to cooperate with Anna, suggesting a plan he knew wouldn't hurt Nick but would convince Anna that Nick was dead so she would stop trying to kill him.
- Shawn and Anna used a hose connected to Nick's car exhaust, but Shawn intentionally never connected the hose to the room where Nick was trapped. Nick later confirmed on the stand that he never smelled exhaust. Shawn's ruse was meant to keep Anna at bay, but when it failed, Anna shifted her strategy and framed Shawn for the events.



# Legal Violations & Doctrinal Issues

- **Use of Natural and Probable Consequences Doctrine:**
  - Placer County applied this outdated doctrine to convict Shawn of conspiracy to commit murder, based solely on Anna's intent to kill, even though he did not share this intent and actively tried to protect the victim.
- **Senate Bills 1437 and 775:**
  - Despite clear legislative intent to prevent convictions based on the actions of others, Placer County courts ruled that Senate Bills 1437 and 775, which eliminate the natural and probable consequences doctrine, do not apply to conspiracy to commit murder, at least according to Placer County Judges. This blocked Shawn from receiving a resentencing, even though these laws were designed to address similar situations.
- **Denial of Writ of Habeas Corpus:**
  - Multiple writs of habeas corpus have been filed seeking relief for Shawn based on Hamman's perjury and the legislative changes, but they were all denied. Placer County courts have consistently refused to correct the wrongful conviction, despite clear evidence of legal errors and perjury.



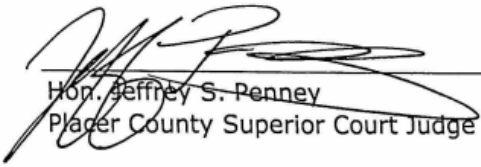


1 juror's opinion of punishment is not a proper ground for relief. CALCRIM  
2 3550.

3 The petitioner also alleges that he is entitled to relief because the  
4 Legislature eliminated the natural and probable consequences doctrine as a  
5 theory of liability for murder and attempted murder in Senate Bill 775 (SB-  
6 775) and Senate Bill 1437 (SB-1437). Although the jury in this case was  
7 instructed on the natural and probable consequences theory of liability, the  
8 petitioner was not convicted of murder or attempted murder. The petitioner  
9 was convicted of conspiracy to commit murder. The changes in the law set  
10 forth in SB-775 and AB-1437 do not apply to conspiracy to commit murder.  
11 *People v. Medrano* (2021) 68 Cal.App.5th 177. Accordingly, the petitioner  
12 has not established a prima facie case for habeas relief based on these  
13 changes in the law.

14 For the reasons set forth above, the petition is summarily denied.

15  
16 Date: 12/13/22

  
17 Hon. Jeffrey S. Penney  
18 Placer County Superior Court Judge  
19  
20  
21  
22  
23  
24  
25  
26



# Juror Advocacy for Shawn's Release

- **Post-Trial Statements:**
  - Five of the 12 jurors wrote to the courts, advocating for Shawn's sentence to be changed. They felt the punishment did not fit the crime and were shocked by the life sentence handed to a young man who had no intent to kill, and when nobody was murdered nor even physically injured.
- **Court's Dismissal of Juror Letters:**
  - The court ignored these juror statements and did not consider them in any of Shawn's appeals. No efforts were made by the court to investigate whether the jury would have changed their votes after learning of Hamman's perjury.



# Juror Statement #1

Did you conclude that the defendant  
had the specific intent to murder  
Nicholas Hamman?"

"No"

Did the jury discuss the False  
Imprisonment charges before  
debating the kidnap?

"The majority of the jury was leaning  
towards false imprisonment."

11/20/03  
Leo Lewis' JURY QUESTIONNAIRE

The following is a list of questions designed to explore some of the thought process behind your findings and to clarify some of the actual conclusions. There is not right or wrong answer, and please understand it is not our goal to challenge your conclusions - only to clarify them.

Please feel free to expand on or explain in as much detail as you like any of your answers.

1. How was the jury foreman selected? Did he elect, nominate, or vote for himself?

HE NOMINATED HIMSELF AND THE REST OF THE JURY  
ON THE JURY DELIBERATION  
NO ONE ELSE WANTED THE POSITION

2. Did you vote Not Guilty on attempted murder?

YES

3. Did you conclude that the defendant had the specific intent to murder Nicholas Hamman?

NO

4. How did you conclude that there was no intent for the attempted murder, but there was intent for the conspiracy to commit murder?

I BELIEVED THAT MR. ROOPEL DID NOT INTEND TO KILL  
MR. HAMMAN, HOWEVER DURING HIS TAPED CONFESSSION  
MR. ROOPEL STATED THAT HE HAD AS MUCH INTENT TO KILL  
TO KILL MR. HAMMAN AS HE HAD TO KILL MR. ROOPEL

5. Did the jury seem to discuss and understand that the law requires the same specific intent to kill for conspiracy as it does for attempted murder?

NO, I DO NOT BELIEVE SO

6. Did you or any of the jurors ever suggest asking the judge a clarifying question regarding the intent necessary for the conspiracy charge?

YES

7. If so, why was such a question never given to the judge?

WE DID ASK THE JUDGE FOR CLARIFICATION  
AND SHE RESPONDED WITH A WRITTEN ANSWER

8. Did the jury discuss the False Imprisonment charges before debating the kidnap?

YES, THE MAJORITY OF THE JURY WAS LEANING TOWARDS  
FALSE IMPRISONMENT, HOWEVER AFTER DEBATING  
CHARACTERISTICS IN THE QUESTION OF CYTOSOL ADHESION  
WE WENT THE OTHER WAY, BECAUSE IT WAS AFTER  
MR. HAMMAN WAS ACQUAINTED, THAT HE NEVER FELT HIS STRINGS

000371

# Juror Statement #1 (continued)

Do you have any regrets regarding your decision in this case?

"Yes, punishment is to severe."

Based on the evidence you have heard in this case, do you feel that life imprisonment is a fair punishment for Shawn Rodriguez? Please explain.

"No, I was shocked when I heard how severe the punishment could be. Even though jury instructions stated that we could not reference the punishment to our decision making. It is of my opinion that the punishment does not fit the crime.

**NOBODY WAS HURT. Where is the justice?**

I feel Shawn was a victim of circumstance and made some poor choices. When he had the opportunity to correct the situation. It is of my opinion that Shawn..."

9. Would you have voted guilty for false imprisonment if it did not include the term "violence"? *yes.*

10. At what point did you conclude that the defendant formed the intent to kidnap Nicholas Hamman?

*WHEN MR. HAMMAN ASKED TO BE LET OUT OF THE HOLDING CELL AND WAS REFUSED HIS REQUEST*

11. Did you conclude that when the defendant intended to kidnap Mr. Hamman, he did so with the goal of getting money from him?

*yes*

12. Do you have any regrets regarding your decision in this case?

*YES, PUNISHMENT IS TOO SEVERE*

13. Is there anything about the jury instructions that you feel you may not have understood clearly?

*NO*

13. Is it your conclusion after hearing all the evidence that Shawn Rodriguez wanted to kill Nicholas Hamman?

*NO, HE WANTED TO PLEASE MS RUCO, BUT NO I DO NOT BELIEVE THERE WAS INTENT ON HIS BEHALF*

14. Based on the evidence you have heard in this case, do you feel that life imprisonment is a fair punishment for Shawn Rodriguez? Please Explain

*NO, I WAS SHOCKED WHEN I HEARD HOW SEVERE THE PUNISHMENT COULD BE. EVEN THOUGH JURY INSTRUCTIONS STATED THAT WE COULD NOT REFERENCE THE PUNISHMENT TO OUR DECISION MAKING.*

*IT IS OF MY OPINION THAT THE PUNISHMENT DOES NOT FIT THE CRIME.*

*NOBODY WAS HURT, WHERE IS JUSTICE??*

*I FEEL SHAWN WAS A VICTIM OF CIRCUMSTANCE AND MADE SOME POOR CHOICES WHEN HE HAD THE OPPORTUNITY TO CORRECT THE SITUATION.*

*IT IS ALSO OF MY OPINION THAT SHAWN*

000372

# Juror Statement #1 (continued)

"...should spend no more than a year of confinement.

There were 2 jurors on our jury whom I felt would not listen to reason, that wanted guilty verdicts on everything, without further discussion.

Most of the other jury members were going to vote for false imprisonment, the lesser charge.

I personally thought Mr. Rodriguez was guilty of false imprisonment, robbery, and auto theft only, and innocent on all other charges."

(Should spend no more than a year in confinement)  
THERE WERE 2 JURORS ON OUR JURY WHOM I FELT  
WOULD NOT LISTEN TO REASON, THAT WANTED GUILTY  
VERDICTS ON EVERYTHING, WITHOUT FURTHER DISCUSSION  
MOST OF THE OTHER JURY MEMBERS WERE GOING TO  
VOTE FOR FALSE IMPRISONMENT "THE LESSER CHARGE"  
AFTER CLARIFICATION FROM THE JUDGE ON WHAT  
WE THOUGHT "EXTORTING AFTER YOU HAVE THE  
INDIVIDUAL CONFINED" WE HAD TO GO WITH  
THE MORE SERIOUS OFFENSE, BECAUSE WE THOUGHT  
THAT IT WAS THE WAY THE LAW & INSTRUCTIONS  
WERE WRITTEN.

I MUST ADD THAT ATTORNEY JESSE SERAFIN;  
IN MY OPINION DID A GREAT JOB REPRESENTING  
MR. RODRIGUEZ, AND PRIOR TO DELIBERATING  
OUR VERDICTS, I PERSONALLY THOUGHT  
MR. RODRIGUEZ WAS GUILTY OF, FALSE IMPRISONMENT,  
ROBBERY AND AUTO THEFT ONLY AND INNOCENT  
ON ALL OTHER CHARGES

IT WAS OUR INSTRUCTIONS & DEFINITIONS &  
THE TAPED CONFESSION WHICH CHANGED THINGS

Sincerely,  
Leo Serran  
JUROR

# Juror #2 – Post Trial Statements

“I concluded it was not Shawn Rodriguez’s intent to kill Hamman.”

1. *How was the jury foreman selected? Did he elect, nominate, or vote for himself?*  
Bob had stated that he had served on two other juries, and he seemed to have a good understanding of the process in general. I nominated him, and nobody disagreed.
2. *Did you vote Not Guilty on attempted murder?*  
Yes.
3. *Did you conclude that the defendants had the specific intent to murder Nicholas Hamman?*  
For me, the point at which “conspiracy” became actual “attempt” was when the car was turned on and gas went into the cell. At this point, I concluded that it was not Shawn Rodriguez’s intent to kill Hamman.
4. *How did you conclude that there was no intent for the attempted murder, but there was intent for the conspiracy to commit murder?*  
This was the issue for us while we discussed this charge. I tried as much as I could to follow the jury instructions, and I read and re-read the definitions of conspiracy and attempted murder, as well as all the other definitions we had. Those who were leaning towards a “guilty” verdict on the attempted murder charge also posed this question to me. As I understood the definitions, “conspiracy” is an agreement, and deals with only the time during which the agreement is made, who it is made between, the overt acts committed to accomplish the goal of the conspiracy and if there was malice aforethought. I believed at the time that all these criteria were met. Shawn willfully entered into the agreement with Anna and committed the overt acts, i.e. getting duck tape and hoses, taping the door shut, hooking up the hoses to the car and running it to the cell. At the time I also believed that there was malice aforethought, namely the intent to kill, though I will admit it now, I had some doubts. I told myself however, that despite my doubts as to Shawn’s intent, he still entered into an agreement with Anna, and he knew she wanted Nick Hamman dead. He helped formulate the plan. He helped Anna Rugg get everything together. He was, therefore, a conspirator. So how could I come to a guilty verdict on this charge and not on the attempted murder? Simple – according to the instructions as I understood them, I could not use the presence of a conspiracy to point to guilt in an attempted murder. The instructions said that all acts done in preparation to commit a murder could not be used as evidence of guilt in the actual attempt. I thought I had to treat these charges separately, and that conspiracy became attempt when the car was turned on. According to the instructions as I understood them, Shawn could do everything in the world to prepare to murder someone, but unless he had the intent to kill while the attempt was taking place, he was not guilty of attempted murder.
5. *Did the jury seem to discuss and understand that the law requires the same specific intent to kill for conspiracy as it does for attempted murder?*  
Yes, I believe we understood that.
6. *Did you or any of the jurors ever suggest asking the judge a clarifying question regarding the intent necessary for the conspiracy charge?*  
No.
7. *If so, why was such a question never given to the judge?*  
N/A.
8. *Did the jury discuss the False Imprisonment charges before debating the kidnap?*  
No, we discussed the Kidnapping charge first. All the elements pointing to guilt were being met until we came to the issue of whether or not Nick Hamman was kidnapped with the specific intent to extort him. The question was, did the intent have to be formulated before the confinement took place, or could the plan to extort be formulated during the confinement. While we were waiting for the answer from the judge, we explored the other lesser charges of

000374



# Juror #2 – Post Trial Statements (continued)

"We all agreed that Shawn took an active part in extorting, robbing, and falsely imprisoning Nick Hamman...we saw no proof that Shawn had anything to do with actually getting him in the cell. There was no violence or menace on Shawn's part as far as we could see...I regret my decision on Count Two. I should have listened to what my gut was telling me and insisted that we explore that charge further. Perhaps I was unclear in regards to the definition, and should have re-read them one more time. Upon further reflection...and believe me, there has been a lot of further reflection, I no longer believe that Shawn had malice aforethought, namely the intent to kill when he entered into the agreement with Anna Rugg. It is not because I now know that this charge carries a life sentence that I feel this way. It is because now I realize that maybe I did not have as clear an understanding as I thought I did when...the instructions and the definitions regarding this charge. I am not as certain of my understanding of instructions on Count 2 as I thought I was. I don't think I fully understood that Shawn himself had to possess the intent to kill when the conspiracy took place. As I stated before, I thought at the time that Shawn did have this intent, but at the same time I had doubts of that fact, if that makes sense to you.

Oct-21-03 10:38am Free-OPP

18100354202

T-217 P.03/04 F-384

robbery, false imprisonment and the lesser charge of extortion that was attached to count one. We all agreed that Shawn took an active part in extorting, robbing, and falsely imprisoning Nick Hamman. However, the words "violence and menace" in the false imprisonment charge threw a wrench in these discussions. We all agreed that Shawn took part in Nick Hamman's confinement. He did nothing to get Nick out after the door was shut, but we saw no proof that Shawn had anything to do with actually getting him in the cell. There was no violence or menace on Shawn's part as far as we could see. It was looking like we would be forced to vote not guilty on that charge because of the presence of those two words. However, as you know, the judge's answer came back telling us that the plan to extort someone can occur after the confinement or detention has taken place. Thus, in our eyes, all the criteria were met for a guilty verdict on the Kidnapping for Extortion charge.

9. Would you have voted guilty for false imprisonment if it did not include the term "violence"?  
Yes, though I don't know what that would have meant once we got the answer back from the judge regarding count one.
10. At what point did you conclude that the defendant formed the intent to kidnap Nicholas Hamman?  
Going by the jury instructions and the definitions we were given, I concluded that the intent was formed when Shawn saw that Nick was locked in the cell and did nothing to get him out. According to the definition of kidnapping, just confining or detaining someone against his will constitutes kidnapping. Shawn intended to leave him in the cell, he intended to confine Nick when it was clear Nick did not want to be in that cell. Thus Shawn intended to "kidnap" him.
11. Did you conclude that when the defendant intended to kidnap Mr. Hamman, he did so with the goal of getting money from him?  
I concluded that when Shawn initially decided to not let Nick Hamman out of the cell, it was not necessarily his intention to get money from him. By his own admission, though, once Nick was in there, a plan was formulated to leave him in there until they got his money, PIN number and ATM cards. Based on what the judge told us, it didn't matter that the initial kidnapping was not done with the intent to extort. That plan could be formulated later - the intent could change from one thing to another.
12. Do you have any regrets regarding your decision in this case?  
I regret my decision on Count Two. I should have listened to what my gut was telling me and insisted that we explore that charge further. Perhaps I was unclear in regards to the definitions and should have re-read them one more time. Upon further reflection, and believe me there has been a lot of further reflection, I no longer believe that Shawn had malice aforethought, namely the intent to kill when he entered into the agreement with Anna Rugg. It is not because I now know that this charge carries a life sentence that I feel this way. It is because now I realize that maybe I did not have as clear an understanding as I thought I did when I gave me the instructions and the definitions regarding this charge.
13. Is there anything about the jury instructions that you feel you may not have understood clearly?  
Yes, as I said in the previous answer, I am not as certain of my understanding of the instructions on Count 2 as I thought I was. I don't think I fully understood that Shawn himself had to possess the intent to kill when the conspiracy took place. As I stated before, I thought at the time that Shawn did have this intent, but at the same time I had doubts of that fact, if that makes sense to you. However, I thought the greater issue was that someone in the conspiracy definitely had this intent, and that Shawn willingly entered into this agreement and committed acts to carry out the goal of this agreement.

000375



# Juror #2 – Post Trial Statements (Continued)

“Upon further reflection, I do not believe Shawn ever wanted Nick dead, much less kill him himself.

At no time during the trial or during the deliberations did I feel that Shawn was deserving of life in prison...I believe justice could have been served and punishment been metered out without the kid spending the rest of his life in jail.

I don't understand why the district attorney brought these particular charges to the table when I know that other charges could have been brought that would have accomplished the same goal. Why did the charge of kidnapping for extortion have to be brought? Why did the words “violence and menace” have to be...on the false imprisonment charge?

I just don't feel that this “go for the throat” attitude on the part of the district attorney was appropriate in this case. I do not believe that Shawn Rodriguez is a cold-blooded killer, and I do not believe he is deserving of this punishment, one that is usually given to those who are.”

Oct-21-03 10:38am From:UPP

10160354202

T-217 P.04/04 F-384

14. *Is it your conclusion after hearing all the evidence that Shawn Rodriguez wanted to kill Nicholas Hernandez?*

No. Upon further reflection, I do not believe that Shawn ever wanted Nick dead, much less kill him himself.

15. *Based on the evidence you have heard in this case, do you feel that life imprisonment is a fair punishment for Shawn Rodriguez? Please explain.*

No, at no time during the trial or during the deliberations did I feel that Shawn was deserving of life in prison. Shawn is unquestionably guilty of many horrible things, and I believe that he most definitely must be punished for the crimes he committed. I am not saying that he does not deserve prison time. What I am saying is that I believe justice could have been served and punishment been metered out without the kid spending the rest of his life in jail. I don't understand why the district attorney brought these particular charges to the table when I know that other charges could have been brought that would have accomplished the same goal. I also don't understand why Shawn was not offered a plea bargain. Why did the charge of Kidnapping for Extortion have to be brought? Why did the words “violence and menace” have to be added on to the False Imprisonment charge? I just don't feel that this “go for the throat” attitude on the part of the district attorney was appropriate in this case. I do not believe that Shawn Rodriguez is a cold-blooded killer, and I do not believe he is deserving of this punishment, one that is usually given to those who are.

Hopefully these answers will be helpful to you. If you need further explanation, or if you have any other questions, please don't hesitate to call. If you need to meet with me, I am willing to do that also. Here's my contact information if you need it:

Work:  
916-631-9030 2014

Home:  
916-797-1308

email:  
barnjpo@yahoo.com

000376

# Juror #3 – Post Trial Statements

“The full charge was false imprisonment with violence. Since we felt that Shawn was not present at the time Anna lured Nicholas into the holding cell, this would mean that he did not falsely imprison him with violence. There was no violence evident. So we had to defer to kidnapping.”

## JURY QUESTIONNAIRE

The following is a list of questions designed to explore some of the thought process behind your findings and to clarify some of the actual conclusions. There is no right or wrong answer, and please understand it is not our goal to challenge your conclusions – only to clarify them.

Please feel free to expand on or explain in as much detail as you like any of your answers.

1. How was the jury foreman selected? Did he elect, nominate, or vote for himself?  
I was chosen for the position. When we all got into the deliberation room, Anna was outpallied and seemed to be someone who knew what he was doing. When he volunteered, everyone seemed to go along with it. He was the only one who volunteered.
2. Did you vote Not Guilty on attempted murder? At the time the last vote was taken, I voted "yes", however, I also stated that that was where I was leaning unless someone could convince me otherwise.
3. Did you conclude that the defendant had the specific intent to murder Nicholas Hamman?  
I concluded that the defendant had the specific intent to kill through the verbal agreement he made with Anna. He was more about a "I just let him go to live I am" type of agreement.
4. How did you conclude that there was no intent for the attempted murder, but there was intent for the conspiracy to commit murder? I felt like the attempt was made, but it was abandoned. Even if I had thought there was no attempt, it would be a person who conspires to do something and then actually does the intended event.
5. Did the jury seem to discuss and understand that the law requires the same specific intent to kill for conspiracy as it does for attempted murder? Yes and no. I personally brought to the attention of the jury that I felt there was an inconsistency in their reasoning. I read to them the law regarding the "same intent" but they seemed to be confused. I felt that the group had the thinking that they had to look through Shawn and what he was doing to determine if they could find the specific intent. I didn't believe that because I believe that the answer was found in the "specific intent" instruction. That the question was asked, I also believe it was not asked properly. If so, why was this question never given to the judge?  
I believe that the jury was confused by the question. I believe that the jury was confused by the question. I believe that the jury was confused by the question. I believe that the jury was confused by the question.
6. Did you or any of the jurors ever suggest asking the judge a clarifying question regarding the intent necessary for the conspiracy charge?  
One of the jurors wanted to ask the judge if a guilty verdict on one charge could mean a conviction on the other. I believe that the judge was asked the question. I believe that the judge was asked the question. I believe that the judge was asked the question.
7. If so, why was this question never given to the judge?  
I believe that the jury was confused by the question. I believe that the jury was confused by the question. I believe that the jury was confused by the question. I believe that the jury was confused by the question.
8. Did the jury discuss the False Imprisonment charges before debating the kidnapping?  
Yes we did. However, the full charge was False Imprisonment with violence. Since we felt that Shawn was not present at the time Anna lured Nicholas into the holding cell, that would mean that he did not falsely imprison him with violence. There was no "violence" evident. So we had to defer to kidnapping.

## Juror #3 – Post Trial Comments (continued)

“The majority of the group believed Shawn that he knew “15 minutes would not kill the guy” and did it only to appease Anna.”

#5 (con't)

Anna with obvious "overt" actions. However, she I saw the inconsistency come into play with the attempted murder charge. The majority of the group believed Shawn that he knew "15 minutes would not kill the guy" and did it only to appease Anna. So they felt he should not be guilty of attempted murder. The same intent was present at each point along with overt actions, however, they judged each one differently. Hoping you can understand what I am trying to say - it is very difficult to explain in words.

377B

# Juror #3 – Post Trial Comments

(continued)

"Jury instructions can be very complicated. There were definitely, times when I wished we could have had a lawyer there to interpret the laws.

It was my conclusion that Shawn did not want to kill Nicholas.

Based on the evidence you have heard in this case, do you feel like life imprisonment is a fair punishment for Shawn Rodriguez?

Absolutely not! Did Shawn commit some bad stuff? Yes! Is he guilty of falsely imprisoning and detaining Nicholas, taking his PIN, money, and car, and taking money out of ATM. He was guilty of going along with Anna and even making it seem like he was going to kill Nicholas. He definitely made some very bad choices and needs to take responsibility for them. However, I do not feel that life in prison is fair at all. What this young man needs is not life in prison with hardened criminals, but rather a punishment that would include some time in prison along with counseling and help this young man learn about choices and consequences, respect and responsibility. Shawn seems to be a basically good kid. He needs help, not to be thrown away. I have, to be honest that when I learned that these charges brought a "life sentence," I felt tricked into the decisions by the prosecution."

9. Would you have voted guilty for false imprisonment if it did not include the term "violence"? Yes, absolutely.

10. At what point did you conclude that the defendant formed the intent to kidnap Nicholas Hamman? I concluded that the intent came after Anna had already imprisoned Nicholas. Shawn came into the store after the fight and then took advantage of the situation.

11. Did you conclude that when the defendant intended to kidnap Mr. Hamman, he did so with the goal of getting money from him? Yes, at least to help Anna get money from him.

12. Do you have any regrets regarding your decision in this case? My biggest regret is that I wanted to ask the judge if we could have the charge "false imprisonment of Hamman" changed to just "false imprisonment." One of the jurors said that it was impossible to get a charge changed. My regret is not putting that issue back to the judge regardless of what the other jurors said.

13. Is there anything about the jury instructions that you feel you may not have understood clearly? Jury instructions can be very complicated. There were definitely times when I wished we could have a lawyer there to interpret the laws. It seemed as if the laws at times were very subjective to individuals.

13. Is it your conclusion after hearing all the evidence that Shawn Rodriguez wanted to kill Nicholas Hamman? It was my conclusion that Shawn did not want to kill Nicholas, but that he had told Anna he would help and was doing what he did because of his need to follow - not because he had any bad feelings toward Nicholas.

14. Based on the evidence you have heard in this case, do you feel that life imprisonment is a fair punishment for Shawn Rodriguez? Please Explain. Absolutely Not!

Did Shawn commit some bad stuff? Yes! He was guilty of falsely imprisoning & detaining Nicholas, taking the PIN & money, the car, and taking money out of ATM. He was guilty of going along with Anna & even making it seem like he was going to kill Nicholas (whether or not his stated intentions were to or not). He definitely made some very bad choices and needs to take responsibility for them. However, I do not feel that life in prison is fair at all. What this young man needs is not life in prison with hardened criminals, but rather, a punishment that would include some time in prison along with counseling to help this young man learn about choices and consequences, respect and responsibility. Shawn seems to be a basically good kid. He needs help, not to be thrown away. I have to be honest, that when I learned that these charges brought a "life sentence," I felt tricked into the decisions by the prosecution. I always believed that our justice system was to help criminals to reform them (at least that's what punishment is meant to do).

## Juror #3 (Continued)

"Personally, I believe the jury should be able to have a say in the sentence term...It is my intent for the court to reconsider the sentence for this young man. I beg the court to consider a punishment for Shawn that will help him to come out of his prison term a new, different, and better person. Please do not throw this young life away."

How can "re-formation" take place when you know you'll spend the rest of your life in prison? Why bother? There's no hope! Personally, I believe the jury should be able to have a say in the sentence term. After all, if we are capable of sending or not sending someone to prison, why not let us help determine the length of stay. After all, we are a jury of his "peers". Shawn deserves a good chunk of time behind bars. Give him 10-15-20 years in prison. But do not send him to prison for the rest of his life.

I'm sure I sound like someone who has seen too many "Perry Mason" programs as a kid or too many episodes of "The Practice". It's not my intent to come across like that, however, it is my intent for the court to reconsider the sentence for this young man. I beg the court to consider a punishment for Shawn that will help him to come out of his prison term a new, different and better person. Please do not throw his young life away.

378B

# Juror #4

Did the jury seem to discuss and understand that the law requires the same specific intent to kill for conspiracy as it does for attempted murder?

"There seemed to be confusion among some of them regarding this. I remember the argument was that some felt these were two separate charges and should be regarded as so."

## JURY QUESTIONNAIRE

1. How was the jury foreman selected? Did he elect, nominate or vote for himself?  
Bob jumped right in there to get us focused as a group. When it was apparent that he seemed to be a leader that was willing to take on the position, someone in the group nominated him and the group responded with a yes.
2. Did you vote Not Guilty on attempted murder?  
No. At the last vote I made it clear to the group that I as of that point I felt that the defendant was guilty based on how we had determined the conspiracy verdict.
3. Did you conclude that the defendant had the specific intent to murder Nicholas Hamman?  
I felt that the defendant had the specific intent to follow through on the promise he had made to his co-conspirator.
4. How did you conclude that there was no intent for attempted murder, but there was intent for the conspiracy to commit murder?  
This question is not applicable to me.
5. Did the jury seem to discuss and understand that the law requires the same specific intent to kill for conspiracy as it does for attempted murder?  
I remember bringing that point up to the group and reading that particular rule to the group. There seemed to be confusion among some of them regarding this. I remember the argument was that some felt these were two separate charges and should be regarded as so.
6. Did you or any of the jurors ever suggest asking the judge a clarifying question regarding the intent necessary for the conspiracy charge?  
I do believe I brought that up to the group.
7. If so, why was such a question never given to the judge?  
A number of the more "outspoken" of the group did not see the need to do so, so I did not push the matter. I'm not sure why, however it seemed that any time someone wanted to ask the judge a question, some in the group argued about it. It did not seem an easy thing to do within this group.
8. Did the jury discuss the False Imprisonment charges before debating the kidnap?  
Yes.
9. Would you have voted guilty for false imprisonment if it did not include the term "violence"?  
Yes.
10. At what point did you conclude that the defendant formed the intent to kidnap Nicholas Hamman?  
After the defendant was already imprisoned by Anna Rugg and the issues arose between her and Shave as to what they should do.
11. Did you conclude that when the defendant intended to kidnap Mr. Hamman, he did so with the goal of getting money from him?  
I concluded that after he saw the defendant was imprisoned, then it was a good opportunity to get what he could from him.



## Juror #4 (continued)

Based on the evidence you have heard in this case, do you feel that life imprisonment is a fair punishment for Shawn Rodriguez?

"No, I do not feel it is a fair punishment."

12. Do you have any regrets regarding your decision in this case?  
Only that I did not push the matter regarding asking the judge about the above stated question. I saw an inconsistency in the group regarding the conspiracy and attempt charges.

13. Is there anything about the jury instructions that you feel that you may not have understood clearly?  
I do not believe so.

14. Is it your conclusion after hearing all the evidence that Shawn Rodriguez wanted to kill Nicholas Hamman?  
It was my conclusion that Shawn Rodriguez was following through with what he had said Anna Rugg he would do. It was an issue of being true to his word.

15. Based on the evidence you have heard in this case, do you feel that life imprisonment is a fair punishment for Shawn Rodriguez? Please explain.  
No I do not feel it is a fair punishment. I felt that Shawn definitely needs to spend time in prison, maybe 10,15 or even 20 years or so, but not life. I believe Shawn made some very poor choices and needs to pay the penalty for doing so, however, he is not an evil person that society should never look upon ever again. He was at the wrong place, at the wrong time, with the wrong friends. I believe Shawn needs to be "reformed", not discarded. I personally would like to see him put in an environment that will allow him to change, not harden his heart any more, so that possibly one day he can walk out of prison and live his life before he turns 50 years old.

## Juror #5

Did you conclude that the defendant had the specific intent to murder Nicholas Hamman?

"No."

Did the jury seem to discuss and understand that the law requires the same specific intent to kill for conspiracy as it does for attempted murder?

"We discussed it but obviously did not understand that the law requires."

### JURY QUESTIONNAIRE

The following is a list of questions designed to explore some of the thought process behind your findings and to clarify some of the actual conclusions. There is no right or wrong answer, and please understand it is not our goal to challenge your conclusions - only to clarify them.

Please feel free to expand on or explain in as much detail as you like any of your answers.

1. How was the jury foreman selected? Did he elect, nominate, or vote for himself?

*Volunteer*

2. Did you vote Not Guilty on attempted murder? *Yes*

3. Did you conclude that the defendant had the specific intent to murder Nicholas Hamman? *No*

4. How did you conclude that there was no intent for the attempted murder, but there was intent for the conspiracy to commit murder?

*He gathered materials, hose, tape which indicated a plan was formulated.*

5. Did the jury seem to discuss and understand that the law requires the same specific intent to kill for conspiracy as it does for attempted murder?

*We discussed but obviously, did not understand that the law requires*

6. Did you or any of the jurors ever suggest asking the judge a clarifying question regarding the intent necessary for the conspiracy charge?

*yes*

7. If so, why was such a question never given to the judge?

*We concluded that we should evaluate each charge independently*

8. Did the jury discuss the False Imprisonment charges before debating the kidnap? *Yes*

# Juror 5 (cont.)

Did you have any regrets regarding your decision in this case?

"That we did not have an understanding the law requires the same specific intent to kill as it does for conspiracy."

Is it your conclusion after having all the evidence that Shawn Rodriguez wanted to kill Nicholas Hamman?

"No, I did not believe Shawn wanted to kill N. Hamman."

Based on the evidence you have heard in this case, do you feel that life imprisonment is a fair punishment for Shawn Rodriguez?

"It seems very harsh given that I do not believe he intended to kill him. I do believe Shawn did not want to open the cell door for fear of N. Hamman. Shawn obtained a hacksaw to turn the water off. We'll never know if he would have called the police to report. I believe he would have. I don't believe Shawn was part of a plan to entrap the victim that weekend."

9. Would you have voted guilty for false imprisonment if it did not include the term "violence"?

yes, absolutely; many of the jurors would have

10. At what point did you conclude that the defendant formed the intent to kidnap Nicholas Hamman?

after Hamman was in the cell

11. Did you conclude that when the defendant intended to kidnap Mr. Hamman, he did so with the goal of getting money from him?

no

12. Do you have any regrets regarding your decision in this case? That we did not have an understanding the law requires the same specific intent to kill as it does for conspiracy.

13. Is there anything about the jury instructions that you feel you may not have understood clearly?

see 12

13. Is it your conclusion after hearing all the evidence that Shawn Rodriguez wanted to kill Nicholas Hamman?

No, I did not believe Shawn wanted to kill N. Hamman.

14. Based on the evidence you have heard in this case, do you feel that life imprisonment is a fair punishment for Shawn Rodriguez? Please Explain

It seems very harsh given that I do not believe he intended to kill him. I do believe Shawn did not want to open the cell door for fear of N. Hamman. Shawn obtained a hacksaw to turn the water off. We'll never know if he would have called the police to report. I believe he would have. I don't believe Shawn was part of a plan to entrap the victim that weekend. They just happened to run into them.

# Public Support for Shawn's Exoneration and Release



**Wendy Lemus** · 6 months ago

The reason I am signing this petition is because he was only 19 when this crime happened in Auburn CA the person involved was already a sex offender, and after Shawn was convicted, The Plaintiff went and molested two other children. His co-defendants got off with a slap on the wrist even though one of the defendants was the plaintiff's girlfriend and she was the Mastermind. I understand that we have the Penal system for a reason, but I feel Shawn paid for his crime a long time ago when he was a very young man. He is very intelligent and a good human being. He always has a smile on his face and is a very positive person.



**Stacey Nunyabizness** · 5 months ago

The people we elect as officials and are held to a higher standard should BE AUTOMATICALLY PROSECUTED AND SUBJECT TO MANDATORY SENTENCING GUIDELINES WHEN THEY INTENTIONALLY WITHHOLD EXCULPATORY EVIDENCE THAT WOULD HAVE FREED THE DEFENDANT, THEY SHOULD BE IN MORE TROUBLE BECAUSE THEY ARE TRUSTED WITH DOING THE JUST AND ETHICAL THING, TO PROTECT AND SERVE IF YOU WILL...

♡ 1 · Report




**Antonio brown** · 7 months ago

I believe this man is a good person and has lots of potential and great man. God shows good in someone that trusts him. God bless him and take care of him and set him free.



♡ 1 · Report

## Exonerate Shawn Rodriguez, Wrongfully Imprisoned for the Crimes of Another Person

 Kollette

3 months ago

This man has paid dearly with his life, while Anna gets off and it was all her fault. There's evidence from the man who put him in prison, saying he lied, and committed perjury. The laws you're holding him on don't even exist anymore!! This is so wrong.


 0 

 Sasha

3 months ago



I just watched a YouTube video about his story and it broke my heart! He is the reason that man is still alive!! And the man said he was guilty of perjury. The man who had him put in jail, has said that he lied and the man who had him put in jail also thinks that he should not be in jail! Someone has to do something to help this man.

 1 

 Jennifer

3 months ago

Let Shaen Rodriguez go!! If anyone should be locked up, it's Anna! She was the mastermind, and anyone can plainly see that. Shawn tried to save Nick's life, so why is he being punished worse than the evil that set thos whole crime up, to begin with? And, the government wonders why we the people have ZERO trust in them!! LET. HIM. GO.

 1 





**Josiah Harrison-Benjamin** · 9 months ago

I believe the one thing that needs to be looked at in this case is that is what is factual and known meet the criteria for sentencing, I believe in this case it isn't. I also believe that times have changed and that what is true 25 years ago is not true today and those facts needs to be reconsidered and sentencing needs to be adjusted to align with those truths.

♡ 1 · Report



**Theresa Johnson** · 10 months ago

I'm participating in this petition solely to help our incarcerated community with a second chance to prove to society that they will, and they can do better sitting in prison for over 20 years is not helping, that's not giving them a chance to prove that rehabilitation still work for some...



**Janet Morgan** · 10 months ago

To many people are innocent serving long prison sentences

♡ 1 · Report



[Rosemary Roblin](#)

3 months ago

Shawn clearly has the ability and desire to benefit his community once released. At no point was he ever a violent or dangerous offender, yet he is serving a sentence that far surpasses the crime committed. This is not justice.

♡ 0

Report



**Susan Rocha** · 10 months ago

The justice system is broken.  
It's not right.

♡ 1 · Report



**Mary Barker** · 10 months ago

This all too often happening is a horrendous stain on our country. Our justice system is broken and needs to be changed, which might happen if there wasn't so much money made from it.

♡ 2 · [Share](#) · [Tweet](#)



[Jessica Marohn](#)

3 months ago

The punishment doesn't fit the crime, and he deserves to be given a chance to contribute to society.

♡ 0

Report







[Lisa Fosker](#)

3 months ago

Free him! He saved the guy he admitted to his part and was sentenced unfairly of another girls pier pressure and evil plan! He's served so much more than he deserved he deserves compensation and freedom!

♡ 0

· Report



[Lisa Fosker](#)

3 months ago

He saved the man he was obviously scared of the girl who wanted to murder nick, he got a life sentence when he committed no murder this is a disgrace free Shawn! I truly believe after watching Sherylin dales podcast where she gave all the details. Pier pressure is real but he was smart and saved the man he admitted what he was guilty for which was taking the 40 dollars and taking the car. He deserves to be freed he has served more time than his crime.

♡ 0

· Report



[Stacey Nunyabizness](#)

5 months ago

The people we elect as officials and are held to a higher standard should BE AUTOMATICALLY PROSECUTED AND SUBJECT TO MANDATORY SENTENCING GUIDELINES WHEN THEY INTENTIONALLY WITHHOLD EXCULPATORY EVIDENCE THAT WOULD HAVE FREED THE DEFENDANT, THEY SHOULD BE IN MORE TROUBLE BECAUSE THEY ARE TRUSTED WITH DOING THE JUST AND ETHICAL THING, TO PROTECT AND SERVE IF YOU WILL...

♡ 1

· Report



[Kalli Hansen](#)

3 months ago

He is not guilty of his charges.

♡ 0



[adrian newell](#)

4 months ago

He's a good guy

♡ 0



[Cassie Black](#)

3 months ago

The sentence is overboard! More than the other perpetrator served.

♡ 0

· Report



[Laura Geyman](#)

9 months ago

The justice system in holding an innocent man. He deserves freedom and to be in society

♡ 0

· Report





@roguenorcross9982 3 months ago

This is another example of a "justice" system refusing to right their wrongs because their ego won't allow it 😞😞😞

👍 49 💬 Reply



@JayceeElle 3 months ago

I will forever be confused when violent sexual predators get such light sentences and then other people who are clearly able to be reformed are locked away without a second thought - just... what?!?!?

👍 34 💬 Reply

^ 2 replies



@Rae\_Pepper 3 months ago

I just had my court case from my SA back in 2020. This man was already a registered sex offender and only got 3 years probation. Then we have men like Shawn locked away their whole life. So many injustices.....

👍 5 💬 Reply



@brynnwharton7677 2 months ago

Same. Blows my mind. Unbelievable and unfair.

👍 💬 Reply



@emmikate 3 months ago

Oh this is frustrating!!! Especially sitting here today knowing there will most likely be a mistrial in the Karen Reed Trial I just feel more and more disheartened by our judicial system. I really hope the appeal process turns out fruitful.

👍 15 💬 Reply



@etery-terrymayzlin8738 3 months ago

How about sending his paperwork to the Innocence Project? I'm sure they can help him. He already served a lot of time. Crazy, thank you Sheryl for bringing this case out. 🙌🙌🙌

👍 12 💬 Reply



@jessiejudd9513 3 months ago

This story is a wild one! I think the court should change his sentence. He didnt kill anyone and he never "went along with it." He was trying to stop everything. I understand from what you have told us that she keeps a knife on her. Shawn could have also not wanted to be hurt by her. I personally have dealt with something similar ( wrong place wrong people wrong time) and i had no connection with it and didnt go to jail. Shawn should be out already. It is absolutely wild that hes still in there when he doesnt need to be

👍 11 💬 Reply



@brittdabratt6247 2 months ago

Hi Sherrilyn! First I just want to say I love you to pieces!

Okay so about this case.... chile, this is absolutely ridiculous. Shawn was literally the only person who told the WHOLE truth throughout the ENTIRETY of this trial, so for him to be punished to 25 to life... The system is the absolute worst..

👍 💬 Reply



@dianeandrzejak2221 2 months ago

That is crazy that Sean is still being punished for something that Anna did! SOME of the laws in the USA DEFINITELY need to be changed!

👍 1 💬 Reply



@katmack4215 2 months ago (edited)

This is sickening!!

Please,please someone take a look at this.. 🙏 we need a freakin Public march,call out the local politicians,and have every news channel we can possibly round up to cover it Live!! This Fella should have been out of Prison YEARS AGO.. 🙏

👍 💬 Reply



@thefictionkitten\_ 2 months ago

it irks me that the person who he committed a crime against is even like "that's too harsh" and the judge is being ridiculous

👍 💬 Reply



@TerriDemaio 3 months ago

He Needs to Have His sentence LookedAt Again

👍 💬 Reply



@cindypreston7234 3 months ago

What a horrible case. It should be overturned

👍 13 💬 Reply

▼ 2 replies



@donnasalvador678 3 months ago (edited)

These kinds of injustices will continue as long as there are no consequences for the judges who are responsible for their decisions. They have far too much power and they continue to abuse it.

👍 51 💬 Reply

^ 1 reply



@JimenezSoraya98 1 month ago

This! 🙌🙌

👍 💬 Reply



sherrilyn dale shawn rodriguez



@jenniferwilkinson9340 3 months ago

Gross miscarriage of justice in Shawn's case.

👍 💬 Reply



@michellemoeller5358 3 months ago

Im really cofused.

👍 💬 Reply



@LemoniestLemony 2 months ago

Just reading the title video, if the victim lied he should at very least get a new trial. Whether I believe he is innocent I will let you know at the end.

👍 💬 Reply



@sunidaye011110 2 months ago

The justice system is so ass backwards

👍 💬 Reply



@sarachristman6014 3 months ago

This is so crazy. This poor guy. He definitely did not deserve to do all that time. I went to HS with a guy who killed his cousin's BF by shooting him in the face, over a few thousand dollars. And he only did 10 years here in PA. I don't understand 20+ years for not seriously harming anyone, as opposed to 10 years for taking a life. Like WTF?! My blood is def boiling that this man is still in jail.

👍 1 🗨 Reply



@kristahall8186 3 months ago

The justice system is so flawed it makes me sick! My father was a victim of the flawed "justice" system so I know firsthand how corrupt and sickening it is!



@nicolebryant2419 3 months ago

Placer county is not the best. It's pronounced plassrrr lol it's mispronounced a lot. My brother is a retired cop with the county and I will just say we don't have a relationship at all, he's one of the bad examples unfortunately.

This should be overturned for sure, scary how a person who committed murder can serve less time than someone who was preventing one.

Love ya! ❤️



@dianeandrzejak2221 2 months ago

I don't understand how the judicial system can let a child abuser go &/or DEFINITELY with a lot less time than Sean's getting!!

👍 🗨 Reply



@sunidaye011110 2 months ago

So essentially Shawn is obviously serving time for crimes he little was conspiring against. He wasn't involved with these crimes, he was trying nullify her actions. But for saving a life, he lost out on being a part of his child's life, and she was released?!



@georgieeve2026 2 months ago

Urgh this is so frustrating and sad :( It would be so easy to let him go free. I don't understand why they're still not letting him go, despite so much evidence, including the victim admitting to purgery. How can they keep ignoring all that? I hope he hasn't let prison hurt his heart, and that he has lots of support when he is released. Unfortunately when prisoners are released they are often not given transitional support, which leads to reoffending, drug abuse, hopelessness etc. Thank you for sharing this story ♡♡

👍 💬 Reply



@dressagebelle 2 months ago

One, I really hope that Shawn gets the justice he deserves being so wrongly convicted and sentenced. Two, I live in Grass Valley, literally 20 minutes from Auburn, been up here since 2013, and I have not heard about any suspicious unsolved deaths in Auburn which is really scary to think about. I see all the reports of swimmers being stupid and getting swept away in the rivers, and such, a few missing and found deceased people in Grass Valley, but nothing about the stuff from Auburn. I'm definitely going to have to look into that documentary and see what other information I can dig up about those people.



@Whiskin87 3 months ago

This is a frustrating one! I don't think he should've received such severe charges or sentence. More Lao than Anna ?!



@SkysSammie 3 months ago

Ugh release this man.. I don't believe he ever had bad intentions, and I'm sure he would never risk ending back up in there again.

👍 💬 Reply





# Efforts to Obtain Resentencing Through Placer County Have Been Unsuccessful

- Since several, formal Habeas Corpus Petitions have not convinced Placer County to provide relief despite the victim's recantations as well as changes to the legitimacy of the Natural and Probable Consequences Doctrine, the Help Free Shawn Rodriguez Campaign has sent several slide decks, letters, and emails to the Placer County District Attorney, Mr. Morgan Gire, requesting their review of Shawn's case, in a request to provide relief.
- It has been nearly a year, and they have provided no response to this request or repeated communications despite all the evidence that Shawn is being incarcerated for crimes for which he is factually innocent.





**HELP FREE**  
SHAWN RODRIGUEZ

Angela Cotellessa  
Director, Help Free Shawn Rodriguez  
6200 Rolling Road, #523142  
Springfield, VA 22152  
Acotellessa@gwmail.gwu.edu

Date: September 2, 2024

Morgan Gire  
District Attorney  
Placer County District Attorney's Office  
10810 Justice Center Drive, Suite 240  
Roseville, CA 95678

Dear District Attorney Gire,

I hope this letter finds you well. I am writing to bring to your attention very specifically to some critical information regarding the case of Shawn Rodriguez, whose resentencing request I initially submitted to your office in January of this year. At that time, I provided a comprehensive 92-page slide deck that detailed numerous aspects of the case warranting reconsideration, bolstered with evidence from the trial transcript itself.

Since that submission, I have compiled additional evidence that I believe is crucial for your office to review. Enclosed with this letter is a new slide deck focused on three key areas:

1. **Jury Instructions:** A thorough analysis of the instructions given to the jury during Shawn's trial, highlighting potential areas of confusion or misapplication. They were told things like, Shawn was "not only guilty of the particular crime that to his knowledge his confederates agreed to and did commit, but is also liable for the natural and probable consequences of any crime or act of a co-conspirator to further the object of the conspiracy, **even though that crime or act was not intended as part of the agreed upon objective and even though he was not present at the time of the commission of that crime or act.**" This is just one example of how jurors were repeatedly told they had to vote Shawn guilty of all of Anna Rugg's crimes because he had agreed to the robbery with her; at least that was their understanding of their instructions.

2. **Post-Trial Juror Feedback and Statements:** Testimonies and reflections from jurors after the trial, which make it clear that they knew Shawn was not involved in entrapping Nicholas Hamman/kidnapping him, and that they also knew Shawn had no intent to kill—a requirement for "conspiracy to commit murder."

1. One juror said, "**Punishment is too severe...the punishment does not fit the crime. Nobody was hurt. Where is the justice? It is of my opinion that Shawn should spend no more than one year of confinement. I personally thought Mr. Rodriguez was guilty of false imprisonment, robbery, and auto theft only, and innocent on all other charges.**"

1. NOTE: Shawn was given 7 to life for kidnapping, and 25 to life for "conspiracy to commit murder," even though he did not himself commit those crimes, as the juror statements like the above sample attest to.

2. Another juror said, "We saw no proof that Shawn had anything to do with actually getting him in the cell. **There was no violence or menace on Shawn's part as far as we could see. At no time during the trial or during the deliberations did I feel that Shawn was deserving of life in prison.** I just don't feel that this 'go for the throat' attitude on the part of the District Attorney was appropriate in this case. I do not believe that Shawn Rodriguez is a cold-blooded killer, and I do not believe he is deserving of this punishment, one that is usually given to those who are."

3. Another juror said, "It was my conclusion that Shawn did not want to kill Nicholas...I do not feel that life in prison is fair at all....I felt tricked into he decisions by the prosecution...It is my intent for the court to reconsider the sentence for this young man. **I beg the court to reconsider the sentence...**"

4. Another juror said, "No, I do not feel it is a fair punishment....it seems very harsh given that **I do not believe he intended to kill him....I don't believe Shawn was part of a plan to entrap the victim.**"

3. **Victim's Recantation Letters:** Multiple letters in which the victim, years after the trial, recants his courtroom testimony and admits to committing perjury. **When even the only victim is trying to get relief to Shawn...doesn't that tell you something?**

What you can see is that Shawn was convicted of kidnapping and conspiracy to commit murder because jurors were told the law required them to vote Shawn guilty of Anna's crimes because he agreed to the robbery with her.

These elements not only cast significant doubt on the original conviction but also raise serious concerns about the fairness and integrity of the trial process. Has the court ever considered the elements highlighted in this slide deck? Why has feedback from the jury never been given the appropriate attention it merits? Now is the time. Given the gravity of this information, I respectfully request that your office take a closer look at Shawn's case with these considerations in mind.

I deeply appreciate the dedication of your office to upholding justice, and I trust that you will find this additional evidence compelling. It is my hope that this material will contribute to a fair and just resolution in Shawn's case.

Shawn was incarcerated as a 19-year-old, orphaned, homeless teenage boy. He is now a 41-year-old man, having spent more than half of his life incarcerated, most of that time for crimes he did not himself commit. **Please help.**

Of course, please feel free to contact me directly if you require any further information or clarification. I am fully committed to assisting in any way necessary to ensure that justice is served.

Thank you for your attention to this matter. I look forward to your favorable consideration of the enclosed materials.

Sincerely,



Dr. Angela Cotellessa

P.S. I fully understand that you must decide what you know to be right in your conscience, but I would like to draw your attention to the public sentiment surrounding this case, as it may be worth considering the perspectives of the community.

#### YouTube:

You might be interested in observing some of the discussions happening online regarding Shawn's case. One significant example is Sherrilyn Dale's YouTube channel, where she conducted an exhaustive review of Shawn's case. Her video, titled "Sentenced 25 to Life but the Victim Admitted to Perjury...", currently has over 31,000 views. I encourage you to watch the video and, importantly, to read the hundreds of comments from viewers. The public outcry in support of Shawn, and the overwhelming desire for his freedom, is palpable. Comments include statements like:

- "What a horrible case. It should be overturned."
- "That is crazy that Shawn is still being punished for something that Anna did!"
- "This is such a frustrating one! I don't think he should've received such severe charges or sentence. More than Anna?!"
- "Just reading the title video, if the victim lied he should at very least get a new trial."

#### Change.org:

Additionally, a petition on Change.org has garnered numerous comments from people expressing their concerns about the injustices Shawn continues to face. Here are a few examples:

- **Wendy Lemus:** "The reason I am signing this petition is because he was only 19 when this crime happened in Auburn, CA. The person involved was already a sex offender, and after Shawn was convicted, the Plaintiff went and molested two other children. His co-defendant got off with a slap on the wrist even though one of the defendants was the plaintiff's girlfriend, and she was the mastermind. I understand that we have the penal system for a reason, but I feel Shawn paid for his crime a long time ago when he was a very young man. He is very intelligent and a good human being. He always has a smile on his face and is a very positive person."
- **Rosemary Roblin:** "Shawn clearly has the ability and desire to benefit his community once released. At no point was he ever a violent or dangerous offender, yet he is serving a sentence that far surpasses the crime committed. This is not justice."
- **Laura Geyman:** "The justice system is holding an innocent man. He deserves freedom and to be in society."
- **Jessica Marohn:** "The punishment doesn't fit the crime, and he deserves to be given a chance to contribute to society."
- **Lisa Fosker:** "He saved the man. He was obviously scared of the girl who wanted to murder Nick. He got a life sentence when he committed no murder. This is a disgrace. Free Shawn! I truly believe after watching Sherrilyn Dale's podcast where she gave all the details. Peer pressure is real but he was smart and saved the man. He admitted what he was guilty for, which was taking the \$40 and taking the car. He deserves to be freed. He has served more time than his crime."
- **Marc Nathaniel Agcaoli:** "This is such a travesty of justice."

These are just a few of the hundreds of comments expressing the public's concern and support for Shawn's release from prison. The overwhelming sentiment is that justice has not been served, and that Shawn deserves to be freed.

**Good Morning America:** One last thing, just as a courtesy so you are aware: Shawn's case is getting more and more podcast and social media coverage, and I'm currently in discussions with Good Morning America for their possible coverage of his case. I don't want you to be surprised when this starts getting national coverage, so wanted to let you know that Placer County may be in the limelight even more in the future since this case involves a severe injustice that has not yet been resolved. I hope you will do the right thing and **Help Free Shawn Rodriguez** sooner rather than later. Thank you very much for your time.



# Shawn Rodriguez: Victim of Placer County's Repeated Failures

- **Judicial Misconduct &/or Errors:**
  - Judge Frances Kearney did not allow in relevant evidence that Anna had framed Shawn before, which Anna had also done in the instant case. Kearney said it was not relevant, when it obviously was.
  - Judge Frances Kearney did not take seriously the juror misconduct by the Jury Foreman which surely influenced the outcome of the trial; another juror even said two jurors could not be reasoned with and wanted guilty on all charges without deliberation. Clearly, some jurors were not able to be objective and neutral.
  - Judge Mark S. Curry in 2016 decided that perjury by the only victim about claims that he was nearly drowned was acceptable in Shawn's trial, thus denying Shawn's Constitutional right to a fair trial.
  - In 2022, Judge Jeffrey Penney ruled that the Natural and Probable Consequences Doctrine could still be applied to hold Shawn accountable for Anna's intent to kill her boyfriend, even though Shawn himself had no intent and repeatedly undermined hers. Given changes to California law, it's clear that legislature had intended for culpability for crimes to be based solely on one's own intentions and actions, not someone else's. Shawn is being punished for another person's intentions and actions. By ignoring the intent behind the law and strictly adhering to outdated legal technicalities, this decision marks yet another grave injustice by Placer County.



# Shawn Rodriguez: Victim of Placer County's Repeated Failures

- **Prosecutorial Misconduct:**
  - William Marchi's misconduct includes multiple instances of unethical behavior that directly impacted Shawn's case. As a prosecutor, Marchi engaged in deliberate manipulation of evidence, suppressing exculpatory information that could have proven Shawn's innocence for the kidnapping and conspiracy to commit murder charges. Marchi coerced a key eyewitness, Erin Hughes, into silence, by threatening to charge her with crimes if she spoke. Marchi used misleading narratives based on lies, silenced Nicholas Hamman from speaking the truth in court by telling him to "SHUT UP!!!" and presented false or exaggerated claims to the court to secure a conviction.
  - Marchi's actions violated legal and ethical standards, prioritizing a conviction over the truth, and contributed to Shawn's wrongful conviction for crimes he did not commit.



# Shawn Rodriguez: Victim of Placer County's Repeated Failures

- **Changed Laws Ignored:**
  - New California laws (SB 1437 and SB 775) that could overturn Shawn's wrongful conviction were dismissed by the county, leaving him to languish in prison despite legal changes in his favor which should apply to his case if the spirit of the law were honored.
- **Wrongful Conviction:**
  - Shawn Rodriguez was convicted of crimes he did not commit under false pretenses, faulty charges, and a blatant disregard for justice.
  - Placer County failed to address numerous legal appeals, corrections, and requests for review over the years.
- **Placer County's Continued Negligence:**
  - Despite repeated efforts to correct these wrongs, Placer County refuses to uphold its duty of integrity, fairness, and law.
  - Now, these failures are being reported to higher government bodies for review and correction. This flagrant lack of ethics and accountability undermines the very Constitution Placer County is sworn to protect.





# Shawn Rodriguez: Victim of Placer County's Repeated Failures

- **Juror Foreman Misconduct:**
  - Jury Foreman Bob Stefun did not disclose that he came from a law enforcement family, and pressured other jurors to vote guilty on all counts without deliberation. He should never have been allowed on the jury, and once this came to light, Shawn should have been offered a re-trial.
- **Juror Advocacy for Shawn's Relief:**
  - After trial, five separate jurors sent statements to Placer County courts stating that they believed Shawn deserved relief, yet no action was taken to remedy their mishandling of his case.
  - In recent times, Juror Louise Daggett affirmed that she would change her vote had she known the only victim committed perjury; Judge Curry had said if he knew one juror would change their mind, maybe he'd reconsider his judgment. That never happened despite evidence of Louise Daggett's statement to Placer County officials, repeatedly, including from Louise Daggett herself directly to the County.



# What Justice Looks Like Now

- **Request for Full Exoneration:**
  - Shawn should be exonerated for the kidnapping and conspiracy to commit murder charges, for which he is factually innocent, as the trial transcript and post-trial juror statements clearly show.
- **Resentencing Based on Actual Crimes:**
  - Resentencing should be based solely on the crimes Shawn actually committed, such as aiding and abetting a robbery and auto theft. At most, Shawn deserved 3-5 years for his involvement in these crimes, which pales in comparison to the 21+ years he has already served.
- **Holding Placer County Accountable:**
  - It is essential that higher authorities review this case, hold Placer County accountable for their prosecutorial and judicial misconduct, and provide Shawn with the relief he deserves. We are seeking intervention from the listed organizations to ensure that justice is served.



# Contact Information



Help Free Shawn Rodriguez Campaign  
6200 Rolling Road, #523142  
Springfield, VA 22152  
[www.helpfreeshawn.com](http://www.helpfreeshawn.com)

