

**BOISE, FRIDAY, APRIL 5, 2024 at 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 51031</b>
	)	
<b>JASON M. ROBERTS,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	
_____	)	

Appeal from the District Court of the Third Judicial District of the State of Idaho,  
Payette County, Susan E. Wiebe, District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

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Defendant Jason M. Roberts appeals from his judgment of conviction for two counts of lewd conduct with a child under sixteen. At trial, the State moved to admit a video recording of an interview conducted by staff with St. Luke’s Children At Risk Evaluation Services (CARES) with the fifteen-year-old child victim. During this interview, the child detailed how Roberts sexually abused him, starting from the time the child was seven or eight-years-old, and disclosed that he had thoughts about engaging in self-harm. Roberts objected to the video’s admission, arguing, *inter alia*, that the interview was not conducted for a medical purpose because the last incident of sexual abuse alleged by the child occurred two-and-a-half years prior to the interview and the child declined the relevant portion of the physical medical examination that followed the forensic portion of the interview. The district court rejected Roberts’ argument and admitted the video under Idaho Rule of Evidence 803(4), finding that there was little reason to doubt the child’s motivations in making his statements.

On appeal, Roberts contends that the district court abused its discretion in admitting the recording of the CARES interview. Roberts argues that the district court misapplied the legal standard provided by *State v. Christiansen*, 166 Idaho 373, 375, 458 P.3d 951, 953 (2020), to the facts of this case because the facts here demonstrate that child did not make his statements in the CARES interview for purposes of receiving medical diagnosis or medical treatment. Roberts also argues that a mental health purpose exception to hearsay statements is not contemplated by Idaho Rule of Evidence 803(4) and is contrary to this Court’s holding in *State v. Zimmerman*, 121 Idaho 971, 974, 819 P.2d 861, 864 (1992), but even if it was, the record indicates the child did

not have a mental health purpose to his disclosures made in the CARES interview.