

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2024

KATHERINE LEA STANFIELD,
Petitioner,

v.

JENNIFER TYVAND,
Respondent.

*On Petition for a Writ of Certiorari
to the United States Court of Appeals for the Ninth Circuit*

PETITION FOR A WRIT OF CERTIORARI

Craig H. Durham
FERGUSON DURHAM, PLLC
223 N. 6th Street, Suite 325
Boise, Idaho, 83702
T: (208) 724-2617
F: (208) 906-8663
chd@fergusondurham.com

Counsel for Petitioner

QUESTIONS PRESENTED

This petition raises the following questions:

I.

Whether Katherine Stanfield was deprived of her Sixth Amendment right to confront her accusers when the trial court allowed the State's expert pathologist to offer her opinion that a child had died from severe, non-accidental trauma to his brain, when that opinion that was based, in large part, on testimonial evidence prepared out-of-court by a lab technician.

II.

Whether the Idaho Supreme Court's opinion on the Sixth Amendment question was contrary to or an unreasonable application of clearly established federal law as determined by this Court.

PARTIES TO THE PROCEEDING

The petitioner is Katherine Lea Stanfield.

The respondent is Jennifer Tyvand, the Warden of the South Idaho Correctional Institution.¹

¹ Current warden Tyvand is substituted for the previous warden, Janell Clement.

STATEMENT OF RELATED PROCEEDINGS

State v. Katherine Lea Stanfield, Ada County, Idaho, Criminal Case No. CR-FE-2010-16169, Judgment entered August 22, 2012.

State v. Katherine Lea Stanfield, 347 P.3d 175 (Idaho 2015) (affirmed).

Katherine Lea Stanfield v. Idaho, 136 S.Ct. 794 (2016) (cert. denied).

Katherine Lea Stanfield v. State, Ada County, Idaho, Case No. CV01-16-23591, Judgment entered May 30, 2018.

Katherine Lea Stanfield v. State, 454 P.3d 531 (Idaho 2019) (reversed).

Katherine Lea Stanfield v. Idaho, Ada Couty, Idaho, Case No. CV01-16-23591, Judgement entered March 10, 2021.

Katherine Lea Stanfield v. Janell Clement, 775 F.Supp.3d 1104 (D. Idaho 2025) (habeas petition denied).

Katherine Lea Stanfield v. Janell Clement, No. 25-2607, 2026 WL 1091657 (April 22, 2026) (affirmed).

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PETITION FOR A WRIT OF CERTIORARI

OPINIONS BELOW

The Court of Appeals' unpublished opinion affirming the district court's denial of habeas corpus relief is in Appendix A.

The district court's Memorandum Decision and Order denying habeas corpus relief is in Appendix B.

The Idaho Supreme Court's published opinion affirming Stanfield's convictions and sentences on direct appeal is in Appendix C

JURISDICTION

The Court of Appeals affirmed the district court on April 22, 2026. App. 1a
She has filed this petition within 90 days of that date. *See* Rule 13-3. The Court has jurisdiction under 28 U.S.C. § 1257(a).

PERTINENT CONSTITUTIONAL AND STATUTORY PROVISIONS

The Sixth Amendment to the United States Constitution provides, in relevant part: “In all criminal prosecutions, the accused shall enjoy the right ... to be confronted with the witnesses against him.”

The Fourteenth Amendment to the United States Constitution provides, in relevant part: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law ...”

* * *

Title 28 U.S.C. § 2254(d) provides:

(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

- (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
- (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

STATEMENT OF THE CASE

By 2009, Katherine Stanfield, then in her mid-50s, had been operating a daycare out of her home for nearly 30 years. 56a. In December of that year, she was taking care of W.F., the two-year-old son of her daughter's boyfriend, along with her two grandsons, ages five and eight. *Id.*

In the mid-afternoon of December 11, Ms. Stanfield called 911 to report that W.F. was unconscious. 56a. She told dispatchers that W.F. had fallen and hit his head. *Id.*

Paramedics soon arrived and took W.F. to the emergency room, but he died two days later. 56a. The assigned pathologist, Dr. Charles Garrison, concluded from his autopsy that W.F.'s death could have been caused by either hypoxia or trauma. *Id.* Based on his evaluation of all the evidence, though, he determined that W.F.'s death was caused by non-accidental trauma. *Id.*

Ms. Stanfield maintained her innocence, and police interviews with her grandsons present at the time of the injury corroborated her account: that W.F. had fallen while alone in the living room and had not been pushed or shaken. 56a-57a. Nonetheless, nine months after W.F.'s collapse, the State charged Ms. Stanfield with first-degree murder under a theory that she had committed an aggravated battery that resulted in W.F.'s death. *Id.*

A few months shy of trial, the state of Idaho hired pediatric neuropathologist Dr. Lucy Rorke-Adams to review the case. 57a. Dr. Garrison sent W.F.'s brain and slides with brain tissue to Dr. Rorke-Adams. 13a. Dr. Rorke-Adams then requested

“paraffin blocks which contained these [brain] tissues” so that one of her lab technicians “could do some additional studies.” 11a.

At Dr. Rorke-Adams’s request, her lab technician prepared slides with brain tissue and labeled the slides with a number to indicate that they came from W.F.’s case. 11a. The technician then purportedly applied a chemical staining to these samples as a means of testing for the presence of amyloid plaques, which, according to Dr. Rorke-Adams, was a sign of traumatic injury to the brain. 13a. Dr. Rorke-Adams compared the stained slides with a “control slide” – a slide that she testified was known to have a positive test – to determine whether they matched. 15a.

Dr. Rorke-Adams was not present when the technician completed the tests. Still, at trial she testified that the technician had followed the correct procedures. 16a. Ms. Stanfield’s counsel objected to this testimony on hearsay and Sixth Amendment confrontation clause grounds. 12a.

Basing her testimony largely on the technician-prepared slides, Dr. Rorke-Adams gave her professional opinion that W.F. had sustained non-accidental, inflicted trauma and that the manner of death was homicide. 17a.

Ms. Stanfield was convicted of first-degree murder and sentenced to life in prison with 10 years before parole eligibility. 57a.

On direct appeal, the Idaho Supreme Court rejected Ms. Stanfield’s claim that she had been deprived of the opportunity to confront the special technician who prepared the brain tissue slides for Dr. Rorke-Adams’ review. 58a-63a.

The state court first acknowledged that the technician provided two key assertions – that is, out-of-court “statements” – through Dr. Rorke-Adams’s testimony: that the slides actually contained tissue from W.F.’s brain and that the technician had properly conducted the staining procedure. 63a. But it ultimately found that the statements “were not made for an evidentiary purpose and thus were not testimonial” and, because of that, their admission did not violate Ms. Stanfield’s Sixth Amendment rights. 64a.

With the assistance of a pro bono law firm, Ms. Stanfield filed a petition for a writ of certiorari to this Court, seeking review over the Sixth Amendment claim. *Katherine Lea Stanfield v. Idaho*, 136 S.Ct. 794 (2016). The Court denied her petition.

Ms. Stanfield raised the same constitutional claim in her Petition for Writ of Habeas Corpus, below. 11a. The district court concluded that the Idaho Supreme Court’s adjudication of the Sixth Amendment claim was “erroneous,” because the lab technician’s statements were testimonial, but not unreasonably so. 27a. Given the demanding AEDPA standards in 28 U.S.C. § 2254(d), the district court denied relief to Ms. Stanfield, but it granted her a certificate of appealability over the Sixth Amendment claim. 30a.

The Court of Appeals for the Ninth Circuit affirmed the district court. *Stanfield v. Clement*, No. 25-2607, 2026 WL 1091657 (April 22, 2026). She now seeks certiorari over that decision.

REASON FOR GRANTING THE PETITION

The Court should grant the writ to further clarify the scope of the Sixth Amendment’s Confrontation Clause in criminal prosecutions that rely ever more heavily on out-of-court scientific tests and the interpretation of those tests.

For many years, this Court held that the Confrontation Clause did not bar the admission of an out-of-court statement against the defendant as long as it bore “adequate indicia of reliability.” *Ohio v. Roberts*, 448 U.S. 56, 66 (1980). It reexamined this amorphous standard and discarded it in 2004. *Crawford v. Washington*, 541 U.S. 36 (2004).

In *Crawford*, the Court reviewed the history and purpose of the Confrontation Clause, concluding that it was intended to guarantee a defendant’s right to confront those “who ‘bear testimony’” against her. 541 U.S. at 51. The Court held that the Clause excluded all out-of-court statements that are “testimonial,” unless the witness is unavailable at trial and the defendant has had a previous opportunity to cross-examine the witness. *Id.* at 59. *Crawford* characterized the class of out-of-court statements that are “testimonial” as “[e]x parte in-court testimony or its functional equivalent.” *Id.* at 51–52 (emphasis added and internal quotation marks and citations omitted).

Later cases turned on whether out-of-court statements were testimonial. For instance, in 2006 the Court held that a victim’s statement to a 911 operator was not testimonial because the conversation was intended to resolve an emergency rather

than develop evidence against the defendant. *Davis v. Washington*, 547 U.S. 813, 828 (2006). But, in that same case, the Court determined that a victim's interview with law enforcement officers while they were investigating a crime in her home was testimonial. *Id.* at 832.

In *Melendez-Diaz v. Massachusetts*, the Court held that a lab technician's certification after a forensic analysis that a substance was cocaine fell within the class of testimonial statements. 557 U.S. 305, 311 (2009). Following in that tradition, in *Bullcoming v. New Mexico*, the Court found that a forensic analyst's laboratory report certifying that the defendant's blood-alcohol concentration was well above the threshold for aggravated DWI was testimonial and excluded under *Crawford*. 564 U.S. 647, 651 (2011).

In reaching that conclusion, the *Bullcoming* Court turned aside New Mexico's argument that the analyst was a "mere scrivener" who exercised no independent judgment but simply reported what the gas chromatograph machine showed. *Id.* at 659-61. That was so because the "obvious reliability" of a testimonial statement does not dispense with the Confrontation Clause." *Id.* at 661 (citing *Crawford*, 541 U.S. at 62). Nor does an expert who testifies in-person and interprets the results, but who did not conduct the test, solve the problem. *Id.* In this Court's words, "the Clause does not tolerate dispensing with confrontation simply because the court believes that questioning one witness about another's testimonial statements provides a fair enough opportunity for cross-examination." *Id.* at 662.

The next relevant case decided before the Idaho Supreme Court adjudicated the merits of Ms. Stanfield's appeal in 2015 is *Williams v. Illinois*, 567 U.S. 50 (2012), abrogated in part by *Smith v. Arizona*, 602 U.S. 779 (2024). There, police who were investigating a kidnapping and rape collected a biological sample from the victim's rape kit. 567 U.S. at 59. At the time, they had no suspects, but they sent the sample to Cellmark Diagnostics, an independent lab. *Id.* Cellmark created a male DNA profile. *Id.*

Independently, the defendant was arrested on an unrelated matter, and police took a sample of his blood. 567 U.S. at 59. He was not suspected of the kidnapping and rape. *Id.*, at 60. A police forensic expert later ran the Cellmark result through a computer search, which hit on the defendant. *Id.* At trial, the court allowed the forensic expert to testify that the defendant's DNA profile matched DNA profile from Cellmark that Cellmark had analyzed from the victim's sample. *Id.* at 62. The Cellmark technician who created the profile did not testify. *Id.*

A plurality of the Court concluded that this situation did not violate the defendant's right to confrontation. Four justices determined that the Cellmark report fell outside of the Confrontation Clause because it was not offered for the truth of the matter asserted and was not hearsay. 567 U.S. at 79. And even if it had been offered for the truth, according to that plurality, the Cellmark results were not "testimonial" because they were "not prepared for the primary purpose of accusing a targeted individual" or "to create evidence for trial." *Id.* at 84.

Justice Thomas did not join the four justices, but he concurred and provided the fifth vote for the result. In his view, the Cellmark statements lacked the requisite “formality and solemnity” to be considered “testimonial” for purposes of the Confrontation Clause. 567 U.S. at 104 (Thomas, J. concurring). He parted ways with the plurality on the hearsay question, however, because “there was no plausible reason for the introduction of Cellmark's statements other than to establish their truth.” *Id.*

Four justices dissented, joining an opinion authored by Justice Kagan. *Williams*, 567 U.S. 50, 119 (Kagan, J., dissenting) The four *Williams* dissenters concluded that the Cellmark report was offered for its truth, as had Justice Thomas in his concurrence. *Id.* at 121-25. On the question of whether the report was “testimonial,” the dissenters agreed with the plurality – sans Justice Thomas – that a “primary purpose” test was appropriate, meaning that that such a test was endorsed by eight justices, but Justice Kagan chided the majority for framing the test too narrowly. *See Id.* at 135 (“We have previously asked whether a statement was made for the primary purpose of establishing ‘past events potentially relevant to later criminal prosecution’—in other words, for the purpose of providing evidence.”) (string cite omitted).

The Court revisited the issue most recently in *Smith v. Arizona*, 602 U.S. 779 (2024). There, the Court held that when a testifying expert conveys an absent lab analyst’s statement in support of the testifying expert’s opinion at trial, and the out-of-court statements provide such support only if they are true, then the statements

are offered for their truth and therefore implicate the Sixth Amendment's Confrontation Clause. *Id.* at 800.

Smith was decided after the Idaho Supreme Court adjudicated Ms. Stanfield's Sixth Amendment claim, so it is not itself the relevant clearly established law, but it has bearing on the issue because of what it says *about the clearly established law before 2015*.

The Court first noted the principle from *Crawford* and the cases that follow it requires "a court analyzing a confrontation claim [to] identify the role that a given out-of-court—here [the absent lab analyst's] statements about her lab work—served at trial." *Smith*, 602 U.S. at 793. It remarked that "on that much, the entire *Williams* Court agreed." *Id.* Applying that test, the Court held the absent lab analyst's conclusion in her notes and in a report that certain material contained drugs was offered for the truth through the surrogate witness at trial. 602 U.S. at 798. That was true even though the testifying expert claimed to have reviewed the analyst's records and came up with an "independent" opinion reaching the same results. *Id.* The Court's holding abrogated that aspect of *Williams* that held to the contrary. *Id.*

The *Smith* Court declined to reach the second element of a successful *Crawford* claim; that is, whether the absent lab analyst's statement was "testimonial." 602 U.S. at 800. The Court remanded to the Arizona Court of Appeals to make that determination. *Id.* at 803. In doing so, it reiterated that consistent with *Crawford* through *Williams*, reviewing courts should discern the "primary

purpose’ of the statement [at issue], and in particular how it relates to a future criminal prosecution.” *Id.* In making that assessment, courts should “consider the range of recordkeeping activities that lab analysts engage in.” *Id.* at 802. To count at “testimonial,” the document’s primary purpose must have a “focus on court” rather than standard record-keeping for quality control, accreditation, or the like. *Id.*

* * *

The present case follows in that tradition. The lab technician’s work in preparing and staining the slides were statements because she implicitly asserted that the testing was done correctly, but she was not available for cross-examination. They were also testimonial because their primary purpose was for litigation.

On habeas review, the district court agreed with Ms. Stanfield that the technician’s out-of-court statements were testimonial and that the Idaho Supreme Court erred in concluding otherwise. Had the federal district court been reviewing the claim de novo, Ms. Stanfield would either be released from prison and with her husband of well over 30 years or awaiting a new trial. But the district court found that Idaho Supreme Court’s contrary opinion was not objectively unreasonable.

Yet despite the district court’s lengthy exposition of this Court’s case law on the matter, it erred in defining the governing legal principle – the clearly established federal law – far too narrowly. Ms. Stanfield need not find a rule from the Supreme Court with that precise factual specificity to be eligible for habeas relief under 28 U.S.C. §2254(d)(1). “General legal principles can constitute clearly

established law for purposes of AEDPA so long as they are holdings” of the Supreme Court. *Andrew v. White*, 604 U.S. ___, at 8.

In *Andrew*, the petitioner claimed that the prosecution had violated her right to due process of law when, in a prosecution for the murder of her husband, it presented evidence related to the petitioner’s sexual proclivities, suggesting she was a bad wife and mother. 604 U.S. ___, at 2. The petitioner lost in state court, and she reiterated her claim in federal court that the admission of this evidence rendered the guilt and penalty phases of her trial fundamentally unfair, in violation of due process. *Id.* at 4-5.

The Tenth Circuit concluded, somewhat like the district court here, that the petitioner had “not identified clearly established federal law governing her claim.” *Andrew v. White*, 62 F.4th 1299, 1316 (10th Cir. 2023), *cert. granted, judgment vacated*, 604 U.S. ___ (2025). The petitioner had cited *Payne v. Tennessee*, 501 U.S. 808 (1991), for the principle that when “evidence is introduced that is so unduly prejudicial that it renders the trial fundamentally unfair, the Due Process Clause of the Fourteenth Amendment provides a mechanism for relief.” *Andrew*, 604 U.S. ___, at 5-6. The Tenth Circuit read *Payne* narrowly: “*Payne*’s central holding [is] more limited ... namely, that *Payne* had merely established that the Eighth Amendment did not erect a ‘per se bar’ to the introduction of victim-impact statements in capital cases.” 62 F.4th at 1314.

This Court granted certiorari and reversed in a per curiam opinion. In doing so, it noted that “[b]y the time of the OCCA’s decision in this case, it was clear that

the introduction of unduly prejudicial evidence could, in certain cases, violate the Due Process Clause.” *Andrew*, 604 U.S. ___, at 7. *Payne* merely applied that principle to a more specific factual circumstance, according to the Court. *Id.*

The Court also held that “[t]o the extent that the Court of Appeals thought itself constrained by AEDPA to limit *Payne* to its facts, it was mistaken. 604 U.S. ___, at 8. General legal principles can be “clearly established federal law” as long as they are holdings of the Supreme Court. *Id.*

As applied to this case, the clearly established federal law by 2015 regarding whether an out-of-court statement is “testimonial” under the Sixth Amendment looked to the primary purpose for which the statement was made and intended; that is, was it developed and intended to be used by the prosecution as accusatory evidence against the defendant at trial or did its purpose lie elsewhere? While outer contours of that principle have evolved and been applied to different factual scenarios, that is the core holding of the United States Supreme Court since *Crawford*. Ms. Stanfield need not find something as granular as “a lab technician who merely completes an assigned task by staining tissue on slides is testimonial for purposes of determining whether there is a Confrontation Clause violation.” 1-ER-29. The district court erred in concluding otherwise, and the Court of Appeals erred in affirming. This Court should grant certiorari and reverse.

Here, the primary purpose of the technician’s statements, made after Dr. Rorke-Adams had been hired by the State as a witness for the prosecution, was to develop incriminating evidence against Ms. Stanfield. The State relied on those

statements to prove that Dr. Rorke-Adams had, in fact, examined W.F.'s brain tissue instead of some other sample and that the test on which she based her opinion had been conducted properly and in accordance with correct procedures. Yet Ms. Stanfield was not permitted to cross-examine the lab technician who labeled the slides and completed the testing to explore the reliability of those critical statements. That failure violated her Sixth Amendment right to confrontation. This Court should grant certiorari.

CONCLUSION

Katherine Lea Stanfield asks this Court to grant this petition and reverse the judgment of the Court of Appeals for the Ninth Circuit.

DATED this 18th day of July 2026.

Respectfully submitted,

/s/ Craig H. Durham

CRAIG H. DURHAM

Counsel of Record

FERGUSON DURHAM, PLLC

223 N. 6th Street, Suite 325

Boise, Idaho, 83702

(208) 724-2617

chd@fergusondurham.com