

SUPREME COURT DECISIONS

JOHN DOE I v. BOY SCOUTS OF AMERICA

No. 42189

Release date: August 27, 2015

Idaho Supreme Court

BURDICK, Justice

This case came to the Idaho Supreme Court on a certified question of law from the United States District Court for the District of Idaho. Specifically, the United States District Court requested the Idaho Supreme Court to answer two questions: (1) which statute of limitations applies to a constructive fraud claim in which the plaintiff alleges that a breach of duty resulted in sexual abuse; and (2) at which point does the clock start to run on the statute of limitations for such claims.

The Idaho Supreme Court held that the three-year fraud statute of limitations applies to constructive fraud claims. The Court also held that because the fraud statute of limitations applies to constructive fraud claims, the discovery rule determines when the clock starts to run on such claims. In other words, the statute of limitations for constructive fraud claims does not begin to run until the plaintiffs know or reasonably should know of the facts that give rise to the constructive fraud.

<http://www.isc.idaho.gov/opinions/42189.pdf>

STATE OF IDAHO v. ANDREW GARCIA

No. 42516

Release date: August 24, 2015

Idaho Supreme Court

HORTON, Justice.

In an appeal from a decision of the Ada County district court acting in its appellate capacity, the Supreme Court reversed the decision of the district court. The magistrate court dismissed the State's motion for contempt against Garcia on the grounds that it lost jurisdiction over Garcia on his twenty-first birthday under the Juvenile Corrections Act (JCA) according to Idaho Code section 20-507. The district court affirmed the dismissal. On appeal, the Supreme Court unanimously held that the magistrate court had jurisdiction over Garcia for the purposes of the contempt motion because the jurisdiction to hear the contempt motion did not arise from the JCA. The Supreme Court also recognized that because there is no applicable

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statute of limitations for civil contempt sanctions, the defense of laches may be asserted against motions for civil contempt.

<http://www.isc.idaho.gov/opinions/42516.pdf>

STATE OF IDAHO v. JESSE CARL RIENDEAU

No. 41982

Release date: August 24, 2015

Idaho Supreme Court

EISMANN, Justice.

The Idaho Supreme Court affirmed the order of the district court. This is an appeal out of Kootenai County from an order of the district court upholding rulings of the magistrate court that breath test results were admissible against the defendant. We affirm the order of the district court.

<http://www.isc.idaho.gov/opinions/41982.pdf>

STATE OF IDAHO v. FELICITY KATHLEEN HAYNES

No. 41924

Release date: August 20, 2015

Idaho Supreme Court

EISMANN, Justice.

The Idaho Supreme Court affirmed the order of the district court. This is an appeal out of Kootenai County from an order of the district court affirming on appeal the orders of the magistrate court in a prosecution for driving under the influence of alcohol. The challenged orders were: (a) the granting of a continuance to the State due to the unavailability of a witness; (b) the refusal to appoint a separate judge to hear a request for funds for the defense; (c) the denial of a motion in limine to exclude the results of a breath test on the ground that procedures for administering the test had not been properly adopted by the Idaho State Police; and (d) the defendant's consent to the breath test was invalid because it was obtained by the threat of a monetary penalty and loss of her driver's license for one year. We affirm the order of the district court.

<http://www.isc.idaho.gov/opinions/41924.pdf>

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STATE OF IDAHO v. BRYANN KRISTINE LEMMONS
No. 42823
Release date: August 20, 2015
Idaho Supreme Court

The Idaho Supreme Court reversed the orders of the district court. This is an appeal out of Twin Falls County from an order by the district court granting a new trial on charges of trafficking in methamphetamine on the ground that the State failed to offer evidence showing that one ounce equals twenty-eight grams or more. We reverse and remand for sentencing.

<http://www.isc.idaho.gov/opinions/42823X.pdf>

STATE OF IDAHO v. SHANNON MARIE MC KEAN
No. 41004
Release date: August 20, 2015
Idaho Supreme Court

HORTON, Justice.

The Idaho Supreme Court affirmed the judgments of conviction entered by the district court of Canyon County against Shannon McKean following a jury verdict finding her guilty of five counts of possession of a controlled substance and two counts of aiding and abetting delivery of a controlled substance.

The Idaho Supreme Court held that the substance AM-2201 found in “spice” products that McKean possessed and sold was a controlled substance as a matter of law under the 2011 version of Idaho Code section 37-2705(d)(30). In reaching this conclusion, the Supreme Court overruled the Court of Appeals’ decision in *State v. Alley*, 155 Idaho 972, 318 P.3d 962 (Ct. App. 2014), which held the question whether AM-2201 is a controlled substance is a question of fact, not of law.

The Supreme Court also held that the district court properly excluded evidence of laboratory reports from the distributors from whom McKean purchased the substances. The reports stated that the products did not contain synthetic cannabinoids. Because McKean testified that she believed that the reports showed that it was legal to possess the substances rather than identifying the substances she purchased, the Supreme Court found that the district court correctly determined that the evidence tended to show a mistake of law rather than a mistake of fact and was therefore inadmissible.

<http://www.isc.idaho.gov/opinions/41004.pdf>

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JESSICA SARA KAWAMURA v. ERIC RYAN KAWAMURA

No. 42112

Release date: August 20, 2015

Idaho Supreme Court

HORTON, Justice.

In an appeal from a decision of the Bannock County district court acting in its appellate capacity, the Supreme Court affirmed the decision of the district court with instructions to remand the case for further proceedings before the magistrate court. In the underlying case, Jessica and Eric Kawamura purchased a marital residence in Pocatello. The warranty deed to the home conveyed the property to “Eric Kawamura and Jessica Kawamura, husband and wife.” Initially, the magistrate court determined that the home was Eric’s separate property, based on its factual finding that Eric had purchased the home with separate funds. In a subsequent appeal, the district court reversed and remanded, determining that the magistrate court improperly considered parol evidence because the deed to the residence unambiguously transferred the home to both Jessica and Eric. On appeal, the Supreme Court determined that the district court did not err, holding that the deed unambiguously transferred the home to both Jessica and Eric, making the home community property.

<http://www.isc.idaho.gov/opinions/42112.pdf>

CITY OF CHALLIS v. CONSENT OF THE GOVERNED CAUCUS

No. 41956

Release date: August 20, 2015

Idaho Supreme Court

HORTON, Justice.

In a 3-2 decision in an appeal of a judicial confirmation case from Custer County, the Supreme Court reversed the district court’s judicial confirmation of the City of Challis’ (the City) request to incur \$3.2 million in public indebtedness for expenses related to repair and improvement of its water distribution system. The proposed work on the City’s water system included three projects: replacing meters and installing a new telemetry system, constructing a new line to the airport, and replacing aging pipes and fire hydrants in Old Town. A group called Consent of the Governed Caucus (Caucus) appeared as respondents in the action to contest the constitutionality of the debt. On February 5, 2014, the district court ruled in favor of the City, entering judgment granting judicial confirmation. The Caucus appealed, and the Supreme Court reversed the decision of the district court. The Supreme Court held that the district court erred because the metering and telemetry, which represented approximately 30% of the project cost, were not urgently needed. The Supreme Court remanded the case to the district court with instructions to award reasonable attorney fees to the Caucus incurred in the proceedings before the district court and on appeal.

<http://www.isc.idaho.gov/opinions/41956.pdf>

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BRN DEVELOPMENT, INC. v. TAYLOR ENGINEERING, INC.
No. 40625
Release date: August 20, 2015
Idaho Supreme Court

HORTON, Justice.

In an appeal from the district court of Kootenai County, the Supreme Court unanimously affirmed the decision of the district court dismissing BRN Development's (BRN) claim of negligence against Taylor Engineering (Taylor) following a court trial. The Supreme Court did not review the district court's denial of BRN's summary judgment motion, because an order denying a motion for summary judgment is not subject to review even after the entry of an appealable final judgment. The Supreme Court concluded that substantial evidence supported the district court's finding that Taylor did not owe a duty of care to BRN as BRN failed to show that Taylor assumed a duty to provide land-use planning advice regarding the vesting of a planned unit development and that Taylor did not provide erroneous information regarding steps to vest the planned unit development. The Supreme Court awarded attorney fees to Taylor on appeal pursuant to Idaho Code section 12-120(3).

<http://www.isc.idaho.gov/opinions/40625.pdf>

COURT OF APPEALS DECISIONS

STATE OF IDAHO v. LAURA LEE SMITH
No. 42090
Release date: August 27, 2015
Idaho Court of Appeals

GUTIERREZ, Judge

Laura Lee Smith appeals from her judgment of conviction for aiding and abetting in the delivery of a controlled substance. She first contends that the trial court erred by admitting the audio recording of a nonwitness's out-of-court statements in violation of the Confrontation Clause. Smith also claims that the trial court erred in the admission at trial of certain testimonial evidence that Smith characterizes as hearsay. Smith finally contends that there was insufficient evidence to support her conviction. The Court held that the trial court did not err when it admitted the nontestimonial audio portion of Kendle's statement. The admission of the hearsay testimony of Officer Mattingley was error, but such error was harmless. Affirmed

<http://www.isc.idaho.gov/opinions/42090.pdf>

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STATE OF IDAHO v. FREDDIE ANTHONY NARANJO
No. 42097
Release date: August 26, 2015
Idaho Court of Appeals

GRATTON, Judge

Freddie Anthony Naranjo appeals from the district court's orders denying his motion to suppress and motion to reconsider. Naranjo seeks to suppress all evidence obtained after the dog sniffed the open window, asserting the dog's sniff violated the Fourth Amendment. The Court held that because these findings lead to the conclusion that the dog sniff here did not amount to a search, we hold that there was no search and the district court properly denied Naranjo's motion to suppress and motion for reconsideration.

<http://www.isc.idaho.gov/opinions/42097.pdf>

CULLEN R. SIMS v. STATE OF IDAHO
No. 41942
Release date: August 24, 2015
Idaho Court of Appeals

GRATTON, Judge

Cullen R. Sims appeals from the district court's summary dismissal of his petition for post-conviction relief. On appeal, Sims alleges that he raised an issue of material fact regarding whether his counsel was ineffective for failing to file a motion to withdraw his guilty plea and a motion to suppress his blood test results. Sims has not met his burden of proving that had his counsel filed a motion to suppress, it would have been granted. Affirmed.

<http://www.isc.idaho.gov/opinions/41942.pdf>