

SUMMARY STATEMENT

State v. Weaver

Docket No. 48470

The State charged defendant, Michael Weaver, with attempting to solicit the murder of his then-girlfriend while he was in the Elmore County Jail awaiting trial for a domestic violence charge. The State's case relied largely on the testimony of a fellow inmate. The inmate testified that Weaver approached him with a proposal to pay him \$2000 to kill his girlfriend. The defense attempted to rebut this testimony through that of another inmate who would have testified that two to three months later the informant told him about a plot to "frame" Weaver. The district court concluded the defense witness's proposed testimony was inadmissible hearsay and not subject to an exception.

The Idaho Supreme Court affirmed the district court's decision to exclude the defense witness's testimony. The Idaho Supreme Court concluded that the proffered testimony did not fit the requirements of the "then-existing state of mind" exception found in Idaho Rule of Evidence 803(3) because the informant had already told law enforcement about Weaver's proposal. Therefore, the hearsay concerned the informant's recollection of a past event rather than his existing state of mind. Accordingly, the Idaho Supreme Court concluded that the district court did not abuse its discretion when it determined that Dean's testimony was inadmissible hearsay and that it was inherently unreliable.

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