

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44440

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 EUGENIO CALIZ-BAUTISTA,)
)
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Fifth Judicial District, State of Idaho,
Jerome County. Hon. John K. Butler, District Judge.

Calbo & Depew, PLLC; C. Ira C. Dillman, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Ted S. Tollefson, Deputy Attorney
General, Boise, for respondent.

Eugenio Caliz-Bautista was charged with felony lewd conduct with a minor under sixteen years of age and felony sexual abuse of a child under the age of sixteen years. Caliz-Bautista's DNA expert examined the State's DNA testing methods. After the State filed several motions in limine to preclude the expert from testifying, the district court held a pretrial hearing to determine whether the expert could testify in the case. The district court issued a memorandum decision granting the State's motions in limine to preclude the expert testimony subject to a further offer of proof from Caliz-Bautista. At trial, the expert testified as an offer of proof. The district court subsequently granted the State's motion to exclude the testimony of Caliz-Bautista's expert witness, holding the testimony was speculative, would only invite conjecture, and would not be of assistance to the jury.

On appeal, Caliz-Bautista argues the district court violated his constitutional right to present evidence in his defense when the district court excluded the testimony of his expert witness. Caliz-Bautista asserts that the testimony of his expert witness was relevant and admissible under Idaho Rule of Evidence 702 and as impeachment evidence. The State responds that the district court did not err because the district court properly determined the expert's opinion was speculative.