

SUMMARY STATEMENT

State of Idaho v. Chynna Dawn Nuse

Docket No. 44574

Chynna Dawn Nuse was charged with battery against health care workers in violation of Idaho Code §§ 18-903 and 18-915C. While in the hospital for medical treatment, Nuse became upset, pulled out her intravenous fluid line, and flung it at a doctor. While the IV itself did not make contact with the doctor, IV fluid made contact with the doctor's glasses and two drops of blood made contact with the doctor's right cheek. Following a trial, the jury returned a guilty verdict. The district court entered a withheld judgment and placed Nuse on probation for three years.

On appeal, Nuse argued that the jury's verdict was not supported by substantial evidence because she never struck the doctor within the meaning of the statutes. Nuse contended that because she never made physical contact with the doctor, she had not struck him. The Idaho Court of Appeals held the jury's verdict was supported by substantial evidence which showed Nuse set into motion the IV fluid and blood, an intervening agency, which struck the doctor's face. The Idaho Court of Appeals affirmed the order of the district court withholding judgment.