

## SUMMARY STATEMENT

*State v. Ogden, Docket No. 49958*

This case came to the Idaho Supreme Court on a petition for review from the Idaho Court of Appeals. Darin Ogden appealed from his judgment of conviction for possession of methamphetamine and drug paraphernalia. During a consensual encounter, officers searched Ogden's vehicle outside of a business and arrested Ogden for possession. At trial, the State introduced redacted police officer on-body video showing the search. The nature and scope of the video became an issue during the trial. The jury found Ogden guilty on both counts. At sentencing, Ogden objected to portions of a presentence investigation (PSI) report that included investigative and third-party records from two pending unrelated cases, and seven allegedly inaccurate statements in the PSI. Ogden's objections were largely denied. Ogden appealed to the Court of Appeals, which affirmed, and he then petitioned for review to this Court, which was granted.

The Idaho Supreme Court held that Ogden was not barred under the doctrine of invited error from arguing that the district court erred in preventing him from presenting his response to Officer Sontag's statements, but affirmed the court's decision to exclude the statements as inadmissible under the completeness doctrine or as excited utterances. Additionally, the Court held that the district court erred by allowing the State to present evidence that the court determined was not relevant, but that error was harmless. The Court held that the district court abused its discretion in failing to redline portions of the PSI that it had agreed to strike and ordered a limited remand of the case to ensure that third-party records are stricken. The Court affirmed the district court's decision declining to strike portions of the PSI for which Ogden was acquitted or conduct that Ogden otherwise disputed.

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