

SUMMARY STATEMENT

State v. Parsons
Docket No. 50523

A jury found Defendant William Parsons guilty on three felony counts of lewd conduct with a minor under sixteen, and one misdemeanor count of disseminating harmful material to a minor. On appeal, Parsons challenged the admission of two videos—recorded interviews the minor, a five-year-old girl, had with St. Luke’s Children at Risk Evaluation Services (“CARES”). Parsons argued that the video evidence was testimonial and admitted in violation of his Sixth Amendment rights under the Confrontation Clause because he was afforded no opportunity to confront his accuser who did not testify.

The Idaho Supreme Court vacated the judgment of conviction on determining that the CARES interview was improperly admitted under Idaho Rule of Evidence 803(4). The Court first determined that Parsons failed to object to the second interview’s admission, and had thus waived the issue for appeal. As to the admissibility of the first CARES interview, the Court determined that the minor’s statements were testimonial and implicated the Confrontation Clause. The totality of the objective circumstances weighed in favor of concluding that the primary purpose of the first CARES interview was to elicit statements for gathering evidence and proving past events potentially relevant to later criminal prosecution, rather than providing medical treatment to the victim.

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