

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA BLACK,

Defendant.

Case No. 4:16-cr-00153-BLW

ORDER

The Court has before a motion for certain discovery requests by Defendant (Dkt. 60). The Government responded to the motion, and the Court has reviewed both briefs.

Based upon the information and arguments before the Court, the Court generally agrees with the Government's position on the discovery requests. Therefore, the Court will order the following:

1. Mr. Black's Request to Subpoena Port of Hope Witnesses: The Court will order that subpoenas be issued to Trista Worrell and Madison Knuth, and that the other witnesses be excused.
2. Subpoena Phone Recordings Belonging to Katie Hedrick: Officer Hedrick has testified that she did have a conversation with Mr. Black on February 19, so the phone records are unnecessary.
3. Personal Witnesses David Davis and Charly Davis: Mr. Black may request that David Davis and Charly Davis attend the hearing.

4. Joyce Carson – Mental Health Bannock County Jail: The Court is not aware of the relevance of Ms. Carson’s testimony or the records of the mental health screening in the federal proceedings, and the request will be denied.
5. Petition to See Judge Winmill: Mr. Black may address Judge Winmill at the hearing.
6. Exclusion of Witnesses: Mr. Black may request the exclusion of certain witnesses at the hearing, and the Court will address that request before hearing evidence.
7. Use of Drawing Board: The Court is equipped with a drawing board that may be used by Mr. Black.
8. Request for Polygraph: The Court does not find a polygraph necessary, and the request will be denied.
9. Request for Records: The Government does not need to produce the following records because they are not relevant to the revocation hearing:
  - a. All files for Joshua Black.
  - b. Request for “Casefile.
  - c. Photos sent to therosefrom1982@gmail.com from POH Tablet.
  - d. Bunk Assignment # and layout of entire men’s dorm, diagram of day area monitor’s office, diagram of front desk and front entry.
  - e. Date hygiene, trip to Walmart, visitation authorization requested.

- f. All monitor notes, received complaints, and communication to Trista Worrell.
- g. All history of violence, weapons, violations for inmate, assigned bunk #, issued complaints both received from and about inmate next to Joshua Black in “west corner” on “end of row” in men’s dormitory for entire timeline in Port of Hope Program with date of entry. Inmate to be identified as “Guest –M-“in all documents for confidentiality purposes.
- h. Time card/employees on duty 16 Feb 18 through 19 Feb 18.
- i. Time card/employees on duty and report on homicide in last 5 months at Port of Hope with date of incident.
- j. Video surveillance.
- k. All complaints and grievances filed against Mr. Durr and Ms. Brown in 12 month period.
- l. Rules and procedures for employee code of conduct and fraternization policies.

The above rulings are based upon the Court’s current understanding of the facts surrounding Mr. Black’s case. The rulings are made without prejudice, and Mr. Black may restate his requests during the hearing. Many of Mr. Black’s requests may be completely appropriate and necessary, but Mr. Black has not articulated why that is so. After the evidentiary hearing begins, it may be much easier for Mr. Black to explain the

basis for his request in the context of the evidence presented. Therefore, the Court may reconsider its decision after the hearing begins. If so, the Court will also consider continuing or extending the hearing if necessary to ensure that Mr. Black is able to obtain and present the evidence relevant to any defense he has.

### **ORDER**

#### **IT IS ORDERED:**

1. Defendant's motion for certain discovery requests by Defendant (Dkt. 60) is **GRANTED** in part and **DENIED** in part as explained above.
2. The Clerk of the Court shall mail a copy of this Order to Mr. Black at his place of confinement.
3. Government counsel shall work with the Clerk of the Court to issue the subpoenas for Trista Worrell and Madison Knuth.



DATED: April 23, 2018

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive, flowing style.

B. Lynn Winmill  
Chief U.S. District Court Judge