



# Shawn Rodriguez: Imprisoned for Life as a 19-Year-Old Teenager, Rooted in Laws That Have Long Been Overturned

---

A PLEA FROM CONCERNED CITIZENS TO RESENTENCE  
AND RELEASE SHAWN RODRIGUEZ FROM PRISON

LED BY DR. ANGELA MEYERS COTELLESA

# Key Issues

---

---

## **CONSPIRACY TO COMMIT MURDER CHARGES SHOULD BE OVERTURNED**

Shawn was sentenced for conspiracy to commit murder. He was given the same sentence for actual murder (25 years to life), although there was no murder committed whatsoever.

He was found guilty of a crime he himself did not meet the criteria for because jurors were told they must find him guilty based on the Natural & Probable Consequences Doctrine, which is now illegal.

He was given responsibility for someone else's intent he didn't have and actively undermined, and was given culpability for someone else's actions he sabotaged.

---

## **KIDNAPPING CHARGES SHOULD BE OVERTURNED**

Shawn was sentenced for kidnapping/entrapment (7 years to life). He was not involved or present when the entrapment occurred and had no foreknowledge it would take place.

Jurors were told they must find Shawn guilty for Anna Rugg's crimes based on the Natural & Probable Consequences Doctrine, which is now illegal.

---

## **SHAWN IS ELIGIBLE FOR RESENTENCING UNDER CURRENT LAWS**

Under current laws, Shawn would have been free over a decade ago.

Shawn should be resentenced and released.

# The Essentials of the Shawn Rodriguez Case

---

Anna Rugg manipulated Shawn to accompany her to rob her boyfriend. Nick Hamman, who was Anna's boyfriend at the time.

---

No one was physically harmed. No one was kidnapped. No one was murdered.

---

Nick later repeatedly confessed to perjury during the trial.

Juror Louise Daggett was contacted in 2022, and affirmed had she known Hamman lied at trial, she would have changed her votes.

---

It should be noted Anna had a history of framing the people around her (always males) for her crimes.

There was a church robbery prior to this case, and Anna told Police it was done by Shawn, despite multiple eyewitnesses confirming Shawn was not there. Shawn was not charged with the church robbery. This information was not allowed in at trial.

---

The laws which allowed Shawn to be found guilty of Kidnapping and Conspiracy to Commit Murder – namely, the “Natural and Probable Consequences Doctrine” are no longer valid due to law changes in recent years. California has passed a series of laws allowing/requiring Judges and District Attorneys to resentence those who were made culpable for others' crimes under the Natural & Probable Consequences Doctrine.

# Who Is Shawn Rodriguez?

---



Until the age of 10, Shawn was raised by a single, poverty-stricken, neglectful, abusive, drug-addicted mother. Shawn's father was uninvolved.

At age 10, Shawn was removed from his home, by the State of California, and placed into foster care. Shawn continued to live in an abusive situation.

At age 18, Shawn was released by the California Youth Authority, with nowhere to live, no means of support, no training or qualifications for jobs and no money.

At age 19, Shawn met another homeless teen, Anna Rugg. Anna let Shawn know about a church where they could stay.

With threats of violence, extreme intimidation and armed with a deadly weapon, Anna coerced Shawn into her crimes.



# Help Free Shawn: A Team Led by Dr. Angela Meyers Cotellessa

Intern for California Governor Gray Davis  
(1999)

White House Intern (2005)

Spent nearly 15 years working in  
government (2007 – 2021), including at the  
Executive Office of the President, under  
Presidents Bush and Obama.

Doctorate in Human & Organizational  
Learning from George Washington  
University; Scholar, Academic. Researcher.  
Speaker, Author

After graduating with her doctorate, Dr.  
Cotellessa extended her research in a  
prison setting. That is how she met Shawn  
Rodriguez.

Dr. Cotellessa is working with a team of  
concerned citizens, known as the *Help Free  
Shawn Rodriguez Campaign*.



# The Crime: When, Where and Who

---



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

## **MAIN CHARACTERS:**

- 19-year-old Anna Rugg
- 39-year-old Nick Hamman, Anna's boyfriend at the time.
- 19-year-old Shawn Rodriguez
- 30-year-old Erin Hughes, Shawn's girlfriend at the time



Search Type: Name: nicholas hamman Postable Offenders: 1 Show Map Show

Photo	Name	Offender Profile	Violation	SVP
	HAMMAN, NICHOLAS W More Info	<b>HAMMAN, NICHOLAS W</b>  <b>Known Aliases</b> <ul style="list-style-type: none"><li>• HAMMAN, NICHOLA</li><li>• HAMMAN, NICHOLA</li><li>• HAMMAN, NICHILAS</li><li>• HAMMON, NICHOLA</li><li>• HAMMON, NICHOLA</li><li>• HAMMAN, NICOLAS</li><li>• HAMAN, NICHOLAS</li><li>• HAMAN, NICHOLAS</li><li>• HAMMAN, NICKLAU</li><li>• WILLIAM, HAMMAN</li><li>• HAMMAN, NICHOLA</li></ul> <b>Description</b> <b>Date Of Birth:</b> <b>Sex:</b> <b>Height:</b> <b>Weight:</b> <b>Eye Color:</b> <b>Hair Color:</b> <b>Ethnicity:</b>		

If you believe a crime has been committed, please contact your local law enforcement agency.

# Nicholas Hamman: “Anna was the Mastermind.”

- Nick's Statement: “Anna Rugg was the Mastermind, not Shawn” (made to attorney Marc Norton on July 31, 2022 from Sacramento County Jail).
- When Anna told Shawn she wanted to rob Nick and she wanted Shawn to be “around” to help protect her, Shawn agreed to be there and participated in robbing Nick.
- Shawn was not aware and did not agree or participate in any kidnapping or any attempted murder/conspiracy to commit murder.
- Anna had a well documented history of trying to get young MALES to be around while she committed a crime. If police showed up and caught her, she could blame the male and claim innocence.
- Many young men came forward with reports that Anna had tried to frame them for her crimes. This evidence was not allowed in trial.
- Hamman had no physical injuries.
- Hamman has repeatedly confessed to the crime of perjury he committed during Shawn Rodriguez’ trial.

# Anna Entrapped Nick By Herself

---

- Anna and Nick went to an abandoned juvenile hall in Auburn, CA. Shawn and his girlfriend, Erin, arrived.
- Shawn believed they had gone there to leave their bags somewhere for the day, since they were homeless.
- Erin and Shawn were walking around the building. Meanwhile, Anna tricked Nick into entering a room and trapped Nick.
- **Anna trapped Nick in a room, from which he could not escape.** Anna alone entrapped/kidnapped Nick Hamman.
- Shawn received a 7 year to life sentence for kidnapping, despite no advanced knowledge or agreement and despite not being physically present when it was done.
- Lastly, Shawn repeatedly tried to help Nick get out of the room.

# Nick Set Off Water on Himself

---



- Nick Hamman was stuck in a room, entrapped by Anna. Anna, Shawn, and Erin left the building. **Nick decided to set off a water sprinkler in the room.**
- The water escaped through the gap at the bottom of the door. The room was not watertight. We now know, at its highest, the water went up to approximately Nick's knees. There was a table in the room – the same table Nick used to stand on to set off the sprinklers – which he could sit or stand on to escape the water.
- **At trial, Nick lied and said the water got up to his neck, implying he was close to complete drowning.** Nick later confessed to lying at least four separate times in writing to Placer County, CA authorities. Shawn continues to languish in prison due to Hamman's lies.
- It has been 8 years since Nick wrote his recantation letters to Placer County authorities.

## Shawn's Repeated Actions to Protect Nick Hamman

---

Once Nick was trapped in the room, Anna tried to convince Shawn that they should push Nick off the Forresthill Bridge. Terrified, Shawn refused.

---

Anna then tried to convince Shawn they should beat Nick to death with a pole wrapped in barbed wire. Shawn refused.

---

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 also tried to break the plexiglass in the room where Nick was. Nick affirmed this at trial.

---

Shawn also tried to remove the plexiglass by trying to unscrew it. The Crime Scene photos showed screws were missing.



# 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...”

W=WITH  
MUR.D.A. 3A-0346  
Phenochio  
Let me come right to the point.  
I Perjured myself in a Trial about Two  
Different Defendants, back in 2003; But I'm  
a christian Now IN your county,  
I was in Two Separate Trials Involving me as A  
Victim + ARNA Rugg #X02316 D.O.B. 10-2-1987  
Sentenced To 15 to Life on 12-3-2003 currently  
Housed at C.I. #1 EA. These other inmates  
M. Rodriguez #16387 D.O.B. 8-30-1989 sentenced  
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  
get up to my neck, it only got up to my lower  
part of my thighs + then, I was able to move the bars  
they had stuffed under the door + it went down,  
the water that is.  
SWORN To Be TRUE under Penalty of Perjury,  
#  
signature: Mr. Nicholas W. Harnemann #1616  
PRINT NAME: MR. Nicholas W. Harnemann #1616  
#  
RECEIVED  
FEB 23 2015  
Superior Court of California  
A-4 - 209  
HOUSTING and cell

1 my Hobbies  
2  
3 Name maybe you didn't understand.  
4  
5 But I Perjured myself in The ANNA RUGG  
6 and SHAWN RODRIGUEZ CASES.  
7 SHAWN RODRIGUEZ case # C045880  
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~~ The ADDRESS  
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

Mailed: 4-30-2015

Dear Sir

If you want to know what exactly I  
Perjured myself about. I suggest you  
have your lover come see me.  
I saw the Thier 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~~ thier appeals over all  
over  
I'm not doing anymore in a letter.  
So I suggest you have your lover come see me.  
the form you sent has too much on it + you talk  
about a ~~conspiracy~~, conspiracy + there is none  
In the one who lied

Yours truly,  
in Texas, Christ  
Love on, Nicholas

# Nick Hamman's Known Lies

---

Another one of Nick's very significant lies is Nick testified that Shawn kicked him into the cell. However, Erin Hughes' recorded interview with Detective Daniel Coe is available in Placer County records and will affirm that Shawn was with Erin in another part of the building when Anna trapped Nick in the room by herself. Anna's interview also corroborates this account. Shawn also states he was not there when Anna entrapped Nick. Many jurors state in their post-trial statements they did not believe Shawn was a part of any plans to entrap Nick and they did not believe Shawn was physically present during the actual entrapment of Nick.

Shawn was there for a robbery; but somehow Shawn received multiple life sentences for a kidnapping he did not know would occur and was not present for, and a conspiracy to commit murder he had no intent to do. Intent is required to find someone guilty of the crime of conspiracy to commit murder.

*Falsus in uno, falsus in omnibus* is a Latin maxim meaning "false in one thing, false in everything". It is the legal principle that a witness who testifies falsely about one matter is not credible to testify about any matter.

16 Q. Do you recall in your past instances with psychiatrists  
17 explaining to them that you've been diagnosed as a compulsive  
18 liar?  
19 A. I tell stories about my life.  
20 Q. Stories that aren't true?  
21 A. Yes.  
22 Q. Maybe grandiose stories to draw attention to yourself?  
23 A. Yes.  
24 MR. SERAFIN: No further questions.  
25 REDIRECT EXAMINATION  
26 Q. BY MR. MARCHI: Sir, calling your attention back again to  
27 March 15th when Anna Rugg asked you to come inside the juvenile  
28 hall. Did you consider her to be a friend of yours at that

308

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



# Anna Rugg's Modus Operandi: Lure Boys/Men to Her Crime Scene and If Caught, Frame Them for What She Did

---

Shawn told Anna he was not going to participate in any murder. Shortly thereafter, Anna wrote a note claiming Shawn had kidnapped her and Anna left this note in a gas station. Placer County knew Anna was lying and they never charged Shawn with kidnapping Anna. Anna was trying to frame Shawn for her crimes. Clearly, Anna is willing to state that other people are responsible for crimes that she committed. This is her modus operandi.

Anna was armed with a deadly weapon—a very large knife.

Anna began discussing plans to kill Shawn in addition to killing Nick. Anna made these statements in front of Erin, who was an eyewitness to many of the crimes that occurred. Erin was “scared into silence.”

Anna threatened to kill Erin if she told anyone what she did to Nick. Anna had given another teenager Drano and told him it was a safe drug he could ingest. Anna was ready to kill.

The next series of slides are examples of men Anna victimized.

# Anna Framed Shawn for Her Church Robbery

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 to go against Anna."

Reporter's Transcripts, pages 591 - 592

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

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

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

# More Examples of Anna's Victims

Clerk's transcript page 174, lines 9 – 16

Clerk's Transcripts page 175

Clerks Transcript, page 176, lines 2 – 10

Clerk's Transcripts, page 176, lines 11 – 24 and page 177, lines 1 - 2

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  
8 **1101(B) EVIDENCE OFFERED IN THE CURRENT CASE**  
9 1. Direct evidence through the testimony of Ian Grimes  
10 Ian is a juvenile who knows Anna from the streets. She has spent a lot of time around him and his  
11 friends as she is usually homeless. One week before our case, Anna broke into a local church. She  
12 stayed the night there and asked Ian and his friend Travis to help her steal some of the church  
13 belongings. Ian refused and left the scene. Anna was later arrested for the church theft. At that time  
14 she told the police that Ian Grimes knows the location of the missing items. The police then confronted  
15 Ian who explained to them that he had nothing to do with it.  
16  
17 2. Testimony of Travis Welby  
18 Travis was at the church with his friend Ian and Anna. While there, Ms. Rugg took pictures of both  
19 juvenile boys. She then asked them to remove property from the church. Travis refused and left the  
20 scene. Rugg then apparently stole the items herself because she asked Travis and Ian to pawn the  
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  
28

Placer County  
Public Defender  
1204 Sutter Avenue  
Auburn, CA 95602  
(530) 885-2422  
(530) 885-FAXX

8 000175

2 3. Testimony of Mitch Cypert  
3 Mitch is another young male who will testify to knowing Anna off and on for the last year. He has  
4 heard through mutual acquaintances of numerous instances of violence and theft involving Anna, so he  
5 was not shocked when she came to him asking for help. Anna was angry with her stepfather and  
6 wanted help robbing him. She suggested that Mitch and his friend Brian could hit him over the head  
7 with a shovel or some type of stick and she would split the money with them. She took them to  
8 Sacramento to carry out the crime. As the act grew nearer, Mitch backed out, and Anna stated he  
9 would regret it if he ever mentioned the incident.  
10  
11 4. Testimony from Austin Hands  
12 Austin knew Anna from his friend Eric Werve and some of the other juvenile's already mentioned. He  
13 explained a desire to have nothing to do with Anna Rugg. When asked why he and others still spent  
14 any time with her, he explained that she was always around, was manipulative, and people were scared  
15 of her. He describes her as very unstable. Prior to the instant case, Rugg asked Austin to help her rob  
16 Nick Hamman. She said it would be "quick and easy", but Hands refused. On another occasion, Anna  
17 was driving a stolen Uhaul. She asked Austin and Eric to go with her to rob the local radio shack. On  
18 a third occasion, Anna asked suggested to Austin the idea of robbing Cindy. Cindy was the trailer park  
19 manager where Austin and Eric lived. Cindy was very involved in drugs, and Anna suggested they  
20 could make a big score and then burn the trailer down. In September of last year, after many of these  
21 requests were denied, Anna offered Austin crank. Austin took the crank, but recognized something  
22 wrong with it. He recognized the substance as powdered draino, and later that night while searching  
23  
24  
25  
26  
27  
28

Placer County  
Public Defender  
1204 Sutter Avenue  
Auburn, CA 95602  
(530) 885-2422  
(530) 885-FAXX

9 000176

11 4. Testimony from Austin Hands  
12 Austin knew Anna from his friend Eric Werve and some of the other juvenile's already mentioned. He  
13 explained a desire to have nothing to do with Anna Rugg. When asked why he and others still spent  
14 any time with her, he explained that she was always around, was manipulative, and people were scared  
15 of her. He describes her as very unstable. Prior to the instant case, Rugg asked Austin to help her rob  
16 Nick Hamman. She said it would be "quick and easy", but Hands refused. On another occasion, Anna  
17 was driving a stolen Uhaul. She asked Austin and Eric to go with her to rob the local radio shack. On  
18 a third occasion, Anna asked suggested to Austin the idea of robbing Cindy. Cindy was the trailer park  
19 manager where Austin and Eric lived. Cindy was very involved in drugs, and Anna suggested they  
20 could make a big score and then burn the trailer down. In September of last year, after many of these  
21 requests were denied, Anna offered Austin crank. Austin took the crank, but recognized something  
22 wrong with it. He recognized the substance as powdered draino, and later that night while searching  
23  
24  
25  
26  
27  
28

Placer County  
Public Defender  
1204 Sutter Avenue  
Auburn, CA 95602  
(530) 885-2422  
(530) 885-FAXX

9 000176

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

# 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 Foresthill  
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

# Exonerating Evidence: 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.

# 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

# Exonerating Evidence: Shawn Tried to Break the Glass to Release Nick In the Room Anna Trapped Nick In

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?

# 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.”

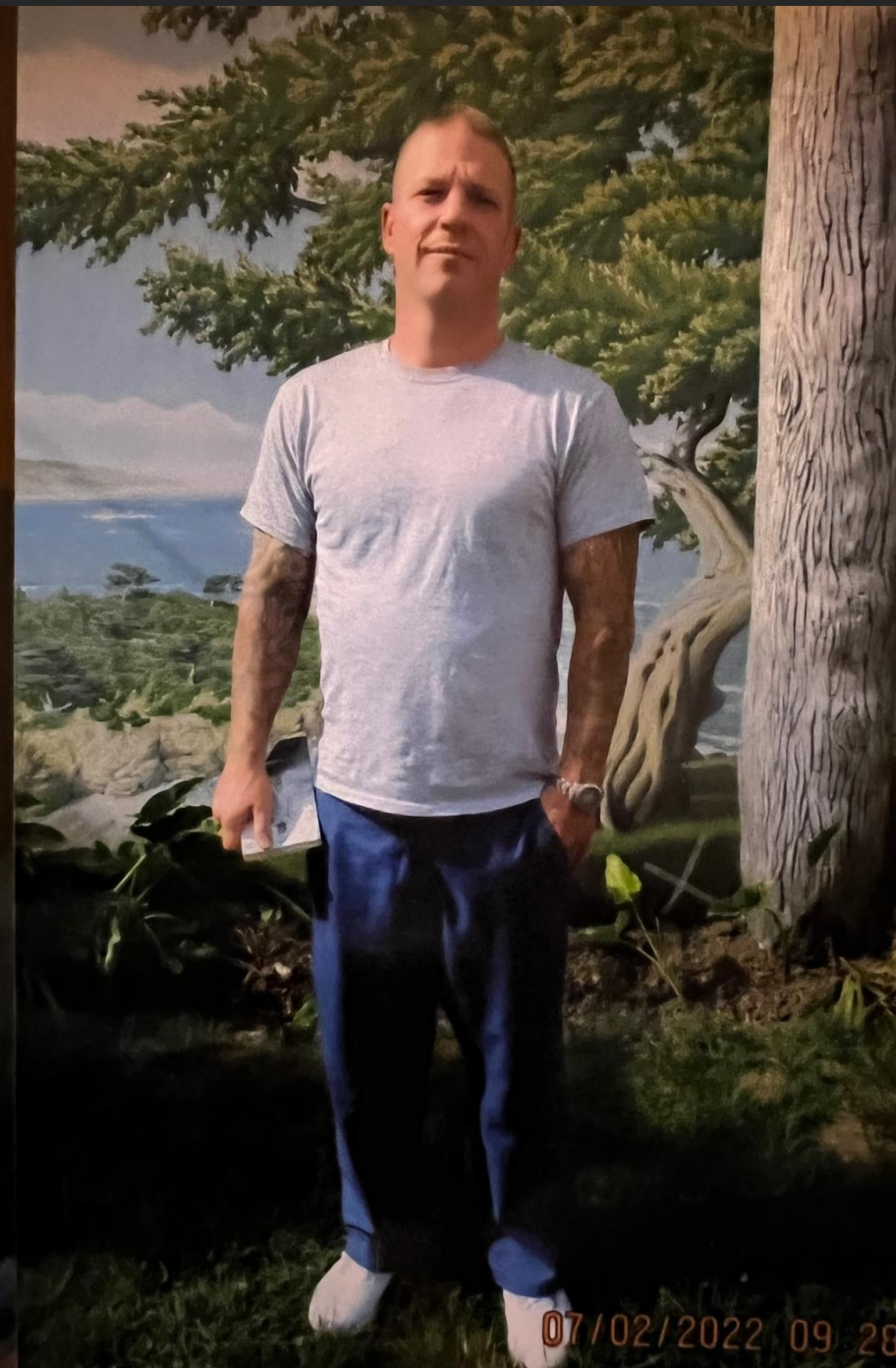
17 A. My first thought was to get the water off and get him out.  
18 Q. Why not just call the police?  
19 A. I think if I called the police and I was still in the  
20 state, it would not have been a violation. It would have been a  
21 super violation of my probation.  
22 Q. At that point you were 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



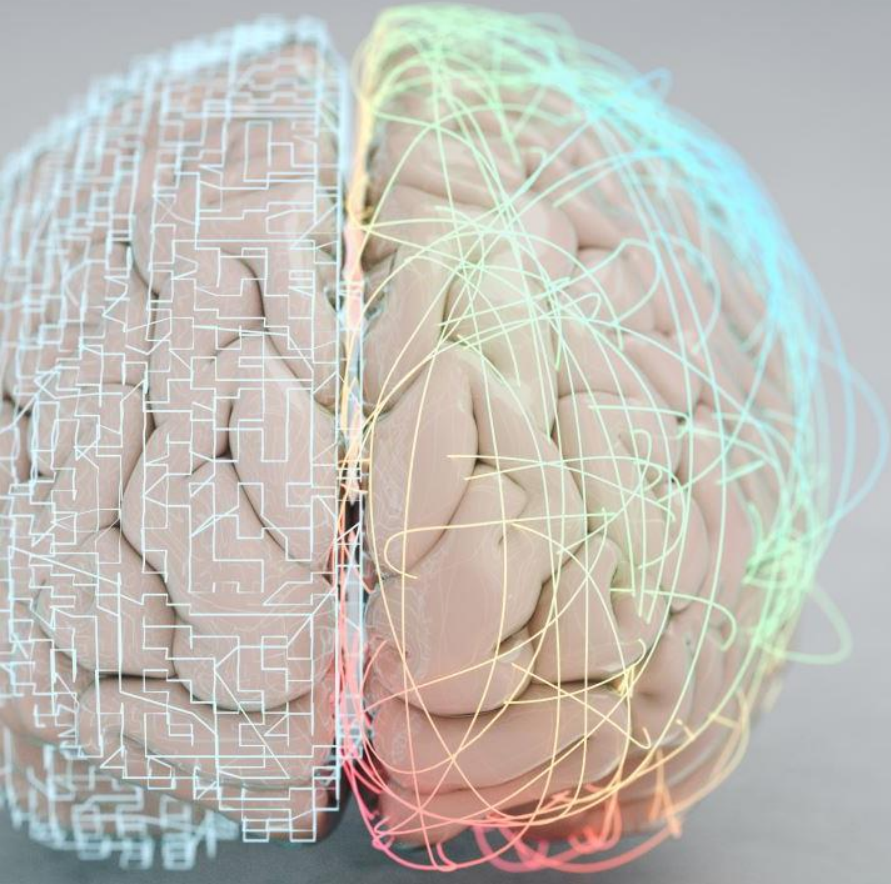


# Shawn Rodriguez Summary

- ❖ As a homeless, orphaned teenager, Shawn agreed to participate in a robbery—to survive.
- ❖ 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. Now the state offers continued support to wards of the state who age out of the foster care system.)
- ❖ Shawn never agreed to participate in any kidnapping or any murder-related crime and actively worked against Anna on these matters.
- ❖ Shawn did his best to help Nick. Anna was armed with a deadly weapon and had framed Shawn for her crimes in the past already. Shawn was terrified to upset Anna.
- ❖ Shawn was sent to prison for 25 years to life for intent to kill that he did not have.
- ❖ No one was murdered or physically injured.
- ❖ Nick repeatedly confessed to lying at trial.
- ❖ Shawn was given more than triple the prison sentence as Anna Rugg (the main perpetrator of the crime) received.
- ❖ Shawn was convicted as Anna's "aider and abettor" yet received a far harsher punishment.
- ❖ Anna has been eligible for parole since 2011. Shawn is not eligible to see the parole board until 2025. The indeterminate life sentences requiring Shawn to obtain parole board approval to leave prison are based entirely on the intentions and actions of Anna; otherwise, he would have received a determinate sentence.
- ❖ 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.

1983	Shawn is born
1991	Shawn becomes a ward of the state/an orphan
2003	Shawn was released by the State into homelessness. The crime occurred. Shawn thought it was only a robbery. Anna turned it into a kidnapping and attempted murder. Shawn repeatedly sabotaged Anna's efforts. Shawn receives 25 years to life sentence despite his repeated efforts to help Nick Hamman, who lied at trial.
2015	Nicholas Hamman writes a series of letters confessing to perjury during the 2003 trial.
2016	Shawn's legal efforts to obtain a retrial or a resentencing are denied by Placer County despite Nick's recantations. The perjured testimony stands, and Shawn's sentence remains the same.
2022	Shawn submitted a writ of habeus corpus to get a retrial or a resentencing given the "natural and probable consequences" doctrine which sent Shawn to prison have been made unlawful with the passage of Senate Bills 1437 and 775, and People v. Chiu. The petition was denied.
2023	AB 600 is passed, further encouraging County officials to resentence those who may have been over sentenced based on the intentions and actions of others. Hundreds of citizens show their support to Free Shawn by signing the change.org petition and following social media for the Help Free Shawn Rodriguez Campaign.

# The Timeline Summary



# What is a “youth offender” in California?

---

There is scientific evidence showing that parts of the brain involved in behavior control continue to mature through late adolescence, and that human brains only become fully mature when a person is in his or her mid-to-late 20s. Specifically, the area of the brain responsible for impulse control, understanding consequences, and other executive functions is not fully developed until that time.

In reviewing this scientific evidence, both the U.S. Supreme Court and the California Supreme Court have recognized that the younger a person is, the more susceptible he or she is to negative influences and outside pressures, including peer pressure. But as that person ages, maturity can lead to reflection that is the foundation for remorse, renewal, and rehabilitation. Therefore, the California Legislature has determined that, with few exceptions, offenders who commit crimes while under the age of 26 and who are sentenced to state prison are required to have a meaningful opportunity for parole during their natural life.

Shawn was 19 at the time of the crime. He is now 40 years old.



# From Gold Country Media Article

October 1, 2003

“Shawn Rodriguez may have falsely imprisoned and extorted money from a man at the closed juvenile hall in Auburn, but the 20-year-old is not guilty of kidnapping and attempted murder, his attorney argued Tuesday while the prosecution said Rodriguez left a man to die at the facility and should be convicted of the crimes.

Defense attorney Jesse Serafin said during closing arguments in the trial at the Historic Courthouse in Auburn that Rodriguez was a young man looking for a place his pregnant girlfriend could stay and got caught up in a crime not of his own making.”

om/news/12132/closing-arguments-presented-in-juvenile-hall-kidnapping-trial/

## Gold Country Media

NEWS SPORTS LIFESTYLE OPINION MULTIMEDIA OBITUARIES CLASSIFIEDS PUBLICATIONS CONTACT US

### Closing arguments presented in juvenile hall kidnapping trial



Ryan McCarthy Oct 01, 2003 11:00 AM

Journal Staff Writer

Shawn Rodriguez may have falsely imprisoned and extorted money from a man at the closed juvenile hall in Auburn, but the 20-year-old is not guilty of kidnapping and attempted murder, his attorney argued Tuesday while the prosecution said Rodriguez left a man to die at the facility and should be convicted of the crimes.

Defense attorney Jesse Serafin said during closing arguments in the trial at the Historic Courthouse in Auburn that Rodriguez was a young man looking for a place his pregnant girlfriend could stay and got caught up in a crime not of his own making.

“In their world,” Serafin said, “they don’t get to pick and choose their friends.”

The defendant in March went along with Anna Marie Rugg, 20, whom Serafin said was behind bringing four-time felon and convicted sex offender Nicholas Hammer, 40, to the juvenile hall. On his second Hammer was held at the facility.

# Erin Hughes: Intimidated Out of Speaking Openly at Trial

Witness to much of what occurred with Shawn, Anna, and Nick.

Scared out of testifying, Erin was told if she said too much, she would also be charged with all the same charges as Shawn was being charged.

As a result, Erin pled the fifth repeatedly during trial, and the truth of what had occurred remained hidden from jurors.

# Eyewitness Erin Hughes Afraid What Will Happen To Her if She Tells the Truth in Court

Erin: "I refuse to answer that."

William Marchi: "You're asserting the Fifth Amendment?"

Erin: "Yes."

This is one of many examples of Erin Hughes pleading the fifth while on the stand, and withholding her eyewitness testimony since Erin had been threatened by Marchi to be charged with crimes if she spoke too honestly or freely about what she witnessed.

2 A. (Nods head.)  
3 Q. You have to answer out loud.  
4 A. Yes.  
5 Q. (Reading)  
6 "But all I know is -- all I know is, um,  
7 the next day, that the next morning, um,  
8 we went, um, Shawn, um, no. Actually,  
9 we didn't go. We were in the motel  
10 room, and we were looking for Nick.  
11 Nick came by, and then he had a friend  
12 in the car."  
13 (End of reading.)  
14 Do you remember making that statement?  
15 A. Yes.  
16 Q. In fact, what you told Detective Coe was that there was a  
17 discussion in the motel room between Shawn Rodriguez and Anna,  
18 about locking Mr. Hamman up in the hall the next day to take his  
19 car; right?  
20 (Attorney-client conference.)  
21 A. I refuse to answer that.  
22 Q. You're asserting the Fifth Amendment?  
23 A. Yes.  
24 Q. All right. And knowing that, you actually went over to  
25 the hall the next day with Mr. Hamman, Shawn Rodriguez, Anna  
26 Rugg and yourself; didn't you?  
27 MR. SERAFIN: Objection as to knowing what? Knowing the  
28 things she just refused to answer?

532

# More Examples of Erin Pleading the Fifth; Jurors Never Heard from her

Erin: “I refuse to answer on my Fifth Amendment”

Erin: “I refuse to testify on my Fifth Amendment privilege.”

Erin: “I refuse...”

Erin: “I refuse to testify on my Fifth Amendment privilege.”

Clerks Transcripts Pages 533, 535

1 MR. MARCHI: I can rephrase.  
2 THE COURT: All right.  
3 Q. BY MR. MARCHI: Knowing that they plan to take his car,  
4 lock him up in the cell and take his car, you went over there  
5 with him; didn't you?  
6 A. I refuse to answer on my Fifth Amendment.  
7 Q. All right. And, in fact, you were present when Anna went  
8 outside and told Nick Hamman that you were hurt inside; was that  
9 part of the plan?  
10 MR. BOLTON: I'm sorry, Counsel, she said?  
11 Q. BY MR. MARCHI: Was it part of the plan the night before  
12 that Anna Rugg was going to lure Mr. Hamman into the hall by  
13 saying you had hurt yourself inside the hall?  
14 (Attorney-client conference.)  
15 A. No.  
16 Q. And, in fact, you actually saw Mr. Hamman locked up in the  
17 hall; didn't you?  
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 those things do not incriminate her, and they both go to impeach  
2 the victim's statement, which is in direct opposition to both of  
3 them.  
4 THE COURT: The witness has made it very clear through  
5 counsel that she intends to assert the Fifth Amendment privilege  
6 as to anything which happened, may have happened, may not have  
7 happened after they got in the car and headed towards the  
8 juvenile hall. That point seems to be rather clear. However,  
9 there were some questions asked of her as to what may or may not  
10 have happened the night before when they were all at the  
11 Elmwood. What's the People's position about that?  
12 MR. MARCHI: She has another problem there. In the  
13 discovery I received from the public defender's office, on the  
14 bottom of page 2, Ms. Hughes is quoted as stating that the  
15 juvenile hall incident was not planned, but really an incident  
16 at random, and that would basically directly impeach herself  
17 already.  
18 THE COURT: But Ms. Hughes is here with her lawyer. She's  
19 asserted a privilege to certain questions and has not asserted  
20 the privilege as to other questions.  
21 MR. MARCHI: I don't think it --  
22 THE COURT: So the first series of questions has to do  
23 with what may have happened at the Elmwood in terms of the  
24 actions going on between Anna and Mr. Hamman, what she may have  
25 overheard between Anna and Mr. Hamman. There was also some  
26 questions about whether or not Anna ever threatened her. She  
27 didn't assert the privilege to any of those questions and all of  
28 those transpired prior to the starting point of the events, 535

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

# Jurors Never Heard Erin's Eyewitness Testimony

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."

The Court: "The witness has made it very clear through counsel that she intends to assert the Fifth Amendment privilege as to anything which happened, may have happened, may not have happened after they got in the car and headed towards the juvenile hall. That points seems to be rather clear."

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



# Erin Confirmed That Shawn Was Not There When Anna Entrapped Nick But Jurors Never Heard This

Jesse: "Where were you and Shawn?"

Erin: Outside the door, heading outside the door. She [Anna] told us to go away.

Jesse: She told you to go away?

Erin: Yeah.

Jesse: How did you know at some point Anna did lock Nick in the cell?

Erin: Two minutes, three minutes before we got to the door, at the door, at the other side of the room, we heard a bang and the door slammed.

Jesse: And at that point you ran back into the room where you heard the door slam?

Erin: Yes"

(NOTE: Erin's statements were NOT made in front of the jury.)

1 A. Yes.  
2 Q. And do you remember what that was?  
3 A. He touched her. He touched her, and she got mad about it.  
4 Q. Do you remember specifically what she said?  
5 A. "Don't touch me." That's all she said.  
6 Q. Skipping ahead to the next morning when you all four  
7 arrive at the juvenile hall together; were you or Shawn present  
8 when Anna locked Nick in the cell?  
9 A. No.  
10 Q. Where were you and Shawn?  
11 A. Outside the door, heading outside the door. She told us  
12 to go away.  
13 Q. She told you to go away?  
14 A. Yeah.  
15 Q. How much longer after she told you to go away -- well, let  
16 me back up.  
17 How did you know at some point Anna did lock Nick in the  
18 cell?  
19 A. Two minutes, three minutes before we got to the door, at  
20 the door, at the other side of the room, we heard a bang and the  
21 door slammed.  
22 Q. And at that point you ran back into the room where you  
23 heard the door slam?  
24 A. Yes.  
25 Q. Before you got -- I'll ask this. After the door is shut,  
26 did Shawn say anything to Anna about what she had just done?  
27 (Attorney-client conference.)  
28 A. I refuse to testify under Fifth Amendment privilege.

524

# Shawn Made Guilty for What Anna Did

---

...DESPITE THE FACT THAT HE ACTIVELY UNDERMINED HER  
KIDNAPPING AND HER CONSPIRACY TO MURDER, DOING ALL HE  
COULD TO PROTECT AND RESCUE NICK HAMMAN FROM ANNA RUGG

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

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.”Line 24: “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...” (Reporter’s Transcript, page 663)

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

Also see Reporter’s Transcript, Page 690

1 abetting.  
2 One who aids and abets another in the commission of a  
3 crime or crimes is not only guilty of those crimes, but is also  
4 guilty of any other crime committed by a principal which is a  
5 natural and probable consequence of the crimes originally aided  
6 and abetted.  
7 In order to find a defendant guilty of the crimes as  
8 charged in Counts One through Eight, you must be satisfied  
9 beyond a reasonable doubt that the crime or crimes charged were  
10 committed; that the defendant aided and abetted these crimes;  
11 that a co-principal in that crime committed the crimes as  
12 charged in Counts One through Eight; and the crimes were a  
13 natural and probable consequence of the commission of the crimes  
14 as charged in Count One through Eight.  
15 In determining whether a consequence is natural and  
16 probable, you must apply an objective test based on not what the  
17 defendant actually intended, but on what a person with  
18 reasonable and ordinary prudence would have expected likely to  
19 occur. The issue is to be decided in light of all the  
20 circumstances surrounding the incident. A natural consequence  
21 is one in which is within the normal range of outcomes that may  
22 reasonably be expected to occur if nothing unusual has  
23 intervened.  
24 Probable means likely to happen. You are not required to  
25 unanimously agree as to which originally contemplated crime the  
26 defendant aided and abetted so long as you are satisfied beyond  
27 a reasonable doubt and unanimously agree that the defendant  
28 aided and abetted the commission of an identified and defined 663  
PAMELA R. KATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

1 target crime, and that the remaining crimes were a natural and  
2 probable consequence of the commission of that target crime.  
3 Before the commission of the crimes charged in Counts One  
4 through Eight, an aider and abettor may withdraw from  
5 participation in those crimes and thus avoid responsibility for  
6 those crimes by doing two things. First, he must notify the  
7 other principal known to him of his intention to withdraw from  
8 the commission of those crimes. Second, he must do everything  
9 in his power to prevent its commission.  
10 An accomplice is a person who is subject to prosecution  
11 for the identical offense charged Counts One through Eight  
12 against the defendant on trial by reason of aiding and abetting  
13 or being a member of a criminal conspiracy.  
14 Merely assenting to or aiding or assisting in the  
15 commission of a crime without knowledge of the unlawful purpose  
16 of the perpetrator and without the intent or purpose of  
17 committing, encouraging, or facilitating the commission of the  
18 crime is not criminal. Thus a person who assents to or aids and  
19 assists in the commission of a crime without that knowledge and  
20 without that intent or purpose is not an accomplice in the  
21 crime.  
22 In the crimes charged in Count Five, Seven and Eight,  
23 namely the crimes of false imprisonment by violence, using  
24 another's name to obtain credit or property, and using another's  
25 name to obtain credit or property, there must exist a union or  
26 joint operation of act or conduct and general criminal intent.  
es not require an intent to violate the law.  
entionally does that which the law declares to 664  
PAMELA R. KATROS, CSR 9383  
TY OFFICIAL COURT REPORTERS (530) 889-6577  
1 after the they got the card from Mr. Hamman and both slips are  
2 similarly dated, same date and time on them. They were  
3 apparently used one right after the other. Apparently at the  
4 same machine.  
5 In addition, in Exhibit 68, what you will find is the  
6 Albertsons receipt for the duct tape and that applies later on  
7 to the conspiracy to commit murder and the attempted murder.  
8 That was also found on the defendant as testified to by the  
9 officers.  
10 So the elements here are that the defendant obtained  
11 personal identifying information and that he did so without the  
12 authorization of the victim, and he did so, he used the  
13 information for the unlawful purpose. Namely, he was able to  
14 use the ATM check card to get money out of the victim's account  
15 or at least Ms. Rugg did.  
16 Now, remember the Court read to you the instructions about  
17 principal and aider and abettor and when there's two People  
18 involved in crimes often each does the crime if they know what  
19 the purpose is and help in any way, they're just as guilty. And  
20 this is kind of an example here. It comes up in some of the  
21 rest of the case as well.  
22 But here what you have, it indicates under principal,  
23 persons who are involved in committing or attempting to commit a  
24 crime are referred to principals in that crime. Each principal,  
25 regardless of the extent or manner of participation, is equally  
26 guilty. Principals include those who directly or actively  
27 commit or attempt to commit the act constituting the crime and  
28 in part, the defendant did part of that. He's the one that got 690  
PAMELA R. KATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

# JURY INSTRUCTIONS

---

THE JURY WAS INSTRUCTED TO FIND SHAWN GUILTY FOR ANNA'S INTENTIONS AND ACTIONS. THESE LAWS ARE NO LONGER VALID IN THE STATE OF CALIFORNIA. THEREFORE, SHAWN MUST BE RESENTENCED.

# 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.”

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.

## CALJIC 3.02 PRINCIPALS—LIABILITY FOR NATURAL AND PROBABLE CONSEQUENCES

3.02

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. In order to find the defendant guilty of the crimes as charged in counts one through eight, you must be satisfied beyond a reasonable doubt that:

1. The crime or crimes as charged were committed;
2. That the defendant aided and abetted those crimes;
3. That a co-principal in that crime committed the crimes as charged in counts one through eight; and
4. The crimes were a natural and probable consequence of the commission of the crimes as charged in counts one through eight.

In determining whether a consequence is "natural and probable," you must apply an objective test, based not on what the defendant actually intended, but on what a person of reasonable and ordinary prudence would have expected likely to occur. The issue is to be decided in light of all of the circumstances surrounding the incident. A "natural" consequence is one which is within the normal range of outcomes that may be reasonably expected to occur if nothing unusual has intervened. "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.

3. D.A. "Natural" and "Probable" consequences doctrine.  
Each defendant is liable for

Jury Instructions

000257

## CALJIC 6.11 CONSPIRACY—JOINT RESPONSIBILITY

6.11

Each member of a criminal conspiracy is liable for each act and bound by each declaration of every other member of the conspiracy if that act or declaration is in furtherance of the object of the conspiracy.

The act of one conspirator pursuant to or in furtherance of the common design of the conspiracy is the act of all conspirators.

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.

You must determine whether the defendant is guilty as a member of a conspiracy to commit the originally agreed upon crime or crimes, and, if so, whether the crime alleged in Counts two was perpetrated by a co-conspirator in furtherance of that conspiracy and was a natural and probable consequence of the agreed upon criminal objective of that conspiracy.

In determining whether a consequence is "natural and probable" you must apply an objective test based not on what the defendant actually intended but on what a person of reasonable and ordinary prudence would have expected would be likely to occur. The issue is to be decided in light of all of the circumstances surrounding the incident. A "natural consequence" is one which is within the normal range of outcomes that may be reasonably expected to occur if nothing unusual has intervened. "Probable" means likely to happen.

Jury Instructions

000280

## CALJIC 3.02 PRINCIPALS—LIABILITY FOR NATURAL AND PROBABLE CONSEQUENCES

3.02

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. In order to find the defendant guilty of the crimes as charged in counts one through eight, you must be satisfied beyond a reasonable doubt that:

1. The crime or crimes as charged were committed;
2. That the defendant aided and abetted those crimes;
3. That a co-principal in that crime committed the crimes as charged in counts one through eight; and
4. The crimes were a natural and probable consequence of the commission of the crimes as charged in counts one through eight.

In determining whether a consequence is "natural and probable," you must apply an objective test, based not on what the defendant actually intended, but on what a person of reasonable and ordinary prudence would have expected likely to occur. The issue is to be decided in light of all of the circumstances surrounding the incident. A "natural" consequence is one which is within the normal range of outcomes that may be reasonably expected to occur if nothing unusual has intervened. "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.

3. D.A. "Natural" and "Probable" consequences doctrine.  
Each defendant is liable for

Jury Instructions

000257

## CALJIC 3.00 PRINCIPALS—DEFINED (PEN. CODE, § 31)

3.00

Persons who are involved in committing or attempting to commit a crime are referred to as principals in that crime. Each principal, regardless of the extent or manner of participation is equally guilty. Principals include:

1. Those who directly and actively commit or attempt to commit the act constituting the crime, or
2. Those who aid and abet the commission or attempted commission of the crime.

3. D.A. "Aid" and "Abet"

Jury Instructions

000255

# 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 (RT 664, Lines 1 – 2) “...target crime, and that the remaining crimes were a natural and probable consequence of the commission of that target crime.”

Reporters Transcript Page 690, lines 16 – 28: “Each principal, regardless of the extent or manner of participation, is equally guilty.”

1 abetting.  
2 One who aids and abets another in the commission of a  
3 crime or crimes is not only guilty of those crimes, but is also  
4 guilty of any other crime committed by a principal which is a  
5 natural and probable consequence of the crimes originally aided  
6 and abetted.  
7 In order to find a defendant guilty of the crimes as  
8 charged in Counts One through Eight, you must be satisfied  
9 beyond a reasonable doubt that the crime or crimes charged were  
10 committed; that the defendant aided and abetted these crimes;  
11 that a co-principal in that crime committed the crimes as  
12 charged in Counts One through Eight; and the crimes were a  
13 natural and probable consequence of the commission of the crimes  
14 as charged in Count One through Eight.  
15 In determining whether a consequence is natural and  
16 probable, you must apply an objective test based on not what the  
17 defendant actually intended, but on what a person with  
18 reasonable and ordinary prudence would have expected likely to  
19 occur. The issue is to be decided in light of all the  
20 circumstances surrounding the incident. A natural consequence  
21 is one in which is within the normal range of outcomes that may  
22 reasonably be expected to occur if nothing unusual has  
23 intervened.  
24 Probable means likely to happen. You are not required to  
25 unanimously agree as to which originally contemplated crime the  
26 defendant aided and abetted so long as you are satisfied beyond  
27 a reasonable doubt and unanimously agree that the defendant  
28 aided and abetted the commission of an identified and defined 663  
PAMELA R. RATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

1 target crime, and that the remaining crimes were a natural and  
2 probable consequence of the commission of that target crime.  
3 Before the commission of the crimes charged in Counts One  
4 through Eight, an aider and abettor may withdraw from  
5 participation in those crimes and thus avoid responsibility for  
6 those crimes by doing two things. First, he must notify the  
7 other principal known to him of his intention to withdraw from  
8 the commission of those crimes. Second, he must do everything  
9 in his power to prevent its commission.  
10 An accomplice is a person who is subject to prosecution  
11 for the identical offense charged Counts One through Eight  
12 against the defendant on trial by reason of aiding and abetting  
13 or being a member of a criminal conspiracy.  
14 Merely assenting to or aiding or assisting in the  
15 commission of a crime without knowledge of the unlawful purpose  
16 of the perpetrator and without the intent or purpose of  
17 committing, encouraging, or facilitating the commission of the  
18 crime is not criminal. Thus a person who assents to or aids and  
19 assists in the commission of a crime without that knowledge and  
20 without that intent or purpose is not an accomplice in the  
21 crime.  
22 In the crimes charged in Count Five, Seven and Eight,  
23 namely the crimes of false imprisonment by violence, using  
24 another's name to obtain credit or property, and using another's  
25 name to obtain credit or property, there must exist a union or  
26 joint operation of act or conduct and general criminal intent.  
27 General intent does not require an intent to violate the law.  
28 When a person intentionally does that which the law declares to 664  
PAMELA R. RATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

1 after the they got the card from Mr. Hamman and both slips are  
2 similarly dated, same date and time on them. They were  
3 apparently used one right after the other. Apparently at the  
4 same machine.  
5 In addition, in Exhibit 6B, what you will find is the  
6 Albertsons receipt for the duct tape and that applies later on  
7 to the conspiracy to commit murder and the attempted murder.  
8 That was also found on the defendant as testified to by the  
9 officers.  
10 So the elements here are that the defendant obtained  
11 personal identifying information and that he did so without the  
12 authorization of the victim, and he did so, he used the  
13 information for the unlawful purpose. Namely, he was able to  
14 use the ATM check card to get money out of the victim's account  
15 or at least Ms. Rugg did.  
16 Now, remember the Court read to you the instructions about  
17 principal and aider and abettor and when there's two people  
18 involved in crimes often each does the crime if they know what  
19 the purpose is and help in any way, they're just as guilty. And  
20 this is kind of an example here. It comes up in some of the  
21 rest of the case as well.  
22 But here what you have, it indicates under principal,  
23 persons who are involved in committing or attempting to commit a  
24 crime are referred to principals in that crime. Each principal,  
25 regardless of the extent or manner of participation, is equally  
26 guilty. Principals include those who directly or actively  
27 commit or attempt to commit the act constituting the crime and  
28 in part, the defendant did part of that. He's the one that got 690  
PAMELA R. RATROS, CSR 9383  
PLACER COUNTY OFFICIAL COURT REPORTERS (530) 889-6577

# What Do These Jury Instructions Make Clear?

---



The Jury was 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.

# Relevant Law Changes

---

IN RECENT YEARS, LAWS HAVE PASSED IN CALIFORNIA WHICH MAKE SHAWN ELIGIBLE FOR RESENTENCING. THE NATURAL AND PROBABLE CONSEQUENCES DOCTRINE—THE MECHANISM WHICH ALLOWED SHAWN TO RECEIVE A GUILTY VERDICT ON KIDNAPPING AND CONSPIRACY TO COMMIT MURDER—IS NOW LEGALLY INVALID



# Senate Bill 1437

The Natural and Probable Consequences Doctrine which is the entire reason Shawn was found guilty of Anna's kidnapping and Anna's intent/conspiracy to murder is no longer valid and enforceable; it is now illegal. The Felony Murder Rule is also modified.

Senate Bill No. 1437 eliminated the natural and probable consequences liability for murder and murder-related crimes, and limited the scope of the felony murder rule.

The felony murder rule is a rule that allows a defendant to be charged with first-degree murder for a killing that occurs during a dangerous felony, even if the defendant is not the killer.

The rule of felony murder is a legal doctrine in some common law jurisdictions that broadens the crime of murder: when someone is killed (regardless of intent to kill) in the commission of a dangerous or enumerated crime (called a felony in some jurisdictions), the offender, and also the offender's accomplices or co-conspirators, may be found guilty of murder.

In this case, there was no actual murder, however these doctrines were used to prosecute Shawn anyway.

# Senate Bill 775

Existing law authorizes a person who has been convicted of felony murder or murder under the natural and probable consequences theory to file a petition for the court to vacate the person's sentence and resentence them when specified conditions apply, including that the complaint, information, or indictment was filed against the petitioner that allowed the prosecution to proceed under a theory of felony murder or murder under the natural and probable consequences doctrine.

This bill would expand the authorization to allow a person who was convicted of murder under any theory under which malice is imputed to a person based solely on that person's participation in a crime, attempted murder under the natural and probable consequences doctrine, or who was convicted of manslaughter when the prosecution was allowed to proceed on a theory of felony murder or murder under the natural and probable consequences doctrine, to apply to have their sentence vacated and be resentenced if, among other things, the complaint, information, or indictment was filed to allow the prosecution to proceed under a theory of felony murder, murder under the natural and probable consequences doctrine or other theory under which malice is imputed to a person based solely on that person's participation in a crime, or attempted murder under the natural and probable consequences doctrine.

This bill would require a court to hold a prima facie hearing to determine whether the petitioner has made a prima facie case for relief. The bill would require the court to appoint counsel, upon the petitioner's request, when receiving a petition in which the required information is set forth or readily ascertainable by the court. The bill would require a court that declines to make an order to show cause to provide a statement fully setting forth its reasons for doing so. Existing law requires the court to hold a hearing to determine if the petitioner is entitled to relief under these provisions.

This bill would specify that a finding that there is substantial evidence to support a conviction for murder, attempted murder, or manslaughter is insufficient to prove, beyond a reasonable doubt, that the petitioner is ineligible for resentencing.

This bill would authorize a person convicted of murder, attempted murder, or manslaughter whose conviction is not final to challenge the validity of that conviction upon direct appeal.

# But Senate Bills 1437 and 775 Do Not Include the Word “Conspiracy”

---

The heart of these law changes is clear: each person should be held responsible for their own intentions and actions, not the intentions and actions of another person.

Intentionalism is a theory of statutory interpretation that holds that the laws of statutes are determined by the enacting legislators’ subjective law-making intentions. An intentionalist finds law by reconstructing congressional intent, also frequently relying on legislative history. Intentionalism differs from purposivism because a statute can be interpreted to have a broader purpose beyond the one intended<sup>2</sup>. The theory of intentionalism is sometimes called original understanding, originalism, or intentionalism.

Previously, Placer County denied granting relief to Shawn using SB 1437 and 775, because the laws do not use the word “**conspiracy** to commit murder.” What this means is if someone was involved in a crime, where there was actual murder, attempted murder, or manslaughter, their sentences can be reduced or eliminated. But the more minor crime of “conspiracy” to commit murder will be more harshly punished and cannot be resentenced. How does this make any sense? Clearly, the heart of these law changes is that all murder-related crimes should be included in their application, and to deny that is to deny the intention of these laws.

*If the Natural & Probable Consequences Doctrine can be used to PROSECUTE Shawn for “conspiracy” to commit murder, then changes to the Natural & Probable Consequences Doctrine should be used to PROVIDE RELIEF to Shawn.*

*If a doctrine can be used for prosecution, then modifications to the doctrine can be used to provide relief.*

# People v. Chiu

---

After a jury trial, Defendant was found guilty of first degree willful, deliberate and premeditated murder on the theory that the Defendant either directly aided and abetted the murder or that Defendant aided and abetted the target offense of assault or disturbing the peace, the natural consequence of which was murder. The court of appeal reversed Defendant's first degree murder conviction, holding that the trial court erred in failing to instruct the jury that it must find first degree premeditated murder, rather than first degree murder, was the natural and probable consequence of either target offense and that the error was not harmless. The Supreme Court affirmed the court of appeal but on different grounds, holding (1) an aider and abetter may not be convicted of first degree premeditated murder under the natural and probable consequences doctrine; rather, his liability for that crime must be based on direct aiding and abetting principles; and (2) **because the jury in this case may have based its verdict of first degree premeditated murder on the natural and probable consequences theory, the first degree murder conviction must be reversed.**

# People v. Rivera

---

Rivera pleaded no contest to second-degree murder and admitted a prior strike in exchange for the dismissal of special-circumstances allegations. In 2017, he was sentenced to 35 years to life in prison. **Penal Code sections 188 and 189 subsequently limited liability for murder under the doctrines of felony murder and natural and probable consequences, and established a procedure, Penal Code 1170.95, for eligible defendants to petition to have their murder convictions vacated and be resentenced.** The trial court denied Rivera's petition for section 1170.95 relief, finding that Rivera failed to make a prima facie showing of eligibility because he "entered a plea to second-degree murder with malice" and nothing in the record of conviction supported the conclusion that the murder was "anything other than an intentional killing in which [he] harbored such malice."

The court of appeal reversed. A defendant who entered a plea to murder "with malice aforethought" is not categorically incapable of making a prima facie showing under section 1170.95(c). Such a plea is not necessarily an admission that the crime was committed with actual malice. **A defendant who stipulated to a grand jury transcript as the factual basis of the plea may make a prima facie showing of eligibility for relief by identifying a scenario under which he was guilty of murder only under a now-invalid theory, even if the record of conviction does not demonstrate that the indictment rested on that scenario.**

**Shawn was convicted using the Natural and Probable Consequences Theory which is now invalid, and therefore Shawn is qualified to be resentenced.**

# Shawn SHOULD Be Eligible for Resentencing Even for “Conspiracy” to Commit Murder

---

If Nick Hamman had actually been murdered by Anna, Shawn would be entitled to a resentencing according to Senate Bills 1437 and 775.

Does it make sense that those who are eligible for resentencing under Senate Bills 1437 and 775 where MORE heinous crimes took place (murder, attempted murder, or manslaughter) can be resentenced, but the lesser crime of “conspiracy” is not included?

It makes no sense that more serious crimes allow for resentencing but the lesser crime of “conspiracy” does not.

## **The Bottom Line:**

Was the Natural & Probable Consequences Doctrine used to convict Shawn for a kidnapping he had nothing to do with and a “conspiracy to commit murder” he had no intent for? The answer is clearly YES. The trial transcripts validate this.

Is the Natural & Probable Consequences Doctrine now invalid and illegal? The answer is YES. Therefore, based on current law, he is eligible to be exonerated from those crimes and have his sentences vacated.



# Assembly Bills 2942 and 1812/ Penal Code 1170(d)

---

The new law took effect in 2018. Penal Code § 1170(d)(1) was always on the books, and always authorized the California Department of Corrections and Rehabilitation and the Board of Parole Hearings to (at any time, and for any reason) recommend ANY inmate be resentenced.

The change to the law expanded that authority to include the District Attorney's offices also, and to signal to both agencies that they should USE this authority, which until 2018, CDCR had seldom used.

The CDCR's current regulations about §1170(d) sentence recall recommendations are in the California Code of Regulations, Title 15, §§3076-3076.2 (these have not been modified since AB 1812 took effect).



# Assembly Bill 600

---

Signed into law by Governor Gavin Newsom on October 8, 2023, AB 600 stands as a transformative piece of legislation. In essence, **this law grants judges the authority to initiate resentencing if the original sentence no longer aligns with current legislation**. This could pertain to areas such as enhancements, sentencing rules, strike laws, and other aspects related to sentencing.

Changes in laws are not uncommon. Laws that seemed justifiable five, ten, or even thirty years ago might now be considered outdated or unjust. As such, AB 600 acts as a remedy, allowing for sentences to be revisited and rectified in light of modern legislation.

- 1. Initiating Resentencing:** While previously a resentencing required initiation from the California Department of Corrections and Rehabilitation (CDCR) or agreement from the prosecutor, **AB 600 places this power in the hands of judges. This resentencing can be initiated by the original judge, the current judge, or any judge with jurisdiction over the case.**
- 2. Considering Post-Conviction Factors:** The court is now mandated to review post-conviction elements and assess if the defendant's rights were potentially violated during the initial conviction or sentencing.
- 3. Presumption Favoring Recall of Sentence:** **One of the pivotal aspects of AB 600 is its presumption in favor of resentencing. This comes into play unless the defendant poses an "unreasonable risk of danger to public safety."**

However, it is worth noting that despite this newfound judicial power, the law does not allow inmates or their attorneys to directly initiate the process. Judges must take the first step.

# Juror Statements

---

FIVE OF THE TWELVE JURORS FILLED OUT A QUESTIONNAIRE AFTER THE TRIAL; THEIR COMMENTS ARE PROVIDED HEREIN FOR REVIEW

# 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.."

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.**

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."

NOV 6, 2003  
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 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?  
HE NOMINATED HIMSELF AND THE REST OF THE JURY ON THE JURY RECEIVED 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. RODRIGUEZ DID NOT INTEND TO KILL MR. HAMMAN, HOWEVER DURING HIS TAPED CONFESSION MR. RODRIGUEZ STATED THAT HE HAD NO REGRETS TO GAS MR. HAMMAN AND ALSO HIS FATHER DREAMT OF KILLING SOMEONE.
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 FALSE IMPRISONMENT, ROBBERY, CLARIFICATION ON THE CHARGES, WE WANTED THE OTHER WAY, MR. HAMMAN WAS CONFINED, THE

000371  
I MUST ADD THAT ATTORNEY JESSE SERAFINI, 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 THAT CHANGED THINGS

Sincerely,  
Leo Lewis  
JUROR

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 RUGG, 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. THE 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 #2 Statements

"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...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.

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 defendant 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

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

10166354202

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 isn't 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 came to 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 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. 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 willfully entered into this agreement and committed acts to carry out the goal of this agreement.

000375

# Juror #2 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.”

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:  
baranjp0@lyc. com



# Juror #3 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."

"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.

## 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 volunteered for the position. When we all got into the deliberation room, he was very outspoken and seemed to be someone who knew what he was doing. When he volunteered, everyone seemed to go along with it. No one else really 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 go through on the initial agreement he made with Anna Rugg. It was more about a "I said I'd help you, so here 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 initially, but then abandoned. Even if I have thought there was no attempt, I believe a person can conspire to do something and then actually not do 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 jurors that I felt there was an inconsistency in their reasoning to the 2 charges. I read to them the law regarding the "same frame of mind" that needed to be present. I felt that the group had the thinking that they knew even though Shawn did not want to personally kill Nicholas, he still conspired with him. I do.
6. Did you or any of the jurors ever suggest asking the judge a clarifying question?

answer is found  
in the paragraph

#5 (con't)

Anna with obvious "overt" actions. However, this 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. Hopefully you can understand what I am trying to say - it is very difficult to explain in words.

so therefore he was guilty of conspiracy

# Juror #3 (Continued)

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."

"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."

Clerk's Transcripts 377 - 378B

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 onto the scene after the fact 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 w/ Violence" changed to just "False Imprisonment." One of the jurors said that it was impossible to get a charge changed. My regret is not pushing that issue to ask 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 word to Anna - 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 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 & 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 & reform them (at least that's what punishment is meant to be).*

But how can "reformation" 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 this young life away.

000378

378B

# Juror #4 Statements

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.”

11-20-03 09:22 DST OUTPUT FINANCE + 5308853299 ND.499 P002/003

**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 issue arose between her and Shawn 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.
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 told 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.

11-20-03 09:22 DST OUTPUT FINANCE + 5308853299 ND.499 P003/003

②

# Juror #5 Statements

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."

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."

## 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

NOV 19 2003 13:08

5308053299

PAGE 02

NOV 19 2003 13:08 FR SBC CFL CSC

916 736 1021 TO 15308053299

P.03/03

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 him.

NOV 19 2003 10:24

5308053299

PAGE 03



# Analysis of the Jury



# Jury Feedback

---

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.

"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 Confess to Being Confused

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

---

“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.

---

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

---

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

---

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.”

---

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.”

---

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.”

---

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.

# More About Shawn's Achievements Since 2003

---

THERE ARE A LOT! HERE ARE SOME OF THEM.

# Shawn's Achievements While Incarcerated

---

The next series of slides are provided to highlight Shawn's commitment to personal development, learning, and giving back while he has been incarcerated.

Please note: Not all of his achievements, laudatory chronos, and certificates are included herein because there are a lot of them; but the following slides will give you a sense of his commitment to self-improvement by providing just a sample of his achievements while incarcerated.



# Shawn's Accomplishments

---

National Center for Construction  
Education & Research (NCCER) Core  
Curriculum Certificate and the NCCER  
Electronics Systems Technician Level 1  
Certification (which gives Shawn the  
necessary education to obtain a job as an  
electrician)

Certified in Word and Excel

Lead Cook 2013-2014

Law Library Clerk 2014

Building Porter 2014 – 2015

Barber 2015

Yard/Facilities Maintenance 2015 –  
2016

Building Clerk 2016 – 2017

Lead Law Library Clerk 2019

Recreation Clerk 2019 – 2020

Yard/Facilities Maintenance 2020 –  
2021

Healthcare Facilities Maintenance  
Custodian 2021







# More of Shawn's Accomplishments

---

Building Porter 2022

Dialectical Behavior Therapy Certified  
2017

Alternatives to Violence Project 2018

The B.R.A.I.N. Project 2020

PACE Learning Systems Lifeskills 2021

R.I.S.E. (Rehabilitate, Implement, Succeed,  
Excel) by the Life Support Alliance 2021

American Community Correctional Institute  
Certifications in: Anger Management,  
Contentious Relationships, Substance  
Abuse, Domestic Violence, Bad Credit,  
Shoplifting, Drunk Driving

The Change Companies Certifications in  
Anger Management, Self-Esteem, Victims  
Impact

Criminals and Gang Members Anonymous  
2023

Proudly drug-free his entire prison term

Proudly gang-free his entire prison term

Read over 1,000 books while incarcerated

# Letters From CDCR Employees About Shawn

---

“LAUDATORY CHRONOS” FROM CORRECTIONS STAFF ON WHAT  
THEY OBSERVED ABOUT SHAWN

“I also have...noticed personal growth in Rodriguez”

“I have supervised inmate RODRIGUEZ (V16387 FAB-230L) for over seven years. In that time I have observed him to be a hard worker with a tireless work ethic; a self-starter who is organized, efficient, analytical and who completes all tasks asked of him promptly and satisfactorily...I also have in this time noticed personal growth in RODRIGUEZ, who has become calmer and more patient, a sign of increasing maturity, and he appears to have more empathy now than when we met in 2013. He is a team player I have come to rely on when he is needed. Inmate RODRIGUEZ is capable of being a great asset to any environment he is in.”


NAME and NUMBER	RODRIGUEZ	V16387	A8-230L	CSP-SAC	CDCR-124-B (Rev. 4/74)
-----------------	-----------	--------	---------	---------	------------------------

I have supervised inmate RODRIGUEZ (V16387 FAB-230L) for over seven years. In that time I have observed him to be a hard worker with a tireless work ethic; a self-starter who is organized, efficient analytical and who completes all tasks asked of him promptly and satisfactorily. Beginning in 2013, when he repaired several buffers for this prison and saved us a significant amount of time and money; I asked him to create and maintain a library for the mentally ill segregated population of A Facility, which he did in a manner that surprised many people, staff and inmate alike; he was willing to give his attention to task whenever he was asked, as in the late evening request that he fix the A Facility's Treatment Center laminator after he had gone back to his cell for the night, but was need to ensure laminated notices could be posted on time the following day.

Most recently, in 2019 and 2020, he has, again on a voluntary basis, repaired several buffers, and a computer printer for the A Facility Watch Office to ensure continuity of the duties of the staff and inmates that were reliant upon it, as well as broken or damaged property for prisoners to compensate them via the appeals process.

I have also in this time noticed personal growth in RODRIGUEZ, who has become calmer and more patient, a sign of increasing maturity, and he appears to have more empathy now than when we met in 2013. He is a team player I have come to rely on when he is needed. Inmate RODRIGUEZ (V16387) is capable of being a great asset to any environment he is in.

ORIG: CENTRAL FILE  
CC: COUNSELOR  
WRITER  
INMATE

  
**H. Ng**  
Correctional Sergeant  
California State Prison-Sacramento

DATE 1/11/2021

(INFORMATIONAL CHRONO)

GENERAL CHRONO

“Rodriguez is a hard worker and respectful at all times.”

“I have observed inmate RODRIGUEZ for several years. In that time I have observed his conduct and work ethic. He is punctual and a self-starter, with follow through and commitment. He has a tireless work ethic. This past winter on a **voluntary basis** before he was assigned to the yard crew, he and another inmate replaced almost all of the grass on A-Facility. This included first turning over the soil with shovels and then with a rototiller, clearing the soil of debris and then re-seeding the areas with new seed and watering it by hand. He also cut new drainage ditches and replanted where needed. Through it all he mowed and maintained the lawn as well as the sprinkler systems and maintaining the equipment and replacing sprinklers broken blades on the mowers. Inmate RODRIGUEZ is a hard worker and respectful at all times.”

NAME and NUMBER	RODRIGUEZ	(W)	#V-16387	FAB-131L	SAC	CCB-1284 (Rev. 4/74)
<p>I have observed inmate RODRIGUEZ for several years. In that time I have observed his conduct and work ethic. He is punctual and a self-starter, with follow through and commitment. He has a tireless work ethic. This past winter on a voluntary basis before he was assigned to the yard crew he and another inmate replaced almost all of the grass on A-Facility. This included first turning over the soil with shovels and then with a rototiller, clearing the soil of debris and then re-seeding the areas with new seed and watering it by hand. He also cut new drainage ditches and replanted where needed. Through it all he mowed and maintained the lawn as well as the sprinkler systems and maintaining the equipment and replacing sprinklers broken blades on the mowers. Inmate RODRIGUEZ is a hard worker and respectful at all times.</p>						
ORIG: CENTRAL FILE						
cc: COUNSELOR						
WRITER						
INMATE						
DATE: 8/23/21						
				J. TERRY Correctional Officer CSP-Sacramento		
				(LAUDATORY CHRONO)		GENERAL CHRONO

“He is still one of the hardest workers I have ever known.”

“I have known Shawn Rodriguez #V16387 for almost eight years. In that time I have seen a very substantial change in him. When Shawn came to work in my dining hall in 2013, he was what we needed; our dining hall was hard to run and he took charge quickly. He is still one of the hardest workers I have ever known, he was timely, efficient and a self-starter. He quickly found issues and resolved them, often in common-sense ways that were creative and effective. Before he left to pursue a Clerk Position and avoid personal conflict brewing with another dining hall worker, he set routines and taught other workers habits that made our dining hall the most clean and efficient in the prison. In the last several years, I have noticed notable growth in Shawn; he is calmer and a better communicator, and I have at times referred other prisoners to him for advice and guidance when it seemed appropriate and productive to do so. I have come to respect his judgment as much as his work ethic. I would hire him again on the spot if the rules allowed him to work in the dining hall anymore.”

NAME and NUMBER      **RODRIGUEZ**      (W)    **V16387**    **FA8-230L**    **CSP-SAC**    CDCR-128-B (Rev. 4/74)

I have known Shawn Rodriguez #V16387 for almost eight years. In that time I have seen a very substantial change in him.


When Shawn came to work in my dining hall in 2013, he was what we needed; our dining hall was hard to run and he took charge quickly. He is still one of the hardest workers I have ever known, he was timely, efficient and a self-starter. He quickly found issues and resolved them, often in common-sense ways that were creative and effective.

Before he left to pursue a Clerk Position and avoid personal conflict brewing with another dining hall worker, he set routines and taught other workers habits that made our dining hall the most clean and efficient in the prison.

In the last several years, I have noticed notable growth in Shawn; he is calmer and a better communicator; and I have at times referred other prisoners to him for advice and guidance when it seemed appropriate and productive to do so. I have come to respect his judgment as much as his work ethic.

I would hire him again on the spot if the rules allowed him to work in the dining hall anymore.

ORIG: CENTRAL FILE  
cc: COUNSELOR  
WRITER  
INMATE

**H. Dang**   
Correctional Officer  
California State Prison-SAC A3 Dining

DATE    01/15/21

(LAUDATORY CHRONO)

GENERAL CHRONO

“These skills and personality characteristics should serve him well...upon his release from prison.”

“I have known Inmate Rodriguez V16387 for several years. I know Rodriguez to be courteous, respectful, and a problem solver socially. Before Shawn was assigned to the Yard Crew, he did hard work on a volunteer basis for several months. After being assigned he further proved himself to be a harder than average worker, who is very punctual, follows instructions well, and who is a very creative problem solver when necessary to complete the tasks asked of him. He has stood out as someone who is always willing to help when he sees a need, and a very capable multi-tasker who works towards his goals thoughtfully, methodically and with foresight. Importantly, I have consistently observed him resolve social conflict, personal and sometimes otherwise, appropriately and in the least damaging way that seemed practical. Increasing his value on the job, he has frequently proven capable of solving various mechanical or similar issues inherent in the function of the day-to-day operations of the Yard Crew/Grounds Maintenance worksite (i.e., Sprinklers, Landscaping equipment, or other more complicated equipment). These skills and personality characteristics should serve him well after his transition away from the Yard Crew to pursue an additional Vocation, and also upon his release from prison.”

Name and Number: Rodriguez

V16387 FA8-131L

CSP-SAC

CDCR-128-B (Rev. 4/74)

I have known Inmate Rodriguez V16387 for several years. I know Rodriguez to be courteous, respectful and a problem solver socially.

Before Shawn was assigned to the Yard Crew, he did hard work on a volunteer basis for several months.

After being assigned he further proved himself to be a harder than average worker, who is very punctual, follows instructions well, and who is a very creative problem solver when necessary to complete the tasks asked of him.

He has stood out as someone who is always willing to help when he sees a need, and a very capable multi-tasker who works toward his goals thoughtfully, methodically and with foresight.

Importantly, I have consistently observed him resolve social conflict, personal and sometimes otherwise, appropriately and in the least damaging way that seemed practical. Increasing his value on the job, he has frequently proven capable of solving various mechanical or similar issues inherent in the function of the day-to-day operations of the Yard Crew/Grounds Maintenance worksite (i.e. Sprinklers, Landscaping equipment, or other more complicated equipment).

These skills and personality characteristics should serve him well after his transition away from the Yard Crew to pursue an additional Vocation, and also upon his release from prison.

Original: Central File

CC: Counselor

Writer

Inmate

Date 11/12/2021



T. Guerra, Correctional Officer

California State Prison Sacramento

(Laudatory Chrono)

General Chrono

# Librarian Praises Shawn for Being an Avid Reader

Inmate RODRIGUEZ, S., CDC#V16387 has participated in the C Yard Non-Fiction Reading Challenge at California State Prison, Sacramento. The goal of the non-fiction reading challenge is to support, encourage literacy, and promote interest in the non-fiction collection. The challenge was held during June 25, 2018 until September 28, 2018. RODRIGUEZ completed the Regular Reader challenge by reading and writing book reviews on the 9 non-fiction titles listed on the Bingo card sheet (e.g. Dewey Decimal numbers from 100 – 900). Therefore, RODRIGUEZ is commended for his achievement and encouraged to continue on a journey of lifelong reading.

State of California

Department of Corrections and Rehabilitation  
CDC 128-B  
(Rev. 07/2005)

NAME: Rodriguez

CDC# V16387

HOUSING: C4-227

Inmate RODRIGUEZ, S., CDC#V16387 has participated in the C Yard Non-Fiction Reading Challenge at California State Prison, Sacramento. The goal of the non-fiction reading challenge is to support, encourage literacy, and promote interest in the non-fiction collection. The challenge was held during June 25, 2018 until September 28, 2018. RODRIGUEZ completed the Regular Reader challenge by reading and writing book reviews on the 9 non-fiction titles listed on the Bingo card sheet (e.g. Dewey Decimal numbers from 100-900). Therefore, RODRIGUEZ is commended for his achievement and encouraged to continue on a journey of lifelong reading.



A. Turner  
LIBRARIAN  
CSP-Sacramento State Prison

Cc: Central File  
Inmate



# Laudatory Chrono from Associate Warden Business Services

“Inmate RODRIGUEZ, Shawn (CDCR #V16387), is being recognized for his assistance in coordinating the Day for the Atonement at California Men’s Colony. The Day for Atonement was coordinated in order to benefit those who have been affected by violent crime personally and in their communities. Residents were given an opportunity to make amends by donating funds from their trust accounts to Restorative Partners, a non-profit organization that services the community by helping with crime victims, housing, clothing and more. Residents took the opportunity to donate in the names of the human beings they have hurt, broken, violated, and damaged. The population joined in a memorial ceremony and a walk for peace in an effort to stand with the rest of society in promoting awareness, healing and harmony. As one of the coordinators RODRIGUEZ voluntarily assisted in making the Day-of-Atonement at California Men’s Colony a success. This required a great deal of time and work by RODRIGUEZ, which was completed on his personal time. By taking this time to coordinate in this event RODRIGUEZ demonstrated his empathy for others and a willingness to make amends for those his commitment offense impacted. RODRIGUEZ is commended for his selfless act and willingness to think of others who have been impacted by crime.”

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
CDCR 128-B (10-05)

NAME and NUMBER RODRIGUEZ, Shawn

V16387

RM: 6220

Inmate RODRIGUEZ, Shawn (CDCR #V16387), is being recognized for his assistance in coordinating the Day for Atonement at California Men’s Colony. The Day for Atonement was coordinated in order to benefit those who have been affected by violent crime personally and in their communities. Residents were given an opportunity to make amends by donating funds from their trust accounts to Restorative Partners, a non-profit organization that services the community by helping with crime victims, housing, clothing and more. Residents took the opportunity to donate in the names of the human beings they have hurt, broken, violated and damaged. The population joined in a memorial ceremony and a walk for peace in an effort to stand with the rest of society in promoting awareness, healing and harmony. As one of the coordinators RODRIGUEZ voluntarily assisted in making the Day-of-Atonement at California Men’s Colony a success. This required a great deal of time and work by RODRIGUEZ, which was completed on his personal time. By taking this time to coordinate in this event RODRIGUEZ demonstrated his empathy for others and a willingness to make amends for those his commitment offense impacted. RODRIGUEZ is commended for his selfless act and willingness to think of others who have been impacted by crime.

ORIG : Case Records  
cc : Inmate

  
M. THURY  
Associate Warden Business Services  
California Men's Colony

DATE 4/17/2023


DAY FOR ATONEMENT-COORDINATOR

CMC- GENERAL CHRONO

# “Demonstrating empathy...”

“I have observed inmate RODRIGUEZ, Shawn V16387, Cell 6220 active participate in Criminal & Gang Members Anonymous (CGA) during the period covering October 1, 2022 through March 14, 2023. **RODRIGUEZ is to be commended for demonstrating empathy and a willingness to attend this group.**

CGA focuses on resolving serious social issues and maladaptive behaviors and beliefs, such as gangs and criminality. It involves deep introspection into one’s behaviors and beliefs and utilizing the 12 steps for CGA and open and honest communication, addresses the root issues underlying past criminal behavior and gang involvement. RODRIGUEZ’s participation in CGA fosters a safer and more secure environment here at California Men’s Colony (CMC) and provides him with **the tools needed to succeed upon reentry into society and to become a positive and productive member of his immediate community.** CGA’s motto is “One Less Criminal, One Less Crime, One Less Victim.”

STATE OF CALIFORNIA		DEPARTMENT OF CORRECTIONS AND REHABILITATION	
CDCR-128-B			
NAME: RODRIGUEZ, SHAWN M.		CDCR#: V16387	BED: 6220
I have observed Inmate <b>RODRIGUEZ, Shawn V16387, Cell 6220</b> actively participate in Criminal & Gang Members Anonymous (CGA) during the period covering October 01, 2022 through March 14, 2023. <b>RODRIGUEZ</b> is to be commended for demonstrating empathy and a willingness to attend this group.			
CGA focuses on resolving serious social issues and maladaptive behaviors and beliefs, such as gangs and criminality. It involves deep introspection into one’s behaviors and beliefs and, utilizing the 12 steps of CGA and open and honest communication, addresses the root issues underlying past criminal behavior and gang involvement. <b>RODRIGUEZ’s</b> participation in CGA fosters a safer and more secure environment here at California Men’s Colony (CMC) and provides him with the tools needed to succeed upon reentry into society and to become a positive and productive member of his immediate community. CGA’s motto is “One Less Criminal, One Less Crime, One Less Victim!”			
Inmate Orig: ERMS CC: Counselor I CC: Counselor II		 B. ESCOBEDO Facility C Lieutenant California Men’s Colony	
DATE: 03/16/2022	[SELF HELP GROUP CGA PARTICIPANT]	INFORMATIONAL CHRONO - CMC	

# Laudatory Chrono from Recreation Therapist

“We acknowledge and appreciate the financial contribution of Inmate Rodriguez, Shawn (V16387, Cell #6220). Your donation was used to provide prizes for the Recreation Aide Program (RAP) held for the Activities of Daily Living Program (ADL) and Enhance Outpatient Program (EOP) participants housed on Facility D. RAP activities are provided on a weekly basis and for special holiday programming including Christmas and July 4<sup>th</sup>. The RAP program helps encourage ADL and EOP to decrease isolation, which helps to reduce symptoms of anxiety and depression. By providing weekly games and social interactions, you encourage a healthy social milieu. Your support adds to the success of this event.”

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
CDC-128 B (8-87)

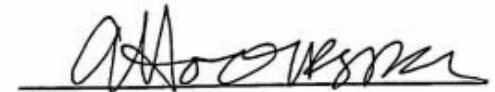
NAME and NUMBER Rodriguez, Shawn

V16387

RM: 6220

We acknowledge and appreciate the financial contribution of Inmate Rodriguez, Shawn (V16387, Cell # 6220). Your donation was used to provide prizes for the Recreation Aide Program (RAP) held for the *Activities for Daily Living Program* (ADL) and *Enhanced Out-Patient Program* (EOP) participants housed on Fac. D. RAP activities are provided on a weekly basis and for special holiday programming including Christmas and July 4<sup>th</sup>. The RAP program helps encourage ADL and EOP to decrease isolation which helps to reduce symptoms of anxiety and depression. By providing weekly games and social interactions, you encourage a healthy social milieu. Your support adds to the success of this event.

ORIG : C-File  
cc : Inmate



A. Ho, CTRS, RTC  
RECREATION THERAPIST  
ORANGE HAT COORDINATOR (A)  
FACILITY B CMC-East

DATE 3/20/2023

CMC-E GENERAL CHRONO

# Laudatory Chrono from Recreation Therapist

“We acknowledge and appreciate the donation of canteen from Inmate Rodriguez, Shawn (V17387, 6222). Your donation was used to provide prizes for the Activities for Daily Living Program (ADL) and Enhanced Out-Patient Program (EOP) participants housed on Facility D. Activities and programming are provided on a daily basis and for special holiday programming including Christmas and July 4<sup>th</sup>. Your donation assists in the program for ADL and the EOP to decrease isolation which helps to reduce symptoms of anxiety and depression. Your support adds to the success of this program.”

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
CDC-128 B (8-87)

NAME and NUMBER Rodriguez, Shawn

V16387

RM: 1 6222

We acknowledge and appreciate the donation of canteen from Inmate Rodriguez, Shawn (V16387, 6222). Your donation was used to provide prizes for the *Activities for Daily Living Program* (ADL) and *Enhanced Out-Patient Program* (EOP) participants housed on Facility D. Activities and programming are provided on a daily basis and for special holiday programming including Christmas and July 4<sup>th</sup>. Your donation assists in the program for ADL and EOP to decrease isolation which helps to reduce symptoms of anxiety and depression. Your support adds to the success of this program.

ORIG : C-File  
cc : Inmate



A. Ho, CTRS, RTC  
Recreation Therapist  
ADL COORDINATOR  
FAC. D CMC-East

DATE 3/1/2023

CMC-E GENERAL CHRONO

# Certificates of Completion For Self- Awareness and Self- Development

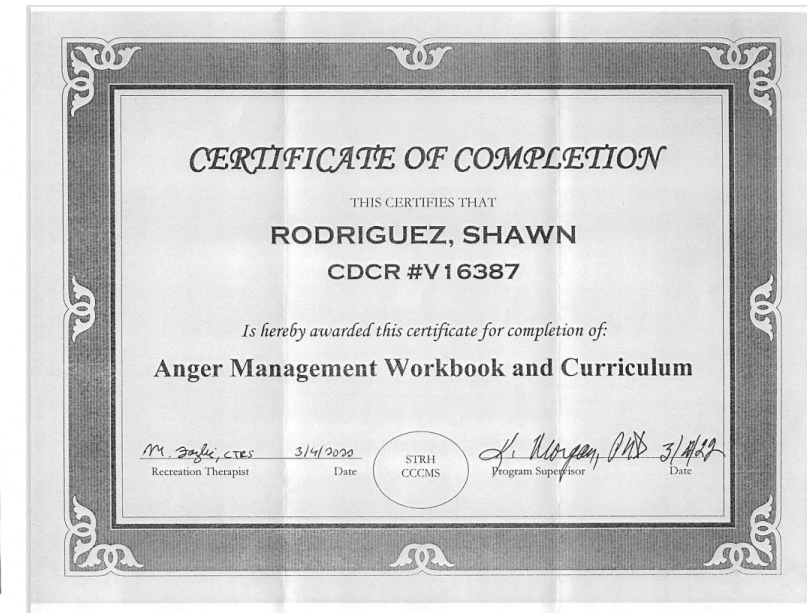
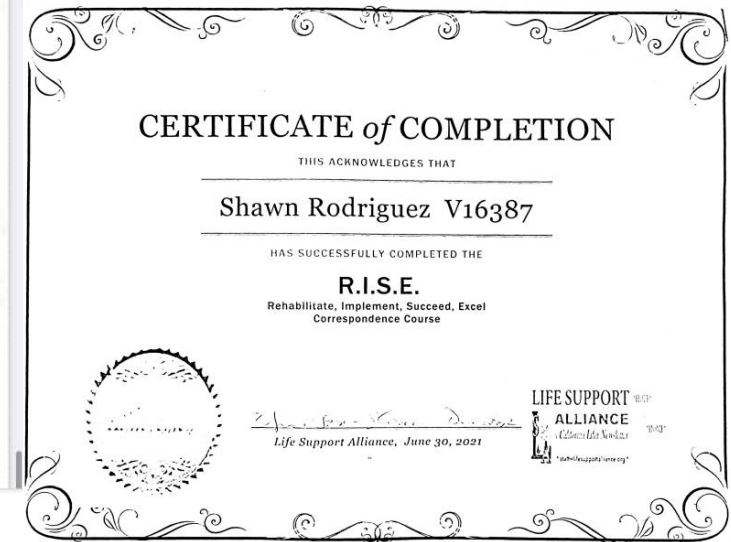
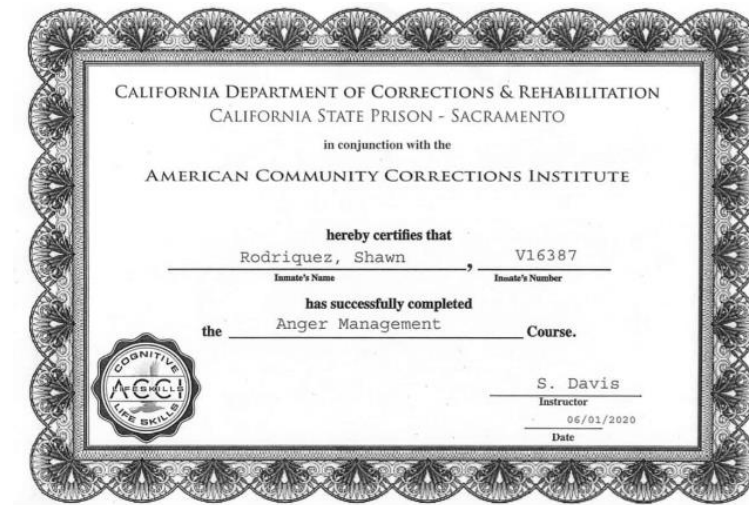
---

# Certificate in Anger Management

## Rehabilitate, Implement, Succeed, Excel Certificate of Completion

## Life Skills 25 Curriculum Certificate of Achievement

## Anger Management Workbook and Curriculum



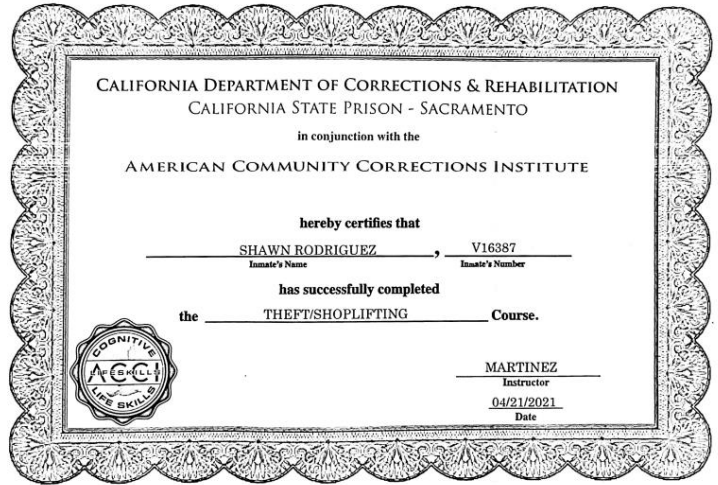
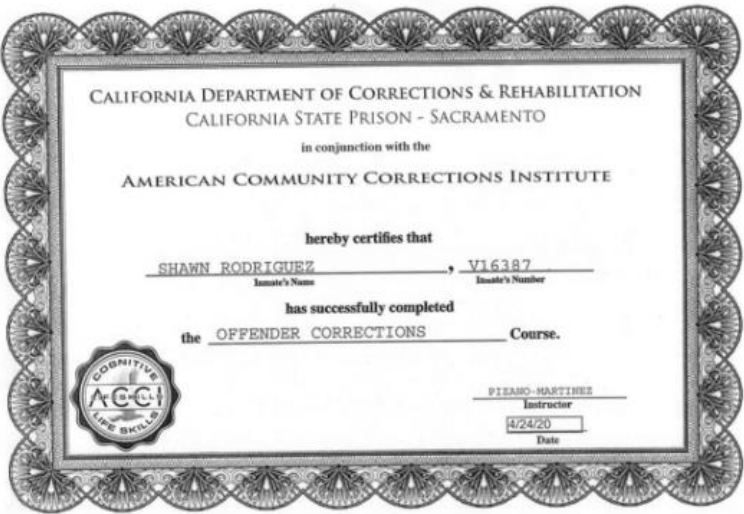
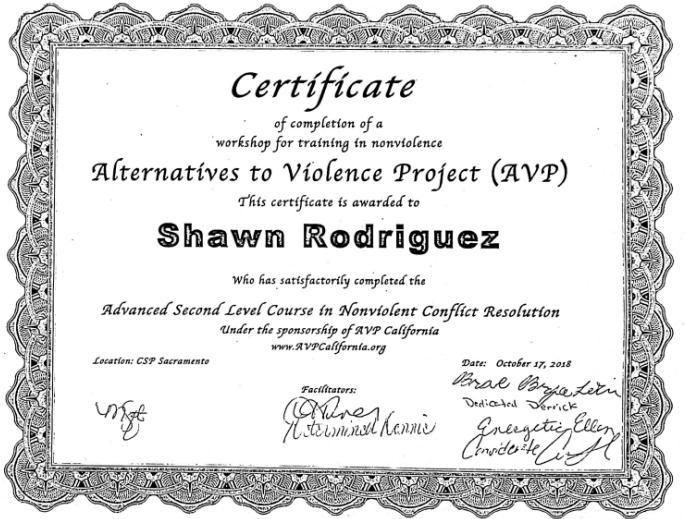


Basic Course in  
Nonviolent Conflict  
Resolution

Advanced Second Level  
Course in Nonviolent  
Conflict Resolution

Certificate in Offender  
Corrections

Theft/Shoplifting  
Course Certificate of  
Completion



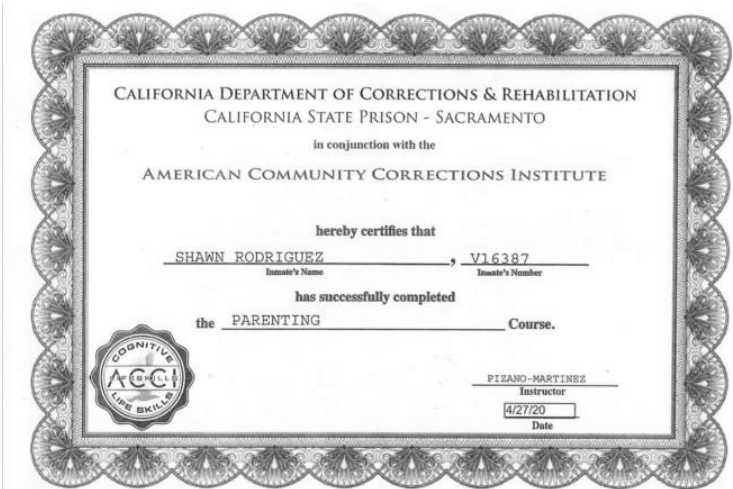
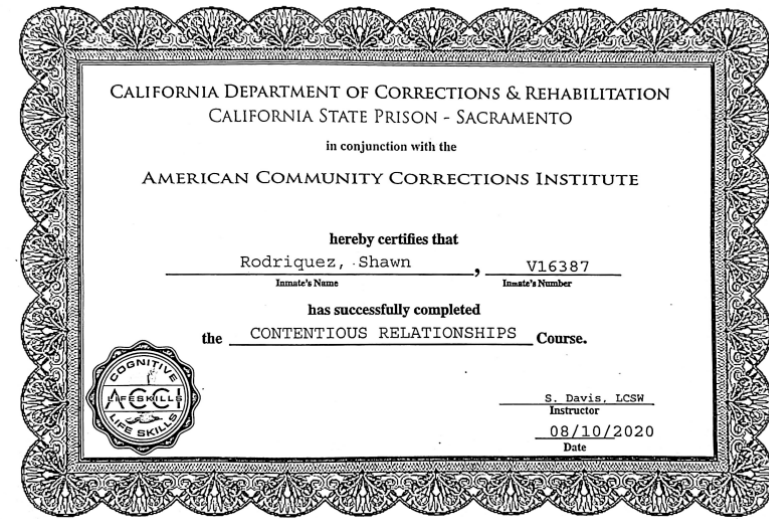
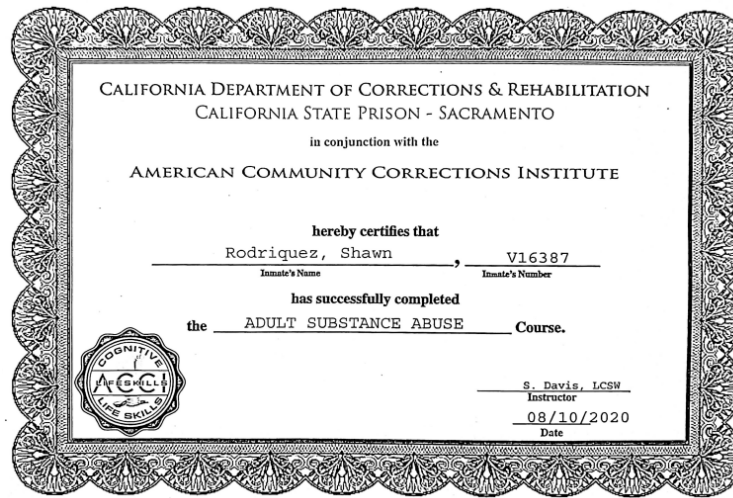


# Adult Substance Abuse Course Completion Certificate

# Contentious Relationships Course Completion

# Certificate in Parenting Certificate in Adult Substance Abuse

# The B.R.A.I.N Project Certificate of Recognition

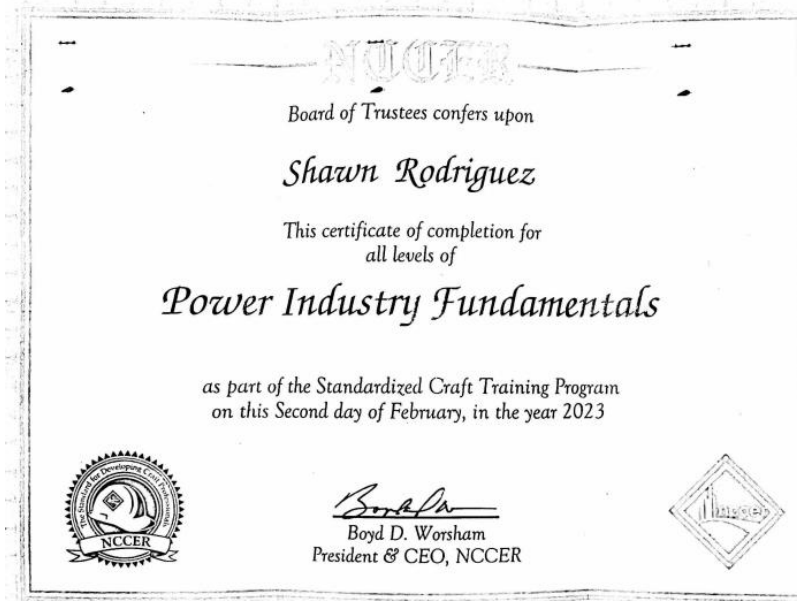


# Sample Certificates of Completion For Trade-Based Skills

---

# Power Industry Fundamentals

# Electronic Systems Technician Level One



# Sample Certificates of Completion For Office-Based Skills

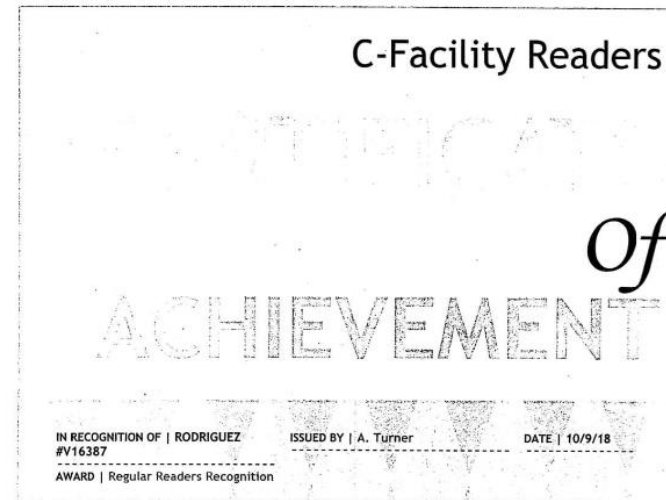
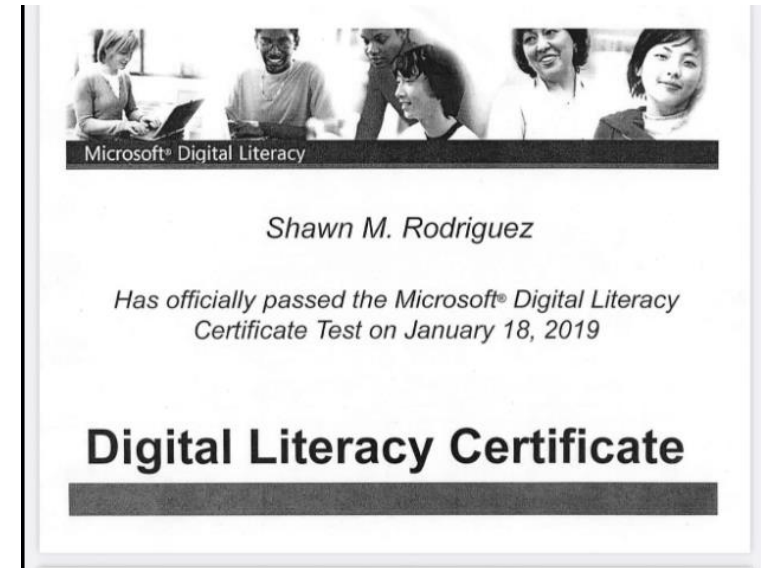
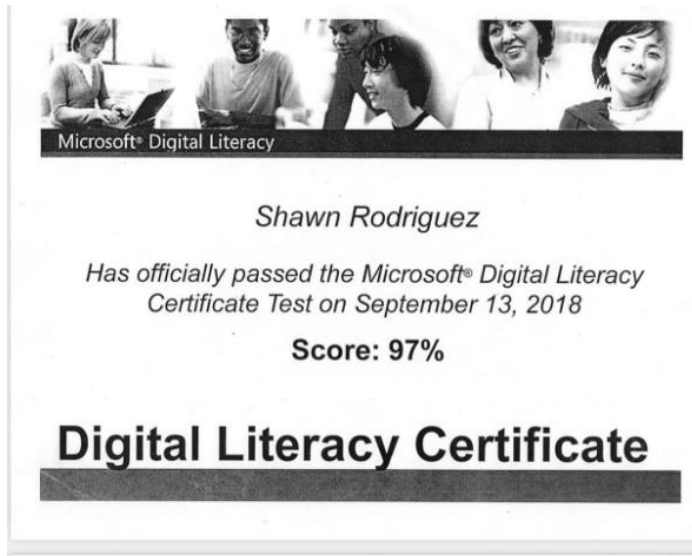
---

# Digital Literacy Certificate

## Digital Literacy Certificate C-Facility Readers

## C-Facility Readers Certificate of Achievement

## Certificate of Recognition for C- Facility Readers





# OSTR-Level 1 – Computer Literacy Core

## Microsoft Office Specialist Certificate for Word



# Evidence of Shawn's Psychological Development and Health

---



# Certificate of Completion: Dialectical Behavior Therapy Informed

## Certificate of Completion

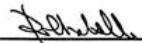
*R J Donovan Correctional Facility*  
Department of Mental Health  
Attest to the completion of the  
Sixteen-week course of group instruction on:



DBT INFORMED

To: Shawn Rodriguez (V16387)

Presented on this 25th day of May, 2017

  
Ms. Chabolla, ASW  
Clinical Social Worker

After years of voluntary participation in mental health treatment, including *Cognitive Behavioral Therapy, Rational Behavior Therapy, and Dialectical Behavior Therapy*, which are the only recognized methods of treatment for Antisocial Personality Disorder, Shawn's diagnosis of ASPD the prison staff had previously assigned was removed.

"On May 26, 2021, your primary clinician removed the Antisocial Personality (ASPD) diagnosis."

– K. Franceschi, Psy.D., Chief of Mental Health, California State Prison Sacramento

Envelope ID: 8432CC6F-5957-4216-9111-2191951980E8

S. RODRIGUEZ, V16387  
SAC 11C 21000707  
Page 2 of 3

The responsibilities of overall treatment planning within the Mental Health Services Delivery System rest with an Interdisciplinary Treatment Team. These responsibilities include formulation and approval of individualized treatment plans including a diagnosis, identified problems, treatment objectives measurable in behavioral terms, housing recommendations, property recommendations at the inpatient level, and level of care determinations. In consultation with the Interdisciplinary Treatment Team, the Primary Clinician develops an individualized treatment plan for all Mental Health Services Delivery System patients. Treatment plans are based on current assessments from all disciplines and with as much participation from the patient as possible. The patient shall be included in the Interdisciplinary Treatment Team, unless the patient refuses to participate. While it is best if the treatment team and patient agree, unanimity is not required.

Your health record is considered legal documentation. As such, all documents entered into your health record are permanent and may not be removed. Per the Health Care Department Operations Manual, Section 2.2.7, Patient Privacy Rights, patients have the right to request that California Correctional Health Care Services amend their Personally Identifiable Information/Protected Health Information in their health record. All requests for amendments shall be made in writing and submitted to Health Information Management staff. California Correctional Health Care Services is not obligated to agree to an amendment and may deny requests or only partially accept amendments. Health Information Management staff shall follow procedures in the Health Care Department Operations Manual, Section 2.3, Health Information Management, related to patients' requests to amend their health record.

Your health care grievance was reviewed by Mental Health, and it was documented that on May 26, 2021, your primary clinician removed the Antisocial Personality Disorder (ASPD) diagnosis. The ASPD diagnosis was given to you back in 2017 by another clinician, and was not the focus of treatment since that time.

The health and safety of our population is of critical importance to the California Department of Corrections and Rehabilitation and California Correctional Health Care Services. While our agency is working together to appropriately respond to the COVID-19 crisis, we will continue to provide urgent and emergent health care services. To reduce risks to both patients and staff, inmate movement will be minimized. In addition, some specialty and routine care may be delayed as a result of both internal redirections and external closures. All cancelled appointments will be rescheduled as soon as safely possible. If you have health care needs, you may access health care services by utilizing the approved processes in accordance with California Correctional Health Care Services policy.

Your medical condition will continue to be monitored with care provided as determined medically or clinically indicated by the primary care provider. If you have additional health care needs, you may access health care services by utilizing the approved processes in accordance with California Correctional Health Care Services policy.

Due to the Centers for Disease Control and Prevention recommendation for social distancing during the COVID-19 pandemic, signatures on health care grievance response letters may be electronic and other notations on the CDCR 602 HC, Health Care Grievance, may be missing. This does not indicate the health care grievance was not completely processed per California Code of Regulations, Title 15, Chapter 2, Subchapter 2, Article 5.

While the health care grievance process is a means of setting forth your health care concerns, it is not a substitute for direct communication about your health with your health care providers. You are encouraged to continue your care with your assigned health care providers and share with them new or additional clinical information about your conditions that you believe may affect your care. However, California law directs your health care providers to offer and provide only the care they determine to be currently medically or clinically necessary for you, in accordance with appropriate policies and procedures. Previous orders from other health

Note 1: The institutional level review is based on records available as of the date the Institutional Level Response is signed by the reviewing authority.  
Note 2: The closing date reflects the closed, mailed/delivered date of the health care grievance.  
Note 3: Permanent health care grievance document. Do not remove from the health care grievance package.

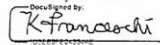
HEALTH CARE SERVICES

Envelope ID: 8432CC6F-5957-4216-9111-2191951980E8

S. RODRIGUEZ, V16387  
SAC 11C 21000707  
Page 3 of 3

care facilities or staff, input from health care consultants, and/or your own personal preferences may be considered, but do not control the professional judgment of your current health care providers.

If you are dissatisfied with the Institutional Level Response, follow the instructions on the CDCR 602 HC, Health Care Grievance, and submit the entire health care grievance package for headquarters' level review. The headquarters' level review constitutes the final disposition on your health care grievance and exhausts your administrative remedies.

Reviewed by:  
  
K. Franceschi, Psy.D.  
Chief of Mental Health (A)  
California State Prison – Sacramento

6/27/2021  
Reviewed and Signed Date

Note 1: The institutional level review is based on records available as of the date the Institutional Level Response is signed by the reviewing authority.  
Note 2: The closing date reflects the closed, mailed/delivered date of the health care grievance.  
Note 3: Permanent health care grievance document. Do not remove from the health care grievance package.

HEALTH CARE SERVICES

Dear Honorable Justice:

The purpose of this letter is to inform the court that I have been in contact with Shawn for almost five years, in a teaching and emotionally supportive capacity, via the mail. I am retired from the State of Alaska System after twenty years of service in the fields of Child Protection Social Work and Juvenile Probation. For approximately eight years I taught this cognitive / behavioral skill at the Youth Facility in Anchorage. Individual classes, for the more violent youth who requested them, were conducted as well as one hour groups, twice a week, with 5 to 13 youth. I have been teaching this skill nationwide by mail, in the prison system, for the last five years.

Because of the basic ABC homework format (Rational Self-Analysis form), adolescents and adults relate to this factual and common sense approach very well. The various, pictorial printouts and information on brain physiology also add to the clarity of this process for most levels of intellect. A strong focus on semantic ads even more clarity. This is very evident in the elimination of "demands and negative, non-factual self-labeling", in thinking, that are the major causes of almost all major, negative feelings.

Shawn readily filled out the Rational Self Analysis form, with vital background information, and I have completed and corrected the incorrect, irrational and non-factual thoughts that were the basic cause of his self-defeating and harmful behavior.

Shawn has been willing to entertain some of the information to better his situation and view the world and himself differently. His attitudinal change, for the better, since my initial contact with him, is very evident. He is more aware of his self-defeating thoughts and seems to have progressed well in the system, in regards to jobs, staying free of troubles and acting in a more altruistic manner to those less fortunate.

Over the last five years, Shawn has never given me the impression that he has an innate criminal, nature or any sociopathic thinking. He continues to have a sincere determination to better his life situation by engaging in honest work and staying connected to his supportive family members. Shawn is very intelligent and able to use his intellect to correct self-defeating thinking and better his future living situation. From the onset, I have not viewed him as a danger to society and do not view him this way now, after five years of contact. It is likely that a manic, depressive condition could have added to his previous harmful behaviors.

Brain Control: Rational Self-Counseling Skills is a clear thinking skill that teaches psychological independence, how to control your brain instead of it controlling you and how to better learn to think about your thinking. Physiological and psychological factors of feelings, and the brain, are discussed for the purpose of eliminating or lessening self-hate and the three major negative feelings of anger, depression and unnecessary fear which most people want to have less of.

I hope this information has been helpful in regards to any decision you make. Please contact with any questions regarding this matter.

Sincerely,



Roy Frye

726 "O" Place #404

Anchorage, Alaska 99501

[rofrye2003@yahoo.com](mailto:rofrye2003@yahoo.com)

907-332-0428(home)



# Final Analysis of the Case

---



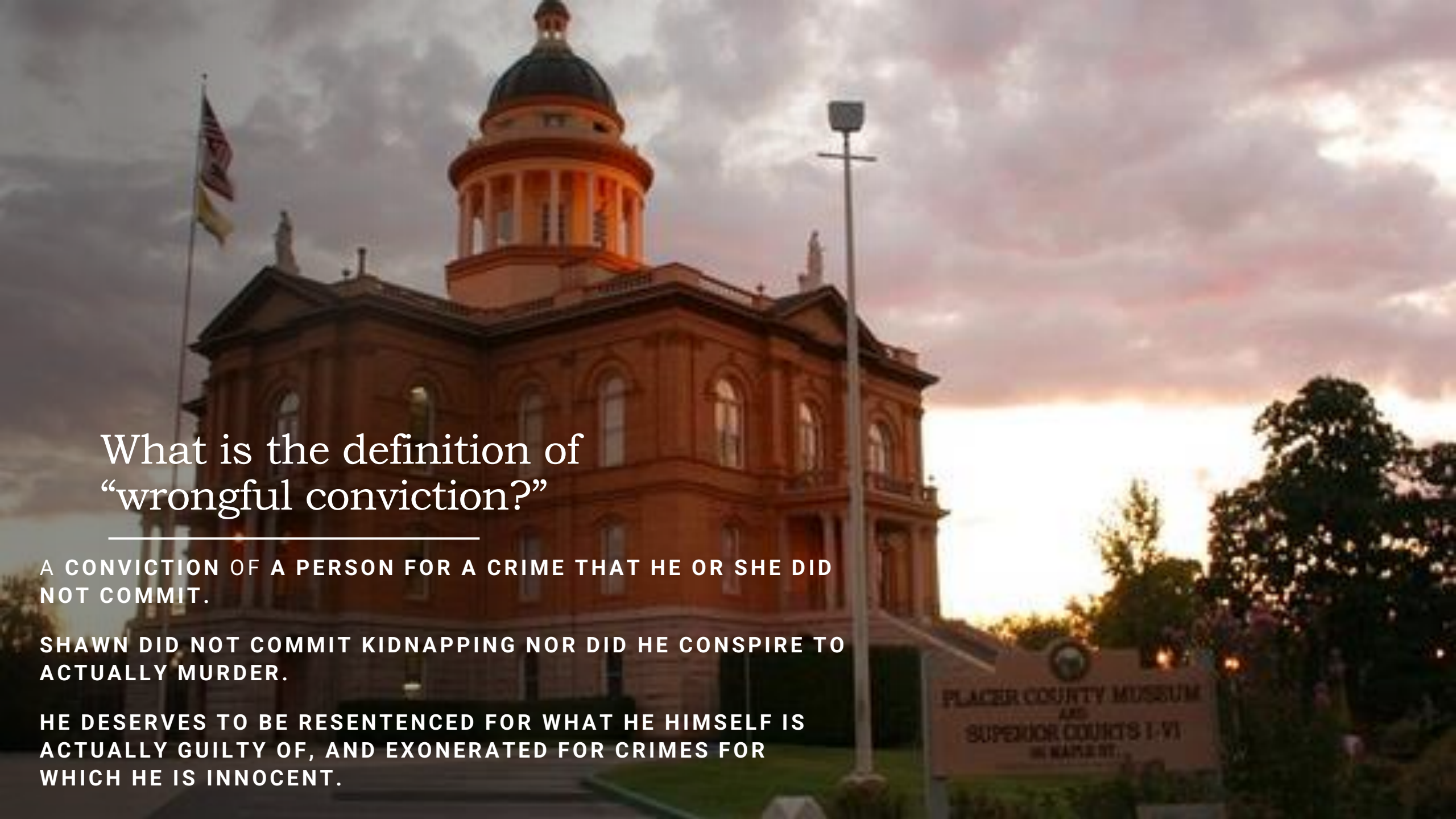


# How Much Time is Enough?

---

The average prison term in the USA for actual murder is less than 18 years.

Shawn has been in prison for more than 20 years despite the fact that no murder occurred, largely due to the fact that Shawn actively prevented any murder from happening.

A photograph of the Placer County Courthouse in California, featuring a prominent dome and classical architectural details. The building is illuminated by the warm, golden light of a sunset, with the sky filled with soft, pinkish-orange clouds. A flagpole with the American flag stands to the left of the building. In the foreground, a sign for the Placer County Museum and Superior Courts is visible on the right.

## What is the definition of “wrongful conviction?”

---

**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.**

# Next Steps: Resentence Shawn

---

## KIDNAPPING CHARGES MUST BE REMOVED

Shawn was not there for the kidnapping, as Erin Hughes' interview with Detective Daniel Coe will validate. Juror statements clearly also show they did not believe Shawn was a part of any plan to entrap Nick Hamman, they didn't believe Shawn was physically present for the kidnapping, and in one juror's words, they "felt tricked" into voting him guilty of kidnapping instead of false imprisonment. Placer County should have Erin's interview file in their records. Shawn should be exonerated of the kidnapping charge.

## CONSPIRACY TO COMMIT MURDER CHARGES MUST BE REMOVED

There are four criteria to be found guilty of conspiracy to commit murder, including: (1) intent to kill, and (2) an act in furtherance of that goal. All the jurors knew Shawn had on no intent to kill. Therefore, he is not guilty himself of that crime and he was found guilty because Marchi and Kearney told the jury Shawn was guilty if Anna had intent.

Further, Shawn did not do anything which could have actually led to Hamman's death. Therefore, he himself does not meet the criteria to be considered guilty of that crime and those charges and the associated 25 to life sentence must be removed from the record.

The majority of Shawn's prison time was due to Anna's crimes. *Please resentence Shawn for what he himself did.*

Exonerate Shawn for: Kidnapping and Conspiracy to Commit Murder. Resentence him with aiding and abetting a robbery, auto theft or "Driving or Taking a Vehicle without Consent," which may be a more accurate charge, and maybe misdemeanor false imprisonment as well as one count of using another's name to obtain credit or goods (Shawn used Nick's ATM card to put gas in Nick's car).





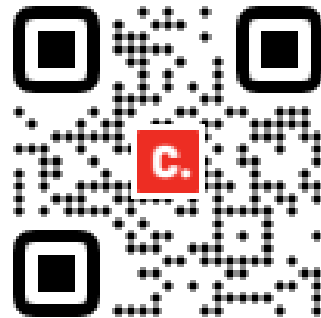
# Public Support for Shawn's Release from Prison

---



**HELP FREE**

SHAWN RODRIGUEZ



There are numerous active social media accounts (YouTube, FaceBook, Twitter/X, and TikTok) where this case is examined in great detail. Shawn Rodriguez has thousands of supporters across these platforms who believe he deserves to be free now.

As one sample of the level of support he has, please see the change.org petition, which was created November 18, 2023, and in just a few weeks has garnered over 500 signatures. The QR code to the left may be used to access that petition showing tremendous public outpouring for Shawn's release.

# Final Questions for You

---

If Shawn were sentenced today, what would you have sentenced him to? Is it less than 25 to life? If so, please, resentence him according to current laws.

In addition to relevant law changes, consider the “extraordinary circumstances” of Nick’s recantations, and consider all the evidence that shows Shawn was also Anna’s victim.

Shawn is enduring an unjust, excessive sentence for what he did as a teenager.

As one juror said, “Nobody was hurt. Where is the justice?”



# We Look Forward to Your Timely Response

---

❖ [ACotellessa@gwmail.gwu.edu](mailto:ACotellessa@gwmail.gwu.edu)

❖ (213) 804-5151

❖ 6200 Rolling Road, #523142, Springfield, VA 22152

(Full Trial Transcripts are posted to [www.helpfreeshawn.com](http://www.helpfreeshawn.com)  
for ease of reference)



**HELP FREE**  
SHAWN RODRIGUEZ