

**U, THURSDAY, SEPTEMBER 14, 2017, AT 1:30 P.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 43901**

|                                   |   |
|-----------------------------------|---|
| <b>STATE OF IDAHO,</b>            | ) |
|                                   | ) |
| <b>Plaintiff-Respondent,</b>      | ) |
|                                   | ) |
| <b>v.</b>                         | ) |
|                                   | ) |
| <b>JACOB JUAN HERNANDEZ, JR.,</b> | ) |
|                                   | ) |
| <b>Defendant-Appellant.</b>       | ) |
| _____                             | ) |

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Christopher S. Nye, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth Ann Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Hernandez was charged with various counts as a result of an altercation in which three individuals received stab wounds, with one of the men dying as a result of his injuries. Hernandez appeals from a judgment entered upon the jury's verdicts finding him guilty of voluntary manslaughter, Idaho Code § 18-4006(1) (with a gang enhancement, I.C. § 18-8503(b)), two counts of aggravated battery I.C. § 18-907 (with a gang enhancements, I.C. § 18-8503(b)), and two counts of second-degree kidnapping, I.C. § 18-4501. He challenges the district's court's denial of his motion for a mistrial, the sufficiency of the evidence supporting his kidnapping convictions, the denial of his motion to dismiss based on a claimed speedy violation, the admission of certain evidence at trial, the denial of his motion for payment of co-counsel, as well as contending that the cumulative error doctrine applies, necessitating a reversal of his conviction.