

SUMMARY STATEMENT

State of Idaho v. Amanda Lucy Belle Diaz

Docket No. 43870

Amanda Lucy Belle Diaz was charged with felony driving under the influence of drugs (DUI). During the jury trial, two police officers testified--the officer who administered the field sobriety tests (FST) and the officer who administered the drug recognition evaluation (DRE). In response to the State's questioning, the FST officer made the statement: "There was a discussion of whether [Diaz] would submit to a blood draw having Meridian Fire and Paramedics come take a blood sample from her. She did not consent to that, but she did agree to provide a [urine] sample at the jail." Diaz made no contemporaneous objection.

Later, the State asked the DRE officer whether Diaz was impaired and Diaz objected to the prosecutor's question of the DRE officer on the basis that the DRE officer had not been qualified as an expert. The objection was overruled and in response to the State's question, the DRE officer stated:

I came to the determination that she was impaired while she was operating that vehicle. And just under the DRE status is a drug defined as any substance that when taken into the human body can impair the ability of a person who can operate a vehicle safely. You know, I felt operating the vehicle at that time at the stop, she was impaired. I came to the conclusion she was impaired on CNS depressants, CNS stimulants and narcotic analgesics.

Diaz was found guilty of DUI. Diaz appealed from the judgment of conviction and argued the State elicited testimony from the two witnesses which resulted in prosecutorial misconduct. She further asserted this misconduct rises to the level of fundamental error.

Because the Court of Appeals determined the testimony from the FST officer and the DRE officer was admissible and no error can be attributed to the prosecutor, Diaz has not established prosecutorial misconduct or fundamental error in this case. The Court of Appeals affirmed the district court's judgment of conviction.