

**BOISE, FRIDAY, SEPTEMBER 13, 2024 at 11:10 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Appellant,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 50513</b>
	)	
<b>FERNANDO RODRIGUEZ,</b>	)	
	)	
<b>Defendant-Respondent.</b>	)	
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Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County, Jonathan Medema, District Judge.

Raúl R. Labrador, Idaho Attorney General, Boise, for Appellant.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Respondent.

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This appeal asks the Court to determine whether a prison inmate’s conduct—dumping soap onto the concrete floor during a disturbance amongst inmates in a prison tier—fell within the ambit of Idaho riot’s statute, Idaho Code section 18-6401. The State appeals from the district court’s order dismissing the charge of riot against Fernando Rodriguez, an inmate housed in an Idaho Department of Corrections (IDOC) facility. The State alleged Rodriguez had participated in a riot at the Idaho State Penitentiary by creating “a disturbance of the peace” or causing “damage or destruction to property” by “starting a fire in a trash can and/or by harassing IDOC staff members and/or by dumping soap near the door” while “acting together with others and without authority of law.”

After a preliminary hearing, the magistrate court found probable cause to believe that Rodriguez had committed the crime of riot and bound him over to the district court. However, the magistrate court found that there was no evidence that Rodriguez was one of the people involved in starting any fires or burning anything. Rodriguez moved to dismiss the charge. After determining that the evidence presented at the preliminary hearing pertaining to Rodriguez’s actions supported the sole finding that Rodriguez had dumped soap on the concrete floor, the district court granted the motion to dismiss. The district court concluded: (1) there was no evidence to support a finding that Rodriguez’s action in dumping soap on the floor resulted in property damage; and (2) Rodriguez did not commit a riot by “disturbing the public peace” because the section of the Idaho Code referring to a disturbance of the “public peace” does not apply to the prison setting where the disturbance took place.

On appeal, the State contends the district court misinterpreted the definition of riot under Idaho Code section 18-6401 and erroneously dismissed the charge against Rodriguez. The State raises two arguments to support its contention: (1) the district court erred by requiring proof that Rodriguez's individual actions damaged property, and (2) the district court misinterpreted the term "public peace" to erroneously conclude that "public peace" cannot be disturbed inside a closed area of a prison.