

SUPREME COURT OF THE STATE OF IDAHO

State v. Cesar A. Sepulveda

161 Idaho 79 (2016) · No. 42758/42759 · Decided November 3, 2016

SUMMARY

The Idaho Supreme Court affirmed Cesar Antonio Sepulveda’s convictions for felony intimidating a witness, misdemeanor domestic battery, injury to a child, and two counts of attempted violation of a no-contact order. The court held that admitting the deceased victim’s preliminary-hearing testimony did not violate the Confrontation Clause, excluding evidence concerning the victim’s cause of death did not violate the right to present a defense, and the convictions did not violate Idaho’s constitutional protection against double jeopardy.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Burdick, Justice; J. Jones, Chief Justice; Eismann, Justice; W. Jones, Justice; Horton, Justice
JURISDICTION	Idaho
DECIDED	November 3, 2016
DOCKET	42758/42759
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from the Ada County District Court's judgment of conviction and sentencing following a jury trial.
STANDARD OF REVIEW	Constitutional claims are reviewed de novo as questions of law. The Idaho Supreme Court stated that the requirements of the Idaho and United States Constitutions are questions of law over which it has free review.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Cesar A. Sepulveda v. State of Idaho

TOPICS

- criminal procedure
- sixth amendment
- double jeopardy
- evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether admission of L.M.'s preliminary-hearing testimony violated Sepulveda's Sixth Amendment right to confront witnesses because he allegedly lacked an adequate opportunity for cross-examination.
2. Whether exclusion of evidence concerning L.M.'s drug use and cause of death violated Sepulveda's Sixth Amendment right to present a defense.
3. Whether conviction for felony intimidating a witness and two attempted violations of a no-contact order violated the Idaho Constitution's prohibition against double jeopardy because intimidating a witness was allegedly a lesser included offense.
4. Whether cumulative error required reversal.

HOLDINGS

1. Admission of L.M.'s testimonial preliminary-hearing testimony did not violate Sepulveda's Sixth Amendment confrontation right because L.M. was unavailable and Sepulveda had an adequate prior opportunity for cross-examination.
2. Sepulveda's right to present a defense was not violated because the excluded evidence was irrelevant to the charged conduct and would not have impeached L.M.'s testimony or shown a motive to lie.
3. Felony intimidating a witness was not an included offense of either attempted violation of a no-contact order because the information did not plead all elements of witness intimidation as a means or element of those offenses; therefore, the convictions did not violate the Idaho Constitution's double-jeopardy clause.
4. Cumulative error did not require reversal because the court found no individual error.

KEY QUOTATIONS

“the Confrontation Clause requires only an adequate opportunity for cross-examination of a witness, not a perfect one.” (at 86)

“If [evidence] is not relevant, the defendant has no constitutional right to present it.” (at 89)

FACTUAL BACKGROUND

Officers responding to a 911 call found Sepulveda with a pipe and methamphetamine and received competing accounts from Sepulveda and L.M. concerning an altercation in which L.M. alleged that Sepulveda strangled her. While in custody, Sepulveda made recorded calls asking others to contact L.M. and discourage her from appearing in court, resulting in witness-intimidation and attempted no-contact-order charges. L.M. testified at a preliminary hearing but later died by suicide from a drug overdose, leading the State to seek admission of her preliminary-hearing testimony at trial and to exclude evidence concerning the cause of her death.

PROCEDURAL HISTORY

Sepulveda was charged in Ada County with attempted strangulation, misdemeanor injury to a child, witness intimidation, and two attempted violations of a no-contact order. After the alleged victim died before trial, the district court admitted her preliminary-hearing testimony and excluded evidence concerning the cause of her death. A jury convicted Sepulveda of felony intimidating a witness, misdemeanor domestic battery, injury to a child, and two attempted no-contact-order violations. The district court entered judgment and imposed sentence, and the Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Draper, 151 Idaho 576, 598, 261 P.3d 853, 875 (2011)
- State v. Richardson, 156 Idaho 524, 528-29, 328 P.3d 504, 508-09 (2014)
- Davis v. Washington, 547 U.S. 813, 821 (2006)
- Crawford v. Washington, 541 U.S. 36, 68 (2004)
- Pointer v. Texas, 380 U.S. 400, 403 (1965)
- State v. White, 97 Idaho 708, 713, 551 P.2d 1344, 1349 (1976)
- State v. Ranstrom, 94 Idaho 348, 352, 487 P.2d 942, 946 (1971)
- Delaware v. Fensterer, 474 U.S. 15, 20 (1985)
- State v. Meister, 148 Idaho 236, 239, 241, 220 P.3d 1055, 1058, 1060 (2009)
- State v. Self, 139 Idaho 718, 722, 85 P.3d 1117, 1121 (Ct. App. 2003)
- Delaware v. Van Arsdall, 475 U.S. 673, 679 (1986)
- United States v. Torres, 937 F.2d 1469, 1473 (9th Cir. 1991)
- State v. Manley, 142 Idaho 338, 343, 127 P.3d 954, 959 (2005)
- State v. McKinney, 153 Idaho 837, 841, 291 P.3d 1036, 1040 (2012)
- State v. Pizzuto, 119 Idaho 742, 756, 810 P.2d 680, 694 (1991)
- State v. Card, 121 Idaho 425, 825 P.2d 1081 (1991)
- State v. McIntosh, 160 Idaho 1, 368 P.3d 621, 624 (2016)
- State v. Sanchez-Castro, 157 Idaho 647, 648, 339 P.3d 372, 373 (2014)
- State v. Flegel, 151 Idaho 525, 527, 529, 261 P.3d 519, 521, 523 (2011)
- State v. Curtis, 130 Idaho 522, 524, 944 P.2d 119, 121 (1997)
- State v. Thompson, 101 Idaho 430, 433-34, 614 P.2d 970, 973-74 (1980)
- State v. Anderson, 82 Idaho 293, 303, 352 P.2d 972, 978 (1960)
- State v. Gertsch, 137 Idaho 387, 395, 49 P.3d 392, 400 (2002)
- State v. Robbins, 123 Idaho 527, 529, 850 P.2d 176, 178 (1993)
- State v. Hoisington, 104 Idaho 153, 159, 657 P.2d 17, 23 (1983)
- Blockburger v. United States, 284 U.S. 299 (1932)

- State v. Parker, 157 Idaho 132, 149, 334 P.3d 806, 823 (2014)
- State v. Perry, 150 Idaho 209, 230, 245 P.3d 961, 982 (2010)

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