

SUMMARY STATEMENT

State of Idaho v. Jorge Alberto Lopez-Orozco – Docket No. 40859

In a case arising out of Elmore County, the Idaho Supreme Court affirmed the order of the district court. Appellant, Jorge Lopez-Orozco, was convicted of three counts of first degree murder. The district court imposed three concurrent determinate life sentences. Appellant appealed from the conviction, arguing that the district court had erred by: (1) finding that his brother was an unavailable witness at trial and permitting his brother's preliminary hearing testimony to be read into evidence in allowing; and (2) allowing his brother's unsworn written statement to law enforcement to also be read into evidence. The Idaho Supreme Court held that: (1) the district court's decision to permit Appellant's brother's preliminary hearing testimony to be read to the jury was in accord with Idaho Rule of Evidence 804(b)(1) and was not an abuse of discretion; and (2) the district court's decision to permit Appellant's brother's written statement to law enforcement to be read to the jury was in accord with Idaho Rule of Evidence 803(5) and was not an abuse of discretion.