

SUMMARY STATEMENT

State v. Singh

Docket No. 49122-2021

The Idaho Supreme Court affirmed Diwakar Singh's judgment of conviction for felony domestic violence. Singh was charged with felony domestic violence following an incident with his wife. At a preliminary hearing, Singh's wife was asked how she knew Singh and answered that he was her husband. There was no court reporter present for the hearing, but the hearing was recorded as provided in court rule. After Singh was bound over to district court, a transcript of the preliminary hearing was prepared based on the recording. The transcript indicated that Wife's response was "inaudible."

The State filed an objection to the transcript, asserting that the transcript failed to accurately transcribe the wife's response. Singh objected to the State's motion on the basis that a certified transcript, not the audio recording, is the official transcript of a proceeding under the court rules. The district court held a hearing on the motion and indicated that it had listened to the recording, determined that there was an error and issued an order correcting the transcript.

Singh was tried before a jury. His wife was not available to testify at trial. After determining that Singh's wife was unavailable, the State moved to admit the transcript of Wife's testimony at the preliminary hearing and moved the district court to admit its order correcting the transcript. The district court admitted both exhibits. More specifically, it admitted, as a court exhibit, a redacted version of its order correcting the transcript. The jury found Singh guilty of felony domestic violence. Singh timely appealed his conviction, arguing that the district court was without authority to correct the transcript and admit the correction at his trial.

The Idaho Supreme Court affirmed Singh's judgment of conviction. The Court concluded that Idaho Criminal Rule 5.2(c) does not prevent a district court from correcting a patent error in a preliminary hearing transcript and that the district court did not err in admitting a redacted copy of its own order as a court exhibit.

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