

STATE OF IDAHO)
County of KOOTENAI)^{ss}
FILED 4/19/19
AT 3:35 O'clock P - M
CLERK, DISTRICT COURT
[Signature]
Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,)
)
) *Plaintiff,*)
)
 vs.)
)
) JORDAN AVERY ERICKSON,)
)
) *Defendant.*)
)
 _____)

Case No. **CR28-19-4042**

**MEMORANDUM DECISION AND
ORDER GRANTING PLAINTIFF'S
MOTION FOR JOINDER**

STATE OF IDAHO)
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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,)
)
) *Plaintiff,*)
)
 vs.)
)
) NATHANIEL KA WETT JONES,)
)
) *Defendant.*)
)
 _____)

Case No. **CR28-19-4027**

**MEMORANDUM DECISION AND
ORDER GRANTING PLAINTIFF'S
MOTION FOR JOINDER**

I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY.

These two cases are before this Court on plaintiff's Motion for Joinder filed in each of these two cases on March 22, 2019. These two cases are assigned to the undersigned. That motion cited Idaho Criminal rules 8 and 13 as the legal basis, and simply stated the motion was, "based on the fact that all the cases involve the same evidence and witnesses

and in the interest of judicial economy it would be more efficient for the matters to be joined for the Jury Trial.” Mot. for Joinder, 1.

The indictments in each of these two cases were filed on March 3, 2019. According to those indictments, on February 26, 2019, Jordan Avery Erickson (Erickson) and Nathaniel Ka Wett Jones (Jones), allegedly conspired with each other and with one other person (Nolan Mullen-Huber) to batter and rob Terrell Fruechtl (Fruechtl). Indictment, 1--2. Nolan Mullen-Huber (Mullen-Huber) has been similarly charged, but that case is not assigned to the undersigned, and that case is not sought to be joined. Both Erickson and Jones are charged with one count of Battery With the Intent to Commit Robbery, Idaho Code Section 18-903 and 18-911, and one count of Conspiracy to Commit Robbery, Idaho Code Section 18-6501 and 18-1701. *Id.*

The Motion for Joinder was scheduled for hearing on April 4, 2019, but at that hearing the plaintiff requested the matter be rescheduled to April 11, 2019. On April 10, 2019, counsel for Erickson filed his Objection to Plaintiff’s Motion for Joinder, which simply contended in its entirety, “Mr. Erickson and Mr. Jones having opposing and conflicting interests and to try the two in the same case [sic] of action and/or before the same jury will result in undue prejudice and a violation of Mr. Erickson’s right to a fair trial and due process of law.” Obj. to Pl.’s Mot. for Joinder, 1–2. No other argument was made, legal or factual. On April 12, 2019, the plaintiff filed State’s Brief in Support of the Motion for Joinder. At the April 11, 2019, hearing, the Court heard argument from counsel for the plaintiff, counsel for Erickson and counsel for Jones. Due to the limited legal argument that had been presented to the Court at that time, the Court gave all parties until April 17, 2019, to file memorandum on the joinder issue. On April 12, 2019, the plaintiff filed State’s Brief in Support of the Motion for Joinder in the Erickson matter. On April 16, 2019, counsel for

