

No. \_\_\_\_\_

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**In the Supreme Court of the United States**

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DARIN M. OGDEN,

Petitioner.

v.

STATE OF IDAHO,

Respondent.

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*ON PETITION FOR WRIT OF CERTIORARI*

*TO THE SUPREME COURT OF THE STATE OF IDAHO*

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**APPLICATION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

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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 31<sup>st</sup> 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](mailto: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](mailto:public.defender@adacounty.id.gov)

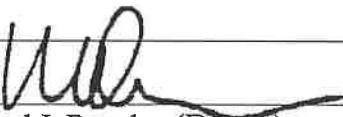
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA  
STATE OF IDAHO, Case No. CR01-18-45881  
Plaintiff,  
vs.  
DARIN MARSHAL OGDEN,  
Defendant.

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	<a href="mailto:acpocourtdocs@adaweb.net">acpocourtdocs@adaweb.net</a>
Ada County Public Defender	<a href="mailto:public.defender@adacounty.id.gov">public.defender@adacounty.id.gov</a>
State Appellate Public Defender	<a href="mailto:documents@sapd.state.id.us">documents@sapd.state.id.us</a>
Idaho Attorney General	<a href="mailto:ecf@ag.idaho.gov">ecf@ag.idaho.gov</a>

PHIL McGRANE  
Ada County Clerk of the Court

  
Beth Masters  
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:

Case Name Docket Number

*State v. Ogden* 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

**State Appellate Public Defender**  
322 East Front Street, Suite 570  
Boise, ID 83702  
Telephone: (208) 334-2712 Fax: (208) 334-2985

# EXHIBIT B