

SUPREME COURT OF ARIZONA

Hernandez v. State, 203 Ariz. 196

Hernandez v. State, 203 Ariz. 196, 52 P.3d 765 (2002) · No. CV-01-0437-PR · Decided August 26, 2002

SUMMARY

The Supreme Court of Arizona held that, assuming Arizona Rule of Evidence 408 applies to a statutory notice of claim, the rule does not bar using factual statements from the notice to impeach a party’s credibility. The court reasoned that impeachment is a purpose other than proving liability, invalidity, or amount of a claim, subject to Rules 401, 402, and 403. The court vacated the Court of Appeals’ opinion and affirmed the Superior Court’s judgment for the State.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Rebecca White Berch, Vice Chief Justice McGregor; Charles E. Jones, Chief Justice; Stanley G. Feldman, Justice
JURISDICTION	Arizona
DECIDED	August 26, 2002
DOCKET	CV-01-0437-PR
DISPOSITION	vacated
PROCEDURAL POSTURE	Arizona accepted review of an Arizona Court of Appeals decision affirming the superior court's admission of portions of a statutory notice of claim for impeachment and the jury's verdict for the State.
STANDARD OF REVIEW	The court reviewed the Rule 408 evidentiary ruling as a legal interpretation of the rule and applied the rule's relevance and prejudice limitations under Rules 401, 402, and 403.
PRECEDENTIAL VALUE	Published en banc Arizona Supreme Court opinion; precedential.
PARTIES	Michael Hernandez, Ida Hernandez v. State of Arizona, Arizona State Park Service

TOPICS

- impeachment
- evidence
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Rule 408 of the Arizona Rules of Evidence bars admission of factual material in a statutory notice of claim when offered to impeach a party's credibility.
2. Whether, assuming the notice of claim constitutes an offer of compromise under Rule 408, evidence from the notice may be admitted for a purpose other than proving liability, invalidity, or the amount of the claim.

HOLDINGS

1. Rule 408 does not prohibit admission of evidence from compromise negotiations when it is offered to impeach a party's credibility rather than to prove liability for, invalidity of, or the amount of the claim.
2. Evidence from a notice of claim admitted for impeachment remains subject to Rules 401, 402, and 403, including the requirement of relevance and the prohibition on admission when unfair prejudice substantially outweighs probative value.
3. The trial court properly admitted portions of the notice of claim for impeachment because the State offered them to address inconsistent versions of the facts, not to establish nonliability or disprove the validity or amount of Hernandez's claim.

KEY QUOTATIONS

“The plain language of Rule 408 does not exclude evidence offered for the purpose of impeaching a party's credibility.” (203 Ariz. 197)

“Thus, the plain language of Rule 408 does not prohibit admission of evidence disclosed in compromise negotiations for impeachment purposes.” (203 Ariz. 198)

“Thus, even if we regard the notice of claim as an offer to compromise under Rule 408, the trial court properly admitted portions of the notice of claim to impeach Hernandez's credibility.” (203 Ariz. 201)

FACTUAL BACKGROUND

At dusk, Michael Hernandez and his son attempted to reach the marina store at Patagonia Lake State Park by crossing a parking area, stepping over a cable fence, and walking down a steep hill without a path. Hernandez stepped from a retaining wall into a fourteen-foot drop and suffered dental and wrist injuries. His statutory notice of claim described the accident and sought a specified amount, but portions of the notice differed from his later deposition and trial testimony.

PROCEDURAL HISTORY

Hernandez filed a notice of claim under A.R.S. § 12-821.01 and then sued the State after suffering injuries at Patagonia Lake State Park. At trial, the State introduced portions of the notice to impeach Hernandez because it differed from his deposition and trial testimony; the jury returned a verdict for the State. The Arizona Court of

Appeals affirmed the evidentiary ruling, and the Arizona Supreme Court vacated the Court of Appeals' opinion and affirmed the superior court's judgment.

DISPOSITION

vacated

CASES CITED

- Hernandez v. State, 201 Ariz. 336, 339-40 ¶¶ 10-16, 35 P.3d 97, 100-01 (App. 2001)
- State v. Green, 200 Ariz. 496, 498 ¶ 10, 29 P.3d 271, 273 (2001)
- Brocklesby v. United States, 767 F.2d 1288, 1292-93 (9th Cir. 1985)
- Cochenour v. Cameron Sav. & Loan, F.A., 160 F.3d 1187, 1190 (8th Cir. 1998)
- Wyatt v. Sec. Inn Food & Beverage Inc., 819 F.2d 69, 71 (4th Cir. 1987)
- Breuer Elec. Mfg. Co. v. Toronado Sys. of Am., Inc., 687 F.2d 182, 185 (7th Cir. 1982)
- Williams v. Chevron U.S.A., Inc., 875 F.2d 501, 504 (5th Cir. 1989)
- EEOC v. Gear Petroleum, Inc., 948 F.2d 1542, 1545-46 (10th Cir. 1991)
- Ozark Auto Transp., Inc. v. Starkey, 327 Ark. 227, 937 S.W.2d 175, 178 (1997)
- Davidson v. Beco Corp., 114 Idaho 107, 753 P.2d 1253, 1256 (1987)
- DeForest v. DeForest, 143 Ariz. 627, 633, 694 P.2d 1241, 1247 (App. 1985)
- El Paso Elec. Co. v. Real Estate Mart, Inc., 98 N.M. 570, 651 P.2d 105, 109 (Ct. App. 1982)
- Graber v. City of Ankeny, 616 N.W.2d 633, 640-41 (Iowa 2000)
- Simmons v. Small, 986 S.W.2d 452, 455 (Ky. Ct. App. 1998)
- Stam v. Mack, 984 S.W.2d 747, 752 (Tex. App. 1999)
- Northington v. Sivo, 102 Wash. App. 545, 8 P.3d 1067, 1069 (Ct. App. 2000)
- Crum v. Superior Court, 186 Ariz. 351, 352, 922 P.2d 316, 317 (App. 1996)
- Affiliated Mfrs., Inc. v. Aluminum Co. of Am., 56 F.3d 521, 528 (3d Cir. 1995)
- Dallis v. Aetna Life Ins. Co., 768 F.2d 1303, 1307 (11th Cir. 1985)
- Schlossman & Gunkelman, Inc. v. Tallman, 593 N.W.2d 374, 378, 380 (N.D. 1999)
- Readenour v. Marion Power Shovel, 149 Ariz. 442, 450, 719 P.2d 1058, 1066 (1986)
- Chemetron Corp. v. Business Funds, Inc., 682 F.2d 1149, 1185 (5th Cir. 1982)

CITED IN

- Hernandez v. State, 203 Ariz. 196, Hernandez v. State, 203 Ariz. 196, 52 P.3d 765 (2002)