

SUMMARY STATEMENT

State v. Austin, Docket No. 44276

This case addresses whether a defendant accused of DUI can present expert testimony regarding his alcohol concentration at the time he was driving. In April 2015, an Ada County Sheriff's Deputy pulled Justin Keith Austin over for failure to use a turn signal. During the stop, the deputy detected the smell of alcohol, and Austin's appearance further led the deputy to believe he was driving under the influence. After performing a field sobriety test, he arrested Austin and approximately thirty minutes after the initial stop conducted two breath tests that demonstrated alcohol concentrations above Idaho's legal limit. Austin claimed that his consumption of three drinks in a short period of time just before the stop contributed to a rising alcohol concentration as he waited for the breath tests, and sought to introduce expert testimony to that effect. The district court granted the State's motion in limine to exclude expert testimony as to his actual alcohol concentration as irrelevant under the DUI statute's "per se" provision as interpreted by Idaho precedent. On appeal, Austin challenges the decision to grant the State's motion, and alternatively challenges the DUI statute as overbroad or void for vagueness where there is no time limit within which approved alcohol concentration testing must be done to be used as evidence of a crime. The district court did precisely what it is required to do when confronted with the motion in limine. It applied binding case law to grant the motion in limine. The Supreme Court now clarifies the law and are compelled to hold that the district court's decision to grant the State's motion in limine constituted an abuse of discretion because it was not consistent with the legal standard this Court now clarifies. The Supreme Court vacates the judgment of conviction.