

SUMMARY STATEMENT

State of Idaho v. Brian Mathew Golden, Sr.

Docket No. 46751

Brian Mathew Golden, Sr., appeals his sentences for possession of methamphetamine. Golden argues the district court abused its discretion by failing to redline inaccurate portions of the Presentence Investigation Report (PSI). The record suggests the district court understood its obligation not to consider incorrect or unreliable information in the PSI and to redline that information from the PSI. The PSI in the appellate record, however, does not reflect the changes. Because a corrected PSI is not in the appellate record, the Court remands the case to ensure any changes the district court made to the PSI are reflected on the PSI which is subject to disclosure under I.C.R. 32(h).

Golden also challenges his concurrent sentences as excessive and argues the district court abused its discretion by denying his motion for a reduction of his sentences under Idaho Criminal Rule 35. The Court holds that the district court did not abuse its discretion in sentencing Golden or by denying his Rule 35 motion.