

SUMMARY STATEMENT

State v. Katherine Lea Stanfield, Docket No. 40301

In an appeal from Ada County, the Supreme Court upheld Katherine Lea Stanfield's conviction for the first-degree murder of two year-old W.F. by aggravated battery on a child under twelve years. On December 11, 2009, W.F. was taken by ambulance to St. Luke's hospital after becoming unresponsive while in Stanfield's care. W.F. was placed on life support, but never regained consciousness and died on December 13, 2009. The jury unanimously found Stanfield guilty.

On appeal, Stanfield raised two challenges to her conviction. First, she contended that the district court erred when it permitted one of the prosecution's expert witnesses to testify regarding the results of her examination of W.F.'s brain tissue. Stanfield contended that the witness' testimony violated her Sixth Amendment right to confrontation and contained inadmissible hearsay because a laboratory technician prepared the slides for examination rather than the witness and labeled the slides in such a way as to identify the tissue as coming from W.F. Second, Stanfield contended that the district court failed to properly instruct the jury as to the elements of the offense of first degree murder by aggravated battery on a child under twelve years.

The Supreme Court held that there was no Confrontation Clause violation because the technician's labeling of the slides was not done for an evidentiary purpose and thus was not testimonial. The Supreme Court held that the witness' testimony that the slides were properly stained and identified as coming from W.F. was not impermissible hearsay because these were facts upon which the witness relied in forming her expert opinion.

The Supreme Court held that the district court did not err in instructing the jury as to the elements of the first degree murder charge based upon its earlier decision in *State v. Carver*, 155 Idaho 489, 314 P.3d 171 (2013). In *Carver*—a decision released following the submission of Stanfield's briefing—the Supreme Court rejected a claim of instructional error identical to that advanced by Stanfield.