

## SUMMARY STATEMENT

*State v. Radue, Docket No. 49945*

Danielle Radue appealed from the judgment entered on her conditional guilty plea to first-degree murder, challenging several of the district court's pretrial rulings. Radue argued that the district court: (1) deprived her of her constitutional right to present a defense by excluding expert testimony that, due to her mental state, Radue's use of force or violence upon the minor victim was not willful; (2) abused its discretion by ruling that the State could present 404(b) evidence of other acts of force or violence to prove Radue acted willfully; (3) deprived her of her confrontation rights by ruling it would prohibit the defense from cross-examining the State's medical expert about his actions and testimony in an unrelated case; (4) deprived her of her due process and equal protection rights when it denied her request for funds to hire an expert on false confessions and coercive police interrogation techniques; (5) violated her right to the presumption of innocence when it denied her motion to prohibit the use of the word "victim" to describe the deceased child and his family; and (6) violated her right to a jury trial when it declined to grant her more than three peremptory challenges or to continue the trial until the Supreme Court's COVID-related limitations on the number of peremptory challenges expired. Two separate district judges entered orders in this case.

The Idaho Supreme Court affirmed the district courts' orders and Radue's judgment of conviction, holding first that the district court did not abuse its discretion when it excluded expert testimony that was an attempt to present the insanity defense. Next, the Court affirmed the district court's decision to allow the State to present Rule 404(b) evidence showing how Radue handled the victim on other occasions. The Idaho Supreme Court also held that Radue's argument that the district court abused its discretion by prohibiting Radue from cross-examining the State's medical expert was not preserved for appeal. The Court affirmed a second district court's decisions denying Radue's request for funds to hire an expert on false confessions and the court's decision permitting the State to use the word "victim." Finally, the Idaho Supreme Court determined that Radue's challenge to the district court's decision limiting her peremptory challenges was moot after the Court's decision in *State v. Harrell*, 173 Idaho 45, 538 P.3d 818 (2023).

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