

IDAHO COURT OF APPEALS

State v. Denny

Docket No. 51076 (Idaho Ct. App. Feb. 20, 2026) · No. 51076 · Decided February 20, 2026

SUMMARY

The Idaho Court of Appeals affirmed Wade William Denny’s convictions for sexual battery of a minor child and rape. The court held that statements by an unavailable witness were admissible under the forfeiture-by-wrongdoing exception to the hearsay rule because Denny manipulated the witness to prevent her from testifying, and that this finding also foreclosed his Confrontation Clause claim.

CASE DETAILS

COURT	Idaho Court of Appeals
WRITING FOR THE COURT	Melanson, Judge Pro Tem; Tribe, Chief Judge; Lorello, Judge
JURISDICTION	Idaho Court of Appeals
DECIDED	February 20, 2026
DOCKET	51076
DISPOSITION	affirmed
PROCEDURAL POSTURE	Denny appealed his judgment of conviction for sexual battery of a minor child sixteen to seventeen years of age and rape, challenging the admission of the victim's out-of-court statements under the forfeiture-by-wrongdoing exception to the hearsay rule and the Confrontation Clause.
STANDARD OF REVIEW	Whether an out-of-court statement is hearsay when offered for its truth is reviewed de novo. A trial court's decision to admit an out-of-court statement for a purpose other than its truth is reviewed for an abuse of discretion. Abuse-of-discretion review asks whether the trial court correctly perceived the issue as discretionary, acted within the boundaries of its discretion, applied the applicable legal standards, and reached its decision through an exercise of reason.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Wade William Denny v. State of Idaho

TOPICS

hearsay

evidence

criminal procedure

appellate procedure

sixth amendment

PRACTICE AREAS

criminal law

criminal procedure

evidence

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QUESTIONS PRESENTED

1. Whether the district court abused its discretion by finding that Denny engaged in wrongdoing intended to cause the victim's unavailability and admitting her statements under Idaho Rule of Evidence 804(b)(5).
2. Whether admission of the victim's statements violated Denny's rights under the Confrontation Clause.
3. Whether Denny preserved his challenge to admission of the statements for appellate review.

HOLDINGS

1. The victim's statements were admissible under Idaho Rule of Evidence 804(b)(5) because Denny engaged in wrongdoing intended to manipulate her into not testifying, thereby causing her unavailability as a witness.
2. The forfeiture-by-wrongdoing finding foreclosed Denny's Confrontation Clause claim.
3. Denny preserved his challenge to the admission of the statements because the district court's in limine ruling was sufficient to preserve the issue absent an express withdrawal of his objection.

KEY QUOTATIONS

"Thus, the exception applies when a defendant: (1) engages or acquiesces in wrongdoing; (2) intended to render the declarant unavailable as a witness; and (3) renders the declarant unavailable as a witness." (3)

"The forfeiture by wrongdoing principle also forecloses Denny's Confrontation Clause claim." (4)

FACTUAL BACKGROUND

A sixteen-year-old girl called 911 after visiting Denny and reported that she was afraid and had been set up. Officers found her fearful, paranoid, perspiring, and apparently under the influence of drugs; she stated that someone had given her acid and that she may have been raped. At the hospital, she described being raped, and DNA collected during a sexual-assault examination was later confirmed as belonging to Denny. Before trial, the girl could not be located for service, and recordings of Denny's calls with her showed that he instructed her not to speak, discouraged cooperation, and directed his niece to tell her to deny the incident.

PROCEDURAL HISTORY

The State charged Denny with felony sexual battery of a minor and rape. Before trial, the State sought admission of statements made by the unavailable victim to a 911 operator, responding officers, and a sexual-assault nurse under Idaho Rule of Evidence 804(b)(5). The district court found that Denny had caused or contributed to the victim's unavailability by discouraging her from testifying, admitted the statements, and entered judgments of conviction after a jury found Denny guilty. The Idaho Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Roman-Lopez, 171 Idaho 585, 524 P.3d 864 (2023)
- State v. Herrera, 164 Idaho 261, 429 P.3d 149 (2018)
- State v. Gomez, 126 Idaho 700, 889 P.2d 729 (Ct. App. 1994)
- State v. Samford, ___ Idaho ___, 575 P.3d 39 (Ct. App. 2025)
- Crawford v. Washington, 541 U.S. 36, 62 (2004)

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