

SUMMARY STATEMENT

Siercke v. Siercke

Docket No. 47196

In an appeal from the Kootenai County district court, Analli Salla challenged the district court's entry of judgment and denial of her motion for a new trial following a \$25,000.00 jury verdict against her for defamation. After misdemeanor domestic battery charges against him were dropped, Salla's former spouse, Duane Siercke, filed a civil action against Salla alleging defamation, among other claims. Following a five-day trial, a jury awarded Siercke \$25,000.00 on his defamation claim. Salla filed a motion for a new trial, contending the district court erred in instructing the jury on defamation per se because her statements to law enforcement were privileged and her statements did not allege that Siercke had committed a felony.

The Idaho Supreme Court affirmed in part and reversed in part the district court's ruling and remanded the matter for further proceedings. First, the Court held, in accord with its recent decision in *Berian v. Berberian*, that statements made to law enforcement officers were not entitled to an absolute privilege from defamation actions. Second, the Court determined that Salla had not preserved the issue of qualified privilege on appeal. Finally, the Court held that the district court erred in instructing the jury on defamation per se because whether Salla's statements to law enforcement were defamatory per se was a question for the jury.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.