

SUMMARY STATEMENT

State of Idaho v. Eugenio Caliz-Bautista

Docket No. 44440

Eugenio Caliz-Bautista was charged with felony lewd conduct with a minor under sixteen years of age and felony sexual abuse of a child under the age of sixteen years. Caliz-Bautista's DNA expert examined the State's DNA testing methods. The State filed motions in limine to exclude the expert's testimony on the grounds that it was speculative. The district court issued a memorandum decision granting the State's motions in limine to preclude the expert testimony subject to a further offer of proof from Caliz-Bautista. At trial, the expert testified as an offer of proof. The district court subsequently granted the State's motion to exclude the testimony of Caliz-Bautista's expert witness, holding the testimony was speculative, would only invite conjecture, and would not be of assistance to the jury.

The jury returned a verdict of not guilty for lewd conduct with a minor child under sixteen years of age and a verdict of guilty for sexual abuse of a child under the age of sixteen years. Caliz-Bautista appealed from his judgment of conviction and argued the district court violated his constitutional right to present evidence in his defense when the district court excluded the testimony of his expert witness. Caliz-Bautista asserts that the testimony of his expert witness was relevant and admissible under Idaho Rule of Evidence 702 and as impeachment evidence.

Because the Court of Appeals determined the expert's testimony was speculative as to whether the State violated its testing protocol or contaminated the evidence, it affirmed the district court's order granting the State's motions in limine and judgment of conviction.