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Shawn Rodriguez Case: Jurors Were Instructed to Find Shawn Guilty of Crimes Anna Committed (Kidnapping, Conspiracy to Murder) Because He Agreed to The Lesser Crime of Robbery

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IF SHAWN WERE PUT ON TRIAL TODAY, HE COULD NOT BE FOUND GUILTY OF CRIMES FOR WHICH HE IS FACTUALLY INNOCENT

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# JURY INSTRUCTIONS

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THE FOLLOWING SLIDES CONTAIN DIRECT QUOTES FROM THE REPORTER'S TRANSCRIPTS AND CLERK'S TRANSCRIPTS FROM SHAWN'S 2003 TRIAL. THESE EXCERPTS EXPLAIN THE INSTRUCTIONS GIVEN TO THE JURORS, WHICH DICTATED THAT THEY MUST FIND SHAWN GUILTY OF THE CRIMES COMMITTED BY ANNA. THIS WAS BECAUSE, ALTHOUGH SHAWN DID NOT COMMIT THESE CRIMES HIMSELF, HE KNOWINGLY PARTICIPATED IN THE ROBBERY WITH ANNA, MAKING HIM CULPABLE FOR HER OTHER CRIMES. THIS PRACTICE IS NOW EXPRESSLY FORBIDDEN BY LAW.

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

RT 663 Line 2 – 6: “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.”

RT 663 Line 24 – 28: “Probable means likely to happen. You are not required to unanimously agree as to which originally contemplated crime the defendant aided and abetted so long as you are satisfied beyond a reasonable doubt and unanimously agree that the defendant aided and abetted the commission of an identified and defined (RT 664 Line 1-5) target crime, and that the remaining crimes were a natural and probable consequence of the commission of that target crime.”

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.

Probable means likely to happen. You are not required to unanimously agree as to which originally contemplated crime the defendant aided and abetted so long as you are satisfied beyond a reasonable doubt and unanimously agree that the defendant aided and abetted the commission of an identified and defined<sup>66</sup> target crime, and that the remaining crimes were a natural and probable consequence of the commission of that target crime.

# 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 and 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.



## 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.

# 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.

# 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"

in any way, you're just as guilty.

you help them

both principals, and they're both equally guilty.

They're

# 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.

# 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.

# Jury Instructions (Continued)

Reporters Transcript page 663, lines 2 – 6: “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 crimes committed by a principal in which a natural and probable consequence of the crimes originally aided and abetted.”

Lines 24 – 28: “Probable means likely to happen. You are not required to unanimously agree as to which originally contemplated crime the defendant aided and abetted so long as you are satisfied beyond a reasonable doubt and unanimously agree that the defendant aided and abetted the commission of an identified and defined”

Reporters Transcript Page 664, Lines 1 – 2: “...target crime, and that the remaining crimes were a natural and probable consequence of the commission of that target crime.”

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.

Probable means likely to happen. You are not required to unanimously agree as to which originally contemplated crime the defendant aided and abetted so long as you are satisfied beyond a reasonable doubt and unanimously agree that the defendant aided and abetted the commission of an identified and defined target crime, and that the remaining crimes were a natural and probable consequence of the commission of that target crime.



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## 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 deserves prison time for crimes he himself committed, not the crimes of someone else.

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# Juror Statements

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Five of the twelve jurors filled out a questionnaire after the trial;  
their comments are provided herein for review



# Juror Statement #1 CT 371 - 372 B

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.."

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

NO

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 RECEIVING CLARIFICATION ON THE QUESTION OF KIDNAPING AFTER KIDNAPING WE WENT THE OTHER WAY BECAUSE IT WAS AFTER MR. HAMMAN WAS CONFINED, THAT MR. RODRIGUEZ TOOK HIS JETSKI

# Juror Statement #1 CT 371 - 372 B

Do you have any regrets regarding your decision in this case? "Yes, **punishment is too 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 should spend no more than a year of confinement."

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

YES, PUNISHMENT IS TOO SEVERE

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

SHOULD SPEND NO MORE THAN A YEAR IN CONFINEMENT. (Should Spend No More Than A year in Confinement)

000372

# Juror Statement #1 CT 371 - 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. 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."

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

I PERSONALLY THOUGHT MR RODRIGUEZ WAS GUILTY OF, FALSE IMPRISONMENT, ROBBERY AND AUTOTHEFT ONLY AND INNOCENT ON ALL OTHER CHARGES

## Juror #2 Statements CT 374 - 376

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

“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.”

Rodriguez’s intent to kill Hamman.

I concluded that it was not Shawn

we all agreed that Shawn took an active part in extorting, robbing, and falsely imprisoning Nick Hamman.

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. but we saw no proof

## Juror #2 Statements CT 374 - 376

**“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...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.”

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 it came to the instructions and the definitions regarding this charge.

Yes, as I said in the previous answer, I am not as certain of my understanding of the instructions to 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.

# Juror #2 Statements

## CT 374 - 376

"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."**

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

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.

# Juror #3 Statements

## CT 377-378 B

"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."

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

"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."

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. 0003

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

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

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

# Juror #3 Statements

## CT 377-378 B

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.**

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 w/ Anna & even making it seem like he was going to kill Nicholas (whether or not his final 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 w/ 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.

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# Juror #3

## Statements

### CT 377-378 B

“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.”

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.

# Juror #4

## Statements

### CT 378 - 379

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.”

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.”

*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?*

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.

*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.

# Juror #5

## Statements

### CT 378 - 379

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."

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

No

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

# Juror #5

## Statements

### CT 378 - 379

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."

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 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 him.*

A background image showing a group of people from the chest up, with their hands raised in a gesture of agreement or voting. The image is slightly blurred and has a dark, muted color palette. The text "Analysis of the Jury" is overlaid in white, serif font.

# Analysis of the Jury

# Jury Feedback

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- 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.”





# Jurors Did Not Believe Shawn Deserved the Kidnapping Charge

Shawn did not know Anna would entrap Nick and was not physically present when it happened. Erin's interview confirmed this.

Jurors knew Shawn did not participate in a kidnapping. Yet, Shawn still received a 7 to life sentence for Anna's kidnapping, due to the Natural & Probable Consequences Doctrine.

Shawn's factual innocence of kidnapping is undisputed by jurors.

The now illegal Natural and Probable Consequences Doctrine is the only reason Shawn was found guilty of a crime for which he is factually innocent.

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

"We saw no proof that Shawn had anything to do with actually getting him in the cell."

"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 don't believe Shawn was part of a plan to entrap the victim that weekend."

# Jurors Confessed to Being Confused

Many jurors admit to being very confused and regretful for how the trial turned out.

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“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.”

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

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“I felt tricked into the decisions by the prosecution.”

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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.”

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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.”

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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.”

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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 don’t believe so.”



What did the jurors think?

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

When asked in their post-trial surveys very explicitly if they believed Shawn had intent to kill, not a single juror answered “yes” or in the affirmative.

Some of their responses are included on this slide.

Note: To legally find someone guilty of “conspiracy to commit murder,” a requirement for that finding is **intent** to kill. Given Shawn had **no** intent to kill and all the jurors knew that, he himself does not meet the criteria to be found guilty of that charge.

The only reason he was made to be guilty was by transferring Anna’s intent to Shawn through use of the Natural and Probable Consequences Doctrine—a now illegal practice.

“No”

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

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

“No”

# A Recent 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.

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# LEGAL CONSIDERATIONS

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THE FOLLOWING SLIDES CONTAIN LEGAL CONSIDERATIONS

# Is Murder a Natural and Probable Consequence of Robbery? No!

While SB 1437 and related case law primarily address murder charges, the implications for conspiracy to commit murder are clear:

**The natural and probable consequences doctrine cannot be used to transfer liability for conspiracy to commit murder unless the person directly participated with the specific intent required for the crime.**

Due to law changes in California, the natural and probable consequences doctrine can no longer be used to transfer liability for conspiracy to commit murder from one person to another unless the person had the specific intent to kill or was a major participant who acted with reckless indifference to human life. This represents a significant shift in how liability is determined, ensuring that individuals are only held accountable for their direct actions and intent.

# Is Kidnapping a Natural and Probable Consequence of Robbery?

## No! (continued)

The principles established by SB 1437 and subsequent case law (e.g., *People v. Chiu*) emphasize the need for a direct connection between the defendant's intent and the crime committed, limiting expansive use of the NPC doctrine.

Shawn is factually innocent of kidnapping, meaning he did not participate in or intend the kidnapping. Kidnapping is not a natural and probable consequence of the robbery they committed. How could kidnapping be a "natural and probable consequence" of a robbery, when the kidnapping/entrapment occurred BEFORE the robbery?

The trial transcript clearly shows Anna conducted the kidnapping alone; this was a separate act carried out independently by Anna. Shawn did not know the kidnapping would occur and was not physically present when Anna entraps Nick. Shawn is factually innocent of kidnapping as written-juror statements prove (see slides numbers 13-24).

Kidnapping is not a natural and probable consequence of the robbery. Shawn had no intent or participation in kidnapping.

While the NPC doctrine can theoretically transfer liability for additional crimes committed during a robbery, its application is limited by the requirement that such crimes be natural and probable consequences of the initial offense. Since the kidnapping was an independent act by Anna Rugg, the kidnapping charges Shawn was given should be exonerated given his factual innocence which jurors have attested to.

# Pathway to Exoneration: Proving Factual Innocence

In re Lawley (2008):

The California Supreme Court has held that when a petitioner presents clear and convincing evidence of actual innocence, they are entitled to relief. This can include the vacating of a conviction and potentially a declaration of factual innocence.

California courts are required to provide relief to petitioners who can prove factual innocence. Legal provisions such as Penal Code Sections 1473.7 and 1485.55 mandate that courts vacate convictions and declare factual innocence when petitioners present clear and convincing evidence of their innocence. This ensures that individuals who were wrongfully convicted have a pathway to justice and exoneration.

A photograph of the Placer County Courthouse at dusk. The building features a prominent central dome with a cupola, surrounded by classical columns. An American flag flies on a tall pole to the left. The sky is filled with soft, colorful clouds in shades of orange, pink, and purple. In the foreground, a sign for the Placer County Museum and Superior Courts is partially visible on the right.

# What is the definition of “wrongful conviction?”

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A conviction of a person for a crime that he or she did not commit.

Shawn did not commit kidnapping, nor did he conspire to actually murder. He deserves to be resentenced for what he himself is actually guilty of and exonerated for crimes for which he is innocent.

Jurors were instructed that anything Anna did they have to find Shawn guilty of even though he repeatedly acted to protect Nick Hamman.

***Yet Shawn got more than 3 times the sentence of Anna.***

# A Call for Justice and Fairness

We respectfully urge Placer County authorities to re-evaluate Shawn Rodriguez's case.

At 19 years old, Shawn, a homeless and orphaned teenage boy, was found guilty of crimes he did not commit (kidnapping and conspiracy to commit murder) because of his association and participation to commit robbery with another person. The jury instructions mandated his guilt for actions he did not directly partake in.

Shawn is now 41 and has spent more than 21 years in prison. We ask Placer County to provide the justice that Shawn deserves by resentencing him or re-evaluating his case to ensure he is only held accountable for the crimes he himself committed. It is time to correct this long-standing injustice and allow Shawn to move forward with his life.

Thank you for considering our request to make things right.



# Perjury and Its Impact on the Verdict

Nick Hamman's testimony at trial was a cornerstone of the prosecution's case, influencing the jury's decision to convict. However, Hamman has since repeatedly recanted his statements, admitting that his testimony was false. He led jurors to believe he was near drowning when this was a lie. This revelation is critical, as it undermines the integrity of the trial and raises serious concerns about the fairness of the verdict. The jurors based their decisions on perjured testimony which contributed to this unjust outcome. Included here are some of Hamman's recantation letters, which detail his admission of perjury, calling into question the legitimacy of the conviction and the need for thorough judicial review.

# 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."

"Maybe you didn't understand but I perjured myself in the Anna Rugg and Shawn Rodriguez cases."

"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..."

Wrote, 4-15-2015  
Mailed: 2-12-2015  
62-81543  
Mr. D. A. 3A-0316  
Phonoch 10  
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 #002316 D.O.B. 10-2-1982  
Sentenced to 15 to Life #N12-3-2003 currently  
Housed at C.I. w. #A Three other one was Shawn  
M. Rodriguez #V18387 D.O.B. 8-30-1983 senten-  
ced to 25 to Life #N12-8-2003 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 the legs  
they had stuffed under the door + it went through  
the water that is,  
Sworn to be True under Penalty of Perjury.  
Signature: Mr. Nicholas W. Hamman #J98016  
Print Name: Mr. Nicholas W. Hamman #J98016  
RECEIVED  
FEB 22 2015  
A-4-209  
Housing and Cell  
Superior Court of California  
County of Placer

Mr. Hamman  
NAME: Maybe you didn't understand,  
But I Perjured myself in the ANNA RUGG  
and Shawn Rodriguez cases.  
Shawn Rodriguez case #045890  
ANNA RUGG case #002316  
In the original trial I Perjured myself  
2 times and in ANNA's trial and once  
in Shawn's trial.  
That's why I need the names of the ADDRESSES  
of the Judge and the Prosecutor so I can  
let them know.  
Also I'm the Victim in the case.  
Sworn to be True under Penalty of Perjury.  
Signed: Mr. Nicholas W. Hamman #J98016  
Printed: Mr. Nicholas W. Hamman #J98016  
A-4-209  
Housing + Cell  
Also me and some of the guys are going on a

Wrote, 4-20-2015  
Mailed: 4-20-2015  
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 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 her to much over it + it's totally  
about a conspiracy + there is no one  
in the one who lied.  
Sincerely,  
Nick Hamman  
Don't see Nicholas

# **The Path to Justice: Reassessing the Verdict and Exonerating Shawn for Crimes He Did NOT Commit**

The Integrity of a fair trial is fundamental to justice, yet in this case, multiple factors have come to light that prove this verdict was unjust. Jurors were influenced by instructions that could not be used today given the Natural & Probable Consequences Doctrine has been modified by legislative changes. Jurors admit to being confused by instructions, and disturbed with the sentence Shawn was given which none of them felt was fair. Nick Hamman's perjury confessions are material in nature given he lied about being near drowning; such a recantation from the only victim justifies at a minimum, a retrial. Together, these elements underscore a miscarriage of justice that demands immediate reexamination. It is imperative that this case be reopened to ensure that the truth prevails and that justice is served.



**HELP FREE**  
**SHAWN RODRIGUEZ**

## CONTACT US:

Acotellessa@gwmail.gwu.edu

<https://helpfreeshawn.com/>

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Petition · Secure the Release and Exoneration of Shawn Rodriguez,  
Wrongfully Imprisoned for Over 20 Years · Change.org