

BOISE, MONDAY, NOVEMBER 2, 2026, AT 8:45 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	
Plaintiff-Respondent,	)	
	)	
v.	)	Docket No. 52379
	)	
JOSE L. RODRIGUEZ,	)	
	)	
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the Third Judicial District of the State of Idaho,
Canyon County. Randall S. Grove, District Judge.

Sarah E. Tompkins, Boise, for Appellant.

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

Jose Rodriguez appeals his judgment of conviction for rape under Idaho Code section 18-601. In November 2020, J.F. reported that Rodriguez, her friend's stepfather, raped her. She testified that she was hanging out with friends and drinking alcohol at J.F.'s house, and that she became very intoxicated. Rodriguez drove J.F. and some of her friends to purchase more alcohol. She then stated that she fell asleep on the couch and woke up to Rodriguez touching her. She testified that she tried to resist but was too intoxicated and he raped her. She then went to the hospital where a rape kit was conducted. Later, a grand jury indicted Rodriguez for rape.

In preparation for trial, the State filed a motion in limine and notice of intent to introduce Idaho Rule of Evidence 404(b) evidence at trial. The State alleged that the evidence established that in 2002, Rodriguez provided alcohol to an underaged individual and raped her after she was intoxicated. He was prosecuted for making false official statements, sodomy, adultery, indecent acts, and providing alcohol to a minor. After a trial, he was acquitted of sodomy and convicted of all other counts. The State argued that the evidence was relevant as to Rodriguez's "motive, opportunity, intent, preparation, plan, and knowledge, as well as an absence of mistake or lack of accident." The district court ruled that the evidence was relevant for Rule 404(b) purposes. Later, after also conducting a hearing regarding Rule 403, the court granted the State's motion in limine. Rodriguez entered a conditional *Alford* plea and timely appealed the district court's ruling on the 404(b) evidence.

On appeal, Rodriguez argues first that the district court abused its discretion by granting the State's motion to admit the evidence, because he was acquitted of sodomy, which he asserts was the only charge involving an element of nonconsensual conduct. He asserts that this Court should depart from or distinguish the United State Supreme Court's holding in *Dowling v. United States*, 493 U.S. 342 (1990), which was subsequently followed by the Idaho Court of Appeals in *State v. Doe*, 136 Idaho 427, 34 P.3d 1110 (Ct. App. 2001). Alternatively, Rodriguez asserts that under *Ashe v. Swenson*, 397 U.S. 436 (1970), collateral estoppel should preclude evidence related to a charge that Rodriguez was acquitted of. Second, Rodriguez contends that under Rule 403, the district court should be required to weigh the particular risk to a defendant's right to a fair trial that evidence of acquitted conduct presents. In other words, Rodriguez asks this Court to hold that the analysis under Rule 403 requires "heightened scrutiny" in these circumstances. Finally, Rodriguez asserts that under Idaho's existing caselaw, the trial court abused its discretion in admitting the evidence under Rules 404(b) and 403.