

SUMMARY STATEMENT

State v. Roman-Lopez

Docket No. 49565

Gilberto Roman-Lopez appealed from his judgment of conviction entered after a jury found him guilty of two counts of sexual abuse of a child and three counts of lewd conduct with a minor. On appeal Roman-Lopez argued that his conviction should be vacated, and his case remanded for a new trial based on two instances of improperly admitted hearsay evidence. Roman-Lopez also challenged the proper standard of review for hearsay questions. Apart from alleged trial errors, Roman-Lopez argued that remand was necessary because the district court did not redline portions of the presentence investigation report it allegedly accepted. Roman-Lopez's appeal was initially heard by the Court of Appeals, who affirmed his judgment and declined to remand on the redlining issue. The Idaho Supreme Court granted Roman-Lopez's petition for review.

After briefing and oral argument, the Idaho Supreme Court affirmed Roman-Lopez's judgment and declined to remand on the redlining issue. The Court clarified that it would no longer reflexively apply the abuse of discretion standard of review to all hearsay challenges. Instead, the proper standard of review will depend on the nature of the hearsay ruling and challenge itself. The Court then determined that the district court erred in admitting one instance of hearsay evidence as a matter of law, but the error was harmless beyond a reasonable doubt. As for the second hearsay challenge, the Court concluded that the district court did not abuse its discretion in admitting an out-of-court drawing by a victim for the non-hearsay purpose of illustrating the victim's in-court testimony. Finally, the Court determined that remand was not appropriate on the redlining issue because Roman-Lopez did not carry his burden to show he was entitled to remand.

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