

## SUMMARY STATEMENT

*State v. Diaz*, Docket No. 47667

In this permissive appeal, the State challenged the district court's order denying a motion to exclude expert testimony that Ruben Danial Diaz lacked the mens rea to commit aggravated battery because he suffered from a mental illness or defect that caused him to believe the victim was an alien. The State charged Diaz with aggravated battery, use of a deadly weapon in the commission of a crime, and resisting and obstructing a police officer after he stabbed a man in a random attack. The State filed a motion in limine to exclude Diaz's expert and argued Idaho Code section 18-207 barred expert testimony on evidence of a mental condition. The district court denied the motion, denied the State's subsequent reconsideration motion, and denied the State's motion for a permissive appeal. The State timely filed a motion for permissive appeal with the Idaho Supreme Court, which was granted.

The Idaho Supreme Court affirmed the district court's decisions to deny the State's motion in limine and to permit a mistake of fact defense. The Court first determined that expert testimony that Diaz did not know his victim was human was relevant to establish the elements of aggravated battery. The Court also held that mistake of fact is an available defense to aggravated battery. Finally, the Court concluded the district court did not abuse its discretion in finding the testimony about mens rea was not unfairly prejudicial.

***\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\****