

## **SUMMARY STATEMENT**

*State v. Hill*, Docket No. 44011

In an appeal from Nez Perce County, the Supreme Court vacated the felony DUI conviction of Jonathan Hill. The Court held that the district court had abused its discretion when it admitted hearsay testimony over an objection from Hill. The challenged testimony came from the sheriff's deputy who administered field sobriety tests to Hill. The district court permitted the deputy to testify that he had been taught that the presence of vertical nystagmus meant that the subject had a blood alcohol content of .10 or higher. The Court further held that the State failed to meet its burden of showing that the error was harmless beyond a reasonable doubt because it failed to address harmless error in its brief on appeal.