

No. _____

In the Supreme Court of the United States

DARIN M. OGDEN,

Petitioner.

v.

STATE OF IDAHO,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI

TO THE SUPREME COURT OF THE STATE OF IDAHO

APPLICATION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, Darin Ogden, moves this Court for its order permitting him to file the attached Petition for Writ of Certiorari in forma pauperis. Mr. Ogden was granted in forma pauperis status by the Idaho District Court. A copy of the order appointing the Idaho State Appellate Defenders to represent Mr. Ogden on appeal is attached as Exhibit A. A letter from the Idaho State Appellate Defender assigning the undersigned attorney to represent Mr. Ogden is attached as Exhibit B.

Respectfully submitted this 31st day of January 2023.

/s/Dennis Benjamin

Dennis Benjamin

NEVIN, BENJAMIN & McKAY LLP

303 W. Bannock

P.O. Box 2772

Boise, ID 83701

(208) 343-1000

db@nbmlaw.com

Attorneys for Petitioner

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

Filed: 09/17/2020 10:25:13
Fourth Judicial District, Ada County
Phil McGrane, Clerk of the Court
By: Deputy Clerk - Masters, Beth

ABRAHAM E. WINGROVE, ISB #8748
Deputy Public Defender
200 West Front Street, Suite 1107
Telephone: (208) 287-7400
Facsimile: (208) 287-7409
Email: public.defender@adacounty.id.gov

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

DARIN MARSHAL OGDEN,


Defendant.

Case No. CR01-18-45881

ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER ON
DIRECT APPEAL

Defendant has elected to pursue a direct appeal in the above-entitled matter. Defendant, being indigent and having heretofore been represented by the Ada County Public Defender in the District Court, the Court finds that, under these circumstances, appointment of appellate counsel is justified. The Idaho State Appellate Public Defender shall be appointed to represent Defendant in all matters pertaining to the direct appeal.

ORDERED: _____ Signed: 9/17/2020 10:06 AM


Michael J. Reardon (District)
District Judge

CERTIFICATE OF SERVICE
I HEREBY CERTIFY that on 17 September, 2020

, I served a true and correct electronic copy to:

Ada County Prosecutor	acpocourtdocs@adaweb.net
Ada County Public Defender	public.defender@adacounty.id.gov
State Appellate Public Defender	documents@sapd.state.id.us
Idaho Attorney General	ecf@ag.idaho.gov

PHIL McGRANE
Ada County Clerk of the Court


Deputy Clerk

Signed: 9/17/2020 10:25 AM



ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER ON DIRECT APPEAL

EXHIBIT

A



STATE OF IDAHO
OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER
Defending Zealously, Advancing Fairness, and Advocating with Integrity.

May 19, 2021

Ms. Melanie Gagnepain
Clerk of the Court
P.O. Box 83720
Boise, ID 83720-0101

Re: Change of Assigned Attorney

Dear Ms. Gagnepain:

The State Appellate Public Defender is the attorney of record in:

<u>Case Name</u>	<u>Docket Number</u>
<i>State v. Ogden</i>	48301-2020 & 48302-2020

Pursuant to a contract, this case has been reassigned to Nevin, Benjamin & McKay, LLP as appointed counsel. Please send any notices to:

Nevin, Benjamin & McKay, LLP
P.O. Box 2772
Boise, ID 83701

If you have any questions, please contact my office via phone or email.

Very truly yours,

/s/ Erik R. Lehtinen
ERIK R. LEHTINEN
Chief, Appellate Unit

cc: Kenneth K. Jorgensen