

SUMMARY STATEMENT

State v. Anderson, Docket No. 43673

In a case arising out of Kootenai County, the Idaho Supreme Court vacated in part and affirmed in part the district court's judgment. Darol Keith Anderson ("Anderson") appealed his convictions for felony domestic battery and misdemeanor domestic battery. Anderson asserted that the district court erred when it admitted the preliminary hearing testimony of his alleged victim, Erica Messerly ("Messerly"), after finding that she was unavailable to testify at his trial due to mental illness. Anderson also asserted that the district court abused its discretion when it allowed Officer Spencer Mortensen ("Officer Mortensen") to testify that the injuries that he had observed on Messerly's person were consistent with her allegations against Anderson. He argued that Officer Mortensen's testimony constituted impermissible vouching for Messerly's truthfulness.

In a unanimous decision, the Idaho Supreme Court held that the State failed to prove that Messerly was unavailable to testify and vacated Anderson's felony conviction. However, because Messerly's preliminary hearing testimony was limited to events related to Anderson's felony domestic battery charges, Anderson's misdemeanor conviction was affirmed. The Court also affirmed the district court's admission of Officer Mortensen's testimony, finding that Officer Mortensen's testimony did not expose his own opinion as to Messerly's credibility.