

SUMMARY STATEMENT

State v. Clapp

Docket No. 47698

This is an appeal from Tyler Clapp's conviction for driving under the influence. After stopping Clapp for "spinning cookies" in a parking lot, police became suspicious that Clapp was intoxicated. Clapp refused to submit to any field sobriety tests. Police then obtained a warrant for a blood draw, which showed that Clapp's blood alcohol content ("BAC") was 0.152 several hours after initially detaining him.

At trial, the State sought to introduce the results of the blood draw. Over Clapp's objection, the district court allowed the nurse who conducted the blood draw to testify telephonically regarding his qualifications in order to be able to lay a sufficient foundation to admit the results of the blood draw. The results of the blood draw were ultimately admitted, and the jury convicted Clapp of driving under the influence.

The Idaho Supreme Court held that the nurse's telephonic testimony violated Clapp's right to confrontation, as guaranteed by the Sixth Amendment to the federal constitution. The Court further held that the erroneous admission of the telephonic testimony was not harmless. As a result, the Idaho Supreme Court vacated Clapp's conviction and remanded the case for a new trial.

******This summary constitutes no part of the Court's opinion. It has been prepared by court staff for the convenience of the public.******