

DISTRICT COURT
FIFTH JUDICIAL DIST
JEROME COUNTY IDAHO

2015 JUN 24 PM 3:37

Michelle Emerson

BY

DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR JEROME COUNTY

IN THE MATTER OF THE ORDER
DECLARING JOHNNY RAY ANDOE A
VEXATIOUS LITIGANT

CV -

2015-501

JOHNNY RAY ANDOE,

A vexatious litigant.

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

THIS MATTER is before the court on the referral of the Honorable Robert Elgee.
The matter is properly before this court pursuant to Idaho Administrative Rule 59(c).
Based thereon, the court makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. JOHNNY RAY ANDOE ("Andoe") pled guilty to one count of felony second degree kidnapping and one count of felony domestic battery on 10/27/10 (Jerome County CR-2009-7429). Andoe was sentenced on 02/07/11, with

the court retaining jurisdiction. On 05/25/11, the court relinquished jurisdiction without a hearing. On 07/29/11, Andoe filed a Rule 35 motion for correction or reduction of sentence. That motion was denied without a hearing. Andoe then appealed the trial court's decision to relinquish jurisdiction, as well as its denial of his Rule 35 motion. On 04/05/12, the Idaho Supreme Court affirmed the trial court's decisions. Andoe then began filing a considerable number of motions in this case, including another Rule 35 motion, claiming an illegal sentence. This too was denied, after which Andoe appealed. The trial court's decision was again affirmed. Andoe filed yet another Rule 35 motion on 02/26/15, after which he was referred for a vexatious litigant determination.

2. From 2011 to the present, Andoe has initiated at least five *pro se* civil lawsuits.¹ Each of these suits has either been dismissed or adjudicated adversely to Andoe.

CONCLUSIONS OF LAW

1. JOHNNY RAY ANDOE has habitually, persistently, and without reasonable grounds engaged in conduct that (1) is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, and (2) is imposed solely to delay, hinder the effective administration of justice, impose an unacceptable burden on

¹ Jerome County CV-2012-1119, CV-2013-0383; Ada County CV-HC-2011-22991, CV-HC-2012-9697, CV-HC-2013-16868.

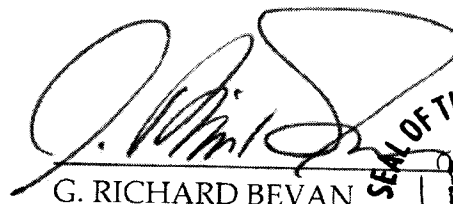
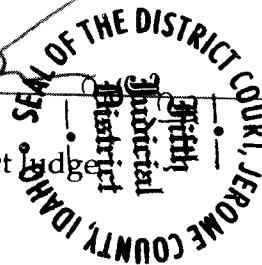
judicial personnel and resources, and impede the normal and essential functioning of the judicial process.

2. JOHNNY RAY ANDOE, in the immediately preceding seven-year period, has commenced, prosecuted or maintained *pro se* at least three litigations, other than in the small claims department of the magistrate division, that have been finally determined adversely to JOHNNY RAY ANDOE.

3. JOHNNY RAY ANDOE has, while acting *pro se*, repeatedly filed unmeritorious motions, pleadings, or other papers, and has engaged in other tactics that are frivolous or solely intended to cause unnecessary delay.

THEREFORE, pursuant to Idaho Administrative Rule 59(d), this court concludes that JOHNNY RAY ANDOE is a vexatious litigant and that a prefiling order will be issued.

Dated this 24 day of June, 2015.


G. RICHARD BEVAN
Administrative District Judge


CERTIFICATE OF SERVICE

I, Traci Brandebourg, hereby certify that a true and correct copy of the foregoing was delivered this 26 day of June, 2015, to the following:

Johnny Rae Andoe #98609
ISCI Unit 10C 59A
P.O. Box 14
Boise, ID 83707
(mailed)

Jerome County Prosecutor
(annex box)

Jerome County District Clerk
(emailed)

BY 

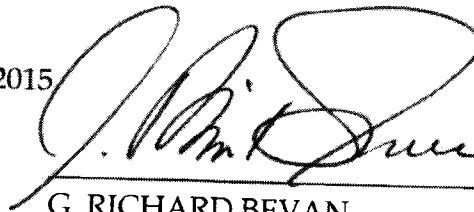
DEPUTY

IT IS HEREBY ORDERED that JOHNNY RAY ANDOE be and is hereby PROHIBITED from filing any new litigation in the courts of this state *pro se* without first obtaining leave of a judge of the court where the litigation is proposed to be filed.

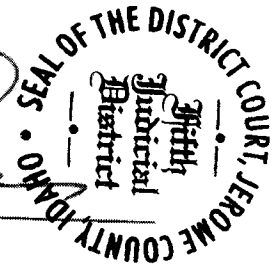
JOHNNY RAY ANDOE is hereby advised that he has fourteen (14) days to file a written response. If a written response is not filed within that time-frame, this court will finalize this order as a Permanent, Prefiling Order against JOHNNY RAY ANDOE.

IT IS SO ORDERED

Dated this 24 day of June, 2015



G. RICHARD BEVAN
Administrative District Judge



CERTIFICATE OF SERVICE

I, Traci Brandebourg, hereby certify that a true and correct copy of the foregoing was delivered this 26 day of June, 2015, to the following:

**Johnny Rae Andoe #98609
ISCI Unit 10C 59A
P.O. Box 14
Boise, ID 83707
(mailed)**

**Jerome County Prosecutor
(annex box)**

**Jerome County District Clerk
(emailed)**


BY _____
DEPUTY