

Diego Rodriguez
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IN THE SUPREME COURT OF THE STATE OF IDAHO

ST. LUKE'S HEALTH SYSTEM, LTD; ST.
LUKE'S REGIONAL MEDICAL CENTER,
LTD; CHRIS ROTH, an individual; NATASHA
D. ERICKSON, MD, an individual; and TRACY
W. JUNGMAN, NP, an individual,

Plaintiffs/Respondents,

vs.

DIEGO RODRIGUEZ, an individual,

Defendant/Appellant,

AMMON BUNDY, an individual; AMMON
BUNDY FOR GOVERNOR, a political
organization; FREEDOM MAN PRESS LLC, a
limited liability company; FREEDOM MAN
PAC, a registered political action committee; and
PEOPLE'S RIGHTS NETWORK, a political
organization,

Defendants.

Idaho Supreme Court Case No. 51244-2023

Ada County Case No. CV01-22-06789

**MOTION TO AUGMENT THE RECORD
ON APPEAL**

COMES NOW the Appellant, Diego Rodriguez, and pursuant to Idaho Appellate Rule 30, respectfully move this Honorable Court to augment the appellate record with newly discovered evidence that materially impacts the fairness, integrity, and legality of the underlying judgment currently under appeal.

1. Newly Discovered Evidence

On or about May 2025, while reviewing the official court transcript and audio from the trial proceedings, Ammon Bundy discovered that a video submitted and presented to the jury by St.

Luke's counsel had been materially edited. The video was spliced to remove exculpatory content and reorganize segments in a way that distorted the true context of Mr. Bundy's statements.

Specifically, the version shown to the jury materially altered Mr. Bundy's statements from the following:

ORIGINAL:

"I have to say that I'm not okay with any of this. To be honest with you, if justice was to be served, we would go into the hospital, take that baby, and we'd give it back to their mother. And then if we were further to administrate justice, we would find those that are accountable and we would uh prosecute them, and uh, and uh, you know, make them uh, pay, for the damages that they caused to this family and assure that this never happens again.

That's what should happen. And uh, I will say this, that I'm not alone in those feelings, but uh we also have had to suppress those uh those thoughts and actions uh because we are trying to give the people that are uh, making the decisions that are doing this thing to them—give them a chance to correct this issue so that we don't have to do it for them."

ALTERED VIDEO:

"...if justice was to be served, we would go into the hospital, take that baby, and we'd give it back to their mother. And then if we were further to administrate justice, we would find those that are accountable and we would uh prosecute them, and uh, and uh, you know, make them uh, pay, I know that there are groups, uh patriot groups, that have wanted to come. And uh, and just do what needs to be done..."

The inserted segment referencing "patriot groups" is indeed Mr. Bundy's voice, but was taken from a later, unrelated portion of the video in which he expressly disavowed violence and stated that he was working to prevent such groups from taking action. The spliced presentation deliberately stripped that context, making it appear that Mr. Bundy himself was issuing a threat—*when in fact he was urging others to stand down.*

This was a clear attempt to persuade the jury and bias them against Mr. Bundy and paint him as an extremist who was making threats, when the true context demonstrated patience, respect, and humility in his response to St. Luke's and definitely showed that he was not making a threat.

The alteration was not cosmetic or editorial—it was designed to remove clarifying and peaceful statements, which fundamentally changed the perceived intent and tone of the speaker. This directly impacted the jury's perception and the resulting judgment.

The altered video not only restructured the video to imply that Mr. Bundy supported or incited violence—when in fact, he was urging restraint and working to prevent such action. The alteration was calculated to inflame the jury and poison their perception of the Defendants.

2. Relevance to the Issues on Appeal

This newly discovered evidence is directly relevant to multiple issues raised in the Appellants' briefs, including allegations of due process violations, judicial bias, and improper evidentiary rulings. If this Court affirms a judgment procured through deception, it risks ratifying a process tainted by fraud upon the tribunal.

Because this evidence was not available to the Appellants at the time of trial and was only recently uncovered through independent review, it is appropriate to augment the record now so that the Court has a full and truthful evidentiary basis for its ruling.

The use of spliced, misleading evidence without any opportunity for rebuttal—due to the Defendants' absence—deprived them of a fair trial and violates basic due process under the U.S. and Idaho Constitutions.

- **Robertson v. Richards, 2006 WL 618821** (Idaho Ct. App.) – *Held that concealing or misrepresenting key evidence at trial can warrant relief post-judgment, especially when it affects the integrity of the verdict.*

- **Barnes v. Barnes, 2008 WL 2896366** (Idaho Ct. App.) – *A party’s false presentation of evidence was grounds to reopen proceedings under Rule 60(b)(3) and to preserve the issue for appellate review.*
- **United States v. Kohring, 637 F.3d 895** (9th Cir. 2011) – *The government’s failure to disclose exculpatory material and spliced audio recordings violated due process, justifying relief.*
- **U.S. Const. amend. XIV** – No state shall “*deprive any person of life, liberty, or property, without due process of law.*”

3. Materials to be Included in the Record

Appellants respectfully request that the following materials be included in the appellate record:

- Declaration of Ammon Bundy, attesting to the discovery and nature of the doctored video (Exhibit A);
- Unedited version of the original video (submitted via digital exhibit B);
- Edited/spliced version used at trial;
- Transcript excerpts and trial references where the edited version was submitted;
- Supplemental timeline and comparative analysis showing discrepancies.

Idaho Rule of Evidence 201(b)(2): The court may take judicial notice of facts capable of accurate and ready determination by resort to sources “*whose accuracy cannot reasonably be questioned.*”

4. Legal Authority and Timeliness

Under Idaho Appellate Rule 30, the appellate court may augment the record where additional materials are necessary for full and fair review of the issues on appeal. The Idaho Supreme Court retains broad discretion to ensure that justice is served. This motion is timely filed promptly after discovery of the new evidence and in good faith.

Pursuant to **Idaho Appellate Rule 30(a)**, this Court may, on motion of a party, augment the record to include materials necessary for the resolution of the appeal. Appellant seeks to add

newly discovered materials that are relevant to the claims of due process violations and alleged fraud on the court.

Robertson v. Richards, 2006 WL 618821 (Idaho Ct. App.) — *augmentation granted where omitted material bore directly on alleged trial misconduct.*

WHEREFORE, PREMISES CONSIDERED, Appellants respectfully request that this Court grant this *Motion to Augment the Record* and permit submission of the above-referenced evidence for inclusion in the appellate record. Appellants further request leave to submit these materials electronically or by supplemental filing if directed by the Court.

DATED: June 9th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that on June 9th, 2025, I served a true and correct copy of the foregoing Motion to Augment the Record on Appeal via iCourt electronic service to the following:

Erik F. Stidham (ISB #5483)
HOLLAND & HART LLP
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Boise, ID 83702-5974

☐ By Mail
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Ammon Bundy
4615 Harvest Lane
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☐ By Mail
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DATED: June 9th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez

EXHIBIT A

DECLARATION OF AMMON BUNDY

DECLARATION OF AMMON BUNDY

I, Ammon Bundy, declare under penalty of perjury pursuant to the laws of the State of Idaho as follows:

1. My name is Ammon Bundy. I am over the age of 18 and competent to testify to the matters stated herein. I am a named Defendant in the above-captioned case.

2. I submit this Declaration in support of a Motion for Relief from Judgment (or any other relevant or applicable Motion) filed by Diego Rodriguez. The facts contained herein are based on my personal knowledge unless otherwise indicated.

BACKGROUND ON THE VIDEO

3. In early April 2022, I recorded a public video address in response to the State of Idaho's involvement in the removal of Baby Cyrus from his family and the role of St. Luke's Health System in that process.

4. The purpose of the video was to inform the public, express concern over the actions of St. Luke's and CPS, and to call for peaceful, lawful action to demand accountability. I specifically stated in the video that I did not want anyone to threaten, or go after any staff or personnel at St. Luke's.

5. I emphasized in the original video that we should allow the perpetrators a chance to do the right thing, and that I had personally told other activist groups to stand down and not take matters into their own hands at that time.

DISCOVERY OF THE ALTERED VIDEO

6. In May 2025, I reviewed an official transcript and courtroom audio recording from the jury trial in this case. During my review, I identified a video that had been submitted into evidence by Plaintiffs' counsel and shown to the jury.

7. Upon watching that video, I immediately recognized that it had been altered. The version presented in court had been edited to remove portions of my original statement and splice together two separate sections of the video in a way that changed the meaning of what I said.

8. Specifically, the edited version removed my clear disclaimers rejecting violence and calling for peaceful action, and instead made it appear as though I was endorsing threats or pressure by so-called "patriot groups." The edit created a false narrative and portrayed me as dangerous or threatening, which I absolutely was not.

9. I verified this manipulation by comparing the video used in court to the original, full-length recording that I published in April 2022. The alteration is clear and deliberate.

TRANSCRIPT COMPARISON SUMMARY

10. Below is a comparison of the relevant portion of the video as it was originally recorded versus the version that was edited and shown to the jury:

Original (Unedited) Statement:

“I have to say that I’m not okay with any of this. To be honest with you, if justice was to be served, we would go into the hospital, take that baby, and we’d give it back to their mother. And then if we were further to administrate justice, we would find those that are accountable and we would uh prosecute them, and uh, and uh, you know, make them uh, pay, for the damages that they caused to this family and assure that this never happens again.

That’s what should happen. And uh, I will say this, that I’m not alone in those feelings, but uh we also have had to suppress those uh those thoughts and actions uh because we are trying to give the people that are uh, making the decisions that are doing this thing to them—give them a chance to correct this issue so that we don’t have to do it for them.”

Edited Version Shown to Jury:

“...if justice was to be served, we would go into the hospital, take that baby, and we’d give it back to their mother. And then if we were further to administrate justice, we would find those that are accountable and we would uh prosecute them, and uh, and uh, you know, make them uh, pay, I know that there are groups, uh patriot groups, that have wanted to come. And uh, and just do what needs to be done...”

11. The first part of my statement — and where I directly urged groups to stand down and refrain from any unlawful action — was completely removed. Then, a sentence from a different part of the video was spliced in to make it appear as if I was aligning with those groups or encouraging action, which I was not.

12. This edit reversed the meaning of my message and misled the jury about my intentions. It portrayed me as threatening or dangerous when I was actually doing the opposite — urging peace and restraint.

HARM AND PERJURY DECLARATION

13. The use of this doctored video in court was a deliberate attempt to deceive the jury and portray me—and by association, Diego Rodriguez—as dangerous, threatening, and extreme. The Plaintiffs' counsel knew I was not present at trial and could not correct the record. This misconduct prejudiced the jury and contributed to an unjust and extreme judgment.

14. I affirm that the above statements are true and correct to the best of my knowledge.

I declare under penalty of perjury pursuant to the laws of the State of Idaho that the foregoing is true and correct.

DATED this 9th day of June, 2025.

A handwritten signature in blue ink, appearing to read "A Bundy", with a stylized flourish at the end.

Ammon Bundy

EXHIBIT B

Digital Download Links to original videos

**Link to original video uploaded to Ammon Bundy's YouTube page
(unedited and unaltered in any way):**

<https://freedomman.gs/lawsuit/ammon-original.mp4>

**Link to video showing the difference between the original video and
the altered one that Holland and Hart showed the jury:**

<https://freedomman.gs/lawsuit/erik-stidham-altered-video.mp4>

Relevant Timestamps in the original video:

Where the altered video makes its splices/edits (these are the timestamps from the original video noted above and titled "ammon-original.mp4").

ALTERED VIDEO:

[START 1:42]...if justice was to be served, we would go into the hospital, take that baby, and we'd give it back to their mother. And then if we were further to administrate justice, we would find those that were accountable and we would uh prosecute them, and uh, and uh, you know, make them uh, pay, [END 2:03] [START 4:50]I know that there are groups, uh patriot groups, that have wanted to come. And uh, and just do what needs to be done...[END 5:01]