

SUMMARY STATEMENT

State of Idaho v. William Norwood Parsons
Docket No. 48833

This case arose following a disclosure by a minor child of sexual abuse by Parsons. The child participated in two interviews through St. Luke's Children at Risk Evaluation Services (CARES). Parsons was indicted on three felony counts of lewd conduct with a minor under sixteen and one misdemeanor count of disseminating material harmful to minors. Prior to trial, the State filed a notice of intent to introduce a recording of the child's first CARES interview. Parsons filed an objection, arguing that admitting the video in the event that the child did not testify would violate Parsons' right under the Sixth Amendment's Confrontation Clause to confront and cross examine his accuser. The district court overruled Parsons' objection, concluding that the child's statements made during the course of the CARES interview were non-testimonial and, thus, did not violate Parsons' rights under the Confrontation Clause. Before trial, Parsons' counsel moved to continue the trial to investigate a potential alternate perpetrator claim. The district court denied the motion, and the case proceeded to trial. Multiple witnesses testified at trial, but the child did not. Both CARES interview video recordings were admitted without objection and played for the jury. The jury found Parsons guilty of all charges.

On appeal, Parsons makes four arguments: 1) admitting the CARES videos at trial when the child did not testify violated his Sixth Amendment right to cross-examine his accuser; 2) the district court erred when it denied his motion to continue the trial; 3) the district court abused its discretion by allowing hearsay testimony from the child's mother; and 4) even if the errors are individually harmless, they amount to cumulative error. In response, the State asserts that the child's statements in the CARES interviews did not implicate the Sixth Amendment, the district court did not err in denying the motion to continue; the challenged statement from the child's mother did not constitute hearsay, and there was no cumulative error.

The Idaho Court of Appeals held that the CARES interviews were non-testimonial and thus, did not implicate Parsons' Sixth Amendment confrontation rights and the district court did not err in denying Parsons' motion to continue the trial. The Court also concluded any evidentiary error in admitting the testimony of the child's mother was harmless. Last, because there was no individual error, there was no cumulative error. Parsons' judgment of conviction is affirmed.

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