

SUPREME COURT DECISIONS

COEUR D'ALENE TRIBE v. LAWERENCE DENNEY

No. 43169

Release date: September 10, 2015

Idaho Supreme Court

BURDICK, Justice

This case came to the Idaho Supreme Court pursuant to a Writ of Mandamus filed by the Coeur D'Alene Tribe (Tribe) to compel the Secretary of State to certify Senate Bill 1011 (S.B. 1011) as law. S.B. 1011, if certified as law, would repeal "instant racing" in Idaho. The Supreme Court granted the Tribe's writ of mandamus, finding that the Governor did not timely return the veto and that the Secretary of State was required to certify S.B. 1011 as law pursuant to the Idaho Constitution.

The Senate and the House of Representatives passed S.B. 1011 with supermajorities and presented the bill to the Governor on March 30, 2015. Although the veto deadline was April 4, 2015, the Governor did not return S.B. 1011 with his veto message to Senate President Pro Tempore Brent Hill's office until April 6, 2015. The bill's untimely return was reflected in letters from three Senate officials that were entered into the Senate Journal that morning. Despite those letters, the Senate treated the veto as if it was valid and took a vote to override the veto. A majority, but less than two-thirds of the Senate voted to override it. Consequently, the President of the Senate declared that S.B. 1011 failed to become law. The Tribe subsequently requested the Secretary of State to certify S.B. 1011 as law on the basis that the Governor's veto was untimely and that the bill had automatically become law the moment the deadline passed. When the Secretary of State refused, the Tribe brought the instant action.

The Idaho Supreme Court held that the Senate Journal conclusively established the Governor did not return his veto within the five-day deadline under the Idaho Constitution. The Court reasoned that the Idaho Constitution clearly states that a bill that is not timely returned automatically becomes law as if the Governor had signed it and that the Secretary of State is then required to certify the bill as law. The Court then held that because the Governor did not timely return S.B. 1011, it automatically became law and the Secretary of State was required to certify it as law. Consequently, the Idaho Supreme Court issued an order compelling the Secretary of State to fulfill his non-discretionary duty to certify the bill as law. Furthermore, the Idaho Supreme Court awarded attorney fees and costs to the Cour D'Alene Tribe, finding that the Secretary of State acted without a reasonable basis in fact or law in its defense to the writ

<http://www.isc.idaho.gov/opinions/43169.pdf>

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STATE OF IDAHO v. LUIS ADAME JUAREZ
No. 42476
Release date: September 9, 2015
Idaho Supreme Court

HORTON, Justice.

In an appeal from a decision of the Ada County district court acting in its appellate capacity, the Supreme Court reversed the decision of the district court. The magistrate court dismissed the State's motion for contempt against Juarez on the grounds that it lost jurisdiction over Juarez under the Juvenile Corrections Act (JCA) on his twenty-first birthday and conviction of a felony according to Idaho Code section 20-507. The district court affirmed the dismissal. On appeal, the Supreme Court unanimously held that the magistrate court had jurisdiction over Juarez for the purposes of the contempt motion because the jurisdiction to hear the contempt motion did not fall under the JCA.

<http://www.isc.idaho.gov/opinions/42476SUB.pdf>

SAINT ALPHONSUS REGIONAL MEDICAL CENTER v. GOODING COUNTY
No. 42243
Release date: September 4, 2015
Idaho Supreme Court

BURDICK, Justice

The Idaho Supreme Court affirmed the Gooding County district court's judgment, which held that the date of admission is not included in calculating the thirty-one day deadline for a third-party medical indigency application. Saint Alphonsus Regional Medical Center (Saint Alphonsus) submitted a third-party medical indigency application on behalf of a patient who was hospitalized at its facility following an automobile accident. The County Clerk denied the application on the basis that it was not filed within the thirty-one day deadline under the Act. The Gooding County Board of Commissioners (BOCC) affirmed that decision and Saint Alphonsus appealed to the district court. At the district court, Saint Alphonsus argued that the application was timely filed because the date of admission is not included in calculating the thirty-one day deadline. The district court agreed and reversed the BOCC's decision. Gooding County and the BOCC appealed to the Idaho Supreme Court. The Idaho Supreme Court agreed with the district court and held that the date of admission is not included in calculating the application deadline when a patient is hospitalized.

<http://www.isc.idaho.gov/opinions/42243.pdf>

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JOHN DOE I v. BOY SCOUTS OF AMERICA
No. 42189
Release date: August 27, 2015
Idaho Supreme Court

BURDICK, Justice

This case came to the Idaho Supreme Court on a certified question of law from the United States District Court for the District of Idaho. Specifically, the United States District Court requested the Idaho Supreme Court to answer two questions: (1) which statute of limitations applies to a constructive fraud claim in which the plaintiff alleges that a breach of duty resulted in sexual abuse; and (2) at which point does the clock start to run on the statute of limitations for such claims.

The Idaho Supreme Court held that the three-year fraud statute of limitations applies to constructive fraud claims. The Court also held that because the fraud statute of limitations applies to constructive fraud claims, the discovery rule determines when the clock starts to run on such claims. In other words, the statute of limitations for constructive fraud claims does not begin to run until the plaintiffs know or reasonably should know of the facts that give rise to the constructive fraud.

<http://www.isc.idaho.gov/opinions/42189.pdf>

STATE OF IDAHO v. ANDREW GARCIA
No. 42516
Release date: August 24, 2015
Idaho Supreme Court

HORTON, Justice.

In an appeal from a decision of the Ada County district court acting in its appellate capacity, the Supreme Court reversed the decision of the district court. The magistrate court dismissed the State's motion for contempt against Garcia on the grounds that it lost jurisdiction over Garcia on his twenty-first birthday under the Juvenile Corrections Act (JCA) according to Idaho Code section 20-507. The district court affirmed the dismissal. On appeal, the Supreme Court unanimously held that the magistrate court had jurisdiction over Garcia for the purposes of the contempt motion because the jurisdiction to hear the contempt motion did not arise from the JCA. The Supreme Court also recognized that because there is no applicable statute of limitations for civil contempt sanctions, the defense of laches may be asserted against motions for civil contempt.

<http://www.isc.idaho.gov/opinions/42516.pdf>

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STATE OF IDAHO v. JESSE CARL RIENDEAU

No. 41982

Release date: August 24, 2015

Idaho Supreme Court

EISMANN, Justice.

The Idaho Supreme Court affirmed the order of the district court. This is an appeal out of Kootenai County from an order of the district court upholding rulings of the magistrate court that breath test results were admissible against the defendant. We affirm the order of the district court.

<http://www.isc.idaho.gov/opinions/41982.pdf>

JESSICA SARA KAWAMURA v. ERIC RYAN KAWAMURA

No. 42112

Release date: August 24, 2015

Idaho Supreme Court

HORTON, Justice.

In an appeal from a decision of the Bannock County district court acting in its appellate capacity, the Supreme Court affirmed the decision of the district court with instructions to remand the case for further proceedings before the magistrate court. In the underlying case, Jessica and Eric Kawamura purchased a marital residence in Pocatello. The warranty deed to the home conveyed the property to “Eric Kawamura and Jessica Kawamura, husband and wife.” Initially, the magistrate court determined that the home was Eric’s separate property, based on its factual finding that Eric had purchased the home with separate funds. In a subsequent appeal, the district court reversed and remanded, determining that the magistrate court improperly considered parol evidence because the deed to the residence unambiguously transferred the home to both Jessica and Eric. On appeal, the Supreme Court determined that the district court did not err, holding that the deed unambiguously transferred the home to both Jessica and Eric, making the home community property.

<http://www.isc.idaho.gov/opinions/42112.pdf>

COURT OF APPEALS DECISIONS

TYRELL RAMSEY v. STATE OF IDAHO

No. 41834

Release date: September 11, 2015

Idaho Court of Appeals

GUTIERREZ, Judge

Tyrell Ramsey appeals from the district court's judgment summarily dismissing his petition for post-conviction relief. Specifically, Ramsey requests his convictions be vacated based on the alleged denial of the right to effective assistance of counsel. Alternatively, Ramsey requests that this Court reverse the district court's order granting summary dismissal and remand the case for an evidentiary hearing. Ramsey first argues he was constructively denied his right to effective assistance of counsel because his trial counsel, due to a hearing impairment, was unable to hear all the evidence at trial, failed to making knowing and informed objections to inadmissible testimony, and frequently asked witnesses to repeat what they said. The Court held that a hearing impairment alone does not amount to ineffective assistance of counsel. We further conclude that any failure by trial counsel to object to inadmissible testimony was not prejudicial and/or fell within trial counsel's discretion to formulate trial strategy and tactics. In addition the Court held that the trial judge's direction to the jury to continue deliberating does not constitute a dynamite instruction.

<http://www.isc.idaho.gov/opinions/41834.pdf>

STATE OF IDAHO v. JON STEVEN HUFFAKER

No. 42691

Release date: September 8, 2015

Idaho Court of Appeals

GUTIERREZ, Judge

The State appeals from the district court's order suppressing oral statements and a written statement made by Jon Steven Huffaker because of a determined *Miranda*¹ violation. The State asserts that the district court erred because Huffaker was not in custody at the time of the oral statements and because the written statement was not in response to police questioning, and therefore no *Miranda* warnings were required. The Court reversed the District Court's holding that statements were made in a custodial interrogation, in violation of *Miranda*. The Court found that the District Court's factoring of the defendant's intoxication level as a factor in the custody analysis was in error, as well as the defendant's

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lack of transportation away from the police station. The Court concluded that the district court's order granting Huffaker's motion to suppress is affirmed as to his written statement because it was made as a result of a custodial interrogation in violation of *Miranda*; however, the order is reversed as to Huffaker's oral statements because he was not in custody when the statements were made.

<http://www.isc.idaho.gov/opinions/42691.pdf>

STATE OF IDAHO v. STEPHEN PHILLIP ROZAJEWSKI

No. 42447

Release date: September 3, 2015

Idaho Court of Appeals

MELANSON, Chief Judge

Stephen Phillip Rozajewski appeals from his judgment of conviction for unlawful possession of a firearm. Specifically, he challenges the district court's denial of his motion to suppress. Rozajewski argues that there was not probable cause to support the issuance of a warrant to search his bedroom. The issue here is whether the false representations made by the investigating officer in his oral affidavit for the search warrant were material--in other words, whether probable cause would have been found without the false representations. The parties have raised three main questions with regard to determining whether the false representations were material. The first is whether the district court was required to strike the false representations and consider whether probable cause would have existed to issue a warrant to search Rozajewski's bedroom without the false representations, only relying on that which remained in the affidavit. The Court held that Applying the holding in *Hansen* to this case, we hold that, had the officer's false representations been omitted from his oral affidavit, there still would have been probable cause to support the magistrate's issuance of a warrant to search the entire residence, including Rozajewski's bedroom, based upon the paraphernalia found in the common area of the residence. Thus, the district court did not err in finding that the officer's misstatement was not material and in denying Rozajewski's motion to suppress.

<http://www.isc.idaho.gov/opinions/42447.pdf>

STATE OF IDAHO v. LAURA LEE SMITH

No. 42090

Release date: August 27, 2015

Idaho Court of Appeals

GUTIERREZ, Judge

Laura Lee Smith appeals from her judgment of conviction for aiding and abetting in the delivery of a controlled substance. She first contends that the trial court erred by admitting the audio recording of a nonwitness's out-of-court statements in violation of the

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Confrontation Clause. Smith also claims that the trial court erred in the admission at trial of certain testimonial evidence that Smith characterizes as hearsay. On appeal, Smith argues that the trial court violated her constitutional right under the Confrontation Clause when it admitted the audio portion of a video recording of a nonwitness. In reviewing a potential violation of the Confrontation Clause. The Court held that because the statement was not testimonial, the Confrontation Clause does not apply. Therefore, we hold that the trial court did not err in admitting the audio portion of the video recording. In affirming the Court state that the trial court did not err when it admitted the nontestimonial audio portion of Kendle's statement. The admission of the hearsay testimony of Officer Mattingley was error, but such error was harmless. Finally, the evidence was sufficient for the jury to find Smith guilty of aiding and abetting in the delivery of a controlled substance.

<http://www.isc.idaho.gov/opinions/42090.pdf>

STATE OF IDAHO v. FREDDIE ANTHONY NARANJO

No. 42097

Release date: August 26, 2015

Idaho Court of Appeals

GRATTON, Judge

Freddie Anthony Naranjo appeals from the district court's orders denying his motion to suppress and motion to reconsider. Responding to a traffic stop of Naranjo, an officer ran his canine around the exterior of Naranjo's vehicle. Naranjo left his driver's side window open. The officer directed the dog to sniff the driver's side door seam. While sniffing the seam, the dog spontaneously moved his head up to the open window and thereafter alerted. The officer searched the vehicle and found methamphetamine residue and drug paraphernalia in the driver's side door panel. In this case, the district court found the dog putting his nose in the window was an instinctual act that the police did not facilitate. Further, the district court found the dog was "leading itself to the odor source" and, after putting his nose in the window, the dog "immediately thereafter sat down and indicated the presence of narcotics." Although the dog did not indicate he had detected an odor before entering the vehicle, the district court's findings established that the dog was instinctually following an odor into Naranjo's vehicle and police did not facilitate the dog's conduct. Affirmed.

<http://www.isc.idaho.gov/opinions/42097.pdf>

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CULLEN R. SIMS v. STATE OF IDAHO
No. 41942
Release date: August 24, 2015
Idaho Court of Appeals

GRATTON, Judge

In a post-conviction appeal, Sims alleges that he raised an issue of material fact regarding whether his counsel was ineffective for failing to file a motion to withdraw his guilty plea and a motion to suppress his blood test results. Relying on *McNeely*, Sims contends that his blood was drawn in violation of the Fourth Amendment's prohibition against unreasonable searches and seizures. The Court held that Sims' warrantless blood draw was justified by Idaho's implied consent statute, a separate and distinct exception to the warrant requirement. Here, Sims impliedly consented to be tested for alcohol by driving a motor vehicle in Idaho. At no point did Sims object to or resist the blood draw. Affirmed.

<http://www.isc.idaho.gov/opinions/41942.pdf>