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[Research](#)
[News & Events](#)
[Funding Sources](#)
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Alleged gunman can't be forced to testify against Linderman **By Ted McDonough - Daily News Staff Writer, Moscow, Idaho**

Sept. 12, 2002

Latah County prosecutors don't have evidence to sustain a murder charge against Jesse Linderman, and on Wednesday a judge denied a prosecutor's request for more time to prove the case.

Linderman, 21, of Moscow, was arrested Aug. 29 for allegedly plotting the Dec.11 shooting death of his fiancée Tonya Lynn Hart. A second murder defendant, David Meister, allegedly confessed to the shooting telling investigators Linderman hired him to kill the 21 year old Hart.

The problem is Meister can't be forced to give testimony that could hurt his own chances at trial. Without Meister's testimony, prosecutors said they don't have enough evidence to convince a judge murder charges are warranted against Linderman.

In Idaho, prosecutors have 14 days after an arrest to convince a judge they have some evidence against a murder defendant. A defendant can't be kept in jail if a preliminary hearing isn't held within the time limit.

Linderman's preliminary hearing was scheduled for today. On Wednesday, Latah County Deputy Prosecuting Attorney Robin Eckmann asked 2nd District Court Judge Bill Hamlett for extra time.

Hamlett denied the request, saying the two-week time limit was particularly important in cases such as Linderman's where defendants are held in jail without bond.

"Mr. Meister may never testify in your case," Hamlett told Eckmann.

The judge gave prosecutors until Friday, the last day of the 14-day time limit but opened the door for an effective extension of the time limit.

Hamlett said if prosecutors dropped charges against Linderman and immediately filed new charges, a preliminary hearing could be scheduled before Sept. 27. That would keep Linderman in jail and give prosecutors two additional weeks to try to work a deal for Meister's cooperation.

Latah County Prosecutor Bill Thompson said talks are ongoing with the attorneys for both men accused of Hart's murder. He would not provide details of those conversations, but said prosecutors needed Meister's testimony.

"We want to hold everybody accountable for what they have done," Thompson said. "We wouldn't be able to meet our burden of proof on Mr. Linderman if Mr. Meister is unable to testify."

With Linderman, Meister is charged with first-degree murder, a capital offense. The death penalty theoretically could be taken off the table for Meister in exchange for his testimony against Linderman.

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