Electronically Filed
10/19/2020 2:14 PM
Idaho Supreme Court
Melanie Gagnepain, Clerk of the Court
By: Brad Thies, Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	**No. 47195-2019**
Plaintiff-Respondent,	)	
	)	**Bingham County Case No.**
v.	)	**CR-2018-4308**
	)	
JUAN SANTOS-QUINTERO, JR.,	)	
	)	
Defendant-Appellant.	)	
	)	

BRIEF OF RESPONDENT

APPEAL FROM THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

HONORABLE DARREN B. SIMPSON
District Judge

LAWRENCE G. WASDEN
Attorney General
State of Idaho

COLLEEN D. ZAHN
Deputy Attorney General
Chief, Criminal Law Division

JEFF NYE
Deputy Attorney General
Criminal Law Division
P. O. Box 83720
Boise, Idaho 83720-0010
(208) 334-4534
E-mail: ecf@ag.idaho.gov

ATTORNEYS FOR PLAINTIFF-RESPONDENT

BEN P. McGREEVY
Deputy State Appellate Public Defender
322 E. Front St., Ste. 570
Boise, Idaho 83702
(208) 334-2712
E-mail: documents@sapd.state.id.us

ATTORNEY FOR DEFENDANT-APPELLANT

TABLE OF CONTENTS

PAGE

TABLE OF AUTHORITIES

CASES **PAGE**

RULES

STATEMENT OF THE CASE

Nature Of The Case

Juan Santos-Quintero, Jr., appeals from the judgment entered after the district court found him guilty of assault, battery, unlawful use of a firearm, and a persistent violator enhancement. Santos-Quintero argues the district court erroneously admitted hearsay evidence at the bench trial.

Statement Of The Facts And Course Of The Proceedings

On September 21, 2018, Lamon Gentillon drove out of Wolverine Canyon after hunting. (Tr., p.37, Ls.6-9.[1]) It was either late in the afternoon or evening, but the sun was still up and it was light outside. (Tr., p.39, Ls.6-11.) He was behind a white Ford pickup. (Tr., p.37, Ls.6-9.) He noticed the white pickup slow down behind a small "bluish-green" car with a white driver's side door. (Tr., p.37, Ls.14-20.) The small car was not going very fast, but it was crossing the yellow line. (Tr., p.37, Ls.21-25.) He thought it was a drunk driver. (Tr., p.37, Ls.21-25.)

As Gentillon pulled up closer to the small car, "all of a sudden . . . out the driver's side window, somebody raised a gun out the . . . window and started shooting." (Tr., p.38, Ls.1-4.) Gentillon slowed down to put some space between his car and the small car. (Tr., p.40, Ls.5-9.) He followed the small car all the way into Firth and called 911 while he drove. (Tr., p.40, Ls.10-13, p.43, Ls.14-19.) The small car pulled up to a residence right next to the south parking lot of a grade school. (Tr., p.40, Ls.23-25.)

The driver, Juan Santos-Quintero, Jr., got out of the small car and walked to the back of the house. (Tr., p.42, L.19 – p.43, L.2.) A woman also got out of the car. (Tr., p.43, Ls.7-8.)

[1] All transcript citations refer to the trial transcript.

Gentillon stayed at the house until Officers Howell, Katseanes, and Van Orden came in response to Gentillon's 911 call. (Tr., p.49, L.11 – p.50, L.5; see Tr., p.52, L.21 – p.53, L.9.)

When Officer Van Orden arrived, he found the owner of the house in the driveway and asked who was in the house, but the homeowner "wasn't able to provide . . . any details." (Tr., p.100, Ls.14-22.) Using the PA system in his car, Officer Katseanes identified the officers and instructed the individuals in the house to come out. (Tr., p.59, Ls.2-9.) He called out for a while without any response. (Tr., p.59, Ls.19-20.) Eventually, the woman came out of the house, spoke with Deputy Katseanas, and identified herself as Denise Williams. (Tr., p.147, Ls.1-4.) Officer Howell decided to call in the STAR team,[2] and he and the other officers spread out to hold the perimeter while waiting for the STAR team to arrive. (Tr., p.61, L.16 – p.62, L.13.)

Officer Van Orden initially took a perimeter position behind a tree where he could watch the back door of the house. (Tr., p.99, Ls.7-12, p.103, Ls.11-14.) He later moved to a "position up off the corner of the house" so that he could "watch the front of the house and watch the rear of the house at the same time." (Tr., p.105, Ls.11-16.) He was "concerned at this point that another person may come out the front of the house and try to ambush Deputy Katseanes while he was dealing with [Williams]." (Tr., p.105, Ls.17-19.)

Officer Van Orden saw "movement at the back door of the residence." (Tr., p.106, Ls.5-10.) It looked like "somebody had briefly peeked out the doorway and was going back into the residence." (Tr., p.106, Ls.5-10.) He started moving toward the back door while yelling, "Come out with your hands up. Show me your hands." (Tr., p.106, Ls.15-23.) Officer Katseanas heard Officer Van Orden shouting commands and ran toward the back of the house. (Tr., p.155, Ls.10-

[2] The STAR team is the Southeast Idaho version of a SWAT team. (Tr., p.61, L.25 – p.62, L.2.)

14.) Officers Van Orden and Katseanas decided to take cover behind a tree toward the backyard. (Tr., p.155, L.22 – p.156, L.2.)

Officer Howell also heard Officer Van Orden shouting commands. (Tr., p.63, L.24 – p.64, L.3.) He ran from the front yard to the backyard. (Tr., p.63, L.24 – p.64, L.3.) As he came into the backyard, he kept his eye on the back door and moved for cover. (Tr., p.66, Ls.1-4.) As he was moving, he saw a muzzle blast come out the back door and heard a gunshot. (Tr., p.66, Ls.1-8.) The bullet entered his body on the left side, hit his spine, and lodged in his abdominal wall. (Tr., p.69, L.4 – p.70, L.19, p.86, Ls.6-17.) He instantly lost his breath and hit the ground. (Tr., p.66, Ls.1-4.) He could not see any blood, but his hip felt like it was broken. (Tr., p.67, Ls.6-10.) He rolled over and returned fire. (Tr., p.67, Ls.6-10.)

Officer Van Orden also saw a puff of white smoke from the back door and heard gunshots. (Tr., p.107, L.16 – p.108, L.4.) He could not see Officer Howell, but after the first shots were fired, Officer Van Orden heard Officer Howell make a "grunt or a noise that sounded off." (Tr., p.113, Ls.11-17.) Officer Van Orden fired his patrol rifle several times to the right of the back door in an attempt to "stop the threat." (Tr., p.114, Ls.8-19.) He then yelled at Officer Howell to see if he was alright. (Tr., p.115, L.21 – p.116, L.1.) Officer Howell responded that he had been shot. (Tr., p.116, Ls.2-6.)

Concerned that Officer Howell might be shot again, Officer Van Orden left his cover to run to Officer Howell's aid. (Tr., p.116, Ls.2-16.) Officer Van Orden provided cover and helped Officer Howell across the backyard to safety. (Tr., p.117, Ls.14-23.) He then rejoined Deputy Katseanas at the tree. (Tr., p.118, Ls.11 – p.119, L.6.) Ten to fifteen minutes later, "there was another handful of gunshots that came from the house." (Tr., p.119, Ls.17-21.) The officers continued to hold the perimeter. (Tr., p.166, Ls.3-5.)

The STAR team started trickling in and helped to hold the perimeter as they arrived. (Tr., p.166, Ls.3-8.) Members of the STAR team were able to reach Santos-Quintero by cell phone in an attempt to negotiate a surrender. (Tr., p.314, L.12 – p.315, L.12.) He initially refused to come out "because he was afraid [the officers] would shoot him because he shot a police officer." (Tr., p.315, Ls.15-20.) Eventually, however, Santos-Quintero agreed to come out. (Tr., p.323, Ls.1-15.) He told the STAR team that he had taken the magazine out of his gun and placed the gun and the magazine in the kitchen. (Tr., p.321, Ls.14-20.) He also said he wanted to come out holding his phone. (Tr., p.323, Ls.1-15.) Santos-Quintero then came out of the house with a cell phone in one hand and an alcoholic beverage in the other. (Tr., p.323, Ls.1-18.) Officer Katseanas tackled Santos-Quintero and placed him in handcuffs. (Tr., p.169, Ls.13-24.)

Immediately after the officers took Santos-Quintero into custody, they "cleared the house to make sure there was no one else in the house." (Tr., p.171, Ls.3-7.) They started with an "initial check[]" and then did a "deep clear" by looking in "the cabinets, any – under beds, couches, anywhere. Crawlspaces. Every—everywhere." (Tr., p.171, Ls.16-20.) Nobody else was in the house. (Tr., p.171, Ls.21-24.) The officers found in the kitchen a gun, a magazine, and shell casings. (Tr., p.171, L.25 – p.172, L.4., p.192, Ls.8-19.)

The state charged Santos-Quintero with aggravated battery, two counts of aggravated assault, unlawful possession of a firearm, an enhancement for using a firearm during the commission of a felony, and an enhancement for being a persistent violator all for the shooting on September 21, 2018. (R., pp.52-58.) The state also charged Santos-Quintero with grand theft because, the state alleged, Santos-Quintero possessed the gun he used in the shooting "knowing the property to have been stolen." (R., p.54.) Santos-Quintero waived his right to a jury trial, and the case proceeded to a trial in front of the district court. (R., p.211.)

At trial, Joshua Fuhriman testified that, just a few days before the shooting, he had some items stolen from his car in a Walmart parking lot. (Tr., p.29, Ls.18-23, p.31, Ls.2-3.) One of the items stolen was a Ruger 9E pistol. (Tr., p.29, L.24 – p.30, L.3.) Fuhriman identified the gun recovered from the kitchen on the day of the shooting as his Ruger 9E. (Tr., p.31, L.9 – p.32, L.1.)

Williams, the woman who had been in the car with Santos-Quintero on the day of the shooting, also took the stand at the trial after receiving a subpoena and use immunity from the state. (Tr., p.235, L.23 – p.236, L.9.) Yet she refused to testify, even after the district court ordered her to testify. (Tr., p.235, L.23 – p.241, L.22.) The district court held Williams in contempt and found that Williams qualified as "unavailable" to testify under the rules of evidence because she refused to testify despite a court order to do so. (Tr., p.241, L.21 – p.244, L.21.)

In light of Williams refusing to testify, the state called Detective Medrano to the stand to testify as to what Williams said in an interview with Detective Medrano. (Tr., p.244, Ls.23-24.) Santos-Quintero objected to the admission of the hearsay statements. (Tr., p.248, Ls.6-7.) The state argued the hearsay was admissible as statements made by Williams that were against her interest. (Tr., p.252, L.23 – p.253, L.1.) The district court decided to hear the testimony first and then decide afterward whether the testimony fit in an exception to the rule against hearsay. (Tr., p.253, Ls.18-21.) Detective Medrano testified that she asked Williams about the theft in the Walmart parking lot. (Tr., p.255, Ls.14-21.) Williams told Detective Medrano that she and Santos-Quintero were in the Walmart parking lot and "that he did go to a vehicle" but "she didn't know what he took." (Tr., p.255, Ls.14-21.)

After Detective Medrano's testimony, the district court asked each side about the requirement in the "Statement Against Interest" exception that the statement must be "supported by corroborating circumstances that clearly indicate its trustworthiness." (Tr., p.258, L.22 – p.259,

L.3, p.261, L.24 – p.262, L.3.) The state argued that the statements were corroborated by testimony that a gun was stolen from a car in the Walmart parking lot and that Williams and Santos were often together. (Tr., p.259, Ls.4-18.) Santos-Quintero argued the state had not satisfied the corroboration requirement because, in his view, Williams had to present corroborating evidence to Detective Medrano during the interview. (Tr., p.262, Ls.4-16.) The district court pushed back against Santos: "Well, we've heard testimony about the gun stolen, that it was in Mr. Fuhriman's car." (Tr., p.262, Ls.17-18.) Santos-Quintero argued that did not constitute sufficient corroboration because Detective Medrano had not "nailed down as to when they were in the Walmart parking lot in relation to the date" the firearm was stolen. (Tr., p.263, Ls.3-8.) The district court decided to reserve ruling on the hearsay statement until it heard the rest of the evidence. (Tr., p.272, Ls.5-8.)

At the end of the state's presentation of evidence, the district court ruled on the hearsay statement:

> Having reviewed the testimony of the detective, the unavailability of Denise Williams under 804, the Court does find that she was unavailable and that the exception under (b)(3) applies.
>
> Under (b)(3)(A), I note that the requirements under (b) – under 3(A) are in the disjunctive.
>
> And so the statement that Ms. Williams made to the detective is a statement that a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it tended to expose the declarant to civil or criminal liability.
>
> In this case, the statements that she issued could expose her to criminal liability. And, therefore, the Court finds the exception to apply.

(Tr., p.422, Ls.8-21.) The district court went on to find Santos-Quintero guilty on all counts except the sentencing enhancement and laid out its findings in painstaking detail.[3] (Tr., p.445, L.19 – p.460, L.25.) The only time the district court referred to Williams's hearsay statement was in its analysis of the grand theft charge. (Tr., p.458, L.5 – p.459, L.20.)

Santos-Quintero timely appealed. (R., pp.279-81.)

[3] The district court dismissed the sentencing enhancement because the prosecutor did not include a date in the charging document. (Tr., p.461, L.1 – p.462, L.6.)

ISSUE

Santos-Quintero states the issue on appeal as:

> Did the district court abuse its discretion when it admitted Detective Medrano's testimony describing Ms. Williams' statements, because the district court applied a wrong standard to determine whether the statements should be admitted?

(Appellant's brief, p.10.)

The state rephrases the issue as:

Has Santos-Quintero failed to show the district court abused its discretion by admitting Williams's hearsay statement?

ARGUMENT

The District Court Did Not Abuse Its Discretion By Admitting Williams's Hearsay Statement

A. Introduction

Santos-Quintero has failed to show the district court abused its discretion when it applied the statement against interest exception to Williams's statement that she was with Santos-Quintero in the Walmart parking lot when he took an unknown item out of someone's car. In a criminal case, the statement against interest exception applies where the statement is against the declarant's interest and other evidence in the record corroborates the statement such that a reasonable person could believe the statement. Santos-Quintero does not challenge the district court's finding that Williams's statement was against her interest or argue that the record does not actually corroborate Williams's statement. Instead, he argues only that the district court applied the wrong standard by admitting the evidence without first expressly finding the evidence in the record sufficiently corroborated Williams's statement such that a reasonable person could believe it.

While the district court did not expressly state that the evidence sufficiently corroborated Williams's statement, this Court can readily infer that the district court at least implicitly made that finding. The district court read the corroboration requirement to both parties and asked each party whether the state had satisfied that requirement. During the trial, the district court also emphasized a number of facts that tended to corroborate Williams's statement. Perhaps most importantly, this was a bench trial and the district court relied on Williams's statement to convict Santos-Quintero of grand theft. The district court's reliance on Williams's statement proves that the district court thought the evidence in the record sufficiently corroborated Williams's statement such that a reasonable person could believe Williams's statement. Because this Court can infer the district court applied the correct standard, the district court did not abuse its discretion.

B. Standard Of Review

"'The trial court has broad discretion in the admission and exclusion of evidence and its decision to admit evidence will be reversed only when there has been a clear abuse of that discretion.'" State v. Folk, 162 Idaho 620, 625, 402 P.3d 1073, 1078 (2017) (quoting State v. Lopez-Orozco, 159 Idaho 375, 377, 360 P.3d 1056, 1058 (2015)).

C. The District Court Properly Applied The Statement Against Interest Hearsay Exception

The district court did not abuse its discretion when it admitted Williams's hearsay statements as statements against Williams's interest. Generally, the rule against hearsay bars the admission of out-of-court statements offered for the truth of the matter asserted. See I.R.E. 801(c); I.R.E. 802. But the rules include a number of exceptions, including an exception for statements against the declarant's interest when the declarant is unavailable to testify. I.R.E. 804(b)(3). To apply the statement against interest exception in a criminal case, the district court must find both that the statement is actually against the declarant's interest and that the statement is supported by corroborating circumstances that show the statement is trustworthy. I.R.E. 804(b)(3).

The test for the corroboration requirement is "whether evidence in the record corroborating and contradicting the declarant's statement would permit a reasonable person to believe that the statement could be true." State v. Meister, 148 Idaho 236, 243, 220 P.3d 1055, 1062 (2009). This test puts the district court in the role of a gatekeeper: the district court must ensure that a reasonable person *could* believe the statement against interest is true before letting the statement against interest into evidence and allowing the jury ultimately to "determine where the truth lies." Id.

Here, the district court properly applied Rule 804(b)(3), including the corroboration requirement. The district court found that Williams's was unavailable to testify and that she made

statements that were against her interest (Tr., p.244, Ls.16-21, p.422, Ls.14-20.) Santos-Quintero has not challenged those findings on appeal. (See Appellant's brief, pp.11-16.)

The record also supports the district court's finding that the state satisfied the corroboration requirement. In response to Detective Medrano asking Williams whether she was at the Walmart parking lot when Fuhriman's items were stolen, Williams stated she and Santos-Quintero were in the Walmart parking lot and that he went to another car but she "didn't know what he took"—implying, of course, that Santos took *something*. (Tr., p.255, Ls.14-21.) Williams's statement was corroborated by (1) Fuhriman's testimony that he had his Ruger 9E stolen out of his car in that same Walmart parking lot (Tr., p.30, L.10 – p.32, L.1); (2) Detective Hammer's testimony that security footage recorded at Walmart on the day of the theft showed someone get out of a dark-colored Ford Excursion and then spend approximately one minute next to Fuhriman's car (Tr., p.357, L.10 – p.358, L.10); (3) Detective Hammer's testimony that he had a photograph of Williams in the Ford Excursion on a separate occasion (Tr., p.361, L.18 – p.362, L.6); (4) Detective Hammer's testimony that he had a photograph of Santos-Quintero in the Ford Excursion on the day before the theft (Tr., p.360, Ls.10-19, p.362, Ls.16-19); and (5) Detective Hammer's testimony that additional items stolen from Fuhriman were found in the Ford Excursion (Tr., p.359, L.3 – p.360, L.1). Based on that corroborating evidence, a reasonable person could believe Williams's statement that she was with Santos-Quintero in the Walmart parking lot when Santos-Quintero took some unknown objects from someone else's car.

On appeal, Santos-Quintero asserts that the district court applied the wrong standard to determine the admissibility of Williams's statement. (Appellant's brief, pp.11-16.) Specifically, Santos-Quintero argues that the district court read the corroboration requirement out of Rule 804(b)(3). (Appellant's brief, p.15.) In his view, the district court found Rule 804(b)(3) was

written in the disjunctive such that the state only had to prove the statement was (A) against Williams's interest *or* (B) corroborated by other evidence. (Appellant's brief, p.15.) The record does not support Santos-Quintero's view.

In the passage to which Santos-Quintero refers, the district court simply observed that part ***(A)*** of Rule 804(b)(3) is written in the disjunctive, not that the entire rule is written in the disjunctive. (Tr., p.422, Ls.12-13 ("Under (b)(3)***(A)***, I note that the requirements under (b) – under 3***(A)*** are in the disjunctive.") (emphases added).) That observation is correct:

> A statement that:
>
> (A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary ***or*** pecuniary interest ***or*** had so great a tendency to invalidate the declarant's claim against someone else ***or*** to expose the declarant to civil ***or*** criminal liability; and
>
> (B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.

I.R.E. 804(b)(3) (emphases added). Consistent with the plain language of Rule 804(b)(3), the district court observed that part (A) is written in the disjunctive and then identified the requirement in part (A) that Williams's statement satisfied: "it tended to expose the declarant to civil or criminal liability." (Tr., p.422, Ls.8-21.)

The district court's other discussions of Rule 804(b)(3) also contradict Santos-Quintero's view that the district court did not apply the corroboration requirement. The district court read the corroboration requirement to each party and asked each party whether Williams's statement was

sufficiently corroborated.[4] (Tr., p.258, L.22 – p.259, L.18, p.261, L.24 – p.263, L.18.) In fact, in response to Santos-Quintero's argument that the corroboration requirement had not been satisfied, the district court indicated it found Williams's statement was corroborated by "testimony about the gun stolen, that it was in Mr. Fuhriman's car." (Tr., p.262, Ls.4-18.)

The district court also emphasized other corroborating facts when it explained its findings at the end of the trial, including that the "car was broken into on September 15th"; "the firearm was stolen"; the "detectives were able to track down the vehicle that was identified in the video, that belonging to a Ford Excursion"; the detectives "were able to connect that Excursion to Ms. Williams"; "[i]tems within that Excursion included items that were stolen from Mr. Fuhriman's vehicle"; and a photo of someone in the Ford Excursion taken a day before the theft was a "rough match to the defendant." (Tr., p.458, L.5 – p.459, L.4.) So while the district court did not expressly find that the record corroborated Williams's statement, this Court can readily infer that the district court implicitly made that finding based on the district court emphasizing corroborating facts elsewhere in the transcript and the district court discussing the corroboration requirement with both parties. See, e.g., State v. Matthews, 164 Idaho 605, 609-10, 434 P.3d 209, 213-14 (2019) (holding "the district court did not abuse its discretion . . . despite articulating a rationale inconsistent with relevant legal authority" because the appellate court could infer from the

[4] When the district court asked each party about the corroboration requirement, it asked whether the corroboration requirement was "applicable." (Tr., p.261, L.24 – p.262, L.3; see Tr., p.258, L.22 – p.259, L.3.) While perhaps not the best word choice, the context of the district court's questions show that the district court was asking whether the state had satisfied the corroboration requirement rather than whether the corroboration requirement was relevant. In response to the district court's question, the state listed the corroborating evidence that showed that it had satisfied the corroboration requirement. (Tr., p.258, L.22 – p.259, L.18.) And, for his part, Santos responded that the corroboration requirement was not "applicable" because the state failed to offer the right kind of corroborating circumstances. (Tr., p.261, L.24 – p.262, L.16.) At no point in the discussion did any party (or the district court) argue the legal relevancy of the corroboration requirement to the admission of the evidence.

"context" that the district court also relied on a proper, unarticulated rationale); State v. Floyd, 159 Idaho 370, 372, 360 P.3d 379, 381 (Ct. App. 2015) ("[W]e should examine the record to determine implicit findings which would support the trial court's order.").

Furthermore, given this was a bench trial, there was less of a need for the district court to enunciate a separate finding of corroboration. See United States v. Brown, 415 F.3d 1257, 1269 (11th Cir. 2005) ("There is less need for the gatekeeper to keep the gate when the gatekeeper is keeping the gate only for himself."). The result here speaks for itself. The district court necessarily found sufficient corroboration such that a reasonable person *could believe* Williams's statement because the district court *believed* Williams's statement, as evidenced by its reliance on Williams's statement to find that Santos-Quintero stole Fuhriman's handgun. (Tr., p.458, L.5 – p.459, L.6.)

But even if the district court misapplied the statement against interest exception, the error was harmless. This Court only reverses a district court's decision on the admissibility of evidence if the error "affect[s] substantial rights." I.C.R. 52. "Moreover, where, as here, the finder of fact was the court, not a jury, even greater restraint is applied in appellate review." In re S.W., 127 Idaho 513, 519, 903 P.2d 102, 108 (Ct. App. 1995).

Any error in the district court's application of the statement against hearsay exception was harmless as to the battery, assault, unlawful possession, and persistent violator convictions because this Court can say, beyond a reasonable doubt, that Williams's statement had no effect on the district court's decision to find Santos-Quintero guilty of those charges. See State v. Perry, 150 Idaho 209, 221, 245 P.3d 961, 973 (2010) (explaining an error is harmless where "the State proves beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained"). The district court detailed the evidence it relied on to convict Santos-Quintero on each count, and it made no mention of Williams's statement in explaining why it convicted Santos-Quintero on the

battery, assault, unlawful possession, and persistent violator charges. (Tr., p.445, L.19 – p.462, L.8.) In fact, the district court found that Williams's statement was relevant only to a single disputed issue: "that one element as to the 'knowing that the property was stolen' issue" for grand theft.[5] (Tr., p.270, Ls.11-16.)

Any error was harmless as to the grand theft conviction given the district court's reliance on Williams's statement to find Santos-Quintero guilty of grand theft. Cf. State v. Miller, 131 Idaho 288, 293, 955 P.2d 603, 608 (Ct. App. 1997) (explaining an error is harmless if "the verdict indicates the result would not have been different" without the error). Santos-Quintero's only complaint here is that the district court failed to make a preliminary finding that the "evidence in the record corroborating and contradicting the declarant's statement would permit a reasonable person to believe that the statement could be true." Meister, 148 Idaho at 243, 220 P.3d at 1062. In effect, he is asking this Court to "remand this matter to the district court for a new trial" just so that he can ask the same district court that *actually believed* Williams's statement whether, in the district court's view, a reasonable person *could believe* Williams's statement. (Appellant's brief, p.17.) The harmless error doctrine frowns on spending judicial resources on such a needless endeavor. See State v. Severson, 147 Idaho 694, 724, 215 P.3d 414, 444 (2009) ("The purpose of the harmless error doctrine is to prevent setting aside convictions for small errors or defects which were unlikely to affect the result at trial."). Thus, any error here was harmless as to all of Santos-Quintero's convictions.

[5] The district court also found Williams's statement relevant because Williams "identif[ied] the defendant by name." (Tr., p.270, Ls.11-12.) But neither Santos-Quintero's name nor his identity was a disputed issue at trial.

CONCLUSION

The state respectfully requests this Court affirm the district court's judgment of conviction.

DATED this 19th day of October, 2020.

/s/ Jeff Nye
JEFF NYE
Deputy Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 19th day of October, 2020, served a true and correct copy of the foregoing BRIEF OF RESPONDENT to the attorney listed below by means of iCourt File and Serve:

BEN P. McGREEVY
DEPUTY STATE APPELLATE PUBLIC DEFENDER
documents@sapd.state.id.us

/s/ Jeff Nye
JEFF NYE
Deputy Attorney General

JN/dd