

SUPREME COURT OF THE STATE OF IDAHO

State v. Singh

Singh · 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 transcript of Singh’s preliminary hearing based on the official audio recording and its inherent authority to ensure the record conformed to the proceedings. The court also held that the district court did not abuse its discretion by providing the jury with the correction to the transcript.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Zahn, Justice; Bevan, Chief Justice; Brody, Justice; Stegner, Justice; Moeller, Justice
JURISDICTION	Supreme Court of the State 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 alleged error in the transcript of his preliminary hearing and admitted the corrected transcript 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 is evaluated by 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 the exercise of reason.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.
PARTIES	Diwakar Singh v. State of Idaho

TOPICS

criminal procedure

preliminary hearing

evidence

authentication

appellate procedure

PRACTICE AREAS

criminal procedure

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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 transcript when the preliminary hearing occurred in 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.

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 transcription error because it listened to the official audio recording, the recording was clear, no party disputed what was said, and the district court was not inferiorly positioned to make the correction.
3. The district court did not abuse its discretion by admitting its correction to the preliminary-hearing transcript without separately establishing foundation under Idaho Rules 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.” (5)

“Based on the foregoing, we hold that the district court had authority to correct the patent error in the preliminary hearing transcript.” (8)

“We therefore hold that the district court did not abuse its discretion in admitting the correction.” (9)

FACTUAL BACKGROUND

Singh was charged with felony domestic violence arising from an incident involving his wife, who initially reported that her husband had beaten her and was observed with injuries. At the preliminary hearing, the wife testified through an interpreter, and an audio-based transcript reported her answer to how she knew Singh as inaudible. The State later identified the response on the recording as, “He is my husband, Your Honor.” The district court listened to the recording, corrected the transcript, and admitted the correction at trial after finding the wife unavailable to testify.

PROCEDURAL HISTORY

Singh was charged with felony domestic violence and bound over for trial after a magistrate court found probable cause at a preliminary hearing. After the State identified an error in the audio-based transcript, the district court listened to the official recording, corrected the transcript to reflect that the victim had identified Singh as her husband, and admitted the correction at trial when the victim was unavailable. A jury convicted Singh, and the district court sentenced him 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)