

NOTICE

Memorandum decisions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding authority for any proposition of law.

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

LOUISA NELLIE KUKU,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12376
Trial Court No. 4BE-14-583 CR

MEMORANDUM OPINION

No. 6647 — June 27, 2018

Appeal from the District Court, Fourth Judicial District, Bethel,
Nathaniel Peters, Judge.

Appearances: Kevin Higgins, under contract with the Public
Defender Agency, and Quinlan Steiner, Public Defender,
Anchorage, for the Appellant. Elizabeth T. Burke, Assistant
Attorney General, Office of Criminal Appeals, Anchorage, and
Jahna Lindemuth, Attorney General, Juneau, for the Appellee.

Before: Mannheimer, Chief Judge, Allard, Judge, and Suddock,
Superior Court Judge.*

PER CURIAM.

* Sitting by assignment made pursuant to Article IV, Section 16 of the Alaska Constitution and Administrative Rule 24(d).

Louisa Nellie Kuku was convicted, following a jury trial, of driving under the influence and endangering the welfare of a child in the first degree.¹ Kuku challenges both convictions on appeal, arguing that the trial court committed reversible error when it excluded various medical records. Kuku offered these records at trial to support her claim that her difficulties with the physical parts of the field sobriety tests were caused by arthritis in her legs and feet (rather than by her intoxication). The trial court excluded the records under Alaska Evidence Rule 403, ruling that their probative value was outweighed by their potential to confuse the jury. The court noted that the records contained medical jargon that was not understandable to lay jurors without explanation by a medical professional or other expert witness. The court also noted that the relationship between the arthritis and Kuku's ability to perform the field sobriety tests also required additional explanation. Lastly, the court emphasized that the medical records primarily documented Kuku's arthritis in her hands and shoulders, and did not actually support her claim that she had arthritis in her legs and feet.

We have reviewed the medical records at issue, as well as the other evidence presented at Kuku's trial. Based on this review, we conclude that the exclusion of these records was not an abuse of discretion.²

Accordingly, the judgment of the district court is **AFFIRMED**.

¹ AS 28.35.030(a)(1); AS 11.51.100(b).

² *See Johnson v. State*, 889 P.2d 1076, 1081 (Alaska App. 1995).