

SUPREME COURT OF OREGON

State v. Sanchez-Alfonso

352 Or. 790 (2012) · No. SC S059458; CA A135246; CC C051693CR · Decided November 29, 2012

SUMMARY

The Oregon Supreme Court held that a physician's conclusion identifying the defendant as the perpetrator of a child's physical injuries did not satisfy the requirements for admissibility of scientific evidence under Oregon Evidence Code 702. The court further held that admitting the evidence was not harmless, reversed the Court of Appeals and the circuit court judgment, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Walters, J.
JURISDICTION	Oregon
DECIDED	November 29, 2012
DOCKET	SC S059458; CA A135246; CC C051693CR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant sought review in the Oregon Supreme Court after the Court of Appeals affirmed his convictions. The Supreme Court reviewed whether a physician's conclusion identifying defendant as the perpetrator of a child's injuries was admissible scientific evidence and, if not, whether its admission was harmless.
STANDARD OF REVIEW	The court reviewed the admission of scientific evidence for errors of law. Under Article VII (Amended), section 3, an evidentiary error is harmless only if there is little likelihood that it affected the verdict.
PRECEDENTIAL VALUE	Published and precedential Oregon Supreme Court decision; en banc.
PARTIES	Luis Sanchez-Alfonso v. State of Oregon

TOPICS

- expert testimony
- evidence
- daubert standard
- harmless error
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a physician's conclusion that the child was physically abused by defendant constituted a medical or scientific diagnosis subject to challenge under OEC 702.
2. Whether the physician's methodology sufficiently demonstrated scientific validity to permit admission of her conclusion identifying defendant as the perpetrator of the child's injuries.
3. Whether admission of the physician's conclusion was harmless error under Article VII (Amended), section 3, of the Oregon Constitution.
4. Whether the evidentiary error was harmless as to all of defendant's convictions, including convictions for first-degree criminal mistreatment and third-degree assault.

HOLDINGS

1. The physician's conclusion that the child was physically abused by defendant was part of her medical diagnosis, not merely a factual observation, and defendant could challenge the scientific validity of the techniques used to reach that conclusion under OEC 702.
2. The physician's conclusion that defendant caused the child's injuries did not satisfy OEC 702 because the physician failed to establish an accepted scientific methodology for identifying the perpetrator or to explain the scientific basis, accepted practices, research, literature, guidelines, or protocols supporting the steps used to reach that conclusion.
3. Admission of the physician's conclusion was not harmless as to the second-degree assault conviction because the conclusion directly addressed the disputed issue of whether defendant caused the skull fracture and therefore went to the heart of the state's proof.
4. The error was not harmless as to the first-degree criminal-mistreatment and third-degree-assault convictions because the diagnosis that the child had been abused by defendant addressed the disputed issue of whether defendant's conduct was intentional rather than accidental.

KEY QUOTATIONS

"We hold that it did not, that the trial court erred in admitting the evidence, and that the error was not harmless." (352 Or. at 790)

"To conclude that scientific evidence is sufficiently reliable to be admissible under OEC 702, it is not enough that there are experts on a subject, that the person who testifies is credible, or that evidence takes the form of a medical record." (352 Or. at 806-807)

"Instead, the expert must explain more precisely his or her own expertise, how he or she gathers and uses particular information, how that information informs his or her conclusions, and the scientific basis for the steps that he or she takes in that process." (352 Or. at 807)

"We conclude that, as to the conviction of second-degree assault, Skinner's conclusion that defendant had caused all C's injuries went to the heart of a disputed issue, and its admission therefore was not harmless

error.” (352 Or. at 810)

FACTUAL BACKGROUND

An approximately 18-month-old child suffered multiple injuries, including a golf-ball-sized forehead lump and a skull fracture, while in defendant's care. A CARES Northwest physician examined the child and diagnosed physical abuse, further concluding that defendant had caused the injuries based partly on defendant's statements to law enforcement. Defendant admitted causing the forehead injury but disputed causing the skull fracture and presented evidence that the child's aunt may have caused it; the state emphasized the physician's conclusion in closing argument.

PROCEDURAL HISTORY

Defendant was convicted by a Washington County circuit-court jury of first-degree criminal mistreatment, third-degree assault, and the lesser-included offense of second-degree assault, and was acquitted of first-degree assault. The Court of Appeals affirmed, holding that the physician's diagnosis that the child had been physically abused was scientifically valid and concluding that any error in admitting the physician's identification of defendant as the perpetrator was harmless. The Oregon Supreme Court reversed both the Court of Appeals and the circuit-court judgment and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The decision of the Court of Appeals and the judgment of the circuit court are reversed. The case is remanded to the circuit court for further proceedings.

CASES CITED

- State v. Sanchez-Alfonso, 238 Or. App. 160, 241 P.3d 1194 (2010)
- State v. Brown, 297 Or. 404, 687 P.2d 751 (1984)
- State v. O'Key, 321 Or. 285, 899 P.2d 663 (1995)
- State v. Southard, 347 Or. 127, 218 P.3d 104 (2009)
- State v. Davis, 351 Or. 35, 261 P.3d 1197 (2011)
- Jennings v. Baxter Healthcare Corp., 331 Or. 285, 299, 14 P.3d 596 (2000)
- Marcum v. Adventist Health System/West, 345 Or. 237, 193 P.3d 1 (2008)
- State v. Lyons, 324 Or. 256, 279, 924 P.2d 802 (1996)
- State v. Davis, 336 Or. 19, 77 P.3d 1111 (2003)
- State v. Willis, 348 Or. 566, 236 P.3d 714 (2010)