

BOISE, THURSDAY, FEBRUARY 13, 2025, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50157

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 GREGORY ESCOBEDO,)
)
 Defendant-Appellant.)
)

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

Erik R. Lehtinen, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Gregory Escobedo appeals from his judgment of conviction for aggravated battery with an enhancement for use of a deadly weapon, unlawful possession of a firearm by a felon, grand theft, and being a persistent violator. Officers responded to a call of a vehicle stolen from a gas station. The calling party was a bystander who assisted the vehicle’s owner (E.N.) in pursuing the stolen vehicle. After finding the stolen vehicle, E.N. approached the vehicle and was then shot by the driver. The driver was later identified as Escobedo.

At trial, the State sought to offer statements where Escobedo admitted to shooting E.N. Pursuant to Idaho Rule of Evidence 106, Escobedo sought to admit additional statements to provide context to the statements offered by the State. The district court allowed the admission of some of Escobedo’s requested statements concerning his state of mind but declined to admit any statements regarding the basis for his state of mind without a hearsay exception. Escobedo also filed a motion in limine to preclude evidence as to the nature and extent of E.N.’s injuries, arguing the evidence lacked relevance and was unduly prejudicial. The district court denied the motion in part and granted the motion in part. Finally, trial counsel objected to the surgeon (who removed the bullet from E.N.) providing testimony, arguing that the testimony was cumulative of the testimony already heard by the jury from another witness. The district court overruled the objection.

On appeal, Escobedo contends that the statements sought to be admitted, pursuant to I.R.E. 106, should have been admitted and that the district court erred in requiring a hearsay exception for a portion of the statements. Escobedo asserts that he was not able to establish a basis for the jury to be instructed on self-defense due to this error. Escobedo argues that the district court erred in allowing evidence regarding the extent of E.N.'s injuries because the evidence did not make a fact of the State's case more or less probable and was unfairly prejudicial. Escobedo further argues that the district court committed reversible error by failing to analyze whether the evidence's probative value was substantially outweighed by unfair prejudice. Finally, Escobedo argues that the district court erred in allowing testimony from the surgeon, regarding E.N.'s injuries, as it was cumulative testimony and the district court failed to balance the probative value of the surgeon's testimony with the potential prejudice from any cumulative effect.