

SUMMARY STATEMENT

State of Idaho v. Jason M. Roberts
Docket No. 49039

Jason M. Roberts appeals from his judgment of conviction for two counts of lewd conduct with a minor child under sixteen. On appeal, Roberts argues the introduction of a CARES interview of the victim was reversible error because the child's statements in the CARES interview were not made for a medical purpose. Although the child made conflicting statements about whether and to what extent he would participate in a medical examination, the Court of Appeals held the district court did not err in admitting the CARES interview because an analysis of the totality of the circumstances support the district court's conclusion that the child's statements were made for a medical purpose. The majority cited *State v. Christensen*, 166 Idaho 373, 458 P.3d 951 (2020) for its holding that a child's statements made during a properly conducted CARES interview are inherently reliable and that undue emphasis or analysis of only one factor (like the child's conflicting statements) is not the proper analysis under a totality of circumstances rubric.

The dissent concludes the child's statements were not made for a medical purpose because the abuse was remote in time, the child expressed reservation about participating in a medical examination, and the factors relied upon by the district court do not otherwise support a conclusion that the child's statements were for a medical purpose. The dissent holds the admission of the CARES interview was not harmless.

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