

SUPREME COURT OF IDAHO

State v. Singh

525 P.3d 723 (Idaho 2023) · No. 49122 · Decided March 1, 2023

SUMMARY

The Idaho Supreme Court affirmed Diwakar Singh’s felony domestic-violence conviction. The court held that the district court had authority to correct a patent error in the preliminary-hearing transcript based on the official audio recording and did not abuse its discretion by admitting the correction at trial.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Zahn, Justice; Bevan, Chief Justice; Brody, Justice; Stegner, Justice; Moeller, Justice
JURISDICTION	Supreme Court of Idaho
DECIDED	March 1, 2023
DOCKET	49122
DISPOSITION	affirmed
PROCEDURAL POSTURE	Singh appealed his felony domestic-violence conviction after the district court corrected an error in the preliminary-hearing transcript and admitted the correction at trial.
STANDARD OF REVIEW	Interpretation of a court rule is reviewed de novo. A district court's determination that evidence is supported by proper foundation is reviewed for abuse of discretion. Abuse of discretion requires consideration of whether the trial court correctly perceived the issue as discretionary, acted within the outer boundaries of its discretion, acted consistently with applicable legal standards, and reached its decision through an exercise of reason.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Diwakar Singh v. State of Idaho

TOPICS

- criminal procedure
- evidence
- authentication
- appellate procedure
- standard of review

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Idaho Criminal Rule 5.2(c) prohibited the district court from correcting a patent error in a preliminary-hearing transcript.
2. Whether the district court had authority to correct the preliminary-hearing transcript rather than requiring the correction to be made by the magistrate court.
3. Whether the district court abused its discretion by admitting its correction to the preliminary-hearing transcript at trial without separately laying an evidentiary foundation under Idaho Rules of Evidence 901 or 902.

HOLDINGS

1. Idaho Criminal Rule 5.2(c) does not preclude a district court from correcting a patent error in a preliminary-hearing transcript.
2. The district court had authority to correct the patent error in the preliminary-hearing transcript because it listened to the official recording, the recording clearly resolved the error, and no genuine dispute existed concerning what was said.
3. The district court did not abuse its discretion by admitting its correction to the preliminary-hearing transcript without separately establishing foundation under Idaho Rule of Evidence 901 or 902.

KEY QUOTATIONS

“Accordingly, we hold that Rule 5.2(c) does not preclude a district court from correcting a patent error in a preliminary hearing transcript.” (525 P.3d at 727)

“Based on the foregoing, we hold that the district court had authority to correct the patent error in the preliminary hearing transcript.” (525 P.3d at 729)

“We therefore hold that the district court did not abuse its discretion in admitting the correction.” (525 P.3d at 729)

FACTUAL BACKGROUND

Singh was charged with felony domestic violence arising from an incident involving his wife. At the preliminary hearing, his wife testified through an interpreter, and the audio recording captured her response to how she knew Singh as, "He is my husband, Your Honor," although the transcriber marked that response as inaudible. After the case reached district court, the State identified the transcription error. The district court listened to the official recording, corrected the transcript, and later admitted the original transcript and the correction at trial when the wife was unavailable to testify.

PROCEDURAL HISTORY

Singh was charged with felony domestic violence, and a magistrate court found probable cause following a preliminary hearing. After the case was transferred to district court, the State objected to an inaccurate transcript of the preliminary hearing and moved to play the official audio recording. The district court corrected the transcript after listening to the recording, admitted the original transcript and correction at trial after finding the witness unavailable, and Singh was convicted and sentenced to 45 days in county jail and five years of probation. The Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- E. Idaho Econ. Dev. Council v. Lockwood Packaging Corp. Idaho, 139 Idaho 492, 80 P.3d 1093 (2003)
- State v. Clapp, 170 Idaho 314, 510 P.3d 667 (2022)
- Lunneborg v. My Fun Life, 163 Idaho 856, 421 P.3d 187 (2018)
- Valentine v. Valentine, 169 Idaho 621, 500 P.3d 514 (2021)
- Kelly v. Kelly, 165 Idaho 716, 451 P.3d 429 (2019)
- Pentico v. Idaho Comm'n for Reapportionment, 169 Idaho 840, 504 P.3d 376 (2022)
- State v. Schulz, 151 Idaho 863, 264 P.3d 970 (2011)
- State v. Montgomery, 163 Idaho 40, 408 P.3d 38 (2017)
- In re Petition for Review of Hearing Committee of Professional Conduct Board of Idaho State Bar, 140 Idaho 800, 102 P.3d 1119 (2004)
- State v. Ruddell, 97 Idaho 436, 546 P.2d 391 (1976)
- Pac. Fin. Corp. of Cal. v. La Monte, 64 Idaho 438, 133 P.2d 921 (1943)